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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2010 Rhif 2710 (Cy.227)**

**2010 No. 2710 (W.227)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

**Rheoliadau Addysg (Gwaith  
Penodedig a Chofrestru) (Cymru)  
2010**

**The Education (Specified Work  
and Registration) (Wales)  
Regulations 2010**

**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 pennu gwaith y caiff athrawon cymwysedig a phersonau sy'n bodloni gofynion penodedig ei gyflawni mewn ysgolion. Mae'r gofynion sydd i'w bodloni wedi eu pennu yn Atodlen 2.

These Regulations specify work that may be carried out in schools by qualified teachers and persons who satisfy specified requirements. The requirements to be satisfied are specified in Schedule 2.

Dirymir Rheoliadau Addysg (Gwaith Penodedig a Chofrestru) (Cymru) 2004.

The Education (Specified Work and Registration) (Wales) Regulations 2004 are revoked.

Mae Atodlen 2 i'r Rheoliadau hyn yn darparu bod y mwyaftrif o'r personau hynny a grybwyllwyd yn Atodlen 2 i Rheoliadau Addysg (Gwaith Penodedig a Chofrestru) (Cymru) 2004 yn cyflawni gwaith penodedig mewn ysgolion, yn yr un amgylchiadau ag o'r blaen. Mae rhai gofynion nad ydynt mwyach yn gymwys wedi eu dileu ac mae categorïau newydd o bersonau sy'n bodloni gofynion neilltuol wedi eu cynnwys. Mae'r personau hynny bellach yn cynnwys hyfforddeion ar gyrsiau hyfforddiant cychwynnol athrawon sy'n arwain at statws athro cymwysedig ac athrawon addysg bellach sy'n cyflwyno cyrsiau o fewn y cwricwlwm lleol fel a geir ym Mesur Dysgu a Sgiliau (Cymru) 2009. Mae paragraff 8 o Atodlen 2 i'r Rheoliadau hyn yn darparu bod personau eraill yn cyflawni gwaith penodedig mewn ysgolion os bodlonir yr amodau a grybwyllir yn y paragraff hwnnw.

Schedule 2 to these Regulations provides for most of those persons who were mentioned in Schedule 2 to the Education (Specified Work and Registration) (Wales) Regulations 2004 to carry out specified work in schools, in the same circumstances as previously. Some requirements which no longer apply have been removed and new categories of persons who satisfy particular requirements have been included. Those persons now include trainees on initial teacher training courses leading to qualified teacher status and further education teachers delivering courses within the local curriculum as set out in the Learning and Skills (Wales) Measure 2009. Paragraph 8 of Schedule 2 to these Regulations provides for other persons to carry out specified work in schools if the conditions mentioned in that paragraph are satisfied.

Mae'r Rheoliadau hyn yn darparu hefyd fod athrawon cymwysedig sy'n cyflawni gwaith penodedig mewn ysgolion yn cael eu cofrestru gyda Chyngor Addysgu Cyffredinol Cymru.

These Regulations also provide for qualified teachers carrying out specified work in schools to be registered with the General Teaching Council for Wales.

**2010 Rhif 2710 (Cy.227)**

**ADDYSG, CYMRU**

**Rheoliadau Addysg (Gwaith  
Penodedig a Chofrestru) (Cymru)  
2010**

*Gwnaed* 9 Tachwedd 2010

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 10 Tachwedd 2010

*Yn dod i rym* 1 Rhagfyr 2010

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 133, 134, 145 a 210(7) o Ddeddf Addysg 2002(1) ac a freiniwyd bellach ynddynt hwy, yn gwneud y Rheoliadau a ganlyn:

**Enwi, cychwyn a chymhwyso**

1. Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Gwaith Penodedig a Chofrestru) (Cymru) 2010 a deuant i rym ar 1 Rhagfyr 2010.

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

**Dirymiadau, arbedion a darpariaethau trosiannol**

3.–(1) Yn ddarostyngedig i baragraff (2), dirymir y Rheoliadau y cyfeirir atynt yn Rhan 1 o Atodlen 1.

(2) Mae'r arbedion a'r darpariaethau trosiannol a grybwyllir yn Rhan 2 o Atodlen 1 yn cael effaith.

**Dehongli**

4. Yn y Rheoliadau hyn–

ystyr "Deddf 1996" ("*the 1996 Act*") yw Deddf Hawliau Cyflogaeth 1996(2);

**2010 No. 2710 (W.227)**

**EDUCATION, WALES**

**The Education (Specified Work  
and Registration) (Wales)  
Regulations 2010**

*Made* 9 November 2010

*Laid before the National Assembly for Wales*  
10 November 2010

*Coming into force* 1 December 2010

The Welsh Ministers in exercise of the powers conferred on them by sections 133, 134, 145 and 210(7) of the Education Act 2002(1) and now vested in them, make the following Regulations:

**Name, commencement and application**

1. These Regulations are called the Education (Specified Work and Registration) (Wales) Regulations 2010 and come into force on 1 December 2010.

2. These Regulations apply in relation to Wales.

**Revocations, savings and transitional provisions**

3.–(1) Subject to paragraph (2) the Regulations mentioned in Part 1 of Schedule 1 are revoked.

(2) The savings and transitional provisions mentioned in Part 2 of Schedule 1 have effect.

**Interpretation**

4. In these Regulations–

"the 1996 Act" ("*Deddf 1996*") means the Employment Rights Act 1996(2);

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(1) 2002 p.32. Ystyr "Rheoliadau" yw rheoliadau a wnaed gan Weiniogion Cymru (*gweler* adran 212(1)).

(2) 1996 p.18. Amnewidiwyd Rhan VIII gan Ran 1 o Atodlen 4 i Ddeddf Cysylltiadau Cyflogaeth 1999 (p.26).

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(1) 2002 c.32. "Regulations" means regulations made by the Welsh Ministers (*see* section 212(1)).

(2) 1996 c.18. Part VIII was substituted by Part 1 of Schedule 4 to the Employment Relations Act 1999 (c.26).

ystyr "Deddf 1998" ("*the 1998 Act*") yw Deddf Addysgu ac Addysg Uwch 1998(1);

ystyr "Rheoliadau 1959" ("*the 1959 Regulations*") yw Rheoliadau Ysgolion 1959(2);

ystyr "Rheoliadau 1982" ("*the 1982 Regulations*") yw Rheoliadau Addysg (Athrawon) 1982(3);

ystyr "Rheoliadau 1989" ("*the 1989 Regulations*") yw Rheoliadau Addysg (Athrawon) 1989(4);

ystyr "Rheoliadau 2002" ("*the 2002 Regulations*") yw Rheoliadau Cymwysterau Athrawon Addysg Bellach (Cymru) 2002(5); ac

ystyr "Rheoliadau 2004" ("*the 2004 Regulations*") yw Rheoliadau Addysg (Cymwysterau Athrawon Ysgol) (Cymru) 2004(6).

"the 1998 Act" ("*Deddf 1998*") means the Teaching and Higher Education Act 1998(1);

"the 1959 Regulations" ("*Rheoliadau 1959*") means the Schools Regulations 1959(2);

"the 1982 Regulations" ("*Rheoliadau 1982*") means the Education (Teachers) Regulations 1982(3);

"the 1989 Regulations" ("*Rheoliadau 1989*") means the Education (Teachers) Regulations 1989(4);

"the 2002 Regulations" ("*Rheoliadau 2002*") means the Further Education Teachers' Qualifications (Wales) Regulations 2002(5); and

"the 2004 Regulations" ("*Rheoliadau 2004*") means the Education (School Teachers' Qualifications) (Wales) Regulations 2004(6).

### Y gofyniad i fod yn gymwysedig

5. Ni chaiff neb gyflawni gwaith a bennir yn rheoliad 7 mewn ysgol onid yw—

- (a) yn athro cymwysedig neu'n athrawes gymwysedig; neu
- (b) yn bodloni gofynion a bennir mewn o leiaf un o'r paragraffau yn Atodlen 2.

### Estyn y cyfnod penodedig

6. Os caniateir i unrhyw berson gyflawni'r gwaith a bennir yn rheoliad 7 am gyfnod penodedig yn rhinwedd unrhyw un neu ragor o ddarpariaethau Atodlen 2, bydd y cyfnod hwnnw yn cael ei estyn drwy ychwanegu ato gyfnod sy'n hafal i agregiad o unrhyw gyfnod neu gyfnodau pan fydd y person dan sylw'n absennol o'r gwaith—

- (a) wrth i'r person hwnnw arfer—
  - (i) ei hawl i absenoldeb mamolaeth a roddir gan adran 71 neu 73 o Ddeddf 1996(7) neu gan gontract cyflogaeth a phan fydd gan y person hwnnw yr hawl i ddychwelyd i'r gwaith yn rhinwedd y naill neu'r llall o'r adrannau hyn neu gontract cyflogaeth;

### Requirement to be qualified

5. No person may carry out work specified in regulation 7 in a school unless they—

- (a) are a qualified teacher; or
- (b) satisfy the requirements specified in at least one of the paragraphs of Schedule 2.

### Extension of specified period

6. Where any person is permitted to carry out work specified in regulation 7 for a specified period by virtue of any of the provisions of Schedule 2, that period will be extended by a period equal to the aggregate of any period or periods during which the person concerned is absent from work—

- (a) in exercise of that person's—
  - (i) right to maternity leave conferred by section 71 or 73 of the 1996 Act(7) or a contract of employment and has the right to return to work by virtue of either of these sections or a contract of employment;

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(1) 1998 p.30.

(2) O.S. 1959/364 fel y'i diwygir gan O.S. 1968/1281, 1969/1777, 1971/342, 1973/2021 a 1978/1144.

(3) O.S. 1982/106 fel y'i diwygiwyd gan O.S. 1988/542 a 1989/329.

(4) O.S. 1989/1319 fel y'i diwygiwyd gan O.S. 1989/1541, 1990/1561, 1991/1134, 1991/1840, 1991/2240 a 1992/1809.

(5) O.S. 2002/1663 fel y'i diwygiwyd gan O.S. 2003/1717 ac O.S. 2004/1745.

(6) O.S. 2004/1729 fel y'i diwygiwyd gan O.S. 2007/2811 a 2008/215.

(7) Diwygiwyd adran 71 gan baragraff 31, ac adran 73 gan baragraff 32, o Atodlen 1 i Ddeddf Gwaith a Theuluoedd 2006 (p.18) a diwygiwyd y ddwy adran gan adran 17 o Ddeddf Cyflogaeth 2002 (p.22).

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(1) 1998 c.30.

(2) S.I. 1959/364 as amended by S.I. 1968/1281, 1969/1777, 1971/342, 1973/2021 and 1978/1144.

(3) S.I. 1982/106 as amended by S.I. 1988/542 and 1989/329.

(4) S.I. 1989/1319 as amended by S.I. 1989/1541, 1990/1561, 1991/1134, 1991/1840, 1991/2240 and 1992/1809.

(5) S.I. 2002/1663 as amended by S.I. 2003/1717 and S.I. 2004/1745.

(6) S.I. 2004/1729 as amended by S.I. 2007/2811 and 2008/215.

(7) Section 71 was amended by paragraph 31, and section 73 by paragraph 32, of Schedule 1 to the Work and Families Act 2006 (c.18) and both sections were amended by section 17 of the Employment Act 2002 (c.22).

- (ii) ei hawl i absenoldeb rhiant a roddir gan adran 76 o Ddeddf 1996;
- (iii) ei hawl i absenoldeb tadolaeth a roddir gan adran 80A, 80AA, 80B neu 80BB o Ddeddf 1996(1); neu
- (iv) ei hawl i absenoldeb mabwysiadu a roddir gan adran 75A neu 75B o Ddeddf 1996(2); neu

(b) oherwydd beichiogrwydd.

### Gwaith penodedig

7.–(1) Mae pob un o'r gweithgareddau canlynol yn waith penodedig at ddibenion y Rheoliadau hyn—

- (a) cynllunio a pharatoi gwersi a chyrsgiau ar gyfer disgyblion;
- (b) cyflwyno gwersi i ddisgyblion;
- (c) asesu datblygiad, cynnydd a chyrhaeddiad disgyblion; ac
- (ch) adrodd ar ddatblygiad, cynnydd a chyrhaeddiad disgyblion.

(2) Ym mharagraff (1)(b), mae "cyflwyno" yn cynnwys cyflwyno drwy ddulliau dysgu o bell neu drwy ddulliau dysgu â chymorth cyfrifiadu.

### Y gofyniad i fod yn gofrestredig

8. Dim ond os ydynt wedi eu cofrestru o dan adran 3 o Ddeddf 1998 (cofrestr sy'n cael ei chadw gan y Cyngor Addysgu Cyffredinol) y caiff athrawon cymwysedig gyflawni gwaith a bennwyd yn rheoliad 7 mewn ysgol(3).

- (ii) right to parental leave conferred by section 76 of the 1996 Act;
- (iii) right to paternity leave conferred by section 80A, 80AA, 80B or 80BB of the 1996 Act(1); or
- (iv) right to adoption leave conferred by section 75A or 75B of the 1996 Act(2); or

(b) because of pregnancy.

### Specified work

7.–(1) Each of the following activities is specified work for the purposes of these Regulations—

- (a) planning and preparing lessons and courses for pupils;
- (b) delivering lessons to pupils;
- (c) assessing the development, progress and attainment of pupils; and
- (d) reporting on the development, progress and attainment of pupils.

(2) In paragraph (1)(b) "delivering" includes delivery via distance learning or computer aided techniques.

### Requirement to be registered

8. Qualified teachers may carry out work specified in regulation 7 in a school only if they are registered under section 3 of the 1998 Act (register maintained by the General Teaching Council)(3).

*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

9 Tachwedd 2010

9 November 2010

(1) Mewnosodwyd adrannau 80A ac 80B gan adran 1 o Ddeddf Cyflogaeth 2002 p.22, ac adrannau 80AA ac 80BB (nad ydynt, ar adeg gwneud y Rheoliadau hyn, wedi eu cychwyn) gan adrannau 3 a 4 yn y drefn honno o Ddeddf Gwaith a Theuluoedd 2006 p.18.

(2) Mewnosodwyd adrannau 75A a 75B gan adran 3 o Ddeddf Cyflogaeth 2002 p.22. Diwygiwyd adran 75A gan baragraff 33 o Atodlen 1 i Ddeddf Gwaith a Theuluoedd 2006 p.18. Diwygiwyd adran 75B gan baragraff 34 o Atodlen 1 i Ddeddf Gwaith a Theuluoedd 2006 p.18.

(3) Y Rheoliadau sydd mewn grym ar hyn o bryd o dan y ddarpariaeth hon yw Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) 2000, O.S. 2000/1979 (Cy. 140) fel y'u diwygiwyd gan O.S. 2001/2496 (Cy. 200), O.S. 2004/1741 (Cy. 180), O.S. 2006/1343 (Cy. 133) ac O.S. 2009/1353 (Cy. 129).

(1) Sections 80A and 80B were inserted by section 1 of the Employment Act 2002 c.22, and sections 80AA and 80BB (which have not, at the time of making these Regulations, been commenced) were inserted by sections 3 and 4 respectively of the Work and Families Act 2006 c.18.

(2) Sections 75A and 75B were inserted by section 3 of the Employment Act 2002 c.22. Section 75A was amended by paragraph 33 of Schedule 1 to the Work and Families Act 2006. c 18. Section 75B was amended by paragraph 34 of Schedule 1 to the Work and Families Act 2006 c.18.

(3) The Regulations currently in force under this provision are the General Teaching Council for Wales (Functions) Regulations 2000, S.I. 2000/1979 (W. 140) as amended by S.I. 2001/2496 (W. 200), S.I. 2004/1741 (W. 180), S.I. 2006/1343 (W. 133) and S.I. 2009/1353 (W. 129).

**RHAN 1****PART 1****Dirymiadau****Revocations**

<i>Y Rheoliadau a Ddirymwyd</i>	<i>Cyfeirnod</i>	<i>Graddau'r Dirymu</i>
Rheoliadau Addysg (Gwaith Penodedig a Chofrestru) (Cymru) 2004	O.S. 2004/1744 (Cy.183)	Y Rheoliadau cyfan

<i>Regulations Revoked</i>	<i>Reference</i>	<i>Extent of Revocation</i>
The Education (Specified Work and Registration) (Wales) Regulations 2004	S.I. 2004/1744 (W.183)	The whole Regulations

**RHAN 2****PART 2****Arbedion a Darpariaethau Trosiannol  
Cyffredinol****Savings and General Transitional Provisions****Penderfyniadau ynghylch cyfnod prawf**

1. Yn achos person a oedd, ar 1 Medi 1992, wedi cychwyn ond heb gwblhau cyfnod prawf o dan reoliad 14 o Reoliadau 1989, ac Atodlen 6 iddynt, mae rheoliad 14 ac Atodlen 6 i barhau i gael effaith hyd oni chydymffurfiwyd â'u holl ddarpariaethau.

**2. O ran athrawon—**

- (a) y dyfarnwyd eu bod yn anaddas i gael eu cyflogi ymhellach fel athrawon cymwysedig yn unol â pharagraff 2(c) o Atodlen 2 i Reoliadau 1959; neu
- (b) a gafodd rybudd ysgrifenedig o dan baragraff 5(2) o Atodlen 6 i Reoliadau 1982,

nid ydynt i gyflawni gwaith a bennwyd yn rheoliad 7 mewn ysgol heb gydsyniad Gweinidogion Cymru.

**Probation decisions**

1. In the case of a person who on 1 September 1992 had commenced but not completed a period of probation under regulation 14 of, and Schedule 6 to, the 1989 Regulations, regulation 14 and Schedule 6 are to continue to have effect until all their provisions have been complied with.

**2. Teachers who—**

- (a) have been determined to be unsuitable for further employment as qualified teachers pursuant to paragraph 2(c) of Schedule 2 to the 1959 Regulations; or
- (b) have received written notice under paragraph 5(2) of Schedule 6 to the 1982 Regulations,

are not to carry out work specified in regulation 7 in a school without the consent of the Welsh Ministers.

Y GOFYNION SYDD I'W BODLONI GAN  
BERSONAU NAD YDYNT YN ATHRAWON  
CYMWYSEDIG ER MWYN CYFLAWNI'R  
GWAITH A BENNIR YN RHEOLIAD 7

THE REQUIREMENTS TO BE SATISFIED  
BY PERSONS WHO ARE NOT QUALIFIED  
TEACHERS IN ORDER TO CARRY OUT  
THE WORK SPECIFIED IN REGULATION 7

### Dehongli

#### 1. Yn yr Atodlen hon—

ystyr "cynllun hyfforddi athrawon ar sail cyflogaeth" ("*employment-based teacher training scheme*") yw cynllun a sefydlwyd gan Weinidogion Cymru o dan reoliad 8 o Reoliadau 2004; ac

ystyr "sefydliad achrededig" ("*accredited institution*") yw sefydliad wedi ei achredu gan Gyngor Cyllido Addysg Uwch Cymru o dan reoliad 7 o Reoliadau 2004 neu gan yr Asiantaeth Hyfforddiant a Datblygiad ar gyfer Ysgolion o dan reoliad 11 o Reoliadau Addysg (Cymwysterau Athrawon Ysgol) (Lloegr) 2003(1).

### Athrawon presennol dosbarthiadau meithrin ac mewn ysgolion meithrin nad ydynt yn athrawon cymwysedig

#### 2.—(1) Mae'r paragraff hwn yn gymwys yn achos—

- (a) athrawon cynorthwyol mewn ysgol feithrin; neu
- (b) athrawon dosbarth meithrin,

y caniatwyd eu cyflogi fel athrawon gan baragraff 4 o Atodlen 4 i Reoliadau 1982 ac a oedd yn cael eu cyflogi felly yn union cyn 1 Medi 1989.

(2) Caiff personau o'r fath gyflawni gwaith a bennir yn rheoliad 7 mewn ysgol yn yr un swyddogaeth ag yr oeddynt yn cael eu cyflogi ynddi cyn 1 Medi 1989.

### Personau a chanddynt gymwysterau arbennig neu brofiad arbennig

3.—(1) Mae'r paragraff hwn yn gymwys yn achos personau nad ydynt yn athrawon cymwysedig a benodwyd, neu y bwriedir eu penodi, i gyflawni gwaith a bennir yn rheoliad 7 mewn cysylltiad ag unrhyw grefft neu sgil neu mewn unrhyw bwnc neu grŵp o bynciau, y mae angen ynddynt gymwysterau arbennig neu brofiad arbennig neu'r ddau er mwyn gwneud hynny.

(1) O.S. 2003/1662 fel y'i diwygiwyd gan Ddeddf Addysg 2005 (p.18) a chan O.S. 2007/2782 ac O.S. 2009/3156.

### Interpretation

#### 1. In this Schedule—

"accredited institution" ("*sefydliad achrededig*") means an institution accredited by the Higher Education Funding Council for Wales under regulation 7 of the 2004 Regulations or by the Training and Development Agency for Schools under regulation 11 of the Education (School Teachers' Qualifications) (England) Regulations 2003(1); and

"employment-based teacher training scheme" ("*cynllun hyfforddi athrawon ar sail cyflogaeth*") means a scheme established by the Welsh Ministers under regulation 8 of the 2004 Regulations.

### Existing teachers of nursery classes and at nursery schools who are not qualified teachers

#### 2.—(1) This paragraph applies in the case of—

- (a) assistant teachers at a nursery school; or
- (b) teachers of a nursery class,

who were permitted to be employed as teachers by paragraph 4 of Schedule 4 of the 1982 Regulations and who were so employed immediately before 1 September 1989.

(2) Such persons may carry out work specified in regulation 7 in a school in the same capacity as they were employed before 1 September 1989.

### Persons with special qualifications or special experience

3.—(1) This paragraph applies in the case of persons who are not qualified teachers appointed, or proposed to be appointed, to carry out work specified in regulation 7 in respect of any art or skill or in any subject or group of subjects, where special qualifications or special experience or both are required in order to do so.

(1) S.I. 2003/1662 as amended by the Education Act 2005 (c.18) and by S.I. 2007/2782 and S.I. 2009/3156.

(2) Caiiff personau a grybwyllwyd yn is-baragraff (1) gyflawni gwaith a bennwyd yn rheoliad 7 mewn ysgol—

- (a) os yw'r awdurdod lleol (yn achos ysgol nad oes ganddi gyllideb ddirprwyedig neu yn achos uned cyfeirio disgyblion), y corff llywodraethu sy'n gweithredu gyda chydsyniad yr awdurdod lleol (yn achos ysgol a chanddi gyllideb ddirprwyedig), neu'r corff llywodraethu (yn achos ysgol arbennig nas cynhelir gan awdurdod lleol), yn ôl y digwydd, ar adeg penodi'r personau, wedi ei fodloni ynghylch eu cymwysterau neu eu profiad neu eu cymwysterau a'u profiad; a
- (b) os nad oes, ar adeg penodi'r personau, unrhyw athro cymwysedig neu athrawes gymwysedig addas, neu athro neu athrawes sydd ar gynllun hyfforddi athrawon ar sail cyflogaeth, ar gael i'w benodi neu i'w phenodi felly; neu
- (c) os nad oes, ar adeg penodi'r personau, mewn cysylltiad â gwaith a ddisgrifir ym mharagraff 6(2) o'r Atodlen hon, unrhyw berson addas sy'n dal cymwysterau sy'n ofynnol o dan reoliad 3 o Reoliadau 2002 ar gael i'w benodi felly.

(3) Dim ond am y cyfnod hwnnw, pan nad oes unrhyw athro cymwysedig neu athrawes gymwysedig addas neu athro neu athrawes sydd ar gynllun hyfforddi athrawon ar sail cyflogaeth ar gael i'w penodi neu i'w phenodi neu, mewn cysylltiad â gwaith a ddisgrifir ym mharagraff 6(2) o'r Atodlen hon, dim ond am y cyfnodau hynny pan nad oes unrhyw berson addas sy'n dal cymwysterau sy'n ofynnol o dan reoliad 3 o Reoliadau 2002 ar gael i'w benodi felly, y caiff personau a benodir a chanddynt gymwysterau arbennig neu brofiad arbennig a ddisgrifir yn is-baragraff (1), ac sy'n bersonau sy'n cyflawni gwaith a bennir yn rheoliad 7 fel a ganiateir gan is-baragraff (2), wneud hynny, yn ddarostyngedig i is-baragraff (4).

(4) Nid yw is-baragraff (3) yn gymwys yn achos personau o'r fath a benodwyd cyn 8 Ebrill 1982—

- (a) os am gyfnod penodedig y'u penodwyd, os ac ar yr amod nad yw'r cyfnod hwnnw wedi dod i ben; neu
- (b) os am gyfnod amhenodedig y'u penodwyd, oni fynegwyd yn wahanol i hynny mai penodiad dros dro yn unig ydoedd.

#### **Athrawon a Hyfforddwyd Dramor**

4.—(1) Mae'r paragraff hwn yn gymwys yn achos personau sydd wedi cwblhau'n llwyddiannus raglen o hyfforddiant proffesiynol i athrawon mewn unrhyw wlad y tu allan i'r Deyrnas Unedig sy'n rhaglen sy'n cael ei chydnabod yn rhaglen o'r fath gan yr awdurdod cymwys yn y wlad honno.

(2) Caiiff personau a grybwyllir yn is-baragraff (1) gyflawni gwaith a bennir yn rheoliad 7 mewn ysgol (ac eithrio uned cyfeirio disgyblion) am gyfnod o hyd at

(2) Persons mentioned in sub-paragraph (1) may carry out work specified in regulation 7 in a school if at the time of their appointment—

- (a) the local authority (in the case of a school which has no delegated budget or in the case of a pupil referral unit), the governing body acting with the consent of the local authority (in the case of a school which has a delegated budget), or the governing body (in the case of a special school not maintained by a local authority), as the case may be, is satisfied as to their qualifications or experience or both; and
- (b) no suitable qualified teacher or teacher on an employment-based teacher training scheme is available for such appointment; or
- (c) in respect of work described in paragraph 6(2) of this Schedule, no suitable person who holds qualifications required under regulation 3 of the 2002 Regulations is available for such appointment.

(3) Persons appointed with special qualifications or experience described in sub-paragraph (1) carrying out work specified in regulation 7 as permitted by sub-paragraph (2) may do so, subject to sub-paragraph (4), only for such period of time as no suitable qualified teacher or teacher on an employment-based teacher training scheme is available for appointment or, in respect of work described in paragraph 6(2) of this Schedule, only for such periods of time as no suitable person who holds qualifications required under regulation 3 of the 2002 Regulations is available for such appointment.

(4) Sub-paragraph (3) does not apply in the case of such persons appointed before 8 April 1982 where—

- (a) the appointment was for a specified period, if and so long as that period has not expired; or
- (b) the appointment was for an unspecified period, if it was not otherwise expressed to be temporary only.

#### **Overseas Trained Teachers**

4.—(1) This paragraph applies in the case of persons who have successfully completed a programme of professional training for teachers in any country outside the United Kingdom, which programme is recognised as such by the competent authority in that country.

(2) Persons mentioned in sub-paragraph (1) may carry out work specified in regulation 7 in a school (other than a pupil referral unit) for a period of up to

ddwy flynedd yn dechrau ar y diwrnod y maent yn cyflawni gyntaf waith a bennir yn rheoliad 7 mewn ysgol.

### **Hyfforddeion ar gyrsiau hyfforddiant cychwynnol athrawon**

5.–(1) Mae'r paragraff hwn yn gymwys yn achos personau sy'n ymgymryd â chwrs hyfforddiant cychwynnol athrawon ysgol mewn sefydliad achrededig yng Nghymru neu yn Lloegr.

(2) Caiff personau a grybwyllir yn is-baragraff (1) gyflawni gwaith a bennir yn rheoliad 7 mewn ysgol (ac eithrio uned cyfeirio disgyblion) o dan oruchwyliaeth athro cymwysedig neu athrawes gymwysedig yn ystod unrhyw gyfnod pan fyddant yn ymgymryd â phrofiad dysgu ymarferol at ddibenion y cwrs hwnnw.

### **Athrawon addysg bellach cymwysedig sy'n addysgu cyrsiau galwedigaethol o fewn y cwricwlwm lleol**

6.–(1) Mae'r paragraff hwn yn gymwys yn achos personau a chanddynt gymwysterau sy'n ofynnol o dan reoliad 3 o Reoliadau 2002.

(2) Caiff personau a grybwyllir yn is-baragraff (1) gyflawni gwaith a bennir yn rheoliad 7 mewn ysgol i'r graddau mai cyflwyno cyrsiau astudio galwedigaethol sy'n ffurfio rhan neu'r cyfan o gwricwlwm lleol a ffurfiwyd gan awdurdod lleol yn unol ag adran 116A o Ddeddf Addysg 2002(1) neu gan Weinidogion Cymru yn unol ag adran 33A o Ddeddf Dysgu a Medrau 2000(2) yw'r gwaith.

### **Cynllun hyfforddiant athrawon ar sail cyflogaeth**

7.–(1) Mae'r paragraff hwn yn gymwys yn achos personau sy'n ymgymryd â hyfforddiant at ddibenion cynllun hyfforddiant athrawon ar sail cyflogaeth.

(2) Caiff personau o'r fath gyflawni gwaith a bennir yn rheoliad 7 mewn ysgol hyd oni fyddant yn cwblhau'r hyfforddiant yn llwyddiannus neu'n peidio ag ymgymryd ag ef.

### **Personau eraill y caniateir iddynt gyflawni gwaith penodedig**

8.–(1) Mae'r paragraff hwn yn gymwys yn achos personau nad ydynt yn athrawon cymwysedig ac nad ydynt wedi eu crybwyll ym mharagraffau 2 i 7 o'r Atodlen hon.

two years commencing on the day on which they first carry out work specified in regulation 7 in a school.

### **Trainees on initial teacher training courses**

5.–(1) This paragraph applies in the case of persons who are undertaking a course of initial training for teachers in schools at an accredited institution in Wales or England.

(2) Persons mentioned in sub-paragraph (1) may carry out work specified in regulation 7 in a school (other than a pupil referral unit) under the supervision of a qualified teacher during any period in which they are undertaking practical teaching experience for the purposes of that course.

### **Qualified further education teachers teaching vocational courses within the local curriculum**

6.–(1) This paragraph applies in the case of persons who hold qualifications required under regulation 3 of the 2002 Regulations.

(2) Persons mentioned in sub-paragraph (1) may carry out work specified in regulation 7 in a school to the extent that the work comprises the delivery of vocational courses of study forming a part or the whole of a local curriculum that has been formed by a local authority pursuant to section 116A of the Education Act 2002(1) or by the Welsh Ministers pursuant to section 33A of the Learning and Skills Act 2000(2).

### **Employment-based teacher training scheme**

7.–(1) This paragraph applies in the case of persons who are undertaking training for the purposes of an employment-based teacher training scheme.

(2) Such persons may carry out work specified in regulation 7 in a school until they successfully complete or cease to undertake that training.

### **Other persons who may carry out specified work**

8.–(1) This paragraph applies in the case of persons who are not qualified teachers and who are not mentioned in paragraphs 2 to 7 of this Schedule.

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(1) Fel a fewnosodwyd gan adran 4 o Fesur Dysgu a Sgiliau (Cymru) 2009 (2009 mccc Rhif 1) ac a gychwynnwyd ar 7 Rhagfyr 2009 (O.S. 2009/3174, erthygl 2(1)(b)) at ddibenion neilltuol ac ar 1 Ionawr 2010 (O.S. 2009/3174, erthygl 2(2)(c)) at weddill y dibenion.

(2) Fel a fewnosodwyd gan adran 22 o Fesur Dysgu a Sgiliau (Cymru) 2009 ond nas cychwynnwyd ar ddyddiad y Rheoliadau hyn.

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(1) As inserted by section 4 of the Learning and Skills (Wales) Measure 2009 (2009 nawm No 1) and commenced on 7 December 2009 (S.I. 2009/3174, art 2(1)(b)) for certain purposes and on 1 January 2010 (S.I. 2009/3174, art 2(2)(c)) for the remaining purposes.

(2) As inserted by section 22 of the Learning and Skills (Wales) Measure 2009 but which as at the date of these Regulations has not been commenced.



(2) Dim ond os bodlonir yr amodau canlynol y caiff personau o'r fath gyflawni gwaith a bennir yn rheoliad 7 mewn ysgol—

- (a) bod y personau'n cyflawni gwaith a bennir yn rheoliad 7 er mwyn cynorthwyo neu gefnogi gwaith athrawon cymwysedig neu athrawon enwebedig yn yr ysgol;
- (b) bod y personau'n ddarostyngedig i gyfarwyddyd a goruchwyliaeth athrawon cymwysedig neu athrawon enwebedig o'r fath yn unol â threfniadau a wnaed gan bennaeth yr ysgol; ac
- (c) bod y pennaeth wedi ei fodloni bod ganddynt y sgiliau, yr arbenigedd a'r profiad y mae eu hangen i gyflawni gwaith a bennir yn rheoliad 7.

(3) Os ydynt o'r farn bod yr enwebiad yn briodol yn yr amgylchiadau, caiff penaethiaid enwebu personau a grybwyllir ym mharagraffau 3, 4, 5, 6 neu 7 yn yr Atodlen hon yn athrawon enwebedig at ddiben is-baragraff (2).

(4) Wrth benderfynu a oes gan y personau a grybwyllir yn is-baragraff (1) y sgiliau, yr arbenigedd a'r profiad sy'n ofynnol i gyflawni gwaith a bennir yn rheoliad 7 mewn ysgol, caiff penaethiaid roi sylw—

- (a) i'r safonau hynny ar gyfer cynorthwywyr addysgu lefel uwch, neu ganllawiau ynghylch staff cymorth ysgol, y gall Gweinidogion Cymru eu cyhoeddi o bryd i'w gilydd; a
- (b) i'r canllawiau hynny o ran materion contract sy'n ymwneud â staff cymorth ysgol y gall unrhyw awdurdod lleol neu gyflogwr arall eu cyhoeddi o bryd i'w gilydd.

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(2) Such persons may carry out work specified in regulation 7 in a school only if the following conditions are satisfied—

- (a) they carry out work specified in regulation 7 in order to assist or support the work of qualified teachers or nominated teachers in the school;
- (b) they are subject to the direction and supervision of such qualified teachers or nominated teachers in accordance with arrangements made by the head teacher of the school; and
- (c) the head teacher is satisfied that they have the skills, expertise and experience required to carry out work specified in regulation 7.

(3) Head teachers may, if they consider the nomination appropriate in the circumstances, nominate persons who are mentioned in paragraphs 3, 4, 5, 6 or 7 of this Schedule as nominated teachers for the purpose of sub-paragraph (2).

(4) In determining whether the persons mentioned in sub-paragraph (1) have the skills, expertise and experience required to carry out work specified in regulation 7 in a school, head teachers may have regard to—

- (a) such standards for higher-level teaching assistants, or guidance concerning school support staff, as may be published from time to time by the Welsh Ministers; and
- (b) such guidance as to contractual matters relating to school support staff as may be published from time to time by any local authority or other employer.

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CYMRU

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**2010 Rhif 2710 (Cy.227)**

**ADDYSG, CYMRU**

Rheoliadau Addysg (Gwaith  
Penodedig a Chofrestru) (Cymru)  
2010

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WELSH STATUTORY  
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**2010 No. 2710 (W.227)**

**EDUCATION, WALES**

The Education (Specified Work  
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