



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2018 Rhif 111 (Cy. 26)

2018 No. 111 (W. 26)

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Rheoliadau Cynllunio Gofal, Lleoli
ac Adolygu Achosion (Cymru)
(Diwygio) 2018

The Care Planning, Placement and
Case Review (Wales) (Amendment)
Regulations 2018

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015 ("Rheoliadau 2015").

Mae Rhan 3 o Reoliadau 2015 yn cynnwys darpariaethau cyffredinol ynghylch lleoli plentyn sy'n derbyn gofal, gyda rheoliad 12 yn gwneud darpariaeth benodol mewn perthynas â lleoliadau y tu allan i'r ardal.

Mae rheoliad 2 o'r Rheoliadau hyn yn ychwanegu at yr wybodaeth y mae rhaid i'r awdurdod cyfrifol ei hysbysu i'r awdurdod lleol y tu allan i'r ardal neu'r awdurdod lleol yn Lloegr y lleolwyd y plentyn yn ei ardal o dan reoliad 12(8) o Reoliadau 2015, ac y mae rhaid ei chyflenwi ddim hwyrach na 24 awr ar ôl gwneud y lleoliad.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Care Wales Planning, Placement and Case Review (Wales) Regulations 2015 ("the 2015 Regulations").

Part 3 of the 2015 Regulations contains general provisions about the placement of a looked after child, with regulation 12 making specific provision in relation to out of area placements.

Regulation 2 of these Regulations adds to the information which must be notified by the responsible authority to the out of area local authority or the local authority in England in whose area the child has been placed under regulation 12(8) of the 2015 Regulations, and which must be supplied not later than 24 hours after the placement is made.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

2018 Rhif 111 (Cy. 26)

**PLANT A PHOBL IFANC,
CYMRU**

**Rheoliadau Cynllunio Gofal, Lleoli
ac Adolygu Achosion (Cymru)
(Diwygio) 2018**

Gwnaed 29 Ionawr 2018

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 2 Chwefror 2018

Yn dod i rym 2 Ebrill 2018

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 81(6)(d), 84(f), 87, 107(8) a 196(2) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1), yn gwneud y Rheoliadau a ganlyn:

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) (Diwygio) 2018.

(2) Daw'r Rheoliadau hyn i rym ar 2 Ebrill 2018.

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

2.—(1) Mae rheoliad 12 (penderfyniad lleoli) o Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015(2) wedi ei ddiwygio yn unol â'r rheoliad hwn.

(2) Ym mharagraff (6)(b) hepgorer “ddim hwyrach na 5 diwrnod gwaith ar ôl gwneud y lleoliad”.

(3) Ym mharagraff (8), yn lle'r diffiniad o “hysbysu” rhodder—

(1) 2014 dccc 4.

(2) O.S. 2015/1818 (Cy. 261), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

2018 No. 111 (W. 26)

**CHILDREN AND YOUNG
PERSONS, WALES**

**The Care Planning, Placement and
Case Review (Wales) (Amendment)
Regulations 2018**

Made 29 January 2018

Laid before the National Assembly for Wales
2 February 2018

Coming into force 2 April 2018

The Welsh Ministers, in exercise of the powers conferred by sections 81(6)(d), 84(f), 87, 107(8) and 196(2) of the Social Services and Well-being (Wales) Act 2014(1), make the following Regulations:

Title and commencement

1.—(1) The title of these Regulations is the Care Planning, Placement and Case Review (Wales) (Amendment) Regulations 2018.

(2) These Regulations come into force on 2 April 2018.

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

2.—(1) Regulation 12 (placement decision) of the Care Planning, Placement and Case Review (Wales) Regulations 2015(2) is amended in accordance with this regulation.

(2) In paragraph (6)(b) omit “not later than 5 working days after the placement is made”.

(3) In paragraph (8), for the definition of “notified” substitute—

(1) 2014 anaw 4.

(2) S.I. 2015/1818 (W. 261), to which there are amendments not relevant to these Regulations.

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

(a) ddim hwyrach na 24 awr ar ôl gwneud y lleoliad—

- (i) enw a dyddiad geni C,
- (ii) cadarnhad ynghylch a yw C yn derbyn gofal gan yr awdurdod lleol ar sail wirfoddol(1) neu o dan orchymyn gofal(2),

(iii) manylion am unrhyw un neu ragor o'r gorchmynion a ganlyn sydd wedi eu gwneud mewn perthynas ag C ac sy'n parhau mewn grym—

(aa) unrhyw orchymyn a wnaed o dan Ddeddf Plant 1989(3),

(bb) gorchymyn adsefydlu ieuentid, gofyniad preswyllo awdurdod lleol neu orchymyn adsefydlu ieuentid â maethu(4),

(cc) gorchymyn goruchwyllo gorfodol neu orchymyn goruchwyllo gorfodol interim(5), a

(iv) manylion am unrhyw ffactorau amddiffyn plant neu ffactorau risg sylweddol sy'n ymwneud ag C, gan gynnwys unrhyw berygl o gamfanteisio'n rhywiol ar blant, materion iechyd corfforol neu iechyd meddwl, hanes o ddianc a/neu ymwneud ag asiantaethau cyfiawnder ieuentid, ond heb fod yn gyfyngedig i'r ffactorau hynny; a

(b) ddim hwyrach na 5 diwrnod gwaith ar ôl gwneud y lleoliad—

- (i) manylion o'i asesiad o anghenion C a'r rhesymau pam yr ystyrir mai'r lleoliad a ddewiswyd yw'r ffordd fwyaf priodol o ddiwallu anghenion C, a

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

(a) not later than 24 hours after the placement is made—

- (i) C's name and date of birth,
- (ii) confirmation of whether C is being looked after by the local authority on a voluntary basis(1) or under a care order(2),

(iii) details of any of the following orders which have been made and remain in force in relation to C—

(aa) any order made under the Children Act 1989(3),

(bb) a youth rehabilitation order, local authority residence requirement or youth rehabilitation order with fostering(4),

(cc) a compulsory supervision order or interim compulsory supervision order(5), and

(iv) details of any significant child protection factors or risk factors which relate to C, including, but not limited to, any danger of child sexual exploitation, physical or mental health issues, history of absconding and/or involvement with youth justice agencies; and

(b) not later than 5 working days after the placement is made—

- (i) details of its assessment of C's needs and the reasons why the placement chosen is the most appropriate way of meeting C's needs, and

(1) *Gweler* adran 76 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014.

(2) *Gweler* adran 31(11) o Ddeddf Plant 1989 (p. 41).

(3) 1989 p. 41.

(4) *Gweler* adran 7 o Ddeddf Cyfiawnder Troseddol a Mewnffudo 2008 (p. 4).

(5) *Gweler* adrannau 83 a 86 o Ddeddf Gwrandawriadau Plant (Yr Alban) 2011 (dsa 1).

(1) *See* section 76 of the Social Services and Well-being (Wales) Act 2014.

(2) *See* section 31(11) of the Children Act 1989 (c. 41).

(3) 1989 c. 41.

(4) *See* section 7 of the Criminal Justice and Immigration Act 2008 (c. 4).

(5) *See* sections 83 and 86 of the Children's Hearings (Scotland) Act 2011(asp 1).

(ii) copi o gynllun gofal a chymorth C os na ddarparwyd copi ohono eisoes;”.

(ii) a copy of C’s care and support plan if it has not already been provided;”.

Huw Irranca-Davies

Y Gweinidog Gofal Cymdeithasol a Phlant, o dan awdurdod Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
29 Ionawr 2018

Minister for Children and Social Care, under authority of the Cabinet Secretary for Health and Social Services, one of the Welsh Ministers

29 January 2018

©Hawlfraint y Goron 2018

© Crown copyright 2018

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

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

£4.25

W201801301033 02/2018

<http://www.legislation.gov.uk/id/wsi/2018/111>

ISBN 978-0-348-20199-4



9 780348 201994