



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 479 (Cy. 110)

2020 No. 479 (W. 110)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Trefniadau
Apelau Derbyn) (Cymru)
(Coronafeirws) (Diwygio) 2020**

**The Education (Admission Appeals
Arrangements) (Wales)
(Coronavirus) (Amendment)
Regulations 2020**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Addysg (Trefniadau Apelau Derbyn) (Cymru) 2005 ("Rheoliadau 2005") ar gyfer apelau sy'n cael eu dwyn o dan adrannau 94 a 95 o Ddeddf Safonau a Fframwaith Ysgolion 1998 ac a gyflwynir—

- (a) ar neu ar ôl 4 Mai 2020 ond ar neu cyn 31 Ionawr 2021, neu
- (b) cyn 4 Mai 2020 ond pan na fo'r apêl wedi ei phenderfynu'n llawn ar neu cyn y dyddiad hwnnw.

Mae rheoliad 3(1) yn darparu y bydd rheoliadau 5 i 12 yn parhau i gael effaith ar ôl i'r Rheoliadau hyn ddod i ben o dan amgylchiadau cyfyngedig sydd wedi eu rhagnodi. Fel arall, bydd y Rheoliadau hyn yn dod i ben ar 31 Ionawr 2021, fel y darperir ar ei gyfer gan rheoliad 2(2). Mae rheoliad 4 yn nodi, pan fyddant yn dod i ben, y bydd Rheoliadau 2005 wedyn yn gymwys eto i apelau a gyflwynir o 1 Chwefror 2021 ymlaen ac i apelau sy'n parhau ar y dyddiad dod i ben ac nad ydynt wedi eu penderfynu gan banel apêl.

Mae rheoliad 6 yn mewnosod diffiniad newydd yn rheoliad 2(1) o Rheoliadau 2005: yr "eithriad coronafeirws". Mae'r eithriad hwnnw yn gweithredu mewn dwy brif ffordd o dan y Rheoliadau hyn—

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Admission Appeals Arrangements) (Wales) Regulations 2005 ("the 2005 Regulations") for appeals brought under sections 94 and 95 of the School Standards and Framework Act 1998 and lodged—

- (a) on or after 4 May 2020 but on or before 31 January 2021, or
- (b) before 4 May 2020 but where the appeal has not been fully determined on or before that date.

Regulation 3(1) provides that regulations 5 to 12 will continue to have effect following the expiry of these Regulations in prescribed, limited circumstances. Otherwise, as provided for by regulation 2(2), these Regulations will expire on 31 January 2021. Regulation 4 sets out that, on expiry, the 2005 Regulations will then apply again to appeals lodged from 1 February 2021 and to appeals ongoing on the date of expiry and which have not been decided by an appeal panel.

Regulation 6 introduces a new definition into regulation 2(1) of the 2005 Regulations: the "coronavirus exception". That operates in two main ways under these Regulations—

- (a) pan na fo'n rhesymol ymarferol i gorff llywodraethu neu awdurdod lleol gydymffurfio â threfniadau'r apêl ym mharagraff 1 o Atodlen 1 am reswm sy'n ymwneud â mynychder neu drosglwyddiad y coronafeirws, mae paragraff 1 o Atodlen newydd 3 (a fewnosodir gan reoliad 12) yn gymwys yn lle hynny er mwyn caniatáu i banelau a chanddynt ddau aelod benderfynu apelau (gweler rheoliad 7);
- (b) pan na fo'n rhesymol ymarferol i banel apêl derbyn gydymffurfio â'r gofynion gweithdrefnol ym mharagraff 1(6) o Atodlen 2 neu ofynion y Cod Apelau Derbyn i Ysgolion ynghylch bod yn bresennol mewn apelau am reswm sy'n ymwneud â mynychder neu drosglwyddiad y coronafeirws, mae paragraff 2 o Atodlen newydd 3 yn gymwys i alluogi panelau apêl i gynnal gwrandawiadau drwy fynediad o bell neu i benderfynu apelau ar sail yr wybodaeth ysgrifenedig a ddarperir (gweler rheoliad 8).

Mae paragraffau 3 i 5 o Atodlen newydd 3 yn gwneud darpariaeth i linellau amser amrywiol fod yn gymwys mewn cysylltiad ag apelau i sicrhau y gall yr awdurdodau derbyn a'r cyrff llywodraethu osod llinellau amser rhesymol yn ystod cyfnod gweithredu'r Rheoliadau hyn.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ni luniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

- (a) where it is not reasonably practicable for a governing body or a local authority to comply with the appeal arrangements in paragraph 1 of Schedule 1 for a reason related to the incidence or transmission of coronavirus, paragraph 1 of new Schedule 3 (inserted by regulation 12) applies instead to allow panels of two members to decide appeals (see regulation 7);
- (b) where it is not reasonably practicable for an admission appeal panel to comply with the procedural requirements in paragraph 1(6) of Schedule 2 or the requirements of the School Admission Appeals Code on appeals in person for a reason related to the incidence or transmission of coronavirus, paragraph 2 of new Schedule 3 applies to enable appeal panels to hold hearings by remote access or decide appeals on the basis of the written information provided (see regulation 8).

Paragraphs 3 to 5 of new Schedule 3 make provision for various timelines to apply in respect of appeals to ensure that the admission authorities and governing bodies can set reasonable timelines during the period of operation of these Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has not been prepared as to the likely costs and benefits of complying with these Regulations.

2020 Rhif 479 (Cy. 110)

2020 No. 479 (W. 110)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Trefniadau
Apelau Derbyn) (Cymru)
(Coronafeirws) (Diwygio) 2020**

**The Education (Admission Appeals
Arrangements) (Wales)
(Coronavirus) (Amendment)
Regulations 2020**

Gwnaed 30 Ebrill 2020

Made 30 April 2020

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 1 Mai 2020

Laid before the National Assembly for Wales
1 May 2020

Yn dod i rym 4 Mai 2020

Coming into force 4 May 2020

Mae Gweinidogion Cymru drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 94(5) a (5A), 95(3) a (3A) a 138(7) o Ddeddf Safonau a Fframwaith Ysgolion 1998(1) ac a freiniwyd bellach ynddynt hwy(2) yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 94(5) and (5A), 95(3) and (3A) and 138(7) of the Schools Standards and Framework Act 1998(1) and now vested in them(2) make the following Regulations:

Enwi, cychwyn, cymhwyso a dehongli

Title, commencement, application and interpretation

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Trefniadau Apelau Derbyn) (Cymru) (Coronafeirws) (Diwygio) 2020 a deuant i rym ar 4 Mai 2020.

1.—(1) The title of these Regulations is the Education (Admission Appeals Arrangements) (Wales) (Coronavirus) (Amendment) Regulations 2020 and they come into force on 4 May 2020.

(2) Mae'r Rheoliadau hyn yn gymwys i apelau y mae Rheoliadau 2005(3) yn gymwys iddynt ac a gyflwynir—

(2) These Regulations apply to appeals to which the 2005 Regulations(3) apply which are lodged—

(a) ar neu ar ôl 4 Mai 2020 ond ar neu cyn 31 Ionawr 2021;

(a) on or after 4 May 2020 but on or before 31 January 2021;

(1) 1998 p. 31; gweler adran 142(1) am y diffiniadau o "the Assembly", "prescribed" a "Regulations". Mewnosodwyd is-adran (5A) yn adran 94 gan adran 50 o Ddeddf Addysg 2002 (p. 32). Mewnosodwyd is-adran (3A) yn adran 95 gan baragraff 9 o Atodlen 4 i Ddeddf Addysg 2002.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan yr adrannau hyn i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(3) O.S. 2005/1398 (Cy. 112), a ddiwygiwyd gan O.S. 2009/823 (Cy. 73), O.S. 2010/1142 (Cy. 101) ac O.S. 2013/2535 (Cy. 250).

(1) 1998 c. 31; see section 142(1) for the definitions of "the Assembly", "prescribed" and "Regulations". Subsection (5A) was inserted into section 94 by section 50 of the Education Act 2002 (c. 32). Subsection (3A) was inserted into section 95 by paragraph 9 of Schedule 4 to the Education Act 2002.

(2) The functions of the Secretary of State under these sections were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(3) S.I. 2005/1398 (W. 112), amended by S.I. 2009/823 (W. 73), S.I. 2010/1142 (W.101) and S.I. 2013/2535 (W. 250).

- (b) cyn 4 Mai 2020 ond pan na fo'r apêl wedi ei phenderfynu'n llawn ar neu cyn 4 Mai 2020.

(3) Yn y Rheoliadau hyn, ystyr "Rheoliadau 2005" yw Rheoliadau Addysg (Trefniadau Apelau Derbyn) (Cymru) 2005.

Adolygu rheoliadau 5 i 12 a pha bryd y deuant i ben

2.—(1) Rhaid i Weinidogion Cymru adolygu effeithiolrwydd rheoliadau 5 i 12 yn ystod y cyfnod y maent yn cael effaith.

(2) Yn ddarostyngedig i reoliad 3, mae rheoliadau 5 i 12 yn peidio â chael effaith ar 31 Ionawr 2021.

Darpariaethau arbed

3.—(1) Mae rheoliadau 5 i 12 yn parhau i gael effaith ar gyfer apelau y mae'r Rheoliadau hyn yn gymwys iddynt ac nad ydynt wedi eu penderfynu cyn i'r Rheoliadau hyn beidio â chael effaith yn y ffyrdd a ganlyn—

- (a) pan fo panel apêl yn cael ei gyfansoddi i ystyried yr apêl fel panel a chanddo ddau aelod yn unol â pharagraff 1(1) o Atodlen 3 i Reoliadau 2005, caiff barhau i benderfynu'r apêl fel y'i cyfansoddir felly;
- (b) pan fo panel apêl wedi dechrau penderfynu apêl ar sail yr wybodaeth ysgrifenedig a gyflwynir yn unol â pharagraff 2(2) o Atodlen 3 i Reoliadau 2005, caiff barhau i benderfynu'r apêl ar y sail honno;
- (c) mae unrhyw derfynau amser a ragnodir ym mharagraffau 3 i 5 o Atodlen 3 i Reoliadau 2005, neu unrhyw derfynau amser a benderfynir o dan y paragraffau hynny, yn parhau i fod yn gymwys.

(2) Nid yw'r ffaith bod y Rheoliadau hyn wedi dod i ben o dan reoliad 2(2) yn effeithio ar ddilysrwydd unrhyw beth a wneir yn unol â'r Rheoliadau hyn cyn y dyddiad dod i ben.

4. Yn ddarostyngedig i reoliad 3, unwaith y bydd rheoliadau 5 i 12 yn peidio â chael effaith yn unol â rheoliad 2(2), mae Rheoliadau 2005 yn parhau i fod yn gymwys fel pe na bai'r diwygiadau hyn wedi eu gwneud i apelau a gyflwynir—

- (a) ar neu ar ôl 1 Chwefror 2021;
- (b) ar neu cyn 31 Ionawr 2021 ac nad ydynt wedi eu penderfynu.

- (b) before 4 May 2020 but where the appeal has not been fully determined on or before 4 May 2020.

(3) In these Regulations, "the 2005 Regulations" means the Education (Admission Appeals Arrangements) (Wales) Regulations 2005.

Review and expiry of regulations 5 to 12

2.—(1) The Welsh Ministers must review the effectiveness of regulations 5 to 12 during the period for which they have effect.

(2) Subject to regulation 3, regulations 5 to 12 cease to have effect on 31 January 2021.

Saving provisions

3.—(1) Regulations 5 to 12 continue to have effect for appeals to which these Regulations apply which have not been decided before these Regulations cease to have effect in the following ways—

- (a) where an appeal panel is constituted to consider the appeal as a panel of two members in accordance with paragraph 1(1) of Schedule 3 to the 2005 Regulations it may continue to decide the appeal as so constituted;
- (b) where an appeal panel has started to decide an appeal on the written information submitted in accordance with paragraph 2(2) of Schedule 3 to the 2005 Regulations it may continue to decide the appeal on that basis;
- (c) any time limits prescribed in or determined under paragraphs 3 to 5 of Schedule 3 to the 2005 Regulations continue to apply.

(2) The expiry of these Regulations under regulation 2(2) does not affect the validity of anything done in accordance with these Regulations before the expiry date.

4. Subject to regulation 3, once regulations 5 to 12 cease to have effect in accordance with regulation 2(2), the 2005 Regulations continue to apply as though these amendments had not been made to appeals lodged—

- (a) on or after 1 February 2021;
- (b) on or before 31 January 2021 and which have not been decided.

Diwygio Rheoliadau 2005

5. Mae Rheoliadau 2005 wedi eu diwygio fel a ganlyn.

6. Yn rheoliad 2(1) (dehongli), yn y lleoedd priodol mewnoder—

“mae i “yr awdurdod derbyn” yr un ystyr ag a roddir i “the admission authority” yn adran 88(1)(a) a (b);”;

“ystyr “y Cod Apelau Derbyn i Ysgolion” (*“the School Admission Appeals Code”*) yw’r Cod Apelau Derbyn i Ysgolion, sef y cod a ddyroddir o dan adran 84 sy’n ymwneud ag apelau derbyn;”;

“ystyr “coronafeirws” (*“coronavirus”*) yw coronafeirws syndrom anadlol aciwt difrifol 2 (SARS-Cov-2);”;

““eithriad y coronafeirws” (*“coronavirus exception”*) yw amod sy’n gymwys, am reswm sy’n gysylltiedig â mynychder neu drosglwyddiad y coronafeirws—

(a) pan na fo’n rhesymol ymarferol i awdurdod lleol neu gorff llywodraethu ysgol sefydledig neu ysgol wirfoddol a gynorthwyr gydymffurfio â gofynion paragraff 1(1) a (2) neu 2(1) a (2) o Atodlen 1 (yn ôl y digwydd), (“rheswm y cyfansoddiad”), neu

(b) pan na fo’n rhesymol ymarferol i banel apêl gydymffurfio â’r gofyniad ym mharagraff 1(6) o Atodlen 2, neu baragraffau 4.13, 4.14 neu 7.5 o’r Cod Apelau Derbyn i Ysgolion i ganiatáu i apelyddion neu gynrychiolwyr awdurdodau lleol neu gyrrff llywodraethu ymddangos yn bersonol (“rheswm yr apêl yn bersonol);”;

“ystyr “mynediad o bell” (*“remote access”*) yw mynediad at wrandawriad apêl i alluogi’r rheini nad ydynt i gyd yn bresennol gyda’i gilydd yn yr un man i fynd i’r gwrandawriad neu gymryd rhan ynddo ar yr un pryd drwy ddulliau electronig, gan gynnwys drwy gyswllt awdio byw a chyswllt fideo byw;”;

“ystyr “penderfyniad derbyn” (*“admission decision”*) yw penderfyniad y cyfeirir ato yn adran 94(1) i (2A) sy’n gwrthod derbyn plentyn i ysgol neu sy’n gwrthod mynediad iddo at chweched dosbarth neu o ran yr ysgol y mae addysg i’w darparu ar gyfer plentyn ynddi.”

Amendment of the 2005 Regulations

5. The 2005 Regulations are amended as follows.

6. In regulation 2(1) (interpretation) at the appropriate places insert—

““the admission authority” (*“yr awdurdod derbyn”*) has the same meaning as in section 88(1)(a) and (b);”;

““admission decision” (*“penderfyniad derbyn”*) means a decision referred to in section 94(1) to (2A) refusing a child admission to a school or entrance to a sixth form or as to the school at which education is to be provided for a child;”;

““coronavirus” (*“coronafeirws”*) means severe acute respiratory syndrome coronavirus 2 (SARS-Cov-2);”;

““coronavirus exception” (*“eithriad y coronafeirws”*) is a condition which applies where, for a reason related to the incidence or transmission of coronavirus—

(a) it is not reasonably practicable for a local authority or a governing body of a foundation or voluntary aided school to comply with the requirements of paragraph 1(1) and (2) or 2(1) and (2) of Schedule 1 (as the case may be), (“the constitution reason”), or

(b) it is not reasonably practicable for an appeal panel to comply with the requirement in paragraph 1(6) of Schedule 2, or paragraphs 4.13, 4.14 or 7.5 of the School Admissions Appeals Code for appellants or representatives of local authorities or governing bodies to be allowed to appear in person (“the appeal in person reason”);”;

““remote access” (*“mynediad o bell”*) means access to an appeal hearing to enable those who are not all present together at the same place to attend or participate simultaneously in the hearing by electronic means, including by live audio link and live video link;”;

““the School Admission Appeals Code” (*“y Cod Apelau Derbyn i Ysgolion”*) means the School Admission Appeals Code which is the code issued under section 84 relating to admission appeals;”.

7. Yn rheoliad 3 (cyfansoddiad panelau apêl), yn lle “Atodlen 1” rhodder “Atodlen 1 neu, pan fo rheswm cyfansoddiad eithriad y coronafeirws yn gymwys, y paragraffau perthnasol yn Atodlen 1, yn ddarostyngedig i baragraff 1 o Atodlen 3”.

8. Yn rheoliad 5 (y weithdrefn apelio), yn lle “Atodlen 2” rhodder “Atodlen 2 neu, pan fo rheswm apêl yn bersonol eithriad y coronafeirws yn gymwys, y paragraffau perthnasol yn Atodlen 2, yn ddarostyngedig i baragraff 2 o Atodlen 3”.

9. Ar ôl rheoliad 8 (indemnïo) mewnosoder—

“Terfynau amser

9.—(1) Mae paragraffau 3 a 4 o Atodlen 3 yn effeithiol at ddibenion penderfynu'r amserlen mewn cysylltiad ag apêl yn unol â threfniadau a wneir gan awdurdod lleol neu gorff llywodraethu ysgol sefydledig neu ysgol wirfoddol a gynorthwyr o dan adran 94.

(2) Mae paragraff 5 o Atodlen 3 yn effeithiol at ddibenion penderfynu'r amserlen mewn perthynas ag apêl yn unol â threfniadau a wneir gan awdurdod lleol o dan adran 95.”

10. Yn Atodlen 1 (cyfansoddiad panelau apêl), o flaen paragraff 1, mewnosoder—

“(A1) Mae paragraffau 1(1) a (2) a 2(1) a (2) yn gymwys yn ddarostyngedig i baragraff 1 o Atodlen 3.”

11. Yn Atodlen 2 (gweithdrefn apêl), o flaen paragraff 1, mewnosoder—

“(A1) Mae paragraff 1 yn gymwys yn ddarostyngedig i baragraffau 2 i 4 o Atodlen 3 ac mae paragraff 2 yn gymwys yn ddarostyngedig i baragraffau 2 a 5 o Atodlen 3.”

12. Ar ôl Atodlen 2 mewnosoder—

“ATODLEN 3 Rheoliadau 3, 5 a 9

Diwygiadau dros dro i Gyfansoddiad Panelau Apêl a Gweithdrefn Apêl

Trefniadau a wneir gan awdurdod lleol neu gorff llywodraethu: pan fydd eithriad y coronafeirws yn gymwys

1.—(1) Pan fo rhaid i un neu ragor o aelodau o banel apêl dynnu'n ôl ei aelodaeth o'r panel, caiff y panel apêl barhau i ystyried a phenderfynu'r apêl ar yr amod bod dau aelod o

7. In regulation 3 (constitution of appeal panels), for “Schedule 1” substitute “Schedule 1 or, where the constitution reason of the coronavirus exception applies, the relevant paragraphs of Schedule 1, subject to paragraph 1 of Schedule 3”.

8. In regulation 5 (procedure for appeals), for “Schedule 2” substitute “Schedule 2 or, where the appeal in person reason of the coronavirus exception applies, the relevant paragraphs of Schedule 2, subject to paragraph 2 of Schedule 3”.

9. After regulation 8 (indemnity) insert—

“Time limits

9.—(1) Paragraphs 3 and 4 of Schedule 3 have effect for the purposes of determining the timetable in respect of an appeal pursuant to arrangements made by a local authority or governing body of a foundation or voluntary aided school under section 94.

(2) Paragraph 5 of Schedule 3 has effect for the purposes of determining the timetable in relation to an appeal pursuant to arrangements made by a local authority under section 95.”

10. In Schedule 1 (constitution of appeal panels), before paragraph 1, insert—

“(A1) Paragraphs 1(1) and (2) and 2(1) and (2) apply subject to paragraph 1 of Schedule 3.”

11. In Schedule 2 (procedure on appeal), before paragraph 1, insert—

“(A1) Paragraphs 1 applies subject to paragraphs 2 to 4 of Schedule 3 and paragraph 2 applies subject to paragraphs 2 and 5 of Schedule 3.”

12. After Schedule 2 insert—

“SCHEDULE 3 Regulations 3, 5 and 9

Temporary amendments of Constitution of Appeal Panels and Procedure on Appeal

Arrangements made by a local authority or governing body: when coronavirus exception applies

1.—(1) Where one or more members of an appeal panel has to withdraw from membership of the panel, the appeal panel may continue to consider and determine the appeal provided

leiaf yn weddill ar y panel, ni waeth pa un a yw'r aelodau hynny yn bodloni gofynion paragraff 1(2) neu 2(2) (yn ôl y digwydd) o Atodlen 1.

(2) Pan fo is-baragraff (1) yn gymwys, a bo'r aelod sy'n tynnu'n ôl yn gadeirydd y panel, rhaid i'r awdurdod derbyn benodi (neu drefnu i glerc y panel apêl benodi) un o aelodau'r panel sy'n weddill yn gadeirydd.

Gwrandawiaadau apêl

2.—(1) Caiff panel apêl benderfynu cynnal gwrandawriad apêl gan ddefnyddio mynediad o bell ar yr amod—

- (a) bod y partïon yn gallu cyflwyno eu hachos yn llawn,
- (b) bod gan bob cyfranogwr fynediad at y dulliau electronig er mwyn caniatáu iddo glywed a chael ei glywed, a gweld a chael ei weld (pan ddefnyddir cyswllt fideo byw), drwy gydol y gwrandawriad apêl, ac
- (c) bod y panel yn ystyried bod modd gwrandao ar yr apêl yn deg ac yn dryloyw.

(2) Pan na fo unrhyw un neu ragor o'r amodau a ragnodir yn is-baragraff (1)(a) i (c) wedi ei fodloni, caiff panel apêl wneud ei benderfyniad ar yr apêl yn seiliedig ar yr wybodaeth ysgrifenedig a gyflwynir.

(3) Pan fo is-baragraff (2) yn gymwys, rhaid i'r panel apêl sicrhau bod y partïon yn gallu cyflwyno eu hachos yn llawn, er mwyn i'r panel wneud penderfyniad ar yr apêl sy'n deg ac yn dryloyw.

Terfynau amser

3.—(1) Pan fo'r awdurdod derbyn neu'r awdurdod lleol yn anfon penderfyniad derbyn, rhaid i'r dyddiad cau ar gyfer apêl a bennir yn y penderfyniad derbyn hwnnw—

- (a) bod o leiaf 28 o ddiwrnodau o'r dyddiad hysbysu am y penderfyniad derbyn, a
- (b) cael ei fynegi drwy gyfeirio at ddyddiad penodedig neu nifer o ddiwrnodau calendr.

(2) Mewn cysylltiad â phenderfyniad derbyn a anfonir ar ôl 28 Chwefror 2020 sy'n cynnwys dyddiad cau ar gyfer apêl nad yw yn unol â gofynion is-baragraff (1)(a) neu (b), rhaid i'r awdurdod derbyn adolygu'r dyddiad cau

there remains a panel of at least two members, regardless of whether those members meet the requirements of paragraph 1(2) or 2(2) (as the case may be) of Schedule 1.

(2) Where sub-paragraph (1) applies, and the member withdrawing is the panel chair, the admission authority must appoint (or arrange for the clerk to the appeal panel to appoint) one of the remaining members of the panel as the chair.

Appeal hearings

2.—(1) An appeal panel may decide to hold an appeal hearing using remote access provided—

- (a) the parties are able to present fully their case,
- (b) each participant has access to the electronic means to allow them to hear and be heard and (where using a live video link) see and be seen, throughout the appeal hearing, and
- (c) the panel considers that the appeal is capable of being heard fairly and transparently.

(2) Where any of the conditions prescribed in sub-paragraph (1)(a) to (c) are not met, an appeal panel may make their decision on the appeal based on the written information submitted.

(3) Where sub-paragraph (2) applies, the appeal panel must ensure that the parties are able to present fully their case, in order for the panel to make a decision on the appeal which is fair and transparent.

Time limits

3.—(1) Where the admission authority or local authority sends an admission decision the deadline for an appeal specified in that admission decision must be—

- (a) at least 28 days from the date of the notification of the admission decision, and
- (b) expressed by reference to a fixed date or a number of calendar days.

(2) In respect of an admission decision sent after 28 February 2020 which contains a deadline for an appeal that is not in accordance with the requirements of sub-paragraph (1)(a) or (b), the admission authority must review the

presennol ar gyfer yr apêl a, phan fo'r amod yn is-baragraff (3) wedi ei fodloni, bennu dyddiad cau newydd ar gyfer yr apêl, a rhaid i hwnnw—

- (a) bod o leiaf 28 o ddiwrnodau o'r dyddiad hysbysu am y dyddiad cau newydd, a
- (b) cael ei fynegi drwy gyfeirio at ddyddiad penodedig neu nifer o ddiwrnodau calendr.

(3) Yr amod yw—

- (a) nad oes unrhyw apêl eisoes wedi ei chyflwyno mewn ymateb i'r penderfyniad derbyn,
- (b) bod y dyddiad cau presennol yn cyfeirio at ddiwrnodau ysgol, neu fod yr awdurdod derbyn fel arall yn ystyried bod y dyddiad cau presennol yn aneglur o dan yr holl amgylchiadau, ac
- (c) nad yw'r dyddiad cau presennol eisoes wedi dod i ben.

(4) Pan fo dyddiad cau newydd wedi ei bennu yn unol ag is-baragraff (2), rhaid anfon hysbysiad o'r dyddiad cau newydd at dderbynnnydd y penderfyniad derbyn gwreiddiol o fewn 28 o ddiwrnodau i 4 Mai 2020 neu 7 niwrnod i ddyddiad penderfyniad derbyn nad yw'n cydymffurfio â gofynion is-baragraff (1) pa un bynnag yw'r diweddaraf.

(5) Rhaid i'r hysbysiad o'r dyddiad cau newydd gael ei anfon gan—

- (a) yr awdurdod derbyn os anfonodd yr awdurdod derbyn hwnnw y penderfyniad derbyn perthnasol, neu
- (b) yr awdurdod lleol os anfonodd yr awdurdod hwnnw y penderfyniad derbyn perthnasol ar ran awdurdod derbyn arall.

(6) Dim ond unwaith bod yr awdurdod derbyn perthnasol wedi rhoi gwybod i'r awdurdod lleol am y dyddiad cau newydd y mae'r gofyniad yn is-baragraff (5)(b) yn gymwys.

4.—(1) Rhaid i'r awdurdod derbyn ddarparu i apelyddion o leiaf 14 o ddiwrnodau o rybudd ysgrifenedig o wrandawriad apêl.

(2) Caiff yr awdurdod derbyn bennu dyddiadau cau rhesymol newydd neu ddiwygiedig er mwyn—

- (a) i apelydd gyflwyno tystiolaeth ychwanegol,
- (b) i'r awdurdod derbyn gyflwyno ei dystiolaeth, ac

existing deadline for the appeal and, where the condition in sub-paragraph (3) is satisfied, set a new deadline for the appeal which must be—

- (a) at least 28 days from the date of the notification of the new deadline, and
- (b) expressed by reference to a fixed date or a number of calendar days.

(3) The condition is that—

- (a) no appeal has already been lodged in response to the admission decision,
- (b) the existing deadline refers to school days, or the admission authority otherwise considers that the existing deadline is unclear in all the circumstances, and
- (c) the existing deadline has not already expired.

(4) Where a new deadline has been set in accordance with sub-paragraph (2), notification of the new deadline must be sent to the recipient of the original admission decision within 28 days of 4 May 2020 or 7 days from the date of an admission decision which does not comply with the requirements of sub-paragraph (1) whichever is later.

(5) The notification of the new deadline must be sent by—

- (a) the admission authority where that admission authority sent the relevant admission decision, or
- (b) the local authority where that authority sent the relevant admission decision on behalf of another admission authority.

(6) The requirement in sub-paragraph (5)(b) only applies once the local authority has been informed of the new deadline by the relevant admission authority.

4.—(1) The admission authority must provide appellants with at least 14 days' written notice of an appeal hearing.

(2) The admission authority may set new or revised reasonable deadlines for—

- (a) an appellant to submit additional evidence,
- (b) the admission authority to submit its evidence, and

- (c) i'r clerc anfon papurau apêl perthnasol at y panel apêl a'r partïon.

(3) Rhaid i banel apêl anfon llythyrau penderfyniad ar apelau at y partïon o fewn 7 niwrnod i'r gwrandawriad, neu i derfynu penderfyniad yr apêl, pan fo'n bosibl.

(4) Rhaid i banel apêl wrando ar bob apel sydd wedi ei chyflwyno, pa un ai mewn pryd ai peidio, a'i phenderfynu, cyn gynted ag y bo'n rhesymol ymarferol.

5.—(1) Pan fo corff llywodraethu ysgol yn cael penderfyniad ysgrifenedig i dderbyn i'r ysgol blentyn y mae adran 87(2) yn gymwys iddo ar yr adeg pan wneir y penderfyniad, rhaid i unrhyw apêl gael ei gwneud o fewn 21 o ddiwrnodau i—

- (a) y dyddiad hysbysu am y penderfyniad pan fo'r dyddiad hwnnw ar neu ar ôl 4 Mai 2020, neu
- (b) 4 Mai 2020—
- (i) pan fo hysbysiad o'r penderfyniad wedi ei roi cyn 4 Mai 2020,
- (ii) pan na fo unrhyw apêl wedi ei chyflwyno mewn ymateb i'r penderfyniad cyn 4 Mai 2020, a
- (iii) pan na fo dyddiad cau apêl presennol sy'n berthnasol i'r penderfyniad eisoes wedi dod i ben cyn 4 Mai 2020.

(2) Rhaid cynnal pob gwrandawriad apêl y mae is-baragraff (1) yn gymwys iddo, a rhaid penderfynu apelau, cyn gynted ag y bo'n rhesymol ymarferol.”

- (c) the clerk to send relevant appeal papers to the appeal panel and the parties.

(3) An appeal panel must send decision letters on appeals to the parties within 7 days of the hearing, or finalisation of the determination of the appeal, wherever possible.

(4) All appeals which have been lodged, whether in time or not, must be heard and determined by an appeal panel as soon as reasonably practicable.

5.—(1) Where the governing body of a school receives a written decision to admit to the school a child to whom, at the time when the decision is made section 87(2) applies, any appeal must be made within 21 days from—

- (a) the date of notification of the decision where that date is on or after 4 May 2020, or
- (b) 4 May 2020 where—
- (i) the decision was notified before 4 May 2020,
- (ii) no appeal has been lodged in response to the decision before 4 May 2020, and
- (iii) an existing appeal deadline relevant to the decision has not already expired before 4 May 2020.

(2) All appeal hearings to which sub-paragraph (1) applies must be held, and appeals determined, as soon as reasonably practicable.”

Kirsty Williams

Y Gweinidog Addysg, un o Weinidogion Cymru
30 Ebrill 2020

Minister for Education, one of the Welsh Ministers
30 April 2020

©Hawlfrant y Goron 2020

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2020

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£6.90

W202004301012 05/2020

<http://www.legislation.gov.uk/id/ksi/2020/479>

ISBN 978-0-348-20554-1



9 780348 205541