



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2189 (Cy.151)

2001 No. 2189 (W.151)

**PLANT A PHERSONAU
IFANC, CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

**Rheoliadau Plant (Ymadael â
Gofal) (Cymru) 2001**

**The Children (Leaving Care)
(Wales) Regulations 2001**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations.)

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch cymorth i blant a phobl ifanc 16 oed a throsodd, sy'n derbyn gofal, neu sydd wedi derbyn gofal, gan awdurdod lleol.

These Regulations make provision about support for children and young people aged 16 and over, who are, or have been, looked after by a local authority.

Mae rheoliadau 3 a 4 yn rhagnodi categorïau pellach o blant y bydd neu, yn ôl fel y digwydd, na fydd ar awdurdodau lleol ddyletswyddau ychwanegol tuag atynt fel y darperir ar ei gyfer yn Rhan III o Ddeddf Plant 1989, fel y'i diwygiwyd gan Ddeddf Plant (Ymadael â Gofal) 2000.

Regulations 3 and 4 prescribe further categories of children to whom local authorities will, or as the case may be, will not, owe additional duties as provided for in Part III of the Children Act 1989, as amended by the Children (Leaving Care) Act 2000.

Mae rheoliadau 5 i 10 yn gwneud darpariaeth ynghylch asesu anghenion, a pharatoi ac adolygu cynlluniau cam nesaf, ac mae rheoliad 11 yn gwneud darpariaeth ynghylch cymorth o ran addysg a hyfforddiant, a llety.

Regulations 5 to 10 make provision about the assessment of needs, and the preparation and review of pathway plans, and regulation 11 makes provision about assistance with education and training, and accommodation.

Mae rheoliad 12 yn rhagnodi swyddogaethau cynghorydd personol. Mae rheoliad 13 yn diwygio Rheoliadau Gweithdrefn Cynrychioliadau (Plant) 1991 fel y maent yn effeithio ar blant a phobl ifanc a oedd gynt yn derbyn gofal gan awdurdod lleol, neu sy'n ymadael â gofal.

Regulation 12 prescribes the functions of a personal adviser. Regulation 13 amends the Representations Procedure (Children) Regulations 1991 as they affect children and young people formerly looked after by a local authority, or leaving care.

2001 Rhif 2189 (Cy.151)**2001 No. 2189 (W.151)****PLANT A PHERSONAU
IFANC, CYMRU****CHILDREN AND YOUNG
PERSONS, WALES****Rheoliadau Plant (Ymadael â
Gofal) (Cymru) 2001****The Children (Leaving Care)
(Wales) Regulations 2001***Wedi'u gwneud* 12 Mehefin 2001*Made* 12th June 2001*Yn dod i rym* 1 Hydref 2001*Coming into force* 1st October 2001

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddir gan adrannau 23A(3), 23B(5), (6), (8)(c), (10), 23D(2), 23E, 24B(6), 24D(2) a 104(4) o Ddeddf Plant 1989(a) a pharagraffau 19B(2), (3), (7) ac (8) o Atodlen 2 iddi, drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales in exercise of the powers conferred by sections 23A(3), 23B(5), (6), (8)(c), (10), 23D(2), 23E, 24B(6), 24D(2) and 104(4) of, and paragraphs 19B(2), (3), (7) and (8) of Schedule 2 to, the Children Act 1989(a), hereby makes the following Regulations:

Enwi, cychwyn a chymhwyso**Citation, commencement and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Plant (Ymadael â Gofal) (Cymru) 2001 a deuant i rym ar 1 Hydref 2001.

1.-(1) These Regulations may be cited as the Children (Leaving Care)(Wales) Regulations 2001 and shall come into force on 1st October 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru.

(2) These Regulations apply to Wales.

Dehongli**Interpretation**

2. Yn y Rheoliadau hyn, oni bai bod y cyd-destun yn mynnu fel arall -

2. In these Regulations, unless the context otherwise requires -

mae i "awdurdod lleol cyfrifol" ("*responsible local authority*") yr ystyron canlynol:

"the Act" ("*y Ddeddf*") means the Children Act 1989;

"general practitioner" ("*ymarferydd cyffredinol*") means a registered medical practitioner who -

(a) 1989 p.41 ("Deddf 1989"). Mewnosodwyd adrannau 23A a 23B gan Ddeddf Plant (Ymadael â Gofal) 2000 (p.35) ("Deddf 2000"), adran 2(4); mewnosodwyd adrannau 23D a 23E gan adran 3 o Ddeddf 2000; mewnosodwyd adrannau 24B a 24D gan adran 4 o Ddeddf 2000. Mewnosodwyd paragraff 19B o Atodlen 2 gan adran 1 o Ddeddf 2000. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan y darpariaethau hyn mewn perthynas â Chymru i Gynulliad Cenedlaethol Cymru yn rhinwedd erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), ac adran 8(7) o Ddeddf 2000. Gweler adran 105(1) o Ddeddf 1989 i gael y diffiniad o "prescribed".

(a) 1989 c.41 ("the 1989 Act"). Sections 23A and 23B are inserted by the Children (Leaving Care) Act 2000 (c.35) ("the 2000 Act"), section 2(4); sections 23D and 23E are inserted by section 3 of the 2000 Act; sections 24B and 24D are inserted by section 4 of the 2000 Act. Paragraph 19B of Schedule 2 is inserted by section 1 of the 2000 Act. The functions of the Secretary of State under these provisions are transferred to the National Assembly for Wales in relation to Wales by virtue of article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 8(7) of the 2000 Act. See section 105(1) of the 1989 Act for the definition of "prescribed".

- (a) mewn perthynas â phlentyn cymwys(a), yr awdurdod lleol sy'n gofalu am y plentyn hwnnw;
- (b) mewn perthynas â phlentyn perthnasol(b), yr ystyr a roddir i "responsible local authority" gan adran 23A(4) o'r Ddeddf.

ystyr "y Ddeddf" ("*the Act*") yw Deddf Plant 1989;

ystyr "lleoliad" ("*placement*") yw darpariaeth o ran llety a chynhaliaeth gan awdurdod lleol ar gyfer plentyn y maent yn gofalu amdano drwy unrhyw un o'r ffyrdd a bennir yn adran 23(2)(a) i (d) neu (f) o'r Ddeddf;

ystyr "person ifanc" ("*young person*") yw cyn blentyn perthnasol(c);

ystyr "ymarferydd cyffredinol" ("*general practitioner*") yw ymarferydd meddygol cofrestredig -

- (a) sy'n darparu gwasanaethau meddygol cyffredinol o dan Ran II o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(ch); neu
- (b) sy'n cyflawni gwasanaethau meddygol personol mewn cysylltiad â chynllun peilot o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997(d);

ystyr "ysbyty" ("*hospital*") yw:

- (a) unrhyw ysbyty gwasanaeth iechyd o fewn ystyr "health service hospital" yn Neddf y Gwasanaeth Iechyd Gwladol 1977; a
- (b) unrhyw gartref nyrsio iechyd meddwl sy'n gartref y mae'r manylion cofrestru ar ei gyfer wedi'u cofnodi am y tro yn y rhan ar wahân o'r gofrestr sy'n cael ei chadw at ddibenion adran 23(5)(b) o Ddeddf Cartrefi Cofrestredig 1984(dd).

Plant cymwys

3.-(1) At ddibenion paragraff 19B(2)(b) o Atodlen 2 i'r Ddeddf, 13 wythnos yw'r cyfnod a ragnodir a 14 yw'r oedran a ragnodir.

(2) Nid yw'r categorïau canlynol o blant i fod yn blant cymwys er eu bod yn dod o fewn paragraff 19B(2) o Atodlen 2 -

- (a) unrhyw blentyn sydd wedi derbyn gofal gan awdurdod lleol mewn amgylchiadau lle mae'r amodau canlynol yn gymwys -
 - (i) bod yr awdurdod lleol wedi trefnu gosod y plentyn mewn cyfres o leoliadau tymor-byr

(a) Gweler adran 19B o Ddeddf 1989 i gael ystyr "eligible child".
 (b) Gweler adran 23A o Ddeddf 1989 i gael ystyr "relevant child".
 (c) Gweler adran 23C o Ddeddf 1989 i gael ystyr "former relevant child".
 (ch) 1977 p.49.
 (d) 1997 p.46.
 (dd) 1984 p.23.

- (a) provides general medical services under Part II of the National Health Service Act 1977(a); or
- (b) performs personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997(b);

"hospital" ("*ysbyty*") means:

- (a) any health service hospital within the meaning of the National Health Service Act 1977; and
- (b) any mental nursing home being a home in respect of which the particulars of registration are for the time being entered in the separate part of the register kept for the purposes of section 23(5)(b) of the Registered Homes Act 1984(c);

"placement" ("*lleoliad*") means the provision of accommodation and maintenance by a local authority for a child they are looking after by any of the means specified in section 23(2)(a) to (d) or (f) of the Act;

"responsible local authority" ("*awdurdod lleol cyfrifol*") has the following meanings:

- (a) in relation to an eligible child(d), the local authority looking after that child; and
- (b) in relation to a relevant child(e), the meaning given to it by section 23A(4) of the Act;

"young person" ("*person ifanc*") means a former relevant child(f).

Eligible children

3.-(1) For the purposes of paragraph 19B(2)(b) of Schedule 2 to the Act, the prescribed period is 13 weeks and the prescribed age is 14.

(2) The following categories of children are not to be eligible children despite falling within paragraph 19B(2) of Schedule 2 -

- (a) any child who has been looked after by a local authority in circumstances where the following conditions apply -
 - (i) the local authority has arranged to place the child in a series of short-term placements

(a) 1977 c.49.
 (b) 1997 c.46.
 (c) 1984 c.23.
 (d) See section 19B of the 1989 Act for the meaning of "eligible child".
 (e) See section 23A of the 1989 Act for the meaning of "relevant child".
 (f) See section 23C of the 1989 Act for the meaning of "former relevant child".

nad yw'r un ohonynt yn hwy na phedair wythnos (er bod eu cyfanswm yn gallu bod yn hafal i'r cyfnod a ragnodir); a

- (ii) bod y plentyn yn dychwelyd ar ddiwedd pob lleoliad o'r fath i ofal ei riant, neu berson nad yw'n rhiant ond y mae ganddo gyfrifoldeb rhiant dros y plentyn,
- (b) unrhyw blentyn sy'n destun gorchymyn gofal ac sydd, o dan drefniadau a wnaed gan awdurdod lleol sy'n gofalu amdano, wedi bod yn byw gyda pherson sy'n dod o fewn adran 23(4) o'r Ddeddf(a) am gyfnod o chwe mis neu fwy.

Plant perthnasol

4.-(1) At ddibenion adran 23A(3), mae'r categori o blant a ddisgrifir ym mharagraff (2) yn gategori ychwanegol o blant perthnasol.

(2) Unrhyw blentyn 16 neu 17 oed (nad yw'n destun gorchymyn gofal) (b)-

- (a) a oedd yn cael ei ddal neu a oedd yn yr ysbyty pan gyrhaeddodd 16 oed; a
- (b) a oedd wedi bod yn cael ei letya gan awdurdod lleol am gyfnod sengl o 13 wythnos o leiaf ("y cyfnod sengl") neu am gyfnodau sydd gyda'i gilydd yn gyfanswm o 13 wythnos o leiaf ("y cyfnod agregedig")
 - (i) pan ddechreuodd y cyfnod sengl, neu gyfnod cyntaf y cyfnod agregedig, ar ôl iddo gyrraedd 14 oed, a
 - (ii) pan ddaeth y cyfnod sengl neu'r cyfnod agregedig i ben yn union cyn y dal hwnnw neu'r derbyn hwnnw.

(3) At ddibenion y rheoliad hwn, ystyr "ei ddal" yw ei ddal mewn canolfan remand, sefydliad tramgwyddwyr ifanc neu ganolfan hyfforddi gadarn(c), neu unrhyw sefydliad arall yn unol â gorchymyn llys.

(4) Nid yw unrhyw blentyn sydd wedi byw gyda pherson sy'n dod o fewn adran 23(4) o'r Ddeddf am gyfnod parhaus o chwe mis neu fwy i fod yn blentyn perthnasol er ei fod yn dod o fewn adran 23A(2).

(5) Mae paragraff (4) yn gymwys p'un a yw'r cyfnod o chwe mis yn dechrau cyn i blentyn beidio â derbyn gofal gan awdurdod lleol neu ar ôl hynny.

- (a) Mae person yn dod o fewn adran 23(4) os yw'n rhiant i'r plentyn, yn berson nad yw'n rhiant ond y mae ganddo gyfrifoldeb rhiant dros y plentyn, neu pan yw'r plentyn yn derbyn gofal a bod gorchymyn preswyllo mewn grym mewn perthynas â'r plentyn yn union cyn i'r gorchymyn gofal gael ei wneud, person y gwnaed y gorchymyn preswyllo o'u plaid.
- (b) Diffinnir "care order" yn adran 105(1) o'r Ddeddf drwy gyfeirio at adran 31(11) o'r Ddeddf honno.
- (c) Ar gyfer canolfannau remand, sefydliadau tramgwyddwyr ifanc a chanolfannau hyfforddi cadarn, gweler adran 43 o Ddeddf Carchardai 1952 (15&16 Geo 16 ac Eliz 2 p.52) fel y'i diwygiwyd gan Ddeddf Cyfiawnder Troseddol 1982 (p.48) adran 11, Deddf Cyfiawnder Troseddol 1982 (p. 33), paragraffau 11 a 12 o Atodlen 15, a Deddf Troseddau ac Anhrefn 1998 (p. 37), paragraff 6 o Atodlen 8.

none of which individually exceeds four weeks (even though they may amount in all to the prescribed period); and

- (ii) at the end of each such placement the child returns to the care of his or her parent, or a person who is not a parent but who has parental responsibility for the child,
- (b) any child who is subject to a care order, who, under arrangements made by a local authority looking after the child, has been living with a person falling within section 23(4) of the Act (a) for a period of six months or more.

Relevant children

4.-(1) For the purposes of section 23A(3), the category of children described in paragraph (2) are an additional category of relevant children.

(2) Any child aged 16 or 17 (not being subject to a care order) (b) who -

- (a) at the time when he or she attained the age of 16 was detained or in hospital; and
- (b) had been accommodated by a local authority for a single period of at least 13 weeks ("the single period") or for periods amounting in all to at least 13 weeks ("the aggregate period") where
 - (i) the single period or the first period of the aggregate period began after he or she reached the age of 14, and
 - (ii) the single period or the aggregate period ended immediately before such detention or admission.

(3) For the purposes of this regulation, "detained" means detained in a remand centre, a young offender institution or a secure training centre(c), or any other institution pursuant to an order of a court.

(4) Any child who has lived with a person falling within section 23(4) of the Act for a continuous period of six months or more is not to be a relevant child despite falling within section 23A(2).

(5) Paragraph (4) applies whether the period of six months commences before or after a child ceases to be looked after by a local authority.

- (a) A person falls within section 23(4) if he or she is a parent of the child, a person who is not a parent but who has parental responsibility for the child, or where the child is in care and there was a residence order in force with respect to the child immediately before the care order was made, a person in whose favour the residence order was made.
- (b) A "care order" is defined in section 105(1) of the Act by reference to section 31(11) of that Act.
- (c) For remand centres, young offender institutions and secure training centres, see section 43 of the Prison Act 1952 (15&16 Geo 16 and Eliz 2 c.52) as amended by the Criminal Justice Act 1982 (c.48) section 11, Criminal Justice Act 1988 (c.33), paragraphs 11 and 12 of Schedule 15, and the Crime and Disorder Act 1998 (c. 37), paragraph 6 of Schedule 8.

Asesiadau a chynlluniau cam nesaf - cyffredinol

5.-(1) Rhaid i bob awdurdod lleol cyfrifol baratoi datganiad ysgrifenedig sy'n disgrifio ym mha fodd y caiff anghenion pob plentyn cymwys a phob plentyn perthnasol eu hasesu.

(2) Rhaid i'r datganiad ysgrifenedig gynnwys, mewn perthynas â phob plentyn y mae ei anghenion i gael eu hasesu, wybodaeth am y canlynol yn benodol -

- (a) y person sy'n gyfrifol am gynnal yr asesiad a'i gyd-drefnu;
- (b) yr amserlen ar gyfer yr asesiad;
- (c) â phwy y bwriedir ymgynghori at ddibenion yr asesiad;
- (ch) y trefniadau ar gyfer cofnodi canlyniad yr asesiad;
- (d) unrhyw gamau y caiff y plentyn eu cymryd os ceir anghytundeb.

(3) Rhaid i'r awdurdod lleol cyfrifol sicrhau bod copi o'r datganiad ar gael i'r plentyn a'r personau a bennir yn rheoliad 7(5).

(4) Ni fydd dim yn y Rheoliadau hyn yn atal unrhyw asesiad neu adolygiad o dan y Rheoliadau hyn rhag cael ei gynnal yr un pryd ag unrhyw asesiad, adolygiad neu ystyriaeth o dan unrhyw ddarpariaeth arall.

Cynnwys y plentyn neu'r person ifanc

6.-(1) I'r graddau y mae'n rhesymol ymarferol, wrth gynnal asesiad ac wrth baratoi neu adolygu cynllun cam nesaf, rhaid i'r awdurdod lleol cyfrifol -

- (a) ceisio barn y plentyn neu'r person ifanc y mae'n berthnasol iddo a rhoi sylw iddi; a
- (b) cymryd camau i'w alluogi i fynychu unrhyw gyfarfodydd lle caiff ei achos ei ystyried ac i gymryd rhan ynddynt.

(2) Rhaid i'r awdurdod lleol cyfrifol roi copïau o'r canlynol yn ddioed i'r plentyn neu'r person ifanc -

- (a) canlyniadau ei asesiad,
- (b) ei gynllun cam nesaf,
- (c) pob adolygiad o'i gynllun cam nesaf,

ac i'r graddau y mae'n rhesymol ymarferol, sicrhau bod cynnwys pob dogfen yn cael ei esbonio iddo.

Asesu anghenion

7.-(1) Rhaid i'r awdurdod lleol cyfrifol asesu anghenion pob plentyn cymwys, a phob plentyn perthnasol nad oes ganddo gynllun cam nesaf eisoes, yn unol â'r Rheoliadau hyn.

Assessments and pathway plans - general

5.-(1) Each responsible local authority must prepare a written statement describing the manner in which the needs of each eligible and relevant child will be assessed.

(2) The written statement must include, in relation to each child whose needs are to be assessed, information about, in particular -

- (a) the person responsible for the conduct and co-ordination of the assessment;
- (b) the timetable for the assessment;
- (c) who is to be consulted for the purposes of the assessment;
- (d) arrangements for recording the outcome of the assessment;
- (e) any action the child may take in the event of disagreement.

(3) The responsible local authority must make a copy of the statement available to the child and the persons specified in regulation 7(5).

(4) Nothing in these Regulations shall prevent the carrying out of any assessment or review under these Regulations at the same time as any assessment, review or consideration under any other provision.

Involvement of the child or young person

6.-(1) The responsible local authority in carrying out an assessment and in preparing or reviewing a pathway plan, shall to the extent that it is reasonably practicable -

- (a) seek and have regard to the views of the child or young person to whom it relates; and
- (b) take steps to enable him or her to attend and participate in any meetings at which his or her case is to be considered.

(2) The responsible local authority shall without delay provide the child or young person with copies of -

- (a) the results of his or her assessment,
- (b) his or her pathway plan,
- (c) each review of his or her pathway plan,

and shall so far as reasonably practicable ensure that the contents of each document are explained to him or her.

Assessment of needs

7.-(1) The responsible local authority shall assess the needs of each eligible child, and each relevant child who does not already have a pathway plan, in accordance with these Regulations.

- (2) Mae'r asesiad i gael ei gwblhau -
- (a) yn achos plentyn cymwys, heb fod yn fwy na thri mis ar ôl y dyddiad y daw'n 16 oed neu'n blentyn cymwys ar ôl yr oedran hwnnw;
 - (b) yn achos plentyn perthnasol nad oes ganddo gynllun cam nesaf eisoes, heb fod yn fwy na thri mis ar ôl y dyddiad y daw'n blentyn perthnasol.
- (3) Rhaid i bob awdurdod lleol cyfrifol sicrhau bod cofnod ysgrifenedig yn cael ei gadw o'r canlynol -
- (a) yr wybodaeth a geir yn ystod asesiad;
 - (b) y trafodaethau mewn unrhyw gyfarfod a gynhelir mewn cysylltiad ag unrhyw agwedd ar asesiad; ac
 - (c) canlyniad yr asesiad.
- (4) Wrth gynnal asesiad mae'r awdurdod lleol cyfrifol i roi sylw i'r ystyriaethau canlynol -
- (a) iechyd a datblygiad y plentyn(a);
 - (b) angen y plentyn am addysg, hyfforddiant neu gyflogaeth;
 - (c) y cymorth sydd ar gael i'r plentyn drwy berthnasoedd ag aelodau ei deulu ac â phersonau eraill;
 - (ch) anghenion ariannol y plentyn;
 - (d) i ba raddau y mae'n meddu ar y medrau ymarferol a'r medrau eraill sy'n angenrheidiol ar gyfer byw'n annibynnol; ac
 - (dd) ei anghenion am ofal, cymorth a llety.

- (5) Rhaid i'r awdurdod lleol cyfrifol, oni bai nad yw'n rhesymol ymarferol gwneud hynny, geisio barn y canlynol a'i chymryd i ystyriaeth -
- (a) rhieni'r plentyn;
 - (b) unrhyw berson nad yw'n rhiant ond y mae ganddo gyfrifoldeb rhiant dros y plentyn;
 - (c) unrhyw berson sy'n gofalu am y plentyn o ddydd i ddydd;
 - (ch) unrhyw ysgol neu goleg y mae'r plentyn yn eu mynychu, neu'r awdurdod addysg lleol ar gyfer yr ardal y mae'n byw ynddi;
 - (d) unrhyw ymwelydd annibynnol a benodir ar gyfer y plentyn(b);

- (2) The assessment is to be completed -
- (a) in the case of an eligible child, not more than three months after the date on which the child reaches the age of 16 or becomes an eligible child after that age;
 - (b) in the case of a relevant child who does not already have a pathway plan, not more than three months after the date on which the child becomes a relevant child.
- (3) Each responsible local authority shall ensure that a written record is kept of -
- (a) the information obtained in the course of an assessment;
 - (b) the deliberations at any meeting held in connection with any aspect of an assessment; and
 - (c) the results of the assessment.
- (4) In carrying out an assessment the responsible local authority shall take account of the following considerations -
- (a) the child's health and development(a);
 - (b) the child's need for education, training or employment;
 - (c) the support available to the child from relationships with members of his or her family and with other persons;
 - (d) the child's financial needs;
 - (e) the extent to which the child possesses the practical and other skills necessary for independent living; and
 - (f) the child's needs for care, support and accommodation.

- (5) The responsible local authority shall, unless it is not reasonably practicable to do so, seek and take into account the views of -
- (a) the child's parents;
 - (b) any person who is not a parent but has parental responsibility for the child;
 - (c) any person who is caring for the child on a day to day basis;
 - (d) any school or college attended by the child, or the local education authority for the area in which the child lives;
 - (e) any independent visitor appointed for the child(b);

(a) Diffinnir "health" a "development" at ddibenion Rhan III o'r Ddeddf yn adran 17(11).

(b) Person a benodir yn ymwelydd ar gyfer plentyn yn unol â pharagraff 17 o Atodlen 2 i'r Ddeddf yw ymwelydd annibynnol.

(a) "Health" and "development" are defined for the purposes of Part III of the Act in section 17(11).

(b) An independent visitor is a person appointed as a visitor for a child in accordance with paragraph 17 of Schedule 2 to the Act.

- (dd) yr ymarferydd cyffredinol y mae'r plentyn wedi'i gynnwys ar ei restr;
- (e) y cynghorydd personol(a) a benodir ar gyfer y plentyn; ac
- (f) unrhyw berson arall y gall yr awdurdod lleol cyfrifol neu'r plentyn farnu bod eu barn yn berthnasol.

- (f) the general practitioner in whose list the child is included;
- (g) the personal adviser(a) appointed for the child; and
- (h) any other person whose views the responsible local authority or the child consider may be relevant.

Cynlluniau cam nesaf

8.-(1) Cyn gynted â phosibl ar ôl cwblhau'r asesiad, rhaid i'r awdurdod lleol cyfrifol baratoi cynllun cam nesaf ar gyfer pob plentyn cymwys, a phob plentyn perthnasol nad oes un ganddo eisoes, yn unol â'r rheoliad hwn.

(2) Rhaid i'r cynllun cam nesaf gynnwys, yn benodol, y materion y cyfeirir atynt yn yr Atodlen.

(3) Rhaid i'r cynllun cam nesaf, mewn perthynas â phob un o'r materion y cyfeirir atynt yn yr Atodlen, nodi-

- (a) ym mha fodd y mae'r awdurdod lleol cyfrifol yn bwriadu diwallu anghenion y plentyn; a
- (b) erbyn pa ddyddiad y caiff unrhyw gamau y mae eu hangen i weithredu unrhyw agwedd ar y cynllun eu cymryd gan yr awdurdod lleol cyfrifol.

(4) Rhaid i'r cynllun cam nesaf gael ei gofnodi'n ysgrifenedig.

Pathway plans

8.-(1) As soon as possible after completing the assessment, the responsible local authority shall prepare a pathway plan for each eligible child, and each relevant child who does not already have one, in accordance with this regulation.

(2) The pathway plan must include, in particular, the matters referred to in the Schedule.

(3) The pathway plan must, in relation to each of the matters referred to in the Schedule, set out -

- (a) the manner in which the responsible local authority proposes to meet the needs of the child; and
- (b) the date by which any action required to implement any aspect of the plan, will be carried out by the responsible local authority.

(4) The pathway plan must be recorded in writing.

Adolygu cynlluniau cam nesaf

9.-(1) Rhaid i'r awdurdod lleol cyfrifol adolygu cynllun cam nesaf pob plentyn cymwys, pob plentyn perthnasol a phob cyn blentyn perthnasol yn unol â'r rheoliad hwn.

(2) Rhaid i'r awdurdod lleol cyfrifol drefnu adolygiad -

- (a) os bydd y plentyn neu'r person ifanc yn gofyn iddo wneud hynny;
- (b) os yw'r awdurdod lleol cyfrifol, neu'r cynghorydd personol, o'r farn bod angen adolygiad; ac
- (c) mewn unrhyw achos arall, bob chwe mis ar y mwyaf.

(3) Wrth gynnal adolygiad, rhaid i'r awdurdod lleol cyfrifol, i'r graddau y mae'n barnu ei bod yn briodol gwneud hynny, geisio barn y personau a grybwyllir yn rheoliad 7(5) a'i chymryd i ystyriaeth.

(4) Rhaid i'r awdurdod lleol cyfrifol sy'n cynnal adolygiad ystyried -

Review of pathway plans

9.-(1) The responsible local authority shall review the pathway plan of each eligible, relevant and former relevant child in accordance with this regulation.

(2) The responsible local authority shall arrange a review -

- (a) if requested to do so by the child or young person;
- (b) if it, or the personal adviser considers a review necessary; and
- (c) in any other case, at intervals of not more than six months.

(3) In carrying out a review, the responsible local authority shall, to the extent it considers it appropriate to do so, seek and take account of the views of the persons mentioned in regulation 7(5).

(4) The responsible local authority conducting a review shall consider -

(b) Darperir ar gyfer cynghorwyr personol yn adrannau 23B(2), 23C(3)(a) a 23D o'r Ddeddf, a pharagraff 19C o Atodlen 2 iddi.

(a) Personal advisers are provided for in sections 23B(2), 23C(3)(a) and 23D of, and paragraph 19C of Schedule 2 to, the Act.

- (a) yn achos plentyn cymwys neu berthnasol, a oes angen unrhyw newid i'r cynllun cam nesaf, mewn perthynas â phob un o'r materion a nodir yn yr Atodlen; a
 - (b) yn achos cyn blentyn perthnasol, a oes angen unrhyw newid i'r cynllun cam nesaf mewn perthynas â'r materion a nodir ym mharagraffau 1, 3 a 4 o'r Atodlen.
- (5) Rhaid i ganlyniadau'r adolygiad gael eu cofnodi'n ysgrifenedig.

Cadw cofnodion a chyfrinachedd cofnodion

10.-(1) Rhaid i'r awdurdod lleol cyfrifol gadw cofnodion ynghylch asesiadau, cynlluniau cam nesaf a'u hadolygiadau tan ben-blwydd dyddiad geni'r plentyn neu'r person ifanc y maent yn berthnasol iddo yn 75 oed, neu os yw'r plentyn yn marw cyn cyrraedd 18 oed, am gyfnod o 15 mlynedd gan ddechrau ar ddyddiad ei farwolaeth.

(2) Gellir cydymffurfio â'r gofyniad ym mharagraff (1) drwy gadw'r cofnodion ysgrifenedig gwreiddiol neu gopiâu ohonynt, neu drwy gadw'r cyfan neu ran o'r wybodaeth a gynhwysir ynddynt ar ryw ffurf hygyrch arall megis cofnod cyfrifiadu.

(3) Rhaid i'r cofnodion a grybwyllir ym mharagraff (1) gael eu cadw'n ddiogel, ac ni ellir eu datgelu i unrhyw berson ac eithrio yn unol â'r canlynol -

- (a) unrhyw ddarpariaeth mewn statud, neu a wneir o dan statud, neu yn rhinwedd statud, y mae'r cyfle i weld y cofnodion hynny yn cael ei awdurdodi odani;
- (b) unrhyw orchymyn llys sy'n awdurdodi cyfle i weld y cofnodion hynny.

Cymorth a llety

11.-(1) At ddibenion adran 23B(8)(c) o'r Ddeddf (cymorth i blant perthnasol), rhaid i'r awdurdod lleol cyfrifol roi cymorth, gan gynnwys cymorth ariannol a all, mewn amgylchiadau eithriadol, fod ar ffurf arian parod, er mwyn diwallu anghenion y plentyn o ran addysg, hyfforddiant neu gyflogaeth fel y darperir ar eu cyfer yn ei gynllun cam nesaf.

(2) At ddibenion adran 23B(10) o'r Ddeddf, ystyr "llety addas" yw llety -

- (a) sydd, i'r graddau y mae hynny'n rhesymol ymarferol, yn addas ar gyfer y plentyn yng ngoleuni ei anghenion, gan gynnwys ei anghenion iechyd;
- (b) y mae'r awdurdod lleol cyfrifol wedi'i fodloni ei hun yn ei gylch o ran cymeriad ac addasrwydd y landlord neu'r darparwydd arall;
- (c) y mae'r awdurdod lleol cyfrifol wedi cymryd y canlynol i ystyriaeth yn ei gylch-

- (a) in the case of an eligible or relevant child, whether, in relation to each of the matters set out in the Schedule, any change to the pathway plan is necessary; and
 - (b) in the case of a former relevant child, whether in relation to the matters set out in paragraphs 1, 3 and 4 of the Schedule, any change to the pathway plan is necessary.
- (5) The results of the review must be recorded in writing.

Retention and confidentiality of records

10.-(1) Records relating to assessments, pathway plans and their review shall be retained by the responsible local authority until the seventy-fifth anniversary of the date of birth of the child or young person to whom they relate, or if the child dies before attaining the age of 18, for a period of fifteen years beginning with the date of the child's death.

(2) The requirement in paragraph (1) may be complied with by retaining the original written records or copies of them, or by keeping all or part of the information contained in them in some other accessible form such as a computer record.

(3) The records mentioned in paragraph (1) must be kept securely and may not be disclosed to any person except in accordance with -

- (a) any provision of, or made under, or by virtue of, a statute under which access to such records is authorised;
- (b) any court order authorising access to such records.

Support and accommodation

11.-(1) For the purposes of section 23B(8)(c) (support for relevant children), the responsible local authority must provide assistance, including financial assistance, which may in exceptional circumstances, be in cash, in order to meet the child's needs in relation to education, training or employment as provided for in his or her pathway plan.

(2) For the purposes of section 23B(10), "suitable accommodation" means accommodation -

- (a) which so far as reasonably practicable is suitable for the child in the light of the child's needs, including health needs;
- (b) in respect of which the responsible local authority has satisfied itself as to the character and suitability of the landlord or other provider;
- (c) in respect of which the responsible local authority has so far as reasonably practicable taken into account the child's -

- (i) dymuniadau a theimladau'r plentyn; a
- (ii) anghenion addysg, hyfforddiant neu gyflogaeth y plentyn.

(3) At ddibenion adran 24B(5) o'r Ddeddf (darparu llety yn ystod y gwyliau),

- (a) ystyr "addysg uwch" ("higher education") yw addysg sy'n cael ei darparu drwy gyfrwng cwrs o ddisgrifiad y cyfeirir ato mewn rheoliadau a wnaed o dan adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998(a);
- (b) mae i "addysg bellach" yr un ystyr â "further education" yn Neddf Addysg 1996(b) ac eithrio'r ffaith mai dim ond addysg bellach sy'n cael ei darparu ar sail addysg breswyl amserllawn y mae'n ei chynnwys at ddibenion y rheoliad hwn.

Swyddogaethau cynghorwyr personol

12.-(1) Bydd gan gynghorydd personol y swyddogaethau canlynol(c) -

- (a) mewn perthynas â phlant cymwys a pherthnasol, y swyddogaethau a restrir ym mharagraff (2); a
- (b) mewn perthynas â chyn blant perthnasol, y swyddogaethau a restrir ym mharagraff (2) heblaw is-baragraff (b).

(2) Dyma'r swyddogaethau -

- (a) rhoi cyngor (gan gynnwys cyngor ymarferol) a chymorth iddynt;
- (b) cymryd rhan yn eu hasesiadau ac yng ngwaith paratoi eu cynlluniau cam nesaf;
- (c) cymryd rhan mewn adolygiadau o'u cynlluniau cam nesaf;
- (ch) cysylltu â'r awdurdod lleol cyfrifol wrth i'r cynllun cam nesaf gael ei weithredu;
- (d) cyd-drefnu gwaith darparu gwasanaethau iddynt, a chymryd camau rhesymol i sicrhau eu bod yn defnyddio'r gwasanaethau hynny;
- (dd) parhau'n gyfarwydd â'u cynnydd a'u llesiant; ac
- (e) cadw cofnod ysgrifenedig o unrhyw un o'i gysylltiadau â hwy.

Cynrychioliadau

13.-(1) Diwygir Rheoliadau Gweithdrefn Cynrychioliadau (Plant) 1991(d) fel a ganlyn.

- (a) 1998 p.30. Ar hyn o bryd Rheoliadau Addysg (Cymorth i Fyfrwyr) 2000 (O.S. 2000/1121) yw'r rheoliadau perthnasol.
- (b) 1996 p.56. Ceir y diffiniad o addysg bellach yn adran 2(3).
- (c) Yn ychwanegol gall yr awdurdod lleol cyfrifol ei gweld yn dda trefnu i'r cynghorydd personol weithredu ar ei ran wrth ddarparu gwasanaethau eraill yn unol ag adran 17(5)(b) o'r Ddeddf.
- (ch) O.S. 1991/879 fel y'i diwygiwyd gan O.S 1991/2033 a 1993/3069.

- (i) wishes and feelings; and
- (ii) educational, training or employment needs.

(3) For the purposes of section 24B(5) (provision of vacation accommodation),

- (a) "higher education" ("*addysg uwch*") means education provided by means of a course of a description referred to in regulations made under section 22 of the Teaching and Higher Education Act 1998(a);
- (b) "further education" ("*addysg bellach*") has the same meaning as in the Education Act 1996(b) save that for the purposes of this regulation it only includes further education which is provided on a full-time residential basis.

Functions of personal advisers

12.-(1) A personal adviser shall have the following functions(c) -

- (a) in relation to eligible and relevant children, the functions listed in paragraph (2); and
- (b) in relation to former relevant children, the functions listed in paragraph (2) other than sub-paragraph (b).

(2) The functions are -

- (a) to provide them with advice (including practical advice) and support;
- (b) to participate in their assessment and the preparation of their pathway plans;
- (c) to participate in reviews of their pathway plans;
- (d) to liaise with the responsible local authority in the implementation of the pathway plan;
- (e) to co-ordinate the provision of services to them, and to take reasonable steps to ensure that they make use of such services;
- (f) to keep informed about their progress and wellbeing; and
- (g) to keep a written record of any of the adviser's contacts with them.

Representations

13.-(1) The Representations Procedure (Children) Regulations 1991(d) shall be amended as follows.

- (a) 1998 c.30. Currently the relevant regulations are the Education (Student Support) Regulations 2000 (S.I. 2000/1121).
- (b) 1996. c.56. The definition of further education is in section 2(3).
- (c) In addition the responsible local authority may see fit to arrange for the personal adviser to act on its behalf in the provision of other services pursuant to section 17(5)(b) of the Act.
- (d) S.I. 1991/ 879 as amended by S.I. 1991/2033 and 1993/3069.

- (2) Yn rheoliad 2 (Dehongli) -
- (a) yn y diffiniad o "complainant", yn lle "qualifying for advice and assistance" rhowch "falling within section 23A, 23C, 24, or 24B(3) of the Act making any representations";
 - (b) yn y diffiniad o "representations", yn lle "24(14)" rhowch "24D(1)".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a)

12 Mehefin 2001

Llywydd Cynulliad Cenedlaethol Cymru

- (2) In regulation 2 (Interpretation) -
- (a) in the definition of "complainant", for "qualifying for advice and assistance" substitute "falling within section 23A, 23C, 24, or 24B(3) of the Act making any representations";
 - (b) in the definition of "representations", for "24(14)" substitute "24D(1)".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a)

12th June 2001

D. Elis-Thomas

The Presiding Officer of the National Assembly for Wales

YR ATODLEN

Rheoliadau 8(2) a (3) a 9(4)

MATERION I YMDRIN Â HWY YN Y CYNLLUN CAM NESAF A'R ADOLYGIAD

1. Natur a lefel y cymorth personol sydd i'w roi i'r plentyn neu'r person ifanc.
2. Manylion y llety y mae'r plentyn neu'r person ifanc i'w feddiannu.
3. Cynllun manwl ar gyfer ei addysg neu ei hyfforddiant.
4. Os yw'n berthnasol, sut y bydd yr awdurdod lleol cyfrifol yn cynorthwyo'r plentyn neu'r person ifanc mewn cyflogaeth neu wrth geisio cyflogaeth.
5. Y cymorth sydd i'w roi i alluogi'r plentyn neu'r person ifanc i feithrin perthnasoedd teuluol a chymdeithasol priodol a'u cadw.
6. Rhaglen i feithrin y medrau ymarferol a'r medrau eraill sy'n angenrheidiol iddo fyw'n annibynnol.
7. Y cymorth ariannol sydd i'w roi i'r plentyn neu'r person ifanc, yn enwedig pan fwriedir ei roi i ddiwallu ei anghenion o ran llety a chynhaliaeth.
8. Anghenion iechyd y plentyn neu'r person ifanc, gan gynnwys unrhyw anghenion iechyd meddwl, a sut y bwriedir eu diwallu.
9. Cynlluniau wrth gefn ar gyfer camau a fyddai i'w cymryd gan yr awdurdod lleol cyfrifol petai'r cynllun cam nesaf yn peidio â bod yn effeithiol am unrhyw reswm.

SCHEDULE

Regulations 8(2) and (3) and 9(4)

MATTERS TO BE DEALT WITH IN THE PATHWAY PLAN AND REVIEW

1. The nature and level of personal support to be provided to the child or young person.
2. Details of the accommodation the child or young person is to occupy.
3. A detailed plan for his or her education or training.
4. Where relevant, how the responsible local authority will assist the child or young person in employment or seeking employment.
5. The support to be provided to enable the child or young person to develop and sustain appropriate family and social relationships.
6. A programme to develop the practical and other skills necessary for him or her to live independently.
7. The financial support to be provided to the child or young person, in particular where it is to be provided to meet his or her accommodation and maintenance needs.
8. The health needs, including any mental health needs, of the child or young person, and how they are to be met.
9. Contingency plans for action to be taken by the responsible local authority should the pathway plan for any reason cease to be effective.

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**CHILDREN AND YOUNG
PERSONS, WALES**

The Children (Leaving Care)
(Wales) Regulations 2001

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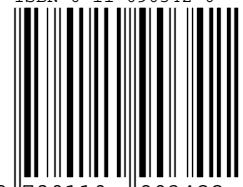
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