



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2002 Rhif 327 (Cy.40)

2002 No. 327 (W.40)

**GOFAL CYMDEITHASOL,
CYMRU**

**SOCIAL CARE,
WALES**

**PLANT A PHERSONAU
IFANC, CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

**Rheoliadau Cartrefi Plant
(Cymru) 2002**

**The Children's Homes (Wales)
Regulations 2002**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn wedi'u gwneud o dan Ddeddf Safonau Gofal 2000 ('y Ddeddf') ac maent yn gymwys mewn perthynas â chartrefi plant yng Nghymru. Mae Rhannau I a II o'r Ddeddf yn darparu mai Cynulliad Cenedlaethol Cymru a fydd yn cofrestru ac yn archwilio sefydliadau ac asiantaethau mewn perthynas â Chymru. Mae'r Ddeddf yn darparu pwerau hefyd i'r Cynulliad Cenedlaethol wneud rheoliadau sy'n llywodraethu'r ffordd y mae sefydliadau ac asiantaethau yn cael eu rhedeg mewn perthynas â Chymru. Bydd y rhan fwyaf o Rannau I a II o'r Ddeddf (i'r graddau nad ydynt eisoes mewn grym) yn cael eu dwyn i rym ar 1 Ebrill 2002.

These Regulations are made under the Care Standards Act 2000 ("the Act") and apply in relation to children's homes in Wales. Parts I and II of the Act provide for the National Assembly for Wales, in relation to Wales, to register and inspect establishments and agencies. The Act also provides for the Assembly to make regulations governing the conduct of establishments and agencies in relation to Wales. The majority of Parts I and II of the Act (in so far as not already in force) will be brought into force on 1st April 2002.

Mae'r trefniadau newydd hyn yn amnewid y system statudol mewn perthynas â chartrefi plant y darparwyd ar ei chyfer gan Ddeddf Plant 1989 ac mae'r Rheoliadau hyn yn disodli Rheoliadau Cartrefi Plant 1991 (fel y'u diwygiwyd) i'r graddau y maent yn gymwys i Gymru.

These new arrangements replace the statutory system in relation to children's homes provided for by the Children Act 1989, and these Regulations supersede the Children's Homes Regulations 1991 (as amended) in so far as they apply to Wales.

Mae rheoliad 3 yn eithrio sefydliadau penodol o'r diffiniad o gartref plant o dan adran 1 o'r Ddeddf. Mae'r rhain yn cynnwys sefydliadau sy'n darparu gofal byr-dymor dros nos, gwyliau, neu weithgareddau eraill am lai nag 28 o ddiwrnodau y flwyddyn mewn perthynas ag unrhyw un plentyn, ac ystod eang o sefydliadau sy'n darparu llety i'r rhai dros 16 oed a throsodd oni bai, yn y naill achos neu'r llall, fod y

Regulation 3 excludes certain establishments from the definition of a children's home under section 1 of the Act. These include establishments providing short-term overnight care, holidays, or other activities for less than 28 days a year in relation to any one child, and a wide range of establishments providing accommodation for those aged 16 or over unless, in either case, the establishment mainly accommodates

sefydliad yn lletya'n bennaf blant sy'n anabl neu sydd fel arall yn dod o dan y disgrifiadau yn adran 3(2) o'r Ddeddf. Mae colegau addysg bellach a sefydliadau ar gyfer tramgwyddwyr ifanc yn cael eu heithrio hefyd.

O dan reoliad 4, rhaid bod gan bob cartref ddatganiad o ddiben sy'n cynnwys y materion a nodir yn Atodlen 1, ac arweiniad y plant i'r cartref. Rhaid i'r cartref gael ei redeg mewn modd sy'n gyson â'r datganiad o ddiben.

Mae rheoliadau 6 i 10 yn gwneud darpariaeth ynglŷn â'r personau sy'n rhedeg neu'n rheoli'r cartref, ac yn ei gwneud yn ofynnol i wybodaeth foddhaol fod ar gael mewn perthynas â'r materion a ragnodir yn Atodlen 2. Os corff yw'r cartref, rhaid iddo enwi unigolyn cyfrifol y mae'n rhaid i'r wybodaeth hon fod ar gael amdano (rheoliad 6). Mae rheoliad 7 yn rhagnodi o dan ba amgylchiadau y mae'n rhaid penodi rheolwr ar gyfer y cartref, ac mae rheoliad 9 yn gosod gofynion cyffredinol mewn perthynas â rhedeg y cartref yn iawn, a'r angen am hyfforddiant priodol.

Mae Rhan III yn gwneud darpariaeth ynghylch y ffordd y mae cartrefi plant yn cael eu rhedeg, yn enwedig ynglŷn ag amddiffyn plant, lles, iechyd, addysg a defodau crefyddol, y trefniadau ar gyfer cysylltiadau ac ymwelwyr, rheoli ymddygiad, a defnyddio dyfeisiau gwyliadwriaeth. Mae darpariaeth yn cael ei gwneud hefyd am staffio'r cartrefi a ffitrwydd y gweithwyr ac am gwynion, cadw cofnodion a hysbysu ynglŷn â'r digwyddiadau a restrir yn Atodlen 5.

Mae Rhan IV yn gwneud darpariaeth ynghylch addasrwydd safleoedd ac ynghylch y rhagofalon tân sydd i'w cymryd. Mae Rhan V yn ymdrin â rheoli cartrefi plant. Mae rheoliad 33 yn ei gwneud yn ofynnol i'r darparydd cofrestredig ymweld â'r cartref fel a ragnodir, ac mae rheoliad 34 yn ei gwneud yn ofynnol i'r person cofrestredig adolygu a monitro'r materion a nodir yn Atodlen 6 sy'n ymwneud ag ansawdd y gofal sydd i'w ddarparu gan y cartref. Mae Rheoliad 36 yn gosod gofynion ynglŷn â sefyllfa ariannol y cartref.

Mae Rhan VI yn ymdrin â materion amrywiol sy'n cynnwys hysbysu'r Cynulliad Cenedlaethol. Mae rheoliad 41 yn darparu ar gyfer tramgwyddau. Gellir cael bod torri'r rheoliadau a bennir yn rheoliad 41 yn dramgwydd ar ran y person cofrestredig. Mae rheoliad 42 yn caniatáu i'r Cynulliad Cenedlaethol bennu swyddfeydd mewn rhannau o Gymru ar gyfer ei hysbysu o dan y rheoliadau.

children who are disabled or otherwise fall within the descriptions in section 3(2) of the Act. Further education colleges and establishments for young offenders are also excluded.

Under regulation 4, each home must have a statement of purpose consisting of the matters set out in Schedule 1, and a children's guide to the home. The home must be carried on in a manner which is consistent with the statement of purpose.

Regulations 6 to 10 make provision about the persons carrying on or managing the home, and require satisfactory information to be available in relation to the matters prescribed in Schedule 2. Where the provider is an organisation, it must nominate a responsible individual in respect of whom this information must be available (regulation 6). Regulation 7 prescribes the circumstances where a manager must be appointed for the home, and regulation 9 imposes general requirements in relation to the proper conduct of the home, and the need for appropriate training.

Part III makes provision about the conduct of children's homes, in particular as to child protection, welfare, health, education and religious observance, arrangements for contact and visitors, the management of behaviour, and the use of surveillance devices. Provision is also made about the staffing of homes, and the fitness of workers, and about complaints, record keeping and notification of the events listed in Schedule 5.

Part IV makes provision about the suitability of premises, and the fire precautions to be taken. Part V deals with the management of children's homes. Regulation 33 requires the registered provider to visit the home as prescribed, and regulation 34 requires the registered person to review and monitor the matters set out in Schedule 6 relating to the quality of care provided by the home. Regulation 36 imposes requirements relating to the home's financial position.

Part VI deals with miscellaneous matters including the giving of notices to the National Assembly. Regulation 41 provides for offences. A breach of the regulations specified in regulation 41 may found an offence on the part of the registered person. Regulation 42 allows the Assembly to specify offices in parts of Wales for the giving of notices to it under the regulations.

2002 Rhif 327 (Cy.40)

2002 No. 327 (W.40)

**GOFAL CYMDEITHASOL,
CYMRU**

**SOCIAL CARE,
WALES**

**PLANT A PHERSONAU
IFANC, CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

**Rheoliadau Cartrefi Plant
(Cymru) 2002**

**The Children's Homes (Wales)
Regulations 2002**

Wedi'u gwneud 12 Chwefror 2002

Made 12th February 2002

Yn dod i rym 1 Ebrill 2002

Coming into force 1st April 2002

TREFN Y RHEOLIADAU

ARRANGEMENT OF REGULATIONS

RHAN I -

PART 1 -

CYFFREDINOL

GENERAL

1. Enwi, cychwyn a chymhwyso
2. Dehongli
3. Sefydliadau nad ydynt yn gartrefi plant
4. Datganiad o ddiben ac arweiniad y plant
5. Adolygu'r datganiad o ddiben ac arweiniad y plant

1. Citation, commencement and application
2. Interpretation
3. Establishments which are not children's homes
4. Statement of purpose and children's guide
5. Review of the statement of purpose and children's guide

RHAN II - PERSONAU COFRESTREDIG

PART II - REGISTERED PERSONS

6. Ffitrwydd y darparydd cofrestredig
7. Penodi rheolwr
8. Ffitrwydd y rheolwr
9. Y person cofrestredig - gofynion cyffredinol
10. Hysbysu tramgwyddau

6. Fitness of registered provider
7. Appointment of manager
8. Fitness of manager
9. Registered person - general requirements
10. Notification of offences

RHAN III - RHEDEG CARTREFI PLANT

PART III - CONDUCT OF CHILDREN'S HOMES

Pennod 1

Chapter 1

Lles y plant

Welfare of children

11. Hybu lles
12. Cynllun lleoliad y plentyn
13. Y bwyd a ddarperir ar gyfer y plant

11. Promotion of welfare
12. Child's placement plan
13. Food provided for children

14. Darparu dillad, arian poced ac angenrheidiau personol
15. Cysylltiadau a'r cyfle i gyfathrebu
16. Trefniadau ar gyfer amddiffyn plant
17. Rheoli ymddygiad, disgyblu ac atal
18. Addysg, cyflogaeth a gweithgareddau hamdden
19. Cadw defodau crefyddol
20. Anghenion iechyd plant
21. Meddyginiaethau
22. Defnyddio gwylidwriaeth
23. Peryglon a diogelwch
24. Cynrychioliadau a chwynion

Pennod 2

Staffio

25. Staffio cartrefi plant
26. Ffitrwydd y gweithwyr
27. Cyflogi staff

Pennod 3

Cofnodion

28. Cofnodion
29. Digwyddiadau hysbysadwy

RHAN IV - SAFLEOEDD

30. Ffitrwydd safleoedd
31. Rhagofalon tân

RHAN V - RHEOLI CARTREFI

32. Ymweliadau gan y darparydd cofrestredig
33. Adolygu ansawdd y gofal
34. Rheoliadau a safonau gofynnol cenedlaethol
35. Y sefyllfa ariannol

14. Provision of clothing, pocket money and personal necessities
15. Contact and access to communications
16. Arrangements for the protection of children
17. Behaviour management, discipline and restraint
18. Education, employment and leisure activity
19. Religious observance
20. Health needs of children
21. Medicines
22. Use of surveillance
23. Hazards and safety
24. Representations and complaints

Chapter 2

Staffing

25. Staffing of children's homes
26. Fitness of workers
27. Employment of staff

Chapter 3

Records

28. Records
29. Notifiable events

PART IV - PREMISES

30. Fitness of premises
31. Fire precautions

PART V - MANAGEMENT OF HOMES

32. Visits by registered provider
33. Review of quality of care
34. Regulations and national minimum standards
35. Financial position

36. Hysbysu absenoldeb
37. Hysbysu newidiadau
38. Penodi datodwyr etc
39. Marwolaeth person cofrestredig
40. Tramgwyddau
41. Cydymffurfio â'r rheoliadau
42. Pennu swyddfeydd priodol
43. Diddymu

36. Notice of absence
37. Notice of changes
38. Appointment of liquidators etc.
39. Death of registered person
40. Offences
41. Compliance with regulations
42. Specification of appropriate offices
43. Revocation

ATODLENNI

1. Y materion sydd i'w cynnwys yn y datganiad o ddiben
2. Yr wybodaeth y mae ei hangen mewn perthynas â phersonau sy'n ceisio rhedeg neu reoli cartref plant neu weithio mewn un
3. Yr wybodaeth sydd i'w chynnwys yng nghofnodion achosion plant sy'n cael eu lletya mewn cartrefi plant
4. Cofnodion eraill
5. Digwyddiadau a hysbysiadau
6. Y materion sydd i'w monitro a'u hadolygu gan y person cofrestredig

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 1(4), 22(1), (2)(a) i (d), (f) i (j), (5)(a) ac (c), (7)(a) i (h) (j), (8)(c), 25(1), 33, 34(1), 35, 118(5) i (7) o Ddeddf Safonau Gofal 2000(a) ac ar ôl ymgynghori ag unrhyw bersonau y mae'n credu eu bod yn briodol(b), drwy hyn yn gwneud y Rheoliadau canlynol:

RHAN I
CYFFREDINOL

Enwi, cychwyn a chymhwyso

1. -(1) Enw'r Rheoliadau hyn yw Rheoliadau Cartrefi Plant (Cymru) 2002 a deuant i rym ar 1 Ebrill 2002.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â chartrefi plant yng Nghymru.

(a) 2000 p. 14. Mae'r pwerau'n arferadwy gan y Gweinidog priodol, a ddiffinnir yn adran 121(1), mewn perthynas â Chymru fel Cynulliad Cenedlaethol Cymru, ac mewn perthynas â Lloegr, Yr Alban a Gogledd Iwerddon, fel yr Ysgrifennydd Gwladol. Diffinnir "prescribed" a "regulations" yn adran 121(1) o'r Ddeddf.

(b) *Gweler* adran 22(9) o'r Ddeddf i gael gweld y gofyniad i ymgynghori.

SCHEDULES

1. Matters to be included in the statement of purpose
2. Information required in respect of persons seeking to carry on, manage or work at a children's home
3. Information to be included in the case records of children accommodated in children's homes
4. Other records
5. Events and notifications
6. Matters to be monitored and reviewed by the registered person

The National Assembly for Wales in exercise of the powers conferred upon it by sections 1(4), 22(1), (2)(a) to (d), (f) to (j), (5)(a) and (c), (7)(a) to (h), (j), (8)(c), 25(1), 33, 34(1), 35, 118(5) to (7) of the Care Standards Act 2000(a) and having consulted such persons as it considers appropriate(b), hereby makes the following Regulations:

PART 1
GENERAL

Citation, commencement and application

1.-(1) These regulations may be cited as the Children's Homes (Wales) Regulations 2002 and shall come into force on 1st April 2002.

(2) These Regulations apply in relation to children's homes in Wales.

(a) 2000 c. 14. The powers are exercisable by the appropriate Minister, who is defined in section 121(1), 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 the Act.

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

Dehongli

2. -(1) Yn y Rheoliadau hyn -

ystyr "arweiniad y plant" ("*children's guide*") yw'r arweiniad y cyfeirir ato yn rheoliad 4;

ystyr "awdurdod lleoli" ("*placing authority*") mewn perthynas â phlentyn sy'n cael ei letya mewn cartref plant yw -

- (a) yn achos plentyn y mae awdurdod lleol yn gofalu amdano, yr awdurdod lleol hwnnw;
- (b) yn achos plentyn nad oes awdurdod lleol yn gofalu amdano-
 - (i) os yw'n cael ei letya gan gorff gwirfoddol (a), y corff gwirfoddol hwnnw;
 - (ii) os yw'n cael ei letya mewn ysgol gymwys o dan drefniadau sydd wedi'u gwneud gan awdurdod addysg lleol neu gan awdurdod lleol, yr awdurdod addysg lleol hwnnw neu'r awdurdod lleol hwnnw yn ôl fel y digwydd;
- (iii) mewn unrhyw achos arall, rhiant y plentyn;

ystyr "corff" ("*organisation*") yw corff corfforedig, ac eithrio yn rheoliad 17(6) lle mae'n rhaid dehongli'r term yn unol â diben y ddarpariaeth y mae'n cael ei ddefnyddio ynddi;

ystyr "cynllun lleoliad" ("*placement plan*") yw'r cynllun y cyfeirir ato yn rheoliad 12;

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

ystyr "darparydd cofrestredig" ("*registered provider*"), mewn perthynas â chartref plant, yw person sydd wedi'i gofrestru o dan Ran II o'r Ddeddf fel y person sy'n rhedeg y cartref hwnnw(b);

ystyr "datganiad o ddiben" ("*statement of purpose*") yw'r datganiad y cyfeirir ato yn rheoliad 4;

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

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

ystyr "person cofrestredig" ("*registered person*"), mewn perthynas â chartref plant, yw unrhyw berson sy'n ddarparydd cofrestredig neu'n rheolwr cofrestredig y cartref hwnnw;

ystyr "rheolwr cofrestredig" ("*registered manager*"), mewn perthynas â chartref plant, yw'r person sydd wedi'i gofrestru o dan Ran II o'r Ddeddf fel rheolwr y cartref hwnnw;

-
- (a) Adran 59 o Ddeddf 1989 sy'n llywodraethu darparu llety i blant gan gyrrff gwirfoddol.
 - (b) *Gweler* adran 121(6) i (8) i gael y ddarpariaeth ynghylch personau sy'n cael eu cymryd ymlaen i redeg a rheoli cartref cymunedol a ddarperir gan gorff gwirfoddol.
 - (c) 1989 p.41.

Interpretation

2.-(1) In these Regulations-

"the Act" ("*y Ddeddf*") means the Care Standards Act 2000;

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

"appropriate office" ("*swyddfa briodol*") means in relation to a children's home-

- (a) if an office has been specified under regulation 42 for the area in which the children's home is situated, that office;
- (b) in any other case, any office of the National Assembly;

"child protection enquiry" ("*ymchwiliad amddiffyn plant*") means any enquiry 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;

"children's guide" ("*arweiniad plant*") means the guide referred to in regulation 4;

"foster parent" ("*rhiant maeth*") shall be construed in accordance with section 1(7) of the Act;

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

- (a) provides general medical services under Part II of the National Health Service Act 1977(b),
- (b) performs personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997(c); 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;

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

"organisation" ("*corff*"), other than in regulation 17(6) where the term shall be construed in accordance with the purpose of the provision in which it is used, means a body corporate;

"placement plan" ("*cynllun lleoliad*") means the plan referred to in regulation 12;

"placing authority" ("*awdurdod lleoli*") in relation to a child accommodated in a children's home means-

- (a) in the case of a child who is looked after by a local authority, that local authority;

-
- (a) 1989 c.41.
 - (b) 1977 c.49.
 - (c) 1997 c.46.

dehonglir "rhiant maeth" ("*foster parent*") yn unol ag adran 1(7) o'r Ddeddf;

ystyr "swyddfa briodol" ("*appropriate office*") mewn perthynas â chartref plant -

- (a) os oes swyddfa wedi'i phennu o dan reoliad 42 ar gyfer yr ardal y mae'r cartref plant wedi'i leoli ynddi, yw'r swyddfa honno;
- (b) mewn unrhyw achos arall, yw unrhyw un o swyddfeydd y Cynulliad Cenedlaethol;

mae i "unigolyn cyfrifol" ("*responsible individual*") yr ystyr a roddir iddo yn rheoliad 6;

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

- (a) yn darparu gwasanaethau meddygol cyffredinol 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) yn darparu gwasanaethau sy'n cyfateb i wasanaethau sy'n cael eu darparu o dan Ran II o Ddeddf y Gwasanaeth Iechyd Gwladol 1977, heblaw'n unol â'r Ddeddf honno;

ystyr "ymarferydd deintyddol cofrestredig" ("*registered dental practitioner*") yw person sydd wedi'i gofrestru yn y gofrestr deintyddion sy'n cael ei chadw o dan Ddeddf Deintyddion 1984(c);

ystyr "ymchwiliad amddiffyn plant" ("*child protection enquiry*") yw ymchwiliad a gynhelir gan awdurdod lleol wrth gyflawni'r swyddogaethau a roddir iddo gan Ddeddf 1989 neu odani; ac

ystyr "ysgol gymwys" ("*qualifying school*") yw ysgol sy'n gartref plant o fewn ystyr adran 1(6) o'r Ddeddf.

(2) 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 iddynt sy'n dwyn y rhif hwnnw;
- (b) mewn rheoliad neu Atodlen at baragraff â rhif, yn gyfeiriad at y paragraff yn y rheoliad hwnnw neu'r Atodlen honno 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.

(a) 1977 p.49.

(b) 1997 p.46.

(c) 1984 p.24.

(b) in the case of a child who is not looked after by a local authority-

- (i) if he is being provided with accommodation by a voluntary organisation(a), that voluntary organisation;
- (ii) if he is accommodated in a qualifying school under arrangements made by a local education authority or a local authority, that local education authority or local authority as the case may be;
- (iii) in any other case, the child's parent;

"qualifying school" ("*ysgol gymwys*") means a school which is a children's home within the meaning of section 1(6) of the Act;

"registered dental practitioner" ("*ymarferydd deintyddol cofrestredig*") means a person registered in the dentists register kept under the Dentists Act 1984(b);

"registered manager" ("*rheolwr cofrestredig*"), in relation to a children's home, means the person who is registered under Part II of the Act as the manager of that home;

"registered person" ("*person cofrestredig*"), in relation to a children's home, means any person who is the registered provider or the registered manager of the home;

"registered provider" ("*darparydd cofrestredig*"), in relation to a children's home, means a person who is registered under Part II of the Act as the person carrying on that home(c);

"responsible individual" ("*unigolyn cyfrifol*") has the meaning given to it in regulation 6; and

"statement of purpose" ("*datganiad o ddiben*") means the statement referred to in regulation 4.

(2) 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.

(a) Section 59 of the 1989 Act governs the provision of accommodation for children by voluntary organisations.

(b) 1984 c.24.

(c) See section 121(6) to (8) for provision about the persons who are taken to carry on and manage a community home which is provided by a voluntary organisation.

(3) Yn y Rheoliadau hyn, onid yw'n ymddangos bod bwriad i'r gwrthwyneb, mae cyfeiriadau at gyflogi person yn cynnwys -

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

a dehonglir cyfeiriadau at gyflogai neu at gyflogi person yn unol â hynny.

(4) Yn y Rheoliadau hyn, bernir bod cyfeiriad at berson sy'n gweithio mewn cartref plant yn cynnwys cyfeiriad at berson sy'n gweithio at ddibenion cartref plant.

Sefydliadau nad ydynt yn gartrefi plant

3.-(1) At ddibenion y Ddeddf, mae unrhyw sefydliad sy'n dod o fewn unrhyw un o'r disgrifiadau canlynol wedi'i eithrio o fod yn gartref plant -

- (a) sefydliad yn y sector addysg bellach fel y'i diffinnir gan adran 91(3) o Ddeddf Addysg Bellach ac Uwch 1992(a);
- (b) yn ddarostyngedig i baragraff (2), unrhyw sefydliad a ddefnyddir i letya plant at ddibenion unrhyw un neu ragor o'r canlynol yn unig -
 - (i) gwyliau;
 - (ii) gweithgaredd hamdden, adloniant, chwaraeon, diwylliant neu addysg;

cyhyd ag na fydd unrhyw blentyn unigol yn cael ei letya yno am fwy na 28 diwrnod mewn unrhyw gyfnod o ddeuddeg mis;

- (c) yn ddarostyngedig i baragraff (2), safle lle mae person yn darparu gofal dydd o fewn ystyr adran 79(A)(6) o Ddeddf 1989 oni fydd paragraff (3) yn gymwys;
- (ch) yn ddarostyngedig i baragraff (2), sefydliad a ddefnyddir i letya plant 16 oed a throsodd at ddibenion un neu ragor o'r canlynol yn unig-
 - (i) i alluogi'r plant i ymgymryd â hyfforddiant neu brentisiaeth; neu
 - (ii) gwyliau;
 - (iii) gweithgaredd hamdden, adloniant, chwaraeon, diwylliant neu addysg;
- (d) unrhyw hostel mechniaeth a gymeradwywyd neu hostel prawf a gymeradwywyd(b);
- (dd) unrhyw sefydliad a ddarperir ar gyfer

(a) 1992 p.13.

(b) *Gweler* adran 9(2) o Ddeddf Cyfiawnder Troseddol a Gwasanaethau Llys 2000.

(3) 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; and
- (c) allowing a person to work as a volunteer;

and references to an employee or to a person being employed shall be construed accordingly.

(4) In these Regulations a reference to a person working at a children's home shall be taken to include a reference to a person working for the purposes of a children's home.

Establishments which are not children's homes

3.-(1) For the purposes of the Act, any establishment falling within any of the following descriptions is excepted from being a children's home-

- (a) an institution within the further education sector as defined by section 91(3) of the Further and Higher Education Act 1992(a);
- (b) subject to paragraph (2), an establishment used to accommodate children only for the purposes of any one or more of the following -
 - (i) a holiday;
 - (ii) a leisure, recreational, sporting, cultural or educational activity;

so long as no one child is accommodated there for more than 28 days in any twelve month period;

- (c) subject to paragraph (2), premises at which a person provides day care within the meaning of section 79A(6) of the 1989 Act, unless paragraph (3) applies;
- (d) subject to paragraph (2), an establishment used to accommodate children aged 16 and over only for the purposes of any one or more of the following-
 - (i) to enable the children to undergo training or an apprenticeship;
 - (ii) a holiday;
 - (iii) a leisure, recreational, sporting, cultural or educational activity;
- (e) any approved bail hostel or approved probation hostel(b);
- (f) any institution provided for young offenders

(a) 1992 c. 13.

(b) *See* section 9(2) of the Criminal Justice and Court Services Act 2000 (c.43).

tramgwyddwyr ifanc o dan neu yn rhinwedd adran 43(1) o Ddeddf Carchar 1952(a).

(2) Nid yw'r eithriadau ym mharagraff 1(b), (c) ac (ch) yn gymwys i unrhyw sefydliad y mae'r llety y mae yn ei ddarparu yn gyfan gwbl neu'n bennaf i blant o ddisgrifiad sy'n dod o fewn adran 3(2) o'r Ddeddf(b).

(3) Mae'r paragraff hwn yn gymwys i safleoedd a ddisgrifir ym mharagraff 1(c) os bydd, mewn unrhyw gyfnod o 12 mis, 28 neu ragor o gyfnodau 24 awr pan fydd mwy na 15 awr o ofal dydd yn cael eu darparu mewn perthynas ag unrhyw un plentyn (boed y plentyn hwnnw o dan wyth oed neu beidio), ac at ddibenion y paragraff hwn rhaid cymryd nad oes unrhyw ofal dydd yn cael ei ddarparu pan fydd plentyn yng ngofal ei riant, ei berthynas neu ei riant maeth.

Datganiad o ddiben ac arweiniad y plant

4. -(1) Rhaid i'r person cofrestredig lunio mewn perthynas â'r cartref plant ddatganiad a ysgrifennir ar bapur a fydd yn cynnwys datganiad ynghylch y materion a restrir yn Atodlen 1 ("y datganiad o ddiben").

(2) Rhaid i'r person cofrestredig ddarparu copi o'r datganiad o ddiben i swyddfa briodol y Cynulliad Cenedlaethol a rhaid iddo drefnu bod copi ohono ar gael, pan ofynnir amdano, i gael ei archwilio ar unrhyw adeg resymol gan -

- (a) unrhyw berson sy'n gweithio yn y cartref plant;
- (b) unrhyw blentyn sy'n cael ei letya yn y cartref plant;
- (c) yn ddarostyngedig i baragraff (3), rhiant unrhyw blentyn sy'n cael ei letya yn y cartref plant;
- (ch) awdurdod lleoli unrhyw blentyn sy'n cael ei letya yn y cartref; a
- (d) yn achos ysgol gymwys, Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, ac unrhyw berson sy'n arfer un o swyddogaethau'r Cynulliad Cenedlaethol o dan y ddeddfwriaeth addysg mewn perthynas â'r ysgol;

ac yn y paragraff hwn mae cyfeiriadau at blentyn

-
- (a) 1952 p.52. Fe'i hamnewidiwyd gan adran 170(1) o Ddeddf Cyfiawnder Troseddol 1988 (p.33) a pharagraffau 11 a 12 o Atodlen 15 iddi, ac Atodlen 16 iddi; adrannau 5(2), 18(3) a 168(3) o Ddeddf Cyfiawnder Troseddol a Threfn Gyhoeddus 1994 (p.33); adran 119 o Ddeddf Troseddau ac Anhrefn 1998 (p.37); ac adran 165(1) o Ddeddf Pwerau'r Llysoedd Troseddol (Dedfrydu) 2000 (p.6), adran 5 o Atodlen 9 iddi. Mae is-adran 1(a) o Ddeddf 1952 i'w diddymu gan adrannau 59 a 75 o Ddeddf Cyfiawnder Troseddol a Gwasanaethau Llys 2000 (p.43) ac Atodlen 8 iddi ar ddyddiad sydd i'w bennu.
 - (b) Mae adran 3(2) o'r Ddeddf yn cyfeirio at bersonau sy'n sâl neu sydd wedi bod yn sâl; at bersonau y mae neu yr oedd ganddynt anhwylder meddwl; at bersonau sy'n anabl neu'n fethedig; ac sy'n ddiabynnol neu sydd wedi bod yn ddiabynnol ar alcohol a chyffuriau.

under or by virtue of section 43(1) of the Prison Act 1952(a).

(2) The exceptions in paragraph (1)(b), (c) and (d) do not apply to any establishment whose provision of accommodation is wholly or mainly for children of a description falling within section 3(2) of the Act(b).

(3) This paragraph applies to premises described in paragraph 1(c) if in any 12 month period there are 28 or more periods of 24 hours during which more than 15 hours of day care are provided in relation to any one child (whether or not that child is aged under eight), and for the purposes of this paragraph no day care shall be taken to be provided when a child is in the care of his or her parent, relative or foster parent.

Statement of purpose and children's guide

4.-(1) The registered person shall compile in relation to the children's home a statement written on paper which shall consist of a statement as to the matters listed in Schedule 1 ("the statement of purpose").

(2) The registered person shall provide a copy of the statement of purpose to the appropriate office of the National Assembly and shall make a copy of it available upon request for inspection at any reasonable time by-

- (a) any person who works at the children's home;
- (b) any child accommodated in the children's home;
- (c) subject to paragraph (3), the parent of any child accommodated in the children's home;
- (d) the placing authority of any child accommodated in the home; and
- (e) in the case of a qualifying school, Her Majesty's Chief Inspector of Education and Training in Wales, and any person exercising a function of the National Assembly under the education legislation in relation to the school;

and in this paragraph references to a child who is

-
- (a) 1952 c.52. Amended by section 170(1) of and paragraphs 11 and 12 of Schedule 15, and Schedule 16, to the Criminal Justice Act 1988 (c.33); sections 5(2), 18(3) and 168(3) of and Schedule 11 to, the Criminal Justice and Public Order Act 1994 (c.33); section 119 of, and paragraph 6 of Schedule 8 to, the Crime and Disorder Act 1998 (c.37); and section 165(1) of, and paragraph 5 of Schedule 9 to, the Powers of the Criminal Courts (Sentencing) Act 2000 (c.6). Subsection 1(a) of the 1952 Act is to be repealed by sections 59 and 75 of, and Schedule 8 to, the Criminal Justice and Court Services Act 2000 (c.43) on a date to be appointed.
 - (b) Section 3(2) of the Act refers to persons who are or have been ill; who have or have had a mental disorder; who are disabled or infirm; and who are or have been dependent on alcohol or drugs.

sy'n cael ei letya yn y cartref plant yn cynnwys plentyn y mae llety yn y cartref plant yn cael ei ystyried ar ei gyfer.

(3) Rhaid i'r person cofrestredig beidio â chydymffurfio â pharagraff 2(c) mewn perthynas â phlentyn os oes gorchymyn llys sy'n cyfyngu ar gyswllt rhwng y plentyn a'i riant a'i bod yn angenrheidiol cyfyngu ar argaeledd y datganiad, neu unrhyw ran ohono, er mwyn diogelu neu hybu lles y plentyn.

(4) Yn y rheoliad hwn ystyr 'deddfwriaeth addysg' yw'r Deddfau Addysg (fel y'u diffinnir gan adran 578 o Ddeddf Addysg 1996(a)).

(5) Rhaid i'r person cofrestredig gynhyrchu arweiniad i'r cartref plant ar ffurf sy'n briodol ar gyfer oedran, dealltwriaeth ac anghenion cyfathrebu'r plant sydd i gael eu lletya yn y cartref ("arweiniad y plant") a rhaid iddo gynnwys-

- (a) crynodeb o'r datganiad o ddiben y cartref;
- (b) crynodeb o'r weithdrefn gwynion a sefydlir o dan reoliad 24; ac
- (c) cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol ac un o swyddfeydd Comisiynydd Plant Cymru.

(6) Rhaid i'r person cofrestredig -

- (a) darparu copi o arweiniad cyntaf y plant i swyddfa briodol y Cynulliad Cenedlaethol;
- (b) darparu copi o fersiwn gyfredol arweiniad y plant i bob plentyn ac i awdurdod lleoli'r plentyn pan fydd y plentyn yn cael ei letya gyntaf yn y cartref; ac
- (c) yn dilyn y ddarpariaeth a ddisgrifir yn is-baragraff (b), darparu copïau pellach ar gais y plentyn neu'r awdurdod lleoli.

(7) Yn ddarostyngedig i baragraff (8) rhaid i'r person cofrestredig sicrhau bod y cartref plant yn cael ei redeg bob amser mewn modd sy'n gyson â'i ddatganiad o ddiben.

(8) Nid oes dim ym mharagraff (7) nac yn rheoliad 30(1) yn ei gwneud yn ofynnol nac yn awdurdodi'r person cofrestredig i dorri'r canlynol neu i beidio â chydymffurfio â hwy -

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

Adolygu'r datganiad o ddiben ac arweiniad y plant

5. -(1) Rhaid i'r person cofrestredig-

(a) 1996 p.56.

accommodated in the children's home includes a child in respect of whom accommodation in the children's home is being considered.

(3) The registered person shall not comply with paragraph 2(c) in relation to a child if there is a court order that restricts or limits contact between the child and his or her parent and it is necessary to restrict the availability of the statement, or any part of it, for the purpose of safeguarding or promoting the welfare of the child.

(4) In this regulation 'education legislation' means the Education Acts (as defined by section 578 of the Education Act 1996(a)).

(5) The registered person shall produce a guide to the children's home in a form appropriate to the age, understanding and communication needs of the children to be accommodated in the home ("the children's guide") which shall include-

- (a) a summary of the home's statement of purpose;
- (b) a summary of the complaints procedure established under regulation 24;
- (c) the address and telephone number of the appropriate office of the National Assembly and of an office of the Children's Commissioner for Wales.

(6) The registered person shall-

- (a) provide a copy of the first children's guide to the appropriate office of the National Assembly;
- (b) provide a copy of the current version of the children's guide to each child and to the child's placing authority when the child is first accommodated in the home; and
- (c) subsequent to the provision described in sub-paragraph (b) provide further copies at the request of the child or the placing authority.

(7) Subject to paragraph (8) the registered person shall ensure that the children's home is at all times conducted in a manner which is consistent with its statement of purpose.

(8) Nothing in paragraph (7) or in regulation 30(1) shall require or authorise the registered person to contravene or not comply with-

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

Review of the statement of purpose and children's guide

5. (1) The registered person shall-

(a) 1996 c.56.

- (a) cadw'r datganiad o ddiben ac arweiniad y plant o dan sylw ac, yn ddarostyngedig i gydymffurfedd â pharagraff (2), eu diwygio os yw'n briodol; a
- (b) os diwygir arweiniad y plant, darparu copi diwygiedig i bob plentyn sy'n cael ei letya yn y cartref.

(2) Pryd bynnag y bydd yn ymarferol, rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol ynghylch unrhyw ddiwygiad sydd i'w wneud i'r datganiad o ddiben o leiaf 28 diwrnod cyn y dyddiad y mae i fod i ddod yn weithredol.

- (a) keep under review and, subject to compliance with paragraph (2), where appropriate revise the statement of purpose and the children's guide; and
- (b) if the children's guide is revised, supply a revised copy to each child accommodated in the home.

(2) The registered person shall, whenever practicable, notify the appropriate office of the National Assembly of any revision to be made to the statement of purpose at least 28 days before it is to take effect.

RHAN II

PERSONAU COFRESTREDIG

Ffitrwydd y darparydd cofrestredig

6. -(1) Rhaid i berson beidio â rhedeg cartref plant oni bai ei fod yn ffit i wneud hynny.

(2) Nid yw person yn ffit i redeg cartref plant oni bai bod y person -

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

(3) Dyma'r gofynion -

- (a) bod yr unigolyn yn addas o ran ei onestrwydd a'i gymeriad da i redeg y cartref plant, neu (yn ôl fel y digwydd) i fod yn gyfrifol am oruchwylio gwaith rheoli'r cartref hwnnw;
- (b) bod yr unigolyn yn ffit yn gorfforol ac yn feddyliol i redeg y cartref plant neu (yn ôl fel y digwydd) i fod yn gyfrifol am oruchwylio gwaith rheoli'r cartref hwnnw; ac
- (c) bod gwybodaeth neu ddogfennaeth lawn a boddhaol ar gael mewn perthynas â'r person -
 - (i) ac eithrio os yw paragraff (4) yn gymwys, mewn perthynas â phob un o'r materion a bennir ym mharagraffau 3 i 7 o Atodlen 2;
 - (ii) os yw paragraff (4) yn gymwys, mewn perthynas â phob mater a bennir ym

PART II

REGISTERED PERSONS

Fitness of registered provider

6.-(1) A person shall not carry on a children's home unless fit to do so.

(2) A person is not fit to carry on a children's home unless the person-

- (a) is an individual who satisfies the requirements set out in paragraph (3); or
- (b) is an organisation and-
 - (i) it 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 children's home; and
 - (ii) that individual satisfies the requirements set out in paragraph (3).

(3) The requirements are that-

- (a) he or she is of suitable integrity and good character to carry on, or (as the case may be) be responsible for supervising the management of, the children's home;
- (b) he or she is physically and mentally fit to carry on, or (as the case may be) be responsible for supervising the management of, the children's home; and
- (c) full and satisfactory information or documentation is available in relation to him or her-
 - (i) except where paragraph (4) applies, in respect of each matter specified in paragraphs 1 to 6 of Schedule 2;
 - (ii) where paragraph (4) applies, in respect of each matter specified in paragraphs 1 and 3

mharagraffau 1 a 3 i 7 o Atodlen 2.

(4) Mae'r paragraff hwn yn gymwys os nad yw unrhyw dystysgrif neu wybodaeth am unrhyw fater a bennir ym mharagraff 2 o Atodlen 2 ar gael i unigolyn am na ddaethpwyd ag un o ddarpariaethau Deddf yr Heddlu 1997(a) i rym.

(5) Nid yw person yn ffit i redeg cartref plant -

- (a) os yw wedi'i ddyfarnu'n fethdalwr neu os dyfarnwyd atafaeliad ar ei ystad ac (yn y naill achos neu'r llall) nad yw wedi'i ryddhau ac nad yw'r gorchymyn methdaliad wedi'i ddiddymu nac 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.

Penodi rheolwr

7. -(1) Rhaid i'r darparydd cofrestredig benodi unigolyn i redeg y cartref plant -

- (a) os nad oes rheolwr cofrestredig mewn perthynas â'r cartref plant; a
- (b) os yw'r darparydd cofrestredig -
 - (i) yn gorff; neu
 - (ii) heb fod yn berson ffit i reoli cartref plant; neu
 - (iii) heb fod yn gyfrifol am y cartref plant yn amser llawn o ddydd i ddydd, neu heb fwrriadu bod yn gyfrifol felly.

(2) Pan fydd y darparydd cofrestredig yn penodi person i reoli'r cartref plant, rhaid iddo hysbysu swyddfa briodol y Cynulliad Cenedlaethol ar unwaith -

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

(3) Os y darparydd cofrestredig yw'r person sydd i fod i reoli'r cartref, rhaid iddo hysbysu swyddfa briodol y Cynulliad Cenedlaethol o'r dyddiad y mae'r gwaith rheoli hwnnw i fod i ddechrau.

Ffitrwydd y rheolwr

8. -(1) Rhaid i berson beidio â rheoli cartref plant oni bai ei fod yn ffit i wneud hynny.

(2) Nid yw person yn ffit i reoli cartref plant -

- (a) oni bai ei fod yn addas o ran ei onestrwydd a'i

(a) 1997 p.50. Nid yw adrannau 113 a 115, fel y'u diwygiwyd, wedi'u dwyn i rym eto. *Gweler* ymhellach y troednodiaidau i bargraff 2 o Atodlen 2 i'r rheoliadau hyn.

to 7 of Schedule 2.

(4) This paragraph applies where any certificate or information on any matters specified in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997(a) has not been brought into force.

(5) A person is not fit to carry on a children's home 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 creditors and has not been discharged in respect of it.

Appointment of manager

7. -(1) The registered provider shall appoint an individual to manage the children's home if-

- (a) there is no registered manager in respect of the children's home; and
- (b) the registered provider-
 - (i) is an organisation;
 - (ii) is not a fit person to manage a children's home; or
 - (iii) is not, or does not intend to be, in full-time day to day charge of the children's home.

(2) Where the registered provider appoints a person to manage the children's home, he shall forthwith give notice to the appropriate office of the National Assembly of-

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

(3) If the registered provider is to manage the home he or she shall forthwith give notice to the appropriate office of the National Assembly of the date on which such management is to begin.

Fitness of manager

8.-(1) A person shall not manage a children's home unless he or she is fit to do so.

(2) A person is not fit to manage a children's home unless-

- (a) he or she is of suitable integrity and good

(a) 1997 c.50. Sections 113 and 115, as amended, have not yet been brought into force. *See* further the footnotes to paragraph 2 of Schedule 2 to these regulations.

gymeriad da i reoli'r cartref plant;

- (b) oni bai, o roi sylw i faint y cartref plant, ei ddatganiad o ddiben, a nifer ac anghenion y plant sy'n cael eu lletya yno (gan gynnwys unrhyw anghenion sy'n codi yn sgil unrhyw anabledd) -
- (i) bod ganddo'r cymwysterau, y medrau a'r profiad y mae eu hangen i reoli'r cartref plant; a
- (ii) ei fod yn ffit yn gorfforol ac yn feddyliol i wneud hynny; a
- (c) oni bai bod gwybodaeth neu ddogfennaeth lawn a boddhaol ar gael mewn perthynas â'r person -
- (i) ac eithrio os yw paragraff (3) yn gymwys, mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1 i 6 o Atodlen 2;
- (ii) os yw paragraff (3) yn gymwys, mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1 a 3 i 7 o Atodlen 2.

(3) Mae'r paragraff hwn yn gymwys os nad yw unrhyw dystysgrif neu wybodaeth am unrhyw fater y cyfeirir ati ym mharagraff 2 o Atodlen 2 ar gael i unigolyn am na ddaethpwyd ag un o ddarpariaethau Deddf yr Heddlu 1997(a) i rym.

Y person cofrestredig - gofynion cyffredinol

9.-(1) Rhaid i'r darparydd cofrestredig a'r rheolwr cofrestredig, o roi sylw i'r canlynol -

- (a) maint y cartref plant;
- (b) datganiad o ddiben y cartref plant; ac
- (c) nifer ac anghenion y plant sy'n cael eu lletya yno (gan gynnwys unrhyw anghenion sy'n codi yn sgil unrhyw anabledd),

redeg y cartref neu ei reoli (yn ôl fel y digwydd) â gofal, medrusrwydd a medr digonol;

- (2) Os yw'r darparydd cofrestredig -
- (a) yn unigolyn, rhaid iddo ymgymryd; neu
- (b) os yw'n gorff, rhaid iddo sicrhau bod yr unigolyn cyfrifol yn ymgymryd,

o dro i dro ag unrhyw hyfforddiant sy'n briodol er mwyn sicrhau bod ganddo'r profiad a'r medrau y mae eu hangen i redeg y cartref plant.

(3) Rhaid i unrhyw unigolyn sy'n rheoli'r cartref ymgymryd o dro i dro ag unrhyw hyfforddiant sy'n briodol er mwyn sicrhau bod ganddo'r profiad a'r medrau y mae eu hangen i reoli'r cartref plant.

Hysbysu tramgwyddau

10.-(1) Os yw'r person cofrestredig neu'r unigolyn

character to manage the children's home;

- (b) having regard to the size of the children's home, its statement of purpose, and the number and needs (including any needs arising from any disability) of the children accommodated there-
- (i) he or she has the qualifications, skills and experience necessary to manage the children's home; and
- (ii) he or she is physically and mentally fit to manage the children's home; and
- (c) full and satisfactory information or documentation is available in relation to him or her-
- (i) except where paragraph (3) applies, in respect of each matter specified in paragraphs 1 to 6 of Schedule 2;
- (ii) where paragraph (3) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 2.

(3) This paragraph applies where any certificate or information on any matters referred to in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997(a) has not been brought into force.

Registered person - general requirements

9.-(1) The registered provider and the registered manager shall, having regard to-

- (a) the size of the children's home;
- (b) the statement of purpose of the children's home;
- (c) the number and needs (including any needs arising from any disability) of the children accommodated there,

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

- (2) If the registered provider is-
- (a) an individual, he or she shall undertake; or
- (b) an organisation, it shall 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 children's home.

(3) Any individual managing the home shall 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 children's home.

Notification of offences

10.-(1) Where the registered person or the

(a) *Gweler* y troednodyn i reoliad 6(4).

(a) *See* the footnote to regulation 6(4).

cyfrifol wedi'i gollfarnu o unrhyw dramgwydd troseddol, p'un ai yng Nghymru neu mewn man arall, rhaid iddo hysbysu swyddfa briodol y Cynulliad Cenedlaethol yn ysgrifenedig ar unwaith -

- (a) o ddyddiad 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.

(2) Os yw'r person cofrestredig wedi'i gyhuddo o unrhyw dramgwydd y gellir gwneud gorchymyn mewn perthynas ag ef o dan Ran II o Ddeddf Cyfiawnder Troseddol a Gwasanaethau Llys 2000(a) (Amddiffyn Plant) rhaid iddo roi hysbysiad ysgrifenedig ar unwaith i swyddfa briodol y Cynulliad Cenedlaethol o'r tramgwydd y mae wedi'i gyhuddo ohono ac o ddyddiad a man y cyhuddiad.

RHAN III

RHEDEG CARTREFI PLANT

PENNOD 1

LLES Y PLANT

Hybu lles

11. -(1) Rhaid i'r person cofrestredig sicrhau bod y cartref plant yn cael ei redeg yn y fath fodd ag y bydd-

- (a) yn hybu lles y plant sy'n cael eu lletya yno ac yn darparu'n briodol ar ei gyfer; a
- (b) yn darparu'n briodol ar gyfer gofal, addysg, goruchwyliaeth, ac os yw'n briodol, driniaeth y plant sy'n cael eu lletya yno.

(2) Rhaid i'r person cofrestredig wneud trefniadau addas i sicrhau bod y cartref yn cael ei redeg-

- (a) mewn modd sy'n parchu preifatrwydd ac urddas y plant sy'n cael eu lletya yno; a
- (b) gan roi sylw dyledus i ryw, argyhoeddiad crefyddol, tarddiad hiliol, a chefnidir diwylliannol ac ieithyddol ac unrhyw anabledd y plant sy'n cael eu lletya yno.

Cynllun lleoliad y plentyn

12.-(1) Cyn darparu lletya ar gyfer plentyn mewn cartref plant, neu os nad yw hynny'n rhesymol ymarferol, cyn gynted â phosibl wedyn, rhaid i'r person cofrestredig baratoi cynllun ysgrifenedig ("cynllun lleoliad") ar gyfer y plentyn, gan ymgynghori ag awdurdod lleoli'r plentyn, a chan nodi yn benodol -

- (a) sut y gofelig am y plentyn o ddydd i ddydd, a sut y caiff ei les ei ddiogelu a'i hybu gan y cartref;
- (b) y trefniadau ar gyfer gofal iechyd ac addysg y plentyn; ac
- (c) y trefniadau sy'n cael eu gwneud ar gyfer

(a) 2000 p.50.

responsible individual is convicted of any criminal offence, whether in Wales or elsewhere, he or she shall 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 on him or her in respect of the offence.

(2) Where the registered person is charged with any offence in respect of which an order may be made under Part II of the Criminal Justice and Court Services Act 2000 (Protection of Children)(a) he or she shall forthwith give notice in writing to the appropriate office of the National Assembly of the offence charged and the date and place of charge.

PART III

CONDUCT OF CHILDREN'S HOMES

CHAPTER 1

WELFARE OF CHILDREN

Promotion of welfare

11. -(1) The registered person shall ensure that the children's home is conducted so as to-

- (a) promote and make proper provision for the welfare of children accommodated there; and
- (b) make proper provision for the care, education, supervision and, where appropriate, treatment, of children accommodated there.

(2) The registered person shall make suitable arrangements to ensure that the home is conducted-

- (a) in a manner which respects the privacy and dignity of children accommodated there;
- (b) with due regard to the sex, religious persuasion, racial origin, and cultural and linguistic background and any disability of children accommodated there.

Child's placement plan

12.-(1) The registered person shall, before providing accommodation for a child in a children's home, or if that is not reasonably practicable, as soon as possible thereafter, prepare in consultation with the child's placing authority a written plan ("the placement plan") for the child setting out, in particular-

- (a) how, on a day to day basis, he or she will be cared for, and his or her welfare safeguarded and promoted by the home;
- (b) the arrangements for his or her health care and education; and
- (c) the arrangements made for contact with his or

(a) 2000 c.50.

cysylltiadau â rhieni, perthnasau a chyfeillion y plentyn.

(2) Rhaid i'r person cofrestredig gadw golwg ar y cynllun lleoliad a'i adolygu yn ôl yr angen.

(3) Wrth baratoi neu adolygu cynllun lleoliad, rhaid i'r person cofrestredig, i'r graddau y bo'n ymarferol a chan roi sylw i oedran a dealltwriaeth y plentyn, ofyn barn y plentyn a'i chymryd i ystyriaeth.

(4) Rhaid i'r person cofrestredig-

- (a) sicrhau bod y cynllun lleoliad yn gyson ag unrhyw gynllun ar gyfer gofal y plentyn sydd wedi'i baratoi gan ei awdurdod lleoli; a
- (b) cydymffurfio â cheisiadau rhesymol a wneir gan awdurdod lleoli'r plentyn -
 - (i) am gael gwybodaeth mewn perthynas â'r plentyn; a
 - (ii) i ddarparu cynrychiolydd addas i fod yn bresennol mewn unrhyw gyfarfodydd y gall eu cynnal ynghylch y plentyn.

Y bwyd a ddarperir ar gyfer y plant

13.-(1) Rhaid i'r person cofrestredig sicrhau bod plant sy'n cael eu lletya mewn cartref plant yn cael -

- (a) bwyd sydd -
 - (i) yn cael ei weini mewn symiau digonol ac ar adegau priodol;
 - (ii) wedi'i baratoi'n briodol, yn iachus ac yn faethlon;
 - (iii) yn addas i'w hanghenion ac yn bodloni eu dewisiadau rhesymol; a
 - (iv) yn ddigon amrywiol; a
- (b) modd i gael dŵr yfed ffres bob amser.

(2) Rhaid i'r person cofrestredig sicrhau bod unrhyw angen deietegol arbennig sydd gan blentyn sy'n cael ei letya yn y cartref, oherwydd ei iechyd, ei argyhoeddiad crefyddol, ei darddiad hiliol neu ei gefndir diwylliannol, yn cael ei fodloni.

Darparu dillad, arian poced ac angenrheidiau personol

14.-(1) Rhaid i'r person cofrestredig sicrhau bod anghenion a dewisiadau rhesymol pob plentyn sy'n cael ei letya yn y cartref o ran dillad, gan gynnwys esgidiau, ac angenrheidiau personol yn cael eu bodloni.

(2) Rhaid i'r person cofrestredig roi i'r plant sy'n cael eu lletya yn y cartref unrhyw symiau arian mewn perthynas â'u costau personol achlysurol sy'n briodol i'w hoedran a'u dealltwriaeth.

her parents, relatives and friends.

(2) The registered person shall keep under review and revise the placement plan as necessary.

(3) In preparing or reviewing the placement plan the registered person shall, so far as practicable and having regard to the child's age and understanding, seek and take account of his or her views.

(4) The registered person shall-

- (a) ensure that the placement plan is consistent with any plan for the care of the child prepared by his or her placing authority; and
- (b) comply with reasonable requests made by the child's placing authority to-
 - (i) provide it with information relating to the child; and
 - (ii) provide a suitable representative to attend any meetings it may hold concerning the child.

Food provided for children

13.-(1) The registered person shall ensure that children accommodated in a children's home are provided with-

- (a) food which-
 - (i) is served in adequate quantities and at appropriate intervals;
 - (ii) is properly prepared, wholesome and nutritious;
 - (iii) is suitable for their needs and meets their reasonable preferences; and
 - (iv) is sufficiently varied; and
- (b) access to fresh drinking water at all times.

(2) The registered person shall ensure that any special dietary need of a child accommodated in the home, which is due to his health, religious persuasion, racial origin or cultural background, is met.

Provision of clothing, pocket money and personal necessities

14.-(1) The registered person shall ensure that the needs and reasonable preferences of each child accommodated in the home for clothing, including footwear, and personal necessities are met.

(2) The registered person shall provide children accommodated in the home with such sums of money in respect of their occasional personal expenses as is appropriate to their age and understanding.

Cysylltiadau a'r cyfle i gyfathrebu

15. -(1) Rhaid i'r person cofrestredig -

- (a) yn ddarostyngedig i baragraff (6) ac (8), hybu cysylltiadau pob plentyn â'i rieni, ei berthnasau a'i gyfeillion yn unol â'r trefniadau sydd wedi'u nodi yn ei gynllun lleoliad; a
- (b) yn ddarostyngedig i baragraff (3), sicrhau bod cyfleusterau addas yn cael eu darparu yn y cartref plant i unrhyw blentyn sy'n cael ei letya yno gyfarfod yn breifat ar unrhyw adeg resymol â'i rieni, ei gyfeillion, ei berthnasau, a'r personau a restrir ym mharagraff (2).

(2) Dyma'r personau -

- (a) unrhyw gyfreithiwr neu gynghorydd neu eiriolydd arall y mae'r plentyn wedi'i gyfarwyddo neu'n dymuno ei gyfarwyddo;
- (b) unrhyw swyddog i Wasanaeth Cyngor a Chymorth y Llysoedd Plant a Theuluoedd a benodir ar gyfer y plentyn(a);
- (c) unrhyw weithiwr cymdeithasol sydd wedi'i ddyrannu ar gyfer y plentyn am y tro gan ei awdurdod lleoli;
- (ch) unrhyw berson sydd wedi'i benodi mewn perthynas ag unrhyw un o ofynion y weithdrefn a bennir yn Rheoliadau Gweithdrefn Cynrychioliadau (Plant) 1991(b);
- (d) unrhyw berson sydd wedi'i benodi fel ymwelydd â'r plentyn o dan baragraff 17 o Atodlen 2 i Ddeddf 1989;
- (dd) unrhyw berson sydd wedi'i awdurdodi gan y Cynulliad Cenedlaethol o dan adran 31 o'r Ddeddf i arolygu ymgymeriadau a reoleiddir dan Ran II o'r Ddeddf;
- (e) unrhyw berson sydd wedi'i awdurdodi gan yr awdurdod lleol ar gyfer yr ardal y mae'r cartref wedi'i leoli ynddi;
- (f) unrhyw berson sydd wedi'i awdurdodi yn unol ag adran 80(2) o Ddeddf 1989 gan y Cynulliad Cenedlaethol i gynnal archwiliad o'r cartref plant ac o'r plant sydd yno.

(3) Yn achos cartref y mae tystysgrif o dan adran 51 o Ddeddf 1989 mewn grym mewn perthynas ag ef, gall y cyfleusterau fod mewn cyfeiriad sy'n wahanol i gyfeiriad y cartref.

(4) Yn ddarostyngedig i baragraff (6) ac (8), rhaid i'r person cofrestredig sicrhau bod y plant sy'n cael eu lletya yn y cartref yn cael cyfle i ddefnyddio'r canlynol,

(a) Sefydlwyd Gwasanaeth Cyngor a Chymorth Llysoedd Plant a Theuluoedd gan Bennod II o Ran I o Ddeddf Cyfiawnder Troseddol a Gwasanaethau Llys 2000 p.43. Mae swyddogion y Gwasanaeth yn cael eu penodi ar gyfer plant mewn achosion penodedig (adran 41).

(b) O.S. 1991/894 fel y'i diwygiwyd gan O.S. 1991/2033 ac O.S. 1993/3069.

Contact and access to communications

15.-(1) The registered person shall-

- (a) subject to paragraphs (6) and (8), promote the contact of each child with his or her parents, relatives and friends in accordance with the arrangements set out in his or her placement plan; and
- (b) subject to paragraph (3), ensure that suitable facilities are provided within the children's home for any child accommodated there to meet privately at any reasonable time with his or her parents, friends, relatives, and the persons listed in paragraph (2).

(2) The persons are-

- (a) any solicitor or other adviser or advocate whom the child has instructed or wishes to instruct;
- (b) any officer of the Children and Family Court Advisory and Support Service appointed for the child(a);
- (c) any social worker for the time being assigned to the child by his placing authority;
- (d) any person appointed in respect of any requirement of the procedure specified in the Representations Procedure (Children) Regulations 1991(b);
- (e) any person holding an appointment as a visitor for the child under paragraph 17 of Schedule 2 to the 1989 Act;
- (f) any person authorised by the National Assembly under section 31 of the Act to inspect undertakings regulated under Part II of the Act;
- (g) any person authorised by the local authority for the area in which the home is situated;
- (h) any person authorised in accordance with section 80(2) of the 1989 Act by the National Assembly to conduct an inspection of the children's home and the children there.

(3) In the case of a home in respect of which a certificate under section 51 of the 1989 Act is in force, the facilities may be at an address different to that of the home.

(4) Subject to paragraphs (6) and (8), the registered person shall ensure that children accommodated in the home are provided at all reasonable times with access

(a) The Children and Family Court Advisory and Support Service is established by Chapter II of Part I of the Criminal Justice and Court Services Act 2000 c. 43. Officers of CAF/CASS are appointed for children in specified proceedings (section 41).

(b) S.I.1991/894 as amended by S.I. 1991/2033 and S.I. 1993/3069.

ar bob adeg resymol, heb gyfeirio at bersonau sy'n gweithio yn y cartref -

- (a) ffôn i wneud a derbyn galwadau ffôn arno yn breifat; a
- (b) cyfleusterau i anfon a derbyn post yn breifat ac, os yw'r cyfleusterau angenrheidiol yn cael eu darparu i'w defnyddio gan y plant sy'n cael eu lletya yn y cartref, bost electronig yn breifat.

(5) Rhaid i'r person cofrestredig sicrhau bod unrhyw blentyn anabl sy'n cael ei letya yn y cartref yn cael cyfle i ddefnyddio unrhyw gynorthwyon ac offer y gall fod arno eu hangen oherwydd ei anabledd er mwyn ei hwyluso i gyfathrebu ag eraill.

(6) Caiff y person cofrestredig (yn ddarostyngedig i baragraffau (7) ac (8)) osod cyfyngiadau, gwaharddiadau neu amodau ar gysylltiadau plentyn ag unrhyw berson o dan baragraff (1)(a), neu ar gyfarfodydd preifat y plentyn yn y cartref â'r personau hynny, neu ar ei gyfle i gyfathrebu o dan baragraff (4), os yw o'r farn resymol ei bod yn angenrheidiol eu gosod er mwyn diogelu neu hybu lles y plentyn o dan sylw.

(7) Ni all unrhyw fesur gael ei osod gan y person cofrestredig yn unol â pharagraff (6) oni bai -

- (i) bod awdurdod lleoli'r plentyn yn cydsynio â gosod y mesur; neu
- (ii) bod y mesur yn cael ei osod mewn argyfwng a bod y manylion llawn yn cael eu rhoi i'r awdurdod lleoli o fewn 24 awr o osod y mesur.

(8) Mae'r rheoliad hwn yn ddarostyngedig i ddarpariaethau unrhyw orchymyn llys sy'n ymwneud â chysylltiadau rhwng y plentyn ac unrhyw berson.

(9) Datgenir (er mwyn osgoi amheuan) y gellir dibynnu ar unrhyw reol gyfreithiol ynghylch gorfodaeth neu reidrwydd, yn ogystal â pharagraffau (6) ac (8), os honnir na chydymffurfiwyd â'r rheoliad hwn.

Trefniadau ar gyfer amddiffyn plant

16.-(1) Rhaid i'r person cofrestredig baratoi a gweithredu polisi ysgrifenedig -

- (a) y bwriedir iddo ddiogelu plant sy'n cael eu lletya yn y cartref rhag cael eu cam-drin neu eu hesgeuluso; a
- (b) sy'n nodi'r weithdrefn sydd i'w dilyn os ceir unrhyw honiad o gamdriniaeth neu esgeulustod.

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

- (a) cysylltu a chydweithredu ag unrhyw awdurdod lleol sydd, neu a allai fod, yn gwneud ymholiadau amddiffyn plant mewn perthynas

to the following, which they may use without reference to persons working in the home-

- (a) a telephone on which to make and receive telephone calls in private; and
- (b) facilities to send and receive post and, if the necessary facilities are provided for the use of children accommodated in the home, electronic mail, in private.

(5) The registered person shall ensure that any disabled child accommodated in the home is provided with access to such aids and equipment which he or she may require as a result of his or her disability in order to facilitate his or her communication with others.

(6) The registered person may (subject to paragraphs (7) and (8)) impose restrictions, prohibitions or conditions upon a child's contact with any person under paragraph (1)(a), or upon a child's meeting privately in the home with those persons, or upon a child's access to communications under paragraph (4), if he or she is of the reasonable opinion that the imposition is necessary for the purpose of safeguarding or promoting the welfare of the child in question.

(7) No measure may be imposed by the registered person in accordance with paragraph (6) unless-

- (i) the child's placing authority consents to the imposition of the measure; or
- (ii) the measure is imposed in an emergency and full details are given to the placing authority within 24 hours of its imposition.

(8) This regulation is subject to the provisions of any court order relating to contact between the child and any person.

(9) It is declared (for the avoidance of doubt) that any rule of law relating to duress or necessity may, as well as paragraphs (6) and (8), be relied upon if it is alleged that this regulation has not been complied with.

Arrangements for the protection of children

16.-(1) The registered person shall prepare and implement a written policy which-

- (a) is intended to safeguard children accommodated in the home 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) shall in particular provide for-

- (a) liaison and co-operation with any local authority which is, or may be, making child protection enquiries in relation to any child

- ag unrhyw blentyn sy'n cael ei letya yn y cartref plant;
- (b) cyfeirio yn ddiymdroi unrhyw honiadau o gamdriniaeth neu esgeulustod sy'n effeithio ar unrhyw blentyn sy'n cael ei letya yn y cartref plant at yr awdurdod lleol y mae'r cartref wedi'i leoli yn ei ardal;
- (c) rhoi gwybod (yn unol â rheoliad 29) i swyddfa briodol y Cynulliad Cenedlaethol ac i awdurdod lleoli'r plentyn fod unrhyw ymholiadau amddiffyn plant sy'n ymwneud ag unrhyw blentyn sy'n cael ei letya yn y cartref plant wedi'u cychwyn, ynghyd â chanlyniadau dilynol yr ymholiadau;
- (ch) cadw cofnodion ysgrifenedig (yn unol â rheoliad 28(1)) o unrhyw honiad o gamdriniaeth neu esgeulustod, ac o'r camau a gymerwyd i ymateb iddo;
- (d) rhoi ystyriaeth i'r mesurau a all fod yn angenrheidiol i amddiffyn plant yn y cartref plant yn sgil honiad o gamdriniaeth neu esgeulustod;
- (dd) gofyniad (yn unol â rheoliad 27) fod personau sy'n gweithio yn y cartref yn rhoi gwybod am unrhyw bryderon ynghylch lles neu ddiogelwch plentyn sy'n cael ei letya yno i un o'r canlynol -
- (i) y person cofrestredig;
- (ii) cwnstabl;
- (iii) person sy'n arfer swyddogaethau'r Cynulliad Cenedlaethol o dan Ran II o'r Ddeddf;
- (iv) un o swyddogion yr awdurdod lleol y mae'r cartref wedi'i leoli yn ei ardal; neu
- (v) un o swyddogion y Gymdeithas Genedlaethol er Atal Creulondeb i Blant;
- (e) gwneud trefniadau sy'n rhoi cyfle ar bob adeg i'r personau sy'n gweithio yn y cartref a'r plant sy'n cael eu lletya yno gael gweld gwybodaeth, a hynny ar ffurf briodol, a fyddai'n eu galluogi i gysylltu â'r awdurdod lleol y mae'r cartref wedi'i leoli yn ei ardal, neu â swyddfa briodol y Cynulliad Cenedlaethol, ynghylch lles neu ddiogelwch y plant sy'n cael eu lletya yn y cartref.
- (3) Rhaid i'r person cofrestredig baratoi a gweithredu -
- (a) polisi ysgrifenedig ar gyfer atal bwlio yn y cartref plant, sef polisi y mae'n rhaid iddo gynnwys gweithdrefn ar gyfer ymdrin â honiad o fwlio; a
- (b) gweithdrefn i'w dilyn pan fydd unrhyw blentyn sy'n cael ei letya mewn cartref plant yn absennol heb ganiatâd.
- accommodated in the children's home;
- (b) the prompt referral to the local authority in whose area the home is situated, of any allegations of abuse or neglect affecting any child accommodated in the children's home;
- (c) notification (in accordance with regulation 29) of the instigation and subsequent outcome of any child protection enquiries involving any child accommodated in the children's home to the appropriate office of the National Assembly and to the child's placing authority;
- (d) written records to be maintained (in accordance with regulation 28(1)) of any allegation of abuse or neglect, and of the action taken in response;
- (e) consideration to be given to the measures which may be necessary to protect children in the children's home following an allegation of abuse or neglect;
- (f) a requirement (in accordance with regulation 27) for persons working at the home to report any concerns about the welfare or safety of a child accommodated there to one of the following-
- (i) the registered person;
- (ii) a constable;
- (iii) a person exercising functions of the National Assembly under Part II of the Act;
- (iv) an officer of the local authority in whose area the home is situated, or
- (v) an officer of the National Society for the Prevention of Cruelty to Children;
- (g) arrangements to be made so that persons working at the home and children accommodated there have access, at all times and in an appropriate form, to information which would enable them to contact the local authority in whose area the home is situated, or the appropriate office of the National Assembly concerning the welfare or safety of children accommodated in the home.
- (3) The registered person shall prepare and implement-
- (a) a written policy for the prevention of bullying in the children's home, which shall include a procedure for dealing with an allegation of bullying; and
- (b) a procedure to be followed when any child accommodated in a children's home is absent without permission.

Rheoli ymddygiad, disgyblu ac atal

17. -(1) Heb ragfarnu paragraff (5), rhaid peidio â defnyddio, ar unrhyw adeg, unrhyw fesur rheoli, atal neu ddisgyblu sy'n ormodol neu'n afresymol ar blant sy'n cael eu lletya mewn cartref plant.

(2) Rhaid i'r person cofrestredig, yn unol â'r rheoliad hwn, baratoi a dilyn polisi ysgrifenedig (y cyfeirir ato yn y rheoliad hwn fel "polisi rheoli ymddygiad") sy'n nodi -

- (a) y mesurau ar gyfer rheoli, atal a disgyblu y gellir eu defnyddio yn y cartref plant; a
- (b) drwy ba fodd y mae ymddygiad priodol i'w hyrwyddo yn y cartref.

(3) Rhaid i'r person cofrestredig -

- (a) cadw golwg ar y polisi rheoli ymddygiad a'i adolygu lle bo'n briodol; a
- (b) hysbysu swyddfa briodol y Cynulliad Cenedlaethol o unrhyw adolygiad o'r fath o fewn 28 diwrnod.

(4) Rhaid i'r person cofrestredig sicrhau o fewn 24 awr o ddefnyddio unrhyw fesur rheoli, atal neu ddisgyblu mewn cartref plant fod cofnod ysgrifenedig yn cael ei wneud mewn cyfrol a gedwir at y diben, a rhaid i'r cofnod hwnnw gynnwys -

- (a) enw'r plentyn o dan sylw;
- (b) manylion ymddygiad y plentyn a arweiniodd at ddefnyddio'r mesur;
- (c) disgrifiad o'r mesur a ddefnyddiwyd;
- (ch) dyddiad, amser a lleoliad defnyddio'r mesur (gan gynnwys, yn achos unrhyw fath o atal, cyfnod yr atal);
- (d) enw'r person a ddefnyddiodd y mesur, ac enw unrhyw berson arall a fu'n bresennol;
- (dd) effeithiolrwydd defnyddio'r mesur ac unrhyw ganlyniadau; ac
- (e) llofnod person a awdurdodwyd gan y darparydd cofrestredig i wneud y cofnod.

(5) Yn ddarostyngedig i baragraff (6) o'r rheoliad hwn, rhaid peidio â defnyddio'r mesurau canlynol yn erbyn plant sy'n cael eu lletya mewn cartref plant -

- (a) unrhyw fath o gosb gorfforol;
- (b) unrhyw gosb sy'n ymwneud â chymryd bwyd neu ddiod, neu amddifadu o fwyd neu ddiod;
- (c) unrhyw gyfyngiad heblaw cyfyngiad a orfodir yn unol â rheoliad 15, ar y canlynol -
 - (i) cysylltiadau plentyn â'i rieni, ei berthnasau neu ei gyfeillion;
 - (ii) ymweliadau â'r plentyn gan ei rieni, ei berthnasau neu ei gyfeillion;
 - (iii) cyfathrebu'r plentyn ag unrhyw un o'r personau a restrir yn rheoliad 15(2); neu

Behaviour management, discipline and restraint

17.-(1) Without prejudice to paragraph (5), no measure of control, restraint or discipline which is excessive, or unreasonable shall be used at any time on children accommodated in a children's home.

(2) The registered person shall prepare and follow a written policy (in this regulation referred to as "the behaviour management policy") which shall set out-

- (a) the measures of control, restraint and discipline which may be used in the children's home; and
- (b) the means whereby appropriate behaviour is to be promoted in the home.

(3) The registered person shall-

- (a) keep under review and where appropriate revise the behaviour management policy; and
- (b) notify the appropriate office of the National Assembly of any such revision within 28 days.

(4) The registered person shall ensure that within 24 hours of the use of any measure of control, restraint or discipline in a children's home a written record is made in a volume kept for the purpose which shall include-

- (a) the name of the child concerned;
- (b) details of the child's behaviour leading to the use of the measure;
- (c) a description of the measure used;
- (d) the date, time and location of the use of the measure (including in the case of any form of restraint, the duration of the restraint);
- (e) the name of the person using the measure, and of any other person present;
- (f) the effectiveness and any consequences of the use of the measure; and
- (g) the signature of a person authorised by the registered provider to make the record.

(5) Subject to paragraph (6) of this regulation, the following measures shall not be used against children accommodated in a children's home-

- (a) any form of corporal punishment;
- (b) any punishment relating to the consumption or deprivation of food or drink;
- (c) any restriction, other than one imposed in accordance with regulation 15, on-
 - (i) a child's contact with his or her parents, relatives or friends;
 - (ii) visits to the child by his or her parents, relatives or friends;
 - (iii) a child's communications with any of the persons listed in regulation 15(2); or

- (iv) ei gyfle i ddefnyddio unrhyw linell gymorth ffôn sy'n cynnig cwnsela neu gyngor i blant;
- (ch) unrhyw ofyniad bod plentyn yn gwisgo dillad neilltuol neu amhriodol;
- (d) defnyddio neu atal meddyginiaeth neu driniaeth feddygol neu ddeintyddol fel mesur disgyblu;
- (dd) atal cwsg yn fwriadol;
- (e) gosod unrhyw gosb ariannaol, heblaw gofyniad am dalu swm rhesymol (y gellir ei wneud drwy randaliadau) fel iawndal;
- (f) unrhyw archwiliad corfforol agos o blentyn;
- (ff) atal unrhyw gynorthwyon neu offer y mae ar blentyn anabl eu hangen;
- (g) unrhyw fesur sy'n golygu -
 - (i) ymglymu plentyn wrth orfodi unrhyw fesur yn erbyn unrhyw blentyn arall; neu
 - (ii) cosbi grŵp o blant am ymddygiad plentyn unigol.
- (6) Ni fydd dim yn y rheoliad hwn yn gwahardd -
 - (a) cymryd unrhyw gamau gan ymarferydd meddygol neu ddeintyddol cofrestredig, neu yn unol â chyfarwyddiadau ganddynt, sy'n angenrheidiol i amddiffyn iechyd plentyn;
 - (b) gorfodi gofyniad bod plentyn yn gwisgo dillad neilltuol at ddibenion chwaraeon, neu at ddibenion sy'n gysylltiedig â'i addysg neu ag unrhyw gorff y mae ei aelodau yn arfer gwisgo dillad unffurf mewn cysylltiad â'i weithgareddau.

(7) Datgenir (er mwyn osgoi amheuan) y gellir dibynnu ar unrhyw reol gyfreithiol ynghylch gorfodaeth neu reidrwydd, yn ogystal â pharagraff (6) os honnir na chydymffurfwyd â'r rheoliad hwn.

Addysg, cyflogaeth a gweithgareddau hamdden

18. -(1) Rhaid i'r person cofrestredig hybu cyrhaeddiad addysgol plant sy'n cael eu lletya mewn cartref plant, a rhaid i'r gwaith hybu hwnnw sicrhau -

- (a) bod y plant yn defnyddio cyfleusterau addysgol sy'n briodol ar gyfer eu hoedran, eu dawn, eu hanghenion, eu diddordebau a'u potensial;
- (b) bod arferion y cartref wedi'u trefnu i hybu cyfranogiad plant mewn addysg gan gynnwys astudio preifat; ac
- (c) bod cysylltiadau effeithiol yn cael eu cynnal ag unrhyw ysgolion y mae'r plant sy'n cael eu lletya yn y cartref yn eu mynychu.

- (iv) his or her access to any telephone helpline providing counselling or advice for children;
- (d) any requirement that a child wear distinctive or inappropriate clothes;
- (e) the use or withholding of medication or medical or dental treatment as a disciplinary measure;
- (f) the intentional deprivation of sleep;
- (g) the imposition of any financial penalty, other than a requirement for the payment of a reasonable sum (which may be by instalments) by way of reparation;
- (h) any intimate physical examination of a child;
- (i) the withholding of any aids or equipment needed by a disabled child;
- (j) any measure which involves-
 - (i) a child in the imposition of any measure against any other child; or
 - (ii) the punishment of a group of children for the behaviour of an individual child.

(6) Nothing in this regulation shall prohibit-

- (a) the taking of any action by, or in accordance with the instructions of, a registered medical or dental practitioner which is necessary to protect the health of a child;
- (b) the imposition of a requirement that a child wear distinctive clothing for sporting purposes, or for purposes connected with his education or with any organisation whose members customarily wear uniform in connection with its activities.

(7) It is declared (for the avoidance of doubt) that any rule of law relating to duress or necessity may be relied upon, as well as paragraph (6), if it is alleged that this regulation has not been complied with.

Education, employment and leisure activity

18.-(1) The registered person shall promote the educational attainment of children accommodated in a children's home, which shall include ensuring that-

- (a) the children make use of educational facilities appropriate to their age, aptitude, needs, interests and potential;
- (b) the routine of the home is organised so as to further children's participation in education including private study; and
- (c) effective links are maintained with any schools attended by children accommodated in the home.

(2) Rhaid i'r person cofrestredig sicrhau bod y plant sy'n cael eu lletya yn y cartref -

- (a) yn cael eu hannog i ddatblygu a dilyn diddordebau hamdden priodol; a
- (b) yn cael cyfleusterau a gweithgareddau hamdden priodol.

(3) Pan fydd unrhyw blentyn mewn cartref plant wedi cyrraedd oedran nad yw'n ofynnol mwyach iddo gael addysg amser llawn orfodol, rhaid i'r person cofrestredig helpu i wneud trefniadau ar gyfer y plentyn mewn perthynas â'i addysg, ei hyfforddiant a'i gyflogaeth, a'u rhoi ar waith.

Cadw defodau crefyddol

19. Rhaid i'r person cofrestredig sicrhau bod pob plentyn sy'n cael ei letya mewn cartref plant yn cael ei alluogi, i'r graddau y mae hynny'n ymarferol -

- (a) i fynychu gwasanaethau'r argyhoeddiad crefyddol y mae'n perthyn iddo;
- (b) i gael hyfforddiant ynddo; ac
- (c) i ddilyn unrhyw un o'i ofynion (o ran gwisg, deiet neu fel arall).

Anghenion iechyd plant

20.-(1) Rhaid i'r person cofrestredig hybu ac amddiffyn iechyd y plant sy'n cael eu lletya mewn cartref plant.

(2) Yn benodol, rhaid i'r person cofrestredig sicrhau -

- (a) bod pob plentyn wedi'i gofrestru gydag ymarferydd cyffredinol;
- (b) bod gan bob plentyn gyfle i gael unrhyw gyngor, triniaeth a gwasanaethau meddygol, deintyddol, seicolegol a seiciatryddol neu gyngor, triniaeth a gwasanaethau nyrsio y gall fod arno'u hangen;
- (c) bod pob plentyn yn cael unrhyw gymorth, cymhorthion ac offer unigol y gall fod arno'i angen yng ngoleuni unrhyw anghenion iechyd neu anabledd penodol a all fod ganddo;
- (ch) bod pob plentyn yn cael canllawiau, cymorth a chynghor ar faterion iechyd a gofal personol sy'n briodol i'w hanghenion a'u dymuniadau;
- (d) bod o leiaf un person ar ddyletswydd yn y cartref bob amser sydd â chymhwyster cymorth cyntaf addas; a
- (dd) bod unrhyw berson sy'n cael ei benodi i swydd nyrs yn y cartref plant yn nyrs gofrestredig.

Meddyginiaethau

21. -(1) Rhaid i'r person cofrestredig wneud

(2) The registered person shall ensure that children accommodated in the home are-

- (a) encouraged to develop and pursue appropriate leisure interests; and
- (b) provided with appropriate leisure facilities and activities.

(3) Where any child in a children's home has attained the age where he or she is no longer required to receive compulsory full-time education, the registered person shall assist with the making of, and giving effect to, the arrangements made for him or her in respect of his education, training and employment.

Religious observance

19. The registered person shall ensure that each child accommodated in a children's home is enabled, so far as practicable-

- (a) to attend the services of;
- (b) to receive instruction in; and
- (c) to observe any requirement (whether as to dress, diet or otherwise) of,

the religious persuasion to which he or she belongs.

Health needs of children

20.-(1) The registered person shall promote and protect the health of the children accommodated in a children's home.

(2) In particular the registered person shall 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;
- (c) each child is provided with such individual support, aids and equipment as he or she may require in the light of any particular health needs or disability he or she may have;
- (d) each child is provided with guidance, support and advice on health and personal care issues appropriate to his or her needs and wishes;
- (e) at all times, at least one person on duty at the home has a suitable first aid qualification;
- (f) any person appointed to the position of nurse at the children's home is a registered nurse.

Medicines

21.-(1) The registered person shall make suitable

trefniadau addas ar gyfer cofnodi unrhyw feddyginiaethau a dderbynnir i'r cartref plant, eu trafod, eu cadw'n ddiogel, eu rhoi'n ddiogel a'u gwaredu.

(2) Yn benodol rhaid i'r person cofrestredig sicrhau, yn ddarostyngedig i baragraff (3) -

- (a) bod unrhyw feddyginiaeth a gedwir mewn cartref plant yn cael ei storio mewn lle diogel er mwyn atal unrhyw blentyn sy'n cael ei letya yno rhag cael gafael arni heb oruchwyliaeth;
- (b) bod unrhyw feddyginiaeth a ragnodir ar gyfer plentyn yn cael ei rhoi fel y'i rhagnodir, i'r plentyn y'i rhagnodwyd ar ei gyfer, ac nid i unrhyw blentyn arall; ac
- (c) bod cofnod ysgrifenedig yn cael ei gadw o unrhyw feddyginiaeth a roddir i unrhyw blentyn.

(3) Nid yw paragraff (2) yn atal meddyginiaeth -

- (a) rhag cael ei storio gan y plentyn y mae wedi'i darparu ar ei gyfer,
- (b) rhag cael ei hunan-roi gan y plentyn y mae wedi'i darparu ar ei gyfer,

os yw gwneud hynny yn ddiogel i'r plentyn ac i eraill.

(4) Yn y rheoliad hwn, ystyr "rhagnodi" yw -

- (a) archebu ar gyfer claf i gael ei ddarparu ar ei gyfer-
 - (i) o dan adran 41 o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 neu'n unol â hi; neu
 - (ii) fel rhan o gyflawni gwasnaethau meddygol personol mewn cysylltiad â chynllun peilot o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997; neu
- (b) mewn achos nad yw'n dod o fewn is-baragraff (a), rhagnodi ar gyfer claf o dan adran 58 o Ddeddf Meddyginiaethau 1968(a).

Defnyddio gwyliaeth

22. Yn ddarostyngedig i unrhyw ofynion i fonitro y mae llys yn eu gosod o dan unrhyw ddeddfiad, rhaid i'r person cofrestredig sicrhau na fydd dyfais ar gyfer gwyliaeth plant yn cael ei defnyddio mewn cartref plant ac eithrio er mwyn diogelu a hybu lles y plentyn o dan sylw neu blant eraill sy'n cael eu lletya yn y cartref plant ac os yw'r amodau canlynol wedi'u bodloni -

- (a) bod awdurdod lleoli'r plentyn yn cydsynio â'r wyliaeth o dan sylw;
- (b) y darperir ar ei gyfer yng nghynllun lleoliad y plentyn;

arrangements for the recording, handling, safekeeping, safe administration and disposal of any medicines received into the children's home.

(2) In particular the registered person shall ensure, subject to paragraph (3), that-

- (a) any medicine which is kept in a children's home is stored in a secure place so as to prevent any child accommodated there having unsupervised access to it;
- (b) any medicine which is prescribed for a child is administered as prescribed, to the child for whom it is prescribed, and to no other child; and
- (c) a written record is kept of the administration of any medicine to any child.

(3) Paragraph (1) does not prevent a medicine being-

- (a) stored by the child for whom it is provided;
- (b) self-administered by the child for whom it is provided,

if it is safe for the child and others for that to be done.

(4) In this regulation, "prescribed" means-

- (a) ordered for a patient for provision to them-
 - (i) under or by virtue of section 41 of the National Health Service Act 1977; or
 - (ii) as part of the performance of personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997; or
- (b) in a case not falling within sub-paragraph (a), prescribed for a patient under section 58 of the Medicines Act 1968(a).

Use of surveillance

22. Subject to any requirements for monitoring imposed by a court under any enactment, the registered person shall ensure that a device for the surveillance of children is not used in a children's home, except for the purpose of safeguarding and promoting the welfare of the child concerned, or other children accommodated in the children's home, and where the following conditions are met-

- (a) the child's placing authority consents to the use of the surveillance in question;
- (b) it is provided for in the child's placement plan;

(a) 1968 p.67. Mae adran 58 wedi'i diwygio gan adran 1 o Ddeddf Cynhyrchion Meddyginiaethol: Rhagnodi gan Nyrsys etc 1992 (p.28).

(a) 1968 c.67. Section 58 has been amended by section 1 of the Medicinal Products: Prescription by Nurses etc Act 1992 (c.28).

- (c) i'r graddau y bo'n ymarferol yng ngoleuni oedran a dealltwriaeth y plentyn, fod y plentyn o dan sylw yn cael ei hysbysu ymlaen llaw am y bwriad i ddefnyddio'r mesur; ac
- (ch) nad yw'r mesur yn fwy cyfyngus nag y mae ei angen, o roi sylw i angen y plentyn i gael preifatrwydd.

Peryglon a diogelwch

23. Rhaid i'r person cofrestredig sicrhau -

- (a) bod pob rhan o'r cartref y gall y plant fynd iddynt yn rhydd, i'r graddau y bo'n rhesymol ymarferol, o beryglon i'w diogelwch;
- (b) bod unrhyw weithgareddau y mae plant yn cymryd rhan ynddynt yn rhydd, i'r graddau y bo'n rhesymol ymarferol, o beryglon y gellir eu hosgoi;
- (c) bod risgiau diangen i iechyd neu ddiogelwch y plant sy'n cael eu lletya yn y cartref yn cael eu nodi, a'u diddymu cyn belled ag y gellir; ac
- (ch) bod trefniadau addas yn cael eu gwneud i bersonau sy'n gweithio yn y cartref i gael eu hyfforddi mewn cymorth cyntaf.

Cynrychioliadau a chwynion

24. -(1) Rhaid i'r person cofrestredig baratoi a dilyn gweithdrefn ysgrifenedig ar gyfer ystyried cynrychioliadau a chwynion sy'n cael eu gwneud gan neu ar ran plant sy'n cael eu lletya yn y cartref.

(2) Rhaid i'r weithdrefn ddarparu, yn benodol -

- (a) ar gyfer cyfle i ddatrys y cynrychioliad neu'r gwyn yn anffurfiol mewn cyfnod cynnar;
- (b) nad oes neb sy'n destun cwyn yn ymwneud ag unrhyw ran o'i hystyried, heblaw adeg y datrys anffurfiol yn unig os yw hynny'n briodol ym marn resymol y person cofrestredig;
- (c) ar gyfer ymdrin â chwynion ynghylch y person cofrestredig;
- (ch) i gynrychioliadau a chwynion gael eu gwneud, ac i agweddau eraill ar y weithdrefn gael eu cyflawni, gan berson sy'n gweithredu ar ran plentyn;
- (d) ar gyfer trefniadau i'r weithdrefn gael eu gwneud yn hysbys -
 - (i) i blant sy'n cael eu lletya yn y cartref;
 - (ii) i'w rhieni;
 - (iii) i awdurdodau lleoli; a
 - (iv) i bersonau sy'n gweithio yn y cartref.

- (c) so far as practicable in the light of his or her age and understanding, the child in question is informed in advance of the intention to use the measure; and
- (d) the measure is no more restrictive than necessary, having regard to the child's need for privacy.

Hazards and safety

23. The registered person shall ensure that-

- (a) all parts of the home to which children have access are so far as reasonably practicable free from hazards to their safety;
- (b) any activities in which children participate are so far as reasonably practicable free from avoidable risks;
- (c) unnecessary risks to the health or safety of children accommodated in the home are identified and so far as possible eliminated; and
- (d) suitable arrangements are made for persons working in the home to be trained in first aid.

Representations and complaints

24.-(1) The registered person shall prepare and follow a written procedure for considering representations and complaints made by or on behalf of children accommodated in the home.

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

- (a) for an opportunity for informal resolution of the representation or complaint at an early stage;
- (b) that no person who is the subject of a complaint is involved in any part of its consideration other than, if in the reasonable opinion of the registered person it is appropriate, at the informal resolution stage only;
- (c) for dealing with complaints about the registered person;
- (d) for representations and complaints to be made, and for the other aspects of the procedure to be performed, by a person acting on behalf of a child;
- (e) for arrangements for the procedure to be made known to-
 - (i) children accommodated in the home;
 - (ii) their parents;
 - (iii) placing authorities; and
 - (iv) persons working in the home.

(3) Rhaid rhoi copi o'r weithdrefn pan ofynnir amdano i unrhyw un o'r personau a grybwyllir ym mharagraff (2)(d).

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

- (a) enw, cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol; a
- (b) manylion y weithdrefn (os oes un) y mae'r Cynulliad Cenedlaethol wedi'i hysbysu i'r person cofrestredig ar gyfer gwneud cwynion i'r Cynulliad Cenedlaethol ynghylch cartrefi plant.

(5) Rhaid i'r person cofrestredig sicrhau bod cofnod ysgrifenedig yn cael ei wneud o unrhyw gwyn, y camau a gymerwyd mewn ymateb iddi, a chanlyniad yr ymchwiliad.

(6) Rhaid i'r person cofrestredig sicrhau -

- (a) bod y plant sy'n cael eu lletya yn y cartref yn cael eu galluogi i wneud cwyn neu gynrychioliad; a
- (b) nad oes dim plentyn yn dioddef unrhyw anfantais am wneud cwyn neu gynrychioliad.

(7) Rhaid i'r person cofrestredig roi i swyddfa briodol y Cynulliad Cenedlaethol pan ofynnir amdano ddatganiad sy'n cynnwys crynodeb o unrhyw gwynion a wnaed yn ystod y deuddeg mis blaenorol a'r camau a gymerwyd mewn ymateb iddynt.

(8) Nid yw'r rheoliad hwn (ar wahân i baragraff (6)) yn gymwys i unrhyw gynrychioliadau y mae Rheoliadau Gweithdrefn Cynrychioliadau (Plant) 1991(a) yn gymwys iddynt.

PENNOD 2

STAFFIO

Staffio cartrefi plant

25.-(1) Rhaid i'r person cofrestredig sicrhau y bydd yna bob amser nifer digonol o bersonau a chanddynt gymwysterau, medrau a phrofiad addas, yn gweithio yn y cartref plant, o roi sylw -

- (a) i faint y cartref, ei ddatganiad o ddiben, a nifer ac anghenion y plant sy'n cael eu lletya yno (gan gynnwys unrhyw anghenion sy'n codi o unrhyw anabledd) a
- (b) yr angen i ddiogelu a hybu iechyd a lles y plant sy'n cael eu lletya yn y cartref.

(2) Rhaid i'r person cofrestredig sicrhau nad yw cyflogi unrhyw bersonau dros dro yn y cartref plant yn

(a) *Gweler* y troednodyn i reoliad 15(2)(ch).

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

(4) The copy of the procedure supplied under paragraph (3) shall 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 children's homes.

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

(6) The registered person shall ensure that-

- (a) children accommodated in the home are enabled to make a complaint or representation; and
- (b) no child is subject to any detriment for making a complaint or representation.

(7) The registered person shall 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 (6)) does not apply to any representation to which the Representations Procedure (Children) Regulations 1991(a) applies.

CHAPTER 2

STAFFING

Staffing of children's homes

25.-(1) The registered person shall ensure that there is at all times, having regard to-

- (a) the size of the children's home, its statement of purpose, and the number and needs (including any needs arising from any disability) of the children accommodated there; and
- (b) the need to safeguard and promote the health and welfare of the children accommodated in the home;

a sufficient number of suitably qualified, skilled and experienced persons working at the children's home.

(2) The registered person shall ensure that the employment of any persons on a temporary basis at the

(a) *See* the footnote to regulation 15(2)(d).

atal y plant sy'n cael eu lletya yn y cartref plant rhag cael unrhyw barhad yn eu gofal sy'n rhesymol er mwyn diwallu eu hangenion.

Ffitrwydd gweithwyr

26. -(1) Rhaid i'r person cofrestredig beidio -

- (a) â chyflogi person i weithio yn y cartref plant dan gytundeb cyflogaeth oni bai bod y person hwnnw yn ffit i wneud hynny;
- (b) â chaniatáu i wirfoddolwr weithio yn y cartref plant oni bai bod y person hwnnw yn ffit i wneud hynny;
- (c) â chaniatáu i unrhyw berson arall weithio yn y cartref plant mewn swydd lle gall ddod, yng nghwrs ei ddyletswyddau, i gysylltiad yn rheolaidd â phlant sy'n cael eu lletya ynddo oni bai bod y person hwnnw yn ffit i wneud hynny.

(2) At ddibenion paragraff (1), nid yw person yn ffit i weithio mewn cartref plant oni bai -

- (a) ei fod yn addas o ran ei onestrwydd a'i gymeriad da i weithio mewn cartref plant;
- (b) bod ganddo'r cymwysterau, y medrau a'r profiad sy'n angenrheidiol ar gyfer y gwaith y mae i'w gyflawni;
- (c) ei fod yn ffit yn gorfforol ac yn feddyliol at ddibenion y gwaith y mae i'w gyflawni; ac
- (ch) bod gwybodaeth neu ddogfennaeth (yn ôl fel y digwydd) lawn a boddhaol ar gael am y person mewn perthynas â'r materion canlynol-
 - (i) ac eithrio os yw paragraff (3) yn gymwys, mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1 i 6 o Atodlen 2;
 - (ii) os yw paragraff (3) yn gymwys, mewn perthynas â phob mater a bennir ym mharagraffau 1 a 3 i 7 o Atodlen 2.

(3) Mae'r paragraff hwn yn gymwys os nad yw unrhyw dystysgrif neu wybodaeth am unrhyw fater a bennir ym mharagraff 2 o Atodlen 2 ar gael i unigolyn am na ddaethpwyd ag unrhyw un o ddarpariaethau Deddf yr Heddlu 1997(a) i rym.

(4) Rhaid i'r person cofrestredig sicrhau -

- (a) bod unrhyw gynnig cyflogaeth i berson sy'n dod o dan baragraff (1), neu drefniant arall ynghylch gweithio yn y cartref a wneir gyda pherson o'r fath neu mewn perthynas ag ef, yn gynnig neu'n drefniant sy'n ddarostyngedig i gydymffurfio â pharagraff (2)(ch) mewn perthynas â'r person hwnnw; a

children's home will not prevent children accommodated in the children's home from receiving such continuity of care as is reasonable to meet their needs.

Fitness of workers

26.-(1) The registered person shall not-

- (a) employ a person under a contract of employment to work at the children's home unless that person is fit to do so;
- (b) allow a volunteer to work at the children's home unless that person is fit to do so;
- (c) allow any other person to work at the children's home in a position in which he or she may in the course of his or her duties have regular contact with children accommodated there unless that person is fit to do so.

(2) For the purposes of paragraph (1), a person is not fit to work at a children's home unless-

- (a) he or she is of suitable integrity and good character to work at a children's home;
- (b) he or she has the qualifications, skills and experience necessary for the work he or she is to perform;
- (c) he or she is physically and mentally fit for the purposes of the work he or she is to perform; and
- (d) full and satisfactory information or documentation (as the case may be) is available in relation to him or her in respect of the following matters-
 - (i) except where paragraph (3) applies, in respect of each matter specified in paragraphs 1 to 6 of Schedule 2;
 - (ii) where paragraph (3) applies, in respect of each matter specified in paragraphs 1 and 3 to 7 of Schedule 2.

(3) This paragraph applies where any certificate or information on any matters specified in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997(a) has not been brought into force.

(4) The registered person shall ensure that-

- (a) any offer of employment to, or other arrangement about working at the children's home made with or in respect of, a person falling within paragraph (1) is subject to paragraph (2)(d) being complied with in relation to that person; and

(a) 1997 p. 50. Nid yw adrannau 113 a 115, fel y'u diwygiwyd, wedi'u dwyn i rym eto. *Gweler* ymhellach y troednodiadau i baragraff 2 o Atodlen 2 i'r rheoliadau hyn.

(a) 1997 c.50. Sections 113 and 115, as amended, have not yet been brought into force. *See further* the footnotes to paragraph 2 of Schedule 2 to these regulations.

(b) oni bai bod paragraff (5) yn gymwys, nad oes unrhyw berson o'r fath yn dechrau gweithio mewn cartref plant hyd nes y cydymffurfïwyd â pharagraff (2)(ch) mewn perthynas ag ef.

(5) Os yw'r amodau canlynol yn gymwys, gall y person cofrestredig ganiatáu i berson ddechrau gweithio mewn cartref plant er gwaethaf paragraff (4)(b) -

- (a) bod y person cofrestredig wedi cymryd pob cam rhesymol i sicrhau gwybodaeth lawn am bob un o'r materion a restrir yn Atodlen 2 mewn perthynas â'r person hwnnw, ond bod yr ymholiadau ynglŷn ag unrhyw un o'r materion a restrir ym mharagraffau 3 i 6 o Atodlen 2 yn anghyflawn;
- (b) bod gwybodaeth lawn a boddhaol am y person hwnnw wedi'i sicrhau ynghylch-
 - (i) y mater a bennir ym mharagraff 1 o Atodlen 2; a
 - (ii) ac eithrio bod paragraff (3) yn gymwys, y mater a bennir ym mharagraff 2 o'r Atodlen honno;
 - (iii) os yw paragraff (3) yn gymwys, y mater a bennir ym mharagraff 7 o'r Atodlen honno;
- (c) bod yr amgylchiadau yn eithriadol ym marn resymol y person cofrestredig; ac
- (ch) wrth ddisgwyl am unrhyw wybodaeth sydd heb ddod i law, bod y person cofrestredig yn sicrhau bod y person yn cael ei oruchwylio'n briodol wrth gyflawni ei ddyletswyddau.

(6) Rhaid i'r person cofrestredig sicrhau bod unrhyw berson sy'n gweithio yn y cartref plant ac nad yw'n dod o dan baragraff (1) yn cael ei oruchwylio'n briodol ar bob adeg.

Cyflogi staff

27. -(1) Rhaid i'r person cofrestredig -

- (a) sicrhau bod pob penodiad parhaol yn ddarostyngedig i gwblhau cyfnod prawf yn foddhaol; a
- (b) rhoi i bob cyflogai ddisgrifiad swydd yn amlinellu eu cyfrifoldebau.

(2) Rhaid i'r person cofrestredig weithredu gweithdrefn ddisgyblu a fydd, yn benodol -

- (a) yn darparu ar gyfer atal, a chymryd camau eraill heb atal, cyflogai o'i swydd os yw hynny'n briodol er lles diogelwch neu les y plant sy'n cael eu lletya yn y cartref; a
- (b) yn darparu bod methiant ar ran cyflogai i roi gwybod am ddigwyddiad o gamdriniaeth, neu

(b) unless paragraph (5) applies, no such person starts work at a children's home until such time as paragraph (2)(d) has been complied with in relation to him or her.

(5) Where the following conditions apply, the registered person may permit a person to start work at a children's home notwithstanding paragraph (4)(b)-

- (a) the registered person has taken all reasonable steps to obtain full information in respect of each of the matters listed in Schedule 2 in respect of that person, but the enquiries in relation to any of the matters listed in paragraphs 3 to 6 of Schedule 2 are incomplete;
- (b) full and satisfactory information in relation to that person has been obtained in respect of-
 - (i) the matter specified in paragraph 1 of Schedule 2; and
 - (ii) except where paragraph (3) applies, the matter specified in paragraph 2 of that Schedule; or
 - (iii) where paragraph (3) applies, the matter specified in paragraph 7 of that Schedule;
- (c) in the reasonable opinion of the registered person the circumstances are exceptional; and
- (d) pending receipt of, and satisfying himself or herself with regard to, any outstanding information, the registered person ensures that the person is appropriately supervised while carrying out his or her duties.

(6) The registered person shall ensure that any person working at the children's home who does not fall within paragraph (1) is appropriately supervised at all times.

Employment of staff

27.-(1) The registered person shall-

- (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 registered person shall operate a disciplinary procedure which, in particular-

- (a) provides for suspension, and the taking of other action short of suspension, in relation to an employee where appropriate in the interests of the safety or welfare of children accommodated in the home; and
- (b) provides that a failure on the part of an employee to report an incident of abuse, or

gamdriniaeth a amheuir ar blentyn sy'n cael ei letya yn y cartref i berson priodol yn sail dros ddechrau achos disgyblu.

(3) At ddibenion paragraff (2)(b), person priodol yw'r darparrydd cofrestredig, un o swyddogion naill ai'r Cynulliad Cenedlaethol sy'n gyfrifol am arfer unrhyw un o'i swyddogaethau o dan Ran II o'r Ddeddf, yr awdurdod lleol ar gyfer yr ardal y mae'r cartref wedi'i leoli ynddi, neu'r Gymdeithas Genedlaethol er Atal Creulondeb i Blant, neu gwnstabl.

(4) Rhaid i'r person cofrestredig sicrhau bod pob person a gyflogir ganddo -

- (a) yn cael hyfforddiant, goruchwyliaeth a gwerthusiadau priodol; a
- (b) yn cael eu galluogi o dro i dro i ennill cymwysterau pellach sy'n briodol i'r gwaith y maent yn ei gyflawni.

PENNOD 3 COFNODION

Cofnodion

28. -(1) Rhaid i'r person cofrestredig, ar ran awdurdod lleoli plentyn, gadw cofnod ar ffurf adroddiad mewn perthynas â phob plentyn sy'n cael ei letya yn y cartref plant, a hwnnw -

- (a) yn cynnwys yr wybodaeth, y dogfennau a'r cofnodion a bennir yn Atodlen 3 mewn perthynas â'r plentyn hwnnw;
- (b) yn cael ei gadw yn gyfoes; ac
- (c) yn cael ei lofnodi a'i ddyddio gan awdur pob cofnod ysgrifenedig.

(2) Rhaid peidio â datgelu'r cofnod a grybwyllir ym mharagraff (1) i unrhyw berson ac eithrio yn unol â'r canlynol -

- (a) unrhyw ddeddfiad yr awdurdodir cael gweld cofnodion o'r fath odano; neu
- (b) unrhyw orchymyn llys sy'n awdurdodi cael gweld cofnodion o'r fath.

(3) Rhaid i'r cofnod a grybwyllir ym mharagraff (1)-

- (a) cael ei gadw'n ddiogel yn y cartref plant gyhyd ag y bo'r plentyn y mae'n ymwneud ag ef yn cael ei letya yno; a
- (b) cael ei ddanfôn wedi hynny i awdurdod lleoli'r plentyn(a).

(4) Rhaid i'r person cofrestredig gadw y cofnod a bennir yn Atodlen 4 yn y cartref plant neu, os yw'r

(a) O dan Reoliadau Trefniadau ar gyfer Lleoli Plant (Cyffredinol) 1991 (O.S. 1991/890), rhaid i'r awdurdod cyfrifol mewn perthynas â phlentyn sydd wedi'i leoli mewn cartref plant ddal eu gafael ar eu cofnodion achos (sy'n cynnwys unrhyw adroddiad yn eu meddiant ynghylch lles y plentyn) am bymtheg a thrigain o flynyddoedd ar ôl marwolaeth y plentyn neu, os yw'r plentyn yn marw cyn cyrraedd deunaw oed, am bymtheng mlynedd o ddyddiad y farwolaeth.

suspected abuse of a child accommodated in the home 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 the registered person, an officer of either the National Assembly responsible for exercising any of its function under Part II of the Act, the local authority for the area in which the home is situated, or the National Society for the Prevention of Cruelty to Children, or a constable.

(4) The registered person shall 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.

CHAPTER 3 RECORDS

Records

28.-(1) The registered person shall, on behalf of a child's placing authority, maintain in respect of each child who is accommodated in the children's home a record in the form of a report which-

- (a) includes the information, documents and records specified in Schedule 3 relating to that child;
- (b) is kept up to date; and
- (c) is signed and dated by the author of each written entry.

(2) The record mentioned in paragraph (1) shall not be disclosed to any person except in accordance with-

- (a) any enactment under which access to such records is authorised; or
- (b) any court order authorising access to such records.

(3) The record mentioned in paragraph (1) shall be-

- (a) kept securely in the children's home so long as the child to whom it relates is accommodated there; and
- (b) thereafter delivered to the child's placing authority(a).

(4) The registered person shall maintain in the children's home the record specified in Schedule 4, or

(a) Under the Arrangements for Placement of Children (General) Regulations 1991 (S.I. 1991/890), the responsible authority in relation to a child placed in a children's home must retain their case records (which includes any report in their possession concerning the welfare of the child) for seventy five years after the death of the child or, if the child dies before reaching eighteen, fifteen years from the date of death.

cartref yn cau, rhaid iddo ei gadw mewn man arall a threfnu iddo fod ar gael i'w archwilio gan y Cynulliad Cenedlaethol, os bydd yn gofyn amdano.

(5) Rhaid cadw cofnod y cyfeirir ato ym mharagraff (4) am o leiaf bymtheng mlynedd o ddyddiad y cofnodiad diwethaf, ac eithrio cofnodion am fwydlenni, y mae angen eu cadw am flwyddyn yn unig.

(6) Nid yw'r rheoliad hwn na rheoliad 29 yn rhagfarnu unrhyw ddeddfiad (gan gynnwys darpariaeth mewn is-ddeddfwriaeth) nac unrhyw reol gyfreithiol am gofnodion neu wybodaeth.

Digwyddiadau hysbysadwy

29. -(1) Os bydd unrhyw un o'r digwyddiadau a restrir yng ngholofn 1 o'r tabl yn Atodlen 5 yn digwydd mewn perthynas â chartref plant, rhaid i'r person cofrestredig yn ddi-oed hysbysu'r personau a nodir mewn perthynas â'r digwyddiad yng ngholofn 2 o'r tabl.

(2) Dim ond os yw'n angenrheidiol y mae'n rhaid i hysbysiad o dan baragraff (1) gynnwys enw plentyn.

(3) Rhaid i'r person cofrestredig yn ddi-oed hysbysu rhiant unrhyw blentyn sy'n cael ei letya yn y cartref o unrhyw ddiwyddiad arwyddocaol sy'n effeithio ar les y plentyn oni bai nad yw'n rhesymol ymarferol gwneud hynny neu y byddai'n rhoi lles y plentyn mewn risg.

(4) Rhaid i unrhyw hysbysiad a roddir yn unol â'r rheoliad hwn ac a roddir ar lafar gael ei gadarnhau yn ysgrifenedig.

RHAN IV SAFLEOEDD

Ffitrwydd safleoedd

30. -(1) Yn ddarostyngedig i reoliad 4(8) rhaid i'r person cofrestredig beidio â defnyddio safle at ddibenion cartref plant oni bai bod y safle hwnnw mewn lleoliad, a'i fod o ddyluniad a chynllun ffisegol, sy'n addas at ddibenion cyflawni'r nodau a'r amcanion a nodir yn natganiad y cartref o'i ddiben.

(2) Rhaid i'r person cofrestredig sicrhau bod pob rhan o'r cartref a ddefnyddir gan blant -

- (a) wedi'i goleuo, ei gwresogi a'i hawyru'n ddigonol;
- (b) wedi'i diogelu rhag i neb fynd iddynt heb awdurdod;
- (c) wedi'i dodrefnu a'i chyfarparu'n addas;
- (ch) o adeiladwaith cadarn ac yn cael ei chadw mewn cyflwr strwythurol da y tu allan a'r tu mewn;
- (d) yn cael ei chadw'n lân ac wedi'i haddurno a'i chynnal yn rhesymol; ac
- (dd) wedi'i chyfarparu â'r hyn sy'n rhesymol

if the home closes keep the record elsewhere and make it available for inspection by the National Assembly at its request.

(5) A record referred to in paragraph (4) shall be kept up to date and retained for at least fifteen years from the date of the last entry, except for records of menus, which need be kept for one year.

(6) This regulation and regulation 29 are without prejudice to any enactment (including a provision of subordinate legislation) or other rule of law about records or information.

Notifiable events

29.-(1) If, in relation to a children's home, any of the events listed in column 1 of the table in Schedule 5 takes place, the registered person shall without delay notify the persons indicated in respect of the event in column 2 of the table.

(2) A notification under paragraph (1) shall include a child's name only if that is necessary.

(3) The registered person shall without delay notify the parent of any child accommodated in the home of any significant incident affecting the child's welfare unless to do so is not reasonably practicable or would place the child's welfare at risk.

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

PART IV PREMISES

Fitness of premises

30.-(1) Subject to regulation 4(8), the registered person shall not use premises for the purposes of a children's home unless they are in a location, and of a physical design and layout, suitable for the purpose of achieving the aims and objectives set out in the home's statement of purpose.

(2) The registered person shall ensure that all parts of the home used by children are-

- (a) adequately lit, heated and ventilated;
- (b) secure from unauthorised access;
- (c) suitably furnished and equipped;
- (d) of sound construction and kept in good structural repair externally and internally;
- (e) kept clean, reasonably decorated and maintained; and
- (f) equipped with what is reasonably necessary,

angenrheidiol, ac wedi'i haddasu yn ôl yr angen, er mwyn diwallu'r anghenion sy'n codi o anabledd unrhyw blentyn anabl sy'n cael ei letya yn y cartref.

(3) Rhaid i'r person cofrestredig sicrhau bod y cartref plant yn cael ei gadw'n rhydd rhag arogleuon drwg a gwneud trefniadau addas ar gyfer gwaredu gwastraff cyffredinol a gwastraff clinigol.

(4) Rhaid i'r person cofrestredig sicrhau bod y canlynol ar gael o fewn y cartref plant i gael eu defnyddio gan y plant sy'n cael eu lletya yno mewn preifatrwydd priodol -

- (a) nifer digonol o fasnau ymolchi a baddonau neu gawodydd gyda chyflenwad dŵr rhedegog poeth ac oer; a
- (b) nifer digonol o doiledau,

ar gyfer nifer a rhyw y plant sy'n cael eu lletya.

(5) Rhaid i'r person cofrestredig ddarparu ar gyfer nifer ac anghenion y plant sy'n cael eu lletya yn y cartref plant-

- (a) celfi cegin, llestri a chytleri ac offer addas a digonol;
- (b) cyfleusterau digonol ar gyfer paratoi a storio bwyd; ac
- (c) i'r graddau y mae hynny'n ymarferol, cyfleusterau digonol i blant baratoi eu bwyd eu hunain os ydynt yn dymuno gwneud hynny ac os ydynt o oedran a gallu i wneud hynny.

(6) Rhaid i'r person cofrestredig sicrhau bod cyfleusterau digonol ar gael o fewn cartref plant ar gyfer golchi llieniâu a dillad, ac, ar gyfer y plant sy'n dymuno gwneud hynny, i olchi, sychu a smwddio eu dillad eu hunain.

(7) Rhaid i'r person cofrestredig sicrhau bod y canlynol yn cael eu darparu o fewn cartref plant-

- (a) digon o le cyffredin ar gyfer eistedd, hamdden a bwyta;
- (b) cyfleusterau ar gyfer astudiaeth breifat sy'n briodol i oedran ac anghenion addysgol y plant sy'n cael eu lletya.

(8) Rhaid i'r person cofrestredig sicrhau bod pob plentyn yn cael lle i gysgu sydd -

- (a) yn addas i'w anghenion gan gynnwys yr angen am breifatrwydd; a
- (b) wedi'i gyfarparu â dodrefn, cyfleusterau storio, goleuadau, dillad gwely a chelfi eraill gan gynnwys gorchuddion i'r ffenestri ac i'r llawr sy'n addas i'w anghenion.

(9) Rhaid i'r person cofrestredig sicrhau nad oes unrhyw blentyn yn rhannu ystafell wely gydag oedolyn, nac ychwaith (ac eithrio yn achos brodyr a

and adapted as necessary, in order to meet the needs arising from his or her disability of any disabled child accommodated in the home.

(3) The registered person shall ensure that the children's home is kept free from offensive odours and shall make suitable arrangements for the disposal of general and clinical waste.

(4) The registered person shall ensure that there are within the children's home, for use by children accommodated there, in conditions of appropriate privacy-

- (a) a sufficient number of wash basins and baths or showers supplied with hot and cold running water; and
- (b) a sufficient number of lavatories,

for the number and sex of children accommodated.

(5) The registered person shall provide for the number and needs of children accommodated in the children's home-

- (a) suitable and sufficient kitchen equipment, crockery and cutlery and utensils;
- (b) adequate facilities for the preparation and storage of food; and
- (c) so far as is practicable, adequate facilities for children to prepare their own food if they so wish and are of an age and ability to do so.

(6) The registered person shall ensure that there are within a children's home adequate facilities for laundering linen and clothing, and, for children wishing to do so, to wash, dry and iron their own clothes.

(7) The registered person shall ensure that there is provided within a children's home-

- (a) adequate communal space for sitting, recreation and dining;
- (b) such facilities for private study as are appropriate to the age and educational needs of the children accommodated.

(8) The registered person shall ensure that each child is provided with sleeping accommodation which is-

- (a) suitable to his or her needs including the need for privacy; and
- (b) equipped with furniture, storage facilities, lighting, bedding and other furnishings including window and floor coverings suitable to his needs.

(9) The registered person shall ensure that no child shares a bedroom with an adult, nor (except in the case

chwiorydd) gyda phlentyn o'r rhyw arall, na chyda phlentyn o oedran sy'n arwyddocaol wahanol.

(10) Rhaid i'r person cofrestredig ddarparu ar gyfer personau sy'n gweithio yn y cartref plant-

- (a) cyfleusterau a llety addas, heblaw lle i gysgu, gan gynnwys-
 - (i) cyfleusterau ar gyfer newid;
 - (ii) cyfleusterau storio;
- (b) lle i gysgu os oes angen hynny mewn cysylltiad â'u gwaith yn y cartref.

Rhagofalon tân

31. -(1) Rhaid i'r person cofrestredig -

- (a) cymryd rhagofalon digonol rhag risg tân, gan gynnwys darparu offer tân;
- (b) darparu dulliau dianc digonol;
- (c) gwneud trefniadau addas ar gyfer y canlynol -
 - (i) canfod, cyfyngu a diffodd tanau;
 - (ii) rhoi rhybuddion tân;
 - (iii) gwacáu'r adeilad os digwydd tân;
 - (iv) cynnal a chadw'r holl offer tân; a
- (v) adolygu'r rhagofalon tân, a phrofi'r offer tân, ar adegau addas;
- (ch) gwneud trefniadau i'r personau sy'n gweithio yn y cartref gael hyfforddiant addas mewn atal tân;
- (d) sicrhau, drwy gyfrwng ymarferion tân ar adegau addas, fod y personau sy'n gweithio yn y cartref ac, i'r graddau y mae'n ymarferol, y plant sy'n cael eu lletya yno, yn ymwybodol o'r weithdrefn sydd i'w dilyn os digwydd tân;
- (dd) ymgynghori â'r awdurdod tân am y materion sy'n cael eu disgrifio yn is-baragraffau (a) i (d).

(2) Yn y rheoliad hwn ystyr "awdurdod tân" yw'r awdurdod sy'n cyflawni, yn yr ardal y mae cartref plant wedi'i leoli ynddi, swyddogaeth awdurdod tân o dan Ddeddf Gwasanaethau Tân 1947(a).

RHAN V

RHEOLI CARTREFI

Ymweliadau gan y darparydd cofrestredig

32. -(1) Os yw'r darparydd cofrestredig yn unigolyn nad yw'n rheoli'r cartref, rhaid iddo ymweld â'r cartref yn unol â'r rheoliad hwn.

(2) Os corff yw'r darparydd cofrestredig, rhaid i'r canlynol ymweld â'r cartref yn unol â'r rheoliad hwn -

of siblings) a child who is of the opposite sex or of a significantly different age to him or her.

(10) The registered person shall provide for persons working at the children's home-

- (a) suitable facilities and accommodation, other than sleeping accommodation, including-
 - (i) facilities for the purpose of changing;
 - (ii) storage facilities;
- (b) sleeping accommodation where that is needed in connection with their work at the home.

Fire precautions

31.-(1) The registered person shall-

- (a) take adequate precautions against the risk of fire, including the provision of fire equipment;
- (b) provide adequate means of escape;
- (c) make adequate arrangements-
 - (i) for detecting, containing and extinguishing fires;
 - (ii) for giving warnings of fires;
 - (iii) for evacuation in the event of fire,
 - (iv) for the maintenance of all fire equipment; and
- (v) for reviewing fire precautions, and testing fire equipment, at suitable intervals;
- (d) make arrangements for persons working at the home to receive suitable training in fire prevention;
- (e) ensure, by means of fire drills and practices at suitable intervals, that the persons working at the home and, so far as practicable, children accommodated there, are aware of the procedure to be followed in case of fire; and
- (f) consult with the fire authority about the matters described in sub-paragraphs (a) to (e).

(2) In this regulation "fire authority" means the authority discharging in the area in which a children's home is situated, the function of fire authority under the Fire Services Act 1947(a).

PART V

MANAGEMENT OF HOMES

Visits by registered provider

32.-(1) Where the registered provider is an individual who does not manage the children's home, he or she shall visit the home in accordance with this regulation.

(2) Where the registered provider is an organisation, the home shall be visited in accordance with this regulation by-

(a) 1947 p.41.

(a) 1947 c.41.

- (a) yr unigolyn cyfrifol;
- (b) un arall o'r cyfarwyddwyr neu'r personau eraill sy'n gyfrifol am reoli'r corff ac sy'n addas i ymweld â'r cartref; neu
- (c) cyflogai i'r corff nad yw'n ymwneud yn uniongyrchol â rheoli'r cartref ac sy'n addas i ymweld â'r cartref.

(3) Rhaid i ymweliadau o dan baragraff (1) neu (2) ddigwydd o leiaf unwaith y mis a gallant fod yn ddirybudd.

(4) Rhaid i'r person sy'n ymweld -

- (a) cyfweld, gyda'u cydsyniad ac yn breifat, ag unrhyw un o'r plant sy'n cael eu lletya yno, eu rhieni, eu perthnasau ac unrhyw un o'r personau sy'n gweithio yn y cartref y mae'n ymddangos iddo eu bod yn angenrheidiol er mwyn ffurfio barn am safon y gofal sy'n cael ei ddarparu yn y cartref;
- (b) archwilio safle'r cartref plant, ei lòg dyddiol o ddigwyddiadau a'i gofnod o unrhyw gwynion; ac
- (c) paratoi adroddiad ysgrifenedig ynghylch sut mae'r cartref yn cael ei redeg.

(5) Rhaid i'r darparydd cofrestredig roi copi o'r adroddiad y mae'n ofynnol ei gyflwyno o dan baragraff (4)(c) -

- (a) i reolwr cofrestredig y cartref plant a rhaid iddo gadw'r adroddiad yn y cartref; ac
- (b) yn achos ymweliad o dan baragraff (2), i bob un o'r cyfarwyddwyr neu'r personau eraill sy'n gyfrifol am reoli'r corff.

Adolygu ansawdd y gofal

33. -(1) Rhaid i'r person cofrestredig sefydlu a chynnal system-

- (a) ar gyfer monitro ac adolygu'r materion a nodir yn Atodlen 6 bob hyn a hyn fel y bo'n briodol, ac
- (b) ar gyfer gwella ansawdd y gofal a ddarperir yn y cartref.

(2) Rhaid i'r person cofrestredig roi adroddiad i swyddfa briodol y Cynulliad Cenedlaethol ar gyfer pob adolygiad a gynhelir at ddibenion paragraff (1), a threfnu bod copi ar gael ar gais i'r plant sy'n cael eu lletya yn y cartref, eu rhieni a'r awdurdodau lleoli.

(3) Yn ddarostyngedig i baragraff (4), rhaid i'r system y cyfeirir ati ym mharagraff (1) ddarparu ar gyfer ymgynghori â'r plant sy'n cael eu lletya yn y cartref, eu rhieni a'u hawdurdodau lleoli.

(4) Rhaid i'r person cofrestredig beidio ag anelu at sicrhau ymgynghoriad â rhiant plentyn o dan baragraff

- (a) the responsible individual;
- (b) another of the directors or other persons responsible for the management of the organisation who is suitable to visit the home; or
- (c) an employee of the organisation who is not directly concerned with the conduct of the home who is suitable to visit the home.

(3) Visits under paragraph (1) or (2) shall take place at least once a month and may be unannounced.

(4) The person carrying out the visit shall-

- (a) interview, with their consent and in private, such of the children accommodated there, their parents, relatives and persons working at the home as appears necessary in order to form an opinion of the standard of care provided in the home;
- (b) inspect the premises of the children's home, its daily log of events and records of any complaints; and
- (c) prepare a written report on the conduct of the home.

(5) The registered provider shall supply a copy of the report required to be made under paragraph (4)(c) to-

- (a) the registered manager of the children's home who shall keep the report at the home; and
- (b) in the case of a visit under paragraph (2), to each of the directors or other persons responsible for the management of the organisation.

Review of quality of care

33.-(1) The registered person shall establish and maintain a system for-

- (a) monitoring, and reviewing at appropriate intervals, the matters set out in Schedule 6; and
- (b) improving the quality of care provided in the children's home.

(2) The registered person shall provide to the appropriate office of the National Assembly a report in respect of each review conducted for the purposes of paragraph (1), and make a copy of the report available on request to children accommodated in the home, their parents and placing authorities.

(3) Subject to paragraph (4), the system referred to in paragraph (1) shall provide for consultation with children accommodated in the home, their parents and placing authorities.

(4) The registered person shall not aim to secure consultation with a child's parent under paragraph (3)

(3) os oes gorchymyn llys sy'n cyfyngu ar gysylltiadau rhwng y plentyn a'r rhiant a'i bod yn angenrheidiol atal ymgynghoriad o'r fath, neu gyfyngu arno, er mwyn hybu neu ddiogelu lles y plentyn.

Rheoliadau a safonau gofynnol cenedlaethol

34. Rhaid i'r person cofrestredig sicrhau bod copi o'r Rheoliadau hyn (ac o unrhyw ddiwygiadau iddynt) ac o'r safonau gofynnol cenedlaethol^(a) (ac o unrhyw ddiwygiadau iddynt) sy'n gymwys i gartrefi plant a gyhoeddir gan y Cynulliad Cenedlaethol o dan adran 23(1) o'r Ddeddf yn cael eu cadw yn y cartref a threfnu eu bod ar gael pan ofynnir amdanynt -

- (a) i unrhyw berson sy'n gweithio yn y cartref;
- (b) i unrhyw blentyn sy'n cael ei letya yn y cartref; ac
- (c) i riant unrhyw blentyn sy'n cael ei letya yn y cartref.

Y sefyllfa ariannol

35.(1) Rhaid i'r darparydd cofrestredig redeg y cartref plant mewn modd sy'n debyg o sicrhau y bydd y cartref yn hyfyw yn ariannol er mwyn cyflawni'r nodau a'r amcanion a nodir yn ei ddatganiad o ddiben.

(2) Rhaid i'r darparydd cofrestredig -

- (a) sicrhau bod cyfrifon digonol yn cael eu cadw mewn perthynas â chartref plant a'u cadw'n gyfoes;
- (b) rhoi copi o'r cyfrifon i'r Cynulliad Cenedlaethol pan ofynnir amdano.

(3) Rhaid i'r person cofrestredig roi i swyddfa briodol y Cynulliad Cenedlaethol unrhyw wybodaeth y gall y Cynulliad Cenedlaethol ofyn amdani er mwyn ystyried hyfywedd ariannol y cartref plant, gan gynnwys -

- (a) cyfrifon blynyddol y cartref, wedi'u hardystio gan gyfrifydd;
- (b) tystlythyr gan fanc yn mynegi barn am sefyllfa ariannol y darparydd cofrestredig;
- (c) gwybodaeth am ariannu'r cartref a'i adnoddau ariannol;
- (ch) os cwmni yw'r darparydd cofrestredig, gwybodaeth am unrhyw un o'i gwmnïau cysylltiedig; a
- (d) tystysgrif yswiriant i'r darparydd cofrestredig mewn perthynas â'r rhwymedigaeth y gallai ei thynnu mewn perthynas â'r cartref ynghylch marwolaeth, niwed, rhwymedigaeth gyhoeddus, difrod neu golled arall.

(a) O dan adran 23 o'r Ddeddf gall y Cynulliad Cenedlaethol baratoi a chyhoeddi datganiadau ar y safonau gofynnol cenedlaethol sy'n gymwys i gartrefi plant, sy'n rhaid eu cymryd i ystyriaeth mewn penderfyniadau ac achosion penodol o dan Ran II o'r Ddeddf.

if there is a court order that restricts or limits contact between the child and the parent and it is necessary to prevent, or restrict, such consultation for the purpose of promoting or safeguarding the welfare of the child.

Regulations and national minimum standards

34. The registered person shall ensure that a copy of these Regulations (and of any amendments to them), and the national minimum standards^(a) (and of any amendments to them) applicable to children's homes published by the National Assembly under section 23(1) of the Act, are kept in the home and made available on request to-

- (a) any person working in the home;
- (b) any child accommodated in the home; and
- (c) the parent of any child accommodated in the home.

Financial position

35.(1) The registered provider shall carry on the children's home in such manner as is likely to ensure that the home will be financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose.

(2) The registered person shall-

- (a) ensure that adequate accounts are maintained and kept up to date in respect of a children's home; and
- (b) supply a copy of the accounts to the National Assembly at its request.

(3) The registered person shall provide the appropriate office of the National Assembly with such information as the National Assembly may require in order to consider the financial viability of the children's home, including-

- (a) the annual accounts of the home 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 home;
- (d) where the registered provider is a company, information as to any of its associated companies; 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 home in respect of death, injury, public liability, damage or other loss.

(a) Under section 23 of the Act the National Assembly may prepare and publish statements of national minimum standards applicable to children's homes, which must be taken into account in certain decisions and proceedings under Part II of the Act.

(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.

RHAN VI
AMRYWIOL

Hysbysu absenoldeb

36.-(1) Os yw -

- (a) darparrydd cofrestredig sy'n rheoli cartref plant; neu
- (b) rheolwr cofrestredig,

i fod yn absennol o'r cartref 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.

(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 i'r absenoldeb ddechrau neu o fewn unrhyw gyfnod byrrach y gellir cytuno arno gyda'r Cynulliad Cenedlaethol a rhaid i'r hysbysiad bennu mewn perthynas â'r absenoldeb -

- (a) pa mor hir fydd yr absenoldeb neu pa mor hir y disgwylir iddo fod;
- (b) y rheswm drosto;
- (c) y trefniadau sydd wedi'u gwneud ar gyfer rhedeg y cartref;
- (ch) enw, cyfeiriad a chymwysterau y person a fydd yn gyfrifol am y cartref yn ystod yr absenoldeb hwnnw; a
- (d) enw, cyfeiriad a chymwysterau y person a benodir yn unol â rheoliad 6(2);
- (dd) y trefniadau sydd wedi'u gwneud neu y bwriedir eu gwneud ar gyfer penodi person arall i reoli'r cartref plant yn ystod yr absenoldeb, gan gynnwys erbyn pa ddyddiad y mae'r penodiad i'w wneud.

(3) Os yw absenoldeb y cyfeirir ato ym mharagraff (1) yn codi o ganlyniad i argyfwng, rhaid i'r darparrydd cofrestredig roi hysbysiad o'r absenoldeb o fewn un wythnos wedi i'r argyfwng ddigwydd, gan bennu'r materion yn is-baragraff (a) i (d) o baragraff (2).

(4) Os yw-

- (a) darparrydd cofrestredig sy'n rheoli'r cartref plant; neu
- (b) rheolwr cofrestredig,

wedi bod yn absennol o'r cartref plant am gyfnod parhaus o 28 diwrnod neu ragor, ac na roddwyd hysbysiad i swyddfa briodol y Cynulliad Cenedlaethol o'r absenoldeb, rhaid i'r person cofrestredig roi hysbysiad ysgrifenedig ar unwaith i'r swyddfa honno yn pennu'r materion a grybwyllir yn is-baragraffau (a) i (d) o baragraff (2).

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

PART VI
MISCELLANEOUS

Notice of absence

36.-(1) Where-

- (a) a registered provider who manages the children's home; or
- (b) a registered manager,

is to be absent from the home for a continuous period of 28 days or more, the registered person shall give notice in writing to the appropriate office of the National Assembly of the absence.

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

- (a) its length or expected length;
- (b) the reason for it;
- (c) the arrangements which have been made for running the home;
- (d) the name, address and qualifications of the person who will be responsible for the home during the absence; and
- (e) arrangements that have been or are proposed to be made for appointing another person to manage the children's home during the absence, including the proposed date by which the appointment is to be made.

(3) Where an absence referred to in paragraph (1) is to arise as a result of an emergency, the registered provider shall give notice of the absence within one week of the emergency's occurrence specifying the matters in sub-paragraphs (a) to (e) of paragraph (2).

(4) Where-

- (a) a registered provider who manages the children's home; or
- (b) a registered manager,

has been absent from the children's home 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 shall forthwith give notice in writing to that office specifying the matters mentioned in sub-paragraphs (a) to (e) of paragraph (2).

(5) Rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol fod person a grybwyllir yn is-baragraff (a) neu (b) o baragraff (4) wedi dychwelyd i'r gwaith a hynny heb fod yn hwyrach na saith diwrnod ar ôl iddo dychwelyd.

Hysbysu newidiadau

37. Rhaid i'r person cofrestredig roi hysbysiad ysgrifenedig i swyddfa briodol y Cynulliad Cenedlaethol cyn gynted ag y bo'n ymarferol gwneud hynny -

- (a) bod person heblaw darparrydd cofrestredig yn rhedeg neu'n rheoli'r cartref plant neu'n bwriadu ei redeg neu ei reoli;
- (b) bod person yn rhoi'r gorau i redeg neu i reoli'r cartref, neu'n bwriadu rhoi'r gorau iddi;
- (c) os yw'r darparrydd cofrestredig yn unigolyn, ei fod yn newid, neu'n bwriadu newid, ei enw;
- (ch) os yw darparrydd cofrestredig yn gorff -
 - (i) bod enw neu gyfeiriad y corff yn cael ei newid, neu fod bwriad i'w newid;
 - (ii) bod unrhyw newid cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog cyffelyb arall i'r corff yn digwydd, neu fod bwriad i hynny ddigwydd;
 - (iii) bod unrhyw newid o ran pwy yw'r unigolyn cyfrifol yn digwydd, neu fod bwriad i hynny ddigwydd;
- (d) os yw darparrydd cofrestredig yn unigolyn, bod ymddiriedolwr mewn methodaliad yn cael, neu'n debygol o gael, ei benodi, neu fod cyfamod neu drefniant yn cael neu'n debygol o gael ei wneud gyda chredydwyr;
- (dd) os yw darparrydd cofrestredig yn gwmni, bod derbynnydd, datodwr neu ddatodwr dros dro yn cael, neu'n debygol o gael ei benodi;
- (e) os yw darparrydd cofrestredig mewn partneriaeth y mae ei busnes yn cynnwys rhedeg cartref plant, bod derbynnydd neu reolwr yn cael, neu'n debygol o gael, ei benodi ar gyfer y bartneriaeth; neu
- (f) bod safle'r cartref yn cael ei newid neu ei estyn yn arwyddocaol, neu fod bwriad i'w newid neu i'w estyn, neu fod safle ychwanegol yn cael ei sicrhau, neu fod bwriad i'w sicrhau.

Penodi datodwyr etc

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

- (a) hysbysu swyddfa briodol y Cynulliad Cenedlaethol ar unwaith o'i benodiad yn achos pob cartref plant y mae'r penodiad yn ymwneud ag ef, gan nodi'r rhesymau dros ei benodi;

(5) The registered person shall notify the appropriate office of the National Assembly of the return to work of a person mentioned in sub-paragraph (a) or (b) of paragraph (4) not later than 7 days after the date of return.

Notice of changes

37. The registered person shall give notice in writing to the appropriate office of the National Assembly as soon as it is practicable to do so if-

- (a) a person other than a registered person carries on or manages, or proposes to carry on or manage, the children's home;
- (b) a person ceases, or proposes to cease, to carry on or manage the home;
- (c) where a registered provider is an individual, he changes, or proposes to change, his or her name;
- (d) where a registered provider is an organisation-
 - (i) the name or address of the organisation changes, or is proposed to be changed;
 - (ii) there is, or is proposed to be, any change of director, manager, secretary or other similar officer of the organisation;
 - (iii) there is, or is proposed to be, any change in the identity of the responsible individual;
- (e) where a registered provider is an individual, a trustee in bankruptcy is, or is likely to be, appointed, or a composition or arrangement is, or is to be, made with creditors;
- (f) where a registered provider is a company, a receiver, liquidator or provisional liquidator is, or is likely to be, appointed;
- (g) where a registered provider is in a partnership whose business includes carrying on a children's home, a receiver or manager is, or is likely to be, appointed for the partnership; or
- (h) the premises of the home are, or are proposed to be, significantly altered or extended, or additional premises are, or are proposed to be, acquired.

Appointment of liquidators etc

38.-(1) Any person to whom paragraph (2) applies shall-

- (a) forthwith notify the appropriate office of the National Assembly for each children's home to which the appointment relates of his or her appointment indicating the reasons for it;

- (b) penodi rheolwr i gymryd gofal llawn amser o ddydd i ddydd o'r cartref plant 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'i fwriadau ynghylch gweithredu pob cartref plant y mae'r penodiad yn ymwneud ag ef yn y dyfodol.

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

- (a) yn dderbynnnydd eiddo cwmni sy'n ddarparwydd cofrestredig cartref plant;
- (b) yn ddatodwr neu ddatodwr dros dro cwmni sy'n ddarparwydd cofrestredig cartref plant; neu
- (c) yn dderbynnnydd neu reolwr eiddo partneriaeth y mae ei busnes yn cynnwys rhedeg cartref plant; neu
- (ch) yn ymddiriedolwr mewn methdaliad i ddarparwydd cofrestredig cartref plant.

Marwolaeth person cofrestredig

39.-(1) Os oes mwy nag un person wedi'i gofrestru mewn perthynas â chartref plant, a bod person cofrestredig yn marw, rhaid i berson cofrestredig sy'n dal yn fyw hysbysu swyddfa briodol y Cynulliad Cenedlaethol yn ysgrifenedig o'r farwolaeth yn ddi-oed.

(2) Os nad oes ond un person wedi'i gofrestru mewn perthynas â chartref plant, a'i fod yn marw, rhaid i'w gynrychiolwyr personol hysbysu'r Cynulliad Cenedlaethol yn ysgrifenedig -

- (a) o'r farwolaeth yn ddi-oed; a
- (b) o fewn 28 diwrnod o'u bwriadau ynghylch rhedeg y cartref yn y dyfodol.

(3) Caiff cynrychiolwyr personol ddarparwydd cofrestredig marw redeg y cartref heb fod wedi'u cofrestru mewn perthynas ag ef-

- (a) am gyfnod heb fod yn hwy nag 28 diwrnod; a
- (b) am unrhyw gyfnod pellach a benderfynir yn unol â pharagraff (4).

(4) Gall y Cynulliad Cenedlaethol ddyfarnu cyfnod, heb fod yn fwy na blwyddyn, at ddibenion paragraff (3)(b) a rhaid iddynt hysbysu unrhyw ddyfarniad o'r fath yn ysgrifenedig i'r cynrychiolwyr personol.

(5) Rhaid i'r cynrychiolwyr personol benodi person i reoli'r cartref yn ystod unrhyw gyfnod pan fyddant yn rhedeg y cartref plant, yn unol â pharagraff (3), heb fod wedi'u cofrestru ar ei gyfer.

- (b) appoint a manager to take full-time day to day charge of the children's home in any case where there is no registered manager; and
- (c) within 28 days of his or her appointment notify the appropriate office of the National Assembly of his or her intentions regarding the future operation of each children's home to which the appointment relates.

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

- (a) the receiver of the property of a company which is a registered provider of a children's home;
- (b) a liquidator or provisional liquidator of, a company which is a registered provider of a children's home;
- (c) the receiver or manager of the property of a partnership whose business includes carrying on a children's home; or
- (d) the trustee in bankruptcy of a registered provider of a children's home.

Death of registered person

39.-(1) If more than one person is registered in respect of a children's home, and a registered person dies, a surviving registered person shall without delay notify the appropriate office of the National Assembly of the death in writing.

(2) If only one person is registered in respect of a children's home, and he or she dies, his or her personal representatives must notify the National Assembly in writing-

- (a) without delay of the death; and
- (b) within 28 days of their intentions regarding the future running of the home.

(3) The personal representatives of a deceased registered provider may carry on the home without being registered in respect of it-

- (a) for a period not exceeding 28 days; and
- (b) for any further period as may be determined in accordance with paragraph (4).

(4) The National Assembly may determine a period, not exceeding one year, for the purposes of paragraph (3)(b) and shall notify any such determination to the personal representatives in writing.

(5) The personal representatives shall appoint a person to manage the home during any period in which, in accordance with paragraph (3), they carry on the children's home without being registered in respect of it.

Tramgwyddau

40.-(1) Mae torri neu fethu â chydymffurfio â darpariaethau rheoliadau 4 i 37 yn dramgwydd.

(2) Heb ragfarnu pwerau'r Cynulliad o dan adran 29 o'r Ddeddf(a) i ddwyn achos yn erbyn personau a fu unwaith, ond nad ydynt mwyach, yn gofrestredig mewn perthynas â chartref plant, caiff y Cynulliad Cenedlaethol ddwyn achos yn erbyn person a fu unwaith, ond nad yw mwyach, yn berson cofrestredig, mewn perthynas â methiant i gydymffurfio â rheoliad 28(5) ar ôl iddo beidio â bod yn berson cofrestredig.

Cydymffurfio â'r rheoliadau

41. Os oes mwy nag un person cofrestredig mewn perthynas â chartref plant, ni fydd yn ofynnol i unrhyw un o'r personau cofrestredig wneud unrhyw beth y mae'n ofynnol o dan y rheoliadau hyn iddo gael ei wneud gan y person cofrestredig, os yw wedi'i wneud gan un o'r personau cofrestredig eraill.

Pennu swyddfeydd priodol

42. Caiff y Cynulliad bennu swyddfa sydd o dan ei reolaeth fel y swyddfa briodol mewn perthynas â chartrefi plant sydd wedi'u lleoli mewn ardal benodol o Gymru.

Diddymu

43. Mae'r Rheoliadau canlynol yn cael eu diddymu i'r graddau y bônt yn gymwys i Gymru -

- (a) Rheoliadau Cartrefi Plant 1991(b);
- (b) rheoliad 2 o Reoliadau Plant (Cartrefi, Trefniadau ar gyfer Lleoli, Adolygu a Cynrychioliadau) (Diwygiadau Amrywiol) 1993(c);
- (c) Rheoliadau Diwygio Cartrefi Plant 1994(ch).
- (ch) rheoliad 4 o Reoliadau Plant (Eu Hamddiffyn rhag Tramgwyddwyr) (Diwygiadau Amrywiol) 1997(d); a
- (d) Rheoliadau Cartrefi Plant Diwygio (Cymru) 2001(dd).

(a) O dan adran 29 o'r Ddeddf gall y Cynulliad Cenedlaethol, o fewn y terfynau amser sydd wedi'u pennu yno, ddwyn achos am dramgwyddau o dan reoliadau a wnaed o dan Ran II o'r Ddeddf.

(b) O.S. 1991/1506.
(c) O.S. 1993/3069.
(ch) O.S. 1994/1511.
(d) O.S. 1997/2308.
(dd) O.S. 2001/140.

Offences

40.-(1) A contravention or failure to comply with the provisions of regulations 4 to 37 shall be an offence.

(2) Without prejudice to the powers of the Assembly under section 29 of the Act(a) to bring proceedings against persons who once were, but are no longer, registered in respect of a children's home, 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 28(5) after he or she ceased to be a registered person.

Compliance with regulations

41. Where there is more than one registered person in respect of a children's home, anything which is required under these regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.

Specification of appropriate offices

42. The Assembly may specify an office controlled by it as the appropriate office in relation to children's homes situated in a particular area of Wales.

Revocation

43. The following Regulations are revoked in so far as they apply to Wales-

- (a) the Children's Homes Regulations 1991(b);
- (b) regulation 2 of the Children (Homes, Arrangements for Placement, Review and Representations) (Miscellaneous Amendments) Regulations 1993(c);
- (c) the Children's Homes Amendment Regulations 1994(d)
- (d) regulation 4 of the Children (Protection from Offenders) (Miscellaneous Amendments) Regulations 1997(e); and
- (e) the Children's Homes Amendment (Wales) Regulations 2001(f).

(a) Under section 29 of the Act the National Assembly may, within the time limits there specified, bring proceedings for offences under regulations made under Part II of the Act.

(b) S.I. 1991/ 1506.
(c) S.I. 1993/3069.
(d) S.I. 1994/1511.
(e) S.I. 1997/2308.
(f) S.I. 2001/140.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a)

Signed on behalf of the National Assembly under section 66(1) of the Government of Wales Act 1998(a).

12 Chwefror 2002

12th February 2002

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

Y MATERION SYDD I'W CYNNWYS YN Y
DATGANIAD O DDIBEN

1. Datganiad o nodau cyffredinol y cartref, a'r amcanion sydd i'w cyrraedd mewn perthynas â'r plant sy'n cael eu lletya yn y cartref.
2. Datganiad o'r cyfleusterau a'r gwasanaethau sydd i'w darparu, yn y cartref a'r tu allan iddo, ar gyfer y plant sy'n cael eu lletya yn y cartref.
3. Enw a chyfeiriad busnes pob person cofrestredig.
4. Cymwysterau a phrofiad perthnasol pob person cofrestredig.
5. Niferoedd y personau sy'n gweithio yn y cartref, eu cymwysterau a'u profiad perthnasol, ac os yw'r gweithwyr i gyd o un rhyw, disgrifiad o sut y bydd y cartref yn hybu modelau rôl priodol o'r ddwy ryw.
6. Y trefniadau ar gyfer goruchwylio, hyfforddi a datblygu'r cyflogaion.
7. Strwythur trefniadol y cartref.
8. Y manylion canlynol -
 - (a) ystod oedran, rhyw a niferoedd y plant y bwriedir darparu lletya ar eu cyfer;
 - (b) a oes bwriad i letya plant sy'n anabl, y mae arnynt anghenion arbennig neu sydd ag unrhyw nodweddion arbennig eraill;
 - (c) ystod yr anghenion (heblaw'r rhai a grybwyllir yn is-baragraff (b)) y bwriedir i'r cartref eu diwallu.
9. Y meini prawf a ddefnyddir ar gyfer derbyniadau i'r cartref, gan gynnwys polisi a gweithdrefnau'r cartref ar gyfer derbyniadau brys, (os yw'r cartref yn darparu ar gyfer derbyniadau brys).
10. Os yw'r cartref yn darparu neu os bwriedir iddo ddarparu lletya i fwy na chwech o blant, disgrifiad o'r canlyniadau cadarnhaol a fwriedir ar gyfer plant mewn cartref o'r maint hwnnw, a disgrifiad o strategaeth y cartref ynglŷn â mynd i'r afael ag unrhyw effeithiau andwyol sy'n deillio o faint y cartref ar gyfer y plant sy'n cael eu lletya yn y cartref.
11. Disgrifiad o ethos ac athroniaeth y cartref, a sail damcaniaethol neu therapiwtig y gofal sy'n cael ei ddarparu.
12. Y trefniadau a wneir i ddiogelu a hybu iechyd y plant sy'n cael eu lletya yn y cartref.

MATTERS TO BE INCLUDED IN THE
STATEMENT OF PURPOSE

1. A statement of the overall aims of the home, and the objectives to be attained with regard to children accommodated in the home.
2. A statement of the facilities and services to be provided, within and outside the home, for the children accommodated in the home.
3. The name and business address of every registered person.
4. The relevant qualifications and experience of every registered person.
5. The numbers, relevant qualifications and experience of persons working at the home, and if the workers are all of one sex, a description of the means whereby the home will promote appropriate role models of both sexes.
6. The arrangements for the supervision, training and development of employees.
7. The organisational structure of the home.
8. The following details-
 - (a) the age-range, sex and numbers of children for whom it is intended that accommodation should be provided;
 - (b) whether it is intended to accommodate children who are disabled, have special needs or any other special characteristics;
 - (c) the range of needs (other than those mentioned in sub-paragraph (b)) that the home is intended to meet.
9. The criteria used for admission to the home, including the home's policy and procedures for emergency admissions (if the home provides for emergency admissions).
10. If the home provides or is intended to provide accommodation for more than six children, a description of the positive outcomes intended for children in a home of such a size, and a description of the home's strategy for counteracting any adverse effects arising from its size for the children accommodated in the home.
11. A description of the home's ethos and philosophy and the theoretical or therapeutic basis for the care provided.
12. The arrangements made to protect and promote the health of the children accommodated in the home.

13. Y trefniadau ar gyfer hybu addysg y plant sy'n cael eu lletya yn y cartref, gan gynnwys y cyfleusterau ar gyfer astudio preifat.

14. Y trefniadau ar gyfer hyrwyddo cyfranogiad y plant mewn hobiau a gweithgareddau hamdden, chwaraeon a diwylliant.

15. Y trefniadau a wneir ar gyfer ymgynghori â'r plant sy'n cael eu lletya yn y cartref ynghylch ei weithrediad.

16. Manylion-

- (a) polisi'r cartref ar reoli ymddygiad a defnyddio ataliadau;
- (b) y dulliau rheoli a disgyblu a all gael eu defnyddio yn y cartref, o dan ba amgylchiadau y gellir eu defnyddio a chan bwy.

17. Y trefniadau ar gyfer amddiffyn plant a mynd i'r afael â bwlio.

18. Y weithdrefn ar gyfer ymdrin ag absenoldeb plentyn o'r cartref nad yw wedi'i awdurdodi.

19. Manylion unrhyw gyfrwng gwyliadwriaeth i gadw golwg ar blant y gellir ei ddefnyddio yn y cartref.

20. Y rhagofalon tân a'r gweithdrefnau brys cysylltiedig yn y cartref.

21. Y trefniadau a wneir ar gyfer hyfforddiant a defodau crefyddol y plant.

22. Y trefniadau a wneir ar gyfer cysylltiadau rhwng unrhyw blentyn sy'n cael ei letya yn y cartref a'i rieni, ei berthnasau a'i gyfeillion.

23. Y trefniadau ar gyfer ymdrin â chwynion y plant sy'n cael eu lletya yno.

24. Y trefniadau ar gyfer ymdrin ag adolygiadau o gynlluniau lleoliad.

25. Y math o lety a threfniadau cysgu a ddarperir (gan gynnwys manylion unrhyw barthau ar gyfer mathau penodol o blant) ac o dan ba amgylchiadau y gall plant rannu ystafelloedd gwely.

26. Manylion unrhyw dechnegau therapiwtig penodol a ddefnyddir yn y cartref a'r trefniadau ar gyfer eu goruchwyllo.

27. Manylion polisi'r cartref ar ymarfer gwrth-gamwahaniaethu yng nghyswllt phlant a hawliau plant.

13. The arrangements for the promotion of the education of the children accommodated in the home, including the facilities for private study.

14. The arrangements to promote the participation of children in hobbies and recreational, sporting and cultural activities.

15. The arrangements made for consultation with the children accommodated in the home about its operation.

16. Details of-

- (a) the home's policy on behaviour management and the use of restraint;
- (b) the methods of control and discipline that may be used in the home and the circumstances in which, and by whom, they may be used.

17. The arrangements for child protection and to counter bullying.

18. The procedure for dealing with any unauthorised absence of a child from the home.

19. Details of any means of surveillance of children which may be used in the home.

20. The fire precautions and associated emergency procedures in the home.

21. The arrangements made for the children's religious instruction and observance.

22. The arrangements made for contact between any child accommodated in the home and his or her parents, relatives and friends.

23. The arrangements for dealing with complaints of the children accommodated there.

24. The arrangements for dealing with reviews of placement plans.

25. The type of accommodation and sleeping arrangements provided (including details of any zones for particular types of children) and the circumstances in which children may share bedrooms.

26. Details of any specific therapeutic techniques used in the home and arrangements for their supervision.

27. Details of the home's policy on anti-discriminatory practice as respects children and children's rights.

YR WYBODAETH Y MAE EI HANGEN MEWN
PERTHYNAS Â PHERSONAU SY'N CEISIO
RHEDEG NEU REOLI CARTREF PLANT NEU
WEITHIO MEWN UN

1. Prawf adnabod 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 Safonau Gofal 2000)(a), neu fod y swydd yn dod o dan adran 115(3) neu (4) o Ddeddf yr Heddlu 1997 tystysgrif record droseddol fanwl a roddwyd o dan adran 115 o'r Ddeddf honno y mae llai na thair blynedd mewn perthynas â hi wedi mynd heibio ers ei rhoi; neu
- (b) mewn unrhyw achos arall, tystysgrif record droseddol a roddwyd o dan adran 113 o'r Ddeddf honno, ac y mae llai na thair blynedd wedi mynd heibio mewn perthynas â hi ers ei rhoi,

gan gynnwys, os yw'n gymwys, y materion a bennir yn adran 113(3A) neu (3C) neu 115(6A) neu (6B) o'r Ddeddf honno(b).

3. Dau dystlythyr ysgrifenedig, gan gynnwys tystlythyr oddi wrth y cyflogwr diwethaf, os oes un.

4. Os yw person wedi gweithio o'r blaen mewn swydd yr oedd ei dyletswyddau'n golygu gweithio gyda phlant neu gydag oedolion hawdd eu niweidio, i'r graddau y bo'n rhesymol ymarferol, cadarnhad o'r rheswm y daeth y swydd neu'r gyflogaeth i ben.

5. Tystiolaeth ddogfennol o unrhyw gymhwyster perthnasol.

6. Hanes cyflogaeth llawn, ynghyd ag esboniad ysgrifenedig boddhaol am unrhyw fylchau mewn cyflogaeth.

7. Manylion unrhyw dramgwyddau troseddol-

(a) Mae adran 115(ea) i'w mewnosod 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 adrannau 113(3A) a 115(6A) yn cael eu hychwanegu at Ddeddf yr Heddlu 1997 gan adran 8 o Ddeddf Amddiffyn Plant 1997 (p.14) o ddyddiad sydd i'w bennu, ac wedi'u diwygio gan adrannau 104 a 116 o Ddeddf Safonau Gofal 2000 a pharagraff 25 o Atodlen 4 iddi. Mae adrannau 113(3C) a 115(6B) yn cael eu hychwanegu at Ddeddf yr Heddlu 1997 gan adran 90 o Ddeddf Safonau Gofal 2000 ar ddyddiad sydd i'w bennu.

INFORMATION REQUIRED IN RESPECT OF
PERSONS SEEKING TO CARRY ON, MANAGE
OR WORK AT A CHILDREN'S HOME

1. 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 Care Standards Act 2000)(a), or the position falls within section 115(3) or (4) of the Police Act 1997, an enhanced criminal record certificate issued under section 115 of that Act in respect of which less than three years have elapsed since it was issued; or
- (b) in any other case, a criminal record certificate issued under section 113 of that Act in respect of which less than three years have elapsed since it was issued;

including, where applicable, the matters specified in section 113(3A) or (3C) or 115(6A) or (6B) of that Act(b).

3. Two written references, including a reference from the last 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.

7. Details of any criminal offences-

(a) Section 115(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) Sections 113(3A) and 115(6A) are added to the Police Act 1997 by section 8 of the Protection of Children Act 1997 (c.14) from a date to be appointed, and amended by section 104 and 116 of, and paragraph 25 of Schedule 4 to, the Care Standards Act 2000. Sections 113(3C) and 115(6B) are added to the Police Act 1997 by section 90 of the Care Standards Act 2000 on a date to be appointed.

- (a) y cafodd y person ei gollfarnu ohonynt, gan gynnwys manylion unrhyw gollfarnau sydd wedi darfod o fewn ystyr "spent" yn adran 1 o Ddeddf Adsefydlu Tramgwyddwyr 1974(a) ac y gellir eu datgelu yn rhinwedd Gorchymyn Deddf Adsefydlu Tramgwyddwyr 1975 (Eithriadau) 1975 (fel y mae'r Gorchymyn hwnnw ar ôl ei ddiwygio o bryd i'w gilydd)(b); neu
- (b) y mae wedi'i rybuddio amdanynt gan gwnstabl ac yr oedd wedi'u cyfaddef adeg rhoi'r rhybudd.

- (a) of which the person has been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974(a) and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1975 (Exceptions) Order 1975 (as that Order stands amended from time to time)(b); or
- (b) in respect of which he or she has been cautioned by a constable and which, at the time the caution was given, he or she admitted.

ATODLEN 3

Rheoliad 28(1)

YR WYBODAETH SYDD I'W CHYNNWYS YNG NGHOFNODION ACHOSION PLANT SY'N CAEL EU LLETYA MEWN CARTREFI PLANT

1. Enw'r plentyn ac unrhyw enw yr oedd y plentyn yn cael ei adnabod wrtho yn flaenorol heblaw enw a ddefnyddiwyd gan y plentyn cyn ei fabwysiadu.
2. Dyddiad geni a rhyw y plentyn.
3. Argyhoeddiad crefyddol y plentyn, os oes un.
4. Disgrifiad o darddiad hiliol y plentyn a chefnidir diwylliannol ac ieithyddol y plentyn.
5. Cyfeiriad y plentyn yn union cyn iddo fynd i'r cartref.
6. Enw, cyfeiriad a rhif ffôn awdurdod lleoli'r plentyn.
7. Y ddarpariaeth statudol (os oes un) y darperir llety i'r plentyn odani.
8. Enw, cyfeiriad, rhif ffôn rhieni'r plentyn a'u hargyhoeddiad crefyddol, os oes ganddynt un.
9. Enw, cyfeiriad a rhif ffôn unrhyw weithiwr cymdeithasol sydd am y tro wedi'i ddyrannu i'r plentyn gan yr awdurdod lleoli.
10. Unrhyw gofnod y mae'n ofynnol ei gadw o dan reoliad 16(2)(ch) (honiad o gamdriniaeth neu esgeulustod mewn perthynas â'r plentyn).
11. Dyddiad ac amgylchiadau pob tro y bu'r plentyn yn absennol o'r cartref gan gynnwys a oedd yr absenoldeb wedi'i awdurdodi ac unrhyw wybodaeth ynghylch lle oedd y plentyn yn ystod cyfnod yr absenoldeb.

SCHEDULE 3

Regulation 28(1)

INFORMATION TO BE INCLUDED IN THE CASE RECORDS OF CHILDREN ACCOMMODATED IN CHILDREN'S HOMES

1. The child's name and any name by which the child has previously been known other than a name used by the child prior to adoption.
2. The child's date of birth and sex.
3. The child's religious persuasion, if any.
4. A description of the child's racial origin and cultural and linguistic background.
5. The child's address immediately prior to entering the home.
6. The name, address and telephone number of the child's placing authority.
7. The statutory provision (if any) under which he or she is provided with accommodation.
8. The name, address, telephone number and the religious persuasion, if any, of the child's parents;
9. The name, address and telephone number of any social worker for the time being assigned to the child by the placing authority.
10. Any record required to be kept under regulation 16(2)(d) (allegation of abuse or neglect in relation to the child).
11. The date and circumstances of all absences of the child from the home, including whether the absence was authorised and any information relating to the child's whereabouts during the period of absence.

(a) 1974 p.53.

(b) O.S. 1975/1023. Ar y ddyddiad y mae'r rheoliadau hyn yn dod i rym, mae'r offerynnau canlynol yn gwneud diwygiadau perthnasol i'r Gorchymyn: O.S. 1986/1249; 1986/2268; ac O.S. 2001/1192.

(a) 1974 c.53.

(b) S.I. 1975/1023. At the coming into force of these regulations the following instruments have made relevant amendments to the Order: S.I. 1986/1249; 1986/2268; and S.I. 2001/1192.

12. Dyddiad unrhyw ymweliad â'r plentyn tra oedd yn y cartref a'r rheswm drosto.

13. Copi o unrhyw ddatganiad o anghenion addysgol arbennig a gadwyd mewn perthynas â'r plentyn o dan adran 324 o Ddeddf Addysg 1996(a) a gedwir mewn perthynas â'r plentyn, gyda manylion unrhyw anghenion o'r fath.

14. Dyddiad ac amgylchiadau unrhyw fesurau rheoli, atal neu ddisgyblu a ddefnyddiwyd ar y plentyn.

15. Unrhyw anghenion deiet neu anghenion iechyd arbennig sydd gan y plentyn.

16. Enw, cyfeiriad a rhif ffôn unrhyw ysgol neu goleg a fynyshir gan y plentyn ac unrhyw gyflogwr i'r plentyn.

17. Pob adroddiad ysgol a gafwyd gan y plentyn tra oedd yn cael ei letya yn y cartref.

18. Y trefniadau ar gyfer cysylltiadau, gan gynnwys unrhyw gyfyngiadau, gwaharddiadau neu amodau arnynt, rhwng y plentyn, ei rieni, ac unrhyw berson arall.

19. Copi o unrhyw gynllun ar gyfer gofalu am y plentyn a baratowyd gan ei awdurdod lleoli ac o'r cynllun lleoliad.

20. Dyddiad a chanlyniad unrhyw adolygiad o gynllun yr awdurdod lleoli ar gyfer gofalu am y plentyn, neu o gynllun lleoliad y plentyn.

21. Enw a chyfeiriad yr ymarferydd cyffredinol y mae'r plentyn wedi'i gofrestru gydag ef ac enw a chyfeiriad ymarferydd deintyddol cofrestredig y plentyn.

22. Manylion unrhyw ddamwain neu salwch difrifol a gafodd y plentyn tra oedd yn cael ei letya yn y cartref.

23. Manylion unrhyw imwneiddiad, alergedd, neu archwiliad meddygol a gafodd y plentyn a manylion unrhyw angen neu driniaeth feddygol neu ddeintyddol.

24. Manylion unrhyw archwiliad iechyd neu brawf datblygiadol a gynhaliwyd mewn perthynas â'r plentyn yn ei ysgol neu mewn cysylltiad â hi.

25. Manylion unrhyw feddyginiaethiau sy'n cael eu cadw ar gyfer y plentyn yn y cartref, gan gynnwys unrhyw feddyginiaethau y caniateir i'r plentyn eu rhoi i'w hunain, a manylion am roi unrhyw feddyginiaeth i'r plentyn.

26. Y dyddiad pan adnewwyd unrhyw arian neu bethau gwerthfawr gan neu ar ran y plentyn er mwyn eu cadw'n ddiogel, a dyddiadau tynnu unrhyw arian, a'r dyddiad y dychwelwyd unrhyw bethau gwerthfawr.

12. The date of, and reason for, any visit to the child whilst in the home.

13. A copy of any statement of special educational needs maintained in relation to the child under section 324 of the Education Act 1996(a), with details of any such needs.

14. The date and circumstances of any measures of control, restraint or discipline used on the child.

15. Any special dietary or health needs of the child.

16. The name, address and telephone number of any school or college attended by the child, and of any employer of the child.

17. Every school report received by the child while accommodated in the home.

18. Arrangements for, including any restriction, prohibition or condition as to, contact between the child, his parents, and any other person.

19. A copy of any plan for the care of the child prepared by his placing authority, and of the placement plan.

20. The date and result of any review of the placing authority's plan for the care of the child, or of the child's placement plan.

21. The name and address of the general practitioner with whom the child is registered, and of the child's registered dental practitioner.

22. Details of any accident or serious illness involving the child while accommodated in the home.

23. Details of any immunisation, allergy, or medical examination of the child and of any medical or dental need or treatment of the child.

24. Details of any health examination or developmental test conducted with respect to the child at or in connection with his or her school.

25. Details of any medicines kept for the child in the home, including any medicines which the child is permitted to administer to himself, and details of the administration of any medicine to the child.

26. The date on which any money or valuables are deposited by or on behalf of a child for safekeeping, and the dates on which any money is withdrawn, and any valuables are returned.

(a) 1996 p.56. Mae adran 324 yn cael ei diwygio gan adran 140(1) o Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.31) a pharagraff 77 o Atodlen 30 iddi, a chan adran 9 o Ddeddf Anghenion Addysgol Arbennig ac Anabledd 2001 (p.10).

(a) 1996 c.56. Section 324 is amended by section 140(1) of, and paragraph 77 of Schedule 30 to, the School Standards and Framework Act 1998 (c.31), and section 9 of the Special Educational Needs and Disability Act 2001 (c.10).

27. Y cyfeiriad, a'r math o sefydliad neu lety, y mae'r plentyn yn mynd iddo pan yw'n peidio â chael ei letya yn y cartref.

ATODLEN 4

Rheoliad 28(4)

COFNODION ERAILL

1. Cofnod ar ffurf cofrestr yn dangos mewn perthynas â phob plentyn sy'n cael ei letya yn y cartref plant -

- (a) y dyddiad y cafodd ei dderbyn i'r cartref;
- (b) y dyddiad y peidiodd â chael ei letya yno;
- (c) ei gyfeiriad cyn iddo gael ei letya yn y cartref;
- (ch) ei gyfeiriad ar ôl iddo ymadael â'r cartref plant;
- (d) ei awdurdod lleoli;
- (dd) y ddarpariaeth statudol, os oes un, y cafodd ei letya yn y cartref odani.

2. Cofnod o bob person sy'n gweithio yn y cartref plant, a hwnnw'n gofnod y mae'n rhaid iddo gynnwys y manylion canlynol mewn perthynas ag unigolyn sy'n dod o dan reoliad 26(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'i brofiad o waith sy'n ymwneud â phlant;
- (dd) a yw'n gweithio'n amser llawn neu'n rhan-amser yn y cartref, (am dâl neu beidio) ac os yw'n rhan-amser, y nifer o oriau ar gyfartaledd y mae'n gweithio bob wythnos; ac
- (e) a yw'n preswyllo yn y cartref.

3. Cofnod o unrhyw berson sy'n preswyllo neu'n gweithio ar unrhyw adeg yn y cartref plant nad yw wedi'i grybwyll yn y cofnodion a gedwir yn unol â pharagraff 1 neu 2.

4. Cofnod o bob damwain sy'n digwydd yn y cartref plant, neu i blant tra maent yn cael eu lletya yn y cartref.

5. Cofnod o unrhyw feddyginiaeth a dderbyniwyd, a waredir ac a roddwyd i unrhyw blentyn.

6. Cofnod o bob ymarfer tân neu brawf larwm tân a gynhelir, gyda manylion unrhyw ddiffyg naill ai yn y weithdrefn neu yn yr offer o dan sylw, ynghyd â manylion y camau a gymerwyd i gywiro'r diffyg

27. The address, and type of establishment or accommodation, to which the child goes when he or she ceases to be accommodated in the home.

SCHEDULE 4

Regulation 28(4)

OTHER RECORDS

1. A record in the form of a register showing in respect of each child accommodated in the children's home-

- (a) the date of his or her admission to the home;
- (b) the date on which he or she ceased to be accommodated there;
- (c) his or her address prior to being accommodated in the home;
- (d) his or her address on leaving the home;
- (e) his or her placing authority;
- (f) the statutory provision, if any, under which he or she is accommodated in the home.

2. A record of all persons working at the children's home, which shall include in respect of a person falling within regulation 26(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 he or she works at the home full-time or part-time, (whether paid or not) and if part-time the average number of hours worked per week; and
- (g) whether he or she resides at the home.

3. A record of any person who resides or works at any time at the children's home, who is not mentioned in the records kept in accordance with paragraph 1 or 2.

4. A record of all accidents occurring in the children's home or to children whilst accommodated by the home.

5. A record of the receipt, disposal and administration of any medicine to any child.

6. A record of every fire drill or fire alarm test conducted, with details of any deficiency in either the procedure or the equipment concerned, together with details of the steps taken to remedy that deficiency.

hwnnw.

7. Cofnod o bob arian a adneuwyd gan blentyn i'w gadw'n ddiogel, ynghyd â dyddiad tynnu'r arian hwnnw, neu'r dyddiad y dychwelwyd ef.

8. Cofnod o bob peth gwerthfawr a adneuwyd gan blentyn a dyddiad ei ddychwelyd.

9. Cofnodion o bob cyfrif a gedwir yn y cartref plant.

10. Cofnod o'r bwydlenni a weinwyd.

11. Cofnod, yn unol â rheoliad 17(4), o bob mesur disgyblu a orfodwyd ar blentyn.

12. Cofnodion o bob roster dyletswyddau staff, a chofnod o'r rosteri a weithiwyd mewn gwirionedd.

13. Lòg dyddiol o'r digwyddiadau sy'n digwydd yn y cartref.

14. Cofnod o bob ymwelydd â'r cartref ac â phlant sy'n cael eu lletya yn y cartref, gan gynnwys enwau'r ymwelwyr a'r rhesymau am yr ymweliad.

7. A record of all money deposited by a child for safekeeping, together with the date on which that money was withdrawn, or the date of its return.

8. A record of all valuables deposited by a child and the date of their return.

9. Records of all accounts kept in the children's home.

10. A record of menus served.

11. A record, in accordance with regulation 17(4), of every disciplinary measure imposed on a child.

12. Records of all staff duty rosters, and a record of the actual rosters worked.

13. A daily log of events occurring in the home.

14. A record of all visitors to the home and to children accommodated in the home, including the names of visitors and the reasons for the visit.

EVENTS AND NOTIFICATIONS

Column 1 <i>Event:</i>	Column 2 <i>To be notified to:</i>				
	Appropriate office of the National Assembly	Placing authority	Local authority in whose area the home is situated	Appropriate police officer	Health authority in whose area the home is situated
Death of a child accommodated in the home	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 at the home	yes	yes			
Serious illness or serious accident sustained by a child accommodated in the home	yes	yes			
Occurrence of infectious disease which in the opinion of a registered medical practitioner attending at the home is sufficiently serious to be so notified	yes	yes			yes
Allegation that a child accommodated at the home has committed a serious offence		yes		yes	
Involvement or suspected involvement of a child accommodated at the home in prostitution	yes	yes	yes	yes	
Serious incident necessitating calling the police to the home	yes	yes			
Absconding by a child accommodated at the home		yes			
Any serious complaint about the home or persons working there	yes	yes			
Instigation and subsequent outcome of any child protection enquiry involving a child accommodated at the home	yes	yes			

(a)1999 c.14.

DIGWYDDIADAU A HYSBYSIADAU

Colofn 1 <i>Y digwyddiad:</i>	Colofn 2 <i>I'w hysbysu i:</i>				
	Swyddfa briodol y Cynulliad Cenedlaethol	Yr awdurdod Lleoli	Yr awdurdod lleol y mae'r cartref wedi'i leoli yn ei ardal	Swyddog heddlu priodol	Yr awdurdod iechyd lleol y mae'r cartref wedi'i leoli yn ei ardal
Marwolaeth plentyn sy'n cael ei letya yn y cartref	ie	ie	ie		ie
Cyfeirio unigolyn sy'n gweithio yn y cartref at yr Ysgrifennydd Gwladol yn unol ag adran 2(1)(a) o Ddeddf Amddiffyn Plant 1999(a)	ie	ie			
Salwch difrifol neu ddamwain ddifrifol sydd wedi'u dioddef gan blentyn sy'n cael ei letya yn y cartref	ie	ie			
Brigiad clefyd heintus sydd ym marn ymarferydd meddygol cofrestredig sy'n ymweld â'r cartref yn ddigon difrifol i gael ei hysbysu fel y cyfryw	ie	ie			ie
Honiad bod plentyn sy'n cael ei letya yn y cartref wedi cyflawni tramgwydd difrifol		ie		ie	
Plentyn sy'n cael ei letya yn y cartref yn ymwneud â phuteindra, neu amheuaeth ei fod yn ymwneud ag ef	ie	ie	ie	ie	
Digwyddiad difrifol sy'n golygu bod angen galw'r heddlu i'r cartref	ie	ie			
Plentyn sy'n cael ei letya yn y cartref yn rhedeg i ffwrdd		ie			
Unrhyw gwyn ddifrifol ynghylch y cartref neu bersonau sy'n gweithio yno	ie	ie			
Cychwyn unrhyw ymchwiliad amddiffyn plant sy'n ymwneud â phlentyn sy'n cael ei letya yn y cartref a chanlyniad dilynol yr ymchwiliad	ie	ie			

(a) 1999 p.14.

Y MATERION SYDD I'W MONITRO A'U
HADOLYGU GAN Y PERSON COFRESTRYDIG

1. Mewn perthynas â phob plentyn sy'n cael ei letya yn y cartref plant, cydymffurfedd â chynllun yr awdurdod lleoli ar gyfer gofal y plentyn (os yw'n gymwys) a'r cynllun lleoliad.
2. Adneuo a rhoi arian a phethau gwerthfawr eraill a roddwyd i mewn er mwyn eu cadw'n ddiogel.
3. Bwydlenni dyddiol.
4. Pob damwain a niwed sy'n cael eu dioddef yn y cartref neu gan blant sy'n cael eu lletya yno.
5. Unrhyw salwch a gaiff plant sy'n cael eu lletya yn y cartref.
6. Cwynion mewn perthynas â phlant sy'n cael eu lletya yn y cartref a'u canlyniadau.
7. Unrhyw honiadau neu amheuon o gamdriniaeth mewn perthynas â phlant sy'n cael eu lletya yn y cartref a chanlyniad unrhyw ymchwiliad.
8. Cofnodion recriwtio staff a chofnodion ynghylch cynnal y gwiriadau angenrheidiol ar gyfer gweithwyr newydd yn y cartref.
9. Ymwelwyr â'r cartref ac â phlant yn y cartref.
10. Hysbysiadau o'r digwyddiadau a restrir yn Atodlen 5.
11. Unrhyw absenoldeb diawdurdod o'r cartref gan blentyn sy'n cael ei letya yno.
12. Defnyddio mesurau rheoli, atal a disgyblu mewn perthynas â phlant sy'n cael eu lletya yn y cartref.
13. Asesiadau risg at ddibenion iechyd a diogelwch a'r camau a gymerir wedyn.
14. Meddyginiaethau, triniaeth feddygol a chymorth cyntaf a roddir i unrhyw blentyn sy'n cael ei letya yn y cartref.
15. Yn achos ysgol gymwys, safonau'r ddarpariaeth addysgol.
16. Rosteri dyletswyddau personau sy'n gweithio yn y cartref, a'r rosteri a weithiwyd mewn gwirionedd.
17. Lòg dyddiol y cartref.
18. Ymarferion tân a phroffion larymau a phroffion offer tân.
19. Cofnodion gwerthusiadau cyflogeion.
20. Cofnodion cyfarfodydd staff.

MATTERS TO BE MONITORED AND
REVIEWED BY THE REGISTERED PERSON

1. In respect of each child accommodated in the children's home, compliance with the placing authority's plan for the care of the child (where applicable) and the placement plan.
2. The deposit and issue of money and other valuables handed in for safekeeping.
3. Daily menus.
4. All accidents and injuries sustained in the home or by children accommodated there.
5. Any illnesses of children accommodated in the home.
6. Complaints in relation to children accommodated in the home and their outcomes.
7. Any allegations or suspicions of abuse in respect of children accommodated in the home and the outcome of any investigation.
8. Staff recruitment records and conduct of required checks for new workers in the home.
9. Visitors to the home and to children in the home.
10. Notifications of the events listed in Schedule 5.
11. Any unauthorised absence from the home of a child accommodated there.
12. The use of measures of control, restraint and discipline in respect of children accommodated in the home.
13. Risk assessments for health and safety purposes and subsequent action taken.
14. Medicines, medical treatment and first aid administered to any child accommodated in the home.
15. In the case of a qualifying school, the standards of educational provision.
16. Duty rosters of persons working at the home, and the rosters actually worked.
17. The home's daily log of events.
18. Fire drills and tests of alarms and of fire equipment.
19. Records of appraisals of employees.
20. Minutes of staff meetings.