



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2009 Rhif 821 (Cy.72)

2009 No. 821 (W.72)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Derbyn Plant
sy'n Derbyn Gofal) (Cymru)
2009**

**The Education (Admission of
Looked After Children) (Wales)
Regulations 2009**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn rhagnodi'r camau sydd i'w cymryd a'r amgylchiadau pan fo raid i awdurdod derbyn ar gyfer ysgol a gynhelir roi blaenoriaeth yn eu trefniadau derbyn i "blentyn perthnasol sy'n derbyn gofal" (plentyn sy'n derbyn gofal gan awdurdod lleol yng Nghymru o fewn ystyr adran 22 o Ddeddf Plant 1989 ar adeg gwneud ei gais ac a fydd yn dal i dderbyn gofal yn y ffordd honno ar yr adeg pan gaiff ei dderbyn i'r ysgol).

These Regulations prescribe the actions to be taken and the circumstances in which an admission authority for a maintained school must give priority in their admission arrangements to a "relevant looked after child" (a child who is looked after by a Welsh local authority within the meaning of section 22 of the Children Act 1989 at the time of their application and who will still be so looked after at the time when he or she is admitted to school).

Mae rheoliad 3 yn ei gwneud yn ofynnol i awdurdodau derbyn roi blaenoriaeth yn eu meini prawf gordanystrifio i blant perthnasol sy'n derbyn gofal, yn ddarostyngedig i'r eithriadau yn rheoliadau 4, 5 a 6.

Regulation 3 requires admission authorities to give priority in their oversubscription criteria to relevant looked after children, subject to the exceptions in regulations 4, 5 and 6.

Mae rheoliad 4 yn caniatáu i awdurdodau derbyn ar gyfer ysgolion a ddynodwyd yn rhai â chymeriad crefyddol roi'r flaenoriaeth gyntaf yn eu meini prawf gordanystrifio i bob plentyn perthnasol sy'n derbyn gofal, heb ystyried ei ffydd. Mae'r rheoliad yn ei gwneud yn ofynnol iddynt, beth bynnag, roi blaenoriaeth uwch i blant perthnasol sy'n derbyn gofal ac sy'n dilyn ffydd yr ysgol, nag a roddir i blant eraill sy'n dilyn y ffydd honno, ac i roi blaenoriaeth uwch i blant perthnasol sy'n derbyn gofal ac nad ydynt yn dilyn y ffydd honno nag a roddir i blant eraill nad ydynt yn dilyn y ffydd honno.

Regulation 4 allows admission authorities for schools designated as having a religious character to give first priority in their oversubscription criteria to all relevant looked after children, regardless of their faith. The regulation requires them, in any event, to give higher priority to relevant looked after children of the faith of the school, over other children of that faith, and to give higher priority to relevant looked after children not of that faith than other children not of that faith.

Mae rheoliad 5 yn ei gwneud yn ofynnol i awdurdodau derbyn ar gyfer ysgolion sydd wedi gwneud darpariaeth yn eu trefniadau derbyn ar gyfer dewis ar sail gallu neu doniau ers dechrau blwyddyn ysgol 1997-1998 roi blaenoriaeth i blant perthnasol sy'n derbyn gofal ac a gafodd eu dewis ar sail eu gallu neu eu doniau dros blant eraill a gafodd eu dewis ar sail

Regulation 5 requires admission authorities for schools which have made provision in their admission arrangements for selection by ability or aptitude since the beginning of the 1997-1998 school year to give priority to relevant looked after children who have been selected by ability or aptitude over other children who have been selected by ability or aptitude.

eu gallu neu eu doniau. Mae'n rhaid rhoi blaenoriaeth i blant perthnasol sy'n derbyn gofal ac na ddyfarnwyd iddynt le ar sail eu gallu neu eu doniau dros blant eraill na ddyfarnwyd iddynt le ar y sail honno.

Mae rheoliad 6 yn ei gwneud yn ofynnol i awdurdodau derbyn ar gyfer ysgolion sy'n gwneud darpariaeth ar gyfer dewis drwy fandio roi blaenoriaeth i blant perthnasol sy'n derbyn gofal o fewn pob band.

Mae rheoliad 7 yn caniatáu i awdurdod derbyn, er mwyn cydymffurfio â'r Rheoliadau hyn, amrywio'r trefniadau derbyn sydd eisoes wedi eu penderfynu mewn cysylltiad â'r flwyddyn ysgol 2010/2011 heb fod angen cyfeirio'r amrywiad arfaethedig at Weinidogion Cymru.

Mae rheoliad 8 yn ei gwneud yn ofynnol i awdurdodau derbyn ysgolion a gynhelir yng Nghymru dderbyn plentyn sy'n derbyn gofal gan awdurdod lleol yng Nghymru. Mae hefyd yn ei gwneud yn ofynnol i'r awdurdod lleol ymgynghori â'r awdurdod derbyn. Caiff awdurdod derbyn gyfeirio'r mater at Weinidogion Cymru o fewn 7 niwrnod pe byddai derbyn y plentyn yn rhagfarnu'n sylweddol yn erbyn defnyddio addysg yn effeithiol neu ddefnyddio adnoddau'n effeithiol. Mae'r modd y mae'r awdurdod lleol i ymgynghori, a'r modd y mae'r awdurdod derbyn i gyfeirio'r mater at Weinidogion Cymru, a'r wybodaeth y gallai fod ei hangen, i'w rhagnodi yn y cod ar gyfer derbyn i ysgolion.

Mae rheoliad 9 yn datgymhwyso adran 95(2) o Ddeddf Safonau a Fframwaith Ysgolion 1998 mewn perthynas â phlant perthnasol sy'n derbyn gofal. Mae adran 95(2) o Ddeddf Safonau a Fframwaith Ysgolion 1998 yn gosod dyletswydd ar yr awdurdod addysg lleol, fel yr awdurdod derbyn ar gyfer ysgol gymunedol neu ysgol wirfoddol a reolir, i alluogi corff llywodraethu'r ysgol i apelio yn erbyn unrhyw benderfyniad a wneir gan yr awdurdod neu ar ei ran i dderbyn i'r ysgol ddisgybl a gafodd ei wahardd ddwywaith. Mae rheoliad 9 yn ei gwneud yn ofynnol i'r awdurdod lleol ymgynghori â'r corff llywodraethu. Caiff corff llywodraethu gyfeirio mater at Weinidogion Cymru o fewn 7 niwrnod pe byddai derbyn y plentyn yn rhagfarnu'n sylweddol yn erbyn defnyddio addysg yn effeithiol neu ddefnyddio adnoddau'n effeithiol. Mae'r modd y mae'r awdurdod addysg lleol i ymgynghori, a'r modd y mae'r corff llywodraethu i gyfeirio'r mater at Weinidogion Cymru, a'r wybodaeth y gallai fod ei hangen, i'w rhagnodi yn y cod ar gyfer derbyn i ysgolion.

Relevant looked after children who have not been allocated a place on the basis of ability or aptitude must be given priority over other children who have not been allocated a place on that basis.

Regulation 6 requires admission authorities for schools which make provision for selection by banding to give priority to relevant looked after children within each band.

Regulation 7 permits an admission authority, in order to comply with these Regulations, to vary the admission arrangements that have already been determined in respect of the school year 2010/2011 without the need to refer the proposed variation to the Welsh Ministers.

Regulation 8 requires admission authorities of maintained schools in Wales to admit a child looked after by a local authority in Wales. It also requires the local authority to consult with the admission authority. An admission authority may make a reference within 7 days to the Welsh Ministers if the admission of the child would cause serious prejudice to the efficient use of education or the efficient use of resources. The manner in which the local authority is to consult, and the manner in which the admission authority is to make the reference to the Welsh Ministers and the information that may be required are to be prescribed in the code for school admissions.

Regulation 9 disapplies section 95(2) of the School Standards and Framework Act 1998 in relation to relevant looked after children. Section 95(2) of the School Standards and Framework Act 1998 places a duty on the local education authority, as the admission authority for a community or voluntary controlled school, to enable the governing body of the school to appeal against any decision made by or on behalf of the authority to admit a twice excluded pupil to the school. Regulation 9 requires the local authority to consult with the governing body. A governing body may make a reference within 7 days to the Welsh Ministers if the admission of the child would cause serious prejudice to the efficient use of education or the efficient use of resources. The manner in which the local education authority is to consult, and the manner in which the governing body is to make the reference to the Welsh Ministers and the information that may be required are to be prescribed in the code for school admissions.

2009 Rhif 821 (Cy.72)

ADDYSG, CYMRU

**Rheoliadau Addysg (Derbyn Plant
sy'n Derbyn Gofal) (Cymru)
2009**

Gwnaed 31 Mawrth 2009

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 1 Ebrill 2009

Yn dod i rym 22 Ebrill 2009

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 89(8), 97D ac adran 138(7) ac (8) o Ddeddf Safonau a Fframwaith Ysgolion 1998(1) ac a freiniwyd bellach ynddynt hwy(2), yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Derbyn Plant sy'n Derbyn Gofal) (Cymru) 2009.

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

(3) Daw rheoliadau 7, 8 a 9 i rym ar 22 Ebrill 2009.

(4) Daw gweddill y Rheoliadau i rym ar 22 Ebrill 2009 ac mewn perthynas â threfniadau derbyn y mae disgyblion i gael eu derbyn oddi tanynt i ysgolion a gynhelir yng Nghymru yn y flwyddyn ysgol 2010/2011 ac unrhyw flwyddyn ysgol ddilynol.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr "y cod ar gyfer derbyn i ysgolion" ("*code for school admissions*") yw'r cod a ddyroddwyd gan Weinidogion Cymru o dan adran 84 o Ddeddf 1998;

ystyr "Deddf 1998" ("*the 1998 Act*") yw Deddf Safonau a Fframwaith Ysgolion 1998;

(1) 1998 p.31.

(2) Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

2009 No. 821 (W.72)

EDUCATION, WALES

**The Education (Admission of
Looked After Children) (Wales)
Regulations 2009**

Made 31 March 2009

*Laid before the National
Assembly for Wales* 1 April 2009

Coming into force 22 April 2009

The Welsh Ministers in exercise of the powers conferred upon the National Assembly for Wales by sections 89(8), 97D and section 138(7) and (8) of the School Standards and Framework Act 1998(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 (Admission of Looked After Children) (Wales) Regulations 2009.

(2) These Regulations apply in relation to Wales.

(3) Regulations 7, 8 and 9 come into force on 22 April 2009.

(4) The remainder of the Regulations come into force on 22 April 2009 and in relation to admission arrangements under which pupils are to be admitted to maintained schools in Wales in the school year 2010/2011 and any subsequent school year.

Interpretation

2.—(1) In these Regulations—

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

"code for school admissions" ("*y cod ar gyfer derbyn i ysgolion*") means the code issued by the Welsh Ministers under section 84 of the 1998 Act;

(1) 1998 c.31.

(2) By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

ystyr "meini prawf gordanystrifio" ("*oversubscription criteria*") yw'r meini prawf sydd i'w defnyddio i ddyfarnu lleoedd mewn ysgol os bydd yr awdurdod derbyn yn cael mwy o geisiadau nag sydd o leoedd ar gael;

ystyr "plentyn perthnasol sy'n derbyn gofal" ("*relevant looked after child*") yw plentyn sy'n derbyn gofal gan awdurdod lleol yng Nghymru yn unol ag adran 22 o Ddeddf Plant 1989 ar yr adeg y gwneir cais i'w dderbyn i ysgol, ac y cadarnhaodd yr awdurdod lleol y bydd yn dal i dderbyn gofal ar yr adeg pan gaiff ei dderbyn i'r ysgol;

mae'r ymadrodd "y tu allan i'r cylch derbyn arferol" i'w ddehongli yn unol â'r dehongliad o'r ymadrodd "*outside the normal admission round*" yn rheoliadau 2, 3 a 4 o Reoliadau Addysg (Maint Dosbarthiadau Babanod) (Cymru) 1998(1);

mae'r ymadrodd "ysgol gymunedol" i'w ddehongli yn unol â'r dehongliad o'r ymadrodd "*community school*" yn Neddf 1998;

mae'r ymadrodd "ysgol wirfoddol a reolir" i'w ddehongli yn unol â'r dehongliad o'r ymadrodd "*voluntary controlled school*" yn Neddf 1998.

(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at awdurdod derbyn ar gyfer ysgol yn rhoi blaenoriaeth yn ei feini prawf gordanystrifio i blentyn perthnasol sy'n derbyn gofal yn gyfeiriad at yr awdurdod yn rhoi blaenoriaeth i blentyn o'r fath wrth benderfynu ar ei drefniadau derbyn cyn dechrau pob blwyddyn ysgol yn unol ag adran 89(1) o Ddeddf 1998.

Camau i'w cymryd gan awdurdod derbyn i roi blaenoriaeth yn ei drefniadau derbyn i blant sy'n derbyn gofal

3. Ac eithrio pan fo rheoliadau 4, 5 neu 6 yn gymwys, rhaid i awdurdod derbyn ar gyfer ysgol a gynhelir roi'r flaenoriaeth gyntaf yn ei feini prawf gordanystrifio i bob plentyn perthnasol sy'n derbyn gofal.

Ysgolion a ddynodwyd yn rhai â chymeriad crefyddol

4.—(1) Mae'r rheoliad hwn yn gymwys i awdurdod derbyn ar gyfer ysgol a ddynodwyd gan Weinidogion Cymru yn ysgol â chymeriad crefyddol, yn unol ag adran 69(3) o Ddeddf 1998.

(2) Caiff yr awdurdod derbyn roi'r flaenoriaeth gyntaf yn ei feini prawf gordanystrifio i bob plentyn perthnasol sy'n derbyn gofal, p'un a yw'r plentyn hwnnw yn dilyn yr un ffydd â honno sy'n gymwys i'r ysgol yn unol â'i dynodiad, ai peidio, a rhaid i'r awdurdod, beth bynnag—

"community school" ("*ysgol gymunedol*") is to be interpreted in accordance with the 1998 Act;

"outside the normal admission round" ("*y tu allan i'r cylch derbyn arferol*") is to be interpreted in accordance with regulations 2, 3 and 4 of the Education (Infant Class Sizes) (Wales) Regulations 1998(1);

"oversubscription criteria" ("*meini prawf gordanystrifio*") means the criteria to be used to allocate places at a school if the admission authority receives more applications than there are places available;

"relevant looked after child" ("*plentyn perthnasol sy'n derbyn gofal*") means a child who is looked after by a Welsh local authority in accordance with section 22 of the Children Act 1989 at the time of application for his or her admission to a school is made, and who the local authority has confirmed will be looked after at the time when he or she is admitted to the school;

"voluntary controlled school" ("*ysgol wirfoddol a reolir*") is to be interpreted in accordance with the 1998 Act.

(2) Any reference in these Regulations to an admission authority for a school giving priority in its oversubscription criteria to a relevant looked after child is a reference to the authority giving priority to such a child when determining its admission arrangements before the beginning of each school year in accordance with section 89(1) of the 1998 Act.

Action to be taken by an admission authority to give priority to looked after children in its admission arrangements

3. Except where regulations 4, 5 or 6 apply, an admission authority for a maintained school must give first priority in its oversubscription criteria to all relevant looked after children.

Schools which have been designated as having a religious character

4.—(1) This regulation applies to an admission authority for a school which has been designated by the Welsh Ministers as a school which has a religious character, in accordance with section 69(3) of the 1998 Act.

(2) The admission authority may give first priority in its oversubscription criteria to all relevant looked after children, whether or not they are of the same faith as that which applies to the school in accordance with its designation, and must in any event—

(1) O.S. 1998/1943.

(1) S.I. 1998/1943.

- (a) rhoi'r flaenoriaeth gyntaf i bob plentyn perthnasol sy'n derbyn gofal ac sy'n dilyn y ffydd honno dros bob plentyn arall sy'n dilyn y ffydd honno; a
- (b) rhoi blaenoriaeth uwch i bob plentyn perthnasol sy'n derbyn gofal ac nad yw'n dilyn y ffydd honno nag a roddir i bob plentyn arall nad yw'n dilyn y ffydd honno.

- (a) give first priority to all relevant looked after children who are of that faith over all other children of that faith; and
- (b) give higher priority to all relevant looked after children not of that faith than all other children not of that faith.

Ysgolion lle mae trefniadau eisoes yn bod ar gyfer dewis

5.—(1) Mae'r rheoliad hwn yn gymwys i awdurdod derbyn ar gyfer ysgol a wnaeth ddarpariaeth yn ei threfniadau derbyn, ar ddechrau blwyddyn ysgol 1997-1998, ar gyfer dewis ar sail gallu neu ddoniau ac sydd ar bob adeg ers y dyddiad hwnnw wedi parhau i wneud hynny, yn unol ag adran 100(1) o Ddeddf 1998.

(2) Mae'n rhaid i'r awdurdod derbyn roi'r flaenoriaeth gyntaf yn ei feini prawf gordanysgrifio i bob plentyn perthnasol sy'n derbyn gofal ac a gafodd ei ddewis i'w dderbyn ar sail ei allu neu ei ddoniau dros bob plentyn arall a gafodd ei ddewis i'w dderbyn ar sail ei allu neu ei ddoniau.

(3) Os yw awdurdod derbyn wedi dyfarnu lleoedd yn unol â pharagraff (2), rhoddir blaenoriaeth uwch yn y meini prawf gordanysgrifio i bob plentyn perthnasol sy'n derbyn gofal ac na ddyfarnwyd iddo le ar sail ei allu neu ei ddoniau nag a roddir i bob plentyn arall na ddyfarnwyd iddo le ar sail ei allu neu ei ddoniau.

Ysgolion sy'n dewis drwy fandio disgyblion

6.—(1) Mae'r rheoliad hwn yn gymwys i awdurdod derbyn ar gyfer ysgol sy'n gwneud darpariaeth ar gyfer dewis ar sail gallu i'r graddau bod y trefniadau wedi eu llunio i sicrhau bod cynrychiolaeth gyfartal o bob lefel o allu ymhlith ymgeiswyr, yn unol ag adran 101(1) o Ddeddf 1998.

(2) Rhaid i'r awdurdod derbyn roi'r flaenoriaeth gyntaf yn ei feini prawf gordanysgrifio i blentyn perthnasol sy'n derbyn gofal o fewn pob band dros blentyn arall sy'n gymwys am le ysgol o fewn y band hwnnw.

Amrywio trefniadau derbyn sydd eisoes wedi eu penderfynu ar gyfer y flwyddyn ysgol 2010/2011

7.—(1) Mae'r rheoliad hwn yn gymwys i awdurdodau derbyn sydd eisoes wedi penderfynu beth yw eu trefniadau derbyn yn unol ag adran 89(4) o Ddeddf 1998 mewn perthynas â'r flwyddyn ysgol 2010/2011.

(2) Os bydd ar awdurdod derbyn angen amrywio ei drefniadau derbyn er mwyn cydymffurfio â'r

Schools which have pre-existing arrangements for selection

5.—(1) This regulation applies to an admission authority for a school which at the beginning of the 1997-1998 school year made provision in their admission arrangements for selection by ability or by aptitude and has at all times since that date continued to do so, in accordance with section 100(1) of the 1998 Act.

(2) The admission authority must give first priority in its oversubscription criteria to all relevant looked after children who have been selected for admission by reference to ability or aptitude over all other children who have been selected for admission by reference to ability or aptitude.

(3) Where the admission authority has allocated places in accordance with paragraph (2), all relevant looked after children who have not been allocated a place on the basis of their ability or aptitude shall be given higher priority in the oversubscription criteria than all other children who have not been offered a place on the basis of their ability or aptitude.

Schools which select by pupil banding

6.—(1) This regulation applies to an admission authority for a school which makes provision for selection by ability to the extent that the arrangements are designed to secure that there is equal representation of all levels of ability among applicants, in accordance with section 101(1) of the 1998 Act.

(2) The admission authority must give first priority in its oversubscription criteria to a relevant looked after child within each band over another child who is eligible for a school place within that band.

Varying admission arrangements already determined for the school year 2010/2011

7.—(1) This regulation applies to admission authorities who have already determined their admission arrangements in accordance with section 89(4) of the 1998 Act in relation to the school year 2010/2011.

(2) If an admission authority needs to vary its admission arrangements in order to comply with these Regulations it may vary them without the need to refer

Rheoliadau hyn caiff eu hamrywio heb fod angen iddo gyfeirio'r amrywiad arfaethedig at Weinidogion Cymru yn unol ag adran 89(5) o Ddeddf 1998.

Derbyn plant perthnasol sy'n derbyn gofal i ysgol a gynhelir yng Nghymru y tu allan i'r cylch derbyn arferol

8.—(1) Yn ddarostyngedig i reoliad 9, mae'r rheoliad hwn yn gymwys os cafodd cais ei wneud, y tu allan i'r cylch derbyn arferol, i awdurdod derbyn ar gyfer ysgol a gynhelir yng Nghymru, gan awdurdod lleol yng Nghymru, mewn perthynas â derbyn plentyn perthnasol sy'n derbyn gofal.

(2) Mae'n rhaid i'r awdurdod derbyn y gwnaed y cais iddo dderbyn y plentyn.

(3) Ni chaiff yr awdurdod lleol wneud cais o dan y rheoliad hwn i ysgol y mae'r plentyn wedi ei wahardd yn barhaol ohoni.

(4) Cyn gwneud cais rhaid i'r awdurdod lleol ymgynghori â'r awdurdod derbyn ar gyfer yr ysgol yn y modd a ragnodir yn y cod ar gyfer derbyn i ysgolion.

(5) O fewn cyfnod o 7 niwrnod sy'n dechrau ar y diwrnod y daeth y ffurflen gais i law, caiff yr awdurdod derbyn gyfeirio'r mater, yn y modd a ragnodir gan gyflenwi'r wybodaeth yn y modd a allai gael ei ragnodi yn y cod ar gyfer derbyn i ysgolion, at Weinidogion Cymru i'w benderfynu.

(6) Ni cheir cyfeirio mater o dan baragraff (5) ond ar y sail y byddai derbyn y plentyn i'r ysgol yn rhagfarnu'n sylweddol yn erbyn darparu addysg effeithiol neu ddefnyddio adnoddau'n effeithiol.

Derbyn plant perthnasol sy'n derbyn gofal y mae adran 87 o Ddeddf 1998 yn gymwys iddynt (derbyn disgyblion a waharddwyd ddwywaith)

9.—(1) Nid yw adran 95(2) o Ddeddf 1998 yn gymwys mewn perthynas â phenderfyniad a wnaed gan awdurdod addysg lleol yng Nghymru neu ar ran awdurdod o'r fath i dderbyn plentyn perthnasol sy'n derbyn gofal i ysgol.

(2) Mae'n rhaid i'r awdurdod addysg lleol yng Nghymru ymgynghori, yn y modd a ragnodir yn y cod ar gyfer derbyn i ysgolion, â chorff llywodraethu unrhyw ysgol gymunedol neu ysgol wirfoddol a reolir yng Nghymru cyn gwneud cais ar ran plentyn perthnasol sy'n derbyn gofal ac y mae adran 87 o Ddeddf 1998 yn gymwys iddo am iddo gael ei dderbyn.

(3) Caiff y corff llywodraethu, o fewn cyfnod o 7 niwrnod sy'n dechrau ar y diwrnod y daeth y ffurflen gais i law, gyfeirio'r mater at Weinidogion Cymru yn y modd a ragnodir gan gyflenwi'r wybodaeth yn y modd a allai gael ei ragnodi yn y cod ar gyfer derbyn i ysgolion.

the proposed variation to the Welsh Ministers in accordance with section 89(5) of the 1998 Act.

Admission of relevant looked after children to a maintained school in Wales outside the normal admission round

8.—(1) Subject to regulation 9, this regulation applies where, outside the normal admission round, an application for admission has been made by a Welsh local authority in relation to a relevant looked after child to an admission authority for a maintained school in Wales.

(2) The admission authority to whom the application has been made must admit the child.

(3) The local authority may not make an application under this regulation to a school from which the child is permanently excluded.

(4) Before making an application the local authority must consult the admission authority for the school in the manner prescribed in the code for school admissions.

(5) The admission authority may, within the period of 7 days beginning with the day on which the application form was received, refer the matter in the manner prescribed and supplying information as may be prescribed in the code for school admissions to the Welsh Ministers for determination.

(6) A reference under paragraph (5) may only be made on the grounds that the admission of the child to the school would seriously prejudice the provision of efficient education or the efficient use of resources.

Admission of relevant looked after children to whom section 87 of the 1998 Act applies (admission of twice excluded pupils)

9.—(1) Section 95(2) of the 1998 Act does not apply in relation to a decision made by, or on behalf of, a Welsh local education authority to admit to a school a relevant looked after child.

(2) The Welsh local education authority must consult, in the manner prescribed in the code for school admissions, with the governing body of any community or voluntary controlled school in Wales before making an application for admission on behalf of a relevant looked after child to whom section 87 of the 1998 Act applies.

(3) The governing body may, within the period of 7 days beginning with the day on which the application form was received, refer the matter in the manner prescribed and supplying the information as may be prescribed in the code for school admissions to the Welsh Ministers.

(4) Ni cheir cyfeirio mater o dan baragraff (3) ond ar y sail y byddai derbyn y plentyn i'r ysgol yn rhagfarnu'n sylweddol yn erbyn darparu addysg effeithiol neu ddefnyddio adnoddau'n effeithiol.

(4) A reference under paragraph (3) may only be made on the grounds that the admission of the child to the school would seriously prejudice the provision of efficient education or the efficient use of resources.

Jane Hutt

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

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

31 Mawrth 2009

31 March 2009

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2009 Rhif 821 (Cy.72)

ADDYSG, CYMRU

Rheoliadau Addysg (Derbyn Plant
sy'n Derbyn Gofal) (Cymru)
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