



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2018 Rhif 573 (Cy. 102)**

**2018 No. 573 (W. 102)**

**PLANT A PHOBL IFANC,  
CYMRU**

**CHILDREN AND YOUNG  
PERSONS, WALES**

**Rheoliadau Gwarcheidiaeth  
Arbennig (Cymru) (Diwygio) 2018**

**The Special Guardianship (Wales)  
(Amendment) Regulations 2018**

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Gwarcheidiaeth Arbennig (Cymru) 2005 ("Rheoliadau 2005").

Y prif newidiadau yw—

(1) diwygiadau i'r Atodlen sy'n rhestru'r materion y mae rhaid i'r awdurdod lleol ymdrin â hwy yn ei adroddiad ar gyfer y llys at ddibenion adran 14A(8)(b) o Ddeddf Plant 1989;

(2) darpariaeth o dan adran 14F (gwasanaethau cymorth gwarcheidiaeth arbennig) i ragnodi amgylchiadau y mae adran 14F yn gymwys odanynt i awdurdod lleol mewn cysylltiad â phersonau sydd y tu allan i ardal yr awdurdod lleol hwnnw;

(3) darpariaeth i'r awdurdod lleol sy'n darparu gwasanaethau cymorth gwarcheidiaeth arbennig i bersonau sydd y tu allan i ardal ei awdurdod lleol—

- (a) adolygu'r gwasanaethau cymorth gwarcheidiaeth arbennig a ddarperir i'r person hwnnw;
- (b) hysbysu'r awdurdod lleol y mae'r person hwnnw yn byw ynddo am unrhyw angen parhaus am wasanaethau cymorth; ac
- (c) atgyfeirio'r person hwnnw i wasanaethau lleol perthnasol.

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

**EXPLANATORY NOTE**

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

These Regulations amend the Special Guardianship (Wales) Regulations 2005 ("the 2005 Regulations").

The main changes are—

(1) amendments to the Schedule which lists the matters which the local authority must deal with in their report for the court for the purposes of section 14A(8)(b) of the Children Act 1989;

(2) provision under section 14F (special guardianship support services) to prescribe circumstances in which section 14F applies to a local authority in respect of persons who are outside that local authority's area;

(3) provision for the local authority providing special guardianship support services to persons outside their local authority area to—

- (a) review the special guardianship support services provided to that person;
- (b) notify the local authority where that person lives of any continuing need for support services; and
- (c) refer that person to relevant local services.

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

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**PLANT A PHOBL IFANC,  
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**CHILDREN AND YOUNG  
PERSONS, WALES**

**Rheoliadau Gwarcheidiaeth  
Arbennig (Cymru) (Diwygio) 2018**

**The Special Guardianship (Wales)  
(Amendment) Regulations 2018**

*Gwnaed* 2 Mai 2018

*Made* 2 May 2018

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 8 Mai 2018

*Laid before the National Assembly for Wales* 8  
May 2018

*Yn dod i rym* 2 Gorffennaf 2018

*Coming into force* 2 July 2018

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 14A(8)(b), 14F a 104(4) o Ddeddf Plant 1989(1) yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred by sections 14A(8)(b), 14F and 104(4) of the Children Act 1989(1) make the following Regulations:

**Enwi, cychwyn, cymhwyso a dehongli**

**Title, commencement, application and interpretation**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwarcheidiaeth Arbennig (Cymru) (Diwygio) 2018 a deuant i rym ar 2 Gorffennaf 2018.

1.—(1) The title of these Regulations is the Special Guardianship (Wales) (Amendment) Regulations 2018 and they come into force on 2 July 2018.

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

(2) These Regulations apply in relation to Wales.

(3) Yn y Rheoliadau hyn, ystyr "Rheoliadau 2005" ("the 2005 Regulations") yw Rheoliadau Gwarcheidiaeth Arbennig (Cymru) 2005(2).

(3) In these Regulations, "the 2005 Regulations" ("Rheoliadau 2005") means the Special Guardianship (Wales) Regulations 2005(2).

2. Nid yw rheoliad 4 yn gymwys pan fo, cyn 2 Gorffennaf 2018—

2. Regulation 4 does not apply where, before 2 July 2018—

(a) unigolyn wedi rhoi i'r awdurdod lleol priodol hysbysiad ysgrifenedig o'i fwriad i wneud cais am orchymyn gwarcheidiaeth arbennig yn unol ag adran 14A(7) o Ddeddf Plant 1989, neu

(a) an individual has given the appropriate local authority written notice of their intention to apply for a special guardianship order in accordance with section 14A(7) of the Children Act 1989, or

(1) 1989 p. 41. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru o dan baragraff 1 o Atodlen 1 i Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(2) O.S. 2005/1513 (Cy. 117).

(1) 1989 c. 41. The functions of the Secretary of State were transferred to the National Assembly of Wales under paragraph 1 of Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) S.I. 2005/1513 (W. 117).

- (b) llys wedi gofyn i awdurdod lleol gynnal ymchwiliad a llunio adroddiad yn unol ag adran 14A(9) o Ddeddf Plant 1989.

- (b) a court has asked a local authority to conduct an investigation and prepare a report in accordance with section 14A(9) of the Children Act 1989.

### Diwygiadau i Reoliadau 2005

3. Mae Rheoliadau 2005 wedi eu diwygio yn unol â'r darpariaethau a ganlyn.

#### Adroddiadau

4.—(1) Mae'r Atodlen i Reoliadau 2005 (adroddiadau – materion a ragnodwyd at ddibenion adran 14A(8)(b) o'r Ddeddf) wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff 2 o'r Atodlen (materion o ran y plentyn)—

- (a) yn is-baragraff (a) ar ôl “cartref” mewnosoder “(gan gynnwys ardal awdurdod lleol)”;
- (b) yn is-baragraff (b) yn lle “a statws mewnfudo” rhodder “(a statws mewnfudo pan fo'n briodol)”;
- (c) yn is-baragraff (c) cyn “disgrifiad corfforol” mewnosoder “ffotograff a”;
- (d) yn is-baragraff (ch) hepgorer “ac adroddiad ar iechyd y plentyn”;
- (e) yn is-baragraff (d) ar ôl “cred grefyddol” mewnosoder “(gan gynnwys manylion bedydd, confyrmasiwn (bedydd esgob) neu seremonïau cyfatebol)”;
- (f) yn lle is-baragraff (dd) rhodder—
  - “(dd) manylion unrhyw orchymyn a wnaed gan lys mewn cysylltiad â'r plentyn o dan y Ddeddf gan gynnwys—
    - (i) enw'r llys;
    - (ii) y gorchymyn a wnaed; a
    - (iii) y dyddiad y gwnaed y gorchymyn;
- (g) yn is-baragraff (e) yn lle “ag aelodau teulu'r plentyn” rhodder “â pherthnasau'r plentyn ac unrhyw berson arall y mae'r awdurdod lleol yn ystyried ei fod yn berthnasol”;
- (h) ar ôl is-baragraff (e) mewnosoder—
  - “(ea) unrhyw niwed y mae'r plentyn wedi ei ddioddef;
  - (eb) unrhyw risg o niwed yn y dyfodol i'r plentyn a berir gan rieni'r plentyn, ei berthnasau neu unrhyw berson arall y mae'r awdurdod lleol yn ystyried ei fod yn berthnasol;”;

### Amendments to the 2005 Regulations

3. The 2005 Regulations are amended in accordance with the following provisions.

#### Reports

4.—(1) The Schedule to the 2005 Regulations (reports – matters prescribed for the purposes of section 14A(8)(b) of the Act) is amended as follows.

(2) In paragraph 2 of the Schedule (matters in respect of the child)—

- (a) in sub-paragraph (a) after “address” insert “(including local authority area)”;
- (b) in sub-paragraph (b) for “and immigration status” substitute “(and immigration status where appropriate)”;
- (c) in sub-paragraph (c) before “physical description” insert “a photograph and”;
- (d) in sub-paragraph (d) omit “and a report on the child's health”;
- (e) in sub-paragraph (e) after “religious persuasion” insert “(including details of baptism, confirmation or equivalent ceremonies)”;
- (f) for sub-paragraph (f) substitute—
  - “(f) details of any order made by a court with respect to the child under the Act including—
    - (i) the name of the court;
    - (ii) the order made; and
    - (iii) the date on which the order was made;”;
- (g) in sub-paragraph (g) for “members of his or her family” substitute “his or her relatives and any other person the local authority consider relevant”;
- (h) after sub-paragraph (g) insert—
  - “(ga) any harm which the child has suffered;
  - (gb) any risk of future harm to the child posed by the child's parents, relatives or any other person the local authority considers relevant;”;

(i) ar ôl is-baragraff (f) mewnosoder—

“(fa) a yw’r plentyn yn derbyn gofal neu wedi derbyn gofal gan awdurdod lleol neu a yw llety yn cael ei ddarparu iddo neu wedi cael ei ddarparu iddo gan sefydliad gwirfoddol, a manylion (gan gynnwys dyddiadau) unrhyw leoliadau gan yr awdurdod neu’r sefydliad;

(fb) a yw’r darpar warcheidwad arbennig yn rhiant maeth awdurdod lleol i’r plentyn;”;

(j) yn lle is-baragraff (ff) rhodder—

“(ff) cyraeddiadau addysgol y plentyn ac a yw’r plentyn yn ddarostyngedig i ddatganiad anghenion addysgol arbennig o dan Ddeddf Addysg 1996(1);”;

(k) yn lle is-baragraff (g) rhodder—

“(g) asesiad o ddymuniadau a theimladau’r plentyn (gan roi sylw i oedran a dealltwriaeth y plentyn) ynghylch—

(i) gwarcheidiaeth arbennig;

(ii) ei fagwraeth grefyddol a diwylliannol; a

(iii) cyswllt â’i berthnasau ac ag unrhyw berson arall y mae’r awdurdod lleol yn ystyried ei fod yn berthnasol;”;

(l) ar ôl is-baragraff (g) mewnosoder—

“(ng) y dyddiad yr aseswyd dymuniadau a theimladau’r plentyn ddiweddar;

(h) disgrifiad o bersonoliaeth y plentyn, ei ddatblygiad cymdeithasol a’i ddatblygiad emosiynol ac ymddygiadol ac unrhyw anghenion cysylltiedig ar hyn o bryd neu unrhyw anghenion tebygol yn y dyfodol;

(i) manylion am ddiddordebau’r plentyn, ei hoff bethau a’i gas bethau;

(j) hanes iechyd a disgrifiad o gyflwr iechyd y plentyn, gan gynnwys unrhyw driniaeth y mae’r plentyn yn ei chael; a

(l) enwau, cyfeiriadau a’r mathau o feithrinfeydd neu ysgolion a fynychwyd, gyda dyddiadau mynychu.”

(i) after sub-paragraph (h) insert—

“(ha) whether the child is being looked after or has been looked after by a local authority or is or has been provided with accommodation by a voluntary organisation, and details (including dates) of any placements by the authority or organisation;

(hb) whether the prospective special guardian is a local authority foster parent of the child;”;

(j) for sub-paragraph (i) substitute—

“(i) the child’s educational attainments and whether the child is subject to a statement of special educational needs under the Education Act 1996(1);”;

(k) for sub-paragraph (j) substitute—

“(j) an assessment of the child’s wishes and feelings (having regard to the child’s age and understanding) about—

(i) special guardianship;

(ii) his or her religious and cultural upbringing; and

(iii) contact with his or her relatives and any other person the local authority considers relevant;”;

(l) after sub-paragraph (j) insert—

“(k) the date on which the child’s wishes and feelings were last assessed;

(l) a description of the child’s personality, his or her social development and his or her emotional and behavioural development and any related current needs or likely future needs;

(m) details of the child’s interests, likes and dislikes;

(n) a health history and a description of the state of the child’s health, including any treatment the child is receiving; and

(o) names, addresses and types of nurseries or schools attended, with dates of attendance.”

(3) Ym mharagraff 3 o'r Atodlen (materion o ran teulu'r plentyn)—

- (a) yn is-baragraff (a) yn lle “rhieni'r plentyn” rhodder “(a'r dyddiad y cadarnhawyd ei gyfeiriad ddiwethaf) pob un o rieni'r plentyn”;
- (b) yn is-baragraff (b) yn lle “a statws mewnfudo” rhodder “(a statws mewnfudo pan fo'n briodol)”;
- (c) ar ôl is-baragraff (b) mewnosoder—
  - “(ba) a oedd rhieni'r plentyn yn briod â'i gilydd ar adeg geni'r plentyn neu a briodasant wedi hynny ac a ydynt wedi ysgaru neu wedi gwahanu;”;
- (d) yn is-baragraff (ch) cyn “a oes” mewnosoder “pan na fo rhieni'r plentyn yn briod,” ac ar ôl “am y plentyn” mewnosoder “ac, os felly, sut y'i caffaelwyd”;
- (e) ar ôl is-baragraff (d) mewnosoder—
  - “(da) os na wyddys pwy yw'r naill riant neu'r llall na ble y mae, yr wybodaeth am y rhiant sydd wedi ei chanfod a chan bwy y cafwyd yr wybodaeth, a'r camau sydd wedi eu cymryd i gadarnhau mamolaeth neu dadolaeth yn ôl y digwydd;
  - (db) y berthynas a fu a'r berthynas bresennol rhwng rhieni'r plentyn â'i gilydd;”;
- (f) yn is-baragraff (dd) cyn “disgrifiad” rhodder “ffotograff, os oes un ar gael, a”;
- (g) ar ôl is-baragraff (dd) mewnosoder—
  - “(dda) pan fo ar gael, hanes iechyd pob un o'r rhieni, gan gynnwys manylion unrhyw salwch corfforol neu salwch meddwl difrifol, unrhyw glefyd neu anhwylder etifeddol neu anabledd;”;
- (h) ar ôl is-baragraff (f) mewnosoder—
  - “(fa) personoliaeth a diddordebau'r rhieni;”;
- (i) yn lle is-baragraff (g) rhodder—
  - “(g) barn, dymuniadau a theimladau rhieni'r plentyn o ran—
    - (i) y cais am orchymyn gwarcheidiaeth arbennig o ran y plentyn;
    - (ii) magwraeth grefyddol a diwylliannol y plentyn; a
    - (iii) cyswllt â'r plentyn;”;

(3) In paragraph 3 of the Schedule (matters in respect of the family of the child)—

- (a) in sub-paragraph (a) after “address” insert “(and the date on which their address was last confirmed) of each”;
- (b) in sub-paragraph (b) for “and immigration status” substitute “(and immigration status where appropriate)”;
- (c) after sub-paragraph (b) insert—
  - “(ba) whether the child's parents were married to each other at the time of the child's birth or subsequently married and whether they have divorced or separated;”;
- (d) in sub-paragraph (d) before “whether” insert “where the child's parents are not married,” and after “child” insert “and, if so, how it was acquired”;
- (e) after sub-paragraph (e) insert—
  - “(ea) if the identity or whereabouts of either parent is not known, the information about the parent that has been ascertained and from whom the information has been obtained, and the steps that have been taken to establish maternity or paternity as the case may be;
  - (eb) the past and present relationship of the child's parents with each other;”;
- (f) in sub-paragraph (f) before “physical” insert “a photograph, if available, and a”;
- (g) after sub-paragraph (f) insert—
  - “(fa) where available, the health history of each of the parents, including details of any serious physical or mental illness, any hereditary disease or disorder or disability;”;
- (h) after sub-paragraph (h) insert—
  - “(ha) the personality and interests of the parents;”;
- (i) for sub-paragraph (j) substitute—
  - “(j) the views, wishes and feelings of the child's parents in relation to—
    - (i) the application for a special guardianship order in respect of the child;
    - (ii) the child's religious and cultural upbringing; and
    - (iii) contact with the child;”;

- (j) ar ôl is-baragraff (g) mewnosoder—  
“(ga) o ran pob un o frodyr a chwiorydd y plentyn sydd o dan 18 oed—  
(i) y person y mae’r brawd neu’r chwaer yn byw gydag ef;  
(ii) a yw’r brawd neu’r chwaer yn derbyn gofal gan awdurdod lleol neu a yw llety yn cael ei ddarparu iddo neu iddi gan sefydliad gwirfoddol; a  
(iii) manylion unrhyw orchymyn llys a wnaed o ran y brawd neu’r chwaer o dan y Ddeddf gan gynnwys enw’r llys, y gorchymyn a wnaed a’r dyddiad y gwnaed y gorchymyn; ac”.

(4) Ym mharagraff 4 (materion 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) yn is-baragraff (a) ar ôl “cartref” mewnosoder “(gan gynnwys ardal awdurdod lleol)”;
- (b) yn is-baragraff (b) yn lle “a statws mewnfudo” rhodder “(a statws mewnfudo pan fo’n briodol)”;
- (c) yn is-baragraff (ch) cyn “disgrifiad” mewnosoder “ffotograff a”;
- (d) ar ôl is-baragraff (d) mewnosoder—  
“(da) os yw’r darpar warcheidwad arbennig yn aelod o gwpl ac yn gwneud cais ar ei ben ei hun am orchymyn gwarcheidiaeth arbennig, y rhesymau dros hyn;  
(db) manylion unrhyw briodas, partneriaeth sifil neu berthynas arwyddocaol flaenorol;”;
- (e) ar ôl is-baragraff (dd) mewnosoder—  
“(dda) a yw’r darpar warcheidwad arbennig yn berthynas i’r plentyn;  
(ddb) asesiad o berthynas y darpar warcheidwad arbennig ar hyn o bryd ac yn y gorffennol â’r plentyn, rhieni’r plentyn ac unrhyw berson perthynol;”;
- (f) yn is-baragraff (f) ar ôl “arbennig” mewnosoder “, gan gynnwys manylion unrhyw salwch corfforol neu salwch meddwl difrifol, unrhyw glefyd neu anhwylder etifeddol neu anabledd”;
- (g) yn is-baragraff (ff) ar ôl “gartref” mewnosoder “a chymdogaeth” ac ar ôl “incwm” mewnosoder “a gwariant”;

- (j) after sub-paragraph (j) insert—  
“(ja) in respect of each of the child’s siblings under the age of 18—  
(i) the person with whom the sibling is living;  
(ii) whether the sibling is looked after by a local authority or provided with accommodation by a voluntary organisation; and  
(iii) details of any court order made with respect to the sibling under the Act including the name of the court, the order made and the date on which the order was made; and”.

(4) In paragraph 4 (matters in respect of the prospective special guardian or, where two or more persons are jointly prospective special guardians, each of them)—

- (a) in sub-paragraph (a) after “address” insert “(including local authority area)”;
- (b) in sub-paragraph (b) for “and immigration status” substitute “(and immigration status where appropriate)”;
- (c) in sub-paragraph (d) before “physical” insert “photograph and”;
- (d) after sub-paragraph (e) insert—  
“(ea) if the prospective special guardian is a member of a couple and is applying alone for a special guardianship order, the reasons for this;  
(eb) details of any previous marriage, civil partnership, or significant relationship;”;
- (e) after sub-paragraph (f) insert—  
“(fa) whether the prospective special guardian is a relative of the child;  
(fb) an assessment of the prospective special guardian’s current and past relationship with the child, the child’s parents and any related person;”;
- (f) in sub-paragraph (h) after “guardian” insert “, including details of any serious physical or mental illness, any hereditary disease or disorder or disability”;
- (g) in sub-paragraph (i) after “home” insert “and neighbourhood” and after “income” insert “and expenditure”;

- (h) yn is-baragraff (h) ar ôl “arbennig” mewnosoder “ac i ba raddau y mae’n deall natur ac effaith gwarcheidiaeth arbennig ac a yw’r darpar warcheidwad arbennig wedi trafod gwarcheidiaeth arbennig â’r plentyn”;
- (i) yn lle is-baragraff (i) rhodder—
- “(i) asesiad o gynneddf y darpar warcheidwad arbennig i fod yn rhiant, gan gynnwys—
- (i) ei ddealltwriaeth o anghenion presennol y plentyn a’i anghenion tebygol yn y dyfodol a’i allu i ddiwallu’r anghenion hynny, yn benodol, unrhyw anghenion a all fod gan y plentyn sy’n codi o niwed y mae’r plentyn wedi ei ddiodef;
- (ii) ei ddealltwriaeth o unrhyw risg bresennol o niwed i’r plentyn neu unrhyw risg o niwed i’r plentyn yn y dyfodol a berir gan rieni’r plentyn, ei berthnasau neu unrhyw berson arall y mae’r awdurdod lleol yn ystyried ei fod yn berthnasol, yn benodol o ran cyswllt rhwng unrhyw berson o’r fath a’r plentyn, a’i allu i amddiffyn y plentyn rhag unrhyw risg o’r fath;
- (iii) ei allu, ei addasrwydd a’i ymrwymiad i fagu’r plentyn hyd nes iddo gyrraedd deunaw oed; a
- (iv) ei ddealltwriaeth o rôl gwarcheidwad arbennig a’i heffaith debygol ar ei fywyd;
- (ia) manylion unrhyw aelodau eraill o aelwyd y darpar warcheidwad arbennig a manylion unrhyw blant y darpar warcheidwad arbennig hyd yn oed os nad ydynt yn preswyllo yn yr aelwyd;
- (ib) manylion rhieni ac unrhyw frawd neu chwaer y darpar warcheidwad arbennig, gyda’u hoedrannau;
- (ic) manylion personoliaeth a diddordebau’r darpar warcheidwad arbennig;
- (ich) manylion unrhyw reithdrefnau llys teulu blaenorol y mae’r darpar warcheidwad arbennig wedi bod yn rhan ohonynt (na chyfeiriwyd atynt eto yn unman arall yn yr adroddiad);”;
- (h) in sub-paragraph (l) after “order” insert “and extent of understanding of the nature and effect of special guardianship and whether the prospective special guardian has discussed special guardianship with the child”;
- (i) for sub-paragraph (m) substitute—
- “(m) an assessment of the prospective special guardian’s parenting capacity, including—
- (i) their understanding of, and ability to meet the child’s current and likely future needs, particularly, any needs the child may have arising from harm that the child has suffered;
- (ii) their understanding of, and ability to protect the child from any current or future risk of harm posed by the child’s parents, relatives or any other person the local authority consider relevant, particularly in relation to contact between any such person and the child;
- (iii) their ability, suitability and commitment to bring up the child until the child reaches the age of eighteen; and
- (iv) their understanding of a special guardian’s role and its likely impact on their life;
- (ma) details of any other members of the prospective special guardian’s household and details of any children of the prospective special guardian even if not resident in the household;
- (mb) details of the parents and any siblings of the prospective special guardian, with their ages;
- (mc) details of the personality and interests of the prospective special guardian;
- (md) details of any previous family court proceedings in which the prospective special guardian has been involved (which have not yet been referred to elsewhere in the report);”;

(j) yn lle is-baragraff (j) rhodder—  
“(j) manylion tri chanolwr personol y darpar warcheidwad arbennig, nad yw mwy nag un ohonynt yn perthyn i'r darpar warcheidwad arbennig, ac adroddiad o bob un o'r cyfweiliadau â'r canolwyr;”;

(k) ar ôl is-baragraff (j) mewnosoder—  
“(ja)barn aelodau eraill o aelwyd y darpar warcheidwad arbennig a'r teulu ehangach (pan fo'n berthnasol) o ran y gorchymyn gwarcheidiaeth arbennig arfaethedig;

(jb) asesiad o'r rhyngweithio rhwng pob un o aelodau aelwyd y darpar warcheidwad arbennig;

(jc) asesiad o berthynas y plentyn â theulu'r darpar warcheidwad arbennig ar hyn o bryd a'r berthynas debygol rhyngddynt yn y dyfodol;

(jch) unrhyw obeithion a disgwyliadau sydd gan y darpar warcheidwad arbennig ynghylch dyfodol y plentyn;

(jd) dymuniadau a theimladau'r darpar warcheidwad arbennig o ran cyswllt ar hyn o bryd ac yn y dyfodol rhwng y plentyn a pherthnasau'r plentyn neu unrhyw berson arall y mae'r awdurdod lleol yn ystyried ei fod yn berthnasol;”;

(l) yn is-baragraff (l) yn lle “.” rhodder “; ac”; a

(m) ar ôl is-baragraff (l) mewnosoder—  
“(ll) o ran y darpar warcheidwad arbennig ac unrhyw aelod arall o aelwyd y darpar warcheidwad arbennig sy'n 18 oed neu drosodd, tystysgrif cofnod troseddol manwl a ddyroddir o dan adran 113B o Ddeddf yr Heddlu 1997(1) sy'n cynnwys gwybodaeth addasrwydd sy'n ymwneud â phlant (o fewn ystyr adran 113BA(2) o'r Ddeddf honno).”

(5) Ym mharagraff 5 (materion mewn perthynas â'r awdurdod lleol a luniodd yr adroddiad)—

(a) yn is-baragraff (d) ar ôl “riant y plentyn” mewnosoder “a'r cyfnod y mae'r gwasanaethau hynny i gael eu darparu ar ei gyfer”; a

(j) for sub-paragraph (n) substitute—

“(n) details of the prospective special guardian's three personal referees, no more than one of whom is a relative of the prospective special guardian, and a report of each of the interviews with the referees;”;

(k) after sub-paragraph (n) insert—

“(na) the views of other members of the prospective special guardian's household and wider family (where relevant) in relation to the proposed special guardianship order;

(nb) an assessment of the interaction between each of the members of the prospective special guardian's household;

(nc) an assessment of the child's current and likely future relationship with the family of the prospective special guardian;

(nd) any hopes and expectations the prospective special guardian has for the child's future;

(ne) the prospective special guardian's wishes and feelings in relation to current and future contact between the child and the child's relatives or any other person the local authority considers relevant;”;

(l) in sub-paragraph (o) for “.” substitute “; and”; and

(m) after sub-paragraph (o) insert—

“(p) in respect of the prospective special guardian and any other member of the prospective special guardian's household who is aged 18 or over, an enhanced criminal record certificate issued under section 113B of the Police Act 1997(1) which includes suitability information relating to children (within the meaning of section 113BA(2) of that Act).”

(5) In paragraph 5 (matters in respect of the local authority which compiled the report)—

(a) in sub-paragraph (e) after “parent” insert “and the period for which those services are to be provided”; and



- (b) ar ôl paragraff (d) mewnosoder—  
“(da) pan fydd yr awdurdod lleol wedi penderfynu peidio â darparu gwasanaethau cymorth gwarcheidiaeth arbennig, y rhesymau pam;”.

(6) Ym mharagraff 6 (materion o ran y casgliadau yn yr adroddiad)—

- (a) yn is-baragraff (b)—  
(i) yn lle paragraff (v) rhodder—  
“(v) effaith gwneud y gorchymyn gwarcheidiaeth arbennig ar rieni'r plentyn, darpar warcheidwad arbennig y plentyn a'i deulu ac unrhyw berson arall y mae'r awdurdod lleol yn ystyried ei fod yn berthnasol;”;  
(ii) ym mharagraff (vi) ar ôl “plentyn;” hepgorer “ac”;
- (b) yn is-baragraff (c) yn lle “.” rhodder “; ac”;
- (c) ar ôl is-baragraff (c) mewnosoder—  
“(ch) argymhelliad o ran y trefniadau y dylid eu rhoi ar waith ar gyfer cyswllt rhwng y plentyn a pherthnasau'r plentyn neu unrhyw berson arall y mae'r awdurdod lleol yn ystyried ei fod yn berthnasol.”

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

5.—(1) Yn rheoliad 3 (darparu gwasanaethau cymorth gwarcheidiaeth arbennig)—

- (a) ym mharagraff (1)(d)(ii), yn lle “gofal seibiant” rhodder “seibiannau byr”; a  
(b) mae paragraff (2) wedi ei hepgor.

(2) Ar ôl rheoliad 3 mewnosoder—

#### **“Gwasanaethau ar gyfer personau sydd y tu allan i'r ardal**

3A.—(1) Mae adran 14F o'r Ddeddf (gwasanaethau cymorth gwarcheidiaeth arbennig) yn gymwys i awdurdod lleol o ran y personau canlynol sydd y tu allan i ardal yr awdurdod lleol—

- (a) plentyn perthnasol sy'n derbyn gofal gan yr awdurdod lleol neu a oedd yn derbyn gofal gan yr awdurdod lleol yn union cyn i orchymyn gwarcheidiaeth arbennig gael ei wneud;  
(b) gwarcheidwad arbennig neu ddarpar warcheidwad arbennig i blentyn o'r fath;

(b) after paragraph (e) insert—

“(ea) where the local authority has decided not to provide special guardianship support services, the reasons why;”.

(6) In paragraph 6 (matters in respect of the conclusions reached in the report)—

- (a) in sub-paragraph (b)—  
(i) for paragraph (v) substitute—  
“(v) the effect of the making of the special guardianship order on the child's parents, the prospective special guardian and his or her family and any other person the local authority considers relevant;”;  
(ii) in paragraph (vi) after “child;” omit “and”;
- (b) in sub-paragraph (c) for “.” substitute “; and”;
- (c) after sub-paragraph (c) insert—  
“(d) a recommendation as to the arrangements that should be put in place for contact between the child and the child's relatives or any other person the local authority considers relevant.”

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

5.—(1) In regulation 3 (provision of special guardianship support services)—

- (a) in paragraph (1)(e)(ii), for “respite care” substitute “short breaks”; and  
(b) paragraph (2) is omitted.

(2) After regulation 3 insert—

#### **“Services for persons outside the area**

3A.—(1) Section 14F of the Act (special guardianship support services) applies to a local authority in respect of the following persons who are outside the local authority area—

- (a) a relevant child who is looked after by the local authority or was looked after by the local authority immediately before the making of a special guardianship order;  
(b) a special guardian or prospective special guardian of such a child;

- (c) plentyn gwarcheidwad arbennig neu ddarpar warcheidwad arbennig a grybwyllwyd yn is-baragraff (b).

(2) Ond mae adran 14F yn peidio â bod yn gymwys ar ddiwedd y cyfnod o dair blynedd o ddyddiad y gorchymyn gwarcheidiaeth arbennig ac eithrio mewn achos pan fydd yr awdurdod lleol yn darparu cymorth ariannol o dan Ran 3 ac y cafodd y penderfyniad i ddarparu'r cymorth hwnnw ei wneud cyn i'r gorchymyn gael ei wneud.

(3) Rhaid i'r awdurdod lleol sy'n darparu gwasanaethau cymorth gwarchodaeth arbennig i berson sy'n dod o fewn y personau hynny a restrir yn rheoliad 3A(1)(a) i (c), heb fod yn hwyrach na thri mis cyn diwedd y cyfnod o dair blynedd y cyfeirir ato ym mharagraff (2)—

- (a) adolygu'r gwasanaethau cymorth gwarcheidiaeth arbennig a ddarperir i'r person hwnnw;
- (b) hysbysu'r awdurdod lleol y mae'r person hwnnw yn byw ynddo am unrhyw angen parhaus am wasanaethau cymorth gwarcheidiaeth arbennig; ac
- (c) atgyfeirio'r person hwnnw i wybodaeth, cyngor a chymorth lleol perthnasol.

(4) Nid yw unrhyw beth yn y rheoliad hwn yn atal awdurdod lleol rhag darparu gwasanaethau cymorth gwarcheidiaeth arbennig i bersonau sydd y tu allan i'w ardal pan fydd yn ystyried ei bod yn briodol wneud hynny.”

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

6. Yn rheoliad 5 (asesu anghenion ar gyfer gwasanaethau cymorth gwarcheidiaeth arbennig)—

- (a) yn lle paragraff (1) rhodder—

“(1) Rhagnodir y personau canlynol at ddibenion adran 14F(3) o'r Ddeddf (personau y mae rhaid i asesiad gael ei gyflawni ar eu cais)—

- (a) person sy'n dod o fewn adran 14F(3)(a) i (c) o'r Ddeddf;
- (b) plentyn perthnasol sy'n derbyn gofal gan yr awdurdod lleol neu a oedd yn derbyn gofal gan yr awdurdod lleol yn union cyn i'r gorchymyn gwarcheidiaeth arbennig gael ei wneud;
- (c) plentyn i'r gwarcheidwad arbennig neu'r darpar warcheidwad arbennig a grybwyllir yn is-baragraff (ch);

- (c) a child of a special guardian or prospective special guardian mentioned in sub-paragraph (b).

(2) But section 14F ceases to apply at the end of the period of three years from the date of the special guardianship order except in a case where the local authority are providing financial support under Part 3 and the decision to provide that support was made before the making of the order.

(3) The local authority providing special guardianship support services to a person who falls within those listed in regulation 3A(1)(a) to (c) must, not later than three months before the end of the three year period referred to in paragraph (2)—

- (a) review the special guardianship support services provided to that person;
- (b) notify the local authority where that person lives of any continuing need for special guardianship support services; and
- (c) refer that person to relevant local information, advice and assistance.

(4) Nothing in this regulation prevents a local authority from providing special guardianship support services to persons outside their area where they consider it appropriate to do so.”

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

6. In regulation 5 (assessment of needs for special guardianship support services)—

- (a) for paragraph (1) substitute—

“(1) The following persons are prescribed for the purposes of section 14F(3) of the Act (persons at whose request an assessment must be carried out)—

- (a) a person falling within section 14F(3)(a) to (c) of the Act;
- (b) a relevant child who is looked after by the local authority or who was looked after by the local authority immediately before the making of the special guardianship order;
- (c) a child of the special guardian or prospective special guardian mentioned in sub-paragraph (d);

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>(ch) gwarcheidwad arbennig neu ddarpar warcheidwad arbennig i blentyn perthnasol;</li> <li>(d) rhiant i blentyn perthnasol;</li> <li>(dd) person perthynol i blentyn perthnasol, ar yr amod, cyn i gais gael ei wneud am asesiad, fod trefniadau ar waith ar gyfer cyswllt rhwng y person a'r plentyn perthnasol; ac</li> <li>(e) plentyn (ac eithrio un sy'n dod o fewn is-baragraffau (a) i (c) uchod) a enwir mewn adroddiad a lunnir o dan adran 14A(8) o'r Ddeddf.”; a</li> </ul> | <ul style="list-style-type: none"> <li>(d) a special guardian or prospective special guardian of a relevant child;</li> <li>(e) a parent of a relevant child;</li> <li>(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</li> <li>(g) a child (other than one falling within sub-paragraphs (a) to (c) above) who is named in a report produced under section 14A(8) of the Act.”; and</li> </ul> |
| <ul style="list-style-type: none"> <li>(b) hepgorer paragraff (2).</li> </ul>   | <ul style="list-style-type: none"> <li>(b) omit paragraph (2).</li> </ul>   |

*Huw Irranca-Davies*

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

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

2 May 2018

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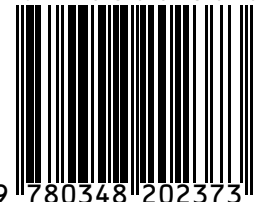
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