Towards a Stable Life and a Brighter Future

Guidance and Regulations on measures to strengthen arrangements for the:

I. placement, health, education and well-being of looked after children and young people; and

II. Responsible Commissioner for secondary health care for vulnerable children placed away from home

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June 2007
Following the appointment of the First Minister after the Assembly elections in May 2007, the current corporate National Assembly for Wales will cease to exist. Instead, there will be a separate legislature (the National Assembly for Wales) and executive (the Welsh Assembly Government, including the Welsh Ministers) and the executive functions that are currently vested in the corporate Assembly will be transferred to, and vest in, the Welsh Ministers. Therefore, following separation, all references in this document to the National Assembly should be read as references to the Welsh Ministers.
TOWARDS A STABLE LIFE AND A BRIGHTER FUTURE

Audience: Agencies that commission and provide services for looked after children and certain categories of other vulnerable children, professionals who deliver them and regulatory and inspection bodies.

Overview: New arrangements for the:

(i) Placement, health, education and well-being of looked after children and young people; and

(ii) Responsible Commissioner for secondary health care for vulnerable children placed away from home.

Action Required: This guidance is issued under sections 25(8), 27(4) and 28(4) of the Children Act 2004, and section 7 of the Local Authority Social Services Act (LASS) 1970. Local authorities and their partners must have regard to this guidance when making arrangements for the placement of looked after children (and certain other categories of vulnerable children) and the provision of health and education.

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This guidance can be accessed from the National Assembly for Wales’ web site at: http://new.wales.gov.uk/topics/childrenyoungpeople/childrenfirst
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Annex C - Children's Homes (Wales) (Miscellaneous Amendment) Regulations 2007
Annex D - Local Health Boards (Functions) (Wales) (Amendment) Regulations 2007
The Welsh Assembly Government is committed to improving the life chances of vulnerable children. This guidance and four sets of regulations it supports introduce new arrangements to strengthen the placement, health and education of looked after children. They also amend the responsible commissioner arrangements for secondary health care for certain categories of vulnerable children placed away from their home area.

The overriding aim of the provisions is to ensure that decisions are made in the best interests of the child, that placements are made close to home, wherever possible and in the child’s best interests and that services are coordinated between agencies and delivered by key people.

Close collaboration between professionals and agencies is essential to improve outcomes for vulnerable children, particularly where a child is placed out of area and the complexity of arrangements and range of agencies involved increases. With this in mind in addition to the new regulations we have used new powers under the Children Act 2004, to ensure that all agencies co-operate and fully deliver their corporate parenting responsibilities in delivering the statutory duties placed on them by the new arrangements.

These changes form part of a wider range of measures to modernise services and improve outcomes for looked after children and other children in need. They build on progress made through the Children First programme. Later this year we will consult on a strategy for children in need predicated on prevention, early intervention and support for families. The strategy will build on the changes set out in this document. It will deliver our commitments in Fulfilled Lives, Supportive Communities, the Welsh Assembly Government’s strategy for social services over the next ten years and on our commitment to use new powers under the Government of Wales Act 2006 to reform the law for vulnerable children in Wales.
Successful implementation of the regulations and guidance will require a commitment from all partners to work together in the ‘best interests’ of a vulnerable group of children at a critical time in their lives. The Welsh Assembly Government expects local authorities and their partner agencies to implement the regulations and guidance effectively.

Gwenda Thomas AM
Deputy Minister for Health and Social Services
Executive Summary

About this guidance

This guidance supports the:

- Placement of Children (Wales) Regulations 2007;
- Review of Children’s Cases (Wales) Regulations 2007;
- Children’s Homes (Wales) (Miscellaneous Amendments) Regulations 2007;
- Local Health Boards (Functions) (Wales) (Amendment) Regulations 2007.

The regulations and supporting guidance place new duties on local authorities and their partners in the health service and others to improve the placement, health and education of looked after children and care leavers. They also support changes to the Responsible Commissioner arrangements for the secondary health care of children placed away from their home area.

The main provisions of the regulations come into force on 1 July 2007. There are some exceptions, including the requirement for managers and care workers employed in residential children’s homes to obtain relevant qualifications and register with the Care Council for Wales ("the Council"). These are clearly marked in the body of the regulations and guidance.

Statutory Basis for the guidance

This guidance is issued under sections 25(8), 27(4) and 28(4) of the Children Act 2004 (CA04), and section 7 of the Local Authority Social Services Act 1970 (LASSA).

Section 7 of LASSA requires local authorities in the exercise of their social service functions to act under the general guidance of the National Assembly for Wales. It should be complied with unless local circumstances indicate exceptional reasons that justify a variation.

Section 25 of the Children Act 2004 imposes a general duty on Children’s Services Authorities (CSAs), which in Wales includes the Local Education Authority, to promote co-operation between the authorities and their statutory partners, to improve the well-being of children in Wales.
‘Well-Being’ of children in section 25(2) CA04 relates to:

a. physical and mental health and emotional well-being;

b. protection from harm and neglect;

c. education, training and recreation;

d. the contribution made by them to society;

e. social and economic well-being.

**Section 27 of the Children Act 2004** requires Children’s Services Authorities, Local Health Boards (LHBs) and NHS trusts to appoint Lead Officers and Lead Members, to be responsible for those bodies’ functions under s25.

**Section 28 of the Children Act 2004** requires Children’s Services Authorities, LHBs, NHS trusts and other identified bodies to make arrangements for ensuring that each body, when discharging its functions, has regard to the need to safeguard and promote the welfare of children.

Individuals or bodies to whom sections 25, 27 and 28 of the Children Act 2004 apply, must have regard to any guidance issued by the Assembly under those sections when discharging their duties under those sections.

‘**Stronger Partnerships for Better Outcomes**’ provides guidance on strengthening existing partnership arrangements under sections 25 and 27 of the Children Act 2004. It is supported by new regulations and guidance on local partnership responsibilities for developing Strategic Children and Young People’s Plans

‘**Towards a Stable Life and a Brighter Future**’ sets out the arrangements and functions that statutory partners must undertake in discharging their duties of co-operation with local authorities (Children’s Services Authorities in the Act) in respect of arrangements for placement, health and education of looked after Children and care leavers. It is relevant to those working in the statutory, voluntary and independent sectors.
Summary of main changes

The key changes to the regulatory framework are set out below:

Placement of children and review of children's cases

- The considerations local authorities must take into account and people who must be involved in the pre-placement planning and decision making process is extended.

- When identifying a suitable placement, the child’s health and educational needs and in particular any mental health or special educational needs must be a prime consideration.

- Where a placement is considered out of area the local authority must (within 25 working days) convene a panel of multi-agency representatives. All such placements must be signed off at head of service level and details and circumstances reported to Lead Members and Framework Partnerships.

- Notification of arrangements for placements must be made prior to placement and not later than 10 working days after the placement date.

- When a child moves placement the local authority must request a transfer of the child’s health and education records (if applicable) and monitor the request until the transfer has taken place or is no longer necessary.

- Arrangements for health assessments must be made prior to placement and not later than 14 working days of the placement date. Responsibility for undertaking initial health assessments and preparing a written report is extended to a registered nurse and copies of the report must be forwarded to the child’s GP.

- Health Reviews must be conducted more frequently where the child’s health needs dictate.

- The child must be registered with a GP and have access to a dentist within prescribed time scales and throughout the duration of the placement.

- The Independent Reviewing Officer’s (IRO) role is extended to monitor compliance with all of the above as part of the review process and where a child is accommodated in a children’s home the IRO must involve the statutory ‘link worker’ in the review of the plan for the child.
Designation of specialist posts and other requirements under the Children Act 2004

- Local Health Boards and NHS trusts are required to designate a specialist health practitioner(s) to co-ordinate the child’s health care plan and address the health needs of looked after children and care leavers (*the clinical nurse specialist for looked after children*).

- Local authorities are required to designate a specialist practitioner (the LAC Education Co-ordinator) to co-ordinate Personal Education Plans and address the educational needs of looked after children and care leavers within the local authority area.

- Local authorities are required to share relevant details from their register of looked after children with the LHB concerned to enable them to meet their duties in respect of these children.

- The requirement for every looked after child to have a high quality Personal Education Plan (PEP) has been strengthened using powers under the Children Act 2004.

Children’s Homes

From July 2007 for a home to be fit for purpose for registration with the Care Council for Wales (the Council) it will have to satisfy new prescribed requirements for:

- The percentage of care staff who are permanent employees.

In addition:

- Managers and care staff of children’s homes must be registered with the Care Council for Wales (*the Council*) by a prescribed date and have a relevant qualification on a list held by the Assembly and maintained by *‘the Council’*.

- Children’s homes must designate a link worker responsible for promoting the child’s health and education in liaison with key professionals including the Independent Reviewing Officer (IRO).
Responsible Commissioner for children placed out of area

- The Originating Local Health Board (LHB) remains responsible for the commissioning and resourcing of secondary health care services for prescribed categories of children placed out of area (including children placed in England) on or after 1 July 2007; and
- A new Dispute Resolution procedure has been introduced to support the new arrangements.

Guidance for children and Young People

A children and young people's guide to the changes has been developed in consultation with Voices from Care and children and young people themselves. The guide has been distributed widely and can be accessed at: http://new.wales.gov.uk/topics/childrenyoungpeople/childrenfirst/?lang=en.

Local authorities and partner agencies should make every effort to ensure that the guidance is made available to looked after children and other vulnerable children with whom they come into contact. IROs should ensure that every looked after child is provided with a copy and made aware of the changes as part of the review process.
Chapter 1  Arrangements for Placement of Children

Introduction

The Placement of Children (Wales) Regulations 2007 place a statutory duty on responsible authorities to draw up a plan in writing for a child whom they are proposing to look after or accommodate, in consultation with the child, his parents and other important individuals and agencies in the child's life.

Planning for the child should begin prior to placement. After placement, the plan should be scrutinised and adjusted (if necessary) at the first review four weeks after the date the child was first looked after and subsequent reviews in accordance with the Review of Children's Cases (Wales) Regulations 2007.

In some cases, such as an emergency or immediate placement it may not be possible to draw up a long-term plan prior to placement. However, a provisional outline plan should always exist. The firm plan should then be drawn up as soon as possible after the child becomes looked after or accommodated.

Assessment and Care Planning

Assessment, care planning and reviewing are dynamic processes. All placements must be grounded in robust assessment and effective care planning. A child should only be accommodated, in exceptional circumstances and following completion of a core assessment, using the domains of the Assessment Framework and the development of a care plan. The purpose of an assessment is to identify the child's needs within their family and the wider community in which they live and to use this understanding to identify how best to address these needs.

The Placement of Children (Wales) Regulations 2007 reflect the emphasis in the Children Act 1989 and 2004 on partnership between parents, children and the responsible authority and between the responsible authority and other agencies, as being the most effective means of meeting the needs of the individual child. Key principles of the Children Act include:

1 Framework for the Assessment of Children in Need and their Families, National Assembly for Wales, 2001
• taking into account the views of children and young people, consulting them and keeping them informed;
• giving due consideration to children and young people’s race, culture, religion and linguistic background;
• the importance of families and working with parents;
• safeguarding and promoting the welfare of children and young people who are looked after; and
• recognition of inter-agency responsibility.

These principles should be taken into account by local authorities and their partners when delivering their responsibilities within this guidance.

Considerations on making and contents of arrangements

Regulation 5 and schedules 1, 2 and 3 of the Placement of Children (Wales) Regulations 2007 set out the matters that the responsible authority must take into account when making arrangements to place a child. These include consideration of the child's physical, emotional and mental health, along with the child's health history and that of his family if available.

The 2007 regulations have been strengthened to place a new duty on local authorities and health partners to have particular regard to any mental health or special educational needs a child may have and any services required to meet those needs. This is in recognition of the high incidence of mental health problems and additional educational needs amongst the looked after population and the need for early identification and intervention.

In addition to meeting the child's immediate social care, health and education needs, consideration should be given to contact arrangements with family, arrangements to spend time with friends, to maintain sporting or other social or leisure pursuits, and to racial, ethnic, cultural, religious and language needs. (For example, local authority education provision in some areas of Wales is in the medium of Welsh and would not immediately be suitable for a child who does not speak Welsh. Conversely, a child whose first language is Welsh may have difficulty adjusting to education in English.) Particular consideration of suitability must be made when placing black and ethnic minority children.
Taking all the above considerations into account the responsible authority must determine whether the proposed placement will meet the child’s needs.

**Identifying Suitable Placements using the CSSR Database**

The Children’s Commissioning Support Resource (CCSR), an all Wales cross sector database of placement provision, will assist local authorities to make individual placements with a better matching of need.

This guidance requires authorities in discharging their duties of co-operation under section 25(8) of the Children Act 2004 to have regard to the information on the CCSR database when arranging placements for children.

Consideration should take place when assessing need and by the Panel of the case management activity undertaken on the CCSR database with regard to the placement needs of individual children. The Panel should also consider what matching activity has been undertaken on the CCSR when considering the recommendation for an external placement.


**Children placed outside the area in which they normally reside**

It is important for children to remain within their own area wherever possible and appropriate. A placement within the child’s home area allows for continuity of health care and education and makes it easier for the child to maintain contact with birth parents and other significant people in their lives. Maintaining contact with family has been found to contribute to placement stability and is a significant factor in achieving successful reunification with the child’s birth family on a planned basis or when leaving care. However, there are occasions when a placement outside the authority area will be in the child’s best interests. This may be to safeguard the child or distance him from adverse influences, to keep a sibling group together, or to place the child with relatives or friends with whom the child has a relationship who live outside the local authority area. These judgements should be based on a thorough assessment and analysis of the child’s needs.

There is concern that children cared for in out-of-authority placements are more vulnerable to placement breakdown and interrupted schooling. Their needs
should be assessed and planned for in the same way as other children, but there are logistical difficulties in how their needs and placements are supported and monitored. The result is that there is a less corporate approach to health and educational provision for such children once they are outside the originating local authority.

Plans and systems should be in place, which will ensure that the child’s care health and educational needs will be met appropriately. It is therefore essential to liaise with all relevant services and agencies. All arrangements, including funding, need to be settled in good time to ensure that young people are not moved before adequate care, health and education services can be provided.

**Reference to Panel**

**Regulation 5(2)(a)** of the Placement of Children (Wales) Regulations 2007 places a duty on the responsible authority where it considers placing the child outside the area in which the child normally lives, to refer the child’s case to a panel before making the placement.

Planning for the child should begin prior to placement. However, in the case of an emergency placement, this may not always be possible. In such cases there is a requirement under **Regulation 5(2)(a)** for the responsible authority to refer the case to a Panel as soon as practicable after placement and in any event not later than 25 working days after the placement date. (See also page 54 - Relationship between IRO and Panel.)

Equal importance and scrutiny should be given to the Panel’s consideration of matters in retrospective cases. Following deliberation the decision to uphold the Panel’s original placement decision, or any decision to place the child in an alternative placement, whether within or outside the responsible authority area, should be recorded with reasons and endorsed by the Head of Service.

In addition, the reasons for not referring the child’s case to a panel **prior** to placement must be recorded in writing and endorsed by a senior officer, usually the Head of Service within the responsible authority under **Regulation 5(3)** and a copy placed on the child’s case file under **Regulation 9(2)f**.
**Regulation 5(4)** stipulates that the responsible authority must not place a child outside the area in which the child normally lives unless it is satisfied that there is no placement within the area that meets the child's needs or that a placement outside the area is more consistent with the child's welfare than any available placement within that area.

**Panel Arrangements**

The panel should meet at regular intervals, at least monthly, unless there are no cases to be considered and should consist of representatives from agencies that will assist a responsible authority in ensuring that the placement will meet the child's identified needs.

Composition of the Panel will depend on the particular circumstances of each case but the expectation is that there will always be core membership. This will include senior officers from Local Authority Children's Services and Education Departments and the Local Health Board who have responsibility for commissioning services and are budget holders. Other members may include professionals and other service agencies that will need to contribute to the child's care plan and the decision to place the child out of area. In some circumstances it will be helpful if a community paediatrician and/or educational psychologist is represented on the panel to provide professional advice.

Decisions about plans for children should not be deferred because a member of the panel is unavailable to commit his/her organisation to an agreed plan. In these cases appropriate delegation of authority must be put in place. Local Health Boards must co-operate with the arrangements and ensure that they provide both appropriate representation and professional advice to the panel.

The Panel's purpose is to:

- determine that there is no placement in the area capable of meeting the child's needs, or that an out of area placement is more consistent with the child's welfare;
- satisfy themselves that the child's health and educational needs will be met in the proposed placement;
- agree arrangements for meeting the child's health and educational needs; and
- agree funding for the placement.
The importance of active participation of children and young people, their parents and carers in the decision making process is enshrined in the Children Act 1989 & 2004. The responsible authority must ensure that the views of the child (where he is of sufficient understanding) and the child’s parents (where this is consistent with the child’s welfare) have been taken into account and are available to the Panel.

In addition the Panels deliberations should be informed by all available plans including the Care Plan, the Health Plan, the Personal Education Plan, and all relevant assessments including the core assessment, health assessment and any statement of educational needs.

In considering whether the proposed placement will meet the child’s needs the Panel will be informed by the CCSR database, which will be a key source of information on available placements.

In the event of statutory agencies not being able to agree arrangements, the case should be referred to the Chief Executive of the local authority and the Local Health Board for resolution.

**Under regulation 5(5)** any decision to place a child outside the area in which the child normally resides must, with reasons, be recorded in writing and endorsed by a senior officer of the responsible authority. This will normally be the Head of Service or in exceptional circumstances a deputy acting with his authority.

### Reporting Arrangements for the Panel

**Regulation 5(6)[a]** requires the responsible authority to make available to the Lead Member for children’s services a report setting out the details and circumstances of all out of area placements with reasons for placements being made. The report should also identify those cases where a child was placed out of area without prior referral to the Panel together with reasons.

The report should be submitted to the Lead Member of Children’s Services in an anonymised format on a quarterly basis and should include details of the funding arrangements for all out of area placements.

Under the Children Act 2004 the Head of Service should make available to the Lead Director for Children and Young People an anonymised report, on a six-monthly basis, detailing the numbers and circumstances of all children placed...
outside the local authority area to be presented to the local Children and Young People's Partnership. The Lead Director should also take steps to ensure that the information is taken into account within the Children and Young People's Strategic Planning arrangements for the area.

The report will provide a means for agencies to satisfy themselves that they are discharging their duties to looked after children and meeting their needs appropriately. In addition it will inform the commissioning strategies of local authorities, health partners and Children and Young People's Partnerships and the new single planning arrangements for the development of services to reduce the necessity for children having to be placed away from their home authority in the future. The report should be sufficiently detailed for this purpose.

Establishment of records

Regulation 9(2)(f) requires the responsible authority to establish and maintain the written record of the decision to place a child out of the area. A copy of this must be included on the child's case record. In addition relevant extracts should be forwarded to the Independent Reviewing Officer, the Clinical Nurse Specialist for Looked After Children, the Looked After Children Education Co-ordinator and the children's home, foster carer or family placement team, if applicable, as the persons responsible for monitoring the child's progress in placement and ensuring that their health and education needs are met.

Flintshire Child Care Panel

The Child care panel has been in place for approximately eight years and is seen as an established model for other authorities in respect of joint commissioning. Its main function is to set up packages of care or intervention across statutory and voluntary agencies. It manages requests for placements on a multi-agency basis.

Membership includes the service manager for resources, the manager of the children's integrated disability services, the commissioning manager from the LHB, an education manager, a Child and Adolescent Mental Health Services (CAMHS) specialist & NCH Cymru manager. The team review requests for placements, clarify funding arrangements, set timetables for action and consider a date for return to the panel to review progress.
Effectiveness of Panels - Governance and Performance

The relevant Inspectorates will put in place arrangements to monitor the implementation and effectiveness of Panels across the country.

Notification of arrangements for placements

It is essential that those involved in the decision-making process are notified in writing of the decision (regulation 6) so that they may have an opportunity to make any necessary arrangements for their involvement in the placement or make their views on the placement decision known. A suggested notification proforma is attached at annex 1 to this chapter. This should be read in conjunction with annex 2 - Model protocol for information sharing between the local authority and health agencies.

Regulation 6(1) sets out to whom written notification should be made and applies to individuals and agencies in the child’s home area and the area the child is to be placed if this is different.

When notifying local authorities in whose area the child is to be placed responsible authorities should provide sufficient information for the local authority to fulfil their duties in respect of registration of placement.

Written notification to those above should be provided prior to placement or where this is not possible as soon as reasonably practicable thereafter. To avoid inaction or delay Regulation 6(2) introduces a deadline of no later than 10 working days from the date of the placement by which notification must be made in any event.

Newport Complex Needs Panel

Newport’s Complex Needs Panel meets on a quarterly basis to consider and agree funding for cases where the complexity of the child’s needs suggests they cannot be met within the area and an out of area placement is necessary.

The Panel, which comprises of Heads of social services, education and the Health Trust and others considers individual cases informed by core assessments, SEN and psychological reports etc. Out of area placements will not be considered unless all three agencies have agreed that the child’s needs cannot be met in house and a holistic health assessment has taken place.
Responsible authorities should notify the specific officer and other agencies already identified and consulted about these placements. These officers should be asked to disseminate the information as appropriate to their colleagues in the field who are or will be involved with the child.

Careful note should be taken of the provision in regulation 6(3) about the notification of information to third parties. Such notification should only contain the amount of information it is necessary to divulge.

The responsible authority will need to identify others who were not involved in the decision-making process but who will be involved with the child and have a need to know of the placement arrangements. Considerations should be given, in the light of circumstances of an individual case, of the need to notify people who have been involved in the child’s life but who are not specified in Regulation 6.

When notifying the local education authority and the child’s GP in the area the child will be placed if different, the responsible authority must under Regulation 6(4) provide that person or body with copies of any relevant report or assessment available at the time of placement.

Any amendments made to the plan at the first or subsequent reviews should be recorded in writing and notified to those consulted or involved in the reviews as required by the review regulations.

**Transfer of records**

Providing continuing care and education proves difficult when children are placed away from home and health and education records and medical history are not transferred quickly.

Regulation 6(5)&(6) stipulates that where a child is placed outside the area in which he normally resides the responsible authority, when notifying those persons specified, must at the same time request that the relevant persons or bodies, seek a transfer of records, where applicable (including the child’s medical and education records) before, or as soon as practicable after placement is made. The purpose of this requirement is to ensure that the child’s records are up to date and follow the child promptly when he or she moves placement. The responsible authority must review the transfer request until it is satisfied that the transfer of records has taken place or is no longer necessary. The Independent Reviewing Officer will have a key role in this regard as part of the review process.
Local authorities and the NHS should have in place protocols that establish the framework for information sharing at an intra and inter agency level. These should include mechanisms for sharing information between social services and local health boards. The protocol should also cover arrangements for informing and gaining information from other local authorities. Local authorities need to monitor the position of children from their area placed outside their authority and similarly to advise other local authorities, which have sent children to their authority.

A model protocol for information sharing between the local authority and health agencies has been developed by the National Public Health Services and is attached at annex 2 to this chapter. This should be read in conjunction with annex 1 a model notification proforma.

**Health Care and Health Assessment**

Improving the health of looked after children is a multi-agency responsibility involving local authorities and health agencies. Health care implies a positive approach to the child’s health and should be taken to include general surveillance and care for health and developmental progress as well as treatment for illness and accidents.

The health care of all children looked after by local authorities or accommodated by voluntary organisations or in registered children’s homes should be provided in the context of the child health surveillance programmes in the area which are designed to provide child health surveillance and promote the physical, social and emotional health and development of all children.

The changes below are designed to strengthen the arrangements for statutory health assessments to ensure that the health needs of looked after children and care leavers are appropriately met.

**Health Considerations on making a placement**

In deciding on a suitable placement, prior enquiries should be made to ensure that the child’s assessed health needs and in particular any identified mental health needs can be met appropriately in the area concerned. Should the health service providers in the area of the proposed placement state that they are unable to provide the services needed by the child, it is unlikely that the placement could appropriately be made.
Regulation 5 and (Schedule 2) of the Placement Regulations set out the considerations the responsible authority must take into account prior to placing a child to ensure the placement meets the child's holistic health needs. The 2007 regulations have been strengthened placing a duty on local authorities and health partners to have particular regard to any mental health needs the child may have and services required to meet those needs.

Notification of arrangements

Prompt notification is crucial to ensuring good health care planning. Regulation 6(1) requires the responsible authority to notify in writing the health care provider and the child's GP in the area the child is living and the area the child is to be placed prior to placement wherever practicable. Where prior notification is not possible, notification should be given as soon as practicable and no later than 10 working days from the date of the placement.

Prompt notification is particularly important when children are placed out of authority to ensure fast transfer of records, identification of health needs and continuity of any current treatment. Responsible authorities and health authorities should together aim to develop effective arrangements for the communication of information relating to a child's health to all the health professionals who are involved with the child. Local policies and protocols should be drawn up which facilitate this within the legal framework.

Transfer of Health Records

From the start of a child's life it is important to keep track of their health history. Most parents/carers carry this information in their head and can draw on this when needed. Together with the child's GP and other health professionals, health information is built up over time and should be readily available.

Carers, as well as professionals, need to keep detailed records of a child's health. The responsible authority should facilitate this process and ensure that this information stays with the child whenever they move and that it continues to be collected. Genetic and family history is crucial information, which must stay with the child's or young person's records.
Health professionals and family members will be sources of information about health conditions but children should also be asked for information and their concerns about health-related issues. Children with a health condition will often be expert in their own condition and may have a good grasp of their medical history.

The lead health record for every looked after child should be the GP-held record. A copy of the health assessment and health plan should form part of this Regulation 8(1)(c).

Every effort must be made to ensure the child does not end up with a series of ‘temporary’ records. In addition when changing placement any previous waiting times must be taken into account if the child needs to go on a new waiting list. NHS Trusts must identify a system for fast tracking the community health files and GP Records of looked after children and have agreed written policies and protocols governing the procedure.

Regulation 6 requires the responsible authority as part of the notification process to provide the new registered GP with copies of any existing medical report or assessments relating to the child and any subsequent reports. In addition the authority must request that the specified person, usually the new GP Practice, where applicable, seek the transfer of the child’s health records and notify them when the transfer has taken place. The responsible authority must monitor the request until transfer of the child’s records has taken place or is no longer necessary. Local Health Boards should ensure that systems are in place to fast track the GP records and dental records.

**Health Assessments**

Responsible authorities are required by Regulation 8 to make arrangements for a registered medical practitioner or registered nurse to conduct a health assessment, which may include a physical examination of the child’s health. To avoid delay, arrangements for health assessments must be made prior to placement and no later than 14 working days after the placement date, unless an assessment has been carried out within the last 3 months [but also see consent to examination or treatment Regulation 8(6)].
A health assessment should be in place in time for a written report and health plan to be available for discussion at the child’s first review, four weeks after the child starts to be looked after.

The health assessment may be an initial assessment when a child is first placed or may be a reassessment in the case of a child who has been placed for some time or who has been placed again after an interval. The aim of this requirement is to provide a comprehensive health profile of the child and provide a basis for monitoring the child’s development whilst he/she is being looked after or accommodated.

It is important where children with a particular level of health care need would normally be under the care of a consultant paediatrician or a CAMHS consultant that this is the case for looked after children also.

The person completing the health assessment must prepare a written report of the assessment addressing the matters in Schedule 2 of the Placement Regulations with particular reference to the child’s mental health needs.

Changes set out in Chapter 4 in respect of the Responsible Commissioner for secondary health care services for children placed outside the responsible authority and ‘Originating LHB’, include any charges to be recovered for undertaking statutory health assessments under Regulation (8)(1).

The general practitioner-held clinical record is unique and can integrate all known information about health and health events during the life of any child or young person. This enables GPs, dentists, nurses, health visitors and others in primary care to have an overview of health priorities, and to know whether health care decisions have been planned and implemented.

**Regulation 8[(1)(c)]** requires the responsible authority to ensure that a copy of the written report of the health assessment and any subsequent reports of health assessments during the placement be forwarded to the child’s GP to be placed on the GP record. This is to ensure that the GP’s record is up to date and reflects the child’s health history and any specific health needs.

Having regard to the matters listed in schedule 2 the responsible authority must under Regulation 8[(d)] prepare a plan for the future health care of the child if one is not already in existence.
During the placement the responsible authority must ensure that each child is provided with:

a. health care services, including medical, dental and mental health care and treatment; and

b. advice and guidance on health, personal care and health promotion matters in accordance with the child’s needs.

Guidance on Health Assessments

Comprehensive guidance on the health of looked after children will be issued by the Welsh Assembly Government later this year. The guiding principles are that:

- the individual child should be at the centre of the process of health assessment, planning, intervention and review;
- each child or young person should be given the opportunity at all stages to express their views and concerns and these should be listened to. Health professionals should conduct health assessments in a way that enables and empowers children and young people to take appropriate responsibility for their own health;
- health assessments and services for children and young people who are looked after should be sensitive to age, gender, disability, race, culture and language;
- children whose first language is not English or Welsh should have an opportunity to speak to a health professional in their own language.

Registration with a GP practice and access to a dentist

Primary care teams have an important role to play in the identification of the health care needs of children and young people who are looked after. They often have prior knowledge of the child or young person, of the birth parents and of carers, helping them to take a holistic and child-centred approach to health care decisions. They may also have continuing responsibility for the child or young person if and when they return home.

Regulation 8(3a) places a duty on the responsible authority to ensure that the child is registered with a general practitioner as soon as practicable and no later than 10 working days after the placement is made.
If a child's placement is likely to be short, or is near to his/her own home, it is preferable for the child to continue with his/her own GP.

It is essential that looked after children have permanent registration with a local GP practice wherever possible and that their health record is up to date and follows the child promptly. Many looked after children experience a high number of placement moves throughout their lives which may result in medical problems and immunisations being missed due to the different placements a child or young person may experience.

There may be good reasons why this may be a temporary registration, but permanent registration with a GP should be in place by the time of the first review at four weeks.

If at all possible there should be scope for the child to have some choice of GP, in particular children should be able to have a doctor of their own sex if they so wish. Children should also have the opportunity to speak to a GP in their own language.

The Clinical Nurse Specialist for looked after children and the link person where the child is placed in a children's home will have a key role in co-ordinating arrangements for GP registration. The Independent Reviewing Officer will be responsible for monitoring whether this has been carried out and the basis of the registration (i.e. temporary or permanent).

The responsible authority should arrange for the child to receive the full range of NHS dental treatment. Regulation 8(3b) and (4) requires the responsible authorities ensure the child is placed under the care of a dentist no later than 20 working days after the date of placement.

Regulation 8(4) requires a responsible authority to ensure that a child continues to be registered with a general practitioner and under the care of a registered dental practitioner, throughout the duration of the placement.

Register

Regulation 11 requires responsible authorities to keep a register of all children in the local authority's area who are placed under the Placement regulations whether by the local authority or another responsible authority, and of all children placed by the local authority outside their area.
The register provides a record of the identity and whereabouts of every child placed by a responsible authority. The local authority’s register will provide a means of immediate reference to basic information about any child placed in an area as local authorities have to register children placed by them and other responsible authorities in their area. They also have to register children placed by them (the local authority) outside their area.

A full list of particulars to be included on the register is set out in Regulation 11 of the Placement of Children (Wales) Regulations 2007. Regulation 11(3)(a) and (c) extends the particulars to include:

- the National Health Service number and the social service identification number for the child (11(3)(a));
- when a child is placed in a children’s home, the name of the child’s ‘link worker’ (11(3)(c)) refers.

The responsible authority must as part of its duty of co-operation under the Children Act 2004, make arrangements to share relevant details from the register of all children placed by them both within and outside their area with the LHB responsible for providing the child’s health care. This will assist the LHB in carrying out their duties including those as responsible commissioner for children placed out of area (chapter 4 refers). The authority and the LHB should develop local policies and protocols to assist this process.

The statutory lead for children and young people services within the LHB will be responsible for ensuring that the list is used to inform the Children and Young People Partnership plan for children’s services. In sharing information with the LHB the responsible authority must have regard to Regulation 11(7) (confidentiality of records).

**Appointment of Clinical Nurse Specialists for Looked After Children**

This guidance places a duty on Local Health Boards (under section 25(8) of Children Act 2004) to appoint a specialist health practitioner(s) (the Clinical Nurse Specialist for looked after children) to coordinate the child’s health care plan and address the health needs of looked after children.
The appointment of Clinical Nurse Specialists should reflect the population of looked after children. The Clinical Nurse Specialist will need to demonstrate the necessary skills and competencies to undertake this role. It is recommended that joint protocols on the roles and responsibilities of the Clinical Nurse Specialist are developed and agreed between the responsible authority, LHB and NHS Trust.

The Clinical Nurse Specialist for looked after children should work in co-operation with the Medical Advisor for looked after children and have direct access to specialist medical support via the medical advisor role and/or a medical practitioner with specialist expertise (e.g. Community Paediatrician).

**Health of Care Leavers**

The Children Leaving Care Act 2000 requires all eligible, relevant and former relevant children to have a Pathway Plan, which will focus on arrangements for the young person’s successful transition to independence. The Pathway Plan should take account of the assessed health needs of the young person and set out clearly how these are to be met. Particular attention must be given to the young person’s need for support in taking responsibility for his or her own health and in accessing appropriate services, including information and advice.

LHBs and NHS Trusts should co-operate with local authorities and other agencies in planning and providing integrated services and make available the range of resources necessary.

Provision should include health education, the promotion of health, the prevention and recognition of ill health and advice on when and how to get support and help. The Clinical Nurse Specialist for looked after children will have a key role to play in offering such support and education to all young people leaving care.

Young people leaving care should be encouraged to register with a General Practitioner and to gain access to a General Dental Practitioner. They should also be advised of the range of NHS services available, together with information on the process for accessing services. The health professionals should also ensure that the young person has named contacts of health professionals and organisations should they choose to live in another area.
The Clinical Nurse Specialist for looked after children should be invited to contribute to a child or young person’s continuing care plan and, as he or she reaches 16, the Pathway Plan. Pathway planning the health needs of care leavers should:

- involve a holistic health assessment and the maintenance of detailed health records which will provide the platform for Pathway Plans to promote a healthy lifestyle;
- ensure appropriate use of primary health care services;
- plan access to specialist health and therapeutic services where necessary;
- note where a young person is entitled to free dental treatment (for all under 18s), free prescriptions (available to all), free NHS sight tests and vouchers for glasses for those in full time education;
- provide and help to complete HC1 form to access the NHS Low Income Scheme where appropriate;
- pay attention to the need for young people to have accessible information on healthy living, sexual health, sexuality, and any specialist needs of learning and physically disabled young people as well as the health, dietary and cultural needs of young people from minority ethnic communities.

**Link Worker’s duty in respect of health of looked after children**

**Regulation 11** of the Children’s Homes (Wales) (Miscellaneous Regulations) 2007 introduces a requirement for every residential home to have a link worker. The link worker is responsible for promoting the health and educational achievement of looked after children, liaising with key professionals, including the Clinical Nurse Specialist, the child’s GP and dental practitioner. See Chapter 3 for further information on the Link Worker’s role.
The Placement of Children (Wales) Regulations 2007
Notification of Placement or Change of Placement of
Looked After Child

To: _____________________________________________________ Authority
To: _____________________________________ Education Authority (current)
To: ______________________________________ Education Authority (future)
To: ______________________________________ Local Health Board (current)
To: _______________________________________ Local Health Board (future)
To: ___________________________________________________ GP (current)
To: ____________________________________________________ GP (Future)

Name of child/Young person: _________________________________________

Date of Birth: ________________________  Gender: _______________________

NHS Number: ______________________________________________________

Social Services No: _________________________________________________

Name and address of Parent/Person(s) with Parental Responsibility:
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________

Is child on Child Protection Register?           Yes [ ]           No [ ]

Is child on Disabilities Register?             Yes [ ]           No [ ]

Child/Young Persons Legal Status:             ______________________________________

If child is subject to Care Order to which authority? ________________________

Responsible Authority: __________________________

Social Worker: ________________________________

Address: _______________________________________
__________________________________________________________________
__________________________________________________________________
Telephone Number: _________________________________________________

Out of hours contact: _______________________________________________

*If your authority has local knowledge of the placement, which it would be appropriate to share with the placing authority, please contact the social worker named above.*

Placed with (Establishment/Foster Carer/Organisation)

______________________________________________________________

Address: _______________________________________________________

______________________________________________________________

Telephone Number: _______________________________________________

Date of commencement of each placement: _____________________________

Date of termination of placement: ___________________________________
*(if applicable)*

Reason for termination of placement: __________________________________

______________________________________________________________

Child's current school/college: _______________________________________

Previous school: ___________________________________________________

Does the child have any specialist health service requirements? 

______________________________________________________________

Is the child on a waiting list for any treatments? _______________________

______________________________________________________________

Have arrangements been made for another authority/person/organisation to supervise, or carry out the functions in relation to the placement on behalf of the local authority?  

Yes ☐  No ☐

If yes please provide details of the authority/person/organisation with which arrangements have been made.
Name: ____________________________________________________________

Address: _________________________________________________________

__________________________________________________________________

__________________________________________________________________

Telephone Number: _________________________________________________

**Note:** Where a child is placed in an area different to the area in which the child is ordinarily resident when notifying the health care provider/LEA/GP of arrangements the responsible authority must at the same time request that the persons so specified, where applicable, seek a transfer of records before or as soon as possible after the placement is made. The authority must monitor the transfer request until transfer has taken place or is no longer necessary.
Annex 2

Notification of Children Looked After or Changing Circumstances: Model Protocol for Information Sharing Between the Local Authority and Health Agencies

Summary:
The model protocol has been developed by the NPHS at the request of the Welsh Assembly Government. It updates and builds on current good practice in order to comply with new statutory responsibilities under ‘The Placement of Children (Wales) Regulations 2007’ which come into force in July 2007. The protocol provides a national framework which will enable local authorities, LHBs and health service providers to meet statutory requirements relating to the notification of a child becoming looked after, changing placement or leaving care.

The development of this protocol has involved working closely with stakeholders across all agencies and widespread consultation as part of the Welsh Assembly Government ‘Towards a Stable Life and a Brighter Future’ consultation and workshops.

Introduction

Children and young people who are looked after are amongst the most socially excluded groups in society. They have significant health needs in comparison with children and young people from comparable socio-economic backgrounds. It is therefore of high importance that a child or young person’s health records are transferred rapidly and that services are alerted to their health needs.

This protocol has been produced to ensure local authorities in Wales notify the appropriate health agencies when children become looked after including those who are placed for adoption or change circumstances including leaving care. The protocol will ensure systems are in place so that the correct health information accompanies each child or young person and crucially that they are provided with the services they need whilst looked after by the local authority.
Aim - To ensure that children and young people who are looked after and are leaving care grow up as fit and well as possible.

Objectives

1. Health agencies are notified of all children and young people who are looked after including pre-adoption wherever they may be placed.

2. Health agencies are notified when children and young people change placement or leave care.

3. Health information accompanies each child and young person whilst looked after by the local authority.

Notification Process

1. In accordance with ‘The Placement of Children (Wales) Regulations 2007’ the responsible local authority must notify in writing the ‘health care provider’ and the ‘child’s registered medical practitioner’ when a child becomes looked after. The following agencies must be informed before or no later than 10 days following the placement when a child or young person becomes looked after, changes circumstances or leaves care:

   • The Local Health Board (the health provider as defined in the regulations) by informing the Designated Nurse, Child Protection Service, National Public Health Service or in England the Primary Care Trust (PCT).

   • GP where the child is registered and when placed out of area the new GP when identified.

   • NHS Trust providing a community child health service to the child and when a child is placed out of area the community child health service provider in the area where the child is to be placed.

2. It is also best practice to inform the Specialist Mental Health Practitioner (where in post) or the identified CAMHS lead for Looked After children.

3. In practice it will be the responsibility of the key social worker in conjunction with the Clinical Nurse Specialist for Looked After Children to instigate the notification process and co-ordinate the forwarding of appropriate information to the health agencies listed above. A local administrator should be in place to manage locally agreed systems which must include arrangement to cover annual leave, sickness or vacancy.
4. When a young person is an offender and becomes looked after under the Youth Justice System the Youth Offending Team must ensure that the health agencies listed are notified before or no later than 10 days following the placement. The YOT must liaise with the Clinical Nurse Specialist for Looked After Children and a local administrator should be in place to manage locally agreed systems which must include arrangement to cover annual leave, sickness or vacancy.

5. When the GP is notified a child is to be Looked After out of area the records should be transferred using a fast track system locally agreed with the Business Service Centre.

6. When residence has been confirmed, the child’s or young person’s NHS Trust community records will be transferred promptly using an identified fast track system.

7. The Clinical Nurse Specialist for Looked After Children will be responsible for ensuring the key social worker has the details of the named/lead doctor and nurse and GP for the child/young person and contact details of service providers.

8. Where the responsible authority considers placing a child outside of area the Panel must ensure that appropriate health services for the child or young person are available. This may involve discussions between the specialist health teams for Looked After Children in the place of origin and in the planned placement. Where the placement is in an emergency the Panel will be required to establish the suitability of the placement within 25 working days.

9. The notification process will include requesting a holistic health assessment in accordance with the regulations. This should be arranged before or no later than 14 days following placement. The Statutory Review process will ensure that medical assessments are completed and that individual health care plans for the child/young person looked after are implemented.

*Local authorities, LHBs and NHS Trusts will operate under different structures and local arrangements must be in place to reach these minimum requirements. An exemplar notification form is provided in appendix A.*
Appendix A

Promoting the Health of Children Looked After
Example Notification Form
(to be completed by the local authority)

The following information must be sent when there has been a change in circumstances of any child looked after including pre-adoptive placements.

Change of Circumstance [tick relevant box]

- Becomes Looked After
- Change of Placement
- Ceases to be Looked After
- Other - please specify

Date of Change: ____________________________________________

1. Name (including known as/alias): __________________________________

2. Date of Birth: _______________________________________________

3. ID or NHS Number: ___________________________________________

4a. Current placement address: ____________________________________

__________________________________________________________________

__________________________________________________________________

Please indicate if the placement address is to be withheld from the parent

- Yes ☐  - No ☐

4b. Previous placement address: ________________________________

__________________________________________________________________

__________________________________________________________________

5. Previous home [family] address: ______________________________

__________________________________________________________________

__________________________________________________________________
6. Name of Social Worker: ________________________________________

7. Office and Contact Numbers: ___________________________________
   __________________________________________________________________

8. Child’s current school - young person’s college etc:
   __________________________________________________________________

9. Previous school: ______________________________________________

10. Legal status [currently]: ________________________________________

11. GP name & address (previous placement):
   __________________________________________________________________
   __________________________________________________________________

12. New GP name & address (if known):
   __________________________________________________________________
   __________________________________________________________________

13. Specialist Health Services Requirements (if any):
   __________________________________________________________________

14. New dentist name & address (if known):
   __________________________________________________________________

15. Any other comments?
   __________________________________________________________________
   __________________________________________________________________
   __________________________________________________________________

Signed: __________________________________________________________

Name (printed): ____________________________________________________

Position: __________________________________________________________

Date: __________________________________________________________________
Chapter 1 - Section 2 - Education of Looked after Children

Introduction

The Children Act 2004 (section 52) amends section 22 of the 1989 Act to place a positive duty on responsible authorities to promote the educational achievement of looked after children. Duties of co-operation to improve well-being under section 25(2(c)) include education, training and recreation. This guidance uses powers under the 2004 Act to require local authorities to appoint looked after children education co-ordinators and to ensure that all looked after children have an effective and high quality Personal Education Plan. It builds on approaches and guidance set out in National Assembly for Wales’ Circular 2/2001: Guidance on the Education of Children Looked After by Local Authorities.

The duty to promote the education of looked after children applies to all the authority’s looked after children, wherever they are placed. The authority should take particular care to ensure that this guidance is followed for those children living in a different authority area - especially those placed a long way from home who may be especially vulnerable. The changes outlined below are designed, through regulations and powers under the Children Act 2004, to improve placement arrangements for looked after children and in doing so, ensure their educational needs are met appropriately.

The duty extends to young people leaving care. This is covered in detail at the end of this section.

Considerations on making and contents of arrangements

In identifying an appropriate care placement for a looked after child local authorities must take account of the availability of a suitable educational placement. Unless there are exceptional circumstances this should mean a full-time place in a local mainstream school commencing without delay. Other than for clear health and safety reasons for example when a child needs a place of safety immediately, care placements should not be made unless an appropriate level of education can be provided. Local education authorities should assist the child’s social worker and carer to identify an appropriate educational placement, including out of authority placements.
Regulation 5 and Schedule 3 of the Placement of Children (Wales)
Regulations 2007 set out the educational considerations the responsible authority must have regard to when making arrangements to place a child. The 2007 regulations have been strengthened to place a duty on local authorities to take particular account of any special educational needs a child may have. Taking all the above considerations into account the responsible authority must consider whether the child’s educational needs will be met by the proposed placement, including where a child is placed in an out of area placement.

Notification of arrangements for placements
The responsible authority should ensure that the identified educational needs of any child placed in another authority area will be effectively met in the proposed placement before it is agreed. Regulation 6 of the Placement Regulations requires responsible authorities to notify in writing the local education authority for the area in which the child is living and if the child is to be placed outside that area, for the area in which the child is to be placed of arrangements to place a child. Notification should take place prior to placement or as soon as practicable thereafter. To avoid inaction or delay Regulation 6(2) introduces a deadline of no later than 10 working days from the date of the placement by which notification must be made in any event.

It is essential that information is shared as necessary in order to address the educational needs of the child or young person. Local policies and protocols should be drawn up to facilitate this process within the legal framework.

Notification is particularly important when children are placed out-of-authority to ensure fast transfer of education records and identification of special educational needs.

In practice the social worker should notify the specified officer responsible for managing education provision for looked after children (usually the LAC Education Coordinator) of placement arrangements. The Education officer should then disseminate the information where appropriate to colleagues in the education field who are or will be involved with the child.
Transfer of the child’s educational records

Looked after children are a highly mobile population and for this reason are likely to move school frequently. Special care and support is needed where a change of school cannot be avoided. Arrangements for liaison and co-ordination should aim to ensure that information reaches those who need it in good time, especially the school.

It is essential therefore that their educational records are up-to-date and follow the child promptly to ensure that the education authority in the area they are placed is aware of the child's educational history and any special educational needs. The lead education record for every looked after child will be the Personal Education Plan (PEP). A copy of the PEP (as part of the child’s education record) should be transferred with him/her to the new school when a child moves in order to assist continuity of education provision.

In the case of out of authority placements at the same time as notifying the local education authority of the placement, the responsible authority must also request that the education authority, where applicable, seeks a transfer of the child’s educational records including the Personal Education Plan (PEP) prior to placement, or if that is not practicable, as soon as possible after the placement is made. Local arrangements must be in place to fast-track the PEP and any other records relating to the child’s education.

The responsible authority must continue to review the transfer request until they are satisfied either that the transfer of records has taken place or is no longer necessary. The Looked After Children Education Co-ordinator will have a key role to play in this process. The Independent Reviewing Officer should monitor compliance with the transfer as part of the review process.

Link Worker’s duty in respect of education of looked after children

Regulation 11(3) of the Children Homes (Wales) (Miscellaneous Amendments) Regulations 2007 introduces a requirement for every residential home to designate a link worker. The Link Worker is responsible for promoting the health and educational achievement of looked after children, liaising with key professionals, in particular the LAC Education Co-ordinator and the designated teacher at the school where the child is/will be placed. See Chapter 3 for further information in relation to the Link Worker’s duty in respect of looked after children.
Appointment of Looked After Children Education Co-ordinators

In discharging their duties under the Children Act, 1989 and 2004, responsible authorities are required to designate a specialist practitioner (the LAC Education Co-ordinator) to co-ordinate the child’s education plan and address the education needs of looked after children and care leavers in the local authority area. In addition the responsible authority must ensure that every child looked after by them has an effective and high quality Personal Education Plan (PEP).

The Looked After Children’s Education Co-ordinator will be responsible for ensuring looked after children gain maximum life benefits from education opportunities. In doing so they will be expected to perform the following roles:

- work towards Welsh Assembly Government objectives on the education of looked after children;
- promote the education of looked after children placed within and out of area;
- work with LAC Education Co-ordinators in other authorities in relation to out of area placements and to establish working arrangements;
- develop and promote a means of engaging looked after children and obtaining their views on educational provision;
- bridge the gap between Social Services, Schools and the Education authority regarding SEN, admission arrangements policy etc;
- liaise with Careers Wales and Youth Services to ensure appropriate and timely support and access to universal entitlements;
- provide challenge in cases of exclusion;
- arrange provision of ‘catch up’ support;
- disseminate good practice including training for elected members, foster carers; social workers, school governors and designated teachers;
- ensure PEPs are in place and provide guidance on their implementation;
- monitor attainment of looked after children, collating and analysing performance information on an individual and collective basis;
- purchase and allocate personal computers and other educational resources for looked after children as appropriate;
• establish and maintain a list of designated teachers for each school in their authority and for schools attended by children placed out of area; and
• attend LAC reviews as appropriate.

It is recommended that joint protocols on the roles and responsibilities of the LAC Education Co-ordinator are developed between the social services and education departments within the authority.

The Co-ordinator should work in co-operation with:
• the child’s social worker;
• the child’s carer;
• the school and in particular the designated teacher for LAC;
• the clinical nurse specialist for LAC;
• the link worker designated to promote the child’s education for those placed in children’s homes.

The local authority should ensure that Education Co-ordinators have the relevant skills and competencies to undertake their role.

**Requirement for Personal Education Plans (PEPs)**

Local authorities are required under the Children Act 2004 to ensure that all children in their care have a Personal Education Plan within 20 school days of entering care or joining a new school. Care Leavers being supported in further/higher education under the Children Leaving Care Act must also have a PEP which should form part of their Pathway Plan.

The PEP should:
• ensure access to services and support;
• contribute to stability;
• minimise disruption and broken schooling;
• signal particular educational needs;
• establish clear goals; and
• act as a record of progress and achievement.
The social worker is responsible for initiating a PEP in partnership with the child or young person, designated teacher, parents and/or family member, carer, link worker where the child is placed in a children’s home and any other relevant person.

The PEP is an integral part of the Care Plan/Pathway Plan. It is a record of what needs to happen for looked after children to enable them to fulfil their potential and should reflect any existing education plans, such as a statement of special educational needs and individual education plan. The PEP should reflect the importance of a personalised approach to learning, which secures good basic skills, stretches aspirations and builds life chances.

It is recommended good practice to review the PEP in conjunction with the Care Plan/Pathway Plan. This means that the PEP will normally be reviewed concurrently with the Care Plan within 28 days, 3 months, 6 months etc or 6 monthly in relation to the Pathway Plan. However, reviews can take place at any time in response to arising needs, relevant changes or at the request of the young person. Significant decisions about a child or young person’s education should not be made without reviewing the PEP and this must involve the child or young person.

Further guidance on Personal Education Plans (PEPs) is attached at annex 3 to this chapter.

**Supporting the educational achievements of young people leaving care**

The duty to promote educational achievement extends to young people preparing to leave care. In this context, where they are continuing their education in school, college and university settings, local authorities must properly discharge their duties under sections 23A to 24D of the Children Act 1989 and the Children Leaving Care Act 2000 and associated regulations and statutory guidance to improve the life chances of looked after children leaving care.

Local authorities have an existing duty under the Children Leaving Care Act 2000 to assist former relevant young people\(^1\) up to the age of 24 with the expenses associated with education and training agreed with the responsible authority and set out in the Pathway Plan. In addition care leavers are entitled to vacation accommodation for Higher Education courses or residential further education courses if necessary.

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\(^1\) Children (Leaving Care) Act 2000 Guidance, National Assembly for Wales 2001
This guidance requires that all Care Leavers in further/higher education must have a PEP, which should form part of their Pathway Plan.

Local authorities should ensure that:

- the PEP is maintained as part of the preparation and review of the Pathway Plan and builds on the young person’s educational progress;
- the Pathway Plan includes details about how support for the young person will be offered to maintain him or her in further and higher education or other training environment; and
- each Pathway Plan review considers the young person’s progress in education or training so that he or she is able to access all the necessary services to prepare for training, further or higher education or employment.
Personal Education Plan (PEP)

Initiating the PEP process

Wherever the child is placed, his/her social worker should take the lead to:

- initiate a PEP as part of the Care Plan, irrespective of whether the child has a school place or not;
- ensure that where a child is placed in an emergency the PEP is initiated within 14 working days of his/her becoming looked after, wherever he/she is placed;
- ensure that every child and young person looked after by the authority has an effective, high quality PEP which is available for the first statutory review meeting of the Care Plan (the 28 day review); and
- ensure that the PEP gives details of who will take the plan forward, specifies timescales for action and review and identifies sources of funding for implementing the PEP.

Developing the PEP - the process

To ensure that the PEP fully meets the education needs of looked after children and helps them to achieve their full potential, social workers should:

- involve the child (according to understanding and ability), the child’s parent and or relevant family member or carer;
- use the PEP as a tool to support the personalised learning of the child, reflecting his/her educational needs, views and educational ambitions, such as a wish to go on to higher education; and
- work in partnership with designated teachers, and other education professionals and carers to ensure that the PEP sets clear objectives or targets which relate to academic achievement and out-of-school activities/study support as well as other personal and if appropriate behavioural targets.
PEP content

Effective and high quality PEPs should:

- be an achievement record (academic or otherwise);
- include a history of school and other educational placements;
- include information on the preferred language and history of English/Welsh education;
- be linked to information in other education plans, including statement of SEN and IEPs; and
- identify developmental and educational needs (short and long-term) in relation to skills, knowledge, subject areas and experiences;
- set short-term targets, to monitor progress against each of the developmental and educational areas; and
- set long-term plans and targets and aspirations e.g. in relation to public examinations, further and higher education, work experience and careers.

The range of education and development needs that should be covered in a PEP includes:

- access to education fully or partly through the medium of Welsh, according to the child or young person’s preference;
- access to nursery or other high quality early years provision where appropriate to the child’s age (e.g. playgroups);
- on-going catch-up support for those who have fallen behind with schoolwork;
- provision of suitable education where a child is not in school, e.g. because of illness, temporary or permanent exclusion;
- transition support and integration when children begin to attend a new school or return to school (e.g. following illness or exclusion);
- out-of-school hours learning activities/study support and leisure interest;
- measures to improve school attendance and, where appropriate, behaviour support;
the necessary level of support to help the child to achieve well at each national curriculum key stage, particularly in completing an appropriate range of approved qualifications; and

support needed to achieve long term aspirations for further and higher education, training and employment.

Implementing the PEP

Social workers should ensure that the actions and activities recorded in the PEP to meet the educational needs of the looked after child, wherever they are placed, are acted on by:

- working in a joined up way with appropriate local authority education professionals (e.g. looked after children education team, LAC Education Co-ordinators, education psychologist) and other local authority officers and with other relevant persons and agencies (e.g. Child and Adolescent Mental Health Services (CAMHS));

- working closely with schools and, in particular, designated teachers; and

- ensuring that there is no delay in implementing actions agreed in the PEP, such as access to out of school learning opportunities or providing help for a child to catch up with schoolwork.

Reviewing PEP milestones and actions

The PEP remains active and should evolve as part of the Care Plan/Pathway Plan throughout the period for which the child is looked after or supported in further/higher education. The social worker with responsibility for the child should:

- not take significant decisions about a looked after child’s education without reviewing the PEP in consultation with the child and his/her school;

- ensure that the PEP is formally reviewed and that its effectiveness is scrutinised as part of the statutory review of the Care Plan/Pathway Plan (i.e. within 28 days, 3 months, 6 months, and 6 monthly intervals thereafter for the care plan and six monthly for the Pathway Plan, and at other times if necessary);

- where a child has a statement of special educational needs ensure that the PEP review is linked with the annual review of the statement; and
• ensure that all relevant information about the child’s educational progress and support needs is up-to-date and recorded on part 1 of the Review Record before the statutory review meeting or to the Panel where the intention is to place the child out of authority.

The child’s social worker should also:

• involve the child’s carers the designated person within a children’s home and where appropriate his/her birth parents;

• ensure that relevant education professionals, including designated teachers, contribute to the PEP review;

• act on any changes required to meet the child’s education needs identified by the Independent Reviewing Officer in part 2 of the Review Record; and

• alert the Independent Reviewing Officer to any significant changes to the child’s PEP such as the breakdown or change of an education placement.

Local authorities should ensure that:

• the PEP is maintained as part of the preparation and review of the Pathway Plan and builds on the young person’s educational progress;

• the Pathway Plan includes details about how support for the young person will be offered to maintain him or her in further and higher education or other training environment;

• each Pathway Plan review considers the young person’s progress in education or training so that he or she is able to access all the necessary services to prepare for training, further or higher education or employment;

• ensure where a looked after child attends school, that the designated teacher is aware that the child is looked after and has an up-to-date copy of each child’s PEP on admission and after each statutory review of the Care Plan;

• ensure that relevant information about individual children is passed promptly between authorities, departments and schools when young people move. Relevant information includes the PEP which - as part of the looked after child’s educational record - should be transferred with him/her to the new school.
Chapter 2  Review of Children’s Cases

Introduction

This chapter supports the Review of Children’s Cases (Wales) 2007, which come into force on 1 July 2007. It should be read in conjunction with Chapter 1 of this guidance, (which supports the Placement of Children (Wales) Regulations 2007) and Independent Reviewing Officers Guidance Wales, issued in 2004.

Reviews form part of a continuous planning process - reviewing decisions to date and planning future work. The purpose of the review is to ensure that the child’s welfare is safeguarded and promoted in the most effective way throughout the period he is being looked after or accommodated. Progress in safeguarding and providing for the child’s welfare should be examined and monitored at every review and the plan for the child amended as necessary to reflect any significant changes.

Care planning and reviewing are dynamic processes. An effective care plan will identify intended outcomes for the child and set objectives for work with the child, the birth family and the carers in relation to the child’s developmental needs, which are:

- health;
- education;
- emotional and behavioural development;
- identity;
- family and social relationships;
- social presentation;
- self care skills.

Independent Reviewing Officers

Since 2004 local authorities have been required by statute to appoint Independent Reviewing Officers (IROs) to chair the statutory review meetings of all looked after children and care leavers. The IROs are responsible for monitoring the

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5 Framework for the Assessment of Children in Need and their Families, National Assembly for Wales, 2001
local authority's review of the care plan, with the aim of ensuring that actions required to implement the care plan are carried out in a timely manner and outcomes monitored.

The purpose of the review meeting is to consider the plan to promote the welfare of the child, to monitor the progress of the plan and make decisions to amend the plan as necessary in the light of changed knowledge and circumstances. The IRO, as chair of the review meeting, will consider what actions are necessary to meet the child's reviewed needs and may make recommendations as to how these should be achieved. This may lead to immediate changes to the child's care plan. The responsible authority must decide how to implement any recommendations made by the review meeting and will be ultimately accountable for their delivery.

Considerations as part of the Review

The considerations to which the responsible authority must have regard when reviewing the child's case are set out in full in Regulations 6 and 13A and Schedules 2 and 3 of the Review of Children's Cases (Wales) Regulations 2007. These have been extended as a consequence of changes introduced by the Placement of Children (Wales) Regulations 2007.

The IRO is responsible for ensuring that actions required as a consequence of amendments to the placement regulations are carried out and outcomes monitored. In carrying out their duties IROs should have regard to statutory guidance issued by the National Assembly for Wales in 2004 including the established arrangements for referral of cases to CAFCASS.

Consequential changes to the Review regulations extend the IRO's responsibility in reviewing the child's case to review whether:

- the authority has complied with arrangements for the panel in accordance with statutory requirements;
- where a child is currently placed outside the area in which he or she is normally resident whether the child's case should be referred to a panel;
- that relevant notifications have been made within statutory timescales;
- that health assessments and arrangements have taken place in accordance with the regulations;

1 Independent Reviewing Officers Guidance Wales, National Assembly for Wales, 2004
• where a child has been assessed as requiring mental health services, whether the child is receiving those services;
• whether the child is registered with the GP and has access to a dentist within prescribed timescales;
• that the transfer of the child’s health and educational records has taken place if applicable.

Local authorities and the NHS should have in place protocols which establish the framework for information sharing at an intra and inter agency level. These should include mechanisms for sharing information between Social Services and local health boards including information regarding registration with a GP, access to a dentist and transfer of health and educational records to assist the IRO in undertaking his duties as part of the review.

Implementation of Decisions arising out of the Review Meeting

The IRO will be responsible for checking that the responsible authority has taken the necessary steps to implement these changes. It is clear that in some cases there will be a practical and valid reason for some actions not to take place, and the IRO should judge whether a particular action falls into this. Thus review recommendations must not be ignored, but if there is any concern about their implementation the IRO who chaired the review must be notified immediately rather than waiting for the next review meeting. When significant changes are made to the care plan or when an unplanned move takes place or a placement disrupts the IRO should always be notified. Where well established arrangements for a child suddenly break down then the IRO and all other involved parties would need to schedule a new review at the earliest possible opportunity to consider a new short-term plan whilst long term options for the child are being reconsidered as necessary.

Timing of Review Meetings

Each case must be first reviewed within four weeks of the date on which the child becomes looked after or provided with accommodation by the responsible authority. The second review must be carried out no more than three months after the first and thereafter subsequent reviews must be carried out no more than six months after the date of the previous review.
The frequency of reviews required by the regulations is a minimum standard and a review of the child’s case should take place as often as the circumstances of the individual case dictates. If the need arises for substantial changes to the plan (e.g. sudden placement breakdown) then the date of the next review meeting should be brought forward and if the IRO directs that this should happen then the responsible authority must do so.

**Timing of Health Reviews**

Health assessments of children must take place at least once in every period of six months before the child’s fifth birthday, and at least once in every period of twelve months thereafter. Regulations 7(1)(a) and (b) of The Review of Children’s Cases (Wales) Regulations 2007 strengthen this requirement to ensure that health assessments take place more frequently than this if the child’s welfare requires it. This is to ensure greater surveillance and support for children who are sick or disabled. Many disabled children are well known to consultant paediatricians and other specialists including dentists. Their advice is essential to the health care planning of these children and in most circumstances they will be the most appropriate person to undertake the health assessment and contribute to the health plan.

It is also recommended that health assessments should take place prior to each change of school or at intervals specified in the plan for the child.

**Referral to CAFCASS**

The Regulations give IROs the power to refer a case to the Children and Family Court Advisory and Support Service (CAFCASS) to take legal action as a last resort where they consider the action or inaction by the local authority is in breach of a child’s human rights.

**Relationship between the Panel and the Review**

The Panel is responsible for assisting the responsible authority in ensuring that a placement outside the local authority will meet the child’s identified needs. The purpose of a child’s review is to consider the plan for the child and monitor its implementation and progress and ensure that review recommendations are implemented.
Referrals to Panel pre-placement

Where the responsible local authority considers placing the child outside the area in which the child normally lives it is required by Regulation 5(2) of the Placement of Children (Wales) Regulations 2007 to refer the child’s case to a Panel before making the placement. In these cases the Panel is part of the planning process for the child along with other meetings about the child’s care held during the review cycle. As such the Panel will inform the Review process which will take place in accordance with statutory timescales.

Referrals to Panel post placement and in emergencies

The responsible authority must immediately inform IRO of any significant change of circumstances to the care plan and provide the IRO with a copy of the Plan. Significant changes would include a placement breakdown or unplanned move, which may result in the child being placed out of authority.

Where the responsible authority considers an existing placement is no longer meeting the child’s needs or in the case of an unplanned placement or placement breakdown where the responsible authority considers an out of area placement is more appropriate, a referral to the Panel is necessary under the new regulations and a request should be forwarded to the Head of Service for consideration at the next Panel.

Such a substantial change to the child’s plan will trigger a Review of the child’s case. It is the responsibility of the IRO chairing the review to ensure that the case has been considered by the panel or referred to Panel.

The role of the Panel in such cases should be as seen as a ‘collective person’ to be consulted with others as part of the ongoing review process to provide expert opinion, contribute resources etc. It is important therefore in such cases to co-ordinate the timing of Panel meetings and Children’s Case Reviews so that the former informs the latter.

It will not be helpful to the child to have every professional present at a formal meeting where they may be party to personal, sensitive or superfluous information that the child may not wish them to know. The IRO may decide it is appropriate to attend the Panel Meeting to ensure that relevant consultation has taken place with those professionals who are not in attendance at the actual review meeting.
so that the review meeting is properly informed. At the very least the IRO must be sent a copy of the report of the Panel Meeting at least three working days before a review meeting to give sufficient time for its consideration and may invite the Panel or its representative(s) to attend the Review.

**Consultation**

As with planning, it is essential that there is full consultation with all the relevant individuals before the review meeting is held. **Regulation 8** of the Review of Children’s Case Regulations 2007 sets out the people with whom the responsible authority must consult prior to undertaking the review. Where a child is placed in a children’s home this must now also include the ‘link worker’ designated by the children’s home to be responsible for promoting the child’s health and educational welfare. Further information on the role of the link worker is set out in Chapter 3.

The responsible authority should invite persons with a legitimate interest in the child to the review if they have a contribution to make which indicates that they should take part in discussions at the review meeting. This may include relevant persons set out in **Regulation 8** of the Review regulations including the child’s link worker where the child is placed in a children’s home. The attendance of all such people should always be discussed with the child before invitations are sent and the child’s views on their attendance obtained.
Chapter 3  Children's Homes

Introduction
The Children's Homes (Wales) (Miscellaneous) Regulations 2007 amend the Children's Homes (Wales) Regulations 2002 to provide a more robust framework for children's homes in Wales.

Fitness of managers and staff of children's homes
Adequate staffing means the competence of staff as well as the number in post. Managers and staff need to be appropriately competent, experienced and qualified for their work. The new regulations strengthen the requirement for managers and care staff to have the qualifications, skills and experience necessary to manage the children's home.

Qualifications of Managers of Children's Homes
Regulation 8 (2A to 2D) introduces a requirement for the manager of a children's home to hold a relevant qualification on a list published by the Welsh Assembly Government and maintained by the Care Council for Wales ('the Council'). Managers appointed after 1 July 2007 must also have a minimum of 5 years experience of working in the field of children's residential care.

Managers appointed before 1 July 2007, who do not hold a relevant qualification must obtain a relevant qualification not later than 1 November 2007.

The qualification list for managers is attached at Annex 1A to this chapter. Managers will continue to be required to hold a qualification in both the 'care' and 'management' components. For managers the list of care qualifications includes both current vocational qualifications (recognised by “the Council” framework as required or recommended qualifications), and the formerly recognised predecessor qualification.

The list provides for a broader range of management qualifications in order to provide flexibility in the system and encourage career pathways within the sector. The additional entries to the list will recognise predecessor and new qualifications that have been validated and formally awarded by recognised establishments and institutions.
Any manager failing to meet the new statutory requirements after 1 November 2007 will be deemed unfit (by virtue of lack of qualification, or non-registration with the Care Council for Wales) to manage a children’s home.

Qualifications of care staff of Children’s Homes

The registered person should not employ a person under a contract of employment to work at the children’s home unless that person is fit to do so. This includes the person having the necessary qualifications, skills and experience for the work he or she is to perform.

Regulation 26 (2A to 2E) introduces a requirement for care staff within a children’s home to hold a relevant qualification on a list published by the Welsh Assembly Government and maintained by the Care Council for Wales. The list of relevant qualifications for care workers is attached at Annex 1B to this chapter.

Care staff appointed before 1 July 2007

Where a person who does not hold a relevant qualification was appointed to work at a children’s home before 1 July 2007, Regulation 26(2B), provides a transitional period of up to three years from 1 July 2007 for the care worker to attain a relevant qualification.

Care staff appointed after 1 July 2007

Where a person who does not hold a relevant qualification is appointed to work at a children’s home after 1 July 2007, that person is not fit to work at a children’s home unless he or she obtains a relevant qualification within three years from the date on which he or she was appointed to work at a children’s home (Regulation 26 2(C) refers).

Where a person is subject to a requirement to obtain a relevant qualification within a specified time period is appointed during the period to a different post within the residential care field, with the same or a different employer, the period of time so specified is not altered for that reason alone.
Registration of Managers and care staff with the Care Council for Wales

Regulation 8(2E) places a requirement on a manager of a children’s home to register as a manager with the Care Council for Wales not later than 1 November 2007.

Similarly, Regulation 26(2F) requires a person appointed to work in a children’s home before 1 July 2007 to register as a social care worker with the Care Council for Wales not later than 1 March 2008.

A care worker appointed to work in a children’s home after 1 July 2007 must register with the Care Council for Wales not later than six months from the date on which he or she was appointed. The six-month pre-registration period is to allow care workers to complete the period of induction, which is a condition of registration with the Care Council for Wales.

Rules of the Council will further provide that care workers cannot re-register after 3 years unless the relevant qualification on the list is achieved.

Exceptional Circumstances

Regulations 8(2B)(b), 8(2E)(b), 26(2B)(b), 26 2C(b) and 26 (2F)(b) provide that in exceptional circumstances a manager or care worker may be given temporary dispensation from not meeting the relevant qualifications on the list or from registering with the Care Council for Wales by the prescribed date.

It must be emphasised that Exceptional means Exceptional. Dispensations in exceptional circumstances can only be granted by the Care and Social Services Inspectorate Wales (CSSIW). CCIW processes will include a stage where such representations can be made and these will be considered at the Regional Office for the area concerned.

Records

Schedule 2 of the Children’s Homes (Wales) Regulations 2002 sets out the information required in respect of persons seeking to carry on, manage or work at a children’s home. This has been extended by the 2007 regulations to include documentary evidence of registration with the Care Council for Wales.
Similarly Schedule 4 ‘Other Records’ requires the records to be maintained for all people working at the children’s home to include details of whether the person is registered with the Care Council for Wales.

**Employment of staff**

All staff, even those who are appropriately qualified, need ongoing training to ensure that a body of competence and expertise is maintained. Those in charge of the home are recommended to arrange training programmes for staff that are appropriate to the home’s aims and methods and to the individual training needs of staff. The managers of homes should consider supporting staff to study in many ways: on distance learning courses (for example the Open University) by attending external short courses or part-time courses as well as in-house training. Joint training with other groups of staff and carers will often be relevant.

**Regulation 27(4A)** places a requirement on the registered person to enable a member of staff to obtain the relevant qualification within the specified timescale set out above where their employment fitness depends on this.

**Staffing of children’s homes**

Registered persons are required to ensure that there is at all times a sufficient number of suitable qualified, skilled and experienced people working at the children’s home, having regard to:

a. the size of the children’s home, its statement of purpose, and the number and needs (including any needs arising from disability) of the children accommodated there; and

b. the need to safeguard and promote the health and welfare of the children accommodated in the home.

In complying with the above **Regulation 25(1A)** places a requirement on the registered person to ensure that at all times after 1 July 2010, (or such later date as the Assembly may in exceptional circumstances agree) not less than 80% of the care staff at the children’s home hold a relevant qualification on a list at annex 1 to this chapter. The target has been set at 80% to provide flexibility in the system in order for children’s homes to promote trainee career pathways into the sector and to allow for turnover of staff.
**Staff employed on a temporary basis**

The registered person shall ensure that the employment of any person(s) on a temporary basis at the children's home will not prevent children accommodated in the children's home from receiving such continuity of care as is reasonable to meet their needs.

**Regulation 25B** In complying with the above the registered person must ensure that at all times after 1 March 2008 or such later date as the Assembly may, in exceptional circumstances agree, not less than 90% of care staff working at the children's home are permanent employees. (A permanent employee means a person employed full or part-time by the registered person, including persons employed on a temporary contract of service for a fixed term of not less than six months.)

**Health needs of children**

All the provisions in the Arrangement for Placement of Children (Wales) Regulations 2007 and the Review of Children's Cases (Wales) Regulations 2007 and the guidance apply to those responsible for all placements of children in children's homes. As such this section should be read in conjunction with Chapters 1 and 2 of this guidance.

Thus either a placing authority, voluntary organisation or a person carrying on a registered children's home is required under **Regulation 8** of the Placement Regulations to arrange for health assessments in accordance with the statutory requirements. The child's link worker should participate in any review involving consideration of the child's health.

**Designated Link Worker**

**Regulation 11** of the Children Homes (Wales) (Miscellaneous Amendments) Regulations 2007 introduces a requirement for a children's home to designate a link worker to be responsible for promoting the health and educational achievement of each child. This guidance is not intended to disrupt existing arrangements where the child's key worker within the home is carrying out this role. In these circumstances the key worker will be the child's link worker responsible for promoting the child's health and education.
The child’s placement plan should include the arrangements for his or her health care and education including the name and contact details of the link worker as required by Regulation 12.

Regulations 18 and 20 are further amended to include a new requirement for the link worker to participate in the review of the child’s case in particular in respect of health and education.

**Link Worker’s role in respect of education of looked after children**

The Link Worker has a key role in promoting the educational achievement of the child liaising with key professionals including the designated teacher and LAC Education Co-ordinator. This may include ensuring that the child is:

- provided with facilities conducive to study and to homework and actively encouraged and supported in doing so;
- given help with homework if they wish;
- provided with reading support where needed;
- encouraged to participate in extra-curricular activities;
- encouraged to discuss any problems they may have at school in privacy;
- encourage attendance.

This may include attending parent’s evenings and other school events in the absence of the child’s parents.

**Link Worker’s duty in respect of health of looked after children**

The Link worker should actively promote the health care of each child and enable child to learn about healthy living. In doing so they should liaise with key health professionals, including the Clinical Nurse specialist, the child’s GP and dental practitioner. The designated person should ensure that the physical, emotional and health needs of the child are identified and appropriate action is taken to ensure the medical, dental and other health services needed to meet them. Children should be provided with guidance, advice and support on health and personal care issues appropriate to their age, needs and wishes. The Link Worker should follow the policy and written guidance on promoting the health of children in the home.
The Link worker should ensure that each child has a clear written health plan (within their placement plan) covering:

- medical history;
- any specific medical or other health interventions which may be required;
- any necessary preventative measures;
- allergies or known adverse reactions to medication;
- dental health;
- hearing;
- eyesight;
- records of developmental checks;
- specific treatment therapies or remedial programmes needed in relation to physical, emotional or mental health;
- health monitoring required by staff;
- the involvement of a child’s parents or significant others in health issues.

Health Records

The health record must be kept at the home in respect of each child. It should build on earlier records. If these are not available, efforts should be made to obtain them. The record should be kept up to date with information about health needs and development, illnesses, operations, immunisations, allergies, medications administered, dates of appointments with GPs and specialists. When the child leaves the home the records should be made available promptly to whoever is to have the subsequent care of the child. The Link Worker will have a key role to play in this regard.

Registration with a GP and access to a dentist

The Children’s Home should ensure that the child is registered with a local General Practitioner as soon as possible and no later than 10 working days after the placement date. In addition they should ensure that the child has access to a dentist in the home’s locality no later than 20 working days from the date of placement as required by Regulation 8 of the Placement of Children (Wales) Regulations 2007. (For further information see Chapter 1.) The Link Worker will have a key role in this regard.
Registration and Enforcement

All registration of new children homes from 1 July 2007 will operate in accordance with the new regulations and will be supported by rigorous inspection by the regulatory body, the Care and Social Services Inspectorate Wales (CSSIW). Failure to comply with the statutory requirements could result in enforcement action and potentially de-registration of the home.

Right of Appeal

Nothing in these regulations will impede a registered person's right to appeal against a decision by CSSIW under section 21 of the Care Standards Act 2000, or a manager or member of staff under section 68 of the Care Standards Act 2000 against a decision of the Council.

The Children’s Commissioning Support Resource (CCSR)

From 1 July 2007 responsible authorities must have regard to the availability of placements on the Children’s Commissioning Support Resource (CCSR) database. As such they will be required to use the database to check the registration status of a children’s home to ensure it complies with regulations as inspected by CSSIW and to validate registration of care staff with ‘the Council’.

It is important that the sector updates the CCSR with timely and accurate information on the availability of accommodation and details of any changes to the home’s statement of purpose including details of the appointed (link worker) under Regulation 11(3).
Relevant Qualifications for Managers and Care Workers in Residential Services for Children & Young People

Introduction

Current guidance on relevant qualifications for a manager and a care worker in residential services for children and young people is set out in the Care Council for Wales Qualification Framework (originally developed in 2001 and revised in 2003) and the Welsh Assembly Government’s National Minimum Standards for regulated care settings. The Care Council for Wales (Registration) Rules 2007 Schedules 1 and 2 set out the qualifications required for registration on the Care Council for Wales register.

The changes mean that in the future managers and care workers will have to hold relevant qualifications and be registered in the Care Council for Wales’ register to work in children’s homes.

The required qualifications for care staff in the social care sector in Wales all satisfy the key criteria of being based on:

- national occupational standards;
- assessment of work based competence;
- externally verifiable evidence.

The above criteria will apply to any new qualification requirements.

Annex 1A to this chapter contains the list of relevant qualifications for a manager of residential services for children and young people. Annex 1B contains the list of relevant qualifications for a care worker.

These lists will constitute the training requirements for registration with the Care Council for Wales for care workers and managers in care homes for children and young people and will be regularly reviewed by the Care Council and amended as required.
Relevant Qualifications for Managers in Residential Services for Children and Young People

The list of relevant qualifications is as follows:

1. NVQ 4 in Leadership and Management for Care Services (children) or the NVQ 4 Managers in Residential Child Care (these will provide evidence of both the care and the management aspects).

Or

2. NVQ 4 in Care or NVQ 4 in Health and Social Care (Children and Young People’s Pathway) or social work qualification (from list A below) plus a management qualification assessed in a care setting from the following list:
   - NVQ 4 in Management.
   - NVQ 5 in Management.
   - MBA.
   - Post Grad Certificate, Post Grad Diploma or Masters degree in management.
   - Certificate in Management Studies.
   - Diploma in Management Studies.
   - City & Guilds 3250-03 Advanced Management in Care.
   - Diploma in Management of Care Services.

Or

3. A predecessor qualification from the list B below plus an NVQ Management at level 4 or above assessed in a care setting.

List A

Social Work Qualifications are those that meet Section 58(2)(a)(iii) and are listed in Schedule 1 of the Care Council for Wales (Registration) Rules 2007, namely:


• Probation Certificate issued by the Recruitment and Training Committee of the Advisory Council for Probation and After Care until 1971.

• Certificate or other evidence of completion of a course recognised until 1971 by the Recruitment and Training Committee of the Advisory Council for Probation and After Care.

• Certificate issued by the Institute of Medical Social Workers (previously the Institute of Almoners).

• Certificate or other evidence of completion of a course recognised by the Institute of Medical Social Workers (previously the Institute of Almoners).

• Certificate or other evidence of completion of a course recognised by the Association of Psychiatric Social Workers.


• A course leading to a degree or postgraduate award in social work approved by the Council or by a Care Council.

• A course in relevant social work, for persons who wish to become social workers approved by a Care Council.

List B

• Declaration of Recognition of Experience in Residential Child Care Work.

• Certificate in Residential Social Work.

• Certificate in Residential Care for Children and Young People.

• Senior Certificate in Residential Care for Children and Young People.
Annex 1B

Relevant Qualifications for Care Workers in Residential Services for Children and Young People

The relevant qualification will be at least one of the following:

- NVQ 3 Health and Social Care (Children and Young People’s Pathway).
- NVQ 3 Caring for Children and young People.
- NVQ 3 Group and Foster Care.
- Social Work Qualification from List A below.
- A predecessor qualification from list B below.

Minimum training requirement for a care worker

A newly appointed care worker should commence a programme of induction that meets the requirements of the Care Council for Wales Induction Framework on the first day of employment and is assessed by the end of the twelfth week in employment.

Following successful completion of the induction programme and registration with the Care Council, the appointee will have three years from appointment to attain the relevant qualification for a care worker.

List A

Social Work Qualifications are those that meet Section 58(2)(a)(iii) and are listed in Schedule 1 of the Care Council for Wales (Registration) Rules 2007, namely:

- Probation Certificate issued by the Recruitment and Training Committee of the Advisory Council for Probation and After Care until 1971.
• Certificate or other evidence of completion of a course recognised until 1971 by the Recruitment and Training Committee of the Advisory Council for Probation and After Care.

• Certificate issued by the Institute of Medical Social Workers (previously the Institute of Almoners).

• Certificate or other evidence of completion of a course recognised by the Institute of Medical Social Workers (previously the Institute of Almoners).

• Certificate or other evidence of completion of a course recognised by the Association of Psychiatric Social Workers.


• A course leading to a degree or postgraduate award in social work approved by the Council or by a Care Council.

• A course in relevant social work, for persons who wish to become social workers approved by a Care Council.

List B

• Declaration of Recognition of Experience in Residential Child Care Work.

• Certificate in Residential Social Work.

• Certificate in Residential Care for Children and Young People.

• Senior Certificate in Residential Care for Children and Young People.
Chapter 4  Responsible Commissioner Arrangements

Introduction

The Local Health Boards (Functions) (Wales)(Amendment) Regulations 2007 (the 2007 Functions Regulations) amend the Local Health Boards (Functions) (Wales) Regulations 2003 (the 2003 Functions Regulations) to extend the category of people for whom a Local Health Board is responsible as a commissioner.

From 1 July 2007, the Local Health Board of Origin will under Regulation 2A(1) maintain responsibility for the provision of secondary health care for certain categories of children placed out of area (in the Host LHB area) by a local authority (social services or education department) or a LHB. Previously these children would have become the responsibility of the Host LHB by virtue of being ‘usually resident’ in that area.

Similar provisions came into effect in England on 1 April 2007 and apply to cross border placements of children in Wales.

Categories of children and young people to which the provisions apply

The provisions apply to the following categories of children and continue to apply to them as young persons up to the age of 21 years, providing they were in one of the categories immediately before reaching the age of 18 years:

• children looked after by a local authority - Regulation 2A(3)(a)(i);
• care leavers - Regulation 2A(3)(a)(ii);
• children who qualify for advice and assistance from a local authority as a result of being subject to a Special Guardianship Order, or who were looked after by a local authority at any time after reaching the age of 16 years - Regulation 2A(3)(a)(iii);
• children who are resident at a school named in their Statement of Special Educational Needs; (SEN) - Regulation 2A(3)(a)(iv); and
• children with ongoing health needs (for example, a long-term health placement or a placement in an independent children’s home) - Regulation 2A(3)(a)(v).
LHB of Origin and Host LHB

Regulation 2(5) defines the LHB of Origin as the LHB that made the arrangement to place the child. In the case of a looked after child, care leaver or a child with a statement of SEN placed in a residential school, it relates to the LHB which corresponds to the local authority which made the arrangement to place the child. In some cases the arrangement to place may be made jointly between the local authority and the LHB of Origin.

The Host LHB is the LHB where the child is placed by the LHB of Origin or the corresponding local authority social services or education department (the Host LHB).

The LHB of Origin will remain responsible for the child’s continuing secondary health care needs until such time as the child is no longer eligible by virtue of Regulation 2A(3) of the Functions Regulations 2007. Therefore, the LHB of Origin will retain legal and financial responsibility for all that child’s secondary care needs until he or she reaches the age of 18 years and beyond up to the age of 21 years, where the young person continues to fall within one of the prescribed categories right up to the point where they reached the age of 18 years.

LHBs are reminded of the importance of providing health care to vulnerable groups of children and young people. They should be sensitive to the needs of the above categories of young people when they reach 21 and responsibility for their secondary health care needs shifts to the Host LHB. LHBs should make suitable arrangements to meet the health needs of these young people when they move from one service to another.

Health care needs identified following placement

These changes apply to existing and newly identified secondary health care needs (and where appropriate tertiary care needs) where the child falls into one of the prescribed categories and remains out of area, irrespective of whether these needs were identified by the LHB of Origin prior to placement. Where new secondary care needs are identified, the Host LHB must inform the LHB of Origin as soon as possible, and not later than 14 days after these needs have been identified. The Host LHB must agree the new secondary health care arrangements and additional costs with the LHB of Origin before commissioning the new service, except in the case of an emergency, where the Host LHB must contact the LHB of Origin within 48 hours of the commissioning of that service.
Where new tertiary care needs are identified, both the LHB of Origin (as the LHB responsible for the child) and the Host LHB must enter into dialogue with Health Commission Wales to agree a package of care for the child.

**Overriding Principle of Patient Care**

The safety and well-being of all patients, particularly children, is paramount. The overriding principle is that **no treatment should be refused or delayed due to uncertainty or ambiguity as to which commissioning body is responsible for funding an individual’s health care provision.**

Since it is not possible to cover every eventuality within guidance, all parts of the NHS as statutory local partners are expected to act in the best interests of the child at all times in order to meet their collective responsibility to safeguard and promote the welfare of children, as set out in Sections 25, 27 and 28 of the *Children Act 2004.*

**Children placed outside the area prior to 1 July 2007**

The new arrangements apply to the categories of children above placed outside the LHB of Origin **on or after 1 July 2007.** The provisions do not have retrospective effect. For children (in the prescribed categories) placed outside the area prior to 1 July 2007 the normal rule of residency applies and the Host LHB where the child is resident will remain responsible for the provision and funding of secondary care services.

**Children placed across the border in England**

*Regulation 2A(2)* extends the new provisions to the categories of children above placed by the LHB of Origin in a Primary Care Trust (PCT) in England.

Parallel changes have been made in respect of responsible commissioner arrangements for Primary Care Trusts in England. The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Amendment) (No.2) Regulations (the English Regulations) came into force on **1 April 2007.**
Changes to the English Regulations prescribe for circumstances in which a PCT must continue to provide or secure certain services for the benefit of a child, who is, under arrangements made by a PCT or local authority, provided with accommodation in the area of another PCT or LHB, i.e. the ‘originating PCT’ will remain responsible for all secondary care provision for a child placed in Wales for placements made on or after 1 April 2007.

**Children placed in Wales from across the border in England**

For children placed by an English local authority or PCT in the area of a Local Health Board in Wales prior to 1 April 2007 and subsequently moved again by the local authority/PCT to accommodation in a different area after 1 April 2007, under the English Regulations, responsibility will revert to the English PCT in whose area the responsible local authority is situated. This promotes consistency with the principle of the responsible commissioner being the PCT for the child’s original home area. If there is more than one such PCT, the PCT responsible is the PCT which was responsible for providing services to the child immediately before the local authority placed the child.

**Cross Border Arrangements**

The Department for Health and the Welsh Assembly Government have agreed a joint Interim Protocol that deals with the situation where a Welsh resident is registered with an English GP, and where an English resident is registered with a Welsh GP. The interim protocol was first issued on the 4 February 2005 in WHC (2005) 12: *Procedure for Cross-Border Health care Commissioning between England and Wales, and will remain in place for 2007-08 as provided in (WHC (2007) 036: Procedure for Cross-Border Health care Commissioning between England and Wales (Further Extension)).*

The Interim Protocol relates only to those LHBs and PCTs on the border between England and Wales. In England - Shropshire County PCT, West Cheshire PCT, Herefordshire PCT and Gloucestershire PCT; in Wales - Denbighshire LHB, Flintshire LHB, Wrexham LHB, Powys LHB and Monmouthshire LHB. The Interim Protocol provides that Welsh residents registered with an English GP will remain the legal responsibility of the LHB, but the PCT will commission services for such residents on its behalf. Conversely, English residents registered with a Welsh GP will remain the legal responsibility of the PCT, but services will be commissioned by the LHB on its behalf.
Work will continue between the Welsh Assembly Government and the Department of Health in 2007 regarding arrangements for cross-border patients.

**Responsibility of Health Commission Wales**

LHBs and Health Commission Wales (HCW) are expected to co-operate in the best interests of the child. Apart from the specialist services set out in the Schedule to the 2003 Functions Regulations, as amended, which are the commissioning responsibility of HCW, LHBs are responsible for commissioning health services (for a child who has residency in Wales) on behalf of all persons who are usually resident in the area for which they are established.

All references in this guidance to LHBs should be construed as referring to HCW where the specialist services prescribed in the Schedule to the Functions Regulations 2003 (as amended) are to be commissioned.

This will only apply when HCW commissions a tertiary service for a child who has been placed in England. In these cases HCW will be considered in the same way as the LHB of Origin and will maintain financial and legal responsibility whilst the child’s health care need remain tertiary care needs.

If the child has secondary care needs in addition to the tertiary care needs which came within the scope of ‘continuing care needs’ then the LHB of Origin would remain responsible for the secondary health care up to a maximum age of 21.

**Existing arrangements between local authorities and LHB partners**

These regulations are not intended to disrupt existing arrangements where local agreement is reached under bi-partite or in some cases tri-partite funding between local authorities and LHBs to fund the health/social services and education elements of placements. In these cases there is an expectation on the LHB and the local authority in exercising their duty to co-operate (section 25(4) of the Children Act 2004) to ensure that there is no disruption or delay in the provision of services.
Legal Framework


Usual Residence

Regulation 2(2) of LHB Functions Regulations 2003 provides that LHBs are responsible for patients who are “...usually resident in their area”. If there is any doubt as to where a person is usually resident, Regulation 2(3) indicates how “usually resident” is to be interpreted. Usual residence is defined as the address given by the person as being that at which he or she usually lives (s.2(3)(a)). Where the person does not provide an address, he or she shall be treated as usually resident at their most recent address (s.2(3)(b)); and where a person’s address cannot be determined, he or she will be treated as usually resident in the area where they present for treatment (s.2(3)(c)).

Primarily, the arbiter of the patient’s residence is the patient. If there is any doubt over individuals’ usual residence, the address that they give as where they usually reside should be used. If patients consider themselves to be resident at an address, then this should be accepted. If they are unable to give an address at which they consider themselves resident, then the address at which they were last resident will establish the LHB of residence.

The current guidance on establishing the district of residence of patients is contained in DGM(93)133 and DGM(94)135. The Welsh Assembly Government is reviewing and revising this guidance, and will be publishing Responsible Commissioner Guidance shortly. This revised guidance will take account of the changes set out in this guidance, changes to the NHS Wales structure, and the new planning and commissioning arrangements.
Looked after children placed out of the responsible authority area

Under the Children Act 1989, a child is defined as being looked after by a local authority if he or she is in their care or is provided with accommodation for more than 24 hours by the authority. Such children fall into four main groups:

- Children who are accommodated under a voluntary agreement with their parents (section 20);
- Children who are subject to a care order (section 31) or interim care order (section 38);
- Children who are the subject of emergency orders for the protection of the child (sections 44 and 46); and
- Children who are compulsorily accommodated. This includes children remanded to the local authority or subject to a criminal justice supervision order with a residence requirement (section 21).

For children who are taken into care, where the local authority has shared responsibility with the parent(s) for the child's welfare, the child is deemed resident in the LHB area of the local authority responsible for the child's care.

For looked after children and care leavers this chapter should be read in conjunction with Chapters 1 and 2, which set out linked responsibilities for LHBs and other health practitioners as prescribed in the Placement of Children (Wales) Regulations 2007, the Review of Children’s Cases (Wales) 2007 and associated guidance issued under Sections 25(8), 27(4) and 28(4) of the Children Act 2004.

The Placement of Children (Wales) Regulations 2007 strengthen in relation to looked after children, the new statutory duties for local authorities, LHBs and NHS Trusts created by the Children Act 2004 to co-operate to improve the well-being and promote the welfare of all children.

If a looked after child or child leaving care is moved out of an LHB area, arrangements should be made through discussion between the LHB of Origin (those currently providing the health care) and the new provider, to ensure continuity of health care. LHBs should ensure that any changes in the health care provider should not be allowed to disrupt the ultimate objective of providing high quality, timely care for the individual child or young person. It is important to ensure a smooth hand over of clinical care to the new area where that is agreed as in the best arrangements for the child.
Reference to Panel

Under new arrangements set out in Chapter 1, when a child is to be placed out of area (the LHB of Origin) the responsible authority in consultation with other agencies and professionals is required to convene a panel of multi-agency representatives to agree amongst other matters, resources for the provision of the child’s secondary health care, and tertiary health needs, (where appropriate).

Notification of Placement

Regulation 6(1) of the Arrangements for Placement of Children (Wales) Regulations 2007 requires the local authority responsible for looking after a child to notify in writing the health care provider and the child’s GP in the area in which the child is living and the area in which the child is to be placed of the arrangements to place the child prior to placement. Some placements need to be arranged urgently and prior notification will not always be possible. In these cases the relevant LHB/PCT and GP should be notified not later than 10 working days after the placement date. A model protocol for information sharing between the authority and health agencies has been prepared by the National Public Health Services (NPHS) and is attached at annex 2 to Chapter 1.

The purpose of notification is to ensure that arrangements are agreed for meeting the child’s needs, including health needs, prior to placement wherever possible.

LHBs, NHS Trusts and local education authorities are reminded that when they accommodate a child for a consecutive period of 3 months or more with the intention of doing so they have a duty to notify the local authority in the area in which the child resides (under section 85 of the Children Act 1989). If the child appears not to have been ordinarily resident in any area, then they should notify the local authority in the area in which they are situated.

Health Assessment

Improving the health of looked-after children is a multi-agency responsibility involving local authorities and health agencies. When a child is first placed by a local authority, the local authority has a shared responsibility with the relevant LHB and NHS Trust to ensure a holistic health assessment takes place, prior to placement (except in an emergency), and that a health plan is drawn up. Assessment of the need for secondary and tertiary health care must be undertaken
by an appropriately qualified NHS clinician (for example, a CAMHS Consultant Psychiatrist or Consultant Paediatrician).

The new responsible commissioner arrangements relate to services other than primary care services defined in Regulation 2A(4) of the Functions Regulations 2003 and are taken to include statutory health assessments for looked after children under the Placement of Children (Wales) Regulations 2007 (see Chapter 1).

**Belonging Regulations**

The Education (Areas to which Pupils and Student Belong) Regulations 1996 allow local education authorities to recoup the cost of maintaining any ‘child with special educational needs’ from the placing authority. For children who are looked after, the regulations require ‘mandatory recoupment’ by the authority that is responsible for their care to also be responsible for their SEN education, even if the child is placed out of the home authority area.

**Continuing Care - Children placed out of area who are not looked after**

Regulation 2(1) of the Functions Regulations 2007 defines ‘continuing care’ as ‘... care provided over an extended period of time to a person to meet physical or mental health needs which have arisen as a result of illness...’. Many children placed out of area have physical or mental health needs and require this type of continuing care.

LHBs and social services departments frequently commission packages of care for sick children or those with complex health and/or education needs. These packages are often tri-or bi-partite funded by the LHB, social services and local education authority and tend to be costly packages of care. Under the amendments made by the 2007 Regulations the responsible commissioner is the LHB of Origin.
Extent to which these Functions apply - Exclusions

Regulation 3(4) of the Functions Regulations 2007 sets out the health care provisions exempted from these arrangements to be; ‘... primary medical, primary dental, pharmaceutical and general ophthalmic services........’

Case Study - Child with SEN placed outside the LA/LHB area in a Residential Special School

A child with ASD has been placed away from his home and family in a residential special school which is named in a statement of special educational needs and is outside the parent’s local authority area and the LHB of Origin. The child later develops symptoms and exhibits extreme behavioural problems. A subsequent assessment by the Host LHB and the local GP diagnoses inflammatory bowel disease and suggests a suitable medical intervention. A CAMHS Consultant Psychiatrist specialising in children with ASD assess the behavioural problems and recommends changes to the Care Plan.

The Host LHB must inform the LHB of Origin, and agree the new health care arrangements and additional costs with the LHB of Origin.

Case Study - looked after child placed out of area in a children’s home

A child who is looked after by the local authority is placed away from his home area in his best interests to safeguard his welfare. He is subsequently involved in a road traffic accident and breaks his leg and requires surgery at a hospital in Host LHB area. The LHB of Origin will be responsible for the costs of his operation and subsequent care with physiotherapist etc. The fact that the health care needs and costs arose from incidents unconnected to the child’s original diagnosis and assessment is not relevant.

Resolving Commissioning Disputes - Prescribed Categories of Children

These changes are designed to remove the potential barriers to effective care for vulnerable categories of children, and some of the disputes about health provision for children who often have complex needs requiring secondary/specialist health intervention.
The guiding rule is that wherever possible disputes should be resolved at a local level. However, it is appreciated that there may be circumstances, for example when there is disagreement between the LHB of Origin and the Host LHB on the health needs, or on the costs of treatment identified after placement, where those involved need recourse to other means to resolve disputes. The table at Annex 1 to this chapter sets out the process that LHBs should take in complex cases for prescribed categories of children, which cannot be resolved at LHB level.

Stage 1 - Local Resolution

In discharging their functions under section 25 and 27 of the Children Act 2004, LHBs are required to work together with their partner bodies to improve the well-being of children in their area including with regard to their health. In relation to an individual child, this means ensuring a smooth hand over of clinical care, where that is agreed as the best arrangement for the child. Where a change is proposed in the health provision for a child in their area, informed by an assessment, the Host LHB, through the Lead Officer for Children and Young People’s Services (the Lead Officer), should consult and agree the change with the LHB of Origin. In the case of a looked after child or a care leaver the local authority social services department should also be involved in the consultation.

This guidance also expects a LHB to notify the child’s General Medical Practitioner, and, for looked after children and care leavers, the specialist nurse for looked after children appointed to oversee the child’s health care (see Chapter 1), of any changes in the child’s health care arrangements, and to do so no later than 10 working days after the new arrangements have been agreed.

This guidance gives the statutory LHB Lead Officer (as defined in Section 27(2)(a) of the Children Act 2004) a lead role in arbitrating and resolving disputes between the LHB of Origin and the Host LHB. The two Lead Officers should resolve the dispute as soon as possible, and within 4 weeks of the matter being referred to them.

Stage 2 - Resolution at Regional Level

Only if the Lead Officer at the LHB of Origin and the Host LHB fail to resolve a dispute at local level within 4 weeks should the matter be referred up to the NHS Regional Offices. Only if both the LHB of Origin and the Host LHB agree this course of action can the dispute proceed to Stage 2.
The Host LHB must submit and agree a report with the agreement of the LHB of Origin, as to the circumstances of the case and the measures taken to resolve the dispute for referral to the Regional Office. Regional Offices have a responsibility to resolve disputes that threaten the delivery of services within their region, wherever possible.

The respective Regional Offices working together should resolve disputes involving LHBs from within two or more Regional Office boundaries. Every effort should be made to resolve disputes locally.

Regional Offices will have 8 weeks from receiving the initial request from the Host LHB or LHB of Origin to reach its decision, and will notify both the Host LHB and the LHB of Origin of its decision.

**Stage 3 - National Level**

The Chief Executive of NHS Wales (the Head of the Department for Health and Social Services) expects that all disputes involving Welsh health care commissioners will be resolved locally. However, ultimately the resolution of such disputes is a function of the Welsh Ministers under section 2 of the National Health Service (Wales) Act 2006. Therefore, if, after full local negotiation it does not prove possible to reach agreement the Regional Office should send a report on the circumstances of the case, including an explanation of the particular circumstances that have prevented local resolution, to the Chief Executive of NHS Wales/Head of Department for Health and Social Services together with a proposed solution for consideration.
Annex 1

Dispute Resolution Table

Responsible Commissioner Guidance

It is intended that this guidance will enable any disputes to be resolved at local level. However, it is appreciated that there may be some complex cases which cannot be resolved at LHB level. In these cases the relevant Regional Office of the NHS Wales Department should be consulted. Regional Offices have a responsibility to resolve disputes that threaten the delivery of services within their region wherever possible. Disputes involving LHBs from within two or more Regional Office boundaries should be resolved by the respective Regional Offices working together. Every effort should be made to resolve disputes locally.

<table>
<thead>
<tr>
<th>STAGE 1: LOCAL RESOLUTION</th>
<th>Maximum timescale</th>
</tr>
</thead>
<tbody>
<tr>
<td>LHBs and/or HCW must try to reach agreement locally. All reasonable efforts must be made by officers (escalating to Chief Executives and finally to Chairpersons, if necessary) to resolve the matter.</td>
<td>Week 4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STAGE 2: RESOLUTION AT REGIONAL LEVEL</th>
<th>Maximum timescale</th>
</tr>
</thead>
</table>
| Where LHBs and/or HCW are unable to reach local agreement the matter should be referred to Regional Office for resolution. HCW should refer the case to the Regional Office where the patient resides. LHBs and/or HCW must provide a joint submission to the Regional Director that includes:  
  • a background summary of the patient’s case;  
  • confirmation that the patient’s care is not at risk;  
  • details of who is currently taking responsibility of the patient;  
  • the reasons why the commissioners are in disagreement as to who is responsible for funding the patient’s health care;  
  • details of what actions have been undertaken to resolve the matter.  
| Week 12 |

The Regional Director will consider the case based on the facts and guidance. His/her decision will be final and binding on both commissioners. A letter will be issued to both/all commissioners by the end of Week 12.
### STAGE 3: NATIONAL LEVEL

In the exceptional event that an agreement is not reached between Regional Office by Week 12, the Regional Office should send a report on the circumstances of the case to the Director of NHS Wales together with a proposed solution for consideration.

<table>
<thead>
<tr>
<th>Maximum timescale</th>
<th>Week 16</th>
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NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2007 No. 310 (W.27)

CHILDREN AND YOUNG PERSONS, WALES

The Placement of Children (Wales) Regulations 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Arrangements for Placement of Children (General) Regulations 1991 in relation to Wales. The Regulations make provision for the arrangements for placement of children by local authorities, voluntary organisations and persons carrying on private children's homes in Wales. The placements may be with foster parents, in community homes, voluntary children's homes or private children's homes and under other arrangements (but not in a home provided in accordance with arrangements made by the Assembly under section 82(5) of the Children Act 1989).

Regulation 4 provides for the making of arrangements for accommodation and maintenance of children, the promotion of their welfare and for the planning of placements.

Regulation 5 makes provision for the matters to be considered by a responsible authority when making arrangements to place a child, including the procedures to be followed where a placement outside the area in which a child normally lives is being considered. The regulation also places a responsible authority under a duty to make a written record of the reasons for its actions under the regulation.

Regulation 6 provides for the responsible authority to notify certain people of the arrangements for the placement of a child, and specifies a time period within...
which notification must take place, along with a requirement that where appropriate, the responsible authority must request certain bodies to initiate a transfer of relevant records.

Regulation 7 requires voluntary organisations and those persons operating private children's homes to promote contact between a child and certain people.

Regulation 8 requires a responsible authority to make arrangements for a child's health to be assessed, provision of health care services during the placement and the registration of the child with a general practitioner and a dentist.

Regulation 9 requires a responsible authority to keep a written case record for every child they place, and provides for the type of information to be kept in that record.

Regulation 10 provides for the length of time a case record must be kept and for the security and confidentiality of those records.

Regulation 11 requires a local authority, a voluntary organisation and a person carrying on a private children's home, to keep a register containing details of all the children placed by them.

Regulation 12 requires a voluntary organisation or a person carrying on a private children's home, to provide access to records to Welsh family proceedings officers or to officers of the service.

Regulation 13 provides for the arrangements to be made between a local authority and an area authority, when a local authority arranges for the area authority to carry out some of its functions in respect of a child that is being looked after by the local authority.

Regulation 14 provides for the application of the regulations to short term placements.

Regulation 15 revokes the Arrangements for Placement of Children (General) Regulations 1991 in relation to Wales.
TREFN Y RHEOLIAU

1. Enwi a chychwyn
2. Dehongli
3. Cymhwyso'r Rheoliadau
4. Gwneud trefniadau
5. Materion i’w hystyried wrth wneud trefniadau a’u cynnwys
6. Hysbysiad o drefniadau
7. Treffniadau ar gyfer cywllt
8. Gofal ac asesiadau iechyd.
9. Sefydlu cofnodion
10. Cadwraeth cofnodion a’u cyfrinachedd;
11. Y Gofrestr
12. Cael at gofodion a’r gofrestr gan swyddogion achosion teuluol ar gyfer Cyrmu; a swyddogion y gwasanaeth
13. Treffniadau rhwng awdurddodau lleol ac awdurddodau ardal
14. Cymhwyso'r Rheoliadau i leoliadau tymor byr
15. Dirymu Rheoliadau Treffniadau ar gyfer Lleoli Plant (Cyffredinol) 1991

ARRANGEMENT OF REGULATIONS

1. Title and commencement
2. Interpretation
3. Application of Regulations
4. Making of arrangements
5. Considerations on making and contents of arrangements
6. Notification of arrangements
7. Arrangements for contact
8. Health care and assessment
9. Establishment of records
10. Retention and confidentiality of records
11. Register
12. Access by Welsh family proceedings officers and officers of the service to records and register
13. Arrangements between local authorities and area authorities
14. Application of Regulations to short-term placements
15. Revocation of the Arrangements for Placement of Children (General) Regulations 1991
Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddwyd gan adranau 23(2)(a), (f)(ii) a (5), 59(2) a (3), 104(1) a (4) o Ddeddf Plant 1989(1) a pharagraffau 12, 13 a 14 o Atodlen 2, paragraff 4(1)(a) o Atodlen 4, paragraff 7(1)(a) o Atodlen 5 a pharagraff 10(1)(a) o Atodlen 6 iddi yn gwneud y Rheoliadau a ganlyn:

Enwi a chychwyn

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Lleoli Plant (Cymru) 2007 a deuant i rym ar 1 Gorffennaf 2007:

Dehongli

2.-(1) Yn y Rheoliadau hyn, onid yw'r cyd-destun yn mynnu fel arall-

ystyr "achos gofal" ("care case") yw achos pan fo'r plentyn yn derbyn gofal gan awdurdod lleol ac yn dda рай styngeidig i orychmyn gofal, ac mae'n cynnwys gorchymyn gofal dros dros;

ystyr "yr ardal y mae'r plentyn yn preswylio ynddi fel arfer" ("the area in which the child is ordinarily resident") yw yr ardal yr awdurdod lleol lle mae cartref y plentyn;

ystyr "awdurdod ardal" ("area authority") mewn perthynas â plentyn sy'n cael ei leoli neu sydd i gael ei leoli gan un awdurdod lleol, yw yr awdurdod lleol y mae'r plentyn i gael ei leoli yn ei ardal;

ystyr "awdurdod cyffredol" ("responsible authority") yw-

(a) mewn perthynas â lleoliad gan awdurdod lleol (gan cynnwys un pan fo'r plentyn yn cael i lleth a chynhaïaeth mewn cartref gwirfoddol neu gartref preifat i blant), yw yr awdurdod lleol sy'n lleoli'r plentyn,

1989 c41. These powers are exercisable by the Secretary of State. In relation to Wales the functions are transferred to the National Assembly for Wales by Article 2 of, and the entry for the 1989 Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 145(1) of the Adoption and Children Act 2002.
(b) mewn perthynas â lleoliad gan gorff gwirfoddol o blentyn nad yw'n derbyn gofal awdurdod lleol, y corff gwirfoddol sy'n lleoli'r plentyn, ac

c) mewn perthynas â lleoliad mewn cartref preifat i blant o blentyn nad yw naill ei derbyn gofal awdurdod lleol, y corff gwirfoddol sy'n lleoli'r cartref, ac

ysyt ry'n daith gan gorff gwirfoddol, y person sy'n cafwdr i cartref;

ysyt "darparydd gofal iechyd" ("health care provider") yn achos lleoliad yng Nghymru, yw bwrdd iechyd lleol, neu yn achos lleoliad yn Lloegr, ymddiriedolaeth gofal syfâmoeth, ac yn y naill achos neu'r llall, pan yn briodol ymddiriedolaeth gwasaenaeth iechyd gwladol ac mewn unrhyw achos arall, y corff cyfatebol yn y wlad lle mae'r plentyn i gofal ei leoli;

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

ysyt "gweithiwr dolen gyswllt" ("link worker") yw aelod o staff cartref o blant o safle uwch priodol gyda chyfrifoldeb penodol dros ddiogelu a hybu iechyd a llês addysgol plentyn unigol ac ymddiriedolaeth gan y corff cyfatebol yna'r cartref o'r fath yn y wlad lle mae'r plentyn i gael ei leoli;

ysyt " lleoliad" ("placement") yn ddarostyngedig i reoliad 14 yw-

(a) darparu llety a chynhaliaeth gan awdurdod lleol i unrhyw blentyn sy'n derbyn ei ofal drwy unrhyw un o'r diaid 23(2)(a), (aa) neu (f) o'r Ddeddf (llety a chynhaliaeth o blentyn sy'n derbyn gofal awdurdod lleol);

(b) darparu llety i blentyn gan gorff gwirfoddol drwy unrhyw un o'r diaid 23(2)(a), (aa) neu (f) o'r Ddeddf (darparu llety gan y gorff gwirfoddol), ac

(c) darparu llety i blentyn mewn cartref preifat i blant, ac

ch) a rhaid defnyddio'r ymadrodd " lleoli" ("place") ac "wedi'i lleoli" ("placed") yna'r unol â hynny;

ysyt "nurs gefrestredig" ("registered nurse") yw person a gofrestrwyd gyda'r Cyngor Nyrsio a Bydwreigiaeth(1);

ysyt "panel" ("panel") yw panel o gymrychiolwyr o'r fath a seicaf ei defnyddio i'w cymorthu i gyflawni'r llety i ddarparu i'w plentyn, ac

ysyt "place" ("lileoli") a "placed" ("wedi'i lleoli") mor y rhai dargyfrudd ac addysgol hynny yna'r unol â hynny;

ysyt "provided general medical services under Part II of the National Health Service Act 1977(1);" (a)

(b) provides personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997(2); or

(c) provides services which correspond to services provided under Part II of the National Health Service Act 1977, otherwise than in pursuance of that Act;

"health care provider" ("darparydd gofal iechyd") means, in the case of a placement in Wales, a local health board, or in the case of a placement in England, a primary care trust, and in either case where applicable, a national health service trust and in any other case, the equivalent body in the country in which the child is to be placed;

"link worker" ("gweithiwr dolen gyswllt") means a member of children's home staff of appropriate seniority with particular responsibility for protecting and promoting the health and educational welfare of an individual child and for liaison with education and health care providers on that child's behalf;

"panel" ("panel") means a panel of representatives from such agencies as may assist a responsible authority in planning the placement of a child and in meeting that child's needs during the placement;

"placement" ("lleoliad") subject to regulation 14 means-

(a) the provision of accommodation and maintenance by a local authority for any child whom they are looking after by any of the means specified in section 23(2)(a), (aa) or (f) of the Act (accommodation and maintenance of child looked after by a local authority);

(b) the provision of accommodation for a child by a voluntary organisation by any of the means specified in section 59(1)(a), (aa) or (f) of the Act (provision of accommodation by voluntary organisations); and

(c) the provision of accommodation for a child in a private children's home,

(d) and the expressions "place" ("lleoli") and "placed" ("wedi'i lleoli") must be construed accordingly;

"placed for adoption" ("wedi'i lleoli i'w fabwysiadu") means placed pursuant to the Adoption and Children Act 2002(3) or, where applicable, the Adoption Act 1976(4).


(2) 1977 c.49

(3) 1977 c.46

(4) 2002 c.38.

(5) 1976 c.36.
ystyr "wedi'i leoli i'w fabwysiadu" ("placed for adoption") yw wedi'i leoli yn unol â Deddf Mabwysiadu a Phlant 2002(1) neu, os yw'n gymwys, â Deddf Mabwysiadu 1976(2),

ystyr "ymarferydd cyffredinol" ("general practitioner") yw ymarferydd megyddol cofrestredig-

(a) sy'n darparu gwasanaethau megyddol cyffredinol o dan Ran II o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(3)

(b) sy'n ymgyrddryd â gwasanaethau megyddol personol sy'n gyflymiod â chylltyn peilot o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Cychwynnol) 1977(4); neu

(c) sy'n darparu gwasanaethau sy'n cyfateb i wasanaethau a ddarparir o dan Rhan II o Ddeddf y Gwasanaeth Iechyd Cenedlaethol 1977, ac eithrio'n unol â Ddeddf honno;

ystyr "ymarferydd megyddol cofrestredig" ("registered medical practitioner") yw person wedi'i gofrestru'n llawn o fewn ystyr Deddf Feddygol 1983(5).

(2) Rhaid i unrhyw hysbysiad sy'n ofynnol o dan y Rheoliadau hyn gael ei roi'n ysgrifenedig a chaniateir ei anfon drwy'r post.

(3) Yn y Rheoliadau hyn, onid yw'r cyd-destun yn mynnu fel arall-

(a) mae unrhyw gyfeiriad at roelod â rhif yn gyfeiriad at y roelod sy'n dwyn y rhif hwnnw yn y Rheoliadau hyn ac mae unrhyw gyfeiriad mewn roelod ar baragraf â rhif yn gyfeiriad at y paragraf sy'n dwyn y rhif hwnnw yn y roelod hwnnw;

(b) mae unrhyw gyfeiriad at Atodlen â rhif yn gyfeiriad at yr Atodlen sy'n dwyn y rhif hwnnw yn y Rheoliadau hyn;

Cymhwyso'r Rheoliadau

3.-(1) Yn ddarostyngedig i baragrafau (2) a (3), mae'r Rheoliadau hyn yn gymwys i leoliadau-

(a) gan awdurdod lleol ar gyfer unrhyw blynydd;

(b) gan gorff gwirfoddol ar gyfer plentyn nad yw'n derbyn gofal golof awdurdod lleol;

(c) mewn cartref preifat i blant ar gyfer plentyn nad yw null a'n derbyn gofal awdurdod lleol nac wedi'n ymwybodol mewn cartref o'r fath gan gorff gwirfoddol, gan y person sy'n cadw'r cartref.

"registered medical practitioner" ("ymarferydd megyddol cofrestredig") means a fully registered person within the meaning of the Medical Act 1983(1);

"registered nurse" ("nyrs gofrestredig") means a person registered with the Nursing and Midwifery Council(2).

"responsible authority" ("awdurdod cyfrifol") means-

(a) in relation to a placement by a local authority (including one in which the child is accommodated and maintained in a voluntary home or a private children's home), the local authority which places the child,

(b) in relation to a placement by a voluntary organisation of a child who is not looked after by a local authority, the voluntary organisation which places the child, and

(c) in relation to a placement in a private children's home of a child who is neither looked after by a local authority nor accommodated in such a home by a voluntary organisation, the person carrying on the home.

(2) Any notice required under these Regulations is to be given in writing and can be sent by post.

(3) In these Regulations, unless the context otherwise requires-

(a) any reference to a numbered regulation is to the regulation in these Regulations bearing that number and any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number;

(b) any reference to a numbered Schedule is to the Schedule to these Regulations bearing that number.

Application of Regulations

3.-(1) Subject to paragraphs (2) and (3) these Regulations apply to placements-

(a) by a local authority of any child;

(b) by a voluntary organisation of a child who is not looked after by a local authority;

(c) in a private children's home of a child who is neither looked after by a local authority nor accommodated in such a home by a voluntary organisation, by a person carrying on the home.

(1) 2002 p.38.
(2) 1976 p.36.
(3) 1977 p.49
(4) 1977 p.46
(5) 1983 p.54.
(1) 1983 c. 54.
(2) Nid yw'r Rheoliadau hyn yn gymwys i leoli plentyn, ac ei ethrio gan awdurdod lleol neu gorff gwirfoddol mewn yagol y syn yw'n gartref plant o fewn ystyr adran 1(6) o Ddeddf Safonau Gofal 2000(1).

(3) Nid yw'r Rheoliadau hyn yn gymwys i unrhyw leoli plentyn i'w fabwysiadu.

(4) Mae'r Rheoliadau hyn yn gymwys o ran Gymru.

Gwneud trefniadau

4.- (1) Cyn lleoli plentyn rhaid i'r awdurdod cyfrifol, i'r graddau y bo hynny'n rhesymol ymarferol, wneud trefniadau ar unwaith a thros dymor hir ac ar gyfer y lleoliad hwnnw, ac ar gyfer hybu lles y plentyn sydd i'w lleoli.

(2) Pan na fo'n ymarferol gwneud y trefniadau hynny cyn y lleoli, rhaid i'r awdurdod cyfrifol eu gwneud cyn gynted ag y bo'n rhesymol ymarferol wedi hynny.

(3) Yn achos plentyn y mae adran 20(11) o'r Ddeddf yn gymwys iddo rheid i'r awdurdod cyfrifol, i'r graddau y bo hynny'n rhesymol ymarferol, fod wedi cytuno ar y trefniadau gyda'r plentyn cyn gwneud lleoliad ac os nad yw hynny'n ymarferol cyn gynted ag y bo'n rhesymol ymarferol wedi hynny.

(4) Mewn unrhyw achos arall pan fo plentyn yn derbyn gofal neu lety ond nad yw mewn gofal rheid i'r awdurdod cyfrifol, i'r graddau y mae hynny'n rhesymol ymarferol, fod wedi cytuno ar y trefniadau-

(a) gyda pherson â chyfrifoldeb rhiant dros y plentyn; neu

(b) os nad oes y fath berson, gyda'r person sy'n gofalau am y plentyn cyn y lleoli ac os nad yw hynny'n ymarferol cyn gynted ag y bo'n rhesymol ymarferol wedi hynny.

(5) Rhaid i unrhyw drefniadau a wneir gan awdurdod cyfrifol o dan y rheoliad hwn gael eu cofnodi yn ysgrifenedig.

Materion i'w hystyried wrth wneud trefniadau a'u cynnwys

5.- (1) Yr ystyriaethau y mae'r awdurdod cyfrifol i roi sywlyddiant rheid i'r graddau y bo'r rhesymol ymarferol wrth wneud y trefniadau y cyfeirir atyn y rheoliad 4 ym nhob achos yw'r ystyriaethau cyfreddinol a bennir yr Atodlen 1, yr ystyriaethau yng Nghyfriflys y plentyn a bennir yr Atodlen 2, yr ystyriaethau yng Nghyfriflys addysg plentyn a bennir yr Atodlen 3 a'r ystyriaethau ym mharagraf (2) i (5).

(2) These Regulations do not apply to the placement of a child, otherwise than by a local authority or voluntary organisation in a school which is a children’s home within the meaning of section 1(6) of the Care Standards Act 2000(1).

(3) These Regulations do not apply to any placement of a child for adoption.

(4) These regulations apply in relation to Wales.

Making of arrangements

4.- (1) Before placing a child the responsible authority must, so far as is reasonably practicable, make immediate and long-term arrangements for that placement, and for promoting the welfare of the child who is to be placed.

(2) Where it is not practicable to make those arrangements before the placement, the responsible authority must make them as soon as reasonably practicable thereafter.

(3) In the case of a child to whom section 20(11) of the Act applies the arrangements must so far as reasonably practicable be agreed by the responsible authority with the child before a placement is made and if that is not practicable as soon as reasonably practicable thereafter.

(4) In any other case in which a child is looked after or accommodated but is not in care the arrangements must so far as reasonably practicable be agreed by the responsible authority with-

(a) a person with parental responsibility for the child; or

(b) if there is no such person, the person who is caring for the child before a placement is made and if that is not practicable as soon as reasonably practicable thereafter.

(5) Any arrangements made by the responsible authority under this regulation must be recorded in writing.

Considerations on making and contents of arrangements

5.- (1) The considerations to which the responsible authority is to have regard so far as reasonably practicable in making the arrangements referred to in regulation 4 in each case are the general considerations specified in Schedule 1, the considerations concerning the health of a child specified in Schedule 2, the considerations concerning the education of a child specified in Schedule 3 and the considerations in paragraphs (2) to (5).
(2) Pan fo awdurdod cyfrifol yn ystyried lleoli plentyn y tu allan i'r ardal y mae'r plentyn yn preswylio ynddi fel arfer rhaid iddo gyfeirio achos y plentyn at banel-
   (a) cyn gweude y lleoliad; neu
   (b) pan nad yw'n ymamarol cyfeirio'r achos at banel cyn gweude y lleoliad, cyn gynted ag y bo'n ymamarol ar ôl hymny y sut bynnag heb fod yn hwyrach na 25 o ddiwnomadau gwasth wedi'r lleoliad gael ei wneud.

(3) Pan na chyfeirir achos plentyn y mae paragraf (2) yn gywmpys iddo gan yr awdurdod cyfrifol at banel cyn gwneud y lleoliad, rhaid i'r awdurdod cyfrifol ddarparu rhesymau ysgrifenedig, wedi'u hardystio gan uwch swyddog yr awdurdod cyfrifol, dros beidio â gweude hymny.

(4) Rhaid i'r awdurdod cyfrifol beidio â lleoli plentyn y tu allan i'r ardal y mae'r plentyn yn preswylio ynddi fel arfer ynddi omi bai ei fod wedi'i foedlon niail ai-
   (a) nad oes lleoliad ar gael yn yr ardal honno sy'n gallu diwallu anghenion y plentyn; neu
   (b) y byddai lleoliad y tu allan i'r ardal honno yn fwy efnasais â lles y plentyn nag un o'r lleoliaid sydd ar gael o fewn yr ardal honno.

(5) Rhaid i unwyrhwy berderfyniad i lleoli plentyn y tu allan i'r ardal y mae'r plentyn yn preswylio ynddi fel arfer ynddi ymestyn y bo hynny ymarferol ac i'w ngweld wedi ei ardysto gan uwch swyddog o'r awdurdod cyfrifol.

(6) A mewn achos gofal, rhaid i'r trefniadau y cyfeirir atynt yn rheoliad 4 gynnwys, pan fo o amrywiant o'r cyfeiriadau a gyfuno i gyfrif am gorfod y plentyn wedi'i gofyn o'i wneud o'i wneud.

(7) Pan fo awdurdod cyfrifol yn gwneud trefniadau i lleoli plentyn y tu allan i Gymru rhaid iddo sicrhau, i'r graddau y bo hynny'n rhesom ymamarol, fod yna gyfranwyr i'r plentyn wedi adael y plentyn wedi adael o' r rhesom, a chyflwyno y plentyn ac'n gweude o'i dwyn i Gymru.

(8) Ac eithrio mewn achos gofal, rhaid i'r trefniadau y cyfeiriadau i gyfrif am gorfod y plentyn wedi'i gofyn o'i wneud o'i wneud ac i'w ngweld y plentyn o'i wneud o'i wneud.

Hysbysiad o drefniadau
6.-(1) Rhaid i'r awdurdod cyfrifol, i'r graddau y bo hymny'r rhesom ymamarol ac yn gydwaes â lles y plentyn, hysbysu'r personau a ganlyn yn ysgrifenedig

(2) Where the responsible authority considers placing a child outside the area in which the child is ordinarily resident it must refer the child's case to a panel-
   (a) before the placement is made; or
   (b) where it is not practicable to refer the case to a panel before the placement is made, as soon as practicable afterwards and in any event not later than 25 working days after the placement is made.

(3) Where the case of a child to whom paragraph (2) applies is not referred by the responsible authority to a panel before the placement is made, the responsible authority must provide written reasons, endorsed by a senior officer of the responsible authority, for not doing so.

(4) The responsible authority must not place a child outside the area in which the child is ordinarily resident unless satisfied either that-
   (a) there is no placement available in that area capable of meeting the child's needs; or
   (b) a placement outside that area would be more consistent with the child's welfare than any available placement within that area.

(5) Any decision to place a child outside the area in which the child is ordinarily resident must, with reasons, be recorded in writing and endorsed by a senior officer of the responsible authority.

(6) A written record made in accordance with paragraph (3) or (5) must be made available in suitable form-
   (a) where the responsible authority is a local authority, to the lead member for children's services for that authority; or
   (b) in any other case, to a senior officer of the local authority for the area in which the child is ordinarily resident and of the area authority.

(7) Where a responsible authority makes arrangements to place a child outside Wales it must ensure, so far as reasonably practicable, that the requirements that would have applied under these Regulations had the child been placed in Wales, are complied with.

(8) Except in a care case, the arrangements referred to in regulation 4 must include, where practicable, arrangements concerning the matters specified in Schedule 4.

Notification of arrangements
6.-(1) The responsible authority must, so far as is reasonably practicable and consistent with the child's welfare, notify the following persons in writing of the
o'r trefniadau i leoli plentyn, cyn gwneud y lleoliad-

(a) unrhyw berson y ceisiwyd arwydd ganddo o'i ddymuniadau a'i deimladau o dan adran 22(4), adran 61(2) neu adran 64(2) o'r Ddeddf (ymgynghori cyn gwneud penderfyniad mewn perthynas â phlant sy'n derbyn gofal gan awdurdod lleol neu sy'n cael llifty gan gofwrddol neu mewn cartref preifat i blant);

(b) y darparyd gofal ichyd dros yr ardal y mae'r plentyn yn preswylio ynddi fel arfer ac, os yw'r plentyn i gael ei leoli y tu allan i'r ardal honno, dros yr ardal y mae'r plentyn i gael ei leoli ynddi;

(c) yr awdurdod addysg lleol dros yr ardal y mae'r plentyn yn preswylio ynddi fel arfer ac, os yw'r plentyn i gael ei leoli y tu allan i'r ardal honno, dros yr ardal y mae'r plentyn i gael ei leoli ynddi;

(d) yr ymarfer yw'r plentyn ac, os yw'n briodol, unrhyw ymarfer yw'r plentyn i gael ei gofrestru gydag ef wedi'r lleoliad gael ei wneud;

(e) ac eithrio mewn achos gofal, unrhyw berson sydd â goch o' r blaid mewn perthynas â'r plentyn, ac

(f) mewn achos gofal, unrhyw berson sy'n cael cyswllt â'r plentyn ym unol ag adran 34 o'r Ddeddf (cyswllt â phlentyn mewn gofal gan rii etc.) neu o dan orchymyn o dan yr adran honno.

(2) Pan nad yw'n ymarferol rhoi'r hysbysiad cyn gwneud y lleoliad, rhaid ei roi cyn gynted ag y bo'n rhesymol ymarferol wedi hynny a sut bynnag dim hwyar na 10 niwrnod gwaith o ddyddiad gyfrinachodd y lleoliad.

(3) Rhaid i'r awdurdod cyfrifol anfon copi o'r trefniadau y cyfeirir atyn y rheoliad 4 neu o'r rhan honno o'r trefniadau na fydd ym ei eich ei llygaid. yr hysbysiad y cyfeirir ato ym mharafrang (j) o dan achos hysbysiad y cyfeirir ato ym mharafrang (f) o' r rhan honno o'r trefniadau sydd â phlant sy'n cael ei llygaid. yr hysbysiad y cyfeirir ato ym mharafrang (f) o dan achos hysbysiad y cyfeirir ato ym mharafrang (j) o dan achos hysbysiad y cyfeirir ato ym mharafrang (f).

(4) Yn ddarostyngedig i baragraff (3), yr achos hysbysiad i unrhyw un o'r personau neu'r cyfrif ym mharafrang (j) o' r rhan honno o'r trefniadau sydd â phlant sy'n cael ei llygaid. yr hysbysiad y cyfeirir ato ym mharafrang (f) o dan achos hysbysiad y cyfeirir ato ym mharafrang (j) o dan achos hysbysiad y cyfeirir ato ym mharafrang (f) o dan achos hysbysiad y cyfeirir ato ym mharafrang (j) o dan achos hysbysiad y cyfeirir ato ym mharafrang (f).

arrangements to place a child, before the placement is made-

(a) any person an indication of whose wishes and feelings have been sought under section 22(4), section 61(2) or section 64(2) of the Act (consultation prior to decision making in respect of children looked after by a local authority, provided with accommodation by a voluntary organisation or in a private children's home);

(b) the health care provider for the area in which the child is ordinarily resident and, if the child is to be placed outside that area, for the area in which the child is to be placed;

(c) the local education authority for the area in which the child is ordinarily resident and, if the child is to be placed outside that area, for the area in which the child is to be placed;

(d) the child's general practitioner and, where applicable, any general practitioner with whom the child is to be registered after the placement is made;

(e) where applicable the area authority;

(f) any person who is caring for the child immediately before the arrangements are made;

(g) except in a care case, any person in whose favour a contact order is in force with respect to the child, and

(h) in a care case, any person who has contact with the child pursuant to section 34 of the Act (contact with a child in care by parents etc) or to an order under that section.

(2) Where it is not practicable to give the notification before the placement, it must be given as soon as reasonably practicable thereafter and in any event no later than 10 working days from the date the placement is made.

(3) The responsible authority must send a copy of the arrangements referred to in regulation 4 or such part of the arrangements as they consider will not prejudice the welfare of the child, with the notification referred to in paragraph (1) but in the case of notification to those specified in paragraph (1)(b) to (h) they must send details of only such part of the arrangements as they consider those persons need to know.

(4) Subject to paragraph (3), in the case of notification to any of the persons or bodies specified in paragraph (1)(c) and (d), the responsible authority must provide that person or body with copies of any relevant report or assessment available at the time the placement is made or obtained subsequently during the placement.
(5) Pan fo plentyn yn cael ei leoli mewn ardal wahanol i'r ardal y mae'n plentyn yn preswylio, fel arfer ynddi, pan yn hwsydiat personau neu'r cyrff hynn a bennir ym mhariafrag 1(b) i (ch) o'r trefniodau, rhoi r'ir awdurdod cyfrifol ofyn ar yr un pryd i'r personau neu'r cyrff a bennir felly pan fo'n gymwys, geisio tr Sergioi diweddiad cofnodyn cyn r'ir lleoliad gael ei wneud, neu os nad yw hynnion ymmeredol fel y mae, cyn gynhŷd ag y bo'n ymmeredol wedi hynny.

(6) Rhaid r'ir awdurdod cyfrifol barhau i adolygu unrhyw gais a wneir yn unol â pharagraff (5) hyd nes ei fod wedi'i fodloni bod trosglwyddo'r cofnodion-

(a) naill ai wedi digwydd; neu

(b) nad oes angen iddo digwydd bellach.

Trefniodau ar gyfer cyfyllt

7. With weithredu'r trefniodau y cyfeirir atynt ym mhariafrag 6 o Atodlen 4, rhaid i'r weithredu'r trefniodau er mwyn ei fodloni bod trosglwyddo'r cofnodion-

(a) naill ai wedi digwydd; neu

(b) nad oes angen iddo digwydd bellach.

Gofal ac asesiadau iechyd

8.(1) Yn ddarostyngedig i baragraffau (5) a (6), rhaid i awdurdod cyfrifol -

(a) cyn gynhu lleoliad neu os nad yw hynnion rhesymol ymmeredol fel y mae, cyn gynhŷd ag y bo'n ymmeredol a sut hynag heb fod yn hwyrach na 14 o ddŵr ein wylgwyd a sheithrion a thrwy gwerthu'r lleoliad gael ei wneud, drefnu i ymmeredol meddygo cofrestredig neu ntrys gofrestredig gynnal asesiad, a gaffi gymwys archwiliad corfforol, o gyflwr iechyd y plentyn; 

(b) ei gynhuo ym hynyn i adolygu berson a bennir yn is-baragraff (a) ym asesiad ar gyfer a restrir yn Atodlen 2, gan gyfeirio'n benodol at gyflwr iechyd y plentyn; 

(c) sicrhau bod copi o unrhyw adroddiad sy'n cael ei baratoi yn unol ag is-baragraff (b) ac unrhyw adroddiad a asesiad sy'n cael ei baratoi o dan y rheoliad hwn ym lleoliad, yn cael ei anfon ym llawer fel y mae, pan fo'n wahanol i'r personau a bennir ym mhariafrag (1)(c) o reoliad (6), pan wraig y plentyn fel y mae, neu os nad yw hynny'n ymmeredol fel y mae, cyn gynhŷd ag y bo'n ymmeredol wedi hynny.

(2) Rhaid i awdurdod cyfrifol sicrhau fod pob (5) Where a child is placed in an area different from the area in which the child is ordinarily resident, when notifying those persons or bodies specified in paragraph 1(b) to (d) of arrangements, the responsible authority must at the same time request that the persons or bodies so specified, where applicable, seek a transfer of records before, or if that is not practicable, as soon as practicable after the placement is made.

(6) The responsible authority must continue to review any request made according to paragraph (5) until they are satisfied either that the transfer of records-

(a) has taken place; or

(b) is no-longer necessary.

Arrangements for contact

7. In operating the arrangements referred to in paragraph 6 of Schedule 4, a voluntary organisation or a person carrying on a private children's home must, unless it is not reasonably practicable or consistent with the child's welfare, endeavour to promote contact between the child and the persons mentioned in that paragraph.

Health care and assessment

8.(1) Subject to paragraphs (5) and (6), a responsible authority must-

(a) before making a placement or if that is not reasonably practicable, as soon as practicable and in any event not later than 14 working days after the placement is made, make arrangements for a registered medical practitioner or a registered nurse to conduct an assessment, which may include a physical examination, of the child's state of health;

(b) require any person specified in sub-paragraph (a) who conducts an assessment to prepare a written report of the assessment, which addresses the matters listed in Schedule 2, with particular reference to the child's state of mental health;

(c) ensure that a copy of any report prepared in accordance with sub-paragraph (b) and any subsequent assessment report prepared under this regulation during the placement, is forwarded to the persons specified in paragraph (1)(d) of regulation 6, where they are different from the persons specified in sub-paragraph (a); and

(d) having regard to the matters listed in Schedule 2 and, unless paragraph (6) applies, to any assessment reports, prepare a plan for the future health care of the child if one is not already in existence.

(2) A responsible authority must ensure that each
plentyn yn ystod y lleoliad yn cael-
(a) gwwasanaethau gofal iechyd, gan gynnwys
gofal a thirniadeth feddygol a deintyddol ac
iechyd meddwl; a
(b) cryngor a chyflawryddyd ar iechyd, gofal
personol a materion bynu iechyd yn unol ag
anhenion y plentyn.
(3) Rhaiad i awdurdod cyfrifol sicrhau fod y plentyn-
(a) wedi ei gofrestru gydag ymarferiad
cyffredinol, cyn gynted ag y bo’n ymarferol a
pha un hymag heb fod yn hwyrach na 10
niwrnod gwaith wedi i’r lleoliad gael ei wneud; a
(b) wedi ei osod dan ofal ymarferydd deintyddol
cofrestredig cyn gynted ag y bo’n ymarferol a
pha un hymag heb fod yn hwyrach na 20 o
ddiwrnodau gwaith wedi i’r lleoliad gael ei
wneud.

(4) Rhaiad i awdurdod cyfrifol sicrhau i’r graddau y
bo hynny’n ymarferol, fod plentyn yn parhau i fod
wedi’i gofrestru gydag ymarferydd cyffredinol ac o dan
ofal ymarferydd deintyddol cofrestredig drwy gydol y
lleoliad.

(5) Nid yw paragraff (1) yn gymwys os yw iechyd y
plentyn wedi cael ei asesu o fewn y cyfnod o dri mis yn
union cyn y lleoliad a bod adroddiad o’r asesiad wedi
cael ei baratoi yn unol â’r paragraff hwnnw.

(6) Nid yw is-baragraffau (a) a (b) o baragraff (1) yn
cymwys os yw’r plentyn, ac yntau a’i ddealltwriaeth yn
ddigonol iddo wneud hynny, yn gwrthod cydsynio â’r
asesiad.

(7) Os cafodd plentyn ei leoli cyn 1 Gorffennaf 2007,
a ac y byddai’r rheoliad hwn fel arall yn gymwys iddo, ac
na wnaed asesiad o iechyd y plentyn, neu os na
chafodd y plentyn ei gofrestru gydag ymarferydd
cyffredinol neu ei osod dan ofal ymarferydd deintyddol
cofrestredig, mae’r rheoliad hwn yn gymwys megis
petai’r lleoliad wedi ei wneud ar 1 Gorffennaf 2007.


Sefydlu cofnodion
9.-(1) Rhaiad i awdurdod cyfrifol sefydlu, a chynnau
cofnod achos yrgrifenedig mewn perthynas â phob
plentyn y mae yn ei leoli.

(2) Rhaiad i cofnod gymwys-
(a) copi o’r trefniadau y cyfeirir atynt yn rheoliad
4;
(b) copi o unrhyw adroddiadau yrgrifenedig sy’n eu
meddiant yng Nghyflwm lle y plentyn;
(c) copi o unrhyw ddodfan a ystyriwyd neu o unrhyw
gofnod o sefydlwyd yn ystod neu o ganlyniad a olygiad o achos y plentyn;
(d) maynwion o drefniadau ar gyfer cyfryngl, o
archmyonion cyfyngl ac o archmyonion lleis
child is provided during the placement with-
(a) health care services, including medical, dental
and mental health care and treatment; and
(b) advice and guidance on health, personal care
and health promotion matters in accordance
with the child’s needs.

(3) A responsible authority must ensure that the child is-
(a) registered with a general practitioner as soon
as practicable and in any event not later than
10 working days after the placement is made; and
(b) placed under the care of a registered dental
practitioner as soon as practicable and in any
event not later than 20 working days after the
placement is made.

(4) A responsible authority must ensure as far as
practicable, that a child continues to be registered with
a general practitioner and under the care of a registered
dental practitioner, throughout the duration of the
placement.

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

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

(7) Where a placement of a child was made before 1
July 2007, to which this regulation would otherwise
apply, and no assessment of the child’s health has been
made, or the child has not been registered with a
general practitioner or placed under the care of a
registered dental practitioner, this regulation applies as
if that placement had been made on 1 July 2007.

Establishment of records
9.-(1) A responsible authority must establish, and
maintain, a written case record in respect of each child
whom they place.

(2) The record must include-
(a) a copy of the arrangements referred to in
regulation 4; and
(b) a copy of any written report in their possession
concerning the welfare of the child;
(c) a copy of any document considered or record
established in the course of or as a result of a
review of the child’s case;
(d) details of arrangements for contact, of contact
orders and of other court orders relating to the
eraill yn ymwneud â'r plentyn;
(d) manyllion o unrhyw drefniadau lle gweithredir person arall ar ran yr awdurddod lleol neu'r sefydliad a leolodd y plentyn; ac
(dd)rhysymau yrsgrifenedig a darperir yn unol â pharagraff (3) neu baragraff (5) o reoliad 5.

Cadwraeth cofnodion a'u cyfrinachedd
10.-(1) Rhaid i gofnod achos sy'n ymwneud â phlentyn a leol y plentyn ei gadw gan yr awdurddod cyfrifol hyd bymthegfed bliwyddiant a thrigain dyddiad geni'r plentyn y mae'n ymwneud ag ef neu, os bydd farw'r plentyn cyn cyrraedd 18 mlwydd oed, am gyfnod o 15 mlynedd sy'n dechrau gyda dyddiad ei farwolaeth.

(2) Cydymffurfir â gofynion paragraff (1) naill ai drwy ddal gafael ar y cofnod ysgrifenedig gwreiddiol, neu ar gopi ohono, neu drwy gadw'r holl wybodaeth o gofnod o'r fath mewn ffurf arall y gellir cael ato (megis drwy gyfrifiadur).

(3) Rhaid i awdurddod cyfrifol sicrhau bod cofnodion yn cael eu cadw'n ddiogel a rhaid iddo gymryd pob cam angenrheidiol i sicrhau bod yr wybodaeth ynddynt yn cael ei drin yn gyfrinachol, yn ddarostyngedig yn unig i-
(a) unrhyw ddarpariaeth a wneir o fewn statud neu oddi tani neu yn ei rhyweddd y gellir o'i herwydd gael neu roi hawl i gael at gofnodion neu wybodaeth o'r fath;
(b) unrhyw ochymyn llws y gall gael o'i herwydd gael neu roi hawl i gael at gofnodion neu wybodaeth o'r fath;

Y Gofrestr
11.-(1) Rhaid i awdurddod lleol, mewn perthynas â phob plentyn a leol ar y plentyn ei gadw hyd y bymthegfed bliwyddiant a thrigain dyddiad geni'r plentyn ganddo ei hun a chan unrhyw awdurddod cyfrifol arall ac mewn perthynas â phob plentyn a leol y plentyn ganddo ei hun y tu allan i'w ardal, gofnodi mewn cofrestr sydd i'w chadw ac i'w ddechrau gyda byddiad hwnnw-
(a) y manyllion a bennir ym mharafrag (3), a
(b) y rheini o'r manyllion a bennir ym mharafrag (4) a ddiolch fyd yn briodol.

(2) Rhaid i gorff gwirfoddol a pherson sy'n cadw cartref preifat i blant, mewn perthynas â phob plentyn a leol plentyn y plentyn y mae'n ymwneud ag ef neu, os bydd farw'r plentyn cyn cyrraedd 18 mlwydd oed, gofnodi mewn cofrestr sydd i'w chadw ac i'w ddechrau gyda byddiad hwnnw-
(a) y manyllion a bennir ym mharafrag (3), a
(b) y rheini o'r manyllion a bennir ym mharafrag (4) a ddiolch fyd yn briodol.

(3) Dyma'r manyllion sydd i'w cofnodi yn y gofrestr yn unol â pharagraffau (1) neu (2)-
(a) enw, rhyw, dyddiad geni, rhif gwasaeth iechyd gwladol ac, os yw'n briodol, rhif adnabod y gwasaethau cymdeithasol ar gyfer y plentyn;

Retention and confidentiality of records
10.-(1) A case record relating to a child who is placed must be retained by the responsible authority until the seventy-fifth anniversary of the date of birth of the child to whom it relates or, if the child dies before attaining the age of 18, for a period of 15 years beginning with the date of his or her death.

(2) The requirements of paragraph (1) may be complied with either by retaining the original written record, or a copy of it, or by keeping all of the information from such record in some other accessible form (such as by means of a computer).

(3) A responsible authority must secure the safe keeping of case records and must take all necessary steps to ensure that information contained in them is treated as confidential, subject only to-
(a) any provision of or made under or by virtue of, a statute under which access to such records or information may be obtained or given;
(b) any court order under which access to such records or information may be obtained or given.

Register
11.-(1) A local authority, must, in respect of every child placed in their area (by them and any other responsible authority) and every child placed by them outside their area enter into a register to be kept for the purpose-
(a) the particulars specified in paragraph (3); and
(b) such of the particulars specified in paragraph (4) as may be appropriate.

(2) A voluntary organisation and a person carrying on a private children's home must, in respect of every child placed by them, enter into a register to be kept for the purpose-
(a) the particulars specified in paragraph (3); and
(b) such of the particulars specified in paragraph (4) as may be appropriate.

(3) The particulars to be entered into the register in accordance with paragraphs (1) or (2) are-
(a) the name, sex, date of birth, national health service number and, where applicable, the social services identification number of the child;
(b) the name and address of the person or children's home with whom the child is placed and, if different, of those of the child's parents or other person not being a parent of his or hers who has parental responsibility for him or her;

(c) where a child is placed in a children's home, the name of the child's link worker;

(d) in the case of a child placed on behalf of a local authority by a voluntary organisation or in a private children's home, the name of the authority;

(e) whether the child's name is entered on any local authority register indicating that the child is at risk of being abused;

(f) whether the child's name is entered on the register maintained under paragraph 2 of Schedule 2 to the Act (register of disabled children);

(g) the date on which each placement of the child began and terminated and the reason for each termination;

(h) in a care case the name of the local authority in whose care the child is;

(i) the legal provisions under which the child is being looked after or cared for.

(4) The additional particulars to be entered in the register, where appropriate in accordance with paragraphs (1) or (2) are-

(a) in the case of a child placed by a local authority in respect of whom arrangements have been made for supervision of the placement to be carried out on behalf of a responsible authority (otherwise than pursuant to regulation 13), a note that the arrangements were made and the name of the other local authority with whom they were made; and

(b) in the case of a child who has been placed, in respect of whom arrangements have been made for supervision of the placement to be carried out on behalf of a responsible authority (otherwise than pursuant to regulation 13), a note that the arrangements were made and the name of person with whom the arrangements were made.

(5) Entries in registers kept in accordance with this regulation must be retained until the child to whom the entry relates attains the age of 25 or, if the child has died before attaining 25, the period of 5 years beginning with the date of his or her death.

(6) The requirements of paragraph (1) may be complied with either by retaining the original register, or a copy of it, or by keeping all of the information from such a register in some other accessible form (such as by means of a computer).
A responsible authority must secure the safe keeping of registers kept in accordance with this regulation and must take all necessary steps to ensure that information contained in them is treated as confidential, subject only to-

(a) any provision or made under or by virtue of a statute under which access to such registers or information may be obtained or given;

(b) any court order under which access to such registers or information may be obtained or given.

Access by Welsh family proceedings officers and officers of the service to records and register

12. Each voluntary organisation, where they are not acting as an authorised person, and every person carrying on a private children's home must provide a Welsh family proceedings officer of a child or an officer of the service with-

(a) such access as may be required to-

(i) case records and registers maintained in accordance with these Regulations; and

(ii) the information from such records or registers held in whatever form (such as by means of computer);

(b) such copies of the records or entries in the registers as he or she may require.

Trefniadau rhwng awdurdodau lleol ac awdurdodau ardal

13. Where arrangements are made by a local authority which is looking after a child with an area authority for the area authority to carry out functions in relation to a placement on behalf of the local authority-

(a) the local authority must supply the area authority with all such information as is necessary to enable the area authority to carry out those functions on behalf of the local authority;

(b) the area authority must keep the local authority informed of the progress of the child and, in particular, must furnish reports to the local authority following each visit to the home in which the child is placed and following each review of the case of the child carried out by the area authority on behalf of the local authority;

(c) the local authority and the area authority must consult each other from time to time as necessary, and as soon as reasonably practicable after each such review of the case of the child, with regard to what action is required in relation to him or her.
Cymhwyso'r Rheoliadau i leoliadau tymor byr

14.-(1) Mae'r rheoliad hwn yn gymwys pan fo awdurdod cyfrifol wedi trefnu i leoli plentyn mewn cyfres o leoliadau tymor byr yn yr un lle ac mae'r trefniant yn gyflym ac nad oes unrhyw leoliad unigol i barhau am fwy na 4 wythnos ac nad yw cyfanswm yr lleoliadau i fod i barhau am fwy na 120 o ddiwrnodau mewn unswy gyfnod o 12 mis.

(2) Gellir trin unrhyw cyfres o leoliadau tymor byr yma'r rheoliad hwn yn gymwys fel lleoliad unigol at ddibenion y Rheoliadau hyn.

Dirymu Rheoliadau Trefniadau Lleoli Plant (Cyffredinol) 1991

15. Dirymir Rheoliadau Trefniadau Lleoli Plant (Cyffredinol) 1991(1) o ran Cymru.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2).

6 Chwefror 2007

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

Application of Regulations to short-term placements

14.-(1) This regulation applies where a responsible authority has arranged to place a child in a series of short-term placements at the same place and the arrangement is such that no single placement is to last for more than 4 weeks and the total duration of the placements is not to exceed 120 days in any period of 12 months.

(2) Any series of short-term placements to which this regulation applies may be treated as a single placement for the purposes of these Regulations.

Revocation of the Arrangements for Placement of Children (General) Regulations 1991

15. The Arrangements for Placement of Children (General) Regulations 1991(1) are revoked in relation to Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

6 February 2007

D. Elis-Thomas

The Presiding Officer of the National Assembly

(2) 1998 c.38.
1. Yn achos plentyn sydd mewn gofal, a ddylid gwneud cais i ddod a'r gorchymyn gofal i ben.
2. Pan fo'r awdurdod cyfrifol yn awdurdod lleol a ddylai'r awdurdod geisio newid yn statws cyfreithiol y plentyn.
3. Trefniadau ar gyfer cyswllt, ac a oes unrhyw angen am newidiadau yn y trefniadau er mwyn hybu cysylltiad â theulu'r plentyn ac eraill â'r graddau y mae hynny'n gydnaws â'i les.
4. Trefniadau'r awdurdod cyfrifol ar unwaith a thros dymor hir ar gyfer y plentyn, trefniadau blaenorol mewn perthynas â'r plentyn, a oes angen newid yn y trefniadau hynny ac ystyried dulliau amgen o weithreda.
5. Pan fo'r awdurdod cyfrifol yn awdurdod lleol, a ddylid gwneud cais i ddod a'r gorchymyn gofal i ben.
6. A oes angen gwneud trefniadau ar gyfer cyfrifol yr adeg pan na fydd y plentyn yn derbyn gofal gan yr awdurdod cyfrifol.
7. A oes angen gwneud cynlluniau i ganfod teulu amgen parhaol i'r plentyn.

Regulation 5(1)

1. In the case of a child who is in care, whether an application should be made to discharge the care order.
2. Where the responsible authority is a local authority whether the authority should seek a change in the child's legal status.
3. Arrangements for contact, and whether there is any need for changes in the arrangements in order to promote contact with the child's family and others so far as is consistent with his or her welfare.
4. The responsible authority's immediate and long term arrangements for the child, previous arrangements in respect of the child, and whether a change in those arrangements is needed and consideration of alternative courses of action.
5. Where the responsible authority is a local authority, whether an independent visitor should be appointed if one has not already been appointed.
6. Whether arrangements need to be made for the time when the child will no longer be looked after by the responsible authority.
7. Whether plans need to be made to find a permanent substitute family for the child.
1. Cyflwr iechyd y plentyn, gan gynnwys ei iechyd corfforol, geneuol, emosiynol a meddyliol.
2. Hanes iechyd y plentyn gan gynnwys, i'r graddau y mae hynny'n ymarferol, hanes iechyd ei delu.
3. Effaith iechyd a hanes iechyd y plentyn ar ei ddatblygiad.
4. Unrhyw angen sydd gan y plentyn am wasanaethau iechyd meddwl.
5. Y trefniadau presennol ar gyfer gofal a thriniaeth feddygol a deintyddol y plentyn a'i goruchwyliaeth iechyd gan gyfeirio'n benodol at wasanaethau iechyd meddwl.
6. Yr angen posibl am ddull priodol o weithredu y dylid ei ddynodi i gynorthwyo newid angenrheidiol mewn gofal, triniaeth o'r fath.
7. Yr angen posibl am feisurau ataliol, megis brechu a'i chiriau, megis brechu ac innosediog a chiriau ac gyfraniadu ar iechyd, gan gynnwys iechyd meddwl a iechyd geneuol ac ar faterion gofal personol ac ar faterion gofal personol ac hybu iechyd sy'n broiodol i anghenion y plentyn.
8. O ystyried yr wybodaeth sydd mewn perthynas â'r materion a osodir ym mharagraffau 1 i 7 gan unrhyw asesiadau, a fydd anghenion iechyd y plentyn yn cael eu dwfail yn y lleoliad arfaethedig.
1. The child's educational history.

2. The need to achieve continuity in the child's education and to promote the child's educational achievement.

3. The need to identify any educational need which the child may have and to take action to meet that need.

4. The need to carry out any assessment in respect of any special educational need under the Education Act 1996(1) and meet any such needs identified in a statement of special educational needs made under section 324 of that Act.

5. Taking account of the information available in paragraphs 1 to 4 of this Schedule, whether the child's educational needs will be met in the proposed placement.

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(1) 1996 c.56

(1) 1996 p.56
1. The type of accommodation to be provided and its address together with the name of any person who will be responsible for the child at that accommodation on behalf of the responsible authority.

2. The details of any services to be provided for the child.

3. The respective responsibilities of the responsible authority and-
   (a) the child;
   (b) any parent of his or hers; and
   (c) any person who is not a parent of his or hers but who has parental responsibility for him or her.

4. What delegation there has been by the persons referred to in paragraph 3(b) and (c) of this Schedule to the responsible authority of parental responsibility for the child's day to day care.

5. The arrangements for involving those persons and the child in decision making with respect to the child having regard-
   (a) to the local authority's duty under sections 20(6) (involvement of children before provision of accommodation) and 22(3) to (5) of the Act (general duties of the local authority in relation to children looked after by them);
   (b) the duty of the voluntary organisation under section 61(1) and (2) of the Act (duties of voluntary organisations); and
   (c) the duty of the person carrying on a registered children's home under section 64(1) and (2) of the Act (welfare of children in registered children's homes).

6. The arrangements for contact between the child and-
   (a) his or her parents;
   (b) any person who is not a parent of his or hers but who has parental responsibility for him or her; and
   (c) any relative, friend or other person connected with him or her,

and if appropriate, the reasons why contact with any such person would not be reasonably practicable or would be inconsistent with the child's welfare.
The arrangements for notifying changes in arrangements for contact to any of the persons referred to in paragraph 6.

In the case of a child aged 16 or over whether section 20(11) of the Act (accommodation of a child of 16 or over despite parental opposition) applies.

The expected duration of arrangements and the steps which should apply to bring the arrangements to an end, including arrangements for rehabilitation of the child with the person with whom he or she was living before the voluntary arrangements were made or some other suitable person, having regard in particular, in the case of a local authority looking after a child, to section 23(6) of the Act (duty to place children where practicable with parents etc.) and paragraph 15 of Schedule 2 to the Act (maintenance of contact between child and family).
The Review of Children's Cases (Wales) Regulations 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the provisions of the Children Act 1989 and revoke and replace the Review of Children's Cases Regulations 1991 as far as those Regulations apply in relation to Wales. The Regulations make provision for review of the arrangements for placement of children in Wales who are looked after by local authorities or accommodated by voluntary organisations or private children's homes.

Regulation 2 requires responsible authorities to review children's placements.

Regulation 3 requires responsible authorities to appoint independent reviewing officers to undertake reviews in accordance with these Regulations.

Regulation 4 (subject to regulation 12), provides for the timing and frequency of reviews, and allows for the independent reviewing officer to direct reviews to be carried out at shorter intervals than those specified in the regulation.

Regulation 5 requires each responsible authority to set out their arrangements for the way in which reviews under these Regulations are to be conducted, and to draw those arrangements to the attention of the people mentioned in regulation 8. Where a responsible
authority is looking after a child, the regulation requires the authority to coordinate reviews and appoint an officer to assist in that process, and to have regard to the matters set out in Schedule 1 (Elements to be included in the review).

Regulation 6 requires each responsible authority when reviewing a child's case, to have regard to the matters set out in Schedule 2 (Considerations to which responsible authorities are to have regard), and Schedule 3 (Health considerations to which responsible authorities are to have regard).

Regulation 7 requires each responsible authority to arrange for health assessments and written reports in respect of each child looked after by them, addressing the matters set out in Schedule 3, provides for the frequency of such assessments and requires a review, at specified intervals, of the plan for the future health of the child, made under the Placement of Children (Wales) Regulations 2007.

Regulation 8 requires a responsible authority to consult and involve in the review, various people specified in the regulation, including the child, and to notify those people of details of the result of the review and of any decision taken as part of it.

Regulation 9 requires a responsible authority to make arrangements to implement any decision made in the course of or as a result of a review, and to notify the independent reviewing officer of any failure to make such arrangements, or of any significant change of circumstances after the review which might affect the arrangements.

Regulation 10 requires a responsible authority to monitor the arrangements for reviews to ensure compliance with these Regulations.

Regulation 11 requires a responsible authority to make a written record of the review of a child's case and of associated matters.

Regulation 12 provides for the application of these Regulations in circumstances where a child is looked after or provided with accommodation for a series of short periods (defined in the regulation) and provides for the timing and frequency of reviews in such cases.

Regulation 13 makes transitional provisions.
Mae rheoliad 14 yn eithrio mathau penodol o leoli plant o ofynion y Rheoliadau hyn. Regulation 14 excludes certain types of children's placement from the requirements of these Regulations.

TREFN Y RHEOLIADAU

1. Enwi, cychwyn, dehongli a chymhwyso.
2. Dyletswydd i adolygu achosion plant
3. Swyddogion adolygu annibynnol
4. Amser pan fo'n rhaid adolygu pob achos
5. Y dull ar gyfer adolygu achosion
6. Ystyriaethau y mae awdurdodau cyfrifol i roi sylw iddynt
7. Adolygiadau iechyd
8. Ymgynghori, cymryd rhan a hysbysu
9. Trefniadau ar gyfer gweithredu penderfyniadau sy'n deillio o'r adolygiadau a hysbysu'r swyddog adolygu annibynnol
10. Monitro trefniadau ar gyfer adolygiadau
11. Cofnodi gwybodaeth am yr adolygiadau
12. Darpariaethau troiannol
13. Eithriadau i gymhwysiad y Rheoliadau
14. Dirymu

ATODLENNI

1. Elfennau i'w cynnwys mewn adolygiad
2. Materion y mae awdurdodau cyfrifol i'w hystyried
3. Materion iechyd y mae awdurdodau cyfrifol i'w hystyried

ARRANGEMENT OF REGULATIONS

1. Title, commencement, interpretation and application
2. Duty to review children's cases
3. Independent reviewing officers
4. Time when each case is to be reviewed
5. Manner in which cases are to be reviewed
6. Considerations to which responsible authorities are to have regard
7. Health reviews
8. Consultation, participation and notification
9. Arrangements for implementation of decisions arising out of reviews and notification to independent reviewing officer
10. Monitoring arrangements for reviews
11. Recording review information
12. Application of Regulations to short periods
13. Transitional provisions
14. Exceptions to application of the Regulations
15. Revocation

SCHEDULES

1. Elements to be included in review
2. Considerations to which responsible authorities are to have regard
3. Health considerations to which authorities are to have regard
Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddwyd gan adranau 26(1), (2), (2A) a (2B), 59(4)(a) a (5) a 104(1) a (4) o Ddeddf Plant 1989(1) a pharagraffau 10(1) a (2)(1) o Asoledd 6 iddi yn gwneud y rheoliadau a ganlyni.

**Enwi, cyhoedd arall a chynhyrchwyso**


(2) Yn y Rheoliadau hyn, onid yw'r cyd-destun yn mynnu fel arall-

- ystyr "yr ardal y ma'c pentlynt yn preswylion ynddi fel arfer" ("the area in which the child is ordinarily resident") yw yr ardal yw awdurdod lleol lle mae cartref y plentyn ym
- ystyr "awdurdod cyfrifoil" ("responsible authority") yw-
- (a) mewn perthynas â lleoliad gan awdurdod lleol (gan gynnwys un pan fo'r plentyn yn cael llety a chynhaliaeth mewn cartref gwirfoddol neu cartref preifat y blant), yw'r awdurdod lleol sy'n lleolir plentyn, ac
- (b) mewn perthynas â lleoliad gan sefydliad gwirfoddol o blentyn nad yw'n derbyn gofal awdurdod lleol, y sefydliad gwirfoddol sy'n lleolir plentyn, ac
- (c) mewn perthynas â lleoliad mewn cartref preifat i blant o blentyn a'r awdurdod lleol, y person sy'n rheseg y cartref;

ystyr 'yr Ddeddf ("the Act") yw Ddeddf Plant 1989;

ystyr 'gwefithwr dolen gyswllt" ("link worker") yw aelod o staff cartref i blant a benodwyd yn unol à Rheoliadau Cartrefi Plant (Cymru) 2002(2) gyda chyfrifoldeb penodol dros ddiogelu a hybu iechyd a llais addysgol plentyn unigol a thros gyflymu à darpwyrryd a gofal iscyhyd ar ran y plentyn hwnnw;

The National Assembly for Wales in exercise of the powers conferred by sections 26(1), (2), (2A) and (2B), 59(4)(a) and (5) and 104(1) and (4) of, and paragraphs 10(1) and (2)(1) of Schedule 6 to, the Children Act 1989(1) makes the following regulations:

**Title, commencement, interpretation and application**

I.(1) The title of these Regulations is the Review of Children's Cases (Wales) Regulations 2007 and they will come into force on 1 July 2007.

(2) In these Regulations, unless the context otherwise requires-

- "the Act" ("y Ddeddf") means the Children Act 1989;
- "the area in which the child is ordinarily resident"("yr ardal y ma'c pentlynt yn preswylion ynddi fel arfer") means the local authority area in which the child has his home;
- "independent visitor" ("ymwelydd annibynnol") means an independent visitor appointed under paragraph 17 of Schedule 2 to the Act;
- "link worker" ("gweithiwr dolen gyswllt") means a member of staff of a children's home appointed under the Children's Homes (Wales) Regulations 2007(3) with particular responsibility for protecting and promoting the health and educational welfare of an individual child and liaison with education and health care providers on behalf of a child's family;
- "panel" ("panell") means a panel of representatives from such agencies as may assist a responsible authority in planning the placement of a child and in meeting the child's needs during the placement;
- "placed for adoption" ("wedi'i lleoli i'w fabwysiadu") means placed pursuant to the Adoption and Children Act 2002(3) or the Adoption Act 1976(4);
- "registered medical practitioner" ("ymarerferydd meddygol contrafestredig") means a fully registered person within the meaning of the Medical Act 1983(5);

1) 1989 p.41. Ma’r pwerau hyn yw arferaeth gan yr Ysgrifennydd Gwladol. O ran Cymru ma’r swyddogaethau wedi cael eu trosgybido i Gymn Financial Tribunals Cymru gan yr Ysgrifennydd Gwladol a Gymn Financial Tribunals Cymru (Trosybido a Gymn Financial Tribunals) 1999 S.1. 1999/672 a’r cofnod i gydnabod yr Ysgrifennydd Gwladol 1976 c. 36. yw'r Adolygu Achosion Plant (Cymru) 1989 c. 41. These powers are exercisable by the Secretary of State. In relation to Wales the functions are transferred to the National Assembly for Wales by Article 2 of, and the entry for the 1989 Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 S.1. 1999/672 and section 145(1) of the Adoption and Children Act 2002. Section 26 was amended by section 118 of the Adoption and Children Act 2002 c.38.

2) The Children's Homes (Wales) Regulations 2002 (S.I.2002/327 (W.40)). The requirement to appoint a "link worker" is inserted in regulation 11 of the Children's Homes (Wales) Regulations by regulation 21 of the Children's Homes (Wales) (Amendment) Regulations 2007 (2007/311 (W.28)).

3) 2002 c.38.

4) 1976 c.36.

5) 1983 (c. 54).
ystyr "nyrs gofrestredig" ("registered nurse") yw person a gofrestrwyd gyda'r Cyngor Nyrsio a Bydweiriogaeth(1);
ystyr "panel" ("panel") yw panel o gynrychiolwyr o’i asiantethau hymn a all goфрystredig awdurddod cyfrifol wrth gyflawn o ffeinod plentyn ac wrth ddiwallu angenion y plentyn hwnnw y ystod cyfnod y lleolad;
ystyr "wedi’i leoli i'w fabwysiadu" ("placed for adoption") yw wedi’i leoli yn unol â Deddf Mabwysiadu a Phlant 2002(2) neu Ddeddf Mabwysiadu 1976(3);
ystyr "ymarfed ymwydd annibynnol" ("independent visitor") yw ymwydd annibynnol a benodir o dan baragraff 17 o Atodlen 2 i'r Ddeddf.
(3) Rhaid i unrhyw hysbysiad sy’n ofynnol o dan y Rheoliadau gael ei roi'n ysgrifenedig a chaniateir ei anfon drwy'r post.
(4) Yn y Rheoliadau hyn, onid yw'r cyd-destun yn mynnu fel arall -
(a) mae unrhyw gyfeiriad at reoliad â rhif yn gyfeiriad at y rheoliad sy'n dwyn y rhif hwnnw yn y Rheoliadau hyn ac mae unrhyw gyfeiriad mewn rheoliad at baragraff â rhif yn gyfeiriad at yr y paragraff sy'n dwyn y rhif hwnnw yn y rheoliad hwnnw;
(b) mae unrhyw gyfeiriad at Atodlen â rhif yn gyfeiriad at yr Atodlen sy'n dwyn y rhif hwnnw yn y Rheoliadau hyn.
(5) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Dyletswydd i adolygu achosion plant

2. Rhaid i bob awdurddod cyfrifol adolygu yn unol â'r Rheoliadau hyn achos pob plentyn tra bydd yn derbyn gofal neu tra bydd iddynt yn cael ei ddarparu iddo.

Swyddogion adolygu annibynnol

3.-1) Rhaid i bob awdurddod cyfrifol benodi person ("y swyddog adolygu annibynnol") ynglŷn â phob achos i gyflawn o swyddogaethau canlynom-
(a) cymryd rhan yn adolygiad yr achos sydd o dan
(b) monitro performiad swyddogaethau'r awdurdd hwnnw o ran yr adolygiad;

(2) 2002 p.38.
(3) 1976 p.36.
(4) 1983 (p. 54).

"registered nurse" ("nyrs gofrestredig") yw un person registered with the Nursing and Midwifery Council(1).

"responsible authority" ("awdurdd cyfrifol") yw un responsible authority in relation to-
(a) a placement by a local authority (including one in which the child is accommodated and maintained in a voluntary home or private children's home), the local authority which places the child,
(b) a placement by a voluntary organisation of a child who is not looked after by a local authority, the voluntary organisation which places the child, and
(c) a placement in a private children's home of a child who is neither looked after by a local authority nor accommodated in such a home by a voluntary organisation, the person carrying on the home.

Duty to review children's cases

2. Each responsible authority must review in accordance with these Regulations the case of each child while he or she is being looked after or provided with accommodation by them.

Independent Reviewing Officers

3.-1) Each responsible authority must appoint a person ("the independent reviewing officer") in respect of each case to carry out the following functions-
(a) participating in the review of the case in question;
(b) monitoring the performance of that authority's functions in respect of the review;

(c) cyfeirio'r achos at Swyddog Achosion Teuluol ar gyfer Cymru neu at swyddog Gwasanaeth Cynghor a Chynorthwyo Llyswyddion Blant a Theuluosedd os yw'r plentyn fel arfer yn preswylifo yn Loegr os bydd y swyddog adolygu annibynnol yn ystyried bod hynny'n briodol.

(2) Rhaid bod gan y swyddog adolygu annibynnol broiad sylweddol mewn Gwaith Cymdeithasol a rhaid i'r swyddog ddal Diploma mewn Gwaith Cymdeithasol neu Radd mewn Gwaith Cymdeithasol neu gynhwysydd gyfatebol sy'n cael ei gynnal gan Gwyngor Gofal Cymru (1).

(3) Rhaid bod y swyddog adolygu annibynnol wedi'i gofrestru'n weithiwr cymdeithasol mewn cofrestr a gedwir gan Gwyngor Gofal Cymru, rhaid iddo gofrestru'n weithiwr cymdeithasol gyda Chyngor Gofal Cymru am y cyfrif yn y byd y cytlu'r swyddogogaethau hynny.

(4) Os bydd y swyddog adolygu annibynnol ym cyfnod gyflym ôl yno mewn gwlad Brexit neu gan y swyddog adolygu annibynnol wedi'i gofrestru'n weithiwr cymdeithasol mewn cofrestr a gedwir gan y swyddog adolygu annibynnol, rhaid i ymbyr am ddod â'r swyddog adolygu annibynnol adloniantus ym mabwysiadu'r sefyllfa gyda'r cyrff cyhoeddus a dyma'r cyfleus o hyff cymryd i ystyried achos y plentyn mewn cyfleus cyhoeddus. Achos ar gyfer cyfleus o hyff cymryd i ystyried achos y plentyn mewn cyfleus cyhoeddus ym òl yno mewn gwlad Brexit neu gan y swyddog adolygu annibynnol wedi'i gofrestru'n weithiwr cymdeithasol mewn cofrestr a gedwir gan y swyddog adolygu annibynnol.

(5) Rhaid i'r swyddog adolygu annibynnol ym maeth yno mewn gwlad Brexit neu gan y swyddog adolygu annibynnol wedi'i gofrestru'n weithiwr cymdeithasol mewn cofrestr a gedwir gan y swyddog adolygu annibynnol adloniantus ym mabwysiadu'r sefyllfa gyda'r cyrff cyhoeddus a dyma'r cyfleus o hyff cymryd i ystyried achos y plentyn mewn cyfleus cyhoeddus. Achos ar gyfer cyfleus o hyff cymryd i ystyried achos y plentyn mewn cyfleus cyhoeddus ym òl yno mewn gwlad Brexit neu gan y swyddog adolygu annibynnol wedi'i gofrestru'n weithiwr cymdeithasol mewn cofrestr a gedwir gan y swyddog adolygu annibynnol.

(6) Os bydd y swyddog adolygu annibynnol ym cyfnod gyflym ôl yno mewn gwlad Brexit neu gan y swyddog adolygu annibynnol wedi'i gofrestru'n weithiwr cymdeithasol mewn cofrestr a gedwir gan y swyddog adolygu annibynnol, rhaid i ymbyr am ddod â'r swyddog adolygu annibynnol adloniantus ym mabwysiadu'r sefyllfa gyda'r cyrff cyhoeddus a dyma'r cyfleus o hyff cymryd i ystyried achos y plentyn mewn cyfleus cyhoeddus. Achos ar gyfer cyfleus o hyff cymryd i ystyried achos y plentyn mewn cyfleus cyhoeddus ym òl yno mewn gwlad Brexit neu gan y swyddog adolygu annibynnol wedi'i gofrestru'n weithiwr cymdeithasol mewn cofrestr a gedwir gan y swyddog adolygu annibynnol.

(7) Os yw'r swyddog adolygu annibynnol ym cyfnod gyflym ôl yno mewn gwlad Brexit neu gan y swyddog adolygu annibynnol wedi'i gofrestru'n weithiwr cymdeithasol mewn cofrestr a gedwir gan y swyddog adolygu annibynnol, rhaid i ymbyr am ddod â'r swyddog adolygu annibynnol adloniantus ym mabwysiadu'r sefyllfa gyda'r cyrff cyhoeddus a dyma'r cyfleus o hyff cymryd i ystyried achos y plentyn mewn cyfleus cyhoeddus. Achos ar gyfer cyfleus o hyff cymryd i ystyried achos y plentyn mewn cyfleus cyhoeddus ym òl yno mewn gwlad Brexit neu gan y swyddog adolygu annibynnol wedi'i gofrestru'n weithiwr cymdeithasol mewn cofrestr a gedwir gan y swyddog adolygu annibynnol.

(8) Os bydd y swyddog adolygu annibynnol ym cyfnod gyflym ôl yno mewn gwlad Brexit neu gan y swyddog adolygu annibynnol wedi'i gofrestru'n weithiwr cymdeithasol mewn cofrestr a gedwir gan y swyddog adolygu annibynnol, rhaid i ymbyr am ddod â'r swyddog adolygu annibynnol adloniantus ym mabwysiadu'r sefyllfa gyda'r cyrff cyhoeddus a dyma'r cyfleus o hyff cymryd i ystyried achos y plentyn mewn cyfleus cyhoeddus. Achos ar gyfer cyfleus o hyff cymryd i ystyried achos y plentyn mewn cyfleus cyhoeddus ym òl yno mewn gwlad Brexit neu gan y swyddog adolygu annibynnol wedi'i gofrestru'n weithiwr cymdeithasol mewn cofrestr a gedwir gan y swyddog adolygu annibynnol.

(9) Os yw'r swyddog adolygu annibynnol ym cyfnod gyflym ôl yno mewn gwlad Brexit neu gan y swyddog adolygu annibynnol wedi'i gofrestru'n weithiwr cymdeithasol mewn cofrestr a gedwir gan y swyddog adolygu annibynnol, rhaid i ymbyr am ddod â'r swyddog adolygu annibynnol adloniantus ym mabwysiadu'r sefyllfa gyda'r cyrff cyhoeddus a dyma'r cyfleus o hyff cymryd i ystyried achos y plentyn mewn cyfleus cyhoeddus. Achos ar gyfer cyfleus o hyff cymryd i ystyried achos y plentyn mewn cyfleus cyhoeddus ym òl yno mewn gwlad Brexit neu gan y swyddog adolygu annibynnol wedi'i gofrestru'n weithiwr cymdeithasol mewn cofrestr a gedwir gan y swyddog adolygu annibynnol.
(8) That any failure to review the case in accordance with these Regulations or to take proper steps to make or carry out arrangements in accordance with regulation 9 is brought to the attention of persons at an appropriate level of seniority within the responsible authority.

(8) In the case of a child who wishes to take proceedings under the Act, for example to apply to the court for contact or for a discharge of a care order, it is the function of the independent reviewing officer-

(a) to assist the child to obtain legal advice; or

(b) to establish whether an appropriate adult is able and willing to provide such assistance or bring the proceedings on the child’s behalf.

Time when each case to be reviewed

4. -(1) Each case must first be reviewed within four weeks of the date on which the child begins to be looked after or provided with accommodation by the responsible authority.

(2) The second review must be carried out no more than three months after the first and thereafter subsequent reviews must be carried out no more than six months after the date of the previous review.

(3) Nothing in this regulation prevents the responsible authority from reviewing the case before the time specified in paragraph (1) or (2) and, in particular, they must do so if the independent reviewing officer so directs.

(4) This regulation is subject to regulation 12 (application of regulations to short periods).

Manner in which cases are to be reviewed

5. -(1) Each responsible authority must set out in writing their arrangements governing the manner in which the case of each child is to be reviewed and must draw the written arrangements to the attention of those specified in regulation 8(1).

(2) The responsible authority which is looking after or providing accommodation for a child must make arrangements to co-ordinate the carrying out of all aspects of the review of that child’s case.

(3) The responsible authority must appoint one of their officers to assist the authority in the co-ordination of the review.

(4) The manner in which each case is reviewed must, so far as practicable, include the elements specified in Schedule 1.

(5) Nothing in these Regulations must prevent the carrying out of any review under those Regulations and
Rheoliadau hyn nac unrhyw adolygiad, asesiad neu ystyriaeth arall o dan unrhyw ddarpariaeth ar yr un pryd.

YSTYRIAETHAU Y MAE AWDURDODAU CYFRIFOL I ROI SLYW IDDINT

6. Yr ystyriaethau y mae awdurdodau cyfrifol i roi slyw iddint yr graddau y mae’n rhesymol ymarferol wrth adolygu pob achos yw’r ystyriaethau cyffredinol a bennir yn Atodlen 2 a’r ystyriaethau yng Nghymru a ymhlith yr adolygiadau ymhlith y plentyn a bennir yn Atodlen 3.

Adolygiadau iechyd

7.-1 (1) Yn ddarostyngedig i baragraff (5), rhaid i’r awdurdod cyfrifol, o ran pob plentyn sy’n parhau i dderyn gofal neu y darperir lle cyf y ddarpar, wneud trefniadau bod ymarferydd meddygol cofrestredig neu nyrs gofrestredig, yn cynnal asesiad, a all gymwys archwiliad corfforol, o gyflwr iechyd y plentyn-

(a) o leiaf unwaith, ac yn amlach os y mae’n gwyneud hwnnw o ofynnol, y mhb cyfnod o chwe mis cyn pen-biwydd y plentyn yn bump oed; ac

(b) o leiaf unwaith, ac yn amlach os y mae’n gwyneud hwnnw o ofynnol, y mhb cyfnod o deuddeg mis ar òl pen-biwydd y plentyn yn bump oed.

(2) Rhaid i’r awdurdod cyfrifol ei gwyneud o ofynnol i’r person a gyflawnodd yr asesiad o dan baragraff (1) baratoi adroddiad ysgrifenedig sy’n ymdrin â’r materion a restrir yn Atodlen 3, gyda chyfeiriad penodol at gyflwr iechyd y plentyn.

(3) Rhaid i’r awdurdod cyfrifol adolygu’r cynullun ar gyfer asesiad y plentyn yn y dyfodol a gafodd ei baratoi yn unol â rheoliad 8(1)(c) o Reoliadau Lleoli Plant (Cymru) 2007(1) yn ôl y cyflym a bennir yr un cyflwr iechyd y plentyn a’r person o ra i’r oedd o dan baragraff (1).

(4) Mae’r cyflwr iechyd a pharcio’r cynullun i’r person o dan baragraff (3) yn cynnal asesiad, a all gyflwr iechyd y plentyn ei gwyneud o ofynnol, y mhb cyfnod o chwe mis cyn pen-biwydd y plentyn yn bump oed; ac

(b) o leiaf unwaith, ac yn amlach os y mae’n gwyneud hwnnw o ofynnol, y mhb cyfnod o deuddeg mis ar òl pen-biwydd y plentyn yn bump oed.

(2) The responsible authority must require the person who carried out the assessment under paragraph (1) to prepare a written report which addresses the matters listed in Schedule 3, with particular reference to the child’s state of mental health.

(3) The responsible authority must review the plan for the future health of the child prepared in accordance with regulation 8(1)(d) of the Placement of Children (Wales) Regulations 2007(1) at the intervals set out in sub-paragraphs (a) and (b) of paragraph (1).

(4) The reference in paragraph (3) to a plan for the future health of the child includes a plan prepared in accordance with regulation 7(1)(c) of the Arrangements for Placement of Children (General) Regulations 1991(2)

(5) Nid yw paragraff (1) yn gymwys os y mae’r plentyn, ac yna’n deall digon i wneud hwnnw, ymwybodydd o ddwy freuddwydd i’r asesiad.

Considerations to which responsible authorities are to have regard

6. The considerations to which the responsible authority are to have regard so far as is reasonably practicable in reviewing each case are the general considerations specified in Schedule 2 and the considerations concerning the health of the child specified in Schedule 3.

Health reviews

7.-1 Subject to paragraph (5), the responsible authority must, in respect of each child who continues to be looked after or provided with accommodation by them, make arrangements for a registered medical practitioner or a registered nurse, to conduct an assessment, which may include a physical examination, of the child’s state of health-

(a) at least once, and more frequently if the child’s welfare requires it, in every period of six months before the child’s fifth birthday; and

(b) at least once, and more frequently if the child’s welfare requires it, in every period of twelve months after the child’s fifth birthday.

(2) The responsible authority must require the person who carried out the assessment under paragraph (1) to prepare a written report which addresses the matters listed in Schedule 3, with particular reference to the child’s state of mental health.

(3) The responsible authority must review the plan for the future health of the child prepared in accordance with regulation 8(1)(d) of the Placement of Children (Wales) Regulations 2007(1) at the intervals set out in sub-paragraphs (a) and (b) of paragraph (1).

(4) The reference in paragraph (3) to a plan for the future health of the child includes a plan prepared in accordance with regulation 7(1)(c) of the Arrangements for Placement of Children (General) Regulations 1991(2)

(5) Paragraph (1) does not apply if the child, being of sufficient understanding to do so, refuses to consent to the assessment.

(1) Rheoliadau Lleoli Plant (Cymru) 2007 (O.S.2007/310 (Cy.27).

any other review, assessment or consideration under any other provision at the same time.

Consultation, participation and notification

8.-(1) Before conducting any review the responsible authority must, unless it is not reasonably practicable to do so, seek and take into account the views of-

(a) the child;
(b) his or her parents;
(c) any person who is not a parent of the child but who has parental responsibility for him or her;
(d) where the child is placed in a children's home, the child's link worker; and
(e) any other person whose views the authority consider to be relevant;

including, in particular, the views of those persons in relation to any particular matter which is to be considered in the course of the review.

(2) The responsible authority must so far as is reasonably practicable involve the persons whose views are sought under paragraph (1) in the review including, where the authority consider appropriate, the attendance of those persons at part or all of any meeting which is to consider the child's case in connection with any aspect of the review of that case.

(3) The responsible authority must, so far as is reasonably practicable, notify details of the result of the review and of any decision taken by them in consequence of the review to-

(a) the child;
(b) his or her parents;
(c) any person who is not a parent of the child but who has parental responsibility for him or her;
(d) where the child is placed in a children's home, the child's link worker; and
(e) any other person whom they consider ought to be notified.

Arrangements for implementation of decisions arising out of reviews and notification to independent reviewing officer

9.-(1) The responsible authority must make and carry out arrangements themselves or with other persons to implement any decision which the authority propose to make in the course, or as a result of, the review of a child's case.

(2) The responsible authority must inform the independent reviewing officer of-

(a) any significant failure to make or carry out arrangements in accordance with paragraph (1); and
(b) any significant change of circumstances occurring after the review that affects those arrangements.
Monitro trefniadau ar gyfer adolygiadau

10. Rhaid i bob awdurdod cyfrifo fonitro'r trefniadau a wnaeth er mwyn sicrhau eu bod yn cydymffurfio â'r Rheoliadau hyn.

Cofnodi gwybodaeth am yr adolygiadau

11. Rhaid i bob awdurdod cyfrif sibach bod-

(a) gwybodaeth a geri ynglŷn ag adolygiad achos plentyn; a
(b) manfylion o'r trafodion mewn unrhyw gyfarfod a ddefnyddig gan yr awdurdod yr ystyri'r achos y plentyn ynddo mewn unrhyw agwedd ar adolygiad yr achos hwnnw; ac
(c) manfylion o unrhyw benderfyniadau a wnaeth yn ystod yr adolygiad neu o ganlyniad iddo;

yn cael eu cofnodi'n ysgrifenedig.

Cymhwyso'r Rheoliadau i gyfnodau byr

12.-(1) Mae'r rheoliad hwn yn cyflogi i'r achosion y mae awdurdod wedi trefnu bod plentyn i ddarpari gofal neu y darpari llety iddo drwy'r cyfnod y mae'r rheoliad hwn yn gymwys i'w achos.

(2) Nid yw rheoliad 4 yn gymwys i'r achos, ond y defnydd o hytrach-

(a) mae pob ac ar ôl hefyd ei addogwy mewn tri mis ar ôl dechrau'r cynfodant o'r cyfan;
(b) os bydd yr achos y mae'r cyfanwyt o â ail adolygiad iddo na chwe mis ar ôl yr adolygiad cynfodant; ac
(c) wedyn, os bydd yr achos y mae'r cyfanwyt o â ail adolygiad iddo na chwe mis ar ôl yr adolygiad blacnol, wedyn.

(3) At ddibenion rheoliad 7, rhaid ymdrin â phlentyn fel un sy'n parhau i dderbyn gofal neu y darperir llety iddo drwy'r cyfanwyt o'r rheoliad hwn yn gymwys i'w ac ar ôl eu cofnodi'n ysgrifenedig.

Darpariaethau trosiannol

13.-(1) Os yw plentyn, yn union cyn 1 Gorffennaf 2007 yn cael ei letya gan awdurdod lleol, corff gwirfoddol neu mewn cartref plant preifat, bydd y Rheoliadau hyn yn effeithiol ym mis ddarostyngedig i ddarpariaethau canlynol y rheoliad hwn.

(2) Os cafodd plentyn ei letya gan awdurdod lleol, corff gwirfoddol neu mewn cartref plant preifat cyn 1 Gorffennaf 2007 ac na fu adolygiad o'i achos, neu os nad oes adolygiad wedi'i gyflawni o dan

Monitoring arrangements for reviews

10. Each responsible authority must monitor the arrangements which they have made with a view to ensuring that they comply with these Regulations.

Recording review information

11. Each responsible authority must ensure that-

(a) information obtained in respect of the review of a child's case;
(b) details of the proceedings at any meeting arranged by the authority at which the child's case is considered in connection with any aspect of the review of that case; and
(c) details of any decisions made in the course of, or as a result of the review,

are recorded in writing.

Application of Regulations to short periods

12.-(1) This regulation applies to cases in which a responsible authority has arranged that a child should be looked after or provided with accommodation for a series of short periods at the same place and the arrangement is such that no single period is to last for more than four weeks and the total duration of the periods is not to exceed 120 days in any period of 12 months.

(2) Regulation 4 does not apply to a case to which this regulation applies, but instead-

(a) each such case is first to be reviewed within three months of the beginning of the first of the short periods;
(b) if the case continues, the second review must be carried out not more than six months after the first; and
(c) thereafter, if the case continues, subsequent reviews must be carried out not more than six months after the date of the previous review.

(3) For the purposes of regulation 7, a child must be treated as continuing to be looked after or provided with accommodation throughout the period that this regulation applies to his or her case.

Transitional Provisions

13.-(1) Where immediately before 1 July 2007 a child is being accommodated by a local authority, a voluntary organisation or in a private children's home, these Regulations will have effect subject to the following provisions of this regulation.

(2) Where a child has been accommodated by a local authority, voluntary organisation or in a private children's home before 1 July 2007 and there has not been a review of their case, or where a review is
ddarpariaethau Rheoliadau Adolygu Achosion Plant 1991(1), rhaid adolygu achos y plentyn hwyrach na phedair wythnos ar ôl 1 Gorffennaf 2007 a rhaid i adolygiadau dilynol ddigwydd yn unol â rheoliad 4(2) neu 12(2) yn ôl y digwydd.

(3) Os bydd rheoliad 4 yn gymwys, a bod plentyn wedi cael ei letya gan awduridod lleol, corff gwirfoddol neu mewn cartref plant preifat cyn 1 Gorffennaf 2007 a bod adolygiad o’i achos wedi cael ei gynnal cyn y dyddiad hwnnw, rhaid cyflawni adolygiad nesaf o achos y plentyn-

(a) os oedd yr adolygiad cyn 1 Gorffennaf 2007 yn adolygiad cyntaf, dri mis ar ôl dyddiad yr adolygiad hwnnw; neu
(b) os oedd yr adolygiad dithaf cyn 1 Gorffennaf 2007 yn ail adolygiad neu’n adolygiad dilynoel, chw’i mis ar ôl dyddiad yr adolygiad hwnnw; ac

yn y naill achos a’r llall rhaid i adolygiadau dilynol ddigwydd yn unol â rheoliad 4(2).

(4) Os bydd rheoliad 12 yn gymwys, a bod plentyn wedi cael ei letya gan awduridod lleol, corff gwirfoddol neu mewn cartref plant preifat cyn 1 Gorffennaf 2007 a bod adolygiad o’i achos wedi cael ei gynnal cyn y dyddiad hwnnw, rhaid cyflawni adolygiad nesaf o achos y plentyn-

(a) os oedd yr adolygiad dithaf cyn 1 Gorffennaf 2007 yn adolygiad cyntaf, chw’i mis ar ôl dyddiad yr adolygiad hwnnw; neu
(b) os oedd yr adolygiad dithaf cyn 1 Gorffennaf 2007 yn ail adolygiad neu’n adolygiad dilynoel, chw’i mis ar ôl dyddiad yr adolygiad hwnnw; ac

yn y naill achos a’r llall rhaid i adolygiadau dilynol ddigwydd yn unol â rheoliad 12(2).

Eithriadau i gymhwysiad y Rheoliadau

14.-(1) Nid yw’r Rheoliadau hyn yn gymwys yn achos plentyn y darperir llety iddo, heblaw gan awduridod lleol neu gan gorff gwirfoddol, mewn ysgol sydd yn gartref plant o ffin y syster adran 1(6) o Ddeddf Safonau Gofal 2000(1).

(2) Nid yw’r Rheoliadau hyn yn gymwys yn achos plentyn a leolir ar gyfer ei fabwysiadu.

overdue under the provisions of the Review of Children's Cases Regulations 1991(1), that child's case must be reviewed not later than four weeks from 1 July 2007 and subsequent reviews must take place in accordance with regulation 4(2) or 12(2) as the case may be.

(3) Where regulation 4 applies, and a child has been accommodated by a local authority, voluntary organisation or in a private children's home before 1 July 2007 and there has been a review of the case before that date, the next review of the child's case must be carried out-

(a) where the review before 1 July 2007 was a first review, three months from the date of that review; or
(b) where the last review before 1 July 2007 was a second or subsequent review, six months from the date of that review; and

in either case subsequent reviews must take place in accordance with regulation 4(2).

(4) Where regulation 12 applies, and a child has been accommodated by a local authority, voluntary organisation or in a private children's home before 1 July 2007 and there has been a review of the case before that date, the next review of the child's case must be carried out-

(a) where the review before 1 July 2007 was a first review, six months from the date of that review; or
(b) where the last review before 1 July 2007 was a second or subsequent review, if the case continues, six months from the date of that review; and

in either case subsequent reviews must take place in accordance with regulation 12(2).

Exceptions to application of Regulations

14.-(1) These Regulations do not apply in the case of a child who is being provided with accommodation, otherwise than by a local authority or a voluntary organisation, in a school which is a children's home within the meaning of section 1(6) of the Care Standards Act 2000(1).

(2) These Regulations do not apply in the case of a child who is placed for adoption.

(2) 2000 c.14.
Dirymu

15. Mae'r Rheoliadau hyn yn dirymu Rheoliadau Adolygu Achosion Plant 1991 o ran Cymru(1).

Revocation

15. These Regulations revoke the Review of Children’s Cases Regulations 1991 in relation to Wales(1).

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

6 Chwefror 2007

6 February 2007

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(2) 1998 C.38.
ATODLEN 1

Elfennau sydd i’w cynnwys mewn adolygiad
Rheoliad 5(4)

1. Sichau gywodaeth gysion am y trefniadau wrth i’r plentyn ddodwy gofal ac o unrhyw newid perchnasol yn amgylchiadau'r plentyn.

2. Sichau gywodaeth gysion am enw a chyfeiriad unrhyw berson y dyliodd ystyried ei farn yn ystod yr adolygiad.

3. Gwneud y paratoadau angenrheidiol a darparu unrhyw wybodaeth berthnasol i’r plentyn dderbyn gofal ac o unrhyw newid perthnasol yn amgylchiadau'r plentyn.

4. Rhoi cychwyn i gyfarfodydd personél perthnasol yr awdurdod cyfrifol a phersonau perthnasol eraill i ystyried adolygiad o achos y plentyn.

5. Esbonio i’r plentyn unrhyw gamau y caiff eu llwyddiannu gan gynnwys, pan fo'n briodol-

(a) ei hawl i wneud cais, gyda chanllat, am orchymyn adran 8 (preswylio, cyswllt a gorchmynion eraill ynghylchlant),

(b) os yw mewn gofal, ei hawl i wneud cais am rydhaeth o’r gorchmylon gofal, ac

(c) bod y weithdrefn a sefydlwyd o dan y Ddeddf ar gael er mwyn ystyried cymryd y cysylltiadau.

6. Gwneud penderfynadau neu gymeradno neu’n dilyn penderfynadau i roi yr adolygiad o achos y plentyn.

SCHEDULE 1

Elements to be included in review
Regulation 5(4)

1. Keeping informed of the arrangements for looking after the child and of any relevant change in the child’s circumstances.

2. Keeping informed of the name and address of any person whose views should be taken into account in the course of the review.

3. Making necessary preparations and providing any relevant information to the participants in any meeting of the responsible authority which considers the child’s case in connection with any aspect of the review.

4. Initiating meetings of relevant personnel of the responsible authority and other relevant persons to consider the review of the child’s case.

5. Explaining to the child any steps which he or she may take under the Act including, where appropriate—

(a) his or her right to apply, with leave, for a section 8 order (residence, contact and other orders with respect to children),

(b) where he or she is in care, his or her right to apply for the discharge of the care order, and

(c) the availability of the procedure established under the Act for considering representations.

6. Making decisions or taking steps following review decisions arising out of or resulting from the review.

ATODLEN 2

Ystyriaethau y mae awdurdodau cyfrifol i roi sylw iddyni
Rheoliad 6

1. Yn achos plentyn sydd mewn gofal, a ddylid gwneud cais i’r awdurdod yn raddau’r gorchmylon gofal.

2. Os yr awdurdod sydd mewn gofal lleol, a ddylid geisio geisio yr awdurdod ymhytrwyddiadau plentyn.

3. Trefniadau ar gyfer yr adolygiad, ac o os angen gwneud raddau am yr adolygiad er mwyn hybu cysylltiadau yr adolygiad plentyn ac eraill cyn belled ag bont yn gyson a’i les.

SCHEDULE 2

Considerations to which responsible authorities are to have regard
Regulation 6

1. In the case of a child who is in care, whether an application should be made to discharge the care order.

2. Where the responsible authority are a local authority whether they should seek a change in the child’s legal status.

3. Arrangements for contact, and whether there is any need for changes in the arrangements in order to promote contact with the child’s family and others so far as is consistent with his or her welfare.
4. Unrhwy drefniadau arbennig sydd wedi cael ei gwneud neu angen i’w gwneud ar gyfer y plentyn, gan gymwys cynnal asesiadau naill ai gan awdurdod llwol neu gan hersonau eraill, megis y tlawr hynglych angen addysgol arbennig o dan Ddeddf Addysg 1996(1).

5. Trefniadau di-oed a thymor hir yr awdurdod cyfrifol o ran bod y plentyn yn derbyn gofal neu o ran darpau llecy y plentyn (a wnaed yn unol â darpariaethau Rheoliadau Lleoli Plant (Cymru) 2007, a oes angen newid y trefniadau hynny ac ystyried camau gweithredu amgen.

6. A ydyw'r awdurdod cyfrifol wedi cydymffurfio â gofynion Rheoliadau Lleoli Plant (Cymru) 2007(2) ac yn benodol â rheoliadau 4 ac 8.

7. Os yw'r awdurdod cyfrifol yn awdurdod lleol, a ddylid penodi ymwelydd annibynnol os na phenodwyd un eisoes.

8. Anghenion addysgol y plentyn, ei gymryd a’i ddablgwyd addysgol gan gymwys, pan fo’n gymwys, a drosglwyddwyd y cofnodion addysgol perthnasol.

9. A oes angen paratoi cynlluniau i ddod o hyd i deulu dirprwyol parhaol ar gyfer y plentyn.

10. Os yw plentyn wedi cael ei leoli y tu allan i’r ardal lle mae fel arfer yn preswylio ynddi, a ddylai achos y plentyn gael ei drosglwyddo i banel.

11. A oes angen paratoi cynlluniau i ddod o hyd i deulu dirprwyol parhaol ar gyfer y plentyn.

ATODLEN 3

Ystyriaethau iechyd y mae awdurdodau cyfrifol i roi sylw iddynt

Rheoliad 6

1. Cyfwr iechyd y plentyn gan gymwys ei iechyd corffol, geneuol, iechyd emosiynol ac iechyd meddwl.
2. Hanes iechyd y plentyn gan gymwys, i’r graddau y mae hymyn’yn ymarferol, hanes iechyd ei deulu.
3. Efiaith iechyd a hanes iechyd y plentyn ar ei ddablgwyd.

![Image](1537.png)

(1) 1996 c.56.
4. Existing arrangements for the child's medical and dental care and treatment and health and dental surveillance, and in particular, where a child has been assessed as requiring mental health services, whether the child receives those services.

5. Whether the responsible authority has complied with the requirements of regulations 6 (so far as it relates to the child's health) and 8 of the Placement of Children (Wales) Regulations 2007(1).

6. Whether, where applicable, the transfer of relevant medical records has taken place.

7. The possible need for an appropriate course of action which should be identified to assist necessary change of such care, treatment or surveillance as is referred to in paragraph (4).

8. The possible need for preventive measures, such as vaccination and immunisation, and screening for vision and hearing, and for advice and guidance on health (including mental health and oral health), personal care and health promotion issues appropriate to the child's needs.

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(1) 2007 (S.I. 2007/310 (W.27)).
NATIONAL ASSEMBLY FOR WALES
OFFERYNNAU STATUDOL

2007 Rhif 311 (Cy.28)
GOFAL CYMDEITHASOL, CYMRU
Rheoliadau Cartrefi Plant (Cymru) (Diwygiadau Amrywiol) 2007

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cartrefi Plant (Cymru) 2002. Mae'r Rheoliadau yn darparu ar gyfer lefelau gofyniol isaf o gymwysterau a phrofiad ar gyfer rheolywyr a staff cartrefi plant, dynodi aelod o staff cartref plant i ddiogelu a hybu llês pob plentyn a leolir yn y cartref o ran iechyd ac addysg, cofrestru staff a rheolywyr gyda Chyngor Gofal Cymru, y nifer o gofynnol o staff parhaol, gofynn id i sicrhai bod plant yn cael mynd a'r ddentydd, ac yn gwneud mân newidiadau eraill i'r Prif Rheoliadau. Mae'r rheoliadau hefyd yn ganlyniad i Rheoliadau Cofrestru Gofal Cyntaf a Gofal Iechyd Annibynnol (Cymru) 2002.
The National Assembly for Wales in exercise of the powers conferred upon it by sections 1(4), 12(2), 16(1), 22(1), (2)(a) to (d), (f) to (j), (3), (4), (5)(a) and (c), (7)(c) and 118 (5) to (7) of the Care Standards Act 2000(1) and having consulted such persons as it considers appropriate, makes the following Regulations:

Title, commencement, interpretation and application

1.-(1) The title of these Regulations is the Children's Homes (Wales) (Miscellaneous Amendments) Regulations 2007 and they will come into force on 1 July 2007, except for regulation 2(12), which comes into force on 15 February 2007.

(2) In these Regulations "the Principal Regulations" means the Children's Homes (Wales) Regulations 2002(2).

(3) These Regulations apply in relation to Wales.

Amendment of the Principal Regulations.

2.-(1) In this regulation, unless the context otherwise requires, any reference to a numbered regulation is to the regulation in the Principal Regulations bearing that number and any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number.

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(1) 2000 c14.
(2) O.S. 2002/327 (Cy.40).
(2) The Principal Regulations are amended in accordance with the following provisions of this regulation.

(3) In regulation 2 (Interpretation), insert the following in the appropriate place-

""link worker" ("gweithiwr dolen gyswllt") means a member of children's home staff of appropriate seniority with particular responsibility for protecting and promoting the health and educational welfare of an individual child and for liaison with education and health care providers on that child's behalf; "

"permanent employee" ("cyflogai parhaol") means a person employed full or part time by the registered person, including persons employed on a temporary contract of service for a fixed term of not less than six months; "

"relevant qualification" ("cymhwyster perthnasol") means a qualification contained in a list maintained by the National Assembly for the purpose of these Regulations; ".

(4) In regulation 8 (Fitness of manager) after paragraph (2) insert-

"(2A). Subject to paragraphs (2B) and (2C), a reference to qualifications and experience in paragraph (2)(b)(i) includes a requirement that he or she must-

(a) hold a relevant qualification; and

(b) have worked for not less than five years in the field of children's residential care.

(2B). Where a manager who does not hold a relevant qualification was appointed before 1 July 2007 that person is not fit to manage a children's home unless he or she obtains a relevant qualification not later than-

(a) 1 November 2007; or

(b) such later date as the National Assembly may, in exceptional circumstances, agree.

(2C). Paragraph (2A)(b) does not apply in relation to a manager appointed before 1 July 2007.

(2D). Nothing in paragraphs (2A), to (2C) affects any requirement for a manager to possess other qualifications, skills or experience relevant to the matters set out in paragraph (2)(b).

(2E). A person is not fit to manage a children's home unless he or she is registered as a manager with the Care Council for Wales not later than-

(a) 1 November 2007; or

(b) such later date as the National Assembly may, in exceptional circumstances, agree.".

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(5) Yn rheoliad 11 (Hybu lles) ar ôl paragraff (2) mewnodoser-
"(3) Wrth gydymffurfio â gofynion y rheoliad hwn a rheoliadau 18(1)(c) a 20(1), thaid i'r person cofrestredig ddyddodi aedol o staff i fod yn weithiwr dolen gyswllt ar gyfer pob plentyn."

(6) Yn rheoliad 12 (Cynllun lleoliad y plentyn), ym mharagraff (1)(b), ar ôl y geiriau "gofal iechyd ac addysg y plentyn", mewnodoser-
"gan gymyw enn a manylion cyyswllt gweithiwr dolen gyswllt y plentyn."

(7) Yn rheoliad 18 (Addysg, cyflogaeth a gweithgaredd hamdden)-
(a) ar ôl is-baragraff (1)(b) dileer y gair "ac"; a
(b) ar ôl is-baragraff (1)(c), mewnodoser-
"(d) Mae gweithiwr dolen gyswllt plentyn yn cymryd rhan mewn unrhyw adolygiad sy'n cynnwys ystyried ystyried addysgol y plentyn, ym' a yawr' adolygiad yna cael ei gynnal o dan Rheoliadau Adolygu Achosion Plant (Cymru) 2007 neu fel arall."

(8) Yn rheoliad 20 (Anghenion iechyd plant)-
(a) ar ddwed wed is-baragraff (2)(a), ar ôl y geiriau "ymarfed cyffredinol" mewnodoser-
"a'i fod wedi'i roi o dan ofal ymarferydd deintyddol cofrestredig; a
(b) ar ôl is-baragraff (2)(d), mewnodoser-
"(e) Bod gweithiwr dolen gyswllt plentyn yn cymryd rhan mewn unrhyw adolygiad sy'n cynnwys ystyried unrhyw agweddd o iechyd plentyn, p'un a yawr' adolygiad yna cael ei gynnal o dan Rheoliadau Adolygu Achosion Plant (Cymru) 2007 neu fel arall."

(9) Yn rheoliad 25 (Staffio cartrefi plant)
(a) ar ôl paragraff (1) mewnodoser-
"(1A) Wrth gydymffurfio â pharagraff (1) rhaid i'r person cofrestredig sicrhau nad oes, ar bob adeg ar ôl 1 Gorffennaf 2010, neu unrhyw ddyddiad diweddarach y bydd y Cynulliad ym cytuno arno o dan amgylchiadau eithriadol, dim llai na 80% o'r staff gofal sy'n gweithio mewn cartref plant yn gyflogaeth parhaol;"
(b) ar ôl paragraff (2) mewnodoser-
"(2A) Wrth gydymffurfio â pharagraff (2) rhaid i'r person cofrestredig sicrhau nad oes ar unrhyw adeg ar ôl 1 Mawrth 2008 neu unrhyw ddyddiad y bydd y Cynulliad ym cytuno arno o dan amgylchiadau eithriadol dim llai na 90% o'r staff gofal sy'n gweithfo mewn cartref plant yn gyflogaeth parhaol."

(5) In regulation 11 (Promotion of welfare) after paragraph (2) insert-
"(3) In complying with the requirements of this regulation and regulations 18(1)(c) and 20(1), the registered person must designate a member of staff to be the "link worker" for each child.

(6) In regulation 12 (Child's placement plan), in paragraph (1)(b), after the words "health care and education", insert-
"including the name and contact details of the child's link worker.".

(7) In regulation 18 (Education, employment and leisure activity)-
(a) after sub-paragraph (1)(b) delete the word "and"; and
(b) after sub-paragraph (1)(c), insert-
"(d) a child's link worker participates in any review involving consideration of the child's educational progress, whether conducted under the Review of Children's Cases (Wales) Regulations 2007 or otherwise."

(8) In regulation 20 (Health needs of children)-
(a) at the end of sub-paragraph (2)(a), after the words "general practitioner" insert-
"and placed under the care of a registered dental practitioner; and
(b) after sub-paragraph (2)(f) insert-
"(g) a child's link worker participates in any review involving consideration of any aspect of a child's health, whether conducted under the Review of Children's Cases (Wales) Regulations 2007 or otherwise."

(9) In regulation 25 (Staffing of children's homes)-
(a) after paragraph (1) insert-
"(1A) In complying with paragraph (1) the registered person must ensure that at all times after 1 July 2010, or such later date as the Assembly may, in exceptional circumstances agree, not less than 80% of the care staff at the children's home hold a relevant qualification;"; and
(b) after paragraph (2) insert-
"(2A) In complying with paragraph (2) the registered person must ensure that at all times after 1 March 2008 or such later date as the Assembly may, in exceptional circumstances agree, not less than 90% of care staff working at the children's home are permanent employees."
(10) In regulation 26 (Fitness of workers), after paragraph (2), insert-

"(2A) Subject to paragraph (2B) and (2C), in relation to a member of the care staff of a children’s home, a reference to qualifications and experience in paragraph (2)(b) includes a requirement that that person must hold a relevant qualification.

(2B) Where a person who does not hold a relevant qualification was appointed to work at a children's home before 1 July 2007, that person is not fit to work at a children's home unless he or she obtains a relevant qualification-

(a) within a period of three years beginning with 1 July 2007; or
(b) by such later date as the National Assembly may in exceptional circumstances agree.

(2C) Where a person who does not hold a relevant qualification is appointed to work at a children's home after 1 July 2007, that person is not fit to work at a children's home unless he or she obtains a relevant qualification-

(a) within a period of three years beginning with the first date following 1 July 2007 on which he or she is appointed to work at a children's home; or
(b) by such later date as the National Assembly may in exceptional circumstances agree.

(2D) Where a person subject to a requirement to obtain a relevant qualification within a period of time specified in accordance with paragraph (2B) or (2C), is appointed during that period to a different post within the field of children’s residential care, with the same or a different employer, the period of time so specified is not altered for that reason alone.

(2E) Nothing in paragraphs (2A) to (2C) affects any requirement for a person to possess other qualifications, skills or experience relevant to the matters set out in paragraph (2)(b) and (c).

(2F) A person appointed to work in a children's home before 1 July 2007 is not fit to work in a children's home unless he or she registers as a social care worker with the Care Council for Wales not later than-

(a) 1 March 2008; or
(b) such later date as the National Assembly may in exceptional circumstances agree.
(2E) A person appointed to work in a children's home after 1 July 2007 is not fit to work in a children's home unless he or she registers as a social care worker with the Care Council for Wales not later than-

(a) six months from the first date following 1 July 2007 on which he or she is appointed to work at a children's home; or

(b) such later date as the National Assembly may in exceptional circumstances agree.”.

(11) In regulation 27 (Employment of staff), after paragraph (4) insert-

“(4A) Where, under these Regulations, the fitness of any person employed by the registered person depends upon their obtaining a relevant qualification within a specified time, the registered person must, so far as is practicable, enable him or her to obtain the qualification within the time specified.”.

(12) In regulation 33(1) (Review of quality of care) -

(a) in paragraph (2)(c)(iv) substitute the words “care home” with “children's home”; and

(b) in paragraph (4)(a) substitute the words “service users” with “children accommodated in the children's home.”.

(13) In Schedule 2 (Information Required in Respect of Persons Seeking to Carry on, Manage or Work at a Children's Home) , after paragraph 5, insert-

"5A Documentary evidence of registration with the Care Council for Wales.”.

(14) In Schedule 4 (Other Records), after paragraph 2(g) insert-

"(h) whether he or she is registered with the Care Council for Wales.”.

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

3.- (1) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002(2) are amended in relation to children's homes, in accordance with the following provisions of this regulation.


(2) Yn Rhan III o Atodlen 1, ar ôl paragraff 16(e) mewnysoder:
"(ea) where the establishment is a children's home, whether the person is registered with the Care Council for Wales and if so, details of their registration;"

(3) Yn Rhan 1 o Atodlen 3, ar ôl paragraff 2, mewnysoder:
"2A Where the establishment is a children's home, details of the applicant's registration with the Care Council for Wales."

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

6 February 2007

D. Els-Thomas

Llywydd y Cynulliad Cenedlaethol.

The Presiding Officer of the National Assembly
2007 Rhif 311 (Cy.28)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Cartrefi Plant (Cymru)
(Diwygiadau Amrywiol)
2007

The Children’s Homes (Wales)
(Miscellaneous Amendments)
Regulations 2007

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NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS
2007 No. 315 (W.29)

NATIONAL HEALTH SERVICE, WALES
Local Health Boards (Functions) (Wales) (Amendment) Regulations 2007

EXPLANATORY NOTE
(This note is not part of the Regulations)

These Regulations amend the Local Health Boards (Functions) (Wales) Regulations 2003 so as to extend the category of people for whom a Local Health Board (“LHB”) is responsible as a commissioner (and therefore also as funder) of services.

The amendments to the Principal Regulations have the effect of maintaining a Local Health Board’s responsibility for children in certain categories who come from the area but are then placed out of area and who would otherwise become the responsibility of another LHB by virtue of being “usually resident” in that area.

The children concerned are children looked after by local authorities, local authority care leavers, children resident at a school named in their statement of special educational needs and children with ongoing health needs and who, for any of those reasons, are placed out of their area.
The National Assembly for Wales, in exercise of the powers conferred by sections 16BB and 126 (4) of the National Health Service Act 1977 (1) hereby makes the following Regulations.

Citation, commencement extent and interpretation

1.-(1) The name of these Regulations is the "Local Health Boards (Functions) (Wales) (Amendment) Regulations 2007".

(2) These Regulations come into force on 1 July 2007.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations "the Principal Regulations" means the Local Health Boards (Functions) (Wales) Regulations 2003(2).

Amendment of the Principal Regulations

2.-(1) In regulation 2(1) of the Principal Regulations insert the following definitions in the appropriate alphabetical order-

"continuing care" ("gofal parhaus") means care provided over an extended period of time to meet physical or mental health needs which have arisen as a result of illness;";

"general ophthalmic services" ("gwasanaethau offthalmig cyffredinol") has the same meaning as in section 38(7) of the Act(3);";

(1) 1977 c.49  Section 16BB is inserted by section 6(1) of the National Health Service Reform and Health Care Professions Act 2002.
(2) S.I. 2003/150 (W. 20) as amended by S.I. 2003/816 (W. 101)
(3) 1989 p.41.
"gwasanaethau offthalmig cyffredinol" yr ystyr sydd i "general ophthalmic services" yn adran 38(7) o Deddf(1);
"gwasanaethau fferyllol" yr ystyr sydd i "pharmaceutical services" yn adran 41(2) o Deddf(2);
"gwasanaethau deintyddol sylfaenol" yr ystyr sydd i "primary dental services" yn adran 16CA o Deddf(3);
"gwasanaethau meddygol sylfaenol" yr ystyr sydd i "primary medical services" yn adran 16CC o Deddf(4).

(2) Yn rheoliad 2(2) o'r Prif Reoliadau, ar ôl y geiriau "at ddibenion y Rheoliadau hyn," mewnosoder y geiriau "ac yn ddarostyngedig i reoliad 2A."

(3) Ar ôl rheoliad 2 o'r Prif Reoliadau, mewnrosoder y rheoliad a ganlyn-

(2A.-(1) Mae Bwrdd Iechyd Lleol gwreiddiol yn parhau i fod yn gyfrifol am y personau a bennir ym mharagraff (3) isod a fu'n preswylio fel arfer yn yr ardal y sefydlwyd ef ar ei chyfer, yn yr amgylchiadau a osodir ym mharagraff (2).

(2) Dyma'r amgylchiadau-
(a) ar neu ar ôl 1 Gorffennaf 2007
(i) mae'r Bwrdd Iechyd Lleol gwreiddiol wedi gwneud trefniant wrth arfer ei swyddogaethau; neu
(ii) mae awdurdod lleol(5) wedi gwneud trefniant y mae person y mae paragraff (3) yn gymwys iddo ym cael gwasanaethau sy'n golygu neu sy'n cynnwys y datbannau o leidy a leolir yn ardal Bwrdd Iechyd Lleol arall neu Ymddiriedolaeth Gofal Sylfaenol arall; a
(b) mae'r person drwy hynny'n byw yn y llefy.
(3) Mae'r paragraff hwn yn gymwys
(a) i berson sydd o dan 18 oed, a

(2) In regulation 2(2) of the Principal Regulations, after the words "For the purposes of these Regulations," insert the words "and subject to regulation 2A."

(3) After regulation 2 of the Principal Regulations, insert the following regulation-

A Local Health Board of origin continues to be responsible for the persons specified in paragraph (3) below who have been usually resident in the area for which it is established, in the circumstances set out in paragraph (2).

(2) The circumstances are that-
(a) on or after 1 July 2007
(i) the Local Health Board of origin has made an arrangement in the exercise of its functions; or
(ii) a local authority(5) has made an arrangement by virtue of which a person to whom paragraph (3) applies is provided with services which consist of or include the provision of accommodation situated in the area of another Local Health Board or a Primary Care Trust; and
(b) the person is thereby living in the accommodation.

(3) This paragraph applies to a person who is under the age of 18 and

(1) Ailddeddfir adran 38(7) o Deddf fel adran 71(10) o Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.
(2) Ailddeddfir adran 41(2) o Deddf fel adran 80(8) o Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.
(3) Ailddeddfir adran 16CA o Deddf fel adran 56 o Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.
(4) Ailddeddfir adran 16CC o Deddf fel adran 41 o Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.
(i) mae’n derbyn gofal gan awdurdod lleol o fewn ystyr adran 22(1) o Ddeddf 1989;
(ii) mae’n blentyn perthnasol o fewn ystyr adran 23A o Ddeddf 1989;
(iii) mae’n gymwys i gael cyngor a chymorth o dan adran 24(1A) neu adran 24(1B) o Ddeddf 1989;
(iv) mae wedi cael ei leoli mewn ysgol yn unol à datganiad o achos anghenion addysgol arbennig a wnaed o dan adran 324 o Ddeddf Addysg 1996 sy’n enwi’r ysgol, neu
(v) mae angen llety arno i fodloni anghenion gofal parhaus;

1 a

(b) i berson o dan 21 oed a oedd yn union cyn ei ben-blywyd yn ddeunaw oed, yn berson a oedd yn dod o fewn un o is-gategoriad is-baragraff (a).

4 Nid yw cyfrifoldeb Bwrdd Iechyd Lleol gwreiddiol o dan y rheoliad hwn yn ymestyn ei swyddogaethau o ran gwasanaethau meddygol sylfaenol, deintyddol sylfaenol, fferyllol ac offthalmig cyffredinol.

5 Yn y rheoliad hwn ystyr "Bwrdd Iechyd Lleol gwreiddiol" yw Bwrdd Iechyd Lleol a wnaeth y trefniant o dan is-baragraff 2A(2)(a)(i) neu’r Bwrdd Iechyd Lleol sy’n cyfateb i ardal ddáearyddiol yr awdurdod lleol a wnaeth y trefniant o dan is-baragraff 2A(2)(a)(ii).”

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2)

6 Chwefror 2007

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(1) 1996 p. 56.
(2) 1998 c.38.
Local Health Boards (Functions) (Wales) (Amendment) Regulations 2007