OFFERYNNAU STATUDOL CYMRU

2007 Rhif 3562 (Cy.312)

ADDYSG, CYMRU

Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Cymru) 2007

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn dirymu Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Cymru) 2003 a Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Personau Rhagnodedig) (Cymru) 2004 ac yn eu hailddeddfu'n sylweddol fel y'u diwygiwyd. Mae'r Rheoliadau hyn yn ei gwneud yn ofynnol i gorff llywodraethu unrhyw ysgol a gynhelir, pan fydd cais ysgrifenedig yn dod i law oddi wrth yr awdurdod addysg lleol sy'n cynnal yr ysgol, gyflenwi, o fewn pedair diwrnod ar ddeg, y cyfryw wybodaeth y cyfeirir ati yn yr Atodlen ag y bydd yr awdurdod yn gofyn amdano mewn cysylltiad â disgyblion yn yr ysgol.

Mae rheoliad 5 yn rhagnodi'r personau y caniateir i Weinidogion Cymru roi gwybodaeth iddynt am ddisgyblion unigol o dan adran 537A(4) o Ddeddf Addysg 1996, a'r wybodaeth am ddisgyblion unigol y caniateir i "gydlynwyr gwybodaeth" ei darparu. O gymhwyso i Gymru y diffiniad o gydlynydd gwybodaeth a geir yn adran 537A(9) o Ddeddf Addysg 1996, cydlynydd gwybodaeth yw unrhyw gorff sydd yn gyfrifol, at ddibenion swyddogaethau addysg Gweinidogion Cymru neu mewn cysylltiad â'r swyddogaethau hynny, am gydlynu neu wirio gwybodaeth sy'n ymwneud â disgyblion. Mae'r wybodaeth y mae'r Rheoliadau hyn yn caniatáu iddynt ei darparu yn ymwneud â chyflawniadau addysgol disgyblion mewn unrhyw arholiadau TAG Safon Uwch, unrhyw arholiadau TAG Uwch Gyfrannol, unrhyw bynciau GNVQ ac mewn unrhyw gwrs astudiaeth a ddarperir ar gyfer disgyblion o oedran ysgol gorfodol mewn ysgol a gynhelir gan awdurdod addysg lleol ac sy'n gwrs sy'n arwain at gymhwyster a gymeradwyir gan Weinidogion Cymru neu gan gorff a ddynodir gan Weinidogion Cymru o dan adran 99 o Ddeddf Dysgu a Medrau 2000.

WELSH STATUTORY INSTRUMENTS

2007 No. 3562 (W.312)

EDUCATION, WALES

The Education (Information About Individual Pupils) (Wales) Regulations 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Education (Information About Individual Pupils) (Wales) Regulations 2003 and the Education (Individual Pupil Information) (Prescribed Persons) (Wales) Regulations 2004 and substantially re-enact them as amended. These Regulations require the governing body of any maintained school on receiving a written request from the local education authority by which the school is maintained to supply within fourteen days such of the information referred to in the Schedule as may be requested by the authority in respect of pupils at the school.

Regulation 5 prescribes which persons may be provided with individual pupil information by the Welsh Ministers under section 537A(4) of the Education Act 1996 and which individual pupil information may be provided by "information collators". Applying the definition of an information collator in section 537A(9) of the Education Act 1996 to Wales, an information collator is any body which, for the purposes of or in connection with the education functions of the Welsh Ministers, is responsible for collating or checking information relating to pupils. The information which they may provide by these Regulations relates to the educational achievements of pupils in any GCE "A" level examinations, any GCE "AS" examinations, any GNVQ subjects and any course of study provided to pupils of compulsory school age in a school maintained by a local education authority leading to a qualification which is approved by the Welsh Ministers or by a body designated by the Welsh Ministers under section 99 of the Learning and Skills Act 2000.

OFFERYNNAU STATUDOL CYMRU

2007 Rhif 3562 (Cy.312)

ADDYSG, CYMRU

Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Cymru) 2007

Gwnaed	*17 Rhagfyr 2007*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*20 Rhagfyr 2007*
Yn dod i rym	*14 Ionawr 2008*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 537A(1), (2) a (4) a 569(4) a (5) o Ddeddf Addysg 1996(**1**) ac sydd bellach wedi eu breinio ynddynt hwy(**2**), yn gwneud y Rheoliadau canlynol.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Cymru) 2007 a deuant i rym ar 14 Ionawr 2008.

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

Dirymu

2. Dirymir y rheoliadau a geir yn Atodlen 1.

Dehongli

3. Yn y Rheoliadau hyn—

ystyr "absenoldeb nas awdurdodwyd" ("*unauthorised absence*") yw achlysur pan

(**1**) 1996 p.56. Mewnosodwyd adran 537A gan adran 20 o Ddeddf Addysg 1997 (p.44) ac fe'i hamnewidiwyd gan Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.31), Atodlen 30, paragraff 153.

(**2**) Cafodd swyddogaethau'r Ysgrifennydd Gwladol o dan yr adrannau hyn eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

WELSH STATUTORY INSTRUMENTS

2007 No. 3562 (W.312)

EDUCATION, WALES

The Education (Information About Individual Pupils) (Wales) Regulations 2007

Made	*17 December 2007*
Laid before the National Assembly for Wales	*20 December 2007*
Coming into force	*14 January 2008*

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 537A(1), (2) and (4) and 569(4) and (5) of the Education Act 1996(**1**) and now vested in them(**2**) make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Information About Individual Pupils) (Wales) Regulations 2007 and come into force on 14 January 2008.

(2) These Regulations apply in relation to Wales.

Revocation

2. The regulations in Schedule 1 are revoked.

Interpretation

3. In these Regulations—

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

(**1**) 1996 c.56. Section 537A was inserted by section 20 of the Education Act 1997 (c.44) and substituted by the School Standards and Framework Act 1998 (c.31), Schedule 30, paragraph 153.

(**2**) The functions of the Secretary of State under these sections were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

gofnodir bod disgybl yn absennol heb awdurdod yn unol â Rheoliadau Addysg (Cofrestru Disgyblion) 1995 ac mae "absenoldeb a awdurdodwyd" ("*authorised absence*") i'w ddehongli'n unol â hynny;

mae i "anghenion addysgol arbennig" yr ystyr a roddir i "*special educational needs*" gan adran 312 o Ddeddf 1996;

mae i "anhawster dysgu" yr ystyr a roddir i "*learning difficulty*" yn adran 312(2) o Ddeddf 1996(**1**);

ystyr "arholiadau TAG Safon Uwch" ("*GCE "A" level examinations*") ac "arholiadau TAG Uwch Gyfrannol" ("*GCE "AS" examinations*") yw arholiadau Tystysgrif Addysg Gyffredinol Safon Uwch ac arholiadau Tystysgrif Addysg Gyffredinol Uwch Gyfrannol, yn y drefn honno;

ystyr "blwyddyn ysgol" ("*school year*") yw'r cyfnod sy'n dechrau ar ddechrau'r tymor ysgol cyntaf sy'n dechrau ar ôl mis Gorffennaf, ac sy'n dod i ben ar ddechrau'r tymor cyntaf o'r fath sy'n dechrau ar ôl y mis Gorffennaf canlynol;

ystyr "cofrestr" ("*register*") yw'r gofrestr ddisgyblion a gedwir o dan adran 434(**2**) o Ddeddf 1996 ac yn unol â Rheoliadau Addysg (Cofrestru Disgyblion) 1995(**3**);

ystyr "cydlynydd gwybodaeth" ("*information collator*") yw cydlynydd gwybodaeth yn ystyr adran 537A(9) o Ddeddf 1996, sef unrhyw gorff sydd yn gyfrifol, at ddibenion swyddogaethau addysg Gweinidogion Cymru neu mewn cysylltiad â hwy, am gydlynu neu wirio gwybodaeth sy'n ymwneud â disgyblion;

ystyr "cyfeirnod gweithgaredd dysgu" ("*learning activity reference*") yw cyfuniad o rifau sydd, ynghyd â llythyren, yn cael eu dyrannu i gwrs astudiaeth neu weithgaredd dysgu arall ac sy'n benodol i'r cwrs hwnnw neu i'r gweithgaredd dysgu hwnnw, ac a benderfynwyd gan Weinidogion Cymru;

ystyr "cyfnod allweddol" ("*key stage*") yw unrhyw un neu rai o'r cyfnodau a nodir ym mharagraffau (a)

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002(**1**);

"child looked after by a local authority" (*plentyn sy'n derbyn gofal gan awdurdod lleol*") has the meaning assigned to it by section 22(1) of the Children Act 1989(**2**);

"GCE "A" level examinations" ("*arholiadau TAG Safon Uwch*") and "GCE "AS" examinations" ("arholiadau Uwch Gyfrannol") mean General Certificate of Education Advanced Level examinations and General Certificate of Education Advanced Subsidiary examinations respectively;

"GCSE" ("*TGAU*") means General Certificate of Secondary Education;

"GNVQ" ("*GNVQ*") means General National Vocational Qualification;

"individual pupil information" ("*gwybodaeth am ddisgyblion unigol*") means information within the meaning of section 537A(9) of the 1996 Act, namely information relating to and identifying individual pupils or former pupils (at schools in Wales), whether obtained under section 537A(1) of the 1996 Act or otherwise;

"information collator" ("*cydlynydd gwybodaeth*") means an information collator within section 537A(9) of the 1996 Act, namely any body which, for the purposes of or in connection with the functions of the Welsh Ministers relating to education, is responsible for collating or checking information relating to pupils;

"key stage" ("*cyfnod allweddol*") means any of the periods set out in paragraphs (a) to (d) respectively of section 103(1) of the 2002 Act and a reference to the first, second or third key stage is a reference to the periods set out respectively in paragraphs (a), (b) and (c) of the said section 103(1);

"learning activity reference" ("*cyfeirnod gweithgaredd dysgu*") means a combination of numbers which together with a letter are allocated to a course of study or other learning activity and are particular to that course or learning activity, and are determined by the Welsh Ministers;

(**1**) Fel y'i diwygiwyd gan baragraffau 1 a 56 o Atodlen 9 i Ddeddf Dysgu a Medrau 2000 (p.21) a chan baragraffau 2 a 3 o Atodlen 1 i Ddeddf Addysg ac Arolygiadau 2006 (p.40). Diwygiwyd is-adran (2)(c) gan baragraffau 23(a) a (b) o Atodlen 7 ac Atodlen 8 i Ddeddf Addysg 1997 (p.44).

(**2**) Diwygiwyd is-adran (4)(c)(i) gan baragraff 111(a) o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.31). Diddymwyd is-adran (4)(c)(ii) gan baragraff 111(b) o Atodlen 31 i Ddeddf Safonau a Fframwaith Ysgolion 1998.

(**3**) O.S. 1995/2089.

(**1**) 2002 c.32.

(**2**) 1989 c.41. Section 22(1)(b) was amended by paragraph 19 of Schedule 5 to the Local Government Act 2000 (c.22), and by section 2(1) and (2) of the Children (Leaving Care) Act 2000 (c.35), and by section 116(2) of the Adoption and Children Act 2002 (c.38).

i (d) yn y drefn honno o adran 103(1) o Ddeddf 2002 ac mae cyfeiriad at gyfnod allweddol un, dau neu dri yn gyfeiriad at y cyfnodau a nodir yn y drefn honno ym mharagraffau (a), (b) ac (c) o adran 103(1) a enwyd eisoes;

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

ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Addysg 2002(**1**);

ystyr "disgybl chweched dosbarth" ("*sixth form pupil*") yw disgybl mewn ysgol, nad yw'n ysgol arbennig, sy'n cael addysg addas i ofynion disgyblion dros oedran ysgol gorfodol;

ystyr "dyddiad gwahardd parhaol" ("*permanent exclusion date*") yw'r dyddiad y caiff enw disgybl sydd wedi ei wahardd yn barhaol ei ddileu o'r gofrestr;

ystyr "gwybodaeth am ddisgyblion unigol" ("*individual pupil information*") yw gwybodaeth yn ystyr adran 537A(9) o Ddeddf 1996, sef gwybodaeth sy'n ymwneud â disgyblion neu gyn-ddisgyblion unigol (mewn ysgolion yng Nghymru) ac sy'n eu henwi, p'un ai o dan adran 537A(1) o Ddeddf 1996 y cafwyd yr wybodaeth neu fel arall;

ystyr "GNVQ" ("*GNVQ*") yw Cymhwyster Galwedigaethol Cenedlaethol Cyffredinol;

mae i "plentyn sy'n derbyn gofal gan awdurdod lleol" yr ystyr a roddir i "*child looked after by a local authority*" gan adran 22(1) o Ddeddf Plant 1989(**2**);

ystyr "rhif unigryw disgybl" ("*unique pupil number*") yw cyfuniad o rifau sydd, ynghyd â llythyren neu lythrennau, yn cael eu dyrannu i ddisgybl ac sy'n benodol i'r disgybl hwnnw, drwy ddefnyddio fformiwla a benderfynwyd gan Weinidogion Cymru;

mae'r ymadrodd "sesiynau ysgol" ("*school sessions*") i'w ddehongli'n unol â rheoliad 4 o Reoliadau Addysg (Diwrnod Ysgol a Blwyddyn Ysgol) (Cymru) 2003(**3**);

ystyr "TGAU" ("*GCSE*") yw Tystysgrif Gyffredinol Addysg Uwchradd;

(**1**) 2002 p.32.

(**2**) 1989 p.41. Diwygiwyd adran 22(1)(b) gan baragraff 19 o Atodlen 5 i Ddeddf Llywodraeth Leol 2000 (p.22), a chan adran 2(1) a (2) o Ddeddf Plant (Ymadael â Gofal) 2000 (p.35), a chan adran 116(2) o Ddeddf Mabwysiadu a Phlant 2002 (p.38).

(**3**) O.S. 2003/3231 (Cy.311).

"learning difficulty" ("*anhawster dysgu*") has the meaning given to it in section 312(2) of the 1996 Act(**1**);

"permanently excluded" ("*wedi ei wahardd yn barhaol*") in relation to a pupil means a pupil who has been permanently excluded from a school on disciplinary grounds;

"permanent exclusion date" ("*dyddiad gwahardd parhaol*") means the date on which the name of a permanently excluded pupil is deleted from the register;

"register" ("*cofrestr*") means the register of pupils kept under section 434(**2**) of the 1996 Act and in accordance with the Education (Pupil Registration) Regulations 1995(**3**);

"school" ("*ysgol*") means a school maintained by a local education authority, but does not include a pupil referral unit;

"school sessions" ("*sesiynau ysgol*") is to be interpreted in accordance with regulation 4 of the Education (School Day and School Year) (Wales) Regulations 2003(**4**);

"school year" ("*blwyddyn ysgol*") means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;

"sixth form pupil" ("*disgybl chweched dosbarth*") means a pupil at a school, which is not a special school, who is in receipt of education suitable to the requirements of pupils above compulsory school age;

"special school" ("*ysgol arbennig*") has the meaning given by section 337 of the 1996 Act(**5**);

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

"unauthorised absence" ("*absenoldeb nas awdurdodwyd*") means an occasion on which a pupil is recorded as absent without authority pursuant to the Education (Pupil Registration) Regulations 1995 and "authorised absence" ("*absenoldeb a awdurdodwyd*") is to be construed accordingly; and

(**1**) As amended by paragraphs 1 and 56 of Schedule 9 to the Learning and Skills Act 2000 (c.21) and by paragraphs 2 and 3 of Schedule 1 to the Education and Inspections Act 2006 (c.40). Sub-section (2)(c) was amended by paragraphs 23(a) and (b) of Schedule 7 and Schedule 8 to the Education Act 1997 (c.44).

(**2**) Sub-section (4)(c)(i) was amended by paragraph 111(a) of Schedule 30 to the School Standards and Framework Act 1998 (c.31). Sub-section (4)(c)(ii) was repealed by paragraph 111(b) of Schedule 31 to the School Standards and Framework Act 1998.

(**3**) S.I. 1995/2089.

(**4**) S.I. 2003/3231 (W.311).

(**5**) Section 337 was substituted by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.

ystyr "wedi ei wahardd yn barhaol" ("*permanently excluded*") mewn perthynas â disgybl yw disgybl sydd wedi ei wahardd yn barhaol o'r ysgol am resymau disgyblu;

ystyr "ysgol" ("*school*") yw ysgol a gynhelir gan awdurdod addysg lleol, ond nid yw'n cynnwys uned cyfeirio disgyblion; ac

mae i "ysgol arbennig" yr ystyr a roddir i "*special school*" gan adran 337 o Ddeddf 1996(**1**).

Ysgolion a gynhelir gan awdurdodau addysg lleol yn darparu gwybodaeth ar gyfer eu hawdurdodau addysg lleol

4. O fewn pedwar diwrnod ar ddeg ar ôl cael cais ysgrifenedig gan yr awdurdod addysg lleol y cynhelir ysgol ganddo, rhaid i'r corff llywodraethu roi i'r awdurdod ar ffurf sy'n ddarllenadwy gan beiriant, drwy wefan ddiogel ar y rhyngrwyd a ddarparwyd at y diben hwnnw gan Weinidogion Cymru, gymaint o'r wybodaeth y cyfeirir ati yn Atodlen 2 i'r Rheoliadau hyn ag y gofynnir amdani felly.

Personau Rhagnodedig

5.—(1) At ddibenion adran 537A(4) o Ddeddf 1996, mae Gweinidogion Cymru yn rhagnodi'r canlynol yn berson y caniateir iddynt ddarparu ar ei gyfer wybodaeth am ddisgyblion unigol-

(a) unrhyw berson y cyfeirir ato ym mharagraff (2) isod; a

(b) unrhyw berson sy'n perthyn i'r categori y cyfeirir ato ym mharagraff (3) isod.

(2) Y personau y cyfeirir atynt ym mharagraff (1)(a) uchod yw—

(a) yr awdurdod addysg lleol sy'n cynnal yr ysgol y cofrestrir neu y cofrestrwyd y disgybl sy'n destun yr wybodaeth honno ynddi, neu, yn achos ysgol nas cynhelir felly, awdurdod addysg lleol yr ardal y lleolir ynddi'r ysgol y cofrestrir neu y cofrestrwyd y disgybl sy'n destun yr wybodaeth honno ynddi;

(b) person sy'n dal Swydd Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru neu Her Majesty's Chief Inspector of Education and Training in Wales;

(c) Uned Ddata Llywodraeth Leol Cymru; ac

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

Provision of information by schools maintained by local education authorities to their local education authorities

4. Within fourteen days of receiving a request in writing from the local education authority by which a school is maintained, the governing body must provide to the authority in machine readable format, through a secure internet website provided for that purpose by the Welsh Ministers, such of the information referred to in Schedule 2 to these Regulations as is so requested.

Prescribed Persons

5.—(1) For the purposes of section 537A(4) of the 1996 Act, the Welsh Ministers prescribe as a person to whom they may provide individual pupil information -

(a) any person referred to in paragraph (2) below; and

(b) any person falling within the category referred to in paragraph (3) below.

(2) The persons referred to in paragraph (1)(a) above are—

(a) the local education authority which maintains the school at which the pupil who is the subject of that information is or was registered or, in the case of a school which is not so maintained, the local education authority for the area in which the school is situated, at which the pupil who is the subject of that information is or was registered;

(b) a person holding the Office of Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru;

(c) Local Government Data Unit-Wales; and

(**1**) Amnewidiwyd adran 337 gan baragraff 80 o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998.

(ch) y cwmnïau Gyrfa Cymru a sefydlwyd i ddarparu gwasanaethau gyrfaoedd yng Nghymru o dan adrannau 2, 8 a 10 o Ddeddf Cyflogaeth a Hyfforddiant 1973(**1**).

(3) Y categori y cyfeirir ato ym mharagraff (1)(b) uchod yw'r categori o bersonau sy'n ymchwilio i gyflawniadau addysgol disgyblion ac y mae'n ofynnol iddynt gael gwybodaeth am ddisgyblion unigol i'r diben hwnnw.

(4) At ddibenion adran 537A(5)(b) o Ddeddf 1996, mae Gweinidogion Cymru yn rhagnodi'r canlynol yn berson y caniateir i gydlynydd gwybodaeth roi gwybodaeth iddo am ddisgyblion unigol fel a ganlyn—

(a) unrhyw berson y cyfeirir ato ym mharagraff (6) isod; a

(b) unrhyw berson sy'n perthyn i'r categori y cyfeirir ato ym mharagraff (7) isod.

(5) Yr wybodaeth am ddisgyblion unigol y caniateir i gydlynydd gwybodaeth ei rhoi felly, ar yr adegau y byddo i Weinidogion Cymru benderfynu arnynt, yn unol ag adran 537A(5)(b) o Ddeddf 1996, yw unrhyw wybodaeth o'r fath sy'n ymwneud â chyflawniadau addysgol disgyblion yn y canlynol—

(a) unrhyw asesiad Cwricwlwm Cenedlaethol a wneir o ddisgyblion yng nghyfnod allweddol un, dau neu dri;

(b) unrhyw bynciau TGAU;

(c) unrhyw arholiadau TAG Safon Uwch;

(ch) unrhyw arholiadau TAG Uwch Gyfrannol;

(d) unrhyw bynciau GNVQ; ac

(dd) unrhyw gwrs astudio a ddarperir ar gyfer disgyblion o oedran ysgol gorfodol yn unrhyw ysgol a gynhelir gan awdurdod addysg lleol sy'n gwrs sy'n arwain at gymhwyster a gymeradwyir gan Weinidogion Cymru neu gan gorff a ddynodwyd gan Weinidogion Cymru o dan adran 99 o Ddeddf Dysgu a Medrau 2000(**2**) (ac eithrio cymhwyster o'r math y cyfeirir ato yn is-baragraff (b) neu (d) uchod).

(6) Y personau y cyfeirir atynt ym mharagraff (4)(a) uchod yw—

(**1**) 1973 p.50. Amnewidiwyd adran 2 gan adran 25(1) o Ddeddf Cyflogaeth 1988 (p.19). Diddymwyd adran 2(4) a (6) gan Ran 1 o Atodlen 7 i Ddeddf Cyflogaeth 1989 (p.38). Mewnosodwyd adran 2(3A) a (3B) gan adran 47(1) o Ddeddf Diwygio'r Undebau Llafur a Hawliau Cyflogaeth 1993 (p.19). Amnewidiwyd adrannau 8 a 10 gan adran 45 o Ddeddf Diwygio'r Undebau Llafur a Hawliau Cyflogaeth 1993.

(**2**) 2000 p.21. Diddymwyd is-adrannau 6 a 7 gan erthygl 9(1), paragraff 30 o Atodlen 1 i Orchymyn Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu'r Awdurdod) 2005, O.S. 2005/3239 (Cy.244).

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

(3) The category referred to in paragraph (1)(b) above is that of persons conducting research into the educational achievements of pupils and who require individual pupil information for that purpose.

(4) For the purposes of section 537A(5)(b) of the 1996 Act, the Welsh Ministers prescribe as a person to whom an information collator may provide individual pupil information—

(a) any person referred to in paragraph (6) below; and

(b) any person falling within the category referred to in paragraph (7) below.

(5) The individual pupil information which an information collator may so provide, at such times as the Welsh Ministers may determine, in accordance with section 537A(5)(b) of the 1996 Act, is any such information relating to the educational achievements of pupils in—

(a) any National Curriculum assessment of pupils in the first, second or third key stage;

(b) any GCSE subjects;

(c) any GCE "A" level examinations;

(d) any GCE "AS" examinations;

(e) any GNVQ subjects; and

(f) any course of study provided to pupils of compulsory school age in any school maintained by a local education authority which leads to a qualification which is approved by the Welsh Ministers or a body designated by the Welsh Ministers under section 99 of the Learning and Skills Act 2000(**2**) (other than a qualification of the kind referred to in sub-paragraph (b) or (e) above).

(6) The persons referred to in paragraph (4)(a) above are—

(**1**) 1973 c.50. Section 2 was substituted by section 25(1) of the Employment Act 1988 (c.19). Section 2(4) and (6) were repealed by Part 1 of Schedule 7 to the Employment Act 1989 (c.38). Section 2(3A) and (3B) were inserted by section 47(1) of the Trade Union Reform and Employment Rights Act 1993 (c.19). Sections 8 and 10 were substituted by section 45 of the Trade Union Reform and Employment Rights Act 1993.

(**2**) 2000 c.21. Sub-sections 6 and 7 were repealed by article 9(1), paragraph 30 of Schedule 1 to the Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005, S.I. 2005/3239 (W.244).

(a) yr awdurdod addysg lleol sy'n cynnal yr ysgol y cofrestrir neu y cofrestrwyd y disgybl sy'n destun yr wybodaeth honno ynddi, neu, yn achos ysgol nas cynhelir felly, awdurdod addysg lleol yr ardal y lleolir ynddi'r ysgol y cofrestrir neu y cofrestrwyd y disgybl sy'n destun yr wybodaeth honno ynddi; a

(b) person sy'n dal Swydd Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru neu Her Majesty's Chief Inspector of Education and Training in Wales.

(7) Y categori y cyfeirir ato ym mharagraff (4)(b) uchod yw'r categori o bersonau sy'n ymchwilio i gyflawniadau addysgol disgyblion ac y mae'n ofynnol iddynt gael gwybodaeth am ddisgyblion unigol i'r diben hwnnw.

(a) the local education authority which maintains the school at which the pupil who is the subject of that information is or was registered or, in the case of a school which is not so maintained, the local education authority for the area in which the school is situated, at which the pupil who is the subject of that information is or was registered; and

(b) a person holding the Office of Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.

(7) The category referred to in paragraph (4)(b) above is that of persons conducting research into the educational achievements of pupils and who require individual pupil information for that purpose.

Jane Hutt

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

17 Rhagfyr 2007

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

17 December 2007

ATODLEN 1

(Rheoliad 2)

DIRYMIADAU

Rheoliadau a ddirymwyd	*Cyfeirnodau*	*Graddau'r dirymu*
Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Cymru) 2003	O.S 2003/3237 (Cy.317)	Y rheoliad yn gyfan
Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Personau Rhagnodedig) (Cymru) 2004	O.S. 2004/549 (Cy.53)	Y rheoliad yn gyfan
Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Cymru) (Diwygio) 2005	O.S. 2005/35 (Cy.2)	Y rheoliad yn gyfan
Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Cymru) (Diwygio) 2006	O.S. 2006/30 (Cy.4)	Y rheoliad yn gyfan

SCHEDULE 1

(Regulation 2)

REVOCATIONS

Regulations revoked	*References revocation*	*Extent of*
The Education (Information About Individual Pupils) (Wales) Regulations 2003	SI 2003/3237 (W.317)	The whole regulation
The Education (Individual Pupil Information) (Prescribed Persons) (Wales) Regulations 2004	SI 2004/549 (W.53)	The whole regulation
The Education (Information About Individual Pupils) (Wales) (Amendment) Regulations 2005	SI 2005/35 (W.2)	The whole regulation
The Education (Information About Individual Pupils) (Wales) (Amendment) Regulations 2006	SI 2006/30 (W.4)	The whole regulation

ATODLEN 2

(Rheoliad 4)

Darparu Gwybodaeth am Ddisgyblion Unigol

RHAN 1

Pob Disgybl

1. Yr wybodaeth ganlynol am y disgybl—

(a) rhif unigryw cyfredol y disgybl ac, os bu gan yr ysgol rif unigryw blaenorol ar gyfer y disgybl hwnnw, y rhif blaenorol;

(b) cyfenw;

(c) enw cyntaf y disgybl, neu bob enw cyntaf os oes mwy nag un;

(ch) enw canol y disgybl, neu bob enw canol os oes mwy nag un;

(d) rhyw;

(dd) dyddiad geni;

(e) grwp ethnig;

(f) hunaniaeth genedlaethol;

(ff) dyddiad derbyn y disgybl i'r ysgol; ac

(g) grŵp blwyddyn y Cwricwlwm Cenedlaethol yr addysgir y disgybl ynddo.

2. Cod post y cartref lle y mae'r disgybl fel arfer yn preswylio.

3. A gafodd yr wybodaeth am grŵp ethnig a hunaniaeth genedlaethol y disgybl a ddarparwyd yn rhinwedd yr Atodlen hon ei darparu gan—

(a) y disgybl;

(b) rhiant;

(c) yr ysgol;

(ch) ysgol flaenorol; neu

(d) unrhyw ffynhonnell arall.

4. Pa mor rhugl yw'r disgybl yn y Gymraeg.

5. A yw'r disgybl yn astudio'r Gymraeg fel iaith gyntaf neu fel ail iaith.

6. A gafodd yr wybodaeth am lefel rhugledd y disgybl yn y Gymraeg a ddarparwyd yn rhinwedd y Rhan hon ei darparu gan—

(a) y disgybl;

(b) rhiant;

(c) yr ysgol;

(ch) ysgol flaenorol; neu

(d) unrhyw ffynhonnell arall.

SCHEDULE 2

(Regulation 4)

Provision of Information about Individual Pupils

PART 1

All Pupils

1. The following information about the pupil—

(a) current unique pupil number and, where the school has held a previous unique pupil number for that pupil, the previous number;

(b) surname;

(c) first name, or if more than one each first name;

(d) middle name, or if more than one each middle name;

(e) gender;

(f) date of birth;

(g) ethnic group;

(h) national identity;

(i) date of admission to the school; and

(j) National Curriculum year group in which the pupil is taught.

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

3. Whether the information as to the pupil's ethnic group and national identity provided by virtue of this Part was provided by—

(a) the pupil;

(b) a parent;

(c) the school;

(d) a former school; or

(e) any other source.

4. The pupil's level of fluency in the Welsh language.

5. Whether the pupil studies Welsh as a first or second language.

6. Whether the information as to the pupil's level of fluency in the Welsh language provided by virtue of this Part was provided by—

(a) the pupil;

(b) a parent;

(c) the school;

(d) a former school; or

(e) any other source.

7. A yw'r disgybl yn astudio unrhyw bwnc, ac eithrio'r Gymraeg fel iaith gyntaf neu fel ail iaith, drwy gyfrwng y Gymraeg.

8. A yw'r disgybl, yn unol ag adrannau 512(3) a 512ZB o Ddeddf 1996(**1**), wedi gwneud cais am gael prydau bwyd am ddim yn yr ysgol ac wedi ei gael yn gymwys.

9. A oes gan y disgybl anghenion addysgol arbennig ac, os felly, cadarnhad ynghylch—

(a) prif angen y disgybl ac unrhyw angen eilaidd a nodwyd;

(b) pa lefel a pha fath o ddarpariaeth anghenion addysgol arbennig, sy'n rhan o'r ymagwedd raddedig a fabwysiadwyd yn unol â "Cod Ymarfer Anghenion Addysgol Arbennig Cymru", a gyhoeddwyd o dan adran 313 o Ddeddf 1996 ac a ddaeth i rym ar 1 Ebrill 2002, sy'n cael ei gwneud i'r disgybl hwnnw; ac

(c) y cymorth a ddarperir.

10. Pan yw'r disgybl, hyd eithaf gwybodaeth y corff llywodraethu, yn blentyn sy'n derbyn gofal gan yr awdurdod lleol, y ffaith honno ac enw'r awdurdod lleol hwnnw.

11. A yw'r disgybl, hyd eithaf gwybodaeth y corff llywodraethu, wedi bod yn blentyn sy'n derbyn gofal gan yr awdurdod lleol tra bu ar gofrestr yr ysgol, ac, os felly, enw'r awdurdod lleol yr oedd y disgybl yn derbyn gofal ganddo yn fwyaf diweddar.

12. Yn achos ysgol arbennig nad yw'n ysgol arbennig a sefydlwyd mewn ysbyty a yw'r disgybl yn byrddio yn yr ysgol ac, os felly, a yw'r disgybl yn byrddio am saith noson yr wythnos neu am lai na saith noson yr wythnos.

13. A yw'r disgybl yn ddisgybl cofrestredig mewn ysgol neu mewn mwy nag un ysgol ac, os yw'r disgybl wedi ei gofrestru'n ddisgybl mewn mwy nag un ysgol, a yw'r wybodaeth amdano yn cael ei llunio gan yr ysgol y mae'r disgybl yn ei mynychu am y rhan fwyaf o'i amser.

14. A yw'r disgybl yn ddisgybl rhan-amser ac, at ddibenion y paragraff hwn, ystyr "rhan-amser" ("*part-time*") yw bod y disgybl yn mynychu llai na deg sesiwn ysgol mewn unrhyw wythnos pan fydd yr ysgol yn cyfarfod.

15. Yn achos ysgol nad yw'n ysgol arbennig, a yw'r disgybl yn cael addysg—

(a) mewn dosbarth meithrin;

(b) mewn dosbarth arbennig a ddynodwyd felly gan yr awdurdod addysg lleol neu a drefnwyd felly gan yr ysgol; neu

(**1**) Amnewidiwyd adrannau 512 a 512ZB gan adran 202(1) o Ddeddf 2002.

7. Whether the pupil studies any subject, other than Welsh as a first or second language, through the medium of Welsh.

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

9. Whether the pupil has special educational needs and, if so, confirmation of—

(a) the pupil's primary need and any secondary need identified;

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

(c) the support being provided.

10. Where the pupil is, to the knowledge of the governing body, a child looked after by the local authority, that fact and the name of the local authority.

11. Whether the pupil has been, to the knowledge of the governing body, a child looked after by the local authority whilst on the school's register and, if so, the name of the local authority by which the pupil was most recently looked after.

12. In the case of a special school that is not a special school established in a hospital whether the pupil boards at the school and, if so, whether the pupil boards for seven nights per week or less than seven nights per week.

13. Whether the pupil is a registered pupil at one school or more than one school and, where the pupil is registered as a pupil at more than one school, whether the return is being made by the school that the pupil attends for the majority of his or her time.

14. Whether the pupil is part-time, and, for the purposes of this paragraph, "part-time" ("*rhan-amser*") means that the pupil is attending fewer than ten school sessions in any week during which the school meets.

15. In the case of a school which is not a special school, whether the pupil is receiving education in—

(a) a nursery class;

(b) a special class which has been so designated by the local education authority or so organised by the school; or

(**1**) Sections 512 and 512ZB were substituted by section 202(1) of the 2002 Act.

(c) mewn dosbarth prif ffrwd nad yw wedi ei ddynodi'n ddosbarth arbennig gan yr awdurdod addysg lleol neu wedi ei drefnu'n ddosbarth arbennig gan yr ysgol.

16. Cyfanswm nifer y canlynol—

(a) sesiynau ysgol yn ystod y flwyddyn ysgol pan oedd y disgybl yn ddisgybl cofrestredig yn yr ysgol;

(b) y sesiynau ysgol hynny yn ystod y flwyddyn ysgol y gwnaeth y disgybl eu mynychu; ac

(c) nifer yr absenoldebau a awdurdodwyd a'r absenoldebau nas awdurdodwyd ar gyfer y disgybl.

RHAN 2

Disgyblion Chweched Dosbarth

1. Yr wybodaeth ganlynol am bob person sydd yn ddisgybl chweched dosbarth yn yr ysgol neu a oedd yn ddisgybl chweched dosbarth yn yr ysgol ar unrhyw adeg flaenorol yn ystod y flwyddyn ysgol y gwnaed ynddi'r cais am wybodaeth—

(a) a yw'r disgybl yn astudio tuag at Gymhwyster Bagloriaeth Cymru;

(b) teitl pob cwrs neu weithgaredd dysgu arall y mae'r disgybl yn ei astudio; ac

(c) a sgriniwyd y disgybl i nodi unrhyw anghenion o ran sgiliau sylfaenol mewn llythrennedd a rhifedd ar ddechrau ac ar ddiwedd ei raglen gweithgareddau dysgu yn y chweched dosbarth ac, os felly, o ran unrhyw sgiliau sylfaenol mewn perthynas â llythrennedd a rhifedd—

(i) na chawsant eu hasesu oherwydd na nodwyd unrhyw sgiliau sylfaenol pan sgriniwyd y disgybl; neu

(ii) cawsant eu hasesu a nodwyd bod sgiliau sylfaenol y disgybl—

(aa) o dan lefel mynediad,

(bb) ar lefel mynediad 1,

(cc) ar lefel mynediad 2,

(chch) ar lefel mynediad 3,

(dd) ar lefel 1, neu

(dddd) yn uwch na lefel 1, neu

(iii) ni wyddys neu gwrthododd y disgybl gael ei asesu.

(ch) pa gymorth a gynigiwyd i'r disgybl a pha gymorth a dderbyniodd y disgybl pan aseswyd y disgybl o dan is-baragraff (c)(ii) a nodwyd bod sgiliau sylfaenol y disgybl o dan lefel mynediad 1.

(c) a mainstream class that has not been designated as a special class by the local education authority or organised as a special class by the school.

16. The total number of—

(a) school sessions in the school year during which the pupil was registered at the school;

(b) such sessions in the school year attended by the pupil; and

(c) the number of authorised and unauthorised absences for the pupil.

PART 2

Sixth Form Pupils

1. The following information about each person who is, or was at any previous time during the school year in which the request for the information was made, a pupil in the school's sixth form—

(a) whether the pupil is studying towards a Welsh Baccalaureate Qualification;

(b) the title of each learning activity the pupil is studying; and

(c) whether the pupil was screened to identify any basic skills needs for literacy and numeracy at the beginning and end of the pupil's programme of learning activities in the sixth form and, if so whether any basic skills in relation to each of literacy and numeracy were—

(i) not assessed because no basic skills were identified when the pupil was screened; or

(ii) assessed and the pupil's basic skills were identified as being—

(aa) below entry level,

(bb) entry level 1,

(cc) entry level 2,

(dd) entry level 3,

(ee) level 1, or

(ff) above level 1; or

(iii) not known or the pupil refused to be assessed.

(d) what support was offered to the pupil and what support the pupil accepted where the pupil has been assessed under sub-paragraph (c)(ii) and the basic skills of the pupil were identified as being below entry level 1.

2. Mewn perthynas â phob gweithgaredd dysgu arall y mae'r disgybl yn ei astudio—

(a) cyfeirnod y gweithgaredd dysgu;

(b) y dyddiad y dechreuodd y disgybl y gweithgaredd dysgu;

(c) y dyddiad y disgwylir i'r gweithgaredd dysgu ddod i ben;

(ch) enw darparwr y gweithgaredd dysgu;

(d) a gyflwynir y gweithgaredd dysgu drwy gyfrwng y Gymraeg, drwy gyfrwng y Saesneg, neu'n ddwyieithog drwy gyfrwng y Gymraeg a'r Saesneg;

(dd) a oes gan y disgybl anhawster dysgu neu anabledd, neu'r ddau, ac os felly a yw'r disgybl yn ymgymryd â gweithgaredd dysgu ar wahân neu weithgaredd dysgu prif ffrwd;

(e) a yw'r disgybl yn parhau i astudio'r gweithgaredd dysgu neu a yw wedi ei gwblhau neu wedi rhoi'r gorau iddo; ac

(f) p'un a yw'r disgybl wedi cwblhau'r gweithgaredd dysgu neu wedi rhoi'r gorau iddo, y dyddiad y cwblhaodd y disgybl y gweithgaredd dysgu neu y rhoddodd y gorau iddo ac a yw'r disgybl wedi dechrau astudio gweithgaredd dysgu newydd.

3. Yr wybodaeth ganlynol am ddisgybl a roddodd y gorau i fynychu chweched dosbarth yr ysgol yn ystod y flwyddyn ysgol y gwnaed ynddi'r cais am wybodaeth—

(a) y dyddiad y gadawodd y disgybl yr ysgol; a

(b) y rheswm pam y gadawodd y disgybl yr ysgol, os yw'n hysbys.

2. In relation to each learning activity the pupil is studying—

(a) the learning activity reference;

(b) the date the pupil commenced the learning activity;

(c) the expected end date of the learning activity;

(d) the identity of the provider of the learning activity;

(e) whether the learning activity is delivered through the medium of English, the medium of Welsh, or bilingually through the media of English and Welsh;

(f) whether the pupil has a learning difficulty or a disability, or both, and if so whether the pupil is undertaking a discrete learning activity or a mainstream learning activity;

(g) whether the pupil is continuing to study or has completed or withdrawn from the learning activity; and

(h) whether the pupil has completed or withdrawn from the learning activity, the date upon which the pupil completed or withdrew from the learning activity and whether the pupil has begun to study a new learning activity.

3. The following information about a pupil who during the school year in which the request for information is made stopped attending the school's sixth form—

(a) the date the pupil left the school; and

(b) the reason for the pupil leaving the school, if known.

RHAN 3

Disgyblion sydd wedi eu Gwahardd

1. Yr wybodaeth ganlynol am bob disgybl sydd wedi ei wahardd yn barhaol o'r ysgol ac yr oedd ei ddyddiad gwahardd parhaol yn y flwyddyn a ddaeth i ben ar 31 Awst cyn y dyddiad y gwneir y cais am wybodaeth—

(a) rhif unigryw cyfredol disgybl;

(b) cyfenw;

(c) enw cyntaf y disgybl, neu bob enw cyntaf os oes mwy nag un;

(ch) enw canol y disgybl, neu bob enw canol os oes mwy nag un;

(d) rhyw;

(dd) dyddiad geni; ac

(e) y dyddiad y dechreuodd y gwaharddiad parhaol.

PART 3

Excluded Pupils

1. The following information about each pupil permanently excluded from the school and whose permanent exclusion date was in the year ending on 31 August preceding the date on which the request for information is made—

(a) current unique pupil number;

(b) surname;

(c) first name, or if more than one each first name;

(d) middle name, or if more than one each middle name;

(e) gender;

(f) date of birth; and

(g) the date the permanent exclusion began.

OFFERYNNAU STATUDOL CYMRU

2007 Rhif 3562 (Cy.312)

ADDYSG, CYMRU

Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Cymru) 2007

WELSH STATUTORY INSTRUMENTS

2007 No. 3562 (W.312)

EDUCATION, WALES

The Education (Information About Individual Pupils) (Wales) Regulations 2007

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