OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1845 (Cy.169)

ADDYSG, CYMRU

Gorchymyn Cod Apelau Derbyn Ysgol (Diwrnod Penodedig) (Cymru) 2009

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn pennu 15 Gorffennaf 2009 fel y diwrnod y daw'r Cod Apelau Derbyn Ysgol ("y Cod Apelau") a ddyroddwyd gan Weinidogion Cymru o dan adrannau 84 a 85 o Ddeddf Safonau a Fframwaith Ysgolion 1998 ("DSFfY 1998") i rym. Mae'r Cod Apelau yn gymwys o ran Cymru.

Mae'r Cod Apelau yn disodli Cod Ymarfer Cynulliad Cenedlaethol Cymru ar Apelau Derbyn Ysgol a ddaeth i rym ar 1 Medi 1999 ("Cod Ymarfer 1999"). Mae'r Cod Apelau yn adlewyrchu newidiadau a wnaed i'r DSFfY 1998 ers y dyddiad hwnnw.

Mae'r Cod newydd yn gosod gofynion ac yn cynnwys canllawiau sy'n pennu nodau, amcanion neu faterion eraill ynglŷn â'r trefniadau ar gyfer apelau mewn perthynas â derbyn i ysgolion. O dan adran 84(3) o DSFfY 1998, dyletswydd awdurdodau addysg lleol, cyrff llywodraethu ysgolion a gynhelir, fforymau derbyn a phaneli apêl, wrth arfer swyddogaethau o dan Bennod 1 o Ran 3 o DSFfY 1998, yw gweithredu yn unol ag unrhyw ddarpariaethau perthnasol o'r Cod. Yn ychwanegol, rhaid i unrhyw berson arall, wrth arfer unrhyw swyddogaeth at y diben o gyflawni, gan awdurdod addysg lleol neu gorff llywodraethu ysgol a gynhelir, swyddogaethau o dan y Bennod honno, weithredu yn unol ag unrhyw ddarpariaethau perthnasol o'r Cod.

Mae adran 150 o Ddeddf Addysg a Sgiliau 2008 ("DAS 2008") yn mewnosod adran 86A yn DSFfY 1998. Mae hon yn gosod dyletswydd newydd ar awdurdodau addysg lleol i wneud trefniadau i blant fynegi dewis ynglŷn â pha ysgol y dymunant gael

WELSH STATUTORY INSTRUMENTS

2009 No. 1845 (W.169)

EDUCATION, WALES

The School Admission Appeals Code (Appointed Day) (Wales) Order 2009

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 15 July 2009 as the day on which the School Admission Appeals Code ("the Appeals Code") issued under sections 84 and 85 of the School Standards and Framework Act 1998 ("the SSFA 1998") by the Welsh Ministers comes into force. The Appeals Code applies in relation to Wales.

The Appeals Code replaces the National Assembly for Wales Code of Practice on School Admission Appeals which came into force on 1 September 1999 ("the 1999 Code of Practice"). The Appeals Code reflects changes made to the SSFA 1998 since that date.

The new Code imposes requirements and includes guidelines setting out aims, objectives and other matters in relation to the arrangements for appeals in relation to admission to schools. Under section 84(3) of the SSFA 1998, it is the duty of local education authorities, the governing bodies of maintained schools, admission forums and appeal panels when exercising functions under Chapter 1 of Part 3 of the SSFA 1998 to act in accordance with any relevant provisions of the Code. In addition, any other person, when exercising any function for the purpose of the discharge by a local education authority or the governing body of a maintained school of functions under that Chapter, must act in accordance with any relevant provisions of the Code.

Section 150 of the Education and Skills Act 2008 ("the ESA 2008") inserts section 86A into the SSFA 1998. This places a new duty on local education authorities to make arrangements for children to express a preference as to the school at which they

addysg chweched dosbarth ynddi, neu i blant sydd dros yr oedran ysgol gorfodol fynegi dewis ynglŷn â pha ysgol y dymunant gael addysg ac eithrio addysg chweched dosbarth ynddi.

Mae adran 152 o DAS 2008 yn diwygio adran 94 o DSFfY 1998 i ddarparu hawl gyfatebol i blant apelio yn erbyn penderfyniadau ynghylch derbyniadau o'r flwyddyn ysgol 2010-2011 ymlaen. Adlewyrchir y newidiadau hyn ym mharagraffau 5.8 ac A3 o'r Cod.

Daw'r Cod Apelau i rym ar 15 Gorffennaf 2009 ac mae'n gymwys i bob apêl a gofnodir ar neu ar ôl y dyddiad hwnnw. Mae Cod Ymarfer 1999 yn gymwys i apelau a gyflwynir cyn y dyddiad hwnnw.

wish to receive sixth form education or for children above compulsory school age to express a preference as to the school at which they wish to receive education, other than sixth form education.

Section 152 of the ESA 2008 amends section 94 of the SSFA 1998 to provide a corresponding right for children to appeal decisions in relation to admissions from the 2010-2011 school year. These changes are reflected in paragraphs 5.8 and A3 of the Code.

The Appeals Code comes into force on 15 July 2009 and applies to all appeals lodged on or after that date. The 1999 Code of Practice applies to appeals submitted before this date.

OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1845 (Cy.169)

ADDYSG, CYMRU

Gorchymyn Cod Apelau Derbyn Ysgol (Diwrnod Penodedig) (Cymru) 2009

Gwnaed *6 Gorffennaf 2009*

Mae Gweinidogion Cymru, drwy arfer y pŵer a roddwyd i'r Ysgrifennydd Gwladol gan adran 85(5) o Ddeddf Safonau a Fframwaith Ysgolion 1998 ac sydd bellach wedi eu breinio ynddynt hwy(**1**) yn gwneud y Gorchymyn canlynol:

Enwi a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cod Apelau Derbyn Ysgol (Diwrnod Penodedig) (Cymru) 2009.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

Diwrnod Penodedig

2. Y diwrnod a bennir fel y diwrnod y daw'r Cod Apelau Derbyn Ysgol (y gosodwyd copi o ddrafft ohono gerbron Cynulliad Cenedlaethol Cymru ar 18 Mai 2009) i rym yw 15 Gorffennaf 2009.

Jane Hutt

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

6 Gorffennaf 2009

(**1**) 1998 p.31. Trosglwyddwyd swyddogaeth yr Ysgrifennydd Gwladol o dan yr adran hon i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac wedyn i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

WELSH STATUTORY INSTRUMENTS

2009 No. 1845 (W.169)

EDUCATION, WALES

The School Admission Appeals Code (Appointed Day) (Wales) Order 2009

Made *6 July 2009*

The Welsh Ministers in exercise of the power conferred on the Secretary of State by section 85(5) of the School Standards and Framework Act 1998 and now vested in them(**1**) make the following Order:

Title and application

1.—(1) The title of this Order is the School Admission Appeals Code (Appointed Day) (Wales) Order 2009.

(2) This Order applies in relation to Wales.

Appointed Day

2. The day appointed for the coming into force of the School Admission Appeals Code (a copy of a draft of which was laid before the National Assembly for Wales on 18 May 2009) is 15 July 2009.

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

6 July 2009

(**1**) 1998 c.31. The function of the Secretary of State under this section was transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2009 Rhif 1845 (Cy.169)

ADDYSG, CYMRU

Gorchymyn Cod Apelau Derbyn Ysgol (Diwrnod Penodedig) (Cymru) 2009

2009 No. 1845 (W.169)

EDUCATION, WALES

The School Admission Appeals Code (Appointed Day) (Wales) Order 2009

©℗ Hawlfraint y Goron 2009

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2009

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 978-0-11-148392-3

9 780111 483923

£4.00

W511/07/09 ON