DOGFENNAU SY'N MYND GYDA'R MESUR
Caiff Nodiadau Esboniadol a Memorandwm Esboniadol eu hargraffu ar wahân.

Mesur Arfaethedig ynghylch Addysg (Cymru)

[FEL Y'I DIWYGIWYD YN YSTOD CYFNOD 2]

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20. Y cyfnod sylfaen

Diwygiadau i Ddeddf Dysgu a Medrau 2000

20A Hawliau mewn perthynas â'r cwricwlwm lleol ar gyfer myfyrwyr 16 i 18 oed

Cyffredinol

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Atodlen — Mân ddiwygiadau a diwygiadau canlyniadol

Mesur Arfaethedig ynghylch Addysg (Cymru)

[FEL Y'I DIWYGIWYD YN YSTOD CYFNOD 2]

MESUR gan Gynulliad Cenedlaethol Cymru i wneud darpariaeth i blant gael hawl i apelio mewn cysylltiad ag anghenion addysgol arbennig, a hawl i wneud hawliad mewn cysylltiad â gwahaniaethu ar sail anabledd mewn ysgolion, i Dribiwnlys Anghenion Addysgol Arbennig Cymru; i wneud darpariaeth ar gyfer y canlynol mewn perthynas ag anghenion addysgol arbennig a gwahaniaethu ar sail anabledd mewn ysgolion: gwasanaethau cynghori a rhoi gwybodaeth, trefniadau ar gyfer datrys anghydfodau ac eithrio drwy apelau a hawliadau i Dribiwnlys Anghenion Addysgol Arbennig Cymru, a gwasanaethau eirioli annibynnol; i wneud darpariaeth ar gyfer treialu darpariaethau Rhan 1 o'r Mesur hwn; i wneud darpariaeth ynghylch y cwricwlwm mewn ysgolion yng Nghymru; ac at ddibenion cysylltiedig.

RHAN 1

APELAU A HAWLIADAU ADDYSG GAN BLANT

Apelau anghenion addysgol arbennig

1 Hawl plentyn i apelio mewn cysylltiad ag anghenion addysgol arbennig

(1) Diwygir Deddf Addysg 1996 (p. 56) yn unol â'r adran hon.

(2) Ar ôl adran 332 mewnosoder—

"*Appeals by children*

332ZA Right of a child to appeal to the Welsh Tribunal

(1) This section applies to the rights of a parent of a child to appeal to the Welsh Tribunal under any of the following provisions—

(a) section 325(2) (appeal against decision not to make statement),

(b) section 326(1) (appeal against contents of statement),

(c) section 328(3)(b) (reviews of educational needs),

(d) section 329(2)(b) (assessment of educational needs at request of child's parent),

(e) section 329A(8)(b) (review of assessment of educational needs at request of responsible body),

(f) paragraph 8(3)(b) of Schedule 27 (change of named school),

(g) paragraph 11(2)(b) of Schedule 27.

(2) The child may exercise the rights conferred on the parent in respect of that child.

(3) The child's rights are exercisable concurrently with the parent's rights.

(5) The exercise of rights under this section is subject to provision made by regulations under sections 332ZC and 336(1).".

2 Hysbysu a chyflwyno dogfennau

(1) Diwygir Deddf Addysg 1996 (p. 56) yn unol â'r adran hon.

(2) Ar ôl adran 332ZA mewnosoder—

"332ZB Notice and service of documents on a child

(1) This section applies if a local authority in Wales is required to give notice to or serve a document on a parent of a child under any of the following provisions—

(a) section 325 (appeal against decision not to make statement),

(b) section 326 (appeal against contents of a statement),

(c) section 328 (reviews of educational needs),

(d) section 329 (assessment of educational needs at request of child's parent),

(e) section 329A(8) (review or assessment of educational needs at request of responsible body),

(f) paragraph 3 of Schedule 26 (manner and timing of assessments),

(g) paragraph 2B(2) of Schedule 27 (provision of additional information),

(h) paragraph 6 of Schedule 27 (service of statement),

(i) paragraph 8 of Schedule 27 (change of named school),

(j) paragraph 11 of Schedule 27 (ceasing to maintain a statement).

(2) The local authority must give notice to, or serve the document on, the child as well as on the parent.

(3) Any provision applicable to notices given to or documents served on a parent applies equally to notices given to or documents served on a child.".

3 Cyfeillion achos

(1) Diwygir Deddf Addysg 1996 (p. 56) yn unol â'r adran hon.

(2) Ar ôl adran 332ZB mewnosoder—

"332ZC Case friends – Wales

(1) The Welsh Ministers may provide by regulations for a child to have a person (referred to in this Part as a "case friend")—

(a) to make representations on behalf of a child with a view to avoiding or resolving disagreements about the exercise by local education authorities in Wales of functions under this Part, and

(b) to exercise the rights of a child under section 332ZA on the child's behalf.

(2) A child's case friend must—

(a) make representations and exercise rights fairly and competently,

(b) have no interest adverse to that of the child,

(c) ensure that all steps and decisions taken by the case friend are for the benefit of the child and take account of the child's views.

(3) Regulations made under this section may (among other things)—

(a) confer functions on the Welsh Tribunal,

(b) make provision about procedures in relation to case friends,

(c) make provision about the appointment and removal of case friends,

(d) specify the circumstances in which a person may or may not act as a case friend,

(e) specify the circumstances in which a child must have a case friend,

(f) specify further requirements in respect of the conduct of case friends.".

4 Cyngor a gwybodaeth

(1) Diwygir Deddf Addysg 1996 (p. 56) yn unol â'r adran hon.

(2) Yn adran 332A (cyngor a gwybodaeth i rieni)—

(a) yn y pennawd, ar ôl y gair "parents" mewnosoder "- England";

(b) yn is-adran (1), ar ôl y geiriau "local education authority" mewnosoder "in England";

(c) yn is-adran (2), ar ôl "given" mewnosoder "by the Secretary of State.";

(d) hepgorer is-adrannau (2)(a) a (b).

(3) Ar ôl adran 332A mewnosoder—

"332AA Advice and information – Wales

(1) A local education authority in Wales must arrange for any child in their area with special educational needs, for a parent of any such child and for a case friend for any such child, to be provided with advice and information about matters relating to those needs.

(2) In making the arrangements, the authority must have regard to any guidance given by the Welsh Ministers.

(3) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.

(4) The authority must take such steps as they consider appropriate for making the services provided under subsection (1) known to—

(a) children in their area,

(b) parents of children in their area,

(c) head teachers and proprietors of schools in their area, and

(d) such other persons as they consider appropriate.".

5 Datrys anghydfodau

(1) Diwygir adran 332B o Ddeddf Addysg 1996 (p. 56) yn unol â'r adran hon.

(2) Yn adran 332B (datrys anghydfodau)—

(a) yn y pennawd, ar ôl y gair "disputes" mewnosoder "- England";

(b) yn is-adrannau (1) a (2), ar ôl y geiriau "local education authority" mewnosoder "in England";

(c) yn is-adran (4), ar ôl "given" mewnosoder "by the Secretary of State.";

(d) hepgorer is-adrannau (4)(a) a (b).

(3) Ar ôl adran 332B mewnosoder—

"332BA Resolution of disputes – Wales

(1) A local education authority in Wales must make arrangements with a view to avoiding or resolving disagreements between—

(a) authorities and children in their area about the exercise by authorities of functions under this Part, and

(b) authorities and parents of children in their area about the exercise by authorities of functions under this Part.

(2) A local education authority in Wales must also make arrangements with a view to avoiding or resolving, in each relevant school, disagreements between—

(a) a relevant child and the proprietor of the school about the special educational provision made for that child, and

(b) the parents of a relevant child and the proprietor of the school about the special educational provision made for that child.

(3) The arrangements must provide for the appointment of independent persons with the functions of facilitating the avoidance or resolution of such disagreements.

(4) In making the arrangements, the authority must have regard to any guidance given by the Welsh Ministers.

(5) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.

(6) The authority must take such steps as they consider appropriate for making the arrangements under subsection (1) and (2) known to—

(a) children in their area,

(b) parents of children in their area,

(c) head teachers and proprietors of schools in their area, and

(d) such other persons as they consider appropriate.

(7) The arrangements cannot affect the entitlement of a child or a parent of a child to appeal to the Tribunal, and the authority must take such steps as they consider appropriate to make that fact known to children, to parents of children and to case friends for children in their area.

(8) In this section—

"authorities" means the governing bodies of maintained schools and the local authority,

"relevant child" means a child who has special educational needs and is a registered pupil at a relevant school.

(9) For the purposes of this section a school is a relevant school in relation to a child if it is—

(a) a maintained school or a maintained nursery school,

(b) a pupil referral unit,

(c) an independent school named in the statement maintained for the child under section 324, or

(d) a school approved under section 342.".

6 Gwasanaethau eirioli annibynnol

(1) Diwygir Deddf Addysg 1996 (p. 56) yn unol â'r adran hon.

(2) Ar ôl adran 332BA mewnosoder y canlynol—

"332BB Independent advocacy services – Wales

(1) Every local education authority in Wales must—

(a) make arrangements for the provision of independent advocacy services in their area;

(b) refer any child in their area who requests independent advocacy services to a service provider;

(c) refer any person who is a case friend for a child in their area and who requests independent advocacy services to a service provider.

(2) In this section "independent advocacy services" are services providing advice and assistance (by way of representation or otherwise) to a child—

(a) making, or intending to make an appeal to the Tribunal under section 332ZA, or

(b) considering whether to appeal to the Tribunal under that section, or

(c) taking part in or intending to take part in dispute resolution arrangements made under section 332BA.

(3) In making arrangements under this section, every local education authority must have regard to the principle that any services provided under the arrangements must be independent of any person who is—

(a) the subject of an appeal to the Tribunal, or

(b) involved in investigating or adjudicating on such an appeal.

(4) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.

(5) Every local education authority in Wales must take such steps as they consider appropriate for making the arrangements under this section known to—

(a) children in their area,

(b) parents of children in their area,

(c) head teachers and proprietors of schools in their area, and

(d) such other persons as they consider appropriate.

(6) The arrangements may include provision for payments to be made to, or in relation to, any person carrying out functions in accordance with the arrangements.

(7) A local education authority must have regard to any guidance given from time to time by the Welsh Ministers".

7 Gweithdrefn y Tribiwnlys

(1) Diwygir adran 336 o Ddeddf Addysg 1996 (p. 56) yn unol â'r adran hon.

(2) Ar ddiwedd is-adran (2)(n), hepgorer "and".

(3) Ar ôl is-adran (2)(o) mewnosoder—

"(p) enabling the Welsh Tribunal to stay proceedings on an appeal, and

(q) for adding and substituting parties.".

8 Gweithdrefnau ar gyfer gwneud rheoliadau

(1) Diwygir adran 569 (rheoliadau) o Ddeddf Addysg 1996 (p. 56) yn unol â'r adran hon.

(2) Yn is-adran (1) ar ôl "Secretary of State" mewnosoder "or the Welsh Ministers".

(3) Yn is-adran (2) ar ôl "Act" mewnosoder "made by the Secretary of State".

(4) Ar ôl is-adran (2) mewnosoder—

"(2A) A statutory instrument containing regulations under sections 332ZC, 332AA, 332BA, 332BB or 336 made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(2B) Paragraphs 33 to 35 of Schedule 11 to the Government of Wales Act 2006 make provision about the National Assembly for Wales procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the Secretary of State or the National Assembly for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule.".

(5) Yn is-adran (4) ar ôl "thinks fit" mewnosoder "or the Welsh Ministers think fit".

Hawliadau gwahaniaethu ar sail anabledd

9 Hawl plentyn i wneud hawliad gwahaniaethu ar sail anabledd

(1) Diwygir Rhan 4 o Ddeddf Gwahaniaethu ar sail Anabledd 1995 (p. 50) yn unol â'r adran hon.

(2) Yn adran 28I, yn y pennawd, ar ôl "Tribunal" mewnosoder " — England and Wales".

(3) Ar ôl adran 28I mewnosoder—

"28IA Jurisdiction and powers of the Tribunal —Wales

(1) A claim that a responsible body for a school in Wales—

(a) has discriminated against a person ("the relevant person") in a way which is made unlawful under this Chapter, or

(b) is by virtue of section 58 to be treated as having discriminated against the relevant person in such a way,

may be made to the Welsh Tribunal by that relevant person.

(2) But this section does not apply to a claim to which section 28K or 28L applies.

(3) The relevant person's right to claim is exercisable concurrently with the right of the relevant person's parent under section 28I.

(4) If the Welsh Tribunal considers that a claim under subsection (1) is well founded—

(a) it may declare that the relevant person has been unlawfully discriminated against; and

(b) if it does so, it may make such order as it considers reasonable in all the circumstances of the case.

(5) The power conferred by subsection (4)(b)—

(a) may, in particular, be exercised with a view to obviating or reducing the adverse effect on the person concerned of any matter to which the claim relates; but

(b) does not include power to order the payment of any sum by way of compensation.

(7) The exercise of rights under this section is subject to provision made by regulations under sections 28IB and 28J.".

10 Cyfeillion achos

Ar ôl adran 28IA o Ddeddf Gwahaniaethu ar sail Anabledd 1995 (p. 50) mewnosoder—

"28IB Case friends – Wales

(1) The Welsh Ministers may by regulations provide for—

(a) a disabled child in a local education authority area in Wales to have a person to make representations on behalf of the disabled child with a view to avoiding or resolving disagreements about matters made unlawful under this chapter or to be treated as discrimination by virtue of section 58, and

(b) a relevant person (within the meaning of section 28IA) to have another person to exercise the relevant person's rights under that section on the relevant person's behalf.

(2) A person exercising rights or making representations on behalf of a disabled child or a relevant person under subsection (1) is referred to in this Part as a "case friend".

(3) A case friend must—

(a) make representations and exercise rights fairly and competently,

(b) have no interest adverse to that of the disabled child or relevant person,

(c) ensure that all steps and decisions taken by the case friend are for the benefit of the disabled child or relevant person and take account of the disabled child or relevant person's views.

(4) Regulations made under this section may (among other things)—

(a) confer functions on the Welsh Tribunal,

(b) make provision about procedures in relation to case friends,

(c) make provision about the appointment and removal of case friends,

(d) specify the circumstances in which a person may or may not act as a case friend,

(e) specify the circumstances in which a relevant person (within the meaning of section 28IA) must have a case friend,

(f) specify further requirements in respect of the conduct of case friends.

(5) In this section, sections 28IC, 28ID and 28IE, a disabled child means any disabled person who is a pupil (or a prospective pupil) of—

(a) a maintained school or maintained nursery school,

(b) a pupil referral unit,

(c) an independent school, or

(d) a special school not maintained by a local education authority.".

11 Cyngor a gwybodaeth

Ar ôl adran 28IB o Ddeddf Gwahaniaethu ar sail Anabledd 1995 (p. 50) mewnosoder—

"28IC Advice and information – Wales

(1) A local education authority in Wales must arrange for any disabled child in their area and for the case friend of any such child to be provided with

advice and information about matters relating to disability discrimination in schools.

(2) In making the arrangements, the authority must have regard to any guidance given by the Welsh Ministers.

(3) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.

(4) The authority must take such steps as they consider appropriate for making the services provided under subsection (1) known to—

(a) disabled children in their area,

(b) parents of disabled children in their area,

(c) head teachers and proprietors of schools in their area, and

(d) such other persons as they consider appropriate.".

12 Datrys anghydfodau

Ar ôl adran 28IC o Ddeddf Gwahaniaethu ar sail Anabledd 1995 (p. 50) mewnosoder—

"28ID Resolution of disputes – Wales

(1) A local education authority in Wales must make arrangements with a view to avoiding or resolving disagreements between responsible bodies and disabled children in their area about matters made unlawful under this chapter or to be treated as discrimination by virtue of section 58.

(2) The arrangements must provide for the appointment of independent persons with the functions of facilitating the avoidance or resolution of such disagreements.

(3) In making the arrangements, the authority must have regard to any guidance given by the Welsh Ministers.

(4) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.

(5) The authority must take such steps as they consider appropriate for making the arrangements under subsection (1) known to—

(a) disabled children in their area,

(b) parents of disabled children in their area,

(c) head teachers and proprietors of schools in their area, and

(d) such other persons as they consider appropriate.

(6) The arrangements cannot affect the entitlement of any person to make a claim to the Welsh Tribunal, and the authority must take such steps as they consider appropriate to make that fact known to disabled children, to parents of disabled children and to case friends for disabled children in their area.".

13 Gwasanaethau eirioli annibynnol

Ar ôl adran 28ID o Ddeddf Gwahaniaethu ar sail Anabledd 1995 (p. 50) mewnosoder—

"28IE Independent advocacy services – Wales

(1) Every local education authority in Wales must—

(a) make arrangements for the provision of independent advocacy services in their area;

(b) refer any disabled child in their area who requests independent advocacy services to a service provider;

(c) refer any person who is a case friend for a disabled child in their area and who requests independent advocacy services to a service provider.

(2) In this section "independent advocacy services" are services providing advice and assistance (by way of representation or otherwise) to a disabled child who is—

(a) making, or intending to make a claim that a responsible body—

(i) has discriminated against that child in a way which is unlawful under this Chapter, or

(ii) is by virtue of section 58 to be treated as having discriminated against that child in such a way; or

(b) considering whether to make such a claim; or

(c) taking part in or intending to take part in dispute resolution arrangements made under section 28ID.

(3) In making arrangements under this section, every local education authority must have regard to the principle that any services provided under the arrangements must be independent of any person who is—

(a) the subject of a claim to the Welsh Tribunal, or

(b) involved in investigating or adjudicating on such a claim.

(4) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.

(5) Every local education authority in Wales must take such steps as they consider appropriate for making the arrangements under this section known to—

(a) disabled children in their area,

(b) parents of disabled children in their area,

(c) head teachers and proprietors of schools in their area, and

(d) such other persons as they consider appropriate.

(6) The arrangements may include provision for payments to be made to, or in relation to, any person carrying out functions in accordance with the arrangements.

(7) A local education authority must have regard to any guidance given from time to time by the Welsh Ministers.".

14 Gweithdrefn y Tribiwnlys

(1) Diwygir adran 28J (gweithdrefn) o Ddeddf Gwahaniaethu ar sail Anabledd 1995 (p. 50) yn unol â'r adran hon.

(2) Yn is-adran (1) yn lle "Regulations may, with the agreement of the Welsh Ministers" rhodder "The Welsh Ministers may make regulations that".

(3) Ar ôl is-adran (2)(o) mewnosoder—

"(p) for adding and substituting parties.".

(4) Yn is-adran (5)—

(a) yn lle "The Secretary of State may, with the agreement of the Welsh Ministers," rhodder "The Welsh Ministers may",

(b) yn lle "as he may" rhodder "as they may",

(c) hepgorer y geiriau ", with the consent of the Treasury,".

(5) Hepgorer is-adran (8)(b).

15 Rôl Gweinidogion Cymru

(1) Diwygir adran 28M (rôl yr Ysgrifennydd Gwladol a rôl Gweinidogion Cymru) o Ddeddf Gwahaniaethu ar sail Anabledd 1995 (p. 50) yn unol â'r adran hon.

(1A) Ar ôl is-adran (1), mewnosoder—

"(1A) If the Welsh Ministers are satisfied (whether on a complaint or otherwise) that a local education authority—

(a) has acted, or is proposing to act, unreasonably in the discharge of a duty imposed by or under sections 28IC, 28ID or 28IE, or

(b) has failed to discharge a duty imposed by or under any of those sections,

they may give that body such directions as to the discharge of the duty as appear to them to be expedient .".

(1B) Yn is-adran (4), ar ôl "(1)" mewnosoder ", (1A)".

(2) Yn is-adran (5), hepgorer y geiriau "or the Welsh Tribunal".

(3) Ar ôl is-adran (6) mewnosoder—

"(6A) Subsection (6B) applies if the Welsh Tribunal has made an order under section 28I(3) or section 28IA(3).

(6B) If the Welsh Ministers are satisfied (whether on a complaint or otherwise) that the responsible body concerned—

(a) has acted, or is proposing to act, unreasonably in complying with the order, or

(b) has failed to comply with the order,

they may give that body such directions as to compliance with the order as appear to them to be expedient.".

(4) Yn is-adran (7), ar ôl " (1)," mewnosoder "(1A),", dileer y gair "or" y tro cyntaf y ceir y gair hwnnw, ac ar ôl "(6)" mewnosoder "or (6B)".

16 Gweithdrefnau ar gyfer gwneud rheoliadau

Yn adran 67 (rheoliadau a gorchmynion) o Ddeddf Gwahaniaethu ar sail Anabledd 1995 (p. 50), ar ôl is-adran (5A) mewnosoder—

"(5B) A statutory instrument containing regulations under sections 28IB, 28IC, 28ID, 28IE or 28J is subject to annulment in pursuance of a resolution of the National Assembly for Wales.".

Treialu

17 Treialu hawliau plentyn i apelio neu i wneud hawliad

(1) Caiff Gweinidogion Cymru drwy reoliadau ddarparu ar gyfer treialu darpariaethau Deddf Addysg 1996 (p. 56) a Deddf Gwahaniaethu ar sail Anabledd 1995 (p. 50) fel y'u diwygir gan y Rhan hon am gyfnod a bennir yn y rheoliadau o hyd at 40 o fisoedd ("y cyfnod treialu").

(2) Caiff rheoliadau o dan is-adran (1) ddarparu (ymhlith eraill)—

(a) mai dim ond i blant y mae awdurdodau lleol penodedig yn gyfrifol amdanynt y mae hawliau plentyn a roddir gan ddiwygiadau a wneir i Ddeddf Addysg 1996 gan y Rhan hon yn gymwys;

(b) mai dim ond i awdurdodau lleol penodedig y mae unrhyw ddyletswydd a osodir ar awdurdod lleol gan ddiwygiadau a wneir i Ddeddf Addysg 1996 gan y Rhan hon yn gymwys;

(c) mai dim ond i gorff sy'n gyfrifol am ysgol mewn ardaloedd penodedig y mae hawliau person a roddir gan ddiwygiadau a wneir i Ddeddf Gwahaniaethu ar sail Anabledd 1995 gan y Rhan hon yn gymwys;

(d) mai dim ond i awdurdodau lleol penodedig y mae unrhyw ddyletswydd a osodir ar awdurdod lleol gan ddiwygiadau a wneir i Ddeddf Gwahaniaethu ar sail Anabledd 1995 gan y Rhan hon yn gymwys;

(e) bod adroddiadau neu wybodaeth arall ar weithredu darpariaethau a dreialwyd yn cael eu darparu neu ei darparu ar gyfer Gweinidogion Cymru gan Dribiwnlys Cymru, awdurdodau lleol a bennir o dan baragraffau (a), (b) neu (d) neu gyrff sy'n gyfrifol am ysgolion mewn ardaloedd a bennir o dan baragraff (c).

(5) Rhaid i Weinidogion Cymru—

(a) cyhoeddi adroddiad ynghylch sut y rhoddwyd y darpariaethau a dreialwyd ar waith a pha mor effeithiol oeddynt o ran hyrwyddo llesiant plant, a

(b) gosod copi o'r adroddiad gerbron Cynulliad Cenedlaethol Cymru.

(5A) Caniateir i adroddiad o dan is-adran (5) gael ei osod gerbron Cynulliad Cenedlaethol Cymru cyn diwedd y cyfnod treialu; ond ni chaniateir iddo gael ei osod ar ddyddiad lai na 12 mis ar ôl dechrau'r cyfnod treialu.

(6) Rhaid i adroddiad o dan is-adran (5) gael ei osod gerbron Cynulliad Cenedlaethol Cymru heb fod yn hwyrach na 30 o fisoedd ar ôl i reoliadau o dan yr adran hon ddod i rym.

18 Pŵer i wneud darpariaeth ynghylch apelau a hawliadau gan blentyn

(1) Caiff Gweinidogion Cymru drwy orchymyn wneud darpariaeth ynghylch—

(a) hawliau plentyn i apelio i Dribiwnlys Cymru mewn cysylltiad â materion y mae gan riant hawl i apelio mewn perthynas â hwy o dan Ran 4 o Ddeddf Addysg 1996;

(b) hawl person i wneud hawliad i Dribiwnlys Cymru mewn cysylltiad â materion y mae gan riant i'r person hwnnw hawl i wneud hawliad mewn perthynas â hwy o dan adran 28I o Ddeddf Gwahaniaethu ar sail Anabledd 1995;

(c) unrhyw fater sy'n gysylltiedig â'r cyfryw hawliau;

(d) darparu cyngor a gwybodaeth i blant ynghylch materion sy'n ymwneud ag anghenion addysgol arbennig;

(e) darparu cyngor a gwybodaeth i blant anabl ynghylch materion sy'n ymwneud â gwahaniaethu ar sail anabledd mewn ysgolion;

(f) gwasanaethau eirioli ynghylch anghenion addysgol arbennig neu wahaniaethu ar sail anabledd mewn ysgolion;

(g) trefniadau gyda'r bwriad o osgoi neu ddatrys anghytundebau rhwng—

(i) awdurdod addysg lleol (ar y naill law) a phlentyn (ar y llaw arall) ynghylch arfer gan awdurdodau swyddogaethau o dan Ran 4 o Ddeddf Addysg 1996;

(ii) perchennog ysgol berthnasol (ar y naill law) a phlentyn (ar y llaw arall) ynghylch darpariaeth addysgol arbennig (o fewn ystyr "*special educational provision*" yn adran 312(4) o Ddeddf Addysg 1996);

(iii) corff sy'n gyfrifol am ysgol (ar y naill law) a phlentyn anabl (ar y llaw arall) ynghylch gwahaniaethu ar sail anabledd.

(2) Mae'r pŵer i wneud gorchymyn o dan is-adran (1) yn cynnwys pŵer—

(a) i ychwanegu, i ddileu neu i addasu hawliau;

(b) i ddiwygio neu ddiddymu un neu fwy o ddarpariaethau Rhan 4 o Ddeddf Addysg 1996;

(c) i ddiwygio neu ddiddymu un neu fwy o ddarpariaethau Rhan 4 o Ddeddf Gwahaniaethu ar sail Anabledd 1995;

(d) i wneud diwygiadau canlyniadol a diddymiadau i ddarpariaethau yn y Deddfau hynny.

(4) Ni chaniateir arfer y pŵer i wneud gorchymyn o dan yr adran hon—

(a) cyn i adroddiad gael ei osod gerbron Cynulliad Cenedlaethol Cymru o dan adran 17(5), neu

(b) ar ôl cyfnod o 24 o fisoedd yn cychwyn ar ddiwrnod olaf y cyfnod treialu a bennir mewn rheoliadau o dan adran 17(1) .

19 Dehongli adrannau 17 ac 18

(1) Yn adrannau 17 ac 18—

ystyr "awdurdodau lleol" (*"local authorities"*) yw awdurdodau addysg lleol yng Nghymru;

ystyr "perchennog" (*"proprietor"*) mewn perthynas ag ysgol yw'r person neu'r corff o bersonau sy'n gyfrifol am reoli'r ysgol (a'i ystyr felly mewn perthynas ag ysgol gymunedol, sefydledig neu wirfoddol neu ysgol arbennig gymunedol neu sefydledig, neu ysgol feithrin a gynhelir, yw'r corff llywodraethu);

mae "plentyn" (*"child"*) yn cynnwys unrhyw berson nad yw eto'n 19 oed ac sy'n ddisgybl cofrestredig mewn ysgol;

mae i "plentyn anabl" (*"disabled child"*) yr ystyr sydd i "disabled child" yn adran 28IB o Ddeddf Gwahaniaethu ar sail Anabledd 1995;

mae i "rhiant" (*"parent"*) yr ystyr a roddir i "parent" yn adran 576 o Ddeddf Addysg 1996;

ystyr "Tribiwnlys Cymru" (*"Welsh Tribunal"*) yw Tribiwnlys Anghenion Addysgol Arbennig Cymru;

ystyr "ysgol berthnasol" (*"relevant school"*) yw—

(a) ysgol a gynhelir neu ysgol feithrin a gynhelir,

(b) uned cyfeirio disgyblion,

(c) ysgol annibynnol a enwir yn y datganiad a gedwir ar gyfer y plentyn o dan adran 324 o Ddeddf Addysg 1996, neu

(d) ysgol a gymeradwyir o dan adran 342 o Ddeddf Addysg 1996;

ystyr "ysgol a gynhelir" (*"maintained school"*) yw unrhyw ysgol gymunedol, sefydledig neu wirfoddol neu unrhyw ysgol arbennig gymunedol neu sefydledig nas sefydlwyd mewn ysbyty;

ystyr "ysgol feithrin a gynhelir" (*"maintained nursery school"*) yw ysgol feithrin a gynhelir gan awdurdod addysg lleol ac nad yw'n ysgol arbennig.

(2) At ddibenion adran 17(2)(c) ac 18(1)(g)(iii), penderfynir ar y corff sy'n gyfrifol am ysgol yn unol â pharagraff 1 o Atodlen 4A i Ddeddf Gwahaniaethu ar sail Anabledd 1995.

(3) Mae awdurdod lleol yn gyfrifol am blentyn at ddibenion adran 17(2)(a) os yw'r plentyn yn ei ardal—

(a) a bod y plentyn yn ddisgybl cofrestredig mewn ysgol a gynhelir neu ysgol feithrin a gynhelir,

(b) a bod addysg yn cael ei darparu ar gyfer y plentyn mewn ysgol nad yw'n ysgol a gynhelir neu'n ysgol feithrin a gynhelir, ond ei bod yn cael ei darparu felly ar gost yr awdurdod,

(c) ac nad yw'r plentyn yn dod o fewn (a) neu (b), ond bod y plentyn yn ddisgybl cofrestredig mewn ysgol a'i fod wedi ei ddwyn i sylw'r awdurdod am fod ganddo (neu am ei bod yn debygol bod ganddo) anghenion addysgol arbennig, neu

(d) ac nad yw'r plentyn yn ddisgybl cofrestredig mewn ysgol, ond nad yw o dan ddwyflwydd oed neu dros oedran ysgol gorfodol a'i fod wedi ei ddwyn i sylw'r awdurdod am fod ganddo (neu am ei bod yn debygol bod ganddo) anghenion addysgol arbennig.

Diddymu ac ailddeddfu Deddf Gwahaniaethu ar sail Anabledd 1995 yn y dyfodol

19A Pwerau mewn perthynas â diddymu ac ailddeddfu Deddf Gwahaniaethu ar sail Anabledd 1995

(1) Mae'r adran hon yn gymwys os diddymir ac ail-ddeddfir, gan Ddeddf Seneddol, Ran 4 o Ddeddf Gwahaniaethu ar sail Anabledd 1995 (wedi neu heb ei haddasu).

(2) Yn is-adran (1) mae'r ymadrodd "diddymir ac ail-ddeddfir" yn cynnwys diddymu ac ailddeddfu cyn cychwyn y diddymiad ac ailddeddfiad.

(3) Caiff Gweinidogion Cymru, drwy orchymyn—

(a) gwneud darpariaeth sy'n cyfateb i ddarpariaeth a wneir gan adrannau 9 i 16 o'r Mesur hwn, a

(b) gwneud y cyfryw ddarpariaeth arall ag y byddant o'r farn ei bod yn briodol iddynt ei gwneud yn sgil unrhyw ddarpariaeth a wneir o dan baragraff (a).

(4) Mae'r pŵer a roddir gan is-adran (3) yn cynnwys pŵer i ddiwygio neu ddiddymu unrhyw ddeddfiad (pa bryd bynnag y caiff ei basio neu ei wneud), gan gynnwys unrhyw ddarpariaeth yn y Mesur hwn.

(5) Yn yr adran hon mae "deddfiad" yn cynnwys deddfiad a geir mewn is-ddeddfwriaeth, o fewn ystyr Deddf Ddehongli 1978 (p.30).

RHAN 2

AMRYWIOL A CHYFFREDINOL

Diwygiadau i Ran 7 o Ddeddf Addysg 2002

20 Y cyfnod sylfaen

(1) Diwygir Deddf Addysg 2002 (p. 32) yn unol â'r adran hon.

(2) Yn adran 97 (dehongli Rhan 7)—

(a) yn y diffiniad o "assessment arrangements", yn lle "foundation stage" rhodder "foundation phase";

(b) yn y diffiniad o "desirable outcomes", yn lle "foundation stage" rhodder "foundation phase";

(c) yn y diffiniad o "the foundation stage", yn lle "stage" rhodder "phase".

(3) Yn adrannau 102 (gan gynnwys y pennawd), yn lle "foundation stage", bob tro y ceir y geiriau hynny, rhodder "foundation phase".

(4) Yn adran 103, hepgorer is-adran (1)(a).

(5) Yn adran 104 (gan gynnwys y pennawd), yn lle "foundation stage", bob tro y ceir y geiriau hynny, rhodder "foundation phase".

(6) Yn adran 105 (gan gynnwys yn y pennawd), hepgorer y gair "first," bob tro y'i ceir.

(7) Yn adran 108—

(a) yn lle "foundation stage", bob tro y ceir y geiriau hynny, rhodder "foundation phase";

(b) yn is-adran (3), hepgorer y gair "first,".

(8) Yn adran 110 yn lle "foundation stage", bob tro y ceir y geiriau hynny, rhodder "foundation phase".

Diwygiadau i Ddeddf Dysgu a Medrau 2000

20A Hawliau mewn perthynas â'r cwricwlwm lleol ar gyfer myfyrwyr 16 i 18 oed

(1) Diwygir Deddf Dysgu a Medrau 2000 (p.21) yn unol â'r adran hon.

(2) Yn adran 33F(1)(a), yn lle "ceases to be" rhodder "was not at the beginning of the entitlement period, or subsequently ceases to be,".

(3) Yn lle'r diffiniad o "academic year" yn adran 33N(1) rhodder y canlynol—

""academic year" means the period beginning on the fourth Monday of September in any year and ending on the first day of September in the following year;".

Cyffredinol

21 Mân ddiwygiadau a diwygiadau canlyniadol

Mae'r Atodlen yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol.

22 Gorchmynion a rheoliadau

(1) Mae unrhyw bŵer sy'n perthyn i Weinidogion Cymru i wneud gorchymyn neu reoliadau o dan y Mesur hwn yn arferadwy drwy offeryn statudol.

(2) Mae unrhyw bŵer sy'n perthyn i Weinidogion Cymru i wneud gorchymyn neu reoliadau o dan y Mesur hwn yn cynnwys pŵer—

(a) i wneud darpariaeth wahanol ar gyfer achosion neu ardaloedd gwahanol;

(b) i wneud darpariaeth yn gyffredinol neu mewn perthynas ag achosion penodol;

(c) i wneud y cyfryw ddarpariaeth gysylltiedig, atodol, darfodol, trosiannol neu arbed ag y gwêl Gweinidogion Cymru'n dda ei gwneud.

(3) Mae unrhyw offeryn statudol sy'n cynnwys rheoliadau a wneir o dan adran 17(1) yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.

(4) Ni chaniateir gwneud offeryn statudol yn cynnwys gorchymyn o dan adran 18 neu [19A] onid oes drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo ganddo drwy benderfyniad.

22A Gorchmynion o dan adran 18: y weithdrefn

(1) Cyn gwneud gorchymyn o dan adran 18 rhaid i Weinidogion Cymru—

(a) ymgynghori â'r personau hynny sydd yn eu barn hwy'n gynrychioliadol o fuddiannau yr effeithir arnynt gan eu cynigion;

(b) rhoi sylw i ganfyddiadau eu hadroddiad o dan adran 17(5).

(2) Os bydd Gweinidogion Cymru, ar ôl ymgynghori o dan is-adran (1), yn arfaethu gwneud gorchymyn o dan adran 18, rhaid iddynt osod gerbron Cynulliad Cenedlaethol Cymru ddogfen yn cynnwys-

(a) esboniad o'r cynigion,

(b) drafft o'r gorchymyn arfaethedig, ac

(c) manylion yr ymgynghoriad o dan is-adran (1)(a).

(3) Os gosodir dogfen gerbron Cynulliad Cenedlaethol Cymru o dan is-adran (2), rhaid i ddrafft o orchymyn o dan adran 18 i roi effaith i'r cynigion (wedi neu heb eu haddasu) beidio â chael ei osod gerbron y Cynulliad hyd oni fydd cyfnod o drigain o ddiwrnodau yn dechrau ar y diwrnod y gosodwyd y ddogfen wedi dod i ben.

(4) Wrth gyfrifo'r cyfnod a grybwyllir yn is-adran (3) nid yw unrhyw amser pan fo Cynulliad Cenedlaethol Cymru wedi ei ddiddymu neu pan fo'r Cynulliad Cenedlaethol mewn cyfnod o doriad o fwy na phedwar diwrnod i'w gyfrif.

(5) Wrth baratoi gorchymyn drafft o dan adran 18 rhaid i Weinidogion Cymru ystyried unrhyw gynrychioliadau a wnaed yn ystod y cyfnod a grybwyllir yn is-adran (3).

(6) Rhaid i ddatganiad gan Weinidogion Cymru fynd gyda gorchymyn drafft a osodir gerbron Cynulliad Cenedlaethol Cymru'n unol ag adran 22(4) a rhaid i'r datganiad roi manylion ynghylch—

(a) unrhyw gynrychioliadau y rhoddwyd ystyriaeth iddynt yn unol ag is-adran (5), a

(b) unrhyw newidiadau a wnaed i'r cynigion a gaiff eu cynnwys yn y ddogfen a osodir gerbron Cynulliad Cenedlaethol Cymru o dan is-adran (2).

23 Cychwyn

(1) Daw'r darpariaethau a ganlyn i rym ar ddiwedd cyfnod o ddeufis yn cychwyn ar y diwrnod y cymeradwyir y Mesur hwn gan Ei Mawrhydi yn y Cyngor—

adran 22,

yr adran hon,

adran 24.

(2) Daw gweddill darpariaethau'r Mesur hwn i rym yn unol â darpariaeth a wneir gan Weinidogion Cymru drwy orchymyn.

24 Enw byr

Enw'r Mesur hwn yw Mesur Addysg (Cymru) 2010.

YR ATODLEN

(a gyflwynir gan adran 21)

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

Deddf Addysg 1996 (p. 56)

1 Diwygier Deddf Addysg 1996 fel a ganlyn.

2 Yn adran 326 (apêl yn erbyn cynnwys datganiad), yn is-adran (4)(b), yn lle "the parent, the local education authority, or both" rhodder "the child, the parent, the local education authority, or any one or more of them".

3 Yn adran 326A (apelau nas gwrthwynebir), yn is-adran (1)(a), yn lle "the parent of a child has appealed to the Tribunal under section 325, 328, 329 or 329A or paragraph 8(3) of Schedule 27 against a decision of a local education authority, and" rhodder—

"either—

(i) the parent of a child has appealed to the Tribunal under section 325, 328, 329 or 329A or paragraph 8(3) of Schedule 27 against a decision of a local education authority, or

(ii) the child has appealed to the Tribunal under section 325, 328, 329 or 329A against a decision of a local education authority, and".

4 Yn adran 333 (cyfansoddiad Tribiwnlys Cymru), yn is-adran (1ZB), yn lle "this section and sections 334 to 336ZB" rhodder "this Part".

5 Yn Atodlen 27 (gwneud a chadw datganiadau o dan adran 324)—

(a) ym mharagraff 8(1)(b)(iv), yn lle "the parent" rhodder "the child or the parent of the child (as the case may be)";

(b) ym mharagraff 11(4), yn lle "the parent of the child" rhodder "the child or the parent of the child (as the case may be)";

(c) ym mharagraff 11(5)(a), yn lle "the parent of the child" rhodder "the child or the parent of the child (as the case may be)".

Deddf Gwahaniaethu ar sail Anabledd 1995 (p.50)

6 Diwygier Deddf Gwahaniaethu ar sail Anabledd 1995 fel a ganlyn.

7 Yn adran 28G (dyletswydd weddilliol: darpariaethau atodol), yn is-adran (5), ar ôl "28I," mewnosoder "28IA,".

8 Yn adran 28P (dilysu ac adolygu cytundebau cyrff cyfrifol) yn is-adran (2)(a), ar ôl "28I" mewnosoder ", 28IA".

9 Yn Atodlen 3 (gorfodi a gweithdrefn), Rhan 3 (gwahaniaethu mewn ysgolion)—

(a) ym mharagraff 9 (cyfyngu ar ddwyn achos am dorri gofynion Rhan 4, Pennod 1), yn is-baragraff (1), ar ôl "28I," mewnosoder "28IA,";

(b) ym mharagraff 10 (cyfnod y caniateir dwyn achos cyn iddo ddod i ben), yn is-baragraff (1), ar ôl "28I" imewnosoder "or section 28IA";

(c) ym mharagraff 10(2)—

(i) ar ôl "28I" mewnosoder "or section 28IA";

(ii) o flaen “section 27 of the Equality Act 2006” mewnosoder “section 28IC of this Act or”;

(d) ym mharagraff 10(3), ar ôl “28I” mewnosoder “or section 28IA”;

(e) ym mharagraff 11 (tystiolaeth) yn is-baragraff (1B), ar ôl “28I,” mewnosoder “28IA,”.