OFFERYNNAU STATUDOL CYMRU

2004 Rhif 1449 (Cy.149)

PLANT A PHOBL IFANC, CYMRU

Rheoliadau Adolygu Achosion Plant (Diwygio) (Cymru) 2004

Wedi'u gwneud	- -	*26 Mai 2004*
Yn dod i rym	- -	*1 Medi 2004*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 26(1) i (2B), 59(4)(a) a (5) a 104(4) o Ddeddf Plant 1989(**1**) drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn, dehongli a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Adolygu Achosion Plant (Diwygio) (Cymru) 2004 a deuant i rym ar 1 Medi 2004.

(2) Yn y Rheoliadau hyn ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau Adolygu Achosion Plant 1991(**2**).

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

Diwygio'r prif Reoliadau

2.—(1) Mae'r prif Reoliadau yn cael eu diwygio fel a ganlyn.

(2) Ar ôl rheoliad 2 rhodder—

"**Independent reviewing officers**

2A.—(1) Each responsible authority must appoint a person ("the independent reviewing officer") in respect of each case to carry out the following functions—

(a) participate in the review of the case in question;

(b) monitor the performance of that authority's functions in respect of the review;

(c) refer the case to an officer of the Children and Family Court Advisory and Support Service, if the independent reviewing officer considers it appropriate to do so.

(**1**) 1989 p.41. Mae'r pwerau'n arferadwy gan yr Ysgrifennydd Gwladol. Mewn perthynas â Chymru, trosglwyddwyd y swyddogaethau i Gynulliad Cenedlaethol Cymru gan Erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) a'r cyfeiriad at Ddeddf 1989 yn Atodlen 1 iddo ac adran 145(1) o Ddeddf Mabwysiadu a Phlant 2002. Diwygiwyd adran 26 gan adran 118 o Ddeddf Mabwysiadu a Phlant 2002 (p.38).

(**2**) O.S.1991/895 a ddiwygiwyd gan O.S. 1991/2033, O.S. 1993/3069, O.S. 1995/2015, O.S. 1997/649, O.S. 2002/2935 ac O.S. 2002/3013.

(2) The independent reviewing officer must have significant experience in social work and hold a Diploma in Social Work or a Social Work Degree or an equivalent qualification recognised by the Care Council for Wales.

(3) Where the independent reviewing officer is an employee of the responsible authority the independent reviewing officer's post within that authority must not be under the direct management of—

(a) a person involved in the management of the case;

(b) a person with management responsibilities in relation to a person mentioned in paragraph (a); or

(c) a person with control over the resources allocated to the case.

(4) The independent reviewing officer must as far as reasonably practicable chair any meeting held to consider the child's case in connection with the review of that case.

(5) The independent reviewing officer must, as far as reasonably practicable, take steps to ensure that the review is conducted in accordance with these Regulations and in particular to ensure—

(a) that the child's views are understood and taken into account;

(b) that the persons responsible for implementing any decision taken in consequence of the review are identified; and

(c) that any failure to review the case in accordance with these Regulations or to take proper steps to make or carry out arrangements in accordance with regulation 8 is brought to the attention of persons at an appropriate level of seniority within the responsible authority.

(6) In the case of a child who wishes to take proceedings under the Act, for example to apply to the court for contact or for discharge of a care order, it is the function of the independent reviewing officer—

(a) to assist the child to obtain legal advice; or

(b) to establish whether an appropriate adult is able and willing to provide such assistance or bring the proceedings on the child's behalf.".

(3) Yn lle rheoliad 3 rhodder—

"**Time when each case is to be reviewed**

3.—(1) Each case must first be reviewed within four weeks of the date on which the child begins to be looked after or provided with accommodation by the responsible authority.

(2) The second review must be carried out no more than three months after the first and thereafter subsequent reviews must be carried out no more than six months after the date of the previous review.

(3) Nothing in this regulation prevents the responsible authority from reviewing the case before the time specified in paragraph (1) or (2) and, in particular, they must do so if the independent reviewing officer so directs.

(4) This regulation is subject to regulation 11 (application of regulations to short periods).".

(4) Ar ôl rheoliad 8 rhodder—

"**Independent reviewing officer to be notified of failure to implement etc.**

8A. The responsible authority must inform the independent reviewing officer of —

(a) any significant failure to make or to carry out arrangements in accordance with regulation 8; or

(b) any significant change of circumstances occurring after the review that affects those arrangements.".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**3**).

D. Elis-Thomas
Llywydd y Cynulliad Cenedlaethol

26 Mai 2004

(**3**) 1998 p.38.

EXPLANATORY NOTE

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

Mae'r Rheoliadau hyn yn gosod rhwymedigaethau newydd ar awdurdodau lleol a chyrff gwirfoddol i benodi swyddogion adolygu annibynnol (“IROs”) mewn cysylltiad ag adolygu achosion plant sy'n derbyn gofal neu y mae llety'n cael ei ddarparu ar eu cyfer o dan Ran VII o Ddeddf Plant 1989.

Mewnosodwyd y pŵer i'w gwneud yn ofynnol i awdurdodau lleol benodi IROs yn adran 26 o Ddeddf Plant 1989 (adolygu achosion) gan adran 118 o Ddeddf Mabwysiadu a Phlant 2002. Gellir cymhwyso'r gofynion i gyrff gwirfoddol yn rhinwedd adran 59(4) a (5) o Ddeddf Plant 1989.

Mae Rheoliad 2 yn diwygio Rheoliadau Adolygu Achosion Plant 1991, a wnaed o dan adran 26 o Ddeddf Plant 1989. Mae'r rheoliad 2A newydd yn darparu ar gyfer swyddogaethau IROs, y disgrifiad o bersonau y gellir eu penodi yn IROs ac ym mha ffordd y dylai'r IROs gyflawni eu swyddogaethau. Mae hefyd yn amnewid rheoliad 3 newydd, sy'n darparu ar gyfer amseru adolygiadau (gan gynnwys darpariaeth i gynnal adolygiadau pan fydd yr IRO yn cyfarwyddo hynny). Mae'r rheoliad 8A newydd yn ei gwneud yn ofynnol i'r awdurdod lleol hysbysu'r IRO am unrhyw newid sylweddol o ran amgylchiadau yn dilyn adolygiad neu fethiant sylweddol i weithredu penderfyniadau adolygiad.