



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2010 Rhif 638 (Cy.64)

2010 No. 638 (W.64)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Ffedereiddio Ysgolion
a Gynhelir a Diwygiadau
Amrywiol (Cymru)
2010

The Federation of Maintained
Schools and Miscellaneous
Amendments (Wales) Regulations
2010

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn 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 12 Ebrill 2010 ac yn cynnwys darpariaethau deongliadol.

Part 1 provides for the Regulations to come into force on 12 April 2010 and contains interpretative provisions.

Mae **Rhan 2** yn nodi dan ba amgylchiadau y ceir sefydlu ffederasiwn neu y caiff ysgol ymuno â ffederasiwn sy'n bod eisoes. Caiff o leiaf ddwy ysgol ffedereiddio yn unol ag adran 24 o Ddeddf Addysg 2002.

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 can federate in accordance with section 24 of the Education Act 2002.

Mae rheoliadau 4 i 9 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 9 ac Atodlen 1 yn galluogi ysgolion newydd sy'n bwriadu bod yn ysgolion ffederal i gael corff llywodraethu sengl dros dro.

Regulations 4 to 9 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 9 and Schedule 1 enable new schools which propose to be federated schools to have a single temporary governing body.

Mae rheoliad 10 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 10 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 11 ac Atodlen 2 yn ymdrin â rhiant-lywodraethwyr ac yn nodi ar ba sail y'u hetholir neu eu penodir.

Part 3 describes the various types of governor. Regulation 11 and Schedule 2 deal with parent governors and set out the basis on which they are elected or appointed.

Mae rheoliad 12 yn ymdrin ag athro-lywodraethwyr a rheoliad 13 yn ymdrin â staff-lywodraethwyr nad ydynt yn athrawon. Mae'r pennaeth yn llywodraethwr yn rhinwedd ei safle ond caiff ymddiswyddo o'i swydd fel llywodraethwr (neu dynnu'n ôl ei ymddiswyddiad) ar unrhyw adeg. Mae Atodlen 3 yn nodi'r broses ar gyfer ethol staff-lywodraethwyr.

Mae rheoliad 14 yn ymdrin â phenodi llywodraethwyr awdurdod lleol.

Mae rheoliad 15 yn nodi pwy sy'n gymwys i'w benodi yn llywodraethwr cymunedol ac yn llywodraethwr cymunedol ychwanegol.

Mae rheoliad 16 yn ymdrin â phenodi llywodraethwyr sefydledig, gan gynnwys llywodraethwyr sefydledig ex officio a dirprwy-lywodraethwyr. Mae rheoliad 17 ac Atodlen 4 yn darparu ar gyfer enwebu a phenodi llywodraethwyr partneriaeth ac mae rheoliad 18 ac Atodlen 5 yn darparu ar gyfer enwebu a phenodi noddwr-lywodraethwyr. Mae penodi noddwr-lywodraethwyr yn opsiynol.

Mae rheoliad 19 ac Atodlen 6 yn darparu ar gyfer enwebu a phenodi llywodraethwyr cynrychiadol.

Mae rheoliad 20 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 22 i 28 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 32 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 33 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 i ymgymryd â'r swydd, ceir penodi dirprwy-lywodraethwr. Mae rheoliad 34 yn pennu'r weithdrefn ar gyfer ymddiswyddo o fod yn llywodraethwr. Mae rheoliadau 35 i 38 yn darparu ar gyfer diswyddo llywodraethwyr a benodwyd (yn hytrach nag a etholwyd) i'w swyddi.

Mae **Rhan 6** yn ymdrin â'r weithdrefn ar gyfer gwneud, adolygu ac amrywio offerynnau llywodraethu ac â chynnwys yr offerynnau. Mae rheoliad 44 yn cymhwyso darpariaethau yn Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006, a rheoliad 45 yn cymhwyso darpariaethau yn Rheoliadau Cynghorau Ysgol (Cymru) 2005, i gyrff llywodraethu ffederasiynau, ac i lywodraethwyr, pan fo rhai

Regulation 12 deals with teacher governors and regulation 13 deals with staff governors who are not teachers. The head teacher is a governor by virtue of his or her position but may resign his or her governorship (or withdraw his or her resignation) at any time. Schedule 3 sets out the election process for staff governors.

Regulation 14 deals with the appointment of local authority governors.

Regulation 15 sets out who is eligible for appointment as a community governor and as an additional community governor.

Regulation 16 deals with the appointment of foundation governors, including ex officio foundation governors and substitute governors. Regulation 17 and Schedule 4 make provision for the nomination and appointment of partnership governors and regulation 18 and Schedule 5 make provision for the nomination and appointment of sponsor governors. The appointment of sponsor governors is optional.

Regulation 19 and Schedule 6 makes provision for the nomination and appointment of representative governors.

Regulation 20 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 22 to 28 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 32 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 33 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 34 sets out the procedure for resigning as a governor. Regulations 35 to 38 provide for the removal of governors who have been appointed (rather than elected) to office.

Part 6 deals with the procedure for making, reviewing and varying instruments of government and the content of instruments. Regulation 44 applies provisions within the Staffing of Maintained Schools (Wales) Regulations 2006, and regulation 45 applies provisions within the School Councils (Wales) Regulations 2005, to the governing bodies of federations, and to governors, where certain

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 48 yn ymdrin â dirprwyo swyddogaethau i'r cadeirydd neu'r is-gadeirydd mewn achosion brys. O dan reoliad 50 mae'n ofynnol bod y corff llywodraethu ffederal yn penodi clerc i'r corff llywodraethu, ac y mae pŵer gan y corff llywodraethu ffederal i ddiswyddo'r clerc ar unrhyw adeg. Mae rheoliad 51 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 58 yn nodi o dan ba amgylchiadau y ceir atal llywodraethwr rhag mynd i gyfarfodydd am hyd at 6 mis. Mae rheoliadau 59 i 61 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 clericio, 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 ddiduedd 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 73 yn darparu bod rhaid i gyrff llywodraethu pob ysgol a fydd yn rhan o ffederasiwn ddarparu gwybodaeth benodedig i gynorthwyo corff llywodraethu'r ffederasiwn.

Mae rheoliad 74 yn cymhwyso Pennod 4 o Ran 2 o Ddeddf Safonau a Fframwaith Ysgolion 1998 ("Deddf 1998") i ffederasiynau yn ddarostyngedig i reoliad 75 sy'n addasu adran 50 o Ddeddf 1998 fel y mae'n gymwys i ysgolion ffederal a chyrrff 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.

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 48 deals with delegation of functions to the chair or vice-chair in cases of urgency. Under regulation 50 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 51 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 58 sets out the circumstances in which a governor may be suspended from meetings for up to 6 months. Regulations 59 to 61 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, he or she should withdraw from the meeting and not vote.

Part 11 deals with information and funding matters. Regulation 73 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.

Regulation 74 applies Chapter 4 of Part 2 of the School Standards and Framework Act 1998 ("the 1998 Act") to federations subject to regulation 75, 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.

Mae rheoliad 77 yn darparu, pan fo ysgol am adael ffederasiwn, bod rhaid i'r awdurdod lleol sefydlu corff llywodraethu dros dro a chyhoeddi offeryn llywodraethu mewn perthynas â'r ysgol honno ac adolygu offeryn llywodraethu'r ffederasiwn. O dan reoliad 78 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 79 yn darparu ar gyfer ymgorffori corff llywodraethu yr ysgol sy'n gadael y ffederasiwn, ar y dyddiad dadffedereiddio ac mae rheoliad 80 yn ymdrin â throsglwyddo tir, eiddo, hawliau a rhwymedigaethau i corff llywodraethu yr ysgol sy'n gadael y ffederasiwn.

Mae **Rhan 13** yn pennu'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 84 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 85 yn darparu ar gyfer ymgorffori (ar ddyddiad y diddymu) cyrff llywodraethu pob ysgol a oedd gynt yn y ffederasiwn a ddiddymwyd ac mae rheoliad 86 yn ymdrin â throsglwyddo tir, eiddo, hawliau a rhwymedigaethau i gyrff llywodraethu pob un o'r ysgolion hynny.

Mae **Rhan 14** yn diwygio Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005 (O.S. 2005/2914 (Cy.211)) a Rheoliadau Addysg (Cyrff Sefydledig) (Cymru) 2001 (O.S. 2001/2709 (Cy.228)).

Regulation 77 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 78, the temporary governing body of the school leaving the federation may spend its budget share made available by the local authority.

Regulation 79 provides for the incorporation of the governing body of the school leaving the federation on the de-federation date and regulation 80 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 84 enables the temporary governing body of each school to spend the budget share made available to it by the local authority.

Regulation 85 provides for the incorporation (on the date of dissolution) of the governing bodies of each school previously within the dissolved federation and regulation 86 deals with the transfer of land, property, rights and liabilities to the governing body of each of those schools.

Part 14 amends the Government of Maintained Schools (Wales) Regulations 2005 (S.I. 2005/2914 (W.211)) and the Education (Foundation Body) (Wales) Regulations 2001 (S.I. 2001/2709 (W.228)).

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Coming into force 12 April 2010

TREFN Y RHEOLIADAU

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ATODLEN 1

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

Egwyddorion cyffredinol

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

Corff llywodraethu dros dro ar gyfer ysgolion sefydledig neu arbennig sefydledig newydd

Corff llywodraethu dros dro ar gyfer ysgolion gwirfoddol a reolir newydd

Corff llywodraethu dros dro ar gyfer ysgolion gwirfoddol a gynorthwyir newydd

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

Corff llywodraethu dros dro ar gyfer ffederasiwn arfaethedig a gyfansoddir o fwy nag un categori o ysgol, ac yn cynnwys o leiaf un ysgol newydd sy'n ysgol sefydledig neu'n ysgol arbennig sefydledig neu'n ysgol wirfoddol a gynorthwyir

Noddwr-lywodraethwyr a disgybl-lywodraethwyr cyswllt dros dro

Llywodraethwyr cymunedol ychwanegol dros dro

ATODLEN 2

Ethol a phenodi rhiant-lywodraethwyr

ATODLEN 3

Ethol athro-lywodraethwyr a staff-lywodraethwyr

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Temporary governing bodies of new schools intending to federate

General principles

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

Temporary governing body for new foundation or foundation special schools

Temporary governing body for new voluntary controlled schools

Temporary governing body for new voluntary aided schools

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

Temporary governing body for proposed federation comprising more than one category of school including at least one new foundation or foundation special or voluntary aided school

Temporary sponsor and associate pupil governors

Temporary additional community governors

SCHEDULE 2

Election and appointment of parent governors

SCHEDULE 3

Election of teacher and staff governors

SCHEDULE 4

Appointment of partnership governors

ATODLEN 5

Penodi noddwr-lywodraethwyr

ATODLEN 6

Penodi llywodraethwyr cynrychiadol

ATODLEN 7

Cymwysiadau ac anghymwysiadau

Cyffredinol

Anhwylder meddyliol

Methiant i fod yn bresennol mewn cyfarfodydd

Methdaliad

Anghymhwysu cyfarwyddwyr cwmnïau

Anghymhwysu ymddiriedolwyr elusennau

Personau y gwaherddir eu cyflogi neu y cyfyngir ar eu cyflogi

Collfarnau troseddol

Llywodraethwyr mwy na dwy ysgol

Gwrthod gwneud cais am dystysgrif cofnodion troseddol

Hysbysu'r cler

ATODLEN 8

Addasu'r Rheoliadau Staffio

ATODLEN 9

Addasu'r Rheoliadau Cynghorau 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

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Appointment of representative governors

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Disqualification of company directors

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Persons whose employment is prohibited or restricted

Criminal convictions

Governors of more than two schools

Refusal to make an application for a criminal records certificate

Notification to clerk

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Modification of the Staffing Regulations

SCHEDULE 9

Modification of the School Councils Regulations

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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

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol yn adrannau 21(5) a (6), a 138(7) ac (8) o Ddeddf Safonau a Fframwaith Ysgolion 1998(1), a thrwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru yn adrannau 19(2), (3) ac (8), 20(2), (3) a (4), 24, 25, 34(5), 35(4) a (5), 36(4) a (5), 210(7), a 214 o Ddeddf Addysg 2002 ac a freiniwyd bellach ynddynt hwy(2), yn gwneud y Rheoliadau canlynol:

RHAN 1

CYFLWYNIAD

Enwi, cychwyn a chymhwyso

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Ffedereiddio Ysgolion a Gynhelir a Diwygiadau Amrywiol (Cymru) 2010 ac y maent yn dod i rym ar 12 Ebrill 2010.

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

Dehongli

2.–(1) Yn y Rheoliadau hyn—

mae "athro neu athrawes ysgol" ("*school teacher*") i'w dehongli yn y modd y dehonglir "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 addysg 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 addysg lleol yng Nghymru, ystyr "awdurdod lleol perthnasol" ("*relevant local authority*") yw'r awdurdod addysg lleol sydd yn cynnal ysgol a gynhelir, neu sydd i gynnal ysgol arfaethedig;

ystyr "corff crefyddol priodol" ("*appropriate religious body*") mewn perthynas ag ysgol a

(1) 1998 p.31. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan yr adrannau hyn i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru o dan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(2) 2002 p.32. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan yr adrannau hyn i Weinidogion Cymru o dan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State in sections 21(5) and (6), and 138(7) and (8) of the School Standards and Framework Act 1998(1), and in exercise of the powers conferred on the National Assembly for Wales in sections 19(2), (3) and (8), 20(2), (3) and (4), 24, 25, 34(5), 35(4) and (5), 36(4) and (5), 210(7), and 214 of the Education Act 2002 and now vested in them(2) make the following Regulations:

PART 1

INTRODUCTION

Title, commencement and application

1.–(1) The title of these Regulations is the Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010 and they come into force on 12 April 2010.

(2) These Regulations apply in relation to Wales.

Interpretation

2.–(1) In these Regulations—

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996(3)

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(4);

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

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

(1) 1998 c.31. 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 under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(2) 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).

(3) 1996 c.56.

(4) 1998 c.31.

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;

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(3);

ystyr "y dyddiad ffedereiddio" ("*the federation date*") yw'r dyddiad pan fo cyrff llywodraethu yn ffedereiddio;

ystyr "pennaeth dros dro" ("*acting head teacher*") yw person a benodir i gyflawni swyddogaethau pennaeth yr ysgol hyd nes penodir pennaeth neu yn absenoldeb y pennaeth;

ystyr "y Rheoliadau Cynghorau Ysgol" ("*the School Council Regulations*") yw Rheoliadau Cynghorau Ysgol (Cymru) 2005(4);

ystyr "y Rheoliadau Llywodraethu Ysgolion a Gynhelir" ("*the Government of Maintained Schools Regulations*") yw Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005(5);

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 education 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 education authorities in Wales, "relevant local authority" ("*awdurdod lleol perthnasol*") means the local education authority by which a maintained school is, or a proposed school is to be, maintained;

"the New Maintained Schools Regulations" ("*y Rheoliadau Ysgolion a Gynhelir Newydd*") means the New Maintained Schools (Wales) Regulations 2005(2);

"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(3);

(1) 1996 p.56.

(2) 1998 p.31.

(3) 1971 p.80.

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

(5) 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)).

(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)).

(2) S.I. 2005/2912 (W.209).

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

ystyr "y Rheoliadau Staffio" ("*the Staffing Regulations*") yw Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006(1);

ystyr "y Rheoliadau Ysgolion a Gynhelir Newydd" ("*the New Maintained Schools Regulations*") yw Rheoliadau Ysgolion a Gynhelir Newydd (Cymru) 2005(2); ac y

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
 - (b) offeryn llywodraethu ysgol i'w ddehongli, mewn perthynas ag ysgol ffederal, fel cyfeiriad at offeryn llywodraethu y ffederasiwn.

RHAN 2

SEFYDLU NEU YMUNO Â FFEDERASIWN

Achosion rhagnodedig

3.—(1) Mae rheoliadau 4 i 7 yn gymwys pan fo dau o leiaf ond dim mwy na phump o gyrff llywodraethu yn bwriadu ffedereiddio yn unol ag adran 24 o Ddeddf 2002.

(2) Mae rheoliadau 8 a 9 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.

Gweithdrefn ar gyfer ysgolion sy'n dymuno ffedereiddio

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

(1) 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 Reoliadau Staffio Ysgolion a Gynhelir (Cymru) (Diwygiad Rhif 2) 2009 (O.S. 2009/3161 (Cy.275)).

(2) O.S. 2005/2912 (Cy.209).

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

"the Staffing Regulations" ("*y Rheoliadau Staffio*") means the Staffing of Maintained Schools (Wales) Regulations 2006(1) 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(2).

- (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; and
 - (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.

PART 2

ESTABLISHING OR JOINING A FEDERATION

Prescribed cases

3.—(1) Regulations 4 to 7 apply where at least two but no more than five governing bodies propose to federate in accordance with section 24 of the 2002 Act.

(2) Regulations 8 and 9 apply 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.

Procedure for schools wishing to federate

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

(1) 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 (Amendment) (Wales) Regulations 2009 (S.I. 2009/2708 (W.226)) and by the Staffing of Maintained Schools (Amendment No. 2) (Wales) Regulations 2009 (S.I. 2009/3161 (W.275)).

(2) 1971 c.80.

(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 54(4).

5.–(1) 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.

(2) 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 ("cydsyniad rhagarweiniol"); neu
- (b) benderfynu na ddylai'r corff llywodraethu ymuno â'r ffederasiwn.

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, 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 y ffederasiwn;
- (c) y nifer arfaethedig o lywodraethwyr ar gyfer pob categori o lywodraethwr;
- (ch) y trefniadau arfaethedig ar gyfer staffio'r ysgolion o fewn y ffederasiwn;
- (d) y dyddiad ffedereiddio arfaethedig;
- (dd) enw'r awdurdod derbyn neu enwau'r awdurdodau derbyn ar gyfer yr ysgolion o fewn y ffederasiwn;
- (e) erbyn pa ddyddiad, ar ôl cyfnod o ddim llai na chwe wythnos ar ôl cyhoeddi'r cynigion, y ceir cyflwyno sylwadau ysgrifenedig i'r corff llywodraethu ynglŷn â'r cynigion, ac i ba gyfeiriad y dylid eu hanfon; ac
- (f) unrhyw faterion eraill a ystyrir yn briodol gan y corff llywodraethu.

(3) Rhaid i'r corff 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) yn achos unrhyw ysgol sydd â sefydliad—
 - (i) y llywodraethwyr sefydledig; a
 - (ii) ymddiriedolwyr unrhyw ymddiriedolaeth sy'n gysylltiedig â'r ysgol;
- (ch) pan fo unrhyw rai o'r ysgolion wedi eu dynodi o dan adran 69(3) o Ddeddf 1998 yn rhai o

(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 54(4).

5.–(1) Where a governing body propose that they should federate with the governing body of a federation, they must give notice of the proposal to the governing body of the federation.

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

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

6.–(1) Where a governing body decide that they should federate with one or more other governing bodies and, where necessary, preliminary consent 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 propose 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) 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) 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

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;

- (d) yr holl staff y telir iddynt am weithio mewn unrhyw un o'r ysgolion;
- (dd) pob person y gwyddant ei fod yn rhiant disgybl cofrestredig mewn unrhyw un o'r ysgolion;
- (e) pob undeb llafur y gwyddant fod ganddo aelodau y telir iddynt am weithio mewn unrhyw un o'r ysgolion; ac
- (f) pa bynnag bersonau eraill a ystyrir yn briodol gan y cyrff llywodraethu.

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

(5) Rhaid i'r dyddiad ffedereiddio arfaethedig y cyfeirir ato ym mharagraff 2(d) fod yn ddim llai na 125 diwrnod ar ôl cyhoeddi'r cynigion ar gyfer ffedereiddio gan y corff llywodraethu yn unol â pharagraff (1).

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

(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 4 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 nad oes corff llywodraethu dros dro eto wedi ei sefydlu, mae rheoliadau 4 i 7 yn cael effaith fel pe bai–

- (a) cyfeiriadau at gorff llywodraethu sy'n bwriadu

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;

- (e) all staff paid to work at any of the schools;
- (f) every person known by them to be a parent of a registered pupil at any of the schools;
- (g) every trade union known to them to have members paid to work at any of the schools; and
- (h) 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).

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 consider appropriate; or
- (c) not to proceed with the proposals for federation.

(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 4 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 4 to 7 have effect as if–

- (a) references to the governing body proposing to

ffedereiddio yn gyfeiriadau at yr awdurdod lleol neu, pan fo'r cynigion ar gyfer sefydlu ysgol sefydledig neu wirfoddol, ac y cyhoeddwyd cynigion ar gyfer ei sefydlu gan hyrwyddwyr, yr hyrwyddwyr;

- (b) rheoliad 4(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".

9.–(1) 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.

(2) 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.

(3) 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.

(4) Pan fo un neu ragor o'r ysgolion newydd y cyfeirir atynt ym mharagraff (2) i fod yn ysgol sefydledig neu 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.

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

Ymgorffori cyrff llywodraethu ffederasiynau a diddymu cyrff llywodraethu blaenorol

10.–(1) Ar y dyddiad ffedereiddio—

- (a) diddymir cyrff llywodraethu'r ysgolion neu'r ffederasiynau sy'n ffedereiddio;
- (b) ymgorfforir corff llywodraethu y 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; ac

federate were references to the local authority or, where proposals are to establish a foundation or voluntary school proposals for the establishment of which were published by promoters, the promoters;

- (b) regulation 4(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".

9.–(1) 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.

(2) 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.

(3) 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.

(4) Where one or more of the new schools referred to in paragraph (2) is to be a foundation or 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.

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

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

10.–(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

(ch) mae'r holl hawliau a rhwymedigaethau a oedd yn bodoli yn union cyn y dyddiad ffedereiddio ac a gaffaelwyd gan neu a achoswyd i gorff llywodraethu ysgol neu ffederasiwn sy'n ffedereiddio yn trosglwyddo i gorff llywodraethu y 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.

(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.

RHAN 3

CATEGORÏAU O LYWODRAETHWYR

Rhiant-lywodraethwyr

11.–(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 sydd ei hunan yn rhiant o'r fath ar yr adeg yr etholir ef; neu
- (b) a benodir yn rhiant-lywodraethwr mewn perthynas 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'n aelod etholedig o'r awdurdod lleol;
- (b) os yw'n cael ei gyflogi gan yr awdurdod lleol mewn cysylltiad â'i swyddogaethau fel awdurdod addysg lleol; neu
- (c) os cyflogir ef i weithio yn yr ysgol yn y ffederasiwn am fwy na 500 awr yn ystod unrhyw gyfnod o ddeuddeg mis.

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

PART 3

CATEGORIES OF GOVERNOR

Parent governors

11.–(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 himself or herself such a parent at the time when he or she 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 he or she is—

- (a) an elected member of the local authority;
- (b) employed by the local authority in connection with its functions as a local education authority; 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 he or she 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 he or she is otherwise disqualified under these Regulations.

Athro-lywodraethwyr

12.–(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) sydd ei hunan yn athro neu athrawes ysgol o'r fath ar yr adeg y'i hetholir.

(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—

- (a) os etholwyd ef yn athro-lywodraethwr ar yr un corff llywodraethu yn ystod y ddwy flynedd flaenorol; neu
- (b) os cyflogir ef 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 flaenorol.

(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

13.–(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; a
- (b) sydd ei hunan yn berson sy'n gweithio felly ar yr adeg yr etholir ef.

(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 ef yn staff-lywodraethwr ar yr un corff llywodraethu yn ystod y ddwy flynedd flaenorol; neu
- (b) os cyflogir ef 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 flaenorol.

(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.

Teacher governors

12.–(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 himself or herself such a school teacher at a time when he or she 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 he or she—

- (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

13.–(1) In these Regulations "staff governor" ("*staff-lywodraethwr*") means a person who is—

- (a) a person 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; and
- (b) who is himself or herself a person so working at the time when he or she 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 he or she—

- (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.

Llywodraethwyr awdurdod lleol

14.–(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 hynny gytuno ymysg ei gilydd ynglŷn â phwy fydd yn penodi y cyfryw lywodraethwyr ac, os oes rhagor nag un llywodraethwr i'w penodi, ym mha gyfrannedd.

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

Llywodraethwyr cymunedol a llywodraethwyr cymunedol ychwanegol

15.–(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;

ystyr "llywodraethwr cymunedol ychwanegol" ("*additional community governor*") yw llywodraethwr a benodir yn unol â rheoliad 28.

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

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

(3) Nid yw paragraff (2) yn gymwys yn achos llywodraethwr cymunedol ychwanegol.

Llywodraethwyr sefydledig

16.–(1) Yn y Rheoliadau hyn–

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

Local authority governors

14.–(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) A person is disqualified from appointment or continuing to hold office as a local authority governor if he or she is eligible to be a staff governor.

Community governors and additional community governors

15.–(1) In these Regulations –

"additional community governor" ("*llywodraethwr cymunedol ychwanegol*") means a governor appointed in accordance with regulation 28;

"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 he or she 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.

(3) Paragraph (2) does not apply in the case of an additional community governor.

Foundation governors

16.–(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) pan fo'r ffederasiwn yn cynnwys ysgol ffederal sydd â chymeriad crefyddol⁽¹⁾ penodol, a benodir at y diben o sicrhau y diogelir ac y datblygir y cymeriad hwnnw yn yr ysgol ffederal honno;
 - (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 ganddo sy'n rhoi yr 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 35(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 ei swydd fel llywodraethwr yn deillio ohoni.

Llywodraethwyr partneriaeth

17.—(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'n rhiant disgybl cofrestredig mewn ysgol o fewn y ffederasiwn;
- (b) os yw'n ddisgybl cofrestredig mewn ysgol o fewn y ffederasiwn;

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

- (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;
 - (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 he or she 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 35(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 his or her governorship derives, disqualified from continuing to hold office as such a governor.

Partnership governors

17.—(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 he or she is—

- (a) a parent of a registered pupil at a school within the federation;
- (b) a registered pupil at a school within the federation;

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

- (c) os yw'n gymwys i fod yn athro-lywodraethwr neu'n staff-lywodraethwr y ffederasiwn;
- (ch) os yw'n aelod etholedig o awdurdod lleol perthnasol; neu
- (d) os yw'n cael ei gyflogi gan yr awdurdod lleol mewn cysylltiad â'i swyddogaethau fel awdurdod addysg lleol.

- (c) eligible to be a teacher or staff governor of the federation;
- (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 education authority.

Noddwr-lywodraethwyr

18. 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

18. 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

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

Representative governors

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

Disgybl-lywodraethwyr cyswllt

20.–(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

20.–(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

PART 4

CYFANSODDIAD CYRFF LLYWODRAETHU FFEDERASIWN

COMPOSITION OF GOVERNING BODIES OF A FEDERATION

Egwyddorion cyffredinol

General principles

21.–(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 25.

21.–(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 25 governors.

(2) Wrth benderfynu maint aelodaeth corff llywodraethu ffederasiwn, rhaid peidio â chynnwys unrhyw noddwr-lywodraethwyr a disgybl-lywodraethwyr cyswllt a benodir yn unol â rheoliadau 22 i 28 nac unrhyw lywodraethwyr sefydledig ychwanegol a benodir yn unol â rheoliad 25(2)(b).

(2) In determining the size of the membership of the governing body of a federation any sponsor governors and associate pupil governors appointed in accordance with regulations 22 to 28 and any additional foundation governors appointed in accordance with regulation 25(2)(b) must not be included.

(3) Wrth benderfynu maint aelodaeth y corff llywodraethu rhaid cynnwys unrhyw lywodraethwyr cymunedol ychwanegol a benodir yn unol â rheoliad 28.

(3) In determining the size of the membership of the governing body any additional community governors appointed in accordance with regulation 28 must be included.

(4) Yn ddarostyngedig i reoliadau 22 i 28, 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;
- (ch) llywodraethwyr awdurdod lleol;
- (d) llywodraethwyr cymunedol;
- (dd) llywodraethwyr sefydledig;
- (e) llywodraethwyr partneriaeth;
- (f) noddwr-lywodraethwyr;
- (ff) llywodraethwyr cynrychiadol; ac
- (g) llywodraethwyr cymunedol ychwanegol.

(5) Os yw cymhwyso'r rheoliad hwn a rheoliadau 22 i 28 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

22.—(1) Rhaid i gorff 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) gynnwys y canlynol—

- (a) o leiaf un rhiant-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;
- (ch) o leiaf ddau lywodraethwr awdurdod lleol;
- (d) yn ddarostyngedig i is-baragraff (dd), o leiaf ddau lywodraethwr cymunedol;
- (dd) o leiaf un llywodraethwr cynrychiadol pan fo'r ffederasiwn yn cynnwys o leiaf un ysgol arbennig gymunedol, i gymryd lle nifer cyfartal o'r llywodraethwyr cymunedol sy'n ofynnol o dan is-baragraff (d); ac
- (e) pennaeth neu bennaeth dros dro pob un o'r ysgolion ffederal oni fydd yn ymddiswyddo yn unol â rheoliad 34.

(4) Subject to regulations 22 to 28, 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 governor; and
- (j) additional community governors.

(5) Where application of this regulation and regulations 22 to 28 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

22.—(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 parent governor 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 local authority governors;
- (e) subject to sub-paragraph (f) at least two community governors;
- (f) at least one representative governor where the federation contains at least one community special school to take the place of an equal number of the community governors required by sub-paragraph (e); and
- (g) the head teacher or the acting head teacher of each federated school, unless he or she resigns the position in accordance with regulation 34.

⁽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.

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

(2) Yn ychwanegol, caiff corff llywodraethu y ffederasiwn—

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

Ffederasiwn sy'n cynnwys ysgolion sefydledig neu ysgolion arbennig sefydledig yn unig

23.—(1) Rhaid i gorff llywodraethu ffederasiwn sy'n cynnwys ysgolion sefydledig neu ysgolion arbennig sefydledig(1) yn unig gynnwys y canlynol—

- (a) o leiaf un rhiant-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;
- (ch) o leiaf ddau lywodraethwr awdurdod lleol;
- (d) o leiaf ddau lywodraethwr cymunedol;
- (dd) o leiaf ddau lywodraethwr sefydledig (neu lywodraethwyr partneriaeth, fel y bo'n briodol mewn perthynas ag unrhyw ysgol heb sefydliad); ac
- (e) pennaeth neu bennaeth dros dro pob un o'r ysgolion ffederal oni fydd yn ymddiswyddo yn unol â rheoliad 34.

(2) Yn ychwanegol, caiff corff llywodraethu y ffederasiwn—

- (a) benodi hyd at ddau noddwr-lywodraethwr; a
- (b) penodi hyd at ddau ddisgybl-lywodraethwr cyswllt os yw'r ffederasiwn yn cynnwys ysgolion uwchradd.

Ffederasiwn sy'n cynnwys ysgolion gwirfoddol a reolir yn unig

24.—(1) Rhaid i gorff llywodraethu sy'n cynnwys ysgolion gwirfoddol a reolir(2) yn unig gynnwys y canlynol—

- (a) o leiaf un rhiant-lywodraethwr ar gyfer pob ysgol ffederal i gael ei ethol neu ei benodi 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.

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

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

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

Federation comprising only foundation or foundation special schools

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

- (a) for each federated school at least one parent governor 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 local authority governors;
- (e) at least two community governors;
- (f) at least two foundation governors (or partnership governors, as appropriate in respect of any school without a foundation); and
- (g) the head teacher or the acting head teacher of each federated school, unless he or she resigns the position in accordance with regulation 34.

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

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

Federation comprising voluntary controlled schools only

24.—(1) The governing body of a federation containing voluntary controlled schools(2) only is to comprise the following—

- (a) for each federated school at least one parent governor is to be 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.

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

- (ch) o leiaf ddau lywodraethwr awdurdod lleol;
- (d) o leiaf ddau lywodraethwr cymunedol;
- (dd) o leiaf ddau lywodraethwr sefydledig; ac
- (e) pennaeth neu bennaeth dros dro pob un o'r ysgolion ffederal oni fydd yn ymddiswyddo yn unol â rheoliad 34.

(2) Yn ychwanegol, caiff corff llywodraethu y ffederasiwn—

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

Ffederasiwn sy'n cynnwys ysgolion gwirfoddol a gynorthwyir yn unig

25.—(1) Rhaid i gorff llywodraethu ffederasiwn sy'n cynnwys ysgolion gwirfoddol a gynorthwyir(1) yn unig gynnwys y canlynol—

- (a) ar gyfer pob ysgol ffederal o leiaf un rhiant-lywodraethwr 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;
- (ch) o leiaf ddau lywodraethwr awdurdod lleol;
- (d) y cyfryw nifer o lywodraethwyr sefydledig ag y bo ddau yn fwy na chyfanswm nifer yr holl lywodraethwyr eraill a restrir yn is-baragraffau (a) i (ch); ac
- (dd) pennaeth neu bennaeth dros dro pob un o'r ysgolion ffederal oni fydd yn ymddiswyddo yn unol â rheoliad 34.

(2) Yn ychwanegol—

- (a) caiff corff llywodraethu'r ffederasiwn yn ychwanegol—
 - (i) benodi hyd at ddau noddwr-lywodraethwr; a
 - (ii) penodi hyd at ddau ddisgybl-lywodraethwr cyswllt os yw'r ffederasiwn yn cynnwys ysgolion uwchradd;
- (b) caiff y personau sydd â hawl i benodi llywodraethwyr sefydledig benodi pa bynnag nifer o lywodraethwyr sefydledig ag y bo'n ofynnol i gadw eu mwyafrif, ond dim mwy na dau.

- (d) at least two local authority governors;
- (e) at least two community governors;
- (f) at least two foundation governors; and
- (g) the head teacher or the acting head teacher of each federated school, unless he or she resigns, the position in accordance with regulation 34.

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

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

Federation comprising voluntary aided schools only

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

- (a) for each federated school at least one parent governor 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 local authority governors;
- (e) such number of foundation governors as out number all the other governors listed in subparagraphs (a) to (d) by two; and
- (f) the head teacher or the acting head teacher of each federated school, unless he or she resigns the position in accordance with regulation 34.

(2) In addition—

- (a) the governing body of the federation may in addition—
 - (i) appoint up to two sponsor governors; and
 - (ii) appoint up to two associate pupil governors where the federation contains secondary schools;
- (b) the persons who are entitled to appoint foundation governors may appoint such number of foundation governors as are required to preserve their majority but no more than two.

(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 cymunedol, ysgolion arbennig cymunedol neu ysgolion meithrin a gynhelir

26.–(1) Rhaid i gorff llywodraethu ffederasiwn sy'n cynnwys o leiaf un ysgol wirfoddol a reolir ac o leiaf un ysgol gymunedol, ysgol arbennig gymunedol neu ysgol feithrin a gynhelir a dim un categori arall o ysgol gynnwys y canlynol–

- (a) o leiaf un rhiant-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;
- (ch) o leiaf ddau lywodraethwr awdurdod lleol;
- (d) yn ddarostyngedig i is-baragraff (e), o leiaf ddau lywodraethwr cymunedol;
- (dd) o leiaf un llywodraethwr sefydledig;
- (e) o leiaf un llywodraethwr cynrychiadol pan fo'r ffederasiwn yn cynnwys o leiaf un ysgol arbennig gymunedol, i gymryd lle un o'r llywodraethwyr cymunedol sy'n ofynnol o dan is-baragraff (d); ac
- (f) pennaeth neu bennaeth dros dro pob un o'r ysgolion ffederal oni fydd yn ymddiswyddo yn unol â rheoliad 34.

(2) Yn ychwanegol, caiff corff llywodraethu'r ffederasiwn–

- (a) benodi hyd at ddau noddwr-lywodraethwr; a
- (b) penodi hyd at ddau ddisgybl-lywodraethwr cyswllt os yw'r ffederasiwn yn cynnwys ysgolion uwchradd.

Ffederasiwn sy'n cynnwys mwy nag un categori o ysgol gan gynnwys o leiaf un ysgol sefydledig neu ysgol arbennig sefydledig neu ysgol wirfoddol a gynorthwyr

27.–(1) Rhaid i gorff llywodraethu ffederasiwn sy'n cynnwys–

- (a) rhagor nag un categori o ysgol, a
- (b) o leiaf un ysgol sefydledig, ysgol arbennig sefydledig neu ysgol wirfoddol a gynorthwyr,

gael ei gyfansoddi yn unol â pharagraff (2).

(2) Rhaid i gorff llywodraethu ffederasiwn y mae paragraff (1) yn gymwys iddo gynnwys y canlynol–

- (a) ar gyfer pob ysgol ffederal o leiaf un rhiant-lywodraethwr 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;

Federation comprising voluntary controlled schools and community, community special or maintained nursery schools

26.–(1) The governing body of a federation containing at least one voluntary controlled school and at least one community school, community special school or maintained nursery school and no other category of school is to comprise the following–

- (a) for each federated school at least one parent governor 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 local authority governors;
- (e) subject to sub-paragraph (g) at least two community governors;
- (f) at least one foundation governor;
- (g) at least one representative governor where the federation contains at least one community special school to take the place of one of the community governors required by sub-paragraph (e); and
- (h) the head teacher or the acting head teacher of each federated school, unless he or she resigns the position in accordance with regulation 34.

(2) The governing body of the federation may in addition–

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

Federation comprising more than one category of school including at least one foundation or foundation special or voluntary aided school

27.–(1) The governing body of a federation containing–

- (a) more than one category of school, and
- (b) at least one foundation school, foundation special school or voluntary aided school,

is to be constituted in accordance with paragraph (2).

(2) The governing body of a federation to which paragraph (1) applies is to comprise the following–

- (a) for each federated school at least one parent governor 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) o leiaf un, ond dim mwy na dau athrolywodraethwr;
- (c) o leiaf un, ond dim mwy na dau stafflywodraethwr;
- (ch) o leiaf ddau lywodraethwr awdurdod lleol;
- (d) yn ddarostyngedig i is-baragraff (e), o leiaf ddau lywodraethwr cymunedol;
- (dd) o leiaf ddau lywodraethwr sefydledig (neu lywodraethwyr partneriaeth, fel y bo'n briodol, mewn perthynas ag unrhyw ysgol heb sefydliad);
- (e) o leiaf un llywodraethwr cynrychiadol pan fo'r ffederasiwn yn cynnwys o leiaf un ysgol arbennig gymunedol, i gymryd lle un o'r llywodraethwyr cymunedol sy'n ofynnol o dan is-baragraff (d); ac
- (f) pennaeth neu bennaeth dros dro pob un o'r ysgolion ffederal oni fydd yn ymddiswyddo yn unol â rheoliad 34.

(3) Yn ychwanegol, caiff corff llywodraethu y ffederasiwn—

- (a) benodi hyd at ddau noddwr-lywodraethwr; a
- (b) penodi hyd at ddau ddisgybl-lywodraethwr cyswllt os yw'r ffederasiwn yn cynnwys ysgolion uwchradd.

Llywodraethwyr cymunedol ychwanegol

28.—(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.

(2) Rhaid i'r offeryn llywodraethu ar gyfer ysgol ddarparu bod corff llywodraethu ffederasiwn yn cynnwys (yn ychwanegol at y llywodraethwyr sy'n ofynnol yn rhinwedd rheoliadau 22 i 27 yn ôl fel y digwydd) un llywodraethwr cymunedol 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.

Hysbysu swyddi gwag a phenodiadau

29.—(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.

- (b) at least one but no more than two teacher governors;
- (c) at least one but not more than two staff governors;
- (d) at least two local authority governors;
- (e) subject to sub-paragraph (g), at least two community governors;
- (f) at least two foundation governors (or partnership governors as appropriate in respect of any school without a foundation);
- (g) at least one representative governor where the federation contains at least one community special school to take the place of one of the community governors required by sub-paragraph (e); and
- (h) the head teacher or the acting head teacher of each federated school, unless he or she resigns the position in accordance with regulation 34.

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

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

Additional Community Governors

28.—(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) 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 22 to 27, as the case may be) one 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.

Notification of vacancies and appointments

29.—(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) 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 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 iddo 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);
- (ch) llywodraethwr cynrychiadol;
- (d) noddwr-lywodraethwr; ac
- (dd) llywodraethwr partneriaeth.

Cyd-benodiadau

30. 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

31.—(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.

(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, he or she 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.

Joint appointments

30. 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

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

RHAN 5

CYMWYSIADAU A DEILIADAETH SWYDD

Cymwysiaid ac anghymwysiaid

32. 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

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

(2) Nid yw paragraff (1) yn gymwys i unrhyw lywodraethwr sy'n bennaeth y ffederasiwn neu'n bennaeth ysgol ffederal, nac i unrhyw lywodraethwr sefydledig ex officio, a gaiff ddal swydd cyhyd ag y bo'n parhau yn y swydd y mae ei swydd llywodraethwr yn deillio ohoni.

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

(4) Nid yw paragraff (1) yn gymwys i unrhyw lywodraethwr ychwanegol, llywodraethwr sefydledig ychwanegol nac aelod gweithredol interim a benodir o dan adrannau 16(1), 16A(2), 18(3) neu 18A(4) o Ddeddf 1998, y pennir cyfnod ei swydd gan y person sy'n ei benodi, hyd at bedair blynedd fan hwyaf.

(5) Nid yw paragraff (1) yn gymwys i unrhyw athrolywodraethwr neu staff-lywodraethwr sydd i ddal swydd am gyfnod o ddwy flynedd o'r dyddiad y'i penodir.

(1) Diwygiwyd gan adran 56 o Ddeddf 2002 ac Atodlen 5 ac Atodlen 21 i'r Ddeddf honno, a chan adran 61 o Ddeddf Addysg 2005 (p.18) ac Atodlen 9 i'r Ddeddf honno. Diwygiwyd ymhellach gan adrannau 71 ac 184 o Ddeddf Addysg ac Arolygiadau 2006 (p.40), a Rhan 2 o Atodlen 7 a Rhan 4 o Atodlen 18 i'r Ddeddf honno.

(2) Mewnosodwyd gan adran 57 o Ddeddf 2002. Diwygiwyd gan adran 61 o Ddeddf Addysg 2005 (p.18) ac Atodlen 9 i'r Ddeddf honno. Diwygiwyd ymhellach gan adrannau 71 ac 184 o Ddeddf Addysg ac Arolygiadau 2006 (p.40), a Rhan 2 o Atodlen 7 a Rhan 4 o Atodlen 18 i'r Ddeddf honno.

(3) Diwygiwyd gan adran 56 ac adran 215 o Ddeddf 2002 ac Atodlen 21 i'r Ddeddf honno, a chan adran 61 o Ddeddf Addysg 2005 (p.18) ac Atodlen 9 i'r Ddeddf honno. Diwygiwyd ymhellach gan adrannau 71 ac 184 o Ddeddf Addysg ac Arolygiadau 2006 (p.40), a Rhan 2 o Atodlen 7 a Rhan 4 o Atodlen 18 i'r Ddeddf honno.

(4) Mewnosodwyd gan adran 58 o Ddeddf 2002. Diwygiwyd gan adran 6 o Ddeddf Addysg 2005 (p.18) ac Atodlen 9 i'r Ddeddf honno. Diwygiwyd ymhellach gan adran 71 o Ddeddf Addysg ac Arolygiadau 2006 (p.40), ac Atodlen 7 i'r Ddeddf honno.

(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 TENURE OF OFFICE

Qualifications and disqualifications

32. 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

33.—(1) Subject to paragraphs (2) to (9), a governor holds office for a fixed period of four years from the date of his or her 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 may hold office for as long as he or she holds the position from which his or her 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 him or her, 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 16(1), 16A(2), 18(3) or 18A(4) of the 1998 Act whose term of office is to be determined by the person who appointed him or her, 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 his or her appointment.

(1) Amended by section 56 of, and Schedule 5 and Schedule 21 to, the 2002 Act and by section 61 of, and Schedule 9 to, the Education Act 2005 (c.18). Further amended by sections 71 and 184 of, and Part 2 of Schedule 7 and Part 4 of Schedule 18 to, the Education and Inspections Act 2006 (c.40).

(2) Inserted by section 57 of the 2002 Act. Amended by section 61 of, and Schedule 9 to, the Education Act 2005 (c.18). Further amended by sections 71 and 184 of, and Part 2 of Schedule 7 and Part 4 of Schedule 18 to, the Education and Inspections Act 2006 (c.40).

(3) Amended by section 56 and section 215 of, and Schedule 21 to, the 2002 Act and by section 61 of, and Schedule 9 to, the Education Act 2005 (c.18). Further amended by sections 71 and 184 of, and Part 2 of Schedule 7 and Part 4 of Schedule 18 to, the Education and Inspections Act 2006 (c.40).

(4) Inserted by section 58 of the 2002 Act. Amended by section 6 of, and Schedule 9 to, the Education Act 2005 (c.18). Further amended by section 71 of, and Schedule 7 to, the Education and Inspections Act 2006 (c.40).

(6) Nid yw paragraff (1) yn gymwys i unrhyw riant-lywodraethwr ysgol feithrin a gynhelir a fydd yn dal swydd am gyfnod penodol o ddwy flynedd o ddyddiad ei ethol neu ei benodi.

(7) Nid yw paragraff (1) yn gymwys i unrhyw ddisgybl-lywodraethwr cyswllt a fydd yn dal swydd am gyfnod o un flwyddyn o ddyddiad ei benodi. Nid oes dim yn y paragraff hwn sy'n rhwystro disgybl-lywodraethwr cyswllt rhag cael ei ailbenodi ar ddiwedd ei gyfnod mewn swydd.

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

- (a) diwedd pedair blynedd o'r dyddiad y daw ei benodiad i rym;
- (b) y dyddiad y bydd y llywodraethwr gwreiddiol (onid yw wedi ei ddiswyddo o dan reoliad 35(2)) yn rhoi hysbysiad ysgrifenedig i glerc y corff llywodraethu yn nodi y gall 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 34(1);
- (c) cael ei ddiswyddo o dan reoliadau 35 i 37; neu
- (ch) 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 lywodraethwr i weithredu yn ei le.

Ymddiswyddo

34.—(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 ei ymddiswyddiad yn rhagfarnu swydd llywodraethwr ex officio ei olynydd yn y swydd y mae ei swydd fel llywodraethwr ex officio yn deillio ohoni.

(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 his or her 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 his or her appointment. Nothing in this paragraph prevents an associate pupil governor from being re-appointed at the expiration of his or her 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 his or her appointment takes effect;
- (b) the date when the original governor (not having been removed from office under regulation 35(2)) gives written notice to the clerk to the governing body to the effect that he or she 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 his or her office in accordance with regulation 34(1);
- (c) being removed from office under regulations 35 to 37; or
- (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

34.—(1) A governor may at any time resign his or her office by giving written notice to the clerk to the governing body.

(2) The head teacher may withdraw his or her 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 his or her resignation does not prejudice the ex officio governorship of his or her successor in the office from which the ex officio governorship derives.

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

35.–(1) Caiff y person a'i penododd 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'w ddiswyddo, 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'i henwebodd ddiswyddo unrhyw lywodraethwr cymunedol ychwanegol neu noddwr-lywodraethwr, a rhaid i'r person hwnnw roi hysbysiad ysgrifenedig i glerc y corff llywodraethu ac i'r llywodraethwr a ddiswyddir felly.

Diswyddo llywodraethwyr cymunedol

36. Caiff y corff llywodraethu ddiswyddo unrhyw lywodraethwr cymunedol (ac eithrio llywodraethwr cymunedol ychwanegol) yn unol â'r weithdrefn a nodir yn rheoliad 38.

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

37. 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 38.

Y weithdrefn ar gyfer diswyddo llywodraethwyr gan y corff llywodraethu

38.–(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â diswyddo llywodraethwr yn unol â rheoliad 36 neu 37.

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

- (a) bod y llywodraethwr neu'r llywodraethwyr sy'n cynnig ei ddiswyddo, 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.

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

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

Removal of community governors

36. The governing body may remove any community governor (except an additional community governor) from office in accordance with the procedure set out in regulation 38.

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

37. 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 38.

Procedure for removal of governors by the governing body

38.–(1) This regulation applies in relation to the removal of a governor from office in accordance with regulation 36 or 37.

(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 his or her 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) 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.

(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.

RHAN 6

OFFERYN LLYWODRAETHU, STAFFIO, CYNGHORAU YSGOL A STATWS ELUSENNOL

Y ddyletswydd i ystyried canllawiau

39. Mewn perthynas 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

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

- (a) enw'r ffederasiwn;
- (b) enwau a chategoriâu'r ysgolion ffederal o fewn y ffederasiwn;
- (c) enw corff llywodraethu'r ffederasiwn;
- (ch) 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;
- (d) os yw cyfnod swydd unrhyw gategori o lywodraethwr i fod yn llai na phedair blynedd, cyfnod y swydd honno;
- (dd) 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

PART 6

INSTRUMENT OF GOVERNMENT, STAFFING, SCHOOL COUNCILS AND CHARITABLE STATUS

Duty to have regard to guidance

39. 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

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

- (a) the name of the federation;
- (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

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;
- (e) 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;
- (f) os oes ymddiriedolaeth yn gysylltiedig ag ysgol ffederal, y ffaith honno;
- (ff) 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; ac
- (g) 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)(ch), gydymffurfio â darpariaethau'r Rheoliadau hyn.

(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 (ch) a (d) o baragraff (1) yn gymwys i ddisgybl-lywodraethwyr cyswllt.

Y weithdrefn ar gyfer gwneud offeryn

41.–(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 perthynas â phob ysgol sefydledig neu wirfoddol gan—

- (a) lywodraethwyr 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; ac

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) 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

41.–(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

(ch) 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 cyrff 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 fel y digwydd) ar ffurf y drafft diwygiedig.

(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'r Gweinidogion 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 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

42.—(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 fel y digwydd) yr awdurdod lleol roi gwybod i'r llall am yr amrywiad a gynigir ganddo ynghyd â'i resymau dros gynnig amrywiad o'r fath.

(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 are 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) 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

42.—(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) 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 gynigir 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 gynigir gan yr awdurdod lleol;

oni fo'r personau a restrir yn rheoliad 41(3) wedi cymeradwyo'r amrywiad a gynigir.

(5) Os—

- (a) yw y corff llywodraethu neu'r awdurdod lleol, pa un bynnag sy'n cael hysbysiad o dan 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 41(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 41(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'r Gweinidogion 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 fel 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 arbennig, y categorïau o ysgolion sydd yn y ffederasiwn.

(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 41(3) have approved the proposed variation.

(5) If—

- (a) whichever of the governing body and the local authority is the recipient of a notification 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 41(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 41(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) 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

43.–(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 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, pa un a yw'r pennaeth yn aelod o'r corff llywodraethu ai peidio;
- (c) ymddiriedolwyr unrhyw ymddiriedolaeth sy'n gysylltiedig ag ysgol ffederal;
- (ch) yn achos un o ysgolion ffederal yr Eglwys yng Nghymru neu ysgol ffederal yr Eglwys Gatholig Rufeinig, yr awdurdod esgobaethol priodol;
- (d) 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
- (dd) Gweinidogion Cymru.

Staffio ffederasiynau

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

Rheoliadau Cynghorau Ysgol

45. 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

46.–(1) Mae corff llywodraethu ffederasiwn sy'n cynnwys ysgol sefydledig, ysgol wirfoddol neu ysgol

(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

43.–(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 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 federation 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

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

School Council Regulations

45. 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

46.–(1) The governing body of a federation which includes a foundation, voluntary or foundation special

arbennig sefydledig yn elusen sy'n elusen esempt at ddibenion Deddf Elusennau 1993(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, ysgol wirfoddol neu ysgol arbennig sefydledig; a
- (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, ysgol wirfoddol neu ysgol arbennig sefydledig o fewn y ffederasiwn hwnnw;

hefyd fod yn elusen esempt at ddibenion Deddf Elusennau 1993.

(3) Yn y rheoliad hwn, mae i "elusen" a "sefydliad" yr un ystyrion ag y sydd i "charity" ac "institution", yn eu trefn, yn Neddf Elusennau 1993.

RHAN 7

PENODI SWYDDOGION, EU SWYDDOGAETHAU A'U DISWYDDO

Ethol y cadeirydd a'r is-gadeirydd

47.—(1) Yn ddarostyngedig i baragraff (2) ac i adran 18 o Ddeddf 1998(2) (pŵer Gweinidogion Cymru i benodi llywodraethwyr ychwanegol), 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 ei olynydd 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.

(1) 1993 p.10.

(2) Diwygiwyd gan adran 56 ac adran 215 o Ddeddf 2002 ac Atodlen 21 i'r Ddeddf honno. Diwygiwyd ymhellach gan adran 61 o Ddeddf Addysg 2005 (p.18) ac Atodlen 9 i'r Ddeddf honno; a diwygiwyd ymhellach gan adrannau 7 ac 184 o Ddeddf Addysg ac Arolygiadau 2006 (p.40), a Rhan 2 o Atodlen 7 a Rhan 4 o Atodlen 18 i'r Ddeddf honno.

school is a charity which is an exempt charity for the purposes of the Charities Act 1993(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, voluntary or foundation special school; and
- (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, voluntary or foundation special school within that federation;

must also be an exempt charity for the purposes of the Charities Act 1993.

(3) In this regulation, "charity" ("*elusen*") and "institution" ("*sefydliad*") have the same meaning as in the Charities Act 1993.

PART 7

APPOINTMENT, FUNCTIONS AND REMOVAL OF OFFICERS

Election of the chair and vice-chair

47.—(1) Subject to paragraph (2) and to section 18 of the 1998 Act(2) (power of the Welsh Ministers for Wales to appoint additional governors), 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 federation in question.

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

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

(1) 1993 c.10.

(2) Amended by section 56 of and section 215 of, and Schedule 21 to, the 2002 Act. Further amended by section 61 of, and Schedule 9 to, the Education Act 2005 (c.18); and further amended by sections 7 and 184 of, and Part 2 of Schedule 7 and Part 4 of Schedule 18 to, the Education and Inspections Act 2006 (c.40).

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

- (a) pan fydd yn peidio â bod yn aelod o'r corff llywodraethu;
- (b) os telir iddo am weithio yn y ffederasiwn neu ysgol ffederal dan sylw;
- (c) os diswyddir ef yn unol â rheoliad 49 neu os cymerir ei le gan gadeirydd a enwebwyd gan Weinidogion Cymru yn unol ag adran 18 o Ddeddf 1998; neu
- (ch) yn achos yr is-gadeirydd, os etholir ef yn unol â pharagraff (6) i lenwi swydd wag y cadeirydd.

(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 18 o Ddeddf 1998.

(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 clerck 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

48.—(1) Caiff y cadeirydd, pan fo'r amgylchiadau ym mharagraff (2) yn gymwys yn ei farn ef, arfer unrhyw swyddogaethau o eiddo'r corff llywodraethu y gellir eu dirprwyo o dan reoliad 59(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 ei riant; 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 bwyllogor y dirprwywyd y swyddogaeth dan sylw iddo.

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

- (a) when he or she ceases to be a member of the governing body;
- (b) if he or she is paid to work at the federation or federated school in question;
- (c) if he or she is removed from office in accordance with regulation 49 or replaced by a chair nominated by the Welsh Ministers pursuant to section 18 of the 1998 Act; or
- (d) in the case of the vice-chair, he or she is elected in accordance with paragraph (6) to fill a vacancy in the office of chair.

(6) Where a vacancy arises in the office of chair or vice-chair, the governing body must at their next meeting elect one of their number to fill that vacancy, subject to paragraph (2) and to section 18 of the 1998 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 their 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

48.—(1) The chair may, where in his or her opinion the circumstances mentioned in paragraph (2) apply, exercise any function of the governing body which can be delegated under regulation 59(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 his or her 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) Pan ymddengys i'r is-gadeirydd—
- (a) fod 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.

Diswyddo'r cadeirydd neu'r is-gadeirydd

49.—(1) Yn ddarostyngedig i baragraffau (3) a (4), caiff y corff llywodraethu drwy benderfyniad ddiswyddo'r cadeirydd, onis enwebwyd gan Weinidogion Cymru yn unol ag adran 18 o Ddeddf 1998.

(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 effeithiol 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 54(7).

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

Penodi a diswyddo clerc y corff llywodraethu

50.—(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 yn un o'i gyfarfodydd, 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.

(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.

Removal of the chair or vice-chair from office

49.—(1) Subject to paragraphs (3) and (4), the governing body may by resolution remove the chair from office, unless he or she has been nominated by the Welsh Ministers pursuant to section 18 of the 1998 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 54(7).

(4) Before the governing body resolve to remove the chair or the vice-chair from office, the governor proposing his or her removal must at that meeting state his or her reasons for doing so and the chair or 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

50.—(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 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.

(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.

Swyddogaethau clerc y corff llywodraethu

51.–(1) Rhaid i glerc y corff llywodraethu–

- (a) gynnull cyfarfodydd y corff llywodraethu yn unol â rheoliad 54;
- (b) bod yn bresennol yng nghyfarfodydd y corff llywodraethu a sicrhau y cynhyrchir cofnodion o'r trafodion yn unol â rheoliad 56(1);
- (c) cadw cofrestr o aelodau'r corff llywodraethu ac adrodd am unrhyw leoedd gwag wrth y corff llywodraethu;
- (ch) cadw cofrestr o bresenoldeb llywodraethwyr mewn cyfarfodydd ac adrodd ar unrhyw ddiffyg presenoldeb wrth y corff llywodraethu;
- (d) rhoi a derbyn hysbysiadau yn unol â rheoliadau 29 (*hysbysu swyddi gwag a phenodiadau*), 34 (*ymddiswyddo*), 35 (*diswyddo llywodraethwyr*), 47(4) (*ymddiswyddiad y cadeirydd neu'r is-gadeirydd*) a 54(4) (*cynnull cyfarfodydd*) o'r Rheoliadau hyn, a pharagraff 13 o Atodlen 7 (*hysbysiad o anghymhwysu*) i'r Rheoliadau hyn;
- (dd) adrodd wrth y corff llywodraethu fel sy'n ofynnol ar gyflawni ei swyddogaethau; ac
- (e) cyflawni pa swyddogaethau eraill bynnag a benderfynir gan y corff llywodraethu o bryd i'w gilydd.

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

(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.

Functions of the clerk to the governing body

51.–(1) The clerk to the governing body must–

- (a) convene meetings of the governing body in accordance with regulation 54;
- (b) attend meetings of the governing body and ensure minutes of the proceedings are produced in accordance with regulation 56(1);
- (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 29 (*notification of vacancies and appointments*), 34 (*resignation*), 35 (*removal of governors*), 47(4) (*resignation of chair or vice chair*), and 54(4) (*convening meetings*) of, and paragraph 13 of Schedule 7 (*notification of disqualification*) to, these Regulations;
- (f) report to the governing body as required on the discharge of his or her 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.

RHAN 8

CYFARFODYDD A THRAFODION CYRFF LLYWODRAETHU

Hawl personau i fod yn bresennol yng nghyfarfodydd y corff llywodraethu

52. Yn ddarostyngedig i reoliadau 53 a 72 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 58, llywodraethwr;
- (b) pennaeth y ffederasiwn neu ysgol ffederal (pa un a yw'n llywodraethwr ai peidio);

PART 8

MEETINGS AND PROCEEDINGS OF GOVERNING BODIES

Right of persons to attend meetings of the governing body

52. Subject to regulations 53 and 72 of, and Schedule 10 to, these Regulations the following persons are entitled to attend any meeting of the governing body–

- (a) subject to regulation 58, a governor;
- (b) the head teacher of the federation or of a federated school (whether or not he or she is a governor);

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

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

- (c) clerc y corff llywodraethu; ac
- (ch) personau eraill fel a benderfynir gan y corff llywodraethu.

Allgáu disgybl-lywodraethwyr cyswllt o gyfarfodydd

53. 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;
- (ch) ethol, penodi a diswyddo llywodraethwyr;
- (d) y gyllideb ac ymrwymïadau ariannol y corff llywodraethu;
- (dd) yn achos ysgol wirfoddol ffederal a gynorthwyir, y weithred ymddiriedolaeth sy'n ymwneud â'r ysgol honno; neu
- (e) 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

54.–(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 clerac ac wrth arfer y swyddogaeth hon, heb amharu ar baragraff (3), rhaid i'r clerac 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 clerac sy'n cynnwys crynodeb o'r busnes sydd i'w drafod; a rhaid i'r clerac gynnull cyfarfod cyn gynted ag y bo'n rhesymol ymarferol.

(4) Yn ddarostyngedig i baragraffau (5), (6) a (7), rhaid i'r clerac 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–

- (a) bob llywodraethwr;
- (b) pennaeth y ffederasiwn neu ysgol ffederal (pa un a yw'n llywodraethwr ai peidio); ac
- (c) yr awdurdod lleol.

(5) Pan fo'r cadeirydd yn penderfynu hynny, ar y sail

- (c) the clerk to the governing body; and
- (d) such other persons as the governing body may determine.

Exclusion of associate pupil governors from meetings

53. 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

54.–(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) each governor;
- (b) the head teacher of the federation or of a federated school (whether or not he or she is a governor); and
- (c) the local authority.

(5) Where the chair so determines, on the ground that

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 ei gyfarwyddyd.

(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
- (ch) penderfyniad i gyflwyno hysbysiad o ddirwyn ysgol ffederal i ben o dan adran 30 o Ddeddf 1998;

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 hannylsu oherwydd nad yw unrhyw berson wedi cael hysbysiad ysgrifenedig o'r cyfarfod neu gopi o'r agenda.

Cworwm a thrafodion y corff llywodraethu

55.—(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 58.

(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.

(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 fel 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.

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 he or she 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 30 of the 1998 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

55.—(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 58.

(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) 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) Ni fydd unrhyw benderfyniad i gyflwyno hysbysiad i gau ysgol ffederal o dan adran 30(1) o Ddeddf 1998 yn effeithiol, pa 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 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 54(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
- (ch) bod mwy o lywodraethwyr gan y ffederasiwn mewn categori penodol nag y darperir ar eu cyfer gan yr offeryn llywodraethu(2).

Cofnodion a phapurau

56.—(1) Rhaid i'r clerwr (neu'r person a benodir i weithredu fel clerwr at ddiben y cyfarfod yn unol â rheoliad 50(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 gofnodion y trafodion gael eu rhoi mewn llyfr a gedwir at y diben gan y clerwr a gellir eu rhoi ar dudalennau rhyddion wedi eu rhifo'n olynol; ond os gwneir hynny rhaid i'r person sy'n llofnodi'r cofnodion dorri llythrennau ei enw ar bob tudalen.

(3) Rhaid i'r person sy'n gweithredu fel clerwr 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.

(4) 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.

(5) No decision to serve notice of discontinuance of a federated school under section 30(1) of the 1998 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 54(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(2).

Minutes and papers

56.—(1) The clerk (or the person appointed to act as clerk for the purpose of the meeting in accordance with regulation 50(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 minutes of proceedings must be entered into a book kept for the purpose by the clerk and may be entered on loose-leaf pages consecutively numbered; but in that case the person signing the minutes must initial each page.

(3) 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.

(4) 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) Diwygiwyd is-adran (3) gan adran 149 o Ddeddf Dysgu a Medrau 2000 (p.21) ac Atodlen 9 i'r Ddeddf honno, a chan Orchymyn Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu'r Cyngor) 2005 (O.S. 2005/3238 (Cy.243)). Disodlwyd is-adran (9) gan adran 30 o Ddeddf Addysg ac Arolygiadau 2006 (p.40) ac Atodlen 3 i'r Ddeddf honno.

(2) *Gweler* adran 20(1) o Ddeddf 2002 a rheoliad 31.

(1) Subsection (3) was amended by section 149 of, and Schedule 9 to, the Learning and Skills Act 2000 (c.21) and by the National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238 (W.243)). Subsection (9) was substituted by section 30 of, and Schedule 3 to, the Education and Inspections Act 2006 (c.40).

(2) *See* section 20(1) of the 2002 Act and regulation 31.

Cyhoeddi cofnodion a phapurau

57.–(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; ac
- (ch) 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

58.–(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 am un neu ragor o'r rhesymau 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'i gyflogaeth;
- (b) bod y llywodraethwr yn destun achos mewn unrhyw lys neu driwlynlys, y gallai ei ganlyniad olygu y caiff ei anghymhwysu 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 ei swydd; neu
- (ch) bod y llywodraethwr wedi torri ei ddyletswydd o gyfrinachedd i'r ffederasiwn neu ysgol

Publication of minutes and papers

57.–(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

58.–(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 his or her employment;
- (b) that the governor is the subject of proceedings in any court or tribunal, the outcome of which may be that he or she 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 his or her office into disrepute; or
- (d) that the governor is in breach of his or her duty of confidentiality to the federation or a

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 effeithiol 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 54(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 72(2).

(4) Ni ddylid darllen dim yn y rheoliad hwn 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 38 i ystyried ei ddiswyddo;

yn ystod cyfnod ei ataliad.

(5) Ni ddylid darllen dim yn y rheoliad hwn fel petai'n rhwystro corff llywodraethu rhag atal llywodraethwr a ataliwyd o dan baragraff (1) am gyfnod neu gyfnodau penodol pellach, pa un a yw am yr un rheswm 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.

Dirprwyo swyddogaethau

59.—(1) Yn ddarostyngedig i reoliad 60 o'r Rheoliadau hyn, rheoliad 3(2) o Reoliadau Cymeriad Crefyddol Ysgolion (Gweithdrefn Ddynodi) 1998(1) a rheoliad 7 o Reoliadau Llywodraethu Ysgolion (Cylch

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 54(7).

(3) Before a vote is taken on a resolution to suspend a governor, the governor proposing the resolution must at the meeting state his or her 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 72(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 38 to consider his or her removal from office;

during the period of his or her 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

59.—(1) Subject to regulation 60 of these Regulations, regulation 3(2) of the Religious Character of Schools (Designation Procedure) Regulations 1998(1) and regulation 7 of the School Government

(1) O.S. 1998/2535, fel y'i diwygiwyd mewn perthynas â Chymru 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)).

(1) S.I. 1998/2535, as amended in relation to Wales by the Education (New Schools) (Wales) Regulations 1999 (S.I.1999/2243 (W.3)) and by the New Maintained Schools (Wales) Regulations 2005 (S.I. 2005/2912 (W.209)).

Gwaith) (Cymru) 2000(1), caiff y corff llywodraethu ddirprwyo unrhyw rai o'i swyddogaethau—

- (a) i bwyllgor;
- (b) i unrhyw lywodraethwr; neu
- (c) i bennaeth y ffederasiwn neu bennaeth ysgol ffederal (pa un a yw'n 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 yn flynyddol y modd yr arferir swyddogaethau a ddirprwywyd ganddo.

Cyfyngiadau ar ddirprwyo a phwyllgorau penodedig

60.—(1) Ni chaiff y corff llywodraethu ddirprwyo o dan reoliad 59(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);
- (ch) y rhai hynny yn Rhan 6 (offerynnau llywodraethu);
- (d) rheoliadau 47 a 49 (ethol a diswyddo cadeirydd ac is-gadeirydd);
- (dd) rheoliad 50 (penodi a diswyddo clerc y corff llywodraethu);
- (e) rheoliad 58 (atal llywodraethwyr);
- (f) rheoliad 59 (dirprwyo swyddogaethau);
- (ff) rheoliad 63 (sefydlu pwyllgorau);

ac ni chaiff ychwaith ddirprwyo ei swyddogaethau mewn perthynas 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 59(1)—

- (a) y swyddogaethau:

(Terms of Reference) (Wales) Regulations 2000(1), the governing body may delegate any of its functions to—

- (a) a committee;
- (b) any governor; or
- (c) the head teacher of the federation or of a federated school (whether or not he or she 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

60.—(1) The governing body may not delegate under regulation 59(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 47 and 49 (election and removal of chair and vice chair);
- (f) regulation 50 (appointment and removal of the clerk to the governing body);
- (g) regulation 58 (suspension of governors);
- (h) regulation 59 (delegation of functions);
- (i) regulation 63 (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 59(1)—

- (a) the functions in:

(1) 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 (Darpapiaethau Trosiannol a Diwygiadau Canlyniadol) (Cymru) 2005 (O.S. 2005/2913 (Cy.210)).

(1) 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)).

- (i) yn adrannau 28(1), 29(2), 30(3) a 31(4) o Ddeddf 1998 a pharagraff 10(4) o Atodlen 6 i'r Ddeddf honno (Newid neu gau ysgolion a gynhelir);
- (ii) yn adrannau 28 a 31 o Ddeddf 1998 fel y maent yn effeithiol yn rhinwedd Rheoliadau a wnaed o dan Atodlen 8 i Ddeddf 1998 mewn perthynas â chynigion o dan yr Atodlen honno (Newid categori ysgolion a gynhelir);
- (iii) mewn cynllun a wnaed gan yr awdurdod lleol o dan adran 48(1)(5) 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;
- (iv) yn adran 61(1) i (3) o Ddeddf 1998 (polisiâu disgyblu ysgolion);
- (v) yn adrannau 88(6), 89(7), 89A(8) a 90(8)(9) o Ddeddf 1998 (sy'n ymwneud â phenderfynu ar drefniadau derbyn), adran 90(1)(10) o Ddeddf 1998 (sy'n ymwneud â chyfeirio gwrthwynebiadau ynghylch trefniadau derbyn i Gynulliad Cenedlaethol Cymru), neu adran 94(11) o

- (i) sections 28(1), 29(2), 30(3) and 31(4) of, and paragraph 10(4) of Schedule 6 to the 1998 Act (Alteration or discontinuance of maintained schools);
- (ii) sections 28 and 31 of the 1998 Act as they have effect by virtue of Regulations made under Schedule 8 to the 1998 Act in relation to proposals under that Schedule (Change of category of maintained schools);
- (iii) a scheme made by the local authority under section 48(1)(5) 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;
- (iv) section 61(1) to (3) of the 1998 Act (school discipline policies);
- (v) sections 88(6), 89(7), 89A(8) and 90(8)(9) of the 1998 Act (which relate to the determination of admission arrangements), section 90(1)(10) of the 1998 Act (which relates to the reference to the National Assembly for Wales of objections about admission arrangements), or section 94(11) of the 1998 Act in so far as it relates to the

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- (1) Diwygiwyd gan adran 154 o Ddeddf 2002 a chan Atodlen 21 i'r Ddeddf honno. Diwygiwyd ymhellach gan adrannau 64 a 123 o Ddeddf Addysg 2005 (p.18) a Rhan 2 o Atodlen 19 i'r Ddeddf honno; a chan adrannau 30 a 184 o Ddeddf Addysg ac Arolygiadau 2006 (p.40), ac Atodlen 3 i'r Ddeddf honno.
 - (2) Diwygiwyd gan adrannau 30 a 184 o Ddeddf Addysg ac Arolygiadau 2006 (p.40), ac Atodlen 3 i'r Ddeddf honno.
 - (3) Diwygiwyd gan adran 149 o Ddeddf Dysgu a Medrau 2000 (p.21) ac Atodlen 9 i'r Ddeddf honno, a chan Orchymyn Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu'r Cyngor) 2005 (O.S. 2005/3238 (Cy.243)); a chan adran 30 o Ddeddf Addysg ac Arolygiadau 2006 (p.40), ac Atodlen 3 i'r Ddeddf honno.
 - (4) Diwygiwyd gan adrannau 30 a 184 o Ddeddf Addysg ac Arolygiadau 2006 (p.40), ac Atodlen 3 i'r Ddeddf honno.
 - (5) 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.
 - (6) Diwygiwyd gan adran 43(1) o Ddeddf Addysg ac Arolygiadau 2006 (p.40).
 - (7) 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).
 - (8) 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.
 - (9) Disodlwyd gan adrannau 41 a 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.
 - (10) Disodlwyd is-baragraff (1)(b) gan adran 41(1) ac (8)(a) o Ddeddf Addysg ac Arolygiadau 2006 (p.40).
 - (11) Diwygiwyd gan adrannau 41, 43(4), 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.

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- (1) Amended by section 154 of, and by Schedule 21 to, the 2002 Act. Further amended by sections 64 and 123 of, and Part 2 of Schedule 19 to, the Education Act 2005 (c.18); and by sections 30 and 184 of, and Schedule 3 to, the Education and Inspections Act 2006 (c.40).
 - (2) Amended by sections 30 and 184 of, and Schedule 3 to, the Education and Inspections Act 2006 (c.40).
 - (3) Amended by section 149 of, and Schedule 9 to, the Learning and Skills Act 2000 (c.21); and by the National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238 (W.243)); and by section 30 of, and Schedule 3 to, the Education and Inspections Act 2006 (c.40).
 - (4) Amended by sections 30 and 184 of, and Schedule 3 to, the Education and Inspections Act 2006 (c.40).
 - (5) 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).
 - (6) Amended by section 43(1) of the Education and Inspections Act 2006 (c.40).
 - (7) 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).
 - (8) 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.
 - (9) Substituted by sections 41 and 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.
 - (10) Sub-paragraph (1)(b) was substituted by section 41(1) and (8)(a) of the Education and Inspections Act 2006 (c.40).
 - (11) Amended by sections 41, 43(4), 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.

Ddeddf 1998 i'r graddau y mae'n ymwneud â phenderfynu ynghylch trefniadau apêl gan y corff llywodraethu;

- (vi) yn adran 63(1) o Ddeddf 1998 (targedau presenoldeb ysgol);
- (vii) yn adran 439(7) o Ddeddf 1996 (gorchmynion presenoldeb ysgol);
- (viii) yn adrannau 95(2) a 97(3)(2) 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

(b) swyddogaethau y mae'n rhaid eu dirprwyo i'r pwyllgorau fel a bennir yn rheoliadau 64 i 66.

Adrodd wrth y corff llywodraethu ar ôl arfer swyddogaethau dirprwyedig

61.—(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 ysgol ffederal (pa un a yw'n 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 perthynas ag arfer y swyddogaeth honno.

determination of appeal arrangements by the governing body;

- (vi) section 63(1) of the 1998 Act (school attendance targets);
- (vii) section 439(7) of the 1996 Act (school attendance orders);
- (viii) sections 95(2) and 97(3)(2) 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

(b) the functions that must be delegated to the committees specified in regulations 64 to 66.

Reporting to the governing body following the exercise of delegated functions

61.—(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 of a federated school (whether or not he or she 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.

RHAN 9

PWYLLGORAU CYRFF LLYWODRAETHU

Cymhwyso'r Rhan hon

62. 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

63.—(1) Mae'r rheoliad hwn yn gymwys i bwyllgorau'r corff llywodraethu yn ddarostyngedig i reoliadau 64, 65 a 66.

- (1) Diwygiwyd gan adran 53 o Ddeddf 2002, a Rhan 3 o Atodlen 21 i'r Ddeddf honno.
- (2) Diwygiwyd gan adran 49 o Ddeddf Addysg ac Arolygiadau 2006 (p.40).

PART 9

COMMITTEES OF GOVERNING BODIES

Application of this Part

62. 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

63.—(1) This regulation applies to committees of the governing body subject to regulations 64, 65 and 66.

- (1) Amended by section 53 of, and Part 3 of Schedule 21 to, the 2002 Act.
- (2) Amended by section 49 of the Education and Inspections Act 2006 (c.40).

(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.

(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

64.–(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, ysgol wirfoddol a gynorthwyr neu ysgol arbennig sefydledig, y penderfyniad cychwynnol y dylid terfynu contract cyflogaeth person a gyflogir i weithio yn y ffederasiwn neu ysgol ffederal â'r corff llywodraethu neu na ddylid adnewyddu ei contract (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) gwrando ar sylwadau mewn perthynas â phenderfyniad y mae'n rhaid ei ddirprwyo o dan y paragraff hwn.

(2) Rhaid dirprwyo gwrاندawriad unrhyw apêl mewn perthynas â phenderfyniad y mae'n rhaid ei ddirprwyo o dan baragraff (1) i bwyllgor, a elwir yn

(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) 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

64.–(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, voluntary aided or foundation special school, the initial decision that a person employed to work at the federation or federated school should have his or her contract of employment with the governing body terminated or should not have his or her 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

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 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;
- (ch) 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).

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 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).

Y pwyllgor disgyblu a gwahardd disgyblion

65.–(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).

(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, 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

66.–(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 yr ysgol ffederal y ceisir derbyniad iddi (y bydd ganddo hawl i bleidleisio, pa un a yw'n llywodraethwr ai peidio); a
- (b) o leiaf ddau lywodraethwr arall (ac eithrio disgybl-lywodraethwr cyswllt).

(3) Yn achos ysgol ffederal sydd â mwy nag un pennaeth, dehongler y cyfeiriad ym mharagraff (2)(a) at y pennaeth fel cyfeiriad at un o'r penaethiaid.

(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)).*

Pupil discipline and exclusions committee

65.–(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).

(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 he or she 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

66.–(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 of the federated school to which admission is sought (who is entitled to vote whether or not he or she is a governor); and
- (b) at least two other governors (excluding associate pupil governors).

(3) In the case of a federated school which has more than one head teacher, the reference in paragraph (2)(a) to the head teacher is to be interpreted as a reference to one of the head teachers.

(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)).*

(4) 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

67.–(1) Rhaid i'r corff llywodraethu benodi clerc i bob pwyllgor a sefydlir yn unol â rheoliadau 64 i 66 a chaiff benodi clerc i unrhyw bwyllgor arall a sefydlir ganddo.

(2) Ni cheir 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 perthynas â'r pwyllgor hwnnw a benderfynir gan y corff llywodraethu o bryd i'w gilydd.

Hawl personau i fod yn bresennol yng nghyfarfodydd pwyllgorau

68.–(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'n llywodraethwr a ataliwyd yn unol â rheoliad 58;
- (b) pennaeth y ffederasiwn neu ysgol ffederal (pa un a yw'n aelod o'r pwyllgor ai peidio);
- (c) clerc y pwyllgor; ac
- (ch) pa bynnag bersonau eraill 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 ganddo 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.

(4) 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

67.–(1) The governing body must appoint a clerk to each committee established in accordance with regulations 64 to 66 and may appoint a clerk to any other committee established by it.

(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

68.–(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 he or she is not a governor who has been suspended in accordance with regulation 58;
- (b) the head teacher of the federation or of a federated school (whether or not he or she 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 he or she is otherwise entitled to attend when the business under consideration concerns an individual member of staff or pupil.

(3) Nid yw paragraff (1)(b) yn gymwys mewn perthynas â'r pwyllgorau y cyfeirir atynt yn rheoliadau 64 a 65 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).

Cyfarfodydd pwyllgorau

69.–(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 (pa un a yw'n 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 ei gyfarwyddyd neu ei benderfyniad ef (yn ôl fel y digwydd).

(4) Nid annilysir 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 64(6), 65(3) a 66(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 cheir 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.

(3) Paragraph (1)(b) does not apply in relation to the committees referred to in regulations 64 and 65 or in relation to any committee or selection panel exercising any function under the Staffing Regulations (as modified by Schedule 8).

Meetings of committees

69.–(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 he or she 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 he or she 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 64(6), 65(3) and 66(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) 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.

(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

70.–(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

71.–(1) Yn ddarostyngedig i baragraff (2), rhaid i'r pwyllgor, cyn gynted ag y bo'n rhesymol ymarferol, roi copiâu 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.

(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) 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

70.–(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

71.–(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

72.–(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 (pa un a yw'n llywodraethwr ai peidio) neu unrhyw berson a benodir yn glerc y corff llywodraethu neu bwyllgor; a
- (b) mae unrhyw gyfeiriad at "gyfarfod 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 ddiduedd 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 ganddo, mynd allan o'r cyfarfod a pheidio â phleidleisio ar y mater 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 eu tyb hwy yn gallu rhoi tystiolaeth fod yn bresennol mewn unrhyw wrandawriad a gynhelir ganddynt ar unrhyw fater a chyflwyno ei dystiolaeth; neu
 - (ii) glywed sylwadau gan berson perthnasol sy'n gweithredu mewn swyddogaeth ar wahân i swyddogaeth person perthnasol; neu
- (b) person perthnasol rhag ymrwymo i gontract â'r corff llywodraethu y mae ganddo hawl i elwa oddi wrtho.

(4) Ni fydd yn ofynnol i berson sy'n gweithredu fel

PART 10

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

Restrictions on persons taking part in proceedings

72.–(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 he or she 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 his or her 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 them to be able to give evidence to attend any hearing conducted by them into any matter and to present his or her evidence; or
 - (ii) hearing representations from a relevant person acting in a capacity other than that of a relevant person; or
- (b) a relevant person from entering into a contract with the governing body from which he or she is entitled to profit.

(4) A person who is acting as the clerk to a meeting

clerc i gyfarfod o'r ffederasiwn neu ysgol ffederal fynd allan o gyfarfod yn rhinwedd y rheoliad hwn nac Atodlen 10 oni fo ei benodiad i swydd, ei dâl neu achos disgyblu yn ei erbyn o dan ystyriaeth, ond pe bai'r rheoliad hwn neu Atodlen 10 fel arall wedi ei gwneud yn ofynnol iddo fynd allan, ni chaiff weithredu mewn unrhyw swyddogaeth ac eithrio swyddogaeth clerc.

(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 cwestiwn 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.

RHAN 11

GWYBODAETH A CHYLLIDO

Gwybodaeth ar gyfer corff llywodraethu ffederasiwn

73.–(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 ffederasiynau

74. Ac eithrio fel a ddarperir gan reoliad 75, 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.

75.–(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 77 neu 82, bydd adran 50(1) o Ddeddf 1998 (effaith dirprwyo ariannol) yn cael effaith yn ddarostyngedig i'r addasiadau canlynol.

(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.

of the federation or a federated school is not required to withdraw from a meeting by this regulation or Schedule 10 unless his or her appointment to office, his or her remuneration, or disciplinary action against him or her is the subject of consideration, but if this regulation or Schedule 10 would have otherwise required him or her to withdraw, he or she 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.

PART 11

INFORMATION AND FUNDING

Information for the governing body of a federation

73.–(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 they have taken in the discharge of their 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

74. Except as provided by regulation 75, 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.

75.–(1) In its application to a federated school in Wales, other than one for which a temporary governing body is established pursuant to regulation 77 or 82, section 50(1) of the 1998 Act (effect of financial delegation) is to have effect subject to the following modifications.

(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).

(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 "In subsection (3) "purposes of the school" does not include" rhodder "In subsection (3)(a), (ab) and (ac) any reference to the purposes of a federated school or a federation 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".

(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 "In subsection (3) "purposes of the school" does not include" substitute "In subsection (3)(a), (ab) and (ac) any reference to the purposes of a federated school or a federation 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".

RHAN 12

YSGOLION FFEDERAL SY'N GADAEL FFEDERASIYNAU

Y weithdrefn i ysgol adael ffederasiwn

76.–(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.

(2) 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;

(ch) yr awdurdod lleol;

(d) ymddiriedolwyr yr ysgol berthnasol; neu

(dd) corff sydd â'r hawl i benodi llywodraethwyr

PART 12

FEDERATED SCHOOLS LEAVING FEDERATIONS

Procedure for a school to leave a federation

76.–(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.

(2) 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

sefydledig i gorff llywodraethu'r ffederasiwn.

(3) Rhaid i gorff llywodraethu'r ffederasiwn hysbysu'r canlynol ynghylch y cais—

- (a) pob awdurdod lleol perthnasol;
- (b) pennaeth y ffederasiwn a phenaethiaid 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 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;
- (ch) yr holl staff y telir iddynt am weithio yn yr ysgol berthnasol;
- (d) pob person y gwyddant ei fod yn rhiant disgybl cofrestredig yn yr ysgol berthnasol;
- (dd) pob undeb llafur y gwyddant fod ganddo aelodau sy'n cael eu cyflogi i weithio mewn unrhyw un o'r ysgolion; ac
- (e) pa bynnag bersonau eraill a ystyrir yn briodol gan gorff llywodraethu'r ffederasiwn.

(4) Rhaid i'r hysbysiad o dan baragraff (3) gael ei roi o fewn y cyfnod o bum niwrnod gwaith clir sy'n cychwyn ar y dyddiad y cafwyd y cais.

(5) Ystyrir bod corff llywodraethu ffederasiwn wedi cael cais o dan baragraff (1) os rhoddyd neu anfonwyd y cais at gadeirydd neu glerc corff llywodraethu'r ffederasiwn.

(6) Ymhen dim llai na phedwar diwrnod ar ddeg clir wedi i gorff llywodraethu ffederasiwn roi hysbysiad o'r cais yn unol â pharagraff (3) 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 (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.

(7) Nid yw penderfyniad o'r fath yn effeithiol 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 54(4).

(8) Rhaid i gorff llywodraethu ffederasiwn roi hysbysiad o'i benderfyniad o dan baragraff (6) o fewn pum niwrnod gwaith clir i'r personau hynny y cyfeirir atynt ym mharagraff (3).

governors to the governing body of the federation.

(3) 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 and 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) all staff paid to work at the relevant school;
- (e) every person known by them to be a parent of a registered pupil at the relevant school;
- (f) every trade union known by them to have members paid to work at any of the schools; and
- (g) such other persons as the governing body of the federation consider appropriate.

(4) Notice under paragraph (3) must be given within the period of five clear working days beginning with the date on which the request was received.

(5) 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.

(6) Not less than fourteen clear working days after the governing body of a federation have given notice of the request in accordance with paragraph (3), 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 (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.

(7) 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 54(4).

(8) The governing body of a federation must give notice in writing of their decision under paragraph (6) within five clear working days to those persons referred to in paragraph (3).

(9) Rhaid i'r dyddiad dadffedereiddio a bennir gan y corff llywodraethu beidio â bod yn gynharach na 125 diwrnod ar ôl y diwrnod y rhoddir hysbysiad o benderfyniad y corff llywodraethu o dan baragraff (8).

Penderfyniad i ganiatáu i ysgol ffederal adael ffederasiwn

77.–(1) Wedi i hysbysiad gael ei roi bod corff llywodraethu ffederasiwn 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 perthynas 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 42.

(4) At ddibenion paragraff (3)(a)(ii)–

- (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 "gorff llywodraethu dros dro"; a
 - (ii) "llywodraethwyr sefydledig" fel pe baent yn gyfeiriadau at "lywodraethwyr sefydledig dros dro".

Argaeledd symiau sy'n cynrychioli cyfran o gyllideb

78. 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

(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

77.–(1) Upon notification that a governing body of a federation have resolved 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 42.

(4) For the purpose of paragraph (3)(a)(ii)–

- (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

78. 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 they think fit for any

(1) Fel y'i haddaswyd gan reoliad 75 o'r Rheoliadau hyn.

(1) As modified by regulation 75 of these Regulations.

ffederasiwn mewn perthynas â'r ysgol sy'n gadael y ffederasiwn.

Ymgorffori corff llywodraethu ysgol sy'n gadael ffederasiwn

79. 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

80.–(1) Ar y dyddiad dadffedereiddio–

- (a) mae'r holl dir ac 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 79 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 gan, neu a achoswyd i, gorff llywodraethu'r ffederasiwn at ddibenion yr ysgol a ddadffedereiddiwyd, yn trosglwyddo i'r corff llywodraethu a ymgorfforwyd o dan reoliad 79.

(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 13

DIDDYMU FFEDERASIYNAU

Diddymu ffederasiynau

81.–(1) Os yw–

- (a) corff llywodraethu ffederasiwn yn penderfynu y dylid diddymu'r ffederasiwn; neu os yw
- (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 ffaith ac o'r dyddiad diddymu arfaethedig i'r personau a grybwyllir ym mharagraff (2), o fewn pedwar ar ddeg o ddiwrnodau gwaith clir.

purposes of that school.

Incorporation of governing body of a school leaving a federation

79. On the de-federation date the temporary governing body of the de-federated school are incorporated as the governing body of that school under the name given in the school's instrument of government.

Transfer of property

80.–(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 79; 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 79.

(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) apply in relation to transfers effected by this regulation as they apply in relation to transfers to which that section and Schedule apply.

PART 13

DISSOLUTION OF FEDERATIONS

Dissolution of federations

81.–(1) Where–

- (a) a governing body of a federation decide that the federation should be dissolved; or
- (b) a governing body of a federation decide that one of only two federated schools should leave the federation,

the governing body of a federation must give notice of the fact and the proposed date of dissolution to the persons mentioned in paragraph (2) within fourteen clear working days.

(1) 1988 p.40.

(1) 1988 c.40.

- (2) Y personau sydd i'w hysbysu yw—
- (a) pob awdurdod lleol perthnasol;
 - (b) pennaeth y ffederasiwn a phob pennaeth ysgol ffederal;
 - (c) pob aelod o'r staff y telir iddo am weithio yn y ffederasiwn neu mewn ysgol ffederal;
 - (ch) pob person y gŵyr y corff llywodraethu ei fod yn rhiant disgybl cofrestredig mewn un o'r ysgolion ffederal;
 - (d) 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;
 - (dd) pob undeb llafur y gwyddant bod ganddo aelodau y telir iddynt am weithio mewn unrhyw un o'r ysgolion; ac
 - (e) pa bynnag bersonau eraill a ystyrir yn briodol gan gorff llywodraethu'r ffederasiwn.

Sefydlu corff llywodraethu dros dro

82. Ar ôl derbyn yr hysbysiad a roddir o dan reoliad 81, rhaid i'r awdurdod lleol neu awdurdodau lleol perthnasol—

- (a) sefydlu corff llywodraethu dros dro mewn perthynas 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.

83. At ddibenion rheoliad 82(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 "gorff llywodraethu dros dro"; a
 - (ii) "llywodraethwyr sefydledig" fel pe baent yn gyfeiriadau at "lywodraethwyr sefydledig dros dro".

(2) The persons to be notified are—

- (a) all relevant local authorities;
- (b) the head teacher of the federation and 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 consider appropriate.

Establishment of temporary governing body

82. Upon receipt of the notice issued under regulation 81 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.

83. For the purposes of regulation 82(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".

Argaeledd symiau sy'n cynrychioli cyfran o gyllideb

84. 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 perthynas â phob ysgol, fel y gwêl yn dda at unrhyw ddibenion yr ysgol honno.

Ymgorffori corff llywodraethu ysgol sy'n gadael ffederasiwn

85. 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.

Trosglwyddo eiddo

86.--(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 85; a
- (b) mae'r holl hawliau a rhwymedigaethau a oedd yn bodoli yn union cyn y dyddiad diddymu ac a gaffaelwyd gan, neu a achoswyd i, 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 85.

(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

84. 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

85. 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.

Transfer of property

86.--(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 85; 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 85.

(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) 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.

(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.

Diwygiadau i Reoliadau Llywodraethu Ysgolion a Gynhelir

87.—(1) Diwygir Atodlen 5 i Reoliadau Llywodraethu Ysgolion a Gynhelir fel a ganlyn—

- (a) yn is-baragraff (a) o baragraff 6, ar ôl "ddadwneud" mewnosoder "neu os bod cyfnod moratoriwm o dan orchymyn rhyddhau o ddyled yn gymwys mewn perthynas ag ef";
- (b) yn is-baragraff (c) o baragraff 9, rhodder "adrannau 28, 29 neu 29A" yn lle "adrannau 28 a 29";
- (c) ar ôl is-baragraff (bb) o baragraff 9 mewnosoder—

"(bc) wedi ei anghymhwyso rhag cofrestru o dan Ran XA o Ddeddf Plant 1989(1) ar gyfer gofalu am blant neu ddarparu gofal dydd;

(bd) wedi ei anghymhwyso rhag cofrestru o dan Ran 3 o Ddeddf Gofal Plant 2006(2);";

(ch) yn is-baragraff (1) o baragraff 10, yn lle "Yn ddarostyngedig i is-baragraff (6)" rhodder "Yn ddarostyngedig i is-baragraff (5)"; a

(d) ym mharagraff 10, yn lle is-baragraff (5) rhodder—

"(5) At ddibenion is-baragraffau (2) i (4) uchod, 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 o dan y gyfraith mewn grym ar yr adeg yr oedd y ffeithiau a oedd wedi arwain at y drosedd wedi digwydd."

(2) Yn is-baragraff (b) o baragraff 1, o Atodlen 7 i Reoliadau Llywodraethu Ysgolion a Gynhelir, ar ôl "pan fo person perthnasol yn bartner" mewnosoder "busnes".

Diwygiad i Reoliadau Addysg (Cyrff Sefydledig) (Cymru) 2001

88. Yn is-baragraff (a) o baragraff 2 o Atodlen 2 i Reoliadau Addysg (Cyrff Sefydledig) (Cymru) 2001(3), yn lle "ddadwneud" rhodder "neu os bod cyfnod moratoriwm o dan orchymyn rhyddhau o ddyled yn gymwys mewn perthynas ag ef; neu".

(1) 1989 p.41.

(2) 2006 p.21.

(3) 2001 (O.S. 2001/2709 (Cy.228)).

Amendments to the Government of Maintained Schools Regulations

87.—(1) Schedule 5 to the Government of Maintained Schools Regulations is amended as follows—

- (a) in sub-paragraph (a) of paragraph 6, after "rescinded" insert "or a moratorium period under a debt relief order applies in relation to him or her";
- (b) in sub-paragraph (c) of paragraph 9, substitute "sections 28, 29 or 29A" for "sections 28 and 29";
- (c) after sub-paragraph (bb) of paragraph 9 insert—

"(bc) disqualified from registration under Part XA of the Children Act 1989(1) for childminding or providing day care;

(bd) disqualified from registration under Part 3 of the Childcare Act 2006(2);";

(d) in sub-paragraph (1) of paragraph 10, for "Subject to sub-paragraph (6)" substitute "Subject to sub-paragraph (5)"; and

(e) in paragraph 10, for sub-paragraph (5) substitute—

"(5) For the purposes of sub-paragraphs (2) to (4) above, 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."

(2) In sub-paragraph (b) of paragraph 1, of Schedule 7 to the Government of Maintained Schools Regulations, after "relevant person is a" insert "business".

Amendment to the Education (Foundation Body) (Wales) Regulations 2001

88. In sub-paragraph (a) of paragraph 2, of Schedule 2 to the Education (Foundation Body) (Wales) Regulations 2001(3), for "rescinded;" substitute "rescinded or a moratorium period under a debt relief order applies in relation to him or her; or".

(1) 1989 c.41.

(2) 2006 c.21.

(3) 2001 (S.I. 2001/2709 (W.228)).

Leighton Andrews

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

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

7 Mawrth 2010

7 March 2010

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

Temporary governing bodies of new schools
intending to federate

Egwyddorion cyffredinol

1. Mae maint aelodaeth y corff llywodraethu dros dro, na chaiff fod yn llai na 15 nac yn fwy na 25 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—

- (a) unrhyw noddwr-lywodraethwyr dros dro;
- (b) unrhyw lywodraethwyr sefydledig dros dro a benodwyd yn unol â pharagraff 8(2); nac
- (c) 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 12.

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, arbennig cymunedol neu ysgolion
meithrin a gynhelir newydd**

5. Rhaid i gorff llywodraethu dros dro, a gyfansoddir ar gyfer dwy neu ragor o ysgolion cymunedol arfaethedig, ysgolion arbennig cymunedol arfaethedig neu ysgolion meithrin a gynhelir arfaethedig yn unig, gael ei gyfansoddi fel a ganlyn—

- (a) ar gyfer pob un o'r ysgolion arfaethedig, o leiaf un rhiant-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;
- (ch) o leiaf ddau lywodraethwr awdurdod lleol dros dro;
- (d) yn ddarostyngedig i is-baragraff (dd), o leiaf ddau lywodraethwr cymunedol dros dro;
- (dd) o leiaf un llywodraethwr cynrychiadol dros dro pan fo'r ffederasiwn arfaethedig yn cynnwys o

General principles

1. The size of the membership of the temporary governing body, being no fewer than 15 and no more than 25 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—

- (a) any temporary sponsor governors;
- (b) any temporary foundation governors appointed in accordance with paragraph 8(2); or
- (c) 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 12.

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 or maintained nursery schools**

5. A temporary governing body constituted for two or more proposed community schools, proposed community special schools or proposed maintained nursery schools only, is to be composed as follows—

- (a) for each proposed school at least one temporary parent governor 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 temporary local authority governors;
- (e) subject to sub-paragraph (f) at least two temporary community governors;
- (f) at least one temporary representative governor where the proposed federation contains at least

leiaf un ysgol arbennig gymunedol arfaethedig, i gymryd lle nifer cydradd o'r llywodraethwyr cymunedol sy'n ofynnol o dan is-baragraff (d); ac

- (e) pennaeth neu ddarpar bennaeth pob un o'r ysgolion arfaethedig, oni fydd wedi ymddiswyddo o'i swydd fel llywodraethwr.

Corff llywodraethu dros dro ar gyfer ysgolion sefydledig neu arbennig sefydledig newydd

6. Rhaid i gorff llywodraethu dros dro, a gyfansoddir ar gyfer dwy neu ragor o ysgolion sefydledig arfaethedig neu ysgolion arbennig sefydledig arfaethedig yn unig, gael ei gyfansoddi fel a ganlyn—

- (a) ar gyfer pob un o'r ysgolion arfaethedig, o leiaf un rhiant-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;
- (ch) o leiaf ddau lywodraethwr awdurdod lleol dros dro;
- (d) o leiaf ddau lywodraethwr cymunedol dros dro;
- (dd) o leiaf ddau o lywodraethwyr sefydledig dros dro (neu lywodraethwyr partneriaeth dros dro, fel y bo'n briodol mewn perthynas ag unrhyw ysgol heb sefydliad); ac
- (e) pennaeth neu ddarpar bennaeth pob un o'r ysgolion arfaethedig, oni fydd wedi ymddiswyddo o'i swydd fel llywodraethwr.

Corff llywodraethu dros dro ar gyfer ysgolion gwirfoddol a reolir newydd

7. Rhaid i gorff llywodraethu dros dro, a gyfansoddir ar gyfer dwy neu ragor o ysgolion gwirfoddol a reolir arfaethedig yn unig, gael ei gyfansoddi fel a ganlyn—

- (a) ar gyfer pob un o'r ysgolion arfaethedig, o leiaf un rhiant-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;
- (ch) o leiaf ddau lywodraethwr awdurdod lleol dros dro;
- (d) o leiaf ddau lywodraethwr cymunedol dros dro;
- (dd) o leiaf ddau lywodraethwr sefydledig dros dro; ac

one proposed community special school to take the place of an equal number of the community governors required by subparagraph (e); and

- (g) the head teacher or the head teacher designate of each proposed school, unless he or she resigns his or her governorship.

Temporary governing body for new foundation or foundation special schools

6. A temporary governing body constituted for two or more proposed foundation schools or foundation special schools only, is to be composed as follows—

- (a) for each proposed school at least one temporary parent governor 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 temporary local authority governors;
- (e) at least two temporary community governors;
- (f) at least two temporary foundation governors (or temporary partnership governors as appropriate in respect of any school without a foundation); and
- (g) the head teacher or the head teacher designate of each proposed school, unless he or she resigns his or her governorship.

Temporary governing body for new voluntary controlled schools

7. A temporary governing body constituted for two or more proposed voluntary controlled schools only, is to be composed as follows—

- (a) for each proposed school at least one temporary parent governor 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 temporary local authority governors;
- (e) at least two temporary community governors; and
- (f) at least two temporary foundation governors; and

- (e) pennaeth neu ddarpar bennaeth pob un o'r ysgolion arfaethedig, oni fydd wedi ymddiswyddo o'i swydd fel llywodraethwr.

Corff llywodraethu dros dro ar gyfer ysgolion gwirfoddol a gynorthwyr newydd

8.–(1) Rhaid i gorff llywodraethu dros dro, a gyfansoddir ar gyfer dwy neu ragor o ysgolion gwirfoddol a gynorthwyr arfaethedig yn unig, gael ei gyfansoddi fel a ganlyn–

- (a) ar gyfer pob un o'r ysgolion arfaethedig, o leiaf un rhiant-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;
- (ch) o leiaf ddau lywodraethwr awdurdod lleol dros dro;
- (d) y cyfryw nifer o lywodraethwyr sefydledig dros dro ag y bo ddau yn fwy na chyfanswm nifer yr holl lywodraethwyr dros dro eraill a restrir yn is-baragraffau (a) i (ch); ac
- (dd) pennaeth neu ddarpar bennaeth pob un o'r ysgolion arfaethedig, oni fydd wedi ymddiswyddo o'i swydd fel llywodraethwr.

(2) Yn ychwanegol, caiff y person sydd â hawl i benodi llywodraethwyr sefydledig dros dro benodi pa bynnag nifer o lywodraethwyr sefydledig dros dro (hyd at ddau, neu, os yw'r ffederasiwn yn cynnwys ysgolion uwchradd newydd yn unig, hyd at bedwar) ag y bo'n ofynnol i gadw eu mwyafrif.

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

9. Rhaid i gorff llywodraethu dros dro, a gyfansoddir ar gyfer o leiaf un ysgol wirfoddol a reolir arfaethedig ac o leiaf un ysgol gymunedol arfaethedig, ysgol arbennig gymunedol arfaethedig neu ysgol feithrin a gynhelir arfaethedig gael ei gyfansoddi fel a ganlyn–

- (a) ar gyfer pob un o'r ysgolion arfaethedig, o leiaf un rhiant-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;
- (ch) o leiaf ddau lywodraethwr awdurdod lleol dros dro;

- (g) the head teacher or the head teacher designate of each proposed school, unless he or she resigns his or her governorship.

Temporary governing body for new voluntary aided schools

8.–(1) A temporary governing body constituted for two or more proposed voluntary aided schools only, is to be composed as follows–

- (a) for each proposed school at least one temporary parent governor 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 temporary local authority governors;
- (e) such number of temporary foundation governors as out number all the other temporary governors listed in sub-paragraphs (a) to (d) by two; and
- (f) the head teacher or the head teacher designate of each proposed school, unless he or she resign his or her governorship.

(2) In addition, the person who is entitled to appoint temporary foundation governors may appoint such number of temporary foundation governors (up to two or where the federation contains new secondary schools only, up to four) as are required to preserve their majority.

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

9. A temporary governing body constituted for at least one proposed voluntary controlled school and at least one proposed community school, community special school or proposed maintained nursery school is to be composed as follows–

- (a) for each proposed school at least one temporary parent governor 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 temporary local authority governors;

- (d) yn ddarostyngedig i is-baragraff (e), o leiaf ddau lywodraethwr cymunedol dros dro;
- (dd) o leiaf ddau lywodraethwr sefydledig dros dro;
- (e) o leiaf un llywodraethwr cynrychiadol dros dro pan fo'r ffederasiwn arfaethedig yn cynnwys o leiaf un ysgol arbennig gymunedol arfaethedig, i gymryd lle un o'r llywodraethwyr cymunedol sy'n ofynnol o dan is-baragraff (d); ac
- (f) pennaeth neu ddarpar bennaeth pob un o'r ysgolion arfaethedig, oni fydd wedi ymddiswyddo o'i swydd fel llywodraethwr.

- (e) subject to sub-paragraph (g), at least two temporary community governors;
- (f) at least two temporary foundation governors;
- (g) at least one temporary representative governor where the proposed federation contains at least one proposed community special school to take the place of one of the community governors required by sub-paragraph (e); and
- (h) the head teacher or the head teacher designate of each proposed school, unless he or she resigns his or her governorship.

Corff llywodraethu dros dro ar gyfer ffederasiwn arfaethedig a gyfansoddir o fwy nag un categori o ysgol, ac yn cynnwys o leiaf un ysgol newydd sy'n ysgol sefydledig neu'n ysgol arbennig sefydledig neu'n ysgol wirfoddol a gynorthwyr

10. Rhaid i gorff llywodraethu dros dro, a gyfansoddir ar gyfer mwy nag un categori o ysgol ac o leiaf un ysgol sefydledig arfaethedig, ysgol arbennig sefydledig arfaethedig neu ysgol wirfoddol a gynorthwyr arfaethedig, gael ei gyfansoddi fel a ganlyn—

- (a) ar gyfer pob un o'r ysgolion arfaethedig, o leiaf un rhiant-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;
- (ch) o leiaf ddau lywodraethwr awdurdod lleol dros dro;
- (d) yn ddarostyngedig i is-baragraff (e), o leiaf ddau lywodraethwr cymunedol dros dro
- (dd) o leiaf ddau o lywodraethwyr sefydledig dros dro (neu lywodraethwyr partneriaeth dros dro, fel y bo'n briodol mewn perthynas ag unrhyw ysgol heb sefydliad);
- (e) o leiaf un llywodraethwr cynrychiadol dros dro pan fo'r ffederasiwn arfaethedig yn cynnwys o leiaf un ysgol arbennig gymunedol arfaethedig, i gymryd lle un o'r llywodraethwyr cymunedol sy'n ofynnol o dan is-baragraff (d); ac
- (f) pennaeth neu ddarpar bennaeth pob un o'r ysgolion arfaethedig, oni fydd wedi ymddiswyddo o'i swydd fel llywodraethwr.

Temporary governing body for proposed federation comprising more than one category of school including at least one new foundation or foundation special or voluntary aided school

10. A temporary governing body constituted for more than one category of school and at least one proposed foundation school, foundation special school or voluntary aided school is to be composed as follows—

- (a) for each proposed school at least one temporary parent governor 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 temporary local authority governors;
- (e) subject to sub-paragraph (g), at least two temporary community governors;
- (f) at least two temporary foundation governors (or temporary partnership governors as appropriate in respect of any school without a foundation);
- (g) at least one temporary representative governor where the proposed federation contains at least one proposed community special school to take the place of one of the community governors required by sub-paragraph (e); and
- (h) the head teacher or the head teacher designate of each proposed school, unless he or she resigns his or her governorship.

Noddwr-lywodraethwyr a disgybl-lywodraethwyr cyswllt dros dro

11. Caiff corff llywodraethu dros dro, a gyfansoddir yn unol â pharagraffau 5 i 10, benodi yn ychwanegol—

Temporary sponsor and associate pupil governors

11. A temporary governing body constituted in accordance with paragraphs 5 to 10 may, in addition—

- (a) hyd at ddau noddwr-lywodraethwr dros dro; a
- (b) hyd at ddau ddisgybl-lywodraethwr cyswllt dros dro.

Llywodraethwyr cymunedol ychwanegol dros dro

12.–(1) Mae'r paragraff hwn yn gymwys i gorff llywodraethu dros dro a gyfansoddir yn unol â pharagraffau 5 i 10 ar gyfer un neu ragor o'r canlynol–

- (a) unrhyw ysgol arfaethedig gymunedol, wirfoddol neu sefydledig 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 11, yn ôl fel y digwydd) un llywodraethwr cymunedol 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.

- (a) appoint up to two temporary sponsor governors; and
- (b) appoint up to two temporary associate pupil governors.

Temporary Additional Community Governors

12.–(1) This paragraph applies to a temporary governing body constituted in accordance with paragraphs 5 to 10 for one or more of the following–

- (a) any proposed community, voluntary or foundation 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 11, as the case may be) one temporary 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

Election and appointment of parent governors

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, ysgol arbennig 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 pa 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 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.

6. Rhaid cynnal unrhyw etholiad a ymleddir drwy bleidlais gudd.

7.—(1) Rhaid i'r trefniadau a wneir o dan baragraff 3 ddarparu bod pawb 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 bawb sydd â hawl i bleidleisio wneud hynny drwy gyfrwng dull electronig.

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

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, foundation special 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. 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

corff priodol ei fod yn rhiant 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 ganddo 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 rhiant-lywodraethwyr a benodir gan y corff llywodraethu, os daw un neu ragor o leoedd ar gyfer rhiant-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 rhiant-lywodraethwyr; neu
- (c) yn achos ysgol sy'n ysgol arbennig gymunedol neu'n ysgol arbennig sefydledig a sefydlwyd mewn ysbyty, y byddai, ym marn y corff priodol, yn anymarferol ethol rhiant-lywodraethwyr.

10.—(1) Ac eithrio pan fo paragraff 11 yn gymwys, wrth benodi rhiant-lywodraethwr i gynrychioli ysgol ffederal, rhaid i gorff llywodraethu ffederasiwn benodi—

- (a) rhiant disgybl cofrestredig yn yr ysgol;
- (b) rhiant disgybl cofrestredig mewn ysgol arall o fewn y ffederasiwn; neu
- (c) rhiant 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 yn is-baragraff (1)(b) neu (c) ac eithrio pan nad yw'n rhesymol ymarferol penodi person y cyfeirir ato yn yr is-baragraff sy'n union ragflaenu.

11.—(1) Pan fo'r ysgol yn ysgol arbennig gymunedol neu'n ysgol arbennig sefydledig, wrth benodi rhiant-lywodraethwr, rhaid i gorff llywodraethu'r ffederasiwn benodi—

- (a) rhiant disgybl cofrestredig yn yr ysgol;
- (b) rhiant plentyn mewn oedran ysgol gorfodol sydd ag anghenion addysgol arbennig;
- (c) rhiant person o unrhyw oedran sydd ag anghenion addysgol arbennig; neu
- (ch) rhiant plentyn mewn oedran ysgol gorfodol.

(2) Rhaid i gorff llywodraethu'r ffederasiwn beidio â phenodi person y cyfeirir ato yn is-baragraff (1)(b), (c) neu (ch) ac eithrio pan nad yw'n rhesymol ymarferol penodi person y cyfeirir ato yn yr is-baragraff sy'n union ragflaenu.

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 he or she 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 or foundation special school established 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 sub-paragraph (1)(b) or (c) if it is not reasonably practicable to appoint a person referred to in the sub-paragraph which immediately precedes it.

11.—(1) Where the school is a community special school or a foundation 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) a parent of a child of compulsory school age.

(2) The governing body of a federation must only appoint a person referred to in sub-paragraph (1)(b), (c) or (d) if it is not reasonably practicable to appoint a person referred to in the sub-paragraph which immediately precedes it.

ATODLEN 3

Rheoliadau 12 a 13

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 pa 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 12 and 13

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.

Rheoliad 17

Regulation 17

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.—(1) Yn achos ysgol arbennig sefydledig heb sefydliad, rhaid i gorff llywodraethu ffederasiwn benodi yn llywodraethwr partneriaeth o leiaf un person sydd â phrofiad o addysg ar gyfer plant ag anghenion addysgol arbennig, onid oes diffyg enwebai cymwys sydd â phrofiad o'r fath.

(2) Wrth geisio enwebiadau ar gyfer llywodraethwr partneriaeth mewn ysgolion arbennig sefydledig, rhaid i gorff llywodraethu'r ffederasiwn gymryd camau i sicrhau bod personau sy'n gwneud enwebiadau yn ymwybodol o'r gofyniad ym mharagraff (1).

4. Yn ddarostyngedig i baragraff 5(2), ni chaiff unrhyw lywodraethwr enwebu person i'w benodi'n llywodraethwr partneriaeth.

5.—(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, ceir cwblhau'r nifer o lywodraethwyr partneriaeth sy'n ofynnol â phobl a ddetholir gan gorff llywodraethu'r ffederasiwn.

6.—(1) Pan fo corff llywodraethu ffederasiwn yn gwneud penodiad o dan baragraff 5(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.

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.—(1) In the case of a foundation special school without a foundation, the governing body of the federation must appoint at least one person with experience of education for children with special education needs as a partnership governor, unless no eligible nominee has such experience.

(2) In seeking nominations for partnership governors for foundation special schools, the governing body of a federation must take steps to secure that persons making nominations are aware of the requirement in paragraph (1).

4. Subject to paragraph 5(2), no governor may nominate a person for appointment as a partnership governor.

5.—(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.

6.—(1) Where the governing body of a federation makes an appointment under paragraph 5(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.

7. 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.

7. 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.

Rheoliad 18

Regulation 18

Penodi noddwr-lywodraethwyr

Appointment of sponsor governors

1. Yn yr Atodlen hon, ystyr "noddwr" ("*sponsor*") mewn perthynas â ffederasiwn yw—

1. In this Schedule, "sponsor" ("*noddwr*") in relation to a federation means —

- (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 ysgol ffederal.

- (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 federated school.

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.

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. Rhaid i gorff llywodraethu ffederasiwn geisio enwebiadau ar gyfer penodiadau o'r fath gan noddwr y ffederasiwn neu noddwr ysgol ffederal neu (yn ôl fel y digwydd) gan unrhyw un neu ragor o noddwyr y ffederasiwn neu noddwyr ysgol ffederal.

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.

Rheoliad 19

Regulation 19

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 22, 26 neu 27 (yn ôl fel y digwydd).

(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 perthynas 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 22, 26 neu 27 (yn ôl fel y digwydd).

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 22, 26 or 27 (as the case may be).

(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 22, 26 or 27 (as the case may be).

Cymwysiadau ac anghymwysiadau

Qualifications and disqualifications

Cyffredinol

1. Ac eithrio yn achos disgybl-lywodraethwyr cyswllt, nid yw unrhyw berson yn gymwys i fod yn llywodraethwr onid yw'n 18 oed neu'n hŷn ar ddyddiad ei ethol neu ei benodi.

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 ei anghymhwysio 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'n 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 llywodraethwr nad yw'n llywodraethwr yn rhinwedd ei swydd.

(2) Os bydd llywodraethwr heb ganiatâd y corff llywodraethu, yn methu â bod yn bresennol yng nghyfarfodydd y corff am gyfnod di-dor o chwe mis, sy'n cychwyn ar ddyddiad y cyfarfod cyntaf o'r fath lle y methodd â bod yn bresennol, bydd y llywodraethwr hwnnw, pan ddaw'r cyfnod hwnnw i ben, wedi ei anghymhwysio 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'n 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 dan sylw i'w breswylfa arferol.

(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 ei anghymhwysio o dan is-baragraff (2).

General

1. Save in the case of associate pupil governors no person is qualified to be a governor unless he or she is aged 18 or over at the date of his or her 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 him or her 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 he or she 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 his or her 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 he or she 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 he or she 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 his or her normal place of residence.

(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 his or her disqualification under sub-paragraph (2).

(1) 1983 p.20.

(1) 1983 c.20.

Methdaliad

6. Anghymhwysir person rhag dal swydd neu barhau i ddal swydd llywodraethwr mewn ffederasiwn—

- (a) os yw wedi ei ddyfarnu'n fethdalwr neu os yw ei stad 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 bod cyfnod moratoriwm o dan orchymyn rhyddhau o ddyled yn gymwys mewn perthynas ag ef; neu
- (b) os yw wedi gwneud compownd neu drefniant â'i gredydwr, neu wedi rhoi gweithred ymddiriedaeth i'w gredydwr, ac yntau heb ei ryddhau mewn perthynas â hynny.

Anghymhwysio cyfarwyddwyr cwmnïau

7. Anghymhwysir person rhag dal swydd neu barhau i ddal swydd llywodraethwr ffederasiwn ar unrhyw adeg pan fo'n destun—

- (a) gorchymyn anghymhwysio neu ymgymeriad anghymhwysio o dan Ddeddf Anghymhwysio Cyfarwyddwyr Cwmnïau 1986(1);
- (b) gorchymyn anghymhwysio o dan Ran 2 o Orchymyn Cwmnïau (Gogledd Iwerddon) 1989(2);
- (c) ymgymeriad anghymhwysio a dderbyniwyd o dan Orchymyn Anghymhwysio Cyfarwyddwyr Cwmnïau (Gogledd Iwerddon) 2002(3); neu
- (ch) gorchymyn a wnaed o dan adran 429(2)(b) o Ddeddf Methdaliad 1986(4) (methu â thalu o dan orchymyn gweinyddu llys sirol).

Anghymhwysio ymddiriedolwyr elusennau

8. Anghymhwysir person rhag dal swydd neu barhau i ddal swydd llywodraethwr ffederasiwn os yw—

- (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 yn gyfrifol amdano neu'n ymwybodol ohono wrth weinyddu'r elusen, neu y cyfrannodd ato neu a hwylusodd drwy ei ymddygiad; neu
- (b) os yw wedi ei ddiswyddo, o dan adran 34 o Ddeddf Elusennau a Buddsoddi gan Ymddiriedolwyr (Yr Alban) 2005(5) (pwerau'r

Bankruptcy

6. A person is disqualified from holding or continuing to hold office as a governor of a federation if—

- (a) he or she has been adjudged bankrupt or sequestration of his or her estate has been awarded and (in either case) he or she 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 him or her; or
- (b) he or she has made a composition or arrangement with, or granted a trust deed for, his or her 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 he or she 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).

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) he or she 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 he or she was responsible or to which he or she was privy, or to which he or she contributed or which he or she facilitated by his or her conduct; or
- (b) he or she has been removed, under section 34 of the Charities and Trustee Investment (Scotland) Act 2005(5) (powers of Court of

(1) 1986 p.46.

(2) Rhif 2404 (G.I.18).

(3) Rhif 3150 (G.I. 4).

(4) 1986 p.45.

(5) 2005 dsa 10.

(1) 1986 c.46.

(2) No. 2404 (N.I.18).

(3) No. 3150 (N.I. 4).

(4) 1986 c.45.

(5) 2005 asp 10.

Llys Sesiwn i ymdrin â rheoli elusennau), rhag ymwneud â rheoli neu reolaeth ar unrhyw gorff.

Session to deal with management of charities), from being concerned in the management or control of any body.

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—

- (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(1);
- (b) yn destun cyfarwyddyd gan Weinidogion Cymru neu'r Ysgrifennydd Gwladol o dan adran 142 o Ddeddf 2002;
- (c) wedi ei anghymhwysio rhag gweithio gyda phlant o dan adrannau 28, 29 neu 29A o Ddeddf Cyfiawnder Troseddol a Gwasanaethau Llysoedd 2000(2);
- (ch) wedi ei anghymhwysio rhag cofrestru o dan Ran XA o Ddeddf Plant 1989(3) ar gyfer gwarchod plant neu ddarparu gofal dydd;
- (d) wedi ei anghymhwysio rhag cofrestru o dan Ran 3 o Ddeddf Gofal Plant 2006(4);
- (dd) wedi ei wahardd o weithgaredd a reoleiddir sy'n ymwneud â phlant yn unol ag adran 3(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006(5);
- (e) yn destun cyfarwyddyd gan yr awdurdod priodol o dan adran 167A o Ddeddf 2002(6); neu
- (f) wedi'i anghymhwysio, yn rhinwedd gorchymyn a wnaed o dan adran 470 neu adran 471 o Ddeddf 1996, rhag bod yn berchennog unrhyw ysgol annibynnol neu rhag bod yn athro neu athrawes neu gyflogai arall mewn unrhyw ysgol.

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 iddo.

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 he or she 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(1);
- (b) subject to a direction of the Welsh Ministers or the Secretary of State under section 142 of the 2002 Act;
- (c) disqualified from working with children under sections 28, 29 or 29A of the Criminal Justice and Court Services Act 2000(2);
- (d) disqualified from registration under Part XA of the Children Act 1989(3) for childminding or providing day care;
- (e) disqualified from registration under Part 3 of the Childcare Act 2006(4);
- (f) barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006(5);
- (g) subject to a direction by the appropriate authority under section 167A of the 2002 Act(6); or
- (h) by virtue of an order made under section 470 or section 471 of the 1996 Act, disqualified from being the proprietor of any independent school or from being a teacher or other employee in any school.

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 him or her.

(1) 1999 p.14; fel y'i diwygiwyd gan Ddeddf Safonau Gofal 2000 (p.14).

(2) 2000 p.43.

(3) 1989 p.41.

(4) 2006 p.21.

(5) 2006 p.47.

(6) Mewnosodwyd adran 167A gan adran 169 o Ddeddf Addysg ac Arolygiadau 2006 (p.40) ond nid yw eto mewn grym.

(1) 1999 c.14; as amended by the Care Standards Act 2000 (c.14).

(2) 2000 c.43.

(3) 1989 c.41.

(4) 2006 c.21.

(5) 2006 c.47.

(6) Section 167A was inserted by section 169 of the Education and Inspections Act 2006 (c.40), but it is not yet in force.

(2) Mae'r is-baragraff hwn yn gymwys i berson os yw—

- (a) o fewn cyfnod o bum mlynedd a ddaw i ben ar y dyddiad yn union cyn y dyddiad y byddai ei benodi neu ei ethol yn llywodraethwr fel arall wedi bod yn effeithiol neu, yn ôl fel y digwydd, y byddai fel arall wedi dod yn llywodraethwr yn rhinwedd ei swydd; neu
- (b) ers ei benodi neu ei ethol yn llywodraethwr neu, yn ôl fel y digwydd, ers iddo ddod yn llywodraethwr yn rhinwedd ei swydd;

wedi ei gael yn euog, yn y Deyrnas Unedig neu yn rhywle arall, o unrhyw drosedd ac wedi ei ddedfrydu i garchar (pa 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 ef, o fewn cyfnod o 20 mlynedd a ddaw i ben ar y dyddiad yn union cyn y dyddiad y byddai ei benodi neu ei ethol yn llywodraethwr fel arall wedi dod i rym neu, yn ôl fel y digwydd, y dyddiad y byddai fel arall wedi dod yn llywodraethwr yn rhinwedd ei swydd, 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.

(4) Mae'r is-baragraff hwn yn gymwys i berson os yw ar unrhyw adeg wedi ei gael yn euog fel y disgrifiwyd uchod o unrhyw drosedd ac 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—

- (a) o fewn cyfnod o bum mlynedd a ddaw i ben ar y dyddiad yn union cyn y dyddiad y byddai ei benodi neu ei ethol yn llywodraethwr fel arall wedi dod i rym neu, yn ôl fel y digwydd, y dyddiad y byddai fel arall wedi dod yn llywodraethwr yn rhinwedd ei swydd; neu
- (b) ers ei benodi neu ei ethol yn llywodraethwr neu, yn ôl fel y digwydd, ers iddo ddod yn llywodraethwr yn rhinwedd ei swydd;

(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 his or her appointment or election as governor would otherwise have taken effect or, as the case may be, on which he or she would otherwise have become a governor by virtue of his or her office; or
- (b) since his or her appointment or election as governor or, as the case may be, since he or she became a governor by virtue of his or her office;

he or she has been convicted, whether in the United Kingdom or elsewhere, of any offence and has had passed on him or her 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 his or her appointment or election as governor would otherwise have taken effect or, as the case may be, on which he or she would otherwise have become a governor by virtue of his or her office, he or she has been convicted as aforesaid of any offence and has had passed on him or her a sentence of imprisonment for a period of not less than two and a half years.

(4) This sub-paragraph applies to a person if he or she has at any time been convicted as aforesaid of any offence and he or she has had passed on him or her 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 his or her appointment or election as governor would otherwise have taken effect or, as the case may be, on which he or she would otherwise have become a governor by virtue of his or her office; or
- (b) since his or her appointment or election as governor or, as the case may be, since he or she became a governor by virtue of his or her office;

wedi ei gael yn euog o dan adran 547 o Ddeddf 1996(1) neu o dan adran 85A o Ddeddf Addysg Bellach ac Uwch 1992(2) (niwsans neu aflonyddwch ar fangre addysgol) o drosedd ac wedi ei ddeddfrydu 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 Newydd a Gynhelir yn gymwys iddynt nac unrhyw benodiad o dan adrannau 16, 16A, 18 neu 18A o Ddeddf 1998.

Gwrthod gwneud cais am dystysgrif cofnodion troseddol

12. Anghymhwysir person rhag dal swydd neu barhau i ddal swydd llywodraethwr ar unrhyw adeg pan fydd yn gwrthod cais gan y corff llywodraethu i wneud cais o dan adran 113B o Ddeddf yr Heddlu 1997(3) am dystysgrif cofnodion troseddol.

Hysbysu'r cler

13. Os yw person–

- (a) wedi ei anghymhwyso rhag dal swydd neu barhau i ddal swydd fel llywodraethwr ffederasiwn yn rhinwedd unrhyw un o'r paragraffau 6 i 11; a
- (b) yn llywodraethwr neu os bwriedir iddo fod yn llywodraethwr;

rhaid iddo hysbysu cler y corff llywodraethu o'r ffaith honno.

he or she 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 and 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 16, 16A, 18 or 18A of the 1998 Act.

Refusal to make an application for a criminal records certificate

12. A person is disqualified from holding or continuing to hold office as a governor at any time when he or she refuses a request by the governing body to make an application under section 113B of the Police Act 1997(3) for a criminal records certificate.

Notification to clerk

13. 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) he or she is, or is proposed to become, a governor;

he or she must give notice of that fact to the clerk to the governing body.

(1) Fel y'i diwygiwyd gan baragraff 163 i 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.

(3) 1997 p.50; mewnosodwyd gan adran 163 o Ddeddf Troseddau 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 hymddeddfwyd yn wreiddiol gan baragraff 149 o Atodlen 16 i Deddf y Lluoedd Arfog 2006 (p.52), gan baragraff (a) o is-adran (10).

(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.

(3) 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).

Rheoliad 44

Regulation 44

Addasu'r Rheoliadau Staffio

Modification of the Staffing Regulations

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 gontractau cyflogaeth, staff sy'n addas ac yn ddigonol o ran eu niferoedd i sicrhau y darperir addysg sy'n briodol ar gyfer oeddrannau, 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 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".

10. Yn rheoliad 10(11) yn lle "weithio yn yr ysgol" rhodder "weithio yn y ffederasiwn neu ysgol ffederal".

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. In regulation 10(11) for "work at the school" substitute "work at the federation or a federated school".

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 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 y 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".

23. Yn rheoliad 24, ar ôl paragraff (8) mewnosoder—

"(8A) Rhaid i'r llywodraethwyr sefydledig a benodwyd mewn perthynas ag ysgol wirfoddol a gynorthwyir ffederal benodol gydsynio i unrhyw argymhelliad o dan baragraff (8)(c) mewn perthynas â phennaeth yr ysgol honno."

24. Yn rheoliad 24A yn lle paragraff (1) rhodder—

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. 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) 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 ym mharagraff 15A(6) wedi cael eu gwneud;
 - (ii) bod cais am dystysgrif fanwl o gofnod troseddol ynghyd â datganiad o addasrwydd plant 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 fanwl o gofnod troseddol cyn bod y person i ddechrau gweithio yn y ffederasiwn neu ysgol ffederal, a bod honno'n datgelu unrhyw fater neu wybodaeth, neu os rhoddwyd 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
- (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 gontract 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

"(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 an enhanced criminal record certificate accompanied by a children's suitability statement 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 an enhanced criminal record 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) 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

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 "gynorthwyir" mewnosoder "sy'n ysgol ffederal".

29. Yn rheoliad 35 ar ôl "arfaethedig" mewnosoder "sydd i fod yn ysgol ffederal".

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 Cynghorau 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 "ganolfan 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 rheoliad 5 ar ôl "neu ysgolion arbennig" gosoder "sefydliadol sy'n ysgolion ffederal".

11. 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.

(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

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. In regulation 5 after "foundation special schools" insert "which are federated schools".

11. 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) 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

ffederasiwn, ar yr amod nad yw'r disgybl wedi ei anghymhwyso rhag bod yn aelod, yn unol ag Atodlen 10 i Reoliadau Ffedereiddio Ysgolion a Gynhelir (Cymru) 2009."

the federation, provided the pupil is not disqualified from membership in accordance with Schedule 10 to the Federation of Maintained Schools (Wales) Regulations 2009."

Rheoliad 72

Regulation 72

Cyfyngiadau ar bersonau rhag cymryd rhan yn nhrefodion 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 72(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 ei briod, 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'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 72(2) nid yw person perthnasol i'w drin fel petai ganddo fuddiant ariannol mewn unrhyw fater–

- (a) ar yr amod nad yw ei fuddiant 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 iddo 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 ei fod yn aelod o gorfforaeth neu gorff arall os nad oes iddo unrhyw fuddiant ariannol mewn unrhyw warantau o eiddo'r gorfforaeth honno neu gorff arall.

(3) Ni rwystrir llywodraethwr, oherwydd ei fuddiant ariannol 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.

Pecuniary interests

1.–(1) For the purposes of regulation 72(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 his or her spouse, civil partner within the meaning of the Civil Partnership Act 2004(1) or someone living with that person as if he or she 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 72(2) a relevant person is not to be treated as having a pecuniary interest in any matter–

- (a) provided his or her 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 he or she 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 he or she is a member of a corporation or other body if he or she has no financial interest in any securities of that corporation or other body.

(3) A governor is not, by reason of his or her 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) Ni rwystrir llywodraethwr rhag ystyried neu bleidleisio ynghylch unrhyw gynnis sy'n ymwneud â lwfansau sydd i'w talu'n unol â Rheoliadau Lwfansau Llywodraethwyr (Cymru) 2005(1) oherwydd bod ganddo 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 ef gael lwfans arbennig, swm unrhyw daliad iddo neu unrhyw gwestiwn ynghylch lwfans sydd wedi ei dalu iddo, 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) ei benodiad, ei ailbenodiad, ei ataliad dros dro neu ei ddiswyddiad ei hun fel aelod o'r corff llywodraethu neu bwyllgor;
- (b) ei benodiad neu ei ddiswyddiad ei hun fel clerc, cadeirydd neu is-gadeirydd y corff llywodraethu neu fel clerc neu gadeirydd pwyllgor;
- (c) os yw'n noddwr-lywodraethwr, unrhyw benderfyniad o dan baragraff 2 o Atodlen 5 ynghylch y ddarpariaeth yn yr offeryn llywodraethu ar gyfer noddwr-lywodraethwr.

(2) Mewn unrhyw achos pan fo is-baragraff (1) yn gymwys, rhaid trin buddiannau'r person perthnasol at ddibenion rheoliad 72(2) fel pe baent yn gwrthdaro â buddiannau'r corff llywodraethu.

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 pennaeth 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 72(2) fel pe baent yn gwrthdaro â buddiannau'r corff llywodraethu.

(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 he or she 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 he or she should receive a particular allowance, the amount of any payment or any question about an allowance that has been paid to him or her.

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) his or her own appointment, reappointment, suspension or removal as a member of the governing body or a committee;
- (b) his or her 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 he or she 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 72(2) as being in conflict with the governing body's interests.

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 his or her 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 72(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).

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 iddo adael y cyfarfod pan ystyrir neu pan drafodir y mater dan sylw, a rhaid iddo beidio â phleidleisio ar unrhyw gwestiwn sy'n ymwneud 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.

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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, he or she 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.

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