Oddiwrth: yr Arglwydd Gwilym Prys-Davies

Lluest,
78 Heol yr Eglwys,
TONTEG,
PONTYPRIDD,
CF38 1EN

21 Rhagfyr 07

M/s Catherine Lewis,
Clerc y Pwyllgor,
Pwyllgor Deisebau ,
Cynulliad Cenedlaethol Cymru,
Bae Caerdydd,
CAERDYDD CF99 1NA

Annwyl Catherine Lewis,

DEISEB YN ERBYN AILENWI YSGOL GYFUN RHYDELEN

Rwyn ysgrifennu i fynegi fy nghefnogaeth i'r Ddeiseb a gyflwynwyd i'r Pwyllgor Deisebau ym mis Tachwedd 2007 gan Gorff Llywodraethu, rhieni, athrawon a disgyblion Ysgol Gyfun Rhydfelen yn erbyn gweithred yr Awdurdod Addysg Lleol Rhondda-Cynon-Taf yn ailenwi eu hysgol.

1. 'Rwyn rhiant i ddwy o gyn-ddisgyblion Ysgol Gyfun Rhydfelen a trwy gydol fy nyddiau- mewn- oed gweithiais, mewn cydweithrediad ag eraill, i hyrwyddo'r iaith Gymraeg a llywodraeth ddatganoledig. Dyna fy nghefndir. Seiliaf fy nghefnogaeth i'r Ddeiseb hon ar bum prif reswm:

(i) Penderfynodd yr Awdurdod Addysg ailenwi'r Ysgol yn 'Ysgol Gyfun Garth Olwg' a hynny yn gwbl groes i farn ystyriol a dymuniad yr holl bartion sydd a budd uniongyrchol yn yr ysgol, sef y Corff Llywodraethu, y Gymdeithas Rhieni ac Athrawon a Chyngor yr Ysgol;

[Deiseb yn erbyn ailenwi Ysgol Gyfun Rhydfeleb]

(ii) Methodd yr Awdurdod Addysg a chynnal ymgynghoriad trylwyr, teg a digonol i'w gynnig i ailenwi'r ysgol, fel sy'n ofynnol erbyn y dydd hwn ar ran corf cyhoeddus i gwrdd a safonau derbyniol bywyd cyhoeddus.

(iii) Methodd yr Awdurdod Addysg roi'r pwys a'r gwerth dyladwy ar farn ystyriol y Corff LLywodraethu, Cymdeithas Rhieni ac Athrawon a Chyngor yr Ysgol, gan ddewis yn hytrach rhoi mwy o bwys a gwerth ar farn a fynegwyd gan "bobl yng nghylch Gartholwg". [Sylwyd mai "stakeholders in the Church Village area" a ddywedir yn y fersiwn Saesneg o'r llythyr dyddiedig 13 Mawrth 2006 a anfonwyd gan y Cyfarwyddwr Addysg at Bennaeth yr ysgol - llithriad a all awgrymu rhyw ddiffyg gofal wrth ddefnyddio iaith.];

(iv) Methodd yr Awdurdod Addysg a rhoi'r flaenoriaeth sydd yn ddyledus i farn y disgyblion sy'n mynychu'r ysgol na ddylid ailenwi eu hysgol, - a hynny er gwaethaf y pwyslais eglur mewn deddfwriaeth er pasio Deddf Plant 1989 bod yn rhaid cymryd i ystyriaeth lais y plentyn ym mhob mater a fo'n effeithio ar lesiant y plentyn;

(v) Methodd yr Awdurdod Addysg a rhoi blaenoriaeth i gynnal ewyllys da a'r traddodiad unigryw a greodd yr ysgol hon iddi ei hun dros gyfnod o bump a deugain o flynyddoedd fel arloesydd allweddol a llwyddiannus ym myd addysg cyfrwng-Cymraeg led-led Cymru. Dyma'r union gronfa o ewyllys da a thraddodiad a fedrai fod o werth i'r ysgol yn y dyfodol wrth iddi recriwtio staff i gwrdd a'i anghenion. Tra mai hawdd iawn yw dinistrio - ar drawiad - draddodiad sy'n werthfawr, tasg anodd enbyd yw creu traddodiad newydd cyfwerth a chreu esprit de corps i gymryd lle'r un a ddinistriwyd. Gyda phob parch i'r Awdurdod Addysg, ymddengys, ysywaeth nad oedd yn gwerthfawrogi cynnal traddodiad, ewyllys da ac esprit de corps yr ysgol,

[Deiseb yn erbyn ailenwi ysgol Gyfun Rhydfelen]

Rwyf an nodi pan glywodd Mr Kim Howells, yr Aelod Seneddol dros Bontypridd, am benderfyniad yr Awdurdod Addysg i ddileu'r enw "Rhydfelen" o enw'r ysgol, dyma oedd ei farn mewn llythyr dyddiedig 2 Mehefin 2006 at Peter Grifiths Pennaeth yr ysgol, ar hynny:

"It seems a shame to me that the historic link has been broken, given the key formative role played by Ysgol Gyfun Rhydfelen in the creation of modern Welsh medium language education."

Dyna waelod fy mhwynt yn gryno.

2. Deallaf nad oes gan Llywodraeth y Cynulliad o dan y Rheoliadau presennol yr hawl i roi cyfarwyddyd i'r Awdurdod Addysg i adfer yr enw "Ysgol Gyfun Rhydfelen". Os yw'r dehongliad hwn yn gywir, yna ymddengys i mi mai'r unig gam sy'n agored i'r Cynulliad i'w gymryd fydd darparu offeryn statudol priodol i ddiwygio geiriad yr is-ddeddfwriaeth bresennol.

3 Mae Llywodraeth y Cynulliad wedi cydnabod bwysiced yw sicrhau cytundeb y Bwrdd Llywodraethu i gynnig ailenwi'r ysgol y mae yn gyfrifol am ei gweinyddiaeth. Er enghraift, mynegir hyn mewn llythyr dyddiedig 4 Ionawr 2006 a thrachefn mewn llythyr dyddedig 19 Mehefin 2006 gan Jane Davidson (y Gweinidog Addysg ar y pryd), ac Aelod Cynulliad dros Pontypridd at Mrs Ceinwen Jones, Cadeirydd Bwrdd Llywodraethu Ysgol Gyfun Rhydfelen. Os yw Llywodraeth yn dymuno'r nod, dylai sicrhau'r cyfrwng i gyrraedd y nod honno. Am reswm nad yw'n glir cyhoeddodd y Llywodraeth ganllawiau perthnasol, ond heb sicrhau bod ganddynt sylfaen statudol. Felly nid oes gan y cyfryw Ganllawiau unrhyw arwyddocad cyfreithiol.

4. Credaf fod y profiad trist a siomedig hwn ynglyn ag ailenwi Ysgol Gyfun Rhydfelen wedi dangos yn eglur na all y Llywodraeth ragdybio neu gymryd yn ganiataol y bydd Awdurdod Addysg Lleol bob amser yn

[Deiseb yn erbyn ailenwi Ysgol Gyfun Rhydfelen]

gwrando yn ystyriol ar lais rhesymol Bwrdd Llywodraethu ysgol nac yn ymddwyn yn ysbryd y Canllawiau anstatudol a wneir gan y Gweinidog Os yw hwn yn gasgliad teg i ddod iddo, fel y credaf ei fod, ni ddylai'r Llywodraeth anwybyddu ei oblygiadau. Yn hytrach, dylai fynd at wraidd y broblem sydd yn Rheoliad 35. Gan hynny, hyderaf y gwel y Pwyllgor Deisebau ei ffordd yn glir i argymell bod Lywodraeth y Cynulliad yn cymryd camau i ddiwygio Rheoliad 35 o Reoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005 er sicrhau nad yw'r gair olaf yn aros gyda'r Awdurdod Addysg pan gyfyd anghydfod rhyngddo a Chorff Llywodraethu ynglyn ag enw ysgol, ond y bydd barn y Corff Llywodraethu yn drech, yn amodol yn wastadol nad yw'r Corff Llyodraethu yn ymddwyn yn wrthnysig yn y mater.

Yn gywir,

GWILYM PRYS-DAVIES

From: Lord Gwilym Prys-Davies

Lluest,
78 Chuch Road,
Tonteg,
PONTYPRIDD
CF38 1EN,

21 December 07

M/s Catherine Lewis,
Clerk to the Committee,
Petitions Committee,
National Assembly of Wales,
Cardif Bay,
CARDIFF CF99 1NA

Dear Catherine Lewis,

PETITION OBJECTING TO THE RE-NAMING OF YSGOL GYFUN RHYDFELEN.

I write to express my aupport for the Petition presented to the Petitions Committee in Novembr 2007 by the Governing Body, parents, teachers and pupils of Ysgol Gyfun Rhydfelen objecting to the decision taken by the Rhondda-Cynon-Taf Local Education Authority to re-name their school.

1. I am a parent of two former pupils of Ysgol Gyfun Rhydfelen and I have throughout my adult life worked with others in support of the Welsh language and devolved government. That is my backgrond. I base my support for the Petition on five main grounds:

(i) the Local Education Authority acted contrary to the wishes and the considered judgement of all the parties which have a direct interest in the

[Petition objecting to renaming Ysgol Gyfun Rhydfelen]

school and its future;

(ii) The Education Authority failed to undertake a thorough, fair and adequate consultation in respect of its proposal to re-name the school as is required of a public authority in order to comply with the accepted standards of public life;

(iii) The Education Authority failed to attach due weight and significance to the considered judgement of the Governing Body, the Parents and Teachers Assosiation and the School Council, giving preference to the opinion voiced by 'people in the Garth Olwg area'. (It has not gone un-noticd that in the English language version of the letter from the Director of Education, dated 13 March, 2006 to the Head teacher, reference is made to the 'stakeholders in the Church Village area' which may suggest a lack of care in the use of language.)

(iv) The Education Authority failed to attach due priority to the opinion of the pupils attending the school that their school should not be re-named, notwithstanding the clear emphasis in legislation since the passing of the Children's Act 1989 that the voice of the child must be taken into account in all matters affecting the welfare of the child.

(v)That the Education Authority failed to attach due weight to the importance of maintaining the good will and unique tradition which the school had created for itself as 'Ysgol Gyfun Rhydfelen'. Throughout the forty five years of its existence the school has played a pioneering role in Welsh-medium education in Wales. This reservoir of goodwill could be a source of strength to the school as it looks to recruit staff to meet its needs in the future. While it is very easy to destroy a tradition or a community at a stroke, it is an immensely difficult task to create a new tradition or esprit de corps. With all due respect to the Education Authority, it seems to me that it sadly failed to appreciate the value of maintaining the school's tradition, goodwill and esprit de corps.

It is to be noted that when Mr Kim Howells, the Member of Parliament for Pontypridd, heard of the Education's Authority's decision to abandon the name 'Rhydfelen' from the school's name, this was his response in a

[Petition objecting to renaming of Ysgol Gyfun Rhydfelen]

letter dated 2 June 2006 to Peter Griffiths, Head teacher of the school :

'It seems a shame to me that the historic link has been broken, given the key formative role played by Ysgol Gyfun Rhydferlen in the creation of modern Welsh medium language eduation.'

This makes the point succinctly.

3. It is my understanding that the Assembly Govrnment is not empowered under existing Regulations to instruct the Education Authority to restore the name 'Ysgol Gyfun Rhydfelen'. If this is the correct interpretation of the legal position, then it seems to me that the only course available to the Government is to bring forward an appropriate statutory instrument to amend the relevant existing subordinate legislation.

4. The Assembly Government has acknowledged the importance which it attaches to the Education Authority obtaining the consent of the Governing Body to any proposal to change the name of its school. Thus, for example, it was expressed in a letter dated 4 January 2006 and a second letter dated 19 June 2006 both from Jane Davidson (the then Educaton Minister) and Assembly Member for Pontypridd to Mrs Ceinwen Jones, Chair of the Ysgol Gyfun Rhydfelen Governing Body. If a Government wills the end, it must surely will the means to achieve the desired end. But for reasons which are unclear to me, the Assembly Government seems to have issued the appropriate Guidance, without ensuring that it had a statutory basius. Accordingly, such guidance has no legal significance.

5. I believe that the sad and disappointing history of the Education Authority's decision to implement its decision to change the name of Ysgol Gyfun Rhydfelen demonstrates that the Govrnment cannot assume or take for granted that an Education Authority will always have full

[Petition objecting to renaming Ysgol Gyfun Rhydfelen]

regard to the reasonable request of a school's Governing Body, or act in the spirit of relevant non-statutory guidance issued by the Minister. I trust that the Petitions Committee will see its way clear to recommend to the Government that it takes steps to amend Regulation 35 of The Government Maintained Schools (Wales) Regulations 2005 (and other relevant Regulation/s) so as to ensure that in the event of a dispute between the Governing Body and the Local Education Authority arising in respect of the school's name, the will of the Governing body will prevail, subject always to it not being perverse.

Yours truly,

Gwilym Prys-Davies