



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 3365 (Cy.262)

2005 No. 3365 (W.262)

**GOFAL CYMDEITHASOL,
CYMRU**

**SOCIAL CARE,
WALES**

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Rheoliadau Gweithdrefn Sylwadau
(Plant) (Cymru)
2005

The Representations Procedure
(Children) (Wales) Regulations
2005

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 dirymu ac yn disodli Rheoliadau Gweithdrefn Sylwadau (Plant) 1991 i adlewyrchu'r newidiadau a wnaed gan Ddeddf Mabwysiadu a Phlant 2002 a Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 i'r darpariaethau ar gyfer y gweithdrefnau o dan Ddeddf Plant 1989 (y Ddeddf) ar gyfer ystyried sylwadau, gan gynnwys cwynion.

These Regulations revoke and replace the 1991 Representations Procedure (Children) Regulations to reflect the changes made by the Adoption and Children Act 2002 and the Health and Social Care (Community Health and Standards) Act 2003 to the provisions for the procedures under the Children Act 1989 (the Act) for considering representations, including complaints.

Y canlynol yw'r prif wahaniaethau rhwng y gweithdrefnau a sefydlwyd o dan Reoliadau 1991 a'r rhai a sefydlir o dan y Rheoliadau hyn: estyn swyddogaethau awdurdodau lleol y gellir gwneud sylwadau arnynt o dan adran 26 (maent wedi'u cyfyngu hyd yn hyn i swyddogaethau o dan Ran 3 o'r Ddeddf)(rheoliad 7); cyflwyno gofyniad am i awdurdodau lleol geisio penderfynu'n anffurfiol ar yr holl sylwadau o dan weithdrefn y Ddeddf (ar hyn o bryd dim ond i sylwadau a wneir o dan adran 24D y mae penderfynu'n lleol yn gymwys) (rheoliad 15); a dileu'r cam o'r weithdrefn y mae panel ynghlwm wrtho (caniateir yn lle hynny ystyriaeth bellach o sylwadau achwynwyr gan banel annibynnol a sefydlir o dan reoliadau ar wahân a wneir o dan adran 26ZB o'r Ddeddf).

The major differences between the procedures established under the 1991 Regulations and those established under these Regulations are: extension of local authority functions about which representations can be made under section 26 (they are previously limited to functions under Part 3 of the Act)(regulation 7); introduction of a requirement on local authorities to attempt informal resolution of all representations under the Act procedure (presently local resolution only applies to representations made under section 24D) (regulation 15); and removal of the panel stage of the procedure (complainants may instead have their representations further considered by an independent panel established under separate regulations made under section 26ZB of the Act).

Mae rheoliad 4 yn ei gwneud yn ofynnol i'r awdurdod lleol ddynodi swyddog hyn a chanddo

Regulation 4 requires the local authority to designate a senior officer with responsibilities in relation to

gyfrifoldebau mewn perthynas â sylwadau ac mae rheoliad 5 yn ei gwneud yn ofynnol i'r awdurdod lleol benodi swyddog cwynion.

Mae rheoliad 6 yn gosod gofynion o ran hyfforddi staff awdurdod lleol.

Mae rheoliad 8 yn sefydlu gweithdrefn ar gyfer ystyried sut y mae'n rhaid ymdrin â sylwadau pan fo person neu gorff arall yn eu hystyried ar yr un pryd. Mae hyn y caniatáu i'r awdurdod lleol atal ystyriaeth dros dro pe byddai parhau â hi'n peryglu neu'n rhagfarnu'r ystyriaeth arall. Mae rheoliad 9 yn darparu ar gyfer penderfynu pa awdurdod lleol fydd yn ystyried sylwadau pan fo mwy nag un yn ymwneud â'r mater.

Caniateir gwneud sylwadau ar lafar neu'n ysgrifenedig (rheoliad 11) a chaniateir eu tynnu'n ôl ar lafar neu'n ysgrifenedig (rheoliad 14).

Un o'r categorïau o bobl a gaiff wneud sylwadau o dan adran 26 o Ddeddf 1989, yn unol ag adran 26(3)(e), yw unrhyw bersonau eraill (ond nid y plentyn, y rhiant, y rhiant maeth neu berson â chyfrifoldeb rhiant dros y plentyn) y mae ganddynt, ym marn yr awdurdod lleol, fuddiant digonol yn lles y plentyn i warantu bod sylw'r person hwnnw'n cael ei ystyried gan yr awdurdod. Mae rheoliad 13 yn ei gwneud yn ofynnol i'r awdurdod lleol benderfynu a oes gan yr achwynydd fuddiant digonol o'r fath ac iddo hysbysu'r achwynydd a'r plentyn os yn briodol o'r penderfyniad hwnnw.

Mae rheoliad 16 yn sefydlu'r weithdrefn ar gyfer ystyriaeth ffurfiol o'r sylwadau pan na chafwyd penderfyniad lleol o dan reoliad 15. Rhaid i'r weithdrefn o dan reoliad 16 gynnwys person annibynnol a benodir o dan reoliad 17; nid oes angen i'r weithdrefn o dan reoliad 15 gynnwys y person annibynnol.

Mae rheoliad 18 yn nodi'r gofynion mewn perthynas â'r ymateb sydd i'w anfon gan yr awdurdod lleol gan gynnwys ymateb ynghylch hawl yr achwynydd i ofyn am i banel annibynnol ystyried y sylwadau ymhellach o dan y weithdrefn a sefydlir o dan adran 26ZB o'r Ddeddf.

Mae rheoliad 19 yn nodi sut y mae awdurdodau lleol i fonitro'r trefniadau y maent wedi'u gwneud a hynny gyda'r bwriad o sicrhau eu bod yn cydymffurfio â'r Rheoliadau.

representations and regulation 5 requires the local authority to appoint a complaints officer.

Regulation 6 imposes requirements as to training of local authority staff.

Regulation 8 establishes a procedure for consideration of how representations shall be dealt with where there is a concurrent consideration by another person or body. This allows for the local authority to suspend consideration temporarily where to continue would compromise or prejudice the other consideration. Regulation 9 provides for determination of which local authority will consider representations where more than one is involved.

Representations may be made orally or in writing (regulation 11) and may be withdrawn orally or in writing (regulation 14).

One of the categories of people who may make representations under section 26 of the 1989 Act are, by section 26(3)(e) such other persons (not being the child, parent, foster parent or person with parental responsibility for the child) as the local authority consider has a sufficient interest in the child's welfare to warrant that person's representation being considered by the authority. Regulation 13 requires the local authority to decide whether the complainant has such sufficient interest and to notify that decision to the complainant and to the child if appropriate.

Regulation 16 establishes the procedure for formal consideration of the representations where there has been no local resolution achieved under regulation 15. The procedure under regulation 16 must involve an independent person appointed under regulation 17; the procedure under regulation 15 need not involve the independent person.

Regulation 18 sets out requirements in relation to the response to be sent by the local authority including as to the complainant's right to request further consideration of the representations by an independent panel under the procedure established under section 26ZB of the Act.

Regulation 19 sets out how local authorities are to monitor the arrangements they have made with a view to ensuring that they comply with the Regulations.

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Rheoliadau Gweithdrefn Sylwadau
(Plant) (Cymru)
2005

The Representations Procedure
(Children) (Wales) Regulations
2005

Wedi'u gwneud 6 Rhagfyr 2005

Made 6 December 2005

Yn dod i rym 1 Ebrill 2006

Coming into force 1 April 2006

TREFN Y RHEOLIADAU

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(1) 1989 p.41. Mae'r pwerau hyn yn arferadwy gan yr Ysgrifennydd Gwladol o ran Lloegr. Trosglwyddwyd y gwaith o arfer y pwerau o ran Cymru i Gynulliad Cenedlaethol Cymru yn rhinwedd erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) a'r cyfeiriad at Ddeddf Plant 1989 yn Atodlen 1 iddo.

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The National Assembly for Wales in exercise of the powers conferred upon it by sections 24D(1A), 24D(2), 26(3A)(b), 26(4A), 26(5), 26(5A), 26(6), 26A(3), 59(5) and 104(4) of, and Schedule 7, paragraph 6 to the Children Act 1989(1) hereby makes the following Regulations:-

(1) 1989 c.41. These powers are exercisable by the Secretary of State in relation to England. Their exercise in relation to Wales has been transferred to the National Assembly for Wales by virtue of article 2 of, and the entry for the Children Act 1989 in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

RHAN I
CYFFREDINOL

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Gweithdrefn Sylwadau (Plant) (Cymru) 2005 a deuant i rym ar 1 Ebrill 2006.

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

Dehongli

2.-(1) Yn y Rheoliadau hyn-

ystyr "achos disgyblu" ("*disciplinary proceedings*") yw unrhyw weithdrefn ar gyfer disgyblu cyflogeion a gaiff ei mabwysiadu gan awdurdod lleol;

ystyr "achwynydd" ("*complainant*") yw person sy'n gwneud sylwadau o dan adran 24D o'r Ddeddf neu berson sy'n dod o dan adran 26(a) i (e) o'r Ddeddf, neu berson sy'n gwneud sylwadau o dan baragraff 6 o Atodlen 7 i'r Ddeddf;

ystyr "awdurdod lleol" ("*local authority*") yw cyngor sir neu gyngor bwrdeistref sirol;

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

ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Mabwysiadu a Phlant 2002(1);

ystyr "diwrnod gwaith" ("*working day*") yw diwrnod nad yw'n ddydd Sadwrn, yn ddydd Sul, yn Ddydd Nadolig, yn Ddydd San Steffan, yn Ddydd Gwener y Groglith, neu'n ddiwrnod sy'n wyl y banc o dan Ddeddf Bancio a Thrafodion Ariannol 1971(2);

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

ystyr "eiriolwr" ("*advocate*") yw person sy'n darparu cymorth o dan drefniadau a wneir gan awdurdod lleol o dan adran 26A(1) o'r Ddeddf;

ystyr "person annibynnol" ("*independent person*") yw'r person, ac yntau heb fod yn un o aelodau nac yn un o swyddogion yr awdurdod lleol, sy'n cymryd rhan yn yr ystyriaeth o'r sylwadau ac mewn unrhyw drafodaethau dilynol, yn unol ag adran 26(4) o'r Ddeddf;

ystyr "Rheoliadau 1991" ("*the 1991 Regulations*") yw Rheoliadau Gweithdrefn Sylwadau (Plant) 1991(3);

(1) 2002 p.38.

(2) 1971 p.80.

(3) O.S. 1991/894; yr offerynnau diwygio perthnasol yw O.S. 1991/2033, 2001/2874.

PART I
GENERAL

Title, commencement and application

1.-(1) The title of these Regulations is the Representations Procedure (Children) (Wales) Regulations 2005 and they come into force on 1 April 2006.

(2) These Regulations apply in relation to Wales.

Interpretation

2.-(1) In these Regulations-

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

"the 2002 Act" ("*Deddf 2002*") means the Adoption and Children Act 2002(1);

"the 1991 Regulations" ("*Rheoliadau 1991*") means the Representations Procedure (Children) Regulations 1991(2);

"advocate" ("*eiriolwr*") rmeans a person who provides assistance under arrangements made by a local authority under section 26A(1) of the Act;

"the Advocacy Services Regulations" ("*y Rheoliadau Gwasanaethau Eirioli*") means the Representations Procedure and Advocacy Services (Children) (Wales) Regulations 2004(3);

"appropriate office" ("*swyddfa briodol*") means in relation to an establishment or agency-

(a) if an office has been specified under regulation 10(3) for the area in which the establishment or agency is situated, that office;

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

"complainant" ("*achwynydd*") means a person making representations under section 24D of the Act or a person falling within 26(a) to (e) of the Act, or a person making representations under paragraph 6 of Schedule 7 to the Act;

"complaints officer" ("*swyddog cwynion*") means the person appointed under regulation 5;

"to consider representations" ("*ystyried sylwadau*") means to consider representations under the procedure set out in these Regulations;

"disciplinary proceedings" ("*achos disgyblu*") means any procedure for disciplining employees adopted by a local authority;

(1) 2002 c.38.

(2) S.I. 1991/894; relevant amending instruments are S.I. 1991/2033, 2001/2874.

(3) S.I. 2004/1448 (W.148).

ystyr "y Rheoliadau Gwasanaethau Eirioli" ("*the Advocacy Services Regulations*") yw Rheoliadau Gweithdrefn Sylwadau a Gwasanaethau Eirioli (Plant) (Cymru) 2004(1)";

ystyr "swyddfa briodol" ("*appropriate office*") mewn perthynas â sefydliad neu asiantaeth-

- (a) os yw swyddfa wedi'i phennu o dan reoliad 10(3) ar gyfer yr ardal lle y lleolir y sefydliad neu'r asiantaeth, yw y swyddfa honno;
- (b) mewn unrhyw achos arall, yw unrhyw un o swyddfeydd eraill y Cynulliad Cenedlaethol;

ystyr "swyddog cwynion" ("*complaints officer*") yw'r person a benodir o dan reoliad 5;

ystyr "sylwadau" ("*representations*") yw sylwadau o dan adran 24D neu adran 26 o'r Ddeddf neu baragraff 6(2) o Atodlen 7 iddi;

ystyr "ystyried sylwadau" ("*to consider representations*") yw ystyried sylwadau o dan y weithdrefn a geir yn y Rheoliadau hyn.

(2) Mae unrhyw hysbysiad sy'n ofynnol o dan y Rheoliadau hyn i'w roi'n ysgrifenedig a chaniateir ei anfon drwy'r post.

Egwyddorion cyffredinol o ran ymdrin â sylwadau

3.-(1) Rhaid i unrhyw weithdrefn sylwadau a sefydlir o dan y Ddeddf gael ei gweithredu'n unol â'r egwyddor y dylai lles yr achwynydd, pan wneir sylwadau gan berson y mae adran 24D neu 26(3)(a) yn gymwys iddo, gael ei ddiogelu a'i hybu.

(2) Pan ellir canfod beth ydynt, dylid ystyried dymuniadau a theimladau'r achwynydd.

RHAN II

SEFYDLU'R WEITHDREFN SYLWADAU

Uwch-swyddog â chyfrifoldeb am gwynion

4. Rhaid i bob awdurdod lleol ddynodi uwch-swyddog i fod yn gyfrifol am geisio sicrhau y cydymffurfir â'r trefniadau a wneir gan yr awdurdod lleol o dan y Rheoliadau hyn.

Swyddog cwynion

5.-(1) Rhaid i bob awdurdod lleol benodi person, y cyfeirir ato yn y Rheoliadau fel swyddog cwynion, i reoli'r gweithdrefnau ar gyfer ymdrin â'r sylwadau a'u hystyried ac yn benodol-

"independent person" ("*person annibynnol*") means the person, being neither a member nor officer of the local authority, who takes part in the consideration of the representations and in any subsequent discussions, in accordance with section 26(4) of the Act;

"local authority" ("*awdurdod lleol*") means a county council or county borough council;

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

"representations" ("*sylwadau*") means representations under section 24D or section 26 of, or paragraph 6(2) of Schedule 7 to, the Act;

"working day" ("*diwenod gwaith*") means a day except Saturday, Sunday, Christmas Day, Boxing Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(1).

(2) Any notice required under these Regulations is to be given in writing and may be sent by post.

General principles in handling representations

3.-(1) Any representations procedure set up under the Act must be operated in accordance with the principle that, where representations are made by a person to whom section 24D or 26(3)(a) applies, the welfare of the complainant should be safeguarded and promoted.

(2) Account should be taken of the ascertainable wishes and feelings of the complainant.

PART II

SETTING UP THE REPRESENTATIONS PROCEDURE

Senior officer responsible for complaints

4. Each local authority must designate a senior officer to be responsible for seeking to ensure compliance with the arrangements made by the local authority under these Regulations.

Complaints officer

5.-(1) Each local authority must appoint a person, in the Regulations referred to as a complaints officer, to manage the procedures for handling and considering representations and in particular-

(1) O.S. 2004/1448 (Cy.148).

(1) 1971 c.80.

- (a) i gyflawni swyddogaethau'r swyddog cwynion o dan y Rheoliadau hyn;
- (b) i gyflawni unrhyw swyddogaethau eraill a fynnir gan yr awdurdod lleol mewn perthynas â sylwadau; ac
- (c) i gydweithredu ag unrhyw bersonau neu gyrff eraill ag y gall fod yn angenrheidiol er mwyn ymchwilio i sylwadau.

(2) Caiff unrhyw berson a awdurdodir gan yr awdurdod lleol i weithredu ar ran y swyddog cwynion gyflawni swyddogaethau'r swyddog cwynion.

(3) Caniateir i swyddog cwynion-

- (a) bod yn berson nad yw'n un o gyflogwyr yr awdurdod lleol; a
- (b) cael ei benodi'n swyddog cwynion ar gyfer mwy nag un corff.

Gwybodaeth a hyfforddiant i staff

6. Rhaid i bob awdurdod lleol sicrhau y caiff ei staff eu hysbysu ynghylch gweithredu'r weithdrefn sylwadau ac y cânt eu hyfforddi'n briodol i'w gweithredu.

- (a) to perform the functions of the complaints officer under these Regulations;
- (b) to perform such other functions in relation to representations as the local authority may require; and
- (c) to co-operate with such other persons or bodies as may be necessary in order to investigate representations.

(2) The functions of the complaints officer may be performed by any person authorised by the local authority to act on behalf of the complaints officer.

(3) A complaints officer may be-

- (a) a person who is not an employee of the local authority; and
- (b) appointed as complaints officer for more than one body.

Information and training for staff

6. Each local authority must ensure that their staff are informed about and appropriately trained in the operation of the representations procedure.

RHAN III

NATUR A CHWMPAS Y WEITHDREFN SYLWADAU

Cwmpas y weithdrefn sylwadau

7. Mae swyddogaethau canlynol awdurdod lleol yn swyddogaethau cymwys at ddibenion adran 26(3) o'r Ddeddf-

- (a) swyddogaethau o dan adran 31;
- (b) swyddogaethau o dan adran 33;
- (c) swyddogaethau o dan adran 34;
- (ch) swyddogaethau o dan adran 35;
- (d) swyddogaethau o dan adran 43;
- (dd) swyddogaethau o dan adran 44; ac
- (e) swyddogaethau o dan adran 47.

Sylwadau darostyngedig i ystyriaeth gydredol

8.-(1) Pan fo sylwadau'n ymwneud ag unrhyw fater-

- (a) y mae'r achwynydd wedi datgan yn ysgrifenedig ei fod yn bwriadu dwyn achos mewn unrhyw lys neu dribiwnlys yn ei gylch, neu
- (b) y mae'r awdurdod lleol yn dwyn achos disgyblu neu'n bwriadu dwyn achos disgyblu yn ei gylch, neu

PART III

NATURE AND SCOPE OF THE REPRESENTATIONS PROCEDURE

Scope of the representations procedure

7. The following functions of a local authority are qualifying functions for the purposes of section 26(3) of the Act-

- (a) functions under section 31;
- (b) functions under section 33;
- (c) functions under section 34;
- (d) functions under section 35;
- (e) functions under section 43;
- (f) functions under section 44; and
- (g) functions under section 47.

Representations subject to concurrent consideration

8.-(1) Where representations relate to any matter-

- (a) about which the complainant has stated in writing that he or she intends to take proceedings in any court or tribunal, or
- (b) about which the local authority are taking or are proposing to take disciplinary proceedings, or

- (c) y mae'r awdurdod lleol wedi'i hysbysu bod ymchwiliad yn cael ei gynnal iddo gan unrhyw berson neu gorff gyda'r bwriad o ddwyn achos troseddol, neu
- (ch) y galwyd cyfarfod yn ei gylch o gyrff eraill gan gynnwys yr heddlu i drafod materion sy'n ymwneud ag amddiffyn plant neu oedolion hawdd eu niweidio, neu
- (d) yr hysbyswyd yr awdurdod lleol yn ei gylch, fod ymchwiliadau cyfredol yn mynd rhagddynt gyda'r bwriad o ddwyn achosion o dan adran 59 o Ddeddf Safonau Gofal 2000(1),

rhaid i'r awdurdod lleol ystyried, drwy ymgynghori â'r achwynydd ac ag unrhyw berson neu gorff arall y mae'n briodol ymgynghori ag ef ym marn yr awdurdod, sut y dylid ymdrin â'r sylwadau. Cyfeirir at sylwadau o'r fath at ddibenion y rheoliad hwn fel "sylwadau darostyngedig i ystyriaeth gydredol".

(2) Caniateir rhoi'r gorau i ystyried sylwadau darostyngedig i ystyriaeth gydredol os ymddengys i'r awdurdod lleol ar unrhyw adeg y byddai parhau i'w hystyried yn peryglu neu'n rhagfarnu'r ystyriaeth arall.

(3) Pan fydd yr awdurdod lleol yn penderfynu rhoi'r gorau i ystyried cwyn o dan baragraff (2) rhaid i'r awdurdod lleol hysbysu'r achwynydd o'r penderfyniad hwnnw.

(4) Pan fydd yr awdurdod lleol yn rhoi'r gorau i ystyried unrhyw sylwadau o dan baragraff (2), caiff fynd yn ôl i'w hystyried ar unrhyw adeg.

(5) Pan roddwyd y gorau i ystyried cwyn o dan baragraff (2) rhaid i'r awdurdod ganfod a yw'r ystyriaeth gydredol yn mynd rhagddi a rhaid iddo hysbysu'r achwynydd pan fydd wedi dod i ben.

(6) Rhaid i'r awdurdod lleol fynd yn ôl i ystyried unrhyw sylwadau pan roddir y gorau i'r ystyriaeth gydredol neu os daw'r ystyriaeth gydredol i ben a bod yr achwynydd yn gofyn am i'r sylwadau gael eu hystyried o dan y Rheoliadau hyn.

Sylwadau y mae'n dod i ran mwy nag un awdurdod lleol i'w hystyried

9. Pan fyddai'r sylwadau'n rhai y byddai'n dod i ran mwy nag un awdurdod lleol i'w hystyried, rhaid iddynt gael eu hystyried gan-

- (a) yr awdurdod sy'n gofalu neu a oedd yn gofalu am y plentyn y mae'r sylwadau'n ymwneud ag ef neu a oedd yn gofalu am y cyn-blentyn y mae'r sylwadau'n ymwneud ag ef; neu

- (c) about which the local authority have been notified that an investigation is being conducted by any person or body in contemplation of criminal proceedings, or
- (d) about which a meeting involving other bodies including the police has been convened to discuss issues relating to the protection of children or vulnerable adults, or
- (e) about which the local authority have been notified that there are current investigations in contemplation of proceedings under section 59 of the Care Standards Act 2000(1),

the local authority must consider, in consultation with the complainant and any other person or body which they consider appropriate to consult, how the representations should be handled. Such representations shall be referred to for the purposes of this regulation as "representations subject to concurrent consideration".

(2) The consideration of representations subject to concurrent consideration may be discontinued if at any time it appears to the local authority that to continue would compromise or prejudice the other consideration.

(3) Where the local authority decide to discontinue the consideration of a complaint under paragraph (2) the local authority must give notice of that decision to the complainant.

(4) Where the local authority discontinue the consideration of any representations under paragraph (2), they may at any time resume their consideration.

(5) Where the consideration of a complaint has been discontinued under paragraph (2) the local authority must ascertain the progress of the concurrent consideration and notify the complainant when it has been concluded.

(6) The local authority must resume consideration of any representations where the concurrent consideration is discontinued or completed and the complainant requests that the representations be considered under these Regulations.

Representations falling to be considered by more than one local authority

9. Where representations would fall to be considered by more than one local authority, they shall be considered by-

- (a) the authority which is or was looking after the child or former child concerned in the representations; or

(1) 2000 p.14.

(1) 2000 c.14.

- (b) pan nad oes gan neu pan nad oedd gan unrhyw awdurdod y cyfrifoldeb hwnnw, gan yr awdurdod y mae'r plentyn yn preswyllo'n arferol neu yr oedd y plentyn yn preswyllo'n arferol ddiwethaf yn ei ardal.

- (b) where no authority has or had that responsibility, by the authority within whose area the child is or was last ordinarily resident.

Ymdrin â sylwadau safonau gofal

10.-(1) Ac eithrio pan fydd paragraff (2) yn gymwys, mewn unrhyw achos pan fydd sylwadau'n ymwneud yn gyfan gwbl neu'n rhannol â gwasanaethau a ddarperir gan sefydliad neu asiantaeth y mae person wedi'i gofrestru gan y Cynulliad Cenedlaethol mewn cysylltiad ag ef neu â hi o dan Ddeddf Safonau Gofal 2000 neu Ddeddf Plant 1989, rhaid i'r awdurdod lleol y daw sylwadau o'r fath i'w law, o fewn 2 ddiwrnod gwaith i'r sylwadau ddod i law-

- (a) anfon manylion am y sylwadau cyfan neu am y rhan honno o unrhyw sylw sy'n ymwneud â'r gwasanaeth cofrestredig at y person a gofrestrwyd fel darparwr mewn cysylltiad â'r sefydliad hwnnw neu'r asiantaeth honno;
- (b) gofyn i'r person yr anfonir ato fanylion o dan is-baragraff (a) hysbysu'r awdurdod o fewn 10 niwrnod gwaith o ganlyniad ei ystyriaeth o'r gŵyn; a
- (c) hysbysu'r achwynydd o'r camau sydd wedi'u cymryd o dan is-baragraffau (a) a (b).

(2) Mae'r paragraff hwn yn gymwys-

- (a) pan fo sylwadau eisoes wedi'u hystyried gan y person cofrestredig; neu
- (b) pan fo'r awdurdod lleol o'r farn y byddai mynd ymlaen o dan baragraff (1) yn debygol o beryglu neu ragfarnu'r ymchwiliad i'r sylwadau o dan Ran IV o'r Rheoliadau neu y byddai'n peryglu neu'n rhagfarnu ymchwiliad gan y Cynulliad Cenedlaethol.

(3) Mewn unrhyw achos pan fo sylwadau'n ymwneud yn gyfan gwbl neu'n rhannol â gwasanaethau a ddarperir gan sefydliad neu asiantaeth y mae person wedi'i gofrestru gan y Cynulliad Cenedlaethol mewn cysylltiad ag ef neu hi, rhaid i'r awdurdod lleol hysbysu swyddfa briodol ("appropriate office") y Cynulliad Cenedlaethol os na fu'n bosibl dod i benderfyniad ar y sylwadau o dan reoliad 15.

RHAN IV

YMDRIN Â SYLWADAU A'U HYSTYRIED

Gwneud sylwadau

11. Caniateir gwneud sylwadau ar lafar neu'n ysgrifenedig (gan gynnwys eu gwneud yn electronig).

Handling of care standards representations

10.-(1) Except where paragraph (2) applies, in any case where representations relate wholly or partly to services provided by an establishment or agency in respect of which a person is registered by the National Assembly under the Care Standards Act 2000 or Children Act 1989, the local authority receiving such representations must, within 2 working days of receipt-

- (a) send details of the whole of the representations or that part of any representation which relates to the registered service to the person registered as provider in respect of that establishment or agency;
- (b) request the person to whom details are sent under sub-paragraph (a) to notify the authority within 10 working days of receipt of the outcome of their consideration of the representations; and
- (c) inform the complainant of the action taken under sub-paragraphs (a) and (b).

(2) This paragraph applies where-

- (a) representations have already been considered by the registered person; or
- (b) the local authority are of the opinion that to proceed under paragraph (1) would be likely to compromise or prejudice the investigation of the representations under Part IV of the Regulations or might compromise or prejudice an investigation by the National Assembly.

(3) In any case where representations relate wholly or partly to services provided by an establishment or agency in respect of which a person is registered by the National Assembly, the local authority must notify the appropriate office ("swyddfa briodol") of the National Assembly if it has not been possible to resolve the representations under regulation 15.

PART IV

HANDLING AND CONSIDERATION OF REPRESENTATIONS

Making representations

11. Representations may be made orally or in writing (including electronically).

Dyletswydd yr awdurdod lleol i ddarparu gwybodaeth a chymorth i achwynwyr

12.-(1) Cyn gynted â phosibl ar ôl i'r sylwadau ddod i law rhaid i'r awdurdod lleol-

- (a) darparu'r canlynol ar gyfer yr achwynydd-
 - (i) manylion y weithdrefn a geir yn y Rheoliadau hyn; a
 - (ii) gwybodaeth am wasanaethau eirioli, pan fo'n briodol; a
- (b) cynnig i'r achwynydd-
 - (i) cymorth a chanllawiau ynghylch dilyn y weithdrefn neu ei gynghori ym mha le y gall eu cael; a
 - (ii) cymorth i gael eiriolwr, pan fo'n briodol.

Sylwadau a wneir gan "bersonau eraill" ("other persons") o dan adran 26(3)(e) o'r Ddeddf

13.-(1) Pan ddaw sylwadau gan achwynydd sy'n dod o fewn adran 26(3)(e) o'r Ddeddf i law'r awdurdod lleol, rhaid iddo benderfynu, cyn gynted â phosibl, a oes gan y person hwnnw fuddiant digonol yn lles y plentyn o dan sylw i warantu bod yr awdurdod lleol yn ystyried y sylwadau.

(2) Wrth ddod i benderfyniad o dan baragraff (1) rhaid i'r awdurdod lleol ystyried barn y plentyn pan ellir canfod beth ydyw.

(3) Os bydd yr awdurdod lleol yn penderfynu bod gan yr achwynydd fuddiant digonol yna rhaid iddo ystyried y sylwadau.

(4) Os bydd yr awdurdod lleol yn penderfynu nad oes gan yr achwynydd fuddiant digonol yna rhaid iddo hysbysu'r achwynydd o'r penderfyniad a'i hysbysu na chymerir unrhyw gamau pellach i ystyried y sylwadau.

(5) Rhaid i'r awdurdod lleol hysbysu'r plentyn o dan sylw o'r penderfyniad a wneir o dan baragraff (1) os yw o'r farn ei bod yn briodol iddo wneud hynny o ystyried beth yw dealltwriaeth y plentyn.

Tynnu sylwadau'n ôl

14.-(1) Caiff yr achwynydd neu eiriolwr dynnu sylwadau'n ôl ar lafar neu'n ysgrifenedig ar unrhyw adeg.

(2) Rhaid i'r awdurdod lleol ysgrifennu cyn gynted â phosibl at yr achwynydd ac at unrhyw eiriolwr i gadarnhau bod y sylwadau wedi'u tynnu'n ôl.

Penderfynu'n Lleol

15.-(1) Rhaid i'r awdurdod lleol gymryd pob cam rhesymol i benderfynu ar y sylwadau cyn gynted ag y bo'n rhesymol ymarferol ac, yn ddarostyngedig i

Duty of the local authority to provide information and assistance for complainants

12.-(1) As soon as possible after receiving the representations the local authority must-

- (a) provide the complainant with-
 - (i) details of the procedure set out in these Regulations; and
 - (ii) where appropriate, information about advocacy services; and
- (b) offer the complainant-
 - (i) assistance and guidance on following the procedure or advice on where he or she may obtain it; and
 - (ii) where appropriate, help in obtaining an advocate.

Representations made by "other persons" under section 26(3)(e) of the Act

13.-(1) Where a local authority receive representations from a complainant falling within section 26(3)(e) of the Act, they must as soon as possible decide whether that person has a sufficient interest in the welfare of the child concerned to warrant the representations being considered by the local authority.

(2) In reaching a decision under paragraph (1) the local authority must take into account the ascertainable views of the child concerned.

(3) If the local authority decide that the complainant does have sufficient interest then they shall consider the representations.

(4) If the local authority decide that the complainant does not have sufficient interest then they must notify the complainant of the decision and that no further action will be taken to consider the representations.

(5) The local authority must notify the child concerned of the decision made under paragraph (1) if they consider it appropriate to do so having regard to the understanding of the child.

Withdrawal of representations

14.-(1) Representations may be withdrawn orally or in writing at any time by the complainant or by an advocate.

(2) The local authority must as soon as possible write to the complainant and any advocate to confirm the withdrawal of the representations.

Local Resolution

15.-(1) The local authority must take all reasonable steps to resolve the representations as soon as is reasonably practicable and subject to paragraphs (2)

baragraffau (2) a (4), o fewn 10 niwrnod gwaith gan gychwyn-

- (a) yn achos sylwadau sy'n dod o fewn adran 26(3)(e), ar y dyddiad y mae'r awdurdod lleol yn penderfynu bod gan yr achwynydd fuddiant digonol i warantu bod y sylwadau'n cael eu hystyried;
- (b) mewn unrhyw achos arall, ar y dyddiad y daeth y sylwadau i law'r awdurdod lleol.

(2) Caniateir estyn y cyfnod y cyfeirir ato ym mharagraff (1) pan geir cais gan yr achwynydd am wneud hynny neu gyda chytundeb yr achwynydd hyd at 10 niwrnod gwaith ychwanegol.

(3) Nid oes angen i'r weithdrefn a ddilynir gan yr awdurdod lleol pan fydd yn ceisio penderfynu ar faterion o dan baragraff (1) gynnwys person annibynnol.

(4) Pan fo achwynydd wedi gofyn am eiriolwr caiff yr awdurdod lleol estyn y cyfnod a bennir ym mharagraff (1) hyd at 10 niwrnod gwaith ychwanegol er mwyn galluogi eiriolwr i gael ei benodi ar yr amod-

- (a) bod yr awdurdod lleol yn hysbysu'r achwynydd o'r estyniad;
- (b) bod yr awdurdod lleol yn hysbysu'r achwynydd-
 - (i) o'r camau a gymerwyd hyd y dyddiad hwnnw i drefnu eiriolwr; a
 - (ii) o hawl yr achwynydd i fynnu cael ystyried y sylwadau heb gynnwys eiriolwr.

(5) At ddibenion paragraff (1), mewn unrhyw achos pan fyddai'n briodol gwneud hynny, a chyda chytundeb yr achwynydd, caiff yr awdurdod lleol wneud trefniadau ar gyfer cymodi, cyfryngu neu ar gyfer cymorth arall at ddibenion penderfynu ar y sylw.

(6) Os penderfynir ar y sylw o dan baragraff (1), rhaid i'r awdurdod lleol roi cadarnhad ysgrifenedig i'r achwynydd o'r penderfyniad y cytunir arno.

(7) Os na phenderfynwyd ar y sylwadau o fewn 20 o ddiwrnodau gwaith, rhaid i'r awdurdod lleol, cyn gynted ag y bo'n ymarferol, hysbysu'r achwynydd yn ysgrifenedig:

- (a) o hawl yr achwynydd i ofyn am i'r sylwadau gael eu hystyried yn ffurfiol;
- (b) o'r weithdrefn ar gyfer gofyn am ystyriaeth bellach o'r fath; ac
- (c) o'r dyddiad erbyn pryd y mae'n rhaid gwneud cais o'r fath gan roi sylw i ddarpariaethau paragraff (8).

(8) Caiff yr achwynydd ofyn ar lafar neu'n ysgrifenedig am i'r sylwadau gael eu hystyried yn ffurfiol o dan reoliad 16, a hynny ar unrhyw adeg o

and (4), within 10 working days beginning-

- (a) in the case of representations falling within section 26(3)(e), on the date on which the local authority decide the complainant has a sufficient interest to warrant the representations being considered;
- (b) in any other case, on the date on which the representations were received by the local authority.

(2) The period referred to in paragraph (1) may be extended upon request by the complainant or with the complaint's agreement by up to a further 10 working days.

(3) The procedure followed by the local authority in trying to resolve matters under paragraph (1) need not involve an independent person.

(4) Where a complainant has requested an advocate the local authority may extend the period specified in paragraph (1) by up to a further 10 working days to enable an advocate to be appointed provided that-

- (a) the local authority notify the complainant of the extension;
- (b) the local authority notify the complainant of-
 - (i) the steps taken to date to arrange an advocate; and
 - (ii) the complainant's right to have the representations considered without involvement of an advocate.

(5) For the purposes of paragraph (1), the local authority may in any case where it would be appropriate to do so, and with the agreement of the complainant, make arrangements for conciliation, mediation or other assistance for the purposes of resolving the representation.

(6) Where the representation is resolved under paragraph (1), the local authority must confirm in writing to the complainant the agreed resolution.

(7) Where the representations have not been resolved within 20 working days, the local authority must, as soon as practicable, notify the complainant in writing of:

- (a) the complaint's right to request that the representations be formally considered;
- (b) the procedure for requesting such further consideration; and
- (c) the date by which such a request must be made having regard to the provisions of paragraph (8).

(8) The complainant may request orally or in writing that the representations be formally considered under regulation 16 at any time within 30 working days of

fewn 30 o ddiwrnodau gwaith i'r dyddiad y gwnaed y sylwadau gyntaf.

Ystyriaeth Ffurfiol

16.-(1) Pan fo'r achwynydd wedi gofyn am i'r sylwadau gael eu hystyried yn ffurfiol, yn ddarostyngedig i reoliadau 8, 9 a 10, rhaid i'r awdurdod lleol ymchwilio i'r sylwadau i'r graddau y mae hynny'n angenrheidiol ac yn y dull mwyaf priodol ym marn yr awdurdod ar gyfer penderfynu ar y sylwadau'n gyflym ac yn effeithlon.

(2) Rhaid i'r awdurdod lleol lunio cofnod ysgrifenedig ffurfiol o'r sylwadau cyn gynted ag y bo'n rhesymol ymarferol a'i anfon at yr achwynydd ynghyd â gwahoddiad i'r achwynydd wneud sylwadaeth ar ba mor gywir yw'r cofnod.

(3) Rhaid i'r awdurdod lleol ystyried unrhyw sylwadaethau a wneir gan yr achwynydd o dan baragraff (2) a rhaid iddo, yng ngoleuni'r sylwadaethau hynny, wneud unrhyw ddiwygiadau sy'n angenrheidiol i'r cofnod er mwyn sicrhau ei fod, ym marn yr awdurdod, yn gofnod cywir o'r sylwadaethau.

(4) Ac eithrio pan wnaed trefniadau o dan reoliad 15(5), caiff yr awdurdod lleol, mewn unrhyw achos pan fyddai'n briodol gwneud hynny, a chyda chytundeb yr achwynydd, wneud trefniadau ar gyfer cymodi, cyfryngu neu ar gyfer cymorth arall at ddibenion penderfynu ar y sylwadau.

(5) Rhaid i'r awdurdod lleol-

- (a) egluro i'r achwynydd sut yr ymchwilir i'r sylwadau; a
- (b) anfon copi o'r sylwadau at unrhyw berson sy'n destun y sylwadau-
 - (i) oni wnaed hyn eisoes; neu
 - (ii) oni fyddai rhoi hysbysiad ar yr adeg honno'n rhagfarnu'r ystyriaeth o'r sylwadau.

(6) Caiff yr awdurdod lleol-

- (a) gwahodd yr achwynydd ac unrhyw berson arall a allai ym marn yr awdurdod gynorthwyo gyda phenderfynu ar y sylwadau i gael eu cyf-weld; a
- (b) gofyn am unrhyw gyngor sy'n ofynnol ym marn y swyddog cwynion.

(7) Pan gaiff unrhyw berson ei gyf-weld yn unol â pharagraff 6(a) rhaid i'r awdurdod lleol-

- (a) anfon copi o'r cofnod drafft o'r cyfweliad at y person a gafodd ei gyf-weld;
- (b) gwahodd y person hwnnw i ddatgan pa mor gywir yw'r cofnod drafft;
- (c) ystyried unrhyw sylwadaethau a wneir gan y person; ac

the date on which the representations were first made.

Formal Consideration

16.-(1) Where the complainant has requested formal consideration of the representations, subject to regulations 8, 9 and 10, the local authority must investigate the representations to the extent necessary and in the manner which appears to the authority most appropriate to resolve the representations speedily and efficiently.

(2) The local authority must compile a formal written record of the representations as soon as is reasonably practicable and send it to the complainant with an invitation to the complainant to comment on its accuracy.

(3) The local authority must consider any comments made by the complainant under paragraph (2) and in the light of those comments make any amendments to the record which are necessary to ensure it is, in the opinion of the authority, an accurate record of the representations.

(4) Except where arrangements have been made under regulation 15(5) the local authority may in any case where it would be appropriate to do so, and with the agreement of the complainant, make arrangements for conciliation, mediation or other assistance for the purposes of resolving the representations.

(5) The local authority must-

- (a) explain to the complainant how the representations will be investigated; and
- (b) send a copy of the representations to any person who is the subject of the representations unless-
 - (i) this has already been done; or
 - (ii) notification at that time would prejudice the consideration of the representations.

(6) The local authority may-

- (a) invite the complainant and any other person whom the authority considers may be able to assist with the resolution of the representations to be interviewed; and
- (b) take such advice as appears to the complaints officer to be required.

(7) Where any person is interviewed in accordance with paragraph 6(a) the local authority must-

- (a) send a copy of the draft record of the interview to the person interviewed;
- (b) invite that person to comment on the accuracy of the draft record;
- (c) consider any comments made by the person; and

(ch) yng ngoleuni'r sylwadaethau hynny, gwneud unrhyw ddiwygiadau i'r cofnod sy'n angenrheidiol ym marn yr awdurdod er mwyn sicrhau bod y cofnod yn un cywir.

(8) Rhaid i'r awdurdod lleol gymryd pob cam rhesymol i roi gwybod i'r achwynydd am hynt ei ystyriaeth ffurfiol o'r sylwadau.

Penodi person annibynnol

17.-(1) Rhaid i'r trefniadau a wneir o dan reoliad 16 gynnwys penodi person annibynnol.

(2) Rhaid i'r person annibynnol gymryd rhan mewn unrhyw ystyriaeth o sylwadau gan yr awdurdod lleol o dan reoliad 16.

(3) Rhaid i'r person annibynnol gymryd rhan mewn unrhyw drafodaethau a gynhelir gan yr awdurdod lleol ynghylch y cam i'w gymryd yng ngoleuni ei ganfyddiadau mewn perthynas â'r sylwadau a'r casgliadau y mae'n dod iddynt.

Ymateb

18.-(1) Rhaid i'r awdurdod lleol baratoi ymateb ysgrifenedig i'r sylwadau-

- (a) sy'n crynhoi natur a sylwedd y sylwadau;
- (b) sy'n disgrifio'r ymchwiliad o dan reoliad 16 ac yn crynhoi'r casgliadau;
- (c) sy'n egluro pa gam a fydd yn cael ei gymryd i benderfynu ar y sylwadau;
- (ch) sy'n cynnwys ymddiheuriad i'r achwynydd, pan fo'n briodol, a
- (d) sy'n nodi pa gam arall, os o gwbl, a fydd yn cael ei gymryd yng ngoleuni'r sylwadau.

(2) Yn ddarostyngedig i baragraff (3) a rheoliad 13, rhaid anfon yr ymateb at yr achwynydd o fewn 25 o ddiwrnodau gwaith yn cychwyn ar y dyddiad y daeth cais gan yr achwynydd am ystyriaeth ffurfiol i law'r awdurdod lleol.

(3) Os, yn achos-

- (a) unrhyw sylwadau pan gafwyd anhawster i benderfynu ar eu natur neu eu sylwedd;
- (b) sylwadau yr ymdriniwyd â hwy fel sylwadau darostyngedig i ystyriaeth gydredol o dan reoliad 8; neu
- (c) unrhyw sylwadau eraill pan fo'r achwynydd wedi cytuno i'r ymateb fod yn hwyrach,

nad yw'n bosibl anfon yr ymateb o fewn 25 o ddiwrnodau gwaith, rhaid i'r awdurdod lleol hysbysu'r achwynydd o'r rheswm am yr oedi, o'r dyddiad y mae'n disgwyl anfon yr ymateb a rhaid iddo anfon yr ymateb hwnnw cyn gynted ag y bo'n rhesymol ymarferol.

(d) in the light of those comments make any amendments to the record which, in the opinion of the authority, are necessary to ensure that the record is accurate.

(8) The local authority must take all reasonable steps to keep the complainant informed about the progress of its formal consideration of the representations.

Appointment of independent person

17.-(1) The arrangements made under regulation 16 must include the appointment of an independent person.

(2) The independent person shall take part in any consideration of the representations by the local authority under regulation 16.

(3) The independent person shall take part in any discussions which are held by the local authority about the action to be taken in light of their findings in relation to the representations and conclusions they draw from them.

Response

18.-(1) The local authority must prepare a written response to the representations which-

- (a) summarises the nature and substance of the representations;
- (b) describes the investigation under regulation 16 and summarises the conclusions;
- (c) explains what action will be taken to resolve the representations;
- (d) where appropriate, contains an apology to the complainant; and
- (e) identifies what other action, if any will be taken in the light of the representations.

(2) Subject to paragraph (3) and to regulation 13, the response must be sent to the complainant within 25 working days beginning on the date on which the local authority received the request from the complainant for formal consideration.

(3) If, in the case of-

- (a) any representations where there has been difficulty in the determination of their nature or substance;
- (b) representations which have been treated as subject to concurrent consideration under regulation 8; or
- (c) any other representations where the complainant has agreed to a later response,

it is not possible for the response to be sent within 25 working days the local authority must notify the complainant of the reason for the delay, the date by which it expects to send the response and must send that response as soon as reasonably practicable.

- (4) Rhaid i'r ymateb gynnwys gwybodaeth am-
- (a) hawl yr achwynydd i ofyn am i'r sylwadau gael eu hystyried ymhellach gan banel annibynnol yn unol â darpariaethau mewn rheoliadau a wneir gan y Cynulliad Cenedlaethol o dan adran 26ZB o'r Ddeddf(1);
 - (b) y weithdrefn ar gyfer gofyn am ystyriaeth bellach o'r fath; ac
 - (c) o fewn pa gyfnod o amser y mae'n rhaid gwneud cais o'r fath.
- (5) Rhaid anfon copïau o'r ymateb a baratoir yn unol â pharagraff (1)-
- (a) at eiriolwr yr achwynydd;
 - (b) at y person annibynnol a benodir o dan reoliad 17;
 - (c) at unrhyw berson oedd yn destun y sylwadau;
 - (ch) os sylwadau safonau gofal a grybwyllir yn rheoliad 10 yw'r sylwadau, at y person a gofrestrir o dan Ddeddf Safonau Gofal 2000 neu Ddeddf Plant 1989 fel darparwr mewn cysylltiad â'r sefydliad neu'r asiantaeth.

- (4) The response must include information about-
- (a) the complainant's right to request that the representations be further considered by an independent panel in accordance with provisions in regulations made by the National Assembly under section 26ZB of the Act(1);
 - (b) the procedure for requesting such further consideration; and
 - (c) the time within which such request must be made.
- (5) Copies of the response prepared in accordance with paragraph (1) must be sent to-
- (a) the complainant's advocate;
 - (b) the independent person appointed under regulation 17;
 - (c) any person who was the subject of the representations;
 - (d) where the representations are care standards representations mentioned in regulation 10, to the person registered under the Care Standards Act 2000 or Children Act 1989 as provider in respect of the establishment or agency.

RHAN V

DYSGU O SYLWADAU

Monitro'r modd y gweithredir y weithdrefn sylwadau

19. Rhaid i bob awdurdod lleol fonitro'r trefniadau y mae wedi'u gwneud gyda'r bwriad o sicrhau bod yr awdurdod lleol yn cydymffurfio â'r Rheoliadau hyn drwy gadw cofnod o bob un o'r sylwadau a ddaeth i law, o ganlyniad pob un o'r sylwadau, a pha un a gydymffurfiwyd â'r terfynau amser a bennir yn rheoliadau 15 a 18.

Adroddiad Blynyddol

20.-(1) Rhaid i bob awdurdod lleol baratoi adroddiad blynyddol ar ei berfformiad o ran ymdrin â sylwadau a'u hystyried, a hynny at ddibenion-

- (a) monitro'r modd y cydymffurfiwyd â'r Rheoliadau hyn, a
- (b) gwella'r modd yr ymdrinnir â'r sylwadau ac y'u hystyriar.

(2) Rhaid llunio'r adroddiad cyntaf y cyfeirir ato ym mharagraff (1) o fewn 12 mis i ddyddiad dod i rym y Rheoliadau hyn.

PART V

LEARNING FROM REPRESENTATIONS

Monitoring the operation of the representations procedure

19. Each local authority must monitor the arrangements that they have made with a view to ensuring that the local authority complies with these Regulations by keeping a record of each representation received, the outcome of each representation, and whether there was compliance with the time limits specified in regulations 15 and 18.

Annual Report

20.-(1) Each local authority must prepare an annual report on their performance in handling and consideration of representations for the purposes of-

- (a) monitoring compliance with these Regulations, and
- (b) improving the handling and consideration of representations.

(2) The first report referred to in paragraph (1) must be compiled within 12 months of the date of the coming into force of these Regulations.

(1) O.S. 2005/3366 (Cy.263).

(1) S.I. 2005/3366 (W.263).

RHAN VI
DARPARIAETHAU TROSIANNOL A
DIRYMU

Darpariaethau Trosiannol ac Arbedion

21.-(1) Pan na orffennwyd ystyried y sylwadau hyn yn unol â Rheoliadau 1991 ar yr adeg pan ddaw'r Rheoliadau hyn i rym yna bydd y paragraffau canlynol yn gymwys i'r weithdrefn.

(2) Yn ddarostyngedig i baragraffau (3) a (4) bydd y sylwadau'n cael eu hystyried yn unol â Rheoliadau 1991 yr arbedwyd eu darpariaethau perthnasol at y diben hwnnw'n unig.

(3) Os bod yr achwynydd, yn unol â rheoliad 8(2) o Reoliadau 1991, wedi hysbysu'r awdurdod lleol ei fod yn dymuno i'r mater gael ei gyfeirio at banel ond nad oes panel wedi'i benodi yn unol â'r rheoliad hwnnw, yna rhaid i'r awdurdod lleol drin hysbysiad yr achwynydd fel cais am i'r sylwadau gael eu hystyried ymhellach yn unol â darpariaethau mewn rheoliadau a wneir gan y Cynulliad Cenedlaethol o dan adran 26ZB o'r Ddeddf.

(4) Os bydd yr awdurdod lleol wedi rhoi hysbysiad yn unol â rheoliad 8(1) o Reoliadau 1991 ac nad yw'r achwynydd wedi hysbysu'r awdurdod lleol ei fod yn dymuno i'r mater gael ei gyfeirio at banel ac nad yw'r amser ar gyfer rhoi hysbysiad o'r fath wedi dod i ben, yna rhaid i unrhyw hysbysiad y mae'r achwynydd yn ei roi fod yn gais am i'r sylwadau gael eu hystyried ymhellach, neu fel cais am i'r sylwadau gael eu hystyried ymhellach y mae'n rhaid ei drin, a hynny'n unol â darpariaethau mewn rheoliadau a wneir gan y Cynulliad Cenedlaethol o dan adran 26ZB o'r Ddeddf.

Dirymu

22.-(1) Dirymir Rheoliadau'r Weithdrefn Sylwadau (Plant) 1991(1) ac eithrio i'r graddau sy'n angenrheidiol at ddibenion rheoliad 21.

(2) Dirymir rheoliad 4(2) o Reoliadau Gwasanaethau Eiriolaeth a Gweithdrefn Sylwadau (Plant) (Cymru) 2004(2)

PART VI
TRANSITIONAL PROVISIONS AND
REVOCAATION

Transitional Provisions and Savings

21.-(1) Where the consideration of representations in accordance with the 1991 Regulations has not been concluded at the time that these Regulations come into force then the following paragraphs will apply to the procedure.

(2) Subject to paragraphs (3) and (4) the representations will be considered in accordance with the 1991 Regulations the relevant provisions of which have been saved only for that purpose.

(3) If, in accordance with regulation 8(2) of the 1991 Regulations the complainant has given notice to the local authority of his or her wish that the matter be referred to a panel but no panel has been appointed in accordance with that regulation, then the local authority must treat the complainant's notice as a request for the further consideration of the representations in accordance with provisions in regulations made by the National Assembly under section 26ZB of the Act.

(4) If the local authority have given notice in accordance with regulation 8(1) of the 1991 Regulations and the complainant has not given notice to the local authority of his or her wish that the matter be referred to a panel and the time for giving such notice has not expired then any notice that the complainant does give in accordance with regulation 8(2) must be or must be treated as being a request for the further consideration of the representations in accordance with provisions in regulations made by the National Assembly under section 26ZB of the Act.

Revocation

22.-(1) The Representations Procedure (Children) Regulations 1991(1) are revoked save to the extent necessary for the purposes of regulation 21.

(2) Regulation 4(2) of the Advocacy Services and Representations Procedure (Children) (Wales) Regulations 2004(2) is revoked.

(1) O.S. 1991/894.

(2) O.S. 2004/1448 (Cy.148).

(1) S.I. 1991/894.

(2) S.I. 2004/1448 (W.148).

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

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

6 Rhagfyr 2005

6 December 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(1) 1998 p.38.

(1) 1998 c.38.

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