



OFFERYNNAU STATUDOL
CYMRU

2010 Rhif 824 (Cy.87)

ADDYSG, CYMRU

**Rheoliadau Cyllido Ysgolion
(Cymru) 2010**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn dirymu ac yn disodli Rheoliadau Cyllidebau AALI, Cyllidebau Ysgolion a Chyllidebau Ysgolion Unigol (Cymru) 2003, Rheoliadau Cyfrannau Cyllideb Ysgolion (Cymru) 2004 a Rheoliadau Addysg (Cynlluniau Ariannol AALI) (Cymru) 2004 mewn perthynas â blynyddoedd ariannol sy'n cychwyn ar neu ar ôl 1 Ebrill 2011. Maent yn darparu ar gyfer cyllido ysgolion a gynhelir yng Nghymru ar gyfer y blynyddoedd ariannol hynny.

Mae Rhan 1 yn cynnwys y darpariaethau cyflwyno, dehongli a dirymu.

Mae Rhan 2 yn ymwneud â chyllideb AALI, y gyllideb ysgolion a'r gyllideb ysgolion unigol.

Mae rheoliad 4 ac Atodlen 1 yn nodi'r gwariant sy'n cyfansoddi cyllideb AALI.

Mae rheoliad 5 yn ei gwneud yn ofynnol i'r awdurdod lleol wneud penderfyniad cychwynnol ar y gyllideb ysgolion cyn 14 Chwefror cyn dechrau cyfnod cyllido. Mae rheoliad 6 yn diffinio'r gyllideb ysgolion. Mae rheoliad 7 yn ei gwneud yn ofynnol i'r gyllideb ysgolion unigol gael ei phenderfynu cyn 14 Chwefror yn union cyn cyfnod cyllido. Cyfnod cyllido yw blwyddyn ariannol. Diffinnir y gyllideb ysgolion unigol yn rheoliad 7 ac Atodlen 2.

Mae Rhan 3 yn ymwneud â chyfrannau ysgolion o'r gyllideb. Mae rheoliad 8 yn ei gwneud yn ofynnol bod y gyllideb ysgolion unigol i'w dyrannu fel cyfrannau o'r gyllideb i ysgolion. Mae rheoliad 9 yn ei gwneud yn ofynnol bod penderfyniad cychwynnol ar swm cyfran ysgol o'r gyllideb yn cael ei wneud erbyn diwedd y mis Mawrth cyn cyfnod cyllido a bod yr awdurdod yn hysbysu cyrff llywodraethu ysgolion o swm eu

WELSH STATUTORY
INSTRUMENTS

2010 No. 824 (W.87)

EDUCATION, WALES

**The School Funding (Wales)
Regulations 2010**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003, the Schools Budget Shares (Wales) Regulations 2004 and the Education (LEA Financial Schemes) (Wales) Regulations 2004 in relation to financial years that commence on or after 1 April 2011. They make provision for the funding of maintained schools in Wales for those financial years.

Part 1 contains the introductory, interpretation and revocation provisions.

Part 2 deals with the LEA budget, the schools budget and the individual schools budget.

Regulation 4 and Schedule 1 set out the expenditure that constitutes the LEA budget.

Regulation 5 requires the local authority to make an initial determination of the schools budget before 14 February preceding a funding period. Regulation 6 defines the schools budget. Regulation 7 requires the individual schools budget to be determined before 14 February immediately preceding a funding period. A funding period is a financial year. The individual schools budget is defined in regulation 7 and Schedule 2.

Part 3 deals with schools' budget shares. Regulation 8 requires the individual schools budget to be allocated as budget shares to schools. Regulation 9 requires an initial determination of the amount of a school's budget share to be made by the end of the March preceding a funding period and for the authority to notify schools' governing bodies of the amount of their budget shares together with information about how the budget share

cyfrannau o'r gyllideb ynghyd â gwybodaeth ynghylch sut y cyfrifwyd y gyfran o'r gyllideb ac amcangyfrifon o'r cyfrannau o'r gyllideb ar gyfer y ddau gyfnod cyllido sy'n dilyn.

Mae rheoliad 10 yn ei gwneud yn ofynnol i awdurdod benderfynu fformiwla ar gyfer y cyfrannau o'r gyllideb. Mae rheoliad 11 yn ei gwneud yn ofynnol bod ymgynghori ar unrhyw newidiadau a wneir i'r fformiwla ers y cyfnod cyllido blaenorol.

Mae rheoliad 12 yn gwneud darpariaeth ar gyfer cyllideb ddirprwyedig ysgol newydd.

Mae rheoliadau 13 i 23 ac Atodlen 3 yn nodi'r ffactorau a'r meini prawf i'w cymryd i ystyriaeth wrth benderfynu cyfrannau o'r gyllideb.

Mae rheoliad 24 yn caniatáu i awdurdod lleol ailbenderfynu cyfran ysgol o'r gyllideb er mwyn cywiro gwallau, ac mae rheoliad 25 yn caniatáu i Weinidogion Cymru gymeradwyo trefniadau amgen i benderfynu cyfrannau o'r gyllideb.

Mae Rhan 4 yn ymwneud â chynlluniau ariannol yr awdurdod lleol. Mae rheoliad 26 ac Atodlen 4 yn pennu'r materion y mae'n rhaid ymwneud â hwy mewn cynlluniau. Mae rhain yn cynnwys darpariaeth newydd a fydd yn caniatáu i awdurdodau lleol gyfarwyddo cyrff llywodraethu sut i wario gwarged sy'n £50,000 neu'n fwy yn achos ysgol gynradd a £100,000 neu'n fwy yn achos ysgol uwchradd neu ysgol arbennig, ac os ydynt yn methu â gwneud hynny, adennill y gwargedau hynny a'u defnyddio fel rhan o'u cyllideb ysgolion.

Mae rheoliad 27 yn nodi sut y mae rhoi cyhoeddusrwydd i gynlluniau diwygiedig ac mae rheoliad 28 yn ei gwneud yn ofynnol bod unrhyw ddiwygiadau i'w cymeradwyo gan y fforwm ysgolion neu gan Weinidogion Cymru.

was calculated and estimates of the budget shares for the following two funding periods.

Regulation 10 requires an authority to determine a formula for the budget shares. Regulation 11 requires consultation on any changes made to the formula since the preceding funding period.

Regulation 12 makes provision for the delegated budget of a new school.

Regulations 13 to 23 and Schedule 3 set out the factors and criteria to be taken into account in determining budget shares.

Regulation 24 allows a local authority to redetermine a school's budget share in order to correct errors, and regulation 25 allows the Welsh Ministers to approve alternative arrangements to determine budget shares.

Part 4 deals with local authorities' financial schemes. Regulation 26 and Schedule 4 specify the matters that must be dealt with in schemes. These include a new provision which will allow local authorities to direct governing bodies how to spend a surplus of £50,000 or more in the case of a primary school and £100,000 or more in the case of a secondary school or a special school, and if they fail to do so, to recover those surpluses and apply them as part of their schools budget.

Regulation 27 sets out how revised schemes are to be publicised and regulation 28 requires any revisions to be approved by the schools forum or the Welsh Ministers.

2010 Rhif 824 (Cy.87)

2010 No. 824 (W.87)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Cyllido Ysgolion
(Cymru) 2010**

**The School Funding (Wales)
Regulations 2010**

Gwnaed 16 Mawrth 2010

Made 16 March 2010

Yn dod i rym 1 Medi 2010

Coming into force 1 September 2010

TREFN Y RHEOLIADAU

ARRANGEMENT OF REGULATIONS

RHAN 1 – Cyflwyniad

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2. Dirymu
3. Dehongli

1. Title, commencement and application
2. Revocation
3. Interpretation

RHAN 2 – Cyllideb AALI, Cyllideb Ysgolion a
Chyllideb Ysgolion Unigol

PART 2 – LEA Budget, Schools Budget, Individual
Schools Budget

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5. Penderfyniad cychwynnol cyllideb ysgolion
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7. Cyllideb ysgolion unigol

4. LEA Budget
5. Initial determination of schools budget
6. Schools budget
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RHAN 3 – Cyfrannau ysgolion o'r gyllideb

PART 3 – Schools' budget shares

8. Dyrannu cyllideb ysgolion unigol
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10. Y fformiwla ar gyfer penderfynu cyfrannau o'r gyllideb
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12. Ysgolion newydd
13. Niferoedd disgyblion
14. Niferoedd disgyblion : Cofrestru Deuol
15. Lleoedd
16. Ysgolion o ddisgrifiad penodol
17. Cyllid gwahaniaethol
18. Ffactorau neu feini prawf ychwanegol
19. Cyllid ar gyfer disgyblion dros oedran ysgol gorfodol
20. Ad-drefnu ysgol
21. Addasu cyfran o'r gyllideb
22. Disgyblion a waharddwyd neu a dderbyniwyd ar ôl gwaharddiad

8. Allocation of individual schools budget
9. Timing and notification of initial determination of schools' budget shares
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11. Consultation
12. New Schools
13. Pupil numbers
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15. Places
16. Schools of a particular description
17. Differential funding
18. Additional factors or criteria
19. Funding for pupils over compulsory school age
20. School re-organisation
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23. Canran o gyllid "sy'n cyfeirio at niferoedd disgyblion"
24. Cywiro gwallau
25. Trefniadau ychwanegol a gymeradwywyd gan Weinidogion Cymru

RHAN 4 – Cynlluniau Ariannol

26. Y cynnwys sy'n ofynnol mewn cynlluniau
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28. Cymeradwyaeth gan y fforwm ysgolion neu Weinidogion Cymru o gynigion i ddiwygio cynlluniau

ATODLEN 1

Dosbarthiadau neu Ddisgrifiadau o Wariant Cynlluniedig a Ragnodwyd at Ddibenion Cyllideb AALI yr Awdurdod Lleol

1. Anghenion dysgu ychwanegol
2. Iechyd ac amddiffyn plant
3. Gwelliannau mewn ysgolion
4. Mynediad i addysg
5. Addysg, hyfforddiant a gwasanaethau i bobl ifanc ac oedolion
6. Rheoli strategol

ATODLEN 2

Dosbarthiadau neu Ddisgrifiadau o Wariant Cynlluniedig y ceir ei Ddidynnu o Gyllideb Ysgolion Awdurdod Lleol

1. Gwariant ar gyfer cynnal grantiau
2. Anghenion dysgu ychwanegol
3. Staff
4. Gwariant arall

ATODLEN 3

Ffactorau neu Feini Prawf Ychwanegol y caniateir eu Cymryd i Ystyriaeth mewn Fformiwla Awdurdod Lleol o dan Reoliad 18

ATODLEN 4

Cynnwys y Cynlluniau Ariannol

23. Percentage of "pupil-led" funding
24. Correction of errors
25. Additional arrangements approved by the Welsh Ministers

PART 4 – Financial Schemes

26. Required content of schemes
27. Manner of publication
28. Approval by the schools forum or the Welsh Ministers of proposals to revise schemes

SCHEDULE 1

Classes or Descriptions of Planned Expenditure Prescribed for the Purposes of the LEA Budget of a Local Authority

1. Additional learning needs
2. Health and child protection
3. School improvement
4. Access to education
5. Education, training and services for young persons and adults
6. Strategic management

SCHEDULE 2

Classes or Descriptions of Planned Expenditure which may be Deducted from the Schools Budget of a Local Authority

1. Expenditure to support grants
2. Additional learning needs
3. Staff
4. Other expenditure

SCHEDULE 3

Additional Factors or Criteria which may be Taken into Account in a Local Authority's Formula under Regulation 18

SCHEDULE 4

Content of Financial Schemes

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru(1) gan adrannau 45A, 45AC, 47, 48, 49 a 138(7) ac (8) o Ddeddf Safonau a Fframwaith Ysgolion 1998 a pharagraffau 1(7) a 2B o Atodlen 14 iddi(2) ac sydd bellach wedi'u breinio ynddynt hwy(3), yn gwneud y Rheoliadau canlynol.

Cafodd drafft o'r Rheoliadau hyn eu gosod gerbron Cynulliad Cenedlaethol Cymru a'u cymeradwyo drwy benderfyniad ganddo(4).

RHAN 1 – Cyflwyniad

Enwi, cychwyn a chymhwys

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Cyllido Ysgolion (Cymru) 2010 a deuant i rym ar 1 Medi 2010.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â blynyddoedd ariannol sy'n cychwyn ar neu ar ôl 1 Ebrill 2011.

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

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales(1) by sections 45A, 45AC, 47, 48, 49 and 138(7) and (8) of, and paragraphs 1(7) and 2B of Schedule 14 to, the School Standards and Framework Act 1998(2), and now vested in them(3), make the following Regulations.

A draft of these Regulations has been laid before, and been approved by resolution of, the National Assembly for Wales(4).

PART 1 – Introduction

Title, commencement and application

1.–(1) The title of these Regulations is the School Funding (Wales) Regulations 2010, and they come into force on 1 September 2010.

(2) These Regulations apply in relation to financial years beginning on or after 1 April 2011.

(3) These Regulations apply in relation to Wales.

(1) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 45A, 45AC, 47, 48, 49 a 138 ac Atodlen 14 i Gynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S. 1999/672, adran 211 o Ddeddf Addysg 2002 (p.32), adran 119 o Ddeddf Addysg 2005 (p.18) ac adran 180 o Ddeddf Addysg ac Arolygiadau 2006 (p.40).

(2) 1998 p.31. Mewnoswyd adran 45A gan adran 41(1) o Ddeddf Addysg 2002 a'i diwygio gan baragraff 3 o Atodlen 16 i Ddeddf Addysg 2005. Mewnoswyd adran 45AC gan baragraff 4 o Atodlen 16 i Ddeddf Addysg 2005. Diwygiwyd adran 47 gan baragraff 6 o Atodlen 16 i Ddeddf Addysg 2005. Diwygiwyd adran 48 gan adran 40 o Ddeddf Addysg 2002 a pharagraff 2 o Atodlen 3 iddi, gan adran 117 o Ddeddf Addysg 2005 a pharagraff 7 o Atodlen 18 iddi a pharagraff 3 o Atodlen 5 i Ddeddf Addysg ac Arolygiadau 2006. Diwygiwyd adran 49 gan baragraff 100 o Atodlen 21 i Ddeddf Addysg 2002 a chan baragraff 4 o Atodlen 5 i Ddeddf Addysg ac Arolygiadau 2006. Amnewidiwyd paragraffau 1(7) a 2B o Atodlen 14 gan baragraff 5 o Atodlen 5 i Ddeddf Addysg ac Arolygiadau 2006. I gael ystyr "prescribed" a "regulations" gweler adran 142(1).

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

(4) Yn unol â pharagraff 34 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 ac adran 138(5) o Ddeddf Safonau a Fframwaith Ysgolion 1998 fel y'i diwygiwyd gan baragraff 8 o Atodlen 16 i Ddeddf Addysg 2005.

(1) Functions of the Secretary of State under sections 45A, 45AC, 47, 48, 49 and 138 and Schedule 14 were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, section 211 of the Education Act 2002 (c.32), section 119 of the Education Act 2005 (c.18) and section 180 of the Education and Inspections Act 2006 (c.40).

(2) 1998 c.31. Section 45A was inserted by section 41(1) of the Education Act 2002 and amended by paragraph 3 of Schedule 16 to the Education Act 2005. Section 45AC was inserted by paragraph 4 of Schedule 16 to the Education Act 2005. Section 47 was amended by paragraph 6 of Schedule 16 to the Education Act 2005. Section 48 was amended by section 40 of, and paragraph 2 of Schedule 3 to, the Education Act 2002, by section 117 of, and paragraph 7 of Schedule 18 to, the Education Act 2005 and by paragraph 3 of Schedule 5 to the Education and Inspections Act 2006. Section 49 was amended by paragraph 100 of Schedule 21 to the Education Act 2002 and by paragraph 4 of Schedule 5 to the Education and Inspections Act 2006. Paragraphs 1(7) and 2B of Schedule 14 were substituted by paragraph 5 of Schedule 5 to the Education and Inspections Act 2006. For the meaning of "prescribed" and "regulations" see section 142(1).

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

(4) In accordance with paragraph 34 of Schedule 11 to the Government of Wales Act 2006 and section 138(5) of the School Standards and Framework Act 1998 as amended by paragraph 8 of Schedule 16 to the Education Act 2005.

Dirymu

2. Dirymir Rheoliadau Cyllidebau AALI, Cyllidebau Ysgolion a Chyllidebau Ysgolion Unigol (Cymru) 2003(1), Rheoliadau Cyfrannau Cyllideb Ysgolion (Cymru) 2004(2) a Rheoliadau Addysg (Cynlluniau Ariannol AALI) (Cymru) 2004(3) mewn perthynas â blynyddoedd ariannol sy'n cychwyn ar neu ar ôl 1 Ebrill 2011.

Dehongli

3.–(1) Yn y Rheoliadau hyn–

ystyr "awdurdod lleol" ("*local authority*") yw awdurdod addysg lleol yng Nghymru;

ystyr "cyfnod cyllido" ("*funding period*") yw blwyddyn ariannol;

ystyr "y Cynllun Plant a Phobl Ifanc" ("*the Children and Young People's Plan*") yw cynllun sy'n ofynnol o dan reoliadau a wneir o dan adran 26 o Ddeddf Plant 2004(4);

ystyr "Deddf 1996" ("*the 1996 Act*") yw Deddf Addysg 1996(5);

ystyr "Deddf 1998" ("*the 1998 Act*") yw Deddf Safonau a Fframwaith Ysgolion 1998(6);

ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Dysgu a Medrau 2000(7);

ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Addysg 2002(8);

ystyr "dosbarth meithrin" ("*nursery class*") yw dosbarth sy'n cael addysg lawnamser neu ran-amser sy'n addas yn gyfan gwbl neu'n bennaf i blant nad ydynt wedi cyrraedd oedran ysgol gorfodol;

ystyr "ysgol a gynhelir" ("*maintained school*") yw ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol, ysgol arbennig gymunedol, ysgol arbennig sefydledig neu ysgol feithrin a gynhelir.

Revocation

2. The LEA Budget, Schools Budget, and Individual Schools Budget (Wales) Regulations 2003(1), the Schools Budget Shares (Wales) Regulations 2004(2), and the Education (LEA Financial Schemes) (Wales) Regulations 2004(3) are revoked in relation to financial years beginning on or after 1 April 2011.

Interpretation

3.–(1) In these Regulations–

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996(4);

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(5);

"the 2000 Act" ("*Deddf 2000*") means the Learning and Skills Act 2000(6);

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002(7);

"the Children and Young People's Plan" ("*y Cynllun Plant a Phobl Ifanc*") means a plan required under regulations made under section 26 of the Children Act 2004(8);

"funding period" ("*cyfnod cyllido*") means a financial year;

"local authority" ("*awdurdod lleol*") means a local education authority in Wales;

"maintained school" ("*ysgol a gynhelir*") means a community, or foundation or voluntary school or a community or foundation special school or a maintained nursery school;

"nursery class" ("*dosbarth meithrin*") means a class undergoing full time or part time education wholly or mainly suitable for children who have not attained compulsory school age.

(1) O.S. 2003/3118 (Cy.296) fel y'i diwygiwyd gan O.S. 2004/696, 2005/2913 a 2005/3238.

(2) O.S. 2004/2506 (Cy.224) fel y'i diwygiwyd gan O.S. 2005/2913, 2005/3238.

(3) O.S. 2004/2507 (Cy. 225).

(4) 2004 p.31. *Gweler* Rheoliadau Cynllun Plant a Phobl Ifanc (Cymru) 2007, O.S. 2007/2316 (Cy.187).

(5) 1996 p.56.

(6) 1998 p.31.

(7) 2000 p.21.

(8) 2002 p.32.

(1) S.I. 2003/3118 (W.296) as amended by S.I. 2004/696, 2005/2913 and 2005/3238.

(2) S.I. 2004/2506 (W.224) as amended by S.I. 2005/2913, 2005/3238.

(3) S.I. 2004/2507 (W. 225).

(4) 1996 c.56.

(5) 1998 c.31.

(6) 2000 c.21.

(7) 2002 c.32.

(8) 2004 c.31. *See* the Children and Young People's Plan (Wales) Regulations 2007, S.I. 2007/2316 (W.187).

(2) Yn y Rheoliadau hyn mae cyfeiriad (sut bynnag y mae wedi'i eirio) at ysgol feithrin a gynhelir, ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol neu ysgol arbennig gymunedol neu ysgol arbennig sefydledig, yn cynnwys ysgol newydd (o fewn ystyr adran 72(3) o Ddeddf 1998) a fydd, ar ôl gweithredu cynigion ar gyfer sefydlu'r ysgol o dan unrhyw ddeddfiad, yn ysgol o'r fath ac yn un a chanddi gorff llywodraethu dros dro.

(3) Yn y Rheoliadau hyn mae cyfeiriad at gorff llywodraethu yn cynnwys corff llywodraethu dros dro ar ysgol newydd sy'n dod o fewn paragraff (2).

(4) Yn y Rheoliadau hyn mae cyfeiriad at ysgol gynradd neu ysgol uwchradd yn golygu ysgol gynradd neu ysgol uwchradd sydd (neu a fydd) yn ysgol gymunedol, yn ysgol sefydledig neu'n ysgol wirfoddol.

(5) Yn y Rheoliadau hyn nid yw cyfeiriad (sut bynnag y mae wedi'i eirio) at ysgolion a gynhelir gan awdurdod lleol yn cynnwys ysgolion nad ydynt yn ysgolion a gynhelir fel y'u diffinnir ym mharagraff (1).

(6) Yn y Rheoliadau hyn, oni nodir fel arall, mae cyfeiriadau at wariant yn gyfeiriadau at y gwariant hwnnw yn net o—

- (a) holl grantiau penodedig perthnasol;
- (b) holl ffioedd, taliadau ac incwm perthnasol; ac
- (c) cyllid a dderbynnir gan Weinidogion Cymru o ran taliad unedol cynllun PFI.

(7) Yn y Rheoliadau hyn, mae cyfeiriad at grant penodedig yn gyfeiriad at unrhyw grant a delir i awdurdod lleol o dan amodau sy'n gosod cyfyngiadau ar ddibenion penodol yr awdurdod y caniateir defnyddio'r grant ond nid yw'n cynnwys—

- (a) unrhyw grant a wneir gan Weinidogion Cymru o ran cyllido chweched dosbarth; neu
- (b) unrhyw grant penodedig a ddefnyddir i gefnogi gwariant drwy gyllideb ysgolion unigol.

(8) Yn y Rheoliadau hyn, mae cyfeiriad at daliad unedol cynllun PFI yn gyfeiriad at daliad sy'n daladwy i awdurdod lleol o dan drafodiad ariannol preifat.

(9) Yn y Rheoliadau hyn, mae cyfeiriad at drafodiad ariannol preifat yn gyfeiriad at drafodiad fel y'i diffinnir gan reoliad 16 o Reoliadau Awdurdodau Lleol (Cyllid Cyfalaf) 1997(1).

(10) Yn y Rheoliadau hyn, mae cyfeiriad at wariant cyfalaf yn golygu gwariant y mae awdurdod lleol yn bwriadu ei gyfalafu yn eu cyfrifon yn unol ag arferion priodol sef yr arferion cyfrifyddu hynny—

(2) In these Regulations a reference (however framed) to a maintained nursery school, a community, foundation or voluntary school or community or foundation special school includes a new school (within the meaning of section 72(3) of the 1998 Act) which on implementation of proposals for the establishment of the school under any enactment will be such a school and which has a temporary governing body.

(3) In these Regulations a reference to a governing body includes the temporary governing body of a new school falling within paragraph (2).

(4) In these Regulations a reference to a primary or secondary school means a primary or a secondary school which is (or will be) a community, foundation or voluntary school.

(5) In these Regulations a reference (however framed) to schools maintained by a local authority does not include schools which are not maintained schools as defined in paragraph (1).

(6) In these Regulations, unless otherwise stated, references to expenditure are references to that expenditure net of—

- (a) all related specific grants;
- (b) all related fees, charges and income; and
- (c) funding received from the Welsh Ministers in respect of PFI scheme unitary payment.

(7) In these Regulations, a reference to specific grant is to any grant paid to the local authority under conditions which impose restrictions on the particular purposes of the authority for which the grant may be used but does not include—

- (a) any grant made by the Welsh Ministers in respect of sixth form funding; or
- (b) any specific grant which is used to support expenditure through the individual schools budget.

(8) In these Regulations, a reference to a PFI scheme unitary payment is a reference to a charge payable to a local authority under a private finance transaction.

(9) In these Regulations, a reference to a private finance transaction is a reference to a transaction as defined by regulation 16 of the Local Authorities (Capital Finance) Regulations 1997(1).

(10) In these Regulations, a reference to capital expenditure means expenditure which a local authority proposes to capitalise in their accounts in accordance with proper practices being those accounting practices—

(1) O.S. 1997/319, fel y'i diwygiwyd gan O.S. 1998/371, 1999/1852 a 2003/515. Mae Gorchymyn Awdurdodau Lleol (Cyllid Cyfalaf) (Darpariaethau Canlyniadol a Throsiannol a Darpariaethau Arbed) 2004 (O.S. 2004/533) yn cynnwys darpariaethau arbed ar gyfer rheoliad 16 o Reoliadau 1997.

(1) S.I. 1997/319, as amended by S.I. 1998/371, 1999/1852 and 2003/515. The Local Authorities (Capital Finance) (Consequential, Transitional and Saving Provisions) Order 2004 (S.I. 2004/533) contains savings provisions for regulation 16 of the 1997 Regulations.

- (a) y mae'n ofynnol i awdurdod eu dilyn yn rhinwedd unrhyw ddeddfiad, neu
- (b) yr ystyrir eu bod yn gyffredinol, i'r graddau y maent yn gyson ag unrhyw ddeddfiad o'r fath, p'un ai drwy gyfeiriad at unrhyw God cyhoeddedig a gydnabyddir yn gyffredinol neu fel arall, yn arferion cyfrifyddu priodol i'w dilyn wrth gadw cyfrifon awdurdodau lleol, naill ai'n gyffredinol neu yn ôl y disgrifiad o dan sylw.

(11) Yn y Rheoliadau hyn mae cyfeiriadau at CERA yn gyfeiriadau at wariant cyfalaf y mae awdurdod lleol yn disgwyl iddo gael ei dalu o gyfrif refeniw'r awdurdod o fewn ystyr adran 22 o Ddeddf Llywodraeth Leol 2003(1).

(12) Yn y Rheoliadau hyn, mae cyfeiriadau at wariant a eithrir yn gyfeiriadau at y dosbarthiadau neu ddisgrifiadau canlynol o wariant—

- (a) gwariant cyfalaf heblaw CERA;
- (b) gwariant at ddibenion adran 26 o Ddeddf Rheoleiddio Traffig Ffyrdd 1984(2) (trefniadau ar gyfer hebrwng wrth groesfannau ysgol); ac
- (c) gwariant a dynnir gan yr awdurdod lleol o dan adran 51A o Ddeddf 1998(3) (gwariant a dynnir at ddibenion cymunedol).

RHAN 2 – Cyllideb AALI, Cyllideb Ysgolion a Chyllideb Ysgolion Unigol

Cyllideb AALI

4.–(1) Rhagnodir y dosbarthiadau neu'r disgrifiadau o wariant awdurdod lleol a bennir yn Atodlen 1 at ddibenion adran 45A(1) o Ddeddf 1998 a phenderfynu ar gyllideb AALI awdurdod lleol, ac eithrio i'r graddau y mae gwariant o'r fath yn wariant a eithrir neu'n dod o fewn paragraff (2).

(2) Daw gwariant o fewn y paragraff hwn os yw'n wariant—

- (a) sydd, yn rhinwedd cynllun yr awdurdod (o fewn ystyr adran 48(5) o Ddeddf 1998) neu unrhyw ddeddfiad, i'w dynnu o gyfran ysgol o'r gyllideb; neu
- (b) sy'n dod o fewn is-baragraff (1) o baragraff 1 o Atodlen 2.

Penderfyniad cychwynnol cyllideb ysgolion

5.–(1) Cyn 14 Chwefror yn union cyn dechrau cyfnod cyllido rhaid i awdurdod lleol—

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- (1) 2003 p.36.
 - (2) 1984 p.27.
 - (3) Mewnosodwyd adran 51A gan adran 40 o Ddeddf Addysg 2002 ac Atodlen 3 iddi, ac fe'i diwygiwyd gan baragraff 9 o Atodlen 18 i Ddeddf Addysg 2005.

- (a) which the authority are required to follow by virtue of any enactment, or
- (b) which so far as they are consistent with any such enactment, are generally regarded whether by reference to any generally recognised published Code or otherwise, as proper accounting practices to be followed in the keeping of the accounts of local authorities, either generally or of the description concerned.

(11) In these Regulations references to CERA are references to capital expenditure which a local authority expect to charge to a revenue account of the authority within the meaning of section 22 of the Local Government Act 2003(1).

(12) In these Regulations, references to excepted expenditure are references to the following classes or descriptions of expenditure—

- (a) capital expenditure other than CERA;
- (b) expenditure for the purposes of section 26 of the Road Traffic Regulation Act 1984(2) (arrangements for patrolling school crossing); and
- (c) expenditure incurred by the local authority under section 51A of the 1998 Act(3) (expenditure incurred for community purposes).

PART 2 – LEA Budget, Schools Budget, Individual Schools Budget

LEA Budget

4.–(1) The classes or descriptions of local authority expenditure specified in Schedule 1 are prescribed for the purposes of section 45A(1) of the 1998 Act and the determination of a local authority's LEA budget, except in so far as such expenditure is excepted expenditure or falls within paragraph (2).

(2) Expenditure falls within this paragraph if it is expenditure which—

- (a) by virtue of the authority's scheme (within the meaning of section 48(5) of the 1998 Act) or any enactment, falls to be met from a school's budget share; or
- (b) falls within sub-paragraph (1) of paragraph 1 of Schedule 2.

Initial determination of schools budget

5.–(1) Before 14 February immediately preceding the beginning of a funding period a local authority must—

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- (1) 2003 c.36.
 - (2) 1984 c.27.
 - (3) Section 51A was inserted by section 40 of, and Schedule 3 to, the Education Act 2002, and amended by paragraph 9 of Schedule 18 to the Education Act 2005.

- (a) gwneud penderfyniad cychwynnol ar ei gyllideb ysgolion ar gyfer y cyfnod cyllido hwnnw; a
- (b) hysbysu ei benderfyniad i Weinidogion Cymru, i gorff llywodraethu pob ysgol a gynhelir ganddo.

(2) Os bydd awdurdod lleol yn ailbenderfynu ei gyllideb ysgolion, rhaid iddo hysbysu'r ailbenderfyniad hwnnw i Weinidogion Cymru ac i gorff llywodraethu pob ysgol a gynhelir ganddo o fewn 28 o ddiwrnodau ar ôl ailbenderfynu.

Cyllideb ysgolion

6.–(1) Rhagnodir y dosbarthiadau neu'r disgrifiadau o wariant awdurdod lleol a bennir ym mharagraff (2) at ddibenion adran 45A(2) o Ddeddf 1998 a phenderfynu ar gyllideb ysgolion awdurdod lleol.

(2) Dyma'r dosbarthiadau neu'r disgrifiadau o wariant awdurdod lleol—

- (a) gwariant ar ddarparu a chynnal a chadw ysgolion a gynhelir ac ar addysg y disgyblion a gofrestrwyd yn yr ysgolion hynny;
- (b) gwariant ar addysg disgyblion mewn ysgolion annibynnol, ysgolion arbennig nas cynhelir, unedau cyfeirio disgyblion, yn y cartref ac yn yr ysbyty, ac ar unrhyw drefniadau eraill ar gyfer darparu addysg gynradd ac uwchradd i ddisgyblion heblaw mewn ysgolion a gynhelir gan awdurdod lleol; ac
- (c) pob gwariant arall a dynnir mewn cysylltiad â swyddogaethau'r awdurdod mewn perthynas â darparu addysg gynradd ac uwchradd, i'r graddau nad yw gwariant o'r fath yn dod o fewn paragraff (a) neu (b),

ond dim ond i'r graddau nad yw gwariant o'r fath—

- (a) yn dod o fewn dosbarth neu ddisgrifiad o wariant a ragnodir gan reoliad 4 at ddibenion adran 45A(1) o Ddeddf 1998 a phenderfynu ar gyllideb AALL awdurdod lleol, a
- (b) yn wariant a eithrir.

Cyllideb ysgolion unigol

7. Cyn 14 Chwefror yn union cyn dechrau cyfnod cyllido, rhaid i awdurdod lleol ddi-dynnu o'i gyllideb ysgolion unrhyw un neu'r cyfan o'r dosbarthiadau neu'r disgrifiadau o wariant cynlluniedig a nodir yn Atodlen 2, yn gyfan gwbl neu'n rhannol, er mwyn cyrraedd ei gyllideb ysgolion unigol ar gyfer y cyfnod cyllido hwnnw.

- (a) make an initial determination of their schools budget for that funding period; and
- (b) give notice of their determination to the Welsh Ministers, to the governing body of every school maintained by them.

(2) Where a local authority makes a redetermination of their schools budget, they must give notice of that redetermination to the Welsh Ministers and to the governing bodies of every school maintained by them within 28 days of making the redetermination.

Schools budget

6.–(1) The classes or descriptions of local authority expenditure specified in paragraph (2) are prescribed for the purposes of section 45A(2) of the 1998 Act and the determination of a local authority's schools budget.

(2) The classes or descriptions of local authority expenditure are—

- (a) expenditure on the provision and maintenance of maintained schools and on the education of pupils registered at those schools;
- (b) expenditure on the education of pupils at independent schools, non-maintained special schools, pupil referral units, at home and hospital, and on any other arrangements for the provision of primary and secondary education for pupils otherwise than at schools maintained by a local authority; and
- (c) all other expenditure incurred in connection with the authority's functions in relation to the provision of primary and secondary education, in so far as such expenditure does not fall within paragraph (a) or (b),

but only in so far as such expenditure—

- (a) does not fall within a class or description of expenditure prescribed by regulation 4 for the purposes of section 45A(1) of the 1998 Act and the determination of a local authority's LEA budget, and
- (b) is not excepted expenditure.

Individual schools budget

7. Before 14 February immediately preceding the beginning of a funding period, a local authority must deduct from their schools budget any or all of the classes or descriptions of planned expenditure set out in Schedule 2, in whole or in part, in order to arrive at their individual schools budget for that funding period.

Dyrannu cyllideb ysgolion unigol

8.–(1) Rhaid i awdurdod lleol ddyrannu ym mhob cyfnod cyllido yn unol â'r Rhan hon o'r Rheoliadau hyn, y cyfan o'i gyllideb ysgolion unigol ar gyfer y cyfnod cyllido hwnnw fel cyfrannau'r ysgolion a gynhelir ganddo o'r gyllideb.

(2) Ar y cychwyn nid oes raid i awdurdod lleol ddyrannu'r cyfan o'i gyllideb ysgolion unigol ar ffurf cyfrannau o'r gyllideb ar ddechrau cyfnod cyllido, ac yn lle hynny caniateir iddo ddal ei afael ar swm ar gyfer ailbenderfyniadau neu gywiro gwallau ond rhaid i'r swm hwnnw gael ei ddefnyddio at y diben hwnnw neu gael ei ddsbarthu i ysgolion yn unol â gofynion paragraff (1) cyn diwedd y cyfnod cyllido hwnnw.

Amseru a hysbysu penderfyniad cychwynnol ar gyfrannau ysgolion o'r gyllideb

9.–(1) Cyn 31 Mawrth yn union cyn dechrau cyfnod cyllido, rhaid i awdurdod lleol—

- (a) gwneud penderfyniad cychwynnol ar swm cyfran ysgol o'r gyllideb ar gyfer y cyfnod cyllido hwnnw, a
- (b) hysbysu cyrff llywodraethu'r ysgolion a gynhelir ganddo o gyfran pob ysgol o'r gyllideb ar gyfer y cyfnod cyllido hwnnw.

(2) Rhaid i'r hysbysiad a roddir o dan baragraff (1)(b) gynnwys esboniad ar sut y penderfynwyd cyfran yr ysgol o'r gyllideb ac amcangyfrif o gyfrannau'r ysgol o'r gyllideb ar gyfer y ddau gyfnod cyllido sy'n dilyn ond nid yw'r amcangyfrif hwnnw'n rhwymo'r awdurdod o ran y penderfyniadau gwirioneddol a wneir ganddo ar gyfer y ddau gyfnod cyllido sy'n dilyn.

Y fformiwla ar gyfer penderfynu cyfrannau o'r gyllideb

10.–(1) Rhaid i awdurdod lleol benderfynu cyn dechrau cyfnod cyllido, ac ar ôl yr ymgynghori y cyfeirir ato yn rheoliad 11, y fformiwla y bydd yn ei defnyddio i benderfynu cyfrannau ysgolion o'r gyllideb yn y cyfnod cyllido hwnnw gan roi sylw i'r ffactorau, y meini prawf a'r gofynion a nodir yn y Rhan hon o'r Rheoliadau hyn.

(2) Rhaid i awdurdod lleol roi sylw i'r ffaith ei bod yn ddymunol i fformiwla o'r fath fod yn syml, yn wrthrychol, yn fesuradwy, yn rhagweladwy o ran ei heffaith ac wedi'i mynegi'n glir.

(3) Ni chaiff awdurdod lleol ddefnyddio ffactorau neu feini prawf yn ei fformiwla sy'n rhoi lwfans, yn gyfan gwbl neu'n rhannol, ar gyfer unrhyw swm a ddyrennir i'r ysgol o unrhyw grant a delir i'r awdurdod gan Weinidigion Cymru.

Allocation of individual schools budget

8.–(1) A local authority must allocate in each funding period in accordance with this Part of these Regulations, all of their individual schools budget for that funding period as the budget shares of schools which they maintain.

(2) A local authority need not initially allocate all of their individual schools budget in the form of budget shares at the beginning of a funding period, and may instead retain an amount for the purpose of redeterminations or the correction of errors but such amount must be used for that purpose or distributed to schools as required by paragraph (1) before the end of that funding period.

Timing and notification of initial determination of schools' budget shares

9.–(1) Before 31 March immediately preceding the beginning of a funding period, a local authority must

- (a) make an initial determination of the amount of a school's budget share for that funding period, and
- (b) give notice of each school's budget share for that funding period to the governing bodies of the schools they maintain.

(2) The notice given under paragraph (1)(b) must contain an explanation of how the school's budget share was determined and an estimate of the school's budget shares for the following two funding periods but that estimate is not binding on the authority as to the actual determinations they make for the following two funding periods.

Formula for determination of budget shares

10.–(1) A local authority must determine before the beginning of a funding period, and after the consultation referred to in regulation 11, the formula which they will use to determine schools' budget shares in that funding period having regard to the factors, criteria and requirements set out in this Part of these Regulations.

(2) A local authority must have regard to the desirability of such a formula being simple, objective, measurable, predictable in effect and clearly expressed.

(3) A local authority may not use factors or criteria in their formula which make an allowance, in whole or in part, for any amount allocated to the school from any grant paid to the authority by the Welsh Ministers.

(4) Yn ddarostyngedig i reoliad 25 (trefniadau ychwanegol a gymeradwywyd gan Weinidogion Cymru) rhaid i awdurdod lleol ddefnyddio'r fformiwla a benderfynwyd o dan baragraff (1) ym mhob penderfyniad ac ailbenderfyniad o gyfrannau o'r gyllideb.

Ymgynghori

11.–(1) O ran ei fformiwla ar gyfer cyfnod cyllido, yn ychwanegol at ymgynghori â'r fforwm ysgolion ar gyfer ei ardal, rhaid i awdurdod lleol ymgynghori â chorff llywodraethu a phennaeth pob ysgol y mae'n ei chynnal am unrhyw newidiadau arfaethedig i'r ffactorau a'r meini prawf a gymerwyd i ystyriaeth, neu'r dulliau, yr egwyddorion a'r rheolau a fabwysiadwyd yn ei fformiwla yn y cyfnod cyllido blaenorol (gan gynnwys unrhyw ffactorau, meini prawf, dulliau, egwyddorion neu reolau newydd).

(2) Nid yw paragraff (1) yn gymwys i newidiadau a wneir yn unol â rheoliadau 8(2), 19(4) neu 22.

(3) Rhaid bod ymgynghori o dan y rheoliad hwn yn digwydd mewn digon o amser i ganiatáu i'r canlyniad gael ei gymryd i ystyriaeth wrth benderfynu fformiwla'r awdurdod ac wrth wneud penderfyniad cychwynnol ar gyfrannau ysgolion o'r gyllideb.

(4) Rhaid i awdurdod lleol hysbysu pob un o'r rhai yr ymgynghorwyd â hwy o ganlyniad yr ymgynghori.

Ysgolion newydd

12.–(1) Rhaid i ysgol newydd gael cyllideb ddirprwyedig o'r dyddiad pan fydd yr ysgol yn derbyn disgyblion gyntaf.

(2) Ond caiff fforwm ysgolion awdurdod lleol ar gais yr awdurdod–

- (a) amrywio'r dyddiad hwnnw i un a gynigir gan yr awdurdod,
- (b) ei amrywio i ddyddiad gwahanol, neu
- (c) gwrthod amrywio'r dyddiad.

(3) Os yw'r fforwm ysgolion yn amrywio'r dyddiad i un gwahanol neu'n gwrthod ei amrywio, caiff yr awdurdod lleol wneud cais i Weinidogion Cymru i amrywio'r dyddiad.

(4) Caiff Gweinidogion Cymru–

- (a) amrywio'r dyddiad hwnnw i un a gynigir gan yr awdurdod,
- (b) ei amrywio i ddyddiad gwahanol, neu
- (c) gwrthod amrywio'r dyddiad.

Niferoedd disgyblion

13.–(1) Wrth benderfynu cyfrannau o'r gyllideb ar gyfer ysgolion meithrin ac ysgolion cynradd ac uwchradd a gynhelir ganddynt, rhaid i awdurdod lleol

(4) Subject to regulation 25 (additional arrangements approved by the Welsh Ministers) a local authority must use the formula determined under paragraph (1) in all determinations and redeterminations of budget shares.

Consultation

11.–(1) In relation to their formula for a funding period, in addition to consulting the schools forum for their area, a local authority must consult the governing body and head teacher of every school which they maintain about any proposed changes to the factors and criteria which were taken into account, or the methods, principles and rules which were adopted in their formula in the preceding funding period (including any new factors, criteria, methods, principles or rules).

(2) Paragraph (1) does not apply to changes made pursuant to regulations 8(2), 19(4) or 22.

(3) Consultation under this regulation must take place in sufficient time to allow the outcome to be taken into account in the determination of the authority's formula and in the initial determination of schools' budget shares.

(4) A local authority must inform all those who were consulted of the outcome of the consultation.

New Schools

12.–(1) A new school must have a delegated budget from the date when the school first admits pupils.

(2) But a local authority's schools forum may on the application of the authority–

- (a) vary that date to one proposed by the authority,
- (b) vary it to a different date, or
- (c) refuse to vary the date.

(3) Where the schools forum vary the date to a different date or refuse to vary it, the local authority may apply to the Welsh Ministers to vary the date.

(4) The Welsh Ministers may–

- (a) vary the date to one proposed by the authority,
- (b) vary it to a different date, or
- (c) refuse to vary the date.

Pupil numbers

13.–(1) In determining budget shares for maintained nursery, primary and secondary schools, a local authority must take into account in their formula the

gymryd i ystyriaeth yn ei fformiwla nifer y disgyblion cofrestredig yn yr ysgolion hynny ar unrhyw ddyddiadau a benderfynir gan yr awdurdod, a'r nifer hwnnw wedi'i bwysoli os yw'r awdurdod o'r farn bod hynny'n briodol yn unol â pharagraff (7).

(2) At ddibenion paragraff (1), nid yw nifer y disgyblion cofrestredig yn cynnwys—

- (a) disgyblion y mae grant yn daladwy ar eu cyfer i'r awdurdod gan Weinidogion Cymru o dan adran 36 o Ddeddf 2000;
- (b) disgyblion mewn lleoedd y mae'r awdurdod yn cydnabod eu bod wedi'u cadw ar gyfer plant ag anghenion addysgol arbennig neu (ac eithrio pan fo'r awdurdod lleol yn dewis peidio ag arfer ei ddisgresiwn o dan reoliad 15 mewn perthynas â phlant mewn dosbarthiadau meithrin) ar gyfer plant mewn dosbarthiadau meithrin.

(3) Pan fo'r awdurdod yn penderfynu un dyddiad yn unig at ddibenion paragraff (1), rhaid iddo fod yn ddyddiad sy'n dod—

- (a) cyn dechrau'r cyfnod cyllido o dan sylw; a
- (b) yn y flwyddyn ysgol y digwydd dechrau'r cyfnod cyllido o dan sylw ynddi.

(4) Pan fo'r awdurdod yn penderfynu ar fwy nag un dyddiad at ddibenion paragraff (1), yna—

- (a) rhaid i un o'r dyddiadau hynny fodloni paragraff (3);
- (b) o ran y dyddiad arall neu'r dyddiadau eraill—
 - (i) ni chaiff unrhyw ddyddiad fod yn gynt na dechrau'r flwyddyn ysgol y mae'r cyfnod cyllido o dan sylw yn digwydd ynddi, a
 - (ii) caiff yr awdurdod benderfynu dyddiad neu ddyddiadau sydd yn y dyfodol ac amcangyfrif nifer y disgyblion cofrestredig yn yr ysgol ar y dyddiad hwnnw neu'r dyddiadau hynny.

(5) Nid yw'r cyfyngiadau ar y dyddiadau ym mharagraffau (3) a (4) yn gymwys o ran disgyblion mewn dosbarthiadau meithrin neu ddosbarthiadau derbyn y mae'r awdurdod yn cymryd i ystyriaeth o dan paragraff (1).

(6) Caiff awdurdod, wrth benderfynu cyfrannau o'r gyllideb ar gyfer ysgolion arbennig, neu ar gyfer ysgolion cynradd neu uwchradd gyda lleoedd y mae'r awdurdod yn eu cydnabod fel rhai sydd wedi'u cadw ar gyfer plant ag anghenion addysgol arbennig neu ar gyfer plant mewn dosbarthiadau meithrin, gymryd i ystyriaeth yn ei fformiwla—

- (a) nifer y disgyblion cofrestredig yn yr ysgolion arbennig hynny; neu
- (b) nifer y disgyblion yn y lleoedd hynny sydd wedi'u cadw mewn ysgolion cynradd neu uwchradd;

number of registered pupils at those schools on such dates as may be determined by them weighted if the authority consider it appropriate in accordance with paragraph (7).

(2) For the purpose of paragraph (1), the number of registered pupils does not include—

- (a) pupils in respect of whom grant is payable to the authority by the Welsh Ministers under section 36 of the 2000 Act;
- (b) pupils in places which the authority recognise as reserved for children with special educational needs or (except where the local authority chooses not to exercise their discretion under regulation 15 in respect of children in nursery classes) for children in nursery classes.

(3) Where the authority determine only one date for the purposes of paragraph (1) it must be a date which falls—

- (a) before the beginning of the funding period in question; and
- (b) in the school year in which the beginning of the funding period in question falls.

(4) Where the authority determine more than one date for the purposes of paragraph (1) then—

- (a) one of those dates must satisfy paragraph (3);
- (b) as respects the other date or dates—
 - (i) no date may be earlier than the beginning of the school year in which the beginning of the funding period in question falls, and
 - (ii) the authority may determine a date or dates which are in the future and estimate the number of registered pupils at the school on that date or those dates.

(5) The restrictions on the dates in paragraphs (3) and (4) do not apply in relation to pupils in nursery or reception classes whom the authority take into account under paragraph (1).

(6) An authority may, in determining budget shares for special schools, or for primary or secondary schools with places which the authority recognise as reserved for children with special educational needs or for children in nursery classes, take into account in their formula—

- (a) the number of registered pupils at those special schools; or
- (b) the number of pupils in those reserved places at primary or secondary schools;

ar y dyddiad neu'r dyddiadau y penderfynwyd arnynt at ddibenion paragraff (1) (wedi'i bwysoli os yw'r awdurdod o'r farn bod hynny'n briodol yn unol â pharagraff (7)).

(7) Caiff awdurdod lleol bwysoli niferoedd disgyblion yn ôl unrhyw un neu bob un o'r ffactorau canlynol—

- (a) oedran, gan gynnwys pwysoliad yn ôl cyfnod allweddol neu grŵp blwyddyn;
- (b) a yw disgybl yn cael addysg feithrin gan ysgol;
- (c) yn achos disgyblion o dan bump oed, eu hunion oedran wrth gael eu derbyn i'r ysgol;
- (ch) yn achos disgyblion o dan bump oed, yr oriau y maent yn bresennol;
- (d) anghenion addysgol arbennig;
- (dd) a yw disgybl mewn ysgol yn mynychu sefydliad hefyd o fewn y sector addysg bellach; a
- (e) a yw disgybl yn cael ei addysgu drwy gyfrwng y Gymraeg.

(8) Yn ddarostyngedig i baragraff (9)—

- (a) os bydd ysgol gynradd yn gweithredu polisi o dderbyn plant i ddsbarthiadau meithrin neu ddsbarthiadau derbyn yn nhymor yr haf, a
- (b) os bydd yn derbyn disgyblion i'r cyfryw ddsbarthiadau yn nhymor yr haf yn union ar ôl y dyddiad neu'r dyddiadau y penderfynwyd arnynt o dan baragraff (1),

caiff awdurdod lleol benderfynu nifer sy'n cynrychioli nifer y disgyblion a gaiff eu derbyn yn y tymor haf hwnnw, a chymryd y cyfryw nifer i ystyriaeth yn ei fformiwla.

(9) O ran awdurdod lleol, wrth iddo benderfynu'r nifer o ddisgyblion y bydd yn ei gymryd i ystyriaeth o dan baragraff (8)—

- (a) rhaid iddo beidio â phenderfynu unrhyw nifer sy'n fwy na nifer y disgyblion a dderbyniwyd yn nhymor yr haf yn union cyn y dyddiad neu'r dyddiadau a benderfynwyd o dan baragraff (1), a
- (b) rhaid iddo wneud unrhyw benderfyniad o'r fath cyn dechrau'r cyfnod cyllido pan fydd y disgyblion yn cael eu derbyn.

(10) Rhaid i awdurdod lleol gynnwys darpariaeth yn ei fformiwla a fyddai'n ei alluogi i addasu nifer y disgyblion cofrestredig a ddefnyddir i benderfynu cyfran ysgol o'r gyllideb pan fo'n briodol gwneud hynny er mwyn cymryd i ystyriaeth, yn gyfan gwbl neu'n rhannol, waharddiad parhaol disgybl o'r ysgol neu dderbyn disgybl yn dilyn gwaharddiad parhaol y disgybl hwnnw o ysgol arall a gynhelir gan awdurdod lleol.

on the date or dates determined for the purpose of paragraph (1) (weighted if the authority consider it appropriate in accordance with paragraph (7)).

(7) A local authority may weight pupil numbers according to any or all of the following factors—

- (a) age, including weighting according to key stage or year group;
- (b) whether a pupil is provided with nursery education by a school;
- (c) in the case of pupils aged under five, their exact age when admitted to the school;
- (d) in the case of pupils aged under five, hours of attendance;
- (e) special educational needs;
- (f) whether a pupil at a school is also attending an institution within the further education sector; and
- (g) whether a pupil is being educated through the medium of Welsh.

(8) Subject to paragraph (9), where—

- (a) a primary school operates a policy of admitting children into nursery or reception classes in the summer term, and
- (b) it will admit pupils into such classes in the summer term immediately after the date or dates determined under paragraph (1),

a local authority may determine a number representing the number of pupils who will be admitted in that summer term, and take such number into account in their formula.

(9) In determining the number of pupils they will take into account under paragraph (8), a local authority—

- (a) must not determine any number which exceeds the number of pupils admitted in the summer term immediately prior to the date or dates determined under paragraph (1) and
- (b) must make any such determination before the beginning of the funding period during which the pupils will be admitted.

(10) A local authority must include provision in their formula enabling them to adjust the number of registered pupils used to determine a school's budget share where it is appropriate to do so in order to take into account, wholly or partly, the permanent exclusion of a pupil from the school or the admission of a pupil following that pupil's permanent exclusion from another school maintained by a local authority.

Niferoedd disgyblion : Cofrestru Deuol

14. Pan fo disgybl, yn unol â rheoliadau a wnaed o dan adran 434 o Ddeddf 1996(1), yn ddisgybl cofrestredig mewn mwy nag un ysgol, yna rhaid trin y disgybl hwnnw fel un sy'n ddisgybl llawnamser ym mhob ysgol o'r fath oni bai bod yr awdurdod yn darparu'n bendant fel arall yn ei fformiwla.

Lleoedd

15.–(1) Wrth benderfynu ac ailbenderfynu cyfrannau o'r gyllideb caiff awdurdod lleol ystyried yn ei fformiwla nifer y lleoedd y mae'n dymuno eu cyllido mewn—

- (a) ysgolion arbennig;
- (b) ysgolion cynradd neu uwchradd gyda lleoedd y mae'r awdurdod yn cydnabod eu bod wedi'u cadw ar gyfer plant ag anghenion addysgol arbennig;
- (c) ysgolion cynradd gyda lleoedd y mae'r awdurdod yn cydnabod eu bod wedi'u cadw ar gyfer plant mewn dosbarthiadau meithrin; neu
- (ch) ysgolion meithrin a gynhelir.

(2) Wrth benderfynu ac ailbenderfynu cyfrannau o'r gyllideb caiff awdurdod lleol ystyried yn ei fformiwla natur unrhyw anghenion addysgol arbennig pan fydd yn cyllido lleoedd mewn ysgolion arbennig neu leoedd y mae'r awdurdod yn cydnabod eu bod wedi'u cadw ar gyfer plant ag anghenion addysgol arbennig mewn ysgolion cynradd neu uwchradd.

(3) Rhaid i awdurdod lleol ddarparu, os bydd unrhyw leoedd mewn ysgolion arbennig yn cael eu cymryd i ystyriaeth yn unol â pharagraff (1), na fydd y nifer yn llai na nifer y disgyblion cofrestredig yn yr ysgol ar y dyddiad neu'r dyddiadau a benderfynir at ddibenion rheoliad 13(1).

Ysgolion o ddisgrifiad penodol

16. Pan fo awdurdod lleol yn didynnu o'i gyllideb ysgolion wariant cynlluniedig sy'n ymwneud ag ysgolion a gynhelir o ddisgrifiad penodol, rhaid iddo gynnwys ffactorau neu feini prawf yn ei fformiwla o ran y gwariant cynlluniedig hwnnw, mewn perthynas ag ysgolion a gynhelir nad ydynt yn dod o fewn y disgrifiad hwnnw.

Cyllid gwahaniaethol

17. Rhaid i awdurdod lleol beidio â defnyddio yn ei fformwla unrhyw ffactorau neu feini prawf sy'n gwahaniaethu rhwng ysgolion yn ôl eu categori o dan Ddeddf 1998 ac eithrio lle bo gwahaniaethau yn swyddogaethau cyrff llywodraethu ysgolion o wahanol

Pupil Numbers: Dual Registration

14. Where a pupil is, in accordance with regulations made under section 434 of the 1996 Act(1), a registered pupil at more than one school then that pupil must be treated as being a full-time pupil at each such school unless the authority expressly provide otherwise in their formula.

Places

15.–(1) In determining and redetermining budget shares a local authority may take into account in their formula the number of places they wish to fund in—

- (a) special schools;
- (b) primary or secondary schools with places which the authority recognise as reserved for children with special educational needs;
- (c) primary schools with places which the authority recognise as reserved for children in a nursery class; or
- (d) maintained nursery schools.

(2) In determining and redetermining budget shares a local authority may take into account in their formula the nature of any special educational needs when funding places at special schools or places recognised as reserved for children with special educational needs in primary or secondary schools.

(3) A local authority must provide that, if any places at special schools are taken into account in accordance with paragraph (1), the number must be no fewer than the number of registered pupils at the school on the date or dates determined for the purpose of regulation 13(1).

Schools of a particular description

16. Where a local authority deduct from their schools budget planned expenditure which relates to maintained schools of a particular description, they must include factors or criteria in their formula in respect of that planned expenditure, in relation to maintained schools which do not fall within that description.

Differential funding

17. A local authority must not use in their formula any factors or criteria which discriminate between schools by reference to their category under the 1998 Act except where differences in the functions of the governing bodies of schools of different categories

(1) *Gweler* Rheoliadau Addysg (Cofrestru Disgyblion) 1995, O.S. 1995/2089 fel y'i diwygiwyd gan O.S. 1997/2624, 1999/2267, 2001/1109, 2003/3227 a 2005/2913.

(1) *See* the Education (Pupil Registration) Regulations 1995, S.I. 1995/2089 as amended by S.I. 1997/2624, 1999/2267, 2001/1109, 2003/3227 and 2005/2913.

gategoriau yn cyfiawnhau gwahaniaethu o'r fath.

Ffactorau neu feini prawf ychwanegol

18.–(1) Yn ddarostyngedig i reoliadau 16 a 17, caiff awdurdod lleol, wrth benderfynu cyfrannau ysgolion o'r gyllideb, gymryd i ystyriaeth yn ei fformiwla, yn ôl yr hyn sy'n briodol yn ei farn, unrhyw un neu bob un o'r ffactorau neu'r meini prawf a nodir yn Atodlen 3, fel y darperir ar ei gyfer yn yr Atodlen honno.

(2) Rhaid i awdurdod lleol, wrth benderfynu cyfrannau o'r gyllideb ar gyfer ysgolion cynradd ac ysgolion uwchradd y mae'n eu cynnal, gymryd i ystyriaeth yn ei fformiwla ffactor neu ffactorau a seiliwyd ar fynychder amddifadedd cymdeithasol ymhlith disgyblion sydd wedi'u cofrestru ym mhob ysgol o'r fath.

(3) Nid yw ffactor sydd wedi'i gynnwys mewn fformiwla awdurdod yn unol â pharagraff 19 o Atodlen 3, at ddiben paragraff (2), yn ffactor a seiliwyd ar fynychder amddifadedd cymdeithasol ymhlith disgyblion sydd wedi'u cofrestru mewn ysgol.

(4) Oni nodir yn wahanol yn Atodlen 3, ni chaniateir i'r ffactorau neu'r meini prawf a nodir yn yr Atodlen honno gael eu cymryd i ystyriaeth gan awdurdod lleol ar sail y gost wirioneddol neu amcangyfrifedig.

(5) Pan fo awdurdod lleol yn cymryd i ystyriaeth ffactorau neu feini prawf newydd yn ei fformiwla neu'n dileu ffactorau o'i fformiwla neu'n penderfynu ar fformiwla sy'n sylweddol wahanol neu'n gyfan gwbl wahanol i'r cyfnod cyllido blaenorol, caniateir iddo wneud unrhyw ddarpariaeth drosiannol y mae'n credu ei bod yn rhesymol.

Cyllid ar gyfer disgyblion dros oedran ysgol gorfodol

19.–(1) Yn ddarostyngedig i reoliad 21 (addasu cyfran o'r gyllideb) rhaid i'r gyfran o'r gyllideb ar gyfer ysgol uwchradd neu ysgol arbennig sy'n darparu addysg addas ar gyfer gofynion personau dros oedran ysgol gorfodol gynnwys swm ("y Swm") o ran disgyblion yr ysgol honno sydd dros oedran ysgol gorfodol.

(2) Rhaid i'r Swm gynnwys, ar sail net–

- (a) dyraniad gan yr awdurdod lleol ar gyfer darpariaeth yr ysgol honno i ddisgyblion dros oedran ysgol gorfodol yn unol ag amodau'r grant sy'n daladwy i'r awdurdod lleol gan Weinidogion Cymru o dan adran 36 o Ddeddf 2000 ("y Grant");
- (b) unrhyw swm y mae'r awdurdod lleol yn ei ddarparu ar gyfer addysg disgyblion dros oedran addysg gorfodol.

(3) I'r graddau nad yw'r Swm yn ddarostyngedig i'r amodau yn y Grant, rhaid i awdurdod lleol, wrth benderfynu cyfrannau o'r gyllideb ddefnyddio ffactor

justify such discrimination.

Additional factors or criteria

18.–(1) Subject to regulations 16 and 17, a local authority may, in determining budget shares, take into account in their formula, as they consider appropriate, any or all of the factors or criteria set out in Schedule 3, as provided for in that Schedule.

(2) A local authority must, in determining budget shares for both primary and secondary schools which they maintain, take into account in their formula a factor or factors based on the incidence of social deprivation among pupils registered at all such schools.

(3) A factor included in an authority's formula pursuant to paragraph 19 of Schedule 3, is not, for the purpose of paragraph (2), a factor based on the incidence of social deprivation among pupils registered at a school.

(4) The factors and criteria set out in Schedule 3, may not be taken into account by a local authority on the basis of actual or estimated cost unless otherwise stated in that Schedule.

(5) Where a local authority take new factors or criteria into account in their formula or delete factors from their formula or determine a formula substantially or wholly different from the previous funding period, they may make such transitional provision as they consider reasonable.

Funding for pupils over compulsory school age

19.–(1) Subject to regulation 21 (budget share adjustments) the budget share for a secondary school or special school that provides education suitable for the requirements of persons over compulsory school age must include an amount ("the Amount") in respect of that school's pupils above compulsory school age.

(2) The Amount must include, on a net basis–

- (a) an allocation by the local authority in respect of that school's provision for pupils over compulsory school age in accordance with the conditions of grant payable to the local authority by the Welsh Ministers under section 36 of the 2000 Act ("the Grant");
- (b) any amount which the local authority provides for education of pupils over compulsory school age.

(3) To the extent the Amount is not subject to the conditions in the Grant, a local authority must, in determining budget shares use a factor which allocates

sy'n dyrannu cyllid ar gyfer disgyblion dros oedran addysg gorfodol.

(4) Rhaid ailbenderfynu cyfran yr ysgol o'r gyllideb ar gyfer cyfnod cyllido cyn diwedd y cyfnod cyllido hwnnw os yw'r awdurdod yn cael hysbysiad ysgrifenedig gan Weinidogion Cymru o ddyraniad y Grant neu ddyraniad diwygiedig o'r Grant.

Ad-drefnu ysgol

20.–(1) Yn achos ysgol a gynhelir sydd–

- (a) yn ysgol newydd y cyfeiriwyd ati yn rheoliad 3(2);
- (b) yn ysgol (ac eithrio ysgol newydd) nad yw cynigion ar gyfer ei sefydlu o dan unrhyw ddeddfiad wedi'u gweithredu'n llawn;
- (c) yn ysgol sy'n destun cynigion ar gyfer newid rhagnodedig o dan Bennod 2 o Ran 2 o Ddeddf 1998 neu adran 113A o Ddeddf 2000;
- (ch) yn ysgol feithrin a gynhelir sydd i'w therfynu yn y cyfnod cyllido o dan sylw,

rhaid i'r awdurdod lleol gynnwys ffactorau neu feini prawf yn ei fformiwla a fyddai'n ei alluogi i benderfynu cyfran yr ysgol o'r gyllideb er mwyn cymryd i ystyriaeth anghenion penodol yr ysgol; ac yn benodol, os bydd y cyfnod cyllido o dan sylw yn dod cyn y cyfnod cyllido y mae ysgol yn derbyn disgyblion gyntaf, caiff benderfynu mai sero yw swm y gyfran o'r gyllideb.

(2) At ddibenion y Rheoliadau hyn, mae cynigion ar gyfer sefydlu ysgol wedi'u gweithredu'n llawn pan fydd nifer y disgyblion sy'n cael eu derbyn i'r ysgol ym mhob grŵp oedran wedi cyrraedd, ym marn yr awdurdod lleol–

- (a) y nifer hwnnw o ddisgyblion a nodwyd, pan gafodd cynigion ar gyfer sefydlu'r ysgol eu cyhoeddi, fel y nifer o ddisgyblion i'w derbyn i bob grŵp oedran pan fyddai'r cynigion wedi'u gweithredu'n llawn; neu
- (b) os na nodwyd unrhyw nifer o'r fath, y nifer hwnnw y caiff yr awdurdod ei benderfynu.

Addasu cyfran o'r gyllideb

21.–(1) I'r graddau yr oedd cyfran ysgol o'r gyllideb am gyfnod cyllido–

- (a) wedi'i phenderfynu yn ôl amcangyfrif o nifer y disgyblion cofrestredig yn yr ysgol ar ddyddiad neu ddyddiadau penodol; a
- (b) bod gwahaniaethau rhwng nifer amcangyfrifedig y disgyblion ar y dyddiad hwnnw neu'r dyddiadau hynny a nifer gwirioneddol y disgyblion yn yr ysgol ar y dyddiad hwnnw neu'r dyddiadau hynny heb gael eu cymryd i ystyriaeth mewn ailbenderfyniad ar gyfran yr ysgol o'r gyllideb ar gyfer y cyfnod cyllido hwnnw,

funding in respect of pupils over compulsory school age.

(4) A school's budget share for a funding period must be redetermined before the end of that funding period where the authority receive a written notification from the Welsh Ministers of an allocation of the Grant or a revised allocation of the Grant.

School re-organisation

20.–(1) In the case of a maintained school which is–

- (a) a new school referred to in regulation 3(2);
- (b) a school (other than a new school) proposals for the establishment of which under any enactment have not been fully implemented;
- (c) a school which is the subject of proposals for a prescribed alteration under Chapter 2 of Part 2 of the 1998 Act or section 113A of the 2000 Act;
- (d) a maintained nursery school which is to be discontinued in the funding period in question,

the local authority must include factors or criteria in their formula which enable them to determine the school's budget share so as to take into account the particular needs of the school; and in particular may, if the funding period in question precedes the funding period in which a school first admits pupils, determine the amount of the budget share as zero.

(2) For the purposes of these Regulations, proposals for the establishment of a school have been fully implemented when the number of pupils admitted to the school in each age group has, in the opinion of the local authority, reached–

- (a) that number of pupils indicated, when proposals for the establishment of the school were published, as the number of pupils to be admitted to each age group when the proposals were fully implemented; or
- (b) if no such number was indicated, such number as the authority may determine.

Budget share adjustments

21.–(1) To the extent that a school's budget share for a funding period was–

- (a) determined by reference to an estimate of the number of registered pupils at the school on a particular date or dates; and
- (b) differences between the estimated number of pupils on that date or those dates and the actual number of pupils at the school on that date or those dates were not taken into account in a redetermination of the school's budget share for that funding period,

rhaid i'r awdurdod lleol benderfynu cyfran yr ysgol honno o'r gyllideb ar gyfer y cyfnod cyllido sy'n dilyn er mwyn cymryd y gwahaniaethau hynny i ystyriaeth.

(2) Caiff awdurdod lleol benderfynu cyfran ysgol o'r gyllideb ar gyfer cyfnod cyllido fel y gellir cymryd i ystyriaeth unrhyw newid arall yn ystod y cyfnod cyllido blaenorol yn y data y penderfynwyd cyfran yr ysgol o'r gyllideb ar gyfer y cyfnod cyllido blaenorol drwy gyfeirio ato, os na chymrwyd y newidiadau hynny i ystyriaeth wrth ailbenderfynu cyfran yr ysgol o'r gyllideb ar gyfer y cyfnod cyllido blaenorol hwnnw.

(3) Caiff awdurdod lleol addasu nifer y disgyblion cofrestredig a ddefnyddir i benderfynu cyfran ysgol o'r gyllideb ar gyfer cyfnod cyllido pan fo'n briodol gwneud hynny er mwyn cymryd i ystyriaeth, yn gyfan gwbl neu'n rhannol—

- (a) unrhyw ostyngiad neu gynnydd yng nghyfran yr ysgol o'r gyllideb am y cyfnod cyllido blaenorol sy'n codi o wahardd disgybl yn barhaol o'r ysgol neu dderbyn i'r ysgol ddisgybl a waharddwyd yn barhaol o ysgol arall a gynhelir; neu
- (b) unrhyw gynnydd yng nghyfran yr ysgol o'r gyllideb am y cyfnod cyllido blaenorol sy'n codi o gynnydd mewn niferoedd disgyblion yn ystod y cyfnod cyllido hwnnw.

(4) Rhaid i awdurdod lleol gynnwys yn ei fformiwla ffactorau neu feini prawf sy'n bodloni gofynion y rheoliad hwn.

Disgyblion a waharddwyd neu a dderbyniwyd ar ôl gwaharddiad

22.—(1) Os bydd disgybl yn cael ei wahardd yn barhaol o ysgol a gynhelir gan awdurdod lleol yn ystod cyfnod cyllido, rhaid i'r awdurdod ailbenderfynu cyfran yr ysgol o'r gyllideb ar gyfer y cyfnod cyllido hwnnw yn unol â pharagraff (2).

(2) Mae cyfran yr ysgol o'r gyllideb i'w gostwng â'r swm $A \times (B/52)$ ac—

A yw'r swm, yn y cyfnod cyllido y mae'r gwaharddiad parhaol yn dod yn effeithiol ynddo, yn ôl penderfyniad yr awdurdod yn unol â'r Rheoliadau hyn sydd i'w briodoli am y cyfnod cyllido llawn i ddisgybl cofrestredig sydd o'r un oedran ac y mae ganddo'r un nodweddion â'r disgybl o dan sylw mewn ysgolion cynradd neu uwchradd a gynhelir gan yr awdurdod;

At ddibenion y diffiniad hwn y swm sydd i'w briodoli i ddisgybl cofrestredig yw cyfanswm y symiau a benderfynwyd yn unol â fformiwla'r awdurdod neu reoliad 25 yn ôl niferoedd disgyblion yn hytrach nag yn ôl nifer y lleoedd yn yr ysgol neu unrhyw ffactor arall neu feini prawf eraill nad ydynt yn dibynnu ar niferoedd disgyblion; a

the local authority must determine that school's budget share for the following funding period so as to take into account those differences.

(2) A local authority may determine a school's budget share for a funding period so as to take into account any other change during the course of the preceding funding period in the data by reference to which the school's budget share for that preceding funding period was determined, if those changes were not taken into account in a redetermination of the school's budget share for that preceding funding period.

(3) A local authority may adjust the number of registered pupils used to determine a school's budget share for a funding period where it is appropriate to do so in order to take into account, wholly or partly—

- (a) any reduction or increase in the school's budget share for the preceding funding period arising from the permanent exclusion of a pupil from the school or the admission to the school of a pupil permanently excluded from another maintained school; or
- (b) any increase in the school's budget share for the preceding funding period arising from increases in pupil numbers during the course of that funding period.

(4) A local authority must include factors or criteria in their formula which satisfy the requirements of this regulation.

Pupils excluded or admitted following an exclusion

22.—(1) Where a pupil is permanently excluded from a school maintained by a local authority during a funding period, the authority must redetermine the school's budget share for that funding period in accordance with paragraph (2).

(2) The school's budget share is to be reduced by the amount $A \times (B/52)$ where—

A is the amount, in the funding period in which the permanent exclusion takes effect, determined by the authority in accordance with these Regulations to be attributable for the full funding period to a registered pupil of the same age and characteristics as the pupil in question at primary or secondary schools maintained by the authority;

For the purposes of this definition the amount attributable to a registered pupil is the sum of the amounts determined in accordance with the authority's formula or regulation 25 by reference to pupil numbers rather than by reference to the number of places at the school or any other factor or criterion not dependent on pupil numbers; and

B yw nifer yr wythnosau cyflawn sydd ar ôl yn y cyfnod cyllido o'u cyfrifo o'r dyddiad perthnasol:

AC EITHRIO os yw'r gwaharddiad parhaol yn dod yn effeithiol ar neu ar ôl 1 Ebrill mewn blwyddyn ysgol ac ar ei diwedd y mae disgyblion, sydd o'r un oedran neu'r un grŵp oedran â'r disgybl o dan sylw, yn ymadael fel rheol â'r ysgol honno cyn cael eu derbyn i ysgol arall a chanddi ddisgyblion o ystod oedran gwahanol, B yw nifer yr wythnosau cyflawn sydd ar ôl yn y flwyddyn ysgol honno o'u cyfrifo o'r dyddiad perthnasol.

(3) Pan fo disgybl a gafodd ei wahardd yn barhaol o ysgol a gynhelir yn cael ei dderbyn yn ystod yr un cyfnod cyllido i ysgol a gynhelir gan awdurdod lleol ("yr ysgol sy'n derbyn"), rhaid i'r awdurdod ailbenderfynu cyfran yr ysgol sy'n derbyn o'r gyllideb yn unol â pharagraff (4).

(4) Mae cyfran yr ysgol o'r gyllideb i'w chynyddu â swm na chaniateir iddo fod yn llai na'r swm $D \times (E/F)$ a—

D yw'r swm y mae'r awdurdod yn ei ddefnyddio i ostwng cyfran yr ysgol o'r gyllideb y gwaharddwyd y disgybl yn barhaol ohoni neu y byddai wedi'i ddefnyddio i'w gostwng petai'r ysgol honno wedi'i chynnal gan yr awdurdod;

E yw nifer yr wythnosau cyflawn sydd ar ôl yn y cyfnod cyllido y mae'r disgybl yn ddisgybl cofrestredig ynddi yn yr ysgol sy'n derbyn;

F yw nifer yr wythnosau cyflawn sy'n weddill yn y cyfnod cyllido o'u cyfrif o'r dyddiad perthnasol.

(5) At ddibenion y rheoliad hwn, ystyr y dyddiad perthnasol yw'r ystyr a ragnodir mewn rheoliadau a wneir o dan adran 494 o Ddeddf 1996(1).

(6) Os caiff disgybl sydd wedi'i wahardd yn barhaol ei dderbyn yn ôl yn ddiweddarach gan gorff llywodraethu'r ysgol neu gan banel apêl a gyfansoddwyd o dan reoliadau a wnaed o dan adran 52 o Ddeddf 2002(2), rhaid cynyddu cyfran yr ysgol o'r gyllideb gan swm nad yw'n llai nag $G \times (H/I)$ ac—

G yw'r swm y mae'r awdurdod wedi'i ddefnyddio i ostwng cyfran yr ysgol o'r gyllideb;

B is the number of complete weeks remaining in the funding period calculated from the relevant date;

EXCEPT that where the permanent exclusion takes effect on or after 1 April in a school year at the end of which pupils of the same age or age group as the pupil in question normally leave that school prior to being admitted to another school with a different pupil age range, B is the number of complete weeks remaining in that school year calculated from the relevant date.

(3) Where a pupil who has been permanently excluded from a maintained school is, in the same funding period, admitted to a school maintained by the local authority ("the admitting school"), the authority must redetermine the admitting school's budget share in accordance with paragraph (4).

(4) The school's budget share is to be increased by an amount which may not be less than the amount $D \times (E/F)$ where—

D is the amount by which the authority reduce the budget share of the school from which the pupil was permanently excluded or would have reduced it had that school been maintained by the authority;

E is the number of complete weeks remaining in the funding period during which the pupil is a registered pupil at the admitting school;

F is the number of complete weeks remaining in the funding period calculated from the relevant date.

(5) For the purposes of this regulation, the relevant date has the meaning prescribed in regulations made under section 494 of the 1996 Act(1).

(6) Where a permanently excluded pupil is subsequently reinstated by the governing body of the school or by an appeal panel constituted under regulations made under section 52 of the 2002 Act(2), the school's budget share must be increased by an amount which is no less than $G \times (H/I)$ where—

G is the amount by which the authority has reduced the school's budget share;

(1) Mae adran 494(5) o Ddeddf 1996, a amnewidiwyd gan baragraff 128 o Atodlen 30 i Ddeddf 1998, yn darparu y caiff rheoliadau ragnodi pa bryd y dylid barnu bod gwaharddiad parhaol yn dod yn effeithiol. Mae Rheoliadau Addysg (Swm i Ddilyn Disgybl sydd wedi'i Wahardd yn Barhaol) 1999 (O.S. 1999/495) yn darparu bod gwaharddiad parhaol yn digwydd ar y dyddiad perthnasol sef "relevant date" fel y'i diffinnir yn y Rheoliadau hynny, a diwygiadau iddynt yn Rheoliadau Addysg (Gwahardd Disgyblion ac Apelau) (Ysgolion a Gynhelir) (Cymru) 2003 (O.S. 2003/3227).

(2) *Gweler* Rheoliadau Addysg (Gwahardd Disgyblion ac Apelau) (Ysgolion a Gynhelir) (Cymru) 2003, O.S. 2003/3227 fel y'i diwygiwyd gan O.S. 2004/1805, a Rheoliadau Addysg (Gwahardd Disgyblion ac Apelau) (Unedau Cyfeirio Disgyblion) (Cymru) 2003 (O.S. 2003/3246), fel y'i diwygiwyd gan O.S. 2004/1805.

(1) Section 494(5) of the 1996 Act, which was substituted by paragraph 128 of Schedule 30 to the 1998 Act, provides that regulations may prescribe when a permanent exclusion is to be regarded as taking effect. The Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999 (S.I. 1999/495) provide that a permanent exclusion takes place on the "relevant date" as defined in those Regulations, and amendments to them in the Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003 (S.I. 2003/3227).

(2) *See* the Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003, S.I. 2003/3227 as amended by S.I. 2004/1805, and the Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003 (S.I. 2003/3246), as amended by S.I. 2004/1805.

H yw nifer yr wythnosau cyflawn sy'n weddill yn y cyfnod cyllido y caiff y disgybl ei dderbyn yn ôl ynddo; ac

I yw nifer yr wythnosau cyflawn sy'n weddill yn y cyfnod cyllido o'u cyfrif o'r dyddiad perthnasol.

(7) Mae paragraffau (1) a (2) hefyd yn gymwys os yw disgybl yn gadael ysgol a gynhelir am resymau heblaw gwaharddiad parhaol, ac y mae'n derbyn addysg sy'n cael ei gyllido gan awdurdod lleol heblaw mewn ysgol a gynhelir gan yr awdurdod hwnnw.

Canran o gyllid "sy'n cyfeirio at niferoedd disgyblion"

23.–(1) Yn ddarostyngedig i baragraff (2), wrth benderfynu ac ailbenderfynu cyfrannau o'r gyllideb ar gyfer ysgolion cynradd ac uwchradd, rhaid i awdurdod lleol sicrhau bod ei fformiwla yn darparu bod o leiaf 70 y cant o swm ei gyllideb ysgolion unigol yn cael ei ddyrannu mewn un neu ragor o'r dulliau canlynol–

- (a) yn unol â rheoliad 13(1) neu (6);
- (b) yn unol ag unrhyw ffactorau neu feini prawf eraill gan ddefnyddio niferoedd disgyblion sy'n darparu ar gyfer yr un cyllid i ddisgyblion o'r un oedran ni waeth beth fo natur yr ysgol y maent yn mynd iddi;
- (c) i leoedd mewn ysgolion cynradd y mae'r awdurdod yn eu cydnabod fel rhai sydd wedi'u cadw ar gyfer plant mewn dosbarthiadau meithrin;
- (ch) ar gyfer plant ag anghenion addysgol arbennig nad oes ganddynt ddatganiadau o anghenion addysgol arbennig ond hyd at 5 y cant yn unig o'r cyfanswm a ddyrannwyd gan yr awdurdod i ysgolion cynradd ac uwchradd o'i gyllideb ysgolion unigol;
- (d) i leoedd mewn ysgolion cynradd neu uwchradd y mae'r awdurdod yn eu cydnabod fel rhai sydd wedi'u cadw ar gyfer plant ag anghenion addysgol arbennig;
- (dd) ar gyfer disgyblion â datganiadau o anghenion addysgol arbennig pan fo cyllid ar gyfer disgyblion o'r fath yn ffurfio rhan o gyllidebau dirprwyedig ysgolion.

(2) At ddibenion y rheoliad hwn, rhaid peidio â chynnwys yng nghyllideb ysgolion unigol awdurdod lleol gyfrannau ysgolion o'r gyllideb sy'n darparu addysg ar gyfer disgyblion dros oedran ysgol gorfodol yn unig, cyfrannau ysgolion arbennig o'r gyllideb nac unrhyw ran o'r gyllideb ysgolion unigol y daliwyd gafael arni yn unol â rheoliad 8(2) at ddibenion ailbenderfyniadau neu gywiro gwallau.

Cywiro gwallau

24. Caiff awdurdod lleol ailbenderfynu ar unrhyw bryd yn ystod cyfnod cyllido gyfran ysgol o'r gyllideb

H is the number of complete weeks remaining in the funding period during which the pupil is reinstated; and

I is the number of complete weeks remaining in the funding period calculated from the relevant date.

(7) Paragraphs (1) and (2) also apply where a pupil leaves a maintained school for reasons other than permanent exclusion, and is receiving education funded by a local authority other than at a school which is maintained by that authority.

Percentage of "pupil-led" funding

23.–(1) Subject to paragraph (2), in determining and redetermining budget shares for primary and secondary schools a local authority must ensure that their formula provides that at least 70 per cent of the amount which is their individual schools budget is allocated in one or more of the following manners–

- (a) in accordance with regulation 13(1) or (6);
- (b) in accordance with any other factors or criteria using pupil numbers which provide for the same funding for pupils of the same age irrespective of the nature of the school which they attend;
- (c) to places in primary schools which the authority recognise as reserved for children in nursery classes;
- (d) for children with special educational needs who do not have statements of special educational needs but only up to 5 per cent of the total amount allocated by the authority to primary and secondary schools from their individual schools budget;
- (e) to places in primary or secondary schools which the authority recognise as reserved for children with special educational needs;
- (f) for pupils with statements of special educational needs where funding in respect of such pupils forms part of schools' delegated budgets.

(2) For the purposes of this regulation, the budget shares of schools providing education only for pupils over compulsory school age, of special schools and any part of the individual schools budget retained pursuant to regulation 8(2) for the purpose of redeterminations or the correction of errors must be excluded from the local authority's individual schools budget.

Correction of errors

24. A local authority may at any time during a funding period redetermine a school's budget share for

am y cyfnod cyllido hwnnw er mwyn cywiro gwall mewn penderfyniad neu ailbenderfyniad o dan y Rheoliadau hyn, p'un a yw'n codi o wall ynglŷn â nifer y disgyblion cofrestredig yn yr ysgol neu fel arall.

Trefniadau ychwanegol a gymeradwywyd gan Weinidogion Cymru

25. Caiff Gweinidogion Cymru, pan fo'n ymddangos iddynt ei bod yn hwylus i wneud hynny, awdurdodi awdurdod lleol i benderfynu neu ailbenderfynu cyfrannau o'r gyllideb, ar unrhyw adeg ac i'r graddau hynny y gallant eu pennu, yn unol â threfniadau a gymeradwywyd ganddynt yn lle'r trefniadau y darparwyd ar eu cyfer mewn manau eraill yn y Rheoliadau hyn.

RHAN 4 – Cynlluniau Ariannol

Y cynnwys sy'n ofynnol mewn cynlluniau

26. Rhaid i gynllun a gynhelir gan awdurdod lleol o dan adran 48(1) o Ddeddf 1998 ymdrin â'r materion sy'n gysylltiedig ag ariannu ysgolion a gynhelir gan yr awdurdod a nodir yn Atodlen 4 i'r Rheoliadau hyn.

Dull cyhoeddi

27. At ddibenion paragraff 1(7) o Atodlen 14 i Ddeddf 1998 (dull rhagnodedig i gyhoeddi cynlluniau) rhaid i gynllun gael ei gyhoeddi gan yr awdurdod lleol dan sylw wrth iddo ddod i rym fel y'i diwygiwyd o dan yr Atodlen honno drwy—

- (a) rhoi copi i gorff llywodraethu a phennaeth pob ysgol a gynhelir gan yr awdurdod; a
- (b) trefnu bod copi ar gael er mwyn cyfeirio ato ar bob adeg resymol yn ddi-dâl—
 - (i) ym mhrif swyddfa addysg yr awdurdod; a
 - (ii) ym mhob ysgol a gynhelir gan yr awdurdod neu ar wefan a gynhelir gan yr awdurdod y gall y cyhoedd fynd ati.

Cymeradwyaeth gan y fforwm ysgolion neu Weinidogion Cymru o gynigion i ddiwygio cynlluniau

28.—(1) Os bydd awdurdod lleol yn cyflwyno cynigion i ddiwygio ei gynllun i'w fforwm ysgolion ar gyfer cymeradwyaeth ganddynt yn unol â pharagraff 2A o Atodlen 14 i Ddeddf 1998, caiff y fforwm ysgolion—

- (a) cymeradwyo unrhyw gynigion o'r fath;
- (b) cymeradwyo unrhyw gynigion o'r fath yn ddarostyngedig i addasiadau; neu
- (c) gwrthod cymeradwyo unrhyw gynigion o'r fath.

that funding period in order to correct an error in a determination or redetermination under these Regulations, whether arising from a mistake as to the number of registered pupils at the school or otherwise.

Additional arrangements approved by the Welsh Ministers

25. The Welsh Ministers may, where it appears to them to be expedient to do so, authorise a local authority to determine or redetermine budget shares, at any time and to such extent as they may specify, in accordance with arrangements approved by them in place of the arrangements provided for elsewhere in these Regulations.

PART 4 – Financial Schemes

Required content of schemes

26. A scheme maintained by a local authority under section 48(1) of the 1998 Act must deal with the matters connected with the financing of schools maintained by the authority set out in Schedule 4 to these Regulations.

Manner of publication

27. For the purposes of paragraph 1(7) of Schedule 14 to the 1998 Act (prescribed manner of publication of schemes) a scheme must be published by the local authority concerned on its coming into force as revised under that Schedule by—

- (a) furnishing a copy to the governing body and head teacher of each school maintained by the authority; and
- (b) making a copy available for reference at all reasonable times and without charge—
 - (i) at the principal education office of the authority; and
 - (ii) at each school maintained by the authority or on a website which is maintained by the authority and accessible to the public.

Approval by the schools forum or the Welsh Ministers of proposals to revise schemes

28.—(1) Where a local authority submit proposals for any revisions to their scheme to their schools forum for approval pursuant to paragraph 2A of Schedule 14 to the 1998 Act, the schools forum may—

- (a) approve any such proposals;
- (b) approve any such proposals subject to modifications; or
- (c) refuse to approve any such proposals.

(2) Os bydd y fforwm ysgolion yn cymeradwyo unrhyw ddiwygiadau i'r cynllun, caiff bennu'r dyddiad y mae unrhyw gynllun diwygiedig i ddod i rym.

(3) Os bydd y fforwm ysgolion yn gwrthod cymeradwyo cynigion a gyflwynir o dan baragraff 2A o Atodlen 14 i Ddeddf 1998, neu'n cymeradwyo bod unrhyw gynigion o'r fath yn ddarostyngedig i addasiadau nad ydynt yn dderbyniol i'r awdurdod lleol, caiff yr awdurdod wneud cais i Weinidogion Cymru am gymeradwyaeth o gynigion o'r fath.

(4) Caiff Gweinidogion Cymru—

- (a) cymeradwyo unrhyw gynigion o'r fath;
- (b) cymeradwyo unrhyw gynigion o'r fath yn ddarostyngedig i addasiadau; neu

(c) gwrthod cymeradwyo unrhyw gynigion o'r fath.

(5) Os bydd Gweinidogion Cymru yn cymeradwyo unrhyw ddiwygiadau i'r cynllun, cânt bennu'r dyddiad y mae unrhyw gynllun diwygiedig i ddod i rym.

(6) Ni chaiff unrhyw gynllun diwygiedig ddod i rym oni chymeradwywyd ef gan y fforwm ysgolion neu gan Weinidogion Cymru yn unol â'r rheoliad hwn.

(2) Where the schools forum approve any revisions to the scheme, they may specify the date upon which any revised scheme is to come into force.

(3) Where the schools forum refuse to approve proposals submitted under paragraph 2A of Schedule 14 to the 1998 Act, or approve any such proposals subject to modifications which are not acceptable to the local authority, the authority may apply to the Welsh Ministers for approval of such proposals.

(4) The Welsh Ministers may—

- (a) approve any such proposals;
- (b) approve any such proposals subject to modifications; or

(c) refuse to approve any such proposals.

(5) Where the Welsh Ministers approves any revisions to the scheme, they may specify the date upon which any revised scheme is to come into force.

(6) No revised scheme is to come into force unless approved by the schools forum or the Welsh Ministers in accordance with this regulation.

Leighton Andrews

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

16 Mawrth 2010

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

16 March 2010

Dosbarthiadau neu Ddisgrifiadau o Wariant Cynlluniedig a Ragnodwyd at Ddibenion Cyllideb AALl yr Awdurdod Lleol

Mae gwariant o ddsbarth neu ddisgrifiad y cyfeirir ato yn yr Atodlen hon yn cynnwys gwariant ar gostau gweinyddol cysylltiedig a gorbenion

Anghenion dysgu ychwanegol

1. Gwariant ar wasanaethau a roddir gan seicolegwyr addysgol.
2. Gwariant mewn cysylltiad â swyddogaethau'r awdurdod o dan adrannau 321 i 331 o Ddeddf 1996 (swyddogaethau sy'n ymwneud ag adnabod ac asesu plant ag anghenion addysgol arbennig a llunio, cynnal ac adolygu datganiadau ar gyfer y plant hynny).
3. Gwariant ar fonitro'r ddarpariaeth i ddisgyblion mewn ysgolion (os cynhelir hwy gan yr awdurdod neu beidio) at ddibenion lledaenu arferion da mewn perthynas â phlant ag anghenion addysgol arbennig a gwella ansawdd y ddarpariaeth addysgol ar eu cyfer.
4. Gwariant ar gydweithio â chyrrff statudol a gwirfoddol eraill i ddarparu cefnogaeth i blant ag anghenion addysgol arbennig.
5. Gwariant mewn cysylltiad ag—
 - (a) darparu gwasanaethau partneriaeth â rhieni neu ganllawiau a gwybodaeth arall i rieni disgyblion ag anghenion addysgol arbennig sydd, mewn perthynas â disgyblion mewn ysgol a gynhelir gan yr awdurdod, yn ychwanegol at yr wybodaeth a ddarperir fel arfer gan gyrff llywodraethu ysgolion o'r fath; neu
 - (b) trefniadau a wneir gan yr awdurdod er mwyn osgoi neu ddatrys anghytundebau â rhieni plant ag anghenion addysgol arbennig.
6. Gwariant a dynnir o ran paratoi unrhyw ran o Gynllun Plant a Phobl Ifanc gan yr awdurdod mewn cysylltiad ag addysg plant ag anawsterau ymddygiad.

Classes or Descriptions of Planned Expenditure Prescribed for the Purposes of the LEA Budget of a Local Authority

Expenditure of a class or description referred to in this Schedule includes expenditure on associated administrative costs and overheads

Additional learning needs

1. Expenditure on services provided by educational psychologists.
2. Expenditure in connection with the authority's functions under sections 321 to 331 of the 1996 Act (which functions relate to the identification and assessment of children with special educational needs and the making, maintaining and reviewing of statements for such children).
3. Expenditure on monitoring the provision for pupils in schools (whether or not maintained by the authority) for the purposes of disseminating good practice in relation to, and improving the quality of educational provision for, children with special educational needs.
4. Expenditure on collaboration with other statutory and voluntary bodies to provide support for children with special educational needs.
5. Expenditure in connection with—
 - (a) the provision of parent partnership services or other guidance and information to the parents of pupils with special educational needs which, in relation to pupils at a school maintained by the authority, is in addition to the information usually provided by the governing bodies of such schools; or
 - (b) arrangements made by the authority with a view to avoiding or resolving disagreements with the parents of children with special education needs.
6. Expenditure incurred in relation to the preparation of any part of the authority's Children and Young People's Plan relating to the education of children with behavioural difficulties.

Iechyd ac amddiffyn plant

7. Gwariant ar gyflawni swyddogaethau'r awdurdod o ran amddiffyn plant o dan Ddeddf Plant 1989(1) ac o dan adran 175 o Ddeddf 2002 a swyddogaethau eraill sy'n ymwneud ag amddiffyn plant.

8. Gwariant a dynnir wrth ymrwymo i drefniant neu a dynnir wedyn yn unol â threfniant o dan adran 31 o Ddeddf Iechyd 1999(2) neu reoliadau a wneir o dan adran 33 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(3).

9. Gwariant wrth ddarparu cymorth meddygol arbennig ar gyfer disgyblion unigol i'r graddau na thelir gwariant o'r fath gan Ymddiriedolaeth Gwasanaeth Iechyd Gwladol, Bwrdd Iechyd Lleol neu Weinidogion Cymru.

Gwelliannau mewn ysgolion

10. Gwariant a dynnir gan yr awdurdod mewn perthynas â chamau i gefnogi gwella safonau yn ysgolion yr awdurdod, gan gynnwys, yn benodol—

- (a) gwariant a dynnir mewn cysylltiad ag arfer ei swyddogaethau o dan adran 197 o Ddeddf 2002 (cytundebau partneriaeth);
- (b) gwariant a dynnir mewn cysylltiad ag ymrwymo i gontract yn unol â chyfarwyddyd o dan adran 63 o Ddeddf 2002(4) (contractau i sicrhau gwasanaethau o natur gynghorol mewn perthynas ag ysgolion â gwendidau difrifol neu ysgolion y mae angen mesurau arbennig arnynt);
- (c) gwariant a dynnir mewn cysylltiad ag arfer ei swyddogaethau o dan adran 14 i 17 o Ddeddf 1998(5) (pwerau ymyrryd, penodi llywodraethwyr ychwanegol ac atal cyllidebau a ddirprwywyd mewn ysgolion sy'n peri pryder); a
- (ch) gwariant ar benodi a thalu aelodau gweithredol interim o dan adran 16A o Ddeddf 1998(6).

Mynediad i addysg

11. Gwariant o ran y materion canlynol—

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- (1) 1989 p.41.
 - (2) 1999 p.8.
 - (3) 2006 p.42.
 - (4) Diwygiwyd adran 63 gan adran 61 o Ddeddf Addysg 2005 a chan adran 71 o Ddeddf Addysg ac Arolygiadau 2006 ac Atodlen 7 iddi.
 - (5) 1998 p.31. Diwygiwyd adrannau 14 i 17 gan adrannau 55 i 57 o Ddeddf Addysg 2002 ac Atodlen 5 a pharagraffau 92 i 94 o Atodlen 21 iddi, a chan baragraffau 14 i 18 o Atodlen 9 i Ddeddf Addysg 2005.
 - (6) Mewnosodwyd adran 16A gan adran 57 o Ddeddf Addysg 2002.

Health and child protection

7. Expenditure on carrying out the authority's child protection functions under the Children Act 1989(1) and under section 175 of the 2002 Act and other functions relating to child protection.

8. Expenditure incurred in entering into, or subsequently incurred pursuant to, an arrangement under section 31 of the Health Act 1999(2) or regulations made under section 33 of the National Health Service (Wales) Act 2006(3).

9. Expenditure in providing special medical support for individual pupils in so far as such expenditure is not met by a National Health Service Trust, Local Health Board or the Welsh Ministers.

School improvement

10. Expenditure incurred by the authority in respect of action to support the improvement of standards in the authority's schools, including, in particular—

- (a) expenditure incurred in connection with the exercise of their functions under section 197 of the 2002 Act (partnership agreements);
- (b) expenditure incurred in connection with entering into a contract pursuant to a direction under section 63 of the 2002 Act(4) (contracts to obtain services of an advisory nature in respect of schools with serious weaknesses or schools requiring special measures);
- (c) expenditure incurred in connection with the exercise of their functions under section 14 to 17 of the 1998 Act(5) (powers of intervention, of appointment of additional governors and of suspension of delegated budgets in schools causing concern); and
- (d) expenditure on the appointment and remuneration of interim executive members under section 16A of the 1998 Act(6).

Access to education

11. Expenditure in relation to the following matters—

-
- (1) 1989 c.41.
 - (2) 1999 c.8.
 - (3) 2006 c.42.
 - (4) Section 63 was amended by section 61 of the Education Act 2005, and section 71 of, and Schedule 7 to, the Education and Inspections Act 2006.
 - (5) 1998 c.31. Sections 14 to 17 have been amended by sections 55 to 57 of, and Schedule 5 and paragraphs 92 to 94 of Schedule 21 to, the Education Act 2002, and by paragraphs 14 to 18 of Schedule 9 to the Education Act 2005.
 - (6) Section 16A was inserted by section 57 of the Education Act 2002.

- (a) rheoli rhaglen gyfalaf yr awdurdod gan gynnwys paratoi ac adolygu cynllun rheoli asedau a thrafod a rheoli trafodion cyllid preifat;
- (b) swyddogaethau'r awdurdod o ran gwahardd disgyblion o ysgolion neu unedau cyfeirio disgyblion, heb gynnwys unrhyw ddarpariaeth addysg i'r disgyblion hynny, ond gan gynnwys cyngor i rieni disgybl a waharddwyd;
- (c) gweinyddu'r system i dderbyn disgyblion i ysgolion (gan gynnwys apelau derbyn ac ymgynghori o dan adran 89(2) o Ddeddf 1998(1));
- (ch) gwariant a dynnir mewn cysylltiad â swyddogaethau'r awdurdod o dan adran 85A o Ddeddf 1998(2) (sy'n darparu ar gyfer sefydlu a chynnal a chadw fforymau derbyn);
- (d) swyddogaethau'r awdurdod o dan Fesur Teithio gan Ddysgwyr (Cymru) 2008(3);
- (dd) swyddogaethau'r awdurdod o dan adrannau 510 a 514 o Ddeddf 1996 (darparu a gweinyddu grantiau dilladu a grantiau byrddio), ac yn unol â rheoliadau a wneir o dan adran 518(1) o Ddeddf 1996(4).

12. Gwariant ar y Gwasanaeth Lles Addysg a gwariant arall sy'n deillio o swyddogaethau'r awdurdod o dan Bennod 2 o Ran 6 o Ddeddf 1996 (presenoldeb yn yr ysgol).

13. Gwariant ar ddarparu cefnogaeth i fyfyrwyr o dan adran 1(1) o Ddeddf Addysg 1962(5) ac o dan adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998(6).

14. Gwariant ar grantiau disgrisiynol o dan adran 1(6) neu 2 o Ddeddf Addysg 1962 (dyfarndaliadau ar gyfer cyrsiau dynodedig a chyrsiau eraill).

15. Gwariant ar dalu lwfansau i bobl dros oedran ysgol gorfodol yn unol â rheoliadau a wneir o dan adran 518(1)(b) o Ddeddf 1996.

- (a) management of the authority's capital programme including preparation and review of an asset management plan and negotiation and management of private finance transactions;
- (b) the authority's functions in relation to the exclusion of pupils from schools or pupil referral units, excluding the making of any provision of education to such pupils, but including advice to the parents of an excluded pupil;
- (c) administering the system for admissions of pupils to schools (including admissions appeals and carrying out consultations under section 89(2) of the 1998 Act(1));
- (d) expenditure incurred in connection with the authority's functions under section 85A of the 1998 Act(2) (which provides for the establishment and maintenance of admission forums);
- (e) the authority's functions under the Learner Travel (Wales) Measure 2008(3);
- (f) the authority's functions under sections 510 and 514 of the 1996 Act (provision and administration of clothing grants and boarding grants), and pursuant to regulations made under section 518(1) of the 1996 Act(4).

12. Expenditure on the Education Welfare Service and other expenditure arising from the authority's functions under Chapter 2 of Part 6 of the 1996 Act (school attendance).

13. Expenditure on the provision of support for students under section 1(1) of the Education Act 1962(5) and under section 22 of the Teaching and Higher Education Act 1998(6).

14. Expenditure on discretionary grants under section 1(6) or 2 of the Education Act 1962 (awards for designated and other courses).

15. Expenditure on the payment to persons over compulsory school age of allowances pursuant to regulations made under section 518(1)(b) of the 1996 Act.

(1) Amnewidiwyd adran 89(2) gan adran 51 o Ddeddf Addysg 2002 a pharagraff 5 o Atodlen 4 iddi ac fe'i diwygiwyd gan adran 45 o Ddeddf Addysg ac Arolygiadau 2006.

(2) Mewnosodwyd adran 85A gan adran 46 o Ddeddf Addysg 2002 ac fe'i diwygiwyd gan adran 41 o Ddeddf Addysg ac Arolygiadau 2006.

(3) 2008 mccc 2.

(4) Amnewidiwyd adran 518 gan adran 129 o Ddeddf Safonau a Fframwaith Ysgolion 1998.

(5) 1962 p.12.

(6) 1998 p.30.

(1) Section 89(2) was substituted by section 51 of, and paragraph 5 of Schedule 4 to, the Education Act 2002, and amended by section 45 of the Education and Inspections Act 2006.

(2) Section 85A was inserted by section 46 of the Education Act 2002, and amended by section 41 of the Education and Inspections Act 2006.

(3) 2008 nawm 2.

(4) Section 518 was substituted by section 129 of the School Standards and Framework Act 1998.

(5) 1962 c.12.

(6) 1998 c.30.

16. Gwariant ar dalu lwfansau i bobl dros oedran ysgol gorfodol mewn cysylltiad ag addysg neu hyfforddiant a wneir o dan adran 14 o Ddeddf 2002 neu'n unol â rheoliadau a wneir o dan adran 181(1) o Ddeddf 2002.

Addysg, hyfforddiant a gwasanaethau i bobl ifanc ac oedolion

17. Gwariant ar ddarparu addysg a hyfforddiant a gweithgaredd amser hamdden wedi'i drefnu a darpariaeth arall o dan adrannau 15A a 15B o Ddeddf 1996(1).

18. Gwariant ar y ddarpariaeth gan yr awdurdod lleol o dan adrannau 15A a 508 o Ddeddf 1996(2) o adloniant a hyfforddiant cymdeithasol a chorfforol, ac ar ddarpariaeth yr awdurdod o wasanaethau o dan adran 123 o Ddeddf 2000 i annog a galluogi pobl ifanc i gymryd rhan mewn addysg a hyfforddiant.

19. Gwariant o ran swyddogaethau'r awdurdod lleol mewn cysylltiad â'r cwricwlwm lleol o dan adrannau 116A i 116O o Ddeddf 2002(3) ac adrannau 33J i 33L o Ddeddf 2000(4).

Rheoli strategol

20. Gwariant yn rhinwedd ei swyddogaeth fel awdurdod addysg lleol o ran—

- (a) swyddogaethau'r Prif Swyddog Addysg a'i staff personol;
- (b) cynllunio ar gyfer y gwasanaeth addysg yn ei gyfanrwydd gan gynnwys—
 - (i) cynllunio a rheoli cyflenwad lleoedd mewn ysgolion, a swyddogaethau ynghylch sefydlu, newid neu gau ysgolion yn unol â Phennod 2 o Ran 2 o Ddeddf 1998 neu adran 113A o Ddeddf 2000 ac Atodlen 7A iddi;
 - (ii) paratoi unrhyw ran o Gynllun Plant a Phobl Ifanc yr awdurdod ynghylch trefniadaeth ysgolion a gwella ysgolion;
 - (iii) ymateb i ddatganiadau polisi a phapurau ymgynghori;

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- (1) Mewnosodwyd adran 15A gan adran 140 o Ddeddf Safonau a Fframwaith Ysgolion 1998 a pharagraff 63 o Atodlen 30 iddi, ac fe'i diwygiwyd gan adran 149 o Ddeddf Dysgu a Medrau 2000 a pharagraff 54 o Atodlen 9 iddi. Mewnosodwyd adran 15B gan adran 149 o Ddeddf Dysgu a Medrau 2000 a pharagraff 55 o Atodlen 9 iddi.
 - (2) Diwygiwyd adran 508 gan adran 137 o Ddeddf Dysgu a Medrau 2000, ac adran 6(2) o Ddeddf Addysg ac Arolygiadau 2006.
 - (3) Mewnosodwyd adrannau 116A i 116O o Ddeddf 2002 gan adrannau 4 i 18 o Fesur Dysgu a Sgiliau (Cymru) 2009 (mccc 1).
 - (4) Mewnosodwyd adrannau 33J i 33L o Ddeddf 2000 gan adrannau 31 i 33 o Fesur Dysgu a Sgiliau (Cymru) 2009.

16. Expenditure on the payment to persons over compulsory school age of allowances in connection with education or training made under section 14 of the 2002 Act or pursuant to regulations made under section 181(1) of the 2002 Act.

Education, training and services for young persons and adults

17. Expenditure on the provision of education and training and of organised leisure time occupation and other provision under sections 15A and 15B of the 1996 Act(1).

18. Expenditure on the provision by the local authority under sections 15A and 508 of the 1996 Act(2) of recreation and social and physical training, and on the authority's provision of services under section 123 of the 2000 Act to encourage and enable the participation by young people in education and training.

19. Expenditure in relation to the local authority's functions in connection with the local curriculum under sections 116A to 116O of the 2002 Act(3) and sections 33J to 33L of the 2000 Act(4).

Strategic management

20. Expenditure in their capacity as a local education authority in relation to—

- (a) functions of the Chief Education Officer and his or her personal staff;
- (b) planning for the education service as a whole including—
 - (i) planning and managing the supply of school places, and functions in relation to the establishment, alteration or discontinuance of schools pursuant to Chapter 2 of Part 2 of the 1998 Act or section 113A of, and Schedule 7A to, the 2000 Act;
 - (ii) the preparation of any part of the authority's Children and Young People's Plan relating to school organisation and school improvement; and
 - (iii) responding to policy statements and consultation papers;

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- (1) Section 15A was inserted by section 140 of, and paragraph 63 of Schedule 30 to, the School Standards and Framework Act 1998, and was amended by section 149 of, and paragraph 54 of Schedule 9 to, the Learning and Skills Act 2000. Section 15B was inserted by section 149 of, and paragraph 55 of Schedule 9 to, the Learning and Skills Act 2000.
 - (2) Section 508 was amended by section 137 of the Learning and Skills Act 2000, and section 6(2) of the Education and Inspections Act 2006.
 - (3) Sections 116A to 116O of the 2002 Act were inserted by sections 4 to 18 of the Learning and Skills (Wales) Measure 2009 (nawm 1).
 - (4) Sections 33J to 33L of the 2000 Act were inserted by sections 31 to 33 of the Learning and Skills (Wales) Measure 2009.

- (c) swyddogaethau'r awdurdod o dan Ran I o Ddeddf Llywodraeth Leol 1999⁽¹⁾ (Gwerth Gorau) neu Ran 1 o Fesur Llywodraeth Leol (Cymru) 2009⁽²⁾ (gwella llywodraeth leol) a darparu cyngor i gynorthwyo cyrff llywodraethu i gaffael nwyddau a gwasanaethau er mwyn gwella'n barhaus ar y dulliau yr arferir swyddogaethau'r cyrff llywodraethu hynny, gan roi sylw i gyfuniad o ddarbodaeth, effeithlonrwydd ac effeithiolrwydd;
- (ch) paratoi cyllideb refeniw; paratoi gwybodaeth am incwm a gwariant ynghylch addysg, i'w hymgorffori yn natganiad cyfrifon blynyddol yr awdurdod; archwiliad allanol i geisiadau am grantiau a'r ffurflenni a ddychwelir sy'n ymwneud ag addysg a swyddogaethau'r awdurdod o dan adran 44 o Ddeddf 2002;
- (d) gweinyddu grantiau i'r awdurdod (gan gynnwys paratoi ceisiadau), swyddogaethau a osodir gan neu o dan Bennod 4 o Ran 2 o Ddeddf 1998 ac, os yw'n ddyletswydd ar yr awdurdod i wneud hynny, sicrhau'r taliadau o ran y dreth, yswiriau gwladol a chyfraniadau blwydd-daliadau;
- (dd) awdurdodi a monitro—
- (i) gwariant na thelir mohono o gyfrannau ysgolion o'r gyllideb; a
- (ii) gwariant o ran ysgolion sydd heb gyllidebau dirprwyedig,
- a phob gweinyddu ariannol cysylltiedig;
- (e) monitro gan yr awdurdod o gydymffurfedd â gofynion ei gynllun ariannol a gynhelir o dan adran 48 o Ddeddf 1998⁽³⁾;
- (f) swyddogaethau'r awdurdod o dan adran 27 o Ddeddf 2002 (darparu cyfleusterau cymunedol gan gyrff llywodraethu);
- (ff) tasgau sy'n angenrheidiol i gyflawni cyfrifoldebau prif swyddog cyllid yr awdurdod o dan adran 151 o Ddeddf Llywodraeth Leol 1972⁽⁴⁾;
- (g) recriwtio, hyfforddi, datblygu proffesiynol parhaus, rheoli perfformiad a rheoli personél yn achos staff a gyllidir o wariant na thelir amdano o gyfrannau ysgolion o'r gyllideb ac a delir am wasanaethau a gyflawnir mewn perthynas â swyddogaethau a gwasanaethau'r awdurdod y cyfeirir atynt yn yr Atodlen hon;

- (c) functions of the authority under Part 1 of the Local Government Act 1999⁽¹⁾ (Best Value) or Part 1 of the Local Government (Wales) Measure 2009⁽²⁾ (local government improvement) and the provision of advice to assist governing bodies in procuring goods and services with a view to securing continuous improvement in the way the functions of those governing bodies are exercised, having regard to a combination of economy, efficiency and effectiveness;
- (d) revenue budget preparation; the preparation of information on income and expenditure relating to education, for incorporation into the authority's annual statement of accounts; the external audit of grant claims and returns relating to education and functions of the authority under section 44 of the 2002 Act;
- (e) administration of grants to the authority (including preparation of applications), functions imposed by or under Chapter 4 of Part 2 of the 1998 Act and, where it is the authority's duty to do so, ensuring payments are made in respect of taxation, national insurance and superannuation contributions;
- (f) authorisation and monitoring of—
- (i) expenditure which is not met from schools' budget shares; and
- (ii) expenditure in respect of schools which do not have delegated budgets,
- and all related financial administration;
- (g) the authority's monitoring of compliance with the requirements of their financial scheme maintained under section 48 of the 1998 Act⁽³⁾;
- (h) the authority's functions under section 27 of the 2002 Act (provision of community facilities by governing bodies);
- (i) tasks necessary for the discharge of the authority's chief finance officer's responsibilities under section 151 of the Local Government Act 1972⁽⁴⁾;
- (j) recruitment, training, continuing professional development, performance management and personnel management of staff who are funded by expenditure not met from schools' budget shares and who are paid for services carried out in relation to those of the authority's functions and services which are referred to in this Schedule;

(1) 1999 p.27.

(2) 2009 mccc 2.

(3) Diwygiwyd adran 48 gan adran 40 o Ddeddf 2002 a pharagraff 2 o Atodlen 3 iddi, gan adran 117 o Ddeddf 2005 a pharagraff 7 o Atodlen 18 iddi a chan adrannau 57 a 184 o Ddeddf Addysg ac Arolygiadau 2006 a pharagraff 3 o Atodlen 5 a Rhan 6 o Atodlen 18 iddi.

(4) 1972 p.70.

(1) 1999 c.27.

(2) 2009 nawm 2.

(3) Section 48 was amended by section 40 of, and paragraph 2 of Schedule 3 to, the 2002 Act, by section 117 of, and paragraph 7 of Schedule 18 to, the 2005 Act, and by sections 57 and 184 of, and paragraph 3 of Schedule 5 and Part 6 of Schedule 18 to, the Education and Inspections Act 2006.

(4) 1972 c.70.

- (ng) ymchwiliadau a wneir gan yr awdurdod ar gyflogeion neu gyflogeion posibl yr awdurdod neu gyrff llywodraethu ysgolion, neu bersonau a gymerir ymlaen fel arall neu sydd i'w cymryd ymlaen (gyda thâl neu'n ddi-dâl) i weithio yn yr ysgolion neu drostynt;
- (h) swyddogaethau'r awdurdod mewn perthynas â blwydd-daliadau, gan gynnwys gweinyddu pensiynau athrawon, ar wahân i swyddogaethau a gafodd eu dirprwyo i gyrff llywodraethu ysgolion;
- (i) aelodaeth ôl-weithredol o gynlluniau pensiwn ac etholiadau ôl-weithredol a wneir mewn perthynas â phensiynau pan na fyddai'n briodol disgwyl i gorff llywodraethu ysgol dalu'r gost o gyfran yr ysgol o'r gyllideb;
- (j) cyngor, yn unol â swyddogaethau statudol yr awdurdod, i gyrff llywodraethu mewn perthynas â staff a delir, neu sydd i'w talu, i weithio mewn ysgol, a chyngor mewn perthynas â rheoli'r holl staff ar y cyd mewn unrhyw ysgol unigol ("gweithlu'r ysgol"), gan gynnwys yn benodol y cyngor o ran newidiadau mewn cyflog, amodau gwasanaeth a chyd-gyfansoddiad a chyd-drefniadaeth gweithlu ysgol o'r fath;
- (l) penderfynu amodau gwasanaeth ar gyfer y staff nad ydynt yn addysgu a chynghori'r ysgolion ar raddau'r cyfryw staff;
- (ll) swyddogaethau'r awdurdod ynghylch penodi neu ddiswyddo cyflogeion;
- (m) ymgynghori, a swyddogaethau yn barod ar gyfer ymgynghori gan neu â chyrff llywodraethu, disgyblion a phobl a gyflogir mewn ysgolion neu eu cynrychiolwyr, neu gyrff eraill sydd â buddiant;
- (n) cydymffurfio â dyletswyddau'r awdurdod o dan Ddeddf Iechyd a Diogelwch yn y Gwaith etc 1974(1) a'r darpariaethau statudol perthnasol fel y'u diffinnir yn adran 53(1) o'r Ddeddf honno i'r graddau na ellir cael cydymffurfedd yn rhesymol drwy'r tasgau a ddirprwyir i gyrff llywodraethu ysgolion; ond gan gynnwys gwariant a dynnir gan yr awdurdod wrth fonitro perfformiad y tasgau hynny gan gyrff llywodraethu ac os oes angen rhoi cyngor iddynt;
- (o) ymchwilio i gwynion a'u datrys gan gynnwys camau a gymerir i gynorthwyo corff llywodraethu wrth drafod cwyn;
- (p) gwasanaethau cyfreithiol ynghylch swyddogaethau statudol yr awdurdod;
- (ph) paratoi ac adolygu cynlluniau sy'n ymwneud â chydweithio â gwasanaethau eraill awdurdod lleol neu gydweithio â chyrff cyhoeddus neu wirfoddol;
- (k) investigations which the authority carry out of employees or potential employees of the authority or of governing bodies of schools, or of persons otherwise engaged or to be engaged (with or without remuneration) to work at or for schools;
- (l) functions of the authority in relation to superannuation, including the administration of teachers' pensions, other than functions which have been delegated to the governing bodies of schools;
- (m) retrospective membership of pension schemes and retrospective elections made in respect of pensions where it would not be appropriate to expect the governing body of a school to meet the cost from the school's budget share;
- (n) advice, in accordance with the authority's statutory functions, to governing bodies in relation to staff paid, or to be paid, to work at a school, and advice in relation to the management of all such staff collectively at any individual school ("the school workforce"), including in particular advice with reference to alterations in remuneration, conditions of service and the collective composition and organisation of such school workforce;
- (o) determination of conditions of service for non-teaching staff and advice to schools on the grading of such staff;
- (p) the authority's functions relating to the appointment or dismissal of employees;
- (q) consultation and functions preparatory to consultation with or by governing bodies, pupils and persons employed at schools or their representatives, or with other interested bodies;
- (r) compliance with the authority's duties under the Health and Safety at Work etc Act 1974(1) and the relevant statutory provisions as defined in section 53(1) of that Act in so far as compliance cannot reasonably be achieved through tasks delegated to the governing bodies of schools; but including expenditure incurred by the authority in monitoring the performance of such tasks by governing bodies and where necessary the giving of advice to them;
- (s) the investigation and resolution of complaints including action taken to assist a governing body in handling a complaint;
- (t) legal services relating to the statutory functions of the authority;
- (u) the preparation and review of plans involving collaboration with other local authority services or with public or voluntary bodies;

- (r) paratoi a chyhoeddi unrhyw ran o Gynllun Plant a Phobl Ifanc yr awdurdod ynghylch datblygu blynyddoedd cynnar a gofal plant a darparu partneriaeth datblygu blynyddoedd cynnar a gofal plant (ond nid y gwariant a awdurdodir ganddi) o dan adran 119 o Ddeddf 1998;
- (rh) darparu gwybodaeth ar gyfer neu ar gais Gweinidogion Cymru, adran o'r llywodraeth neu unrhyw gorff sy'n arfer swyddogaethau ar ran y Goron a darparu gwybodaeth arall y mae'r awdurdod o dan ddyletswydd i drefnu ei bod ar gael;
- (s) dyletswyddau'r awdurdod o dan Erthygl 4(2) a (5) o Orchymyn Deddf Cysylltiadau Hiliol 1976 (Dyletswyddau Statudol) 2001(1);
- (t) talu'r ffioedd sy'n daladwy i Gyngor Addysgu Cyffredinol Cymru yn rhinwedd adrannau 4(4) a 9(1) o Ddeddf Addysgu ac Addysg Uwch 1998 a darparu'r wybodaeth sy'n ofynnol gan y Cyngor yn unol â rheoliadau a wneir o dan adran 12 o'r Ddeddf honno(2);
- (th)gwariant a dynnir mewn cysylltiad â swyddogaethau'r awdurdod yn unol â rheoliadau a wneir o dan adran 12 o Ddeddf 2002 (awdurdodau'n goruchwyllo cwmnïau a ffurfiwyd gan gyrff llywodraethu); a
- (u)gwariant a dynnir mewn cysylltiad â swyddogaethau'r awdurdod o dan Ddeddf Gwahaniaethu ar sail Anabledd 1995(3) i'r graddau na ellir cael cydymffurfedd yn rhesymol drwy'r tasgau a ddirprwyir i gyrff llywodraethu ysgolion; ond gan gynnwys gwariant a dynnir gan yr awdurdod wrth fonitro perfformiad y tasgau hynny gan gyrff llywodraethu ac os oes angen rhoi cyngor iddynt.

21. Gwariant mewn cysylltiad â monitro perfformiad ysgolion, monitro rheolaeth cyllidebau dirprwyedig ac mewn cysylltiad â monitro rheolaeth ysgolion a llywodraethu ysgolion.

22. Gwariant ar sefydlu a chynnal systemau cyfrifiadurol electronig, gan gynnwys storio data, i'r graddau y maent yn cysylltu, neu'n hwyluso cysylltiad yr awdurdod â'r ysgolion a gynhelir ganddo, rhwng ysgolion o'r fath â'i gilydd neu rhwng ysgolion o'r fath â phobl neu sefydliadau eraill.

23. Gwariant ar fonitro trefniadau asesu'r Cwricwlwm Cenedlaethol sy'n ofynnol gan orchymynion a wneir o dan adran 108 o Ddeddf 2002.

- (v) the preparation and publication of any part of the authority's Children and Young People's Plan relating to early years development and childcare and the provision of (but not the expenditure authorised by) an early years development and childcare partnership under section 119 of the 1998 Act;
- (w) provision of information to or at the request of the Welsh Ministers, a government department or any body exercising functions on behalf of the Crown and the provision of other information which the authority are under a duty to make available;
- (x) the authority's duties under Article 4(2) and (5) of the Race Relations Act 1976 (Statutory Duties) Order 2001(1);
- (y) the remittance of fees payable to the General Teaching Council for Wales by virtue of sections 4(4) and 9(1) of the Teaching and Higher Education Act 1998 and the provision of information required by the Council pursuant to regulations made under section 12 of that Act(2);
- (z) expenditure incurred in connection with the authority's functions pursuant to regulations made under section 12 of the 2002 Act (supervising by authorities of companies formed by governing bodies); and
 - (aa)expenditure incurred in connection with the authority's functions under the Disability Discrimination Act 1995(3) in so far as compliance cannot reasonably be achieved through tasks delegated to the governing bodies of schools; but including expenditure incurred by the authority in monitoring the performance of such tasks by governing bodies and where necessary the giving of advice to them.

21. Expenditure in connection with monitoring the performance of schools, monitoring the management of delegated budgets and with monitoring the management and governance of schools.

22. Expenditure on establishing and maintaining electronic computer systems, including data storage, in so far as they link, or facilitate the linkage of, the authority to schools which they maintain, such schools to each other or such schools to other persons or institutions.

23. Expenditure on monitoring National Curriculum assessment arrangements required by orders made under section 108 of the 2002 Act.

(1) O.S. 2001/3458.

(2) 1998 p.30. Diwygiwyd adran 12 gan adrannau 148 a 215 o Ddeddf Addysg 2002 a pharagraff 8 o Atodlen 12 a pharagraff 81 o Atodlen 21 i'r Ddeddf honno.

(3) 1995 p.50.

(1) S.I. 2001/3458.

(2) 1998 c.30. Section 12 was amended by sections 148 and 215 of the Education Act 2002 and paragraph 8 of Schedule 12 and paragraph 81 of Schedule 21 to that Act.

(3) 1995 c.50.

24. Gwariant mewn cysylltiad â swyddogaethau'r awdurdod mewn perthynas â Chyngor Ymgynghorol Sefydlog Addysg Grefyddol a ffurfiwyd gan yr awdurdod o dan adran 390 o Ddeddf 1996 neu wrth ailystyried a pharatoi maes llafur cytûn ar gyfer addysg grefyddol yn unol ag Atodlen 31 i Ddeddf 1996.

25. Gwariant mewn perthynas â diswyddo neu ymddeoliad cynamserol unrhyw berson neu at ddibenion trefnu ymddiswyddiad, neu mewn perthynas â gweithredoedd sy'n gwahaniaethu yn erbyn unrhyw berson.

26. Gwariant mewn perthynas â thaliadau athrawon o dan adran 19(9) o Ddeddf Addysgu ac Addysg Uwch 1998.

27. Gwariant ar wneud taliadau pensiwn, heblaw mewn perthynas â staff a gyflogir mewn ysgolion.

28. Gwariant yn unol â chytundeb rhwymol, os awdurdod lleol yw'r parti arall, neu os yw'r parti on eraill yn cynnwys un neu fwy o awdurdodau lleol, o ran gweithrediad cyfleusterau a ddarperir yn rhannol ond nid yn unswydd at ddefnydd ysgolion.

29. Gwariant mewn perthynas â swyddogaethau corff priodol o dan reoliadau yn unol ag adran 19(2)(g) o Ddeddf Addysgu ac Addysg Uwch 1998(1).

30. Gwariant ar benodi llywodraethwyr, gwneud offerynnau llywodraeth, talu treuliau y mae gan lywodraethwyr hawl i'w cael nad ydynt yn daladwy o gyfran ysgol o'r gyllideb a darparu gwybodaeth i lywodraethwyr.

31. Unrhyw wariant ar yswiriant heblaw am atebolrwydd sy'n codi mewn cysylltiad ag ysgolion neu fangroedd ysgol.

32. Gwariant a dynnir mewn cysylltiad â swyddogaethau'r awdurdod o dan adran 47A o Ddeddf 1998 (sefydlu a chynnal a chadw fforymau ysgolion ac ymgynghori â hwy).

24. Expenditure in connection with the authority's functions in relation to the Standing Advisory Council on Religious Education constituted by the authority under section 390 of the 1996 Act or in the reconsideration and preparation of an agreed syllabus of religious education in accordance with Schedule 31 to the 1996 Act.

25. Expenditure in respect of the dismissal or premature retirement of, or for the purpose of securing the resignation of, or in respect of acts of discrimination against, any person.

26. Expenditure in respect of a teacher's emoluments under section 19(9) of the Teaching and Higher Education Act 1998.

27. Expenditure on making pension payments, other than in respect of staff employed in schools.

28. Expenditure in pursuance of a binding agreement, where the other party is a local authority, or other parties include one or more local authorities, in relation to the operation of a facility provided partly but not solely for the use of schools.

29. Expenditure in respect of the functions of an appropriate body under regulations pursuant to section 19(2)(g) of the Teaching and Higher Education Act 1998(1).

30. Expenditure on the appointment of governors, the making of instruments of government, the payment of expenses to which governors are entitled and which are not payable from a school's budget share and the provision of information to governors.

31. Any expenditure on insurance other than for liability arising in connection with schools or school premises.

32. Expenditure incurred in connection with the authority's functions under section 47A of the 1998 Act (the establishment and maintenance of, and consultation with, schools forums).

(1) *Gweler* Rheoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Cymru) 2005, O.S. 2005/1818.

(1) *See* the Education (Induction Arrangements for School Teachers (Wales) Regulations 2005, S.I. 2005/1818.

**Dosbarthiadau neu Ddisgrifiadau o
Wariant Cynlluniedig y ceir ei Ddidynnu
o Gyllideb Ysgolion Awdurdod
Lleol**

Rheoliad 7

Mae gwariant o ddosbarth neu ddisgrifiad y cyfeirir ato yn yr Atodlen hon yn cynnwys gwariant ar gostau gweinyddol cysylltiedig a gorbenion

Gwariant ar gyfer cynnal grantiau

1.–(1) Gwariant (heblaw gwariant a dynnir mewn cysylltiad ag unrhyw baragraff arall o'r Atodlen hon neu unrhyw baragraff o Atodlen 1) y mae'n rhaid i'r awdurdod ei dynnu fel un o amodau grant penodol a delir i'r awdurdod ac a gymerir i ystyriaeth wrth benderfynu swm grant penodol o'r fath.

(2) Unrhyw swm y mae'n rhaid i'r awdurdod drefnu ei fod ar gael fel amod o'r grant a delir o dan adran 14 o Ddeddf 2002 neu o dan adran 484 o Ddeddf 1998 ac a gymerir i ystyriaeth wrth benderfynu swm grant o'r fath, y dirprwyir penderfyniadau ynghylch ei wariant i gorff llywodraethu ysgol a gynhelir.

Anghenion dysgu ychwanegol

2. Yn ddarostyngedig i baragraffau 3 a 4, gwariant a dynnir wrth wneud y ddarpariaeth a bennir yn natganiad disgybl o anghenion addysgol arbennig ac eithrio os yw'r disgybl—

- (a) yn ddisgybl cofrestredig mewn ysgol arbennig a gynhelir gan yr awdurdod; neu
- (b) yn ddisgybl cofrestredig mewn ysgol feithrin, ysgol gynradd neu ysgol uwchradd a gynhelir gan yr awdurdod sy'n cymryd un o nifer o leoedd yn yr ysgol honno ac y mae'r awdurdod yn cydnabod bod y lleoedd hynny'n lleoedd a gedwir i blant ag anghenion addysgol arbennig.

3. Os daw disgybl o fewn paragraff 2(a) neu (b) a bod cost y ddarpariaeth a bennir yn natganiad y disgybl o anghenion addysgol arbennig yn sylweddol yn fwy na'r gost gyfartalog am ddarparu ar gyfer y disgyblion eraill yn yr ysgol arbennig neu'r disgyblion eraill sydd yn y lleoedd hynny sydd wedi'u cadw yn yr ysgol o dan sylw, o ba faint y mae'r gost honno'n fwy.

4. Gwariant wrth wneud y ddarpariaeth a bennir yn natganiad disgybl o anghenion addysgol arbennig os daw'r disgybl o fewn paragraff 2(b) ond bod y lleoedd a gydnabyddir gan yr awdurdod fel lleoedd a gedwir i blant ag anghenion addysgol arbennig ar gyfer y cyfryw ddisgyblion â nam ar eu golwg, eu clyw, eu

**Classes or Descriptions of Planned
Expenditure which may be Deducted
from the Schools Budget of a Local
Authority**

Regulation 7

Expenditure of a class or description referred to in this Schedule includes expenditure on associated administrative costs and overheads

Expenditure to support grants

1.–(1) Expenditure (other than expenditure incurred in connection with any other paragraph of this Schedule or any paragraph of Schedule 1) which the authority is obliged to incur as a condition of a specific grant paid to the authority and which is taken into account in determining the amount of such specific grant.

(2) Any amount which the authority is obliged to make available as a condition of grant paid under section 14 of the 2002 Act or under section 484 of the 1998 Act and which is taken into account in determining the amount of such grant, decisions regarding the expenditure of which are delegated to the governing body of a maintained school.

Additional learning needs

2. Subject to paragraphs 3 and 4, expenditure in making the provision specified in a pupil's statement of special educational needs except where the pupil is—

- (a) a registered pupil at a special school maintained by the authority; or
- (b) a registered pupil at a nursery, primary or secondary school maintained by the authority who occupies one of a number of places at that school which are recognised by the authority as being reserved for children with special educational needs.

3. Where a pupil falls within paragraph 2(a) or (b) and the cost of the provision specified in the pupil's statement of special educational needs is significantly greater than the average cost of the provision for the other pupils at the special school or the other pupils occupying the reserved places at the school in question, the amount by which that cost is greater.

4. Expenditure in making the provision specified in a pupil's statement of special educational needs where the pupil falls within paragraph 2(b) but the places which are recognised by the authority as being reserved for children with special educational needs are for such pupils with visual, hearing, speech or

lleferydd neu eu hiaith neu nam cyfathrebu arall.

5. Gwariant mewn perthynas â chefnogaeth arbenigol a roddir i gynorthwyo cyrff llywodraethu ysgolion i fodloni anghenion penodol disgyblion â datganiadau anghenion addysgol arbennig neu sydd o fewn ystod Gweithredu Gan yr Ysgol a Mwy fel y'i disgrifir yn y Cod Ymarfer a ddyroddwyd o dan adran 313 o Ddeddf 1996(1) (sef gwariant na fyddai'n briodol disgwyl iddo gael ei dalu o gyfran yr ysgol o'r gyllideb).

6. Gwariant (sef gwariant na fyddai'n briodol disgwyl iddo gael ei dalu o gyfran yr ysgol o'r gyllideb) at ddibenion sy'n gysylltiedig ag annog—

- (a) cydweithredu rhwng ysgolion arbennig ac ysgolion meithrin, ysgolion cynradd ac uwchradd a gynhelir i alluogi plant ag anghenion addysgol arbennig i gymryd rhan mewn gweithgareddau mewn ysgolion meithrin, ysgolion cynradd ac uwchradd a gynhelir;
- (b) addysg plant ag anghenion addysgol arbennig mewn ysgolion meithrin, ysgolion cynradd ac uwchradd a gynhelir; ac
- (c) cael plant ag anghenion addysgol arbennig mewn ysgolion meithrin, ysgolion cynradd ac uwchradd a gynhelir i gymryd rhan mewn gweithgareddau yn yr ysgol gyda phlant nad oes ganddynt anghenion addysgol arbennig.

7. Gwariant mewn perthynas ag addysg heblaw yn yr ysgol o dan adran 19 o Ddeddf 1996 neu mewn perthynas ag uned cyfeirio disgyblion fel y'i diffinnir yn yr adran honno.

8. Gwariant a dynnir (heblaw gwariant a dynnir o dan Atodlen 1 neu unrhyw baragraff arall o'r Atodlen hon) ar wasanaethau sy'n ymwneud ag addysg plant ag anawsterau ymddygiad ac ar weithgareddau eraill at ddibenion osgoi gwahardd disgyblion o ysgolion.

9. Gwariant ar dalu ffioedd mewn perthynas â disgyblion ag anghenion addysgol arbennig—

- (a) mewn ysgolion annibynnol neu mewn ysgolion arbennig na chynhelir mohonynt gan yr awdurdod lleol, o dan adran 348 o Ddeddf 1996; neu
- (b) mewn sefydliad y tu allan i Gymru a Lloegr, o dan adran 320 o Ddeddf 1996.

10. Gwariant ar daliadau i awdurdod lleol arall yn unol ag adran 493 neu 494 o Ddeddf 1996 neu adran 207 o Ddeddf 2002 (adennill rhwng awdurdodau lleol).

language impairments or other communication disorder.

5. Expenditure in respect of specialist support provided to assist the governing bodies of schools in meeting the particular needs of pupils with statements of special educational needs or who are within the scope of School Action Plus as described in the Code of Practice issued under section 313 of the 1996 Act(1) (being expenditure that it would be inappropriate to expect to be met from the school's budget share).

6. Expenditure (being expenditure that it would be inappropriate to expect to be met from the school's budget share) for purposes connected with the encouragement of—

- (a) collaboration between special schools and maintained nursery, primary and secondary schools to enable children with special educational needs to engage in activities at maintained nursery, primary and secondary schools;
- (b) the education of children with special educational needs at maintained nursery, primary and secondary schools; and
- (c) the engagement of children with special educational needs at maintained nursery, primary and secondary schools in activities at the school with children who do not have special educational needs.

7. Expenditure in relation to education otherwise than at school under section 19 of the 1996 Act or in relation to a pupil referral unit as defined in that section.

8. Expenditure (other than expenditure incurred under Schedule 1 or any other paragraph of this Schedule) incurred on services relating to the education of children with behavioural difficulties and on other activities for the purpose of avoiding the exclusion of pupils from schools.

9. Expenditure on the payment of fees in respect of pupils with special educational needs—

- (a) at independent schools or at special schools which are not maintained by a local authority, under section 348 of the 1996 Act; or
- (b) at an institution outside England and Wales, under section 320 of the 1996 Act.

10. Expenditure on payments to another local authority pursuant to section 493 or 494 of the 1996 Act or section 207 of the 2002 Act (recoupment between local authorities).

(1) Diwygiwyd adran 313 gan adran 140 o Ddeddf Safonau a Fframwaith Ysgolion 1998 a pharagraff 72 o Atodlen 30 iddi, a chan adrannau 195 a 215 o Ddeddf Addysg 2002 a pharagraffau 1 a 2 o Atodlen 18 a pharagraff 36 o Atodlen 21 iddi.

(1) Section 313 was amended by section 140 of, and paragraph 72 of Schedule 30 to, the School Standards and Framework Act 1998, and by sections 195 and 215 of, and paragraphs 1 and 2 of Schedule 18 and paragraph 36 of Schedule 21 to the Education Act 2002.

Staff

11. Gwariant wrth dalu, neu wrth ddarparu i lenwi bwloch dros dro ar gyfer, menyw sydd ar seibiant mamolaeth neu berson ar seibiant mabwysiadu.

12. Gwariant wrth dalu, neu wrth ddarparu i lenwi bwloch dros dro ar gyfer, personau—

- (a) sy'n cyflawni dyletswyddau undeb llafur neu'n ymgymryd â hyfforddiant o dan adrannau 168 a 168A o Ddeddf (Cydgrynhoi) Undebau Llafur a Chysylltiadau Cyflogaeth 1992(1);
- (b) sy'n cymryd rhan mewn gweithgareddau undeb llafur o dan adran 170 o Ddeddf (Cydgrynhoi) Undebau Llafur a Chysylltiadau Cyflogaeth 1992;
- (c) sy'n cyflawni dyletswyddau cyhoeddus o dan adran 50 o Ddeddf Hawliau Cyflogi 1996(2);
- (ch) sy'n gwasanaethu ar reithgor;
- (d) sy'n gynrychiolwyr diogelwch o dan Reoliadau Cynrychiolwyr Diogelwch a Phwyllgorau Diogelwch 1977(3);
- (dd) sy'n gynrychiolwyr diogelwch cyflogeion o dan Reoliadau Iechyd a Diogelwch (Ymgynghori â Chyflogeion) 1996(4);
- (e) sy'n gynrychiolwyr cyflogeion at ddibenion Pennod 2 o Ran 4 o Ddeddf (Cydgrynhoi) Undebau Llafur a Chysylltiadau Cyflogaeth 1992 fel y'i diffinnir yn adran 196 o'r Ddeddf honno neu Reoliadau Trosglwyddo Ymgymeriadau (Diogelu Cyflogaeth) 2006(5);
- (f) sy'n cymryd amser i ffwrdd ar gyfer gofal cynenedigol o dan adran 55 o Ddeddf Hawliau Cyflogi 1996;
- (ff) sy'n cyflawni dyletswyddau fel aelodau o'r lluoedd wrth gefn fel y'u diffinnir yn adran 1(2) o Ddeddf Lluoedd Wrth Gefn 1996(6);
- (g) a ataliwyd rhag gweithio mewn ysgol;
- (ng) sy'n aelodau o Gyngor Addysgu Cyffredinol Cymru neu bwyllgor iddo; neu
- (h) a benodwyd yn gynrychiolwyr dysgu i'r undebau llafur, er mwyn iddynt ddadansoddi'r gofynion hyfforddi neu ddarparu neu hybu cyfleoedd hyfforddi, a chyflawni gwaith ymgynghori neu baratoi mewn cysylltiad â swyddogaethau o'r fath.

13. Gwariant wrth dalu, neu wrth ddarparu i lenwi bwloch dros dro ar gyfer, person sydd ar secondiad ar sail llawnamser am gyfnod o dri mis neu fwy heblaw i

Staff

11. Expenditure in making payments to, or in providing a temporary replacement for, a woman on maternity leave or to a person on adoption leave.

12. Expenditure in making payments to, or in providing a temporary replacement for, persons—

- (a) carrying out trade union duties or undergoing training under sections 168 and 168A of the Trade Union and Labour Relations (Consolidation) Act 1992(1);
- (b) taking part in trade union activities under section 170 of the Trade Union and Labour Relations (Consolidation) Act 1992;
- (c) performing public duties under section 50 of the Employment Rights Act 1996(2);
- (d) undertaking jury service;
- (e) who are safety representatives under the Safety Representatives and Safety Committee Regulations 1977(3);
- (f) who are representatives of employee safety under the Health and Safety (Consultation with Employees) Regulations 1996(4);
- (g) who are employee representatives for the purposes of Chapter 2 of Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992 as defined in section 196 of that Act or the Transfer of Undertakings (Protection of Employment) Regulations 2006(5);
- (h) taking time off for ante-natal care under section 55 of the Employment Rights Act 1996;
- (i) undertaking duties as members of the reserve forces as defined in section 1(2) of the Reserve Forces Act 1996(6);
- (j) suspended from working at a school;
- (k) who are members of the General Teaching Council for Wales or a committee thereof; or
- (l) who are appointed learning representatives of trade unions, in order for them to analyse training requirements or to provide or promote training opportunities, and to carry out consultative or preparatory work in connection with such functions.

13. Expenditure in making payments to, or in providing a temporary replacement for, a person who is seconded on a full-time basis for a period of three

(1) 1992 p.52.

(2) 1996 p.18.

(3) O.S. 1977/500.

(4) O.S. 1996/1513.

(5) O.S. 2006/246.

(6) 1996 p.14.

(1) 1992 c.52.

(2) 1996 c.18.

(3) S.I. 1977/500.

(4) S.I. 1996/1513.

(5) S.I. 2006/246.

(6) 1996 c.14.

awdurdod lleol neu i gorff llywodraethu ysgol.

14. Gwariant wrth dalu, neu wrth ddarparu i lenwi bwlch dros dro ar gyfer, personau sydd wedi bod yn absennol o'r gwaith yn ddi-dor oherwydd salwch am 21 o ddiwrnodau neu fwy.

15. Gwariant, nad yw'n dod o fewn Atodlen 1, mewn perthynas â recriwtio, hyfforddi, datblygu proffesiynol parhaus, rheoli perfformiad a rheoli personél yn achos staff sy'n cael eu cyllido o wariant na thelir mohono o gyfrannau ysgolion o'r gyllideb.

Gwariant arall

16. Gwariant ar ddarparu hyfforddiant mewn offerynnau cerdd neu hyfforddiant corawl (naill ai i unigolion neu i grwpiau).

17. Gwariant ar gefnogi theatrau teithiol i'r graddau nad oes grantiau penodol ar gyfer gwariant o'r fath.

18. Gwariant mewn cysylltiad â darparu addysgu'r Gymraeg gan athrawon a gyflogir i weithio heblaw mewn ysgol unigol i'r graddau nad oes grantiau penodol ar gyfer gwariant o'r fath.

19. Gwariant ar ddarparu mangreoedd a chyfleusterau i ysgolion ar gyfer gweithgareddau chwaraeon a gweithgareddau y tu allan (gan gynnwys mangreoedd a ddarperir ar safle ysgol er budd y gymuned gyfan).

20. Gwariant yn unol ag adran 512, 512ZA, 512ZB neu 513 o Ddeddf 1996 sydd o ran ysgolion uwchradd yn ymwneud â darparu llaeth ac, o ran unrhyw ysgol arall, yn ymwneud â darparu llaeth neu brydau bwyd a lluniaeth arall.

21. Gwariant ar drwsio a chynnal a chadw cegin ysgol os didynnir y gwariant ar brydau bwyd mewn perthynas â'r ysgol o dan sylw o gyllideb ysgolion yr awdurdod yn unol â pharagraff 20.

22. Gwariant ar benderfynu cymhwyster disgybl i gael prydau bwyd ysgol yn ddi-dâl.

23. Gwariant yn unol ag adran 18 o Ddeddf 1996 wrth wneud unrhyw grant neu daliad arall mewn perthynas â ffioedd neu dreuliau (o ba natur bynnag) sy'n daladwy mewn cysylltiad â phresenoldeb disgyblion mewn ysgol nas cynhelir gan unrhyw awdurdod lleol.

24. Gwariant mewn cysylltiad â darparu addysg feithrin ac eithrio os gwneir y ddarpariaeth honno mewn ysgol a gynhelir.

25. Gwariant ar yswiriant mewn perthynas ag atebolrwydd sy'n codi mewn cysylltiad ag ysgolion a mangreoedd ysgol ac eithrio i'r graddau y mae cyrff llywodraethu yn derbyn cyllid ar gyfer yswiriant fel

months or more other than to a local authority or the governing body of a school.

14. Expenditure in making payments to, or in providing a temporary replacement for, persons who have been continuously absent from work because of illness for 21 days or more.

15. Expenditure, not falling within Schedule 1, in relation to the recruitment, training, continuing professional development, performance management and personnel management of staff who are funded by expenditure not met from schools' budget shares.

Other expenditure

16. Expenditure on the provision of tuition in musical instruments or choral instruction (either to individuals or groups).

17. Expenditure on supporting travelling theatres so far as such expenditure is not covered by specific grants.

18. Expenditure in connection with the provision of Welsh language teaching by teachers who are employed to work otherwise than at a single school so far as such expenditure is not covered by specific grants.

19. Expenditure on the provision to schools of premises and facilities for sporting activities and outdoor activities (including premises provided on the site of a school for the benefit of the community at large).

20. Expenditure pursuant to section 512, 512ZA, 512ZB or 513 of the 1996 Act which in relation to secondary schools relates to the provision of milk and in relation to any other school relates to the provision of milk or meals and other refreshment.

21. Expenditure on the repair and maintenance of a school kitchen where expenditure on meals in relation to the school concerned is deducted from the authority's schools budget pursuant to paragraph 20.

22. Expenditure on determining the eligibility of a pupil for free school meals.

23. Expenditure pursuant to section 18 of the 1996 Act in making any grant or other payment in respect of fees or expenses (of whatever nature) which are payable in connection with the attendance of pupils at a school which is not maintained by any local authority.

24. Expenditure in connection with the provision of nursery education except where such provision is made at a maintained school.

25. Expenditure on insurance in respect of liability arising in connection with schools and school premises except to the extent that governing bodies receive funding for insurance as part of their schools' budget

rhan o'u cyfrannau ysgolion o'r gyllideb.

26. Gwariant ar ffi trwyddedau neu danysgrifiadau a delir ar ran ysgolion ar yr amod nad yw'r gwariant yn dod i gyfanswm sy'n fwy na 0.2 y cant o gyllideb ysgolion yr awdurdod.

27. Gwariant a dynnir wrth ymateb i adroddiad arolygiad o dan adran 28 o Ddeddf Addysg 2005.

28. Gwariant ar wasanaethau llyfrgell a gwasanaethau amgueddfa ar gyfer ysgolion.

29. Gwariant y byddai addysg disgyblion mewn ysgol hebddo yn cael ei handwyo'n ddifrifol ac na fyddai'n rhesymol disgwyl i'r corff llywodraethu ei dalu o gyfran yr ysgol o'r gyllideb oherwydd naill ai—

- (a) ei faint a'i natur annisgwyl; neu
- (b) ei faint a'i natur anochel.

30. Gwariant ar ychwanegiadau at gyfran yr ysgol o'r gyllideb y mae'r ysgol â hawl iddynt yn rhinwedd fformiwla'r awdurdod neu ailbenderfynu cyfrannau o'r gyllideb o dan awdurdod Gweinidogion Cymru neu wariant ar gywiro gwallau.

31. Gwariant at ddibenion nad ydynt yn dod o fewn unrhyw baragraff arall o'r Atodlen hon ar yr amod nad yw'r gwariant yn dod i gyfanswm sy'n fwy na 0.1 y cant o gyllideb ysgolion yr awdurdod.

32. CERA a dynnir at ddibenion nad ydynt yn dod o fewn unrhyw baragraff arall o'r Atodlen hon neu Atodlen 1.

33. Gwariant a dynnir yn unol ag adran 22 o Ddeddf Addysg 2002 wrth hyfforddi llywodraethwyr i'w galluogi i gyflawni eu swyddogaethau yn effeithiol i'r graddau na ddarperir ar ei gyfer gan grantiau penodedig.

34. Gwariant a dynnir o ran hyfforddiant clerod i'r cyrff llywodraethu i'w galluogi i gyflawni eu swyddogaethau yn effeithiol.

shares.

26. Expenditure on licence fees or subscriptions paid on behalf of schools provided that the expenditure does not amount in total to more than 0.2 per cent of the authority's schools budget.

27. Expenditure incurred in responding to a report of an inspection under section 28 of the Education Act 2005.

28. Expenditure on library services and museum services for schools.

29. Expenditure without which the education of pupils at a school would be seriously prejudiced and which because of either—

- (a) its size and unexpectedness; or
- (b) its size and unavoidability,

it would not be reasonable to expect the governing body to meet from the school's budget share.

30. Expenditure on increases to a school's budget share to which the school is entitled by virtue of the authority's formula or the re-determination of budget shares under the authority of the Welsh Ministers or expenditure on the correction of errors.

31. Expenditure for purposes not falling within any other paragraph of this Schedule provided that the expenditure does not amount in total to more than 0.1 per cent of the authority's schools budget.

32. CERA incurred for purposes not falling within any other paragraph of this Schedule or Schedule 1.

33. Expenditure incurred pursuant to section 22 of the Education Act 2002 in the training of governors to enable the effective discharge of their functions in so far as this is not provided by specific grants.

34. Expenditure incurred in relation to the training of clerks to the governing bodies to enable the effective discharge of their functions.

**Ffactorau neu Feini Prawf
Ychwanegol y caniateir eu Cymryd i
Ystyriaeth mewn Fformiwla Awdurdod
Lleol o dan Reoliad 18**

Rheoliad 18

1. Anghenion addysgol arbennig disgyblion wedi eu penderfynu mewn ffordd y mae'r awdurdod yn credu ei bod yn briodol fel modd i asesu anghenion o'r fath.

2. Disgyblion nad yw'r Gymraeg na'r Saesneg yn iaith gyntaf iddynt.

3. Trosiant disgyblion ac eithrio fel rhan o'r broses derbyniadau cyffredinol mewn ysgol.

4. I ba raddau y mae'r awdurdod yn talu costau trefniadau derbyn mewn ysgol ac eithrio o gyllideb ddirprwyedig yr ysgol.

5. Maint a chyflwr adeiladau a thiroedd ysgol o'u cymharu â rhai ysgolion eraill a gynhelir gan yr awdurdod: rhaid i'r cyllid gydymffurfio â graddfeydd a gyhoeddir gan yr awdurdod sy'n adlewyrchu (i'r graddau y mae hynny'n briodol) ddyletswyddau statudol cyrff llywodraethu o ran mangreodd ysgolion a'u cymhwyster i gael grant gan Weinidogion Cymru neu unrhyw adran o'r llywodraeth.

6. Ysgol a chanddi safle wedi'i rannu: rhaid i'r cyllid gydymffurfio â meini prawf a gyhoeddir gan yr awdurdod.

7. Cyfleusterau, ar gyfer addysgu disgyblion, a geir mewn rhai ysgolion yn unig.

8. Ardrethi sy'n daladwy am fangre pob ysgol (gan gynnwys y gost wirioneddol neu amcangyfrifedig).

9. Y ffioedd am ddŵr a charthffosiaeth (gan gynnwys y gost wirioneddol neu amcangyfrifedig).

10. Defnydd ysgolion o ynni.

11. Y rhent sy'n daladwy am fangre ysgol neu daliadau am ddefnydd ysgol o gyfleusterau nad ydynt wedi'u meddiannu gan yr ysgol honno'n unig (gan gynnwys y gost wirioneddol neu amcangyfrifedig).

12. Glanhau mangre ysgol.

13. Cludiant yn ôl ac ymlaen i weithgareddau y tu allan i fangre ysgol sy'n ffurfio rhan o gwricwlwm yr ysgol (gan gynnwys y gost wirioneddol neu amcangyfrifedig).

14. Llogi cyfleusterau y tu allan i fangre ysgol (gan gynnwys y gost wirioneddol neu amcangyfrifedig).

15. Mewn achosion lle mae swm ar gyfer yswiriant i'w gynnwys mewn cyfran ysgolion o'r gyllideb—

**Additional Factors or Criteria which
may be Taken into Account in a Local
Authority's Formula under Regulation
18**

Regulation 18

1. Special educational needs of pupils determined in a manner that the authority consider appropriate as a means of assessing such needs.

2. Pupils for whom English or Welsh is not their first language.

3. Turnover of pupils other than as part of the general admissions process at a school.

4. The extent to which the authority meet the cost of admission arrangements at a school other than from the school's delegated budget.

5. The size and condition of a school's buildings and grounds relative to those of other schools maintained by the authority: the funding must be in accordance with scales published by the authority which reflect (so far as appropriate) the statutory duties of governing bodies in relation to school premises and their eligibility for grant from the Welsh Ministers or any government department.

6. A school which has a split site: the funding must be in accordance with criteria published by the authority.

7. Facilities, for the education of pupils, found at some schools only.

8. Rates payable in respect of the premises of each school (including actual or estimated cost).

9. Charges for water and sewerage (including actual or estimated cost).

10. Use of energy by schools.

11. Rent payable in respect of school premises or payments in respect of the use by a school of facilities not exclusively occupied by that school (including actual or estimated cost).

12. Cleaning of school premises.

13. Transport to and from activities outside the school premises which form part of the school's curriculum (including actual or estimated cost).

14. Hire of facilities outside school premises (including actual or estimated cost).

15. In cases where an amount in respect of insurance is to be included in the school's budget share—

- (a) pan fo'r awdurdod yn yswirio, y rhan briodol o wariant cynlluniedig yr awdurdod ar yswiriant; neu,
- (b) pan nad yw'r awdurdod yn yswirio, y rhan briodol o'r swm y byddai'r awdurdod wedi'i wario pe bai wedi yswirio,

i'w benderfynu ar sail a benderfynir gan yr awdurdod y mae'n rhaid iddo roi sylw i nifer y disgyblion cofrestredig yn yr ysgol.

16. Taliadau mewn perthynas â thrafodiad cyllid preifat (gan gynnwys y gost wirioneddol neu amcangyfrifedig).

17. Symiau sy'n daladwy i ysgol sydd, yn sgil cau un neu ragor o ysgolion a gynhelir, naill ai'n ysgol sy'n cael ei sefydlu neu, yn unol â Phennod 2 o Ran 2 o Ddeddf 1998, yn destun addasiadau rhagnodedig, i adlewyrchu i ba raddau y mae ysgol sydd wedi'i chau wedi gwario mwy na'i chyfran o'r gyllideb neu nad yw wedi gwario'r cyfan ohoni mewn unrhyw gyfnod cyllido. Rhaid i unrhyw ffactor neu feini prawf o'r fath ddarparu bod rhaid i unrhyw swm a ddidynnir beidio â bod yn fwy na'r swm y mae'r ysgol yn ei gael yn ystod y cyfnod cyllido fel rhan o'i chyfran o'r gyllideb am ei bod yn ysgol newydd.

18. A yw'r ysgol i gael ei chau yn ystod y cyfnod cyllido o dan sylw neu yn y cyfnod cyllido sy'n dilyn.

19. Llaeth ysgol, prydau bwyd a lluniaeth arall: ni chaiff yr awdurdod drin unrhyw elfen o'r gwariant hwn yn wariant â gwerth negyddol.

20. Cyflogau mewn ysgol (gan gynnwys y gost wirioneddol neu amcangyfrifedig): rhaid i'r cyllid gydymffurfio â graddfa a gyhoeddir gan yr awdurdod.

21. Diogelu cyflogau yn unol â gorchymnion sy'n cael eu gwneud o bryd i'w gilydd o dan adran 122 o Ddeddf 2002 neu ddiogelu cyflogau eraill.

22. Lwfansau blaenoriaeth gymdeithasol yn unol â Dogfen Tâl ac Amodau Athrawon Ysgol sy'n cael effaith yn unol â gorchymyn a wneir o dan adran 122 o Ddeddf 2002 (gan gynnwys y gost wirioneddol neu amcangyfrifedig).

23. Yr angen i daliadau sengl gael eu dyrannu i ysgolion cynradd, ysgolion uwchradd neu ysgolion arbennig, neu unrhyw gyfuniad o ysgolion o'r fath, ni waeth beth fo'u maint.

24. Yr angen i daliadau gael eu dyrannu i ysgolion y mae eu maint wedi'i bennu gan yr awdurdod ac sy'n bodloni amodau eraill a bennwyd ganddo.

25. Ysgolion y câi eu cyfrannau o'r gyllideb eu gostwng fel arall flwyddyn ar ôl blwyddyn â mwy na phump y cant: rhaid i'r cyllid gydymffurfio â graddfa a gyhoeddir gan yr awdurdod.

26. Contractau y mae corff llywodraethu ysgol yn

- (a) where the authority insure, the appropriate proportion of the authority's planned expenditure on insurance; or,
- (b) where the authority do not insure, the appropriate proportion of the amount that the authority would have spent had they insured,

to be determined on a basis decided by the authority which must have regard to the number of registered pupils at the school.

16. Payments in relation to a private finance transaction (including actual or estimated cost).

17. Amounts payable to a school which is, as the result of the discontinuance of one or more maintained schools, either established or, pursuant to Chapter 2 of Part 2 of the 1998 Act, the subject of prescribed alterations, to reflect the extent to which a school which has been discontinued has spent more than or has not spent all of its budget share in any funding period. Any such factor or criteria must provide that any amount deducted must not exceed the amount which the school receives during the funding period as part of its budget share by virtue of being a new school.

18. Whether the school is to be discontinued in the funding period in question or the following funding period.

19. School milk, meals and other refreshment: the authority may not treat any element of this expenditure as having a negative value.

20. Salaries at a school (including actual or estimated cost): the funding must be in accordance with a scale published by the authority.

21. Safeguarding of salaries in accordance with orders made from time to time under section 122 of the 2002 Act or safeguarding other salaries.

22. Social priority allowances in accordance with a School Teachers' Pay and Conditions Document having effect in accordance with an order under section 122 of the 2002 Act (including actual or estimated cost).

23. The need for single payments to be allocated to primary, secondary or special schools, or any combination of such schools, regardless of size.

24. The need for payments to be allocated to schools, of a size and satisfying other conditions, specified by the authority.

25. Schools whose budget shares would otherwise be reduced year-on-year by more than 5 per cent: the funding must be in accordance with a scale published by the authority.

26. Contracts to which the governing body of a

rhwym iddynt yn rhinwedd darpariaeth yng nghynllun yr awdurdod (gan gynnwys y gost wirioneddol neu amcangyfrifedig).

27. Costau gweinyddu cyflogres: rhaid i'r cyllid fod wedi'i seilio ar nifer y staff yn yr ysgol, oni ddefnyddir ffactorau a ganiateir mewn manau eraill yn y Rheoliadau hyn.

28. Unrhyw ffactorau neu feini prawf eraill nad ydynt fel arall yn dod o dan yr Atodlen hon, ar yr amod nad yw'r cyfanswm a ddyrannwyd yn unol â fformiwla'r awdurdod, o ystyried ffactorau neu feini prawf o'r fath, yn fwy nag un y cant o gyllideb ysgolion yr awdurdod.

29. Effaith trethi ar ysgolion.

30. Mynychder disgyblion o leiafrifoedd ethnig y mae eu lefelau cyrhaeddiad academaidd mewn perthynas â disgyblion eraill yn ardal yr awdurdod yn is na'r cyfartaledd, a hynny i'w benderfynu ar sail a benderfynir gan yr awdurdod.

31. Mynychder dosbarthiadau a lleoedd meithrin sy'n cael eu cydnabod gan yr awdurdod fel rhai sydd wedi'u cadw ar gyfer plant ag anghenion addysgol arbennig.

32. Mynychder Athrawon sydd Newydd Gymhwyso.

33. Datblygiad tai neu symudiadau lluoedd arfog sy'n arwain at gynnydd neu ostyngiad o 20% o leiaf yn y niferoedd ar y gofrestr mewn ysgol yn y cyfnod cyllido o dan sylw.

34. Cyrhaeddiad blaenorol disgyblion sy'n dechrau mewn ysgol.

35. Meintiau dosbarthiadau babanod y cyfyngwyd arnynt drwy Reoliadau a wnaed o dan adran 1 o Ddeddf 1998: caiff yr awdurdod gynnwys swm sy'n adlewyrchu unrhyw gynnydd mewn gwariant a dynnwyd o ganlyniad uniongyrchol i'r Rheoliadau hynny.

36. Meintiau dosbarthiadau iau y cyfyngwyd ar y nifer ynddynt i uchafswm o 30 o ddisgyblion: caiff yr awdurdod gynnwys swm sy'n adlewyrchu unrhyw gynnydd mewn gwariant a dynnwyd o ganlyniad uniongyrchol i amodau sydd wedi'u cynnwys mewn unrhyw grant arbennig a wnaed yn unol ag adran 88A o Ddeddf Cyllid Llywodraeth Leol 1988 neu unrhyw drefniadau am gymorth ariannol a ddarperir yn unol ag adran 14 o Ddeddf 2002 sy'n ei gwneud yn ofynnol i gael gwelliant mewn safonau ysgol drwy ostwng maint y dosbarthiadau.

school are bound by virtue of a provision in the authority's scheme (including actual or estimated cost).

27. Payroll administration costs: the funding must be based on the number of staff at the school, unless factors permitted elsewhere in these Regulations are used.

28. Any other factors or criteria not otherwise falling within this Schedule provided that the total amount allocated in accordance with the authority's formula, having regard to such factors or criteria, does not exceed 1 per cent of the authority's schools budget.

29. Effect of taxation on schools.

30. Incidence of pupils from ethnic minorities having below average levels of academic achievement in relation to other pupils in the authority's area, to be determined on a basis decided by the authority.

31. Incidence of nursery classes and places recognised by the authority as reserved for children with special educational needs.

32. Incidence of Newly Qualified Teachers.

33. Housing development or armed forces' movements leading to an increase or reduction in numbers on roll at a school of at least 20% within the funding period in question.

34. Prior attainment of pupils entering a school.

35. Infant class sizes limited by Regulations made under section 1 of the 1998 Act: the authority may include a sum which reflects any increase in expenditure incurred as a direct result of those Regulations.

36. Junior class sizes limited to a maximum of 30 pupils: the authority may include a sum which reflects any increase in expenditure incurred as a direct result of conditions contained in any special grant made in accordance with section 88A of the Local Government Finance Act 1988 or any arrangements for financial assistance provided in accordance with section 14 of the 2002 Act which requires an improvement of school standards by reducing class sizes.

Cynnwys y Cynlluniau Ariannol

Mae'r materion y cyfeirir atynt yn rheoliad 26, sef materion sy'n gysylltiedig ag ariannu ysgolion a gynhelir gan awdurdod lleol ac y mae'n ofynnol ymdrin â hwy yng nghynllun yr awdurdod lleol, fel a ganlyn:

1. Cario drosodd wargedau a diffygion sy'n codi o ran cyfrannau ysgolion o'r gyllideb o un cyfnod cyllido i gyfnod cyllido arall.
2. Symiau y gellir codi amdanynt yn erbyn cyfrannau ysgolion o'r gyllideb.
3. Symiau a dderbyniwyd gan ysgolion y caiff eu cyrff llywodraethu eu dal a'r dibenion y ceir defnyddio'r symiau hynny ar eu cyfer.
4. Gosod amodau, drwy neu o dan y cynllun, y mae'n rhaid i ysgolion gydymffurfio â hwy o ran rheoli eu cyllidebau dirprwyedig a symiau y trefnodd yr awdurdod eu bod ar gael i gyrff llywodraethu nad ydynt yn ffurfio rhan o'r cyllidebau dirprwyedig, gan gynnwys amodau sy'n rhagnodi rheolaethau a gweithdrefnau ariannol.
5. Y telerau y mae'r awdurdod yn darparu gwasanaethau a chyfleusterau odanynt i ysgolion a gynhelir ganddo.
6. Talu llog gan neu i'r awdurdod.
7. Yr adegau pan drefnir y bydd symiau sy'n hafal i gyfanswm cyfran yr ysgol o'r gyllideb ar gael i gyrff llywodraethu a pha ran o'r gyfran o'r gyllideb fydd ar gael ar bob adeg o'r fath.
8. Y trosglwyddiad rhwng penawdau cyllideb o fewn y gyllideb ddirprwyedig.
9. Yr amgylchiadau y caiff awdurdod ddirprwyo i'r corff llywodraethu y pŵer i wario unrhyw ran o gyllideb AAL yr awdurdod neu ei gyllideb ysgolion yn ychwanegol at y rhai a nodir yn adran 49(4)(a) i (c)(1) o Ddeddf 1998.
10. Y defnydd o gyllidebau dirprwyedig a symiau y trefnodd yr awdurdod eu bod ar gael i'r corff llywodraethu nad ydynt yn ffurfio rhan o'r cyllidebau dirprwyedig.
11. Benthycu gan gyrff llywodraethu.
12. Trefniadau bancio y gall fod cyrff llywodraethu yn eu gwneud.

Content of Financial Schemes

The matters referred to in regulation 26, being matters connected with the financing of schools maintained by a local authority, required to be dealt with in the local authority's scheme are as follows:

1. The carrying forward from one funding period to another of surpluses and deficits arising in relation to schools' budget shares.
2. Amounts which may be charged against schools' budget shares.
3. Amounts received by schools which may be retained by their governing bodies and the purposes for which such amounts may be used.
4. The imposition, by or under the scheme, of conditions which must be complied with by schools in relation to the management of their delegated budgets and of sums made available to governing bodies by the authority which do not form part of delegated budgets, including conditions prescribing financial controls and procedures.
5. Terms on which services and facilities are provided by the authority for schools maintained by them.
6. The payment of interest by or to the authority.
7. The times at which amounts equal in total to the school's budget share are to be made available to governing bodies and the proportion of the budget share to be made available at each such time.
8. The virement between budget heads within the delegated budget.
9. Circumstances in which the authority may delegate to the governing body the power to spend any part of the authority's LEA budget or schools budget in addition to those set out in section 49(4)(a) to (c)(1) of the 1998 Act.
10. The use of delegated budgets and of sums made available to the governing body by the authority which do not form part of delegated budgets.
11. Borrowing by governing bodies.
12. The banking arrangements that may be made by governing bodies.

(1) Diwygiwyd adran 49 gan baragraff 100(2) o Atodlen 21 i Ddeddf Addysg 2002.

(1) Section 49 is amended by paragraph 100(2) of Schedule 21 to the Education Act 2002.

13. Datganiad o ran atebolrwydd personol y llywodraethwyr mewn perthynas â chyfrannau ysgolion o'r gyllideb gan ystyried adran 50(7) o Ddeddf 1998.

14. Datganiad o ran y lwfansau sy'n daladwy i llywodraethwyr ysgol sydd heb gyllideb ddirprwyedig yn unol â'r cynllun a wnaed gan yr awdurdod at ddibenion adran 519 o Ddeddf 1996(1).

15. Cadw cofrestr o unrhyw fuddiannau busnes y llywodraethwyr a'r pennaeth.

16. Darparu gwybodaeth gan y corff llywodraethu a darparu gwybodaeth iddo.

17. Cynnal a chadw stocrestrau o asedau.

18. Cynlluniau gwario corff llywodraethu.

19. Datganiad o ran y defnydd y mae corff llywodraethu yn bwriadu ei wneud o warged yn y fantolen ysgol sy'n fwy na 5% o gyfran yr ysgol o'r gyllideb neu £10,000, pa swm bynnag yw'r mwyaf.

20. Darpariaeth y caiff awdurdod wneud y canlynol oddi tani—

(a) cyfarwyddo'r corff llywodraethu sut i wario gwarged yn y fantolen ysgol ar gyfer cyfnod cyllido,—

(i) os yw'r gwarged, yn achos ysgol gynradd, yn £50,000 neu'n fwy, a

(ii) os yw'r gwarged, yn achos ysgol uwchradd neu ysgol arbennig, yn £100,000 neu'n fwy;

(b) ei gwneud yn ofynnol i'r corff llywodraethu, os nad yw'r corff llywodraethu'n cydymffurfio â chyfarwyddyd o'r fath, dalu'r gwarged cyfan neu ran ohono i'r awdurdod i'w ddefnyddio fel rhan o'i gyllideb ysgolion am y cyfnod cyllido o dan sylw.

21. Datganiad o ran trethu'r symiau a dalwyd neu a gafwyd gan corff llywodraethu.

22. Yswiriant.

23. Defnyddio cyllidebau dirprwyedig gan gyrff llywodraethu fel y byddant yn bodloni dyletswyddau'r awdurdod a osodwyd gan neu o dan Ddeddf Iechyd a Diogelwch yn y Gwaith etc. 1974(2).

24. Darparu cyngor cyfreithiol i'r corff llywodraethu.

25. Cyllid ar gyfer materion amddiffyn plant.

26. Prydau ysgol.

13. A statement as to the personal liability of governors in respect of schools' budget shares having regard to section 50(7) of the 1998 Act.

14. A statement as to the allowances payable to governors of a school which does not have a delegated budget in accordance with the scheme made by the authority for the purposes of section 519 of the 1996 Act(1).

15. The keeping of a register of any business interests of the governors and the head teacher.

16. The provision of information by and to the governing body.

17. The maintenance of inventories of assets.

18. Plans of a governing body's expenditure.

19. A statement as to the use that a governing body proposes to make of a surplus in the school balance which exceeds 5% of the school budget share or £10,000, whichever is the greater.

20. A provision under which—

(a) the authority may direct the governing body as to how to spend a surplus in the school balance for a funding period, if—

(i) in the case of a primary school the surplus is £50,000 or more, and

(ii) in the case of a secondary school or a special school the surplus is £100,000 or more;

(b) the authority may, if the governing body do not comply with such a direction, require the governing body to pay all or part of that surplus to the authority to be applied as part of their schools budget for the funding period in question.

21. A statement as to the taxation of sums paid or received by a governing body.

22. Insurance.

23. The use of delegated budgets by governing bodies so as to satisfy the authority's duties imposed by or under the Health and Safety at Work etc Act 1974(2).

24. The provision of legal advice to the governing body.

25. Funding for child protection issues.

26. School meals.

(1) Diwygiwyd adran 519 gan baragraffau 57 a 139 o Atodlen 30 i Ddeddf 1998.

(1) 1974 p.37.

(1) Section 519 was amended by paragraphs 57 and 139 of Schedule 30 to the 1998 Act.

(2) 1974 c.37.

27. At bwy yn yr awdurdod y dylid anfon cwynion a wneir gan bobl sy'n gweithio yn yr ysgol neu gan lywodraethwyr ysgol ynghylch rheoli ariannol neu briodoldeb ariannol yn yr ysgol a sut y byddir yn ymdrin â chwynion o'r fath.

28. Gwariant a dynnir gan gorff llywodraethu wrth arfer y pŵer a roddwyd gan adran 27 o Ddeddf Addysg 2002.

29. Y ddarpariaeth gan gyrff llywodraethu o ffurflenni a gwybodaeth at ddibenion pensiynau athrawon.

27. To whom in the authority complaints should be made by persons working at the school or by school governors about financial management or financial propriety at the school and how such complaints will be dealt with.

28. Expenditure incurred by a governing body in the exercise of the power conferred by section 27 of the Education Act 2002.

29. Provision by governing bodies of returns and information for teacher pensions' purposes.

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