



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 205 (Cy. 48)

2019 No. 205 (W. 48)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

Rheoliadau Trefniadau ar gyfer
Cynhorthwy i Bersonau sy'n
Cyflwyno Sylwadau (Cymru) 2019

The Arrangements for Assistance
for Persons Making Representations
(Wales) Regulations 2019

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

O dan adran 178(4) a (5) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014, mae'n ofynnol i Weinidogion Cymru wneud rheoliadau i wneud darpariaeth bellach ynghylch dyletswydd awdurdod lleol i wneud trefniadau i helpu plant a phobl ifanc sydd am gyflwyno sylwadau. Mae hyn yn gymwys i sylwadau gan blant a phobl ifanc ynghylch ystod o swyddogaethau gwasanaethau cymdeithasol yr awdurdod lleol sy'n effeithio ar blant a phobl ifanc.

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch y categorïau o bersonau na chânt, o dan drefniadau'r awdurdod lleol, ddarparu cynhorthwy i'r plentyn neu'r person ifanc.

Pan fo awdurdod lleol yn dod yn ymwybodol bod plentyn neu berson ifanc am gyflwyno sylwadau, mae rheoliad 3 yn ei gwneud yn ofynnol i'r awdurdod lleol ddarparu gwybodaeth am wasanaethau eirioli a rhoi cymorth i gael cynhorthwy eiriolwr.

Mae rheoliad 4 yn ei gwneud yn ofynnol i awdurdod lleol fonitro ei gydymffurfedd â'r gofynion hyn.

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

Under section 178(4) and (5) of the Social Services and Well-being (Wales) Act 2014, the Welsh Ministers are required to make regulations to make further provision about a local authority's duty to make arrangements to help children and young persons who want to make representations. This applies to representations by children and young persons about a range of the local authority's social services functions which affect children and young persons.

These Regulations make provision about the categories of persons who, under the local authority's arrangements, may not provide assistance to the child or young person.

When a local authority becomes aware that a child or young person wants to make representations, regulation 3 requires the local authority to provide information about advocacy services and help in obtaining the assistance of an advocate.

Regulation 4 requires a local authority to monitor its compliance with these requirements.

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.

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The Arrangements for Assistance
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(Wales) Regulations 2019

Gwnaed 6 Chwefror 2019

Made 6 February 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 8 Chwefror 2019

Laid before the National Assembly for Wales 8
February 2019

Yn dod i rym 1 Ebrill 2019

Coming into force 1 April 2019

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 178(4) i (6) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1), yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred by section 178(4) to (6) of the Social Services and Well-being (Wales) Act 2014(1), make the following Regulations.

Enwi, cychwyn a dehongli

Title, commencement and interpretation

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Trefniadau ar gyfer Cynhorthwy i Bersonau sy'n Cyflwyno Sylwadau (Cymru) 2019.

1.—(1) The title of these Regulations is the Arrangements for Assistance for Persons Making Representations (Wales) Regulations 2019.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2019.

(2) These Regulations come into force on 1 April 2019.

(3) Yn y Rheoliadau hyn—

(3) In these Regulations—

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

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

ystyr “person ifanc” (“*young person*”) yw person a chanddo hawlogaeth i gyflwyno sylwadau o dan adran 176 o'r Ddeddf(2).

“young person” (“*person ifanc*”) means a person who is entitled to make representations under section 176 of the Act(2).

(1) 2014 dccc 4.

(1) 2014 anaw 4.

(2) Nodir y personau a chanddynt hawlogaeth i gyflwyno sylwadau o dan adran 176 yn is-adran (2) o'r adran. Maent yn bersonau categori 2, 3, 4, 5 a 6 sy'n ymadael â gofal a phersonau o dan 25 oed a fyddai, pe baent o dan 21 oed, yn (i) personau ifanc categori 5, neu'n (ii) personau ifanc categori 6 sy'n dod o fewn y categori hwnnw yn rhinwedd adran 104(3)(a).

(2) The persons who are entitled to make representations under section 176 are set out in subsection (2) of the section. They are category 2, 3, 4, 5, and 6 care leavers and persons under the age of 25 who, if they were under the age of 21, would be (i) category 5 young persons, or (ii) category 6 young persons falling within that category by virtue of section 104(3)(a).

Personau na chaniateir iddynt ddarparu cynhorthwy

2.—(1) Wrth wneud trefniadau ar gyfer darparu cynhorthwy i blentyn neu berson ifanc sy'n cyflwyno sylwadau neu sy'n bwriadu cyflwyno sylwadau o dan adran 174 neu 176 o'r Ddeddf, ni chaiff awdurdod lleol ganiatáu i'r cynhorthwy gael ei ddarparu gan berson—

- (a) sy'n destun y sylwadau neu a all fod yn destun y sylwadau;
- (b) sy'n gyfrifol am reoli person sy'n destun y sylwadau neu a all fod yn destun y sylwadau;
- (c) sy'n rheoli'r gwasanaeth sy'n destun y sylwadau neu a all fod yn destun y sylwadau;
- (d) y mae ganddo reolaeth dros yr adnoddau a ddyrennir i'r gwasanaeth sy'n destun y sylwadau neu a all fod yn destun y sylwadau;
- (e) sy'n ymwneud ag ystyried y sylwadau neu a all ymwneud â hynny ar ran yr awdurdod lleol.

(2) Ni chaiff awdurdod lleol ganiatáu i'r cynhorthwy gael ei ddarparu gan berson os yw'r plentyn neu'r person ifanc sy'n cyflwyno sylwadau neu sy'n bwriadu cyflwyno sylwadau yn gwrthwynebu cael cynhorthwy oddi wrth y person hwnnw.

Gwybodaeth sydd i'w darparu i bersonau sy'n cyflwyno sylwadau

3. Pan fo awdurdod lleol yn dod yn ymwybodol bod plentyn neu berson ifanc yn bwriadu cyflwyno sylwadau o dan adran 174 neu 176 o'r Ddeddf, rhaid i'r awdurdod—

- (a) darparu gwybodaeth am wasanaethau eirioli(1) i'r plentyn neu'r person ifanc, a
- (b) cynnig helpu'r plentyn neu'r person ifanc i gael eiriolwr.

Monitro cydymffurfedd â'r Rheoliadau

4. Rhaid i awdurdod lleol fonitro'r camau y mae wedi eu cymryd i gydymffurfio â'r Rheoliadau hyn, yn benodol drwy gadw cofnod o bob achlysur pan fo eiriolwr yn darparu cynhorthwy o dan drefniadau a wneir gan yr awdurdod lleol.

(1) Diffinnir "gwasanaethau eirioli" yn adran 181(2) o'r Ddeddf yn "wasanaethau sy'n darparu cynhorthwy (ar ffurf cynrychiolaeth neu fel arall) i bersonau at ddibenion sy'n ymwneud â'u gofal a chymorth".

Persons not permitted to provide assistance

2.—(1) In making arrangements for the provision of assistance to a child or to a young person who is making or intends to make representations under section 174 or 176 of the Act, a local authority may not allow the assistance to be provided by a person who—

- (a) is or may be the subject of the representations;
- (b) is responsible for the management of a person who is or may be the subject of the representations;
- (c) manages the service which is or may be the subject of the representations;
- (d) has control over the resources allocated to the service which is or may be the subject of the representations;
- (e) is or may become involved in the consideration of the representations on behalf of the local authority.

(2) A local authority may not allow the assistance to be provided by a person if the child or young person making or intending to make representations objects to having assistance from that person.

Information to be provided to persons making representations

3. Where a local authority becomes aware that a child or young person intends to make representations under section 174 or 176 of the Act it must—

- (a) provide the child or young person with information about advocacy services(1), and
- (b) offer the child or young person help in obtaining an advocate.

Monitoring of compliance with the Regulations

4. A local authority must monitor the steps that it has taken to comply with these Regulations, in particular by keeping a record of each occasion when an advocate provides assistance under arrangements made by the local authority.

(1) "Advocacy services" are defined in section 181(2) of the Act as "services which provide assistance (by way of representation or otherwise) to persons for purposes relating to their care and support".

Julie Morgan

Y Dirprwy Weinidog Iechyd a Gwasanaethau
Cymdeithasol, o dan awdurdod y Gweinidog Iechyd a
Gwasanaethau Cymdeithasol, un o Weinidogion
Cymru
6 Chwefror 2019

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

6 February 2019

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