OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2007 Rhif 3066 (Cy.263)

2007 No. 3066 (W.263)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Ysgolion a Gynhelir (Cytundebau Partneriaeth) (Cymru) 2007

The Maintained Schools (Partnership Agreements) (Wales) Regulations 2007

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gosod dyletswyddau ar bob awdurdod addysg lleol yng Nghymru o ran pob ysgol a gynhelir ganddynt gan gynnwys ysgolion meithrin a gynhelir, ond ac eithrio unedau cyfeirio disgyblion. Mae'r Rheoliadau hyn hefyd yn gosod dyletswyddau ar gyrff llywodraethu'r cyfryw ysgolion.

O dan y Rheoliadau hyn, mae'n ofynnol i awdurdodau addysg lleol wneud cytundebau partneriaeth unigol â chyrff llywodraethu'r cyfryw ysgolion. Pan fo awdurdod addysg lleol a chorff llywodraethu yn methu â dod i gytundeb, mae adran 197(3) o Ddeddf Addysg 2002 yn caniatáu i'r awdurdod addysg lleol lunio datganiad mewn perthynas â'r ysgol honno.

Rhaid i unrhyw gytundeb partneriaeth neu ddatganiad nodi sut y mae'r awdurdod addysg lleol a chorff llywodraethu ysgol i gyflawni eu priod swyddogaethau mewn perthynas â materion penodol a bennir ac a nodir yn y Rheoliadau hyn.

Hefyd, mae'r Rheoliadau hyn yn darparu ar gyfer adolygu cytundeb partneriaeth neu ddatganiad ar adegau gosodedig neu o dan amgylchiadau rhagnodedig.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose duties upon all local education authorities in Wales in respect of all schools maintained by them including maintained nursery schools, but excluding pupil referral units. These Regulations also impose duties on the governing bodies of such schools.

Under these Regulations, local education authorities are required to enter into individual partnership agreements with the governing bodies of such schools. Where a local education authority and a governing body fail to reach an agreement, section 197(3) of the Education Act 2002 permits the local education authority to draw up a statement in relation to that school.

Any partnership agreement or statement must set out how the local education authority and the governing body of a school are to discharge their respective functions in relation to the school as regards certain specified matters set out in these Regulations.

These Regulations also provide for a partnership agreement or statement to be reviewed at set intervals or in prescribed circumstances.

OFFERYNNAU STATUDOL CYMRU

2007 Rhif 3066 (Cy.263)

ADDYSG, CYMRU

Rheoliadau Ysgolion a Gynhelir (Cytundebau Partneriaeth) (Cymru) 2007

Gwnaed	*23 Hydref 2007*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*26 Hydref 2007*
Yn dod i rym	*12 Rhagfyr 2007*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 197, 210 a 214 o Ddeddf Addysg 2002(**1**) ac a freiniwyd(**2**) bellach ynddynt yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Ysgolion a Gynhelir (Cytundebau Partneriaeth) (Cymru) 2007 a deuant i rym ar 12 Rhagfyr 2007.

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

Dehongli

3.-(1) Yn y Rheoliadau hyn, onid yw'r cyd-destun yn mynnu fel arall:

ystyr "amgylchiadau perthnasol" ("*relevant circumstances*") yw'r amgylchiadau a nodir yng Ngholofn 1 o'r Tabl yn Atodlen 2;

ystyr "datganiad" ("*statement*") yw datganiad a lunnir gan awdurdod addysg lleol o dan adran 197(3) o Ddeddf 2002;

(**1**) 2002 p.32.

(**2**) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

WELSH STATUTORY INSTRUMENTS

2007 No. 3066 (W.263)

EDUCATION, WALES

The Maintained Schools (Partnership Agreements) (Wales) Regulations 2007

Made	*23 October 2007*
Laid before the National Assembly for Wales	*26 October 2007*
Coming into force	*12 December 2007*

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 197, 210 and 214 of the Education Act 2002(**1**) and now vested(**2**) in them make the following Regulations:

Title, commencement and application

1. The title of these Regulations is The Maintained Schools (Partnership Agreements) (Wales) Regulations 2007 and they come into force on 12 December 2007.

2. These Regulations apply in relation to Wales.

Interpretation

3.-(1) In these Regulations, unless the context otherwise requires -

"1996 Act" ("*Deddf 2006*") means the Education Act 1996(**3**);

"1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(**4**);

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

(**1**) 2002 c.32.

(**2**) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(**3**) 1996 c.56.

(**4**) 1998 c.31.

ystyr "Deddf 1996" ("*the 1996 Act*") yw Deddf Addysg 1996(**1**);

ystyr "Deddf 1998" ("*1998 Act*") yw Deddf Safonau a Fframwaith Ysgolion 1998(**2**);

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

ystyr "Deddf 2005" ("*2005 Act*") yw Deddf Addysg 2005(**3**);

ystyr "dyddiad perthnasol" ("*relevant date*") yw'r dyddiad a nodir yn y cofnod sy'n cyfateb i bob amgylchiad perthnasol yng Ngholofn 2 o'r Tabl a nodir yn Atodlen 2; ac

ystyr "ysgol" ("*school*") yw ysgol gymunedol, ysgol sefydledig, neu ysgol wirfoddol, ysgol arbennig gymunedol, ysgol arbennig sefydledig neu ysgol feithrin a gynhelir.

(2) Yn y Rheoliadau hyn mae cyfeiriad at reoliad neu Atodlen â rhif yn gyfeiriad at reoliad neu Atodlen yn y Rheoliadau hyn sy'n dwyn y rhif hwnnw.

"2005 Act" ("*Deddf 2005*") means the Education 2005(**1**);

"relevant circumstances" ("*amgylchiadau perthnasol*") means the circumstances set out in Column 1 of the Table in Schedule 2;

"relevant date" ("*dyddiad perthnasol*") means the date set out in the entry corresponding to each relevant circumstance in Column 2 of the Table set out in Schedule 2;

"school" ("*ysgol*") means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

"statement" ("*datganiad*") means a statement drawn up by a local education authority under section 197(3) of the 2002 Act.

(2) In these Regulations a reference to a numbered regulation or Schedule without more is to the regulation or Schedule in these Regulations bearing that number.

Cytundebau partneriaeth

4. Yn ddarostyngedig i adran 197(3) o Ddeddf 2002, rhaid i awdurdod addysg lleol wneud cytundeb partneriaeth gyda chorff llywodraethu pob ysgol a gynhelir gan yr awdurdod addysg lleol hwnnw.

5. Rhaid i gytundeb partneriaeth nodi sut y mae'r awdurdod addysg lleol a chorff llywodraethu ysgol a gynhelir gan yr awdurdod addysg lleol i gyflawni eu priod swyddogaethau mewn perthynas â'r ysgol o ran y materion a nodir yn Adran 1.

6. Rhaid i'r cytundeb partneriaeth cyntaf gael ei wneud ar 31 Mawrth 2008 neu cyn hynny.

7. Os na wnaed cytundeb partneriaeth ac os na luniwyd datganiad o ran ysgol a gynhelir gan awdurdod addysg lleol ar 31 Mawrth 2008 neu cyn hynny neu ar 1 Medi neu cyn hynny mewn unrhyw flwyddyn olynol, rhaid gwneud cytundeb partneriaeth wedi hynny o ran yr ysgol honno ar 1 Medi neu cyn hynny yn y flwyddyn ganlynol.

Partnership agreements

4. Subject to section 197(3) of the 2002 Act, a local education authority must enter into a partnership agreement with the governing body of each school maintained by that local education authority.

5. A partnership agreement must set out how the local education authority and the governing body of a school maintained by the local education authority are to discharge their respective functions in relation to the school as regards the matters set out in Schedule 1.

6. The first partnership agreement must be entered into on or before 31 March 2008.

7. If, on or before 31 March 2008 or on or before 1 September in any subsequent year, a partnership agreement has not been entered into nor a statement drawn up in respect of a school maintained by a local education authority, a partnership agreement must next be entered into in respect of that school on or before 1 September in the following year.

(**1**) 1996 p.56. .

(**2**) 1998 p.31.

(**3**) 2005 p.18.

(**1**) 2005 c.18.

Adolygu cytundebau partneriaeth a datganiadau

8. Rhaid i'r partïon i gytundeb partneriaeth adolygu'r cytundeb partneriaeth a chânt ei ddiwygio-

(a) cyn pen y cyfnod o dair blynedd sy'n dechrau gyda'r diwrnod pan wnaed y cytundeb gyntaf; a

(b) ar ôl hynny bob tair blynedd ar y mwyaf.

9. Pan fo awdurdod addysg lleol wedi llunio datganiad rhaid iddo ei adolygu a chaiff ei ddiwygio -

(a) cyn pen cyfnod o dair blynedd sy'n dechrau gyda'r diwrnod pan anfonwyd y datganiad gyntaf i'r corff llywodraethu; a

(b) ar ôl hynny bob tair blynedd ar y mwyaf.

10. Yn ddarostyngedig i reoliad 11, pan fo amgylchiadau perthnasol yn codi o ran ysgol, rhaid i'r awdurdod addysg lleol a chorff llywodraethu'r ysgol adolygu unrhyw gytundeb partneriaeth neu ddatganiad sydd yn bodoli eisoes, a chânt ei ddiwygio, cyn pen y cyfnod o chwe mis ar ôl y dyddiad perthnasol.

11. Pan fo amgylchiadau perthnasol pellach yn codi o ran ysgol cyn i adolygiad o gytundeb partneriaeth neu ddatganiad o dan reoliad 10 gael ei gwblhau, nid yw'n ofynnol i'r awdurdod addysg lleol a'r corff llywodraethu ond dod ag un adolygiad i ben y mae'n rhaid ei gwblhau cyn pen blwyddyn ar ôl y dyddiad perthnasol o ran y diweddaraf o'r amgylchiadau perthnasol a gododd, sef y dyddiad sydd hefyd yn ddyddiad perthnasol at ddibenion rheoliadau 12 a 13.

12. Pan, ar ôl i gytundeb partneriaeth gael ei adolygu o dan reoliad 10,

(a) na fo cytundeb partneriaeth diwygiedig i'w wneud, a

(b) na fo datganiad i'w lunio,

mae'n ofynnol i'r awdurdod addysg lleol a'r corff llywodraethu adolygu'r cytundeb partneriaeth nesaf, a chânt ei ddiwygio, cyn pen y cyfnod o bedair blynedd sy'n dechrau ar ôl y dyddiad perthnasol ac wedi hynny bob tair blynedd ar y mwyaf.

13. Pan, ar ôl i ddatganiad gael ei adolygu o dan reoliad 10,

(a) na fo cytundeb partneriaeth i gael ei wneud, a

(b) na fo datganiad diwygiedig i'w lunio,

mae'n ofynnol i'r awdurdod addysg lleol a'r corff llywodraethu adolygu'r datganiad nesaf, a chânt ei ddiwygio, cyn pen cyfnod o bedair blynedd cyn y dyddiad perthnasol ac wedi hynny bob tair blynedd ar y mwyaf.

Review of partnership agreements and statements

8. The parties to a partnership agreement must review and, may revise the partnership agreement -

(a) within the period of three years beginning with the day the partnership agreement was first entered into; and

(b) subsequently at intervals of no more than three years from the previous review.

9. Where a local education authority has drawn up a statement it must review and, and may revise the statement -

(a) within the period of three years beginning with the day the statement was first sent to the governing body; and

(b) subsequently at intervals of no more than three years from the previous review.

10. Subject to regulation 11, where relevant circumstances arise in respect of a school, the local education authority and the governing body of the school must review, and may revise any existing partnership agreement or statement within the period of six months after the relevant date.

11. Where, before a review of a partnership agreement or statement under regulation 10 has been completed, further relevant circumstances arise in respect of a school, the local education authority and the governing body are only required to conclude a single review which must be completed within the period of one year after the relevant date in respect of the later of the relevant circumstances to arise, this being also the relevant date for the purposes of regulations 12 and 13.

12. Where, following a review of a partnership agreement under regulation 10,

(a) a revised partnership agreement is not to be entered into, and

(b) a statement is not to be drawn up,

the local education authority and the governing body are next required to review, and may revise the partnership agreement within the period of four years after the relevant date and subsequently at intervals of no more than three years from the previous review.

13. Where, following a review of a statement under regulation 10,

(a) a partnership agreement is not to be entered into, and

(b) a revised statement is not to be drawn up,

the local education authority and the governing body are next required to review, and may revise the statement within the period of four years after the relevant date and subsequently at intervals of no more than three years from the previous review.

Jane Hutt

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau ac un o Weinidogion Cymru

Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers.

23 Hydref 2007

23 October 2007

ATODLEN 1

Rheoliad 5

Cynnwys cytundeb partneriaeth

Rhaid i gytundeb partneriaeth nodi sut y mae'r awdurdod addysg lleol a chorff llywodraethu ysgol a gynhelir gan yr awdurdod addysg lleol i gyflawni eu priod swyddogaethau mewn perthynas â'r ysgol o ran y materion a nodir isod:

1. Mewn perthynas â phob ysgol a gynhelir gan awdurdod addysg lleol-

(a) arfer gan awdurdod addysg lleol ei swyddogaethau o dan adran 13A *(Dyletswydd i hybu safonau uchel mewn addysg gynradd ac uwchradd)* o Ddeddf 1996 mewn perthynas â'r cymorth a rydd yr awdurdod addysg lleol i'r corff llywodraethu pan-

(i) fo'r awdurdod addysg lleol wedi arfer ei bwerau o dan adrannau 14(**1**) *(Pwerau ymyrryd sy'n arferadwy gan AALl)*, 15(**2**) *(Achosion pan gaiff AALl arfer pwerau ymyrryd)*, 16(**3**) (Pwerau AALl i benodi llywodraethwyr ychwanegol), a 17(**4**) *(Pŵer AALl i atal dros dro yr hawl i gyllideb ddirprwyedig)* o Ddeddf 1998; neu

(**1**) Diwygiwyd adran 14(1)(b) gan Atodlen 9, paragraffau 14(1) a (2) o Ddeddf 2005. Mewnosodwyd adran 14(1A) gan Atodlen 21, paragraff 92 o Ddeddf 2002. Amnewidiwyd adran 14(3) gan Atodlen 5, paragraff 1 o Ddeddf 2002. Amnewidiwyd adran 14(3) gan Atodlen 9, paragraffau 14(1) a (2) o Ddeddf 2005. Mewnosodwyd adran 14(4) gan Atodlen 9, paragraffau 14(1) a (3) o Ddeddf 2005.

(**2**) Amnewidiwyd adran 15(4) gan Atodlen 9, paragraffau 15(1) a (2) o Ddeddf 2005. Diddymwyd adran 15(5) gan Atodlen 123, paragraffau 15(1) a (3) ac Atodlen 19, Rhan 1 o Ddeddf 2005. Amnewidiwyd adran 15(6) gan Atodlen 9, paragraffau 15(1) a (4) o Ddeddf 2005. Mewnosodwyd adran 15(7) gan Atodlen 9, Paragraffau 1 a 78 o Ddeddf Dysgu a Medrau 2000 p.21.

(**3**) Amnewidiwyd adran 16(3) gan Atodlen 5, paragraffau 2(1) a (2) o Ddeddf 2002. Diwygiwyd adran 16(3) gan Atodlen 9, paragraffau 16(1) a (2)(a) o Ddeddf 2005. Amnewidiwyd adran 16(3)(a) gan Atodlen 9, paragraffau 16(1) a (2)(b) o Ddeddf 2005. Diddymwyd adran 16(4) gan Atodlen 5, paragraffau 2(1) a (3) ac Atodlen 22, Rhan 3 o Ddeddf 2002. Diwygiwyd adran 16(5) gan Atodlen 21, paragraffau 93(1) a (2) o Ddeddf 2002. Diwygiwyd adran 16(6)(a) gan Atodlen 5, paragraffau 2(1) a (4) o Ddeddf 2002. Diwygiwyd adran 16(8)(a) gan Atodlen 5, paragraffau 2(1) a (5)(a) o Ddeddf 2002. Amnewidiwyd adran 16(8)(b) gan Atodlen 5, paragraffau 2(1) a (5)(b) o Ddeddf 2002. Amnewidiwyd adran 16(9) gan Atodlen 5, paragraffau 2(1) a (6) o Ddeddf 2002. Diwygiwyd adran 16(9)(a) gan Atodlen 9, paragraffau 16(1) a (3) o Ddeddf 2005. Diwygiwyd adran 16(10) gan Atodlen 21, paragraffau 93(1) a (3) o Ddeddf 2002. Mewnosodwyd adran 16(12A) gan Atodlen 5, paragraffau 2(1) a (7) o Ddeddf 2002. Diddymwyd adran 16(13) gan Atodlen 5, paragraffau 2(1) ac (8) ac Atodlen 22 Rhan 3.

(**4**) Amnewidiwyd adran 17(3) gan Atodlen 5, paragraffau 3(1) a (2) o Ddeddf 2002. Diwygiwyd adran 17(3) gan Atodlen 9, paragraff 18(a) o Ddeddf 2005. Amnewidiwyd adran 17(3)(a) gan Atodlen 9, paragraff 18(b) o Ddeddf 2005. Diwygiwyd adran 17(4) gan Atodlen 5, paragraffau 3(1) a (3) o Ddeddf 2002.

SCHEDULE 1

Regulation 5

Contents of partnership agreement

A partnership agreement must set out how the local education authority and the governing body of a school maintained by the local education authority are to discharge their respective functions in relation to the school as regards the matters set out below:

1. In relation to all schools maintained by a local education authority-

(a) the exercise by a local education authority of its functions under section 13A(**1**) *(Duty to promote high standards in primary and secondary education)* of the 1996 Act in relation to the support the local education authority will offer to the governing body where-

(i) the local education authority has exercised its powers under sections 14(**2**) *(Powers of intervention exercisable by LEAs)*, 15(**3**) *(Cases where LEA may exercise powers of intervention)*, 16(**4**) (Powers of LEA to appoint additional governors), and 17(**5**) *(Power of LEA to suspend right to delegated budget)* of the 1998 Act; or

(**1**) Section 13A was inserted by section 5 of the 1998 Act.

(**2**) Section 14(1)(b) was amended by Schedule 9, paragraphs 14(1) and (2) of the 2005 Act. Section 14(1A) was inserted by Schedule 21, paragraph 92 of the 2002 Act. Section 14(3) was substituted by Schedule 5, paragraph 1 of the 2002 Act. Section 14(3) was amended by Schedule 9, paragraphs 14(1) and (2) of the 2005 Act. Section 14(4) was substituted by Schedule 9, paragraphs 14(1) and (3) of the 2005 Act.

(**3**) Section 15(4) was substituted by Schedule 9, paragraphs 15(1) and (2) of the 2005 Act. Section 15(5) was repealed by Schedule 123, paragraphs 15(1) and (3) and Schedule 19, Part 1 of the 2005 Act. Section 15(6) was substituted by Schedule 9, paragraphs 15(1) and (4) of the 2005 Act. Section 15(7) was inserted by Schedule 9, Paragraphs 1 and 78 of the Learning and Skills Act 2000 c.21.

(**4**) Section 16(3) was substituted by Schedule 5, paragraphs 2(1) and (2) of the 2002 Act. Section 16(3) was amended by Schedule 9, paragraphs 16(1) and (2)(a) of the 2005 Act. Section 16(3)(a) was substituted by Schedule 9, paragraphs 16(1) and (2)(b) of the 2005 Act. Section 16(4) was repealed by Schedule 5, paragraphs 2(1) and (3) and Schedule 22, Part 3 of the 2002 Act. Section 16(5) was amended by Schedule 21, paragraphs 93(1) and (2) of the 2002 Act. Section 16(6)(a) was amended by Schedule 5, paragraphs 2(1) and (4) of the 2002 Act. Section 16(8)(a) was amended by Schedule 5, paragraphs 2(1) and (5)(a) of the 2002 Act. Section 16(8)(b) was substituted by Schedule 5, paragraphs 2(1) and (5)(b) of the 2002 Act. Section 16(9) was substituted by Schedule 5, paragraphs 2(1) and (6) of the 2002 Act. Section 16(9)(a) was amended by Schedule 9, paragraphs 16(1) and (3) of the 2005 Act. Section 16(10) was amended by Schedule 21, paragraphs 93(1) and (3) of the 2002 Act. Section 16(12A) was inserted by Schedule 5, paragraphs 2(1) and (7) of the 2002 Act. Section 16(13) was repealed by Schedule 5, paragraphs 2(1) and (8) and Schedule 22 Part 3.

(**5**) Section 17(3) was substituted by Schedule 5, paragraphs 3(1) and (2) of the 2002 Act. Section 17(3) was amended by Schedule 9, paragraph 18(a) of the 2005 Act. Section 17(3)(a) was substituted by Schedule 9, paragraph 18(b) of the 2005 Act. Section 17(4) was amended by Schedule 5, paragraphs 3(1) and (3) of the 2002 Act.

(ii) yn sgil arolygiad o'r ysgol o dan Ran 1 o Ddeddf 2005, mae'r Prif Arolygydd wedi rhoi hysbysiad i Weinidogion Cymru a'r awdurdod addysg lleol o dan adran 37(2) *(Dyletswydd i hysbysu pan fo arolygiad yn dangos bod ysgol a gynhelir yn peri pryder)* mewn achos sy'n dod o fewn is-adran 1(a) neu (b);

(b) darparu hyfforddiant a chymorth i lywodraethwyr gan yr awdurdod addysg lleol o dan adran 22 *(Hyfforddiant a chymorth i lywodraethwyr)*;

(c) darparu adroddiadau yn rheolaidd gan gorff llywodraethu ysgol a gynhelir gan awdurdod addysg lleol o dan adran 30(3)(**1**) *(Adroddiadau llywodraethwyr a gwybodaeth arall)* o Ddeddf 2002;

(ch) arfer gan awdurdod addysg lleol neu gorff llywodraethu o swyddogaethau o dan adrannau 2 *(Dyletswyddau cyffredinol cyflogwyr at eu cyflogeion)*, 3 *(Dyletswyddau cyffredinol cyflogwyr a phobl hunangyflogedig at bersonau nad ydynt yn gyflogeion iddynt)* a 4 *(Dyletswyddau cyffredinol personau sy'n ymwneud â mangreoedd i bersonau nad ydynt yn gyflogeion iddynt)* o Ddeddf Iechyd a Diogelwch yn y Gwaith etc. 1974(**2**);

(d) arfer gan awdurdod addysg lleol ei bwerau ymyrryd o dan adrannau 14 *(Pwerau ymyrryd sy'n arferadwy gan AALl)*, 15 *(Achosion pan gaiff AALl arfer pwerau ymyrryd)*, a 16 *(Pŵer i benodi llywodraethwyr ychwanegol)* o Ddeddf 1998;

(dd) arfer gan gorff llywodraethu ei swyddogaethau o dan adran 40(2) *(Datganiad i'w baratoi gan yr awdurdod addysg lleol)* o Ddeddf 2005;

(e) arfer gan yr awdurdod addysg lleol a chorff llywodraethu ysgol eu priod swyddogaethau o dan adran 40 *(Rheoli mangreoedd ysgol)* o Ddeddf 1998 ac Atodlen 13 iddi *(Rheoli mangreoedd ysgol gan gyrff llywodraethu)* o ran rheoli mangreoedd ysgol;

(f) arfer gan y corff llywodraethu ei bwerau o dan adran 27(**3**) *(Pŵer corff llywodraethu i ddarparu cyfleusterau cymunedol etc.)* o Ddeddf 2002.

(ii) following an inspection of the school under Part 1 of the 2005 Act, the Chief Inspector has given the Welsh Ministers and the local education authority a notice under section 37(2) of the 2005 Act *(Duty to notify where an inspection shows maintained school causing concern)* in a case falling within subsection (1)(a) or (b) of section 37(2);

(b) the provision by the local education authority under section 22 *(Training and support of governors)* of the 2002 Act of training and support to governors;

(c) the provision of reports on a regular basis by the governing body of a school maintained by a local education authority under section 30(3)(**1**) *(Governors reports Wales and other information)* of the 2002 Act;

(d) the exercise by a local education authority or a governing body of functions under sections 2 *(General duties of their employers to their employees)*, 3 *(General duties of employers and self-employed to persons other than their employees)* and 4 *(General duties of persons concerned with premises to persons other than their employees)* of the Health and Safety at Work etc. Act 1974(**2**);

(e) the exercise by a local education authority of its functions to intervene under sections 14 *(Powers of intervention exercisable by LEAs)*, 15 *(Cases where LEA may exercise powers of intervention)* and 16 *(Power to appoint additional governors)* of the 1998 Act;

(f) the exercise by a governing body of its functions under section 40(2) *(Statement to be prepared by the local education authority)* of the 2005 Act;

(g) the exercise by the local education authority and the governing body of a school of their respective functions under section 40(**3**) *(Control of school premises)* of, and Schedule 13 *(Control of school premises by governing bodies)* to, the 1998 Act in relation to the control of a school's premises;

(h) the exercise by the governing body of its powers under section 27(**4**) *(Power of governing body to provide community facilities etc.)* of the 2002 Act.

(**1**) Diwygiwyd gan adran 103(1)(b) o Ddeddf 2005.

(**2**) 1974 p.37. Diddymwyd adran 2(5) gan Ddeddf Diogelu Cyflogaeth 1975, adrannau 116, 125(3), Atodlen 15, paragraff 1 ac Atodlen 18. Diwygiwyd adran 2(7) gan yr un darpariaethau.

(**3**) Mewnosodwyd adran 28(4A) a (4B) gan adran 188(3) o Ddeddf Addysg ac Arolygiadau 2006 (p.40).

(**1**) Amended by section 103(1)(b) of the 2005 Act.

(**2**) 1974 c.37. Section 2(5) was repealed by the Employment Protection Act 1975, sections 116, 125(3), Schedule 15, paragraph 1, and Schedule 18. Section 2(7) was amended by the same provisions.

(**3**) Section 40 was repealed by Schedule 22, Part 3 of the 2002 Act but that provision of the 2002 Act is not yet in force.

(**4**) Section 28(4A) and (4B) were inserted by section 188(3) of the Education and Inspections Act 2006 (c.40).

2. O ran ysgol sy'n darparu addysg gynradd-

(a) arfer gan awdurdod addysg lleol ei swyddogaethau o dan adran 13A *(Dyletswydd i hybu safonau uchel mewn addysg gynradd ac uwchradd)* o Ddeddf 1996 ac arfer gan gorff llywodraethu ei swyddogaethau o dan reoliad 3(2) *(Cynlluniau Pontio)* o Reoliadau Trosglwyddo o'r Ysgol Gynradd i'r Ysgol Uwchradd (Cymru) 2006(**1**)o ran datblygu trosglwyddo addysgol effeithiol ar gyfer disgyblion o'r ail gyfnod allweddol i'r trydydd cyfnod allweddol;

(b) gosod gan awdurdod addysg lleol dargedau o dan reoliadau 3 a 4 *(Awdurdodau i baratoi a chyhoeddi cynllun addysg sengl)* ac Atodlen 2 paragraff 7(2)(a) o Reoliadau'r Cynllun Addysg Sengl (Cymru) 2006(**2**);

(c) sefydlu gan gorff llywodraethu dargedau o dan reoliad 4 *(Targedau perfformiad ar gyfer disgyblion yn yr ail gyfnod allweddol)* o Reoliadau Addysg (Targedau Perfformiad Ysgol a Thargedau Absenoldeb) (Cymru) 1999(**3**).

3. O ran ysgol sy'n darparu addysg uwchradd-

(a) Arfer gan awdurdod addysg lleol ei swyddogaethau o dan adran 13A *(Dyletswydd i hybu safonau uchel mewn addysg gynradd ac uwchradd)* o Ddeddf 1996 ac arfer gan gorff llywodraethu ei swyddogaethau o dan reoliad 3(2) *(Cynlluniau Pontio)* o Reoliadau Trosglwyddo o'r Ysgol Gynradd i'r Ysgol Uwchradd (Cymru) 2006 mewn perthynas â datblygu trosglwyddo addysgol effeithiol ar gyfer disgyblion o'r ail gyfnod allweddol i'r trydydd cyfnod allweddol ac o'r trydydd cyfnod allweddol i'r pedwerydd cyfnod allweddol;

(b) gosod gan gorff llywodraethu dargedau o dan reoliad 7 *(Targedau absenoldeb)* o Reoliadau Addysg (Targedau Perfformiad Ysgol a Thargedau Absenoldeb) (Cymru) 1999(**4**);

(c) sefydlu gan awdurdod addysg lleol dargedau o dan reoliadau 3 a 4 *(Paratoi a chyhoeddi cynlluniau addysg sengl)* ac Atodlen 2 paragraff 7(2)(a) i (dd) o Reoliadau'r Cynllun Addysg Sengl (Cymru) 2006.

(**1**) O.S. 2006/520 (Cy.64).

(**2**) O.S. 2006/877 (Cy.82).

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

(**4**) Amnewidiwyd rheoliad 7 gan O.S. 2006/125 (Cy.18), rheoliad 2(1)(4).

2. In relation to a school which provides primary education-

(a) the exercise by a local education authority of its functions under section 13A *(Duty to promote high standards in primary and secondary education)* of the 1996 Act and the exercise by a governing body of its functions under regulation 3(2) *(Transition plans)* of the Transition from Primary to Secondary School (Wales) Regulations 2006(**1**) in relation to the development of effective educational transition for pupils from the second key stage to the third key stage;

(b) the setting by a local education authority of targets under regulations 3 and 4 *(Authorities to prepare and publish single education plan)* and Schedule 2 paragraph 7(2)(a), of the Single Education Plan (Wales) Regulations 2006(**2**);

(c) the setting by a governing body of targets under regulation 4 *(Performance targets for pupils in the second key stage)* of the Education (School Performance and Absence Targets) (Wales) Regulations 1999(**3**).

3. In relation to a school which provides secondary education-

(a) the exercise by a local education authority of its functions under section 13A *(Duty to promote high standards in primary and secondary education)* of the 1996 Act and the exercise by a governing body of its functions under regulation 3(2) *(Transition plans)* of the Transition from Primary to Secondary School (Wales) Regulations 2006 in relation to the development of effective educational transition for pupils from the second key stage to the third key stage and from the third key stage to the fourth key stage;

(b) the setting by a governing body of targets under regulation 7 *(Absence targets)* of the Education (School Performance and Absence Targets) (Wales) Regulations 1999(**4**);

(c) the setting by a local education authority of targets under regulations 3 and 4 *(Preparation and publication of single education plans)* and Schedule 2 paragraph 7(2)(a) to (f) of the Single Education Plan (Wales) Regulations 2006.

(**1**) S.I. 2006/520 (W.64).

(**2**) S.I. 2006/877 (W.82).

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

(**4**) Regulation 7 was substituted by S.I. 2006/125 (W.18), regulation 2(1)(4).

4. O ran ysgol sy'n darparu addysg uwchradd, heblaw ysgol arbennig gymunedol, ysgol arbennig sefydledig neu ysgol a leolir mewn ysbyty, gosod gan yr awdurdod addysg lleol dargedau o dan reoliadau 3 a 4 *(Paratoi a chyhoeddi cynlluniau addysg sengl)* ac Atodlen 2 paragraffau 3 a 4 *(Materion i ymdrin â hwy mewn cynlluniau addysg sengl)* a Rheoliadau'r Cynllun Addysg Sengl (Cymru) 2006.

4. In relation to a school which provides secondary education, other than a community special school, a foundation special school or a school situated in a hospital, the setting by a local education authority of targets under regulations 3 and 4 *(Preparation and publication of single education plans)* and Schedule 2 paragraphs 3 and 4 *(Matters to be dealt with in single education plans)* of the Single Education Plan (Wales) Regulations 2006.

5. Mewn perthynas ag ysgol sy'n darparu addysg uwchradd, heblaw ysgol a leolir mewn ysbyty, gosod gan awdurdod addysg lleol dargedau o dan reoliad 3 *(Paratoi a chyhoeddi cynlluniau addysg sengl)* ac Atodlen 2 paragraff 2 *(Materion i ymdrin â hwy mewn cynlluniau addysg sengl)* o Reoliadau'r Cynllun Addysg Sengl (Cymru) 2006.

5. In relation to a school which provides secondary education, other than a school situated in a hospital, the setting by a local education authority of targets under regulation 3 *(Preparation and publication of single education plans)* and Schedule 2 paragraph 5 *(Matters to be dealt with in single education plans)* of the Single Education Plan (Wales) Regulations 2006.

6. Mewn perthynas ag ysgol wirfoddol a gynorthwyir, dyletswydd yr awdurdod addysg lleol o dan adran 22(5)(**1**) *(Dyletswydd AALl i gynnal ysgol wirfoddol a gynorthwyir)* o Ddeddf 1998 i dalu holl dreuliau cynnal yr ysgol ac eithrio unrhyw dreuliau sydd yn rhinwedd paragraff 3 o Atodlen 3 *(Cyllido ysgolion gwirfoddol, ysgolion sefydledig ac ysgolion arbennig sefydledig)* o Ddeddf 1998 yn daladwy gan y corff llywodraethu.

6. In relation to a voluntary aided school, the local education authority's duty under section 22(5)(**1**) *(Duty of LEA to maintain a voluntary aided school)* of the 1998 Act of defraying all the expenses of maintaining the school except any expenses that by virtue of paragraph 3 of Schedule 3 *(Funding of voluntary, foundation and foundation special schools)* of the 1998 Act are payable by the governing body.

7. Mewn perthynas ag ysgol nad yw'n ysgol wirfoddol a gynorthwyir, dyletswydd yr awdurdod addysg lleol o dan adran 22(3) *(Dyletswydd AALl i gynnal ysgol gymunedol, ysgol arbennig gymunedol neu ysgol feithrin a gynhelir)* neu adran 22(4)(**2**) *(Dyletswydd AALl i gynnal ysgol sefydledig, ysgol wirfoddol a reolir neu ysgol arbennig sefydledig)* fel y bo'n briodol, o Ddeddf 1998, i dalu holl dreuliau cynnal yr ysgol.

7. In relation to a school which is not a voluntary aided school, the local education authority's duty under section 22(3) *(Duty of LEA to maintain a community school, a community special school or a maintained nursery school)* or section 22(4)(**2**) *(Duty of LEA to maintain a foundation, voluntary controlled or foundation special school)*, as appropriate, of the 1998 Act, of defraying all the expenses of maintaining the school.

(**1**) Diwygiwyd adran 22(5)(a) gan Atodlen 21, paragraffau 96(1) a (4) o Ddeddf 2002.

(**2**) Diwygiwyd adran 22(4)(b) gan Atodlen 21, paragraff 96(1) a (3) o Ddeddf Addysg 2002.

(**1**) Section 22(5)(a) was amended by Schedule 21, paragraphs 96(1) and (4) of the 2002 Act.

(**2**) Section 22(4)(b) was amended by Schedule 21, paragraph 96(1) and (3) of the Education Act 2002.

ATODLEN 2

Rheoliad 3(1)

Adnewyddu ac adolygu cytundeb partneriaeth

Tabl

Colofn 1	*Colofn 2*
Mae'r Prif Arolygydd wedi rhoi hysbysiad ysgrifenedig i awdurdod addysg lleol a Gweinidogion Cymru o dan adran 37(2) *(Dyletswydd i hysbysu pan fo arolygiad yn dangos bod ysgol a gynhelir yn peri pryder)* o Ddeddf 2005.	Dyddiad yr hysbysiad.
Mae awdurdod addysg lleol o dan adran 16(1) *(Pŵer AALl i benodi llywodraethwyr ychwanegol)* o Ddeddf 1998 yn penodi nifer y llywodraethwyr ychwanegol y mae'n barnu ei bod yn addas.	Dyddiad y penodiad neu'r penodiadau.
Mae Gweinidogion Cymru yn rhoi cyfarwyddyd o dan adran 19(1)(**1**) *(Pŵer Gweinidogion Cymru i gyfarwyddo cau ysgol)* o Ddeddf 1998 i awdurdod addysg lleol sy'n ei gwneud yn ofynnol i ysgol a gynhelir gan yr awdurdod addysg lleol gael ei chau.	Dyddiad y cyfarwyddyd.
Mae Gweinidogion Cymru o dan adran 113A(5A)(a) *(Ailstrwythuro addysg chweched dosbarth)* o Ddeddf Dysgu a Medrau 2000(**2**) yn cadarnhau, gyda neu heb addasiad neu'n ddarostyngedig i ddigwyddiad, cynigion a wneir gan Weinidogion Cymru o dan adran 113A(4) (b) ac (c) o'r Ddeddf honno.	Dyddiad y gymeradwyaeth.

(**1**) Amnewidiwyd adran 19(1) gan adran 45 o Ddeddf 2005.

(**2**) 2000 p.21. Mewnosodwyd adran 113A gan adran 2 o Ddeddf 2002.

SCHEDULE 2

Regulation 3(1)

Renewal and revision of partnership agreement

Table

Column 1	*Column 2*
The Chief Inspector has given a local education authority and the Welsh Ministers notice in writing under section 37(2) *(Duty to notify where an inspection shows a maintained school is causing concern)* of the 2005 Act.	The date of the notice
A local education authority under section 16(1) *(Power of LEA to appoint additional governors)* of the 1998 Act appoints such number of additional governors as it thinks fit.	The date of the appointment or appointments.
The Welsh Ministers give a direction under section 19(1)(**1**) *(Power of the Welsh Ministers to direct closure)* of the 1998 Act to a local education authority requiring a school maintained by the local education authority to be discontinued.	The date of the direction.
The Welsh Ministers under section 113A(5A)(a) *(Restructuring of sixth form education)* of the Learning and Skills Act 2000 Act(**2**) confirm, with or without modification or subject to the occurrence of an event, proposals made by the Welsh Ministers under section 113A(4)(b) and (c) of that Act.	The date of the approval.

(**1**) Section 19(1) was substituted by section 45 of the 2005 Act.

(**2**) 2000 c.21. Section 113A was inserted by section 2 of the 2002 Act.

Mae Gweinidogion Cymru o dan baragraff 8(**1**) *(Cymeradwyo cynigion aildrefnu ysgolion)* o Atodlen 6 *(Cynigion statudol: gweithdrefn a gweithrediad)* i Ddeddf 1998 yn cymeradwyo cynigion a gyhoeddir o dan adrannau 28(**2**) *(Cynigion ar gyfer sefydlu neu newid ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol)* neu 31(**3**) *(Cynigion ar gyfer sefydlu, newid neu gau ysgol arbennig gymunedol neu ysgol arbennig sefydledig)* o Ddeddf 1998 i wneud unrhyw un o'r newidiadau a geir ym mharagraffau 1, 2, 3, 4, 5, 6, 7 ac 8 o Atodlen 2 *(Newidiadau y mae'n rhaid cyhoeddi cynigion ar eu cyfer)* i Reoliadau Addysg (Cynigion Trefniadaeth Ysgolion) (Cymru) 1999(**4**) a pharagraffau 1, 2, 3 a 4 o Atodlen 2A *(Newidiadau i ysgolion meithrin y mae'n rhaid cyhoeddi cynigion ar eu cyfer)* o'r rheoliadau hynny o ran ysgol a gynhelir gan awdurdod.	Dyddiad y dyfarniad.	The Welsh Ministers under paragraph 8(**1**) *(Approval of school reorganisation proposals)* of Schedule 6 *(Statutory proposals: procedure and implementation)* to the 1998 Act approve proposals published under sections 28(**2**) *(Proposals for establishment or alteration of community, foundation or voluntary school)* or 31(**3**) *(Proposals for establishment, alteration or discontinuance of community or foundation special school)* of the 1998 Act to make any of the alterations contained in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 of Schedule 2 *(Alterations for which proposals must be published)* to the Education (School Organisation Proposals) (Wales) Regulations 1999(**4**) and paragraphs 1, 2, 3 and 4 of Schedule 2A *(Alterations to nursery schools for which proposals must be published)* of those regulations in respect of a school maintained by an authority.	The date of the determination.
Pan, o dan baragraff 8 o Atodlen 6 *(Cymeradwyo cynigion aildrefnu ysgol)* i Ddeddf 1998 na fo cymeradwyaeth Gweinidogion Cymru yn ofynnol, mae awdurdod addysg lleol corff llywodraethu ysgol wedi dyfarnu y dylid gweithredu'r cynigion os cyhoeddwyd y cynigion o dan adrannau 28 *(Cynigion ar gyfer sefydlu neu newid ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol)* neu 31 *(Cynigion ar gyfer sefydlu, newid neu*	Dyddiad y mabwysiad neu'r gymeradwyaeth.	Where under paragraph 8 of Schedule 6 *(Approval of school reorganisation proposals)* to the 1998 Act the approval of the Welsh Ministers is not required, a local education authority or the governing body of a school has determined that proposals should be implemented where the proposals were published under sections 28 *(Proposals for establishment or alteration of community, foundation or voluntary*	The date of the adoption or approval.

(**1**) Diddymwyd paragraff 8(4) gan Atodlen 5, Rhan 1 o Ddeddf Plant 2004 p.31.

(**2**) Diwygiwyd adran 28(2) gan Atodlen 19, rhan 2 o Ddeddf 2002. Mewnosodwyd adrannau 28(2A) a (2B) gan adrannau 64(1) a (3) o Ddeddf 2005.

(**3**) Amnewidiwyd adran 31(4) gan adran 31(4A) i (4C) gan adran 71 o Ddeddf 2005.

(**4**) O.S. 1999/1671 fel y'i diwygiwyd gan O.S. 2004/908 (Cy.91).

(**1**) Paragraph 8(4) was repealed by Schedule 5, Part 1 of the Children Act 2004 c.31.

(**2**) Section 28(2) was amended by Schedule 19, part 2 of the 2002 Act. Sections 28(2A) and (2B) were inserted by sections 64(1) and (3) of the 2005 Act.

(**3**) Section 31(4) was substituted by section 31(4A) to (4C) by section 71 of the 2005 Act.

(**4**) S.I. 1999/1671 as amended by S.I. 2004/908 (W.91).

gau ysgol gymunedol arbennig, neu ysgol arbennig sefydledig) o Ddeddf 1998 i wneud unrhyw un o'r newidiadau a geir ym mharagraffau 1, 2, 3, 4, 5, 6, 7 ac 8 o Atodlen 2 *(Newidiadau y mae'n rhaid cyhoeddi cynigion ar eu cyfer)* i Reoliadau Addysg (Cynigion Trefniadaeth Ysgolion) (Cymru) 1999 a pharagraffau 1, 2, 3 a 4 o Atodlen 2A *(Newidiadau i ysgolion meithrin y mae'n rhaid cyhoeddi cynigion ar eu cyfer)* o'r rheoliadau hynny o ran ysgol a gynhelir gan awdurdod addysg lleol.		*school)* or 31 *(Proposals for establishment, alteration or discontinuance of community or foundation special school)* of the 1998 Act to make any of the alterations contained in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 of Schedule 2 *(Alterations for which proposals must be published)* to the Education (School Organisation Proposals) (Wales) Regulations 1999 and paragraphs 1, 2, 3 and 4 of Schedule 2A *(Alterations to nursery schools for which proposals must be published)* of those regulations in respect of a school maintained by a local education authority.	
Mae Gweinidogion Cymru o dan baragraff 14(**1**) o Atodlen 7 *(Mabwysiadu cynigion gan Weinidogion Cymru)* i Ddeddf 1998 yn mabwysiadu neu'n cymeradwyo cynigion sy'n effeithio ar ysgol a gynhelir gan awdurdod addysg lleol.	Dyddiad y gymeradwyaeth.	The Welsh Ministers under paragraph 14(**1**) of Schedule 7 *(Adoption of proposals by the Welsh Ministers)* to the 1998 Act adopt or approve proposals which affect a school maintained by a local education authority.	The date of the approval.
Mae Gweinidogion Cymru o dan adrannau 28 *(Cynigion ar gyfer sefydlu neu newid ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol)* neu 31 *(Cynigion ar gyfer sefydlu, newid neu gau ysgol arbennig gymunedol neu ysgol arbennig sefydledig)* o Ddeddf 1998 a pharagraff 8 *(Cymeradwyo cynigion)* o Atodlen 6 *(Gweithdrefn a gweithrediad ar gyfer cynigion statudol)* i'r Ddeddf honno, fel y'i haddaswyd gan Reoliadau Newid Categori Ysgolion a Gynhelir (Cymru) 2001(**2**) yn cymeradwyo cynigion a gyhoeddir o dan baragraff 2 *(Gweithdrefn ar gyfer newid categori ysgol)* neu 3 *(Cyhoeddi gorfodol y cynigion i ysgol wirfoddol a gynhelir newid categori)* o Atodlen 8 *(Newidiadau i gategori ysgol)* i Ddeddf 1998.	Dyddiad y gymeradwyaeth.	The Welsh Ministers under sections 28 *(Proposals for establishment or alteration of community, foundation or voluntary school)* or 31 *(Proposals for establishment, alteration or discontinuance of community or foundation special school)* of the 1998 Act and paragraph 8 *(Approval of proposals)* of Schedule 6 *(Procedure and implementation for statutory proposals)* to that Act, as modified by the Change of Category of Maintained Schools (Wales) Regulations 2001(**2**) approve proposals published under paragraph 2 *(Procedure for changing category of school)* or 3 *(Mandatory publication of proposals for voluntary aided school to change category)* of Schedule 8 *(Changes to category of school)* to the 1998 Act.	The date of the approval.

(**1**) Diwygiwyd paragraff 14 gan adran 72 o Ddeddf 2005.

(**2**) O.S. 2001/2678 (Cy.219), fel y'i diwygiwyd gan O.S. 2005/2916 (Cy.213).

(**1**) Paragraph 14 was amended by section 72 of the 2005 Act.

(**2**) S.I. 2001/2678 (W.219) as amended by S.I. 2005/2916 (W.213).

Mae awdurdod addysg lleol, o dan adran 51 *(Atal dros dro ddirprwyo ariannol oherwydd camreoli etc)* o Ddeddf 1998 a pharagraff 1 o Atodlen 15(**1**) iddi *(Atal dros dro ddirprwyo ariannol oherwydd camreoli etc.)* yn rhoi i gorff llywodraethu ysgol a gynhelir ganddo hysbysiad o'r atal dros dro o hawl y corff llywodraethu i gyllideb ddirprwyedig.	Dyddiad yr hysbysiad.
A local education authority, under section 51 *(Suspension of financial delegation for mismanagement etc.)* of and paragraph 1 of Schedule 15(**1**) *(Suspension of financial delegation)* to the 1998 Act gives to the governing body of a school maintained by it notice of the suspension of the governing body's right to a delegated budget.	The date of the notice.

(**1**) Diwygiwyd paragraff 1 gan Atodlen 3, paragraff 5 o Ddeddf 2002.

(**1**) Paragraph 1 was amended by Schedule 3, paragraph 5 of the 2002 Act.

OFFERYNNAU STATUDOL CYMRU

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2007 Rhif 3066 (Cy.263)

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ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Ysgolion a Gynhelir (Trefniadau Partneriaeth) (Cymru) 2007

The Maintained Schools (Partnership Agreements) (Wales) Regulations 2007

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