



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2005 Rhif 3115 (Cy.235)**

**2005 No. 3115 (W.235)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE,  
WALES**

**PLANT A PHOBL IFANC,  
CYMRU**

**CHILDREN AND YOUNG  
PERSONS, WALES**

**Rheoliadau Gwasanaeth  
Mabwysiadu Awdurdodau Lleol  
(Cymru) 2005**

**The Local Authority Adoption  
Service (Wales) Regulations  
2005**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn wedi'u gwneud o dan Ddeddf Mabwysiadu a Phlant 2002 ("Deddf 2002") a'r Ddeddf Safonau Gofal 2000 ("Deddf 2000") ac maent yn gymwys i awdurdodau lleol Cymru. Maent yn cymryd lle Rheoliadau Gwasanaeth Mabwysiadu Awdurdodau Lleol a Diwygiadau Amrywiol (Cymru) 2003. Maent yn darparu fframwaith rheoliadol ar gyfer gwasanaethau mabwysiadu awdurdodau lleol. Mae Rhan III o Ddeddf 2000 yn darparu ar gyfer arolygu gwasanaethau awdurdodau lleol gan y Cynulliad Cenedlaethol.

These Regulations are made under the Adoption and Children Act 2002 ("the 2002 Act") and the Care Standards Act 2000 ("the 2000 Act") and apply to Welsh local authorities. They replace the Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003. They provide a regulatory framework for local authority adoption services. Part III of the 2000 Act provides for the inspection of local authority services by the National Assembly.

Mae Rheoliadau 3 a 4 yn darparu bod rhaid i bob awdurdod lleol sy'n darparu gwasanaeth mabwysiadu fod â datganiad o ddiben sy'n gosod allan amcanion a nodau'r gwasanaeth ac arweiniad plant. Rhaid rhedeg y gwasanaeth mewn modd sy'n gydnaws â'r datganiad o ddiben.

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.

Mae Rhan 2 yn gwneud darpariaeth ynglŷn â phersonau sy'n rheoli'r gwasanaeth, ac yn ei gwneud yn ofynnol fod gwybodaeth foddhaol ar gael ynglŷn â'r materion a ragnodir yn Atodlen 3.

Part 2 makes provision about the persons managing the service, and requires satisfactory information to be available in relation to the matters prescribed in Schedule 3.

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

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.

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(Cymru) 2005

The Local Authority Adoption  
Service (Wales) Regulations  
2005

*Wedi'u gwneud* 8 Tachwedd 2005

*Made* 8 November 2005

*Yn dod i rym* 30 Rhagfyr 2005

*Coming into force* 30 December 2005

TREFN Y RHEOLIADAU

ARRANGEMENT OF REGULATIONS

RHAN 1

PART 1

CYFFREDINOL

GENERAL

1. Enwi, cychwyn a chymhwyso
2. Dehongli
3. Datganiad o ddiben
4. Arweiniad plant
5. Adolygiad o'r datganiad o ddiben a'r arweiniad plant

1. Title, commencement and application
2. Interpretation
3. Statement of purpose
4. Children's guide
5. Review of statement of purpose and children's guide

RHAN 2

PART 2

RHEOLWYR

MANAGERS

6. Penodi rheolwr
7. Ffitrwydd y rheolwr
8. Gofynion cyffredinol
9. Hysbysu tramgyddau

6. Appointment of manager
7. Fitness of manager
8. General requirements
9. Notification of offences

RHAN 3

PART 3

DULL RHEOLI GWASANAETH  
MABWYSIADU AWDURDOD LLEOL

CONDUCT OF LOCAL AUTHORITY  
ADOPTION SERVICE

10. Trefniadau ar gyfer amddiffyn plant

10. Arrangements for the protection of children

11. Staffio
12. Ffitrwydd y gweithwyr
13. Cyflogi staff
14. Gweithdrefn disgyblu staff
15. Trefniadau ar gyfer absenoldeb rheolwr
16. Cofnodion ynglŷn â staff
17. Ffitrwydd y fangre
18. Cwynion

#### RHAN 4

#### AMRYWIOL

19. Dirymu rheoliadau

#### ATODLEN 1

Gwybodaeth sydd i'w chynnwys yn y datganiad o ddiben

#### ATODLEN 2

Gwybodaeth sydd i'w chynnwys yn yr arweiniad plant

#### ATODLEN 3

Gwybodaeth y mae'n ofynnol ei chael ynglŷn â phersonau sy'n dymuno rheoli neu weithio at ddibenion y gwasanaeth mabwysiadu

#### ATODLEN 4

Cofnodion sydd i gael eu cadw ynghylch pob person sy'n gweithio at ddibenion y gwasanaeth mabwysiadu

Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddwyd iddo gan adrannau 9(1) a (3), 10 a 140(1) o Ddeddf Mabwysiadu a Phlant 2002(1) ac adrannau 50, a 118(1) a (5) i (7) o Ddeddf Safonau Gofal 2000(2) drwy hyn yn gwneud y Rheoliadau a ganlyn:-

11. Staffing
12. Fitness of workers
13. Employment of staff
14. Staff disciplinary procedure
15. Arrangements for the absence of manager
16. Records with respect to staff
17. Fitness of premises
18. Complaints

#### PART 4

#### MISCELLANEOUS

19. Revocation of regulations

#### SCHEDULE 1

Information to be included in the statement of purpose

#### SCHEDULE 2

Information to be included in the children's guide

#### SCHEDULE 3

Information required in respect of persons seeking to manage or work for the purposes of the adoption service

#### SCHEDULE 4

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

The National Assembly for Wales in exercise of the powers conferred upon it by sections 9(1) and (3), 10 and 140(1) of the Adoption and Children Act 2002(1) and sections 50 and 118(1) and (5) to (7) of the Care Standards Act 2000(2) hereby makes the following Regulations:-

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(1) 2002 p.38.

(2) 2000 p.14.

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(1) 2002 c.38.

(2) 2000 c.14.

## RHAN 1

### CYFFREDINOL

#### Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaeth Mabwysiadu Awdurdodau Lleol (Cymru) 2005 a deuant i rym ar 30 Rhagfyr 2005.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

#### Dehongli

2.-(1) Yn y Rheoliadau hyn-

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

ystyr "cynghorydd gwasanaethau cymorth mabwysiadu" ("*adoption support services advisor*") yw'r person a benodir yn unol â rheoliad 6 o'r Rheoliadau Gwasanaethau Cymorth Mabwysiadu (Awdurdodau Lleol) (Cymru) 2005(1);

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

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

Mae i "gwarcheidwad" yr ystyr a roddir i "*guardian*" yn adran 5 o Ddeddf Plant 1989;

ystyr "gwasanaeth mabwysiadu" ("*adoption service*") yw cyflawni gan awdurdod lleol swyddogaethau mabwysiadu perthnasol o fewn ystyr adran 43(3)(a) o Ddeddf Safonau Gofal 2000;

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

ystyr "swyddfa briodol" ("*appropriate office*") mewn cysylltiad â gwasanaeth mabwysiadu awdurdod lleol yw-

- (a) os oes swyddfa sydd dan reolaeth y Cynulliad Cenedlaethol wedi cael ei phennu ganddo fel y swyddfa briodol mewn cysylltiad â'r awdurdod lleol hwnnw, y swyddfa honno;
- (b) yn unrhyw achos arall unrhyw un o swyddfeydd y Cynulliad Cenedlaethol.

(2) Yn y Rheoliadau hyn, mae cyfeiriad-

- (a) at reoliad â rhif neu Atodlen yn gyfeiriad at y rheoliad sy'n dwyn y rhif hwnnw yn y Rheoliadau hyn neu at Atodlen iddynt;
- (b) mewn rheoliad neu Atodlen i baragraff â rhif, yn gyfeiriad at y paragraff yn y rheoliad

## PART 1

### GENERAL

#### Title, commencement and application

1.-(1) The title of these Regulations is the Local Authority Adoption Service (Wales) Regulations 2005 and they come into force on 30 December 2005.

(2) These Regulations apply in relation to Wales.

#### 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;

"adoption support services advisor" ("*cynghorydd gwasanaethau cymorth mabwysiadu*") means the person appointed pursuant to regulation 6 of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005(1).

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

- (a) if an office controlled by the National Assembly has been specified by it as the appropriate office in relation to that local authority, 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;

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

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

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

(2) 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

hwinnw neu'r Atodlen honno sy'n dwyn y rhif hwinnw;

- (c) mewn paragraff o is-baragraff sy'n dwyn llythyren neu rif, yn gyfeiriad at yr is-baragraff yn y paragraff sy'n dwyn y rhif hwinnw neu'r llythyren honno.

(3) Yn y Rheoliadau hyn, onid yw'n ymddangos bod bwriad i'r gwrthwyneb, mae cyfeiriadau at gyflogi person yn cynnwys-

- (a) cyflogi person p'run ai am dâl ai peidio;
- (b) cyflogi person o dan contract gwasanaeth neu contract am wasanaethau; 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, o ran y gwasanaeth mabwysiadu, lunio datganiad ysgrifenedig (y cyfeirir ato yn y Rheoliadau hyn fel "datganiad o ddiben") a rhaid iddo gynnwys datganiad ynghylch y materion a restrir yn Atodlen 1.

(2) Rhaid i'r awdurdod anfon copi o'r datganiad o ddiben i'r Cynulliad Cenedlaethol a rhaid iddo beri bod copi ohono ar gael, o ofyn amdano, i'w archwilio gan-

- (a) plant y caniateir eu mabwysiadu, eu rhieni a'u gwarcheidwaid;
- (b) personau sy'n dymuno mabwysiadu plentyn;
- (c) personau sydd wedi eu mabwysiadu, eu rhieni, eu rhieni naturiol a'u cyn-warcheidwaid;
- (ch) personau sy'n dymuno cael asesiad o'u hanghenion ar gyfer darpariaeth o wasanaethau cymorth mabwysiadu gan yr awdurdod;
- (d) pob person sy'n gweithio at ddibenion y gwasanaeth mabwysiadu.

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

(4) Nid oes dim ym mharagraff (3) yn ei gwneud yn ofynnol nac yn awdurdodi awdurdod i dorri neu i beidio â chydymffurfio ag unrhyw ddarpariaeth arall yn y Rheoliadau hyn.

### **Yr 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 ynghylch y materion a restrir yn Atodlen 2.

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.

(3) 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 are to 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 must 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 must 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) persons who are seeking an assessment of their needs for the provision of adoption support services by the authority;
- (e) every person working for the purposes of the adoption service.

(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) requires or authorises the authority to contravene, or not to 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 must consist of a statement as to the matters listed in Schedule 2.

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

- (a) y Cynulliad Cenedlaethol;
- (b) pob darpar fabwysiad ydd y mae'r awdurdod wedi lleoli plentyn i'w fabwysiadu gydag ef; ac
- (c) pob plentyn (yn ddarostyngedig i oed a dealltwriaeth y plentyn hwnnw), y caniateir ei leoli neu sydd wedi cael ei leoli i'w fabwysiadu gan yr awdurdod.

### **Adolygu'r datganiad o ddiben a'r arweiniad plant**

5. Rhaid i bob awdurdod lleol-

- (a) barhau i adolygu, a phan fydd yn briodol, ddiwygio'r datganiad o ddiben a'r arweiniad plant; a
- (b) hysbysu'r Cynulliad Cenedlaethol o unrhyw ddiwygiadau o'r fath o fewn 28 niwrnod.

## **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 ar unwaith o-

- (a) enw'r person a benodwyd yn unol â'r rheoliad hwn; a
- (b) y dyddiad y bydd y penodiad yn cychwyn.

(2) Rhaid i'r awdurdod hysbysu'r Cynulliad Cenedlaethol ar unwaith os yw'r person a benodwyd o dan baragraff (1) yn peidio â rheoli'r gwasanaeth mabwysiadu.

#### **Ffitrwydd y rheolwr**

7.-(1) Dim ond person sy'n ffit i wneud hynny gaiff reoli gwasanaeth mabwysiadu.

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

- (a) yn meddu gonestrwydd a chymeriad da;
- (b) o ystyried maint yr awdurdod a'i ddatganiad o ddiben-
  - (i) yn meddu'r cymwysterau, y medrau a'r profiad angenrheidiol ar gyfer rheoli'r gwasanaeth mabwysiadu; a

(2) The authority must 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 the age and understanding of that child), 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 its officers to manage the adoption service and must 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.

#### **Fitness of manager**

7.-(1) Only a person who is fit to do so may manage an adoption service.

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

- (a) is of integrity and good character;
- (b) having regard to the size of the authority and its statement of purpose-
  - (i) has the qualifications, skills and experience necessary for managing the adoption service; and



- (ii) yn ffit yn gorfforol ac yn feddyliol i reoli'r gwasanaeth mabwysiadu; ac oni bai
- (c) bod gwybodaeth lawn a boddhaol ar gael ynghylch y person hwnnw ynglŷn â phob un o'r materion a bennir yn Atodlen 3.

### **Gofynion cyffredinol**

**8.**-(1) Rhaid i'r rheolwr, o ystyried-

- (a) maint yr awdurdod lleol a'i ddatganiad o ddiben; a
- (b) yr angen i ddiogelu a hybu lles plant y caniateir eu lleoli, neu sydd wedi cael eu lleoli i'w mabwysiadu gan yr awdurdod,
- (c) reoli'r gwasanaeth mabwysiadu gyda gofal, cymhwysedd a medrusrwydd digonol.

(2) Rhaid i'r rheolwr o bryd i'w gilydd ymgymryd â hyfforddiant priodol er mwyn sicrhau bod ganddo'r profiad a'r medrau angenrheidiol i reoli'r gwasanaeth mabwysiadu.

### **Hysbysu tramgwyddau**

**9.** Rhaid i reolwr a gollfarnir o unrhyw dramgwydd troseddol, boed yng Nghymru neu mewn man arall, hysbysu'r Cynulliad Cenedlaethol yn ysgrifenedig ar unwaith o-

- (a) dyddiad a man y gollfarn;
- (b) y tramgwydd; ac
- (c) y gosb a osodwyd am y tramgwydd.

## **RHAN 3**

### **DULL RHEOLI GWASANAETH MABWYSIADU AWDURDOD LLEOL**

#### **Trefniadau ar gyfer amddiffyn plant**

**10.** Rhaid i bob awdurdod lleol baratoi a rhoi ar waith bolisi ysgrifenedig-

- (a) y bwriedir iddo ddiogelu pob plentyn a leolir i'w fabwysiadu gan yr awdurdod, neu bob plentyn sy'n cael derbyn gwasanaethau cymorth mabwysiadu gan yr awdurdod neu sydd yn derbyn gwasanaethau cymorth mabwysiadu gan yr awdurdod rhag camdriniaeth neu esgeulustod; a
- (b) sy'n gosod allan y weithdrefn y mae'n rhaid ei dilyn os digwydd unrhyw honiadau o gamdriniaeth neu esgeulustod.

- (ii) is physically and mentally fit to manage the adoption service; and
- (c) full and satisfactory information is available in relation to that person 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,
- (c) manage the adoption service with sufficient care, competence and skill.

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

### **Notification of offences**

**9.** A manager who is convicted of any criminal offence, whether in Wales or elsewhere, must give immediate notice in writing to the National Assembly of-

- (a) the date and place of the conviction;
- (b) the offence; and
- (c) the penalty imposed 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 every child placed for adoption by or who may receive or is receiving adoption support services from the authority; and
- (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.



## Staffio

11. Rhaid i bob awdurdod lleol sicrhau fod, gan ystyried-

- (a) maint yr awdurdod a'i ddatganiad o ddiben; a
- (b) yr angen i ddiogelu a hybu iechyd a lles plant y caniateir eu lleoli i'w mabwysiadu gan yr awdurdod, neu blant sydd wedi cael eu lleoli i'w mabwysiadu gan yr awdurdod, neu blant y caniateir iddynt dderbyn gwasanaethau cymorth mabwysiadu gan yr awdurdod neu blant sydd yn derbyn gwasanaethau cymorth mabwysiadu gan yr awdurdod,

digon o bersonau â'r cymwysterau addas, sy'n gymwys ac yn brofiadol, yn gweithio at ddibenion y gwasanaeth mabwysiadu.

## Ffitrwydd gweithwyr

12.-(1) Rhaid i awdurdod lleol beidio ag-

- (a) cyflogi person i weithio at ddibenion gwasanaeth mabwysiadu oni bai bod y person hwnnw yn ffit i weithio at ddibenion gwasanaeth mabwysiadu; na
- (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, heblaw gan yr awdurdod, mewn swydd lle caiff y person hwnnw, wrth wneud ei ddyletswyddau, ddod i gysylltiad rheolaidd â phlant y caniateir eu lleoli i'w mabwysiadu gan yr awdurdod, neu sydd wedi cael eu lleoli i'w mabwysiadu gan yr awdurdod, neu y caniateir iddynt dderbyn gwasanaethau cymorth mabwysiadu gan yr awdurdod, neu sydd yn derbyn gwasanaethau cymorth mabwysiadu gan yr awdurdod.

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

- (a) yn addas o ran ei onestrwydd a'i gymeriad da;
- (b) yn meddu'r cymwysterau, y medrau a'r profiad sy'n angenrheidiol ar gyfer y gwaith y bydd y person hwnnw yn ei wneud;
- (c) yn gorfforol ac yn feddyliol yn ffit ar gyfer y gwaith y bydd y person hwnnw yn ei wneud; ac oni bai
- (ch) bod gwybodaeth lawn a boddhaol ar gael ynghylch y person hwnnw ynglyn â phob un o'r materion a bennir yn Atodlen 3.

(4) Rhaid i'r awdurdod gymryd camau rhesymol i sicrhau bod unrhyw berson sy'n gweithio at ddibenion y gwasanaeth mabwysiadu nad ydynt yn cael eu cyflogi gan yr awdurdod ac nad yw paragraff (2) yn

## 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 or who may receive or are receiving adoption support services from 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 employed, other than by the authority in a position in which that person may in the course of that person's duties have regular contact with children who may be, or have been placed for adoption by or who may receive or are receiving adoption support services from 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 that person-

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

(4) The authority must take reasonable steps to ensure that any persons working for the purposes of the adoption service who are not employed by the authority and to whom paragraph (2) does not apply

gymwys iddynt yn cael eu goruchwylio'n briodol pan maent yn cyflawni eu dyletswyddau.

### **Cyflogi staff**

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

- (a) sicrhau bod pob penodiad parhaol a wneir gan yr awdurdod at ddibenion y gwasanaeth mabwysiadu yn ddarostyngedig i gwblhau cyfnod prawf yn foddhaol; a
- (b) ddarparu swydd-ddisgrifiad sy'n amlinellu eu cyfrifoldebau i bob cyflogai sy'n cael ei gyflogi gan yr awdurdod at ddibenion eu gwasanaeth mabwysiadu.

(2) Rhaid i'r awdurdod sicrhau fod pob person a gyflogir gan yr awdurdod at ddibenion y gwasanaeth mabwysiadu-

- (a) yn derbyn hyfforddiant, goruchwyliaeth ac arfarnu priodol; a
- (b) yn cael cyfle o bryd i'w gilydd i ennill cymwysterau pellach sy'n briodol i'r gwaith y maent yn ei wneud.

### **Gweithdrefn disgyblu staff**

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

- (a) yn darparu ar gyfer atal dros dro gyflogai os bydd angen gwneud hynny o ystyried diogelwch neu les plant y caniateir eu lleoli i'w mabwysiadu gan yr awdurdod neu sydd wedi cael eu lleoli i'w mabwysiadu gan yr awdurdod neu y caniateir iddynt dderbyn gwasanaethau cymorth mabwysiadu gan yr awdurdod neu sy'n derbyn gwasanaethau cymorth mabwysiadu gan yr awdurdod.
- (b) yn darparu bod methiant ar ran cyflogai i hysbysu person priodol o ddigwyddiad cam-drin, neu achos lle mae amheuaeth o gam-drin plentyn sydd wedi cael ei leoli i'w fabwysiadu gan yr awdurdod neu y caniateir ei leoli i'w fabwysiadu gan yr awdurdod neu y caniateir iddo dderbyn gwasanaethau cymorth mabwysiadu gan yr awdurdod neu sy'n derbyn gwasanaethau cymorth mabwysiadu gan yr awdurdod yn sail y gellir cychwyn achos disgyblu arni.

(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) un o swyddogion yr awdurdod lleol dros yr ardal y mae'r plentyn wedi ei leoli i'w

are appropriately supervised while carrying out their duties.

### **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 or who may receive or are receiving adoption support services from 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 who has been or may be placed for adoption by or who may receive or is receiving adoption support services from 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

fabwysiadu ynddi pan fo hwnnw'n awdurdod gwahanol.

different authority.

### **Trefniadau ar gyfer absenoldeb y rheolwr**

15. Rhaid i bob awdurdod lleol sefydlu system i sicrhau bod person dynodedig yn gyfrifol am reoli'r gwasanaethau mabwysiadu pan mae'r rheolwr yn absennol, neu'n bwriadu bod yn absennol, o'r awdurdod lleol am gyfnod parhaus o 28 niwrnod neu fwy tan yr amser y bydd y rheolwr yn dychwelyd i'r gwasanaeth mabwysiadu neu (yn ôl y digwydd) bod rheolwr newydd yn cael ei benodi gan yr awdurdod.

### **Cofnodion ynglŷn â staff**

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

(2) Rhaid rhoi'r cofnodion a bennir ym mharagraff (1) ar gadw am o leiaf 15 mlynedd o dyddiad y cofnod diwethaf.

### **Ffitrwydd y fangre**

17.-(1) Rhaid i'r awdurdod lleol beidio â defnyddio mangre at ddibenion ei wasanaeth mabwysiadu oni bai bod y fangre yn addas at ddibenion cyflawni'r nodau a'r amcanion a geir yn y datganiad o ddiben.

(2) Rhaid i'r awdurdod sicrhau-

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

### **Cwynion**

18. Rhaid i bob awdurdod lleol-

- (a) sicrhau bod cofnod ysgrifenedig yn cael ei wneud o unrhyw gwyn, gan gynnwys manylion yr ymchwiliad a wnaed, y canlyniad ac unrhyw beth a wnaed o ganlyniad iddo, a bod y cofnod yn cael ei roi dan gadw am o leiaf 3 blynedd ar ôl y dyddiad y'i gwnaed; a
- (b) roi i'r Cynulliad Cenedlaethol, os bydd y Cynulliad Cenedlaethol yn gofyn amdano, ddatganiad sy'n cynnwys crynodeb o unrhyw gwynion a wnaed ynglŷn â'u gwasanaeth mabwysiadu yn ystod y 12 mis blaenorol a'r hyn a wnaed (os gwnaed unrhyw beth) oherwydd canlyniad yr ymchwiliad.

### **Arrangements for the absence of manager**

15. Each local authority must establish a system to ensure that where the manager proposes to be or is 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 specified in paragraph (1) must 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.

## AMRYWIOL

## MISCELLANEOUS

**Dirymu Rheoliadau**

**19.**-(1) Yn ddarostyngedig i baragraff (2), mae'r Rheoliadau Gwasanaeth Mabwysiadu Awdurdodau Lleol a Diwygiadau Amrywiol (Cymru) 2003(1) ("Rheoliadau 2003") yn cael eu dirymu.

(2) Nid yw Paragraff (1) yn effeithio ar y diwygiadau a wnaed i'r Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002(2) ac i'r Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Ffioedd) (Cymru) 2002(3) gan reoliadau 19 a 20 o Reoliadau 2003, yn eu trefn.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(4).

8 Tachwedd 2005

Llywydd y Cynulliad Cenedlaethol

**Revocation of regulations**

**19.**-(1) Subject to paragraph (2), the Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003(1) ("the 2003 Regulations") are revoked.

(2) Paragraph (1) does not affect the amendments made to the Registration of Social Care and Independent Health Care (Wales) Regulations 2002(2) and to the Registration of Social Care and Independent Healthcare (Fees) (Wales) Regulations 2002(3) by regulations 19 and 20 of the 2003 Regulations, respectively.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4).

8 November 2005

The Presiding Officer of the National Assembly

*D. Elis-Thomas*

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(1) O.S. 2003/710.

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

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

(4) 1998 p.38.

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(1) S.I. 2003/710.

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

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

(4) 1998 c.38.

## ATODLEN 1

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

#### Rheoliad 3(1)

1. Nodau ac amcanion yr awdurdod lleol o ran y gwasanaeth mabwysiadu, gan gynnwys achosion yn ymwneud â mabwysiadu rhwng gwledydd.

2. Y trefniadau y mae'r awdurdod lleol eisoes wedi eu gwneud i asesu ac i wneud darpariaeth ar gyfer gwasanaethau cymorth mabwysiadu.

3. Enw a chyfeiriad y rheolwr.

4. Cymwysterau a phrofiad perthnasol y rheolwr.

5. Nifer, cymwysterau perthnasol a phrofiad y staff a gyflogir gan yr awdurdod at ddibenion gwasanaeth mabwysiadu'r awdurdod.

6. Strwythur trefniadol y gwasanaeth mabwysiadu.

7. Y system sydd wedi'i sefydlu i fonitro a gwerthuso gwaith darparu'r gwasanaethau er mwyn sicrhau bod y gwasanaethau sy'n cael eu darparu gan yr awdurdod yn effeithiol a bod ansawdd y gwasanaeth mabwysiadu o safon briodol.

8. Y gweithdrefnau ar gyfer recriwtio, paratoi, asesu, cymeradwyo a chefnogi darpar rieni mabwysiadol.

9. Manylion y cynghorydd gwasanaethau cymorth mabwysiadu a'r gweithdrefnau am asesiadau ar gyfer gwasanaethau cymorth mabwysiadu a'r ddarpariaeth ohonynt.

10. Crynodeb o'r weithdrefn gwynion a sefydlwyd yn unol ag adran 26 o Ddeddf Plant 1989(1), Gorchymyn Gwasanaethau Cymdeithasol Awdurdodau Lleol (Gweithdrefn Cwynion) 1990(2) ac adran 114 o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003(3).

11. Cyfeiriad a rhif ffôn y swyddog priodol o'r Cynulliad Cenedlaethol.

## SCHEDULE 1

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

#### Regulation 3(1)

1. The aims and objectives of the local authority in relation to the adoption service, including cases involving intercountry adoption.

2. The arrangements that the local authority has put in place to assess and make provision for adoption support services.

3. The name and address of the manager.

4. The relevant qualifications and experience of the manager.

5. The number, relevant qualifications and experience of the staff employed by the authority for the purposes of the authority's adoption service.

6. The organisational structure of the adoption service.

7. 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.

8. The procedures for recruiting, preparing, assessing, approving and supporting prospective adoptive parents.

9. Details of the adoption support service advisor and the procedures for the assessment for and provision of adoption support services.

10. A summary of the complaints procedures established in accordance with section 26 of the Children Act 1989(1), the Local Authority Social Services (Complaints Procedure) Order 1990 (2) and section 114 of the Health and Social Care (Community Health and Standards) Act 2003(3).

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

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(1) 1989 p.41.

(2) O.S.1990/2244.

(3) 2003 (p.43).

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(1) 1989 c.41.

(2) S.I.1990/2244.

(3) 2003(c.43).

## ATODLEN 2

### YR WYBODAETH SYDD I'W CHYNNWYS YN YR ARWEINIAD I BLANT

#### Rheoliad 4(1)

1. Crynodeb o'r datganiad o ddiben.
2. Crynodeb o'r gweithdrefnau pan gaiff mabwysiad ei ddynodi fel y cynllun priodol ar gyfer y plentyn.
3. Gwybodaeth ynglŷn â swyddogaeth y cynghorydd gwasanaethau cymorth mabwysiadu a chrynodeb o'r gweithdrefnau i geisio asesiad ar gyfer darpariaeth o wasanaethau cymorth mabwysiadu.
4. Crynodeb o'r gweithdrefnau cwynion a sefydlwyd yn unol ag adran 26 o Ddeddf Plant 1989, Gorchymyn Gwasanaethau Cymdeithasol Awdurdodau Lleol (Gweithdrefn Cwynion) 1990 ac adran 114 o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003.
5. Manylion o sut y gall plentyn gael at wasanaethau eiriolwr sy'n annibynnol ar yr awdurdod i'w gynorthwyo i wneud cwyn neu i wneud sylw o dan y gweithdrefnau cwynion y cyfeirir atynt ym mharagraff 4.
6. Cyfeiriad a rhif ffôn y swyddog priodol o'r Cynulliad Cenedlaethol.
7. Enw, cyfeiriad a rhif ffôn Comisiynydd Plant Cymru.

## SCHEDULE 2

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

#### Regulation 4(1)

1. A summary of the statement of purpose.
2. A summary of the procedures where adoption is identified as the appropriate plan for the child.
3. Information about the role of the adoption support services advisor and a summary of the procedures for seeking an assessment for the provision of adoption support services.
4. A summary of the complaints procedures established in accordance with section 26 of the Children Act 1989, the Local Authority Social Services (Complaints Procedure) Order 1990 and section 114 of the Health and Social Care (Community Health and Standards) Act 2003.
5. Details of how a child may have access to the services of an advocate who is independent of the authority to assist him or her in bringing a complaint or making a representation under the complaints procedures referred to in paragraph 4.
6. The address and telephone number of the appropriate office of the National Assembly.
7. The name, address and telephone number of the Children's Commissioner for Wales.



### ATODLEN 3

#### YR WYBODAETH Y MAE'N OFYNNOL EI CHAEL AM BERSONAU SY'N DYMUNO RHEOLI NEU WEITHIO AT DDIBENION Y GWASANAETH MABWYSIADU

Rheoliadau 7(2)(c) ac 12(3)(ch)

1. Prawf o bwy yw'r person gan gynnwys ffotograff diweddar.

2. Naill ai-

- (a) pan fo'r swydd yn dod o fewn adran 115(3) o Ddeddf yr Heddlu 1997(1), tystysgrif fanwl a ddyroddwyd o dan adran 115 o'r Ddeddf honno y mae llai na thair blynedd mewn cysylltiad â hi wedi mynd heibio ers iddi gael ei dyroddi; neu
- (b) mewn unrhyw achos arall tystysgrif cofnod troseddol a ddyroddwyd o dan adran 113 o Ddeddf yr Heddlu 1997 ac y mae llai na thair blynedd wedi mynd heibio mewn cysylltiad â hi ers iddi gael ei dyroddi, gan gynnwys, i'r graddau a ganiatawyd o dan Ddeddf yr Heddlu 1997, y materion a bennir yn adran 113(3A) neu 115(6A) o'r Ddeddf honno.

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

4. Pan fo person wedi gweithio o'r blaen mewn swydd yr oedd ei dyletswyddau'n cynnwys gweithio gyda phlant neu 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 yn y gyflogaeth.

### SCHEDULE 3

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

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

1. Proof of identity including a recent photograph.

2. Either-

- (a) where the position falls within section 115(3) of the Police Act 1997(1), an enhanced certificate issued under section 115 of that Act in respect of which less than three years have elapsed since it was issued; or
- (b) in any other case, a criminal record certificate issued under section 113 of the Police Act 1997 in respect of which less than three years have elapsed since it was issued, including, to the extent permitted under the Police Act 1997, the matters specified in section 113(3A) or 115(6A) of that Act.

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.

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(1) 1997 c.

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(a) 1997 c.



## ATODLEN 4

### Y COFNODION SYDD I'W CADW YNGHYLCH POB PERSON SY'N GWEITHIO AT DDIBENION Y GWASANAETH MABWYSIADU

#### Rheoliad 16(1)

Cofnod sy'n cynnwys ar gyfer pob person sy'n gweithio i'r awdurdod lleol-

1. Enw llawn.
2. Rhyw.
3. Dyddiad geni.
4. Cyfeiriad cartref.
5. Cymwysterau sy'n berthnasol i waith sy'n ymwneud â phlant, a phrofiad o waith o'r fath.
6. Y dyddiad 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 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 neu'n cael ei gontractio i weithio i wasanaeth mabwysiadu'r awdurdod bob wythnos.
9. Yr hyfforddiant y mae'r person wedi ymgymryd ag ef, goruchwylio, arfarnu, y camau disgyblu (os o gwbl) a wnaed yn ei erbyn a chanlyniad y camau hynny, cofnodion cwynion (os o gwbl) a wnaed yn ei erbyn a chanlyniad y gwyn honno ac unrhyw gofnodion eraill mewn cysylltiad â'i gyflogaeth.

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ON

## SCHEDULE 4

### RECORDS TO BE KEPT IN RELATION TO EACH PERSON WORKING FOR THE PURPOSES OF THE ADOPTION SERVICE

#### Regulation 16(1)

A record including in respect of each person working for the local 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.

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