OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2017 Rhif 51 (Cy. 22)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Cartrefi Plant (Cymru) (Diwygio) 2017

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cartrefi Plant (Cymru) 2002.

Mae'r diwygiadau yn gwneud darpariaeth ar gyfer hysbysu am farwolaeth plentyn sy'n cael ei letya mewn cartref plant diogel. Yn benodol, mae'n ofynnol i'r person cofrestredig hysbysu Ombwdsmon Carchardai a Phrofiannaeth Cymru a Lloegr ("yr OCPh") os bydd unrhyw blentyn sy'n cael ei letya mewn cartref plant diogel yn marw.

Mae'r diwygiadau hefyd yn ei gwneud yn ofynnol i berson cofrestredig cartref plant diogel ganiatáu i'r OCPh ymchwilio i'r farwolaeth drwy:

a) rhoi i'r OCPh fynediad i safle'r cartref a dogfennau a chofnodion y cartref;

b) caniatáu i'r OCPh fynd â chopïau o unrhyw un neu ragor o ddogfennau a chofnodion y cartref o'r safle ar yr amod bod gan yr OCPh drefniadau diogel i wneud hynny; ac

c) caniatáu i'r OCPh (â chydsyniad) gyfweld yn breifat ag unrhyw blant, rhieni neu berthnasau, neu bersonau sy'n gweithio yn y cartref.

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.

2017 No. 51 (W. 22)

SOCIAL CARE, WALES

The Children's Homes (Wales) (Amendment) Regulations 2017

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Children's Homes (Wales) Regulations 2002.

The amendments make provision for the giving of notifications in the event of a death of a child accommodated in a secure children's home. In particular, the registered person is required to notify the Prisons and Probation Ombudsman for England and Wales ("the PPO") if any child accommodated in a secure children's home dies.

The amendments also require the registered person of a secure children's home to allow the PPO to investigate the death by:

a) granting the PPO access to the premises of the home and the home's documents and records;

b) allowing the PPO to take away copies of any of the home's documents and records from the premises provided that the PPO has secure arrangements for doing so; and

c) allowing the PPO (with consent) to interview in private any children, parents or relatives, or persons working in the home.

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.

OFFERYNNAU STATUDOL CYMRU

2017 Rhif 51 (Cy. 22)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Cartrefi Plant (Cymru) (Diwygio) 2017

Gwnaed *24 Ionawr 2017*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *26 Ionawr 2017*

Yn dod i rym *1 Ebrill 2017*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 22(1), 22(2)(f), 22(7)(d) a 118(5) i (7) o Ddeddf Safonau Gofal 2000(**1**) ac ar ôl ymgynghori â'r personau hynny y maent yn ystyried eu bod yn briodol(**2**), yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cartrefi Plant (Cymru) (Diwygio) 2017 a deuant i rym ar 1 Ebrill 2017..

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

(3) Yn y Rheoliadau hyn—

ystyr "Rheoliadau 2002" ("*the 2002 Regulations*") yw Rheoliadau Cartrefi Plant (Cymru) 2002(**3**).

Diwygio Rheoliadau 2002

2. Mae Rheoliadau 2002 wedi eu diwygio yn unol â darpariaethau rheoliadau 3 i 5.

(**1**) 2000 p. 14. Mae'r pwerau hyn yn arferadwy gan yr "appropriate Minister". Diffinnir y term hwn yn adran 121 o Ddeddf Safonau Gofal 2000 o ran Cymru fel Cynulliad Cenedlaethol Cymru. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(**2**) *Gweler* adran 22(9) o Ddeddf Safonau Gofal 2000 am y gofyniad i ymgynghori.

(**3**) O.S. 2002/327 (Cy. 40).

WELSH STATUTORY INSTRUMENTS

2017 No. 51 (W. 22)

SOCIAL CARE, WALES

The Children's Homes (Wales) (Amendment) Regulations 2017

Made *24 January 2017*

Laid before the National Assembly for Wales *26 January 2017*

Coming into force *1 April 2017*

The Welsh Ministers, in exercise of the powers conferred by sections 22(1), 22(2)(f), 22(7)(d) and 118(5) to (7) of the Care Standards Act 2000(**1**) and having consulted such persons as they consider appropriate(**2**) make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Children's Homes (Wales) (Amendment) Regulations 2017 and they come into force on 1 April 2017.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations—

"the 2002 Regulations" ("*Rheoliadau 2002*") means the Children's Homes (Wales) Regulations 2002(**3**).

Amendment of the 2002 Regulations

2. The 2002 Regulations are amended in accordance with the provisions of regulations 3 to 5.

(**1**) 2000 c.14. These powers are exercisable by the "appropriate Minister". This term is defined in section 121 of the Care Standards Act 2000 in relation to Wales as the National Assembly for Wales. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**2**) *See* section 22(9) of the Care Standards Act 2000 for the requirement to consult.

(**3**) S.I. 2002/327 (W. 40).

3. Yn rheoliad 2(1) (dehongli) mewnosoder y canlynol yn y lle priodol—

"ystyr "cartref plant diogel" ("*secure children's home*") yw cartref plant, o fewn ystyr y Ddeddf—

(a) sy'n darparu llety at ddibenion cyfyngu ar ryddid; a

(b) y mae person wedi'i gofrestru o dan Ran 2 o'r Ddeddf honno mewn cysylltiad ag ef;".

4. Yn rheoliad 29 (digwyddiadau hysbysadwy), ar ôl paragraff (4), mewnosoder—

"(5) Nid yw'r rheoliad hwn yn gymwys i hysbysiad mewn perthynas â marwolaeth plentyn sy'n cael ei letya mewn cartref plant diogel."

5. Ar ôl rheoliad 29, mewnosoder—

"**Hysbysu mewn cysylltiad â marwolaeth plentyn sy'n cael ei letya mewn cartref plant diogel**

29A.—(1) Os bydd unrhyw blentyn sy'n cael ei letya mewn cartref plant diogel yn marw, rhaid i'r person cofrestredig yn ddi-oed hysbysu—

(a) swyddfa briodol yr awdurdod cofrestru;

(b) yr awdurdod lleoli;

(c) yr awdurdod lleol y mae'r cartref plant diogel wedi'i leoli yn ei ardal;

(ch) yr awdurdod iechyd y mae'r cartref plant diogel wedi'i leoli yn ei ardal;

(d) Ombwdsmon Carchardai a Phrofiannaeth Cymru a Lloegr ("yr OCPh"); ac

(dd) rhiant y plentyn neu'r person a chanddo gyfrifoldeb rhiant dros y plentyn.

(2) Rhaid i'r person cofrestredig ganiatáu i'r OCPh ymchwilio i'r farwolaeth drwy—

(a) rhoi i'r OCPh fynediad i—

(i) safle'r cartref; a

(ii) dogfennau a chofnodion y cartref;

(b) caniatáu i'r OCPh fynd â chopïau o unrhyw ddogfennau neu gofnodion o'r safle y ceir mynediad iddynt o dan is-baragraff (a)(ii) ar yr amod bod gan yr OCPh drefniadau diogel i wneud hynny; ac

3. In regulation 2(1) (interpretation) insert the following in the appropriate place—

""secure children's home" ("*cartref plant diogel*") means a children's home, within the meaning of the Act—

(a) which provides accommodation for the purposes of restricting liberty; and

(b) in respect of which a person is registered under Part 2 of that Act;".

4. In regulation 29 (notifiable events), after paragraph (4), insert—

"(5) This regulation does not apply to a notification in relation to the death of a child accommodated in a secure children's home."

5. After regulation 29, insert—

"**Notification with respect to the death of a child accommodated in a secure children's home**

29A.—(1) If any child accommodated in a secure children's home dies, the registered person must without delay notify—

(a) the appropriate office of the registration authority;

(b) the placing authority;

(c) the local authority in whose area the secure children's home is located;

(d) the health authority in whose area the secure children's home is located;

(e) the Prisons and Probation Ombudsman for England and Wales ("the PPO"); and

(f) the child's parent or person who has parental responsibility for the child.

(2) The registered person must allow the PPO to investigate the death by—

(a) granting the PPO access to—

(i) the premises of the home; and

(ii) the home's documents and records;

(b) allowing the PPO to take away from the premises copies of any documents or records accessed under sub-paragraph (a)(ii) provided that the PPO has secure arrangements for doing so; and

(c) os byddant yn cydsynio, ganiatáu i'r OCPh gyfweld yn breifat ag unrhyw blant, rhieni (neu bersonau a chanddynt gyfrifoldeb rhiant) neu berthnasau, neu bersonau sy'n gweithio yn y cartref.

(3) Rhaid i hysbysiad o dan y rheoliad hwn—

(a) cynnwys manylion—

(i) amgylchiadau'r farwolaeth;

(ii) y personau, y cyrff neu'r sefydliadau eraill (os oes rhai) y mae'r person cofrestredig wedi'u hysbysu neu'n bwriadu eu hysbysu; a

(iii) unrhyw gamau y mae'r person cofrestredig wedi'u cymryd neu'n bwriadu eu cymryd o ganlyniad i'r farwolaeth;

(b) cael ei wneud neu ei gadarnhau'n ysgrifenedig.

(4) Yn y rheoliad hwn, mae cyfeiriadau at yr OCPh yn cynnwys person sydd wedi'i benodi gan yr OCPh neu sy'n gweithio ar ei ran at ddibenion ymchwilio o dan baragraff (2)."

(c) if they consent, allowing the PPO to interview in private any children, parents (or persons with parental responsibility) or relatives, or persons working at the home.

(3) A notification under this regulation—

(a) must include details of—

(i) the circumstances of the death;

(ii) the other persons, bodies or organisations (if any) who or which the registered person has notified or proposes to notify; and

(iii) any actions the registered person has taken or proposes to take as a result of the death;

(b) must be made or confirmed in writing.

(4) In this regulation, references to PPO include a person appointed by, or working on behalf of, the PPO for the purposes of an investigation under paragraph (2)."

Rebecca Evans

Gweinidog Iechyd y Cyhoedd a Gwasanaethau Cymdeithasol o dan awdurdod Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon, un o Weinidogion Cymru
24 Ionawr 2017

Minister for Social Services and Public Health, under authority of the Cabinet Secretary for Health, Wellbeing and Sport, one of the Welsh Ministers

24 January 2017

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