



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2010 Rhif 746 (Cy.75)

2010 No. 746 (W.75)

**GOFAL CYMDEITHASOL,
CYMRU**

**SOCIAL CARE,
WALES**

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG PERSONS,
WALES**

Rheoliadau Adolygu
Penderfyniadau'n Annibynnol
(Mabwysiadu a Maethu) (Cymru)
2010

The Independent Review of
Determinations (Adoption and
Fostering) (Wales) Regulations
2010

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Gwneir y Rheoliadau hyn o dan Ddeddf Mabwysiadu a Phlant 2002 ("Deddf 2002") a Deddf Plant 1989 ("Deddf 1989"). Maent yn darparu ar gyfer adolygu gan banel annibynnol mewn tri math o achos. Yn gyntaf, penderfyniad a wnaed gan asiantaeth fabwysiadu o dan Reoliadau Asiantaethau Mabwysiadu (Cymru) 2005 i'r perwyl ei bod yn bwriadu peidio â chymeradwyo darpar fabwysiadydd fel un sy'n addas i fabwysiadu plentyn, neu benderfyniad, yn dilyn adolygiad, i'r perwyl nad yw darpar fabwysiadydd mwyach yn addas i fabwysiadu plentyn. Yn ail, penderfyniadau a wnaed gan asiantaeth fabwysiadu o dan Reoliadau Mynediad i Wybodaeth (Mabwysiadu Ôl-gychwyn) (Cymru) 2005. Yn rheoliad 3 o'r Rheoliadau hyn, pennir bod penderfyniadau o'r math hwnnw yn benderfyniadau cymhwysol at ddibenion adran 12(2) o Ddeddf 2002. Yn drydydd, penderfyniad a wnaed gan ddarparydd gwasanaeth maethu o dan Reoliadau Gwasanaethau Maethu (Cymru) 2003 i'r perwyl nad yw'r ddarparydd yn bwriadu cymeradwyo darpar riant maeth fel un sy'n addas i faethu plentyn, neu benderfyniad i derfynu, neu ddiwygio telerau cymeradwyaeth person fel rhywun sy'n addas i fod yn rhiant maeth. Yn rheoliad 4 o'r Rheoliadau hyn, pennir bod penderfyniadau o'r math hwnnw yn benderfyniadau cymhwysol at ddibenion paragraff 12A(2)(b) o Ddeddf 1989.

These Regulations are made under the Adoption and Children Act 2002 ("the 2002 Act") and the Children Act 1989 ("the 1989 Act"). They make provision for the review by an independent panel in three types of case. First, a determination made by an adoption agency under the Adoption Agencies (Wales) Regulations 2005 that it proposes not to approve a prospective adopter as suitable to adopt a child or determines on review that a prospective adopter is no longer suitable to adopt a child. Secondly, determinations made by an adoption agency under the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005. Such determinations are specified in regulation 3 of these Regulations as qualifying determinations for the purposes of section 12(2) of the 2002 Act. Thirdly, a determination made by a fostering service provider under the Fostering Services (Wales) Regulations 2003 that it does not propose to approve a prospective foster parent as suitable to foster a child or decides to terminate or to revise the terms of the approval of a person as suitable to act as a foster parent. Such a determination is specified in regulation 4 of these Regulations as qualifying determinations for the purposes of paragraph 12A(2)(b) of Schedule 2 to the 1989 Act.

Mae Rhan 2 yn gwneud darpariaeth ar gyfer cyfansoddi panelau a'u haelodaeth, eu swyddogaethau a thalu ffioedd, cyfarfodydd a chadw cofnodion y panelau a benodir gan Weinidogion Cymru i adolygu penderfyniadau cymhwysol.

Yn Rhan 3 gwneir darpariaeth ar gyfer y weithdrefn sydd i'w dilyn pan wneir cais am adolygiad o benderfyniad cymhwysol, gan banel a gyfansoddwyd o dan Ran 2; a darperir ar gyfer i'r sefydliad a wnaeth y penderfyniad cymhwysol dalu pa bynnag gostau i Weinidogion Cymru a ystyrir yn rhesymol gan Weinidogion Cymru.

Mae Rhan 4 yn diwygio Rheoliadau Gwasanaethau Maethu (Cymru) 2003. Diwygir rheoliad 24 o'r Rheoliadau hynny mewn perthynas â'r tymhorau y caiff aelodau o banelau aros yn eu swydd. Diwygir rheoliad 25 mewn perthynas â swyddogaethau'r panel maethu. Disodlir rheoliadau 28 a 29 o'r Rheoliadau hynny gan reoliadau newydd sy'n darparu ar gyfer hawl i gael adolygiad annibynnol o rai penderfyniadau a wneir gan wasanaeth maethu. Mewn osodir rheoliad 29A newydd, sy'n cyfeirio at yr wybodaeth y mae'n rhaid ei hanfon at y panel adolygu annibynnol.

Part 2 makes provision for the constitution and membership of panels, their functions and the payment of fees, meetings and record keeping of the panels which are appointed by the Welsh Ministers to review qualifying determinations.

Part 3 makes provision for the procedure to be followed when a review of a qualifying determination by a panel constituted under Part 2 is sought and for the organisation that made the qualifying determination to pay such costs to the Welsh Ministers as the Welsh Ministers consider reasonable.

Part 4 makes amendments to the Fostering Services (Wales) Regulations 2003. Regulation 24 of those Regulations is amended in relation to the terms of office of panel members. Regulation 25 is amended in relation to the functions of the fostering panel. New regulations 28 and 29 are substituted in these Regulations providing for a right of independent review of certain fostering service decisions. A new regulation 29A is inserted which refers to the information that must be sent to the independent review panel.

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2010

Gwnaed 11 Mawrth 2010

Made 11 March 2010

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 12 Mawrth 2010

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Yn dod i rym 2 Ebrill 2010

Coming into force 2 April 2010

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Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 9, 12 a 142(5) o Ddeddf Mabwysiadu a Phlant 2002(1), adrannau 23(2) a (9) a 104(4) o Ddeddf Plant 1989(2) a pharagraff 12A o Atodlen 2 i'r Ddeddf honno ac adrannau 22(1) a 118(1) a (5) i (7) o Ddeddf Safonau Gofal 2000(3), yn gwneud y Rheoliadau canlynol –

RHAN 1

CYFFREDINOL

Enwi, cychwyn a chymhwyso

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Adolygu Penderfyniadau'n Annibynnol (Mabwysiadu a Maethu) (Cymru) 2010.

(2) Deuant i rym ar 2 Ebrill 2010.

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

Dehongli

2. Yn y Rheoliadau hyn –

ystyr "adroddiad darpar fabwysiadydd" ("*prospective adopter's report*") yw adroddiad a baratowyd yn unol â rheoliad 26 o'r Rheoliadau Asiantaethau;

ystyr "ceisydd" ("*applicant*")–

(a) yn achos penderfyniad ar addasrwydd i fabwysiadu, yw darpar fabwysiadydd;

(b) yn achos penderfyniad ar ddatgelu, yw person perthnasol o fewn ystyr "relevant person" yn rheoliad 13A(7) o'r Rheoliadau Datgelu;

(c) yn achos penderfyniad ar faethu, yw person y rhoddwyd hysbysiad iddo at ddibenion rheoliad 28(6)(a) o'r Rheoliadau Maethu;

mae i "darparwydd gwasanaeth maethu" ("*fostering service provider*") yr ystyr a roddir i "fostering service provider" yn rheoliad 2(1) o'r Rheoliadau Maethu;

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

(1) 2002 p.38. Diwygiwyd adran 12 gan adran 57 o Ddeddf Plant 2004 (p.31) a chan adran 34 o Ddeddf Plant a Phobl Ifanc 2008 (p. 23).

(2) 1989 p.41. Mae adran 8(3) o Ddeddf Plant a Phobl Ifanc 2008 (p.23) a pharagraff 2 o Atodlen 2 iddi yn darparu bod effaith i Ddeddf Plant 1989 fel petai paragraff 12A wedi ei fewnosod ar ol paragraph 12.

(3) 2000 p.14.

The Welsh Ministers in exercise of the powers conferred by sections 9, 12 and 142(5) of the Adoption and Children Act 2002(1), sections 23(2) and (9) and 104(4) of, and paragraph 12A of Schedule 2 to, the Children Act 1989(2) and sections 22(1) and 118(1) and (5) to (7) of the Care Standards Act 2000(3) make the following Regulations –

PART 1

GENERAL

Title, commencement and application

1.–(1) The title of these Regulations is the Independent Review of Determinations (Adoption and Fostering)(Wales) Regulations 2010.

(2) They come into force on 2 April 2010.

(3) These Regulations apply to Wales.

Interpretation

2. In these Regulations –

"the 1989 Act" ("*Deddf 1989*") means the Children Act 1989;

"the 2002 Act" ("*Deddf 2002*") means the Adoption and Children Act 2002;

"the Agencies Regulations" ("*y Rheoliadau Asiantaethau*") means the Adoption Agencies (Wales) Regulations 2005(4);

"adoption panel" ("*panel mabwysiadu*") means a panel constituted in accordance with regulation 3 of the Agencies Regulations;

"adoption suitability determination" ("*penderfyniad ar addasrwydd i fabwysiadu*") means a qualifying determination described in regulation 3(a);

"applicant" ("*ceisydd*") means –

(a) in the case of an adoption suitability determination, a prospective adopter;

(b) in the case of a disclosure determination, a relevant person within the meaning of

(1) 2002 c.38. Section 12 was amended by section 57 of the Children Act 2004 (c.31) and by section 34 the Children and Young Persons Act 2008 (c.23).

(2) 1989 c.41. Section 8(3) of, and paragraph 2 of Schedule 2 to, the Children and young Person's Act 2008 (c.23) provide that Schedule 2 to the Children Act 1989 has effect as if paragraph 12A were inserted after paragraph 12.

(3) 2000 c.14.

(4) S.I. 2005/1313 (W.95) as amended by S.I.2006/362 (W.48), S.I.2009/1891 and S.I.2009/2541 (W.205).

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

ystyr "diwrnod gwaith" ("*working day*") yw diwrnod nad yw'n ddydd Sadwrn, yn ddydd Sul, yn Ddydd Nadolig, yn Ddydd Gwener y Groglith nac yn wyl y banc o fewn ystyr Deddf Bancio a Thrafodion Ariannol 1971(1);

ystyr "gweithiwr cymdeithasol" ("*social worker*") yw person a gofrestrwyd yn weithiwr cymdeithasol ar gofrestr a gynhelir gan y Cyngor Gofal Cymdeithasol Cyffredinol neu Gyngor Gofal Cymru o dan adran 56 o Ddeddf Safonau Gofal 2000 neu ar gofrestr gyfatebol a gynhelir o dan gyfraith yr Alban neu Ogledd Iwerddon;

ystyr "panel mabwysiadu" ("*adoption panel*") yw panel a gyfansoddwyd yn unol â rheoliad 3 o'r Rheoliadau Asiantaethau;

ystyr "panel" ("*panel*") yw panel a gyfansoddwyd yn unol â rheoliad 6, 7 neu 8, yn ôl fel y digwydd;

ystyr "panel maethu" ("*fostering panel*") yw panel a gyfansoddwyd yn unol â rheoliad 24 o'r Rheoliadau Maethu;

ystyr "penderfyniad ar addasrwydd i fabwysiadu" ("*adoption suitability determination*") yw penderfyniad cymhwysol a ddisgrifir yn rheoliad 3(a);

ystyr "penderfyniad ar ddatgelu" ("*disclosure determination*") yw penderfyniad cymhwysol a ddisgrifir yn rheoliad 13A(1) o'r Rheoliadau Datgelu(2);

ystyr "penderfyniad ar faethu" ("*fostering determination*") yw penderfyniad cymhwysol o ddisgrifiad a ragnodir yn rheoliad 4;

ystyr "penderfyniad cymhwysol" ("*qualifying determination*") yw penderfyniad a ddisgrifir yn rheoliadau 3 a 4;

regulation 13A(7) of the Disclosure Regulations;

(c) in the case of a fostering determination, a person to whom notice has been given for the purposes of regulation 28(6)(a) of the Fostering Regulations;

"the central list" ("*y rhestr ganolog*") is to be construed in accordance with regulation 5;

"disclosure determination" ("*penderfyniad ar ddatgelu*") means a qualifying determination described in regulation 13A(1) of the Disclosure Regulations(1);

"the Disclosure Regulations" ("*y Rheoliadau Datgelu*") means the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005(2);

"foster parent" ("*rhiant maeth*") has the meaning given in regulation 2(1) of the Fostering Regulations;

"fostering determination" ("*penderfyniad ar faethu*") means a qualifying determination of a description prescribed in regulation 4;

"fostering panel" ("*panel maethu*") means a panel constituted in accordance with regulation 24 of the Fostering Regulations;

"fostering service provider" ("*darparnydd gwasanaeth maethu*") has the meaning given in regulation 2(1) of the Fostering Regulations;

"the Fostering Regulations" ("*y Rheoliadau Maethu*") means the Fostering Services (Wales) Regulations 2003(3);

"the Independent Review Regulations 2006" ("*Rheoliadau Adolygu Annibynnol 2006*") means the Independent Review of Determinations (Adoption) (Wales) Regulations 2006(4);

"organisation" ("*sefydliad*") means an adoption agency or a fostering service provider as the case may be;

(1) 1971 p.80.

(2) Mae rheoliad 13A (1) o'r Rheoliadau Datgelu yn pennu'r penderfyniadau canlynol gan yr asiantaeth fabwysiadu briodol mewn perthynas â chais o dan adran 61 o Ddeddf 2002: (a) peidio â bwrw ymlaen â chais gan unrhyw berson am ddatgelu gwybodaeth a ddiogelir; (b) datgelu gwybodaeth i geisydd ynglŷn â pherson pan fo'r person hwnnw wedi gwrthod cydsynio i ddatgelu'r wybodaeth; ac (c) peidio â datgelu gwybodaeth am berson i'r ceisydd pan fo'r person hwnnw wedi rhoi ei gydsyniad i ddatgelu'r wybodaeth.

(1) Regulation 13A (1) of the Disclosure Regulations specifies the following determinations by the appropriate adoption agency in relation to an application under section 61 of the 2002 Act (a) not to proceed with an application from any person for the disclosure of protected information; (b) to disclose information to an applicant about a person when that person has withheld consent to the disclosure of the information; and (c) not to disclose information about a person to the applicant where that person has given consent to the disclosure of information.

(2) S.I. 2005/2689 (W.189) as amended by S.I.2006/3100 (W.284) and S.I. 2009/1892.

(3) S.I. 2003/237 (W.35) as amended by S.I. 2003/896 (W.116), S.I. 2004/1016 (W.113), S.I. 2005/3302 (W.256), S.I. 2006/878 (W.83), S.I. 2006/3251 (W.295) and S.I. 2009/2541 (W.205).

(4) 2006/3100 (W.284).

ystyr "Rheoliadau Adolygu Annibynnol 2006" ("*the Independent Review Regulations 2006*") yw Rheoliadau Adolygu Penderfyniadau'n Annibynnol (Mabwysiadu) (Cymru) 2006(1);

ystyr "y Rheoliadau Asiantaethau" ("*the Agencies Regulation*") yw Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005(2);

ystyr "y Rheoliadau Datgelu" ("*the Disclosure Regulations*") yw Rheoliadau Mynediad i Wybodaeth (Mabwysiadu Ôl-gychwyn) (Cymru) 2005(3);

ystyr "y Rheoliadau Maethu" ("*the Fostering Regulations*") yw Rheoliadau Gwasanaethau Maethu (Cymru) 2003(4);

mae "y rhestr ganolog" ("*the central list*") i'w dehongli yn unol â rheoliad 5;

mae i "rhiant maeth" ("*foster parent*") yr ystyr a roddir i "foster parent" yn rheoliad 2(1) o'r Rheoliadau Maethu; ac

ystyr "sefydliad" ("*organisation*") yw asiantaeth fabwysiadu neu ddarparydd gwasanaeth maethu, yn ôl fel y digwydd.

Penderfyniad cymhwysol – disgrifiad penodedig at ddibenion adran 12(2) o Ddeddf 2002

3. At ddibenion adran 12(2) o'r Ddeddf, penderfyniad cymhwysol yw –

(a) penderfyniad a wnaed gan asiantaeth fabwysiadu yn unol â'r Rheoliadau Asiantaethau fel a ganlyn –

(i) pan, yn unol â rheoliad 28(4) o'r Rheoliadau Asiantaethau, nad yw'r asiantaeth yn bwriadu cymeradwyo darpar fabwysiadu fel un sy'n addas i fod yn rhiant mabwysiadol,

(ii) pan fo'r asiantaeth o'r farn nad yw darpar fabwysiadu yn addas mwyach i fod yn rhiant mabwysiadol yn dilyn adolygiad o dan reoliad 30 o'r Rheoliadau Asiantaethau; neu

(b) penderfyniad a ddisgrifir yn rheoliad 13A(1) o'r Rheoliadau Datgelu.

"panel" ("*panel*") means a panel constituted in accordance with regulation 6, 7 or 8 as the case may be;

"prospective adopter's report" ("*adroddiad darpar fabwysiadu*") means a report prepared in accordance with regulation 26 of the Agencies Regulations;

"qualifying determination" ("*penderfyniad cymhwysol*") means a determination described in regulations 3 and 4;

"social worker" ("*gweithiwr cymdeithasol*") means a person who is registered as a social worker in a register maintained by the General Social Care Council or the Care Council for Wales under section 56 of the Care Standards Act 2000 or in a corresponding register maintained under the law of Scotland or Northern Ireland; 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 with the meaning of the Banking and Financial Dealings Act 1971(1).

Qualifying determination – prescribed description for the purposes of section 12(2) of the 2002 Act

3. For the purposes of section 12(2) of the 2002 Act, a qualifying determination is –

(a) a determination that has been made by an adoption agency in accordance with the Agencies Regulations as follows –

(i) where under regulation 28(4) of the Agencies Regulations the agency does not propose to approve a prospective adopter as suitable to be an adoptive parent;

(ii) where the agency considers that a prospective adopter is no longer suitable to be an adoptive parent following a review under regulation 30 of the Agencies Regulations; or

(b) a determination described in regulation 13A(1) of the Disclosure Regulations.

(1) O.S.2006/3100 (Cy.284).

(2) O.S.2005/1313 (Cy.95) fel y'i diwygiwyd gan O.S.2006/362, O.S. 2009/1891 ac O.S.2009/2541 (Cy.205).

(3) O.S. 2005/2689 (Cy.189) fel y'i diwygiwyd gan O.S.2006/3100 (Cy.284) ac O.S.2009/1892.

(4) O.S. 2003/237 (Cy.35) fel y'i diwygiwyd gan O.S.2003/891 (Cy.116), O.S.2004/1016 (Cy.113), O.S.2005/3302 (Cy.256), O.S.2006/878 (Cy.83), O.S.2006/3251 (Cy.295) ac O.S.2009/2541 (Cy.205).

(1) 1971.c.80.

Penderfyniad cymhwysol – disgrifiadau rhagnodedig at ddibenion paragraff 12A(2)(b) o Atodlen 2 i Ddeddf 1989

4. At ddibenion paragraff 12A(2)(b) o Atodlen 2 i Ddeddf 1989, y disgrifiadau o benderfyniadau a ragnodir yw'r canlynol –

- (a) penderfyniad (ac eithrio penderfyniad a wnaed yn unol â rheoliad 27(6) o'r Rheoliadau Maethu) bod y darparrydd gwasanaeth maethu yn bwriadu peidio â chymeradwyo person fel un sy'n addas i fod yn rhiant maeth yn unol â rheoliad 28(6) o'r Rheoliadau Maethu, a
- (b) penderfyniad (ac eithrio penderfyniad a wnaed yn unol â rheoliad 27(6) o'r Rheoliadau Maethu) bod y darparrydd gwasanaeth maethu yn bwriadu terfynu, neu adolygu telerau, cymeradwyaeth person fel un sy'n addas i weithredu fel rhiant maeth yn unol â rheoliad 29(7) o'r Rheoliadau Maethu, pan roddir hysbysiad o'r penderfyniad ar neu ar ôl 2 Ebrill 2010.

RHAN 2

PANELAU

Cyfansoddiad panelau

5.–(1) Rhaid i Weinidogion Cymru, ar ôl cael cais a wnaed gan geisydd yn unol â rheoliad 19, gyfansoddi panel yn unol â rheoliad 6, 7 neu 8, yn ôl fel y digwydd, at y diben o adolygu'r penderfyniad cymhwysol.

(2) Rhaid dewis aelodau'r panel oddi ar restr o bersonau (y cyfeirir ati yn y Rheoliadau hyn fel "y rhestr ganolog") a gedwir gan Weinidogion Cymru, o bersonau a ystyrir gan Weinidogion Cymru yn addas, yn rhinwedd eu sgiliau, cymwysterau neu brofiad, i fod yn aelodau o banel.

- (3) Rhaid i aelodau o'r rhestr ganolog gynnwys –
 - (a) gweithwyr cymdeithasol sydd â thair blynedd, o leiaf, o brofiad, ar ôl cymhwyso, o waith mabwysiadu a lleoli mewn teuluoedd;
 - (b) gweithwyr cymdeithasol sydd â thair blynedd, o leiaf, o brofiad ar ôl cymhwyso, o waith cymdeithasol ynglŷn â gofal plant, gan gynnwys profiad uniongyrchol o waith maethu;
 - (c) ymarferwyr meddygol cofrestredig; ac
 - (ch) personau eraill a ystyrir gan Weinidogion Cymru yn addas i fod yn aelodau o banel, gan gynnwys, pan fo'n rhesymol ymarferol, personau sydd â phrofiad personol o fabwysiadu, a phersonau sydd, neu a fu o fewn y ddwy flynedd flaenorol, yn rhiant maeth awdurdod lleol.

Qualifying determination – prescribed descriptions for the purposes of paragraph 12A(2)(b) of Schedule 2 to the 1989 Act

4. For the purposes of paragraph 12A(2)(b) of Schedule 2 to the 1989 Act the following descriptions of determinations are prescribed –

- (a) a determination (other than a determination made pursuant to regulation 27(6) of the Fostering Regulations) that the fostering service provider proposes not to approve a person as suitable to act as a foster parent in accordance with regulation 28(6) of the Fostering Regulations, and
- (b) a determination (other than a determination made pursuant to regulation 27(6) of the Fostering Regulations) that the fostering service provider proposes to terminate, or to revise the terms of, the approval of a person as suitable to act as a foster parent in accordance with regulation 29(7) of the Fostering Regulations, where notice of the determination is given on or after 2 April 2010.

PART 2

PANELS

Constitution of panels

5.–(1) The Welsh Ministers must, on receipt of an application made by an applicant in accordance with regulation 19, constitute a panel in accordance with regulation 6, 7 or 8, as the case may be, for the purpose of reviewing the qualifying determination.

(2) The members of the panel must be drawn from a list of persons (in these Regulations referred to as "the central list") kept by the Welsh Ministers, who are considered by the Welsh Ministers to be suitable, by virtue of their skills, qualifications or experience, to be members of a panel.

- (3) The members of the central list must include –
 - (a) social workers who have at least three years' post-qualifying experience in adoption and family placement work;
 - (b) social workers who have at least three years' post-qualifying experience in child care social work including direct experience of fostering work;
 - (c) registered medical practitioners, and
 - (d) other persons who are considered by the Welsh Ministers to be suitable as members including, where reasonably practicable, persons with personal experience of adoption and persons who are, or within the previous two years have been, a local authority foster parent.

Aelodaeth panel ar gyfer adolygu penderfyniad ar addasrwydd i fabwysiadu

6. Pan fo'r penderfyniad cymhwysol a adolygir yn benderfyniad ar addasrwydd i fabwysiadu, y nifer o bobl y mae'n rhaid eu penodi'n aelodau o banel yw pump, a rhaid i'r panel gynnwys o leiaf –

- (a) dau berson sy'n dod o fewn rheoliad 5(3)(a);
- (b) un person sy'n dod o fewn rheoliad 5(3)(c); ac
- (c) dau berson arall o'r rhestr ganolog, gan gynnwys pan fo'n rhesymol ymarferol, o leiaf un person sydd â phrofiad personol o fabwysiadu.

Aelodaeth panel ar gyfer adolygu penderfyniad ar ddatgelu

7. Pan fo'r penderfyniad cymhwysol a adolygir yn benderfyniad ar ddatgelu, y nifer o bobl y mae'n rhaid eu penodi'n aelodau o banel yw pump, a rhaid i'r panel gynnwys o leiaf –

- (a) dau berson sy'n dod o fewn rheoliad 5(3)(a); a
- (b) tri pherson o'r rhestr ganolog.

Aelodaeth panel ar gyfer adolygu penderfyniad ar faethu

8. Pan fo'r penderfyniad cymhwysol a adolygir yn benderfyniad ar faethu, y nifer o bobl y mae'n rhaid eu penodi'n aelodau o banel yw pump, a rhaid i'r panel gynnwys o leiaf –

- (a) dau berson sy'n dod o fewn rheoliad 5(3)(b); a
- (b) tri pherson arall o'r rhestr ganolog, gan gynnwys pan fo'n rhesymol ymarferol, un person sydd, neu a fu yn ystod y ddwy flynedd flaenorol, yn rhiant maeth awdurdod lleol.

Cynghorwyr panelau

9.–(1) Rhaid i banel gael ei gynghori gan weithiwr cymdeithasol sydd â chymwysterau, sgiliau a phrofiad priodol.

(2) Caiff panel, os yw'r panel yn ystyried hynny'n briodol, ei gynghori gan –

- (a) cynghorwr cyfreithiol sydd â gwybodaeth ac arbenigedd yn nefddwriaeth mabwysiadu a maethu;
- (b) ymarferydd meddygol cofrestredig sydd ag arbenigedd perthnasol mewn gwaith mabwysiadu neu faethu, pan un bynnag sy'n briodol i'r penderfyniad cymhwysol dan ystyriaeth;

Membership of a panel to review an adoption suitability determination

6.–(1) Where the qualifying determination being reviewed is an adoption suitability determination, the number of people who must be appointed to a panel is five and the panel must include at least –

- (a) two persons falling within regulation 5(3)(a);
- (b) one person falling within regulation 5(3)(c); and
- (c) two other persons from the central list including, where reasonably practicable, at least one person with personal experience of adoption.

Membership of a panel to review a disclosure determination

7.–(1) Where the qualifying determination being reviewed is a disclosure determination, the number of people who must be appointed to a panel is five and the panel must include at least –

- (a) two persons falling within regulation 5(3)(a); and
- (b) three persons from the central list.

Membership of a panel to review a fostering determination

8.–(1) Where the qualifying determination to be reviewed is a fostering determination, the number of people who must be appointed to a panel is five and the panel must include at least –

- (a) two persons falling within regulation 5(3)(b); and
- (b) three other persons from the central list including, where reasonably practicable, at least one person who is, or within the previous two years has been, a local authority foster parent.

Panel advisers

9.–(1) A panel must be advised by a social worker with appropriate qualifications, skills and experience.

(2) A panel may, where the panel considers it appropriate, be advised by –

- (a) a legal adviser with knowledge and expertise in adoption and fostering legislation;
- (b) a registered medical practitioner with relevant expertise in adoption or fostering work, whichever is appropriate to the qualifying determination being considered;

- (c) unrhyw berson arall sydd, ym marn y panel, ag arbenigedd perthnasol i'r penderfyniad dan ystyriaeth.

(3) Rhaid i'r cynghorwyr panelau y cyfeirir atynt ym mharagraffau (1) a (2) fod yn aelodau o'r rhestr ganolog.

Penodi cadeirydd panel

10. Rhaid i Weinidogion Cymru benodi person yn gadeirydd panel, sydd â'r sgiliau a'r profiad angenrheidiol i gadeirio panel.

Anghymhwysio aelodau o banel

11.–(1) Rhaid peidio â phenodi person ("P") yn aelod o banel –

- (a) os yw'r person hwnnw'n aelod o banel mabwysiadu, neu o banel maethu, y sefydliad a wnaeth y penderfyniad cymhwysol;
- (b) pan fo'r sefydliad a wnaeth y penderfyniad cymhwysol yn awdurdod lleol, os yw P ar y pryd, neu os bu yn ystod y cyfnod o un flwyddyn cyn y dyddiad pan wnaed y penderfyniad cymhwysol –
 - (i) yn gyflogedig gan yr awdurdod hwnnw yn eu gwasanaethau cymdeithasol plant a theuluoedd, neu
 - (ii) yn aelod o'r awdurdod hwnnw;
- (c) pan nad yw'r sefydliad a wnaeth y penderfyniad cymhwysol yn awdurdod lleol, os yw P, ar y pryd neu os bu yn ystod y cyfnod o un flwyddyn cyn y dyddiad pan wnaed y penderfyniad cymhwysol, yn gyflogai neu ymddiriedolwr y sefydliad hwnnw;
- (ch) os yw P yn berthynas i berson sy'n dod o fewn is-baragraff (a), (b) neu (c);
- (d) os yw'r sefydliad a wnaeth y penderfyniad cymhwysol wedi lleoli plentyn gyda P ar gyfer ei fabwysiadu, neu wedi lleoli plentyn gyda P fel rhiant maeth awdurdod lleol;
- (e) pan fo P wedi ei fabwysiadu neu'i faethu pan oedd yn blentyn, os y sefydliad a wnaeth y penderfyniad cymhwysol oedd y sefydliad a drefnodd i fabwysiadu neu faethu P; neu
- (f) os yw P yn adnabod y ceisydd yn bersonol neu yn rhinwedd ei broffesiwn.

(2) Yn y rheoliad hwn –

- (a) mae "cyflogedig" ("*employee*") yn cynnwys cyflogedig pa un a dderbynnir tâl ai peidio a pha un ai o dan gontract gwasanaeth neu gontract am wasanaethau neu fel gwirfoddolwr; a
- (b) mae P yn berthynas i berson arall ("A") os yw P –
 - (i) yn aelod o aelwyd A, neu'n briod ag A neu'n bartner sifil i A;

- (c) any other person whom the panel considers has relevant expertise in relation to the determination being considered.

(3) The panel advisers referred to in paragraphs (1) and (2) must be members of the central list.

Appointment of a panel chair

10. The Welsh Ministers must appoint to chair a panel a person who has the skills and experience necessary for chairing a panel.

Disqualification of panel members

11.–(1) A person ("P") must not be appointed to a panel if –

- (a) P is a member of the adoption panel or fostering panel of the organisation which made the qualifying determination;
- (b) where the organisation which made the qualifying determination is a local authority, P is, or has been within the period of one year prior to the date on which the qualifying determination was made –
 - (i) employed by that authority in their children and family social services, or
 - (ii) a member of that authority;
- (c) where the organisation which made the qualifying determination is not a local authority, P is, or has been within the period of one year prior to the date on which the qualifying determination was made, an employee or a trustee of that organisation;
- (d) P is related to a person falling within sub-paragraph (a), (b) or (c);
- (e) the organisation which made the qualifying determination has placed a child for adoption with P or placed a child with P as a local authority foster parent;
- (f) where P was adopted or fostered as a child, the organisation which made the qualifying determination was the organisation which arranged P's adoption or fostering; or
- (g) P knows the applicant in a personal or professional capacity.

(2) In this regulation –

- (a) "employed" ("*cyflogedig*") includes employed whether or not for payment and whether under a contract of service or a contract for services or as a volunteer; and
- (b) P is related to another person ("A") if P is –
 - (i) a member of the household of, or married to or the civil partner of, A;

- (ii) yn fab, merch, mam, tad, chwaer neu frawd i A; neu
- (iii) yn fab, merch, mam, tad, chwaer neu frawd i'r person sy'n briod ag A neu sydd wedi ffurfio partneriaeth sifil gydag A.

- (ii) the son, daughter, mother, father, sister or brother of A; or
- (iii) the son, daughter, mother, father, sister or brother of the person to whom A is married or with whom A has formed a civil partnership.

Swyddogaethau panel a gyfansoddwyd i adolygu penderfyniad ar addasrwydd i fabwysiadu

12.–(1) Mae'r rheoliad hwn yn gymwys pan fo'r penderfyniad cymhwysol a adolygir yn benderfyniad ar addasrwydd i fabwysiadu.

(2) Rhaid i banel a gyfansoddir yn unol â rheoliad 6 adolygu'r penderfyniad ar addasrwydd i fabwysiadu ac –

- (a) pan fo paragraff (3) yn gymwys, gwneud argymhelliad i'r asiantaeth fabwysiadu a wnaeth y penderfyniad cymhwysol ynglŷn ag a yw'r ceisydd yn addas ai peidio i fabwysiadu plentyn; neu
- (b) pan fo paragraff (4) yn gymwys, cyflwyno i'r asiantaeth fabwysiadu a wnaeth y penderfyniad cymhwysol argymhelliad–
 - (i) y dylai'r asiantaeth baratoi adroddiad darpar fabwysiadu yn unol â rheoliad 26(4), a phan fo'n gymwys, rheoliad 26(5) o'r Rheoliadau Asiantaethau, a fyddai'n cynnwys yr holl wybodaeth sy'n ofynnol gan y rheoliad hwnnw; neu
 - (ii) nad yw'r ceisydd yn addas i fabwysiadu plentyn.

(3) Mae'r paragraff hwn yn gymwys pan fo'r adroddiad darpar fabwysiadu yn cynnwys yr holl wybodaeth sy'n ofynnol gan reoliad 26(4), a phan fo'n gymwys, rheoliad 26(5) o'r Rheoliadau Asiantaethau.

(4) Mae'r paragraff hwn yn gymwys pan nad oedd adroddiad y darpar fabwysiadu, yn unol â rheoliad 26(4), a phan fo'n gymwys rheoliad 26(5), o'r Rheoliadau Asiantaethau yn cynnwys yr holl wybodaeth a oedd yn ofynnol gan reoliad 26(4) neu, os yw'n gymwys, rheoliad 26(5) o'r Rheoliadau Asiantaethau.

(5) Wrth ystyried pa argymhelliad i'w wneud –

- (a) rhaid i'r panel bwysu a mesur a chymryd i ystyriaeth yr holl wybodaeth a basiwyd ymlaen iddo yn unol â rheoliad 29 o'r Rheoliadau Asiantaethau;
- (b) caiff y panel ofyn i'r asiantaeth fabwysiadu gaffael unrhyw wybodaeth berthnasol arall a ystyrir yn angenrheidiol gan y panel, neu darparu unrhyw gymorth arall y gofynnir amdano gan y panel; ac
- (c) caiff y panel gaffael unrhyw gyngor yr

Functions of panel constituted to review an adoption suitability determination

12.–(1) This regulation applies where the qualifying determination being reviewed is an adoption suitability determination.

(2) A panel constituted in accordance with regulation 6 must review the adoption suitability determination and –

- (a) where paragraph (3) applies, make to the adoption agency that made the adoption suitability determination a recommendation as to whether or not the applicant is suitable to adopt a child; or
- (b) where paragraph (4) applies, make to the adoption agency that made the adoption suitability determination a recommendation that –
 - (i) it should prepare a prospective adopter's report in accordance with regulation 26(4) and, where applicable, regulation 26(5) of the Agencies Regulations to include all of the information required by that regulation; or
 - (ii) the applicant is not suitable to adopt a child.

(3) This paragraph applies where the prospective adopter's report included all of the information required by regulation 26(4) and, where applicable, regulation 26(5) of the Agencies Regulations.

(4) This paragraph applies where the prospective adopter's report, in accordance with regulation 26(4) and, where applicable, regulation 26(5) of the Agencies Regulations, did not include all of the information required by regulation 26(4) or, where applicable, regulation 26(5) of the Agencies Regulations.

(5) In considering what recommendation to make, the panel –

- (a) must consider and take into account all of the information passed to it in accordance with regulation 29 of the Agencies Regulations;
- (b) may request the adoption agency to obtain any other relevant information which the panel considers necessary or to provide such other assistance as the panel may request; and
- (c) may obtain such advice from the advisers

ystyria'n angenrheidiol ynglŷn â'r achos, gan y cyngorwyr y cyfeirir atynt yn rheoliad 9.

(6) Pan fo'r panel yn gwneud argymhelliad i'r perwyl bod y ceisydd yn addas i fabwysiadu plentyn, caiff y panel ystyried y nifer o blant y gallai'r ceisydd fod yn addas i'w mabwysiadu, eu hystod oedran, eu rhyw, eu hanghenion tebygol a'u cefndir, a chynghori'r asiantaeth fabwysiadu ynglŷn â hynny.

Swyddogaethau panel a gyfansoddwyd i adolygu penderfyniad ar ddatgelu

13.–(1) Mae'r rheoliad hwn yn gymwys pan fo'r penderfyniad cymhwysol a adolygir yn benderfyniad ar ddatgelu.

(2) Rhaid i banel a gyfansoddwyd yn unol â rheoliad 7 adolygu'r penderfyniad ar ddatgelu, a chyflwyno i'r asiantaeth fabwysiadu a wnaeth y penderfyniad ar ddatgelu argymhelliad ynglŷn ag a ddylai'r asiantaeth fynd ymlaen â'i benderfyniad gwreiddiol ai peidio.

(3) Wrth ystyried pa argymhelliad i'w wneud –

- (a) rhaid i'r panel bwysu a mesur a chymryd i ystyriaeth yr holl wybodaeth a basiwyd ymlaen iddo yn unol â rheoliad 13A o'r Rheoliadau Datgelu;
- (b) caiff y panel ofyn i'r asiantaeth fabwysiadu gaffael unrhyw wybodaeth berthnasol arall a ystyrir yn angenrheidiol gan y panel, neu darparu unrhyw gymorth arall y gofynnir amdano gan y panel;
- (c) caiff y panel fanteisio ar unrhyw gyngor yr ystyria'n angenrheidiol ynglŷn â'r achos, gan y cyngorwyr y cyfeirir atynt yn rheoliad 9; ac
- (ch) rhaid i'r panel ystyried lles unrhyw berson a fabwysiedir, ac os yw'r person yn blentyn mabwysiedig rhaid rhai'r rhoi'r lle blaenaf i les y plentyn hwnnw. Yn achos unrhyw blentyn arall, rhaid i'r panel roi sylw penodol i'w les.

Swyddogaethau panel a gyfansoddwyd i adolygu penderfyniad ar faethu

14.–(1) Mae'r rheoliad hwn yn gymwys pan fo'r penderfyniad cymhwysol a adolygir yn benderfyniad ar faethu.

(2) Rhaid i banel a gyfansoddir yn unol â rheoliad 8 adolygu'r penderfyniad ar faethu, a chyflwyno i'r darparydd gwasanaeth maethu a wnaeth y penderfyniad ar faethu –

- (a) argymhelliad ynglŷn ag a yw'r ceisydd yn addas ai peidio i weithredu fel rhiant maeth; neu
- (b) pan fo'r penderfyniad cymhwysol yn ymwneud â thelerau cymeradwyaeth y ceisydd fel rhywun addas i weithredu fel rhiant maeth, argymhelliad i'r darparydd gwasanaeth maethu

referred to in regulation 9 as it considers necessary in relation to the case.

(6) Where the panel makes a recommendation that the applicant is suitable to adopt a child, the panel may consider and give advice to the adoption agency about the number of children the applicant may be suitable to adopt, their age range, sex, likely needs and background.

Functions of panel constituted to review a disclosure determination

13.–(1) This regulation applies where the qualifying determination being reviewed is a disclosure determination.

(2) A panel constituted in accordance with regulation 7 must review the disclosure determination and make to the adoption agency that made the disclosure determination a recommendation as to whether or not the agency should proceed with its original determination.

(3) In considering what recommendation to make, the panel –

- (a) must consider and take into account all of the information passed to it in accordance with regulation 13A of the Disclosure Regulations;
- (b) may request the adoption agency to obtain any other relevant information which the panel considers necessary or to provide such other assistance as the panel may request;
- (c) may obtain such advice from the advisers referred to in regulation 9 as it considers necessary in relation to the case; and
- (d) must consider the welfare of any adopted person and if the person is an adopted child, that child's welfare must be paramount. In the case of any other child the panel must have particular regard to their welfare.

Functions of a panel constituted to review a fostering determination

14.–(1) This regulation applies where the qualifying determination being reviewed is a fostering determination.

(2) A panel constituted in accordance with regulation 8 must review the fostering determination and make to the fostering service provider that made the fostering determination –

- (a) a recommendation as to whether or not the applicant is suitable to act as a foster parent; or
- (b) where the qualifying determination relates to the terms of the approval of the applicant as suitable to act as a foster parent, a recommendation to the fostering service

ynglŷn â'r telerau hynny.

(3) Wrth ystyried pa argymhelliad i'w wneud –

- (a) rhaid i'r panel bwysu a mesur yr holl wybodaeth a basiwyd ymlaen iddo yn unol â rheoliad 29A o'r Rheoliadau Maethu;
- (b) caiff y panel ofyn i'r darparydd gwasanaeth maethu gaffael unrhyw wybodaeth berthnasol arall a ystyrir yn angenrheidiol gan y panel, neu darparu unrhyw gymorth arall y gofynnir amdano gan y panel; ac
- (c) caiff y panel gaffael unrhyw gyngor yr ystyria'n angenrheidiol ynglŷn â'r achos, gan y cyngorwyr y cyfeirir atynt yn rheoliad 9.

(4) Pan fo'r panel yn gwneud argymhelliad i'r perwyl bod y ceisydd yn addas i weithredu fel rhiant maeth, caiff y panel hefyd wneud argymhelliad i'r darparydd gwasanaeth maethu ynglŷn â thelerau unrhyw gymeradwyaeth.

Pŵer i ohirio panelau

15.–(1) Caiff y panel ohirio gwrandawriad gan y panel yn yr amgylchiadau canlynol –

- (a) pan fo'r panel o'r farn bod yr wybodaeth sydd ganddo'n annigonol i'w alluogi i wneud argymhelliad i'r sefydliad perthnasol yn unol â rheoliadau 12(2), 13(2) ac 14(2); a
- (b) pan fo'r panel yn dymuno gofyn am wybodaeth bellach.

(2) Rhaid ailgynnull y panel cyn gynted ag y bo'n rhesymol ymarferol pan fydd yr wybodaeth y cyfeirir ati ym mharagraff (1)(b) ar gael, ond ddim hwyrach beth bynnag na 28 diwrnod calendr ar ôl dyddiad y gwrandawriad a ohiriwyd gan y panel

Gweinyddu'r panelau

16. Rhaid i'r panel gael ei weinyddu gan Weinidogion Cymru, a rhaid iddynt wneud darpariaeth addas ar gyfer trefniadau clericio i'r panel.

Ffioedd aelodau o banelau

17. Caiff Gweinidogion Cymru dalu i unrhyw aelod o banel unrhyw ffioedd a ystyrir yn rhesymol gan Weinidogion Cymru.

Cofnodion

18. Rhaid i Weinidogion Cymru sicrhau y delir gaffael ar gofnod ysgrifenedig o adolygiad panel o benderfyniad cymhwysol, gan gynnwys y rhesymau dros argymhelliad y panel, ac a oedd yr argymhelliad yn unfrydol ynteu'n argymhelliad mwyafrif –

- (a) am gyfnod o 5 mlynedd o'r dyddiad y gwneir yr argymhelliad; a
- (b) o dan amodau diogelwch priodol.

provider as to those terms.

(3) In considering what recommendation to make, the panel –

- (a) must consider and take into account all of the information passed to it in accordance with regulation 29A of the Fostering Regulations;
- (b) may request the fostering service provider to obtain any other relevant information which the panel considers necessary or to provide such other assistance as the panel may request; and
- (c) may obtain such advice from the advisers referred to in regulation 9 as it considers necessary in relation to the case.

(4) Where the panel makes a recommendation that the applicant is suitable to act as a foster parent, the panel may also make a recommendation to the fostering service provider as to the terms of any approval.

Power to Adjourn Panels

15.–(1) The panel can adjourn the panel hearing in the following circumstances –

- (a) the panel considers that it has insufficient information to enable it to make a recommendation to the relevant organisation in accordance with regulations 12(2), 13(2) and 14(2); and
- (b) the panel wishes to request further information.

(2) The panel must be reconvened as soon as reasonably practicable when the information referred to in paragraph (1)(b) is available, but in any event no later than 28 calendar days from the date of the adjourned panel hearing.

Administration of Panels

16. The panel must be administered by the Welsh Ministers who must make suitable provision for clerking arrangements to the panel.

Fees of panel members

17. The Welsh Ministers may pay to any member of a panel such fees as the Welsh Ministers consider to be reasonable.

Records

18. The Welsh Ministers must ensure that a written record of a panel's review of a qualifying determination, including the reasons for its recommendation and whether the recommendation was unanimous or that of a majority, is retained –

- (a) for a period of 5 years from the date on which the recommendation is made; and
- (b) in conditions of appropriate security.

RHAN 3

Y WEITHDREFN

Cais am adolygu penderfyniad cymhwysol

19.–(1) Rhaid i gais i Weinidogion Cymru am adolygiad o benderfyniad cymhwysol gael ei wneud gan y ceisydd mewn ysgrifen, a rhaid iddo gynnwys y sail dros ei wneud.

(2) Yn achos penderfyniad ar addasrwydd i fabwysiadu yn unig, caiff darpar fabwysiadu, o fewn cyfnod o 40 diwrnod gwaith sy'n dechrau gyda'r dyddiad yr anfonodd yr asiantaeth fabwysiadu yr hysbysiad o'r penderfyniad cymhwysol mewn perthynas â'r darpar fabwysiadu, wneud cais i Weinidogion Cymru am i banel gael ei gyfansoddi i adolygu'r penderfyniad hwnnw.

Penodi panel a chynnal adolygiad

20.–(1) Ar ôl cael cais a wnaed yn unol â rheoliad 19, rhaid i Weinidogion Cymru –

- (a) o fewn 5 diwrnod gwaith, hysbysu'r asiantaeth fabwysiadu a wnaeth y penderfyniad cymhwysol fod y cais wedi'i wneud, drwy anfon copi o'r cais at yr asiantaeth;
- (b) o fewn 5 diwrnod gwaith, anfon cydnabyddiaeth ysgrifenedig o'r cais at y ceisydd, a'i hysbysu o'r camau a gymerwyd o dan is-baragraff (a);
- (c) o fewn 25 diwrnod gwaith, penodi panel yn unol â rheoliad 5 a phennu dyddiad, amser a lleoliad i'r panel gyfarfod at ddibenion cyfarfod adolygu ("cyfarfod adolygu");
- (ch) Ar ôl cymryd y camau a ragnodwyd yn is-baragraff (c), ac o fewn dim llai na 5 diwrnod gwaith cyn y dyddiad a bennwyd ar gyfer adolygu, hysbysu mewn ysgrifen y ceisydd a'r asiantaeth fabwysiadu a wnaeth y penderfyniad cymhwysol –
 - (i) o'r ffaith bod y panel wedi'i benodi; a
 - (ii) o ddyddiad, amser a lleoliad y cyfarfod adolygu.

(2) Ni chaiff y dyddiad a bennir ar gyfer yr adolygiad fod yn hwyrach na 3 mis ar ôl i'r cais ddod i law Gweinidogion Cymru.

(3) Rhaid i Weinidogion Cymru sicrhau bod y panel yn cael yr holl bapurau perthnasol sy'n ymwneud â'r adolygiad cyn gynted ag y bo modd, ond beth bynnag ym mhen dim llai na 5 diwrnod gwaith cyn y dyddiad a bennwyd ar gyfer yr adolygiad.

PART 3

PROCEDURE

Application for review of qualifying determination

19.–(1) An application to the Welsh Ministers for a review of a qualifying determination must be made by the applicant in writing and include the grounds of the application.

(2) In the case of an adoption suitability determination only, a prospective adopter may within 40 working days beginning with the date on which a notification was sent by the adoption agency of the qualifying determination in relation to him or her, make a request to the Welsh Ministers for a panel to be constituted to review that determination.

Appointment of panel and conduct of review

20.–(1) Upon receipt of an application which has been made in accordance with regulation 19, the Welsh Ministers must –

- (a) within 5 working days notify the adoption agency which made the qualifying determination that the application has been made by sending to the agency a copy of the application;
- (b) within 5 working days send a written acknowledgment of the application to the applicant and notify the applicant of the steps taken under sub-paragraph (a);
- (c) within 25 working days appoint a panel in accordance with regulation 5 and fix a date, time and venue for the panel to meet for the purposes of reviewing the qualifying determination ("review meeting");
- (d) after taking the steps prescribed in sub-paragraph (c), and no less than 5 working days before the date fixed for review, inform in writing the applicant and the adoption agency which made the qualifying determination of –
 - (i) the appointment of the panel; and
 - (ii) the date, time and venue of the review meeting.

(2) The date fixed for the review will be no later than 3 months of the receipt of the application by the Welsh Ministers.

(3) The Welsh Ministers must ensure that the panel receives all relevant papers relating to the review as soon as possible but no less than 5 working days before the date fixed for the review.

Dyletswydd i ddarparu gwybodaeth a chymorth

21. Rhaid i'r sefydliad a wnaeth y penderfyniad cymhwysol ddarparu, i'r graddau y mae'n rhesymol ymarferol, unrhyw wybodaeth a chymorth y gofynnir amdanynt gan y panel o dan reoliad 12, 13, 14 neu 15, yn ôl fel y digwydd.

Argymhelliad y panel

22.–(1) Pan na fydd argymhelliad y panel yn unfrydol, rhaid i'r argymhelliad fod yn argymhelliad y mwyafrif.

(2) Caniateir i'r argymhelliad naill ai gael ei wneud a'i gyhoeddi ar ddiwedd yr adolygiad, neu ei gadw yn ôl.

(3) Rhaid i'r argymhelliad a'r rhesymau drosto, a pha un a oedd yr argymhelliad yn unfrydol ynteu'n argymhelliad mwyafrif, gael eu cofnodi'n ddi-oed mewn dogfen sydd i'w llofnodi a'i dyddio gan y cadeirydd.

(4) Rhaid i Weinidogion Cymru, yn ddi-oed a ddim hwyrach beth bynnag na 10 diwrnod gwaith ar ôl y dyddiad y gwneir yr argymhelliad, anfon copi o'r argymhelliad a'r rhesymau drosto at y ceisydd ac at yr asiantaeth fabwysiadu a wnaeth y penderfyniad cymhwysol.

Dyletswydd i dalu costau mewn cysylltiad ag adolygiad

23. Rhaid i'r sefydliad a wnaeth y penderfyniad cymhwysol dalu i Weinidogion Cymru pa bynnag gostau mewn cysylltiad â'r adolygiad o'r penderfyniad cymhwysol hwnnw ag a ystyrir yn rhesymol gan Weinidogion Cymru.

RHAN 4

DIWYGIO'R RHEOLIADAU MAETHU

Diwygio rheoliad 24 o'r Rheoliadau Maethu – sefydlu panel maethu

24.–(1) Diwygir rheoliad 24 o'r Rheoliadau Maethu fel a ganlyn:

(2) Ym mharagraff (3)(b)(i) ar ôl 'unigolyn hwnnw' mewnosoder "neu gyflogai'r asiantaeth sy'n ymwneud â rheolaeth yr asiantaeth neu, pan nad yw hynny'n rhesymol ymarferol, person arall (nad oes rhaid iddo fod yn gyflogai'r asiantaeth) sydd â phrofiad o ddarparu gwasanaeth maethu".

(3) Yn lle paragraff (6) rhodder–

"(6) Yn ddarostyngedig i baragraffau (6A) a (6B)–

Duty to provide information and assistance

21. The organisation which made the qualifying determination must provide, as far as is reasonably practicable, any information or assistance requested by the panel under regulation 12, 13, 14 or 15, as the case may be.

Recommendation of panel

22.–(1) Where the panel's recommendation is not unanimous the recommendation must be that of the majority.

(2) The recommendation may be made and announced at the end of the review or reserved.

(3) The recommendation and the reasons for it, and whether it was unanimous or that of a majority, must be recorded without delay in a document signed and dated by the chair.

(4) The Welsh Ministers must without delay, and in any event no later than 10 working days after the date on which the recommendation is made, send a copy of the recommendation and the reasons for it to the applicant and to the adoption agency which made the qualifying determination.

Duty to pay costs in connection with a review

23. The organisation which made the qualifying determination must pay to the Welsh Ministers such costs in connection with the review of that qualifying determination as the Welsh Ministers consider reasonable.

PART 4

AMENDMENTS TO FOSTERING REGULATIONS

Amendment of regulation 24 of the Fostering Regulations – establishment of fostering panel

24.–(1) Regulation 24 of the Fostering Regulations is amended as follows:

(2) In paragraph (3)(b)(i) after 'that individual' insert "or an employee of the agency who is concerned in the management of the agency or, where that is not reasonably practicable, another person (who need not be an employee of the agency) who has experience in the provision of a fostering service".

(3) For paragraph (6) substitute –

"(6) Subject to paragraphs (6A) and (6B) a fostering panel member –

- (a) caiff aelod o banel maethu ddal ei swydd am gyfnod na fydd yn hwy na thair blynedd; a
- (b) ni chaiff neb ddal swydd fel aelod o banel maethu yr un darparpwydd gwasanaeth maethu am fwy na thri thymor heb gyfnod cyfamserol".

(4) Ar ôl paragraff (6) mewnosoder–

"(6A) Pan fo –

- (a) aelod o'r panel maethu yn dal swydd fel aelod o'r panel maethu hwnnw yn unol â pharagraff 3(b)(i) ac yntau yn ei ail dymor mewn swydd yn olynol fel aelod o'r panel maethu hwnnw; a
- (b) y tymor mewn swydd hwnnw i fod i ddod i ben ar neu ar ôl 2 Ebrill 2010, caiff yr aelod hwnnw barhau i ddal swydd fel aelod o'r panel maethu hwnnw am gyfnod pellach na fydd yn hwy na 12 mis."

(5) Ar ôl paragraff (6A) mewnosoder–

"(6B) Pan fo tymor mewn swydd aelod o banel wedi ei estyn am gyfnod pellach o dan baragraff (6A) a'r aelod hwnnw o'r panel yn cael ei benodi am drydydd cyfnod mewn swydd heb gyfnod cyfamserol, ni chaiff y tymor mewn swydd hwnnw fod yn hwy na chyfnod o dair blynedd llai cyfnod sy'n hafal i'r estyniad a wnaed i'r ail gyfnod.

(6C) At ddibenion paragraffau (6) a (6B), ystyr "cyfnod cyfamserol" ("intervening period") yw cyfnod di-dor o dair blynedd o leiaf, pan nad oedd yr unigolyn dan sylw, drwy gydol y cyfnod, yn aelod o'r panel maethu."

Diwygio rheoliad 26 o'r Rheoliadau Maethu – swyddogaethau'r panel maethu

25. Yn rheoliad 26 o'r Rheoliadau Maethu, ar ôl paragraff (1), mewnosoder–

"(1A) Wrth ystyried pa argymhelliad i'w wneud o dan baragraff (1)–

- (a) rhaid i'r panel maethu bwysu a mesur a chymryd i ystyriaeth yr holl wybodaeth a basiwyd ymlaen iddo yn unol â rheoliad 27, 28 neu 29, yn ôl fel y digwydd;
- (b) caiff y panel maethu ofyn i'r darparpwydd gwasanaeth maeth gaffael unrhyw wybodaeth berthnasol arall a ystyrir yn angenrheidiol gan y panel maethu, neu darparu unrhyw gymorth arall y gofynnir amdano gan y panel; ac
- (c) caiff y panel maethu gaffael unrhyw gyngor cyfreithiol neu gyngor meddygol yr ystyria'n angenrheidiol mewn perthynas â'r achos.

(a) may hold office for a term not exceeding three years; and

(b) may not hold office as a member of the fostering panel of the same fostering service provider for more than three terms without an intervening period".

(4) After paragraph (6) insert –

"(6A) Where –

- (a) a member of the fostering panel holds office as a member of that fostering panel pursuant to paragraph 3(b)(i) and is in a second consecutive term of office as a member of that fostering panel; and
- (b) that term of office is due to expire on or after 2 April 2010, that member may continue to hold office as a member of that fostering panel for a further period not exceeding 12 months."

(5) After paragraph (6A) insert –

"(6B) Where the term of office of a panel member has been extended by a further period under paragraph (6A) and the panel member is appointed for a third term of office without an intervening period, that term of office may not exceed a period of three years less a period equal to the further period by which the second term was extended.

(6C) For the purposes of paragraphs (6) and (6B), an "intervening period" means an unbroken period of at least three years during all of which time the individual in question was not a member of the fostering panel."

Amendment of regulation 26 of the Fostering Regulations – functions of fostering panel

25. In regulation 26 of the Fostering Regulations, insert after paragraph (1) –

"(1A) In considering what recommendation to make under paragraph (1), the fostering panel –

- (a) must consider and take into account all of the information passed to it in accordance with regulation 27, 28 or 29 as the case may be;
- (b) may request the fostering service provider to obtain any other relevant information which the fostering panel considers necessary or to provide such other assistance as the fostering panel may request; and
- (c) may obtain such legal advice or medical advice it considers necessary in relation to the case.

(1B) Rhaid i'r darparydd gwasanaeth maethu gaffael pa bynnag wybodaeth a ystyrir yn angenrheidiol gan y panel maethu, anfon yr wybodaeth honno ymlaen at y panel, a darparu pa bynnag gymorth arall y gofynnir amdano gan y panel, i'r graddau y mae hynny'n rhesymol ymarferol."

Amnewid rheoliadau 28 a 29 o'r Rheoliadau Maethu – cymeradwyo rhieni maeth

26. Yn lle rheoliadau 28 a 29 o'r Rheoliadau Maethu, rhodder –

"Cymeradwyo rhieni maeth

28.–(1) Rhaid i ddarparydd gwasanaeth maethu beidio â chymeradwyo person sydd wedi'i gymeradwyo fel rhiant maeth gan ddarparydd gwasanaeth maethu arall, ac nad yw ei gymeradwyaeth wedi'i therfynu.

(2) Rhaid i ddarparydd gwasanaeth maethu beidio â chymeradwyo person fel rhiant maeth–

- (a) oni fydd wedi cwblhau ei asesiad o addasrwydd y person hwnnw; a
- (b) oni fydd ei banel maethu wedi ystyried y cais.

(3) Rhaid i ddarparydd gwasanaeth maethu, wrth benderfynu a ddylid cymeradwyo person fel rhiant maeth a phenderfynu ynghylch telerau unrhyw gymeradwyaeth, gymryd i ystyriaeth argymhelliad ei banel maethu.

(4) Ni chaiff unrhyw aelod o'i banel maethu gymryd rhan mewn unrhyw benderfyniad a wneir gan ddarparydd gwasanaeth maethu o dan baragraff (3).

(5) Os yw darparydd gwasanaeth maethu yn penderfynu cymeradwyo person fel rhiant maeth rhaid iddo –

- (a) rhoi i'r person hwnnw hysbysiad ysgrifenedig sy'n pennu telerau'r gymeradwyaeth, er enghraifft, a yw'r gymeradwyaeth yn ymwneud â phlentyn neu blant penodol a enwir, neu â nifer ac ystod oedran plant, neu â lleoliadau o unrhyw fath penodol, neu a yw'n gymeradwyaeth o dan unrhyw amgylchiadau penodol; a
- (b) gwneud cytundeb ysgrifenedig gyda'r person hwnnw sy'n ymdrin â'r materion a bennir yn Atodlen 5 (y cyfeirir ato yn y Rheoliadau hyn fel y "cytundeb gofal maeth").

(6) Os yw darparydd gwasanaeth maethu o'r farn nad yw person yn addas i weithredu fel rhiant maeth rhaid iddo, yn ddarostyngedig i baragraff (7) –

- (a) rhoi i'r person hwnnw hysbysiad ysgrifenedig i'r perwyl ei fod yn bwriadu peidio â'i gymeradwyo fel person addas i

(1B) The fostering service provider must obtain such information as the fostering panel considers necessary and send that information to the panel, and provide such other assistance as the fostering panel may request, so far as is reasonably practicable."

Substitution of regulations 28 and 29 of the Fostering Regulations – approval of foster parents

26. For regulations 28 and 29 of the Fostering Regulations, substitute –

"Approval of foster parents

28.–(1) A fostering service provider must not approve a person who has been approved as a foster parent by another fostering service provider and whose approval has not been terminated.

(2) A fostering service provider must not approve a person as a foster parent unless –

- (a) it has completed its assessment of the person's suitability; and
- (b) its fostering panel has considered the application.

(3) A fostering service provider must, in deciding whether to approve a person as a foster parent and as to the terms of any approval, take into account the recommendation of its fostering panel.

(4) No member of its fostering panel must take part in any decision made by a fostering service provider under paragraph (3).

(5) If a fostering service provider decides to approve a person as a foster parent it must –

- (a) give the person notice in writing specifying the terms of the approval, for example, whether it is in respect of a particular named child or children, or number and age range of children, or of placements of any particular kind, or in any particular circumstances; and
- (b) enter into a written agreement with the person covering the matters specified in Schedule 5 (in these Regulations referred to as the "foster care agreement").

(6) If a fostering service provider considers that a person is not suitable to act as a foster parent it must, subject to paragraph (7) –

- (a) give the person written notice that it proposes not to approve the person as suitable to act as a foster parent (a

fod yn rhiant maeth (sef ei "benderfyniad"), ynghyd â'i resymau a chopi o argymhelliad y panel maethu; a

- (b) hysbysu'r person hwnnw y caiff, o fewn 28 diwrnod ar ôl dyddiad yr hysbysiad –
 - (i) cyflwyno unrhyw sylwadau ysgrifenedig y dymuna'r person hwnnw eu gwneud i'r darpar ydd gwasanaeth maethu, neu
 - (ii) gwneud cais i Weinidogion Cymru am adolygiad o'r penderfyniad gan banel adolygu annibynnol.

(7) Nid yw paragraff (6)(b)(ii) yn gymwys mewn achos pan fo'r darpar ydd gwasanaeth maethu yn ystyried yn unol â rheoliad 27(6) nad yw'r person yn addas i weithredu fel rhiant maeth.

(8) O fewn y cyfnod y cyfeirir ato ym mharagraff (6)(b) –

- (a) os nad yw'r darpar ydd gwasanaeth maethu yn cael unrhyw sylwadau; a
- (b) os nad yw'r person yn gwneud cais i Weinidogion Cymru am adolygiad o'r penderfyniad gan banel adolygu annibynnol,

caiff y darpar ydd gwasanaeth maethu fynd ymlaen i wneud ei benderfyniad.

(9) Os yw'r darpar ydd gwasanaeth maethu yn cael unrhyw sylwadau ysgrifenedig o fewn y cyfnod y cyfeirir ato ym mharagraff (6)(b), rhaid iddo –

- (a) gyfeirio'r achos at y panel maethu i'w ystyried ymhellach; a
- (b) gwneud ei benderfyniad, gan ystyried unrhyw argymhelliad newydd a wneir gan y panel maethu.

(10) Os yw'r person, o fewn y cyfnod y cyfeirir ato ym mharagraff (6)(b) yn gwneud cais i Weinidogion Cymru am adolygiad o'r penderfyniad gan banel adolygu annibynnol, rhaid i'r darpar ydd gwasanaeth maethu wneud ei ddyfarniad terfynol gan gymryd i ystyriaeth argymhelliad y panel maethu yn ogystal ag argymhelliad y panel adolygu annibynnol.

(11) Cyn gynted ag y bo'n ymarferol ar ôl gwneud y dyfarniad terfynol y cyfeirir ato ym mharagraff (8), (9)(b) neu (10), yn ôl fel y digwydd, rhaid i'r darpar ydd gwasanaeth maethu roi hysbysiad ysgrifenedig i'r darpar riant maeth ac –

- (a) os y penderfyniad yw cymeradwyo'r person fel rhiant maeth, cydymffurfio â pharagraff (5) mewn perthynas â'r person; neu
- (b) os y penderfyniad yw peidio â chymeradwyo'r person, darparu rhesymau ysgrifenedig am ei benderfyniad.

"determination"), together with its reasons and a copy of the fostering panel's recommendation; and

- (b) advise the person that within 28 days of the date of the notice the person may –
 - (i) submit any written representations that the person wishes to make to the fostering service provider; or
 - (ii) apply to the Welsh Ministers for a review of the determination by an independent review panel.

(7) Paragraph (6)(b)(ii) does not apply in a case where the fostering service provider considers in accordance with regulation 27(6) that the person is not suitable to act as a foster parent.

(8) If within the period referred to in paragraph (6)(b) –

- (a) the fostering service provider does not receive any representations; and
- (b) the person does not apply to the Welsh Ministers for a review by an independent review panel of the determination,

the fostering service provider may proceed to make its decision.

(9) If within the period referred to in paragraph (6)(b) the fostering service provider receives any written representations, it must –

- (a) refer the case to the fostering panel for further consideration; and
- (b) make its decision, taking into account any fresh recommendation made by the fostering panel.

(10) If within the period referred to in paragraph (6)(b) the person applies to the Welsh Ministers for a review by an independent review panel of the determination, the fostering service provider must make its decision taking into account the recommendation of the fostering panel and the recommendation of the independent review panel.

(11) As soon as practicable after making the decision referred to in paragraph (8), (9)(b) or (10) as the case may be, the fostering service provider must notify the prospective foster parent in writing and –

- (a) if the decision is to approve the person as a foster parent, comply with paragraph (5) in relation to the person; or
- (b) if the decision is not to approve the person, provide written reasons for its decision.

(12) Mewn achos pan fo panel adolygu annibynnol wedi gwneud argymhelliad, rhaid i'r darparrydd gwasanaeth maethu anfon copi at Weinidogion Cymru o'r hysbysiad y cyfeirir ato ym mharagraff (11).

Adolygu a therfynu cymeradwyaeth

29.–(1) Rhaid i'r darparrydd gwasanaeth maethu adolygu cymeradwyaeth pob rhiant maeth yn unol â'r rheoliad hwn.

(2) Rhaid cynnal adolygiad o fewn un flwyddyn fan hwyaf ar ôl cymeradwyo, ac wedi hynny pan fo'r darparrydd gwasanaeth maethu yn ystyried bod angen, ond beth bynnag fesul cyfnod o ddim mwy nag un flwyddyn.

(3) Wrth ymgymryd ag adolygiad rhaid i'r darparrydd gwasanaeth maethu –

- (a) gwneud pa bynnag ymholiadau a chaffael pa bynnag wybodaeth yr ystyria'n angenrheidiol er mwyn adolygu a yw'r person yn parhau'n addas i weithredu fel rhiant maeth ac a yw aelwyd y person yn parhau'n addas;
- (b) canfod a chymryd i ystyriaeth farn y canlynol–
 - (i) y rhiant maeth;
 - (ii) (yn ddarostyngedig i oedran a dealltwriaeth y plentyn) unrhyw blentyn a leolwyd â'r rhiant maeth; a
 - (iii) unrhyw awdurdod cyfrifol sydd, o fewn y flwyddyn flaenorol, wedi lleoli plentyn gyda'r rhiant maeth.

(4) Ar ddiwedd yr adolygiad rhaid i'r darparrydd gwasanaeth maethu baratoi adroddiad ysgrifenedig, sy'n nodi –

- (a) a yw'r person yn parhau'n addas i weithredu fel rhiant maeth ac a yw aelwyd y person yn parhau'n addas; a
- (b) a yw telerau cymeradwyaeth y person yn parhau'n briodol.

(5) Ar achlysur yr adolygiad cyntaf o dan y rheoliad hwn, rhaid i'r darparrydd gwasanaeth maethu gyfeirio'i adroddiad i'w ystyried gan y panel maethu, a chaiff wneud hynny pan gynhelir unrhyw adolygiad dilynol.

(6) Os yw'r darparrydd gwasanaeth maethu yn penderfynu, ar ôl cymryd i ystyriaeth unrhyw argymhelliad gan y panel maethu, bod y rhiant maeth ac aelwyd y rhiant maeth yn parhau'n addas a bod telerau cymeradwyaeth y rhiant maeth yn parhau'n briodol, rhaid iddo roi hysbysiad ysgrifenedig o'i benderfyniad i'r rhiant maeth.

(7) Os nad yw'r darparrydd gwasanaeth maethu, ar ôl cymryd i ystyriaeth unrhyw argymhelliad gan y panel maethu, bellach wedi'i fodloni bod y rhiant maeth ac aelwyd y rhiant maeth yn parhau'n addas,

(12) In a case where an independent review panel has made a recommendation, the fostering service provider must send to the Welsh Ministers a copy of the notification referred to in paragraph (11).

Reviews and terminations of approval

29.–(1) The fostering service provider must review the approval of each foster parent in accordance with this regulation.

(2) A review must take place not more than one year after approval and thereafter whenever the fostering service provider considers it necessary, but at intervals of not more than one year.

(3) When undertaking a review, the fostering service provider must –

- (a) make such enquiries and obtain such information as it considers necessary in order to review whether the foster parent continues to be suitable to act as a foster parent and the foster parent's household continues to be suitable;
- (b) seek and take into account the views of –
 - (i) the foster parent;
 - (ii) (subject to the child's age and understanding) any child placed with the foster parent; and
 - (iii) any responsible authority which has within the preceding year placed a child with the foster parent.

(4) At the conclusion of the review the fostering service provider must prepare a written report setting out whether –

- (a) the foster parent continues to be suitable to act as a foster parent and the foster parent's household continues to be suitable; and
- (b) the terms of the foster parent's approval continue to be appropriate.

(5) The fostering service provider must on the occasion of the first review under this regulation, and may on any subsequent review, refer its report to the fostering panel for consideration.

(6) If the fostering service provider decides, taking into account any recommendation made by the fostering panel, that the foster parent and the foster parent's household continue to be suitable and that the terms of the foster parent's approval continue to be appropriate, it must give written notice to the foster parent of its decision.

(7) If taking into account any recommendation made by the fostering panel, the fostering service provider is no longer satisfied that the foster parent and the foster parent's household continue to be

neu fod telerau'r gymeradwyaeth yn briodol, rhaid iddo (yn ddarostyngedig i baragraff (9)) –

- (a) rhoi hysbysiad ysgrifenedig i'r rhiant maeth i'r perwyl ei fod yn bwriadu terfynu cymeradwyaeth, neu, yn ôl fel y digwydd, adolygu telerau cymeradwyaeth y rhiant maeth (sef ei "benderfyniad"), ynghyd â'i resymau a chopi o'r argymhelliad a wnaed gan y panel maethu; a
- (b) hysbysu'r rhiant maeth y caiff, o fewn 28 diwrnod ar ôl dyddiad yr hysbysiad –
 - (i) cyflwyno unrhyw sylwadau ysgrifenedig y dymuna'r rhiant maeth eu gwneud i'r darparrydd gwasanaeth maethu; neu
 - (ii) gwneud cais i Weinidogion Cymru am adolygiad o'r penderfyniad gan banel adolygu annibynnol.

(8) Nid yw paragraff (8)(b)(ii) yn gymwys mewn achos pan, yn unol â rheoliad 27(6), nad yw'r darparrydd gwasanaeth maethu bellach wedi ei fodloni bod y rhiant maeth ac aelwyd y rhiant maeth yn parhau'n addas, neu fod telerau'r gymeradwyaeth yn briodol.

(9) O fewn y cyfnod y cyfeirir ato ym mharagraff (7)(b) –

- (a) os nad yw'r darparrydd gwasanaeth maethu yn cael unrhyw sylwadau; a
- (b) os nad yw'r rhiant maeth yn gwneud cais i Weinidogion Cymru am adolygiad o'r penderfyniad gan banel adolygu annibynnol;

caiff y darparrydd gwasanaeth maethu fynd ymlaen i wneud ei ddyfarniad terfynol.

(10) Os yw'r darparrydd gwasanaeth maethu yn cael unrhyw sylwadau ysgrifenedig o fewn y cyfnod y cyfeirir ato ym mharagraff (7)(b), rhaid iddo –

- (a) gyfeirio'r achos at y panel maethu i'w ystyried; a
- (b) gwneud ei ddyfarniad terfynol gan gymryd i ystyriaeth unrhyw argymhelliad a wneir gan y panel maethu.

(11) Os yw'r person, o fewn y cyfnod y cyfeirir ato ym mharagraff (7)(b) yn gwneud cais i Weinidogion Cymru am adolygiad o'r penderfyniad gan banel adolygu annibynnol, rhaid i'r darparrydd gwasanaeth maethu wneud ei ddyfarniad terfynol gan gymryd i ystyriaeth argymhelliad y panel maethu yn ogystal ag argymhelliad y panel adolygu annibynnol.

(12) Cyn gynted ag y bo'n ymarferol ar ôl gwneud y dyfarniad terfynol y cyfeirir ato ym mharagraff (9), (10)(b) neu (11) rhaid i'r darparrydd gwasanaeth maethu roi hysbysiad ysgrifenedig i'r rhiant maeth, gan ddatgan (yn ôl fel y digwydd) –

suitable, or that the terms of the approval are appropriate, it must (subject to paragraph (9)) –

- (a) give written notice to the foster parent that it proposes to terminate or, as the case may be revise the terms of the foster parent's approval (a "determination"), together with its reasons and a copy of any recommendation made by the fostering panel; and
- (b) advise the foster parent that within 28 days of the date of the notice the foster parent may –
 - (i) submit any written representations that the foster parent wishes to make to the fostering service provider; or
 - (ii) apply to the Welsh Ministers for a review of the determination by an independent review panel.

(8) Paragraph (8)(b)(ii) does not apply to a case where, in accordance with regulation 27(6) the fostering service provider is no longer satisfied that the foster parent and the foster parent's household continue to be suitable, or that the terms of the approval are appropriate.

(9) If within the period referred to in paragraph (7)(b) –

- (a) the fostering service provider does not receive any representations; and
- (b) the foster parent does not apply to the Welsh Ministers for a review of the determination by an independent review panel;

the fostering service provider may proceed to make its decision.

(10) If within the period referred to in paragraph (7)(b) the fostering service provider receives any written representations, it must –

- (a) refer the case to the fostering panel for its consideration; and
- (b) make its decision, taking into account any recommendation made by the fostering panel.

(11) If the foster parent applies within the period referred to in paragraph (7)(b) to the Welsh Ministers for a review of the determination by an independent review panel, the fostering service provider must make its decision taking into account any recommendations made by its fostering panel and the recommendation of the independent review panel.

(12) As soon as practicable after making the decision referred to in paragraph (9), (10)(b) or (11), the fostering service provider must give written notice to the foster parent stating, as the case may be –

- (a) bod y rhiant maeth ac aelwyd y rhiant maeth yn parhau'n addas, a bod telerau'r gymeradwyaeth yn parhau'n briodol;
- (b) bod cymeradwyaeth y rhiant maeth wedi ei therfynu o ddyddiad penodedig, a'r rhesymau dros y terfynu; neu
- (c) telerau diwygiedig y gymeradwyaeth a'r rhesymau dros y diwygio.

(13) Caiff rhiant maeth roi hysbysiad ysgrifenedig i'r darparrydd gwasanaeth maethu ar unrhyw adeg, i'r perwyl nad yw'r rhiant maeth bellach yn dymuno gweithredu fel rhiant maeth, ac yna terfynir cymeradwyaeth y rhiant maeth ymhen 28 diwrnod ar ôl y dyddiad y daw'r hysbysiad i law'r darparrydd gwasanaeth maethu.

(14) Rhaid anfon copi o unrhyw hysbysiad a roddir o dan y rheoliad hwn at yr awdurdod sy'n gyfrifol am unrhyw blentyn a leolir gyda'r rhiant maeth (onid y darparrydd gwasanaeth maethu yw'r awdurdod cyfrifol hwnnw), a hefyd at yr awdurdod ardal.

(15) Mewn achos pan fo panel adolygu annibynnol wedi gwneud argymhelliad, rhaid i'r darparrydd gwasanaeth maethu anfon copi at Weinidogion Cymru o'r hysbysiad y cyfeirir ato ym mharagraff (13)."

Diwygio'r Rheoliadau Maethu – dyletswydd i anfon gwybodaeth at Weinidogion Cymru

27. Ar ôl rheoliad 29 o'r Rheoliadau Maethu, mewnosoder –

"Gwybodaeth sydd i'w hanfon at y panel adolygu annibynnol

29A.–(1) Mae'r rheoliad hwn yn gymwys pan fo'r darparrydd gwasanaeth maethu yn cael hysbysiad gan Weinidogion Cymru i'r perwyl bod person wedi gwneud cais am adolygiad o penderfyniad gan banel adolygu annibynnol.

(2) Rhaid i'r darparrydd gwasanaeth maethu, o fewn 10 diwrnod gwaith ar ôl cael yr hysbysiad y cyfeirir ato ym mharagraff (1), anfon at Weinidogion Cymru y dogfennau a'r wybodaeth a bennir ym mharagraff (3).

(3) Y canlynol yw'r dogfennau a'r wybodaeth a bennir at ddibenion paragraff (2) –

- (a) copi o unrhyw adroddiad a baratowyd ar gyfer, ac o unrhyw ddogfennau eraill a gyfeiriwyd at, y panel maethu at ddibenion rheoliad 27, 28 neu 29, yn ôl fel y digwydd;
- (b) unrhyw wybodaeth berthnasol ynglŷn â'r person, a ddaeth i law'r darparrydd gwasanaeth maethu ar ôl y dyddiad y paratowyd yr adroddiad neu y cyfeiriwyd yr wybodaeth at y panel maethu; ac

- (a) that the foster parent and the foster parent's household continue to be suitable, and that the terms of the approval continue to be appropriate;
- (b) that the foster parent's approval is terminated from a specified date, and the reasons for the termination; or
- (c) the revised terms of the approval and the reasons for the revision.

(13) A foster parent may give notice in writing to the fostering service provider at any time that the foster parent no longer wishes to act as a foster parent, whereupon the foster parent's approval is terminated with effect from 28 days from the date on which the notice is received by the fostering service provider.

(14) A copy of any notice given under this regulation must be sent to the responsible authority for any child placed with the foster parent (unless the responsible authority is also the fostering service provider), and the area authority.

(15) In a case where an independent review panel has made a recommendation, the fostering service provider must send to the Welsh Ministers a copy of the notification referred to in paragraph (13)."

Amendment to the Fostering Regulations – duty to send information to Welsh Ministers

27. After regulation 29 of the Fostering Regulations, insert –

"Information to be sent to the independent review panel

29A.–(1) This regulation applies where the fostering service provider receives notification from the Welsh Ministers that a person has applied for a review of a determination by an independent review panel.

(2) The fostering service provider must, within 10 working days of receipt of the notification referred to in paragraph (1), send to the Welsh Ministers the documents and information specified in paragraph (3).

(3) The following documents and information are specified for the purposes of paragraph (2) –

- (a) a copy of any report prepared for, and of any other documents referred to the fostering panel, for the purposes of regulation 27, 28, or 29 as the case may be;
- (b) any relevant information in relation to the person which was obtained by the fostering service provider after the date on which the report was prepared or the documents referred to the fostering panel; and

(c) copi o'r hysbysiad ac o unrhyw ddogfennau eraill a anfonwyd yn unol â rheoliad 28(6)(a) neu 29(7)(a)."

(c) a copy of the notice and of any other documents sent in accordance with regulation 28(6)(a) or 29(7)(a)."

RHAN 5

PART 5

AMRYWIOL

MISCELLANEOUS

Achosion sydd ar droed o dan Reoliadau Adolygu Annibynnol 2006 ar y diwrnod penodedig

28.—(1) Mewn perthynas ag unrhyw gais gan ddarpar fabwysiad ydd am adolygiad o benderfyniad cymhwysol a wnaed cyn y diwrnod penodedig, rhaid, ar ac ar ôl y diwrnod penodedig, trin unrhyw weithred neu benderfyniad a wnaed cyn y diwrnod penodedig o dan ddarpariaeth o Reoliadau Adolygu Annibynnol 2006 fel be bai'n weithred neu benderfyniad o dan y ddarpariaeth gyfatebol yn y Rheoliadau hyn.

(2) Yn y rheoliad hwn, ystyr "diwrnod penodedig" ("*appointed day*") yw 2 Ebrill 2010.

Dirymu

29. Dirymir drwy hyn Rheoliadau Adolygu Annibynnol 2006.

Cases in progress under the Independent Review Regulations 2006 on the appointed day

28.—(1) In relation to any application by a prospective adopter for a review of a qualifying determination made before the appointed day, any action or decision taken before the appointed day under a provision of the Independent Review Regulations 2006 must, on or after the appointed day, be treated as if it were an action or decision under the corresponding provision of these Regulations.

(2) In this regulation "appointed day" ("*diwrnod penodedig*") means 2 April 2010.

Revocation

29. The Independent Review Regulations 2006 are hereby revoked.

Gwenda Thomas

Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol, o dan awdurdod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

11 Mawrth 2010

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Deputy Minister for Social Services, under authority of the Minister for Health and Social Services, one of the Welsh Ministers

11 March 2010

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2010 Rhif 746 (Cy.75)

**GOFAL CYMDEITHASOL,
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CYMRU**

Rheoliadau Adolygu
Penderfyniadau'n Annibynnol
(Mabwysiadu a Maethu) (Cymru)
2010

WELSH STATUTORY
INSTRUMENTS

2010 No. 746 (W.75)

**SOCIAL CARE,
WALES**

**CHILDREN AND YOUNG PERSONS,
WALES**

The Independent Review of
Determinations (Adoption and
Fostering) (Wales) Regulations
2010