

RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru)

Additional Learning Needs and Education Tribunal (Wales) Bill

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu
Amendments marked * are new or have been altered

Mae gwelliannau a nodir ag 'R' yn dynodi bod yr Aelod wedi datgan buddiant
cofrestradwy o dan Reol Sefydlog 2 neu fuddiant perthnasol o dan Reolau Sefydlog 13 neu
17 wrth gyflwyno'r gwelliant.

Amendments marked 'R' mean that the Member has declared either a registrable interest
under Standing Order 2 or relevant interest under Standing Orders 13 or 17 when tabling
the amendment.

Caiff y Bil ei ystyried yn y drefn a ganlyn –
The Bill will be considered in the following order –

Sections 12 - 88	Adrannau 12 - 88
Schedule 1	Atodlen 1
Section 1	Adran 1
Long title	Teitl hir

Alun Davies

114

Section 12, page 12, line 4, leave out 'the' at the first place where it appears and insert 'a'.

Adran 12, tudalen 12, llinell 5, hepgorer 'yr'.

Alun Davies

23

Section 12, page 12, leave out line 10.

Adran 12, tudalen 12, hepgorer llinell 11.



Alun Davies

115

Section 12, page 12, line 17, after '(2)(b)', insert 'or (4)'.

Adran 12, tudalen 12, llinell 18, ar ôl '(2)(b)', mewnosoder 'neu (4)'.

Darren Millar

82

Section 13, page 12, line 29, leave out 'not over compulsory school' and insert 'under 18 years of'.

Adran 13, tudalen 12, llinell 30, hepgorer 'nad yw'n hŷn na'r oedran ysgol gorfodol' a mewnosoder 'yw o dan 18 oed'.

Alun Davies

10

Section 14, page 13, line 21, after 'age', insert '(within the meaning given by section 8 of the Education Act 1996 (c. 56))'.

Adran 14, tudalen 13, llinell 21, ar ôl 'gorfodol', mewnosoder '(o fewn yr ystyr a roddir i "compulsory school age" gan adran 8 o Ddeddf Addysg 1996 (p. 56))'.

Alun Davies

11

Section 17, page 15, line 5, leave out 'unless either of the circumstances in subsection (3) apply.'

(3) The circumstances are –

(a) the child is in the area of a local authority in England;

(b) the child is ordinarily resident outside England and Wales.'

and insert 'if the child is in the area of a local authority in Wales.'

Adran 17, tudalen 15, llinell 5, hepgorer 'oni bai bod unrhyw un neu ragor o'r amgylchiadau yn is-adran (3) yn gymwys.

(3) Yr amgylchiadau yw –

(a) bod y plentyn yn ardal awdurdod lleol yn Lloegr;

(b) bod y plentyn yn preswyllo fel arfer y tu allan i Gymru a Lloegr.'

a mewnosoder 'os yw'r plentyn yn ardal awdurdod lleol yng Nghymru.'

Alun Davies

116

Section 17, page 15, line 9, leave out 'If the local authority prepares an individual development plan for a child, it must –

(a) decide'

and insert 'A local authority that prepares or maintains an individual development plan for a child it looks after must –

(a) consider'.

Adran 17, tudalen 15, llinell 10, hepgorer 'Os yw'r awdurdod lleol yn llunio cynllun datblygu unigol ar gyfer plentyn, rhaid iddo –

(a) penderfynu'

a mewnosoder 'Rhaid i awdurdod lleol sy'n llunio neu'n cynnal cynllun datblygu unigol ar gyfer plentyn y mae'n gofalu amdano –

(a) ystyried'.



Alun Davies 24

Section 17, page 15, leave out line 22.

Adran 17, tudalen 15, hepgorer llinell 23.

Llyr Gruffydd 95

Gyda chefnogaeth/ Supported by: Darren Millar

Section 18, page 16, line 24, leave out 'decide' and insert 'ask the child or young person, and in the case of a child, the child's parent'.

Adran 18, tudalen 16, llinell 24, hepgorer 'penderfynu' a mewnosoder 'gofyn i'r plentyn neu'r person ifanc, ac yn achos plentyn, i riant y plentyn'.

Llyr Gruffydd 96

Gyda chefnogaeth/ Supported by: Darren Millar

Section 18, page 16, line 25, after 'in', insert 'English or in'.

Adran 18, tudalen 16, llinell 25, ar ôl 'Gymraeg', mewnosoder 'ynteu yn Saesneg'.

Llyr Gruffydd 97

Gyda chefnogaeth/ Supported by: Darren Millar

Section 18, page 16, line 26, leave out 'it decides' and insert 'the child or young person, or in the case of a child, the child's parent requests'.

Adran 18, tudalen 16, llinell 26, hepgorer 'yw'n penderfynu' a mewnosoder 'yw'r plentyn neu'r person ifanc, neu yn achos plentyn, rhiant y plentyn yn gwneud cais'.

Alun Davies 25

Section 19, page 16, line 35, after 'person's', insert 'additional learning'.

Adran 19, tudalen 16, llinell 36, ar ôl 'anghenion', mewnosoder 'dysgu ychwanegol'.

Llyr Gruffydd 98

Gyda chefnogaeth/ Supported by: Darren Millar

Section 19, page 17, line 4, leave out 'it considers' and insert 'the child or young person, or in the case of a child, the child's parent has requested'.

Adran 19, tudalen 17, llinell 4, hepgorer 'yw'n ystyried' a mewnosoder 'yw'r plentyn neu'r person ifanc, neu yn achos plentyn, rhiant y plentyn wedi gwneud cais'.

Alun Davies 26

Section 19, page 17, after line 6, insert—

() If an NHS body does not identify a relevant treatment or service that is likely to be of benefit in addressing a child's or young person's additional learning needs following a referral under section 18 it must—

(a) inform the body that made the referral of that fact, and



- (b) if the referral was not made by a body that maintains an individual development plan for the child or young person, inform the body that maintains the individual development plan of that fact.'

Adran 19, tudalen 17, ar ôl llinell 7, mewnosoder –

'() Os nad yw corff GIG yn nodi triniaeth berthnasol neu wasanaeth perthnasol sy'n debygol o fod o fudd o ran ymdrin ag anghenion dysgu ychwanegol plentyn neu berson ifanc yn dilyn atgyfeiriad o dan adran 18 rhaid iddo –

- (a) rhoi gwybod i'r corff a atgyfeiriodd y mater am y ffaith honno, a
- (b) os nad corff sy'n cynnal cynllun datblygu unigol ar gyfer y plentyn neu'r person ifanc a atgyfeiriodd y mater, roi gwybod i'r corff sy'n cynnal y cynllun datblygu unigol am y ffaith honno.'

Darren Millar

83

Gyda chefnogaeth/ Supported by: Llyr Gruffydd

Section 19, page 18, line 1, leave out subsection (8).

Adran 19, tudalen 18, llinell 1, hepgorer is-adran (8).

Darren Millar

27A

As an amendment to amendment 27, line 1, leave out 'may' and insert 'must'.

Fel gwelliant i welliant 27, llinell 1, hepgorer 'Caiff rheoliadau' a mewnosoder 'Rhaid i reoliadau'.

Alun Davies

27

Section 19, page 18, after line 4, insert –

'(9) Regulations may provide that where an NHS body is under a duty to inform under subsection (1) or (*subsection to be inserted by amendment 26*), it must comply with that duty within a prescribed period, unless a prescribed exception applies.'

Adran 19, tudalen 18, ar ôl llinell 4, mewnosoder –

'(9) Caiff rheoliadau ddarparu, pan fo corff GIG o dan ddyletswydd i roi gwybod o dan is-adran (1) neu (*yr is-adran sy'n cael ei mewnosod gan welliant 26*), fod rhaid iddo gydymffurfio â'r ddyletswydd honno o fewn cyfnod rhagnodedig, oni bai bod eithriad rhagnodedig yn gymwys.'

Alun Davies

117

Section 21, page 18, leave out lines 25 to 35 and insert –

'before the end of each review period.

- () The first review period is a period of 12 months starting with the date on which a copy of the plan is given under section 20.
- () Each subsequent review period is a period of 12 months starting with –
 - (a) the date during the preceding review period on which a copy of a revised plan is given under subsection (8) in relation to that review period, or
 - (b) where the plan has not been revised in the preceding review period –



- (i) the date during that preceding review period on which notice of a decision is given under subsection (7) in relation to that review period, or
 - (ii) the date during that preceding review period on which notice of a decision is given under section 25(4) in relation to that review period.
- () But where none of the documents referred to in subsection [*the second sub-section to be inserted by this amendment*](a) and (b) has been given during the preceding review period, the subsequent review period is a period of 12 months starting with the first day after the end of that preceding review period.
- () Where a copy of a plan, revised plan or notice of decision is required to be given to more than one person, the reference in subsections [*the first sub-section to be inserted by this amendment*] and [*the second sub-section to be inserted by this amendment*] to the date on which it is given is a reference to the date on which the plan, revised plan or notice of decision is first given.
- () The duty in subsection (1) to review a plan before the end of a review period is treated as met if, before the end of that period—
- (a) the plan is reconsidered by a local authority under section 25,
 - (b) the Education Tribunal for Wales orders a governing body or a local authority to revise the plan, or
 - (c) in the case of a plan maintained by the governing body of a maintained school, the Education Tribunal for Wales orders a local authority to review the plan.’

Adran 21, tudalen 18, hepgorer llinellau 25 hyd at 38 a mewnosoder —
‘cyn diwedd pob cyfnod adolygu.

- () Mae’r cyfnod adolygu cyntaf yn gyfnod o 12 mis sy’n dechrau â’r dyddiad y rhoddir copi o’r cynllun o dan adran 20.
- () Mae pob cyfnod adolygu dilynol yn gyfnod o 12 mis sy’n dechrau —
 - (a) â’r dyddiad yn ystod y cyfnod adolygu blaenorol y rhoddir copi o gynllun diwygiedig o dan is-adran (8) mewn perthynas â’r cyfnod adolygu hwnnw, neu
 - (b) pan na fo’r cynllun wedi ei ddiwygio yn y cyfnod adolygu blaenorol —
 - (i) â’r dyddiad yn ystod y cyfnod adolygu blaenorol hwnnw y rhoddir hysbysiad o benderfyniad o dan is-adran (7) mewn perthynas â’r cyfnod adolygu hwnnw, neu
 - (ii) â’r dyddiad yn ystod y cyfnod adolygu blaenorol hwnnw y rhoddir hysbysiad o benderfyniad o dan adran 25(4) mewn perthynas â’r cyfnod adolygu hwnnw.
- () Ond pan na fo’r un o’r dogfennau y cyfeirir atynt yn is-adran [*yr ail is-adran sy’n cael ei mewnosod gan y gwelliant hwn*](a) a (b) wedi ei rhoi yn ystod y cyfnod adolygu blaenorol, mae’r cyfnod adolygu dilynol yn gyfnod o 12 mis sy’n dechrau â’r diwrnod cyntaf ar ôl diwedd y cyfnod adolygu blaenorol hwnnw.



- () Pan fo'n ofynnol rhoi copi o gynllun, cynllun diwygiedig neu hysbysiad o benderfyniad i fwy nag un person, mae'r cyfeiriad yn is-adrannau [*yr is-adran gyntaf sy'n cael ei mewnosod gan y gwelliant hwn*] a [*yr ail is-adran sy'n cael ei mewnosod gan y gwelliant hwn*] at y dyddiad y'i rhoddir yn gyfeiriad at y dyddiad y rhoddir y cynllun, y cynllun diwygiedig neu'r hysbysiad o benderfyniad gyntaf.
- () Mae'r ddyletswydd yn is-adran (1) i adolygu cynllun cyn diwedd cyfnod adolygu yn cael ei thrin fel pe bai wedi ei chyflawni os, cyn diwedd y cyfnod hwnnw –
 - (a) caiff y cynllun ei ailystyried gan awdurdod lleol o dan adran 25;
 - (b) yw Tribiwnlys Addysg Cymru yn gorchymyn i gorff llywodraethu neu awdurdod lleol ddiwygio'r cynllun, neu
 - (c) yn achos cynllun a gynhelir gan gorff llywodraethu ysgol a gynhelir, yw Tribiwnlys Addysg Cymru yn gorchymyn i awdurdod lleol adolygu'r cynllun.'

Alun Davies

118

Section 21, page 19, line 13, leave out 'under this section' and insert '(required or authorised by or under this Part)'.

Adran 21, tudalen 19, llinell 13, hepgorer 'o dan yr adran hon' a mewnosoder '(sy'n ofynnol neu sydd wedi ei awdurdodi gan neu o dan y Rhan hon)'.

Alun Davies

119

Section 21, page 19, line 18, after 'plan', insert '(as required or authorised by or under this Part)'.

Adran 21, tudalen 19, llinell 18, ar ôl 'unigol', mewnosoder '(fel sy'n ofynnol neu sydd wedi ei awdurdodi gan neu o dan y Rhan hon)'.

Alun Davies

120

Section 22, page 19, leave out lines 28 to 31 and insert –
'before the end of each review period.

- () The first review period is a period of 12 months starting with the date on which a copy of the plan is first given under section 20.
- () Each subsequent review period is a period of 12 months starting with –
 - (a) the date during the preceding review period on which a copy of a revised plan is first given under subsection (6) in relation to that review period, or
 - (b) where the plan has not been revised in the preceding review period the date during that period on which notice of a decision is first given under subsection (5) in relation to that period.
- () But where neither document referred to in subsection [*the second sub-section to be inserted by this amendment*](a) and (b) has been given during the preceding review period, the subsequent review period is a period of 12 months starting with the first day after the end of that preceding review period.
- () The duty in subsection (1) to review a plan before the end of a review period is treated as met if, before the end of that period, the Education Tribunal for Wales orders the local authority to revise the plan.'



Adran 22, tudalen 19, hepgorer llinellau 28 hyd at 31 a mewnosoder –
'cyn diwedd pob cyfnod adolygu.

- () Mae'r cyfnod adolygu cyntaf yn gyfnod o 12 mis sy'n dechrau â'r dyddiad y rhoddir copi o'r cynllun gyntaf o dan adran 20.
- () Mae pob cyfnod adolygu dilynol yn gyfnod o 12 mis sy'n dechrau –
 - (a) â'r dyddiad yn ystod y cyfnod adolygu blaenorol y rhoddir copi o gynllun diwygiedig gyntaf o dan is-adran (6) mewn perthynas â'r cyfnod adolygu hwnnw, neu
 - (b) pan na fo'r cynllun wedi ei ddiwygio yn y cyfnod adolygu blaenorol, â'r dyddiad yn ystod y cyfnod hwnnw y rhoddir hysbysiad o benderfyniad gyntaf o dan is-adran (5) mewn perthynas â'r cyfnod hwnnw.
- () Ond pan na fo'r naill ddogfen na'r llall o'r dogfennau y cyfeirir atynt yn is-adran [*yr ail is-adran sy'n cael ei mewnosod gan y gwelliant hwn*](a) a (b) wedi ei rhoi yn ystod y cyfnod adolygu blaenorol, mae'r cyfnod adolygu dilynol yn gyfnod o 12 mis sy'n dechrau â'r diwrnod cyntaf ar ôl diwedd y cyfnod adolygu blaenorol hwnnw.
- () Mae'r ddyletswydd yn is-adran (1) i adolygu cynllun cyn diwedd cyfnod adolygu yn cael ei thrin fel pe bai wedi ei chyflawni os yw Tribiwnlys Addysg Cymru, cyn diwedd y cyfnod hwnnw, yn gorchymyn i'r awdurdod lleol ddiwygio'r cynllun.'

Alun Davies

121

Section 22, page 20, line 4, leave out 'under this section' and insert '(required or authorised by or under this Part or by or under section 83 of the Social Services and Well-being (Wales) Act 2014 (anaw 4))'.

Adran 22, tudalen 20, llinell 4, hepgorer 'o dan yr adran hon' a mewnosoder '(sy'n ofynnol neu sydd wedi ei awdurdodi gan neu o dan y Rhan hon neu gan neu o dan adran 83 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4))'.

Alun Davies

122

Section 22, page 20, line 9, leave out '(whether under this section or under section 83(4) of the Social Services and Well-being (Wales) Act 2014 (anaw 4), or under regulations made under section 83(5) of that Act)' and insert '(as required or authorised by or under this Part or by or under section 83 of the Social Services and Well-being (Wales) Act 2014 (anaw 4))'.

Adran 22, tudalen 20, llinell 9, hepgorer '(pa un ai o dan yr adran hon neu o dan adran 83(4) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4), neu o dan reoliadau a wneir o dan adran 83(5) o'r Ddeddf honno)' a mewnosoder '(fel sy'n ofynnol neu sydd wedi ei awdurdodi gan neu o dan y Rhan hon neu gan neu o dan adran 83 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4))'.

Alun Davies

123

Section 25, page 21, after line 14, insert –

- '() The local authority must give a copy of a notification under subsection (4) to the governing body.'

Adran 25, tudalen 21, ar ôl llinell 15, mewnosoder –

- '() Rhaid i'r awdurdod lleol roi copi o hysbysiad o dan is-adran (4) i'r corff llywodraethu.'



Alun Davies **124**

Section 25, page 21, leave out lines 22 to 23 and insert—

‘(for provision about others to whom a copy must be given, see section 21(8)).’.

Adran 25, tudalen 21, hepgorer llinellau 23 hyd at 24 a mewnosoder—

‘(am ddarpariaeth ynghylch eraill y mae rhaid rhoi copi iddynt, gweler adran 21(8)).’.

Alun Davies **125**

Section 27, page 22, leave out line 30.

Adran 27, tudalen 22, hepgorer llinellau 33 hyd at 34.

Alun Davies **12**

Section 29, page 24, line 24, after ‘13))’, insert—

’, or

() he or she ceases to be in the area of a local authority in Wales’.

Adran 29, tudalen 24, llinell 26, ar ôl ‘13))’, mewnosoder—

’, neu

() os yw’n peidio â bod yn ardal awdurdod lleol yng Nghymru’.

Alun Davies **13**

Section 29, page 24, line 31, leave out ‘decides’.

Adran 29, tudalen 24, llinell 33, hepgorer ‘yn penderfynu’.

Alun Davies **14**

Section 29, page 24, at the beginning of line 32, insert ‘decides’.

Adran 29, tudalen 24, ar ddechrau llinell 34, mewnosoder ‘yn penderfynu’.

Alun Davies **15**

Section 29, page 24, line 33, leave out ‘it is no longer necessary to maintain it, having regard to’ and insert ‘decides in accordance with regulations that it is no longer necessary to maintain it to meet’.

Adran 29, tudalen 24, llinell 36, hepgorer ‘nad oes angen cynnal y cynllun mwyach, gan roi sylw i’ a mewnosoder ‘yn penderfynu yn unol â rheoliadau nad oes angen cynnal y cynllun mwyach i ddiwallu’.

Alun Davies **16**

Section 33, page 27, line 20, leave out ‘(c)’ and insert ‘(a) and (b)’.

Adran 33, tudalen 27, llinell 20, hepgorer ‘(c)’ a mewnosoder ‘(a) a (b)’.

Alun Davies **126**

Section 33, page 27, line 38, after ‘Part’, insert ‘, with any provision described in the plan in accordance with section 12(6) being treated as described in accordance with section 17(5)’.

Adran 33, tudalen 27, llinell 39, ar ôl ‘hon’, mewnosoder ‘, gydag unrhyw ddarpariaeth a ddisgrifir yn y cynllun yn unol ag adran 12(6) yn cael ei thrin fel pe bai wedi ei disgrifio yn unol ag adran 17(5)’.



Alun Davies

127

Section 33, page 28, line 10, after 'Part', insert ', with any provision described in the plan in accordance with section 17(5) being treated as described in accordance with section 12(6)'.

Adran 33, tudalen 28, llinell 10, ar ôl 'hon', mewnosoder ', gydag unrhyw ddarpariaeth a ddisgrifir yn y cynllun yn unol ag adran 17(5) yn cael ei thrin fel pe bai wedi ei disgrifio yn unol ag adran 12(6)'.

Alun Davies

128

Page 28, after line 10, insert a new section –

[] Request to transfer plan to governing body of further education institution

- (1) This section applies where a local authority maintains an individual development plan for a young person who is enrolled as a student at an institution in the further education sector in Wales.
- (2) The local authority may request the governing body of the institution to become responsible for maintaining the plan.
- (3) If the governing body fails to agree to the request within a prescribed period, the local authority may refer the matter to the Welsh Ministers.
- (4) The Welsh Ministers must determine whether the governing body of the further education institution should maintain the plan.'

Tudalen 28, ar ôl llinell 10, mewnosoder adran newydd –

[] Cais i drosglwyddo cynllun i gorff llywodraethu sefydliad addysg bellach

- (1) Mae'r adran hon yn gymwys pan fo awdurdod lleol yn cynnal cynllun datblygu unigol ar gyfer person ifanc sydd wedi ymrestru'n fyfyrwr mewn sefydliad yn y sector addysg bellach yng Nghymru.
- (2) Caiff yr awdurdod lleol ofyn i gorff llywodraethu'r sefydliad ddod yn gyfrifol am gynnal y cynllun.
- (3) Os yw'r corff llywodraethu yn methu â chytuno i'r cais o fewn cyfnod rhagnodedig, caiff yr awdurdod lleol atgyfeirio'r mater at Weinidogion Cymru.
- (4) Rhaid i Weinidogion Cymru benderfynu a ddylai corff llywodraethu'r sefydliad addysg bellach gynnal y cynllun.'

Alun Davies

129

Section 34, page 28, line 12, leave out 'the duty to maintain an individual development plan for a child or young person to be transferred' and insert –
, and in connection with –

- () the transfer under section 33 of a duty to maintain an individual development plan for a child or young person;
- () the making of a request under section [section to be inserted by amendment 128], a reference or determination under that section and the transfer of a duty to maintain an individual development plan for a young person following such a request or determination;



- () the transfer in prescribed circumstances of a duty to maintain an individual development plan for a child or young person’.

Adran 34, tudalen 28, llinell 12, hepgorer ‘i’r ddyletswydd i gynnal cynllun datblygu unigol ar gyfer plentyn neu berson ifanc gael ei throsglwyddo’ a mewnosoder –
‘ar gyfer y canlynol ac mewn cysylltiad â hwy –

- () trosglwyddo o dan adran 33 ddyletswydd i gynnal cynllun datblygu unigol ar gyfer plentyn neu berson ifanc;
- () gwneud cais o dan adran [*yr adran sy’n cael ei mewnosod gan welliant 128*], atgyfeiriad neu benderfyniad o dan yr adran honno a throsglwyddo dyletswydd i gynnal cynllun datblygu unigol ar gyfer person ifanc yn dilyn cais neu benderfyniad o’r fath;
- () trosglwyddo o dan amgylchiadau rhagnodedig ddyletswydd i gynnal cynllun datblygu unigol ar gyfer plentyn neu berson ifanc’.

Alun Davies

130

Section 34, page 28, line 22, leave out subsection (2).

Adran 34, tudalen 28, llinell 22, hepgorer is-adran (2).

Alun Davies

131

Section 36, page 29, line 9, after ‘(a)’, insert ‘, (2) and (3)’.

Adran 36, tudalen 29, llinell 13, ar ôl ‘562(1A)(a)’, mewnosoder ‘, (2) a (3)’.

Alun Davies

132

Section 37, page 30, after line 20, insert –

- ‘(7) If it will not be possible to meet the reasonable needs of the detained person for additional learning provision when he or she is released from detention unless the home authority also secures provision of the kind mentioned in subsection (*the second sub-section to be inserted by this amendment*), the authority must include a description of that other provision in the plan.
- (8) The kinds of provision are –
 - (a) a place at a particular school or other institution;
 - (b) board and lodging.
- (9) The duty in subsection (*the first sub-section to be inserted by this amendment*) –
 - (a) does not apply to a place at a particular school or other institution that is not a maintained school in Wales if the person or body responsible for admissions to the school or other institution does not consent;
 - (b) is subject to the duties in sections 49, 50(3) and 53.’.



Adran 37, tudalen 30, ar ôl llinell 22, mewnosoder –

(7) Os na fydd yn bosibl diwallu anghenion rhesymol y person sy'n cael ei gadw'n gaeth am ddarpariaeth ddysgu ychwanegol pan gaiff ei ryddhau oni bai bod yr awdurdod cartref hefyd yn sicrhau darpariaeth o'r math a grybwyllir yn is-adran (*yr ail is-adran sy'n cael ei mewnosod gan y gwelliant hwn*), rhaid i'r awdurdod gynnwys disgrifiad o'r ddarpariaeth arall honno yn y cynllun.

(8) Y mathau o ddarpariaeth yw –

- (a) lle mewn ysgol benodol neu sefydliad arall;
- (b) bwyd a llety.

(9) O ran y ddyletswydd yn is-adran (*yr is-adran gyntaf sy'n cael ei mewnosod gan y gwelliant hwn*) –

- (a) nid yw'n gymwys i le mewn ysgol benodol neu sefydliad arall nad yw'n ysgol a gynhelir yng Nghymru os nad yw'r person neu'r corff sy'n gyfrifol am dderbyniadau i'r ysgol neu'r sefydliad arall yn cydsynio;
- (b) mae'n ddarostyngedig i'r dyletswyddau yn adrannau 49, 50(3) a 53.'

Alun Davies

133

Section 38, page 30, line 25, leave out 'the decision being made or the plan being maintained' and insert 'a decision under section 37(2)(a) being made or to a plan being prepared'.

Adran 38, tudalen 30, llinell 27, hepgorer 'i'r penderfyniad gael ei wneud neu i'r cynllun gael ei gynnal' a mewnosoder 'i benderfyniad o dan adran 37(2)(a) gael ei wneud neu i gynllun gael ei lunio'.

Alun Davies

134

Section 38, page 30, line 31, leave out 'that decision' and insert 'a decision under section 37(2)(a) or (b)'.

Adran 38, tudalen 30, llinell 33, hepgorer 'y penderfyniad hwnnw' a mewnosoder 'benderfyniad o dan adran 37(2)(a) neu (b)'.

Alun Davies

135

Section 39, page 31, line 4, leave out subsection (3).

Adran 39, tudalen 31, llinell 4, hepgorer is-adran (3).

Alun Davies

136

Section 39, page 31, line 9, after 'apply', insert –

'where the detained person is a young person who does not consent to the individual development plan being kept.

() Nor does the duty in subsection (4) apply'.

Adran 39, tudalen 31, llinell 10, ar ôl 'gymwys', mewnosoder –

'pan fo'r person sy'n cael ei gadw'n gaeth yn berson ifanc nad yw'n cydsynio i'r cynllun datblygu unigol gael ei gadw.

() Nid yw'r ddyletswydd yn is-adran (4) yn gymwys ychwaith'.



Alun Davies

137

Section 40, page 32, line 2, after 'Part', insert ', with any provision described in the plan in accordance with section 17(5) or 37(*the first sub-section to be inserted by amendment 132*) being treated as described in accordance with section 12(6)'.

Adran 40, tudalen 32, llinell 2, ar ôl 'hon', mewnosoder ', gydag unrhyw ddarpariaeth a ddisgrifir yn y cynllun yn unol ag adran 17(5) neu 37(*yr is-adran gyntaf sy'n cael ei mewnosod gan gwelliant 132*) yn cael ei thrin fel pe bai wedi ei disgrifio yn unol ag adran 12(6)'.

Alun Davies

138

Section 40, page 32, line 7, after 'Part', insert ', with any provision described in the plan in accordance with section 12(6) or 37(*the first sub-section to be inserted by amendment 132*) being treated as described in accordance with section 17(5)'.

Adran 40, tudalen 32, llinell 8, ar ôl 'hon', mewnosoder ', gydag unrhyw ddarpariaeth a ddisgrifir yn y cynllun yn unol ag adran 12(6) neu 37(*yr is-adran gyntaf sy'n cael ei mewnosod gan gwelliant 132*) yn cael ei thrin fel pe bai wedi ei disgrifio yn unol ag adran 17(5)'.

Alun Davies

139

Page 32, after line 7, insert a new section –

[] Certain provisions of Part 2 not to apply to children and young persons in detention

- (1) The duties imposed by the provisions in subsection (2) on the following bodies cease to apply in relation to a detained person from the beginning of that person's detention –
 - (a) the governing body of a maintained school;
 - (b) the governing body of an institution in the further education sector;
 - (c) a local authority.
- (2) The provisions are –
 - (a) section 9 (governing body's duty to decide);
 - (b) section 10 (governing body's duty to prepare and maintain a plan);
 - (c) section 11 (local authority's duty to decide);
 - (d) section 12 (local authority's duty to prepare and maintain a plan);
 - (e) section 24 (local authority's duty to reconsider governing body's decision);
 - (f) section 28(2) (governing body's duty to refer where child or young person registered or enrolled at more than one institution);
 - (g) section 41(2) (governing body's duty to take all reasonable steps to secure additional learning provision).
- (3) The duties imposed by the provisions in subsection (4) on the governing body of a maintained school or on the governing body of an institution in the further education sector do not apply in relation to a child or young person at any time while that child or young person is –
 - (a) subject to a detention order (within the meaning given by section 562(1A)(a), (2) and (3) of the Education Act 1996), and



- (b) detained in accommodation other than relevant youth accommodation in Wales or England.
- (4) The provisions are –
 - (a) section 9 (duty to decide);
 - (b) section 10 (duty to prepare and maintain a plan);
 - (c) section 15 (duty to refer a matter to a local authority that looks after a child);
 - (d) section 28(2) (duty to refer where child or young person registered or enrolled at more than one institution);
 - (e) section 41(2) (duty to take all reasonable steps to secure additional learning provision).
- (5) Subsection (6) applies until section 49 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) (application of provisions to persons detained in relevant youth accommodation) comes fully into force in relation to Wales.
- (6) Section 562 of the Education Act 1996 (c. 56) is to have effect for the purpose of the powers and duties conferred or imposed by or under this Part on local authorities as though section 49 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) were fully in force in relation to Wales.
- (7) For the purposes of this Part, the reference in subsection (1) of section 562 of the Education Act 1996 (c. 56) to relevant youth accommodation is to have effect as though it were a reference to relevant youth accommodation in Wales or England.’

Tudalen 32, ar ôl llinell 8, mewnosoder adran newydd –

[] Darpariaethau penodol Rhan 2 nad ydynt i fod yn gymwys i blant a phersonau ifanc sy'n cael eu cadw'n gaeth

- (1) Mae'r dyletswyddau a osodir gan y darpariaethau yn is-adran (2) ar y cyrff a ganlyn yn peidio â bod yn gymwys mewn perthynas â pherson sy'n cael ei gadw'n gaeth o ddechrau'r cyfnod o gadw'r person hwnnw yn gaeth –
 - (a) corff llywodraethu ysgol a gynhelir;
 - (b) corff llywodraethu sefydliad yn y sector addysg bellach;
 - (c) awdurdod lleol.
- (2) Y darpariaethau yw –
 - (a) adran 9 (dyletswydd corff llywodraethu i benderfynu);
 - (b) adran 10 (dyletswydd corff llywodraethu i lunio a chynnal cynllun);
 - (c) adran 11 (dyletswydd awdurdod lleol i benderfynu);
 - (d) adran 12 (dyletswydd awdurdod lleol i lunio a chynnal cynllun);
 - (e) adran 24 (dyletswydd awdurdod lleol i ailystyried penderfyniad corff llywodraethu);
 - (f) adran 28(2) (dyletswydd corff llywodraethu i atgyfeirio pan fo plentyn neu berson ifanc wedi ei gofrestru neu wedi ymrestru mewn mwy nag un sefydliad);



- (g) adran 41(2) (dyletswydd corff llywodraethu i gymryd pob cam rhesymol i sicrhau darpariaeth ddysgu ychwanegol).
- (3) Nid yw'r dyletswyddau a osodir gan y darpariaethau yn is-adran (4) ar gorff llywodraethu ysgol a gynhelir neu ar gorff llywodraethu sefydliad yn y sector addysg bellach yn gymwys mewn perthynas â phlentyn neu berson ifanc ar unrhyw adeg tra bo'r plentyn hwnnw neu'r person ifanc hwnnw –
- (a) yn ddarostyngedig i orchymyn cadw (o fewn yr ystyr a roddir i “detention order” gan adran 562(1A)(a), (2) a (3) o Ddeddf Addysg 1996), a
- (b) wedi ei gadw'n gaeth mewn llety ac eithrio llety ieuencid perthnasol yng Nghymru neu yn Lloegr.
- (4) Y darpariaethau yw –
- (a) adran 9 (dyletswydd i benderfynu);
- (b) adran 10 (dyletswydd i lunio a chynnal cynllun);
- (c) adran 15 (dyletswydd i atgyfeirio mater i awdurdod lleol sy'n gofalu am blentyn);
- (d) adran 28(2) (dyletswydd i atgyfeirio pan fo plentyn neu berson ifanc wedi ei gofrestru neu wedi ymrestru mewn mwy nag un sefydliad);
- (e) adran 41(2) (dyletswydd i gymryd pob cam rhesymol i sicrhau darpariaeth ddysgu ychwanegol).
- (5) Mae is-adran (6) yn gymwys hyd nes bod adran 49 o Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p. 22) (cymhwyso darpariaethau i bersonau sy'n cael eu cadw'n gaeth mewn llety ieuencid perthnasol) yn dod i rym yn llawn o ran Cymru.
- (6) Mae adran 562 o Ddeddf Addysg 1996 (p. 56) i gael effaith at ddiben y pwerau a'r dyletswyddau a roddir neu a osodir gan neu o dan y Rhan hon ar awdurdodau lleol fel pe bai adran 49 o Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p. 22) mewn grym yn llawn o ran Cymru.
- (7) At ddibenion y Rhan hon, mae'r cyfeiriad yn is-adran (1) o adran 562 o Ddeddf Addysg 1996 (p. 56) at lety ieuencid perthnasol i gael effaith fel pe bai'n gyfeiriad at lety ieuencid perthnasol yng Nghymru neu yn Lloegr.'

Alun Davies

17

Section 45, page 34, line 32, leave out '(d)' and insert '(c)'.

Adran 45, tudalen 34, llinell 34, hepgorer '(d)' a mewnosoder '(c)'.

Alun Davies

18

Section 45, page 35, leave out line 3.

Adran 45, tudalen 35, hepgorer llinell 3.

Darren Millar

41

Section 54, page 38, line 13, after 'a', insert 'maintained'.

Adran 54, tudalen 38, llinell 14, ar ôl 'ysgol', mewnosoder 'a gynhelir'.



Darren Millar 42

Section 54, page 38, line 13, leave out 'that is –

- (i) a community, foundation or voluntary school,
- (ii) a maintained nursery school, or
- (iii) a pupil referral unit;

Adran 54, tudalen 38, hepgorer llinellau 15 hyd at 17.

Alun Davies 19

Page 39, after line 5, insert a new section –

[] Early years additional learning needs lead officer

- (1) A local authority must designate an officer to have responsibility for co-ordinating the authority's functions under this Part in relation to children under compulsory school age who are not attending maintained schools.
- (2) An officer designated under this section is to be known as an "early years additional learning needs lead officer".'.

Tudalen 39, ar ôl llinell 5, mewnosoder adran newydd –

[] Swyddog arweiniol anghenion dysgu ychwanegol blynyddoedd cynnar

- (1) Rhaid i awdurdod lleol ddynodi swyddog i fod â chyfrifoldeb am gydlynu swyddogaethau'r awdurdod o dan y Rhan hon mewn perthynas â phlant sydd o dan yr oedran ysgol gorfodol nad ydynt yn mynychu ysgolion a gynhelir.
- (2) Mae swyddog sydd wedi ei ddynodi o dan yr adran hon i gael ei alw'n "swyddog arweiniol anghenion dysgu ychwanegol blynyddoedd cynnar".'.

Llyr Gruffydd 140A

As an amendment to amendment 140, after line 2, insert –

- '() If a local authority considers that the availability of additional learning provision in Welsh is not sufficient, it must take all reasonable steps to remedy the matter.'

Fel gwelliant i welliant 140, ar ôl llinell 2, mewnosoder –

- '() Os bydd awdurdod lleol yn ystyried nad yw'r ddarpariaeth ddysgu ychwanegol sydd ar gael yn Gymraeg yn ddigonol, rhaid iddo gymryd pob cam rhesymol i unioni'r mater.'

Alun Davies 140

Section 56, page 39, after line 14, insert –

- '() The duty in subsection (2) includes a duty to consider the sufficiency of additional learning provision in Welsh.'

Adran 56, tudalen 39, ar ôl llinell 14, mewnosoder –

- '() Mae'r ddyletswydd yn is-adran (2) yn cynnwys dyletswydd i ystyried digonolrwydd darpariaeth ddysgu ychwanegol yn Gymraeg.'



Alun Davies 141

Section 56, page 39, leave out lines 16 to 17.

Adran 56, tudalen 39, hepgorer llinellau 16 hyd at 17.

Llyr Gruffydd 99

Gyda chefnogaeth/ Supported by: Darren Millar

Section 56, page 39, line 16, leave out 'desirability' and insert 'importance'.

Adran 56, tudalen 39, llinell 16, hepgorer 'ddymunoldeb' a mewnosoder 'bwysigrwydd'.

Llyr Gruffydd 100

Gyda chefnogaeth/ Supported by: Darren Millar

Section 56, page 39, line 17, after 'Welsh,', insert 'wherever possible,'.

Adran 56, tudalen 39, llinell 17, ar ôl 'Gymraeg,', mewnosoder 'pryd bynnag y bo modd,'.

Llyr Gruffydd 84A

As an amendment to amendment 84, after line 20 insert –

- '(4) Each local authority and local health board must ensure that it has the capacity, by a date agreed between it and the Welsh Ministers, to deliver additional learning provision through the medium of Welsh in each case in which it is requested.'

Fel gwelliant i welliant 84, ar ôl llinell 20, mewnosoder –

- '(4) Rhaid i bob awdurdod lleol a bwrdd iechyd lleol sicrhau bod ganddo'r capasiti, erbyn dyddiad a gytunir rhyngddo a Gweinidogion Cymru, i gyflawni darpariaeth ddysgu ychwanegol drwy gyfrwng y Gymraeg ym mhob achos y gwneir cais am hynny.'

Darren Millar 84

Page 39, after line 18, insert a new section –

[] Workforce planning

- (1) Each local authority and local health board must undertake workforce planning (including planning recruitment, retention, education and training) in relation to the provision required for children and young people in their area who have additional learning needs.
- (2) Any workforce planning undertaken by a local authority or local health board pursuant to subsection (1) must consider the capacity of the workforce to deliver additional learning provision through the medium of Welsh.
- (3) Regulations may make provision about workforce planning undertaken pursuant to subsection (1) including –
 - (a) the action to be taken by local authorities and local health bodies in connection with preparing and reviewing any plans;
 - (b) whether any plans will form part of other workforce plans which local authorities and local health boards may be required to produce;
 - (c) the matters to be covered by such plans;



- (d) the form and content of plans;
- (e) the period to be covered by such plans;
- (f) arrangements for joint working;
- (g) arrangements for publication of the plans;
- (h) arrangements for implementation of the plans.'

Tudalen 39, ar ôl llinell 19, mewnosoder adran newydd –

[] Cynllunio'r gweithlu

- (1) Rhaid i bob awdurdod lleol a phob bwrdd iechyd lleol ymgymryd â gwaith cynllunio'r gweithlu (gan gynnwys cynllunio recriwtio, cadw, addysg a hyfforddiant) mewn perthynas â'r ddarpariaeth sydd ei hangen ar gyfer plant a phobl ifanc yn eu hardaloedd sydd ag anghenion dysgu ychwanegol.
- (2) Rhaid i unrhyw waith cynllunio'r gweithlu a ymgwymerir gan awdurdod lleol neu fwrdd iechyd lleol yn unol ag is-adran (1) ystyried capasiti'r gweithlu i gynnal darpariaeth ddysgu ychwanegol drwy gyfrwng y Gymraeg.
- (3) Caiff rheoliadau wneud darpariaeth ynghylch gwaith cynllunio'r gweithlu a ymgwymerir yn unol ag is-adran (1) gan gynnwys –
 - (a) y camau sydd i'w cymryd gan awdurdodau lleol a byrddau iechyd lleol mewn cysylltiad â pharatoi ac adolygu unrhyw gynlluniau;
 - (b) a fydd unrhyw gynlluniau yn rhan o gynlluniau gweithlu eraill y gallai fod angen i awdurdodau lleol neu fyrddau iechyd lleol eu cynhyrchu;
 - (c) y materion y dylai unrhyw gynlluniau o'r fath fynd i'r afael â hwy;
 - (d) ffurf a chynnwys cynlluniau;
 - (e) y cyfnod y dylai cynlluniau o'r fath ymdrin ag ef;
 - (f) trefniadau ar gyfer gweithio ar y cyd;
 - (g) trefniadau ar gyfer cyhoeddi'r cynlluniau;
 - (h) trefniadau ar gyfer gweithredu'r cynlluniau.'

Llyr Gruffydd

101

Gyda chefnogaeth / Supported by: Darren Millar

Page 39, after line 18, insert a new section –

[] Assessment of Welsh Language provision

- (1) Each local authority and local health board must in accordance with regulations, assess –
 - (a) the extent to which there are children and young persons in their area who would be likely to request additional learning provision through the medium of Welsh;
 - (b) whether they have capacity to provide additional learning provision through the medium of Welsh for those children and young persons identified in accordance with paragraph (a);



- (c) the actions required to provide the range and level of services identified in accordance with paragraph (a) through the medium of Welsh.
- (2) Regulations under subsection (1) may, for example, provide for—
 - (a) the timing and review of assessments;
 - (b) arrangements for joint working.
- (3) Each local authority and local health board must ensure that it has the capacity, by a date agreed between it and the Welsh Ministers, to deliver additional learning provision through the medium of Welsh in each case in which it is requested.’.

Tudalen 39, ar ôl llinell 19, mewnosoder adran newydd —

[] Asesu darpariaeth Gymraeg

- (1) Rhaid i bob awdurdod lleol a bwrdd iechyd lleol yn unol â rheoliadau, asesu —
 - (a) y graddau y mae plant a phobl ifanc yn ei ardal a fyddai'n debygol o wneud cais am ddarpariaeth ddysgu ychwanegol drwy gyfrwng y Gymraeg;
 - (b) a oes ganddo'r capasiti i ddarparu darpariaeth ddysgu ychwanegol drwy gyfrwng y Gymraeg ar gyfer y plant a'r bobl ifanc hynny a nodir yn unol â pharagraff (a);
 - (c) y camau y mae'n ofynnol eu cymryd i ddarparu ystod a lefel y gwasanaethau a nodwyd yn unol â pharagraff (a) drwy gyfrwng y Gymraeg.
- (2) Caiff rheoliadau o dan is-adran (1), er enghraifft, ddarparu ar gyfer—
 - (a) amseru ac adolygu asesiadau;
 - (b) trefniadau ar gyfer cydweithio.
- (3) Rhaid i bob awdurdod lleol a bwrdd iechyd lleol sicrhau bod ganddo'r capasiti, erbyn dyddiad a gytunir rhyngddo a Gweinidogion Cymru, i gyflawni darpariaeth ddysgu ychwanegol drwy gyfrwng y Gymraeg ym mhob achos y gwneir cais am hynny.’.

Darren Millar

85

Section 57, page 39, line 21, leave out ‘who is under compulsory school age and’.

Adran 57, tudalen 39, llinell 22, hepgorer ‘sydd o dan yr oedran ysgol gorfodol ac’.

Alun Davies

28

Section 57, page 39, line 30, leave out ‘power’ and insert ‘duty’.

Adran 57, tudalen 39, llinell 31, hepgorer ‘bŵer’ a mewnosoder ‘ddyletswydd’.

Alun Davies

29

Section 57, page 39, line 33, leave out ‘may’ and insert ‘must’.

Adran 57, tudalen 39, llinell 33, hepgorer ‘caiff y’ a mewnosoder ‘rhaid i’r’.

Darren Millar

43

Section 62, page 42, after line 25, insert—

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



Adran 62, tudalen 42, ar ôl llinell 25, mewnosoder –

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

Darren Millar

44

Section 62, page 42, line 27, after 'person', insert ', parent'.

Adran 62, tudalen 42, llinell 27, ar ôl 'ifanc', mewnosoder ', riant'.

Darren Millar

152

Section 62, page 42, after line 31, insert –

- () Arrangements made 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 62, tudalen 42, ar ôl llinell 32, mewnosoder –

- () Rhaid i drefniadau a wneir 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.'

Llyr Gruffydd

102

Gyda chefnogaeth/ Supported by: Darren Millar

Section 62, page 42, after line 36, insert –

- () Where any services provided under arrangements made under this section are requested to be provided in Welsh, a local authority must take all reasonable steps to secure that the services are provided in Welsh.'

Adran 62, tudalen 42, ar ôl llinell 37, mewnosoder –

- () Pan wneir cais i unrhyw wasanaethau a ddarperir o dan drefniadau a wneir o dan yr adran hon gael eu darparu yn Gymraeg, rhaid i awdurdod lleol gymryd pob cam rhesymol i sicrhau bod y gwasanaethau'n cael eu darparu yn Gymraeg.'

Llyr Gruffydd

103

Gyda chefnogaeth/ Supported by: Darren Millar

Section 62, page 43, at the beginning of line 1, insert 'Subject to subsection (5)'.

Adran 62, tudalen 43, ar ddechrau llinell 1, mewnosoder 'Yn ddarostyngedig i is-adran (5)'.

Llyr Gruffydd

104

Gyda chefnogaeth/ Supported by: Darren Millar

Section 62, page 43, after line 3, insert –

- (5) No charge may be made to any person provided with independent advocacy services in accordance with arrangements made under this section.'



Adran 62, tudalen 43, ar ôl llinell 3, mewnosoder –

'(5) Ni chaniateir codi tâl ar unrhyw berson y darperir gwasanaethau eirioli annibynnol iddo yn unol â threfniadau a wneir o dan yr adran hon.'

Alun Davies

142

Section 65, page 45, line 1, leave out 'or the parent of a detained person who is a child' and insert 'and, in the case of a detained person who is a child, the detained person's parent,'.

Adran 65, tudalen 45, llinell 1, hepgorer 'neu riant person sy'n cael ei gadw'n gaeth sy'n blentyn' a mewnosoder 'ac, yn achos person sy'n cael ei gadw'n gaeth sy'n blentyn, riant y person sy'n cael ei gadw'n gaeth,'.

Alun Davies

143

Section 65, page 45, after line 12, insert –

'() the provision included in an individual development plan under section 37(*the first sub-section to be inserted by amendment 132*) or the fact that provision under that section is not in the plan;'

Adran 65, tudalen 45, ar ôl llinell 13, mewnosoder –

'() y ddarpariaeth sydd wedi ei chynnwys mewn cynllun datblygu unigol o dan adran 37(*yr is-adran gyntaf sy'n cael ei mewnosod gan gwelliant 132*) neu'r ffaith nad yw darpariaeth o dan o dan yr adran honno yn y cynllun;'

Alun Davies

144

Section 65, page 45, after line 15, insert –

'(g) a refusal to make a decision under section 37(2) on the basis that section 38(2)(b) applies (no material change in needs and no new information that materially affects the decision).'

Adran 65, tudalen 45, ar ôl llinell 16, mewnosoder –

'(g) gwrthodiad i wneud penderfyniad o dan adran 37(2) ar y sail bod adran 38(2)(b) yn gymwys (dim newid sylweddol mewn anghenion a dim gwybodaeth newydd sy'n effeithio'n sylweddol ar y penderfyniad).'

Darren Millar

86

Section 67, page 45, after line 32, insert –

'() about other matters relating to an individual development plan against which appeals may be brought;'

Adran 67, tudalen 45, ar ôl llinell 34, mewnosoder –

'() ynghylch materion eraill yn ymwneud â chynllun datblygu unigol y gellir dwyn apêl yn ei erbyn;'



Darren Millar

145A

As an amendment to amendment 145, line 13, leave out 'proposes to take in response to the recommendation, or

- (b) why the NHS body has not taken and does not propose to take any action in response to'.

and insert 'intends to take to implement'.

If the amendment to amendment 145 is approved, the new subsection (4) to the amendment would read:

(4) The report under subsection (3) must state the action that the NHS body has taken or intends to take to implement the recommendation.

Fel gwelliant i welliant 145, llinell 12, hepgorer 'mewn ymateb i'r argymhelliad, neu

- (b) pam nad yw'r corff GIG wedi cymryd unrhyw gamau a pham nad yw'n bwriadu cymryd unrhyw gamau mewn ymateb i'r'

a mewnosoder 'i weithredu'r'.

Pe byddai'r gwelliant i welliant 145 yn cael ei gymeradwyo, byddai'r is-adran (4) newydd yn y gwelliant fel a ganlyn:

(4) Rhaid i'r adroddiad o dan is-adran (3) ddatgan y camau y mae'r corff GIG wedi eu cymryd neu'n bwriadu eu cymryd i weithredu'r argymhelliad.

Alun Davies

145

Page 47, after line 8, insert a new section –

[] NHS Bodies: evidence and Tribunal recommendations

- (1) The Education Tribunal for Wales may, in relation to an appeal under this Part –
- (a) exercise its functions to require an NHS body to give evidence about the exercise of the body's functions;
- (b) make recommendations to an NHS body about the exercise of the body's functions.
- (2) Nothing in subsection (1) affects the generality of the powers to make regulations in sections 67 and 68.
- (3) An NHS body to whom a recommendation has been made by the Tribunal must make a report to the Tribunal before the end of any prescribed period beginning with the date on which the recommendation is made.
- (4) The report under subsection (3) must state –
- (a) the action that the NHS body has taken or proposes to take in response to the recommendation, or
- (b) why the NHS body has not taken and does not propose to take any action in response to the recommendation.'



Tudalen 47, ar ôl llinell 8, mewnosoder adran newydd –

[] Cyrff y GIG: tystiolaeth ac argymhellion y Tribiwnlys

- (1) Caiff Tribiwnlys Addysg Cymru, mewn perthynas ag apêl o dan y Rhan hon –
 - (a) arfer ei swyddogaethau i'w gwneud yn ofynnol i gorff GIG roi tystiolaeth ynghylch arfer swyddogaethau'r corff;
 - (b) gwneud argymhellion i gorff GIG ynghylch arfer swyddogaethau'r corff.
- (2) Nid oes dim yn is-adran (1) yn effeithio ar gyffredinolrwydd y pwerau i wneud rheoliadau yn adrannau 67 a 68.
- (3) Rhaid i gorff GIG y gwnaed argymhelliad iddo gan y Tribiwnlys lunio adroddiad i'r Tribiwnlys cyn diwedd unrhyw gyfnod rhagnodedig sy'n dechrau â'r dyddiad y gwneir yr argymhelliad.
- (4) Rhaid i'r adroddiad o dan is-adran (3) ddatgan –
 - (a) y camau y mae'r corff GIG wedi eu cymryd neu'n bwriadu eu cymryd mewn ymateb i'r argymhelliad, neu
 - (b) pam nad yw'r corff GIG wedi cymryd unrhyw gamau a pham nad yw'n bwriadu cymryd unrhyw gamau mewn ymateb i'r argymhelliad.'.

Alun Davies

146

Section 69, page 47, after line 12, insert –

- '() The governing body or local authority concerned must make a report to the Tribunal stating whether and how it has complied with the order before the end of a period of 14 days beginning with the first day after end of the period prescribed under subsection (1).'

Adran 69, tudalen 47, ar ôl llinell 12, mewnosoder –

- '() Rhaid i'r corff llywodraethu neu'r awdurdod lleol o dan sylw lunio adroddiad i'r Tribiwnlys sy'n datgan a yw wedi cydymffurfio â'r gorchymyn a sut y mae wedi gwneud hynny, cyn diwedd cyfnod o 14 o ddiwrnodau sy'n dechrau â'r diwrnod cyntaf ar ôl diwedd y cyfnod a ragnodir o dan is-adran (1).'

Alun Davies

147

Section 75, page 49, line 20, leave out ', 25(6).'

Adran 75, tudalen 49, llinell 21, hepgorer ', 25(6).'

Alun Davies

148

Section 76, page 51, line 4, leave out ', 25(6).'

Adran 76, tudalen 51, llinell 4, hepgorer ', 25(6).'



Alun Davies

149

Page 53, after line 26, insert a new section –

'Review of additional learning provision in Welsh

[] Review of additional learning provision in Welsh

- (1) The Welsh Ministers must arrange –
 - (a) for reviews of the sufficiency of additional learning provision in Welsh;
 - (b) for reports on the outcome of the reviews to be produced and published.
- (2) Subsection (1) does not prevent reviews from also dealing with other matters.
- (3) The first report on the outcome of a review must be published before 1 September in the fifth year following the year in which any of the provisions of this Part are brought into force by order (whether for all or limited purposes).
- (4) The Welsh Ministers must publish subsequent reports before 1 September in every fifth year following the last year in which a report was required to be published.'

Tudalen 53, ar ôl llinell 30, mewnosoder adran newydd –

'Adolygu darpariaeth ddysgu ychwanegol yn Gymraeg

[] Adolygu darpariaeth ddysgu ychwanegol yn Gymraeg

- (1) Rhaid i Weinidogion Cymru drefnu –
 - (a) ar gyfer adolygiadau o ddigonolrwydd darpariaeth ddysgu ychwanegol yn Gymraeg;
 - (b) i adroddiadau ar ganlyniad yr adolygiadau gael eu llunio a'u cyhoeddi.
- (2) Nid yw is-adran (1) yn atal adolygiadau rhag delio â materion eraill hefyd.
- (3) Rhaid cyhoeddi'r adroddiad cyntaf ar ganlyniad adolygiad cyn 1 Medi yn y bumed flwyddyn yn dilyn y flwyddyn y dygir unrhyw un neu ragor o ddarpariaethau'r Rhan hon i rym drwy orchymyn (pa un ai at bob diben neu at ddibenion cyfyngedig).
- (4) Rhaid i Weinidogion Cymru gyhoeddi adroddiadau dilynol cyn 1 Medi ym mhob pumed flwyddyn yn dilyn y flwyddyn ddiwethaf yr oedd yn ofynnol cyhoeddi adroddiad.'

Alun Davies

150

Page 53, after line 26, insert a new section –

[] Power to amend duties to secure additional learning provision in Welsh

- (1) This section applies to the following provisions –
 - section 10(6)(b);
 - section 12(10)(c);
 - section 17(8)(c);
 - section 18(5)(c);
 - section 19(4);



section 39(8)(b).

- (2) Regulations may omit the words “take all reasonable steps to” from a provision.
- (3) Regulations may provide that a provision has effect as if the words “take all reasonable steps to” were omitted –
 - (a) for a prescribed purpose,
 - (b) in relation to a prescribed body, or
 - (c) for a prescribed purpose in relation to a prescribed body.
- (4) If the words “take all reasonable steps to” are omitted by regulations under subsection (2) from each provision to which this section applies, regulations may omit section [section to be inserted by amendment 149].’.

Tudalen 53, ar ôl llinell 30, mewnosoder adran newydd –

[] Pŵer i ddiwygio dyletswyddau i sicrhau darpariaeth ddysgu ychwanegol yn Gymraeg

- (1) Mae’r adran hon yn gymwys i’r darpariaethau a ganlyn –
 - adran 10(6)(b);
 - adran 12(10)(c);
 - adran 17(8)(c);
 - adran 18(5)(c);
 - adran 19(4);
 - adran 39(8)(b).
- (2) Caiff rheoliadau hepgor y geiriau “gymryd pob cam rhesymol i” o ddarpariaeth.
- (3) Caiff rheoliadau ddarparu bod darpariaeth yn cael effaith fel pe bai’r geiriau “gymryd pob cam rhesymol i” wedi eu hepgor –
 - (a) at ddiben rhagnodedig,
 - (b) mewn perthynas â chorff rhagnodedig, neu
 - (c) at ddiben rhagnodedig mewn perthynas â chorff rhagnodedig.
- (4) Os yw’r geiriau “gymryd pob cam rhesymol i” wedi eu hepgor gan reoliadau o dan is-adran (2) o bob darpariaeth y mae’r adran hon yn gymwys iddi, caiff rheoliadau hepgor adran [yr adran sy’n cael ei mewnosod gan welliant 149].’.

Alun Davies

20

Section 85, page 56, line 25, after ‘12(1)(c)(ii),’, insert ‘29(6)(b),’.

Adran 85, tudalen 56, llinell 24, ar ôl ‘12(1)(c)(ii),’, mewnosoder ‘29(6)(b),’.

Alun Davies

30

Section 85, page 56, line 25, after ‘12(1)(c)(ii),’, insert ‘36(2),’.

Adran 85, tudalen 56, llinell 24, ar ôl ‘12(1)(c)(ii),’, mewnosoder ‘36(2),’.



Darren Millar 45

Section 85, page 56, line 25, after '37(2)(b)', insert '54(4)'.

Adran 85, tudalen 56, llinell 24, ar ôl '37(2)(b)', mewnosoder '54(4)'.

Alun Davies 31

Section 85, page 56, line 25, leave out 'or 76' and insert ', 76 or 86(8)'.

Adran 85, tudalen 56, llinell 24, hepgorer 'neu 76' a mewnosoder ', 76 neu 86(8)'.

Alun Davies 151

Section 85, page 56, line 25, after '76', insert 'or [section to be inserted by amendment 150]'.

Adran 85, tudalen 56, llinell 24, ar ôl '76', mewnosoder 'neu [yr adran sy'n cael ei mewnosod gan welliant 150]'.

Alun Davies 32

Section 85, page 56, after line 25, insert –

() the first regulations made under section 13(2);'

Adran 85, tudalen 56, ar ôl llinell 24, mewnosoder –

() y rheoliadau cyntaf a wneir o dan adran 13(2);'.

Alun Davies 46

Schedule 1, page 61, line 8, leave out 'In section 36 of the Children Act 1989' and insert –

(1) The Children Act 1989 is amended as follows.

(2) In section 23E(1A) (pathway plans) –

(a) in paragraph (b), omit "Part 4 of the Education Act 1996 or";

(b) after paragraph (b), insert –

"(ba) Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017;"

(3) In section 36'.

Atodlen 1, tudalen 61, llinell 9, hepgorer 'Yn adran 36 o Ddeddf Plant 1989' a mewnosoder –

(1) Mae Deddf Plant 1989 wedi ei diwygio fel a ganlyn.

(2) Yn adran 23E(1A) (cynlluniau llwybr) –

(a) ym mharagraff (b), hepgorer "Part 4 of the Education Act 1996 or";

(b) ar ôl paragraff (b), mewnosoder –

"(ba) Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017;"

(3) Yn adran 36'.



Alun Davies

47

Schedule 1, page 61, after line 14, insert –

'Tribunals and Inquiries Act 1992 (c. 53)

[] In Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals to which the Act applies), in Part 1, in the table –

- (a) in the first column, for “Special educational” substitute “Additional learning”;
- (b) in the second column, for paragraph 40B substitute “40B The Education Tribunal for Wales”.

Atodlen 1, tudalen 61, ar ôl llinell 16, mewnosoder –

'Ddeddf Tribiwnlysoedd ac Ymchwiliadau 1992 (p. 53)

[] Yn Atodlen 1 i Ddeddf Tribiwnlysoedd ac Ymchwiliadau 1992 (tribiwnlysoedd y mae'r Ddeddf yn gymwys iddynt), yn Rhan 1, yn y tabl –

- (a) yn y golofn gyntaf, yn lle “Special educational” rhodder “Additional learning”;
- (b) yn yr ail golofn, yn lle paragraff 40B rhodder “40B The Education Tribunal for Wales”.

Alun Davies

48

Schedule 1, page 63, line 1, leave out ‘an individual development plan in which a particular school is named for the purposes of any of section 12(6) and (7)(a), 17(5) and (6)(a) or 42 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017’ and insert ‘a child for whom an individual development plan is maintained in which a particular school is named’.

Atodlen 1, tudalen 63, llinell 1, hepgorer ‘an individual development plan in which a particular school is named for the purposes of any of section 12(6) and (7)(a), 17(5) and (6)(a) or 42 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017’ a mewnosoder ‘a child for whom an individual development plan is maintained in which a particular school is named’.

Alun Davies

49

Schedule 1, page 63, line 9, leave out ‘which maintains an individual development plan for the child) the child’s additional learning needs’ and insert ‘) any additional learning needs the child may have’.

Atodlen 1, tudalen 63, llinell 9, hepgorer ‘which maintains an individual development plan for the child) the child’s additional learning needs’ a mewnosoder ‘) any additional learning needs the child may have’.

Alun Davies

50

Schedule 1, page 63, line 16, leave out ‘an individual development plan in which a particular school is named for the purposes of any of section 12(6) and (7)(a), 17(5) and (6)(a) or 42 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017’ and insert ‘a child for whom an individual development plan is maintained in which a particular school is named’.



Atodlen 1, tudalen 63, llinell 15, hepgorer 'an individual development plan in which a particular school is named for the purposes of any of section 12(6) and (7)(a), 17(5) and (6)(a) or 42 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017' a mewnosoder 'a child for whom an individual development plan is maintained in which a particular school is named'.

Alun Davies 51

Schedule 1, page 63, line 24, leave out 'which maintains an individual development plan for the child) the child's additional learning needs' and insert ') any additional learning needs the child may have'.

Atodlen 1, tudalen 63, llinell 23, hepgorer 'which maintains an individual development plan for the child) the child's additional learning needs' a mewnosoder ') any additional learning needs the child may have'.

Alun Davies 52

Schedule 1, page 64, line 8, leave out 'they maintain an individual development plan naming a school' and insert 'an individual development plan is maintained in which a particular school is named'.

Atodlen 1, tudalen 64, llinell 8, hepgorer 'they maintain an individual development plan naming a school' a mewnosoder 'an individual development plan is maintained in which a particular school is named'.

Alun Davies 53

Schedule 1, page 64, line 12, leave out 'a local authority maintain an individual development plan naming a school' and insert 'an individual development plan is maintained in which a particular school is named'.

Atodlen 1, tudalen 64, llinell 12, hepgorer 'a local authority maintain an individual development plan naming a school' a mewnosoder 'an individual development plan is maintained in which a particular school is named'.

Alun Davies 54

Schedule 1, page 64, line 18, leave out 'a local authority do not maintain an individual development plan naming a school, and

- (b) the local authority begins to maintain an individual development plan naming a school'

and insert 'no individual development plan is maintained in which a particular school is named, and

- (b) an individual development plan in which a particular school is named begins to be maintained'

Atodlen 1, tudalen 64, llinell 18, hepgorer 'a local authority do not maintain an individual development plan naming a school, and

- (b) the local authority begins to maintain an individual development plan naming a school'

a mewnosoder 'no individual development plan is maintained in which a particular school is named, and



- (b) an individual development plan in which a particular school is named begins to be maintained'

Alun Davies

55

Schedule 1, page 64, line 23, leave out '(4) For the purposes of this section, "an individual development plan naming a school" is a plan in which a particular school is named for the purposes of any of section 12(6) and (7)(a), 17(5) and (6)(a) or 42 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017.'

Atodlen 1, tudalen 64, llinell 23, hepgorer '(4) For the purposes of this section, "an individual development plan naming a school" is a plan in which a particular school is named for the purposes of any of section 12(6) and (7)(a), 17(5) and (6)(a) or 42 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017.'

Alun Davies

56

Schedule 1, page 64, line 28, leave out ', in subsection (5) –

- (a) in the opening words, for "a statement under section 324" substitute "an individual development plan";
- (b) in paragraph (a), for "or the statement" substitute ", or is named in the individual development plan for the purposes of any of section 12(6) and (7)(a), 17(5) and (6)(a) or 42 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017";
- (c) in paragraph (b), for "the plan or the statement" substitute "the EHC plan or the individual development plan".'

and insert ' –

- (a) in subsection (5) –
- (i) in the opening words, omit "or a statement under section 324 (in the case of a local authority in Wales)";
- (ii) in paragraph (a), omit "or the statement";
- (iii) in paragraph (b), omit "or the statement";
- (b) after subsection (5) insert –
- "(6) Where, in the case of a local authority in Wales, the child in question is one for whom an individual development plan is maintained by the authority or by another local authority –
- (a) subsections (2) to (4) do not apply if a school or other institution is named in the individual development plan, and
- (b) in any other case a direction under subsection (4) may require the authority maintaining the individual development plan to make such amendments to the plan as is considered necessary or expedient in consequence of the determination.""



Atodlen 1, tudalen 64, llinell 28, hepgorer ' , yn is-adran (5) –

- (a) yn y geiriau agoriadol, yn lle “a statement under section 324” rhodder “an individual development plan”;
- (b) ym mharagraff (a), yn lle “or the statement” rhodder “, or is named in the individual development plan for the purposes of any of section 12(6) and (7)(a), 17(5) and (6)(a) or 42 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017”;
- (c) ym mharagraff (b), yn lle “the plan or the statement” rhodder “the EHC plan or the individual development plan”.

a mewnosoder ' –

- (a) yn is-adran (5) –
 - (i) yn y geiriau agoriadol, hepgorer “or a statement under section 324 (in the case of a local authority in Wales)”;
 - (ii) ym mharagraff (a), hepgorer “or the statement”;
 - (iii) ym mharagraff (b), hepgorer “or the statement”;
- (b) ar ôl is-adran (5) mewnosoder –
 - “(6) Where, in the case of a local authority in Wales, the child in question is one for whom an individual development plan is maintained by the authority or by another local authority –
 - (a) subsections (2) to (4) do not apply if a school or other institution is named in the individual development plan, and
 - (b) in any other case a direction under subsection (4) may require the authority maintaining the individual development plan to make such amendments to the plan as is considered necessary or expedient in consequence of the determination.”.

Alun Davies

33

Schedule 1, page 66, line 16, leave out 'or 579(3C)'.

Atodlen 1, tudalen 66, llinell 17, hepgorer 'or 579(3C)'.

Alun Davies

34

Schedule 1, page 66, line 16, after 'or' at the third place where it appears, insert '(unless subsection (2BA) applies)'.

Atodlen 1, tudalen 66, llinell 17, ar ôl 'or' yn y trydydd lle y mae'n ymddangos, mewnosoder '(unless subsection (2BA) applies)'.

Alun Davies

35

Schedule 1, page 66, after line 16, insert –

'() after subsection (2B), insert –

“(2BA) A statutory instrument which contains (whether alone or with other provision) regulations made by the Welsh Ministers under both section 562J(4) and section 36(2) of the Additional Learning Needs and



Education Tribunal (Wales) Act 2017 may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

(2BB) A statutory instrument which contains (whether alone or with other provision) regulations under section 579(3C) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.”;’.

Atodlen 1, tudalen 66, ar ôl llinell 17, mewnosoder –

‘() ar ôl is-adran (2B), mewnosoder –

“(2BA) A statutory instrument which contains (whether alone or with other provision) regulations made by the Welsh Ministers under both section 562J(4) and section 36(2) of the Additional Learning Needs and Education Tribunal (Wales) Act 2017 may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

(2BB) A statutory instrument which contains (whether alone or with other provision) regulations under section 579(3C) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.”;’.

Alun Davies

57

Schedule 1, page 67, after line 6, column 1, insert –

“the appropriate national authority (in Chapter 2 of Part 4	
---	--

Atodlen 1, tudalen 67, ar ôl llinell 6, colofn 1, mewnosoder –

“the appropriate national authority (in Chapter 2 of Part 4	
---	--

Alun Davies

58

Schedule 1, page 67, after line 6, column 2, insert –

	section 337A”;
--	----------------

Atodlen 1, tudalen 67, ar ôl llinell 6, colofn 2, mewnosoder –

	section 337A”;
--	----------------



Alun Davies 59

Schedule 1, page 67, line 32, leave out 'and 84' and insert ', 84 and 186'.

Atodlen 1, tudalen 67, llinell 34, hepgorer 'a 84' a mewnosoder ', 84 a 186'.

Alun Davies 60

Schedule 1, page 68, line 6, leave out 'and 6' and insert –
, 6, 15, 17 (and the cross-heading that precedes it) and 18;

- () in Schedule 18, in paragraph 13, for "Special Educational Needs Tribunal for Wales under section 333(2) of the Education Act 1996 (c 56)" substitute "Education Tribunal for Wales under section 79(5) of the Additional Learning Needs and Education Tribunal (Wales) Act 2017".

Atodlen 1, tudalen 68, llinell 7, hepgorer 'a 6' a mewnosoder –
, 6, 15, 17 (a'r croesbennawd sy'n ei ragflaenu) a 18;

- () yn Atodlen 18, ym mharagraff 13, yn lle "Special Educational Needs Tribunal for Wales under section 333(2) of the Education Act 1996 (c 56)" rhodder "Education Tribunal for Wales under section 79(5) of the Additional Learning Needs and Education Tribunal (Wales) Act 2017".

Alun Davies 61

Schedule 1, page 68, line 8, after '44', insert 'and 58'.

Atodlen 1, tudalen 68, llinell 9, ar ôl '44', mewnosoder 'a 58'.

Alun Davies 62

Schedule 1, page 68, after line 19, insert –

'() in the Education and Inspections Act 2006 (c. 40) –

- (i) omit section 173 (special educational needs co-ordinators);
- (ii) omit section 174 (time limits relating to statements of special educational needs);'

Atodlen 1, tudalen 68, ar ôl llinell 21, mewnosoder –

'() yn Neddf Addysg ac Arolygiadau 2006 (p. 40) –

- (i) hepgorer adran 173 (cydlynwyr anghenion addysgol arbennig);
- (ii) hepgorer adran 174 (terfynau amser sy'n ymwneud â datganiadau anghenion addysgol arbennig);'

Alun Davies 63

Schedule 1, page 68, line 24, leave out 'omit subsections (2) and' and insert 'in subsection (2) omit paragraphs (a) and (b), and omit subsection'.

Atodlen 1, tudalen 68, llinell 26, hepgorer 'hepgorer is-adrannau (2) a' a mewnosoder 'yn is-adran (2) hepgorer paragraffau (a) a (b), a hepgorer is-adran'.



Alun Davies

64

Schedule 1, page 68, after line 25, insert –

‘(iii) in Schedule 1 (amendments), in paragraph 11, omit the following entry –

“the appropriate national authority (in Chapter 2 of Part 4)	section 337A”;
--	----------------

’.

Atodlen 1, tudalen 68, ar ôl llinell 27, mewnosoder –

‘(iii) yn Atodlen 1 (diwygiadau), ym mharagraff 11, hepgorer y cofnod a ganlyn –

“the appropriate national authority (in Chapter 2 of Part 4)	section 337A”;
--	----------------

’.

Alun Davies

65

Schedule 1, page 68, after line 36, insert –

‘() in Schedule 13 to the Education Act 2011 (consequential amendments), in paragraph 9, omit sub-paragraphs (4) and (5);’.

Atodlen 1, tudalen 68, ar ôl llinell 38, mewnosoder –

‘() yn Atodlen 13 i Ddeddf Addysg 2011 (diwygiadau canlyniadol), ym mharagraff 9, hepgorer is-baragraffau (4) a (5);’.

Alun Davies

66

Schedule 1, page 69, line 8, leave out paragraph 5 and insert –

- ‘5 (1) The School Standards and Framework Act 1998 is amended as follows.
- (2) In section 96(7) (direction to admit child to specified school), for “to any special educational needs” substitute “(in the case of a local authority in England) to any special educational needs or (in the case of a local authority in Wales) to any additional learning needs”.
- (3) In section 98(7) (admission for nursery education or to nursery or special school: children with statements of special educational needs or EHC plans), for “statements of special educational needs are maintained under section 324 of the Education Act 1996” substitute “individual development plans are maintained under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017 in respect of which section 42 of that Act applies (duty to admit children to maintained schools)”.
- (4) In section 123 (nursery education - children with special educational needs) –
- (a) in subsection (1)(a), after “authority” insert “in England”;
- (b) in the words after subsection (1)(b), omit “or section 313(2) of the Education Act (in the case of education in Wales)”;
- (c) in subsection (2), omit “or (as the case may be) Part IV of the Education Act 1996”;
- (d) in subsection (3)(a), omit “or (as the case may be) Part IV of the Education Act”;



- (e) in subsection (3A)(b), omit “or statement under section 324 of the Education Act”;
- (f) in subsection (4), omit paragraph (b).’.

Atodlen 1, tudalen 69, llinell 9, hepgorer paragraff 5 a mewnosoder –

- ‘5 (1) Mae Deddf Safonau a Fframwaith Ysgolion 1998 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 96(7) (cyfarwyddyd i dderbyn plentyn i ysgol benodedig), yn lle “to any special educational needs” rhodder “(in the case of a local authority in England) to any special educational needs or (in the case of a local authority in Wales) to any additional learning needs”.
 - (3) Yn adran 98(7) (derbyn ar gyfer addysg feithrin neu i ysgol feithrin neu arbennig: plant â datganiadau anghenion addysgol arbennig neu gynlluniau AIG), yn lle “statements of special educational needs are maintained under section 324 of the Education Act 1996” rhodder “individual development plans are maintained under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017 in respect of which section 42 of that Act applies (duty to admit children to maintained schools)”.
 - (4) Yn adran 123 (addysg feithrin - plant ag anghenion addysgol arbennig) –
 - (a) yn is-adran (1)(a), ar ôl “authority” mewnosoder “in England”;
 - (b) yn y geiriau ar ôl is-adran (1)(b), hepgorer “or section 313(2) of the Education Act (in the case of education in Wales)”;
 - (c) yn is-adran (2), hepgorer “or (as the case may be) Part IV of the Education Act 1996”;
 - (d) yn is-adran (3)(a), hepgorer “or (as the case may be) Part IV of the Education Act”;
 - (e) yn is-adran (3A)(b), hepgorer “or statement under section 324 of the Education Act”;
 - (f) yn is-adran (4), hepgorer paragraff (b).’.

Alun Davies

21

Schedule 1, page 69, after line 29, insert –

‘Education Act 2002 (c. 32)

- [] (1) The Education Act 2002 is amended as follows.
- (2) In section 153(2) (funded nursery education), after paragraph (a) insert –
 - “(ab) must make provision in the arrangements requiring the provider of the nursery education to have regard to any relevant guidance included in the code on additional learning needs issued under section 4 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017, and”.’.

Atodlen 1, tudalen 69, ar ôl llinell 31, mewnosoder –

‘Deddf Addysg 2002 (p. 32)

- [] (1) Mae Deddf Addysg 2002 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 153(2) (addysg feithrin a gyllidir), ar ôl paragraff (a) mewnosoder –



“(ab) must make provision in the arrangements requiring the provider of the nursery education to have regard to any relevant guidance included in the code on additional learning needs issued under section 4 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017, and”’.

Alun Davies

67

Schedule 1, page 69, after line 29, insert –

‘Education Act 2002 (c. 32)

[] Omit section 174 (consent to placement).’.

Atodlen 1, tudalen 69, ar ôl llinell 31, mewnosoder –

‘Deddf Addysg 2002 (p. 32)

[] Hepgorer adran 174 (cydsyniad i leoliad).’.

Alun Davies

68

Schedule 1, page 70, after line 3, insert –

‘National Health Service Act 2006 (c. 41)

[] In Schedule 1 to the National Health Service Act 2006 (further provision about the Secretary of State and services), in paragraph 2(1)(b) –

(a) omit “or 319”;

(b) after “the Education Act 1996 (c. 56)” insert “or section 47 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017”’.

Atodlen 1, tudalen 70, ar ôl llinell 3, mewnosoder –

‘Deddf y Gwasanaeth Iechyd Gwladol 2006 (p. 41)

[] Yn Atodlen 1 i Ddeddf y Gwasanaeth Iechyd Gwladol 2006 (darpariaeth bellach ynghylch yr Ysgrifennydd Gwladol a gwasanaethau), ym mharagraff 2(1)(b) –

(a) hepgorer “or 319”;

(b) ar ôl “the Education Act 1996 (c. 56)” mewnosoder “or section 47 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017”’.

Alun Davies

69

Schedule 1, page 70, line 8, leave out ‘or section 47 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017’ and insert ‘section 47 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017 or section 61 of the Children and Families Act 2014 (c. 6)’.

Atodlen 1, tudalen 70, llinell 8, hepgorer ‘or section 47 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017’ a mewnosoder ‘section 47 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017 or section 61 of the Children and Families Act 2014 (c. 6)’.



Alun Davies

70

Schedule 1, page 70, after line 9, insert –

'Learner Travel (Wales) Measure 2008 (nawm 2)

- [] (1) The Learner Travel (Wales) Measure 2008 is amended as follows.
- (2) In section 1 (main terms used in the Measure), in subsection (4) –
- (a) in paragraph (c), for “statements maintained under section 324 of the Education Act 1996 (c.56)” substitute “individual development plans maintained under section 12 or 17 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017”;
- (b) for paragraph (h) substitute –
- “(h) independent special post-16 institutions within the meaning given by section 50 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017 which are named in individual development plans maintained under section 12 or 17 of that Act”.
- (3) In section 3 (local authority duty to make transport arrangements), in the table –
- (a) in the first column –
- (i) for “named in a statement maintained for the child under section 324 of the Education Act 1996” the first and second time it appears substitute “or other institution named in an individual development plan maintained for the child under section 12 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017”;
- (ii) for “named in a statement maintained for the child under section 324 of the Education Act 1996” the third and fourth time it appears substitute “or other institution named in an individual development plan maintained for the child under section 17 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017”;
- (b) in the second column for “named in a statement maintained for the child under section 324 of the Education Act 1996” the first and second time it appears substitute “or other institution named in an individual development plan maintained for the child under section 12 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017”.
- (4) In section 14 (enforcement of travel behaviour code: withdrawal of travel arrangements), in subsection (11), in paragraph (b)(ii) for “special educational needs” substitute “learning difficulty”.

Education and Skills Act 2008 (c.25)

- [] (1) The Education and Skills Act 2008 is amended as follows.
- (2) Omit section 143(3) (religious education and worship in non-maintained special schools).
- (3) Omit section 146 (abolition of requirement of approval for independent schools: England).



- (4) Omit section 148 (approval of independent schools: transitional provision).
- (5) In Schedule 1 (minor and consequential amendments), omit paragraphs 75 (and the heading that precedes it) and 77.

Learning and Skills (Wales) Measure 2009 (nawm 2)

- [] In the Schedule to the Learning and Skills (Wales) Measure 2009 (minor and consequential amendments), omit paragraph 10.ʹ.

Atodlen 1, tudalen 70, ar ôl llinell 9, mewnosoder –

ʹMesur Teithio gan Ddysgwyr (Cymru) 2008 (mccc 2)

- [] (1) Mae Mesur Teithio gan Ddysgwyr (Cymru) 2008 wedi ei ddiwygio fel a ganlyn.
- (2) Yn adran 1 (y prif dermau a ddefnyddir yn y Mesur), yn is-adran (4) –
 - (a) ym mharagraff (c), yn lle “datganiadau a gedwir o dan adran 324 o Ddeddf Addysg 1996 (p.56)” rhodder “cynlluniau datblygu unigol a gynhelir o dan adran 12 neu 17 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2017”;
 - (b) yn lle paragraff (h) rhodder –

“(h) sefydliadau ôl-16 arbennig annibynnol o fewn yr ystyr a roddir gan adran 50 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2017 a enwir mewn cynlluniau datblygu unigol a gynhelir o dan adran 12 neu 17 o'r Ddeddf honno;”.
 - (3) Yn adran 3 (dyletswydd awdurdod lleol i wneud trefniadau cludo), yn y tabl –
 - (a) yn y golofn gyntaf –
 - (i) yn lle “a enwir mewn datganiad a gedwir mewn cysylltiad â'r plentyn o dan adran 324 o Ddeddf Addysg 1996” y tro cyntaf a'r ail dro y mae'n ymddangos rhodder “neu sefydliad arall a enwir mewn cynllun datblygu unigol a gynhelir ar gyfer y plentyn o dan adran 12 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2017”;
 - (ii) yn lle “a enwir mewn datganiad a gedwir mewn cysylltiad â'r plentyn o dan adran 324 o Ddeddf Addysg 1996” y trydydd tro a'r pedwerydd tro y mae'n ymddangos rhodder “neu sefydliad arall a enwir mewn cynllun datblygu unigol a gynhelir ar gyfer y plentyn o dan adran 17 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2017”;
 - (b) yn yr ail golofn yn lle “a enwir mewn datganiad a gedwir mewn cysylltiad â'r plentyn o dan adran 324 o Ddeddf Addysg 1996” y tro cyntaf a'r ail dro y mae'n ymddangos rhodder “neu sefydliad arall a enwir mewn cynllun datblygu unigol a gynhelir ar gyfer y plentyn o dan adran 12 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2017”.



- (4) Yn adran 14 (gorfodi cod ymddygiad wrth deithio: tynnu'n ôl drefniadau teithio), yn is-adran (11), ym mharagraff (b)(ii) yn lle "anghenion addysgol arbennig" rhodder "anhawster dysgu".

Deddf Addysg a Sgiliau 2008 (p. 25)

- [] (1) Mae Deddf Addysg a Sgiliau 2008 wedi ei diwygio fel a ganlyn.
- (2) Hepgorer adran 143(3) (addysg grefyddol ac addoliad crefyddol mewn ysgolion arbennig nas cynhelir).
- (3) Hepgorer adran 146 (diddymu'r gofyniad i gymeradwyo ysgolion annibynnol: Lloegr).
- (4) Hepgorer adran 148 (cymeradwyo ysgolion annibynnol: darpariaeth drosiannol).
- (5) Yn Atodlen 1 (mân ddiwygiadau a diwygiadau canlyniadol), hepgorer paragraffau 75 (a'r pennawd sy'n ei ragflaenu) a 77.

Mesur Dysgu a Sgiliau (Cymru) 2009 (mccc 2)

- [] Yn yr Atodlen i Fesur Dysgu a Sgiliau (Cymru) 2009 (mân ddiwygiadau a diwygiadau canlyniadol), hepgorer paragraff 10.'

Alun Davies

71

Schedule 1, page 70, line 18, leave out paragraph 10 and insert –

- 10 (1) The Education (Wales) Measure 2009 is amended as follows.
- (2) Omit sections 17 to 19 (piloting of provisions about appeals and claims by a child).
- (3) In section 24 (orders and regulations) –
- (a) omit subsection (3);
- (b) in subsection (4) omit "18 or".
- (4) Omit section 25 (orders under section 18: procedure).'

Atodlen 1, tudalen 70, llinell 18, hepgorer paragraff 10 a mewnosoder –

- 10 (1) Mae Mesur Addysg (Cymru) 2009 wedi ei ddiwygio fel a ganlyn.
- (2) Hepgorer adrannau 17 i 19 (treialu darpariaethau ynghylch apelau a hawliadau gan blentyn).
- (3) Yn adran 24 (gorchmynion a rheoliadau) –
- (a) hepgorer is-adran (3);
- (b) yn is-adran (4) hepgorer "18 neu".
- (4) Hepgorer adran 25 (gorchmynion o dan adran 18: y weithdrefn).'

Alun Davies

72

Schedule 1, page 70, line 29, leave out '6E' and insert '6F'.

Atodlen 1, tudalen 70, llinell 29, hepgorer '6E' a mewnosoder '6F'.



Alun Davies

73

Schedule 1, page 73, after line 32, insert –

'Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

- [] (1) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (2) In Schedule 1 (civil legal services) –
- (a) in Part 1, in paragraph 2 –
- (i) in sub-paragraph (1)(a), for “Part 4 of the Education Act 1996” substitute “Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017”;
- (ii) omit sub-paragraph (1)(b);
- (b) in Part 3, in paragraph 17 –
- (i) for “Special Educational Needs” substitute “Education”;
- (ii) for sub-paragraph (a) substitute –
- “(a) Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017.”.

School Standards and Organisation (Wales) Act 2013 (anaw 1)

- [] (1) The School Standards and Organisation (Wales) Act 2013 is amended as follows.
- (2) In section 1(10) (overview) for “special educational” substitute “additional learning”.
- (3) In Part 3, in Chapter 4 (regional provision for special educational needs) –
- (a) in the chapter title, for “SPECIAL EDUCATIONAL” substitute “ADDITIONAL LEARNING”;
- (b) in section 64 (meaning of “regional provision” and “special education functions”) –
- (i) in the section heading, for “special education” substitute “additional learning needs”;
- (ii) for the definition of “special education functions” substitute –
- ““additional learning needs functions” (*swyddogaethau anghenion dysgu ychwanegol*) means functions under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017.”;
- (c) in section 65(1) (direction to consider making regional provision) –
- (i) for “special education functions” substitute “additional learning needs functions”;
- (ii) for “special educational needs” substitute “additional learning needs”.
- (d) in section 66(1) (directions to make proposals to secure regional provision), for “special education” substitute “additional learning needs”.



- (4) In section 74(5) (form of implementation), in paragraph (d) for “a statement of special educational needs under Part 4 of the Education Act 1996” substitute “an individual development plan under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017”.
- (5) In section 98(3) (general interpretation and index of defined expressions), for “special education functions” (“*swyddogaethau addysg arbennig*”) substitute “additional learning needs functions” (“*swyddogaethau anghenion dysgu ychwanegol*”).
- (6) In Schedule 2 (regulated alterations) –
 - (a) in paragraph 15 –
 - (i) in the heading, for “Special educational” substitute “Additional learning”;
 - (ii) in sub-paragraph (1), for “special educational” substitute “additional learning”;
 - (iii) in sub-paragraph (2), for “special educational” substitute “additional learning”;
 - (b) in paragraph 21 –
 - (i) in the heading, for “Special educational” substitute “Additional learning”;
 - (ii) for “special educational” substitute “additional learning”;
 - (c) in paragraph 23(3), in paragraph (a), for “assessed under section 323 of the Education Act 1996 and pupils with statements of special educational needs maintained under section 324 of that Act” substitute “determined under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017 and pupils with individual development plans maintained under that Act”;
 - (d) in paragraph 24 –
 - (i) in the heading, for “Special educational” substitute “Additional learning”;
 - (ii) in sub-paragraph (1), for “special educational” substitute “additional learning”;
 - (iii) in sub-paragraph (2), for “special educational” substitute “additional learning”.

Atodlen 1, tudalen 73, ar ôl llinell 32, mewnosoder –

‘Deddf Cymorth Cyfreithiol, Dedfrydu a Chosbi Troseddwyr 2012 (p. 10)

- [] (1) Mae Deddf Cymorth Cyfreithiol, Dedfrydu a Chosbi Troseddwyr 2012 wedi ei diwygio fel a ganlyn.
- (2) Yn Atodlen 1 (gwasanaethau cyfreithiol sifil) –
 - (a) yn Rhan 1, ym mharagraff 2 –
 - (i) yn is-baragraff (1)(a), yn lle “Part 4 of the Education Act 1996” rhodder “Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017”;
 - (ii) hepgorer is-baragraff (1)(b);
 - (b) yn Rhan 3, ym mharagraff 17 –



- (i) yn lle "Special Educational Needs" rhodder "Education";
- (ii) yn lle is-baragraff (a) rhodder –
 - "(a) Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2017,".

Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 (dccc 1)

- [] (1) Mae Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 1(10) (trosolwg) yn lle "addysgol arbennig" rhodder "dysgu ychwanegol".
 - (3) Yn Rhan 3, ym Mhennod 4 (darpariaeth ranbarthol ar gyfer anghenion addysgol arbennig) –
 - (a) yn enw'r bennod, yn lle "ADDYSGOL ARBENNIG" rhodder "DYSGU YCHWANEGOL";
 - (b) yn adran 64 (ystyr "darpariaeth ranbarthol" a "swyddogaethau addysg arbennig") –
 - (i) ym mhennawd yr adran, yn lle "addysg arbennig" rhodder "anghenion dysgu ychwanegol";
 - (ii) yn lle'r diffiniad o "swyddogaethau addysg arbennig" rhodder –
 - "ystyr "swyddogaethau anghenion dysgu ychwanegol" ("*additional learning needs functions*") yw swyddogaethau o dan Ran 2 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2017.";
 - (c) yn adran 65(1) (cyfarwyddyd i ystyried gwneud darpariaeth ranbarthol) –
 - (i) yn lle "swyddogaethau addysg arbennig" rhodder "swyddogaethau anghenion dysgu ychwanegol";
 - (ii) yn lle "anghenion addysgol arbennig" rhodder "anghenion dysgu ychwanegol".
 - (d) yn adran 66(1) (cyfarwyddiadau i wneud cynigion i sicrhau darpariaeth ranbarthol), yn lle "addysg arbennig" rhodder "anghenion dysgu ychwanegol".
 - (4) Yn adran 74(5) (y ffurf weithredu), ym mharagraff (d) yn lle "datganiad o anghenion addysgol arbennig o dan Ran 4 o Ddeddf Addysg 1996" rhodder "cynllun datblygu unigol o dan Ran 2 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2017".
 - (5) Yn adran 98(3) (dehongli'n gyffredinol a mynegai o ymadroddion sydd wedi eu diffinio), yn lle ""swyddogaethau addysg arbennig" ("*special education functions*")" rhodder ""swyddogaethau anghenion dysgu ychwanegol" ("*additional learning needs functions*")".
 - (6) Yn Atodlen 2 (newidiadau rheoleiddiedig) –
 - (a) ym mharagraff 15 –
 - (i) yn y pennawd, yn lle "addysgol arbennig" rhodder "dysgu ychwanegol";
 - (ii) yn is-baragraff (1), yn lle "addysgol arbennig" rhodder "dysgu ychwanegol";



- (iii) yn is-baragraff (2), yn lle "addysgol arbennig" rhodder "dysgu ychwanegol";
- (b) ym mharagraff 21 –
 - (i) yn y pennawd, yn lle "addysgol arbennig" rhodder "dysgu ychwanegol";
 - (ii) yn lle "addysgol arbennig" rhodder "dysgu ychwanegol";
- (c) ym mharagraff 23(3), ym mharagraff (a), yn lle "hasesu o dan adran 323 o Ddeddf Addysg 1996 a disgyblion sydd â datganiadau anghenion addysgol arbennig a gedwir o dan adran 324 o'r Ddeddf honno" rhodder "penderfynu o dan Ran 2 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2017 a disgyblion â chynlluniau datblygu unigol a gynhelir o dan y Ddeddf honno";
- (d) ym mharagraff 24 –
 - (i) yn y pennawd, yn lle "addysgol arbennig" rhodder "dysgu ychwanegol";
 - (ii) yn is-baragraff (1), yn lle "addysgol arbennig" rhodder "dysgu ychwanegol";
 - (iii) yn is-baragraff (2), yn lle "addysgol arbennig" rhodder "dysgu ychwanegol".

Alun Davies

74

Schedule 1, page 74, after line 7, insert –

'(6) In Schedule 3 (consequential amendments), omit paragraph 73.'

Atodlen 1, tudalen 74, ar ôl llinell 7, mewnosoder –

'(6) Yn Atodlen 3 (diwygiadau canlyniadol), hepgorer paragraff 73.'

Alun Davies

36

Schedule 1, page 74, after line 14, insert –

'() In section 196 (orders and regulations), in subsection (6), after paragraph (c) insert –

"(ca) the first regulations made under section 83(2B);".

Atodlen 1, tudalen 74, ar ôl llinell 15, mewnosoder –

'() Yn adran 196 (gorchmynion a rheoliadau), yn is-adran (6), ar ôl paragraff (c) mewnosoder –

"(ca) y rheoliadau cyntaf a wneir o dan adran 83(2B);".

Alun Davies

75

Schedule 1, page 74, after line 18, insert –

'() insert the following entry at the appropriate place –

<p>"Children and Families Act 2014</p> <p>The duty to comply with a request under section 31, but only in respect of requests to exercise social services functions.</p>	<p>Duty to comply with a request for co-operation by a local authority in England for the purpose of exercise of functions under Part 3 of the Children and Families Act 2014."</p>
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Atodlen 1, tudalen 74, ar ôl llinell 19, mewnosoder –

'() mewnosoder y cofnod a ganlyn yn y lle priodol –

"Deddf Plant a Theuluoedd 2014 Y ddyletswydd i gydymffurfio â chais o dan adran 31, ond dim ond mewn cysylltiad â cheisiadau i arfer swyddogaethau gwasanaethau cymdeithasol.	Dyletswydd i gydymffurfio â chais i gydweithredu gan awdurdod lleol yn Lloegr at ddiben arfer swyddogaethau o dan Ran 3 o Ddeddf Plant a Theuluoedd 2014."
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Alun Davies

105

Section 1, page 1, line 26, leave out '40' and insert '[section to be inserted by amendment 139]'.

Adran 1, tudalen 1, llinell 27, hepgorer '40' a mewnosoder '[yr adran sy'n cael ei mewnosod gan welliant 139]'.

