



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2007 Rhif 310 (Cy.27)

2007 No. 310 (W.27)

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

**Rheoliadau Lleoli Plant (Cymru)
2007**

**The Placement of Children (Wales)
Regulations 2007**

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 Trefniadau ar gyfer Lleoli Plant (Cyffredinol) 1991 o ran Cymru. Mae'r Rheoliadau yn gwneud darpariaeth ar gyfer y trefniadau i leoli plant gan awdurdodau lleol, cyrff gwirfoddol a phersonau sy'n cadw cartrefi preifat i blant yng Nghymru. Caiff y lleoliadau fod gyda rhieni maeth, mewn cartrefi cymunedol, cartrefi gwirfoddol i blant neu gartrefi preifat i blant ac o dan drefniadau eraill (ond nid mewn cartref a ddarperir yn unol â threfniadau a wneir gan y Cynulliad o dan adran 82(5) o Ddeddf Plant 1989).

These Regulations revoke and replace the Arrangements for Placement of Children (General) Regulations 1991 in relation to Wales. The Regulations make provision for the arrangements for placement of children by local authorities, voluntary organisations and persons carrying on private children's homes in Wales. The placements may be with foster parents, in community homes, voluntary children's homes or private children's homes and under other arrangements (but not in a home provided in accordance with arrangements made by the Assembly under section 82(5) of the Children Act 1989).

Mae rheoliad 4 yn darparu ar gyfer gwneud trefniadau i letya a chynnal plant, i hybu eu lles ac i gynllunio lleoliadau.

Regulation 4 provides for the making of arrangements for accommodation and maintenance of, children, the promotion of their welfare and for the planning of placements.

Mae rheoliad 5 yn gwneud darpariaeth ar gyfer y materion i'w hystyried gan awdurdod cyfrifol pan fydd yn gwneud trefniadau i leoli plentyn, gan gynnwys y gweithdrefnau i'w dilyn pan fo lleoliad y tu allan i'r ardal lle y mae plentyn fel arfer yn byw yn cael ei ystyried. Mae'r rheoliad hefyd ym rhoi awdurdod cyfrifol o dan ddyletswydd i wneud cofnod ysgrifenedig o'r rhesymau dros y camau a gymerir ganddo o dan y rheoliad.

Regulation 5 makes provision for the matters to be considered by a responsible authority when making arrangements to place a child, including the procedures to be followed where a placement outside the area in which a child normally lives is being considered. The regulation also places a responsible authority under a duty to make a written record of the reasons for its actions under the regulation.

Mae rheoliad 6 yn darparu bod yr awdurdod cyfrifol yn hysbysu pobl benodol o'r trefniadau ar gyfer lleoli plentyn, ac mae'n pennu cyfnod o amser y mae'n rhaid

Regulation 6 provides for the responsible authority to notify certain people of the arrangements for the placement of a child, and specifies a time period within

gwneud yr hysbysiad oddi mewn iddo, ynghyd â gofyniad bod yn rhaid i'r awdurdod cyfrifol, pan fo hynny'n briodol, ofyn i gyrff penodol i roi'r gwaith o drosglwyddo cofnodion perthnasol ar droed.

Mae rheoliad 7 yn ei gwneud yn ofynnol i gyrff gwirfoddol a'r personau hynny sy'n cadw cartrefi preifat i blant hybu cyswllt rhwng plentyn a phobl benodol.

Mae rheoliad 8 yn ei gwneud yn ofynnol i awdurdod cyfrifol wneud trefniadau ar gyfer asesu iechyd plentyn, ar gyfer darparu gwasanaethau gofal iechyd yn ystod cyfnod y lleoliad ac ar gyfer cofrestru'r plentyn gyda meddyg teulu a deintydd.

Mae rheoliad 9 yn ei gwneud yn ofynnol i awdurdod cyfrifol gadw cofnod achos ysgrifenedig ar gyfer pob plentyn y mae'n ei leoli, ac yn darparu ar gyfer y math o wybodaeth i'w chadw yn y cofnod hwnnw.

Mae rheoliad 10 yn darparu ar gyfer faint o amser y mae'n rhaid cadw cofnod achos ac ar gyfer diogelwch a chyfrinachedd y cofnodion hynny.

Mae rheoliad 11 yn ei gwneud yn ofynnol i awdurdod lleol, corff gwirfoddol a pherson sy'n cadw cartref preifat i blant, gadw cofrestr yn cynnwys manylion yr holl blant a leolir ganddynt.

Mae rheoliad 12 yn ei gwneud yn ofynnol i gorff gwirfoddol neu berson sy'n cadw cartref preifat i blant, ddarparu bod swyddogion achosion teuluol ar gyfer Cymru neu swyddogion y gwasanaeth yn cael gweld cofnodion.

Mae rheoliad 13 yn darparu ar gyfer y trefniadau sydd i'w gwneud rhwng awdurdod lleol ac awdurdod ardal, pan fydd awdurdod lleol yn trefnu i'r awdurdod ardal gyflawni rhai o'i swyddogaethau mewn cysylltiad â phlentyn sydd yn derbyn gofal gan yr awdurdod lleol.

Mae rheoliad 14 yn darparu ar gyfer cymhwyso'r Rheoliadau i leoliadau tymor byr.

Mae rheoliad 15 yn dirymu Rheoliadau Trefniadau Lleoli Plant (Cyffredinol) 1991 o ran Cymru.

which notification must take place, along with a requirement that where appropriate, the responsible authority must request certain bodies to initiate a transfer of relevant records.

Regulation 7 requires voluntary organisations and those persons operating private children's homes to promote contact between a child and certain people.

Regulation 8 requires a responsible authority to make arrangements for a child's health to be assessed, provision of health care services during the placement and the registration of the child with a general practitioner and a dentist.

Regulation 9 requires a responsible authority to keep a written case record for every child they place, and provides for the type of information to be kept in that record.

Regulation 10 provides for the length of time a case record must be kept and for the security and confidentiality of those records.

Regulation 11 requires a local authority, a voluntary organisation and a person carrying on a private children's home, to keep a register containing details of all the children placed by them.

Regulation 12 requires a voluntary organisation or a person carrying on a private children's home, to provide access to records to Welsh family proceedings officers or to officers of the service.

Regulation 13 provides for the arrangements to be made between a local authority and an area authority, when a local authority arranges for the area authority to carry out some of its functions in respect of a child that is being looked after by the local authority.

Regulation 14 provides for the application of the regulations to short term placements.

Regulation 15 revokes the Arrangements for Placement of Children (General) Regulations 1991 in relation to Wales.

2007 Rhif 310 (Cy.27)**2007 No. 310 (W.27)****PLANT A PHOBL IFANC,
CYMRU****CHILDREN AND YOUNG
PERSONS, WALES****Rheoliadau Lleoli Plant (Cymru)
2007****The Placement of Children (Wales)
Regulations 2007***Wedi'u gwneud* 6 Chwefror 2007*Made* 6 February 2007*Yn dod i rym* 1 Gorffennaf 2007*Coming into force* 1 July 2007

TREFN Y RHEOLIADAU

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2. Dehongli
3. Cymhwyso'r Rheoliadau
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5. Materion i'w hystyried wrth wneud trefniadau a'u cynnwys
6. Hysbysiad o drefniadau
7. Trefniadau ar gyfer cyswllt
8. Gofal ac asesiadau iechyd.
9. Sefydlu cofnodion
10. Cadwraeth cofnodion a'u cyfrinachedd;
11. Y Gofrestr
12. Cael at gofnodion a'r gofrestr gan swyddogion achosion teuluol ar gyfer Cymru; a swyddogion y gwasanaeth
13. Trefniadau rhwng awdurdodau lleol ac awdurdodau ardal
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15. Dirymu Rheoliadau Trefniadau ar gyfer Lleoli Plant (Cyffredinol) 1991

ARRANGEMENT OF REGULATIONS

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YR ATODLENNI

1. Materion y mae awdurdodau cyfrifol i'w hystyried
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4. Materion sydd i'w cynnwys mewn trefniadau i letya plant nad ydynt mewn gofal

Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddwyd gan adrannau 23(2)(a), (f)(ii) a (5), 59(2) a (3), 104(1) a (4) o Ddeddf Plant 1989(1) a pharagraffau 12, 13 a 14 o Atodlen 2, paragraff 4(1)(a) o Atodlen 4, paragraff 7(1)(a) o Atodlen 5 a pharagraff 10(1)(a) o Atodlen 6 iddi yn gwneud y Rheoliadau a ganlyn:

Enwi a chychwyn

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Lleoli Plant (Cymru) 2007 a deuant i rym ar 1 Gorffennaf 2007:

Dehongli

2.-(1) Yn y Rheoliadau hyn, onid yw'r cyd-destun yn mynnu fel arall-

ystyr "achos gofal" ("*care case*") yw achos pan fo'r plentyn yn derbyn gofal gan awdurdod lleol ac yn ddarostyngedig i orchymyn gofal, ac mae'n cynnwys gorchymyn gofal dros dro;

ystyr "yr ardal y mae'r plentyn yn preswyllo ynddi fel arfer" ("*the area in which the child is ordinarily resident*") yw ardal yr awdurdod lleol lle mae cartref y plentyn;

ystyr "awdurdod ardal" ("*area authority*") mewn perthynas â phlentyn sy'n cael ei leoli neu sydd i gael ei leoli gan un awdurdod lleol, yw yr awdurdod lleol y mae'r plentyn i gael ei leoli yn ei ardal;

ystyr "awdurdod cyfrifol" ("*responsible authority*") yw-

- (a) mewn perthynas â lleoliad gan awdurdod lleol (gan gynnwys un pan fo'r plentyn yn cael llety a chynhaliaeth mewn cartref gwirfoddol neu gartref preifat i blant), yw yr awdurdod lleol sy'n lleoli'r plentyn,

(1) 1989 p.41. Mae'r pwerau hyn yn arferadwy gan yr Ysgrifennydd Gwladol. O ran Cymru, trosglwyddir y swyddogaethau i Gynulliad Cenedlaethol Cymru gan Erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), a'r cofnod ar gyfer Deddf 1989 yn Atodlen 1 iddo ac adran 145 (1) o Ddeddf Mabwysiadu a Phlant 2002.

SCHEDULES

1. Considerations to which responsible authorities are to have regard
2. Health considerations to which responsible authorities are to have regard
3. Educational considerations to which responsible authorities are to have regard
4. Matters to be included in arrangements to accommodate children who are not in care

The National Assembly for Wales, in exercise of the powers conferred by sections 23(2)(a), (f)(ii) and (5), 59(2) and (3), 104(1) and (4) of, and paragraphs 12, 13 and 14 of Schedule 2, paragraph 4(1)(a) of Schedule 4, paragraph 7(1)(a) of Schedule 5 and paragraph 10(1)(a) of Schedule 6 to, the Children Act 1989(1), makes the following Regulations.

Title and commencement

1. The title of these Regulations is the Placement of Children (Wales) Regulations 2007 and they come into force on 1 July 2007.

Interpretation

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

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

"the area in which the child is ordinarily resident" ("*yr ardal y mae'r plentyn yn preswyllo ynddi fel arfer*") means the local authority area in which the child has his or her home;

"area authority" ("*awdurdod ardal*") means, in relation to a child who is or is to be placed by one local authority, the local authority in whose area the child is or is to be placed;

"care case" ("*achos gofal*") means a case in which the child is looked after by a local authority and subject to a care order, and includes an interim care order;

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

(1) 1989 c41. These powers are exercisable by the Secretary of State. In relation to Wales the functions are transferred to the National Assembly for Wales by Article 2 of, and the entry for the 1989 Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 145(1) of the Adoption and Children Act 2002.

- (b) mewn perthynas â lleoliad gan gorff gwirfoddol o blentyn nad yw'n derbyn gofal awdurdod lleol, y corff gwirfoddol sy'n lleoli'r plentyn, ac
- (c) mewn perthynas â lleoliad mewn cartref preifat i blant o blentyn nad yw naill ai'n derbyn gofal awdurdod lleol nac wedi'i letya mewn cartref o'r fath gan gorff gwirfoddol, y person sy'n cadw'r cartref;

ystyr "darparydd gofal iechyd" ("*health care provider*") yn achos lleoliad yng Nghymru, yw bwrdd iechyd lleol, neu yn achos lleoliad yn Lloegr, ymddiriedolaeth gofal sylfaenol, ac yn y naill achos neu'r llall, pan yn briodol ymddiriedolaeth gwasanaeth iechyd gwladol ac mewn unrhyw achos arall, y corff cyfatebol yn y wlad lle mae'r plentyn i gael ei leoli;

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

ystyr "gweithiwr dolen gyswllt" ("*link worker*") yw aelod o staff cartref i blant o safle uwch priodol gyda chyfrifoldeb penodol dros ddiogelu a hybu iechyd a lles addysgol plentyn unigol a thros gyd-gysylltu â darparwyr addysg a gofal iechyd ar ran y plentyn hwnnw;

ystyr "lleoliad" ("*placement*") yn ddarostyngedig i reoliad 14 yw-

- (a) darparu llety a chynhaliath gan awdurdod lleol i unrhyw blentyn sy'n derbyn ei ofal drwy unrhyw un o'r dulliau a bennir yn adran 23(2)(a), (aa) neu (f) o'r Ddeddf (llety a chynhaliath plentyn sy'n derbyn gofal awdurdod lleol);
- (b) darparu llety i blentyn gan gorff gwirfoddol drwy unrhyw un o'r dulliau a bennir yn adran 59(1)(a), (aa) neu (f) o'r Ddeddf (darparu llety gan gyrff gwirfoddol), ac
- (c) darparu llety i blentyn mewn cartref preifat i blant,
- (ch) a rhaid dehongli'r ymadroddion "lleoli" ("*place*") ac "wedi'i leoli" ("*placed*") yn unol â hynny;

ystyr "nyrs gofrestredig" ("*registered nurse*") yw person a gofrestrwyd gyda'r Cyngor Nyrsio a Bydwreigiaeth(1);

ystyr "panel" ("*panel*") yw panel o gynrychiolwyr o'r fath asiantaethiau ag a ddichon gynorthwyo awdurdod cyfrifol wrth gynllunio lleoliad plentyn ac wrth gyfarfod anghenion y plentyn hwnnw yn ystod cyfnod y lleoliad;

- (a) provides general medical services under Part II of the National Health Service Act 1977(1);
- (b) performs personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997(2); or
- (c) provides services which correspond to services provided under Part II of the National Health Service Act 1977, otherwise than in pursuance of that Act;

"health care provider" ("*darparydd gofal iechyd*") means, in the case of a placement in Wales, a local health board, or in the case of a placement in England, a primary care trust, and in either case where applicable, a national health service trust and in any other case, the equivalent body in the country in which the child is to be placed;

"link worker" ("*gweithiwr dolen gyswllt*") means a member of children's home staff of appropriate seniority with particular responsibility for protecting and promoting the health and educational welfare of an individual child and for liaison with education and health care providers on that child's behalf;

"panel" ("*panel*") means a panel of representatives from such agencies as may assist a responsible authority in planning the placement of a child and in meeting that child's needs during the placement;

"placement" ("*lleoliad*") subject to regulation 14 means-

- (a) the provision of accommodation and maintenance by a local authority for any child whom they are looking after by any of the means specified in section 23(2)(a), (aa) or (f) of the Act (accommodation and maintenance of child looked after by a local authority);
- (b) the provision of accommodation for a child by a voluntary organisation by any of the means specified in section 59(1)(a), (aa) or (f) of the Act (provision of accommodation by voluntary organisations); and
- (c) the provision of accommodation for a child in a private children's home,
- (d) and the expressions "place" ("*lleoli*") and "placed" ("*wedi'i leoli*") must be construed accordingly;

"placed for adoption" ("*wedi'i leoli i'w fabwysiadu*") means placed pursuant to the Adoption and Children Act 2002(3) or, where applicable, the Adoption Act 1976(4).

(1) Sefydlwyd gan Orchymyn Cyngor Nyrsio a Bydwreigiaeth 2001 O.S. 2002/253 a daeth i rym ar 12 Chwefror 2002.

(1) 1977 c.49

(2) 1977 c.46

(3) 2002 c.38.

(4) 1976 c.36.

ystyr "wedi'i leoli i'w fabwysiadu" ("*placed for adoption*") yw wedi'i leoli yn unol â Deddf Mabwysiadu a Phlant 2002(1) neu, os yw'n gymwys, â Deddf Mabwysiadu 1976(2);

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

- (a) sy'n darparu gwasanaethau meddygol cyffredinol o dan Ran II o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(3)
- (b) sy'n ymgymryd â gwasanaethau meddygol personol sy'n gysylltiedig â chynllun peilot o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Cychwynnol) 1977(4); neu
- (c) sy'n darparu gwasanaethau sy'n cyfateb i wasanaethau a ddarperir o dan Rhan II o Ddeddf y Gwasanaeth Iechyd Cenedlaethol 1977, ac eithrio'n unol â'r Ddeddf honno;

ystyr "ymarferydd meddygol cofrestredig" ("*registered medical practitioner*") yw person wedi'i gofrestru'n llawn o fewn ystyr Deddf Feddygol 1983(5).

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

(3) Yn y Rheoliadau hyn, onid yw'r cyd-destun yn mynnu fel arall -

- (a) mae unrhyw gyfeiriad at reoliad â rhif yn gyfeiriad at y rheoliad sy'n dwyn y rhif hwnnw yn y Rheoliadau hyn ac mae unrhyw gyfeiriad mewn rheoliad at baragraff â rhif yn gyfeiriad at y paragraff sy'n dwyn y rhif hwnnw yn y rheoliad hwnnw;
- (b) mae unrhyw gyfeiriad at Atodlen â rhif yn gyfeiriad at yr Atodlen sy'n dwyn y rhif hwnnw yn y Rheoliadau hyn;

Cymhwyso'r Rheoliadau

3.-(1) Yn ddarostyngedig i baragraffau (2) a (3), mae'r Rheoliadau hyn yn gymwys i leoliadau-

- (a) gan awdurdod lleol ar gyfer unrhyw blentyn;
- (b) gan gorff gwirfoddol ar gyfer plentyn nad yw'n derbyn gofal awdurdod lleol;
- (c) mewn cartref preifat i blant ar gyfer plentyn nad yw naill ai'n derbyn gofal awdurdod lleol nac wedi'i letya mewn cartref o'r fath gan gorff gwirfoddol, gan y person sy'n cadw'r cartref.

"registered medical practitioner" ("*ymarferydd meddygol cofrestredig*") means a fully registered person within the meaning of the Medical Act 1983(1);

"registered nurse" ("*nyrs gofrestredig*") means a person registered with the Nursing and Midwifery Council(2).

"responsible authority" ("*awdurdod cyfrifol*") means-

- (a) in relation to a placement by a local authority (including one in which the child is accommodated and maintained in a voluntary home or a private children's home), the local authority which places the child,
- (b) in relation to a placement by a voluntary organisation of a child who is not looked after by a local authority, the voluntary organisation which place the child, and
- (c) in relation to a placement in a private children's home of a child who is neither looked after by a local authority nor accommodated in such a home by a voluntary organisation, the person carrying on the home.

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

(3) In these Regulations, unless the context otherwise requires-

- (a) any reference to a numbered regulation is to the regulation in these Regulations bearing that number and any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number;
- (b) any reference to a numbered Schedule is to the Schedule to these Regulations bearing that number.

Application of Regulations

3.-(1) Subject to paragraphs (2) and (3) these Regulations apply to placements-

- (a) by a local authority of any child;
- (b) by a voluntary organisation of a child who is not looked after by a local authority;
- (c) in a private children's home of a child who is neither looked after by a local authority nor accommodated in such a home by a voluntary organisation, by a person carrying on the home.

(1) 2002 p.38.

(2) 1976 p.36.

(3) 1977 p.49

(4) 1977 p.46

(5) 1983 p.54.

(1) 1983 c. 54 .

(2) Established by the Nursing and Midwifery Council Order 2000 S.I. 2002/253 which came into force on 12 February 2002.

(2) Nid yw'r Rheoliadau hyn yn gymwys i leoli plentyn, ac eithrio gan awdurdod lleol neu gorff gwirfoddol mewn ysgol sy'n gartref plant o fewn ystyr adran 1(6) o Ddeddf Safonau Gofal 2000(1)

(3) Nid yw'r Rheoliadau hyn yn gymwys i unrhyw leoli plentyn i'w fabwysiadu.

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

Gwneud trefniadau

4.-(1) Cyn lleoli plentyn rhaid i'r awdurdod cyfrifol, i'r graddau y bo hynny'n rhesymol ymarferol, wneud trefniadau ar unwaith a thros dymor hir ar gyfer y lleoliad hwnnw, ac ar gyfer hybu lles y plentyn sydd i'w leoli.

(2) Pan na fo'n ymarferol gwneud y trefniadau hynny cyn y lleoli, rhaid i'r awdurdod cyfrifol eu gwneud cyn gynted ag y bo'n rhesymol ymarferol wedi hynny.

(3) Yn achos plentyn y mae adran 20(11) o'r Ddeddf yn gymwys iddo rhaid i'r awdurdod cyfrifol, i'r graddau y bo hynny'n rhesymol ymarferol, fod wedi cytuno ar y trefniadau gyda'r plentyn cyn gwneud lleoliad ac os nad yw hynny'n ymarferol cyn gynted ag y bo'n rhesymol ymarferol wedi hynny.

(4) Mewn unrhyw achos arall pan fo plentyn yn derbyn gofal neu lety ond nad yw mewn gofal rhaid i'r awdurdod cyfrifol, i'r graddau y mae hynny'n rhesymol ymarferol, fod wedi cytuno ar y trefniadau-

- (a) gyda pherson â chyfrifoldeb rhiant dros y plentyn; neu
- (b) os nad oes y fath berson, gyda'r person sy'n gofalu am y plentyn cyn y lleoli ac os nad yw hynny'n ymarferol cyn gynted ag y bo'n rhesymol ymarferol wedi hynny.

(5) Rhaid i unrhyw drefniadau a wneir gan awdurdod cyfrifol o dan y rheoliad hwn gael eu cofnodi yn ysgrifenedig.

Materion i'w hystyried wrth wneud trefniadau a'u cynnwys

5.-(1) Yr ystyriaethau y mae'r awdurdod cyfrifol i roi sylw iddynt i'r graddau sy'n rhesymol ymarferol wrth wneud y trefniadau y cyfeirir atynt yn rheoliad 4 ym mhob achos yw'r ystyriaethau cyffredinol a bennir yn Atodlen 1, yr ystyriaethau ynghylch iechyd y plentyn a bennir yn Atodlen 2, yr ystyriaethau ynghylch addysg plentyn a bennir yn Atodlen 3 a'r ystyriaethau ym mharagraff (2) i (5).

(2) These Regulations do not apply to the placement of a child, otherwise than by a local authority or voluntary organisation in a school which is a children's home within the meaning of section 1(6) of the Care Standards Act 2000(1)

(3) These Regulations do not apply to any placement of a child for adoption.

(4) These regulations apply in relation to Wales.

Making of arrangements

4.-(1) Before placing a child the responsible authority must, so far as is reasonably practicable, make immediate and long-term arrangements for that placement, and for promoting the welfare of the child who is to be placed.

(2) Where it is not practicable to make those arrangements before the placement, the responsible authority must make them as soon as reasonably practicable thereafter.

(3) In the case of a child to whom section 20(11) of the Act applies the arrangements must so far as reasonably practicable be agreed by the responsible authority with the child before a placement is made and if that is not practicable as soon as reasonably practicable thereafter.

(4) In any other case in which a child is looked after or accommodated but is not in care the arrangements must so far as reasonably practicable be agreed by the responsible authority with-

- (a) a person with parental responsibility for the child; or
- (b) if there is no such person, the person who is caring for the child before a placement is made and if that is not practicable as soon as reasonably practicable thereafter.

(5) Any arrangements made by the responsible authority under this regulation must be recorded in writing.

Considerations on making and contents of arrangements

5.-(1) The considerations to which the responsible authority is to have regard so far as reasonably practicable in making the arrangements referred to in regulation 4 in each case are the general considerations specified in Schedule 1, the considerations concerning the health of a child specified in Schedule 2, the considerations concerning the education of a child specified in Schedule 3 and the considerations in paragraphs (2) to (5).

(1) 2000 p.14.

(1) 2000 c14.

(2) Pan fo awdurdod cyfrifol yn ystyried lleoli plentyn y tu allan i'r ardal y mae'r plentyn yn preswyllo ynddi fel arfer rhaid iddo gyfeirio achos y plentyn at banel-

- (a) cyn gwneud y lleoliad; neu
- (b) pan nad yw'n ymarferol cyfeirio'r achos at banel cyn gwneud y lleoliad, cyn gynted ag y bo'n ymarferol ar ôl hynny a sut bynnag heb fod yn hwyrach na 25 o ddiwrnodau gwaith wedi i'r lleoliad gael ei wneud.

(3) Pan na chyfeirir achos plentyn y mae paragraff (2) yn gymwys iddo gan yr awdurdod cyfrifol at banel cyn gwneud y lleoliad, rhaid i'r awdurdod cyfrifol ddarparu rhesymau ysgrifenedig, wedi'u hardystio gan uwch swyddog yr awdurdod cyfrifol, dros beidio â gwneud hynny.

(4) Rhaid i'r awdurdod cyfrifol beidio â lleoli plentyn y tu allan i'r ardal y mae'r plentyn yn preswyllo ynddi fel arfer ynddi oni bai ei fod wedi'i fodloni naill ai-

- (a) nad oes lleoliad ar gael yn yr ardal honno sy'n gallu diwallu anghenion y plentyn; neu
- (b) y byddai lleoliad y tu allan i'r ardal honno yn fwy cydnaws â lles y plentyn nag unrhyw leoliad sydd ar gael o fewn yr ardal honno.

(5) Rhaid i unrhyw benderfyniad i leoli plentyn y tu allan i'r ardal y mae'n preswyllo ynddi fel arfer, gyda rhesymau drosto, gael ei gofnodi'n ysgrifenedig a bod wedi ei ardystio gan uwch swyddog o'r awdurdod cyfrifol.

(6) Rhaid i gofnod ysgrifenedig a wneir yn unol â pharagraff (3) neu (5) fod ar gael ar ffurf addas-

- (a) pan fo'r awdurdod cyfrifol yn awdurdod lleol, i'r aelod arweiniol dros wasanaethau plant o fewn yr awdurdod hwnnw; neu
- (b) mewn unrhyw achos arall, i uwch swyddog o'r awdurdod lleol dros yr ardal lle mae'r plentyn yn preswyllo ynddi fel arfer ac i uwch swyddog o'r awdurdod ardal.

(7) Pan fo awdurdod cyfrifol yn gwneud trefniadau i leoli plentyn y tu allan i Gymru rhaid iddo sicrhau, i'r graddau y bo hynny'n rhesymol ymarferol, fod yna gydymffurfiaeth â'r gofynion a fuasai wedi bod yn gymwys o dan y Rheoliadau hyn petai'r plentyn wedi cael ei leoli yng Nghymru.

(8) Ac eithrio mewn achos gofal, rhaid i'r trefniadau y cyfeirir atynt yn rheoliad 4 gynnwys, pan fo hynny'n ymarferol, drefniadau ynghylch y materion a bennir yn Atodlen 4.

Hysbysiad o drefniadau

6.-(1) Rhaid i'r awdurdod cyfrifol, i'r graddau y bo hynny'n rhesymol ymarferol ac yn gydnaws â lles y plentyn, hysbysu'r personau a ganlyn yn ysgrifenedig

(2) Where the responsible authority considers placing a child outside the area in which the child is ordinarily resident it must refer the child's case to a panel-

- (a) before the placement is made; or
- (b) where it is not practicable to refer the case to a panel before the placement is made, as soon as practicable afterwards and in any event not later than 25 working days after the placement is made.

(3) Where the case of a child to whom paragraph (2) applies is not referred by the responsible authority to a panel before the placement is made, the responsible authority must provide written reasons, endorsed by a senior officer of the responsible authority, for not doing so.

(4) The responsible authority must not place a child outside the area in which the child is ordinarily resident unless satisfied either that-

- (a) there is no placement available in that area capable of meeting the child's needs; or
- (b) a placement outside that area would be more consistent with the child's welfare than any available placement within that area.

(5) Any decision to place a child outside the area in which the child is ordinarily resident must, with reasons, be recorded in writing and endorsed by a senior officer of the responsible authority.

(6) A written record made in accordance with paragraph (3) or (5) must be made available in suitable form-

- (a) where the responsible authority is a local authority, to the lead member for children's services for that authority; or
- (b) in any other case, to a senior officer of the local authority for the area in which the child is ordinarily resident and of the area authority.

(7) Where a responsible authority makes arrangements to place a child outside Wales it must ensure, so far as reasonably practicable, that the requirements that would have applied under these Regulations had the child been placed in Wales, are complied with.

(8) Except in a care case, the arrangements referred to in regulation 4 must include, where practicable, arrangements concerning the matters specified in Schedule 4.

Notification of arrangements

6.-(1) The responsible authority must, so far as is reasonably practicable and consistent with the child's welfare, notify the following persons in writing of the

o'r trefniadau i leoli plentyn, cyn gwneud y lleoliad-

- (a) unrhyw berson y ceisiwyd arwydd ganddo o'i ddyuniadau a'i deimladau o dan adran 22(4), adran 61(2) neu adran 64(2) o'r Ddeddf (ymgyngori cyn gwneud penderfyniad mewn perthynas â phlant sy'n derbyn gofal gan awdurdod lleol neu sy'n cael llety gan gorff gwirfoddol neu mewn cartref preifat i blant);
- (b) y darparwydd gofal iechyd dros yr ardal y mae'r plentyn yn preswyllo ynddi fel arfer ac, os yw'r plentyn i gael ei leoli y tu allan i'r ardal honno, dros yr ardal y mae'r plentyn i gael ei leoli ynddi;
- (c) yr awdurdod addysg lleol dros yr ardal y mae'r plentyn yn preswyllo ynddi fel arfer ac, os yw'r plentyn i gael ei leoli y tu allan i'r ardal honno, dros yr ardal y mae'r plentyn i gael ei leoli ynddi;
- (ch) ymarferydd cyffredinol y plentyn ac, os yw'n briodol, unrhyw ymarferydd cyffredinol y mae'r plentyn i gael ei gofrestru gydag ef wedi i'r lleoliad gael ei wneud;
- (d) os yw'n briodol, yr awdurdod ardal;
- (dd) unrhyw berson sy'n gofalu am y plentyn yn union cyn bod y trefniadau'n cael eu gwneud;
- (e) ac eithrio mewn achos gofal, unrhyw berson sydd â gorchymyn cyswllt mewn grym o'i blaid mewn perthynas â'r plentyn, ac
- (f) mewn achos gofal, unrhyw berson sy'n cael cyswllt â'r plentyn yn unol ag adran 34 o'r Ddeddf (cyswllt â phlentyn mewn gofal gan rieni etc) neu o dan orchymyn o dan yr adran honno.

(2) Pan nad yw'n ymarferol rhoi'r hysbysiad cyn gwneud y lleoliad, rhaid ei roi cyn gynted ag y bo'n rhesymol ymarferol wedi hynny a sut bynnag dim hwyrach na 10 niwrnod gwaith o ddyddiad gwneud y lleoliad.

(3) Rhaid i'r awdurdod cyfrifol anfon copi o'r trefniadau y cyfeirir atynt yn rheoliad 4 neu o'r rhan honno o'r trefniadau na fydd yn ei farn ef yn rhagfarnu lles y plentyn, gyda'r hysbysiad y cyfeirir ato ym mharagraff (1) ond yn achos hysbysiad i'r rheini a bennir ym mharagraff (1)(b) i (f) dim ond manylion o'r rhan honno o'r trefniadau sydd yn ei farn ef yn angenrheidiol i'r personau hynny wybod amdanynt y mae'n rhaid iddo'u hanfon.

(4) Yn ddarostyngedig i baragraff (3), yn achos hysbysiad i unrhyw un o'r personau neu'r cyrff a bennir ym mharagraff (1)(c) ac (ch), rhaid i'r awdurdod cyfrifol roi i'r person hwnnw neu'r corff hwnnw gopiâu o unrhyw adroddiad neu asesiad perthnasol sydd ar gael ar adeg gwneud y lleoliad neu a geir wedi hynny yn ystod y lleoliad.

arrangements to place a child, before the placement is made-

- (a) any person an indication of whose wishes and feelings have been sought under section 22(4), section 61(2) or section 64(2) of the Act (consultation prior to decision making in respect of children looked after by a local authority, provided with accommodation by a voluntary organisation or in a private children's home);
- (b) the health care provider for the area in which the child is ordinarily resident and, if the child is to be placed outside that area, for the area in which the child is to be placed;
- (c) the local education authority for the area in which the child is ordinarily resident and, if the child is to be placed outside that area, for the area in which the child is to be placed;
- (d) the child's general practitioner and, where applicable, any general practitioner with whom the child is to be registered after the placement is made
- (e) where applicable the area authority;
- (f) any person who is caring for the child immediately before the arrangements are made;
- (g) except in a care case, any person in whose favour a contact order is in force with respect to the child, and
- (h) in a care case, any person who has contact with the child pursuant to section 34 of the Act (contact with a child in care by parents etc) or to an order under that section.

(2) Where it is not practicable to give the notification before the placement, it must be given as soon as reasonably practicable thereafter and in any event no later than 10 working days from the date the placement is made.

(3) The responsible authority must send a copy of the arrangements referred to in regulation 4 or such part of the arrangements as they consider will not prejudice the welfare of the child, with the notification referred to in paragraph (1) but in the case of notification to those specified in paragraph (1)(b) to (h) they must send details of only such part of the arrangements as they consider those persons need to know.

(4) Subject to paragraph (3), in the case of notification to any of the persons or bodies specified in paragraph (1)(c) and (d), the responsible authority must provide that person or body with copies of any relevant report or assessment available at the time the placement is made or obtained subsequently during the placement.

(5) Pan fo plentyn yn cael ei leoli mewn ardal wahanol i'r ardal y mae'r plentyn yn preswyllo ynddi fel arfer ynddi, pan yn hysbysu'r personau neu'r cyrff hynny a bennir ym mharagraff 1(b) i (ch) o'r trefniadau, rhaid i'r awdurdod cyfrifol ofyn ar yr un pryd i'r personau neu'r cyrff a bennir felly pan fo'n gymwys, geisio trosglwyddiad cofnodion cyn i'r lleoliad gael ei wneud, neu os nad yw hynny'n ymarferol, cyn gynted ag y bo'n ymarferol wedi hynny.

(6) Rhaid i'r awdurdod cyfrifol barhau i adolygu unrhyw gais a wneir yn unol â pharagraff (5) hyd nes ei fod wedi'i fodloni bod trosglwyddo'r cofnodion-

- (a) naill ai wedi digwydd; neu
- (b) nad oes angen iddo ddiwydd bellach.

Trefniadau ar gyfer cyswllt

7. Wrth weithredu'r trefniadau y cyfeirir atynt ym mharagraff 6 o Atodlen 4, rhaid i gorff gwirfoddol neu berson sy'n cadw cartref preifat i blant ymdrechu i hybu cyswllt rhwng y plentyn a'r personau a grybwyllir yn y paragraff hwnnw, oni bai bod gwneud hynny yn anymarferol yn rhesymol neu'n anghydnaws â lles y plentyn.

Gofal ac asesiadau iechyd

8.-(1) Yn ddarostyngedig i baragraffau (5) a (6), rhaid i awdurdod cyfrifol -

- (a) cyn gwneud lleoliad neu os nad yw hynny'n rhesymol ymarferol, cyn gynted ag y bo'n ymarferol a sut bynnag heb fod yn hwyrach na 14 o ddiwrnodau gwaith wedi i'r lleoliad gael ei wneud, drefnu i ymarferydd meddygol cofrestredig neu nyrs gofrestredig gynnal asesiad, a gaiff gynnwys archwiliad corfforol, o gyflwr iechyd y plentyn;
- (b) ei gwneud yn ofynnol i unrhyw berson a bennir yn is-baragraff (a) sy'n cynnal asesiad i baratoi adroddiad ysgrifenedig o'r asesiad sy'n trafod y materion a restrir yn Atodlen 2, gan gyfeirio'n benodol at gyflwr iechyd meddwl y plentyn;
- (c) sicrhau bod copi o unrhyw adroddiad sy'n cael ei baratoi yn unol ag is-baragraff (b) ac unrhyw adroddiad o asesiad sy'n cael ei baratoi o dan y rheoliad hwn yn ystod y lleoliad, yn cael ei anfon ymlaen i'r personau a bennir ym mharagraff (1)(ch) o reoliad (6), pan fônt yn wahanol i'r personau a bennir yn is-baragraff (a); ac
- (ch) o ystyried y materion a restrir yn Atodlen 2 ac, oni bai bod paragraff (6) yn gymwys, unrhyw adroddiadau o asesiadau, paratoi cynllun ar gyfer gofal iechyd y plentyn yn y dyfodol os nad oes un eisoes yn bod.

(2) Rhaid i awdurdod cyfrifol sicrhau fod pob

(5) Where a child is placed in an area different from the area in which the child is ordinarily resident, when notifying those persons or bodies specified in paragraph 1(b) to (d) of arrangements, the responsible authority must at the same time request that the persons or bodies so specified, where applicable, seek a transfer of records before, or if that is not practicable, as soon as practicable after the placement is made.

(6) The responsible authority must continue to review any request made in accordance with paragraph (5) until they are satisfied either that the transfer of records-

- (a) has taken place; or
- (b) is no-longer necessary.

Arrangements for contact

7. In operating the arrangements referred to in paragraph 6 of Schedule 4, a voluntary organisation or a person carrying on a private children's home must, unless it is not reasonably practicable or consistent with the child's welfare, endeavour to promote contact between the child and the persons mentioned in that paragraph.

Health care and assessment

8.-(1) Subject to paragraphs (5) and (6), a responsible authority must-

- (a) before making a placement or if that is not reasonably practicable, as soon as practicable and in any event not later than 14 working days after the placement is made, make arrangements for a registered medical practitioner or a registered nurse to conduct an assessment, which may include a physical examination, of the child's state of health;
- (b) require any person specified in sub-paragraph (a) who conducts an assessment to prepare a written report of the assessment, which addresses the matters listed in Schedule 2, with particular reference to the child's state of mental health;
- (c) ensure that a copy of any report prepared in accordance with sub-paragraph (b) and any subsequent assessment report prepared under this regulation during the placement, is forwarded to the persons specified in paragraph (1)(d) of regulation 6, where they are different from the persons specified in sub-paragraph (a); and
- (d) having regard to the matters listed in Schedule 2 and, unless paragraph (6) applies, to any assessment reports, prepare a plan for the future health care of the child if one is not already in existence.

(2) A responsible authority must ensure that each

plentyn yn ystod y lleoliad yn cael-

- (a) gwasanaethau gofal iechyd, gan gynnwys gofal a thriniaeth feddygol a deintyddol ac iechyd meddwl; a
- (b) cyngor a chyfarwyddyd ar iechyd, gofal personol a materion hybu iechyd yn unol ag anghenion y plentyn.

(3) Rhaid i awdurdod cyfrifol sicrhau fod y plentyn-

- (a) wedi ei gofrestru gydag ymarferydd cyffredinol, cyn gynted ag y bo'n ymarferol a pha un bynnag heb fod yn hwyrach na 10 niwrnod gwaith wedi i'r lleoliad gael ei wneud; a
- (b) wedi ei osod dan ofal ymarferydd deintyddol cofrestredig cyn gynted ag y bo'n ymarferol a pha un bynnag heb fod yn hwyrach na 20 o ddiwrnodau gwaith wedi i'r lleoliad gael ei wneud.

(4) Rhaid i awdurdod cyfrifol sicrhau i'r graddau y bo hynny'n ymarferol, fod plentyn yn parhau i fod wedi'i gofrestru gydag ymarferydd cyffredinol ac o dan ofal ymarferydd deintyddol cofrestredig drwy gydol y lleoliad.

(5) Nid yw paragraff (1) yn gymwys os yw iechyd y plentyn wedi cael ei asesu o fewn y cyfnod o dri mis yn union cyn y lleoliad a bod adroddiad o'r asesiad wedi cael ei baratoi yn unol â'r paragraff hwnnw.

(6) Nid yw is-baragraffau (a) a (b) o baragraff (1) yn gymwys os yw'r plentyn, ac yntau a'i ddealltwriaeth yn ddigonol iddo wneud hynny, yn gwrthod cydsynio â'r asesiad.

(7) Os cafodd plentyn ei leoli cyn 1 Gorffennaf 2007, ac y byddai'r rheoliad hwn fel arall yn gymwys iddo, ac na wnaed asesiad o iechyd y plentyn, neu os na chafodd y plentyn ei gofrestru gydag ymarferydd cyffredinol neu ei osod dan ofal ymarferydd deintyddol cofrestredig, mae'r rheoliad hwn yn gymwys megis petai'r lleoliad wedi ei wneud ar 1 Gorffennaf 2007.

Sefydlu cofnodion

9.-(1) Rhaid i awdurdod cyfrifol sefydlu, a chynnal cofnod achos ysgrifenedig mewn perthynas â phob plentyn y mae yn ei leoli.

(2) Rhaid i'r cofnod gynnwys-

- (a) copi o'r trefniadau y cyfeirir atynt yn rheoliad 4;
- (b) copi o unrhyw adroddiad ysgrifenedig sy'n eu meddiant ynghylch lles y plentyn;
- (c) copi o unrhyw ddogfen a ystyriwyd neu o unrhyw gofnod a sefydlwyd yn ystod neu o ganlyniad i adolygiad o achos y plentyn;
- (ch) manylion o drefniadau ar gyfer cyswllt, o orchmynion cyswllt ac o orchmynion llys

child is provided during the placement with-

- (a) health care services, including medical, dental and mental health care and treatment; and
- (b) advice and guidance on health, personal care and health promotion matters in accordance with the child's needs.

(3) A responsible authority must ensure that the child is-

- (a) registered with a general practitioner as soon as practicable and in any event not later than 10 working days after the placement is made; and
- (b) placed under the care of a registered dental practitioner as soon as practicable and in any event not later than 20 working days after the placement is made.

(4) A responsible authority must ensure as far as practicable, that a child continues to be registered with a general practitioner and under the care of a registered dental practitioner, throughout the duration of the placement.

(5) Paragraph (1) does not apply if within the period of three months immediately preceding the placement, the child's health has been assessed and a report of the assessment prepared in accordance with that paragraph.

(6) Sub-paragraphs (a) and (b) of paragraph (1) do not apply if the child, being of sufficient understanding to do so, refuses to consent to the assessment.

(7) Where a placement of a child was made before 1 July 2007, to which this regulation would otherwise apply, and no assessment of the child's health has been made, or the child has not been registered with a general practitioner or placed under the care of a registered dental practitioner, this regulation applies as if that placement had been made on 1 July 2007.

Establishment of records

9.-(1) A responsible authority must establish, and maintain, a written case record in respect of each child whom they place.

(2) The record must include-

- (a) a copy of the arrangements referred to in regulation 4;
- (b) a copy of any written report in their possession concerning the welfare of the child;
- (c) a copy of any document considered or record established in the course of or as a result of a review of the child's case;
- (d) details of arrangements for contact, of contact orders and of other court orders relating to the

eraill yn ymwneud â'r plentyn;

(d) manylion o unrhyw drefniadau lle gweithredir person arall ar ran yr awdurdod lleol neu'r sefydliad a leolodd y plentyn; ac

(dd) rhesymau ysgrifenedig a ddarperir yn unol â pharagraff (3) neu baragraff (5) o reoliad 5.

Cadwraeth cofnodion a'u cyfrinachedd

10.-(1) Rhaid i gofnod achos sy'n ymwneud â phlentyn a leolir gael ei gadw gan yr awdurdod cyfrifol hyd bymthegfed blwyddiant a thrigain dyddiad geni'r plentyn y mae'n ymwneud ag ef neu, os bydd farw'r plentyn cyn cyrraedd 18 mlwydd oed, am gyfnod o 15 mlynedd sy'n dechrau gyda dyddiad ei farwolaeth.

(2) Cydymffurfir â gofynion paragraff (1) naill ai drwy ddal gafael ar y cofnod ysgrifenedig gwreiddiol, neu ar gopi ohono, neu drwy gadw'r holl wybodaeth o gofnod o'r fath mewn rhyw ffurf arall y gellir cael ato (megis drwy gyfrifiadur).

(3) Rhaid i awdurdod cyfrifol sicrhau bod cofnodion yn cael eu cadw'n ddiogel a rhaid iddo gymryd pob cam angenrheidiol i sicrhau bod yr wybodaeth a geir ynddynt yn cael ei drin yn gyfrinachol, yn ddarostyngedig yn unig i-

(a) unrhyw ddarpariaeth a wneir o fewn statud neu oddi tani neu yn ei rhinwedd y gellir o'i herwydd gael neu roi hawl i gael at gofnodion neu wybodaeth o'r fath;

(b) unrhyw orchymyn llys y gellir o'i herwydd gael neu roi hawl i gael at gofnodion neu wybodaeth o'r fath;

Y Gofrestr

11.-(1) Rhaid i awdurdod lleol, mewn perthynas â phob plentyn a leolir yn ardal yr awdurdod hwnnw (ganddo ef ei hun a chan unrhyw awdurdod cyfrifol arall) ac mewn perthynas â phob plentyn a leolir ganddo ef ei hun y tu allan i'w ardal, gofnodi mewn cofrestr sydd i'w chadw at y diben hwnnw-

(a) y manylion a bennir ym mharagraff (3), a

(b) y rheini o'r manylion a bennir ym mharagraff (4) a ddichon fod yn briodol.

(2) Rhaid i gorff gwirfoddol a pherson sy'n cadw cartref preifat i blant, mewn perthynas â phob plentyn a leolir ganddynt, gofnodi mewn cofrestr sydd i'w chadw at y diben hwnnw-

(a) y manylion a bennir ym mharagraff (3), a

(b) y rheini o'r manylion a bennir ym mharagraff (4) a ddichon fod yn briodol.

(3) Dyma'r manylion sydd i'w cofnodi yn y gofrestr yn unol â pharagraffau (1) neu (2)-

(a) enw, rhyw, dyddiad geni, rhif gwasanaeth iechyd gwladol ac, os yw'n briodol, rhif adnabod y gwasanaethau cymdeithasol ar gyfer y plentyn;

child;

(e) details of any arrangements whereby another person acts on behalf of the local authority or organisation which placed the child; and

(f) written reasons provided in accordance with paragraphs (3) or (5) of regulation 5.

Retention and confidentiality of records

10.-(1) A case record relating to a child who is placed must be retained by the responsible authority until the seventy-fifth anniversary of the date of birth of the child to whom it relates or, if the child dies before attaining the age of 18, for a period of 15 years beginning with the date of his or her death.

(2) The requirements of paragraph (1) may be complied with either by retaining the original written record, or a copy of it, or by keeping all of the information from such record in some other accessible form (such as by means of a computer).

(3) A responsible authority must secure the safe keeping of case records and must take all necessary steps to ensure that information contained in them is treated as confidential, subject only to-

(a) any provision of or made under or by virtue of, a statute under which access to such records or information may be obtained or given;

(b) any court order under which access to such records or information may be obtained or given.

Register

11.-(1) A local authority, must, in respect of every child placed in their area (by them and any other responsible authority) and every child placed by them outside their area enter into a register to be kept for the purpose-

(a) the particulars specified in paragraph (3); and

(b) such of the particulars specified in paragraph (4) as may be appropriate.

(2) A voluntary organisation and a person carrying on a private children's home must, in respect of every child placed by them, enter into a register to be kept for the purpose-

(a) the particulars specified in paragraph (3); and

(b) such of the particulars specified in paragraph (4) as may be appropriate.

(3) The particulars to be entered into the register in accordance with paragraphs (1) or (2) are-

(a) the name, sex, date of birth, national health service number and, where applicable, the social services identification number of the child;

- (b) enw a chyfeiriad y person neu'r cartref i blant y lleolir y plentyn gydag ef ynddo ac, os yw'n wahanol, enw a chyfeiriad y rheini o rieni'r plentyn neu berson arall nad yw'n rhiant iddo sydd â chyfrifoldeb rhiant drosto;
- (c) pan fo plentyn yn cael ei leoli mewn cartref i blant, enw gweithiwr dolen gyswllt y plentyn;
- (ch) yn achos plentyn a leolir ar ran awdurdod lleol gan gorff gwirfoddol neu mewn cartref preifat i blant, enw'r awdurdod;
- (d) a yw enw'r plentyn wedi ei gofnodi yn unrhyw gofrestr awdurdod lleol fel arwydd fod y plentyn mewn perygl o gael ei gamdrin;
- (dd) a yw enw'r plentyn wedi ei gofnodi yn y gofrestr a gynhelir o dan baragraff 2 o Atodlen 2 i'r Ddeddf (cofrestr plant anabl);
- (e) y dyddiad pan ddechreuodd a'r dyddiad pan orffennodd lleoliad y plentyn a'r rheswm dros orffen pob un;
- (f) mewn achos gofal enw'r awdurdod lleol y mae'r plentyn dan ei ofal;
- (ff) dan ba ddarpariaethau cyfreithiol y mae'r plentyn yn derbyn gofal neu y gofelir amdano.

(4) Dyma'r manylion ychwanegol sydd i'w cofnodi yn y gofrestr, os yn briodol yn unol â pharagraffau (1) neu (2)-

- (a) yn achos plentyn sydd wedi ei leoli gan awdurdod lleol y gwnaed trefniadau mewn perthynas ag ef i'r awdurdod ardal gyflawni swyddogaethau yn unol â rheoliad 13, nodyn fod y trefniadau wedi'u gwneud ac enw'r awdurdod lleol arall y gwnaethpwyd hwy gydag ef; a
- (b) yn achos plentyn sydd wedi ei leoli, y gwnaed trefniadau mewn perthynas ag ef i oruchwyliaeth o'r lleoliad gael ei wneud ar ran awdurdod cyfrifol (ac eithrio yn unol â rheoliad 13), nodyn fod y trefniadau wedi'u gwneud ac enw'r person y gwnaethpwyd hwy gydag ef.

(5) Rhaid dal gafael ar gofnodion mewn cofrestr i a gedwir yn unol â'r rheoliad hon nes bydd y plentyn y mae'r cofnod yn ymwneud ag ef yn cyrraedd 25 mlwydd oed neu, os bydd farw'r plentyn cyn cyrraedd 25 mlwydd oed, am gyfnod o 5 mlynedd sy'n dechrau gyda dyddiad ei farwolaeth.

(6) Cydymffurfir â gofynion paragraff (1) naill ai drwy ddal gafael ar y cofnod ysgrifenedig gwreiddiol, neu ar gopi ohono, neu drwy gadw'r holl wybodaeth o gofnod o'r fath mewn rhyw ffurf arall y gellir cael ato (megis drwy gyfrifiadur).

- (b) the name and address of the person or children's home with whom the child is placed and, if different, of those of the child's parents or other person not being a parent of his or hers who has parental responsibility for him or her;
- (c) where a child is placed in a children's home, the name of the child's link worker;
- (d) in the case of a child placed on behalf of a local authority by a voluntary organisation or in a private children's home, the name of the authority;
- (e) whether the child's name is entered on any local authority register indicating that the child is at risk of being abused;
- (f) whether the child's name is entered on the register maintained under paragraph 2 of Schedule 2 to the Act (register of disabled children);
- (g) the date on which each placement of the child began and terminated and the reason for each termination;
- (h) in a care case the name of the local authority in whose care the child is;
- (i) the legal provisions under which the child is being looked after or cared for.

(4) The additional particulars to be entered in the register, where appropriate in accordance with paragraphs (1) or (2) are-

- (a) in the case of a child placed by a local authority in respect of whom arrangements have been made for the area authority to carry out functions pursuant to regulation 13 a note that the arrangements were made and the name of the other local authority with whom they were made; and
- (b) in the case of a child who has been placed, in respect of whom arrangements have been made for supervision of the placement to be carried out on behalf of a responsible authority (otherwise than pursuant to regulation 13), a note that the arrangements were made and the name of person with whom the arrangements were made.

(5) Entries in registers kept in accordance with this regulation must be retained until the child to whom the entry relates attains the age of 25 or, if the child has died before attaining 25, the period of 5 years beginning with the date of his or her death.

(6) The requirements of paragraph (1) may be complied with either by retaining the original register, or a copy of it, or by keeping all of the information from such a register in some other accessible form (such as by means of a computer).

(7) Rhaid i awdurdod cyfrifol sicrhau bod cofnodion a gedwir yn unol â'r rheoliad hwn yn cael eu cadw'n ddiogel a rhaid iddo gymryd pob cam angenrheidiol i sicrhau bod yr wybodaeth a geir ynddynt yn cael ei drin fel petai'n gyfrinachol, yn ddarostyngedig yn unig i-

- (a) unrhyw ddarpariaeth a wneir o fewn statud neu oddi tani neu yn ei rhinwedd y gellir o'i herwydd gael neu roi hawl i gael at gofnodion neu wybodaeth o'r fath.
- (b) unrhyw orchymyn llys y gellir o'i herwydd gael neu roi hawl i gael at gofnodion neu wybodaeth o'r fath;

Cael at gofnodion a'r gofrestr gan swyddogion achosion teuluol ar gyfer Cymru a swyddogion y gwasanaeth

12. Rhaid i bob corff gwirfoddol, pan nad yw'n gweithredu fel person awdurdodedig, a phob person sy'n cadw cartref preifat i blant ddarparu i swyddog achosion teuluol ar gyfer Cymru neu i swyddog o'r gwasanaeth -

- (a) ffordd o gael at yr hyn sy'n ofynnol ganddo-
 - (i) mewn cofnodion achos a chofrestr i gynhelir yn unol â'r Rheoliadau hyn; a
 - (ii) o'r wybodaeth o gofnodion neu gofrestr o'r fath ym mha ddull bynnag y'i cedwir (megis drwy gyfrifiadur);
- (b) y fath gopiâu ag sy'n ofynnol ganddo o'r cofnodion neu o'r hyn a gofnodwyd yn y cofrestr.

Trefniadau rhwng awdurdodau lleol ac awdurdodau ardal

13. Pan fo awdurdod lleol y mae plentyn yn derbyn gofial ganddo yn gwneud trefniadau gydag awdurdod ardal i'r awdurdod ardal gyflawni swyddogaethau mewn perthynas â'r lleoliad ar ran yr awdurdod lleol-

- (a) rhaid i'r awdurdod lleol roi i'r awdurdod ardal bob gwybodaeth sydd ei angen arno i alluogi'r awdurdod ardal i gyflawni'r swyddogaethau hynny ar ran yr awdurdod lleol;
- (b) rhaid i'r awdurdod ardal barhau i hysbysu'r awdurdod lleol o gynnydd y plentyn ac, yn benodol, rhaid iddo roi adroddiadau i'r awdurdod lleol ar ôl pob ymweliad â'r cartref y mae'r plentyn wedi ei leoli ynddo ac ar ôl pob adolygiad o achos y plentyn a wneir gan yr awdurdod ardal ar ran yr awdurdod lleol;
- (c) rhaid i'r awdurdod lleol a'r awdurdod ardal ymgynghori â'i gilydd o dro i dro yn ôl y gofyn, a chyn gynted ag y bo'n rhesymol ymarferol ar ôl pob adolygiad o'r fath o achos y plentyn, gyda golwg ar beth sy'n ofynnol i'w wneud mewn perthynas ag ef.

(7) A responsible authority must secure the safe keeping of registers kept in accordance with this regulation and must take all necessary steps to ensure that information contained in them is treated as confidential, subject only to-

- (a) any provision of or made under or by virtue of a statute under which access to such registers or information may be obtained or given;
- (b) any court order under which access to such registers or information may be obtained or given.

Access by Welsh family proceedings officers and officers of the service to records and register

12. Each voluntary organisation, where they are not acting as an authorised person, and every person carrying on a private children's home must provide a Welsh family proceedings officer of a child or an officer of the service with -

- (a) such access as may be required to-
 - (i) case records and registers maintained in accordance with these Regulations; and
 - (ii) the information from such records or registers held in whatever form (such as by means of computer);
- (b) such copies of the records or entries in the registers as he or she may require.

Arrangements between local authorities and area authorities

13. Where arrangements are made by a local authority which is looking after a child with an area authority for the area authority to carry out functions in relation to a placement on behalf of the local authority-

- (a) the local authority must supply the area authority with all such information as is necessary to enable the area authority to carry out those functions on behalf of the local authority;
- (b) the area authority must keep the local authority informed of the progress of the child and, in particular, must furnish reports to the local authority following each visit to the home in which the child is placed and following each review of the case of the child carried out by the area authority on behalf of the local authority;
- (c) the local authority and the area authority must consult each other from time to time as necessary, and as soon as reasonably practicable after each such review of the case of the child, with regard to what action is required in relation to him or her.

Cymhwyso'r Rheoliadau i leoliadau tymor byr

14.-(1) Mae'r rheoliad hwn yn gymwys pan fo awdurdod cyfrifol wedi trefnu i leoli plentyn mewn cyfres o leoliadau tymor byr yn yr un lle ac mae'r trefniant yn gyfryw ag nad oes unrhyw leoliad unigol i barhau am fwy na 4 wythnos ac nad yw cyfanswm y lleoliadau i fod i barhau am fwy na 120 o ddiwrnodau mewn unrhyw gyfnod o 12 mis.

(2) Gellir trin unrhyw gyfres o leoliadau tymor byr y mae'r rheoliad hwn yn gymwys iddynt fel lleoliad unigol at ddibenion y Rheoliadau hyn.

Dirymu Rheoliadau Trefniadau Lleoli Plant (Cyffredinol) 1991

15. Dirymir Rheoliadau Trefniadau Lleoli Plant (Cyffredinol) 1991(1) o ran Cymru.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2).

6 Chwefror 2007

Llywydd y Cynulliad Cenedlaethol

Application of Regulations to short-term placements

14.-(1) This regulation applies where a responsible authority has arranged to place a child in a series of short-term placements at the same place and the arrangement is such that no single placement is to last for more than 4 weeks and the total duration of the placements is not to exceed 120 days in any period of 12 months.

(2) Any series of short-term placements to which this regulation applies may be treated as a single placement for the purposes of these Regulations.

Revocation of the Arrangements for Placement of Children (General) Regulations 1991

15. The Arrangements for Placement of Children (General) Regulations 1991(1) are revoked in relation to Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

6 February 2007

The Presiding Officer of the National Assembly

D. Elis-Thomas

(1) 1991 O.S. 1991/890.

(2) 1998 p.38.

(1) 1991 S.I. 1991/890.

(2) 1998 c.38.

ATODLEN 1

MATERION Y MAE AWDURDODAU CYFRIFOL I'W HYSTYRIED

Rheoliad 5(1)

1. Yn achos plentyn sydd mewn gofal, a ddylid gwneud cais i ddod a'r gorchymyn gofal i ben.

2. Pan fo'r awdurdod cyfrifol yn awdurdod lleol a ddylai'r awdurdod geisio newid yn statws cyfreithiol y plentyn.

3. Trefniadau ar gyfer cyswllt, ac a oes unrhyw angen am newidiadau yn y trefniadau er mwyn hybu cysylltiad â theulu'r plentyn ac eraill i'r graddau y mae hynny'n gdnaws â'i les.

4. Trefniadau'r awdurdod cyfrifol ar unwaith a thros dymor hir ar gyfer y plentyn, trefniadau blaenorol mewn perthynas â'r plentyn, ac a oes angen newid yn y trefniadau hynny ac ystyried dulliau amgen o weithredu.

5. Pan fo'r awdurdod cyfrifol yn awdurdod lleol, a ddylid penodi ymwelydd annibynnol os na phenodwyd un eisoes.

6. A oes angen gwneud trefniadau ar gyfer yr adeg pan na fydd y plentyn yn derbyn gofal gan yr awdurdod cyfrifol.

7. A oes angen gwneud cynlluniau i ganfod teulu amgen parhaol i'r plentyn.

SCHEDULE 1

CONSIDERATIONS TO WHICH RESPONSIBLE AUTHORITIES ARE TO HAVE REGARD

Regulation 5(1)

1. In the case of a child who is in care, whether an application should be made to discharge the care order.

2. Where the responsible authority is a local authority whether the authority should seek a change in the child's legal status.

3. Arrangements for contact, and whether there is any need for changes in the arrangements in order to promote contact with the child's family and others so far as is consistent with his or her welfare.

4. The responsible authority's immediate and long term arrangements for the child, previous arrangements in respect of the child, and whether a change in those arrangements is needed and consideration of alternative courses of action.

5. Where the responsible authority is a local authority, whether an independent visitor should be appointed if one has not already been appointed.

6. Whether arrangements need to be made for the time when the child will no longer be looked after by the responsible authority.

7. Whether plans need to be made to find a permanent substitute family for the child.

ATODLEN 2

SCHEDULE 2

Rheoliad 5(1)

Regulation 5(1)

MATERION IECHYD Y MAE AWDURDODAU CYFRIFOL I'W HYSTYRIED

1. Cyflwr iechyd y plentyn, gan gynnwys ei iechyd corfforol, geneuol, emosiynol a meddyliol.
2. Hanes iechyd y plentyn gan gynnwys, i'r graddau y mae hynny'n ymarferol, hanes iechyd ei deulu.
3. Effaith iechyd a hanes iechyd y plentyn ar ei ddatblygiad.
4. Unrhyw angen sydd gan y plentyn am wasanaethau iechyd meddwl.
5. Y trefniadau presennol ar gyfer gofal a thriniaeth feddygol a deintyddol y plentyn a'i goruchwyliaeth iechyd gan gyfeirio'n benodol at wasanaethau iechyd meddwl.
6. Yr angen posibl am ddull priodol o weithredu y dylid ei ddynodi i gynorthwyo newid angenrheidiol mewn gofal, triniaeth neu oruchwyliaeth o'r fath.
7. Yr angen posibl am fesurau ataliol, megis brechu ac imiwneiddio, sgrinio ar gyfer y golwg a'r clyw ac am gyngor a chyfarwyddyd ar iechyd, gan gynnwys iechyd meddwl a iechyd geneuol ac ar faterion gofal personol ac hybu iechyd sy'n briodol i anghenion y plentyn.
8. O ystyried yr wybodaeth sydd ar gael mewn perthynas â'r materion a osodir ym mharagraffau 1 i 7 gan gynnwys yr adroddiadau o unrhyw asesiadau, a fydd anghenion iechyd y plentyn yn cael eu diwallu yn y lleoliad arfaethedig.

HEALTH CONSIDERATIONS TO WHICH RESPONSIBLE AUTHORITIES ARE TO HAVE REGARD

1. The child's state of health including his or her physical, oral, emotional and mental health.
2. The child's health history including, so far as practicable, his or her family health history.
3. The effect of the child's health and health history on his or her development.
4. Any need the child has for mental health services.
5. Existing arrangements for the child's medical and dental care, treatment and health surveillance, with particular reference to mental health services.
6. The possible need for an appropriate course of action which should be identified to assist necessary change of such care, treatment or surveillance.
7. The possible need for preventive measures, such as vaccination and immunisation, screening for vision and hearing and for advice and guidance on health, including mental health, and oral health, and on personal care and health promotion issues appropriate to the child's needs.
8. Taking account of the information available in respect of the matters set out in paragraphs 1 to 7 including the reports of any assessment, whether the child's health needs will be met in the proposed placement.

Rheoliad 5(1)

Regulation 5(1)

MATERION ADDYSGOL Y MAE
AWDURDODAU CYFRIFOL I'W
HYSTYRIED.

EDUCATIONAL CONSIDERATIONS TO
WHICH RESPONSIBLE AUTHORITIES
ARE TO HAVE REGARD

1. Hanes addysgol y plentyn.
2. Yr angen i sicrhau dilyniant yn addysg y plentyn a hybu cyrhaeddiad addysgol y plentyn.
3. Yr angen i ddynodi unrhyw angen addysgol a eill fod gan y plentyn ac i weithredu i ddiwallu'r angen hwnnw.
4. Yr angen i wneud unrhyw asesiad mewn perthynas ag unrhyw angen addysgol arbennig o dan Ddeddf Addysg 1996(1) ac i ddiwallu unrhyw anghenion o'r fath a ddynodir mewn datganiad anghenion addysgol arbennig a wneir o dan adran 324 o'r Ddeddf honno.
5. O ystyried yr wybodaeth sydd ar gael ym mharagraffau 1 i 4 o'r Atodlen hon, a fydd anghenion addysgol y plentyn yn cael eu diwallu yn y lleoliad arfaethedig.

1. The child's educational history.
2. The need to achieve continuity in the child's education and to promote the child's educational achievement.
3. The need to identify any educational need which the child may have and to take action to meet that need.
4. The need to carry out any assessment in respect of any special educational need under the Education Act 1996(1) and meet any such needs identified in a statement of special educational needs made under section 324 of that Act.
5. Taking account of the information available in paragraphs 1 to 4 of this Schedule, whether the child's educational needs will be met in the proposed placement.

Rheoliad 5(8)

Regulation 5(8)

MATERION SYDD I'W CYNNWYS MEWN
TREFNIADAU I LETYA PLANT NAD
YDYNT MEWN GOFAL

1. Y math o lety sydd i'w ddarparu a'i gyfeiriad ynghyd ag enw unrhyw berson fydd yn gyfrifol am y plentyn yn y llety hwnnw ar ran yr awdurdod cyfrifol.

2. Manylion unrhyw wasanaethau sydd i'w darparu ar gyfer y plentyn.

3. Cyfrifoldebau penodol yr awdurdod cyfrifol ac-

- (a) y plentyn;
- (b) unrhyw riant sydd ganddo; ac
- (c) unrhyw berson nad yw'n riant iddo ond sydd â chyfrifoldeb riant drosto.

4. Pa ddirprwyo a fu gan y personau y cyfeirir atynt ym mharagraff 3(b) ac (c) o'r Atodlen hon i'r awdurdod cyfrifol o gyfrifoldeb riant dros ofal y plentyn o ddydd i ddydd.

5. Y trefniadau ar gyfer rhoi rhan i'r personau hynny a'r plentyn mewn gwneud penderfyniadau mewn perthynas â'r plentyn o ystyried-

- (a) dyletswydd yr awdurdod lleol o dan adrannau 20(6) (rhoi rhan i blant cyn darparu llety) a 22(3) i (5) o'r Ddeddf (dyletswyddau cyffredinol yr awdurdod lleol mewn perthynas â phlant sy'n derbyn gofal ganddo);
- (b) dyletswydd y corff gwirfoddol o dan adran 61(1) a (2) o'r Ddeddf (dyletswyddau cyrff gwirfoddol); ac
- (c) dyletswydd y person sy'n cadw cartref cofrestredig i blant o dan adran 64(1) a (2) o'r Ddeddf (lles plant mewn cartrefi cofrestredig i blant).

6. Y trefniadau ar gyfer cyswllt rhwng y plentyn ac-

- (a) ei rieni;
- (b) unrhyw berson nad yw'n riant iddo ond sydd â chyfrifoldeb riant drosto. ac
- (c) unrhyw berthynas, ffrind neu berson arall cysylltiedig ag ef,

ac os yn briodol, y rhesymau pam na fyddai cyswllt gydag unrhyw berson o'r fath yn rhesymol ymarferol neu pam y byddai'n anghydnaws â lles y plentyn.

MATTERS TO BE INCLUDED IN
ARRANGEMENTS TO ACCOMMODATE
CHILDREN WHO ARE NOT IN CARE

1. The type of accommodation to be provided and its address together with the name of any person who will be responsible for the child at that accommodation on behalf of the responsible authority.

2. The details of any services to be provided for the child.

3. The respective responsibilities of the responsible authority and-

- (a) the child;
- (b) any parent of his or hers; and
- (c) any person who is not a parent of his or hers but who has parental responsibility for him or her.

4. What delegation there has been by the persons referred to in paragraph 3(b) and (c) of this Schedule to the responsible authority of parental responsibility for the child's day to day care.

5. The arrangements for involving those persons and the child in decision making with respect to the child having regard-

- (a) to the local authority's duty under sections 20(6) (involvement of children before provision of accommodation) and 22(3) to (5) of the Act (general duties of the local authority in relation to children looked after by them);
- (b) the duty of the voluntary organisation under section 61(1) and (2) of the Act (duties of voluntary organisations); and
- (c) the duty of the person carrying on a registered children's home under section 64(1) and (2) of the Act (welfare of children in registered children's homes).

6. The arrangements for contact between the child and-

- (a) his or her parents;
- (b) any person who is not a parent of his or hers but who has parental responsibility for him or her; and
- (c) any relative, friend or other person connected with him or her,

and if appropriate, the reasons why contact with any such person would not be reasonably practicable or would be inconsistent with the child's welfare.

7. Y trefniadau ar gyfer rhoi hysbysiad o newid mewn trefniadau ar gyfer cyswllt i unrhyw un o'r personau y cyfeirir atynt ym mharagraff 6.

8. Yn achos plentyn 16 mlwydd oed neu fwy a yw adran 20(11) o'r Ddeddf (lletya plentyn 16 mlwydd oed neu fwy er gwaethaf gwrthwynebiad gan riant) yn gymwys.

9. Y cyfnod y disgwylir i'r trefniadau barhau a'r camau a ddylai fod yn gymwys i ddwyn y trefniadau i ben, gan gynnwys trefniadau i adsefydlu'r plentyn gyda'r person yr oedd yn byw gydag ef cyn gwneud y trefniadau gwirfoddol, neu gyda rhyw berson addas arall, gan ystyried yn benodol, yn achos awdurdod lleol sydd â phlentyn yn derbyn gofal ganddo, adran 23(6) o'r Ddeddf (dyletswydd i leoli plant pan fo'n ymarferol gyda rhieni etc.) a pharagraff 15 o Atodlen 2 o'r Ddeddf (cynnal cyswllt rhwng y plentyn a'i deulu).

7. The arrangements for notifying changes in arrangements for contact to any of the persons referred to in paragraph 6.

8. In the case of a child aged 16 or over whether section 20(11) of the Act (accommodation of a child of 16 or over despite parental opposition) applies.

9. The expected duration of arrangements and the steps which should apply to bring the arrangements to an end, including arrangements for rehabilitation of the child with the person with whom he or she was living before the voluntary arrangements were made or some other suitable person, having regard in particular, in the case of a local authority looking after a child, to section 23(6) of the Act (duty to place children where practicable with parents etc.) and paragraph 15 of Schedule 2 to the Act (maintenance of contact between child and family).

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