



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2003 Rhif 237 (Cy.35)**

**2003 No. 237 (W.35)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE,  
WALES**

**PLANT A PHERSONAU  
IFANC, CYMRU**

**CHILDREN AND YOUNG  
PERSONS, WALES**

**Rheoliadau Gwasanaethau Maethu  
(Cymru) 2003**

**The Fostering Services (Wales)  
Regulations 2003**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hyn yn rhan o'r Rheoliadau)*

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn yn cael eu gwneud o dan Ddeddf Plant 1989 ("Deddf 1989") a Deddf Safonau Gofal 2000 ("Deddf 2000") ac maent yn gymwys i Gymru yn unig. Maent-

These Regulations are made under the Children Act 1989 ("the 1989 Act") and the Care Standards Act 2000 ("the 2000 Act") and apply to Wales only. They-

- (a) yn disodli Rheoliadau Lleoliadau Maeth (Plant) 1991 (fel y'u diwygiwyd), sy'n rheoli'r ffordd y mae rhieni maeth yn cael eu cymeradwyo a phlant yn cael eu lleoli gyda hwy gan awdurdodau lleol a chyrrff gwirfoddol o dan Rannau III a VII o Ddeddf 1989 yn y drefn honno; a
- (b) yn darparu fframwaith rheoleiddio newydd ar gyfer asiantaethau maethu a gwasanaethau maethu awdurdodau lleol.

- (a) replace the Foster Placement (Children) Regulations 1991 (as amended), governing the approval of foster parents and the placement of children with them by local authorities and voluntary organisations under, respectively, Parts III and VII of the 1989 Act; and
- (b) provide a new regulatory framework for fostering agencies and local authority fostering services.

Yn ôl adran 4(4) o Ddeddf 2000, ystyr "fostering agency" ("asiantaeth faethu") yw naill ai ymgymeriad sy'n cyflawni swyddogaethau awdurdodau lleol mewn cysylltiad â lleoli plant gyda rhieni maeth (a elwir "asiantaeth faethu annibynnol" yn y Rheoliadau hyn), neu gorff gwirfoddol sy'n lleoli plant gyda rhieni maeth o dan adran 59(1) o'r Ddeddf Plant (asiantaeth o fewn ystyr "agency" yn adran 4(4)(b)). Caniateir i asiantaeth faethu annibynnol gael ei rhedeg gan gorff gwirfoddol, ond nid oes angen iddi gael ei rhedeg felly, ac os yw'n cael ei rhedeg gan gorff gwirfoddol, gall fod weithiau yn asiantaeth hefyd o fewn ystyr "agency" yn adran 4(4)(b).

By section 4(4) of the 2000 Act, "fostering agency" means either an undertaking which discharges functions of local authorities in connection with the placing of children with foster parents (in these Regulations called "an independent fostering agency"), or a voluntary organisation which places children with foster parents under section 59(1) of the Children Act (an agency within the meaning of section 4(4)(b)). An independent fostering agency may, but need not, be carried on by a voluntary organisation, and if so, it may in some cases, also be an agency within the meaning of section 4(4)(b).

Mae Rhan II o Ddeddf 2000 yn darparu bod Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") yn cofrestru ac yn arolygu sefydliadau ac asiantaethau, gan gynnwys asiantaethau maethu. Mae Rhan III o Ddeddf 2000 yn darparu bod y Cynulliad Cenedlaethol yn arolygu swyddogaethau maethu awdurdodau lleol. Caiff Rhannau II a III o Ddeddf 2000 (i'r graddau nad ydynt eisoes mewn grym) eu dwyn i rym mewn perthynas ag asiantaethau maethu a gwasanaethau maethu awdurdodau lleol ar 1 Ebrill 2003.

Diben y Rheoliadau hyn yw sefydlu, i'r graddau y mae hynny'n bosibl, fframwaith cyffredin ar gyfer gwasanaethau maethu, p'un ai ydynt yn cael eu darparu gan awdurdodau lleol, cyrff gwirfoddol, neu asiantaethau maethu annibynnol yn gweithredu o dan drefniadau dirprwy ("gwasanaethau maethu").

Yn ôl rheoliad 3, rhaid bod gan bob gwasanaeth maethu ddatganiad o ddiben sy'n disgrifio nodau ac amcanion y gwasanaeth a'r cyfleusterau a'r gwasanaethau sydd i'w darparu, ac arweiniad plant. Rhaid i'r gwasanaeth maethu gael ei redeg mewn modd sy'n gyson â'r datganiad o ddiben.

Mae Rheoliadau 5 i 10 yn gwneud darpariaeth ynglŷn â'r personau sy'n rhedeg ac yn rheoli'r gwasanaeth maethu, ac yn ei gwneud yn ofynnol i reolwr gael ei benodi ar gyfer y gwasanaeth (rheoliadau 6 a 10). Darperir ar gyfer ffitrwydd darparwydd asiantaeth faethu a rheolwr asiantaeth faethu yn benodol drwy gyfeirio yn arbennig at y materion a ragnodir yn Atodlen 1. Os corff yw'r darparwydd asiantaeth faethu, rhaid iddo enwi unigolyn cyfrifol y mae'n rhaid iddo fodloni'r gofynion ynglŷn â ffitrwydd. Mae Rheoliad 8 yn gosod gofynion cyffredinol ynglŷn â'r ffordd briodol o redeg gwasanaeth maethu, ac ynglŷn â hyfforddi.

Mae Rhan III yn gwneud darpariaeth ynghylch rhedeg gwasanaeth maethu, ac yn benodol ynghylch amddiffyn plant, ymddygiad, cysylltiadau, iechyd ac addysg, a chymorth i rieni maeth. Mae darpariaeth yn cael ei gwneud hefyd ynglŷn â staffio gwasanaethau maethu, ffitrwydd gweithwyr a thir ac adeiladau, a chadw cofnodion. Darperir hefyd ynglŷn â hybu lles plant gan asiantaethau maethu annibynnol, ac ynglŷn â chwynion am yr asiantaethau hynny (rheoliadau 11 a 18).

Mae Rhan IV yn ymdrin â chymeradwyo rhieni maeth gan wasanaethau maethu. Mae'n ei gwneud yn ofynnol i banel maethu gael ei sefydlu ar gyfer pob gwasanaeth maethu (rheoliadau 24 i 26). Mae rheoliad 27 yn nodi'r weithdrefn ar gyfer asesu personau sy'n dymuno dod yn rhieni maeth, ac yn gwneud darpariaeth ynglŷn â'r amgylchiadau pan na chaiff personau eu hystyried yn addas i weithredu fel rhieni maeth. Mae rheoliadau 28 a 29 yn darparu ar gyfer cymeradwyo rhieni maeth, adolygu eu cymeradwyaeth a'i therfynu. Mae rheoliadau 30 i 32 yn darparu bod cofnodion a chofrestr yn cael eu cadw.

Part II of the 2000 Act provides for the registration and inspection of establishments and agencies, including fostering agencies, by the National Assembly for Wales ("the National Assembly"). Part III of the 2000 Act provides for the inspection of the fostering functions of local authorities by the National Assembly. Parts II and III of the 2000 Act (so far as not already in force) will be brought into force in relation to fostering agencies and local authority fostering services on 1st April 2003.

These Regulations are intended to establish, so far as possible, a common framework for fostering services, whether provided by local authorities, voluntary organisations, or independent fostering agencies acting under delegation arrangements ("fostering services").

By regulation 3, each fostering service must have a statement of purpose setting out the aims and objectives of the service and the facilities and services to be provided, and a children's guide. The fostering service must be carried on in a manner which is consistent with the statement of purpose.

Regulations 5 to 10 make provision about the persons carrying on and managing the fostering service, and require a manager to be appointed for the service (regulations 6 and 10). The fitness of the provider of a fostering agency and of the manager of a fostering service is provided for, in particular by reference to the matters prescribed in Schedule 1. Where the provider of a fostering agency is an organisation, it must nominate a responsible individual who must satisfy the requirements as to fitness. Regulation 8 imposes general requirements in relation to the proper conduct of a fostering service, and as to training.

Part III makes provision about the conduct of a fostering service, in particular, as to child protection, behaviour, contact, health and education, and support for foster parents. Provision is also made about the staffing of fostering services, the fitness of workers and premises, and record keeping. Provision is made as to the promotion of child welfare by, and complaints in respect of, independent fostering agencies (regulations 11 and 18).

Part IV deals with the approval of foster parents by fostering services. It requires a fostering panel to be established in respect of each fostering service (regulations 24 to 26). Regulation 27 sets out the procedure for the assessment of persons wishing to become foster parents, and makes provision as to the circumstances in which persons may not be considered suitable to act as foster parents. Regulations 28 and 29 provide for the approval, review of approval and termination of approval of foster parents. Regulations 30 to 32 provide for records and a register to be kept.

Mae Rhan V yn ymdrin â lleoli plant gyda rhieni maeth gan awdurdodau lleol a chyrff gwirfoddol ("awdurdodau cyfrifol"). Mae rheoliadau 33 i 36 yn gosod gofynion cyffredinol ar awdurdodau cyfrifol ynglyn â gwneud, goruchwylio a therfynu lleoliadau, ac mae rheoliadau 37 a 38 yn gwneud darpariaeth benodol am leoliadau byr-dymor, a lleoliadau brys a dioed gan awdurdodau lleol. Mae perthnasoedd rhwng awdurdod lleol ac asiantaeth faethu annibynnol yn cael eu rheoli gan reoliad 40.

Mae Rhan VI (rheoliad 41) yn darparu bod ymweliadau yn cael eu gwneud gan un o swyddogion yr awdurdod lleol â phlant sydd wedi'u lleoli gyda rhieni maeth gan gyrff gwirfoddol (adran 62 o Ddeddf 1989).

Mae Rhan VII yn gwneud darpariaeth amrywiol ynglyn ag asiantaethau maethu. Mae'n ofynnol i'r person cofrestredig fonitro'r materion a nodir yn Atodlen 7 ynghylch ansawdd y gofal sy'n cael ei ddarparu (rheoliad 42), ac i hysbysu'r personau a grybwyllir yn Atodlen 8 o'r digwyddiadau a restrir yn yr Atodlen honno (rheoliad 43). Mae rheoliad 44 yn gosod gofynion ynglyn â sefyllfa ariannol yr asiantaeth. Mae rheoliadau 45 i 47 yn darparu ar gyfer rhoi hysbysiadau i'r Cynulliad Cenedlaethol a phenodi datodwyr.

Mae rheoliad 48 yn darparu ar gyfer tramgwyddau mewn perthynas ag asiantaethau maethu.

Mae rheoliadau 50 a 51 yn gwneud y diwygiadau angenrheidiol i'r darpariaethau mewn rheoliadau ynglyn â gofynion cofrestru a thalu ffioedd yn yr un modd â sefydliadau ac asiantaethau eraill sy'n cael eu rheoleiddio o dan Ddeddf 2000.

Mae rheoliad 52 yn gwneud darpariaeth drosiannol. Pan fyddant yn dod i rym, bydd y Rheoliadau hyn yn gymwys i wasanaethau maethu awdurdodau lleol. Yn ôl rheoliad 52(1) a (2) byddant yn gymwys hefyd i gorff gwirfoddol sy'n lleoli plant gyda rhieni maeth o dan adran 59 o Ddeddf 1989, sydd wedi gwneud cais yn briodol i'r Cynulliad Cenedlaethol am gael ei gofrestru fel asiantaeth faethu erbyn 1 Ebrill 2003. Nid yw'r Rheoliadau hyn yn gymwys i asiantaeth faethu annibynnol tan iddi gael ei chofrestru, ond mae is-baragraffau (3) i (5) o'r rheoliad hwn yn caniatáu i awdurdod lleol ddirprwyo dyletswyddau penodol i asiantaeth faethu annibynnol sydd wedi gwneud cais am gael ei chofrestru i'r Cynulliad Cenedlaethol erbyn 1 Ebrill 2003. Mewn achosion pendodol mae rheoliad 52(7) yn datgymhwyso rheoliad 20(5) (sy'n cyfyngu'r amgylchiadau pan ganiateir i berson sydd wedi'i gymeradwyo fel rhiant maeth gan asiantaeth faethu gael ei gyflogi hefyd i weithio at ddibenion y gwasanaeth).

Part V deals with the placement of children with foster parents by local authorities and voluntary organisations ("responsible authorities"). Regulations 33 to 36 impose general requirements on responsible authorities as to the making, supervision and termination of placements, and regulations 37 and 38 make specific provision about short-term placements, and emergency and immediate placements by local authorities. Relations between a local authority and an independent fostering agency are governed by regulation 40.

Part VI (regulation 41) provides for visits to be made by an officer of the local authority to children who are placed with foster parents by voluntary organisations (section 62 of the 1989 Act).

Part VII makes miscellaneous provision regarding fostering agencies. The registered person is required to monitor the matters set out in Schedule 7 relating to the quality of care provided (regulation 42), and to give notice of the events listed in Schedule 8 to the persons mentioned in that Schedule (regulation 43). Regulation 44 imposes requirements relating to the agency's financial position. Regulations 45 to 47 provide for the giving of notices to the National Assembly and the appointment of liquidators.

Regulation 48 provides for offences in relation to fostering agencies.

Regulations 50 & 51 make the necessary amendments to the provisions in regulations concerning registration requirements and payment of fees in line with other establishments and agencies regulated under the 2000 Act.

Regulation 52 makes transitional provision. These Regulations apply to local authority fostering services on their coming into force. By regulation 52(1) and (2) they will also apply to a voluntary organisation which places children with foster parents under section 59 of the 1989 Act, which has duly applied to the National Assembly for registration as a fostering agency by 1st April 2003. These Regulations do not apply to an independent fostering agency until it is registered, but sub-paragraphs (3) to (5) of this regulation allow a local authority to delegate certain duties to an independent fostering agency which has by 1st April 2003 applied to the National Assembly for registration. Regulation 52(7) disapplies regulation 20(5) (which limits the circumstances in which a person who is approved as a foster parent by a fostering service may also be employed to work for the purposes of the service), in certain cases.

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**2003 No. 237 (W.35)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE,  
WALES**

**PLANT A PHERSONAU  
IFANC, CYMRU**

**CHILDREN AND YOUNG  
PERSONS, WALES**

**Rheoliadau Gwasanaethau Maethu  
(Cymru) 2003**

**The Fostering Services (Wales)  
Regulations 2003**

*Wedi'u gwneud*

*6 Chwefror 2003*

*Made*

*6th February 2003*

*Yn dod i rym*

*1 Ebrill 2003*

*Coming into force*

*1st April 2003*

TREFN Y RHEOLIADAU

ARRANGEMENT OF REGULATIONS

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- |  |   |
|--|---|
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|---|--|
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Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 16(2), 22(1), (2)(a) i (c), (e) i (j), (6), (7)(a) i (h), (j), 25(1), 34(1), 35(1), 48(1), 118(5), (6) a (7) o Ddeddf Safonau Gofal 2000(a) ac adrannau 23(2)(a) a (9), 59(2) a 62(3) o Ddeddf Plant 1989(b) a pharagraff 12 o Atodlen 2 iddi, ac ar ôl ymgynghori â'r personau hynny y mae'n barnu eu bod yn briodol(c), drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 16(2), 22(1), (2)(a) to (c), (e) to (j), (6), (7)(a) to (h), (j), 25(1), 34(1), 35(1), 48(1), 118(5), (6) and (7) of the Care Standards Act 2000(a) and sections 23(2)(a) and (9), 59(2) and 62(3) of, and paragraph 12 of Schedule 2 to, the Children Act 1989(b), and having consulted such persons as it considers appropriate(c), hereby makes the following Regulations:

## RHAN I CYFFREDINOL

## PART I GENERAL

### Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Maethu (Cymru) 2003 a deuant i rym ar 1 Ebrill 2003.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

### Dehongli

2.-(1) Yn y Rheoliadau hyn, oni fydd y cyd-destun yn mynnu fel arall,

ystyr "arweiniad plant" ("*children's guide*") yw'r arweiniad ysgrifenedig a luniwyd yn unol â rheoliad 3(3);

mae "asesu" neu "asesiad" ("*assessment*") i'w dehongli yn unol â rheoliad 27(1);

ystyr "asiantaeth faethu annibynnol" yw

### Citation, commencement and application

1.-(1) These Regulations may be cited as the Fostering Services (Wales) Regulations 2003 and are to come into force on 1st April 2003.

(2) These Regulations apply to Wales only.

### Interpretation

2.-(1) In these Regulations, unless the context otherwise requires

"the 1989 Act" ("*Deddf 1989*") means the Children Act 1989;

"the 2000 Act" ("*Deddf 2000*") means the Care Standards Act 2000;

"appropriate office" ("*swyddfa briodol*") means in relation to a fostering service-

(a) 2000 p.14. Mae'r pwerau hyn yn arferadwy gan y Gweinidog priodol, sydd wedi'i ddiffinio yn adran 121(1) o'r Ddeddf Safonau Gofal, mewn perthynas â Chymru, fel Cynulliad Cenedlaethol Cymru ac mewn perthynas â Lloegr, yr Alban a Gogledd Iwerddon fel yr Ysgrifennydd Gwladol. Mae "prescribed" a "regulations" wedi'u diffinio yn adran 121(1) o'r Ddeddf honno.

(b) 1989 p.41. Caiff swyddogaethau'r Ysgrifennydd Gwladol o dan Ddeddf 1989 eu gwneud yn arferadwy gan Gynulliad Cenedlaethol Cymru yn rhinwedd cynnwys Deddf 1989 yn Atodlen 1 i Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S.1999/672 (*gweler* erthygl 2(a) o Orchymyn 1999 ac adran 22(1) o Ddeddf Llywodraeth Cymru 1998 (p.38).

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

(a) 2000 c.14. These powers are exercisable by the appropriate Minister, who is defined in section 121(1) of the Care Standards Act, in relation to England, Scotland and Northern Ireland, as the Secretary of State, and in relation to Wales, as the National Assembly for Wales. "Prescribed" and "regulations" are defined in section 121(1) of that Act.

(b) 1989 c.41. Functions of the Secretary of State under the 1989 Act are made exercisable by the National Assembly for Wales by virtue of the inclusion of the 1989 Act in Schedule 1 to the National Assembly for Wales (Transfer of Functions Order) 1999 (S.I. 1999/672) (*see* article 2(a) of the 1999 Order and section 22(1) of the Government of Wales 1998 (c.38).

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

asiantaeth faethu o fewn ystyr "*independent fostering agency*" yn adran 4(4)(a) o Ddeddf 2000 (cyflawni swyddogaethau awdurdodau lleol mewn cysylltiad â lleoli plant gyda rhieni maeth);

ystyr "awdurdod ardal" ("*area authority*") yw'r awdurdod lleol y mae plentyn wedi'i leoli yn ei ardal mewn unrhyw achos lle nad yw'r awdurdod lleol hwnnw yn awdurdod sy'n gyfrifol am y plentyn;

ystyr "awdurdod cyfrifol" ("*responsible authority*"), mewn perthynas â phlentyn, yw'r awdurdod lleol neu'r corff gwirfoddol yn ôl fel y digwydd, sy'n gyfrifol am leoli'r plentyn;

ystyr "corff" ("*organisation*") yw corff corfforedig;

ystyr "cymeradwyaeth" ("*approval*") yw cymeradwyaeth fel rhiant maeth yn unol â rheoliad 28 a dehonglir cyfeiriadau at berson sydd wedi'i gymeradwyo yn unol â hynny;

ystyr "Cynulliad Cenedlaethol" ("*National Assembly*") yw Cynulliad Cenedlaethol Cymru;

mai i "cytundeb gofal maeth" ("*foster care agreement*") yr ystyr a roddir iddo gan reoliad 28(5)(b);

mae i "cytundeb lleoliad maeth" ("*foster placement agreement*") yr ystyr a roddir iddo gan reoliad 34(3);

ystyr "darparrydd cofrestredig" ("*registered provider*") mewn perthynas ag asiantaeth faethu yw person sydd wedi'i gofrestru o dan Ran II o Ddeddf 2000 fel y person sy'n rhedeg asiantaeth faethu(a);

ystyr "darparrydd gwasanaeth maethu" ("*fostering service provider*") -

(a) mewn perthynas ag asiantaeth faethu, yw person cofrestredig; neu

(b) mewn perthynas â gwasanaeth maethu awdurdod lleol, yw awdurdod lleol;

ystyr "datganiad o ddiben" ("*statement of purpose*") yw'r datganiad ysgrifenedig sy'n cael ei lunio yn unol â rheoliad 3(1);

ystyr "Deddf 1989" ("*the 1989 Act*") yw Deddf Plant 1989;

ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Safonau Gofal 2000;

ystyr "gwasanaeth maethu" ("*fostering service*") yw-

(a) asiantaeth faethu o fewn ystyr "fostering agency" yn adran 4(4) o Ddeddf 2000; neu

(a) if an office has been specified under paragraph (2) for the area in which the fostering service is situated, that office;

(b) in any other case, any office of the National Assembly;

"approval" ("*cymeradwyaeth*") means approval as a foster parent in accordance with regulation 28 and references to a person being approved are to be construed accordingly;

"area authority" ("*awdurdod ardal*") means the local authority in whose area a child is placed, in any case where that local authority is not the child's responsible authority;

"assessment" ("*asesiad*") is to be construed in accordance with regulation 27(1);

"child protection enquiries" ("*yhmoliadau amddiffyn plant*") has the meaning given to it by regulation 12(4);

"children's guide" ("*arweiniad plant*") means the written guide produced in accordance with regulation 3(3);

"foster care agreement" ("*cytundeb gofal maeth*") has the meaning given to it by regulation 28(5)(b);

"foster placement agreement" ("*cytundeb lleoliad maeth*") has the meaning given to it by regulation 34(3);

"foster parent" ("*rhiant maeth*") means a person with whom a child is placed, or may be placed under these Regulations, except that, in Parts IV and V of these Regulations it does not include a person with whom a child is placed under regulation 38(2);

"fostering panel" ("*panel maethu*") means a panel established in accordance with regulation 24;

"fostering service" ("*gwasanaeth maethu*") means-

(a) a fostering agency within the meaning of section 4(4) of the 2000 Act; or

(b) a local authority fostering service;

"fostering service provider" ("*darparrydd gwasanaeth maethu*") means-

(a) in relation to a fostering agency, a registered person; or

(b) in relation to a local authority fostering service, a local authority;

"general practitioner" ("*ymarferydd cyffredinol*") means a registered medical practitioner who-

(a) provides general medical services under

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(a) O dan adran 121(4) o Ddeddf 2000 y corff gwirfoddol ei hun yw'r person sy'n rhedeg asiantaeth faethu sy'n dod o fewn ystyr "fostering agency" yn adran 4(4)(b) o'r Ddeddf honno (corff gwirfoddol sy'n lleoli plant gyda rhieni maeth o dan adran 59(1) o Ddeddf 1989).



(b) gwasanaeth maethu awdurdod lleol;  
ystyr "gwasanaeth maethu awdurdod lleol" ("*local authority fostering service*") yw cyflawni swyddogaethau maethu perthnasol gan awdurdod lleol o fewn ystyr "relevant fostering functions" yn adran 43(3)(b) o Ddeddf 2000;

ystyr "lleoliad" ("*placement*") yw unrhyw leoliad plentyn sy'n cael ei wneud gan-

(a) awdurdod lleol o dan adran 23(2)(a) o Ddeddf 1989 neu gorff gwirfoddol o dan adran 59(1)(a) o Ddeddf 1989 nad yw-

(i) yn lleoliad gyda pherson sy'n dod o fewn adran 23(4) o'r Ddeddf honno; na

(ii) yn lleoliad ar gyfer mabwysiadu; a

(b) ac eithrio yn Rhan V o'r Rheoliadau hyn mae'n cynnwys lleoliad sy'n cael ei drefnu gan asiantaeth faethu annibynnol sy'n gweithredu ar ran awdurdod lleol; ac mae cyfeiriadau at blentyn sy'n cael ei leoli i'w dehongli yn unol â hynny;

ystyr "panel maethu" ("*fostering panel*") yw panel sy'n cael ei sefydlu yn unol â rheoliad 24;

ystyr "person cofrestredig" ("*registered person*") mewn perthynas ag asiantaeth faethu yw unrhyw berson sy'n ddarparpwydd cofrestredig neu'n rheolwr cofrestredig yr asiantaeth faethu;

ystyr "rheolwr cofrestredig" ("*registered manager*") mewn perthynas ag asiantaeth faethu yw person sydd wedi'i gofrestru o dan Ran II o Ddeddf 2000 fel rheolwr yr asiantaeth faethu;

mae "rhiant" ("*parent*"), mewn perthynas â phlentyn, yn cynnwys unrhyw berson sydd â chyfrifoldeb rhiant dros y plentyn;

ystyr "rhiant maeth" ("*foster parent*") yw person y mae plentyn wedi'i leoli gydag hwy neu y gellir ei leoli gyda hwy o dan y Rheoliadau hyn, ac eithrio yn Rhannau IV a V o'r Rheoliadau hyn lle nid yw'n cynnwys unrhyw berson y mae plentyn yn cael ei leoli gyda hwy gan awdurdod lleol o dan reoliad 38(2);

ystyr "swyddfa briodol" ("*appropriate office*") mewn perthynas â gwasanaeth maethu-

(a) os oes swyddfa wedi'i phennu o dan baragraff (2) ar gyfer yr ardal y mae'r gwasanaeth maethu wedi'i leoli ynddi, yw'r swyddfa honno;

(b) mewn unrhyw achos arall, yw unrhyw un o swyddfeydd y Cynulliad Cenedlaethol.

mae "unigolyn cyfrifol" ("*responsible*

Part II of the National Health Service Act 1977(a);

(b) performs personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997(b); or

(c) provides services which correspond to services provided under Part II of the National Health Service Act 1977 otherwise than in pursuance of that Act;

"independent fostering agency" ("*asiantaeth faethu annibynnol*") means a fostering agency within the meaning of section 4(4)(a) of the 2000 Act (discharging functions of local authorities in connection with the placing of children with foster parents);

"local authority fostering service" ("*gwasanaeth maethu awdurdod lleol*") means the discharge by a local authority of relevant fostering functions within the meaning of section 43(3)(b) of the 2000 Act;

"National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"organisation" ("*corff*") means a body corporate;

"parent" ("*rhiant*") in relation to a child, includes any person who has parental responsibility for the child;

"placement" ("*lleoliad*") means any placement of a child made by-

(a) a local authority under section 23(2)(a) of the 1989 Act or a voluntary organisation under section 59(1)(a) of the 1989 Act which is not-

(i) a placement with a person who falls within section 23(4) of that Act; or

(ii) a placement for adoption; and

(b) except in Part V of these Regulations includes a placement arranged by an independent fostering agency acting on behalf of a local authority,

and references to a child who is placed are to be construed accordingly;

"registered manager" ("*rheolwr cofrestredig*") in relation to a fostering agency means a person who is registered under Part II of the 2000 Act as the manager of the fostering agency;

"registered person" ("*person cofrestredig*") in relation to a fostering agency means any person who is the registered provider or the registered manager of the fostering agency;

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(a) 1977 c.49.

(b) 1997 c.46.

*individual*") i'w ddehongli yn unol â rheoliad 5(2)(b)(i);

ystyr "ymarferydd cyffredinol" ("*general practitioner*") yw ymarferydd meddygol cyffredinol sydd-

- (a) yn darparu gwasanaethau meddygol o dan Ran II o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(a);
- (b) yn cyflawni gwasanaethau meddygol personol mewn cysylltiad â chynllun peilot o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997(b); neu
- (c) sy'n darparu gwasanaethau sy'n cyfateb i wasanaethau sy'n cael eu darparu o dan Ran II o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 ac eithrio yn unol â'r Ddeddf honno;

mae i "ymholiadau amddiffyn plant" yr ystyr a roddir iddo gan reoliad 12(4).

(2) Caiff y Cynulliad Cenedlaethol bennu swyddfa o dan ei reolaeth fel y swyddfa briodol mewn perthynas â gwasanaethau maethu sydd wedi'u lleoli mewn ardal benodol yng Nghymru.

(3) Yn y Rheoliadau hyn, mae cyfeiriad

- (a) at reoliad neu Atodlen â rhif yn gyfeiriad at y rheoliad yn y Rheoliadau hyn, neu at yr Atodlen i'r Rheoliadau hyn, sy'n dwyn y rhif hwnnw;
- (b) mewn rheoliad neu Atodlen at baragraff â rhif, yn gyfeiriad at y paragraff yn y rheoliad neu'r Atodlen sy'n dwyn y rhif hwnnw;
- (c) mewn paragraff at is-baragraff â llythyren neu rif yn gyfeiriad at yr is-baragraff yn y paragraff hwnnw sy'n dwyn y llythyren honno neu'r rhif hwnnw.

(4) Yn y Rheoliadau hyn, oni fwriedir fel arall, mae cyfeiriadau at gyflogi person yn cynnwys -

- (a) cyflogi person boed am dâl neu beidio;
- (b) cyflogi person o dan contract gwasanaeth neu contract ar gyfer gwasanaethau;
- (c) caniatáu i berson weithio fel gwirfoddolwr;

ond nid ydynt yn cynnwys caniatáu i berson weithredu fel rhiant maeth, ac mae cyfeiriadau at gyflogai neu at berson sy'n cael ei gyflogi i'w dehongli yn unol â hynny.

"registered provider" ("*darparydd gwasanaeth maethu*") in relation to a fostering agency means a person who is registered under Part II of the 2000 Act as the person carrying on a fostering agency(a);

"responsible authority" ("*awdurdod cyfrifol*") means, in relation to a child, the local authority or voluntary organisation as the case may be, responsible for the child's placement;

"responsible individual" ("*unigolyn cyfrifol*") is to be construed in accordance with regulation 5(2)(b)(i);

"statement of purpose" ("*datganiad o ddiben*") means the written statement compiled in accordance with regulation 3(1).

(2) The National Assembly may specify an office controlled by it as the appropriate office in relation to fostering services situated in a particular area of Wales.

(3) In these Regulations, a reference

- (a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;
- (b) in a regulation or Schedule to a numbered paragraph, is to the paragraph in that regulation or Schedule bearing that number;
- (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

(4) In these Regulations, unless the contrary intention appears, references to employing a person include-

- (a) employing a person whether or not for payment;
- (b) employing a person under a contract of service or a contract for services;
- (c) allowing a person to work as a volunteer;

but do not include allowing a person to act as a foster parent, and references to an employee or to a person being employed is to be construed accordingly.

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(a) 1977 p.49.

(b) 1997 p.46.

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(a) By section 121(4) of the 2000 Act the person who carries on a fostering agency falling within section 4(4)(b) of that Act (a voluntary organisation which places children with foster parents under section 59(1) of the 1989 Act) is the voluntary organisation itself.

## Datganiad o ddiben ac arweiniad plant

3.-(1) Rhaid i'r darparpwydd gwasanaeth maethu lunio, mewn perthynas â'r gwasanaeth maethu, ddatganiad ysgrifenedig (y cyfeirir ato yn y Rheoliadau hyn fel y "datganiad o ddiben") a rhaid iddo gynnwys-

- (a) datganiad o nodau ac amcanion y gwasanaeth maethu; a
- (b) datganiad ynghylch y gwasanaethau a'r cyfleusterau sydd i'w darparu gan y gwasanaeth maethu.

(2) Rhaid i'r darparpwydd gwasanaeth maethu ddarparu copi o'r datganiad o ddiben i swyddfa briodol y Cynulliad Cenedlaethol a rhaid iddo drefnu bod copi ohono ar gael, os gofynnir amdano, i'w archwilio gan-

- (a) unrhyw berson sy'n gweithio at ddibenion y gwasanaeth maethu;
- (b) unrhyw riant maeth neu ddarpar riant maeth y gwasanaeth maethu;
- (c) unrhyw blentyn sydd wedi'i leoli gyda riant maeth gan y gwasanaeth maethu; ac
- (ch) riant unrhyw blentyn o'r fath.

(3) Rhaid i'r darparpwydd gwasanaeth maethu lunio arweiniad ysgrifenedig i'r gwasanaeth maethu (y cyfeirir ato yn y Rheoliadau hyn fel yr "arweiniad plant") a rhaid iddo gynnwys-

- (a) crynodeb o'r datganiad o ddiben;
- (b) crynodeb o'r weithdrefn a sefydlwyd;
  - (i) yn achos asiantaeth faethu annibynnol, o dan reoliad 18(1);
  - (ii) yn achos gwasanaeth maethu awdurdod lleol, o dan adran 26(3) o Ddeddf 1989; a
  - (iii) yn achos asiantaeth faethu sy'n dod o fewn adran 4(4)(b) o Ddeddf 2000, o dan adran 59(4)(b) o Ddeddf 1989(a);
- (c) cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol; ac
- (ch) cyfeiriad a rhif ffôn Comisiynydd Plant Cymru(b).

(4) Rhaid i'r darparpwydd gwasanaeth maethu ddarparu copi o'r arweiniad plant i swyddfa briodol y Cynulliad Cenedlaethol, i bob riant maeth sydd wedi'i gymeradwyo gan y darparpwydd gwasanaeth maethu ac (yn dibynnu ar oedran a dealltwriaeth y plentyn) i bob plentyn sydd wedi'i leoli gan y darparpwydd hwnnw.

(5) Yn ddarostyngedig i baragraff (6) rhaid i'r darparpwydd gwasanaeth maethu sicrhau bod y gwasanaeth maethu yn cael ei redeg bob amser mewn ffordd sy'n gyson â'i ddatganiad o ddiben.

(a) Rheoliadau Gweithdrefn Sylwadau (Plant) 1991 (O.S. 1991/894, fel y'u diwygiwyd gan O.S. 1991/2033, O.S. 1993/3069, ac O.S. 2001/2874) yw'r Rheoliadau cyfredol.

(b) Fel y'i sefydlwyd o dan Ran V o Ddeddf Safonau Gofal 2000.

## Statement of purpose and children's guide

3.-(1) The fostering service provider must compile, in relation to the fostering service, a written statement (in these Regulations referred to as the "statement of purpose") which must consist of-

- (a) a statement of the aims and objectives of the fostering service; and
- (b) a statement as to the services and facilities to be provided by the fostering service.

(2) The fostering service provider must provide a copy of the statement of purpose to the appropriate office of the National Assembly and must make it available, upon request, for inspection by-

- (a) any person working for the purposes of the fostering service;
- (b) any foster parent or prospective foster parent of the fostering service;
- (c) any child placed with a foster parent by the fostering service; and
- (d) the parent of any such child.

(3) The fostering service provider must produce a written guide to the fostering service (in these Regulations referred to as the "children's guide") which must include-

- (a) a summary of the statement of purpose;
- (b) a summary of the procedure established-
  - (i) in the case of an independent fostering agency, under regulation 18(1);
  - (ii) in the case of a local authority fostering service, under section 26(3) of the 1989 Act; and
  - (iii) in the case of a fostering agency falling within section 4(4)(b) of the 2000 Act, under section 59(4)(b) of the 1989 Act(a);
- (c) the address and telephone number of the appropriate office of the National Assembly; and
- (d) the address and telephone number of the Children's Commissioner for Wales(b).

(4) The fostering service provider must provide a copy of the children's guide to the appropriate office of the National Assembly, to each foster parent approved by the fostering service provider and (subject to the child's age and understanding) to each child placed by it.

(5) Subject to paragraph (6) the fostering service provider must ensure that the fostering service is at all times conducted in a manner which is consistent with its statement of purpose.

(a) The current Regulations are the Representations Procedure (Children) Regulations 1991 (S.I. 1991/894, as amended by S.I. 1991/2033, S.I. 1993/3069, and S.I. 2001/2874).

(b) As established under Part V of the Care Standards Act 2000.

(6) Ni fydd dim ym mharagraff (5) yn ei gwneud yn ofynnol i'r awdurdod dorri'r darpariaethau canlynol, na pheidio â chydymffurfio â hwy nac yn ei awdurdodi i wneud hynny -

- (a) unrhyw ddarpariaeth arall yn y Rheoliadau hyn; neu
- (b) yn achos asiantaeth faethu, unrhyw amodau sydd mewn grym am y tro mewn perthynas â chofrestru'r person cofrestredig o dan Ran II o Ddeddf 2000.

#### **Adolygu'r datganiad o ddiben a'r arweiniad plant**

4.-(1) Rhaid i'r darparydd gwasanaeth maethu -

- (a) cadw'r datganiad o ddiben a'r arweiniad plant o dan sylw ac, os yw'n briodol, eu diwygio; a
- (b) hysbysu swyddfa briodol y Cynulliad Cenedlaethol o unrhyw ddiwygiad o'r fath o fewn 28 diwrnod; ac
- (c) darparu, os yw'r arweiniad plant wedi'i adolygu, gopi ohono i bob rhiant maeth sydd wedi'i gymeradwyo gan y darparydd gwasanaeth maethu ac (yn ddarostyngedig i oedran a dealltwriaeth y plentyn), i bob plentyn sydd wedi'i leoli gan y darparydd hwnnw.

### **RHAN II**

#### **PERSONAU COFRESTREDIG A RHEOLI GWASANAETH MAETHU AWDURDOD LLEOL**

#### **Yr asiantaeth faethu - ffitrwydd y darparydd**

5.-(1) Rhaid i berson beidio â rhedeg asiantaeth faethu oni bai bod y person yn ffit i wneud hynny.

(2) Nid yw person yn ffit i redeg asiantaeth faethu oni bai bod y person-

- (a) yn achos asiantaeth faethu annibynnol, yn unigolyn sy'n rhedeg yr asiantaeth faethu; neu
- (b) yn gorff a -
  - (i) bod y corff wedi hysbysu swyddfa briodol y Cynulliad Cenedlaethol o enw, cyfeiriad a safle unigolyn (y cyfeirir ato yn y Rheoliadau hyn fel "yr unigolyn cyfrifol") yn y corff a hwnnw'n unigolyn sy'n gyfarwyddwr, rheolwr, ysgrifennydd neu swyddog arall i'r corff ac yn gyfrifol am oruchwylio rheolaeth yr asiantaeth faethu; a
  - (ii) bod yr unigolyn hwnnw yn bodloni'r gofynion a nodir ym mharagraff (3).

(6) Nothing in paragraph (5) requires or authorises the fostering service provider to contravene or not comply with-

- (a) any other provision of these Regulations; or
- (b) in the case of a fostering agency, any conditions for the time being in force in relation to the registration of the registered person under Part II of the 2000 Act.

#### **Review of statement of purpose and children's guide**

4. The fostering service provider must-

- (a) keep under review and where appropriate revise the statement of purpose and children's guide;
- (b) notify the appropriate office of the National Assembly of any such revision within 28 days; and
- (c) if the children's guide is revised, supply a copy to each foster parent approved by the fostering service provider and (subject to his or her age and understanding), to each child placed by it.

### **PART II**

#### **REGISTERED PERSONS AND MANAGEMENT OF LOCAL AUTHORITY FOSTERING SERVICE**

#### **Fostering agency - fitness of provider**

5.-(1) A person must not carry on a fostering agency unless the person is fit to do so.

(2) A person is not fit to carry on a fostering agency unless the person-

- (a) in the case of an independent fostering agency, is an individual who carries on the fostering agency; or
- (b) is an organisation and-
  - (i) the organisation has given notice to the appropriate office of the National Assembly of the name, address and position in the organisation of an individual (in these Regulations referred to as "the responsible individual") who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the fostering agency; and
  - (ii) that individual satisfies the requirements set out in paragraph (3).

- (3) Y gofynion yw:
- (a) bod yr unigolyn yn onest ac o gymeriad da;
  - (b) bod yr unigolyn yn ffit yn gorfforol ac yn feddyliol i redeg yr asiantaeth faethu; ac
  - (c) bod gwybodaeth lawn a boddhaol ar gael ynglyn â'r unigolyn mewn perthynas â phob mater a bennir yn Atodlen 1.
- (4) Rhaid i berson peidio â rhedeg asiantaeth faethu-
- (a) os yw wedi'i ddyfarnu'n fethdalwr neu os dyfarnwyd atafaeliad ar ei ystâd ac (yn y naill achos neu'r llall) nad yw wedi'i ryddhau ac nad yw'r gorchymyn methdaliad wedi'i ddi-ddymu neu wedi'i ddileu; neu
  - (b) os yw wedi gwneud cyfansoddiad neu drefniant gyda'i gredydwyr, ac nad yw wedi'i ryddhau mewn perthynas ag ef.

#### **Yr asiantaeth faethu - penodi rheolwr**

6.-(1) Rhaid i'r darparrydd cofrestredig benodi unigolyn, ac eithrio'r darparrydd cofrestredig, i reoli'r asiantaeth faethu.

(2) Os corff yw'r darparrydd cofrestredig, rhaid iddo beidio â phenodi yn rheolwr yr unigolyn cyfrifol.

(3) Rhaid i'r darparrydd cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol ar unwaith-

- (a) o enw unrhyw berson a benodwyd yn unol â'r rheoliad hwn; a
- (b) o'r dyddiad y mae'r penodiad i ddod yn effeithiol.

#### **Yr asiantaeth faethu - ffitrwydd y rheolwr**

7.-(1) Rhaid i berson beidio â rheoli asiantaeth faethu oni bai ei fod yn ffit i wneud hynny.

(2) Nid yw person yn ffit i reoli asiantaeth faethu oni bai -

- (a) bod y person yn onest ac o gymeriad da;
- (b) o roi sylw i faint yr asiantaeth faethu, ei datganiad o ddiben a nifer ac anghenion y plant sydd wedi'u lleoli ganddi-
  - (i) bod gan y person y cymwysterau, y medrau a'r profiad sy'n angenrheidiol i reoli'r asiantaeth faethu; a
  - (ii) bod y person yn ffit yn gorfforol ac yn feddyliol i reoli asiantaeth faethu;
- (c) bod gwybodaeth lawn a boddhaol ar gael ynglyn â'r person mewn perthynas â phob un o'r materion a bennir yn Atodlen 1.

(3) The requirements are that-

- (a) the individual is of integrity and good character;
- (b) the individual is physically and mentally fit to carry on the fostering agency; and
- (c) full and satisfactory information is available in relation to the individual in respect of each matter specified in Schedule 1.

(4) A person must not carry on a fostering agency if-

- (a) he or she has been adjudged bankrupt or sequestration of his or her estate has been awarded and (in either case) he or she has not been discharged and the bankruptcy order has not been annulled or rescinded; or
- (b) he or she has made a composition or arrangement with his or her creditors and has not been discharged in respect of it.

#### **Fostering agency - appointment of manager**

6.-(1) The registered provider must appoint an individual other than the registered provider, to manage the fostering agency.

(2) Where the registered provider is an organisation, it must not appoint the person who is the responsible individual as the manager.

(3) The registered provider must forthwith notify the appropriate office of the National Assembly of-

- (a) the name of any person appointed in accordance with this regulation; and
- (b) the date on which the appointment is to take effect.

#### **Fostering agency - fitness of manager**

7.-(1) A person must not manage a fostering agency unless he or she is fit to do so.

(2) A person is not fit to manage a fostering agency unless-

- (a) the person is of integrity and good character;
- (b) having regard to the size of the fostering agency, its statement of purpose, and the numbers and needs of the children placed by it-
  - (i) the person has the qualifications, skills and experience necessary to manage the fostering agency; and
  - (ii) the person is physically and mentally fit to manage a fostering agency; and
- (c) full and satisfactory information is available in relation to the person in respect of each matter in Schedule 1.

## **Y person cofrestredig - gofynion cyffredinol**

8.-(1) Rhaid i'r person cofrestredig a'r rheolwr cofrestredig, o roi sylw-

- (a) i ddatganiad o ddiben yr asiantaeth faethu, ei maint, a nifer ac anghenion y plant sydd wedi'u lleoli ganddi; a
- (b) i'r angen i ddiogelu a hybu lles y plant sydd wedi'u lleoli gan yr asiantaeth faethu,

redeg neu reoli'r asiantaeth faethu (yn ôl fel y digwydd) â gofal, medrusrwydd a medr digonol.

(2) Os yw'r darparwydd cofrestredig-

- (a) yn unigolyn, rhaid iddo ymgymryd;
- (b) yn gorff, rhaid iddo sicrhau bod yr unigolyn cyfrifol yn ymgymryd;

o dro i dro ag unrhyw hyfforddiant sy'n briodol i sicrhau bod gan yr unigolyn y profiad a'r medrau sy'n angenrheidiol ar gyfer rhedeg yr asiantaeth faethu.

(3) Rhaid i'r rheolwr cofrestredig ymgymryd o dro i dro ag unrhyw hyfforddiant sy'n briodol er mwyn sicrhau bod gan y rheolwr hwnnw y medrau y mae eu hangen i redeg yr asiantaeth faethu.

## **Hysbysu o dramgwyddau**

9. Os yw'r person cofrestredig neu'r unigolyn cyfrifol wedi'i gollfarnu o unrhyw dramgwydd troseddol, p'un ai yng Nghymru a Lloegr neu mewn man arall, rhaid i'r person sydd wedi'i gollfarnu hysbysu swyddfa briodol y Cynulliad Cenedlaethol yn ysgrifenedig ar unwaith -

- (a) o dyddiad a man y collfarniad,
- (b) o'r tramgwydd y cafodd ei gollfarnu o'i herwydd; ac
- (c) o'r gosb a osodwyd arno mewn perthynas â'r tramgwydd.

## **Gwasanaeth maethu awdurdod lleol - rheolwr**

10.-(1) Rhaid i bob awdurdod lleol benodi un o'i swyddogion i reoli gwasanaeth maethu'r awdurdod lleol a rhaid iddo hysbysu swyddfa briodol y Cynulliad Cenedlaethol ar unwaith -

- (a) o enw'r person a benodwyd; a
- (b) o'r dyddiad y mae'r penodiad i ddod yn effeithiol.

(2) Mae rheoliadau 7, 8, a 9 i fod yn gymwys i reolwr gwasanaeth maethu awdurdod lleol, mewn perthynas â'r gwasanaeth hwnnw, fel y bônt yn gymwys i reolwr asiantaeth faethu mewn perthynas â'r asiantaeth faethu.

(3) Rhaid i'r awdurdod lleol hysbysu swyddfa briodol y Cynulliad Cenedlaethol ar unwaith os yw'r person a benodwyd o dan baragraff (1) yn rhoi'r gorau i reoli gwasanaeth maethu'r awdurdod lleol.

## **Registered person - general requirements**

8.-(1) The registered provider and the registered manager must, having regard to-

- (a) the size of the fostering agency, its statement of purpose, and the numbers and needs of the children placed by it; and
- (b) the need to safeguard and promote the welfare of the children placed by the fostering agency,

carry on or manage the fostering agency (as the case may be) with sufficient care, competence and skill.

(2) If the registered provider is-

- (a) an individual, he or she must undertake;
- (b) an organisation, it must ensure that the responsible individual undertakes,

from time to time such training as is appropriate to ensure that he or she has the experience and skills necessary for carrying on the fostering agency.

(3) The registered manager must undertake from time to time such training as is appropriate to ensure that he or she has the experience and skills necessary for managing the fostering agency.

## **Notification of offences**

9. Where the registered person or the responsible individual is convicted of any criminal offence, whether in England and Wales or elsewhere, he or she must forthwith give notice in writing to the appropriate office of the National Assembly of-

- (a) the date and place of the conviction,
- (b) the offence of which he or she was convicted; and
- (c) the penalty imposed in respect of the offence.

## **Local authority fostering service - manager**

10.-(1) Each local authority must appoint one of its officers to manage the local authority fostering service, and must forthwith notify the appropriate office of the National Assembly of-

- (a) the name of the person appointed; and
- (b) the date on which the appointment is to take effect.

(2) Regulations 7, 8, and 9 are to apply to the manager of a local authority fostering service, in relation to that service, as they apply to the manager of a fostering agency in relation to the fostering agency.

(3) The local authority must forthwith notify the appropriate office of the National Assembly if the person appointed under paragraph (1) ceases to manage the local authority fostering service.

**Yr asiantaeth faethu annibynnol - y ddyletswydd i sicrhau lles**

**11.** Rhaid i'r person cofrestredig ar gyfer asiantaeth faethu annibynnol(a) sicrhau -

- (a) bod lles y plant sydd wedi'u lleoli neu sydd i'w lleoli gyda rhieni maeth yn cael ei ddiogelu a'i hybu bob amser; a
- (b) cyn gwneud unrhyw benderfyniad sy'n effeithio ar blentyn sydd wedi'i leoli neu sydd i'w leoli gyda rhieni maeth bod ystyriaeth briodol yn cael ei rhoi-
  - (i) i ddymuniadau a theimladau'r plentyn yng ngoleuni oedran a dealltwriaeth y plentyn; a
  - (ii) i argyhoeddiad crefyddol, tarddiad hiliol a chefnidir diwylliannol ac ieithyddol y plentyn.

**Trefniadau ar gyfer amddiffyn plant**

**12.**-(1) Rhaid i'r darparydd gwasanaeth maethu lunio a gweithredu polisi ysgrifenedig -

- (a) sydd wedi'i fwriadu i ddiogelu plant sydd wedi'u lleoli gyda rhieni maeth rhag cael eu cam-drin neu eu hesgeuluso; a
- (b) sy'n nodi'r weithdrefn i'w dilyn os bydd unrhyw honiad o gam-drin neu esgeuluso.

(2) Rhaid i'r weithdrefn o dan baragraff (1)(b), yn ddarostyngedig i baragraff (3), ddarparu'n benodol ar gyfer-

- (a) cysylltu a chydweithredu ag unrhyw awdurdod lleol sy'n gwneud, neu a all wneud, ymholiadau amddiffyn plant mewn perthynas ag unrhyw blentyn sydd wedi'i leoli gan y darparydd gwasanaeth maethu;
- (b) cyfeirio'n brydlon at yr awdurdod ardal unrhyw honiad o gam-drin neu esgeuluso sy'n effeithio ar unrhyw blentyn sydd wedi'i leoli gan y darparydd gwasanaeth maethu;
- (c) hysbysu swyddfa briodol y Cynulliad Cenedlaethol pan fydd unrhyw ymholiadau amddiffyn plant sy'n ymwneud â phlentyn sydd wedi'i leoli gan y darparydd gwasanaeth maethu wedi'u cychwyn ac ynghylch canlyniad yr ymholiadau hynny;
- (ch) cadw cofnodion ysgrifenedig ynghylch unrhyw honiad o gam-drin neu esgeuluso, ac ynghylch y camau sy'n cael eu cymryd mewn ymateb iddo;

(a) Mae dyletswyddau tebyg eisoes yn gymwys i asiantaeth faethu o fewn ystyr "fostering agency" yn adran 4(4)(b) o Ddeddf 2000 yn rhinwedd adran 61 o Ddeddf Plant 1989, ac i awdurdod lleol yn rhinwedd adran 22 o'r Ddeddf Plant.

**Independent fostering agency - duty to secure welfare**

**11.** The registered person in respect of an independent fostering agency(a) must ensure that-

- (a) the welfare of children placed or to be placed with foster parents is safeguarded and promoted at all times; and
- (b) before making any decision affecting a child placed or to be placed with foster parents due consideration is given to-
  - (i) the child's wishes and feelings in the light of the child's age and understanding; and
  - (ii) the child's religious persuasion, racial origin and cultural and linguistic background.

**Arrangements for the protection of children**

**12.**-(1) The fostering service provider must prepare and implement a written policy which-

- (a) is intended to safeguard children placed with foster parents from abuse or neglect; and
- (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.

(2) The procedure under paragraph (1)(b) must, subject to paragraph (3), provide in particular for-

- (a) liaison and co-operation with any local authority which is, or may be, making child protection enquiries in relation to any child placed by the fostering service provider;
- (b) the prompt referral to the area authority of any allegation of abuse or neglect affecting any child placed by the fostering service provider;
- (c) notification of the instigation and outcome of any child protection enquiries involving a child placed by the fostering service provider, to the appropriate office of the National Assembly;
- (d) written records to be kept of any allegation of abuse or neglect, and of the action taken in response;

(a) Similar duties already apply to a fostering agency within the meaning of section 4(4)(b) of the 2000 Act by virtue of section 61 of the Children Act 1989, and to a local authority by virtue of section 22 of the Children Act.

- (d) ystyried ym mhob achos y mesurau a all fod yn angenrheidiol i amddiffyn plant sydd wedi'u lleoli gyda rhieni maeth yn dilyn honiad o gam-drin neu esgeuluso; ac
- (dd) gwneud trefniadau i sicrhau bod modd i bersonau sy'n gweithio at ddibenion gwasanaeth faethu, rhieni maeth a phlant sydd wedi'u lleoli gan y gwasanaeth maethu gael gafael ar wybodaeth a fyddai'n eu galluogi i gysylltu â'r canlynol-
  - (i) yr awdurdod ardal; a
  - (ii) swyddfa briodol y Cynulliad Cenedlaethol;

ynghylch unrhyw bryder am les neu ddiogelwch plentyn.

(3) Nid yw is-baragraffau (a), (c) ac (dd)(i) o baragraff (2) yn gymwys i wasanaeth maethu awdurdod lleol.

(4) Yn y rheoliad hwn ystyr "ymholiadau amddiffyn plant" yw unrhyw ymholiadau sy'n cael eu gwneud gan awdurdod lleol wrth arfer unrhyw un o'i swyddogaethau a roddwyd gan neu o dan Ddeddf 1989 ac sy'n ymwneud ag amddiffyn plant.

#### **Rheoli ymddygiad ac absenoldeb o gartref rhiant maeth**

**13.**-(1) Rhaid i'r darparrydd gwasanaeth maethu baratoi a gweithredu polisi ysgrifenedig ar fesurau derbynol o reoli, atal a disgyblu plant sydd wedi'u lleoli gyda rhieni maeth.

(2) Rhaid i'r darparrydd gwasanaeth maethu gymryd pob camau rhesymol i sicrhau-

- (a) na chaiff unrhyw ffurf ar gosb gorfforol ei defnyddio ar unrhyw blentyn sydd wedi'i leoli gyda rhiant maeth;
- (b) na fydd unrhyw blentyn sydd wedi'i leoli gyda rhieni maeth yn destun unrhyw fesur rheoli, atal neu ddisgyblu sy'n ormodol neu'n afresymol; ac
- (c) mai dim ond pan yw'n angenrheidiol i atal anaf tebygol i'r plentyn neu bersonau eraill neu ddifrod difrifol tebygol i eiddo y mae dull atal corfforol yn cael ei ddefnyddio.

(3) Rhaid i'r darparrydd gwasanaeth maethu baratoi a gweithredu gweithdrefn ysgrifenedig sydd i'w dilyn os yw plentyn yn absennol o gartref rhiant maeth heb ganiatâd.

#### **Y ddyletswydd i hyrwyddo cysylltiadau**

**14.** Yn ddarostyngedig i ddarpariaethau'r cytundeb lleoliad maeth ac unrhyw orchymyn llys ynglŷn â chysylltiadau, rhaid i'r darparrydd gwasanaeth maethu hyrwyddo cysylltiadau rhwng plentyn sydd wedi'i leoli gyda rhiant maeth a rhieni'r plentyn, ei berthnasau a'i

- (e) consideration to be given in each case to the measures which may be necessary to protect children placed with foster parents following an allegation of abuse or neglect; and
- (f) arrangements to be made for persons working for the purposes of a fostering service, foster parents and children placed by the fostering service, to have access to information which would enable them to contact-
  - (i) the area authority; and
  - (ii) the appropriate office of the National Assembly,

regarding any concern about child welfare or safety.

(3) Sub-paragraphs (a), (c) and (f)(i) of paragraph (2) do not apply to a local authority fostering service.

(4) In this regulation "child protection enquiries" means any enquiries carried out by a local authority in the exercise of any of its functions conferred by or under the 1989 Act relating to the protection of children.

#### **Behaviour management and absence from foster parent's home**

**13.**-(1) The fostering service provider must prepare and implement a written policy on acceptable measures of control, restraint and discipline of children placed with foster parents.

(2) The fostering service provider must take all reasonable steps to ensure that-

- (a) no form of corporal punishment is used on any child placed with a foster parent;
- (b) no child placed with foster parents is subject to any measure of control, restraint or discipline which is excessive or unreasonable; and
- (c) physical restraint is used on a child only where it is necessary to prevent likely injury to the child or other persons or likely serious damage to property.

(3) The fostering service provider must prepare and implement a written procedure to be followed if a child is absent from a foster parent's home without permission.

#### **Duty to promote contact**

**14.** The fostering service provider must, subject to the provisions of the foster placement agreement and any court order relating to contact, promote contact between a child placed with a foster parent and the child's parents, relatives and friends unless such



gyfeillion oni bai nad yw cysylltiadau o'r fath yn rhesymol ymarferol neu'n gyson â lles y plentyn.

### **Iechyd plant sydd wedi'u lleoli gyda rhieni maeth**

**15.**-(1) Rhaid i'r darparrydd gwasanaeth maethu hybu lles a datblygiad plant sydd wedi'u lleoli gyda rhieni maeth.

(2) Yn benodol, rhaid i'r darparrydd gwasanaeth maethu sicrhau -

- (a) bod pob plentyn yn cael ei gofrestru gydag ymarferydd cyffredinol;
- (b) bod modd i bob plentyn gael gafael ar unrhyw gyngor, triniaeth a gwasanaethau meddygol, deintyddol, seicolegol a seiciatryddol a chyngor, triniaeth a gwasanaethau nyrsio y mae arno eu hangen; ac
- (c) bod pob plentyn yn cael unrhyw gefnogaeth, cymhorthion ac offer unigol y mae arno eu hangen o ganlyniad i unrhyw anghenion iechyd neu anabledd penodol a all fod ganddo; ac
- (ch) bod pob plentyn yn cael cyfarwyddyd, cefnogaeth a chyngor ar faterion iechyd, gofal personol a materion hybu iechyd sy'n briodol i'w anghenion a'i ddymuniadau.

### **Addysg, cyflogaeth a gweithgareddau hamdden**

**16.**-(1) Rhaid i'r darparrydd gwasanaeth maethu hybu cyrhaeddiad addysgol y plant sydd wedi'u lleoli gyda rhieni maeth.

(2) Yn benodol rhaid i'r darparrydd gwasanaeth maethu-

- (a) sefydlu gweithdrefn ar gyfer monitro cyrhaeddiad addysgol, cynnydd a phresenoldeb yn yr ysgol plant sydd wedi'u lleoli gyda rhieni maeth;
- (b) mewn perthynas â phlant oedran ysgol sydd wedi'u lleoli gyda rhieni maeth, hyrwyddo eu presenoldeb rheoliadd yn yr ysgol a'u cyfranogaeth mewn gweithgareddau ysgol;
- (c) rhoi i rieni maeth unrhyw wybodaeth a chymorth gan gynnwys offer sy'n angenrheidiol i ddiwallu anghenion addysgol y plant sydd wedi'u lleoli gyda hwy.

(3) Rhaid i'r darparrydd gwasanaeth maethu sicrhau bod unrhyw addysg y mae'n ei darparu ar gyfer unrhyw blentyn sydd wedi'i lleoli gyda rhieni maeth ac sy'n blentyn o oedran ysgol gorfodol ond nad yw'n mynd i'r ysgol yn effeithlon ac yn addas i oedran, gallu, a doniau'r plentyn ac unrhyw anghenion addysgol arbennig a all fod arno.

(4) Rhaid i'r darparrydd gwasanaeth maethu sicrhau bod rhieni maeth yn hyrwyddo diddordebau hamdden y plant sydd wedi'u lleoli gyda hwy.

contact is not reasonably practicable or consistent with the child's welfare.

### **Health of children placed with foster parents**

**15.**-(1) The fostering service provider must promote the health and development of children placed with foster parents.

(2) In particular the fostering service provider must ensure that -

- (a) each child is registered with a general practitioner;
- (b) each child has access to such medical, dental, nursing, psychological and psychiatric advice, treatment and services as he or she may require; and
- (c) each child is provided with such individual support, aids and equipment which he or she may require as a result of any particular health needs or disability he or she may have; and
- (d) each child is provided with guidance, support and advice on health, personal care and health promotion issues appropriate to his or her needs and wishes.

### **Education, employment and leisure activities**

**16.**-(1) The fostering service provider must promote the educational attainment of children placed with foster parents.

(2) In particular the fostering service provider must-

- (a) establish a procedure for monitoring the educational attainment, progress and school attendance of children placed with foster parents;
- (b) in relation to school aged children placed with foster parents, promote their regular attendance at school and participation in school activities;
- (c) provide foster parents with such information and assistance including equipment as may be necessary to meet the educational needs of children placed with them.

(3) The fostering service provider must ensure that any education it provides for any child placed with foster parents who is of compulsory school age but not attending school is efficient and suitable to the child's age, ability, aptitude, and any special educational needs he or she may have.

(4) The fostering service provider must ensure that foster parents promote the leisure interests of children placed with them.

(5) Os yw unrhyw blentyn sydd wedi'i leoli gyda rhieni maeth wedi cyrraedd yr oedran pan nad oes angen iddo bellach gael addysg orfodol amser-llawn, rhaid i'r darparydd gwasanaeth maethu roi cymorth i wneud y trefniadau ar gyfer y plentyn mewn perthynas â'i addysg, ei hyfforddiant a'i gyflogaeth a gweithredu'r trefniadau hynny.

### **Cymorth, hyfforddiant a gwybodaeth i rieni maeth**

17.-(1) Rhaid i'r darparydd gwasanaeth maethu roi unrhyw hyfforddiant, cyngor, gwybodaeth a chymorth, gan gynnwys cymorth y tu allan i oriau swyddfa, y mae'n ymddangos yn angenrheidiol er budd y plant sydd wedi'u lleoli gydag ef.

(2) Rhaid i'r darparydd gwasanaeth maethu gymryd pob cam rhesymol i sicrhau bod rhieni maeth yn gyfarwydd â'r polisiâu a sefydlwyd yn unol â rheoliadau 12(1) a 13(1) a (3) a'u bod yn gweithredu yn unol â'r polisiâu hynny.

(3) Rhaid i'r darparydd gwasanaeth maethu sicrhau, mewn perthynas ag unrhyw blentyn sydd wedi'i leoli neu sydd i'w leoli gyda rhiant maeth, fod y rhiant maeth yn cael yr wybodaeth, a honno'n cael ei chadw'n gyfoes, i alluogi'r rhiant maeth i ddarparu gofal priodol i'r plentyn ac yn benodol bod pob rhiant maeth yn cael gwybodaeth briodol-

- (a) am gyflwr iechyd ac anghenion iechyd unrhyw blentyn sydd wedi'i leoli neu sydd i'w leoli gyda'r rhiant maeth; a
- (b) am y trefniadau ar gyfer rhoi caniatâd ar gyfer archwiliad neu driniaeth feddygol neu ddeintyddol y plentyn.

### **Asiantaethau maethu annibynnol - cwynion a sylwadau**

18.-(1) Yn ddarostyngedig i baragraff (7), rhaid i'r person cofrestredig mewn perthynas ag asiantaeth maethu annibynnol(a) sefydlu gweithdrefn ysgrifenedig ar gyfer ystyried cwynion, sy'n cael eu gwneud gan neu ar ran plant sydd wedi'u lleoli gan yr asiantaeth a rhieni maeth y mae wedi'u cymeradwyo.

(2) Yn benodol, rhaid i'r weithdrefn ddarparu ar gyfer y canlynol -

- (a) cyfle i ddatrys y gŵyn yn anffurfiol yn gynnar yn y broses;
- (b) na fydd gan unrhyw berson sy'n destun cwyn yn cymryd rhan yn y broses o'i hystyried ac eithrio, os yw'r person cofrestredig yn barnu ei

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(a) Darperir ar gyfer sylwadau, gan gynnwys cwynion, am gyflawni swyddogaethau awdurdod lleol o dan Ran III o Ddeddf 1989 ac am ddarparu llety gan gorff gwirfoddol i unrhyw blentyn nad yw'n derbyn gofal gan awdurdod lleol, o dan adrannau 26(3) i (8), a 59(4) o Ddeddf 1989, a Rheoliadau Gweithdrefn Sylwadau (Plant) 1991 (O.S. 1991/894, fel y'u diwygiwyd gan O.S. 1991/2033, O.S. 1993/3069 ac O.S. 2001/2874).

(5) Where any child placed with foster parents has attained the age where he or she is no longer required to receive compulsory full-time education, the fostering service provider must assist with the making of, and give effect to, the arrangements made for the child in respect of his or her education, training and employment.

### **Support, training and information for foster parents**

17.-(1) The fostering service provider must provide foster parents with such training, advice, information and support, including support outside office hours, as appears necessary in the interests of children placed with them.

(2) The fostering service provider must take all reasonable steps to ensure that foster parents are familiar with, and act in accordance with the policies established in accordance with regulations 12(1) and 13(1) and (3).

(3) The fostering service provider must ensure that, in relation to any child placed or to be placed with a foster parent, the foster parent is given such information, which is kept up to date, as to enable the foster parent to provide appropriate care for the child, and in particular that each foster parent is provided with appropriate information regarding-

- (a) the state of health and health needs of any child placed or to be placed with the foster parent; and
- (b) the arrangements for giving consent to the child's medical or dental examination or treatment.

### **Independent fostering agencies - complaints and representations**

18.-(1) Subject to paragraph (7), the registered person in respect of an independent fostering agency(a) must establish a written procedure for considering complaints made by or on behalf of children placed by the agency and foster parents approved by it.

(2) The procedure must, in particular, provide-

- (a) for an opportunity for informal resolution of the complaint at an early stage;
- (b) that no person who is the subject of a complaint takes part in its consideration other than, if the registered person considers it

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(a) Representations, including complaints, about the discharge of a local authority's functions under Part III of the 1989 Act and about the provision by a voluntary organisation of accommodation to any child who is not looked after by a local authority, are provided for by sections 26(3) to (8), and 59(4) of the 1989 Act, and the Representations Procedure (Children) Regulations 1991 (S.I. 1991/894, as amended by S.I. 1991/2033, S.I. 1993/3069 and S.I. 2001/2874).

- bod yn briodol, adeg ei datrys yn anffurfiol yn unig;
- (c) ymdrin â chwynion am y person cofrestredig;
- (ch) bod cwynion yn cael eu gwneud gan berson sy'n gweithredu ar ran plentyn;
- (d) bod trefniadau ar gyfer y weithdrefn i'w hysbysu -
- (i) i'r plant sydd wedi'u lleoli gan yr asiantaeth;
  - (ii) i'w rhieni;
  - (iii) i bersonau sy'n gweithio at ddibenion yr yr asiantaeth faethu annibynnol.

(3) Os gofynnir amdano, rhaid darparu copi o'r weithdrefn i unrhyw un o'r personau a grybwyllir ym mharagraff (2)(d).

(4) Rhaid i'r copi o'r weithdrefn a gyflwynir o dan baragraff (3) gynnwys -

- (a) enw, cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol; a
- (b) manylion y weithdrefn (os oes un) sydd wedi'i hysbysu i'r person cofrestredig gan y Cynulliad Cenedlaethol ar gyfer gwneud cwynion iddi mewn perthynas ag asiantaethau maethu annibynnol.

(5) Rhaid i'r person cofrestredig sicrhau bod cofnod ysgrifenedig yn cael ei wneud am unrhyw gŵyn neu sylw, y camau sy'n cael eu cymryd mewn ymateb iddi, a chanlyniad yr ymchwiliad.

(6) Rhaid i'r person cofrestredig sicrhau -

- (a) bod plant yn cael eu galluogi i wneud cwyn neu gyflwyno sylwadau; a
- (b) nad oes neb yn talu'r pwyth yn ôl i unrhyw blentyn sy'n gwneud cwyn neu'n cyflwyno sylwadau.

(7) Os bydd y Cynulliad Cenedlaethol yn gofyn amdano, rhaid i'r person cofrestredig ddarparu datganiad i swyddfa briodol y Cynulliad Cenedlaethol sy'n cynnwys crynodeb o unrhyw gwynion sydd wedi'u gwneud yn ystod y ddeuddeng mis blaenorol a'r camau y gymerwyd mewn ymateb iddynt.

(8) Nid yw'r rheoliad hwn (ac eithrio paragraff (5)) yn gymwys mewn perthynas ag unrhyw fater y mae Rheoliadau Gweithdrefn Sylwadau (Plant) 1991(a) yn gymwys iddo.

### Staffio gwasanaeth maethu

**19.** Rhaid i'r darparydd gwasanaeth maethu sicrhau, gan roi sylw -

- (a) i faint y gwasanaeth maethu, y datganiad o'i ddiben ac anghenion y plant sydd wedi'u lleoli

(a) *Gweler* y troednodyn ar gyfer rheoliad 18(1).

appropriate, at the informal resolution stage only;

- (c) for dealing with complaints about the registered person;
- (d) for complaints to be made by a person acting on behalf of a child;
- (e) for arrangements for the procedure to be made known to-
  - (i) children placed by the agency;
  - (ii) their parents;
  - (iii) persons working for the purposes of the independent fostering agency.

(3) A copy of the procedure must be supplied on request to any of the persons mentioned in paragraph (2)(e).

(4) The copy of the procedure supplied under paragraph (3) must include-

- (a) the name, address and telephone number of the appropriate office of the National Assembly; and
- (b) details of the procedure (if any) which has been notified to the registered person by the National Assembly for the making of complaints to it relating to independent fostering agencies.

(5) The registered person must ensure that a written record is made of any complaint or representation, the action taken in response to it, and the outcome of the investigation.

(6) The registered person must ensure that-

- (a) children are enabled to make a complaint or representation; and
- (b) no child is subject to any reprisal for making a complaint or representation.

(7) The registered person must supply to the appropriate office of the National Assembly at its request a statement containing a summary of any complaints made during the preceding twelve months and the action taken in response.

(8) This regulation (apart from paragraph (5)) does not apply in relation to any matter to which the Representations Procedure (Children) Regulations 1991(a) applies.

### Staffing of fostering service

**19.** The fostering service provider must ensure that there is, having regard to-

- (a) the size of the fostering service, its statement of purpose, and the numbers and needs of the

(a) *See* footnote to regulation 18(1).

ganddo; a

- (b) yr angen i ddiogelu a hybu iechyd a lles y plant sydd wedi'u lleoli gyda rhieni maeth,

fod nifer digonol o bersonau hyfedr a phrofiadol â chymwysterau addas yn gweithio at ddibenion y gwasanaeth maethu.

### **Ffitrwydd y gweithwyr**

**20.**-(1) Rhaid i'r darparrydd gwasanaeth maethu beidio â gwneud y canlynol -

- (a) cyflogi person i weithio at ddibenion y gwasanaeth maethu oni bai bod y person hwnnw yn ffit i weithio at ddibenion gwasanaeth maethu; neu
- (b) caniatáu i berson y mae paragraff (2) yn gymwys iddo, weithio at ddibenion y gwasanaeth maethu oni bai bod y person hwnnw yn ffit i weithio dros wasanaeth maethu.

(2) Mae'r paragraff hwn yn gymwys i unrhyw berson a gyflogir gan berson heblaw darparrydd y gwasanaeth maethu mewn swydd lle gallai wrth gyflawni ei ddyletswyddau gael cysylltiad rheolaidd â phlant sydd wedi'u lleoli gan y gwasanaeth maethu.

(3) At ddibenion paragraff (1), nid yw person yn ffit i weithio i wasanaeth maethu oni bai-

- (a) bod y person yn onest ac o gymeriad da;
- (b) bod gan y person y cymwysterau a'r profiad sy'n angenrheidiol ar gyfer y gwaith y mae i'w gyflawni;
- (c) bod y person yn ffit yn gorfforol ac yn feddyliol ar gyfer y gwaith y mae i'w gyflawni; ac
- (ch) bod gwybodaeth lawn a boddhaol ynglyn â'r person ar gael mewn perthynas â phob mater a bennir yn Atodlen 1.

(4) Rhaid i'r darparrydd gwasanaeth maethu gymryd camau rhesymol i sicrhau bod unrhyw berson sy'n gweithio i wasanaeth maethu nad yw'n cael ei gyflogi gan y darparrydd gwasanaeth maethu ac nad yw paragraff (2) yn gymwys iddo yn cael ei oruchwyllo'n briodol tra bydd yn cyflawni ei ddyletswyddau.

(5) Yn ddarostyngedig i reoliad 52(7), rhaid i'r darparrydd gwasanaeth maethu beidio â chyflogi person i weithio at ddibenion y gwasanaeth maethu mewn swydd y mae paragraff (6) yn gymwys iddi-

- (a) sy'n rhiant maeth a gymeradwywyd gan y gwasanaeth maethu, neu
- (b) sy'n aelod o aelwyd rhiant maeth o'r fath.

(6) Mae'r paragraff hwn yn gymwys i unrhyw swydd reoli, swydd gwaith cymdeithasol neu swydd

children placed by it; and

- (b) the need to safeguard and promote the health and welfare of children placed with foster parents,

a sufficient number of suitably qualified, competent and experienced persons working for purposes of the fostering service.

### **Fitness of workers**

**20.**-(1) The fostering service provider must not-

- (a) employ a person to work for the purposes of the fostering service unless that person is fit to work for the purposes of a fostering service; or
- (b) allow a person to whom paragraph (2) applies, to work for the purposes of the fostering service unless that person is fit to work for a fostering service.

(2) This paragraph applies to any person who is employed by a person other than the fostering service provider in a position in which he or she may in the course of his or her duties have regular contact with children placed by the fostering service.

(3) For the purposes of paragraph (1), a person is not fit to work for a fostering service unless-

- (a) the person is of integrity and good character;
- (b) the person has the qualifications and experience necessary for the work he or she is to perform;
- (c) the person is physically and mentally fit for the work he or she is to perform; and
- (d) full and satisfactory information is available in relation to the person in respect of each matter specified in Schedule 1.

(4) The fostering service provider must take reasonable steps to ensure that any person working for a fostering service who is not employed by the fostering service provider and to whom paragraph (2) does not apply is appropriately supervised while carrying out his or her duties.

(5) Subject to regulation 52(7), the fostering service provider must not employ to work for the purposes of the fostering service in a position to which paragraph (6) applies, a person who is -

- (a) a foster parent approved by the fostering service, or
- (b) a member of the household of such a foster parent.

(6) This paragraph applies to any management, social work or other professional position, unless in the

broffesiynol arall, oni bai bod y gwaith, yn achos swydd nad yw'n swydd reoli nac yn swydd gwaith cymdeithasol, yn cael ei wneud yn achlysurol, fel gwirfoddolwr, am nid mwy na phum awr mewn unrhyw wythnos.

### **Cyflogi staff**

**21.-(1)** Rhaid i'r darparrydd gwasanaeth maethu-

- (a) sicrhau bod pob penodiad parhaol yn amodol ar gwblhau cyfnod prawf yn boddhaol; a
- (b) roi i bob cyflogai ddisgrifiad swydd sy'n amlinellu eu cyfrifoldebau.

**(2)** Rhaid i'r darparrydd gwasanaeth maethu weithredu gweithdrefn ddisgyblu a fydd, yn benodol,

- (a) yn darparu ar gyfer atal cyflogai os bydd angen hynny er budd diogelwch neu les y plant sydd wedi'u lleoli gyda rhieni maeth;
- (b) yn darparu bod methiant ar ran cyflogai i roi gwybod am digwyddiad o gamdriniaeth, neu gamdriniaeth a amheuir ar blentyn sydd wedi'i leoli gyda rhieni maeth i berson priodol yn sail dros gychwyn achos disgyblu.

**(3)** At ddibenion paragraff (2)(b), person priodol yw-

- (a) mewn unrhyw achos-
  - (i) y person cofrestredig, neu reolwr gwasanaeth maethu'r awdurdod lleol yn ôl fel y digwydd;
  - (ii) un o swyddogion y Cynulliad Cenedlaethol;
  - (iii) un o swyddogion yr awdurdod ardal os yw'n gymwys;
  - (iv) swyddog heddlu;
  - (v) un o swyddogion y Gymdeithas Genedlaethol er Atal Creulondeb i Blant;
- (b) yn achos un o gyflogeion asiantaeth faethu annibynnol, un o swyddogion yr awdurdod cyfrifol;
- (c) yn achos un o gyflogeion asiantaeth faethu, un o swyddogion yr awdurdod lleol y mae'r asiantaeth wedi'i lleoli yn ei ardal;

**(4)** Rhaid i'r darparrydd gwasanaeth faethu sicrhau bod pob person sy'n cael ei gyflogi ganddo -

- (a) yn cael ei hyfforddi, ei oruchwylio a'i werthuso'n briodol; a
- (b) yn cael ei alluogi o bryd i'w gilydd i ennill cymwysterau pellach sy'n briodol i'r gwaith y mae'n ei gyflawni.

### **Cofnodion ynglyn â gwasanaethau maethu**

**22.-(1)** Rhaid i'r darparrydd gwasanaeth maethu

case of a position which is not a management or a social work position, the work is undertaken on an occasional basis, as a volunteer, or for no more than 5 hours in any week.

### **Employment of staff**

**21.-(1)** The fostering service provider must-

- (a) ensure that all permanent appointments are subject to the satisfactory completion of a period of probation; and
- (b) provide all employees with a job description outlining their responsibilities.

**(2)** The fostering service provider must operate a disciplinary procedure which, in particular-

- (a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of children placed with foster parents;
- (b) provides that the failure on the part of an employee to report an incident of abuse, or suspected abuse of a child placed with foster parents to an appropriate person is a ground on which disciplinary proceedings may be instituted.

**(3)** For the purposes of paragraph (2)(b), an appropriate person is-

- (a) in any case-
  - (i) the registered person, or the manager of the local authority fostering service as the case may be;
  - (ii) an officer of the National Assembly;
  - (iii) an officer of the area authority if applicable;
  - (iv) a police officer;
  - (v) an officer of the National Society for the Prevention of Cruelty to Children;
- (b) in the case of an employee of an independent fostering agency, an officer of the responsible authority;
- (c) in the case of an employee of a fostering agency, an officer of the local authority in whose area the agency is situated.

**(4)** The fostering service provider must ensure that all persons employed by him or her-

- (a) receive appropriate training, supervision and appraisal; and
- (b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.

### **Records with respect to fostering services**

**22.-(1)** The fostering service provider must maintain

gadw'r cofnodion a bennir yn Atodlen 2 a'u cadw'n gyfoes.

(2) Rhaid dal gafael ar y cofnodion y cyfeirir atynt ym mharagraff (1) am o leiaf 15 mlynedd o ddyddiad y cofnod diwethaf.

### **Ffitrwydd tir ac adeiladau**

**23.-**(1) Rhaid i'r gwasanaeth maethu beidio â defnyddio tir ac adeiladau at ddibenion gwasanaeth maethu oni bai bod y tir ac adeiladau yn addas ar gyfer cyflawni'r nodau a'r amcanion sydd wedi'u nodi yn y datganiad o ddiben.

- (2) Rhaid i'r darparwydd gwasanaeth maethu sicrhau -
- (a) bod yna drefniadau gwarchod digonol ar y tir ac adeiladau, yn benodol bod cyfleusterau diogel yn y tir ac adeiladau ar gyfer storio cofnodion; a
  - (b) bod unrhyw gofnodion sy'n cael eu cadw i ffwrdd o'r tir ac adeiladau yn cael eu cadw o dan amodau priodol o ran diogelwch.

## **RHAN IV**

### **CYMERADWYO RHIENI MAETH**

#### **Sefydlu panel maethu**

**24.-**(1) Yn ddarostyngedig i baragraff (5), rhaid i'r darparwydd gwasanaeth maethu sefydlu o leiaf un panel, a elwir panel maethu, yn unol â'r rheoliad hwn.

(2) Rhaid i'r darparwydd gwasanaeth maethu benodi'r naill neu'r llall o'r canlynol i gadeirio'r panel -

- (a) aelod hŷn o staff y darparwydd gwasanaeth maethu nad yw'n gyfrifol am reoli o ddydd i ddydd unrhyw berson sy'n cynnal asesiadau o ddarpar rieni maeth; neu
- (b) unrhyw berson arall nad yw'n un o gyflogeion, aelodau, partneriaid neu gyfarwyddwyr y darparwydd gwasanaeth maethu ac y mae ganddo'r medrau a'r profiad sy'n angenrheidiol ar gyfer cadeirio panel maethu.

(3) Yn ddarostyngedig i baragraff (5), rhaid i'r panel maethu beidio â chynnwys mwy na 10 aelod, gan gynnwys y person a benodir o dan baragraff (2) a rhaid iddo gynnwys -

- (a) dau weithiwr cymdeithasol sy'n cael eu cyflogi gan y darparwydd gwasanaeth maethu, y mae gan y naill arbenigedd mewn gofal plant a'r llall arbenigedd mewn darparu gwasanaeth maethu;
- (b) yn achos asiantaeth faethu-
  - (i) os unigolyn yw'r darparwydd cofrestredig, yr unigolyn hwnnw;

and keep up to date the records specified in Schedule 2.

(2) The records referred to in paragraph (1) must be retained for at least 15 years from the date of the last entry.

### **Fitness of premises**

**23.-**(1) The fostering service must not use premises for the purposes of a fostering service unless the premises are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) A fostering service provider must ensure-

- (a) that there are adequate security arrangements at the premises, in particular that there are secure facilities at the premises for the storage of records, and
- (b) that any records which are stored away from the premises are kept in conditions of appropriate security.

## **PART IV**

### **APPROVAL OF FOSTER PARENTS**

#### **Establishment of fostering panel**

**24.-**(1) Subject to paragraph (5), the fostering service provider must establish at least one panel, to be known as a fostering panel, in accordance with this regulation.

(2) The fostering service provider must appoint to chair the panel either-

- (a) a senior member of staff of the fostering service provider who is not responsible for the day to day management of any person carrying out assessments of prospective foster parents; or
- (b) such other person not being an employee, member, partner or director of the fostering service provider, who has the skills and experience necessary for chairing a fostering panel.

(3) Subject to paragraph (5), the fostering panel must not consist of more than 10 members including the person appointed under paragraph (2) and must include-

- (a) two social workers employed by the fostering service provider, one of whom has child care expertise and the other of whom has expertise in the provision of a fostering service;
- (b) in the case of a fostering agency-
  - (i) if the registered provider is an individual, that individual;

- (ii) os corff yw'r darparwydd cofrestredig, o leiaf un o'i gyfarwyddwyr neu'r unigolyn cyfrifol;
- (c) yn achos gwasanaeth maethu awdurdod lleol, o leiaf un aelod etholedig o'r awdurdod lleol; ac
- (ch) o leiaf bedwar person arall (y cyfeirir atynt yn y rheoliad hwn fel "aelodau annibynnol"), gan gynnwys o leiaf un person sydd, neu sydd wedi bod o fewn y dwy flynedd flaenorol, yn rhiant maeth ar gyfer darparwydd gwasanaeth maethu ac eithrio'r un y mae ei banel maethu yn cael ei sefydlu.

(4) Rhaid i'r darparwydd gwasanaeth maethu benodi aelod o'r panel maethu a fydd yn gweithredu fel cadeirydd os yw'r person sy'n cael ei benodi i gadeirio'r panel yn absennol neu os yw ei swydd yn wag ("yr is-gadeirydd").

(5) Gall panel maethu gael ei sefydlu ar y cyd gan unrhyw ddau ddarparwydd gwasanaeth maethu ond nid mwy na thri darparwydd gwasanaeth maethu, ac os sefydlir panel maethu o'r fath-

- (a) un ar ddeg yw uchafswm yr aelodau y gellir eu penodi i'r panel hwnnw;
- (b) rhaid i bob darparwydd gwasanaeth maethu benodi dau berson i'r panel, y mae'r naill yn dod o dan baragraff (3)(a), a'r llall yn dod o dan baragraff (3)(b) neu (c), yn ôl fel y digwydd;
- (c) drwy gytundeb rhwng y darparwyr gwasanaeth maethu rhaid penodi-
  - (i) person i gadeirio'r panel;
  - (ii) o leiaf bedwar aelod annibynnol gan gynnwys o leiaf un person sydd, neu sydd wedi bod o fewn y dwy flynedd flaenorol, yn rhiant maeth ar gyfer darparwydd gwasanaeth maethu ac eithrio unrhyw un o'r rhai y mae eu panel maethu yn cael ei sefydlu; a
  - (iii) aelod o'r panel a fydd yn gweithredu fel cadeirydd os bydd y person sy'n cael ei penodi i gadeirio'r panel yn absennol neu os bydd ei swydd yn wag ("yr is-gadeirydd").

(6) Rhaid i aelod o banel maethu beidio â dal ei swydd am dymor sy'n hwy na thair blynedd, ac ni chaiff ddal ei swydd ar gyfer panel yr un darparwydd gwasanaeth maethu am fwy na dau dymor yn olynol.

(7) Caiff unrhyw aelod o'r panel ymddiswyddo ar unrhyw bryd drwy roi hysbysiad ysgrifenedig o un mis i'r darparwydd gwasanaeth maethu.

(8) Os yw darparwydd gwasanaeth maethu o'r farn fod unrhyw aelod o'r panel maethu yn anaddas i aros yn ei swydd neu'n methu ag aros ynddi, gall derfynu swydd yr aelod hwnnw ar unrhyw bryd drwy roi hysbysiad ysgrifenedig i'r aelod.

- (ii) if the registered provider is an organisation, at least one of its directors or the responsible individual;
- (c) in the case of a local authority fostering service, at least one elected member of the local authority; and
- (d) at least four other persons (in this regulation referred to as "independent members"), including at least one person who is, or within the previous two years has been, a foster parent for a fostering service provider other than the one whose fostering panel is established.

(4) The fostering service provider must appoint a member of the fostering panel who will act as chair if the person appointed to chair the panel is absent or his or her office is vacant ("the vice chair").

(5) A fostering panel may be established jointly by any two but not more than three fostering service providers, and if such a fostering panel is established-

- (a) the maximum number of members who may be appointed to that panel is eleven;
- (b) each fostering service provider must appoint two persons to the panel, one of whom falls within paragraph (3)(a), and the other of whom falls within paragraph (3)(b) or (c), as the case may be;
- (c) by agreement between the fostering service providers there must be appointed-
  - (i) a person to chair the panel;
  - (ii) at least four independent members including at least one person who is, or within the previous two years has been, a foster parent for a fostering service provider other than any of those whose fostering panel is being established; and
  - (iii) a member of the panel who will act as chair if the person appointed to chair the panel is absent or his or her office is vacant ("the vice chair").

(6) A fostering panel member must not hold office for a term exceeding three years, and may not hold office for the panel of the same fostering service provider for more than two consecutive terms.

(7) Any panel member may resign his or her office at any time by giving one month's notice in writing to the fostering service provider.

(8) Where a fostering service provider is of the opinion that any member of the fostering panel is unsuitable or unable to remain in office, it may terminate that member's office at any time by giving to the member notice in writing.

(9) Rhaid peidio â phenodi person yn aelod annibynnol o banel maethu-

- (a) os yw'r person yn rhiant maeth sydd wedi'i gymeradwyo gan y darparrydd gwasanaeth maethu;
- (b) os yw'r person yn cael ei gyflogi gan y darparrydd gwasanaeth maethu;
- (c) os yw'r person yn ymwneud â rheoli'r darparrydd gwasanaeth maethu;
- (ch) os yw'r person, yn achos gwasanaeth maethu awdurdod lleol, yn aelod etholedig o'r awdurdod lleol; neu
- (d) os yw'r person, yn achos asiantaeth faethu, yn un sy'n perthyn i unrhyw un o gyfloggeion y darparrydd cofrestredig, neu i unrhyw berson sy'n ymwneud â rheoli'r asiantaeth faethu.

(10) At ddibenion paragraff (9)(d), mae person ("person A") yn perthyn i berson arall ("person B") os yw person A -

- (a) yn aelod o aelwyd person B neu'n briod i berson B;
- (b) yn fab, merch, mam, tad, chwaer neu frawd i berson B; neu
- (c) yn fab, merch, mam, tad, chwaer neu frawd i'r person y mae person B yn briod iddo.

### **Cyfarfodydd y panel maethu**

**25.**-(1) Yn ddarostyngedig i baragraff (3), rhaid i fusnes beidio â chael ei gynnal gan banel maethu oni bai bod o leiaf bump o'i aelodau, gan gynnwys y person sy'n cael ei benodi i gadeirio'r panel, neu'r is-gadeirydd, o leiaf un o'r gweithwyr cymdeithasol sy'n cael ei gyflogi gan y gwasanaeth maethu ac o leiaf ddau o'r aelodau annibynnol, yn cyfarfod fel panel.

(2) Rhaid i banel maethu wneud cofnod ysgrifenedig o'i drafodion a'r rhesymau dros ei argymhellion.

(3) Yn achos cyd-banel maethu, rhaid peidio â chynnal unrhyw fusnes nes bod o leiaf chwech o'i aelodau, gan gynnwys y person sy'n cael ei benodi i gadeirio'r panel, neu'r is-gadeirydd, ac un gweithiwr cymdeithasol o bob un o'r gwasanaethau maethu, yn cyfarfod fel panel.

### **Swyddogaethau'r panel maethu**

**26.**-(1) Swyddogaethau'r panel maethu mewn perthynas ag achosion sy'n cael eu cyfeirio ato gan y darparrydd gwasanaeth maethu yw -

- (a) ystyried pob cais am gymeradwyaeth ac argymell a yw person yn addas i weithredu fel rhiant maeth neu beidio;
- (b) os yw'n argymell cymeradwyo cais, argymell ar ba delerau y dylid rhoi'r gymeradwyaeth;

(9) A person must not be appointed as an independent member of a fostering panel if-

- (a) the person is a foster parent approved by the fostering service provider;
- (b) the person is employed by the fostering service provider;
- (c) the person is concerned in the management of the fostering service provider;
- (d) in the case of a local authority fostering service, the person is an elected member of the local authority; or
- (e) in the case of a fostering agency, the person is related to an employee of the registered provider, or to any person concerned in the management of the fostering agency.

(10) For the purposes of paragraph (9)(e), a person ("person A") is related to another person ("person B") if person A is-

- (a) a member of the household of, or married to person B;
- (b) the son, daughter, mother, father, sister or brother of person B; or
- (c) the son, daughter, mother, father, sister or brother of the person to whom person B is married.

### **Meetings of fostering panel**

**25.**-(1) Subject to paragraph (3), business must not be conducted by a fostering panel unless at least five of its members, including the person appointed to chair the panel, or the vice chair, at least one of the social workers employed by the fostering service and at least two of the independent members, meet as a panel.

(2) A fostering panel must make a written record of its proceedings and the reasons for its recommendations.

(3) In the case of a joint fostering panel, business must not be conducted unless at least six of its members, including the person appointed to chair the panel, or the vice chair, and one social worker from one of the fostering services, meet as a panel.

### **Functions of fostering panel**

**26.**-(1) The functions of the fostering panel in respect of cases referred to it by the fostering service provider are-

- (a) to consider each application for approval and to recommend whether or not a person is suitable to act as a foster parent;
- (b) where it recommends approval of an application, to recommend the terms on which the approval is given;



- (c) argymell a yw person yn parhau i fod yn addas i weithredu fel rhiant maeth neu beidio, ac a yw telerau cymeradwyaeth y person yn parhau i fod yn briodol ai peidio -
  - (i) ar ôl yr adolygiad cyntaf sy'n cael ei gynnal yn unol â rheoliad 29(1); a
  - (ii) adeg unrhyw adolygiad arall pan ofynnir iddo wneud hynny gan y darparrydd gwasanaeth maethu yn unol â rheoliad 29(5);
- (ch) ystyried unrhyw achos sy'n cael ei gyfeirio ato o dan reoliad 28(8) neu 29(9).

(2) Rhaid i'r panel maethu hefyd-

- (a) cynghori ar y gweithdrefnau y mae adolygiadau i'w cynnal odanynt yn unol â rheoliad 29 gan y darparrydd gwasanaeth maethu a monitro eu heffeithiolrwydd o bryd i'w gilydd; a
- (b) goruchwyllo'r ffordd y mae asesiadau sy'n cael eu cyflawni gan y darparrydd gwasanaeth maethu yn cael eu cynnal; ac
- (c) rhoi cyngor a chyflwyno argymhellion ar unrhyw faterion eraill neu achosion unigol y bydd y darparrydd gwasanaeth maethu yn cyfeirio ato.

(3) Yn y rheoliad hwn ystyr "argymell" yw argymell i'r darparrydd gwasanaeth maethu.

**Asesu darpar rienni maeth**

27.-(1) Rhaid i'r darparrydd gwasanaeth maethu gynnal asesiad o unrhyw berson a all fod yn addas, yn ei farn ef, i ddod yn rhiant maeth yn unol â'r rheoliad hwn.

(2) Os yw'r darparrydd gwasanaeth maethu o'r farn y gall person fod yn addas i weithredu fel rhiant maeth rhaid iddo -

- (a) sicrhau gwybodaeth berthnasol, gan gynnwys yr wybodaeth a bennir yn Atodlen 3, am y darpar riant maeth ac aelodau eraill o aelwyd a theulu'r person, ac unrhyw wybodaeth arall y mae'n barnu ei bod yn berthnasol;
- (b) cyfweld o leiaf ddau berson sy'n cael eu henwi gan y darpar riant maeth i ddarparu geirda personol ar gyfer y darpar riant maeth a pharatoi adroddiadau ysgrifenedig am y cyfweiliadau;
- (c) yn ddarostyngedig i baragraff (3) ymgynghori â'r awdurdod lleol y mae'r darpar riant maeth yn byw yn ei ardal, a chymryd barn yr awdurdod hwnnw i ystyriaeth;
- (ch) gan roi sylw i'r materion hyn, ystyried a yw'r darpar riant maeth yn addas i weithredu fel rhiant maeth ac a yw aelwyd y darpar riant maeth yn addas ar gyfer unrhyw blentyn y

- (c) to recommend whether or not a person remains suitable to act as a foster parent, and whether or not the terms of the person's approval remain appropriate-
  - (i) on the first review carried out in accordance with regulation 29(1) ; and
  - (ii) on the occasion of any other review when requested to do so by the fostering service provider in accordance with regulation 29(5); and
- (d) to consider any case referred to it under regulation 28(8) or 29(9).

(2) The fostering panel must also -

- (a) advise on the procedures under which reviews in accordance with regulation 29 are carried out by the fostering service provider and periodically monitor their effectiveness;
- (b) oversee the conduct of assessments carried out by the fostering service provider; and
- (c) give advice and make recommendations on such other matters or individual cases as the fostering service provider may refer to it.

(3) In this regulation "recommend" means recommend to the fostering service provider.

**Assessment of prospective foster parents**

27.-(1) The fostering service provider must carry out an assessment of any person whom it considers may be suitable to become a foster parent, in accordance with this regulation.

(2) If the fostering service provider considers that a person may be suitable to act as a foster parent it must-

- (a) obtain relevant information, including the information specified in Schedule 3 relating to the prospective foster parent and other members of his or her household and family, and any other information it considers relevant;
- (b) interview at least two persons nominated by the prospective foster parent to provide personal references for the prospective foster parent , and prepare written reports of the interviews;
- (c) subject to paragraph (3) consult with, and take into account the views of, the local authority in whose area the prospective foster parent lives;
- (d) having regard to these matters consider whether the prospective foster parent is suitable to act as a foster parent and whether the prospective foster parent's household is

gellir rhoi cymeradwyaeth ar ei gyfer;

- (d) paratoi adroddiad ysgrifenedig ar y person sy'n cynnwys y materion a nodir ym mharagraff (4); ac
- (dd) cyfeirio'r adroddiad at y panel maethu a hysbysu'r darpar riant maeth yn unol â hynny.

(3) Nid yw paragraff (2)(c) yn gymwys os awdurdod lleol yw'r darparydd gwasanaeth maethu a bod y ceisydd yn byw yn ardal yr awdurdod hwnnw.

(4) Rhaid i'r adroddiad y cyfeirir ato ym mharagraff (2)(d) gynnwys y materion canlynol mewn perthynas â'r darpar riant maeth-

- (a) yr wybodaeth sy'n ofynnol o dan Atodlen 3 ac unrhyw wybodaeth arall y mae'r darparydd gwasanaeth maethu yn barnu ei bod yn berthnasol;
- (b) asesiad y darparydd gwasanaeth maethu o ba mor addas yw'r person i weithredu fel rhiant;
- (c) cynigion y darparydd gwasanaeth maethu ynghylch telerau ac amodau unrhyw gymeradwyaeth.

(5) Yn ddarostyngedig i baragraff (6), rhaid peidio ag ystyried bod person yn addas i weithredu fel rhiant maeth os yw'r person neu unrhyw aelod o aelwyd y person sy'n 18 oed neu drosodd -

- (a) wedi'i gollfarnu o dramgwydd penodedig a gyflawnwyd yn 18 oed neu drosodd; neu
- (b) wedi'i rybuddio mewn perthynas ag unrhyw dramgwydd o'r fath yr oedd y person wedi'i gyfaddef adeg rhoi'r rhybudd.

(6) Caiff y darparydd gwasanaeth maethu ystyried bod person y byddai paragraff (5), ar wahân i'r paragraff hwn, yn gymwys iddo, yn addas i weithredu neu barhau i weithredu, yn ôl fel y digwydd, fel rhiant maeth mewn perthynas â phlentyn neu blant penodol a enwir os yw'r darparydd gwasanaeth maethu wedi'i fodloni bod angen hynny er lles y plentyn hwnnw neu'r plant hynny, a naill ai-

- (a) bod y person, neu aelod o aelwyd y person, yn berthynas i'r plentyn; neu
- (b) bod y person eisoes yn gweithredu fel rhiant maeth i'r plentyn.

(7) Yn y rheoliad hwn ystyr "tramgwydd penodedig" yw-

- (a) tramgwydd yn erbyn plentyn;
- (b) tramgwydd a bennir yn Atodlen 4;
- (c) tramgwydd yn groes i adran 170 o Ddeddf Rheoli Tollau Tramor a Chartref 1979(a) mewn perthynas â nwyddau y gwaherddir eu mewnfario o dan adran 42 o Ddeddf Cydgrynhoi Tollau 1876 (gwaharddiadau a chyfyngiadau ynglyn â phornograffi)(b) os

(a) 1979 p.2.

(b) 1876 p.36.

suitable for any child in respect of whom approval may be given;

- (e) prepare a written report on the person which includes the matters set out in paragraph (4); and
- (f) refer the report to the fostering panel and notify the prospective foster parent accordingly.

(3) Paragraph (2)(c) does not apply where the fostering service provider is a local authority and the applicant lives in the area of that authority.

(4) The report referred to in paragraph (2)(e) must include the following matters in relation to the prospective foster parent-

- (a) the information required by Schedule 3 and any other information the fostering service provider considers relevant;
- (b) the fostering service provider's assessment of the person's suitability to act as a foster parent;
- (c) the fostering service provider's proposals about the terms and conditions of any approval.

(5) Subject to paragraph (6), a person must not be regarded as suitable to act as a foster parent if the person or any member of the person's household aged 18 or over-

- (a) has been convicted of a specified offence committed at the age of 18 or over; or
- (b) has been cautioned in respect of any such offence which, at the time the caution was given, he or she admitted.

(6) The fostering service provider may regard a person to whom paragraph (5) would, apart from this paragraph apply, as suitable to act or to continue to act, as the case may be, as a foster parent in relation to a particular named child or children if the fostering service provider is satisfied that the welfare of that child or those children requires it, and either-

- (a) the person, or a member of the person's household, is a relative of the child; or
- (b) the person is already acting as a foster parent for the child.

(7) In this regulation "specified offence" means-

- (a) an offence against a child;
- (b) an offence specified in Schedule 4;
- (c) an offence contrary to section 170 of the Customs and Excise Management Act 1979(a) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (prohibitions and restrictions relating to pornography)(b) where the prohibited goods

(a) 1979 c.2.

(b) 1876 c. 36.

oedd y nwyddau gwaharddedig yn cynnwys ffotograffau anwedus o blant o dan 16 oed;

- (ch) unrhyw dramgwydd arall sy'n cynnwys anaf corfforol i blentyn, ac eithrio tramgwydd ymosodiad cyffredin neu guro, ac

mae i'r ymadrodd "tramgwydd yn erbyn plentyn" yr ystyr a roddir i "*offence against a child*" yn adran 26(1) o Ddeddf Cyfiawnder Troseddol a Gwasanaethau Llys 2000(a) ac eithrio nad yw'n cynnwys tramgwydd yn erbyn adrannau 6, 12 neu 13 o Ddeddf Tramgwyddau Rhywiol 1956 (cyfathrach rhywiol â merch 13 i 16 oed, sodomiaeth, neu anwedduster rhwng dynion)(b) mewn achos lle'r oedd y tramgwyddwr o dan 20 oed adeg cyflawni'r tramgwydd.

### Cymeradwyo rhieni maeth

28.-(1) Rhaid i ddarparwydd gwasanaeth maethu beidio â chymeradwyo person sydd wedi'i gymeradwyo fel rhiant maeth gan ddarparwydd gwasanaeth maethu arall, ac nad yw ei gymeradwyaeth wedi'i therfynu.

(2) Rhaid i ddarparwydd gwasanaeth maethu beidio â chymeradwyo person fel rhiant maeth oni bai -

- (a) ei fod wedi cwblhau ei asesiad o ba mor addas yw'r person; a  
(b) bod ei banel maethu wedi ystyried y cais.

(3) Wrth benderfynu a ddylid cymeradwyo person fel rhiant maeth a phenderfynu ynghylch telerau unrhyw gymeradwyaeth, rhaid i ddarparwydd gwasanaeth maethu gymryd i ystyriaeth argymhelliad ei banel maethu.

(4) Ni chaiff aelod o'i banel maethu gymryd rhan mewn unrhyw benderfyniad sy'n cael ei wneud gan ddarparwydd gwasanaeth maethu o dan baragraff (3).

(5) Os yw darparwydd gwasanaeth maethu yn penderfynu cymeradwyo person fel rhiant maeth rhaid iddo -

- (a) rhoi hysbysiad ysgrifenedig i'r person yn pennu telerau'r cymeradwyaeth, er enghraifft a yw mewn perthynas â phlentyn neu blant penodol a enwir neu â nifer ac ystod oedran plant neu â lleoliadau o unrhyw fath penodol neu a yw'n gymeradwyaeth o dan unrhyw amgylchiadau penodol; a  
(b) gwneud cytundeb ysgrifenedig gyda'r person sy'n ymdrin â'r materion a bennir yn Atodlen 5 (y cyfeirir ato yn y Rheoliadau hyn fel y "cytundeb gofal maeth").

(6) Os yw darparwydd gwasanaeth maethu o'r farn nad yw person yn addas i weithredu fel rhiant maeth rhaid iddo -

included indecent photographs of children under the age of 16;

- (d) any other offence involving bodily injury to a child, other than an offence of common assault or battery, and

the expression "offence against a child" has the meaning given to it by section 26(1) of the Criminal Justice and Court Services Act 2000(a) except that it does not include an offence contrary to sections 6, 12 or 13 of the Sexual Offences Act 1956 (sexual intercourse with a girl aged 13 to 16, buggery, or indecency between men)(b) in a case where the offender was under the age of 20 at the time the offence was committed.

### Approval of foster parents

28.-(1) A fostering service provider must not approve a person who has been approved as a foster parent by another fostering service provider, and whose approval has not been terminated.

(2) A fostering service provider must not approve a person as a foster parent unless-

- (a) it has completed its assessment of the person's suitability; and  
(b) its fostering panel has considered the application.

(3) A fostering service provider in deciding whether to approve a person as a foster parent and as to the terms of any approval, must take into account the recommendation of its fostering panel.

(4) No member of its fostering panel is to take part in any decision made by a fostering service provider under paragraph (3).

(5) If a fostering service provider decides to approve a person as a foster parent it must -

- (a) give the person notice in writing specifying the terms of the approval, for example, whether it is in respect of a particular named child or children, or number and age range of children or of placements of any particular kind, or in any particular circumstances; and  
(b) enter into a written agreement with the person covering the matters specified in Schedule 5 (in these Regulations referred to as the "foster care agreement").

(6) If a fostering service provider considers that a person is not suitable to act as a foster parent it must -

(a) 2000 p.43.

(b) 1956 p.69.

(a) 2000 c. 43.

(b) 1956 c.69.

- (a) rhoi hysbysiad ysgrifenedig i'r person ei fod yn bwriadu peidio â'i gymeradwyo ynghyd â'i resymau a chopi o argymhelliad y panel maethu; a
- (b) gwahodd y person i gyflwyno unrhyw sylwadau ysgrifenedig o fewn 28 diwrnod o ddyddiad yr hysbysiad.

(7) Os nad yw'r darparrydd gwasanaeth maethu yn cael unrhyw sylwadau o fewn y cyfnod y cyfeirir ato ym mharagraff (6)(b), gall fynd ati i wneud ei benderfyniad.

(8) Os yw'r darparrydd gwasanaeth maethu yn cael unrhyw sylwadau ysgrifenedig o fewn y cyfnod y cyfeirir ato ym mharagraff (6)(b), rhaid iddo -

- (a) cyfeirio'r achos at y panel maethu iddo ei ystyried ymhellach; a
- (b) gwneud ei benderfyniad, gan gymryd i ystyriaeth unrhyw argymhelliad newydd sy'n cael ei wneud gan y panel maethu.

(9) Cyn gynted ag y bo'n ymarferol ar ôl gwneud y penderfyniad y cyfeirir ato ym mharagraff (7) neu (8)(b), yn ôl fel y digwydd, rhaid i'r darparrydd gwasanaeth maethu hysbysu'r darpar riant maeth yn ysgrifenedig, ac -

- (a) os yw'r penderfyniad yn benderfyniad i gymeradwyo'r person fel rhiant maeth, cydymffurfio â pharagraff (5) mewn perthynas â'r person; neu
- (b) os yw'r penderfyniad yn benderfyniad i beidio â chymeradwyo'r person, darparu rhesymau ysgrifenedig dros ei benderfyniad.

### Adolygu a therfynu cymeradwyaeth

29.-(1) Rhaid i'r darparrydd gwasanaeth maethu adolygu cymeradwyaeth pob rhiant maeth yn unol â'r rheoliad hwn.

(2) Rhaid cynnal adolygiad heb fod yn fwy na blwyddyn ar ôl cymeradwyaeth ac ar ôl hynny pryd bynnag y mae'r darparrydd gwasanaeth maethu yn barnu ei fod yn angenrheidiol, ond heb fod mwy na blwyddyn rhwng adegau gwneud hynny.

(3) Wrth ymgymryd ag adolygiad rhaid i'r darparrydd gwasanaeth maethu -

- (a) gwneud unrhyw ymholiadau a chael unrhyw wybodaeth y mae'n barnu eu bod yn angenrheidiol er mwyn adolygu'r cymeradwyaeth i benderfynu a yw'r person yn parhau i fod yn addas i weithredu fel rhiant maeth ac a yw aelwyd y person yn parhau i fod yn addas; a
- (b) ceisio barn y canlynol, a'i chymryd i ystyriaeth -
  - (i) y rhiant maeth;
  - (ii) (yn ddarostyngedig i oedran a dealltwriaeth y plentyn) unrhyw blentyn sydd wedi'i leoli gyda'r rhiant maeth; ac

- (a) give the person written notice that it proposes not to approve him or her together with its reasons and a copy of the fostering panel's recommendation; and
- (b) invite the person to submit any written representations within 28 days of the date of the notice.

(7) If the fostering service provider does not receive any representations within the period referred to in paragraph (6)(b), it may proceed to make its decision.

(8) If the fostering service provider receives any written representations within the period referred to in paragraph (6)(b), it must -

- (a) refer the case to the fostering panel for further consideration; and
- (b) make its decision, taking into account any fresh recommendation made by the fostering panel.

(9) As soon as practicable after making the decision referred to in paragraph (7) or (8)(b), as the case may be, the fostering service provider must notify the prospective foster parent in writing and -

- (a) if the decision is to approve the person as a foster parent, comply with paragraph (5) in relation to the person; or
- (b) if the decision is not to approve the person, provide written reasons for its decision.

### Reviews and terminations of approval

29.-(1) The fostering service provider must review the approval of each foster parent in accordance with this regulation.

(2) A review must take place not more than a year after approval and thereafter whenever the fostering service provider considers it necessary, but at intervals of not more than a year.

(3) When undertaking a review the fostering service provider must-

- (a) make such enquiries and obtain such information as it considers necessary in order to review the approval so as to determine whether the person continues to be suitable to act as a foster parent and the person's household continues to be suitable; and
- (b) seek and take into account, the views of -
  - (i) the foster parent;
  - (ii) (subject to the child's age and understanding) any child placed with the foster parent; and

(iii) unrhyw awdurdod cyfrifol sydd wedi lleoli plentyn gyda'r rhiant maeth o fewn y flwyddyn flaenorol.

(4) Ar ddiwedd yr adolygiad rhaid i'r darparrydd gwasanaeth maethu baratoi adroddiad ysgrifenedig, sy'n nodi -

- (a) a yw'r person yn parhau i fod yn addas i weithredu fel rhiant maeth ac a yw aelwyd y person yn parhau i fod yn addas; a
- (b) a yw telerau cymeradwyaeth y person yn parhau i fod yn briodol.

(5) Adeg yr adolygiad cyntaf o dan y rheoliad hwn, rhaid i'r darparrydd gwasanaeth maethu gyfeirio ei adroddiad at y panel maethu iddynt ei ystyried, a gall wneud hynny adeg unrhyw adolygiad dilynol.

(6) Os yw'r darparrydd gwasanaeth maethu yn penderfynu, o ystyried unrhyw argymhelliad sy'n cael ei wneud gan y panel maethu, fod y rhiant maeth ac aelwyd y rhiant maeth yn parhau i fod yn addas a bod telerau cymeradwyaeth y rhiant maeth yn parhau i fod yn briodol, rhaid iddo roi hysbysiad ysgrifenedig i'r rhiant maeth am ei benderfyniad.

(7) Os nad yw'r darparrydd gwasanaeth maethu bellach wedi'i fodloni, o ystyried unrhyw argymhelliad sy'n cael ei wneud gan y panel maethu, fod y rhiant maeth ac aelwyd y rhiant maeth yn parhau i fod yn addas, neu fod telerau'r gymeradwyaeth yn briodol, rhaid iddo -

- (a) rhoi hysbysiad ysgrifenedig i'r rhiant maeth ei fod yn bwriadu terfynu'r gymeradwyaeth neu adolygu telerau'r gymeradwyaeth yn ôl fel y digwydd, ynghyd â'i resymau; a
- (b) gwahodd y rhiant maeth i gyflwyno unrhyw sylwadau ysgrifenedig iddo o fewn 28 diwrnod o ddyddiad yr hysbysiad.

(8) Os nad yw'r darparrydd gwasanaeth maethu yn cael unrhyw sylwadau o fewn y cyfnod y cyfeirir ato ym mharagraff (7)(b), gall fynd ati i wneud ei benderfyniad.

(9) Os yw'r darparrydd gwasanaeth maethu yn cael unrhyw sylwadau ysgrifenedig o fewn y cyfnod y cyfeirir ato ym mharagraff (7)(b), rhaid iddo -

- (a) cyfeirio'r achos at y panel maethu iddo ef ei ystyried; a
- (b) gwneud ei benderfyniad, gan ystyried unrhyw argymhelliad a wnaed gan y panel maethu.

(10) Cyn gynted ag y bo'n ymarferol ar ôl gwneud y penderfyniad y cyfeirir ato ym mharagraff (8) neu (9)(b), rhaid i'r darparrydd gwasanaeth maethu roi hysbysiad ysgrifenedig i'r rhiant maeth yn pennu yn ôl fel y digwydd -

- (a) bod y rhiant maeth ac aelwyd y rhiant maeth yn parhau i fod yn addas a bod telerau'r gymeradwyaeth yn parhau i fod yn briodol;

(iii) any responsible authority which has within the preceding year placed a child with the foster parent.

(4) At the conclusion of the review the fostering service provider must prepare a written report, setting out whether-

- (a) the person continues to be suitable to act as a foster parent and the person's household continues to be suitable; and
- (b) the terms of the person's approval continue to be appropriate.

(5) The fostering service provider must on the occasion of the first review under this regulation, and may on any subsequent review, refer its report to the fostering panel for consideration.

(6) If the fostering service provider decides, taking into account any recommendation made by the fostering panel, that the foster parent and the foster parent's household continue to be suitable and that the terms of the foster parent's approval continue to be appropriate, it must give written notice to the foster parent of its decision.

(7) If, taking into account any recommendation made by the fostering panel, the fostering service provider is no longer satisfied that the foster parent and the foster parent's household continue to be suitable, or that the terms of the approval are appropriate, it must -

- (a) give written notice to the foster parent that it proposes to terminate the approval or to revise the terms of the approval as the case may be, together with its reasons; and
- (b) invite the foster parent to submit any written representations within 28 days of the date of the notice.

(8) If the fostering service provider does not receive any representations within the period referred to in paragraph (7)(b), it may proceed to make its decision.

(9) If the fostering service provider receives any written representations within the period referred to in paragraph (7)(b), it must -

- (a) refer the case to the fostering panel for its consideration; and
- (b) make its decision, taking into account any recommendation made by the fostering panel.

(10) As soon as practicable after making the decision referred to in paragraph (8) or (9)(b), the fostering service provider must give written notice to the foster parent specifying as the case may be -

- (a) that the foster parent and the foster parent's household continue to be suitable and that the terms of the approval continue to be appropriate;

- (b) bod y gymeradwyaeth wedi'i therfynu o ddyddiad penodedig, a'r rhesymau dros ei therfynu; neu
- (c) telerau diwygiedig y gymeradwyaeth a'r rhesymau dros y diwygiad.

(11) Caiff rhiant maeth roi hysbysiad ysgrifenedig i'r darparrydd gwasanaeth maethu ar unrhyw bryd nad yw'r rhiant maeth yn dymuno gweithredu bellach fel rhiant maeth ac wedi hynny mae cymradwyaeth y rhiant maeth yn cael ei therfynu 28 diwrnod o'r dyddiad y daeth yr hysbysiad i law.

(12) Rhaid anfon copi o unrhyw hysbysiad a roddir o dan y rheoliad hwn i'r awdurdod sy'n gyfrifol am unrhyw blentyn sydd wedi'i leoli gyda'r rhiant maeth (onid y darparrydd gwasanaeth maethu yw'r awdurdod cyfrifol hefyd), ac i'r awdurdod ardal.

### **Cofnodion achos ynglŷn â rhieni maeth ac eraill**

**30.**-(1) Rhaid i'r darparrydd gwasanaeth maethu gadw cofnod achos ar gyfer pob rhiant maeth sydd wedi ei gymeradwyo gannddo a rhaid i'r cofnod hwnnw gynnwys copiâu o'r dogfennau a bennir ym mharagraff (2) a'r wybodaeth a bennir ym mharagraff (3).

(2) Y dogfennau y cyfeiriwyd atynt ym mharagraff (1) yn ôl fel y digwydd yw-

- (a) yr hysbysiad cymradwyo a roddwyd o dan reoliad 28(5)(a);
- (b) y cytundeb gofal maeth;
- (c) unrhyw adroddiad ar adolygiad o gymeradwyaeth a baratowyd o dan reoliad 29(4);
- (ch) unrhyw hysbysiad a roddwyd o dan reoliad 29(10);
- (d) unrhyw gytundeb a wnaed yn unol â rheoliad 38(1)(a);
- (dd) yr adroddiad a baratowyd o dan reoliad 27(2)(d) ac unrhyw adroddiadau eraill a gyflwynwyd i'r panel maethu; ac
- (e) unrhyw argymhellion a wnaed gan y panel maethu.

(3) Yr wybodaeth y cyfeiriwyd ati ym mharagraff (1) yn ôl fel y digwydd, yw-

- (a) cofnod o bob lleoliad gyda'r rhiant maeth gan gynnwys enw, oedran a rhyw pob plentyn sydd wedi'i leoli, dyddiadau dechrau a therfynu pob lleoliad ac amgylchiadau'r terfyniad;
- (b) yr wybodaeth a sicrhawyd gan y darparrydd gwasanaeth maethu mewn perthynas ag asesu a chymeradwyo'r rhiant maeth ac mewn perthynas ag unrhyw adolygiad neu derfyniad o'r gymeradwyaeth.

(4) Rhaid i awdurdod lleol gadw cofnod achos ar gyfer pob person y mae plentyn wedi'i leoli gydag ef o

- (b) that the approval is terminated from a specified date, and the reasons for the termination; or
- (c) the revised terms of the approval and the reasons for the revision.

(11) A foster parent may give notice in writing to the fostering service provider at any time that the foster parent no longer wishes to act as a foster parent whereupon the foster parent's approval is terminated 28 days from the date of receipt of the notice.

(12) A copy of any notice given under this regulation must be sent to the responsible authority for any child placed with the foster parent (unless the responsible authority is also the fostering service provider), and the area authority.

### **Case records relating to foster parents and others**

**30.**-(1) A fostering service provider must maintain a case record for each foster parent approved by it which must include copies of the documents specified in paragraph (2) and the information specified in paragraph (3).

(2) The documents referred to in paragraph (1) are, as the case may be-

- (a) the notice of approval given under regulation 28(5)(a);
- (b) the foster care agreement;
- (c) any report of a review of approval prepared under regulation 29(4);
- (d) any notice given under regulation 29(10);
- (e) any agreement entered into in accordance with regulation 38(1)(a);
- (f) the report prepared under regulation 27(2)(e) and any other reports submitted to the fostering panel; and
- (g) any recommendations made by the fostering panel.

(3) The information referred to in paragraph (1) is, as the case may be-

- (a) a record of each placement with the foster parent including the name, age and sex of each child placed, the dates on which each placement began and terminated and the circumstances of the termination;
- (b) the information obtained by the fostering service provider in relation to the assessment and approval of the foster parent and in relation to any review or termination of the approval.

(4) A local authority must maintain a case record for each person with whom a child is placed under

dan reoliad 38(2) a rhaid iddo gynnwys mewn perthynas â'r person hwnnw-

- (a) y cytundeb a wnaed yn unol â rheoliad 38(2)(b);
- (b) cofnod ynglyn â'r lleoliad, gan gynnwys enw, oedran a rhyw pob plentyn sydd wedi'i leoli, dyddiadau dechrau a therfynu'r lleoliad, ac amgylchiadau'r terfyniad; ac
- (c) yr wybodaeth a sicrhawyd mewn perthynas â'r ymholiadau a wnaed o dan reoliad 38(2).

(5) Rhaid i'r darparwydd gwasanaeth maethu lunio cofnod ar gyfer pob person nad yw'n ei gymeradwyo fel rhiant maeth, neu sy'n tynnu ei gais yn ôl cyn iddo gael ei gymeradwyo, a rhaid i'r cofnod hwnnw gynnwys mewn perthynas â'r person-

- (a) yr wybodaeth a sicrhawyd mewn cysylltiad â'r asesiad;
- (b) unrhyw adroddiad a gyflwynwyd i'r panel maethu ac unrhyw argymhelliad a wnaed gan y panel maethu; ac
- (c) unrhyw hysbysiad a roddwyd o dan reoliad 28.

### **Cofrestr o rieni maeth**

**31.**-(1) Rhaid i'r darparwydd gwasanaeth maethu gofnodi, mewn cofrestr sy'n cael ei chadw at y diben, y manylion a bennir ym mharagraff (2) ac yn achos gwasanaeth maethu awdurdod lleol, rhaid iddo gofnodi'r manylion a bennir ym mharagraff (3) hefyd.

(2) Y manylion yw-

- (a) enw, cyfeiriad, dyddiad geni a rhyw pob rhiant maeth;
- (b) dyddiad cymeradwyo'r rhiant maeth a dyddiad pob adolygiad o'i gymeradwyaeth; ac
- (c) telerau cyfredol y gymeradwyaeth.

(3) Rhaid i bob awdurdod lleol gofnodi yn ei gofrestr-

- (a) enw a chyfeiriad pob person y mae wedi lleoli plentyn gydag ef o dan reoliad 38(2);
- (b) dyddiad pob cytundeb a wnaed yn unol â rheoliad 38(2)(b); ac
- (c) telerau unrhyw gytundeb o'r fath sydd mewn grym am y tro.

### **Cadw cofnodion a chyfrinachedd cofnodion**

**32.**-(1) Rhaid dal gafael ar y cofnodion sy'n cael eu llunio mewn perthynas â rhiant maeth o dan reoliad 30(1) ac unrhyw gofnod ynglyn â'r person hwnnw yn y gofrestr sy'n cael ei chadw o dan reoliad 31(1), am o leiaf 10 mlynedd o'r dyddiad y mae cymeradwyaeth y person yn cael ei therfynu.

regulation 38(2) which must include in relation to that person-

- (a) the agreement entered into in accordance with regulation 38(2)(b);
- (b) a record in relation to the placement, including the name, age and sex of each child placed, the dates on which the placement began and terminated, and the circumstances of the termination; and
- (c) the information obtained in relation to the enquiries carried out under regulation 38(2).

(5) The fostering service provider must compile a record for each person whom it does not approve as a foster parent, or whose application is withdrawn prior to approval, which must include in relation to the person -

- (a) the information obtained in connection with the assessment;
- (b) any report submitted to the fostering panel and any recommendation made by the fostering panel; and
- (c) any notification given under regulation 28.

### **Register of foster parents**

**31.**-(1) The fostering service provider must enter, in a register kept for the purpose, the particulars specified in paragraph (2) and in the case of a local authority fostering service, it must also enter the particulars specified in paragraph (3).

(2) The particulars are-

- (a) the name, address, date of birth and sex of each foster parent;
- (b) the date of the foster parent's approval and of each review of the approval; and
- (c) the current terms of the approval.

(3) Each local authority must enter in its register-

- (a) the name and address of each person with whom it has placed a child under regulation 38(2);
- (b) the date of each agreement entered into in accordance with regulation 38(2)(b); and
- (c) the terms of any such agreement for the time being in force.

### **Retention and confidentiality of records**

**32.**-(1) The records compiled in relation to a foster parent under regulation 30(1), and any entry relating to that person in the register maintained under regulation 31 (1) must be retained for at least 10 years from the date on which that person's approval is terminated.

(2) Rhaid dal gafael ar y cofnodion a luniwyd gan awdurdod lleol o dan reoliad 30(4) ynglyn â pherson y mae plentyn wedi'i leoli gydag ef o dan reoliad 38(2), ac ar unrhyw gofnod ynglŷn â pherson o'r fath yn y gofrestr sy'n cael ei chadw o dan reoliad 31(1), am o leiaf 10 mlynedd o ddyddiad terfynu'r lleoliad.

(3) Rhaid dal gafael ar y cofnodion sy'n cael eu llunio o dan reoliad 30(5) am o leiaf dair blynedd o'r dyddiad y mae'r cais am ddod yn rhiant maeth yn cael ei wrthod neu ei dynnu'n ôl, yn ôl fel y digwydd.

(4) Gellir cydymffurfio â'r gofynion ym mharagraffau (1) i (3) drwy ddal gafael ar y cofnodion ysgrifenedig gwreiddiol neu gopïau ohonynt, neu drwy gadw'r cyfan neu ran o'r wybodaeth sydd wedi'i chynnwys ynddynt ar ryw ffurf hygyrch arall megis cofnod cyfrifiadurol.

(5) Rhaid cadw unrhyw gofnodion neu gofrestr sy'n cael eu cadw yn unol â rheoliad 30 neu 31 yn ddiogel a pheidio â'u datgelu i unrhyw berson ac eithrio -

- (a) yn unol ag unrhyw ddarpariaeth mewn statud, neu a wnaed o dan statud, neu yn rhinwedd statud, y mae'r hawl i weld cofnodion o'r fath wedi'i hawdurdodi odani;
- (b) unrhyw orchymyn llys sy'n caniatáu i bobl gael gweld cofnodion o'r fath.

## RHAN V LLEOLIADAU

### Dyletswydd gyffredinol yr awdurdod cyfrifol

**33.** Rhaid i awdurdod cyfrifol beidio â lleoli plentyn gyda rhiant maeth oni bai ei fod wedi'i fodloni -

- (a) mai dyna'r ffordd fwyaf addas o gyflawni ei ddyletswydd o dan (yn ôl fel y digwydd) adran 22(3) neu 61(1)(a) a (b) o Ddeddf 1989; a
- (b) mai'r lleoliad mwyaf addas yw lleoliad gyda'r rhiant maeth penodol o ystyried yr holl amgylchiadau.

### Gwneud lleoliadau

**34.**-(1) Ac eithrio yn achos lleoliad brys neu ddi-oed o dan reoliad 38, dim ond o dan yr amodau canlynol y caiff awdurdod cyfrifol leoli plentyn gyda rhiant maeth-

- (a) os yw'r rhiant maeth wedi'i gymeradwyo-
  - (i) gan yr awdurdod cyfrifol sy'n bwriadu lleoli'r plentyn; neu
  - (ii) gan ddarparydd gwasanaeth maethu arall, cyhyd â bod yr amodau a bennir ym mharagraff (2) yn cael eu bodloni;

(2) The records compiled by a local authority under regulation 30(4) in relation to a person with whom a child is placed under regulation 38(2), and any entry relating to such a person in the register maintained under regulation 31(1), must be retained for at least 10 years from the date on which the placement is terminated.

(3) The records compiled under regulation 30(5) must be retained for at least 3 years from the refusal or withdrawal, as the case may be, of the application to become a foster parent.

(4) The requirements in paragraphs (1) to (3) may be complied with by retaining the original written records or copies of them, or by keeping all or part of the information contained in them in some other accessible form such as a computer record.

(5) Any records or register maintained in accordance with regulation 30 or 31 must be kept securely and may not be disclosed to any person except in accordance with-

- (a) any provision of, or made under, or by virtue of, a statute under which access to such records is authorised;
- (b) any court order authorising access to such records.

## PART V PLACEMENTS

### General duty of responsible authority

**33.** A responsible authority must not place a child with a foster parent unless it is satisfied that-

- (a) it is the most suitable way of performing its duty under (as the case may be) section 22(3) or 61(1)(a) and (b) of the 1989 Act; and
- (b) a placement with the particular foster parent is the most suitable placement having regard to all the circumstances.

### Making of placements

**34.**-(1) Except in the case of an emergency or immediate placement under regulation 38, a responsible authority may only place a child with a foster parent if-

- (a) the foster parent is approved-
  - (i) by the responsible authority proposing to make the placement; or
  - (ii) providing the conditions specified in paragraph (2) are satisfied, by another fostering service provider;



- (b) os yw telerau'r gymeradwyaeth yn gyson â'r lleoliad arfaethedig; ac
- (c) os yw'r rhiant maeth wedi gwneud cytundeb gofal maeth.

(2) Mae'r amodau y cyfeiriwyd atynt ym mharagraff (1)(a)(ii) fel a ganlyn-

- (a) bod y darparydd gwasanaeth maethu y cafodd y rhiant maeth ei gymeradwyo ganddo, yn cydsynio â'r lleoliad;
- (b) bod unrhyw awdurdod cyfrifol arall a chanddo blentyn sydd eisoes wedi'i leoli gyda'r rhiant maeth, yn cydsynio â'r lleoliad;
- (c) os yw'n gymwys, bod yna ymgynghori â'r awdurdod ardal, bod sylwadau'r awdurdod yn cael eu hystyried, a bod yr awdurdod yn cael ei hysbysu os yw'r lleoliad yn cael ei wneud; ac
- (ch) os yw'r rhiant maeth wedi'i gymeradwyo gan asiantaeth faethu annibynnol, bod gofynion rheoliad 40 wedi'u bodloni.

(3) Cyn gwneud lleoliad, rhaid i'r awdurdod cyfrifol wneud cytundeb ysgrifenedig (y cyfeirir ato yn y rheoliadau hyn fel y "cytundeb lleoliad maeth" gyda'r rhiant maeth ynglŷn â'r plentyn, a hwnnw'n gytundeb sy'n ymdrin â'r materion a bennir yn Atodlen 6.

### Goruchwylio lleoliadau

**35.-(1)** Rhaid i awdurdod cyfrifol ei fodloni ei hun fod y lleoliad yn parhau i ddarparu'n addas ar gyfer lles pob plentyn sydd wedi'i leoli ganddo, ac at y diben hwnnw rhaid i'r awdurdod wneud trefniadau i berson sydd wedi'i awdurdodi gan yr awdurdod ymweld â'r plentyn, yn y cartref y mae'r plentyn wedi'i leoli ynddo-

- (a) o bryd i'w gilydd yn ôl y gogyn o dan yr amgylchiadau; ac
- (b) os gofynnir yn rhesymol iddo wneud hynny gan y plentyn neu'r rhiant maeth; ac
- (c) beth bynnag (yn ddarostyngedig i reoliad 37)
  - (i) yn ystod blwyddyn gyntaf y lleoliad, o fewn wythnos o'i dechrau ac yna yn ysbeidiol heb fod cyfnodau o fwy na chwe wythnos rhwng ymweliadau,
  - (ii) ar ôl hynny, heb fod cyfnodau o fwy na thri mis rhwng yr ymweliadau.

(2) Yn achos lleoliad di-oed o dan reoliad 38, rhaid i'r awdurdod lleol drefnu bod y plentyn yn cael ymweliad o leiaf unwaith bob wythnos yn ystod y lleoliad.

(3) Pob tro y mae'r plentyn yn cael ymweliad o dan y rheoliad hwn, rhaid i'r awdurdod cyfrifol sicrhau bod y person y mae wedi'i awdurdodi i ymweld â'r plentyn-

- (b) the terms of the approval are consistent with the proposed placement; and
- (c) the foster parent has entered into a foster care agreement

(2) The conditions referred to in paragraph (1)(a)(ii) are -

- (a) that the fostering service provider by whom the foster parent is approved, consents to the placement;
- (b) that any other responsible authority which already has a child placed with the foster parent, consents to the placement;
- (c) where applicable, that the area authority is consulted, its views are taken into account, and it is given notice if the placement is made; and
- (d) where the foster parent is approved by an independent fostering agency, the requirements of regulation 40 have been met.

(3) Before making a placement, the responsible authority must enter into a written agreement (in these regulations referred to as the "foster placement agreement") with the foster parent relating to the child, which covers the matters specified in Schedule 6.

### Supervision of placements

**35.-(1)** A responsible authority must satisfy itself that the welfare of each child placed by it continues to be suitably provided for by the placement, and for that purpose the authority must make arrangements for a person authorised by the authority to visit the child, in the home in which the child is placed-

- (a) from time to time as circumstances may require; and
- (b) when reasonably requested by the child or the foster parent; and
- (c) in any event (subject to regulation 37)-
  - (i) in the first year of the placement, within one week from its beginning and then at intervals of not more than six weeks;
  - (ii) subsequently, at intervals of not more than 3 months.

(2) In the case of an immediate placement under regulation 38, the local authority must arrange for the child to be visited at least once in each week during the placement.

(3) On each occasion on which the child is visited under this regulation the responsible authority must ensure that the person it has authorised to carry out the visit-

- (a) yn gweld y plentyn ar ei ben ei hun oni bai bod y plentyn, os yw'n ddigon hŷn a bod ganddo ddealltwriaeth i wneud hynny, yn gwrthod; a
- (b) yn paratoi adroddiad ysgrifenedig am yr ymweliad.

### Terfynu lleoliadau

36.-(1) Rhaid i awdurdod cyfrifol beidio â chaniatáu i leoliad plentyn gyda pherson penodol barhau os yw'n ymddangos i'r awdurdod cyfrifol nad y ffordd fwyaf addas o gyflawni eu dyletswydd o dan (yn ôl fel y digwydd) adran 22(3) neu 61(1)(a) a (b) o Ddeddf 1989 yw'r lleoliad bellach.

(2) Os yw'n ymddangos i'r awdurdod ardal y byddai parhau â'r lleoliad yn niweidio lles y plentyn o dan sylw, rhaid i'r awdurdod ardal symud y plentyn oddi yno ar unwaith.

(3) Rhaid i awdurdod ardal sy'n symud plentyn o dan baragraff (2) hysbysu'r awdurdod cyfrifol ar unwaith.

### Lleoliadau byr-dymor

37.-(1) Mae'r rheoliad hwn yn gymwys os yw awdurdod cyfrifol wedi trefnu lleoli plentyn mewn cyfres o leoliadau byr-dymor gyda'r un rhiant maeth a bod y trefniant yn golygu-

- (a) na fydd unrhyw un lleoliad yn para'n hwy na phedair wythnos; ac
- (b) nad yw hyd cyfan y lleoliadau i fod yn hwy na 120 o ddiwrnodau mewn unrhyw gyfnod o 12 mis.

(2) Gellir trin cyfres o leoliadau byr-dymor y mae'r rheoliad hwn yn gymwys iddynt fel un lleoliad at dibenion y Rheoliadau hyn, ond gyda'r addasiadau a nodir ym mharagraffau (3) a (4).

(3) Mae rheoliad 35 (1)(c)(i) a (ii) i fod yn gymwys fel petaent yn ei gwneud yn ofynnol bod trefniadau'n cael eu gwneud ar gyfer ymweliadau â'r plentyn ar ddiwrnod y mae wedi'i leoli mewn gwirionedd ("diwrnod lleoli") -

- (a) o fewn y saith diwrnod lleoli cyntaf o gyfres o leoliadau byr-dymor; a
- (b) ar ôl hynny, os yw'r gyfres o leoliadau yn parhau, heb fod cyfnodau o fwy na chwe mis rhyngddynt neu, os yw'r cyfnod rhwng y lleoliadau yn fwy na chwe mis, yn ystod y lleoliad nesaf.

(4) Mae rheoliad 41 i fod yn gymwys fel petai'n ei gwneud yn ofynnol bod trefniadau'n cael eu gwneud ar gyfer ymweliadau â'r plentyn ar ddiwrnod lleoli, o fewn y saith diwrnod lleoli cyntaf o gyfres o leoliadau byr-dymor.

- (a) sees the child alone unless the child, being of sufficient age and understanding to do so, refuses; and
- (b) prepares a written report of the visit.

### Termination of placements

36.-(1) A responsible authority must not allow the placement of a child with a particular person to continue if it appears to them that the placement is no longer the most suitable way of performing their duty under (as the case may be) section 22(3) or 61(1)(a) and (b) of the 1989 Act.

(2) Where it appears to an area authority that continuation of a placement would be detrimental to the welfare of the child concerned, the area authority must remove the child forthwith.

(3) An area authority which removes a child under paragraph (2) must forthwith notify the responsible authority.

### Short term placements

37.-(1) This regulation applies where a responsible authority has arranged to place a child in a series of short-term placements with the same foster parent and the arrangement is such that-

- (a) no single placement is to last for more than four weeks; and
- (b) the total duration of the placements is not to exceed 120 days in any period of 12 months.

(2) A series of short term placements to which this regulation applies may be treated as a single placement for the purposes of these Regulations, but with the modifications set out in paragraphs (3) and (4).

(3) Regulation 35 (1)(c)(i) and (ii) is to apply as if they required arrangements to be made for visits to the child on a day when he or she is in fact placed ("a placement day")-

- (a) within the first seven placement days of a series of short-term placements; and
- (b) thereafter, if the series of placements continues, at intervals of not more than six months or, if the interval between placements exceeds six months, during the next placement.

(4) Regulation 41 is to apply as if it required arrangements to be made for visits to the child on a placement day, within the first seven placement days of a series of short-term placements.

## Lleoliadau brys a di-oed gan awdurdodau lleol

38.-(1) Os yw plentyn i gael ei leoli mewn achos brys, caiff awdurdod lleol am gyfnod heb bod yn fwy na 24 awr leoli'r plentyn gydag unrhyw riant maeth sydd wedi'i gymeradwyo gan yr awdurdod lleol neu unrhyw ddarparwydd gwasanaeth maethu arall ar yr amod-

- (a) bod y rhiant maeth wedi gwneud cytundeb ysgrifenedig gyda'r awdurdod lleol i gyflawni'r dyletswyddau a bennir ym mharagraff (3); a
- (b) bod yr awdurdod lleol wedi'i fodloni ynghylch darpariaethau rheoliad 33(a).

(2) Os yw awdurdod lleol wedi'i fodloni bod angen lleoli plentyn yn ddi-oed, caiff leoli'r plentyn gyda pherson nad yw'n rhiant maeth ar ôl cyfweld y person, archwilio'r llety a chael gwybodaeth am bersonau eraill sy'n byw ar aelwyd y person, am gyfnod heb fod yn hwy na chwe wythnos, ar yr amodau -

- (a) bod y person yn berthynas neu'n gyfaill i'r plentyn;
- (b) bod y person wedi gwneud cytundeb ysgrifenedig gyda'r awdurdod lleol i gyflawni'r dyletswyddau a bennir ym mharagraff (3); ac
- (c) bod yr awdurdod lleol wedi'i fodloni ynglŷn â darpariaethau rheoliad 33(a).

(3) Y dyletswyddau y cyfeirir atynt ym mharagraffau (1)(a) a (2)(b) yw -

- (a) gofalu am y plentyn fel petai'r plentyn yn aelod o deulu'r person hwnnw;
- (b) caniatáu i unrhyw berson sydd wedi'i awdurdodi gan yr awdurdod lleol neu (os yw'n gymwys) yr awdurdod ardal, i ymweld â'r plentyn ar unrhyw bryd;
- (c) os yw rheoliad 36 yn gymwys, caniatáu i'r plentyn gael ei symud ar unrhyw bryd gan yr awdurdod lleol neu (os yw'n gymwys) yr awdurdod ardal;
- (ch) sicrhau bod unrhyw wybodaeth y gall y person hwnnw gael gafael arni sy'n ymwneud â'r plentyn, neu â theulu'r plentyn neu unrhyw berson arall, sydd wedi'i rhoi i'r person hwnnw yn gyfrinachol mewn cysylltiad â'r lleoliad yn cael ei chadw'n gyfrinachol ac nad yw'n cael ei datgelu ac eithrio i'r awdurdod lleol, neu gyda chytundeb yr awdurdod lleol; a
- (d) caniatáu cysylltiadau â'r plentyn yn unol â thelerau unrhyw orchymyn llys ynglŷn â chysylltiadau neu unrhyw drefniadau sydd wedi'u gwneud gan yr awdurdod lleol neu y mae'r awdurdod hwnnw wedi cytuno arnynt.

(4) Os yw awdurdod lleol yn lleoli plentyn o dan y rheoliad hwn y tu allan i'w ardal rhaid iddo hysbysu'r awdurdod ardal.

## Emergency and immediate placements by local authorities

38.-(1) Where a child is to be placed in an emergency, a local authority may for a period not exceeding 24 hours place the child with any foster parent approved by the local authority or any other fostering service provider provided that-

- (a) the foster parent has made a written agreement with the local authority to carry out the duties specified in paragraph (3); and
- (b) the local authority are satisfied as to the provisions of regulation 33(a).

(2) Where a local authority are satisfied that the immediate placement of a child is necessary, they may place the child with a person who is not a foster parent after interviewing the person, inspecting the accommodation and obtaining information about other persons living in the person's household, for a period not exceeding six weeks, provided that -

- (a) the person is a relative or friend of the child;
- (b) the person has made a written agreement with the local authority to carry out the duties specified in paragraph (3); and
- (c) the local authority are satisfied as to the provisions of regulation 33(a).

(3) The duties referred to in paragraphs (1)(a) and (2)(b) are -

- (a) to care for the child as if the child were a member of that person's family;
- (b) to permit any person authorised by the local authority or (if applicable ) the area authority, to visit the child at any time;
- (c) where regulation 36 applies, to allow the child to be removed at any time by the local authority or (if applicable) the area authority;
- (d) to ensure that any information which that person may acquire relating to the child, the child's family or any other person, which has been given to that person in confidence in connection with the placement is kept confidential and is not disclosed except to, or with the agreement of, the local authority; and
- (e) to allow contact with the child in accordance with the terms of any court order relating to contact or any arrangements made or agreed by the local authority.

(4) Where a local authority make a placement under this regulation outside their area they must notify the area authority.

## Lleoliadau y tu allan i Gymru

39.-(1) Rhaid i gorff gwirfoddol beidio â lleoli plentyn y tu allan i'r Ynysoedd Prydeinig(a).

(2) Os yw awdurdod cyfrifol yn gwneud trefniadau i leoli plentyn y tu allan i Gymru, rhaid iddo sicrhau, i'r graddau y mae'n rhesymol ymarferol, y cydymffurfir â'r gofynion a fyddai wedi bod yn gymwys o dan y Rheoliadau hyn petai'r plentyn wedi'i leoli yng Nghymru.

## Asiantaethau maethu annibynnol - cyflawni swyddogaethau awdurdod lleol

40.-(1) Caiff awdurdod lleol wneud trefniadau yn unol â'r rheoliad hwn ar gyfer y dyletswyddau sy'n cael eu gosod arno gan reoliadau 34, 35, 36(1) a 37, ac os yw paragraff (3) yn gymwys, 33(b), i gael eu cyflawni ar ei ran gan berson cofrestredig.

(2) Yn ddarostyngedig i baragraff (3), rhaid peidio â gwneud unrhyw drefniadau o dan y rheoliad hwn mewn perthynas â phlentyn penodol, oni bai bod awdurdod lleol wedi cyflawni ei ddyletswyddau o dan reoliad 33 mewn perthynas â'r plentyn hwnnw.

(3) Os yw awdurdod lleol yn gwneud trefniadau gyda pherson cofrestredig i'r person cofrestredig ddarparu rhieni maeth at ddibenion lleoliad byr-dymor o fewn ystyr rheoliad 37(1), caiff yr awdurdod lleol wneud trefniadau hefyd i'r person cofrestredig gyflawni dyletswydd yr awdurdod lleol o dan reoliad 33(b) mewn perthynas â'r lleoliad hwnnw ar ei ran.

(4) Rhaid peidio â gwneud unrhyw drefniadau o dan y rheoliad hwn oni bai bod awdurdod lleol wedi gwneud cytundeb ysgrifenedig gyda'r person cofrestredig sy'n nodi -

- (a) p'un o'i ddyletswyddau y mae'r awdurdod lleol yn bwriadu ei dirprwyo yn unol â'r rheoliad hwn;
- (b) y gwasanaethau sydd i'w darparu i'r awdurdod lleol gan y person cofrestredig;
- (c) y trefniadau i'r awdurdod lleol ddethol rhieni maeth penodol o blith y rhai sydd wedi'u cymeradwyo gan y person cofrestredig;
- (ch) y gofyniad i'r person cofrestredig gyflwyno adroddiadau i'r awdurdod lleol ar unrhyw leoliad yn ôl yr hyn y gall yr awdurdod ofyn amdano, ac yn benodol yn dilyn unrhyw ymweliad a wnaed o dan reoliad 35; a
- (d) y trefniadau ar gyfer terfynu'r cytundeb.

(5) Os yw awdurdod lleol yn bwriadu gwneud trefniant o dan y rheoliad hwn mewn perthynas â phlentyn penodol rhaid i'r awdurdod lleol wneud

(a) Mae "British Islands" wedi'i ddiffinio yn Neddf Dehongli 1978 (p.30) i olygu'r Deyrnas Unedig, Ynysoedd y Sianel ac Ynys Manaw.

## Placements outside Wales

39.-(1) A voluntary organisation must not place a child outside the British Islands(a).

(2) Where a responsible authority makes arrangements to place a child outside Wales it must ensure, so far as reasonably practicable, that the requirements which would have applied under these Regulations had the child been placed in Wales, are complied with.

## Independent fostering agencies - discharge of local authority functions

40.-(1) A local authority may make arrangements in accordance with this regulation for the duties imposed on it by regulations 34, 35, 36(1) and 37 and where paragraph (3) applies, 33(b) to be discharged on its behalf by a registered person.

(2) Subject to paragraph (3), no arrangements may be made under this regulation in respect of a particular child, unless a local authority has performed its duties under regulation 33 in relation to that child.

(3) Where a local authority makes arrangements with a registered person for the registered person to provide foster parents for the purposes of a short term placement within the meaning of regulation 37 (1), the local authority may also make arrangements for the registered person to perform the local authority's duty under regulation 33(b) in relation to that placement on its behalf.

(4) No arrangements may be made under this regulation unless a local authority has entered into a written agreement with the registered person which sets out-

- (a) which of its duties the local authority proposes to delegate in accordance with this regulation;
- (b) the services to be provided to the local authority by the registered person;
- (c) the arrangements for the selection by the local authority of particular foster parents from those approved by the registered person;
- (d) a requirement for the registered person to submit reports to the local authority on any placement as may be required by the authority, and in particular following any visit carried out under regulation 35; and
- (e) the arrangements for the termination of the agreement.

(5) Where a local authority proposes to make an arrangement under this regulation in respect of a particular child the local authority must enter into an

(a) British Islands are defined in the Interpretation Act 1978 (c.30) as meaning the United Kingdom, the Channel Islands and the Isle of Man.

cytundeb gyda'r person cofrestredig mewn perthynas â'r plentyn hwnnw sy'n nodi -

- (a) manylion y rhiant maeth penodol y mae'r plentyn i'w leoli gydag ef;
  - (b) manylion unrhyw wasanaethau y mae'r plentyn i'w cael;
  - (c) telerau (gan gynnwys telerau ynglyn â thalu) y cytundeb lleoliad maeth arfaethedig;
  - (ch) y trefniadau ar gyfer cadw cofnodion am y plentyn, ac ar gyfer dychwelyd cofnodion ar ddiwedd y lleoliad;
  - (d) gofyniad i'r person cofrestredig hysbysu'r awdurdod lleol yn ddi-oed os bydd unrhyw bryderon ynglyn â'r lleoliad; ac
- (dd) a ddylai unrhyw blant eraill gael eu lleoli gyda'r rhiant maeth ac ar ba sail.

(6) Mae rhiant maeth y mae plentyn i'w leoli gydag ef yn unol â threfniadau a wneir o dan y rheoliad hwn, i'w drin, mewn perthynas â'r lleoliad hwnnw, at ddibenion paragraff 12(d) o Atodlen 2 i Ddeddf 1989 fel rhiant maeth awdurdod lleol.

(7) Rhaid i awdurdod lleol gyflwyno adroddiad i swyddfa briodol y Cynulliad Cenedlaethol ynghylch unrhyw bryderon a all fod ganddo ynghylch y gwasanaethau sy'n cael eu darparu gan berson cofrestredig.

(8) Yn y rheoliad hwn, ystyr "person cofrestredig" yw person sy'n berson cofrestredig mewn perthynas ag asiantaeth faethu annibynnol.

agreement with the registered person in respect of that child which sets out-

- (a) details of the particular foster parent with whom the child is to be placed;
- (b) details of any services the child is to receive;
- (c) the terms (including as to payment) of the proposed foster placement agreement;
- (d) the arrangements for record keeping about the child, and for the return of records at the end of the placement;
- (e) a requirement for the registered person to notify the local authority immediately in the event of any concerns about the placement; and
- (f) whether and on what basis other children may be placed with the foster parent.

(6) A foster parent with whom a child is placed in accordance with arrangements made under this regulation is, in relation to that placement, to be treated for the purposes of paragraph 12(d) of Schedule 2 to the 1989 Act as a local authority foster parent.

(7) A local authority must report to the appropriate office of the National Assembly any concerns it may have about the services provided by a registered person.

(8) In this regulation, "registered person" means a person who is the registered person in respect of an independent fostering agency.

## RHAN VI

### YMWELIADAU AWDURDOD LLEOL

#### **Ymweliadau awdurdod lleol â phlant sydd wedi'u lleoli gan gyrrff gwirfoddol**

**41.-(1)** Rhaid i bob awdurdod lleol drefnu bod person sydd wedi'i awdurdodi gan yr awdurdod lleol i ymweld â phob plentyn sydd wedi'i leoli gyda rhiant maeth o fewn eu hardal gan gorff gwirfoddol fel a ganlyn -

- (a) yn ddarostyngedig i reoliad 37(4), o fewn 28 diwrnod o'r lleoliad;
- (b) o fewn 14 diwrnod ar ôl cael cais gan y corff gwirfoddol a wnaeth y lleoliad am ymweliad â phlentyn;
- (c) cyn gynted ag y bo'n rhesymol ymarferol os yw'n cael ei hysbysu ei bod yn bosibl nad yw lles y plentyn yn cael ei ddiogelu na'i hybu; ac
- (ch) bob chwe mis ar y mwyaf os yw'r awdurdod lleol wedi'i fodloni, yn dilyn ymweliad â phlentyn o dan y rheoliad hwn bod lles y plentyn yn cael ei ddiogelu a'i hybu.

## PART VI

### LOCAL AUTHORITY VISITS

#### **Local authority visits to children placed by voluntary organisations**

**41.-(1)** Every local authority must arrange for a person authorised by the local authority to visit every child who is placed with a foster parent within their area by a voluntary organisation as follows -

- (a) subject to regulation 37(4), within 28 days of the placement;
- (b) within 14 days of receipt of a request from the voluntary organisation which made the placement to visit a child;
- (c) as soon as reasonably practicable if it is informed that the welfare of the child may not be being safeguarded or promoted; and
- (d) at intervals of not more than six months where the local authority are satisfied, following a visit to a child under this regulation that the child's welfare is being safeguarded and promoted.

(2) Rhaid i bob awdurdod lleol sicrhau bod person sy'n ymweld yn unol â pharagraff (1) -

- (a) yn gweld y plentyn yn ystod yr ymweliad, neu os nad yw'r plentyn yno, ei fod yn gwneud trefniadau i weld y plentyn cyn gynted ag y bo'n rhesymol ymarferol; a
- (b) yn cymryd camau i ddarganfod a yw'r corff gwirfoddol a leolodd y plentyn wedi gwneud trefniadau addas i gyflawni eu dyletswyddau o dan y Rheoliadau hyn a'r rhai o dan adran 61 o Ddeddf 1989.

(3) Rhaid i awdurdod lleol gyflwyno adroddiad i swyddfa briodol y Cynulliad Cenedlaethol ynghylch unrhyw bryderon a all fod ganddo ynghylch y corff gwirfoddol.

(2) Every local authority must ensure that a person carrying out a visit in accordance with paragraph (1) -

- (a) sees the child during the course of the visit, or if the child is not there, makes arrangements to see the child as soon as reasonably practicable; and
- (b) takes steps to discover whether the voluntary organisation which placed the child have made suitable arrangements to perform their duties under these Regulations and those under section 61 of the 1989 Act.

(3) A local authority must report to the appropriate office of the National Assembly any concerns it may have about the voluntary organisation.

## RHAN VII

### ASiantaethau Maethu (Amrywiol)

#### Adolygu ansawdd y gofal

**42.**-(1) Rhaid i'r person cofrestredig sefydlu a chynnal system ar gyfer -

- (a) monitro'r materion a nodir yn Atodlen 7 bob hyn a hyn fel y bo'n briodol, a
- (b) gwella ansawdd y gofal maeth sy'n cael ei ddarparu gan yr asiantaeth faethu.

(2) Rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol adroddiad ynglŷn ag unrhyw adolygiad a gynhaliwyd gan y person cofrestredig at ddibenion paragraff (1) a threfnu bod copi o'r adroddiad ar gael ar gais i'r personau a grybwyllwyd yn rheoliad 3(2).

(3) Rhaid i'r system y cyfeiriwyd ati ym mharagraff (1) ddarparu ar gyfer ymgynghori â rhieni maeth, plant sydd wedi'u lleoli gyda rhieni maeth, a'u hawdurdod cyfrifol (onid, yn achos asiantaeth faethu sy'n gorff gwirfoddol, yr asiantaeth faethu yw'r awdurdod cyfrifol hefyd).

#### Digwyddiadau hysbysadwy

**43.**-(1) Os bydd unrhyw un o'r digwyddiadau a restrir yng ngholofn 1 o'r tabl yn Atodlen 8 yn digwydd mewn perthynas ag asiantaeth faethu, rhaid i'r person cofrestredig hysbysu'r personau a nodir yng ngholofn 2 o'r tabl yn ddi-oed ynglŷn â'r digwyddiad.

(2) Rhaid cadarnhau yn ysgrifenedig unrhyw hysbysiad sy'n cael ei roi ar lafar yn unol â'r rheoliad hwn.

## PART VII

### FOSTERING AGENCIES (MISCELLANEOUS)

#### Review of quality of care

**42.**-(1) The registered person must establish and maintain a system for-

- (a) monitoring the matters set out in Schedule 7 at appropriate intervals, and
- (b) improving the quality of foster care provided by the fostering agency.

(2) The registered person must supply to the appropriate office of the National Assembly a report in respect of any review conducted by the registered person for the purposes of paragraph (1) and make a copy of the report available upon request to the persons mentioned in regulation 3(2).

(3) The system referred to in paragraph (1) must provide for consultation with foster parents, children placed with foster parents, and their responsible authority (unless, in the case of a fostering agency which is a voluntary organisation, it is also the responsible authority).

#### Notifiable events

**43.** -(1) If, in relation to a fostering agency, any of the events listed in column 1 of the table in Schedule 8 takes place, the registered person must without delay notify the persons indicated in column 2 of the table in respect of the event.

(2) Any notification made in accordance with this regulation which is given orally must be confirmed in writing.

## Y sefyllfa ariannol

44.-(1) Rhaid i'r darparydd cofrestredig redeg yr asiantaeth faethu mewn modd sy'n debyg o sicrhau y bydd yn hyfyw yn ariannol er mwyn cyflawni'r nodau a'r amcanion a nodir yn ei datganiad o ddiben.

(2) Rhaid i'r darparydd cofrestredig -

- (a) sicrhau bod cyfrifon digonol yn cael eu cadw a'u cadw'n gyfoes mewn perthynas â'r asiantaeth faethu; a
- (b) darparu copi o'r cyfrifon i swyddfa briodol y Cynulliad Cenedlaethol os yw'n gofyn amdanynt.

(3) Os bydd y Cynulliad Cenedlaethol yn gofyn amdani, rhaid i'r darparydd cofrestredig roi i swyddfa briodol y Cynulliad Cenedlaethol unrhyw wybodaeth y bydd arno ei hangen er mwyn ystyried hyfywedd ariannol yr asiantaeth faethu, gan gynnwys -

- (a) cyfrifon blynyddol yr asiantaeth faethu, a'r rheini wedi'u hardystio gan gyfrifydd;
- (b) tystlythyr gan fanc yn mynegi barn am sefyllfa ariannol y darparwyr cofrestredig;
- (c) gwybodaeth am adnoddau ariannol yr asiantaeth faethu a'i hadnoddau ariannol;
- (ch) os cwmni yw'r darparydd cofrestredig, gwybodaeth am unrhyw un o gwmnïau cysylltiedig y darparydd cofrestredig; a
- (d) tystysgrif yswiriant i'r darparydd cofrestredig mewn perthynas â'r atebolrwydd a allai gael ei achosi gan y darparydd mewn perthynas â'r asiantaeth faethu ynghylch marwolaeth, niwed, atebolrwydd cyhoeddus, difrod neu gollod arall.

(4) Yn y rheoliad hwn mae cwmni'n gwmni cysylltiedig ag un arall os oes gan un ohonynt reolaeth ar y llall, neu os yw'r ddau o dan reolaeth yr un person.

## Hysbysu o absenoldeb

45.-(1) Os yw'r rheolwr cofrestredig yn bwriadu bod yn absennol o'r asiantaeth faethu am gyfnod di-dor o 28 diwrnod neu fwy, rhaid i'r person cofrestredig roi hysbysiad ysgrifenedig i swyddfa briodol y Cynulliad Cenedlaethol o'r absenoldeb arfaethedig.

(2) Ac eithrio mewn achos brys, rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (1) gael ei roi heb fod yn hwyrach nag un mis cyn y dyddiad y mae'r absenoldeb arfaethedig i fod i ddechrau, neu o fewn unrhyw gyfnod byrrach y cytunir arno gyda'r Cynulliad Cenedlaethol a rhaid i'r hysbysiad bennu -

- (a) pa mor hir fydd yr absenoldeb arfaethedig neu pa mor hir y disgwylir iddo fod;
- (b) y rheswm dros yr absenoldeb hwnnw;

## Financial position

44.-(1) The registered provider must carry on the fostering agency in such manner as is likely to ensure that it will be financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose.

(2) The registered provider must -

- (a) ensure that adequate accounts are maintained and kept up to date in respect of the fostering agency; and
- (b) supply a copy of the accounts to the appropriate office of the National Assembly at its request.

(3) The registered provider must, if the National Assembly so requests, provide the appropriate office of the National Assembly with such information as it may require in order to consider the financial viability of the fostering agency, including -

- (a) the annual accounts of the fostering agency, certified by an accountant;
- (b) a reference from a bank expressing an opinion as to the registered provider's financial standing;
- (c) information as to the financing and financial resources of the fostering agency;
- (d) where the registered provider is a company, information as to any associated companies of the registered provider; and
- (e) a certificate of insurance for the registered provider in respect of liability which may be incurred by him or her in relation to the fostering agency in respect of death, injury, public liability, damage or other loss.

(4) In this regulation one company is associated with another if one of them has control of the other, or both are under the control of the same person.

## Notice of absence

45.-(1) Where the registered manager proposes to be absent from the fostering agency for a continuous period of 28 days or more, the registered person must give notice in writing to the appropriate office of the National Assembly of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) must be given no later than one month before the proposed absence is to start, or within such shorter period as may be agreed with the National Assembly, and the notice must specify -

- (a) the length or expected length of the proposed absence;
- (b) the reason for the proposed absence;

- (c) y trefniadau sydd wedi'u gwneud ar gyfer rhedeg yr asiantaeth faethu yn ystod yr absenoldeb hwnnw;
- (ch) enw, cyfeiriad a chymwysterau'r person a fydd yn gyfrifol am yr asiantaeth faethu yn ystod yr absenoldeb; a
- (d) y trefniadau sydd wedi'u gwneud neu y bwriedir eu gwneud ar gyfer penodi person arall i reoli'r asiantaeth faethu yn ystod yr absenoldeb, gan gynnwys y dyddiad erbyn pryd y mae'r penodiad i ddechrau.

(3) Os yw'r absenoldeb yn codi o ganlyniad i argyfwng, rhaid i'r person cofrestredig roi hysbysiad o'r absenoldeb o fewn un wythnos wedi iddo ddiwydd, gan bennu'r materion yn is-baragraffau (a) i (d) o baragraff (2).

(4) Os yw'r rheolwr cofrestredig wedi bod yn absennol o'r asiantaeth faethu am gyfnod parhaus o 28 diwrnod neu fwy, a bod swyddfa briodol y Cynulliad Cenedlaethol heb gael ei hysbysu o'r absenoldeb, rhaid i'r person cofrestredig roi hysbysiad ysgrifenedig yn ddi-odded i'r swyddfa honno, gan roi manylion am y materion a grybwyllwyd yn is-baragraffau (a) i (d) o baragraff (2).

(5) Rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol fod y rheolwr cofrestredig wedi dychwelyd i'w ddyletswyddau a rhaid i'r hysbysiad hwnnw gael ei roi heb fod yn hwyrach na saith diwrnod ar ôl i'r rheolwr ddychwelyd.

### Hysbysu o newidiadau

**46.-(1)** Rhaid i'r person cofrestredig roi hysbysiad ysgrifenedig i swyddfa briodol y Cynulliad Cenedlaethol cyn gynted ag y bo'n ymarferol gwneud hynny os bydd unrhyw un o'r digwyddiadau canlynol yn digwydd neu os bwriedir iddynt ddiwydd -

- (a) bod person heblaw'r person cofrestredig yn cynnal neu'n rheoli'r asiantaeth faethu;
- (b) bod person yn rhoi'r gorau i redeg neu i reoli'r asiantaeth faethu;
- (c) os unigolyn yw'r darparrydd cofrestredig, bod yr unigolyn yn newid ei enw;
- (ch) os corff yw'r darparrydd cofrestredig -
  - (i) bod enw neu gyfeiriad y corff wedi newid;
  - (ii) bod unrhyw newid cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog cyffelyb arall i'r corff;
  - (iii) bod unrhyw newid yn mynd i ddiwydd o ran pwy yw'r unigolyn cyfrifol;
- (d) os unigolyn yw'r darparrydd cofrestredig, bod ymddiriedolwr mewn methodaliad yn cael ei benodi ar ei gyfer neu fod cyfamod neu drefniant yn cael ei wneud gyda chredydwy'r neu

- (c) the arrangements which have been made for the running of the fostering agency during that absence;
- (d) the name, address and qualifications of the person who will be responsible for the fostering agency during the absence; and
- (e) the arrangements that have been made or are proposed to be made for appointing another person to manage the fostering agency during the absence, including the proposed date by which the appointment is to start.

(3) Where the absence arises as a result of an emergency, the registered person must give notice of the absence within one week of its occurrence specifying the matters in sub-paragraphs (a) to (e) of paragraph (2).

(4) Where the registered manager has been absent from the fostering agency for a continuous period of 28 days or more, and the appropriate office of the National Assembly has not been given notice of the absence, the registered person must without delay give notice in writing to that office specifying the matters mentioned in sub-paragraphs (a) to (e) of paragraph (2).

(5) The registered person must notify the appropriate office of the National Assembly of the return to duty of the registered manager not later than 7 days after the date of his or her return.

### Notice of changes

**46.-(1)** The registered person must give notice in writing to the appropriate office of the National Assembly as soon as it is practicable to do so if any of the following events takes place or is proposed to take place-

- (a) a person other than the registered person carries on or manages the fostering agency;
- (b) a person ceases to carry on or manage the fostering agency;
- (c) where the registered provider is an individual, the individual changes his or her name;
- (d) where the registered provider is an organisation-
  - (i) the name or address of the organisation is changed;
  - (ii) there is any change of director, manager, secretary or other similar officer of the organisation;
  - (iii) there is to be any change in the identity of the responsible individual;
- (e) where the registered provider is an individual, a trustee in bankruptcy is appointed or a composition or arrangement is made with creditors; or



(dd) os yw'r darparydd cofrestredig yn gwmni, neu mewn partneriaeth, bod derbynnydd, rheolwr, datodwr neu ddatodwr dros dro yn cael ei benodi mewn perthynas â'r darparydd cofrestredig.

(2) Rhaid i'r darparydd cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol yn ysgrifenedig ac yn ddi-oed ynghylch marwolaeth y rheolwr cofrestredig.

### **Penodi datodwyr etc**

**47.**-(1) Rhaid i unrhyw berson y mae paragraff (2) yn gymwys iddo -

- (a) hysbysu swyddfa briodol y Cynulliad Cenedlaethol ar unwaith ei fod wedi'i benodi, gan nodi'r rhesymau dros hynny;
- (b) penodi rheolwr i gymryd gofal llawn-amser o ddydd i ddydd o'r asiantaeth faethu mewn unrhyw achos lle nad oes rheolwr cofrestredig; ac
- (c) o fewn 28 diwrnod o gael ei benodi, hysbysu swyddfa briodol y Cynulliad Cenedlaethol o fwriadau'r person ynghylch gweithredu'r asiantaeth faethu yn y dyfodol.

(2) Mae'r paragraff hwn yn gymwys i unrhyw berson a benodir -

- (a) yn dderbynnydd neu'n rheolwr eiddo cwmni sy'n ddarparydd cofrestredig asiantaeth faethu;
- (b) yn ddatodwr neu'n ddatodwr dros dro ar gwmni sy'n ddarparydd cofrestredig asiantaeth faethu; neu
- (c) yn ymddiriedolwr mewn methodaliad i ddarparydd cofrestredig asiantaeth faethu.

### **Tramgwyddau**

**48.**-(1) Bydd torri neu fethu â chydymffurfio ag unrhyw un o ddarpariaethau rheoliadau 3 i 23 a 42 i 46 yn dramgwydd.

(2) Caiff y Cynulliad Cenedlaethol ddwyn achos yn erbyn person a oedd ar un adeg yn berson cofrestredig, ond nad ydyw bellach, mewn perthynas â methiant i gydymffurfio â rheoliad 22 ar ôl i'r person roi'r gorau i fod yn berson cofrestredig.

### **Cydymffurfio â rheoliadau**

**49.** Os oes mwy nag un person cofrestredig mewn perthynas ag asiantaeth faethu, ni fydd yn ofynnol i unrhyw un o'r personau cofrestredig wneud unrhyw beth sy'n ofynnol ei wneud o dan y rheoliadau hyn gan y person cofrestredig, os yw wedi cael ei wneud gan un o'r personau cofrestredig eraill.

where the registered provider is a company, or is in a partnership, a receiver, manager, liquidator or provisional liquidator is appointed in respect of the registered provider.

(2) The registered provider must notify the appropriate office of the National Assembly in writing and without delay of the death of the registered manager.

### **Appointment of liquidators etc**

**47.**-(1) Any person to whom paragraph (2) applies must-

- (a) forthwith notify the appropriate office of the National Assembly of the appointment indicating the reasons for it;
- (b) appoint a manager to take full-time day to day charge of the fostering agency in any case where there is no registered manager; and
- (c) within 28 days of the appointment notify the appropriate office of the National Assembly of the person's intentions regarding the future operation of the fostering agency.

(2) This paragraph applies to any person appointed as-

- (a) the receiver or manager of the property of a company which is a registered provider of a fostering agency;
- (b) a liquidator or provisional liquidator of, a company which is the registered provider of a fostering agency; or
- (c) the trustee in bankruptcy of a registered provider of a fostering agency.

### **Offences**

**48.**-(1) A contravention or failure to comply with any of the provisions of regulations 3 to 23 and 42 to 46 is to be an offence.

(2) The National Assembly may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 22 after he or she ceased to be a registered person.

### **Compliance with regulations**

**49.** Where there is more than one registered person in respect of a fostering agency, anything which is required under these regulations to be done by the registered person, if done by one of the registered persons, will not be required to be done by any of the other registered persons.

### Cofrestru

50.-(1) Mae "Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002"**(a)** yn cael eu diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn y paragraff sy'n dwyn y pennawd "SCHEDULES" ac yn rheoliadau 2(2), 4(2), 4(3), 4(6), 9(b), 9(d), 9(e), 9(h), 10, 12(3)(c), 13, 14, 15(4)(f) ac ym mharagraffau 1(e)(ii), 3(c), 3(d), 4, 5, 6, 7, 8, 11(a), 12(a), 13, 14 o Atodlen 1 ac ym mharagraffau 3(1), 7, 9, 10(1)(a)(i), 10(2)(a), 10(2)(b), 10(2)(c) o Atodlen 2 ac ym mharagraffau 3, 6(b), 7, 11 o Atodlen 3,

yn lle "establishment" ym mhob man y mae'n ymddangos rhowch "establishment or agency";

(3) Yn rheoliad 2(1) yn y diffiniadau o "registered manager", "registered person", "registered provider", "representative", "responsible individual", yn lle "establishment" ym mhob man y mae'n ymddangos rhowch "establishment or agency";

(4) Yn rheoliad 2(1) yn y diffiniad o "service user", yn lle "establishment" rhowch "establishment or by an agency";

(5) Yn rheoliad 4(5) ac ym mharagraffau 15, 16(a), 16(d) o Atodlen 1, yn lle "establishment" ym mhob man y mae'n ymddangos rhowch "establishment or for the purposes of the agency";

(6) Yn rheoliad 8(1), yn lle "establishment" rhowch yn y man lle mae'n ymddangos y tro cyntaf "establishment or agency" ac "establishment or for the purposes of the agency" yr ail dro;

(7) Yn rheoliad 12(3)(c)(i), yn lle "establishment" rhowch "establishment or for the purposes of an agency";

(8) Yn rheoliad 15(4)(b) ac ym mharagraff 2 o Atodlen 2 ac ym mharagraff 10 o Atodlen 3, yn lle "establishment" ym mhob man y mae'n ymddangos rhowch "establishment or by the agency";

(9) Yn rheoliad 15(4)(d), yn lle "establishment is" rhowch "establishment or the premises used by the agency are";

(10) Ym mharagraff 1(b) o Atodlen 1, yn lle "establishment" rhowch yn y man lle mae'n ymddangos y tro cyntaf "establishment or agency" ac "establishment or by the agency" yr ail dro;

(11) Ym mharagraff 2(c) o Atodlen 1, yn lle "establishment" rhowch yn y man lle mae'n ymddangos y tro cyntaf a'r ail dro "establishment or agency" ac "establishment or by the agency" y trydydd tro;

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(a) O.S.2002/919 (Cy.107).

### Registration

50.-(1) The "Registration of Social Care and Independent Health Care (Wales) Regulations 2002"**(a)** are amended in accordance with the following provisions of this regulation.

(2) In the paragraph headed "SCHEDULES" and in regulations 2(2), 4(2), 4(3), 4(6), 9(b), 9(d), 9(e), 9(h), 10, 12(3)(c), 13, 14, 15(4)(f) and in paragraphs 1(e)(ii), 3(c), 3(d), 4, 5, 6, 7, 8, 11(a), 12(a), 13, 14 of Schedule 1 and in paragraphs 3(1), 7, 9, 10(1)(a)(i), 10(2)(a), 10(2)(b), 10(2)(c) of Schedule 2 and in paragraphs 3, 6(b), 7, 11 of Schedule 3,

for "establishment" in each instance where it appears substitute "establishment or agency";

(3) In regulation 2(1) in the definitions of "registered manager", "registered person", "registered provider", "representative", "responsible individual", for "establishment" in each instance where it appears substitute "establishment or agency";

(4) In regulation 2(1) in the definition of "service user", for "establishment" substitute "establishment or by an agency";

(5) In regulation 4(5) and in paragraphs 15, 16(a), 16(d) of Schedule 1, for "establishment" in each instance where it appears substitute "establishment or for the purposes of the agency";

(6) In regulation 8(1), for "establishment" substitute where it appears "establishment or agency" in the first instance and "establishment or for the purposes of the agency" in the second instance;

(7) In regulation 12(3)(c)(i), for "establishment" substitute "establishment or for the purposes of an agency";

(8) In regulation 15(4)(b) and in paragraph 2 of Schedule 2 and in paragraph 10 of Schedule 3, for "establishment" in each instance where it appears substitute "establishment or by the agency";

(9) In regulation 15(4)(d), for "establishment is" substitute "establishment or the premises used by the agency are";

(10) In paragraph 1(b) of Schedule 1, for "establishment" substitute where it appears "establishment or agency" in the first instance and "establishment or by the agency" in the second instance;

(11) In paragraph 2(c) of Schedule 1, for "establishment" substitute where it appears "establishment or agency" in the first and second instances and "establishment or by the agency" in the third instance;

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(a) S.I. 2002/919 (W.107).

(12) Ym mharagraffau 5 a 13 o Atodlen 1, yn lle "section 4(8)(a)" ym mhob man y mae'n ymddangos rhwch "section 4(8)(a) or (9)(a)";

(13) Ym mharagraff 11 o Atodlen 1, yn lle "establishment" rhwch yn y man lle mae'n ymddangos y tro cyntaf "establishment or for the purposes of an agency";

(14) Ym mharagraff 16 o Atodlen 1, yn lle "establishment" rhwch yn y man lle mae'n ymddangos y tro cyntaf "establishment or for the purposes of the agency";

(15) Ym mharagraff 2 o Atodlen 3, yn lle "establishment" rhwch yn y man lle mae'n ymddangos y tro cyntaf "establishment or agency" ac "establishment or by the agency" yr ail dro.

(16) Yn rheoliad 2(1),

(a) yn y man priodol, mewnosodwch-

"fostering service" means -

(a) a fostering agency within the meaning of the Act; or

(b) a local authority fostering service;" "

"local authority fostering service" means the discharge by a local authority of relevant fostering functions within the meaning of the Act" "

(b) yn y diffiniad o "appropriate office", ar ôl is-adran (d) mewnosodwch-

"(e) in relation to a fostering service -

(i) if an office has been specified under regulation 2(2) of the Fostering Services (Wales) Regulations 2003 (a) for the area in which the fostering service, as the case may be, is situated, that office;

(ii) in any other case, any office of the National Assembly.";

(c) yn y diffiniad o "statement of purpose", ar ôl is-adran (d) mewnosodwch-

"(e) in relation to a fostering service, the written statement required to be compiled in relation to the fostering service in accordance with regulation 3(1) of the Fostering Services (Wales) Regulations 2003;"

## Ffioedd

51.-(1) Mae "Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Ffioedd) (Cymru) 2002"(b) yn cael eu diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn y paragraff sy'n dwyn y pennawd "Arrangement of Regulations", dylid ychwanegu'r

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

(b) O.S. 2002/921 (Cy.109).

(12) In paragraphs 5 and 13 of Schedule 1, for "section 4(8)(a)" in each instance where it appears substitute "section 4(8)(a) or (9)(a)";

(13) In paragraph 11 of Schedule 1, for "establishment" substitute where it appears in the first instance "establishment or for the purposes of an agency";

(14) In paragraph 16 of Schedule 1, for "establishment" substitute where it appears in the first instance "establishment or for the purposes of the agency";

(15) In paragraph 2 of Schedule 3, for "establishment" substitute where it appears "establishment or agency" in the first instance and "establishment or by the agency" in the second instance.

(16) In regulation 2(1),

(a) at the appropriate place, insert-

"fostering service" means -

(a) a fostering agency within the meaning of the Act; or

(b) a local authority fostering service;" "

"local authority fostering service" means the discharge by a local authority of relevant fostering functions within the meaning of the Act" "

(b) in the definition of "appropriate office", after subsection (d) insert-

"(e) in relation to a fostering service -

(i) if an office has been specified under regulation 2(2) of the Fostering Services (Wales) Regulations 2003 (a) for the area in which the fostering service, as the case may be, is situated, that office;

(ii) in any other case, any office of the National Assembly.";

(c) in the definition of "statement of purpose", after subsection (d) insert-

"(e) in relation to a fostering service, the written statement required to be compiled in relation to the fostering service in accordance with regulation 3(1) of the Fostering Services (Wales) Regulations 2003;"

## Fees

51.-(1) The "Registration of Social Care and Independent Healthcare (Fees)(Wales) Regulations 2002"(b) are amended in accordance with the following provisions of this regulation.

(2) In the paragraph headed "Arrangement of Regulations", add the following at the end "12. Annual

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

(b) S.I. 2002/921 (W.109).

llynell ganlynol ar y diwedd "12. Annual fee - fostering agencies and local authority fostering services".

(3) Yn rheoliad 2(1), (a) yn y manau priodol mewnosodwch-

"agency" means a fostering agency";

"local authority fostering service" means the discharge by a local authority of relevant fostering functions within the meaning of the Act;" ;

(b) yn y diffiniadau o "new provider", "previously exempt provider", "registered manager", "registered provider", yn lle "establishment" ym mhob man y mae'n ymddangos rhwch "establishment or agency";

(c) yn y diffiniad o "service user" yn lle "establishment" ym mhob man y mae'n ymddangos rhwch "establishment or by an agency".

(4) Yn rheoliadau 2(2) a 4(3) yn lle "establishment" ym mhob man y mae'n ymddangos rhwch "establishment or agency".

(5) Yn rheoliad 3 yn lle "establishment" ym mhob man y mae'n ymddangos rhwch "establishment or an agency".

(6) Ar ôl rheoliad 11 (Annual fee - residential family centres), mewnosodir y rheoliad canlynol -

**"Annual fee - fostering agencies and local authority fostering services**

12.-(1) The annual fee in respect of a fostering agency is £ 1,000.

(2) The annual fee in respect of a local authority fostering service is £ 1,000.

(3) The annual fee in respect of a fostering agency or a local authority fostering service is to be first payable by the registered provider on the date specified in respect of him or her in paragraph (4)("the first date"), and thereafter on the anniversary of the first date.

(4) The specified date is-

(a) in the case of a fostering agency, on 1 April 2004, or on the date on which the certificate is issued, whichever is the later;

(b) in the case of a local authority fostering service -

(i) in a case of a local authority which is discharging relevant fostering functions on the date on which the Fostering Services (Wales) Regulations 2003 come into force, on 1 April 2003;

(ii) in any other case, on the date on which such functions are first discharged."

fee - fostering agencies and local authority fostering services".

(3) In regulation 2(1),(a) at the appropriate places insert-

"agency" means a fostering agency";

"local authority fostering service" means the discharge by a local authority of relevant fostering functions within the meaning of the Act;" ;

(b) in the definitions of "new provider", "previously exempt provider", "registered manager", "registered provider", for "establishment" in each instance where it appears substitute "establishment or agency";

(c) in the definition of "service user" for "establishment" in each instance where it appears substitute "establishment or by an agency".

(4) In regulations 2(2) and 4(3) for "establishment" in each instance where it appears substitute "establishment or agency".

(5) In regulation 3 for establishment in each instance where it appears substitute "establishment or an agency".

(6) After regulation 11 (Annual fee - residential family centres), there is to be inserted the following regulation -

**"Annual fee - fostering agencies and local authority fostering services**

12.-(1) The annual fee in respect of a fostering agency is £ 1,000.

(2) The annual fee in respect of a local authority fostering service is £ 1,000.

(3) The annual fee in respect of a fostering agency or a local authority fostering service is to be first payable by the registered provider on the date specified in respect of him or her in paragraph (4)("the first date"), and thereafter on the anniversary of the first date.

(4) The specified date is-

(a) in the case of a fostering agency, on 1 April 2004, or on the date on which the certificate is issued, whichever is the later;

(b) in the case of a local authority fostering service -

(i) in a case of a local authority which is discharging relevant fostering functions on the date on which the Fostering Services (Wales) Regulations 2003 come into force, on 1 April 2003;

(ii) in any other case, on the date on which such functions are first discharged."

## Darpariaethau trosiannol

52.-(1) Mae'r paragraff hwn yn gymwys i asiantaeth faethu o fewn ystyr "*fostering agency*" yn adran 4(4)(b) o Ddeddf 2000 (corff gwirfoddol sy'n lleoli plant gyda rhieni maeth o dan adran 59(1) o Ddeddf 1989) sydd, cyn i'r Rheoliadau hyn ddod i rym, wedi gwneud cais yn briodol am gael ei chofrestru o dan Ran II o Ddeddf 2000.

(2) Mae'r Rheoliadau hyn i fod yn gymwys i asiantaeth faethu y mae paragraff (1) yn gymwys iddi, fel petai unrhyw gyfeiriad ynddynt at berson cofrestredig yn gyfeiriad at y person sy'n rhedeg yr asiantaeth(a) -

- (a) tan yr amser y caniateir y cais neu'r cofrestriad, naill ai'n ddiamed neu'n ddarostyngedig yn unig i amodau y cytunwyd arnynt yn ysgrifenedig rhwng y person hwnnw a'r Cynulliad Cenedlaethol; neu
- (b) os caniateir y cais yn ddarostyngedig i amodau na chytunwyd arnynt felly, neu os caiff y cais ei wrthod -
  - (i) os na ddygir apêl, nes bod y cyfnod o 28 diwrnod ar ôl cyflwyno hysbysiad o benderfyniad y Cynulliad Cenedlaethol i'r darparydd hwnnw wedi dod i ben; neu
  - (ii) os dygir apêl, nes iddi gael ei phenderfynu neu ei gollwng.

(3) Mae'r paragraff hwn yn gymwys i asiantaeth faethu annibynnol sy'n cael ei rhedeg gan gorff gwirfoddol, ac sydd, cyn i'r Rheoliadau hyn ddod i rym, wedi gwneud cais yn briodol am gael ei chofrestru o dan Ran II o Ddeddf 2000.

(4) Os yw awdurdod lleol sy'n gofalu am blentyn wedi'i fodloni y dylai'r plentyn gae ei leoli gyda rhieni maeth, cânt wneud trefniadau, yn ddarostyngedig i baragraff (5), i'r dyletswyddau sy'n cael eu gosod arnynt gan reoliadau 34, 35, 36(1) a 37 gael eu cyflawni ar eu rhan gan y corff gwirfoddol y mae paragraff (3) yn gymwys iddo ("darparydd gwirfoddol annibynnol anghofrestredig")-

- (a) tan yr amser y caniateir y cais neu'r cofrestriad, naill ai'n ddiamed neu'n ddarostyngedig yn unig i amodau y cytunwyd arnynt yn ysgrifenedig rhwng y person hwnnw a'r Cynulliad Cenedlaethol; neu
- (b) os caniateir y cais yn ddarostyngedig i amodau na chytunwyd arnynt felly, neu os caiff y cais ei wrthod -
  - (i) os na ddygir apêl, nes bod y cyfnod o 28 diwrnod ar ôl cyflwyno hysbysiad o benderfyniad y Cynulliad Cenedlaethol i'r darparydd hwnnw wedi dod i ben; neu
  - (ii) os dygir apêl, nes iddi gael ei phenderfynu neu ei gollwng.

(5) Ni chaiff awdurdod lleol wneud trefniadau o dan

## Transitional Provisions

52.-(1) This paragraph applies to a fostering agency falling within section 4(4)(b) of the 2000 Act (a voluntary organisation which places children with foster parents under section 59(1) of the 1989 Act) which has, before the coming into force of these Regulations duly made an application for registration under Part II of the 2000 Act.

(2) These Regulations are to apply to a fostering agency to which paragraph (1) applies, as if any reference in them to a registered person is a reference to the person who carries on the agency (a)-

- (a) until such time as the application or registration is granted, either unconditionally or subject only to conditions which have been agreed in writing between that person and the National Assembly; or
- (b) if the application is granted subject to conditions which have not been so agreed, or if it is refused-
  - (i) if no appeal is brought, until the expiration of the period of 28 days after service on that person of notice of the decision of the National Assembly; or
  - (ii) if an appeal is brought, until it is determined or abandoned.

(3) This paragraph applies to an independent fostering agency which is carried on by a voluntary organisation, which has, before the coming into force of these Regulations, duly made an application for registration, under Part II of the 2000 Act.

(4) Where a local authority looking after a child is satisfied that the child should be placed with foster parents, they may make arrangements, subject to paragraph (5), for the duties imposed on them by regulations 34, 35, 36(1) and 37 to be discharged on their behalf by the voluntary organisation to which paragraph (3) applies ("an unregistered independent voluntary provider")-

- (a) until such time as the application for registration is granted, either unconditionally or subject only to conditions which have been agreed in writing between that provider and the National Assembly; or
- (b) if the application is granted subject to conditions which have not been so agreed, or it is refused-
  - (i) if no appeal is brought, until the expiration of the period of 28 days after service on that provider of notice of the decision of the National Assembly; or
  - (ii) if an appeal is brought, until it is determined or abandoned.

(5) A local authority may not make arrangements

(a) *Gweler* Adran 121(4) o Ddeddf Safonau Gofal 2000.

(a) *See* Section 121(4) of the Care Standards Act 2000.

baragraff (4) oni bai -

- (a) ei fod wedi'i fodloni -
  - (i) ynglyn â gallu'r darparrydd gwirfoddol annibynnol anghofrestredig i gyflawni dyletswyddau ar ei ran; a
  - (ii) mai'r trefniadau hynny yw'r ffordd fwyaf addas o gyflawni'r dyletswyddau hynny; a
- (b) ei fod yn gwneud cytundeb ysgrifenedig gyda'r darparrydd gwirfoddol annibynnol anghofrestredig ynglŷn â'r trefniadau, a hwnnw'n gytundeb sy'n darparu ar gyfer ymgynghori a chyfnewid gwybodaeth ac adroddiadau rhwng yr awdurdod lleol a'r darparrydd wirfoddol annibynnol anghofrestredig.

(6) Mae paragraffau (2) a (4) yn ddarostyngedig i ddarpariaethau Erthygl 2 o Orchymyn Deddf Safonau Gofal 2000 (Cychwyn Rhif 8 (Cymru) a Darpariaethau Trosiannol, Arbedion, Darpariaethau Canlyniadol a Darpariaethau Diwygio) 2002 ac i is-baragraffau (5) a (6) o baragraff 5 o Atodlen 1 iddi (cais gan y Cynulliad Cenedlaethol i ynad heddi)(a).

(7) Ni fydd rheoliad 20(5) yn gymwys i unrhyw berson y byddai'n gymwys iddo ar wahân i'r rheoliad hwn, os yw'r person eisoes yn cael ei gyflogi ar 1 Ebrill 2003 gan ddarparrydd gwasanaeth maethu mewn sefyllfa y mae paragraff (6) o'r rheoliad hwnnw yn gymwys iddo.

## Dirymu

**53.** Mae'r Rheoliadau canlynol wedi'u dirymu-

- (a) Rheoliadau Lleoliadau Maeth (Plant) 1991(b)
- (b) rheoliad 2 o Reoliadau Plant (Lleoliadau Byrdymor) (Diwygiadau Amrywiol) 1995(c)
- (c) rheoliad 3 o Reoliadau Plant (Eu Hamddiffyn Rhag Tramgwyddwyr) (Diwygiadau Amrywiol) 1997(ch)
- (ch) rheoliad 2 o Reoliadau Plant (Eu Hamddiffyn Rhag Tramgwyddwyr) (Diwygio) (Cymru) 2001(d) i'r graddau y mae'n diwygio Rheoliadau Lleoliadau Maeth (Plant) 1991.

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(a) O.S. 2002/920 (W.108)(C.24)

(b) O.S. 1991 Rhif 910.

(c) O.S. 1995 Rhif 2015.

(ch) O.S. 1997 Rhif 2308.

(d) O.S. 2001 Rhif 3443 (Cy. 278).

under paragraph (4) unless they-

- (a) are satisfied-
  - (i) as to the capacity of the unregistered independent voluntary provider to discharge duties on their behalf; and
  - (ii) that those arrangements are the most suitable way for those duties to be discharged; and
- (b) enter into a written agreement with the unregistered independent voluntary provider about the arrangements, providing for consultation and exchange of information and reports between the local authority and the unregistered independent voluntary provider.

(6) Paragraphs (2) and (4) are subject to the provisions of Article 2 of, and sub-paragraphs (5) and (6) of paragraph 5 of Schedule 1 to, the Care Standards Act 2000 (Commencement No.8 (Wales) and Transitional, Savings, Consequential and Amendment Provisions) Order 2002 (application by the National Assembly to a justice of the peace)(a).

(7) Regulation 20(5) is not to apply to any person to whom it would, apart from this regulation apply, if the person is on 1st April 2003 already employed by a fostering service provider in a position to which paragraph (6) of that regulation applies.

## Revocation

**53.** The following Regulations are revoked-

- (a) The Foster Placement (Children) Regulations 1991(b)
- (b) regulation 2 of the Children (Short-term Placements) (Miscellaneous Amendments) Regulations 1995(c)
- (c) regulation 3 of the Children (Protection from Offenders) (Miscellaneous Amendments) Regulations 1997(d)
- (d) regulation 2 of the Children (Protection from Offenders) (Amendment) (Wales) Regulations 2001 (e) so far as it amends the Foster Placement (Children) Regulations 1991.

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(a) S.I. 2002/920 (W.108)(C.24)

(b) S.I. 1991 No. 910.

(c) S.I. 1995 No. 2015.

(d) S.I. 1997 No. 2308.

(e) S.I. 2001 No. 3443 (W. 278).

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a)

6 Chwefror 2003

6th February 2003

*John Marek*

Dirprwy Lywydd y Cynulliad Cenedlaethol

The Deputy Presiding Officer of the National Assembly

## ATODLEN 1

Rheoliadau 5, 7, 20

### YR WYBODAETH SY'N OFYNNOL MEWN PERTHYNAS Â PHERSONAU SY'N CEISIO RHEDEG NEU REOLI GWASANAETH MAETHU NEU WEITHIO AT DDIBENION Y GWASANAETH HWNNW

1. Prawf pendant o bwy yw'r person gan gynnwys ffotograff diweddar.
2. Naill ai-
  - (a) os oes angen y dystysgrif at ddiben sy'n ymwneud ag adran 115(5)(ea) o Ddeddf yr Heddlu 1997 (cofrestru o dan Ran II o Ddeddf 2000)(a), neu os yw'r swydd yn dod o dan adran 115(3) o Ddeddf yr Heddlu 1997(b), tystysgrif cofnod troseddol fanwl a roddwyd o dan adran 115 o'r Ddeddf honno; neu
  - (b) mewn unrhyw achos arall, tystysgrif cofnod troseddol a roddwyd o dan adran 113 o'r Ddeddf honno, gan gynnwys, i'r graddau y caniateir hynny o dan Ddeddf yr Heddlu 1997, y materion a bennir yn adran 113(3A) neu 115(6A) o'r Ddeddf honno(c).
3. Dau dystlythyr ysgrifenedig, gan gynnwys tystlythyr gan gyflogwr mwyaf diweddar y person, os oes un.
4. Os yw person wedi gweithio o'r blaen mewn swydd yr oedd ei ddyletswyddau'n golygu gweithio gyda phlant neu gydag oedolion hawdd eu niweidio, yna, i'r graddau y mae'n rhesymol ymarferol, cadarnhad o'r rheswm y daeth y gyflogaeth neu'r swydd i ben.
5. Tystiolaeth ddogfennol o unrhyw gymhwyster perthnasol.
6. Hanes cyflogaeth llawn, ynghyd ag esboniad ysgrifenedig boddhaol am unrhyw fylchau mewn cyflogaeth.

- 
- (a) 1997 p.50. Mewnosodir adran 115(5)(ea) gan Ddeddf Safonau Gofal 2000, adran 104 ar ddyddiad sydd i'w bennu. Nid yw adrannau 113 a 115, fel y'u diwygiwyd, wedi'u dwyn i rym eto.
  - (b) Mae swydd yn dod o fewn adran 115(3) os yw'n cynnwys gofalu am bersonau o dan 18 oed, eu hyfforddi, eu goruchwyllo neu fod yn gyfrifol amdanynt ar eich pen eich hun yn rheoliadd.
  - (c) Ychwanegir adrannau 113(3A) a 115(6A) at Ddeddf yr Heddlu 1997 gan adran 8 o Ddeddf Amddiffyn Plant 1999 (p.14) ar ddyddiad sydd i'w bennu, a'u diwygio gan adrannau 104 a 116 o Ddeddf Safonau Gofal 2000 a pharagraff 25 o Atodlen 4 iddi.

## SCHEDULE 1

Regulations 5,7,20

### INFORMATION REQUIRED IN RESPECT OF PERSONS SEEKING TO CARRY ON, MANAGE OR WORK FOR THE PURPOSES OF A FOSTERING SERVICE

1. Positive proof of identity including a recent photograph.
2. Either-
  - (a) where the certificate is required for a purpose relating to section 115(5)(ea) of the Police Act 1997 (registration under Part II of the 2000 Act)(a), or the position falls within section 115(3) of the Police Act 1997(b), an enhanced criminal record certificate issued under section 115 of that Act; or
  - (b) in any other case, a criminal record certificate issued under section 113 of that Act, including, to the extent permitted under the Police Act 1997, the matters specified in, section 113(3A) or 115(6A) of that Act(c).
3. Two written references, including a reference from the person's most recent employer, if any.
4. Where a person has previously worked in a position whose duties involved work with children or vulnerable adults, so far as reasonably practicable verification of the reason why the employment or position ended.
5. Documentary evidence of any relevant qualification.
6. A full employment history, together with a satisfactory written explanation of any gaps in employment.

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- (a) 1997 c. 50 section 115(5)(ea) is inserted by the Care Standards Act 2000, section 104 on a date to be appointed. Sections 113 and 115, as amended, have not yet been brought into force.
  - (b) A position within section 115(3) if it involves regularly caring for, training, supervising or being in sole charge of persons aged under 18.
  - (c) Sections 113(3A) and 115(6A) are added to the Police Act 1997 by section 8 of the Protection of Children Act 1999 (c.14) on a date to be appointed, and amended by sections 104 and 116 of, and paragraph 25 of Schedule 4 to, the Care Standards Act 2000.



## ATODLEN 2

Rheoliad 22

### Y COFNODION SYDD I'W CADW GAN DDARPARWYR GWASANAETH MAETHU

1. Cofnod ar ffurf cofrestr sy'n dangos mewn perthynas â phob plentyn sydd wedi'i leoli gyda rhieni maeth-

- (a) dyddiad lleoli'r plentyn;
- (b) enw a chyfeiriad y rhiant maeth;
- (c) y dyddiad y daeth lleoliad y plentyn yno i ben;
- (ch) cyfeiriad y plentyn cyn y lleoliad;
- (d) cyfeiriad y plentyn wrth iddo ymadael â'r lleoliad;
- (dd) awdurdod cyfrifol y plentyn (os nad y darparydd gwasanaeth maethu ydyw);
- (e) y ddarpariaeth statudol y mae neu yr oedd gofal maeth yn cael ei ddarparu odani ar gyfer y plentyn.

2. Cofnod o'r holl bersonau sy'n gweithio ar gyfer y darparydd gwasanaeth maethu, a hwnnw'n gofnod y mae'n rhaid iddo gynnwys y materion canlynol mewn perthynas â pherson sy'n dod o fewn rheoliad 20(1) -

- (a) enw llawn;
- (b) rhyw;
- (c) dyddiad geni;
- (ch) cyfeiriad cartref;
- (d) cymwysterau sy'n berthnasol i waith sy'n ymwneud â phlant a phrofiad o'r gwaith hwnnw;
- (dd) a yw'r person yn cael ei gyflogi gan y darparydd gwasanaeth maethu o dan contract gwasanaeth, contract ar gyfer gwasanaethau, neu fel arall o dan contract, neu a yw'n cael ei gyflogi gan rywun arall heblaw'r darparydd gwasanaeth maethu;
- (e) a yw'r person yn gweithio'n amser llawn neu'n rhan amser, ac, os yn rhan amser, nifer cyfartalog yr oriau y mae'n eu gweithio bob wythnos.

3. Cofnod o bob damwain sy'n digwydd i blant yn ystod eu lleoliad gyda rhieni maeth.

## SCHEDULE 2

Regulation 22

### RECORDS TO BE KEPT BY FOSTERING SERVICE PROVIDERS

1. A record in the form of a register showing in respect of each child placed with foster parents-

- (a) the date of the child's placement;
- (b) the name and address of the foster parent;
- (c) the date on which the child ceased to be placed there;
- (d) the child's address prior to placement;
- (e) the child's address on leaving the placement;
- (f) the child's responsible authority (if it is not the fostering service provider);
- (g) the statutory provision under which the child is or was provided with foster care.

2. A record of all persons working for the fostering service provider, which must include in respect of a person falling within regulation 20(1) the following matters-

- (a) full name;
- (b) sex;
- (c) date of birth;
- (d) home address;
- (e) qualifications relevant to, and experience of work involving, children;
- (f) whether the person is employed by the fostering service provider under a contract of service, a contract for services, or otherwise than under a contract, or is employed by someone other than the fostering service provider;
- (g) whether the person works full-time or part-time, and, if part-time, the average number of hours worked per week.

3. A record of all accidents occurring to children whilst placed with foster parents.

### ATODLEN 3

Rheoliad 27

#### **GWYBODAETH AM DDARPAR RIANT MAETH AC AELODAU ERAILL O AELWYD A THEULU'R DARPAR RIANT MAETH**

1. Enw llawn, cyfeiriad a dyddiad geni'r darpar riant maeth.
2. Manylion iechyd y person hwnnw (wedi'u hategu gan adroddiad meddygol), ei bersonoliaeth, ei statws priodasol a manylion priodas gyfredol neu berthynas debyg y person hwnnw ac unrhyw briodas flaenorol neu berthynas debyg.
3. Manylion unrhyw aelodau eraill o aelwyd y person hwnnw sy'n oedolion.
4. Manylion y plant yn nheulu'r person hwnnw, p'un ai ydynt yn aelodau o'i aelwyd neu beidio, ac unrhyw blant eraill yn ei aelwyd.
5. Manylion am lety'r person hwnnw.
6. Argyhoeddiad crefyddol y person hwnnw, i ba raddau y mae'n dilyn ei grefydd a'i allu i ofalu am blentyn o unrhyw argyhoeddiad crefyddol penodol.
7. Tarddiad hiliol, cefndir diwylliannol ac ieithyddol y person hwnnw a'i allu i ofalu am blentyn o unrhyw darddiad penodol neu unrhyw gefndir diwylliannol neu ieithyddol.
8. Swydd neu alwedigaeth y person hwnnw yn y gorffennol a'r presennol, ei safon byw a gweithgareddau a diddordebau hamdden.
9. Profiad blaenorol y person hwnnw (os o gwbl) o ofalu am ei blant ei hun a phlant eraill.
10. Medrau, hyfedredd a photensial y person hwnnw sy'n berthnasol i'w allu i ofalu'n effeithiol am blentyn sydd wedi'i leoli gydag ef.
11. Canlyniad unrhyw gais a wnaed gan y person hwnnw neu unrhyw aelod arall o aelwyd y person hwnnw am faethu neu fabwysiadu plant neu am gofrestru plentyn ar gyfer gwasanaeth gwarchod plant neu ofal dydd(a), gan gynnwys manylion unrhyw gymeradwyaeth flaenorol sy'n ymwneud â'r person neu ag unrhyw aelod arall o aelwyd y person hwnnw neu fanylion penderfyniad blaenorol i wrthod cymeradwyaeth o'r fath.

(a) Darperir ar gyfer cofrestru ar gyfer gwasanaeth gwarchod plant neu ofal dydd o dan Ran XA o Ddeddf 1989 mewn perthynas â Chymru a Lloegr a Rhan X o'r Ddeddf honno mewn perthynas â'r Alban.

### SCHEDULE 3

Regulation 27

#### **INFORMATION AS TO PROSPECTIVE FOSTER PARENT AND OTHER MEMBERS OF THE PROSPECTIVE FOSTER PARENT'S HOUSEHOLD AND FAMILY**

1. The prospective foster parent's full name, address and date of birth.
2. Details of that person's health (supported by a medical report), personality, marital status and details of that person's current and any previous marriage or similar relationship.
3. Particulars of any other adult members of that person's household.
4. Particulars of the children in that person's family, whether or not members of his or her household, and any other children in his or her household.
5. Particulars of that person's accommodation.
6. That person's religious persuasion, the degree of his or her religious observance and his or her capacity to care for a child from any particular religious persuasion.
7. That person's racial origin, his or her cultural and linguistic background and his or her capacity to care for a child from any particular origin or cultural or linguistic background.
8. That person's past and present employment or occupation, and his or her standard of living and leisure activities and interests.
9. That person's previous experience (if any) of caring for his or her own and other children.
10. That person's skills, competence and potential relevant to his or her capacity to care effectively for a child placed with him or her.
11. The outcome of any request or application made by that person or any other member of that person's household to foster or adopt children or for registration for child minding or day care(a), including particulars of any previous approval or refusal of approval relating to the person or to any other member of that person's household.

(a) Registration for child minding or day care is provided for by Part XA of the 1989 Act in respect of England and Wales and Part X of that Act in respect of Scotland.

12. Enw a chyfeiriadau dau berson a fydd yn darparu tystlythyron personol ar gyfer y darpar riant maeth.

13. Mewn perthynas â'r darpar riant maeth a phob aelod o'r aelwyd sydd yn 18 neu drosodd, tystysgrif cofnod troseddol fanwl a roddwyd o dan adran 115 o Ddeddf yr Heddlu 1997(a), gan gynnwys y materion a bennir yn adran 115(6A) o'r Ddeddf honno.

#### ATODLEN 4

Rheoliad 27(7)(b)

#### TRAMGWYDDAU A BENNIR AT DDIBENION RHEOLIAD 27(7)(b)

##### Tramgwyddau yn yr Alban

1. Tramgwydd trais rhywiol.

2. Tramgwydd a bennir yn Atodlen 1 i Ddeddf Gweithdrefn Droseddol (Yr Alban) 1995(b) ac eithrio mewn achos lle'r oedd y tramgwyddwr o dan 20 oed adeg cyflawni'r tramgwydd, tramgwydd yn erbyn adran 5 o Ddeddf Cyfraith Troseddau (Cydgrynhoi) (Yr Alban) 1995 (cyfathrach â merch o dan 16 oed)(c), tramgwydd anwedduster digywilydd rhwng dynion neu dramgwydd sodomiaeth.

3. Tramgwydd plagiwm (dwyn plentyn islaw oedran aeddfedrydd).

4. Adran 52 neu 52A o Ddeddf Llywodraeth Ddinesig (Yr Alban) 1982 (ffotograffau anwedus o blant)(ch).

5. Tramgwydd o dan adran 3 o Ddeddf Tramgwyddau Rhywiol (Diwygio) 2000 (manteisio ar ffydd)(d).

##### Tramgwyddau yng Ngogledd Iwerddon

6. Tramgwydd trais rhywiol.

7. Tramgwydd a bennir yn Atodlen 1 i Ddeddf Plant a Phersonau Ifanc (Gogledd Iwerddon) 1968(dd) ac eithrio mewn achos lle'r oedd y tramgwyddwr o dan 20 oed adeg cyflawni'r tramgwydd, tramgwydd yn groes i adrannau 5 neu 11 o Ddeddf Diwygio Cyfraith Troseddau 1885 (cael adnybyddiaeth gnawdol anghyfreithlon o ferch o dan 17 oed ac anwedduster dybryd rhwng gwrywod)(e), neu dramgwydd yn groes i adran 61 o Ddeddf Tramgwyddau yn erbyn y Person

(a) Gweler y troednoaidau i baragraff 2 o Atodlen 1.

(b) 1995 p.46.

(c) 1995 p.39.

(ch) 1982 p.45. Mewn nosodwyd adran 52A gan adran 161 o Ddeddf Cyfiawnder Troseddol 1988 (p.33).

(d) 2000 p.44.

(dd) 1968 p.34 (G.I.).

(e) 1885 p.69.

12. The names and addresses of two persons who will provide personal references for the prospective foster parent.

13. In relation to the prospective foster parent and each member of the household aged 18 or over, an enhanced criminal record certificate issued under section 115 of the Police Act 1997 (a) including the matters specified in section 115(6A) of that Act.

#### SCHEDULE 4

Regulation 27(7)(b)

#### OFFENCES SPECIFIED FOR THE PURPOSES OF REGULATION 27(7)(b)

##### Offences in Scotland

1. An offence of rape.

2. An offence specified in Schedule 1 to the Criminal Procedure (Scotland) Act 1995(b) except, in case where the offender was under the age of 20 at the time the offence was committed, an offence contrary to section 5 of the Criminal Law (Consolidation) (Scotland) Act 1995 (intercourse with a girl under 16)(c), an offence of shameless indecency between men or an offence of sodomy.

3. An offence of plagiwm (theft of a child below the age of puberty).

4. Section 52 or 52A of the Civic Government (Scotland) Act 1982 (indecent photographs of children)(d).

5. An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of trust)(e).

##### Offences in Northern Ireland

6. An offence of rape.

7. An offence specified in Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968(f), except in the case where the offender was under the age of 20 at the time the offence was committed, an offence contrary to sections 5 or 11 of the Criminal Law Amendment Act 1885 (unlawful carnal knowledge of a girl under 17 and gross indecency between males)(g), or an offence contrary to section 61 of the Offences against the Person Act 1861 (buggery).

(a) See the footnotes to paragraph 2 of Schedule 1.

(b) 1995 c.46.

(c) 1995 c.39.

(d) 1982 c.45. Section 52A was inserted by section 161 of the Criminal Justice Act 1988(c.33).

(e) 2000 c.44.

(f) 1968 c.34 (N.I.).

(g) 1885 c.69.

1861 (sodomiaeth).

8. Tramgwydd o dan Erthygl 3 o Orchymyn Amddiffyn Plant (Gogledd Iwerddon) 1978 (ffotograffau anwedus)(a).

9. Tramgwydd yn groes i Erthygl 9 o Orchymyn Cyfiawnder Troseddol (Gogledd Iwerddon) 1980 (ysgogi merch o dan 16 oed i gael cyfathrach rywiol losgachol)(b).

10. Tramgwydd o dan Erthygl 15 o Orchymyn Cyfiawnder Troseddol (Tystiolaeth etc.) (Gogledd Iwerddon) 1988 (meddu ar ffotograffau anwedus o blant)(c).

11. Tramgwydd o dan adran 3 o Ddeddf Tramgwyddau Rhywiol (Diwygio) 2000 (manteisio ar ffydd).

#### ATODLEN 5

Rheoliad 28(5)(b)

##### MATERION A RHWYMEDIGAETHAU MEWN CYTUNDEBAU GOFAL MAETH

1. Telerau cymeradwyaeth y rhiant maeth.
2. Faint o gymorth a hyfforddiant sydd i'w rhoi i'r rhiant maeth.
3. Y weithdrefn ar gyfer adolygu cymeradwyaeth rhiant maeth.
4. Y weithdrefn mewn cysylltiad â lleoli plant a'r materion sydd i'w cynnwys mewn unrhyw gytundeb lleoliad maeth.
5. Y trefniadau ar gyfer bodloni unrhyw atebolrwyddau cyfreithiol y rhiant maeth sy'n codi oherwydd lleoliad.
6. Y weithdrefn sydd ar gael i rieni maeth gyflwyno sylwadau.
7. Rhoi hysbysiad ysgrifenedig i'r darparrydd gwasanaeth maeth ar unwaith, gyda manylion llawn -
  - (a) unrhyw fwrriad i newid cyfeiriad y rhiant maeth;
  - (b) unrhyw newid yn y personau sy'n ffurfio aelwyd y rhiant maeth;
  - (c) unrhyw newid arall yn amgylchiadau personol y rhiant maeth ac unrhyw ddigwyddiad arall sy'n effeithio naill ai ar ei allu i ofalu am unrhyw blentyn sydd wedi'i leoli neu addasrwydd aelwyd y rhiant maeth; ac
  - (ch) unrhyw gais am fabwysiadu plant, neu am gael cofrestriad ar gyfer gwarchod plant neu ofal dydd.

(a) O.S. 1978/1047 (G.I.17).

(b) O.S. 1980/704 (G.I.6).

(c) O.S. 1988/1847 (G.I.17).

8. An offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978 (indecent photographs)(a).

9. An offence contrary to Article 9 of the Criminal Justice (Northern Ireland) Order 1980 (inciting girl under 16 to have incestuous sexual intercourse)(b).

10. An offence contrary to Article 15 of the Criminal Justice (Evidence, etc.)(Northern Ireland) Order 1988 (possession of indecent photographs of children)(c).

11. An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of trust).

#### SCHEDULE 5

Regulation 28(5)(b)

##### MATTERS AND OBLIGATIONS IN FOSTER CARE AGREEMENTS

1. The terms of the foster parent's approval.
2. The amount of support and training to be given to the foster parent.
3. The procedure for the review of approval of a foster parent.
4. The procedure in connection with the placement of children and the matters to be included in any foster placement agreement.
5. The arrangements for meeting any legal liabilities of the foster parent arising by reason of a placement.
6. The procedure available to foster parents for making representations.
7. To give written notice to the fostering service provider forthwith, with full particulars, of-
  - (a) any intended change of the foster parent's address;
  - (b) any change in the composition of the foster parent's household;
  - (c) any other change in the foster parent's personal circumstances and any other event affecting the foster parent's capacity to care for any child placed or the suitability of the foster parent's household; and
  - (d) any request or application to adopt children, or for registration for child minding or day care.

(a) S.I. 1978/1047 (N.I. 17).

(b) S.I. 1980/704 (N.I. 6).

(c) S.I. 1988/1847 (N.I. 17).

8. Peidio â chosbi'n gorfforol unrhyw blentyn sydd wedi'i leoli gyda'r rhiant maeth.

9. Sicrhau bod unrhyw wybodaeth sy'n ymwneud â phlentyn sydd wedi'i leoli gyda'r rhiant maeth, â theulu'r plentyn neu ag unrhyw berson arall, ac sydd wedi'i rhoi i'r rhiant maeth yn gyfrinachol mewn cysylltiad â lleoliad yn cael ei chadw'n gyfrinachol ac nad yw'n cael ei datgelu i unrhyw berson heb gydysyniad y darparydd gwasanaeth maethu.

10. Cydymffurfio â thelerau unrhyw gytundeb lleoliad maeth.

11. Gofalu am unrhyw blentyn sydd wedi'i leoli gyda'r rhiant maeth fel petai'r plentyn yn aelod o deulu'r rhiant maeth a hybu lles y plentyn gan roi sylw i'r cynlluniau hir-dymor a byr-dymor ar gyfer y plentyn.

12. Cydymffurfio â pholisïau a gweithdrefnau'r darparydd gwasanaeth maethu a roddwyd o dan reoliadau 12 ac 13.

13. Cydweithredu â'r Cynulliad Cenedlaethol yn unol ag unrhyw ofyniad rhesymol ac yn benodol caniatáu i berson sydd wedi'i awdurdodi gan y Cynulliad Cenedlaethol i'w gyfweled ac ymweld â'i gartref ar unrhyw adeg resymol.

14. Cadw'r darparydd gwasanaeth maethu yn hysbys ynghylch cynnydd y plentyn a'i hysbysu ar unwaith ynghylch unrhyw ddigwyddiadau sylweddol sy'n effeithio ar y plentyn.

15. Os yw rheoliad 36 yn gymwys, caniatáu i unrhyw blentyn sydd wedi'i leoli gyda'r rhiant maeth i gael ei symud o gartref y rhiant maeth.

8. Not to administer corporal punishment to any child placed with him the foster parent.

9. To ensure that any information relating to a child placed with the foster parent, to the child's family or to any other person, which has been given to the foster parent in confidence in connection with a placement is kept confidential and is not disclosed to any person without the consent of the fostering service provider.

10. To comply with the terms of any foster placement agreement.

11. To care for any child placed with the foster parent as if the child were a member of the foster parent's family and to promote the child's welfare having regard to the long and short-term plans for the child.

12. To comply with the policies and procedures of the fostering service provider issued under regulations 12 and 13.

13. To co-operate as reasonably required with the National Assembly and in particular to allow a person authorised by the National Assembly to interview the foster parent and visit the foster parent at any reasonable time.

14. To keep the fostering service provider informed about the child's progress and to notify it immediately of any significant events affecting the child.

15. Where regulation 36 applies, to allow any child placed with the foster parent to be removed from the foster parent's home.

## ATODLEN 6

Rheoliad 34(3)

### MATERION A RHWYMEDIGAETHAU MEWN CYTUNDEBAU LLEOLIAD MAETH

1. Datganiad gan yr awdurdod cyfrifol sy'n cynnwys yr holl wybodaeth y mae'r awdurdod yn barnu ei bod yn angenrheidiol i alluogi'r rhiant maeth i ofalu am y plentyn ac yn benodol, gwybodaeth am -

- (a) trefniadau'r awdurdod ar gyfer y plentyn ac amcanion y lleoliad yng nghyd-destun ei gynllun i ofalu am y plentyn;
- (b) hanes personol y plentyn, ei argyhoeddiad crefyddol a'i gefndir diwylliannol ac ieithyddol a'i darddiad hiliol;
- (c) cyflwr iechyd y plentyn a'i anghenion iechyd sydd wedi'u nodi;
- (ch) anghenion diogelwch y plentyn, gan gynnwys unrhyw angen am offer neu addasiad arbennig;

## SCHEDULE 6

Regulation 34(3)

### MATTERS AND OBLIGATIONS IN FOSTER PLACEMENT AGREEMENTS

1. A statement by the responsible authority containing all the information which the authority considers necessary to enable the foster parent to care for the child and, in particular, information as to-

- (a) the authority's arrangements for the child and the objectives of the placement in the context of its plan for the care of the child;
- (b) the child's personal history, religious persuasion and cultural and linguistic background and racial origin;
- (c) the child's state of health and identified health needs;
- (d) the safety needs of the child, including any need for any special equipment or adaptation;

- (d) anghenion addysgol y plentyn; ac  
(dd) unrhyw anghenion sy'n deillio o unrhyw anabled a all fod gan y plentyn.

2. Trefniadau'r awdurdod cyfrifol ar gyfer cymorth ariannol i'r plentyn yn ystod y lleoliad.

3. Y trefniadau ar gyfer cydsynio ag archwiliad meddygol neu ddeintyddol neu driniaeth i'r plentyn.

4. O dan ba amgylchiadau y mae'n angenrheidiol cael cymeradwyaeth yr awdurdod sy'n gyfrifol am y plentyn ymlaen llaw i gymryd rhan mewn tripiâu ysgol, neu i aros dros nos i ffwrdd o gartref y rhieni maeth.

5. Y trefniadau ar gyfer ymweliadau â'r plentyn, mewn cysylltiad â goruchwyllo'r lleoliad, gan y person sydd wedi'i awdurdodi gan neu ar ran yr awdurdod cyfrifol a mynychder ymweliadau ac adolygiadau o dan Reoliadau Adolygu Achosion Plant 1991(a).

6. Y trefniadau i'r plentyn gael cysylltiad â'i rhieni ac unrhyw bersonau penodedig eraill, a manylion unrhyw orchymyn llys ynghylch cysylltiadau.

7. Bod y rhiant maeth yn cydymffurfio â thelerau'r cytundeb gofal maeth.

8. Cydweithrediad y rhiant maeth â'r awdurdod cyfrifol ynghylch unrhyw drefniadau y mae'n eu gwneud ar gyfer y plentyn.

- (e) the child's educational needs; and  
(f) any needs arising from any disability the child may have.

2. The responsible authority's arrangements for the financial support of the child during the placement.

3. The arrangements for giving consent to the medical or dental examination or treatment of the child.

4. The circumstances in which it is necessary to obtain in advance the approval of the responsible authority for the child to take part in school trips, or to stay overnight away from the foster parent's home.

5. The arrangements for visits to the child, in connection with the supervision of the placement, by the person authorised by or on behalf of the responsible authority, and the frequency of visits and reviews under the Review of Children's Cases Regulations 1991(a).

6. The arrangements for the child to have contact with his or her parents and any other specified persons, and details of any court order as to contact.

7. Compliance by the foster parent with the terms of the foster care agreement.

8. Co-operation by the foster parent with the responsible authority regarding any arrangements it makes for the child.

## ATODLEN 7

Rheoliad 42(1)

### Y MATERION SYDD I'W MONITRO GAN Y PERSON COFRESTREDIG

1. Cydymffurfedd, mewn perthynas â phob plentyn sydd wedi'i leoli gyda rhieni maeth, â'r cytundeb lleoliad maeth a chynllun yr awdurdod cyfrifol ar gyfer gofalu am y plentyn.

2. Pob damwain, niwed ac afiechyd plant sydd wedi'u lleoli gyda rhieni maeth.

3. Cwynion mewn perthynas â'r plant sy'n cael eu lletya gyda rhieni maeth a'u canlyniadau.

4. Unrhyw honiadau neu amheuo'n o gam-driniaeth mewn perthynas â'r plant sydd wedi'u lleoli gyda rhieni maeth a canlyniad unrhyw ymchwiliad.

5. Cofnodion recriwtio staff a chofnodion ynghylch cynnal y gwiriadau angenrheidiol ar gyfer gweithwyr newydd.

(a) O.S. 1991 Rhif 895 fel y'i diwygiwyd gan O.S. 1991 Rhif 2033, O.S. 1993 Rhif 3069, O.S. 1995 Rhif 2015, ac O.S. 1997 Rhif 649.

## SCHEDULE 7

Regulation 42(1)

### MATTERS TO BE MONITORED BY THE REGISTERED PERSON

1. Compliance in relation to each child placed with foster parents, with the foster placement agreement and the responsible authority's plan for the care of the child.

2. All accidents, injuries and illnesses of children placed with foster parents.

3. Complaints in relation to children placed with foster parents and their outcomes.

4. Any allegations or suspicions of abuse in respect of children placed with foster parents and the outcome of any investigation.

5. Staff recruitment records and conduct of required checks for new workers.

(a) S.I. 1991 No.895 as amended by S.I. 1991 No.2033, S.I. 1993 No.3069, S.I. 1995 No.2015, and S.I. 1997 No.649.

6. Hysbysiadau o'r digwyddiadau a restrir yn Atodlen 8.

7. Unrhyw absenoldeb diawdurdod o gartref maeth gan blentyn sy'n cael ei letya yno.

8. Defnyddio unrhyw fesurau rheoli, atal neu ddisgyblu mewn perthynas â phlant sy'n cael eu lletya mewn cartref maeth.

9. Y feddyginiaeth, y driniaeth feddygol a'r cymorth cyntaf a roddwyd i unrhyw blentyn sydd wedi'i leoli gyda rhieni maeth.

10. Os yw'n gymwys, safon unrhyw ddarpariaeth addysgol sy'n cael ei darparu gan y gwasanaeth faethu.

11. Cofnodion o asesïadau.

12. Cofnodion o gyfarfodydd y panel maethu.

13. Rosteri dyletswydd personau sy'n gweithio i'r asiantaeth faethu, fel y'u trefnwyd ac fel y'u gweithredwyd mewn gwirionedd.

14. Cofnodion o werthusiadau staff.

17. Cofnodion o gyfarfodydd staff.

6. Notifications of the events listed in Schedule 8.

7. Any unauthorised absence from the foster home of a child accommodated there.

8. Use of any measures of control, restraint or discipline in respect of children accommodated in a foster home.

9. Medication, medical treatment and first aid administered to any child placed with foster parents.

10. Where applicable, the standard of any educational provision provided by the fostering service.

11. Records of assessments.

12. Records of fostering panel meetings.

13. Duty rosters of persons working for the fostering agency, as arranged and as actually worked.

14. Records of staff appraisals.

15. Minutes of staff meetings.

ATODLEN 8

DIGWYDDIADAU A HYSBYSIADAU

Rheoliad 43(1)

<b>Colofn 1</b> <i>Digwyddiad</i>	<b>Colofn 2</b> <i>I'w hysbysu:</i>				
	I swyddfa briodol y Cynulliad Cenedlaethol	I'r awdurdod (lleoli) cyfrifol	I'r awdurdod ardal	I'r Bwrdd Iechyd Lleol y mae'r plentyn i'w leoli yn ei ardal	I'r heddlu
Marwolaeth plentyn sydd wedi'i leoli gyda rhieni maeth	Ie	Ie	Ie	Ie	
Cyfeirio unigolyn sy'n gweithio i wasanaeth maethu at yr Ysgrifennydd Gwladol yn unol ag adran 2(1)(a) o Ddeddf Amddiffyn Plant 1999(a)	Ie	Ie			
Afiechyd difrifol neu ddamwain ddifrifol plentyn sydd wedi'i leoli gyda rhieni maeth	Ie	Ie			
Brigiad unrhyw glefyd heintus yng nghartref rhiant maeth, a hwnnw'n glefyd sy'n ddigon difrifol ym marn ymarferydd meddygol cofrestredig i gael ei hysbysu felly	Ie	Ie		Ie	
Honiad bod plentyn sydd wedi'i leoli gyda rhieni maeth wedi cyflawni tramgwydd difrifol		Ie			Ie
Bod plentyn sydd wedi'i leoli gyda rhieni maeth yn ymwneud â phuteindra neu amheuan ei fod yn ymwneud â hynny	Ie	Ie	Ie		Ie
Digwyddiad difrifol mewn perthynas â phlentyn sydd wedi'i leoli gyda rhieni maeth ac a oedd yn golygu bod rhaid galw'r heddlu i gartref y rhieni maeth	Ie	Ie			

(a) 1999 p.14.



<b>Colofn 1</b> <i>Digwyddiad</i>	<b>Colofn 2</b> <i>I'w hysbysu:</i>				
	I swyddfa briodol y Cynulliad Cenedlaethol	I'r awdurdod (lleoli) cyfrifol	I'r awdurdod ardal	I'r Bwrdd Iechyd Lleol y mae'r plentyn i'w leoli yn ei ardal	I'r heddlu
Dianc gan blentyn sydd wedi'i leoli gyda rhieni maeth		Ie			
Unrhyw gŵyn ddifrifol ynghylch unrhyw riant maeth a gymeradwywyd gan y darparrydd gwasanaeth maethu	Ie	Ie			
Cychwyn unrhyw ymholiad amddiffyn plant sy'n ymwneud â phlentyn sydd wedi'i leoli gyda rhieni maeth a chanlyniad yr ymholiad hwnnw	Ie	Ie	Ie		

**SCHEDULE 8**  
**EVENTS AND NOTIFICATIONS**

Regulation 43 (1)

<b>Column 1</b> <i>Event:</i>	<b>Column 2</b> <i>To be notified to:</i>				
	Appropriate office of the National Assembly	Responsible (Placing) Authority	Area authority	Local Health Board in whose area the child is placed	Police
Death of a child placed with foster parents	Yes		Yes	Yes	Yes
Referral to the Secretary of State pursuant to section 2(1)(a) of the Protection of Children Act 1999(a) of an individual working for a fostering service	Yes		Yes		
Serious illness or serious accident of a child placed with foster parents	Yes		Yes		
Outbreak at the home of a foster parent of any infectious disease which in the opinion of a registered medical practitioner attending the home is sufficiently serious to be so notified	Yes		Yes		Yes
Allegation that a child placed with foster parents has committed a serious offence			Yes		Yes
Involvement or suspected involvement of a child placed with foster parents in prostitution	Yes		Yes	Yes	Yes
Serious incident relating to a child placed with foster parents necessitating calling the police to the foster parent's home	Yes		Yes		
Absconding by a child placed with foster parents			Yes		
Any serious complaint about any foster parent approved by the fostering service provider	Yes		Yes		

(a) 1999 c.14.

<b>Column 1</b> <i>Event:</i>	<b>Column 2</b> <i>To be notified to:</i>				
	Appropriate office of the National Assembly	Responsible (Placing) Authority	Area authority	Local Health Board in whose area the child is placed	Police
Instigation and outcome of any child protection enquiry involving a child placed with foster parents	Yes		Yes	Yes	