



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2009 Rhif 3355 (Cy.294)

2009 No. 3355 (W.294)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Gwybodaeth
am Blant sy'n cael eu Haddysg
drwy Ddarpariaeth Amgen)
(Cymru) 2009**

**The Education (Information About
Children in Alternative Provision)
(Wales) Regulations
2009**

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 gwneud darpariaeth ynghylch cyflenwi gwybodaeth am blant sy'n cael addysg a ariennir gan awdurdod lleol y tu allan i ysgolion prif ffrwd, a honno'n addysg y cyfeirir ati fel arfer fel 'darpariaeth amgen'. Mae darpariaeth amgen yn cynnwys addysg nad yw mewn ysgol, addysg mewn ysgol annibynnol neu mewn uned cyfeirio disgyblion. O dan reoliadau 4 a 5 rhaid i ddarparwyr addysg o'r fath, os gofynnir iddynt wneud hynny, gyflenwi gwybodaeth am blant unigol i Weinidogion Cymru a'r awdurdod lleol sy'n ariannu'r addysg. Mae Atodlen 1 yn nodi'r eitemau gwybodaeth am unigolion sydd i'w cyflenwi.

These Regulations make provision about the supply of information about children receiving education which is funded by a local authority outside mainstream schools, usually referred to as 'alternative provision'. Alternative provision includes education other than at school, education at an independent school or at a pupil referral unit. Under regulations 4 and 5 the providers of such education must supply information about individual children to the Welsh Ministers and the local authority which is funding the education when requested. Schedule 1 sets out the items of individual information to be supplied.

Mae rheoliad 6 yn caniatáu i Weinidogion Cymru ei gwneud yn ofynnol i awdurdod lleol perthnasol, sydd wedi cael gwybodaeth am blant unigol yn unol â'r Rheoliadau hyn, drosglwyddo gwybodaeth o'r fath i gwmnïau Gyrfa Cymru. Mae rheoliad 7 yn nodi'r personau (yn ychwanegol at goladyddion gwybodaeth) y caniateir i Weinidogion Cymru gyflenwi gwybodaeth am blant unigol iddynt. Mae rheoliad 8 yn nodi'r personau (yn ychwanegol at Weinidogion Cymru, coladyddion gwybodaeth eraill a darparwyr y ddarpariaeth amgen) y caniateir i goladydd gwybodaeth gyflenwi gwybodaeth am unigolion iddynt.

Regulation 6 allows the Welsh Ministers to require a relevant local authority, which has received information about individual children pursuant to these Regulations, to pass such information to the Careers Wales companies. Regulation 7 sets out the persons (in addition to information collators) to whom the Welsh Ministers may supply information about individual children. Regulation 8 sets out the persons (in addition to the Welsh Ministers, other information collators and the providers of the alternative provision) to whom an information collator may supply individual information.

Mae rheoliad 9 yn gwneud darpariaeth am yr adroddiad y mae'n ofynnol i athro neu athrawes sydd â gofal dros uned cyfeirio disgyblion ac i berchennog ysgol annibynnol anfon bob blwyddyn ysgol at rieni plant sy'n cael darpariaeth amgen. Mae Atodlen 2 yn nodi'r wybodaeth sydd i'w chynnwys yn yr adroddiadau.

Regulation 9 makes provision about the report a teacher in charge of a pupil referral unit and a proprietor of an independent school is required to send each school year to parents of children receiving alternative provision. Schedule 2 sets out the information to be included in the reports.

2009 Rhif 3355 (Cy.294)

ADDYSG, CYMRU

**Rheoliadau Addysg (Gwybodaeth
am Blant sy'n cael eu Haddysg
drwy Ddarpariaeth Amgen)
(Cymru) 2009**

Gwnaed 17 Rhagfyr 2009
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 21 Rhagfyr 2009
Yn dod i rym 12 Ionawr 2010

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 537A, 537B a 569 o Ddeddf Addysg 1996(1), ac a freiniwyd bellach ynddynt hwy, yn gwneud y Rheoliadau a ganlyn:

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Gwybodaeth am Blant sy'n cael eu Haddysg drwy Ddarpariaeth Amgen) (Cymru) 2009 a deuant i rym ar 12 Ionawr 2010.

Dehongli

2. Yn y Rheoliadau hyn—

mae i'r ymadrodd "addysg ysgol annibynnol a ariennir" ("*funded independent school education*") yr ystyr a roddir iddo gan reoliad 3(b);

(1) 1996 p.56. Cafodd adran 537A ei mewnosod gan adran 20 o Ddeddf Addysg 1997 (p.44), a'i hamnewid gan baragraff 153 o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.31). Mewnosodwyd adran 537B gan adran 164 o Ddeddf Addysg ac Arolygiadau 2006 (p.40). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 537A a 569 o Ddeddf Addysg 1996 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32). Trosglwyddwyd swyddogaethau o dan adran 537B i Gynulliad Cenedlaethol Cymru yn rhinwedd adran 180 o Ddeddf Addysg ac Arolygiadau 2006 ac yna i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

2009 No. 3355 (W.294)

EDUCATION, WALES

**The Education (Information About
Children in Alternative Provision)
(Wales) Regulations
2009**

Made 17 December 2009
*Laid before the National
Assembly for Wales* 21 December 2009
Coming into force 12 January 2010

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 537A, 537B and 569 of the Education Act 1996(1), and now vested in them, make the following Regulations:

Title and commencement

1. The title of these Regulations is the Education (Information About Children in Alternative Provision) (Wales) Regulations 2009 and they come into force on 12 January 2010.

Interpretation

2. In these Regulations—

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

"approved external qualification" ("*cymhwyster allanol a gymeradwywyd*") is a qualification within

(1) 1996 c.56. Section 537A was inserted by section 20 of the Education Act 1997 (c.44), and substituted by paragraph 153 of Schedule 30 to the School Standards and Framework Act 1998 (c.31). Section 537B was inserted by section 164 of the Education and Inspections Act 2006 (c.40). The functions of the Secretary of State under sections 537A and 569 of the Education Act 1996 were 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). Functions under section 537B were transferred to the National Assembly for Wales by virtue of section 180 of the Education and Inspections Act 2006 and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

mae i'r ymadrodd "anghenion addysgol arbennig" yr ystyr a roddir i "special educational needs" gan adran 312 o Ddeddf 1996(1);

ystyr "asesiad athrawon" ("*teacher assessment*") yw asesiad gan athro neu athrawes o lefel cyrhaeddiad pwnc plentyn yn y pynciau a'r gweithgareddau sy'n rhan o'r cwricwlwm a addysgwyd i'r plentyn hwnnw;

ystyr "awdurdod lleol perthnasol" ("*relevant local authority*") yw'r awdurdod addysg lleol yng Nghymru sy'n ariannu neu a fydd yn ariannu'r ddarpariaeth a ariennir;

ystyr "canlyniad" ("*result*") mewn perthynas ag unrhyw asesiad athrawon yw canlyniad yr asesu fel y mae wedi ei benderfynu a'i gofnodi gan athro neu athrawes;

ystyr "cofnod presenoldeb" ("*attendance record*") yw'r cofnod o bresenoldeb disgybl mewn ysgol yn ôl y gofrestr a gedwir yn unol ag adran 434 o Ddeddf 1996 a Rheoliadau Addysg (Cofrestru Disgyblion) 1995(2);

ystyr "cymhwyster allanol a gymeradwywyd" ("*approved external qualification*") yw cymhwyster o fewn ystyr adrannau 96(5) a 97(5) o Ddeddf Dysgu a Medrau 2000 a gymeradwywyd, ar yr adeg berthnasol, o dan adran 99 o'r Ddeddf honno(3) at ddibenion adrannau 96 a 97 o Ddeddf Dysgu a Medrau 2000;

mae i'r ymadrodd "darpariaeth a ariennir" ("*funded provision*") yr ystyr a roddir iddo gan reoliad 3;

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

ystyr "gwybodaeth am unigolion" ("*individual information*"), o ran addysg ysgol annibynnol a ariennir ac unedau cyfeirio disgyblion, yw gwybodaeth am ddisgyblion unigol, ac o ran addysg a ariennir, yw gwybodaeth am blant unigol;

ystyr "rhif unigryw disgybl" ("*unique pupil number*") yw cyfuniad o rifau sydd ynghyd â llythyren neu lythrennau yn cael eu dyrannu i

the meaning of sections 96(5) and 97(5) of the Learning and Skills Act 2000 that, at the relevant time, is approved under section 99 of the Learning and Skills Act 2000(1) for the purposes of sections 96 and 97 of the Learning and Skills Act 2000;

"funded independent school education" ("*addysg ysgol annibynnol a ariennir*") has the meaning given to it by regulation 3(b);

"funded provision" ("*darpariaeth a ariennir*") has the meaning given to it by regulation 3;

"individual information" ("*gwybodaeth am unigolion*") means, in relation to funded independent school education and pupil referral units, individual pupil information, and in relation to funded education, individual child information;

"attendance record" ("*cofnod presenoldeb*") means the record of a pupil's school attendance contained in the register kept in accordance with section 434 of the 1996 Act and the Education (Pupil Registration) Regulations 1995(2);

"relevant local authority" ("*awdurdod lleol perthnasol*") means the local education authority in Wales that funds or will fund the funded provision;

"result" ("*canlyniad*") in relation to any teacher assessment means the result of the assessment as determined and recorded by a teacher;

"special educational needs" ("*anghenion addysgol arbennig*") has the meaning given to it by section 312 of the 1996 Act(3);

"teacher assessment" ("*asesiad athrawon*") means an assessment by a teacher of a child's subject level of attainment in the subjects and activities forming part of the curriculum that child has been taught;

"unique pupil number" ("*rhif unigryw disgybl*") means a combination of numbers which together with a letter or letters are allocated to a pupil and are unique to him or her, by use of a formula determined by the Welsh Ministers; and

"unit or credit" ("*uned neu greddyd*"), in relation to a qualification, means a module or part of a course

(1) Mae adran 312 wedi ei diwygio gan adran 140(1) o Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.31) a pharagraff 72 o Atodlen 30 iddi ac adran 195 a 215(1) o Ddeddf Addysg 2002, a pharagraffau 1 a 2 o Atodlen 18, a pharagraff 36 o Atodlen 21, i'r Ddeddf Addysg honno.

(2) O.S. 1995/2089, fel y'i diwygiwyd gan Reoliadau Addysg (Cofrestru Disgyblion) (Diwygio) (Cymru) 1997 (O.S. 1997/2624), Rheoliadau Addysg (Cofrestru Disgyblion) (Diwygio) (Cymru) 2001 (O.S. 2001/1109 (Cy.53)), Rheoliadau Addysg (Gwahardd Disgyblion ac Apelau) (Ysgolion a Gynhelir) (Cymru) 2003 (O.S. 2003/3227 (Cy.308)), Rheoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol a Diwygiadau Canlyniadol) (Cymru) 2005 (O.S. 2005/2913 (Cy.210)).

(3) 2000 p.21. Diddymwyd is-adrannau (7) ac (8) o adran 99 gan erthygl 1(1) o Orchymyn Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu'r Awdurdod) 2005 (O.S. 2005/3239 (Cy.244)).

(1) 2000 c.21. Sub-sections (7) and (8) of section 99 were repealed by article 1(1) of the Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239 (W.244)).

(2) S.I. 1995/2089 as amended by the Education (Pupil Registration) (Amendment) (Wales) Regulations 1997 (S.I. 1997/2624), the Education (Pupil Registration) (Amendment) (Wales) Regulations 2001 (S.I. 2001/1109 (W.53)), the Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003 (S.I. 2003/3227 (W.308)), the Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005 (S.I. 2005/2913 (W.210)).

(3) Section 312 has been amended by section 140(1) and paragraph 72 of Schedule 30 to the School Standards and Framework Act 1998 (c.31) and section 195 and 215(1) of, and paragraphs 1 and 2 of Schedule 18 and paragraph 36 of Schedule 21 to, the Education Act 2002.

ddisgybl ac sy'n unigryw i'r disgybl hwnnw, drwy ddefnyddio fformiwla a benderfynwyd gan Weinidogion Cymru; ac

ystyr "uned neu greddyd" ("*unit or credit*"), mewn perthynas â chymhwyster, yw modiwl neu ran o gwrs sy'n arwain at y cymhwyster hwnnw y gellir, pan fo wedi ei gwblhau'n llwyddiannus, ei gyfrif neu ei chyfrif ynghyd â modiwlau neu rannau eraill tuag at ennill y cymhwyster hwnnw.

Cymhwysio

3. Mae'r Rheoliadau hyn yn gymwys o ran—

- (a) addysg a ariennir sy'n cael ei darparu o dan drefniadau a wnaed gan awdurdod lleol perthnasol;
- (b) addysg sy'n cael ei darparu mewn ysgol annibynnol, ei threfnu a'i hariannu gan awdurdod addysg lleol yng Nghymru yn unol ag adran 19 o Ddeddf 1996 (addysg y cyfeirir ati yn y Rheoliadau hyn fel "addysg ysgol annibynnol a ariennir"); ac
- (c) addysg sy'n cael ei darparu mewn uned cyfeirio disgyblion a'i hariannu gan awdurdod lleol perthnasol,

ac yn y Rheoliadau hyn mae cyfeiriad at ddarpariaeth a ariennir yn gyfeiriad at y cyfryw addysg a ariennir, y cyfryw addysg ysgol annibynnol a ariennir a'r cyfryw addysg mewn uned cyfeirio disgyblion.

Gofyniad i ddarparu gwybodaeth am unigolion i Weinidogion Cymru

4. Cyn pen 14 diwrnod o gael cais ysgrifenedig oddi wrth Weinidogion Cymru, rhaid i berson sy'n darparu darpariaeth a ariennir ddarparu i Weinidogion Cymru y cyfryw wybodaeth am unigolion y cyfeirir ati yn Atodlen 1 ag y gofynnir amdani.

Gofyniad i ddarparu gwybodaeth am unigolion i'r awdurdod lleol perthnasol

5.—(1) At ddibenion adrannau 537A(2)(b) a 537B(2)(b), mae'r awdurdod lleol perthnasol yn berson rhagnodedig.

(2) Cyn pen 14 diwrnod o gael cais ysgrifenedig gan yr awdurdod lleol perthnasol, rhaid i berson sy'n darparu darpariaeth a ariennir ddarparu i'r awdurdod y cyfryw wybodaeth am unigolion y cyfeirir ati ym mharagraffau 1 i 6 o Atodlen 1 ag y gofynnir amdani.

Personau eraill y caniateir i wybodaeth am unigolion a gyflenwyd gael ei throsglwyddo iddynt hwy yn ychwanegol at yr awdurdod lleol perthnasol

6. At ddibenion adrannau 537A(3)(b) a 537(3)(b) o Ddeddf 1996, mae cwmnïau Gyrfa Cymru a sefydlwyd

leading to that qualification which, when successfully completed, can be counted together with other modules or parts towards obtaining that qualification.

Application

3. These Regulations apply in relation to—

- (a) funded education provided under arrangements made by a relevant local authority;
- (b) education provided at an independent school arranged and funded by a local education authority in Wales pursuant to section 19 of the 1996 Act (in these Regulations referred to as "funded independent school education"); and
- (c) education provided in a pupil referral unit funded by a relevant local authority,

and in these Regulations a reference to funded provision is a reference to such funded education, such funded independent school education and such education in a pupil referral unit.

Requirement to provide individual information to Welsh Ministers

4. Within 14 days of receiving a request in writing from the Welsh Ministers a person who provides funded provision must provide to the Welsh Ministers, such of the individual information referred to in Schedule 1 as is requested.

Requirement to provide individual information to relevant local authority

5.—(1) For the purposes of sections 537A(2)(b) and 537B(2)(b), the relevant local authority is a prescribed person.

(2) Within 14 days of receiving a request in writing from the relevant local authority a person who provides funded provision must provide to the authority such of the individual information referred to in paragraphs 1 to 6 of Schedule 1 as is requested.

Other persons to whom individual information supplied may be passed in addition to the relevant local authority

6. For the purposes of sections 537A(3)(b) and 537(3)(b) of the 1996 Act a prescribed person is the

i ddarparu gwasanaethau gyrfaedd yng Nghymru o dan adrannau 2, 8 a 10 o Ddeddf Cyflogaeth a Hyfforddiant 1973(1) yn berson rhagnodedig.

Personau ychwanegol y caiff Gweinidogion Cymru ddarparu gwybodaeth am unigolion iddynt

7.–(1) At ddibenion adrannau 537A(4)(b) a 537B(4)(b) o Ddeddf 1996, person rhagnodedig yw unrhyw un o'r canlynol–

- (a) yr awdurdod lleol perthnasol;
- (b) Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru neu Her Majesty's Chief Inspector of Education and Training in Wales; ac
- (c) y cwmnïau Gyrfa Cymru a sefydlwyd i ddarparu gwasanaethau gyrfaedd yng Nghymru o dan adrannau 2, 8 a 10 o Ddeddf Cyflogaeth a Hyfforddiant 1973.

(2) Categori rhagnodedig at ddibenion adrannau 537A(4)(c) a 537B(4)(c) o Ddeddf 1996 yw categori o bersonau sy'n ymchwilio i gyflawniadau addysgol plant ac y mae arnynt angen gwybodaeth am unigolion at y diben hwnnw.

Personau ychwanegol y caiff coladyddion gwybodaeth ddarparu gwybodaeth am unigolion iddynt

8.–(1) At ddibenion adrannau 537A(5)(b)(i) a 537B(5)(b)(i) o Ddeddf 1996, person rhagnodedig yw–

- (a) yr awdurdod lleol perthnasol;
- (b) Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru neu Her Majesty's Chief Inspector of Education and Training in Wales.

(2) Categori rhagnodedig at ddibenion adrannau 537A(5)(b)(ii) a 537B(5)(b)(ii) o Ddeddf 1996 yw categori o bersonau sy'n ymchwilio i gyflawniadau addysgol plant ac y mae arnynt angen gwybodaeth am unigolion at y diben hwnnw.

Adroddiad i rieni

9.–(1) Rhaid i'r athro neu'r athrawes sydd â gofal dros uned cyfeirio disgyblion ac i berchennog ysgol annibynnol drefnu bod adroddiad ysgrifenedig sy'n cynnwys yr wybodaeth am unigolion a bennir yn Atodlen 2 ar gael bob blwyddyn ysgol i riant pob plentyn o oedran ysgol gorfodol y mae'n darparu darpariaeth a ariennir iddo.

(1) 1973 (p.50). Amnewidiwyd adran 2 gan adran 25(1) o Ddeddf Cyflogaeth 1988 (p.19). Diddymwyd is-adrannau (4) a (6) o adran 8 gan Ran I o Atodlen 7 i Ddeddf Cyflogaeth 1989 (p.38). Amnewidiwyd adrannau 8 a 10 gan adran 45 o Ddeddf Diwygio Undebau Llafur a Hawliau Cyflogaeth 1993 (p.19).

Careers Wales companies established to provide careers services in Wales under sections 2, 8 and 10 of the Employment and Training Act 1973(1).

Additional persons to whom Welsh Ministers may provide individual information

7.–(1) For the purposes of sections 537A(4)(b) and 537B(4)(b) of the 1996 Act a prescribed person is any of the following–

- (a) the relevant local authority;
- (b) Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru; and
- (c) the Careers Wales companies established to provide careers services in Wales under sections 2, 8 and 10 of the Employment and Training Act 1973.

(2) A prescribed category for the purposes of sections 537A(4)(c) and 537B(4)(c) of the 1996 Act is that of persons who are conducting research into the educational achievements of children and who require individual information for that purpose.

Additional persons to whom information collators may provide individual information

8.–(1) For the purposes of sections 537A(5)(b)(i) and 537B(5)(b)(i) of the 1996 Act a prescribed person is–

- (a) the relevant local authority;
- (b) Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.

(2) A prescribed category for the purposes of sections 537A(5)(b)(ii) and 537B(5)(b)(ii) of the 1996 Act is that of persons who are conducting research into the educational achievements of children and who require individual information for that purpose.

Report to parents

9.–(1) The teacher in charge of a pupil referral unit and the proprietor of an independent school must make available to the parent of each child of compulsory school age to whom it provides funded provision, each school year, a report in writing containing the individual information specified in Schedule 2.

(1) 1973 (c.50). Section 2 was substituted by section 25(1) of the Employment Act 1988 (c.19). Sub-sections (4) and (6) of section 8 were repealed by Part I of Schedule 7 to the Employment Act 1989 (c.38). Sections 8 and 10 were substituted by section 45 of the Trade Union Reform and Employment Rights Act 1993 (c.19).

(2) Mae rhiant pob plentyn o oedran ysgol gorfodol, y mae'r athro neu'r athrawes sydd â gofal dros uned cyfeirio disgyblion neu berchennog ysgol annibynnol yn darparu darpariaeth a ariennir iddo, yn berson rhagnodedig at ddibenion adran 537A(2)(b) o Ddeddf 1996.

(3) Nid oes dim yn y rheoliad hwn sy'n atal yr wybodaeth am unigolion a bennir yn Atodlen 2 rhag cael ei chynnwys mewn mwy nag un adroddiad ar yr amod, yn ddarostyngedig i baragraff (5), bod yn rhaid i ddarparwr y ddarpariaeth a ariennir anfon bob blwyddyn ysgol yr wybodaeth honno drwy'r post neu fel arall cyn diwedd tymor yr haf.

(4) Rhaid i'r cyfnod y mae adroddiad sy'n cynnwys yr wybodaeth am unigolion yn Atodlen 2 yn ymwneud ag ef ddechrau ym mhob achos ar ba ddyddiad bynnag yw'r diweddaraf o'r canlynol—

- (a) y dyddiad y dechreuodd y person sy'n darparu'r ddarpariaeth a ariennir ddarparu addysg o'r fath i'r plentyn; neu
- (b) diwedd y cyfnod yr oedd yr adroddiad diwethaf ar y materion hynny a wnaed yn unol â'r Rheoliadau hyn yn ymwneud ag ef.

(5) Pan na fo unrhyw un neu rai o'r manylion sy'n angenrheidiol i ddarparu'r wybodaeth a bennir ym mharagraffau 6, 7 neu 8 o Atodlen 2 yn dod i law darparwr y ddarpariaeth a ariennir tan ar ôl diwedd tymor yr haf, rhaid iddo drefnu bod yr wybodaeth honno ar gael cyn gynted ag y bo'n ymarferol a sut bynnag erbyn y 30 Medi canlynol fan bellaf.

(2) The parent of each child of compulsory school age to whom the teacher in charge of a pupil referral unit or the proprietor of an independent school provides funded provision, is a prescribed person for the purposes of section 537A(2)(b) of the 1996 Act.

(3) Nothing in this regulation prevents the individual information specified in Schedule 2 being contained in more than one report provided that, subject to paragraph (5), the provider of the funded provision must each school year send such information by post or otherwise before the end of the summer term.

(4) The period to which a report containing the individual information in Schedule 2 relates must in all cases begin with the later of—

- (a) the date on which the person providing funded provision began providing such education to the child; or
- (b) the end of the period to which the last report on such matters made pursuant to these Regulations related.

(5) Where any of the particulars necessary to provide the information specified in paragraphs 6, 7 or 8 of Schedule 2 are not received by the provider of the funded provision until after the end of the summer term, he or she must make available such information as soon as practicable and in any event not later than the following 30 September.

Leighton Andrews

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

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

17 Rhagfyr 2009

17 December 2009

rheoliadau 4 a 5

regulations 4 and 5

Darparu gwybodaeth am unigolion i
Weinidogion Cymru a'r awdurdod lleol
perthnasol

Provision of individual information to the
Welsh Ministers and relevant local authority

1. Yr wybodaeth ganlynol am y plentyn—

- (a) rhif unigryw cyfredol y disgybl (os yw'n berthnasol);
- (b) cyfenw;
- (c) enw cyntaf y plentyn, neu bob enw cyntaf os oes mwy nag un;
- (ch) enw canol y plentyn, neu bob enw canol os oes mwy nag un;
- (d) rhyw;
- (dd) dyddiad geni;
- (e) grŵp ethnig a ffynhonnell yr wybodaeth hon;
- (f) hunaniaeth genedlaethol a ffynhonnell yr wybodaeth hon; ac
- (ff) grŵp blwyddyn y cwricwlwm cenedlaethol y câi'r plentyn ei addysgu ynddo petai'n ddisgybl cofrestredig mewn ysgol a gynhelir.

2. Cod post y cartref lle mae'r plentyn fel arfer yn preswyllo.

3. A yw'r plentyn, yn unol ag adran 512(3) a 512ZB(1) o Ddeddf 1996, wedi gwneud cais am gael prydau am ddim yn yr ysgol ac a gafwyd ei fod yn gymwys i'w cael.

4. A oes gan y plentyn anghenion addysgol arbennig ac, os felly, cadarnhad o—

- (a) prif angen y plentyn ac unrhyw angen eilaidd a nodwyd; a
- (b) pa lefel a pha fath o ddarpariaeth anghenion addysgol arbennig sy'n rhan o'r ymagwedd raddedig yn unol â "Cod Ymarfer Anghenion Addysgol Arbennig Cymru", a ddyroddwyd o dan adran 313 o Ddeddf 1996 ac a ddaeth i rym ar 1 Ebrill 2002, sy'n cael ei gwneud i'r plentyn.

5. A yw'r plentyn yn blentyn sy'n derbyn gofal gan yr awdurdod lleol perthnasol.

6. Y math o le a fynychir i gael darpariaeth a ariennir, hynny yw, a yw'r ddarpariaeth honno—

- (a) mewn uned cyfeirio disgyblion;
- (b) mewn ysgol annibynnol;

1. The following information about the child—

- (a) current unique pupil number (if relevant);
- (b) surname;
- (c) first name, or if more than one, each first name;
- (d) middle name, or if more than one, each middle name;
- (e) gender;
- (f) date of birth;
- (g) ethnic group and source of this information;
- (h) national identity and source of this information; and
- (i) national curriculum year group in which the child would be taught if he or she were a registered pupil at a maintained school.

2. The postcode of the home where the child normally resides.

3. Whether, pursuant to section 512(3) and 512ZB(1) of the 1996 Act, the child has applied and been found eligible for free school meals.

4. Whether the child has special educational needs and, if so, confirmation of—

- (a) the child's primary and secondary need identified; and
- (b) the level and type of special educational needs provision forming part of the graduated approach pursuant to the "The Special Educational Needs Code of Practice for Wales", which was issued under section 313 of the 1996 Act and came into force on 1 April 2002, that is being made for the child.

5. Whether the child is a child looked after by the relevant local authority.

6. The type of funded provision attended, that is whether it is—

- (a) in a pupil referral unit;
- (b) in an independent school;

(1) Wedi ei rhoi, ynghyd ag adrannau 512 a 512ZA yn lle adran 512, fel y cafodd honno ei deddfu'n wreiddiol gan adran 201 o Ddeddf Addysg 2002 (p.32). Mewnosodwyd paragraffau (a)(iia) a (b)(iia) o is-adran (4) gan baragraff 16(1) a (3) o Atodlen 3 i Ddeddf Diwygio Lles 2007 (p.5).

(1) Substituted, together with sections 512 and 512ZA for section 512, as originally enacted by section 201 of the Education Act 2002 (c.32). Paragraphs (a)(iia) and (b) (iia) of sub-section (4) were inserted by paragraph 16(1) and (3) of Schedule 3 to the Welfare Reform Act 2007 (c.5).

- (c) mewn ysbyty (ac eithrio ysgol a sefydlwyd mewn ysbyty); neu
- (ch) yn cael ei darparu mewn man nad yw'n un o'r rhai y cyfeiriwyd ato yn is-baragraffau (a) i (c), ac os felly, disgrifiad cryno o'r math o ddarpariaeth.

7. Y math o le a fynychir gan y plentyn i gael darpariaeth a ariennir yn unol â pharagraff 6, a nifer yr oriau o ddarpariaeth a ariennir a gafodd y plentyn yn yr wythnos cyn bod cais yn dod gan Weinidogion Cymru yn unol â rheoliad 4.

- (c) in a hospital (other than a school established in a hospital); or
- (d) provided in a place other than those referred to in sub-paragraphs (a) to (c), and if so, a brief description of the type of provision.

7. The type of funded provision in accordance with paragraph 6 attended by the child, and the number of hours of funded provision which the child received in the week prior to a request by the Welsh Ministers pursuant to regulation 4.

Darparu gwybodaeth am unigolion i rieni'r plentyn

Provision of individual information to parents of the child

1. Manylion cryno am gyflawniadau yn yr holl bynciau a gweithgareddau sy'n rhan o'r cwricwlwm.
2. Sylwadau ar gynnydd cyffredinol y plentyn yn ystod y flwyddyn ysgol.
3. Manylion y trefniadau y caniateir i'r adroddiad gael ei drafod odanynt gydag athro neu athrawes y plentyn.
4. Crynodeb o gofnod presenoldeb y plentyn yn ystod y cyfnod y mae'r wybodaeth yn ymwneud ag ef sy'n dangos nifer yr absenoldebau awdurdodedig a'r absenoldebau na chafodd eu hawdurdodi (o fewn ystyr Rheoliadau Addysg (Cofrestru Disgyblion) 1995) a nifer y presenoldebau posibl.
5. Canlyniadau unrhyw asesiad athrawon.
6. Enw unrhyw bwnc y cofrestrwyd y plentyn ar ei gyfer mewn cysylltiad â chymhwyster allanol a gymeradwywyd a'r radd (os oedd un) a gafwyd.
7. Nifer cyfartalog y pwyntiau a sgoriwyd gan y plentyn mewn arholiadau pwnc o'r fath yr ymgofrestrodd ar eu cyfer.
8. Manylion unrhyw uned neu gredyd tuag at gymhwyster o'r fath a gafwyd gan y plentyn yn ystod y cyfnod y mae'r adroddiad yn ymwneud ag ef.

1. Brief particulars of achievements in all subjects and activities forming part of the curriculum.
2. Comments on general progress of the child during the school year.
3. Particulars of the arrangements under which the report may be discussed with the child's teacher.
4. A summary of the child's attendance record during the period to which the information relates showing the number of authorised and unauthorised absences (within the meaning of the Education (Pupil Registration) Regulations 1995) and the number of possible attendances.
5. The results of any teacher assessment.
6. The name of any subject in which the child was entered in respect of an approved external qualification and the grade (if any) achieved.
7. The average number of points scored by the child in such subject examinations entered by the pupil.
8. Details of any unit or credit towards such qualification obtained by the child during the period to which the report relates.

OFFERYNNAU STATUDOL
CYMRU

2009 Rhif 3355 (Cy.294)

ADDYSG, CYMRU

Rheoliadau Addysg (Gwybodaeth
am Blant sy'n cael eu Haddysg
drwy Ddarpariaeth Amgen)
(Cymru) 2009

WELSH STATUTORY
INSTRUMENTS

2009 No. 3355 (W.294)

EDUCATION, WALES

The Education (Information About
Children in Alternative Provision)
(Wales) Regulations
2009