



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 1514 (Cy.118)

2005 No. 1514 (W.118)

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

**GOFAL CYMDEITHASOL,
CYMRU**

**SOCIAL CARE,
WALES**

**Rheoliadau Asiantaethau Cymorth
Mabwysiadu (Cymru) 2005**

**The Adoption Support Agencies
(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 cael eu gwneud yn rhannol o dan Ddeddf Safonau Gofal 2000 ("Deddf 2000") ac yn rhannol o dan Ddeddf Mabwysiadu a Phlant 2002 ("Deddf 2002"). Sefydlodd Deddf 2000 system reoleiddio newydd ar gyfer gwasanaethau gofal yng Nghymru; mae adran 8(3) o Ddeddf 2002 yn diwygio Deddf 2000 ac effaith hynny yw na chaiff person redeg na rheoli asiantaeth cymorth mabwysiadu heb fod wedi'i gofrestru o dan Ran 2 o Ddeddf 2000. Mae Deddf 2002 yn darparu pwerau i Gynulliad Cenedlaethol Cymru, fel yr awdurdod cofrestru, i reoleiddio asiantaethau cymorth mabwysiadu. Bydd rhaid i asiantaeth sy'n gwneud cais i'r awdurdod cofrestru am gael ei chofrestru o dan Ddeddf 2000 ddangos ei bod yn cydymffurfio â'r Rheoliadau hyn. Cynulliad Cenedlaethol Cymru yw'r awdurdod cofrestru.

Mae adran 2(6) o Ddeddf 2002 yn darparu bod cwnsela, cyngor a gwybodaeth ac unrhyw wasanaethau eraill a ragnodir drwy reoliadau, mewn cysylltiad â mabwysiadu, yn wasanaethau cymorth mabwysiadu. Mae rheoliad 2 o'r Rheoliadau hyn yn rhagnodi gwasanaethau sy'n wasanaethau cymorth mabwysiadu at ddibenion y rheoliadau hyn.

Mae rheoliadau 3 a 4 yn gwneud darpariaeth ar gyfer y datganiad o ddiben a'r arweiniad plant. Rhaid bod gan bob asiantaeth cymorth mabwysiadu ddatganiad o ddiben sy'n nodi beth yw nodau ac amcanion yr asiantaeth. Rhaid cadw golwg ar y datganiad o ddiben

These Regulations are made partly under the Care Standards Act 2000 ("the 2000 Act") and partly under the Adoption and Children Act 2002 ("the 2002 Act"). The 2000 Act established a new regulatory system for care services in Wales; section 8(3) of the 2002 Act amends the 2000 Act with the effect that a person cannot carry on or manage an adoption support agency without being registered under Part 2 of the 2000 Act. The 2002 Act provides powers for the National Assembly for Wales, as the registration authority, to regulate adoption support agencies. An agency applying to the registration authority for registration under the 2000 Act will have to demonstrate compliance with these Regulations. The registration authority is the National Assembly for Wales.

Section 2(6) of the 2002 Act provides that counselling, advice and information and any other services prescribed by regulations, in relation to adoption, are adoption support services. Regulation 2 of these Regulations prescribes services which are adoption support services for the purposes of these regulations.

Regulations 3 and 4 make provision for the statement of purpose and children's guide. Each adoption support agency must have a statement of purpose setting out the aims and objectives of the agency. The statement of purpose must be kept under

a'i adolygu pan fo angen. Rhaid i'r asiantaeth gael ei rhedeg mewn modd sy'n gyson â'r datganiad o ddiben. Rhaid i asiantaeth sy'n darparu gwasanaethau i blant gynhyrchu arweiniad ysgrifenedig i'r asiantaeth sy'n addas i blant.

Mae rheoliadau 5 i 9 yn gwneud darpariaeth ynglyn â'r personau sy'n rhedeg ac yn rheoli asiantaeth cymorth mabwysiadu. Mae rheoliad 5 yn ei gwneud yn ofynnol i asiantaeth enwebu unigolyn cyfrifol i oruchwylio gwaith rheoli'r asiantaeth.

Mae rheoliad 6 yn ei gwneud yn ofynnol i reolwr gael ei benodi ar gyfer yr asiantaeth. Mae darpariaeth yn cael ei gwneud ar gyfer ffitrwydd y rheolwr, yn benodol drwy'r gofyniad bod rhaid sicrhau gwybodaeth foddhaol o ran y materion a bennir yn Atodlen 2 (rheoliad 7). Mae rheoliad 8 yn gosod gofynion cyffredinol o ran rheoli asiantaeth cymorth mabwysiadu yn briodol, a'r angen am hyfforddiant priodol. Mae rheoliad 9 yn ei gwneud yn ofynnol i'r unigolyn cyfrifol a'r person cofrestredig hysbysu'r awdurdod cofrestru o gollfarnau.

Mae rheoliadau 10 - 15 yn ymdrin â cheisiadau am wasanaethau cymorth mabwysiadu sy'n helpu'r person a fabwysiadwyd neu'r perthynas i gael gwybodaeth neu i hwyluso cyswllt. Nid yw rheoliad 11 yn ei gwneud yn ofynnol i'r asiantaeth ddarparu gwasanaethau o'r fath pan fernir ei bod yn amhrifodol ac mae'n nodi'r ffactorau y dylai'r asiantaeth eu cymryd i ystyriaeth wrth wneud y penderfyniad hwnnw. Mae rheoliad 12 yn ei gwneud yn ofynnol i'r asiantaeth gael cydsyniad deallus gwrthrych y cais cyn datgelu gwybodaeth amdano a fyddai'n dangos pwy ydyw neu a fyddai'n galluogi'r person sy'n gofyn am yr wybodaeth i olrhain y gwrthrych hwnnw. Mae rheoliad 13 yn galluogi'r person a fabwysiadwyd neu'r perthynas i gofrestru fetu gyda'r asiantaeth. Mae rheoliad 14 yn gwneud darpariaeth i wybodaeth gefndir gael ei datgelu pan fo cais am gydsyniad wedi'i wrthod. Mae rheoliad 15 yn ei gwneud yn ofynnol i'r asiantaeth ddarparu gwybodaeth am gwrsela a sicrhau gwasanaethau cwnsela o ran ceisiadau am wasanaethau cymorth mabwysiadu o'r fath o dan rheoliad 2(d) neu (dd). Rhaid i asiantaethau cymorth mabwysiadu eu hunain roi cymorth a chefnogaeth i berson sy'n wrthrych cais gan berson a fabwysiadwyd neu gan berthynas am wybodaeth neu gyswllt os bydd y person yn dewis peidio â manteisio ar wasanaeth cwnsela.

Mae rheoliadau 16 i 26 yn gwneud darpariaeth ynglyn â'r dull o reoli asiantaeth cymorth mabwysiadu, yn benodol ynghylch amddiffyn plant (rheoliad 16), darparu gwasanaeth sy'n briodol i anghenion defnyddiwr (rheoliad 17), cadw cofnodion mewn cysylltiad â gwasanaethau sy'n cael eu darparu (rheoliad 18), cwynion (rheoliadau 19 a 20), staffio (gan gynnwys cadw cofnodion ynglyn â staff) a ffitrwydd y staff a'r fangre (rheoliadau 21 i 26).

review and revised when necessary. The agency must be carried on in a manner that is consistent with the statement of purpose. An agency which provides services to children must produce a written guide to the agency which is suitable for children.

Regulations 5 to 9 make provision about the persons carrying on and managing an adoption support agency. Regulation 5 requires an agency to nominate a responsible individual for supervising the management of the agency.

Regulation 6 requires a manager to be appointed for the agency. Provision is made for the fitness of the manager, in particular by the requirement that satisfactory information be obtained in relation to the matters specified in Schedule 2 (regulation 7). Regulation 8 imposes general requirements in relation to the proper conduct of an adoption support agency, and the need for appropriate training. Regulation 9 requires the responsible individual and registered person to notify the registration authority of convictions.

Regulations 10 - 15 deal with applications for adoption support services which assist the adopted person or relative to obtain information or facilitate contact. Regulation 11 does not require the agency to provide such services where it is considered inappropriate and sets out the factors the agency should take into account in making that decision. Regulation 12 requires the agency to obtain the informed consent of the subject of the application before disclosing information about him or her that would identify him or her or enable him or her to be traced by the person making the request. Regulation 13 enables the adopted person or relative to register a veto with the agency. Regulation 14 makes provision for background information to be disclosed where consent is refused. Regulation 15 requires the agency to provide information about counselling and secure counselling services in relation to applications for such adoption support services under regulation 2(e) or (f). Adoption support agencies must themselves provide support and assistance to a person who is the subject of an adopted person or relative's request for information or contact if the person chooses not to avail themselves of a counselling service.

Regulations 16 to 26 make provision about the conduct of an adoption support agency, in particular as to the protection of children (regulation 16) providing service appropriate to a user's needs (regulation 17) record keeping in relation to services provided (regulation 18) complaints (regulations 19 and 20) staffing (including record keeping in relation to staff) and fitness of staff and premises (regulations 21 to 26).

Mae rheoliad 27 yn darparu bod y darparydd cofrestredig a'r rheolwr cofrestredig i hysbysu'r personau a bennir yn Atodlen 4 o'r digwyddiadau a ddisgrifir yn yr Atodlen honno. Mae rheoliad 28 yn gosod gofynion sy'n ymwneud â sefyllfa ariannol asiantaeth cymorth mabwysiadu. Mae rheoliadau 29 i 31 yn darparu ar gyfer hysbysu'r awdurdod cofrestru a phenodi datodwyr. Mae rheoliad 32 yn darparu ar gyfer tramgwyddau sy'n mynd yn groes i ddarpariaethau yn y rheoliadau neu ar gyfer methiant i gydymffurfio â'r darpariaethau hynny.

Pan fo'r rheoliadau hyn yn gosod gofyniad ar fwy nag un person, a bod un o'r rhai sy'n gorfod bodloni'r gofyniad hwnnw yn gwneud hynny, mae rheoliad 33 yn darparu nad yw'r person arall hefyd yn gorfod bodloni'r gofyniad hwnnw. Mae rheoliad 34 yn diwygio Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002. Mae rheoliad 35 yn darparu ynglŷn â'r trefniadau trosiannol ar gyfer cofrestru asiantaethau cymorth mabwysiadu.

Regulation 27 provides that the registered provider and registered manager are to give notice of the events described in Schedule 4 to the persons specified in that Schedule. Regulation 28 imposes requirements relating to an adoption support agency's financial position. Regulations 29 to 31 provide for the giving of notices to the registration authority and the appointment of liquidators. Regulation 32 provides for offences in contravention of or failure to comply with provisions in the Regulations.

Regulation 33 provides that where these Regulations place a requirement on more than one person, if one of those who is obliged to meet that requirement does so, the other person is not also obliged to meet that requirement. Regulation 34 amends the Registration of Social Care and Independent Health Care (Wales) Regulations 2002. Regulation 35 provides for the transitional arrangements for registration of adoption support agencies.

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The Adoption Support Agencies
(Wales) Regulations 2005

Wedi'u gwneud *7 Mehefin 2005*
Yn dod i rym *30 Rhagfyr 2005*

Made *7 June 2005*
Coming into force *30 December 2005*

RHAN 1

PART 1

CYFFREDINOL

GENERAL

1. Enwi, cychwyn a dehongli
2. Gwasanaethau cymorth mabwysiadu
3. Y datganiad o ddiben a'r arweiniad plant
4. Adolygu'r datganiad o ddiben a'r arweiniad plant

1. Title, commencement and interpretation
2. Adoption support services
3. Statement of purpose and children's guide
4. Review of statement of purpose and children's guide

RHAN 2

PART 2

**DARPARWYR COFRESTREDIG,
UNIGOLION CYFRIFOL A
RHEOLWYR**

**REGISTERED PROVIDERS,
RESPONSIBLE INDIVIDUALS AND
MANAGERS**

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

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

RHAN 3

CEISIADAU AM WASANAETHAU CYMORTH MABWYSIADU

10. Cymhwysiad y darpariaethau
11. Dim rhwymedigaeth i fwrw ymlaen os nad yw'n briodol
12. Cydsyniad y gwrthrych â datgeliad gwybodaeth etc.
13. Feto gan berson a fabwysiadwyd neu gan berthynas
14. Darparu gwybodaeth gefndir pan fo cais am gydsyniad y cael ei wrthod etc
15. Cwnsela

RHAN 4

DULL RHEOLI ASiantAETHAU

16. Trefniadau ar gyfer amddiffyn plant
17. Darparu gwasanaethau
18. Cofnodion ynglŷn â gwasanaethau
19. Cwynion
20. Cwynion - gofynion pellach
21. Staffio'r asiantaeth
22. Ffitrwydd y gweithwyr
23. Cyflogi staff
24. Gweithdrefn disgyblu staff
25. Cofnodion ynglŷn â staff
26. Ffitrwydd y fangre

RHAN 5

MATERION AMRYWIOL

27. Digwyddiadau hysbysadwy
28. Y sefyllfa ariannol
29. Hysbysu absenoldeb
30. Hysbysu newidiadau
31. Penodi datodwyr etc.
32. Tramgwyddau
33. Cydymffurfio â rheoliadau
34. Diwygiadau
35. Darpariaethau trosiannol

PART 3

APPLICATIONS FOR ADOPTION SUPPORT SERVICES

10. Applicability of provisions
11. No obligation to proceed if not appropriate
12. Consent of subject to disclosure etc.
13. Veto by an adopted person or relative
14. Provision of background information where consent refused etc
15. Counselling

PART 4

CONDUCT OF AGENCIES

16. Arrangements for the protection of children
17. Provision of services
18. Records with respect to services
19. Complaints
20. Complaints - further requirements
21. Staffing of agency
22. Fitness of workers
23. Employment of staff
24. Staff disciplinary procedure
25. Records in respect of staff
26. Fitness of premises

PART 5

MISCELLANEOUS

27. Notifiable events
28. Financial position
29. Notice of absence
30. Notice of changes
31. Appointment of liquidators etc.
32. Offences
33. Compliance with regulations
34. Amendments
35. Transitional provisions

YR ATODLENNI

1. Yr wybodaeth sydd i'w chynnwys yn y Datganiad o Ddiben
2. Yr wybodaeth y mae'n ofynnol ei chael am yr unigolyn cyfrifol neu am bersonau sy'n ceisio rheoli neu weithio at ddibenion asiantaeth
3. Y cofnodion sydd i'w cadw ynghylch pob person sy'n gweithio at ddibenion yr asiantaeth
4. Digwyddiadau a hysbysiadau

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 2(6)(b), 9(1)(b) a (3), 10(1), (3) a (4) o Ddeddf Mabwysiadu a Phlant 2002 (1) ac adrannau 22, 25(1), 34(1), 35(1) a 118(7) o Ddeddf Safonau Gofal 2000 (2) a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw, ar ôl ymgynghori â'r personau hynny y mae'n barnu eu bod yn briodol, drwy hyn yn gwneud y Rheoliadau canlynol:

RHAN 1

CYFFREDINOL

Enwi, cychwyn a dehongli

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Asiantaethau Cymorth Mabwysiadu (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 -

ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Safonau Gofal 2000(3);

ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Mabwysiadu a Phlant 2002(4);

mae "gwasanaethau cymorth mabwysiadu" ("*adoption support services*") i'w ddehongli yn unol â rheoliad 2(2);

ystyr "plentyn mabwysiadol" ("*adoptive child*") yw plentyn mabwysiadol drwy asiantaeth neu blentyn mabwysiadol heb fod drwy asiantaeth;

SCHEDULES

1. Information to be included in the Statement of Purpose
2. Information required in respect of the responsible individual or persons seeking to manage or work for the purposes of an agency
3. Records to be kept in relation to each person working for the purposes of an agency
4. Events and notifications

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 2(6)(b), 9(1)(b) and (3), 10(1), (3) and (4) of the Adoption and Children Act 2002 (1) and sections 22, 25 (1), 34(1), 35(1) and 118(7) of the Care Standards Act 2000 (2) and of all other powers enabling it in that behalf, having consulted such persons as it considers appropriate, hereby makes the following Regulations:

PART 1

GENERAL

Title, commencement and interpretation

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

(2) These Regulations apply in relation to Wales.

(3) In these Regulations -

"the 2000 Act" means the Care Standards Act 2000(3);

"the 2002 Act" means the Adoption and Children Act 2002(4);

"the Adoption Agencies (Wales) Regulations" means the Adoption Agencies (Wales) Regulations 2005(1)

"adoption support services" ("*gwasanaethau cymorth mabwysiadu*") is to be construed in accordance with regulation 2(2);

(1) 2002 p.38.

(2) 2000 p.14.

(3) 2000 p.14.

(4) 2002 p.38.

(1) 2002. c.38.

(2) 2000 c.14.

(3) 2000 c.14.

(4) 2002 c.38

(5) S.I. 2005/1313 (W.95).

ystyr "Rheoliadau Asiantaethau Mabwysiadu (Cymru)" ("*the Adoption Agencies (Wales) Regulations*") yw Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005(1);

ystyr "rhiant mabwysiadol" ("*adoptive parent*") yw person:

- (a) y mae asiantaeth fabwysiadu wedi penderfynu yn unol â rheoliad 34(1) o Reoliadau Asiantaethau Mabwysiadu (Cymru) y byddai'n rhiant mabwysiadol addas i blentyn penodol;
- (b) y mae asiantaeth fabwysiadu wedi lleoli plentyn gydag ef i'w fabwysiadu;
- (c) sydd wedi hysbysu, o dan adran 44 o Ddeddf 2002, o'i fwriad i wneud cais am orchymyn mabwysiadu am blentyn;
- (ch) sydd wedi mabwysiadu plentyn; neu
- (d) sydd wedi mabwysiadu plentyn sydd wedi cyrraedd 18 oed ar ôl hynny;

ond nid yw'n cynnwys person sy'n llys-riant neu'n rhiant naturiol i'r plentyn, neu a oedd yn llys-riant y plentyn cyn iddo fabwysiadu'r plentyn.

(4) Yn y Rheoliadau hyn -

ystyr "asiantaeth" ("*agency*") yw asiantaeth cymorth mabwysiadu;

ystyr "awdurdod cofrestru" ("*registration authority*") yw Cynulliad Cenedlaethol Cymru;

ystyr "corff" ("*organisation*") yw corff corfforaethol;

ystyr "darparydd cofrestredig" ("*registered provider*"), o ran asiantaeth, yw person sydd wedi'i gofrestru o dan Ran 2 o Ddeddf 2000 fel y person sy'n rhedeg yr asiantaeth;

ystyr "datganiad o ddiben" ("*statement of purpose*") yw'r datganiad ysgrifenedig a luniwyd yn unol â rheoliad 3(1);

ystyr "diwrnod gwaith" ("*working day*") yw unrhyw ddiwrnod heblaw dydd Sadwrn, dydd Sul, dydd Nadolig, dydd Gwener y Groglith neu ddiwrnod sy'n wyl banc o fewn ystyr "bank holiday" yn Neddf Bancio a Thrafodion Ariannol 1971(2);

ystyr "gwrthrych" ("*subject*"), o ran darparu gwasanaethau cymorth mabwysiadu o dan reoliadau 2(2)(d) neu (dd) yw person y mae'r person sy'n gofyn am y gwasanaeth yn ceisio cysylltu ag ef neu'n ceisio gwybodaeth amdano;

ystyr "person cofrestredig" ("*registered person*"), o ran asiantaeth, yw unrhyw berson sy'n ddarparydd cofrestredig neu'n rheolwr cofrestredig yr asiantaeth honno;

"adoptive child" ("*plentyn mabwysiadol*") means a child who is an agency adoptive child or a non-agency adoptive child;

"adoptive parent" ("*rhiant mabwysiadol*") means a person:

- (a) who an adoption agency has decided in accordance with 34(1) of the Adoption Agencies (Wales) Regulations is a suitable adoptive parent for a particular child;
- (b) with whom an adoption agency has placed a child for adoption;
- (c) who has given notice under section 44 of the 2002 Act of his or her intention to apply for an adoption order for a child;
- (d) who has adopted a child; or
- (e) who has adopted a child who has subsequently attained the age of 18;

but does not include a person who is the step parent or natural parent of the child or was the step parent of the child before he or she adopted the child.

(4) In these Regulations -

"agency" ("*asiantaeth*") means an adoption support agency;

"agency adoptive child" ("*plentyn mabwysiadol drwy asiantaeth*") means a child -

- (a) in respect of whom an adoption agency has decided in accordance with regulation 19(1) of the Adoption Agencies (Wales) Regulations is a child who should be placed for adoption;
- (b) whom an adoption agency has placed for adoption; or
- (c) who has been adopted after having been placed for adoption by an adoption agency;

"child" ("*plentyn*") means a person who has not attained the age of 18 years;

"non-agency adoptive child" ("*plentyn mabwysiadol heb fod drwy asiantaeth*") means a child -

- (a) in respect of whom a person -
 - (i) has given notice under section 44 of the 2002 Act of his or her intention to apply for an adoption order; and
 - (ii) is not the natural parent or step parent of the child; or
- (b) who has been adopted by a person who -
 - (i) is not the natural parent of the child; and
 - (ii) was not the step parent of the child before he or she adopted the child

but does not include an agency adoptive child.

(1) O.S. 2005/1313 (Cy.95).

(2) 1971p.80.

ystyr "person perthynol" ("*related person*") yw-

- (a) perthynas o fewn ystyr "*relative*" yn adran 144(1) o Ddeddf 2002; neu
- (b) unrhyw berson y mae gan y plentyn mabwysiadol berthynas ag ef a honno'n berthynas sydd ym marn yr awdurdod lleol yn fanteisiol i les y plentyn o ystyried y materion y cyfeirir atynt yn is-baragraffau (i) i (iii) o adran 1(4)(f) o Ddeddf 2002;

ystyr "plentyn" ("*child*") yw person nad yw wedi cyrraedd 18 oed;

ystyr "plentyn mabwysiadol drwy asiantaeth" ("*agency adoptive child*") yw plentyn-

- (a) y mae asiantaeth fabwysiadu wedi penderfynu amdano yn unol â rheoliad 19(1) o Reoliadau Asiantaethau Mabwysiadu (Cymru) ei fod yn blentyn y dylid ei leoli i'w fabwysiadu;
- (b) y mae asiantaeth fabwysiadu wedi'i leoli i'w fabwysiadu; neu
- (c) sydd wedi'i fabwysiadu ar ôl cael ei leoli i'w fabwysiadu gan asiantaeth fabwysiadu;

ystyr "plentyn mabwysiadol heb fod drwy asiantaeth" ("*non-agency adoptive child*") yw plentyn -

- (a) y mae person -
 - (i) wedi hysbysu am y plentyn hwnnw o'i fwriad o dan adran 44 o Ddeddf 2002 i wneud cais am orchymyn mabwysiadu; a
 - (ii) yn berson nad yw'n rhiant naturiol nac yn llys-riant i'r plentyn; neu
- (b) sydd wedi'i fabwysiadu gan berson -
 - (i) nad yw'n rhiant naturiol y plentyn; a
 - (ii) nad oedd yn llys-riant y plentyn cyn iddo fabwysiadu'r plentyn

ond nad yw'n cynnwys plentyn mabwysiadol drwy asiantaeth;

ystyr "rheolwr cofrestredig" ("*registered manager*"), o ran asiantaeth, yw person sydd wedi'i gofrestru o dan Ran 2 o Ddeddf 2000 fel rheolwr yr asiantaeth; a

rhaid dehongli "unigolyn cyfrifol" ("*responsible individual*") yn unol â rheoliad 5(2).

(5) Yn y Rheoliadau hyn -

- (a) mae unrhyw gyfeiriad at blentyn mabwysiadol person yn gyfeiriad at blentyn sy'n blentyn mabwysiadol o ran y person hwnnw;
- (b) mae unrhyw gyfeiriad at riant mabwysiadol plentyn yn gyfeiriad at berson sy'n rhiant mabwysiadol o ran y plentyn hwnnw;
- (c) mae cyfeiriadau (heblaw cyfeiriadau yn yr is-baragraff hwn) at blentyn sy'n cael ei leoli i'w fabwysiadu -

"organisation" ("*corff*") means a body corporate;

"registration authority" ("*awdurdod cofrestru*") means the National Assembly for Wales;

"registered manager" ("*rheolwr cofrestredig*") means, in relation to an agency, a person who is registered under Part 2 of the 2000 Act as the manager of the agency;

"registered person" ("*person coprestredig*") means, in relation to an agency, any person who is the registered provider or the registered manager;

"registered provider" ("*darparyydd cofrestredig*") means, in relation to an agency, a person who is registered under Part 2 of the 2000 Act as the person carrying on the agency;

"related person" ("*person perthynol*") means -

- (a) a relative within the meaning of section 144 (1) of the 2002 Act; or
- (b) any person with whom the adoptive child has a relationship which appears to the local authority to be beneficial to the welfare of the child having regard to the matters referred to in sub paragraphs (i) to (iii) of section 1(4) (f) of the 2002 Act;

"responsible individual" ("*unigolyn cynfrifol*") shall be construed in accordance with regulation 5(2);

"statement of purpose" ("*datganiad o ddiben*") means the written statement compiled in accordance with regulation 3(1);

"subject" ("*gwrthrych*") in relation to provision of adoption support services under regulations 2(2)(e) or (f) means a person with whom the person requesting the service seeks contact or about whom he or she seeks information; and

"working day" ("*diwrnod gwaith*") means any day other than a Saturday, Sunday, Christmas day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(1).

(5) In these Regulations -

- (a) any reference to a person's adoptive child is to a child who is an adoptive child in relation to that person;
- (b) any reference to a child's adoptive parent is to a person who is an adoptive parent in relation to that child;
- (c) references (other than references in this sub paragraph) to a child being placed for adoption -
 - (i) are to the child being placed for adoption with a prospective adopter by an adoption agency;

(1) 1971 c.80.

- (i) yn gyfeiriadau at y plentyn sy'n cael ei leoli i'w fabwysiadu gyda darpar fabwysiadydd gan asiantaeth fabwysiadu;
 - (ii) yn cynnwys, pan fo'r plentyn wedi'i leoli gyda pherson gan asiantaeth fabwysiadu, gadael y plentyn gyda'r person hwnnw fel darpar fabwysiadydd;
- (ch) mae unrhyw gyfeiriad at gyflogi person yn cynnwys cyflogi person boed am dâl neu beidio, a ph'un ai o dan gontract gwasanaeth neu gontract ar gyfer gwasanaethau, a chaniatáu i berson weithio fel gwirfoddolwr, a rhaid dehongli cyfeiriadau at gyflogai neu at berson sy'n cael ei gyflogi yn unol â hynny.

Gwasanaethau Cymorth Mabwysiadu

2.-(1) Ni chaniateir i unrhyw gais am gofrestrriad o dan Ran 2 o Ddeddf 2000 gael ei wneud o ran asiantaeth cymorth mabwysiadu sy'n gorff anghorfforedig.

(2) At ddibenion y Rheoliadau hyn ac adran 2(6) o Ddeddf 2002 (diffiniad o "adoption support services"), mae'r gwasanaethau canlynol wedi'u rhagnodi -

- (a) cymorth i rieni mabwysiadol, plant mabwysiadol, a phersonau perthynol o ran trefniadau ar gyfer cyswllt rhwng plentyn mabwysiadol a rhiant naturiol, neu berson perthynol y plentyn mabwysiadol;
- (b) gwasanaethau y gellir eu darparu mewn cysylltiad ag anghenion therapiwtig y plentyn o ran y mabwysiadu hwnnw;
- (c) cymorth er mwyn sicrhau bod y berthynas rhwng y plentyn a'r rhiant mabwysiadol yn parhau, gan gynnwys hyfforddiant i rieni mabwysiadol er mwyn diwallu unrhyw anghenion arbennig sydd gan y plentyn ac sy'n codi o'r mabwysiad hwnnw;
- (ch) cymorth pan fo tarfu ar drefniant mabwysiadu neu leoliad mabwysiadu wedi digwydd neu mewn perygl o ddigwydd, gan gynnwys:
 - (i) cyfryngu; a
 - (ii) trefnu a rhedeg cyfarfodydd i drafod achosion tarfu ar fabwysiadu neu leoli;
- (d) cymorth i bersonau a fabwysiadwyd ac sydd wedi cyrraedd 18 oed i gael gwybodaeth ynglyn â'u mabwysiad neu i hwyluso cyswllt rhwng y personau hynny a'u perthnasau;
- (dd) cymorth i berthnasau personau a fabwysiadwyd ac sydd wedi cyrraedd 18 oed, i gael gwybodaeth ynglyn â'r mabwysiad hwnnw neu i hwyluso cyswllt rhwng y personau hynny a'r person a fabwysiadwyd.

(3) At ddibenion Rheoliadau 2(2)(d) neu (dd) ystyr 'perthynas' yw unrhyw berson a fyddai, oni bai am ei fabwysiad, yn perthyn drwy waed, gan gynnwys

- (ii) include where the child has been placed with a person by an adoption agency, leaving the child with him or her as a prospective adopter;
- (d) any reference to employing a person includes employing a person whether or not for payment, and whether under a contract of service or a contract for services, and allowing a person to work as a volunteer, and references to an employee or to a person being employed shall be construed accordingly.

Adoption Support Services

2.-(1) No application for registration under Part 2 of the 2000 Act shall be made in respect of an adoption support agency which is an unincorporated body.

(2) For the purposes of these Regulations and section 2(6) of the 2002 Act (definition of "adoption support services"), the following services are prescribed -

- (a) assistance to adoptive parents, adoptive children, and related persons in relation to arrangements for contact between an adoptive child and a natural parent or a related person of the adoptive child;
- (b) services that may be provided in relation to the therapeutic needs of the child in relation to that adoption;
- (c) assistance for the purpose of ensuring the continuance of the relationship between the child and adoptive parent, including training for adoptive parents for the purpose of meeting any special needs of the child arising from that adoption;
- (d) assistance where disruption in an adoption arrangement or placement has occurred or is in danger of occurring, including:
 - (i) mediation; and
 - (ii) organising and running meetings to discuss disruptions in adoptions or placements;
- (e) assistance to adopted persons who have attained the age of 18 in obtaining information in relation to their adoption or facilitating contact between such persons and their relatives;
- (f) assistance to relatives of adopted persons who have attained the age of 18, in obtaining information in relation to that adoption or facilitating contact between such persons and the adopted person.

(3) For the purposes of Regulations 2(2) (e) or (f) 'relative' means any person who but for his or her adoption would be related to the adopted person by

hanner gwaed neu briodas, i'r person a fabwysiadwyd.

Y datganiad o ddiben a'r arweiniad plant

3.-(1) Rhaid i'r person cofrestredig lunio mewn cysylltiad â'r asiantaeth ddatganiad ysgrifenedig (y cyfeirir ato yn y Rheoliadau hyn fel "y datganiad o ddiben") a rhaid i hwnnw gynnwys datganiad ynglyn â'r materion a restrir yn Atodlen 1.

(2) Rhaid i'r person cofrestredig ddarparu copi o'r datganiad o ddiben i'r awdurdod cofrestru.

(3) Rhaid i'r person cofrestredig drefnu bod copi o'r datganiad o ddiben ar gael ar gais i'w arolygu gan -

- (a) unrhyw berson sy'n gweithio at ddibenion yr asiantaeth;
- (b) unrhyw berson sy'n cael gwasanaethau cymorth mabwysiadu gan yr asiantaeth neu sy'n gweithredu ar ran plentyn sy'n cael gwasanaethau o'r fath gan yr asiantaeth;
- (c) unrhyw berson sy'n holi ar ei ran ei hun neu ar ran plentyn am gael gwasanaethau cymorth mabwysiadu gan yr asiantaeth;
- (ch) unrhyw awdurdod lleol.

(4) Rhaid i'r person cofrestredig, o ran asiantaeth sy'n darparu gwasanaethau cymorth mabwysiadu i blant, gynhyrchu arweiniad ysgrifenedig i'r asiantaeth (y cyfeirir ato yn y Rheoliadau hyn fel "yr arweiniad plant") a rhaid iddo gynnwys -

- (a) crynodeb o ddatganiad o ddiben yr asiantaeth;
- (b) crynodeb o'r weithdrefn gwynion a sefydlwyd o dan reoliad 19(1); ac
- (c) cyfeiriad a rhif ffôn yr awdurdod cofrestru.

(5) Rhaid i'r arweiniad plant gael ei gynhyrchu ar ffurf sy'n briodol i oedran, dealltwriaeth ac anghenion cyfathrebu'r plant y mae'r asiantaeth yn darparu gwasanaethau cymorth mabwysiadu iddynt.

(6) Rhaid i'r person cofrestredig ddarparu copi o'r arweiniad plant i'r awdurdod cofrestru, i unrhyw oedolyn sy'n gweithredu ar ran plentyn y mae'r asiantaeth yn darparu gwasanaethau cymorth mabwysiadu iddo ac (yn dibynnu ar ei oedran a'i ddealltwriaeth) i bob plentyn o'r fath.

(7) Yn ddarostyngedig i baragraff (8), rhaid i'r person cofrestredig sicrhau bod yr asiantaeth yn cael ei rheoli bob amser mewn modd sy'n gyson â'i datganiad o ddiben.

(8) Ni fydd dim ym mharagraff (7) yn ei gwneud yn ofynnol nac yn awdurdodi'r person cofrestredig i fynd yn groes i, neu i beidio â chydymffurfio ag-

blood, including half blood or marriage.

Statement of purpose and children's guide

3.-(1) The registered person must compile in relation to the agency a written statement (in these Regulations referred to as "the statement of purpose") which must consist of a statement as to the matters listed in Schedule 1.

(2) The registered person must provide a copy of the statement of purpose to the registration authority.

(3) The registered person must make a copy of the statement of purpose available, upon request for inspection by -

- (a) any person working for the purposes of the agency;
- (b) any person receiving adoption support services from the agency or acting on behalf of a child receiving such services from the agency;
- (c) any person making enquiries about receiving adoption support services from the agency on his or her own or a child's behalf;
- (d) any local authority.

(4) The registered person in relation to an agency which provides adoption support services to children must produce a written guide to the agency (in these Regulations referred to as "the children's guide") which must include -

- (a) a summary of the agency's statement of purpose;
- (b) a summary of the complaints procedure established under regulation 19(1); and
- (c) the address and telephone number of the registration authority.

(5) The children's guide must be produced in a form appropriate to the age, understanding and communication needs of the children to whom the agency provides adoption support services.

(6) The registered person must provide a copy of the children's guide to the registration authority, to any adult acting on behalf of a child to whom the agency provides adoption support services and (subject to his or her age and understanding) to each such child.

(7) Subject to paragraph (8), the registered person must ensure that the agency is at all times conducted in a manner that is consistent with its statement of purpose.

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

- (a) unrhyw ddarpariaeth arall yn y Rheoliadau hyn; neu
- (b) unrhyw amodau sydd mewn grym am y tro o ran cofrestru'r darparydd cofrestredig o dan Ran 2 o Ddeddf 2000.

- (a) any other provision of these Regulations; or
- (b) any conditions for the time being in force in relation to the registration of the registered provider under Part 2 of the 2000 Act.

Adolygu'r datganiad o ddiben a'r arweiniad plant

4. Rhaid i'r person cofrestredig -

- (a) cadw golwg ar y datganiad o ddiben a'r arweiniad plant, a phan fo'n briodol, eu hadolygu;
- (b) hysbysu'r awdurdod cofrestru o unrhyw adolygiad o'r fath o fewn 28 o ddiwrnodau; ac
- (c) os adolygir yr arweiniad plant, darparu copi i bob oedolyn sy'n gweithredu ar ran plentyn y mae'r asiantaeth yn darparu gwasanaethau cymorth mabwysiadu iddo ac (yn dibynnu ar ei oedran a'i ddealltwriaeth) i bob plentyn o'r fath.

Review of statement of purpose and children's guide

4. The registered person must -

- (a) keep under review and, where appropriate, revise the statement of purpose and children's guide;
- (b) notify the registration authority of any such revision within 28 days; and
- (c) if the children's guide is revised, supply a copy to any adult acting on behalf of a child to whom the agency provides adoption support services and (subject to his age and understanding) to each such child.

RHAN 2

PART 2

DARPARWYR COFRESTREDIG, UNIGOLION CYFRIFOL A RHEOLWYR

REGISTERED PROVIDERS, RESPONSIBLE INDIVIDUALS AND MANAGERS

Ffitrwydd y darparydd cofrestredig

5.-(1) Rhaid i gorff beidio â rhedeg asiantaeth oni bai ei fod yn ffit i wneud hynny.

(2) Nid yw corff yn ffit i redeg asiantaeth -

- (a) oni bai ei fod wedi hysbysu'r awdurdod cofrestru o enw, cyfeiriad a safle unigolyn (y cyfeirir ato yn y Rheoliadau hyn fel "yr unigolyn cyfrifol") yn y corff a hwnnw'n unigolyn sy'n gyfarwyddwr, rheolwr, ysgrifennydd neu swyddog arall i'r corff hwnnw ac sy'n gyfrifol am oruchwyllo gwaith rheoli'r asiantaeth; a
- (b) oni bai bod yr unigolyn hwnnw yn bodloni'r gofynion a nodir ym mharagraff (3).

(3) Y gofynion yw -

- (a) bod yr unigolyn yn addas o ran gonestrwydd a chymeriad da i redeg yr asiantaeth;
- (b) ei fod yn ffit yn gorfforol ac yn feddyliol i redeg yr asiantaeth; ac
- (c) bod gwybodaeth neu ddogfennaeth lawn a boddhaol ar gael ynglyn â'r person o ran pob un o'r materion a bennir yn Atodlen 2.

Fitness of registered provider

5.-(1) An organisation must not carry on an agency unless it is fit to do so.

(2) An organisation is not fit to carry on an agency unless -

- (a) it has given notice to the registration authority of the name, address and position in the organisation of an individual (in these Regulations referred to as "the responsible individual") who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the agency; and
- (b) that individual satisfies the requirements set out in paragraph (3).

(3) The requirements are -

- (a) he or she is of suitable integrity and good character to carry on the agency;
- (b) he or she is physically and mentally fit to carry on the agency; and
- (c) full and satisfactory information or documentation is available in relation to him or her in respect of each of the matters specified in Schedule 2.

Penodi rheolwr

6.-(1) Rhaid i'r darparrydd cofrestredig benodi unigolyn (y cyfeirir ato yn y Rheoliadau hyn fel 'y rheolwr cofrestredig') i reoli'r asiantaeth.

(2) Rhaid i'r darparrydd cofrestredig hysbysu'r awdurdod cofrestru ar unwaith o'r canlynol -

- (a) enw unrhyw berson a benodir yn unol â'r rheoliad hwn; a
- (b) y dyddiad y daw'r penodiad yn effeithiol.

Ffitrwydd y rheolwr

7.-(1) Rhaid i'r darparrydd cofrestredig beidio â chaniatáu i berson reoli'r asiantaeth onid yw'n ffit i wneud hynny.

- (2) Nid yw person yn ffit i reoli asiantaeth oni bai -
- (a) ei fod yn addas o ran ei onestrwydd a'i gymeriad da;
 - (b) o ystyried maint yr asiantaeth a datganiad o ddiben yr asiantaeth -
 - (i) bod gan y person y cymwysterau, y sgiliau a'r profiad sy'n angenrheidiol i reoli'r asiantaeth; a
 - (ii) bod y person yn ffit yn gorfforol ac yn feddyliol i reoli'r asiantaeth; ac
 - (c) bod gwybodaeth lawn a boddhaol ar gael ynglyn â'r person o ran pob un o'r materion a bennir yn Atodlen 2.

Y person cofrestredig - gofynion cyffredinol

8.-(1) Rhaid i'r darparrydd cofrestredig a'r rheolwr cofrestredig, wedi iddynt ystyried -

- (a) maint yr asiantaeth a datganiad o ddiben yr asiantaeth; a
- (b) yr angen i ddiogelu a hyrwyddo lles y rhai sy'n cael gwasanaethau cymorth mabwysiadu gan yr asiantaeth,

redeg neu reoli'r asiantaeth â gofal, cymhwysedd a sgil digonol.

(2) Rhaid i'r darparrydd cofrestredig sicrhau bod yr unigolyn cyfrifol yn ymgymryd o dro i dro â'r hyfforddiant sy'n briodol i sicrhau bod ganddo'r profiad a'r sgiliau a'r arbenigedd sy'n angenrheidiol ar gyfer rhedeg yr asiantaeth.

(3) Rhaid i'r darparrydd cofrestredig sicrhau bod y rheolwr cofrestredig yn ymgymryd o dro i dro â'r hyfforddiant sy'n briodol i sicrhau bod ganddo'r profiad a'r sgiliau sy'n angenrheidiol ar gyfer rheoli'r asiantaeth.

Appointment of manager

6.-(1) The registered provider must appoint an individual to manage the agency (in these Regulations referred to as 'the registered manager').

(2) The registered provider must immediately notify the registration authority of -

- (a) the name of any person appointed in accordance with this regulation; and
- (b) the date on which the appointment is to take effect.

Fitness of manager

7.-(1) The registered provider must not allow a person to manage the agency unless he or she is fit to do so.

- (2) A person is not fit to manage an agency unless -
- (a) he or she is of suitable integrity and good character;
 - (b) having regard to the size of the agency and the agency's statement of purpose -
 - (i) he or she has the qualifications, skills and experience necessary for managing the agency; and
 - (ii) he or she is physically and mentally fit to manage the agency; and
 - (c) full and satisfactory information is available in relation to him or her in respect of each of the matters specified in Schedule 2.

Registered person - general requirements

8.-(1) The registered provider and the registered manager must, having regard to -

- (a) the size of the agency and the agency's statement of purpose; and
- (b) the need to safeguard and promote the welfare of those receiving adoption support services from the agency,

carry on or manage the agency with sufficient care, competence and skill.

(2) The registered provider must ensure that the responsible individual undertakes from time to time such training as is appropriate to ensure that he or she has the experience and skills and expertise necessary for carrying on the agency.

(3) The registered provider must ensure that the registered manager undertakes from time to time such training as is appropriate to ensure that he or she has the experience and skills necessary for managing the agency.

Hysbysu tramgwyddau

9.-(1) Pan fo'r person cofrestredig neu'r unigolyn cyfrifol wedi'i gollfarnu o unrhyw dramgwydd troseddol, boed yng Nghymru neu'n rhywle arall, rhaid iddo roi hysbysiad ysgrifenedig i'r awdurdod cofrestru ar unwaith o'r canlynol -

- (a) dyddiad a lle'r gollfarn;
- (b) y dramgwydd y mae wedi'i gollfarnu ohoni;
- (c) y gosb a osodwyd am y dramgwydd.

RHAN 3

CEISIADAU AM WASANAETHAU CYMORTH MABWYSIADU

Cymhwysiad y darpariaethau

10. Dim ond i asiantaethau sy'n darparu gwasanaethau cymorth mabwysiadu o dan reoliadau 2(2)(d) neu (dd) y mae'r darpariaethau canlynol a gynhwysir yn y Rhan hon yn gymwys.

Dim rhwymedigaeth i fwrw ymlaen os nad yw'n briodol

11.-(1) Nid yw'n ofynnol i asiantaeth sy'n darparu gwasanaethau cymorth mabwysiadu o dan reoliadau 2(2)(d) neu (dd) ddechrau darparu gwasanaethau o'r fath, neu ar ôl iddi ddechrau darparu'r gwasanaethau hynny, nid yw'n ofynnol iddi barhau i'w darparu os yw'r asiantaeth o'r farn na fyddai'n briodol iddi wneud hynny.

(2) Wrth benderfynu a yw'n briodol iddi ddarparu'r gwasanaethau hynny (neu ddechrau darparu'r gwasanaethau o'r fath), rhaid i'r asiantaeth roi sylw i'r canlynol:

- (a) lles y person a fabwysiadwyd sy'n gofyn am y gwasanaeth;
- (b) lles y perthynas sy'n gofyn am y gwasanaeth;
- (c) unrhyw feto a gofnodwyd o dan reoliad 13;
- (ch) unrhyw wybodaeth a ddelir gan y Cofrestrydd Cyffredinol ar y Gofrestr Cyswllt Mabwysiadu;

a holl amgylchiadau eraill yr achos.

(3) Rhaid i asiantaeth beidio â dechrau darparu gwasanaethau i berson a fabwysiadwyd nac i berthynas i'w cynorthwyo i gysylltu â pherson sydd o dan 18 oed, na pharhau i ddarparu gwasanaethau o'r fath-

- (a) oni bai bod amgylchiadau eithriadol, a

Notification of offences

9.-(1) Where the registered person or the responsible individual is convicted of any criminal offence, whether in Wales or elsewhere, he or she must immediately give notice in writing to the registration authority of -

- (a) the date and place of the conviction;
- (b) the offence of which he or she was convicted;
- (c) the penalty imposed on him or her in respect of the offence.

PART 3

APPLICATIONS FOR ADOPTION SUPPORT SERVICES

Applicability of provisions

10. The following provisions contained in this Part are only applicable to agencies which provide adoption support services under regulations 2(2)(e) or (f).

No obligation to proceed if not appropriate

11.-(1) An agency that provides adoption support services under regulations 2(2)(e) or (f) is not required to commence with provision of such services, or having begun to provide those services, is not required to continue if the agency considers it would not be appropriate to do so.

(2) In deciding whether it is appropriate to provide those services (or commence provision of such services) the agency must have regard to:

- (a) the welfare of the adopted person requesting the service;
- (b) the welfare of the relative requesting the service;
- (c) any veto recorded under regulation 13;
- (d) any information held by the Registrar General on the Adoption Contact Register;

and all the other circumstances of the case.

(3) An agency must not commence or continue with provision of services to an adopted person or relative, for assistance in contacting a person who is below the age of 18 unless-

- (a) there are exceptional circumstances and,

(b) oni chydymffurfir â darpariaethau paragraff (4).

(4) Rhaid i asiantaeth beidio â bwrw ymlaen â darparu gwasanaethau o'r math y cyfeirir atynt yn is-baragraff (3) oni bai-

- (a) bod person gyda chyfrifoldeb rhiant dros y plentyn wedi cydsynio, a
- (b) bod naill ai
 - (i) y plentyn, a hwnnw'n blentyn sy'n gymwys i gydsynio, wedi cydsynio, neu
 - (ii) unrhyw ddymuniadau neu deimladau gan blentyn nad yw'n gymwys wedi'u cymryd i ystyriaeth.

Cydsyniad y gwrthrych â datgeliad etc

12.-(1) Rhaid i asiantaeth beidio â datgelu unrhyw wybodaeth adnabod am y gwrthrych i'r person sy'n gofyn am yr wybodaeth honno heb sicrhau cydsyniad y gwrthrych.

(2) Rhaid i'r asiantaeth gymryd pob cam rhesymol i sicrhau bod gan y gwrthrych ddigon o wybodaeth i'w alluogi i wneud penderfyniad deallus ynghylch a ddylai gydsynio ag unrhyw ddatgeliad o'r fath.

(3) Os yw'r gwrthrych wedi marw neu os bydd yr asiantaeth yn penderfynu ei fod yn analluog i gydsynio, caiff yr asiantaeth ddatgelu'r wybodaeth adnabod am y gwrthrych sy'n briodol o ystyried lles y rhai y gallai'r datgeliad effeithio ar eu lles a chaniateir i'r broses hon gynnwys dod o hyd i farn y personau hynny.

(4) Yn y rheoliad hwn ac yn rheoliad 14, ystyr "gwybodaeth adnabod" yw gwybodaeth a fyddai'n galluogi o'i chymryd ar ei phen ei hun neu ynghyd â gwybodaeth arall a feddir gan y person sy'n gofyn amdani, i'r gwrthrych gael ei adnabod a'i olrhain.

Feto gan berson a fabwysiadwyd neu gan berthynas

13.-(1) Mae fetu yn gymwys ynglyn â darparu gwasanaethau cymorth mabwysiadu o dan reoliadau 2(2) (d) neu (dd) -

- (a) os y person a fabwysiadwyd yw'r gwrthrych; neu
- (b) os berthynas i'r person a fabwysiadwyd yw'r gwrthrych; ac
- (c) os yw'r person hwnnw wedi hysbysu'r asiantaeth yn ysgrifenedig -
 - (i) nad yw'n dymuno i'r asiantaeth gysylltu ag ef; neu
 - (ii) mai dim ond o dan amgylchiadau penodedig neu gan bersonau penodedig y mae'n dymuno cael cyswllt.

(b) the provisions of paragraph (4) are complied with.

(4) An agency must not proceed with the provision of services of the sort referred to in sub paragraph (3) unless-

- (a) a person with parental responsibility for the child has given his or her consent and
- (b) either
 - (i) the child being competent, has consented, or
 - (ii) any wishes or feelings of a child who is not competent have been taken into account.

Consent of subject to disclosure etc

12.-(1) An agency must not disclose any identifying information about the subject to the person requesting that information without first obtaining the consent of the subject.

(2) The agency must take all reasonable steps to ensure that the subject has enough information to enable him or her to make an informed decision as to whether to give his or her consent to any such disclosure.

(3) If the subject has died or the agency determines that he or she is incapable of giving consent the agency may disclose such identifying information about the subject as is appropriate taking into consideration the welfare of those who may be affected by the disclosure and this process may include eliciting views of those persons.

(4) In this regulation and in regulation 14, "identifying information" means information which whether taken on its own or together with other information possessed by the person requesting it, enables the subject to be identified and traced.

Veto by an adopted person or relative

13.-(1) A veto applies in relation to the provision of adoption support services under regulations 2(2) (e) or (f) where-

- (a) the subject is the adopted person; or
- (b) the subject is a relative of the adopted person; and
- (c) that person has notified the agency in writing that -
 - (i) he or she does not wish to be contacted by the agency; or
 - (ii) he or she only wishes to be contacted under specified circumstances or by specified persons.

(2) Pan fo'r asiantaeth yn cael ei hysbysu o feto o dan baragraff (1), rhaid iddi gadw cofnod ohono.

(3) Pan fo asiantaeth yn ymwybodol bod feto yn gymwys, rhaid iddi beidio â bwrw ymlaen â'r cais.

Darparu gwybodaeth gefndir pan fo cais am gydsyniad yn cael ei wrthod etc

14. Pan fo cais am gydsyniad y gwrthrych yn cael ei wrthod neu pan na ellir ei gael o dan reoliad 12 neu pan fo feto yn gymwys o dan reoliad 13, ni fydd dim yn y rheoliadau hynny yn atal yr asiantaeth rhag datgelu unrhyw wybodaeth am y gwrthrych nad yw'n wybodaeth adnabod ond sy'n wybodaeth y mae'r asiantaeth yn barnu ei bod yn briodol ei datgelu i'r person a fabwysiadwyd neu'r perthynas a wnaeth y cais.

Cwmsela

15.-(1) Rhaid i asiantaeth ddarparu gwybodaeth ysgrifenedig ynglyn ag argaeledd cwmsela i unrhyw berson sydd-

- (a) yn gwneud cais am wasanaethau cymorth mabwysiadu o dan Reoliadau 2(2)(d) neu (dd); neu
- (b) yn wrthrych cais o'r fath ac sy'n ystyried a ddylai gydsynio â datgelu gwybodaeth amdano i'r person a ofynnodd am yr wybodaeth honno.

(2) Rhaid i'r wybodaeth a ddarperir o dan baragraff (1) gynnwys-

- (a) disgrifiadau o'r personau sy'n cynnig cwmsela; a
- (b) y ffioedd y gall y personau hynny eu codi.

(3) Os bydd person a grybwyllir ym mharagraff (1) yn gofyn bod cwmsela yn cael ei ddarparu iddo, rhaid i'r asiantaeth cymorth mabwysiadu sicrhau bod gwasanaethau cwmsela yn cael eu darparu i'r person hwnnw.

(4) Caiff yr asiantaeth ddarparu gwasanaethau cwmsela o'r fath ei hun neu wneud trefniadau naill ai

- (a) gyda darparrydd cofrestredig arall sy'n darparu gwasanaethau cymorth mabwysiadu, neu
- (b) gyda pherson sy'n darparu gwasanaethau o'r fath o dan contract i ddarparrydd cofrestredig.

(5) Pan fo gwrthrych cais yn dewis peidio â manteisio ar wasanaeth cwmsela y mae ffi yn daladwy amdano, rhaid i'r asiantaeth cymorth mabwysiadu roi cymorth a chefnogaeth, serch hynny, i'r gwrthrych sy'n gwneud penderfyniad.

(2) Where the agency is notified of a veto under paragraph (1) it must keep a record of it.

(3) Where an agency is aware that a veto applies, it must not proceed with the application.

Provision of background information where consent refused etc

14. In a case where the consent of the subject is refused or cannot be obtained under regulation 12 or a veto applies under regulation 13, nothing in those regulations prevents the agency from disclosing any information about the subject that is not identifying information and that the agency considers it appropriate to disclose to the adopted person or relative making the request.

Counselling

15.-(1) An agency must provide written information about the availability of counselling to any person who-

- (a) makes a request for adoption support services under Regulations 2(2)(e) or (f); or
- (b) is the subject of such an application and is considering whether to consent to disclosure of information about him or her to the person requesting it.

(2) The information provided under paragraph (1) must include-

- (a) descriptions of persons offering counselling; and
- (b) fees that may be charged by such persons.

(3) If a person mentioned in paragraph (1) requests that counselling be provided for him or her, the adoption support agency must secure the provision of counselling services for that person.

(4) The agency may provide such counselling services itself or make arrangements either with -

- (a) another registered provider of adoption support services, or
- (b) a person who provides such services under contract to a registered provider.

(5) where the subject of an application chooses not to avail himself or herself of a counselling service for which a fee is payable, the adoption support agency must nevertheless provide support and assistance to the subject in making a decision.

DULL RHEOLI ASiantaethau**CONDUCT OF AGENCIES****Trefniadau ar gyfer amddiffyn plant**

16.-(1) Rhaid i'r person cofrestredig, o ran asiantaeth sy'n darparu gwasanaethau cymorth mabwysiadu, baratoi a gweithredu polisi ysgrifenedig sydd -

- (a) wedi'i fwriadu i amddiffyn plant sy'n cael gwasanaethau cymorth mabwysiadu gan yr asiantaeth rhag cael eu cam-drin neu eu hesgeuluso; a
- (b) yn nodi'r weithdrefn sydd i'w dilyn os bydd unrhyw honiad o gamdriniaeth neu esgeulustod.

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

- (a) cydgyswllt a chydweithrediad ag unrhyw awdurdod lleol sy'n gwneud, neu a all fod yn gwneud, ymholiadau amddiffyn plant ynglŷn â'r plentyn;
- (b) cofnodion ysgrifenedig sydd i'w cadw am unrhyw honiad o gamdriniaeth neu esgeulustod a'r camau a gymerwyd mewn ymateb i hynny; ac
- (c) trefniadau sydd i'w gwneud ar gyfer personau sy'n gweithio at ddibenion yr asiantaeth ac oedolion a phlant y mae'r asiantaeth wedi darparu iddynt wasanaethau cymorth mabwysiadu er mwyn iddynt gael mynediad i wybodaeth a fyddai'n eu galluogi i gysylltu -
 - (i) â'r awdurdod lleol y mae'r asiantaeth wedi'i lleoli yn ei ardal ac unrhyw awdurdod lleol arall y mae'r asiantaeth yn darparu gwasanaethau cymorth mabwysiadu i blentyn ar ei ran, a
 - (ii) â'r awdurdod cofrestru,

ynghylch unrhyw bryder am les neu ddiogelwch unrhyw blentyn.

(3) Yn y rheoliad hwn ystyr "ymholiadau amddiffyn plant" yw unrhyw ymholiadau sy'n cael eu gwneud gan awdurdod lleol wrth iddo arfer unrhyw un o'i swyddogaethau a roddwyd iddo gan neu o dan Ddeddf Plant 1989(1) ynglŷn ag amddiffyn plant.

Darparu gwasanaethau

17. Rhaid i'r person cofrestredig sicrhau bod gwasanaethau cymorth mabwysiadu a ddarperir i unrhyw berson fel rhan o asesiad awdurdod lleol yn briodol i'r angen am wasanaethau o'r fath fel y'i nodir drwy'r asesiad hwnnw a gynhelir gan awdurdod lleol.

Arrangements for the protection of children

16.-(1) The registered person in relation to an agency providing adoption support services must prepare and implement a written policy which -

- (a) is intended to safeguard from abuse or neglect children receiving adoption support services from the agency; and
- (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.

(2) The procedure under paragraph (1)(b) must provide in particular for -

- (a) liaison and co-operation with any local authority which is, or may be, making child protection enquiries in respect of the child;
- (b) written records to be kept of any allegation of abuse or neglect and the action taken in response; and
- (c) arrangements to be made for persons working for the purposes of the agency and adults and children to whom the agency has provided adoption support services to have access to information that would enable them to contact -
 - (i) the local authority in whose area the agency is situated and any other local authority on behalf of whom the agency is providing adoption support services to a child, and
 - (ii) the registration authority,

regarding any concern about child welfare or safety.

(3) In this regulation "child protection enquiries" means any enquiries carried out by a local authority in the exercise of any of its functions conferred by or under the Children Act 1989(1) relating to the protection of children.

Provision of services

17. The registered person must ensure that adoption support services provided to any person as part of a local authority assessment are appropriate to the needs for such services as identified by that assessment carried out by a local authority.

(1) 1989 p.51.

(1) 1989 c.51.

Cofnodion ynglyn â gwasanaethau

18.-(1) Rhaid i'r person cofrestredig gadw'r cofnodion canlynol a'u cadw'n gyfoes, gan ddangos ar gyfer pob person y mae'r asiantaeth yn darparu gwasanaethau cymorth mabwysiadu iddo -

- (a) enw llawn;
- (b) dyddiad geni;
- (c) a yw'r person:
 - (i) yn blentyn y caniateir ei fabwysiadu, yn rhiant neu'n warcheidwad iddo;
 - (ii) yn berson sy'n dymuno mabwysiadu plentyn;
 - (iii) yn berson sydd wedi'i fabwysiadu, ei riant, rhiant naturiol, cyn warcheidwad neu'n berson perthynol;
- (ch) disgrifiad o'r gwasanaethau y gofynnwyd amdanynt;
- (d) disgrifiad o'r anghenion fel y'u haseswyd gan awdurdod lleol;
- (dd) disgrifiad o'r gwasanaethau a ddarparwyd;
- (e) a yw'r gwasanaethau yn cael eu darparu ar ran awdurdod lleol o dan reoliadau a wnaed o dan adran 3(4)(b) o Ddeddf 2002.

(2) Rhaid i'r cofnodion a bennir ym mharagraff (1) gael eu cadw am o leiaf bymtheg a thrigain o flynyddoedd o ddyddiad y cofnod diwethaf.

Cwynion

19.-(1) Rhaid i'r person cofrestredig sefydlu gweithdrefn ysgrifenedig (y cyfeirir ati yn y Rheoliadau hyn fel "y weithdrefn gwynion") ar gyfer ystyried cwynion a wneir gan neu ar ran unrhyw berson sydd wedi gofyn am wasanaethau cymorth mabwysiadu, neu y mae'r asiantaeth wedi'u darparu iddynt.

(2) Yn benodol, rhaid i'r weithdrefn gwynion ddarparu -

- (a) cyfle i ddatrys cwyn yn gynnar drwy ddull anffurfiol;
- (b) na chaiff unrhyw berson sy'n wrthrych cwyn gymryd rhan yn y broses o'i hystyried ac eithrio, os bydd y person cofrestredig yn barnu bod hynny'n briodol, yn ystod cyfnod datrys y gwyn yn anffurfiol yn unig;
- (c) ar gyfer ymdrin â chwynion am y person cofrestredig; ac
- (ch) yn achos asiantaeth sy'n darparu gwasanaethau cymorth mabwysiadu i blant, bod cwynion i'w gwneud gan berson sy'n gweithredu ar ran plentyn.

(3) Rhaid i'r person cofrestredig ddarparu copi o'r weithdrefn gwynion i bob person sy'n gweithio at ddibenion yr asiantaeth ac, os gofynnir iddo wneud

Records with respect to services

18.-(1) The registered person must maintain and keep up to date the following records indicating in respect of each person to whom the agency provides adoption support services -

- (a) full name;
- (b) date of birth;
- (c) whether the persons are:
 - (i) children who may be adopted, their parents and guardians;
 - (ii) persons wishing to adopt a child;
 - (iii) adopted persons, their parents, natural parents, former guardians and related persons;
- (d) description of services requested;
- (e) description of needs as assessed by a local authority;
- (f) description of services provided;
- (g) whether the services are provided on behalf of a local authority under regulations made under section 3(4)(b) of the 2002 Act.

(2) The records specified in paragraph (1) shall be retained for at least seventy five years from the date of the last entry.

Complaints

19.-(1) The registered person must establish a written procedure for considering complaints (referred to in these Regulations as "the complaints procedure") made by or on behalf of any person who has requested, or to whom the agency has provided, adoption support services.

(2) The complaints procedure must, in particular, provide -

- (a) an opportunity for informal resolution of a complaint at an early stage;
- (b) that no person who is the subject of a complaint takes part in its consideration other than, if the registered person considers it appropriate, at the informal resolution stage only;
- (c) for dealing with complaints about the registered person; and
- (d) in the case of an agency providing adoption support services to children, for complaints to be made by a person acting on behalf of a child.

(3) The registered person must provide a copy of the complaints procedure to every person working for the purposes of the agency and must provide, upon

hynny, rhaid iddo ddarparu copi o'r weithdrefn i unrhyw berson a grybwyllir ym mharagraff (1) neu i unrhyw berson sy'n gweithio ar ran plentyn.

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

- (a) enw, cyfeiriad a rhif ffôn yr awdurdod cofrestru; a
- (b) manylion y weithdrefn (os oes un) yr hysbyswyd y person cofrestredig ohoni gan yr awdurdod cofrestru ar gyfer gwneud cwynion i'r awdurdod cofrestru sy'n ymwneud â'r asiantaeth.

Cwynion - gofynion pellach

20.-(1) Rhaid i'r person cofrestredig sicrhau bod ymchwiliad llawn yn cael ei gynnal i unrhyw gŵyn a wneir o dan y weithdrefn gŵynion.

(2) I'r graddau y mae'n rhesymol ymarferol, rhaid i'r person cofrestredig, o fewn cyfnod o 20 o ddiwrnodau gwaith gan ddechrau ar y dyddiad y mae'r asiantaeth yn cael y gŵyn, hysbysu'r achwynydd o'r camau (os oes rhai) sydd i'w cymryd mewn ymateb i'r gŵyn.

(3) Rhaid i'r person cofrestredig sicrhau bod cofnod ysgrifenedig yn cael ei wneud o unrhyw gŵyn, gan gynnwys manylion yr ymchwiliad a gynhaliwyd, y canlyniad ac unrhyw gamau a gymerwyd o ganlyniad i hynny.

(4) Rhaid i'r person cofrestredig gymryd pob cam rhesymol i sicrhau -

- (a) bod plant yn cael eu galluogi i wneud cwyn; a
- (b) na fydd unrhyw berson yn wrthrych unrhyw ddial gan yr asiantaeth am wneud cwyn.

(5) Rhaid i'r person cofrestredig ddarparu i'r awdurdod cofrestru, os bydd yr awdurdod yn gofyn amdano, ddatganiad sy'n cynnwys crynodeb o unrhyw gwynion a wnaed yn ystod y 12 mis blaenorol a'r camau a gymerwyd mewn ymateb i hynny.

Staffio'r asiantaeth

21.-(1) Rhaid i'r person cofrestredig sicrhau, o ystyried -

- (a) maint yr asiantaeth a'i ddatganiad o ddiben, a
- (b) yr angen i ddiogelu a hyrwyddo iechyd a lles y plant y mae'r asiantaeth yn darparu gwasanaethau cymorth mabwysiadu iddynt,

y bydd nifer digonol o bersonau gyda chymwysterau, medrau a phrofiad addas yn gweithio at ddibenion yr asiantaeth.

request, a copy of the procedure to any person mentioned in paragraph (1) or any person acting on behalf of a child.

(4) The copy of the complaints procedure supplied under paragraph (3) must include -

- (a) the name, address and telephone number of the registration authority; and
- (b) details of the procedure (if any) which has been notified to the registered person by the registration authority for the making of complaints to the registration authority that relate to the agency.

Complaints - further requirements

20.-(1) The registered person must ensure that any complaint made under the complaints procedure is fully investigated.

(2) The registered person must, so far as is reasonably practicable, within a period of 20 working days beginning on the date on which the complaint is received by the agency, inform the complainant of the action (if any) that is to be taken in response to the complaint.

(3) The registered person must ensure that a written record is made of any complaint, including details of the investigation made, the outcome and any action taken in consequence.

(4) The registered person must take all reasonable steps to ensure that -

- (a) children are enabled to make a complaint; and
- (b) no person is subject to any reprisal by the agency for making a complaint.

(5) The registered person must supply to the registration authority, at its request a statement containing a summary of any complaints made during the preceding 12 months and the action that was taken in response.

Staffing of agency

21.-(1) The registered person must ensure that there is, having regard to -

- (a) the size of the agency and its statement of purpose, and
- (b) the need to safeguard and promote the health and welfare of children to whom the agency provides adoption support services,

provide a sufficient number of suitably qualified, competent and experienced persons working for the purposes of the agency.

Ffitrwydd y gweithwyr

22.-(1) Rhaid i'r person cofrestredig beidio â gwneud y canlynol -

- (a) cyflogi person i weithio at ddibenion yr asiantaeth oni bai bod y person hwnnw yn ffit i weithio at ddibenion yr asiantaeth; neu
- (b) caniatáu i berson sy'n cael ei gyflogi gan berson heblaw'r darparwydd cofrestredig weithio at ddibenion yr asiantaeth oni bai bod y person hwnnw yn ffit i weithio at ddibenion yr asiantaeth.

(2) At ddibenion paragraff (1), nid yw person yn ffit i weithio at ddibenion asiantaeth oni bai -

- (a) bod y person yn addas o ran ei onestrwydd a'i gymeriad da;
- (b) bod gan y person y cymwysterau, y sgiliau, y cymhwysedd a'r profiad sy'n angenrheidiol i'r gwaith y mae i'w gyflawni;
- (c) bod y person yn ffit yn gorfforol ac yn feddyliol i wneud y gwaith y mae i'w gyflawni; ac
- (ch) bod gwybodaeth lawn a boddhaol ynglŷn â'r person ar gael o ran pob un o'r materion a bennir yn Atodlen 2.

Cyflogi staff

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

- (a) sicrhau bod bob penodiad parhaol o staff sy'n cael eu cyflogi at ddibenion yr asiantaeth yn amodol ar gwblhau cyfnod prawf yn foddhaol; a
- (b) darparu disgrifiad swydd sy'n amlinellu eu cyfrifoldebau i bob cyflogai.

(2) Rhaid i'r person cofrestredig sicrhau bod bob person sy'n cael ei gyflogi gan yr asiantaeth -

- (a) yn cael ei hyfforddi, ei oruchwylio a'i werthuso'n briodol; a
- (b) yn cael ei alluogi o dro i dro i ennill cymwysterau pellach sy'n briodol i'r gwaith y mae'n ei gyflawni.

Gweithdrefn disgyblu staff

24.-(1) Rhaid i'r person cofrestredig weithredu gweithdrefn ddisgyblu sydd, yn benodol -

- (a) yn darparu ar gyfer gwahardd cyflogai dros dro pan fo angen er diogelwch neu les y personau y mae'r asiantaeth yn darparu gwasanaethau cymorth mabwysiadu iddynt;
- (b) yn darparu bod y methiant ar ran cyflogai i hysbysu person priodol o ddigwyddiad cam-drin, neu ddigwyddiad lle'r amheuir bod plentyn wedi'i gam-drin yn sail ar gyfer cychwyn achos disgyblu.

Fitness of workers

22.-(1) The registered person must not -

- (a) employ a person to work for the purposes of the agency unless that person is fit to work for the purposes of the agency; or
- (b) allow a person who is employed by a person other than the registered provider to work for the purposes of the agency unless that person is fit to work for the purposes of the agency.

(2) For the purposes of paragraph (1) a person is not fit to work for the purposes of an agency unless -

- (a) he or she is of suitable integrity and good character;
- (b) he or she has the qualifications, skills, competence and experience necessary for the work he or she is to perform;
- (c) he or she is physically and mentally fit for the work he or she is to perform; and
- (d) full and satisfactory information is available in relation to him or her in respect of each of the matters specified in Schedule 2.

Employment of staff

23.-(1) The registered person must -

- (a) ensure that all permanent appointments of staff employed for the purposes of the agency are subject to the satisfactory completion of a period of probation; and
- (b) provide all employees with a job description outlining their responsibilities.

(2) The registered person must ensure that all persons employed by the agency -

- (a) receive appropriate training, supervision and appraisal; and
- (b) are enabled from time to time to gain further qualifications appropriate to the work they perform.

Staff disciplinary procedure

24.-(1) The registered person must operate a disciplinary procedure which, in particular -

- (a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of persons to whom the agency provides adoption support services;
- (b) provides that the failure on the part of an employee to report, to an appropriate person, an incident of abuse, or suspected abuse, of a child is a ground on which disciplinary proceedings may be instituted.

(2) At ddibenion paragraff (1)(b), mae person priodol yn un o'r canlynol -

- (a) y person cofrestredig;
- (b) un o swyddogion yr awdurdod cofrestru;
- (c) un o swyddogion yr heddlu;
- (ch) un o swyddogion y Gymdeithas Genedlaethol er Atal Creulondeb i Blant; a
- (d) un o swyddogion yr awdurdod lleol y mae'r asiantaeth wedi'i lleoli yn ei ardal.

Cofnodion ynglyn â staff

25.-(1) Rhaid i'r person cofrestredig gadw'r cofnodion a bennir yn Atodlen 3, a'u cadw'n gyfoes.

(2) Rhaid cadw'r cofnodion y cyfeiriwyd atynt ym mharagraff (1) am 15 mlynedd o leiaf o ddyddiad y cofnod diwethaf.

Ffitrwydd y fangre

26.-(1) Rhaid i'r person cofrestredig beidio â defnyddio'r fangre at ddibenion yr asiantaeth onid yw'r fangre yn addas at ddibenion cyflawni'r nodau a'r amcanion a nodir yn natganiad o ddiben yr asiantaeth.

- (2) Rhaid i'r person cofrestredig sicrhau -
- (a) bod trefniadau diogelwch digonol yn y fangre, yn benodol bod cyfleusterau diogel ar gyfer storio cofnodion; a
 - (b) bod unrhyw gofnodion nad ydynt, am unrhyw reswm, ar y fangre, yn cael eu cadw, serch hynny, o dan amodau diogelwch priodol.

RHAN 5

MATERION AMRYWIOL - ASiantaethau

Digwyddiadau hysbysadwy

27.-(1) Os bydd unrhyw un o'r digwyddiadau a restrir yng ngholofn 1 o'r tabl yn Atodlen 4 ("y tabl") yn digwydd mewn cysylltiad ag asiantaeth, rhaid i'r person cofrestredig hysbysu'r person a nodir yn ddi-oed ynglyn â'r digwyddiad yng ngholofn 2 o'r tabl.

(2) Rhaid cadarnhau yn ysgrifenedig unrhyw hysbysiad sy'n cael ei roi ar lafar yn unol â'r rheoliad hwn o fewn 10 o ddiwrnodau gwaith.

- (3) Yn y tabl -
- ystyr "awdurdod perthnasol" yw -

(2) For the purposes of paragraph (1)(b), an appropriate person is -

- (a) the registered person;
- (b) an officer of the registration authority;
- (c) a police officer;
- (d) an officer of the National Society for the Prevention of Cruelty to Children; and
- (e) an officer of a local authority in whose area the agency is situated.

Records in respect of staff

25.-(1) The registered person must maintain and keep up to date the records specified in Schedule 3.

(2) The records referred to in paragraph (1) must be retained for at least 15 years from the date of the last entry.

Fitness of premises

26.-(1) The registered person must not use the premises for the purposes of the agency unless the premises are suitable for the purpose of achieving the aims and objectives set out in its statement of purpose.

- (2) The registered person must ensure -
- (a) that there are adequate security arrangements at the premises, in particular that there are secure facilities for the storage of records; and
 - (b) that any records which are, for any reason, not on the premises are nevertheless kept in conditions of appropriate security.

PART 5

MISCELLANEOUS - AGENCIES

Notifiable events

27.-(1) If, in relation to an agency, any of the events listed in column 1 of the table in Schedule 4 ("the table") takes place, the registered person must without delay notify the person indicated in respect of the event in column 2 of the table.

(2) Any notification made in accordance with this regulation which is given orally must be confirmed in writing within 10 working days.

- (3) In the table -
- "relevant authority" means -

- (a) yr awdurdod lleol y mae'r asiantaeth wedi'i leoli yn ei ardal, a
- (b) o ran plentyn sydd wedi marw neu sydd wedi'i anafu'n ddifrifol wrth gael gwasanaethau cymorth mabwysiadu, unrhyw awdurdod lleol arall y mae'r asiantaeth yn darparu gwasanaethau cymorth mabwysiadu ar ei ran i'r plentyn hwnnw o dan reoliadau a wnaed o dan adran 3(4)(b) o Ddeddf 2002,
- (c) ystyr "Bwrdd Iechyd Lleol" ac "Ymddiriedolaeth Gofal Sylfaenol" yw'r Bwrdd Iechyd Lleol neu'r Ymddiriedolaeth Gofal Sylfaenol yr oedd y plentyn sydd wedi marw neu sydd wedi'i anafu'n ddifrifol wrth gael gwasanaethau cymorth mabwysiadu yn byw yn ei ardal adeg y digwyddiad.

- (a) the local authority in whose area the agency is situated, and
- (b) in relation to a child who has died or sustained serious injury in the course of receiving adoption support services any other local authority on behalf of whom the agency is providing adoption support services to that child under regulations made under section 3(4)(b) of the 2002 Act;
- (c) "Local Health Board" and "Primary Care Trust" means the Local Health Board or Primary Care Trust in whose area the child who has died or sustained serious injury in the course of receiving adoption support services was living at the time of the incident.

Y sefyllfa ariannol

28.-(1) Rhaid i'r darparrydd cofrestredig:

- (a) rhedeg yr asiantaeth mewn modd sy'n debyg o sicrhau y bydd yn hyfyw yn ariannol er mwyn cyflawni'r nodau a'r amcanion a nodir yn ei datganiad o ddiben; a
- (b) sicrhau bod cyfrifon digonol yn cael eu cynnal a chadw'n gyfoes ynglyn â'r asiantaeth.

(2) Os bydd yr awdurdod cofrestru yn gofyn amdanynt, rhaid i'r darparrydd cofrestredig ddarparu i'r awdurdod cofrestru unrhyw wybodaeth a dogfennau y bydd yn ofynnol i'r awdurdod eu cael er mwyn ystyried hyfywedd ariannol yr asiantaeth, gan gynnwys -

- (a) cyfrifon blynyddol yr asiantaeth wedi'u hardystio gan gyfrifydd;
- (b) geirada oddi wrth fanc yn mynegi barn ar statws ariannol y darparrydd cofrestredig;
- (c) gwybodaeth am ddull ariannu'r asiantaeth a'i hadnoddau ariannol;
- (ch) gwybodaeth am unrhyw gwmnïau cysylltiedig y corff; a
- (d) tystysgrif yswiriant ar gyfer y darparrydd cofrestredig o ran unrhyw rwymedigaeth y gallai'r darparrydd fynd iddi mewn cysylltiad â'r asiantaeth o ran marwolaeth, anaf, atebolrwydd cyhoeddus, difrod neu unrhyw golled arall.

Hysbysu absenoldeb

29.-(1) Pan fo'r rheolwr yn bwriadu bod yn absennol o'r asiantaeth am gyfnod parhaus o 28 o ddiwrnodau neu ragor, rhaid i'r person cofrestredig hysbysu'r awdurdod cofrestru yn ysgrifenedig o'r absenoldeb arfaethedig.

Financial position

28.-(1) The registered provider must:

- (a) carry on the agency in such a manner as is likely to ensure that it will be financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose; and
- (b) ensure that adequate accounts are maintained and kept up to date in respect of the agency.

(2) The registered provider must if the registration authority so requests, provide the registration authority with such information and documents as it may require for the purpose of considering the financial viability of the agency, including -

- (a) the annual accounts of the agency certified by an accountant;
- (b) a reference from a bank expressing an opinion as to the registered provider's financial standing;
- (c) information as to the financing and financial resources of the agency;
- (d) information as to any of the organisation's associated companies; and
- (e) a certificate of insurance for the registered provider in respect of liability which may be incurred by him or her in relation to the agency in respect of death, injury, public liability, damage or other loss.

Notice of absence

29.-(1) Where the manager proposes to be absent from the agency for a continuous period of 28 days or more the registered person must give notice in writing to the registration authority of the proposed absence.

(2) Ac eithrio pan fydd argyfwng, rhaid i'r hysbysiad y cyfeiriwyd ato ym mharagraff (1) gael ei roi ddim hwyrach na mis cyn i'r absenoldeb arfaethedig ddechrau, neu o fewn unrhyw gyfnod byrrach y cytunir arno gyda'r awdurdod cofrestru, a rhaid i'r hysbysiad bennu -

- (a) hyd neu hyd disgwylidig yr absenoldeb arfaethedig;
- (b) y rheswm dros yr absenoldeb arfaethedig;
- (c) y trefniadau sydd wedi'u gwneud ar gyfer rhedeg yr asiantaeth yn ystod yr absenoldeb hwnnw;
- (ch) enw, cyfeiriad a chymwysterau'r person a fydd yn gyfrifol am reoli'r asiantaeth yn ystod yr absenoldeb; a
- (d) y trefniadau sydd wedi'u gwneud neu y bwriedir eu gwneud ar gyfer penodi person arall i reoli'r asiantaeth yn ystod yr absenoldeb, gan gynnwys y dyddiad arfaethedig erbyn pryd y mae'r penodiad i ddechrau.

(3) Pan fo'r absenoldeb yn codi o ganlyniad i argyfwng, rhaid i'r person cofrestredig hysbysu o'r absenoldeb o fewn wythnos i'r argyfwng ddigwydd, gan bennu'r materion a grybwyllwyd ym mharagraff (2)(a) i (d).

(4) Pan fo'r rheolwr cofrestredig wedi bod yn absennol o'r asiantaeth am gyfnod parhaus o 28 o ddiwrnodau neu ragor, a bod yr awdurdod cofrestru heb gael ei hysbysu o'r absenoldeb, rhaid i'r person cofrestredig hysbysu'n ddi-oed yr awdurdod cofrestru yn ysgrifenedig, gan bennu'r materion a grybwyllwyd ym mharagraff (2)(a) i (d).

(5) Rhaid i'r person cofrestredig hysbysu'r awdurdod cofrestru bod y rheolwr cofrestredig wedi dychwelyd i'r gwaith ddim hwyrach na 5 niwrnod gwaith ar ôl dyddiad ei ddychweliad.

Hysbysu newidiadau

30.-(1) Rhaid i'r person cofrestredig hysbysu'r awdurdod cofrestru yn ysgrifenedig cyn gynted ag y bo'n ymarferol i wneud hynny os bydd unrhyw un o'r digwyddiadau canlynol yn digwydd neu y bwriedir iddynt ddigwydd -

- (a) bod person heblaw'r darparrydd cofrestredig yn rhedeg yr asiantaeth;
- (b) bod person yn peidio â rheoli'r asiantaeth;
- (c) bod enw neu gyfeiriad y darparrydd cofrestredig wedi'i newid;
- (ch) bod unrhyw newid o ran ymddiriedolwr, cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog arall tebyg i'r darparrydd cofrestredig;
- (d) bod unrhyw newid i fod o ran pwy yw'r unigolyn cyfrifol;
- (dd) bod derbynnydd, rheolwr, datodwr neu

(2) Except in the case of an emergency, the notice referred to in paragraph (1) must be given no later than one month before the proposed absence is to start, or within such shorter period as may be agreed with the registration authority, and the notice must specify -

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

(3) Where the absence arises as a result of an emergency, the registered person must give notice of the absence within one week of its occurrence, specifying the matters mentioned in paragraph (2)(a) to (e).

(4) Where the registered manager has been absent from the agency for a continuous period of 28 days or more, and the registration authority has not been given notice of the absence, the registered person, shall without delay give notice in writing to the registration authority specifying the matters mentioned in paragraph (2)(a) to (e).

(5) The registered person must notify the registration authority of the return to duty of the registered manager not later than 5 working days after the date of his or her return.

Notice of changes

30.-(1) The registered person must give notice in writing to the registration authority as soon as it is practicable to do so if any of the following events take place or is proposed to take place -

- (a) a person other than the registered provider carries on the agency;
- (b) a person ceases to manage the agency;
- (c) the name or address of the registered provider is changed;
- (d) there is any change of trustee, or director, manager, secretary or other similar officer of the registered provider; or
- (e) there is to be any change in the identity of the responsible individual;
- (f) a receiver, manager, liquidator or provisional

ddatodwr dros dro wedi'i benodi o ran y darparwydd cofrestredig; neu

- (e) bod yr asiantaeth yn bwriadu peidio â gweithredu neu fodoli fel y cyfryw.

(2) Rhaid i'r darparwydd cofrestredig hysbysu'r awdurdod cofrestru yn ysgrifenedig ac yn ddi-oed o farwolaeth yr unigolyn cyfrifol neu'r rheolwr cofrestredig.

Penodi datodwyr etc

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

- (a) hysbysu'r awdurdod cofrestru ar unwaith o'i benodiad gan nodi'r rhesymau drosto;
- (b) penodi rheolwr i gymryd gofal amser-llawn o ddydd i ddydd dros yr asiantaeth mewn unrhyw achos lle nad oes unrhyw reolwr; ac
- (c) heb fod yn hwy nag 20 o ddiwrnodau ar ôl ei benodiad, hysbysu'r awdurdod cofrestru o'i fwriadau ar gyfer gweithredu'r asiantaeth yn y dyfodol.

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

- (a) yn dderbynydd neu'n rheolwr eiddo darparwydd cofrestredig;
- (b) yn ddatodwr neu'n ddatodwr dros dro i ddarparwydd cofrestredig.

Tramgwyddau

32.-(1) Bydd mynd yn groes i unrhyw un o ddarpariaethau rheoliadau 3 i 8, 12, 16 i 30 neu fethu â chydymffurfio ag unrhyw un ohonynt yn dramgwydd yn rhinwedd adran 9(3) o Ddeddf 2002.

(2) Bydd mynd yn groes i unrhyw un o ddarpariaethau rheoliadau 9 neu 31 neu fethu â chydymffurfio ag unrhyw un ohonynt yn dramgwydd yn rhinwedd adran 25(2) o Ddeddf 2000.

(3) Caiff yr awdurdod cofrestru ddwyn achos yn erbyn person a oedd ar un adeg, ond nad yw bellach, yn berson cofrestredig, am fethiant i gydymffurfio â rheoliad 18 neu 25.

Cydymffurfio â rheoliadau

33. Pan fo'n ofynnol o dan y Rheoliadau hyn i unrhyw beth gael ei wneud gan fwy nag un person, rhaid peidio â'i gwneud yn ofynnol iddo gael ei wneud, os yw wedi'i wneud gan un o'r personau hynny, gan y person arall neu, yn ôl y digwydd, y personau eraill.

liquidator is appointed in respect of the registered provider;

- (g) the agency intends to cease to act or exist as such.

(2) The registered provider must notify the registration authority in writing and without delay of the death of the responsible individual or the registered manager.

Appointment of liquidators etc

31.-(1) Any person to whom paragraph (2) applies must -

- (a) forthwith notify the registration authority of his or her appointment indicating the reasons for it;
- (b) appoint a manager to take full-time day to day control of the agency in any case where there is no manager; and
- (c) not more than 20 working days after his or her appointment notify the registration authority of his or her intentions regarding the future operation of the agency.

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

- (a) the receiver or manager of the property of a registered provider;
- (b) the liquidator or provisional liquidator of a registered provider.

Offences

32.-(1) A contravention or failure to comply with any of the provisions of regulations 3 to 8, 12, 16 to 30 is an offence by virtue of section 9(3) of the 2002 Act.

(2) A contravention or failure to comply with any of the provisions of regulations 9 or 31 is an offence by virtue of section 25(2) of the 2000 Act.

(3) The registration authority may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 18 or 25.

Compliance with regulations

33. Where anything is required under these Regulations to be done by more than one person, it must, if done by one of those persons, not be required to be done by the other person or, as the case may be, persons.

Diwygio Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002

34.-(1) Mae Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002(1) wedi'u diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 2(1) -

(a) yn y man priodol mewnoder -

""Adoption Support Agency" has the same meaning given by section 8 of the Adoption and Children Act 2002";

(b) yn y diffiniad o ""appropriate office"" ar ôl paragraff (i) mewnoder

"(j) in relation to an adoption support agency, any office of the National Assembly for Wales.";

(c) yn y diffiniad o "statement of purpose" mewnoder-

"(k) in relation to an adoption support agency, the written statement required to be compiled in relation to the agency in accordance with regulation 3 of the Adoption Support Agencies (Wales) Regulations 2005;".

Darpariaethau Trosiannol

35.-(1) Mae'r Rheoliad hwn yn gymwys i asiantaethau cymorth mabwysiadu y mae'n ofynnol iddynt gael eu cofrestru o dan y Ddeddf yn rhinwedd darpariaethau Deddf 2000 a'r Rheoliadau hyn ond nad oedd yn ofynnol iddynt gael eu cofrestru felly yn union cyn 30 Rhagfyr 2005.

(2) Er gwaethaf unrhyw un o'r darpariaethau hynny, caiff asiantaeth cymorth mabwysiadu a oedd yn union cyn 30 Rhagfyr 2005 yn rhedeg neu'n rheoli asiantaeth barhau i redeg neu reoli'r asiantaeth heb gael ei chofrestru o dan Ddeddf 2000 -

(a) yn ystod y cyfnod o 3 mis sy'n dechrau ar y dyddiad hwnnw; a

(b) os, o fewn y cyfnod hwnnw, y gwneir cais am gael cofrestru, hyd nes y gwaredir y cais hwnnw yn derfynol neu'i dynnu yn ôl.

(3) Yn y rheoliad hwn ystyr 'gwaredu yn derfynol' yw'r dyddiad 28 o ddiwrnodau gwaith ar ôl caniatáu neu wrthod cofrestriad ac, os apelir, y dyddiad pan benderfynir ar yr apêl yn derfynol neu pan roddir y gorau iddo.

Amendment of the Registration of Social Care and Independent Health Care (Wales) Regulations 2002

34.-(1) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002(1) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) -

(a) at the appropriate place insert -

""Adoption Support Agency" has the same meaning given by section 8 of the Adoption and Children Act 2002";

(b) in the definition of ""appropriate office"" after paragraph (i) insert -

"(j) in relation to an adoption support agency, any office of the National Assembly for Wales.";

(c) in the definition of "statement of purpose" insert -

"(k) in relation to an adoption support agency, the written statement required to be compiled in relation to the agency in accordance with regulation 3 of the Adoption Support Agencies (Wales) Regulations 2005;".

Transitional Provisions

35.-(1) This Regulation applies to adoption support agencies who by virtue of the provisions of the 2000 Act and these Regulations are required to be registered under the Act but who immediately before 30 December 2005 were not required to be so registered.

(2) Notwithstanding any such provision an adoption support agency which immediately before 30 December 2005 was carrying on or managing an agency may continue to carry on or manage the agency without being registered under the 2000 Act -

(a) during the period of 3 months beginning with that date; and

(b) if within that period application is made for registration, until that application is finally disposed of or withdrawn.

(3) In this regulation 'finally disposed of' means the date 20 working days following the grant or refusal of registration and, if an appeal is made, the date when the appeal is finally determined or abandoned.

(1) O.S. 2002/919 (Cy.107).

(1) 2002/919 (W.107).

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

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

7 Mehefin 2005

7 June 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of The National Assembly

ATODLEN 1

SCHEDULE 1

Rheoliad 3(1)

Regulation 3(1)

YR WYBODAETH SYDD I'W CHYNNWYS YN Y DATGANIAD O DDIBEN

INFORMATION TO BE INCLUDED IN THE STATEMENT OF PURPOSE

1. Nodau ac amcanion yr asiantaeth.
2. Enw a chyfeiriad y darparydd cofrestredig, yr unigolyn cyfrifol a'r rheolwr cofrestredig.
3. Unrhyw amodau sydd mewn grym am y tro o ran cofrestru'r personau cofrestredig o dan Ran 2 o Ddeddf 2000.
4. Cymwysterau a phrofiad perthnasol y rheolwr cofrestredig.
5. Nifer, cymwysterau perthnasol a phrofiad y staff sy'n gweithio at ddibenion yr asiantaeth.
6. Strwythur trefniadaethol yr asiantaeth.
7. Disgrifiad o'r gwasanaethau sy'n cael eu cynnig gan yr asiantaeth.
8. Y system sydd wedi'i sefydlu i fonitro a gwerthuso gwaith darparu'r gwasanaethau hynny er mwyn sicrhau bod y gwasanaethau sy'n cael eu darparu gan yr asiantaeth yn effeithiol a bod ansawdd y gwasanaethau hynny o safon briodol.
9. Crynodeb o'r weithdrefn gwynion.
10. Enw, chyfeiriad a rhif ffôn yr awdurdod cofrestru.

1. The aims and objectives of the agency.
2. The name and address of the registered provider, the responsible individual and the registered manager.
3. Any conditions for the time being in force in relation to the registration under Part 2 of the 2000 Act of the registered persons.
4. The relevant qualifications and experience of the registered manager.
5. The number, relevant qualifications and experience of the staff working for the purposes of the agency.
6. The organisational structure of the agency.
7. A description of the services offered by the agency.
8. The system in place to monitor and evaluate the provision of services to ensure that the services provided by the agency are effective and the quality of those services is of an appropriate standard.
9. A summary of the complaints procedure.
10. The name, address and telephone number of the registration authority.

ATODLEN 2

SCHEDULE 2

Rheoliadau 5(3)(c), 7(2)(c), 22(2)(ch)

Regulations 5(3)(c), 7(2)(c), 22(2)(d)

YR WYBODAETH Y MAE'N OFYNNOL EI CHAEI AM YR UNIGOLYN CYFRIFOL NEU AM BERSONAU SY'N CEISIO RHEOLI NEU WEITHIO AT DDIBENION ASiantaeth

INFORMATION REQUIRED IN RESPECT OF THE RESPONSIBLE INDIVIDUAL OR PERSONS SEEKING TO MANAGE OR WORK FOR THE PURPOSES OF AN AGENCY

1. Prawf o bwy yw'r person gan gynnwys ffotograff diweddar.

1. Proof of identity including a recent photograph.

2. Naill ai -

- (a) os bydd tystysgrif yn ofynnol at ddiben sy'n ymwneud ag adran 115(5)(ea) o Ddeddf yr Heddlu 1997 (cofrestru o dan Ran 2 o Ddeddf 2000)(1), neu os yw'r swydd yn dod o fewn adran 115(3) neu (4) o Ddeddf yr Heddlu 1997(2), tystysgrif cofnod troseddol manwl a ddyroddwyd o dan adran 115 o'r Ddeddf honno y mae llai na 3 blynedd mewn cysylltiad â hi wedi mynd heibio ers iddi gael ei dyroddi; neu
- (b) mewn unrhyw achos arall, tystysgrif cofnod troseddol a ddyroddwyd o dan adran 113 o'r Ddeddf honno, ac y mae llai na 3 blynedd wedi mynd heibio mewn cysylltiad â hi ers iddi gael ei dyroddi,

gan gynnwys, i'r graddau a ganiatawyd o dan Ddeddf yr Heddlu 1997 y materion a bennwyd yn adrannau 113(3A) neu (3C) neu 115(6A) neu (6B) o'r Ddeddf honno(3).

3. Dau dystlythyr ysgrifenedig, gan gynnwys tystlythyr oddi wrth gyflogwr mwyaf diweddar y person, os oes un.

4. Pan fo person wedi gweithio o'r blaen mewn swydd yr oedd ei ddyletswyddau'n cynnwys gweithio gyda phlant neu oedolion hawdd eu niweidio, i'r graddau y bo'n rhesymol ymarferol, cadarnhad o'r rheswm pam y daeth y gyflogaeth neu'r swydd i ben.

5. Tystiolaeth ddogfennol am unrhyw gymhwyster perthnasol.

6. Hanes cyflogaeth llawn, ynghyd ag esboniad ysgrifenedig boddhaol am unrhyw fylchau yn y gyflogaeth.

ATODLEN 3

Rheoliad 25(1)

**Y COFNODION SYDD I'W CADW
YNGHYLCH POB PERSON SY'N
GWEITHIO AT DDIBENION YR
ASiantaeth**

Cofnod sy'n dangos ar gyfer pob person sy'n gweithio at ddibenion yr asiantaeth -

-
- (1) 1997 p.50. Mewnosodwyd adran 115(5)(ea) gan Ddeddf Safonau Gofal 2000, adran 104 p.14.
 - (2) Mae swydd o fewn adran 115(3) os yw'n golygu bod y person wrthi'n rheolaidd yn gofalu am bersonau o dan 18 oed, yn eu hyfforddi, yn eu goruchwyllo, neu os yw'r personau hynny o dan ei ofal ef yn unig.
 - (3) Mewnosodwyd adrannau 113(3A) a 115(6A) yn Neddf yr Heddlu 1997 gan adran 8 o Ddeddf Amddiffyn Plant 1999(p.14) a'u diwygio gan adrannau 104, 106 a 116 o Ddeddf Safonau Gofal 2000 a pharagraff 25 o Atodlen 4 iddi.

2. Either -

- (a) where the certificate is required for a purpose relating to section 115(5)(ea) of the Police Act 1997 (registration under Part 2 of the 2000 Act)(1), or the position falls within section 115(3) or (4) of the Police Act 1997(2), an enhanced criminal record certificate issued under section 115 of that Act in respect of which less than 3 years has elapsed since it was issued; or
- (b) in any other case, a criminal record certificate issued under sections 113 of that Act, in respect of which less than 3 years have elapsed since it was issued,

including, to the extent permitted under the Police Act 1997 the matters specified in sections 113(3A) or (3C) or 115(6A) or (6B) of that Act(3).

3. Two written references, including a reference from the person's most recent employer, if any.

4. Where a person has previously worked in a position whose duties included work with children or vulnerable adults, so far as reasonably practicable, verification of the reason why the employment or position ended.

5. Documentary evidence of any relevant qualification.

6. A full employment history, together with a satisfactory written explanation of any gaps in employment.

SCHEDULE 3

Regulation 25(1)

**RECORDS TO BE KEPT IN RELATION TO
EACH PERSON WORKING FOR THE
PURPOSES OF AN
AGENCY**

A record indicating in respect of each person working for the purposes of the agency -

-
- (1) 1997 c.50. Section 115(5)(ea) is inserted by the Care Standards Act 2000, section 104 c.14.
 - (2) A position is within section 115(3) if it involves regularly caring for, training, supervising or being in sole charge of persons aged under 18.
 - (3) Sections 113(3A) and 115(6A) are inserted in the Police Act 1997 by section 8 of the Protection of Children Act 1999 c.14 and amended by sections 104, 106 and 116 of, and paragraph 25 of Schedule 4 to, the Care Standards Act 2000.

1. Enw llawn.

2. Rhyw.

3. Dyddiad geni.

4. Cyfeiriad cartref.

5. Cymwysterau sy'n berthnasol i weithio gyda phersonau sy'n cael gwasanaethau cymorth mabwysiadu a phrofiad o weithio gyda phersonau o'r fath ac (o ran asiantaeth sy'n darparu gwasanaethau cymorth mabwysiadu i blant) cymwysterau sy'n berthnasol i waith sy'n cynnwys plant, a phrofiad o waith o'r fath.

6. Y dyddiadau pan fydd y person yn dechrau cael ei gyflogi felly a phan fydd ei gyflogaeth yn dod i ben.

7. A yw'r person yn cael ei gyflogi gan y darparydd cofrestredig o dan gontract gwasanaeth neu gontract ar gyfer gwasanaethau, neu a yw'n cael ei gyflogi gan rywun heblaw'r darparydd cofrestredig.

8. Disgrifiad swydd y person ac a yw'n gweithio'n amser llawn neu'n rhan amser a nifer yr oriau y mae'n cael ei gyflogi bob wythnos gan y darparydd cofrestredig neu'n cael ei gontractio bob wythnos i weithio i'r darparydd hwnnw.

9. Yr hyfforddiant y mae'r person wedi ymgymryd ag ef, y gwaith o'i oruchwylio a'i werthuso, y camau disgyblu (os o gwbl) a gymerwyd yn ei erbyn, y cwynion (os o gwbl) a wnaed yn ei erbyn neu ynglŷn â'r person a chanlyniad y cwynion hynny ac unrhyw faterion eraill mewn cysylltiad â'i gyflogaeth at ddibenion yr asiantaeth.

1. Full name.

2. Sex.

3. Date of birth.

4. Home address.

5. Qualifications relevant to, and experience of, working with persons receiving adoption support services and (in relation to an agency which provides adoption support services to children) qualifications relevant to and experience of work involving children.

6. The dates on which he or she commences and ceases to be so employed by the agency.

7. Whether he or she is employed by the registered provider under a contract of service or a contract for services, or is employed by someone other than the registered provider.

8. His or her job description and whether he or she works full-time or part-time and the number of hours for which he or she is employed by, or contracted to work for, the registered provider each week.

9. Training undertaken by him or her, supervision, appraisal, disciplinary action (if any) taken against him or her, complaints (if any) made against or concerning him or her and the outcome of such complaints and any other matters in relation to his or her employment for the purposes of the agency.

ATODLEN 4

Rheoliad 27(1)

DIGWYDDIADAU A HYSBYSIADAU

<i>Colofn 1</i> Y digwyddiad	<i>Colofn 2</i> I'w hysbysu i:		
	Yr awdurdod cofrestru	Y Bwrdd Iechyd Lleol /Yr Ymddiriedolaethau Gofal Sylfaenol	Yr awdurdod perthnasol
Cyfeirio unigolyn sy'n gweithio i'r asiantaeth at yr Ysgrifenydd Gwladol neu'r Cynulliad yn unol ag adran (1)(a) o Ddeddf Amddiffyn Plant 1999	Ie		
Marwolaeth oedolyn neu blentyn neu anaf difrifol i oedolyn neu blentyn wrth iddo gael gwasanaethau cymorth mabwysiadu gan yr asiantaeth	Ie	Ie	Ie (pan fo'n marwolaeth plentyn neu'n anaf difrifol i blentyn)

SCHEDULE 4

Regulation 27(1)

EVENTS AND NOTIFICATIONS

<i>Column 1</i> Event	<i>Column 2</i> To be notified to:		
	Registration authority	Local Health Board/ Primary Care Trusts	Relevant authority
Referral to Secretary of State or the Assembly pursuant to section 2(1)(a) of the Protection of Children Act 1999 of an individual working for the agency	Yes		
Death or serious injury of an adult or child in the course of receiving adoption support services from the agency	Yes	Yes	Yes (where death or serious injury of a child)