



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENT

2015 Rhif 1818 (Cy. 261)

2015 No. 1818 (W. 261)

**PLANT A PHERSONAU
IFANC, CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

**Rheoliadau Cynllunio Gofal, Lleoli
ac Adolygu Achosion (Cymru)
2015**

**The Care Planning, Placement and
Case Review (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)

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch cynllunio gofal ar gyfer plant sy'n derbyn gofal (h.y. plant sy'n derbyn gofal gan awdurdod lleol ("ALI"), pa un a ydynt yng ngofal yr ALI yn rhinwedd gorchymyn gofal ai peidio), a materion cysylltiedig.

These Regulations make provision about care planning for looked after children (i.e. children who are looked after by a local authority ("LA"), whether or not they are in the care of the LA by virtue of a care order), and associated matters.

Gwneir y Rheoliadau hyn o dan ddarpariaethau yn Rhan 6 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ("Deddf 2014"), sy'n disodli, o ran Cymru, y ddarpariaeth a wnaed yn flaenorol gan Ran 3 o Ddeddf Plant 1989 ac Atodlen 2 iddi (fel y'i diwygiwyd yn benodol gan Ddeddf Plant a Phobl Ifanc 2008) ("Deddf 1989"), ac o dan ddarpariaethau yn Rhan 4 o Ddeddf 1989.

They are made under provisions within Part 6 of the Social Services and Well-being (Wales) Act 2014 ("the 2014 Act"), which replaces, in relation to Wales, the provision formerly made by Part 3 of and Schedule 2 to the Children Act 1989 (as amended in particular by the Children and Young Persons Act 2008) ("the 1989 Act") and under provisions within Part 4 of the 1989 Act.

Yn rhannol hefyd, maent yn Rheoliadau sy'n cydgrynhoi, ac yn dirymu a disodli darpariaethau mewn Rheoliadau blaenorol (nodir eu manylion yn Atodlen 11) a oedd yn ymdrin â chynllunio gofal, penderfyniadau lleoli ac adolygu achos plentyn sy'n derbyn gofal.

They are also, in part, consolidating Regulations which revoke and replace provisions in earlier Regulations (details of which are set out in Schedule 11) dealing with care planning, placement decisions and the review of a looked after child's case.

Mae Rhan 2 yn ymdrin â threfniadau'r ALI ar gyfer gofalu am y plentyn. Mae'n pennu erbyn pa bryd y mae'n rhaid paratoi cynllun yr ALI ar gyfer gofal a chymorth i'r plentyn (y cynllun gofal a chymorth) (*rheoliad 4*), yn pennu cynnwys y cynllun (*rheoliad 5*) ac yn gwneud darpariaeth ar gyfer diwygio'r cynllun a darparu copiâu ohono gan yr ALI (*rheoliad 6*). Mae'n darparu ar gyfer cynnal asesiad o iechyd y plentyn gan ymarferydd meddygol cofrestredig neu nyrs gofrestredig, ac ar gyfer darparu gofal iechyd (*rheoliad 7*). Mae'n nodi'r camau sydd i'w cymryd pan fo ALI yn gwneud penderfyniad o dan adran 34(6) o Ddeddf 1989 i wrthod caniatáu cyswllt â phlentyn (*rheoliadau 8 a 9*).

Part 2 deals with the LA's arrangements for looking after the child. It specifies when the LA's plan for the care and support of the child (the care and support plan) must be produced (*regulation 4*), its content (*regulation 5*) and makes provision for the LA to revise the plan and provide copies (*regulation 6*). It makes provision for a registered medical practitioner or registered nurse to carry out an assessment of the child's health, and for the provision of health care (*regulation 7*). It sets out the steps to be followed when a LA makes a decision under section 34(6) of the 1989 Act to refuse to allow contact with a child (*regulations 8 and 9*).

Mae Rhan 3 yn cynnwys darpariaethau cyffredinol ynglŷn â lleoliadau. Mae'n cynnwys darpariaethau ynglŷn â'r cynllun lleoli sydd i'w baratoi gan yr ALI (*rheoliad 10*), camau sydd i'w cymryd i osgoi amharu ar addysg y plentyn o ganlyniad i newid lleoliad (*rheoliad 11*), darpariaethau arbennig ynghylch lleoli y tu allan i Gymru a thu allan i Gymru a Lloegr (*rheoliadau 12 a 13*), y personau y mae'n rhaid eu hysbysu ynghylch lleoliad (*rheoliad 14*) a'r amgylchiadau pan ganiateir terfynu lleoliad (*rheoliad 15*).

Mae Rhan 4 yn gwneud darpariaeth ynghylch mathau penodol o leoliadau, sef gyda'r rhieni (*rheoliadau 16 i 21*), a chyda rhieni maeth awdurdod lleol (*rheoliadau 22 i 26*). Mae'n gwneud darpariaeth hefyd ynghylch lleoli plant gyda darpar fabwysiadwyr penodol yn unol ag adran 81(11) o Ddeddf 2014, ac ynghylch cymeradwyo personau o'r fath dros dro fel rhieni maeth awdurdod lleol mewn cysylltiad â phlentyn penodol. Mae'n cynnwys darpariaeth hefyd ynglŷn â threfniadau eraill o dan adran 81(6)(d) o Ddeddf 2014 (*rheoliad 30*).

Mae Rhan 5 yn pennu'r trefniadau sydd i'w gwneud er mwyn i gynrychiolydd yr ALI ymweld â phlentyn, amllder, amgylchiadau a chanlyniadau ymweliadau o'r fath (*rheoliadau 31 i 33 a 35*), a'r cyngor a'r cymorth arall y mae'n rhaid eu rhoi ar gael i'r plentyn rhwng ymweliadau o'r fath (*rheoliad 34*). Mae Rhan 5 hefyd yn cynnwys manylion yr ystyriaethau y mae'n rhaid i ALI roi sylw iddynt wrth benderfynu a ddylid penodi ymwelydd annibynnol ar gyfer plentyn sy'n derbyn gofal.

Mae Rhan 6 yn cynnwys darpariaethau ynghylch adolygiadau gan yr ALI o achos y plentyn – y cyfrifoldeb cyffredinol am drefnu adolygiadau (*rheoliad 38*), amseru a chynnal yr adolygiadau, gan gynnwys rôl y swyddog adolygu annibynnol (*rheoliadau 39 i 42*) a threfniadau ar gyfer cyflawni penderfyniadau a chadw cofnodion o'r adolygiadau (*rheoliadau 43 a 44*).

Mae Rhan 7 yn nodi trefniadau sydd i'w gwneud gan yr ALI ar gyfer rhoi'r gorau i ofalu am blentyn. Ailddeddfiad yw'r Rhan hon o ddarpariaethau a gynhwysid gynt yn Rheoliadau Plant (Ymadael â Gofal) (Cymru) 2001, a oedd yn rhagnodi (yn unol â pharagraff 19B o Atodlen 2 i Ddeddf 1989) y meini prawf gofynnol ar gyfer dynodi plentyn yn "eligible child" at ddibenion Deddf 1989. Nid yw Deddf 2014 yn ailddeddfyddio'r derminoleg a gynhwysid yn Neddf 1989, ac mae *rheoliad 47* o'r Rheoliadau hyn yn pennu'r cyfnod perthnasol a'r oedran yn unol ag adran 104(2) o Ddeddf 2014 er mwyn penderfynu a yw plentyn sy'n derbyn gofal gan ALI yn berson ifanc categori 1 at ddibenion Deddf 2014 ai peidio. Mae'n

Part 3 contains general provisions about placements. It contains provisions about the placement plan to be prepared by the LA (*regulation 10*), about steps to be taken to avoid disruption of a child's education as a result of a change in placement (*regulation 11*), special provisions about placements outside Wales and outside England and Wales (*regulations 12 and 13*), to whom notification of a placement must be given (*regulation 14*) and the circumstances in which a placement may be terminated (*regulation 15*).

Part 4 makes provision about particular types of placement – with parents (*regulations 16 to 21*), and with local authority foster parents (*regulations 22 to 26*). It also makes provision about the placement of children with particular prospective adopters in accordance with section 81(11) of the 2014 Act and about the temporary approval of such persons as local authority foster parents in respect of a particular child. It also contains provision about other arrangements under section 81(6)(d) of the 2014 Act (*regulation 30*).

Part 5 specifies arrangements to be made for a child to be visited by a representative of the LA, the frequency, circumstances and consequences of such visits (*regulations 31 to 33 and 35*), and the advice and other support that must be made available to the child between such visits (*regulation 34*). Part 5 also contains details of the considerations a LA must have in mind when deciding whether to appoint an independent visitor for a looked after child.

Part 6 contains provisions about the LA's reviews of the child's case – the general responsibility for carrying out reviews (*regulation 38*), the timing and conduct of reviews, including the role of the independent reviewing officer (*regulations 39 to 42*) and arrangements for implementing decisions and keeping records of reviews (*regulations 43 and 44*).

Part 7 sets out arrangements to be made by the LA for ceasing to look after a child. This Part is a re-enactment of provisions which were formerly in the Children (Leaving Care) (Wales) Regulations 2001, which prescribed (in accordance with paragraph 19B of Schedule 2 to the 1989 Act) the criteria required for a child to be designated as an "eligible child" for the purposes of the 1989 Act. The 2014 Act does not replicate the terminology contained within the 1989 Act and *regulation 47* of these Regulations specifies the relevant period and age in accordance with section 104(2) of the 2014 Act in order to determine if a child who is looked after by a LA is a category 1 young person for the purposes of the 2014 Act. It contains

cynnwys rhwymedigaethau newydd ar ALI i ddarparu gwybodaeth ynglŷn â gwneud trefniant byw ôl-18, a'r cymorth sydd ar gael i bersonau sy'n dymuno gwneud trefniant o'r fath (yn unol ag adran 108 o Ddeddf 2014).

Mae Rhan 8 yn ymdrin â swyddogaethau ychwanegol, cymwysterau a phrofiad swyddogion adolygu annibynnol (*rheoliadau 53 a 54*) a'r diffiniad o ymwelydd annibynnol a benodir o dan adran 98 o Ddeddf 2014 (*rheoliad 55*).

Mae Rhan 9 yn ymdrin â chymhwyso'r Rheoliadau yn ddarostyngedig i addasiadau penodedig, i blant sydd ar remand i lety awdurdod lleol neu lety cadw ieuencid, ac i blant sydd yng ngofal awdurdod lleol a dan gadwad mewn carchar neu lety cadw ieuencid ar ôl eu collfarnu am drosedd, neu y gwneir yn ofynnol eu bod yn preswyllo mewn mangre a gymeradwywyd neu fangre benodedig arall.

Mae Rhan 10 yn cynnwys darpariaethau amrywiol gan gynnwys cymhwyso'r Rheoliadau (yn ddarostyngedig i addasiadau) i leoliadau seibiant byr. Mae Rhan 10 hefyd yn cynnwys darpariaeth ynghylch cyfrifoldebau ALI mewn perthynas â chadw cofnodion.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd aseiad 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.

new obligations for a LA to provide information about the making of and the support available for persons who wish to make a post-18 living arrangement (in accordance with section 108 of the 2014 Act).

Part 8 deals with the additional functions, qualifications and experience of independent reviewing officers (*regulations 53 and 54*) and the definition of an independent visitor appointed under section 98 of the 2014 Act (*regulation 55*).

Part 9 deals with the application of the Regulations, subject to specified modifications, to children who are remanded to local authority accommodation or youth detention accommodation and to children who are in the care of a local authority who, having been convicted of an offence, are detained in prison or youth detention accommodation or who are required to reside in approved or other specified premises.

Part 10 contains miscellaneous provisions including the application of the Regulations (subject to modifications) to short break placements. Part 10 also contains provision about a LA's responsibilities in relation to the keeping of records.

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 of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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The Care Planning, Placement and
Case Review (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

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

RHAN 1

Cyffredinol

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015, a deuant i rym ar 6 Ebrill 2016.

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

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

PART 1

General

Title, commencement and application

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

(2) These Regulations apply in relation to Wales.

(1) *Gweler* adran 197(1) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (decc 4) ("Deddf 2014") am y diffiniadau o "penodedig" a "rheoliadau".

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

Dehongli

2.—(1) Yn y Rheoliadau hyn—

mae i “anghenion addysgol arbennig” a “darpariaeth addysgol arbennig” yr ystyron a roddir, yn eu trefn, i “special educational needs” a “special educational provision” yn adran 312 o Ddeddf Addysg 1996(1);

ystyr “awdurdod cyfrifol” (“*responsible authority*”) yw’r awdurdod lleol sy’n gofalu am C;

ystyr “awdurdod yr ardal” (“*area authority*”) yw’r awdurdod lleol neu’r awdurdod lleol yn Lloegr(2) ar gyfer yr ardal y lleolir C ynnddi, neu y mae C i’w leoli ynnddi, os yw’n wahanol i’r awdurdod cyfrifol;

ystyr “C” (“*C*”) yw plentyn sy’n derbyn gofal gan yr awdurdod cyfrifol(3);

mae i “canolfan hyfforddi ddiogel” yr ystyr a roddir i “secure training centre” yn adran 43(1)(d) o Ddeddf Carchardai 1952(4);

mae i “cartref plant diogel” yr ystyr a roddir i “secure children’s home” yn adran 102(11) o Ddeddf 2012(5);

mae i “cofnod achos” (“*case record*”) yr ystyr a roddir yn rheoliad 63;

ystyr “Cydgysylltydd Addysg PDG” (“*LAC Education Co-ordinator*”) yw’r person a ddynodwyd gan yr awdurdod cyfrifol i gydgyssylltu cynlluniau addysg personol a rhoi sylw i anghenion addysgol plant sy’n derbyn gofal a phobl sy’n gadael gofal o fewn ardal yr awdurdod cyfrifol;

ystyr “cyfarwyddwr” (“*director*”) yw’r person sy’n gyfrifol am ganolfan hyfforddi ddiogel;

ystyr “cyfarwyddwr arweiniol ar gyfer gwasanaethau plant a phobl ifanc” (“*lead director for children and young people’s services*”) yw swyddog yr awdurdod cyfrifol a benodwyd at ddibenion adran 27 o Ddeddf Plant 2004(6);

(1) 1996 p. 56; diwygiwyd adran 312 gan paragraff 23 o Atodlen 7 ac Atodlen 8 i Ddeddf Addysg 1997 (p. 44), paragraffau 57 a 71 o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31), paragraff 56 o Atodlen 9 i Ddeddf Dysgu a Sgiliau 2000 (p. 21), a pharagraff 3 o Atodlen 1 i Ddeddf Addysg ac Arolygiadau 2006 (p. 40).

(2) Diffinnir “awdurdod lleol” ac “awdurdod lleol yn Lloegr” yn adran 197(1) o Ddeddf 2014.

(3) Ar gyfer ystyr plentyn sy’n “derbyn gofal” gweler adran 74 o Ddeddf 2014.

(4) 1952 p. 52.

(5) Hynny yw, llety a ddarperir mewn cartref plant (yn yr ystyr a roddir i “children’s home” gan Ddeddf Safonau Gofal 2000) sydd— (a) yn darparu llety at ddibenion cyfyngu ar ryddid, a (b) y cofrestrir person mewn cysylltiad ag ef o dan Ran 2 o’r Ddeddf honno.

(6) 2004 p. 31.

Interpretation

2.—(1) In these Regulations—

“the 1989 Act” (“*Deddf 1989*”) means the Children Act 1989(1);

“the 2012 Act” (“*Deddf 2012*”) means the Legal Aid, Sentencing and Punishment of Offenders Act 2012(2);

“the 2014 Act” (“*Deddf 2014*”) means the Social Services and Well-being (Wales) Act 2014(3);

“the Fostering Regulations” (“*y Rheoliadau Maethu*”) means the Fostering Services (Wales) Regulations 2003(4);

“appropriate person” (“*person priodol*”) means—

(a) P, where C is to live, or lives, with P;

(b) F, where C is to be placed, or is placed, with F;

(c) where C is to be placed, or is placed, in a children’s home, the person who is registered under Part 2 of the Care Standards Act 2000(5) in respect of that home; or

(d) where C is to be placed, or is placed, in accordance with other arrangements under section 81(6)(d) of the 2014 Act, the person who will be responsible for C at the accommodation;

“area authority” (“*awdurdod yr ardal*”) means the local authority or local authority in England(6) for the area in which C is placed, or is to be placed, where this is different from the responsible authority;

“C” (“*C*”) means a child who is looked after by the responsible authority(7);

“care and support plan” (“*cynllun gofal a chymorth*”) means the plan for the future care and support of C prepared and maintained in accordance with section 83 of the 2014 Act;

“case record” (“*cofnod achos*”) has the meaning given in regulation 63;

“connected person” (“*person cysylltiedig*”) means a relative(8), friend or other person connected with C;

(1) 1989 c. 41.

(2) 2012 c. 10.

(3) 2014 anaw 4.

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

(5) 2000 c.14.

(6) “Local authority” and “local authority in England” are defined in section 197(1) of the 2014 Act.

(7) For the meaning of a child who is “looked after” see section 74 of the 2014 Act.

(8) “Relative” is defined in section 197(1) of the 2014 Act.

ystyr “cynghorydd personol” (“*personal adviser*”) yw’r cynghorydd personol a drefnwyd ar gyfer C yn unol ag adran 106 o Ddeddf 2014;

mae i “cymeradwyaeth dros dro” (“*temporary approval*”) yr ystyr a roddir yn rheoliad 26(1);

mae i “cynllun addysg personol” (“*personal education plan*”) yr ystyr a roddir yn rheoliad 5(b)(ii);

ystyr “cynllun gofal a chymorth” (“*care and support plan*”) yw’r cynllun, a baratoir ac a gynhelir yn unol ag adran 83 o Ddeddf 2014, ar gyfer darparu gofal a chymorth i C yn y dyfodol;

mae i “cynllun iechyd” (“*health plan*”) yr ystyr a roddir yn rheoliad 5(1)(b)(i);

mae i “cynllun lleoli” (“*placement plan*”) yr ystyr a roddir yn rheoliad 10(1)(a) ac mae’n ffurfio rhan o gynllun gofal a chymorth C;

mae i “cynllun lleoli dan gadwad” (“*detention placement plan*”) yr ystyr a roddir yn rheoliad 58;

mae i “cynllun llwybr” (“*pathway plan*”) yr ystyr a roddir yn adran 107 o Ddeddf 2014;

ystyr “darparwr gofal iechyd” (“*health care provider*”), yn achos lleoliad yng Nghymru, yw bwrdd iechyd lleol(1), neu, yn achos lleoliad mewn ardal awdurdod lleol yn Lloegr, Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol(2) ac unrhyw grŵp comisiynu clinigol perthnasol(3), ac mewn unrhyw achos arall, y corff cyfatebol yn y wlad y lleolir neu y bwriedir lleoli C ynddi;

ystyr “darparwr gwasanaeth maethu” (“*fostering service provider*”) yw—

- (a) darparwr gwasanaeth maethu o fewn yr ystyr a roddir i “darparwr gwasanaeth maethu” yn rheoliad 2(1) o’r Rheoliadau Maethu(4), a
- (b) darparwr gwasanaeth maethu o fewn yr ystyr a roddir i “fostering service provider” yn rheoliad 2(1) o Reoliadau Gwasanaethau Maethu (Lloegr) 2011(5);

“detention placement plan” (“*cynllun lleoli dan gadwad*”) has the meaning given in regulation 58;

“director” (“*cyfarwyddwr*”) means the person in charge of a secure training centre;

“F” (“*F*”) means a person who is approved as a local authority foster parent(1) and with whom it is proposed to place C or, as the case may be, with whom C is placed;

“fostering service provider” (“*darparwr gwasanaeth maethu*”) means—

- (a) a fostering service provider within the meaning given in regulation 2(1) of the Fostering Regulations(2), and
- (b) a fostering service provider within the meaning given in regulation 2(1) of the Fostering Services (England) Regulations 2011(3);

“full assessment process” (“*proses asesu gyflawn*”) has the meaning given in regulation 26(2)(d);

“general practitioner” (“*ymarferydd cyffredinol*”) means a registered medical practitioner(4) who—

- (a) provides primary medical services under Part 4 of the National Health Service (Wales) Act 2006(5), or
- (b) provides services which correspond to services provided under Part 4 of the National Health Service (Wales) Act 2006, otherwise than in pursuance of that Act;

“governor” (“*llywodraethwr*”) means the person in charge of a young offender institution;

“health care provider” (“*darparwr gofal iechyd*”) means, in the case of a placement in Wales, a local health board(6), or in the case of a placement in a local authority area in England, the National Health Service Commissioning Board(7) and any

(1) Bwrdd iechyd lleol a sefydlwyd yn unol ag adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42).

(2) Sefydlwyd Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol gan adran 1H o Ddeddf y Gwasanaeth Iechyd Gwladol 2006 (p. 41) (“Ddeddf 2006”), fel y’i mewnosodwyd gan adran 9(1) o Ddeddf Iechyd a Gofal Cymdeithasol 2012 (p. 7).

(3) Grŵp comisiynu clinigol yw corff a sefydlwyd o dan adran 14D o Ddeddf 2006. Mewnosodwyd adran 14D gan adran 25(1) o Ddeddf Iechyd a Gofal Cymdeithasol 2012. *Gweler hefyd* adran 11 o Ddeddf 2006, a fewnosodwyd gan adran 10 o Ddeddf Iechyd a Gofal Cymdeithasol 2012.

(4) Nodir y diffiniad hwn yn yr un geiriad Saesneg yn union yn Rheoliadau Maethu (Lloegr) 2011 (O.S. 2011/581) mewn cysylltiad â rhieni maeth awdurdod lleol a gymeradwywyd yn Lloegr.

(5) O.S. 2011/581.

(1) “Local authority foster parent” is defined for the purposes of the 2014 Act in section 197(1) of that Act.

(2) This definition is set out in identical terms in the Fostering Services (England) Regulations 2011 (S.I. 2011/581) in respect of local authority foster parents approved in England.

(3) S.I. 2011/581.

(4) The definition of a “registered medical practitioner” in Schedule 1 to the Interpretation Act 1978 (c. 30) was substituted by S.I. 2002/3135, Schedule 1, paragraph 10 with effect from 10 November 2009.

(5) 2006 c. 42 (“the 2006 Act”). Primary medical services may be provided under a “general medical services contract” in accordance with section 42 of the 2006 Act, or in accordance with arrangements made under section 41(2)(a) of the 2006 Act (Local Health Board Medical Services) or arrangements under section 41(2)(b) of the 2006 Act (Alternative Provider Medical Services).

(6) Local health board established in accordance with section 11 of the National Health Service (Wales) Act 2006 (c. 42).

(7) The National Health Service Commissioning Board is established by section 1H of the National Health Service Act 2006 (c. 41) (“the 2006 Act”), as inserted by section 9(1) of the Health and Social Care Act 2012 (c. 7).

ystyr “Deddf 1989” (“*the 1989 Act*”) yw Deddf Plant 1989(1);

ystyr “Deddf 2012” (“*the 2012 Act*”) yw Deddf Cymorth Cyfreithiol, Dedfrydu a Chosbi Troseddwy 2012(2);

ystyr “Deddf 2014” (“*the 2014 Act*”) yw Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(3);

ystyr “diwrnod gwaith” (“*working day*”) yw unrhyw ddiwrnod ac eithrio—

- (a) dydd Sadwrn neu ddydd Sul,
- (b) dydd Nadolig neu ddydd Gwener y Groglith, neu
- (c) gŵyl banc yng Nghymru a Lloegr o dan Ddeddf Bancio a Thrafodion Ariannol 1971(4);

ystyr “F” (“*F*”) yw person a gymeradwywyd fel rhiant maeth awdurdod lleol(5) ac y bwriedir lleoli C gydag ef neu, yn ôl y digwydd, y lleolir C gydag ef;

ystyr “gweithiwr dolen gyswllt” (“*link worker*”) yw aelod o staff cartref plant a benodir yn unol â gofynion Rheoliadau Cartrefi Plant (Cymru) 2002(6) sydd â chyfrifoldeb penodol dros ddiogelu a hyrwyddo iechyd a llesiant addysgol plentyn, a chysylltu â darparwyr addysg a gofal iechyd ar ran y plentyn hwnnw;

ystyr “lleoliad” (“*placement*”) yw—

- (a) pan fo C yng ngofal yr awdurdod cyfrifol, trefniadau a wneir gan yr awdurdod cyfrifol i C fyw gyda P yn unol ag adran 81(2) o Ddeddf 2014, neu
- (b) trefniadau a wneir gan yr awdurdod cyfrifol ar gyfer lletya a chynnal C mewn unrhyw un o’r ffyrdd a bennir yn adran 81(6) o Ddeddf 2014;

ystyr “llywodraethwr” (“*governor*”) yw’r person sy’n gyfrifol am sefydliad troseddwy ifanc;

ystyr “P” (“*P*”) yw—

- (a) person sy’n rhiant C;
- (b) person nad yw’n rhiant C ond sydd â chyfrifoldeb rhiant am C; neu

relevant clinical commissioning group(1)) and in any other case, the equivalent body in the country in which C is placed or is to be placed;

“health plan” (“*cynllun iechyd*”) has the meaning given in regulation 5(1)(b)(i);

“IFS team” (“*tîm integredig cymorth i deuluoedd*”) means an integrated family support team established by a local authority with the participation of a local health board in accordance with section 57 of the Children and Families (Wales) Measure 2010(2);

“independent visitor” (“*ymwelydd annibynnol*”) means the independent person appointed to be C’s visitor under section 98 of the 2014 Act;

“IRO” (“*SAA*”) means the independent reviewing officer appointed for C’s case under section 99(1) of the 2014 Act;

“LAC Education Co-ordinator” (“*Cydgysylltydd Addysg PDG*”) means the person designated by the responsible authority to co-ordinate personal education plans and to address the educational needs of looked after children and care leavers within the area of the responsible authority;

“lead director for children and young people’s services” (“*cyfarwyddwr arweiniol ar gyfer gwasanaethau plant a phobl ifanc*”) means the officer of the responsible authority appointed for the purposes of section 27 of the Children Act 2004(3);

“link worker” (“*gweithiwr dolen gyswllt*”) means a member of staff of a children’s home appointed in accordance with the requirements of the Children’s Homes (Wales) Regulations 2002(4) with particular responsibility for protecting and promoting the health and educational well-being of a child and for liaison with education and health care providers on that child’s behalf;

“nominated officer” (“*swyddog enwebedig*”) means the director for social services or other senior officer of the responsible authority nominated in writing by the director of social services to act on his or her behalf for the purposes of these Regulations;

“P” (“*P*”) means—

(1) 1989 p. 41.
(2) 2012 p. 10.
(3) 2014 decc 4.
(4) 1971 p. 80.
(5) Diffinnir “rhiant maeth awdurdod lleol” at ddibenion Deddf 2014 yn adran 197(1) o’r Ddeddf honno.
(6) O.S. 2002/327 (Cy. 40); mewnosodwyd y gofyniad i benodi “gweithiwr dolen gyswllt” yn rheoliad 11 gan Reoliadau Cartrefi Plant (Cymru) (Diwygiadau Amrywiol) 2007 (O.S. 2007/311 (Cy. 28)).

(1) A clinical commissioning group is a body established under section 14D of the 2006 Act. Section 14D is inserted by section 25(1) of the Health and Social Care Act 2012. See also section 11 of the 2006 Act, which is inserted by section 10 of the Health and Social Care Act 2012.
(2) 2010 nawm 1.
(3) 2004 c. 31.
(4) S.I. 2002/327 (W. 40); the requirement to appoint a “link worker” was inserted in regulation 11 by the Children’s Homes (Wales) (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/311 (W. 28)).

- (c) pan fo C yng ngofal yr awdurdod cyfrifol ac os oedd gorchymyn trefniadau plentyn(1), a oedd yn rheoleiddio trefniadau byw C, mewn grym yn union cyn gwneud y gorchymyn gofal, person a enwid yn y gorchymyn trefniadau plentyn fel person yr oedd C i fyw gydag ef(2);

ystyr “person cysylltiedig” (“*connected person*”) yw perthynas(3), cyfaill neu berson arall sy’n gysylltiedig ag C;

ystyr “person priodol” (“*appropriate person*”) yw—

- (a) P, os yw C i fyw, neu yn byw, gyda P;
- (b) F, os yw C i’w leoli, neu wedi ei leoli, gydag F;
- (c) os yw C i’w leoli, neu wedi ei leoli, mewn cartref plant, y person sydd wedi ei gofrestru o dan Ran 2 o Ddeddf Safonau Gofal 2000(4) mewn cysylltiad â’r cartref hwnnw; neu
- (d) os yw C i’w leoli, neu wedi ei leoli, yn unol â threfniadau eraill o dan adran 81(6)(d) o Ddeddf 2014, y person a fydd yn gyfrifol am C yn y llety;

mae i “proses asesu gyflawn” (“*full assessment process*”) yr ystyr a roddir yn rheoliad 26(2)(d);

ystyr “R” (“*R*”) yw cynrychiolydd yr awdurdod cyfrifol, sy’n ymweld ag C yn unol â threfniadau a wneir gan yr awdurdod cyfrifol o dan adran 97 o Ddeddf 2014;

mae i “remánd i lety awdurdod lleol” yr ystyr a roddir i “remand to local authority accommodation” yn adran 91(3) o Ddeddf 2012(5);

mae i “remánd i lety cadw ieuencid” yr ystyr a roddir i “remand to youth detention accommodation” yn adran 91(4) o Ddeddf 2012;

ystyr “y Rheoliadau Maethu” (“*the Fostering Regulations*”) yw Rheoliadau Gwasanaethau Maethu (Cymru) 2003(6);

ystyr “rheolwr cofrestredig” (“*registered manager*”) yw’r person sydd wedi ei gofrestru o

- (a) a person who is C’s parent;
- (b) a person who is not C’s parent but who has parental responsibility for C; or
- (c) where C is in the care of the responsible authority and there was a child arrangements order(1) which regulated C’s living arrangements in force immediately before the care order was made, a person named in the child arrangements order as a person with whom C was to live(2);

“pathway plan” (“*cynllun llwybr*”) has the meaning given in section 107 of the 2014 Act;

“personal adviser” (“*cynghorydd personol*”) means the personal adviser arranged for C in accordance with section 106 of the 2014 Act;

“personal education plan” (“*cynllun addysg personol*”) has the meaning given in regulation 5(b)(ii);

“placement” (“*lleoliad*”) means—

- (a) arrangements made by the responsible authority for C to live with P in accordance with section 81(2) of the 2014 Act, where C is in the care of the responsible authority, or
- (b) arrangements made by the responsible authority to provide for C’s accommodation and maintenance by any of the means specified in section 81(6) of the 2014 Act;

“placement plan” (“*cynllun lleoli*”) has the meaning given in regulation 10(1)(a) and forms part of C’s care and support plan;

“R” (“*R*”) means the representative of the responsible authority who visits C in accordance with arrangements made by it under section 97 of the 2014 Act;

“registered dental practitioner” (“*ymarferydd deintyddol cofrestredig*”) means a person registered in the dentists register under section 14 of the Dentists Act 1984(3) who—

- (a) provides primary dental services under Part 5 of the National Health Service (Wales) Act 2006(4), or

(1) Roedd adran 12 o Ddeddf Plant a Theuluoedd 2014 (p. 6) yn diddymu’r diffiniadau o “residence order” a “contact order” yn adran 8(1) o Ddeddf 1989 ac yn eu disodli gan orchymyn newydd, sef “child arrangements order”.

(2) Mae unrhyw gyfeiriad at blentyn sydd yng ngofal awdurdod yn gyfeiriad at blentyn sydd yng ngofal yr awdurdod yn rhinwedd gorchymyn gofal, gweler adran 105(1) o Ddeddf 1989.

(3) Diffinnir “perthynas” yn adran 197(1) o Ddeddf 2014.

(4) 2000 p. 14.

(5) Hynny yw, ar remánd i lety a ddarperir gan neu ar ran awdurdod lleol yn unol ag adran 92 o Ddeddf 2012.

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

(1) Section 12 of the Children and Families Act 2014 (c. 6) removed the definitions of “residence order” and “contact order” in section 8(1) of the 1989 Act and replaced it with a new order, “the child arrangements order”.

(2) Any reference to a child who is in the care of an authority means a child who is in their care by virtue of a care order, see section 105(1) of the 1989 Act.

(3) 1984 c. 24.

(4) 2006 c. 42 (“the 2006 Act”). Primary medical services may be provided under a “general medical services contract” in accordance with section 42 of the 2006 Act, or in accordance with arrangements made under section 41(2)(a) of the 2006 Act (Local Health Board Medical Services) or arrangements under section 41(2)(b) of the 2006 Act (Alternative Provider Medical Services).

dan Ran 2 o Ddeddf Safonau Gofal 2000(1) fel rheolwr cartref plant diogel;

ystyr “SAA” (“IRO”) yw’r swyddog adolygu annibynnol a benodir ar gyfer achos C o dan adran 99(1) o Ddeddf 2014;

mae i “sefydliad troseddwyd ifanc” yr ystyr a roddir i “young offenders institution” yn adran 43(1)(aa) o Ddeddf Carchardai 1952(2);

ystyr “swyddog enwebedig” (“nominated officer”) yw’r cyfarwyddwr gwasanaethau cymdeithasol neu uwch-swyddog arall yr awdurdod cyfrifol a enwebwyd mewn ysgrifen gan y cyfarwyddwr gwasanaethau cymdeithasol i weithredu ar ei ran at ddibenion y Rheoliadau hyn;

ystyr “tîm integredig cymorth i deuluoedd” (“IFS team”) yw tîm integredig cymorth i deuluoedd a sefydlwyd gan awdurdod lleol gyda chyfranogaeth bwrdd iechyd lleol yn unol ag adran 57 o Fesur Plant a Theuluoedd (Cymru) 2010(3);

ystyr “ymarferydd cyffredinol” (“general practitioner”) yw ymarferydd meddygol cofrestredig(4) sydd—

(a) yn darparu gwasanaethau meddygol sylfaenol o dan Ran 4 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(5), neu

(b) yn darparu gwasanaethau sy’n cyfateb i wasanaethau a ddarperir o dan Ran 4 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006, rywfodd ac eithrio yn unol â’r Ddeddf honno;

ystyr “ymarferydd deintyddol cofrestredig” (“registered dental practitioner”) yw person a gofrestrwyd yn y gofrestr deintyddion o dan adran 14 o Ddeddf Deintyddion 1984(6) sydd—

(b) provides services which correspond to services provided under Part 5 of the National Health Service (Wales) Act 2006, otherwise than in pursuance of that Act;

“responsible authority” (“awdurdod cyfrifol”) means the local authority that looks after C;

“registered manager” (“rheolwr cofrestredig”) means the person who is registered under Part 2 of the Care Standards Act 2000(1) as a manager of a secure children’s home;

“remand to local authority accommodation” (“remand i lety awdurdod lleol.”) has the meaning given in section 91(3) of the 2012 Act(2);

“remand to youth detention accommodation” (“remand i lety cadw ieuencid”) has the meaning given in 91(4) of the 2012 Act;

“secure children’s home” (“cartref plant diogel”) has the meaning given in section 102(11) of the 2012 Act(3);

“secure training centre” (“canolfan hyfforddi ddiogel”) has the meaning given in section 43(1)(d) of the Prison Act 1952(4);

“special educational needs” (“anghenion addysgol arbennig”) and “special educational provision” (“darpariaeth addysgol arbennig”) have the meanings given in section 312 of the Education Act 1996(5);

“temporary approval” (“cymeradwyaeth dros dro”) has the meaning given in regulation 26(1);

“working day” (“diwrnod gwaith”) means any day other than—

(a) a Saturday or Sunday,

(b) Christmas day or Good Friday, or

(c) a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(6); and

(1) 2000 p. 14.

(2) Mewnosodwyd adran 43(1)(aa) gan adran 170 o Ddeddf Cyfiawnder Troseddol 1988 (p. 33) a pharagraff 11 o Atodlen 15 i’r Ddeddf honno, a chan adran 148(1) o Ddeddf Cyfiawnder Troseddol a Mewnfudo 2008 (p. 4) a pharagraff 3 o Atodlen 26 i’r Ddeddf honno.

(3) 2010 mccc 1.

(4) Amnewidiwyd y diffiniad o “registered medical practitioner” yn Atodlen 1 i Ddeddf Dehongli 1978 (p. 30) gan baragraff 10 o Atodlen 1 i O.S. 2002/3135, gydag effaith o 10 Tachwedd 2009 ymlaen.

(5) 2006 p. 42 (“Deddf 2006”). Caniateir darparu gwasanaethau meddygol sylfaenol naill ai o dan “general medical services contract” yn unol ag adran 42 o Ddeddf 2006, neu yn unol â threfniadau a wneir o dan adran 41(2)(a) o Ddeddf 2006 (Gwasanaethau Meddygol Bwrdd Iechyd Lleol) neu drefniadau o dan adran 41(2)(b) o Ddeddf 2006 (Gwasanaethau Meddygol Darparwr Amgen).

(6) 1984 p. 24.

(1) 2000 c. 14.

(2) That is, remand to accommodation provided by or on behalf of local authority in accordance with section 92 of the 2012 Act.

(3) That is, accommodation which is provided in a children’s home (within the meaning of the Care Standards Act 2000) which— (a) 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) 1952 c. 52.

(5) 1996 c. 56; section 312 was amended by paragraph 23 of the Schedule 7 and Schedule 8 to the Education Act 1997 (c. 44), paragraphs 57 and 71 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31), paragraph 56 of Schedule 9 to the Learning and Skills Act 2000 (c. 21), and paragraph 3 of Schedule 1 to the Education and Inspections Act 2006 (c. 40).

(6) 1971 c. 80.

(a) yn darparu gwasanaethau deintyddol sylfaenol o dan Ran 5 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1), neu

(b) yn darparu gwasanaethau sy'n cyfateb i wasanaethau a ddarperir o dan Ran 5 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006, rywfodd ac eithrio'n unol â'r Ddeddf honno; ac

ystyr "ymwelydd annibynnol" ("*independent visitor*") yw'r person annibynnol a benodir i fod yn ymwelydd ar gyfer C o dan adran 98 o Ddeddf 2014.

(2) Yn y Rheoliadau hyn, ystyr unrhyw gyfeiriad i'r perwyl fod C "dan gadwad" ("*detained*") yw fod C, ar ôl ei gollfarnu am drosedd, wedi—

(a) ei gadw mewn carchar(2) neu mewn llety cadw ieuenctid, neu

(b) yn preswyllo mewn mangre a gymeradwywyd, neu

(c) yn preswyllo mewn unrhyw fangre arall oherwydd bod gofyniad wedi ei osod ar C fel amod caniatáu mechnïaeth mewn achos troseddol, ac

yn union cyn ei gadw, neu osod gofyniad preswyllo o'r fath arno, roedd C yng ngofal yr awdurdod cyfrifol.

(3) Yn y Rheoliadau hyn, mae unrhyw gyfeiriad at unrhyw ddogfen neu gofnod arall yn cynnwys unrhyw ddogfen neu gofnod o'r fath a gedwir neu a ddarperir mewn ffurf sydd ar gael yn hwylus, ac yn cynnwys copiâu o ddogfennau gwreiddiol yn ogystal â dulliau electronig o gofnodi gwybodaeth.

3. Nid yw'r Rheoliadau hyn yn gymwys mewn perthynas ag unrhyw blentyn sy'n derbyn gofal gan awdurdod lleol ac sydd wedi ei leoli ar gyfer ei fabwysiadu o dan Ddeddf Mabwysiadu a Phlant 2002(3) ac eithrio pan fo'r plentyn yn dod o fewn rheoliad 56.

"young offender institution" ("*sefydliad troseddwy'r ifanc*") has the meaning given in section 43(1)(aa) of the Prison Act 1952(1).

(2) In these Regulations any reference to C being "detained" ("*dan gadwad*") means that C, having been convicted of an offence, is—

(a) detained in prison(2) or in youth detention accommodation, or

(b) residing in approved premises, or

(c) residing in any other premises because a requirement to do so has been placed on C as a condition of the grant of bail in criminal proceedings, and

immediately before such detention or requirement to reside was imposed C was in the care of the responsible authority.

(3) In these Regulations any reference to any document or other record includes any such document or record that is kept or provided in a readily accessible form and includes copies of original documents and electronic methods of recording information.

3. These Regulations do not apply in relation to any child who is looked after by a local authority and who has been placed for adoption under the Adoption and Children Act 2002(3) unless the child falls within regulation 56.

(1) 2006 p. 42 ("Deddf 2006"). Caniateir darparu gwasanaethau meddygol sylfaenol o dan "general medical services contract" yn unol ag adran 42 o Ddeddf 2006, neu yn unol â threfniadau a wneir o dan adran 41(2)(a) o Ddeddf 2006 (Gwasanaethau Meddygol Bwrdd Iechyd Lleol) neu drefniadau o dan adran 41(2)(b) o Ddeddf 2006 (Gwasanaethau Meddygol Darparwr Amgen).

(2) Diffinnir "carchar", "llety cadw ieuenctid", "mangre a gymeradwywyd", a "mechnïaeth mewn achos troseddol" yn adran 188(1) o Ddeddf 2014.

(3) 2002 p. 38.

(1) Section 43(1)(aa) was inserted by section 170 of, and paragraph 11 of Schedule 15 to, the Criminal Justice Act 1988 (c. 33) and by section 148(1) of, and paragraph 3 of Schedule 26 to, the Criminal Justice and Immigration Act 2008 (c. 4).

(2) "Prison", "youth detention accommodation", "approved premises", and "bail in criminal proceedings" are defined in section 188(1) of the 2014 Act.

(3) 2002. c.28.

RHAN 2

Trefniadau ar gyfer gofalu am blentyn

Cynllunio gofal

4.—(1) Os nad yw C yng ngofal yr awdurdod cyfrifol ac os nad oes cynllun gofal a chymorth eisoes wedi ei baratoi ar gyfer C, rhaid i'r awdurdod cyfrifol asesu anghenion C am wasanaethau er mwyn cyrraedd neu gynnal safon resymol o iechyd neu ddatblygiad, a pharatoi cynllun o'r fath(1).

(2) Pan fo gan C gynllun gofal a chymorth a baratowyd yn unol ag adran 54 o Ddeddf 2014, rhaid i'r awdurdod cyfrifol, yn ei asesiad o dan baragraff (1), gymryd i ystyriaeth yr wybodaeth a gofnodir yn y cynllun hwnnw.

(3) Ac eithrio yn achos plentyn y mae adran 31A o Ddeddf 1989 (gorchmynion gofal: cynlluniau gofal) yn gymwys iddo(2), rhaid paratoi'r cynllun gofal a chymorth cyn bo C yn cael ei leoli am y tro cyntaf gan yr awdurdod cyfrifol neu, os nad yw hynny'n ymarferol, o fewn 10 diwrnod gwaith ar ôl dechrau'r lleoliad cyntaf.

(4) Wrth asesu anghenion C o dan baragraff (1), rhaid i'r awdurdod cyfrifol ystyried a yw'r llety a ddarperir ar gyfer C yn bodloni gofynion Rhan 6 o Ddeddf 2014.

(5) Onid yw paragraff (6) yn gymwys, dylai'r awdurdod cyfrifol, i'r graddau y mae'n rhesymol ymarferol, gytuno ar y cynllun gofal a chymorth gydag—

- (a) unrhyw riant C ac unrhyw berson nad yw'n riant C ond sydd â chyfrifoldeb riant am C, neu
- (b) os nad oes person o'r fath, y person a oedd yn gofalu am C yn union cyn trefnu lleoliad ar gyfer C gan yr awdurdod cyfrifol.

(6) Pan fo C yn 16 oed neu'n hŷn, ac yn cytuno i lety gael ei ddarparu iddo o dan adran 76 o Ddeddf 2014, rhaid i'r awdurdod cyfrifol gytuno ar y cynllun gofal a chymorth gydag C.

(7) Pan fo cynllun gofal a chymorth a baratoir yn unol â'r Rhan hon yn bodloni'r gofynion ar gyfer cynllun gofal sy'n ofynnol gan adran 31A o Ddeddf 1989, caniateir ei drin fel "cynllun adran 31A".

PART 2

Arrangements for looking after a child

Care planning

4.—(1) Where C is not in the care of the responsible authority and a care and support plan for C has not already been prepared, the responsible authority must assess C's needs for services to achieve or maintain a reasonable standard of health or development, and prepare such a plan(1).

(2) Where C has a care and support plan prepared in accordance with section 54 of the 2014 Act, the responsible authority must take the information recorded in that plan into account in its assessment under paragraph (1).

(3) Except in the case of a child to whom section 31A of the 1989 Act (care orders: care plans) applies(2), the care and support plan must be prepared before C is first placed by the responsible authority or, if it is not practicable to do so, within 10 working days of the start of the first placement.

(4) When assessing C's needs under paragraph (1), the responsible authority must consider whether the accommodation provided for C meets the requirements of Part 6 of the 2014 Act.

(5) Unless paragraph (6) applies, the care and support plan should, so far as is reasonably practicable, be agreed by the responsible authority with—

- (a) any parent of C's and any person who is not C's parent but who has parental responsibility for C, or
- (b) if there is no such person, the person who was caring for C immediately before the responsible authority arranged a placement for C.

(6) Where C is aged 16 or over and agrees to be provided with accommodation under section 76 of the 2014 Act, the care and support plan must be agreed with C by the responsible authority.

(7) Where a care and support plan prepared in accordance with this Part satisfies the requirements for a care plan required by section 31A of the 1989 Act, it may be treated as a "section 31A plan".

(1) Mae hyn yn cynnwys cynllun a baratoir o dan adran 31A o Ddeddf 1989.

(2) Yn achos plentyn y mae adran 31A yn gymwys iddo, bydd y llys yn gosod amserlen, y bydd rhaid paratoi'r cynllun gofal oddi mewn iddi.

(1) This includes a plan prepared under section 31A of the 1989 Act.

(2) In the case of a child to whom section 31A applies, the court will set the timetable within which the care plan must be prepared.

(8) Os lleolwyd C gyntaf gan yr awdurdod cyfrifol cyn 6 Ebrill 2016 rhaid paratoi'r cynllun gofal a chymorth cyn gynted ag y bo'n rhesymol ymarferol.

Paratoad a chynnwys y cynllun gofal a chymorth

5.—(1) Rhaid i'r cynllun gofal a chymorth gynnwys cofnod o'r wybodaeth ganlynol—

- (a) y cynllun hirdymor ar gyfer magwraeth C (“y cynllun ar gyfer sefydlogrwydd”);
- (b) y trefniadau a wnaed gan yr awdurdod cyfrifol i ddiwallu anghenion C mewn perthynas ag—
 - (i) iechyd, gan gynnwys yr wybodaeth a nodir ym mharagraff 1 o Atodlen 2 (“y cynllun iechyd”),
 - (ii) addysg a hyfforddiant, gan gynnwys yr wybodaeth a nodir ym mharagraff 2 o Atodlen 2 (“y cynllun addysg personol”),
 - (iii) datblygiad emosiynol ac ymddygiadol,
 - (iv) hunaniaeth, gan roi sylw penodol i argyhoeddiad crefyddol, tarddiad hiliol, cyfeiriadedd rhywiol a chefnidir diwylliannol ac ieithyddol C,
 - (v) perthnasoedd teuluol a chymdeithasol ac yn benodol yr wybodaeth a nodir ym mharagraff 3 o Atodlen 2,
 - (vi) ymgyflwyniad cymdeithasol, a
 - (vii) sgiliau hunanofal;
- (c) ac eithrio mewn achos pan fo C yng ngofal yr awdurdod cyfrifol, ond na ddarperir llety i C gan yr awdurdod cyfrifol mewn unrhyw un o'r ffyrdd y cyfeirir atynt yn adran 81 o Ddeddf 2014, manylion o'r trefniadau a wnaed a'r llety a ddarparwyd ar gyfer C (“y cynllun lleoli”);
- (d) enw'r SAA;
- (e) manylion am safbwyntiau, dymuniadau a theimladau'r personau hynny a ganfuwyd ac a ystyriwyd gan yr awdurdod cyfrifol yn unol ag adrannau 6(2) a (4), 7(2) a 78(3) o Ddeddf 2014 ynghylch y trefniadau y cyfeirir atynt yn is-baragraff (b), y cynllun lleoli ac unrhyw newid neu newid arfaethedig yn y cynllun gofal a chymorth;
- (f) pan fo C yn—
 - (i) dioddefwr, neu pan fo rheswm i gredu y gallai C fod yn ddioddefwr 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,

(8) Where C was first placed by the responsible authority before 6 April 2016 the care and support plan must be prepared as soon as reasonably practicable.

Preparation and content of the care and support plan

5.—(1) The care and support plan must include a record of the following information—

- (a) the long term plan for C's upbringing (“the plan for permanence”);
- (b) the arrangements made by the responsible authority to meet C's needs in relation to—
 - (i) health, including the information set out in paragraph 1 of Schedule 2 (“the health plan”),
 - (ii) education and training, including the information set out in paragraph 2 of Schedule 2 (“the personal education plan”),
 - (iii) emotional and behavioural development,
 - (iv) identity, with particular regard to C's religious persuasion, racial origin, sexual orientation, and cultural and linguistic background,
 - (v) family and social relationships and in particular the information set out in paragraph 3 of Schedule 2,
 - (vi) social presentation, and
 - (vii) self-care skills;
- (c) except in a case where C is in the care of the responsible authority but is not provided with accommodation by it by any of the means referred to in section 81 of the 2014 Act, details of the arrangements made and accommodation provided for C (“the placement plan”);
- (d) the name of the IRO;
- (e) details of the views, wishes and feelings of those persons ascertained and considered by the responsible authority in accordance with sections 6(2) and (4), 7(2) and 78(3) of the 2014 Act about the arrangements referred to in sub-paragraph (b), the placement plan and any change, or proposed change in the care and support plan;
- (f) where C is—
 - (i) a victim, or there is reason to believe C 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,

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

y ffaith honno.

(2) Yn y rheoliad hwn, ystyr “Rheolau Mewnfudo” (“*Immigration Rules*”) yw’r rheolau a bennir ar y pryd gan yr Ysgrifennydd Gwladol fel y crybwyllir yn adran 3(2) o Ddeddf Mewnfudo 1971(1).

6.—(1) Rhaid i’r awdurdod cyfrifol gadw cynllun gofal a chymorth C o dan adolygiad yn unol â Rhan 6, ac os bydd o’r farn bod angen gwneud rhyw newid, rhaid iddo ddiwygio’r cynllun neu wneud cynllun newydd yn unol â hynny.

(2) Oni ddarperir fel arall yn y Rheoliadau hyn, rhaid i’r awdurdod cyfrifol beidio â gwneud unrhyw newid sylweddol yn y cynllun gofal a chymorth, oni fydd y newid arfaethedig wedi ei ystyried yn gyntaf mewn adolygiad o achos C, a gyflawnwyd yn unol â Rhan 6.

(3) Yn ddarostyngedig i baragraff (4), rhaid i’r awdurdod cyfrifol roi copi o’r cynllun gofal a chymorth—

- (a) i C, oni bai, ym marn yr awdurdod cyfrifol, na fyddai’n briodol gwneud hynny, o ystyried oedran a dealltwriaeth C,
- (b) i P,
- (c) i’r SAA,
- (d) os yw C i gael ei leoli, neu wedi ei leoli, gydag F, i’r darparwr gwasanaeth maethu a gymeradwyodd F, yn unol â’r Rheoliadau Maethu neu Reoliadau Gwasanaethau Maethu (Lloegr) 2011,
- (e) os yw C i gael ei leoli, neu wedi ei leoli, mewn cartref plant, i’r person sydd wedi ei gofrestru o dan Ran 2 o Ddeddf Safonau Gofal 2000 mewn cysylltiad â’r cartref hwnnw, ac
- (f) os yw C i gael ei leoli, neu wedi ei leoli, yn unol â threfniadau eraill o dan adran 81(6)(d) o Ddeddf 2014, i’r person a fydd yn gyfrifol am C yn y llety.

(4) Caiff yr awdurdod cyfrifol benderfynu peidio â rhoi copi o’r cynllun gofal a chymorth, neu gopi llawn o’r cynllun gofal a chymorth, i P os yw’r awdurdod cyfrifol o’r farn y byddai hynny’n rhoi C mewn perygl o niwed(2).

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

that fact.

(2) 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).

6.—(1) The responsible authority must keep C’s care and support plan under review in accordance with Part 6 and, if it is of the opinion some change is required, it must revise the plan or make a new plan accordingly.

(2) Unless otherwise provided in these Regulations, the responsible authority must not make any significant change to the care and support plan unless the proposed change has first been considered at a review of C’s case, undertaken in accordance with Part 6.

(3) Subject to paragraph (4), the responsible authority must give a copy of the care and support plan—

- (a) to C, unless, in the opinion of the responsible authority, it would not be appropriate to do so having regard to C’s age and understanding,
- (b) to P,
- (c) to the IRO,
- (d) where C is to be placed, or is placed, with F, to the fostering service provider that approved F, in accordance with the Fostering Regulations or the Fostering Services (England) Regulations 2011,
- (e) where C is to be placed, or is placed, in a children’s home, to the person who is registered under Part 2 of the Care Standards Act 2000 in respect of that home, and
- (f) where C is to be placed, or is placed, in accordance with other arrangements under section 81(6)(d) of the 2014 Act, to the person who will be responsible for C at the accommodation.

(4) The responsible authority may decide not to give a copy of the care and support plan, or a full copy of the care and support plan, to P if it considers to do so would put C at risk of harm(2).

(1) 1981 p. 77.

(2) Diffinnir “niwed” yn adran 197(1) o Ddeddf 2014.

(1) 1981 c. 77.

(2) “Harm” is defined in section 197(1) of the 2014 Act.

Gofal iechyd

7.—(1) Rhaid i'r awdurdod cyfrifol, cyn bo C wedi ei leoli am y tro cyntaf ganddo neu, os nad yw hynny'n rhesymol ymarferol, cyn yr adolygiad cyntaf o achos C, drefnu i ymarferydd meddygol cofrestredig neu nyrs gofrestrdig—

- (a) cwblhau asesiad o gyflwr iechyd C, a gall hynny gynnwys archwiliad corfforol, a
- (b) darparu adroddiad ysgrifenedig o'r asesiad, gan roi sylw i'r materion a bennir ym mharagraff 1 o Atodlen 2 a chyfeirio'n benodol at gyflwr iechyd meddyliol C,

cyn gynted ag y bo'n rhesymol ymarferol.

(2) Nid yw paragraff (1) yn gymwys os cynhaliwyd asesiad o gyflwr iechyd C, o fewn y cyfnod o 3 mis yn union cyn y lleoliad, a'r awdurdod cyfrifol wedi cael adroddiad ysgrifenedig sy'n bodloni gofynion y paragraff hwnnw, a'r awdurdod cyfrifol yn fodlon na ddigwyddodd unrhyw newidiadau sylweddol yn ystod y cyfnod er pan wnaed yr asesiad hwnnw.

(3) Rhaid i'r awdurdod cyfrifol wneud trefniadau i ymarferydd meddygol cofrestredig neu nyrs gofrestrdig neu fydwraig gofrestrdig sy'n gweithredu o dan oruchwyliaeth ymarferydd meddygol cofrestredig adolygu cyflwr iechyd C a darparu adroddiad ysgrifenedig ar bob adolygiad gan roi sylw i'r materion a bennir ym mharagraff 1 o Atodlen 2 a chyfeirio'n benodol at gyflwr iechyd meddyliol C—

- (a) o leiaf unwaith, ac yn amlach os yw'n ofynnol er llesiant C, yn ystod pob cyfnod o 6 mis cyn pumed pen-blwydd C, a
- (b) o leiaf unwaith, ac yn amlach os yw'n ofynnol er llesiant C, yn ystod pob cyfnod o ddeuddeng mis ar ôl pumed pen-blwydd C.

(4) Nid yw paragraffau (1) a (3) yn gymwys os yw C yn gwrthod cydsynio i'w asesu, a bod ei oedran a'i ddealltwriaeth yn ddigonol ar gyfer hynny.

(5) Rhaid i'r awdurdod cyfrifol gymryd pob cam rhesymol i sicrhau y darperir gwasanaethau gofal iechyd priodol i C, yn unol â'r cynllun iechyd, gan gynnwys—

- (a) gofal a thriniaeth feddygol a deintyddol, a
- (b) cyngor ac arweiniad ynglŷn ag iechyd, gofal personol a materion hybu iechyd.

(6) Rhaid i'r awdurdod cyfrifol sicrhau bod C—

- (a) wedi cofrestru gydag ymarferydd cyffredinol cyn gynted ag y bo'n ymarferol, a beth bynnag ddim hwyrach na 10 diwrnod gwaith ar ôl gwneud y lleoliad; a

Health care

7.—(1) Before C is first placed by it or, if that is not reasonably practicable, before the first review of C's case, the responsible authority must make arrangements for a registered medical practitioner or a registered nurse to—

- (a) carry out an assessment of C's state of health, which may include a physical examination, and
- (b) provide a written report of the assessment, addressing the matters specified in paragraph 1 of Schedule 2 with particular reference to C's state of mental health,

as soon as reasonably practicable.

(2) Paragraph (1) does not apply if, within a period of 3 months immediately preceding the placement, an assessment of C's state of health has been carried out and the responsible authority has obtained a written report that meets the requirements of that paragraph and it is satisfied that no significant changes have occurred within the period since the assessment was made.

(3) The responsible authority must make arrangements for a registered medical practitioner or a registered nurse or a registered midwife acting under the supervision of a registered medical practitioner to review C's state of health and provide a written report of each review, addressing the matters specified in paragraph 1 of Schedule 2 with particular reference to C's state of mental health—

- (a) at least once, and more frequently if C's well-being requires it, in every period of 6 months before C's fifth birthday, and
- (b) at least once, and more frequently if C's well-being requires it, in every period of twelve months after C's fifth birthday.

(4) Paragraphs (1) and (3) do not apply if C refuses consent to the assessment, being of sufficient age and understanding to do so.

(5) The responsible authority must take all reasonable steps to ensure that C is provided with appropriate health care services, in accordance with the health plan, including—

- (a) medical and dental care and treatment, and
- (b) advice and guidance on health, personal care and health promotion issues.

(6) The responsible authority must ensure that C is—

- (a) registered with a general practitioner as soon as practicable and in any event not later than 10 working days after the placement is made; and

- (b) o dan ofal ymarferydd deintyddol cofrestredig cyn gynted ag y bo'n ymarferol a beth bynnag ddim hwyrach nag 20 diwrnod gwaith ar ôl gwneud y lleoliad.

(7) Rhaid i'r awdurdod cyfrifol, i'r graddau y bo'n ymarferol, sicrhau bod C yn parhau'n gofrestredig gydag ymarferydd cyffredinol ac o dan ofal ymarferydd deintyddol cofrestredig, drwy gydol y lleoliad.

(8) Os lleolwyd C gyntaf gan yr awdurdod cyfrifol cyn 6 Ebrill 2016 ac nad yw paragraff (2) yn gymwys, ac na wnaed asesiad o iechyd C neu na chofrestrwyd C gydag ymarferydd cyffredinol neu na osodwyd C o dan ofal ymarferydd deintyddol cofrestredig, mae'r rheoliad hwn yn gymwys fel petai'r lleoliad hwnnw wedi ei wneud ar 6 Ebrill 2016.

Cyswllt â phlentyn mewn gofal

8. Wrth ystyried a yw cyswllt rhwng C ac unrhyw un o'r personau a grybwyllir ym mharagraffau (a) i (d) o adran 34(1) o Ddeddf 1989 yn gyson â diogelu a hyrwyddo llesiant C, rhaid i'r awdurdod cyfrifol roi sylw i gynllun gofal a chymorth C.

9.—(1) Mae'r rheoliad hwn yn gymwys pan fo C yng ngofal yr awdurdod cyfrifol a'r awdurdod cyfrifol wedi penderfynu, o dan adran 34(6) o Ddeddf 1989 (gwrthod cyswllt fel mater brys), gwrthod caniatáu cyswllt a fyddai, fel arall, wedi bod yn ofynnol yn rhinwedd adran 34(1) o Ddeddf 1989(1) neu orchymyn o dan adran 34 o'r Ddeddf honno (cyswllt rhiant etc. â phlant mewn gofal).

(2) Rhaid i'r awdurdod cyfrifol, ar unwaith, roi hysbysiad ysgrifenedig i'r personau canlynol o'r wybodaeth a bennir ym mharagraff (3) ("yr wybodaeth benodedig")—

- (a) C, oni fyddai'n amhriodol gwneud hynny o ystyried oedran a dealltwriaeth C,
- (b) P,
- (c) os oedd person, yn union cyn gwneud y gorchymyn gofal, yn gofalu am C yn rhinwedd gorchymyn a wnaed wrth arfer awdurdodaeth gynhenid yr Uchel Lys mewn cysylltiad â phlant, y person hwnnw,
- (d) unrhyw berson arall yr ystyrir gan yr awdurdod cyfrifol fod ei safbwyntiau, ei ddymuniadau a'i deimladau yn berthnasol, ac
- (e) yr SAA.

- (b) under the care of a registered dental practitioner as soon as practicable and in any event not later than 20 working days after the placement is made.

(7) The responsible authority must ensure as far as practicable, that C continues to be registered with a general practitioner and under the care of a registered dental practitioner, throughout the duration of the placement.

(8) Where C was first placed by the responsible authority before 6 April 2016 and paragraph (2) does not apply, and no assessment of C's health has taken place or C has not been registered with a general practitioner or placed under the care of a registered dental practitioner, this regulation applies as if that placement had been made on 6 April 2016.

Contact with a child in care

8. When considering whether contact between C and any of the persons mentioned in paragraphs (a) to (d) of section 34(1) of the 1989 Act is consistent with safeguarding and promoting C's well-being, the responsible authority must have regard to C's care and support plan.

9.—(1) This regulation applies if C is in the care of the responsible authority and the responsible authority has decided under section 34(6) of the 1989 Act (refusal of contact as a matter of urgency) to refuse to allow contact that would otherwise be required by virtue of section 34(1) of the 1989 Act(1) or an order under section 34 of that Act (parental contact etc. with children in care).

(2) The responsible authority must immediately give written notification to the following persons of the information specified in paragraph (3) ("the specified information")—

- (a) C, unless it would not be appropriate to do so having regard to C's age and understanding,
- (b) P,
- (c) where immediately before the care order was made a person had care of C by virtue of an order made in exercise of the High Court's inherent jurisdiction with respect to children, that person,
- (d) any other person whose views, wishes and feelings the responsible authority consider to be relevant, and
- (e) the IRO.

(1) Diwygiwyd adran 34(1) o Ddeddf 1989 gan adran 139(1) o Ddeddf Mabwysiadu a Phlant 2002 (p. 38) a pharagraffau 54 a 59 o Atodlen 3 i'r Ddeddf honno.

(1) Section 34(1) of the 1989 Act was amended by section 139(1) of and paragraphs 54 and 59 to Schedule 3 to the Adoption and Children Act 2002 (c. 38).

- (3) Yr wybodaeth benodedig yw—
- (a) penderfyniad yr awdurdod cyfrifol;
 - (b) dyddiad y penderfyniad;
 - (c) y rhesymau am y penderfyniad;
 - (d) parhad y penderfyniad (os yw'n gymwys);
ac
 - (e) y rhwymedïau sydd ar gael mewn achos o anfodddhad.

(4) Caiff yr awdurdod cyfrifol wyro oddi wrth delerau unrhyw orchymyn a wneir o dan adran 34 o Ddeddf 1989 drwy gytundeb gyda'r person y gwneir y gorchymyn mewn perthynas ag ef, ar yr amod—

- (a) bod C hefyd yn cytuno a bod ei oedran a'i ddealltwriaeth yn ddigonol, a
- (b) yr anfonir hysbysiad ysgrifenedig o'r wybodaeth benodedig o fewn 5 diwrnod gwaith at y personau a restrir ym mharagraff (2).

(5) Pan fo'r awdurdod cyfrifol wedi penderfynu amrywio neu atal dros dro unrhyw drefniadau (ac eithrio o dan orchymyn o dan adran 34 o Ddeddf 1989) a wnaed gyda'r bwriad o ganiatáu i unrhyw berson gael cyswllt ag C, rhaid i'r awdurdod cyfrifol, ar unwaith, roi hysbysiad ysgrifenedig sy'n cynnwys yr wybodaeth benodedig i'r personau a restrir ym mharagraff (2).

(6) Rhaid i'r awdurdod cyfrifol gofnodi unrhyw benderfyniad a wneir o dan y rheoliad hwn yng nghynllun gofal a chymorth C.

RHAN 3

Lleoliadau – darpariaethau cyffredinol

Cynllun lleoli

10.—(1) Yn ddarostyngedig i baragraffau (2) a (4), cyn gwneud trefniadau i leoli C yn unol ag adran 81 o Ddeddf 2014, rhaid i'r awdurdod cyfrifol—

- (a) ymgorffori, o fewn cynllun gofal a chymorth C, fanylion o'r cynllun ar gyfer lleoli C (“y cynllun lleoli”) sydd—
 - (i) yn nodi sut y bydd y lleoliad yn cyfrannu at ddiwallu anghenion C, a
 - (ii) yn cynnwys yr holl faterion a bennir yn Atodlen 3 ac sy'n gymwys o ystyried y math o leoliad, a
- (b) sicrhau bod—
 - (i) safbwyntiau, dymuniadau a theimladau C wedi eu canfod ac wedi cael ystyriaeth briodol, a

- (3) The specified information is—
- (a) the responsible authority's decision;
 - (b) the date of the decision;
 - (c) the reasons for the decision;
 - (d) the duration of the decision (if applicable);
and
 - (e) remedies available in case of dissatisfaction.

(4) The responsible authority may depart from the terms of any order made under section 34 of the 1989 Act by agreement with the person in relation to whom the order is made, provided that—

- (a) C, being of sufficient age and understanding, also agrees, and
- (b) written notification of the specified information is sent within 5 working days to the persons listed in paragraph (2).

(5) Where the responsible authority has decided to vary or suspend any arrangements made (otherwise than under an order under section 34 of the 1989 Act) with a view to affording any person contact with C, the responsible authority must immediately give written notification containing the specified information to the persons listed in paragraph (2).

(6) The responsible authority must record any decision made under this regulation in C's care and support plan.

PART 3

Placements – general provisions

Placement plan

10.—(1) Subject to paragraphs (2) and (4), before making arrangements in accordance with section 81 of the 2014 Act for C's placement, the responsible authority must—

- (a) incorporate within C's care and support plan details of the plan for C's placement (“the placement plan”) which—
 - (i) sets out how the placement will contribute to meeting C's needs, and
 - (ii) includes all the matters specified in Schedule 3 as are applicable, having regard to the type of the placement, and
- (b) ensure that—
 - (i) C's views, wishes and feelings have been ascertained and given due consideration, and

(ii) yr SAA wedi ei hysbysu.

(2) Os nad yw'n rhesymol ymarferol i baratoi'r cynllun lleoli cyn gwneud y lleoliad, rhaid paratoi'r cynllun lleoli o fewn 5 diwrnod gwaith ar ôl dechrau'r lleoliad.

(3) Rhaid i'r cynllun lleoli gael ei gytuno gyda'r person priodol a'i lofnodi ganddo.

(4) Os gwnaed y trefniadau ar gyfer lleoli C cyn 6 Ebrill 2016, rhaid i'r awdurdod cyfrifol baratoi'r cynllun lleoli cyn gynted ag y bo'n rhesymol ymarferol.

Osgoi amharu ar addysg

11.—(1) Yn ddarostyngedig i baragraffau (2) a (3), os yw C yn ddisgybl cofrestredig mewn ysgol yng nghyfnod allweddol pedwar(1), rhaid peidio â rhoi effaith i unrhyw benderfyniad i wneud unrhyw newid yn lleoliad C a fyddai'n cael yr effaith o amharu ar y trefniadau a wnaed ar gyfer addysg C, hyd nes bo'r penderfyniad wedi ei gymeradwyo gan y swyddog enwebedig.

(2) Cyn cymeradwyo penderfyniad o dan baragraff (1), rhaid i'r swyddog enwebedig fod wedi ei fodloni—

- (a) y cydymffurfiwyd â gofynion rheoliad 10(1)(b)(i),
- (b) y bydd y ddarpariaeth addysgol a wnaed ar gyfer C yn y lleoliad yn hyrwyddo cyflawniad addysgol C ac yn gyson â chynllun addysg personol C,
- (c) yr ymgynghorwyd â'r person dynodedig(2) yn yr ysgol,
- (d) yr ymgynghorwyd â'r Cydgysylltydd Addysg PDG,
- (e) yr ymgynghorwyd â'r SAA, ac
- (f) os lleolir C mewn cartref plant, yr ymgynghorwyd â gweithiwr dolen gyswllt C.

(3) Nid yw paragraff (1) yn gymwys mewn unrhyw achos pan fo—

- (a) yr awdurdod cyfrifol yn terfynu lleoliad C yn unol â rheoliad 15(3), neu
- (b) pan fo angen newid lleoliad C am unrhyw reswm arall mewn argyfwng,

(ii) the IRO has been informed.

(2) If it is not reasonably practicable to prepare the placement plan before making the placement, the placement plan must be prepared within 5 working days of the start of the placement.

(3) The placement plan must be agreed with, and signed by, the appropriate person.

(4) Where the arrangements for C's placement were made before 6 April 2016, the responsible authority must prepare the placement plan as soon as reasonably practicable.

Avoidance of disruption in education

11.—(1) Subject to paragraphs (2) and (3), if C is a registered pupil at a school in the fourth key stage(1), a decision to make any change to C's placement that would have the effect of disrupting the arrangements made for C's education must not be put into effect until it has been approved by the nominated officer.

(2) Before approving a decision under paragraph (1), the nominated officer must be satisfied that—

- (a) the requirements of regulation 10(1)(b)(i) have been complied with,
- (b) the educational provision made for C at the placement will promote C's educational achievement and is consistent with C's personal education plan,
- (c) the designated person(2) at the school has been consulted,
- (d) the LAC Education Co-ordinator has been consulted,
- (e) the IRO has been consulted, and
- (f) where C is placed in a children's home, C's link worker has been consulted.

(3) Paragraph (1) does not apply in any case where—

- (a) the responsible authority terminates C's placement in accordance with regulation 15(3), or
- (b) it is necessary for any other reason to change C's placement in an emergency,

(1) Diffinnir "yng nghyfnod allweddol pedwar" yn adran 91(2) o Ddeddf 2014.

(2) Y "person dynodedig" yn achos ysgol a gynhelir yw'r aelod o'r staff a ddynodir gan y corff llywodraethu yn unol ag adran 20(1) o Ddeddf 2008, ac yn yr achos hwnnw ystyr "ysgol" yw'r ystyr a roddir i "school" yn adran 434(5) o Ddeddf Addysg 1996 (p. 56).

(1) "Fourth key stage" is defined in section 91(2) of the 2014 Act.

(2) The "designated person" in the case of a maintained school means the member of staff designated by the governing body in accordance with section 20(1) of the 2008 Act and in this case the meaning given to "school" is set out in section 434(5) of the Education Act 1996 (c. 56).

ac mewn achos o'r fath rhaid i'r awdurdod cyfrifol wneud trefniadau priodol i hyrwyddo cyflawniad addysgol C cyn gynted ag y bo'n rhesymol ymarferol.

(4) Mewn unrhyw achos nad yw'n dod o fewn paragraff (1), ond pan fo'r awdurdod cyfrifol yn bwriadu gwneud unrhyw newid yn lleoliad C a fyddai'n cael yr effaith o amharu ar y trefniadau a wnaed ar gyfer addysg neu hyfforddiant C, rhaid i'r awdurdod cyfrifol sicrhau y gwneir trefniadau eraill ar gyfer addysg neu hyfforddiant C sy'n bodloni anghenion C ac yn gyson â chynllun addysg personol C.

(5) Yn y rheoliad hwn—

- (a) mae i "disgybl cofrestredig" yr ystyr a roddir i "registered pupil" yn adran 20(7) o Ddeddf Plant a Phobl Ifanc 2008(1), a
- (b) mae i "ysgol" yr ystyr a roddir i "school" yn adran 4 o Ddeddf Addysg 1996(2).

Lleoliadau y tu allan i'r ardal

Penderfyniad lleoli

12.—(1) Ni chaiff awdurdod cyfrifol benderfynu lleoli C y tu allan i'w ardal ac eithrio pan fodlonir yr awdurdod cyfrifol nad oes lleoliad ar gael o fewn ei ardal, a allai ddiwallu anghenion C ("lleoliad y tu allan i'r ardal").

(2) Pan fo paragraff (1) yn gymwys, rhaid i'r awdurdod cyfrifol chwilio am leoliad y tu allan i'r ardal ar gyfer C, yn unol â'r drefn blaenoriaeth ganlynol—

- (a) mewn awdurdod lleol sydd â'i ardal yn ffinio ar ardal yr awdurdod cyfrifol;
- (b) mewn awdurdod lleol yn Lloegr sydd â'i ardal yn ffinio ar ardal yr awdurdod cyfrifol;
- (c) mewn unrhyw awdurdod lleol arall;
- (d) mewn awdurdod lleol yn Lloegr, neu
- (e) yn ddarostyngedig i ofynion adran 124 o Ddeddf 2014, y tu allan i Gymru a Lloegr(3).

(3) Yn ddarostyngedig i baragraff (5), os bodlonir awdurdod cyfrifol fod lleoli y tu allan i'r ardal yn angenrheidiol yn achos C, rhaid peidio â rhoi effaith i'r penderfyniad i leoli C y tu allan i'r ardal hyd nes bo—

- (a) y penderfyniad wedi ei atgyfeirio at banel ac wedi ei gymeradwyo ganddo,

and in such a case the responsible authority must make appropriate arrangements to promote C's educational achievement as soon as reasonably practicable.

(4) In any case not falling within paragraph (1), but where the responsible authority proposes making any change to C's placement that would have the effect of disrupting the arrangements made for C's education or training, the responsible authority must ensure that other arrangements are made for C's education or training that meets C's needs and are consistent with C's personal education plan.

(5) In this regulation—

- (a) "registered pupil" ("*disgybl cofrestredig*") has the meaning given in section 20(7) of the Children and Young Persons Act 2008(1), and
- (b) "school" ("*ysgol*") has the meaning given in section 4 of the Education Act 1996(2).

Placements out of area

Placement decision

12.—(1) A responsible authority may only decide to place C outside its area if it is satisfied that there is no placement available within its area capable of meeting C's needs ("an out of area placement").

(2) Where paragraph (1) applies, the responsible authority must seek an out of area placement for C, in accordance with the following order of preference,—

- (a) within a local authority whose area borders that of the responsible authority;
- (b) within a local authority in England whose area borders that of the responsible authority;
- (c) within any other local authority;
- (d) within a local authority in England, or
- (e) subject to the requirements of section 124 of the 2014 Act, outside England and Wales(3).

(3) Subject to paragraph (5), where a responsible authority is satisfied that an out of area placement is necessary in C's case, the decision to place C in an out of area placement must not be put into effect until—

- (a) the decision has been referred to and approved by a panel,

(1) 2008 p. 23.

(2) Hynny yw, sefydliad addysgol, y tu allan i'r sectorau addysg bellach ac uwch, ar gyfer darparu addysg gynradd a/neu addysg uwchradd.

(3) Mae adran 124 o Ddeddf 2014 yn ei gwneud yn ofynnol cael caniatâd y llys mewn achosion o'r fath.

(1) 2008 c. 23.

(2) That is, an educational institution, outside the further and higher education sectors, for providing primary and/ or secondary education.

(3) Section 124 of the 2014 Act requires the permission of the court in such cases.

- (b) cymeradwyaeth y panel o'r penderfyniad hwnnw wedi ei gofnodi mewn ysgrifen ynghyd â'r rhesymau dros gymeradwyo, ac
- (c) y cofnod hwnnw o'r gymeradwyaeth wedi ei ardystio mewn ysgrifen gan y swyddog enwebedig, i gadarnhau ei gymeradwyaeth yntau.

(4) Cyn cymeradwyo penderfyniad o dan baragraff (1), rhaid i'r panel a'r swyddog enwebedig ill dau fod wedi eu bodloni—

- (a) y cydymffurfiwyd â gofynion rheoliad 10(1)(b)(i),
- (b) mai'r lleoliad yw'r lleoliad mwyaf priodol sydd ar gael ar gyfer C, a bod y lleoliad yn gyson â chynllun gofal a chymorth C,
- (c) yr ymgynghorwyd â pherthnasau(1) C, os yw'n briodol,
- (d) yr ymgynghorwyd â'r SAA,
- (e) pan fo gan C anghenion addysgol arbennig y darperir ar eu cyfer mewn cynllun addysgol arbennig, fod yr awdurdod lleol neu'r awdurdod lleol yn Lloegr y bwriedir lleoli C yn ei ardal, wedi ei hysbysu ynghylch y lleoliad, ac y daethpwyd i gytundeb gyda'r awdurdod hwnnw mewn cysylltiad â diwallu anghenion addysgol arbennig C yn ystod lleoliad C yn ei ardal, ac
- (f) os oes gan C anghenion iechyd sydd angen sylw, fod y darparwr gofal iechyd ar gyfer ardal yr awdurdod lleol neu'r awdurdod lleol yn Lloegr wedi ei hysbysu, ac mewn achosion priodol, y daethpwyd i gytundeb gyda'r darparwr gofal iechyd mewn cysylltiad â diwallu anghenion iechyd C.

(5) Yn achos lleoliad a wneir mewn argyfwng—

- (a) nid yw paragraff (3) yn gymwys;
- (b) mae paragraff (4) yn gymwys yn ddarostyngedig i'r addasiadau yn is-baragraff (c);
- (c) rhaid i'r awdurdod cyfrifol sicrhau—
 - (i) y gwneir cofnod ysgrifenedig o'r penderfyniad, sy'n rhoi rhesymau dros wneud y penderfyniad,
 - (ii) yr ardystir y cofnod gan y swyddog enwebedig, i gadarnhau ei fod yn cytuno â'r penderfyniad,
 - (iii) y cydymffurfir â pharagraff (4)(a) a (b) cyn gwneud y lleoliad,

- (b) the panel's approval of that decision is recorded in writing giving reasons for its approval, and
- (c) that record of approval is endorsed in writing by the nominated officer to confirm his or her approval.

(4) Before approving a decision under paragraph (1), the panel and the nominated officer must each be satisfied that—

- (a) the requirements of regulation 10(1)(b)(i) have been complied with,
- (b) the placement is the most appropriate placement available for C and is consistent with C's care and support plan,
- (c) C's relatives(1) have been consulted, where appropriate,
- (d) the IRO has been consulted,
- (e) where C has special education needs met in a special educational plan, the local authority or local authority in England in whose area is it proposed to place C has been notified of the placement and agreement has been reached with that authority in respect of the meeting of C's special educational needs during C's placement in its area, and
- (f) if C has health needs which require attention, the health care provider for the area of the local authority or local authority in England has been notified and, in appropriate cases, agreement has been reached with the health care provider in respect of the meeting of C's health needs.

(5) In the case of a placement made in an emergency—

- (a) paragraph (3) does not apply;
- (b) paragraph (4) applies subject to the modifications in sub-paragraph (c);
- (c) the responsible authority must ensure that—
 - (i) a record of the decision is made in writing, giving reasons for the decision,
 - (ii) the record is endorsed by the nominated officer to confirm his or her agreement with the decision,
 - (iii) paragraph (4)(a) and (b) are complied with before the placement is made,

(1) Diffinnir "perthynas" yn adran 197(1) o Ddeddf 2014.

(1) "Relative" is defined in section 197(1) of the 2014 Act.

- (iv) y cydymffurfir â pharagraff (4)(c) a (d) o fewn 5 diwrnod gwaith ar ôl gwneud y lleoliad, a
- (v) y cydymffurfir â pharagraff (4)(e) ac (f) cyn gynted ag y bo modd ar ôl gwneud y lleoliad.

(6) Pan wneir lleoliad yn unol â pharagraff (5)—

- (a) rhaid i'r awdurdod cyfrifol atgyfeirio'r lleoliad at banel cyn gynted ag y bo'n ymarferol ar ôl gwneud y lleoliad, a beth bynnag ddim hwyrach na 25 diwrnod gwaith ar ôl gwneud y lleoliad, a
- (b) rhaid hysbysu'r awdurdod lleol neu'r awdurdod lleol yn Lloegr, y lleolwyd C yn ei ardal, ynghylch y lleoliad, ddim hwyrach na 5 diwrnod gwaith ar ôl gwneud y lleoliad.

(7) Rhaid i'r cofnod o unrhyw benderfyniad a wneir yn unol â'r rheoliad hwn gael ei roi ar gael i'r aelod arweiniol dros wasanaethau plant ar gyfer yr awdurdod cyfrifol.

(8) Yn y rheoliad hwn—

ystyr “hysbysu” (“*notified*”) ym mharagraff (6)(b) yw fod rhaid i'r awdurdod cyfrifol ddarparu—

- (a) manylion o'i asesiad o anghenion C a'r rhesymau pam yr ystyrir mai'r lleoliad a ddewiswyd yw'r ffordd fwyaf priodol o ddiwallu anghenion C, a
- (b) copi o gynllun gofal a chymorth C os na ddarparwyd copi eisoes;

ystyr “panel” (“*panel*”) yw panel o gynrychiolwyr o ba asiantaethau bynnag a all gynorthwyo awdurdod cyfrifol wrth gynllunio'r lleoliad ar gyfer C a diwallu anghenion C yn ystod y lleoliad, a rhaid i banel gynnwys cynrychiolydd o'r awdurdod lleol neu'r awdurdod lleol yn Lloegr y bwriedir lleoli C yn ei ardal, ac mewn achosion priodol, cynrychiolydd unrhyw ddarparwr gofal iechyd neu addysg perthnasol.

Lleoli y tu allan i Gymru a Lloegr

13.—(1) Mae'r rheoliad hwn yn gymwys pan fo—

- (a) C yng ngofal yr awdurdod cyfrifol, a
- (b) yr awdurdod cyfrifol yn gwneud trefniadau i leoli C y tu allan i Gymru a Lloegr yn unol â darpariaethau adran 124 o Ddeddf 2014 (trefniadau i helpu plant i fyw y tu allan i Loegr a Chymru).

(2) Rhaid i'r awdurdod cyfrifol gymryd camau i sicrhau, i'r graddau sy'n rhesymol ymarferol, y cydymffurfir â gofynion sy'n cyfateb i'r gofynion a

(iv) paragraph (4)(c) and (d) are complied with within 5 working days of the placement being made, and

(v) paragraph (4)(e) and (f) are complied with as soon as possible after the placement has been made.

(6) Where a placement is made in accordance with paragraph (5)—

(a) the responsible authority must refer the placement to a panel as soon as practicable after the placement is made and in any event not later than 25 working days after the placement is made, and

(b) the placement must be notified to the local authority or the local authority in England in whose area C has been placed not later than 5 working days after the placement is made.

(7) The record of any decision made in accordance with this regulation must be made available to the lead member for children's services for the responsible authority.

(8) In this regulation—

“notified” (“*hysbysu*”) in paragraph (6)(b) means that the responsible authority must provide—

- (a) details of its assessment of C's needs and the reasons why the placement chosen is the most appropriate way of meeting C's needs, and
- (b) a copy of C's care and support plan if it has not already been provided;

“panel” (“*panel*”) means a panel of representatives from such agencies as may assist a responsible authority in planning the placement for a C and in meeting C's needs during the placement and must include a representative from the local authority or local authority in England in whose area C is to be placed and, in appropriate cases, any relevant health care or education provider.

Placement outside England and Wales

13.—(1) This regulation applies if—

- (a) C is in the care of the responsible authority, and
- (b) the responsible authority makes arrangements to place C outside England and Wales in accordance with the provisions of section 124 of the 2014 Act (arrangements to assist a child to live outside England and Wales).

(2) The responsible authority must take steps to ensure that, so far as is reasonably practicable, requirements corresponding with the requirements

fyddai wedi bod yn gymwys o dan y Rheoliadau hyn pe bai C wedi ei leoli yng Nghymru.

(3) Rhaid i'r awdurdod cyfrifol gynnwys yn y cynllun gofal a chymorth fanylion y trefniadau a wnaed gan yr awdurdod cyfrifol i oruchwylio lleoliad C.

Hysbysu ynghylch lleoliad

14.—(1) Yn ddarostyngedig i baragraff (3), rhaid i'r awdurdod cyfrifol roi hysbysiad ysgrifenedig i'r personau a restrir ym mharagraff (2) ynghylch y trefniadau ar gyfer lleoli C cyn gwneud y lleoliad, neu, os oes angen lleoli mewn argyfwng, o fewn 5 diwrnod gwaith ar ôl dechrau'r lleoliad, ac eithrio pan na ellir gwneud hynny yn rhesymol ymarferol.

(2) Y personau y cyfeirir atynt ym mharagraff (1) yw—

- (a) C, oni fyddai'n amhriodol gwneud hynny o ystyried oedran a dealltwriaeth C,
- (b) P,
- (c) os yw C yng ngofal yr awdurdod cyfrifol, unrhyw berson y caniateir iddo gael cyswllt ag C o dan adran 34(1) o Ddeddf 1989 ac unrhyw berson sydd â chyswllt ag C yn rhinwedd gorchymyn o dan adran 34 o'r Ddeddf honno (cyswllt rhiant etc. â phlant mewn gofal),
- (d) os yw C yn derbyn gofal ond nid yng ngofal yr awdurdod cyfrifol, unrhyw berson sydd â chyswllt ag C yn unol â gorchymyn a wnaed o dan adran 8 o Ddeddf 1989 (gorchymynion trefniadau plant a gorchymynion eraill mewn cysylltiad â phlant),
- (e) unrhyw berson a oedd yn gofalu am C yn union cyn gwneud y trefniadau,
- (f) y bwrdd iechyd lleol (neu, yn achos plentyn sy'n byw neu sydd i'w leoli mewn ardal awdurdod lleol yn Lloegr, Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol⁽¹⁾ a'r grŵp comisiynu clinigol⁽²⁾) ar gyfer yr ardal y mae C yn byw ynddi ac, os yw'n wahanol, ar gyfer yr ardal y bwriedir lleoli C ynddi,

which would have applied under these Regulations had C been placed in Wales, are complied with.

(3) The responsible authority must include in the care and support plan details of the arrangements made by the responsible authority to supervise C's placement.

Notification of placement

14.—(1) Subject to paragraph (3), the responsible authority must give written notice to the persons listed in paragraph (2) of the arrangements for C's placement before the placement is made or, if an emergency placement is necessary, within 5 working days of the start of the placement, unless it is not reasonably practicable to do so.

(2) The persons referred to in paragraph (1) are—

- (a) C, unless it would not be appropriate to do so having regard to C's age and understanding,
- (b) P,
- (c) if C is in the care of the responsible authority, any person who is allowed contact with C under section 34(1) of the 1989 Act and any person who has contact with C by virtue of an order under section 34 of that Act (parental contact etc. with children in care),
- (d) if C is looked after but is not in the care of the responsible authority, any person who has contact with C pursuant to an order made under section 8 of the 1989 Act (child arrangements orders and other orders with respect to children),
- (e) any person who was caring for C immediately before the arrangements were made,
- (f) the local health board (or, in the case of a child living or to be placed in a local authority area in England, the National Health Service Commissioning Board⁽¹⁾ and the clinical commissioning group⁽²⁾) for the area in which C is living and, if different, for the area in which C is to be placed,

(1) Sefydlwyd Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol gan adran 1H o Ddeddf y Gwasanaeth Iechyd Gwladol 2006 (p. 41) ("Deddf 2006"), fel y'i mewnosodwyd gan adran 9(1) o Ddeddf Iechyd a Gofal Cymdeithasol 2012 (p. 7) ("Deddf 2012").

(2) Grŵp comisiynu clinigol yw corff a sefydlwyd o dan adran 14D o Ddeddf 2006. Mewnosodwyd adran 14D gan adran 25(1) o Ddeddf 2012. *Gweler hefyd* adran 11 o Ddeddf 2006, a fewnosodir gan adran 10 o Ddeddf 2012.

(1) The National Health Service Commissioning Board is established by section 1H of the National Health Service Act 2006 (c. 41) ("the 2006 Act"), as inserted by section 9(1) of the Health and Social Care Act 2012 (c. 7) ("the 2012 Act").

(2) A clinical commissioning group is a body established under section 14D of the 2006 Act. Section 14D is inserted by section 25(1) of the 2012 Act. *See also* section 11 of the 2006 Act, which is inserted by section 10 of the 2012 Act.

- (g) ymarferydd meddygol cofrestredig C, a phan fo'n gymwys, yr ymarferydd meddygol cofrestredig y bwriedir cofrestru C gydag ef yn ystod y lleoliad,
- (h) unrhyw sefydliad addysgol a fynychir gan C, neu berson sy'n darparu addysg neu hyfforddiant i C,
- (i) y Cydgysylltydd Addysg PDG ar gyfer yr ardal y mae C yn byw ynddi ac, os yw'n wahanol, ar gyfer yr ardal y bwriedir lleoli C ynddi,
- (j) yr SAA, a
- (k) pan fo C wedi ei leoli mewn cartref plant, gweithiwr dolen gyswllt C.

(3) Caiff yr awdurdod cyfrifol benderfynu peidio â rhoi hysbysiad i unrhyw un neu bob un o'r personau a restrir ym mharagraffau (2)(b) i (e), os byddai gwneud hynny'n achosi perygl o niwed i C.

Terfynu lleoliad gan yr awdurdod cyfrifol

15.—(1) Yn ddarostyngedig i baragraffau (3) a (5), ni chaiff yr awdurdod cyfrifol derfynu lleoliad C ac eithrio ar ôl cynnal adolygiad o achos C yn unol â Rhan 6.

(2) Yn ddarostyngedig i baragraffau (3) a (4), cyn terfynu lleoliad C, rhaid i'r awdurdod cyfrifol—

- (a) gwneud trefniadau eraill ar gyfer lletya C yn unol ag adran 81 o Ddeddf 2014,
- (b) hysbysu'r SAA,
- (c) i'r graddau y mae'n rhesymol ymarferol, rhoi hysbysiad ysgrifenedig o'i fwriad i derfynu'r lleoliad i'r canlynol—
 - (i) pob un o'r personau y rhoddwyd hysbysiad o'r lleoliad iddynt o dan reoliad 14,
 - (ii) y person y lleolwyd C gydag ef,
 - (iii) os lleolwyd C yn ardal awdurdod lleol arall neu awdurdod lleol yn Lloegr, yr awdurdod hwnnw.

(3) Pan fo perygl y gallai niwed ddigwydd ar unwaith i C, neu er mwyn diogelu eraill rhag anaf difrifol, rhaid i'r awdurdod cyfrifol derfynu lleoliad C, ac yn yr amgylchiadau hynny—

- (a) nid yw paragraff (1) yn gymwys, a
- (b) rhaid i'r awdurdod cyfrifol gydymffurfio â pharagraff (2)(a) a (b) cyn gynted ag y bo'n rhesymol ymarferol.

- (g) C's registered medical practitioner and, where applicable, the registered medical practitioner with whom C is to be registered during the placement,
- (h) any educational establishment attended by, or person providing education or training for, C,
- (i) the LAC Education Co-ordinator for the area in which C is living, and if different, for the area in which C is to be placed,
- (j) the IRO, and
- (k) where C is placed in a children's home, C's link worker.

(3) The responsible authority may decide not to give notification to any or all of the persons listed in paragraphs (2)(b) to (e), if to do so would place C at risk of harm.

Termination of placement by the responsible authority

15.—(1) Subject to paragraphs (3) and (5), the responsible authority may only terminate C's placement following a review of C's case in accordance with Part 6.

(2) Subject to paragraphs (3) and (4), before terminating C's placement, the responsible authority must—

- (a) make other arrangements for C's accommodation, in accordance with section 81 of the 2014 Act,
- (b) inform the IRO,
- (c) so far as is reasonably practicable, give written notification of its intention to terminate the placement to—
 - (i) all the persons to whom notification of the placement was given under regulation 14,
 - (ii) the person with whom C is placed,
 - (iii) where C is placed in the area of another local authority or local authority in England, that authority.

(3) Where there is an immediate risk of harm to C, or to protect others from serious injury the responsible authority must terminate C's placement, and in those circumstances—

- (a) paragraph (1) does not apply, and
- (b) the responsible authority must comply with paragraph (2)(a) and (b) as soon as reasonably practicable.

(4) Os nad yw'n rhesymol ymarferol hysbysu unrhyw berson yn unol â pharagraff (2)(c), yna rhaid i'r awdurdod cyfrifol roi hysbysiad ysgrifenedig i'r person hwnnw o fewn 5 diwrnod gwaith i'r dyddiad y terfynwyd y lleoliad, o'r ffaith bod y lleoliad wedi ei derfynu.

(5) Nid yw'r rheoliad hwn yn gymwys pan fo lleoliad C wedi ei derfynu—

- (a) o dan reoliad 20(c)(ii) (amgylchiadau pan ganiateir lleoli plentyn gyda P cyn cwblhau asesiad),
- (b) o dan reoliad 24(2) (terfynu lleoliad argyfwng),
- (c) o dan reoliad 27(6), neu
- (d) pan fo adran 82 o Ddeddf 2014 (adolygu achos plentyn cyn gwneud trefniadau amgen o ran llety) yn gymwys.

RHAN 4

Darpariaeth ar gyfer gwahanol fathau o leoliad

PENNOD 1

Lleoli plentyn mewn gofal gyda P

Cymhwyso

16.—(1) Mae'r Bennod hon yn gymwys os yw C yng ngofal yr awdurdod cyfrifol, a'r awdurdod cyfrifol, gan weithredu yn unol ag adran 81(2) o Ddeddf 2014, yn bwriadu lleoli C gyda P.

(2) Nid oes dim yn y Bennod hon sy'n ei gwneud yn ofynnol fod yr awdurdod cyfrifol yn symud C o ofal P os yw C yn byw gyda P cyn bo penderfyniad lleoli'n cael ei wneud ynghylch C.

Effaith gorchymyn cyswllt

17. Rhaid i'r awdurdod cyfrifol beidio â lleoli C gyda P os byddai gwneud hynny'n anghydnaws ag unrhyw orchymyn a wnaed gan y llys o dan adran 34 o Ddeddf 1989 (cyswllt rhiant etc. â phlant mewn gofal).

Asesu addasrwydd P i ofalu am blentyn

18. Cyn penderfynu lleoli C gyda P, rhaid i'r awdurdod cyfrifol—

- (a) asesu addasrwydd P i ofalu am C, gan gynnwys addasrwydd—
 - (i) y llety arfaethedig, a

(4) If it is not reasonably practicable to notify any person in accordance with paragraph (2)(c), then the responsible authority must give written notification to that person, within 5 working days of the date on which the placement is terminated, of the fact that the placement has been terminated.

(5) This regulation does not apply where C's placement is terminated—

- (a) under regulation 20(c)(ii) (circumstances in which a child may be placed with P before assessment completed),
- (b) under regulation 24(2) (termination of an emergency placement),
- (c) under regulation 27(6), or
- (d) where section 82 of the 2014 Act (review of child's case before making alternative arrangements for accommodation) applies.

PART 4

Provision for different types of placement

CHAPTER 1

Placement of a child in care with P

Application

16.—(1) This Chapter applies if C is in the care of the responsible authority and the responsible authority, acting in accordance with section 81(2) of the 2014 Act, proposes to place C with P.

(2) Nothing in this Chapter requires the responsible authority to remove C from P's care if C is living with P before a placement decision is made about C.

Effect of contact order

17. The responsible authority must not place C with P if to do so would be incompatible with any order made by the court under section 34 of the 1989 Act (parental contact etc. with children in care).

Assessment of P's suitability to care for a child

18. Before deciding to place C with P, the responsible authority must—

- (a) assess the suitability of P to care for C, including the suitability of—
 - (i) the proposed accommodation, and

- (ii) yr holl bersonau eraill 18 oed a throsodd sy'n aelodau o'r aelwyd y bwriedir i C fyw arni,
- (b) cymryd i ystyriaeth yr holl faterion a bennir yn Atodlen 4(1) wrth wneud ei asesiad,
- (c) ystyried a fydd y lleoliad, yn yr holl amgylchiadau a chan gymryd i ystyriaeth y gwasanaethau sydd i'w darparu gan yr awdurdod cyfrifol, yn diogelu a hyrwyddo llesiant C ac yn diwallu anghenion C fel y'u nodir yn y cynllun gofal a chymorth, a
- (d) adolygu achos C yn unol â Rhan 6.

- (ii) all other persons aged 18 and over who are members of the household in which it is proposed that C will live,
- (b) take into account all the matters specified in Schedule 4(1) in making its assessment,
- (c) consider whether, in all the circumstances and taking into account the services to be provided by the responsible authority, the placement will safeguard and promote C's well-being and meet C's needs set out in the care and support plan, and
- (d) review C's case in accordance with Part 6.

Penderfyniad i leoli plentyn gyda P

19.—(1) Rhaid peidio â rhoi effaith i'r penderfyniad i leoli C gyda P cyn bo'r penderfyniad wedi ei gymeradwyo gan y swyddog enwebedig a'r awdurdod cyfrifol wedi paratoi cynllun lleoli ar gyfer C.

(2) Cyn cymeradwyo penderfyniad o dan baragraff (1), rhaid i'r swyddog enwebedig fod wedi ei fodloni—

- (a) y cydymffurfiwyd â gofynion rheoliad 10(1)(b)(i),
- (b) y cydymffurfiwyd â gofynion rheoliad 18,
- (c) y bydd y lleoliad yn diogelu a hyrwyddo llesiant C,
- (d) yr ymgynghorwyd â'r SAA, ac
- (e) yr ystyriwyd safbwyntiau, dymuniadau a theimladau unrhyw berson arall a ystyrir yn berthnasol gan yr awdurdod cyfrifol.

Decision to place a child with P

19.—(1) The decision to place C with P must not be put into effect until it has been approved by the nominated officer, and the responsible authority has prepared a placement plan for C.

(2) Before approving a decision under paragraph (1), the nominated officer must be satisfied that—

- (a) the requirements of regulation 10(1)(b)(i) have been complied with,
- (b) the requirements of regulation 18 have been complied with,
- (c) the placement will safeguard and promote C's well-being,
- (d) the IRO has been consulted, and
- (e) the views, wishes and feelings of any other person, whom the responsible authority considers to be relevant, have been considered.

Amgylchiadau pan ganiateir lleoli plentyn gyda P cyn cwblhau asesiad

20. Os yw'r swyddog enwebedig yn ystyried hynny'n angenrheidiol ac yn gyson â llesiant C, caiff yr awdurdod cyfrifol leoli C gyda P cyn cwblhau ei asesiad o dan reoliad 18 ("yr asesiad"), ar yr amod bod yr awdurdod cyfrifol yn—

- (a) trefnu i P gael ei gyfweld, er mwyn casglu cymaint o'r wybodaeth a bennir yn Atodlen 4, y gellir ei chasglu yn rhwydd yn y cyfweiliad hwnnw, ynglŷn â P a'r personau eraill 18 oed a throsodd sy'n byw ar aelwyd P,

Circumstances in which a child may be placed with P before assessment completed

20. Where the nominated officer considers it to be necessary and consistent with C's well-being, the responsible authority may place C with P before its assessment under regulation 18 ("the assessment") is completed, provided that it—

- (a) arranges for P to be interviewed in order to obtain as much of the information specified in Schedule 4 about P and the other persons living in P's household who are aged over 18 years as can be readily ascertained at that interview,

(1) Mae Atodlen 4 yn cynnwys darpariaeth sy'n pennu'r materion y mae'n rhaid i awdurdod cyfrifol eu cymryd i ystyriaeth wrth asesu addasrwydd P i ofalu am C.

(1) Schedule 4 contains provision specifying the matters which a responsible authority must take into account when assessing the suitability of P to care for C.

- (b) sicrhau y cwblheir yr asesiad ac adolygiad o achos C yn unol â'r gofynion yn rheoliad 18 o fewn 10 diwrnod gwaith ar ôl lleoli C gyda P, ac
- (c) sicrhau y gwneir penderfyniad yn unol â rheoliad 19 ac y'i cymeradwyir o fewn 10 diwrnod gwaith ar ôl cwblhau'r asesiad, ac—
 - (i) os y penderfyniad yw cadarnhau'r lleoliad, adolygu'r cynllun lleoli ac, os yw'n briodol, ei ddiwygio, a
 - (ii) os y penderfyniad yw peidio â chadarnhau'r lleoliad, terfynu'r lleoliad.

- (b) ensures that the assessment and review of C's case are completed in accordance with the requirements in regulation 18 within 10 working days of C being placed with P, and
- (c) ensures that a decision in accordance with regulation 19 is made and approved within 10 working days after the assessment is completed, and—
 - (i) if the decision is to confirm the placement, review the placement plan and, if appropriate amend it, and
 - (ii) if the decision is not to confirm the placement, terminate the placement.

Cymorth i P

21. Os lleolir C gyda P, neu os bwriedir lleoli C gyda P, rhaid i'r awdurdod cyfrifol ddarparu pa wasanaethau a chymorth bynnag i P ag sy'n ymddangos i'r awdurdod cyfrifol yn angenrheidiol er mwyn diogelu a hyrwyddo llesiant C, a rhaid i'r awdurdod cyfrifol gofnodi manylion o'r cyfryw wasanaethau a chymorth yng nghynllun gofal a chymorth C.

Support for P

21. Where C is placed, or is to be placed, with P, the responsible authority must provide such services and support to P as appear to the responsible authority to be necessary to safeguard and promote C's well-being and it must record details of such services and support in C's care and support plan.

PENNOD 2

Lleoli gyda rhieni maeth awdurdod lleol

Dehongli

22.—(1) Yn y Bennod hon—

ystyr “cymeradwy” (“*approved*”) yw fod person wedi ei gymeradwyo fel rhiant maeth awdurdod lleol, naill ai—

- (a) yn unol â'r Rheoliadau Maethu; neu
- (b) yn unol â Rheoliadau Gwasanaethau Maethu (Lloegr) 2011(1); neu
- (c) mewn achos o leoli C gyda darpar fabwysiadydd penodol (“A”), yn unol â rheoliad 28; neu
- (d) mewn achos o leoli C gyda pherson cysylltiedig dros dro, yn unol â rheoliad 26; ac

mae i “person cofrestredig” (“*registered person*”) yr un ystyr ag yn y Rheoliadau Maethu(2).

CHAPTER 2

Placement with local authority foster parents

Interpretation

22.—(1) In this Chapter—

“approved” (“*cymeradwy*”) means a person has been approved as a local authority foster parent either—

- (a) in accordance with the Fostering Regulations; or
- (b) in accordance with the Fostering Services (England) Regulations 2011(1); or
- (c) in the case of a placement of C with a particular prospective adopter (“A”), in accordance with regulation 28; or
- (d) in a case of a placement of C with a connected person on a temporary basis, in accordance with regulation 26; and

“registered person” (“*person cofrestredig*”) has the same meaning as in the Fostering Regulations(2).

(1) O.S. 2011/581.

(2) Diffinnir “darparydd cofrestredig” yn rheoliad 2(1) o'r Rheoliadau Maethu (ac yn yr union eiriau yn rheoliad 2(1) o Rheoliadau Gwasanaethu Maethu (Lloegr) 2011 (O.S. 2011/581).

(1) S.I. 2011/581.

(2) “Registered provider” is defined in regulation 2(1) of the Fostering Regulations (and in identical terms in regulation 2(1) of the Fostering Services (England) Regulations 2011 (S.I. 2011/581).

(2) Pan leolir C gyda dau berson ar y cyd, sydd ill dau wedi eu cymeradwyo fel rhiant maeth awdurdod lleol(1), rhaid dehongli unrhyw gyfeiriad yn y Rheoliadau hyn at riant maeth awdurdod lleol fel pe bai'n cyfeirio i'r un graddau at y ddau berson hynny, a rhaid i unrhyw ofyniad sydd i'w fodloni gan neu sy'n ymwneud â rhiant maeth awdurdod lleol penodol gael ei fodloni gan y ddau ohonynt, neu ei drin fel pe bai'n ymwneud â'r ddau.

Amodau y mae'n rhaid eu bodloni cyn lleoli plentyn gyda rhiant maeth awdurdod lleol

23.—(1) Mae'r rheoliad hwn yn gymwys pan fo'r awdurdod cyfrifol yn bwriadu lleoli C gydag F.

(2) Ni chaiff yr awdurdod cyfrifol leoli C gydag F ac eithrio os yw—

- (a) F wedi ei gymeradwyo gan—
 - (i) yr awdurdod cyfrifol, neu
 - (ii) ar yr amod y bodlonir hefyd yr amodau a bennir ym mharagraff (3), darparwr gwasanaeth maethu arall,
- (b) telerau cymeradwyaeth F yn gyson â'r lleoliad arfaethedig, ac
- (c) F wedi ymuno mewn cytundeb gofal maeth naill ai gyda'r awdurdod cyfrifol neu gyda darparwr gwasanaeth maethu arall yn unol â rheoliad 28(5)(b) o'r Rheoliadau Maethu neu'n unol â rheoliad 27(5)(b) o Reoliadau Gwasanaethu Maethu (Lloegr) 2011.

(3) Yr amodau y cyfeirir atynt ym mharagraff (2)(a)(ii) yw'r canlynol—

- (a) bod y darparwr gwasanaeth maethu y cymeradwywyd F ganddo yn cydsynio â'r lleoliad, a
- (b) os oes gan unrhyw awdurdod lleol arall, neu awdurdod lleol arall yn Lloegr, blentyn wedi ei leoli ar y pryd gydag F, fod yr awdurdod hwnnw'n cydsynio â'r lleoliad.

(2) Where C is placed jointly with two persons each of whom is approved as a local authority foster parent(1), any reference in these Regulations to a local authority foster parent is to be interpreted as referring equally to both such persons and any requirement to be satisfied by or relating to a particular local authority foster parent must be satisfied by, or treated as relating to, both of them.

Conditions to be complied with before placing a child with a local authority foster parent

23.—(1) This regulation applies where the responsible authority proposes to place C with F.

(2) The responsible authority may only place C with F if—

- (a) F is approved by—
 - (i) the responsible authority, or
 - (ii) provided that the conditions specified in paragraph (3) are also satisfied, another fostering service provider,
- (b) the terms of F's approval are consistent with the proposed placement, and
- (c) F has entered into a foster care agreement either with the responsible authority or with another fostering service provider in accordance with regulation 28(5)(b) of the Fostering Regulations or in accordance with regulation 27(5)(b) of the Fostering Services (England) Regulations 2011.

(3) The conditions referred to in paragraph (2)(a)(ii) are that—

- (a) the fostering service provider by whom F is approved consents to the placement, and
- (b) where any other local authority or local authority in England currently have a child placed with F, that authority consents to the proposed placement.

(1) Diffinnir "rhiant maeth awdurdod lleol" yn adran 197(1) o Ddeddf 2014 fel (a) rhiant maeth awdurdod lleol yn Lloegr a gymeradwywyd yn unol â rheoliadau a wnaed yn rhinwedd paragraff 12F o Atodlen 2 i Ddeddf Plant 1989 (rheoliadau yn darparu ar gyfer cymeradwyo rhieni maeth awdurdod lleol yn Lloegr); (b) rhiant maeth awdurdod lleol yng Nghymru a gymeradwywyd yn unol â rheoliadau a wnaed yn rhinwedd adran 93 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (rheoliadau sy'n darparu ar gyfer cymeradwyo rhieni maeth awdurdod lleol yng Nghymru).

(1) "Local authority foster parent" is defined in section 197(1) of the 2014 Act as (a) an English local authority foster parent approved in accordance with regulations made by virtue of paragraph 12F of Schedule 2 to the Children Act 1989 (regulations providing for approval of English local authority foster parents); (b) a Welsh local authority foster parent approved in accordance with regulations made by virtue of section 93 of the Social Services and Well-being (Wales) Act 2014 (regulations providing for approval of Welsh local authority foster parents).

Lleoli gyda rhiant maeth awdurdod lleol mewn argyfwng

24.—(1) Pan fo'n angenrheidiol lleoli C mewn argyfwng, caiff yr awdurdod cyfrifol leoli C gydag unrhyw riant maeth awdurdod lleol sydd wedi ei gymeradwyo yn unol â'r Rheoliadau Maethu neu Reoliadau Gwasanaethau Maethu (Lloegr) 2011, hyd yn oed os nad yw telerau cymeradwyaeth y person hwnnw yn gyson â'r lleoliad, ar yr amod na wneir y lleoliad am gyfnod hwy na 6 diwrnod gwaith.

(2) Pan ddaw'r cyfnod o 6 diwrnod gwaith y cyfeirir ato ym mharagraff (1) i ben, rhaid i'r awdurdod cyfrifol derfynu'r lleoliad oni fydd telerau cymeradwyaeth y person hwnnw wedi diwygio i fod yn gyson â'r lleoliad.

Lleoli yn dilyn ystyriaeth yn unol ag adran 81(11) o Ddeddf 2014

25.—(1) Mae'r rheoliad hwn yn gymwys pan fo'r awdurdod cyfrifol yn penderfynu lleoli C gyda darpar fabwysiadydd penodol ("A") yn unol ag adran 81(11) o Ddeddf 2014.

(2) Rhaid peidio â rhoi effaith i'r penderfyniad i leoli C cyn bo'r penderfyniad wedi ei gymeradwyo gan y swyddog enwebedig a'r awdurdod cyfrifol wedi paratoi cynllun lleoli ar gyfer C.

(3) Cyn cymeradwyo penderfyniad o dan baragraff (2) rhaid i'r swyddog enwebedig—

- (a) bod yn fodlon mai'r lleoliad yw'r lleoliad mwyaf priodol sydd ar gael ar gyfer C, ac y byddai'r lleoliad gydag A er budd pennaf C,
- (b) bod yn fodlon y cydymffurfiwyd â gofynion rheoliad 10(1)(b), ac
- (c) os gŵyr yr awdurdod cyfrifol lle mae rhiant neu warcheidwad C, hysbysu rhiant neu warcheidwad C ynghylch y lleoliad arfaethedig.

Cymeradwyo dros dro berthynas, cyfaill neu berson arall sydd â chysylltiad ag C

26.—(1) Os bodlonir yr awdurdod cyfrifol—

- (a) mai'r lleoliad mwyaf priodol ar gyfer C yw gyda pherson cysylltiedig, a hynny er nad yw'r person cysylltiedig wedi ei gymeradwyo fel rhiant maeth awdurdod lleol, a

Emergency placement with a local authority foster parent

24.—(1) Where it is necessary to place C in an emergency, the responsible authority may place C with any local authority foster parent who has been approved in accordance with the Fostering Regulations or the Fostering Services (England) Regulations 2011, even if the terms of that person's approval are not consistent with the placement, provided that the placement is for no longer than 6 working days.

(2) When the period of 6 working days referred to in paragraph (1) expires, the responsible authority must terminate the placement unless the terms of that person's approval have been amended to be consistent with the placement.

Placement following consideration in accordance with section 81(11) of the 2014 Act

25.—(1) This regulation applies where the responsible authority decides to place C with a particular prospective adopter ("A") in accordance with section 81(11) of the 2014 Act.

(2) The decision to place C must not be put into effect until it has been approved by the nominated officer and the responsible authority has prepared a placement plan for C.

(3) Before approving a decision under paragraph (2) the nominated officer must—

- (a) be satisfied that the placement is the most appropriate placement available for C and it is in C's best interests to be placed with A,
- (b) be satisfied that the requirements of regulation 10(1)(b) have been complied with, and
- (c) if their whereabouts are known to the responsible authority, notify the parent or guardian of C of the proposed placement.

Temporary approval of a relative, friend or other person connected with C

26.—(1) Where the responsible authority is satisfied that—

- (a) the most appropriate placement for C is with a connected person, notwithstanding that the connected person is not approved as a local authority foster parent, and

- (b) bod angen lleoli C gyda'r person cysylltiedig cyn bo addasrwydd y person cysylltiedig i fod yn rhiant maeth awdurdod lleol wedi ei asesu yn unol â'r Rheoliadau Maethu neu Reoliadau Gwasanaethau Maethu (Lloegr) 2011,

- (b) it is necessary for C to be placed with the connected person before the connected person's suitability to be a local authority foster parent has been assessed in accordance with the Fostering Regulations or the Fostering Services (England) Regulations 2011,

caiff gymeradwyo'r person hwnnw fel rhiant maeth awdurdod lleol dros dro, am gyfnod na fydd yn hwy nag 16 wythnos ("cymeradwyaeth dros dro") ar yr amod bod yr awdurdod cyfrifol yn gyntaf yn cydymffurfio â gofynion paragraff (2).

it may approve that person as a local authority foster parent for a temporary period not exceeding 16 weeks ("temporary approval") provided that it first complies with the requirements of paragraph (2).

(2) Cyn gwneud lleoliad o dan baragraff (1), rhaid i'r awdurdod cyfrifol—

(2) Before making a placement under paragraph (1), the responsible authority must—

- (a) asesu addasrwydd y person cysylltiedig i ofalu am C, gan gynnwys addasrwydd—
 - (i) y llety arfaethedig, a
 - (ii) yr holl bersonau eraill, 18 oed a throsodd sy'n aelodau o'r aelwyd y bwriedir i C fyw arni,
 gan gymryd i ystyriaeth yr holl faterion a nodir yn Atodlen 5,
- (b) darparu pa wasanaethau bynnag i gynorthwyo'r person cysylltiedig P ag sy'n ymddangos i'r awdurdod cyfrifol yn angenrheidiol er mwyn diogelu a hyrwyddo llesiant C, a rhaid i'r awdurdod cyfrifol gofnodi manylion o'r cyfryw wasanaethau a chymorth yng nghynllun gofal a chymorth C,
- (c) ystyried a fydd y trefniadau arfaethedig, yn yr holl amgylchiadau a chan gymryd i ystyriaeth y gwasanaethau sydd i'w darparu gan yr awdurdod cyfrifol, yn diogelu a hyrwyddo llesiant C ac yn diwallu anghenion C fel y'u nodir yn y cynllun gofal a chymorth,
- (d) onid yw is-baragraff (e) yn gymwys, gwneud trefniadau ar unwaith ar gyfer asesu addasrwydd y person cysylltiedig i fod yn rhiant maeth awdurdod lleol yn unol â'r Rheoliadau Maethu ("y broses asesu lawn") cyn bo'r gymeradwyaeth dros dro yn dod i ben,
- (e) os yw, neu os bydd, y person cysylltiedig yn ceisio cael ei asesu'n berson addas i fod yn rhiant maeth awdurdod lleol o dan Reoliadau Gwasanaethau Maethu (Lloegr) 2011, caiff yr awdurdod cyfrifol ofyn am gydweithrediad y darparwr gwasanaethau maethu sy'n ymgymryd â'r asesiad, i gwblhau'r broses cyn bo'r gymeradwyaeth dros dro wedi dod i ben, ac
- (f) gwneud cytundeb ysgrifenedig gyda'r person cysylltiedig, i'r perwyl bod y person cysylltiedig yn cytuno i—

- (a) assess the suitability of the connected person to care for C, including the suitability of—
 - (i) the proposed accommodation, and
 - (ii) all other persons aged 18 and over who are members of the household in which it is proposed that C will live,
 taking account all the matters set out in Schedule 5,
- (b) provide such services to support the connected person as appear to the responsible authority to be necessary to safeguard and promote C's well-being and it must record details of such services and support in C's care and support plan,
- (c) consider whether, in all the circumstances and taking into account the services to be provided by the responsible authority, the proposed arrangements will safeguard and promote C's well-being and meet C's needs set out in the care and support plan,
- (d) unless sub-paragraph (e) applies, make immediate arrangements for the suitability of the connected person to be a local authority foster parent to be assessed in accordance with the Fostering Regulations ("the full assessment process") before the temporary approval expires,
- (e) where the connected person is or will be seeking to be assessed as suitable to be a local authority foster parent under the Fostering Services (England) Regulations 2011, the responsible authority may request the cooperation of the fostering service provider which is undertaking the assessment to complete the process before the temporary approval expires, and
- (f) make a written agreement with the connected person to the effect that the connected person agrees to—

- (i) gofalu am C fel pe bai C yn aelod o deulu'r person cysylltiedig,
- (ii) caniatáu i unrhyw berson a awdurdodir gan yr awdurdod cyfrifol i ymweld ag C,
- (iii) caniatáu symud C o'r lleoliad ar unrhyw adeg,
- (iv) sicrhau y cedwir yn gyfrinachol yr holl wybodaeth sy'n ymwneud ag C ac â theulu C, a
- (v) parchu trefniadau cyswllt a wneir yn unol ag unrhyw orchymyn gan y llys neu a wneir gan yr awdurdod cyfrifol.

- (i) care for C as if C were a member of the connected person's family,
- (ii) permit any person authorised by the responsible authority to visit C,
- (iii) permit the removal of C from the placement at any time,
- (iv) ensure that all information relating to C and to C's family is kept confidential, and
- (v) honour contact arrangements made in accordance with any order of the court or made by the responsible authority.

Cymeradwyaeth dros dro yn dod i ben

27.—(1) Yn ddarostyngedig i baragraff (4), caiff yr awdurdod cyfrifol estyn y gymeradwyaeth dros dro ar gyfer person cysylltiedig—

- (a) os yw'r gymeradwyaeth dros dro yn debygol o ddod i ben cyn bo'r broses asesu lawn wedi ei chwblhau, neu
- (b) os nad yw'r person cysylltiedig, ar ôl sefyll y broses asesu lawn, wedi ei gymeradwyo, ac yntau felly yn gofyn am adolygu'r penderfyniad yn unol â rheoliadau a wneir o dan adran 87 o Ddeddf 2014(1) neu o dan baragraff 12F(1)(b) o Atodlen 2 i Ddeddf 1989.

(2) Mewn achos sy'n dod o fewn paragraff (1)(a), caiff yr awdurdod cyfrifol estyn y cyfnod o gymeradwyaeth dros dro unwaith am gyfnod pellach o hyd at 8 wythnos.

(3) Mewn achos sy'n dod o fewn paragraff (1)(b), caiff yr awdurdod cyfrifol estyn y cyfnod o gymeradwyaeth dros dro hyd nes bo canlyniad yr adolygiad yn hysbys.

(4) Cyn penderfynu a ddylid estyn y cyfnod o gymeradwyaeth dros dro yn yr amgylchiadau a nodir ym mharagraff (1), rhaid i'r awdurdod cyfrifol yn gyntaf—

- (a) ystyried a yw lleoliad gyda'r person cysylltiedig yn dal i fod y lleoliad mwyaf priodol sydd ar gael,
- (b) gofyn barn y panel maethu a sefydlwyd gan y darparwr gwasanaeth maethu yn unol â'r Rheoliadau Maethu neu'n unol â Rheoliadau Gwasanaethau Maethu (Lloegr) 2011, a

Expiry of temporary approval

27.—(1) Subject to paragraph (4), the responsible authority may extend the temporary approval of a connected person if—

- (a) it is likely to expire before the full assessment process is completed, or
- (b) the connected person, having undergone the full assessment process, is not approved and seeks a review of the decision in accordance with regulations made under section 87 of the 2014 Act(1) or under paragraph 12F(1)(b) of Schedule 2 to the 1989 Act.

(2) In a case falling within paragraph (1)(a), the responsible authority may extend the period of temporary approval once for a further period of up to 8 weeks.

(3) In a case falling within paragraph (1)(b), the responsible authority may extend the period of temporary approval until the outcome of the review is known.

(4) Before deciding whether to extend the temporary approval in the circumstances set out in paragraph (1), the responsible authority must first—

- (a) consider whether placement with the connected person is still the most appropriate placement available,
- (b) seek the views of the fostering panel established by the fostering service provider in accordance with the Fostering Regulations or in accordance with the Fostering Services (England) Regulations 2011, and

(1) Mae adran 92 (rheoliadau ynghylch lleoli plant gyda rhieni maeth awdurdod lleol a darpar fabwysiadwyr) ac adran 93 (rheoliadau sy'n darparu ar gyfer cymeradwyo rhieni maeth awdurdod lleol) o Ddeddf 2014 yn darparu enghreifftiau o'r modd y caiff Gweinidogion Cymru arfer y pŵer i wneud rheoliadau o dan adran 87 o'r Ddeddf honno.

(1) Section 92 (regulations about the placing of children with local authority foster parents and prospective adopters) and section 93 (regulations providing for the approval of local authority foster parents) of the 2014 Act provide examples of the way in which the power to make regulations under section 87 of that Act may be exercised by the Welsh Ministers.

(c) hysbysu'r SAA.

(5) Rhaid i'r penderfyniad i estyn cymeradwyaeth dros dro gael ei wneud gan y swyddog enwebedig.

(6) Os yw'r cyfnod o gymeradwyaeth dros dro ac unrhyw estyniad i'r cyfnod hwnnw'n dod i ben, a'r person cysylltiedig heb ei gymeradwyo fel rhiant maeth awdurdod lleol yn unol â'r Rheoliadau Maethu neu Reoliadau Gwasanaethau Maethu (Lloegr) 2011, rhaid i'r awdurdod cyfrifol derfynu'r lleoliad ar ôl yn gyntaf wneud trefniadau eraill i letya C.

Cymeradwyo dros dro ddarpar fabwysiadydd penodol fel rhiant maeth

28.—(1) Os bodlonir yr awdurdod cyfrifol—

(a) mai'r lleoliad mwyaf priodol ar gyfer C yw gyda pherson nad yw wedi ei gymeradwyo fel rhiant maeth awdurdod lleol, ond mai'r person hwnnw yw'r darpar fabwysiadydd y mae'r awdurdod cyfrifol yn bwriadu lleoli C gydag ef ar gyfer ei fabwysiadu ("A"), a

(b) y byddai lleoli C gydag A er budd pennaf C, caiff yr awdurdod cyfrifol gymeradwyo A fel rhiant maeth awdurdod lleol am gyfnod dros dro ("y cyfnod cymeradwyo dros dro") ar yr amod bod yr awdurdod cyfrifol yn cydymffurfio yn gyntaf â gofynion paragraff (2).

(2) Cyn cymeradwyo A fel rhiant maeth awdurdod lleol o dan baragraff (1), rhaid i'r awdurdod cyfrifol—

- (a) asesu addasrwydd A i ofalu am C fel rhiant maeth, a
- (b) ystyried a fydd y trefniadau arfaethedig, yn yr holl amgylchiadau a chan gymryd i ystyriaeth y gwasanaethau sydd i'w darparu gan yr awdurdod cyfrifol, yn diogelu a hyrwyddo llesiant C ac yn diwallu anghenion C fel y'u nodir yn y cynllun gofal a chymorth.

(3) Bydd y cyfnod cymeradwyo dros dro yn dod i ben—

- (a) pan derfynir lleoliad C gydag A gan yr awdurdod cyfrifol;
- (b) pan derfynir cymeradwyaeth A fel darpar fabwysiadydd;
- (c) pan gymeradwyir A fel rhiant maeth yn unol â'r Rheoliadau Maethu neu Reoliadau Gwasanaethau Maethu (Lloegr) 2011;

(c) inform the IRO.

(5) A decision to extend temporary approval must be made by the nominated officer.

(6) If the period of temporary approval and of any extension to that period expires and the connected person has not been approved as a local authority foster parent in accordance with the Fostering Regulations or the Fostering Services (England) Regulations 2011, the responsible authority must terminate the placement after first making other arrangements for C's accommodation.

Temporary approval of a particular prospective adopter as a foster parent

28.—(1) Where the responsible authority is satisfied that—

(a) the most appropriate placement for C is with a person who is not approved as a local authority foster parent, but that person is the prospective adopter with whom it proposes to place C for adoption ("A"), and

(b) it is in C's best interests to be placed with A, the responsible authority may approve A as a local authority foster parent for a temporary period ("temporary approval period") provided that the responsible authority first complies with the requirements of paragraph (2).

(2) Before approving A as local authority foster parent under paragraph (1), the responsible authority must—

- (a) assess A's suitability to care for C as a foster parent, and
- (b) consider whether, in all the circumstances and taking into account the services to be provided by the responsible authority, the proposed arrangements will safeguard and promote C's well-being and meet C's needs as set out in the care and support plan.

(3) The temporary approval period expires—

- (a) on C's placement with A being terminated by the responsible authority;
- (b) on A's approval as a prospective adopter being terminated;
- (c) on A being approved as a foster parent in accordance with the Fostering Regulations or the Fostering Services (England) Regulations 2011;

- (d) os yw A wedi rhoi hysbysiad ysgrifenedig i'r awdurdod cyfrifol nad yw A bellach yn dymuno cael ei gymeradwyo dros dro fel rhiant maeth mewn perthynas ag C, a bydd hynny'n cael effaith 28 diwrnod ar ôl y dyddiad y cafodd yr awdurdod cyfrifol yr hysbysiad; neu
- (e) pan leolir C ar gyfer ei fabwysiadu gydag A yn unol â Deddf Mabwysiadu a Phlant 2002(1).

- (d) if A gives written notice to the responsible authority that they no longer wish to be temporarily approved as a foster parent in relation to C, with effect from 28 days from the date on which the notice is received by the responsible authority; or
- (e) on C being placed for adoption with A in accordance with the Adoption and Children Act 2002(1).

Asiantaethau maethu annibynnol – cyflawni swyddogaethau awdurdod cyfrifol

29.—(1) Caiff awdurdod cyfrifol wneud trefniadau yn unol â'r rheoliad hwn i'r dyletswyddau a osodir arno gan reoliad 15(3) a rheoliad 23 gael eu cyflawni ar ei ran gan berson cofrestredig.

(2) Ni chaniateir gwneud trefniadau o dan y rheoliad hwn oni fydd yr awdurdod cyfrifol wedi ymuno mewn cytundeb ysgrifenedig, gyda'r person cofrestredig, sy'n cynnwys yr wybodaeth a nodir ym mharagraff 1 o Atodlen 6, a phan fo'r awdurdod cyfrifol yn bwriadu gwneud trefniant o dan y rheoliad hwn mewn perthynas â phlentyn penodol, rhaid i'r cytundeb ysgrifenedig gynnwys hefyd y materion a nodir ym mharagraff 2 o Atodlen 6.

(3) Rhaid i'r awdurdod cyfrifol adrodd wrth Brif Arolygydd Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru am unrhyw bryderon sydd gan yr awdurdod cyfrifol ynglŷn â'r gwasanaethau a ddarperir gan berson cofrestredig.

PENNOD 3

Trefniadau eraill

Dyletswyddau cyffredinol yr awdurdod cyfrifol wrth leoli plentyn mewn trefniadau eraill

30. Cyn lleoli C mewn llety mewn lle nas rheoleiddir o dan adran 81(6)(d) (“trefniadau eraill”) o Ddeddf 2014, rhaid i'r awdurdod cyfrifol—

- (a) cael ei fodloni bod y llety'n addas ar gyfer C, ar ôl ystyried y materion a nodir yn Atodlen 7,
- (b) ac eithrio pan nad yw'n rhesymol ymarferol, trefnu i C ymweld â'r llety, ac
- (c) hysbysu'r SAA.

Independent fostering agencies – discharge of authority functions

29.—(1) A responsible authority may make arrangements in accordance with this regulation for the duties imposed on it by regulation 15(3) and regulation 23 to be discharged on its behalf by a registered person.

(2) No arrangements may be made under this regulation unless the responsible authority has entered into a written agreement with the registered person which includes the information set out in paragraph 1 of Schedule 6, and where the responsible authority proposes to make an arrangement under this regulation in relation to a particular child, the written agreement must also include the matters set out in paragraph 2 of Schedule 6.

(3) The responsible authority must report to the Chief Inspector of the Care and Social Services Inspectorate Wales any concerns it may have about the services provided by a registered person.

CHAPTER 3

Other arrangements

General duties of the responsible authority when placing a child in other arrangements

30. Before placing C in accommodation in an unregulated setting under section 81(6)(d) (“other arrangements”) of the 2014 Act, the responsible authority must—

- (a) be satisfied that the accommodation is suitable for C having regard to the matters set out in Schedule 7,
- (b) unless it is not reasonably practicable, arrange for C to visit the accommodation, and
- (c) inform the IRO.

(1) 2002 p. 38.

(1) 2002 c. 38.

RHAN 5

Ymweliadau gan gynrychiolydd yr awdurdod cyfrifol etc.

Amllder yr ymweliadau

31.—(1) Fel rhan o'i drefniadau ar gyfer goruchwyllo llesiant C rhaid i'r awdurdod cyfrifol sicrhau bod ei gynrychiolydd ("R") yn ymweld ag C yn unol â'r rheoliad hwn, lle bynnag y bo C yn byw.

(2) Yn ddarostyngedig i baragraffau (3) i (6), rhaid i'r awdurdod cyfrifol sicrhau bod R yn ymweld ag C—

- (a) o fewn un wythnos ar ôl dechrau unrhyw leoliad,
- (b) fesul ysbaid o ddim mwy na 6 wythnos yn ystod blwyddyn gyntaf unrhyw leoliad, ac
- (c) wedi hynny—
 - (i) os bwriedir i'r lleoliad barhau hyd nes bo C yn 18 oed, fesul ysbaid o ddim mwy na 3 mis, a
 - (ii) mewn unrhyw achos arall, fesul ysbaid o ddim mwy na 6 wythnos.

(3) Pan fo rheoliad 20 yn gymwys, rhaid i'r awdurdod cyfrifol sicrhau bod R yn ymweld ag C—

- (a) o leiaf unwaith bob wythnos hyd nes cynhelir yr adolygiad cyntaf yn unol â Rhan 6, a
- (b) wedi hynny, fesul ysbaid o ddim mwy na 6 wythnos.

(4) Pan fo rheoliad 26 yn gymwys, neu pan fo gorchymyn gofal interim wedi ei wneud mewn perthynas ag C o dan adran 38 o Ddeddf 1989 (gorchymynion interim) ac C yn byw gyda P, rhaid i'r awdurdod cyfrifol sicrhau bod R yn ymweld ag C—

- (a) o leiaf unwaith bob wythnos hyd nes cynhelir yr adolygiad cyntaf yn unol â Rhan 6, a
- (b) wedi hynny, fesul ysbaid o ddim mwy na 4 wythnos.

(5) Pan fo gorchymyn gofal wedi ei wneud mewn perthynas ag C o dan adran 31 o Ddeddf 1989 (gorchymynion gofal a goruchwyllo) ac C yn byw gyda P, rhaid i'r awdurdod cyfrifol sicrhau bod R yn ymweld ag C—

- (a) o fewn un wythnos ar ôl gwneud y gorchymyn gofal, a
- (b) wedi hynny, fesul ysbaid o ddim mwy na 6 wythnos.

(6) Pan fo C yng ngofal yr awdurdod cyfrifol ond person arall sy'n gyfrifol am y trefniadau y mae C yn byw oddi tanynt am y tro ("trefniadau byw C"), rhaid i'r awdurdod cyfrifol sicrhau bod R yn ymweld ag C—

PART 5

Visits by the responsible authority's representative etc.

Frequency of visits

31.—(1) As part of its arrangements for supervising C's well-being, the responsible authority must ensure that its representative ("R") visits C in accordance with this regulation, wherever C is living.

(2) Subject to paragraphs (3) to (6), the responsible authority must ensure that R visits C—

- (a) within one week of the start of any placement,
- (b) at intervals of not more than 6 weeks for the first year of any placement, and
- (c) thereafter—
 - (i) where the placement is intended to last until C is 18, at intervals of not more than 3 months, and
 - (ii) in any other case, at intervals of not more than 6 weeks.

(3) Where regulation 20 applies, the responsible authority must ensure that R visits C—

- (a) at least once a week until the first review carried out in accordance with Part 6, and
- (b) thereafter at intervals of not more than 6 weeks.

(4) Where regulation 26 applies, or where an interim care order has been made in relation to C under section 38 of the 1989 Act (interim orders) and C is living with P, the responsible authority must ensure that R visits C—

- (a) at least once a week until the first review carried out in accordance with Part 6, and
- (b) thereafter at intervals of not more than 4 weeks.

(5) Where a care order has been made in relation to C under section 31 of the 1989 Act (care and supervision orders) and C is living with P, the responsible authority must ensure that R visits C—

- (a) within one week of the making of the care order, and
- (b) thereafter at intervals of not more than 6 weeks.

(6) Where C is in the care of the responsible authority but another person is responsible for the arrangements under which C is living for the time being ("C's living arrangements"), the responsible authority must ensure that R visits C—

- (a) o fewn un wythnos ar ôl dechrau trefniadau byw C ac o fewn un wythnos ar ôl unrhyw newid yn nhrefniadau byw C,
- (b) fesul ysbaid o ddim mwy na 6 wythnos am y flwyddyn gyntaf wedi hynny, ac
- (c) fesul ysbaid o ddim mwy na 3 mis mewn unrhyw flwyddyn ddilynol.

(7) Yn ychwanegol at ymweliadau yn unol â pharagraffau (2) i (6), rhaid i'r awdurdod cyfrifol sicrhau bod R yn ymweld ag C—

- (a) pa bryd bynnag y gofynnir iddo wneud hynny yn rhesymol gan—
 - (i) C,
 - (ii) pan fo paragraffau (2), (3) neu (4) yn gymwys, y person priodol, neu
 - (iii) pan fo paragraff (5) yn gymwys, y person sy'n gyfrifol am drefniadau byw C,
- (b) o fewn un wythnos ar ôl cael hysbysiad o dan adran 30A(1) o Ddeddf Safonau Gofal 2000(2) (hysbysiad ynghylch materion yn ymwneud â phersonau sy'n cynnal neu'n rheoli sefydliadau neu asiantaethau penodol), am y tro cyntaf, pan gyfeirir yn yr hysbysiad at y cartref plant y lleolir C ynddo am y tro.

Cynnal yr ymweliadau

32.—(1) Ar bob ymweliad, rhaid i R siarad ag C yn breifat ac eithrio pan fo—

- (a) C yn gwrthod, ac yn meddu dealltwriaeth ddigonol i wneud hynny,
- (b) R o'r farn y byddai'n amhriodol gwneud hynny, o ystyried oedran a dealltwriaeth C, neu
- (c) R yn analluog i wneud hynny.

(2) Wrth ymweld ag C yn unol â'r Rhan hon, rhaid i R—

- (a) sicrhau y canfyddir safbwyntiau, dymuniadau a theimladau C ac y rhoddir ystyriaeth briodol iddynt,
- (b) ystyried a yw llesiant C yn cael ei ddiogelu a'i hyrwyddo yn ddigonol o fewn y lleoliad,
- (c) monitro cyflawniad y gweithredoedd a'r canlyniadau a nodir yn y cynllun gofal a chymorth a chyfrannu (os yw'n ofynnol) i'r adolygiad o'r cynllun gofal a chymorth,

- (a) within one week of the start of C's living arrangements and within one week of any change to C's living arrangements,
- (b) at intervals of not more than 6 weeks for the first year thereafter, and
- (c) at intervals of not more than 3 months in any subsequent year.

(7) In addition to visits in accordance with paragraphs (2) to (6), the responsible authority must ensure that R visits C—

- (a) whenever reasonably requested to do so by—
 - (i) C,
 - (ii) where paragraphs (2), (3) or (4) apply, the appropriate person, or
 - (iii) where paragraph (5) applies, the person responsible for C's living arrangements,
- (b) within one week of first receiving notification under section 30A(1) of the Care Standards Act 2000(2) (notification of matters relating to persons carrying on or managing certain establishments or agencies), where the children's home in which C is placed for the time being is referred to in the notification.

Conduct of visits

32.—(1) On each visit, R must speak to C in private unless—

- (a) C, being of sufficient understanding to do so, refuses,
- (b) R considers it inappropriate to do so, having regard to C's age and understanding, or
- (c) R is unable to do so.

(2) When visiting C in accordance with this Part, R must—

- (a) ensure that C's views, wishes and feelings are ascertained and given due consideration,
- (b) consider whether C's well-being is being adequately safeguarded and promoted within the placement,
- (c) monitor the achievement of actions and outcomes identified in the care and support plan and contribute (if required) to the review of the care and support plan,

(1) Mewnosodwyd adran 30A gan adran 29 o Ddeddf 2008.

(2) 2000 p. 14.

(1) Section 30A was inserted by section 29 of the 2008 Act.

(2) 2000 c. 14.

- (d) monitro unrhyw drefniadau cyswllt sydd wedi eu sefydlu, a phan fo angen, ystyried a oes angen cymorth, neu gymorth ychwanegol, i hyrwyddo trefniadau cyswllt,
- (e) canfod a oes angen cymorth neu wasanaethau ychwanegol i gynorthwyo'r lleoliad.

- (d) monitor any contact arrangements in place and, where necessary, consider whether support, or additional support, is required to promote contact arrangements,
- (e) identify whether additional support or services are required to support the placement.

Canlyniadau'r ymweliadau

33. Pan fo R, o ganlyniad i ymweliad a wnaed yn unol â'r Rhan hon, yn gwneud asesiad nad yw llesiant C yn cael ei ddiogelu a'i hyrwyddo'n ddigonol gan y lleoliad, rhaid i'r awdurdod cyfrifol adolygu achos C yn unol â Rhan 6.

Consequences of visits

33. Where as a result of a visit carried out in accordance with this Part, R's assessment is that C's well-being is not adequately safeguarded and promoted by the placement, the responsible authority must review C's case in accordance with Part 6.

Cyngor a chymorth arall i'r plentyn

34. Wrth wneud trefniadau yn unol ag adran 97(3)(b) o Ddeddf 2014 i roi cyngor a chymorth arall ar gael i C rhwng yr ymweliadau gan R, rhaid i'r awdurdod cyfrifol sicrhau—

Advice and other support for the child

34. When making arrangements in accordance with section 97(3)(b) of the 2014 Act for advice and other support to be available to C between R's visits, the responsible authority must ensure that—

- (a) bod y trefniadau—
 - (i) yn briodol, o ystyried oedran a dealltwriaeth C, a
 - (ii) yn rhoi ystyriaeth briodol i argyhoeddiad crefyddol, tarddiad hiliol, cyfeiriadedd rhywiol a chefnidir diwylliannol ac ieithyddol C, ac i unrhyw anabled y gallai fod ganddo,
- (b) bod safbwyntiau, dymuniadau a theimladau C ynghylch y trefniadau wedi eu canfod ac wedi eu cymryd i ystyriaeth, ac
- (c) i'r graddau y bo'n rhesymol ymarferol, o ystyried oedran a dealltwriaeth C, fod C yn gwybod sut i ofyn am gyngor priodol a chymorth arall gan yr awdurdod cyfrifol.

- (a) the arrangements—
 - (i) are appropriate having regard to C's age and understanding, and
 - (ii) give due consideration to C's religious persuasion, racial origin, sexual orientation, cultural and linguistic background, and to any disability C may have,
- (b) C's views, wishes and feelings about the arrangements are ascertained and taken into consideration, and
- (c) as far as is reasonably practicable having regard to C's age and understanding, C knows how to seek appropriate advice and other support from it.

Cofnodion o ymweliadau a wneir gan R

35. Rhaid i R sicrhau y cedwir cofnod ysgrifenedig o unrhyw ymweliad a wneir yn unol â'r Rhan hon, a rhaid i'r cofnod gynnwys—

Records of visits undertaken by R

35. R must ensure that a written record is made of any visit undertaken in accordance with this Part which must include—

- (a) asesiad ysgrifenedig R, sy'n rhoi sylw i safbwyntiau, dymuniadau a theimladau C, ynglŷn ag a yw llesiant C yn cael ei ddiogelu a'i hyrwyddo'n ddigonol tra bo C yn y lleoliad,
- (b) manylion o'r cyngor neu gymorth y tybia R sydd ei angen ar C.

- (a) R's written assessment, having regard to C's views, wishes and feelings, as to whether C's well-being is being adequately safeguarded and promoted whilst in the placement,
- (b) details of advice or support R considers are required by C.

Penodi ymwelydd annibynnol

36.—(1) Fel rhan o'i drefniadau ar gyfer goruchwyllo llesiant C, rhaid i'r awdurdod cyfrifol ystyried a yw'n briodol ai peidio penodi ymwelydd annibynnol i ymweld ag C ym mhle bynnag y bo C yn byw, mewn unrhyw achos—

- (a) pan nad yw C wedi byw gyda rhiant neu berson sydd â chyfrifoldeb rhiant yn ystod y 12 mis blaenorol,
- (b) pan na fu cyswllt rhwng C a rhiant neu berson sydd â chyfrifoldeb rhiant, neu pan ddigwyddodd cyswllt o'r fath yn anaml, neu
- (c) pan fyddai gwneud hynny er budd pennaf C.

(2) Wrth wneud penderfyniad o dan baragraff (1), rhaid i'r awdurdod cyfrifol ystyried—

- (a) a fyddai penodi ymwelydd annibynnol yn cyfrannu'n gadarnhaol at lesiant C;
- (b) os yw C wedi ei leoli ymhell o'i gartref, neu os yw C wedi ei leoli yn ardal awdurdod lleol arall neu ardal awdurdod lleol yn Lloegr, a yw'r lleoliad yn gwneud cynnal y trefniadau cyswllt yn anodd;
- (c) a yw C yn gallu mynd allan yn annibynnol, ynteu a yw C yn cael anhawster i gyfathrebu neu ddatblygu perthnasoedd cadarnhaol;
- (d) a yw C yn debygol o ymddwyn mewn ffordd sy'n ei roi mewn perygl o ffurfio perthynas anaddas;
- (e) pan fo C wedi ei leoli mewn cartref plant, a fyddai cyfle i sefydlu perthynas gydag ymwelydd annibynnol yn hyrwyddo llesiant C.

37. Os yw'r awdurdod cyfrifol yn penderfynu, yn unol â rheoliad 36, ei bod yn briodol penodi ymwelydd annibynnol ar gyfer C, rhaid i'r awdurdod cyfrifol (yn unol ag oedran a dealltwriaeth C) esbonio rôl ymwelydd annibynnol wrth C.

Appointment of an independent visitor

36.—(1) As part of its arrangements for supervising C's well-being, the responsible authority must consider whether it is appropriate to appoint an independent visitor to visit C wherever C is living in any case where—

- (a) C has not lived with a parent or a person with parental responsibility during the previous 12 months,
- (b) contact between C and a parent or a person with parental responsibility has not occurred or has been infrequent, or
- (c) it would be in C's best interests to do so.

(2) When making a decision under paragraph (1), the responsible authority must consider—

- (a) whether the appointment of an independent visitor would make a positive contribution to C's well-being;
- (b) where C is placed at a distance from home, or where C is placed in the area of another local authority or a local authority in England, whether the placement makes it difficult to maintain contact arrangements;
- (c) whether C is able to go out independently or whether C experiences difficulties in communicating or with building positive relationships;
- (d) whether C is likely to engage in behaviour which may put C at risk of forming inappropriate relationships;
- (e) where C is placed in a children's home, whether C's well-being would be promoted by the opportunity to establish a relationship with an independent visitor.

37. Where the responsible authority determines in accordance with regulation 36 that it is appropriate to appoint an independent visitor for C, it must explain to C (according to C's age and understanding) the role of an independent visitor.

RHAN 6

Adolygiadau o achos y plentyn

Dyletswydd gyffredinol yr awdurdod cyfrifol i adolygu achos y plentyn

38.—(1) Rhaid i'r awdurdod cyfrifol adolygu achos C yn unol â'r Rhan hon.

(2) Rhaid i'r awdurdod cyfrifol beidio â gwneud unrhyw newid sylweddol yng nghynllun gofal a chymorth C oni fydd y newid arfaethedig wedi ei ystyried yn gyntaf mewn adolygiad o achos C, ac eithrio pan nad yw hynny'n rhesymol ymarferol.

(3) Nid oes dim yn y Rhan hon sy'n rhwystro cynnal unrhyw adolygiad o achos C yr un pryd ag unrhyw adolygiad, asesiad neu ystyriaeth arall o achos C o dan unrhyw ddarpariaeth arall.

Amseru adolygiadau

39.—(1) Rhaid i'r awdurdod cyfrifol adolygu achos C am y tro cyntaf o fewn 20 diwrnod gwaith ar ôl y dyddiad y dechreuodd C dderbyn gofal.

(2) Rhaid cynnal yr ail adolygiad ar ôl ysbaid o ddim mwy na thri mis ar ôl y cyntaf, a rhaid cynnal adolygiadau dilynol fesul ysbaid o ddim mwy na 6 mis.

(3) Nid oes dim yn rheoliad hwn sy'n rhwystro'r awdurdod cyfrifol rhag cynnal adolygiad cyn yr amser a bennir ym mharagraff (1) neu (2), a rhaid iddo wneud hynny—

- (a) os yw'r awdurdod cyfrifol yn tybio bod C yn absennol, neu wedi bod yn absennol yn fyny, o'r lleoliad,
- (b) os hysbysir yr awdurdod cyfrifol gan y person priodol, P neu'r awdurdod ardal ynghylch pryder bod C mewn perygl o niwed,
- (c) yn ddarostyngedig i baragraff (4), os yw C yn gofyn iddo,
- (d) os yw'r SAA yn gofyn iddo,
- (e) os yw rheoliad 33 yn gymwys,
- (f) os darparwyd llety i C o dan adran 77(2)(b) neu (c) o Ddeddf 2014 ac na fyddai adolygiad yn digwydd fel arall cyn bo C yn peidio â chael ei ddarparu â llety felly,
- (g) os yw C yng ngofal yr awdurdod ac o dan gadwad, ac na fyddai adolygiad yn digwydd fel arall cyn bo C yn peidio â bod dan gadwad felly, neu

PART 6

Reviews of the child's case

General duty of the responsible authority to review the child's case

38.—(1) The responsible authority must review C's case in accordance with this Part.

(2) The responsible authority must not make any significant change to C's care and support plan unless the proposed change has first been considered at a review of C's case, unless this is not reasonably practicable.

(3) Nothing in this Part prevents any review of C's case being carried out at the same time as any other review, assessment or consideration of C's case under any other provision.

Timing of reviews

39.—(1) The responsible authority must first review C's case within 20 working days of the date on which C becomes looked after.

(2) The second review must be carried after an interval of not more than three months after the first, and subsequent reviews must be carried out at intervals of no more than 6 months.

(3) Nothing in this regulation prevents the responsible authority from carrying out a review before the time specified in paragraph (1) or (2) and it must do so if—

- (a) the responsible authority considers that C is, or has been, persistently absent from a placement,
- (b) the responsible authority is notified by the appropriate person, P or the area authority is concerned that C is at risk of harm,
- (c) subject to paragraph (4), if C so requests,
- (d) the IRO so requests,
- (e) regulation 33 applies,
- (f) where C is provided with accommodation under section 77(2)(b) or (c) of the 2014 Act and a review would not otherwise occur before C ceases to be so provided with accommodation,
- (g) where C is in the care of the authority and is detained and a review would not otherwise occur before C ceases to be so detained, or

- (h) os yw C yn derbyn gofal ond nid yng ngofal yr awdurdod cyfrifol ac—
 - (i) yr awdurdod cyfrifol yn bwriadu peidio â darparu llety i C, a
 - (ii) na fydd llety'n cael ei ddarparu ar gyfer C wedyn gan rieni C (neu un ohonynt) nac ychwaith gan unrhyw berson nad yw'n rhiant C ond sydd â chyfrifoldeb rhiant am C,
- (i) os yw C yn rhan o deulu yr atgyfeiriwyd ei achos at dîm integredig cymorth i deuluoedd, a'r teulu wedi ei hysbysu y bydd tîm o'r fath yn cynorthwyo ei achos.

(4) Ni wneir yn ofynnol bod yr awdurdod cyfrifol yn cynnal adolygiad yn unol â pharagraff (3)(c) os yw'r SAA o'r farn na ellir cyfiawnhau cynnal adolygiad cyn yr amser a bennir ym mharagraff (1) neu (2).

Cynnal yr adolygiadau

Polisi'r awdurdod cyfrifol ar adolygiadau

40.—(1) Rhaid i'r awdurdod cyfrifol baratoi a gweithredu polisi ysgrifenedig ar y modd y bydd yn adolygu achosion yn unol â'r Rhan hon.

(2) Rhaid i'r awdurdod cyfrifol ddarparu copi o'i bolisi i—

- (a) C, oni fydd yn amhriodol gwneud hynny o ystyried oedran a dealltwriaeth C,
- (b) rhieni C, neu unrhyw berson nad yw'n rhiant C ond sydd â chyfrifoldeb rhiant am C, ac
- (c) unrhyw berson arall yr ystyrir ei safbwyntiau'n berthnasol gan yr awdurdod cyfrifol.

Ystyriaethau y mae'n rhaid i'r awdurdod cyfrifol roi sylw iddynt

41.—(1) Yr ystyriaethau y mae'n rhaid i'r awdurdod cyfrifol roi sylw iddynt wrth adolygu pob achos yw'r rhai a nodir ym mharagraff 1 o Atodlen 8.

(2) Mae'r ystyriaethau ychwanegol y mae'n rhaid i'r awdurdod cyfrifol roi sylw iddynt wrth adolygu achos C pan fo C yn rhan o deulu a gynorthwyr gan dîm integredig cymorth i deuluoedd wedi eu nodi ym mharagraff 2 o Atodlen 8.

- (h) where C is looked after but is not in the care of the responsible authority and—
 - (i) the responsible authority proposes to cease to provide accommodation for C, and
 - (ii) accommodation will not subsequently be provided for C by C's parents (or one of them) or any person who is not C's parent but who has parental responsibility for C,
- (i) C is part of a family whose case has been referred to an IFS team and the family has been notified their case will be supported by such a team.

(4) The responsible authority is not required to carry out a review pursuant to paragraph (3)(c) if the IRO considers that a review before the time specified in paragraph (1) or (2) is not justified.

Conduct of reviews

Responsible authority policy on reviews

40.—(1) The responsible authority must prepare and implement a written policy regarding the manner in which it will review cases in accordance with this Part.

(2) The responsible authority must provide a copy of its policy to—

- (a) C, unless it would not be appropriate to do so having regard to C's age and understanding,
- (b) C's parents, or any person who is not C's parent but who has parental responsibility for C, and
- (c) any other person whose views the responsible authority considers to be relevant.

Considerations to which the responsible authority must have regard

41.—(1) The considerations to which the responsible authority must have regard in reviewing every case are set out in paragraph 1 of Schedule 8.

(2) The additional considerations to which the responsible authority must have regard in reviewing C's case where C is part of a family which is being supported by an IFS team are set out in paragraph 2 of Schedule 8.

Rôl yr SAA

42.—(1) Rhaid i'r SAA—

- (a) i'r graddau y bo'n rhesymol ymarferol, fod yn bresennol mewn unrhyw gyfarfod a gynhelir fel rhan o'r adolygiad ("y cyfarfod adolygu"), ac os yw'n bresennol yn y cyfarfod adolygu, ei gadeirio,
- (b) siarad ag C yn breifat am y materion sydd i'w hystyried yn yr adolygiad oni fydd C yn gwrthod, ac yn meddu dealltwriaeth ddigonol i wneud hynny, neu'r SAA yn ystyried hynny'n amhriodol oherwydd oedran a dealltwriaeth C,
- (c) sicrhau, i'r graddau y bo'n rhesymol ymarferol, y canfyddir ac y cymerir i ystyriaeth safbwyntiau, dymuniadau a theimladau rhieni C neu unrhyw berson nad yw'n rhiant C ond sydd â chyfrifoldeb rhiant am C, a
- (d) sicrhau y cynhelir yr adolygiad yn unol â'r Rhan hon ac yn benodol—
 - (i) yr enwir y personau sy'n gyfrifol am weithredu unrhyw benderfyniad a wneir o ganlyniad i'r adolygiad, a
 - (ii) y tynnir sylw swyddog sydd ar lefel uwch briodol o fewn yr awdurdod cyfrifol at unrhyw fethiant i adolygu'r achos yn unol â'r Rhan hon, neu fethiant i gymryd camau priodol i weithredu penderfyniadau a wneir o ganlyniad i'r adolygiad.

(2) Caiff yr SAA, os na fodlonir ef fod gwybodaeth ddigonol wedi ei darparu gan yr awdurdod cyfrifol i alluogi ystyriaeth briodol o unrhyw fater yn Atodlen 8, ohirio'r cyfarfod adolygu unwaith am ddim mwy nag 20 diwrnod gwaith, ac ni chaniateir gweithredu unrhyw gynnig a ystyriwyd yn ystod yr adolygiad hyd nes cwblheir yr adolygiad.

Trefniadau ar gyfer gweithredu penderfyniadau sy'n tarddu o adolygiadau

43. Rhaid i'r awdurdod cyfrifol—

- (a) gwneud trefniadau i weithredu penderfyniadau a wneir yn ystod yr adolygiad neu o ganlyniad iddo, a
- (b) hysbysu'r SAA ynghylch unrhyw fethiant arwyddocaol i wneud trefniadau o'r fath neu unrhyw newid arwyddocaol yn yr amgylchiadau a fydd yn digwydd ar ôl yr adolygiad ac yn effeithio ar y trefniadau hynny.

Role of the IRO

42.—(1) The IRO must—

- (a) as far as reasonably practicable, attend any meeting held as part of the review ("the review meeting") and, if attending the review meeting, chair it,
- (b) speak to C in private about the matters to be considered at the review unless C, being of sufficient understanding to do so, refuses or the IRO considers it inappropriate having regard to C's age and understanding,
- (c) ensure that, so far as reasonably practicable, the views, wishes and feelings of C's parents, or any person who is not C's parent but who has parental responsibility for C, have been ascertained and taken into account, and
- (d) ensure the review is conducted in accordance with this Part and in particular—
 - (i) that the persons responsible for implementing any decision taken in consequence of the review are identified, and
 - (ii) that any failure to review the case in accordance with this Part or to take proper steps to implement decisions taken in consequence of the review are brought to the attention of an officer at an appropriate level of seniority within the responsible authority.

(2) The IRO may, if not satisfied that sufficient information has been provided by the responsible authority to enable proper consideration of any of the matters in Schedule 8, adjourn the review meeting once for not more than 20 working days, and no proposal considered in the course of the review may be implemented until the review has been completed.

Arrangements for implementing decisions arising out of reviews

43. The responsible authority must—

- (a) make arrangements to implement decisions made in the course, or as a result, of the review, and
- (b) inform the IRO of any significant failure to make such arrangements or any significant change of circumstances occurring after the review that affects those arrangements.

Cofnodion o'r adolygiadau

44. Rhaid i'r awdurdod cyfrifol sicrhau y paratoir cofnod ysgrifenedig o'r adolygiad, a bod yr wybodaeth a gesglir yn ystod yr adolygiad, manylion o'r trafodion yn y cyfarfod adolygu ac unrhyw benderfyniadau a wnaed yn ystod yr adolygiad neu o ganlyniad iddo wedi eu cynnwys yng nghofnod achos C.

RHAN 7

Trefniadau a wneir gan yr awdurdod cyfrifol ar gyfer rhoi'r gorau i ofalu am blentyn

Penderfyniad i roi'r gorau i ofalu am C

45.—(1) Mewn unrhyw achos pan fo C yn 16 neu'n 17 oed ac nad yw yng ngofal yr awdurdod cyfrifol, rhaid peidio â rhoi effaith i'r penderfyniad i roi'r gorau i ofalu am C hyd nes bo'r penderfyniad wedi ei gymeradwyo gan gyfarwyddwr gwasanaethau cymdeithasol yr awdurdod cyfrifol.

(2) Cyn cymeradwyo penderfyniad o dan baragraff (1), rhaid i'r cyfarwyddwr gwasanaethau cymdeithasol gael ei fodloni—

- (a) y cydymffurfiwyd â rheoliad 10(1)(b)(i),
- (b) yr ymgynghorwyd ag SAA C,
- (c) pan fo'n briodol, yr ymgynghorwyd â pherthnasau C, a
- (d) y cydymffurfiwyd â rheoliad 46, neu reoliadau 47 – 51 (fel sy'n briodol).

Trefniadau ar gyfer rhoi'r gorau i ofalu am blentyn nad yw'n berson ifanc categori 1

46. Mewn unrhyw achos pan nad yw C yng ngofal yr awdurdod cyfrifol ac nad yw'n debygol o fod yn berson ifanc categori 1(1) pan fydd yr awdurdod lleol yn rhoi'r gorau i ofalu am C, rhaid i'r cynllun gofal a chymorth (neu os yw rheoliad 58 yn gymwys, y cynllun lleoli dan gadwad) gynnwys manylion am y cyngor a chymorth arall y mae'r awdurdod cyfrifol yn bwriadu eu darparu i C pan fydd C yn peidio â derbyn gofal ganddo.

Records of reviews

44. The responsible authority must ensure that a written record of the review is prepared, and that the information obtained in the course of the review, details of proceedings at the review meeting, and any decisions made in the course of or as a result of the review are included in C's case record.

PART 7

Arrangements made by the local authority for ceasing to look after a child

Decision to cease looking after C

45.—(1) In any case where C is aged 16 or 17 and is not in the care of the responsible authority, the decision to cease looking after C must not be put into effect until it has been approved by the responsible authority's director of social services.

(2) Before approving a decision under paragraph (1), the director of social services must be satisfied—

- (a) regulation 10(1)(b)(i) has been complied with,
- (b) C's IRO has been consulted,
- (c) C's relatives have been consulted, where appropriate, and
- (d) regulation 46, or regulations 47 – 51 (as appropriate) have been complied with.

Arrangements for ceasing to look after a child who is not a category 1 young person

46. In any case where C is not in the care of the responsible authority and is not likely to be a category 1 young person(1) when the local authority cease to look after him or her, the care and support plan (or where regulation 58 applies, the detention placement plan) must include details of the advice and other support that the responsible authority intends to provide for C when C ceases to be looked after by it.

(1) Diffinnir "person ifanc categori 1" yn adran 104(2) o Ddeddf 2014.

(1) "Category 1 young person" is defined in section 104(2) of the 2014 Act.

Ystyr person ifanc categori 1

47.—(1) At ddibenion adran 104(2) o Ddeddf 2014 y cyfnod rhagnodedig yw 13 wythnos a'r oedran rhagnodedig yw 14.

(2) At ddibenion adran 104(6)(b) o Ddeddf 2014, os yw C yn blentyn y mae rheoliad 62 yn gymwys iddo, nid yw C yn berson ifanc categori 1 er gwaethaf dod o fewn adran 104(2) o'r Ddeddf honno.

Dyletswyddau cyffredinol

48. Os yw C yn berson ifanc categori 1, rhaid i'r awdurdod cyfrifol—

- (a) asesu anghenion C yn unol â rheoliad 49, a
- (b) paratoi cynllun llwybr C yn unol â rheoliad 51.

Asesu anghenion

49.—(1) Rhaid i'r awdurdod cyfrifol gwblhau'r asesiad o anghenion C yn unol ag adran 107(1) o Ddeddf 2014 o fewn dim mwy na 3 mis ar ôl y dyddiad y mae C yn cyrraedd 16 oed neu'n dod yn berson ifanc categori 1 ar ôl yr oedran hwnnw.

(2) Wrth wneud ei asesiad o anghenion tebygol C pan fydd C yn peidio â derbyn gofal, rhaid i'r awdurdod cyfrifol gymryd i ystyriaeth y materion canlynol—

- (a) cyflwr iechyd C (gan gynnwys ei iechyd corfforol, emosiynol a meddyliol) a'i ddatblygiad;
- (b) angen parhaus C am addysg, hyfforddiant neu gyflogaeth;
- (c) os yw C yn dod o fewn rheoliad 5(1)(f), unrhyw anghenion sydd gan C o ganlyniad i'r statws hwnnw;
- (d) y cymorth a fydd ar gael i C gan ei rieni a phersonau cysylltiedig eraill;
- (e) pan fo C yn berson ifanc categori 1 sydd wedi ei leoli gyda rhiant maeth awdurdod lleol—

Meaning of category 1 young person

47.—(1) For the purposes of section 104(2) of the 2014 Act the prescribed period is 13 weeks and the prescribed age is 14.

(2) For the purposes of section 104(6)(b) of the 2014 Act, if C is a child to whom regulation 62 applies, C is not a category 1 young person despite falling within section 104(2) of that Act.

General duties

48. If C is a category 1 young person, the responsible authority must—

- (a) assess C's needs in accordance with regulation 49, and
- (b) prepare C's pathway plan in accordance with regulation 51.

Assessment of needs

49.—(1) The responsible authority must complete the assessment of C's needs in accordance with section 107(1) of the 2014 Act not more than 3 months after the date on which C reaches the age of 16 or becomes a category 1 young person after that age.

(2) In carrying out its assessment of C's likely needs when C ceases to be looked after, the responsible authority must take account of the following considerations—

- (a) C's state of health (including physical, emotional and mental health) and development;
- (b) C's continuing need for education, training or employment;
- (c) where C falls within regulation 5(1)(f), any needs C has as a result of that status;
- (d) the support that will be available to C from C's parents and other connected persons;
- (e) where C is a category 1 young person who has been placed with a local authority foster parent—

- (i) a yw C ac F wedi penderfynu eu bod yn dymuno gwneud trefniant byw ôl-18⁽¹⁾, neu
 - (ii) pa wybodaeth y mae'n rhaid i'r awdurdod cyfrifol ei darparu i C ac F i'w cynorthwyo i wneud penderfyniad o'r fath;
- (f) adnoddau ariannol presennol a disgwylidig C a'i allu i reoli ei adnoddau ariannol personol yn annibynnol;
- (g) i ba raddau y mae C yn meddu'r sgiliau ymarferol a'r sgiliau eraill sydd eu hangen ar gyfer byw'n annibynnol;
- (h) angen C am ofal parhaus, cymorth a llety;
- (i) safbwyntiau, dymuniadau a theimladau—
- (i) C,
 - (ii) unrhyw riant i C ac unrhyw berson nad yw'n riant C ond sydd â chyfrifoldeb rhiant am C,
 - (iii) y person priodol;
- (j) safbwyntiau—
- (i) unrhyw berson neu sefydliad addysgol sy'n darparu addysg neu hyfforddiant i C, ac os oes gan C ddatganiad anghenion addysgol arbennig, yr awdurdod cyfrifol sy'n cynnal y datganiad,
 - (ii) yr SAA,
 - (iii) unrhyw berson sy'n darparu gofal neu driniaeth iechyd (pa un ai iechyd corfforol, meddyliol neu emosiynol) neu ofal neu driniaeth ddeintyddol i C,
 - (iv) y cynghorydd personol a benodwyd ar gyfer C a
 - (v) unrhyw berson arall yr ystyrir ei safbwyntiau yn berthnasol, gan yr awdurdod cyfrifol neu gan C.
- (i) whether C and F have decided that they wish to make a post-18 living arrangement⁽¹⁾, or
 - (ii) what information the responsible authority must provide C and F to assist them in making such a decision;
- (f) C's actual and anticipated financial resources and capacity to manage personal finances independently;
- (g) the extent to which C possesses the practical and other skills necessary for independent living;
- (h) C's need for continuing care, support and accommodation;
- (i) the views, wishes and feelings of—
- (i) C,
 - (ii) any parent of C's and any person who is not C's parent but who has parental responsibility for C,
 - (iii) the appropriate person;
- (j) the views of—
- (i) any person or educational institution that provides C with education or training, and if C has a statement of special educational needs, the responsible authority that maintains the statement,
 - (ii) the IRO,
 - (iii) any person providing health (whether physical, mental or emotional health) or dental care or treatment to C,
 - (iv) the personal adviser appointed for C, and
 - (v) any other person whose views the responsible authority or C consider may be relevant.

(1) Diffinnir "trefniant byw ôl-18" yn adran 108(3) o Ddeddf 2014. Mae dyletswydd ar yr awdurdod cyfrifol i ganfod a yw unrhyw C, sy'n berson ifanc categori 1 sydd wedi ei leoli gydag F, yn dymuno gwneud trefniant byw ôl-18 ar ôl i'r gofal a ddarparwyd iddo ddod i ben (gweler adran 108(2) o Ddeddf 2014), ac i hwyluso trefniant o'r fath os yw o'r farn y byddai gwneud hynny'n gyson â llesiant C (gweler adran 108(4) a (5) o'r Ddeddf honno).

(1) "Post-18 living arrangement" is defined in section 108(3) of the 2014 Act. The responsible authority has a duty to ascertain if any C, who is a category 1 young person who has been placed with F wishes to make a post-18 living arrangement upon ceasing to be looked after (see section 108(2) of the 2014 Act) and to facilitate such an arrangement where it considers to do so would be consistent with C's well-being (see section 108(4) and (5) of that Act).

Asesiadau a chynlluniau llwybr: trefniadau byw ôl-18

50.—(1) Er mwyn cyflawni ei ddyletswydd o dan adran 108(2) o Ddeddf 2014(1), rhaid i awdurdod cyfrifol ddarparu'r wybodaeth y cyfeirir ati ym mharagraff (2) ynghylch trefniadau byw ôl-18, i'r personau canlynol—

- (a) C, pan fo C wedi ei leoli gydag F neu mewn cartref plant, wrth baratoi neu adolygu cynllun llwybr C;
- (b) C, pan fo C yn berson ifanc categori 1 sydd wedi ei leoli gydag F, wrth baratoi neu adolygu cynllun llwybr C;
- (c) unrhyw F y lleolwyd C gydag ef gan yr awdurdod cyfrifol, wrth baratoi neu adolygu cynllun llwybr C;
- (d) unrhyw gyn-riant maeth(2) C;
- (e) rhiant neu berson arall a oedd â chyfrifoldeb rhiant am C cyn lleoli C gydag F (oni fyddai gwneud hynny'n rhoi C mewn perygl o niwed);
- (f) pan fo C wedi ei leoli mewn cartref plant, gweithiwr dolen gyswllt C;
- (g) yr SAA;
- (h) R;
- (i) os penodwyd un ar gyfer C, ymwelydd annibynnol;
- (j) person ifanc categori 3 sy'n cymryd rhan mewn trefniant byw ôl-18;
- (k) cyn-riant maeth sy'n cymryd rhan mewn trefniant byw ôl-18;
- (l) unrhyw berson arall y tybia'r awdurdod cyfrifol fod arno angen y cyfryw wybodaeth.

(2) Mae'r wybodaeth y cyfeirir ati ym mharagraff (1)—

- (a) yn cynnwys—
 - (i) manylion am ddyletswyddau'r awdurdod cyfrifol o dan adran 108 o Ddeddf 2014,
 - (ii) copi o bolisi'r awdurdod cyfrifol ar drefniadau byw ôl-18,
 - (iii) gwybodaeth am y goblygiadau ariannol sy'n gysylltiedig â gwneud trefniant byw ôl-18, fel y maent yn gymwys i C ac i F,

Pathway assessments and plans: post-18 living arrangements

50.—(1) In order to discharge its duty under section 108(2) of the 2014 Act(1), a responsible authority must provide the information referred to in paragraph (2) about post-18 living arrangements to the following persons—

- (a) C, where C is placed with F or in a children's home, when preparing or reviewing C's pathway plan;
- (b) C, where C is a category 1 young person who has been placed with F, when preparing or reviewing C's pathway plan;
- (c) any F with whom the responsible authority has placed C, when preparing or reviewing C's pathway plan;
- (d) any former foster parent(2) of C;
- (e) a parent or other person who had parental responsibility for C before C was placed with F (unless to do so would place C at risk of harm);
- (f) where C is placed in a children's home, C's link worker;
- (g) the IRO;
- (h) R;
- (i) where one has been appointed for C, an independent visitor;
- (j) a category 3 young person who is participating in a post-18 living arrangement;
- (k) a former foster parent who is participating in a post-18 living arrangement;
- (l) any other person whom the responsible authority considers requires such information.

(2) The information referred to in paragraph (1)—

- (a) includes—
 - (i) details of the responsible authority's duties under section 108 of the 2014 Act,
 - (ii) a copy of the responsible authority's policy on post-18 living arrangements,
 - (iii) information about the financial implications attendant upon the making of a post-18 living arrangement as they apply to both C and to F,

(1) Mae adran 108(2) o Ddeddf 2014 yn gwneud yn ofynnol fod yr awdurdod cyfrifol yn canfod a yw C ac F yn dymuno gwneud trefniadau byw ôl-18 pan fydd C yn peidio â derbyn gofal.

(2) Diffinnir "cyn-riant maeth" yn adran 108(3) o Ddeddf 2014.

(1) Section 108(2) of the 2014 Act requires the responsible authority to ascertain if C and F wish to make a post-18 living arrangements when C ceases to be looked after.

(2) "Former foster parent" is defined in section 108(3) of the 2014 Act.

- (iv) gwybodaeth am ddewisiadau amgen sydd ar gael i C yn hytrach na threfniant byw ôl-18, a chymhwysterau ar eu cyfer,
 - (v) manylion am ffynonellau gwybodaeth, cymorth a chyngor eraill sydd ar gael i gynorthwyo C ac F i wneud penderfyniad ynghylch trefniant byw ôl-18,
 - (vi) gwybodaeth am y cymorth sydd ar gael i bersonau ifanc categori 3 a'u cyn-rieni maeth sy'n gwneud trefniant byw ôl-18, yn ystod trefniant o'r fath,
 - (vii) diweddariadau ynghylch unrhyw newidiadau i bolisi neu ymarfer yr awdurdod cyfrifol mewn perthynas â gwneud trefniant byw ôl-18 a'r cymorth a ddarperir yn ystod trefniant o'r fath, a
- (b) rhaid ei darparu mewn fformat sy'n addas i oedran a dealltwriaeth y derbynydd.
- (iv) information about the eligibility for and alternatives to a post-18 living arrangement that are available for C,
 - (v) details of other sources of information, advice and support available to help C and F make a decision about seeking to make a post-18 living arrangement,
 - (vi) information about the support available to category 3 young persons and their former foster parents who make a post-18 living arrangement during the course of such an arrangement,
 - (vii) updates on any changes to the responsible authority's policy or practice relating to the making and support afforded during a post-18 living arrangement, and
- (b) must be provided in a format that is appropriate for the age and understanding of the recipient.

Y cynllun llwybr

51.—(1) Rhaid paratoi'r cynllun llwybr cyn gynted ag y bo modd ar ôl yr asesiad o anghenion C, a rhaid i'r cynllun llwybr gynnwys, yn benodol—

- (a) cynllun gofal a chymorth C, a
 - (b) yr wybodaeth y cyfeirir ati yn Atodlen 9.
- (2) Rhaid i'r cynllun llwybr, mewn perthynas â phob un o'r materion y cyfeirir atynt ym mharagraffau 2 i 11 o Atodlen 9, nodi—
- (a) y modd y mae'r awdurdod cyfrifol yn bwriadu diwallu anghenion C, a
 - (b) erbyn pa ddyddiad, a chan bwy, y cyflawnir unrhyw weithred sy'n ofynnol er mwyn gweithredu unrhyw agwedd ar y cynllun.

Swyddogaethau'r cynghorydd personol

52. Swyddogaethau'r cynghorydd personol mewn perthynas ag C yw'r canlynol—

- (a) darparu cyngor (gan gynnwys cyngor ymarferol) a chymorth,
- (b) cymryd rhan yn yr adolygiadau o achos C a gyflawnir o dan Ran 6,
- (c) cysylltu â'r awdurdod cyfrifol ynglŷn â gweithredu'r cynllun llwybr,
- (d) cydgysylltu'r ddarpariaeth o wasanaethau a chymryd camau rhesymol i sicrhau bod C yn defnyddio'r cyfryw wasanaethau,
- (e) cynnal ei wybodaeth am gynnydd a llesiant C, ac
- (f) cadw cofnod ysgrifenedig o'i gysylltiadau ag C.

The pathway plan

51.—(1) The pathway plan must be prepared as soon as possible after the assessment of C's needs and must include, in particular—

- (a) C's care and support plan, and
 - (b) the information referred to in Schedule 9.
- (2) The pathway plan must, in relation to each of the matters referred to in paragraphs 2 to 11 of Schedule 9, set out—
- (a) the manner in which the responsible authority proposes to meet C's needs, and
 - (b) the date by which, and by whom, any action required to implement any aspect of the plan will be carried out.

Functions of the personal adviser

52. The personal adviser's functions in relation to C are to—

- (a) provide advice (including practical advice) and support,
- (b) participate in reviews of C's case carried out under Part 6,
- (c) liaise with the responsible authority in the implementation of the pathway plan,
- (d) co-ordinate the provision of services and take reasonable steps to ensure C makes use of such services,
- (e) remain informed about C's progress and wellbeing, and
- (f) maintain a written record of their contacts with C.

RHAN 8

Swyddogion adolygu annibynnol ac ymwelwyr annibynnol

Swyddogaethau ychwanegol swyddogion adolygu annibynnol

53.—(1) Rhaid i'r SAA, gan roi sylw i oedran a dealltwriaeth C, sicrhau bod yr awdurdod cyfrifol wedi rhoi gwybod i C am y camau y caiff C eu cymryd o dan Ddeddf 1989 a Deddf 2014, ac yn benodol, os yw'n briodol—

- (a) hawl C, gyda chaniatâd, i wneud cais am orchymyn o dan adran 8 o Ddeddf 1989 (gorchymynion trefniadau plentyn a gorchymynion eraill mewn cysylltiad â phlant), ac os yw C yng ngofal yr awdurdod cyfrifol, i wneud cais am ryddhad o'r gorchymyn gofal, a
- (b) argaeledd y weithdrefn a sefydlwyd ganddo o dan adran 174 o Ddeddf 2014 ar gyfer ystyried unrhyw sylwadau (gan gynnwys cwynion) y gallai C ddymuno eu gwneud ynghylch y modd y mae'r awdurdod cyfrifol yn cyflawni ei swyddogaethau, gan gynnwys argaeledd cymorth i wneud sylwadau o'r fath o dan adran 178 o Ddeddf 2014.

(2) Os yw C yn dymuno dwyn achos cyfreithiol o dan Ddeddf 1989, rhaid i'r SAA—

- (a) canfod a oes oedolyn priodol sy'n alluog a bodlon i gynorthwyo C i gael cyngor cyfreithiol neu ddwyn achos ar ran C, a
- (b) os nad oes person o'r fath, cynorthwyo C i gael cyngor o'r fath.

(3) Yn yr amgylchiadau canlynol rhaid i'r SAA ystyried a fyddai'n briodol atgyfeirio achos C at swyddog achosion teuluol Cymru(1)—

- (a) pan fo'r awdurdod cyfrifol, mewn unrhyw fodd sylweddol, ym marn yr SAA, wedi—
 - (i) methu â pharatoi cynllun gofal a chymorth C yn unol â'r Rheoliadau hyn,
 - (ii) methu ag adolygu achos C yn unol â'r Rheoliadau hyn, neu wedi methu â gweithredu'n effeithiol unrhyw benderfyniad a wnaed o ganlyniad i adolygiad, neu

PART 8

Independent reviewing officers and independent advisers

Additional functions of independent reviewing officers

53.—(1) The IRO must ensure that, having regard to C's age and understanding, C has been informed by the responsible authority of the steps C may take under the 1989 Act and the 2014 Act and in particular, where appropriate—

- (a) C's right to apply, with leave, for an order under section 8 of the 1989 Act (child arrangements orders and other orders with respect to children) and, where C is in the care of the responsible authority, to apply for the discharge of the care order, and
- (b) the availability of the procedure established by it under section 174 of the 2014 Act for considering any representations (including complaints) C may wish to make about the discharge by the responsible authority of its functions, including the availability of assistance to make such representations under section 178 of the 2014 Act.

(2) If C wishes to take legal proceedings under the 1989 Act, the IRO must—

- (a) establish whether an appropriate adult is able and willing to assist C to obtain legal advice or bring proceedings on C's behalf, and
- (b) if there is no such person, assist C to obtain such advice.

(3) In the following circumstances the IRO must consider whether it would be appropriate to refer C's case to a Welsh family proceedings officer(1)—

- (a) in the opinion of the IRO, the responsible authority has failed in any significant respect—
 - (i) to prepare C's care and support plan in accordance with these Regulations,
 - (ii) to review C's case in accordance with these Regulations, or to implement effectively any decision taken in consequence of a review, or

(1) Diffinnir "swyddog achosion teuluol Cymru" yn adran 197(1) o Ddeddf 2014 fel ymadrodd sydd â'r ystyr a roddir i "Welsh family proceedings officer" gan adran 35 o Ddeddf Plant 2004 (p. 31).

(1) "Welsh family proceedings officer" is defined in section 197(1) of the 2014 Act as having the meaning given by section 35 of the Children Act 2004 (c. 31).

(iii) rywfodd arall wedi methu â chyflawni ei ddyletswyddau i C mewn unrhyw fodd perthnasol, a

(b) ar ôl tynnu sylw personau ar lefel uwch briodol o fewn yr awdurdod cyfrifol at y methiant, ni roddwyd sylw i'r mater er boddhad i'r SAA o fewn cyfnod rhesymol o amser.

(4) Rhaid i'r SAA, pan fo'r awdurdod cyfrifol yn ymgynghori ag ef ynghylch unrhyw fater sy'n ymwneud ag C, neu pan hysbysir ef o unrhyw fater sy'n ymwneud ag C yn unol â'r Rheoliadau hyn—

(a) sicrhau bod yr awdurdod cyfrifol wedi canfod safbwyntiau, dymuniadau a theimladau C ynglŷn â'r mater dan sylw, ac, yn ddarostyngedig i oedran a dealltwriaeth C, wedi rhoi ystyriaeth briodol i safbwyntiau, dymuniadau a'r teimladau C, a

(b) ystyried a ddylid gofyn am adolygiad o achos C.

Cymwysterau a phrofiad swyddogion adolygu annibynnol

54.—(1) Rhaid i'r SAA fod wedi ei gofrestru fel gweithiwr cymdeithasol mewn cofrestr a gynhelir gan Gyngor Gofal Cymru neu yn Rhan 16 o'r gofrestr a gynhelir gan y Cyngor Proffesiynau Iechyd a Gofal o dan erthygl 5 o Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2001(1) neu mewn cofrestr gyfatebol a gynhelir o dan gyfraith yr Alban neu Ogledd Iwerddon.

(2) Rhaid i'r SAA feddu profiad digonol o waith cymdeithasol perthnasol gyda phlant a theuluoedd i gyflawni'r swyddogaethau swyddog adolygu annibynnol a nodir yn adran 100 o Ddeddf 2014 ac o dan y Rheoliadau hyn, mewn modd annibynnol a chan roi sylw i fudd pennaf C.

(3) Rhaid i'r awdurdod cyfrifol beidio â phenodi unrhyw un o'r canlynol fel yr SAA—

- (a) person a fu'n ymwneud â pharatoi cynllun gofal a chymorth C neu reoli achos C,
- (b) R,
- (c) cynghorydd personol C,
- (d) person sydd â chyfrifoldebau rheoli mewn perthynas â pherson a grybwyllir yn is-baragraffau (a) i (c), neu
- (e) person sydd â rheolaeth dros yr adnoddau a ddyrennir i'r achos.

(iii) is otherwise in breach of its duties to C in any material respect, and

(b) having drawn the failure to the attention of persons at an appropriate level of seniority within the responsible authority, it has not been addressed to the satisfaction of the IRO within a reasonable period of time.

(4) When consulted by the responsible authority about any matter concerning C, or when informed of any matter relating to C in accordance with these Regulations, the IRO must—

(a) ensure that the responsible authority has ascertained, and, subject to C's age and understanding, given due consideration to, C's views, wishes and feelings concerning the matter in question, and

(b) consider whether to request a review of C's case.

Qualifications and experience of independent reviewing officers

54.—(1) The IRO must be registered as a social worker in a register maintained by the Care Council for Wales or in Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001(1) or in a corresponding register maintained under the law of Scotland or Northern Ireland.

(2) The IRO must have sufficient relevant social work experience with children and families to perform the functions of an independent reviewing officer set out in section 100 of the 2014 Act and under these Regulations in an independent manner and having regard to C's best interests.

(3) The responsible authority must not appoint any of the following as the IRO—

- (a) a person involved in preparing C's care and support plan or the management of C's case,
- (b) R,
- (c) C's personal adviser,
- (d) a person with management responsibilities in relation to a person mentioned in subparagraphs (a) to (c), or
- (e) a person with control over the resources allocated to the case.

(1) O.S. 2002/254.

(1) S.I. 2002/254.

Ymwelwyr annibynnol

55. Mae person a benodwyd gan yr awdurdod cyfrifol fel ymwelydd annibynnol o dan adran 98 o Ddeddf 2014 i'w ystyried yn annibynnol ar yr awdurdod hwnnw os nad yw'r person a benodwyd yn gysylltiedig â'r awdurdod cyfrifol yn rhinwedd bod—

- (a) yn aelod o'r awdurdod cyfrifol neu unrhyw un o'i bwyllgorau neu is-bwyllgorau, boed etholedig neu gyfetholedig,
- (b) yn swyddog yr awdurdod cyfrifol a gyflogir i arfer unrhyw un o'r swyddogaethau canlynol—
 - (i) y swyddogaethau a roddwyd i'r awdurdod cyfrifol neu sy'n arferadwy ganddo yn ei rôl fel awdurdod addysg lleol,
 - (ii) y swyddogaethau a roddwyd i'r awdurdod cyfrifol neu sy'n arferadwy ganddo sydd yn swyddogaethau gwasanaethau cymdeithasol (o fewn yr ystyr yn Atodlen 2 i Ddeddf 2014 i'r graddau y mae'r swyddogaethau hynny'n ymwneud â phlant),
 - (iii) y swyddogaethau a roddwyd i'r awdurdod cyfrifol o dan adrannau 61 i 63 a 103 i 118 o Ddeddf 2014 (i'r graddau nad ydynt yn dod o fewn is-baragraff (ii)),
 - (iv) y swyddogaethau a roddwyd i'r awdurdod cyfrifol gan adrannau 25, 26, 28 a 29 o Ddeddf Plant 2004(1),
 - (v) y swyddogaethau a roddwyd i'r awdurdod cyfrifol yn unol ag adran 33 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(2) neu adran 75 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006(3), neu
- (c) yn briod, partner sifil neu berson arall (pa un ai o wahanol ryw neu o'r un rhyw) sy'n byw ar yr un aelwyd fel partner person sy'n dod o fewn paragraffau (a) neu (b).

Independent visitors

55. A person appointed by the responsible authority as an independent visitor under section 98 of the 2014 Act is to be regarded as independent of that authority where the person appointed is not connected with the responsible authority by virtue of being—

- (a) a member of the responsible authority or any of its committees or sub-committees, whether elected or co-opted,
- (b) an officer of the responsible authority employed in the exercise of any of the following functions—
 - (i) the functions conferred on or exercisable by the responsible authority in its capacity as local education authority,
 - (ii) the functions conferred on or exercisable by the responsible authority which are social services functions (within the meaning of Schedule 2 to the 2014 Act so far as those functions relate to children),
 - (iii) the functions conferred on the responsible authority under sections 61 to 63 and 103 to 118 of the 2014 Act (so far as not falling within sub-paragraph (ii)),
 - (iv) the functions conferred on the responsible authority by sections 25, 26, 28 and 29 of the Children Act 2004(1),
 - (v) the functions conferred on the responsible authority in accordance with section 33 of the National Health Service (Wales) Act 2006(2) or section 75 of the National Health Service Act 2006(3), or
- (c) a spouse, civil partner or other person (whether of different sex or the same sex) living in the same household as the partner of, a person falling within paragraphs (a) or (b).

(1) 2004 p. 31. Diwygiwyd adran 25 gan adran 39 o Ddeddf Rheoli Troseddwyd 2007 (p. 21) ("Deddf 2007") a pharagraffau 4(1) a 5 o Ran 1 o Atodlen 3 iddi. Diwygiwyd adran 28 gan adran 39 o Ddeddf 2007 a pharagraffau 4(1) a 6 o Ran 1 o Atodlen 3 iddi. Diwygiwyd adran 29 gan adran 2 o Ddeddf y Gwasanaeth Iechyd Gwladol (Darpariaethau Canlyniadol) 2006 (p. 43) a pharagraffau 264 a 267 o Atodlen 1 i'r Ddeddf honno.

(2) 2006 p. 42.

(3) 2006 p. 41.

(1) 2004 c. 31. Section 25 was amended by section 39 of and paragraphs 4(1) and 5 of Part 1 of Schedule 3 to the Offender Management Act 2007 (c. 21) ("the 2007 Act"). Section 28 was amended by section 39 of and paragraphs 4(1) and 6 of Part 1 of Schedule 3 to the 2007 Act. Section 29 was amended by section 2 of and paragraphs 264 and 267 of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43).

(2) 2006 c. 42.

(3) 2006 c. 41.

RHAN 9

Cymhwyso'r Rheoliadau hyn, gydag addasiadau, i blant sydd ar remánd neu dan gadwad

Cymhwyso'r Rheoliadau hyn, gydag addasiadau, i blant sydd ar remánd a phlant sydd dan gadwad

56.—(1) Mae'r Rheoliadau hyn yn gymwys gyda'r addasiadau a nodir yn y Rhan hon tra bo C—

- (a) ar remánd i lety awdurdod lleol,
- (b) ar remánd i lety cadw ieuencid ("LICI"), neu
- (c) dan gadwad(1).

(2) Yn y Rheoliadau hyn—

- (a) pan fo C ar remánd i lety awdurdod lleol neu LICI, rhaid dehongli cyfeiriadau at yr "awdurdod cyfrifol" fel pe baent yn gyfeiriadau at yr awdurdod lleol a ddynodwyd gan y llys o dan adran 92(2) neu adran 102(6), yn ôl y digwydd, o Ddeddf 2012,
- (b) pan fo C ar remánd i LICI neu dan gadwad, rhaid dehongli cyfeiriadau at ei "leoli" fel pe baent yn gyfeiriadau at roi C ar remánd neu dan gadwad felly,
- (c) pan fo C ar remánd i LICI neu dan gadwad—
 - (i) rhaid darllen cyfeiriadau at y "cynllun lleoli"(2) fel pe baent yn gyfeiriadau at y "cynllun lleoli dan gadwad", a
 - (ii) pan fo C yn blentyn sy'n derbyn gofal am yr unig reswm ei fod ar remánd felly, rhaid darllen cyfeiriadau at y "cynllun gofal a chymorth" hefyd fel pe baent yn gyfeiriadau at y "cynllun lleoli dan gadwad".

Addasiadau i Ran 2

57.—(1) Mae Rhan 2 (trefniadau ar gyfer gofalu am blentyn) yn gymwys gyda'r addasiadau canlynol.

(2) Pan fo C yn blentyn sy'n derbyn gofal am yr unig reswm ei fod ar remánd i lety awdurdod lleol—

- (a) yn rheoliad 4(3), rhaid paratoi'r cynllun gofal a chymorth o fewn 5 diwrnod gwaith ar ôl rhoi C ar remánd felly, a

(1) *Gweler* rheoliad 2(2) am ddiffiniad o "dan gadwad".

(2) *Gweler* rheoliadau 5 a 10 am y ddarpariaeth ynglŷn â'r cynllun lleoli, sy'n ffurfio rhan o gynllun gofal a chymorth C ac yn nodi manylion y trefniadau ar gyfer y lleoliad a'r llety sydd i'w darparu ar gyfer C.

PART 9

Application of these Regulations with modifications to children on remand or to children who are detained

Application of these Regulations with modifications to children on remand and to children who are detained

56.—(1) These Regulations apply with the modifications set out in this Part while C is—

- (a) remanded to local authority accommodation,
- (b) remanded to youth detention accommodation ("YDA"), or
- (c) detained(1).

(2) In these Regulations—

- (a) where C is remanded to local authority accommodation or to YDA, references to the "responsible authority" are to be read as if they were references to the local authority designated by the court under section 92(2) or section 102(6), as the case may be, of the 2012 Act,
- (b) where C is remanded to YDA or is detained, references to being "placed" are to be read as if they were references to C being so remanded or detained,
- (c) where C is remanded to YDA or is detained—
 - (i) references to the "placement plan"(2) are to be read as if they were references to the "detention placement plan", and
 - (ii) where C is a looked after child only by reason of being so remanded, references to the "care and support plan" are also to be read as references to the "detention placement plan".

Modifications to Part 2

57.—(1) Part 2 (arrangements for looking after a child) applies with the following modifications.

(2) Where C is a looked after child only by reason of being remanded to local authority accommodation—

- (a) in regulation 4(3), the care and support plan must be prepared within 5 working days of C being so remanded, and

(1) *See* regulation 2(2) for a definition of "detained".

(2) *See* regulations 5 and 10 for the provision about the placement plan, which forms part of C's care and support plan and sets out details of the arrangements for the placement and accommodation to be provided for C.

(b) nid yw rheoliad 5(1)(a) yn gymwys.

(3) Pan fo C ar remánd i LICI ac yn blentyn a oedd yn derbyn gofal yn union cyn ei roi ar remánd felly, neu pan fo C dan gadwad—

(a) nid yw rheoliad 5(1)(c) yn gymwys, a rhaid i'r cynllun gofal a chymorth, yn hytrach gynnwys cynllun lleoli dan gadwad,

(b) yn rheoliad 6(3), rhaid i'r awdurdod cyfrifol roi copi hefyd o'r cynllun gofal a chymorth i gyfarwyddwr, llywodraethwr neu reolwr cofrestredig (yn ôl y digwydd) y carchar neu'r LICI, ac

(c) nid yw rheoliad 7(1) i (4) yn gymwys.

(4) Pan fo C yn blentyn sy'n derbyn gofal am yr unig reswm ei fod ar remánd i LICI—

(a) nid yw rheoliad 5 yn gymwys, ac yn hytrach rhaid i'r awdurdod cyfrifol baratoi cynllun lleoli dan gadwad, sydd hefyd yn cynnwys manylion o safbwyntiau, dymuniadau a theimladau'r personau a ganfyddir ac a ystyrir gan yr awdurdod cyfrifol yn unol ag adrannau 6(2) a (4), 7(2) a 78(3) o Ddeddf 2014 ynghylch y cynllun lleoli dan gadwad, a safbwyntiau, dymuniadau a theimladau'r personau hynny mewn perthynas ag unrhyw newid, neu newid arfaethedig, yn y cynllun lleoli dan gadwad,

(b) nid yw rheoliad 7(1) i (4) yn gymwys, ac mae rheoliad (5) yn gymwys gyda'r addasiad y rhoddir "cynllun lleoli dan gadwad" yn lle "cynllun iechyd".

Addasiadau i Ran 3

58.—(1) Mae Rhan 3 yn gymwys gyda'r addasiadau canlynol.

(2) Pan fo C yn blentyn sy'n derbyn gofal am yr unig reswm ei fod ar remánd i LICI, nid yw rheoliadau 10, 11, 12 a 15 yn gymwys, ac yn hytrach—

(a) rhaid i'r awdurdod cyfrifol, o fewn 10 diwrnod gwaith ar ôl rhoi C ar remánd i LICI, baratoi cynllun ar gyfer y remánd ("y cynllun lleoli dan gadwad") sydd—

(i) yn nodi sut y bydd y carchar, LICI neu'r fangre y mae'n ofynnol i C breswyllo ynddi yn diwallu anghenion C, a

(ii) yn cynnwys enw a chyfeiriad y LICI, a'r materion a bennir yn Atodlen 10.

(3) Pan fo C ar remánd i LICI ac yn blentyn a oedd yn derbyn gofal yn union cyn ei roi ar remánd felly, neu pan fo C dan gadwad—

(b) regulation 5(1)(a) does not apply.

(3) Where C is remanded to YDA and was a looked after child immediately before being so remanded, or where C is detained—

(a) regulation 5(1)(c) does not apply, and instead the care and support plan must include a detention placement plan,

(b) in regulation 6(3), the responsible authority must also give a copy of the care and support plan to the director, governor or registered manager (as the case may be) of the prison or YDA, and

(c) regulation 7(1) to (4) does not apply.

(4) Where C is a looked after child only by reason of being remanded to YDA—

(a) regulation 5 does not apply, and instead the responsible authority must prepare a detention placement plan, which also includes details of the views, wishes and feelings of the persons that are ascertained and considered by the responsible authority in accordance with sections 6(2) and (4), 7(2) and 78(3) of the 2014 Act about the detention placement plan, and the views, wishes and feelings of those persons in relation to any change, or proposed change, to the detention placement plan,

(b) regulation 7(1) to (4) does not apply, and regulation (5) applies with the modification that for "health plan" there is substituted "detention placement plan".

Modifications to Part 3

58.—(1) Part 3 applies with the following modifications.

(2) Where C a looked after child only by reason of being remanded to YDA, regulations 10, 11, 12 and 15 do not apply, and instead—

(a) the responsible authority must prepare a plan for the remand ("the detention placement plan") within 10 working days of C's remand to YDA which—

(i) sets out how the prison, YDA or premises in which C is required to reside will meet C's needs, and

(ii) includes the name and address of the YDA and the matters specified in Schedule 10.

(3) Where C is remanded to YDA and was a looked after child immediately before being so remanded or, where C is detained—

- (a) nid yw rheoliadau 10, 11, 12 a 15 yn gymwys, ac yn hytrach, rhaid i'r awdurdod cyfrifol baratoi cynllun lleoli dan gadwad yn unol ag is-baragraff (b);
 - (b) rhaid i'r awdurdod cyfrifol, baratoi cynllun lleoli dan gadwad (a gaiff ei gynnwys yng nghynllun gofal a chymorth C) ar gyfer y remánd neu gadwad, o fewn 10 diwrnod gwaith ar ôl rhoi C ar remánd i LICI neu dan gadwad, a rhaid i'r cynllun—
 - (i) nodi sut y bydd y carchar, LICI neu'r fangre y mae'n ofynnol i C breswyllo ynddi yn diwallu anghenion C, a
 - (ii) cynnwys, fel y bo'n briodol, enw a chyfeiriad y carchar, LICI, neu'r fangre y mae'n ofynnol i C breswyllo ynddi a'r materion a bennir yn Atodlen 10;
 - (c) rhaid hysbysu'r SAA ynghylch y remánd neu gadwad.
- (4) Pan fo C yn dod o fewn paragraff (2) neu (3)—
- (a) rhaid i'r awdurdod cyfrifol sicrhau bod safbwyntiau, dymuniadau a theimladau C wedi eu canfod ac wedi cael ystyriaeth briodol;
 - (b) rhaid i'r cynllun lleoli dan gadwad gael ei gytuno a'i lofnodi gan gyfarwyddwr, llywodraethwr neu reolwr cofrestredig (yn ôl y digwydd) y carchar neu'r LICI neu'r fangre y mae'n ofynnol i C breswyllo ynddi.
- (5) Pan fo C ar remánd i lety awdurdod lleol, mae rheoliad 10(1) yn gymwys gyda'r addasiad fod rhaid paratoi'r cynllun lleoli o fewn 5 diwrnod gwaith ar ôl rhoi C ar remánd felly.

Datgymhwyso Rhan 4

59. Nid yw Rhan 4 (darpariaeth ar gyfer gwahanol fathau o leoliad) yn gymwys pan fo C ar remand i LICI neu pan fo C dan gadwad.

Addasu Rhan 5

60. Mae Rhan 5 (ymweliadau gan gynrychiolydd yr awdurdod cyfrifol etc.) yn gymwys gyda'r addasiad, yn rheoliad 31(7)(a), fod rhaid i'r awdurdod cyfrifol sicrhau bod R yn ymweld ag C, pa fo C ar remánd i LICI neu pan fo C dan gadwad, pa bryd bynnag y gofynnir yn rhesymol iddo wneud hynny gan gyfarwyddwr, llywodraethwr neu reolwr cofrestredig (yn ôl y digwydd) y carchar, yr LICI neu'r fangre y mae'n ofynnol i C breswyllo ynddi.

Disapplication of Part 4

59. Part 4 (provision for different types of placement) does not apply where C is remanded to YDA or where C is detained.

Modification of Part 5

60. Part 5 (visits by the responsible authority's representative etc.) applies with the modification that in regulation 31(7)(a), the responsible authority must ensure that R visits C, where C is remanded to YDA or C is detained, whenever reasonably requested to do so by the director, governor or registered manager (as the case may be) of the prison, YDA or the premises in which C is required to reside.

Addasu Rhan 6

61. Mae Rhan 6 (adolygiadau) yn gymwys gyda'r addasiad, yn rheoliad 41, fod yr ystyriaethau y mae'n rhaid i'r awdurdod cyfrifol roi sylw iddynt wrth adolygu achos C, pan fo C ar remánd i LICI neu pan fo C dan gadwad, wedi eu nodi ym mharagraffau 1, 4, a 6 i 13 o Atodlen 8 (ystyriaethau y mae'n rhaid i'r awdurdod cyfrifol roi sylw iddynt wrth adolygu achos C).

RHAN 10

Amrywiol

Cymhwyso'r Rheoliadau hyn, gydag addasiadau, i seibiannau byr

62.—(1) Yn yr amgylchiadau a nodir ym mharagraff (2), mae'r Rheoliadau hyn yn gymwys gyda'r addasiadau a nodir ym mharagraff (3).

(2) Yr amgylchiadau yw—

- (a) pan nad yw C yng ngofal yr awdurdod cyfrifol,
- (b) pan fo'r awdurdod cyfrifol wedi trefnu i leoli C mewn cyfres o leoliadau byrdymor gyda'r un person neu yn yr un llety (“seibiannau byr”), ac
- (c) trefniant wedi ei wneud fel—
 - (i) na fwriedir i unrhyw un lleoliad barhau am fwy na 4 wythnos,
 - (ii) bod C, ar ddiwedd pob lleoliad o'r fath yn dychwelyd i ofal rhiant C neu berson nad yw'n rhiant C ond sydd â chyfrifoldeb rhiant am C, a
 - (iii) na fydd cyfanswm y seibiannau byr mewn unrhyw gyfnod o 12 mis yn fwy na 120 o ddiwrnodau.

(3) Yr addasiadau yw—

- (a) nid yw rheoliadau 5 a 10 yn gymwys, ond yn hytrach rhaid i'r cynllun gofal a chymorth nodi'r trefniadau sydd wedi eu gwneud i ddiwallu anghenion C gan roi sylw penodol i'r canlynol—
 - (i) iechyd a datblygiad emosiynol ac ymddygiadol C, yn enwedig mewn perthynas ag unrhyw anabledd⁽¹⁾ a allai fod gan C,

Modification of Part 6

61. Part 6 (reviews) applies with the modification that in regulation 41, the considerations to which the responsible authority must have regard in reviewing C's case where C is remanded to YDA or where C is detained are set out in paragraphs 1, 4, and 6 to 13 of Schedule 8 (considerations to which the responsible authority must have regard when reviewing C's case).

PART 10

Miscellaneous

Application of these Regulations with modifications to short breaks

62.—(1) In the circumstances set out in paragraph (2), these Regulations apply with the modifications set out in paragraph (3).

(2) The circumstances are that—

- (a) C is not in the care of the responsible authority,
- (b) the responsible authority has arranged to place C in a series of short-term placements with the same person or in the same accommodation (“short breaks”), and
- (c) the arrangement is such that—
 - (i) no single placement is intended to last for more than 4 weeks,
 - (ii) at the end of each such placement C returns to the care of C's parent or a person who is not C's parent but who has parental responsibility for C, and
 - (iii) the short breaks do not exceed 120 days in total in any period of 12 months.

(3) The modifications are that—

- (a) regulations 5 and 10 do not apply, but instead the care and support plan must set out the arrangements that have been made to meet C's needs, with particular regard to—
 - (i) C's health and emotional and behavioural development, in particular in relation to any disability⁽¹⁾ C may have,

(1) Diffinnir “anabl” ac “anabledd” yn unol ag adran 3 o Ddeddf 2014.

(1) “Disabled” and “disability” are defined in accordance with section 3 of the 2014 Act.

- (ii) hyrwyddo cyswllt rhwng C a'i rieni ac unrhyw berson arall nad yw'n rhiant C ond sydd â chyfrifoldeb rhiant am C, yn ystod unrhyw gyfnod pan leolir C,
 - (iii) diddordebau hamdden C, a
 - (iv) hyrwyddo cyflawniad addysgol C, a rhaid i'r cynllun gynnwys enw a chyfeiriad ymarferydd meddygol cofrestredig C, a'r wybodaeth a nodir ym mharagraff 3 o Atodlen 3, pan fo'n briodol,
- (b) nid yw rheoliadau 7, 14 a 63(2)(b) yn gymwys,
 - (c) nid yw rheoliad 31(2) yn gymwys, ond yn hytrach rhaid i'r awdurdod cyfrifol sicrhau bod R yn ymweld ag C ar ddiwrnodau pan fo C yn y lleoliad mewn gwirionedd, a hynny fesul ysbeidiau rheolaidd sydd i'w cytuno gyda'r SAA a rhieni C (neu unrhyw berson nad yw'n rhiant C ond sydd â chyfrifoldeb rhiant am C) a'u cofnodi yn y cynllun gofal a chymorth cyn dechrau'r lleoliad cyntaf, a beth bynnag—
 - (i) rhaid i'r ymweliad cyntaf ddigwydd o fewn y 7 diwrnod lleoli cyntaf ar ôl dechrau'r lleoliad cyntaf, neu cyn gynted ag y bo'n ymarferol wedi hynny, a
 - (ii) rhaid i ymweliadau dilynol ddigwydd fesul ysbaid o ddim mwy na 6 mis, am gyhyd ag y bo'r seibiannau byr yn parhau,
 - (d) nid yw rheoliad 39 yn gymwys, ond yn hytrach—
 - (i) rhaid i'r awdurdod cyfrifol adolygu achos C am y tro cyntaf o fewn 3 mis ar ôl dechrau'r lleoliad cyntaf, a
 - (ii) rhaid cynnal yr ail adolygiad ac adolygiadau dilynol fesul ysbaid o ddim mwy na 6 mis.
- (ii) promoting contact between C and C's parents and any other person who is not C's parent but who has parental responsibility for C, during any period when C is placed,
 - (iii) C's leisure interests, and
 - (iv) promoting C's educational achievement, and must include the name and address of C's registered medical practitioner, and the information set out in paragraph 3 of Schedule 3, where appropriate,
- (b) regulations 7, 14 and 63(2)(b) do not apply,
 - (c) regulation 31(2) does not apply, but instead the responsible authority must ensure that R visits C on days when C is in fact placed, at regular intervals to be agreed with the IRO and C's parents (or any person who is not C's parent but who has parental responsibility for C) and recorded in the care and support plan before the start of the first placement and in any event—
 - (i) the first visit must take place within the first 7 placement days of the start of the first placement, or as soon as practicable thereafter, and
 - (ii) subsequent visits at intervals of not more than 6 months, for as long as the short breaks continue,
 - (d) regulation 39 does not apply, but instead—
 - (i) the responsible authority must first review C's case within 3 months of the start of the first placement, and
 - (ii) the second and subsequent reviews must be carried out at intervals of not more than 6 months.

Cofnodion – sefydlu cofnodion

63.—(1) Rhaid i'r awdurdod cyfrifol sefydlu a chynnal cofnod achos ysgrifenedig ar gyfer C (“cofnod achos C”), os nad oes un yn bodoli eisoes.

(2) Rhaid i'r cofnod achos gynnwys—

- (a) cynllun gofal a chymorth C, gan gynnwys unrhyw newidiadau a wnaed i'r cynllun gofal a chymorth ac unrhyw gynlluniau dilynol,
- (b) adroddiadau a gafwyd o dan reoliad 7,

Records – establishment of records

63.—(1) The responsible authority must establish and maintain a written case record for C (“C's case record”), if one is not already in existence.

(2) The case record must include—

- (a) C's care and support plan, including any changes made to the care and support plan and any subsequent plans,
- (b) reports obtained under regulation 7,

- (c) unrhyw ddogfen arall a grëwyd neu a ystyriwyd yn rhan o unrhyw asesiad o anghenion C neu unrhyw adolygiad o achos C,
- (d) unrhyw orchymyn llys yn ymwneud ag C,
- (e) manylion unrhyw drefniadau sydd wedi eu gwneud gan yr awdurdod cyfrifol gydag unrhyw awdurdod lleol arall neu gydag asiantaeth faethu annibynnol o dan reoliad 29 ac Atodlen 6, neu gyda darparwr gwasanaethau gwaith cymdeithasol, y cyflawnir oddi tanynt unrhyw rai o swyddogaethau'r awdurdod cyfrifol mewn perthynas ag C, gan yr awdurdod lleol hwnnw neu'r asiantaeth faethu annibynnol honno neu'r darparwr gwasanaethau gwaith cymdeithasol hwnnw.

- (c) any other document created or considered as part of any assessment of C's needs, or of any review of C's case,
- (d) any court order relating to C,
- (e) details of any arrangements that have been made by the responsible authority with any other local authority or with an independent fostering agency under regulation 29 and Schedule 6, or with a provider of social work services, under which any of the responsible authority's functions in relation to C are discharged by that local authority or independent fostering agency or provider of social work services.

Cofnodion – dal gafael ar gofnodion a chyfrinachedd

64.—(1) Rhaid i'r awdurdod cyfrifol ddal ei afael ar gofnod achos C naill ai—

- (a) tan bymthegfed pen-blwydd a thrigain C, neu
- (b) os bydd farw C cyn cyrraedd 18 oed, am y cyfnod o bymtheng mlynedd sy'n dechrau gyda dyddiad marwolaeth C.

(2) Rhaid i'r awdurdod cyfrifol sicrhau y cedwir cofnod achos C yn ddiogel, a chymryd unrhyw gamau angenrheidiol i sicrhau y trinnir yr wybodaeth sydd ynddo yn gyfrinachol, yn ddarostyngedig yn unig i'r canlynol—

- (a) unrhyw ddarpariaeth mewn statud, neu a wneir o dan neu yn rhinwedd statud, y caniateir cael neu roi mynediad i gofnod neu wybodaeth o'r fath oddi tani,
- (b) unrhyw orchymyn llys y caniateir cael neu roi mynediad i gofnod neu wybodaeth o'r fath oddi tano.

Dirymiadau

65. Mae'r Rheoliadau a nodir yn Atodlen 11 i'r Rheoliadau hyn wedi eu dirymu i'r graddau a bennir yn yr Atodlen honno.

Records - retention and confidentiality

64.—(1) The responsible authority must retain C's case record either—

- (a) until the seventy-fifth anniversary of C's birth, or
- (b) if C dies before attaining the age of 18, for fifteen years beginning with the date of C's death.

(2) The responsible authority must secure the safe keeping of C's case record and take any necessary steps to ensure that information contained in it is treated as confidential subject only to—

- (a) any provision of, or made under or by virtue of, a statute under which access to such a record or information may be obtained or given,
- (b) any court order under which access to such a record or information may be obtained or given.

Revocations

65. The Regulations set out in Schedule 11 to these Regulations are revoked to the extent specified in that Schedule.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru

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

21 Hydref 2015

21 October 2015

YR ATODLENNI

SCHEDULES

ATODLEN 1 Y Rhaglith

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

<i>Y deddfiad sy'n rhoi pŵer</i>	
Deddf 2014	Adrannau 81(6)(d), 83(5), 84, 87, 97(4)(a), 97(5), 98(1)(a), 100(1)(b), 100(2)(a), 102(1), 102(2), 104(2)(c), 104(6), 106(4), 107(7)(c), 107(8), 107(9), 108(6), a 196(2)
Deddf Plant 1989	Adrannau 31A a 34(8).

SCHEDULE 1 Preamble

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

<i>Enactment power</i>	<i>conferring</i>
The 2014 Act	Sections 81(6)(d), 83(5), 84, 87, 97(4)(a), 97(5), 98(1)(a), 100(1)(b), 100(2)(a), 102(1), 102(2), 104(2)(c), 104(6), 106(4), 107(7)(c), 107(8), 107(9), 108(6), and 196(2)
The Children Act 1989	Sections 31A and 34(8).

ATODLEN 2 Rheoliad 5

Cynlluniau gofal a chymorth

Gwybodaeth sydd i'w chynnwys yn y cynllun iechyd

1.—(1) Cyflwr iechyd C gan gynnwys ei iechyd corfforol, geneuol, emosiynol a meddyliol.

(2) Hanes iechyd C gan gynnwys, i'r graddau sy'n ymarferol, hanes iechyd teulu C.

(3) Effaith iechyd a hanes iechyd C ar ei ddatblygiad.

(4) Y trefniadau presennol ar gyfer gofal meddygol a deintyddol C, sy'n briodol i'w anghenion, gan gynnwys—

- (a) gwiriadau rheolaidd o gyflwr iechyd cyffredinol C, gan gynnwys iechyd deintyddol;
- (b) triniaeth a monitro ar gyfer anghenion iechyd a nodir (gan gynnwys iechyd corfforol ac emosiynol, ac yn enwedig iechyd meddwl) neu anghenion gofal deintyddol;
- (c) mesurau ataliol megis brechiadau ac imiwneiddio;
- (d) sgrinio am ddiffygion golwg neu glyw; ac
- (e) cyngor a chanllawiau ar hybu iechyd a gofal personol effeithiol (gan gynnwys iechyd meddwl a gofal geneuol).

(5) Unrhyw newidiadau arfaethedig yn y trefniadau presennol.

SCHEDULE 2 Regulation 5

Care and support plans

Information to be included in the health plan

1.—(1) C's state of health including C's physical, oral, emotional and mental health.

(2) C's health history including, as far as practicable, C's family's health history.

(3) The effect of C's health and health history on C's development.

(4) Existing arrangements for C's medical and dental care, appropriate to C's needs, including—

- (a) routine checks of C's general state of health, including dental health;
- (b) treatment and monitoring for identified health (including physical, emotional and in particular mental health) or dental care needs;
- (c) preventive measures such as vaccination and immunisation;
- (d) screening for defects of vision or hearing; and
- (e) advice and guidance on promoting health and effective personal care (including mental health and oral care).

(5) Any planned changes to existing arrangements.

(6) Rôl y person priodol ac unrhyw berson arall sy'n gofalu am C, mewn hyrwyddo iechyd C.

Gwybodaeth sydd i'w chynnwys yn y cynllun addysg personol

2.—(1) Hanes addysgol a hanes hyfforddiant C, gan gynnwys gwybodaeth am sefydliadau addysgol a fynychwyd, a chofnod presenoldeb ac ymddygiad C, ei gyflawniadau academaidd a chyflawniadau eraill; ac anghenion addysgol arbennig C, os oes rhai.

(2) Y trefniadau presennol ar gyfer addysg a hyfforddiant C, gan gynnwys manylion am unrhyw ddarpariaeth addysgol arbennig, ac unrhyw ddarpariaeth arall a wneir i ddiwallu anghenion penodol C o ran addysg neu hyfforddiant, a hyrwyddo ei gyflawniad addysgol.

(3) Diddordebau hamdden C.

(4) Pan fo angen gwneud unrhyw newid yn y trefniadau ar gyfer addysg neu hyfforddiant C, y ddarpariaeth a wnaed i leihau'r amharu ar yr addysg honno neu'r hyfforddiant hwnnw.

(5) Rôl y person priodol ac unrhyw berson arall sy'n gofalu am C o ran hyrwyddo cyflawniadau addysgol C a'i ddiddordebau hamdden.

Perthnasoedd teuluol a chymdeithasol

3.—(1) Os oes gan C frawd neu chwaer y darperir llety ar ei gyfer neu ar ei chyfer gan yr awdurdod cyfrifol neu awdurdod arall, ac nad yw'r plant wedi eu lleoli gyda'i gilydd, y trefniadau a wnaed i hyrwyddo cyswllt rhyngddynt, i'r graddau y mae hynny'n gyson â llesiant C.

(2) Os yw C yn derbyn gofal gan, ond nid yng ngofal, yr awdurdod cyfrifol, manylion am unrhyw orchymyn mewn perthynas ag C a wnaed o dan adran 8 o Ddeddf 1989.

(3) Os yw C yn blentyn yng ngofal yr awdurdod cyfrifol, manylion am unrhyw orchymyn mewn perthynas ag C a wnaed o dan adran 34 o Ddeddf 1989 (cyswllt rhiant etc. â phlant mewn gofal).

(4) Unrhyw drefniadau eraill a wnaed i hyrwyddo a chynnal cyswllt yn unol ag adran 95 o Ddeddf 2014, i'r graddau y bo'n rhesymol ymarferol ac yn gyson â llesiant C, rhwng C ac—

(a) unrhyw riant C ac unrhyw berson nad yw'n rhiant C ond sydd â chyfrifoldeb rhiant am C; a

(b) unrhyw berson cysylltiedig arall.

(5) Pan fo adran 98(1) o Ddeddf 2014 (ymwelwyr annibynnol ar gyfer plant sy'n derbyn gofal) yn gymwys, y trefniadau a wnaed i benodi ymwelydd annibynnol ar gyfer C neu, os yw adran 98(6) o'r Ddeddf honno'n gymwys (ymwelydd annibynnol heb ei benodi pan fo'r plentyn yn gwrthwynebu), y ffaith honno.

(6) The role of the appropriate person, and of any other person who cares for C, in promoting C's health.

Information to be included in the personal education plan

2.—(1) C's educational and training history including information about educational institutions attended and C's attendance and conduct record, C's academic and other achievements; and C's special educational needs, if any.

(2) Existing arrangements for C's education and training including details of any special educational provision and any other provision made to meet C's particular educational or training needs and to promote C's educational achievement.

(3) C's leisure interests.

(4) Where any change to the arrangements for C's education or training is necessary, provision made to minimise disruption to that education or training.

(5) The role of the appropriate person and of any other person who cares for C in promoting C's educational achievements and leisure interests.

Family and social relationships

3.—(1) If C has a sibling for whom the responsible authority or another authority is providing accommodation, and the children have not been placed together, the arrangements made to promote contact between them, so far as is consistent with C's well-being.

(2) If C is looked after by, but is not in the care of, the responsible authority, details of any order relating to C made under section 8 of the 1989 Act.

(3) If C is a child in the care of the responsible authority, details of any order relating to C made under section 34 of the 1989 Act (parental contact etc. with children in care).

(4) Any other arrangements made to promote and maintain contact in accordance with section 95 of the 2014 Act, so far as is reasonably practicable and consistent with C's well-being, between C and—

(a) any parent of C's and any person who is not C's parent but who has parental responsibility for C; and

(b) any other connected person.

(5) Where section 98(1) of the 2014 Act (independent visitors for looked after children) applies, the arrangements made to appoint an independent visitor for C or, if section 98(6) of that Act applies (appointment of independent visitor not made where child objects), that fact.

Materion sydd i'w hymdrin â hwy yn y cynllun lleoli

Gwybodaeth sydd i'w chynnwys yng nghynllun lleoli C

1.—(1) Sut y gofelir am C o ddydd i ddydd ac y diogelir a hyrwyddir llesiant C gan y person priodol.

(2) Unrhyw drefniadau a wnaed ar gyfer cyswllt rhwng C ac unrhyw riant C ac unrhyw berson nad yw'n riant C ond sydd â chyfrifoldeb rhiant am C, a rhwng C a phersonau cysylltiedig eraill gan gynnwys, os yw'n briodol—

- (a) y rhesymau pam na fyddai cyswllt ag unrhyw berson o'r fath yn rhesymol ymarferol neu na fyddai'n gyson â llesiant C,
- (b) os nad yw C yng ngofal yr awdurdod cyfrifol, manylion am unrhyw orchymyn a wnaed o dan adran 8 o Ddeddf 1989,
- (c) os yw C yng ngofal yr awdurdod cyfrifol, manylion am unrhyw orchymyn mewn perthynas ag C a wnaed o dan adran 34 o Ddeddf 1989,
- (d) y trefniadau a wnaed ar gyfer hysbysu ynghylch unrhyw newidiadau yn y trefniadau ar gyfer cyswllt.

(3) Y trefniadau a wnaed ar gyfer gofal iechyd (gan gynnwys iechyd corfforol, emosiynol a meddyliol) a deintyddol C, gan gynnwys—

- (a) enw a chyfeiriad ymarferydd cyffredinol ac ymarferydd deintyddol cofrestredig C, ac os yw'n gymwys, unrhyw ymarferydd cyffredinol neu ymarferydd deintyddol cofrestredig y bwriedir cofrestru C gydag ef ar ôl ei leoli,
- (b) unrhyw drefniadau ar gyfer rhoi neu atal cydsyniad ar gyfer archwiliad neu driniaeth feddygol neu ddeintyddol i C.

(4) Y trefniadau a wnaed ar gyfer addysg a hyfforddiant C, gan gynnwys—

- (a) enw a chyfeiriad unrhyw ysgol y mae C yn ddisgybl cofrestredig ynddi,
- (b) enw'r person dynodedig ar gyfer disgyblion sy'n derbyn gofal yn yr ysgol honno (os yw'n gymwys); enw a chyfeiriad unrhyw sefydliad addysgol arall a fynychir gan C, neu unrhyw berson arall sy'n darparu addysg neu hyfforddiant i C,

Matters to be dealt with in the placement plan

Information to be included in C's placement plan

1.—(1) How on a day to day basis C will be cared for and C's well-being will be safeguarded and promoted by the appropriate person.

(2) Any arrangements made for contact between C and any parent of C's and any person who is not C's parent but who has parental responsibility for C, and between C and other connected persons including, if appropriate—

- (a) the reasons why contact with any such person would not be reasonably practicable or would not be consistent with C's well-being,
- (b) if C is not in the care of the responsible authority, details of any order made under section 8 of the 1989 Act,
- (c) if C is in the care of the responsible authority, details of any order relating to C made under section 34 of the 1989 Act,
- (d) the arrangements made for notifying any changes in the arrangements for contact.

(3) The arrangements made for C's health (including physical, emotional and mental health) and dental care including—

- (a) the name and address of C's general practitioner and registered dental practitioner and, where applicable, any general practitioner or registered dental practitioner with whom C is to be registered following the placement,
- (b) any arrangements for the giving or withholding of consent to medical or dental examination or treatment for C.

(4) The arrangements made for C's education and training including—

- (a) the name and address of any school at which C is a registered pupil,
- (b) the name of the designated person for looked after pupils at that school (if applicable); the name and address of any other education institution that C attends, or of any other person who provides C with education or training,

- (c) pan fo gan C ddatganiad anghenion addysgol arbennig, manylion am yr awdurdod addysg lleol sy'n cynnal y datganiad.

(5) Y trefniadau a wnaed i R ymweld ag C yn unol â Rhan 5, amllder yr ymweliadau a'r trefniadau a wnaed i roi cyngor a chymorth arall ar gael i C rhwng ymweliadau yn unol â rheoliad 34.

(6) Os penodir ymwelydd annibynnol, y trefniadau a wnaed i'r person hwnnw ymweld ag C.

(7) Yr amgylchiadau pan ganiateir terfynu'r lleoliad a symud C ymaith o ofal y person priodol yn unol â rheoliad 15.

(8) Enw a manylion cyswllt y canlynol—

- (a) yr SAA;
- (b) ymwelydd annibynnol C (os penodwyd un);
- (c) R; a
- (d) os yw C yn berson ifanc categori 1, y cyngorydd personol a benodwyd ar gyfer C.

Gwybodaeth ychwanegol sydd i'w chynnwys pan leolir C gyda P

2.—(1) Cofnod o'r canlynol—

- (a) yr asesiad o addasrwydd P i ofalu am C, gan gynnwys ystyriaeth o'r materion a nodir yn Atodlen 4,
- (b) safbwyntiau, dymuniadau a theimladau C a safbwyntiau, dymuniadau a theimladau unrhyw berson arall y ceisir ei safbwyntiau gan yr awdurdod cyfrifol,
- (c) penderfyniad yr awdurdod cyfrifol i leoli C gyda P.

(2) Manylion am y cymorth a'r gwasanaethau sydd i'w darparu i P yn ystod y lleoliad.

(3) Y rhwymedigaeth ar P i hysbysu'r awdurdod cyfrifol ynghylch unrhyw newid perthnasol yn yr amgylchiadau, gan gynnwys unrhyw fwriad i newid cyfeiriad, unrhyw newid ar yr aelwyd lle y mae C yn byw, ac unrhyw ddiwyddiad difrifol sy'n ymwneud ag C.

(4) Y rhwymedigaeth ar P i sicrhau bod unrhyw wybodaeth mewn perthynas ag C neu mewn perthynas â theulu C neu unrhyw berson arall, a roddir yn gyfrinachol i P mewn cysylltiad â'r lleoliad, yn cael ei chadw'n gyfrinachol, ac na chaiff gwybodaeth o'r fath ei datgelu i unrhyw berson heb gydsyniad yr awdurdod cyfrifol.

(5) Yr amgylchiadau pan fydd angen cael caniatâd yr awdurdod cyfrifol ymlaen llaw er mwyn i C fyw ar aelwyd ac eithrio aelwyd P.

- (c) where C has a statement of special educational needs, details of the local education authority that maintains the statement.

(5) The arrangements made for R to visit C in accordance with Part 5, the frequency of visits and the arrangements made for advice and other support to be available to C between visits in accordance with regulation 34.

(6) If an independent visitor is appointed, the arrangements made for that person to visit C.

(7) The circumstances in which the placement may be terminated and C removed from the appropriate person's care in accordance with regulation 15.

(8) The name and contact details of—

- (a) the IRO;
- (b) C's independent visitor (if one is appointed);
- (c) R; and
- (d) if C is a category 1 young person, the personal adviser appointed for C.

Additional information to be included where C is placed with P

2.—(1) A record of—

- (a) the assessment of P's suitability to care for C, including consideration of the matters set out in Schedule 4,
- (b) C's views, wishes and feelings and those of any other person whose views are sought by the responsible authority,
- (c) the decision of the responsible authority to place C with P.

(2) Details of support and services to be provided to P during the placement.

(3) The obligation on P to notify the responsible authority of any relevant change in circumstances, including any intention to change address, any changes in the household in which C lives, and any serious incident involving C.

(4) The obligation on P to ensure that any information relating to C or C's family or any other person given in confidence to P in connection with the placement is kept confidential, and that such information is not disclosed to any person without the consent of the responsible authority.

(5) The circumstances in which it is necessary to obtain prior approval of the responsible authority for C to live in a household other than P's household.

(6) Y trefniadau ar gyfer gofyn am newid yn y cynllun lleoli.

(7) Yr amgylchiadau pan gaiff y lleoliad ei derfynu yn unol â rheoliad 20(c)(ii).

Gwybodaeth ychwanegol sydd i'w chynnwys pan leolir C gydag F, mewn cartref plant neu mewn trefniadau eraill

3.—(1) Cofnod o benderfyniad yr awdurdod cyfrifol o dan reoliad 23(2).

(2) Y math o lety sydd i'w ddarparu, y cyfeiriad, ac, os lleolir C mewn trefniadau eraill o dan adran 81(6)(d) o Ddeddf 2014, enw'r person a fydd yn gyfrifol am C yn y llety hwnnw ar ran yr awdurdod cyfrifol (os oes person o'r fath).

(3) Pan fo—

- (a) gan yr awdurdod cyfrifol bryderon amddiffyn plant sy'n ymwneud ag C, neu hysbysir yr awdurdod ynghylch pryderon o'r fath, neu
- (b) C wedi mynd ar goll o'r lleoliad, neu o unrhyw leoliad blaenorol,

y trefniadau beunyddiol a sefydlwyd gan y person priodoli i gadw C yn ddiogel.

(4) Hanes personol, argyhoeddiad crefyddol, cefndir diwylliannol ac ieithyddol, cyfeiriadedd rhywiol a tharddiad hiliol C.

(5) Pan fo C yn derbyn gofal ond nid yng ngofal yr awdurdod cyfrifol—

- (a) cyfnod parhad disgwylidig y trefniadau a'r camau y dylid eu cymryd i ddwyn y trefniadau i ben, gan gynnwys trefniadau i C ddychwelyd i fyw gyda rhieni C neu unrhyw berson nad yw'n rhiant C ond sydd â chyfrifoldeb rhiant am C; a
- (b) pan fo C yn 16 oed neu'n hŷn ac yn cytuno i lety gael ei ddarparu iddo o dan adran 76 o Ddeddf 2014, y ffaith honno.

(6) Priod gyfrifoldebau'r awdurdod cyfrifol, rhieni C ac unrhyw berson nad yw'n rhiant C ond sydd â chyfrifoldeb rhiant am C.

(7) Unrhyw ddirprwyo o ran yr awdurdod i wneud penderfyniadau ynghylch gofal a magwraeth C gan y personau a grybwyllir yn is-baragraff (6) (fel y bo'n briodol) i—

- (a) yr awdurdod cyfrifol,
- (b) F, ac
- (c) pan fo C wedi ei leoli mewn cartref plant, y person priodol,

(6) The arrangements for requesting a change to the placement plan.

(7) The circumstances in which the placement will be terminated in accordance with regulation 20(c)(ii).

Additional information to be included where C is placed with F, in a children's home or in other arrangements

3.—(1) A record of the responsible authority's determination under regulation 23(2).

(2) The type of accommodation to be provided, the address and, where C is placed in other arrangements under section 81(6)(d) of the 2014 Act, the name of the person who will be responsible for C at that accommodation on behalf of the responsible authority (if any).

(3) Where—

- (a) the responsible authority has, or is notified of, child protection concerns relating to C, or
- (b) C has gone missing from the placement or from any previous placement,

the day to day arrangements put in place by the appropriate person to keep C safe.

(4) C's personal history, religious persuasion, cultural and linguistic background, sexual orientation, and racial origin.

(5) Where C is looked after but is not in the care of the responsible authority—

- (a) the expected duration of the arrangements and the steps which should be taken to bring the arrangements to an end, including arrangements for C to return to live with C's parents, or any person who is not C's parent but who has parental responsibility for C; and
- (b) where C is aged 16 or over and agrees to being provided with accommodation under section 76 of the 2014 Act, that fact.

(6) The respective responsibilities of the responsible authority, C's parents, and any person who is not C's parent but who has parental responsibility for C.

(7) Any delegation of authority to make decisions about C's care and upbringing by the persons mentioned in sub-paragraph (6) (as appropriate) to—

- (a) the responsible authority,
- (b) F, and
- (c) where C is placed in a children's home, the appropriate person,

mewn perthynas â'r materion a nodir yn is-baragraff (8), ac yn nodi unrhyw faterion yr mae'r personau a grybwyllir yn is-baragraff (6), yn ystyried y caiff C wneud penderfyniad yn eu cylch.

(8) Y materion y cyfeirir atynt yn is-baragraff (7) yw—

- (a) triniaeth feddygol a deintyddol,
- (b) addysg,
- (c) hamdden a bywyd cartref,
- (d) ffydd a defodau crefyddol,
- (e) defnyddio cyfryngau cymdeithasol,
- (f) unrhyw faterion eraill a ystyrir yn briodol gan y personau a grybwyllir yn is-baragraff (6).

(9) Trefniadau'r awdurdod cyfrifol ar gyfer cymorth ariannol i C yn ystod y lleoliad.

(10) Pan leolir C gydag F, y rhwymedigaeth ar F i gydymffurfio â thelerau'r cytundeb gofal maeth a wnaed o dan reoliad 28(5)(b) o'r Rheoliadau Maethu neu reoliad 27(5)(b) o Reoliadau Gwasanaethau Maethu (Lloegr) 2011.

in relation to the matters set out in sub-paragraph (8), and identifying any matters about which the persons mentioned in sub-paragraph (6) consider that C may make a decision.

(8) The matters referred to in sub-paragraph (7) are—

- (a) medical and dental treatment,
- (b) education,
- (c) leisure and home life,
- (d) faith and religious observance,
- (e) use of social media,
- (f) any other matters which the persons mentioned in sub-paragraph (6) consider appropriate.

(9) The responsible authority's arrangements for the financial support of C during the placement.

(10) Where C is placed with F, the obligation on F to comply with the terms of the foster care agreement made under regulation 28(5)(b) of the Fostering Regulations or regulation 27(5)(b) of the Fostering Services (England) Regulations 2011.

ATODLEN 4 Rheoliad 18

Materion sydd i'w cymryd i ystyriaeth wrth asesu addasrwydd P i ofalu am C

1. Mewn cysylltiad â P—

- (a) gallu P i ofalu am blant ac, yn benodol mewn perthynas ag C, i—
 - (i) darparu ar gyfer anghenion corfforol C a gofal meddygol a deintyddol priodol,
 - (ii) amddiffyn C yn ddigonol rhag niwed neu berygl, gan gynnwys rhag unrhyw berson sy'n peri risg o niwed i C,
 - (iii) sicrhau bod amgylchedd y cartref yn ddiogel ar gyfer C,
 - (iv) sicrhau y diwellir anghenion emosiynol C, a meithrinir ynddo hunan-ymdeimlad cadarnhaol, gan gynnwys unrhyw anghenion penodol sy'n tarddu o argyhoeddiad crefyddol, tarddiad hiliol, cyfeiriadedd rhywiol, cefndir diwylliannol ac ieithyddol C, ac unrhyw anabled y gallai fod ganddo,

SCHEDULE 4 Regulation 18

Matters to be taken into account when assessing the suitability of P to care for C

1. In respect of P—

- (a) P's capacity to care for children and in particular in relation to C to—
 - (i) provide for C's physical needs and appropriate medical and dental care,
 - (ii) protect C adequately from harm or danger, including from any person who presents a risk of harm to C,
 - (iii) ensure that the home environment is safe for C,
 - (iv) ensure that C's emotional needs are met and C is provided with a positive sense of self, including any particular needs arising from C's religious persuasion, racial origin, sexual orientation, cultural and linguistic background, and any disability C may have,

- (v) hyrwyddo dysgu a datblygiad deallusol C drwy annog, symbylu yn wybyddol, a hyrwyddo llwyddiant addysgol a chyfluoedd cymdeithasol,
 - (vi) galluogi C i reoli ei emosiynau a'i ymddygiad, gan gynnwys drwy fodelu ymddygiad a dulliau priodol o ryngweithio ag eraill, a
 - (vii) darparu amgylchedd teuluol sefydlog er mwyn galluogi C i ddatblygu a chynnal ymlyniadau diogel gyda P a phersonau eraill sy'n darparu gofal i C;
- (b) cyflwr iechyd P gan gynnwys—
- (i) iechyd corfforol P,
 - (ii) iechyd emosiynol P,
 - (iii) iechyd meddwl P,
 - (iv) hanes meddygol P,
 - (v) unrhyw faterion presennol neu o'r gorffennol o ran trais domestig,
 - (vi) unrhyw faterion presennol neu o'r gorffennol ynglŷn â chamddefnyddio sylweddau,
- a pherthnasedd neu amherthnasedd unrhyw ffactorau o'r fath o ran gallu P i ofalu am blant, a gofalu am C yn benodol;
- (c) perthnasoedd teuluol P a chyfansoddiad ei aelwyd, gan gynnwys manylion am—
- (i) enwau pob aelod arall o'r aelwyd, gan gynnwys eu hoedrannau a natur eu perthynas â P ac â'i gilydd, gan gynnwys unrhyw berthynas rywiol,
 - (ii) unrhyw berthynas gydag unrhyw berson sy'n rhiant C (pa un a yw'n byw ar yr un aelwyd â P ai peidio),
 - (iii) oedolion eraill, nad ydynt yn aelodau o'r aelwyd, sy'n debygol o fod mewn cyswllt rheolaidd ag C, a
 - (iv) unrhyw drais domestig presennol neu flaenorol rhwng aelodau o'r aelwyd, gan gynnwys P;
- (d) hanes teuluol P, gan gynnwys—
- (i) manylion am blentyndod a magwraeth P, gan gynnwys cryfderau ac anawsterau rhieni P neu bersonau eraill a fu'n gofalu am P,
 - (ii) y berthynas rhwng P a'i rieni ac unrhyw frodyr neu chwiorydd, a'u perthynas â'i gilydd,
 - (iii) cyflawniad addysgol P ac unrhyw anhawster neu anabledd dysgu penodol,
- (v) promote C's learning and intellectual development through encouragement, cognitive stimulation and the promotion of educational success and social opportunities,
 - (vi) enable C to regulate C's emotions and behaviour, including by modelling appropriate behaviour and interactions with others, and
 - (vii) provide a stable family environment to enable C to develop and maintain secure attachments to P and other persons who provide care for C;
- (b) P's state of health including—
- (i) P's physical health,
 - (ii) P's emotional health,
 - (iii) P's mental health,
 - (iv) P's medical history,
 - (v) any current or past issues of domestic violence,
 - (vi) any current or past issues regarding substance misuse,
- and the relevance or otherwise of any of these factors upon P's capacity to care for children and in particular C;
- (c) P's family relationships and composition of P's household, including particulars of—
- (i) the identity of all other members of the household, including their age and the nature of their relationship with P and with each other, including any sexual relationship,
 - (ii) any relationship with any person who is a parent of C (whether or not resident in the same household as P),
 - (iii) other adults not being members of the household who are likely to have regular contact with C, and
 - (iv) any current or previous domestic violence between members of the household, including P;
- (d) P's family history, including—
- (i) particulars of P's childhood and upbringing including the strengths and difficulties of P's parents or other persons who cared for P,
 - (ii) P's relationships with P's parents and siblings, and their relationships with each other,
 - (iii) P's educational achievement and of any specific learning difficulty or disability,

- (iv) rhestr gronolegol o ddigwyddiadau bywyd arwyddocaol, a
- (v) manylion am berthnasau eraill a'r perthnasoedd rhyngddynt ag C a P;
- (e) manylion am unrhyw droseddau y collfarnwyd P amdanynt neu y cafodd P rybuddiad mewn cysylltiad â hwy;
- (f) cyflogaeth flaenorol a phresennol P a'i ffynonellau eraill o incwm; ac
- (g) natur y gymdogaeth y lleolir cartref P ynddi, a'r adnoddau sydd ar gael yn y gymuned i gynorthwyo C a P.

2. Mewn cysylltiad ag aelodau o'r aelwyd sy'n 18 oed a throsodd, yr holl fanylion i'r graddau y bo'n ymarferol, a bennir ym mharagraff 1 ac eithrio is-baragraffau (d), (f) ac (g).

- (iv) a chronology of significant life events, and
- (v) particulars of other relatives and their relationships with C and P;
- (e) particulars of any criminal offences of which P has been convicted or in respect of which P has been cautioned;
- (f) P's past and present employment and other sources of income; and
- (g) the nature of the neighbourhood in which P's home is situated and resources available in the community to support C and P.

2. In respect of members of the household aged 18 and over, so far as is practicable, all the particulars specified in paragraph 1 except sub-paragraphs (d), (f) and (g).

ATODLEN 5 Rheoliad 26

Materion sydd i'w cymryd i ystyriaeth wrth asesu addasrwydd person cysylltiedig i ofalu am C

1. Mewn cysylltiad â'r person cysylltiedig—

- (a) natur ac ansawdd unrhyw berthynas gyfredol ag C;
- (b) ei allu i ofalu am blant ac, yn benodol mewn perthynas ag C i—
 - (i) darparu ar gyfer anghenion corfforol ac emosiynol C a sicrhau y caiff C ofal meddygol a deintyddol priodol,
 - (ii) amddiffyn C yn ddigonol rhag niwed neu berygl, gan gynnwys rhag unrhyw berson sy'n peri risg o niwed i C,
 - (iii) sicrhau bod y llety a'r amgylchedd cartref yn addas o ystyried oedran a lefel datblygiad C,
- (iv) hyrwyddo dysgu a datblygiad C, a
- (v) darparu amgylchedd teuluol sefydlog a fydd yn hyrwyddo ymlyniadau diogel ar gyfer C, gan gynnwys hyrwyddo cyswllt cadarnhaol gyda P a phersonau cysylltiedig eraill, oni fyddai gwneud hynny'n anghyson â'r ddyletswydd i ddiogelu a hyrwyddo llesiant C;

SCHEDULE 5 Regulation 26

Matters to be taken into account when assessing the suitability of a connected person to care for C

1. In respect of the connected person—

- (a) the nature and quality of any existing relationship with C;
- (b) their capacity to care for children and in particular in relation to C to—
 - (i) provide for C's physical and emotional needs and ensure that C will have appropriate medical and dental care,
 - (ii) protect C adequately from harm or danger including from any person who presents a risk of harm to C,
 - (iii) ensure that the accommodation and home environment is suitable with regard to the age and developmental stage of C,
- (iv) promote C's learning and development, and
- (v) provide a stable family environment which will promote secure attachments for C, including the promotion of positive contact with P and other connected persons, unless to do so is not consistent with the duty to safeguard and promote C's well-being;

- (c) cyflwr ei iechyd, gan gynnwys cyflwr presennol ei iechyd corfforol, emosiynol a meddyliol a'i hanes meddygol, gan gynnwys unrhyw faterion presennol neu o'r gorffennol o ran trais domestig, camddefnyddio sylweddau neu broblemau iechyd meddwl;
- (d) ei berthnasoedd teuluol a chyfansoddiad ei aelwyd, gan gynnwys manylion o'r canlynol—
 - (i) enwau pob aelod arall o'r aelwyd, gan gynnwys eu hoedrannau a natur eu perthynas â'r person cysylltiedig ac â'i gilydd, gan gynnwys unrhyw berthynas rywiol,
 - (ii) unrhyw berthynas gydag unrhyw berson sy'n rhiant C,
 - (iii) unrhyw berthynas rhwng C ac aelodau eraill o'r aelwyd,
 - (iv) oedolion eraill, nad ydynt yn aelodau o'r aelwyd, sy'n debygol o fod mewn cyswllt rheolaidd ag C, a
 - (v) unrhyw drais domestig presennol neu flaenorol rhwng aelodau o'r aelwyd, gan gynnwys y person cysylltiedig;
- (e) ei hanes teuluol, gan gynnwys—
 - (i) manylion am ei blentyndod a'i fagwraeth, gan gynnwys cryfderau ac anawsterau ei rieni a phersonau eraill a fu'n gofalu amdano,
 - (ii) y berthnasoedd rhyngddo â'i rieni ac unrhyw frodyr neu chwiorydd, a'u berthnasoedd â'i gilydd,
 - (iii) ei gyflawniad addysgol ac unrhyw anhawster neu anabledd dysgu penodol,
 - (iv) rhestr gronolegol o ddigwyddiadau bywyd arwyddocaol, a
 - (v) manylion am berthnasau eraill a'r berthnasoedd rhyngddynt ag C a'r person cysylltiedig;
- (f) manylion am unrhyw droseddau y'i collfarnwyd amdanynt neu y cafodd rybuddiad mewn cysylltiad â hwy;
- (g) ei gyflogaeth flaenorol a phresennol a'i ffynonellau eraill o incwm; ac
- (h) natur y gymdogaeth y lleolir ei gartref ynddi, a'r adnoddau sydd ar gael yn y gymuned i gynorthwyo C a'r person cysylltiedig.

2. Mewn cysylltiad ag aelodau o'r aelwyd sy'n 18 oed a throsodd, yr holl fanylion i'r graddau y bo'n ymarferol, a bennir ym mharagraff 1 ac eithrio is-baragraffau (e), (f) ac (g).

- (c) their state of health, including current state of physical, emotional and mental health and medical history including any current or past issues of domestic violence, substance misuse or mental health problems;
- (d) their family relationships and the composition of their household, including particulars of—
 - (i) the identity of all other members of the household, including their age and the nature of their relationship with the connected person and with each other, including any sexual relationship,
 - (ii) any relationship with any person who is a parent of C,
 - (iii) any relationship between C and other members of the household,
 - (iv) other adults not being members of the household who are likely to have regular contact with C, and
 - (v) any current or previous domestic violence between members of the household, including the connected person;
- (e) their family history, including—
 - (i) particulars of their childhood and upbringing, including the strengths and difficulties of their parents and other persons who cared for them,
 - (ii) their relationships with their parents and siblings, and their relationships with each other,
 - (iii) their educational achievement and any specific learning difficulty or disability,
 - (iv) a chronology of significant life events, and
 - (v) particulars of other relatives and their relationships with C and the connected person;
- (f) particulars of any criminal offences of which they have been convicted or in respect of which they have been cautioned;
- (g) their past and present employment and other sources of income; and
- (h) the nature of the neighbourhood in which their home is situated and resources available in the community to support C and the connected person.

2. In respect of members of the household aged 18 and over, so far as is practicable, all the particulars specified in paragraph 1 except sub-paragraphs (e), (f) and (g).

ATODLEN 6 Rheoliad 29

Cytundeb gydag asiantaeth faethu annibynnol mewn perthynas â chyflawni swyddogaethau'r awdurdod cyfrifol

1. Rhaid i'r cytundeb gynnwys yr wybodaeth ganlynol—

- (a) y gwasanaethau sydd i'w darparu i'r awdurdod cyfrifol gan y person cofrestredig,
- (b) y trefniadau ar gyfer dethol F gan yr awdurdod cyfrifol o blith y rhai a gymeradwyir gan y person cofrestredig,
- (c) gofyniad bod y person cofrestredig yn cyflwyno adroddiadau i'r awdurdod cyfrifol ar unrhyw leoliadau fel y bo'n ofynnol gan yr awdurdod cyfrifol, a
- (d) y trefniadau ar gyfer terfynu'r cytundeb.

2. Pan fo'r cytundeb yn ymwneud â phlentyn penodol, rhaid iddo hefyd gynnwys yr wybodaeth ganlynol—

- (a) manylion F,
- (b) manylion am unrhyw wasanaethau y mae C i'w cael, a pha un ai'r awdurdod cyfrifol neu'r person cofrestredig sydd i ddarparu'r gwasanaethau hynny,
- (c) telerau'r cytundeb lleoli arfaethedig (gan gynnwys ynglŷn â thalu),
- (d) y trefniadau ar gyfer cadw cofnodion ynglŷn ag C ac ar gyfer dychwelyd cofnodion ar ddiwedd y lleoliad,
- (e) gofyniad bod y person cofrestredig yn hysbysu'r awdurdod cyfrifol ar unwaith os digwydd unrhyw bryderon ynghylch y lleoliad, ac
- (f) pa un a ganiateir lleoli plant eraill gydag F, ac ar ba sail y caniateir hynny.

ATODLEN 7 Rheoliad 30

Materion sydd i'w hystyried cyn lleoli C mewn llety mewn lle nas rheoleiddir o dan adran 81(6)(d) o Ddeddf 2014

1. Mewn cysylltiad â'r llety—

- (a) y cyfleusterau a'r gwasanaethau a ddarperir,
- (b) ei gyflwr,
- (c) ei ddiogelwch,
- (d) ei leoliad,

SCHEDULE 6 Regulation 29

Agreement with an independent fostering agency relating to the discharge of the responsible authority's functions

1. The agreement must contain the following information—

- (a) the services to be provided to the responsible authority by the registered person,
- (b) the arrangements for the selection by the responsible authority of F from those approved by the registered person,
- (c) a requirement for the registered person to submit reports to the responsible authority on any placements as may be required by the responsible authority, and
- (d) the arrangements for the termination of the agreement.

2. Where the agreement relates to a particular child, it must also contain the following information—

- (a) F's details,
- (b) details of any services that C is to receive and whether the services are to be provided by the responsible authority or by the registered person,
- (c) the terms (including as to payment) of the proposed placement agreement,
- (d) the arrangements for record keeping about C and for the return of records at the end of the placement,
- (e) a requirement for the registered person to notify the responsible authority immediately in the event of concerns about the placement, and
- (f) whether and on what basis other children may be placed with F.

SCHEDULE 7 Regulation 30

Matters to be considered before placing C in accommodation in an unregulated setting under section 81(6)(d) of the 2014 Act

1. In respect of the accommodation, the—

- (a) facilities and services provided,
- (b) state of repair,
- (c) safety,
- (d) location,

- (e) y cymorth,
- (f) y statws tenantiaeth, ac
- (g) yr ymrwymiadau ariannol sy'n gysylltiedig ar gyfer C a'u fforddiadwyedd.

2. Mewn cysylltiad ag C—

- (a) ei safbwyntiau ynglŷn â'r llety,
- (b) ei ddealltwriaeth o'i hawliau a'i gyfrifoldebau mewn perthynas â'r llety, a
- (c) ei ddealltwriaeth o'r trefniadau cyllido.

- (e) support,
- (f) tenancy status, and
- (g) the financial commitments involved for C and their affordability.

2. In respect of C, C's—

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

ATODLEN 8 Rheoliad 41

Ystyriaethau y mae'n rhaid i'r awdurdod cyfrifol roi sylw iddynt wrth adolygu achos C

1. Effaith unrhyw newid yn amgylchiadau C ers yr adolygiad blaenorol, yn enwedig unrhyw newid yng nghynllun gofal a chymorth C a wnaed gan yr awdurdod cyfrifol, pa un a weithredwyd yn llwyddiannus y penderfyniadau a wnaed yn yr adolygiad blaenorol ai peidio, ac os na, y rhesymau am hynny.

2. A ddylai'r awdurdod cyfrifol geisio unrhyw newid yn statws cyfreithiol C.

3. A oes cynllun ar gyfer sefydlogrwydd i C.

4. Y trefniadau ar gyfer cyswllt, ac a oes angen unrhyw newidiadau yn y trefniadau er mwyn hyrwyddo cyswllt rhwng C a P, neu rhwng C a phersonau cysylltiedig eraill.

5. A yw lleoliad C yn parhau i fod y mwyaf addas sydd ar gael, ac a yw'n angenrheidiol neu'n ddymunol, neu'n debygol o fod yn angenrheidiol neu'n ddymunol, gwneud unrhyw newid yn y cynllun lleoli neu mewn unrhyw agweddau eraill ar y trefniadau i ddarparu llety i C cyn yr adolygiad nesaf o achos C.

6. A yw lleoliad C yn diogelu a hyrwyddo ei lesiant, ac a oes unrhyw bryderon wedi eu codi ynglŷn â diogelu.

7. Anghenion, cynnydd a datblygiad addysgol C, ac a yw'n angenrheidiol neu'n ddymunol, neu'n debygol o fod yn angenrheidiol neu'n ddymunol, er mwyn diwallu anghenion penodol C a hyrwyddo cyflawniad addysgol C, gwneud unrhyw newid yn y trefniadau ar gyfer addysg a hyfforddiant C cyn yr adolygiad nesaf o'i achos, gan ystyried cyngor unrhyw berson sy'n darparu addysg neu hyfforddiant i C, yn enwedig y person dynodedig mewn unrhyw ysgol lle mae C yn ddisgybl cofrestredig.

SCHEDULE 8 Regulation 41

Considerations to which the responsible authority must have regard when reviewing C's case

1. The effect of any change in C's circumstances since the last review, in particular of any change made by the responsible authority to the C's care and support plan, whether decisions taken at the last review have been successfully implemented, and if not, the reasons for that.

2. Whether the responsible authority should seek any change in C's legal status.

3. Whether there is a plan for permanence for C.

4. The arrangements for contact and whether there is any need for changes to the arrangements in order to promote contact between C and P, or between C and other connected persons.

5. Whether C's placement continues to be the most appropriate available, and whether any change to the placement plan or any other aspects of the arrangements made to provide C with accommodation is, or is likely to become, necessary or desirable before the next review of C's case.

6. Whether C's placement safeguards and promotes C's well-being, and whether any safeguarding concerns have been raised.

7. C's educational needs, progress and development and whether any change to the arrangements for C's education and training is, or is likely to become, necessary or desirable to meet C's particular needs and to promote C's educational achievement before the next review of C's case, having regard to the advice of any person who provides C with education or training, in particular the designated person of any school at which C is a registered pupil.

8. Diddordebau hamdden C.

9. Adroddiad yr asesiad diweddaraf o gyflwr iechyd C, a gafwyd yn unol â rheoliad 7, ac a yw'n angenrheidiol neu'n ddymunol, neu'n debygol o fod yn angenrheidiol neu'n ddymunol, gwneud unrhyw newid yn y trefniadau ar gyfer gofal iechyd C cyn yr adolygiad nesaf o'i achos, gan ystyried y cyngor a gafwyd gan unrhyw weithiwr proffesiynol gofal iechyd ers dyddiad yr adroddiad hwnnw, yn enwedig ymarferydd cyffredinol C.

10. A ddiwellir anghenion C ai peidio mewn perthynas â'i hunaniaeth, ac a oes angen gwneud unrhyw newid penodol gan ystyried argyhoeddiad crefyddol, tarddiad hiliol, cyfeiriadedd rhywiol a chefnidir diwylliannol ac ieithyddol C.

11. A yw'r trefniadau a wnaed yn unol â rheoliad 34 yn parhau i fod yn briodol, ac a yw C yn eu deall.

12. A oes angen gwneud unrhyw drefniadau ar gyfer yr amser pan na fydd C yn derbyn gofal gan yr awdurdod cyfrifol.

13. Dymuniadau a theimladau C, a safbwyntiau'r SAA, ynghylch unrhyw agwedd ar yr achos, ac yn benodol unrhyw newidiadau y mae'r awdurdod cyfrifol wedi eu gwneud ers yr adolygiad diwethaf, neu'n bwriadu eu gwneud, yng nghynllun gofal a chymorth C.

14. Pan fo rheoliad 31(3) yn gymwys, amllder ymweliadau R.

15. Pan fo C yn berson ifanc categori 1 sydd wedi ei leoli gyda rhiant maeth awdurdod lleol, canfod a yw C ac F yn bwriadu gwneud trefniant byw ôl-18.

16. Os yw paragraff 15 yn gymwys ac os yw C yn dymuno gwneud trefniant o'r fath ond nid yw F yn dymuno hynny, ystyried a ddylid lleoli C gyda rhiant maeth awdurdod lleol gwahanol, er mwyn hwyluso gwneud trefniant o'r fath pan fydd C yn peidio â derbyn gofal.

17. Pan fo C yn dod o fewn rheoliad 5(1)(f), pa un a yw anghenion C o ganlyniad i'r statws hwnnw yn cael eu diwallu ai peidio.

8. C's leisure interests.

9. The report of the most recent assessment of C's state of health obtained in accordance with regulation 7 and whether any change to the arrangements for C's health care is, or is likely to become, necessary or desirable before the next review of C's case, having regard to the advice of any health care professional received since the date of that report, in particular C's general practitioner.

10. Whether C's needs related to C's identity are being met and whether any particular change is required, having regard to C's religious persuasion, racial origin, sexual orientation, and cultural and linguistic background.

11. Whether the arrangements made in accordance with regulation 34 continue to be appropriate and understood by C.

12. Whether any arrangements need to be made for the time when C will no longer be looked after by the responsible authority.

13. C's wishes and feelings, and the views of the IRO, about any aspect of the case and in particular about any changes the responsible authority has made since the last review or proposes to make to C's care and support plan.

14. Where regulation 31(3) applies, the frequency of R's visits.

15. Where C is a category 1 young person who has been placed with a local authority foster parent, ascertain whether C and F intend to make a post-18 living arrangement.

16. If paragraph 15 applies and if C wishes to make such an arrangement but F does not, consider whether C should be placed with a different local authority foster parent in order to facilitate the making of such an arrangement when C ceases to be looked after.

17. Where C falls within regulation 5(1)(f), whether C's needs as a result of that status are being met.

ATODLEN 9 Rheoliad 51

Materion sydd i'w hymdrin â hwy yn y cynllun llwybr

1. Enw cynghorydd personol C.

2. Natur a lefel y cyswllt a'r cymorth personol sydd i'w ddarparu i C, a chan bwy.

SCHEDULE 9 Regulation 51

Matters to be dealt with in the pathway plan

1. The name of C's personal adviser.

2. The nature and level of contact and personal support to be provided to C, and by whom.

3. Manylion am y llety a feddiennir gan C pan fydd C yn peidio â derbyn gofal.

4. Pan fo C yn dymuno gwneud trefniant byw ôl-18, manylion am y cyngor a'r cymorth a ddarperir gan yr awdurdod cyfrifol i hwyluso a chynorthwyo C wrth wneud trefniant o'r fath.

5. Y cynllun ar gyfer addysg neu hyfforddiant parhaus C pan fydd C yn peidio â derbyn gofal.

6. Y modd y bydd yr awdurdod cyfrifol yn cynorthwyo C i gael cyflogaeth neu weithgaredd pwrpasol arall neu alwedigaeth.

7. Y cymorth a ddarperir i alluogi C i ddatblygu a chynnal perthnasoedd teuluol a chymdeithasol priodol.

8. Rhaglen i ddatblygu'r sgiliau ymarferol a'r sgiliau eraill sydd ar C eu hangen i fyw yn annibynnol.

9. Y cymorth ariannol a ddarperir i alluogi C i ddiwallu costau llety a chostau cynnal.

10. Anghenion gofal iechyd C, gan gynnwys unrhyw anghenion iechyd corfforol, emosiynol neu feddyliol a'r modd y diwellir yr anghenion hyn pan fydd C yn peidio â derbyn gofal.

11. Cynlluniau wrth gefn yr awdurdod cyfrifol ar gyfer gweithredu os digwydd i'r cynllun llwybr, am unrhyw reswm, beidio â bod yn effeithiol.

3. Details of the accommodation C is to occupy when C ceases to be looked after.

4. Where C wishes to make a post-18 living arrangement, details of the advice and support the responsible authority will provide to facilitate and support C in the making of such an arrangement.

5. The plan for C's continuing education or training when C ceases to be looked after.

6. How the responsible authority will assist C in obtaining employment or other purposeful activity or occupation.

7. The support to be provided to enable C to develop and sustain appropriate family and social relationships.

8. A programme to develop the practical and other skills C needs to live independently.

9. The financial support to be provided to enable C to meet accommodation and maintenance costs.

10. C's health care needs, including any physical, emotional or mental health needs and how they are to be met when C ceases to be looked after.

11. The responsible authority's contingency plans for action to be taken in the event that the pathway plan ceases to be effective for any reason.

ATODLEN 10 Rheoliadau 5 a 58

Materion sydd i'w hymdrin â hwy yn y cynllun lleoli dan gadwad

1. Sut y gofeligir am C o ddydd i ddydd ac y diogelir a hyrwyddir ei lesiant gan staff y carchar, LICI neu'r fangre y mae'n ofynnol bod C yn preswyllo ynddo neu ynddi.

2. Unrhyw drefniadau ar gyfer cyswllt rhwng C ac unrhyw riant C neu unrhyw berson nad yw'n rhiant C ond sydd â chyfrifoldeb rhiant am C, a rhwng C ac unrhyw berson cysylltiedig arall, gan gynnwys, os yw'n briodol—

- y rhesymau pam na fyddai cyswllt ag unrhyw berson o'r fath yn rhesymol ymarferol neu na fyddai'n gyson â llesiant C,
- os nad yw C yng ngofal yr awdurdod cyfrifol, manylion am unrhyw orchymyn a wnaed o dan adran 8 o Ddeddf 1989,
- y trefniadau ar gyfer hysbysu ynghylch unrhyw newidiadau yn y trefniadau ar gyfer cyswllt.

SCHEDULE 10 Regulations 5 and 58

Matters to be dealt with in the detention placement plan

1. How on a day to day basis C will be cared for and how C's well-being will be safeguarded and promoted by the staff of the prison, YDA or premises in which C is required to reside.

2. Any arrangements for contact between C and any parent of C's or any person who is not C's parent but who has parental responsibility for C, and between C and any other connected person including, if appropriate—

- the reasons why contact with any such person would not be reasonably practicable or would not be consistent with C's well-being,
- if C is not in the care of the responsible authority, details of any order made under section 8 of the 1989 Act,
- the arrangements for notifying any changes in the arrangements for contact.

3. Y trefniadau a wnaed er mwyn i R ymweld ag C yn unol â Rhan 5, amllder y cyfryw ymweliadau a'r trefniadau a wnaed ar gyfer rhoi cyngor a chymorth arall ar gael i C rhwng ymweliadau yn unol â rheoliad 34.

4. Os penodir ymwelydd annibynnol, y trefniadau a wnaed i ymwelydd annibynnol ymweld ag C.

5. Y trefniadau a wnaed gan staff y carchar, LICI neu'r fangre y mae'n ofynnol i C breswyllo ynddo neu ynddi ar gyfer gofal iechyd C (gan gynnwys ei iechyd corfforol, emosiynol a meddyliol) a'i ofal deintyddol.

6. Y trefniadau a wnaed gan staff y carchar, LICI neu'r fangre y mae'n ofynnol i C breswyllo ynddo neu ynddi ar gyfer addysg a hyfforddiant C, gan gynnwys—

- (a) enw a chyfeiriad unrhyw sefydliad addysgol neu sefydliad hyfforddi a fynychwyd gan C, neu unrhyw berson arall a oedd yn darparu addysg neu hyfforddiant i C yn union cyn rhoi C ar remand neu dan gadwad,
- (b) pan fo gan C ddatganiad o anghenion addysgol arbennig, manylion yr awdurdod lleol (neu awdurdod lleol yn Lloegr) sy'n cynnal y datganiad.

7. Hanes personol, argyhoeddiad crefyddol, cefndir diwylliannol ac ieithyddol, cyfeiriadedd rhywiol, a tharddiad hiliol C, a'r trefniant a sefydlwyd gan staff y carchar, LICI neu'r fangre y mae'n ofynnol i C breswyllo ynddo neu ynddi ar gyfer diwallu anghenion C ynglŷn â'i hunaniaeth.

8. Y trefniadau a sefydlwyd gan staff y carchar, LICI neu'r fangre y mae'n ofynnol i C breswyllo ynddo neu ynddi ar gyfer cynorthwyo C i ddatblygu sgiliau hunanofal.

9. Enw a manylion cyswllt—

- (a) yr SAA,
- (b) yr ymwelydd annibynnol ar gyfer C (os penodwyd un),
- (c) R,
- (d) os yw C yn berson ifanc categori 1, y cynghorydd personol a benodwyd ar gyfer C.

10. Manylion am y modd y dylai llesiant C gael ei ddiogelu'n ddigonol a'i hyrwyddo pan fo C yn peidio â bod ar remand i LICI neu dan gadwad, ac yn benodol—

- (a) pa un a ddarperir llety i C gan yr awdurdod cyfrifol neu gan awdurdod lleol arall neu gan awdurdod lleol yn Lloegr, a

3. The arrangements made for R to visit C in accordance with Part 5, the frequency of such visits and the arrangements made for advice and other support to be available to C between visits in accordance with regulation 34.

4. If an independent visitor is appointed, the arrangements made for them to visit C.

5. The arrangements made by the staff of the prison, YDA or premises in which C is required to reside for C's health (including physical, emotional and mental health) and dental care.

6. The arrangements made by the staff of the prison, YDA or premises in which C is required to reside for C's education and training including—

- (a) the name and address of any educational or training institution C was attending, or any other person providing C with education or training, immediately before C's remand or detention,
- (b) where C has a statement of special educational needs, details of the local authority (or local authority in England) that maintains the statement.

7. C's personal history, religious persuasion, cultural and linguistic background, sexual orientation, and racial origin, and the arrangement put in place by the staff of the prison, YDA or premises in which C is required to reside for meeting the needs relating to C's identity.

8. The arrangements put in place by the staff of the prison, YDA or premises in which C is required to reside for supporting C to develop self-care skills.

9. The name and contact details of—

- (a) the IRO,
- (b) C's independent visitor (if one is appointed),
- (c) R,
- (d) if C is a category 1 young person, the personal advisor appointed for C.

10. Details of how C's well-being should be adequately safeguarded and promoted when C ceases to be remanded to YDA or detained, in particular—

- (a) whether C will be provided with accommodation by the responsible authority or another local authority or a local authority in England, and

(b) pa un a ddylai gwasanaethau eraill gael eu darparu gan yr awdurdod cyfrifol neu gan awdurdod lleol arall o dan Ddeddf 2014, neu gan awdurdod lleol yn Lloegr wrth arfer ei ddyletswyddau o dan Ddeddf 1989.

(b) whether any other services should be provided by the responsible authority or by another local authority under the 2014 Act, or a local authority in England in exercise of its duties under the 1989 Act.

ATODLEN 11 Rheoliad 65

Dirymiadau

Mae'r Rheoliadau a nodir yn y Tabl wedi eu dirymu i'r graddau a bennir—

<i>Rheoliadau a ddirymir</i>	<i>Rhif cyfresol</i>	<i>Graddau'r dirymiad</i>
Rheoliadau Cyswllt â Phlant 1991	O.S. 1991/891	Y Rheoliadau cyfan
Rheoliadau Diffinio Ymwelwyr Annibynnol (Plant) 1991	O.S. 1991/892	Y Rheoliadau cyfan
Rheoliadau Lleoli Plant gyda Rhieni etc 1991	O.S. 1991/893	Y Rheoliadau cyfan
Rheoliadau Plant (Lleoliadau Byrdymor) (Diwygiadau Amrywiol) 1995	O.S. 1995/2015	Y Rheoliadau cyfan * (* mae rheoliad 2 eisoes wedi ei ddirymu o ran Cymru)

SCHEDULE 11 Regulation 65

Revocations

The Regulations set out in the Table are revoked to the extent specified—

<i>Regulations revoked</i>	<i>Series number</i>	<i>Extent of revocation</i>
Contact with Children Regulations 1991	S.I. 1991/891	The whole Regulations
Definition of Independent Visitors (Children) Regulations 1991	S.I. 1991/892	The whole Regulations
Placement of Children with Parents etc Regulations 1991	S.I. 1991/893	The whole Regulations
Children (Short-term Placements) (Miscellaneous Amendments) Regulations 1995	S.I. 1995/2015	The whole Regulations* (* regulation 2 has already been revoked in relation to Wales)

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