

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

16

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 24, ychwanegwch –

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

Leighton Andrews

1

Section 8, page 6, leave out lines 24 to 29.

Adran 8, tudalen 6, gadewch allan linellau 22 i 27.

***David Melding**

17

Gyda chefnogaeth/Supported by: Eleanor Burnham

Section 11, page 8, line 11, after 'section', insert, 'and consult –

- (a) affected persons, including pupils, their parents, guardians and other persons legally responsible for them;
- (b) staff and school governors;
- (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) such other persons as the local authority considers appropriate;

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

Adran 11, tudalen 8, llinell 11, ar ôl 'hon', ychwanegwch, 'ac ymgynghori ag –

- (a) personau yr effeithir arnynt, gan gynnwys disgyblion, eu rhieni, eu gwarcheidwaid ac unrhyw bersonau eraill sy'n gyfrifol amdanynt yn ôl y gyfraith;
- (b) staff a llywodraethwyr ysgol;
- (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) 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.'

Leighton Andrews

2

Section 11, page 8, after line 11, insert –

- '() A local authority must, in accordance with regulations, consult the following persons on the published proposals –
 - (a) the governing bodies of the schools or federations to be federated;
 - (b) the staff of the schools;
 - (c) one or more bodies (if any) appearing to the authority to represent the interests of the staff of the schools;
 - (d) in so far as is practicable, registered pupils at the schools and their parents.
- () Subsections (2) and () do not apply in relation to a proposal for a federation consisting only of small schools.
- () In relation to a proposal for a federation consisting only of small schools the local authority must, in accordance with regulations, consult the governing bodies of the schools concerned.

- () A “small school” in subsections () and () means a maintained school that, on the date that the proposal is made under subsection (1), is a small maintained school as defined in an order under section 15.’

Adran 11, tudalen 8, ar ôl llinell 11, ychwanegwch –

- () Rhaid i awdurdod lleol, yn unol â rheoliadau, ymgynghori â’r personau canlynol ar y cynigion a gyhoeddir –
- (a) cyrff llywodraethu ysgolion neu ffederasiynau i’w ffedereiddio;
 - (b) staff yr ysgolion;
 - (c) un neu ragor o gyrff (os oes) yr ymddengys i’r awdurdod eu bod yn cynrychioli buddiannau staff yr ysgolion;
 - (d) i’r graddau y mae’n ymarferol, disgyblion a gofrestrwyd yn yr ysgolion a’u rhieni.
- () Nid yw is-adran (2) na () yn gymwys mewn perthynas â chynnig ar gyfer ffederasiwn a ffurfir o ysgolion bach yn unig.
- () Mewn perthynas â chynnig ar gyfer ffederasiwn a ffurfir o ysgolion bach yn unig, rhaid i’r awdurdod lleol, yn unol â rheoliadau, ymgynghori â chyrff llywodraethu’r ysgolion dan sylw.
- () Ystyr “ysgol fach” yn is-adrannau () a () yw ysgol a gynhelir sydd, ar y dyddiad y gwneir y cynnig o dan is-adran (1), yn ysgol fach a gynhelir yn ôl y diffiniad mewn gorchymyn o dan adran 15.’.

Leighton Andrews

3

Section 11, page 8, line 13, leave out ‘published’.

Adran 11, tudalen 8, llinell 13, gadewch allan ‘cyhoeddedig’.

Leighton Andrews

4

Section 11, page 8, line 25, after ‘make’, insert ‘further’.

Adran 11, tudalen 8, llinell 25, ar ôl ‘darpariaeth’, ychwanegwch ‘bellach’.

Leighton Andrews

5

Section 11, page 8, line 27, after ‘the’, insert ‘making,’.

Adran 11, tudalen 8, llinell 27, gadewch allan ‘gyhoeddi’ a rhowch yn ei le ‘wneud, cyhoeddi’.

Leighton Andrews

6

Section 11, page 8, line 31, leave out ‘(before or after publication)’.

Adran 11, tudalen 8, llinell 32, gadewch allan ‘(cyn neu ar ôl eu cyhoeddi)’.

Leighton Andrews

7

Section 12, page 9, line 10, leave out 'published' and insert 'made'.

Adran 12, tudalen 9, llinell 10, gadewch allan 'gyhoeddodd' a rhowch yn ei le 'wnaeth'.

Leighton Andrews

8

Section 12, page 9, line 16, leave out 'published' and insert 'made'.

Adran 12, tudalen 9, llinell 15, gadewch allan 'gyhoeddodd' a rhowch yn ei le 'wnaeth'.

***David Melding**

27

Section 14, page 9, leave out lines 38 to 39.

Adran 14, tudalen 9, gadewch allan linellau 39 a 40.

***David Melding**

28

Section 14, page 10, after line 9, insert –

'() Regulations must make provision –

- (a) as to the circumstances in which and manner in which a federation may be dissolved, or one of 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 9, 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.'

Leighton Andrews

9

Page 10, line 24, leave out section 16.

Tudalen 10, llinell 29, gadewch allan adran 16.

Leighton Andrews

11

Section 19, page 11, after line 37, insert –

‘() In section 19–

(a) in subsection (8), before “Subsection (1)” insert “In relation to maintained schools in England,”;

(b) after subsection (8), insert–

“(9) In relation to maintained schools in Wales, subsection (1) has effect subject to Chapter 1 of Part 2 of the Education (Wales) Measure 2011; and regulations under this section may include provision with respect to the governing bodies of federations (within the meaning of section 20(1) of that Measure).”

() In section 20–

(a) in subsection (4), before “Subsection (1)” insert “In relation to maintained schools in England,”;

(b) after subsection (4), insert–

“(4A)In relation to maintained schools in Wales, subsection (1) has effect subject to Chapter 1 of Part 2 of the Education (Wales) Measure 2011; and regulations under subsection (2) may include provision with respect to instruments of government for federations (within the meaning of section 20(1) of that Measure).”.

Adran 19, tudalen 11, ar ôl llinell 39, ychwanegwch –

‘() Yn adran 19–

(a) yn is-adran (8), o flaen “Subsection (1)” mewnosoder “In relation to maintained schools in England,”;

(b) ar ôl is-adran (8), mewnosoder –

“(9) In relation to maintained schools in Wales, subsection (1) has effect subject to Chapter 1 of Part 2 of the Education (Wales) Measure 2011; and regulations under this section may include provision with respect to the governing bodies of federations (within the meaning of section 20(1) of that Measure).”

() Yn adran 20–

(a) yn is-adran (4), o flaen “Subsection (1)” mewnosoder “In relation to maintained schools in England,”;

(b) ar ôl is-adran (4), mewnosoder –

“(4A)In relation to maintained schools in Wales, subsection (1) has effect subject to Chapter 1 of Part 2 of the Education (Wales) Measure 2011; and regulations under subsection (2) may include provision with respect to instruments of government for federations (within the meaning of section 20(1) of that Measure).”.

Leighton Andrews

12

Section 19, page 12, after line 10, insert –

() In section 39(1), after “federated school” insert “in relation to England”.

() In paragraph 5 of Schedule 1, after sub-paragraph (1) insert –

“(1A)Sub-paragraph (1) does not apply if –

(a) the school is a federated school in Wales, and

(b) immediately after the discontinuance date, there will be more than one other school remaining in the federation.

(1B) “Federation” in sub-paragraph (1A) means a group of schools that are federated by virtue of Chapter 1 of Part 2 of the Education (Wales) Measure 2011 or were federated by virtue of section 24 before the coming into force of that Chapter, and “federated school” means a school forming part of a federation.”’.

Adran 19, tudalen 12, ar ôl llinell 10, ychwanegwch –

() Yn adran 39(1), ar ôl “federated school” mewnosoder “in relation to England”.

() Ym mharagraff 5 o Atodlen 1, ar ôl is-baragraff (1) mewnosoder –

“(1A)Sub-paragraph (1) does not apply if –

(a) the school is a federated school in Wales, and

(b) immediately after the discontinuance date, there will be more than one other school remaining in the federation.

(1B) “Federation” in sub-paragraph (1A) means a group of schools that are federated by virtue of Chapter 1 of Part 2 of the Education (Wales) Measure 2011 or were federated by virtue of section 24 before the coming into force of that Chapter, and “federated school” means a school forming part of a federation.”’.

Leighton Andrews

14

Section 20, page 12, leave out lines 13 to 18.

Adran 20, tudalen 12, gadewch allan linellau 14 i 18.

***David Melding**

21

Page 14, line 26, leave out section 25.

Tudalen 14, llinell 27, gadewch allan adran 25.

***David Melding**

22

Page 15, line 2, leave out section 26.

Tudalen 15, llinell 2, gadewch allan adran 26.

***David Melding** 23

Page 15, line 19, leave out section 27.

Tudalen 15, llinell 19, gadewch allan adran 27.

***David Melding** 24

Page 15, line 31, leave out section 28.

Tudalen 15, llinell 30, gadewch allan adran 28.

***David Melding** 25

Page 16, line 8, leave out section 29.

Tudalen 16, llinell 8, gadewch allan adran 29.

Leighton Andrews 15

Section 30, page 16, after line 19, insert –

“enactment” (“*deddfiad*”) means any of the following, whenever passed or made –

- (a) an Act of Parliament,
- (b) a Measure or Act of the National Assembly for Wales,
- (c) subordinate legislation within the meaning of section 21(1) of the Interpretation Act 1978, including subordinate legislation made under any Measure or Act of the National Assembly for Wales,
- (d) a provision of any such Act or Measure or subordinate legislation;’.

Adran 30, tudalen 16, ar ôl llinell 19, ychwanegwch –

‘ystyr “*deddfiad*” (“*enactment*”) yw unrhyw un neu ragor o’r canlynol, pryd bynnag y cawsant eu pasio neu eu gwneud –

- (a) Deddf Seneddol,
- (b) Mesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru,
- (c) is-ddeddfwriaeth yn ystyr adran 21(1) o Ddeddf Dehongli 1978, gan gynnwys is-ddeddfwriaeth a wneir o dan unrhyw Fesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru,
- (d) darpariaeth mewn unrhyw Ddeddf, Mesur neu is-ddeddfwriaeth o’r fath;’.

***David Melding** 19

Section 31, page 17, line 5, 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, 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 17, llinell 6, gadewch allan is-adran (3), a rhowch yn ei lle –

- ‘(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.’.

***Eleanor Burnham**

30

Section 31, page 17, line 6, leave out ‘15 or’.

Adran 31, tudalen 17, llinell 7, gadewch allan ‘15 neu’.

***David Melding**

20

Section 31, page 17, after line 7, 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**

29

Section 31, page 17, after line 7, insert –

- ‘() If the Welsh Ministers and local authorities undertake pilot federation projects, any statutory instrument to be made under powers contained in sections 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 17, ar ôl llinell 8, 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.’.

***Eleanor Burnham**

31

Section 31, page 17, after line 7, 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 17, ar ôl llinell 8, 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.’.

Leighton Andrews

10

To insert a new Section –

() **Federation of schools causing concern by direction of the Welsh Ministers**

- (1) The School Standards and Framework Act 1998 is amended as follows.
(2) In section 14(3), after paragraph (a) insert –

“(aa) the Welsh Ministers have exercised in relation to the school their powers under section 18B (power to direct federation of schools); or”

- (3) After section 18A insert –

“18B Power of Welsh Ministers to direct federation of schools

- (1) A maintained school is a “school causing concern” for the purpose of this section if, at any time –
- (a) section 15 applies to the school by virtue of subsection (4) or (6) of that section, or
 - (b) the Welsh Ministers are satisfied that –
 - (i) the standards of performance of pupils at the school are unacceptably low and are likely to remain so unless they exercise their powers under this section, or
 - (ii) that there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, such standards of performance, or
 - (iii) that the safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise), or
 - (iv) that the governing body has failed to comply with a provision of an order under section 122 of the Education Act 2002 (teachers' pay and conditions) that applies to a teacher at the school, or
 - (v) that the governing body has failed to secure that the head teacher of the school complies with such a provision.
- (2) For the purposes of subsection (1)(b) the standards of performance of pupils at a school are low if they are low by reference to any one or more of the following –
- (a) the standards that the pupils might in all the circumstances reasonably be expected to attain,
 - (b) where relevant, the standards previously attained by them, or
 - (c) the standards attained by pupils at comparable schools.

- (3) The Welsh Ministers may direct any one or more of the following persons, as appropriate, to provide for one or more of the arrangements set out in subsection (4) –
 - (a) a local authority;
 - (b) a governing body of a maintained school;
 - (c) a governing body of a federation.
- (4) The arrangements are –
 - (a) the federation of the school causing concern and one or more maintained schools;
 - (b) the federation of the school causing concern and an existing federation;
 - (c) the federation of the school causing concern and an existing federation and one or more maintained schools;
 - (d) where the school causing concern is part of a federation, the federation of that federation and one or more maintained schools;
 - (e) where the school causing concern is part of a federation, the federation of that federation and another existing federation;
 - (f) where the school causing concern is part of a federation, the federation of that federation and an existing federation and one or more maintained schools;
 - (g) where the school causing concern is part of a federation, for the school to leave that federation.
- (5) Before giving a direction under subsection (3), the Welsh Ministers must consult –
 - (a) the local authority,
 - (b) the governing bodies concerned,
 - (c) in the case of a Church in Wales school or a Roman Catholic Church school, the appropriate diocesan authority, and
 - (d) in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.
- (6) A person subject to a direction under this section must comply with it.
- (7) A direction under this section –
 - (a) must be in writing,
 - (b) must be published,
 - (c) may be varied or revoked by further direction, and
 - (d) is enforceable by mandatory order on application by the Welsh Ministers to the High Court.
- (8) In this section “federation” has the meaning given by section 20(1) of the Education (Wales) Measure 2011.”.

I ychwanegu Adran newydd –

(1) Ffedereiddio ysgolion sy'n peri pryder drwy gyfarwyddyd gan Weinidogion Cymru

- (1) Mae Deddf Safonau a Fframwaith Ysgolion 1998 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 14(3), ar ôl paragraff (a) mewnosoder –

“(aa) the Welsh Ministers have exercised in relation to the school their powers under section 18B (power to direct federation of schools); or”

- (3) Ar ôl adran 18A mewnosoder –

“18B Power of Welsh Ministers to direct federation of schools

- (1) A maintained school is a “school causing concern” for the purpose of this section if, at any time –
 - (a) section 15 applies to the school by virtue of subsection (4) or (6) of that section, or
 - (b) the Welsh Ministers are satisfied that –
 - (i) the standards of performance of pupils at the school are unacceptably low and are likely to remain so unless they exercise their powers under this section, or
 - (ii) that there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, such standards of performance, or
 - (iii) that the safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise), or
 - (iv) that the governing body has failed to comply with a provision of an order under section 122 of the Education Act 2002 (teachers' pay and conditions) that applies to a teacher at the school, or
 - (v) that the governing body has failed to secure that the head teacher of the school complies with such a provision.
- (2) For the purposes of subsection (1)(b) the standards of performance of pupils at a school are low if they are low by reference to any one or more of the following –
 - (a) the standards that the pupils might in all the circumstances reasonably be expected to attain,
 - (b) where relevant, the standards previously attained by them, or
 - (c) the standards attained by pupils at comparable schools.
- (3) The Welsh Ministers may direct any one or more of the following persons, as appropriate, to provide for one or more of the arrangements set out in subsection (4) –
 - (a) a local authority;
 - (b) a governing body of a maintained school;

- (c) a governing body of a federation.
- (4) The arrangements are –
- (a) the federation of the school causing concern and one or more maintained schools;
 - (b) the federation of the school causing concern and an existing federation;
 - (c) the federation of the school causing concern and an existing federation and one or more maintained schools;
 - (d) where the school causing concern is part of a federation, the federation of that federation and one or more maintained schools;
 - (e) where the school causing concern is part of a federation, the federation of that federation and another existing federation;
 - (f) where the school causing concern is part of a federation, the federation of that federation and an existing federation and one or more maintained schools;
 - (g) where the school causing concern is part of a federation, for the school to leave that federation.
- (5) Before giving a direction under subsection (3), the Welsh Ministers must consult –
- (a) the local authority,
 - (b) the governing bodies concerned,
 - (c) in the case of a Church in Wales school or a Roman Catholic Church school, the appropriate diocesan authority, and
 - (d) in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.
- (6) A person subject to a direction under this section must comply with it.
- (7) A direction under this section –
- (a) must be in writing,
 - (b) must be published,
 - (c) may be varied or revoked by further direction, and
 - (d) is enforceable by mandatory order on application by the Welsh Ministers to the High Court.
- (8) In this section “federation” has the meaning given by section 20(1) of the Education (Wales) Measure 2011.” ‘.

Leighton Andrews

13

To insert a new Section –

(1) Minor and consequential amendments to the Education Act 2005

In section 68 of the Education Act 2005 for “section 24(2) of the Education Act 2002” substitute “section 20(1) of the Education (Wales) Measure 2011”.

I ychwanegu Adran newydd –

(1) Mân ddiwygiadau a diwygiadau canlyniadol i Ddeddf Addysg 2005

Yn adran 68 o Ddeddf Addysg 2005 yn lle “section 24(2) of the Education Act 2002” rhodder “section 20(1) of the Education (Wales) Measure 2011”.

***David Melding**

18

To insert a new Section –

(1) 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 (), 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 (), 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**

To insert a new Section –

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'() 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."".