

Cyfarfodydd Corff Llywodraethol

Dylai unrhyw drafodaeth o fewn Corff Llywodraethol gael ei gofnodi gan y clerc. A dylid anfon copi o'r cofnodion at yr AALI (Cytundeb Partneriaeth) a hefyd at y cyhoedd sy'n dymuno copi ohonynt yn yr ysgol, fodd bynnag mae adegau pan ddylid cadw materion wedi eu cofnodi yn gyfrinachol (**rhan 2 o'r cyfarfod**). Fe ddylai'r Cadeirydd, ar yr adeg yma, nodi yn hollol glir i'r llywodraethwyr a'r clerc fod y rhan yma o'r cyfarfod yn **aros** yn gyfrinachol.

Beth sy'n gyfrinachol?

Mewn cyfarfod, efallai y bydd llywodraethwr yn derbyn gwybodaeth am rieni, disgyblion, aelodau staff neu hyd yn oed y pennaeth. Rhoddir yr wybodaeth i lywodraethwr am ei fod yn angenrheidiol er mwyn iddynt wneud eu gwaith fel llywodraethwr. Er enghraifft, wrth ystyried disgyblion gydag anghenion addysgu ychwanegol, ni chaiff y disgybl hwnnw ei enwi er mwyn cadw cyfrinachedd. Dylai llywodraethwyr byth ailadrodd gwybodaeth a dderbynnir yn gyfrinachol mewn cyfarfod llywodraethwyr wrth eraill yn y gymuned (gan gynnwys ffrindiau ac aelodau eich teulu). Yn yr un modd, ni ddylai gwybodaeth a roddwyd i chi'n gyfrinachol y tu allan i'r cyfarfod gael ei ddwyn i mewn i drafodaeth yn ystod y cyfarfod.

Os yw llywodraethwr yn torri'r rheol cyfrinachedd hwn, maent yn debygol o wneud niwed difrifol i'w enw da personol yn y gymuned, eu statws fel llywodraethwr, statws eich corff Llywodraethu a llywodraethwyr yn gyffredinol. Fe all llywodraethwr eu gwahardd o'r corff llywodraethu am hyd at chwe mis, neu eich diswyddo o'r corff. Ni ellir diswyddo llywodraethwyr sydd wedi eu hethol ond fe ellir eu gwahardd dros dro.

Yr unig dro y gellir cyfiawnhau torri cyfrinachedd yw mewn amgylchiadau pan fo llywodraethwr ysgol yn derbyn gwybodaeth gyfrinachol y tu allan i gyfarfod sy'n awgrymu bod disgybl mewn perygl o gam-drin corfforol, rhywiol neu o fath arall. **Ni ellir** cadw materion amddiffyn plentyn yn gyfrinachol a rhaid eu hadrodd i'r awdurdod statudol h.y. yr heddlu neu'r gwasanaethau cymdeithasol. Ond os oes problem o'r fath yn codi byddai llywodraethwr yn ddoeth i geisio cyngor y cadeirydd neu bennaeth cyn gynted â phosib cyn torri'r gyfrinach.

Cyfyngiadau ar bwy sy'n cael cymryd rhan yn nhrefodion cyfarfodydd a phwyllgorau'r Corff Llywodraethu

Nod yr egwyddorion cyffredinol sy'n ymwneud â chyfyngiadau ar bwy sy'n cael cymryd rhan yn nhrefodion corff llywodraethu yw gwarchod gwrthrychedd corff llywodraethu a'i aelodau, a sicrhau nad oes perygl i neb herio ei weithdrefnau neu ei benderfyniadau ar sail bod yn ddiuedd.

Dyma'r egwyddorion cyffredinol:

- os oes unrhyw wrthdaro rhwng buddiannau unrhyw berson a buddiannau corff llywodraethu, yna dylai'r sawl dan sylw ddatgelu ei fuddiannau, gadael y cyfarfod a pheidio â phleidleisio;
- mewn sefyllfa lle mae egwyddorion cyfiawnder naturiol yn gofyn am wrandawriad teg, ac os oes unrhyw amheuaeth o gwbl ynghylch gallu'r unigolyn i fod yn ddiuedd, dylai ef neu hi ddatgelu ei fuddiannau, gadael y cyfarfod a pheidio â phleidleisio;
- os oes gan lywodraethwr neu aelod nad yw'n llywodraethwr fuddiant ariannol mewn unrhyw fater, dylai ef neu hi ddatgelu hynny, gadael y cyfarfod a pheidio â phleidleisio;
- mae enghreifftiau o achosion lle mae'n rhaid rhoi gwrandawriad teg yn cynnwys penderfyniadau sy'n ymwneud â disgyblu staff neu ddisgybl, neu faterion derbyn disgyblion. Nid yw'r cyfyngiadau hyn yn rhwystro corff llywodraethu neu bwyllgor rhag caniatáu rhywun sy'n gallu cynnig tystiolaeth berthnasol, rhag gwneud hynny.

Nid oes rhaid i glerc y corff llywodraethu adael cyfarfod o dan y rheoliadau hyn oni bai fod y cyfarfod yn trafod ei benodiad, ei dâl neu achos disgyblu yn ei erbyn. Os yw'r llywodraethwr yn gweithredu fel clerc y cyfarfod, fodd bynnag, a bod y rheoliadau yn berthnasol iddo, ni chaiff gymryd rhan mewn unrhyw fodd ond fel clerc.

Os oes unrhyw anghydfod ynghylch a ddylai rhywun adael y cyfarfod, yna rhaid i'r llywodraethwyr eraill sy'n bresennol gytuno ar hyn.

Mae buddiant ariannol mewn contract, contract arfaethedig neu unrhyw fater arall yn cynnwys achosion:

- pan fo rhywun wedi ei enwebu i swydd gan y sawl y gwnaed y contract ag ef neu y bwriedir gwneud y contract ag ef;
- pan fo'r llywodraethwr, neu aelod o'r pwyllgor, yn wŵr/gwraig neu'n bartner i'r sawl y gwnaed y contract ag ef neu y bwriedir gwneud y contract ag ef;
- pan fo perthynas neu rywun sy'n llywodraethwr neu'n aelod o'r pwyllgor yn byw gyda'r sawl sydd â buddiant mewn contract neu contract arfaethedig gyda'r corff llywodraethu.

Nid yw hyn yn berthnasol o safbwynt buddiant ariannol rhywun perthnasol:

- lle nad yw'r buddiant yn fwy na buddiant y mwyafrif o'r rhai sy'n gweithio yn yr ysgol;
- os yw'r buddiant ariannol ond yn sgil y ffaith iddo gael ei enwebu neu ei benodi i gorff cyhoeddus, neu ei fod yn gysylltiedig â chorff cyhoeddus mewn unrhyw fodd; neu
- os yw'r buddiant ariannol ond yn sgil y ffaith ei fod yn aelod o gorfforaeth neu gorff arall os nad oes ganddo unrhyw fuddiant ariannol yn y corff hwnnw.

Nid yw llywodraethwr â buddiant ariannol wedi'i wahardd rhag:

- ystyried a phleidleisio ar gynigion i gymryd yswiriant atebolrwydd neu gael a thalu am yswiriant o'r fath; ac
- ystyried a phleidleisio ar unrhyw gynig am gynllun lwfansau llywodraethwyr (yn unol â Rheoliadau Lwfansau Llywodraethwyr (Cymru) 2005) yn gyffredinol. Er hynny, rhaid i llywodraethwr adael y cyfarfod a pheidio â phleidleisio os yn trafod talu lwfans neu daliad penodol iddo ef/hi fel unigolyn.

Dylai llywodraethwr neu'r clerc adael cyfarfod os ystyrir bod ei fuddiannau mewn mater i'w drafod yn gwrthdaro â buddiannau'r corff llywodraethu. Byddai achosion o'r fath yn cynnwys:

- ei benodiad, ei ailbenodiad, ei atal neu ei ddiswyddiad fel aelod o'r corff llywodraethu neu bwyllgor;
- i benodiad neu ei ailbenodiad, ei atal neu ei ddiswyddiad fel clerc, cadeirydd neu is-gadeirydd y corff llywodraethu neu fel clerc neu gadeirydd pwyllgor;
- os yw'n noddwr-lywodraethwr, ac mai'r pwnc trafod yw unrhyw ddarpariaeth yn yr offeryn llywodraethu o ran enwebu noddwr-lywodraethwyr;
- os yw'r llywodraethwr wedi'i gyflogi i weithio yn yr ysgol, ac mai'r pwnc trafod yw cyflog neu werthuso unrhyw aelod arall o'r staff;
- os yw'r pennaeth yn bresennol, ac mai'r pwnc trafod yw cyflog neu berfformiad y pennaeth;
- os yw'r unigolyn wedi'i gyflogi i weithio yn yr ysgol, ac mai'r pwnc trafod yw penodi olynydd iddo/iddi.

Ni ddylai'r ffaith fod rhywun yn llywodraethwr neu'n aelod o bwyllgor corff llywodraethu mewn mwy nag un ysgol, gael ei ystyried yn achos o wrthdaro buddiannau.

Arweiniad wedi ei gymeryd o:

Llawlyfr Llywodraethwyr Cymru

<http://www.governorswales.org.uk/cyhoeddiadau/2007/08/31/llawlyfr/>

Llywodraeth Cynulliad Cymru - Canllaw ar y Gyfraith i Lywodraethwyr Ysgolion

<http://new.wales.gov.uk/topics/educationandskills/learningproviders/schools/schoolgovernors/?skip=1&lang=cy>

Governing Body Meetings

Any discussions within a Governing Body should be minuted by the clerk. Such minutes should be sent to the LEA (Partnership Agreement) and also to the public that requests to see them at the school, however there are instances where minuted issues should remain confidential (**part 2 of meeting**). The Chair should, at this point, make it quite clear to governors and clerk that this part of the meeting is to **remain** confidential.

What is confidential?

In a meeting a governor may be privileged to receive information about parents, pupils, members of staff or even the headteacher. The information is given to the governor only because it is necessary for them to do their work as a governor. For example, when considering pupils with additional educational needs, the pupil concerned will not be identified by name in order to maintain confidentiality. Governors must never repeat information received in confidence in a governors' meeting to others in the community (including friends and members of your family). Equally, information given to governors confidentially outside the meeting must not be brought into discussion during the meeting.

If a governor breaks this rule of confidentiality, their personal reputation in the community, their standing as a governor, the status of the governing body and of governors generally, are all likely to be seriously damaged. Governors may even be suspended from the governing body for a period of up to six months, or even removed from the governing body. Elected governors cannot be removed but they can be suspended.

The only circumstances when a breach of confidentiality is justified arises when a governor of a school receives information in confidence outside a meeting, which suggests that a pupil is at risk of physical, sexual or other abuse of some kind. Child protection matters **cannot** be kept confidential and must be reported to the statutory authority i.e. the police or social services. However, if a problem of this kind arises, a governor would be wise to seek the advice of the chairperson or headteacher as soon as possible before breaching the confidence.

Restrictions on persons taking part in proceedings of Governing Body meetings and committees

The general principles relating to restrictions on persons taking part in proceedings of the governing body are intended to protect the integrity of the governing body and its members, and to ensure that its procedures or decisions are not open to challenge on the grounds of impartiality.

The general principles are:

- where there is a conflict between the interests of any person and the interests of the governing body that person should disclose their interest, withdraw from the meeting and should not vote;
- in a situation where the principles of natural justice require a fair hearing, and there is any reasonable doubt as to a person's ability to act impartially, he or she should also disclose their interest, withdraw from the meeting and not vote;
- where a governor or non governor member has a pecuniary interest in any matter he or she should also disclose their interest, withdraw from the meeting and not vote; and
- examples of cases where a fair hearing must be given include decisions relating to staff or pupil discipline or admission of pupils. The restrictions on persons taking part in proceedings do not stop a governing body or committee from allowing someone who can offer relevant evidence to a case from giving that evidence.

The clerk to the governing body does not have to withdraw under these regulations unless the item of business is his or her appointment, remuneration or disciplinary action against them. Where, however, a governor is acting as clerk for a meeting and these regulations apply to them, he or she cannot participate in any capacity other than as clerk.

If there is any dispute as to whether or not a person must withdraw from a meeting the other governors present at the meeting must decide on this.

A pecuniary interest in a contract, proposed contract or other matter includes cases where:

- a person was appointed to office by the person with whom the contract was or is proposed to be made;
- the governor, or committee member is a spouse or partner of a person with whom the contract was or is proposed to be made; or
- a relative or person who a governor or committee member lives with has an interest in a contract or proposed contract with the governing body.

This does not apply where the pecuniary interest of a relevant person is:

- no greater than the interest of the majority of those working at the school;
- only by virtue of the fact that they were nominated, appointed or affiliated in anyway to a public body; or
- the fact they are a member of a corporation or other body if they have no financial interest in that body.

A governor with a pecuniary interest is not precluded from:

- considering and voting upon proposals to take out liability insurance or obtaining and paying for such insurance; and
- considering and voting upon proposals regarding a scheme for governor allowances (in accordance with The Governor Allowances (Wales) Regulations 2005) in general. However, a governor must withdraw and not vote during an item of business concerning a particular allowance or payment to him or her as an individual.

A governor or the clerk should withdraw from a meeting where their interests in a matter to be discussed are considered to be in conflict with the governing body's interests. Such cases would include:

- his or her own appointment, re-appointment, suspension or removal from the governing body or a committee;
- his or her own appointment, re-appointment, suspension or removal as clerk, chairperson or vice chairperson of the governing body or as clerk or chairperson of a committee;
- where he or she is a sponsor governor and the provision in the instrument of government relating to the nomination of sponsor governors is discussed;
- where a governor is employed to work at the school and the topic of discussion is the pay or appraisal of any other member of staff;
- where a head teacher is present and the topic of discussion is his or her own pay or performance; and
- where a person is employed to work at the school and the item of consideration is the appointment of his or her successor.

The fact that a person is a governor or member of a committee of the governing body at more than one school should not be considered as a conflict of interest.

Guidance taken from:

Governors Wales Handbook

http://www.governorswales.org.uk/media/files/documents/2007-09-10/English_PDF.pdf

Welsh Assembly Government – A School Governor's Guide to the Law

<http://new.wales.gov.uk/topics/educationandskills/learningproviders/schools/schoolgovernors/?skip=1&lang=en>