



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2005 Rhif 1513 (Cy.117)**

**2005 No. 1513 (W.117)**

**PLANT A PHOBL IFANC,  
CYMRU**

**CHILDREN AND YOUNG  
PERSONS, WALES**

**Rheoliadau Gwarcheidiaeth  
Arbennig (Cymru) 2005**

**The Special Guardianship (Wales)  
Regulations 2005**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth o ran gwarcheidiaeth arbennig. Mewnosodwyd darpariaethau ar gyfer gwarcheidiaeth arbennig yn Neddf Plant 1989 ("y Ddeddf") gan Ddeddf Mabwysiadu a Phlant 2002.

These Regulations make provision in respect of special guardianship. The Adoption and Children Act 2002 inserted provisions about special guardianship into the Children Act 1989 ("the Act").

Mae Rhan 2 o'r Rheoliadau'n rhagnodi'r materion y mae'n rhaid i awdurdod lleol ymdrin â hwy mewn adroddiad i'r llys a gafodd ei baratoi yn unol ag adran 14A(8) o'r Ddeddf pan fydd yr awdurdod yn cael hysbysiad o gais person am orchymyn gwarcheidiaeth arbennig o dan adran 14A(3) neu (6) o'r Ddeddf neu os gofynnodd llys iddo gynnal ymchwiliad a pharatoi adroddiad yn unol ag adran 14A(9) o'r Ddeddf.

Part 2 of the Regulations prescribe the matters which a local authority must deal with in a report to the court prepared pursuant to section 14A(8) of the Act when the authority receives notice of a person's application for a special guardianship order under section 14A(3) or (6) of the Act, or has been requested by a court to conduct an investigation and prepare a report pursuant to section 14A(9) of the Act.

Mae Rhan 3 o'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer gwasanaethau cymorth gwarcheidiaeth arbennig. Diffinnir gwasanaethau cymorth gwarcheidiaeth arbennig gan adran 14F(1) o'r Ddeddf fel cwnsela, cyngor a gwybodaeth a gwasanaethau eraill a ragnodir gan reoliadau, mewn perthynas â gwarcheidiaeth arbennig. Rhagnodir y gwasanaethau hynny yn rheoliad 3 o'r Rheoliadau hyn. Mae rheoliad 4 yn pennu'r amgylchiadau pan ganiateir talu gwasanaethau cymorth gwarcheidiaeth arbennig ar ffurf cymorth ariannol.

Part 3 of these Regulations makes provision for special guardianship support services. Special guardianship support services are defined by section 14F(1) of the Act as counselling, advice and information and such other services as are prescribed by regulations, in relation to special guardianship. Such services are prescribed in regulation 3 of these Regulations. Regulation 4 specifies the circumstances in which special guardianship support services in the form of financial support may be paid.

Mae rheoliad 5 yn pennu'r personau sydd â hawl i gael asesiad o'u hanghenion ar gyfer gwasanaethau cymorth gwarcheidiaeth arbennig. Mae rheoliad 6 yn pennu'r weithdrefn ar gyfer asesiad ac mae rheoliad 7 yn darparu ar gyfer penderfynu swm y cymorth ariannol.

Regulation 5 specifies the persons who are entitled to an assessment of their needs for special guardianship support services. Regulation 6 specifies the procedure for an assessment and regulation 7 provides for the determination of the amount of financial support.

Ar ôl gwneud asesiad, rhaid i'r awdurdod lleol roi hysbysiad o dan reoliad 8 o unrhyw wasanaethau cefnogi gwarcheidiaeth arbennig y mae'n bwriadu eu darparu ac am y cyfnod pan ganiateir gwneud sylwadau am y cynnig. Mae rheoliad 9 yn gwneud darpariaeth i awdurdod lleol benderfynu a oes unrhyw wasanaethau cymorth gwarcheidiaeth arbennig i gael eu darparu ac ar gyfer hysbysu'r penderfyniad hwnnw. Mae rheoliad 10 yn gwneud darpariaeth ynghylch rhoi gwybodaeth a gwneud hysbysiadau.

Os yw gwasanaethau cymorth gwarcheidiaeth arbennig i'w darparu i berson, mae rheoliad 11 yn darparu i'r awdurdod lleol baratoi cynllun y mae'r gwasanaethau i'w darparu yn unol ag ef. Mae rheoliad 12 yn gwneud darpariaeth ar gyfer adolygu'r gwasanaethau cymorth gwarcheidiaeth arbennig ac ar gyfer adolygu'r cynllun.

Mae rheoliad 13 yn gwneud darpariaeth mewn cysylltiad â chyngor a chymorth ar gyfer personau a oedd yn arfer bod yn destun gwarcheidiaeth arbennig ac mae rheoliad 14 yn gwneud darpariaeth mewn cysylltiad â sylwadau (gan gynnwys cwynion) am wasanaethau cymorth gwarcheidiaeth arbennig.

After carrying out an assessment, the local authority must give notice under regulation 8 as to any special guardianship support services they propose to provide and as to the period within which representations may be made about the proposal. Regulation 9 makes provision for the local authority to make a decision as to whether any special guardianship support services are to be provided and for the notification of that decision. Regulation 10 makes provision about the supply of information and the giving of notices.

Where special guardianship support services are to be provided to a person, regulation 11 provides for the local authority to prepare a plan in accordance with which the services are to be provided. Regulation 12 makes provision for the review of special guardianship support services and for the revision of the plan.

Regulation 13 makes provision in connection with advice and assistance for persons who used to be subject to special guardianship and regulation 14 makes provision in connection with representations (including complaints) about special guardianship support services.

**2005 Rhif 1513 (Cy.117)**

**2005 No. 1513 (W.117)**

**PLANT A PHOBL IFANC,  
CYMRU**

**CHILDREN AND YOUNG  
PERSONS, WALES**

**Rheoliadau Gwarcheidiaeth  
Arbennig (Cymru) 2005**

**The Special Guardianship (Wales)  
Regulations 2005**

*Wedi'u gwneud* 7 Mehefin 2005

*Made* 7 June 2005

*Yn dod i rym* 30 Rhagfyr 2005

*Coming into force* 30 December 2005

TREFN Y RHEOLIADAU

ARRANGEMENT OF REGULATIONS

RHAN 1

PART 1

CYFFREDINOL

GENERAL

1. Enwi, cychwyn, cymhwyso a dehongli

1. Title, commencement, application and interpretation

RHAN 2

PART 2

**GORCHMYNION GWARCHEIDIAETH  
ARBENNIG - ADRODDIADAU**

**SPECIAL GUARDIANSHIP ORDERS -  
REPORTS**

2. Adroddiadau

2. Reports

RHAN 3

PART 3

**GWASANAETHAU CYMORTH  
GWARCHEIDIAETH ARBENNIG**

**SPECIAL GUARDIANSHIP SUPPORT  
SERVICES**

3. Darparu gwasanaethau cymorth gwarcheidiaeth arbennig
4. Amgylchiadau pan ellir talu cymorth ariannol
5. Asesu anghenion ar gyfer gwasanaethau cymorth gwarcheidiaeth arbennig
6. Y weithdrefn asesu
7. Cymorth ariannol - swm
8. Hysbysu'r asesiad
9. Penderfynu o ran gwasanaethau cymorth gwarcheidiaeth arbennig
10. Hysbysiadau

3. Provision of special guardianship support services
4. Circumstances in which financial support can be paid
5. Assessment of needs for special guardianship support services
6. Assessment procedure
7. Financial support - amount
8. Notification of assessment
9. Decision as to special guardianship support services
10. Notices

11. Cynllun gwasanaethau cymorth gwarcheidiaeth arbennig
12. Adolygu'r ddarpariaeth o wasanaethau cymorth gwarcheidiaeth arbennig

#### RHAN 4

### DARPARIAETHAU AMRYWIOL O RAN GWARCHEIDIAETH ARBENNIG

13. Awdurdod perthnasol at ddibenion adrannau 24(5)(za) o'r Ddeddf
14. Swyddogaethau a bennir o dan adran 26(3C) o'r Ddeddf

#### YR ATODLEN

Adroddiadau - materion a ragnodwyd at ddibenion adran 14A(8)(b) o'r Ddeddf

Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddwyd iddo gan adrannau 14A(8)(b), 14F, 24(5)(za), 26(3C) a 104 o Ddeddf Plant 1989(1)(2) drwy hyn yn gwneud y Rheoliadau canlynol:

#### RHAN 1

### CYFFREDINOL

#### Enwi, cychwyn, cymhwyso a dehongli

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwarcheidiaeth Arbennig (Cymru) 2005 a deuant i rym ar 30 Rhagfyr 2005.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Yn y Rheoliadau hyn-

- 
- (1) 1989 p.41. Mewnosodwyd adrannau 14A a 14F o'r Ddeddf gan adran 115(1) o Ddeddf Mabwysiadu a Phlant 2002 (p.38). Mewnosodwyd adran 24(5)(za) o'r Ddeddf gan adran 139(1) o Ddeddf Mabwysiadu a Phlant 2002 a pharagraff 60(c) o Atodlen 3 iddi. Mewnosodwyd Adran 26(3C) o'r Ddeddf gan adran 117(1) o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43). *Gweler* adran 105(1) o'r Ddeddf i gael ystyr "prescribed".
  - (2) Rhoddwyd y pwerau i'r Ysgrifennydd Gwladol. Mae erthygl 2(a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) a'r cofnod o ran y Ddeddf yn yr Atodlen iddo yn darparu bod swyddogaethau'r Ysgrifennydd Gwladol o dan y Ddeddf yn arferadwy gan y Cynulliad o ran Cymru. Mae adran 145(1) o Ddeddf Mabwysiadu a Phlant 2002 ac adran 197(1) o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 yn darparu bod cyfeiriadau at y Ddeddf yn O.S. 1999/672 i'w trin fel cyfeiriadau ati fel y'i diwygiwyd gan Ddeddfau 2002 a 2003 yn eu trefn.

11. Special guardianship support services plan
12. Review of the provision of special guardianship support services

#### PART 4

### MISCELLANEOUS PROVISIONS IN RELATION TO SPECIAL GUARDIANSHIP

13. Relevant authority for the purposes of sections 24(5)(za) of the Act
14. Functions specified under section 26(3C) of the Act

#### THE SCHEDULE

Reports - matters prescribed for the purposes of section 14A(8)(b) of the Act

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 14A(8)(b), 14F, 24(5)(za), 26(3C) and 104 of the Children Act 1989(1)(2) hereby makes the following Regulations:

#### PART 1

### GENERAL

#### Title, commencement, application and interpretation

1.-(1) The title of these Regulations is the Special Guardianship (Wales) Regulations 2005 and they come into force on 30 December 2005.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations-

- 
- (1) 1989 c.41. Sections 14A and 14F of the Act were inserted by section 115(1) of the Adoption and Children Act 2002 (c. 38). Section 24(5)(za) of the Act was inserted by section 139(1) of, and paragraph 60(c) of Schedule 3 to, the Adoption and Children Act 2002. Section 26(3C) of the Act was inserted by section 117(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43). *See* section 105(1) of the Act for the meaning of "prescribed".
  - (2) The powers are conferred upon the Secretary of State. Article 2(a) of, and the entry in respect of the Act in the Schedule to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) provide that the functions of the Secretary of State under the Act are exercisable by the Assembly in relation to Wales. Section 145(1) of the Adoption and Children Act 2002 and section 197(1) of the Health and Social Care (Community Health and Standards) Act 2003 provide that references to the Act in S.I. 1999/672 are to be treated as references to the Act as amended by the 2002 and 2003 Acts respectively.

mae i "asiantaethau cymorth mabwysiadu" yr ystyr a roddir i "*adoption support agencies*" yn Neddf Safonau Gofal 2000(1);

mae i "asiantaethau mabwysiadu gwirfoddol" yr ystyr a roddir i "*voluntary adoption agencies*" yn adran 4 o Ddeddf Safonau Gofal 2000;

mae i "asiantaethau maethu annibynnol" yr ystyr a roddir i "*independent fostering agencies*" yn rheoliad 2(1) o Reoliadau Gwasanaethau Maethu (Cymru) 2003(2);

mae i "awdurdod addysg lleol" yr ystyr a roddir i "*local education authority*" yn Neddf Addysg 1996(3);

mae i "cwpl" yr ystyr a roddir i "*couple*" yn adran 144 o Ddeddf Mabwysiadu a Phlant 2002(4);

ystyr "darpar warcheidwad arbennig" ("*prospective special guardian*") yw person-

- (a) sydd wedi hysbysu awdurdod lleol o dan adran 14A(7) o'r Ddeddf o fwriad i wneud cais am orchymyn gwarcheidiaeth arbennig yn unol ag adran 14A(3) o'r Ddeddf; neu
- (b) y mae llys wedi gofyn i awdurdod lleol gynnal ymchwiliad a pharatoi adroddiad yn unol ag adran 14A(9) o'r Ddeddf mewn perthynas ag ef;

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

ystyr "GGA" ("*SGO*") yw Gorchymyn Gwarcheidiaeth Arbennig;

ystyr "gwarcheidwad arbennig" ("*special guardian*") yw person a benodwyd yn warcheidwad arbennig o dan orchymyn gwarcheidiaeth arbennig a wnaed yn unol ag adran 14A o'r Ddeddf;

ystyr "gwasanaethau cymorth gwarcheidiaeth arbennig" ("*special guardianship support services*") yw'r gwasanaethau hynny sy'n dod o fewn rheoliad 3(1) ac adran 14F(1)(a) o'r Ddeddf;

ystyr "person perthynol" ("*related person*") o ran plentyn perthnasol-

- (a) yw perthynas i'r plentyn o fewn ystyr adran 105 i'r Ddeddf; a
- (b) yw unrhyw berson arall y mae gan y plentyn berthynas ag ef y mae'n ymddangos i'r awdurdod lleol ei bod yn llesol i'r plentyn;

ystyr "plentyn perthnasol" ("*relevant child*") yw plentyn-

- (a) y mae GGA mewn grym ar ei gyfer (y cyfeirir ato yn y rheoliadau hyn fel "plentyn sy'n

"the Act" ("*y Ddeddf*") means the Children Act 1989;

"adoption support agencies" ("*asiantaethau cymorth mabwysiadu*") has the same meaning as in the Care Standards Act 2000(1);

"couple" ("*cwpl*") has the same meaning as in section 144 of the Adoption and Children Act 2002(2);

"independent fostering agencies" ("*asiantaethau maethu annibynnol*") has the same meaning as in regulation 2(1) of the Fostering Services (Wales) Regulations 2003(3);

"local education authority" ("*awdurdod addysg lleol*") has the same meaning as in the Education Act 1996(4);

"prospective special guardian" ("*darpar warcheidwad arbennig*") means a person-

- (a) who has given notice to a local authority under section 14A(7) of the Act of an intention to apply for an SGO in accordance with section 14A(3) of the Act; or
- (b) in respect of whom a court has requested a local authority to conduct an investigation and prepare a report pursuant to section 14A(9) of the Act;

"related person" ("*person perthynol*") means, in relation to a relevant child-

- (a) a relative of the child within the meaning of section 105 of the Act; and
- (b) any other person with whom the child has a relationship which appears to the local authority to be beneficial to the child's welfare;

"relevant child" ("*plentyn perthnasol*") means a child in respect of whom-

- (a) an SGO is in force (referred to in these regulations as "a child subject to an SGO");
- (b) a person has given notice to a local authority under section 14A(7) of the Act of an intention to apply for an SGO in accordance with section 14A(3) of the Act (referred to in these regulations as "a child in respect of whom an SGO is sought"); or
- (c) a court has asked a local authority to conduct an investigation and prepare a report pursuant to section 14A(9) of the Act (referred to in these regulations as "a child in respect of whom the court has required a report"),

and references to "relevant children" shall be construed accordingly;

(1) 2000 p.14.

(2) O.S. 2003/237.

(3) 1996 p.56.

(4) 2002 p.38.

(1) 2000 c.14.

(2) 2002 c.38.

(3) S.I. 2003/237.

(4) 1996 c.56.

destun GGA");

- (b) y mae person wedi hysbysu awdurdod lleol o dan adran 14A(7) o'r Ddeddf o fwriad i wneud cais am GGA yn unol ag adran 14A(3) o'r Ddeddf ar ei gyfer (y cyfeirir ato yn y rheoliadau hyn fel "plentyn y bwriedir gwneud cais am GGA ar ei gyfer"); neu
- (c) y mae llys wedi gofyn i awdurdod lleol gynnal ymchwiliad a pharatoi adroddiad ar ei gyfer yn unol ag adran 14A(9) o'r Ddeddf (y cyfeirir ato yn y rheoliadau hyn fel "plentyn y gofynnodd y llys am adroddiad ar ei gyfer"),

a dehonglir cyfeiriadau at "blant perthnasol" yn unol â hynny.

(4) Yn y Rheoliadau hyn mae cyfeiriad -

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

## RHAN 2

### GORCHMYNION GWARCHEIDIAETH ARBENNIG - ADRODDIADAU

#### Adroddiadau

2. Mae'r materion a bennir yn yr Atodlen yn rhagnodedig at ddibenion adran 14A(8)(b) o'r Ddeddf(1).

"SGO" ("GGA") means a special guardianship order;

"special guardian" ("*gwarcheidwad arbennig*") means a person appointed to be a special guardian under an SGO made pursuant to section 14A of the Act;

"special guardianship support services" ("*gwasanaethau cymorth gwarcheidiaeth arbennig*") means those services falling within regulation 3(1) and section 14F(1)(a) of the Act; and

"voluntary adoption agencies" ("*asiantaethau mabwysiadu gwirfoddol*") has the same meaning as in section 4 of the Care Standards Act 2000.

(4) In these Regulations, a reference-

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

## PART 2

### SPECIAL GUARDIANSHIP ORDERS - REPORTS

#### Reports

2. The matters specified in the Schedule are prescribed for the purposes of section 14A(8)(b) of the Act(1).

---

(1) Mae adran 14A(8) o'r Ddeddf yn ei gwneud yn ofynnol i awdurdod lleol, ar ôl i hysbysiad ddod i law o dan adran 14A(7) o fwriad person i wneud cais am orchymyn gwarcheidiaeth arbennig, i ymchwilio'r mater a pharatoi adroddiad ar gyfer y llys. Mae adran 14A(9) hefyd yn caniatáu i'r llys ei gwneud yn ofynnol i awdurdod lleol gynnal ymchwiliad a pharatoi adroddiad. Mae adran 14A(8)(b) yn darparu bod yn rhaid i'r adroddiad ymdrin â'r materion hynny a ragnodwyd.

---

(1) Section 14A(8) of the Act requires a local authority, following receipt of a notice under section 14A(7) of a person's intention to apply for a special guardianship order, to investigate the matter and prepare a report for the court. Section 14A(9) also permits the court to require a local authority to conduct an investigation and prepare a report. Section 14A(8)(b) provides that a report must deal with such matters as are prescribed.

### RHAN 3

#### GWASANAETHAU CYMORTH GWARCHEIDIAETH ARBENNIG

##### **Darparu gwasanaethau cymorth gwarcheidiaeth arbennig**

3.-(1) At ddibenion adran 14F(1)(b) o'r Ddeddf(1), rhagnodir y gwasanaethau canlynol o ran gwarcheidiaeth arbennig-

- (a) darparu cymorth ariannol o dan reoliad 4;
- (b) gwasanaethau i alluogi grwpiau o blant perthnasol, gwarcheidwaid arbennig, darpar warcheidwaid arbennig a rhieni plant perthnasol (neu grwpiau sy'n cynnwys unrhyw gyfuniad o'r unigolion hynny) i drafod materion sy'n ymwneud â gwarcheidiaeth arbennig;
- (c) cymorth i blant perthnasol, eu rhieni a phersonau perthynol o ran trefniadau a wnaed ar gyfer cyswllt rhwng y cyfryw blant ag unrhyw rai o'r canlynol -
  - (i) eu rhieni;
  - (ii) eu gwarcheidwaid neu eu gwarcheidwaid arbennig blaenorol;
  - (iii) personau perthynol;
- (ch) gwasanaethau a ddarperir o ran anghenion therapiwtig plentyn perthnasol;
- (d) cymorth at ddibenion sicrhau parhau'r berthynas rhwng plentyn perthnasol a gwarcheidwad arbennig neu ddarpar warcheidwad arbennig, gan gynnwys-
  - (i) hyfforddiant i'r person hwnnw i ddiwallu unrhyw anghenion arbennig gan y plentyn hwnnw; a
  - (ii) gofal seibiant;
- (dd) os oes yna berygl y gall y berthynas rhwng plentyn a'i warcheidwad arbennig chwalu, cymorth er mwyn atal hynny rhag digwydd, gan gynnwys-
  - (i) cyfryngu; a
  - (ii) trefnu a chynnal cyfarfodydd rhwng personau o'r fath y maent yn ymddangos i'r awdurdod eu bod yn briodol er mwyn mynd i'r afael â'r anawsterau sy'n wynebu'r berthynas rhwng y plentyn a'i warcheidwad arbennig.

(2) Nid yw'r ffaith bod person y tu allan i ardal awdurdod lleol yn rhwystro gwasanaethau cymorth gwarcheidiaeth arbennig rhag cael eu darparu iddo yn

---

(1) Mae adran 14F(1) o'r Ddeddf yn darparu: "Each local authority must make arrangements for the provision within their area of special guardianship support services, which means: (a) counselling, advice and information; and (b) such other services as are prescribed, in relation to special guardianship".

### PART 3

#### SPECIAL GUARDIANSHIP SUPPORT SERVICES

##### **Provision of special guardianship support services**

3.-(1) For the purposes of section 14F(1)(b) of the Act(1), the following services are prescribed in relation to special guardianship-

- (a) the provision of financial support under regulation 4;
- (b) services to enable groups of relevant children, special guardians, prospective special guardians and parents of relevant children (or groups consisting of any combination of those individuals) to discuss matters relating to special guardianship;
- (c) assistance for relevant children, their parents and related persons in relation to arrangements made for contact between such children and any of the following -
  - (i) their parents;
  - (ii) their former guardians or special guardians;
  - (iii) related persons;
- (d) services provided in relation to the therapeutic needs of a relevant child;
- (e) assistance for the purpose of ensuring the continuance of the relationship between a relevant child and a special guardian or prospective special guardian, including-
  - (i) training for that person to meet any special needs of the child; and
  - (ii) respite care;
- (f) where the relationship between a child and his or her special guardian is in danger of breaking down, assistance whose aim is to prevent that occurring, including-
  - (i) mediation; and
  - (ii) organising and holding meetings between such persons as appear to the authority to be appropriate in order to address the difficulties faced by the relationship between the child and his or her special guardian.

(2) The fact that a person is outside a local authority's area does not prevent the provision of special guardianship support services to him or her in

---

(1) Section 14F(1) of the Act provides: "Each local authority must make arrangements for the provision within their area of special guardianship support services, which means: (a) counselling, advice and information; and (b) such other services as are prescribed, in relation to special guardianship".

unol â'r Rheoliadau hyn.

(3) Rhagnodir y canlynol at ddibenion adran 14F(9)(b) o'r Ddeddf-

- (a) asiantaethau cymorth mabwysiadu;
- (b) Byrddau Iechyd Lleol, Ymddiriedolaethau GIG ac Ymddiriedolaethau Gofal Sylfaenol;
- (c) awdurdodau addysg lleol;
- (ch) asiantaethau mabwysiadu gwirfoddol; a
- (d) asiantaethau maethu annibynnol.

#### **Amgylchiadau pan ellir talu cymorth ariannol**

4.-(1) Gellir talu cymorth ariannol i warcheidwad arbennig neu i ddarpar warcheidwad arbennig dim ond yn yr achosion canlynol-

- (a) pan fydd plentyn sy'n destun GGA yn byw gyda'i warcheidwad arbennig a bod yr awdurdod lleol yn ystyried bod cymorth ariannol yn angenrheidiol i sicrhau bod y gwarcheidwad yn gallu parhau i edrych ar ôl y plentyn;
- (b) pan fydd plentyn y gwneir cais am GGA ar ei gyfer neu blentyn y mae'r llys wedi gofyn am adroddiad ar ei gyfer yn byw gyda darpar warcheidwad arbennig a bod yr awdurdod lleol yn ystyried -
  - (i) y byddai'n llesol i'r plentyn bod GGA yn cael ei wneud; a
  - (ii) bod cymorth ariannol yn angenrheidiol i sicrhau y gall y darpar warcheidwad arbennig barhau i edrych ar ôl y plentyn hyd nes bod y llys wedi penderfynu a fydd yn gwneud GGA;
- (c) pan fydd yr awdurdod lleol yn ystyried -
  - (i) y byddai gwneud GGA, neu orchymyn am ddarpariaeth ariannol i blentyn neu er budd y plentyn, yn llesol i blentyn perthnasol; a
  - (ii) ei bod yn briodol i gyfrannu i warcheidwad arbennig neu ddarpar warcheidwad arbennig neu dalu unrhyw gostau cyfreithiol iddynt, gan gynnwys ffioedd llys, sy'n gysylltiedig â gwneud cais am GGA neu orchymyn am ddarpariaeth ariannol; neu
- (ch) pan fydd plentyn perthnasol yn byw gyda'i ddarpar warcheidwad arbennig neu warcheidwad arbennig a bod yr awdurdod lleol yn ystyried bod angen gofal arbennig ar y plentyn sy'n gofyn am fwy o wariant adnoddau nag a fyddai eu hangen fel arall oherwydd ei afiechyd, anabledd, anawsterau emosiynol neu ymddygiadol neu ganlyniadau camdriniaeth neu esgeulustod yn y gorffennol.

accordance with these Regulations.

(3) The following are prescribed for the purposes of section 14F(9)(b) of the Act-

- (a) adoption support agencies;
- (b) Local Health Boards, NHS Trusts and Primary Care Trusts;
- (c) local education authorities;
- (d) voluntary adoption agencies; and
- (e) independent fostering agencies.

#### **Circumstances in which financial support can be paid**

4.-(1) Financial support can only be paid to a special guardian or prospective special guardian in the following cases, namely where-

- (a) a child subject to an SGO lives with his or her special guardian and the local authority consider that financial support is necessary to ensure that the guardian can continue to look after the child;
- (b) a child in respect of whom an SGO is sought or a child in respect of whom the court has required a report lives with a prospective special guardian and the local authority consider that-
  - (i) it would be beneficial for the child for an SGO to be made; and
  - (ii) financial support is necessary to ensure that the prospective special guardian can continue to look after the child pending the court's decision on whether to make an SGO;
- (c) the local authority consider that-
  - (i) the making of an SGO, or of an order for financial provision to be made to or for the benefit of a child, would be beneficial for a relevant child; and
  - (ii) it is appropriate to contribute to or meet any legal costs, including court fees, of a prospective special guardian or special guardian associated with seeking an SGO or an order for financial provision; or
- (d) a relevant child lives with his or her prospective special guardian or special guardian and the local authority consider that the child needs special care which requires a greater expenditure of resources than would otherwise be the case due to the child's illness, disability, emotional or behavioural difficulties or the consequences of past abuse or neglect.



(2) Rhaid peidio â thalu cymorth ariannol o dan y rheoliad hwn oni bai bod yr awdurdod lleol wedi ei gwneud yn ofynnol i'r gwarcheidwad arbennig neu'r darpar warcheidwad arbennig ("y gwarcheidwad") ymgymryd â'r canlynol-

- (a) hysbysu'r awdurdod lleol ar unwaith-
  - (i) os yw'r gwarcheidwad yn newid ei gyfeiriad;
  - (ii) os nad yw cartref y plentyn perthnasol bellach gyda'r gwarcheidwad;
  - (iii) os bydd y plentyn yn marw; neu
  - (iv) os oes newid yn amgylchiadau ariannol y gwarcheidwad, neu yn anghenion ariannol neu anghenion adnoddau'r plentyn perthnasol;

naill ai ar lafar neu yn ysgrifenedig, ar yr amod os rhoddir yr wybodaeth ar lafar rhaid ei chadarnhau yn ysgrifenedig o fewn 7 niwrnod; a

- (b) darparu datganiad blynyddol i'r awdurdod (gan ddechrau o ddyddiad sydd i'w bennu gan yr awdurdod) o'i amgylchiadau ariannol ac anghenion ac adnoddau'r plentyn perthnasol.

#### **Asesu anghenion ar gyfer gwasanaethau cymorth gwarcheidiaeth arbennig**

5.-(1) Yn ddarostyngedig i baragraff (2), rhaid i awdurdod lleol, ar gais, gyflawni asesiad o anghenion y personau canlynol am wasanaethau cymorth gwarcheidiaeth arbennig, sef-

- (a) person sy'n dod o fewn adran 14F(3)(a) i (c) o'r Ddeddf;
- (b) plentyn gwarcheidwad arbennig;
- (c) plentyn y gwneir cais am GGA ar ei gyfer neu blentyn y mae'r llys wedi gofyn am adroddiad ar ei gyfer;
- (ch) plentyn (heblaw un sy'n dod o fewn (a) i (c) uchod) a enwir mewn adroddiad a lunir o dan adran 14A(8) o'r Ddeddf;
- (d) darpar warcheidwad arbennig; ac
- (dd) person perthynol ar yr amod, cyn i gais gael ei wneud am asesiad, bod trefniadau ar waith ar gyfer cyswllt rhwng y person a'r plentyn perthnasol,

ac, yn unol â hynny, rhagnodir y personau yn is-baragraffau (b) i (dd) at ddibenion adran 14F(3)(d) o'r Ddeddf.

(2) Ni fydd paragraff (1) uchod yn gymwys oni bai-

- (a) bod y person sydd wedi gofyn am asesiad yn dod o fewn unrhyw rai o is-baragraffau (a) i (d) o baragraff (1) ac y mae naill ai-
  - (i) yn byw yn ardal yr awdurdod lleol;
  - (ii) yn bwriadu byw yn yr ardal honno;

(2) Financial support must not be paid under this regulation unless the local authority has required the special guardian or prospective special guardian ("the guardian") to undertake to-

- (a) inform them forthwith if-
  - (i) the guardian changes his or her address;
  - (ii) the relevant child no longer has his or her home with the guardian;
  - (iii) the child dies; or
  - (iv) the guardian's financial circumstances, or the relevant child's financial needs or resources, change;

either orally or in writing, provided that where the information is provided orally it must be confirmed in writing within 7 days; and

- (b) provide the authority with an annual statement (starting from a date to be specified by the authority) of his or her financial circumstances and the relevant child's financial needs and resources.

#### **Assessment of needs for special guardianship support services**

5.-(1) Subject to paragraph (2), a local authority must, on request, carry out an assessment of the following persons' needs for special guardianship support services, namely-

- (a) a person falling within section 14F(3)(a) to (c) of the Act;
- (b) a child of a special guardian;
- (c) a child in respect of whom an SGO is sought or a child in respect of whom the court has required a report;
- (d) a child (other than one falling within (a) to (c) above) who is named in a report produced under section 14A(8) of the Act;
- (e) a prospective special guardian; and
- (f) a related person provided that before the request for an assessment was made arrangements were in place for contact between the person and the relevant child,

and, accordingly, the persons in sub-paragraphs (b) to (f) are hereby prescribed for the purposes of section 14F(3)(d) of the Act.

(2) Paragraph (1) does not apply unless-

- (a) the person who has requested an assessment falls within any of sub-paragraphs (a) to (e) of paragraph (1) and he or she either-
  - (i) lives in the area of the local authority;
  - (ii) intends to live in that area;

- (iii) yn blentyn sy'n derbyn gofal gan yr awdurdod hwnnw; neu
- (iv) yn berson y gofynnodd y llys i'r awdurdod lleol baratoi adroddiad ar ei gyfer o dan adran 14A(9), neu'n blentyn y mae adroddiad o'r fath yn ymwneud ag ef neu a fyddai'n ymwneud ag ef; neu
- (b) os daw'r person o fewn is-baragraff (dd) o baragraff (1), bod y plentyn perthnasol yn byw neu'n bwriadu byw yn ardal yr awdurdod neu'n derbyn gofal gan yr awdurdod hwnnw.

(3) Caniateir i asesiad o anghenion person ar gyfer gwasanaethau cymorth gwarcheidiaeth arbennig gael ei wneud drwy gyfeirio yn unig at wasanaeth cymorth gwarcheidiaeth arbennig penodol-

- (a) os yw'r person yr asesir ei anghenion wedi gofyn am wasanaeth cymorth gwarcheidiaeth arbennig penodol; neu
- (b) os yw'n ymddangos i'r awdurdod y gellir asesu anghenion y person am wasanaethau cymorth gwarcheidiaeth arbennig yn ddigonol drwy gyfeirio yn unig at wasanaeth cymorth gwarcheidiaeth arbennig penodol.

#### Y weithdrefn asesu

6.-(1) Wrth wneud asesiad o anghenion person am wasanaethau cymorth gwarcheidiaeth arbennig, rhaid i awdurdod lleol-

- (a) rhoi sylw i'r ystyriaethau a ganlyn, sef-
  - (i) anghenion y person sy'n cael ei asesu a sut y gellir eu diwallu;
  - (ii) anghenion y plentyn perthnasol ac aelodau teulu unrhyw warcheidwad arbennig neu ddarpar warcheidwad arbennig, i'r graddau nad aed i'r afael â hwy o dan bennawd (i) uchod, a sut y gellir eu diwallu;
  - (iii) yr amgylchiadau a arweiniodd at wneud GGA o ran plentyn sy'n destun GGA;
  - (iv) unrhyw anghenion arbennig sydd gan blentyn sy'n destun GGA sy'n codi oherwydd-
    - (aa) bod y plentyn wedi derbyn gofal gan yr awdurdod lleol;
    - (bb) bod y plentyn wedi preswyllo'n arferol y tu allan i Ynysoedd Prydain; neu
    - (cc) bod y gwarcheidwad arbennig yn berthynas i'r plentyn; a
  - (v) os yw'r asesiad yn ymwneud â chymorth ariannol, gofynion rheoliad 7.
- (b) cyfweled â'r person yr asesir ei anghenion ac, os yw'r person hwnnw yn blentyn sy'n destun GGA, y gwarcheidwad arbennig; ac
- (c) os yw'n ymddangos i'r awdurdod y gallai bod

- (iii) is a child looked after by that authority; or
- (iv) is a person in respect of whom the court asked the local authority to prepare a report under section 14A(9), or a child to whom such a report relates or would relate; or
- (b) where the person falls within sub-paragraph (f) of paragraph (1), the relevant child lives or intends to live in the authority's area or is looked after by the authority.

(3) An assessment of a person's needs for special guardianship support services may be carried out by reference only to a particular special guardianship support service where-

- (a) the person whose needs are being assessed has requested a particular special guardianship support service; or
- (b) it appears to the authority that the person's needs for special guardianship support services may be adequately assessed by reference only to a particular special guardianship support service.

#### Assessment procedure

6.-(1) In carrying out an assessment of a person's needs for special guardianship support services, a local authority must-

- (a) have regard to the following considerations, namely-
  - (i) the needs of the person being assessed and how these might be met;
  - (ii) the needs of the relevant child and the family members of any special guardian or prospective special guardian, in so far as they have not been addressed under head (i) above, and how these might be met;
  - (iii) the circumstances that led up to the making of an SGO in respect of a child subject to an SGO;
  - (iv) any special needs of a child subject to an SGO arising from the fact that-
    - (aa) the child has been looked after by a local authority;
    - (bb) the child has been habitually resident outside the British Islands; or
    - (cc) the special guardian is a relative of the child; and
  - (v) where the assessment relates to financial support, the requirements of regulation 7.
- (b) interview the person whose needs are being assessed and, where that person is a child subject to an SGO, the special guardian; and
- (c) where it appears to the authority that there may

angen darparu gwasanaethau i'r person yr asesir ei anghenion gan Fwrdd Iechyd Lleol, Ymddiriedolaeth GIG, Ymddiriedolaeth Gofal Sylfaenol neu awdurdod addysg lleol, ymgynghori â'r Bwrdd hwnnw, yr Ymddiriedolaeth honno neu'r awdurdod hwnnw.

(2) Rhaid i awdurdod lleol sicrhau bod asesiad o anghenion person am wasanaethau cymorth gwarcheidiaeth arbennig-

- (a) yn cael ei wneud gan, neu o dan oruchwyliaeth, unigolyn sydd â'r cymwysterau, profiad a sgiliau addas at y diben hwnnw; a
- (b) llunio adroddiad ysgrifenedig o'r asesiad.

### Cymorth ariannol - swm

7.-(1) Wrth benderfynu ar unrhyw gymorth ariannol rhaid i'r awdurdod lleol ystyried -

- (a) yr adnoddau ariannol sydd ar gael i'r gwarcheidwad arbennig neu'r darpar warcheidwad arbennig yn ôl y digwydd;
- (b) y swm sy'n ofynnol gan y person a grybwyllwyd uchod o ran ei wariant a'i ymrwymadau rhesymol (heb gynnwys gwariant mewn perthynas â'r plentyn perthnasol);
- (c) anghenion ac adnoddau ariannol y plentyn perthnasol;
- (ch) gwariant angenrheidiol ar gostau cyfreithiol (i gynnwys ffioedd llys) o ran rheithdrefnau sy'n ymwneud â gwarcheidiaeth arbennig neu gais am ddarpariaeth ariannol i'r plentyn perthnasol neu er ei les;
- (d) gwariant angenrheidiol er mwyn hwyluso bod y plentyn perthnasol yn cael cartref gyda pherson sy'n dod o fewn is-baragraff (a) uchod, gan gynnwys unrhyw wariant dechreuol sy'n angenrheidiol at ddibenion lletya'r plentyn, i gynnwys unrhyw ddarpariaeth angenrheidiol o ddodrefn a chyfarpar domestig, newidiadau i'r cartref neu addasiadau iddo, darparu cyfrwng cludo a dillad, teganau ac eitemau eraill sy'n angenrheidiol er mwyn edrych ar ôl y plentyn;
- (dd) gwariant angenrheidiol y person sy'n dod o fewn is-baragraff (a) uchod sy'n gysylltiedig ag unrhyw anghenion addysgol arbennig neu anawsterau ymddygiad arbennig y plentyn perthnasol, gan gynnwys-
  - (i) costau'r cyfarpar y mae ei angen at ddibenion diwallu unrhyw anghenion addysgol arbennig sydd gan y plentyn;
  - (ii) costau trwsio unrhyw ddifrod yn y cartref lle mae'r plentyn yn byw, os yw'r costau hynny'n codi oherwydd anawsterau

be a need for the provision of services for the person whose needs are being assessed by a Local Health Board, NHS Trust, Primary Care Trust or local education authority, consult that Board, Trust or authority.

(2) A local authority must ensure that an assessment of a person's needs for special guardianship support services-

- (a) is carried out by, or under the supervision of, an individual who has suitable qualifications, experience and skills for that purpose; and
- (b) results in a written report of the assessment.

### Financial support - amount

7.-(1) In determining the amount of any financial support, the local authority must take account of-

- (a) the financial resources available to the special guardian or the prospective special guardian as the case may be;
- (b) the amount required by the person just mentioned in respect of his or her reasonable outgoings and commitments (excluding outgoings in respect of the relevant child);
- (c) the needs and resources of the relevant child;
- (d) necessary expenditure on legal costs (to include court fees) in respect of proceedings relating to an SGO or an application for financial provision to be made in relation to, or for the benefit of, the relevant child;
- (e) necessary expenditure in order to facilitate the relevant child having his or her home with a person falling within sub-paragraph (a) above, including any initial expenditure necessary for the purposes of accommodating the child, to include any necessary provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and of clothing, toys and other items necessary for the purposes of looking after the child;
- (f) necessary expenditure of the person falling within sub-paragraph (a) above associated with any special educational needs or special behavioural difficulties of the relevant child, including-
  - (i) the costs of equipment required for the purposes of meeting any special educational needs of the child;
  - (ii) the costs of rectifying any damage in the home in which the child lives, where such costs arise out of the special behavioural

ymddygiad y plentyn;

- (iii) costau rhoi plentyn mewn ysgol fyrddio, os yw'r lleoliad hwnnw'n angenrheidiol i ddiwallu anghenion addysgol arbennig y plentyn; a
- (iv) unrhyw gostau eraill i ddiwallu unrhyw anghenion arbennig gan y plentyn; ac
- (e) gwariant ar deithio at ddibenion ymweld rhwng y plentyn perthnasol a'i riant neu bersonau perthynol.

(2) Rhaid peidio â thalu cymorth ariannol i fodloni unrhyw anghenion i'r graddau y gellir yn rhesymol fodloni'r anghenion hynny yn rhinwedd taliad unrhyw fudd-dâl (gan gynnwys credyd treth) neu lwfans.

(3) Ac eithrio pan fydd paragraff (4) yn gymwys, rhaid i'r cymorth ariannol beidio â chynnwys unrhyw elfen o gydnabyddiaeth ar gyfer gofal am blentyn perthnasol.

(4) Mae'r paragraff hwn yn gymwys-

- (a) fel darpar warcheidwad arbennig, pan oedd person hefyd yn rhiant maeth plentyn perthnasol;
- (b) os yw'r awdurdod lleol yn ystyried bod unrhyw lwfans maethu a delir i'r person hwnnw am faethu'r plentyn hwnnw yn dod i ben pan wneir y GGA; ac
- (c) cyn i'r GGA gael ei wneud, pan fo'r awdurdod lleol yn penderfynu talu cymorth ariannol ac yn penderfynu y dylai hwnnw gael ei dalu'n rheolaidd.

### Hysbysu'r asesiad

8.-(1) Ar ôl gwneud asesiad o dan reoliad 6, rhaid i'r awdurdod lleol, yn unol â rheoliad 10-

- (a) rhoi'r wybodaeth a bennir ym mharagraff (2); a
- (b) rhoi hysbysiad o'r hawl i wneud sylwadau fel a bennir ym mharagraff (3).

(2) Dyma'r wybodaeth a bennir -

- (a) barn yr awdurdod am y tro o ran anghenion person am wasanaethau cymorth gwarcheidiaeth arbennig;
- (b) a ydyw'r awdurdod lleol yn cynnig darparu gwasanaethau cymorth gwarcheidiaeth arbennig i'r person;
- (c) manylion y gwasanaethau, os oes rhai, y bwriedir eu darparu i'r person; ac
- (ch) os yw'r asesiad yn ymwneud ag angen person am gymorth ariannol-
  - (i) ar ba sail y penderfynir ar y cymorth ariannol hwnnw;
  - (ii) y swm arfaethedig a fyddai'n daladwy; a

difficulties of the child;

- (iii) the costs of placing the child in a boarding school, where that placement is necessary to meet the special educational needs of the child; and
- (iv) any other costs of meeting any special needs of the child; and
- (g) expenditure on travel for the purposes of visits between a relevant child and his or her parent or related persons.

(2) Financial support must not be paid to meet any needs in so far as those needs can reasonably be expected to be met by virtue of the payment of any benefit (including tax credit) or allowance.

(3) Unless paragraph (4) applies, financial support must not include any element of remuneration for the care of a relevant child.

(4) This paragraph applies where-

- (a) as a prospective special guardian, a person was also the foster parent of a relevant child;
- (b) the local authority consider that any fostering allowance paid to that person for fostering that child will cease upon the making of an SGO; and
- (c) before an SGO is made, the local authority decide to pay financial support and determine that it is to be paid periodically.

### Notification of assessment

8.-(1) After carrying out an assessment under regulation 6 the local authority must, in accordance with regulation 10-

- (a) supply the information specified in paragraph (2); and
- (b) give notice of the right to make representations under paragraph (3).

(2) The information specified is-

- (a) the authority's provisional view as to the person's needs for special guardianship support services;
- (b) whether the local authority proposes to provide special guardianship support services to the person;
- (c) details of the services, if any, which it is proposed to provide to the person; and
- (d) where the assessment relates to the person's need for financial support-
  - (i) the basis on which that financial support is determined;
  - (ii) the proposed amount which would be payable; and

- (iii) unrhyw amodau y mae'r awdurdod lleol yn bwriadu eu gosod am ddarparu'r cymorth ariannol hwnnw yn unol â rheoliad 9(10).

(3) Bydd gan y person a hysbysir yn unol â pharagraff (1) yr hawl i wneud sylwadau i'r awdurdod lleol ynghylch y cynnig ym mharagraff (2)(b) o fewn cyfnod a bennir gan yr awdurdod lleol yn yr hysbysiad hwnnw.

(4) Rhaid i'r awdurdod lleol beidio â gwneud penderfyniad o dan reoliad 9 hyd nes-

- (a) bod y person y cyfeirir ato ym mharagraff (3) -
  - (i) wedi gwneud sylwadau i'r awdurdod lleol; neu
  - (ii) wedi hysbysu'r awdurdod lleol ei fod yn fodlon â'r penderfyniad arfaethedig; neu
- (b) bod y cyfnod a bennir ar gyfer gwneud sylwadau wedi dod i ben.

#### **Penderfynu o ran gwasanaethau cymorth gwarcheidiaeth arbennig**

9.-(1) Rhaid i'r awdurdod lleol, gan roi sylw i'r asesiad, ac ar ôl ystyried unrhyw sylwadau a gafwyd yn ystod y cyfnod a bennir o dan reoliad 8-

- (a) ystyried a oes anghenion gan y person a aseswyd am wasanaethau cymorth gwarcheidiaeth arbennig; a
- (b) penderfynu a ddylid darparu'r gwasanaethau hynny i'r person.

(2) Rhaid i'r awdurdod lleol roi hysbysiad o'i benderfyniad o dan baragraff (1), a'r rhesymau dros y penderfyniad hwnnw, yn unol â rheoliad 10.

(3) Pan fydd yr asesiad yn ymwneud â darparu gwybodaeth yn unig, ni fydd y gofyniad ym mharagraff (2) i roi hysbysiad yn gymwys pan na fydd yr awdurdod lleol yn ei hystyried yn briodol i roi hysbysiad.

(4) Bydd paragraffau (5) i (10) yn gymwys pan fydd yr awdurdod lleol yn penderfynu y telir cymorth ariannol.

(5) Rhaid i'r awdurdod lleol benderfynu a hysbysu yn unol â rheoliad 10-

- (a) yn unol â rheoliad 7, y swm sydd i'w dalu;
- (b) yr amodau, os oes rhai, sydd i'w gosod yn unol â pharagraff (10) wrth ddarparu neu ddefnyddio'r cymorth ariannol hwnnw;
- (c) y dyddiad, os oes un, erbyn pryd y mae unrhyw amodau i'w bodloni;
- (ch) canlyniadau peidio â bodloni unrhyw amodau;

- (iii) any conditions which the local authority proposes to impose on the provision of that financial support in accordance with regulation 9(10).

(3) The person notified in accordance with paragraph (1) shall have the right to make representations to the local authority concerning the proposal in paragraph (2)(b) within a period specified by the local authority in that notice.

(4) The local authority shall not make a decision under regulation 9 until-

- (a) the person referred to in paragraph (3) has-
  - (i) made representations to the local authority; or
  - (ii) notified the local authority that he or she is satisfied with the proposed decision; or
- (b) the period specified for making representations has expired.

#### **Decision as to special guardianship support services**

9.-(1) The local authority must, having regard to the assessment, and after considering any representations received during the period specified under regulation 8-

- (a) consider whether the assessed person has needs for special guardianship support services; and
- (b) decide whether any such services are to be provided to the person.

(2) The local authority must give notice of the decision under paragraph (1), and of the reasons for that decision, in accordance with regulation 10.

(3) Where the assessment relates only to the provision of information, the requirement in paragraph (2) to give notice does not apply where the local authority do not consider it appropriate to give such notice.

(4) Paragraphs (5) to (10) apply where the local authority decide that financial support is to be paid.

(5) The local authority must determine and notify in accordance with regulation 10-

- (a) in accordance with regulation 7, the amount that is to be payable;
- (b) the conditions, if any, which are to be imposed in accordance with paragraph (10) on the provision or use of that financial support;
- (c) the date, if any, by which any conditions are to be met;
- (d) the consequences of not meeting any conditions;

(d) os yw'r cymorth ariannol i'w dalu yn daliad unigol, y dyddiad y mae'r taliad i'w wneud;

(dd) pan fydd y cymorth ariannol i'w dalu'n rhandaliadau neu'n rheolaidd-

(i) pa mor aml y bydd y taliad yn cael ei wneud;

(ii) y dyddiad pan delir y taliad cyntaf, a

(iii) y dyddiad, os oes un, pan ddaw'r talu i ben.

(6) Rhaid i'r hysbysiad o dan baragraff (2) hefyd gynnwys gwybodaeth o ran-

(a) y dull penderfynu ar swm y cymorth ariannol;

(b) y trefniadau ar gyfer adolygu, amrywio neu derfynu'r cymorth ariannol; ac

(c) cyfrifoldebau'r awdurdod lleol o dan reoliad 12 a chyfrifoldebau'r person sy'n derbyn cymorth yn unol â rheoliad 4(2) a pharagraff (10).

(7) Yn ddarostyngedig i baragraffau (8) a (9), rhaid talu'r y cymorth ariannol fel taliad unigol.

(8) Caiff y person y telir y cymorth ariannol iddo a'r awdurdod lleol gytuno y telir y cymorth-

(a) mewn rhandaliadau; neu

(b) yn rheolaidd,

ar a than y dyddiadau hynny y caiff yr awdurdod lleol eu pennu.

(9) Pan fydd yr awdurdod lleol yn penderfynu bod y cymorth ariannol i ddiwallu unrhyw anghenion sy'n debygol o beri gwariant sy'n debygol o ddal i ddiwydd, caiff benderfynu y telir y cymorth ariannol-

(a) mewn rhandaliadau; neu

(b) yn rheolaidd,

ar a than y dyddiadau hynny y caiff yr awdurdod lleol eu pennu.

(10) Caiff yr awdurdod lleol osod yr amodau hynny y mae'n ystyried eu bod yn briodol wrth dalu cymorth ariannol, a chaiff gynnwys amodau-

(a) o ran yr amserlen y dylid defnyddio'r taliad a diben y taliad; a

(b) o ran cydymffurfio â materion y cyfeirir atynt yn rheoliad 4(2).

## Hysbysiadau

**10.-(1)** Rhaid rhoi unrhyw wybodaeth y mae ei hangen, neu hysbysiad y mae ei angen, o dan reoliadau 8, 9 a 12, yn ysgrifenedig ac-

(a) os yw'r person yr aseswyd ei anghenion am wasanaethau cymorth gwarcheidiaeth arbennig

(e) where the financial support is to be paid as a single payment, the date on which the payment is to be made;

(f) where the financial support is to be paid in instalments or periodically-

(i) the frequency with which payment will be made;

(ii) the date of the first payment, and

(iii) the date, if any, on which payment will cease.

(6) The notification under paragraph (2) must also include information as to-

(a) the method of determination of the amount of the financial support;

(b) the arrangements for the review, variation or termination of the financial support; and

(c) the responsibilities of the local authority under regulation 12 and of the person receiving support pursuant to regulation 4(2) and paragraph (10).

(7) Subject to paragraphs (8) and (9), financial support must be paid as a single payment.

(8) The person to whom the financial support is to be paid and the local authority may agree that the support shall be paid-

(a) in instalments; or

(b) periodically,

on and until such dates as the local authority may specify.

(9) Where the local authority decide that the financial support is to meet any needs which are likely to give rise to recurring expenditure, they may determine that that financial support shall be paid-

(a) in instalments; or

(b) periodically,

on and until such dates as the local authority may specify.

(10) The local authority may impose such conditions as they consider appropriate upon the payment of financial support, which may include conditions as to-

(a) the timescale within which and the purpose for which the payment should be utilised; and

(b) compliance with the matters referred to in regulation 4(2).

## Notices

**10.-(1)** Any information required to be supplied, or notice required to be given, under regulations 8, 9 and 12, must be given in writing and-

(a) where the person whose needs for special guardianship support services have been

yn oedolyn, i'r person hwnnw;

- (b) os yw'r person yr aseswyd ei anghenion am wasanaethau cymorth gwarcheidiaeth arbennig yn blentyn a bod paragraff (2) yn gymwys-
  - (i) i'r plentyn; a
  - (ii) ac eithrio os yw'n ymddangos i'r awdurdod lleol ei bod yn amhriodol i wneud hynny,-
    - (aa) i'r gwarcheidwad arbennig neu'r darpar warcheidwad arbennig; neu
    - (bb) os nad oes gan y plentyn warcheidwad arbennig neu ddarpar warcheidwad arbennig, i'r oedolyn mwyaf priodol ym marn yr awdurdod lleol;
- (c) os yw'r person yr aseswyd ei anghenion am wasanaethau cymorth gwarcheidiaeth arbennig yn blentyn ac nad yw paragraff (2) yn gymwys iddo, i'r person, os oes rhywun, y mae is-baragraff (b)(ii) uchod yn gymwys iddo.

(2) Mae'r paragraff hwn yn gymwys -

- (a) os ymddengys i'r awdurdod lleol fod y plentyn yn ddigon hen a'i fod yn deall digon iddi fod yn briodol rhoi'r hysbysiad hwnnw iddo; a
- (b) os nad yw'n ymddangos i'r awdurdod lleol ei bod yn amhriodol rhoi hysbysiad o'r fath iddo.

#### **Cynllun gwasanaethau cymorth gwarcheidiaeth arbennig**

**11.**-(1) Yr amgylchiadau a ragnodwyd at ddibenion adran 14F(6)(b) o'r Ddeddf yw bod yr awdurdod lleol yn penderfynu darparu gwasanaethau cymorth gwarcheidiaeth arbennig i berson fwy nag unwaith.

(2) Os yw'r awdurdod lleol o'r farn ei bod yn briodol, at ddibenion paratoi'r cynllun, rhaid i'r awdurdod lleol ymghynghori â'r canlynol-

- (a) unrhyw berson sy'n dod o fewn rheoliad 10(1); a
- (b) os yw'r person y mae'r cynllun yn ymwneud ag ef yn byw yn ardal awdurdod lleol arall, yr awdurdod lleol hwnnw,

a rhaid i ymgyngori o'r fath gynnwys trafodaeth o ran pryd y dylid adolygu'r cynllun.

(3) Pan ymddengys i'r awdurdod lleol y gallai fod angen darparu gwasanaethau i'r person y bydd y cynllun yn ymwneud ag ef gan Fwrdd Iechyd Lleol, Ymddiriedolaeth GIG, Ymddiriedolaeth Gofal Sylfaenol neu awdurdod addysg lleol, rhaid i'r awdurdod lleol ymghynghori â'r Bwrdd hwnnw, yr Ymddiriedolaeth honno neu'r awdurdod hwnnw, er mwyn paratoi'r cynllun.

assessed is an adult, to that person;

- (b) where the person whose needs for special guardianship support services have been assessed is a child and paragraph (2) applies-
  - (i) to the child; and
  - (ii) except where it appears inappropriate to the local authority to do so, to-
    - (aa) the special guardian or prospective special guardian; or
    - (bb) where the child does not have a special guardian or prospective special guardian, to the adult the local authority consider most appropriate;
- (c) where the person whose needs for special guardianship support services have been assessed is a child and paragraph (2) does not apply, to the person, if any, to whom sub-paragraph (b)(ii) above applies.

(2) This paragraph applies where-

- (a) it appears to the local authority that the child is of sufficient age and understanding for it to be appropriate to give him or her such notice; and
- (b) it does not appear to the local authority to be inappropriate to give him or her such notice.

#### **Special guardianship support services plan**

**11.**-(1) The circumstances prescribed for the purposes of section 14F(6)(b) of the Act are that the local authority decide to provide special guardianship support services to a person on more than a single occasion.

(2) If the local authority considers it appropriate, for the purposes of preparing the plan, they must consult-

- (a) any person falling within regulation 10(1); and
- (b) where the person to whom the plan relates lives in another local authority area, that local authority,

and such consultation must include discussion as to when the plan should be reviewed.

(3) Where it appears to the local authority that there may be a need for the provision of services to the person to whom the plan will relate by a Local Health Board, NHS Trust, Primary Care Trust or local education authority, the local authority must consult that Board, Trust or authority, for the purposes of preparing the plan.

(4) Rhaid i'r awdurdod lleol ddarparu copi o'r cynllun-

- (a) yn unol â rheoliad 10;
- (b) os yw paragraff 3 yn gymwys, i'r Bwrdd Iechyd Lleol, yr Ymddiriedolaeth neu'r awdurdod; ac
- (c) oni bai bod yr awdurdod yn ystyried nad yw'n angenrheidiol, os yw'r person y mae'r cynllun yn ymwneud ag ef yn byw yn ardal awdurdod lleol arall, i'r awdurdod lleol hwnnw.

### **Adolygu'r ddarpariaeth o wasanaethau cymorth gwarcheidiaeth arbennig**

12.-(1) Os bydd awdurdod lleol yn darparu gwasanaethau cymorth gwarcheidiaeth arbennig ar gyfer person nad ydynt yn cynnwys cymorth ariannol, rhaid i'r awdurdod adolygu'r ddarpariaeth o'r gwasanaethau hynny-

- (a) os daw i'w sylw unrhyw newid yn amgylchiadau'r person, gan gynnwys unrhyw newid yn ei gyfeiriad; a
- (b) beth bynnag, o dro i dro.

(2) Pan fydd awdurdod lleol yn darparu gwasanaethau cymorth gwarcheidiaeth arbennig ar gyfer person a'r gwasanaethau'n golygu, neu'n cynnwys, cymorth ariannol, rhaid iddo adolygu darpariaeth o'r gwasanaethau hynny-

- (a) os daw unrhyw newid perthnasol i'w sylw yn amgylchiadau'r person gan gynnwys unrhyw newid yn ei gyfeiriad; a
- (b) pan ddaw'r datganiad blynyddol y cyfeirir ato yn rheoliad 4(2)(b) i law.

(3) Mae rheoliadau 6 i 8 yn gymwys gydag unrhyw newidiadau angenrheidiol mewn perthynas ag adolygiad o dan y rheoliad hwn fel y maent yn gymwys mewn perthynas ag asesiad o dan reoliad 5.

(4) Rhaid i'r awdurdod lleol, ar ôl rhoi sylw i'r adolygiad ac ar ôl ystyried unrhyw sylwadau a gafwyd o fewn y cyfnod a bennir o dan reoliad 8-

- (a) penderfynu a ddylid amrywio neu derfynu'r ddarpariaeth o wasanaethau cymorth gwarcheidiaeth arbennig; a
- (b) adolygu ac, os yw'n briodol, diwygio'r cynllun.

(5) Os bydd yr awdurdod lleol yn penderfynu amrywio neu derfynu'r ddarpariaeth o wasanaethau cymorth gwarcheidiaeth arbennig, neu adolygu'r cynllun-

- (a) rhaid iddo roi hysbysiad o'i benderfyniad yn unol â rheoliad 10, a rhaid i'r hysbysiad gynnwys y rhesymau dros y penderfyniad; a
- (b) rhaid i baragraffau (3) i (10) o reoliad 9 fod yn gymwys i benderfyniad o dan baragraff (4) fel y maent yn gymwys i benderfyniad o dan baragraff (1) o reoliad 9.

(4) The local authority must provide a copy of the plan-

- (a) in accordance with regulation 10;
- (b) where paragraph 3 applies, to the Local Health Board, Trust or authority; and
- (c) unless the authority considers it unnecessary, where the person to whom the plan relates lives in another local authority area, to that local authority.

### **Review of the provision of special guardianship support services**

12.-(1) Where a local authority provide special guardianship support services for a person which do not include financial support, they must review the provision of such services-

- (a) if any relevant change in the person's circumstances, including a change of address, comes to their notice; and
- (b) in any event, from time to time.

(2) Where a local authority provide special guardianship support services for a person which comprise, or include, financial support they must review the provision of such services-

- (a) if any relevant change in the person's circumstances, including a change of address, comes to their notice; and
- (b) upon receipt of the annual statement referred to in regulation 4(2)(b).

(3) Regulations 6 to 8 apply with any necessary modifications in relation to a review under this regulation as they apply in relation to an assessment under regulation 5.

(4) The local authority must, having regard to the review and after considering any representations received within the period specified under regulation 8-

- (a) decide whether to vary or terminate the provision of special guardianship support services; and
- (b) review and, where appropriate, revise the plan.

(5) If the local authority decide to vary or terminate the provision of special guardianship support services, or revise the plan-

- (a) they must give notice of their decision in accordance with regulation 10, and that notice must include the reasons for the decision; and
- (b) paragraphs (3) to (10) of regulation 9 apply to a decision under paragraph (4) as they apply to a decision under paragraph (1) of regulation 9.



(6) Yn ddarostyngedig i baragraff (7), os na chydymffurfir ag unrhyw amod a osodir yn unol â rheoliad 9(10), caiff awdurdod lleol-

- (a) adolygu, atal, neu roi'r gorau i dalu'r cymorth ariannol; a
- (b) ceisio adennill y cyfan neu ran o'r cymorth ariannol a dalodd.

(7) Os yr amod na chydymffurfiwyd ag ef yw'r un i ddarparu datganiad blynyddol yn unol â chytundeb y cyfeirir ato yn rheoliad 4(2), rhaid i'r awdurdod lleol beidio â chymryd unrhyw gamau o dan baragraff (6) hyd nes-

- (a) ei fod wedi anfon at y person a ymrwymodd i'r cytundeb nodyn atgoffa ysgrifenedig o'r angen i ddarparu datganiad blynyddol; a
- (b) bod 28 diwrnod wedi mynd heibio ers y dyddiad yr anfonwyd yr hysbysiad hwnnw.

(8) Os bydd yr awdurdod lleol yn penderfynu o dan baragraff (6), ar ôl cymryd y camau a bennir ym mharagraff (7), y dylid atal talu'r cymorth ariannol, caiff ddod â'r ataliad i ben pan ddaw'r datganiad blynyddol y cyfeirir ato yn rheoliad 4(2)(b) i law.

(9) Rhaid i'r awdurdod lleol beidio â thalu cymorth ariannol a bydd hynny'n effeithiol o'r dyddiad y daw'n ymwybodol bod yr amgylchiadau ym mharagraff (10) yn gymwys.

(10) Dyma'r amgylchiadau-

- (a) mae gorchymyn gwarcheidiaeth arbennig wedi peidio â bod yn effeithiol, neu wedi'i ddirymu; neu
- (b) mae'r plentyn y darperir y gwasanaethau cymorth gwarcheidiaeth arbennig ar ei gyfer-
  - (i) heb fod â'i gartref bellach gyda gwarcheidwad arbennig neu ddarpar warcheidwad arbennig;
  - (ii) yn cael cymhorthdal incwm o dan Ran VII o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(1) neu lwfans ceisio gwaith dan Ddeddf Ceiswyr Gwaith 1995(2); neu
  - (iii) wedi dechrau gweithio mewn cyflogaeth lawnamser.

(6) Subject to paragraph (7), where any condition imposed in accordance with regulation 9(10) is not complied with, the local authority may-

- (a) review, suspend, or cease payment of financial support; and
- (b) seek to recover all or part of the financial support they have paid.

(7) Where the condition not complied with is the requirement to provide an annual statement in accordance with an agreement referred to in regulation 4(2), the local authority must not take any steps under paragraph (6) until-

- (a) they have sent to the person who entered into the agreement a written reminder of the need to provide an annual statement; and
- (b) 28 working days have expired since the date on which that notice was sent.

(8) Where, having taken the steps specified in paragraph (7), the local authority determine under paragraph (6) that payment of financial support should be suspended, they may lift that suspension upon receipt of the annual statement referred to in regulation 4(2)(b).

(9) The local authority must cease payment of financial support with effect from the date that they become aware that the circumstances in paragraph (10) apply.

(10) The circumstances are that-

- (a) a special guardianship order has ceased to have effect, or has been revoked; or
- (b) the child in respect of whom the special guardianship support services are provided-
  - (i) has ceased to have his or her home with a special guardian or prospective special guardian;
  - (ii) is in receipt of income support under Part VII of the Social Security Contributions and Benefits Act 1992(1) or of jobseeker's allowance under the Jobseekers Act 1995(2); or
  - (iii) has begun full-time paid employment.

---

(1) 1992 p.4.

(2) 1995 p.18.

---

(1) 1992 c.4.

(2) 1995 c.18.

#### RHAN 4

### DARPARIAETHAU AMRYWIOL O RAN GWARCHEIDIAETH ARBENNIG

#### Awdurdod perthnasol at ddibenion adrannau 24(5)(za) o'r Ddeddf

13. At ddibenion adran 24(5)(za) o'r Ddeddf (personau sy'n gymwys i gael cyngor a chymorth), yr awdurdod perthnasol yw'r awdurdod lleol diwethaf lle bu'r person yn derbyn gofal.

#### Swyddogaethau a bennir o dan adran 26(3C) o'r Ddeddf

14. Mae'r swyddogaethau canlynol o dan adran 14F o'r Ddeddf yn rhai a bennir at ddibenion adran 26(3C) o'r Ddeddf (adolygu achosion ac ymholiadau i sylwadau - gwasanaethau cymorth gwarcheidiaeth arbennig)-

- (a) cymorth ariannol;
- (b) grwpiau cymorth y cyfeirir atynt yn rheoliad 3(1)(b);
- (c) cymorth mewn perthynas â'r cyswllt y cyfeirir ato yn rheoliad 3(1)(c);
- (ch) gwasanaethau therapiwtig y cyfeirir atynt yn rheoliad 3(1)(ch); a
- (d) cymorth at ddibenion sicrhau cynnal y berthynas y cyfeirir ati yn rheoliad 3(1)(d).

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

7 Mehefin 2005

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

#### PART 4

### MISCELLANEOUS PROVISIONS IN RELATION TO SPECIAL GUARDIANSHIP

#### Relevant authority for the purposes of sections 24(5)(za) of the Act

13. For the purposes of section 24(5)(za) of the Act (persons qualifying for advice and assistance), the relevant authority shall be the local authority which last looked after the person.

#### Functions specified under section 26(3C) of the Act

14. The following functions under section 14F of the Act are specified for the purposes of section 26(3C) of the Act (review of cases and inquiries into representations - special guardianship support services)-

- (a) financial support;
- (b) support groups referred to in regulation 3(1)(b);
- (c) assistance in relation to contact referred to in regulation 3(1)(c);
- (d) therapeutic services referred to in regulation 3(1)(d); and
- (e) assistance for the purpose of ensuring continuation of relationships referred to in regulation 3(1)(e).

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

7 June 2005

The Presiding Officer of the National Assembly

**Adroddiadau - materion a ragnodwyd at ddibenion adran 14A(8)(b) o'r Ddeddf**

1. Rhagnodwyd y materion canlynol at ddibenion adran 14A(8)(b) o'r Ddeddf.

2. O ran plentyn y gwneir cais am orchymyn gwarcheidiaeth arbennig ar ei gyfer neu blentyn y mae'r llys wedi gofyn am adroddiad ar ei gyfer (y cyfeirir ato yn yr Atodlen hon fel "y plentyn")-

- (a) enw, rhyw, dyddiad a man geni a chyfeiriad cartref;
- (b) cenedl a statws mewnfudo;
- (c) disgrifiad corfforol;
- (ch) anghenion datblygu, i gynnwys anghenion corfforol, addysgol ac emosiynol ac adroddiad ar iechyd y plentyn;
- (d) cred grefyddol, tarddiad hiliol a chefnidir diwylliannol ac ieithyddol;
- (dd) manylion unrhyw reithdrefnau llys sy'n ymwneud â chyfrifoldebau rhiant neu gynnal plentyn neu sy'n ymwneud â phreswylfa'r plentyn;
- (e) i ba raddau y cafodd y plentyn gyswllt ag aelodau teulu'r plentyn;
- (f) unrhyw leoliad gyda rhieni maeth neu unrhyw drefniadau gofal eraill sy'n ymwneud â'r plentyn;
- (ff) addysg, i gynnwys unrhyw anghenion addysgol arbennig; ac
- (g) dymuniadau a theimladau'r plentyn am warcheidiaeth arbennig.

3. O ran teulu'r plentyn-

- (a) enw, dyddiad a man geni a chyfeiriad cartref rhieni'r plentyn, ei frodyr a chwiorydd ac unrhyw berson arall y mae'r awdurdod lleol o'r farn eu bod yn berthnasol;
- (b) cenedl a statws mewnfudo rhieni'r plentyn;
- (c) os yw rhiant y plentyn yn aelod o gwpl, asesiad o sefydlogrwydd y berthynas honno ac, os yw'r rhiant yn briod neu os yw wedi ymrwymo mewn partneriaeth sifil, dyddiad a lle'r briodas neu'r bartneriaeth sifil;
- (ch) a oes gan dad y plentyn gyfrifoldeb rhiant am y plentyn;
- (d) a ydyw'r awdurdod lleol yn ystyried bod y naill riant neu'r llall yn debygol o wneud cais am orchymyn o dan y Ddeddf o ran y plentyn;
- (dd) disgrifiad corfforol o'r rhieni, y brodyr a'r

**Reports - matters prescribed for the purposes of section 14A(8)(b) of the Act**

1. The following matters are prescribed for the purposes of section 14A(8)(b) of the Act.

2. In respect of a child in respect of whom a special guardianship order is sought or a child in respect of whom the court has required a report (referred to in this Schedule as "the child")-

- (a) name, sex, date and place of birth and home address;
- (b) nationality and immigration status;
- (c) physical description;
- (d) developmental needs, to include physical, educational and emotional needs and a report on the child's health;
- (e) religious persuasion, racial origin and cultural and linguistic background;
- (f) details of any court proceedings relating to parental responsibility or maintenance for the child or relating to the child's residence;
- (g) the extent of the child's contact with members of his or her family;
- (h) any placement with foster parents or any other care arrangements relating to the child;
- (i) education, to include any special educational needs; and
- (j) the child's wishes and feelings about special guardianship.

3. In respect of the family of the child-

- (a) name, date, place of birth and home address of the child's parents, siblings and any other person the local authority considers to be relevant;
- (b) nationality and immigration status of the child's parents;
- (c) if the child's parent is a member of a couple, an assessment of the stability of that relationship and, if the parent is married or has entered into a civil partnership, the date and place of marriage or civil partnership;
- (d) whether the child's father has parental responsibility for the child;
- (e) whether either parent is considered by the local authority to be likely to apply for an order under the Act in respect of the child;
- (f) physical description of the parents, siblings

chwiriorydd ac unrhyw berson arall y mae'r awdurdod lleol o'r farn eu bod yn berthnasol;

- (e) cred grefyddol, tarddiad hiliol a chefnidir diwylliannol ac ieithyddol y rhieni;
- (f) swyddi'r rhieni, yn y presennol a'r gorffennol, a'u cyrhaeddiad addysgol;
- (ff) y trefniadau gofal o ran unrhyw frawd neu chwaer i'r plentyn nad yw wedi cyrraedd 18 oed;
- (g) barn y rhieni ynghylch y cais am orchymyn gwarcheidiaeth arbennig o ran y plentyn; ac

(ng) y rheswm pam nad yw unrhyw ran o'r wybodaeth a ragnodwyd uchod yn y paragraff hwn ar gael.

4. Mewn perthynas â'r darpar warcheidwad arbennig neu, pan fydd dau berson neu fwy yn ddarpar warcheidwaid arbennig ar y cyd, pob un ohonynt-

- (a) enw, dyddiad a man geni a chyfeiriad cartref;
- (b) cenedl a statws mewnffudo;
- (c) y berthynas â'r plentyn;
- (ch) disgrifiad corfforol;
- (d) os yw darpar warcheidwad arbennig yn aelod o gwpl, asesiad o sefydlogrwydd y berthynas honno ac, os yw'r darpar warcheidwad arbennig yn briod neu wedi ymrwymo mewn partneriaeth sifil, dyddiad a lle'r briodas neu'r bartneriaeth sifil;
- (dd) cred grefyddol, tarddiad hiliol a chefnidir diwylliannol ac ieithyddol y darpar warcheidwad arbennig a pharodrwydd y darpar warcheidwad arbennig i ddilyn dymuniadau'r plentyn neu riant y plentyn o ran magwraeth grefyddol neu ddiwylliannol y plentyn;
- (e) swyddi, yn y presennol a'r gorffennol, a'r cyrhaeddiad addysgol;
- (f) adroddiad ar iechyd y darpar warcheidwad arbennig;
- (ff) manylion am gartref y darpar warcheidwad arbennig, i gynnwys manylion incwm, sylwadau ar safonau byw yr aelwyd ac unrhyw ffactorau teuluol ac amgylcheddol ehangach a all effeithio ar y gynneddf i fod yn rhiant o ran y darpar warcheidwad arbennig;
- (g) profiad blaenorol o ofalu am blant;
- (ng) unrhyw asesiad yn y gorffennol fel darpar fabwysiadwr, rhiant maeth neu warcheidwad arbennig;
- (h) y rhesymau dros wneud cais am orchymyn gwarcheidiaeth arbennig;
- (i) y gynneddf i fod yn rhiant, i gynnwys asesiad o allu'r darpar warcheidwad arbennig i feithrin

and any other person the local authority considers to be relevant;

- (g) religious persuasion, racial origin and cultural and linguistic background of the parents;
- (h) the occupations, past and present, and educational attainment of the parents;
- (i) the care arrangements in respect of any of the child's siblings who have not attained the age of 18 years;
- (j) the views of the parents in relation to the application for a special guardianship order in respect of the child; and
- (k) the reason why any of the information prescribed above in this paragraph is not available.

4. In respect of the prospective special guardian or, where two or more persons are jointly prospective special guardians, each of them-

- (a) name, date and place of birth and home address;
- (b) nationality and immigration status;
- (c) relationship to the child;
- (d) a physical description;
- (e) if the prospective special guardian is a member of a couple, an assessment of the stability of that relationship and, if the prospective special guardian is married or has entered into a civil partnership, the date and place of marriage or civil partnership;
- (f) religious persuasion, racial origin and cultural and linguistic background of the prospective special guardian and willingness of the prospective special guardian to follow the wishes of the child or of the child's parent in relation to the religious or cultural upbringing of the child;
- (g) occupations, past and present, and educational attainment;
- (h) a report on the health of the prospective special guardian;
- (i) particulars of the prospective special guardian's home, to include details of income, comments on the living standards of the household and any wider family and environmental factors which may impact on the parenting capacity of the prospective special guardian;
- (j) previous experience of caring for children;
- (k) any past assessment as a prospective adopter, foster parent or special guardian;
- (l) reasons for applying for a special guardianship order;
- (m) parenting capacity, to include an assessment of the prospective special guardian's ability to

y plentyn drwy gydol ei blentyndod;

- (j) manylion tri chanolwr personol, nad oes mwy nag un ohonynt yn perthyn i'r darpar warcheidwad arbennig, gydag adroddiad o farn y canolwyr ar y darpar warcheidwad arbennig; ac
- (l) manylion o'r trefniadau byw ar gyfer y plentyn, ac os bwriedir iddynt newid ar ôl i orchymyn gwarcheidiaeth arbennig gael ei wneud.

5. Mewn perthynas â'r awdurdod lleol a luniodd yr adroddiad-

- (a) enw a chyfeiriad;
- (b) manylion os cafwyd unrhyw ran o'r wybodaeth y cyfeirir ati ym mharagraff 2 i 4 gan yr awdurdod lleol ar y dechrau heblaw at ddibenion paratoi'r adroddiad ac, os felly, at ba ddiben y'i cafwyd, a'r dyddiad y'i cafwyd;
- (c) manylion o'r camau a gymerwyd i ddilysu pwy yw'r darpar warcheidwad arbennig;
- (ch) manylion o unrhyw ymwneud gan yr awdurdod lleol yn y gorffennol â'r darpar warcheidwad arbennig, gan gynnwys unrhyw baratoi yn y gorffennol ar gyfer y person hwnnw i fod yn rhiant maeth neu'n rhiant mabwysiadol;
- (d) manylion o unrhyw asesiad a wnaeth yr awdurdod lleol o ran y gwasanaethau cymorth gwarcheidiaeth arbennig ar gyfer y darpar warcheidwad arbennig, y plentyn neu riant y plentyn;
- (dd) pan fydd adran 14A(7)(a) o'r Ddeddf yn gymwys a bod y darpar warcheidwad arbennig yn byw yn ardal awdurdod lleol arall, manylion ymholiadau'r awdurdod lleol gyda'r awdurdod lleol arall hwnnw am y darpar warcheidwad arbennig; ac
- (e) manylion am farn yr awdurdod lleol o ran a fyddai'r darpar warcheidwad arbennig yn warcheidwad arbennig addas ai peidio i'r plentyn.

6. O ran y casgliadau yn yr adroddiad-

- (a) crynodeb wedi'i baratoi gan y proffesiynolyn meddygol a roddodd yr wybodaeth y cyfeirir ati ym mharagraff 2(ch) a 4(f) uchod ar iechyd y plentyn a'r darpar warcheidwad arbennig;
- (b) manylion am farn y person sy'n gwneud yr adroddiad ar y canlynol-
  - (i) goblygiadau gwneud gorchymyn gwarcheidiaeth arbennig i'r plentyn;
  - (ii) sut y gellir diwallu anghenion iechyd arbennig sydd gan y plentyn;
  - (iii) a fyddai gwneud gorchymyn

bring the child up throughout the child's childhood;

- (n) details of three personal referees, no more than one of whom is a relative of the prospective special guardian, with a report of the referees' views in respect of the prospective special guardian; and
- (o) details of the proposed living arrangements for the child, if these are intended to change after a special guardianship order is made.

5. In respect of the local authority which compiled the report-

- (a) name and address;
- (b) details as to whether any of the information referred to in paragraphs 2 to 4 was initially obtained by the local authority otherwise than for the purposes of preparing the report and, if so, the purpose for which, and the date upon which, it was obtained;
- (c) details of steps taken to verify the identity of the prospective special guardian;
- (d) details of any past involvement of the local authority with the prospective special guardian, including any past preparation for that person to be a foster parent or adoptive parent;
- (e) details of any assessment which the local authority has undertaken in respect of special guardianship support services for the prospective special guardian, the child or the child's parent;
- (f) where section 14A(7)(a) of the Act applies and the prospective special guardian lives in the area of another local authority, details of the local authority's enquiries of that other local authority about the prospective special guardian; and
- (g) details of the local authority's opinions as to whether the prospective special guardian would or would not be a suitable special guardian for the child.

6. In respect of the conclusions reached in the report-

- (a) a summary prepared by the medical professional who provided the information referred to in paragraphs 2(d) and 4(h) above on the health of the child and of the prospective special guardian;
- (b) details of the opinion of the person making the report on-
  - (i) the implications of the making of a special guardianship order for the child;
  - (ii) how any special health needs of the child may be met;
  - (iii) whether the making of a special

- gwarcheidiaeth arbennig er lles gorau'r plentyn yn y tymor hir;
- (iv) sut y gellir diwallu anghenion emosiynol, anghenion ymddygiad ac anghenion addysgol y plentyn;
  - (v) yr effaith ar rieni'r plentyn o wneud gorchymyn gwarcheidiaeth arbennig; a
  - (vi) os yw'n briodol, rhinweddau gwneud gorchymyn lleoliad neu orchymyn mabwysiadu o dan Ddeddf Mabwysiadu a Phlant 2002(1) neu orchymyn preswyllo o dan adran 8 o'r Ddeddf o ran y plentyn; ac
- (c) manylion casgliadau ac argymhellion y person sy'n gwneud yr adroddiad ar y mater a ddylid gwneud gorchymyn gwarcheidiaeth arbennig o ran y plentyn.

- guardianship order would be in the best long-term interests of the child;
- (iv) how any emotional, behavioural and educational needs of the child may be met;
  - (v) the effect on the child's parents of the making of a special guardianship order; and
  - (vi) if appropriate, the merits of the making of a placement order or an adoption order under the Adoption and Children Act 2002(1) or a residence order under section 8 of the Act in respect of the child; and
- (c) details of the conclusions and recommendations of the person making the report on the issue of whether a special guardianship order should be made in respect of the child.

---

(1) 2002 p.38.

---

(1) 2002 c.38.



---

OFFERYNNAU STATUDOL

---

**2005 Rhif 1513 (Cy.117)**

**PLANT A PHOBL IFANC,  
CYMRU**

Rheoliadau Gwarcheidiaeth  
Arbennig (Cymru) 2005

---

STATUTORY INSTRUMENTS

---

**2005 No. 1513 (W.117)**

**CHILDREN AND YOUNG  
PERSONS, WALES**

The Special Guardianship (Wales)  
Regulations 2005

© Hawlfraint y Goron 2005

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

**£4.00**

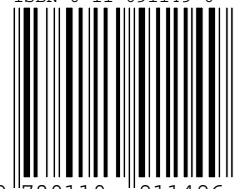
W92/6/05

ON

© Crown copyright 2005

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 0-11-091149-0



9 780110 911496