OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 26 (Cy. 9)

2024 No. 26 (W. 9)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Ysgolion Annibynnol (Darparu Gwybodaeth) (Cymru) 2024

The Independent Schools (Provision of Information) (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 Ysgolion Annibynnol (Darparu Gwybodaeth) (Cymru) 2003 ("Rheoliadau 2003"). Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Mae'r Rheoliadau hyn yn ymwneud â cheisiadau i gofrestru ysgolion annibynnol o dan adran 160(1) o Ddeddf Addysg 2002 ac â gwybodaeth sydd i'w darparu yn gyfnodol gan berchnogion ysgolion annibynnol o dan adran 168 o'r Ddeddf honno.

Mae rheoliad 2 a Rhan 1 o'r Atodlen yn cynnwys darpariaethau dehongli.

Mae rheoliad 3 a Rhan 2 o'r Atodlen yn gwneud darpariaeth ar gyfer ffurf a chynnwys cais i gofrestru ysgol annibynnol o dan adran 160(1) o Ddeddf Addysg 2002.

Mae rheoliad 4 yn gwneud darpariaeth ar gyfer cyflwyno gan berchennog ysgol annibynnol ddatganiad cychwynnol o fewn 90 o ddiwrnodau i'r dyddiad derbyn neu, os yw'n ddiweddarach, i gais gan yr awdurdod cofrestru. Mae Rhan 3 o'r Atodlen yn rhagnodi'r wybodaeth sydd i'w chynnwys yn y datganiad cychwynnol.

Mae rheoliad 5 yn gwneud darpariaeth ar gyfer cyflwyno gan berchennog ysgol annibynnol ddatganiadau blynyddol i'r awdurdod cofrestru. Mae Rhan 4 o'r Atodlen yn rhagnodi'r wybodaeth sydd i'w chynnwys yn y datganiad blynyddol.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Independent Schools (Provision of Information) (Wales) Regulations 2003 ("the 2003 Regulations"). These Regulations apply in relation to Wales.

These Regulations relate to applications for registration of independent schools under section 160(1) of the Education Act 2002 and information to be provided periodically by the proprietors of independent schools under section 168 of that Act.

Regulation 2 and Part 1 of the Schedule contain interpretation provisions.

Regulation 3 and Part 2 of the Schedule make provision for the form and content of an application to register an independent school under section 160(1) of the Education Act 2002.

Regulation 4 makes provision for the submission by the proprietor of an independent school of an initial return within 90 days of the admission date or, if later, a request by the registration authority. Part 3 of the Schedule prescribes the information to be included in the initial return.

Regulation 5 makes provision for the submission by the proprietor of an independent school of annual returns to the registration authority. Part 4 of the Schedule prescribes the information to be included in the annual return.

Mae rheoliad 6 yn darparu y caiff yr awdurdod cofrestru, os yw wedi ei fodloni bod perchennog ysgol annibynnol wedi methu â chydymffurfio ag unrhyw ofyniad yn rheoliad 4 neu 5, ddileu'r ysgol o'r gofrestr. Mae rheoliad 7 yn darparu ei bod yn drosedd i berchennog ysgol annibynnol fethu â chydymffurfio ag unrhyw ofyniad yn rheoliad 4 neu 5.

Mae rheoliad 8 yn dirymu Rheoliadau 2003. Mae rheoliadau 9, 10 ac 11 yn dirymu offerynnau a darpariaethau eraill sy'n diwygio naill ai Rheoliadau 2003 neu Reoliadau Safonau Ysgol Annibynnol (Cymru) 2003.

Mae rheoliad 12 yn gwneud darpariaeth drosiannol ar gyfer Rheoliadau 2003 mewn achosion pan fo datganiad cychwynnol yn ofynnol cyn i'r Rheoliadau hyn ddod i rym neu pan ofynnir am ddatganiad blynyddol cyn i'r Rheoliadau hyn ddod i rym.

Mae'r Rheolau Mewnfudo, y cyfeirir atynt ym mharagraff 32 o'r Atodlen i'r Rheoliadau hyn, i'w gweld yn https://www.gov.uk/guidance/immigration-rules/immigration-rules-index.

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.

Regulation 6 provides that if it is satisfied that a proprietor of an independent school has failed to comply with any requirement of regulation 4 or 5, the registration authority may remove the school from the register. Regulation 7 provides that it is an offence for a proprietor of an independent school to fail to comply with any requirement of regulation 4 or 5.

Regulation 8 revokes the 2003 Regulations. Regulations 9, 10 and 11 revoke other instruments and provisions that amend either the 2003 Regulations or the Independent School Standards (Wales) Regulations 2003.

Regulation 12 makes transitional provision for the 2003 Regulations in cases where an initial return is required or annual return requested before the coming into force of these Regulations.

The Immigration Rules, which are referred to in paragraph 32 of the Schedule to these Regulations, can be found at https://www.gov.uk/guidance/immigration-rules/immigration-rules-index.

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 26 (Cy. 9)

ADDYSG, CYMRU

Rheoliadau Ysgolion Annibynnol (Darparu Gwybodaeth) (Cymru) 2024

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

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 157(1), 160(1), 168 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 a chymhwyso

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

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

(**1**) 2002 p. 32. Amnewidiwyd adran 168(2)(a) gan reoliad 18 o Reoliadau Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (Diwygiadau Canlyniadol) 2018 (O.S. 2018/195) (Cy. 44). Diwygiwyd adran 210(7)(c) gan adran 21(1) a 3(c)(ii) o Fesur Teithio gan Ddysgwyr (Cymru) 2008 (mccc 2). 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.

2024 No. 26 (W. 9)

EDUCATION, WALES

The Independent Schools (Provision of Information) (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), 160(1), 168 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 and application

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

(2) These Regulations apply in relation to Wales.

(**1**) 2002 c. 32. Section 168(2)(a) was substituted by regulation 18 of the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195) (W. 44). Section 210(7)(c) was amended by section 21(1) and (3)(c)(ii) of the Learner Travel (Wales) Measure 2008 (nawm 2). 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.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

mae i "anghenion addysgol arbennig" yr ystyr a roddir i "special educational needs" yn adran 312 o Ddeddf 1996;

mae i "anghenion dysgu ychwanegol" ("*additional learning needs*") yr ystyr a roddir yn adran 2 o Ddeddf 2018;

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

mae i "blwyddyn ysgol" yr ystyr a roddir i "school year" yn adran 579(1) o Ddeddf 1996(**2**);

ystyr "cais" ("*application*") yw cais i'r awdurdod cofrestru i gofrestru ysgol annibynnol, a wneir gan y perchennog yn unol ag adran 160(1)(b) o Ddeddf 2002;

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

mae i "darpariaeth addysgol arbennig" yr ystyr a roddir i "special educational provision" yn adran 312 o Ddeddf 1996.

mae i "darpariaeth ddysgu ychwanegol" ("*additional learning provision*") yr ystyr a roddir yn adran 3 o Ddeddf 2018;

ystyr "Deddf 1996" ("*the 1996 Act*") yw Deddf Addysg 1996(**3**);

ystyr "Deddf 1997" ("*the 1997 Act*") yw Deddf yr Heddlu 1997(**4**);

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

ystyr "Deddf 2006" ("*the 2006 Act*") yw Deddf Diogelu Grwpiau Hyglwyf 2006(**5**);

ystyr "Deddf 2018" ("*the 2018 Act*") yw Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018(**6**);

mae i "disgybl" yr ystyr a roddir i "pupil" yn adran 3(1) o Ddeddf 1996(**7**);

(**1**) Amnewidiwyd y diffiniad o "local authority" gan erthygl 3(1) a (2)(b) o O.S. 2010/1158.
(**2**) Mewnosodwyd y diffiniad o "school year" gan adran 57(1) o Ddeddf Addysg 1997 (p. 44) a pharagraff 43 o Atodlen 7 iddi.
(**3**) 1996 p. 56.
(**4**) 1997 p. 50.
(**5**) 2006 p. 47.
(**6**) 2018 dccc 2.
(**7**) Diwygiwyd adran 3(1) gan adran 57(1) o Ddeddf Addysg 1997 (p. 44) a pharagraff 9 o Atodlen 7 iddi.

Interpretation

2.—(1) In these Regulations—

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996(**1**);

"the 1997 Act" ("*Deddf 1997*") means the Police Act 1997(**2**);

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

"the 2006 Act" ("*Deddf 2006*") means the Safeguarding Vulnerable Groups Act 2006(**3**);

"the 2018 Act" ("*Deddf 2018*") means the Additional Learning Needs and Education Tribunal (Wales) Act 2018(**4**);

"the 2003 Regulations" ("*Rheoliadau 2003*") means the Independent Schools (Provision of Information) (Wales) Regulations 2003(**5**);

"additional learning needs" ("*anghenion dysgu ychwanegol*") has the meaning given in section 2 of the 2018 Act;

"additional learning provision" ("*darpariaeth ddysgu ychwanegol*") has the meaning given in section 3 of the 2018 Act;

"application" ("*cais*") means an application to the registration authority for the registration of an independent school made by the proprietor pursuant to section 160(1)(b) of the 2002 Act;

"DBS certificate" ("*tystysgrif GDG*") means an enhanced criminal record certificate issued under section 113B(1)(**6**) 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

(**1**) 1996 c. 56.
(**2**) 1997 c. 50.
(**3**) 2006 c. 47.
(**4**) 2018 anaw 2.
(**5**) S.I. 2003/3230 (W. 310).
(**6**) 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 the Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), sections 97(2), 112(2) of and Part 8 of Schedule 8 to the Policing and Crime Act 2009 (c. 26) and section 80(1) of the Protection of Freedoms Act 2012 (c. 9).

ystyr "y gofrestr" ("*the register*") yw'r gofrestr o ysgolion annibynnol a gedwir gan yr awdurdod cofrestru o dan adran 158(3)(**1**) o Ddeddf 2002;

ystyr "gwasanaeth diweddaru'r GDG" ("*DBS up-date 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 "perchennog" yr ystyr a roddir i "proprietor" yn adran 579(1)(**3**) o Ddeddf 1996;

ystyr "Rheoliadau 2003" ("*the 2003 Regulations*") yw Rheoliadau Ysgolion Annibynnol (Darparu Gwybodaeth) (Cymru) 2003(**4**);

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(**5**) neu, yn ôl y digwydd, yn adran 22(1) o Ddeddf Plant 1989(**6**);

ystyr "tystysgrif GDG" ("*DBS certificate*") yw tystysgrif cofnod troseddol manwl a ddyroddir o dan adran 113B(1)(**7**) 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;

relevant "up-date information" within the meaning given in section 116A(8)(b)(i)(**1**) or 116A(8)(c)(i) of the 1997 Act;

"independent school" ("*ysgol annibynnol*") has the meaning given in section 463 of the 1996 Act(**2**);

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

"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 Children Act 1989(**5**);

"proprietor" ("*perchennog*") has the meaning given in section 579(1)(**6**) of the 1996 Act;

"pupil" ("*disgybl*") has the meaning given in section 3(1) of the 1996 Act(**7**);

"the register" ("*y gofrestr*") means the register of independent schools kept by the registration authority under section 158(3)(**8**) of the 2002 Act;

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

"school year" ("*blwyddyn ysgol*") has the meaning given in section 579(1) of the 1996 Act(**9**);

(**1**) 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.

(**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 Orchymyn Deddf Diogelu Rhyddidau 2012 (Trosglwyddo Swyddogaethau i'r Gwasanaeth Datgelu a Gwahardd) 2012 (O.S. 2012/3006).

(**3**) 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.

(**4**) O.S. 2003/3230 (Cy. 310).

(**5**) 2014 dccc 4.

(**6**) 1989 p. 41. Diwygiwyd adran 22(1) gan reoliadau 55 a 69(a) o Reoliadau Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (Diwygiadau Canlyniadol) 2016 (O.S. 2016/413) (Cy. 131).

(**7**) 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 Orchymyn Deddf Diogelu Rhyddidau 2012 (Trosglwyddo Swyddogaethau i'r Gwasanaeth Datgelu a Gwahardd) 2012 (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 116A was inserted by section 83 of the Protection of Freedoms Act 2012 (c. 9) and amended by articles 36 and 37(g) of the Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006).

(**2**) 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. 2016/463 (W. 131). There are other amending instruments but none is relevant to these Regulations.

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

(**4**) 2014 anaw 4.

(**5**) 1989 c. 41. Section 22(1) was amended by regulations 55 and 69(a) of S.I 2016/413 (W. 131).

(**6**) 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.

(**7**) Section 3(1) was amended by section 57(1) of and paragraph 9 of Schedule 7 to the Education Act 1997 (c. 44).

(**8**) 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).

(**9**) Definition of "school year" was inserted by section 57(1) of and paragraph 43 of Schedule 7 to the Education Act 1997 (c. 44).

mae i "ysgol annibynnol" yr ystyr a roddir i "independent school" yn adran 463 o Ddeddf 1996(**1**);

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

(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at berson a gyflogir mewn ysgol annibynnol yn gyfeiriad at berson—

(a) sy'n darparu addysg mewn ysgol annibynnol;

(b) sy'n cymryd rhan yn y gwaith o reoli ysgol annibynnol, neu

(c) sy'n cynnal gwaith—

(i) sy'n dod â'r person hwnnw i gysylltiad yn rheolaidd â phlant sy'n ddisgyblion yn yr ysgol annibynnol, a

(ii) sy'n cael ei gyflawni ar gais neu gyda chydsyniad perchennog ysgol annibynnol (pa un ai o dan gontract ai peidio).

(3) At ddibenion paragraff 23(d) 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.

Cais i gofrestru ysgol annibynnol

3. Rhaid i bob cais—

(a) bod ar ffurf cais ar-lein a gyrchir ar dudalennau'r wefan a gynhelir gan Lywodraeth Cymru ac sydd wedi eu sefydlu at ddiben hysbysu ceiswyr ynghylch y weithdrefn ar gyfer cofrestru o dan adran 158(1) a (3) o Ddeddf 2002,

(b) datgan y dyddiad cyntaf y mae'r perchennog yn bwriadu i'r ysgol annibynnol dderbyn disgyblion arno,

"special educational needs" ("*anghenion addysgol arbennig*") has the meaning given in section 312 of the 1996 Act;

"special educational provision" ("*darpariaeth addysgol arbennig*") has the meaning given in section 312 of the 1996 Act.

(2) Any reference in these Regulations to a person employed at an independent school is a reference to a person—

(a) providing education at an independent school;

(b) taking part in the management of an independent school, or

(c) carrying on work which—

(i) brings that person regularly into contact with children who are pupils at the independent school, and

(ii) is carried out at the request of or with the consent of the proprietor of an independent school (whether or not under a contract).

(3) For the purposes of paragraph 23(d) 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.

Application for registration of an independent school

3. Every application must—

(a) be in the form of an online application which is accessed from the pages of the website maintained by the Welsh Government which have been established for the purpose of notifying applicants about the procedure for registration under section 158(1) and (3) of the 2002 Act,

(b) state the first date on which the proprietor intends the independent school to admit pupils,

(**1**) 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. 2016/463 (Cy. 131). Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

(c) cynnwys yr wybodaeth a bennir yn Rhan 2 o'r Atodlen, a

(d) cynnwys tystysgrif wedi ei llofnodi gan y perchennog neu gan berson sydd wedi ei awdurdodi gan y perchennog i roi'r dystysgrif ar ran y perchennog, bod y datganiadau a wneir yn y cais yn gywir hyd eithaf ei wybodaeth a'i gred.

Datganiad cychwynnol

4.—(1) Os gofynnir iddo wneud hynny gan yr awdurdod cofrestru, rhaid i berchennog ysgol annibynnol gofrestredig ddarparu i'r awdurdod cofrestru ddatganiad cychwynnol ar gyfer yr ysgol annibynnol.

(2) Rhaid i bob datganiad cychwynnol—

(a) bod ar ffurf cais ar-lein a gyrchir ar dudalennau'r wefan a gynhelir gan Lywodraeth Cymru ac sydd wedi eu sefydlu at y diben hwn,

(b) bod wedi ei lenwi hyd at y dyddiad a bennir gan yr awdurdod cofrestru,

(c) cynnwys yr wybodaeth a bennir yn Rhan 3 o'r Atodlen, a

(d) cynnwys tystysgrif wedi ei llofnodi gan y perchennog neu gan berson sydd wedi ei awdurdodi gan y perchennog i roi'r dystysgrif ar ran y perchennog, bod y datganiadau a wneir yn y datganiad cychwynnol yn gywir hyd eithaf ei wybodaeth a'i gred.

(3) Rhaid darparu datganiad cychwynnol o fewn y cyfnod o 90 o ddiwrnodau sy'n dechrau—

(a) â'r dyddiad derbyn, neu

(b) pan fo cais yr awdurdod cofrestru am y datganiad cychwynnol yn cael ei wneud ar ôl y dyddiad derbyn, â dyddiad y cais.

(4) Y "dyddiad derbyn" yw'r dyddiad cyntaf—

(a) y caiff pump neu ragor o ddisgyblion eu derbyn i'r ysgol arno, os yw'r ysgol yn ysgol annibynnol yn rhinwedd adran 463(1)(a) o Ddeddf 1996, neu

(b) y caiff un disgybl ei dderbyn i'r ysgol arno, os yw'r ysgol yn ysgol annibynnol yn rhinwedd adran 463(1)(b) o'r Ddeddf honno.

Datganiad blynyddol

5.—(1) Ym mhob blwyddyn ysgol rhaid i berchennog ysgol annibynnol gofrestredig gyflwyno i'r awdurdod cofrestru ddatganiad blynyddol ar gyfer yr ysgol annibynnol honno o fewn 30 o ddiwrnodau i'r awdurdod cofrestru ofyn iddo wneud hynny.

(c) contain the information specified in Part 2 of the Schedule, and

(d) contain a certificate signed by the proprietor or by a person authorised by the proprietor to give the certificate on the proprietor's behalf that, to the best of their knowledge and belief, the statements made in the application are accurate.

Initial return

4.—(1) If requested to do so by the registration authority, the proprietor of a registered independent school must provide the registration authority with an initial return for the independent school.

(2) Each initial return must—

(a) be in the form of an online application which is accessed from the pages of the website maintained by the Welsh Government which have been established for this purpose,

(b) be made up to the date specified by the registration authority,

(c) contain the information specified in Part 3 of the Schedule, and

(d) contain a certificate signed by the proprietor or by a person authorised by the proprietor to give the certificate on the proprietor's behalf that, to the best of their knowledge and belief, the statements made in the initial return are accurate.

(3) An initial return must be provided within the period of 90 days beginning with—

(a) the admission date, or

(b) where the registration authority's request for the initial return is made after the admission date, the date of the request.

(4) The "admission date" is the first date on which—

(a) five or more pupils are admitted to the school, if the school is an independent school by virtue of section 463(1)(a) of the 1996 Act, or

(b) one pupil is admitted to the school, if the school is an independent school by virtue of section 463(1)(b) of that Act.

Annual return

5.—(1) In every school year the proprietor of a registered independent school must deliver to the registration authority an annual return for that independent school within 30 days of being requested to do so by the registration authority.

(2) Rhaid i bob datganiad blynyddol—

(a) bod ar ffurf cais ar-lein a gyrchir ar dudalennau'r wefan a gynhelir gan Lywodraeth Cymru ac sydd wedi eu sefydlu at y diben hwn,

(b) bod wedi ei lenwi hyd at y dyddiad a bennir gan yr awdurdod cofrestru,

(c) cynnwys yr wybodaeth a bennir yn Rhan 4 o'r Atodlen, a

(d) cynnwys tystysgrif wedi ei llofnodi gan y perchennog neu gan berson sydd wedi ei awdurdodi gan y perchennog i roi'r dystysgrif ar ran y perchennog, bod y datganiadau a wneir yn y datganiad blynyddol yn gywir hyd eithaf ei wybodaeth a'i gred.

Dileu ysgol annibynnol o'r gofrestr

6. Os yw'r awdurdod cofrestru wedi ei fodloni bod perchennog ysgol annibynnol wedi methu â chydymffurfio ag unrhyw ofyniad a bennir yn rheoliad 4 neu 5, caiff ddileu'r ysgol annibynnol o'r gofrestr.

Trosedd

7. Os yw perchennog ysgol annibynnol yn methu â chydymffurfio ag unrhyw ofyniad a bennir yn rheoliad 4 neu 5, mae'n euog o drosedd ac yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol.

Dirymiadau

8. Mae Rheoliadau Ysgolion Annibynnol (Darparu Gwybodaeth) (Cymru) 2003 wedi eu dirymu.

9. Mae Rheoliadau Ysgolion Annibynnol (Diwygiadau Amrywiol) (Cymru) 2007(**1**) wedi eu dirymu.

10. Mae Rheoliadau Ysgolion Annibynnol (Darparu Gwybodaeth) (Cymru) (Diwygio) 2021(**2**) wedi eu dirymu.

Diwygiadau Canlyniadol

11. Mae Rheoliadau Addysg (Diwygiadau Amrywiol ynghylch Diogelu Plant) (Cymru) 2009(**3**) wedi eu diwygio fel a ganlyn—

(a) hepgorer rheoliad 4;

(b) hepgorer rheoliad 5.

(**1**) O.S. 2007/947 (Cy. 81).
(**2**) O.S. 2021/217 (Cy. 54).
(**3**) O.S. 2009/2544 (Cy. 206).

(2) Each annual return must—

(a) be in the form of an online application which is accessed from the pages of the website maintained by the Welsh Government which have been established for this purpose,

(b) be made up to the date specified by the registration authority,

(c) contain the information specified in Part 4 of the Schedule, and

(d) contain a certificate signed by the proprietor or by a person authorised by the proprietor to give the certificate on the proprietor's behalf that, to the best of their knowledge and belief, the statements made in the annual return are accurate.

Removal of an independent school from the register

6. If the registration authority is satisfied that the proprietor of an independent school has failed to comply with any requirement specified in regulation 4 or 5, it may remove the independent school from the register.

Offence

7. If the proprietor of an independent school fails to comply with any requirement specified in regulation 4 or 5 they are guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Revocations

8. The Independent Schools (Provision of Information) (Wales) Regulations 2003 are revoked.

9. The Independent Schools (Miscellaneous Amendments) (Wales) Regulations 2007(**1**) are revoked.

10. The Independent Schools (Provision of Information) (Wales) (Amendment) Regulations 2021(**2**) are revoked.

Consequential Amendments

11. The Education (Miscellaneous Amendments relating to Safeguarding Children) (Wales) Regulations 2009(**3**) are amended as follows—

(a) omit regulation 4;

(b) omit regulation 5.

(**1**) S.I. 2007/947 (W. 81).
(**2**) S.I. 2021/217 (W. 54).
(**3**) S.I. 2009/2544 (W. 206).

Darpariaeth Drosiannol

12. Pan, cyn i'r Rheoliadau hyn ddod i rym—

(a) bo'n ofynnol i berchennog gyflwyno ffurflen o dan reoliad 4 o Reoliadau 2003, neu

(b) bo'r awdurdod cofrestru yn gofyn am ffurflen flynyddol o dan reoliad 5 o Reoliadau 2003,

mae Rheoliadau 2003 yn parhau i gael effaith mewn perthynas â'r ffurflen honno, unrhyw benderfyniad gan yr awdurdod cofrestru i ddileu'r ysgol annibynnol y gwnaed y ffurflen mewn perthynas â hi o'r gofrestr, ac unrhyw apêl yn erbyn y penderfyniad hwnnw.

Transitional Provision

12. Where before the coming into force of these Regulations—

(a) a proprietor is required to deliver a return under regulation 4 of the 2003 Regulations, or

(b) an annual return is requested by the registration authority under regulation 5 of the 2003 Regulations,

the 2003 Regulations continue to have effect in relation to that return, any decision of the registration authority to remove from the register the independent school in relation to which the return has been made and any appeal against that decision.

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

RHAN 1

CYFLWYNIAD

1. Yn yr Atodlen hon—

mae i "elusen" yr ystyr a roddir i "charity" yn adran 1(1) o Ddeddf Elusennau 2011(**1**);

ystyr "grŵp blwyddyn" ("*year group*") yw—

(a) mewn perthynas â datganiad cychwynnol, grŵp o ddisgyblion sy'n mynychu ysgol annibynnol ac sy'n cyrraedd yr un oedran mewn blynyddoedd yn ystod y cyfnod o 12 mis sy'n dechrau â 1 Medi yn y flwyddyn ysgol y gwneir y datganiad mewn perthynas â hi, a

(b) mewn perthynas â datganiad blynyddol, grŵp o ddisgyblion sy'n mynychu ysgol annibynnol ac sy'n cyrraedd yr un oedran mewn blynyddoedd yn ystod y cyfnod o 12 mis sy'n dechrau â 1 Medi yn union cyn y dyddiad y llenwir y datganiad blynyddol hyd ato;

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

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

mae "sefydliad" ("*organisation*") yn cynnwys partneriaeth, corff corfforedig a chorff anghorfforedig.

RHAN 2

YR WYBODAETH SY'N OFYNNOL MEWN CAIS

2. Pan fo'r perchennog yn unigolyn—

(a) enw llawn yr unigolyn ac unrhyw enwau blaenorol y mae wedi cael ei adnabod wrthynt;

(b) cyfeiriad preswyl arferol yr unigolyn, ei rif ffôn, ei gyfeiriad e-bost, ei ddyddiad geni a'i rif Yswiriant Gwladol;

(**1**) 2011 p. 25.

SCHEDULE Regulations 3, 4 and 5

PART 1

INTRODUCTION

1. In this Schedule—

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

"charity" ("*elusen*") has the meaning given in section 1(1) of the Charities Act 2011(**1**);

"organisation" ("*sefydliad*") includes a partnership, a body corporate and an unincorporated body;

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

"year group" ("*grŵp blwyddyn*") means—

(a) in relation to an initial return, a group of pupils attending an independent school who attain the same age in years during the period of 12 months beginning with 1 September in the school year in relation to which the return is made, and

(b) in relation to an annual return, a group of pupils attending an independent school who attain the same age in years during the period of 12 months beginning with 1 September immediately before the date to which the annual return is made up.

PART 2

INFORMATION REQUIRED IN AN APPLICATION

2. Where the proprietor is an individual—

(a) the individual's full name and any previous names by which they have been known;

(b) the individual's usual residential address, telephone number, email address, date of birth and National Insurance number;

(**1**) 2011 c. 25.

(c) manylion hanes cyflogaeth yr unigolyn, gan gynnwys—

(i) hanes cyflogaeth llawn, ynghyd ag esboniad ysgrifenedig boddhaol o unrhyw fylchau mewn cyflogaeth;

(ii) pan fo unrhyw gyflogaeth neu unrhyw swydd flaenorol wedi cynnwys gweithio gyda phlant, cadarnhad, i'r graddau y bo'n rhesymol ymarferol, o'r rheswm pam y daeth y gyflogaeth neu'r swydd i ben;

(iii) enw a chyfeiriad unrhyw gyflogwr presennol a, phan fo'n berthnasol, unrhyw gyflogwyr blaenorol;

(d) manylion unrhyw fusnes y mae'r unigolyn yn ei gynnal neu wedi ei gynnal;

(e) enw a chyfeiriad dau ganolwr y mae'r canlynol yn wir amdanynt—

(i) nid ydynt yn berthnasau i'r unigolyn,

(ii) gall y ddau ohonynt ddarparu geirda ynghylch cymhwysedd yr unigolyn i weithredu fel perchennog ysgol annibynnol, a

(iii) pan fo'n bosibl, un ohonynt yw cyflogwr diweddaraf yr unigolyn.

3. Pan fo'r perchennog yn gorff corfforedig—

(a) ei enw;

(b) cyfeiriad ei swyddfa gofrestredig;

(c) os yw'n wahanol i gyfeiriad y swyddfa gofrestredig neu os nad oes swyddfa gofrestredig, cyfeiriad ei brif swyddfa;

(d) ei gyfeiriad e-bost a'i rif ffôn;

(e) os yw'n gwmni, rhif y cwmni;

(f) os yw'n elusen, rhif yr elusen;

(g) pan fo'n gwmni ac yn is-gwmni i gwmni daliannol—

(i) enw a chyfeiriad swyddfa gofrestredig y cwmni daliannol;

(ii) cyfeiriad e-bost a rhif ffôn y cwmni daliannol;

(iii) rhif cwmni'r cwmni daliannol;

(iv) os yw'r cwmni daliannol yn elusen, rhif elusen y cwmni daliannol;

(v) enw a chyfeiriad unrhyw is-gwmni arall i'r cwmni daliannol;

(vi) cyfeiriad e-bost a rhif ffôn unrhyw is-gwmni arall i'r cwmni daliannol;

(vii) rhif cwmni unrhyw is-gwmni arall i'r cwmni daliannol;

(c) details of the individual's employment history, including—

(i) a full employment history, together with a satisfactory written explanation of any gaps in employment;

(ii) where any previous employment or position has involved work with children, so far as reasonably practicable verification of the reason why the employment or position ended;

(iii) the name and address of any present employer and, where relevant, of any previous employers;

(d) details of any business that the individual carries on or has carried on;

(e) the name and address of two referees—

(i) who are not relatives of the individual;

(ii) each of whom is able to provide a reference as to the individual's competence to act as proprietor of an independent school, and

(iii) where possible, one of whom is the individual's most recent employer.

3. Where the proprietor is a body corporate—

(a) its name;

(b) the address of its registered office;

(c) if different from the address of the registered office or if there is no registered office, the address of its principal office;

(d) its email address and telephone number;

(e) if it is a company, the company number;

(f) if it is a charity, the charity number;

(g) where it is a company and is a subsidiary of a holding company—

(i) the name and address of the registered office of the holding company;

(ii) the email address and telephone number of the holding company;

(iii) the company number of the holding company;

(iv) if the holding company is a charity, the charity number of the holding company;

(v) the name an address of any other subsidiary of the holding company;

(vi) the email address and telephone number of any other subsidiary of the holding company;

(vii) the company number of any other subsidiary of the holding company;

(viii) os yw'r is-gwmni yn elusen, rhif elusen unrhyw is-gwmni i'r cwmni daliannol.

4. Pan fo'r perchennog yn bartneriaeth—

(a) enw'r bartneriaeth;

(b) cyfeiriad prif swyddfa'r bartneriaeth;

(c) cyfeiriad e-bost a rhif ffôn y bartneriaeth.

5. Pan fo'r perchennog yn gorff anghorfforedig—

(a) ei enw;

(b) cyfeiriad ei brif swyddfa;

(c) ei gyfeiriad e-bost a'i rif ffôn.

6. Ym mhob achos pan fo'r perchennog yn sefydliad—

(a) manylion ynghylch ei drefniadau llywodraethu, gan gynnwys manylion unrhyw gyfrifoldebau'r sefydliad sydd wedi eu dirprwyo;

(b) ar gyfer pob aelod o'r sefydliad, gan gynnwys y cadeirydd, y manylion sy'n ofynnol o dan baragraff 2 ac eithrio pan fo'r perchennog yn gwmni cyfyngedig drwy gyfranddaliadau (o fewn ystyr Deddf Cwmnïau 2006(**1**)), nid yw person i'w drin fel pe bai'n aelod o'r sefydliad oni bai ei fod yn dal o leiaf 5% o gyfalaf cyfranddaliadau'r cwmni.

7. Enw a chyfeiriad yr ysgol annibynnol, ei chyfeiriad e-bost a'i rhif ffôn.

8. Pan fo gan yr ysgol annibynnol gorff llywodraethu, enw llawn, cyfeiriad preswyl arferol, rhif ffôn a chyfeiriad e-bost Cadeirydd y corff hwnnw.

9.—(1) Ystod oedran arfaethedig y disgyblion.

(2) Uchafswm nifer arfaethedig y disgyblion.

(3) Pa un a fydd yr ysgol annibynnol ar gyfer disgyblion sy'n fechgyn, disgyblion sy'n ferched neu ar gyfer y ddau.

(4) Pa un a fydd yr ysgol annibynnol yn darparu llety byrddio ar gyfer disgyblion.

(5) Y math neu'r mathau o—

(a) darpariaeth ddysgu ychwanegol a wneir gan yr ysgol annibynnol ar gyfer disgyblion ag anghenion dysgu ychwanegol (os oes rhai), a

(b) darpariaeth addysgol arbennig a wneir gan yr ysgol annibynnol ar gyfer disgyblion ag anghenion addysgol arbennig (os oes rhai).

(**1**) 2006 p. 46.

(viii) if the subsidiary is a charity, the charity number of any subsidiary of the holding company.

4. Where the proprietor is a partnership—

(a) the name of the partnership;

(b) the address of the principal office of the partnership;

(c) the email address and telephone number of the partnership.

5. Where the proprietor is an unincorporated body—

(a) its name;

(b) the address of its principal office;

(c) its email address and telephone number.

6. In all cases where the proprietor is an organisation—

(a) details about its governance arrangements, including details of any delegations of responsibilities of the organisation;

(b) for each member of the organisation, including the chair, the details required under paragraph 2 except where the proprietor is a company limited by shares (within the meaning of the Companies Act 2006(**1**)), a person is not to be treated as a member of the organisation unless they hold at least 5% of the company's share capital.

7. The name and address of the independent school, its email address and telephone number.

8. Where the independent school has a governing body, the full name, usual residential address, telephone number and email address of the Chairperson of that body.

9.—(1) The proposed age range of pupils.

(2) The proposed maximum number of pupils.

(3) Whether the independent school will be for male pupils, female pupils or for both.

(4) Whether the independent school will provide boarding accommodation for pupils.

(5) The type or types of—

(a) additional learning provision made by the independent school for pupils with additional learning needs (if any), and

(b) special educational provision made by the independent school for pupils with special educational needs (if any).

(**1**) 2006 c. 46.

10. Pa un a fydd yr ysgol annibynnol yn darparu gofal dydd o fewn ystyr erthygl 14 o Orchymyn Eithriadau Gwarchod Plant a Gofal Dydd (Cymru) 2010(**1**) ar gyfer unrhyw blentyn sy'n derbyn gofal yn yr ysgol.

11. Plan sy'n dangos cynllun y fangre a'r llety byrddio.

12. Cynlluniau cwricwlwm manwl, cynlluniau gwaith manwl a gweithdrefnau asesu disgyblion manwl.

13. Copïau o'r polisïau ysgrifenedig sy'n ofynnol gan baragraffau 2(1)(a), 6(b), 7(b), 8(a), 11(a), 12, 13 a 15 o'r Atodlen i Reoliadau Safonau Ysgolion Annibynnol (Cymru) 2024(**2**).

14. Copi o'r weithdrefn gwyno sy'n ofynnol gan baragraff 29 o'r Atodlen i Reoliadau Safonau Ysgolion Annibynnol (Cymru) 2024.

15. Pa un a yw'r perchennog yn bwriadu darparu i unrhyw blentyn lety byrddio yn yr ysgol annibynnol (neu yn rhywle arall yn unol â threfniadau a wneir ganddo) am fwy na 295 o ddiwrnodau mewn unrhyw flwyddyn.

16. Ethos crefyddol yr ysgol annibynnol, os oes un.

17. Pa un a yw mangre'r ysgol annibynnol, gan gynnwys llety byrddio, mewn dau neu ragor o leoliadau ar wahân ac, os felly, cyfeiriad pob un o'r lleoliadau hynny.

18. Copi o asesiad risg yr ysgol annibynnol o dan reoliad 3 o Reoliadau Rheoli Iechyd a Diogelwch yn y Gwaith 1999(**3**) i'r graddau y mae'n ymwneud â rhwymedigaethau o dan Ran 2 o Orchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005(**4**).

RHAN 3

YR WYBODAETH SY'N OFYNNOL MEWN DATGANIAD CYCHWYNNOL

19.—(1) Nifer y disgyblion ym mhob grŵp blwyddyn.

(2) Yn achos ysgol annibynnol a chanddi lety byrddio—

(a) nifer y disgyblion byrddio, a

10. Whether the independent school will provide day care within the meaning of article 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010(**1**) for any child looked after in the school.

11. A plan showing the layout of the premises and boarding accommodation.

12. Detailed curriculum plans, schemes of work and pupil assessment procedures.

13. Copies of the written policies required by paragraphs 2(1)(a), 6(b), 7(b), 8(a), 11(a), 12, 13 and 15 of the Schedule to the Independent School Standards (Wales) Regulations 2024(**2**).

14. A copy of the complaints procedure required by paragraph 29 of the Schedule to the Independent School Standards (Wales) Regulations 2024.

15. Whether the proprietor intends to provide any child with boarding accommodation at the independent school (or elsewhere pursuant to arrangements made by them) for more than 295 days in any year.

16. The religious ethos of the independent school, if any.

17. Whether the premises of the independent school, including boarding accommodation, are at two or more separate locations and, if so, the address of each such location.

18. A copy of the independent school's risk assessment under regulation 3 of the Management of Health and Safety at Work Regulations 1999(**3**) insofar as it relates to obligations under Part 2 of the Regulatory Reform (Fire Safety) Order 2005(**4**).

PART 3

INFORMATION REQUIRED IN AN INITIAL RETURN

19.—(1) The number of pupils in each year group.

(2) In the case of an independent school with boarding accommodation—

(a) the number of boarding pupils, and

(**1**) O.S. 2010/2839 (Cy. 233).
(**2**) O.S. 2024/27 (Cy. 10).
(**3**) O.S. 1999/3242.
(**4**) O.S. 2005/1541.

(**1**) S.I. 2010/2839 (W. 233).
(**2**) S.I. 2024/27 (W. 10).
(**3**) S.I. 1999/3242.
(**4**) S.I. 2005/1541.

(b) oedran (ar 31 Awst yn union cyn y dyddiad y cyfeirir ato yn rheoliad 4(2)(b)) y disgybl byrddio hynaf a'r disgybl byrddio ieuengaf.

(3) Yn achos ysgol annibynnol sydd hefyd yn darparu addysg ran-amser, rhaid datgan y niferoedd sy'n ofynnol gan is-baragraff (1) ar wahân mewn cysylltiad â disgyblion sy'n cael addysg ran-amser a'r rhai sy'n cael addysg lawnamser.

(4) Yn achos ysgol annibynnol gydaddysgol, rhaid datgan yr holl niferoedd sy'n ofynnol gan y paragraff hwn ar wahân ar gyfer disgyblion sy'n fechgyn ac ar gyfer disgyblion sy'n ferched.

20.—(1) Nifer y disgyblion yn yr ysgol annibynnol—

(a) y mae awdurdod lleol yn cynnal cynllun datblygu unigol mewn cysylltiad â hwy;

(b) y mae awdurdod lleol yn cynnal datganiad anghenion addysgol arbennig mewn cysylltiad â hwy o dan adran 324 o Ddeddf 1996.

(2) Nifer y disgyblion yn yr ysgol annibynnol nad ydynt yn dod o fewn is-baragraff (1), ond y nodwyd bod ganddynt anghenion dysgu ychwanegol neu anghenion addysgol arbennig.

21. Nifer y disgyblion yn yr ysgol annibynnol sy'n derbyn gofal gan awdurdod lleol.

22. Yr wybodaeth a ganlyn ynghylch athrawon a gyflogir yn yr ysgol annibynnol (gyda'r niferoedd yn cael eu rhoi ar wahân ar gyfer athrawon sy'n ddynion ac ar gyfer athrawon sy'n fenywod)—

(a) nifer yr athrawon llawnamser,

(b) nifer yr athrawon rhan-amser, ac

(c) nifer cyfanredol yr oriau yr wythnos y mae athrawon rhan-amser yn eu gweithio fel arfer yn ystod y tymor.

23. Yr wybodaeth a ganlyn ynghylch pob person a gyflogir yn yr ysgol annibynnol—

(a) ei enw ac unrhyw enwau blaenorol y mae wedi cael ei adnabod wrthynt,

(b) ei ryw, ei ddyddiad geni, ei rif Yswiriant Gwladol ac ym mha swyddogaeth y caiff ei gyflogi,

(c) yn achos pob athro neu athrawes, ei gymwysterau neu ei chymwysterau a datganiad ynghylch a yw'n bennaeth, yn athro llawnamser neu'n athrawes lawnamser, neu'n athro rhan-amser neu'n athrawes ran-amser, a

(b) the ages (as at 31 August immediately preceding the date referred to in regulation 4(2)(b)) of the oldest boarding pupil and the youngest boarding pupil.

(3) In the case of an independent school also providing part-time education, the numbers required by sub-paragraph (1) must be stated separately in respect of pupils receiving part-time education and those receiving full-time education.

(4) In the case of a co-educational independent school, all numbers required by this paragraph must be stated separately for male and for female pupils.

20.—(1) The number of pupils at the independent school in respect of whom—

(a) a local authority maintains an individual development plan;

(b) a local authority maintains a statement of special educational needs under section 324 of the 1996 Act.

(2) The number of pupils at the independent school who do not fall within sub-paragraph (1), but who have been identified as having additional learning needs or special educational needs.

21. The number of pupils at the independent school who are looked after by a local authority.

22. The following information relating to teachers employed at the independent school (with numbers given separately for male and for female teachers)—

(a) the number of full-time teachers,

(b) the number of part-time teachers, and

(c) the aggregate number of hours a week normally worked by part-time teachers in term time.

23. The following information relating to every person employed at the independent school—

(a) their name and any previous names by which they have been known,

(b) their sex, date of birth, National Insurance number and the capacity in which they are employed,

(c) in the case of each teacher, their qualifications and a statement as to whether they are a head teacher, a full-time teacher or a part-time teacher, and

(d) pan fo'n berthnasol i unrhyw unigolyn—

(i) a oes tystysgrif GDG wedi ei chael mewn cysylltiad â'r unigolyn hwnnw cyn penodi'r unigolyn hwnnw neu cyn gynted ag y bo'n ymarferol ar ôl penodi'r unigolyn hwnnw, neu

(ii) pan fo'r unigolyn hwnnw wedi ei gofrestru â gwasanaeth diweddaru'r GDG, a oes gwiriad wedi ei wneud o ran statws tystysgrif GDG yr unigolyn,

a bod copi o'r dystysgrif GDG honno neu ganlyniad y gwiriad gwasanaeth diweddaru'r GDG hwnnw ar gael i'r perchennog.

24.—(1) Swm y ffioedd dysgu blynyddol a ffioedd eraill (ac eithrio ffioedd ar gyfer llety byrddio) sy'n daladwy mewn cysylltiad â disgybl yn yr ysgol annibynnol fel amod i'r disgybl gael mynychu'r ysgol.

(2) Yn achos ysgol annibynnol sy'n darparu llety byrddio ar gyfer disgyblion, swm y ffioedd byrddio blynyddol sy'n daladwy mewn cysylltiad â'r disgybl byrddio.

(d) where relevant to any individual whether—

(i) a DBS certificate has been obtained in respect of that individual before or as soon as practicable after that individual's appointment, 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 that a copy of that DBS certificate or the result of that DBS up-date service check is available to the proprietor.

24.—(1) The amount of annual tuition and other fees (excluding fees for boarding accommodation) payable in respect of a pupil at the independent school as a condition of their attendance.

(2) In the case of an independent school providing boarding accommodation for pupils, the amount of annual boarding fees payable in respect of a boarding pupil.

RHAN 4

YR WYBODAETH SY'N OFYNNOL MEWN DATGANIAD BLYNYDDOL

25. Yr holl wybodaeth a bennir gan Rannau 2 a 3 o'r Atodlen hon ac eithrio'r wybodaeth a bennir ym mharagraffau 9(5), 10, 11, 12 ,13, 16 a 23.

26. Ar gyfer pob person sydd wedi dechrau cael ei gyflogi yn yr ysgol annibynnol neu y mae ei gyflogaeth wedi dod i ben ers dyddiad y datganiad diwethaf i'r awdurdod cofrestru—

(a) ei enw llawn ac unrhyw enwau blaenorol y mae wedi cael ei adnabod wrthynt,

(b) ei ryw, ei ddyddiad geni, ei rif Yswiriant Gwladol ac ym mha swyddogaeth y caiff ei gyflogi,

(c) yn achos pob athro neu athrawes, ei gymwysterau neu ei chymwysterau a datganiad ynghylch a yw'n bennaeth, yn athro llawnamser neu'n athrawes lawnamser, neu'n athro rhan-amser neu'n athrawes ran-amser (ac eithrio nad yw gwybodaeth ynghylch cymwysterau yn ofynnol yn achos athro neu athrawes y mae ei gyflogaeth neu ei chyflogaeth wedi dod i ben), a

PART 4

INFORMATION REQUIRED IN AN ANNUAL RETURN

25. All the information specified by Parts 2 and 3 of this Schedule with the exception of that specified in paragraphs 9(5), 10, 11, 12 ,13, 16 and 23.

26. For every person who has commenced employment or ceased employment at the independent school since the date of the last return to the registration authority—

(a) their full name and any previous names by which they have been known,

(b) their sex, date of birth, National Insurance number and the capacity in which they are employed,

(c) in the case of each teacher, their qualifications and a statement as to whether they are a head teacher, a full-time teacher, or a part-time teacher (except that no information as regards qualifications is required in the case of a teacher who has ceased employment), and

(d) yn achos person sydd wedi dechrau cael ei gyflogi, cadarnhad y cydymffurfiwyd â pharagraff 20(2)(e) o'r Atodlen i Reoliadau Safonau Ysgolion Annibynnol (Cymru) 2024(**1**).

27. Cadarnhad y cydymffurfiwyd â pharagraff 23(**2**) o'r Atodlen i Reoliadau Safonau Ysgolion Annibynnol (Cymru) 2024.

28. Yn y ddwy flynedd cyn dyddiad y datganiad, ac eithrio yn achos datganiad blynyddol cyntaf, nifer y disgyblion sy'n mynychu'r ysgol annibynnol ac y darparwyd llety byrddio ar eu cyfer yno (neu yn rhywle arall yn unol â threfniadau a wnaed gan y perchennog) am fwy na 295 o ddiwrnodau yn y flwyddyn honno.

29.—(1) Nifer y disgyblion ym mhob grŵp blwyddyn o ddisgyblion 15, 16, 17 a 18 oed sy'n dilyn cyrsiau ar gyfer arholiadau neu asesiadau sy'n arwain at gymhwyster.

(2) Nifer y disgyblion ym mhob grŵp blwyddyn o ddisgyblion 15, 16, 17 a 18 oed sydd wedi cwblhau cyrsiau ar gyfer arholiad Tystysgrif Addysg Gyffredinol (Safon Uwch neu Safon Uwch Gyfrannol), neu Dystysgrif Addysg Alwedigaethol Uwch (TAAU), ond sy'n aros yn yr ysgol annibynnol at ddiben heblaw dilyn unrhyw gwrs pellach o'r math hwnnw.

(3) Nifer y disgyblion ym mhob grŵp blwyddyn o ddisgyblion 15, 16, 17 a 18 oed (ac eithrio'r rhai sy'n dod o fewn y categori o ddisgyblion y cyfeirir ato yn is-baragraff (2)) sy'n mynychu'r ysgol annibynnol at ddiben heblaw dilyn cyrsiau ar gyfer arholiad neu asesiadau perthnasol sy'n arwain at gymhwyster.

(4) Rhaid i'r nifer a bennir yn y datganiad blynyddol o dan is-baragraff (1) a (2) gael ei ddatgan ar wahân ar gyfer—

(a) cyrsiau mewn pynciau mathemategol neu wyddonol yn unig,

(b) cyrsiau mewn pynciau eraill yn unig,

(c) cyrsiau mewn pynciau mathemategol neu wyddonol yn rhannol ac mewn pynciau eraill yn rhannol, a

(d) disgyblion sy'n fechgyn a disgyblion sy'n ferched.

(d) in the case of a person who has commenced employment, confirmation that paragraph 20(2)(e) of the Schedule to the Independent School Standards (Wales) Regulations 2024 has been complied with(**1**).

27. Confirmation that paragraph 23(**2**) of the Schedule to the Independent School Standards (Wales) Regulations 2024 has been complied with.

28. In the two years preceding the date of the return, except in the case of a first annual return, the number of pupils attending the independent school for whom boarding accommodation was provided there (or elsewhere pursuant to arrangements made by the proprietor) for more than 295 days in that year.

29.—(1) The number of pupils in each year group of pupils aged 15, 16, 17 and 18 years who are pursuing courses for examinations or assessments resulting in a qualification.

(2) The number of pupils in each year group of pupils aged 15, 16, 17 and 18 years who have completed courses for an examination in the General Certificate of Education (Advanced or Advanced Subsidiary Level), or the Advanced Vocational Certificate of Education (AVCE), but remain at the independent school for a purpose other than for pursuing any further course of that nature.

(3) The number of pupils in each year group of pupils aged 15, 16, 17 and 18 years (except for those who fall into the category of pupils referred to in sub-paragraph (2)) who attend the independent school for a purpose other than for pursuing courses for a relevant examination or assessments resulting in a qualification.

(4) The number specified in the annual return under sub-paragraph (1) and (2) must be stated separately for—

(a) courses exclusively in mathematical or scientific subjects,

(b) courses exclusively in other subjects,

(c) courses partly in mathematical or scientific subjects and partly in other subjects, and

(d) male pupils and female pupils.

(**1**) Mae paragraff 20(2)(e) yn ei gwneud yn ofynnol cael tystysgrif GDG neu i wiriad gael ei wneud gyda gwasanaeth diweddaru'r GDG.

(**2**) Mae paragraff 23 yn ei gwneud yn ofynnol i dystysgrifau GDG neu wiriadau gwasanaeth diweddaru'r GDG gael eu diweddaru ar gyfer pob person perthnasol o leiaf bob tair blynedd.

(**1**) Paragraph 20(2)(e) requires a DBS certificate to be obtained or a check to be made with the DBS up-date service.

(**2**) Paragraph 23 requires DBS certificates or DBS up-date service checks to be renewed for all relevant persons at least every three years.

30. Pan fo newid wedi digwydd i fangre'r ysgol neu i lety byrddio yn yr ysgol annibynnol ers y dyddiad y llanwyd y datganiad blynyddol yn union o'i flaen hyd ato (neu, yn achos y datganiad blynyddol cyntaf, ers y dyddiad y llanwyd yr wybodaeth a gynhwyswyd yn y cais i gofrestru'r ysgol annibynnol hyd ato), manylion y newid hwnnw.

31. Pan fo newid wedi digwydd i aelodaeth unrhyw sefydliad a enwir fel y perchennog yn y gofrestr, neu mewn cais i gynnwys yr ysgol annibynnol yn y gofrestr, ar gyfer unrhyw aelod newydd, yr wybodaeth sy'n ofynnol gan baragraffau 3 i 6 o'r Atodlen hon.

32.—(1) Nifer y disgyblion yn yr ysgol annibynnol sy'n Fyfyrwyr neu'n Fyfyrwyr sy'n blant.

(2) At ddibenion y paragraff hwn—

(a) ystyr "Myfyriwr sy'n blentyn" yw person a chanddo, neu yr oedd ganddo, ganiatâd o dan Atodiad Myfyriwr sy'n blentyn (Appendix CS: Child Student) o dan y Rheolau Mewnfudo a oedd mewn grym cyn 1 Rhagfyr 2020, neu fel Myfyriwr Haen 4 (Plentyn) o dan y Rheolau Mewnfudo a oedd mewn grym cyn 5 Hydref 2020;

(b) ystyr "Rheolau Mewnfudo" yw rheolau o dan adran 3(2) o Ddeddf Mewnfudo 1971(**1**);

(c) ystyr "Myfyriwr" yw person a chanddo, neu yr oedd ganddo, ganiatâd o dan Atodiad Myfyriwr (Appendix ST: Student) o'r Rheolau Mewnfudo a oedd mewn grym yn union cyn 1 Rhagfyr 2020, neu fel Myfyriwr Haen 4 (Cyffredinol) o dan y Rheolau Mewnfudo a oedd mewn grym cyn 5 Hydref 2020.

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

30. Where a change has occurred in the premises of or boarding accommodation at the independent school since the date to which the immediately preceding annual return was made up (or, in the case of the first annual return, since the date to which the information contained in the application for the registration of the independent school was made up), the particulars of such change.

31. Where a change has occurred in the membership of any organisation named as the proprietor in the register, or in an application to enter the independent school in the register, for any new member, the information required by paragraphs 3 to 6 of this Schedule.

32.—(1) The number of pupils at the independent school who are Child students or Students.

(2) For the purposes of this paragraph—

(a) "Child student" means a person who has, or had, permission under Appendix Child Student, Appendix CS: Child Student under the Immigration Rules in force before 1 December 2020, or as a Tier 4 (Child) Student under the Immigration Rules in force before 5 October 2020;

(b) "Immigration Rules" means rules under section 3(2) of the Immigration Act 1971(**1**);

(c) "Student" means a person who has, or had, permission under Appendix Student, or Appendix ST: Student of the Immigration Rules in force immediately before 1 December 2020, or as a Tier 4 (General) Student under the Immigration Rules in force before 5 October 2020.

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(**1**) 1971 p. 77.

(**1**) 1971 c. 77.

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