OFFERYNNAU STATUDOL CYMRU

2024 Rhif 27 (Cy. 10)

ADDYSG, CYMRU

Rheoliadau Safonau Ysgolion Annibynnol (Cymru) 2024

Gwnaed	*11 Ionawr 2024*
Gosodwyd gerbron Senedd Cymru	*15 Ionawr 2024*
Yn dod i rym	*14 Chwefror 2024*

WELSH STATUTORY INSTRUMENTS

2024 No. 27 (W. 10)

EDUCATION, WALES

The Independent School Standards (Wales) Regulations 2024

Made	*11 January 2024*
Laid before Senedd Cymru	*15 January 2024*
Coming into force	*14 February 2024*

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OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 27 (Cy. 10)

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ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Safonau Ysgolion Annibynnol (Cymru) 2024

The Independent School Standards (Wales) Regulations 2024

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn dirymu ac yn disodli Rheoliadau Safonau Ysgol Annibynnol (Cymru) 2003 (rheoliad 1). Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Mae'r Rheoliadau hyn yn ymwneud ag arolygu ysgolion annibynnol ac maent yn nodi'r safonau sydd i'w cyrraedd gan ysgolion annibynnol at ddibenion cofrestru, adrodd ac arolygu.

Darpariaeth ddehongli yw rheoliad 2.

Mae rheoliad 3 yn darparu bod yr Atodlen yn nodi'r safonau ysgolion annibynnol ("y safonau") y bydd ysgol annibynnol yng Nghymru yn cael ei harolygu yn unol â hwy o dan adrannau 160(4), 162(4) a 163(2) o Ddeddf Addysg 2002 ("Deddf 2002").

Bydd y person sy'n cynnal yr arolygiad yn gwneud adroddiad o dan adran 160(4), 162(4) neu 163(3) o Ddeddf 2002 o ran y graddau y mae'r safonau yn cael eu cyrraedd. Bydd yr awdurdod cofrestru yn ystyried yr adroddiad arolygu ac unrhyw dystiolaeth arall wrth benderfynu a ddylai ysgol annibynnol gael ei chofrestru neu a ddylai barhau i fod wedi ei chofrestru o dan adran 161 o Ddeddf 2002.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Independent School Standards (Wales) Regulations 2003 (regulation 1). These Regulations apply in relation to Wales.

These Regulations are concerned with the inspection of independent schools and set out the standards that are to be met by independent schools for the purposes of registration, reporting and inspection.

Regulation 2 is an interpretation provision.

Regulation 3 provides that the Schedule sets out the independent school standards ("the standards") to which an independent school in Wales will be inspected under sections 160(4), 162(4) and 163(2) of the Education Act 2002 ("the 2002 Act").

The person who conducts the inspection will make a report under section 160(4), 162(4) or 163(3) of the 2002 Act with regard to the extent to which the standards are met. The registration authority will consider the inspection report and any other evidence in determining whether an independent school should be registered or continue to be registered under section 161 of the 2002 Act.

Mae'r Atodlen yn nodi'r safonau ac mae wedi ei rhannu'n saith rhan, gan adlewyrchu'r categorïau a bennir yn adran 157(1) o Ddeddf 2002. Cyfrifoldeb perchennog ysgol annibynnol yw sicrhau bod y safonau yn cael eu cyrraedd.

The Schedule sets out the standards and is divided into seven parts reflecting the categories specified in section 157(1) of the 2002 Act. It is the responsibility of the proprietor of an independent school to ensure that the standards are met.

Mae Rhan 1 o'r Atodlen yn gwneud darpariaeth ynghylch ansawdd yr addysg a ddarperir. Mae'r safon ym mharagraff 2(1) wedi ei chyrraedd os yw'r perchennog yn sicrhau bod polisi ysgrifenedig ar y cwricwlwm, wedi ei ategu gan gynlluniau a chynlluniau gwaith, wedi ei lunio a'i weithredu'n effeithiol sy'n darparu ar gyfer y materion a nodir ym mharagraff 2(2).

Part 1 of the Schedule makes provision about the quality of education provided. The standard in paragraph 2(1) is met if the proprietor ensures that a written policy on the curriculum, supported by plans and schemes of work, is drawn up and implemented effectively which provides for the matters set out in paragraph 2(2).

Mae Rhan 2 o'r Atodlen yn gwneud darpariaeth ar gyfer datblygiad ysbrydol, moesol, cymdeithasol a diwylliannol disgyblion. Mae hyn yn cynnwys gofynion i fynd ati'n weithredol i hybu gwerthoedd sylfaenol democratiaeth, rheolaeth y gyfraith, rhyddid yr unigolyn, a pharch a goddefgarwch y rhai sydd â ffydd a chredoau gwahanol at ei gilydd (paragraff 4(a)).

Part 2 of the Schedule makes provision for the spiritual, moral, social and cultural development of pupils. This includes requirements to actively promote the fundamental values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs (paragraph 4(a)).

Mae Rhan 2 hefyd yn cynnwys gofynion i fynd ati'n weithredol i hybu gwybodaeth am Ran 1 o Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn a dealltwriaeth ohoni (paragraff 4(b)), ac i eithrio hybu safbwyntiau gwleidyddol pleidiol wrth addysgu (paragraff 4(d)).

Part 2 also includes requirements to actively promote knowledge and understanding of Part 1 of the United Nations Convention on the Rights of the Child (paragraph 4(b)) and to preclude the promotion of partisan political views in teaching (paragraph 4(d)).

Mae Rhan 3 o'r Atodlen yn gwneud darpariaeth ar gyfer lles, iechyd a diogelwch disgyblion. Mae'n cynnwys, ymysg pethau eraill, ofyniad ar gyfer gweithredu yn effeithiol bolisi diogelu ysgrifenedig (paragraff 6(b)) a hyfforddiant diogelu priodol (paragraff 10).

Part 3 of the Schedule makes provision for the welfare, health and safety of pupils. It includes, amongst other things, a requirement for effective implementation of a written safeguarding policy (paragraph 6(b)) and appropriate safeguarding training (paragraph 10).

Mae Rhan 4 o'r Atodlen yn gwneud darpariaeth ynghylch addasrwydd perchnogion, staff a staff cyflenwi, gan nodi'r gwiriadau y mae rhaid eu gwneud. Mae paragraff 23 yn ei gwneud yn ofynnol i wiriadau'r Gwasanaeth Datgelu a Gwahardd gael eu hadnewyddu o leiaf bob tair blynedd. Mae paragraff 24 yn ei gwneud yn ofynnol i'r perchennog gadw cofrestr sy'n cynnwys manylion y gwiriadau addasrwydd a wneir o dan Ran 4.

Part 4 of the Schedule makes provision about the suitability of proprietors, staff and supply staff, setting out the checks that must be made. Paragraph 23 requires Disclosure and Barring Service checks to be renewed at least every three years. Paragraph 24 requires the proprietor to keep a register containing details of the suitability checks made under Part 4.

Mae Rhan 5 o'r Atodlen yn gwneud darpariaeth ynghylch mangreoedd ysgol annibynnol a mangre unrhyw lety byrddio. Rhaid i'r rhain fod yn addas ar gyfer unrhyw ddisgyblion cofrestredig â gofynion arbennig. Diffinnir "gofynion arbennig" ym mharagraff 26.

Part 5 of the Schedule makes provision about the premises at an independent school and at any boarding accommodation. These must be suitable for any registered pupils with special requirements. "Special requirements" is defined in paragraph 26.

Mae Rhan 6 o'r Atodlen yn nodi'r safon ar gyfer darparu gwybodaeth i rieni disgyblion, rhieni darpar ddisgyblion, Prif Arolygydd Ei Fawrhydi dros Addysg a Hyfforddiant yng Nghymru a Gweinidogion Cymru.

Part 6 of the Schedule sets out the standard for the provision of information to parents of pupils, parents of prospective pupils, His Majesty's Chief Inspector of Education and Training in Wales and the Welsh Ministers.

Mae Rhan 7 o'r Atodlen yn gwneud darpariaeth ynghylch y modd y mae ysgolion annibynnol yn ymdrin â chwynion.

Part 7 of the Schedule makes provision about the manner in which independent schools handle complaints.

Mae Rhannau 3, 4, 5 a 7 o'r Atodlen yn gwneud darpariaeth sy'n cynnwys cyfeiriad at y Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Preswyl y Brif Ffrwd a'r Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Arbennig Preswyl.

Parts 3, 4, 5 and 7 of the Schedule make provision which includes reference to the National Minimum Standards for Boarding Schools and the National Minimum Standards for Residential Special Schools.

Gellir dod o hyd i'r Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Preswyl y Brif Ffrwd yn 131009nmsboardingschoolscy.pdf (arolygiaethgofal.cymru).

The National Minimum Standards for Boarding Schools can be found at https://www.careinspectorate.wales/sites/default/files/2018-01/131009nmsboardingschoolsen.pdf.

Gellir dod o hyd i'r Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Arbennig Preswyl yn 130910nmsspecialschoolscy.pdf (arolygiaethgofal.cymru).

The National Minimum Standards for Residential Special Schools can be found at https://www.careinspectorate.wales/sites/default/files/2018-01/130910nmsspecialschoolsen.pdf#:~:text=The%20National%20Minimum%20Standards%20for%20Residential%20Special%20Schools,consists%20of%20the%20numbered%20heading%20and%20numbered%20paragraphs.

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: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac fe'i cyhoeddir ar www.llyw.cymru.

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 Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

2024 Rhif 27 (Cy. 10)

ADDYSG, CYMRU

Rheoliadau Safonau Ysgolion Annibynnol (Cymru) 2024

Gwnaed	*11 Ionawr 2024*
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Yn dod i rym	*14 Chwefror 2024*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 157(1) a 210(7)(c) o Ddeddf Addysg 2002(**1**), ac sydd bellach yn arferadwy ganddynt hwy(**2**), yn gwneud y Rheoliadau a ganlyn.

RHAN 1

CYFFREDINOL

Enwi, dod i rym, cymhwyso a dirymu

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Safonau Ysgolion Annibynnol (Cymru) 2024, a deuant i rym ar 14 Chwefror 2024.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Mae Rheoliadau Safonau Ysgol Annibynnol (Cymru) 2003(**3**) wedi eu dirymu.

(**1**) 2002 p. 32. Gweler adran 212(1) am y diffiniad o "regulations" a "prescribed".
(**2**) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi.
(**3**) O.S. 2003/3234 (Cy. 314) a ddiwygiwyd gan O.S. 2005/2929 (Cy. 214), O.S. 2007/947 (Cy. 81), O.S. 2009/2544 (Cy. 206) ac O.S. 2010/1142 (Cy. 101).

2024 No. 27 (W. 10)

EDUCATION, WALES

The Independent School Standards (Wales) Regulations 2024

Made	*11 January 2024*
Laid before Senedd Cymru	*15 January 2024*
Coming into force	*14 February 2024*

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 157(1) and 210(7)(c) of the Education Act 2002(**1**), and now exercisable by them(**2**) make the following Regulations.

PART 1

GENERAL

Title, coming into force, application and revocation

1.—(1) The title of these Regulations is the Independent School Standards (Wales) Regulations 2024, and they come into force on 14 February 2024.

(2) These Regulations apply in relation to Wales.

(3) The Independent School Standards (Wales) Regulations 2003(**3**) are revoked.

(**1**) 2002 c. 32. See section 212(1) for the definition of "regulations" and "prescribed".
(**2**) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
(**3**) S.I. 2003/3234 (W. 314) amended by S.I. 2005/2929 (W. 214), S.I. 2007/947 (W. 81), S.I. 2009/2544 (W. 206) and S.I. 2010/1142 (W. 101).

Dehongli

2.—(1) Yn y Rheoliadau hyn—

mae i "addysg bellach" yr ystyr a roddir i "further education" yn adran 2(3) o Ddeddf 1996;

mae i "addysg uwchradd" yr ystyr a roddir i "secondary education" yn adran 2(2) o Ddeddf 1996;

mae i "awdurdod lleol" yr ystyr a roddir i "local authority" yn adran 579(1) o Ddeddf 1996(**1**);

mae i "busnes cyflogi" yr ystyr a roddir i "employment business" yn adran 13(3) o Ddeddf Asiantaethau Cyflogi 1973(**2**);

mae "cadeirydd" ("*chair*"), fel cyfeiriad at gadeirydd yr ysgol annibynnol, yn gyfeiriad at unigolyn sy'n gadeirydd corff o bersonau corfforedig neu anghorfforedig sydd wedi ei enwi fel perchennog yr ysgol annibynnol yn y gofrestr neu mewn cais i gynnwys yr ysgol annibynnol yn y gofrestr, ac mae'n cynnwys cyfeiriad at swyddog tebyg;

ystyr "y Confensiwn" ("*the Convention*") yw Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn a fabwysiadwyd ac a agorwyd i'w lofnodi, ei gadarnhau a'i gytuno gan benderfyniad y Cynulliad Cyffredinol 44/25 dyddiedig 20 Tachwedd 1989(**3**)

mae i "cynllun datblygu unigol" ("*individual development plan*") yr ystyr a roddir yn adran 10 o Ddeddf 2018;

ystyr "datganiad" ("*statement*") yw datganiad anghenion addysgol arbennig a wneir o dan adran 324(1)(**4**) o Ddeddf 1996;

ystyr "Deddf 1989" ("*the 1989 Act*") yw Deddf Plant 1989(**5**);

ystyr "Deddf 1996" ("*the 1996 Act*") yw Deddf Addysg 1996(**6**);

ystyr "Deddf 1997" ("*the 1997 Act*") yw Deddf yr Heddlu 1997(**7**);

ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Addysg 2002;

(**1**) Amnewidiwyd y diffiniad o "local authority" gan erthygl 3(1) a (2)(b) o O.S. 2010/1158.
(**2**) 1973 p. 35.
(**3**) Cyfres Cytuniadau Rhif 44 (1992) Cm 1976.
(**4**) Diwygiwyd adran 324(1) gan erthygl 5(1) o O.S. 2010/1158 a pharagraff 7(1) a (2) o Atodlen 2 iddo.
(**5**) 1989 p. 41.
(**6**) 1996 p. 56.
(**7**) 1997 p. 50.

Interpretation

2.—(1) In these Regulations—

"the 1989 Act" ("*Deddf 1989*") means the Children Act 1989(**1**);

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996(**2**);

"the 1997 Act" ("*Deddf 1997*") means the Police Act 1997(**3**);

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002;

"the 2006 Act" ("*Deddf 2006*") means the Safeguarding Vulnerable Groups Act 2006(**4**);

"the 2008 Act" ("*Deddf 2008*") means the Education and Skills Act 2008(**5**);

"the 2010 Act" ("*Deddf 2010*") means the Equality Act 2010(**6**);

"the 2014 Act" ("*Deddf 2014*") means the Education (Wales) Act 2014(**7**);

"the 2018 Act" (*"Deddf 2018"*) means the Additional Learning Needs and Education Tribunal (Wales) Act 2018(**8**);

"the school premises regulations" ("*y rheoliadau mangreoedd ysgolion*") means regulations made under section 542(1) of the 1996 Act(**9**);

"boarder" ("*disgybl sy'n byrddio*") means a pupil for whom an independent school provides accommodation, whether or not the pupil is a registered pupil at that independent school;

"boarding accommodation" ("*llety byrddio*") means overnight accommodation arranged or provided by the independent school at the independent school or elsewhere, but excluding accommodation for pupils being accommodated away from the independent school premises during a school trip;

(**1**) 1989 c. 41.
(**2**) 1996 c. 56.
(**3**) 1997 c. 50.
(**4**) 2006 c. 47.
(**5**) 2008 c. 25.
(**6**) 2010 c. 15.
(**7**) 2014 anaw 5.
(**8**) 2018 anaw 2.
(**9**) Section 542(1) was amended by article 5(1) of and paragraph 7(1) and (3) of Part 1 of Schedule 2 to the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158) and by section 140(1) and (3) of and paragraph 158(a) of Schedule 30, and Schedule 31, to the School Standards and Framework Act 1998. The current Regulations are the Education (School Premises) Regulations 1999 (S.I. 1999/2) amended by S.I. 2010/1142 (W. 101) and S.I 2012/1943.

ystyr "Deddf 2006" ("*the 2006 Act*") yw Deddf Diogelu Grwpiau Hyglwyf 2006(**1**);

ystyr "Deddf 2008" ("*the 2008 Act*") yw Deddf Addysg a Sgiliau 2008(**2**);

ystyr "Deddf 2010" ("*the 2010 Act*") yw Deddf Cydraddoldeb 2010(**3**);

ystyr "Deddf 2014" ("*the 2014 Act*") yw Deddf Addysg (Cymru) 2014(**4**);

ystyr "Deddf 2018" ("*the 2018 Act*") yw Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018(**5**);

mae i "disgybl" yr ystyr a roddir i "pupil" yn adran 3(1) o Ddeddf 1996(**6**);

mae i "disgybl cofrestredig" yr ystyr a roddir i "registered pupil" yn adran 434(5) o Ddeddf 1996;

ystyr "disgybl sy'n byrddio" ("*boarder*") yw disgybl y mae ysgol annibynnol yn darparu llety ar ei gyfer, pa un a yw'r disgybl yn ddisgybl cofrestredig yn yr ysgol annibynnol honno ai peidio;

ystyr "y gofrestr" ("*the register*") yw'r gofrestr o ysgolion annibynnol a gedwir gan yr awdurdod cofrestru o dan adran 158(3)(**7**) o Ddeddf 2002;

ystyr "gorchymyn atal dros dro" ("*suspension order*") yw gorchymyn a wneir gan Gyngor y Gweithlu Addysg o dan adran 26(5) o Ddeddf 2014 ac sy'n cael yr effaith a ddisgrifir yn adran 30(2) a (3) o'r Ddeddf honno;

mae i "gorchymyn atal dros dro interim" ("*interim suspension order*") yr ystyr a roddir yn erthygl 2 o Orchymyn Cyngor y Gweithlu Addysg (Gorchmynion Atal Dros Dro Interim) (Swyddogaethau Ychwanegol) (Cymru) 2021(**8**);

ystyr "gorchymyn gwahardd" ("*prohibition order*") yw gorchymyn a wneir gan Gyngor y Gweithlu Addysg o dan adran 26(5) o Ddeddf 2014 ac sy'n cael yr effaith a ddisgrifir yn adran 31(2) a (3) o'r Ddeddf honno neu, yn ôl y digwydd, mae iddo'r ystyr a roddir i "prohibition order" yn adran 141B(4)(**9**) o Ddeddf 2002;

"chair" ("*cadeirydd*") as a reference to the chair of the independent school is a reference to an individual who is the chair of a body of persons corporate or unincorporate named as the proprietor of the independent school in the register or in an application to enter the independent school in the register and includes a reference to a similar officer;

"Chief Inspector" ("*Prif Arolygydd*") has the meaning given in section 171(**1**) of the 2002 Act;

"the Convention" ("*y Confensiwn*") means the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989(**2**);

"DBS certificate" *("tystysgrif GDG"*) means an enhanced criminal record certificate issued under section 113B(1)(**3**) of the 1997 Act, which includes, in such cases as are from time to time prescribed under section 113BA(1) of that Act, suitability information relating to children;

"DBS up-date service" ("*gwasanaeth diweddaru'r GDG*") means the service operated by the Disclosure and Barring Service that provides relevant "up-date information" within the meaning given in section 116A(8)(b)(i)(**4**) or 116A(8)(c)(i) of the 1997 Act;

"employment business" ("*busnes cyflogi*") has the meaning given in section 13(3) of the Employment Agencies Act 1973(**5**);

"further education" ("*addysg bellach*") has the meaning given in section 2(3) of the 1996 Act;

"independent school" ("*ysgol annibynnol*") has the meaning given in section 463 of the 1996 Act(**6**);

"individual development plan" ("*cynllun datblygu unigol*") has the meaning given in section 10 of the 2018 Act;

(**1**) 2006 p. 47.
(**2**) 2008 p. 25.
(**3**) 2010 p. 15.
(**4**) 2014 dccc 5.
(**5**) 2018 dccc 2.
(**6**) Diwygiwyd adran 3(1) gan adran 57(1) o Ddeddf Addysg 1997 (p. 44) a pharagraff 9 o Atodlen 7 iddi.
(**7**) Diwygiwyd adran 158(3) gan adran 169(1) o Ddeddf Addysg a Sgiliau 2008 (p. 25) a pharagraffau 13 a 17(b) o Atodlen 1 iddi.
(**8**) O.S. 2021/350 (Cy. 102).
(**9**) Mewnosodwyd adran 141B yn Neddf Addysg 2002 (p. 32) gan adran 8(1) o Ddeddf Addysg 2011 (p. 21).

(**1**) Section 171 was amended by section 169 of, and paragraphs 13 and 24(1), (2)(a) and 2(b) of Schedule 1 and Schedule 2 to the Education and Skills Act 2008 (c. 25). There are other amendments to section 171 not relevant to these Regulations.
(**2**) Treaty Series No. 44 (1992) Cm 1976.
(**3**) Section 113B was inserted into the Police Act 1997 (c. 50) by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15). Section 113B(1) was amended by articles 36 and 37(c) of S.I. 2012/3006, sections 97(2), 112(2) and Part 8 of Schedule 8 of the Policing and Crime Act 2009 (c. 26) and section 80(1) of the Protection of Freedoms Act 2012 (c. 9).
(**4**) Section 116A was inserted by section 83 of the Protection of Freedoms Act 2012 (c. 9) and amended by articles 36 and 37(g) of S.I. 2012/3006.
(**5**) 1973 c. 35.
(**6**) Section 463 was substituted by section 172 of the Education Act 2002 (c. 32). Subsection (1) was amended by section 26 of, and paragraph 4 of Schedule 1 to the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2) and by S.I. 2010/1158 and S.I. 2016/413 (W. 131). There are other amending instruments, but none is relevant to these Regulations.

mae i "gorchymyn gwahardd interim" yr ystyr a roddir i "interim prohibition order" yn adran 141C(7)(**1**) o Ddeddf 2002;

ystyr "gwasanaeth diweddaru'r GDG" ("*DBS update service*") yw'r gwasanaeth a weithredir gan y Gwasanaeth Datgelu a Gwahardd sy'n darparu gwybodaeth ddiweddaru berthnasol o fewn yr ystyr a roddir i "up-date information" yn adran 116A(8)(b)(i)(**2**) neu 116A(8)(c)(i) o Ddeddf 1997;

mae i "llesiant" ("*well-being*") yr ystyr a roddir yn adran 2 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014;

ystyr "llety byrddio" ("*boarding accommodation*") yw llety dros nos a drefnir neu a ddarperir gan yr ysgol annibynnol yn yr ysgol annibynnol neu yn rhywle arall, ac eithrio llety ar gyfer disgyblion sy'n cael eu lletya i ffwrdd o fangre'r ysgol annibynnol yn ystod trip ysgol;

mae i "mangre" yr ystyr a roddir i "premises" yn adran 579(1) o Ddeddf 1996(**3**);

mae i "perchennog" yr ystyr a roddir i "proprietor" yn adran 579(1)(**4**) o Ddeddf 1996;

mae i "Prif Arolygydd" yr ystyr a roddir i "Chief Inspector" yn adran 171(**5**) o Ddeddf 2002;

ystyr "y rheoliadau mangreoedd ysgolion" ("*the school premises regulations*") yw rheoliadau sydd wedi eu gwneud o dan adran 542(1) o Ddeddf 1996(**6**);

mae i "rhiant" yr ystyr a roddir i "parent" yn adran 576 o Ddeddf 1996(**7**);

"interim prohibition order" ("*gorchymyn gwahardd interim*") has the meaning given in section 141C(7)(**1**) of the 2002 Act;

"interim suspension order" ("*gorchymyn atal dros dro interim*") has the meaning given in article 2 of the Education Workforce Council (Interim Suspension Orders) (Additional Functions) (Wales) Order 2021(**2**);

"local authority" ("*awdurdod lleol*") has the meaning given in section 579(1) of the 1996 Act(**3**);

"looked after by a local authority" ("*sy'n derbyn gofal gan awdurdod lleol*") has the meaning given in section 74(1) of the Social Services and Well-being (Wales) Act 2014(**4**) or, as the case may be section 22(1) of the 1989 Act(**5**);

"maintained school" ("*ysgol a gynhelir*") has the meaning given in section 99(1) of the 2018 Act(**6**);

"the National Minimum Standards for Boarding Schools(**7**)" ("*y Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Preswyl y Brif Ffrwd*") means the statement of national minimum standards published under that title under section 87C(1)(**8**) of the 1989 Act;

"the National Minimum Standards for Residential Special Schools(**9**)" ("*y Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Arbennig Preswyl*") means the statement of national minimum standards published under that title under section 87C(1) of the 1989 Act;

(**1**) Mewnosodwyd adran 141C yn Neddf Addysg 2002 (p. 32) gan adran 8(1) o Ddeddf Addysg 2011 (p. 21).

(**2**) Mewnosodwyd adran 116A gan adran 83 o Ddeddf Diogelu Rhyddidau 2012 (p. 9) ac fe'i diwygiwyd gan erthyglau 36 a 37(g) o O.S. 2012/3006.

(**3**) Mae adran 579(1) wedi ei diwygio ond nid yw'r diwygiadau hynny yn berthnasol i'r Rheoliadau hyn.

(**4**) Diwygiwyd y diffiniad o "proprietor" gan adran 140(1) o Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31) a pharagraff 183(a)(iii) o Atodlen 30 iddi. Mae offerynnau diwygio eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**5**) Diwygiwyd adran 171 gan adran 169 o Ddeddf Addysg a Sgiliau 2008 (p. 25) a pharagraffau 13 a 24(1), (2)(a) a 2(b) o Atodlen 1, ac Atodlen 2 iddi. Mae diwygiadau eraill i adran 171 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**6**) Diwygiwyd adran 542(1) gan erthygl 5(1) o Orchymyn Awdurdodau Addysg Lleol ac Awdurdodau Gwasanaethau Plant (Integreiddio Swyddogaethau) 2010 (O.S. 2010/1158) a pharagraff 7(1) a (3) o Ran 1 o Atodlen 2 iddo, a chan adran 140(1) a (3) o Ddeddf Safonau a Fframwaith Ysgolion 1998 a pharagraff 158(a) o Atodlen 30, ac Atodlen 31, i'r Ddeddf honno. Y Rheoliadau cyfredol yw Rheoliadau Addysg (Mangreoedd Ysgolion) 1999 (O.S. 1999/2) a ddiwygiwyd gan O.S. 2010/1142 (Cy. 101) ac O.S. 2012/1943.

(**7**) Diwygiwyd adran 576 gan adran 140(1) a (3) o Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31) a pharagraff 180 o Atodlen 30, ac Atodlen 31, i'r Ddeddf honno.

(**1**) Section 141C was inserted into the Education Act 2002 (c. 32) by section 8(1) of the Education Act 2011 (c. 21).

(**2**) S.I. 2021/350 (W. 102).

(**3**) Definition of "local authority" was substituted by article 3(1) and (2)(b) of S.I. 2010/1158.

(**4**) 2014 anaw 4.

(**5**) Section 22(1) was amended by section 107 of and paragraph 19 of Schedule 5 to the Local Government Act 2000 (c. 22), by section 2(1) and (2) of the Children (Leaving Care) Act 2000 (c. 35) and by section 116(2) of the Adoption and Children Act 2002 (c. 38). It was also amended by regulations 55 and 69(a) of S.I. 2016/413.

(**6**) Section 99(1) has been amended but those amendments are not relevant to these Regulations.

(**7**) ISBN 0 7504 3077 X.

(**8**) Section 87C was inserted by section 107 of the Care Standards Act 2000 (c. 14). The functions of the Secretary of State, so far as exercisable in relation to Wales were transferred to the National Assembly for Wales, by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**9**) ISBN 0 7504 3076 1.

ystyr "y Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Arbennig Preswyl(**1**)" ("*the National Minimum Standards for Residential Special Schools*") yw'r datganiad o safonau gofynnol cenedlaethol a gyhoeddir o dan y teitl hwnnw o dan adran 87C(1) o Ddeddf 1989;

ystyr "y Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Preswyl y Brif Ffrwd(**2**)" ("*the National Minimum Standards for Boarding Schools*") yw'r datganiad o safonau gofynnol cenedlaethol a gyhoeddir o dan y teitl hwnnw o dan adran 87C(1)(**3**) o Ddeddf 1989;

ystyr "staff" ("*staff*") yw unrhyw berson sy'n gweithio yn yr ysgol annibynnol pa un ai o dan gontract cyflogaeth, o dan gontract am wasanaethau neu o dan gontract fel arall, ond nid yw'n cynnwys staff cyflenwi na gwirfoddolwyr;

ystyr "staff cyflenwi" ("*supply staff*") yw unrhyw berson sy'n gweithio yn yr ysgol annibynnol, a gyflenwir gan fusnes cyflogi;

mae i "sy'n derbyn gofal gan awdurdod lleol" ("*looked after by a local authority*") yr ystyr a roddir yn adran 74(1) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(**4**) neu, yn ôl y digwydd, yn adran 22(1) o Ddeddf 1989(**5**);

ystyr "tystysgrif GDG" ("*DBS certificate*") yw tystysgrif cofnod troseddol manwl a ddyroddir o dan adran 113B(1)(**6**) o Ddeddf 1997, sy'n cynnwys, mewn unrhyw achosion a ragnodir o bryd i'w gilydd o dan adran 113BA(1) o'r Ddeddf honno, wybodaeth addasrwydd sy'n ymwneud â phlant;

"parent" ("*rhiant*") has the meaning given in section 576 of the 1996 Act(**1**);

"premises" ("*mangre*") has the meaning given in section 579(1) of the 1996 Act(**2**);

"prohibition order" ("*gorchymyn gwaharddol*") means an order made by the Education Workforce Council under section 26(5) and having the effect described in section 31(2) and (3) of the 2014 Act or, as the case may be has the meaning given in section 141B(4)(**3**) of the 2002 Act;

"proprietor" ("*perchennog*") has the meaning given in section 579(1)(**4**) of the 1996 Act;

"pupil" ("*disgybl*") has the meaning given in section 3(1) of the 1996 Act(**5**);

"the register" ("*y gofrestr*") means the register of independent schools kept by the registration authority under section 158(3)(**6**) of the 2002 Act;

"registered pupil" ("*disgybl cofrestredig*") has the meaning given in section 434(5) of the 1996 Act;

"registered independent school" ("*ysgol annibynnol gofrestredig*") means an independent school whose name is entered in the register;

"secondary education" ("*addysg uwchradd*") has the meaning given in section 2(2) of the 1996 Act;

"staff" ("*staff*") means any person working at the independent school whether under a contract of employment, under a contract for services or otherwise under a contract, but does not include supply staff or volunteers;

"statement" ("*datganiad*") means a statement of special educational needs made under section 324(1)(**7**) of the 1996 Act;

(**1**) ISBN 0 7504 3076 1.
(**2**) ISBN 0 7504 3077 X.
(**3**) Mewnosodwyd adran 87C gan adran 107 o Ddeddf Safonau Gofal 2000 (p. 14). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.
(**4**) 2014 dccc 4.
(**5**) Diwygiwyd adran 22(1) gan adran 107 o Ddeddf Llywodraeth Leol 2000 (p. 22) a pharagraff 19 o Atodlen 5 iddi, adran 2(1) a (2) o Ddeddf Plant (Ymadael â Gofal) 2000 (p. 35) ac adran 116(2) o Ddeddf Mabwysiadu a Phlant 2002 (p. 38). Fe'i diwygiwyd hefyd gan reoliadau 55 a 69(a) o O.S. 2016/413.
(**6**) Mewnosodwyd adran 113B yn Neddf yr Heddlu 1997 (p. 50) gan adran 163(2) o Ddeddf Troseddu Cyfundrefnol Difrifol a'r Heddlu 2005 (p. 15). Diwygiwyd adran 113B(1) gan erthyglau 36 a 37(c) o O.S. 2012/3006, gan adrannau 97(2) a 112(2) o Ddeddf Plismona a Throsedd 2009 (p. 26) a Rhan 8 o Atodlen 8 iddi, a chan adran 80(1) o Ddeddf Diogelu Rhyddidau 2012 (p. 9).

(**1**) Section 576 was amended by section 140(1) and (3) of and paragraph 180 of Schedule 30 and Schedule 31, to the School Standards and Framework Act 1998 (c. 31).
(**2**) Section 579(1) has been amended but those amendments are not relevant to these Regulations.
(**3**) Section 141B was inserted into the Education Act 2002 (c. 32) by section 8(1) of the Education Act 2011 (c. 21).
(**4**) Definition of "proprietor" was amended by section 140(1) of and paragraph 183(a)(iii) of Schedule 30 to the School Standards and Framework Act 1998 (c. 31). There are other amending instruments not relevant to these Regulations.
(**5**) Section 3(1) was amended by section 57(1) of and paragraph 9 of Schedule 7 to the Education Act 1997 (c. 44).
(**6**) Section 158(3) was amended by section 169(1) of and Schedule 1, paragraphs 13 and 17(b) to the Education and Skills Act 2008 (c. 25).
(**7**) Section 324(1) was amended by article 5(1) of and Schedule 2, paragraph 7(1) and (2) to S.I. 2010/1158.

mae i "ysgol a gynhelir" ("*maintained school*") yr ystyr a roddir yn adran 99(1) o Ddeddf 2018(**1**);

mae i "ysgol annibynnol" yr ystyr a roddir i "independent school" yn adran 463 o Ddeddf 1996(**2**);

ystyr "ysgol annibynnol gofrestredig" ("*registered independent school*") yw ysgol annibynnol y mae ei henw wedi ei gofnodi yn y gofrestr.

(2) Yn y Rheoliadau hyn, pan fo "rhoi ar gael" wybodaeth neu ddogfen yn elfen o safon, mae'r elfen honno o'r safon wedi ei chyrraedd—

(a) mewn achos pan fo gan yr ysgol annibynnol wefan—

(i) os yw'r wybodaeth neu gopi o'r ddogfen ar gael ar y wefan ar ffurf sy'n hygyrch i ddisgyblion, rhieni disgyblion a rhieni darpar ddisgyblion a bod yr wybodaeth neu'r copi o'r ddogfen ar gael ym mangre'r ysgol annibynnol er mwyn iddynt edrych ar yr wybodaeth neu'r copi o'r ddogfen yn ystod y diwrnod ysgol, a

(ii) os yw'r perchennog yn cymryd camau rhesymol i sicrhau bod disgyblion, rhieni disgyblion a rhieni darpar ddisgyblion yn ymwybodol bod yr wybodaeth neu gopi o'r ddogfen ar gael ac ar ba ffurf y mae'r wybodaeth neu'r copi ar gael,

(b) mewn achos pan fo gan yr ysgol annibynnol wefan ond nad yw'r wybodaeth na chopi o'r ddogfen ar gael ar y wefan, neu pan na fo gan yr ysgol annibynnol wefan—

(i) os yw'r perchennog yn cymryd camau rhesymol i sicrhau bod disgyblion, rhieni disgyblion a rhieni darpar ddisgyblion yn cael gwybod y cânt ofyn am yr wybodaeth neu am gopi o'r ddogfen, a

(ii) os anfonir yr wybodaeth neu gopi o'r ddogfen am ddim at ddisgyblion neu rieni o'r fath, neu os rhoddir yr wybodaeth neu gopi o'r ddogfen am ddim iddynt, a hynny mewn ymateb i gais am yr wybodaeth neu gopi o'r ddogfen.

"supply staff" ("*staff cyflenwi*") means any person working at the independent school supplied by an employment business;

"suspension order" ("*gorchymyn atal dros dro*") means an order made by the Education Workforce Council under section 26(5) and having the effect described in section 30(2) and (3) of the 2014 Act;

"well-being" ("*llesiant*") has the meaning given in section 2 of the Social Services and Well-being (Wales) Act 2014.

(2) In these Regulations, where an element of a standard is information or a document being "made available", that element of the standard is met—

(a) in a case where the independent school has a website, if—

(i) the information or a copy of the document is available on the website in a form accessible to pupils, parents of pupils and parents of prospective pupils and available for inspection at the independent school's premises during the school day, and

(ii) the proprietor takes reasonable steps to ensure that pupils, parents of pupils and parents of prospective pupils are aware that the information or a copy of the document is available and the form in which it is available,

(b) in a case where the independent school has a website but the information or a copy of the document is not available on the website, or where the independent school does not have a website, if—

(i) the proprietor takes reasonable steps to ensure that pupils, parents of pupils and parents of prospective pupils are made aware that they may request the information or a copy of the document, and

(ii) the information or a copy of the document is sent or given to such pupils or parents free of charge, in response to a request.

(**1**) Mae adran 99(1) wedi ei diwygio ond nid yw'r diwygiadau hynny yn berthnasol i'r Rheoliadau hyn.

(**2**) Amnewidiwyd adran 463 gan adran 172 o Ddeddf Addysg 2002 (p. 32). Diwygiwyd is-adran (1) gan adran 26 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (dccc 2) a pharagraff 4 o Atodlen 1 iddi, a chan O.S. 2010/1158 ac O.S. 2016/413 (Cy. 131). Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

(3) Yn y Rheoliadau hyn, pan fo "darparu" gwybodaeth neu ddogfen i berson yn elfen o safon, mae'r elfen honno o'r safon wedi ei chyrraedd—

(a) pan fo'r person wedi rhoi cyfeiriad e-bost i'r ysgol annibynnol, drwy anfon i'r cyfeiriad hwnnw—

(i) yr wybodaeth neu gopi o'r ddogfen ar ffurf electronig, neu

(ii) cyfeiriad gwefan lle y gall y person lawrlwytho'r wybodaeth neu gopi o'r ddogfen,

ac yn yr achos hwn rhaid i'r wybodaeth neu gopi o'r ddogfen fod ar gael ym mangre'r ysgol annibynnol er mwyn i'r person edrych ar yr wybodaeth neu'r copi o'r ddogfen yn ystod y diwrnod ysgol, neu

(b) drwy anfon yr wybodaeth neu gopi o'r ddogfen at y person neu drwy roi'r wybodaeth neu gopi o'r ddogfen iddo.

(4) At ddibenion paragraffau 20(2)(e), 21(2)(a)(i)(bb), 22(3)(b), (5)(b) a (6)(b)(i) o'r Atodlen, nid yw tystysgrif GDG neu wiriad gwasanaeth diweddaru'r GDG ond yn berthnasol pan fo unigolyn yn cymryd rhan, neu pan fydd yn cymryd rhan, mewn—

(a) gweithgaredd rheoleiddiedig o fewn yr ystyr a roddir i "regulated activity" yn Rhan 1 o Atodlen 4 i Ddeddf 2006, neu

(b) gweithgaredd rheoleiddiedig sy'n ymwneud â phlant o fewn yr ystyr a roddir i "regulated activity" yn Rhan 1 o Atodlen 4 i Ddeddf 2006 fel yr oedd yn cael effaith yn union cyn i adran 64 o Ddeddf Diogelu Rhyddidau 2012 ddod i rym.

Safonau Ysgolion Annibynnol

3. Mae'r darpariaethau sydd wedi eu cynnwys yn yr Atodlen wedi eu rhagnodi fel y safonau ysgolion annibynnol at ddibenion Pennod 1 o Ran 10 o Ddeddf 2002.

(3) In these Regulations, where an element of a standard is information or a document being "provided" to a person, that element of the standard is met—

(a) where the person has given the independent school an email address, by sending to that address—

(i) the information or a copy of the document in electronic form, or

(ii) the address for a website where the information or a copy of the document can be downloaded by the person,

in which case the information or copy of the document must be available for inspection by the person at the independent school's premises during the school day, or

(b) by sending or giving the information or a copy of the document to the person.

(4) For the purposes of paragraphs 20(2)(e), 21(2)(a)(i)(bb), 22(3)(b), (5)(b) and (6)(b)(i) of the Schedule, a DBS certificate or DBS up-date service check is only relevant where an individual is or will be engaging in—

(a) regulated activity within the meaning of Part 1 of Schedule 4 to the 2006 Act, or

(b) regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the 2006 Act as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act 2012.

Independent School Standards

3. The provisions contained in the Schedule are prescribed as the independent school standards for the purposes of Chapter 1 of Part 10 of the 2002 Act.

Jeremy Miles

Gweinidog y Gymraeg ac Addysg, un o Weinidogion Cymru
11 Ionawr 2024

Minister for Education and Welsh Language, one of the Welsh Ministers
11 January 2024

YR ATODLEN Rheoliad 3

Y SAFONAU

RHAN 1

Ansawdd yr addysg a ddarperir

1. Y safonau ynghylch ansawdd yr addysg a ddarperir yn yr ysgol annibynnol yw'r rhai sydd wedi eu cynnwys yn y Rhan hon.

2.—(1) Mae'r safon yn yr is-baragraff hwn wedi ei chyrraedd—

(a) os yw'r perchennog yn sicrhau bod polisi ysgrifenedig ar gwricwlwm yr ysgol annibynnol, wedi ei ategu gan gynlluniau a chynlluniau gwaith priodol, sy'n darparu ar gyfer y materion a bennir yn is-baragraff (2), wedi ei lunio a'i weithredu'n effeithiol, a

(b) o ran y polisi ysgrifenedig, y cynlluniau a'r cynlluniau gwaith—

(i) os ydynt yn ystyried oedrannau, doniau ac anghenion yr holl ddisgyblion, gan gynnwys y disgyblion hynny sydd â chynllun datblygu unigol neu ddatganiad,

(ii) os nad ydynt yn tanseilio gwerthoedd sylfaenol democratiaeth, rheolaeth y gyfraith, rhyddid yr unigolyn, a pharch a goddefgarwch y rhai sydd â ffydd a chredoau gwahanol at ei gilydd, a

(iii) os ydynt yn ystyried yr egwyddorion yn Rhan 1 o'r Confensiwn.

(2) At ddibenion paragraff 2(1)(a) y materion yw—

(a) addysg lawnamser o dan oruchwyliaeth ar gyfer pob disgybl o oedran ysgol gorfodol, sy'n rhoi profiad i ddisgyblion yn y meysydd a ganlyn: iaith, cyfathrebu, mathemateg, gwyddoniaeth, technoleg, y dyniaethau, iechyd, llesiant a'r celfyddydau mynegiannol,

(b) bod disgyblion yn caffael sgiliau siarad, gwrando, llythrennedd a rhifedd,

(c) pan fo prif iaith yr addysgu yn iaith heblaw'r Gymraeg neu'r Saesneg, gwersi Cymraeg ysgrifenedig a llafar, neu wersi Saesneg ysgrifenedig a llafar, ac eithrio na fydd y gofyniad hwn yn gymwys mewn cysylltiad ag ysgol annibynnol nad yw'n

SCHEDULE Regulation 3

STANDARDS

PART 1

Quality of education provided

1. The standards about the quality of education provided at the independent school are those contained in this Part.

2.—(1) The standard in this sub-paragraph is met if—

(a) the proprietor ensures that a written policy on the independent school's curriculum, supported by appropriate plans and schemes of work, which provides for the matters specified in sub-paragraph (2) is drawn up and implemented effectively, and

(b) the written policy, plans and schemes of work—

(i) take into account the ages, aptitudes and needs of all pupils, including those pupils with an individual development plan or a statement,

(ii) do not undermine the fundamental values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs, and

(iii) take into account the principles in Part 1 of the Convention.

(2) For the purposes of paragraph 2(1)(a) the matters are—

(a) full-time supervised education for all pupils of compulsory school age, which gives pupils experience in the following areas: language, communication, mathematics, science, technology, humanities, health, well-being and expressive arts,

(b) that pupils acquire skills in speaking, listening, literacy and numeracy,

(c) where the principal language of instruction is a language other than Welsh or English, lessons in written and spoken Welsh or English, except that this requirement will not apply in respect of an independent school

darparu addysg ond i ddisgyblion sydd i gyd yn preswylio dros dro yng Nghymru a'r ysgol annibynnol honno yn dilyn cwricwlwm gwlad arall,

(d) addysg bersonol, addysg gymdeithasol ac addysg iechyd—

(i) sy'n adlewyrchu nodau ac ethos yr ysgol annibynnol, a

(ii) sy'n annog parch at bobl eraill, gan roi sylw penodol i'r nodweddion gwarchodedig a nodir yn Neddf 2010(**1**),

(e) ar gyfer disgyblion sy'n cael addysg uwchradd, mynediad at gyngor gyrfaoedd cyfredol, cywir—

(i) sy'n cael ei gyflwyno mewn modd diduedd,

(ii) sy'n eu galluogi i wneud dewisiadau gwybodus am ystod eang o opsiynau gyrfaoedd, a

(iii) sy'n helpu i'w hannog i gyflawni eu potensial,

(f) pan fo gan yr ysgol annibynnol ddisgyblion sy'n iau na'r oedran ysgol gorfodol, rhaglen o weithgareddau sy'n briodol i'w hanghenion addysgol mewn perthynas â datblygiad personol, cymdeithasol, emosiynol a chorfforol a sgiliau cyfathrebu ac iaith,

(g) pan fo gan yr ysgol annibynnol ddisgyblion sy'n hŷn na'r oedran ysgol gorfodol, rhaglen o weithgareddau sy'n briodol i'w hanghenion,

(h) y cyfle i bob disgybl i ddysgu a gwneud cynnydd, gan gynnwys darparu cyfleodd gwahaniaethol pan fo'n briodol, ac

(i) paratoi disgyblion yn effeithiol ar gyfer cyfleoedd, cyfrifoldebau a phrofiadau bywyd fel oedolion.

(3) Mae'r safon yn yr is-baragraff hwn wedi ei chyrraedd os yw'r perchennog yn sicrhau—

(a) bod yr addysgu yn yr ysgol annibynnol yn galluogi disgyblion i gaffael gwybodaeth newydd a gwneud cynnydd da yn unol â'u gallu er mwyn iddynt wella eu dealltwriaeth a datblygu eu sgiliau yn y pynciau a addysgir,

(**1**) Mae'r nodweddion gwarchodedig wedi eu nodi ym Mhennod 1 o Ran 2 o Ddeddf Cydraddoldeb 2010 (p. 15).

which only provides education for pupils who are all temporarily resident in Wales and which follows the curriculum of another country,

(d) personal, social, and health education which—

(i) reflects the independent school's aims and ethos, and

(ii) encourages respect for other people, paying particular regard to the protected characteristics set out in the 2010 Act(**1**),

(e) for pupils receiving secondary education, access to accurate, up-to-date careers guidance that—

(i) is presented in an impartial manner,

(ii) enables them to make informed choices about a broad range of career options, and

(iii) helps to encourage them to fulfil their potential,

(f) where the independent school has pupils below compulsory school age, a programme of activities which is appropriate to their educational needs in relation to personal, social, emotional and physical development and communication and language skills,

(g) where the independent school has pupils above compulsory school age, a programme of activities which is appropriate to their needs,

(h) the opportunity for all pupils to learn and make progress, including providing differentiated opportunities where appropriate, and

(i) effective preparation of pupils for the opportunities, responsibilities and experiences of adult life.

(3) The standard in this sub-paragraph is met if the proprietor ensures that the teaching at the independent school—

(a) enables pupils to acquire new knowledge and make good progress according to their ability so that they increase their understanding and develop their skills in the subjects taught,

(**1**) The protected characteristics are set out in Chapter 1 of Part 2 of the Equality Act 2010 (c. 15).

(b) bod yr addysgu yn yr ysgol annibynnol yn meithrin mewn disgyblion yr ymroddiad i ymdrechu'n ddeallusol, yn gorfforol neu'n greadigol, diddordeb yn eu gwaith a'r gallu i feddwl a dysgu drostynt hwy eu hunain,

(b) fosters in pupils the application of intellectual, physical or creative effort, interest in their work and the ability to think and learn for themselves,

(c) bod yr addysgu yn yr ysgol annibynnol yn cynnwys gwersi sydd wedi eu cynllunio'n dda, dulliau addysgu effeithiol, gweithgareddau addas a rheolaeth ddoeth ar amser dysgu,

(c) involves well-planned lessons, effective teaching methods, suitable activities and wise management of learning time,

(d) bod yr addysgu yn yr ysgol annibynnol yn dangos dealltwriaeth dda o ddoniau, anghenion a chyraeddiadau blaenorol y disgyblion ac yn sicrhau bod y rhain yn cael eu hystyried wrth gynllunio gwersi,

(d) demonstrates a good understanding of the aptitudes, needs and prior attainments of the pupils and ensures these are taken into account in the planning of lessons,

(e) bod yr addysgu yn yr ysgol annibynnol yn dangos gwybodaeth dda am y pwnc sy'n cael ei addysgu a dealltwriaeth dda ohono,

(e) demonstrates good knowledge and understanding of the subject matter being taught,

(f) bod yr addysgu yn yr ysgol annibynnol yn defnyddio adnoddau dysgu yn effeithiol a bod digon ohonynt ar gael a'u bod yn dda o ran eu hansawdd a'u hystod,

(f) uses effectively learning resources of a good quality, quantity and range,

(g) bod yr addysgu yn yr ysgol annibynnol yn dangos bod fframwaith yn ei le i asesu gwaith disgyblion yn rheolaidd ac yn drylwyr ac yn defnyddio'r wybodaeth a geir o'r asesiadau hynny i gynllunio'r addysgu fel bod disgyblion yn gallu gwneud cynnydd,

(g) demonstrates that a framework is in place to assess pupils' work regularly and thoroughly and uses information from those assessments to plan teaching so that pupils can progress,

(h) bod yr addysgu yn yr ysgol annibynnol yn defnyddio strategaethau effeithiol ar gyfer rheoli ymddygiad ac annog y disgyblion i ymddwyn yn gyfrifol,

(h) uses effective strategies for managing behaviour and encouraging pupils to act responsibly,

(i) nad yw'r addysgu yn yr ysgol annibynnol yn tanseilio gwerthoedd sylfaenol democratiaeth a chymorth i gymryd rhan yn y broses ddemocrataidd, rheolaeth y gyfraith, rhyddid yr unigolyn, a pharch a goddefgarwch y rhai sydd â ffydd a chredoau gwahanol at ei gilydd,

(i) does not undermine the fundamental values of democracy and support for participation in the democratic process, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs,

(j) bod yr addysgu yn yr ysgol annibynnol yn rhoi sylw dyledus i Ran 1 o'r Confensiwn, a

(j) has due regard to Part 1 of the Convention, and

(k) nad yw'r addysgu yn yr ysgol annibynnol yn gwahaniaethu yn erbyn disgyblion yn groes i Ran 6 o Ddeddf 2010(**1**).

(k) does not discriminate against pupils contrary to Part 6 of the 2010 Act(**1**).

(**1**) Mae Rhan 6 yn gwneud darpariaeth ynghylch addysg ac mae ganddi bedair Pennod. Mae Pennod 1 yn gwneud darpariaeth ynghylch ysgolion.

(**1**) Part 6 makes provision about education and consists of four Chapters. Chapter 1 makes provision about schools.

3. Mae'r safon yn y paragraff hwn wedi ei chyrraedd pan fo'r perchennog yn sicrhau bod gan yr ysgol annibynnol fframwaith i werthuso perfformiad disgyblion, drwy gyfeirio naill ai at nodau'r ysgol annibynnol ei hun fel y'u darperir i rieni, neu at yr hyn sy'n arferol yn genedlaethol, neu at y ddau.

3. The standard in this paragraph is met where the proprietor ensures that the independent school has a framework for pupil performance to be evaluated, by reference either to the independent school's own aims as provided to parents or national norms, or to both.

RHAN 2

Datblygiad ysbrydol, moesol, cymdeithasol a diwylliannol disgyblion

4. Mae'r safon ynghylch datblygiad ysbrydol, moesol, cymdeithasol a diwylliannol disgyblion yn yr ysgol annibynnol wedi ei chyrraedd os yw'r perchennog—

(a) yn mynd ati'n weithredol i hybu gwerthoedd sylfaenol democratiaeth a chymorth i gymryd rhan yn y broses ddemocrataidd, rheolaeth y gyfraith, rhyddid yr unigolyn, a pharch a goddefgarwch y rhai sydd â ffydd a chredoau gwahanol at ei gilydd,

(b) yn mynd ati'n weithredol i hybu gwybodaeth am Ran 1 o'r Confensiwn a dealltwriaeth ohoni,

(c) yn sicrhau bod egwyddorion yn cael eu hybu'n weithredol sy'n—

(i) galluogi disgyblion i ddod i'w hadnabod eu hunain yn well ac i ddatblygu eu hunan-dyb a'u hunan-hyder,

(ii) galluogi disgyblion i wahaniaethu rhwng da a drwg ac i barchu'r gyfraith sifil a chyfraith trosedd,

(iii) annog disgyblion i dderbyn cyfrifoldeb am eu hymddygiad, i ddangos blaengaredd ac i ddeall sut y gallant gyfrannu'n gadarnhaol at fywydau'r rhai o fewn cymuned yr ysgol annibynnol, y rhai sy'n byw ac sy'n gweithio yn yr ardal y mae'r ysgol annibynnol ynddi, ac at gymdeithas yn ehangach,

(iv) annog parch at bobl eraill, gan roi sylw penodol i'r nodweddion gwarchodedig a nodir yn Neddf 2010,

(v) darparu i ddisgyblion wybodaeth gyffredinol eang am sefydliadau a gwasanaethau cyhoeddus yng Nghymru a'r Deyrnas Unedig yn ehangach,

PART 2

Spiritual, moral, social and cultural development of pupils

4. The standard about the spiritual, moral, social and cultural development of pupils at the independent school is met if the proprietor—

(a) actively promotes the fundamental values of democracy and support for participation in the democratic process, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs,

(b) actively promotes knowledge and understanding of Part 1 of the Convention,

(c) ensures that principles are actively promoted which—

(i) enable pupils to develop their self-knowledge, self-esteem and self-confidence,

(ii) enable pupils to distinguish right from wrong and to respect the civil and criminal law,

(iii) encourage pupils to accept responsibility for their behaviour, show initiative and understand how they can contribute positively to the lives of those within the independent school's community, those living and working in the locality in which the independent school is situated and to society more widely,

(iv) encourage respect for other people, paying particular regard to the protected characteristics set out in the 2010 Act,

(v) provide pupils with a broad general knowledge of public institutions and services in Wales and the United Kingdom more widely,

(vi) cynorthwyo disgyblion i werthfawrogi a pharchu eu diwylliant eu hunain a diwylliannau eraill mewn ffordd sy'n hybu goddefgarwch a chytgord pellach rhwng traddodiadau diwylliannol gwahanol,

(vii) annog disgyblion i barchu gwerthoedd sylfaenol democratiaeth a chymorth i gymryd rhan yn y broses ddemocrataidd, rheolaeth y gyfraith, rhyddid yr unigolyn, a pharch a goddefgarwch y rhai sydd â ffydd a chredoau gwahanol at ei gilydd,

(d) yn eithrio hybu safbwyntiau gwleidyddol pleidiol wrth addysgu unrhyw bwnc yn yr ysgol annibynnol, ac

(e) yn cymryd unrhyw gamau sy'n rhesymol ymarferol i sicrhau, pan fo materion gwleidyddol yn cael eu dwyn i sylw disgyblion—

(i) pan fyddant yn bresennol yn yr ysgol annibynnol,

(ii) pan fyddant yn cymryd rhan mewn gweithgareddau allgyrsiol sydd wedi eu darparu neu eu trefnu gan yr ysgol annibynnol neu ar ei rhan, neu

(iii) wrth wneud unrhyw hybu yn yr ysgol annibynnol, gan gynnwys drwy ddosbarthu deunydd hybu, weithgareddau allgyrsiol sy'n digwydd yn yr ysgol annibynnol neu yn rhywle arall,

bod safbwyntiau croes yn cael eu cyflwyno'n gytbwys.

(vi) assist pupils to acquire an appreciation of and respect for their own and other cultures in a way that promotes further tolerance and harmony between different cultural traditions,

(vii) encourage pupils to respect the fundamental values of democracy and support for participation in the democratic process, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs,

(d) precludes the promotion of partisan political views in the teaching of any subject in the independent school, and

(e) takes such steps as are reasonably practicable to ensure that where political issues are brought to the attention of pupils—

(i) while they are in attendance at the independent school,

(ii) while they are taking part in extra-curricular activities which are provided or organised by or on behalf of the independent school, or

(iii) in any promotion at the independent school including through the distribution of promotional material, of extra-curricular activities taking place at the independent school or elsewhere,

they are offered a balanced presentation of opposing views.

RHAN 3

Lles, iechyd a diogelwch disgyblion

5. Y safonau ynghylch lles, iechyd a diogelwch disgyblion yn yr ysgol annibynnol yw'r rhai sydd wedi eu cynnwys yn y Rhan hon.

6. Mae'r safon yn y paragraff hwn wedi ei chyrraedd os yw'r perchennog yn sicrhau—

(a) bod trefniadau yn cael eu gwneud i ddiogelu a hybu lles disgyblion yn yr ysgol annibynnol,

(b) bod polisi ysgrifenedig i ddiogelu a hybu lles disgyblion yn cael ei lunio a'i weithredu'n effeithiol, ac

PART 3

Welfare, health and safety of pupils

5. The standards about welfare, health and safety of pupils at the independent school are those contained in this Part.

6. The standard in this paragraph is met if the proprietor ensures that—

(a) arrangements are made to safeguard and promote the welfare of pupils at the independent school,

(b) a written policy to safeguard and promote the welfare of pupils is drawn up and effectively implemented, and

(c) bod y trefniadau hynny a'r polisi hwnnw yn rhoi sylw i unrhyw ganllawiau perthnasol a ddyroddir gan Weinidogion Cymru.

7. Pan fo'r ysgol annibynnol yn darparu llety byrddio, mae'r safon yn y paragraff hwn wedi ei chyrraedd pan fo'r perchennog yn sicrhau—

(a) bod trefniadau yn cael eu gwneud i ddiogelu a hybu lles disgyblion sy'n byrddio pan fyddant yn cael eu lletya yn yr ysgol annibynnol,

(b) bod polisi llety byrddio ysgrifenedig yn cael ei lunio a'i weithredu'n effeithiol, ac

(c) bod y trefniadau hynny a'r polisi hwnnw yn rhoi sylw i'r Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Preswyl y Brif Ffrwd neu, pan fo'n gymwys, y Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Arbennig Preswyl.

8. Mae'r safon yn y paragraff hwn wedi ei chyrraedd os yw'r perchennog yn sicrhau—

(a) bod lles disgyblion yn yr ysgol annibynnol yn cael ei ddiogelu a'i hybu drwy lunio polisi asesu risg ysgrifenedig sy'n cynnwys asesu gweithgareddau a wneir y tu allan i fangre'r ysgol annibynnol, a gweithredu'r polisi hwnnw yn effeithiol, a

(b) bod camau gweithredu priodol yn cael eu cymryd i leihau risgiau a nodir.

9. Mae'r safon yn y paragraff hwn wedi ei chyrraedd pan fo'r perchennog yn sicrhau bod yr holl staff, yr holl staff cyflenwi a'r holl bersonau sydd â chyfrifoldebau arwain a rheoli yn yr ysgol annibynnol yn mynd ati'n weithredol i hybu llesiant disgyblion.

10. Mae'r safon yn y paragraff hwn wedi ei chyrraedd pan fo'r perchennog yn sicrhau—

(a) bod yr holl staff, yr holl staff cyflenwi, yr holl wirfoddolwyr a'r holl ddisgyblion yn cael hyfforddiant priodol ar bolisi diogelu'r ysgol annibynnol yn unol ag unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru mewn perthynas â diogelu, a

(b) bod cofnod ysgrifenedig o'r hyfforddiant hwnnw yn cael ei gynnal.

11. Mae'r safon yn y paragraff hwn wedi ei chyrraedd os yw'r perchennog yn hybu ymddygiad da ymhlith disgyblion drwy sicrhau—

(a) bod polisi ymddygiad ysgrifenedig yn cael ei lunio a'i weithredu'n effeithiol—

(i) sy'n annog ac yn gwobrwyo ymddygiad da,

(c) those arrangements and that policy have regard to any relevant guidance issued by the Welsh Ministers.

7. Where the independent school provides boarding accommodation the standard in this paragraph is met where the proprietor ensures that—

(a) arrangements are made to safeguard and promote the welfare of boarders while they are accommodated at the independent school,

(b) a written boarding accommodation policy is drawn up and effectively implemented, and

(c) those arrangements and that policy have regard to the National Minimum Standards for Boarding Schools or, where applicable, the National Minimum Standards for Residential Special Schools.

8. The standard in this paragraph is met if the proprietor ensures that—

(a) the welfare of pupils at the independent school is safeguarded and promoted by the drawing up and effective implementation of a written risk assessment policy that includes assessment of activities undertaken outside of the independent school's premises, and

(b) appropriate action is taken to reduce risks that are identified.

9. The standard in this paragraph is met where the proprietor ensures that all staff, supply staff and persons with leadership and management responsibilities at the independent school actively promote the well-being of pupils.

10. The standard in this paragraph is met where the proprietor ensures that—

(a) all staff, supply staff, volunteers and pupils receive appropriate training in the independent school's safeguarding policy in accordance with any guidance issued by the Welsh Ministers in relation to safeguarding, and

(b) a written record of that training is maintained.

11. The standard in this paragraph is met if the proprietor promotes good behaviour amongst pupils by ensuring that—

(a) a written behaviour policy is drawn up and effectively implemented that—

(i) encourages and rewards good behaviour,

(ii) sy'n nodi'r sancsiynau sydd i'w mabwysiadu os bydd disgybl yn camymddwyn,

(iii) sy'n rhoi sylw i unrhyw ganllawiau perthnasol a ddyroddir gan Weinidogion Cymru, a

(b) bod cofnod yn cael ei gadw o'r sancsiynau a osodir ar ddisgyblion am gamymddwyn difrifol.

12. Mae'r safon yn y paragraff hwn wedi ei chyrraedd os yw'r perchennog yn sicrhau bod bwlio yn yr ysgol annibynnol yn cael ei atal cyn belled ag y bo'n rhesymol ymarferol, drwy lunio strategaeth gwrth-fwlio effeithiol a'i gweithredu.

13. Mae'r safon yn y paragraff hwn wedi ei chyrraedd os yw'r perchennog yn sicrhau y cydymffurfir â chyfreithiau iechyd a diogelwch perthnasol drwy lunio polisi iechyd a diogelwch ysgrifenedig, sy'n cynnwys ystyried gweithgareddau y tu allan i fangre'r ysgol annibynnol, a gweithredu'r polisi hwnnw yn effeithiol.

14. Mae'r safon yn y paragraff hwn wedi ei chyrraedd os yw'r perchennog yn sicrhau cydymffurfedd â Gorchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005(**1**).

15. Mae'r safon yn y paragraff hwn wedi ei chyrraedd os yw'r perchennog yn sicrhau bod cymorth cyntaf yn cael ei roi mewn modd amserol a medrus drwy lunio polisi cymorth cyntaf ysgrifenedig a'i weithredu'n effeithiol.

16. Mae'r safon yn y paragraff hwn wedi ei chyrraedd os yw'r perchennog yn sicrhau bod disgyblion yn cael eu goruchwylio'n briodol drwy ddefnyddio staff yr ysgol annibynnol yn briodol.

17. Mae'r safon yn y paragraff hwn wedi ei chyrraedd os yw'r perchennog yn sicrhau bod cofrestr dderbyn a chofrestr bresenoldeb yn cael eu cynnal yn unol â rheoliadau sydd wedi eu gwneud o dan adran 434 o Ddeddf 1996(**2**).

(**1**) O.S. 2005/1541.

(**2**) Diwygiwyd adran 434 gan adran 140(1) o Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31) a pharagraff 111 o Atodlen 30 iddi, ac erthygl 5(1) o O.S. 2010/1158 a pharagraff 7(1) a (3) o Atodlen 2 iddo. Y rheoliadau cyfredol yw Rheoliadau Addysg (Cofrestru Disgyblion) (Cymru) 2010 (O.S. 2010/1954) (Cy. 187) a ddiwygiwyd gan O.S 2022/758 (Cy. 164).

(ii) sets out the sanctions to be adopted in the event of pupil misbehaviour,

(iii) has regard to any relevant guidance issued by the Welsh Ministers, and

(b) a record is kept of the sanctions imposed upon pupils for serious misbehaviour.

12. The standard in this paragraph is met if the proprietor ensures that bullying at the independent school is prevented so far as reasonably practicable, by the drawing up and implementation of an effective anti-bullying strategy.

13. The standard in this paragraph is met if the proprietor ensures that relevant health and safety laws are complied with by the drawing up and effective implementation of a written health and safety policy that includes consideration of activities outside of the independent school's premises.

14. The standard in this paragraph is met if the proprietor ensures compliance with the Regulatory Reform (Fire Safety) Order 2005(**1**).

15. The standard in this paragraph is met if the proprietor ensures that first aid is administered in a timely and competent manner by the drawing up and effective implementation of a written first aid policy.

16. The standard in this paragraph is met if the proprietor ensures that pupils are properly supervised through the appropriate deployment of independent school staff.

17. The standard in this paragraph is met if the proprietor ensures that admission and attendance registers are maintained in accordance with regulations made under section 434 of the 1996 Act(**2**).

(**1**) S.I. 2005/1541.

(**2**) Section 434 was amended by section 140(1) of and paragraph 111 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31) and by article 5(1) of and paragraph 7(1) and (3) of Schedule 2 to S.I. 2010/1158. The current regulations are the Education (Pupil Registration) (Wales) Regulations 2010 (S.I. 2010/1954) (W. 187) amended by S.I. 2022/758 (W. 164).

18. Mae'r safon yn y paragraff hwn wedi ei chyrraedd pan fo'r perchennog—

(a) yn sicrhau bod y polisïau a'r strategaethau sy'n ofynnol gan y Rhan hon yn cael eu hadolygu'n rheolaidd a'u diweddaru pan fo'n briodol, a

(b) yn cynnal cofnod ysgrifenedig ynglŷn â pha bryd y mae pob polisi wedi cael ei adolygu a'i ddiweddaru a phob strategaeth wedi cael ei hadolygu a'i diweddaru.

18. The standard in this paragraph is met where the proprietor—

(a) ensures that the policies and strategies required by this Part are reviewed regularly and updated when appropriate, and

(b) maintains a written record of when each policy and strategy has been reviewed and updated.

RHAN 4

Addasrwydd perchnogion, staff a staff cyflenwi

19. Y safonau ynghylch addasrwydd perchnogion, staff, a staff cyflenwi yw'r rhai sydd wedi eu cynnwys yn y Rhan hon.

20.—(1) Mae'r safon yn y paragraff hwn yn ymwneud ag addasrwydd personau a benodir yn aelodau staff yn yr ysgol annibynnol, heblaw'r perchennog a staff cyflenwi.

(2) Mae'r safon yn y paragraff hwn wedi ei chyrraedd—

(a) os nad yw person o'r fath wedi ei wahardd rhag gweithgaredd rheoleiddiedig sy'n ymwneud â phlant yn unol ag adran 3(2) o Ddeddf 2006 pan fo'r person hwnnw yn cymryd rhan mewn gweithgaredd, neu y bydd yn cymryd rhan mewn gweithgaredd, sy'n weithgaredd rheoleiddiedig o fewn yr ystyr a roddir i "regulated activity" yn Rhan 1 o Atodlen 4 i'r Ddeddf honno,

(b) os nad yw person o'r fath yn cyflawni gwaith yn yr ysgol annibynnol yn groes i orchymyn gwahardd, gorchymyn gwahardd interim, gorchymyn atal dros dro neu orchymyn atal dros dro interim,

(c) os nad yw person o'r fath yn cyflawni gwaith yn yr ysgol annibynnol yn groes i unrhyw gyfarwyddyd a wneir o dan adran 142 neu 167A o Ddeddf 2002, adran 128 o Ddeddf 2008 neu unrhyw anghymhwysiad, gwaharddiad neu gyfyngiad sy'n cymryd effaith fel pe bai wedi ei gynnwys mewn unrhyw gyfarwyddyd o'r fath,

(d) os yw'r perchennog yn gwneud gwiriadau priodol i gadarnhau, mewn cysylltiad â phob person o'r fath—

(i) pwy yw'r person,

(ii) ffitrwydd meddygol y person,

PART 4

Suitability of proprietors, staff and supply staff

19. The standards about the suitability of proprietors, staff and supply staff are those contained in this Part.

20.—(1) The standard in this paragraph relates to the suitability of persons appointed as members of staff at the independent school, other than the proprietor and supply staff.

(2) The standard in this paragraph is met if—

(a) no such person is barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where that person is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act,

(b) no such person carries out work at the independent school in contravention of a prohibition order, an interim prohibition order, a suspension order or an interim suspension order,

(c) no such person carries out work at the independent school in contravention of any direction made under section 142 or 167A of the 2002 Act, section 128 of the 2008 Act or any disqualification, prohibition or restriction which takes effect as if contained in any such direction,

(d) the proprietor carries out appropriate checks to confirm in respect of each such person—

(i) the person's identity,

(ii) the person's medical fitness,

(iii) hawl y person i weithio yn y Deyrnas Unedig, a

(iv) pan fo'n briodol, cymwysterau'r person,

(e) pan fo'n berthnasol i unrhyw berson o'r fath—

(i) os oes tystysgrif GDG wedi ei chael mewn cysylltiad â'r person hwnnw, neu

(ii) pan fo'r person hwnnw wedi ei gofrestru â gwasanaeth diweddaru'r GDG, os yw gwiriad yn cael ei wneud o ran statws tystysgrif GDG y person,

(f) yn achos unrhyw berson nad yw cael tystysgrif o'r fath yn ddigonol, oherwydd bod y person hwnnw yn byw neu wedi byw y tu allan i'r Deyrnas Unedig, i gadarnhau addasrwydd y person i weithio mewn ysgol annibynnol, os oes unrhyw wiriadau pellach yn cael eu gwneud sy'n briodol ym marn y perchennog, gan roi sylw i unrhyw ganllawiau perthnasol a ddyroddir gan Weinidogion Cymru, ac

(g) yn achos staff sy'n gofalu am ddisgyblion sy'n byrddio, sy'n eu hyfforddi, sy'n eu goruchwylio neu y mae ganddynt ofal drostynt, yn ychwanegol at y materion a bennir ym mharagraffau (a) i (f), os yw'r perchennog yn gwirio cydymffurfedd â'r Safonau yn y Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Preswyl y Brif Ffrwd neu, pan fo'n gymwys, y Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Arbennig Preswyl, sy'n ymwneud â fetio staff,

ac os yw'r perchennog, ar ôl ystyried yr wybodaeth a ddaw o'r gwiriadau y cyfeirir atynt ym mharagraffau (c) i (g), yn ystyried bod y person yn addas ar gyfer y swydd y mae wedi ei benodi iddi.

(3) Rhaid cwblhau'r gwiriadau y cyfeirir atynt yn is-baragraff (2) (ac eithrio pan fo is-baragraff (4) yn gymwys) cyn i berson gael ei benodi.

(4) Nid oes angen i'r gwiriadau a bennir yn is-baragraff (2)(d), (e), (f) ac (g) gael eu gwneud pan fo'r aelod newydd o staff ("A") wedi gweithio—

(a) mewn ysgol annibynnol neu ysgol a gynhelir yng Nghymru mewn swydd yr oedd A yn dod i gysylltiad rheolaidd â phlant neu bobl ifanc ynddi,

(b) mewn ysgol a gynhelir yng Nghymru mewn swydd y penodwyd A iddi ar neu ar ôl 1 Ebrill 2006 ac nad oedd A yn dod i gysylltiad rheolaidd â phlant neu bobl ifanc ynddi, neu

(iii) the person's right to work in the United Kingdom, and

(iv) where appropriate, the person's qualifications,

(e) where relevant to any such person—

(i) a DBS certificate has been obtained in respect of that person, or

(ii) where that person is registered with the DBS up-date service, a check is made of the person's DBS certificate status,

(f) in the case of any person for whom, by reason of that person living or having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish the person's suitability to work in an independent school, such further checks are made as the proprietor considers appropriate, having regard to any relevant guidance issued by the Welsh Ministers, and

(g) in the case of staff who care for, train, supervise or are in charge of boarders, in addition to the matters specified in paragraphs (a) to (f), the proprietor checks that the Standards in the National Minimum Standards for Boarding Schools or, where applicable, the National Minimum Standards for Residential Special Schools, relating to vetting of staff are complied with,

and the proprietor, having considered the information from the checks referred to in paragraphs (c) to (g), considers that the person is suitable for the position to which the person is appointed.

(3) The checks referred to in sub-paragraph (2) (except where sub-paragraph (4) applies) must be completed before a person's appointment.

(4) The checks specified in sub-paragraph (2)(d), (e), (f) and (g) do not need to be carried out where the new member of staff ("M") has worked in—

(a) an independent school or a maintained school in Wales in a position which brought M regularly into contact with children or young persons,

(b) a maintained school in Wales in a position to which M was appointed on or after 1 April 2006 and which did not bring M regularly into contact with children or young persons, or

(c) mewn sefydliad yn y sector addysg bellach yng Nghymru mewn swydd a oedd yn ymwneud â darparu addysg neu swydd yr oedd A yn dod i gysylltiad rheolaidd â phlant neu bobl ifanc ynddi,

yn ystod cyfnod a ddaeth i ben heb fod yn fwy na 90 o ddiwrnodau cyn i A gael ei benodi.

21.—(1) Mae'r paragraff hwn yn ymwneud ag addasrwydd staff cyflenwi yn yr ysgol annibynnol.

(2) Mae'r safon yn y paragraff hwn wedi ei chyrraedd—

(a) os nad yw person a gynigir i'r ysgol annibynnol fel aelod o staff cyflenwi gan fusnes cyflogi ond yn dechrau gweithio yn yr ysgol annibynnol os yw'r perchennog wedi cael—

(i) hysbysiad ysgrifenedig gan y busnes cyflogi mewn perthynas â'r person hwnnw—

(aa) bod y gwiriadau y cyfeirir atynt ym mharagraff 24(3)(b)(i) i (iv) a (vii) wedi eu gwneud i'r graddau sy'n berthnasol i'r person hwnnw,

(bb) pan fo'n berthnasol i'r person hwnnw, fod tystysgrif GDG wedi ei chael (neu pan fo'r person wedi ei gofrestru â gwasanaeth diweddaru'r GDG, fod gwiriad o statws tystysgrif GDG y person wedi ei wneud) gan y busnes cyflogi hwnnw neu gan fusnes cyflogi arall,

(cc) os yw'r busnes cyflogi wedi cael tystysgrif o'r fath neu wedi gwirio statws tystysgrif GDG cyn bod y person i fod i ddechrau gweithio yn yr ysgol annibynnol, pa un a oedd y dystysgrif yn datgelu unrhyw fater neu unrhyw wybodaeth, a

(dd) pan fo'r person hwnnw yn berson nad yw cael tystysgrif o'r fath yn ddigonol, oherwydd bod y person hwnnw yn byw neu wedi byw y tu allan i'r Deyrnas Unedig, i gadarnhau addasrwydd y person i weithio mewn ysgol annibynnol, fod y busnes cyflogi hwnnw neu fusnes cyflogi arall wedi cael unrhyw wiriadau pellach sy'n briodol, gan roi sylw i unrhyw

(c) an institution within the further education sector in Wales in a position which involved the provision of education or which brought M regularly into contact with children or young persons,

during a period which ended not more than 90 days before M's appointment.

21.—(1) This paragraph relates to the suitability of supply staff at the independent school.

(2) The standard in this paragraph is met if—

(a) a person offered for supply by an employment business to the independent school only begins to work at the independent school if the proprietor has received—

(i) written notification from the employment business in relation to that person—

(aa) that the checks referred to in paragraph 24(3)(b)(i) to (iv) and (vii) have been made to the extent relevant to that person,

(bb) that, where relevant to that person, a DBS certificate has been obtained (or where the person is registered with the DBS up-date service a check made of the person's DBS certificate status) by that employment business or another employment business,

(cc) if the employment business has obtained such a certificate or made a check of DBS certificate status before the person is due to begin work at the independent school, whether the certificate disclosed any matter or information, and

(dd) that, where that person is one for whom, by reason of that person living or having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish the person's suitability to work in an independent school, that employment business or another employment business has obtained such further checks as

ganllawiau perthnasol a ddyroddir gan Weinidogion Cymru, a

(ii) copi o unrhyw dystysgrif GDG y mae busnes cyflogi wedi ei chael cyn bod y person i fod i ddechrau gweithio yn yr ysgol annibynnol,

(b) os nad yw person a gynigir fel aelod o staff cyflenwi gan fusnes cyflogi ond yn dechrau gweithio yn yr ysgol annibynnol os yw'r perchennog yn ystyried bod y person yn addas i'r gwaith y mae'r person wedi ei gyflenwi ar ei gyfer,

(c) os yw perchennog yr ysgol annibynnol, cyn i berson a gynigir fel aelod o staff cyflenwi gan fusnes cyflogi ddechrau gweithio yn yr ysgol annibynnol, yn gwirio pwy yw'r person (ni waeth a oes unrhyw wiriad o'r fath wedi ei gynnal gan y busnes cyflogi cyn cynnig y person fel aelod o staff cyflenwi),

(d) os yw'r perchennog, yn y contract neu drefniadau eraill y mae'r perchennog yn eu gwneud gydag unrhyw fusnes cyflogi, yn ei gwneud yn ofynnol i'r busnes cyflogi ddarparu—

(i) yr hysbysiad y cyfeirir ato ym mharagraff (a)(i), a

(ii) copi o unrhyw dystysgrif GDG y mae'r busnes cyflogi yn ei chael,

mewn cysylltiad ag unrhyw berson y mae'r busnes cyflogi yn ei gyflenwi i'r ysgol annibynnol, ac

(e) ac eithrio ar gyfer y personau hynny y mae is-baragraff (4) yn gymwys iddynt, yn achos staff cyflenwi sy'n gofalu am ddisgyblion sy'n byrddio, sy'n eu hyfforddi, sy'n eu goruchwylio neu y mae ganddynt ofal drostynt, os yw'r perchennog yn gwirio cydymffurfedd â'r rhannau perthnasol o'r Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Preswyl y Brif Ffrwd neu, pan fo'n gymwys, y Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Arbennig Preswyl, sy'n ymwneud â fetio staff.

(3) Ac eithrio yn achos person y mae is-baragraff (4) yn gymwys iddo, rhaid bod y dystysgrif y cyfeirir ati yn is-baragraff (2)(a)(i)(bb) wedi ei chael neu'r gwiriad statws tystysgrif y cyfeirir ato yn is-baragraff (2)(a)(i)(bb) wedi ei wneud heb fod yn fwy na 90 o ddiwrnodau cyn y dyddiad y mae'r person i fod i ddechrau gweithio yn yr ysgol annibynnol.

appropriate, having regard to any relevant guidance issued by the Welsh Ministers, and

(ii) a copy of any DBS certificate obtained by an employment business before the person is due to begin work at the independent school,

(b) a person offered for supply by an employment business only begins work at the independent school if the proprietor considers that the person is suitable for the work for which the person is supplied,

(c) before a person offered for supply by an employment business begins work at the independent school the person's identity is checked by the proprietor of the independent school (irrespective of any such check carried out by the employment business before the person was offered for supply),

(d) the proprietor, in the contract or other arrangements which the proprietor makes with any employment business, requires the employment business to provide—

(i) the notification referred to in paragraph (a)(i), and

(ii) a copy of any DBS certificate which the employment business obtains,

in respect of any person whom the employment business supplies to the independent school, and

(e) except for those persons to whom sub-paragraph (4) applies, in the case of supply staff who care for, train, supervise or are in charge of boarders, the proprietor checks that the relevant parts of the National Minimum Standards for Boarding Schools or where applicable, the National Minimum Standards for Residential Special Schools relating to vetting of staff are complied with.

(3) Except in the case of a person to whom sub-paragraph (4) applies, the certificate referred to in sub-paragraph (2)(a)(i)(bb) must have been obtained or the certificate status check referred to in sub-paragraph (2)(a)(i)(bb) must have been made not more than 90 days before the date the person is due to start work at the independent school.

(4) Mae'r is-baragraff hwn yn gymwys i berson ("P") sydd wedi gweithio—

(a) mewn ysgol annibynnol neu ysgol a gynhelir yng Nghymru mewn swydd yr oedd P yn dod i gysylltiad rheolaidd â phlant neu bobl ifanc ynddi,

(b) mewn ysgol a gynhelir yng Nghymru mewn swydd y penodwyd P iddi ar neu ar ôl 1 Ebrill 2006 ac nad oedd P yn dod i gysylltiad rheolaidd â phlant neu bobl ifanc ynddi, neu

(c) mewn sefydliad yn y sector addysg bellach yng Nghymru mewn swydd a oedd yn ymwneud â darparu addysg neu swydd yr oedd P yn dod i gysylltiad rheolaidd â phlant neu bobl ifanc ynddi,

yn ystod cyfnod a ddaeth i ben heb fod yn fwy na 90 o ddiwrnodau cyn y dyddiad y mae P i fod i ddechrau gweithio yn yr ysgol annibynnol.

22.—(1) Mae'r safon yn y paragraff hwn yn ymwneud ag addasrwydd perchennog yr ysgol annibynnol.

(2) Mae is-baragraff (3) yn ymwneud ag addasrwydd y perchennog pan fo'r perchennog yn unigolyn.

(3) Mae'r safon yn y paragraff hwn wedi ei chyrraedd—

(a) os—

(i) nad yw'r unigolyn wedi ei wahardd rhag gweithgaredd rheoleiddiedig sy'n ymwneud â phlant yn unol ag adran 3(2) o Ddeddf 2006 pan fo'r unigolyn hwnnw yn cymryd rhan mewn gweithgaredd, neu y bydd yn cymryd rhan mewn gweithgaredd, sy'n weithgaredd rheoleiddiedig o fewn yr ystyr a roddir i "regulated activity" yn Rhan 1 o Atodlen 4 i'r Ddeddf honno,

(ii) nad yw'r unigolyn yn cyflawni gwaith yn yr ysgol annibynnol yn groes i orchymyn gwahardd, gorchymyn gwahardd interim, gorchymyn atal dros dro neu orchymyn atal dros dro interim, a

(iii) nad yw'r unigolyn yn cyflawni gwaith yn yr ysgol annibynnol yn groes i unrhyw gyfarwyddyd a wneir o dan adran 142 neu 167A o Ddeddf 2002, adran 128 o Ddeddf 2008 neu unrhyw anghymhwysiad, gwaharddiad neu gyfyngiad sy'n cymryd effaith fel pe bai wedi ei gynnwys mewn unrhyw gyfarwyddyd o'r fath;

(4) This sub-paragraph applies to a person ("P") who has worked in—

(a) an independent school or a maintained school in Wales in a position which brought P regularly into contact with children or young persons,

(b) a maintained school in Wales in a position to which P was appointed on or after 1 April 2006 and which did not bring P regularly into contact with children or young persons, or

(c) an institution within the further education sector in Wales in a position which involved the provision of education or which brought P regularly into contact with children or young persons,

during a period which ended not more than 90 days before P is due to begin work at the independent school.

22.—(1) The standard in this paragraph relates to the suitability of the proprietor of the independent school.

(2) Sub-paragraph (3) relates to the suitability of the proprietor where the proprietor is an individual.

(3) The standard in this paragraph is met if—

(a) the individual—

(i) is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act,

(ii) does not carry out work at the independent school in contravention of a prohibition order, an interim prohibition order, a suspension order, or an interim suspension order, and

(iii) does not carry out work at the independent school in contravention of any direction made under section 142 or 167A of the 2002 Act, section 128 of the 2008 Act or any disqualification, prohibition or restriction which takes effect as if contained in any such direction;

(b) cyn i'r ysgol annibynnol gael ei chynnwys yn y gofrestr neu, yn achos ysgol annibynnol gofrestredig, cyn i'r unigolyn gymryd drosodd fel perchennog, pan fo'n berthnasol i'r unigolyn—

(i) os ceir tystysgrif GDG ac os darperir y dystysgrif i Weinidogion Cymru, neu

(ii) pan fo'r unigolyn hwnnw wedi ei gofrestru â gwasanaeth diweddaru'r GDG, os gwneir gwiriad o statws tystysgrif GDG yr unigolyn ac os adroddir am y gwiriad i Weinidogion Cymru,

ac os yw Gweinidogion Cymru, ar ôl ystyried yr wybodaeth a ddaw o'r dystysgrif GDG, wedi cadarnhau eu bod yn ystyried bod yr unigolyn yn addas i fod yn berchennog yr ysgol annibynnol;

(c) cyn i'r ysgol annibynnol gael ei chynnwys yn y gofrestr neu, yn achos ysgol annibynnol gofrestredig, cyn i'r unigolyn gymryd drosodd fel perchennog yn achos unigolyn nad yw cael tystysgrif GDG yn ddigonol, oherwydd bod yr unigolyn hwnnw yn byw neu wedi byw y tu allan i'r Deyrnas Unedig, i gadarnhau addasrwydd yr unigolyn i weithio mewn ysgol annibynnol, os yw Gweinidogion Cymru yn gwneud unrhyw wiriadau pellach y mae Gweinidogion Cymru yn ystyried eu bod yn briodol ac os ydynt, ar ôl ystyried yr wybodaeth a ddaw o'r gwiriadau hyn, yn ystyried bod yr unigolyn yn addas i fod yn berchennog yr ysgol annibynnol;

(d) cyn i'r ysgol annibynnol gael ei chynnwys yn y gofrestr neu, yn achos ysgol annibynnol gofrestredig, cyn i'r unigolyn gymryd drosodd fel perchennog—

(i) os yw Gweinidogion Cymru yn gwneud gwiriadau sy'n cadarnhau pwy yw'r unigolyn, neu

(ii) os yw Gweinidogion Cymru yn gofyn am wneud gwiriadau at ddibenion cadarnhau pwy yw'r unigolyn ac yn dilyn y cais hwnnw—

(aa) bod tystiolaeth yn cael ei darparu er boddhad Gweinidogion Cymru mai'r unigolyn yw'r person â'r hunaniaeth benodol y mae'r unigolyn yn ei hawlio, a

(bb) bod Gweinidogion Cymru yn hysbysu'r unigolyn bod Gweinidogion Cymru wedi eu

(b) before the independent school is entered in the register or, in the case of a registered independent school, before the individual takes over as proprietor, where relevant to the individual—

(i) a DBS certificate is obtained and the certificate is provided to the Welsh Ministers, or

(ii) where that individual is registered with the DBS up-date service, a check is made of the individual's DBS certificate status and reported to the Welsh Ministers,

and the Welsh Ministers, having considered the information from the DBS certificate, have confirmed that they consider that the individual is suitable to be the proprietor of the independent school;

(c) before the independent school is entered in the register or, in the case of a registered independent school, before the individual takes over as proprietor in the case of an individual for whom, by reason of that individual living or having lived outside the United Kingdom, obtaining a DBS certificate is not sufficient to establish the individual's suitability to work in an independent school, the Welsh Ministers make such further checks as the Welsh Ministers consider appropriate and having considered the information from these checks the Welsh Ministers consider that the individual is suitable to be the proprietor of the independent school;

(d) before the independent school is entered in the register or, in the case of a registered independent school, before the individual takes over as proprietor—

(i) the Welsh Ministers make checks confirming the individual's identity, or

(ii) the Welsh Ministers request that checks are made for the purposes of confirming the individual's identity and following that request—

(aa) evidence is provided to the satisfaction of the Welsh Ministers that the individual is the person with the particular identity that the individual claims to have, and

(bb) the Welsh Ministers notify the individual that the Welsh Ministers are satisfied that the

bodloni bod hunaniaeth yr unigolyn wedi ei gadarnhau;

(e) cyn i'r ysgol annibynnol gael ei chynnwys yn y gofrestr neu, yn achos ysgol annibynnol gofrestredig, cyn i'r unigolyn gymryd drosodd fel perchennog—

(i) os yw Gweinidogion Cymru yn gwneud gwiriadau sy'n cadarnhau bod gan yr unigolyn hawl i weithio yn y Deyrnas Unedig, neu

(ii) os yw Gweinidogion Cymru yn gofyn am wneud gwiriadau at ddibenion cadarnhau bod gan yr unigolyn hawl i weithio yn y Deyrnas Unedig ac yn dilyn y cais hwnnw—

(aa) bod tystiolaeth yn cael ei darparu er boddhad Gweinidogion Cymru bod yr hawl hwnnw gan yr unigolyn, a

(bb) bod Gweinidogion Cymru yn hysbysu'r unigolyn bod Gweinidogion Cymru wedi eu bodloni bod yr hawl hwnnw gan yr unigolyn.

(4) Mae is-baragraffau (5) i (7) yn ymwneud ag addasrwydd y perchennog pan fo'r perchennog yn gorff o bersonau corfforedig neu anghorfforedig.

(5) Mae'r safon yn y paragraff hwn wedi ei chyrraedd mewn perthynas ag unigolyn sy'n gadeirydd yr ysgol annibynnol—

(a) os—

(i) nad yw'r unigolyn wedi ei wahardd rhag gweithgaredd rheoleiddiedig sy'n ymwneud â phlant yn unol ag adran 3(2) o Ddeddf 2006 pan fo'r unigolyn hwnnw yn cymryd rhan mewn gweithgaredd, neu y bydd yn cymryd rhan mewn gweithgaredd, sy'n weithgaredd rheoleiddiedig o fewn yr ystyr a roddir i "regulated activity" yn Rhan 1 o Atodlen 4 i'r Ddeddf honno,

(ii) nad yw'r unigolyn yn cyflawni gwaith yn yr ysgol annibynnol yn groes i orchymyn gwahardd, gorchymyn gwahardd interim, gorchymyn atal dros dro neu orchymyn atal dros dro interim, a

(iii) nad yw'r unigolyn yn cyflawni gwaith yn yr ysgol annibynnol yn groes i unrhyw gyfarwyddyd a wneir o dan adran 142 neu 167A o Ddeddf 2002, adran 128 o Ddeddf 2008 neu unrhyw anghymhwysiad, gwaharddiad neu gyfyngiad sy'n cymryd effaith fel pe bai

individual's identity has been confirmed;

(e) before the independent school is entered in the register or, in the case of a registered independent school, before the individual takes over as proprietor—

(i) the Welsh Ministers make checks confirming that the individual has the right to work in the United Kingdom, or

(ii) the Welsh Ministers request that checks are made for the purposes of confirming that the individual has the right to work in the United Kingdom and following that request—

(aa) evidence is provided to the satisfaction of the Welsh Ministers that the individual has that right, and

(bb) the Welsh Ministers notify the individual that the Welsh Ministers are satisfied that the individual has that right.

(4) Sub-paragraphs (5) to (7) relate to the suitability of the proprietor where the proprietor is a body of persons corporate or unincorporate.

(5) The standard in this paragraph is met in relation to an individual who is the chair of the independent school if—

(a) the individual—

(i) is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act,

(ii) does not carry out work at the independent school in contravention of a prohibition order, an interim prohibition order, a suspension order or an interim suspension order, and

(iii) does not carry out work at the independent school in contravention of any direction made under section 142 or 167A of the 2002 Act, section 128 of the 2008 Act or any disqualification, prohibition or restriction which takes

wedi ei gynnwys mewn unrhyw gyfarwyddyd o'r fath;

(b) yn ddarostyngedig i is-baragraff (7), pan fo'n berthnasol i'r unigolyn—

(i) os ceir tystysgrif GDG ac os darperir y dystysgrif i Weinidogion Cymru, neu

(ii) pan fo'r unigolyn hwnnw wedi ei gofrestru â gwasanaeth diweddaru'r GDG, os gwneir gwiriad o statws tystysgrif GDG yr unigolyn ac os adroddir am y gwiriad i Weinidogion Cymru,

ac os yw Gweinidogion Cymru, ar ôl ystyried yr wybodaeth a ddaw o'r dystysgrif GDG, wedi cadarnhau eu bod yn ystyried bod yr unigolyn yn addas i fod yn gadeirydd yr ysgol annibynnol;

(c) yn ddarostyngedig i is-baragraff (7), yn achos unigolyn nad yw cael tystysgrif GDG yn ddigonol, oherwydd bod yr unigolyn hwnnw yn byw neu wedi byw y tu allan i'r Deyrnas Unedig, i gadarnhau addasrwydd yr unigolyn i weithio mewn ysgol annibynnol, os yw Gweinidogion Cymru yn gwneud unrhyw wiriadau pellach y maent yn ystyried eu bod yn briodol ac os yw Gweinidogion Cymru, ar ôl ystyried yr wybodaeth a ddaw o'r gwiriadau hyn, wedi cadarnhau eu bod yn ystyried bod yr unigolyn yn addas i fod yn gadeirydd yr ysgol annibynnol;

(d) yn ddarostyngedig i is-baragraff (7)—

(i) os yw Gweinidogion Cymru yn gwneud gwiriadau sy'n cadarnhau pwy yw'r unigolyn, neu

(ii) os yw Gweinidogion Cymru yn gofyn am wneud gwiriadau at ddibenion cadarnhau pwy yw'r unigolyn ac yn dilyn y cais hwnnw—

(aa) bod tystiolaeth yn cael ei darparu er boddhad Gweinidogion Cymru mai'r unigolyn yw'r person â'r hunaniaeth benodol y mae'r unigolyn yn ei hawlio, a

(bb) bod Gweinidogion Cymru yn hysbysu perchennog yr ysgol annibynnol bod Gweinidogion Cymru wedi eu bodloni bod hunaniaeth yr unigolyn wedi ei gadarnhau;

effect as if contained in any such direction;

(b) subject to sub-paragraph (7), where relevant to the individual—

(i) a DBS certificate is obtained and the certificate is provided to the Welsh Ministers, or

(ii) where that individual is registered with the DBS up-date service, a check is made of the individual's DBS certificate status and reported to the Welsh Ministers,

and having considered the information from the DBS certificate the Welsh Ministers have confirmed that they consider that the individual is suitable to be the chair of the independent school;

(c) subject to sub-paragraph (7), in the case of an individual for whom, by reason of that individual living or having lived outside the United Kingdom, obtaining a DBS certificate is not sufficient to establish the individual's suitability to work in an independent school, the Welsh Ministers make such further checks as the Welsh Ministers consider appropriate and the Welsh Ministers, having considered the information from these checks, have confirmed that they consider that the individual is suitable to be the chair of the independent school;

(d) subject to sub-paragraph (7)—

(i) the Welsh Ministers make checks confirming the individual's identity, or

(ii) the Welsh Ministers request that checks are made for the purposes of confirming the individual's identity and following that request—

(aa) evidence is provided to the satisfaction of the Welsh Ministers that the individual is the person with the particular identity that the individual claims to have, and

(bb) the Welsh Ministers notify the proprietor of the independent school that the Welsh Ministers are satisfied that the individual's identity has been confirmed;

(e) yn ddarostyngedig i is-baragraff (7)—

(i) os yw Gweinidogion Cymru yn gwneud gwiriadau sy'n cadarnhau bod gan yr unigolyn hawl i weithio yn y Deyrnas Unedig, neu

(ii) os yw Gweinidogion Cymru yn gofyn am wneud gwiriadau at ddibenion cadarnhau bod gan yr unigolyn hawl i weithio yn y Deyrnas Unedig ac yn dilyn y cais hwnnw—

(aa) bod tystiolaeth yn cael ei darparu er boddhad Gweinidogion Cymru bod yr hawl hwnnw gan yr unigolyn, a

(bb) bod Gweinidogion Cymru yn hysbysu perchennog yr ysgol annibynnol bod Gweinidogion Cymru wedi eu bodloni bod yr hawl hwnnw gan yr unigolyn.

(6) Mae'r safon yn y paragraff hwn wedi ei chyrraedd mewn perthynas ag unigolyn ("AG"), nad ef yw cadeirydd yr ysgol annibynnol, sy'n aelod o gorff o bersonau corfforedig neu anghorfforedig sydd wedi ei enwi fel perchennog yr ysgol annibynnol yn y gofrestr neu mewn cais i gynnwys yr ysgol annibynnol yn y gofrestr—

(a) os—

(i) nad yw AG wedi ei wahardd rhag gweithgaredd rheoleiddiedig sy'n ymwneud â phlant yn unol ag adran 3(2) o Ddeddf 2006 pan fo'r unigolyn hwnnw yn cymryd rhan mewn gweithgaredd, neu y bydd yn cymryd rhan mewn gweithgaredd, sy'n weithgaredd rheoleiddiedig o fewn yr ystyr a roddir i "regulated activity" yn Rhan 1 o Atodlen 4 i'r Ddeddf honno,

(ii) nad yw AG yn cyflawni gwaith yn yr ysgol annibynnol yn groes i orchymyn gwahardd, gorchymyn gwahardd interim, gorchymyn atal dros dro neu orchymyn atal dros dro interim, a

(iii) nad yw AG yn cyflawni gwaith yn yr ysgol annibynnol yn groes i unrhyw gyfarwyddyd a wneir o dan adran 142 neu 167A o Ddeddf 2002, adran 128 o Ddeddf 2008 neu unrhyw anghymhwysiad, gwaharddiad neu gyfyngiad sy'n cymryd effaith fel pe bai wedi ei gynnwys yn y naill gyfarwyddyd neu'r llall;

(b) yn ddarostyngedig i is-baragraff (7), os yw cadeirydd yr ysgol annibynnol, mewn perthynas ag AG—

(e) subject to sub-paragraph (7)—

(i) the Welsh Ministers make checks confirming that the individual has the right to work in the United Kingdom, or

(ii) the Welsh Ministers request that checks are made for the purposes of confirming that the individual has the right to work in the United Kingdom and following that request—

(aa) evidence is provided to the satisfaction of the Welsh Ministers that the individual has that right, and

(bb) the Welsh Ministers notify the proprietor of the independent school that the Welsh Ministers are satisfied that the individual has that right.

(6) The standard in this paragraph is met in relation to an individual ("MB"), not being the chair of the independent school, who is a member of a body of persons corporate or unincorporate named as the proprietor of the independent school in the register or in an application to enter the independent school in the register, if—

(a) MB—

(i) is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act,

(ii) does not carry out work at the independent school in contravention of a prohibition order, an interim prohibition order, a suspension order or an interim suspension order, and

(iii) does not carry out work at the independent school in contravention of any direction made under section 142 or 167A of the 2002 Act, section 128 of the 2008 Act or any disqualification, prohibition or restriction which takes effect as if contained in either such direction;

(b) subject to sub-paragraph (7), the chair of the independent school in relation to MB—

(i) pan fo'n berthnasol, yn cael tystysgrif GDG (neu pan fo AG wedi ei gofrestru â gwasanaeth diweddaru'r GDG, yn gwneud gwiriad o statws tystysgrif GDG AG),

(ii) yn cael gwiriadau sy'n cadarnhau pwy yw AG a hawl AG i weithio yn y Deyrnas Unedig, a

(iii) pan na fo cael tystysgrif GDG yn ddigonol, oherwydd bod AG yn byw neu wedi byw y tu allan i'r Deyrnas Unedig, i gadarnhau addasrwydd AG i weithio mewn ysgol annibynnol, yn gwneud unrhyw wiriadau pellach y mae cadeirydd yr ysgol annibynnol yn ystyried eu bod yn briodol, gan roi sylw i unrhyw ganllawiau perthnasol a ddyroddir gan Weinidogion Cymru,

ac os yw'r cadeirydd, ar ôl ystyried yr wybodaeth a ddaw o'r gwiriadau hyn, yn ystyried bod AG yn addas i fod yn aelod o gorff o bersonau corfforedig neu anghorfforedig sydd wedi ei enwi fel perchennog yr ysgol annibynnol.

(7) Yn achos ysgol annibynnol gofrestredig—

(a) mae is-baragraffau (5)(b) ac (c) wedi eu bodloni pan fo'r gwiriadau y cyfeirir atynt yn yr is-baragraffau hynny wedi eu cwblhau cyn i gadeirydd yr ysgol annibynnol ddechrau gweithredu fel cadeirydd,

(b) mae is-baragraff (5)(d) wedi ei fodloni pan fo'r gwiriadau y cyfeirir atynt ym mharagraff (d) wedi eu cwblhau, neu pan roddir hysbysiad gan Weinidogion Cymru i berchennog yr ysgol annibynnol fel y cyfeirir ato ym mharagraff (d)(ii)(bb), cyn i gadeirydd yr ysgol annibynnol ddechrau gweithredu fel cadeirydd,

(c) mae is-baragraff (5)(e) wedi ei fodloni pan fo'r gwiriadau y cyfeirir atynt ym mharagraff (e)(i) wedi eu cwblhau, neu pan roddir hysbysiad gan Weinidogion Cymru i berchennog yr ysgol annibynnol fel y cyfeirir ato ym mharagraff (e)(ii)(bb), cyn i gadeirydd yr ysgol annibynnol ddechrau gweithredu fel cadeirydd, a

(d) mae is-baragraff (6)(b) wedi ei fodloni pan fo'r gwiriadau y cyfeirir atynt ym mharagraff (b)(i) a (iii) wedi eu cwblhau cyn i AG ddechrau gweithredu fel aelod o gorff o bersonau corfforedig neu anghorfforedig sydd wedi ei enwi yn y gofrestr fel perchennog yr ysgol annibynnol.

(i) where relevant, obtains a DBS certificate (or where MB is registered with the DBS up-date service makes a check of MB's DBS certificate status),

(ii) obtains checks confirming MB's identity and MB's right to work in the United Kingdom, and

(iii) where, by reason of MB's living or having lived outside the United Kingdom, obtaining a DBS certificate is not sufficient to establish MB's suitability to work in an independent school, makes such further checks as the chair of the independent school considers appropriate, having regard to any relevant guidance issued by the Welsh Ministers,

and the chair, having considered the information from these checks, considers that MB is suitable to be a member of a body of persons corporate or unincorporate named as the proprietor of the independent school.

(7) In the case of a registered independent school—

(a) sub-paragraphs (5)(b) and (c) are met where the checks referred to in those sub-paragraphs are completed before the chair of the independent school starts acting as such,

(b) sub-paragraph (5)(d) is met where the checks referred to in paragraph (d) are completed, or notification is given by the Welsh Ministers to the proprietor of the independent school as referred to in paragraph (d)(ii)(bb), before the chair of the independent school starts acting as such,

(c) sub-paragraph (5)(e) is met where the checks referred to in paragraph (e)(i) are completed, or notification is given by the Welsh Ministers to the proprietor of the independent school as referred to in paragraph (e)(ii)(bb), before the chair of the independent school starts acting as such, and

(d) sub-paragraph (6)(b) is met where the checks referred to in paragraph (b)(i) and (iii) are completed before MB starts acting as a member of the body of persons corporate or unincorporate named in the register as the proprietor of the independent school.

23. Mae'r safon yn y paragraff hwn wedi ei chyrraedd pan fo'n berthnasol i unigolyn—

(a) mewn perthynas ag aelodau o staff yn yr ysgol annibynnol—

(i) pan fo unigolyn wedi ei gofrestru â gwasanaeth diweddaru'r GDG, os yw'r perchennog yn gwirio statws tystysgrif yr unigolyn o leiaf bob tair blynedd;

(ii) pan na fo unigolyn wedi ei gofrestru â gwasanaeth diweddaru'r GDG, os yw'r perchennog yn gwneud cais am dystysgrif GDG mewn cysylltiad â'r unigolyn hwnnw o leiaf bob tair blynedd,

ac os yw'r perchennog, ar ôl ystyried yr wybodaeth a ddaw o'r gwiriad neu'r cais, yn ystyried bod yr unigolyn yn parhau i fod yn addas ar gyfer y swydd y mae wedi ei benodi iddi;

(b) mewn perthynas â'r perchennog pan fo'r perchennog yn unigolyn—

(i) pan fo unigolyn wedi ei gofrestru â gwasanaeth diweddaru'r GDG, os gwneir gwiriad o statws tystysgrif yr unigolyn ac yr adroddir am y gwiriad i Weinidogion Cymru o leiaf bob tair blynedd;

(ii) pan na fo unigolyn wedi ei gofrestru â gwasanaeth diweddaru'r GDG, os gwneir cais am dystysgrif GDG mewn cysylltiad â'r unigolyn ac os darperir y dystysgrif i Weinidogion Cymru o leiaf bob tair blynedd,

ac os yw Gweinidogion Cymru, ar ôl ystyried yr wybodaeth a ddaw o'r gwiriad neu'r cais, yn ystyried bod yr unigolyn yn parhau i fod yn addas i fod yn berchennog yr ysgol annibynnol;

(c) mewn perthynas ag unigolyn sy'n gadeirydd yr ysgol annibynnol—

(i) pan fo unigolyn wedi ei gofrestru â gwasanaeth diweddaru'r GDG, os gwneir gwiriad o statws tystysgrif yr unigolyn ac yr adroddir am y gwiriad i Weinidogion Cymru o leiaf bob tair blynedd;

(ii) pan na fo unigolyn wedi ei gofrestru â gwasanaeth diweddaru'r GDG, os gwneir cais am dystysgrif GDG mewn cysylltiad â'r unigolyn ac os darperir y dystysgrif i Weinidogion Cymru o leiaf bob tair blynedd,

23. The standard in this paragraph is met where relevant to an individual—

(a) in relation to members of staff at the independent school—

(i) where an individual is registered with the DBS up-date service if the proprietor checks the individual's certificate status at least every three years;

(ii) where an individual is not registered with the DBS up-date service if the proprietor applies for a DBS certificate in respect of that individual at least every three years,

and the proprietor, having considered the information from the check or application, considers that the individual remains suitable for the position to which the individual is appointed;

(b) in relation to the proprietor where the proprietor is an individual—

(i) where an individual is registered with the DBS up-date service if a check of the individual's certificate status is made and reported to the Welsh Ministers at least every three years;

(ii) where an individual is not registered with the DBS up-date service if a DBS certificate in respect of the individual is applied for and the certificate is provided to the Welsh Ministers at least every three years,

and the Welsh Ministers, having considered the information from the check or application, consider that the individual remains suitable to be the proprietor of the independent school;

(c) in relation to an individual who is the chair of the independent school—

(i) where an individual is registered with the DBS up-date service if a check of the individual's certificate status is made and reported to the Welsh Ministers at least every three years;

(ii) where an individual is not registered with the DBS up-date service if a DBS certificate in respect of the individual is applied for and the certificate is provided to the Welsh Ministers at least every three years,

ac os yw Gweinidogion Cymru, ar ôl ystyried yr wybodaeth a ddaw o'r gwiriad neu'r cais, yn ystyried bod yr unigolyn yn parhau i fod yn addas i fod yn gadeirydd yr ysgol annibynnol;

(d) mewn perthynas ag unigolyn, nad yw'n gadeirydd yr ysgol annibynnol, sy'n aelod o gorff o bersonau corfforedig neu anghorfforedig sydd wedi ei enwi fel perchennog yr ysgol annibynnol—

(i) pan fo unigolyn wedi ei gofrestru â gwasanaeth diweddaru'r GDG, os gwneir gwiriad o statws tystysgrif yr unigolyn gan y cadeirydd o leiaf bob tair blynedd;

(ii) pan na fo unigolyn wedi ei gofrestru â gwasanaeth diweddaru'r GDG, os gwneir cais am dystysgrif GDG mewn cysylltiad â'r unigolyn gan y cadeirydd o leiaf bob tair blynedd,

ac os yw'r cadeirydd, ar ôl ystyried yr wybodaeth a ddaw o'r gwiriad neu'r cais, yn ystyried bod yr unigolyn yn parhau i fod yn addas i fod yn aelod o'r corff o bersonau corfforedig neu anghorfforedig sydd wedi ei enwi fel perchennog yr ysgol annibynnol;

(e) at ddibenion is-baragraffau (a) i (d), pan na fo gwiriad gwasanaeth diweddaru'r GDG wedi ei wneud na chais am dystysgrif GDG wedi ei wneud mewn cysylltiad ag unrhyw unigolyn o fewn cyfnod o 3 blynedd sy'n dod i ben â'r dyddiad y daw'r Rheoliadau hyn i rym, rhaid gwneud y gwiriad cyntaf neu'r cais cyntaf o'r fath o fewn cyfnod o 180 o ddiwrnodau gan ddechrau â'r dyddiad y daw'r Rheoliadau hyn i rym.

24.—(1) Mae'r safon yn y paragraff hwn wedi ei chyrraedd os yw'r perchennog yn cadw cofrestr yn unol â pholisi'r ysgol annibynnol ar gadw data sy'n dangos yr wybodaeth honno y cyfeirir ati yn is-baragraffau (3) i (5) sy'n gymwys i'r ysgol annibynnol o dan sylw.

(2) Caniateir cadw'r gofrestr y cyfeirir ati yn is-baragraff (1) ar ffurf electronig, ar yr amod bod modd atgynhyrchu'r wybodaeth a gofnodir ar ffurf ddarllenadwy.

(3) Yr wybodaeth y cyfeirir ati yn yr is-baragraff hwn yw—

(a) mewn perthynas â phob aelod o staff, y dyddiad y'i penodwyd;

(b) mewn perthynas â phob aelod o staff ("S")—

(i) a wiriwyd pwy yw S,

and the Welsh Ministers, having considered the information from the check or application, consider that the individual remains suitable to be the chair of the independent school;

(d) in relation to an individual, not being the chair of the independent school, who is a member of a body of persons corporate or unincorporate named as the proprietor of the independent school—

(i) where an individual is registered with the DBS up-date service if the chair makes a check of the individual's certificate status at least every three years;

(ii) where an individual is not registered with the DBS up-date service if the chair applies for a DBS certificate in respect of the individual at least every three years;

and the chair, having considered the information from the check or application, considers that the individual remains suitable to be a member of the body of persons corporate or unincorporate named as the proprietor of the independent school;

(e) for the purposes of sub-paragraphs (a) to (d), where a DBS up-date service check has not been made or a DBS certificate has not been applied for in respect of any individual within a period of 3 years ending with the date on which these Regulations come into force, the first such check or application must be made within a period of 180 days beginning with the date that these Regulations come into force.

24.—(1) The standard in this paragraph is met if the proprietor keeps a register in accordance with the independent school's policy on data retention which shows such of the information referred to in sub-paragraphs (3) to (5) as is applicable to the independent school in question.

(2) The register referred to in sub-paragraph (1) may be kept in electronic form, provided that the information recorded is capable of being reproduced in legible form.

(3) The information referred to in this sub-paragraph is—

(a) in relation to each member of staff, the date they were appointed;

(b) in relation to each member of staff ("S"), whether—

(i) S's identity was checked,

(ii) a wiriwyd pa un a yw S wedi ei wahardd rhag gweithgaredd rheoleiddiedig sy'n ymwneud â phlant yn unol ag adran 3(2) o Ddeddf 2006,

(iii) a wiriwyd pa un a yw S yn ddarostyngedig i orchymyn gwahardd, gorchymyn gwahardd interim, gorchymyn atal dros dro, neu orchymyn gwahardd dros dro interim,

(iv) a wiriwyd pa un a yw S yn ddarostyngedig i unrhyw gyfarwyddyd a wneir o dan adran 142 neu 167A o Ddeddf 2002, adran 128 o Ddeddf 2008 neu unrhyw anghymhwysiad, gwaharddiad neu gyfyngiad sy'n cymryd effaith fel pe bai wedi ei gynnwys mewn cyfarwyddyd o'r fath,

(v) a wnaed gwiriadau i sicrhau bod gan S y cymwysterau perthnasol, pan fo'n briodol,

(vi) a gafwyd tystysgrif GDG mewn cysylltiad ag S (neu pan fo S wedi ei gofrestru â gwasanaeth diweddaru'r GDG, a wnaed gwiriad o statws tystysgrif S),

(vii) a wiriwyd hawl S i weithio yn y Deyrnas Unedig, ac

(viii) a wnaed gwiriadau yn unol â pharagraff 20(2)(f),

gan gynnwys y dyddiad y cwblhawyd pob gwiriad o'r fath neu y cafwyd y dystysgrif.

(4) Yr wybodaeth y cyfeirir ati yn yr is-baragraff hwn yw, mewn perthynas â staff cyflenwi—

(a) a gafwyd hysbysiad ysgrifenedig oddi wrth y busnes cyflogi—

(i) bod y gwiriadau sy'n cyfateb i'r rhai y cyfeirir atynt yn is-baragraff (3)(b)(i) i (iv), (vii) ac (viii) wedi eu gwneud i'r graddau sy'n berthnasol i unrhyw berson o'r fath, a

(ii) bod y busnes cyflogi hwnnw neu fusnes cyflogi arall wedi cael tystysgrif GDG (neu pan fo'r person wedi ei gofrestru â gwasanaeth diweddaru'r GDG, bod gwiriad wedi ei wneud o ran statws tystysgrif y person),

ynghyd â'r dyddiad y cafwyd yr hysbysiad ysgrifenedig bod pob gwiriad o'r fath wedi ei wneud, neu fod tystysgrif wedi ei chael,

(b) pan fo hysbysiad ysgrifenedig wedi ei gael gan y busnes cyflogi yn unol â chontract neu drefniadau eraill y cyfeirir atynt ym mharagraff 21(2)(d) ei fod wedi cael

(ii) a check was made to establish whether S is barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act,

(iii) a check was made to establish whether S is subject to a prohibition order, an interim prohibition order, a suspension order or an interim suspension order,

(iv) a check was made to establish whether S is subject to any direction made under section 142 or 167A of the 2002 Act, section 128 of the 2008 Act or any disqualification, prohibition or restriction which takes effect as if contained in such a direction,

(v) checks were made to ensure, where appropriate, that S had the relevant qualifications,

(vi) a DBS certificate was obtained in respect of S (or where S is registered with the DBS up-date service a check made of S's certificate status),

(vii) a check of S's right to work in the United Kingdom was made, and

(viii) checks were made pursuant to paragraph 20(2)(f),

including the date on which each such check was completed or the certificate obtained.

(4) The information referred to in this sub-paragraph is, in relation to supply staff—

(a) whether written notification has been received from the employment business that—

(i) checks corresponding to those referred to in sub-paragraph (3)(b)(i) to (iv), (vii) and (viii) have been made to the extent relevant to any such person, and

(ii) that employment business or another employment business has obtained a DBS certificate (or where the person is registered with the DBS up-date service a check made of the person's certificate status),

together with the date the written notification that each such check was made, or certificate obtained was received,

(b) where written notification has been received from the employment business in accordance with a contract or other arrangements referred to in paragraph 21(2)(d) that it has obtained a

tystysgrif GDG, pa un a yw'r busnes cyflogi wedi rhoi copi o'r dystysgrif i'r ysgol annibynnol ai peidio, ac

(c) a oes gwiriad wedi ei wneud yn unol â pharagraff 21(2)(e), ynghyd â'r dyddiad y cwblhawyd y gwiriad.

(5) Yr wybodaeth y cyfeirir ati yn yr is-baragraff hwn yw, mewn perthynas â phob aelod o gorff o bersonau sydd wedi ei enwi fel y perchennog—

(a) y dyddiad y'i penodwyd;

(b) a wnaed y gwiriadau y cyfeirir atynt ym mharagraff 22(6)(b), y dyddiad y gwnaed y gwiriadau hynny a'r dyddiad y cafwyd y dystysgrif sy'n deillio o'r gwiriadau hynny.

(6) Nid yw'n berthnasol at ddibenion is-baragraffau (3), (4) a (5) a wnaed y gwiriad neu a gafwyd y dystysgrif yn unol â rhwymedigaeth gyfreithiol.

DBS certificate, whether or not the employment business supplied a copy of the certificate to the independent school, and

(c) whether a check has been made in accordance with paragraph 21(2)(e) together with the date the check was completed.

(5) The information referred to in this sub-paragraph is, in relation to each member of a body of persons named as the proprietor—

(a) the date they were appointed;

(b) whether the checks referred to in paragraph 22(6)(b) were made, the date they were made and the date on which the resulting certificate was obtained.

(6) It is immaterial for the purposes of sub-paragraphs (3), (4) and (5) whether the check was made or certificate obtained pursuant to a legal obligation.

RHAN 5

Mangreoedd ysgolion a llety byrddio mewn ysgolion annibynnol

25. Y safonau ynghylch mangreoedd a llety byrddio yn yr ysgol annibynnol yw'r rhai sydd wedi eu cynnwys yn y Rhan hon.

26. At ddibenion y Rhan hon, mae gan ddisgybl "gofynion arbennig" os oes gan y disgybl unrhyw anghenion sy'n deillio o amhariadau corfforol, meddygol, synhwyraidd, dysgu, emosiynol neu ymddygiadol sy'n gofyn am ddarpariaeth sy'n ychwanegol at yr hyn sy'n ofynnol yn gyffredinol gan blant o'r un oedran mewn ysgolion a gynhelir ac ysgolion annibynnol heblaw ysgolion arbennig neu'n wahanol i'r hyn sy'n ofynnol yn gyffredinol ganddynt.

27. Mae'r safon yn y paragraff hwn wedi ei chyrraedd os yw'r perchennog yn sicrhau—

(a) bod y cyflenwad dŵr yn bodloni gofynion y rheoliadau mangreoedd ysgolion,

(b) bod system ddraenio ddigonol at ddibenion hylendid ac i gael gwared ar ddŵr gwastraff a dŵr wyneb,

(c) bod pob strwythur sy'n dal pwysau yn foddhaol yn unol â'r rheoliadau mangreoedd ysgolion,

(d) bod gan yr ysgol annibynnol drefniadau effeithiol o ran diogelwch ar gyfer ei thir a'i hadeilad,

(e) bod mangreoedd sy'n cael eu defnyddio at ddiben arall heblaw cynnal yr ysgol

PART 5

Premises of and boarding accommodation at independent schools

25. The standards about the premises of and boarding accommodation at the independent school are those contained in this Part.

26. For the purposes of this Part, a pupil has "special requirements" if the pupil has any needs arising from physical, medical, sensory, learning, emotional or behavioural impairments which require provision which is additional to or different from that generally required by children of the same age in maintained schools and independent schools other than special schools.

27. The standard in this paragraph is met if the proprietor ensures that—

(a) the water supply meets the requirements of the school premises regulations,

(b) there is an adequate drainage system for hygienic purposes and the disposal of waste water and surface water,

(c) each load bearing structure is satisfactory in accordance with the school premises regulations,

(d) the independent school has effective security arrangements for the grounds and building,

(e) premises which are used for another purpose other than conducting the independent school

annibynnol wedi eu trefnu i sicrhau bod iechyd, diogelwch a lles disgyblion wedi eu diogelu ac i sicrhau na thorrir ar draws eu haddysg gan ddefnyddwyr eraill,

(f) bod adeiladau'r ysgol annibynnol yn darparu lloches resymol rhag y glaw, yr eira, y gwynt a lleithder o'r ddaear,

(g) bod mynediad yn ddigonol fel bod modd i bob disgybl, yn enwedig y rhai â gofynion arbennig, adael yn ddiogel mewn argyfwng,

(h) bod mynediad i'r ysgol annibynnol yn caniatáu i bob disgybl, gan gynnwys y rhai â gofynion arbennig, fynd i mewn i'r ysgol annibynnol a'i gadael yn ddiogel ac yn gyfforddus,

(i) nad yw'r fangre a'r llety byrddio mewn cyflwr sy'n golygu eu bod yn niweidiol i iechyd neu'n niwsans,

(j) gan roi sylw i nifer, oedran ac anghenion (gan gynnwys unrhyw ofynion arbennig) y disgyblion, fod yr ystafelloedd dosbarth yn briodol o ran maint i ganiatáu addysgu effeithiol ac nad ydynt yn peryglu iechyd a diogelwch,

(k) bod digon o ystafelloedd ymolchi i'r staff a'r disgyblion, gan gynnwys cyfleusterau ar gyfer disgyblion â gofynion arbennig, gan roi ystyriaeth i'r rheoliadau mangreoedd ysgolion,

(l) bod cyfleusterau priodol ar gyfer disgyblion sy'n sâl, yn unol â'r rheoliadau mangreoedd ysgolion,

(m) pan fo bwyd a diod yn cael eu gweini, fod cyfleusterau digonol ar gyfer eu paratoi, eu gweini, a'u bwyta a'u hyfed yn hylan,

(n) bod ystafelloedd dosbarth a rhannau eraill o'r ysgol annibynnol yn cael eu cadw mewn cyflwr taclus, glân a hylan,

(o) bod y dulliau ynysu rhag sŵn a'r acwsteg yn caniatáu addysgu a chyfathrebu effeithiol,

(p) bod y dulliau goleuo, gwresogi ac awyru yn yr ystafelloedd dosbarth a rhannau eraill o'r ysgol annibynnol yn foddhaol yn unol â'r rheoliadau mangreoedd ysgolion,

(q) bod y gwaith addurno o safon foddhaol ac wedi ei gynnal a'i gadw'n ddigonol,

(r) bod y dodrefn a'r ffitiadau wedi eu dylunio'n briodol ar gyfer oedran a gofynion (gan gynnwys unrhyw ofynion arbennig) pob disgybl cofrestredig yn yr ysgol annibynnol,

are organised to ensure that the health, safety and welfare of pupils are safeguarded and their education is not interrupted by other users,

(f) the independent school buildings provide reasonable resistance to penetration by rain, snow, wind and moisture from the ground,

(g) there is sufficient access so that emergency evacuations can be accomplished safely for all pupils, particularly those with special requirements,

(h) access to the independent school allows all pupils including those with special requirements, to enter and leave the independent school in safety and comfort,

(i) the premises and boarding accommodation are not in such a state as to be prejudicial to health or a nuisance,

(j) having regard to the number, age and needs (including any special requirements) of pupils, classrooms are appropriate in size to allow effective teaching and do not compromise health and safety,

(k) there are sufficient washrooms for staff and pupils, including facilities for pupils with special requirements, taking account of the school premises regulations,

(l) there are appropriate facilities for pupils who are ill in accordance with the school premises regulations,

(m) where food and drink is served, there are adequate facilities for its hygienic preparation, service and consumption,

(n) classrooms and other parts of the independent school are maintained in a tidy, clean and hygienic state,

(o) sound insulation and acoustics allow effective teaching and communication,

(p) lighting, heating and ventilation in classrooms and other parts of the independent school are satisfactory in accordance with the school premises regulations,

(q) there is a satisfactory standard and adequate maintenance of decoration,

(r) the furniture and fittings are appropriately designed for the age and requirements (including any special requirements) of all registered pupils at the independent school,

(s) bod gorchuddion priodol ar y llawr a'u bod mewn cyflwr da,

(t) bod trefniadau priodol ar gyfer darparu lle yn yr awyr agored i'r holl ddisgyblion chwarae yn ddiogel (gan gynnwys disgyblion ag unrhyw ofynion arbennig),

(u) pan fo llety byrddio yn cael ei ddarparu, ei fod yn rhoi sylw i'r Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Preswyl y Brif Ffrwd neu, pan fo'n gymwys, y Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Arbennig Preswyl, a

(v) bod cynllun hygyrchedd wedi ei lunio a'i adolygu yn unol â gofynion adran 88 o Ddeddf 2010 ac Atodlen 10 iddi.

(s) there is appropriate flooring in good condition,

(t) there are appropriate arrangements for providing outside space for all pupils to play safely (including pupils with any special requirements),

(u) where boarding accommodation is provided, it has regard to the National Minimum Standards for Boarding Schools or, where applicable; the National Minimum Standards for Residential Special Schools, and

(v) there is an accessibility plan prepared and reviewed in accordance with the requirements of section 88 of and Schedule 1 to the 2010 Act.

RHAN 6

Darparu gwybodaeth

28.—(1) Mae'r ddarpariaeth o wybodaeth gan yr ysgol annibynnol yn cyrraedd y safon os yw'r perchennog yn sicrhau bod y gofynion yn is-baragraffau (2) i (8) wedi eu bodloni.

(2) Rhaid i'r ysgol annibynnol ddarparu i rieni disgyblion a rhieni darpar ddisgyblion ac, ar gais, i'r Prif Arolygydd, Gweinidogion Cymru, neu gorff sydd wedi ei gymeradwyo o dan adran 163(1)(b) o Ddeddf 2002—

(a) cyfeiriad, cyfeiriad e-bost a rhif ffôn yr ysgol annibynnol, ac enw'r pennaeth;

(b) naill ai—

(i) pan fo'r perchennog yn unigolyn, yr wybodaeth a ganlyn am y person hwnnw—

(aa) enw llawn,

(bb) cyfeiriad e-bost busnes uniongyrchol,

(cc) rhif ffôn (yn ystod y tymor a'r tu allan i'r tymor),

(dd) cyfeiriad ar gyfer gohebiaeth (yn ystod y tymor a'r tu allan i'r tymor), neu

(ii) pan fo'r perchennog yn gorff o bersonau corfforedig neu anghorfforedig, cyfeiriad a rhif ffôn ei swyddfa gofrestredig neu ei brif swyddfa;

PART 6

The provision of information

28.—(1) The provision of information by the independent school meets the standard if the proprietor ensures that the requirements in sub-paragraphs (2) to (8) are met.

(2) The independent school must provide to parents of pupils and parents of prospective pupils and on request to the Chief Inspector, the Welsh Ministers, or a body approved under section 163(1)(b) of the 2002 Act—

(a) the independent school's address, email address and telephone number, and the name of the head teacher;

(b) either—

(i) where the proprietor is an individual, that person's—

(aa) full name,

(bb) direct business email address,

(cc) telephone number (during term time and non-term time),

(dd) correspondence address (during term time and non-term time), or

(ii) where the proprietor is a body of persons corporate or unincorporate, the address and telephone number of its registered or principal office;

(c) pan fo gan yr ysgol annibynnol gorff llywodraethu, enw a manylion cyswllt cadeirydd y corff hwnnw;

(d) datganiad am ethos yr ysgol annibynnol (gan gynnwys unrhyw ethos crefyddol) a'i nodau;

(e) manylion am bolisi'r ysgol annibynnol o ran derbyn disgyblion, disgyblaeth a gwahardd disgyblion a threfniadau'r ysgol mewn perthynas â hwy;

(f) manylion am y ddarpariaeth o ran addysg a lles ar gyfer disgyblion sydd â chynlluniau datblygu unigol neu ddatganiadau a disgyblion y mae'r Gymraeg neu'r Saesneg yn iaith ychwanegol iddynt.

(3) Rhaid i'r ysgol annibynnol roi ar gael i rieni disgyblion a rhieni darpar ddisgyblion ac, ar gais, i'r Prif Arolygydd, Gweinidogion Cymru, neu gorff sydd wedi ei gymeradwyo o dan adran 163(1)(b) o Ddeddf 2002—

(a) manylion y polisïau a lunnir o dan Ran 1 o'r Atodlen hon,

(b) manylion y polisïau a lunnir o dan Ran 3 o'r Atodlen hon,

(c) manylion perfformiad academaidd yr ysgol annibynnol yn ystod y flwyddyn ysgol flaenorol, gan gynnwys canlyniadau unrhyw arholiadau ac asesiadau cyhoeddus a oedd yn arwain at gymwysterau,

(d) manylion y weithdrefn gwyno a nodir yn unol â pharagraff 29 o'r Atodlen hon, a nifer y cwynion a gofrestrwyd o dan y weithdrefn ffurfiol yn ystod y flwyddyn ysgol flaenorol,

(e) nifer y staff sydd wedi eu cyflogi yn yr ysgol annibynnol, gan gynnwys staff dros dro, a chrynodeb o'u cymwysterau,

(f) dyddiadau'r tymor ar gyfer—

(i) y flwyddyn academaidd bresennol, a

(ii) y flwyddyn academaidd ddilynol, ac

(g) y dyddiadau y bwriedir bod ar gau yn ystod dyddiadau'r tymor a roddir ar gael o dan baragraff (f).

(4) Yn dilyn arolygiad o dan adran 163(1) o Ddeddf 2002 a heb fod yn fwy na 14 o ddiwrnodau ar ôl i gopi o adroddiad yr arolygiad gael ei ddarparu i'r perchennog neu'r ysgol annibynnol mae'r adroddiad arolygu—

(a) yn cael ei gyhoeddi a'i gynnal ar wefan yr ysgol annibynnol (os oes gan yr ysgol annibynnol wefan), a

(c) where the independent school has a governing body, the name and contact details of the chair of that body;

(d) a statement of the independent school's ethos (including any religious ethos) and aims;

(e) particulars of the independent school's policy on and arrangements for admissions, discipline and exclusions;

(f) particulars of education and welfare provision for pupils with individual development plans or statements and for pupils for whom Welsh or English is an additional language.

(3) The independent school must make available to parents of pupils and parents of prospective pupils and on request to the Chief Inspector, the Welsh Ministers, or a body approved under section 163(1)(b) of the 2002 Act—

(a) particulars of the policies prepared under Part 1 of this Schedule,

(b) particulars of the policies prepared under Part 3 of this Schedule,

(c) particulars of the independent school's academic performance during the preceding school year, including the results of any public examinations and assessments resulting in a qualification,

(d) details of the complaints procedure set out in accordance with paragraph 29 of this Schedule, and the number of complaints registered under the formal procedure during the preceding school year,

(e) the number of staff employed at the independent school, including temporary staff, and a summary of their qualifications,

(f) the term dates for—

(i) the current academic year, and

(ii) the subsequent academic year, and

(g) the dates of any planned closures during the term dates made available under paragraph (f).

(4) Following an inspection under section 163(1) of the 2002 Act and not more than 14 days after a copy of the report of the inspection has been provided to the proprietor or the independent school the inspection report is—

(a) published and maintained on the independent school's website (if the independent school has a website), and

(b) cael ei ddarparu—

(i) i rieni pob disgybl cofrestredig,

(ii) pan fo disgybl cofrestredig yn derbyn gofal gan awdurdod lleol, i'r awdurdod lleol sy'n gyfrifol am roi'r gofal iddo,

(iii) pan fo lleoliad disgybl cofrestredig wedi ei gyllido'n gyfan gwbl neu'n rhannol gan awdurdod lleol, i'r awdurdod lleol sy'n darparu'r cyllid, a

(iv) pan fo gan ddisgybl cofrestredig gynllun datblygu unigol neu ddatganiad, i'r awdurdod lleol sy'n gyfrifol am gynnal y cynllun datblygu unigol neu'r datganiad.

(5) Rhaid i'r ysgol annibynnol ddarparu adroddiad ysgrifenedig blynyddol ar gynnydd pob disgybl cofrestredig a'i gyrhaeddiad yn y prif feysydd pwnc a addysgir, ac eithrio nad oes angen anfon adroddiad at riant sydd wedi cytuno fel arall â'r ysgol annibynnol.

(6) Bydd yr ysgol annibynnol yn darparu i unrhyw gorff sy'n cynnal arolygiad o dan adran 163 o Ddeddf 2002—

(a) unrhyw wybodaeth y gofynnir amdani'n rhesymol mewn cysylltiad ag arolygiad sy'n angenrheidiol at ddibenion yr arolygiad, a

(b) mynediad at y gofrestr dderbyn, ac unrhyw gofrestr bresenoldeb, a gynhelir yn unol â'r rheoliadau sydd wedi eu gwneud o dan adran 434 o Ddeddf 1996.

(7) Pan fo disgybl sy'n cael ei gyllido'n gyfan gwbl neu'n rhannol gan awdurdod lleol wedi ei gofrestru yn yr ysgol annibynnol, rhaid rhoi cyfrif blynyddol wedi ei archwilio o'r incwm a gafwyd a'r gwariant yr aed iddo gan yr ysgol annibynnol i'r awdurdod lleol ac ar gais i Weinidogion Cymru.

(8) Pan fo disgybl sydd â chynllun datblygu unigol neu ddatganiad wedi ei gofrestru yn yr ysgol annibynnol, rhaid i'r ysgol annibynnol ddarparu i'r awdurdod lleol unrhyw wybodaeth y mae'n ei gwneud yn rhesymol yn ofynnol at ddiben adolygiad statudol o'r cynllun datblygu unigol neu'r datganiad.

RHAN 7

Y dull o ymdrin â chwynion

29. Mae'r dull o ymdrin â chwynion yn cyrraedd y safon os yw'r perchennog yn sicrhau bod yr ysgol annibynnol yn llunio gweithdrefn gwyno a'i bod yn ei gweithredu'n effeithiol, a bod y weithdrefn gwyno honno—

(b) is provided to—

(i) the parents of every registered pupil,

(ii) where a registered pupil is looked after by a local authority, the local authority that is responsible for looking after them,

(iii) where a registered pupil's placement is funded wholly or partly by a local authority, the local authority that provides the funding, and

(iv) where a registered pupil has an individual development plan or statement, the local authority with responsibility for maintaining the individual development plan or statement.

(5) An annual written report of the progress of each registered pupil and their attainment in the main subject areas taught must be provided by the independent school, except that no report needs to be sent to a parent who has agreed otherwise with the independent school.

(6) The independent school will provide to any body conducting an inspection under section 163 of the 2002 Act with—

(a) any information reasonably requested in connection with an inspection that is necessary for the purposes of the inspection, and

(b) access to the admission register, and any attendance register, maintained in accordance with the regulations made under section 434 of the 1996 Act.

(7) Where a pupil wholly or partly funded by a local authority is registered at the independent school, an annual audited account of income received and expenditure incurred by the independent school must be provided to the local authority and on request to the Welsh Ministers.

(8) Where a pupil with an individual development plan or statement is registered at the independent school, the independent school must provide such information to the local authority as may reasonably be required for the purpose of a statutory review of the individual development plan or statement.

PART 7

The manner in which complaints are to be handled

29. The manner in which complaints are handled meets the standard if the proprietor ensures that the independent school draws up and effectively implements a complaints procedure which—

(a) yn ysgrifenedig,

(b) yn cael ei rhoi ar gael ar wefan yr ysgol annibynnol neu, pan na fo gan yr ysgol annibynnol wefan, ei bod yn cael ei darparu i'r disgyblion neu'r disgyblion sy'n byrddio, rhieni'r disgyblion neu'r disgyblion sy'n byrddio a rhieni darpar ddisgyblion neu ddarpar ddisgyblion sy'n byrddio yn yr ysgol annibynnol,

(c) yn nodi amserlenni clir at gyfer rheoli cwyn,

(d) yn rhoi cyfle i gŵyn gael ei gwneud a'i hystyried yn anffurfiol i ddechrau,

(e) pan na fo'r rhieni, y disgyblion neu'r disgyblion sy'n byrddio wedi eu bodloni ar yr ymateb a wneir yn unol ag is-baragraff (d), neu'n dymuno gwneud cwyn ffurfiol, yn sefydlu gweithdrefn er mwyn gwneud y gŵyn yn ysgrifenedig,

(f) pan na fo'r rhieni, y disgyblion neu'r disgyblion sy'n byrddio wedi eu bodloni ar yr ymateb i'r gŵyn a wneir yn unol ag is-baragraff (e), yn gwneud darpariaeth ar gyfer cynnal gwrandawiad gerbron panel a benodir gan y perchennog, neu ar ei ran, ac sydd wedi ei lunio o dri o bobl o leiaf nad oeddent yn ymwneud yn uniongyrchol â'r materion sy'n cael eu trafod yn y gŵyn,

(g) yn mynnu, pan fo panel yn gwrando ar gŵyn, y bydd un person ar y panel sy'n annibynnol ar y sawl sy'n rheoli ac yn rhedeg yr ysgol annibynnol,

(h) yn caniatáu i rieni, disgyblion neu ddisgyblion sy'n byrddio fod yn bresennol yn y gwrandawiad gan y panel os ydynt yn dymuno hynny, a'u bod yn cael mynd â rhywun gyda hwy,

(i) yn darparu i'r panel wneud canfyddiadau ac argymhellion ac yn mynnu bod yr achwynydd, y perchennog a'r pennaeth a, phan fo'n berthnasol, y person y gwnaed y gŵyn amdano, yn cael copi yr un o unrhyw ganfyddiadau ac argymhellion,

(j) yn darparu i gofnodion ysgrifenedig gael eu cadw, yn unol â pholisi'r ysgol annibynnol ar gadw data, am bob cwyn, gan gynnwys a gafodd y cwynion eu datrys yn ystod y cam rhagarweiniol neu a aethpwyd â hwy i wrandawiad gan banel ac unrhyw gamau a gymerwyd gan yr ysgol annibynnol o ganlyniad i'r cwynion hynny ac a gafodd y cwynion hynny eu cadarnhau,

(a) is in writing,

(b) is made available on the independent school's website, or where the independent school does not have a website, it is provided to pupils or boarders, the parents of pupils or boarders and of prospective pupils or boarders at the independent school,

(c) sets out clear time scales for the management of a complaint,

(d) provides an opportunity for a complaint to be made and considered initially on an informal basis,

(e) where the parents, pupils or boarders are not satisfied with the response made in accordance with sub-paragraph (d), or wish to pursue a formal complaint, establishes a procedure for the complaint to be made in writing,

(f) where the parents, pupils or boarders are not satisfied with the response to the complaint made in accordance with sub-paragraph (e), makes provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint,

(g) stipulates that, where there is a panel hearing of a complaint, one person will be independent of the management and running of the independent school,

(h) allows for the parents, pupils, or boarders to attend and to be accompanied at a panel hearing if they wish,

(i) provides for the panel to make findings and recommendations and stipulates that the complainant, proprietor and head teacher, and where relevant the person complained about, are each provided a copy of any findings and recommendations,

(j) provides for written records to be kept, in accordance with the independent school's policy on data retention, of all complaints, including whether they are resolved at the preliminary stage or proceed to a panel hearing and any action taken by the independent school as a result of those complaints and whether they were upheld,

(k) yn darparu, yn ddarostyngedig i baragraff 28(3)(d) o'r Atodlen hon, i ohebiaeth, datganiadau a chofnodion o gwynion gael eu cadw'n gyfrinachol ac eithrio pan fo Gweinidogion Cymru neu gorff sy'n cynnal arolygiad o dan adran 163 o Ddeddf 2002 yn gofyn am gael mynediad at unrhyw ddogfennau sy'n ymwneud â'r gŵyn, ac

(l) pan fo'r ysgol annibynnol yn darparu llety byrddio, yn cydymffurfio âr Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Preswyl y Brif Ffrwd neu, pan fo'n gymwys, y Safonau Gofynnol Cenedlaethol ar gyfer Ysgolion Arbennig Preswyl.

(k) provides that, subject to paragraph 28(3)(d) of this Schedule, correspondence, statements and records of complaints are to be kept confidential except where the Welsh Ministers or a body conducting an inspection under section 163 of the 2002 Act requests access to any documents relating to the complaint, and

(l) where the independent school provides boarding accommodation, complies with the National Minimum Standards for Boarding Schools, or where applicable, the National Minimum Standards for Residential Special Schools.

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