



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2014 Rhif 1132 (Cy. 111)

2014 No. 1132 (W. 111)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Ffedereiddio Ysgolion a
Gynhelir (Cymru) 2014**

**The Federation of Maintained
Schools (Wales) Regulations 2014**

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 gymwys i ffederasiynau a gyfansoddir o bob categori o ysgolion yng Nghymru.

These Regulations apply to federations consisting of all categories of schools in Wales.

Mae **Rhan 1** yn darparu bod y Rheoliadau i ddod i rym ar 22 Mai 2014 ac yn cynnwys darpariaethau deongliadol. Mae Rheoliadau Ffedereiddio Ysgolion a Gynhelir a Diwygiadau Amrywiol (Cymru) 2010 wedi eu dirymu gydag arbedion a darpariaethau trosiannol.

Part 1 provides for the Regulations to come into force on 22 May 2014 and contains interpretative provisions. The Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010 are revoked with savings and transitional provisions.

Mae **Rhan 2** yn nodi o dan ba amgylchiadau y caniateir sefydlu ffederasiwn neu y caiff ysgol ymuno â ffederasiwn sy'n bod eisoes. Caiff o leiaf ddwy ysgol, ond dim mwy na chwe ysgol, ffedereiddio yn unol â Phennod 1 o Ran 2 o Fesur Addysg (Cymru) 2011 ("Mesur 2011") a'r Rheoliadau hyn.

Part 2 sets out the circumstances in which a federation can be established or a school can join an existing federation. At least two schools, but no more than six schools, can federate in accordance with Chapter 1 of Part 2 of the Education (Wales) Measure 2011 ("the 2011 Measure") and these Regulations.

Mae rheoliadau 5 i 7 yn nodi'r weithdrefn ar gyfer ffedereiddio cyrff llywodraethu ysgolion a gynhelir, gan gynnwys amgylchiadau pan fo ffederasiwn yn dymuno ymuno â ffederasiwn arall i ffurfio ffederasiwn newydd a phan fo ysgol newydd yn dymuno ymuno â ffederasiwn. Mae rheoliad 8 ac Atodlen 1 yn galluogi ysgolion newydd sy'n bwriadu bod yn ysgolion ffederal i gael corff llywodraethu sengl dros dro. Mae rheoliadau 9 a 10 yn nodi'r weithdrefn i awdurdod lleol ffedereiddio ysgolion. Mae rheoliadau 11 a 12 yn nodi'r weithdrefn i awdurdod lleol ffedereiddio ysgolion bach (o fewn ystyr Gorchymyn a wneir o dan adran 15 o Fesur 2011).

Regulations 5 to 7 set out the procedure for governing bodies of maintained schools to federate including circumstances where a federation wishes to join another federation to form a new federation and where a new school wishes to join a federation. Regulation 8 and Schedule 1 enable new schools which propose to be federated schools to have a single temporary governing body. Regulations 9 and 10 set out the procedure for a local authority to federate schools. Regulations 11 and 12 set out the procedure for a local authority to federate small schools (within the meaning of an Order made under section 15 of the 2011 Measure).

Mae rheoliad 13 yn darparu y bydd cyrff llywodraethu'r ysgolion unigol yn cael eu diddymu a chorff llywodraethu'r ffederasiwn yn cael ei ymgorffori ar y dyddiad ffedereiddio. Trosglwyddir yr holl dir, eiddo, hawliau a rhwymedigaethau perthnasol i gorff llywodraethu'r ffederasiwn.

Regulation 13 provides that on the federation date the governing bodies of the individual schools dissolve and the governing body of the federation is incorporated. All relevant land, property, rights and liabilities are transferred to the governing body of the federation.

Mae **Rhan 3** yn disgrifio'r gwahanol fathau o lywodraethwr. Mae rheoliad 14 ac Atodlen 2 yn ymdrin â rhiant-lywodraethwyr ac yn nodi ar ba sail y'u hetholir neu y'u penodir.

Mae rheoliad 15 yn ymdrin ag athro-lywodraethwyr ac mae rheoliad 16 yn ymdrin â staff-lywodraethwyr nad ydynt yn athrawon. Mae'r pennaeth yn llywodraethwr yn rhinwedd safle'r person hwnnw ond caiff ymddiswyddo fel llywodraethwr (neu dynnu'n ôl yr ymddiswyddiad) ar unrhyw adeg. Mae Atodlen 3 yn nodi'r broses ar gyfer ethol athro-lywodraethwyr a staff-lywodraethwyr.

Mae rheoliad 17 yn ymdrin â phenodi llywodraethwyr awdurdod lleol.

Mae rheoliad 18 yn nodi pwy sy'n gymwys i'w benodi yn llywodraethwr cymunedol ac mae rheoliad 19 yn nodi pwy sy'n gymwys i fod yn llywodraethwr cymunedol ychwanegol.

Mae rheoliad 20 yn ymdrin â phenodi llywodraethwyr sefydledig, gan gynnwys llywodraethwyr sefydledig ex officio a dirprwy-lywodraethwyr. Mae rheoliad 21 ac Atodlen 4 yn darparu ar gyfer enwebu a phenodi llywodraethwyr partneriaeth ac mae rheoliad 22 ac Atodlen 5 yn darparu ar gyfer enwebu a phenodi noddwr-lywodraethwyr. Mae penodi noddwr-lywodraethwyr yn opsiynol.

Mae rheoliad 23 ac Atodlen 6 yn darparu ar gyfer enwebu a phenodi llywodraethwyr cynrychiadol.

Mae rheoliad 24 yn darparu ar gyfer penodi disgybl-lywodraethwyr cyswllt.

Mae **Rhan 4** yn nodi'r egwyddorion cyffredinol y mae maint a chyfansoddiad cyrff llywodraethu ffederasiynau i'w penderfynu yn unol â hwy. Yn rheoliadau 25 i 34 nodir y gofynion penodol ar gyfer cyfansoddi cyrff llywodraethu ffederasiynau, sy'n dibynnu ar y mathau o ysgolion sy'n cyfansoddi'r ffederasiwn.

Mae **Rhan 5** yn ymdrin â chymwysiadau a thymor gwasanaethu. Mae rheoliad 35 ac Atodlen 7 yn nodi o dan ba amgylchiadau yr anghymhwysir llywodraethwr rhag sefyll i'w ethol, neu ei benodi, neu barhau mewn swydd fel llywodraethwr.

Mae rheoliad 36 yn darparu (gyda rhai eithriadau) mai tymor gwasanaethu hwyaf llywodraethwr yw 4 blynedd. Os digwydd bod llywodraethwr sefydledig ex officio yn analluog neu'n anfodlon ymgymryd â'r swydd, caniateir penodi dirprwy-lywodraethwr. Mae rheoliad 37 yn nodi'r weithdrefn ar gyfer ymddiswyddo o fod yn llywodraethwr. Mae rheoliadau 38 i 41 yn darparu ar gyfer diswyddo llywodraethwyr a benodwyd (yn hytrach nag a etholwyd) i'w swyddi.

Part 3 describes the various types of governor. Regulation 14 and Schedule 2 deal with parent governors and set out the basis on which they are elected or appointed.

Regulation 15 deals with teacher governors and regulation 16 deals with staff governors who are not teachers. The head teacher is a governor by virtue of that person's position but may resign as a governor (or withdraw the resignation) at any time. Schedule 3 sets out the election process for teacher and staff governors.

Regulation 17 deals with the appointment of local authority governors.

Regulation 18 sets out who is eligible for appointment as a community governor and regulation 19 sets out who is eligible as an additional community governor.

Regulation 20 deals with the appointment of foundation governors, including ex officio foundation governors and substitute governors. Regulation 21 and Schedule 4 make provision for the nomination and appointment of partnership governors and regulation 22 and Schedule 5 make provision for the nomination and appointment of sponsor governors. The appointment of sponsor governors is optional.

Regulation 23 and Schedule 6 makes provision for the nomination and appointment of representative governors.

Regulation 24 makes provision for the appointment of associate pupil governors.

Part 4 sets out the general principles by which the size and composition of governing bodies of federations are to be determined. Regulations 25 to 34 set out the specific requirements for the constitution of the governing bodies of federations, dependent upon the type of schools which make up a federation.

Part 5 deals with qualifications and term of office. Regulation 35 and Schedule 7 set out the circumstances in which a governor is disqualified from standing for election, being appointed or continuing in office as a governor.

Regulation 36 provides that (with some exceptions) a governor's term of office is a maximum of 4 years. In the event that an ex officio foundation governor is unable or unwilling to take up office, a substitute governor may be appointed. Regulation 37 sets out the procedure for resigning as a governor. Regulations 38 to 41 provide for the removal of governors who have been appointed (rather than elected) to office.

Mae **Rhan 6** yn ymdrin â'r weithdrefn ar gyfer gwneud, adolygu ac amrywio offerynnau llywodraethu ac â chynnwys yr offerynnau. Mae rheoliad 47 yn cymhwyso darpariaethau yn Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006, ac mae rheoliad 48 yn cymhwyso darpariaethau yn Rheoliadau Cynghorau Ysgol (Cymru) 2005, i gyrff llywodraethu ffederasiynau, ac i lywodraethwyr, pan fo rhai addasiadau yn ofynnol, fel a nodir yn Atodlenni 8 a 9, yn eu trefn.

Mae **Rhan 7** yn ymdrin â phenodi a diswyddo swyddogion y corff llywodraethu ffederal, ac â'u swyddogaethau. Mae rheoliad 51 yn ymdrin â dirprwyo swyddogaethau i'r cadeirydd neu'r is-gadeirydd mewn achosion brys. O dan reoliad 53 mae'n ofynnol bod y corff llywodraethu ffederal yn penodi clerc i'r corff llywodraethu, ac mae pŵer gan y corff llywodraethu ffederal i ddiswyddo'r clerc ar unrhyw adeg. Mae rheoliad 54 yn nodi swyddogaethau clerc y corff llywodraethu ffederal.

Mae **Rhan 8** yn darparu ar gyfer cyfarfodydd a thrafodion y corff llywodraethu ffederal. Cynhwysir darpariaethau yn y Rhan hon ar gyfer mynediad i gyfarfodydd, cynnull cyfarfodydd, cworwm, cofnodion a chyhoeddi'r cofnodion. Rhaid gwneud pob penderfyniad ar unrhyw fater drwy fwyafrif o'r llywodraethwyr sy'n pleidleisio.

Mae rheoliad 61 yn nodi o dan ba amgylchiadau y caniateir atal llywodraethwr rhag mynd i gyfarfodydd am hyd at 6 mis. Mae rheoliadau 62 i 64 yn ymwneud â dirprwyo swyddogaethau'r corff llywodraethu ffederal.

Mae **Rhan 9** yn ymdrin â sefydlu pwyllgorau'r cyrff llywodraethu ffederal a'u trafodion, gan gynnwys y trefniadau clercio, cynnull cyfarfodydd, cworwm, pleidleisio a chyhoeddi cofnodion.

Mae **Rhan 10** ac Atodlen 10 yn ymdrin â gwrthdrawiadau buddiannau a'r amgylchiadau pan fo rhaid i lywodraethwyr ac eraill, y byddai hawl ganddynt fel arall i fod yn bresennol mewn cyfarfodydd o'r corff llywodraethu ffederal neu ei bwyllgorau, adael y cyfarfod a pheidio â phleidleisio. Pan fo gwrthdrawiad rhwng buddiannau person o'r fath a buddiannau'r corff llywodraethu ffederal, neu pan fo egwyddorion cyfiawnder naturiol yn galw am wrandawriad teg a bod unrhyw amheuaeth resymol ynghylch gallu'r person hwnnw i weithredu yn ddiuedd yr egwyddor gyffredinol yw y dylai'r person hwnnw adael y cyfarfod a pheidio â phleidleisio.

Mae **Rhan 11** yn ymdrin â materion gwybodaeth a chyllido. Mae rheoliad 76 yn darparu bod rhaid i gyrff llywodraethu pob ysgol a fydd yn rhan o ffederasiwn ddarparu gwybodaeth benodedig i gynorthwyo corff llywodraethu'r ffederasiwn.

Part 6 deals with the procedure for making, reviewing and varying instruments of government and the content of instruments. Regulation 47 applies provisions within the Staffing of Maintained Schools (Wales) Regulations 2006, and regulation 48 applies provisions within the School Councils (Wales) Regulations 2005, to the governing bodies of federations, and to governors, where certain modifications are required as set out in Schedules 8 and 9 respectively.

Part 7 deals with the appointment and removal of officers of the federated governing body, and their functions. Regulation 51 deals with delegation of functions to the chair or vice-chair in cases of urgency. Under regulation 53 the federated governing body is required to appoint a clerk to the governing body, and has the power to remove the clerk from office at any time. Regulation 54 sets out the functions of the clerk to the federated governing body.

Part 8 provides for meetings and proceedings of the federated governing body. This Part includes provisions for access to meetings, convening meetings, quorum, minutes and their publication. Decisions on all matters are to be made by majority of governors voting.

Regulation 61 sets out the circumstances in which a governor may be suspended from meetings for up to 6 months. Regulations 62 to 64 relate to delegation of the federated governing body functions.

Part 9 deals with the establishment and proceedings of committees of federated governing bodies, including clerking arrangements, convening meetings, quorum, voting and publication of minutes.

Part 10 and Schedule 10 deal with conflicts of interest and the circumstances in which governors and others who are otherwise entitled to attend meetings of the federated governing body or its committees must withdraw 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 federated governing body, or where the principles of natural justice require a fair hearing and there is any reasonable doubt about that person's ability to act impartially, that person should withdraw from the meeting and not vote.

Part 11 deals with information and funding matters. Regulation 76 provides for the governing bodies of each school which will be part of a federation to provide specified information to assist the governing body of the federation.

Mae rheoliad 77 yn cymhwyso Pennod 4 o Ran 2 o Ddeddf Safonau a Fframwaith Ysgolion 1998 (“Deddf 1998”) i ffederasiynau yn ddarostyngedig i reoliad 78 sy’n addasu adran 50 o Ddeddf 1998 fel y mae’n gymwys i ysgolion ffederal a chyrff llywodraethu ffederasiynau. Mae’r adran 50 addasedig yn gymwys hyd nes sefydlir corff llywodraethu dros dro pan fo ysgol yn bwriadu gadael ffederasiwn neu pan ddiddymir ffederasiwn.

Mae **Rhan 12** yn nodi’r weithdrefn sy’n ofynnol er mwyn i ysgol ffederal adael ffederasiwn.

Mae rheoliad 81 yn darparu, pan fo ysgol am adael ffederasiwn, bod rhaid i’r awdurdod lleol sefydlu corff llywodraethu dros dro a dyroddi offeryn llywodraethu mewn cysylltiad â’r ysgol honno ac adolygu offeryn llywodraethu’r ffederasiwn. O dan reoliad 82 caiff corff llywodraethu dros dro yr ysgol sy’n gadael y ffederasiwn wario ei gyfran ef o gyllideb a roddir ar gael gan yr awdurdod lleol.

Mae rheoliad 83 yn darparu ar gyfer ymgorffori corff llywodraethu’r ysgol sy’n gadael y ffederasiwn, ar y dyddiad dadffedereiddio ac mae rheoliad 84 yn ymdrin â throsglwyddo tir, eiddo, hawliau a rhwymedigaethau i gorff llywodraethu’r ysgol sy’n gadael y ffederasiwn.

Mae **Rhan 13** yn nodi’r weithdrefn ar gyfer diddymu ffederasiwn. Rhaid i’r awdurdod lleol sefydlu corff llywodraethu dros dro ar gyfer pob ysgol yn y ffederasiwn a dyroddi offeryn llywodraethu mewn perthynas â phob ysgol.

Mae rheoliad 89 yn galluogi corff llywodraethu dros dro pob ysgol i wario’r gyfran o gyllideb a roddir ar gael iddo gan yr awdurdod lleol.

Mae rheoliad 88 yn darparu ar gyfer ymgorffori (ar ddyddiad y diddymu) cyrff llywodraethu pob ysgol a oedd gynt yn y ffederasiwn a ddiddymwyd ac mae rheoliad 89 yn ymdrin â throsglwyddo tir, eiddo, hawliau a rhwymedigaethau i gyrff llywodraethu pob un o’r ysgolion hynny.

Mae **Rhan 14** yn diwygio Rheoliadau Cydlafurio Rhwng Cyrff Addysg (Cymru) 2012 (O.S. 2012/2655 (Cy. 287)), Rheoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) 2013 (O.S. 2013/2124 (Cy.207)) a Rheoliadau Llywodraethu Ysgolion a Gynhelir (Clerc i Gorff Llywodraethu) (Cymru) 2013 (O.S. 2013/2127 (Cy.208)).

Regulation 77 applies Chapter 4 of Part 2 of the School Standards and Framework Act 1998 (“the 1998 Act”) to federations subject to regulation 78, which modifies section 50 of the 1998 Act as it applies to federated schools and the governing bodies of federations. The modified section 50 applies until a temporary governing body is established when a school proposes to leave a federation or when a federation is dissolved.

Part 12 sets out the procedure required for a federated school to leave a federation.

Regulation 81 provides that where a school is to leave a federation, the local authority must establish a temporary governing body and issue an instrument of government in respect of that school and review the instrument of government of the federation. Under regulation 82 the temporary governing body of the school leaving the federation may spend its budget share made available by the local authority.

Regulation 83 provides for the incorporation of the governing body of the school leaving the federation on the de-federation date and regulation 84 deals with the transfer of land, property, rights and liabilities to the governing body of the school leaving the federation.

Part 13 sets out the procedure for the dissolution of a federation. The local authority must establish a temporary governing body for each school within the federation and issue an instrument of government in relation to each school.

Regulation 89 enables the temporary governing body of each school to spend the budget share made available to it by the local authority.

Regulation 90 provides for the incorporation (on the date of dissolution) of the governing bodies of each school previously within the dissolved federation and regulation 91 deals with the transfer of land, property, rights and liabilities to the governing body of each of those schools.

Part 14 amends the Collaboration Between Education Bodies (Wales) Regulations 2012 (S.I. 2012/2655 (W.287)), the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 (S.I. 2013/2124 (W.207)) and the Government of Maintained Schools (Clerk to a Governing Body) (Wales) Regulations 2013 (S.I. 2013/2127 (W.208)).

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EDUCATION, WALES

**Rheoliadau Ffedereiddio Ysgolion a
Gynhelir (Cymru) 2014**

**The Federation of Maintained
Schools (Wales) Regulations 2014**

Gwnaed 29 Ebrill 2014

Made 29 April 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 30 Ebrill 2014

Laid before the National Assembly for Wales
30 April 2014

Yn dod i rym 22 Mai 2014

Coming into force 22 May 2014

TREFN Y RHEOLIADAU

ARRANGEMENT OF REGULATIONS

**RHAN 1
CYFLWYNIAD**

**PART 1
INTRODUCTION**

1. Enwi, cychwyn a chymhwyso
2. Dirymu, darpariaethau trosiannol ac arbedion
3. Dehongli

1. Title, commencement and application
2. Revocation, transitional provisions and savings
3. Interpretation

**RHAN 2
SEFYDLU NEU YMUNO Â FFEDERASIWN**

**PART 2
ESTABLISHING OR JOINING A FEDERATION**

4. Cyffredinol
- 5-7 Gweithdrefn ar gyfer ffedereiddio – a gynigir gan gorff llywodraethu
8. Ysgolion newydd sy'n dymuno ffedereiddio
- 9-10 Cynnig i awdurdod lleol ffedereiddio ysgolion
- 11-12 Cynnig i awdurdod lleol ffedereiddio ysgolion bach
13. Ymgorffori cyrff llywodraethu ffederasiynau a diddymu cyrff llywodraethu blaenorol

4. General
- 5-7 Procedure for federation – governing body proposed
8. New schools wishing to federate
- 9-10 Local authority proposed federation for schools
- 11-12 Local authority proposed federation of small schools
13. Incorporation of governing bodies of federations and dissolution of former governing bodies

RHAN 3
CATEGORïAU O LYWODRAETHWYR

14. Rhiant-lywodraethwyr
15. Athro-lywodraethwyr
16. Staff-lywodraethwyr
17. Llywodraethwyr awdurdod lleol
18. Llywodraethwyr cymunedol
19. Llywodraethwyr cymunedol ychwanegol
20. Llywodraethwyr sefydledig
21. Llywodraethwyr partneriaeth
22. Noddwr-lywodraethwyr
23. Llywodraethwyr cynrychiadol
24. Disgybl-lywodraethwyr cyswllt

PART 3
CATEGORIES OF GOVERNOR

14. Parent governors
15. Teacher governors
16. Staff governors
17. Local authority governors
18. Community governors
19. Additional community governors
20. Foundation governors
21. Partnership governors
22. Sponsor governors
23. Representative governors
24. Associate pupil governors

RHAN 4
CYFANSODDIAD CYRFF LLYWODRAETHU
FFEDERASIWN

25. Egwyddorion cyffredinol
26. Ffederasiwn sy'n cynnwys ysgolion cymunedol, ysgolion arbennig cymunedol ac ysgolion meithrin a gynhelir yn unig
27. Ffederasiwn sy'n cynnwys ysgolion sefydledig yn unig
28. Ffederasiwn sy'n cynnwys ysgolion gwirfoddol a reolir yn unig
29. Ffederasiwn sy'n cynnwys ysgolion gwirfoddol a gynorthwyr yn unig
30. Ffederasiwn sy'n cynnwys ysgolion gwirfoddol a reolir ac ysgolion gwirfoddol a gynorthwyr
31. Llywodraethwyr cymunedol ychwanegol
32. Hysbysu swyddi gwag a phenodiadau
33. Cyd-benodiadau
34. Llywodraethwyr gormodol

PART 4
COMPOSITION OF GOVERNING BODIES OF A
FEDERATION

25. General principles
26. Federation comprising only community, community special and maintained nursery schools
27. Federation comprising only foundation schools
28. Federation comprising voluntary controlled schools only
29. Federation comprising voluntary aided schools only
30. Federation comprising voluntary controlled and voluntary aided schools
31. Additional community governors
32. Notification of vacancies and appointments
33. Joint appoints
34. Surplus governors

RHAN 5
CYMWYSIADAU A DEILIADAETH SWYDD

35. Cymwysiadau ac anghymwysiadau
36. Cyfnod swydd

PART 5
QUALIFICATIONS AND TENURE OF OFFICE

35. Qualifications and disqualifications
36. Term of office

37.	Ymddiswyddo	37.	Resignation
38.	Diswyddo llywodraethwyr awdurdod lleol, llywodraethwyr sefydledig, llywodraethwyr cynrychiadol, llywodraethwyr cymunedol ychwanegol a noddwr-lywodraethwyr	38.	Removal of local authority, foundation, representative, additional community and sponsor governors
39.	Diswyddo llywodraethwyr cymunedol	39.	Removal of community governors
40.	Diswyddo rhiant-lywodraethwyr a benodwyd, llywodraethwyr partneriaeth a disgybl-lywodraethwyr cyswllt	40.	Removal of appointed parent governors, partnership governors and associate pupil governors
41.	Y weithdrefn ar gyfer diswyddo llywodraethwyr gan y corff llywodraethu	41.	Procedure for removal of governors by the governing body

RHAN 6

OFFERYN LLYWODRAETHU, STAFFIO, CYNGHORAU YSGOL A STATWS ELUSENNOL

42.	Y ddyletswydd i ystyried canllawiau
43.	Cynnwys a ffurf yr offeryn llywodraethu
44.	Y weithdrefn ar gyfer gwneud offeryn
45.	Adolygu offerynnau llywodraethu
46.	Gofynion eraill mewn perthynas ag offerynnau llywodraethu
47.	Staffio ffederasiynau
48.	Rheoliadau Cyngorau Ysgol
49.	Statws elusennol ffederasiynau

PART 6

INSTRUMENT OF GOVERNMENT, STAFFING, SCHOOL COUNCILS AND CHARITABLE STATUS

42.	Duty to have regard to guidance
43.	Contents and form of instrument of government
44.	Procedure for making an instrument
45.	Review of instruments of government
46.	Other requirements relating to instruments of government
47.	Staffing of federations
48.	School Council Regulations
49.	Charitable status of federations

RHAN 7

PENODI SWYDDOGION, EU SWYDDOGAETHAU A'U DISWYDDO

50.	Ethol y cadeirydd a'r is-gadeirydd
51.	Dirprwyo swyddogaethau i'r cadeirydd neu'r is-gadeirydd mewn achosion brys
52.	Diswyddo'r cadeirydd neu'r is-gadeirydd
53.	Penodi a diswyddo clerwr y corff llywodraethu
54.	Swyddogaethau clerwr y corff llywodraethu

PART 7

APPOINTMENT, FUNCTIONS AND REMOVAL OF OFFICERS

50.	Election of the chair and vice-chair
51.	Delegation of functions to the chair or vice-chair in cases of urgency
52.	Removal of the chair or vice-chair from office
53.	Appointment and removal of the clerk to the governing body
54.	Functions of the clerk to the governing body

RHAN 8

CYFARFODYDD A THRAFODION CYRFF LLYWODRAETHU

55.	Hawl personau i fod yn bresennol yng nghyfarfodydd y corff llywodraethu
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PART 8

MEETINGS AND PROCEEDINGS OF GOVERNING BODIES

55.	Right of persons to attend meetings of the governing body
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56.	Allgáu disgybl-lywodraethwyr cyswllt o gyfarfodydd	56.	Exclusion of associate pupil governors from meetings
57.	Cynnull cyfarfodydd y corff llywodraethu	57.	Convening meetings of the governing body
58.	Cworwm a thrafodion y corff llywodraethu	58.	Quorum and proceedings of the governing body
59.	Cofnodion a phapurau	59.	Minutes and papers
60.	Cyhoeddi cofnodion a phapurau	60.	Publication of minutes and papers
61.	Atal llywodraethwyr	61.	Suspension of governors
62.	Dirprwyo swyddogaethau	62.	Delegation of functions
63.	Cyfyngiadau ar ddirprwyo a phwyllgorau penodedig	63.	Restrictions on delegation and specified committees
64.	Adrodd wrth y corff llywodraethu ar ôl arfer swyddogaethau dirprwyedig	64.	Reporting of the governing body following the exercise of delegated functions

RHAN 9

PWYLLGORAU CYRFF LLYWODRAETHU

65.	Cymhwyso'r Rhan hon
66.	Sefydlu pwyllgorau'r corff llywodraethu
67.	Y pwyllgor disgyblu a diswyddo staff a'r pwyllgor apelau disgyblu a diswyddo
68.	Y pwyllgor disgyblu a gwahardd disgyblion
69.	Y pwyllgor derbyniadau
70.	Clercod pwyllgorau
71.	Hawl personau i fod yn bresennol yng nghyfarfodydd pwyllgorau
72.	Cyfarfodydd pwyllgorau
73.	Cofnodion cyfarfodydd pwyllgorau
74.	Cyhoeddi cofnodion a phapurau

RHAN 10

CYFYNGIADAU AR BERSONAU RHAG CYMRYD RHAN YN NHRAFODION Y CORFF LLYWODRAETHU NEU EI BWYLLGORAU

75.	Cyfyngiadau ar bersonau rhag cymryd rhan mewn trafodion
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RHAN 11

GWYBODAETH A CHYLLIDO

76.	Gwybodaeth ar gyfer corff llywodraethu ffederasiwn
-----	--

PART 9

COMMITTEES OF GOVERNING BODIES

65.	Application of this Part
66.	Establishment of committees of the governing body
67.	Staff disciplinary and dismissal committee and disciplinary and dismissal appeals committee
68.	Pupil discipline and exclusions committee
69.	Admissions committee
70.	Clerks to committees
71.	Right of persons to attend meetings of committees
72.	Meetings of committees
73.	Minutes of meetings of committees
74.	Publication of minutes and papers

PART 10

RESTRICTIONS ON PERSONS TAKING PART IN PROCEEDINGS OF THE GOVERNING BODY OR ITS COMMITTEES

75.	Restrictions on persons taking part in proceedings
-----	--

PART 11

INFORMATION AND FUNDING

76.	Information for the governing body of a federation
-----	--

77.	Ariannu ffederasiynau	77.	Financing of federations
78.	Addasu Pennod 4 o Ran 2 o Ddeddf 1998	78.	Modification of Chapter 4 of Part 2 of the 1998 Act

RHAN 12
YSGOLION FFEDERAL SY’N GADAEI
FFEDERASIYNAU

PART 12
FEDERATED SCHOOLS LEAVING
FEDERATIONS

79.	Y weithdrefn i ysgol adael ffederasiwn nad yw’n un awdurdod lleol	79.	Procedure for a school to leave a non local authority federation
80.	Y weithdrefn i ysgol adael ffederasiwn awdurdod lleol	80.	Procedure for a school to leave a local authority federation
81.	Penderfyniad i ganiatáu i ysgol ffederal adael ffederasiwn	81.	Decision to permit federated school to leave a federation
82.	Argaeledd symiau sy’n cynrychioli cyfran o gyllideb	82.	Availability of amounts representing budget share
83.	Ymgorffori corff llywodraethu ysgol sy’n gadael ffederasiwn	83.	Incorporation of governing body of a school leaving a federation
84.	Trosglwyddo eiddo	84.	Transfer of property

RHAN 13
DIDDYMU FFEDERASIYNAU

PART 13
DISSOLUTION OF FEDERATIONS

85.	Diddymu ffederasiynau nad ydynt yn rhai awdurdodau lleol gan gorff llywodraethu	85.	Dissolution by governing body of non local authority federations
86.	Diddymu ffederasiynau awdurdodau lleol gan gorff llywodraethu	86.	Dissolution by governing body of local authority federations
87.	Diddymu ffederasiynau awdurdodau lleol gan awdurdod lleol	87.	Dissolution by local authority of local authority federations
88.	Sefydlu corff llywodraethu dros dro	88.	Establishment of temporary governing body
89.	Argaeledd symiau sy’n cynrychioli cyfran o gyllideb	89.	Availability of amounts representing budget share
90.	Ymgorffori corff llywodraethu ysgol sy’n gadael ffederasiwn	90.	Incorporation of governing body of a school leaving a federation
91.	Trosglwyddo eiddo	91.	Transfer of property

RHAN 14
DIWYGIADAU I REOLIADAU

PART 14
AMENDMENTS TO REGULATIONS.

92.	Diwygiadau i Reoliadau Cydlafurio Rhwng Cyrff Addysg (Cymru) 2012	92.	Amendments to the Collaboration Between Education Bodies (Wales) Regulations 2012.
93.	Diwygiadau i Reoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) 2013	93.	Amendments to the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013

94. Diwygiadau i Reoliadau Llywodraethu Ysgolion a Gynhelir (Clerc i Gorff Llywodraethu (Cymru) 2013

94. Amendments to the Government of Maintained Schools (Clerk to a Governing Body) (Wales) Regulations 2013

ATODLEN 1

Cyrrff llywodraethu dros dro ar gyfer ysgolion newydd sy'n bwriadu ffedereiddio

SCHEDULE 1

Temporary governing bodies of new schools intending to federate

Egwyddorion cyffredinol

General principles

Corff llywodraethu dros dro ar gyfer ysgolion cymunedol, ysgolion arbennig cymunedol ac ysgolion meithrin a gynhelir newydd

Temporary governing body for new community, community special and maintained nursery schools

Corff llywodraethu dros dro ar gyfer ysgolion gwirfoddol a reolir newydd

Temporary governing body for new voluntary controlled schools

Corff llywodraethu dros dro ar gyfer ysgolion gwirfoddol a gynorthwyr newydd

Temporary governing body for new voluntary aided schools

Corff llywodraethu dros dro ar gyfer ysgolion gwirfoddol a reolir newydd ac ysgolion gwirfoddol a gynorthwyr newydd

Temporary governing body for new voluntary controlled schools and voluntary aided schools

Noddwr-lywodraethwyr dros dro

Temporary sponsor governors

Disgybl-lywodraethwyr cyswllt dros dro

Temporary associate pupil governors

Llywodraethwyr cymunedol ychwanegol dros dro

Temporary additional community governors

ATODLEN 2

Ethol a phenodi rhiant-lywodraethwyr

SCHEDULE 2

Election and appointment of parent governors

ATODLEN 3

Ethol athro-lywodraethwyr a staff-lywodraethwyr

SCHEDULE 3

Election of teacher and staff governors

ATODLEN 4

Penodi llywodraethwyr partneriaeth

SCHEDULE 4

Appointment of partnership governors

ATODLEN 5

Penodi noddwr-lywodraethwyr

SCHEDULE 5

Appointment of sponsor governors

ATODLEN 6

Penodi llywodraethwyr cynrychiadol

SCHEDULE 6

Appointment of representative governors

ATODLEN 7

Cymwysiadau ac anghymwysiadau

SCHEDULE 7

Qualifications and disqualifications

Cyffredinol

General

Anhwylder meddyliol

Mental disorder

Methiant i fod yn bresennol mewn cyfarfodydd

Failure to attend meetings

Methdaliad

Bankruptcy

Anghymhwyso cyfarwyddwyr cwmnïau

Disqualification of company directors

Anghymhwyso ymddiriedolwyr elusennau

Disqualification of charity trustees

Personau y gwaherddir eu cyflogi neu y cyfyngir ar eu cyflogi

Collfarnau troseddol

Llywodraethwyr mwy na dwy ysgol

Methiant i gwblhau hyfforddiant gofynnol

Gwrthod gwneud cais am dystysgrif cofnodion troseddol

Hysbysu'r clerc

Persons whose employment is prohibited or restricted

Criminal convictions

Governors of more than two schools

Failure to complete required training

Refusal to make an application for a criminal records certificate

Notification to clerk

ATODLEN 8

Addasu'r Rheoliadau Staffio

ATODLEN 9

Addasu'r Rheoliadau Cyngorau Ysgol

ATODLEN 10

Cyfyngiadau ar bersonau rhag cymryd rhan yn nhrefodion y corff llywodraethu neu ei bwyllgorau

Buddiannau ariannol

Swydd llywodraethwr, cadeirydd, is-gadeirydd neu glerc

Arfarnu neu dalu i bersonau sy'n gweithio yn yr ysgol

Penodi staff

Personau sy'n aelodau o fwy nag un corff llywodraethu

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru yn adrannau 19(2), (3) ac (8), 20(2), (3) a (4A), 34(5), 35(4) a (5), 36(4) a (5), 210(7) a 214 o Ddeddf Addysg 2002 ac a freiniwyd bellach ynddynt hwy(1), a thrwy arfer eu pwerau yn adrannau 6, 10, 11, 12, 13, 14, 18 a 32 o Fesur Addysg (Cymru) 2011(2), yn gwneud y Rheoliadau a ganlyn:

SCHEDULE 8

Modification of the Staffing Regulations

SCHEDULE 9

Modification of the School Councils Regulations

SCHEDULE 10

Restrictions on persons taking part in proceedings of the governing body or its committees

Pecuniary interests

Office of governor, chair, vice-chair or clerk

Pay or appraisal of persons working at the school

Appointment of staff

Persons who are members of more than one governing body

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales in sections 19(2), (3) and (8), 20(2), (3) and (4A), 34(5), 35(4) and (5), 36(4) and (5), 210(7), and 214 of the Education Act 2002 and now vested in them(1) and in exercise of their powers in sections 6, 10, 11, 12, 13, 14, 18 and 32 of the Education (Wales) Measure 2011(2) make the following Regulations:

(1) 2002 p.32. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan yr adrannau hyn i Weiniogion Cymru o dan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32). Mewnosodwyd adran 20(4A) gan adran 19 o Fesur Addysg (Cymru) 2011.

(2) 2011 mccc 7.

(1) 2002 c.32. The functions of the National Assembly for Wales under these sections were transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32). Section 20(4A) was inserted by section 19 of the Education (Wales) Measure 2011.

(2) 2011 nawm 7.

RHAN 1

CYFLWYNIAD

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Ffedereiddio Ysgolion a Gynhelir (Cymru) 2014 a deuant i rym ar 22 Mai 2014.

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

Dirymu, darpariaethau trosiannol ac arbedion

2.—(1) Yn ddarostyngedig i baragraff (3), mae Rhannau 1 i 13 o Reoliadau Ffedereiddio Ysgolion a Gynhelir a Diwygiadau Amrywiol (Cymru) 2010(1) ("Rheoliadau Ffedereiddio 2010"), ac Atodlenni 1 i 10 iddynt, wedi eu dirymu.

(2) Rhaid i ysgol sydd wedi ei ffedereiddio yn unol â Rheoliadau Ffedereiddio 2010 ailgyfansoddi ei chorff llywodraethu yn unol â'r Rheoliadau hyn pan fydd y cyntaf o'r canlynol yn digwydd—

- (a) bod ysgol yn ymuno â'r ffederasiwn; neu
- (b) o fewn blwyddyn ar ôl i'r Rheoliadau hyn ddod i rym.

(3) Hyd y cyntaf o'r digwyddiadau a bennir ym mharagraff (2) caiff cyfansoddiad corff llywodraethu ysgol sydd wedi ei ffedereiddio barhau yn unol â Rhan 4 o Reoliadau Ffedereiddio 2010.

Dehongli

3.—(1) Yn y Rheoliadau hyn—

mae "athro neu athrawes ysgol" ("*school teacher*") i'w dehongli yn unol â dehongliad "*school teacher*" yn adran 122 o Ddeddf 2002;

mae i "awdurdod esgobaethol priodol" yr ystyr a roddir i "appropriate diocesan authority" yn adran 142(1) a (4) o Ddeddf 1998;

ystyr "awdurdod lleol" ("*local authority*") yw'r awdurdod lleol yng Nghymru sydd yn cynnal ysgol a gynhelir, neu sydd i gynnal ysgol arfaethedig; a phan fo ffederasiwn yn cynnwys ysgolion a gynhelir gan wahanol awdurdodau lleol yng Nghymru, ystyr "awdurdod lleol perthnasol" ("*relevant local authority*") yw'r awdurdod lleol sydd yn cynnal ysgol a gynhelir, neu sydd i gynnal ysgol arfaethedig;

PART 1

INTRODUCTION

Title, commencement and application

1.—(1) The title of these Regulations is the Federation of Maintained Schools (Wales) Regulations 2014 and they come into force on 22 May 2014.

(2) These Regulations apply in relation to Wales.

Revocation, transitional provisions and savings

2.—(1) Subject to paragraph (3) Parts 1 to 13 of, and Schedules 1 to 10 to, the Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010(1) ("the 2010 Federation Regulations") are revoked.

(2) A school federated in accordance with the 2010 Federation Regulations must reconstitute its governing body in accordance with these Regulations when the first of the following occurs—

- (a) a school joins the federation; or
- (b) within one year of the coming into force of these Regulations.

(3) Until the first of the events specified in paragraph (2) the composition of the governing body of a school federated may continue to be in accordance with Part 4 of the 2010 Federation Regulations.

Interpretation

3.—(1) In these Regulations—

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996(2);

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(3);

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

"the 2011 Measure" ("*Mesur 2011*") means the Education (Wales) Measure 2011(4);

"the 2013 Act" ("*Deddf 2013*") means the School Standards and Organisation (Wales) Act 2013(5);

"acting head teacher" ("*pennaeth dros dro*") means a person appointed to carry out the functions of the head teacher of the federation or of a federated school, pending the appointment of

(1) 2010/638 (W.64).

(2) 1996 c.56.

(3) 1998 c.31.

(4) 2011 nawm 7.

(5) 2013 anaw 1.

(1) 2010/638 (Cy.64).

ystyr “corff crefyddol priodol” (“*appropriate religious body*”) mewn perthynas ag ysgol a ddynodir o dan adran 69(3) o Ddeddf 1998 yn un sydd o gymeriad crefyddol ac nad yw’n un o ysgolion yr Eglwys yng Nghymru na’r Eglwys Gatholig Rufeinig, yw’r corff y mae Gweinidogion Cymru yn ei ystyried yn briodol mewn perthynas â’r grefydd neu’r enwad crefyddol y perthyn yr ysgol iddi neu iddo;

ystyr “corff llywodraethu” (“*governing body*”) yw corff llywodraethu a ymgorfforwyd o dan adran 19(1) o Ddeddf 2002 neu o dan y Rheoliadau hyn fel y bo’n briodol;

ystyr “cyngor ysgol” (“*school council*”) yw cyngor a sefydlwyd yn unol â rheoliad 3 o’r Rheoliadau Cynghorau Ysgol;

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

ystyr “Deddf 1998” (“*the 1998 Act*”) yw Deddf Safonau a Fframwaith Ysgolion 1998(2);

ystyr “Deddf 2002” (“*the 2002 Act*”) yw Deddf Addysg 2002;

ystyr “Deddf 2013” (“*the 2013 Act*”) yw Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013(3);

mae i “disgybl” yr ystyr a roddir i “pupil” yn adran 3 o Ddeddf 1996;

ystyr “diwrnod” (“*day*”) yw diwrnod ysgol fel y’i diffinnir gan adran 579 o Ddeddf 1996;

ystyr “diwrnod gwaith” (“*working day*”) yw unrhyw ddiwrnod nad yw’n ddydd Sadwrn, nac yn ddydd Sul nac yn ddiwrnod sydd yn wyl banc o fewn ystyr adran 1 o Ddeddf Bancio a Thrafodion Ariannol 1971(4);

ystyr “y dyddiad ffedereiddio” (“*the federation date*”) yw’r dyddiad pan fo cyrff llywodraethu yn ffedereiddio;

ystyr “ffederasiwn awdurdod lleol” (“*local authority federation*”) yw ffederasiwn sy’n cynnwys o leiaf un ysgol ffederal sydd wedi ei ffedereiddio yn rhinwedd adran 11 o Fesur 2011 (cynigion gan awdurdodau lleol i ffedereiddio ysgolion) a chan y Rheoliadau hyn;

ystyr “Mesur 2011” (“*the 2011 Measure*”) yw Mesur Addysg (Cymru) 2011(5);

ystyr “pennaeth dros dro” (“*acting head teacher*”) yw person a benodir i gyflawni swyddogaethau

a head teacher or in the absence of the head teacher;

“appropriate diocesan authority” (“*awdurdod esgobaethol priodol*”) has the meaning given by section 142(1) and (4) of the 1998 Act;

“appropriate religious body” (“*corff crefyddol priodol*”) in relation to a school designated under section 69(3) of the 1998 Act as having a religious character that is not a Church in Wales school or a Roman Catholic Church school, means the body that the Welsh Ministers consider appropriate in relation to the religion or religious denomination to which the school belongs;

“day” (“*diwrnod*”) means school day as defined by section 579 of the 1996 Act;

“the federation date” (“*y dyddiad ffedereiddio*”) means the date on which governing bodies federate;

“governing body” (“*corff llywodraethu*”) means a governing body incorporated under section 19(1) of the 2002 Act or these Regulations as appropriate;

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

“local authority” (“*awdurdod lleol*”) means the local authority in Wales by which a maintained school is, or a proposed school is to be, maintained; and where a federation includes schools maintained by different local authorities in Wales, “relevant local authority” (“*awdurdod lleol perthnasol*”) means the local authority by which a maintained school is, or a proposed school is to be, maintained;

“local authority federation” (“*ffederasiwn awdurdod lleol*”) means a federation containing at least one federated school that has been federated by virtue of section 11 of the 2011 Measure (proposal by local authorities to federate schools) and by these Regulations;

“the New Maintained Schools Regulations” (“*y Rheoliadau Ysgolion a Gynhelir Newydd*”) means

(1) 1996 p.56.
(2) 1998 p.31.
(3) 2013 decc 1.
(4) 1971 p.80.
(5) 2011 mccc 7.

(1) S.I. 2005/2914 (W.211) as amended by the School Councils (Wales) Regulations 2005 (S.I. 2005/3200 (W.236)); and by the Staffing of Maintained Schools (Wales) Regulations 2006 (S.I. 2006/873 (W.81)) and by the Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007 (S.I. 2007/944 (W.80)), and by the Education (Miscellaneous Amendments relating to Safeguarding Children) (Wales) Regulations 2009 (S.I. 2009/2544 (W.206)), and by the Local Education Authorities and Children’s Services Authorities (Integration of Functions) (Subordinate Legislation) (Wales) Order 2010 (S.I. 2010/1142 (W.101)), and by the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 (S.I. 2013/2124 (W.207)).

pennaeth y ffederasiwn neu ysgol ffederal hyd nes penodir pennaeth neu yn absenoldeb y pennaeth;

ystyr “y Rheoliadau Cynghorau Ysgol” (“*the School Council Regulations*”) yw Rheoliadau Cynghorau Ysgol (Cymru) 2005(1);

ystyr “y Rheoliadau Llywodraethu Ysgolion a Gynhelir” (“*the Government of Maintained Schools Regulations*”) yw Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005(2);

ystyr “y Rheoliadau Staffio” (“*the Staffing Regulations*”) yw Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006(3);

ystyr “y Rheoliadau Ysgolion a Gynhelir Newydd” (“*the New Maintained Schools Regulations*”) yw Rheoliadau Ysgolion a Gynhelir Newydd (Cymru) 2005(4);

ystyr “swyddogaethau cynigion trefniadaeth ysgolion” (“*school organisation proposal functions*”) yw’r swyddogaethau yn adrannau 42, 43, 45, 53 a 80 o Ddeddf 2013;

mae “ysgol fach” (“*small school*”) i’w dehongli yn unol â Gorchymyn a wneir o dan adran 15 o Fesur 2011; ac

mae i “ysgol newydd” (“*new school*”) yr un ystyr ag yn rheoliad 3 o’r Rheoliadau Ysgolion a Gynhelir Newydd.

(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at—

(a) corff llywodraethu neu lywodraethwyr ysgol i’w ddehongli, mewn perthynas ag ysgol ffederal, fel cyfeiriad at gorff llywodraethu neu lywodraethwyr y ffederasiwn; a

the New Maintained Schools (Wales) Regulations 2005(1);

“new school” (“*ysgol newydd*”) has the same meaning as in regulation 3 of the New Maintained Schools Regulations;

“pupil” (“*disgybl*”) has the meaning given by section 3 of the 1996 Act;

“school council” (“*cyngor ysgol*”) means a council established in accordance with regulation 3 of the School Councils Regulations;

“the School Council Regulations” (“*y Rheoliadau Cynghorau Ysgol*”) means the School Councils (Wales) Regulations 2005(2);

“school teacher” (“*athro neu athrawes ysgol*”) is to be interpreted in accordance with section 122 of the 2002 Act;

“small school” (“*ysgol fach*”) is to be interpreted in accordance with an Order made under section 15 of the 2011 Measure;

“school organisation proposal functions” (“*swyddogaethau cynigion trefniadaeth ysgolion*”) means the functions in sections 42, 43, 45, 53 and 80 of the 2013 Act;

“the Staffing Regulations” (“*y Rheoliadau Staffio*”) means the Staffing of Maintained Schools (Wales) Regulations 2006(3) and;

“working day” (“*diwrnod gwaith*”) means any day other than a Saturday, a Sunday or a day which is a bank holiday within the meaning of section 1 of the Banking and Financial Dealings Act 1971(4).

(2) Any reference in these Regulations to—

(a) the governing body or governors of a school is to be construed, in relation to a federated school, as a reference to the governing body or governors of the federation;

(1) O.S. 2005/3200 (Cy.236).

(2) O.S. 2005/2914 (Cy.211) fel y’i diwygiwyd gan Reoliadau Cynghorau Ysgol (Cymru) 2005 (O.S. 2005/3200 (Cy.236)); a chan Reoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006 (O.S. 2006/873 (Cy.81)) a chan Reoliadau Staffio Ysgolion a Gynhelir (Diwygiadau Amrywiol) (Cymru) 2007 (O.S. 2007/944 (Cy.80)), a chan Reoliadau Addysg (Diwygiadau Amrywiol ynghylch Diogelu Plant) (Cymru) 2009 (O.S. 2009/2544 (Cy.206)), a chan Orchymyn Awdurdodau Addysg Lleol ac Awdurdodau Gwasanaethau Plant (Integreiddio Swyddogaethau) (Is-ddeddfwriaeth) (Cymru) 2010 (O.S. 2010/1142 (Cy.101)), a chan Reoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) 2013 (O.S. 2013/2124 (Cy.207)).

(3) O.S. 2006/873 (Cy.81) fel y’i diwygiwyd gan Reoliadau Staffio Ysgolion a Gynhelir (Diwygiadau Amrywiol) (Cymru) 2007 (O.S. 2007/944 (Cy.80)) a chan Reoliadau Staffio Ysgolion a Gynhelir (Cymru) (Diwygio) 2009 (O.S. 2009/2708 (Cy.226)) a chan O.S. 2009/2544 (Cy.206) a chan Reoliadau Staffio Ysgolion a Gynhelir (Cymru) (Diwygio Rhif 2) 2009 (O.S. 2009/3161 (Cy.275)) a chan O.S. 2010/1142 (Cy.101).

(4) O.S. 2005/2912 (Cy.209) a ddiwygiwyd gan O.S. 2010/1142 (Cy.101).

(1) S.I. 2005/2912 (W.209) amended by S.I. 2010/1142 (W.101).

(2) S.I. 2005/3200 (W.236).

(3) S.I. 2006/873 (W.81) as amended by the Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007 (S.I. 2007/944 (W.80)) and by the Staffing of Maintained Schools (Wales) (Amendment) Regulations 2009 (S.I. 2009/2708 (W.226)) and by S.I. 2009/2544 (W.206) and by the Staffing of Maintained Schools (Wales) (Amendment No. 2) Regulations 2009 (S.I. 2009/3161 (W.275)) and by S.I. 2010/1142 (W.101).

(4) 1971 c.80.

- (b) offeryn llywodraethu ysgol i'w ddehongli, mewn perthynas ag ysgol ffederal, fel cyfeiriad at offeryn llywodraethu'r ffederasiwn; ac
- (c) pennaeth yn cynnwys cyfeiriad at bennaeth dros dro.

RHAN 2

SEFYDLU NEU YMUNO Â FFEDERASIWN

Cyffredinol

4.—(1) Caiff ffederasiwn gynnwys o leiaf ddwy ond dim mwy na chwech o'r canlynol—

- (a) ysgolion cymunedol, ysgolion arbennig cymunedol ac ysgolion meithrin a gynhelir⁽¹⁾ (ac nid unrhyw gategori arall o ysgol);
- (b) ysgolion sefydledig⁽²⁾ (ac nid unrhyw gategori arall o ysgol); neu
- (c) ysgolion gwirfoddol a reolir ac ysgolion gwirfoddol a gynorthwyir⁽³⁾ (ac nid unrhyw gategori arall o ysgol).

(2) Mae rheoliadau 5 i 7 yn gymwys pan fo cyrff llywodraethu yn bwriadu ffedereiddio yn unol ag adran 10 o Fesur 2011.

(3) Mae rheoliad 8 yn gymwys pan fwriedir sefydlu ysgol newydd a phan fo naill ai—

- (a) y corff llywodraethu dros dro yn dymuno ffedereiddio ag un neu ragor o gyrff llywodraethu; neu
- (b) yr awdurdod lleol neu, yn achos ysgol sydd i fod yn ysgol sefydledig neu wirfoddol ac y cyhoeddwyd cynigion ar gyfer ei sefydlu gan hyrwyddwyr, yr hyrwyddwyr yn cynnig y dylai'r ysgol fod yn ysgol ffederal.

(4) Mae rheoliadau 9 a 10 yn gymwys pan fo awdurdod lleol yn arfer ei bŵer i ffedereiddio ysgolion yn unol ag adran 11 o Fesur 2011.

(5) Mae rheoliadau 11 a 12 yn gymwys pan fo awdurdod lleol yn arfer ei bŵer i ffedereiddio ysgolion bach yn unol ag adran 11 o Fesur 2011.

- (b) the instrument of government of a school is to be construed, in relation to a federated school, as a reference to the instrument of government of the federation; and
- (c) a head teacher includes a reference to an acting head teacher.

PART 2

ESTABLISHING OR JOINING A FEDERATION

General

4.—(1) A federation may comprise of at least two but no more than six of the following—

- (a) community schools, community special schools and maintained nursery schools⁽¹⁾ (and no other category of school);
- (b) foundation schools⁽²⁾ (and no other category of school); or
- (c) voluntary controlled and voluntary aided schools⁽³⁾ (and no other category of school).

(2) Regulations 5 to 7 apply where governing bodies propose to federate in accordance with section 10 of the 2011 Measure.

(3) Regulation 8 applies where it is proposed to establish a new school and either—

- (a) the temporary governing body wish to federate with one or more governing bodies; or
- (b) the local authority or, where the school is to be a foundation or voluntary school proposals for the establishment of which were published by promoters, the promoters propose that the school should be a federated school.

(4) Regulations 9 and 10 apply where a local authority exercises its power to federate schools in accordance with section 11 of the 2011 Measure.

(5) Regulations 11 and 12 apply where a local authority exercises its power to federate small schools in accordance with section 11 of the 2011 Measure.

(1) O fewn ystyr adran 20 o Ddeddf 1998 ac Atodlen 2 iddi, ac adran 39(1) o Ddeddf 2002.

(2) O fewn ystyr adran 20 o Ddeddf 1998 ac Atodlen 2 iddi.

(3) O fewn ystyr adran 20 o Ddeddf 1998 ac Atodlen 2 iddi.

(1) Within the meaning of section 20 of, and Schedule 2 to, the 1998 Act and section 39(1) of the 2002 Act.

(2) Within the meaning of section 20 of, and Schedule 2 to, the 1998 Act.

(3) Within the meaning of section 20 of, and Schedule 2 to, the 1998 Act.

Gweithdrefn ar gyfer ffedereiddio – a gynigir gan gorff llywodraethu

5.—(1) Pan fo corff llywodraethu yn ystyried ffedereiddio, rhaid iddo yn gyntaf ystyried adroddiad ar y cynnig.

(2) Rhaid i'r adroddiad gael ei bennu yn eitem ar yr agenda ar gyfer y cyfarfod y rhoddir hysbysiad ohono yn unol â rheoliad 57(4).

(3) Pan fo corff llywodraethu yn cynnig y dylai ffedereiddio â chorff llywodraethu ffederasiwn, rhaid iddo roi hysbysiad o'r cynnig i gorff llywodraethu'r ffederasiwn.

(4) Wedi iddo dderbyn yr hysbysiad, rhaid i gorff llywodraethu'r ffederasiwn ystyried a ddylai—

- (a) rhoi ei gydsyniad rhagarweiniol i'r corff llywodraethu ymuno â'r ffederasiwn; neu
- (b) penderfynu na ddylai'r corff llywodraethu ymuno â'r ffederasiwn.

Cyhoeddi cynigion – a gynigir gan gorff llywodraethu

6.—(1) Pan fo corff llywodraethu yn penderfynu y dylai ffedereiddio ag un neu ragor o gyrff llywodraethu eraill, a chydsyniad rhagarweiniol, pan fo'i angen, yn unol â rheoliad 5(4)(a), wedi ei roi, rhaid iddo, ar y cyd â'r corff neu gyrff llywodraethu eraill, gyhoeddi cynigion ar gyfer ffedereiddio.

(2) Rhaid i'r cynigion gynnwys y canlynol—

- (a) enw neu enwau'r corff neu gyrff llywodraethu y mae'r corff llywodraethu yn bwriadu ffedereiddio â hwy, a chadarnhad bod y corff neu gyrff llywodraethu hynny wedi penderfynu yn yr un modd i ffedereiddio;
- (b) maint arfaethedig corff llywodraethu'r ffederasiwn;
- (c) y nifer arfaethedig o lywodraethwyr ar gyfer pob categori o lywodraethwr;
- (d) y trefniadau arfaethedig ar gyfer staffio'r ysgolion o fewn y ffederasiwn;
- (e) y dyddiad ffedereiddio arfaethedig;
- (f) enw'r awdurdod derbyn neu enwau'r awdurdodau derbyn ar gyfer yr ysgolion o fewn y ffederasiwn;
- (g) erbyn pa ddyddiad, ar ôl cyfnod o ddim llai na chwe wythnos ar ôl cyhoeddi'r cynigion, y caniateir cyflwyno sylwadau ysgrifenedig i'r corff llywodraethu ynglŷn â'r cynigion, ac i ba gyfeiriad y dylid eu hanfon; a
- (h) unrhyw faterion eraill a ystyrir yn briodol gan y gyrff llywodraethu.

Procedure for federation – governing body proposed

5.—(1) Where a governing body is considering federation, it must first consider a report on the proposal.

(2) The report must be specified as an item on the agenda for the meeting of which notice has been given in accordance with regulation 57(4).

(3) Where a governing body proposes that it should federate with the governing body of a federation, it must give notice of the proposal to the governing body of the federation.

(4) Upon receipt of the notice, the governing body of the federation must consider whether it should—

- (a) give preliminary consent to the governing body joining the federation; or
- (b) determine that the governing body should not join the federation.

Publication of proposals – governing body proposed

6.—(1) Where a governing body decides that it should federate with one or more other governing bodies and, where necessary, preliminary consent in accordance with regulation 5(4)(a) has been given, they must jointly with the other governing body or bodies publish proposals for federation.

(2) The proposals must contain the following—

- (a) the name or names of the governing body or bodies with which the governing body proposes to federate and confirmation that the governing body, or those governing bodies, have resolved likewise to federate;
- (b) the proposed size of the governing body of the federation;
- (c) the proposed number of governors for each category of governor;
- (d) the proposed arrangements for staffing the schools within the federation;
- (e) the proposed federation date;
- (f) the identity of the admission authority or authorities for the schools within the federation;
- (g) the date, not less than six weeks after the publication of the proposals, by which written representations may be made to the governing body regarding the proposals and the address to which they should be sent; and
- (h) such other matters as the governing bodies consider appropriate.

(3) Rhaid i'r cyrff llywodraethu sy'n bwriadu ffedereiddio gyhoeddi'r cynigion drwy eu hanfon at—

- (a) yr awdurdodau lleol perthnasol;
- (b) pennaeth pob un o'r ysgolion;
- (c) cyngor ysgol pob un o'r ysgolion;
- (d) yn achos unrhyw ysgol sydd â sefydliad—
 - (i) y llywodraethwyr sefydledig; a
 - (ii) unrhyw ymddiriedolwyr ymddiriedolaeth sy'n gysylltiedig â'r ysgol;
- (e) pan fo unrhyw rai o'r ysgolion wedi eu dynodi o dan adran 69(3) o Ddeddf 1998 yn rhai o gymeriad crefyddol, yr awdurdod esgobaethol priodol yn achos un o ysgolion yr Eglwys yng Nghymru neu'r Eglwys Gatholig Rufeinig, neu'r corff crefyddol priodol yn achos unrhyw ysgol arall o'r fath;
- (f) yr holl staff y telir iddynt am weithio mewn unrhyw un o'r ysgolion;
- (g) pob person y gŵyr ei fod yn rhiant disgybl cofrestredig mewn unrhyw un o'r ysgolion;
- (h) pob undeb llafur y gŵyr fod ganddo aelodau y telir iddynt am weithio mewn unrhyw un o'r ysgolion; ac
- (i) unrhyw bersonau eraill a ystyrir yn briodol gan y cyrff llywodraethu.

(4) Rhaid rhoi copi o'r cynigion ar gael i edrych arnynt ar bob adeg resymol ym mhob un o'r ysgolion.

(5) Rhaid i'r dyddiad ffedereiddio arfaethedig ym mharagraff (2)(e) beidio â bod yn llai na 125 o ddiwrnodau ar ôl cyhoeddi'r cynigion ar gyfer ffedereiddio gan y corff llywodraethu yn unol â pharagraff (1).

Ystyried ymatebion i gynigion a phenderfynu a ddylid mynd ymlaen â hwy – a gynigir gan gorff llywodraethu

7.—(1) Rhaid i'r cyrff llywodraethu sy'n bwriadu ffedereiddio ystyried ar y cyd unrhyw ymatebion i'r cynigion, a rhaid i bob corff llywodraethu benderfynu naill ai—

- (a) mynd ymlaen â'r cynigion ar gyfer ffedereiddio fel y'u cyhoeddwyd;
- (b) mynd ymlaen â'r cynigion ar gyfer ffedereiddio gyda pha addasiadau bynnag a ystyrir yn briodol gan y corff llywodraethu; neu
- (c) peidio â mynd ymlaen â'r cynigion ar gyfer ffedereiddio.

(3) The governing bodies proposing to federate must publish the proposals by sending them to—

- (a) the relevant local authorities;
- (b) the head teacher of each school;
- (c) the school council of each school;
- (d) in the case of any school with a foundation—
 - (i) the foundation governors; and
 - (ii) any trustees of a trust relating to the school;
- (e) where any of the schools are designated under section 69(3) of the 1998 Act as having a religious character, the appropriate diocesan authority in the case of a Church in Wales or Roman Catholic Church school, or the appropriate religious body in the case of any other such school;
- (f) all staff paid to work at any of the schools;
- (g) every person known by them to be a parent of a registered pupil at any of the schools;
- (h) every trade union known to them to have members paid to work at any of the schools; and
- (i) such other persons as the governing bodies consider appropriate.

(4) A copy of the proposals must be made available for inspection at all reasonable times at each school.

(5) The proposed federation date in paragraph (2)(e) must be not less than 125 days following the publication of the proposals for federation by the governing body pursuant to paragraph (1).

Consideration of responses to proposals and determination as to whether to proceed – governing body proposed

7.—(1) The governing bodies proposing to federate must jointly consider any responses to the proposals and each governing body must determine whether—

- (a) to proceed with the proposals for federation as published;
- (b) to proceed with the proposals for federation with such modifications as the governing body considers appropriate; or
- (c) not to proceed with the proposals for federation.

(2) Rhaid i'r addasiadau y cyfeirir atynt ym mharagraff (1)(b) beidio â chynnwys newid o ran pa gyrff llywodraethu sy'n bwriadu ffedereiddio.

(3) Rhaid i'r holl gyrff llywodraethu sydd wedi penderfynu mynd ymlaen hysbysu, ar y cyd, yr awdurdod lleol neu'r awdurdodau lleol perthnasol o'r ffaith honno.

Ysgolion newydd sy'n dymuno ffedereiddio

8.—(1) Pan gynigir bod ysgol newydd yn ffedereiddio ag un neu ragor o ysgolion neu â ffederasiwn, mae paragraff (2) neu (3) yn gymwys fel y bo'n briodol.

(2) Pan fo corff llywodraethu dros dro wedi ei sefydlu, mae rheoliadau 5 i 7 yn cael effaith fel pe bai cyfeiriadau at gorff llywodraethu sy'n bwriadu ffedereiddio yn gyfeiriadau at gorff llywodraethu dros dro sy'n bwriadu ffedereiddio.

(3) Pan na fo corff llywodraethu dros dro eto wedi ei sefydlu, mae rheoliadau 5 i 7 yn cael effaith fel pe bai—

- (a) cyfeiriadau at gorff llywodraethu sy'n bwriadu ffedereiddio yn gyfeiriadau at yr awdurdod lleol neu, pan fo'r cynigion ar gyfer sefydlu ysgol wirfoddol, ac y cyhoeddwyd cynigion ar gyfer ei sefydlu gan hyrwyddwyr, yr hyrwyddwyr;
- (b) rheoliad 5(2) wedi ei hepgor; ac
- (c) yn rheoliad 6(2)(a), y geiriau "y mae'r awdurdod lleol neu'r hyrwyddwyr yn cynnig y dylai corff llywodraethu dros dro yr ysgol newydd ffedereiddio â hwy" wedi eu gosod yn lle "y mae'r corff llywodraethu yn bwriadu ffedereiddio â hwy".

(4) Mae Rhannau 1 i 3 a 5 i 7 o'r Rheoliadau Ysgolion Newydd a Gynhelir i fod yn gymwys i gorff llywodraethu dros dro a gyfansoddir yn unol â'r rheoliad hwn.

(5) Pan gynigir y dylai dwy neu ragor o ysgolion newydd ffedereiddio, gyda neu heb un neu ragor o ysgolion eraill neu ffederasiwn arall, caiff yr awdurdod lleol wneud trefniadau sy'n darparu ar gyfer cyfansoddi corff llywodraethu dros dro sengl ar gyfer yr ysgolion newydd hynny.

(6) Pan fo'r ffederasiwn a gynigir yn cynnwys ysgolion a gynhelir gan ddau neu ragor o awdurdodau lleol, rhaid i'r awdurdodau lleol hynny gytuno ymysg ei gilydd, pa awdurdod lleol gaiff wneud trefniadau sy'n darparu ar gyfer cyfansoddi corff llywodraethu dros dro sengl ar gyfer yr ysgolion newydd hynny.

(2) The modifications referred to in paragraph (1)(b) must not include a change in the identity of the governing bodies proposing to federate.

(3) All the governing bodies that have determined to proceed must jointly give notice of that fact to the relevant local authority or local authorities.

New schools wishing to federate

8.—(1) Where it is proposed that a new school should federate with one or more schools or a federation, paragraph (2) or (3) applies as appropriate.

(2) Where a temporary governing body has been established, regulations 5 to 7 have effect as if references to a governing body proposing to federate were references to a temporary governing body proposing to federate.

(3) Where a temporary governing body is yet to be established, regulations 5 to 7 have effect as if—

- (a) references to the governing body proposing to federate were references to the local authority or, where proposals are to establish a voluntary school proposals for the establishment of which were published by promoters, the promoters;
- (b) regulation 5(2) were omitted; and
- (c) in regulation 6(2)(a) for "the governing body propose to federate" there were substituted "the local authority or the promoters propose that the temporary governing body of the new school should federate".

(4) Parts 1 to 3 and 5 to 7 of the New Maintained Schools Regulations are to apply to a temporary governing body constituted pursuant to this regulation.

(5) Where it is proposed that two or more new schools should federate, with or without one or more other schools or other federation, the local authority may make arrangements providing for the constitution of a single temporary governing body for those new schools.

(6) Where the proposed federation includes schools which are maintained by two or more local authorities, those local authorities must agree amongst themselves which local authority may make arrangements providing for the constitution of a single temporary governing body for those new schools.

(7) Pan fo un neu ragor o'r ysgolion newydd y cyfeirir atynt ym mharagraff (2) i fod yn ysgol wirfoddol, y cyhoeddwyd cynigion ar gyfer eu sefydlu gan hyrwyddwyr, rhaid i'r awdurdod lleol ymgynghori â'r hyrwyddwyr ynglŷn ag—

- (a) a ddylid arfer y pŵer a roddir i'r awdurdod lleol ym mharagraff (2); a
- (b) os yw'r awdurdod lleol yn bwriadu arfer y pŵer, ar ba ddyddiad y dylid gwneud y trefniadau.

(8) Mae Atodlen 1 yn gymwys i gorff llywodraethu dros dro a gyfansoddir yn unol â'r rheoliad hwn.

Gweithdrefn ar gyfer ffedereiddio – a gynigir gan awdurdod lleol

9.—(1) Pan fo awdurdod lleol yn gwneud cynnig o dan adran 11 o Fesur 2011 nad yw'n ymwneud â ffedereiddio ysgolion bach yn unig, rhaid i'r cynigion a gyhoeddir gynnwys y canlynol—

- (a) enw neu enwau'r corff neu gyrff llywodraethu y mae'r awdurdod lleol yn bwriadu eu ffedereiddio;
- (b) maint arfaethedig corff llywodraethu'r ffederasiwn;
- (c) y nifer arfaethedig o lywodraethwyr ar gyfer pob categori o lywodraethwr;
- (d) y trefniadau arfaethedig ar gyfer staffio'r ysgolion o fewn y ffederasiwn;
- (e) y dyddiad ffedereiddio arfaethedig;
- (f) enw'r awdurdod derbyn neu enwau'r awdurdodau derbyn ar gyfer yr ysgolion o fewn y ffederasiwn;
- (g) erbyn pa ddyddiad, ar ôl cyfnod o ddim llai na chwe wythnos ar ôl cyhoeddi'r cynigion, y caniateir cyflwyno sylwadau ysgrifenedig i'r awdurdod lleol ynglŷn â'r cynigion, ac i ba gyfeiriad y dylid eu hanfon;
- (h) yn achos cynnig ar gyfer ffedereiddio sy'n cynnwys ysgol a gynhelir nas cynhelir gan yr awdurdod lleol sy'n gwneud y cynnig, gadarnhad bod yr awdurdod lleol sy'n cynnal yr ysgol o dan sylw wedi rhoi ei gydsyniad;
- (i) yn achos cynnig sy'n cynnwys ysgol sefydledig neu wirfoddol, gadarnhad bod yr awdurdod esgobaethol priodol neu'r person neu'r personau sy'n penodi'r llywodraethwyr sefydledig (yn ôl y digwydd) wedi rhoi cydsyniad; a
- (j) unrhyw faterion eraill a ystyrir yn briodol gan yr awdurdod lleol.

(7) Where one or more of the new schools referred to in paragraph (2) is to be a voluntary school proposals for the establishment of which were published by promoters, the local authority must consult the promoters—

- (a) as to whether the power given to the local authority in paragraph (2) should be exercised; and
- (b) if the local authority proposes to exercise it, as to the date on which the arrangements should be made.

(8) Schedule 1 applies to a temporary governing body constituted pursuant to this regulation.

Procedure for federation - local authority proposed

9.—(1) Where a local authority makes a proposal under section 11 of the 2011 Measure that does not involve the federation of only small schools the published proposals must contain the following—

- (a) the name or names of the governing body or bodies which the local authority is proposing to federate;
- (b) the proposed size of the governing body of the federation;
- (c) the proposed number of governors for each category of governor;
- (d) the proposed arrangements for staffing the schools within the federation;
- (e) the proposed federation date;
- (f) the identity of the admission authority or authorities for the schools within the federation;
- (g) the date, not less than six weeks after the publication of the proposals, by which written representations may be made to the local authority regarding the proposals and the address to which they should be sent;
- (h) in the case of a proposal for a federation that includes a maintained school not maintained by the proposing local authority confirmation that the local authority that maintains the school in question has given its consent;
- (i) in the case of a proposal that includes a foundation or voluntary school confirmation that the appropriate diocesan authority or the person or persons by whom the foundation governors are appointed (as the case may be) has given consent; and
- (j) such other matters as the local authority considers appropriate.

(2) Rhaid i'r awdurdod lleol gyhoeddi'r cynigion drwy eu hanfon at—

- (a) unrhyw awdurdod lleol perthnasol arall;
- (b) pennaeth pob un o'r ysgolion;
- (c) cyngor ysgol pob un o'r ysgolion;
- (d) yn achos unrhyw ysgol sydd â sefydliad—
 - (i) y llywodraethwyr sefydledig; a
 - (ii) unrhyw ymddiriedolwyr ymddiriedolaeth sy'n gysylltiedig â'r ysgol;
- (e) pan fo unrhyw rai o'r ysgolion wedi eu dynodi o dan adran 69(3) o Ddeddf 1998 yn rhai o gymeriad crefyddol, yr awdurdod esgobaethol priodol yn achos un o ysgolion yr Eglwys yng Nghymru neu'r Eglwys Gatholig Rufeinig, neu'r corff crefyddol priodol yn achos unrhyw ysgol arall o'r fath;
- (f) yr holl staff y telir iddynt am weithio mewn unrhyw un o'r ysgolion;
- (g) pob person y gŵyr ei fod yn rhiant disgybl cofrestredig mewn unrhyw un o'r ysgolion;
- (h) pob undeb llafur y gŵyr fod ganddo aelodau y telir iddynt am weithio mewn unrhyw un o'r ysgolion; ac
- (i) unrhyw bersonau eraill a ystyrir yn briodol gan yr awdurdod lleol.

(3) Rhaid cyhoeddi copi o'r cynigion ar wefan yr awdurdod lleol.

(4) Rhaid rhoi copi o'r cynigion ar gael i edrych arnynt ar bob adeg resymol ym mhob un o'r ysgolion.

(5) Rhaid i'r dyddiad ffedereiddio arfaethedig ym mharagraff (1)(e) beidio â bod yn llai na 125 o ddiwrnodau ar ôl cyhoeddi'r cynigion ar gyfer ffedereiddio gan y corff llywodraethu yn unol ag adran 11 o Fesur 2011.

Ystyried ymatebion i gynigion a phenderfynu a ddylid mynd ymlaen â hwy – a gynigir gan awdurdod lleol

10.—(1) Rhaid i'r awdurdod lleol ystyried unrhyw ymatebion i'r cynigion a chyhoeddi crynodeb o'r ymatebion ynghyd â sylwadau'r awdurdod lleol ar wefan yr awdurdod lleol.

(2) Rhaid i'r awdurdod lleol benderfynu naill ai—

- (a) mynd ymlaen â'r cynigion ar gyfer ffedereiddio fel y'u cyhoeddwyd;
- (b) mynd ymlaen â'r cynigion ar gyfer ffedereiddio gydag unrhyw addasiadau a ystyrir yn briodol gan yr awdurdod lleol; neu
- (c) peidio â mynd ymlaen â'r cynigion ar gyfer ffedereiddio.

(2) The local authority must publish the proposals by sending them to—

- (a) any other relevant local authority;
- (b) the head teacher of each school;
- (c) the school council of each school;
- (d) in the case of any school with a foundation—
 - (i) the foundation governors; and
 - (ii) any trustees of a trust relating to the school;
- (e) where any of the schools are designated under section 69(3) of the 1998 Act as having a religious character, the appropriate diocesan authority in the case of a Church in Wales or Roman Catholic Church school, or the appropriate religious body in the case of any other such school;
- (f) all staff paid to work at any of the schools;
- (g) every person known by them to be a parent of a registered pupil at any of the schools;
- (h) every trade union known to them to have members paid to work at any of the schools; and
- (i) such other persons as the local authority considers appropriate.

(3) A copy of the proposals must be published on the local authority's website.

(4) A copy of the proposals must be made available for inspection at all reasonable times at each school.

(5) The proposed federation date in paragraph (1)(e) must be not less than 125 days following the publication of the proposals for federation by the governing body pursuant to section 11 of the 2011 Measure.

Consideration of responses to proposals and determination as to whether to proceed – local authority proposed

10.—(1) The local authority must consider any responses to the proposals and publish a summary of the responses together with the local authority's comments on the local authority's website.

(2) The local authority must determine whether—

- (a) to proceed with the proposals for federation as published;
- (b) to proceed with the proposals for federation with such modifications as the local authority consider appropriate; or
- (c) not to proceed with the proposals for federation.

(3) Rhaid i'r addasiadau y cyfeirir atynt ym mharagraff (2)(b) beidio â chynnwys newid o ran pa gyrff llywodraethu y mae'r awdurdod lleol yn bwriadu eu ffedereiddio.

(4) Rhaid cyhoeddi unrhyw benderfyniad o dan baragraff (2) ar wefan yr awdurdod lleol a rhaid anfon copi ohono at—

- (a) unrhyw awdurdod lleol perthnasol arall;
- (b) pennaeth pob un o'r ysgolion;
- (c) yn achos unrhyw ysgol sydd â sefydliad—
 - (i) y llywodraethwyr sefydledig; a
 - (ii) unrhyw ymddiriedolwyr ymddiriedolaeth sy'n gysylltiedig â'r ysgol;
- (d) pan fo unrhyw rai o'r ysgolion wedi eu dynodi o dan adran 69(3) o Ddeddf 1998 yn rhai o gymeriad crefyddol, yr awdurdod esgobaethol priodol yn achos un o ysgolion yr Eglwys yng Nghymru neu'r Eglwys Gatholig Rufeinig, neu'r corff crefyddol priodol yn achos unrhyw ysgol arall o'r fath; ac
- (e) unrhyw bersonau eraill a ystyrir yn briodol gan yr awdurdod lleol.

Y weithdrefn ar gyfer ffedereiddio – ysgolion bach

11.—(1) Pan fo awdurdod lleol yn gwneud cynnig o dan adran 11 o Fesur 2011 sy'n ymwneud â ffedereiddio ysgolion bach yn unig, rhaid i'r cynigion a gyhoeddir gynnwys y canlynol—

- (a) enw neu enwau'r corff neu'r cyrff llywodraethu y mae'r awdurdod lleol yn bwriadu eu ffedereiddio;
- (b) maint arfaethedig corff llywodraethu'r ffederasiwn;
- (c) y nifer arfaethedig o lywodraethwyr ar gyfer pob categori o lywodraethwr;
- (d) y trefniadau arfaethedig ar gyfer staffio'r ysgolion o fewn y ffederasiwn;
- (e) y dyddiad ffedereiddio arfaethedig;
- (f) enw'r awdurdod derbyn neu enwau'r awdurdodau derbyn ar gyfer yr ysgolion o fewn y ffederasiwn;
- (g) yn achos cynnig ar gyfer ffedereiddio sy'n cynnwys ysgol a gynhelir nas cynhelir gan yr awdurdod lleol sy'n gwneud y cynnig, gadarnhad bod yr awdurdod lleol sy'n cynnal yr ysgol o dan sylw wedi rhoi ei gydsyniad;
- (h) yn achos cynnig sy'n cynnwys ysgol sefydledig neu wirfoddol, gadarnhad bod yr awdurdod esgobaethol priodol neu'r person neu'r personau sy'n penodi'r llywodraethwyr sefydledig (yn ôl y digwydd) wedi rhoi cydsyniad; ac

(3) The modifications referred to in paragraph (2)(b) must not include a change in the identity of the governing bodies that the local authority is proposing to federate.

(4) Any determination under paragraph (2) must be published on the local authority's website and a copy of the determination sent to—

- (a) any other relevant local authority;
- (b) the head teacher of each school;
- (c) in the case of any school with a foundation—
 - (i) the foundation governors; and
 - (ii) any trustees of a trust relating to the school;
- (d) where any of the schools are designated under section 69(3) of the 1998 Act as having a religious character, the appropriate diocesan authority in the case of a Church in Wales or Roman Catholic Church school, or the appropriate religious body in the case of any other such school; and
- (e) such other persons as the local authority considers appropriate.

Procedure for federation - small schools

11.—(1) Where a local authority makes a proposal under section 11 of the 2011 Measure that involves only the federation of small schools the published proposals must contain the following—

- (a) the name or names of the governing body or bodies which the local authority is proposing to federate;
- (b) the proposed size of the governing body of the federation;
- (c) the proposed number of governors for each category of governor;
- (d) the proposed arrangements for staffing the schools within the federation;
- (e) the proposed federation date;
- (f) the identity of the admission authority or authorities for the schools within the federation;
- (g) in the case of a proposal for a federation that includes a maintained school not maintained by the proposing local authority confirmation that the local authority that maintains the school in question has given its consent;
- (h) in the case of a proposal that includes a foundation or voluntary school confirmation that the appropriate diocesan authority or the person or persons by whom the foundation governors are appointed (as the case may be) has given consent; and

- (i) unrhyw faterion eraill a ystyrir yn briodol gan yr awdurdod lleol.

(2) Rhaid i'r awdurdod lleol gyhoeddi'r cynigion drwy eu hanfon at gorff llywodraethu a chyngor ysgol pob un o'r ysgolion bach y mae'n bwriadu eu ffedereiddio gan wahodd y corff llywodraethu i ymateb o fewn 20 niwrnod ysgol.

(3) Rhaid i'r awdurdod lleol hefyd anfon copïau o'r cynigion at—

- (a) unrhyw awdurdod lleol perthnasol arall;
- (b) pennaeth pob un o'r ysgolion;
- (c) yn achos unrhyw ysgol sydd â sefydliad—
 - (i) y llywodraethwyr sefydledig; a
 - (ii) unrhyw ymddiriedolwyr ymddiriedolaeth sy'n gysylltiedig â'r ysgol; a
- (d) pan fo unrhyw rai o'r ysgolion wedi eu dynodi o dan adran 69(3) o Ddeddf 1998 yn rhai o gymeriad crefyddol, yr awdurdod esgobaethol priodol yn achos un o ysgolion yr Eglwys yng Nghymru neu'r Eglwys Gatholig Rufeinig, neu'r corff crefyddol priodol yn achos unrhyw ysgol arall o'r fath.

(4) Rhaid cyhoeddi copi o'r cynigion ar wefan yr awdurdod lleol.

(5) Rhaid rhoi copi o'r cynigion ar gael i edrych arno ar bob adeg resymol ym mhob un o'r ysgolion.

(6) Rhaid i'r dyddiad ffedereiddio arfaethedig ym mharagraff (1)(e) beidio â bod yn llai na 100 niwrnod ar ôl cyhoeddi'r cynigion ar gyfer ffedereiddio gan y corff llywodraethu yn unol ag adran 11 o Fesur 2011.

Ystyried ymatebion i gynigion a phenderfynu a ddylid mynd ymlaen â hwy – ysgolion bach

12.—(1) Rhaid i'r awdurdod lleol ystyried unrhyw ymatebion i'r cynigion a chyhoeddi crynodeb o'r ymatebion ynghyd â sylwadau'r awdurdod lleol ar wefan yr awdurdod lleol.

(2) Rhaid i'r awdurdod lleol benderfynu naill ai—

- (a) mynd ymlaen â'r cynigion ar gyfer ffedereiddio fel y'u cyhoeddwyd;
- (b) mynd ymlaen â'r cynigion ar gyfer ffedereiddio gyda pha addasiadau bynnag a ystyrir yn briodol gan yr awdurdod lleol; neu
- (c) peidio â mynd ymlaen â'r cynigion ar gyfer ffedereiddio.

(3) Rhaid i'r addasiadau y cyfeirir atynt ym mharagraff (2)(b) beidio â chynnwys newid o ran pa gyrff llywodraethu sy'n bwriadu ffedereiddio.

- (i) such other matters as the local authority considers appropriate.

(2) The local authority must publish the proposals by sending them to the governing body and school council of each small school that it intends to federate inviting a response from the governing body within 20 school days.

(3) The local authority must also send copies of the proposals to—

- (a) any other relevant local authority;
- (b) the head teacher of each school;
- (c) in the case of any school with a foundation—
 - (i) the foundation governors; and
 - (ii) any trustees of a trust relating to the school; and
- (d) where any of the schools are designated under section 69(3) of the 1998 Act as having a religious character, the appropriate diocesan authority in the case of a Church in Wales or Roman Catholic Church school, or the appropriate religious body in the case of any other such school.

(4) A copy of the proposals must be published on the local authority's website.

(5) A copy of the proposals must be made available for inspection at all reasonable times at each school.

(6) The proposed federation date in paragraph (1)(e) must be not less than 100 days following the publication of the proposals for federation by the governing body pursuant to section 11 of the 2011 Measure.

Consideration of responses to proposals and determination as to whether to proceed – small schools

12.—(1) The local authority must consider any responses to the proposals and publish a summary of the responses together with the local authority's comments on the local authority's website.

(2) The local authority must determine whether—

- (a) to proceed with the proposals for federation as published;
- (b) to proceed with the proposals for federation with such modifications as the local authority consider appropriate; or
- (c) not to proceed with the proposals for federation.

(3) The modifications referred to in paragraph (2)(b) must not include a change in the identity of the governing bodies proposing to federate.

(4) Rhaid cyhoeddi unrhyw benderfyniad o dan baragraff (2) ar wefan yr awdurdod lleol a rhaid anfon copi ohono at—

- (a) unrhyw awdurdod lleol perthnasol arall;
- (b) pennaeth pob un o'r ysgolion;
- (c) yn achos unrhyw ysgol sydd â sefydliad—
 - (i) y llywodraethwyr sefydledig; a
 - (ii) unrhyw ymddiriedolwyr ymddiriedolaeth sy'n gysylltiedig â'r ysgol;
- (d) pan fo unrhyw rai o'r ysgolion wedi eu dynodi o dan adran 69(3) o Ddeddf 1998 yn rhai o gymeriad crefyddol, yr awdurdod esgobaethol priodol yn achos un o ysgolion yr Eglwys yng Nghymru neu'r Eglwys Gatholig Rufeinig, neu'r corff crefyddol priodol yn achos unrhyw ysgol arall o'r fath; ac
- (e) unrhyw bersonau eraill a ystyrir yn briodol gan yr awdurdod lleol.

Ymgorffori cyrff llywodraethu ffederasiynau a diddymu cyrff llywodraethu blaenorol

13.—(1) Ar y dyddiad ffedereiddio—

- (a) diddymir cyrff llywodraethu'r ysgolion neu'r ffederasiynau sy'n ffedereiddio;
- (b) ymgorfforir corff llywodraethu'r ffederasiwn;
- (c) mae'r holl dir ac eiddo, a ddelid yn union cyn y dyddiad ffedereiddio gan gorff llywodraethu ysgol neu ffederasiwn sy'n ffedereiddio, yn trosglwyddo i gorff llywodraethu'r ffederasiwn, ac yn rhinwedd y Rheoliadau hyn, yn cael eu breinio yng nghorff llywodraethu'r ffederasiwn; a
- (d) mae'r holl hawliau a rhwymedigaethau a oedd yn bodoli yn union cyn y dyddiad ffedereiddio ac a gaffaelwyd neu yr eir iddynt gan gorff llywodraethu ysgol neu ffederasiwn sy'n ffedereiddio yn trosglwyddo i gorff llywodraethu'r ffederasiwn.

(2) Mae adran 198 o Ddeddf Diwygio Addysg 1988(1) (sydd, ynghyd ag Atodlen 10 i'r Ddeddf honno, yn gwneud darpariaeth bellach mewn perthynas â throsglwyddiadau eiddo, hawliau a rhwymedigaethau) yn gymwys mewn perthynas â throsglwyddiadau a gyflawnir gan y rheoliad hwn fel y maent yn gymwys i drosglwyddiadau y mae'r adran ac Atodlen hynny yn gymwys iddynt.

(4) Any determination under paragraph (2) must be published on the local authority's website and a copy of the determination sent to—

- (a) any other relevant local authority;
- (b) the head teacher of each school;
- (c) in the case of any school with a foundation—
 - (i) the foundation governors; and
 - (ii) any trustees of a trust relating to the school;
- (d) where any of the schools are designated under section 69(3) of the 1998 Act as having a religious character, the appropriate diocesan authority in the case of a Church in Wales or Roman Catholic Church school, or the appropriate religious body in the case of any other such school; and
- (e) such other persons as the local authority considers appropriate.

Incorporation of governing bodies of federations and dissolution of former governing bodies

13.—(1) On the federation date—

- (a) the governing bodies of the federating schools or federations are dissolved;
- (b) the governing body of the federation is incorporated;
- (c) all land and property which, immediately before the federation date, was held by the governing body of a federating school or federation transfers to, and by virtue of these Regulations vests in, the governing body of the federation; and
- (d) all rights and liabilities subsisting immediately before the federation date which were acquired or incurred by the governing body of a federating school or federation be transferred to the governing body of the federation.

(2) Section 198 of the Education Reform Act 1988(1) (which, with Schedule 10 to that Act, makes further provision in relation to transfers of property, rights and liabilities) applies in relation to transfers effected by this regulation as they apply in relation to transfers to which that section and Schedule apply.

(1) 1988 p.40.

(1) 1988 c.40.

RHAN 3

CATEGORïAU O LYWODRAETHWYR

Rhiant-lywodraethwyr

14.—(1) Yn y Rheoliadau hyn ystyr “rhiant-lywodraethwr” (“*parent governor*”) yw person—

- (a) a etholir yn unol â pharagraffau 3 i 8 o Atodlen 2 yn aelod o gorff llywodraethu ffederasiwn gan rieni disgyblion cofrestredig mewn ysgol ffederal ac sy'n rhiant o'r fath ar yr adeg yr etholir y person hwnnw, neu
- (b) a benodir yn rhiant-lywodraethwr mewn cysylltiad ag ysgol ffederal yn unol â pharagraffau 9 i 11 o Atodlen 2.

(2) Mae Atodlen 2 yn gymwys ar gyfer ethol a phenodi rhiant-lywodraethwyr.

(3) Anghymhwysir person rhag ei ethol neu ei benodi yn rhiant-lywodraethwr ffederasiwn—

- (a) os yw'r person hwnnw yn aelod etholedig o'r awdurdod lleol;
- (b) os yw'r person hwnnw yn cael ei gyflogi gan yr awdurdod lleol mewn cysylltiad â'i swyddogaethau addysg; neu
- (c) os cyflogir y person hwnnw i weithio yn yr ysgol yn y ffederasiwn am fwy na 500 awr yn ystod unrhyw gyfnod o ddeuddeng mis.

(4) Nid anghymhwysir person rhag parhau i ddal swydd fel rhiant-lywodraethwr pan fydd y person hwnnw yn peidio â bod yn rhiant disgybl cofrestredig mewn ysgol ffederal neu'n peidio â bodloni unrhyw un neu ragor o'r gofynion a nodir ym mharagraffau 10 ac 11 o Atodlen 2 (yn ôl y digwydd) onid anghymhwysir y person hwnnw rywfodd arall o dan y Rheoliadau hyn.

Athro-lywodraethwyr

15.—(1) Yn y Rheoliadau hyn ystyr “athro-lywodraethwr” (“*teacher governor*”) yw person—

- (a) a etholir yn llywodraethwr yn unol ag Atodlen 3 gan athrawon ysgol mewn unrhyw ysgol yn y ffederasiwn; a
- (b) sy'n athro neu athrawes ysgol o'r fath ar yr adeg yr etholir y person hwnnw.

(2) Pan fo'n peidio â gweithio yn yr ysgol, anghymhwysir athro-lywodraethwr rhag parhau i ddal swydd fel llywodraethwr o'r fath.

(3) Yn ddarostyngedig i baragraff (4) anghymhwysir person rhag ei ethol yn athro-lywodraethwr ar gorff llywodraethu—

PART 3

CATEGORIES OF GOVERNOR

Parent governors

14.—(1) In these Regulations “parent governor” (“*rhiant-lywodraethwr*”) means—

- (a) a person who is elected in accordance with paragraphs 3 to 8 of Schedule 2 as a member of the governing body of a federation by parents of registered pupils at a federated school and is such a parent at the time when that person is elected, or
- (b) a person appointed as a parent governor in respect of a federated school in accordance with paragraphs 9 to 11 of Schedule 2.

(2) Schedule 2 applies to the election and appointment of parent governors.

(3) A person is disqualified from election or appointment as a parent governor of a federation if that person is—

- (a) an elected member of the local authority;
- (b) employed by the local authority in connection with its education functions; or
- (c) paid to work at the school in the federation for more than 500 hours in any twelve month period.

(4) A person is not disqualified from continuing to hold office as a parent governor when that person ceases to be a parent of a registered pupil at a federated school or to fulfil any of the requirements set out in paragraphs 10 and 11 of Schedule 2 (as the case may be) unless that person is otherwise disqualified under these Regulations.

Teacher governors

15.—(1) In these Regulations “teacher governor” (“*athro-lywodraethwr*”) means a person—

- (a) who is elected in accordance with Schedule 3 as a governor by school teachers at any school within the federation; and
- (b) who is such a school teacher at a time when that person is elected.

(2) Upon ceasing to work at the school a teacher governor is disqualified from continuing to hold office as such a governor.

(3) Subject to paragraph (4) a person is disqualified from election as a teacher governor to a governing body if that person—

- (a) os etholwyd y person hwnnw yn flaenorol yn athro-lywodraethwr ar yr un corff llywodraethu yn ystod y ddwy flynedd ddiwethaf; neu
- (b) os cyflogir y person hwnnw i weithio yn yr un ysgol ffederal ag unrhyw berson a etholwyd yn athro-lywodraethwr ar y corff llywodraethu hwnnw yn ystod y ddwy flynedd ddiwethaf.

(4) Nid yw paragraff (3)(b) yn gymwys i unrhyw berson a gyflogir i weithio mewn dwy neu ragor o ysgolion ffederal yn y ffederasiwn.

Staff-lywodraethwyr

16.—(1) Yn y Rheoliadau hyn ystyr “staff-lywodraethwr” (“*staff governor*”) yw person—

- (a) a etholir yn unol ag Atodlen 3 yn aelod o gorff llywodraethu ffederasiwn gan bersonau a gyflogir i weithio yn y ffederasiwn neu mewn ysgol ffederal ac eithrio fel athro neu athrawes ysgol; a
- (b) sy’n berson sy’n gweithio felly ar yr adeg yr etholir y person hwnnw.

(2) Pan fo’n peidio â gweithio mewn ysgol o fewn y ffederasiwn, anghymhwysir staff-lywodraethwr ysgol rhag parhau i ddal swydd fel llywodraethwr o’r fath.

(3) Yn ddarostyngedig i baragraff (4) anghymhwysir person rhag ei ethol yn staff-lywodraethwr ar gorff llywodraethu—

- (a) os etholwyd y person hwnnw yn flaenorol yn staff-lywodraethwr ar yr un corff llywodraethu yn ystod y ddwy flynedd ddiwethaf; neu
- (b) os cyflogir y person hwnnw i weithio yn yr un ysgol ffederal ag unrhyw berson a etholwyd yn staff-lywodraethwr ar y corff llywodraethu hwnnw yn ystod y ddwy flynedd ddiwethaf.

(4) Nid yw paragraff (3)(b) yn gymwys i unrhyw berson a gyflogir i weithio mewn dwy neu ragor o ysgolion yn y ffederasiwn.

Llywodraethwyr awdurdod lleol

17.—(1) Yn y Rheoliadau hyn ystyr “llywodraethwr awdurdod lleol” (“*local authority governor*”) yw llywodraethwr a benodir i fod yn aelod o gorff llywodraethu ffederasiwn gan yr awdurdod lleol sy’n cynnal yr ysgolion ffederal.

(2) Pan fo’r ffederasiwn yn cynnwys ysgolion a gynhelir gan ddau neu ragor o awdurdodau lleol, rhaid i’r awdurdodau lleol hynny gytuno ymysg ei gilydd ynglŷn â phwy fydd yn penodi’r cyfryw lywodraethwyr ac, os oes rhagor nag un llywodraethwr i’w penodi, ym mha gyfrannedd.

- (a) has previously been elected as a teacher governor to the same governing body within the last two years; or
- (b) is employed to work at the same federated school as any person elected as a teacher governor to that governing body within the last two years.

(4) Paragraph (3)(b) does not apply to any person employed to work at two or more federated schools in the federation.

Staff governors

16.—(1) In these Regulations “staff governor” (“*staff-lywodraethwr*”) means a person —

- (a) who is elected in accordance with Schedule 3 as a member of the governing body of a federation by persons who are employed to work at the federation or at a federated school otherwise than as a school teacher; and
- (b) who is a person so working at the time when that person is elected.

(2) Upon ceasing to work at a school within the federation, a staff governor of a school is disqualified from continuing to hold office as such a governor.

(3) Subject to paragraph (4) a person is disqualified from election as a staff governor to a governing body if that person—

- (a) has previously been elected as a staff governor to the same governing body within the last two years; or
- (b) is employed to work at the same federated school as any person elected as a staff governor to that governing body within the last two years.

(4) Paragraph (3)(b) does not apply to any person employed to work at two or more schools in the federation.

Local authority governors

17.—(1) In these Regulations “local authority governor” (“*llywodraethwr awdurdod lleol*”) means a governor appointed to be a member of the governing body of a federation by the local authority that maintains the federated schools.

(2) Where the federation includes schools which are maintained by two or more local authorities, those local authorities must agree amongst themselves who will appoint such governors and, if more than one governor is to be appointed, in what proportion.

(3) Anghymhwysir person rhag ei benodi neu barhau i ddal swydd fel llywodraethwr awdurdod lleol os yw'r person hwnnw yn gymwys i fod yn athro-lywodraethwr neu'n staff-lywodraethwr.

Llywodraethwyr cymunedol

18.—(1) Yn y Rheoliadau hyn—

ystyr “llywodraethwr cymunedol” (“*community governor*”) yw person a benodir fel y cyfryw gan gorff llywodraethu ffederasiwn ac—

- (a) sy'n byw neu'n gweithio yn y gymuned a wasanaethir gan y ffederasiwn; neu
- (b) sy'n berson sydd, ym marn y corff llywodraethu, ag ymroddiad i lywodraethu da ac i lwyddiant y ffederasiwn.

(2) Anghymhwysir person rhag ei benodi yn llywodraethwr cymunedol, neu barhau i ddal swydd fel llywodraethwr cymunedol—

- (a) os yw'r person hwnnw yn ddisgybl cofrestredig yn un o'r ysgolion ffederal;
- (b) os yw'r person hwnnw yn gymwys i fod yn athro-lywodraethwr neu'n staff-lywodraethwr; neu
- (c) os yw'r person hwnnw yn aelod etholedig o'r awdurdod lleol.

Llywodraethwyr cymunedol ychwanegol

19. Yn y Rheoliadau hyn ystyr “llywodraethwr cymunedol ychwanegol” (“*additional community governor*”) yw llywodraethwr a benodir yn unol â rheoliad 31.

Llywodraethwyr sefydledig

20.—(1) Yn y Rheoliadau hyn—

(a) ystyr “llywodraethwr sefydledig” (“*foundation governor*”) yw person a benodir i fod yn aelod o gorff llywodraethu ffederasiwn mewn cysylltiad ag ysgol ffederal benodol, ac eithrio gan yr awdurdod lleol ac—

- (i) pan fo'r ffederasiwn yn cynnwys ysgol ffederal sydd â chymeriad crefyddol penodol⁽¹⁾, a benodir at y diben o sicrhau y diogelir ac y datblygir y cymeriad hwnnw yn yr ysgol ffederal honno;

(3) A person is disqualified from appointment or continuing to hold office as a local authority governor if that person is eligible to be a teacher or staff governor.

Community governors

18.—(1) In these Regulations—

“community governor” (“*llywodraethwr cymunedol*”) means a person who is appointed as such by the governing body of a federation and who is—

- (a) a person who lives or works in the community served by the federation; or
- (b) a person who, in the opinion of the governing body, is committed to the good government and success of the federation.

(2) A person is disqualified from appointment or continuing to hold office as a community governor if that person is—

- (a) a registered pupil at one of the federated schools;
- (b) eligible to be a teacher or staff governor; or
- (c) an elected member of the local authority.

Additional community governors

19. In these Regulations “additional community governor” (“*llywodraethwr cymunedol ychwanegol*”) means a governor appointed in accordance with regulation 31.

Foundation governors

20.—(1) In these Regulations—

(a) “foundation governor” (“*llywodraethwr sefydledig*”) means a person who is appointed to be a member of the governing body of a federation in respect of a particular federated school, otherwise than by the local authority, and who—

- (i) where the federation includes a federated school which has a particular religious character⁽¹⁾, is appointed for the purpose of securing that that character is preserved and developed at that federated school;

(1) Fel y dynodir drwy Orchymyn Gweinidogion Cymru o dan adran 69(3) o Ddeddf 1998.

(1) As designated by Order of the Welsh Ministers under section 69(3) of the 1998 Act.

- (ii) pan fo'r ffederasiwn yn cynnwys ysgol ffederal sydd ag ymddiriedolaeth yn gysylltiedig â hi, a benodir at y diben o sicrhau y cynhelir yr ysgol ffederal yn unol â'r ymddiriedolaeth honno; neu
 - (iii) pan fo'r ffederasiwn yn cynnwys ysgol nad oes iddi gymeriad crefyddol nac ymddiriedolaeth, a benodir yn llywodraethwr sefydledig y ffederasiwn gan berson a enwyd yn flaenorol yn offeryn llywodraethu'r ysgol ffederal fel un sydd â phŵer i benodi llywodraethwyr sefydledig;
- (b) ystyr “llywodraethwr sefydledig ex officio” (“*ex officio foundation governor*”) yw llywodraethwr sefydledig sydd â'r hawl i fod yn llywodraethwr sefydledig yn rhinwedd swydd a ddelir gan y person hwnnw sy'n rhoi'r hawl honno;
- (c) ystyr “dirprwy-lywodraethwr” (“*substitute governor*”) yw llywodraethwr sefydledig a benodir i weithredu yn lle llywodraethwr sefydledig ex officio—
- (i) sy'n anfodlon neu'n analluog i weithredu fel llywodraethwr;
 - (ii) a ddiswyddwyd o fod yn llywodraethwr o dan reoliad 38(2); neu
 - (iii) pan fo'r swydd y mae swydd llywodraethwr o'r fath yn deillio ohoni yn wag.

(2) Anghymhwysir llywodraethwr sefydledig ex officio rhag parhau i ddal swydd fel llywodraethwr o'r fath pan fo'n peidio â dal y swydd y mae swydd y person hwnnw fel llywodraethwr yn deillio ohoni.

Llywodraethwyr partneriaeth

21.—(1) Yn y Rheoliadau hyn ystyr “llywodraethwr partneriaeth” (“*partnership governor*”) yw person a enwebir yn llywodraethwr partneriaeth ac a benodir fel y cyfryw yn unol ag Atodlen 4.

(2) Anghymhwysir person rhag ei enwebu neu ei benodi yn llywodraethwr partneriaeth mewn ffederasiwn—

- (a) os yw'r person hwnnw yn rhiant disgybl cofrestredig mewn ysgol o fewn y ffederasiwn;
- (b) os yw'r person hwnnw yn ddisgybl cofrestredig mewn ysgol o fewn y ffederasiwn;
- (c) os yw'r person hwnnw yn gymwys i fod yn athro-lywodraethwr neu'n staff-lywodraethwr y ffederasiwn;

- (ii) where the federation includes a federated school to which a trust relates, is appointed for the purpose of securing that the federated school is conducted in accordance with that trust, or
 - (iii) where the federation includes a school which has neither a religious character nor a trust, is appointed as a foundation governor of the federation by a person previously named in the federated school's instrument of government as having the power to appoint foundation governors;
- (b) “ex officio foundation governor” (“*llywodraethwr sefydledig ex officio*”) means a foundation governor who is the holder of an office by virtue of which that person is entitled to be a foundation governor;
- (c) “substitute governor” (“*dirprwy-lywodraethwr*”) means a foundation governor appointed to act in place of an ex officio foundation governor—
- (i) who is unwilling or unable to act as governor;
 - (ii) who has been removed as a governor under regulation 38(2); or
 - (iii) if there is a vacancy in the office by virtue of which such a governorship exists.

(2) An ex officio foundation governor is, upon ceasing to hold the office from which that person's governorship derives, disqualified from continuing to hold office as such a governor.

Partnership governors

21.—(1) In these Regulations “partnership governor” (“*llywodraethwr partneriaeth*”) means a person who is nominated as a partnership governor and appointed as such in accordance with Schedule 4.

(2) A person is disqualified from nomination or appointment as a partnership governor of a federation if that person is—

- (a) a parent of a registered pupil at a school within the federation;
- (b) a registered pupil at a school within the federation;
- (c) eligible to be a teacher or staff governor of the federation;

- (d) os yw'r person hwnnw yn aelod etholedig o awdurdod lleol perthnasol; neu
- (e) os yw'r person hwnnw yn cael ei gyflogi gan yr awdurdod lleol mewn cysylltiad â'i swyddogaethau fel awdurdod lleol.

- (d) an elected member of a relevant local authority; or
- (e) employed by a relevant local authority in connection with its functions as a local authority.

Noddwr-lywodraethwyr

22. Yn y Rheoliadau hyn ystyr “noddwr-lywodraethwr” (“*sponsor governor*”) yw person a enwebir yn noddwr-lywodraethwr ac a benodir fel y cyfryw gan gorff llywodraethu ffederasiwn yn unol ag Atodlen 5.

Sponsor governors

22. In these Regulations “sponsor governor” (“*noddwr-lywodraethwr*”) means a person nominated as a sponsor governor and appointed as such by the governing body of a federation in accordance with Schedule 5.

Llywodraethwyr cynrychiadol

23. Yn y Rheoliadau hyn ystyr “llywodraethwr cynrychiadol” (“*representative governor*”) yw person a benodir fel y cyfryw yn unol ag Atodlen 6.

Representative governors

23. In these Regulations “representative governor” (“*llywodraethwr cynrychiadol*”) means a person who is appointed as such in accordance with Schedule 6.

Disgybl-lywodraethwyr cyswllt

24.—(1) Yn y Rheoliadau hyn ystyr “disgybl-lywodraethwr cyswllt” (“*associate pupil governor*”) yw disgybl cofrestredig a enwebir gan y cyngor ysgol i fod yn aelod o'r corff llywodraethu ffederal, ac a benodir fel y cyfryw gan y corff llywodraethu ffederal yn unol â rheoliad 7 o'r Rheoliadau Cynghorau Ysgol.

Associate pupil governors

24.—(1) In these Regulations “associate pupil governor” (“*disgybl-lywodraethwr cyswllt*”) means a registered pupil nominated by the school council to be a member of the federated governing body and appointed as such by the federated governing body in accordance with regulation 7 of the School Council Regulations.

(2) Y nifer mwyaf o ddisgybl-lywodraethwyr cyswllt ar unrhyw gorff llywodraethu ffederal yw dau.

(2) The maximum number of associate pupil governors on any federated governing body is two.

RHAN 4

CYFANSODDIAD CYRFF LLYWODRAETHU FFEDERASIWN

PART 4

COMPOSITION OF GOVERNING BODIES OF A FEDERATION

Egwyddorion cyffredinol

25.—(1) Yn ddarostyngedig i baragraffau (2) a (3), rhaid i'r offeryn llywodraethu ar gyfer ffederasiwn bennu maint aelodaeth ar gyfer corff llywodraethu'r ffederasiwn, na chaiff fod yn llai na 15 llywodraethwr nac yn fwy na 27.

General principles

25.—(1) Subject to paragraphs (2) and (3), the instrument of government for a federation must specify the size of the membership of the governing body of the federation, being no fewer than 15 and no more than 27 governors.

(2) Wrth benderfynu maint aelodaeth corff llywodraethu ffederasiwn, rhaid peidio â chynnwys y llywodraethwyr a ganlyn—

(2) In determining the size of the membership of the governing body of a federation the following governors must not be included—

- (a) unrhyw ddisgybl-lywodraethwyr cyswllt a benodir yn unol â rheoliadau 26 i 30;
- (b) unrhyw lywodraethwyr ychwanegol a benodir yn rhinwedd adran 6 o Ddeddf 2013 (*pŵer i benodi llywodraethwyr ychwanegol*); ac

- (a) any associate pupil governors appointed in accordance with regulations 26 to 30;
- (b) any additional governors appointed by virtue of section 6 of the 2013 Act (*power to appoint additional governors*); and

- (c) unrhyw lywodraethwyr ychwanegol a benodir yn rhinwedd adran 13 o Ddeddf 2013 (*pŵer Gweinidogion Cymru i benodi llywodraethwyr ychwanegol*).

(3) Wrth benderfynu maint aelodaeth corff llywodraethu ffederasiwn rhaid cynnwys unrhyw lywodraethwyr cymunedol ychwanegol a benodir yn unol â rheoliad 31.

(4) Yn ddarostyngedig i reoliadau 26 i 30, rhaid i'r offeryn llywodraethu bennu'r niferoedd o lywodraethwyr sydd i'w hethol neu eu penodi o bob un o'r categorïau o lywodraethwyr canlynol—

- (a) rhiant-lywodraethwyr;
- (b) athro-lywodraethwyr;
- (c) staff-lywodraethwyr;
- (d) llywodraethwyr awdurdod lleol;
- (e) llywodraethwyr cymunedol;
- (f) llywodraethwyr sefydledig;
- (g) llywodraethwyr partneriaeth;
- (h) noddwr-lywodraethwyr;
- (i) llywodraethwyr cynrychiadol; a
- (j) llywodraethwyr cymunedol ychwanegol.

(5) Pan fo cymhwyso'r rheoliad hwn a rheoliadau 26 i 30 yn cynhyrchu rhif nad yw'n gyfanrif, rhaid i'r corff llywodraethu bennu naill ai'r cyfanrif nesaf uwchlaw neu'r cyfanrif nesaf islaw (yn ôl dewis y corff llywodraethu) ar yr amod na chaiff cyfanswm nifer y llywodraethwyr fod yn uwch na'r terfyn a bennir yn y rheoliad hwn.

Ffederasiwn sy'n cynnwys ysgolion cymunedol, ysgolion arbennig cymunedol ac ysgolion meithrin a gynhelir yn unig

26.—(1) Mae corff llywodraethu ffederasiwn sy'n cynnwys unrhyw gyfuniad o ysgolion cymunedol, ysgolion arbennig cymunedol ac ysgolion meithrin a gynhelir⁽¹⁾ (ac nid unrhyw gategori arall o ysgol) i gynnwys y canlynol—

- (a) o leiaf un ond dim mwy na dau riant-lywodraethwr ar gyfer pob ysgol ffederal a etholir neu a benodir yn unol â pharagraffau 3 i 11 o Atodlen 2 i gynrychioli buddiannau rhieni disgyblion cofrestredig yn yr ysgol honno;
- (b) o leiaf un ond dim mwy na dau athro-lywodraethwr;
- (c) o leiaf un, ond dim mwy na dau staff-lywodraethwr;

⁽¹⁾ O fewn yr ystyr yn adran 20 o Ddeddf 1998 ac Atodlen 2 i'r Ddeddf honno, ac adran 39(1) o Ddeddf 2002.

- (c) any additional governors appointed by virtue of section 13 of the 2013 Act (*power of Welsh Ministers to appoint additional governors*).

(3) In determining the size of the membership of the governing body of a federation any additional community governors appointed in accordance with regulation 31 must be included.

(4) Subject to regulations 26 to 30, the instrument of government must specify the numbers of governors from each of the following categories of governor to be elected or appointed—

- (a) parent governors;
- (b) teacher governors;
- (c) staff governors;
- (d) local authority governors;
- (e) community governors;
- (f) foundation governors;
- (g) partnership governors;
- (h) sponsor governors;
- (i) representative governors; and
- (j) additional community governors.

(5) Where application of this regulation and regulations 26 to 30 produces a number other than a whole number, the governing body must specify either the whole number next above or the whole number next below (at their choice) providing that the total number of governors may not exceed the limit set in this regulation.

Federation comprising only community, community special and maintained nursery schools

26.—(1) The governing body of a federation containing any combination of community schools, community special schools and maintained nursery schools⁽¹⁾ (and no other category of school) is to comprise the following—

- (a) for each federated school at least one but no more than two parent governors elected or appointed in accordance with paragraphs 3 to 11 of Schedule 2 to represent the interests of parents of registered pupils at that school;
- (b) at least one but no more than two teacher governors;
- (c) at least one but no more than two staff governors;

⁽¹⁾ Within the meaning of section 20 of, and Schedule 2 to, the 1998 Act and section 39(1) of the 2002 Act.

- (d) o leiaf ddau ond dim mwy na phedwar llywodraethwr awdurdod lleol;
- (e) yn ddarostyngedig i is-baragraff (f), o leiaf ddau ond dim mwy na phedwar llywodraethwr cymunedol; ac
- (f) un llywodraethwr cynrychiadol pan fo'r ffederasiwn yn cynnwys o leiaf un ysgol arbennig gymunedol, i gymryd lle un llywodraethwr cymunedol sy'n ofynnol o dan is-baragraff (e).

(2) Yn ychwanegol, rhaid i gorff llywodraethu'r ffederasiwn gynnwys—

- (a) pennaeth y ffederasiwn oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37; neu
- (b) (os nad oes pennaeth i'r ffederasiwn) pennaeth pob un o'r ysgolion ffederal oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37.

(3) Yn ychwanegol, caiff corff llywodraethu'r ffederasiwn—

- (a) penodi un noddwr-lywodraethwr; a
- (b) penodi hyd at ddau ddisgybl-lywodraethwr cyswllt pan fo'r ffederasiwn yn cynnwys ysgolion uwchradd.

Ffederasiwn sy'n cynnwys ysgolion sefydledig yn unig

27.—(1) Mae corff llywodraethu ffederasiwn sy'n cynnwys ysgolion sefydledig⁽¹⁾ yn unig i gynnwys y canlynol—

- (a) o leiaf un ond dim mwy na dau riant-lywodraethwr ar gyfer pob ysgol ffederal a etholir neu a benodir yn unol â pharagraffau 3 i 11 o Atodlen 2 i gynrychioli buddiannau rhieni disgyblion cofrestredig yn yr ysgol honno;
- (b) o leiaf un ond dim mwy na dau athro-lywodraethwr;
- (c) o leiaf un ond dim mwy na dau staff-lywodraethwr;
- (d) o leiaf ddau ond dim mwy na phedwar llywodraethwr awdurdod lleol;
- (e) o leiaf ddau ond dim mwy na phedwar llywodraethwr cymunedol; ac

- (d) at least two but no more than four local authority governors;
- (e) subject to sub-paragraph (f) at least two but no more than four community governors; and
- (f) one representative governor where the federation contains at least one community special school to take the place of one community governor required by sub-paragraph (e).

(2) The governing body of the federation must in addition include—

- (a) the head teacher of the federation, unless that person resigns the office of governor in accordance with regulation 37; or
- (b) (if there is no head teacher of the federation) the head teacher of each federated school, unless that person resigns the office of governor in accordance with regulation 37.

(3) The governing body of the federation may in addition—

- (a) appoint one sponsor governor; and
- (b) appoint up to two associate pupil governors where the federation contains secondary schools.

Federation comprising only foundation schools

27.—(1) The governing body of a federation containing foundation schools⁽¹⁾ only is to comprise the following—

- (a) for each federated school at least one but no more than two parent governors elected or appointed in accordance with paragraphs 3 to 11 of Schedule 2 to represent the interests of parents of registered pupils at that school;
- (b) at least one but no more than two teacher governors;
- (c) at least one but no more than two staff governors;
- (d) at least two but no more than four local authority governors;
- (e) at least two but no more than four community governors; and

⁽¹⁾ O fewn yr ystyr yn adran 20 o Ddeddf 1998 ac Atodlen 2 i'r Ddeddf honno.

⁽¹⁾ Within the meaning of section 20 of, and Schedule 2 to, the 1998 Act.

- (f) o leiaf ddau ond dim mwy na phum llywodraethwr sefydledig (neu lywodraethwr partneriaeth, fel y bo'n briodol mewn cysylltiad ag unrhyw ysgol heb sefydliad).

(2) Yn ychwanegol, rhaid i gorff llywodraethu'r ffederasiwn gynnwys—

- (a) pennaeth y ffederasiwn oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37; neu
- (b) (os nad oes pennaeth i'r ffederasiwn) pennaeth pob un o'r ysgolion ffederal oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37.

(3) Yn ychwanegol, caiff corff llywodraethu'r ffederasiwn—

- (a) penodi un noddwr-lywodraethwr; a
- (b) penodi hyd at ddau ddisgybl-lywodraethwr cyswllt pan fo'r ffederasiwn yn cynnwys ysgolion uwchradd.

Ffederasiwn sy'n cynnwys ysgolion gwirfoddol a reolir yn unig

28.—(1) Mae corff llywodraethu ffederasiwn sy'n cynnwys ysgolion gwirfoddol a reolir(1) yn unig i gynnwys y canlynol—

- (a) o leiaf un ond dim mwy na dau riant-lywodraethwr ar gyfer pob ysgol ffederal a etholir neu a benodir yn unol â pharagraffau 3 i 11 o Atodlen 2 i gynrychioli buddiannau rhieni disgyblion cofrestredig yn yr ysgol honno;
- (b) o leiaf un ond dim mwy na dau athro-lywodraethwr;
- (c) o leiaf un ond dim mwy na dau staff-lywodraethwr;
- (d) o leiaf ddau ond dim mwy na phedwar llywodraethwr awdurdod lleol;
- (e) o leiaf ddau ond dim mwy na phedwar llywodraethwr cymunedol; ac
- (f) o leiaf ddau ond dim mwy na phum llywodraethwr sefydledig.

(2) Yn ychwanegol, rhaid i gorff llywodraethu'r ffederasiwn gynnwys—

- (a) pennaeth y ffederasiwn oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37; neu

- (f) at least two but no more than five foundation governors (or partnership governors, as appropriate in respect of any school without a foundation)..

(2) The governing body of the federation must in addition include—

- (a) the head teacher of the federation, unless that person resigns the office of governor in accordance with regulation 37; or
- (b) (if there is no head teacher of the federation) the head teacher of each federated school, unless that person resigns the office of governor in accordance with regulation 37.

(3) The governing body of the federation may in addition—

- (a) appoint one sponsor governor; and
- (b) appoint up to two associate pupil governors where the federation contains secondary schools.

Federation comprising voluntary controlled schools only

28.—(1) The governing body of a federation containing voluntary controlled schools(1) only is to comprise the following—

- (a) for each federated school at least one but no more than two parent governors elected or appointed in accordance with paragraphs 3 to 11 of Schedule 2 to represent the interests of parents of registered pupils at that school;
- (b) at least one but no more than two teacher governors;
- (c) at least one but no more than two staff governors;
- (d) at least two but no more than four local authority governors;
- (e) at least two but no more than four community governors; and
- (f) at least two but no more than five foundation governors.

(2) The governing body of the federation must in addition include—

- (a) the head teacher of the federation, unless that person resigns the office of governor in accordance with regulation 37; or

(1) O fewn yr ystyr yn adran 20 o Ddeddf 1998 ac Atodlen 2 i'r Ddeddf honno.

(1) Within the meaning of section 20 of, and Schedule 2 to, the 1998 Act.

(b) (os nad oes pennaeth i'r ffederasiwn) pennaeth pob un o'r ysgolion ffederal oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37.

(3) Yn ychwanegol, caiff corff llywodraethu'r ffederasiwn—

- (a) penodi un noddwr-lywodraethwr; a
- (b) penodi hyd at ddau ddisgybl-lywodraethwr cyswllt pan fo'r ffederasiwn yn cynnwys ysgolion uwchradd.

Ffederasiwn sy'n cynnwys ysgolion gwirfoddol a gynorthwyr yn unig

29.—(1) Mae corff llywodraethu ffederasiwn sy'n cynnwys ysgolion gwirfoddol a gynorthwyr⁽¹⁾ yn unig i gynnwys y canlynol—

- (a) o leiaf un rhiant-lywodraethwr a etholir neu a benodir yn unol â pharagraffau 3 i 11 o Atodlen 2;
- (b) o leiaf un ond dim mwy na dau athro-lywodraethwr;
- (c) o leiaf un ond dim mwy na dau staff-lywodraethwr;
- (d) o leiaf un ond dim mwy na dau lywodraethwr awdurdod lleol; ac
- (e) y nifer o lywodraethwyr sefydledig a fydd yn eu gwneud yn fwy niferus na'r holl lywodraethwyr eraill a grybwyllwyd yn is-baragraffau (a) i (d), paragraff (2) a rheoliad 31 o ddim mwy nag un.

(2) Yn ychwanegol, rhaid i gorff llywodraethu'r ffederasiwn gynnwys—

- (a) y pennaeth oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37; neu
- (b) (os nad oes pennaeth i'r ffederasiwn) pennaeth pob un o'r ysgolion ffederal oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37.

(3) Yn ychwanegol, caiff corff llywodraethu'r ffederasiwn benodi hyd at ddau ddisgybl-lywodraethwr cyswllt pan fo'r ffederasiwn yn cynnwys ysgolion uwchradd.

(b) (if there is no head teacher of the federation) the head teacher of each federated school, unless that person resigns the office of governor in accordance with regulation 37.

(3) The governing body of the federation may in addition—

- (a) appoint one sponsor governor; and
- (b) appoint up to two associate pupil governors where the federation contains secondary schools.

Federation comprising voluntary aided schools only

29.—(1) The governing body of a federation containing voluntary aided schools⁽¹⁾ only is to comprise the following—

- (a) at least one parent governor elected or appointed in accordance with paragraphs 3 to 11 of Schedule 2;
- (b) at least one but no more than two teacher governors;
- (c) at least one but no more than two staff governors;
- (d) at least one but no more than two local authority governors; and
- (e) such number of foundation governors as will lead to their outnumbering all the other governors mentioned in sub-paragraphs (a) to (d), paragraph (2) and regulation 31 by no more than one.

(2) The governing body of the federation must in addition include—

- (a) the head teacher, unless that person resigns the office of governor in accordance with regulation 37; or
- (b) (if there is no head teacher of the federation) the head teacher of each federated school, unless that person resigns the office of governor in accordance with regulation 37.

(3) The governing body of the federation may, in addition, appoint up to two associate pupil governors where the federation contains secondary schools.

⁽¹⁾ O fewn ystyr adran 20 o Ddeddf 1998 ac Atodlen 2 i'r Ddeddf honno.

⁽¹⁾ Within the meaning of section 20 of , and Schedule 2 to, the 1998 Act.

Ffederasiwn sy'n cynnwys ysgolion gwirfoddol a reolir ac ysgolion gwirfoddol a gynorthwyr

30.—(1) Mae corff llywodraethu ffederasiwn sy'n cynnwys unrhyw gyfuniad o ysgolion gwirfoddol a reolir ac ysgolion gwirfoddol a gynorthwyr (ac nid unrhyw gategori arall o ysgol) i gynnwys y canlynol—

- (a) o leiaf un rhiant-lywodraethwr a etholir neu a benodir yn unol â pharagraffau 3 i 11 o Atodlen 2;
- (b) o leiaf un ond dim mwy na dau athro-lywodraethwr;
- (c) o leiaf un ond dim mwy na dau staff-lywodraethwr;
- (d) o leiaf un ond dim mwy na dau lywodraethwr awdurdod lleol;
- (e) o leiaf un ond dim mwy na dau lywodraethwr cymunedol; ac
- (f) y nifer o lywodraethwyr sefydledig a fydd yn eu gwneud yn fwy niferus na'r holl lywodraethwyr eraill a grybwyllwyd yn is-baragraffau (a) i (e), paragraff (2) a rheoliad 31 o ddim mwy nag un.

(2) Yn ychwanegol, rhaid i gorff llywodraethu'r ffederasiwn gynnwys—

- (a) pennaeth y ffederasiwn oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37; neu
- (b) (os nad oes pennaeth i'r ffederasiwn) pennaeth pob un o'r ysgolion ffederal oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37.

(3) Yn ychwanegol, caiff corff llywodraethu'r ffederasiwn benodi hyd at ddau ddisgybl-lywodraethwr cyswllt pan fo'r ffederasiwn yn cynnwys ysgolion uwchradd.

Llywodraethwyr cymunedol ychwanegol

31.—(1) Mae'r paragraff hwn yn gymwys i gorff llywodraethu ffederasiwn sy'n cynnwys un neu ragor o'r canlynol—

- (a) unrhyw ysgol gymunedol, wirfoddol neu sefydledig sy'n ysgol gynradd; a
- (b) unrhyw ysgol feithrin a gynhelir;

sy'n gwasanaethu ardal sydd ag un neu ragor o gynghorau cymuned.

Federation comprising voluntary controlled and voluntary aided schools

30.—(1) The governing body of a federation containing any combination of voluntary controlled schools and voluntary aided schools (and no other category of school) is to comprise the following—

- (a) at least one parent governor elected or appointed in accordance with paragraphs 3 to 11 of Schedule 2;
- (b) at least one but no more than two teacher governors;
- (c) at least one but no more than two staff governors;
- (d) at least one but no more than two local authority governors;
- (e) at least one but no more than two community governors; and
- (f) such number of foundation governors as will lead to their outnumbering all the other governors mentioned in sub-paragraphs (a) to (e), paragraph (2) and regulation 31 by no more than one.

(2) The governing body of the federation must in addition include—

- (a) the head teacher of the federation, unless that person resigns the office of governor in accordance with regulation 37; or
- (b) (if there is no head teacher of the federation) the head teacher of each federated school, unless that person resigns the office of governor in accordance with regulation 37.

(3) The governing body of the federation may in addition appoint up to two associate pupil governors where the federation contains secondary schools.

Additional Community Governors

31.—(1) This paragraph applies to the governing body of a federation which includes one or more of the following—

- (a) any community, voluntary or foundation school which is a primary school; and
- (b) any maintained nursery school;

which serves an area for which there are one or more community councils.

(2) Rhaid i'r offeryn llywodraethu ar gyfer ysgol ddarparu bod corff llywodraethu ffederasiwn i gynnwys (yn ychwanegol at y llywodraethwyr sy'n ofynnol yn rhinwedd rheoliadau 26 i 30 yn ôl y digwydd) un llywodraethwr cymunedol ychwanegol a enwebir gan y cyngor cymuned.

(3) Os yw ysgol yn gwasanaethu ardal sydd â dau neu ragor o gynghorau cymuned, caiff y corff llywodraethu geisio enwebiadau gan un neu ragor o'r cynghorau hynny ar gyfer yr un llywodraethwr cymunedol ychwanegol y cyfeirir ato ym mharagraff (2).

Hysbysu swyddi gwag a phenodiadau

32.—(1) Yn ddarostyngedig i baragraffau (2) a (3), pan fo swydd aelod a benodwyd i'r corff llywodraethu yn mynd yn wag, rhaid i glerc y corff llywodraethu, cyn gynted ag y bo'n rhesymol ymarferol, roi hysbysiad ysgrifenedig o'r ffaith honno i'r person sydd â'r hawl i benodi neu enwebu person i'r swydd honno.

(2) Yn ddarostyngedig i baragraff (3), rhaid i glerc y corff llywodraethu, ddau fis o leiaf cyn y dyddiad y daw cyfnod swydd aelod a benodwyd i ben, roi hysbysiad ysgrifenedig o'r ffaith honno i'r person sydd â'r hawl i benodi neu enwebu person i'r swydd honno.

(3) Nid yw paragraffau (1) a (2) yn gymwys os yw'r person sydd â'r hawl i benodi person i'r swydd dan sylw eisoes wedi hysbysu clerc y corff llywodraethu mewn ysgrifen ynghylch y person a benodir neu a enwebir.

(4) Pan fo unrhyw berson ac eithrio corff llywodraethu yn gwneud penodiad neu'n enwebu person i'w benodi i'r corff llywodraethu, rhaid i'r person hwnnw roi hysbysiad ysgrifenedig o'r penodiad neu'r enwebiad i glerc y corff llywodraethu, gan nodi enw a phreswylfa arferol y person a benodir neu a enwebir felly.

(5) At ddibenion y rheoliad hwn, ystyr "aelod a benodwyd" ("*appointed member*") yw—

- (a) llywodraethwr sefydledig;
- (b) llywodraethwr awdurdod lleol;
- (c) llywodraethwr cymunedol (gan gynnwys llywodraethwr cymunedol ychwanegol);
- (d) llywodraethwr cynrychiadol;
- (e) noddwr-lywodraethwr; ac
- (f) llywodraethwr partneriaeth.

(2) The instrument of government of a school must provide for the governing body of a federation to include (in addition to the governors required by virtue of regulations 26 to 30, as the case may be) one additional community governor nominated by the community council.

(3) If a school serves an area for which there are two or more community councils, the governing body may seek nominations from one or more of those councils for the one additional community governor referred to in paragraph (2).

Notification of vacancies and appointments

32.—(1) Subject to paragraphs (2) and (3), where a vacancy in the office of an appointed member of the governing body arises, the clerk to the governing body must as soon as is reasonably practicable give notice in writing of that fact to the person entitled to appoint or nominate a person to that office.

(2) Subject to paragraph (3), the clerk to the governing body must, at least two months before the date of the expiry of the term of office of an appointed member, give notice in writing of that fact to the person entitled to appoint or nominate a person to that office.

(3) Paragraphs (1) and (2) do not apply where the person entitled to appoint a person to the office in question has already notified the clerk to the governing body in writing of the person appointed or nominated.

(4) Where any person other than a governing body makes an appointment or nominates a person to be appointed to the governing body, that person must give written notice of the appointment or the nomination to the clerk to the governing body specifying the name and usual place of residence of the person so appointed or nominated.

(5) For the purposes of this regulation, "appointed member" ("*aelod a benodwyd*") means—

- (a) a foundation governor;
- (b) a local authority governor;
- (c) a community governor (including an additional community governor);
- (d) a representative governor;
- (e) a sponsor governor; and
- (f) a partnership governor.

Cyd-benodiadau

33. Os yw—

- (a) offeryn llywodraethu ysgol yn darparu bod un neu ragor o'r llywodraethwyr i'w penodi gan bersonau sy'n gweithredu ar y cyd; a
- (b) y personau hynny yn methu â chytuno ar benodiad;

rhaid i'r penodiad gael ei wneud gan Weinidogion Cymru neu'n unol â chyfarwyddyd a roddir ganddynt.

Llywodraethwyr gormodol

34.—(1) Pan fo gan ffederasiwn ragor o lywodraethwyr mewn categori penodol nag y darperir ar eu cyfer yn yr offeryn llywodraethu ar gyfer yr ysgol, rhaid i ba bynnag nifer o lywodraethwyr yn y categori hwnnw sy'n ofynnol er mwyn dileu'r gormodedd beidio â dal swydd, yn unol â pharagraffau (2) a (3), oni fydd nifer digonol yn ymddiswyddo.

(2) Penderfynir pa lywodraethwyr sydd i beidio â dal swydd ar sail hyd eu gwasanaeth, a'r llywodraethwyr sydd â'r cyfnodau mewn swydd cyfredol byrraf fel llywodraethwyr mewn unrhyw gategori yn yr ysgol fydd y cyntaf i beidio â dal swydd.

(3) Pan fo angen, at ddibenion paragraff (2), dewis un neu ragor o lywodraethwyr allan o grŵp sy'n gyfartal o ran hyd gwasanaeth, rhaid gwneud hynny drwy fwrw coelbren.

(4) At ddibenion y rheoliad hwn, trinnir llywodraethwyr cymunedol ychwanegol fel pe baent yn gategori o lywodraethwyr ar wahân.

RHAN 5

CYMWYSIADAU A CHYFNOD SWYDD

Cymwysiadau ac anghymwysiadau

35. Yn Atodlen 7 nodir o dan ba amgylchiadau y mae person yn gymwys ar gyfer, neu wedi ei anghymhwyso rhag dal neu barhau mewn swydd fel llywodraethwr.

Cyfnod swydd

36.—(1) Yn ddarostyngedig i baragraffau (2) i (9), mae llywodraethwr yn dal ei swydd am gyfnod penodol o bedair blynedd o'r dyddiad yr etholir neu y penodir y person hwnnw.

(2) Nid yw paragraff (1) yn gymwys i unrhyw lywodraethwr sy'n bennaeth y ffederasiwn neu'n bennaeth ysgol ffederal, nac i unrhyw lywodraethwr

Joint appointments

33. If—

- (a) the instrument of government of a school provides for one or more of the governors to be appointed by persons acting jointly; and
- (b) those persons fail to make an agreed appointment;

the appointment is to be made by, or in accordance with a direction given by, the Welsh Ministers.

Surplus Governors

34.—(1) Where a federation has more governors of a particular category than are provided for by the instrument of government for the school, such number of governors of that category as is required to eliminate the excess must cease to hold office in accordance with paragraphs (2) and (3) unless a sufficient number resign.

(2) The governors who are to cease to hold office are to be determined on the basis of seniority, the governors whose current period of office as a governor of any category at the school is the shortest being the first to cease to hold office.

(3) Where it is necessary for the purposes of paragraph (2) to select one or more governors from a group of equal seniority, it must be done by drawing lots.

(4) For the purposes of this regulation, additional community governors are treated as if they constituted a separate category of governor.

PART 5

QUALIFICATIONS AND TERM OF OFFICE

Qualifications and disqualifications

35. Schedule 7 sets out the circumstances in which a person is qualified for or disqualified from holding or continuing in office as a governor.

Term of office

36.—(1) Subject to paragraphs (2) to (9), a governor holds office for a fixed period of four years from the date of that person's election or appointment.

(2) Paragraph (1) does not apply to any governor who is the head teacher of the federation or a federated school, or to any ex officio foundation governor, who

sefydledig ex officio, a gaiff ddal swydd cyhyd ag y bo'r person hwnnw yn parhau yn y swydd y mae swydd y person hwnnw fel llywodraethwr yn deillio ohoni.

(3) Nid yw paragraff (1) yn gymwys i unrhyw lywodraethwr sefydledig y pennir cyfnod ei swydd gan y person a benododd y llywodraethwr hwnnw, hyd at bedair blynedd fan hwyraf.

(4) Nid yw paragraff (1) yn gymwys i unrhyw lywodraethwr ychwanegol, llywodraethwr sefydledig ychwanegol nac aelod gweithrediaeth interim a benodir o dan adrannau 6, 7, 13 neu 14 o Ddeddf 2013, y pennir cyfnod ei swydd gan y person a benododd y llywodraethwr hwnnw, hyd at bedair blynedd fan hwyraf.

(5) Nid yw paragraff (1) yn gymwys i unrhyw athrolywodraethwr neu staff-lywodraethwr sydd i ddal swydd am gyfnod o ddwy flynedd o ddyddiad penodi'r person hwnnw.

(6) Nid yw paragraff (1) yn gymwys i unrhyw riant-lywodraethwr ysgol feithrin a gynhelir sydd i ddal swydd am gyfnod penodol o ddwy flynedd o ddyddiad ethol neu benodi'r person hwnnw.

(7) Nid yw paragraff (1) yn gymwys i unrhyw ddisgybl-lywodraethwr cyswllt sydd i ddal swydd am gyfnod o un flwyddyn o ddyddiad penodi'r person hwnnw. Nid oes dim yn y paragraff hwn sy'n rhwystro disgybl-lywodraethwr cyswllt rhag cael ei ailbenodi ar ddiwedd cyfnod y person hwnnw mewn swydd.

(8) Caiff dirprwy lywodraethwr ddal swydd hyd y cynharaf o'r canlynol—

- (a) diwedd pedair blynedd o'r dyddiad y daw penodiad y person hwnnw i rym;
- (b) y dyddiad y bydd y llywodraethwr gwreiddiol (onid yw wedi ei ddiswyddo o dan reoliad 38(2)) yn rhoi hysbysiad ysgrifenedig i glerc y corff llywodraethu yn nodi y gall y person hwnnw weithredu fel llywodraethwr sefydledig a'i fod yn fodlon gwneud hynny; neu
- (c) y dyddiad y bydd person ar wahân i'r llywodraethwr gwreiddiol yn cymryd y swydd y mae swydd y llywodraethwr sefydledig ex officio yn bodoli o'i herwydd.

(9) Nid yw'r rheoliad hwn yn rhwystro llywodraethwr rhag—

- (a) cael ei ethol neu ei benodi am gyfnod pellach, ac eithrio fel y darperir fel arall yn y Rheoliadau hyn;
- (b) ymddiswyddo yn unol â rheoliad 37(1);
- (c) cael ei ddiswyddo o dan reoliadau 38 i 40; neu

may hold office for as long as that person holds the position from which that person's governorship derives.

(3) Paragraph (1) does not apply to any foundation governor whose term of office is to be determined by the person who appointed that governor, up to a maximum of four years.

(4) Paragraph (1) does not apply to any additional governor, additional foundation governor or interim executive member appointed under sections 6, 7, 13 or 14 of the 2013 Act whose term of office is to be determined by the person who appointed that governor, up to a maximum of four years.

(5) Paragraph (1) does not apply to any teacher governor or staff governor who is to hold office for a period of two years from the date of that person's appointment.

(6) Paragraph (1) does not apply to any parent governor of a maintained nursery school who is to hold office for a fixed period of two years from the date of that person's election or appointment.

(7) Paragraph (1) does not apply to any associate pupil governor who is to hold office for a period of one year from the date of that person's appointment. Nothing in this paragraph prevents an associate pupil governor from being re-appointed at the expiration of that person's term of office.

(8) A substitute governor may hold office until the earlier of the following—

- (a) the expiry of four years from the date when that person's appointment takes effect;
- (b) the date when the original governor (not having been removed from office under regulation 38 (2)) gives written notice to the clerk to the governing body to the effect that that person is able and willing to act as a foundation governor; or
- (c) the date when a person other than the original governor takes office in the post by virtue of which the ex officio foundation governorship exists.

(9) This regulation does not prevent a governor from—

- (a) being elected or appointed for a further term, save as otherwise provided in these Regulations;
- (b) resigning that person's office in accordance with regulation 37(1);
- (c) being removed from office under regulations 38 to 40; or

(d) cael ei anghymhwyso, yn rhinwedd unrhyw ddarpariaeth yn y Rheoliadau hyn, rhag dal neu barhau i ddal swydd.

(10) Yn y rheoliad hwn ystyr “y llywodraethwr gwreiddiol” (“*the original governor*”) yw'r llywodraethwr sefydledig ex officio y penodir y dirprwy llywodraethwr i weithredu yn ei le.

Ymddiswyddo

37.—(1) Caiff llywodraethwr ymddiswyddo ar unrhyw adeg drwy roi hysbysiad ysgrifenedig i glerc y corff llywodraethu.

(2) Caiff y pennaeth dynnu ei ymddiswyddiad yn ôl ar unrhyw adeg drwy roi hysbysiad ysgrifenedig i glerc y corff llywodraethu.

(3) Caiff llywodraethwr sefydledig ex officio ymddiswyddo fel llywodraethwr naill ai'n barhaol neu dros dro, ond ni fydd ymddiswyddiad y person hwnnw yn rhagfarnu swydd llywodraethwr ex officio olynedd y person hwnnw yn y swydd y mae ei swydd fel llywodraethwr ex officio yn deillio ohoni.

Diswyddo llywodraethwyr awdurdod lleol, llywodraethwyr sefydledig, llywodraethwyr cynrychiadol, llywodraethwyr cymunedol ychwanegol a noddwr-lywodraethwyr

38.—(1) Caiff y person a benododd y llywodraethwr hwnnw ddiswyddo unrhyw lywodraethwr awdurdod lleol, llywodraethwr sefydledig neu lywodraethwr cynrychiadol, a rhaid i'r person hwnnw roi hysbysiad ysgrifenedig o hynny i glerc y corff llywodraethu ac i'r llywodraethwr a ddiswyddir felly.

(2) Caiff y person a enwir yn yr offeryn llywodraethu fel y person sydd â'r hawl i ddiswyddo'r llywodraethwr hwnnw, ddiswyddo unrhyw lywodraethwr sefydledig ex officio, a rhaid i'r person hwnnw roi hysbysiad ysgrifenedig o hynny i glerc y corff llywodraethu ac i'r llywodraethwr a ddiswyddir felly.

(3) Caiff y person a enwebodd y llywodraethwr hwnnw ddiswyddo unrhyw lywodraethwr cymunedol ychwanegol neu noddwr-lywodraethwr, a rhaid i'r person hwnnw roi hysbysiad ysgrifenedig o hynny i glerc y corff llywodraethu ac i'r llywodraethwr a ddiswyddir felly.

Diswyddo llywodraethwyr cymunedol

39. Caiff y corff llywodraethu ddiswyddo unrhyw lywodraethwr cymunedol (ac eithrio llywodraethwr cymunedol ychwanegol) yn unol â'r weithdrefn a nodir yn rheoliad 41.

(d) being disqualified, by virtue of any provision of these Regulations, from holding or continuing to hold office.

(10) In this regulation “the original governor” (“*y llywodraethwr gwreiddiol*”) means the ex officio foundation governor in whose place the substitute governor is appointed to act.

Resignation

37.—(1) A governor may at any time resign from office by giving written notice to the clerk to the governing body.

(2) The head teacher may withdraw their resignation at any time by giving written notice to the clerk to the governing body.

(3) An ex officio foundation governor may resign as governor either permanently or temporarily, but that person's resignation does not prejudice the ex officio governorship of that person's successor in the office from which the ex officio governorship derives.

Removal of local authority, foundation, representative, additional community and sponsor governors

38.—(1) Any local authority governor, foundation governor, or representative governor may be removed from office by the person who appointed that governor, who must give written notice thereof to the clerk to the governing body and to the governor so removed.

(2) An ex officio foundation governor may be removed from office by the person named in the instrument of government as the person entitled to remove that governor and that person must give written notice thereof to the clerk to the governing body and to the governor so removed.

(3) Any additional community governor or sponsor governor may be removed by the person who nominated that governor who must give written notice thereof to the clerk to the governing body and to the governor so removed.

Removal of community governors

39. The governing body may remove any community governor (except an additional community governor) from office in accordance with the procedure set out in regulation 41.

Diswyddo rhiant-lywodraethwyr a benodwyd, llywodraethwyr partneriaeth a disgybl-lywodraethwyr cyswllt

40. Caiff y corff llywodraethu ddiswyddo unrhyw riant-lywodraethwr a benodwyd gan y corff llywodraethu o dan baragraffau 9 i 11 o Atodlen 2 neu unrhyw lywodraethwr partneriaeth ac unrhyw ddisgybl-lywodraethwr cyswllt yn unol â'r weithdrefn a nodir yn rheoliad 41.

Y weithdrefn ar gyfer diswyddo llywodraethwyr gan y corff llywodraethu

41.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â diswyddo llywodraethwr yn unol â rheoliad 39 neu 40.

(2) Ni fydd penderfyniad a gaiff ei basio mewn cyfarfod o'r corff llywodraethu i ddiswyddo llywodraethwr yn cael effaith oni bai—

- (a) bod y llywodraethwr neu'r llywodraethwyr sy'n cynnig diswyddo'r person hwnnw, cyn i'r corff llywodraethu benderfynu diswyddo'r llywodraethwr, yn nodi yn y cyfarfod hwnnw eu rhesymau dros wneud hynny ac y rhoddir cyfle i'r llywodraethwr y cynigir ei ddiswyddo wneud datganiad i ymateb; a
- (b) y pennir mater diswyddo'r llywodraethwr fel eitem o fusnes ar agenda'r cyfarfod.

(3) Ar ôl pasio penderfyniad i ddiswyddo llywodraethwr rhaid i'r corff llywodraethu hysbysu'r person a ddiswyddir, mewn ysgrifen, o'r rhesymau dros y diswyddo.

RHAN 6

OFFERYN LLYWODRAETHU, STAFFIO, CYNGHORAU YSGOL A STATWS ELUSENNOL

Y ddyletswydd i ystyried canllawiau

42. Mewn cysylltiad â gwneud offerynnau llywodraethu, y materion yr ymdrinnir â hwy ynddynt, eu ffurf, ac adolygu ac amrywio'r cyfryw offerynnau, rhaid i gyrff llywodraethu ac awdurdodau lleol ystyried unrhyw ganllawiau a roddir o bryd i'w gilydd gan Weinidogion Cymru.

Cynnwys a ffurf yr offeryn llywodraethu

43.—(1) Rhaid i offeryn llywodraethu ar gyfer ffederasiwn nodi—

- (a) enw'r ffederasiwn;

Removal of appointed parent governors, partnership governors and associate pupil governors

40. Any parent governor appointed by the governing body under paragraphs 9 to 11 of Schedule 2, any partnership governor and any associate pupil governor may be removed by the governing body in accordance with the procedure set out in regulation 41.

Procedure for removal of governors by the governing body

41.—(1) This regulation applies in relation to the removal of a governor from office in accordance with regulation 39 or 40.

(2) A resolution to remove a governor from office which is passed at a meeting of the governing body does not have effect unless—

- (a) before the governing body resolve to remove the governor from office, the governor or governors proposing that person's removal at that meeting state their reasons for doing so and the governor whom it is proposed to remove is given an opportunity to make a statement in response; and
- (b) the matter of the governor's removal from office is specified as an item of business on the agenda for the meeting.

(3) After a resolution to remove a governor from office has been passed the governing body must inform the person removed from office of the reasons for the removal in writing.

PART 6

INSTRUMENT OF GOVERNMENT, STAFFING, SCHOOL COUNCILS AND CHARITABLE STATUS

Duty to have regard to guidance

42. In respect of the making of instruments of government, the matters to be dealt with in such instruments, the form of such instruments, and the review and variation of such instruments, governing bodies and local authorities must have regard to any guidance given from time to time by the Welsh Ministers.

Contents and form of instrument of government

43.—(1) The instrument of government for a federation must set out—

- (a) the name of the federation;

- (b) enwau a chategoriâu'r ysgolion ffederal o fewn y ffederasiwn;
- (c) enw corff llywodraethu'r ffederasiwn;
- (d) yn ddarostyngedig i baragraff (4), y modd y cyfansoddir y corff llywodraethu yn unol â Rhan 4, gan bennu—
 - (i) nifer y llywodraethwyr ym mhob categori o lywodraethwr;
 - (ii) y categorïau o bersonau, o'u plith neu o blith eu haelodau, yr awdurdodir enwebu unrhyw lywodraethwr cymunedol ychwanegol neu noddwr-lywodraethwr ar gyfer ei benodi gan y Rheoliadau hyn; a
 - (iii) cyfanswm nifer aelodau'r corff llywodraethu;
- (e) os yw cyfnod swydd unrhyw gategori o lywodraethwr i fod yn llai na phedair blynedd, cyfnod y swydd honno;
- (f) os oes gan y ffederasiwn lywodraethwyr sefydledig—
 - (i) enw unrhyw berson sydd â'r hawl i benodi llywodraethwyr o'r fath ac, os oes mwy nag un person o'r fath â'r hawl i benodi, y sail ar gyfer gwneud penodiadau o'r fath;
 - (ii) manylion unrhyw swydd llywodraethwr sefydledig sydd i'w dal ex officio gan ddeiliad swydd a enwir; a
 - (iii) enw unrhyw berson sydd â'r hawl i ddiswyddo unrhyw lywodraethwr sefydledig ex officio a phenodi unrhyw ddirprwy lywodraethwr;
- (g) os yw'r ffederasiwn yn cynnwys ysgol arbennig gymunedol, enw unrhyw gorff priodol neu sefydliad gwirfoddol priodol sydd â'r hawl i enwebu person i'w benodi yn llywodraethwr cynrychioladol o dan Atodlen 6;
- (h) os oes ymddiriedolaeth yn gysylltiedig ag ysgol ffederal, y ffaith honno;
- (i) os yw ysgol ffederal yn ysgol sefydledig neu'n ysgol wirfoddol a ddynodir o dan adran 69(3) o Ddeddf 1998 fel un sy'n meddu ar gymeriad crefyddol, disgrifiad unigol o ethos crefyddol pob ysgol o'r fath; a
- (j) y dyddiad y daw'r offeryn llywodraethu i rym.

(2) Rhaid i'r modd y cyfansoddir y corff llywodraethu, fel y'i nodir yn unol ag is-baragraff (1)(d), gydymffurfio â darpariaethau'r Rheoliadau hyn.

- (b) the names and categories of the federated schools within the federation;
- (c) the name of the governing body of the federation;
- (d) subject to paragraph (4), the manner in which the governing body is to be constituted in accordance with Part 4, specifying—
 - (i) the number of governors in each category of governor;
 - (ii) the categories of person from whom or from amongst whose members nominations for the appointment of any additional community governor or sponsor governor are authorised by these Regulations; and
 - (iii) the total membership of the governing body;
- (e) where the term of office for a category of governor is to be less than four years, the length of that term of office;
- (f) where the federation has foundation governors—
 - (i) the name of any person who is entitled to appoint such governors and, if there is more than one such person entitled to appoint, the basis upon which such appointments are made;
 - (ii) details of any foundation governorship to be held ex officio by the holder of a named office; and
 - (iii) the name of any person who is entitled to remove any ex officio foundation governor and to appoint any substitute governor;
- (g) where the federation includes a community special school, the name of any appropriate body or appropriate voluntary organisation entitled to nominate a person for appointment as a representative governor under Schedule 6;
- (h) where there is a trust relating to a federated school, that fact;
- (i) where a federated school is a foundation or a voluntary school designated under section 69(3) of the 1998 Act as having a religious character, a single description of the religious ethos of each such school; and
- (j) the date when the instrument of government takes effect.

(2) The manner in which the governing body is to be constituted, as set out in accordance with subparagraph (1)(d), must accord with the provisions of these Regulations.

(3) Rhaid i'r offeryn llywodraethu (yn ddarostyngedig i unrhyw ddarpariaeth statudol) gydymffurfio ag unrhyw ymddiriedolaeth sy'n gysylltiedig ag ysgol ffederal.

(4) Nid yw is-baragraffau (d) a (e) o baragraff (1) yn gymwys i ddisgybl-lywodraethwyr cyswllt.

Y weithdrefn ar gyfer gwneud offeryn

44.—(1) Yn y rheoliad hwn, pan gyfeirir at awdurdod lleol a phan fo'r ffederasiwn i gynnwys ysgolion a gynhelir gan wahanol awdurdodau lleol, rhaid dehongli'r cyfeiriad fel cyfeiriad at ba un bynnag o'r awdurdodau lleol hynny y mae cyrff llywodraethu'r ysgolion yn cytuno rhyngddynt y dylai wneud yr offeryn llywodraethu ar gyfer y ffederasiwn.

(2) Rhaid i gyrff llywodraethu'r ysgolion sydd i ffurfio'r ffederasiwn baratoi offeryn llywodraethu drafft ar y cyd a'i gyflwyno i'r awdurdod lleol.

(3) Os bydd gan y ffederasiwn lywodraethwyr sefydledig, rhaid i gyrff llywodraethu'r ffederasiwn arfaethedig beidio â chyflwyno'r drafft i'r awdurdod lleol hyd nes bydd wedi ei gymeradwyo mewn cysylltiad â phob ysgol sefydledig neu wirfoddol gan—

- (a) llywodraethwyr sefydledig yr ysgol honno;
- (b) ymddiriedolwyr o unrhyw ymddiriedolaeth sy'n gysylltiedig ag ysgol o'r fath;
- (c) yn achos un o ysgolion yr Eglwys yng Nghymru neu'r Eglwys Gatholig Rufeinig, yr awdurdod esgobaethol priodol; a
- (d) yn achos unrhyw ysgol arall a ddynodir o dan adran 69(3) o Ddeddf 1998 fel un sy'n meddu ar gymeriad crefyddol, y corff crefyddol priodol.

(4) Os—

- (a) yw'r awdurdod lleol yn fodlon bod y drafft yn cydymffurfio â'r holl ddarpariaethau cymwys; neu
- (b) os oes cytundeb rhwng yr awdurdod lleol, y gyrff llywodraethu a'r personau (pan fo gan y ffederasiwn lywodraethwyr sefydledig) a grybwyllir ym mharagraff (3), y dylid diwygio'r drafft i unrhyw raddau a bod y drafft diwygiedig yn cydymffurfio â phob un o'r darpariaethau statudol sy'n gymwys;

rhaid i'r offeryn llywodraethu gael ei wneud gan yr awdurdod lleol ar ffurf y drafft neu (yn ôl y digwydd) ar ffurf y drafft diwygiedig.

(3) The instrument of government must (subject to any statutory provision) comply with any trust relating to a federated school.

(4) Sub-paragraphs (d) and (e) of paragraph (1) do not apply to associate pupil governors.

Procedure for making an instrument

44.—(1) In this regulation, where reference is made to the local authority and the federation is to include schools maintained by different local authorities, the reference is to be taken as a reference to whichever of those local authorities the governing bodies of the schools agree between them should make the instrument of government for the federation.

(2) The governing bodies of the schools which are to form the federation must jointly prepare a draft instrument of government and submit it to the local authority.

(3) Where the federation will have foundation governors, the governing bodies of the proposed federation must not submit the draft to the local authority unless it has been approved in respect of each foundation or voluntary school by—

- (a) that school's foundation governors;
- (b) the trustees of any trust relating to such a school;
- (c) in the case of a Church in Wales or Roman Catholic Church school, the appropriate diocesan authority; and
- (d) in the case of any other school designated under section 69(3) of the 1998 Act as having a religious character, the appropriate religious body.

(4) If—

- (a) the local authority is content that the draft complies with all the applicable provisions; or
- (b) there is agreement between the local authority, the governing bodies and (where the federation will have foundation governors) the persons mentioned in paragraph (3) that the draft should be revised to any extent, and the revised draft complies with all the applicable statutory provisions;

the instrument of government is to be made by the local authority in the form of the draft or (as the case may be) the revised draft.

(5) Yn achos ffederasiwn y bydd ganddo lywodraethwyr sefydledig, os bydd y personau a grybwyllir ym mharagraff (3) yn anghytuno ar unrhyw adeg ynglŷn â chynnwys y drafft, caiff unrhyw un neu unrhyw rai o'r personau hynny gyfeirio'r drafft at Weinidogion Cymru, a rhaid i Weinidogion Cymru roi cyfarwyddyd fel y gwelant yn dda, gan ystyried yn benodol y categorïau o ysgolion y bwriedir eu cynnwys yn y ffederasiwn.

(6) Os nad yw'r naill na'r llall o is-baragraffau (a) a (b) o baragraff (4) yn gymwys yn achos ffederasiwn na fydd ganddo lywodraethwyr sefydledig, rhaid i'r awdurdod lleol—

- (a) roi gwybod i gorff llywodraethu y ffederasiwn y rhesymau pam nad yw'n fodlon â'r offeryn llywodraethu drafft; a
- (b) rhoi cyfle rhesymol i gorff llywodraethu y ffederasiwn ddod i gytundeb ag ef ynghylch diwygio'r drafft;

a rhaid i'r offeryn llywodraethu gael ei wneud gan yr awdurdod lleol naill ai ar ffurf drafft diwygiedig y bydd ef a chorff llywodraethu y ffederasiwn yn cytuno yn ei gylch neu (yn niffyg cytundeb o'r fath) ar ffurf fel y gwel yn dda gan ystyried, yn benodol, y categorïau o ysgolion a gynhwysir yn y ffederasiwn.

Adolygu offerynnau llywodraethu

45.—(1) Caiff y corff llywodraethu neu'r awdurdod lleol adolygu'r offeryn llywodraethu ar unrhyw adeg wedi iddo gael ei wneud.

(2) Os bydd y corff llywodraethu neu'r awdurdod lleol yn penderfynu wedi unrhyw adolygiad y dylid amrywio'r offeryn llywodraethu, rhaid i'r corff llywodraethu neu (yn ôl y digwydd) yr awdurdod lleol roi gwybod i'r llall am yr amrywiad a gynnigir ganddo ynghyd â'i resymau dros gynnig amrywiad o'r fath.

(3) Pan fo'r corff llywodraethu wedi derbyn hysbysiad o dan baragraff (2), rhaid iddo hysbysu'r awdurdod lleol a yw'n fodlon â'r amrywiad a gynnigir ai peidio ac, os nad yw'n fodlon, am ba resymau.

(4) Pan fo gan y ffederasiwn lywodraethwyr sefydledig, rhaid i'r corff llywodraethu beidio ag—

- (a) rhoi i'r awdurdod lleol unrhyw hysbysiad o dan baragraff (2); na
- (b) hysbysu'r awdurdod lleol o dan baragraff (3) ei fod yn fodlon â'r amrywiad a gynnigir gan yr awdurdod lleol;

oni fo'r personau a restrir yn rheoliad 44(3) wedi cymeradwyo'r amrywiad a gynnigir.

(5) Os—

- (a) yw y corff llywodraethu neu'r awdurdod lleol, pa un bynnag sy'n cael hysbysiad o dan

(5) If, in the case of a federation which will have foundation governors, there is at any time disagreement as to the content of the draft among the persons mentioned in paragraph (3), any of those persons may refer the draft to the Welsh Ministers who must give such direction as they think fit having regard, in particular, to the categories of schools which are proposed to be included within the federation.

(6) If neither of sub-paragraphs (a) and (b) of paragraph (4) applies in the case of a federation which will not have foundation governors, the local authority must—

- (a) inform the governing body of the federation of the reasons why it is not content with the draft instrument of government; and
- (b) give the governing body of the federation a reasonable opportunity to reach agreement with it on revising the draft;

and the instrument of government must be made by the local authority either in the form of a revised draft agreed between it and the governing body of the federation or (in the absence of such agreement) in such form as it thinks fit having regard, in particular, to the categories of school included in the federation.

Review of instruments of government

45.—(1) The governing body or the local authority may review the instrument of government at any time after it is made.

(2) Where on any review the governing body or the local authority decides that the instrument of government should be varied, the governing body or (as the case may be) the local authority must notify the other of its proposed variation together with its reasons for proposing such a variation.

(3) Where the governing body has received notification under paragraph (2), it must inform the local authority as to whether or not it is content with the proposed variation and, if not content, its reasons.

(4) Where the federation has foundation governors, the governing body must not—

- (a) give the local authority any notification under paragraph (2); or
- (b) inform the local authority under paragraph (3) that it is content with the local authority's proposed variation;

unless the persons listed in regulation 44(3) have approved the proposed variation.

(5) If—

- (a) whichever of the governing body and the local authority is the recipient of a notification

baragraff (2), yn cytuno â'r amrywiad a gynigir; neu

- (b) os oes cytundeb rhwng yr awdurdod lleol, y corff llywodraethu a'r personau eraill (pan fo gan y ffederasiwn lywodraethwyr sefydledig) a restrir yn rheoliad 44(3) y dylid gwneud rhyw amrywiad arall yn hytrach;

rhaid i'r awdurdod lleol amrywio'r offeryn llywodraethu yn unol â hynny.

(6) Yn achos ffederasiwn sydd â llywodraethwyr sefydledig, os bydd y personau a restrir yn rheoliad 44(3) yn anghytuno ar unrhyw adeg ynglŷn â'r amrywiad a gynigir, caiff unrhyw un neu unrhyw rai o'r personau hynny ei gyfeirio at Weinidogion Cymru ac o gyfeirio felly, rhaid i Weinidogion Cymru roi cyfarwyddyd fel y gwelant yn dda, gan ystyried, yn benodol, y categorïau o ysgolion sydd yn y ffederasiwn.

(7) Os nad yw is-baragraffau (a) na (b) o baragraff (5) yn gymwys yn achos ffederasiwn nad oes ganddo lywodraethwyr sefydledig, rhaid i'r awdurdod lleol—

- (a) rhoi gwybod i'r corff llywodraethu y rhesymau—
- (i) pam nad yw'n fodlon â'r amrywiad a gynigir gan y corff llywodraethu neu, yn ôl y digwydd;
- (ii) pam y mae'n dymuno mynd ymlaen â'i amrywiad ei hun; a
- (b) rhoi cyfle rhesymol i'r corff llywodraethu ddod i gytundeb ag ef mewn perthynas â'r amrywiad;

a rhaid i'r offeryn llywodraethu gael ei amrywio ganddo naill ai yn y modd y cytunwyd arno rhyngddo a'r corff llywodraethu neu (yn niffyg cytundeb o'r fath) mewn modd fel y gwêl yn dda gan ystyried, yn benodol, y categorïau o ysgolion sydd yn y ffederasiwn.

(8) Ni ddylid dehongli dim yn y rheoliad hwn i olygu ei bod yn ofynnol i'r awdurdod lleol amrywio'r offeryn llywodraethu os na chred ei bod yn briodol gwneud hynny.

(9) Pan amrywir offeryn llywodraethu o dan y rheoliad hwn rhaid i'r offeryn nodi'r dyddiad y daw'r amrywiad i rym.

Gofynion eraill mewn perthynas ag offerynnau llywodraethu

46.—(1) Rhaid i'r awdurdod lleol sicrhau y darperir (yn ddi-dâl) i'r personau a nodir ym mharagraff (2)—

- (a) copi o offeryn llywodraethu'r ffederasiwn; a
- (b) os gwneir unrhyw amrywiad i offeryn llywodraethu'r ffederasiwn, fersiwn gyfunol

under paragraph (2) agrees with the proposed variation; or

- (b) there is agreement between the local authority, the governing body and (if the federation has foundation governors) the other persons listed in regulation 44(3) that some other variation should be made instead;

the local authority must vary the instrument of government accordingly.

(6) If, in the case of a federation which has foundation governors, at any time the persons listed in regulation 44(3) disagree with the proposed variation any of those persons may refer it to the Welsh Ministers; and on such a reference the Welsh Ministers must give such direction as they think fit having regard, in particular, to the categories of school which make up the federation.

(7) If neither sub-paragraphs (a) and (b) of paragraph (5) applies in the case of a federation which does not have foundation governors, the local authority must—

- (a) inform the governing body of the reasons—
- (i) why it is not content with the governing body's proposed variation, or as the case may be;
- (ii) why it wishes to proceed with its own variation; and
- (b) give the governing body a reasonable opportunity to reach agreement with it with regard to the variation;

and the instrument of government must be varied by it either in the manner agreed between it and the governing body or (in the absence of such agreement) in such manner as it thinks fit having regard, in particular, to the categories of school which make up the federation.

(8) Nothing in this regulation is to be taken as requiring the local authority to vary the instrument of government if it does not consider it appropriate to do so.

(9) Where an instrument of government is varied under this regulation the instrument must set out the date on which the variation takes effect.

Other requirements relating to instruments of government

46.—(1) The local authority must ensure that the persons set out in paragraph (2) are provided (free of charge) with—

- (a) a copy of the federation's instrument of government; and
- (b) where any variation is made to the federation's instrument of government, a

o'r offeryn llywodraethu yn ymgorffori pob amrywiad a wnaed gan yr awdurdod lleol (ac eithrio unrhyw amrywiadau nad ydynt bellach mewn grym).

(2) I'r personau canlynol y dylid darparu'r wybodaeth y cyfeirir ati ym mharagraff (1)—

- (a) pob aelod o gorff llywodraethu'r ffederasiwn;
- (b) pennaeth y ffederasiwn neu bennaeth pob ysgol ffederal, p'un a yw'r pennaeth yn aelod o'r corff llywodraethu ai peidio;
- (c) ymddiriedolwyr unrhyw ymddiriedolaeth sy'n gysylltiedig ag ysgol ffederal;
- (d) yn achos un o ysgolion ffederal yr Eglwys yng Nghymru neu ysgol ffederal yr Eglwys Gatholig Rufeinig, yr awdurdod esgobaethol priodol;
- (e) yn achos unrhyw ysgol ffederal arall a ddynodir o dan adran 69(3) o Ddeddf 1998 fel un sy'n meddu ar gymeriad crefyddol, y corff crefyddol priodol; ac
- (f) Gweinidogion Cymru.

Staffio ffederasiynau

47. Mae'r Rheoliadau Staffio yn gymwys i staffio ffederasiynau, yn ddarostyngedig i'r addasiadau yn Atodlen 8.

Rheoliadau Cynghorau Ysgol

48. Mae'r Rheoliadau Cynghorau Ysgol yn gymwys i gorff llywodraethu ffederasiwn ac i'w aelodau, yn ddarostyngedig i'r addasiadau yn Atodlen 9.

Statws elusennol ffederasiynau

49.—(1) Mae corff llywodraethu ffederasiwn sy'n cynnwys ysgol sefydledig neu wirfoddol yn elusen sy'n elusen esempt at ddibenion Deddf Elusennau 2011(1), ond nid yw corff llywodraethu unrhyw ffederasiwn yn elusen os yw'r ffederasiwn yn cynnwys, yn unig, ysgolion cymunedol, ysgolion arbennig cymunedol neu ysgolion meithrin a gynhelir.

(2) Cyn belled ag y bo'n elusen, rhaid i unrhyw sefydliad—

- (a) a weinyddir gan neu ar ran unrhyw gorff llywodraethu ffederasiwn sy'n cynnwys ysgol sefydledig neu wirfoddol; a

consolidated version of the instrument of government incorporating all variations made by the local authority (other than any variations which have ceased to have effect).

(2) The persons who are to be provided with the information referred to in paragraph (1) are—

- (a) every member of the governing body of the federation;
- (b) the head teacher of the federation or each federated school, whether or not the head teacher is a member of the governing body;
- (c) the trustees of any trust relating to a federated school;
- (d) in the case of a Church in Wales federated school or Roman Catholic Church federated school, the appropriate diocesan authority;
- (e) in the case of any other federated school designated under section 69(3) of the 1998 Act as having a religious character, the appropriate religious body; and
- (f) the Welsh Ministers.

Staffing of federations

47. The Staffing Regulations apply to the staffing of federations subject to the modifications in Schedule 8.

School Council Regulations

48. The School Council Regulations apply to the governing body of a federation and its members subject to the modifications in Schedule 9.

Charitable status of federations

49.—(1) The governing body of a federation which includes a foundation, or voluntary school is a charity which is an exempt charity for the purposes of the Charities Act 2011(1), but no governing body of a federation which includes only community, community special or maintained nursery schools is a charity.

(2) So far as it is a charity, any institution which—

- (a) is administered by or on behalf of any governing body of a federation which includes a foundation or voluntary school; and

(1) 2011 p.25.

(1) 2011 c.25.

- (b) a sefydlwyd at ddibenion cyffredinol, neu unrhyw bwrpas arbennig, neu mewn cysylltiad â'r corff hwnnw neu'r ffederasiwn hwnnw neu unrhyw ysgol sefydledig neu wirfoddol o fewn y ffederasiwn hwnnw;

hefyd fod yn elusen esempt at ddibenion Deddf Elusennau 2011.

(3) Yn y rheoliad hwn, mae i "elusen" a "sefydliad" yr un ystyr ag y sydd i "charity" ac "institution", yn eu trefn, yn Neddf Elusennau 2011.

RHAN 7

PENODI SWYDDOGION, EU SWYDDOGAETHAU A'U DISWYDDO

Ethol y cadeirydd a'r is-gadeirydd

50.—(1) Yn ddarostyngedig i baragraff (2) ac i adrannau 6 (*pŵer i benodi llywodraethwyr ychwanegol*) a 13 (*pŵer Gweinidogion Cymru i benodi llywodraethwyr ychwanegol*) o Ddeddf 2013, rhaid i'r corff llywodraethu ethol cadeirydd ac is-gadeirydd o blith ei aelodau yn flynyddol.

(2) Nid yw llywodraethwr y telir iddo am weithio yn y ffederasiwn neu mewn ysgol ffederal neu sy'n ddisgybl mewn ysgol ffederal yn gymwys i fod yn gadeirydd neu'n is-gadeirydd corff llywodraethu'r ffederasiwn dan sylw.

(3) Yn ddarostyngedig i baragraffau (5) a (6), bydd y cadeirydd neu'r is-gadeirydd yn dal swydd hyd nes y bydd olynnydd y person hwnnw wedi ei ethol yn unol â pharagraff (1).

(4) Caiff y cadeirydd neu'r is-gadeirydd ymddiswyddo ar unrhyw adeg drwy roi hysbysiad ysgrifenedig i glerc y corff llywodraethu.

(5) Daw swydd y cadeirydd neu'r is-gadeirydd i ben—

- (a) pan fydd y person hwnnw yn peidio â bod yn aelod o'r corff llywodraethu;
- (b) os telir i'r person hwnnw am weithio yn y ffederasiwn neu ysgol ffederal dan sylw;
- (c) os diswyddir y person hwnnw yn unol â rheoliad 52 neu os cymerir ei le gan gadeirydd a enwebir gan yr awdurdod lleol yn unol ag adran 6 o Ddeddf 2013 neu Weinidogion Cymru yn unol ag adran 13 o Ddeddf 2013; neu
- (d) yn achos yr is-gadeirydd, os etholir y person hwnnw yn unol â pharagraff (6) i lenwi swydd wag y cadeirydd.

- (b) is established for the general purposes of, or for any special purpose of, or in connection with, that body or that federation or any foundation or voluntary school within that federation;

must also be an exempt charity for the purposes of the Charities Act 2011.

(3) In this regulation, "charity" ("*elusen*") and "institution" ("*sefydliad*") have the same meaning as in the Charities Act 2011.

PART 7

APPOINTMENT, FUNCTIONS AND REMOVAL OF OFFICERS

Election of the chair and vice-chair

50.—(1) Subject to paragraph (2) and to sections 6 (*power to appoint additional governors*) and 13 (*power of Welsh Ministers to appoint additional governors*) of the 2013 Act, the governing body must elect a chair and a vice-chair from among their number annually.

(2) A governor who is paid to work at the federation or at a federated school or who is a pupil at a federated school is not eligible to be chair or vice-chair of the governing body of the federation in question.

(3) Subject to paragraphs (5) and (6), the chair or vice-chair is to hold office until that person's successor has been elected in accordance with paragraph (1).

(4) The chair or vice-chair may at any time resign from office by giving notice in writing to the clerk to the governing body.

(5) The chair or vice-chair ceases to hold office—

- (a) when that person ceases to be a member of the governing body;
- (b) if that person is paid to work at the federation or federated school in question;
- (c) if that person is removed from office in accordance with regulation 52 or replaced by a chair nominated by the local authority pursuant to section 6 of the 2013 Act or the Welsh Ministers pursuant to section 13 of the 2013 Act; or
- (d) in the case of the vice-chair, that person is elected in accordance with paragraph (6) to fill a vacancy in the office of chair.

(6) Pan ddaw swydd y cadeirydd neu'r is-gadeirydd yn wag, rhaid i'r corff llywodraethu yn ei gyfarfod nesaf ethol un o'i aelodau i lenwi'r swydd honno, yn ddarostyngedig i baragraff (2) ac i adran 6 neu 13 o Ddeddf 2013.

(7) Rhaid cynnal unrhyw etholiad a ymleddir i fod yn gadeirydd neu is-gadeirydd drwy bleidlais gudd.

(8) Pan fydd y cadeirydd yn absennol o unrhyw gyfarfod neu os bydd swydd y cadeirydd yn wag ar y pryd, bydd yr is-gadeirydd yn gweithredu fel cadeirydd ym mhob diben.

(9) Os bydd yr is-gadeirydd yn yr amgylchiadau y cyfeirir atynt ym mharagraff (8) yn absennol o'r cyfarfod neu os bydd swydd yr is-gadeirydd yn wag ar y pryd, rhaid i'r corff llywodraethu ethol un o'i aelodau i weithredu fel cadeirydd at ddibenion y cyfarfod hwnnw, yn ddarostyngedig i baragraff (2).

(10) Bydd clerwr y corff llywodraethu yn gweithredu fel cadeirydd yn ystod y rhan honno o unrhyw gyfarfod yr etholir y cadeirydd ynddi.

Dirprwyo swyddogaethau i'r cadeirydd neu'r is-gadeirydd mewn achosion brys

51.—(1) Caiff y cadeirydd, pan fo'r amgylchiadau a grybwyllir ym mharagraff (2) yn gymwys ym marn y person hwnnw, arfer unrhyw swyddogaethau o eiddo'r corff llywodraethu y gellir eu dirprwyo o dan reoliad 62(1).

(2) Yr amgylchiadau hynny yw y byddai oedi cyn arfer y swyddogaeth yn debygol o fod yn ddifrifol niweidiol i fuddiannau—

- (a) y ffederasiwn neu ysgol ffederal;
- (b) unrhyw ddisgybl mewn ysgol ffederal, neu riant y disgybl hwnnw; neu
- (c) person sy'n gweithio yn y ffederasiwn neu mewn ysgol ffederal.

(3) Ym mharagraff (2), ystyr "oedi" ("*delay*") yw oedi am gyfnod sy'n ymestyn y tu hwnt i'r dyddiad cynharaf y byddai'n rhesymol ymarferol cynnal cyfarfod o'r corff llywodraethu, neu gyfarfod o bwyllgor y dirprwywyd y swyddogaeth dan sylw iddo.

(4) Pan ymddengys i'r is-gadeirydd—

- (a) bod yr amgylchiadau a grybwyllir ym mharagraff (2) yn gymwys; a
- (b) na fyddai'r cadeirydd (oherwydd bod y swydd yn wag neu am reswm arall) yn gallu arfer y swyddogaeth dan sylw cyn i'r niwed y cyfeirir ato yn y paragraff hwnnw ddigwydd;

rhaid darllen y cyfeiriad at y cadeirydd ym mharagraff (1) fel pe bai'n gyfeiriad at yr is-gadeirydd.

(6) Where a vacancy arises in the office of chair or vice-chair, the governing body must at its next meeting elect one of its number to fill that vacancy, subject to paragraph (2) and to sections 6 or 13 of the 2013 Act.

(7) Any election of the chair or vice-chair which is contested must be held by secret ballot.

(8) Where the chair is absent from any meeting or there is at the time a vacancy in the office of chair, the vice-chair is to act as chair for all purposes.

(9) Where in the circumstances referred to in paragraph (8) the vice-chair is absent from the meeting or there is at the time a vacancy in the office of vice-chair, the governing body must elect one of its number to act as chair for the purposes of that meeting, subject to paragraph (2).

(10) The clerk to the governing body is to act as chair during that part of any meeting at which the chair is to be elected.

Delegation of functions to the chair or vice-chair in cases of urgency

51.—(1) The chair may, where in that person's opinion the circumstances mentioned in paragraph (2) apply, exercise any function of the governing body which can be delegated under regulation 62(1).

(2) The circumstances are that a delay in exercising the function would be likely to be seriously detrimental to the interests of—

- (a) the federation or a federated school;
- (b) any pupil at a federated school, or that pupil's parent; or
- (c) a person who works at the federation or a federated school.

(3) In paragraph (2), "delay" ("*oedi*") means delay for a period extending beyond the earliest date on which it would be reasonably practicable for a meeting of the governing body, or of a committee to which the function in question has been delegated, to be held.

(4) Where it appears to the vice-chair that—

- (a) the circumstances mentioned in paragraph (2) apply; and
- (b) the chair (whether by reason of a vacancy in the office or otherwise) would be unable to exercise the function in question before the detriment referred to in that paragraph is suffered;

the reference in paragraph (1) to the chair is to read as if it were a reference to the vice-chair.

Diswyddo'r cadeirydd neu'r is-gadeirydd

52.—(1) Yn ddarostyngedig i baragraffau (3) a (4), caiff y corff llywodraethu drwy benderfyniad ddiswyddo'r cadeirydd, onid enwebwyd y person hwnnw gan yr awdurdod lleol o dan adran 6 o Ddeddf 2013 neu Weinidogion Cymru yn unol ag adran 13 o Ddeddf 2013.

(2) Yn ddarostyngedig i baragraffau (3) a (4), caiff y corff llywodraethu drwy benderfyniad ddiswyddo'r is-gadeirydd.

(3) Ni fydd penderfyniad i ddiswyddo'r cadeirydd neu'r is-gadeirydd yn cael effaith oni fo'r mater wedi ei bennu fel eitem o fusnes ar yr agenda ar gyfer y cyfarfod, y rhoddwyd hysbysiad ohono yn unol â rheoliad 57.

(4) Cyn i'r corff llywodraethu benderfynu diswyddo'r cadeirydd neu'r is-gadeirydd, rhaid i'r llywodraethwr sy'n cynnig diswyddo'r cadeirydd neu'r is-gadeirydd ddatgan yn y cyfarfod hwnnw ei resymau dros wneud hynny a rhaid rhoi cyfle i'r cadeirydd neu'r is-gadeirydd (yn ôl y digwydd) ymateb drwy wneud datganiad, cyn mynd allan o'r cyfarfod.

Penodi a diswyddo clerc y corff llywodraethu

53.—(1) Ni fydd y rheoliad hwn yn rhagfarnu ar unrhyw hawliau a rhwymedigaethau a all fod gan y clerc o dan unrhyw gontract â'r corff llywodraethu neu â'r awdurdod lleol.

(2) Rhaid i'r corff llywodraethu benodi clerc i'r corff llywodraethu.

(3) Rhaid i glerc y corff llywodraethu beidio â bod—

- (a) yn llywodraethwr;
- (b) yn aelod nad yw'n llywodraethwr o unrhyw un o bwyllgorau'r corff llywodraethu; nac
- (c) yn bennaeth y ffederasiwn neu'n bennaeth ysgol ffederal.

(4) Er gwaethaf paragraff (2) caiff y corff llywodraethu, os yw'r clerc yn methu â bod yn bresennol mewn cyfarfod, benodi unrhyw un o blith ei aelodau (ond nid pennaeth y ffederasiwn na phennaeth ysgol ffederal) i weithredu fel clerc at ddibenion y cyfarfod hwnnw.

(5) Caiff y corff llywodraethu ddiswyddo clerc y corff llywodraethu.

(6) Os nad oes gan yr un ysgol ffederal, ar unrhyw adeg, gyllideb ddirprwyedig(1), caiff yr awdurdod lleol ddiswyddo clerc y corff llywodraethu a phenodi un yn ei le, ar yr amod bod yr awdurdod lleol yn ymgynghori â'r corff llywodraethu cyn gweithredu felly.

(1) *Gweler* adran 39(2) o Ddeddf 2002.

Removal of the chair or vice-chair from office

52.—(1) Subject to paragraphs (3) and (4), the governing body may by resolution remove the chair from office, unless that person has been nominated by the local authority under section 6 of the 2013 Act or the Welsh Ministers pursuant to section 13 of the 2013 Act.

(2) Subject to paragraphs (3) and (4), the governing body may by resolution remove the vice-chair from office.

(3) A resolution to remove the chair or vice-chair from office does not have effect unless the matter is specified as an item of business on the agenda for the meeting, of which notice has been given in accordance with regulation 57.

(4) Before the governing body resolves to remove the chair or the vice-chair from office, the governor proposing the chair or the vice-chair's removal must at that meeting state their reasons for doing so and the chair or the vice-chair (as the case may be) must be given an opportunity to make a statement in response, before withdrawing from the meeting.

Appointment and removal of the clerk to the governing body

53.—(1) This regulation is without prejudice to any rights and liabilities which the clerk may have under any contract with the governing body or with the local authority.

(2) The governing body must appoint a clerk to the governing body.

(3) The clerk to the governing body must not be—

- (a) a governor;
- (b) a non-governor member of any committee of the governing body; or
- (c) the head teacher of the federation or of a federated school.

(4) Notwithstanding paragraph (2), the governing body may, if the clerk fails to attend a meeting, appoint any one of its number (who is not the head teacher of the federation or of a federated school) to act as clerk for the purposes of that meeting.

(5) The governing body may remove the clerk to the governing body from office.

(6) If at any time no federated school has a delegated budget(1), the local authority may remove the clerk to the governing body and appoint a substitute, provided the local authority consults the governing body before taking such action.

(1) *See* section 39(2) of the 2002 Act.

Swyddogaethau clerig y corff llywodraethu

54.—(1) Rhaid i glerc y corff llywodraethu—

- (a) gynnwll cyfarfodydd y corff llywodraethu yn unol â rheoliad 57;
- (b) bod yn bresennol yng nghyfarfodydd y corff llywodraethu a sicrhau y cynhyrchir cofnodion o'r trafodion yn unol â rheoliad 59;
- (c) cadw cofrestr o aelodau'r corff llywodraethu ac adrodd am unrhyw leodd gwag wrth y corff llywodraethu;
- (d) cadw cofrestr o bresenoldeb llywodraethwyr mewn cyfarfodydd ac adrodd ar unrhyw ddiffyg presenoldeb wrth y corff llywodraethu;
- (e) rhoi a derbyn hysbysiadau yn unol â rheoliadau 32 (*hysbysu swyddi gwag a phenodiadau*), 37 (*ymddiswyddo*), 38 (*diswyddo llywodraethwyr*), 50(4) (*ymddiswyddiad y cadeirydd neu'r is-gadeirydd*) a 57(4) (*cynnull cyfarfodydd*) o'r Rheoliadau hyn, a pharagraff 14 o Atodlen 7 (*hysbysiad o anghymhwysu*) i'r Rheoliadau hyn;
- (f) adrodd wrth y corff llywodraethu fel sy'n ofynnol ar gyflawni swyddogaethau'r person hwnnw; ac
- (g) cyflawni pa swyddogaethau eraill bynnag a benderfynir gan y corff llywodraethu o bryd i'w gilydd.

(2) Caiff clerig y corff llywodraethu ddarparu cyngor i'r corff llywodraethu ynglŷn â'i swyddogaethau a'i weithdrefnau.

RHAN 8

CYFARFODYDD A THRAFODION CYRFF LLYWODRAETHU

Hawl personau i fod yn bresennol yng nghyfarfodydd y corff llywodraethu

55.—(1) Yn ddarostyngedig i reoliadau 56 a 75 o'r Rheoliadau hyn ac Atodlen 10 i'r Rheoliadau hyn mae hawl gan y personau canlynol i fod yn bresennol mewn unrhyw un o gyfarfodydd y corff llywodraethu—

- (a) yn ddarostyngedig i reoliad 61, llywodraethwr;
- (b) clerig y corff llywodraethu;
- (c) y pennaeth; a
- (d) personau eraill fel a benderfynir gan y corff llywodraethu.

Functions of the clerk to the governing body

54.—(1) The clerk to the governing body must—

- (a) convene meetings of the governing body in accordance with regulation 57;
- (b) attend meetings of the governing body and ensure minutes of the proceedings are produced in accordance with regulation 59;
- (c) maintain a register of members of the governing body and report any vacancies to the governing body;
- (d) maintain a register of governors' attendance at meetings and report on non-attendance to the governing body;
- (e) give and receive notices in accordance with regulations 32 (*notification of vacancies and appointments*), 37 (*resignation*), 38 (*removal of governors*), 50(4) (*resignation of chair or vice chair*), and 57(4) (*convening meetings*) of, and paragraph 14 of Schedule 7 (*notification of disqualification*) to, these Regulations;
- (f) report to the governing body as required on the discharge of that person's functions; and
- (g) perform such other functions as may be determined by the governing body from time to time.

(2) The clerk to the governing body may provide it with advice on its functions and procedures.

PART 8

MEETINGS AND PROCEEDINGS OF GOVERNING BODIES

Right of persons to attend meetings of the governing body

55.—(1) Subject to regulations 56 and 75 of, and Schedule 10 to, these Regulations the following persons are entitled to attend any meeting of the governing body—

- (a) subject to regulation 61, a governor;
- (b) the clerk to the governing body;
- (c) the head teacher; and
- (d) such other persons as the governing body may determine.

(2) Mae'r cyfeiriad at y pennaeth ym mharagraff (1)(c) yn cynnwys—

- (a) pennaeth y ffederasiwn (p'un a yw'r person hwnnw yn llywodraethwr ai peidio); neu
- (b) (os nad oes pennaeth i'r ffederasiwn) pennaeth pob un o'r ysgolion ffederal (p'un a yw'r person hwnnw yn llywodraethwr ai peidio).

Allgáu disgybl-lywodraethwyr cyswllt o gyfarfodydd

56. Rhaid i'r corff llywodraethu allgáu disgybl-lywodraethwyr cyswllt o unrhyw drafodaeth gan y corff llywodraethu sy'n ymwneud ag—

- (a) penodiadau staff, tâl y staff, disgyblu staff, rheoli perfformiad y staff, achwyniadau a gyflwynir gan y staff neu ddiswyddo staff;
- (b) derbyn disgyblion;
- (c) disgyblu disgyblion unigol;
- (d) ethol, penodi a diswyddo llywodraethwyr;
- (e) y gyllideb ac ymrwymadau ariannol y corff llywodraethu;
- (f) yn achos ysgol wirfoddol ffederal a gynorthwyr, y weithred ymddiriedolaeth sy'n ymwneud â'r ysgol honno; neu
- (g) unrhyw fater arall y bodlonir y corff llywodraethu ei fod, oherwydd ei natur, yn gyfrinachol ac y dylai barhau yn gyfrinachol.

Cynnull cyfarfodydd y corff llywodraethu

57.—(1) Rhaid i'r corff llywodraethu gynnal un cyfarfod o leiaf yn ystod pob tymor ysgol.

(2) Rhaid i gyfarfodydd y corff llywodraethu gael eu cynnull gan y clerc ac wrth arfer y swyddogaeth hon, heb ragfarnu paragraff (3), rhaid i'r clerc gydymffurfio ag unrhyw gyfarwyddyd a roddir gan—

- (a) y corff llywodraethu; neu
- (b) y cadeirydd, i'r graddau nad yw unrhyw gyfarwyddyd o'r fath yn anghyson ag unrhyw gyfarwyddyd a roddir o dan is-baragraff (a).

(3) Caiff unrhyw dri aelod o'r corff llywodraethu ofyn am gyfarfod drwy roi hysbysiad ysgrifenedig i'r clerc sy'n cynnwys crynodeb o'r busnes sydd i'w drafod; a rhaid i'r clerc gynnull cyfarfod cyn gynted ag y bo'n rhesymol ymarferol.

(4) Yn ddarostyngedig i baragraffau (5), (6) a (7), rhaid i'r clerc roi hysbysiad ysgrifenedig o'r cyfarfod, copi o'r agenda, ac unrhyw adroddiadau neu bapurau eraill sydd i'w hystyried yn y cyfarfod o leiaf bum niwrnod gwaith clir ymlaen llaw i—

(2) The reference to head teacher in paragraph (1)(c) means—

- (a) the head teacher of the federation (whether or not that person is a governor); or
- (b) (if there is no head teacher of the federation) the head teacher of each federated school (whether or not that person is a governor).

Exclusion of associate pupil governors from meetings

56. The governing body must exclude associate pupil governors from any governing body discussion relating to—

- (a) staff appointments, staff pay, staff discipline, performance management of staff, grievances submitted by staff or dismissal of staff;
- (b) admissions;
- (c) individual pupil discipline;
- (d) election, appointment and removal of governors;
- (e) the budget and financial commitments of the governing body;
- (f) in the case of a federated voluntary aided school, the trust deed relating to that school; or
- (g) any other matter that, by reason of its nature, the governing body is satisfied is and should remain confidential.

Convening meetings of the governing body

57.—(1) The governing body must hold at least one meeting during every school term.

(2) Meetings of the governing body must be convened by the clerk and, without prejudice to paragraph (3), in exercising this function the clerk must comply with any direction given by—

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

(3) Any three members of the governing body may requisition a meeting by giving written notice to the clerk that includes a summary of the business to be transacted; and the clerk must convene a meeting as soon as is reasonably practicable.

(4) Subject to paragraphs (5), (6) and (7), the clerk must give written notice of the meeting, a copy of the agenda, and any reports or other papers to be considered at the meeting at least five clear working days in advance to—

- (a) pob llywodraethwr;
- (b) pennaeth y ffederasiwn neu (os nad oes pennaeth i'r ffederasiwn) ysgol ffederal (p'un a yw'r person hwnnw yn llywodraethwr ai peidio); ac
- (c) yr awdurdod lleol.

(5) Pan fo'r cadeirydd yn penderfynu hynny, ar y sail bod materion sy'n galw am sylw brys, bydd yn ddigon i'r hysbysiad ysgrifenedig am y cyfarfod nodi'r ffaith honno ac i'r hysbysiad, y copi o'r agenda, yr adroddiadau a'r papurau eraill sydd i'w hystyried gael eu rhoi o fewn cyfnod byrrach yn ôl cyfarwyddyd y person hwnnw.

(6) Mae'r paragraff hwn yn gymwys mewn perthynas ag unrhyw gyfarfod lle bo—

- (a) diswyddo'r cadeirydd neu is-gadeirydd;
- (b) atal unrhyw lywodraethwr;
- (c) diswyddo llywodraethwr cymunedol neu noddwr-lywodraethwr; neu
- (d) penderfyniad i gyflwyno hysbysiad o ddirwyn ysgol ffederal i ben o dan adran 80 o Ddeddf 2013;

i gael ei ystyried.

(7) Pan fo paragraff (6) yn gymwys—

- (a) rhaid rhoi hysbysiad ysgrifenedig o'r cyfarfod, copi o'r agenda ac unrhyw adroddiadau neu bapurau eraill i'w hystyried yn y cyfarfod o leiaf saith niwrnod gwaith clir ymlaen llaw; a
- (b) nid yw pŵer y cadeirydd i roi cyfarwyddyd i gynnal cyfarfod o fewn cyfnod byrrach yn gymwys.

(8) Caiff yr is-gadeirydd arfer swyddogaethau'r cadeirydd yn y rheoliad hwn yn absenoldeb y cadeirydd neu os bydd swydd y cadeirydd yn wag.

(9) Ni fydd cyfarfod o'r corff llywodraethu a'i drafodion yn cael eu hannilysu oherwydd nad yw unrhyw berson wedi cael hysbysiad ysgrifenedig o'r cyfarfod neu gopi o'r agenda.

Cworwm a thrafodion y corff llywodraethu

58.—(1) Y cworwm ar gyfer cyfarfod o'r corff llywodraethu ac ar gyfer unrhyw bleidlais ar unrhyw fater mewn cyfarfod o'r fath yw hanner (wedi ei dalgrynnu i fyny i rif cyfan) aelodaeth y corff llywodraethu heb gynnwys unrhyw leoedd gwag nac unrhyw lywodraethwyr sydd wedi eu hatal o'r cyfarfod hwnnw yn unol â rheoliad 61.

(2) Yn ddarostyngedig i baragraff (3), rhaid i bob cwestiwn sydd i'w benderfynu mewn cyfarfod o'r corff llywodraethu gael ei ddyfarnu drwy fwyafrif o bleidleisiau'r llywodraethwyr sy'n bresennol ac yn pleidleisio ar y cwestiwn.

- (a) each governor;
- (b) the head teacher of the federation or (if there is no head teacher of the federation) of a federated school (whether or not that person is a governor); and
- (c) the local authority.

(5) Where the chair so determines, on the ground that there are matters demanding urgent consideration, it is sufficient if the written notice of the meeting states that fact and the notice, copy of the agenda, reports and other papers to be considered are given within such shorter period as that person directs.

(6) This paragraph applies in relation to any meeting at which—

- (a) the removal of the chair or vice-chair from office;
- (b) the suspension of any governor;
- (c) the removal of a community governor or sponsor governor; or
- (d) a decision to serve notice of discontinuance of a federated school under section 80 of the 2013 Act;

is to be considered.

(7) Where paragraph (6) applies—

- (a) written notice of the meeting, a copy of the agenda and any reports or other papers to be considered at the meeting must be given at least seven clear working days in advance; and
- (b) the power of the chair to direct that a meeting be held within a shorter period does not apply.

(8) The functions of the chair in this regulation may be exercised by the vice-chair in the absence of the chair or where there is a vacancy in the office of chair.

(9) A meeting of the governing body and its proceedings are not invalidated by reason of any person not having received written notice of the meeting or a copy of the agenda.

Quorum and proceedings of the governing body

58.—(1) The quorum for a meeting of the governing body 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 governing body excluding any vacancies and any governors suspended from that meeting in accordance with regulation 61.

(2) Subject to paragraph (3) every question to be decided at a meeting of the governing body must be determined by a majority of the votes of the governors present and voting on the question.

(3) Ni chaiff disgybl-lywodraethwyr cyswllt bleidleisio ar unrhyw gwestiwn sydd i'w benderfynu mewn cyfarfod o'r corff llywodraethu.

(4) Pan fo'r pleidleisiau wedi eu rhannu'n gyfartal bydd gan y cadeirydd neu, yn ôl y digwydd, y person sy'n gweithredu fel cadeirydd at ddibenion y cyfarfod (ar yr amod bod person o'r fath yn llywodraethwr) ail bleidlais neu bleidlais fwrw.

(5) Ni fydd unrhyw benderfyniad i gyflwyno hysbysiad o ddirwyn ysgol ffederal i ben o dan adran 80 o Ddeddf 2013 yn cael effaith, p'un a wneir y penderfyniad gan y corff llywodraethu ynteu gan bwyllgor, oni chaiff ei gadarnhau gan y corff llywodraethu mewn cyfarfod a gynhelir ar ôl cyfnod o wyth ar hugain o ddiwrnodau gwaith clir o leiaf, ar ôl y cyfarfod y gwnaed y penderfyniad ynddo ac—

- (a) oni phennir y mater yn eitem o fusnes ar agenda'r ddau gyfarfod; a
- (b) oni roddir hysbysiad o'r ail gyfarfod yn unol â rheoliad 57(7).

(6) Ni chaiff trafodion corff llywodraethu ysgol eu hannilysu oherwydd—

- (a) unrhyw le gwag ymhlith ei aelodau;
- (b) unrhyw ddiffyg wrth ethol, penodi nac enwebu unrhyw lywodraethwr;
- (c) unrhyw ddiffyg wrth benodi'r cadeirydd neu'r is-gadeirydd; neu
- (d) bod mwy o lywodraethwyr gan y ffederasiwn mewn categori penodol nag y darperir ar eu cyfer gan yr offeryn llywodraethu(1).

Cofnodion a phapurau

59.—(1) Rhaid i'r cler (neu'r person a benodir i weithredu fel cler at ddiben y cyfarfod yn unol â rheoliad 53(4)) sicrhau bod cofnodion trafodion cyfarfod o'r corff llywodraethu'n cael eu llunio a'u llofnodi (yn ddarostyngedig i gymeradwyaeth y corff llywodraethu) gan y cadeirydd (neu gan y person sy'n gweithredu fel cadeirydd) yn y cyfarfod nesaf.

(2) Rhaid i'r person sy'n gweithredu fel cler y corff llywodraethu at ddibenion unrhyw gyfarfod ysgrifennu'n union cyn y nodyn sy'n cofnodi cofnodion y cyfarfod hwnnw yn y llyfr neu ar y tudalennau a ddefnyddir at y diben hwnnw enwau'r aelodau hynny o'r corff llywodraethu ac unrhyw berson arall a oedd yn bresennol yn y cyfarfod dan sylw.

(3) Rhaid i'r corff llywodraethu ddarparu copi o gofnodion drafft, neu o gofnodion llofnodedig cyfarfod penodol i'r awdurdod lleol sy'n cynnal yr ysgol dan sylw os gofynnir amdano gan yr awdurdod dan sylw.

(1) *Gweler* adran 20(1) o Ddeddf 2002 a rheoliad 34.

(3) Associate pupil governors may not vote on any question to be determined at a meeting of the governing body.

(4) Where there is an equal division of votes the chair or, as the case may be, the person who is acting as chair for the purposes of the meeting (provided that such person is a governor), has a second or casting vote.

(5) No decision to serve notice of discontinuance of a federated school under section 80 of the 2013 Act whether taken by the governing body or by a committee, has effect unless it is confirmed by the governing body at a meeting held not less than twenty eight clear working days after the meeting at which the decision was made and—

- (a) the matter is specified as an item of business on the agenda for both meetings; and
- (b) notice of the second meeting is given in accordance with regulation 57(7).

(6) The proceedings of the governing body of a school are not invalidated by—

- (a) any vacancy among their number;
- (b) any defect in the election, appointment or nomination of any governor;
- (c) any defect in the appointment of the chair or vice-chair; or
- (d) the federation having more governors of a particular category than are provided for by the instrument of government(1).

Minutes and papers

59.—(1) The clerk (or the person appointed to act as clerk for the purpose of the meeting in accordance with regulation 53(4)) must ensure that minutes of the proceedings of a meeting of the governing body are drawn up and signed (subject to the approval of the governing body) by the chair (or the person acting as chair) at the next meeting.

(2) The person acting as clerk to the governing body 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 governing body and of any other person present at the meeting concerned.

(3) The governing body must supply a copy of the draft or signed minutes of a particular meeting to the local authority that maintains the school in question on request by the local authority concerned.

(1) *See* section 20(1) of the 2002 Act and regulation 34.

Cyhoeddi cofnodion a phapurau

60.—(1) Yn ddarostyngedig i baragraff (2), rhaid i'r corff llywodraethu, cyn gynted ag y bo'n rhesymol ymarferol, drefnu bod copïau o'r canlynol ar gael i'w harchwilio ym mhob un o'r ysgolion ffederal, gan unrhyw berson â diddordeb—

- (a) agenda pob cyfarfod;
- (b) cofnodion wedi'u llofnodi o bob cyfarfod o'r fath;
- (c) unrhyw adroddiad neu bapur arall a ystyriwyd mewn unrhyw gyfarfod o'r fath; a
- (d) cofnodion drafft unrhyw gyfarfod, os cymeradwywyd hwy gan y person sy'n gweithredu fel cadeirydd y cyfarfod hwnnw.

(2) Caiff y corff llywodraethu dynnu allan o unrhyw eitem y mae'n ofynnol trefnu iddi fod ar gael yn unol â pharagraff (1) unrhyw ddeunydd sy'n ymwneud ag—

- (a) person a enwir sy'n gweithio, neu y bwriedir y dylai weithio, yn y ffederasiwn neu mewn ysgol ffederal; neu
- (b) disgybl yn yr ysgol sy'n cael ei enwi, neu un sy'n gwneud cais am le mewn ysgol ffederal; neu
- (c) unrhyw fater arall y mae'r corff llywodraethu yn fodlon y dylai barhau yn gyfrinachol oherwydd ei natur.

(3) Rhaid i bob tudalen o gopïau a gyhoeddir o unrhyw gofnodion drafft o drafodion cyfarfodydd a gymeradwywyd gan y cadeirydd nodi mai cofnodion drafft ydynt.

Atal llywodraethwyr

61.—(1) Yn ddarostyngedig i baragraffau (2), (3) a (4), caiff y corff llywodraethu, drwy benderfyniad, atal llywodraethwr o'r cyfan neu o rai o gyfarfodydd y corff llywodraethu, neu o bwyllgor, am gyfnod penodol o hyd at chwe mis ar un neu ragor o'r seiliau canlynol—

- (a) bod y llywodraethwr, ac yntau'n berson y telir iddo am weithio yn y ffederasiwn neu mewn ysgol ffederal, yn destun achos disgyblu mewn perthynas â chyflogaeth y person hwnnw;
- (b) bod y llywodraethwr yn destun achos mewn unrhyw lys neu dribiwnlys, y gallai ei ganlyniad olygu y caiff y person hwnnw ei anghymhwyso rhag parhau i ddal swydd fel llywodraethwr o dan Atodlen 7;
- (c) bod y llywodraethwr wedi gweithredu mewn modd sy'n anghyson ag ethos neu gymeriad crefyddol ysgol ffederal ac wedi dwyn neu'n debygol o ddwyn anfri ar y ffederasiwn, ysgol ffederal, y corff llywodraethu neu ar swydd y person hwnnw; neu

Publication of minutes and papers

60.—(1) Subject to paragraph (2), the governing body must, as soon as reasonably practicable, make available for inspection at each of the federated schools by any interested person, a copy of—

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

(2) The governing body may exclude from any item required to be made available in pursuance of paragraph (1) any material relating to—

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

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

Suspension of governors

61.—(1) Subject to paragraphs (2), (3) and (4), the governing body may by resolution suspend a governor for all or any meetings of the governing body, or of a committee, for a fixed period of up to six months on one or more of the following grounds—

- (a) that the governor, being a person paid to work at the federation or federated school, is the subject of disciplinary proceedings in relation to that person's employment;
- (b) that the governor is the subject of proceedings in any court or tribunal, the outcome of which may be that that person is disqualified from continuing to hold office as a governor under Schedule 7;
- (c) that the governor has acted in a way that is inconsistent with the ethos or with the religious character of a federated school and has brought or is likely to bring the federation, a federated school, the governing body or that person's office into disrepute; or

- (d) bod y llywodraethwr wedi torri dyletswydd y person hwnnw o gyfrinachedd i'r ffederasiwn neu ysgol ffederal neu i unrhyw aelod o'r staff neu i unrhyw ddisgybl yn y ffederasiwn neu mewn ysgol ffederal.

(2) Ni fydd penderfyniad i atal llywodraethwr o'i swydd yn cael effaith oni fo'r mater wedi ei bennu fel eitem o fusnes ar yr agenda ar gyfer y cyfarfod, y rhoddwyd hysbysiad ohono yn unol â rheoliad 57(7).

(3) Cyn y cymerir pleidlais ar benderfyniad i atal llywodraethwr, rhaid i'r llywodraethwr sy'n cynnig y penderfyniad ddatgan yn y cyfarfod ei resymau dros wneud hynny, a rhaid rhoi cyfle i'r llywodraethwr sy'n destun y penderfyniad wneud datganiad yn ymateb cyn mynd allan o'r cyfarfod yn unol â rheoliad 75(2).

(4) Nid oes dim yn y rheoliad hwn i'w ddarllen fel petai'n effeithio ar hawl llywodraethwr a ataliwyd—

- (a) i gael hysbysiadau o gyfarfodydd y corff llywodraethu, ac agendâu ac adroddiadau neu bapurau eraill ar eu cyfer; na
- (b) i fod yn bresennol mewn cyfarfod o'r corff llywodraethu a gynullir yn unol â rheoliad 41 i ystyried diswyddo'r person hwnnw;

yn ystod cyfnod ei ataliad.

(5) Nid oes dim yn y rheoliad hwn i'w ddarllen fel petai'n rhwystro corff llywodraethu rhag atal llywodraethwr a ataliwyd o dan baragraff (1) am gyfnod neu gyfnodau penodol pellach, p'un a yw ar yr un sail â'r atal gwreiddiol ai peidio, a bydd paragraffau (1) i (4) yn gymwys i bob ataliad.

(6) Ni chaiff llywodraethwr ei anghymhwysio rhag parhau i ddal swydd o dan baragraff 5 o Atodlen 7 am beidio â bod yn bresennol mewn unrhyw gyfarfod o'r corff llywodraethu tra bo wedi ei atal o dan y rheoliad hwn.

Dirprwyg swyddogaethau

62.—(1) Yn ddarostyngedig i reoliad 63 o'r Rheoliadau hyn, rheoliad 3(2) o Reoliadau Cymeriad Crefyddol Ysgolion (Gweithdrefn Ddynodi) 1998(1) a rheoliad 7 o Reoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Cymru) 2000(2), caiff y corff llywodraethu ddirprwyo unrhyw un neu ragor o'i swyddogaethau—

- (1) O.S. 1998/2535, fel y'i diwygiwyd o ran Cymru gan Reoliadau Addysg (Ysgolion Newydd) (Cymru) 1999 (O.S. 1999/2243 (Cy.3)) a chan Reoliadau Ysgolion a Gynhelir Newydd (Cymru) 2005 (O.S. 2005/2912 (Cy.209)).
- (2) O.S. 2000/3027 (Cy.195) fel y'i diwygiwyd gan Reoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Diwygio) (Cymru) 2002 (O.S. 2002/1396 (Cy.138)) a chan Reoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol a Diwygiadau Canlyniadol) (Cymru) 2005 (O.S. 2005/2913 (Cy.210)) a chan Reoliadau Gwerthuso Athrawon Ysgol (Cymru) 2011 (O.S. 2011/2940 (Cy.316)).

- (d) that the governor is in breach of that person's duty of confidentiality to the federation or a federated school or to any member of staff or to any pupil at the federation or a federated school.

(2) A resolution to suspend a governor from office does not have effect unless the matter is specified as an item of business on the agenda for the meeting of which notice has been given in accordance with regulation 57(7).

(3) Before a vote is taken on a resolution to suspend a governor, the governor proposing the resolution must at the meeting state their reasons for doing so, and the governor who is the subject of the resolution must be given the opportunity to make a statement in response before withdrawing from the meeting in accordance with regulation 75(2).

(4) Nothing in this regulation is to be read as affecting the right of a governor who has been suspended—

- (a) to receive notices of, and agendas and reports or other papers for, meetings of the governing body; or
- (b) to attend a meeting of the governing body convened in accordance with regulation 41 to consider that person's removal from office;

during the period of suspension.

(5) Nothing in this regulation is to be read as preventing a governing body from suspending a governor who has been suspended under paragraph (1) for a further fixed period or periods, whether or not on the same ground as that of the original suspension, and paragraphs (1) to (4) apply in relation to each suspension.

(6) A governor is not disqualified from continuing to hold office under paragraph 5 of Schedule 7 for failure to attend any meeting of the governing body while suspended under this regulation.

Delegation of functions

62.—(1) Subject to regulation 63 of these Regulations, regulation 3(2) of the Religious Character of Schools (Designation Procedure) Regulations 1998(1) and regulation 7 of the School Government (Terms of Reference) (Wales) Regulations 2000(2), the governing body may delegate any of its functions to—

- (1) S.I. 1998/2535, as amended in relation to Wales by the Education (New Schools) Regulations 1999 (S.I.1999/2243 (W.3)) and by the New Maintained Schools (Wales) Regulations 2005 (S.I. 2005/2912 (W.209)).
- (2) S.I. 2000/3027 (W.195) as amended by the School Government (Terms of Reference) (Amendment) (Wales) Regulations 2002 (S.I. 2002/1396 (W.138)) and by the Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005 (S.I. 2005/2913 (W.210)) and by the School Teacher Appraisal (Wales) Regulations 2011 (S.I. 2011/2940 (W.316)).

- (a) i bwyllgor;
- (b) i unrhyw lywodraethwr; neu
- (c) i bennaeth y ffederasiwn neu bennaeth ysgol ffederal (p'un a yw'r person hwnnw yn llywodraethwr ai peidio).

(2) Pan fo corff llywodraethu wedi dirprwyo swyddogaethau ni fydd hynny yn rhwystro'r corff llywodraethu rhag arfer y swyddogaethau hynny.

(3) Rhaid i'r corff llywodraethu adolygu'n flynyddol y modd yr arferir y swyddogaethau a ddirprwywyd ganddo.

Cyfyngiadau ar ddirprwyo a phwyllgorau penodedig

63.—(1) Ni chaiff y corff llywodraethu ddirprwyo o dan reoliad 62(1) ei swyddogaethau o dan y rheoliadau canlynol—

- (a) y rhai hynny yn Rhan 3 (categoriâu o lywodraethwyr);
- (b) y rhai hynny yn Rhan 4 (cyfansoddiad cyrff llywodraethu ffederasiwn);
- (c) y rhai hynny yn Rhan 5 (diswyddo llywodraethwyr);
- (d) y rhai hynny yn Rhan 6 (offerynnau llywodraethu);
- (e) rheoliadau 50 a 52 (ethol a diswyddo cadeirydd ac is-gadeirydd);
- (f) rheoliad 53 (penodi a diswyddo clerck y corff llywodraethu);
- (g) rheoliad 61 (atal llywodraethwyr);
- (h) rheoliad 62 (dirprwyo swyddogaethau);
- (i) rheoliad 66 (sefydlu pwyllgorau);

ac ni chaiff ychwaith ddirprwyo ei swyddogaethau mewn cysylltiad â phanelau dethol pennaeth a dirprwy bennaeth o dan reoliadau 10(9) i (20), 24(8) i (19) a 34 o'r Rheoliadau Staffio (fel y'u haddaswyd gan Atodlen 8).

(2) Ni chaiff y corff llywodraethu ddirprwyo i unigolyn o dan reoliad 62(1)—

- (a) ei swyddogaethau cynigion trefniadaeth ysgolion;
- (b) y swyddogaethau:
 - (i) mewn cynllun a wnaed gan yr awdurdod lleol o dan adran 48(1)(1) o Ddeddf 1998, i'r graddau y mae'n ei gwneud yn ofynnol i'r corff llywodraethu gymeradwyo cynllun cyllideb ffurfiol cyntaf y flwyddyn ariannol;

- (a) a committee;
- (b) any governor; or
- (c) the head teacher of the federation or of a federated school (whether or not that person is a governor).

(2) Where the governing body has delegated functions this does not prevent the governing body from exercising those functions.

(3) The governing body must review the exercise of functions it has delegated annually.

Restrictions on delegation and specified committees

63.—(1) The governing body may not delegate under regulation 62(1) its functions under the following regulations—

- (a) those in Part 3 (categories of governors);
- (b) those in Part 4 (composition of governing bodies of a federation);
- (c) those in Part 5 (removal of governors);
- (d) those in Part 6 (instruments of government);
- (e) regulations 50 and 52 (election and removal of chair and vice chair);
- (f) regulation 53 (appointment and removal of the clerk to the governing body);
- (g) regulation 61 (suspension of governors);
- (h) regulation 62 (delegation of functions);
- (i) regulation 66 (establishment of committees);

nor may it delegate its functions in respect of head teacher and deputy head teacher selection panels under regulations 10(9) to (20), 24(8) to (19) and 34 of the Staffing Regulations (as modified by Schedule 8).

(2) The governing body may not delegate to an individual under regulation 62(1)—

- (a) its school organisation proposal functions;
- (b) the functions in:
 - (i) a scheme made by the local authority under section 48(1)(1) of the 1998 Act, to the extent that it requires the governing body to give their approval to the first formal budget plan of the financial year;

(1) Diwygiwyd gan adran 40 o Ddeddf 2002 ac Atodlen 5 i'r Ddeddf honno; a chan adran 57 o Ddeddf Addysg ac Arolygiadau 2006 (p.40), ac Atodlen 5 i'r Ddeddf honno.

(1) Amended by section 40 of, and Schedule 5 to, the 2002 Act; and by section 57 of, and Schedule 5 to, the Education and Inspections Act 2006 (c.40).

- (ii) yn adran 88(1) i (3) o Ddeddf Addysg ac Arolygiadau 2006(1) (*cyfrifoldeb corff llywodraethu am ddisgyblaeth*);
- (iii) yn adrannau 88(2), 89(3), 89A(4) a 90(8)(5) o Ddeddf 1998 (*sy'n ymwneud â phenderfynu ar drefniadau derbyn*), adran 90(1)(6) o Ddeddf 1998 (*sy'n ymwneud â chyfeirio gwrthwynebiadau ynghylch trefniadau derbyn i Gynulliad Cenedlaethol Cymru*), neu adran 94(7) o Ddeddf 1998 i'r graddau y mae'n ymwneud â phenderfynu ar drefniadau apêl gan y corff llywodraethu;
- (iv) yn adran 63(8) o Ddeddf 1998 (*targedau presenoldeb ysgol*);
- (v) yn adran 439(7) o Ddeddf 1996 (*gorchmynion presenoldeb ysgol*);
- (vi) yn adrannau 95(2) a 97(3)(9) o Ddeddf 1998 (*apêl yn erbyn penderfyniad yr awdurdod lleol i dderbyn plentyn a chyfeiriad i'r Cynulliad mewn cysylltiad â chyfarwyddyd a wneir gan yr awdurdod lleol i dderbyn plentyn*); neu
- (c) swyddogaethau y mae'n rhaid eu dirprwyo i'r pwyllgorau fel a bennir yn rheoliadau 67 i 69.
- (ii) section 88(1) to (3) of the Education and Inspections Act 2006(1) (*responsibility of governing body for discipline*);
- (iii) sections 88(2), 89(3), 89A(4) and 90(8)(5) of the 1998 Act (*which relate to the determination of admission arrangements*), section 90(1)(6) of the 1998 Act (*which relates to the reference to the National Assembly for Wales of objections about admission arrangements*), or section 94(7) of the 1998 Act in so far as it relates to the determination of appeal arrangements by the governing body;
- (iv) section 63(8) of the 1998 Act (*school attendance targets*);
- (v) section 439(7) of the 1996 Act (*school attendance orders*);
- (vi) sections 95(2) and 97(3)(9) of the 1998 Act (*appeal against a decision of the local authority to admit a child and referral to the Assembly in respect of a direction made by the local authority to admit a child*); or
- (c) the functions that must be delegated to the committees specified in regulations 67 to 69.

(1) 2006 p.40.

(2) Diwygiwyd gan adran 43(1) o Ddeddf Addysg ac Arolygiadau 2006 (p.40), Gorchymyn Awdurdodau Addysg Lleol a Gwasanaethau Plant (Integreiddio Swyddogaethau) 2010 (O.S. 2010/1158), adran 54(1) a 64(2) o Ddeddf Addysg 2011 ac Atodlen 13 iddi.

(3) Diwygiwyd gan baragraff 5 o Atodlen 4 i Ddeddf 2002; a chan adrannau 41, 45, 46(1), ac 184 o Ddeddf Addysg ac Arolygiadau 2006 (p.40), a chan Ran 6 o Atodlen 18 i'r Ddeddf honno. Mewnosodwyd is-adran (1A) gan adran 106 o Ddeddf Addysg 2005 (p.18). Cafodd adran 89 ei diwygio ymhellach gan baragraffau 53 a 57 o Ran 2 o Atodlen 1 i Ddeddf Addysg a Sgiliau 2008 (p.25).

(4) Mewnosodwyd gan adran 47(2) o Ddeddf 2002. Fe'i diwygiwyd ymhellach gan baragraffau 53 a 58 o Ran 2 o Atodlen 1 i Ddeddf Addysg a Sgiliau 2008.

(5) Disodlwyd gan adran 47 o Ddeddf Addysg ac Arolygiadau 2006 (p.40). Fe'i diwygiwyd ymhellach gan baragraffau 53 a 62 o Ran 2 o Atodlen 1 i Ddeddf Addysg a Sgiliau 2008.

(6) Disodlwyd is-baragraff (1)(b) gan adran 41(1) ac (8)(a) o Ddeddf Addysg ac Arolygiadau 2006 (p.40). Fe'i diwygiwyd ymhellach gan baragraffau 53 a 62 o Ran 2 o Atodlen 1 i Ddeddf Addysg a Sgiliau 2008 (p.25).

(7) Diwygiwyd gan adrannau 50 a 51 o Ddeddf 2002 a pharagraff 8 o Atodlen 4 i'r Ddeddf honno; a chan adran 51(1) o Ddeddf Addysg ac Arolygiadau 2006 (p.40). Fe'i diwygiwyd ymhellach gan adran 152 o Ddeddf Addysg a Sgiliau 2008.

(8) Diwygiwyd gan adran 53 o Ddeddf 2002, a Rhan 3 o Atodlen 21 i'r Ddeddf honno.

(9) Diwygiwyd gan adran 49 o Ddeddf Addysg ac Arolygiadau 2006 (p.40).

(1) 2006 c.40.

(2) Amended by section 43(1) of the Education and Inspections Act 2006 (c.40), Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), section 54(1) and 64(2) of, and by Schedule 13 to the Education Act 2011.

(3) Amended by paragraph 5 of Schedule 4 to the 2002 Act; and by sections 41, 45, 46(1), and 184 of, and by Part 6 of Schedule 18 to the Education and Inspections Act 2006 (c.40). Subsection (1A) was inserted by section 106 of the Education Act 2005 (c.18). Section 89 was further amended by paragraphs 53 and 57 of Part 2 of Schedule 1 to the Education and Skills Act 2008 (c.25).

(4) Inserted by section 47(2) of the 2002 Act. Further amended by paragraphs 53 and 58 of Part 2 of Schedule 1 to the Education and Skills Act 2008.

(5) Substituted by section 47 of the Education and Inspections Act 2006 (c.40). Further amended by paragraphs 53 and 62 of Part 2 of Schedule 1 to the Education and Skills Act 2008.

(6) Sub-paragraph (1)(b) was substituted by section 41(1) and (8)(a) of the Education and Inspections Act 2006 (c.40). Further amended by paragraphs 53 and 62 of Part 2 of Schedule 1 to the Education and Skills Act 2008 (c.25).

(7) Amended by sections 50 and 51 of, and paragraph 8 of Schedule 4 to, the 2002 Act; and by section 51(1) of the Education and Inspections Act 2006 (c.40). Further amended by section 152 of the Education and Skills Act 2008.

(8) Amended by section 53 of, and Part 3 of Schedule 21 to, the 2002 Act.

(9) Amended by section 49 of the Education and Inspections Act 2006 (c.40).

Adrodd wrth y corff llywodraethu ar ôl arfer swyddogaethau dirprwyedig

64.—(1) Mae'r rheoliad hwn yn gymwys pan fo unrhyw swyddogaeth o eiddo'r corff llywodraethu wedi ei dirprwyo i'r canlynol neu'n arferadwy fel arall gan y canlynol—

- (a) llywodraethwr (gan gynnwys y cadeirydd neu'r is-gadeirydd);
- (b) pennaeth y ffederasiwn neu (os nad oes pennaeth i'r ffederasiwn) ysgol ffederal (p'un a yw'r person hwnnw yn llywodraethwr ai peidio); neu
- (c) pwyllgor.

(2) Rhaid i unrhyw unigolyn neu bwyllgor y dirprwywyd swyddogaeth corff llywodraethu iddo neu sydd fel arall wedi arfer swyddogaeth corff llywodraethu, adrodd wrth y corff llywodraethu ynghylch unrhyw gam a gymerwyd neu benderfyniad a wnaed mewn cysylltiad ag arfer y swyddogaeth honno.

RHAN 9

PWYLLGORAU CYRFF LLYWODRAETHU

Cymhwyso'r Rhan hon

65. Nid yw'r Rhan hon yn gymwys mewn perthynas â phanelau dethol penaethiaid a dirprwy benaethiaid a sefydlwyd o dan reoliadau 10 neu 24 o'r Rheoliadau Staffio (fel y'u haddaswyd gan Atodlen 8).

Sefydlu pwyllgorau y corff llywodraethu

66.—(1) Mae'r rheoliad hwn yn gymwys i bwyllgorau'r corff llywodraethu yn ddarostyngedig i reoliadau 67, 68 a 69.

(2) Rhaid i'r corff llywodraethu benderfynu ar gyfansoddiad, aelodaeth a chylch gwaith unrhyw bwyllgor y penderfyna ei sefydlu, a'u hadolygu'n flynyddol.

(3) Rhaid i'r corff llywodraethu benodi cadeirydd yn flynyddol ar bob pwyllgor neu raid i'r pwyllgor ei ethol, yn ôl penderfyniad y corff llywodraethu.

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

(5) Ni chaiff unrhyw berson a gyflogir i weithio yn y ffederasiwn neu mewn ysgol ffederal, nac un o ddisgyblion cofrestredig y ffederasiwn neu ysgol ffederal, weithredu fel cadeirydd pwyllgor.

(6) Caiff y corff llywodraethu ddiswyddo cadeirydd unrhyw bwyllgor ar unrhyw adeg.

Reporting to the governing body following the exercise of delegated functions

64.—(1) This regulation applies where any function of the governing body has been delegated to or is otherwise exercisable by—

- (a) a governor (including the chair or vice-chair);
- (b) the head teacher of the federation or (if there is no head teacher of the federation) of a federated school (whether or not that person is a governor); or
- (c) a committee.

(2) Any individual or committee to whom a function of the governing body has been delegated or that has otherwise exercised a function of the governing body, must report to the governing body in respect of any action taken or decision made with respect to the exercise of that function.

PART 9

COMMITTEES OF GOVERNING BODIES

Application of this Part

65. This Part does not apply in relation to head teacher and deputy head teacher selection panels established under regulations 10 or 24 of the Staffing Regulations (as modified by Schedule 8).

Establishment of committees of the governing body

66.—(1) This regulation applies to committees of the governing body subject to regulations 67, 68 and 69.

(2) The governing body must determine the constitution, membership and terms of reference of any committee it decides to establish and review them annually.

(3) A chair must be appointed annually to each committee by the governing body or elected by the committee, as determined by the governing body.

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

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

(6) The governing body may remove the chair to any committee from office at any time.

(7) Caiff aelodaeth pwyllgor gynnwys disgybl-lywodraethwyr cyswllt a phersonau nad ydynt yn llywodraethwyr, a mater i'w benderfynu gan y corff llywodraethu yw i ba raddau y bydd gan y cyfryw aelodau hawl i bleidleisio.

(8) Rhaid i fwyafrif yr aelodau ar unrhyw bwyllgor fod yn llywodraethwyr, heb gynnwys unrhyw ddisgybl-lywodraethwyr cyswllt.

Y pwyllgor disgyblu a diswyddo staff a'r pwyllgor apelau disgyblu a diswyddo

67.—(1) Rhaid i swyddogaethau canlynol corff llywodraethu ffederasiwn gael eu dirprwyo i bwyllgor, a elwir yn bwyllgor disgyblu a diswyddo staff—

- (a) pan fo ysgol ffederal yn ysgol gymunedol, ysgol wirfoddol a reolir neu ysgol arbennig gymunedol, y penderfyniad cychwynnol o dan reoliad 17(1) o'r Rheoliadau Staffio (fel y'u haddaswyd gan Atodlen 8), y dylai unrhyw berson a gyflogir gan yr awdurdod lleol i weithio yn y ffederasiwn neu ysgol ffederal beidio â gweithio yno;
- (b) pan fo ysgol ffederal yn ysgol sefydledig neu'n ysgol wirfoddol a gynorthwyr, y penderfyniad cychwynnol o dan reoliad 29(1) o'r Rheoliadau Staffio (fel y'u haddaswyd gan Atodlen 8) y dylai person a gyflogir i weithio yn y ffederasiwn neu ysgol ffederal drefnu terfynu contract cyflogaeth y person hwnnw â'r corff llywodraethu neu na ddylai drefnu adnewyddu contract y person hwnnw (ac eithrio pan fo'r diswyddo yn unol â chyfarwyddyd yr awdurdod lleol o dan baragraff 7 o Ran 2 o Atodlen 2 i Ddeddf 2002); a
- (c) gwrandawr ar sylwadau mewn perthynas â phenderfyniad y mae'n rhaid ei ddirprwyo o dan y paragraff hwn.

(2) Rhaid dirprwyo gwrandawriad unrhyw apêl mewn cysylltiad â phenderfyniad y mae'n rhaid ei ddirprwyo o dan baragraff (1) i bwyllgor, a elwir yn bwyllgor apelau disgyblu a diswyddo.

(3) Rhaid i'r pwyllgor disgyblu a diswyddo staff gynnwys o leiaf dri llywodraethwr, ond pan wneir honiadau yn erbyn aelod o'r staff sy'n ymwneud â materion amddiffyn plant, rhaid i'r pwyllgor gynnwys o leiaf ddau lywodraethwr a pherson annibynnol nad yw'n llywodraethwr.

(4) Rhaid i'r pwyllgor apelau disgyblu a diswyddo gynnwys o leiaf gynifer o lywodraethwyr â'r pwyllgor disgyblu a diswyddo staff y mae ei benderfyniad yn destun apêl a phan wneir honiadau yn erbyn aelod o'r staff sy'n ymwneud â materion amddiffyn plant, rhaid i'r pwyllgor gynnwys person annibynnol nad oedd yn

(7) The membership of a committee may include associate pupil governors and persons who are not governors and the extent to which such members are entitled to vote is to be determined by the governing body.

(8) The majority of members on any committee must be governors excluding associate pupil governors.

Staff disciplinary and dismissal committee and disciplinary and dismissal appeals committee

67.—(1) The following functions of the governing body of a federation must be delegated to a committee, to be known as the staff disciplinary and dismissal committee—

- (a) where a federated school is a community, voluntary controlled or community special school, the initial determination under regulation 17(1) of the Staffing Regulations (as modified by Schedule 8) that any person employed by the local authority to work at the federation or federated school should cease to work there;
- (b) where a federated school is a foundation or voluntary aided school, the initial decision under regulation 29(1) of the Staffing Regulations (as modified by Schedule 8) that a person employed to work at the federation or federated school should have that person's contract of employment with the governing body terminated or should not have that person's contract renewed (except where the dismissal is pursuant to a direction of the local authority under paragraph 7 of Part 2 of Schedule 2 to the 2002 Act); and
- (c) the hearing of representations in relation to a decision which must be delegated under this paragraph.

(2) The hearing of any appeal in respect of a decision that must be delegated under paragraph (1) must be delegated to a committee, known as the disciplinary and dismissal appeals committee.

(3) The staff disciplinary and dismissal committee must include not less than three governors, but where allegations are made against a member of staff that involve issues of child protection the committee must include not less than two governors and an independent person who is not a governor.

(4) The disciplinary and dismissal appeals committee must include no fewer governors than the staff disciplinary and dismissal committee whose decision is subject to appeal and where allegations are made against a member of staff that involve issues of child protection the committee must include an

gysylltiedig â phenderfyniad y pwyllgor disgyblu a diswyddo staff.

(5) At ddibenion paragraffau (3) a (4), mae person i'w ystyried yn annibynnol yn yr amgylchiadau canlynol—

- (a) pan nad yw'r person yn un o lywodraethwyr y ffederasiwn neu ysgol ffederal;
- (b) pan nad yw'r person yn rhiant disgybl cyfredol neu flaenorol yn yr ysgol ffederal;
- (c) pan nad yw'r person yn aelod cyfredol neu flaenorol o'r staff yn y ffederasiwn neu'r ysgol ffederal sydd dan sylw;
- (d) pan nad yw'r person yn gyflogedig ar y pryd gan yr awdurdod lleol sy'n cynnal yr ysgol ffederal sydd dan sylw.

(6) Mae'r cworwm ar gyfer cyfarfod o'r pwyllgor disgyblu a diswyddo staff a'r pwyllgor apelau disgyblu a diswyddo ac unrhyw bleidlais ar unrhyw fater yn y pwyllgorau yr un nifer ag isafswm y gofynion ar gyfer cyfansoddiad y pwyllgorau hynny a bennir yn y rheoliad hwn.

(7) Pan fo'r pwyllgor apelau disgyblu a diswyddo yn ystyried apêl yn erbyn penderfyniad pwyllgor disgyblu a diswyddo staff, ni chaiff unrhyw aelod o'r pwyllgor disgyblu a diswyddo staff y mae ei benderfyniad yn destun apêl gymryd rhan yn nhrefodion y pwyllgor apelau disgyblu a diswyddo.

(8) Ni chaiff pennaeth y ffederasiwn neu ysgol ffederal na disgybl-lywodraethwr cyswllt fod yn aelod o'r pwyllgor disgyblu a diswyddo staff nac o'r pwyllgor apelau disgyblu a diswyddo.

(9) Ni fydd gan unrhyw aelod o'r pwyllgor disgyblu a diswyddo staff na'r pwyllgor apelau disgyblu a diswyddo nad yw'n llywodraethwr hawl i bleidleisio yn unrhyw drafodion y pwyllgor dan sylw, ac eithrio'r aelod annibynnol yn y naill bwyllgor neu'r llall, a benodwyd yn unol â pharagraff (3) neu (4).

Y pwyllgor disgyblu a gwahardd disgyblion

68.—(1) Rhaid i gorff llywodraethu ffederasiwn sefydlu pwyllgor, a elwir yn bwyllgor disgyblu a gwahardd disgyblion, i gyflawni'r swyddogaethau a roddwyd iddo gan neu o dan reoliadau a wnaed o dan adran 52(3) a (4) o Ddeddf 2002 (*gwahardd disgyblion*)(1).

(1) *Gweler y Rheoliadau Addysg (Gwahardd Disgyblion ac Apelau) (Ysgolion a Gynhelir) (Cymru) 2003, (O.S. 2003/3227 (Cy.308)) fel y'u diwygiwyd gan Reoliadau Addysg (Gwahardd Disgyblion ac Apelau) (Cymru) (Diwygiadau Amrywiol) 2004 (O.S. 2004/1805 (Cy.193)).*

independent person who was not involved in the staff disciplinary and dismissal committee's decision.

(5) For the purposes of paragraphs (3) and (4) a person is to be regarded as independent in the following circumstances—

- (a) where the person is not a governor of the federation or a federated school;
- (b) where the person is not a parent of a current or former pupil at the federated school;
- (c) where the person is not a current or former member of staff at the federation or the federated school in question;
- (d) where the person is not currently employed by the local authority that maintains the federated school in question.

(6) The quorum for a meeting of the staff disciplinary and dismissal committee and the disciplinary and dismissal appeals committee and any vote on any matter at the committees is the same as the minimum requirements for the composition of those committees specified in this regulation.

(7) Where a disciplinary and dismissal appeals committee is considering an appeal against a decision of the staff disciplinary and dismissal committee, no member of the staff disciplinary and dismissal committee whose decision is subject to appeal may take part in the proceedings of the disciplinary and dismissal appeals committee.

(8) Neither the head teacher of the federation or a federated school nor an associate pupil governor may be a member of the staff disciplinary and dismissal committee or the disciplinary and dismissal appeal committee.

(9) No member of the staff disciplinary and dismissal committee or the disciplinary and dismissal appeals committee who is not a governor is entitled to vote in any proceedings of the committee in question, save for the independent member of each committee appointed in accordance with paragraph (3) or (4).

Pupil discipline and exclusions committee

68.—(1) The governing body of a federation must establish a committee, to be known as the pupil discipline and exclusions committee, to discharge the functions conferred on it by or under regulations made under section 52(3) and (4) of the 2002 Act (*exclusion of pupils*)(1).

(1) *See the Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003 (S.I. 2003/3227 (W.308)) as amended by the Education (Pupil Exclusions and Appeals) (Wales) (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/1805 (W.193)).*

(2) Rhaid i'r pwyllgor disgyblu a gwahardd disgyblion gynnwys naill ai dri neu bump o lywodraethwyr, ond nid pennaeth y ffederasiwn neu ysgol ffederal nac unrhyw ddisgybl-lywodraethwr cyswllt.

(3) Y cworwm ar gyfer cyfarfod o'r pwyllgor disgyblu a gwahardd disgyblion ac unrhyw bleidlais ar unrhyw fater gerbron y pwyllgor yw tri aelod o'r pwyllgor.

(4) Caiff cadeirydd y pwyllgor disgyblu a gwahardd disgyblion arfer unrhyw swyddogaeth a roddwyd i'r corff llywodraethu gan neu o dan reoliadau a wnaed o dan adran 52(3) a (4) o Ddeddf 2002 (*gwahardd disgyblion*) mewn achos—

- (a) pan fo disgybl wedi ei wahardd am gyfnod penodol mewn amgylchiadau lle y byddai'r disgybl hwnnw, o ganlyniad i'r gwaharddiad, yn colli cyfle i sefyll unrhyw arholiad cyhoeddus; a
- (b) pan fo'n ymddangos i'r cadeirydd na fyddai'n ymarferol cynnal cyfarfod â chworwm o'r pwyllgor at unrhyw ddiben y cyfeirir ato mewn rheoliadau o'r fath cyn y deuai'r amser i'r disgybl sefyll yr arholiad hwnnw.

Y pwyllgor derbyniadau

69.—(1) Os corff llywodraethu ffederasiwn yw'r awdurdod derbyn ar gyfer ysgol ffederal, rhaid iddo sefydlu pwyllgor, a elwir yn bwyllgor derbyniadau, i arfer ei bwerau i benderfynu a ddylid derbyn unrhyw blentyn i'r ysgol ffederal.

(2) Rhaid i bwyllgor a sefydlir o dan baragraff (1) gynnwys—

- (a) pennaeth neu bennaeth dros dro'r ffederasiwn; neu
- (b) (os nad oes pennaeth na phennaeth dros dro i'r ffederasiwn) pennaeth neu bennaeth dros dro'r ysgol ffederal; ac
- (c) o leiaf ddau lywodraethwr arall (ac eithrio disgybl-lywodraethwyr cyswllt).

(3) Mae'r cworwm ar gyfer y pwyllgor derbyniadau ac unrhyw bleidlais ar unrhyw fater yn y pwyllgor yr un nifer â'r isafswm sy'n ofynnol ar gyfer cyfansoddiad y pwyllgor a bennir yn y rheoliad hwn.

Clercod pwyllgorau

70.—(1) Rhaid i'r corff llywodraethu benodi clerc i bob pwyllgor a sefydlir yn unol â rheoliadau 67 i 69 a chaiff benodi clerc i unrhyw bwyllgor arall a sefydlir ganddo.

(2) The pupil discipline and exclusions committee must consist of either three or five governors, but must not include the head teacher of the federation or a federated school or any associate pupil governor.

(3) The quorum for a meeting of the pupil discipline and exclusions committee and any vote on any matter before the committee is three members of the committee.

(4) The chair of the pupil discipline and exclusions committee may exercise any function conferred on the governing body by or under regulations made under section 52(3) and (4) of the 2002 Act (*exclusion of pupils*) in a case where—

- (a) a pupil has been excluded for a fixed period in circumstances in which that pupil would, as a result of the exclusion, lose an opportunity to take any public examination; and
- (b) it appears to the chair that it would not be practical for a quorate meeting of the committee to take place for any purpose referred to in such regulations before the time when the pupil would be due to take that examination.

Admissions committee

69.—(1) Where the governing body of a federation is the admissions authority for a federated school it must establish a committee, to be known as the admissions committee, to exercise its powers to determine whether any child should be admitted to the federated school.

(2) A committee established under paragraph (1) must consist of—

- (a) the head teacher or the acting head teacher of the federation; or
- (b) (if there is no head teacher or acting head teacher of the federation) the head teacher or the acting head teacher of the federated school; and
- (c) at least two other governors (excluding associate pupil governors).

(3) The quorum for the admissions committee and any vote on any matter at the committee is the same as the minimum requirement for the composition of the committee specified in this regulation.

Clerks to committees

70.—(1) The governing body must appoint a clerk to each committee established in accordance with regulations 67 to 69 and may appoint a clerk to any other committee established by it.

(2) Ni chaniateir penodi pennaeth y ffederasiwn neu ysgol ffederal na disgybl-lywodraethwr cyswllt yn glerc o dan baragraff (1).

(3) Er gwaethaf paragraff (1) caiff y pwyllgor, os metha'r clerc â bod yn bresennol mewn un o'u cyfarfodydd, benodi unrhyw un o'u plith (ond nid pennaeth y ffederasiwn neu ysgol ffederal) i weithredu fel clerc at ddibenion y cyfarfod hwnnw.

(4) Caiff y corff llywodraethu ddiswyddo unrhyw glerc a benodir i unrhyw bwyllgor o'i eiddo ar unrhyw adeg.

(5) Rhaid i glerc a benodir i bwyllgor y corff llywodraethu—

- (a) cynnull cyfarfodydd y pwyllgor;
- (b) bod yn bresennol yng nghyfarfodydd y pwyllgor a sicrhau y llunnir cofnodion o'r trafodion; ac
- (c) cyflawni pa swyddogaethau eraill bynnag mewn cysylltiad â'r pwyllgor hwnnw a benderfynir gan y corff llywodraethu o bryd i'w gilydd.

Hawl personau i fod yn bresennol yng nghyfarfodydd pwyllgorau

71.—(1) Yn ddarostyngedig i baragraffau (2) a (3) ac Atodlen 10 i'r Rheoliadau hyn bydd gan y canlynol yr hawl i fod yn bresennol mewn unrhyw gyfarfod o bwyllgor—

- (a) unrhyw aelod o'r pwyllgor, ar yr amod nad yw'r person hwnnw yn llywodraethwr a ataliwyd yn unol â rheoliad 61;
- (b) pennaeth y ffederasiwn neu (os nad oes pennaeth i'r ffederasiwn) ysgol ffederal (p'un a yw'r person hwnnw yn aelod o'r pwyllgor ai peidio);
- (c) clerc y pwyllgor; ac
- (d) pa bersonau eraill bynnag y bo'r corff llywodraethu neu'r pwyllgor yn penderfynu yn eu cylch.

(2) Caiff pwyllgor wahardd aelod nad yw'n llywodraethwr o unrhyw ran o'i gyfarfod y mae gan y person hwnnw hawl fel arall i fod yn bresennol ynddo, pan fo'r busnes o dan ystyriaeth yn ymwneud ag aelod unigol o'r staff neu â disgybl.

(3) Nid yw paragraff (1)(b) yn gymwys mewn perthynas â'r pwyllgorau y cyfeirir atynt yn rheoliadau 67 ac 68 nac mewn perthynas ag unrhyw bwyllgor neu banel dethol sy'n arfer unrhyw swyddogaeth o dan y Rheoliadau Staffio (fel y'u haddaswyd gan Atodlen 8).

(2) Neither the head teacher of the federation or of a federated school nor an associate pupil governor may be appointed as a clerk under paragraph (1).

(3) Notwithstanding paragraph (1), the committee may, if the clerk fails to attend a meeting of theirs, appoint any one of their number (who is not the head teacher of the federation or of a federated school) to act as clerk for the purposes of that meeting.

(4) The governing body may remove any clerk appointed to any of their committees from office at any time.

(5) A clerk appointed to a committee of the governing body must—

- (a) convene meetings of the committee;
- (b) attend meetings of the committee and ensure that minutes of the proceedings are drawn up; and
- (c) perform such other functions with respect to that committee as may be determined by the governing body from time to time.

Right of persons to attend meetings of committees

71.—(1) Subject to paragraphs (2) and (3) and Schedule 10 to these Regulations the following persons are entitled to attend any meeting of a committee—

- (a) any member of the committee, provided that person is not a governor who has been suspended in accordance with regulation 61;
- (b) the head teacher of the federation or (if there is no head teacher of the federation) of a federated school (whether or not that person is a member of the committee);
- (c) the clerk to the committee; and
- (d) such other persons as the governing body or the committee may determine.

(2) A committee may exclude a member who is not a governor from any part of its meeting which that person is otherwise entitled to attend when the business under consideration concerns an individual member of staff or pupil.

(3) Paragraph (1)(b) does not apply in relation to the committees referred to in regulations 67 and 68 or in relation to any committee or selection panel exercising any function under the Staffing Regulations (as modified by Schedule 8).

Cyfarfodydd pwyllgorau

72.—(1) Yn ddarostyngedig i baragraff (2) rhaid i gyfarfodydd pwyllgor gael eu cynnull gan glerc y pwyllgor hwnnw ac mae'n rhaid iddo, wrth arfer y swyddogaeth honno, gydymffurfio ag unrhyw gyfarwyddyd a roddir gan—

- (a) y corff llywodraethu;
- (b) cadeirydd y pwyllgor hwnnw, i'r graddau nad yw unrhyw gyfarwyddyd o'r fath yn anghyson ag unrhyw gyfarwyddyd a roddir o dan is-baragraff (a).

(2) Oni phenodwyd clerc, rhaid i'r cadeirydd gynnull cyfarfodydd pwyllgorau ac mae'n rhaid iddo, wrth arfer y swyddogaeth hon, gydymffurfio ag unrhyw gyfarwyddyd a roddir gan y corff llywodraethu.

(3) Yn ddarostyngedig i unrhyw gyfarwyddyd a roddir yn unol â pharagraffau (1) neu (2), rhaid i'r clerc roi, o leiaf bum niwrnod gwaith clir ymlaen llaw, i bob aelod o'r pwyllgor ac i bennaeth y ffederasiwn neu ysgol ffederal (p'un a yw'r person hwnnw yn aelod o'r pwyllgor ai peidio)—

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

ond bydd yn ddigon, pan fo cadeirydd y pwyllgor yn penderfynu hynny ar y sail bod materion sy'n galw am sylw brys, i'r hysbysiad ysgrifenedig am y cyfarfod nodi'r ffaith honno ac i'r hysbysiad, yr agenda, a'r adroddiadau neu'r papurau eraill sydd i'w hystyried yn y cyfarfod gael eu rhoi o fewn cyfnod byrrach yn ôl cyfarwyddyd neu benderfyniad y person hwnnw (yn ôl y digwydd).

(4) Nid annylsyr trafodion pwyllgor gan—

- (a) unrhyw le gwag ymhlith ei aelodau; na
- (b) unrhyw ddiffyg wrth benodi unrhyw aelod o'r pwyllgor.

(5) Yn ddarostyngedig i reoliadau 67(6), 68(3) a 69(4), y cworwm ar gyfer cyfarfod o bwyllgor ac ar gyfer unrhyw bleidlais ar unrhyw fater mewn cyfarfod o'r fath yw hanner (wedi ei dalgrynnu i fyny i rif cyfan) aelodaeth y pwyllgor heb gynnwys unrhyw leoedd gwag nac unrhyw ddisgybl-lywodraethwyr cyswllt.

(6) Yn ddarostyngedig i baragraff (8), ni chaniateir cymryd pleidlais ar unrhyw fater mewn cyfarfod o bwyllgor oni fo mwyafrif aelodau'r pwyllgor sy'n bresennol yn llywodraethwyr, heb gynnwys unrhyw ddisgybl-lywodraethwyr cyswllt.

(7) Rhaid i bob cwestiwn sydd i'w benderfynu mewn cyfarfod o bwyllgor gael ei ddyfarnu drwy fwyafrif o bleidleisiau aelodau'r pwyllgor sy'n bresennol ac yn pleidleisio ar y cwestiwn.

Meetings of committees

72.—(1) Subject to paragraph (2) meetings of a committee must be convened by the clerk to that committee who, when exercising this function, must comply with any direction given by—

- (a) the governing body;
- (b) the chair of that 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, committee meetings must be convened by the chair who, when exercising this function, must comply with any direction given by the governing body.

(3) Subject to any direction given in accordance with paragraphs (1) or (2), at least five clear working days in advance the clerk must give to each member of the committee and to the head teacher of the federation or of a federated school (whether or not that person is a member of the 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 committee so determines on the ground that there are matters demanding urgent consideration, it is 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 that person directs or decides (as the case may be).

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

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

(5) Subject to regulations 67(6), 68(3) and 69(4), the quorum for a meeting of a 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 committee excluding any vacancies and any associate pupil governors.

(6) Subject to paragraph (8) no vote on any matter may be taken at a meeting of a committee unless the majority of members of the committee present are governors excluding associate pupil governors.

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

(8) Pan fo'r pleidleisiau wedi eu rhannu'n gyfartal bydd gan y person sy'n gweithredu fel cadeirydd at ddibenion y cyfarfod ail bleidlais neu bleidlais fwrw, ar yr amod bod y cyfryw berson yn llywodraethwr, heb gynnwys unrhyw ddisgybl-lywodraethwyr cyswllt.

Cofnodion cyfarfodydd pwyllgorau

73.—(1) Rhaid llunio cofnodion o'r trafodion mewn cyfarfod o bwyllgor, gan glerc y pwyllgor neu gan y person sy'n gweithredu fel clerc at ddibenion y cyfarfod; a rhaid eu llofnodi (yn ddarostyngedig i'w cymeradwyo gan y pwyllgor) gan gadeirydd y cyfarfod nesaf o'r pwyllgor.

(2) Rhaid i unrhyw bwyllgor corff llywodraethu ddarparu copi i'w awdurdod lleol o gofnodion drafft neu gofnodion llofnodedig unrhyw un o'i gyfarfodydd, os gwneir cais am gopi gan yr awdurdod lleol hwnnw.

Cyhoeddi cofnodion a phapurau

74.—(1) Yn ddarostyngedig i baragraff (2), rhaid i'r pwyllgor, cyn gynted ag y bo'n rhesymol ymarferol, roi copïau o'r canlynol ar gael i'w harchwilio gan unrhyw un â diddordeb, ym mhob un o'r ysgolion ffederal sy'n ffurfio rhan o'r ffederasiwn—

- (a) yr agenda ar gyfer pob cyfarfod o'r pwyllgor;
- (b) cofnodion llofnodedig pob cyfarfod o'r fath; ac
- (c) unrhyw adroddiad neu bapur arall a ystyriwyd mewn unrhyw gyfarfod o'r fath.

(2) Caiff y pwyllgor dynnu allan o unrhyw eitem y mae'n ofynnol ei rhoi ar gael yn unol â pharagraff (1) unrhyw ddeunydd yn ymwneud ag—

- (a) person a enwir sy'n gweithio, neu y bwriedir y dylai weithio, yn y ffederasiwn neu ysgol ffederal;
- (b) disgybl a enwir, neu ymgeisydd am le, yn y ffederasiwn;
- (c) unrhyw fater arall y bodlonir y pwyllgor y dylai, oherwydd ei natur, barhau yn gyfrinachol.

(8) 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 such person is a governor excluding associate pupil governors.

Minutes of meetings of committees

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

(2) Any committee of the governing body must supply their local authority with a copy of the draft or signed minutes of any meeting of theirs on request by that local authority.

Publication of minutes and papers

74.—(1) Subject to paragraph (2) the committee must, as soon as reasonably practicable, make available for inspection at each of the federated schools forming part of the federation by any interested person a copy of—

- (a) the agenda for every committee meeting;
- (b) the signed minutes of every such meeting; and
- (c) any report or other paper considered at any such meeting.

(2) The committee may exclude from any item required to be made available in pursuance of paragraph (1) any material relating to—

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

RHAN 10

CYFYNGIADAU AR BERSONAU RHAG CYMRYD RHAN YN NHRAFODION Y CORFF LLYWODRAETHU NEU EI BWYLLGORAU

Cyfyngiadau ar bersonau rhag cymryd rhan mewn trafodion

75.—(1) Yn y rheoliad hwn ac yn Atodlen 10—

- (a) ystyr “person perthnasol” (“*relevant person*”) yw llywodraethwr, aelod o bwyllgor nad yw'n llywodraethwr, pennaeth y ffederasiwn neu ysgol ffederal (p'un a yw'r person hwnnw yn llywodraethwr ai peidio) neu unrhyw berson a benodir yn glerc y corff llywodraethu neu bwyllgor; a
- (b) mae unrhyw gyfeiriad at “cyfarfod o'r ffederasiwn neu ysgol ffederal” (“*meeting of the federation or a federated school*”) yn gyfeiriad at gyfarfod o'r corff llywodraethu neu o bwyllgor, gan gynnwys panel dethol a sefydlwyd o dan y Rheoliadau Staffio (fel y'u haddaswyd gan Atodlen 8).

(2) Yn ddarostyngedig i baragraff (4)—

- (a) pan fo gwrthdaro yn bosibl, mewn perthynas ag unrhyw fater, rhwng buddiannau person perthnasol a buddiannau'r corff llywodraethu;
- (b) pan fo gwrandawriad teg yn ofynnol ac unrhyw amheuaeth resymol ynghylch gallu person perthnasol i weithredu'n ddiuedd mewn perthynas ag unrhyw fater; neu
- (c) pan fo gan berson perthnasol fuddiant ariannol mewn unrhyw fater;

rhaid i'r person hwnnw, os yw'n bresennol mewn cyfarfod o'r ffederasiwn neu ysgol ffederal lle mae'r mater yn cael ei ystyried, ddatgelu'r buddiant sydd gan y person hwnnw, mynd allan o'r cyfarfod a pheidio â phleidleisio ar y mater o dan sylw.

(3) Ni ddylid dehongli dim yn y rheoliad hwn nac yn Atodlen 10 fel pe bai'n atal—

- (a) y corff llywodraethu, neu bwyllgor, rhag—
 - (i) caniatáu i berson sydd yn ei dyb ef yn gallu rhoi tystiolaeth fod yn bresennol mewn unrhyw wrandawriad a gynhelir ganddo ar unrhyw fater a chyflwyno tystiolaeth y person hwnnw; neu
 - (ii) clywed sylwadau gan berson perthnasol sy'n gweithredu mewn swyddogaeth ar wahân i swyddogaeth person perthnasol; neu

PART 10

RESTRICTIONS ON PERSONS TAKING PART IN PROCEEDINGS OF THE GOVERNING BODY OR ITS COMMITTEES

Restrictions on persons taking part in proceedings

75.—(1) In this regulation and in Schedule 10—

- (a) “relevant person” (“*person perthnasol*”) means a governor, a member of a committee who is not a governor, the head teacher of the federation or of a federated school (whether or not that person is a governor) or any person appointed as clerk to the governing body or to a committee; and
- (b) any reference to “meeting of the federation or a federated school” (“*cyfarfod o'r ffederasiwn neu ysgol ffederal*”) is a reference to a meeting of the governing body or of a committee, including a selection panel established under the Staffing Regulations (as modified by Schedule 8).

(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 the governing 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 federation or a federated school at which the matter is the subject of consideration, must disclose that person's interest, withdraw from the meeting and not vote on the matter in question.

(3) Nothing in this regulation or in Schedule 10 is to be construed as precluding—

- (a) the governing body, or a committee, from—
 - (i) allowing a person who appears to it to be able to give evidence to attend any hearing conducted by it into any matter and to present that person's evidence; or
 - (ii) hearing representations from a relevant person acting in a capacity other than that of a relevant person; or

(b) person perthnasol rhag ymrwymo i gontract â'r corff llywodraethu y mae gan y person hwnnw hawl i elwa oddi wrtho.

(4) Ni fydd yn ofynnol i berson sy'n gweithredu fel clerck i gyfarfod o'r ffederasiwn neu ysgol ffederal fynd allan o gyfarfod yn rhinwedd y rheoliad hwn nac Atodlen 10 oni fo penodiad y person hwnnw i swydd, tâl y person hwnnw neu achos disgyblu yn erbyn y person hwnnw o dan ystyriaeth, ond pe bai'r rheoliad hwn neu Atodlen 10 fel arall wedi ei gwneud yn ofynnol i'r person hwnnw fynd allan, ni chaiff y person hwnnw weithredu mewn unrhyw swyddogaeth ac eithrio swyddogaeth clerck.

(5) Os oes unrhyw anghydfod ynghylch a yw'n ofynnol i berson perthnasol yn rhinwedd y rheoliad hwn, neu Atodlen 10, fynd allan o gyfarfod o'r ffederasiwn neu ysgol ffederal a pheidio â phleidleisio, mae'r cwstiwn hwnnw i'w benderfynu gan y llywodraethwyr eraill sy'n bresennol yn y cyfarfod.

(6) Mae Atodlen 10 yn gwneud darpariaeth ynghylch buddiannau ariannol a mathau penodedig eraill o wrthdaro rhwng buddiannau.

(b) a relevant person from entering into a contract with the governing body from which that person is entitled to profit.

(4) A person who is acting as the clerk to a meeting of the federation or a federated school is not required to withdraw from a meeting by this regulation or Schedule 10 unless that person's appointment to office, that person's remuneration, or disciplinary action against that person is the subject of consideration, but if this regulation or Schedule 10 would have otherwise required that person to withdraw, that person may not act in any capacity other than that of a clerk.

(5) Where there is any dispute as to whether a relevant person is required by this regulation, or by Schedule 10 to withdraw from a meeting of the federation or a federated school and not vote, that question is to be determined by the other governors present at the meeting.

(6) Schedule 10 makes provision about pecuniary interests and other specified conflicts of interest.

RHAN 11

GWYBODAETH A CHYLLIDO

Gwybodaeth ar gyfer corff llywodraethu ffederasiwn

76.—(1) Yn union cyn y dyddiad ffedereiddio, rhaid i gorff llywodraethu ysgol sydd i ddod yn ysgol ffederal, at y diben o gynorthwyo corff llywodraethu'r ffederasiwn, baratoi adroddiad ysgrifenedig ar y camau a gymerwyd ganddo wrth gyflawni ei swyddogaethau mewn perthynas â'r ysgol.

(2) Ar y dyddiad ffedereiddio, rhaid i holl gofnodion a phapurau corff llywodraethu ysgol sydd i ddod yn ysgol ffederal, gan gynnwys yr adroddiad a baratowyd o dan baragraff (1), gael eu rhoi ar gael i gorff llywodraethu'r ffederasiwn.

Ariannu ffederasiwnau

77. Ac eithrio fel a ddarperir gan reoliad 78, mae Pennod 4 o Ran 2 o Ddeddf 1998 (*ariannu ysgolion a gynhelir*) yn gymwys i ysgolion ffederal a'u cyrff llywodraethu fel y mae'n gymwys i ysgolion eraill a gynhelir ac i'w cyrff llywodraethu.

PART 11

INFORMATION AND FUNDING

Information for the governing body of a federation

76.—(1) Immediately before the federation date, the governing body of a school which is to become a federated school must prepare, for the purpose of assisting the governing body of the federation, a written report on the action which it has taken in the discharge of its functions relating to the school.

(2) All minutes and papers of a governing body of a school which is to become a federated school on the federation date, including the report prepared under paragraph (1), is to be made available to the governing body of the federation.

Financing of federations

77. Except as provided by regulation 78, Chapter 4 of Part 2 of the 1998 Act (*financing of maintained schools*) applies to federated schools and their governing bodies as it applies to other maintained schools and their governing bodies.

Addasu Pennod 4 o Ran 2 o Ddeddf 1998

78.—(1) Wrth ei chymhwyso i ysgol ffederal yng Nghymru, ac eithrio ysgol ffederal y sefydlwyd corff llywodraethu dros dro ar ei chyfer yn unol â rheoliad 81 neu 88, bydd adran 50(1) o Ddeddf 1998 (*effaith dirprwyo ariannol*) yn cael effaith yn ddarostyngedig i'r addasiadau canlynol.

(2) Yn is-adran (1), yn lle “maintained” rhodder “federated”.

(3) Yn is-adran (2) yn lle “any amounts are made available by the authority to the governing body” rhodder “any amounts in respect of a federated school are made available by the local authority to the governing body of a federation”.

(4) Yn is-adran (3)—

(a) yn lle “the governing body may spend any such amounts” rhodder “the governing body of a federation may spend any amounts made available under subsection (2), or previously made available to the governing bodies of the federated schools before federation”; a

(b) yn lle paragraff (a) rhodder—

“(a) for any purposes of the federated school to which the amounts relate;

(ab) for any purposes of any other federated school within the federation;

(ac) for any purposes of the federation; or”.

(5) Yn is-adran (4), yn lle ““purposes of the school” in subsection (3) does not include” rhodder “any reference to the purposes of a federated school or a federation in subsection 3(a), (ab) and (ac) does not include”.

(6) Yn is-adran (6), yn lle “the head teacher” rhodder “the head teacher of the federation or to the head teachers of federated schools”.

(7) Yn is-adran (7), yn lle “school” rhodder “federation”.

Modification of Chapter 4 of Part 2 of the 1998 Act

78.—(1) In its application to a federated school in Wales, other than one for which a temporary governing body is established pursuant to regulation 81 or 88, section 50(1) of the 1998 Act (*effect of financial delegation*) is to have effect subject to the following modifications.

(2) In subsection (1), for “maintained” substitute “federated”.

(3) In subsection (2) for “any amounts are made available by the authority to the governing body” substitute “any amounts in respect of a federated school are made available by the local authority to the governing body of a federation”.

(4) In subsection (3)—

(a) for “the governing body may spend any such amounts” substitute “the governing body of a federation may spend any amounts made available under subsection (2), or previously made available to the governing bodies of the federated schools before federation”; and

(b) for paragraph (a) substitute—

“(a) for any purposes of the federated school to which the amounts relate;

(ab) for any purposes of any other federated school within the federation;

(ac) for any purposes of the federation; or”.

(5) In subsection (4) for ““purposes of the school” in subsection (3) does not include” substitute “any reference to the purposes of a federated school or a federation in subsection 3(a), (ab) and (ac) does not include”.

(6) In subsection (6), for “the head teacher” substitute “the head teacher of the federation or to the head teachers of federated schools”.

(7) In subsection (7), for “school” substitute “federation”.

(1) Diwygiwyd is-adran (1) gan adran 40 o Ddeddf 2002 ac Atodlen 3 i'r Ddeddf honno. Mewnosodwyd is-adran (4)(za) gan adran 40 o Ddeddf 2002 ac Atodlen 3 i'r Ddeddf honno. Diwygiwyd is-adran (5) gan baragraff 10 o Atodlen 21 i Ddeddf 2002. Diwygiwyd is-adran (1) ymhellach gan adran 117 o Ddeddf Addysg 2005 (p.18), ac Atodlen 18 i'r Ddeddf honno.

(1) Subsection (1) was amended by section 40 of, and Schedule 3 to, the 2002 Act. Subsection (4)(za) was inserted by section 40 of, and Schedule 3 to, the 2002 Act. Subsection (5) was amended by paragraph 10 of Schedule 21 to the 2002 Act. Subsection (1) was further amended by section 117 of, and Schedule 18 to, the Education Act 2005 (c.18).

RHAN 12

YSGOLION FFEDERAL SY'N GADAEL FFEDERASIYNAU

Y weithdrefn i ysgol adael ffederasiwn nad yw'n un awdurdod lleol

79.—(1) Mae'r rheoliad hwn yn gymwys i gais a wneir i gorff llywodraethu ffederasiwn am i ysgol ffederal (“yr ysgol berthnasol”) adael y ffederasiwn pan nad yw'r ysgol berthnasol yn rhan o ffederasiwn awdurdod lleol.

(2) Ni chaniateir gwneud cais os yw'r ysgol berthnasol yn destun ymyriad gan awdurdod lleol neu Weinidogion Cymru o dan Bennod 1 o Ran 2 o Ddeddf 2013 oni bai bod yr awdurdod lleol neu Weinidogion Cymru (yn ôl y digwydd) yn cytuno y caniateir gwneud y cais.

(3) Rhaid gwneud y cais mewn ysgrifen a rhaid ei lofnodi gan—

- (a) dau neu ragor o lywodraethwyr;
- (b) un rhan o bump o rieni'r disgyblion cofrestredig yn yr ysgol berthnasol;
- (c) dwy ran o bump o'r staff y telir iddynt am weithio yn yr ysgol berthnasol;
- (d) yr awdurdod lleol;
- (e) ymddiriedolwyr yr ysgol berthnasol; neu
- (f) corff sydd â'r hawl i benodi llywodraethwyr sefydledig i gorff llywodraethu'r ffederasiwn.

(4) Rhaid i gorff llywodraethu'r ffederasiwn hysbysu'r canlynol am y cais—

- (a) pob awdurdod lleol perthnasol;
- (b) pennaeth y ffederasiwn neu (os nad oes pennaeth i'r ffederasiwn) penaethiaid pob un o'r ysgolion ffederal;
- (c) pan fo'r ysgol berthnasol yn ysgol sefydledig neu wirfoddol sydd â sefydliad crefyddol, unrhyw ymddiriedolwyr ymddiriedolaeth sy'n ymwneud â'r ysgol berthnasol ac, yn achos un o ysgolion yr Eglwys yng Nghymru neu'r Eglwys Gatholig Rufeinig, yr awdurdod esgobaethol priodol, neu'r corff crefyddol priodol yn achos pob ysgol arall o'r fath;
- (d) corff sydd â'r hawl i benodi llywodraethwyr sefydledig i gorff llywodraethu'r ffederasiwn;
- (e) ymddiriedolwyr ymddiriedolaeth unrhyw ysgol ffederal y ffederasiwn;
- (f) yr holl staff y telir iddynt am weithio yn yr ysgol berthnasol;
- (g) pob person y gŵyr ei fod yn rhiant disgybl cofrestredig yn yr ysgol berthnasol;

PART 12

FEDERATED SCHOOLS LEAVING FEDERATIONS

Procedure for a school to leave a non local authority federation

79.—(1) This regulation applies to a request made to a governing body of a federation for a federated school (“the relevant school”) to leave the federation where the relevant school does not form part of a local authority federation.

(2) A request may not be made if the relevant school is subject to an intervention by a local authority or the Welsh Ministers under Chapter 1 of Part 2 of the 2013 Act unless the local authority or the Welsh Ministers (as the case may be) agree to the request being made.

(3) The request must be made in writing and signed by—

- (a) two or more governors;
- (b) one fifth of the parents of registered pupils at the relevant school;
- (c) two fifths of staff who are paid to work at the relevant school;
- (d) the local authority;
- (e) the trustees of the relevant school; or
- (f) a body entitled to appoint foundation governors to the governing body of the federation.

(4) The governing body of the federation must give notice of the request to—

- (a) all relevant local authorities;
- (b) the head teacher of the federation or (if there is no head teacher of the federation) the head teacher of each federated school;
- (c) where the relevant school is a foundation or voluntary school with a religious foundation, any trustees of a trust relating to the relevant school and, in the case of a Church in Wales or Roman Catholic Church school, the appropriate diocesan authority, or the appropriate religious body in the case of all other such schools;
- (d) a body entitled to appoint foundation governors to the governing body of the federation;
- (e) the trustees of a trust of any federated school of the federation;
- (f) all staff paid to work at the relevant school;
- (g) every person known by it to be a parent of a registered pupil at the relevant school;

- (h) pob undeb llafur y gŵyr fod ganddo aelodau sy'n cael eu cyflogi i weithio mewn unrhyw un o'r ysgolion; ac
- (i) pa bersonau eraill bynnag a ystyrir yn briodol gan gorff llywodraethu'r ffederasiwn.

(5) Rhaid i'r hysbysiad o dan baragraff (4) gael ei roi o fewn y cyfnod o bum niwrnod gwaith clir sy'n dechrau ar y dyddiad y cafwyd y cais.

(6) Ystyrir bod corff llywodraethu ffederasiwn wedi cael cais o dan baragraff (1) os rhoddwyd neu anfonwyd y cais at gadeirydd neu glerc corff llywodraethu'r ffederasiwn.

(7) Ymhen dim llai na phedwar diwrnod ar ddeg clir wedi i gorff llywodraethu ffederasiwn roi hysbysiad o'r cais yn unol â pharagraff (4), rhaid i'r corff llywodraethu ystyried y cais a'r holl ymatebion a gafwyd gan y personau yr anfonwyd hysbysiad o'r cais atynt, a rhaid iddo benderfynu—

- (a) yn ddarostyngedig i baragraff (10), a ddylai'r ysgol berthnasol adael y ffederasiwn, ac os felly, ar ba ddyddiad y dylai wneud hynny (“y dyddiad dadffedereiddio”) (“*the de-federation date*”);
- (b) a ddylid diddymu'r ffederasiwn ac, os felly, ar ba ddyddiad; neu
- (c) a ddylai'r ysgol berthnasol beidio â gadael y ffederasiwn.

(8) Nid yw penderfyniad o'r fath yn cael effaith onid yw'r mater wedi ei bennu fel eitem o fusnes ar yr agenda ar gyfer y cyfarfod, ac oni roddwyd hysbysiad o'r cyfarfod yn unol â rheoliad 57(4).

(9) Rhaid i gorff llywodraethu ffederasiwn roi hysbysiad ysgrifenedig o'i benderfyniad o dan baragraff (7) o fewn pum niwrnod gwaith clir i'r personau hynny y cyfeirir atynt ym mharagraff (4).

(10) Rhaid i'r dyddiad dadffedereiddio a bennir gan y corff llywodraethu beidio â bod yn gynharach na 125 o ddiwrnodau ar ôl y diwrnod y rhoddir hysbysiad o benderfyniad y corff llywodraethu o dan baragraff (9).

Y weithdrefn i ysgol adael ffederasiwn awdurdod lleol

80.—(1) Mae'r rheoliad hwn yn gymwys i gais a wneir i'r awdurdod lleol cynnal am i ysgol ffederal (“yr ysgol berthnasol”) adael y ffederasiwn awdurdod lleol.

(2) Ni chaniateir gwneud cais os yw'r ysgol berthnasol yn destun ymyriad gan awdurdod lleol neu Weinidogion Cymru ym Mhennod 1 o Ran 2 o Ddeddf 2013 oni bai bod yr awdurdod lleol neu Weinidogion Cymru (yn ôl y digwydd) yn cytuno y caniateir gwneud y cais.

- (h) every trade union known by it to have members paid to work at any of the schools; and
- (i) such other persons as the governing body of the federation considers appropriate.

(5) Notice under paragraph (4) must be given within the period of five clear working days beginning with the date on which the request was received.

(6) A request under paragraph (1) is to be taken to have been received by a governing body of a federation if given or sent to the chair or to the clerk of the governing body of a federation.

(7) Not less than fourteen clear working days after the governing body of a federation has given notice of the request in accordance with paragraph (4), the governing body must consider the request and all responses received from the persons to whom notification of the request was sent and must decide whether—

- (a) subject to paragraph (10), the relevant school should leave the federation and, if so, on what date it should do so (“the de-federation date”) (“*y dyddiad dadffedereiddio*”);
- (b) the federation should be dissolved, and if so, on what date; or
- (c) the relevant school should not leave the federation.

(8) Such a decision does not have effect unless the matter is specified as an item of business on the agenda for the meeting of which notice has been given in accordance with regulation 57(4).

(9) The governing body of a federation must give notice in writing of its decision under paragraph (7) within five clear working days to those persons referred to in paragraph (4).

(10) The de-federation date specified by the governing body must be not less than 125 days after the day on which notice of the governing body decision under paragraph (9) was given.

Procedure for a school to leave a local authority federation

80.—(1) This regulation applies to a request made to the maintaining local authority for a federated school (“the relevant school”) to leave the local authority federation.

(2) A request may not be made if the relevant school is subject to an intervention by a local authority or the Welsh Ministers in Chapter 1 of Part 2 of the 2013 Act unless the local authority or the Welsh Ministers (as the case may be) agree to the request being made.

(3) Rhaid gwneud y cais mewn ysgrifen a rhaid ei lofnodi gan—

- (a) dau neu ragor o lywodraethwyr;
- (b) un rhan o bump o rieni'r disgyblion cofrestredig yn yr ysgol berthnasol;
- (c) dwy ran o bump o'r staff y telir iddynt am weithio yn yr ysgol berthnasol;
- (d) yr awdurdod lleol;
- (e) ymddiriedolwyr yr ysgol berthnasol; neu
- (f) corff sydd â'r hawl i benodi llywodraethwyr sefydledig i gorff llywodraethu'r ffederasiwn.

(4) Rhaid i'r awdurdod lleol sy'n cynnal yr ysgol berthnasol hysbysu'r canlynol am y cais—

- (a) pob awdurdod lleol perthnasol;
- (b) pennaeth y ffederasiwn neu (os nad oes pennaeth i'r ffederasiwn) penaethiaid pob un o'r ysgolion ffederal;
- (c) pan fo'r ysgol berthnasol yn ysgol sefydledig neu wirfoddol sydd â sefydliad crefyddol, unrhyw ymddiriedolwyr ymddiriedolaeth sy'n ymwneud â'r ysgol berthnasol ac, yn achos un o ysgolion yr Eglwys yng Nghymru neu'r Eglwys Gatholig Rufeinig, yr awdurdod esgobaethol priodol, neu'r corff crefyddol priodol yn achos pob ysgol arall o'r fath;
- (d) corff sydd â'r hawl i benodi llywodraethwyr sefydledig i gorff llywodraethu'r ffederasiwn;
- (e) ymddiriedolwyr ymddiriedolaeth unrhyw ysgol ffederal y ffederasiwn;
- (f) yr holl staff y telir iddynt am weithio yn yr ysgol berthnasol;
- (g) pob person y gŵyr ei fod yn rhiant disgybl cofrestredig yn yr ysgol berthnasol;
- (h) pob undeb llafur y gŵyr fod ganddo aelodau sy'n cael eu cyflogi i weithio mewn unrhyw un o'r ysgolion; ac
- (i) pa bersonau eraill bynnag a ystyrir yn briodol gan yr awdurdod lleol.

(5) Rhaid i'r hysbysiad o dan baragraff (4) gael ei roi o fewn y cyfnod o bum niwrnod gwaith clir sy'n dechrau ar y dyddiad y cafwyd y cais.

(6) Ystyrir bod yr awdurdod lleol wedi cael cais o dan baragraff (1) os rhoddwyd neu anfonwyd y cais at y prif swyddog addysg(1).

(7) Ymhen dim llai na 14 o ddiwrnodau gwaith clir wedi i'r awdurdod lleol roi hysbysiad o'r cais yn unol â pharagraff (4), rhaid i'r awdurdod lleol ystyried y cais a'r holl ymatebion a gafwyd gan y personau yr

(3) The request must be made in writing and signed by—

- (a) two or more governors;
- (b) one fifth of the parents of registered pupils at the relevant school;
- (c) two fifths of staff who are paid to work at the relevant school;
- (d) the local authority;
- (e) the trustees of the relevant school; or
- (f) a body entitled to appoint foundation governors to the governing body of the federation.

(4) The maintaining local authority of the relevant school must give notice of the request to—

- (a) all relevant local authorities;
- (b) the head teacher of the federation or (if there is no head teacher of the federation) the head teacher of each federated school;
- (c) where the relevant school is a foundation or voluntary school with a religious foundation, any trustees of a trust relating to the relevant school and, in the case of a Church in Wales or Roman Catholic Church school, the appropriate diocesan authority, or the appropriate religious body in the case of all other such schools;
- (d) a body entitled to appoint foundation governors to the governing body of the federation;
- (e) the trustees of a trust of any federated school of the federation;
- (f) all staff paid to work at the relevant school;
- (g) every person known by them to be a parent of a registered pupil at the relevant school;
- (h) every trade union known by them to have members paid to work at any of the schools; and
- (i) such other persons as the local authority consider appropriate.

(5) Notice under paragraph (4) must be given within the period of five clear working days beginning with the date on which the request was received.

(6) A request under paragraph (1) is to be taken to have been received by the local authority if given or sent to the chief education officer(1).

(7) Not less than fourteen clear working days after the local authority has given notice of the request in accordance with paragraph (4), the local authority must consider the request and all responses received

(1) O fewn ystyr adran 532 o Ddeddf 1996.

(1) Within the meaning of section 532 of the 1996 Act.

anfonwyd hysbysiad o'r cais atynt, a rhaid iddo benderfynu—

- (a) yn ddarostyngedig i baragraff (9), a ddylai'r ysgol berthnasol adael y ffederasiwn, ac os felly, ar ba ddyddiad y dylai wneud hynny (“y dyddiad dadffedereiddio”) (“*the de-federation date*”);
- (b) a ddylid diddymu'r ffederasiwn ac, os felly, ar ba ddyddiad; neu
- (c) a ddylai'r ysgol berthnasol beidio â gadael y ffederasiwn.

(8) Rhaid i'r awdurdod lleol roi hysbysiad ysgrifenedig o'i benderfyniad o dan baragraff (7) o fewn pum niwrnod gwaith clir i'r personau hynny y cyfeirir atynt ym mharagraff (4).

(9) Rhaid i'r dyddiad dadffedereiddio a bennir gan y corff llywodraethu beidio â bod yn gynharach na 125 o ddiwrnodau ar ôl y diwrnod y rhoddwyd hysbysiad o benderfyniad y corff llywodraethu o dan baragraff (8).

Penderfyniad i ganiatáu i ysgol ffederal adael ffederasiwn

81.—(1) Wedi i hysbysiad gael ei roi bod corff llywodraethu ffederasiwn neu'r awdurdod lleol wedi penderfynu y dylai ysgol ffederal adael y ffederasiwn, bydd paragraffau (2) neu (3) yn gymwys.

(2) Pan fo un o'r unig ddwy ysgol ffederal yn gadael ffederasiwn, rhaid diddymu'r ffederasiwn yn unol â Rhan 13.

(3) Pan nad yw paragraff (2) yn gymwys,

- (a) rhaid i'r awdurdod lleol—
 - (i) sefydlu corff llywodraethu dros dro mewn cysylltiad â'r ysgol sy'n gadael y ffederasiwn yn unol â Rhannau 3 a 4 o'r Rheoliadau Ysgolion a Gynhelir Newydd; a
 - (ii) dyroddi offeryn llywodraethu newydd i'r ysgol honno yn unol â Rhan 5 o'r Rheoliadau Llywodraethu Ysgolion a Gynhelir;
- (b) rhaid i gorff llywodraethu'r ffederasiwn adolygu offeryn llywodraethu'r ffederasiwn yn unol â rheoliad 45.

(4) At ddibenion paragraff (3)(a)(ii)—

- (a) trinnir y cyfeiriad yn rheoliad 33 o'r Rheoliadau Llywodraethu Ysgolion a Gynhelir at “gyrff llywodraethu” fel pe bai'n gyfeiriad at “gyrff llywodraethu dros dro”; a
- (b) trinnir y cyfeiriadau yn rheoliad 34 o'r Rheoliadau Llywodraethu Ysgolion a Gynhelir at—

from the persons to whom notification of the request was sent and must decide whether—

- (a) subject to paragraph (9), the relevant school should leave the federation and, if so, on what date it should do so (“the de-federation date”) (“*y dyddiad dadffedereiddio*”);
- (b) the federation should be dissolved, and if so, on what date; or
- (c) the relevant school should not leave the federation.

(8) The local authority must give notice in writing of its decision under paragraph (7) within five clear working days to those persons referred to in paragraph (4).

(9) The de-federation date specified by the governing body must be not less than 125 days after the day on which notice of the governing body decision under paragraph (8) was given.

Decision to permit federated school to leave a federation

81.—(1) Upon notification that a governing body of a federation has resolved or that the local authority has decided that a federated school should leave a federation paragraphs (2) or (3) are to apply.

(2) Where one of only two federated schools is to leave a federation, the federation is to be dissolved in accordance with Part 13.

(3) Where paragraph (2) does not apply,

- (a) the local authority must—
 - (i) establish a temporary governing body in respect of the school leaving the federation in accordance with Parts 3 and 4 of the New Maintained Schools Regulations; and
 - (ii) issue a new instrument of government for that school in accordance with Part 5 of the Government of Maintained Schools Regulations;
- (b) the governing body of the federation must review the instrument of government of the federation in accordance with regulation 45.

(4) For the purpose of paragraph (3)(a)(ii)—

- (a) the reference in regulation 33 of the Government of Maintained Schools Regulations to “governing bodies” is treated as a reference to “temporary governing bodies”; and
- (b) references in regulation 34 of the Government of Maintained Schools Regulations to—

- (i) “corff llywodraethu” fel pe baent yn gyfeiriadau at “corff llywodraethu dros dro”; a
- (ii) “llywodraethwyr sefydledig” fel pe baent yn gyfeiriadau at “llywodraethwyr sefydledig dros dro”.

- (i) “governing body” are treated as references to “temporary governing body”; and
- (ii) “foundation governors” are treated as references to “temporary foundation governors”.

Argaeledd symiau sy’n cynrychioli cyfran o gyllideb

82. Yn ddarostyngedig i unrhyw ddarpariaeth a wneir gan, neu o dan, gynllun a wnaed o dan adran 48(1) o Ddeddf 1998, caiff corff llywodraethu dros dro ysgol sy’n gadael ffederasiwn wario, fel y gwêl yn dda at unrhyw ddibenion yr ysgol honno, unrhyw swm a roddwyd ar gael gan yr awdurdod lleol o dan adran 50(1) o’r Ddeddf honno(1) i gorff llywodraethu’r ffederasiwn mewn cysylltiad â’r ysgol sy’n gadael y ffederasiwn.

Ymgorffori corff llywodraethu ysgol sy’n gadael ffederasiwn

83. Ar y dyddiad dadffedereiddio, ymgorfforir corff llywodraethu dros dro yr ysgol a ddadffedereiddiwyd, yn gorff llywodraethu yr ysgol honno, o dan yr enw a roddir yn offeryn llywodraethu yr ysgol.

Trosglwyddo eiddo

84.—(1) Ar y dyddiad dadffedereiddio—

- (a) mae’r holl dir neu eiddo a ddelid yn union cyn y dyddiad dadffedereiddio gan gorff llywodraethu’r ffederasiwn at ddibenion yr ysgol a ddadffedereiddiwyd yn trosglwyddo i’r corff llywodraethu a ymgorfforwyd o dan reoliad 83 ac yn rhinwedd y Rheoliadau hyn yn cael eu breinio yn y corff llywodraethu hwnnw; a
- (b) mae’r holl hawliau a rhwymedigaethau a oedd yn bodoli yn union cyn y dyddiad dadffedereiddio ac a gaffaelwyd neu yr eir iddynt gan gorff llywodraethu’r ffederasiwn at ddibenion yr ysgol a ddadffedereiddiwyd, yn trosglwyddo i’r corff llywodraethu a ymgorfforwyd o dan reoliad 83.

(2) Mae adran 198 o Ddeddf Diwygio Addysg 1988(2) ac Atodlen 10 i’r Ddeddf honno (sy’n gwneud darpariaeth mewn perthynas â throsglwyddo eiddo, hawliau a rhwymedigaethau) yn gymwys mewn perthynas â throsglwyddiadau a gyflawnir gan y rheoliad hwn fel y maent yn gymwys i drosglwyddiadau y mae’r adran ac Atodlen hynny yn gymwys iddynt.

Availability of amounts representing budget share

82. Subject to any provision made by or under a scheme made under section 48(1) of the 1998 Act, the temporary governing body of a school leaving a federation may spend any sum made available by the local authority under section 50(1) of that Act(1) to the governing body of the federation in respect of the school leaving the federation, as it thinks fit for any purposes of that school.

Incorporation of governing body of a school leaving a federation

83. On the de-federation date the temporary governing body of the de-federated school is incorporated as the governing body of that school under the name given in the school’s instrument of government.

Transfer of property

84.—(1) On the de-federation date—

- (a) all land or property, which, immediately before the de-federation date, was held by the governing body of the federation for the purposes of the de-federated school transfers to, and by virtue of these Regulations vests in, the governing body incorporated under regulation 83; and
- (b) all rights and liabilities subsisting immediately before the de-federation date which were acquired or incurred by the governing body of the federation for the purposes of the de-federated school transfer to the governing body incorporated under regulation 83.

(2) Section 198 of and Schedule 10 to the Education Reform Act 1988(2) (which make provision in relation to transfers of property, rights and liabilities) apply in relation to transfers effected by this regulation as they apply in relation to transfers to which that section and Schedule apply.

(1) Fel y’i haddaswyd gan reoliad 75 o’r Rheoliadau hyn.
(2) 1988 p.40.

(1) As modified by regulation 75 of these Regulations.
(2) 1988 c.40.

RHAN 13

DIDDYMU FFEDERASIYNAU

Diddymu ffederasiynau nad ydynt yn rhai awdurdodau lleol gan gorff llywodraethu

- 85.**—(1) Yn ddarostyngedig i baragraff (3) os yw—
- (a) corff llywodraethu ffederasiwn yn penderfynu y dylid diddymu'r ffederasiwn; neu
 - (b) corff llywodraethu ffederasiwn yn penderfynu y dylai un o'r unig ddwy ysgol ffederal adael y ffederasiwn,

rhaid i gorff llywodraethu'r ffederasiwn roi hysbysiad o'r penderfyniad ac o'r dyddiad diddymu arfaethedig i'r personau a grybwyllir ym mharagraff (2), o fewn pedwar ar ddeg o ddiwrnodau gwaith clir i'r penderfyniad.

- (2) Y personau sydd i'w hysbysu yw—
- (a) pob awdurdod lleol perthnasol;
 - (b) pennaeth y ffederasiwn neu (os nad oes pennaeth i'r ffederasiwn) pob pennaeth ysgol ffederal;
 - (c) pob aelod o'r staff y telir iddo am weithio yn y ffederasiwn neu mewn ysgol ffederal;
 - (d) pob person y gŵyr y corff llywodraethu ei fod yn rhiant disgybl cofrestredig mewn ysgol ffederal;
 - (e) pan fo ysgol ffederal yn ysgol sefydledig neu wirfoddol sydd â sefydliad crefyddol, y llywodraethwyr sefydledig, unrhyw ymddiriedolwyr ymddiriedolaeth sy'n ymwneud â'r ysgol ffederal ac, yn achos ysgol yr Eglwys yng Nghymru neu'r Eglwys Gatholig Rufeinig, yr awdurdod esgobaethol priodol, neu'r corff crefyddol priodol yn achos pob ysgol arall o'r fath;
 - (f) pob undeb llafur y gwyddant fod ganddo aelodau y telir iddynt am weithio mewn unrhyw un o'r ysgolion; ac
 - (g) pa bersonau eraill bynnag a ystyrir yn briodol gan gorff llywodraethu'r ffederasiwn.

(3) Nid oes dim yn y rheoliad hwn yn gymwys i gorff llywodraethu ffederasiwn awdurdod lleol.

(4) Rhaid i'r dyddiad diddymu arfaethedig a bennir gan y corff llywodraethu beidio â bod yn llai na 125 o ddiwrnodau ar ôl y diwrnod y rhoddir hysbysiad o dan baragraff (1).

Diddymu ffederasiynau awdurdodau lleol gan gorff llywodraethu

- 86.**—(1) Os yw—

PART 13

DISSOLUTION OF FEDERATIONS

Dissolution by governing body of non local authority federations

- 85.**—(1) Subject to paragraph (3) where—
- (a) a governing body of a federation decides that the federation should be dissolved; or
 - (b) a governing body of a federation decides that one of only two federated schools should leave the federation,

the governing body of a federation must give notice of the decision and the proposed date of dissolution to the persons mentioned in paragraph (2) within fourteen clear working days of the decision.

- (2) The persons to be notified are—
- (a) all relevant local authorities;
 - (b) the head teacher of the federation or (if there is no head teacher of the federation) each head teacher of a federated school;
 - (c) every member of staff paid to work at the federation or a federated school;
 - (d) every person known by the governing body to be a parent of a registered pupil at a federated school;
 - (e) where a federated school is a foundation or voluntary school with a religious foundation, the foundation governors, any trustees of a trust relating to the federated school and, in the case of a Church in Wales or Roman Catholic Church school, the appropriate diocesan authority, or the appropriate religious body in the case of all other such schools;
 - (f) every trade union known to them to have members paid to work at any of the schools; and
 - (g) such other persons as the governing body of the federation considers appropriate.

(3) Nothing in this regulation applies to the governing body of a local authority federation.

(4) The proposed date of dissolution specified by the governing body must be not less than 125 days after the day on which notice is given under paragraph (1).

Dissolution by governing body of local authority federations

- 86.**—(1) Where—

- (a) corff llywodraethu ffederasiwn awdurdod lleol yn penderfynu y dylid diddymu'r ffederasiwn; neu
- (b) corff llywodraethu ffederasiwn awdurdod lleol yn penderfynu y dylai un o'r unig ddwy ysgol ffederal adael y ffederasiwn,

rhaid i'r corff llywodraethu geisio cydsyniad unrhyw awdurdod lleol cynnal i ddiddymu'r ffederasiwn.

(2) Os rhoddir cydsyniad o dan baragraff (1), rhaid i'r corff llywodraethu roi hysbysiad o'i benderfyniad ac o'r dyddiad diddymu arfaethedig i'r personau a grybwyllir ym mharagraff (3) o fewn pedwar ar ddeg o ddiwrnodau gwaith clir ar ôl i'r cydsyniad gael ei roi.

(3) Y personau sydd i'w hysbysu yw—

- (a) pob awdurdod lleol perthnasol;
- (b) pennaeth y ffederasiwn neu (os nad oes pennaeth i'r ffederasiwn) pob pennaeth ysgol ffederal;
- (c) pob aelod o'r staff y telir iddo am weithio yn y ffederasiwn neu mewn ysgol ffederal;
- (d) pob person y gŵyr y corff llywodraethu ei fod yn rhiant disgybl cofrestredig mewn ysgol ffederal;
- (e) pan fo ysgol ffederal yn ysgol sefydledig neu wirfoddol sydd â sefydliad crefyddol, y llywodraethwyr sefydledig, unrhyw ymddiriedolwyr ymddiriedolaeth sy'n ymwneud â'r ysgol ffederal ac, yn achos ysgol yr Eglwys yng Nghymru neu'r Eglwys Gatholig Rufeinig, yr awdurdod esgobaethol priodol, neu'r corff crefyddol priodol yn achos pob ysgol arall o'r fath;
- (f) pob undeb llafur y gwyddant fod ganddo aelodau y telir iddynt am weithio mewn unrhyw un o'r ysgolion; ac
- (g) pa bersonau eraill bynnag a ystyrir yn briodol gan gorff llywodraethu'r ffederasiwn.

(4) Rhaid i'r dyddiad diddymu arfaethedig a bennir gan y corff llywodraethu beidio â bod yn llai na 125 o ddiwrnodau ar ôl y diwrnod y rhoddir hysbysiad o dan baragraff (2).

Diddymu ffederasiynau awdurdodau lleol gan awdurdod lleol

87.—(1) Os yw—

- (a) awdurdod lleol cynnal ffederasiwn awdurdod lleol yn penderfynu y dylid diddymu'r ffederasiwn; neu
- (b) awdurdod lleol cynnal ffederasiwn awdurdod lleol yn penderfynu y dylai un o'r unig ddwy ysgol ffederal adael y ffederasiwn,

- (a) a governing body of a local authority federation decides that the federation should be dissolved; or
- (b) a governing body of a local authority federation decides that one of only two federated schools should leave the federation,

the governing body must seek the consent of any maintaining local authority that the federation should be dissolved.

(2) If consent under paragraph (1) is given, the governing body must give notice of their decision and the proposed date of dissolution to the persons mentioned in paragraph (3) within fourteen clear working days of the consent being given.

(3) The persons to be notified are—

- (a) all relevant local authorities;
- (b) the head teacher of the federation or (if there is no head teacher of the federation) each head teacher of a federated school;
- (c) every member of staff paid to work at the federation or a federated school;
- (d) every person known by the governing body to be a parent of a registered pupil at a federated school;
- (e) where a federated school is a foundation or voluntary school with a religious foundation, the foundation governors, any trustees of a trust relating to the federated school and, in the case of a Church in Wales or Roman Catholic Church school, the appropriate diocesan authority, or the appropriate religious body in the case of all other such schools;
- (f) every trade union known to them to have members paid to work at any of the schools; and
- (g) such other persons as the governing body of the federation considers appropriate.

(4) The proposed date of dissolution specified by the governing body must be not less than 125 days after the day on which notice is given under paragraph (2).

Dissolution by local authority of local authority federations

87.—(1) Where—

- (a) a maintaining local authority of a local authority federation determines that the federation should be dissolved; or
- (b) a maintaining local authority of a local authority federation determines that one of only two federated schools should leave the federation,

rhaid i'r awdurdod lleol roi hysbysiad o'r ffaith ac o'r dyddiad diddymu arfaethedig i'r personau a grybwyllir ym mharagraff (2) o fewn pedwar ar ddeg o ddiwrnodau gwaith clir ar ôl gwneud y penderfyniad hwnnw.

(2) Y personau sydd i'w hysbysu yw—

- (a) pob awdurdod lleol perthnasol;
- (b) pennaeth y ffederasiwn neu (os nad oes pennaeth i'r ffederasiwn) pob pennaeth ysgol ffederal;
- (c) pob aelod o'r staff y telir iddo am weithio yn y ffederasiwn neu mewn ysgol ffederal;
- (d) pob person y gŵyr y corff llywodraethu ei fod yn rhiant disgybl cofrestredig mewn ysgol ffederal;
- (e) pan fo ysgol ffederal yn ysgol sefydledig neu wirfoddol sydd â sefydliad crefyddol, y llywodraethwyr sefydledig, unrhyw ymddiriedolwyr ymddiriedolaeth sy'n ymwneud â'r ysgol ffederal ac, yn achos ysgol yr Eglwys yng Nghymru neu'r Eglwys Gatholig Rufeinig, yr awdurdod esgobaethol priodol, neu'r corff crefyddol priodol yn achos pob ysgol arall o'r fath;
- (f) corff sydd â'r hawl i benodi llywodraethwyr sefydledig i gorff llywodraethu'r ffederasiwn;
- (g) ymddiriedolwyr ymddiriedolaeth unrhyw un o ysgolion ffederal y ffederasiwn;
- (h) pob undeb llafur y gwyddant fod ganddo aelodau y telir iddynt am weithio mewn unrhyw un o'r ysgolion; ac
- (i) pa bersonau eraill bynnag a ystyrir yn briodol gan yr awdurdod lleol.

(3) Ddim llai na phedwar ar ddeg o ddiwrnodau gwaith clir ar ôl i'r awdurdod lleol roi hysbysiad o'r penderfyniad yn unol â pharagraff (2), rhaid i'r awdurdod lleol ystyried y penderfyniad a phob ymateb a ddaw i law gan y personau yr anfonwyd hysbysiad o'r penderfyniad atynt a rhaid iddo benderfynu—

- (a) p'un a ddylid diddymu'r ffederasiwn ac, os felly, ar ba ddyddiad;
- (b) p'un a ddylai un o'r unig ddwy ysgol ffederal adael y ffederasiwn, ac os felly, ar ba ddyddiad; neu
- (c) p'un a ddylai'r ffederasiwn beidio â chael ei ddiddymu.

(4) Rhaid i'r awdurdod lleol roi hysbysiad ysgrifenedig o'i benderfyniad o dan baragraff (2) o fewn pum niwrnod gwaith clir i'r personau hynny y cyfeirir atynt ym mharagraff (4).

the local authority must give notice of the fact and the propose date of dissolution to the persons mentioned in paragraph (2) within fourteen clear working days of making that determination.

(2) The persons to be notified are—

- (a) all relevant local authorities;
- (b) the head teacher of the federation or (if there is no head teacher of the federation) each head teacher of a federated school;
- (c) every member of staff paid to work at the federation or a federated school;
- (d) every person known by the governing body to be a parent of a registered pupil at a federated school;
- (e) where a federated school is a foundation or voluntary school with a religious foundation, the foundation governors, any trustees of a trust relating to the federated school and, in the case of a Church in Wales or Roman Catholic Church school, the appropriate diocesan authority, or the appropriate religious body in the case of all other such schools;
- (f) a body entitled to appoint foundation governors to the governing body of the federation;
- (g) the trustees of a trust of any federated school of the federation;
- (h) every trade union known to them to have members paid to work at any of the schools; and
- (i) such other persons as the local authority considers appropriate.

(3) Not less than fourteen clear working days after the local authority has given notice of the determination in accordance with paragraph (2), the local authority must consider the determination and all responses received from the persons to whom notification of the determination was sent and must decide whether—

- (a) the federation should be dissolved and, if so, on what date;
- (b) that one of only two federated schools should leave the federation, and if so, on what date; or
- (c) the federation should not be dissolved.

(4) The local authority must give notice in writing of its decision under paragraph (2) within five clear working days to those persons referred to in paragraph (4).

Sefydlu corff llywodraethu dros dro

88.—(1) Ar ôl derbyn yr hysbysiad a ddyroddir o dan reoliad 85, 86 neu 87, rhaid i'r awdurdod lleol neu awdurdodau lleol perthnasol—

- (a) sefydlu corff llywodraethu dros dro mewn cysylltiad â phob ysgol yn unol â Rhannau 3 a 4 o'r Rheoliadau Ysgolion a Gynhelir Newydd; a
- (b) dyroddi offeryn llywodraethu newydd ar gyfer pob ysgol yn unol â Rhan 5 o'r Rheoliadau Llywodraethu Ysgolion a Gynhelir.

(2) At ddibenion rheoliad 88(1)(b)—

- (a) trinnir y cyfeiriad yn rheoliad 32 o'r Rheoliadau Llywodraethu Ysgolion a Gynhelir at “gyrff llywodraethu” fel pe bai'n gyfeiriad at “gyrff llywodraethu dros dro”; a
- (b) trinnir y cyfeiriadau yn rheoliad 34 o'r Rheoliadau Llywodraethu Ysgolion a Gynhelir at—
 - (i) “corff llywodraethu” fel pe baent yn gyfeiriadau at “corff llywodraethu dros dro”; a
 - (ii) “llywodraethwyr sefydledig” fel pe baent yn gyfeiriadau at “llywodraethwyr sefydledig dros dro”.

Argaeledd symiau sy'n cynrychioli cyfran o gyllideb

89. Yn ddarostyngedig i unrhyw ddarpariaeth a wneir gan, neu o dan, gynllun a wnaed o dan adran 48(1) o Ddeddf 1998, caiff corff llywodraethu dros dro pob un o'r ysgolion wario unrhyw swm a roddwyd ar gael gan yr awdurdod lleol o dan adran 50(1) o'r Ddeddf honno(1) i gorff llywodraethu'r ffederasiwn mewn cysylltiad â phob ysgol, fel y gwêl yn dda at unrhyw ddibenion yr ysgol honno.

Ymgorffori corff llywodraethu ysgol sy'n gadael ffederasiwn

90. Ar y dyddiad diddymu ymgorfforir corff llywodraethu dros dro pob ysgol ffederal, yn gorff llywodraethu pob ysgol a ddadffedereiddiwyd, o dan yr enw a roddir yn offeryn llywodraethu yr ysgol.

Establishment of temporary governing body

88.—(1) Upon receipt of the notice issued under regulation 85, 86 or 87 the relevant local authority or local authorities must—

- (a) establish a temporary governing body in respect of each school in accordance with Parts 3 and 4 of the New Maintained Schools Regulations; and
- (b) issue a new instrument of government for each school in accordance with Part 5 of the Government of Maintained Schools Regulations.

(2) For the purposes of regulation 88(1)(b)—

- (a) the reference in regulation 32 of the Government of Maintained Schools Regulations to “governing bodies” is treated as a reference to “temporary governing bodies”; and
- (b) references in regulation 34 of the Government of Maintained Schools Regulations to—
 - (i) “governing body” are treated as references to “temporary governing body”; and
 - (ii) “foundation governors” are treated as references to “temporary foundation governors”.

Availability of amounts representing budget share

89. Subject to any provision made by or under a scheme made under section 48(1) of the 1998 Act, the temporary governing body of each school may spend any sum made available by the local authority under section 50(1) of that Act(1) to the governing body of the federation in respect of each school, as they think fit for any purposes of that school.

Incorporation of governing body of a school leaving a federation

90. On the date of dissolution the temporary governing body of each federated school is incorporated as the governing body of each de-federated school under the name given in the school's instrument of government.

(1) Fel y'i haddaswyd gan reoliad 78 o'r Rheoliadau hyn.

(1) As modified by regulation 78 of these Regulations.

Trosglwyddo eiddo

91.—(1) Ar y dyddiad diddymu—

- (a) mae'r holl dir neu eiddo a ddelid yn union cyn y dyddiad diddymu gan gorff llywodraethu'r ffederasiwn at ddibenion pob ysgol a ddadffedereiddiwyd yn trosglwyddo i gorff llywodraethu newydd pob ysgol a ddadffedereiddiwyd, ac yn rhinwedd y Rheoliadau hyn yn cael ei freinio yn y corff llywodraethu newydd hwnnw a ymgorfforwyd o dan reoliad 88; a
- (b) mae'r holl hawliau a rhwymedigaethau a oedd yn bodoli yn union cyn y dyddiad diddymu ac a gaffaelwyd neu yr eir iddynt gan gorff llywodraethu'r ffederasiwn at ddibenion pob ysgol a ddadffedereiddiwyd, yn trosglwyddo i gorff llywodraethu newydd pob ysgol a ddadffedereiddiwyd, ac a ymgorfforwyd o dan reoliad 90.

(2) Mae adran 198 o Ddeddf Diwygio Addysg 1988(1) ac Atodlen 10 i'r Ddeddf honno (sy'n gwneud darpariaeth mewn perthynas â throsglwyddo eiddo, hawliau a rhwymedigaethau) yn gymwys mewn perthynas â throsglwyddiadau a gyflawnir gan y rheoliad hwn fel y maent yn gymwys i drosglwyddiadau y mae'r adran ac Atodlen hynny yn gymwys iddynt.

RHAN 14

DIWYGIADAU I REOLIADAU

Diwygiadau i Reoliadau Cydlafurio Rhwng Cyrff Addysg (Cymru) 2012

92.—(1) Mae Rheoliadau Cydlafurio Rhwng Cyrff Addysg (Cymru) 2012(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3(1)—

- (a) yn y diffiniad o “y Rheoliadau Ffedereiddio Ysgolion a Gynhelir” yn lle “Rheoliadau Ffedereiddio Ysgolion a Gynhelir a Diwygiadau Amrywiol (Cymru) 2010” rhodder “Rheoliadau Ffedereiddio Ysgolion a Gynhelir (Cymru) 2014”;

(1) 1988 p.40.
(2) 2012/2655 (Cy.287).

Transfer of property

91.—(1) On the date of dissolution—

- (a) all land or property which, immediately before the date of dissolution, was held by the governing body of the federation for the purposes of each de-federated school, transfers to, and by virtue of these Regulations vests in, the new governing body of each de-federated school incorporated under regulation 88; and
- (b) all rights and liabilities subsisting immediately before the date of dissolution which were acquired or incurred by the governing body of the federation for the purposes of each de-federated school transfer to the new governing body of each de-federated school incorporated under regulation 90.

(2) Section 198 of and Schedule 10 to the Education Reform Act 1988(1) (which make provision in relation to transfers of property, rights and liabilities) are to apply in relation to transfers effected by this regulation as they apply in relation to transfers to which that section and Schedule apply.

PART 14

AMENDMENTS TO REGULATIONS

Amendments to the Collaboration Between Education Bodies (Wales) Regulations 2012

92.—(1) The Collaboration Between Education Bodies (Wales) Regulations 2012(2) are amended as follows.

(2) In regulation 3(1)—

- (a) in the definition of “the Federation of Maintained Schools Regulations” for “the Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010”, substitute “the Federation of Maintained Schools (Wales) Regulations 2014”;

(1) 1988 c.40.
(2) 2012/2655 (W.287)

- (b) yn y man priodol yn nhrefn yr wyddor mewnosoder—

“ystyr “cyfnod pontio’r ffederasiwn (*“federation transition period”*) yw’r cyfnod o amser ar ôl i benderfyniad gael ei wneud i fynd ymlaen â’r cynigion ar gyfer ffederasiwn o dan reoliadau 7(1), 10(2), neu 12(2) o Reoliadau Ffedereiddio Ysgolion a Gynhelir (Cymru) 2014 ond cyn y dyddiad ffedereiddio;”;

mae “ffederasiwn” (*“federation”*) ac “ysgol ffederal” (*“federated school”*) i’w dehongli yn unol ag adran 21 o Fesur Addysg (Cymru) 2011(1);”.

- (3) Yn rheoliad 4—

- (a) ym mharagraff (1) yn lle “Pan” rhodder “Yn ddarostyngedig i baragraff (5) pan”;
- (b) yn is-baragraff (a) o baragraff (1) yn lle “reoliad 59” rhodder “reoliad 62”;
- (c) ym mharagraff (4) yn lle “rheoliadau 59 i 61” rhodder “rheoliadau 62 i 64”; a
- (d) ar ôl paragraff (4) mewnosoder—

“(5) Yn ystod cyfnod pontio’r ffederasiwn nid oes dim yn y Rheoliadau hyn yn atal cyrff llywodraethu ysgolion sy’n bwriadu ffedereiddio rhag ffurfio panel dewis ar y cyd.”.

(4) Yn rheoliad 7(2) yn lle “32 o’r Rheoliadau Ffedereiddio Ysgolion a Gynhelir, a pharagraffau 2 i 12” rhodder “35 o’r Rheoliadau Ffedereiddio Ysgolion a Gynhelir, a pharagraffau 2 i 13”.

Diwygiadau i Reoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) 2013

93.—(1) Mae Rheoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) 2013(2) wedi eu diwygio fel a ganlyn.

- (2) Yn rheoliad 2(1)—

- (a) hepgorer y diffiniad o Reoliadau 2010;
- (b) yn y man priodol mewnosoder—
“ystyr “Rheoliadau 2014” (*“the 2014 Regulations”*) yw Rheoliadau Ffedereiddio Ysgolion a Gynhelir (Cymru) 2014;”;
- (c) yn y diffiniad o “cadeirydd corff llywodraethu” yn lle “reoliad 47 o Reoliadau 2010” rhodder “reoliad 50 o Reoliadau 2014”;

- (b) in the appropriate place in alphabetical order insert—

“federation” (*“ffederasiwn”*) and “federated school” (*“ysgol ffederal”*) are to be interpreted in accordance with section 21 of the Education (Wales) Measure 2011(1);

“federation transition period” (*“cyfnod pontio’r ffederasiwn”*) means the period of time after a determination has been made to proceed with the proposals for a federation under regulations 7(1), 10(2), or 12(2) of the Federation of Maintained Schools (Wales) Regulations 2014 but before the federation date;”.

- (3) In regulation 4—

- (a) in paragraph (1) for “Where” substitute “Subject to paragraph (5) where”;
- (b) in sub-paragraph (a) of paragraph (1) for “regulation 59” substitute “regulation 62”;
- (c) in paragraph (4) for “regulations 59 to 61” substitute “regulations 62 to 64”; and
- (d) after paragraph (4) insert—

“(5) During the federation transition period nothing in these Regulations prevents the governing bodies of schools intending to federate from forming a joint selection panel.”.

(4) In regulation 7(2) for “32 of, and paragraphs 2 to 12” substitute “35 of, and paragraphs 2 to 13”.

Amendments to the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013

93.—(1) The Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013(2) are amended as follows.

- (2) In regulation 2(1)—

- (a) omit the definition of the 2010 Regulations;
- (b) in the appropriate place insert—
““the 2014 Regulations” (*“Rheoliadau 2014”*) means the Federation of Maintained Schools (Wales) Regulations 2014;”;
- (c) in the definition of “chair of a governing body” for “regulation 47 of the 2010 Regulations” substitute “regulation 50 of the 2014 Regulations”;

(1) 2011 mccc 7.
(2) 2013/2124 (Cy.207).

(1) 2011 nawm 7
(2) 2013/2124 (W.207)

- (d) yn y diffiniad o “llywodraethwr” yn lle “2010” rhodder “2014”;
- (3) Yn rheoliad 4—
- (a) ym mharagraff (4)(b) yn lle “reoliad 38 o Reoliadau 2010” rhodder “reoliad 41 o Reoliadau 2014”;
- (b) ym mharagraff (5) yn lle “2010” rhodder “2014”; ac
- (c) ym mharagraff (6) yn lle “32 o Reoliadau 2010” rhodder “35 o Reoliadau 2014”.
- (4) Yn rheoliad 5—
- (a) ym mharagraff (4)(b) yn lle “reoliad 38 o Reoliadau 2010” rhodder “reoliad 41 o Reoliadau 2014”.
- (b) ym mharagraff (5) yn lle “2010” rhodder “2014”; ac
- (c) ym mharagraff (6) yn lle “32 o Reoliadau 2010” rhodder “35 o Reoliadau 2014”.
- (5) Hepgorer rheoliad 7.

Diwygiadau i Reoliadau Llywodraethu Ysgolion a Gynhelir (Clerc i Gorff Llywodraethu) (Cymru) 2013

94.—(1) Mae Rheoliadau Llywodraethu Ysgolion a Gynhelir (Clerc i Gorff Llywodraethu) (Cymru) 2013(1) wedi eu diwygio fel a ganlyn.

- (2) Yn rheoliad 2(1)—
- (a) hepgorer y diffiniad o Reoliadau 2010; a
- (b) yn y man priodol mewnosoder—
“ystyr “Rheoliadau 2014” (*“the 2014 Regulations”*) yw Rheoliadau Ffedereddio Ysgolion a Gynhelir (Cymru) 2014;”.
- (3) Yn rheoliad 3(1)(b) yn lle “50 i gyflawni’r swyddogaethau a nodwyd yn rheoliad 51 o Reoliadau 2010” rhodder “53 i gyflawni’r swyddogaethau a nodwyd yn rheoliad 54 o Reoliadau 2014”.
- (4) Yn rheoliad 4—
- (a) yn is-baragraff (c) o baragraff (1) yn lle “50 i gyflawni’r swyddogaethau a nodwyd yn rheoliad 51 o Reoliadau 2010” rhodder “53 i gyflawni’r swyddogaethau a nodwyd yn rheoliad 54 o Reoliadau 2014”;
- (b) yn lle is-baragraff (d) o baragraff (1) rhodder—

- (d) in the definition of “a governor” for “2010” substitute “2014”;
- (3) In regulation 4—
- (a) in paragraph (4)(b) for “regulation 38 of the 2010 Regulations” substitute “regulation 41 of the 2014 Regulations”;
- (b) in paragraph (5) for “2010” substitute “2014”; and
- (c) in paragraph (6) for “32 of, and Schedule 7 to, the 2010 Regulations” substitute “35 of, and Schedule 7 to the 2014 Regulations”.
- (4) In regulation 5—
- (a) in paragraph (4)(b) for “regulation 38 of the 2010 Regulations” substitute “regulation 41 of the 2014 Regulations”;
- (b) in paragraph (5) for “2010” substitute “2014”; and
- (c) in paragraph (6) for “32 of, and Schedule 7 to, the 2010 Regulations” substitute “35 of, and Schedule 7 to the 2014 Regulations”.
- (5) Omit regulation 7.

Amendments to the Government of Maintained Schools (Clerk to a Governing Body) (Wales) Regulations 2013

94.—(1) The Government of Maintained Schools (Clerk to a Governing Body) (Wales) Regulations 2013(1) are amended as follows.

- (2) In regulation 2(1)—
- (a) omit the definition of the 2010 Regulations; and
- (b) in the appropriate place insert—
““the 2014 Regulations” (*“Rheoliadau 2014”*) means the Federation of Maintained Schools (Wales) Regulations 2014;”.
- (3) In regulation 3(1)(b) for “50 to perform the functions set out in regulation 51 of the 2010 Regulations” substitute “53 to perform the functions set out in regulation 54 of the 2014 Regulations”.
- (4) In regulation 4—
- (a) in sub-paragraph (c) of paragraph (1) for “50 to perform the functions set out in regulation 51 of the 2010 Regulations” substitute “53 to perform the functions set out in regulation 54 of the 2014 Regulations”;
- (b) for sub-paragraph (d) of paragraph (1) substitute—

“(d) yn berson a benodwyd yn rhinwedd rheoliad 70(1) i gyflawni’r swyddogaethau a nodwyd yn rheoliad 70(5) mewn cysylltiad â phwyllgor a sefydlwyd yn unol â rheoliadau 67 i 69 o Reoliadau 2014; neu”; ac

(c) yn is-baragraff (c) o baragraff (3) yn lle “50 o Reoliadau 2010” rhodder “53 o Reoliadau 2014”.

“(d) a person appointed by virtue of regulation 70(1) to perform the functions set out in regulation 70(5) in respect of a committee established in accordance with regulations 67 to 69 of the 2014 Regulations; or”; and

(c) in sub-paragraph (c) of paragraph (3) for “50 of the 2010” substitute “53 of the 2014”.

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru.

29 Ebrill 2014

Minister for Education and Skills, one of the Welsh Ministers

29 April 2014

Cyrrff llywodraethu dros dro ar gyfer
ysgolion newydd sy'n bwriadu
ffedereiddio

Egwyddorion cyffredinol

1. Mae maint aelodaeth y corff llywodraethu dros dro, na chaiff fod yn llai na 15 nac yn fwy na 27 o lywodraethwyr dros dro, i'w benderfynu gan yr awdurdod lleol.

2. Wrth benderfynu maint aelodaeth y corff llywodraethu dros dro, rhaid i'r awdurdod lleol beidio â chynnwys unrhyw ddisgybl-lywodraethwyr cyswllt dros dro.

3. Wrth benderfynu maint aelodaeth y corff llywodraethu dros dro, rhaid i'r awdurdod lleol gynnwys unrhyw lywodraethwyr cymunedol ychwanegol dros dro a benodir yn unol â pharagraff 11.

4. Pan fo cymhwyso paragraffau 5 i 10 yn cynhyrchu rhif nad yw'n rhif cyfan, rhaid i'r awdurdod lleol bennu naill ai'r rhif cyfan nesaf uwchlaw neu'r rhif cyfan nesaf islaw (yn ôl ei ddewis), ar yr amod bod cyfanswm nifer y llywodraethwyr dros dro o fewn y terfynau a bennir ym mharagraff 1.

**Corff llywodraethu dros dro ar gyfer ysgolion
cymunedol, ysgolion arbennig cymunedol ac
ysgolion meithrin a gynhelir newydd**

5.—(1) Mae corff llywodraethu dros dro, a gyfansoddir ar gyfer unrhyw gyfuniad o ddwy neu ragor o ysgolion cymunedol, ysgolion arbennig cymunedol ac ysgolion meithrin a gynhelir arfaethedig (ac nid unrhyw gategori arall o ysgol), i'w gyfansoddi fel a ganlyn—

- (a) ar gyfer pob un o'r ysgolion arfaethedig, o leiaf un ond dim mwy na dau riant-lywodraethwr dros dro, a benodir i gynrychioli buddiannau rhieni plant sydd, neu sy'n debygol o fod, yn ddisgyblion cofrestredig yn yr ysgol honno;
- (b) o leiaf un ond dim mwy na dau athro-lywodraethwr dros dro;
- (c) o leiaf un ond dim mwy na dau staff-lywodraethwr dros dro;
- (d) o leiaf ddau ond dim mwy na phedwar llywodraethwr awdurdod lleol dros dro;

Temporary governing bodies of new
schools intending to federate

General principles

1. The size of the membership of the temporary governing body, being no fewer than 15 and no more than 27 temporary governors, is to be determined by the local authority.

2. In determining the size of the membership of the temporary governing body, the local authority must not include any temporary associate pupil governors.

3. In determining the size of the membership of the temporary governing body, the local authority must include any temporary additional community governors appointed in accordance with paragraph 11.

4. Where application of paragraphs 5 to 10 produces a number other than a whole number, the local authority is to specify either the whole number next above or the whole number next below (at their choice) provided that the total number of temporary governors is within the limits set in paragraph 1.

**Temporary governing body for new community,
community special and maintained nursery schools**

5.—(1) A temporary governing body constituted for any combination of two or more proposed community schools, community special schools and maintained nursery schools (and no other category of school) is to be comprised as follows—

- (a) for each proposed school at least one but no more than two temporary parent governors appointed to represent the interests of the parents of children who are, or are likely to become, registered pupils at that school;
- (b) at least one but no more than two temporary teacher governors;
- (c) at least one but no more than two temporary staff governors;
- (d) at least two but no more than four temporary local authority governors;

- (e) yn ddarostyngedig i is-baragraff (f), o leiaf ddau ond dim mwy na phedwar llywodraethwr cymunedol dros dro; ac
- (f) un llywodraethwr cynrychiadol dros dro pan fo'r ffederasiwn arfaethedig yn cynnwys o leiaf un ysgol arbennig gymunedol arfaethedig, i gymryd lle nifer cydradd o'r llywodraethwyr cymunedol sy'n ofynnol o dan is-baragraff (e).

(2) Yn ychwanegol, rhaid i gorff llywodraethu dros dro'r ffederasiwn gynnwys—

- (a) pennaeth neu ddarpar bennaeth y ffederasiwn oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37; neu
- (b) (os nad oes pennaeth na darpar bennaeth i'r ffederasiwn) pennaeth neu ddarpar bennaeth pob un o'r ysgolion arfaethedig oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37.

Corff llywodraethu dros dro ar gyfer ysgolion gwirfoddol a reolir newydd

6.—(1) Mae corff llywodraethu dros dro, a gyfansoddir ar gyfer dwy neu ragor o ysgolion gwirfoddol a reolir arfaethedig yn unig, i'w gyfansoddi fel a ganlyn—

- (a) ar gyfer pob un o'r ysgolion arfaethedig, o leiaf un ond dim mwy na dau riantlywodraethwr dros dro, a benodir i gynrychioli buddiannau rhieni plant sydd, neu sy'n debygol o fod, yn ddisgyblion cofrestredig yn yr ysgol honno;
- (b) o leiaf un ond dim mwy na dau athrolywodraethwr dros dro;
- (c) o leiaf un ond dim mwy na dau stafflywodraethwr dros dro;
- (d) o leiaf ddau ond dim mwy na phedwar llywodraethwr awdurdod lleol dros dro;
- (e) o leiaf ddau ond dim mwy na phedwar llywodraethwr cymunedol dros dro; ac
- (f) o leiaf ddau ond dim mwy na phum llywodraethwr sefydledig dros dro.

(2) Yn ychwanegol, rhaid i gorff llywodraethu dros dro'r ffederasiwn gynnwys—

- (a) pennaeth neu ddarpar bennaeth y ffederasiwn oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37; neu
- (b) (os nad oes pennaeth na darpar bennaeth i'r ffederasiwn) pennaeth neu ddarpar bennaeth pob un o'r ysgolion arfaethedig oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37.

- (e) subject to sub-paragraph (f) at least two but no more than four temporary community governors; and
- (f) one temporary representative governor where the proposed federation contains at least one proposed community special school to take the place of an equal number of the community governors required by sub-paragraph (e).

(2) The temporary governing body of the federation must in addition include—

- (a) the head teacher or the head teacher designate of the federation, unless that person resigns the office of governor in accordance with regulation 37; or
- (b) (if there is no head teacher or head teacher designate of the federation) the head teacher or the head teacher designate of each proposed school, unless that person resigns the office of governor in accordance with regulation 37.

Temporary governing body for new voluntary controlled schools

6.—(1) A temporary governing body constituted for two or more proposed voluntary controlled schools only, is to be comprised as follows—

- (a) for each proposed school at least one but no more than two temporary parent governors appointed to represent the interests of the parents of children who are, or are likely to become, registered pupils at that school;
- (b) at least one but no more than two temporary teacher governors;
- (c) at least one but no more than two temporary staff governors;
- (d) at least two but no more than four temporary local authority governors;
- (e) at least two but no more than four temporary community governors; and
- (f) at least two but no more than five temporary foundation governors.

(2) The temporary governing body of the federation must in addition include—

- (a) the head teacher or the head teacher designate of the federation, unless that person resigns the office of governor in accordance with regulation 37; or
- (b) (if there is no head teacher or head teacher designate of the federation) the head teacher or the head teacher designate of each proposed school, unless that person resigns the office of governor in accordance with regulation 37.

Corff llywodraethu dros dro ar gyfer ysgolion gwirfoddol a gynorthwyir newydd

7.—(1) Mae corff llywodraethu dros dro, a gyfansoddir ar gyfer dwy neu ragor o ysgolion gwirfoddol a gynorthwyir arfaethedig yn unig, i'w gyfansoddi fel a ganlyn—

- (a) o leiaf un rhiant-lywodraethwr dros dro;
- (b) o leiaf un ond dim mwy na dau athro-lywodraethwr dros dro;
- (c) o leiaf un ond dim mwy na dau staff-lywodraethwr dros dro;
- (d) o leiaf un ond dim mwy na dau lywodraethwr awdurdod lleol dros dro; ac
- (e) y nifer o lywodraethwyr sefydledig a fydd yn eu gwneud yn fwy niferus na'r holl lywodraethwyr eraill a grybwyllwyd ym mharagraffau (a) i (d), is-baragraff (2) a pharagraff 11 o ddim mwy nag un.

(2) Yn ychwanegol, rhaid i gorff llywodraethu dros dro'r ffederasiwn gynnwys—

- (a) pennaeth neu ddarpar bennaeth y ffederasiwn oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37; neu
- (b) (os nad oes pennaeth na ddarpar bennaeth i'r ffederasiwn) pennaeth neu ddarpar bennaeth pob un o'r ysgolion arfaethedig oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37.

Corff llywodraethu dros dro ar gyfer ysgolion gwirfoddol a reolir ac ysgolion gwirfoddol a gynorthwyir newydd

8.—(1) Mae corff llywodraethu dros dro, a gyfansoddir ar gyfer unrhyw gyfuniad o ddwy neu ragor o ysgolion gwirfoddol a reolir ac ysgolion gwirfoddol a gynorthwyir arfaethedig (ac nid unrhyw gategori arall o ysgol), i'w gyfansoddi fel a ganlyn—

- (a) o leiaf un rhiant-lywodraethwr dros dro;
- (b) o leiaf un ond dim mwy na dau athro-lywodraethwr dros dro;
- (c) o leiaf un ond dim mwy na dau staff-lywodraethwr dros dro;
- (d) o leiaf un ond dim mwy na dau lywodraethwr awdurdod lleol dros dro;
- (e) o leiaf un ond dim mwy na dau lywodraethwr cymunedol dros dro; ac
- (f) y nifer o lywodraethwyr sefydledig a fydd yn eu gwneud yn fwy niferus na'r holl lywodraethwyr eraill a grybwyllwyd ym mharagraffau (a) i (e), is-baragraff (2) a pharagraff 11 o ddim mwy nag un.

Temporary governing body for new voluntary aided schools

7.—(1) A temporary governing body constituted for two or more proposed voluntary aided schools only, is to be comprised as follows—

- (a) at least one temporary parent governor;
- (b) at least one but no more than two temporary teacher governors;
- (c) at least one but no more than two temporary staff governors;
- (d) at least one but no more than two temporary local authority governors; and
- (e) such number of temporary foundation governors as will lead to their outnumbering all the other governors mentioned in paragraphs (a) to (d), sub-paragraph (2) and paragraph 11 by no more than one.

(2) The temporary governing body of the federation must in addition include—

- (a) the head teacher or the head teacher designate of the federation, unless that person resigns the office of governor in accordance with regulation 37; or
- (b) (if there is no head teacher or head teacher designate of the federation) the head teacher or the head teacher designate of each proposed school, unless that person resigns the office of governor in accordance with regulation 37.

Temporary governing body for new voluntary controlled and voluntary aided schools

8.—(1) A temporary governing body constituted for any combination of two or more proposed voluntary controlled and voluntary aided schools (and no other category of school) is to be comprised as follows—

- (a) at least one temporary parent governor;
- (b) at least one but no more than two temporary teacher governors;
- (c) at least one but no more than two temporary staff governors;
- (d) at least one but no more than two temporary local authority governors;
- (e) at least one but no more than two temporary community governors; and
- (f) such number of temporary foundation governors as will lead to their outnumbering all the other governors mentioned in paragraphs (a) to (e), sub-paragraph (2) and paragraph 11 by no more than one.

(2) Yn ychwanegol, rhaid i gorff llywodraethu dros dro'r ffederasiwn gynnwys—

- (a) pennaeth neu ddarpar bennaeth y ffederasiwn oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37; neu
- (b) (os nad oes pennaeth na darpar bennaeth i'r ffederasiwn) pennaeth neu ddarpar bennaeth pob un o'r ysgolion arfaethedig oni fydd y person hwnnw yn ymddiswyddo fel llywodraethwr yn unol â rheoliad 37.

Noddwr-lywodraethwyr dros dro

9. Caiff corff llywodraethu dros dro, a gyfansoddir yn unol â pharagraffau 5 a 6, benodi yn ychwanegol un noddwr-lywodraethwr dros dro.

Disgybl-lywodraethwyr cyswllt dros dro

10. Caiff corff llywodraethu dros dro, a gyfansoddir yn unol â pharagraffau 5 i 8, benodi yn ychwanegol hyd at ddau ddisgybl-lywodraethwr cyswllt dros dro pan fo'r ysgolion arfaethedig yn ysgolion uwchradd.

Llywodraethwyr cymunedol ychwanegol dros dro

11.—(1) Mae'r paragraff hwn yn gymwys i gorff llywodraethu dros dro a gyfansoddir yn unol â pharagraffau 5 i 8 ar gyfer un neu ragor o'r canlynol—

- (a) unrhyw ysgol gymunedol neu wirfoddol arfaethedig sydd i fod yn ysgol gynradd; a
- (b) unrhyw ysgol feithrin arfaethedig a gynhelir;

sy'n gwasanaethu ardal sydd ag un neu ragor o gynghorau cymuned.

(2) Rhaid i offeryn llywodraethu ysgol arfaethedig ddarparu bod y corff llywodraethu dros dro yn cynnwys (yn ychwanegol at y llywodraethwyr sy'n ofynnol yn rhinwedd paragraffau 5 i 10, yn ôl y digwydd) un llywodraethwr cymunedol ychwanegol dros dro a enwebir gan y cyngor cymuned.

(3) Pan fo ysgol arfaethedig yn gwasanaethu ardal lle y mae dau neu ragor o gynghorau cymuned, caiff y corff llywodraethu dros dro geisio enwebiadau gan un neu ragor o'r cynghorau hynny.

(2) The temporary governing body of the federation must in addition include—

- (a) the head teacher or the head teacher designate of the federation, unless that person resigns the office of governor in accordance with regulation 37; or
- (b) (if there is no head teacher or head teacher designate of the federation) the head teacher or the head teacher designate of each proposed school, unless that person resigns the office of governor in accordance with regulation 37.

Temporary sponsor governors

9. A temporary governing body constituted in accordance with paragraphs 5 and 6 may, in addition, appoint one temporary sponsor governor.

Temporary associate pupil governors

10. A temporary governing body constituted in accordance with paragraphs 5 to 8 may, in addition, appoint up to two temporary associate pupil governors where the proposed schools are secondary schools.

Temporary additional community governors

11.—(1) This paragraph applies to a temporary governing body constituted in accordance with paragraphs 5 to 8 for one or more of the following—

- (a) any proposed community or voluntary school which is to be a primary school; and
- (b) any proposed maintained nursery school;

which serves an area for which there are one or more community councils.

(2) The instrument of government of a proposed school must provide for the temporary governing body to include (in addition to the governors required by virtue of paragraphs 5 to 10, as the case may be) one temporary additional community governor nominated by the community council.

(3) If a proposed school serves an area for which there are two or more community councils, the temporary governing body may seek nominations from one or more of those councils.

Ethol a phenodi rhiant-lywodraethwyr

1. Yn ddarostyngedig i baragraff 2(2), yn yr Atodlen hon ystyr “corff priodol” (“*appropriate body*”) yw—

- (a) yr awdurdod lleol pan fo'r ysgol ffederal yn ysgol gymunedol, ysgol arbennig gymunedol, ysgol wirfoddol a reolir neu'n ysgol feithrin a gynhelir; neu
- (b) corff llywodraethu'r ffederasiwn pan fo'r ysgol ffederal yn ysgol sefydledig neu'n ysgol wirfoddol a gynorthwyr.

2.—(1) Os yr awdurdod lleol yw'r corff priodol mewn perthynas ag ysgol, caiff yr awdurdod lleol hwnnw ddirprwyo i bennaeth yr ysgol, neu i bennaeth y ffederasiwn, unrhyw rai o'i swyddogaethau o dan yr Atodlen hon.

(2) Yr awdurdod lleol fydd y corff priodol mewn perthynas ag ysgol o fewn paragraff 1(b) os bydd corff llywodraethu'r ffederasiwn a'r awdurdod lleol yn cytuno felly.

3. Yn ddarostyngedig i baragraffau 4 i 8 rhaid i'r corff priodol wneud yr holl drefniadau angenrheidiol i ethol rhiant-lywodraethwyr.

4. Rhaid i'r corff priodol benderfynu, at ddibenion ethol rhiant-lywodraethwyr, unrhyw gwestiwn p'un a yw person yn rhiant disgybl cofrestredig yn yr ysgol.

5. Yn achos y ddyletswydd a osodir gan baragraff 3—

- (a) nid yw'n cynnwys pŵer i osod unrhyw ofnyion ynghylch yr isafswm o bleidleisiau y mae angen eu bwrw i ymgeisydd gael ei ethol, ond
- (b) mae'n cynnwys y pŵer i wneud darpariaeth ynghylch dyddiadau cymhwyso.

6. Rhaid cynnal unrhyw etholiad a ymleddir drwy bleidlais gudd.

7.—(1) Rhaid i'r trefniadau a wneir o dan baragraff 3 ddarparu bod pob person sydd â'r hawl i bleidleisio yn cael cyfle i wneud hynny drwy'r post.

(2) At ddibenion is-baragraff (1), mae “post” (“*post*”) yn cynnwys danfon drwy law.

(3) Caiff y trefniadau a wneir o dan baragraff 3 ddarparu ar gyfer rhoi cyfle i bob person sydd â hawl i bleidleisio wneud hynny drwy gyfrwng dull electronig.

Election and appointment of parent governors

1. Subject to paragraph 2(2), in this Schedule “appropriate body” (“*corff priodol*”) means—

- (a) the local authority where the federated school is a community school, community special school, a voluntary controlled school or a maintained nursery school; or
- (b) the governing body of the federation where the federated school is a foundation school or voluntary aided school.

2.—(1) Where a local authority is the appropriate body in relation to a school, that local authority may delegate to the head teacher of the school, or to the head teacher of the federation, any of its functions under this Schedule.

(2) The local authority is the appropriate body in relation to a school within paragraph 1(b) if the governing body of the federation and the local authority so agree.

3. Subject to paragraphs 4 to 8 the appropriate body must make all necessary arrangements for the election of parent governors.

4. The appropriate body must determine for the purposes of an election of parent governors, any question whether a person is a parent of a registered pupil at the school.

5. The duty conferred by paragraph 3—

- (a) does not include power to impose any requirement as to the minimum number of votes required to be cast for a candidate to be elected, but
- (b) does include the power to make provision as to qualifying dates.

6. Any election which is contested must be held by secret ballot.

7.—(1) The arrangements made under paragraph 3 must provide for every person who is entitled to vote to have an opportunity to do so by post.

(2) For the purposes of sub-paragraph (1), “post” (“*post*”) includes delivery by hand.

(3) The arrangements made under paragraph 3 may provide for every person who is entitled to vote to have an opportunity to do so by electronic means.

8. Pan ddaw lle'n wag i riant-lywodraethwr, rhaid i'r corff priodol gymryd y camau hynny sy'n rhesymol ymarferol i sicrhau bod pob person y mae'n hysbys i'r corff priodol ei fod yn riant disgybl cofrestredig yn yr ysgol—

- (a) yn cael gwybod am y lle gwag a'i bod yn ofynnol ei lenwi drwy etholiad;
- (b) yn cael gwybod bod gan y person hwnnw hawl i sefyll fel ymgeisydd a phleidleisio yn yr etholiad; ac
- (c) yn cael cyfle i wneud hynny.

9. Rhaid sicrhau'r nifer o riant-lywodraethwyr sy'n ofynnol drwy ychwanegu riant-lywodraethwyr a benodir gan y corff llywodraethu, os daw un neu ragor o leoedd ar gyfer riant-lywodraethwyr yn wag a naill ai—

- (a) bod y nifer o rieni sy'n sefyll i'w hethol yn llai na nifer y lleoedd gwag;
- (b) bod o leiaf 50 y cant o'r disgyblion cofrestredig yn yr ysgol yn lletywyr ac y byddai, ym marn y corff priodol, yn anymarferol ethol riant-lywodraethwyr; neu
- (c) yn achos ysgol sy'n ysgol arbennig gymunedol mewn ysbyty, y byddai, ym marn y corff priodol, yn anymarferol ethol riant-lywodraethwyr.

10.—(1) Ac eithrio pan fo paragraff 11 yn gymwys, wrth benodi riant-lywodraethwr i gynrychioli ysgol ffederal, rhaid i gorff llywodraethu ffederasiwn benodi—

- (a) riant disgybl cofrestredig yn yr ysgol;
- (b) riant disgybl cofrestredig mewn ysgol arall o fewn y ffederasiwn; neu
- (c) riant plentyn sydd mewn oedran ysgol gorfodol, neu, yn achos ysgol feithrin a gynhelir, sydd mewn neu o dan oedran ysgol gorfodol.

(2) Rhaid i'r corff llywodraethu beidio â phenodi person y cyfeirir ato ym mharagraff (1)(b) neu (c) ac eithrio pan nad oes unrhyw berson arall i'w benodi o baragraff cynharach yn y rhestr a nodwyd yn is-baragraff (1).

11.—(1) Pan fo'r ysgol yn ysgol arbennig gymunedol, wrth benodi riant-lywodraethwr, rhaid i gorff llywodraethu'r ffederasiwn benodi—

- (a) riant disgybl cofrestredig yn yr ysgol;
- (b) riant plentyn mewn oedran ysgol gorfodol sydd ag anghenion addysgol arbennig;
- (c) riant person o unrhyw oedran sydd ag anghenion addysgol arbennig; neu

8. Where a vacancy for a parent governor arises, the appropriate body must take such steps as are reasonably practicable to secure that every person who is known to them to be a parent of a registered pupil at the school is—

- (a) informed of the vacancy and that it is required to be filled by election;
- (b) informed that that person is entitled to stand as a candidate and vote in the election; and
- (c) given the opportunity to do so.

9. The number of parent governors required must be made up of parent governors appointed by the governing body if one or more vacancies for parent governors arises and either—

- (a) the number of parents standing for election is less than the number of vacancies;
- (b) at least 50 per cent of the registered pupils at the school are boarders and it would, in the opinion of the appropriate body, be impractical for there to be an election of parent governors; or
- (c) in the case of a school which is a community special school in a hospital, it would, in the opinion of the appropriate body, be impractical for there to be an election of parent governors.

10.—(1) Except where paragraph 11 applies, in appointing a parent governor to represent a federated school, the governing body of a federation must appoint—

- (a) a parent of a registered pupil at the school;
- (b) a parent of a registered pupil at another school within the federation; or
- (c) a parent of a child of compulsory school age, or in the case of a maintained nursery school, of or under compulsory school age.

(2) The governing body must only appoint a person referred to in paragraph (1)(b) or (c) if there is no other person to be appointed from an earlier paragraph in the list set out in sub-paragraph (1).

11.—(1) Where the school is a community special school, in appointing a parent governor the governing body of a federation must appoint—

- (a) a parent of a registered pupil at the school;
- (b) a parent of a child of compulsory school age with special educational needs;
- (c) a parent of a person of any age with special educational needs; or

(d) rhiant plentyn mewn oedran ysgol gorfodol.

(2) Rhaid i gorff llywodraethu ffederasiwn beidio â phenodi person y cyfeirir ato ym mharagraff (1)(b), (c) neu (d) ac eithrio pan nad oes unrhyw berson arall i'w benodi o baragraff cynharach yn y rhestr a nodwyd yn is-baragraff (1).

(d) a parent of a child of compulsory school age.

(2) The governing body of a federation must only appoint a person referred to in paragraph (1)(b), (c) or (d) if there is no other person to be appointed from an earlier paragraph in the list set out in sub-paragraph (1).

ATODLEN 3 Rheoliadau 15 ac 16

Ethol athro-lywodraethwyr a staff-lywodraethwyr

1. Yn ddarostyngedig i baragraffau 2 i 4, rhaid i gorff llywodraethu'r ffederasiwn wneud yr holl drefniadau angenrheidiol i ethol athro-lywodraethwyr a staff-lywodraethwyr.

2. At y dibenion o ethol athro-lywodraethwyr a staff-lywodraethwyr, corff llywodraethu'r ffederasiwn sydd i benderfynu p'un a yw person yn athro neu athrawes ysgol neu wedi ei gyflogi i weithio yn yr ysgol rywfodd arall.

3. Yn achos y ddyletswydd a osodir gan baragraff 1—

- (a) nid yw'n cynnwys pŵer i osod unrhyw ofynion ynghylch yr isafswm o bleidleisiau y mae angen eu bwrw i ymgeisydd gael ei ethol; ond
- (b) mae'n cynnwys y pŵer i wneud darpariaeth ynghylch dyddiadau cymhwyso.

4. Rhaid cynnal unrhyw etholiad a ymleddir drwy bleidlais gudd.

SCHEDULE 3 Regulations 15 and 16

Election of teacher and staff governors

1. Subject to paragraphs 2 to 4, the governing body of the federation must make all necessary arrangements for the election of teacher and staff governors.

2. The governing body of the federation is to determine for the purposes of an election of teacher and staff governors whether a person is a school teacher or otherwise employed to work at the school.

3. The duty conferred by paragraph 1—

- (a) does not include power to impose any requirements as to the minimum number of votes required to be cast for a candidate to be elected; but
- (b) includes the power to make provision as to qualifying dates.

4. Any election which is contested must be held by secret ballot.

Penodi llywodraethwyr partneriaeth

1. Pan fo'n ofynnol penodi llywodraethwr partneriaeth—

- (a) rhaid i gorff llywodraethu ffederasiwn geisio enwebiadau gan rieni disgyblion cofrestredig mewn ysgolion yn y ffederasiwn nad oes ganddynt sefydliad a chan y cyfryw bersonau eraill y tybia'n briodol yn y gymuned a wasanaethir gan y ffederasiwn; a
- (b) caiff corff llywodraethu ffederasiwn geisio enwebiadau gan rieni disgyblion cofrestredig mewn ysgolion eraill yn y ffederasiwn fel y tybia'n briodol.

2. Ni chaiff unrhyw berson enwebu i'w benodi, na phenodi, person yn llywodraethwr partneriaeth oni fyddai'r person hwnnw'n gymwys i'w benodi gan gorff llywodraethu'r ffederasiwn yn llywodraethwr cymunedol.

3. Yn ddarostyngedig i baragraff 4(2), ni chaiff unrhyw lywodraethwr enwebu person i'w benodi'n llywodraethwr partneriaeth.

4.—(1) Rhaid i'r corff llywodraethu benodi pa bynnag nifer o lywodraethwyr partneriaeth sy'n ofynnol yn ôl yr offeryn llywodraethu o blith enwebeion cymwys.

(2) Os yw'r nifer o enwebeion cymwys yn llai na'r nifer o leoedd gwag, caniateir cwblhau'r nifer o lywodraethwyr partneriaeth sy'n ofynnol â phersonau a ddedholir gan gorff llywodraethu'r ffederasiwn.

5.—(1) Pan fo corff llywodraethu ffederasiwn yn gwneud penodiad o dan baragraff 4(2), ar ôl gwrthod unrhyw berson a enwebwyd o dan baragraff 1, rhaid iddo roi rhesymau ysgrifenedig dros ei benderfyniad i'r awdurdod lleol ac i'r person a wrthodwyd.

(2) Pan fo ffederasiwn yn cynnwys ysgolion a gynhelir gan ragor nag un awdurdod lleol rhaid dehongli'r cyfeiriad yn is-baragraff (1) at awdurdod lleol fel cyfeiriad at bob un o'r awdurdodau lleol.

6. Rhaid i gorff llywodraethu ffederasiwn wneud pob trefniant angenrheidiol ar gyfer enwebu a phenodi llywodraethwyr partneriaeth a phenderfynu ynghylch pob mater arall yn ymwneud â'u henwebu a'u penodi.

Appointment of partnership governors

1. Where a partnership governor is required, the governing body of a federation—

- (a) must seek nominations from parents of registered pupils at schools in the federation which have no foundation, and from such other persons in the community served by the federation as they consider appropriate; and
- (b) may seek nominations from parents of registered pupils at other schools in the federation as they consider appropriate.

2. No person may nominate for appointment, or appoint, a person as a partnership governor unless that person would be eligible for appointment by the governing body of the federation as a community governor.

3. Subject to paragraph 4(2), no governor may nominate a person for appointment as a partnership governor.

4.—(1) The governing body must appoint such number of partnership governors as is required by the instrument of government from among eligible nominees.

(2) If the number of eligible nominees is less than the number of vacancies, the number of partnership governors required may be made up by persons selected by the governing body of the federation.

5.—(1) Where the governing body of a federation makes an appointment under paragraph 4(2), having rejected any person nominated under paragraph 1, it must give written reasons for its decision to the local authority and to the person rejected.

(2) Where the federation includes schools maintained by more than one local authority, the reference in sub-paragraph (1) to the local authority is to be taken as a reference to each local authority.

6. The governing body of a federation must make all necessary arrangements for and determine all other matters relating to the nomination and appointment of partnership governors.

Penodi noddwr-lywodraethwyr

1. Yn yr Atodlen hon, ystyr “noddwr” (“*sponsor*”) mewn perthynas â ffederasiwn yw—

- (a) person sy'n rhoi neu sydd wedi rhoi cymorth ariannol sylweddol (sydd at y dibenion hyn yn cynnwys buddiant mewn nwyddau) i'r ffederasiwn neu i ysgol ffederal, ac eithrio cymorth a roddir yn unol â rhwymedigaeth statudol; neu
- (b) unrhyw berson arall (nad yw wedi ei gynrychioli fel arall ar gorff llywodraethu'r ffederasiwn) sy'n darparu neu sydd wedi darparu gwasanaethau sylweddol i'r ffederasiwn neu i'r ysgol ffederal.

2. Pan fo gan y ffederasiwn un neu ragor o noddwyr, caiff corff llywodraethu'r ffederasiwn benderfynu bod yr offeryn llywodraethu i ddarparu y caiff corff llywodraethu'r ffederasiwn benodi nifer o noddwr-lywodraethwyr, na fydd yn fwy na dau, a enwebir yn unol â pharagraff 3.

3. Rhaid i gorff llywodraethu ffederasiwn geisio enwebiadau ar gyfer penodiadau o'r fath gan noddwr y ffederasiwn neu noddwr ysgol ffederal neu (yn ôl y digwydd) gan unrhyw un neu ragor o noddwyr y ffederasiwn neu noddwyr ysgol ffederal.

Appointment of sponsor governors

1. In this Schedule, “sponsor” (“*noddwr*”) in relation to a federation means—

- (a) a person who gives or has given substantial financial assistance (which for these purposes includes benefits in kind) to the federation or to a federated school other than pursuant to statutory obligation; or
- (b) any other person (not being otherwise represented on the governing body of a federation) who provides or has provided substantial services to the federation or to the federated school.

2. Where the federation has one or more sponsors, the governing body of the federation may determine that the instrument of government is to provide for the governing body of the federation to appoint such number of sponsor governors, not exceeding two, nominated in accordance with paragraph 3.

3. The governing body of a federation must seek nominations for such appointments from the federation's or a federated school's sponsor or (as the case may be) from one or more of the federation's or federated school's sponsors.

Penodi llywodraethwyr cynrychiadol

1.—(1) Mewn perthynas ag ysgol arbennig gymunedol a sefydlir mewn ysbyty, rhaid i'r awdurdod lleol ddynodi fel y corff priodol—

- (a) un bwrdd iechyd lleol y cysylltir yr ysgol agosaf ag ef neu ragor nag un bwrdd iechyd lleol y cysylltir yr ysgol agosaf â hwy i weithredu ar y cyd; neu
- (b) yr ymddiriedolaeth Gwasanaeth Iechyd Gwladol y cysylltir yr ysgol agosaf â hi;

a rhaid i'r corff priodol benodi llywodraethwr cynrychiadol i gymryd lle un o'r nifer o lywodraethwyr cymunedol a benodir yn unol â rheoliad 26.

(2) At ddibenion yr Atodlen hon ystyr “ymddiriedolaeth Gwasanaeth Iechyd Gwladol” (“*National Health Service trust*”) yw corff a sefydlwyd gan Weinidogion Cymru o dan adran 18 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1).

2. Pan nad yw ysgol arbennig gymunedol wedi ei sefydlu mewn ysbyty—

- (a) caiff yr awdurdod lleol ddynodi un sefydliad gwirfoddol, neu ragor nag un sefydliad o'r fath yn gweithredu ar y cyd, fel y sefydliad gwirfoddol priodol sy'n ymwneud â'r materion y trefnwyd yr ysgol yn arbennig mewn cysylltiad â hwy; a
- (b) pan fo sefydliad gwirfoddol priodol wedi ei ddynodi felly, rhaid iddo benodi llywodraethwr cynrychiadol i gymryd lle un o'r nifer o lywodraethwyr cymunedol a benodir yn unol â rheoliad 26.

Appointment of representative governors

1.—(1) In relation to a community special school established in a hospital, the local authority must designate as the appropriate body—

- (a) one local health board or more than one board to act jointly; or
- (b) the National Health Service trust;

with which the school is most closely associated and the appropriate body must appoint a representative governor to take the place of one of the number of community governors appointed in accordance with regulation 26.

(2) For the purposes of this Schedule “National Health Service trust” (“*ymddiriedolaeth Gwasanaeth Iechyd Gwladol*”) means a body established by the Welsh Ministers under section 18 of the National Health Service (Wales) Act 2006(1).

2. Where a community special school is not established in a hospital—

- (a) the local authority may designate one voluntary organisation or more than one such organisation to act jointly as the appropriate voluntary organisation concerned with matters in respect of which the school is specially organised; and
- (b) where an appropriate voluntary organisation is so designated, it must appoint the representative governor to take the place of one of the number of community governors appointed in accordance with regulation 26.

(1) 2006 p.42.

(1) 2006.c.42.

Cymwysiadau ac anghymwysiadau

Cyffredinol

1. Ac eithrio yn achos disgybl-lywodraethwyr cyswllt, nid yw unrhyw berson yn gymwys i fod yn llywodraethwr onid yw'r person hwnnw yn 18 oed neu'n hŷn ar ddyddiad ethol neu benodi'r person hwnnw.

2. Ni chaiff unrhyw berson ar unrhyw adeg ddal mwy nag un swydd llywodraethwr yn yr un ysgol.

3. Ac eithrio fel y darperir fel arall yn y Rheoliadau hyn, nid yw'r ffaith bod person yn gymwys i'w ethol neu ei benodi'n llywodraethwr o gategori penodol mewn ffederasiwn yn anghymhwyso'r person hwnnw rhag cael ei ethol neu ei benodi neu rhag parhau'n llywodraethwr o unrhyw gategori arall yn y ffederasiwn hwnnw.

Anhwylder meddyliol

4. Anghymhwysir person rhag dal swydd neu barhau i ddal swydd fel llywodraethwr mewn ffederasiwn ar unrhyw adeg pan fo'r person hwnnw yn agored i gael ei gadw'n gaeth o dan Ddeddf Iechyd Meddwl 1983(1) neu o dan unrhyw ailddeddfiad neu addasiad statudol o'r Ddeddf honno a fydd mewn grym o bryd i'w gilydd.

Methiant i fod yn bresennol mewn cyfarfodydd

5.—(1) Mae'r paragraff hwn yn gymwys i unrhyw lywodraethwr nad yw'n llywodraethwr yn rhinwedd swydd y person hwnnw.

(2) Os bydd llywodraethwr heb gydsyniad y corff llywodraethu, yn methu â bod yn bresennol yng nghyfarfodydd y corff am gyfnod di-dor o chwe mis, sy'n dechrau ar ddyddiad y cyfarfod cyntaf o'r fath lle y methodd y person hwnnw â bod yn bresennol, bydd y llywodraethwr hwnnw, pan ddaw'r cyfnod hwnnw i ben, wedi ei anghymhwyso rhag parhau i ddal swydd llywodraethwr yn y ffederasiwn hwnnw.

(3) Pan fo llywodraethwr wedi anfon ymddiheuriad at glerc y corff llywodraethu cyn cyfarfod nad yw'r person hwnnw yn bwriadu bod yn bresennol ynddo, rhaid i gofnodion y cyfarfod gofnodi a oedd y corff llywodraethu wedi cydsynio i'r absenoldeb ai peidio, a rhaid anfon copi o'r cofnodion at y llywodraethwr o dan sylw i breswylfa arferol y person hwnnw.

(1) 1983 p.20.

Qualifications and disqualifications

General

1. Save in the case of associate pupil governors no person is qualified to be a governor unless that person is aged 18 or over at the date of that person's election or appointment.

2. No person may at any time hold the office of more than one governor of the same school.

3. Save as otherwise provided in these Regulations, the fact that a person is qualified to be elected or appointed as a governor of a particular category at a federation does not disqualify that person from election or appointment or from continuing as a governor of any other category at that federation.

Mental disorder

4. A person is disqualified from holding or for continuing to hold office as a governor of a federation at any time when that person is liable to be detained under the Mental Health Act 1983(1) or under any re-enactment or statutory modification of that Act in force from time to time.

Failure to attend meetings

5.—(1) This paragraph applies to any governor who is not a governor by virtue of that person's office.

(2) A governor, who, without the consent of the governing body, has failed to attend the meetings thereof for a continuous period of six months beginning with the date of the first such meeting that person failed to attend, is, on the expiry of that period, disqualified from continuing to hold office as a governor of that federation.

(3) Where a governor has sent an apology to the clerk to the governing body before a meeting which that person does not propose to attend, the minutes of the meeting must record the governing body's consent or otherwise to the absence and a copy of the minutes must be sent to the governor concerned at that person's normal place of residence.

(1) 1983 c.20.

(4) Nid yw llywodraethwr a anghymhwyswyd rhag bod yn llywodraethwr ffederasiwn o dan is-baragraff (2) yn gymwys i'w ethol, i'w enwebu, nac i'w benodi yn llywodraethwr o unrhyw gategori yn y ffederasiwn hwnnw yn ystod y deuddeng mis yn union ar ôl anghymhwyso'r person hwnnw o dan is-baragraff (2).

Methodaliad

6. Anghymhwysir person rhag dal swydd neu barhau i ddal swydd llywodraethwr mewn ffederasiwn—

- (a) os yw'r person hwnnw wedi ei ddyfarnu'n fethdalwr neu os yw ystad y person hwnnw wedi ei hatafael ac yntau (yn y naill achos neu'r llall) heb ei ryddhau o fethdaliad ac os nad yw'r gorchymyn methdalu wedi ei ddirymu neu ei ddadwneud neu os oes cyfnod moratoriwm o dan orchymyn rhyddhau o ddyled yn gymwys mewn perthynas â'r person hwnnw; neu
- (b) os yw'r person hwnnw wedi gwneud compownd neu drefniant â chredydwy'r person hwnnw, neu wedi rhoi gweithred ymddiriedolaeth i greddydwyr y person hwnnw, ac yntau heb ei ryddhau mewn cysylltiad â hynny.

Anghymhwyso cyfarwyddwyr cwmnïau

7. Anghymhwysir person rhag dal swydd neu barhau i ddal swydd llywodraethwr ffederasiwn ar unrhyw adeg pan fo'r person hwnnw yn destun—

- (a) gorchymyn anghymhwyso neu ymgymeriad anghymhwyso o dan Ddeddf Anghymhwyso Cyfarwyddwyr Cwmnïau 1986(1);
- (b) gorchymyn anghymhwyso o dan Ran 2 o Orchymyn Cwmnïau (Gogledd Iwerddon) 1989(2);
- (c) ymgymeriad anghymhwyso a dderbyniwyd o dan Orchymyn Anghymhwyso Cyfarwyddwyr Cwmnïau (Gogledd Iwerddon) 2002(3); neu
- (d) gorchymyn a wnaed o dan adran 429(2)(b) o Ddeddf Methodaliad 1986(4) (*methu â thalu o dan orchymyn gweinyddu llys sirol*).

(4) A governor who has been disqualified as a governor of a federation under sub-paragraph (2) is not qualified for election, nomination or appointment as a governor of any category at that federation during the twelve months immediately following that person's disqualification under sub-paragraph (2).

Bankruptcy

6. A person is disqualified from holding or continuing to hold office as a governor of a federation if—

- (a) that person has been adjudged bankrupt or sequestration of that person's estate has been awarded and (in either case) that person has not been discharged and the bankruptcy order has not been annulled or rescinded or a moratorium period under a debt relief order applies in relation to that person; or
- (b) that person has made a composition or arrangement with, or granted a trust deed for, that person's creditors and has not been discharged in respect of it.

Disqualification of company directors

7. A person is disqualified from holding or from continuing to hold office as a governor of a federation at any time when that person is subject to—

- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986(1);
- (b) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989(2);
- (c) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002(3); or
- (d) an order made under section 429(2)(b) of the Insolvency Act 1986(4) (*failure to pay under county court administration order*).

(1) 1986 p.46.

(2) Rhif 2404 (G.I. 18).

(3) Rhif 3150 (G.I. 4).

(4) 1986 p.45.

(1) 1986 c.46.

(2) No. 2404 (N.I. 18).

(3) No. 3150 (N.I. 4).

(4) 1986 c.45.

Anghymhwysio ymddiriedolwyr elusennau

8. Anghymhwysir person rhag dal swydd neu barhau i ddal swydd llywodraethwr ffederasiwn os yw'r person hwnnw—

- (a) wedi ei ddiswyddo fel ymddiriedolwr elusen drwy orchymyn a wnaed gan y Comisiynwyr Elusennau neu'r Uchel Lys ar sail unrhyw gamymddygiad neu gamreoli yr oedd y person hwnnw yn gyfrifol amdano neu'n ymwybodol ohono wrth weinyddu'r elusen, neu y cyfrannodd y person hwnnw ato neu a hwylusodd y person hwnnw drwy ymddygiad y person hwnnw; neu
- (b) wedi ei ddiswyddo, o dan adran 34 o Ddeddf Elusennau a Buddsoddi gan Ymddiriedolwyr (Yr Alban) 2005(1) (*pŵerau'r Llys Sesiwn i ymdrin â rheoli elusennau*), rhag ymwneud â rheoli neu reolaeth ar unrhyw gorff.

Personau y gwaherddir eu cyflogi neu y cyfyngir ar eu cyflogi

9. Anghymhwysir person rhag dal swydd neu barhau i ddal swydd llywodraethwr mewn ffederasiwn ar unrhyw adeg pan fo'r person hwnnw—

- (a) wedi ei gynnwys yn y rhestr o athrawon a rhai fu'n gweithio gyda phlant neu bersonau ifanc y gwaherddir eu cyflogi neu y cyfyngir arnynt o dan adran 1 o Ddeddf Amddiffyn Plant 1999(2);
- (b) yn destun cyfarwyddyd gan Weinidogion Cymru neu'r Ysgrifennydd Gwladol o dan adran 142 o Ddeddf 2002(3);
- (c) wedi ei anghymhwysio rhag gweithio gyda phlant o dan adrannau 28, 29 neu 29A o Ddeddf Cyfiawnder Troseddol a Gwasanaethau Llysoedd 2000(4);
- (d) wedi ei anghymhwysio rhag cofrestru o dan Ran XA o Ddeddf Plant 1989(5) ar gyfer gwarchod plant neu ddarparu gofal dydd;
- (e) wedi ei anghymhwysio rhag cofrestru o dan Ran 3 o Ddeddf Gofal Plant 2006(6);

(1) 2005 dsa 10.

(2) 1999 p.14; ac fel y'i harbedwyd gan erthygl 5 o Orchymyn Ddeddf Diogelu Grwpiau Hyglwyf 2006 (Cychwyn Rhif 6, Darpariaethau Trosiannol ac Arbedion) 2009, sef O.S. 2009/2611.

(3) Fe'i dirymwyd at ddibenion benodol gan Ddeddf Diogelu Grwpiau Hyglwyf 2006 p.47 (*gweler* adran 63).

(4) 2000 p.43; dirymwyd adrannau 28, 29 a 29A at ddibenion penodol gan adran 63 o Ddeddf Diogelu Grwpiau Hyglwyf 2006.

(5) 1989 p.41. Fe'i dirymwyd gan adran 73 o Fesur Plant a Theuluoedd (Cymru) 2010 (mecc 1).

(6) 2006 p.21.

Disqualification of charity trustees

8. A person is disqualified from holding or from continuing to hold office as a governor of a federation if—

- (a) that person has been removed from the office of trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which that person was responsible or to which that person was privy, or to which that person contributed or which that person facilitated by that person's conduct; or
- (b) that person has been removed, under section 34 of the Charities and Trustee Investment (Scotland) Act 2005(1) (*powers of Court of Session to deal with management of charities*), from being concerned in the management or control of any body.

Persons whose employment is prohibited or restricted

9. A person is disqualified from holding or from continuing to hold office as a governor of a federation at any time when that person is—

- (a) included in the list of teachers and workers with children or young persons whose employment is prohibited or restricted under section 1 of the Protection of Children Act 1999(2);
- (b) subject to a direction of the Welsh Ministers or the Secretary of State under section 142 of the 2002 Act(3);
- (c) disqualified from working with children under sections 28, 29 or 29A of the Criminal Justice and Court Services Act 2000(4);
- (d) disqualified from registration under Part XA of the Children Act 1989(5) for childminding or providing day care;
- (e) disqualified from registration under Part 3 of the Childcare Act 2006(6);

(1) 2005 asp 10.

(2) 1999 c.14; and as saved by article 5 of the Safeguarding Vulnerable Groups Act 2006 (Commencement No.6 Transitional Provisions and Savings) Order 2009 which is S.I. 2009/2611.

(3) Repealed for certain purposes by the Safeguarding Vulnerable Groups Act 2006 c.47 (*see* section 63)

(4) 2000 c.43 sections 28, 29 and 29A have been repealed for certain purposes by section 63 of the Safeguarding Vulnerable Groups Act 2006.

(5) 1989 c.41. Repealed by section 73 of the Children and Families (Wales) Measure 2010 (nawm 1).

(6) 2006 c.21.

- (f) wedi ei wahardd o weithgaredd a reoleiddir sy'n ymwneud â phlant yn unol ag adran 3(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006(1);
- (g) yn destun cyfarwyddyd gan yr awdurdod priodol o dan adran 167A o Ddeddf 2002(2);
- (h) wedi ei anghymhwyso, yn rhinwedd gorchymyn a wnaed o dan adran 470 neu adran 471 o Ddeddf 1996(3), rhag bod yn berchennog unrhyw ysgol annibynnol neu rhag bod yn athro neu athrawes neu gyflogai arall mewn unrhyw ysgol; neu
- (i) wedi ei anghymhwyso rhag cofrestru o dan Ran 2 o Fesur Plant a Theuluoedd (Cymru) 2010(4).

- (f) barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006(1);
- (g) subject to a direction by the appropriate authority under section 167A of the 2002 Act(2);
- (h) by virtue of an order made under section 470 or section 471 of the 1996 Act(3), disqualified from being the proprietor of any independent school or from being a teacher or other employee in any school; or
- (i) disqualified from registration under Part 2 of the Children and Families (Wales) Measure 2010(4).

Collfarnau troseddol

10.—(1) Yn ddarostyngedig i is-baragraff (5), anghymhwysir person rhag dal swydd, neu barhau i ddal swydd fel llywodraethwr ffederasiwn pan fo unrhyw un o is-baragraffau (2) i (4) neu (6) yn gymwys i'r person hwnnw.

(2) Mae'r is-baragraff hwn yn gymwys i berson os yw'r person hwnnw—

- (a) o fewn cyfnod o bum mlynedd a ddaw i ben ar y dyddiad yn union cyn y dyddiad y byddai penodi neu ethol y person hwnnw yn llywodraethwr fel arall wedi cymryd effaith neu, yn ôl y digwydd, y byddai'r person hwnnw fel arall wedi dod yn llywodraethwr yn rhinwedd swydd y person hwnnw; neu
- (b) ers penodi neu ethol y person hwnnw yn llywodraethwr neu, yn ôl y digwydd, ers i'r person hwnnw ddod yn llywodraethwr yn rhinwedd swydd y person hwnnw;

wedi ei gael yn euog, yn y Deyrnas Unedig neu yn rhywle arall, o unrhyw drosedd ac wedi ei ddedfrydu i garchar (p'un a yw'r ddedfryd yn ataliedig ai peidio) am gyfnod nad yw'n llai na thri mis heb y dewis o dalu dirwy.

(3) Mae'r is-baragraff hwn yn gymwys i berson os cafwyd y person hwnnw, o fewn cyfnod o 20 mlynedd a ddaw i ben ar y dyddiad yn union cyn y dyddiad y byddai penodi neu ethol y person hwnnw yn llywodraethwr fel arall wedi cymryd effaith neu, yn ôl y digwydd, y dyddiad y byddai'r person hwnnw fel arall wedi dod yn llywodraethwr yn rhinwedd swydd y person hwnnw, yn euog fel y disgrifiwyd uchod o unrhyw drosedd a'i ddedfrydu i garchar am gyfnod nad yw'n llai na dwy flynedd a hanner.

Criminal convictions

10.—(1) Subject to sub-paragraph (5), a person is disqualified from holding, or continuing to hold, office as a governor of a federation where any of sub-paragraphs (2) to (4) or (6) apply to that person.

(2) This sub-paragraph applies to a person if—

- (a) within the period of five years ending with the date immediately preceding the date on which that person's appointment or election as governor would otherwise have taken effect or, as the case may be, on which that person would otherwise have become a governor by virtue of that person's office; or
- (b) since that person's appointment or election as governor or, as the case may be, since that person became a governor by virtue of that person's office;

that person has been convicted, whether in the United Kingdom or elsewhere, of any offence and has had passed on them a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine.

(3) This sub-paragraph applies to a person if within the period of 20 years ending with the date immediately preceding the date on which that person's appointment or election as governor would otherwise have taken effect or, as the case may be, on which that person would otherwise have become a governor by virtue of that person's office, that person has been convicted as aforesaid of any offence and has had passed on them a sentence of imprisonment for a period of not less than two and a half years.

(1) 2006 p.47.

(2) Mewnosodwyd adran 167A gan adran 169 o Ddeddf Addysg ac Arolygiadau 2006 (p.40) ond nid yw eto mewn grym.

(3) Fe'i dirymwyd gan adran 216 o Ddeddf Addysg 2002.

(4) 2010 mccc 1.

(1) 2006 c.47.

(2) Section 167A was inserted by section 169 of the Education and Inspections Act 2006 (c.40), but it is not yet in force.

(3) Repealed by section 216 of the Education Act 2002.

(4) 2010 nawm 1

(4) Mae'r is-baragraff hwn yn gymwys i berson os yw'r person hwnnw ar unrhyw adeg wedi ei gael yn euog fel y disgrifiwyd uchod o unrhyw drosedd a bod y person hwnnw wedi ei ddedfrydu i garchar am gyfnod nad yw'n llai na phum mlynedd.

(5) At ddibenion is-baragraffau (2) i (4), rhaid diystyru unrhyw gollfarn gan lys y tu allan i'r Deyrnas Unedig neu gerbron llys o'r fath, am drosedd na fyddai, pe bai'r ffeithiau a oedd wedi arwain at y drosedd wedi digwydd yn unrhyw ran o'r Deyrnas Unedig, wedi ei hystyried yn drosedd yn y rhan honno o'r Deyrnas Unedig yn ôl y gyfraith mewn grym ar yr adeg yr oedd y ffeithiau a oedd wedi arwain at y drosedd wedi digwydd.

(6) Mae'r is-baragraff hwn yn gymwys i berson os yw'r person hwnnw—

- (a) o fewn cyfnod o bum mlynedd a ddaw i ben ar y dyddiad yn union cyn y dyddiad y byddai penodi neu ethol y person hwnnw yn llywodraethwr fel arall wedi cymryd effaith neu, yn ôl y digwydd, y dyddiad y byddai'r person hwnnw fel arall wedi dod yn llywodraethwr yn rhinwedd swydd y person hwnnw; neu
- (b) ers penodi neu ethol y person hwnnw yn llywodraethwr neu, yn ôl y digwydd, ers i'r person hwnnw ddod yn llywodraethwr yn rhinwedd swydd y person hwnnw;

wedi ei gael yn euog o dan adran 547 o Ddeddf 1996(1) (*niwsans neu aflonyddwch ar fangre ysgol*) neu o dan adran 85A o Ddeddf Addysg Bellach ac Uwch 1992(2) (*niwsans neu aflonyddwch ar fangre addysgol*) o drosedd ac wedi ei ddedfrydu i dalu dirwy.

Llywodraethwyr mwy na dwy ysgol

11.—(1) Ac eithrio yn achos disgybl-lywodraethwyr cyswllt, ni chaiff unrhyw berson ddal swydd llywodraethwr mewn mwy na dau ffederasiwn ar unrhyw adeg.

(2) At ddibenion is-baragraff (1) nid ystyrir swyddi llywodraethwyr ex officio, swyddi llywodraethwyr y mae'r Rheoliadau Ysgolion a Gynhelir Newydd yn gymwys iddynt nac unrhyw benodiad o dan adrannau 6, 7, 13 neu 14 o Ddeddf 2013.

(4) This sub-paragraph applies to a person if that person has at any time been convicted as aforesaid of any offence and that person has had passed on them a sentence of imprisonment for a period of not less than five years.

(5) For the purposes of sub-paragraphs (2) to (4), any conviction by or before a court outside the United Kingdom of an offence which, if the facts giving rise to the offence had taken place in any part of the United Kingdom, would not have constituted an offence in that part of the United Kingdom under the law in force at the time the facts given rise to the offence had taken place, must be disregarded.

(6) This sub-paragraph applies to a person if—

- (a) within the period of five years ending with the date immediately preceding the date on which that person's appointment or election as governor would otherwise have taken effect or, as the case may be, on which that person would otherwise have become a governor by virtue of that person's office; or
- (b) since that person's appointment or election as governor or, as the case may be, since that person became a governor by virtue of that person's office;

that person has been convicted under section 547 of the 1996 Act(1) (*nuisance or disturbance on school premises*) or under section 85A of the Further and Higher Education Act 1992(2) (*nuisance or disturbance on educational premises*) of an offence and has been sentenced to a fine.

Governors of more than two schools

11.—(1) Save in the case of associate pupil governors no person may at any time hold office as governor in more than two federations.

(2) For the purposes of sub-paragraph (1) no account is to be taken of ex officio governorships, governorships to which the New Maintained Schools Regulations apply or any appointment under sections 6, 7, 13 or 14 of the 2013 Act.

(1) Fel y'i diwygiwyd gan baragraff 163 o Atodlen 30 i Ddeddf 1998 a chan adran 206 o Ddeddf 2002 ac Atodlen 20 i'r Ddeddf honno, a chan adran 6 o Ddeddf Addysg ac Arolygiadau 2006 (p.40) ac Atodlen 1 i'r Ddeddf honno.

(2) 1992 p.13; mewnosodwyd gan adran 206 o Ddeddf 2002 ac Atodlen 20 i'r Ddeddf honno.

(1) As amended by paragraph 163 of Schedule 30 to the 1998 Act and by section 206 of, and Schedule 20, to the 2002 Act and by section 6 of, and Schedule 1 to, the Education and Inspections Act 2006 (c.40).

(2) 1992 c.13; inserted by section 206 of and Schedule 20 to the 2002 Act.

Methiant i gwblhau hyfforddiant gofynnol

12.—(1) Mae llywodraethwr sydd wedi parhau i fod wedi ei atal o'i swydd, yn rhinwedd rheoliad 4 neu 5 o Reoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) 2013 (“Rheoliadau 2013”), am gyfnod di-dor o 6 mis, ar ôl i'r cyfnod hwnnw ddod i ben, wedi anghymhwyso rhag dal swydd fel llywodraethwr unrhyw ysgol.

(2) Nid yw llywodraethwr sydd wedi ei anghymhwyso rhag bod yn llywodraethwr ysgol o dan is-baragraff (1) yn gymwys i gael ei ethol, ei enwebu na'i benodi'n llywodraethwr unrhyw gategori o unrhyw ysgol hyd nes y bydd y llywodraethwr hwnnw wedi cwblhau'r hyfforddiant gofynnol yn rhinwedd rheoliad 4 neu 5 o Reoliadau 2013.

Gwrthod gwneud cais am dystysgrif cofnodion troseddol

13. Anghymhwysir person rhag dal swydd neu barhau i ddal swydd llywodraethwr ar unrhyw adeg pan fydd y person hwnnw yn gwrthod cais gan y corff llywodraethu i wneud cais o dan adran 113B o Ddeddf yr Heddlu 1997(1) am dystysgrif cofnodion troseddol.

Hysbysu'r cler

14. Os yw person—

- (a) wedi ei anghymhwyso rhag dal swydd neu barhau i ddal swydd fel llywodraethwr ffederasiwn yn rhinwedd unrhyw un o baragraffau 6 i 11; a
- (b) yn llywodraethwr neu os bwriedir i'r person hwnnw fod yn llywodraethwr;

rhaid i'r person hwnnw hysbysu cler y corff llywodraethu o'r ffaith honno.

Failure to complete required training

12.—(1) A governor, who, has remained suspended from office by virtue of regulation 4 or 5 of the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 (“the 2013 Regulations”) for a continuous period of 6 months is, on the expiry of that period, disqualified from holding office as a governor of any school.

(2) A governor who has been disqualified as a governor of a school under sub-paragraph (1) is not qualified for election, nomination or appointment as a governor of any category at any school until such time as that governor has completed the training required by virtue of regulation 4 or 5 of the 2013 Regulations.

Refusal to make an application for a criminal records certificate

13. A person is disqualified from holding or continuing to hold office as a governor at any time when that person refuses a request by the governing body to make an application under section 113B of the Police Act 1997(1) for a criminal records certificate.

Notification to clerk

14. Where—

- (a) by virtue of any paragraphs 6 to 11 a person is disqualified from holding, or for continuing to hold, office as a governor of a federation; and
- (b) that person is, or is proposed to become, a governor;

that person must give notice of that fact to the clerk to the governing body.

(1) 1997 p.50; mewnosodwyd gan adran 163 o Ddeddf Troseddu Cyfundrefnol Difrifol a'r Heddlu 2005 (p.15). Cafodd is-adrannau (2A) a (12) eu mewnosod, a chafodd is-adran (6) ei diwygio, gan Orchymyn Deddf yr Heddlu 1997 (Cofnodion Troseddol) (Cyfathrebu Electronig) 2009 (O.S. 2009/203). Disodlwyd paragraffau (a) a (b), fel y'i deddfwyd yn wreiddiol gan baragraff 149 o Atodlen 16 i Deddf y Lluedd Arfog 2006 (p.52), gan baragraff (a) o is-adran (10).

(1) 1997 c.50; inserted by section 163 of the Serious Organised Crime and Police Act 2005 (c.15). Subsections (2A) and (12) were inserted, and subsection (6) was amended, by the Police Act 1997 (Criminal Records) (Electronic Communications) Order 2009 (S.I. 2009/203). Paragraph (a) of subsection (10) was substituted for paragraph (a) and (b) as originally enacted by paragraph 149 of Schedule 16 to the Armed Forces Act 2006 (c.52).

Addasu'r Rheoliadau Staffio

1. Yn rheoliad 3, ar ôl paragraff (7) mewnosoder y paragraff canlynol—

“(8) Yn y Rheoliadau hyn—

- (a) mae unrhyw gyfeiriad at bennaeth neu ddirprwy bennaeth ysgol i'w ddehongli fel cyfeiriad at bennaeth neu ddirprwy bennaeth ffederasiwn neu ysgol ffederal; a
- (b) pan gyfeirir at yr awdurdod a phan fo ffederasiwn yn cynnwys ysgolion a gynhelir gan fwy nag un awdurdod, mae'r cyfeiriad i'w ddehongli fel cyfeiriad at bob un.”.

2. Yn rheoliad 4 yn lle paragraff (1), rhodder y canlynol—

“(1) Rhaid i gorff llywodraethu ac awdurdod arfer eu priod swyddogaethau o dan y Rheoliadau hyn ac unrhyw ddeddfiad arall gyda golwg ar sicrhau y cyflogir, neu y cymerir ymlaen rywfodd arall yn hytrach nag o dan contractau cyflogaeth, staff sy'n addas ac yn ddigonol o ran eu niferoedd i sicrhau y darperir addysg sy'n briodol ar gyfer oedrannau, galluoedd, cymwyseddau ac anghenion y disgyblion gan roi sylw i unrhyw drefniadau ar gyfer defnyddio gwasanaethau'r staff a gyflogir neu y cymerir ymlaen rywfodd arall yn hytrach nag yn y ffederasiwn neu ysgol ffederal o dan sylw.”.

3. Yn rheoliad 6(1)(a) ar ôl “pennaeth” gosoder “perthnasol”.

4. Yn rheoliadau 7(1), (2)(a) i (c) a (4)(c), 24A(2) a (5), 27(1) a (3), 29(1) a (4), a 32(1) yn lle “yr ysgol” ym mhob man lle y mae'n digwydd rhodder “y ffederasiwn neu ysgol ffederal”.

5. Yn rheoliad 7(3), yn lle “staff yr ysgol” rhodder “staff y ffederasiwn neu ysgol ffederal”.

6. Yn rheoliad 7(4)(a), yn lle “yr ysgol” rhodder “y ffederasiwn”.

7. Yn rheoliad 7(4)(b) ac (ch), yn lle “ysgol” rhodder “ysgol ffederal”.

8. Yn rheoliadau 9 ac 20 ar ôl “Mae'r Rhan hon yn gymwys i” mewnosoder “ysgolion ffederal sy'n”.

9. Yn rheoliadau 9A(3), 9B a 20A(3) yn lle “ysgol” ym mhob man lle y mae'n digwydd rhodder “ffederasiwn neu ysgol ffederal”.

Modification of the Staffing Regulations

1. In regulation 3, after paragraph (7) insert the following paragraph—

“(8) In these Regulations —

- (a) any reference to the head teacher or deputy head teacher of a school is to be construed as a reference to the head teacher or deputy head teacher of a federation or of a federated school; and
- (b) where reference is made to the authority and a federation includes schools maintained by more than one authority, the reference is to be taken as a reference to each.”.

2. In regulation 4, for paragraph (1) substitute—

“(1) A governing body and an authority must exercise their respective functions under these Regulations and any other enactment with a view to ensuring that there is employed, or engaged otherwise than under contracts of employment, a staff suitable and sufficient in numbers for the purpose of securing the provision of education appropriate to the ages, abilities, aptitudes and needs of the pupils having regard to any arrangements for the utilisation of the services of staff employed or engaged otherwise than at the federation or federated school in question.”.

3. In regulation 6(1)(a), after “sending a copy to the” insert “relevant”.

4. In regulations 7(1), (2)(a) to (c) and (4)(c), 24A(2) and (5), 27(1) and (3), 29(1) and (4), and 32(1) for “school” in each place it occurs substitute “federation or federated school”.

5. In regulation 7(3) for “school's staff” substitute “federation or federated school staff”.

6. In regulation 7(4)(a) for “school” substitute “federation”.

7. In regulation 7(4)(b) and (d) for “school” substitute “federated school”.

8. In regulations 9 and 20 after “This Part applies to” insert “federated schools which are”.

9. In regulations 9A(3), 9B and 20A(3), for “school” in each place it occurs substitute “federation or a federated school”.

10. Yn rheoliad 10(11) yn lle “weithio yn yr ysgol” rhodder “weithio yn y ffederasiwn neu ysgol ffederal”.

11. Yn rheoliadau 12(1), 12(4), 12(9)(b), 12(15), 15A(1), (2) a (5), 17(1) i (3), (8) ac (11), 26(1), (5), (10)(b) ac (15) yn lle “yr ysgol” ym mhob man lle y mae’n digwydd rhodder “y ffederasiwn neu ysgol ffederal”.

12. Yn rheoliadau 15A(4), 18(3) a 24A(4) yn lle “gweithio yn yr ysgol”, ym mhob man lle y mae’n digwydd, rhodder “gweithio yn y ffederasiwn neu mewn ysgol ffederal”.

13. Yn rheoliad 16 yn lle paragraff (1) rhodder—

“(1) Yn ddarostyngedig i reoliad 18—

(a) mae gan y corff llywodraethu a phennaeth y ffederasiwn ill dau bŵer i atal unrhyw berson a gyflogwyd, neu a gymerwyd ymlaen rywfodd arall yn hytrach nag o dan gontract cyflogaeth, i weithio yn y ffederasiwn; a

(b) mae gan y corff llywodraethu a phennaeth ysgol ffederal ill dau bŵer i atal unrhyw berson a gyflogwyd, neu a gymerwyd ymlaen rywfodd arall yn hytrach nag o dan gontract cyflogaeth, i weithio yn yr ysgol ffederal honno,

os yw’r corff llywodraethu neu’r pennaeth (yn ôl fel y digwydd) o’r farn bod angen atal y person hwnnw.”.

14. Yn rheoliad 17(4) yn lle “yr ysgol” rhodder “yr ysgol ffederal”.

15. Yn rheoliad 18(1) yn lle “weithio mewn ysgol” rhodder “weithio mewn ffederasiwn neu ysgol ffederal”.

16. Yn rheoliad 18(3) yn lle “ysgol” yn y lle cyntaf y mae’n digwydd rhodder “ysgol ffederal”.

17. Yn rheoliadau 18A a 26A yn lle “ysgol” rhodder “ffederasiwn neu ysgol ffederal”.

18. Yn rheoliad 19(1) ar ôl “gynorthwyir” mewnosoder “ffederal”.

19. Yn rheoliad 19(2)(a) ar ôl “ysgol” mewnosoder “ffederal”.

20. Yn rheoliad 19(4) ar ôl “gynorthwyir” mewnosoder “ffederal”.

21. Yn rheoliad 23(1) ar ôl “sy’n” mewnosoder “ysgol ffederal ac yn”.

22. Yn rheoliad 23(5) yn lle “ysgol” rhodder “ysgol ffederal”.

10. In regulation 10(11) for “work at the school” substitute “work at the federation or a federated school”.

11. In regulations 12(1), 12(4), 12(9)(b), 12(15), 15A(1), (2) and (5), 17(1) to (3), (8) and (11), 26(1), (5), (10)(b) and (15) for “school” in each place it occurs substitute “federation or federated school”.

12. In regulations 15A(4), 18(3) and 24A(4) for “work at the school” in each place it occurs substitute “work at the federation or a federated school”.

13. In regulation 16 for paragraph (1) substitute—

“(1) Subject to regulation 18—

(a) both the governing body and the head teacher of the federation have the power to suspend any person employed, or engaged otherwise than under a contract of employment, to work at the federation; and

(b) both the governing body and the head teacher of a federated school have the power to suspend any person employed to work, or engaged otherwise than under a contract of employment, at that federated school,

where, in the opinion of the governing body or (as the case may be) the head teacher, his or her suspension is required.”.

14. In regulation 17(4) for “school’s” substitute “federated school’s”.

15. In regulation 18(1) for “work at a school” substitute “work at a federation or a federated school”.

16. In regulation 18(3) for “school” in the first place it occurs substitute “federated school”.

17. In regulations 18A and 26A for “school” substitute “federation or federated school”.

18. In regulation 19(1) after “applies to a” insert “federated”.

19. In regulation 19(2)(a) after “teachers at the” insert “federated”.

20. In regulation 19(4) after “apply to a” insert “federated”.

21. In regulation 23(1) after “foundation school” insert “which is a federated school and”.

22. In regulation 23(5) for “school” substitute “federated school”.

23. Yn rheoliad 24, ar ôl paragraff (8) mewnosoder—

“(8A) Rhaid i'r llywodraethwyr sefydledig a benodwyd mewn cysylltiad ag ysgol wirfoddol a gynorthwyr ffederal benodol gytuno i unrhyw argymhelliad o dan baragraff (8)(c) mewn cysylltiad â phennaeth yr ysgol honno.”.

24. Yn rheoliad 24A yn lle paragraff (1) rhodder—

“(1) Ni chaiff unrhyw berson a gyflenwir gan fusnes cyflogaeth i ffederasiwn neu ysgol ffederal ddechrau gweithio fel athro neu athrawes neu aelod o staff cymorth yn y ffederasiwn neu ysgol ffederal oni fydd y corff llywodraethu wedi cael—

- (a) hysbysiad ysgrifenedig oddi wrth y busnes cyflogaeth ynglŷn â'r person hwnnw—
 - (i) bod y gwiriadau y cyfeirir atynt yn rheoliad 15A(6) wedi cael eu gwneud;
 - (ii) bod cais am dystysgrif gwasanaeth datgelu a gwahardd wedi cael ei wneud, neu fod tystysgrif o'r fath wedi dod i law mewn ymateb i gais a wnaed gan y busnes cyflogaeth hwnnw neu gan fusnes cyflogaeth arall; a
 - (iii) p'un a oedd yn datgelu, os cafodd y busnes cyflogaeth dystysgrif o'r fath cyn bod y person i ddechrau gweithio yn y ffederasiwn neu ysgol ffederal, unrhyw fater neu wybodaeth, neu a roddwyd unrhyw wybodaeth i'r busnes cyflogaeth yn unol ag adran 113B(6) o Ddeddf yr Heddlu 1997; a
- (b) os cafodd y busnes cyflogaeth dystysgrif gwasanaeth datgelu a gwahardd cyn bod y person i ddechrau gweithio yn y ffederasiwn neu ysgol ffederal, a bod honno'n datgelu unrhyw fater neu wybodaeth, neu a roddwyd unrhyw wybodaeth i'r busnes cyflogaeth yn unol ag adran 113B(6) o Ddeddf yr Heddlu 1997, copi o'r dystysgrif.”.

25. Yn rheoliad 28 yn lle paragraff (1) rhodder—

“(1) Mae gan gorff llywodraethu a phennaeth—

- (a) ffederasiwn, ill dau bŵer i atal unrhyw berson a gyflogwyd, neu a gymerwyd ymlaen rywfodd arall yn hytrach nag o dan gontract cyflogaeth i weithio yn y ffederasiwn; a

23. In regulation 24, after paragraph (8) insert—

“(8A) The foundation governors appointed in respect of a particular federated voluntary aided school must agree any recommendation at paragraph (8)(c) in respect of the head teacher of that school.”.

24. In regulation 24A for paragraph (1) substitute—

“(1) No person supplied by an employment business to a federation or federated school may begin work as a teacher or member of support staff at the federation or federated school unless the governing body have received—

- (a) written notification from the employment business in relation to that person—
 - (i) that the checks referred to in regulation 15A(6) have been made;
 - (ii) that an application for a disclosure and barring service certificate has been made, or such a certificate has been obtained in response to an application by that or another employment business; and
 - (iii) whether, if the employment business has obtained such a certificate before the person is due to begin work at the federation or federated school, it disclosed any matter or information, or any information was supplied to the employment business in accordance with section 113B(6) of the Police Act 1997; and
- (b) where the employment business has obtained a disclosure and barring service certificate before the person is due to begin work at the federation or federated school, and it discloses any matter or information, or any information was provided to the employment business in accordance with section 113B(6) of the Police Act 1997, a copy of the certificate.”.

25. In regulation 28 for paragraph (1) substitute—

“(1) Both the governing body and the head teacher—

- (a) of the federation have the power to suspend any person employed, or engaged otherwise than under a contract of employment, to work at the federation; and

(b) ysgol ffederal, ill dau bŵer i atal unrhyw berson a gyflogwyd i weithio neu a gymerwyd ymlaen rywfodd arall yn hytrach nag o dan contract cyflogaeth i weithio yn yr ysgol ffederal honno,

os yw'n ofynnol atal y person hwnnw ym marn y corff llywodraethu neu (yn ôl fel y digwydd) y pennaeth.”.

26. Yn rheoliad 32 yn lle paragraff (2), rhodder—

“(2) Mae rheoliadau 16 a 17 yn gymwys mewn perthynas ag atal, diswyddo neu dynnu'n ôl o ffederasiwn neu ysgol ffederal unrhyw aelod o'r staff sydd wedi'i gyflogi gan yr awdurdod, fel y maent yn gymwys mewn perthynas ag atal, diswyddo neu dynnu'n ôl o ffederasiwn neu ysgol ffederal y mae Rhan 2 o'r Rheoliadau hyn yn gymwys iddo neu iddi, berson sydd wedi ei gyflogi i weithio yn y ffederasiwn neu ysgol ffederal.”.

27. Yn rheoliad 32(3) yn lle “yr ysgol” rhodder “yr ysgol ffederal” ac yn lle “fel pe bai'n ysgol” rhodder “fel pe bai'n ysgol ffederal”.

28. Yn rheoliadau 33(1) a 34(1) ar ôl “gynorthwyr” mewnosoder “sy'n ysgol ffederal”.

29. Yn rheoliad 35 ar ôl “arfaethedig” mewnosoder “sydd i fod yn ysgol ffederal”.

(b) of a federated school have the power to suspend any person employed to work, or engaged otherwise than under a contract of employment, at that federated school,

where, in the opinion of the governing body or (as the case may be) the head teacher, his or her suspension is required.”.

26. In regulation 32, for paragraph (2) substitute—

“(2) Regulations 16 and 17 apply in relation to the suspension, dismissal or withdrawal from the federation or federated school of any member of the staff who is employed by the authority as they apply in relation to the suspension, dismissal or withdrawal from a federation or federated school to which Part 2 of these Regulations applies of a person who is employed to work at the federation or federated school.”.

27. In regulation 32(3) for “the school” substitute “a federated school” and for “as if it were a school” substitute “as if it were a federated school”.

28. In regulations 33(1) and 34(1) after “voluntary aided school” insert “which is a federated school”.

29. In regulation 35, after “school” insert “which is to be a federated school”.

Addasu'r Rheoliadau Cyngorau Ysgol

Modification of the School Councils Regulations

1. Yn rheoliad 2, yn y diffiniad o “ysgol”, yn lle “ysgol a gynhelir” rhodder “ysgol a gynhelir sy’n ysgol ffederal”, ac yn lle “ysgol feithrin a gynhelir” rhodder “ysgol feithrin a gynhelir ac sydd yn ysgol ffederal”.

2. Yn rheoliad 2, yn y diffiniad o “ysgol fabanod”, yn lle “ysgol a gynhelir” rhodder “ysgol a gynhelir sy’n ysgol ffederal”.

3. Yn rheoliad 2, yn y diffiniad o “canolfan adnoddau anghenion addysgol arbennig”, ar ôl “ysgol” mewnosoder “sy’n ysgol ffederal”.

4. Yn rheoliad 3 yn lle paragraff (1) rhodder—

“(1) Rhaid i gorff llywodraethu ffederasiwn sefydlu cyngor ysgol, a'i ddiben yw galluogi disgyblion i drafod materion ynglŷn â'u hysgol, eu haddysg ac unrhyw fater arall y maent yn ymboeni amdano neu sydd o ddiddordeb ac i wneud sylwadau arnynt i'r corff llywodraethu ac i bennaeth y ffederasiwn neu ysgol ffederal.”

5. Yn rheoliad 3(2) yn lle “bennaeth ysgol” rhodder “bennaeth y ffederasiwn neu ysgol ffederal”.

6. Yn rheoliad 3(3) yn lle “phennaeth ysgol” rhodder “phennaeth y ffederasiwn neu ysgol ffederal”.

7. Yn rheoliad 3(4) yn lle “phennaeth yr ysgol” rhodder “phennaeth y ffederasiwn neu ysgol ffederal”.

8. Yn rheoliad 4(2) yn lle “pennaeth” rhodder “pennaeth y ffederasiwn neu ysgol ffederal”.

9. Yn rheoliad 4(4) yn lle “ysgol a phennaeth unrhyw ysgol” rhodder “a phennaeth y ffederasiwn neu ysgol ffederal”.

10. Yn lle rheoliad 7 rhodder—

“(1) Rhaid i bennaeth y ffederasiwn neu ysgol ffederal sicrhau bod cyfle gan y cyngor ysgol i enwebu hyd at ddau ddisgybl o flwyddyn 11 i 13 (yn gynhwysol) o'i aelodaeth i fod yn ddisgybl-lywodraethwyr cyswllt ar y corff llywodraethu.

1. In regulation 2 in the definition of “school” for “maintained school” substitute “maintained school which is a federated school” and for “maintained nursery school” substitute “maintained nursery school which is a federated school”.

2. In regulation 2 in the definition of “infant school” for “maintained school” substitute “maintained school which is a federated school”.

3. In regulation 2 in the definition of “special educational needs resource base” after “school” insert “which is a federated school”.

4. In regulation 3 for paragraph (1) substitute—

“(1) The governing body of a federation must establish a school council, the purpose of which is to enable pupils to discuss matters relating to their school, their education and any other matters of concern or interest and to make representations on these to the governing body and the head teacher of the federation or a federated school.”

5. In regulation 3(2) for “head teacher of a school” substitute “head teacher of the federation or a federated school”.

6. In regulation 3(3) for “head teacher of a school” substitute “head teacher of the federation or a federated school”.

7. In regulation 3(4) for “head teacher of a school” substitute “head teacher of the federation or a federated school”.

8. In regulation 4(2) for “head teacher” substitute “head teacher of the federation or a federated school”.

9. In regulation 4(4) for “head teacher of any school” substitute “head teacher of the federation or a federated school”.

10. For regulation 7 substitute—

“(1) The head teacher of the federation or of a federated school must ensure that the school council has the opportunity to nominate up to two pupils from years 11 to 13 (inclusive) from its membership to be associate pupil governors on the governing body.

(2) Rhaid i gorff llywodraethu ffederasiwn dderbyn unrhyw ddisgybl a enwebir yn unol â pharagraff (1), a'i benodi yn ddisgybl-lywodraethwr cyswllt ar gorff llywodraethu'r ffederasiwn, ar yr amod nad yw'r disgybl wedi ei anghymhwysu rhag bod yn aelod, yn unol ag Atodlen 10 i Reoliadau Ffedereiddio Ysgolion a Gynhelir (Cymru) 2014".

(2) The governing body of a federation must accept any pupil nominated in accordance with paragraph (1), and appoint him or her as an associate pupil governor on the governing body of the federation, provided the pupil is not disqualified from membership in accordance with Schedule 10 to the Federation of Maintained Schools (Wales) Regulations 2014".

Cyfyngiadau ar bersonau rhag cymryd rhan yn nhrafodion y corff llywodraethu neu ei bwyllgorau

Restrictions on persons taking part in proceedings of the governing body or its committees

Buddiannau ariannol

1.—(1) At ddibenion rheoliad 75(2), mae buddiant ariannol mewn contract, contract arfaethedig neu fater arall yn cynnwys achos—

- (a) pan fo person perthnasol wedi ei enwebu neu ei benodi i swydd gan berson y gwnaed y contract ag ef neu y bwriedir gwneud y contract ag ef; neu
- (b) pan fo person perthnasol yn bartner busnes i berson y gwnaed y contract ag ef neu y bwriedir gwneud y contract ag ef; neu
- (c) pan fo gan berthynas i berson perthnasol (gan gynnwys priod y person hwnnw, ei bartner sifil o fewn ystyr “*civil partner*” yn Neddf Partneriaethau Sifil 2004(1) neu rywun sy'n byw gyda'r person hwnnw fel petai'r person hwnnw'n briod neu'n bartner sifil iddo), a'r person hwnnw'n gwybod hynny, fuddiant o'r fath neu y câi ei drin fel petai ganddo fuddiant o'r fath.

(2) At ddibenion rheoliad 75(2) nid yw person perthnasol i'w drin fel petai ganddo fuddiant ariannol mewn unrhyw fater—

- (a) ar yr amod nad yw buddiant y person hwnnw yn y mater yn fwy na buddiant cyffredinol y rhai hynny y telir iddynt am weithio yn y ffederasiwn neu ysgol ffederal;
- (b) yn unig oherwydd i'r person hwnnw gael ei enwebu neu ei benodi i'r swydd gan unrhyw gorff cyhoeddus, neu ei fod yn aelod o gorff o'r fath, neu'n cael ei gyflogi gan gorff o'r fath; neu
- (c) yn unig oherwydd bod y person hwnnw yn aelod o gorfforaeth neu gorff arall os nad oes gan y person hwnnw unrhyw fuddiant ariannol mewn unrhyw warantau o eiddo'r gorfforaeth honno neu gorff arall.

Pecuniary interests

1.—(1) For the purposes of regulation 75(2), a pecuniary interest in a contract, proposed contract or other matter includes a case where—

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

(2) For the purposes of regulation 75(2) a relevant person is not to be treated as having a pecuniary interest in any matter—

- (a) provided that person's interest in the matter is no greater than the interest of the generality of those paid to work at the federation or a federated school;
- (b) by reason only of the fact that that person 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 that person is a member of a corporation or other body if that person has no financial interest in any securities of that corporation or other body.

(1) 2004 p.33.

(1) 2004 c.33.

(3) Ni rwystrir llywodraethwr, oherwydd buddiant ariannol y person hwnnw yn y mater, rhag ystyried a phleidleisio ynghylch cynigion i'r corff llywodraethu gymryd yswiriant i ddiogelu'r aelodau rhag rhwymedigaethau yr ânt iddynt sy'n deillio o'u swydd, ac ni rwystrir y corff llywodraethu, oherwydd buddiannau ariannol ei aelodau, rhag sicrhau yswiriant o'r fath a thalu'r premiymau.

(4) Ni rwystrir llywodraethwr rhag ystyried neu bleidleisio ynghylch unrhyw gynig sy'n ymwneud â lwfansau sydd i'w talu'n unol â Rheoliadau Lwfansau Llywodraethwyr (Cymru) 2005(1) oherwydd bod gan y person hwnnw fuddiant mewn taliadau o lwfansau o'r fath i aelodau'r corff llywodraethu yn gyffredinol, ond rhaid i aelod o gorff llywodraethu neu o unrhyw bwyllgor o gorff llywodraethu fynd allan o gyfarfod pan ystyrir neu pan drafodir a ddylai'r person hwnnw gael lwfans arbennig, swm unrhyw daliad iddo neu unrhyw gwestiwn ynghylch lwfans sydd wedi ei dalu i'r llywodraethwr hwnnw, a rhaid iddo beidio â phleidleisio ar y mater.

Swydd llywodraethwr, cadeirydd, is-gadeirydd neu glerc

2.—(1) Mae'r is-baragraff hwn yn gymwys pan fo person perthnasol yn bresennol mewn cyfarfod o'r ffederasiwn neu ysgol ffederal ac un o'r canlynol yn fater i'w ystyried—

- (a) penodiad, ailbenodiad, ataliad neu ddiswyddiad y person hwnnw ei hun fel aelod o'r corff llywodraethu neu bwyllgor;
- (b) penodiad neu ddiswyddiad y person hwnnw ei hun fel clerc, neu gadeirydd neu is-gadeirydd y corff llywodraethu neu fel clerc neu gadeirydd pwyllgor;
- (c) os yw'r person hwnnw yn noddwr-lywodraethwr, unrhyw benderfyniad o dan baragraff 2 o Atodlen 5 ynghylch y ddarpariaeth yn yr offeryn llywodraethu ar gyfer noddwr-lywodraethwyr.

(2) Mewn unrhyw achos pan fo is-baragraff (1) yn gymwys, rhaid trin buddiannau'r person perthnasol at ddibenion rheoliad 75(2) fel pe baent yn gwrthdaro â buddiannau'r corff llywodraethu.

(3) A governor is not, by reason of that person's pecuniary interest in the matter, prevented from considering and voting upon proposals for the governing body to take out insurance protecting members against liabilities incurred by them arising out of their office and the governing body shall not, by reason of the pecuniary interest of its members, be prevented from obtaining such insurance and paying the premiums.

(4) A governor is not prevented from considering or voting upon any proposal regarding allowances to be paid in accordance with the Governor Allowances (Wales) Regulations 2005(1) by reason that that person has an interest in the payment of such allowances to members of the governing body generally but a member of a governing body or any committee thereof must withdraw from a meeting during a consideration or discussion of, and must not vote on, whether that person should receive a particular allowance, the amount of any payment or any question about an allowance that has been paid to that governor.

Office of governor, chair, vice-chair or clerk

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

- (a) that person's own appointment, reappointment, suspension or removal as a member of the governing body or a committee;
- (b) that person's own appointment or removal from office as clerk to, or chair or vice-chair of, the governing body or clerk to or chair of a committee;
- (c) if that person is a sponsor governor, any determination under paragraph 2 of Schedule 5 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 are to be treated for the purposes of regulation 75(2) as being in conflict with the governing body's interests.

(1) O.S. 2005/2915 (Cy.212).

(1) S.I. 2005/2915 (W.212).

Talu neu arfarnu personau sy'n gweithio yn yr ysgol

3.—(1) Mae'r is-baragraff hwn yn gymwys pan fo person perthnasol, y telir iddo am weithio mewn ffederasiwn neu ysgol ffederal, ac eithrio fel pennaeth, yn bresennol mewn cyfarfod o'r ffederasiwn neu ysgol ffederal pan fo tâl neu werthuso perfformiad unrhyw berson penodol a gyflogir i weithio yn y ffederasiwn neu'r ysgol ffederal yn fater sydd o dan ystyriaeth.

(2) Mae'r is-baragraff hwn yn gymwys pan fo pennaeth ffederasiwn neu ysgol ffederal yn bresennol mewn cyfarfod o'r ffederasiwn neu ysgol ffederal pan fo tâl neu werthuso perfformiad y person hwnnw ei hunan yn fater sydd o dan ystyriaeth.

(3) Mewn unrhyw achos pan fo is-baragraff (1) neu (2) yn gymwys, rhaid trin buddiannau'r person perthnasol at ddibenion rheoliad 75(2) fel pe baent yn gwrthdaro â buddiannau'r corff llywodraethu.

Penodi staff

4. Pan fo person perthnasol a gyflogir i weithio mewn ffederasiwn neu ysgol ffederal yn bresennol mewn cyfarfod o'r ffederasiwn neu ysgol ffederal a phenodi olynnydd i'r person hwnnw yn fater dan ystyriaeth, rhaid i'r person hwnnw adael y cyfarfod pan ystyrir neu pan drafodir y mater dan sylw, a rhaid iddo beidio â phleidleisio ar unrhyw gwestiwn mewn cysylltiad â'r mater hwnnw.

Personau sy'n aelodau o fwy nag un corff llywodraethu

5. Nid yw'r ffaith bod person yn llywodraethwr neu'n aelod o bwyllgor corff llywodraethu mewn mwy nag un ffederasiwn i'w ystyried, o dan unrhyw amgylchiadau, yn achos o wrthdaro rhwng buddiannau at ddibenion y Rheoliadau hyn.

Pay or appraisal of persons working at the school

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

(2) This sub-paragraph applies where a head teacher of a federation or a federated school is present at a meeting of the federation or a federated school at which a subject of consideration is that person's own pay or performance appraisal.

(3) In any case where sub-paragraph (1) or (2) applies, the relevant person's interests are to be treated for the purpose of regulation 75(2) as being in conflict with the governing body's interests.

Appointment of staff

4. Where a relevant person who is employed to work at a federation or a federated school is present at a meeting of the federation or a federated school at which a subject of consideration is the appointment of a successor to that person, that person must withdraw from the meeting during the consideration or discussion of the matter in question and must not vote on any question with respect to that matter.

Persons who are members of more than one governing body

5. The fact that a person is a governor or a member of a committee of the governing body at more than one federation is not under any circumstances to be considered a conflict of interest for the purpose of these Regulations.

