



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 216 (Cy. 85)

2016 No. 216 (W. 85)

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Rheoliadau Deddf Gwasanaethau
Cymdeithasol a Llesiant (Cymru)
2014 (Diwygiadau Canlyniadol) a
Chynllunio Gofal, Lleoli ac
Adolygu Achosion (Diwygiadau
Amrywiol) (Cymru) 2016

The Social Services and Well-being
(Wales) Act 2014 (Consequential
Amendments) and Care Planning,
Placement and Case Review
(Miscellaneous Amendments)
(Wales) Regulations 2016

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud o ganlyniad i gychwyn Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ("Deddf 2014").

Mae Deddf 2014 yn disodli, o ran Cymru, y ddarpariaeth a wnaed yn flaenorol gan Ran 3 o Ddeddf Plant 1989 ("Deddf 1989") ac Atodlen 2 iddi.

Mae'r pwerau o fewn Deddf 2014 wedi eu harfer (yn bennaf drwy ddefnyddio'r pwerau o fewn Rhan 6 o'r Ddeddf honno (plant sy'n derbyn gofal a phlant sy'n cael eu lletya)) i wneud Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015 ("Rheoliadau 2015"). Mae Rheoliadau 2015 yn gwneud darpariaeth ynghylch cynllunio gofal a materion cysylltiedig ar gyfer plant sy'n derbyn gofal, hynny yw, ar gyfer plant sy'n derbyn gofal gan awdurdod lleol (pa un a ydynt yng ngofal yr awdurdod hwnnw yn rhinwedd gorchymyn gofal o dan adran 31 o Ddeddf 1989 ai peidio).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made as a result of the commencement of the Social Services and Well-being (Wales) Act 2014 ("the 2014 Act").

The 2014 Act replaces, in relation to Wales, the provision formerly made by Part 3 of and Schedule 2 to the Children Act 1989 ("the 1989 Act").

The powers within the 2014 Act have been exercised (in the main using the powers within Part 6 of that Act (looked after and accommodated children)) to make the Care Planning, Placement and Case Review (Wales) Regulations 2015 ("the 2015 Regulations"). The 2015 Regulations make provision about care planning and associated matters for looked after children, that is, for children who are looked after by a local authority (whether or not they are in the care of that authority by virtue of a care order under section 31 of the 1989 Act).

Mae'r Rheoliadau hyn yn gwneud diwygiadau canlyniadol a chysylltiedig i is-ddeddfwriaeth sy'n ofynnol o ganlyniad i gychwyn Deddf 2014 a gwneud Rheoliadau 2015 drwy arfer y pwerau o fewn Rhan 6 o Ddeddf 2014. Mae'r is-ddeddfwriaeth sydd wedi ei diwygio gan y Rheoliadau hyn yn gwneud darpariaeth (yn bennaf) ynghylch cynllunio gofal, penderfyniadau lleoli ac adolygu achosion plant penodol (y rhai sy'n derbyn gofal gan awdurdod lleol, sy'n cael eu lletya gan sefydliadau gwirfoddol neu sydd wedi eu lleoli mewn cartref preifat i blant).

Effaith y diwygiadau a wneir yn y Rheoliadau hyn yw na fydd yr is-ddeddfwriaeth gynharach, sy'n gwneud darpariaeth ynghylch cynllunio gofal a materion cysylltiedig ar gyfer plant, ond yn gymwys mewn perthynas â phlant sy'n cael llety gan sefydliadau gwirfoddol ac i blant sydd wedi eu lleoli mewn cartrefi preifat i blant ac y bydd yn cyfeirio at y ddarpariaeth briodol a wneir gan Ddeddf 2014.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

These Regulations make consequential and incidental amendments to secondary legislation required as a consequence of the commencement of the 2014 Act and the making of the 2015 Regulations in exercise of the powers within Part 6 of the 2014 Act. The secondary legislation which is amended by these Regulations makes provision (in the main) about care planning, placement decisions and the review of cases of certain children (those looked after by a local authority, accommodated by voluntary organisations, or placed in a private children's home).

The effect of the amendments made in these Regulations is that the earlier secondary legislation, which makes provision about care planning and associated matters for children, will apply only in relation to children who are provided with accommodation by a voluntary organisation and to children who are placed in private children's homes and will make reference to the appropriate provision made by the 2014 Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

2016 Rhif 216 (Cy. 85)

**PLANT A PHOBL IFANC,
CYMRU**

Rheoliadau Deddf Gwasanaethau
Cymdeithasol a Llesiant (Cymru)
2014 (Diwygiadau Canlyniadol) a
Chynllunio Gofal, Lleoli ac
Adolygu Achosion (Diwygiadau
Amrywiol) (Cymru) 2016

Gwnaed 19 Chwefror 2016

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 24 Chwefror 2016

Yn dod i rym 6 Ebrill 2016

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan y darpariaethau yn yr Atodlen yn gwneud y Rheoliadau a ganlyn(1):

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (Diwygiadau Canlyniadol) a Chynllunio Gofal, Lleoli ac Adolygu Achosion (Diwygiadau Amrywiol) (Cymru) 2016.

(2) Daw'r Rheoliadau hyn i rym ar 6 Ebrill 2016.

2016 No. 216 (W. 85)

**CHILDREN AND YOUNG
PERSONS, WALES**

The Social Services and Well-being
(Wales) Act 2014 (Consequential
Amendments) and Care Planning,
Placement and Case Review
(Miscellaneous Amendments)
(Wales) Regulations 2016

Made 19 February 2016

Laid before the National Assembly for Wales
24 February 2016

Coming into force 6 April 2016

The Welsh Ministers, in exercise of the powers conferred by the provisions in the Schedule make the following Regulations(1):

Title and commencement

1.—(1) The title of these Regulations is the Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) and Care Planning, Placement and Case Review (Miscellaneous Amendments) (Wales) Regulations 2016.

(2) These Regulations come into force on 6 April 2016.

(1) *Gweler* adran 197(1) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (decc 4) i gael y diffiniad o "penodedig", "a bennir" ac "a bennwyd" a "rheoliadau".

(1) *See* section 197(1) of the Social Services and Well-being (Wales) Act 2014 (anaw 4) for the definition of "specified" and "regulations".

Diwygio Rheoliadau Llochesau (Cartrefi Plant a Lleoliadau Maeth) 1991

2.—(1) Mae Rheoliadau Llochesau (Cartrefi Plant a Lleoliadau Maeth) 1991(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1) (dehongli)—

(a) yn y lle priodol mewnosoder—

““remand order” means an order of the court made under section 92 or section 102 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(2);”, a

(b) yn y diffiniad o “responsible person”, ar ôl y geiriau “emergency protection order” mewnosoder “, remand order”.

(3) Yn rheoliad (4)(1) (tynnu tystysgrif yn ôl), yn lle is-baragraff (c) rhodder—

“(c) where a foster parent providing a refuge fails to comply with any provision contained in—

(i) an agreement to which the foster parent is a party concerning matters to which paragraphs 4 to 11 and 15 of Schedule 5 to the Fostering Services (Wales) Regulations 2003(3) apply, or

(ii) an agreement to which the foster parent is a party concerning matters to which paragraphs 4 to 8 of Schedule 6 to the Fostering Services (Wales) Regulations 2003, or paragraphs 1(2) and (5), and 3(7) and (10) of Schedule 3 to the Care Planning, Placement and Case Review (Wales) Regulations 2015(4) (as the case may be) apply, or

(iii) regulations 24 or 26 of the Care Planning, Placement and Case Review (Wales) Regulations 2015 (in respect of an emergency or temporary placement);”.

Amendment of the Refuges (Children’s Homes and Foster Placements) Regulations 1991

2.—(1) The Refuges (Children’s Homes and Foster Placements) Regulations 1991(1) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the appropriate place insert—

““remand order” means an order of the court made under section 92 or section 102 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(2);”, and

(b) in the definition of “responsible person”, after the words “emergency protection order” insert “, remand order”.

(3) In regulation 4(1) (withdrawal of a certificate), for sub-paragraph (c) substitute—

“(c) where a foster parent providing a refuge fails to comply with any provision contained in—

(i) an agreement to which the foster parent is a party concerning matters to which paragraphs 4 to 11 and 15 of Schedule 5 to the Fostering Services (Wales) Regulations 2003(3) apply, or

(ii) an agreement to which the foster parent is a party concerning matters to which paragraphs 4 to 8 of Schedule 6 to the Fostering Services (Wales) Regulations 2003, or paragraphs 1(2) and (5), and 3(7) and (10) of Schedule 3 to the Care Planning, Placement and Case Review (Wales) Regulations 2015(4) (as the case may be) apply, or

(iii) regulations 24 or 26 of the Care Planning, Placement and Case Review (Wales) Regulations 2015 (in respect of an emergency or temporary placement);”.

(1) O.S. 1991/1507.

(2) 2012 p. 10.

(3) O.S. 2003/237 (Cy. 35).

(4) O.S. 2015/1818 (Cy. 261).

(1) S.I. 1991/1507.

(2) 2012 c. 10.

(3) S.I. 2003/237 (W. 35).

(4) S.I. 2015/1818 (W. 261).

Diwygio Rheoliadau Cartrefi Plant (Cymru) 2002

3.—(1) Mae Rheoliadau Cartrefi Plant (Cymru) 2002(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 18(1)(ch) (addysg, cyflogaeth a gweithgareddau hamdden), ar ôl “Reoliadau Adolygu Achosion Plant (Cymru) 2007(2)” mewnosoder “, Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015,”.

(3) Yn rheoliad 20(2)(e) (anghenion iechyd plant), ar ôl “Reoliadau Adolygu Achosion Plant (Cymru) 2007” mewnosoder “, Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015,”.

Diwygio Rheoliadau Gwasanaethau Maethu (Cymru) 2003

4.—(1) Mae Rheoliadau Gwasanaethau Maethu (Cymru) 2003(3) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli)—

(a) yn y lle priodol mewnosoder—

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

ystyr “Rheoliadau 2015” (“*the 2015 Regulations*”) yw Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015;”;

(b) yn lle’r diffiniad o “rhiant maeth” rhodder y canlynol—

“ystyr “rhiant maeth” (“*foster parent*”) yw person sydd wedi ei gymeradwyo fel rhiant maeth—

(a) o dan y Rheoliadau hyn, a

(b) ac eithrio yn rheoliadau 24 i 33, mae’n cynnwys person y mae plentyn wedi ei leoli gydag ef o dan reoliad 26 o Reoliadau 2015 (cymeradwyo dros dro berthynas, cyfaill neu berson arall sydd â chysylltiad â phlentyn) neu reoliad 28 o’r Rheoliadau hynny (cymeradwyo dros dro ddarpar fabwysiadwydd penodol fel rhiant maeth);”;

ac

(c) yn lle’r diffiniad o “lleoliad” rhodder y canlynol—

“ystyr “lleoliad” (“*placement*”) yw unrhyw leoliad plentyn gyda rhieni maeth a wneir gan—

Amendment of the Children’s Homes (Wales) Regulations 2002

3.—(1) The Children’s Homes (Wales) Regulations 2002(1) are amended as follows.

(2) In regulation 18(1)(d) (education, employment and leisure activity), after “Review of Children’s Cases (Wales) Regulations 2007(2)” insert “, the Care Planning, Placement and Case Review (Wales) Regulations 2015,”.

(3) In regulation 20(2)(g) (health needs of children), after “Review of Children’s Cases (Wales) Regulations 2007” insert “, the Care Planning, Placement and Case Review (Wales) Regulations 2015,”.

Amendment of the Fostering Services (Wales) Regulations 2003

4.—(1) The Fostering Services (Wales) Regulations 2003(3) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the appropriate place insert—

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

“the 2015 Regulations” (“*Rheoliadau 2015*”) means the Care Planning, Placement and Case Review (Wales) Regulations 2015;”;

(b) for the definition of “foster parent” substitute the following—

““foster parent” (“*rhiant maeth*”) means a person who is approved as a foster parent—

(a) under these Regulations, and

(b) except in regulations 24 to 33, includes a person with whom a child is placed under regulation 26 of the 2015 Regulations (temporary approval of a relative, friend or other person connected with a child) or regulation 28 of those Regulations (temporary approval of a particular prospective adopter as a foster parent);”;

(c) for the definition of “placement” substitute the following—

““placement” (“*lleoliad*”) means any placement of a child with foster parents made by—

(1) O.S. 2002/327 (Cy. 40).

(2) O.S. 2007/307 (Cy. 26).

(3) O.S. 2003/237 (Cy. 35).

(1) S.I. 2002/327 (W. 40).

(2) S.I. 2007/307 (W. 26).

(3) S.I. 2003/237 (W. 35).

(a) awdurdod lleol o dan adran 81 o Ddeddf 2014, neu

(b) corff gwirfoddol o dan adran 59(1)(a) o Ddeddf 1989,

nad yw'n lleoliad ar gyfer mabwysiadu ac, ac eithrio yn Rhan V, mae'n cynnwys lleoliad sy'n cael ei drefnu gan asiantaeth faethu annibynnol sy'n gweithredu ar ran awdurdod lleol, ac mae cyfeiriadau at blentyn sy'n cael ei leoli i'w dehongli yn unol â hynny;"

(3) Yn rheoliad 3(3)(b)(ii) (datganiad o ddiben ac arweiniad plant), yn lle "adran 26(3) o Ddeddf 1989" rhodder "adran 174(1) o Ddeddf 2014".

(4) Yn rheoliad 30 (cofnodion achos ynglŷn â rhieni maeth ac eraill)—

(a) ym mharagraff (2), hepgorer is-baragraff (d);
a

(b) yn lle paragraff (4) rhodder y canlynol—

"(4) Rhaid i awdurdod lleol gadw cofnod achos ar gyfer pob person y mae plentyn wedi'i leoli gydag ef o dan reoliad 26 o Reoliadau 2015 (cymeradwyo dros dro berthynas, cyfaill neu berson arall sydd â chysylltiad â plentyn) neu o dan reoliad 28 o'r Rheoliadau hynny (cymeradwyo dros dro ddarpar fabwysiad ydd penodol fel rhiant maeth) a rhaid iddo gynnwys mewn perthynas â'r person hwnnw—

(a) cofnod ynglŷn â'r lleoliad, gan gynnwys enw, oedran a rhyw pob plentyn sydd wedi'i leoli, dyddiad dechrau'r lleoliad ac, os yw'r lleoliad wedi ei derfynu, dyddiad ac amgylchiadau'r terfyniad; a

(b) yr wybodaeth a sicrhawyd mewn perthynas â'r ymholiadau a wnaed o dan reoliad 26(2) neu reoliad 28 (fel y bo'n briodol) o Reoliadau 2015."

(5) Yn lle rheoliad 31 (cofrestr o rieni maeth) rhodder y canlynol—

"Cofrestr o rieni maeth

31. Rhaid i'r darparnydd gwasanaeth maethu gadw cofrestr ("cofrestr o rieni maeth") a chofnodi ynddi'r manylion canlynol mewn perthynas â phob rhiant maeth—

(a) enw, cyfeiriad, dyddiad geni a rhyw pob rhiant maeth ac, yn achos gwasanaeth maethu awdurdod lleol, bob person y mae wedi lleoli plentyn gydag ef o dan reoliad 26 neu reoliad 28 o Reoliadau 2015,

(a) a local authority under section 81 of the 2014 Act, or

(b) a voluntary organisation under section 59(1)(a) of the 1989 Act,

which is not a placement for adoption and, except in Part V, includes a placement arranged by an independent fostering agency acting on behalf of a local authority, and references to a child who is placed are to be construed accordingly;"

(3) In regulation 3(3)(b)(ii) (statement of purpose and children's guide), for "section 26(3) of the 1989 Act" substitute "section 174(1) of the 2014 Act".

(4) In regulation 30 (case records relating to foster parents and others)—

(a) in paragraph (2), omit sub-paragraph (e); and

(b) for paragraph (4) substitute the following—

"(4) A local authority must maintain a case record for each person with whom a child is placed under regulation 26 of the 2015 Regulations (temporary approval of a relative, friend or other person connected with a child) or under regulation 28 of those Regulations (temporary approval of a particular prospective adopter as a foster parent) which must include in relation to that person—

(a) a record in relation to the placement, including the name, age and sex of each child placed, the date on which the placement began and, if the placement has been terminated, the date and circumstances of the termination; and

(b) the information obtained in relation to the enquiries carried out under regulation 26(2) or regulation 28 (as appropriate) of the 2015 Regulations."

(5) For regulation 31 (register of foster parents) substitute the following—

"Register of foster parents

31. The fostering services provider must maintain a register (a "register of foster parents") and enter in it the following particulars in relation to each foster parent—

(a) the name, address, date of birth and sex of each foster parent and, in the case of a local authority fostering service, of each person with whom it has placed a child under regulation 26 or regulation 28 of the 2015 Regulations,

- (b) dyddiad y gymeradwyaeth a phob adolygiad o'i gymeradwyaeth (yn ôl fel y digwydd), ac
- (c) telerau cyfredol y gymeradwyaeth (os oes rhai).”.
- (6) Yn rheoliad 32(2) (cadw cofnodion a chyfrinachedd cofnodion), yn lle “reoliad 38(2)” rhodder “reoliad 26 neu reoliad 28 o Reoliadau 2015”.
- (7) Yn rheoliad 33 (dyletswydd gyffredinol yr awdurdod cyfrifol)—
- (a) yn y geiriau agoriadol, yn lle “awdurdod cyfrifol” rhodder “gorff gwirfoddol”;
- (b) ym mharagraff (a), yn lle “(yn ôl fel y digwydd) adran 22(3) neu” rhodder “adran”; ac
- (c) yn y pennawd, yn lle “yr awdurdod cyfrifol” rhodder “y corff gwirfoddol”.
- (8) Yn rheoliad 34 (gwneud lleoliadau)—
- (a) yn lle'r geiriau agoriadol ym mharagraff (1) rhodder—
“(1) Ni chaiff corff gwirfoddol leoli plentyn gyda rhiant maeth ond—”;
- (b) ym mharagraff (1)(a)(i), yn lle “yr awdurdod cyfrifol” rhodder “y sefydliad gwirfoddol”;
- (c) ym mharagraff (2)(ch), yn lle “rheoliad 40” rhodder “rheoliad 29 o Reoliadau 2015 (asiantaethau maethu annibynnol – cyflawni swyddogaethau awdurdod cyfrifol)”; a
- (d) ym mharagraff (3), yn lle “awdurdod cyfrifol” rhodder “corff gwirfoddol”.
- (9) Yn rheoliad 35 (goruchwyllo lleoliadau)—
- (a) yn lle “awdurdod cyfrifol”, ym mhob lle y mae'n digwydd, rhodder “corff gwirfoddol”;
- (b) yn lle “awdurdod”, ym mhob lle y mae'n digwydd, rhodder “corff”; ac
- (c) hepgorer paragraff (2).
- (10) Yn rheoliad 36 (terfynu lleoliadau)—
- (a) yn lle “awdurdod cyfrifol”, ym mhob lle y mae'n digwydd, rhodder “corff gwirfoddol”; a
- (b) ym mharagraff (1), yn lle “(yn ôl fel y digwydd) adran 22(3) neu” rhodder “adran”.
- (11) Yn rheoliad 37(1) (lleoliadau byr-dymor), yn lle “awdurdod cyfrifol” rhodder “corff gwirfoddol”.
- (12) Hefgorer rheoliad 38 (lleoliadau brys a di-oed gan awdurdodau lleol).
- (13) Yn rheoliad 39 (lleoliadau y tu allan i Gymru), hepgorer paragraff (2).
- (b) the date of approval and of each review of approval (as the case may be), and
- (c) the current terms of the approval (if any).”.
- (6) In regulation 32(2) (retention and confidentiality of records), for “regulation 38(2)” substitute “regulation 26 or regulation 28 of the 2015 Regulations”.
- (7) In regulation 33 (general duty of responsible authority)—
- (a) in the opening words, for “A responsible authority” substitute “A voluntary organisation”;
- (b) in paragraph (a), for “(as the case may be section 22(3) or” substitute “section”; and
- (c) in the heading, for “responsible authority” substitute “voluntary organisation”.
- (8) In regulation 34 (making of placements)—
- (a) for the opening words of paragraph (1) substitute—
“(1) A voluntary organisation may only place a child with a foster parent if—”;
- (b) in paragraph (1)(a)(i), for “responsible authority” substitute “voluntary organisation”;
- (c) in paragraph (2)(d), for “regulation 40” substitute “regulation 29 of the 2015 Regulations (independent fostering agencies – discharge of authority functions)”; and
- (d) in paragraph (3), for “responsible authority” substitute “voluntary organisation”.
- (9) In regulation 35 (supervision of placements)—
- (a) for “responsible authority”, in each place it occurs, substitute “voluntary organisation”;
- (b) for “authority”, in each place it occurs, substitute “organisation”; and
- (c) omit paragraph (2).
- (10) In regulation 36 (termination of placements)—
- (a) for “responsible authority”, in each place it occurs, substitute “voluntary organisation”; and
- (b) in paragraph (1), for “(as the case may be) section 22(3) or” substitute “section”.
- (11) In regulation 37(1) (short term placements), for “responsible authority” substitute “voluntary organisation”.
- (12) Omit regulation 38 (emergency and immediate placements by local authorities).
- (13) In regulation 39 (placements outside Wales), omit paragraph (2).

(14) Hefgorer rheoliad 40 (asiantaethau maethu annibynnol – cyflawni swyddogaethau awdurdod lleol).

(15) Yn rheoliad 42B(1) (hysbysu am gydymffurfedd), yn lle “Deddf 1989 a Deddf 2000” rhodder “Deddf 1989, Deddf 2000 a Deddf 2014”.

(16) Yn Atodlen 6 (materion a rhwymedigaethau mewn cytundebau lleoliad maeth)—

- (a) yn lle “awdurdod cyfrifol”, ym mhob lle y mae’n digwydd, rhodder “corff gwirfoddol”; a
- (b) yn lle “awdurdod”, ym mhob lle y mae’n digwydd, rhodder “corff”.

Diwygio Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005

5.—(1) Mae Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli)—

- (a) yn y lle priodol, mewnosoder—
“ystyr “derbyn gofal” (“*looked after*”) yw—
 - (a) derbyn gofal gan awdurdod lleol yng Nghymru yn unol ag adran 74(1) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(2), neu
 - (b) derbyn gofal gan awdurdod lleol yn Lloegr yn unol ag adran 22(1) o Ddeddf 1989;”;
- (b) yn lle’r diffiniad o “swyddogaethau gwasanaethau cymdeithasol” rhodder—
“ystyr “swyddogaethau gwasanaethau cymdeithasol” (“*social services functions*”) yw swyddogaethau o fewn ystyr adran 143 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ac Atodlen 2 iddi;”.

(3) Yn rheoliad 12(2) (gofyniad i ddechrau cofnod achos i blentyn), ar ôl “o dan Ddeddf 1989” mewnosoder “, neu Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (yn ôl y digwydd)”.

(4) Ar ôl rheoliad 12 mewnosoder—

(14) Omit regulation 40 (independent fostering agencies – discharge of local authority functions).

(15) In regulation 42B(1) (compliance notification), for “the 1989 Act and the 2000 Act” substitute “the 1989 Act, the 2000 Act and the 2014 Act”.

(16) In Schedule 6 (matters and obligations in foster placement agreements)—

- (a) for “responsible authority”, in each place it occurs, substitute “voluntary organisation”; and
- (b) for “authority”, in each place it occurs, substitute “organisation”.

Amendment of the Adoption Agencies (Wales) Regulations 2005

5.—(1) The Adoption Agencies (Wales) Regulations 2005(1) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) in the appropriate place, insert—
““looked after” means—
 - (a) looked after (“*derbyn gofal*”) by a local authority in Wales in accordance with section 74(1) of the Social Services and Well-being (Wales) Act 2014(2), or
 - (b) looked after by a local authority in England in accordance with section 22(1) of the 1989 Act;”;
- (b) for the definition of “social services functions” substitute—
““social services functions” (“*swyddogaethau gwasanaethau cymdeithasol*”) means functions within the meaning of section 143 of and Schedule 2 to the Social Services and Well-being (Wales) Act 2014;”.

(3) In regulation 12(2) (requirement to open child’s case record), after “under the 1989 Act” insert “, or the Social Services and Well-being (Wales) Act 2014 (as the case may be)”.

(4) After regulation 12 insert—

(1) O.S. 2005/1313 (Cy. 95).
(2) 2014 dccc 4.

(1) S.I. 2005/ 1313 (W. 95).
(2) 2014 anaw 4.

“Dyletswyddau’r asiantaeth fabwysiadu pan fo plentyn i gael ei leoli yn unol ag adran 81(11) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014

12A.—(1) Mae’r rheoliad hwn yn gymwys pan fo penderfyniad wedi’i wneud i leoli plentyn yn unol â rheoliad 28 o Reoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015(1) (cymeradwyo dros dro ddarpar fabwysiadydd penodol fel rhiant maeth).

(2) Rhaid i’r asiantaeth fabwysiadu—

- (a) hysbysu’r darpar fabwysiadydd yn ysgrifenedig o’r penderfyniad i leoli’r plentyn gyda’r darpar fabwysiadydd; a
- (b) esbonio’r penderfyniad i’r plentyn mewn modd priodol, gan roi sylw i oedran a dealltwriaeth y plentyn.

(3) At ddibenion y rheoliad hwn ystyr “lleoli” (“*placed*”) yw wedi’i leoli yn unol ag adran 81 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 pan fo awdurdod lleol wedi’i fodloni, yn unol ag adran 81(11) o’r Ddeddf honno, y dylai’r plentyn gael ei leoli ar gyfer ei fabwysiadu gyda darpar fabwysiadydd penodol sydd wedi cael cymeradwyaeth dros dro fel rhiant maeth.”

(5) Yn rheoliad 14 (gofyniad i ddarparu cwnsela a gwybodaeth ar gyfer rhiant neu warcheidwad y plentyn neu bobl eraill a chanfod eu dymuniadau a’u teimladau)—

(a) ar ôl paragraff (1)(b)(iii), hepgorer “ac” a mewnosoder—

“(iv) goblygiadau cyfreithiol i blentyn gael ei leoli yn unol ag adran 81 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 gyda darpar fabwysiadydd penodol sydd wedi cael cymeradwyaeth dros dro fel rhiant maeth yn dilyn ystyriaeth yn unol ag adran 81(11) o’r Ddeddf honno; ac”; a

(b) ym mharagraff (3)(a), yn lle “a (iii)” rhodder “(iii), a (iv)”.

(6) Yn rheoliad 38(1) (swyddogion adolygu annibynnol), yn lle “adran 26(2A) o Ddeddf 1989” rhodder “adran 100 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014”.

“Duties of adoption agency when a child is to be placed in accordance with section 81(11) of the Social Services and Well-being (Wales) Act 2014

12A.—(1) This regulation applies where a decision has been made to place a child in accordance with regulation 28 of the Care Planning, Placement and Case Review (Wales) Regulations 2015(1) (temporary approval of a particular prospective adopter as a foster parent).

(2) The adoption agency must—

- (a) notify the prospective adopter in writing of the decision to place the child with the prospective adopter; and
- (b) explain the decision to the child in an appropriate manner, having regard to the child’s age and understanding.

(3) For the purposes of this regulation “placed” (“*lleoli*”) means placed in accordance with section 81 of the Social Services and Well-being (Wales) Act 2014 where a local authority is satisfied, in accordance with section 81(11) of that Act, that the child ought to be placed for adoption with a particular prospective adopter who has been granted temporary approval as a foster parent.”

(5) In regulation 14 (requirement to provide counselling and information for, and ascertain the wishes and feelings of, the parent or guardian of the child and others)—

(a) after paragraph (1)(b)(iii), omit “and” and insert—

“(iv) the legal implications of a child being placed in accordance with section 81 of the Social Services and Well-being (Wales) Act 2014 with a particular prospective adopter who has been granted temporary approval as a foster parent following consideration in accordance with section 81(11) of that Act; and”; and

(b) in paragraph (3)(a), for “and (iii)” substitute “(iii), and (iv)”.

(6) In regulation 38(1) (independent reviewing officers), for “section 26(2A) of the 1989 Act” substitute “section 100 of the Social Services and Well-being (Wales) Act 2014”.

(1) O.S. 2015/1818 (Cy. 261).

(1) S.I. 2015/1818 (W. 261).

(7) Yn rheoliad 46 (addasu Deddf 1989 o ran mabwysiadu), hepgorer paragraffau (1) a (2).

(8) Ar ôl rheoliad 46 (addasu Deddf 1989 o ran mabwysiadu), mewnosoder—

“Addasu Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 mewn perthynas â mabwysiadu

46A—(1) Mae’r paragraff hwn yn gymwys—

- (a) pan awdurdodir awdurdod lleol i leoli plentyn ar gyfer ei fabwysiadu; neu
- (b) pan fydd plentyn a leolwyd ar gyfer ei fabwysiadu gan awdurdod lleol yn llai na chwe wythnos oed.

(2) Pan fydd paragraff (1) yn gymwys—

- (a) mae adran 6(4)(b) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 yn gymwys fel pe bai’r cyfeiriad at bersonau â chyfrifoldeb rhiant am y plentyn yn gyfeiriad at unrhyw ddarpar fabwysiadydd y mae’r awdurdod lleol wedi lleoli’r plentyn gydag ef ar gyfer ei fabwysiadu; a
- (b) nid yw adran 95 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 a pharagraff 1 o Atodlen 1 iddi yn gymwys.”.

(9) Yn Atodlen 5 (gwybodaeth am y plentyn i’w rhoi i ddarpar fabwysiadydd), ym mharagraff 6, hepgorer “gan yr awdurdod lleol”.

Diwygio Rheoliadau Trwyddedu a Rheoli Tai Amlfeddiannaeth a Thai Eraill (Darpariaethau Amrywiol) (Cymru) 2006

6.—(1) Mae Rheoliadau Trwyddedu a Rheoli Tai Amlfeddiannaeth a Thai Eraill (Darpariaethau Amrywiol) (Cymru) 2006(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 4(2) (personau eraill yr ystyrir eu bod yn ffurfio aelwyd unigol at ddibenion adran 254 o’r Ddeddf), ar ôl “Rheoliadau Gwasanaethau Maethu (Cymru) 2003” mewnosoder “neu Reoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015(2) (yn ôl y digwydd)”.

(7) In regulation 46 (modification of the 1989 Act in relation to adoption), omit paragraphs (1) and (2).

(8) After regulation 46 (modification of the 1989 Act in relation to adoption), insert—

“Modification of the Social Services and Well-being (Wales) Act 2014 in relation to adoption

46A.—(1) This paragraph applies where—

- (a) a local authority is authorised to place a child for adoption; or
- (b) a child who has been placed for adoption by a local authority is less than six weeks old.

(2) Where paragraph (1) applies—

- (a) section 6(4)(b) of the Social Services and Well-being (Wales) Act 2014 applies as if the reference to persons with parental responsibility for the child were a reference to any prospective adopter with whom the local authority has placed the child for adoption; and
- (b) section 95 of and paragraph 1 of Schedule 1 to the Social Services and Well-being (Wales) Act 2014 do not apply.”.

(9) In Schedule 5 (information to be given to the prospective adopter), in paragraph 6, omit “by the local authority”.

Amendment of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006

6.—(1) The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006(1) are amended as follows.

(2) In regulation 4(2) (other persons to be regarded as forming a single household for the purposes of section 254 of the Act), after “Fostering Services (Wales) Regulations 2003” insert “or the Care Planning, Placement and Case Review (Wales) Regulations 2015(2) (as the case may be)”.

(1) O.S. 2006/1715 (Cy. 177).
(2) O.S. 2015/1818 (Cy. 261).

(1) S.I. 2006/1715 (W.177).
(2) S.I. 2015/1818 (W. 261).

Diwygio Rheoliadau Adolygu Achosion Plant (Cymru) 2007

7.—(1) Mae Rheoliadau Adolygu Achosion Plant (Cymru) 2007(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 1 (enwi, cychwyn, dehongli a chymhwyso)—

- (a) hepgorer y diffiniad o “tîm integredig cymorth i deuluoedd”;
- (b) yn y diffiniad o “ymwelydd annibynnol”, yn lle “baragraff 17 o Atodlen 2 i’r Ddeddf” rhodder “adran 98 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014”; ac
- (c) yn y diffiniad o “awdurdod cyfrifol”—
 - (i) hepgorer paragraff (a),
 - (ii) ym mharagraff (b), hepgorer “nad yw’n derbyn gofal awdurdod lleol”, a
 - (iii) ym mharagraff (c), hepgorer “naill ai’n derbyn gofal awdurdod lleol nac”.

(3) Yn rheoliad 2 (dyletswydd i adolygu achosion plant), hepgorer “tra bydd yn derbyn gofal neu”.

(4) Yn rheoliad 4 (amser pan fo’n rhaid adolygu pob achos)—

- (a) ym mharagraff (1), yn lle “derbyn gofal gan yr awdurdod cyfrifol neu’n dechrau cael ei letya ganddo”, rhodder “cael ei letya gan yr awdurdod cyfrifol”; a
- (b) yn lle paragraff (3), rhodder—

“(3) Nid oes dim byd yn y rheoliad hwn yn rhwystro’r awdurdod cyfrifol rhag adolygu’r achos cyn yr amser a bennir ym mharagraff (1) neu (2) ac, yn benodol, rhaid iddo wneud hynny os yw’r swyddog adolygu annibynnol yn cyfarwyddo hynny.”

(5) Yn rheoliad 5(2) (y dull ar gyfer adolygu achosion), hepgorer “y mae plentyn yn derbyn gofal ganddo neu”.

(6) Hefgorer rheoliad 6A (ystyriaethau ychwanegol y mae awdurdodau cyfrifol i roi sylw iddynt pan fo tîm integredig cymorth i deuluoedd yn ymgysylltu).

(7) Yn rheoliad 7(1) (adolygiadau iechyd), yn lle “sy’n parhau i dderbyn gofal neu y darperir llety iddo ganddo”, rhodder “y mae’n parhau i ddarparu llety iddo”.

(8) Yn rheoliad 8 (ymgyngori, cymryd rhan a hysbysu)—

- (a) ym mharagraff (1), hepgorer is-baragraff (chch); a

Amendment of the Review of Children’s Cases (Wales) Regulations 2007

7.—(1) The Review of Children’s Cases (Wales) Regulations 2007(1) are amended as follows.

(2) In regulation 1 (title, commencement, interpretation and application)—

- (a) omit the definition of “IFS team”;
- (b) in the definition of “independent visitor”, for “paragraph 17 of Schedule 2 to the Act” substitute “section 98 of the Social Services and Well-being (Wales) Act 2014”; and
- (c) in the definition of “responsible authority”—
 - (i) omit paragraph (a),
 - (ii) in paragraph (b), omit “who is not looked after by a local authority”, and
 - (iii) in paragraph (c), for “neither looked after by a local authority nor” substitute “not”.

(3) In regulation 2 (duty to review children’s cases), omit “looked after or”.

(4) In regulation 4 (time when each case to be reviewed)—

- (a) in paragraph (1), omit “looked after or”; and

- (b) for paragraph (3), substitute—

“(3) Nothing in this regulation prevents the responsible authority from reviewing the case before the time specified in paragraph (1) or (2) and, in particular, they must do so if the independent reviewing officer so directs.”

(5) In regulation 5(2) (manner in which cases are to be reviewed), omit “looking after or”.

(6) Omit regulation 6A (additional considerations to which responsible authorities are to have regard where IFS team involved).

(7) In regulation 7(1) (health reviews), omit “looked after or”.

(8) In regulation 8 (consultation, participation and notification)—

- (a) in paragraph (1), omit sub-paragraph (dd); and

(b) ym mharagraff (3), hepgorer is-baragraff (chch).

(9) Yn rheoliad 12 (cymhwyso'r rheoliadau i gyfnodau byr)—

(a) ym mharagraff (1), yn lle “plentyn i dderbyn gofal neu bod llety yn cael ei ddarparu iddo”, rhodder “llety yn cael ei ddarparu i blentyn”; a

(b) ym mharagraff (3), yn lle “sy'n parhau i dderbyn gofal neu y darperir llety iddo”, rhodder “y bydd llety yn parhau i gael ei ddarparu iddo”.

(10) Yn rheoliad 14 (eithriadau i gymhwysiad y rheoliadau), hepgorer “gan awdurdod lleol neu”.

(11) Yn Atodlen 1 (elfennau sydd i'w cynnwys mewn adolygiad)—

(a) ym mharagraff 1, yn lle “wrth i'r plentyn dderbyn gofal” rhodder “ar gyfer darparu llety i'r plentyn”; a

(b) ym mharagraff 5—

(i) hepgorer is-baragraff (b), a

(ii) yn is-baragraff (c), yn lle “y Ddeddf”, rhodder “Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014”.

(12) Yn Atodlen 2 (ystyriaethau y mae awdurdodau cyfrifol i roi sylw iddynt)—

(a) hepgorer paragraffau (1), (2) a (7);

(b) ym mharagraff (5), hepgorer “o ran bod y plentyn yn derbyn gofal neu”; ac

(c) ym mharagraff (10), yn lle “fydd y plentyn yn derbyn gofal neu pan na ddarperir llety iddo”, rhodder “ddarperir llety i'r plentyn”.

(13) Hefgorer Atodlen 4 (ystyriaethau ychwanegol y mae awdurdodau lleol i roi sylw iddynt pan fo tîm integredig cymorth i deuluoedd yn ymgysylltu).

Diwygio Rheoliadau Lleoli Plant (Cymru) 2007

8.—(1) Mae Rheoliadau Lleoli Plant (Cymru) 2007(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (dehongli)—

(a) yn y lle priodol mewnosoder—

“ystyr “derbyn gofal awdurdod lleol” a “derbyn gofal gan awdurdod lleol” (“*looked after by a local authority*”) yw—

(b) in paragraph (3), omit sub-paragraph (dd).

(9) In regulation 12 (application of regulations to short breaks)—

(a) in paragraph (1), omit “looked after or”; and

(b) in paragraph (3), omit “looked after or”.

(10) In regulation 14 (exception to application of regulations), omit “a local authority or”.

(11) In Schedule 1 (elements to be included in review)—

(a) in paragraph 1, for “looking after the child” substitute “providing the child with accommodation”; and

(b) in paragraph 5—

(i) omit sub-paragraph (b), and

(ii) in sub-paragraph (c), for “the Act” substitute “the Social Services and Well-being (Wales) Act 2014”.

(12) In Schedule 2 (considerations to which responsible authorities are to have regard)—

(a) omit paragraphs (1), (2) and (7);

(b) in paragraph 5, omit “looking after the child or”; and

(c) in paragraph (10), omit “looked after or”.

(13) Omit Schedule 4 (additional considerations to which local authorities are to have regard where IFS team involved).

Amendment of the Placement of Children (Wales) Regulations 2007

8.—(1) The Placement of Children (Wales) Regulations 2007(1) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the appropriate place insert—

““looked after by a local authority” (“*derbyn gofal awdurdod lleol*” a “*derbyn gofal gan awdurdod lleol*”) means—

(1) O.S. 2007/310 (Cy. 27).

(1) S.I. 2007/310 (W. 27).

- (a) derbyn gofal gan awdurdod lleol yng Nghymru yn unol ag adran 74 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014, neu
- (b) derbyn gofal gan awdurdod lleol yn Lloegr yn unol ag adran 22(1) o Ddeddf 1989;”;
- (b) hepgorer y diffiniad o “awdurdod ardal”;
- (c) hepgorer y diffiniad o “achos gofal”;
- (d) yn y diffiniad o “lleoliad”, hepgorer paragraff (a); ac
- (e) yn y diffiniad o “awdurdod cyfrifol”—
- (i) hepgorer paragraff (a),
- (ii) ym mharagraff (b), hepgorer “nad yw’n derbyn gofal awdurdod lleol”, a
- (iii) ym mharagraff (c), hepgorer “naill ai’n derbyn gofal awdurdod lleol nac”.
- (3) Yn rheoliad 3 (cymhwyso’r rheoliadau)—
- (a) ym mharagraff (1), hepgorer is-baragraff (a); a
- (b) ym mharagraff (2), hepgorer “awdurdod lleol neu”.
- (4) Yn rheoliad 4 (gwneud trefniadau)—
- (a) hepgorer paragraff (3); a
- (b) ym mharagraff (4), yn lle “Mewn unrhyw achos arall pan fo plentyn yn derbyn gofal neu lety ond nad yw mewn gofal” rhodder “Mewn unrhyw achos pan fo plentyn wedi’i letya”.
- (5) Yn rheoliad 5 (materion i’w hystyried wrth wneud trefniadau a’u cynnwys)—
- (a) yn lle paragraff (6) rhodder—
- “(6) Rhaid i gofnod ysgrifenedig a wneir yn unol â pharagraff (3) neu (5) fod ar gael ar ffurf addas i uwch swyddog o’r awdurdod lleol dros yr ardal y mae’r plentyn yn preswyllo ynddi fel arfer.”; a
- (b) ym mharagraff (8), hepgorer “Ac eithrio mewn achos gofal.”.
- (6) Yn rheoliad 6 (hysbysiad o drefniadau)—
- (a) ym mharagraff (1)—
- (i) yn lle is-baragraff (a) rhodder—
- “(a) unrhyw berson y ceisiwyd arwydd ganddo o’i ddymuniadau a’i deimladau o dan adran 61(2) neu adran 64(2) o’r Ddeddf (ymgyngori cyn gwneud penderfyniad mewn cysylltiad â phlant sy’n cael llety gan gorff gwirfoddol neu mewn cartref preifat i blant);”;
- (a) looked after by a local authority in Wales accordance with section 74 of the Social Services and Well-being (Wales) Act 2014, or
- (b) looked after by a local authority in England in accordance with section 22(1) of the 1989 Act;”;
- (b) omit the definition of “area authority”;
- (c) omit the definition of “care case”;
- (d) in the definition of “placement”, omit paragraph (a); and
- (e) in the definition of “responsible authority”—
- (i) omit paragraph (a),
- (ii) in paragraph (b), omit “who is not looked after by a local authority”, and
- (iii) in paragraph (c), for “who is neither looked after by a local authority nor” substitute “not”.
- (3) In regulation 3 (application of regulations)—
- (a) in paragraph (1), omit sub-paragraph (a); and
- (b) in paragraph (2), omit “a local authority or”.
- (4) In regulation 4 (making arrangements)—
- (a) omit paragraph (3); and
- (b) in paragraph (4), for “In any other case in which a child is looked after or accommodated but is not in care” substitute “In any case in which a child is accommodated”.
- (5) In regulation 5 (considerations on making and contents of arrangements)—
- (a) for paragraph (6) substitute—
- “(6) A written record made in accordance with paragraph (3) or (5) must be made available in suitable form to a senior officer of the local authority for the area in which the child is ordinarily resident.”; and
- (b) in paragraph (8), omit “Except in a care case.”.
- (6) In regulation 6 (notification of arrangements)—
- (a) in paragraph (1)—
- (i) for sub-paragraph (a) substitute—
- “(a) any person an indication of whose wishes and feelings have been sought under section 61(2) or section 64(2) of the Act (consultation prior to decision making in respect of children provided with accommodation by a voluntary organisation or in a private children’s home);”;

- (ii) yn is-baragraff (c), hepgorer “, os yw’n wahanol i’r awdurdod ardal,”
 - (iii) hepgorer is-baragraff (d),
 - (iv) yn is-baragraff (e), hepgorer “ac eithrio mewn achos gofal,” a
 - (v) hepgorer is-baragraff (f); a
 - (b) ym mharagraff (3), yn lle “mharagraff (1)(b) i (f)” rhodder “mharagraff (1)(b) i (e)”.
- (7) Yn rheoliad 9(2)(d) (sefydlu cofnodion), yn lle “yr awdurdod lleol neu’r” rhodder “y”.
- (8) Yn rheoliad 11 (y gofrestr)—
- (a) hepgorer paragraff (1);
 - (b) yn lle paragraff (2) rhodder—

“(2) Rhaid i awdurdod cyfrifol, mewn cysylltiad â phob plentyn a leolir ganddo, gofnodi mewn cofrestr sydd i’w chadw at y diben hwnnw y manylion a bennir ym mharagraffau (3) a (4).”;
 - (c) ym mharagraff (3)—
 - (i) yn y geiriau agoriadol, yn lle “pharagraffau (1) neu (2)” rhodder “pharagraff (2)”;
 - (ii) hepgorer is-baragraff (ch),
 - (iii) yn lle is-baragraff (dd) rhodder—

“(dd) a yw enw’r plentyn wedi ei gofnodi mewn cofrestr a gynhelir o dan adran 18 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (cofrestrau o bobl â nam ar eu golwg, pobl â nam ar eu clyw a phobl anabl eraill);” a
 - (iv) hepgorer is-baragraffau (f) ac (ff); a
 - (d) yn lle paragraff (4) rhodder—

“(4) Yn achos plentyn sydd wedi ei leoli, y gwnaed trefniadau mewn cysylltiad ag ef i oruchwyliaeth o’r lleoliad gael ei wneud ar ran awdurdod cyfrifol, rhaid cofnodi yn y gofrestr fod y trefniadau wedi eu gwneud ac enw’r person y gwnaed hwy gydag ef.”.
- (9) Yn rheoliad 12 (cael at gofnodion a’r gofrestr gan swyddogion achosion teuluol ar gyfer Cymru a swyddogion y gwasanaeth), yn lle’r geiriau agoriadol rhodder—
- “(12) Rhaid i bob awdurdod cyfrifol ddarparu i swyddog achosion teuluol ar gyfer Cymru neu i swyddog o’r gwasanaeth—”.
- (10) Hpgorer rheoliad 13 (trefniadau rhwng awdurdodau lleol ac awdurdodau ardal).
- (11) Yn Atodlen 1 (materion y mae awdurdodau cyfrifol i’w hystyried)—

- (ii) in sub-paragraph (c), omit “, if it is different from the area authority,”;
 - (iii) omit sub-paragraph (e),
 - (iv) in sub-paragraph (g), omit “except in a care case,”; and
 - (v) omit sub-paragraph (h); and
 - (b) in paragraph (3), for “paragraph (1)(b) to (h)”, substitute “paragraph (1)(b) to (g)”.
- (7) In regulation 9(2)(e) (establishment of records), omit “local authority or”.
- (8) In regulation 11 (register)—
- (a) omit paragraph (1);
 - (b) for paragraph (2) substitute—

“(2) A responsible authority must, in respect of every child placed by them, enter into a register to be kept for the purpose the particulars specified in paragraphs (3) and (4).”;
 - (c) in paragraph (3)—
 - (i) in the opening words, for “paragraphs (1) or (2)” substitute “paragraph (2)”;
 - (ii) omit sub-paragraph (d),
 - (iii) for sub-paragraph (f) substitute—

“(f) whether the child’s name is entered on a register maintained under section 18 of the Social Services and Well-being (Wales) Act 2014 (registers of sight-impaired, hearing-impaired and other disabled people);”;
 - (iv) omit sub-paragraphs (h) and (i); and
 - (d) for paragraph (4) substitute—

“(4) In the case of a child who has been placed, in respect of whom arrangements have been made for the supervision of the placement to be carried out on behalf of a responsible authority, a note that the arrangements were made and the name of the person with whom the arrangements were made must be entered in the register.”.
- (9) In regulation 12 (access by Welsh family proceedings officers and officers of the service to records and register), for the opening words substitute—
- “(12) Every responsible authority must provide a Welsh family proceedings officer of a child or an officer of the service with—”.
- (10) Omit regulation 13 (arrangements between local authorities and area authorities).
- (11) In Schedule 1 (considerations to which responsible authorities are to have regard)—

- (a) hepgorer paragraffau 1, 2 a 5; a
- (b) ym mharagraff 6, yn lle “derbyn gofal” rhodder “cael llety”.

(12) Yn Atodlen 4 (materion sydd i’w cynnwys mewn trefniadau i letya plant nad ydynt mewn gofal)—

- (a) ym mharagraff (5), hepgorer is-baragraff (a);
- (b) hepgorer paragraff 8;
- (c) yn lle paragraff 9 rhodder—

“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, neu gyda rhyw berson addas arall.”; a

- (d) yn y pennawd, hepgorer “nad ydynt mewn gofal”.

- (a) omit paragraphs 1, 2 and 5; and
- (b) in paragraph 6, for “looked after” substitute “provided with accommodation”.

(12) In Schedule 4 (matters to be included in arrangements to accommodate children who are not in care)—

- (a) in paragraph 5, omit sub-paragraph (a);
- (b) omit paragraph 8;
- (c) for paragraph 9 substitute—

“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 the child was living before the arrangements were made or some other suitable person.”; and

- (d) in the heading, omit “who are not in care”.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru

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

19 Chwefror 2016

19 February 2016

YR ATODLEN Rhaglith

SCHEDULE Preamble

Darpariaethau sy’n rhoi pŵer i
Weinidogion Cymru a arferir wrth
wneud y Rheoliadau hyn

Provisions conferring power on the
Welsh Ministers which are exercised in
the making of these Regulations

<i>Deddfiad</i>	<i>darpariaethau rhoi pŵer</i>	<i>Enactment</i>	<i>power conferring</i>
Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ⁽¹⁾	83(5), 84, 97, 97(4)(a), 97(5), 98(1)(a), 100(1)(b), 100(2)(a), 102(1), 102(2), 196(2) a 198	The Social Services and Well-being (Wales) Act 2014 ⁽¹⁾	83(5), 84, 97, 97(4)(a), 97(5), 98(1)(a), 100(1)(b), 100(2)(a), 102(1), 102(2), 196(2) and 198
Deddf Plant 1989 ⁽²⁾	51(4) ⁽³⁾ , 59(2) ⁽⁴⁾ , 59(3B) ⁽⁵⁾ a 104(4) ⁽⁶⁾	The Children Act 1989 ⁽²⁾	51(4) ⁽³⁾ , 59(2) ⁽⁴⁾ , 59(3B) ⁽⁵⁾ and 104(4) ⁽⁶⁾
Deddf Mabwysiadu a Phlant 2002 ⁽⁷⁾	9(1)(a), 53, 140(7) ⁽⁸⁾ , 140(8) a 142	The Adoption and Children Act 2002 ⁽⁷⁾	9(1)(a), 53, 140(7) ⁽⁸⁾ , 140(8) and 142
Deddf Safonau Gofal 2000 ⁽⁹⁾	22(7) ⁽¹⁰⁾ , 22(9) ⁽¹¹⁾ , 118(5), 118(6) a 118(7)	The Care Standards Act 2000 ⁽⁹⁾	22(7) ⁽¹⁰⁾ , 22(9) ⁽¹¹⁾ , 118(5), 118(6) and 118(7)

⁽¹⁾ 2014 dccc 4.

⁽¹⁾ 2014 anaw 4.

⁽²⁾ 1989 p. 41 (“Deddf 1989”). Trosglwyddwyd swyddogaethau’r Ysgrifennydd Gwladol o dan Ddeddf 1989 i Gynulliad Cenedlaethol Cymru yn rhinwedd cynnwys Deddf 1989 yn Atodlen 1 i Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan yr

⁽²⁾ 1989 c. 41 (“the 1989 Act”). The functions of the Secretary of State under the 1989 Act were transferred to the National Assembly for Wales by virtue of the inclusion of the 1989 Act in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales under these sections have been transferred to

adrannau hyn i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

⁽³⁾ Diwygiwyd adran 51 o Ddeddf 1989 gan Ddeddf Safonau Gofal 2000 (p. 14), Atodlen 4, paragraff 14(7).

⁽⁴⁾ Diwygiwyd adran 59 o Ddeddf 1989 gan Ddeddf Safonau Gofal 2000 (p. 14), Atodlen 4, paragraff 14(8), gan Ddeddf Plant 2004 (p. 31), adran 49(4), a chan Ddeddf Plant a Phobl Ifanc 2008 (p. 23), Atodlen 3, paragraff 23.

⁽⁵⁾ Mewnosodwyd adran 59(3B) yn Neddf 1989 gan Reoliadau Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (Diwygiadau Canlyniadol) 2016.

⁽⁶⁾ Diwygiwyd adran 104 o Ddeddf 1989 gan Ddeddf Plant a Mabwysiadu 2006 (p. 20), Atodlen 2, paragraff 10(a), a chan Ddeddf Plant a Phobl Ifanc 2008 (p. 23), Atodlen 3, paragraff 23. Gwnaed diwygiadau eraill i adran 104 ond nid ydynt yn berthnasol i'r Rheoliadau hyn.

⁽⁷⁾ 2002 p. 38 (“Deddf 2002”). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan yr adrannau hyn i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

⁽⁸⁾ Diwygiwyd adran 140(7) o Ddeddf 2002 gan Ddeddf Plant a Theuluoedd 2014 (p. 6), adran 7(6).

⁽⁹⁾ 2000 p. 14 (“Deddf 2000”). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan yr adrannau hyn i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006. Diffinnir “prescribed” a “regulations” yn adran 121(1) o Ddeddf 2000.

⁽¹⁰⁾ Gwnaed diwygiadau i adran 22(7) ac i adran 118 ond nid ydynt yn berthnasol i'r Rheoliadau hyn.

⁽¹¹⁾ Mae Gweinidogion Cymru wedi eu bodloni nad yw'r diwygiadau sydd i'w gwneud gan y Rheoliadau hyn i is-ddeddfwriaeth bresennol a wnaed o dan adran 22 o Ddeddf 2000 yn achosi unrhyw newid sylweddol yn y ddarpariaeth a wnaed gan y ddeddfwriaeth honno ac felly nid ydynt wedi cynnal ymgynghoriad (yn unol ag adran 22(9) o Ddeddf 2000) mewn perthynas â'r diwygiadau canlyniadol a wneir gan y Rheoliadau hyn.

the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

⁽³⁾ Section 51 of the 1989 Act was amended by the Care Standards Act 2000 (c. 14), Schedule 4, paragraph 14(7).

⁽⁴⁾ Section 59 of the 1989 Act was amended by the Care Standards Act 2000 (c. 14), Schedule 4, paragraph 14(8), by the Children Act 2004 (c. 31), section 49(4), and by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraph 23.

⁽⁵⁾ Section 59(3B) was inserted into the 1989 Act by the Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016.

⁽⁶⁾ Section 104 of the 1989 Act was amended by the Children and Adoption Act 2006 (c. 20), Schedule 2, paragraph 10(a), and by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraph 23. There have been other amendments to section 104 but they are not relevant to these Regulations.

⁽⁷⁾ 2002 c. 38 (“the 2002 Act”). The functions of the National Assembly for Wales under these sections have been transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

⁽⁸⁾ Section 140(7) of the 2002 Act was amended by Children and Families Act 2014 (c. 6), section 7(6).

⁽⁹⁾ 2000 c. 14 (“the 2000 Act”). The functions of the National Assembly for Wales under these sections have been transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006. “Prescribed” and “regulations” are defined in section 121(1) of the 2000 Act.

⁽¹⁰⁾ Amendments have been made to section 22(7) and to section 118 but they are not relevant to these Regulations.

⁽¹¹⁾ The Welsh Ministers are satisfied that the amendments to be made by these Regulations to existing secondary legislation made under section 22 of the 2000 Act do not effect any substantial change in the provision made by that legislation and have therefore not undertaken consultation (in accordance with section 22(9) of the 2000 Act) in relation to the consequential amendments made by these Regulations.

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