CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 832 (Cy.37)

ADDYSG, CYMRU

Rheoliadau Addysg (Cofnodion Disgyblion) (Cymru) 2001

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, sy'n disodli darpariaethau a geid yn flaenorol yn Rheoliadau Addysg (Cofnodion Ysgol) 1989, yn darparu i bennaeth yr ysgol gadw cofnodion am gyraeddiadau academaidd a medrau a galluoedd a chynnydd (cofnodion cwricwlaidd) disgybl mewn ysgol a gynhelir gan awdurdod addysg lleol (ac eithrio ysgol feithrin) ac ysgol arbennig nad yw'n cael ei chynnal felly (rheoliad 4).

Maent hefyd yn darparu i'r pennaeth ddatgelu a throsglwyddo cofnodion addysgol (fel y'u diffinnir yn rheoliad 3) i rieni ac i ysgolion y mae disgyblion yn trosglwyddo iddynt (rheoliad 5).

Os yw hynny'n ofynnol, rhaid darparu'r cofnodion addysgol gwreiddiol ynghyd â chyfieithiad i Gymraeg neu Saesneg neu i iaith arall (rheoliad 6).

Mae Rheoliadau 1989 yn cael eu diddymu (rheoliad 7).

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 832 (W.37)

EDUCATION, WALES

The Education (Pupil Records) (Wales) Regulations 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which replace provisions formerly contained in the Education (School Records) Regulations 1989, provide for the keeping by the head teacher of records about the academic achievements and the skills and abilities and progress (curricular records) of a pupil at a school maintained by a local education authority (except a nursery school) and a special school not so maintained (regulation 4).

They also make provision for the disclosure and transfer by the head teacher of educational records (as defined in regulation 3) to parents and schools to which pupils are transferring (regulation 5).

Where requisite, the original educational records must be provided together with a translation into English or Welsh or another language (regulation 6).

The 1989 Regulations are revoked (regulation 7).

OFFERYNNAU STATUDOL

2001 Rhif 832 (Cy. 37)

ADDYSG, CYMRU

Rheoliadau Addysg (Cofnodion Disgyblion) (Cymru) 2001

Wedi'u gwneud	*8th Mawrth 2001*
Yn dod i rym	*16 Ebrill 2001*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 563 a 569(4) a (5) o Ddeddf Addysg 1996(**a**) ac sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru(**b**).

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cofnodion Disgyblion) (Cymru) 2001 a deuant i rym ar 16 Ebrill 2001.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas ag ysgolion yng Nghymru yn unig.

Dehongli

2.-(1) Yn y Rheoliadau hyn -

ystyr "cofnod cwricwlaidd" ("*curricular record*") yw cofnod ffurfiol o gyraeddiadau academaidd disgybl, medrau a galluoedd eraill y disgybl a chynnydd y disgybl yn yr ysgol;

ystyr "person cyfrifol" ("*responsible person*") yw -

(a) pennaeth ysgol annibynnol; neu

(b) corff llywodraethu unrhyw ysgol arall; neu

(c) y person sy'n gyfrifol am arwain unrhyw sefydliad addysg bellach neu addysg uwch neu le addysg neu le hyfforddiant arall y mae disgybl yn trosglwyddo iddo neu y gallai drosglwyddo iddo;

ystyr "diwrnod ysgol" ("*school day*") yw unrhyw ddiwrnod y mae sesiwn ysgol yn digwydd yn yr ysgol;

(a) 1996 p.56. Diddymwyd adran 563(3)(b) gan Atodlen 31 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.31). I gael ystyr "regulations", gweler adran 579(1).

(b) Gweler Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S. 1999/672.

STATUTORY INSTRUMENTS

2001 No. 832 (W.37)

EDUCATION, WALES

The Education (Pupil Records) (Wales) Regulations 2001

Made	*8th March 2001*
Coming into force	*16th April 2001*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 563 and 569(4) and (5) of the Education Act 1996(**a**) and now vested in the National Assembly for Wales(**b**).

Citation, commencement and application

1.-(1) These Regulations may be cited as the Education (Pupil Records) (Wales) Regulations 2001 and shall come into force on 16th April 2001 -

(2) These Regulations apply in relation to schools in Wales only.

Interpretation

2.-(1) In these Regulations-

"curricular record" ("*cofnod cwricwlaidd*") means a formal record of a pupil's academic achievements, the pupil's other skills and abilities and his or her progress in school;

"institution of further or higher education" ("*sefydliad addysg bellach neu addysg uwch*") means any institution falling within sub-section (10) of section 218 of the Education Reform Act 1988(**c**);

"responsible person" ("*person cyfrifol*") means -

(a) the head teacher of an independent school; or

(b) the governing body of any other school; or

(c) the person responsible for the conduct of any institution of further or higher education or other place of education or training to which a pupil transfers or may transfer;

(a) 1996 c.56. Section 563(3)(b) was repealed by Schedule 31 to the School Standards and Framework Act 1998 (c.31). For the meaning of "regulations" see section 579(1)

(b) See the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672.

(c) 1988 c.40 as amended by paragraph 49 of Schedule 8 to the Further and Higher Education Act 1992 (c.13).

ystyr “sefydliad addysg bellach neu addysg uwch” (“*institution of further or higher education*”) yw unrhyw sefydliad o fewn is-adran (10) o adran 218 o Ddeddf Diwygio Addysg 1988(**a**).

(2) Yn y Rheoliadau hyn, mae unrhyw gyfeiriad at reoliad â rhif yn gyfeiriad at y rheoliad sy’n dwyn y rhif hwnnw yn y Rheoliadau hyn ac mae unrhyw gyfeiriad mewn rheoliad at baragraff â rhif yn gyfeiriad at y paragraff yn y rheoliad hwnnw sy’n dwyn y rhif hwnnw.

Ystyr cofnodion addysgol

3.-(1) Yn y Rheoliadau hyn ystyr “cofnod addysgol” (“*educational record*”) yw unrhyw gofnod o wybodaeth -

(a) a brosesir gan neu ar ran corff llywodraethu unrhyw ysgol a bennir ym mharagraff (2), neu gan neu ar ran athro yn yr ysgol honno;

(b) sy’n ymwneud ag unrhyw berson sy’n ddisgybl neu sydd wedi bod yn ddisgybl yn yr ysgol; ac

(c) a ddaeth oddi wrth neu a roddwyd gan neu ar ran unrhyw un o’r personau a bennir ym mharagraff (3),

heblaw gwybodaeth a brosesir gan athro at ddefnydd yr athro yn unig.

(2) Dyma’r ysgolion y cyfeirir atynt ym mharagraff (1)(a) -

(a) ysgol a gynhelir gan awdurdod addysg lleol; a

(b) ysgol arbennig nad yw’n cael ei chynnal felly.

(3) Dyma’r personau y cyfeirir atynt ym mharagraff (1)(c) -

(a) gweithiwr a gyflogir gan yr awdurdod addysg lleol sy’n cynnal yr ysgol;

(b) yn achos -

(i) ysgol wirfoddol a gynorthwyir, ysgol sefydledig neu ysgol arbennig sefydledig; neu

(ii) ysgol arbennig nad yw’n cael ei chynnal gan awdurdod addysg lleol,

athro neu weithiwr cyflogedig arall yn yr ysgol (gan gynnwys seicolegydd addysgol a gymerir ymlaen gan y corff llywodraethu o dan gontract am wasanaethau);

(c) y disgybl y mae’r cofnod yn berthnasol iddo; ac

(ch) rhiant i’r disgybl hwnnw(**b**).

(a) 1988 p.40 fel y’i diwygiwyd gan baragraff 49 o Atodlen 8 i Ddeddf Addysg Bellach ac Uwch 1992 (p.13).

(b) Yr un diffiniad yw hwn â’r diffiniad o “educational record” a geir yn Atodlen 11 i Ddeddf Diogelu Data 1998 (p.29).

“school day” (“*diwrnod ysgol*”) means any day on which there is a school session at the school.

(2) In these Regulations, any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations and any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number.

Meaning of educational records

3.-(1) In these Regulations “educational record” (“*cofnod addysgol*”) means any record of information which -

(a) is processed by or on behalf of the governing body of, or a teacher at, any school specified in paragraph (2);

(b) relates to any person who is or has been a pupil at the school; and

(c) originated from or was supplied by or on behalf of any of the persons specified in paragraph (3),

other than information which is processed by a teacher solely for the teacher’s own use.

(2) The schools referred to in paragraph (1)(a) are -

(a) a school maintained by a local education authority; and

(b) a special school which is not so maintained.

(3) The persons referred to in paragraph (1)(c) are -

(a) an employee of the local education authority which maintains the school;

(b) in the case of -

(i) a voluntary aided, foundation or foundation special school; or

(ii) a special school which is not maintained by a local education authority,

a teacher or other employee at the school (including an educational psychologist engaged by the governing body under a contract for services);

(c) the pupil to whom the record relates; and

(d) a parent of that pupil(**a**).

(a) This definition of “educational record” is the same as the one contained in Schedule 11 to the Data Protection Act 1998 (c.29).

Dyletswyddau pennaeth - cofnodion cwricwlaidd

4. Rhaid i bennaeth pob ysgol a gynhelir gan awdurdod addysg lleol, ac eithrio ysgol feithrin, a phob ysgol arbennig nad yw'n cael ei chynnal felly, gadw cofnod cwricwlaidd, a ddiweddarir o leiaf unwaith y flwyddyn, mewn perthynas â phob disgybl cofrestredig yn yr ysgol.

Dyletswyddau pennaeth - cofnodion addysgol

5.-(1) Ar ôl cael cais ysgrifenedig gan riant i ddatgelu cofnod addysgol disgybl, rhaid i bennaeth ysgol a gynhelir gan awdurdod addysg lleol, ac eithrio ysgol feithrin, a phennaeth ysgol arbennig nad yw'n cael ei chynnal felly, o fewn pymtheng niwrnod ysgol, drefnu ei fod ar gael i'w archwilio, yn rhad ac am ddim, i'r rhiant.

(2) Ar ôl cael cais ysgrifenedig gan riant am gopi o gofnod addysgol disgybl, rhaid i bennaeth ysgol o'r fath, o fewn pymtheng niwrnod ysgol, roi copi ohono i'r rhiant pan delir ffi (nad yw'n fwy na chost ei gyflenwi), os oes ffi, fel y caiff y corff llywodraethu ei ragnodi.

(3) Ym mhob achos lle'r ydys yn ystyried derbyn y disgybl i ysgol arall (gan gynnwys ysgol annibynnol) neu i sefydliad addysg bellach neu addysg uwch neu i unrhyw le addysg neu le hyfforddiant arall, rhaid i'r pennaeth drosglwyddo cofnod cwricwlaidd y disgybl i'r person cyfrifol, yn rhad ac am ddim, os yw'r person yn gwneud y cais hwnnw, cyn pen pymtheng niwrnod ysgol ar ôl cael y cais.

(4) Ni fydd y cofnod a roddir o dan baragraff (3) yn cynnwys canlyniadau unrhyw asesiad o gyraeddiadau'r disgybl.

(5) Wrth gydymffurfio ag unrhyw gais i ddatgelu neu i gael copi o gofnod addysgol disgybl o dan baragraff (1) neu (2) o'r rheoliad hwn, rhaid i'r pennaeth beidio â datgelu unrhyw ddogfennau sy'n destun unrhyw orchymyn o dan adran 30(2) o Ddeddf Diogelu Data 1998(**a**).

Cyfieithu

6.-(1) Mae'r rheoliad hwn yn gymwys i unrhyw ddogfen y mae'n ofynnol trefnu ei bod ar gael i'w harchwilio neu ei rhoi o dan reoliad 5(1), (2) neu (3).

(2) Os yw'n ymddangos i bennaeth yr ysgol ei bod yn ofynnol cyfieithu unrhyw ddogfen o'r fath i Gymraeg neu Saesneg, rhaid i'r pennaeth drefnu ei chyfieithu ac yn ddarostyngedig i baragraff (4), bydd rheoliad 5 yn gymwys i'r ddogfen a gyfieithwyd fel ag y mae'n gymwys i'r ddogfen wreiddiol.

(3) Os yw'n ymddangos i bennaeth yr ysgol ei bod yn ofynnol cyfieithu unrhyw ddogfen o'r fath i iaith heblaw Cymraeg neu Saesneg, rhaid i'r pennaeth drefnu ei chyfieithu ac yn ddarostyngedig i baragraff (4), bydd rheoliad 5 yn gymwys i'r ddogfen a

(a) 1998 p.29.

Duties of head teacher - curricular records

4. The head teacher of every school maintained by a local education authority, except a nursery school, and of every special school not so maintained, shall keep a curricular record, updated at least once a year, in respect of every registered pupil at the school.

Duties of head teacher - educational records

5.-(1) Upon receiving a written request by a parent for disclosure of a pupil's educational record, the head teacher of a school maintained by a local education authority, except a nursery school, and of a special school not so maintained, shall, within fifteen school days, make it available for inspection, free of charge, to the parent.

(2) Upon receiving a written request by a parent for a copy of a pupil's educational record, the head teacher of such a school shall, within fifteen school days, give the parent a copy of it on payment of such fee (not exceeding the cost of supply), if any, as the governing body may prescribe.

(3) In every case where the pupil is under consideration for admission to another school (including an independent school) or to an institution of further or higher education or any other place of education or training, the head teacher shall transfer the pupil's curricular record to the responsible person, free of charge, if that person so requests, within fifteen school days of receiving the request.

(4) The record supplied under paragraph (3) shall not include the results of any assessment of the pupil's achievements.

(5) When complying with a request for disclosure or a copy of a pupil's educational record under paragraph (1) or (2) of this regulation, a head teacher shall not disclose any documents which are subject to any order under section 30(2) of the Data Protection Act 1998(**a**).

Translation

6.-(1) This regulation applies to any document required to be made available for inspection or supplied under regulation 5(1), (2) or (3).

(2) If it appears requisite to the head teacher of the school that any such document should be translated into Welsh or English, the head teacher shall arrange for it to be so translated and subject to paragraph (4), regulation 5 shall apply to the translated document as it applies to the original document.

(3) If it appears requisite to the head teacher of the school that any such document should be translated into a language other than English or Welsh, the head teacher shall arrange for it to be translated and subject to paragraph (4), regulation 5 shall apply to the

(a) 1998 c.29.

gyfieithwyd fel ag y mae'n gymwys i'r ddogfen wreiddiol.

(4) Pan godir tâl am gopi o'r ddogfen wreiddiol, rhaid peidio â chodi tâl uwch am gopi o'r ddogfen a gyfieithwyd fel hyn.

Diddymu

7. Mae Rheoliadau Addysg (Cofnodion Ysgol) 1989(**a**) wedi'u diddymu.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**b**).

translated document as it applies to the original document.

(4) Where a charge is made for a copy of the original document, no greater charge shall be made for a copy of the document so translated.

Revocation

7. The Education (School Records) Regulations 1989(**a**) are revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**b**).

Dafydd Elis Thomas

8 Mawrth 2001

Llywydd y Cynulliad Cenedlaethol

8th March 2001

The Presiding Officer of the National Assembly

(a) O.S. 1989/1261.

(b) 1998 p.38.

(a) S.I. 1989/1261.

(b) 1998 c.38.

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