



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2002 Rhif 3013 (Cy.285)**

**2002 No. 3013 (W.285)**

**PLANT A PHERSONAU  
IFANC**

**CHILDREN AND YOUNG  
PERSONS**

Rheoliadau Trefniadau ar gyfer  
Lleoli Plant (Cyffredinol) ac  
Adolygu Achosion Plant (Diwygio)  
(Cymru) 2002

The Arrangements for Placement  
of Children (General) and the  
Review of Children's Cases  
(Amendment) (Wales) Regulations  
2002

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r rheoliadau hyn, sy'n gymwys mewn perthynas â Chymru, yn diwygio Rheoliadau Trefniadau ar gyfer Lleoli Plant (Cyffredinol) 1991 a Rheoliadau Adolygu Achosion Plant 1991.

These regulations, which apply in relation to Wales, make amendments to the Arrangements for Placement of Children (General) Regulations 1991 and the Review of Children's Cases Regulations 1991.

Effaith y diwygiadau fydd ymestyn y dyletswydd sydd ar awdurdod cyfrifol i hysbysu wrth leoli plentyn, fel ei fod yn cynnwys nid yn unig y cyrff a nodwyd yn yr ardal ble mae'r plentyn yn byw, ond y cyrff cyfatebol yn yr ardal lle caiff y plentyn ei osod yn ogystal. Mae hefyd yn darparu i awdurdodau cyfrifol ei gwneud yn ofynnol bod asesiad iechyd yn cael ei gynnal ac yna llunio cynllun iechyd ar gyfer y plentyn ac i sicrhau ei fod yn derbyn gwasanaethau gofal iechyd addas yn ystod y lleoliad.

The effect of the amendments is to extend a responsible authority's duty of notification on placing a child, to include not only the identified bodies in the area where the child is living, but also the equivalent bodies in the area where the child will be placed. It also provides for responsible authorities to require that a health assessment is carried out and then to draw up a health plan for the child and to ensure that he receives suitable health care services during placement.

Caiff Rheoliadau Adolygu Achosion Plant eu diwygio fel eu bod yn cynnwys adolygiad o'r cynllun iechyd fel rhan o'r broses adolygu a sefydlwyd o dan y Rheoliadau yna. Caiff oedran plant iau, y mae'n ofynnol cynnal eu hadolygiad iechyd bob chwe mis, ei ymestyn hyd at bum mlwydd oed.

The Review of Children's Cases Regulations are revised so as to include a review of the health plan into the review process established under those Regulations. The age of younger children, whose health review is required to be every six months, is extended up to the age of five years.

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*Wedi'u gwneud**4 Rhagfyr 2002**Made**4th December 2002**Yn dod i rym**1 Ionawr 2003**Coming into force**1st January 2003*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 23(2)(a) ac (f), 26(1),(2),(5) a (6) a 104(4) o Ddeddf Plant 1989(a), drwy hyn yn gwneud y rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred by sections 23(2)(a) and (f), 26(1),(2),(5) and (6) and 104(4) of the Children Act 1989(a), hereby makes the following regulations:

**Enwi, cychwyn a chymhwyso**

1.-(1) Enw'r rheoliadau hyn yw Rheoliadau Trefniadau ar gyfer Lleoli Plant (Cyffredinol) ac Adolygu Achosion Plant (Diwygio) (Cymru) 2002 a deuant i rym ar 1 Ionawr 2003.

(2) Mae'r rheoliadau hyn yn gymwys mewn perthynas â Chymru.

**Citation, commencement and application**

1.-(1) These regulations may be cited as the Arrangements for Placement of Children (General) and the Review of Children's Cases (Amendment) (Wales) Regulations 2002 and shall come into force on 1st January 2003.

(2) These regulations apply in relation to Wales.

**Diwygio Rheoliadau Trefniadau ar gyfer Lleoli  
Plant (Cyffredinol) 1991**

2.-(1) Caiff Rheoliadau Trefniadau ar gyfer Lleoli Plant (Cyffredinol) 1991(b) eu diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 5(1) (hysbysu am drefniadau)-

**Amendment of the Arrangements for Placement of  
Children (General) Regulations 1991**

2.-(1) The Arrangements for the Placement of Children (General) Regulations 1991(b) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 5(1) (notification of arrangements)-

(a) 1989 p.41. Mae'r pwerau wedi'u rhoi i'r Ysgrifennydd Gwladol. Maent yn arferadwy gan Gynulliad Cenedlaethol Cymru mewn perthynas â Chymru drwy rinwedd adran 22(1) o Ddeddf Llywodraeth Cymru 1998 (p.38), ac erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) a'r cofnod mewn perthynas â Deddf Plant 1989 yn Atodlen 1 i'r Gorchymyn hwnnw.

(b) O.S. 1991/890 fel y'i diwygiwyd gan O.S. 1991/2033, O.S. 1993/3069, O.S. 1995/2015 ac O.S. 1997/649.

(a) 1989 c.41. The powers are conferred upon the Secretary of State. They are exercisable by the National Assembly for Wales in relation to Wales by virtue of section 22(1) of the Government of Wales Act 1998 (c.38), and article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and the entry in respect of the Children Act 1989 in Schedule 1 to that Order.

(b) S.I. 1991/890 as amended by S.I. 1991/2033, S.I. 1993/3069, S.I.1995/2015 and S.I. 1997/649.

- (a) yn lle is-baragraff (b) rhoddir-  
 "(b) the Health Authority for the area in which the child is living and, if it is different, the Health Authority (or, where applicable, Primary Care Trust) for the area in which the child is to be placed;"
- (b) yn is-baragraff (c), ar y diwedd, ychwanegir " and, if it is different, for the area in which the child is to be placed;"
- (c) yn is-bargaraff (d), ar y diwedd, ychwanegir "and, where applicable, any registered medical practitioner with whom the child is to be registered following the placement;"

(3) Yn lle rheoliad 7 (gofynion iechyd) rhoddir-

### "Health assessments

7.-(1) subject to paragraphs (3) and (4), a responsible authority shall-

- (a) before making a placement, or if that is not reasonably practicable, as soon as reasonably practicable after a placement is made, make arrangements for a registered medical practitioner to conduct an assessment, which may include a physical examination, of the child's state of health;
- (b) require the registered medical practitioner who conducts the assessment to prepare a written report of the assessment which addresses the matters listed in Schedule 2; and
- (c) having regard to the matters listed in Schedule 2 and, unless paragraph (4) applies, to the assessment report, prepare a plan for the future health of the child if one which fully reflects the current needs of the child is not already in existence.

(2) A responsible authority shall ensure that each child is provided during the placement with-

- (a) health care services, including medical and dental care and treatment; and
- (b) advice and guidance on health, medical and dental care and health promotion issues appropriate to his needs.

(3) Paragraph (1) does not apply if, within the three month period immediately preceding the placement, the child's health has been assessed, and a report of the assessment prepared, in accordance with that paragraph.

(4) Sub-paragraphs (a) and (b) of paragraph (1) do not apply if the child, being of sufficient understanding to do so, refuses to consent to the assessment."

- (a) For sub-paragraph (b) substitute-  
 "(b) the Health Authority for the area in which the child is living and, if it is different, the Health Authority (or, where applicable, Primary Care Trust) for the area in which the child is to be placed;"
- (b) in sub-paragraph (c), at the end, add " and, if it is different, for the area in which the child is to be placed;"
- (c) in sub-paragraph (d), at the end, add "and, where applicable, any registered medical practitioner with whom the child is to be registered following the placement;"

(3) For regulation 7 (health requirements) substitute-

### "Health assessments

7.-(1) subject to paragraphs (3) and (4), a responsible authority shall-

- (a) before making a placement, or if that is not reasonably practicable, as soon as reasonably practicable after a placement is made, make arrangements for a registered medical practitioner to conduct an assessment, which may include a physical examination, of the child's state of health;
- (b) require the registered medical practitioner who conducts the assessment to prepare a written report of the assessment which addresses the matters listed in Schedule 2; and
- (c) having regard to the matters listed in Schedule 2 and, unless paragraph (4) applies, to the assessment report, prepare a plan for the future health of the child if one which fully reflects the current needs of the child is not already in existence.

(2) A responsible authority shall ensure that each child is provided during the placement with-

- (a) health care services, including medical and dental care and treatment; and
- (b) advice and guidance on health, medical and dental care and health promotion issues appropriate to his needs.

(3) Paragraph (1) does not apply if, within the three month period immediately preceding the placement, the child's health has been assessed, and a report of the assessment prepared, in accordance with that paragraph.

(4) Sub-paragraphs (a) and (b) of paragraph (1) do not apply if the child, being of sufficient understanding to do so, refuses to consent to the assessment."

(4) Yn Atodlen 2 (ystyriaethau iechyd y mae angen i awdurdodau cyfrifol eu ystyried)-

- (a) ym mharagraff 1, ar y diwedd, ychwanegir "including his physical, emotional and mental health.";
- (b) ym mharagraff 2, ar y diwedd, ychwanegir "including, as far as practicable, his family health history."; ac
- (c) ym mharagraff 6, ar y diwedd, ychwanegir "and for advice and guidance on health, personal care and health promotion issues appropriate to the child's needs."

### **Diwygio Rheoliadau Adolygu Achosion Plant 1991**

3.-(1) Caiff Rheoliadau Adolygu Achosion Plant 1991(a) eu diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn lle rheoliad 6 (adolygiadau iechyd), rhoddir-

#### **"Health reviews**

6.-(1) Subject to paragraph (2), the responsible authority shall, in respect of each child who continues to be looked after or provided with accommodation by them-

- (a) arrange for an assessment, which may include a physical examination, of the child's state of health, to be conducted by a registered medical practitioner, or a registered nurse or registered midwife acting under the supervision of a registered medical practitioner-
  - (i) at least once in every period of six months before the child's fifth birthday; and
  - (ii) at least once in every period of twelve months after the child's fifth birthday;
- (b) require the person who carried out the assessment to prepare a written report which addresses the matters listed in Schedule 2; and
- (c) review the plan for the future health of the child which complies with regulation 7(1)(c) of the Arrangements for Placement of Children (General) Regulations 1991 at the intervals set out in sub-paragraphs (i) and (ii) of paragraph (a).

(2) Sub-paragraphs (a) and (b) of paragraph (1) do not apply if the child, being of sufficient understanding to do so, refuses to consent to the assessment."

(3) Yn Atodlen 3 (ystyriaethau iechyd y mae angen i awdurdodau cyfrifol eu ystyried)-

- (a) ym mharagraff 1, ar y diwedd, ychwanegir "including his physical, emotional and mental health.";
- (b) ym mharagraff 2, ar y diwedd, ychwanegir "including, as far as practicable, his family health history.";

(a) O.S. 1991/895, fel y'i diwygiwyd gan O.S. 1991/2033, O.S. 1993/3069, O.S. 1995/2015 ac O.S. 1997/649.

(4) In Schedule 2 (health considerations to which responsible authorities are to have regard)-

- (a) in paragraph 1, at the end, add "including his physical, emotional and mental health.";
- (b) in paragraph 2, at the end, add "including, as far as practicable, his family health history."; and
- (c) in paragraph 6, at the end, add "and for advice and guidance on health, personal care and health promotion issues appropriate to the child's needs."

### **Amendment of the Review of Children's Cases Regulations 1991**

3.-(1) The Review of Children's Cases Regulations 1991(a) shall be amended in accordance with the following provisions of this regulation.

(2) For regulation 6 (health reviews), substitute-

#### **"Health reviews**

6.-(1) Subject to paragraph (2), the responsible authority shall, in respect of each child who continues to be looked after or provided with accommodation by them-

- (a) arrange for an assessment, which may include a physical examination, of the child's state of health, to be conducted by a registered medical practitioner, or a registered nurse or registered midwife acting under the supervision of a registered medical practitioner-
  - (i) at least once in every period of six months before the child's fifth birthday; and
  - (ii) at least once in every period of twelve months after the child's fifth birthday;
- (b) require the person who carried out the assessment to prepare a written report which addresses the matters listed in Schedule 2; and
- (c) review the plan for the future health of the child which complies with regulation 7(1)(c) of the Arrangements for Placement of Children (General) Regulations 1991 at the intervals set out in sub-paragraphs (i) and (ii) of paragraph (a).

(2) Sub-paragraphs (a) and (b) of paragraph (1) do not apply if the child, being of sufficient understanding to do so, refuses to consent to the assessment."

(3) In Schedule 3 (health considerations to which responsible authorities are to have regard)-

- (a) In paragraph 1, at the end, add " including his physical, emotional and mental health.";
- (b) In paragraph 2, at the end, add "including, as far as practicable, his family health history.";

(a) S.I. 1991/895, as amended by S.I. 1991/2033, S.I. 1993/3069, S.I. 1995/2015 and S.I. 1997/649.

(c) ym mharagraff 6, ar y diwedd, ychwanegir  
", and for advice and guidance on health,  
personal care and health promotion issues  
appropriate to the child's needs."

(c) In paragraph 6, at the end, add ", and for  
advice and guidance on health, personal  
care and health promotion issues  
appropriate to the child's needs."

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

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

4 Rhagfyr 2002

4th December 2002

*D Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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(a) 1998 p. 38.

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(a) 1998 c. 38.





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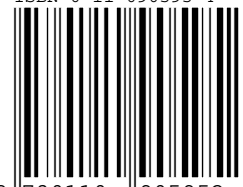
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