



OFFERYNNAU STATUDOL
CYMRU

WELSH
STATUTORY INSTRUMENTS

2008 Rhif 3082 (Cy.271)

2008 No. 3082 (W.271)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Trefniadau Cydlafurio
(Ysgolion a Gynhelir a Chyrff
Addysg Bellach) (Cymru)
2008**

**The Collaboration Arrangements
(Maintained Schools and Further
Education Bodies) (Wales)
Regulations 2008**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn galluogi cyrff llywodraethu ysgolion a gynhelir a chyrff addysg bellach i ffurfio trefniadau cydweithio ac, os dymunant, i ddirprwyo gwaith arfer eu swyddogaethau i un neu fwy o gydbwyllgorau.

These Regulations enable governing bodies of maintained schools and further education bodies to develop joint working arrangements and, if they wish, to delegate the exercise of their functions to one or more joint committees.

Mae rheoliad 1 yn darparu y daw'r Rheoliadau i rym ar 31 Rhagfyr 2008. Yn rheoliad 2 ceir y darpariaethau dehongli.

Regulation 1 provides that the Regulations will come into force on 31 December 2008. Regulation 2 contains the interpretation provisions.

Mae rheoliad 3 yn galluogi un neu fwy o gyrff llywodraethu ysgolion i drefnu ydaga un neu fwy o gyrff addysg bellach i'w swyddogaethau gael eu cyflawni ar y cyd ac i'r gwrthwyneb, ac i ddau gorff addysg bellach neu fwy drefnu bod unrhyw un o'u swyddogaethau yn cael ei chyflawni ar y cyd; mae hefyd yn galluogi'r cyfryw "gyrff sy'n cydlafurio" i ddirprwyo gwaith arfer y swyddogaethau hynny i gydbwyllgor, i'r graddau y byddai'r dirprwyo hwnnw'n cael ei ganiatáu o dan Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005 a darpariaethau perthnasol offeryn ac erthyglau'r sefydliad addysg bellach.

Regulation 3 enables one or more school governing bodies to arrange with one or more further education bodies for their functions to be discharged jointly and vice versa, and for two or more further education bodies to arrange for any of their functions to be discharged jointly; it also enables such "collaborating bodies" to delegate the exercise of those functions to a joint committee, insofar as such delegation would be permitted under the Government of Maintained Schools (Wales) Regulations 2005 and the relevant provisions of the instrument and articles of the further education institution.

Mae rheoliadau 4 i 10 yn ymdrin â sefydlu cydbwyllgorau, ac aelodaeth a thrafodion y cydbwyllgorau hynny. Mae rheoliad 4 yn darparu bod y cyrff sy'n cydlafurio yn sefydlu cydbwyllgor, gan gynnwys penderfynu ei gyfansoddiad, ei aelodaeth a'i gylch gorchwyl y mae'n rhaid eu hadolygu bob blwyddyn. Mae'r cworwm yn penodi ei gadeirydd ei hun (y gellir ei symud o'i swydd ar unrhyw adeg) a chaiff benodi aelodau nad ydynt yn llywodraethwyr ac y penderfynir eu hawliau pleidleisio gan y cyrff sy'n cydlafurio.

Regulations 4 to 10 deal with the establishment, membership and proceedings of joint committees. Regulation 4 provides for the collaborating bodies to establish a joint committee, including determining its constitution, membership and terms of reference which must be reviewed annually. The quorum appoints its own chair (who may be removed from office at any time) and may appoint non-governor members whose voting rights are determined by the collaborating bodies.

Rhaid i'r cydbwyllgor benodi clerc i gynnull ei gyfarfodydd a sicrhau bod cofnodion o'i drafodion yn cael eu llunio (rheoliad 5). Mae rheoliad 6 yn darparu y caiff cydbwyllgor benodi "aelodau nad ydynt yn llywodraethwyr", nad ydynt yn aelodau o'r cyrff sy'n cydlafurio ac y caniateir i'r cyrff sy'n cydlafurio roi hawliau pleidleisio iddynt (yn ddarostyngedig i gyfyngiadau penodol). Rhaid i aelodau nad ydynt yn llywodraethwyr beidio â chael eu hanghymhwyso rhag bod yn llywodraethwyr o dan Reoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005 na rhag bod yn aelodau o gyrff addysg bellach o dan yr offeryn ac erthyglau perthnasol. O dan reoliad 7, mae gan gydbwyllgorau bwr i benderfynu pwy a gaiff fynychu eu cyfarfodydd. Mae rheoliad 8 yn darparu ar gyfer cynnull cyfarfodydd a phleidleisio.

Mae rheoliad 9 a'r Atodlen yn ymdrin â gwrthdaro buddiannau a'r amgylchiadau pan fo'n rhaid i aelodau o gydbwyllgor ac eraill sydd â hawl fel arall i fod yn bresennol mewn cyfarfodydd o'r cydbwyllgor ymneilltuo o'r cyfarfod a pheidio â phleidleisio. Mae'n egwyddor gyffredinol, pan fo gwrthdaro rhwng buddiannau person o'r fath a buddiannau'r cyrff sy'n cydlafurio, neu pan fo egwyddorion cyfiawnder naturiol yn ei gwneud yn ofynnol bod gwrandawriad teg yn cael ei gynnal a bod unrhyw amheuaeth resymol ynghylch gallu person i weithredu'n ddiduedd, y dylai ymneilltuo o'r cyfarfod hwnnw a pheidio â phleidleisio.

Mae rheoliad 10 yn ymdrin â llunio cofnodion cyfarfodydd cydbwyllgor a chyhoeddi'r cofnodion.

The joint committee must appoint a clerk to convene its meetings and ensure minutes of its proceedings are drawn up (regulation 5). Regulation 6 provides that a joint committee may appoint "non governor members", who are not members of the collaborating bodies and who may be accorded voting rights by the collaborating bodies (subject to certain restrictions). Non governor members must not be disqualified from being governors under the Government of Maintained Schools (Wales) Regulations 2005 or from the membership of further education bodies under the relevant instrument and articles. Under regulation 7, joint committees have power to decide who may attend their meetings. Regulation 8 provides for convening meetings and voting.

Regulation 9 and the Schedule deal with conflicts of interest and the circumstances in which members of a joint committee and others who are otherwise entitled to attend meetings of the joint committee must withdraw from the meeting and not vote. The general principle is that where there is a conflict between the interests of such a person and the interests of the collaborating bodies, or whether the principles of natural justice require a fair hearing and there is any reasonable doubt about a person's ability to act impartially, he or she should withdraw from the meeting and not vote.

Regulation 10 deals with the drawing up of minutes of joint committee meetings and the publication of the minutes.

2008 Rhif 3082 (Cy.271)

ADDYSG, CYMRU

**Rheoliadau Trefniadau Cydlafurio
(Ysgolion a Gynhelir a Chyrff
Addysg Bellach) (Cymru)
2008**

Gwnaed 28 Tachwedd 2008
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 2 Rhagfyr 2008
Yn dod i rym 31 Rhagfyr 2008

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adran 166 o Ddeddf Addysg ac Arolygiadau 2006(1), yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Trefniadau Cydlafurio (Ysgolion a Gynhelir a Chyrff Addysg Bellach) (Cymru) 2008 a deuant i rym ar 31 Rhagfyr 2008.

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

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr "aelod nad yw'n llywodraethwr" ("*non governor member*") yw person a benodwyd gan gydbwyllgor i fod yn aelod ohono ond nad yw'n aelod o gorff llywodraethu sy'n cydlafurio;

ystyr "Deddf 1992" ("*the 1992 Act*") yw Deddf Addysg Bellach ac Uwch 1992(2);

ystyr "Deddf 2006" ("*the 2006 Act*") yw Deddf Addysg ac Arolygiadau 2006;

(1) 2006 p.40. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan yr adran hon i Weindogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(2) 1992 p.13.

2008 No. 3082 (W.271)

EDUCATION, WALES

**The Collaboration Arrangements
(Maintained Schools and Further
Education Bodies) (Wales)
Regulations 2008**

Made 28 November 2008
*Laid before the National
Assembly for Wales* 2 December 2008
Coming into force 31 December 2008

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by section 166 of the Education and Inspection Act 2006(1), make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Collaboration Arrangements (Maintained Schools and Further Education Bodies) (Wales) Regulations 2008 and they come into force on 31 December 2008.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

"the 1992 Act" ("*Deddf 1992*") means the Further and Higher Education Act 1992(2);

"the 2006 Act" ("*Deddf 2006*") means the Education and Inspections Act 2006;

"non governor member" ("*aelod nad yw'n llywodraethwr*") means a person who is appointed by a joint committee as a member of it but who is not a member of a collaborating governing body;

(1) 2006 c.40. The functions of the National Assembly for Wales under this section were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(2) 1992 c.13.

ystyr "offeryn ac erthyglau" ("*instrument and articles*") mewn perthynas â chorff addysg bellach, yw'r offeryn ac erthyglau llywodraethu sydd mewn grym o dan adran 22 neu 29 o Ddeddf 1992, yn ôl y digwydd;

ystyr "y penadur" ("*the principal*") yw penadur sefydliad neu unrhyw berson sy'n gweithredu fel penadur;

ystyr "y Rheoliadau Llywodraethu Ysgolion a Gynhelir" ("*the Government of Maintained Schools Regulations*") yw Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005(1);

ystyr "y Rheoliadau Staffio Ysgolion a Gynhelir" ("*the Staffing of Maintained Schools Regulations*") yw Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006(2); ac

ystyr "sefydliad" ("*institution*") yw sefydliad y mae'r corff addysg bellach wedi'i sefydlu i'w redeg drwy arfer ei bwerau o dan Ddeddf 1992.

(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at gorff llywodraethu yn gyfeiriad at gorff llywodraethu ysgol a gynhelir.

Dull cydlafurio rhwng ysgolion a chyrrff addysg bellach

3.—(1) Caiff corff llywodraethu, p'un ai ar ei ben ei hun neu ynghyd â chyrrff llywodraethu eraill, wneud trefniadau cydlafurio gydag un neu fwy o gyrff addysg bellach, yn ddarostyngedig i reoliadau 50 i 52 o'r Rheoliadau Llywodraethu Ysgolion a Gynhelir.

(2) Caiff corff addysg bellach, p'un ai ar ei ben ei hun neu ynghyd â chyrrff addysg bellach eraill, wneud trefniadau cydlafurio gydag un neu fwy o gyrff llywodraethu, yn ddarostyngedig i ddarpariaethau eu hofferyn ac erthyglau.

(3) Caiff corff addysg bellach wneud trefniadau cydlafurio gydag un neu fwy o gyrff addysg bellach, yn ddarostyngedig i ddarpariaethau eu hofferyn ac erthyglau.

(4) Pan fo corff llywodraethu'n gwneud trefniadau cydlafurio'n unol â pharagraff (1) mewn cysylltiad ag unrhyw un o'u swyddogaethau sy'n ymwneud ag aelodau unigol o staff yr ysgol, bydd y Rheoliadau Staffio Ysgolion a Gynhelir yn gymwys i'r broses o gyflawni'r swyddogaethau hynny.

"instrument and articles" ("*offeryn ac erthyglau*") in relation to a further education body, means the instrument and articles of government in force under section 22 or 29 of the 1992 Act, as the case may be;

"institution" ("*sefydliad*") means an institution which the further education body is established to conduct in exercise of its powers under the 1992 Act;

"the principal" ("*y penadur*") means the principal of an institution or any person acting as principal;

"the Government of Maintained Schools Regulations" ("*y Rheoliadau Llywodraethu Ysgolion a Gynhelir*") means the Government of Maintained Schools (Wales) Regulations 2005(1); and

"the Staffing of Maintained Schools Regulations" ("*y Rheoliadau Staffio Ysgolion a Gynhelir*") means the Staffing of Maintained Schools (Wales) Regulations 2006(2).

(2) Any reference in these Regulations to a governing body is a reference to the governing body of a maintained school.

Collaboration between schools and further education bodies

3.—(1) A governing body, whether alone or together with other governing bodies, may make collaboration arrangements with one or more further education bodies, subject to regulations 50 to 52 of the Government of Maintained Schools Regulations.

(2) A further education body, whether alone or together with other further education bodies, may make collaboration arrangements with one or more governing bodies, subject to the provisions of their instrument and articles.

(3) A further education body may make collaboration arrangements with one or more further education bodies, subject to the provisions of their instrument and articles.

(4) Where a governing body makes collaboration arrangements in accordance with paragraph (1) in respect of any of their functions relating to individual members of the school staff, the Staffing of Maintained Schools Regulations apply to the discharge of such functions.

(1) O.S. 2005/2914 (Cy.211), fel y'i diwygiwyd gan Reoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006/873 (Cy.81), Rheoliadau Cynghorau Ysgol (Cymru) 2005/3200 (Cy.236) a chan Reoliadau Staffio Ysgolion a Gynhelir (Diwygiadau Amrywiol) (Cymru) 2007/944 (Cy.80).

(2) O.S. 2006/873 (Cy.81), fel y'i diwygiwyd gan Reoliadau Staffio Ysgolion a Gynhelir (Diwygiadau Amrywiol) (Cymru) 2007/944 (Cy.80).

(1) S.I. 2005/2914 (W.211) as amended by the Staffing of Maintained Schools (Wales) Regulations 2006/873 (W.81), the School Councils (Wales) Regulations 2005/3200 (W.236) and by the Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007/944 (W.80).

(2) S.I. 2006/873 (W.81) as amended by the Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007/944 (W.80).

(5) Pan fo corff addysg bellach yn gwneud trefniadau cydlafurio'n unol â pharagraffau (2) neu (3) mewn cysylltiad ag unrhyw un o'i swyddogaethau sy'n ymwneud ag aelodau unigol o staff y sefydliad, bydd darpariaethau perthnasol yr offeryn ac erthyglau'n gymwys i waith cyflawni'r swyddogaethau hynny.

(6) Yn ddarostyngedig i baragraff (7), pan fo cyrff sy'n cydlafurio yn gwneud trefniadau'n unol â pharagraffau (1), (2) neu (3), cânt ddirprwyo hefyd y gwaith o gyflawni unrhyw rai o'u swyddogaethau i gydbwyllgor a sefydlir ganddynt.

(7) Pan fo'r corff sy'n cydlafurio—

- (a) yn gorff llywodraethu, yr unig swyddogaethau y caiff y corff hwnnw eu dirprwyo i gydbwyllgor yw'r rhai y caniateir eu dirprwyo o dan reoliad 50 o'r Rheoliadau Llywodraethu Ysgolion a Gynhelir;
- (b) yn gorff addysg bellach, yr unig swyddogaethau y caiff y corff hwnnw eu dirprwyo i gydbwyllgor yw'r rhai y caniateir eu dirprwyo i bwyllgor o dan ddarpariaethau perthnasol ei offeryn ac erthyglau.

(8) At ddibenion y Rheoliadau hyn, yn rheoliadau 50 i 52 o'r Rheoliadau Llywodraethu Ysgolion a Gynhelir—

- (a) ystyr "pwyllgor" ("*committee*") yw cydbwyllgor a sefydlwyd yn unol â pharagraff (6);
- (b) ystyr "llywodraethwr" ("*governor*") yw aelod o unrhyw un o'r cyrff llywodraethu sy'n cydlafurio; ac
- (c) ystyr "pennaeth" ("*head teacher*") yw pennaeth unrhyw un o'r ysgolion.

Sefydlu cydbwyllgorau

4.—(1) Rhaid i'r cyrff sy'n cydlafurio benderfynu, ac adolygu'n flynyddol, y cyfansoddiad, y cylch gorchwyl ac (yn ddarostyngedig i reoliad 6) aelodaeth unrhyw gydbwyllgor y maent yn penderfynu ei sefydlu.

(2) Y cworwm ar gyfer cyfarfod o'r cydbwyllgor ac ar gyfer unrhyw bleidlais ar unrhyw fater mewn cyfarfod o'r fath yw hanner (wedi'i dalgrynnu i fyny i rif llawn) aelodaeth y cydbwyllgor heb gynnwys unrhyw swyddi gwag ac unrhyw aelodau a gafodd eu hatal o'r cyfarfod hwnnw yn unol â rheoliad 7.

(3) Rhaid i gydbwyllgor benodi cadeirydd bob blwyddyn a chaniateir symud ei gadeirydd o'i swydd ar unrhyw adeg.

(4) Rhaid i gydbwyllgor ethol aelod o'r cydbwyllgor hwnnw i weithredu fel cadeirydd yn absenoldeb y cadeirydd a benodwyd o dan baragraff (3).

(5) Where a further education body makes collaboration arrangements in accordance with paragraphs (2) or (3) in respect of any of their functions relating to individual members of the institution's staff, the relevant provisions of the instrument and articles apply to the discharge of such functions.

(6) Subject to paragraph (7), where collaborating bodies make arrangements in accordance with paragraphs (1), (2) or (3), they may also delegate the discharge of any of their functions to a joint committee established by them.

(7) Where the collaborating body is—

- (a) a governing body, that body may only delegate such functions to a joint committee as may be delegated to a committee under regulation 50 of the Government of Maintained Schools Regulations;
- (b) a further education body, that body may only delegate such functions to a joint committee as may be delegated to a committee under the relevant provisions of its instrument and articles.

(8) For the purposes of these Regulations, in regulations 50 to 52 of the Government of Maintained Schools Regulations—

- (a) "committee" ("*pwyllgor*") means a joint committee established in accordance with paragraph (6);
- (b) "governor" ("*llywodraethwr*") means a member of any of the collaborating governing bodies; and
- (c) "head teacher" ("*pennaeth*") means the head teacher of any of the schools.

Establishment of joint committees

4.—(1) The collaborating bodies must determine, and review annually, the constitution, terms of reference and (subject to regulation 6) membership of any joint committee they decide to establish.

(2) The quorum for a meeting of the joint committee and for any vote on any matter at such a meeting is one half (rounded up to a whole number) of the membership of the joint committee excluding any vacancies and any members suspended from that meeting in accordance with regulation 7.

(3) A joint committee must appoint a chair annually and may remove its chair from office at any time.

(4) A joint committee must elect a member of that joint committee to act as chair in the absence of the chair appointed under paragraph (3).

(5) Ni chaiff neb sy'n cael ei gyflogi i weithio yn yr ysgol neu'r corff addysg bellach, nac unrhyw un o ddisgyblion cofrestredig yr ysgol neu'r corff addysg bellach weithredu fel cadeirydd cydbwyllgor.

(6) Caniateir i aelodaeth cydbwyllgor gynnwys aelodau nad ydynt yn llywodraethwyr ac mae i ba raddau y mae gan y cyfryw aelodau hawl i bleidleisio yn fater i'w benderfynu gan y cydbwyllgor.

(7) Rhaid i fwyafrif yr aelodau ar unrhyw gydbwyllgor fod yn llywodraethwyr.

Clercod y cydbwyllgorau

5.—(1) Rhaid i gydbwyllgor benodi clerc (a rhaid iddo beidio â bod yn bennaeth nac yn benadur) a chaniateir iddo symud y clerc o'i swydd ar unrhyw adeg.

(2) Caiff cydbwyllgor, os bydd y clerc yn methu â bod yn bresennol yn un o'i gyfarfodydd, benodi unrhyw un o'i aelodau (nad yw'n bennaeth nac yn benadur) i weithredu fel clerc at ddibenion y cyfarfod hwnnw.

(3) Rhaid i'r clerc—

- (a) cynnull cyfarfodydd y cydbwyllgor;
- (b) mynychu cyfarfodydd y cydbwyllgor a sicrhau bod cofnodion o'r trafodion yn cael eu llunio; ac
- (c) cyflawni unrhyw swyddogaethau eraill a benderfynir gan y cydbwyllgor.

Aelodau nad ydynt yn llywodraethwyr

6.—(1) Bydd aelod nad yw'n llywodraethwr yn parhau yn ei swydd hyd nes iddo gael ei symud ohoni yn unol â rheoliad 4(1) neu 6(7).

(2) Mae unrhyw berson, sydd wedi ei anghymhwyso rhag dal swydd fel llywodraethwr o dan reoliad 24 o'r Rheoliadau Llywodraethu Ysgolion a Gynhelir a pharagraffau 2 i 12 o Atodlen 5 iddynt, wedi ei anghymhwyso yn yr un modd rhag dal, neu barhau i ddal, swydd fel aelod nad yw'n llywodraethwr o gydbwyllgor.

(3) Yn ddarostyngedig i baragraffau (4), (5) a (6), rhaid i'r cyrff llywodraethu sy'n cydlafurio benderfynu hawliau pleidleisio aelodau nad ydynt yn llywodraethwyr.

(4) Rhaid i aelod nad yw'n llywodraethwr beidio â phleidleisio ar unrhyw benderfyniad ynghylch y canlynol—

- (a) disgybl unigol (nad yw'n dod o dan is-baragraffau (5)(a) neu (5)(b)) neu aelod staff os cafodd yr aelod nad yw'n llywodraethwr ei wahardd o dan reoliad 7(2) o'r rhan honno o'r cyfarfod y cafodd y mater ei ystyried ynddi;
- (b) cyllideb ac ymrwymadau ariannol corff

(5) No person who is employed to work at the school or the further education body, nor a registered pupil of the school or the further education body, may act as chair of a joint committee.

(6) The membership of a joint committee may include non governor members and the extent to which such members are entitled to vote is to be determined by the joint committee.

(7) The majority of members on any joint committee must be governors.

Clerks to joint committees

5.—(1) A joint committee must appoint a clerk (who must not be a head teacher or a principal) and may remove the clerk from office at any time.

(2) A joint committee may, if the clerk fails to attend one of its meetings, appoint any one of its members (who is not a head teacher or a principal) to act as clerk for the purposes of that meeting.

(3) The clerk must—

- (a) convene meetings of the joint committee;
- (b) attend meetings of the joint committee and ensure that minutes of the proceedings are drawn up; and
- (c) perform any other functions determined by the joint committee.

Non governor members

6.—(1) A non governor member will continue in office until removed in accordance with regulation 4(1) or 6(7).

(2) Any person who is disqualified from holding office as a governor under regulation 24 of, and paragraphs 2 to 12 of Schedule 5 to, the Government of Maintained Schools Regulations is likewise disqualified from holding, or continuing to hold, office as a non governor member of a joint committee.

(3) Subject to paragraphs (4), (5) and (6), the collaborating governing bodies must determine the voting rights of non governor members.

(4) A non governor member must not vote on any resolution concerning—

- (a) an individual pupil (not falling within sub-paragraphs (5)(a) or (5)(b)) or member of staff if the non governor member was excluded under regulation 7(2) from that part of the meeting during which it was considered;
- (b) the budget and financial commitments of a

llywodraethu sy'n cydlafurio;

- (c) disgyblu staff;
- (ch) diswyddo staff; neu
- (d) apelau o ganlyniad i unrhyw fater ynghylch disgyblu staff neu ddiswyddo staff.

(5) Ni chaiff aelod nad yw'n llywodraethwr fod yn aelod o unrhyw gydbwyllgor sydd i ystyried unrhyw benderfyniad ynghylch y canlynol—

- (a) derbyniadau; neu
- (b) disgyblu disgyblion.

(6) Rhaid i aelod nad yw'n llywodraethwr beidio â phleidleisio ar unrhyw fusnes arall a drafodir gan gydbwyllgor oni bai ei fod yn 18 oed neu drosodd ar ddyddiad ei benodi.

(7) Caniateir i gydbwyllgor symud aelod nad yw'n llywodraethwr o'i swydd ar unrhyw adeg.

Hawl personau i fynychu cyfarfodydd cydbwyllgorau

7.—(1) Yn ddarostyngedig i reoliad 9 ac i'r Atodlen mae gan y personau canlynol hawl i fynychu unrhyw gyfarfod cydbwyllgor—

- (a) unrhyw aelod sy'n un o lywodraethwyr y cydbwyllgor, ar yr amod nad yw'n aelod o gorff llywodraethu a gafodd ei atal yn unol â rheoliad 49 o'r Rheoliadau Llywodraethu Ysgolion a Gynhelir;
- (b) pennaeth corff sy'n cydlafurio, p'un a yw'n aelod o'r cydbwyllgor neu beidio;
- (c) penadur corff sy'n cydlafurio, p'un a yw'n aelod o'r cydbwyllgor neu beidio;
- (ch) clerc y cydbwyllgor; a
- (d) unrhyw bersonau eraill y bydd y cydbwyllgor yn penderfynu rhoi hawl iddynt.

(2) Caniateir i gydbwyllgor wahardd aelod nad yw'n llywodraethwr o unrhyw ran o'i gyfarfod pan fo'r busnes sydd o dan ystyriaeth yn ymwneud ag aelod unigol o'r staff, neu ddisgybl unigol neu fyfyrwr unigol.

(3) Nid yw paragraff 1(b) nac 1(c) yn gymwys o ran y pwyllgorau y cyfeirir atynt yn rheoliadau 55 a 56 o'r Rheoliadau Llywodraethu Ysgolion a Gynhelir nac o ran unrhyw gydbwyllgor neu banel dethol sy'n arfer unrhyw swyddogaeth o dan reoliadau 9 i 34 o'r Rheoliadau Staffio Ysgolion a Gynhelir.

Trafodion cydbwyllgorau

8.—(1) Rhaid i'r clerc gynnull cyfarfodydd y cydbwyllgor, a phan fydd yn arfer y swyddogaeth hon,

collaborating governing body;

- (c) staff discipline;
- (d) staff dismissal; or
- (e) appeals resulting from any issue of staff discipline or staff dismissal.

(5) A non governor member may not be a member of any joint committee which is to consider any resolution concerning—

- (a) admissions; or
- (b) pupil discipline.

(6) A non governor member must not vote on any other business transacted by a joint committee unless he or she was aged 18 or over at the date of his or her appointment.

(7) A joint committee may remove a non governor member from office at any time.

Right of persons to attend meetings of joint committees

7.—(1) Subject to regulation 9 and to the Schedule the following persons are entitled to attend any meeting of a joint committee—

- (a) any member who is a governor of the joint committee, provided he or she is not a member of a governing body who has been suspended in accordance with regulation 49 of the Government of Maintained Schools Regulations;
- (b) a head teacher of a collaborating body, whether or not he or she is a member of the joint committee;
- (c) a principal of a collaborating body, whether or not he or she is a member of the joint committee;
- (d) the clerk to the joint committee; and
- (e) such other persons as the joint committee may determine.

(2) A joint committee may exclude a non governor member from any part of its meeting when the business under consideration concerns an individual member of staff, or an individual pupil or student.

(3) Paragraphs 1(b) and 1(c) do not apply in relation to the committees referred to in regulations 55 and 56 of Government of Maintained Schools Regulations or in relation to any joint committee or selection panel exercising any function under regulations 9 to 34 of the Staffing of Maintained Schools Regulations.

Proceedings of joint committees

8.—(1) The clerk must convene meetings of the joint committee and, when exercising this function, he or

rhaiddo gydymffurfio ag unrhyw gyfarwyddyd a roddir gan y canlynol—

- (a) y cydbwyllgor;
- (b) cadeirydd y cydbwyllgor, i'r graddau nad yw'r cyfarwyddyd hwnnw'n anghyson ag unrhyw gyfarwyddyd a roddwyd o dan is-baragraff (a).

(2) Pan na fo clerc wedi'i benodi, rhaiddo i'r cyfarfodydd gael eu cynnull gan y cadeirydd y mae'n rhaiddo, pan fo'n arfer y swyddogaeth hon, gydymffurfio ag unrhyw gyfarwyddyd a roddir gan y cydbwyllgor.

(3) Yn ddarostyngedig i unrhyw gyfarwyddyd a roddir yn unol â pharagraff (1), o leiaf bum niwrnod clir ymlaen llaw rhaiddo i'r clerc roi i bob aelod o'r cydbwyllgor, i'r awdurdod addysg lleol ac i benaethiaid a phenaduriaid y cyrff sy'n cydlafurio (p'un a ydynt yn aelodau o'r cydbwyllgor ai peidio)—

- (a) hysbysiad ysgrifenedig o'r cyfarfod;
- (b) copi o'r agenda ar gyfer y cyfarfod; ac
- (c) unrhyw adroddiadau neu bapurau arall sydd i'w hystyried yn y cyfarfod;

ond pan fo cadeirydd y cydbwyllgor yn penderfynu ar y sail bod materion y mae gofyn eu hystyried ar fyrder, bydd yn ddigonol os bydd yr hysbysiad ysgrifenedig o'r cyfarfod yn datgan y ffaith honno a bod yr hysbysiad, yr agenda a'r adroddiadau neu'r papurau eraill sydd i'w hystyried yn y cyfarfod yn cael eu rhoi o fewn unrhyw gyfnod byrrach y bydd yn cyfarwyddo bod rhaiddo eu rhoi ynddo (yn ôl y digwydd).

(4) Nid yw trafodion cydbwyllgor yn cael eu hannilysu gan y canlynol—

- (a) unrhyw swydd wag ymhlith aelodau'r cydbwyllgor; neu
- (b) unrhyw ddiffyg ym mhenodiad unrhyw aelod o'r cydbwyllgor.

(5) Ni chaniateir pleidleisio ar unrhyw fater mewn cyfarfod cydbwyllgor onid yw'r mwyafrif o aelodau'r cydbwyllgor sy'n bresennol yn aelodau o gorff sy'n cydlafurio.

(6) Mae pob cwestiwn sydd i'w benderfynu mewn un o gyfarfodydd y cydbwyllgor i'w benderfynu drwy fwyafrif o bleidleisiau aelodau'r cydbwyllgor sy'n bresennol ac sy'n pleidleisio ar y cwestiwn.

(7) Pan fo pleidleisiau'n rhannu'n gyfartal mae gan y person sy'n gweithredu fel cadeirydd at ddibenion y cyfarfod ail bleidlais neu bleidlais fwrw, ar yr amod bod y person hwnnw yn aelod o gorff sy'n cydlafurio.

Cyfyngiadau ar bersonau i gymryd rhan mewn trafodion

9.—(1) Yn y rheoliad hwn ac yn yr Atodlen ystyr "person perthnasol" ("*relevant person*") yw aelod o'r

she must comply with any direction given by—

- (a) the joint committee;
- (b) the chair of the joint committee, so far as such direction is not inconsistent with any direction given under sub-paragraph (a).

(2) Where a clerk has not been appointed joint committee meetings must be convened by the chair who, when exercising this function, must comply with any direction given by the joint committee.

(3) Subject to any direction given in accordance with paragraph (1), at least five clear days in advance the clerk must give to each member of the joint committee, the local education authority and to the head teachers and principals of the collaborating bodies (whether or not they are members of the joint committee)—

- (a) written notice of the meeting;
- (b) a copy of the agenda for the meeting; and
- (c) any reports or other papers to be considered at the meeting;

but where the chair of the joint committee so determines on the ground that there are matters demanding urgent consideration, it will be sufficient if the written notice of the meeting states that fact and the notice, agenda and reports or other papers to be considered at the meeting are given within such shorter period as he or she directs (as the case may be).

(4) The proceedings of a joint committee are not invalidated by—

- (a) any vacancy among its number; or
- (b) any defect in the appointment of any member of the joint committee.

(5) No vote on any matter may be taken at a meeting of a joint committee unless the majority of members of the joint committee present are members of a collaborating body.

(6) Every question to be decided at a meeting of a joint committee must be determined by a majority of the votes of the members of the joint committee present and voting on the question.

(7) Where there is an equal division of votes the person who is acting as chair for the purposes of the meeting has a second or casting vote, provided that person is a member of a collaborating body.

Restrictions on persons taking part in proceedings

9.—(1) In this regulation and in the Schedule "relevant person" means a member of the joint

cydbwyllgor, pennaeth neu benadur corff sy'n cydlafurio (yn y naill achos a'r llall, p'un a yw'n aelod o'r cydbwyllgor ai peidio) neu glerc y cydbwyllgor.

(2) Yn ddarostyngedig i baragraff (4)—

- (a) pan fo'n bosibl, ynghylch unrhyw fater, bod gwrthdaro rhwng buddiannau person perthnasol a buddiannau corff sy'n cydlafurio;
- (b) pan fo'n ofynnol cael gwrandawriad teg a bod unrhyw amheuaeth resymol ynghylch gallu person perthnasol i weithredu'n ddiuedd ynghylch unrhyw fater; neu
- (c) pan fo gan berson perthnasol fuddiant ariannol yn unrhyw fater;

rhaid i'r person hwnnw, os yw'n bresennol mewn cyfarfod o'r cydbwyllgor lle mae'r mater yn bwnc sy'n cael ei ystyried, ddatgelu ei fuddiant, ymneilltuo o'r cyfarfod a pheidio â phleidleisio ar y mater o dan sylw.

(3) Rhaid peidio â dehongli unrhyw beth yn y rheoliad hwn neu yn yr Atodlen mewn modd a fyddai'n atal—

(a) y cydbwyllgor rhag—

- (i) caniatáu i berson y mae'n ymddangos iddo ei fod yn gallu rhoi tystiolaeth i fynyachu unrhyw wrandawriad a gynhelir gan y cydbwyllgor i ymchwilio i unrhyw fater a chyflwyno'i dystiolaeth; neu
- (ii) gwrandao ar sylwadau gan berson perthnasol sy'n gweithredu yn rhinwedd swyddogaeth nad yw'n swyddogaeth person perthnasol;

(b) person perthnasol rhag ymrwymo i gontract â chorff sy'n cydlafurio a hwnnw'n gontract y mae ganddo hawl i gael elw ohono.

(4) Nid yw'n ofynnol o dan y rheoliad hwn na'r Atodlen i berson sy'n gweithredu fel clerc cyfarfod cydbwyllgor ymneilltuo o gyfarfod onid yw ei benodiad i swydd, ei dâl, neu gamau disgyblu yn ei erbyn yn bwnc sy'n cael ei ystyried, ond os byddai'r rheoliad hwn neu'r Atodlen wedi'i gwneud yn ofynnol mewn modd ar wahân i hynny iddo ymneilltuo, rhaid iddo beidio â gweithredu yn rhinwedd unrhyw swyddogaeth nad yw'n swyddogaeth clerc.

(5) Pan fo unrhyw anghydfod ynghylch a yw'n ofynnol o dan y rheoliad hwn i berson perthnasol ymneilltuo o gyfarfod cydbwyllgor a pheidio â phleidleisio, rhaid i'r cwestiwn hwnnw gael ei benderfynu gan yr aelodau eraill o'r cydbwyllgor sy'n bresennol yn y cyfarfod.

(6) Mae'r Atodlen yn gwneud darpariaeth ar gyfer buddiannau ariannol a buddiannau penodedig eraill sy'n gwrthdaro.

committee, a head teacher or a principal of a collaborating body (in each case, whether or not he or she is a member of the joint committee) or the clerk to the joint committee.

(2) Subject to paragraph (4), where—

- (a) in relation to any matter there may be a conflict between the interests of a relevant person and the interests of a collaborating body;
- (b) a fair hearing is required and there is any reasonable doubt about a relevant person's ability to act impartially in relation to any matter; or
- (c) a relevant person has a pecuniary interest in any matter;

that person, if present at a meeting of the joint committee at which the matter is the subject of consideration, must disclose his or her interest, withdraw from the meeting and not vote on the matter in question.

(3) Nothing in this regulation or in the Schedule shall be construed as precluding—

(a) the joint committee from—

- (i) allowing a person who appears to them to be able to give evidence to attend any hearing conducted by them into any matter and to present his or her evidence; or
- (ii) hearing representations from a relevant person acting in a capacity other than that of a relevant person;

(b) a relevant person from entering into a contract with a collaborating body from which he or she is entitled to profit.

(4) A person who is acting as the clerk to a meeting of the joint committee is not required to withdraw from a meeting by this regulation or the Schedule unless his or her appointment to office, his or her remuneration, or disciplinary action against him or her is the subject of consideration, but if this regulation or the Schedule would have otherwise required him or her to withdraw, he or she must not act in any capacity other than that of clerk.

(5) Where there is any dispute as to whether a relevant person is required by this regulation to withdraw from a meeting of the joint committee and not vote that question must be determined by the other members of the joint committee present at the meeting.

(6) The Schedule makes provision for pecuniary interests and other specified conflicts of interest.

Cofnodion

10.—(1) Rhaid i'r clerch neu'r person sy'n gweithredu fel clerch at ddibenion y cyfarfod lunio cofnodion o drafodion cyfarfod cydbwyllgor; a rhaid iddynt gael eu llofnodi (yn ddarostyngedig i gymeradwyaeth y cydbwyllgor) gan gadeirydd cyfarfod nesaf y cydbwyllgor.

(2) Rhaid i'r cydbwyllgor roi i'w awdurdod addysg lleol gopi o'r cofnodion drafft, neu'r cofnodion a lofnodwyd, o unrhyw un o'i gyfarfodydd pan ofynnir amdanynt gan yr awdurdod addysg lleol hwnnw.

(3) Rhaid gwneud cofnodion o'r trafodion mewn llyfr a gedwir at y diben gan y clerch a chaniateir eu gwneud ar dudalennau rhydd sydd wedi'u rhifo'n olynol ond yn yr achos hwnnw rhaid i'r person sy'n llofnodi'r cofnodion lofnodi pob tudalen â llythrennau cyntaf ei enw.

(4) Rhaid i'r person sy'n gweithredu fel clerch y cydbwyllgor at ddibenion unrhyw gyfarfod gofnodi yn union o flaen y cofnod sy'n rhoi cofnodion y cyfarfod hwnnw yn y llyfr neu ar y tudalennau a ddefnyddir at y diben hwnnw enwau aelodau'r cydbwyllgor ac enw unrhyw berson arall sy'n bresennol yn y cyfarfod o dan sylw.

(5) Yn ddarostyngedig i baragraff (6), rhaid i'r cydbwyllgor, cyn gynted ag y bo'n rhesymol ymarferol, drefnu bod y canlynol ar gael i'w harchwilio ym mhob un o'r ysgolion a'r cyrff addysg bellach sy'n cydlafurio gan unrhyw berson sydd â diddordeb, a rhoi i'r cyrff llywodraethu sy'n cydlafurio—

- (a) copi o'r agenda ar gyfer pob cyfarfod;
- (b) copi o gofnodion llofnodedig o bob cyfarfod o'r fath;
- (c) copi o unrhyw adroddiad neu bapur arall a ystyriwyd mewn unrhyw gyfarfod o'r fath;
- (ch) copi o gofnodion drafft unrhyw gyfarfod, os ydynt wedi'u cymeradwyo gan y person sy'n gweithredu fel cadeirydd y cyfarfod hwnnw; ac
- (d) copi o'r agenda a'r cofnodion a lofnodwyd ar gyfer pob cyfarfod a chopi o unrhyw adroddiad neu bapur arall a ystyriwyd yn y cyfarfod.

(6) Caiff y cydbwyllgor hepgor o unrhyw eitem y mae'n ofynnol ei rhoi ar gael yn unol â pharagraff (5) unrhyw ddeunydd sy'n ymwneud â'r canlynol—

- (a) person a enwir sy'n gweithio, neu y bwriedir iddo weithio, mewn ysgol neu i gorff addysg bellach;
- (b) disgybl a enwir mewn ysgol neu ymgeisydd am gael ei dderbyn i ysgol neu gan gorff addysg bellach;
- (c) unrhyw fater arall sydd, oherwydd ei natur, yn fater y mae'r cydbwyllgor wedi'i fodloni y dylai aros yn gyfrinachol.

Minutes

10.—(1) Minutes of the proceedings of a meeting of a joint committee must be drawn up by the clerk or by the person acting as the clerk for the purposes of the meeting; and must be signed (subject to the approval of the joint committee) by the chair of the next meeting of the joint committee.

(2) The joint committee must supply its local education authority with a copy of the draft or signed minutes of any of its meetings on request by that local education authority.

(3) The minutes of proceedings must be entered into a book kept for the purpose by the clerk and may be entered on loose-leaf pages consecutively numbered but in that case the person signing the minutes must initial each page.

(4) The person acting as clerk to the joint committee for the purposes of any meeting must record immediately before the entry recording the minutes of that meeting in the book or pages used for that purpose the names of those members of the joint committee and of any other person present at the meeting concerned.

(5) Subject to paragraph (6) the joint committee must, as soon as reasonably practicable make available for inspection at each of the collaborating schools and further education bodies by any interested person, and give to the collaborating governing bodies—

- (a) a copy of the agenda for every meeting;
- (b) a copy of the signed minutes of every such meeting;
- (c) a copy of any report or other paper considered at any such meeting;
- (d) a copy of the draft minutes of any meeting, if they have been approved by the person acting as chair of that meeting; and
- (e) a copy of the agenda and signed minutes for every meeting and a copy of any report or other paper considered at the meeting.

(6) The joint committee may exclude from any item required to be made available in pursuance of paragraph (5) any material relating to—

- (a) a named person who works, or who it is proposed should work, at a school or further education body;
- (b) a named pupil at, or candidate for admission to, a school or further education body;
- (c) any other matter that, by reason of its nature, the joint committee is satisfied should remain confidential.

(7) Rhaid i bob tudalen o gopïau cyhoeddiedig o unrhyw gofnodion drafft o drafodion cyfarfodydd a gymeradwywyd gan y cadeirydd ddangos mai cofnodion drafft ydynt.

(7) Each page of published copies of any draft minutes of proceedings of meetings approved by the chair must indicate that they are draft minutes.

Jane Hutt

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

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

28 Tachwedd 2008

28 November 2008

(Rheoliad 9)

(Regulation 9)

Buddiannau ariannol a buddiannau
penodedig eraill sy'n gwrthdaro

Pecuniary interests and other specified
conflicts of interest

Buddiannau ariannol

1.—(1) At ddibenion rheoliad 9, mae buddiant ariannol mewn contract, contract arfaethedig neu fater arall yn cynnwys achos—

- (a) lle y cafodd person perthnasol ei enwebu neu ei benodi i swydd fel aelod o gorff sy'n cydlafurio gan berson y gwnaed y contract gydag ef neu berson y bwriedir ei wneud gydag ef;
- (b) lle y mae person perthnasol yn bartner i berson, neu yng nghyflogaeth person y gwnaed y contract gydag ef neu berson y bwriedir ei wneud gydag ef; neu
- (c) lle y mae perthynas i berson perthnasol (gan gynnwys priod neu bartner sifil y person hwnnw o fewn ystyr Deddf Partneriaeth Sifil 2004(1) neu rywun sy'n byw gyda'r person hwnnw fel pe bai'n briod neu'n bartner sifil i'r person), yn meddu, neu lle y byddai'n cael ei drin fel un sy'n meddu, ar fuddiant o'r fath, a bod hynny'n hysbys i'r person perthnasol hwnnw.

(2) At ddibenion rheoliad 9, rhaid peidio â thrin person perthnasol fel un sy'n meddu ar fuddiant ariannol yn unrhyw fater—

- (a) ar yr amod nad yw ei fuddiant yn y mater ddim mwy na buddiant y rhan fwyaf o'r rhai sy'n cael eu talu i weithio i'r corff sy'n cydlafurio;
- (b) dim ond oherwydd bod y person hwnnw wedi'i enwebu neu wedi'i benodi i swydd, gan unrhyw gorff cyhoeddus, neu ei fod yn aelod o, neu'n cael ei gyflogi gan, unrhyw gorff o'r fath; neu
- (c) dim ond oherwydd bod y person hwnnw yn aelod o gorfforaeth neu gorff arall, os nad oes gan y person unrhyw fuddiant ariannol o bwys mewn unrhyw warantau'r gorfforaeth honno neu'r corff arall hwnnw.

(3) Nid oes rhwystr i aelodau o'r cydbwyllgor, oherwydd eu buddiant ariannol yn y mater, rhag ystyried cynigion a phleidleisio ar gynigion i un neu fwy o'r cyrff sy'n cydlafurio i drefnu yswiriant sy'n diogelu eu ei aelodau neu haelodau rhag atebolrwyddau a berir ganddynt ac a fyddai'n codi o'u swyddi ac ni fydd corff sy'n cydlafurio, oherwydd buddiant ariannol ei aelodau, yn cael ei rwystro rhag sicrhau yswiriant o'r fath a thalu'r premiymau.

Pecuniary interests

1.—(1) For the purposes of regulation 9, a pecuniary interest in a contract, proposed contract or other matter includes a case where—

- (a) a relevant person was nominated or appointed to an office as a member of a collaborating body by a person with whom the contract was made or is proposed to be made;
- (b) a relevant person is a partner of a person, or is in the employment of a person, with whom the contract was made or is proposed to be made; or
- (c) a relative of a relevant person (including his or her spouse or civil partner within the meaning of the Civil Partnership Act 2004(1) or someone living with that person as if he or she were that person's spouse or civil partner), to the knowledge of that relevant person has, or would be treated as having, such an interest.

(2) For the purposes of regulation 9, a relevant person shall not be treated as having a pecuniary interest in any matter—

- (a) provided his or her interest in the matter is no greater than the interest of the generality of those paid to work for the collaborating body;
- (b) by reason only of the fact that he or she was nominated or appointed to office by, is a member of, or is employed by, any public body; or
- (c) by reason only of the fact that he or she is a member of a corporation or other body, if he or she has no significant financial interest in any securities of that corporation or other body.

(3) Members of the joint committee are not, by reason of their pecuniary interest in the matter, prevented from considering and voting upon proposals for one or more of the collaborating bodies to take out insurance protecting its members against liabilities incurred by them arising out of their office and a collaborating body is not, by reason of the pecuniary interest of its members, prevented from obtaining such insurance and paying the premiums.

(1) 2004 p.33.

(1) 2004 c.33.

Penodiad fel aelod o'r cydbwyllgor, cadeirydd neu glerc

2.—(1) Mae'r is-baragraff hwn yn gymwys pan fo person perthnasol yn bresennol mewn cyfarfod o'r cydbwyllgor lle mae un o'r canlynol yn bwnc sy'n cael ei ystyried—

- (a) penodiad y person ei hun, ei ailbenodi, neu ei symud o'i swydd fel aelod o'r cydbwyllgor; neu
- (b) penodiad y person ei hun neu ei symud o'i swydd fel clerc, neu gadeirydd, y cydbwyllgor; neu
- (c) os yw'r person yn noddwr-lywodraethwr, unrhyw benderfyniad o dan baragraff 2 o Atodlen 4 i'r Rheoliadau Llywodraethu Ysgolion a Gynhelir o ran y ddarpariaeth yn yr offeryn llywodraethu ar gyfer noddwyr-lywodraethwyr.

(2) Mewn unrhyw achos pan fo is-baragraff (1) yn gymwys, ymdrinnir â buddiannau'r person perthnasol at ddibenion rheoliad 9(2) fel rhai sy'n gwrthdaro â buddiannau'r cyrff sy'n cydlafurio.

Talu neu arfarnu personau sy'n gweithio i un o'r cyrff sy'n cydlafurio

3.—(1) Mae'r is-baragraff hwn yn gymwys pan fo person perthnasol, sy'n cael ei dalu i weithio i gorff sy'n cydlafurio ac eithrio fel pennaeth neu benadur, yn bresennol mewn cyfarfod cydbwyllgor lle mae cyflog neu arfarniad o berfformiad unrhyw berson penodol sy'n cael ei gyflogi i weithio i gorff sy'n cydlafurio yn bwnc sy'n cael ei ystyried.

(2) Mae'r is-baragraff hwn yn gymwys pan fo pennaeth neu benadur corff sy'n cydlafurio yn bresennol mewn cyfarfod cydbwyllgor lle mae ei gyflog ei hun neu arfarniad o'i berfformiad ei hun yn bwnc sy'n cael ei drafod.

(3) Mewn unrhyw achos pan fo is-baragraff (1) neu (2) yn gymwys, ymdrinnir â buddiannau'r person perthnasol at ddibenion rheoliad 9(2) fel rhai sy'n gwrthdaro â buddiannau'r cyrff sy'n cydlafurio.

Personau sy'n aelodau o fwy nag un corff llywodraethu sy'n cydlafurio

4. Nid yw'r ffaith bod person yn aelod o gydbwyllgor corff llywodraethu sy'n cydlafurio mewn mwy nag un ysgol neu gorff addysg bellach o dan unrhyw amgylchiadau i'w hystyried yn fuddiant sy'n gwrthdaro at ddibenion y Rheoliadau hyn.

Appointment as member of the joint committee, chair or clerk

2.—(1) This sub-paragraph applies where a relevant person is present at a meeting of the joint committee at which a subject of consideration is—

- (a) his or her own appointment, reappointment or removal as a member of the joint committee; or
- (b) his or her own appointment or removal from office as clerk to, or chair of, the joint committee; or
- (c) if he or she is a sponsor governor, any determination under paragraph 2 of Schedule 4 to the Government of Maintained Schools Regulations as to the provision in the instrument of government for sponsor governors.

(2) In any case where sub-paragraph (1) applies, the relevant person's interests shall be treated for the purpose of regulation 9(2) as being in conflict with the collaborating bodies' interests.

Pay or appraisal of persons working at one of the collaborating bodies

3.—(1) This sub-paragraph applies where a relevant person who is paid to work for a collaborating body other than as head teacher or principal is present at a meeting of the joint committee at which a subject of consideration is the pay or performance appraisal of any particular person employed to work for a collaborating body.

(2) This sub-paragraph applies where a head teacher or principal of a collaborating body is present at a meeting of the joint committee at which a subject of consideration is his or her own pay or performance appraisal.

(3) In any case where sub-paragraph (1) or (2) applies, the relevant person's interests shall be treated for the purpose of regulation 9(2) as being in conflict with the collaborating bodies' interests.

Persons who are members of more than one collaborating governing body

4. The fact that a person is a member of a joint committee of a collaborating governing body at more than one school or further education body is not under any circumstances to be considered a conflict of interest for the purpose of these Regulations.

OFFERYNNAU STATUDOL
CYMRU

2008 Rhif 3082 (Cy.271)

ADDYSG, CYMRU

Rheoliadau Trefniadau Cydlafurio
(Ysgolion a Gynhelir a Chyrff
Addysg Bellach) (Cymru)
2008

WELSH
STATUTORY INSTRUMENTS

2008 No. 3082 (W.271)

EDUCATION, WALES

The Collaboration Arrangements
(Maintained Schools and Further
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