CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2004 Rhif 549 (Cy.53)

ADDYSG, CYMRU

Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Personau Rhagnodedig) (Cymru) 2004

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn dirymu ac yn disodli Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Personau Rhagnodedig) (Cymru) 1999.

Maent yn rhagnodi i ba bersonau y gellir rhoi "gwybodaeth am ddisgyblion unigol" o dan adran 537A(4) a (5) o Ddeddf Addysg 1996 (rheoliad 3).

Mae'r Rheoliadau hyn hefyd yn rhagnodi pa wybodaeth am ddisgyblion unigol y gellir ei rhoi gan "gydlynwyr gwybodaeth". Gan gymhwyso'r diffiniad o gydlynydd gwybodaeth yn adran 537A(9) i Gymru, cydlynydd gwybodaeth yw unrhyw gorff sydd, at ddibenion neu mewn cysylltiad â swyddogaethau addysg Cynulliad Cenedlaethol Cymru, yn gyfrifol am gydlynu neu wirio gwybodaeth sy'n ymwneud â disgyblion. Mae'r wybodaeth y cânt ei rhoi o dan y Rheoliadau hyn yn ymwneud â chyflawniad addysgol disgyblion yn unrhyw asesiad Cwricwlwm Cenedlaethol ar ddisgyblion yng nghyfnod allweddol un, dau neu dri, unrhyw bynciau TGAU, unrhyw arholiadau TAG Safon Uwch, unrhyw arholiadau TAG Uwch Gyfrannol, unrhyw bynciau GNVQ ac unrhyw gwrs astudio a roddir i ddisgyblion oedran ysgol gorfodol mewn ysgol a gynhelir gan awdurdod addysg lleol sy'n arwain at gymhwyster a gymeradwyir gan Gynulliad Cenedlaethol Cymru neu gan gorff a ddynodwyd gan y Cynulliad Cenedlaethol o dan adran 99 o Ddeddf Dysgu a Medrau 2000 (rheoliad 3(3)).

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2004 No. 549 (W.53)

EDUCATION, WALES

The Education (Individual Pupil Information) (Prescribed Persons) (Wales) Regulations 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Education (Individual Pupil Information) (Prescribed Persons) (Wales) Regulations 1999.

They prescribe which persons may be provided with "individual pupil information" under section 537A(4) and (5) of the Education Act 1996 (regulation 3).

These Regulations also prescribe which individual pupil information may be provided by "information collators". Applying the definition of an information collator in section 537A(9) to Wales, an information collator is any body which, for the purposes of or in connection with the education functions of the National Assembly for Wales, is responsible for collating or checking information relating to pupils. The information which they may provide by these Regulations relates to the educational achievements of pupils in any National Curriculum assessment of pupils in the first, second or third key stage, any GCSE subjects, any GCE "A" level examinations, any GCE "AS" examinations, any GNVQ subjects and any course of study provided to pupils of compulsory school age in a school maintained by a local education authority leading to a qualification which is approved by the National Assembly for Wales or by a body designated by the National Assembly under section 99 of the Learning and Skills Act 2000 (regulation 3(3)).

2004 Rhif 549 (Cy.53)

ADDYSG, CYMRU

Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Personau Rhagnodedig) (Cymru) 2004

Wedi'u gwneud	*2 Mawrth 2004*
Yn dod i rym	*5 Mawrth 2004*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 537A(4) a (5) a 569(4) a (5) o Ddeddf Addysg 1996(**a**) ac sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru(**b**):

Enwi, cychwyn, cymhwyso a dirymu

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Personau Rhagnodedig) (Cymru) 2004 a deuant i rym ar 5 Mawrth 2004.

(2) Mae'r Rheoliadau hyn yn gymwys i wybodaeth am ddisgyblion unigol sy'n ymwneud â disgyblion mewn ysgolion (heblaw ysgolion meithrin) yng Nghymru.

(3) Dirymir Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Personau Rhagnodedig) (Cymru) 1999(**c**).

Dehongli

2. Yn y Rheoliadau hyn-

ystyr "arholiadau TAG Safon Uwch" ("*GCE "A" level examinations*") ac "arholiadau TAG Uwch Gyfrannol" ("*GCE "AS" examinations*") yw arholiadau Tystysgrif Addysg Gyffredinol safon uwch ac arholiadau Tystysgrif Addysg Gyffredinol Uwch Gyfrannol yn eu trefn;

ystyr "cydlynydd gwybodaeth" ("*information*

(a) 1996 p.56. Mewnosodwyd adran 537A gan Ddeddf Addysg 1997 (1997 p.44), adran 20, ac fe'i disodlwyd gan Ddeddf Safonau a Fframwaith Ysgolion 1998 (1998 p.31), adran 140(1) ac Atodlen 30, paragraffau 57 a 153. I gael ystyr "prescribed" a "regulations" *gweler* adran 579(1).

(b) *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) O.S. 1999/1781.

2004 No. 549 (W.53)

EDUCATION, WALES

The Education (Individual Pupil Information) (Prescribed Persons) (Wales) Regulations 2004

Made	*2nd March 2004*
Coming into force	*5th March 2004*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 537A(4) and (5) and 569(4) and (5) of the Education Act 1996(**a**) and now vested in the National Assembly for Wales(**b**):

Name, commencement, application and revocation

1.-(1) These Regulations are called the Education (Individual Pupil Information) (Prescribed Persons) (Wales) Regulations 2004 and come into force on 5th March 2004.

(2) These Regulations apply to individual pupil information relating to pupils at schools (other than nursery schools) in Wales.

(3) The Education (Individual Pupil Information) (Prescribed Persons) (Wales) Regulations 1999(**c**) are revoked.

Interpretation

2. In these Regulations-

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

"the Assembly" ("*y Cynulliad*") means the National Assembly for Wales;

"GCE "A" level examinations" ("*arholiadau TAG Safon Uwch*") and "GCE "AS" examinations"

(a) 1996 c.56. Section 537A was inserted by the Education Act 1997 (1997 c.44), section 20, and substituted by the School Standards and Framework Act 1998 (1998 c.31), section 140(1) and Schedule 30, paragraphs 57 and 153. For the meaning of "prescribed" and "regulations" *see* section 579(1).

(b) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) S.I. 1999/1781.

collator") yw cydlynydd gwybodaeth yn ystyr adran 537A(9) o Ddeddf 1996, sef, unrhyw gorff sydd, at ddibenion neu mewn cysylltiad â swyddogaethau'r Cynulliad yn ymwneud ag addysg, yn gyfrifol am gydlynu neu wirio gwybodaeth sy'n ymwneud â disgyblion;

ystyr "cyfnod allweddol" ("*key stage*") yw unrhyw rai o'r cyfnodau a nodir ym mharagraffau (a) i (d) yn eu trefn o adran 103(1) o Ddeddf Addysg 2002(**a**) ac mae cyfeiriad at gyfnod allweddol un, dau neu dri yn gyfeiriad at y cyfnodau a nodir yn eu trefn ym mharagraffau (a), (b) ac (c) o adran 103(1) a enwyd eisoes;

ystyr "y Cynulliad" ("*the Assembly*") yw Cynulliad Cenedlaethol Cymru;

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

ystyr "GNVQ" ("*GNVQ*") yw Cymhwyster Galwedigaethol Cenedlaethol Cyffredinol;

ystyr "gwybodaeth am ddisgyblion unigol" ("*individual pupil information*") yw gwybodaeth yn ystyr adran 537A(9) o Ddeddf 1996, sef, gwybodaeth sy'n ymwneud â disgyblion unigol neu gyn-ddisgyblion (mewn ysgolion, heblaw ysgolion meithrin, yng Nghymru) ac sy'n eu henwi, os cafwyd yr wybodaeth o dan adran 537A(1) o Ddeddf 1996 neu fel arall; ac

ystyr "TGAU" ("*GCSE*") yw Tystysgrif Gyffredinol Addysg Uwchradd.

Personau Rhagnodedig

3.-(1) At ddibenion adran 537A(4) o Ddeddf 1996, mae'r Cynulliad yn rhagnodi fel person y caiff y Cynulliad roi unrhyw wybodaeth am ddisgyblion unigol iddo unrhyw berson y cyfeirir ato ym mharagraff (4) isod.

(2) At ddibenion adran 537A(5)(b) o Ddeddf 1996, mae'r Cynulliad yn rhagnodi fel person y caiff cydlynydd gwybodaeth roi gwybodaeth am ddisgyblion unigol iddo fel a ganlyn-

(a) unrhyw berson y cyfeirir ato ym mharagraff (5) isod; a

(b) unrhyw berson sy'n perthyn i'r categori y cyfeirir ato ym mharagraff (6) isod.

(3) Yr wybodaeth am ddisgyblion unigol y caiff cydlynydd gwybodaeth ei rhoi felly, ar yr adegau y caiff y Cynulliad benderfynu arnynt, yn unol ag adran 537A(5)(b) o Ddeddf 1996, yw unrhyw wybodaeth o'r fath sy'n ymwneud â chyflawniadau addysgol disgyblion yn y canlynol-

(a) unrhyw asesiad Cwricwlwm Cenedlaethol ar ddisgyblion yng nghyfnod allweddol un, dau neu dri;

("*arholiadau TAG Uwch Gyfrannol*") mean General Certificate of Education advanced level examinations and General Certificate of Education Advanced Subsidiary examinations respectively;

"GCSE" ("*TGAU*") means General Certificate of Secondary Education;

"GNVQ" ("*GNVQ*") means General National Vocational Qualification;

"individual pupil information" ("*gwybodaeth am ddisgyblion unigol*") means information within the meaning of section 537A(9) of the 1996 Act, namely, information relating to and identifying individual pupils or former pupils (at schools, other than nursery schools, in Wales), whether obtained under section 537A(1) of the 1996 Act or otherwise;

"information collator" ("*cydlynydd gwybodaeth*") means an information collator within section 537A(9) of the 1996 Act, namely, any body which, for the purposes of or in connection with the functions of the Assembly relating to education, is responsible for collating or checking information relating to pupils; and

"key stage" ("*cyfnod allweddol*") means any of the periods set out in paragraphs (a) to (d) respectively of section 103(1) of the Education Act 2002(**a**) and a reference to the first, second or third key stage is a reference to the periods set out respectively in paragraphs (a), (b) and (c) of the said section 103(1).

Prescribed persons

3.-(1) For the purposes of section 537A(4) of the 1996 Act, the Assembly prescribes as a person to whom it may provide any individual pupil information any person referred to in paragraph (4) below.

(2) For the purposes of section 537A(5)(b) of the 1996 Act, the Assembly prescribes as a person to whom an information collator may provide individual pupil information -

(a) any person referred to in paragraph (5) below; and

(b) any person falling within the category referred to in paragraph (6) below.

(3) The individual pupil information which an information collator may so provide, at such times as the Assembly may determine, in accordance with section 537A(5)(b) of the 1996 Act, is any such information relating to the educational achievements of pupils in -

(a) any National Curriculum assessment of pupils in the first, second or third key stage;

(a) 2002 p.32.

(a) 2002 c.32.

(b) unrhyw bynciau TGAU;

(c) unrhyw arholiadau TAG Safon Uwch;

(ch) unrhyw arholiadau TAG Uwch Gyfrannol;

(d) unrhyw bynciau GNVQ; ac

(dd) unrhyw gwrs astudio a ddarperir i ddisgyblion mewn oedran ysgol gorfodol yn unrhyw ysgol a gynhelir gan awdurdod addysg lleol sy'n arwain at gymhwyster a gymeradwyir gan y Cynulliad neu gan gorff a ddynodwyd gan y Cynulliad o dan adran 99 o Ddeddf Dysgu a Medrau 2000(**a**) (heblaw cymhwyster o'r math y cyfeirir ato yn is-baragraff (b) neu (d) uchod).

(4) Y personau y cyfeirir atynt ym mharagraff (1) uchod yw -

(a) Swydd Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru neu Her Majesty's Chief Inspector of Education and Training in Wales; a

(b) Awdurdod Cymwysterau Cwricwlwm ac Asesu Cymru neu the Qualifications, Curriculum and Assessment Authority for Wales.

(5) Y personau y cyfeirir atynt ym mharagraff (2)(a) uchod yw -

(a) yr awdurdod addysg lleol sy'n cynnal yr ysgol y cofrestrir neu y cofrestrwyd y disgybl sy'n destun yr wybodaeth honno ynddi, neu, yn achos ysgol na chynhelir mohoni felly, awdurdod addysg lleol yr ardal y lleolir yr ysgol ynddi, lle y cofrestrir neu lle y cofrestrwyd y disgybl sy'n destun yr wybodaeth honno;

(b) Swydd Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru neu Her Majesty's Chief Inspector of Education and Training in Wales; ac

(c) Awdurdod Cymwysterau Cwricwlwm ac Asesu Cymru neu the Qualifications, Curriculum and Assessment Authority for Wales.

(6) Y categori y cyfeirir ato ym mharagraff (2)(b) uchod yw'r categori o bersonau sy'n ymchwilio i gyflawniadau addysgol disgyblion ac y mae'n ofynnol iddynt gael gwybodaeth am ddisgyblion unigol at y diben hwnnw.

(b) any GCSE subjects;

(c) any GCE "A" level examinations;

(d) any GCE "AS" examinations;

(e) any GNVQ subjects; and

(f) any course of study provided to pupils of compulsory school age in any school maintained by a local education authority which leads to a qualification which is approved by the Assembly or a body designated by the Assembly under section 99 of the Learning and Skills Act 2000(**a**) (other than a qualification of the kind referred to in sub-paragraph (b) or (e) above).

(4) The persons referred to in paragraph (1) above are -

(a) the Office of Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru; and

(b) Awdurdod Cymwysterau Cwricwlwm ac Asesu Cymru or the Qualifications, Curriculum and Assessment Authority for Wales.

(5) The persons referred to in paragraph (2)(a) above are -

(a) the local education authority which maintains the school at which the pupil who is the subject of that information is or was registered or, in the case of a school which is not so maintained, the local education authority for the area in which the school is situated, at which the pupil who is the subject of that information is or was registered;

(b) the Office of Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru; and

(c) Awdurdod Cymwysterau Cwricwlwm ac Asesu Cymru or the Qualifications, Curriculum and Assessment Authority for Wales.

(6) The category referred to in paragraph (2)(b) above is that of persons conducting research into the educational achievements of pupils and who require individual pupil information for that purpose.

(a) 2000 p.21.

(a) 2000 c.21.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**a**).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**a**).

2 Mawrth 2004

2nd March 2004

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 549 (Cy.53)

ADDYSG, CYMRU

Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Personau Rhagnodedig) (Cymru) 2004

2004 No. 549 (W.53)

EDUCATION, WALES

The Education (Individual Pupil Information) (Prescribed Persons) (Wales) Regulations 2004

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ISBN 0-11-090875-9

9 780110 908755

£3.00

W20/03/04 ON