



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2015 Rhif 1823 (Cy. 265)

2015 No. 1823 (W. 265)

**PLANT A PHERSONAU
IFANC, CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

**Rheoliadau Ymweliadau â Phlant
dan Gadwad (Cymru) 2015**

**The Visits to Children in Detention
(Wales) Regulations 2015**

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch gofynion ymweld ar gyfer plant penodedig sydd, ar ôl eu collfarnu o drosedd gan lys, dan gadwad mewn llety cadw ieuencid neu garchar, neu y gwneir yn ofynnol eu bod yn preswyllo mewn mangre a gymeradwywyd.

These Regulations make provision about visiting requirements for specified children who, having been convicted of an offence by a court, are detained in youth detention accommodation or in prison, or are required to reside in approved premises.

Mae rheoliad 3 yn pennu'r amgylchiadau, at ddibenion adran 97(1)(b) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ("Deddf 2014"), sy'n peri bod plentyn yn peidio â derbyn gofal gan awdurdod lleol (digwyddiad a fydd yn dod â phlant o'r fath wedyn o fewn cwmpas y ddyletswydd a nodir yn adran 97(3) o Ddeddf 2014 a'r Rheoliadau hyn).

Regulation 3 specifies, for the purposes of section 97(1)(b) of the Social Services and Well-being (Wales) Act 2014 ("the 2014 Act"), the circumstances that lead to a child ceasing to be looked after by a local authority (which will bring such children within the scope of the duty set out in section 97(3) of the 2014 Act and these Regulations).

Mae adran 97(3) o Ddeddf 2014 yn gosod dyletswydd ar yr awdurdod lleol cyfrifol i ymweld â phlentyn o'r fath, cynnal cyswllt â'r plentyn, a darparu cyngor a chymorth arall iddo.

Section 97(3) of the 2014 Act imposes a duty upon the responsible local authority to visit, have contact with and to provide advice and other support for such a child.

Yr amgylchiadau a bennir gan reoliad 3 yw bod plentyn, a fu'n derbyn gofal gan awdurdod lleol, ond a beidiodd â derbyn gofal oherwydd naill ai bod y plentyn, ar ôl ei gollfarnu o drosedd gan lys, dan gadwad mewn llety cadw ieuencid neu garchar, neu y gwnaed yn ofynnol fod y plentyn yn preswyllo mewn mangre a gymeradwywyd.

The circumstances specified by regulation 3 are that a child who was looked after by a local authority but who has ceased to be looked after because, having been convicted of an offence by a court, they are detained in youth detention accommodation or in prison, or required to reside in approved premises.

Bydd plant sydd, ar ôl eu collfarnu o drosedd gan lys, yn colli eu statws fel plant sy'n derbyn gofal o ganlyniad i'w rhoi dan gadwad neu ei gwneud yn ofynnol eu bod yn preswyllo mewn mangre a gymeradwywyd, yn dod o fewn disgrifiad a nodir ym mharagraff (a) neu (b) isod—

Children who, having been convicted of an offence by a court, lose their looked after status as a result of their being detained or required to reside in approved premises will fall within a description set out in paragraph (a) or (b) below—

- (c) llywodraethwr, cyfarwyddwr neu reolwr cofrestredig(1) y sefydliad lle mae A dan gadwad neu'r person sy'n gyfrifol am y fangre a gymeradwywyd y mae A yn preswyllo ynddi,
- (d) y rheolwr achos tîm troseddwr ifanc perthnasol,
- (e) os yw'n wahanol i'r awdurdod lleol cyfrifol, awdurdod lleol yr ardal y mae A dan gadwad ynddi, ac
- (f) unrhyw berson arall y tybia'r awdurdod lleol cyfrifol y dylid rhoi copi o'r adroddiad iddo, o ystyried asesiad R.

- (c) the governor, director or registered manager(1) of the institution where A is being detained or the person responsible for the approved premises in which A is residing,
- (d) the relevant youth offending team case manager,
- (e) where different from the responsible local authority, the local authority in whose area A is detained, and
- (f) any other person whom the responsible local authority considers should be given a copy of the report having regard to R's assessment.

Cyngor a chymorth arall

9. Wrth wneud trefniadau yn unol ag adran 97(3)(b) o Ddeddf 2014 ar gyfer rhoi cyngor priodol a chymorth arall ar gael i A, rhaid i'r awdurdod lleol cyfrifol sicrhau—

- (a) bod y trefniadau—
 - (i) yn briodol, o ystyried oedran a dealltwriaeth A, a
 - (ii) yn rhoi ystyriaeth ddyladwy i argyhoeddiad crefyddol, tarddiad hiliol, cefndir diwylliannol ac ieithyddol A ac unrhyw anabledd sydd gan A(2), a
- (b) i'r graddau y bo'n rhesymol ymarferol, o ystyried oedran a dealltwriaeth A, fod A yn gwybod sut i ofyn am gyngor priodol a chymorth arall gan yr awdurdod cyfrifol

Advice and other support

9. When making arrangements in accordance with section 97(3)(b) of the 2014 Act for appropriate advice and other support to be available to A, the responsible local authority must ensure that—

- (a) the arrangements—
 - (i) are appropriate having regard to A's age and understanding, and
 - (ii) give due consideration to A's religious persuasion, racial origin, cultural and linguistic background and to any disability(2) A may have, and
- (b) so far as is reasonably practicable having regard to A's age and understanding, A knows how to seek appropriate advice and other support from it as the responsible local authority

Mark Drakeford

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

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

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(1) Hynny yw, person a gofrestrwyd o dan Ran 2 o Ddeddf Safonau Gofal 2000 fel rheolwr cartref diogel i blant.
(2) Diffinnir "anabledd" yn adran 3(5) o Ddeddf 2014.

(1) That is, a person registered under Part 2 of the Care Standards Act 2000 as a manager of a secure children's home.
(2) "Disability" is defined in section 3(5) of the 2014 Act.

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