Gofal Cymdeithasol **Cymru**
Social Care **Wales**

Yr Ymarferydd Gwasanaethau Cymdeithasol

Deddfwriaeth sy'n Ymwneud â Phlant
Uned 440 Canlyniad Dysgu 3
Deall
y ddeddfwriaeth sy'n ymwneud â phlant a phobl ifanc

Social Services Practitioner

Legislation Relating to Children
Unit 440 Learning Outcome 3
Understand the legislation that relates to children and young people.

Noddir gan Llywodraeth Cymru
Sponsored by Welsh Government

Mae'r adnodd hwn wedi'i ddatblygu mewn partneriaeth â'r Consortiwm Ymarferwyr Gwasanaethau Cymdeithasol (SSP) ar ran Gofal Cymdeithasol Cymru. Mae'r consortiwm yn cynnwys y partneriaid canlynol:

This resource has been developed in partnership by the Social Services Practitioner (SSP) Consortium on behalf of Social Care Wales. The consortium is made up of the following partners:

Gofal Cymdeithasol Cymru a'i gynghorwyr penodedig sy'n berchen ar hawlfraint y deunyddiau hyn. Gall darparwyr dysgu, awdurdodau lleol a darparwyr gwasanaethau gofal yng Nghymru gopïo, atgynhyrchu, dosbarthu neu drefnu bod y Rhaglen Ddysgu Ymarferwyr Gwasanaethau Cymdeithasol (SSP) ar gael fel arall i unrhyw drydydd parti arall ar sail ddielw yn unig. Rhaid i unrhyw bartïon eraill sy'n dymuno copïo, atgynhyrchu, dosbarthu neu fel arall wneud y Rhaglen Ymarferwyr Gwasanaethau Cymdeithasol (SSP) ar gael i unrhyw drydydd parti arall geisio caniatâd ysgrifenedig Gofal Cymdeithasol Cymru ymlaen llaw.

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Sgiliau Astudio / Study Skills

- Cyfeirnodi / Referencing
- Darllen / Reading
- Ysgrifenu / Writing
- Myfyrdod Beirniadol / Critical Reflection
- Cyfathrebiad / Communication
- Gwaith Grŵp / Group Work
- Cyflwyniad / Presentation
- Ymchwil / Research
- Sgiliau rhyngbersonol / Interpersonal Skills

Sgiliau Astudio Cudd / Hidden Study Skills

Peidiwch ag anghofio bod amrywiaeth o sgiliau wedi'u gwreiddio, gan gynnwys...	Don't forget there are a range of skills embedded including...
Trefniadaeth	Organisation
Cadw amser	Time keeping
Cynllunio	Planning
Cymryd nodyn	Note taking
Cynllunio Traethawd	Essay planning
Gwrandawiad	Listening
Datrys problemau	Problem solving
Penderfyniadau	Decision making
Cwestiynu	Questioning
Siarad yn effeithiol	Effective speaking
Cyfathrebu llafar	Verbal communication
Efallai y bydd rhai o'r rhain yn rhan o'ch sgiliau rhyngbersonol hefyd.	Some of these may form part of your Interpersonal Skills too.

Amcanion

- Gallu disgrifio prif ddarpariaethau rhan 6
- Cymhwyso'r dysgu i astudiaeth achos

Objectives

- To be able to describe the main provisions of part 6
- To apply the learning to a case study

Ymarfer grŵp

Group Exercise

Yn eich grwpiau trafodwch a rhannwch y pethau pwysicaf a ddysgwyd gennych (o leiaf 3) o wylio'r fideo

Pa ddeddfwriaeth a chanllawiau eraill yng Nghymru sy'n hyrwyddo hawliau'r plentyn
Enwebwch rywun i roi adborth i'r prif grŵp

In your groups discuss and share your biggest learnings (at least 3) from watching the video

What other legislation and guidance in Wales promotes the rights of the child
Nominate someone to feedback to the main group

Rhannau o'r Ddeddf

1. Cyflwyniad
2. Swyddogaethau Cyffredinol
3. Asesu anghenion unigolion
4. Diwallu anghenion
5. Codi tâl ac asesiad ariannol
6. Plant sy'n Derbyn Gofal a Phlant sy'n cael eu Lletya
7. Diogelu
8. Swyddogethau Gwasanaethau Cymdeithasol
9. Cydweithrediad a Phartneriaeth
10. Cwynion ac Eiriolaeth
11. Amrywiol a Chyffredinol

Parts of the Act

1. Introduction
2. General Functions
3. Assessing the needs of individuals
4. Meetings needs
5. Charging and financial assessment
6. Looked after and accommodated Children
7. Safeguarding
8. Social Services Functions
9. Co-operation and Partnership
10. Complaints and Advocacy
11. Miscellaneous and General

Y Ddyletswydd Llesiant

- **Rhaid i berson sy'n arfer swyddogaethau o dan y Ddeddf hon geisio hybu lles pobl sydd angen gofal a gofalwyr sydd angen cymorth**

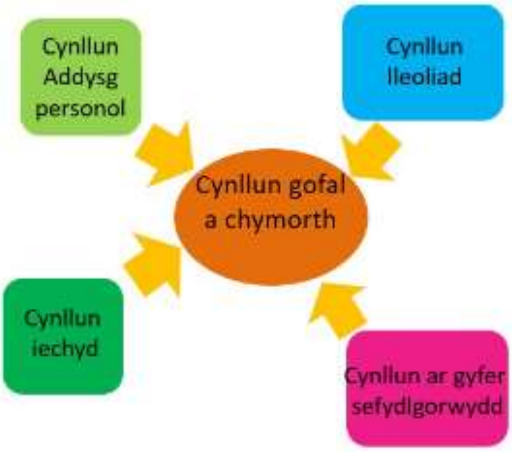
The Well-being Duty

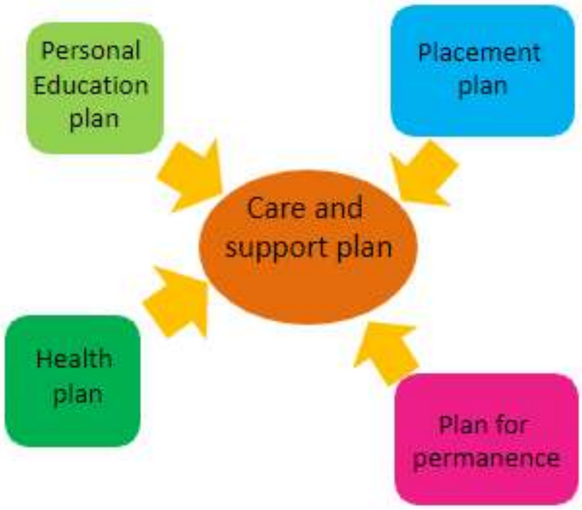
- **A person exercising functions under this Act must seek to promote the well-being of people who need care and carers who need support**

Newid mewn Diwylliant
Culture Change
Cydweithio – "gwneud gyda" yn hytrach na "gwneud dros"
Collaboration – "doing with" rather than "doing for"
Cyfranogiad ystyrlon gan blant a theuluoedd
Meaningful participation of children and families
Gwrando gweithredol a chyfathrebu gyda phlant
Active listening and communication with children
Yn canolbwyntio ar yr unigolyn ac yn cael ei arwain ganddo yn hytrach na'i arwain gan y gwasanaeth
Person centred and led rather than service led
Cryfderau, gallu, cefnogaeth teuluoedd a ffrindiau
Strengths, capacity, support of families and friends
Asesiadau cydgysylltiedig, cynlluniau gofal a chymorth trosfwaol
Co-ordinated assessments, overarching care and support plans
Canolbwyntio ar ganlyniadau a nodau personol
Focus on personal outcomes and goals
Dyheadau a chyflawniadau
Aspirations and achievements

Cynllun gofal a chymorth trosfwaol

Overarching care and support plan





Rhan 6 cynllun gofal a chymorth

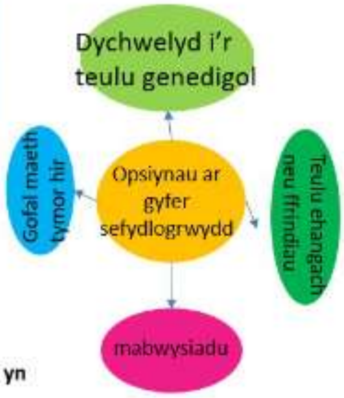
- Gwybodaeth am y cynllun tymor hir – yna opsiwn sefydlogrwydd
- Manylion y lleoliad a pham y cafodd ei ddewis
- Sut bydd lles, anghenion datblygiadol a chanlyniadau'r plentyn yn cael eu diwallu
- Enw'r swyddog adolygu annibynnol
- trefniadau cyswllt gyda rhiant a brodyr/chwiorydd/llys frodyr a chwiorydd
- Manylion y cynllun iechyd a'r cynllun addysg personol
- Manylion unrhyw orchmynion llys
- Dymuniadau a theimladau pobl berthnasol ynghylch cynllun y plentyn ac unrhyw newidiadau arfaethedig

Part 6 care and support plan

- Information about the long term plan – then permanence option
- Details of the placement and why it was chosen
- How the child's well-being, developmental needs and outcomes will be met
- Name of the independent reviewing officer
- contact arrangements with parent and sibling/ step-sibling
- Details of the health plan and personal education plan
- Details of any court orders
- Wishes, feelings of relevant people abut the child's plan and any proposed changes

Cynllun ar gyfer sefydlogrwydd

Mae sicrhau sefydlogrwydd i'r plentyn yn ystyriaeth allweddol wrth i'r plentyn ddechrau derbyn gofal. Dylai'r cynllun gofal a chymorth o'r cychwyn nodi sut y sicrheir sefydlogrwydd

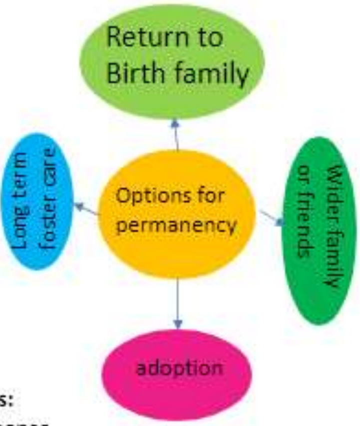


Mae sefydlogrwydd yn cynnwys:

- **Sefydlogrwydd emosiynol (ymlyniad)**
- **Sefydlogrwydd corfforol (digyfnewid)**
- **Sefydlogrwydd cyfreithiol (pwy sydd â chyfrifoldeb rhiant)**

Plan for permanence

Achieving permanence for the child is a key consideration from the child becomes looked after. The care and support plan from the outset should set out how permanence will be achieved



Permanence includes:

- **Emotional permanence (attachment)**
- **Physical permanence (stability)**
- **Legal permanence (who has parental responsibility)**

Asesiad a chynllun iechyd

- Asesiad o iechyd corfforol, emosiynol a meddyliol plentyn
- Hanes iechyd y plentyn a'r teulu
- Y trefniadau presennol ar gyfer gofal iechyd a deintyddol ac unrhyw newidiadau arfaethedig
- Triniaeth a monitro ar gyfer anghenion iechyd a nodwyd
- Gwiriadau iechyd a sgrinio arferol
- Mesurau ataliol fel brechu
- Hybu iechyd a gofal personol effeithiol

Health assessment and plan

- Assessment of child's physical, emotional and mental health
- Health history of child and family
- Current arrangements for health and dental care and any planned changes
- Treatment and monitoring for identified health needs
- Routine health checks and screening
- Preventative measures such as inoculation
- Health promotion and effective personal care

Hyrwyddo cyflawniad addysgol

Rhaid i bob plentyn sy'n derbyn gofal gael **cynllun addysg personol** effeithiol i'w helpu i gyrraedd ei botensial a chyflawni ei ganlyniadau addysgol

- Amcanion a thargedau ar gyfer dyheadau addysgol a diddordebau hamdden y plentyn
- Hanes addysgol y plentyn – cynnydd, cyflawniadau, tarfu
- Trefniadau presennol ar gyfer addysg y plentyn ac unrhyw gymorth arbenigol sydd ar waith
- Trefniadau i darfu cyn lleied â phosibl ar gyflawniadau addysgol a diddordebau hamdden

Promoting educational achievement

Every looked after child must have an effective **personal education plan** to help them fulfil their potential and achieve their educational outcomes

- Objectives and targets for the child's educational aspirations and leisure interests
- Child's educational history – progress, achievements, disruption
- Existing arrangements for the child's education and any specialist support in place
- Arrangements to minimise disruption of educational achievements and leisure interests

Lleoliadau

Placements

Getting in on the Act

Lleoliadau		Placements
•Rhiant •Person â chyfrifoldeb rhiant •Person â gorchymyn preswylio / trefniant plant		•A person with parental responsibility •A parent •A person with a residence / child arrangement order
•Perthynas •Ffrind •Person arall sy'n gysylltiedig â'r plentyn		•A relative •A friend •Other person connected to the child
•Gofalwr maeth •Cartref plant •Darpar fabwysiadydd •Llety â chymorth •Llety diogel		•Foster carer •Children's home •Prospective adopter •Supported lodgings •Secure accommodation

Getting in on the Act

Rhaid i leoliadau

Caniatáu i'r plentyn fyw yn agos at ei gartref

Diwallu anghenion a chanlyniadau'r cynllun gofal a chymorth neu'r cynllun

Peidio ag amharu ar addysg neu hyfforddiant y plentyn

Galluogi brodyr a chwiorydd sy'n derbyn gofal i fyw gyda'i gilydd

Bod yn addas i anghenion y plentyn os yw'r plentyn yn anabl

Mae rheoliadau yn nodi gofynion clir ar gyfer **lleoliadau y tu allan i'r ardal** ac yn cyflwyno **"trefn dewis"** newydd ar gyfer lleoliadau o'r fath

Placements must

Allow the child to live near home

Meet the needs and outcomes from the care and support plan or pathway plan

Not to disrupt the child's education or training

Enable looked after siblings to live together

Be suitable to the child's needs if the child is disabled

Regulations set out clear requirements for **out of area placements** and introduce a new **"order of preference"** for such placements

Cynllun Lleoliadau

Rhaid i gynllun lleoliad nodi sut bydd y lleoliad yn cyfrannu at ddiwallu anghenion y plentyn. Bydd yn rhan annatod o gynllun gofal a chymorth rhan 6 cyffredinol:

- Egluro rolau a chyfrifoldebau a sut y bydd y tasgau o ddydd i ddydd yn cael eu rhannu rhwng y gofalwr a'r awdurdod lleol fel rhiant corfforaethol
- Rhoi gwybodaeth hanfodol i'r gofalwr am y plentyn – iechyd, addysg, anghenion emosiynol ac ymddygiadol, hoff/cas bethau, arferion a rheolaeth
- Sicrhau bod y plentyn a'r gofalwr yn cael cymorth a chefnogaeth briodol i ddiwallu anghenion y plentyn

Placements Plan

a placement plan must set out how the placement will contribute to meeting the child's needs. It will form an integral part of the overall part 6 care and support plan:

- Clarify roles and responsibilities and how the day-to-day tasks will be shared between the carer and local authority as corporate parent
- Provide the carer with essential information about the child – health, education, emotional and behavioural needs, likes/dislikes routines and management
- Ensure the child and carer receive appropriate help and support to meet the needs of the child

Cartref plant diogel

Gellir gosod plentyn sy'n derbyn gofal gael ei roi mewn llety diogel dim ond os oes:

- Hanes o ddianc a dioddef niwed sylweddol neu
- Ei fod yn debygol o anafu ei hun neu bobl eraill

A

- Dim ond ar ôl cael gorchymyn llety diogel gan y llysoedd (ar ôl cyfnod cais cyn llys o 72 awr)

Egwyddorion sylfaenol:

"Ni chaiff unrhyw blentyn ei amddifadu o'i ryddid yn anghyfreithlon neu'n fympwyol. Rhaid i arestio, cadw neu garcharu plentyn fod yn unol â'r gyfraith a rhaid ei ddefnyddio dim ond fel cam olaf ac am y cyfnod byrraf priodol o amser."

Erthygl 37b CCUHP

Secure children's home

A looked after child can only be placed in secure accommodation if:

- History of absconding and suffer significant harm or
- Likely to injure him / herself or other people

And

- Only after obtaining a secure accommodation order from the courts (after a pre court application period of 72 hours)

Underpinning principles:

"No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time."

Article 37b UNCRC

Cadw mewn cysylltiad   Keeping touch

Getting in on the Act

Cadw mewn cysylltiad

- Rhaid ymweld â phlant sy'n derbyn gofal i sicrhau:
- Mae eu lles yn parhau i gael ei ddiogelu a'i hyrwyddo
- Maent yn teimlo eu bod yn cael eu cefnogi
- Maent yn derbyn y cyngor neu'r wybodaeth sydd ei hangen arnynt
- Gallant siarad am eu gobeithion a'u dyheadau, eu gofidiau a'u pryderon
- Mae nodau personol a chanlyniadau eu cynllun yn cael eu gwirio
- Nodir cymorth neu wasanaethau ychwanegol os oes angen
- Mae eu hymateb i gyswllt teuluol yn cael ei wirio

Dyletswydd i benodi ymwelydd annibynnol pan ystyrir ei fod er lles gorau'r plentyn

Keeping in touch

- Looked after children must be visited to ensure:
- Their well-being continues to be safeguarded and promoted
- They feel supported
- They receive the advice or information they need
- They are able to talk about their hopes and aspirations, worries and concerns
- Personal goals and outcomes from their plan are checked
- Additional support or services are identified if needed
- Their response to family contact is checked

Duty to appoint an independent visitor when considered to be in the best interests of child

Plant mewn sefydliadau eraill

Pan gaiff ei hysbysu, rhaid i'r awdurdod lleol:

- Asesu anghenion y plentyn am ofal a chymorth
- Trefnu bod y plentyn yn cael ymweliad yn yr un modd ag ymweliadau â phlant eraill sy'n derbyn gofal
- Darparu gwasanaethau fel y bo'n briodol i fodloni anghenion gofal a chymorth

- **Gan awdurdodau iechyd neu awdurdodau addysg -** dyletswydd i hysbysu'r awdurdod lleol lle mae'r plentyn yn preswylio fel arfer
- **mewn cartrefi gofal ac ysbytai annibynnol -** dyletswydd i hysbysu lleoliad y cartref gofal neu'r ysbyty

Children in other establishments

When notified the local authority must:

- Assess the needs of the child for care and support
- Arrange for the child to be visited in the same way as visits to other looked after children
- Provide services as appropriate to meet care and support needs

- **By health authorities or education authorities -** duty to notify the local authority where child is normally resident
- **in care homes and independent hospitals –** duty to notify where the care home or hospital is located

Adolygu'r cynllun gofal a chymorth

Rhaid i gynllun gofal a chymorth y plentyn gael ei adolygu'n ffurfiol yn rheolaidd a chyn unrhyw newid arfaethedig i fynd i'r afael â:

- Cyfranogiad ac ymgysylltiad y plentyn
- Esboniadau clir i'r plentyn o'r rheswm dros unrhyw newidiadau
- Ymgysylltiad priodol asiantaethau eraill
- Goruchwyliaeth a throsolwg gan reolwyr cyfrifol
- I ba raddau y gwneir cynnydd tuag at gyflawni'r canlyniadau a nodwyd

Review of the care and support plan

The child's care and support plan must be formally reviewed at regular intervals and before any proposed change to address:

- The child's participation and involvement
- Clear explanations for the child of the reason for any changes
- Appropriate involvement of other agencies
- Supervision and oversight by responsible mangers
- The extent progress is being made towards achieving the identified outcomes

Gadael gofal

Leaving care

Getting in on the Act

Rôl newidiol y swyddog adolygu annibynnol (IRO)

- Sicrhau bod y cynllun gofal a chymorth yn darparu ymateb gwirioneddol i anghenion pob plentyn sy'n derbyn gofal
- Siarad yn bersonol â'r plentyn a sicrhau y rhoddir pwys ar ei farn
- Sicrhau fod y plentyn yn deall unrhyw newidiadau yn llawn
- Sicrhau nad oes "drifft"
- Nodi bylchau
- Monitro'r awdurdod lleol fel rhieni corfforaethol da, gan gynnwys camau gweithredu yn erbyn arfer gwael
- Sicrhau fod y plentyn yn gwybod am ei hawl i gael eiriolwr
- Sicrhau fod adolygiad yn cael ei gynnal cyn gorffen lletya

Changed role of independent reviewing officer (IRO)

- Ensure the care and support plan provides a real response to each looked after children's needs
- Personally speak with the child and ensure weight is given to their views
- Ensure the child fully understands any changes
- Ensure there is no "drift"
- Identify gaps
- Monitor the local authority as a good corporate parents, including actions against poor practice
- Making sure the child knows about their rights to an advocate
- Ensure a review takes place prior to ceasing to be accommodated

Chwe chategori o bobl ifanc

Categori 1	• Person ifanc 16 neu 17 oed sy'n derbyn gofal	**Categori 4**	• Person ifanc sy'n ailgysylltu â gofal at ddibenion addysg neu hyfforddiant
Categori 2	• Person ifanc dan 18 oed sy'n gadael gofal	**Categori 5**	• Person ifanc a adawodd ofal o dan orchymyn gwarcheidiaeth arbennig
Categori 3	• Person sy'n gadael gofal yn 18 oed neu'n hŷn	**Categori 6**	• Person ifanc nad oedd yn gymwys fel rhywun oedd yn gadael gofal

Six categories of young people

Category 1	• Young person looked after aged 16 or 17	**Category 4**	• Young person who reconnects to care for education or training purposes
Category 2	• Care leaver under 18	**Category 5**	• Young person who left care under a special guardianship order
Category 3	• Care leaver aged 18 or over	**Category 6**	• Young person who did not qualify as a care leaver

Gofyniad am gynllun llwybr o 16 oed

- Dylai'r cynllun llwybr adeiladu ar gynllun gofal a chymorth rhan 6 a chynnwys y canlynol mewn perthynas â'r person ifanc:
    - Iechyd a datblygiad, yn cynnwys iechyd meddwl a lles emosiynol
    - Addysg, hyfforddiant a chyflogaeth
    - Dyheadau, sgiliau a photensial addysgol
    - Cyswllt â rhieni, teulu ehangach a ffrindiau
    - Rheoli arian
    - Trefniadau ar gyfer cadw cysylltiad
    - Gwasanaethau a chymorth ar gyfer pontio llwyddiannus i fyd oedolion

Requirement for a pathway plan from age 16

- The pathway plan should build on the part 6 care and support plan and include the young person's:
    - Health and development, including mental health and emotional well-being
    - Education, training and employment
    - Aspirations, skills and educational potential
    - Contact with parents, wider family and friends
    - Money management
    - Arrangements for keeping touch
    - Services and support for successful transition to adulthood

Cynghorwyr personol

- Darparu cyngor a chefnogaeth
- Cymryd rhan mewn asesu, paratoi ac adolygu cynlluniau llwybr
- Cydgysylltu â'r awdurdod lleol wrth roi'r cynlluniau llwybr ar waith
- Cydlynu darpariaeth gwasanaethau a chynorthwyo'r rhai sy'n gadael gofal i'w defnyddio
- Cael gwybod am gynnydd a lles y rhai sy'n gadael gofal
- Cofnodi cyswllt â'r rhai sy'n gadael gofal a'r gwasanaethau a ddarpe

Personal advisors

Getting in on the Act

- Provide advice and support
- Participate in assessment, preparation and review of pathway plans
- Liaise with local authority in implementing the pathway plans
- Co-ordinate provision of services and assist care leavers to make use of them
- Keep informed about care leaver's progress and well-being
- Record contact with care leaver and services provided

Cefnogaeth ar gyfer annibyniaeth

Support for independence

“Pan Fydda i'n Barod”

Getting in on the Act

Dyletswydd newydd

Trefniadau ar gyfer ymadawyr gofal 18 oed a hŷn i barhau i fyw gyda'u gofalwyr maeth. Rhaid i awdurdodau lleol:

- **Gwirio a yw'r person ifanc a'r gofalwr maeth yn dymuno gwneud trefniant byw ôl-18**
- **Os felly, rhaid hwyluso'r trefniant, ar yr amod bod yr awdurdod lleol yn fodlon nad yw hyn yn anghyson â lles y person ifanc.**

Gall person ifanc mewn gofal preswyl ddewis symud i leoliad maeth cyn 18 oed os yw'n dymuno cael mynediad i “pan fydda i'n barod”

“When I am Ready”

Getting in on the Act

New duty

Arrangements for care leavers aged 18 and above to continue living with their foster carers. Local authorities must:

- **Check whether the young person and foster carer wish to make a post-18 living arrangement**
- **If so, facilitate the arrangement, provided the local authority is satisfied that this is not inconsistent with the young person’s well-being**

Young person in residential care can choose to move to a foster placement before 18 if they wish to access “when I am ready”

Plant mewn sefydliadau diogel Children in the secure estate

Getting in on the Act

Plant mewn sefydliadau diogel

Dyletswyddau'r awdurdod lleol "cartref" ar gyfer plant sy'n derbyn gofal

Dyletswyddau'r rhai sy'n gadael gofal a phontio i fyd oedolion

Rhai eithriadau: llety a chynnal a chadw; rhai categorïau o bobl ifanc

Getting in on the Act

Children in secure estate

Duties for the "home" local authority for looked after children

Duties for care leavers and transition to adulthood

Some exclusions: accommodation and maintenance; some categories of young person

Crynodeb

Summary

Getting in on the Act

Crynodeb

Getting in on the Act

Eiriolaeth

sefydlgorwydd

Lles

Llais a chyfranogiad

Cynllun gofal a chymorth trosfwaol

canlyniadau

Cadw mewn cysylltiad

cyflawniad

Cadw ieuenctid a charchar

Categoriau o berson ifanc

Teulu a ffrindiau

"Pan fydda i'n barod"

Cynllun llwybr

Hawliau plant

Summary

Advocacy
Well-being
permanence
Voice and participation
Overarching care and Support plan
outcomes
attainment
Keeping in touch
Youth detention and prison
Categories of young person
Family and friends
"when I am ready"
Pathway plan
Children's rights