Cynulliad Cenedlaethol Cymru
National Assembly for Wales

RHESTR O WELLIANNAU WEDI'U DIDIOLI
MARSHALLED LIST OF AMENDMENTS

Mesur Arfaethedig ynghylch Addysg (Cymru)
Proposed Education (Wales) Measure

Mae'r gwelliannau â * ar eu bwys yn rhai newydd neu'n rhai sydd wedi'u haddasu
Amendments marked * are new or have been altered

Caiff y Mesur ei ystyried yn y drefn a ganlyn—
The Measure will be considered in the following order—

Sections 1-33	Adrannau 1-33
New Sections	Adrannau Newydd
Long Title	Teitl Hir

David Melding **1**

Section 2, page 3, after line 25, insert—

'(3) The collaboration objective includes but is not limited to improving education standards and outcomes for learners.'.

Adran 2, tudalen 3, ar ôl llinell 27, ychwanegwch—

'(3) Mae amcan y cydlafurio yn cynnwys codi safonau addysg a gwella canlyniadau i ddysgwyr, ond nid yw'n gyfyngedig i hynny.'.

David Melding **2**

Section 11, page 8, leave out lines 15 to 17 and insert—

'(c) every trade union known to the local authority to have members paid to work at any of the schools that are the subject of the proposals;

(d) affected persons, including pupils, their parents, guardians and other persons legally responsible for them;

(e) such other persons as the local authority considers appropriate;

and must have due regard to any responses it receives.'.

Adran 11, tudalen 8, gadewch allan linellau 15 i 18 a rhowch yn eu lle—

'(c) pob undeb llafur y mae'n hysbys i'r awdurdod lleol fod ganddi aelodau sy'n cael eu talu i weithio yn unrhyw un o'r ysgolion sy'n destun y cynigion;

(d) personau yr effeithir arnynt, gan gynnwys disgyblion, eu rhieni, eu gwarcheidwaid ac unrhyw bersonau eraill sy'n gyfrifol amdanynt yn ôl y gyfraith;

(e) y cyfryw bersonau eraill y mae'r awdurdod lleol yn barnu sy'n briodol;

a rhaid iddo roi sylw dyledus i unrhyw ymatebion y bydd yn eu cael.'

David Melding **3**

Section 11, page 8, line 18, leave out subsections (2B) to (2D).

Adran 11, tudalen 8, llinell 19, gadewch allan is-adrannau (2B) i (2D).

David Melding **4**

Section 14, page 10, leave out lines 15 to 16.

Adran 14, tudalen 10, gadewch allan linellau 16 a 17.

David Melding **5**

Section 14, page 10, after line 25, insert—

'( ) Regulations must make provision—

(a) as to the circumstances in which and manner in which a federation may be dissolved, or one or more schools may leave a federation;

(b) for a ballot of parents, guardians and other persons legally responsible for a registered pupil at a school in relation to which there is a proposal to leave a federation, before that school may leave the federation without the agreement of the governing body;

(c) for an appeal by the governing body to the Welsh Ministers, who may direct that the school in question remain part of the federation.'.

Adran 14, tudalen 10, ar ôl llinell 27, ychwanegwch—

'( ) Rhaid i reoliadau ddarparu—

(a) ynghylch yr amgylchiadau pan ganiateir diddymu ffederasiwn neu pan ganiateir i un neu ragor o ysgolion adael ffederasiwn, ac ynghylch y modd y caniateir hynny;

(b) ynghylch cynnal balot o'r rhieni, y gwarcheidwaid a'r personau eraill sy'n gyfrifol yn ôl y gyfraith am ddisgybl cofrestredig mewn ysgol y gwnaed cynnig ei bod yn gadael ffederasiwn cyn y caiff yr ysgol honno adael y ffederasiwn heb gytundeb y corff llywodraethu;

(c) ynghylch dwyn apêl gan y corff llywodraethu i Weinidogion Cymru, sy'n cael cyfarwyddo bod yn rhaid i'r ysgol dan sylw aros yn rhan o'r ffederasiwn.'.

David Melding **6**

Page 10, line 35, leave out section 15.

Tudalen 10, llinell 38, gadewch allan adran 15.

David Melding **7**

Section 15A, page 12, after line 30, insert—

'(e) affected persons, including pupils, their parents, guardians and other persons legally responsible for them,

(f) staff of any of the schools concerned,

(g) every trade union known to the local authority to have members paid to work at any of the schools concerned,

(h) such other persons as the local authority considers appropriate.'.

Adran 15A, tudalen 12, ar ôl llinell 30, ychwanegwch—

'(e) personau yr effeithir arnynt, gan gynnwys disgyblion, eu rhieni, eu gwarcheidwaid ac unrhyw bersonau eraill sy'n gyfrifol amdanynt yn ôl y gyfraith;

(f) staff unrhyw un o'r ysgolion dan sylw;

(g) pob undeb llafur y mae'n hysbys i'r awdurdod lleol fod ganddi aelodau sy'n cael eu talu i weithio yn unrhyw un o'r ysgolion dan sylw;

(h) y cyfryw bersonau eraill y mae'r awdurdod lleol yn barnu sy'n briodol.'.

David Melding **8**

Page 16, line 35, leave out section 25.

Tudalen 16, llinell 35, gadewch allan adran 25.

David Melding **9**

Page 17, line 9, leave out section 26.

Tudalen 17, llinell 9, gadewch allan adran 26.

David Melding **10**

Page 17, line 26, leave out section 27.

Tudalen 17, llinell 26, gadewch allan adran 27.

David Melding **11**

Page 18, line 2, leave out section 28.

Tudalen 18, llinell 2, gadewch allan adran 28.

David Melding **12**

Page 18, line 17, leave out section 29.

Tudalen 18, llinell 15, gadewch allan adran 29.

David Melding **13**

Section 31, page 19, line 20, leave out 'this Measure or an order made under section 15 or 29 is subject to annulment in pursuance of' and insert 'sections 6, 11, 14 or 18 or an order made under section 15 may not be made unless a draft of the instrument has been laid before, and approved by'.

Adran 31, tudalen 19, llinell 23, yn lle is-adran (3), ychwanegwch—

'(3) Ni chaniateir gwneud unrhyw offeryn statudol sy'n cynnwys rheoliadau a wneir o dan adrannau 6, 11, 14 neu 18 neu orchymyn a wneir o dan adran 15 oni roddwyd drafft o'r offeryn gerbron Cynulliad Cenedlaethol Cymru ac oni chafodd ei gymeradwyo ganddo drwy benderfyniad.'.

David Melding **14**

Section 31, page 19, line 20, leave out 'this Measure or an order made under section 15 or 29 is subject to annulment in pursuance of' and insert 'sections 6, 11, 14 or 18 may not be made unless a draft of the instrument has been laid before, and approved by'.

Adran 31, tudalen 19, llinell 6, yn lle is-adran (3), ychwanegwch—

'(3) Ni chaniateir gwneud unrhyw offeryn statudol sy'n cynnwys rheoliadau a wneir o dan adrannau 6, 11, 14 neu 18 oni roddwyd drafft o'r offeryn gerbron Cynulliad Cenedlaethol Cymru ac oni chafodd ei gymeradwyo ganddo drwy benderfyniad.'.

Jenny Randerson **22**

Section 31, page 19, line 21, leave out '15 or'.

Adran 31, tudalen 19, llinell 24, gadewch allan '15 neu'.

David Melding **15**

Section 31, page 19, after line 22, insert—

'( ) Any statutory instrument containing regulations made under section 21 or 22, or an order made under section 29 is subject to annulment in pursuance of a resolution of the National Assembly for Wales.'.

Adran 31, tudalen 19, ar ôl llinell 25, ychwanegwch—

'( ) Mae unrhyw offeryn statudol sy'n cynnwys rheoliadau a wneir o dan adran 21 neu 22 neu orchymyn a wneir o dan adran 29 yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.'.

David Melding **16**

Section 31, page 19, after line 22, insert—

'( ) Any statutory instrument containing regulations made under section 21 or 22 is subject to annulment in pursuance of a resolution of the National Assembly for Wales.'.

Adran 31, tudalen 17, ar ôl llinell 8, ychwanegwch—

'( ) Mae unrhyw offeryn statudol sy'n cynnwys rheoliadau a wneir o dan adran 21 neu 22 yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.'.

David Melding **17**

Section 31, page 19, after line 22, insert—

'( ) If the Welsh Ministers and local authorities undertake pilot federation projects, any statutory instrument to be made under powers contained in section 10 to 20 of this Measure may not be made until the Welsh Ministers have received and had regard to reports on those pilot federation projects.'.

Adran 31, tudalen 19, ar ôl llinell 25, ychwanegwch—

'( ) Os bydd Gweinidogion Cymru ac awdurdodau lleol yn ymgymryd â phrosiectau ffedereiddio peilot, ni chaniateir gwneud unrhyw offeryn statudol sydd i'w wneud o dan y pwerau a geir yn adrannau 10 i 20 o'r Mesur hwn hyd nes i Weinidogion Cymru gael adroddiadau am y prosiectau ffedereiddio peilot hynny a rhoi sylw iddynt.'.

Jenny Randerson **23**

Section 31, page 19, after line 22, insert—

'( ) An Order under section 15 cannot be made unless a draft of the Order has been laid before, and approved by a resolution of, the National Assembly for Wales.'.

Adran 31, tudalen 19, ar ôl llinell 25, ychwanegwch—

'( ) Ni chaniateir gwneud Gorchymyn o dan adran 15 oni chafodd drafft o'r Gorchymyn ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo ganddo drwy benderfyniad.'.

David Melding **18**

Section 32, page 19, line 27, leave out '25 to' and insert '30 and'.

Adran 32, tudalen 19, llinell 30, gadewch allan '25 i' a rhowch yn eu lle '30 a'.

David Melding **19**

To insert new Section—

'( ) **Appeals against proposals under section 11**

(1) This section applies to proposals under section 11.

(2) The governing body of a school that is the subject of a confirmed proposal under section 11(3) may appeal against that proposal to the Welsh Ministers.

(3) When a governing body appeals against a confirmed proposal under subsection (2), the Welsh Ministers must—

(a) direct the local authority to suspend the implementation of a confirmed proposal under section 12, and

(b) consult the following—

(i) the local authority that maintains each school that is subject of the confirmed proposal;

(ii) the governing body of each school that is the subject of the confirmed proposal;

(iii) pupils, their parents, guardians and other persons legally responsible for them,

(iv) staff of each school that is the subject of the confirmed proposal;

(v) every trade union known to have members paid to work at any of the schools that are the subject of the confirmed proposal;

(vi) such other persons as the Welsh Ministers considers appropriate.

(4) Having given due regard to any responses to the consultation under subsection (3)(b), the Welsh Ministers must—

(a) revoke the suspension under subsection (3)(a), or

(b) direct the local authority to remove the school that made an appeal under subsection (2) from the confirmed proposal and to reconsider its proposals as regards the remainder of the proposed federation.'.

I ychwanegu adran newydd—

'( ) **Apelau yn erbyn cynigion o dan adran 11**

(1) Mae'r adran hon yn gymwys i gynigion o dan adran 11.

(2) Caiff corff llywodraethu ysgol sy'n destun cynnig a gadarnhawyd o dan adran 11(3) apelio yn erbyn y cynnig hwnnw i Weinidogion Cymru.

(3) Pan fydd corff llywodraethu yn apelio yn erbyn cynnig a gadarnhawyd o dan is-adran (2), rhaid i Weinidogion Cymru –

(a) cyfarwyddo'r awdurdod lleol i atal dros dro y gwaith o weithredu'r cynnig a gadarnhawyd o dan adran 12, a

(b) ymgynghori â'r canlynol—

(i) yr awdurdod lleol sy'n cynnal pob ysgol sy'n destun y cynnig a gadarnhawyd;

(ii) corff llywodraethu pob ysgol sy'n destun y cynnig a gadarnhawyd;

(iii) disgyblion, eu rhieni, eu gwarcheidwaid ac unrhyw bersonau eraill sy'n gyfrifol amdanynt yn ôl y gyfraith;

(iv) staff pob ysgol sy'n destun y cynnig a gadarnhawyd;

(v) pob undeb llafur y mae'n hysbys bod ganddi aelodau sy'n cael eu talu i weithio yn unrhyw un o'r ysgolion sy'n destun y cynnig a gadarnhawyd;

(vi) y cyfryw bersonau eraill y mae Gweinidogion Cymru yn barnu sy'n briodol.

(4) Wedi iddynt roi sylw dyledus i unrhyw ymatebion a gafwyd i'r ymgynghoriad o dan is-adran (3)(b), rhaid i Weinidogion Cymru—

(a) dirymu'r ataliad dros dro o dan is-adran (3)(a), neu

(b) cyfarwyddo'r awdurdod lleol i dynnu'r ysgol a ddygodd yr apêl o dan is-adran (2) o'r cynnig a gadarnhawyd ac ailystyried ei gynigion ar gyfer gweddill y ffederasiwn arfaethedig.'.

David Melding **20**

To insert new Section—

'( ) **Restrictions on changing category of a foundation school**

(1) Schedule 8 to the School Standards and Framework Act 1998 (changes of category of school) is amended as follows.

(2) After paragraph 4 insert—

"(4A) (1) This paragraph applies to a proposal by a governing body of a federation to change the category of a foundation school ("the foundation school") within the federation.

(2) The governing body of the federation must give notice of the proposal to the following—

(a) all relevant local authorities;

(b) the head teacher of the federation and the head teacher of each federated school;

(c) where the foundation school is a foundation school with a religious foundation, any trustees of a trust relating to the foundation school and, in the case of a Church in Wales or Roman Catholic Church school, the appropriate diocesan authority, or the appropriate religious body in the case of all other such schools;

(d) all staff paid to work at the foundation school;

(e) every person known by the governing body to be a parent, guardian or other person legally responsible for a registered pupil at the foundation school;

(f) every trade union known by the governing body to have members paid to work at any of the schools within the federation;

(g) a body entitled to appoint foundation governors to the governing body of the federation; and

(h) such other persons as the governing body of the federation consider appropriate.

(3) Upon receipt of a request within 28 days of the publication of the proposal from any of the following—

(a) two or more governors;

(b) one fifth of the parents, guardians and other persons legally responsible for a registered pupil at the foundation school;

(c) two fifths of staff who are paid to work at the foundation school;

(d) the local authority;

(e) the trustees of the foundation school; or

(f) a body entitled to appoint foundation governors to the governing body of the federation,

the governing body must arrange a ballot of the parents of registered pupils at the foundation school.

(4) The governing body must not proceed with its proposal to change the category of the foundation school if the majority of the parents, guardians and other persons legally responsible for a registered pupil at the foundation school voting in such a ballot vote against the proposal."'.

I ychwanegu adran newydd—

'( ) **Cyfyngiadau ar newid categori ysgol sefydledig**

(1) Diwygir Atodlen 8 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (newid categori ysgol) fel a ganlyn.

(2) Ar ôl paragraff 4, mewnosoder—

"(4A) (1) This paragraph applies to a proposal by a governing body of a federation to change the category of a foundation school ("the foundation school") within the federation.

(2) The governing body of the federation must give notice of the proposal to the following—

(a) all relevant local authorities;

(b) the head teacher of the federation and the head teacher of each federated school;

(c) where the foundation school is a foundation school with a religious foundation, any trustees of a trust relating to the foundation school and, in the case of a Church in Wales or Roman Catholic Church school, the appropriate diocesan authority, or the appropriate religious body in the case of all other such schools;

(d) all staff paid to work at the foundation school;

(e) every person known by the governing body to be a parent, guardian or other person legally responsible for a registered pupil at the foundation school;

(f) every trade union known by the governing body to have members paid to work at any of the schools within the federation;

(g) a body entitled to appoint foundation governors to the governing body of the federation; and

(h) such other persons as the governing body of the federation consider appropriate.

(3) Upon receipt of a request within 28 days of the publication of the proposal from any of the following—

(a) two or more governors;

(b) one fifth of the parents, guardians and other persons legally responsible for a registered pupil at the foundation school;

(c) two fifths of staff who are paid to work at the foundation school;

(d) the local authority;

(e) the trustees of the foundation school; or

(f) a body entitled to appoint foundation governors to the governing body of the federation,

the governing body must arrange a ballot of the parents of registered pupils at the foundation school.

(4) The governing body must not proceed with its proposal to change the category of the foundation school if the majority of the parents, guardians and other persons legally responsible for a registered pupil at the foundation school voting in such a ballot vote against the proposal."'.

David Melding **21**

Long title, page 3, line 4, leave out 'to make provision prohibiting new foundation schools;'.

Y teitl hir, tudalen 3, llinell 7, gadewch allan 'gwneud darpariaeth sy'n gwahardd ysgolion sefydledig newydd;'.