



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2021 Rhif 860 (Cy. 199)

2021 No. 860 (W. 199)

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Cynllunio Gofal, Lleoli
ac Adolygu Achosion (Cymru)
(Diwygio) 2021**

**The Care Planning, Placement and
Case Review (Wales) (Amendment)
Regulations 2021**

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 diwygio Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015 (O.S. 2015/1818 (Cy. 261)) ("Rheoliadau 2015") yng ngoleuni diwygiadau i adran 83 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4) ("Deddf 2014") a wnaed gan adran 16 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (dccc 2). Mae rheoliad 6 yn dileu'r gofyniad yn Rheoliadau 2015 fod cynllun gofal a chymorth yn cynnwys cynllun addysg personol, oherwydd bod y gofyniad hwnnw wedi ei fewnosod yn adran 83 o Ddeddf 2014. Mae rheoliad 5 yn rhagnodi'r categorïau o blant sy'n derbyn gofal nad oes cynllun addysg personol i gael ei lunio ar eu cyfer fel rhan o'u cynllun gofal a chymorth. Y categorïau a ragnodir yw'r rheini nad oedd cynllun addysg personol yn ofynnol ar eu cyfer gan Rheoliadau 2015. Nid yw'r materion y mae rhaid eu cynnwys mewn cynllun addysg personol wedi newid.

These Regulations amend the Care Planning, Placement and Case Review (Wales) Regulations 2015 (S.I. 2015/1818 (W. 261)) ("the 2015 Regulations") in light of amendments to section 83 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) ("the 2014 Act") made by section 16 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2). Regulation 6 removes the requirement in the 2015 Regulations that a care and support plan include a personal education plan, because that requirement has been inserted into section 83 of the 2014 Act. Regulation 5 prescribes the categories of looked after children for whom no personal education plan is to be prepared as part of their care and support plan. The categories prescribed are those for whom a personal education plan was not required by the 2015 Regulations. The matters that must be included in a personal education plan are unchanged.

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

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 not been prepared as to the likely cost and benefit of complying with these Regulations.

2021 Rhif 860 (Cy. 199)

**PLANT A PHOBL IFANC,
CYMRU**

ADDYSG, CYMRU

Rheoliadau Cynllunio Gofal, Lleoli
ac Adolygu Achosion (Cymru)
(Diwygio) 2021

Gwnaed 15 Gorffennaf 2021
Yn dod i rym 1 Medi 2021

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 83(2B) a (5), 84(b) a 196(2) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1), yn gwneud y Rheoliadau a ganlyn.

Yn unol ag adran 196(6) o'r Ddeddf honno, gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(2).

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) (Diwygio) 2021 a deuant i rym ar 1 Medi 2021.

2021 No. 860 (W. 199)

**CHILDREN AND YOUNG
PERSONS, WALES**

EDUCATION, WALES

The Care Planning, Placement and
Case Review (Wales) (Amendment)
Regulations 2021

Made 15 July 2021
Coming into force 1 September 2021

The Welsh Ministers, in exercise of the powers conferred by sections 83(2B) and (5), 84(b) and 196(2) of the Social Services and Well-being (Wales) Act 2014(1), make the following Regulations.

In accordance with section 196(6) of that Act, a draft of these Regulations was laid before, and approved by a resolution of, Senedd Cymru(2).

Title and commencement

1. The title of these Regulations is the Care Planning, Placement and Case Review (Wales) (Amendment) Regulations 2021 and they come into force on 1 September 2021.

(1) 2014 dccc 4. *Gweler* adran 197(1) am y diffiniad o "rheoliadau". Mewnosodwyd adran 83(2A) i (2D), ac mae adran 83(5) ac is-adrannau eraill o adran 83 wedi eu diwygio, gan adran 16 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (dccc 2). Diwygiwyd adran 196(6) gan baragraff 24(1) a (4) o Atodlen 1 i Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018.

(2) Y rhain yw'r rheoliadau cyntaf a wneir o dan adran 83(2B). Mae'r cyfeiriad yn adran 196(6) at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

(1) 2014 anaw 4. *See* section 197(1) for the definition of "regulations". Section 83(2A) to (2D) were inserted by, and section 83(5) and other subsections of section 83 are amended by, section 16 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2). Section 196(6) was amended by the Additional Learning Needs and Education Tribunal (Wales) Act 2018, Schedule 1, paragraph 24(1) and (4).

(2) These are the first regulations made under section 83(2B). The reference in section 196(6) to the National Assembly for Wales now has effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

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

2. Mae Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015(1) wedi eu diwygio fel y darperir ar eu cyfer yn rheoliadau 3 i 6.

Diwygiad i reoliad 2

3. Yn y diffiniad o “cynllun addysg personol” yn rheoliad 2(1)(2), yn lle “yn rheoliad 5(b)(ii)” rhodder “gan adran 83(2A) o Ddeddf 2014(3)”.

Diwygiad i reoliad 3

4. Yn rheoliad 3, yn lle “Nid yw’r Rheoliadau hyn” rhodder “Nid yw Rhannau 2 i 10”.

Mewnosod Rhan 1A

5. Ar ôl rheoliad 3 mewnosoder—

“RHAN 1A

PLANT NAD OES CYNLLUN ADDYSG PERSONOL I GAEL EI LUNIO AR EU CYFER

3A. Rhagnodir y categorïau a ganlyn o blentyn sy’n derbyn gofal at ddibenion adran 83(2B) o Ddeddf 2014—

- (a) unrhyw blentyn sydd wedi ei leoli ar gyfer ei fabwysiadu o dan Ddeddf Mabwysiadu a Phlant 2002(4) oni bai bod y plentyn yn dod o fewn rheoliad 56;
- (b) unrhyw blentyn y mae’r amgylchiadau a nodir yn rheoliad 62(2) yn gymwys mewn perthynas ag ef;
- (c) unrhyw blentyn nad yw ond yn derbyn gofal oherwydd ei fod ar remánd i lety cadw ieuencid.”

Diwygiadau i reoliad 5

6. Yn rheoliad 5—

- (a) hepgorer paragraff (1)(b)(ii);
- (b) ar ôl paragraff (1) mewnosoder—

Amendment of the Care Planning, Placement and Case Review (Wales) Regulations 2015

2. The Care Planning, Placement and Case Review (Wales) Regulations 2015(1) are amended as provided for in regulations 3 to 6.

Amendment to regulation 2

3. In the definition of “personal education plan” in regulation 2(1)(2), for “in regulation 5(b)(ii)” substitute “by section 83(2A) of the 2014 Act(3)”.

Amendment to regulation 3

4. In regulation 3, for “These Regulations” substitute “Parts 2 to 10”.

Insertion of Part 1A

5. After regulation 3 insert—

“PART 1A

CHILDREN FOR WHOM NO PERSONAL EDUCATION PLAN IS TO BE PREPARED

3A. The following categories of looked after child are prescribed for the purposes of section 83(2B) of the 2014 Act—

- (a) any child who has been placed for adoption under the Adoption and Children Act 2002(4) unless the child falls within regulation 56;
- (b) any child in relation to whom the circumstances set out in regulation 62(2) apply;
- (c) any child who is looked after only by reason of being remanded to youth detention accommodation.”

Amendments to regulation 5

6. In regulation 5—

- (a) omit paragraph (1)(b)(ii);
- (b) after paragraph (1) insert—

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

(2) Mae diwygiadau i reoliad 2 nad ydynt yn berthnasol.

(3) Mewnosodwyd adran 83(2A) gan adran 16 o Ddeddf Anghenion Dysgu Ychwanegol a’r Tribiwnlys Addysg (Cymru) 2018.

(4) 2002 p. 38.

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

(2) There are amendments to regulation 2 which are not relevant.

(3) Section 83(2A) was inserted by section 16 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

(4) 2002 c. 38.

“(1A) Rhaid i'r cynllun addysg personol (gweler adran 83(2A) i (2D) o Ddeddf 2014) gynnwys yr wybodaeth a nodir ym mharagraff 2 o Atodlen 2.”

“(1A) The personal education plan (see section 83(2A) to (2D) of the 2014 Act) must include the information set out in paragraph 2 of Schedule 2.”

Jeremy Miles

Gweinidog y Gymraeg ac Addysg, un o Weinidogion
Cymru
15 Gorffennaf 2021

Minister for Education and Welsh Language, one of
the Welsh Ministers
15 July 2021

©[©]Hawlfraint y Goron 2021

© Crown copyright 2021

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

<http://www.legislation.gov.uk/id/wsi/2021/860>

ISBN 978-0-348-39092-6



9 780348 390926