



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2015 Rhif 1820 (Cy. 262)

2015 No. 1820 (W. 262)

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

**Rheoliadau Ymadawyr Gofal
(Cymru) 2015**

**The Care Leavers (Wales)
Regulations 2015**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Gwneir y Rheoliadau hyn o dan Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (“y Ddeddf”) a deuant i rym ar 1 Ebrill 2016. Maent yn dirymu, ac yn disodli'n rhannol, Rheoliadau Plant (Ymadael â Gofal) (Cymru) 2001.

These Regulations are made under the Social Services and Well-being (Wales) Act 2014 (“the Act”) and they come into force on 1 April 2016. They revoke, and in part, replace, the Children (Leaving Care) (Wales) Regulations 2001.

Mae'r Rheoliadau yn gwneud darpariaeth ynglŷn â'r cymorth sydd i'w ddarparu i bersonau ifanc penodol nad ydynt bellach yn derbyn gofal gan awdurdod lleol sef, sef personau ifanc categori 2 (fel y'u diffinnir gan adran 104(2) o'r Ddeddf a rheoliad 3) ac i bersonau ifanc categori 3 a chategori 4 (fel y'u diffinnir gan adran 104(2) o'r Ddeddf).

The Regulations make provision about the support to be provided to certain young persons who are no longer looked after by a local authority, that is, category 2 young persons (as defined by section 104(2) of the Act and regulation 3) and to category 3 and category 4 young persons (as defined in section 104(2) of the Act).

Maent yn ailddeddfu (gyda rhai newidiadau) ddarpariaethau yn Rheoliadau 2001 (ac eithrio'r darpariaethau hynny sy'n ymwneud â phersonau ifanc y cyfeirir atynt yn y Rheoliadau hynny fel plant “cymwys” ac a ddiffinnir yn awr fel personau ifanc categori 1 yn unol ag adran 104(2) o'r Ddeddf, a gynhwysir bellach yn Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015).

They re-enact (with some changes) provisions in the 2001 Regulations (other than those relating to young persons who are referred to in those Regulations as “eligible” children, who are now defined as category 1 young persons in accordance with section 104(2) of the Act, which are now contained in the Care Planning, Placement and Case Review (Wales) Regulations 2015).

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynglŷn â'r ffordd y mae'n rhaid i'r awdurdod lleol cyfrifol gynnal asesiad o anghenion personau ifanc categori 2, categori 3 a chategori 4 (rheoliad 5), ac ynglŷn â pharatoi ac adolygu cynlluniau llwybr, sef cynlluniau sy'n nodi'r cyngor a chymorth arall y mae'r awdurdod lleol cyfrifol, a phersonau eraill pan fo'n briodol, yn bwriadu eu darparu (rheoliadau 6 a 7 ac Atodlenni 1 a 2).

These Regulations make provision about the way in which the responsible local authority must carry out an assessment of the needs of category 2, category 3 and category 4 young persons (regulation 5) and about the preparation and review of pathway plans, which are plans setting out the advice and other support the responsible local authority, and where appropriate other persons, intend to provide (regulations 6, 7 and Schedules 1 and 2).

Maent yn rhagnodi swyddogaethau cynghorwyr personol a benodir ar gyfer personau ifanc categori 2, categori 3 a chategori 4 (rheoliad 8) ac yn gwneud darpariaeth ynghylch cymorth arall ac addasrwydd llety (rheoliad 9 ac Atodlen 3). Maent yn darparu ar gyfer sefydlu a chadw cofnodion mewn perthynas ag asesiadau a chynlluniau llwybr (rheoliad 10).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

They prescribe the functions of personal advisers appointed for category 2, category 3 and category 4 young persons (regulation 8) and make provision about other support and the suitability of accommodation (regulation 9 and Schedule 3). They provide for the establishment and keeping of records in relation to assessments and pathway plans (regulation 10).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department for Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

2015 Rhif 1820 (Cy. 262)

2015 No. 1820 (W. 262)

**PLANT A PHERSONAU
IFANC, CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

**Rheoliadau Ymadawyr Gofal
(Cymru) 2015**

**The Care Leavers (Wales)
Regulations 2015**

Gwnaed 21 Hydref 2015

Made 21 October 2015

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 23 Hydref 2015

Laid before the National Assembly for Wales
23 October 2015

Yn dod i rym 6 Ebrill 2016

Coming into force 6 April 2016

CYNNWYS

CONTENTS

**RHAN 1
CYFFREDINOL**

**PART 1
GENERAL**

1. Enwi, cychwyn a chymhwyso
2. Dehongli
3. Personau ifanc categori 2

1. Title, commencement and application
2. Interpretation
3. Category 2 young persons

**RHAN 2
ASESIADAU O ANGHENION A
CHYNLLUNIAU LLWYBR**

**PART 2
ASSESSMENTS OF NEEDS AND PATHWAY
PLANS**

4. Ymglymiad y person ifanc
5. Asesu anghenion
6. Cynlluniau llwybr
7. Adolygu cynlluniau llwybr

4. Involvement of the young person
5. Assessment of needs
6. Pathway plans
7. Review of pathway plans

**RHAN 3
CYNGHORWYR PERSONOL**

**PART 3
PERSONAL ADVISERS**

8. Swyddogaethau cynghorwyr personol

8. Functions of personal advisers

**RHAN 4
AMRYWIOL**

**PART 4
MISCELLANEOUS**

9. Cymorth a llety
10. Cofnodion
11. Dirymu Rheoliadau

9. Support and accommodation
10. Records
11. Revocation of Regulations

ATODLEN 1 – Materion sydd i'w cynnwys yn y cynllun llwybr a'r adolygiad ohono

ATODLEN 2 – Materion sydd i'w cynnwys yn y cynllun llwybr a'r adolygiad ohono pan fo'r person ifanc dan gadwad

ATODLEN 3 – Materion i'w hystyried wrth benderfynu ynghylch addasrwydd llety

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 104(2) a (6), 106(4), 107(7)(c) ac (8), 108(6), 109(1) a (3), 116(2) a 196(2) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1), yn gwneud y Rheoliadau a ganlyn(2):

RHAN 1

Cyffredinol

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Ymadawyr Gofal (Cymru) 2015 a deuant i rym ar 6 Ebrill 2016.

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

Dehongli

2. Yn y Rheoliadau hyn—

mae i “awdurdod lleol cyfrifol” (“*responsible local authority*”) yr ystyr a nodir yn adran 104(5) o'r Ddeddf;

mae i “carchar” (“*prison*”), “llety cadw ieuencid” (“*youth detention accommodation*”), a “mangre a gymeradwywyd” (“*approved premises*”) yr ystyron a roddir yn adran 188(1) o'r Ddeddf(3);

(1) 2014 decc 4.

(2) *Gweler* adran 197(1) am y diffiniad o “penodedig”, “a bennir” ac “a bennwyd” a “rheoliadau”.

(3) Diffinnir “carchar” gan adran 188(1) o'r Ddeddf drwy gyfeirio at y diffiniad o “prison” yn adran 53(1) o Ddeddf Carchardai 1952 (p. 52); diffinnir “llety cadw ieuencid” yn adran 188(1) o'r Ddeddf fel: (a) cartref diogel i blant; (b) canolfan hyfforddi ddiogel; (c) sefydliad troseddwr ifanc; (d) llety sy'n cael ei ddarparu, ei gyfarparu a'i gynnal gan Weinidogion Cymru o dan adran 82(5) o Ddeddf Plant 1989 at y diben o gyfyngu ar ryddid plant; (e) llety, neu lety o ddisgrifiad, a bennir am y tro drwy orchymyn o dan adran 107(1)(e) o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000 (llety cadw ieuencid at ddibenion gorchymynion cadw a hyfforddi); diffinnir “ysbyty” yn adran 197(1) o'r Ddeddf fel term sydd â'r ystyr a roddir i “hospital” yn adran 206 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42).

Ar gyfer ystyr “young offender institution” a “secure training centre” gweler adran 43(1)(aa) a (d) o Ddeddf Carchardai 1952 (p. 52).

SCHEDULE 1 – Matters to be dealt with in the pathway plan and review

SCHEDULE 2 – Matters to be dealt with in the pathway plan and review when the young person is detained

SCHEDULE 3 – Matters to be considered in determining the suitability of accommodation

The Welsh Ministers, in exercise of the powers conferred by sections 104(2) and (6), 106(4), 107(7)(c) and (8), 108(6), 109(1) and (3), 116(2) and 196(2) of the Social Services and Well-being (Wales) Act 2014(1), make the following Regulations(2):

PART 1

General

Title, commencement and application

1.—(1) The title of these Regulations is the Care Leavers (Wales) Regulations 2015 and they come into force on 6 April 2016.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Social Services and Well-being (Wales) Act 2014;

“category 2 young person” (“*person ifanc categori 2*”) has the meaning given in section 104(2) of the Act and regulation 3;

“category 3 young person” (“*person ifanc categori 3*”) and “category 4 young person” (“*person ifanc categori 4*”) have the meanings given in section 104(2) of the Act;

“detained” (“*dan gadwad*”) means—

(a) in relation to a child or a category 2 young person who, having been convicted of an offence, is—

(i) detained in prison or in youth detention accommodation,

(1) 2014 anaw 4.

(2) *See* section 197(1) for the definition of “specified” and “regulations”.

ystyr “cyngorydd personol” (“*personal adviser*”) yw’r person a benodir yn unol ag adran 106 o’r Ddeddf ar gyfer person ifanc categori 1, categori 2, categori 3, neu categori 4;

mae i “cyn-riant maeth” (“*former foster parent*”) yr ystyr a roddir yn adran 108(3) o’r Ddeddf;

ystyr “dan gadwad” (“*detained*”)—

- (a) mewn perthynas â phlentyn neu berson ifanc categori 2 a gollfarnwyd o drosedd, yw—
 - (i) dan gadwad mewn carchar neu mewn llety cadw ieuencid,
 - (ii) yn preswyllo mewn mangre a gymeradwywyd, neu
 - (iii) yn preswyllo mewn unrhyw fangre arall oherwydd bod gofyniad i wneud hynny wedi ei osod ar y plentyn fel amod caniatáu mechnïaeth mewn achos troseddol,

ond nid yw’n cynnwys remand i lety neu fangre o’r fath(1)

- (b) mewn perthynas â pherson ifanc categori 3 neu 4, yw—
 - (i) dan gadwad mewn carchar neu mewn llety cadw ieuencid,
 - (ii) yn preswyllo mewn mangre a gymeradwywyd, neu
 - (iii) yn preswyllo mewn unrhyw fangre arall oherwydd bod gofyniad i wneud hynny wedi ei osod ar y person ifanc fel amod caniatáu mechnïaeth mewn achos troseddol;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014;

mae i “lleoliad” (“*placement*”) yr ystyr a roddir yn adran 81(6) o’r Ddeddf;

mae i “person ifanc categori 2” (“*category 2 young person*”) yr ystyr a roddir yn adran 104(2) o’r Ddeddf a rheoliad 3;

mae i “person ifanc categori 3” (“*category 3 young person*”) a “person ifanc categori 4” (“*category 4 young person*”) yr ystyron a roddir yn adran 104(2) o’r Ddeddf;

(ii) residing in approved premises, or

(iii) residing in any other premises because a requirement to do so has been imposed on the child as a condition of the grant of bail in criminal proceedings,

but does not include a remand to such accommodation or premises(1)

(b) in relation to a category 3 or 4 young person, the young person is—

(i) detained in prison or in youth detention accommodation,

(ii) residing in approved premises, or

(iii) residing in any other premises because a requirement to do so has been imposed on the child as a condition of the grant of bail in criminal proceedings;

“former foster parent” (“*cyn-riant maeth*”) has the meaning given in section 108(3) of the Act;

“personal adviser” (“*cyngorydd personol*”) means the person appointed in accordance with section 106 of the Act for a category 1, category 2, category 3, or category 4 young person;

“placement” (“*lleoliad*”) has the meaning given in section 81(6) of the Act;

“post-18 living arrangement” (“*trefniant byw ôl-18*”) has the meaning given in section 108(3) of the Act;

“prison” (“*carchar*”), “youth detention accommodation” (“*llety cadw ieuencid*”), and “approved premises” (“*mangre a gymeradwywyd*”) have the meanings given in section 188(1) of the Act(2);

(1) Mae adran 104(1) o Ddeddf Cymorth Cyfreithiol, Deddfydu a Chosbi Troseddwyr 2012 (p. 10) (“Deddf 2012”) yn darparu bod rhaid trin plentyn a roddir ar remand i lety cadw ieuencid fel pe bai’n “looked after”, sef yn derbyn gofal, gan yr awdurdod lleol (gweler adran 104(1) o Ddeddf 2012); diffinnir “youth detention accommodation” yn adran 102(1) o Ddeddf 2012.

(1) Section 104(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the 2012 Act”) provides that a child who is remanded to youth detention accommodation is to be treated as “looked after” by the local authority (see section 104(1) of the 2012 Act); “youth detention accommodation” is defined within section 102(1) of the 2012 Act.

(2) “Prison” is defined by section 188(1) of the Act by reference to the definition within section 53(1) of the Prison Act 1952 (c. 52); “youth detention accommodation” is defined within section 188(1) of the Act as meaning: (a) a secure children’s home; (b) a secure training centre; (c) a young offender institution; (d) accommodation provided, equipped and maintained by the Welsh Ministers under section 82(5) of the Children Act 1989 for the purpose of restricting the liberty of children; (e) accommodation, or accommodation of a description, for the time being specified by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000 (youth detention accommodation for the purposes of detention and training orders); “hospital” is defined in section 197(1) of the Act as having the meaning given in section 206 of the National Health Service (Wales) Act 2006 (c. 42). For the meaning of “young offender institution” and “secure training centre” see section 43(1)(aa) and (d) of the Prison Act 1952 (c. 52).

mae i “trefniant byw ôl-18” (“*post-18 living arrangement*”) yr ystyr a roddir yn adran 108(3) o’r Ddeddf;

Personau ifanc categori 2

3.—(1) At ddibenion adran 104(6)(a) o’r Ddeddf, mae plant sy’n dod o fewn paragraff (2) yn categori ychwanegol o bersonau ifanc categori 2.

(2) Yn ddarostyngedig i baragraff (3), mae plentyn yn dod o fewn y paragraff hwn—

- (a) os yw’r plentyn yn 16 neu 17 oed,
- (b) os nad yw’r plentyn yn ddarostyngedig i orchymyn gofal(1), ac
- (c) pan gyrhaeddodd 16 oed, roedd y plentyn dan gadwad neu mewn ysbyty, ac yn union cyn ei roi dan gadwad neu ei dderbyn i ysbyty, roedd wedi bod yn derbyn gofal gan awdurdod lleol am gyfnod neu gyfnodau yr oedd eu cyfanswm yn 13 wythnos o leiaf a’r cyfnod hwnnw wedi dechrau ar ôl i’r plentyn gyrraedd 14 oed(2).

(3) Wrth gyfrifo’r cyfnod o 13 wythnos y cyfeirir ato ym mharagraff (2)(c), rhaid diystyru unrhyw gyfnod pan oedd y plentyn yn derbyn gofal gan awdurdod lleol neu awdurdod lleol yn Lloegr, yng nghwrs cyfres o leoliadau byrdymor a drefnwyd ymlaen llaw, nad oedd yr un ohonynt yn hwy na 4 wythnos, a phan oedd y plentyn ar ddiwedd pob lleoliad o’r fath yn dychwelyd i ofal ei riant neu berson nad oedd yn riant y plentyn ond a oedd â chyfrifoldeb riant amdano.

(4) Yn ddarostyngedig i baragraff (5), rhaid peidio â thrin plentyn fel person ifanc categori 2, os bu’n byw am gyfnod di-dor o chwe mis neu ragor (pa un a gychwynnodd y cyfnod hwnnw cyn ynteu ar ôl iddo beidio â derbyn gofal) gydag—

- (a) ei riant,
- (b) rhywun nad yw’n riant iddo ond sydd â chyfrifoldeb riant amdano, neu
- (c) os oedd y plentyn mewn gofal a gorchymyn trefniadau plentyn mewn grym yn union cyn gwneud y gorchymyn gofal, person a enwyd yn y gorchymyn trefniadau plentyn fel y person yr oedd y plentyn i fyw gydag ef,

hyd yn oed os yw’r plentyn yn dod o fewn y diffiniad o berson ifanc categori 2 yn adran 104(2) o’r Ddeddf.

“responsible local authority” (“*awdurdod lleol cyfrifol*”) has the meaning set out in section 104(5) of the Act.

Category 2 young persons

3.—(1) For the purposes of section 104(6)(a) of the Act, children falling within paragraph (2) are an additional category of category 2 young person.

(2) Subject to paragraph (3), a child falls within this paragraph if—

- (a) the child is aged 16 or 17,
- (b) the child is not subject to a care order(1), and
- (c) on attaining the age of 16 the child was detained, or in hospital, and immediately before being detained or admitted to hospital had been looked after by a local authority for a period or periods amounting in total to at least 13 weeks, which began after the child attained the age of 14(2).

(3) In calculating the period of 13 weeks referred to in paragraph (2)(c), no account is to be taken of any period in which the child was looked after by a local authority or a local authority in England in the course of a pre-planned series of short-term placements, none of which individually exceeded four weeks, where at the end of the each such placement the child returned to the care of their parent or a person who is not a parent but who has parental responsibility for them.

(4) Subject to paragraph (5), a child who has lived for a continuous period of six months or more (whether that period commenced before or after they ceased to be looked after) with—

- (a) their parent,
- (b) someone who is not their parent but who has parental responsibility for them, or
- (c) where they were in care and there was a child arrangements order in force immediately before the care order was made, a person named in the child arrangements order as the person with whom they were to live,

is not to be treated as a category 2 young person despite falling within the definition set out in section 104(2) of the Act.

(1) Ar gyfer ystyr “gorchymyn gofal” gweler adran 197(3) o’r Ddeddf.

(2) Ar gyfer ystyr “derbyn gofal” gweler adran 74 o’r Ddeddf (plentyn neu berson ifanc sy’n derbyn gofal gan awdurdod lleol).

(1) For the meaning of “care order” see section 197(3) of the Act.

(2) For the meaning of “looked after” see section 74 of the Act (child or young person looked after by a local authority).

(5) Pan fo'r trefniadau byw a ddisgrifir ym mharagraff (4) yn diffygio, a'r plentyn yn peidio â byw gyda'r person dan sylw, rhaid trin y plentyn fel person ifanc categori 2.

(6) At ddibenion paragraff (4), gorchymyn trefniadau plentyn yw gorchymyn a gyfansoddir o, neu sy'n cynnwys, trefniadau mewn perthynas ag un neu'r ddau o'r canlynol—

- (a) gyda phwy y bydd y plentyn yn byw, a
- (b) pa bryd y bydd y plentyn yn byw gydag unrhyw berson.

(7) At ddibenion y rheoliad hwn—

mae i “gorchymyn trefniadau plentyn” yr ystyr a roddir i “child arrangements order” yn adran 8(1) o Ddeddf Plant 1989(1); ac

mae i “ysbyty” yr ystyr a roddir i “hospital” yn Neddf Iechyd Meddwl 1983(2)

(5) Where living arrangements described in paragraph (4) break down and the child ceases to live with the person concerned, the child is to be treated as a category 2 young person.

(6) For the purposes of paragraph (4), a child arrangements order is one that consists of, or includes, arrangements relating to either or both of the following—

- (a) with whom the child is to live, and
- (b) when the child is to live with any person.

(7) For the purposes of this regulation—

“child arrangements order” (“*gorchymyn trefniadau plentyn*”) has the meaning given in section 8(1) of the Children Act 1989(1); and

“hospital” (“*ysbyty*”) has the same meaning as in the Mental Health Act 1983(2).

RHAN 2

Asesiadau o anghenion a llwybrau cynllun

Ymglymiad y person ifanc

4.—(1) Wrth gynnal asesiad o anghenion o dan reoliad 5, ac wrth baratoi neu adolygu cynllun llwybr o dan reoliad 6 neu 7, rhaid i'r awdurdod lleol cyfrifol, ac eithrio pan nad yw'n rhesymol ymarferol—

- (a) canfod a rhoi sylw i safbwyntiau'r person ifanc categori 2, categori 3 neu gategori 4 (y person ifanc perthnasol) y mae'r asesiad neu'r cynllun llwybr yn ymwneud ag ef(3), a
- (b) cymryd pob cam rhesymol i alluogi'r person ifanc perthnasol i fod yn bresennol a chymryd rhan mewn unrhyw gyfarfod yr ystyrir ei achos ynddo.

(2) Rhaid i'r awdurdod lleol cyfrifol, cyn gynted ag y bo'n ymarferol ddarparu copïau i'r person ifanc perthnasol o'r canlynol—

- (a) canlyniadau'r asesiad,
- (b) y cynllun llwybr,
- (c) pob adolygiad o'r cynllun llwybr,

PART 2

Assessments of need and pathway plans

Involvement of the young person

4.—(1) In carrying out an assessment of needs under regulation 5, and in preparing or reviewing a pathway plan under regulation 6 or 7, the responsible local authority must, unless it is not reasonably practicable—

- (a) seek and have regard to the views of the category 2, category 3 or category 4 young person (the relevant young person) to whom the assessment or pathway plan relates(3), and
- (b) take all reasonable steps to enable the relevant young person to attend and participate in any meeting at which their case is to be considered.

(2) The responsible local authority must as soon as practicable provide the relevant young person with copies of—

- (a) the results of the assessment,
- (b) the pathway plan,
- (c) each review of the pathway plan,

(1) 1989 p. 42. Diwygiwyd adran 8(1) gan adran 12 o Ddeddf Plant a Theuluoedd 2014 (p. 6).

(2) 1983 p. 20.

(3) Rhaid i unrhyw berson sy'n arfer swyddogaethau o dan y Ddeddf gydymffurfio â'r swyddogaethau cyffredinol a gynhwysir yn adrannau 5 i 7 o'r Ddeddf, sef yn benodol adrannau 5(a), 6(2) a (4) a 7(2).

(1) 1989 c. 42. Section 8(1) was amended by section 12 of the Children and Families Act 2014 (c. 6).

(2) 1983 c. 20.

(3) Any person exercising functions under the Act must comply with the overarching duties contained in sections 5 to 7 of the Act, in particular sections 5(a), 6(2) and (4) and 7(2).

a rhaid iddo esbonio cynnwys pob dogfen i'r person ifanc perthnasol, gan roi sylw i lefel ei ddealltwriaeth, ac eithrio pan nad yw'n rhesymol ymarferol gwneud hynny.

(3) Rhaid i'r awdurdod lleol cyfrifol sicrhau y cedwir cofnod ysgrifenedig o'r safbwynt a gaffaelir o dan baragraff (1)(a).

Asesu anghenion

5.—(1) Rhaid i'r awdurdod lleol cyfrifol asesu anghenion pob person ifanc categori 2 a 4 a phob person ifanc categori 3 nad oes ganddo gynllun llwybr eisoes, yn unol â'r rheoliad hwn.

(2) Rhaid cwblhau'r asesiad anghenion—

- (a) yn achos person ifanc categori 2, ddim hwyrach na 3 mis ar ôl y dyddiad y daeth y person ifanc yn berson ifanc categori 2,
- (b) yn achos person ifanc categori 3 nad oes ganddo gynllun llwybr eisoes, ddim hwyrach na 3 mis ar ôl y dyddiad y daeth y person ifanc yn berson ifanc categori 3, ac
- (c) yn achos person ifanc categori 4, ddim hwyrach na 3 mis ar ôl y dyddiad yr hysbysir yr awdurdod lleol cyfrifol fod y person ifanc categori 4 yn dilyn, neu'n dymuno dilyn, rhaglen o addysg neu hyfforddiant.

(3) Rhaid i'r awdurdod lleol cyfrifol sicrhau y cedwir cofnod ysgrifenedig o'r canlynol—

- (a) enwau'r personau y casglwyd eu safbwyntiau at y diben o gynnal yr asesiad,
- (b) yr wybodaeth a gasglwyd yn ystod yr asesiad,
- (c) y trafodaethau mewn unrhyw gyfarfod a gynhaliwyd mewn cysylltiad ag unrhyw agwedd ar yr asesiad, a
- (d) canlyniadau'r asesiad.

(4) Wrth gynnal asesiad o anghenion person ifanc categori 2, neu berson ifanc categori 3 nad oes ganddo gynllun llwybr eisoes, rhaid i'r awdurdod lleol cyfrifol—

- (a) cymryd i ystyriaeth—
 - (i) a yw'r person ifanc dan gadwad,
 - (ii) pan fo'r person ifanc yn berson ifanc categori 3, pa un a oes ganddo drefniant byw ôl-18 ai peidio,

and must ensure that the contents of each document are explained to the relevant young person having regard to their level of understanding, unless it is not reasonably practicable to do so.

(3) The responsible local authority must ensure that a written record is kept of the view obtained under paragraph (1)(a).

Assessment of needs

5.—(1) The responsible local authority must assess the needs of each category 2 and 4 young person and each category 3 young person who does not already have a pathway plan, in accordance with this regulation.

(2) The assessment of needs must be completed—

- (a) in the case of a category 2 young person not more than 3 months after the date on which the young person became a category 2 young person,
- (b) in the case of a category 3 young person who does not already have a pathway plan, not more than 3 months after the date on which young person became a category 3 young person, and
- (c) in the case of a category 4 young person, not more than 3 months after the date on which the responsible local authority is informed that the category 4 young person is pursuing, or wishes to pursue, a programme of education or training.

(3) The responsible local authority must ensure that a written record is kept of—

- (a) the identity of the persons whose views have been sought for the purpose of carrying out the assessment,
- (b) the information obtained in the course of the assessment,
- (c) the deliberations at any meeting held in connection with any aspect of the assessment, and
- (d) the results of the assessment.

(4) In carrying out an assessment of the needs of a category 2 young person, or a category 3 young person, who does not already have a pathway plan, the responsible local authority must—

- (a) take into account—
 - (i) whether the young person is detained,
 - (ii) where the young person is a category 3 young person, whether he or she has a post-18 living arrangement,

- | | |
|--|--|
| <ul style="list-style-type: none"> (iii) iechyd a datblygiad y person ifanc, (iv) anghenion y person ifanc o ran addysg, hyfforddiant a chyflogaeth, (v) y cymorth sydd ar gael i'r person ifanc oddi wrth aelodau o'i deulu a phersonau eraill, (vi) anghenion ariannol y person ifanc, (vii) i ba raddau mae'r person ifanc yn meddu'r sgiliau ymarferol a'r sgiliau eraill sydd eu hangen ar gyfer byw'n annibynnol, ac (viii) anghenion y person ifanc o ran cyngor a chymorth arall; a <p>(b) ac eithrio pan nad yw'n rhesymol ymarferol, neu pan nad yw'n briodol gwneud hynny, canfod a chymryd i ystyriaeth safbwyntiau'r canlynol—</p> <ul style="list-style-type: none"> (i) rhieni'r person ifanc, (ii) unrhyw berson nad yw'n rhiant y person ifanc ond sydd â chyfrifoldeb rhiant amdano, (iii) unrhyw berson sy'n gofalu o ddydd i ddydd am y person ifanc, neu'n darparu llety iddo, (iv) unrhyw ysgol, coleg neu sefydliad yn y sector addysg bellach a fynyichir gan y person ifanc, (v) yr awdurdod lleol, neu'r awdurdod lleol yn Lloegr ar gyfer yr ardal y mae'r person ifanc yn byw ynddi os yw'n wahanol i'r awdurdod lleol cyfrifol, (vi) unrhyw berson sy'n darparu gofal iechyd neu driniaeth i'r person ifanc, (vii) pan fo'r person ifanc dan gadwad, llywodraethwr, cyfarwyddwr neu reolwr cofrestredig (yn ôl fel y digwydd), y carchar neu'r llety cadw ieuenctid, (viii) pan fo'r person ifanc yn berson ifanc categori 3 sydd â threfniant byw ôl-18, cyn-riant maeth y person ifanc, (ix) unrhyw berson sy'n darparu cymorth ar ffurf cynrychiolaeth i'r person ifanc o dan adran 178 o'r Ddeddf (1), (x) cynghorydd personol y person ifanc, ac (xi) unrhyw berson arall y tybia'r awdurdod lleol cyfrifol neu'r person ifanc y gallai ei safbwyntiau fod yn berthnasol; | <ul style="list-style-type: none"> (iii) the young person's health and development, (iv) the young person's needs for education, training and employment, (v) the support available to the young person from members of their family and other persons, (vi) the young person's financial needs, (vii) the extent to which the young person possesses the practical and other skills necessary for independent living, and (viii) the young person's needs for advice and other support; and <p>(b) unless it is not reasonably practicable or appropriate to do so, seek and take into account the views of—</p> <ul style="list-style-type: none"> (i) the young person's parents, (ii) any person who is not the young person's parent but who has parental responsibility for the young person, (iii) any person who on a day-to-day basis cares for, or provides accommodation for, the young person, (iv) any school, college or institution within the further education sector attended by the young person, (v) the local authority or local authority in England for the area in which the young person lives where that is different from the responsible local authority, (vi) any person providing health care or treatment for the young person, (vii) where the young person is detained, the director, governor or registered manager (as the case may be), of the prison or youth detention accommodation, (viii) where the young person is a category 3 young person who has a post-18 living arrangement, the young person's former foster parent, (ix) any person by whom assistance by way of representation is provided to the young person under section 178 of the Act(1), (x) the young person's personal adviser, and (xi) any other person whose views the responsible local authority, or the young person, consider may be relevant; |
|--|--|

(1) Adran 178 o'r Ddeddf – cynhorthwy i bersonau sy'n cyflwyno sylwadau.

(1) Section 178 of the Act – assistance for persons making representations.

- (c) pan fo'r person ifanc categori 2—
- (i) yn ddiodefwr, neu pan fo rheswm dros gredu y gallai fod yn ddiodefwr, masnachu mewn bodau dynol yn yr ystyr a roddir i “trafficking in human beings” yng Nghonfensiwn Cyngor Ewrop ar Weithredu yn Erbyn Masnachu mewn Bodau Dynol(1),

- (ii) yn blentyn ar ei ben ei hunan yn ceisio lloches, yn yr ystyr a roddir i “unaccompanied asylum-seeking child” yn y Rheolau Mewnfudo, sydd wedi gwneud cais am loches, neu wedi dynodi wrth yr awdurdod lleol cyfrifol ei fwriad i wneud cais am loches, a heb gael caniatâd amhenodol i aros,

cymryd i ystyriaeth anghenion y person ifanc o ganlyniad i'r statws hwnnw.

(5) Wrth gynnal asesiad o anghenion person ifanc categori 3 sydd â threfniant byw ôl-18, rhaid i'r awdurdod lleol cyfrifol ystyried a yw'r trefniant hwnnw yn bellach yn gyson â llesiant y person ifanc ac a ddylid parhau'r trefniant.

(6) Wrth gynnal asesiad o anghenion person ifanc categori 4, rhaid i'r awdurdod lleol cyfrifol—

- (a) cymryd i ystyriaeth—
 - (i) pa un a yw'r person ifanc dan gadwad ai peidio,
 - (ii) anghenion y person ifanc categori 4 am addysg, hyfforddiant neu gyflogaeth, a
 - (iii) unrhyw ystyriaethau eraill y tybia'r awdurdod lleol cyfrifol yn berthnasol, a
- (b) ac eithrio pan nad yw'n rhesymol ymarferol gwneud hynny, cymryd i ystyriaeth safbwyntiau'r canlynol—
 - (i) y cynghorydd personol,
 - (ii) pan fo'r person ifanc categori 4 dan gadwad, llywodraethwr, cyfarwyddwr neu reolwr cofrestredig (yn ôl fel y digwydd), y carchar neu'r llety cadw ieuencid, a
 - (iii) unrhyw berson arall y tybia'r awdurdod lleol cyfrifol neu'r person ifanc categori 4 y gallai ei safbwyntiau fod yn berthnasol.

- (c) where the category 2 young person is—

- (i) a victim, or there is reason to believe that they may be a victim, of trafficking in human beings within the meaning of the Council of Europe Convention on Action against Trafficking in Human Beings(1),

- (ii) an “unaccompanied asylum seeking child” within the meaning of the Immigration Rules and has applied, or has indicated to the responsible local authority an intention to apply, for asylum and has not been granted indefinite leave to remain,

take account of the young person's needs as a result of that status.

(5) In carrying out an assessment of the needs of a category 3 young person who has a post-18 living arrangement, the responsible local authority must consider whether the arrangement remains consistent with the well-being of that young person and whether the arrangement should be maintained.

(6) In carrying out an assessment of the needs of a category 4 young person, the responsible local authority must—

- (a) take into account—
 - (i) whether the category 4 young person is detained,
 - (ii) the category 4 young person's needs for education, training or employment, and
 - (iii) any other considerations the responsible local authority consider relevant, and
- (b) unless it is not reasonably practicable to do so, seek and take into account the views of—
 - (i) the personal adviser,
 - (ii) where the category 4 young person is detained, the director, governor or registered manager (as the case may be), of the prison or youth detention accommodation, and
 - (iii) any other person whose views the responsible local authority, or the category 4 young person considers may be relevant.

(1) CETS Rhif 197.

(1) CETS No. 197.

(7) Yn y rheoliad hwn—

ystyr “Rheolau Mewnfudo” (“*Immigration Rules*”) yw’r rheolau a osodwyd ar y pryd gan yr Ysgrifennydd Gwladol fel y crybwyllir yn adran 3(2) o Ddeddf Mewnfudo 1971 (1); ac

mae i “sefydliad yn y sector addysg bellach” yr ystyr a roddir i “institution within the further education sector” yn adran 91(3) o Ddeddf Addysg Bellach ac Uwch 1992(2).

Cynlluniau llwybr

6.—(1) Rhaid paratoi cynllun llwybr yn unol ag adran 107(3) neu (4) o’r Ddeddf cyn gynted ag y bo modd ar ôl cwblhau’r asesiad o anghenion y cyfeirir ato yn rheoliad 5.

(2) Rhaid i’r cynllun llwybr gynnwys, yn benodol—

- (a) yn achos cynllun a baratoir ar gyfer person ifanc categori 2 neu categori 3, y materion y cyfeirir atynt yn Atodlen 1,
- (b) yn achos cynllun a baratoir ar gyfer person ifanc categori 2 neu 3 sydd dan gadwad, y materion y cyfeirir atynt yn Atodlen 2,
- (c) yn achos cynllun a baratoir ar gyfer person ifanc categori 4, y materion y cyfeirir atynt ym mharagraffau 1 i 4 o Atodlen 1, a
- (d) yn achos cynllun a baratoir ar gyfer person ifanc categori 4 sydd dan gadwad, y materion y cyfeirir atynt ym mharagraffau 1 i 4 o Atodlen 2.

(3) Rhaid i’r cynllun llwybr, mewn perthynas â phob un o’r materion a gynhwysir ynddo yn rhinwedd paragraff (2), nodi’r canlynol—

- (a) y modd y mae’r awdurdod lleol cyfrifol neu staff carchar neu lety cadw ieuencid (pan fo’n berthnasol) yn bwriadu diwallu anghenion y person ifanc y mae’r cynllun yn ymwneud ag ef, a
- (b) erbyn pa ddyddiad, a chan bwy, y cymerir unrhyw gamau sy’n ofynnol er mwyn cyflawni unrhyw agwedd ar y cynllun llwybr.

(4) Rhaid i’r cynllun llwybr, unrhyw adolygiad o’r cynllun ac unrhyw newidiadau ynddo o ganlyniad i’r cyfryw adolygiad gael eu cofnodi mewn ysgrifen.

Adolygu cynlluniau llwybr

7.—(1) Rhaid i’r awdurdod lleol cyfrifol adolygu cynllun llwybr pob person ifanc categori 2, categori 3 a chategori 4 yn unol â’r rheoliad hwn.

(7) In this regulation—

“Immigration Rules” (“*Rheolau Mewnfudo*”) means the rules for the time being laid down by the Secretary of State as mentioned in section 3(2) of the Immigration Act 1971(1); and

“institution within the further education sector” (“*sefydliad yn y sector addysg bellach*”) has the meaning given in section 91(3) of the Further and Higher Education Act 1992(2).

Pathway plans

6.—(1) A pathway plan prepared in accordance with section 107(3) or (4) of the Act must be prepared as soon as possible after the assessment of needs referred to in regulation 5 is completed.

(2) The pathway plan must include, in particular—

- (a) in the case of a plan prepared for a category 2 or category 3 young person, the matters referred to in Schedule 1,
- (b) in the case of a plan prepared for a category 2 or 3 young person who is detained, the matters referred to in Schedule 2,
- (c) in the case of a plan prepared for a category 4 young person, the matters referred to in paragraphs 1 to 4 of Schedule 1, and
- (d) in the case of a plan prepared for a category 4 young person who is detained, the matters referred to in paragraphs 1 to 4 of Schedule 2.

(3) The pathway plan must, in relation to each of the matters included in it by virtue of paragraph (2), set out—

- (a) the manner in which the responsible local authority or the staff of a prison or youth detention accommodation (where relevant) proposes to meet the needs of the young person to whom the plan relates, and
- (b) the date by which, and by whom, any action required to implement any aspect of the pathway plan will be carried out.

(4) The pathway plan, any review of the plan and any changes to the plan as a result of such a review must be recorded in writing.

Review of Pathway plans

7.—(1) The responsible local authority must review the pathway plan of each category 2, category 3 and category 4 young person in accordance with this regulation.

(1) 1971 p. 77.

(2) 1992 p. 22.

(1) 1971 c. 77.

(2) 1992 c. 22.

(2) Rhaid i'r awdurdod lleol cyfrifol drefnu adolygiad—

- (a) os gofynnir iddo wneud hynny gan y person ifanc categori 2, categori 3 neu gategori 4,
- (b) os yw'r awdurdod lleol cyfrifol, neu'r cynghorydd personol, yn tybio bod adolygiad yn angenrheidiol,
- (c) os yw'r person ifanc dan gadwad ac, fel arall, na fyddai adolygiad yn digwydd cyn bo'r person ifanc yn peidio â bod dan gadwad, a
- (d) beth bynnag fesul ysbaid o ddim mwy na 6 mis.

(3) Os yw'r awdurdod lleol cyfrifol yn darparu llety i'r person ifanc categori 2, categori 3 neu gategori 4 yn unol ag adrannau 109, 110 neu 112 o'r Ddeddf, rhaid i'r awdurdod lleol cyfrifol hefyd—

- (a) trefnu adolygiad cyn gynted ag y bo'n ymarferol ar ôl diwedd cyfnod o 28 diwrnod sy'n dechrau gyda'r diwrnod y darparwyd llety gyntaf, a
- (b) ar ôl cwblhau adolygiad o dan is-baragraff (a), penderfynu fesul pa ysbaid (o ddim mwy na 3 mis) y cynhelir adolygiadau dilynol.

(2) The responsible local authority must arrange a review—

- (a) if requested to do so by the category 2, category 3 or category 4 young person,
- (b) if the responsible local authority, or the personal adviser, consider a review necessary,
- (c) if the young person is detained and a review would not otherwise occur before the young person ceases to be so detained, and
- (d) in any event, at intervals of not more than 6 months.

(3) If the responsible local authority provides the category 2, category 3 or category 4 young person with accommodation in accordance with sections 109, 110 or 112 of the Act, the responsible local authority must also—

- (a) arrange a review as soon as is practicable after the end of a period of 28 days beginning on the day on which the accommodation is first provided, and
- (b) on completing a review under sub-paragraph (a), determine at what intervals (not exceeding 3 months) subsequent reviews will be carried out.

RHAN 3

Cynghorwyr Personol

Swyddogaethau cynghorwyr personol

8.—(1) Mae gan gynghorydd personol y swyddogaethau canlynol mewn perthynas â'r person ifanc categori 2, categori 3 neu gategori 4 y'i penodir ar ei gyfer—

- (a) darparu cyngor (gan gynnwys cyngor ymarferol) a chymorth,
- (b) pan fo'n gymwys, cymryd rhan yn yr asesiad ac wrth baratoi'r cynllun llwybr,
- (c) cymryd rhan mewn adolygiadau o'r cynllun llwybr,
- (d) cysylltu â'r awdurdod lleol cyfrifol ynglŷn â chyflawni'r cynllun llwybr,
- (e) cydgysylltu'r ddarpariaeth o wasanaethau, a chymryd camau rhesymol i sicrhau bod y person ifanc yn defnyddio'r cyfryw wasanaethau a'u bod yn addas at anghenion y person ifanc,
- (f) parhau'n hyddysg ynghylch cynnydd a llesiant y person ifanc, ac
- (g) cadw cofnod ysgrifenedig o bob cyswllt â'r person ifanc ac o'r gwasanaethau a ddarperir iddo.

PART 3

Personal Advisers

Functions of personal advisers

8.—(1) A personal adviser has the following functions in relation to the category 2, category 3 or category 4 young person for whom they are appointed—

- (a) to provide advice (including practical advice) and support,
- (b) where applicable, to participate in the assessment and the preparation of the pathway plan,
- (c) to participate in reviews of the pathway plan,
- (d) to liaise with the responsible local authority in the implementation of the pathway plan,
- (e) to co-ordinate the provision of services, and to take reasonable steps to ensure that the young person makes use of such services and that they are appropriate to the young person's needs,
- (f) to remain informed about the young person's progress and well-being, and
- (g) to keep a written record of the contacts with, and of services provided to, the young person.

(2) Yn ychwanegol, os darperir llety ar gyfer person ifanc categori 2, categori 3 neu categori 4 gan yr awdurdod lleol cyfrifol o dan adran 109, 110 neu 112 o'r Ddeddf, rhaid i'r cynghorydd personol ymweld â'r person ifanc yn y llety hwnnw—

- (a) o fewn 7 diwrnod ar ôl darparu'r llety gyntaf,
- (b) wedi hynny, cyn adolygu'r cynllun llwybr o dan reoliad 7(3), ac
- (c) wedyn, fesul ysbaid o ddim mwy na dau fis.

RHAN 4

Amrywiol

Cymorth a llety

9.—(1) At ddibenion adran 109(1)(c) o'r Ddeddf, rhaid i'r awdurdod lleol cyfrifol ddarparu cymorth i ddiwallu anghenion y person ifanc categori 2 mewn perthynas ag addysg, hyfforddiant neu gyflogaeth, fel y darperir ar ei gyfer yng nghynllun llwybr y person ifanc hwnnw.

(2) At ddibenion adran 109(3), ystyr “llety addas” (“*suitable accommodation*”) yw llety—

- (a) sydd, i'r graddau sy'n rhesymol ymarferol, yn addas ar gyfer y person ifanc categori 2 yng ngoleuni ei anghenion, gan gynnwys unrhyw anghenion iechyd ac anghenion sy'n tarddu o anabledd(1),
- (b) y mae'r awdurdod lleol cyfrifol wedi ei fodloni mewn cysylltiad ag ef, ynglŷn â chymeriad ac addasrwydd y landlord neu ddarparwr arall, a
- (c) y mae'r awdurdod lleol cyfrifol, i'r graddau sy'n rhesymol ymarferol, wedi cymryd i ystyriaeth mewn cysylltiad ag ef—
 - (i) dymuniadau a theimladau, a
 - (ii) anghenion addysg, hyfforddiant a chyflogaeth,y person ifanc categori 2.

(3) Wrth benderfynu, at ddibenion paragraff (2)(a), pa un a yw'r llety yn addas ai peidio ar gyfer person ifanc categori 2, rhaid i'r awdurdod lleol cyfrifol roi sylw i'r materion a nodir yn Atodlen 3.

(1) Mae adran 3(5) yn darparu bod person yn “anabl” os oes ganddo anabledd yn yr ystyr a roddir i “disability” at ddibenion Deddf Cydraddoldeb 2010 (p. 15).

(2) In addition, where accommodation is provided for a category 2, category 3 or category 4 young person by the responsible local authority under section 109, 110 or 112 of the Act, the personal adviser must visit the young person at that accommodation—

- (a) within 7 days of the accommodation first being provided,
- (b) subsequently, before the pathway plan is reviewed under regulation 7(3), and
- (c) at subsequent intervals of not more than two months.

PART 4

Miscellaneous

Support and accommodation

9.—(1) For the purposes of section 109(1)(c) of the Act, the responsible local authority must provide assistance in order to meet the category 2 young person's needs in relation to education, training or employment as provided for in that young person's pathway plan.

(2) For the purposes of section 109(3), “suitable accommodation” (“*llety addas*”) means accommodation—

- (a) which so far as reasonably practicable is suitable for the category 2 young person in the light of their needs, including any health needs and any needs arising from any disability(1),
- (b) in respect of which the responsible local authority has satisfied itself as to the character and suitability of the landlord or other provider, and
- (c) in respect of which the responsible local authority has, so far as reasonably practicable, taken into account the category 2 young person's—
 - (i) wishes and feelings, and
 - (ii) education, training and employment needs.

(3) In determining for the purposes of paragraph (2)(a) whether accommodation is suitable for a category 2 young person, the responsible local authority must have regard to the matters set out in Schedule 3.

(1) Section 3(5) of the Act provides that a person is “disabled” if the person has a disability for the purposes of the Equality Act 2010 (c. 15).

(4) At ddibenion adrannau 110(8), 112(4), 114(7) a 115(8) o'r Ddeddf—

mae i "addysg bellach" yr ystyr a roddir i "further education" yn Neddf Addysg 1996(1) ac eithrio mai addysg bellach a ddarperir ar sail breswyl amser llawn yn unig sy'n gynnwysedig at ddibenion y rheoliad hwn; ac

ystyr "addysg uwch" ("*higher education*") yw addysg a ddarperir ar ffurf cwrs o ddisgrifiad y cyfeirir ato mewn rheoliadau a wnaed o dan adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998(2).

Cofnodion

10.—(1) Rhaid i'r awdurdod lleol cyfrifol sefydlu a chynnal cofnod achos ysgrifenedig ar gyfer pob person ifanc categori 2, categori 3, a chategori 4 ("y cofnod achos") ("*the case record*").

(2) Rhaid i'r cofnod achos gynnwys y cofnodion ysgrifenedig sy'n ofynnol yn rhinwedd rheoliad 4(3) a rheoliad 5(3), a'r cofnodion canlynol ("cofnodion perthnasol") ("*relevant records*")—

- (a) unrhyw asesïadau o anghenion,
- (b) unrhyw gynllun llwybr,
- (c) unrhyw adolygiad o'r cynllun llwybr.

(3) Rhaid i'r awdurdod lleol cyfrifol gadw'r cofnodion perthnasol tan 75fed pen-blwydd y person ifanc categori 2, categori 3 neu gategori 4 y mae'r cofnodion perthnasol yn ymwneud ag ef, neu, os bydd farw'r person ifanc cyn cyrraedd 18 oed, am gyfnod o 15 mlynedd sy'n dechrau gyda dyddiad y farwolaeth.

(4) Gellir cydymffurfio â'r gofyniad ym mharagraff (1) naill ai drwy gadw'r cofnodion ysgrifenedig gwreiddiol neu gopiâu ohonynt neu drwy gadw'r cyfan neu ran o'r wybodaeth a gynhwysir ynddynt mewn ffurf hygyrch arall, megis cofnod cyfrifiadurol.

(5) Rhaid cadw cofnodion perthnasol yn ddiogel, ac ni chaniateir eu datgelu i unrhyw berson ac eithrio yn unol ag—

- (a) unrhyw ddarpariaeth mewn, neu a wneir o dan, neu yn rhinwedd, statud yr awdurdodir mynediad oddi tani i gofnodion o'r fath, neu
- (b) unrhyw orchymyn llys sy'n awdurdodi mynediad i gofnodion o'r fath.

(4) For the purposes of sections 110(8), 112(4), 114(7) and 115(8) of the Act—

"further education" ("*addysg bellach*") has the same meaning as in the Education Act 1996(1) save that for the purposes of this regulation it only includes further education which is provided on a full-time residential basis; and

"higher education" ("*addysg uwch*") means education provided by means of a course of a description referred to in regulations made under section 22 of the Teaching and Higher Education Act 1998(2).

Records

10.—(1) The responsible local authority must establish and maintain a written case record for each category 2, category 3 and category 4 young person ("the case record") ("*y cofnod achos*").

(2) The case record must include the written records required by virtue of regulation 4(3) and regulation 5(3), and the following records ("relevant records") ("*cofnodion perthnasol*")—

- (a) any assessment of needs,
- (b) any pathway plan,
- (c) any review of a pathway plan.

(3) Relevant records must be retained by the responsible local authority until the 75th anniversary of the date of birth of the category 2, category 3, or category 4 young person to whom they relate or, if the young person dies before attaining the age of 18, for a period of 15 years beginning with the date of death.

(4) The requirement in paragraph (1) may be complied with by retaining the original written records or copies of them, or by keeping all or part of the information contained in them in some other accessible form such as a computer record.

(5) Relevant records must be kept securely and may not be disclosed to any person except in accordance with—

- (a) any provision of, or made under or by virtue of, a statute under which access to such records is authorised, or
- (b) any court order authorising access to such records.

(1) 1996 p. 56.

(2) 1998 p. 30.

(1) 1996 c. 56.

(2) 1998 c. 30.

Dirymu Rheoliadau

11. Mae Rheoliadau Plant (Ymadael â Gofal) (Cymru) 2001(1) wedi eu dirymu.

Revocation of Regulations

11. The Children (Leaving Care) (Wales) Regulations 2001(1) are revoked.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weiniidigion Cymru
21 Hydref 2015

Minister for Health and Social Services, one of the
Welsh Ministers
21 October 2015

ATODLEN 1 Rheoliad 6

Materion sydd i'w cynnwys yn y cynllun llwybr a'r adolygiad ohono

1. Lefel a natur y cyswllt a'r cymorth personol sydd i'w ddarparu i'r person ifanc, a chan bwy.

2. Cynllun manwl ar gyfer addysg neu hyfforddiant y person ifanc.

3. Y modd y bydd yr awdurdod lleol cyfrifol yn cynorthwyo'r person ifanc mewn perthynas â chyflogaeth neu weithgaredd pwrpasol arall neu alwedigaeth.

4. Cynlluniau wrth gefn ar gyfer gweithredu gan yr awdurdod lleol cyfrifol pe bai'r cynllun llwybr, am ba bynnag reswm, yn peidio â bod yn effeithiol.

5. Manylion y llety y bydd y person ifanc yn preswyllo ynddo (gan gynnwys asesiad o'i addasrwydd yng ngoleuni anghenion y person ifanc, a manylion o'r materion a gymerwyd i ystyriaeth wrth asesu ei addasrwydd).

6. Y cymorth sydd i'w ddarparu i alluogi'r person ifanc i ddatblygu a chynnal perthnasau teuluol a chymdeithasol priodol.

7. Rhaglen i ddatblygu'r sgiliau ymarferol a sgiliau eraill sy'n angenrheidiol er mwyn i'r person ifanc fyw yn annibynnol.

8. Y cymorth ariannol sydd i'w ddarparu i'r person ifanc, yn enwedig os darperir y cymorth ar gyfer anghenion llety a chynhaliaeth.

SCHEDULE 1 Regulation 6

Matters to be dealt with in the pathway plan and review

1. The level and nature of contact and personal support to be provided, and by whom, to the young person.

2. A detailed plan for the young person's education or training.

3. How the responsible local authority will assist the young person in relation to employment or other purposeful activity or occupation.

4. Contingency plans for action to be taken by the responsible local authority should the pathway plan for any reason cease to be effective.

5. Details of the accommodation the young person is to occupy (including an assessment of its suitability in the light of the young person's needs, and details of the considerations taken into account in assessing that suitability).

6. The support to be provided to enable the young person to develop and sustain appropriate family and social relationships.

7. A programme to develop the practical and other skills necessary for the young person to live independently.

8. The financial support to be provided to the young person, in particular where it is to be provided to meet needs for accommodation and maintenance.

(1) O.S. 2001/2189 (Cy. 151).

(1) S.I. 2001/2189 (W. 151).

9. Anghenion iechyd y person ifanc, gan gynnwys unrhyw anghenion iechyd meddwl a sut y bwriedir eu diwallu.

10. Manylion y trefniadau a wnaed gan yr awdurdod lleol cyfrifol i ddiwallu anghenion y person ifanc o ran ei hunaniaeth, gan gyfeirio'n benodol at argyhoeddiad crefyddol, tarddiad hiliol a chefnidir diwylliannol ac ieithyddol.

11. Pan fo'r person ifanc yn dod o fewn rheoliad 5(4)(c), pa un a yw ei anghenion o ganlyniad i'r statws hwnnw yn cael eu diwallu.

9. The health needs, including any mental health needs, of the young person and how they are to be met.

10. Details of the arrangements made by the responsible local authority to meet the young person's needs in relation to identity with particular reference to their religious persuasion, racial origin and cultural and linguistic background.

11. Where the young person falls within regulation 5(4)(c), whether the young person's needs as a result of that status are being met.

ATODLEN 2 Rheoliad 6

Materion sydd i'w cynnwys yn y cynllun llwybr a'r adolygiad ohono pan fo'r person ifanc dan gadwad

1. Enw a chyfeiriad y carchar neu'r llety cadw ieuentid.

2. Lefel a natur y cyswllt a'r cymorth personol sydd i'w ddarparu i'r person ifanc gan yr awdurdod lleol cyfrifol a chan staff y carchar neu'r llety cadw ieuentid.

3. Y trefniadau a wnaed gan staff y carchar neu'r llety cadw ieuentid ar gyfer addysg a hyfforddiant y person ifanc, gan gynnwys enw a chyfeiriad unrhyw sefydliad addysgol neu sefydliad hyfforddi y bu'r person ifanc yn ei fynychu, neu unrhyw berson arall oedd yn darparu addysg neu hyfforddiant i'r person ifanc yn union cyn ei roi dan gadwad.

4. Manylion y modd y diwellir anghenion y person ifanc pan fydd yn peidio â bod dan gadwad, sef yn benodol—

- (a) pa un a ddarperir llety neu gymorth arall ai peidio i'r person ifanc gan yr awdurdod lleol cyfrifol, awdurdod lleol arall neu awdurdod lleol yn Lloegr, a
- (b) sut y bydd yr awdurdod lleol cyfrifol yn cynorthwyo'r person ifanc mewn perthynas ag—
 - (i) addysg neu hyfforddiant, neu
 - (ii) cyflogaeth neu weithgaredd pwrpasol arall neu alwedigaeth.

SCHEDULE 2 Regulation 6

Matters to be dealt with in the pathway plan and review where the young person is detained

1. The name and address of the prison or youth detention accommodation.

2. The level and nature of contact and personal support to be provided to the young person by the responsible local authority and by the staff of the prison or youth detention accommodation.

3. The arrangements made by the staff of the prison or youth detention accommodation for the young person's education and training, including the name and address of any educational or training institution the young person was attending, or any other person providing the young person with education or training, immediately before their detention.

4. The details of how the young person's needs will be met when the young person ceases to be detained, in particular—

- (a) whether the young person will be provided with accommodation or other support by the responsible local authority, another local authority or a local authority in England, and
- (b) how the responsible local authority will assist the young person in relation to—
 - (i) education or training, or
 - (ii) employment or other purposeful activity or occupation.

5. Trefniadau a wnaed gan staff y carchar neu'r llety cadw ieuencid i gynorthwyo'r person ifanc i ddatblygu'r sgiliau ymarferol neu sgiliau eraill sy'n angenrheidiol er mwyn i'r person ifanc fyw yn annibynnol.

6. Manylion am anghenion iechyd y person ifanc (gan gynnwys unrhyw anghenion iechyd meddwl) a'r trefniadau a wnaed gan staff y carchar neu'r llety cadw ieuencid i'w diwallu.

7. Y trefniadau a wnaed a'r cymorth sydd i'w ddarparu i alluogi'r person ifanc i ddatblygu a chynnal perthnasau teuluol a chymdeithasol priodol.

8. Manylion am hanes personol, argyhoeddiad crefyddol, cefndir diwylliannol ac ieithyddol a tharddiad hiliol y person ifanc a'r trefniadau a wnaed gan staff y carchar neu'r llety cadw ieuencid ar gyfer diwallu ei anghenion crefyddol, diwylliannol ac ieithyddol.

5. Arrangements put in place by staff of the prison or youth detention accommodation to support the young person's development of the practical or other skills necessary for the young person to live independently.

6. Details of and arrangements made by staff of the prison or youth detention accommodation to meet the young person's health needs (including any mental health needs).

7. Arrangements made and support to be provided to enable the young person to develop and sustain appropriate family and social relationships.

8. Details of the young person's personal history, religious persuasion, cultural and linguistic background, racial origin and the arrangements put in place by the staff of the prison or youth detention accommodation for meeting the young person's religious, cultural and linguistic needs.

ATODLEN 3 Rheoliad 9

Materion i'w hystyried wrth benderfynu ynghylch addasrwydd llety

1. Mewn cysylltiad â'r llety,—

- (a) y cyfleusterau a'r gwasanaethau a ddarperir,
- (b) cyflwr yr adeilad,
- (c) diogelwch,
- (d) lleoliad,
- (e) cymorth,
- (f) statws tenantiaeth, ac
- (g) yr ymrwymadau ariannol goblygedig i'r person ifanc categori 2, a'u fforddiadwyedd.

2. Mewn cysylltiad â'r person ifanc categori 2—

- (a) ei farn am y llety,
- (b) ei ddealltwriaeth o'i hawliau a'i gyfrifoldebau mewn perthynas â'r llety, ac
- (c) ei ddealltwriaeth o'r trefniadau cyllido.

SCHEDULE 3 Regulation 9

Matters to be considered in determining the suitability of accommodation

1. In respect of the accommodation, the—

- (a) facilities and services provided,
- (b) state of repair,
- (c) safety,
- (d) location,
- (e) support,
- (f) tenancy status, and
- (g) the financial commitments involved for the category 2 young person and their affordability.

2. In respect of the category 2 young person, their—

- (a) views of the accommodation,
- (b) understanding of their rights and responsibilities in relation to the accommodation, and
- (c) understanding of funding arrangements.

OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2015 Rhif 1820 (Cy. 262)

2015 No. 1820 (W. 262)

**PLANT A PHERSONAU
IFANC, CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Rheoliadau Ymadawyr Gofal
(Cymru) 2015

The Care Leavers (Wales)
Regulations 2015

£6.00

W2462/10/15

ON

ISBN 978-0-348-11175-0



9 780348 111750