



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 710 (Cy.86)

2003 No. 710 (W.86)

**GOFAL CYMDEITHASOL,
CYMRU**

**SOCIAL CARE,
WALES**

**PLANT A PHERSONAU
IFANC, CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Rheoliadau Gwasanaethau
Mabwysiadu Awdurdodau Lleol a
Diwygiadau Amrywiol (Cymru)
2003

The Local Authority Adoption
Service and Miscellaneous
Amendments (Wales) Regulations
2003

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 cael eu gwneud o dan Ddeddf Fabwysiadu 1976 ("Deddf 1976") a Deddf Safonau Gofal 2000 ("Deddf 2000") ac maent yn gymwys i awdurdodau lleol Cymru. Maent yn darparu fframwaith rheoliadol newydd ar gyfer gwasanaethau mabwysiadu awdurdodau lleol. Mae Rhan II o Ddeddf 2000 yn darparu bod gwaith cofrestru ac arolygu sefydliadau ac asiantaethau, gan gynnwys gwasanaethau mabwysiadu awdurdodau lleol, yn cael ei wneud gan Gynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"). Mae Rhan III o Ddeddf 2000 yn darparu bod gwaith arolygu gwasanaethau awdurdodau lleol yn cael ei wneud gan y Cynulliad Cenedlaethol. Caiff Rhannau II a III o Ddeddf 2000 (i'r graddau nad ydynt eisoes mewn grym) eu dwyn i rym mewn perthynas â gwasanaethau mabwysiadu awdurdodau lleol ar 30 Ebrill 2003.

Mae Rheoliadau 3 a 4 yn darparu bod rhaid i bob awdurdod lleol sy'n darparu gwasanaethau mabwysiadu fod â datganiad o ddiben, sy'n disgrifio nodau ac amcanion y gwasanaeth, ac arweiniad plant. Rhaid i'r gwasanaeth gael ei gyflawni mewn modd sy'n gyson â'r datganiad o ddiben.

Mae Rhan 2 yn gwneud darpariaeth ynglŷn â'r

These Regulations are made under the Adoption Act 1976 ("the 1976 Act") and the Care Standards Act 2000 ("the 2000 Act") and apply to Welsh local authorities. They provide a new regulatory framework for local authority adoption services. Part II of the 2000 Act provides for the registration and inspection of establishments and agencies, including local authority adoption services, by the National Assembly for Wales ("the National Assembly"). Part III of the 2000 Act provides for the inspection of local authority services by the National Assembly. Parts II and III of the 2000 Act (so far as not already in force) will be brought into force in relation to local authority adoption services on 30th April 2003.

Regulations 3 and 4 provide that each local authority who provides an adoption service must have a statement of purpose setting out the aims and objectives of the service and a children's guide. The service must be carried on in a manner which is consistent with the statement of purpose.

Part 2 makes provision about the persons managing

personau sy'n rheoli'r gwasanaeth, ac yn ei gwneud yn ofynnol i wybodaeth foddhaol fod ar gael mewn perthynas â'r materion a ragnodir yn Atodlen 3.

Mae Rhan 3 yn gwneud darpariaeth ynglŷn â rhedeg y gwasanaeth, staffio a ffitrwydd y gweithwyr, addasrwydd y safle ac ynglŷn â chwynion a chadw cofnodion.

Mae Rhan 4 yn ymdrin ag amryw o ddiwygiadau. Mae Rheoliadau 19 a 20 yn gwneud y diwygiadau angenrheidiol i'r darpariaethau mewn rheoliadau sy'n ymwneud â gofynion cofrestru a thalu ffioedd yn yr un modd â sefydliadau ac asiantaethau eraill sy'n cael eu rheoleiddio o dan Ddeddf 2000. Mae rheoliad 21 yn newid y gofyniad bod rhaid cael gafael ar wybodaeth am gollfarnau troseddol a rhybuddion a gafwyd gan bersonau 18 oed neu drosodd, yn hytrach na rhai dros 18 oed.

the service, and requires satisfactory information to be available in relation to the matters prescribed in Schedule 3.

Part 3 makes provision about the conduct of the service, staffing and fitness of workers, the suitability of the premises and about complaints and record keeping

Part 4 deals with various amendments. Regulations 19 and 20 make the necessary amendments to the provisions in regulations concerning registration requirements and payment of fees in line with other establishments and agencies regulated under the 2000 Act. Regulation 21 changes the requirement that information be obtained about criminal convictions and cautions committed at the age of 18 or over, as opposed to over 18.

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2003

The Local Authority Adoption
Service and Miscellaneous
Amendments (Wales) Regulations
2003

Wedi'u gwneud 12 Mawrth 2003
Yn dod i rym 30 Ebrill 2003

Made 12th March 2003
Coming into force 30th April 2003

TREFN Y RHEOLIADAU

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Records to be kept in relation to each person working for the purposes of the adoption service

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 9(2), (3) a (3A) a 67(5) o Ddeddf Fabwysiadu 1976(a) ac adrannau 12(2), 15(3), 16(1), (2) a (3), 22(1), (2)(a) i (d), (f) i (j), (5)(a) a (c), (7)(a) i (h), (j) a (8)(c), 33, 34(1), 35 a 118(5) i (7) o Ddeddf Safonau Gofal 2000(b) a phob pŵer arall syn ei alluogi yn y cyswllt hwnnw, drwy hyn yn gwneud y Rheoliadau Canlynol:-

RHAN 1 CYFFREDINOL

Enwi, cychwyn a chymhwys

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Mabwysiadu Awdurdodau Lleol a Diwygiadau Amrywiol (Cymru) 2003 a deuant i rym ar 30 Ebrill 2003.

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

Dehongli

2.-(1) Yn y Rheoliadau hyn -

ystyr "arweiniad plant" ("*children's guide*") yw'r arweiniad ysgrifenedig a luniwyd yn unol â rheoliad 4;

ystyr "Cynulliad Cenedlaethol" ("*National Assembly*") yw Cynulliad Cenedlaethol Cymru;

ystyr "datganiad o ddiben" ("*statement of purpose*") yw'r datganiad ysgrifenedig a luniwyd yn unol â rheoliad 3(1);

mae i "gwarcheidwad" yr ystyr a roddir i "*guardian*" yn adran 5 o Ddeddf Plant 1989(c);

ystyr "gwasanaeth mabwysiadu" ("*adoption service*") yw'r weithred o gyflawni swyddogaethau mabwysiadu perthnasol gan awdurdod lleol o fewn ystyr "discharge by that authority of relevant adoption functions" yn adran 43(3)(a) o Ddeddf Safonau Gofal 2000;

rhaid dehongli "rheolwr" ("*manager*") yn unol â rheoliad 6;

ystyr "swyddfa briodol" ("*appropriate office*")

(a) 1976 p.36 Yn adran 9 o Ddeddf 1976 diwygiwyd is-adran (2) a mewnosodwyd is-adran (3A) gan adran 116 a pharagraff 5 (6)(c) o Atodlen 4 i Ddeddf Safonau Gofal 2000 (p.14) ("Deddf 2000"). Mae'r pwerau hyn yn arferadwy gan y Gweinidog priodol, a ddiffinnir yn adran 9(5) o Ddeddf 1976, mewn perthynas â Chymru fel Cynulliad Cenedlaethol Cymru ac mewn perthynas â Lloegr fel yr Ysgrifennydd Gwladol ac mewn perthynas â Lloegr a Chymru fel yr Ysgrifennydd Gwladol a Chynulliad Cenedlaethol Cymru yn gweithredu ar y cyd. Diwygiwyd is-adrannau (2) a (3) a mewn osodwyd is-adran (5) gan adran 139(2) pharagraff 4(1)(b) o Atodlen 4 i Ddeddf Mabwysiadu a Phlant 2003 p.38.

(b) 2000 p.14.

(c) 1989 p.41.

The National Assembly for Wales in exercise of the powers conferred upon it by sections 9(2), (3), and (3A) and 67(5) of the Adoption Act 1976(a) and sections 12(2), 15(3), 16(1), (2) and (3), 22(1), (2)(a) to (d), (f) to (j), (5)(a) and (c), (7)(a) to (h), (j) and (8)(c), 33, 34(1), 35 and 118(5) to (7) of the Care Standards Act 2000(b) and of all the other powers enabling it on behalf, hereby makes the following regulations:-

PART 1 GENERAL

Citation, commencement and application

1.-(1) These Regulations may be cited as the Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003 and shall come into force on 30th April 2003.

(2) These Regulations apply to Wales only.

Interpretation

2.-(1) In these Regulations-

"adoption service" ("*gwasanaeth mabwysiadu*") means the discharge by a local authority of relevant adoption functions within the meaning of section 43(3)(a) of the Care Standards Act 2000;

"appropriate office" ("*swyddfa briodol*") means in relation to a local authority adoption service -

(a) if an office has been specified under paragraph (2) for the area in which the adoption service is situated, that office;

(b) in any other case, any office of the National Assembly;

"children's guide" ("*arweiniad plant*") means the written guide produced in accordance with regulation 4;

"guardian" ("*gwarcheidwad*") has the meaning given to it in section 5 of the Children Act 1989(c);

(a) 1976 c.36 In section 9 of the 1976 Act subsection (2) was amended and subsection (3A) inserted by section 116 and paragraph 5(6)(c) of Schedule 4 to the Care Standards Act 2000 (c.14) ("the 2000 Act"). The powers are exercisable by the appropriate Minister, who is defined in section 9(5) of the 1976 Act, in relation to Wales as the National Assembly for Wales and in relation to England as the Secretary of State and in relation to England and Wales, as the Secretary of State and the National Assembly for Wales acting jointly. Subsections(2) and (3) were amended and subsection (5) inserted by section 139(2) and paragraph 4(1)(b) of Schedule 4 to the Adoption and Children Act 2002 c.38.

(b) 2000 c.14

(c) 1989 c.41.

mewn perthynas â gwasanaeth mabwysiadu awdurdod lleol -

- (a) os oes swyddfa wedi'i phennu o dan baragraff (2) ar gyfer yr ardal y mae'r gwasanaeth mabwysiadu wedi'i leoli ynddi, yw'r swyddfa honno;
- (b) mewn unrhyw achos arall, yw unrhyw un o swyddfeydd y Cynulliad Cenedlaethol.

(2) Caiff y Cynulliad Cenedlaethol bennu swyddfa o dan ei reolaeth fel y swyddfa briodol mewn perthynas ag awdurdodau lleol.

(3) Yn y Rheoliadau hyn, mae cyfeiriad -

- (a) at reoliad neu Atodlen â rhif yn gyfeiriad at y rheoliad yn y Rheoliadau hyn, neu at yr Atodlen iddynt, sy'n dwyn y rhif hwnnw;
- (b) mewn rheoliad neu Atodlen at baragraff â rhif, yn gyfeiriad at y paragraff yn y rheoliad neu'r Atodlen sy'n dwyn y rhif hwnnw;
- (c) mewn paragraff at is-baragraff â llythyren neu rif yn gyfeiriad at yr is-baragraff yn y paragraff hwnnw sy'n dwyn y llythyren honno neu'r rhif hwnnw.

(4) Yn y Rheoliadau hyn, onid ymddengys bwriad fel arall, mae cyfeiriadau at gyflogi person yn cynnwys-

- (a) cyflogi person boed am dâl neu beidio;
- (b) cyflogi person o dan gontract gwasanaeth neu gontract ar gyfer gwasanaethau; ac
- (c) caniatáu i berson weithio fel gwirfoddolwr;

a rhaid dehongli cyfeiriadau at gyflogai neu at berson sy'n cael ei gyflogi yn unol â hynny.

Datganiad o Ddiben

3.-(1) Rhaid i bob awdurdod lleol lunio mewn perthynas â gwasanaeth mabwysiadu ddatganiad ysgrifenedig (y cyfeirir ato yn y Rheoliadau hyn fel "y datganiad o ddiben") a rhaid iddo gynnwys datganiad ynglŷn â'r materion a restrir yn Atodlen 1.

(2) Rhaid i'r awdurdod ddarparu copi o'r datganiad o ddiben i'r Cynulliad Cenedlaethol a rhaid iddo drefnu bod copi ohono ar gael, os gofynnir amdano, i'w archwilio gan y canlynol -

- (a) plant y gellir eu mabwysiadu, eu rhieni a'u gwarcheidwaid;
- (b) personau sy'n dymuno mabwysiadu plentyn;
- (c) personau sydd wedi'u mabwysiadu, eu rhieni, eu rhieni naturiol a'u cyn warcheidwaid;
- (ch) pob person sydd yn gweithio at ddibenion y gwasanaeth mabwysiadu.

"manager" ("*rheolwr*") shall be construed in accordance with regulation 6;

"National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"statement of purpose" ("*datganiad oddiben*") means the written statement compiled in accordance with regulation 3(1).

(2) The National Assembly may specify an office controlled by it as the appropriate office in relation to local authorities.

(3) In these Regulations, a reference -

- (a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;
- (b) in a regulation or Schedule to a numbered paragraph, is to the paragraph in that regulation or Schedule bearing that number;
- (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

(4) In these Regulations, unless the contrary intention appears, references to employing a person include -

- (a) employing a person whether or not for payment;
- (b) employing a person under a contract of service or a contract for services; and
- (c) allowing a person to work as a volunteer;

and references to an employee or to a person being employed shall be construed accordingly.

Statement of purpose

3.-(1) Each local authority must compile in relation to the adoption service a written statement (in these Regulations referred to as "the statement of purpose") which shall consist of a statement as to the matters listed in Schedule 1.

(2) The authority must supply a copy of the statement of purpose to the National Assembly and shall make a copy of it available, upon request, for inspection by-

- (a) children who may be adopted, their parents and guardians;
- (b) persons wishing to adopt a child;
- (c) adopted persons, their parents, natural parents and former guardians;
- (d) every person working for the purposes of the adoption service.

(3) Yn ddarostyngedig i baragraff (4), rhaid i'r awdurdod sicrhau fod ei wasanaeth mabwysiadu yn cael ei redeg bob amser mewn modd sy'n gyson â'i ddatganiad o ddiben.

(4) Ni fydd dim ym mharagraff (3) yn ei gwneud yn ofynnol i'r awdurdod dorri unrhyw ddarpariaeth arall yn y Rheoliadau hyn, na pheidio â chydymffurfio â hi nac yn ei awdurdodi i wneud hynny.

Arweiniad Plant

4.-(1) Rhaid i bob awdurdod lleol lunio arweiniad ysgrifenedig i'r gwasanaeth mabwysiadu (y cyfeirir ato yn y Rheoliadau hyn fel "yr arweiniad plant") a rhaid iddo gynnwys datganiad ynglŷn â'r materion a restrir yn Atodlen 2.

(2) Rhaid i'r awdurdod ddarparu copi o'r arweiniad plant i'r canlynol -

- (a) y Cynulliad Cenedlaethol;
- (b) pob darpar fabwysiadudd cymeradwy y mae'r awdurdod wedi lleoli plentyn i'w fabwysiadu gyda hwy; ac
- (c) pob plentyn (yn dibynnu ar ei oedran a'i ddealltwriaeth), y caniateir ei leoli neu sydd wedi'i leoli i'w fabwysiadu gan yr awdurdod.

Adolygu'r datganiad o ddiben a'r arweiniad plant

5. Rhaid i bob awdurdod lleol -

- (a) cadw'r datganiad o ddiben a'r arweiniad plant o dan sylw ac, os yw'n briodol, eu hadolygu; a
- (b) hysbysu'r Cynulliad Cenedlaethol o unrhyw ddiwygiad o'r fath o fewn 28 diwrnod.

RHAN 2 RHEOLWYR

Penodi rheolwr

6.-(1) Rhaid i bob awdurdod lleol benodi un o'i swyddogion i reoli'r gwasanaeth mabwysiadu a rhaid iddo hysbysu'r Cynulliad Cenedlaethol yn ddi-oed o'r canlynol -

- (a) enw'r person a benodwyd yn unol â'r rheoliad hwn; a
- (b) y dyddiad y mae'r penodiad i ddod yn weithredol.

(2) Rhaid i'r awdurdod hysbysu'r Cynulliad Cenedlaethol yn ddi-oed os yw'r person a benodwyd o dan baragraff (1) yn rhoi'r gorau i reoli'r gwasanaeth mabwysiadu.

(3) Subject to paragraph (4), the authority must ensure that their adoption service is at all times conducted in a manner which is consistent with its statement of purpose.

(4) Nothing in paragraph (3) shall require or authorise the authority to contravene, or not comply with any other provision of these Regulations .

Children's guide

4.-(1) Each local authority must produce a written guide to the adoption service (in these Regulations referred to as "the children's guide") which shall consist of a statement as to the matters listed in Schedule 2.

(2) The authority shall provide a copy of the children's guide to -

- (a) the National Assembly;
- (b) every prospective adopter with whom the authority has placed a child for adoption; and
- (c) every child (subject to his or her age and understanding), who may be or has been placed for adoption by the authority.

Review of statement of purpose and children's guide

5.- Each local authority must-

- (a) keep under review and, where appropriate, revise the statement of purpose and children's guide; and
- (b) notify the National Assembly of any such revision within 28 days.

PART 2 MANAGERS

Appointment of manager

6.-(1) Each local authority must appoint one of their officers to manage the adoption service and shall forthwith notify the National Assembly of-

- (a) the name of the person appointed in accordance with this regulation; and
- (b) the date on which the appointment is to take effect.

(2) The authority must forthwith notify the National Assembly if the person appointed under paragraph (1) ceases to manage the adoption service.

Ffitrwydd y rheolwr

7.-(1) Rhaid i berson beidio â rheoli'r gwasanaeth mabwysiadu oni bai ei fod yn ffit i wneud hynny.

(2) Nid yw person yn ffit i reoli gwasanaeth mabwysiadu oni bai -

- (a) ei fod yn onest ac o gymeriad da;
- (b) o roi sylw i faint yr awdurdod a'i ddatganiad o ddiben -
 - (i) bod gan y person y cymwysterau, y medrau a'r profiad sy'n angenrheidiol i reoli'r gwasanaeth mabwysiadu; a
 - (ii) bod y person yn ffit yn gorfforol ac yn feddyliol i reoli'r gwasanaeth mabwysiadu; ac
- (c) bod gwybodaeth lawn a boddhaol mewn perthynas â phob un o'r materion a restrir yn Atodlen 3.

Gofynion cyffredinol

8.-(1) Rhaid i'r rheolwr, o roi sylw -

- (a) i faint yr awdurdod lleol a'i ddatganiad o ddiben; a
- (b) i'r angen am ddiogelu a hybu lles y plant a allai gael eu lleoli, neu sydd wedi'u lleoli, gan yr awdurdod i'w mabwysiadu,

reoli'r gwasanaeth mabwysiadu â gofal, medrusrwydd a medr digonol.

(2) Rhaid i'r rheolwr ymgymryd o dro i dro ag unrhyw hyfforddiant sy'n briodol er mwyn sicrhau bod gan y rheolwr hwnnw y profiad a'r medrau y mae eu hangen i redeg y gwasanaeth mabwysiadu.

Hysbysu tramgwyddau

9. Os yw'r rheolwr wedi'i gollfarnu o unrhyw dramgwydd troseddol, boed yng Nghymru a Lloegr neu yn rhywle arall, rhaid iddo hysbysu'r Cynulliad Cenedlaethol yn ysgrifenedig ar unwaith-

- (a) o ddyddiad a man y collfarniad;
- (b) o'r tramgwydd y'i collfarnwyd ohono; ac
- (c) o'r gosb a osodwyd arno mewn perthynas â'r tramgwydd.

RHAN 3

RHEDEG GWASANAETH MABWYSIADU AWDURDOD LLEOL

Trefniadau ar gyfer amddiffyn plant

10. Rhaid i bob awdurdod lleol baratoi a gweithredu polisi ysgrifenedig -

- (a) sydd wedi'i fwriadu i ddiogelu plant sydd

Fitness of manager

7.-(1) A person must not manage the adoption service unless he or she is fit to do so.

(2) A person is not fit to manage an adoption service unless-

- (a) he or she is of integrity and good character;
- (b) having regard to the size of the authority and its statement of purpose-
 - (i) he or she has the qualifications, skills and experience necessary for managing the adoption service; and
 - (ii) he or she is physically and mentally fit to manage the adoption service; and
- (c) full and satisfactory information is available in relation to him or her in respect of each of the matters specified in Schedule 3.

General requirements

8.-(1) The manager must, having regard to-

- (a) the size of the local authority and its statement of purpose; and
- (b) the need to safeguard and promote the welfare of children who may be, or have been, placed for adoption by the authority,

manage the adoption service with sufficient care, competence and skill.

(2) The manager shall undertake from time to time such training as is appropriate to ensure that he or she has the experience and skills necessary to manage the adoption service.

Notification of offences

9. Where the manager is convicted of any criminal offence, whether in Wales and England or elsewhere, he or she shall forthwith give notice in writing to the National Assembly of-

- (a) the date and place of the conviction;
- (b) the offence of which he or she was convicted; and
- (c) the penalty imposed on him or her in respect of the offence.

PART 3

CONDUCT OF LOCAL AUTHORITY ADOPTION SERVICE

Arrangements for the protection of children

10. Each local authority must prepare and implement a written policy which-

- (a) is intended to safeguard from abuse or neglect

wedi'u lleoli gan yr awdurdod i'w mabwysiadu rhag cael eu cam-drin neu eu hesgeuluso; a

- (b) sy'n nodi'r weithdrefn i'w dilyn os bydd unrhyw honiad o gam-drin neu esgeuluso.

Staffio

11. Rhaid i bob awdurdod lleol sicrhau, gan roi sylw-

- (a) i faint yr awdurdod a'i ddatganiad o ddiben; a
- (b) i'r angen am ddiogelu a hybu iechyd a lles y plant a allai gael eu lleoli neu sydd wedi'u lleoli gan yr awdurdod i'w mabwysiadu,

fod nifer digonol o bersonau hyfedr a phrofiadol â chymwysterau addas yn gweithio at ddibenion y gwasanaeth mabwysiadu.

Ffitrwydd y gweithwyr

12.-(1) Rhaid i awdurdod lleol beidio â gwneud y canlynol -

- (a) cyflogi person i weithio at ddibenion eu gwasanaeth mabwysiadu oni bai bod y person hwnnw yn ffit i weithio at ddibenion gwasanaeth mabwysiadu; neu
- (b) caniatáu i berson y mae paragraff (2) yn gymwys iddo, weithio at ddibenion y gwasanaeth mabwysiadu oni bai bod y person hwnnw yn ffit i weithio at ddibenion gwasanaeth mabwysiadu.

(2) Mae'r paragraff hwn yn gymwys i unrhyw berson a gyflogir gan berson heblaw'r awdurdod mewn swydd lle y gallai wrth gyflawni ei ddyletswyddau gael cysylltiad rheolaidd â phlant a allai gael eu lleoli, neu sydd wedi'u lleoli, i'w mabwysiadu gan yr awdurdod.

(3) At ddibenion paragraff (1), nid yw person yn ffit i weithio at ddibenion gwasanaeth mabwysiadu awdurdod oni bai -

- (a) ei fod yn onest ac o gymeriad da;
- (b) bod ganddo y cymwysterau, y medrau a'r profiad sy'n angenrheidiol ar gyfer y gwaith y mae i'w gyflawni;
- (c) bod y person yn ffit yn gorfforol ac yn feddyliol i wneud y gwaith y mae i'w gyflawni; ac
- (ch) bod gwybodaeth lawn a boddhaol ar gael ynglyn â'r person mewn perthynas â phob un o'r materion a bennir yn Atodlen 3.

(4) Mae'r paragraff hwn yn gymwys pan fydd unigolyn wedi gwneud cais am dystysgrif y cyfeirir ati ym mharagraff 2 o Atodlen 3, ond nad yw'r dystysgrif wedi ei rhoi.

(5) Rhaid i'r awdurdod gymryd camau rhesymol i sicrhau bod unrhyw berson sy'n gweithio at ddibenion

every child placed for adoption by the authority; and

- (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.

Staffing

11. Each local authority must ensure that there is, having regard to-

- (a) the size of the authority and its statement of purpose; and
- (b) the need to safeguard and promote the health and welfare of children who may be, or have been, placed for adoption by the authority,

a sufficient number of suitably qualified, competent, and experienced persons working for the purposes of the adoption service.

Fitness of workers

12.-(1) A local authority must not-

- (a) employ a person to work for the purposes of their adoption service unless that person is fit to work for the purposes of an adoption service; or
- (b) allow a person to whom paragraph (2) applies, to work for the purposes of the adoption service unless that person is fit to work for the purposes of an adoption service.

(2) This paragraph applies to any person who is employed by a person other than the authority in a position in which he or she may in the course of his or her duties have regular contact with children who may be, or have been, placed for adoption by the authority.

(3) For the purposes of paragraph (1), a person is not fit to work for the purposes of an authority's adoption service unless-

- (a) he or she is of integrity and good character;
- (b) he or she has the qualifications, skills and experience necessary for the work he or she is to perform;
- (c) he or she is physically and mentally fit for the work he or she is to perform; and
- (d) full and satisfactory information is available in relation to him or her in respect of each of the matters specified in Schedule 3.

(4) The authority shall take reasonable steps to ensure that any person working for the purposes of the adoption service who is not employed by the authority and to whom paragraph (2) does not apply is appropriately supervised while carrying out his or her duties.

y gwasanaeth mabwysiadu nad yw'n cael ei gyflogi gan yr awdurdod ac nad yw paragraff (2) yn gymwys iddo yn cael ei oruchwylio'n briodol wrth gyflawni ei ddyletswyddau.

Cyflogi staff

13.-(1) Rhaid i bob awdurdod lleol -

- (a) sicrhau bod bob penodiad parhaol sy'n cael ei wneud gan yr awdurdod at ddibenion y gwasanaeth mabwysiadu yn amodol ar gwblhau cyfnod prawf yn foddhaol; a
- (b) darparu disgrifiad swydd sy'n amlinellu eu cyfrifoldebau i bob cyflogai sy'n cael ei gyflogi gan yr awdurdod at ddibenion ei wasanaeth mabwysiadu.

(2) Rhaid i'r awdurdod sicrhau bod bob person sy'n cael ei gyflogi gan yr awdurdod at ddibenion y gwasanaeth mabwysiadu -

- (a) yn cael ei hyfforddi, ei oruchwylio a'i werthuso'n briodol; a
- (b) yn cael ei alluogi o dro i dro i ennill cymwysterau pellach sy'n briodol i'r gwaith y mae'n ei gyflawni.

Gweithdrefn disgyblu'r staff

14.-(1) Rhaid i bob awdurdod lleol weithredu gweithdrefn disgyblu sydd, yn benodol -

- (a) yn darparu ar gyfer gwahardd dros dro cyflogai os bydd angen gwneud hynny o ystyried diogelwch neu les y plant y gellir eu lleoli, neu sydd wedi'u lleoli, gan yr awdurdod i'w mabwysiadu;
- (b) yn darparu bod y methiant ar ran cyflogai i hysbysu person priodol o ddigwyddiad cam-drin, neu achos lle mae amheuaeth o gam-drin plentyn sydd wedi'i lleoli gan yr awdurdod i'w fabwysiadu yn sail ar gyfer cychwyn achos disgyblu.

(2) At ddibenion paragraff (1)(b), mae person priodol yn un o'r canlynol -

- (a) rheolwr y gwasanaeth mabwysiadu;
- (b) un o swyddogion y Cynulliad Cenedlaethol;
- (c) un o swyddogion yr heddlu;
- (ch) un o swyddogion y Gymdeithas Genedlaethol er Atal Creulondeb i Blant;
- (d) swyddog o'r awdurdod lleol y mae'r plentyn wedi ei lleoli i'w fabwysiadu yn ardal yr awdurdod hwnnw pan fydd hwnnw yn awdurdod gwahanol.

Trefniadau ar gyfer absenoldeb y rheolwr

15. Rhaid i bob awdurdod lleol sefydlu system i sicrhau bod person a nodir yn gyfrifol am reoli'r

Employment of staff

13.-(1) Each local authority must-

- (a) ensure that all permanent appointments made by the authority for the purposes of the adoption service are subject to the satisfactory completion of a period of probation; and
- (b) provide all employees employed by the authority for the purposes of their adoption service with a job description outlining their responsibilities.

(2) The authority must ensure that all persons employed by the authority for the purposes of the adoption service -

- (a) receive appropriate training, supervision and appraisal; and
- (b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.

Staff disciplinary procedure

14.-(1) Each local authority must operate a disciplinary procedure which, in particular-

- (a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of children who may be, or have been, placed for adoption by the authority ;
- (b) provides that the failure on the part of an employee to report to an appropriate person an incident of abuse, or suspected abuse of a child placed for adoption by the authority is a ground on which disciplinary proceedings may be instituted .

(2) For the purposes of paragraph (1)(b), an appropriate person is -

- (a) the manager of the adoption service;
- (b) an officer of the National Assembly;
- (c) a police officer;
- (d) an officer of the National Society for the Prevention of Cruelty to Children;
- (e) an officer of the local authority in whose area the child is placed for adoption where this is a different authority.

Arrangements for absence of manager

15. Each local authority must establish a system to ensure that where the manager proposes to be or is

gwasanaeth mabwysiadu, pan fydd y rheolwr yn bwriadu bod yn absennol neu pan fydd yn absennol o'r awdurdod lleol am gyfnod parhaus o 28 diwrnod neu fwy, tan yr amser y bydd y rheolwr yn dychwelyd i'r gwasanaeth mabwysiadu neu (yn ôl fel y digwydd) fod rheolwr newydd yn cael ei benodi gan yr awdurdod.

Cofnodion mewn perthynas â staff

16.-(1) Rhaid i bob awdurdod lleol gadw'r cofnodion a bennir yn Atodlen 4 a'u cadw'n gyfoes.

(2) Rhaid cadw'r cofnodion y cyfeiriwyd atynt am o leiaf 15 mlynedd o ddyddiad y cofnod diwethaf.

Ffitrwydd y safle

17.-(1) Rhaid i'r awdurdod lleol beidio â defnyddio safle at ddibenion eu gwasanaeth mabwysiadu oni bai bod y safle yn addas ar gyfer cyflawni'r nodau a'r amcanion sydd wedi'u nodi yn y datganiad o ddiben.

(2) Rhaid i'r awdurdod sicrhau -

- (a) bod yna drefniadau gwarchod digonol ar y safle, ac, yn benodol fod cyfleusterau diogel ar gyfer storio cofnodion; a
- (b) bod unrhyw gofnodion nad ydynt, am unrhyw reswm, yn cael eu cadw ar safle'r awdurdod yn cael eu cadw o dan amodau priodol o ran diogelwch.

Cwynion

18. Rhaid i bob awdurdod lleol

- (a) sicrhau y cedwir cofnod ysgrifenedig o unrhyw gŵyn, yn cynnwys manylion o'r ymchwiliad a wnaed, y canlyniad ac unrhyw gamau dilynol a gymerwyd a bod y cofnod yn cael ei gadw am o leiaf 3 mlynedd o'r dyddiad y'i gwneir; a
- (b) os bydd y Cynulliad Cenedlaethol yn gofyn amdano, rhaid i bob awdurdod lleol ddarparu iddo ddatganiad sy'n cynnwys crynodeb o unrhyw gwynion a wnaed mewn perthynas â'i gwasanaeth mabwysiadu yn ystod y 12 mis blaenorol ac ynglŷn â'r camau a gymerwyd (os o gwbl) o ganlyniad i'r ymchwiliad.

absent from the local authority for a continuous period of 28 days or more an identified person is responsible for the management of the adoption service until such time as the manager returns to the adoption service or (as the case may be) a new manager is appointed by the authority.

Records with respect to staff

16.-(1) Each local authority must maintain and keep up to date the records specified in Schedule 4.

(2) The records referred to in paragraph (1) shall be retained for at least 15 years from the date of the last entry.

Fitness of premises

17.-(1) The local authority must not use premises for the purposes of their adoption service unless the premises are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The authority must ensure -

- (a) that there are adequate security arrangements at the premises, and in particular, that there are secure facilities for the storage of records; and
- (b) that any records which are, for any reason, not on the authority's premises are kept in conditions of appropriate security.

Complaints

18. Each local authority must

- (a) ensure that a written record is made of any complaint, including details of the investigation made, the outcome and any action taken in consequence, and that the record is retained for at least 3 years from the date it is made; and
- (b) supply to the National Assembly at its request a statement containing a summary of any complaints made in respect of their adoption service during the preceding 12 months and the action (if any) taken as a result of the outcome of the investigation.

RHAN 4

DIWYGIADAU AMRYWIOL

Diwygiadau i Reoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002

19. Mae Rheoliadau Cofrestru Gofal Cymdeithasol

PART 4

MISCELLANEOUS AMENDMENTS

Amendments to the Registration of Social Care and Independent Health Care (Wales) Regulations 2002

19. The Registration of Social Care and Independent

a Gofal Iechyd Annibynnol (Cymru) 2002(a) yn cael eu diwygio fel a ganlyn -

- (a) yn rheoliad 2 (1) mewnosodwch yn y man priodol -
" "the 1976 Act" means the Adoption Act 1976(b)";
"adoption service" means the discharge by a local authority of relevant adoption functions within the meaning of section 43(3)(a) of the Act and in relation to a local authority means the discharge by that authority of those functions";
"voluntary adoption agency" means an adoption society within the meaning of the 1976 Act which is a voluntary organisation within the meaning of that Act;";
- (b) yn y diffiniad o "appropriate office", ar ôl is-adran (e) mewnosodwch -
"(f) in relation to an adoption service -
 - (i) if an office has been specified under regulation 2(2) of the Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003, that office;
 - (ii) in any other case, any office of the National Assembly.";
- (c) yn y diffiniad o "statement of purpose", ar ôl is-adran (e) mewnosodwch -
"(f) in relation to a voluntary adoption agency, the written statement required to be compiled in accordance with regulation 3(1) of the Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003;
- (g) in relation to an adoption service means the written statement required to be compiled in accordance with regulation 3(1) of the Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003".

Diwygiadau i Reoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Ffioedd) (Cymru) 2002

20. Mae Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Ffioedd) (Cymru) 2002(c) yn cael eu diwygio fel a ganlyn -

- (a) yn rheoliad 2 (1) mewnosodwch yn y manau priodol -
" "the 1976 Act" means the Adoption Act 1976(ch)"

(a) O.S. 2002/919 (Cy. 107).

(b) 1976 p.36.

(c) O.S. 2002/921 (Cy.109).

(ch) 1976 p.36.

Health Care (Wales) Regulations 2002 (a) are amended as follows -

- (a) in regulation 2 (1) at the appropriate place, insert -
" "the 1976" Act means the Adoption Act 1976(b)";
"adoption service" means the discharge by a local authority of relevant adoption functions within the meaning of section 43(3)(a) of the Act and in relation to a local authority means the discharge by that authority of those functions";
"voluntary adoption agency" means an adoption society within the meaning of the 1976 Act which is a voluntary organisation within the meaning of that Act;";
- (b) in the definition of "appropriate office", after subsection (e) insert -
"(f) in relation to an adoption service -
 - (i) if an office has been specified under regulation 2(2) of the Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003, that office;
 - (ii) in any other case, any office of the National Assembly.";
- (c) In the definition of "statement of purpose", after subsection (e) insert -
"(f) in relation to a voluntary adoption agency, the written statement required to be compiled in accordance with regulation 3(1) of the Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003;
- (g) in relation to an adoption service means the written statement required to be compiled in accordance with regulation 3 (1) of the Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003".

Amendments to the Registration of Social Care and Independent Healthcare (Fees) (Wales) Regulations 2002

20. The Registration of Social Care and Independent Healthcare (Fees) (Wales) Regulations 2002(c) are amended as follows -

- (a) in regulation 2 (1) at the appropriate places, insert -
" "the 1976 Act" means the Adoption Act 1976(d)";

(a) S.I. 2002/919 (W.107).

(b) 1976 c.36.

(c) S.I. 2002/921 (W.109).

(d) 1976 c.36.

"new agency provider" means a person who carries on a voluntary adoption agency for the first time after 30th April 2003;

"small agency" means an agency which has a small principal office;"

"small principal office" means a principal office where at any one time no more than eight members of full time staff (or the part time equivalents or combination of full time and part time staff) are employed in the capacity of a social worker(a);

"small branch" means a branch of a voluntary adoption agency where at any time no more than eight members of full time staff (or the part time equivalents or combination of full time and part time staff) are employed in the capacity of a social worker;

yn y diffiniad o "agency" ychwanegwch ar y diwedd y geiriau ", a voluntary adoption agency where the agency's principal office is in Wales or a local authority adoption service";

yn y diffiniad o "existing undertaking" ychwanegwch "(e) a voluntary adoption agency that is approved immediately before 30th April 2003 under Part 1 of the 1976 Act";

(b) ar ôl rheoliad 3 (3) mewnosodwch y canlynol-

"(3A) In the case of an application for registration in respect of a voluntary adoption agency which has a small principal office the registration fee shall be £300.

(3B) In a case where an agency has a branch, or as the case may be, a small branch an additional sum of-

- (i) £1,100 in respect of each branch; and
- (ii) £300 in respect of each small branch.

(3C) Where an application for registration is made by a voluntary adoption agency that is an existing undertaking, no registration fee shall be payable."

(c) Yn rheoliad 4 (1) -

- (i) ar ôl "paragraph (2)" mewnosodwch ", (2A), (2B)";
- (ii) ar ôl rheoliad 4(2) mewnosodwch "(2A) In the case of an application mentioned in paragraph (1) in respect of a small agency or a small branch the fee shall be £300.

(2B) In the case of an application for the establishment of a new branch or small branch the fee shall be

- (i) £1,100 in respect of each proposed new branch; and

"new agency provider" means a person who carries on a voluntary adoption agency for the first time after 30th April 2003;

"small agency" means an agency which has a small principal office;"

"small principal office" means a principal office where at any one time no more than eight members of full time staff (or the part time equivalents or combination of full time and part time staff) are employed in the capacity of a social worker(a);

"small branch" means a branch of a voluntary adoption agency where at any time no more than eight members of full time staff (or the part time equivalents or combination of full time and part time staff) are employed in the capacity of a social worker;

in the definition of "agency" add to the end the words ", a voluntary adoption agency where the agency's principal office is in Wales or a local authority adoption service";

in the definition of "existing undertaking" add "(e) a voluntary adoption agency that is approved immediately before 30th April 2003 under Part 1 of the 1976 Act";

(b) after regulation 3 (3) insert the following -

"(3A) In the case of an application for registration in respect of a voluntary adoption agency which has a small principal office the registration fee shall be £300.

(3B) In a case where any agency has a branch, or as the case may be, a small branch an additional sum of-

- (i) £1,100 in respect of each branch; and
- (ii) £300 in respect of each small branch.

(3C) Where an application for registration is made by a voluntary adoption agency that is an existing undertaking, no registration fee shall be payable."

(c) In regulation 4 (1) -

- (i) after "paragraph (2)" insert ", (2A), (2B)";
- (ii) after regulation 4(2) insert "(2A) In the case of an application mentioned in paragraph (1) in respect of a small agency or a small branch the fee shall be £300.

(2B) In the case of an application for the establishment of a new branch or small branch the fee shall be

- (i) £1,100 in respect of each proposed new branch; and

(a) Am y diffiniad o "social worker" gweler a.55(2)(a) o Ddeddf 2000.

(a) For the definition of "social worker" see s.55(2)(a) of the 2000 Act.

- (ii) £300 in respect of each proposed new small branch.
- (ch) Yn rheoliad 4(3) ar ôl "the establishment" rhoddir "or agency".
- (d) Ar ôl rheoliad 12 ("Annual fee - fostering agencies and local authority fostering services") mewnosodwch -

"Annual fee - voluntary adoption agencies

12. -(1) Subject to paragraph (2) the annual fee in respect of a voluntary adoption agency is -

- (a) £500; and
- (b) in a case where an agency has a branch or as the case may be a small branch, an additional sum of
 - (i) £500 in respect of each branch; and
 - (ii) £250 in respect of each small branch.

(2) The annual fee in respect of a voluntary adoption agency which is a small agency is £250.

(3) The annual fee in respect of a voluntary adoption agency shall be first payable by the registered provider on the date specified in respect of him or her in paragraph (4) ("the first date"), and thereafter on the anniversary of the first date.

- (4) The specified date is -
 - (a) in the case of an existing undertaking, on 30 April 2003, or on the date on which a certificate of registration is issued, whichever is the later;
 - (b) in the case of a new agency provider, the date on which a certificate of registration is issued.

Annual fee - local authorities

13. -(1) The annual fee in respect of a local authority adoption service shall be £500.

(2) The annual fee shall be first payable by the registered provider on the date specified in respect of him or her in paragraph (3) ("the first date"), and thereafter on the anniversary of the first date.

- (3) The specified date is -
 - (a) in the case of a local authority that is discharging relevant adoption functions on the date that these Regulations come into force on 30th April 2003; and
 - (b) in all other cases on the date on which such functions are first discharged."

- (ii) £300 in respect of each proposed new small branch.
- (d) In regulation 4(3) after "the establishment" insert "or agency".
- (e) After regulation 12 (Annual fee - fostering agencies and local authority fostering services) insert -

"Annual fee - voluntary adoption agencies

12. -(1) Subject to paragraph (2) the annual fee in respect of a voluntary adoption agency is -

- (a) £500; and
- (b) in a case where an agency has a branch or as the case may be a small branch, an additional sum of
 - (i) £500 in respect of each branch,; and
 - (ii) £250 in respect of each small branch.

(2) The annual fee in respect of a voluntary adoption agency which is a small agency is £250.

(3) The annual fee in respect of a voluntary adoption agency shall be first payable by the registered provider on the date specified in respect of him or her in paragraph (4) ("the first date"), and thereafter on the anniversary of the first date.

- (4) The specified date is -
 - (a) in the case of an existing undertaking, on 30 April 2003, or on the date on which a certificate of registration is issued, whichever is the later;
 - (b) in the case of a new agency provider, the date on which a certificate of registration is issued.

Annual fee - local authorities

13. -(1) The annual fee in respect of a local authority adoption service shall be £500.

(2) The annual fee shall be first payable by the registered provider on the date specified in respect of him or her in paragraph (3) ("the first date"), and thereafter on the anniversary of the first date.

- (3) The specified date is -
 - (a) in the case of a local authority that is discharging relevant adoption functions on the date that these Regulations come into force on 30th April 2003; and
 - (b) in all other cases on the date on which such functions are first discharged."

**Diwygiadau i Reoliadau Asiantaethau Mabwysiadu
1983**

21. Diwygir Rheoliad 8A o Reoliadau Asiantaethau Mabwysiadu 1983(a) fel a ganlyn -

- (a) ym mharagraffau (1) a (2), yn lle'r geiriau "over the age of 18" rhowch "aged 18 or over";
- (b) yn is-baragraff (2)(a) ar ôl y geiriau "specified offence" mewnosodwch y geiriau "committed at the age of 18 or over".

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

12 Mawrth 2003

John Marek

Dirprwy Lywydd y Cynulliad Cenedlaethol

**Amendments to Adoption Agencies Regulations
1983**

21. Regulation 8A of the Adoption Agencies Regulations 1983(a) is amended as follows-

- (a) in paragraphs (1) and (2), for the words "over the age of 18" substitute "aged 18 or over";
- (b) in sub-paragraph (2)(a) after the words "specified offence" insert the words "committed at the age of 18 or over".

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

12th March 2003

The Deputy Presiding Officer of the National
Assembly

(a) O.S.1983/1964 fel y'i diwygiwyd gan O.S. 1997/649, O.S. 1997/2308 ac O.S. 2001/3443 (Cy.278).

(b) 1998 p.38.

(a) S.I.1983/1964 as amended by S.I.1997/649, S.I. 1997/2308 and S.I.2001/3443 (W.278).

(b) 1998 c.38.

ATODLEN 1

SCHEDULE 1

Rheoliad 3(1)

Regulation 3(1)

**YR WYBODAETH SYDD I'W CHYNNWYS
YN Y DATGANIAD O DDIBEN**

**INFORMATION TO BE INCLUDED IN THE
STATEMENT OF PURPOSE**

1. Nodau ac amcanion yr awdurdod lleol mewn perthynas â'r gwasanaeth mabwysiadu.
2. Enw a chyfeiriad y rheolwr.
3. Cymwysterau a phrofiad perthnasol y rheolwr.
4. Nifer y staff sy'n cael eu cyflogi gan yr awdurdod at ddibenion gwasanaeth mabwysiadu'r awdurdod, eu cymwysterau a'u profiad perthnasol.
5. Strwythur trefniadol y gwasanaeth mabwysiadu.
6. System sydd wedi'i sefydlu i fonitro a gwerthuso'r ddarpariaeth o ran gwasanaethau er mwyn sicrhau bod y gwasanaethau a ddarparwyd gan yr awdurdod yn effeithiol a bod ansawdd y gwasanaeth mabwysiadu o safon briodol.
7. Y gweithdrefnau ar gyfer recriwtio, paratoi, asesu, cymeradwyo a chefnogi darpar rieni mabwysiadol.
8. Crynodeb o'r weithdrefn gwyno a sefydlwyd yn unol ag adran 26 o Ddeddf Plant 1989 (a) a Gorchymyn Gwasanaethau Cymdeithasol Awdurdodau Lleol (Gweithdrefn Gwyno) 1990(b).
9. Cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol.

1. The aims and objectives of the local authority in relation to the adoption service.
2. The name and address of the manager.
3. The relevant qualifications and experience of the manager.
4. The number, relevant qualifications and experience of the staff employed by the authority for the purposes of the authority's adoption service.
5. The organisational structure of the adoption service.
6. The system in place to monitor and evaluate the provision of services to ensure that the services provided by the authority are effective and the quality of the adoption service is of an appropriate standard.
7. The procedures for recruiting, preparing, assessing, approving and supporting prospective adoptive parents.
8. A summary of the complaints procedure established in accordance with section 26 of the Children Act 1989(a) and the Local Authority Social Services (Complaints Procedure) Order 1990(b).
9. The address and telephone number of the appropriate office of the National Assembly.

ATODLEN 2

SCHEDULE 2

Rheoliad 4(1)

Regulation 4(1)

**YR WYBODAETH SYDD I'W CHYNNWYS
YN YR ARWEINIAD PLANT**

**INFORMATION TO BE INCLUDED IN THE
CHILDREN'S GUIDE**

1. Crynodeb o'r datganiad o ddiben.
2. Crynodeb o'r gweithdrefnau pan fydd mabwysiadu wedi'i nodi fel y cynllun priodol ar gyfer plentyn.
3. Crynodeb o'r gweithdrefnau cwyno a sefydlwyd yn unol ag adran 26 o Ddeddf Plant 1989 a Gorchymyn Gwasanaethau Cymdeithasol Awdurdodau Lleol (Gweithdrefn Gwyno) 1990.
4. Manylion ynghylch sut y gall plentyn gael gafael ar wasanaethau eiriolwr sy'n annibynnol ar yr

1. A summary of the statement of purpose.
2. A summary of the procedures where adoption is identified as the appropriate plan for a child.
3. A summary of the complaints procedures established in accordance with section 26 of the Children Act 1989 and the Local Authority Social Services (Complaints Procedure) Order 1990.
4. Details of how a child may have access to the services of an advocate who is independent of the

(a) 1989 p.41. Rheoliadau Gweithdrefn Sylwadau (Plant) 1991 (O.S.1991/894 fel y'u diwygiwyd gan O.S.1991/2033, O.S.1993/3069 ac O.S.2001/2874) yw'r rheoliadau cyfredol.

(b) O.S.1990/2244.

(a) 1989 c.41. The current regulations are the Representations Procedure (Children) Regulations 1991 (S.I.1991/894) as amended by S.I.1991/2033, S.I.1993/3069 and S.I.2001/2874).

(b) S.I.1990/2244.

awdurdod i'w gynorthwyo i ddwyn cwyn neu i gyflwyno sylwadau o dan y gweithdrefnau cwyno y cyfeiriwyd atynt ym mharagraff 3.

5. Cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol.

6. Enw, cyfeiriad a rhif ffôn Comisiynydd Plant Cymru(a).

ATODLEN 3

Rheoliad 7(2)(c) a 12(3)(ch)

YR WYBODAETH Y MAE EI HANGEN MEWN PERTHYNAS Â PHERSONAU SY'N CEISIO RHEOLI'R GWASANAETH MABWYSIADU NEU WEITHIO AT DDIBENION Y GWASANAETH HWNNW

1. Prawf adnabod gan gynnwys ffotograff diweddar.

2. Naill ai -

(a) os yw'r swydd yn dod o fewn adran 115(3) o Ddeddf yr Heddlu 1997(b), tystysgrif fanwl a roddwyd o dan adran 115 o'r Ddeddf honno; neu

(b) mewn unrhyw achos arall, tystysgrif record troseddol a roddwyd o dan adran 113 o Ddeddf yr Heddlu 1997,

gan gynnwys, i'r graddau y mae Deddf yr Heddlu 1997 yn caniatáu hynny, y materion a bennir yn adran 113(3A) neu 115(6A) o'r Ddeddf honno(c).

3. Dau dystlythyr ysgrifenedig, gan gynnwys tystlythyr oddi wrth gyflogwr mwyaf diweddar y person, os oes un.

4. Os yw berson wedi gweithio o'r blaen mewn swydd yr oedd ei ddyletswyddau'n golygu gweithio gyda phlant neu gydag oedolion hawdd eu niweidio, i'r graddau y bo'n rhesymol ymarferol, cadarnhad o'r rheswm pam y daeth y gyflogaeth neu'r swydd i ben.

5. Tystiolaeth ddogfennol o unrhyw gymhwyster perthnasol.

6. Hanes cyflogaeth llawn, ynghyd ag esboniad ysgrifenedig boddhaol am unrhyw fylchau mewn cyflogaeth.

(a) *Gweler* adran 72 o Ddeddf 2000.

(b) 1997 p.50. Mae swydd o fewn adran 115(3) os yw'n golygu bod y person wrthi'n rheolaidd yn gofalu am bersonau o dan 18 oed, yn eu hyfforddi, yn eu goruchwyllo neu os yw'r personau hynny o dan ei ofal ef yn unig.

(c) Mae adran 113(3A) a 115(6A) wedi'u mewnosod yn Neddf yr Heddlu 1997 gan adran 8 o Ddeddf Amddiffyn Plant 1999(p.14) ac wedi'i diwygio gan adrannau 104, 106 a 116 o Ddeddf Safonau Gofal 2000 a pharagraff 25 o Atodlen 4 iddi.

authority to assist him in bringing a complaint or making a representation under the complaints procedures referred to in paragraph 3.

5. The address and telephone number of the appropriate office of the National Assembly.

6. The name, address and telephone number of the Children's Commissioner for Wales(a).

SCHEDULE 3

Regulation 7(2)(c) and 12(3)(d)

INFORMATION REQUIRED IN RESPECT OF PERSONS SEEKING TO MANAGE OR WORK FOR THE PURPOSES OF THE ADOPTION SERVICE

1. Proof of identity including a recent photograph.

2. Either-

(a) where the position falls within section 115(3) of the Police Act 1997(b), an enhanced certificate issued under section 115 of that Act; or

(b) in any other case, a criminal record certificate issued under section 113 of the Police Act 1997,

including, to the extent permitted under the Police Act 1997, the matters specified in section 113(3A) or 115(6A) of that Act(c).

3. Two written references, including a reference from the person's most recent employer, if any.

4. Where a person has previously worked in a position whose duties included work with children or vulnerable adults, so far as reasonably practicable verification of the reason why the employment or position ended.

5. Documentary evidence of any relevant qualification.

6. A full employment history, together with a satisfactory written explanation of any gaps in employment.

(a) *See* section 72 of the 2000 Act.

(b) 1997 c.50. A position is within section 115(3) if it involves regularly caring for, training, supervising or being in sole charge, of persons aged under 18.

(c) Section 113(3A) and 115(6A) are inserted into the Police Act 1997 by section 8 of the Protection of Children Act 1999(c.14) and amended by sections 104, 106 and 116 of, and paragraph 25 of Schedule 4 to the Care Standards Act 2000.

Rheoliad 16(1)

Regulation 16(1)

**Y COFNODION SYDD I'W CADW MEWN
PERTHYNAS Â PHOB PERSON SY'N
GWEITHIO AT DDIBENION GWASANAETH
MABWYSIADU AWDURDOD LLEOL**

Cofnod ar gyfer pob person sy'n gweithio ar gyfer yr awdurdod gan gynnwys -

1. Enw llawn.
2. Rhyw.
3. Dyddiad geni.
4. Cyfeiriad cartref.
5. Cymwysterau sy'n berthnasol i waith sy'n cynnwys plant, a phrofiad o waith o'r fath.
6. Y dyddiadau pan fydd y person yn dechrau cael ei gyflogi felly a phan fydd ei gyflogaeth yn dod i ben.
7. A yw'r person yn cael ei gyflogi gan yr awdurdod lleol o dan gontract gwasanaeth neu gontract ar gyfer gwasanaethau, neu a yw'n cael ei gyflogi gan rywun heblaw'r awdurdod.
8. Disgrifiad swydd y person ac a yw'n gweithio'n amser llawn neu'n rhan amser a nifer yr oriau y mae'n cael ei gyflogi bob wythnos gan wasanaeth mabwysiadu'r awdurdod neu'n cael ei gontractio bob wythnos i'r gwasanaeth.
9. Yr hyfforddiant y mae'r person yn ymgymryd ag ef, y gwaith o'i oruchwylio a'i werthuso, y camau disgyblu (os o gwbl) a gymerwyd yn ei erbyn a chanlyniad y camau hynny, cofnodion o gwynion (os o gwbl) a gyflwynwyd yn ei erbyn neu ynglŷn ag ef a chanlyniad y gŵyn honno ac unrhyw gofnodion eraill mewn perthynas â'i gyflogaeth.

**RECORDS TO BE KEPT IN RELATION TO
EACH PERSON WORKING FOR THE
PURPOSES OF A LOCAL AUTHORITY'S
ADOPTION SERVICE**

A record including in respect of each person working for the authority-

1. Full name.
2. Sex.
3. Date of birth.
4. Home address.
5. Qualifications relevant to, and experience of work involving children.
6. The dates on which he or she commences and ceases to be so employed.
7. Whether he or she is employed by the local authority under a contract of service or a contract for services, or is employed by someone other than the authority.
8. His or her job description and whether he or she works full-time or part-time and the number of hours for which he or she is employed by or contracted to work for, the authority's adoption service each week.
9. Training undertaken by him or her, supervision, appraisal, disciplinary action (if any) taken against him or her and the outcome of that action, records of complaints (if any) made against or concerning him or her and the outcome of that complaint and any other records in relation to his or her employment.

OFFERYNNAU STATUDOL

2003 Rhif 710 (Cy86)

**GOFAL CYMDEITHASOL,
CYMRU**

**PLANT A PHERSONAU
IFANC, CYMRU**

Rheoliadau Gwasanaethau
Mabwysiadu Awdurdodau Lleol a
Diwygiadau Amrywiol (Cymru)
2003

STATUTORY INSTRUMENTS

2003 No. 710 (W.86)

**SOCIAL CARE,
WALES**

**CHILDREN AND YOUNG
PERSONS, WALES**

The Local Authority Adoption
Service and Miscellaneous
Amendments (Wales) Regulations
2003

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