

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 3 Tachwedd 2017
Tabled on 3 November 2017

Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) Additional Learning Needs and Education Tribunal (Wales) Bill

Darren Millar

1

Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Section 4, page 4, after line 18, insert –

‘() The code and any revisions to it must be accessible to children and young persons.’.

Adran 4, tudalen 4, ar ôl llinell 18, mewnosoder –

‘() Rhaid i'r cod ac unrhyw ddiwygiadau iddo fod ar gael i blant a phobl ifanc.’.

Darren Millar

2

Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Page 7, after line 12, insert a new section –

[] Duty to have regard to the United Nations Convention on the Rights of the Child

- (1) A relevant body exercising functions under this Part in relation to a child or young person must have due regard to Part 1 of the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 (“the Convention”).
- (2) For the purposes of subsection (1), Part 1 of the Convention is to be treated as having effect –
 - (a) as set out for the time being in Part 1 of the Schedule to the Rights of Children and Young Persons (Wales) Measure 2011, but
 - (b) subject to any declaration or reservation as set out for the time being in Part 3 of that Schedule.



- (3) In subsection (1) “relevant body” means—
- a governing body of a maintained school in Wales;
 - a governing body of an institution in the further education sector in Wales;
 - a local authority;
 - an NHS body.’.

Tudalen 7, ar ôl llinell 11, mewnosoder adran newydd—

[] Dyletswydd i roi sylw i Gonfensiwn y Cenhedloedd Unedig ar Hawliau’r Plentyn

- Rhaid i gorff perthnasol sy’n arfer swyddogaethau o dan y Rhan hon mewn perthynas â phlentyn neu berson ifanc roi sylw dyledus i Ran 1 o Gonfensiwn y Cenhedloedd Unedig ar Hawliau’r Plentyn a fabwysiadwyd ac a agorwyd i’w lofnodi, ei gadarnhau a’i dderbyn gan benderfyniad 44/25 y Cynulliad Cyffredinol ar 20 Tachwedd 1989 (“y Confensiwn”).
- At ddibenion is-adran (1), mae Rhan 1 o’r Confensiwn i’w drin fel petai iddo effaith—
 - fel y’i rhoddir am y tro yn Rhan 1 o’r Atodlen i Fesur Hawliau Plant a Phobl Ifanc (Cymru) 2011, ond
 - yn ddarostyngedig i unrhyw ddatganiad neu neilltuad fel y’u rhoddir am y tro yn Rhan 3 o’r Atodlen honno.
- Yn is-adran (1) ystyr “corff perthnasol” yw—
 - corff llywodraethu ysgol a gynhelir yng Nghymru;
 - corff llywodraethu sefydliad yn y sector addysg bellach yng Nghymru;
 - awdurdod lleol;
 - corff GIG.’.

Darren Millar

3

Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Page 7, after line 12, insert a new section—

[] Duty to have regard to the United Nations Convention on the Rights of Persons with Disabilities

- A relevant body exercising functions under this Part in relation to a disabled child or young person must have due regard to the United Nations Convention on the Rights of Persons with Disabilities and its optional protocol adopted on 13 December 2006 by General Assembly resolution A/RES/61/106 and opened for signature on 30 March 2007 (“the Convention”).
- The Convention is to be treated as having effect subject to any declaration or reservation made by the United Kingdom Government upon ratification, save where the declaration or reservation has subsequently been withdrawn.
- In subsection (1) “relevant body” means—
 - a governing body of a maintained school in Wales;



- (b) a governing body of an institution in the further education sector in Wales;
- (c) a local authority;
- (d) an NHS body.'.

Tudalen 7, ar ôl llinell 11, mewnosoder adran newydd—

[] Dyletswydd i roi sylw i Gonfensiwn y Cenhedloedd Unedig ar Hawliau Pobl ag Anableddau

- (1) Rhaid i gorff perthnasol sy'n arfer swyddogaethau o dan y Rhan hon mewn perthynas â phlentyn neu berson ifanc anabl roi sylw dyledus i Gonfensiwn y Cenhedloedd Unedig ar Hawliau Pobl ag Anableddau a'i brotocol dewisol a fabwysiadwyd ar 13 Rhagfyr 2006 gan benderfyniad A/RES/61/106 y Cynulliad Cyffredinol ac a agorwyd i'w lofnodi ar 30 Mawrth 2007 ("y Confensiwn").
- (2) Mae'r Confensiwn i'w drin fel petai iddo effaith yn ddarostyngedig i unrhyw ddatganiad neu neilltuad a wnaed gan Lywodraeth y Deyrnas Unedig ar ôl ei gadarnhau, oddigerth pan fo'r datganiad neu'r neilltuad wedi'i dynnu yn ôl wedi hynny.
- (3) Yn is-adran (1) ystyr "corff perthnasol" yw—
 - (a) corff llywodraethu ysgol a gynhelir yng Nghymru;
 - (b) corff llywodraethu sefydliad yn y sector addysg bellach yng Nghymru;
 - (c) awdurdod lleol;
 - (d) corff GIG.'.

Darren Millar

4

Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Section 7, page 7, line 14, after 'with', insert 'objective and impartial'.

Adran 7, tudalen 7, llinell 13, ar ôl 'chyngor', mewnosoder 'gwrthrychol a diduedd'.

Darren Millar

5

Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Section 7, page 7, after line 16, insert—

- '() Arrangements under this section must provide for information and advice about the availability of advocacy services to be made available to children and young persons at key stages of their education, key stages of the Additional Learning Needs process, and through key transitions in education.'

Adran 7, tudalen 7, ar ôl llinell 15, mewnosoder—

- '() Rhaid i drefniadau o dan yr adran hon ddarparu i wybodaeth a chyngor ynghylch argaeledd gwasanaethau eirioli gael eu rhoi ar gael i blant a phobl ifanc mewn cyfnodau allweddol o'u haddysg, mewn cyfnodau allweddol o'r broses Anghenion Dysgu Ychwanegol, a thrwy gyfnodau trosglwyddo allweddol mewn addysg.'



Darren Millar

6

Gyda chefnogaeth / Supported by: Llyr Gruffydd

Section 9, page 8, line 30, after 'person' at the second place where it appears, insert 'having been informed of the significance and implications of their decision'.

Adran 9, tudalen 8, llinell 33, ar ôl 'ifanc' yn yr ail le y mae'n ymddangos, mewnosoder ', ar ôl cael ei hysbysu am arwyddocâd a goblygiadau ei bendefyniad,'.

Darren Millar

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Gyda chefnogaeth / Supported by: Llyr Gruffydd

Section 10, page 9, line 29, after 'person' at the second place where it appears, insert 'having been informed of the significance and implications of their decision'.

Adran 10, tudalen 9, llinell 31, ar ôl 'ifanc' yn yr ail le y mae'n ymddangos, mewnosoder ', ar ôl cael ei hysbysu am arwyddocâd a goblygiadau ei bendefyniad,'.

Darren Millar

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Gyda chefnogaeth / Supported by: Llyr Gruffydd

Section 11, page 11, line 4, after 'person' at the second place where it appears, insert 'having been informed of the significance and implications of their decision'.

Adran 11, tudalen 11, llinell 4, ar ôl 'ifanc' yn yr ail le y mae'n ymddangos, mewnosoder ', ar ôl cael ei hysbysu am arwyddocâd a goblygiadau ei bendefyniad,'.

Darren Millar

9

Gyda chefnogaeth / Supported by: Llyr Gruffydd

Section 12, page 12, line 7, after 'person', insert 'having been informed of the significance and implications of their decision'.

Adran 12, tudalen 12, llinell 8, ar ôl 'ifanc' yn yr ail le y mae'n ymddangos, mewnosoder ', ar ôl cael ei hysbysu am arwyddocâd a goblygiadau ei bendefyniad,'.

Darren Millar

10

Gyda chefnogaeth / Supported by: Llyr Gruffydd

Section 13, page 13, line 4, leave out 'not over compulsory school' and insert 'under 18 years of'.

Adran 13, tudalen 13, llinell 4, hepgorer 'nad yw'n hŷn na'r oedran ysgol gorfodol' a mewnosoder 'yw o dan 18 oed'.

Darren Millar

11

Gyda chefnogaeth / Supported by: Llyr Gruffydd

Section 19, page 18, line 12, leave out subsection (9).

Adran 19, tudalen 18, llinell 12, hepgorer is-adran (9).



WITHDRAWN / TYNNWYD YN ÔL

*Darren Millar

12

Page 18, after line 34, insert a new section –

[] **Interim provision**

Where an individual development plan is being prepared by a governing body under section 10 or a local authority under section 12, the governing body or local authority may make such additional learning provision as it thinks fit in the period before an individual development plan is given in accordance with section 20.’.

Tudalen 18, ar ôl llinell 34, mewnosoder adran newydd –

[] **Darpariaeth dros dro**

Pan fydd cynllun datblygu unigol yn cael ei lunio gan gorff llywodraethu o dan adran 10 neu awdurdod lleol o dan adran 12, caiff y corff llywodraethu neu’r awdurdod lleol wneud unrhyw ddarpariaeth ddysgu ychwanegol y gwêl yn dda yn y cyfnod cyn y rhoddir cynllun datblygu unigol yn unol ag adran 20.’.

Darren Millar

13

Gyda chefnogaeth / Supported by: Llyr Gruffydd

Page 27, line 19, leave out section 32 and insert –

[] **Individual development plan after a young person’s 25th birthday**

(1) Subsection 2 applies, where –

- (a) a young person attains the age of 25,
- (b) immediately before the young person attained the age of 25, they were enrolled as a student at an institution in the further education sector in Wales, and
- (c) an individual development plan was being maintained for the young person by a governing body under section 10 or a local authority under section 12.

(2) The governing body or local authority must continue to maintain the individual development plan until the young person finishes the course of education or training they were undertaking immediately before they attained the age of 25.’.

Tudalen 27, llinell 19, hepgorer adran 32 a mewnosoder –

[] **Cynllun datblygu unigol ar ôl pen-blwydd person ifanc yn 25 oed**

(1) Mae is-adran 2 yn gymwys os –

- (a) yw plentyn ifanc yn cyrraedd 25 oed,
- (b) yn union cyn i’r plentyn ifanc gyrraedd 25 oed, cafodd ei gofrestru fel myfyriwr mewn sefydliad yn y sector addysg bellach yng Nghymru, ac



- (c) oedd cynllun datblygu unigol yn cael ei gynnal ar gyfer y person ifanc gan gorff llywodraethu o dan adran 10 neu awdurdod lleol o dan adran 12.
- (2) Rhaid i'r corff llywodraethu neu'r awdurdod lleol barhau i gynnal y cynllun datblygu unigol nes bod y person ifanc yn gorffen y cwrs addysg neu hyfforddiant yr oedd yn ymgymryd ag ef yn union cyn iddo gyrraedd 25 oed.'

Darren Millar

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Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Section 39, page 32, line 6, after 'who', insert 'having been informed of the significance and implications of their decision'.

Adran 39, tudalen 32, llinell 6, hepgorer 'yw'n' a mewnosoder 'yw, ar ôl cael ei hysbysu am arwyddocâd a goblygiadau ei benderfyniad, yn'.

Darren Millar

15

Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Section 40, page 32, line 26, after 'who', insert 'having been informed of the significance and implications of their decision'.

Adran 40, tudalen 32, llinell 29, hepgorer 'yw'n' a mewnosoder 'yw, ar ôl cael ei hysbysu am arwyddocâd a goblygiadau ei benderfyniad, yn'.

Darren Millar

16

Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Page 40, after line 23, insert a new section –

[] Extension of additional learning needs system to providers of work based learning

The Welsh Ministers may by order make provision for and in connection with requiring bodies to which financial resources are provided pursuant to section 34(1) of the Learning and Skills Act 2000 in respect of the provision of work based learning to prepare and maintain individual development plans.'

Tudalen 40, ar ôl llinell 23, mewnosoder adran newydd –

[] Ymestyn y system anghenion dysgu ychwanegol i ddarparwyr dysgu seiliedig ar waith

Caiff Gweinidogion Cymru drwy orchymyn wneud darpariaeth ar gyfer ac mewn cysylltiad â'i gwneud yn ofynnol i gyrff y darperir adnoddau ariannol iddynt yn unol ag adran 34(1) o Ddeddf Dysgu a Sgiliau 2000 mewn cysylltiad â darparu dysgu seiliedig ar waith lunio a chynnal cynlluniau datblygu unigol.'



Darren Millar 17

Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Section 65, page 45, after line 25, insert –

- ‘(d) refer any parent (not falling within paragraph (c)) of a child or young person for whom it is responsible and who requests independent advocacy services to an independent advocacy service provider.’.

Adran 65, tudalen 45, ar ôl llinell 25, mewnosoder –

- ‘(d) atgyfeirio unrhyw riant (nad yw’n dod o fewn paragraff (c)) plentyn neu berson ifanc y mae’n gyfrifol amdano ac sy’n gofyn am wasanaethau eirioli annibynnol i ddarparwr gwasanaeth eirioli annibynnol.’.

Darren Millar 18

Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Section 65, page 45, line 27, after ‘person’, insert ‘, a parent’.

Adran 65, tudalen 45, llinell 27, ar ôl ‘ifanc’, mewnosoder ‘, rhiant’.

Darren Millar 19

Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Section 72, page 50, line 25, leave out ‘make a report to the Tribunal’ and insert ‘take action to implement the recommendation’.

Adran 72, tudalen 50, llinell 25, hepgorer ‘lunio adroddiad i’r Tribiwnlys’ a mewnosoder ‘gymryd camau i weithredu’r argymhelliad’.

Darren Millar 20

Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Section 72, page 50, line 28, leave out subsection (4).

Adran 72, tudalen 50, llinell 28, hepgorer is-adran (4).

Darren Millar 21

Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Page 59, after line 13, insert a new section –

[] Annual report

- (1) Each year the President of the Education Tribunal for Wales must –
 - (a) produce a report on the Tribunal’s exercise of its functions, and
 - (b) lay a copy of the report before the National Assembly for Wales.
- (2) The report must comply with any requirements of the National Assembly for Wales in relation to the form of the report and laying of it.’.



Tudalen 59, ar ôl llinell 13, mewnosoder adran newydd –

[] Adroddiad blynyddol

- (1) Bob blwyddyn rhaid i Lywydd Tribiwnlys Addysg Cymru –
 - (a) llunio adroddiad ar y modd y mae'r Tribiwnlys yn arfer ei swyddogaethau, a
 - (b) gosod copi o'r adroddiad gerbron Cynulliad Cenedlaethol Cymru.
- (2) Rhaid i'r adroddiad gydymffurfio ag unrhyw ofynion Cynulliad Cenedlaethol Cymru mewn perthynas â ffurf yr adroddiad a'i osod.'.

Darren Millar

22

Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Section 91, page 60, line 17, after 'make', insert 'an order or'.

Adran 91, tudalen 60, llinell 17, hepgorer 'rheoliadau' a mewnosoder 'gorchymyn neu reoliadau'.

Darren Millar

23

Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Section 91, page 60, line 18, after 'make', insert 'an order or'.

Adran 91, tudalen 60, llinell 18, hepgorer 'rheoliadau' a mewnosoder 'gorchymyn neu reoliadau'.

Darren Millar

24

Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Section 91, page 60, after line 27, insert –

'() an order under section [section to be inserted by amendment 16];'.

Adran 91, tudalen 60, ar ôl llinell 26, mewnosoder –

'() gorchymyn o dan adran [adran sy'n cael ei mewnosod gan welliant 16];'.

