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OFFERYNNAU STATUDOL  
CYMRU

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WELSH  
STATUTORY INSTRUMENTS

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**2008 Rhif 169 (Cy.22)**

**2008 No. 169 (W.22)**

**PLANT A PHOBL IFANC,  
CYMRU**

**CHILDREN AND YOUNG  
PERSONS, WALES**

Rheoliadau Deddf Gofal Plant  
2006(Asesiadau Awdurdodau  
Lleol) (Cymru) 2008

The Childcare Act 2006 (Local  
Authority Assessment) (Wales)  
Regulations 2008

**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 gosod y cynnwys sy'n ofynnol ar gyfer asesiadau awdurdodau lleol o ofal plant yn ei ardal. Mae hyn yn cynnwys y gofynion am ofal plant ac argaeledd gofal plant yn yr ardal. Mae'r Rheoliadau hefyd yn nodi'r personau a'r cyrff y mae'n rhaid i'r awdurdod lleol ymghyngori â hwy a'r dull y mae'n rhaid cyhoeddi'r asesiad.

These Regulations set out the required content of the local authority assessment of childcare in its area. This includes both the requirements for childcare and the availability of childcare in its area. The regulations also set out the persons and bodies that the local authority must consult and the manner in which the assessment must be published.

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*Wedi'u gwneud* 28 Ionawr 2008

*Made* 28 January 2008

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 30 Ionawr 2008

*Laid before the National  
Assembly for Wales* 30 January

*Yn dod i rym* 1 Ebrill 2008

*Coming into force* 1 April 2008

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adran 26 o Ddeddf Gofal Plant 2006(1), ac a freiniwyd ynddynt hwy bellach(2), drwy hyn yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by section 26 of the Childcare Act 2006(1), and now vested in them (2) makes the following Regulations:

**Enwi, cychwyn a chymhwyso**

**Title, commencement and application**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Gofal Plant 2006 (Asesiadau Awdurdodau Lleol) (Cymru) 2008 a deuant i rym ar 1 Ebrill 2008.

1.—(1) The title of these Regulations is The Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2008 and they come into force on 1 April 2008.

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

(2) These Regulations apply in relation to Wales.

**Dehongli**

**Interpretation**

2.—(1) Yn y Rheoliadau hyn—

2.—(1) In these Regulations—

ystyr "addysg feithrin am ddim" ("*free nursery education*") yw darpariaeth a wneir o dan drefniadau rhwng y darparydd a'r awdurdod lleol yn unol â dyletswydd yr awdurdod lleol o dan adran 118 o Ddeddf Safonau a Fframwaith Ysgolion 1998(3);

"the Act" ("*y Ddeddf*") means the Childcare Act 2006;

"assessment" ("*asesiad*") means the assessment carried out by a local authority under section 26(1) of the Act;

ystyr "asesiad" ("*assessment*") yw'r asesiad a gyflawnir gan awdurdod lleol o dan adran 26(1) o'r Ddeddf;

"childcare" ("*gofal plant*") means care which is required to be registered under part 10A of the Children Act 1989(3) or care which would be required to be registered under part 10A but for the

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(1) 2006 p.21.

(2) Yn rhinwedd paragraff 30 o Atodlen 11 o Ddeddf Llywodraeth Cymru 2006.

(3) 1998 p.31

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(1) 2006 c.21

(2) By virtue of paragraph 30 of Schedule 11 of the Government of Wales Act 2006

(3) 1989 c.41

ystyr "darparparydd gofal plant" ("*childcare provider*") yw unrhyw berson sy'n darparu gofal plant;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Gofal Plant 2006;

ystyr "gofal plant" ("*childcare*") yw gofal y mae'n ofynnol ei gofrestru o dan ran 10A o Ddeddf Plant 1989(1) neu ofal y byddai'n ofynnol ei gofrestru o dan ran 10A onibai am y ffaith y darperir ef ar gyfer plentyn 8 oed neu drosodd;

ystyr "hyd sesiwn" ("*session length*") yw'r cyfnod hiraf o amser y bydd darparparydd gofal plant yn gofalu am blentyn mewn diwrnod;

ystyr "partneriaid yr awdurdod lleol" ("*local authority's partners*") yw'r partneriaid perthnasol fel y diffinnir y term yn adran 25 o Deddf Plant 2004(2) a Chanolfan Byd Gwaith

- (2) Yn y Rheoliadau hyn, dyma'r ystodau oedran—
- (a) 2 oed ac yn is;
  - (b) 3 oed a 4 oed;
  - (c) 5 oed, 6 oed a 7 oed;
  - (ch) 8 oed, 9 oed a 10 oed;
  - (d) 11 oed, 12 oed, 13 oed a 14 oed; ac
  - (dd) o ran plant anabl yn unig, 15 oed, 16 oed a 17 oed.

- (3) Yn y Rheoliadau hyn, dyma'r mathau o ofal plant—
- (a) gwarchod plant;
  - (b) gofal diwrnod llawn;
  - (c) gofal am sesiwn;
  - (ch) gofal y tu allan i oriau ysgol; a
  - (d) creches

### **Materion i'w cynnwys yn yr asesiad**

3.—(1) Rhaid i'r asesiad gynnwys o ran pob ardal awdurdod lleol fanylion am—

- (a) y nifer o leoedd addysg feithrin am ddim sy'n ofynnol;
- (b) y nifer o leoedd addysg feithrin am ddim sydd ar gael;
- (c) o ran pob un o'r mathau o ofal plant a phob ystod oedran—
  - (i) y nifer o leoedd sy'n ofynnol;
  - (ii) y nifer o leoedd sydd ar gael;
  - (iii) y nifer o leoedd sy'n ofynnol y gellir defnyddio'r elfen o ofal plant sydd yn y credyd treth gwaith ar eu cyfer;

fact that it is provided for a child aged 8 or over;

"childcare provider" ("*darparparydd gofal plant*") means any person who provides childcare;

"free nursery education" ("*addysg feithrin am ddim*") means provision which is made under arrangements between the provider and the local authority in pursuance of the local authority's duty under section 118 of the School Standards and Framework Act 1998(1)

"local authority's partners" ("*partneriaid yr awdurdod lleol*") means the relevant partners as defined in section 25 of the Children Act 2004(2) and JobCentre Plus;

"session length" ("*hyd sesiwn*") means the maximum period of time for which a childcare provider will care for a child in a day;

- (2) In these Regulations, the age ranges are—
- (a) ages 2 and under;
  - (b) ages 3 and 4;
  - (c) ages 5, 6 and 7;
  - (d) ages 8, 9 and 10;
  - (e) ages 11, 12, 13 and 14; and
  - (f) in relation to disabled children only, ages 15, 16 and 17.

- (3) In these Regulations, the types of childcare are—
- (a) childminding;
  - (b) full day care;
  - (c) sessional care;
  - (d) out of school care; and
  - (e) creches

### **Matters to be contained in the assessment**

3.—(1) The assessment must include in respect of each local authority area details of—

- (a) the number of free nursery education places required;
- (b) the number of free nursery education places available;
- (c) in respect of each type of childcare and each age range—
  - (i) the number of places required;
  - (ii) the number of places available;
  - (iii) the number of places required in respect of which the childcare element of working tax credit may be used;

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(1) 1989 p.41

(2) 2004 p.31

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(1) 1998 c.31

(2) 2004 c.31

- (iv) y nifer o leoedd sydd ar gael y gallai rhieni ddefnyddio'r elfen o ofal plant sydd yn y credyd treth gwaith ar eu cyfer;
- (v) yr adegau pan fo gofal plant yn ofynnol;
- (vi) yr adegau pan fo gofal plant ar gael;
- (vii) ystod yr hydoedd sesiwn a gynigir gan ddarparwyr gofal plant;
- (viii) y gofynion am ofal arbenigol i blant anabl a phlant ag anghenion addysgol arbennig;
- (ix) y nifer o leoedd sydd ar gael sy'n addas i blant ag anghenion addysgol arbennig neu sydd angen gofal arbenigol oherwydd anabled;
- (x) y nifer o leoedd sy'n ofynnol ar gyfer gofal plant drwy gyfrwng y Cymraeg ac yn ddwyieithog;
- (xi) y nifer o leoedd gofal plant i blant Cymraeg a dwyieithog sydd ar gael;
- (xii) y nifer o leoedd gwag a lleoedd heb gael eu defnyddio; ac ystod y taliadau ar gyfer y gofal plant.

(2) Rhaid i'r asesiad gynnwys crynodeb o anghenion gofal plant nad ydynt yn cael eu diwallu yn ardal yr awdurdod lleol gan gynnwys y rheini sy'n ymwneud â'r canlynol—

- (a) y mathau o ofal sydd ar gael;
- (b) oedran y plant y mae gofal ar gael iddynt;
- (c) fforddiadwyedd gofal plant;
- (ch) amserau pan fo gofal plant ar gael;
- (d) anghenion penodol plant anabl;
- (dd) argaeledd gofal plant drwy gyfrwng y Gymraeg ac yn ddwyieithog; a
- (e) lleoliad y gofal plant.

### Ymgynghori

4. Wrth baratoi'r asesiad, rhaid i'r awdurdod lleol ymgynghori â'r canlynol—

- (1) plant;
- (2) rhieni;
- (3) darparwyr gofal plant;
- (4) personau sy'n cynrychioli plant, rhieni a darparwyr gofal plant;
- (5) personau sydd â buddiant mewn gofal plant a phersonau sy'n cynrychioli'r rheini sydd â buddiant mewn gofal plant;

- (iv) the number of places available for which parents would be able to use the childcare element of the working tax credit;
- (v) the times at which the childcare is required;
- (vi) the times at which the childcare is available;
- (vii) the range of session lengths offered by childcare providers;
- (viii) the requirements for specialist care for disabled children and those with special educational needs;
- (ix) the number of places available which are suitable for children who have special educational needs or who require specialist care due to a disability;
- (x) the number of Welsh language and bilingual childcare places required;
- (xi) the number of Welsh language and bilingual childcare places available;
- (xii) the number of vacant and unused places; and the range of charges for the childcare.

(2) The assessment must include a summary of childcare needs which are not met in the local authority area including those which relate to the—

- (a) types of care available;
- (b) age of children for whom care is available;
- (c) affordability of childcare;
- (d) times at which childcare is available;
- (e) specific needs of disabled children;
- (f) availability of Welsh language and bilingual childcare; and
- (g) location of childcare.

### Consultation

4. In preparing the assessment, the local authority must consult such—

- (1) children;
- (2) parents;
- (3) childcare providers;
- (4) persons representing children, parents and childcare providers;
- (5) persons with an interest in childcare and persons representing those with an interest in childcare;

(6) personau sy'n cynrychioli cyflogwyr a chyrrff cyflogwyr lleol;

(7) cyflogwyr lleol;

(8) awdurdodau lleol cyfagos;

(9) ysgolion; a

(10) colegau addysg bellach

sydd yn yr ardal fel y mae'n ystyried sy'n briodol.

5. Wrth baratoi'r asesiad, rhaid i'r awdurdod lleol ymghyngori â'r canlynol—

(1) y Bwrdd Lleol ar gyfer Diogelu Plant; a

(2) partneriaid yr awdurdod lleol.

### **Crynodeb ddrafft**

6. Cyn cyhoeddi crynodeb o'r asesiad o dan reoliad 3, rhaid i'r awdurdod lleol sicrhau bod drafft ar gael yn gyffredinol o'r crynodeb o'r asesiad y mae'n bwriadu ei gyhoeddi er mwyn rhoi cyfle i'r personau a restrir yn rheoliad 4 a 5 gyflwyno sylwadau ar y drafft.

7. Rhaid i'r awdurdod lleol ddiwygio crynodeb o'r asesiad drafft yn y dull y mae'n ystyried sy'n briodol wrth ymateb i unrhyw sylwadau a gafwyd yn rhinwedd rheoliadau 4 a 5.

### **Cyhoeddi'r Asesiad**

8. Rhaid i'r awdurdod lleol gyhoeddi crynodeb o'r asesiad ar wefan yr awdurdod lleol.

9. Rhaid i'r awdurdod lleol adneuo copïau o grynodedd yr asesiad mewn llyfrgelloedd cyhoeddus, sefydliadau gofal plant, ysgolion a lleoedd cyhoeddus eraill y mae'n ystyried sy'n briodol.

10. Rhaid i grynodedd o'r asesiad gynnwys—

(1) yr wybodaeth a bennir yn rheoliad 3(1) o ran ardal yr awdurdod lleol yn gyffredinol; a

(2) yr wybodaeth a bennir yn rheoliad 3(2).

(6) persons representing local employers and employer organisations;

(7) local employers;

(8) neighbouring local authorities;

(9) schools; and

(10) further education colleges

in the local authority area as it considers appropriate.

5. In preparing the assessment, the local authority must consult—

(1) the Local Safeguarding Children Board; and

(2) the local authority's partners.

### **Draft summary**

6. Prior to publishing a summary of the assessment under regulation 3, the local authority must make generally available a draft of the summary of the assessment which they propose to publish for the purpose of allowing the persons listed in regulations 4 and 5 the opportunity to comment on the draft.

7. The local authority must amend the draft summary of the assessment in such way as they consider appropriate in response to any comments received by virtue of regulations 4 and 5.

### **Publication of Assessment**

8. The local authority must publish a summary of the assessment on the local authority website.

9. The local authority must deposit copies of the summary of the assessment in such public libraries, childcare settings, schools and other public places as they consider appropriate.

10. The summary of the assessment must include—

(1) the information specified in regulation 3(1) in respect of the local authority area ; and

(2) the information specified in regulation 3(2).

*Jane Hutt*

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a  
Sgiliau, un o Weinidogion Cymru.

Minister for Children, Education, Lifelong Learning  
and Skills, one of the Welsh Ministers

28 Ionawr 2008

28 January 2008

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