



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 1082 (Cy. 244)

2020 No. 1082 (W. 244)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Rheoliadau Mabwysiadu a Maethu
(Cymru) (Diwygiadau Amrywiol)
(Coronafeirws) 2020

The Adoption and Fostering
(Wales) (Miscellaneous
Amendments) (Coronavirus)
Regulations 2020

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud diwygiadau i ddwy set o Reoliadau er mwyn llacio a diwygio gofynion a osodir odanynt. Mae'r diwygiadau yn cael eu gwneud er mwyn cynorthwyo'r sector gofal cymdeithasol i blant mewn ymateb i achosion a lledaeniad coronafeirws syndrom anadlol aciwt difrifol 2 (SARS-CoV-2) yng Nghymru ac maent yn peidio â chael effaith ar 31 Mawrth 2021.

Mae **rheoliadau 3 i 6** yn gwneud diwygiadau i Reoliadau Asiantaethau Mabwysiadu (Cymru) 2005 (O.S. 2005/1313 (Cy. 95)), sy'n nodi'r broses ar gyfer asesu addasrwydd pobl i fabwysiadu plentyn ac addasrwydd plant i gael eu mabwysiadu. Maent yn gwneud diwygiadau i'r broses gymeradwyo ar gyfer darpar fabwysiadwyr i alluogi i wybodaeth y mae rhaid ei chasglu ar hyn o bryd yn ystod cam 1 o'r broses gymeradwyo gael ei chasglu yn ystod cam 2 ac yn llacio'r amserlen pan fo rhaid ymgymryd â gweithredoedd penodol. Mae **rheoliad 5** yn cywiro gwallau teipograffyddol.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to two sets of Regulations to relax and amend requirements imposed under them. The amendments are being made in order to assist the children's social care sector in response to the outbreak and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales and cease to have effect on 31 March 2021.

Regulations 3 to 6 make amendments to the Adoption Agencies (Wales) Regulations 2005 (S.I. 2005/1313 (W. 95)), which set out the process for assessing the suitability of people to adopt a child and the suitability of children to be adopted. They make amendments to the approval process for prospective adopters to enable information that must currently be collected during stage 1 of the approval process to be collected during stage 2 and relax the timescale during which certain actions must be undertaken. **Regulation 5** corrects typographical errors.

Mae **rheoliad 8** yn diwygio Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015 (O.S. 2015/1818 (Cy. 261)) i estyn y cyfnod (o 16 i 24 o wythnosau) pan ganiateir i berson sy'n berthynas i blentyn neu sy'n gysylltiedig fel arall â phlentyn gael cymeradwyaeth dros dro i weithredu fel rhiant maeth awdurdod lleol ar gyfer y plentyn hwnnw.

Mae **rheoliad 10** yn gwneud darpariaeth arbed i sicrhau bod rhai o'r diwygiadau a wneir gan y Rheoliadau hyn yn parhau i fod yn gymwys o dan amgylchiadau penodol ar ôl i'r diwygiadau ddod i ben ar 31 Mawrth 2021 yn unol â **rheoliad 9**.

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

Regulation 8 amends the Care Planning, Placement and Case Review (Wales) Regulations 2015 (S.I. 2015/1818 (W. 261)) to extend the period (from 16 to 24 weeks) during which a person related to or otherwise connected with a child may receive temporary approval to act as a local authority foster parent for that child.

Regulation 10 makes savings provision to ensure that some of the amendments made by these Regulations continue to apply in certain circumstances after the expiry of the amendments on 31 March 2021 in accordance with **regulation 9**.

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

2020 Rhif 1082 (Cy. 244)

**GOFAL CYMDEITHASOL,
CYMRU**

**PLANT A PHOBL IFANC,
CYMRU**

Rheoliadau Mabwysiadu a Maethu
(Cymru) (Diwygiadau Amrywiol)
(Coronafeirws) 2020

Gwnaed 5 Hydref 2020

*Gosodwyd gerbron Senedd
Cymru* 7 Hydref 2020

Yn dod i rym 1 Tachwedd 2020

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adrannau 9(1)(a), 140(7) ac (8) a 142(5) o Ddeddf Mabwysiadu a Phlant 2002(1) ac adrannau 87 a 196(2) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(2).

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Mabwysiadu a Maethu (Cymru) (Diwygiadau Amrywiol) (Coronafeirws) 2020.

(2) Daw'r Rheoliadau hyn i rym ar 1 Tachwedd 2020.

2020 No. 1082 (W. 244)

SOCIAL CARE, WALES

**CHILDREN AND YOUNG
PERSONS, WALES**

The Adoption and Fostering
(Wales) (Miscellaneous
Amendments) (Coronavirus)
Regulations 2020

Made 5 October 2020

Laid before Senedd Cymru 7 October 2020

Coming into force 1 November 2020

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 9(1)(a), 140(7) and (8) and 142(5) of the Adoption and Children Act 2002(1) and sections 87 and 196(2) of the Social Services and Well-being (Wales) Act 2014(2).

Title and commencement

1.—(1) The title of these Regulations is the Adoption and Fostering (Wales) (Miscellaneous Amendments) (Coronavirus) Regulations 2020.

(2) These Regulations come into force on 1 November 2020.

(1) 2002 p. 38 (“Deddf 2002”). *Gweler* y diffiniadau o “regulations”, “appropriate Minister” a “the Assembly” yn adran 144(1) o Ddeddf 2002. Trosglwyddwyd y pŵer a roddwyd i Gynulliad Cenedlaethol Cymru i wneud rheoliadau o dan Ddeddf 2002 i Weiniogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(2) 2014 decc 4. *Gweler* adran 197(1) am y diffiniad o “penoddedig”, “a bennir” ac “a bennwyd” a “rheoliadau”.

(1) 2002 c. 38 (“the 2002 Act”). *See* the definitions of “regulations”, “appropriate Minister”, and “the Assembly” in section 144(1) of the 2002 Act. The power conferred on the National Assembly for Wales to make regulations under the 2002 Act was transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(2) 2014 anaw 4. *See* section 197(1) for the definition of “regulations” and “specified”.

Diwygio Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005

2. Mae Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005(1) wedi eu diwygio yn unol â rheoliadau 3 i 6.

3. Yn rheoliad 27 (penderfyniad cyn asesu)—

- (a) ar ôl paragraff (1) mewnosoder—

“(1A) Os na chafwyd yr wybodaeth eto sy’n ofynnol o dan reoliadau 25 a 26 caiff yr asiantaeth fabwysiadu benderfynu bwrw ymlaen fel pe bai wedi gwneud penderfyniad o dan baragraff (1)(a).”;
- (b) ym mharagraff (2), ar ôl “rhaid i’r asiantaeth” mewnosoder “, pan fo’n rhesymol ymarferol,”;
- (c) ym mharagraff (4)—
 - (i) yn y geiriau agoriadol, ar ôl “i fabwysiadu plentyn,” mewnosoder “neu pan fo paragraff (1A) yn gymwys,”;
 - (ii) yn is-baragraff (b), ar ôl “rhaid iddo” mewnosoder “, pan fo’n rhesymol ymarferol,”.

4. Yn rheoliad 28 (asesiad cam 2)—

- (a) ym mharagraff (1)—
 - (i) yn lle “o fewn chwe mis i’r dyddiad yr hysbysodd yr asiantaeth y darpar fabwysiadydd” rhodder “yn dilyn hysbysiad”;
 - (ii) ar ôl “reoliad 27(4)” mewnosoder “neu pan fo rheoliad 27(1A) yn gymwys”;
- (b) hepgorer paragraffau (2) a (3).

5. Yn rheoliad 30 (adroddiad darpar fabwysiadydd)—

- (a) ym mharagraff (2)(c), yn lle “26(d)” rhodder “26(d) neu (dd)”;
- (b) ym mharagraff (6)(b), yn lle “26(b) i (d)” rhodder “26(b) i (dd)”.

Amendment of the Adoption Agencies (Wales) Regulations 2005

2. The Adoption Agencies (Wales) Regulations 2005(1) are amended in accordance with regulations 3 to 6.

3. In regulation 27 (pre-assessment decision)—

- (a) after paragraph (1) insert—

“(1A) If the information required under regulations 25 and 26 has yet to be obtained the adoption agency may decide to proceed as if it has made a decision under paragraph (1)(a).”;
- (b) in paragraph (2), after “agency must” insert “, where reasonably practicable,”;
- (c) in paragraph (4)—
 - (i) in the opening words, after “adopt a child,” insert “or where paragraph (1A) applies,”;
 - (ii) in sub-paragraph (b), after “they must” insert “, where reasonably practicable,”.

4. In regulation 28 (stage 2 assessment)—

- (a) in paragraph (1)—
 - (i) for “within six months from the date on which the agency notified the prospective adopter” substitute “following notification”;
 - (ii) after “regulation 27(4)” insert “or where regulation 27(1A) applies”;
- (b) omit paragraphs (2) and (3).

5. In regulation 30 (prospective adopter’s report)—

- (a) in paragraph (2)(c), for “26(e)” substitute “26(e) or (f)”;
- (b) in paragraph (6)(b), for “26(b) to (e)” substitute “26(b) to (f)”.

(1) O.S. 2005/1313 (Cy. 95) (“Rheoliadau 2005”), a ddiwygiwyd gan O.S. 2020/163 (Cy. 31) (“Rheoliadau 2020”). Rhoddodd Rheoliadau 2020 Ran 4 newydd yn Rheoliadau 2005. Mae diwygiadau eraill nad ydynt yn berthnasol i’r Rheoliadau hyn.

(1) S.I. 2005/1313 (W. 95) (“the 2005 Regulations”), amended by S.I. 2020/163 (W. 31) (“the 2020 Regulations”). The 2020 Regulations substituted a new Part 4 into the 2005 Regulations. There are other amendments not relevant to these Regulations.

6. Yn rheoliad 30B (penderfyniad a hysbysiad gan yr asiantaeth fabwysiadu)—

- (a) ym mharagraff (1), ar ôl “asiantaeth fabwysiadu” mewnosoder “, pan fo’n rhesymol ymarferol,”;
- (b) ar ôl paragraff (1) mewnosoder—

“(1A) Rhaid i’r asiantaeth fabwysiadu beidio â gwneud penderfyniad o dan baragraff (1) hyd nes ei bod wedi cael yr wybodaeth sy’n ofynnol o dan reoliadau 25 a 26.”;
- (c) ym mharagraff (2), hepgorer is-baragraff (a) a’r “neu” sydd yn union ar ei ôl;
- (d) ym mharagraff (5)(c)(ii), ar y dechrau mewnosoder “yn ddarostyngedig i baragraff (5A),”;
- (e) ar ôl paragraff (5) mewnosoder—

“(5A) Pan fo rheoliad 27(1A) yn gymwys a bo’r asiantaeth fabwysiadu yn ystyried nad yw’r darpar fabwysiadu yn addas i fabwysiadu plentyn oherwydd gwybodaeth a gafwyd o dan reoliad 25 neu reoliad 26, ni chaiff y darpar fabwysiadu wneud cais i Weinidogion Cymru am adolygiad gan banel adolygu annibynnol o’r dyfarniad o gymhwyster.”

Diwygio Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015

7. Mae Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015(1) wedi eu diwygio yn unol â rheoliad 8.

8. Yn rheoliad 26(1) (cymeradwyo dros dro berthynas, cyfaill neu berson arall sydd â chysylltiad ag C), yn lle “16 wythnos” rhodder “24 wythnos”.

Dod i ben

9.—(1) Yn ddarostyngedig i reoliad 10, mae’r diwygiadau a wneir gan y Rheoliadau hyn yn peidio â chael effaith ar 31 Mawrth 2021.

(2) Nid yw’r rheoliad hwn yn effeithio ar ddilysrwydd unrhyw beth a wneir yn unol â’r diwygiadau a wneir gan y Rheoliadau hyn cyn iddynt beidio â chael effaith.

6. In regulation 30B (adoption agency decision and notification)—

- (a) in paragraph (1), after “agency must” insert “, where reasonably practicable,”;
- (b) after paragraph (1) insert—

“(1A) The adoption agency must not make a decision under paragraph (1) until it has obtained the information required under regulations 25 and 26.”;
- (c) in paragraph (2), omit sub-paragraph (a) and the “or” immediately following it;
- (d) in paragraph (5)(c)(ii), at the beginning insert “subject to paragraph (5A),”;
- (e) after paragraph (5) insert—

“(5A) Where regulation 27(1A) applies and the adoption agency considers that the prospective adopter is not suitable to adopt a child because of information obtained under regulation 25 or regulation 26, the prospective adopter may not apply to the Welsh Ministers for a review by an independent review panel of the qualifying determination.”

Amendment of the Care Planning, Placement and Case Review (Wales) Regulations 2015

7. The Care Planning, Placement and Case Review (Wales) Regulations 2015(1) are amended in accordance with regulation 8.

8. In regulation 26(1) (temporary approval of a relative, friend or other person connected with C), for “16 weeks” substitute “24 weeks”.

Expiry

9.—(1) Subject to regulation 10, the amendments made by these Regulations cease to have effect on 31 March 2021.

(2) This regulation does not affect the validity of anything done pursuant to the amendments made by these Regulations before they cease to have effect.

(1) O.S. 2015/1818 (Cy. 261), y mae diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(1) S.I. 2015/1818 (W. 261), to which there are amendments not relevant to these Regulations.

Arbedion: asesiadau addasrwydd

10. Mewn achos pan fo asiantaeth fabwysiadu, ar 31 Mawrth 2021, yn y broses o asesu addasrwydd darpar fabwysiadydd yn unol â Rhan 4 o Reoliadau Asiantaethau Mabwysiadu (Cymru) 2005, rhaid i'r asesiad hwnnw barhau fel pe bai'r diwygiadau a wneir gan y Rheoliadau hyn yn parhau mewn grym.

Savings: suitability assessments

10. In a case where, on 31 March 2021, an adoption agency is in the process of assessing the suitability of a prospective adopter in accordance with Part 4 of the Adoption Agencies (Wales) Regulations 2005, that assessment must continue as if the amendments made by these Regulations remain in force.

Julie Morgan

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

5 Hydref 2020

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

5 October 2020

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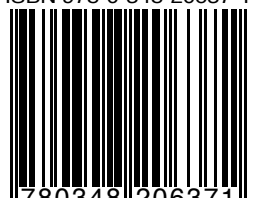
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