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 Lywodraeth Cymru
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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.

Nodau

I archwilio:

Prif ddarpariaethau Deddf Plant 1989 a 2004

Prif ddarpariaethau Deddf Plant a Theuluoedd 2014

Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014

Mesur Hawliau Plant a Phobl Ifanc (Cymru) 2011

Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn 1989

Eiriolaeth

Aims

To explore:

The main provisions of the Children Act 1989 and 2004

The main provisions of the Children and the Family Act 2014

The Social Services and Well-being (Wales) Measure 2011

The Rights of Children and Young Persons (Wales) Measure 2011

The United Nations Convention on the Rights od the Child 1989

Advocacy

Amcanion

- Gallu cymhwyso'r ddeddfwriaeth i'r astudiaeth achos ac i'ch gwaith
- Disgrifio pwysigrwydd mabwysiadu dull gweithredu seiliedig ar hawliau

Objectives

- to be able to apply the legislation to the case study and to your work
- To describe the importance of adopting a rights based approach

Cyflwyniad ymarfer unigol

Nid oes un darn o ddeddfwriaeth sy'n llywio anghenion gofal a chymorth ac amddiffyn plant yng Nghymru.

Ar eich pen eich hun gwnewch restr o'r fframweithiau deddfwriaethol sy'n berthnasol i'ch lleoliad gwaith

Introduction individuals exercise

There is no one piece of legislation informing the care and support needs and the protection of children in wales.

On your own make a list of the legislative frameworks that apply to your work setting

Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014

Ymarfer unigol

- Faint o ddeilliannau lles sydd i blant?
- Pa ran ac adran sy'n berthnasol i asesu plant lle mae'n ymddangos bod angen gofal a chymorth arnynt.
- A all plentyn wrthod asesiad?
- Pa ran sy'n berthnasol o safbwynt darparu cynllun gofal a chymorth ar gyfer y plentyn.

Social Services and Well-being (Wales) Act 2014

Individual exercise

- How many well-being outcomes are there for children ?
- What part and section applies to the assessment of children where it appears they have a need for care and support.
- Can a child refuse an assessment?
- What part to the provision of a care and support plan for the child.

Diogelu
Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 - Rhan 7

A130 Dyletswydd i adrodd am blant sy'n wynebu risg

(1)Os oes gan bartner perthnasol* i awdurdod lleol sail resymol i amau bod plentyn yn blentyn sy'n wynebu risg a'i fod yn ymddangos ei fod o fewn ardal yr awdurdod, rhaid iddo hysbysu'r awdurdod lleol o'r ffaith honno.

(2)Os yw'n ymddangos bod y plentyn y mae gan y partner perthnasol achos rhesymol dros amau ei fod yn blentyn sy'n wynebu risg o fewn ardal awdurdod lleol ac eithrio un y mae'n bartner perthnasol iddo, rhaid iddo hysbysu'r awdurdod lleol arall hwnnw.

Safeguarding
Social Services and Well-being (Wales) Act 2014- Part 7

S130 Duty to report children at risk

(1)If a relevant partner* of a local authority has reasonable cause to suspect that a child is a child at risk and appears to be within the authority's area, it must inform the local authority of that fact.

(2)If the child that the relevant partner has a reasonable cause to suspect is a child at risk appears to be within the area of a local authority other than one of which it is relevant partner, it must inform that other local authority.

Plentyn mewn perygl

A child at risk

- Plentyn sy'n profi neu sydd mewn perygl o gael ei gam-drin, ei esgeuluso neu fathau eraill o niwed

\+

mae ganddo anghenion gofal a chymorth (p'un a yw'r anghenion yn cael eu diwallu ai peidio)

- A child who is experiencing or is at risk of abuse, neglect or other kinds of harm

\+

has needs for care and support (whether or not the needs are being met)

Diogelu Plant
Deddf Plant 1989

- Dyletswydd awdurdod lleol i wneud ymholiadau ac ymchwilio os oes angen [Deddf Plant a47(1)]
- Lle bo achos rhesymol i amau bod plentyn sy'n byw, neu'n cael ei ganfod yn ei ardal, yn dioddef, neu'n debygol o ddioddef, niwed sylweddol [a47(1)]
- mae 'niwed' yn cynnwys 'nam a ddioddefir o weld neu glywed rhywun arall yn cael ei gam-drin' megis trais domestig adran 120 Deddf Mabwysiadu a Phlant 2002 a ddiwygiwyd gan Ddeddf Plant 1989 [a31(9)]
- Nid yw niwed corfforol gwirioneddol yn rhywbeth "rhesymol" [Deddf Plant 2004, a58]

Child Protection
Children Act 1989

- Duty for local authority to make enquiries and if necessary investigate [Children Act s47(1)]
- Where reasonable cause to suspect that a child who lies, or is found, in its suffering, or is likely to suffer, significant harm [s47(1)]
- 'harm' includes 'impairment suffered from seeing or hearing the ill-treatment of another' such as domestic violence section 120 of adoption and Children Act 2002 amended the Children Act 1989 [s31(9)]
- Actual bodily harm is bot "reasonable" [Children Act 2004, s58]

Egwyddorion allweddol Deddf Plant 1989

Tair prif egwyddor a nodir yn CA 1989, a1:

1. Mae lles y plentyn yn hollbwysig a diogelu a hyrwyddo yw'r flaenoriaeth allweddol [a1(1)]
2. Mae oedi wrth ddatrys achos llys yn niweidiol i'r plentyn [a1(2)]
3. Rhaid i'r llys wneud gorchmynion dim ond os nad oes dewis arall [a1(5)

Children Act 1989 Key principles

Three main principles set out in CA 1989, s1:

1. The child's welfare is paramount and safeguarding and promoting it is the key priority [s1(1)]
2. Delay in resolving court proceedings is detrimental to the child [s1(2)]
3. Court must only make orders if there id no alternative [s1(5)

Rhestr Wirio Lles

Yn benodol, mae llysoedd yn ystyried rhestr wirio lles:

- Dymuniadau a theimladau canfyddadwy'r plentyn;
- Anghenion corfforol, emosiynol ac addysgol;
- Effaith debygol unrhyw newid mewn amgylchiadau;
- Oedran, rhyw, cefndir ac unrhyw nodweddion perthnasol;
- Niwed a ddioddefwyd neu mewn perygl o ddioddef;
- Gallu rhieni neu rywun arall, i ddiwallu anghenion y plentyn;
- Ystod o bwerau sydd ar gael i'r llys [a(3)]

Welfare Checklist

In particular courts have regards to welfare checklist:

- Ascertainable wishes and feelings of child;
- Physical, emotional and educational needs;
- Likely effect of any change in circumstances;
- Age, sex, background and any relevant characteristics;
- Harm suffered or at risk of suffering;
- Ability of parents or someone else, to meet child needs;
- Range of powers available to the court [s(3)]

Grŵp 1

- Beth yw cyfrifoldeb rhiant?
- Pwy sy'n ei gael yn awtomatig?
- Sut y gellir ei gaffael?
- Sut mae'n berthnasol i'r astudiaeth achos a pham mae'n bwysig gwybod hyn?

Group 1

- What is Parental responsibility?
- Who automatically has it?
- How can it be acquired?
- How is there relevant to the case study and why is it important to know this ?

Pwy sydd â chyfrifoldeb rhiant?

- Mam
- Yn wreiddiol y tad os oedd yn briod â'r fam ar adeg geni'r plentyn (neu eu bod wedi priodi ers hynny)
- Diwygiwyd bellach gan Ddeddf Mabwysiadu a Phlant 2002

Who has parental responsibility ?

- Mother
- Originally father if married to the mother at the time of the child's birth (or have subsequently married)
- Now amended by the Adoption and Children Act 2002

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Who has parental responsibility ?

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- Now amended by the Adoption and Children Act 2002

Sut y gellir cael cyfrifoldeb rhiant?

- Cael gorchymyn cyfrifoldeb rhiant – adran 4(1)(a)
- Trwy ddull cytundeb ffurfiol gyda'r fam – adran 4(1)(b)
- Cael gorchymyn preswylio
- Cael eich penodi'n warcheidwad – adran 5
- Cofrestru mam geni'r plentyn ar y cyd â'r fam (o 1af Rhagfyr 2003)

How can parental responsibility be acquired?

- Obtaining a parental responsibility order – section 4(1)(a)
- Means of a formal agreement with mother – section 4(1) (b)
- Being granted a residence order
- Being appointed a guardian – section 5
- Jointly registering the birth mother of the child with mother (from 1st December 2003)

Cyfrifoldeb rhiant

Mae'r Awdurdod Lleol yn cael cyfrifoldeb Rhiant drwy:

- Gorchymyn amddiffyn brys
- Gwneud gorchymyn gofal
- Gorchymyn mabwysiadu

Am ragor o wybodaeth gweler: http://www.childrenslegalcentre.com/userfiles/Parental%20Responsibility.pdf

Parental responsibility

The local Authority acquires Parental responsibility by:

- An emergency protection order
- The making of a care order
- An adoption order

For further info see: http://www.childrenslegalcentre.com/userfiles/Parental%20Responsibility.pdf

Grŵp 2

- Beth yw gorchymyn Adran 8 o dan Ddeddf Plant 1989?
- Beth ellir ei ddiffinio o dan y gorchymyn hwn?
- Sut gallai hyn fod yn berthnasol i'r astudiaeth achos?

Group 2

- What is a Section 8 order under the Children Act 1989?
- What can be defined under this order?
- How might this be relevant to the case study ?

Gorchymyn adran 8

- Gorchymyn trefniadau plant (gyda phwy a phryd y bydd plentyn yn byw, yn treulio amser neu'n dod i gysylltiad â hwy);
- DS yn disodli gorchymyn cyswllt a gorchymyn preswylio [Deddf Plant a Theuluoedd 2014, a12, CA1989 diwygiedig
- Gorchymyn mater penodol
- Gorchymyn camau gwaharddedig
- Pwy all wneud cais [hawliau awtomatig ac amodol] [a9]
- Pŵer y llys i wneud gorchmynion adran 8 [a10]

Section 8 order

- Child arrangements order (with whom and when a child is to live, spend time or have contact);
- NB replaces contact order and residence order [Children and Families Act 2014, s12, amended CA 1989
- Specific issue order
- Prohibited steps order
- Who can apply [automatic and conditional rights] [s9]
- Power of court to make section 8 orders [s10]

Gorchymyn adran 8

- Mewn unrhyw achos ar gyfer gorchymyn adran 8, parchir pob rhiant, oni bai y dangosir i'r gwrthwyneb, tybir y bydd cyfraniad y rhiant hwnnw ym mywyd y plentyn yn ymwneud â hyrwyddo lles y plentyn. [a1(2A)]
- Mae "cyfraniad" yn golygu cyfraniad o ryw fath, nail ai'n uniongyrchol neu'n anuniongyrchol, ond nid unrhyw raniad penodol o amser y plentyn [a1(2B)]
- NB yr uchod wedi'i gyflwyno gan Ddeddf Plant a Theuluoedd 2014 a11(2) a wnaeth ddiwygio Deddf Plant 1989

Section 8 order

- In any proceedings for a section 8 order is respects each parent, unless the contrary is shown, it is presumed that involvement of that parent in the life of the child is concerned will further the child's welfare [s1(2A)]
- "involvement" means involvement of some kind, either direct or indirect, but not any particular division of a child's time [s1(2B)]
- NB above introduced by Children and Families Act 2014, s11(2) amending the CA 1989]

Grŵp 3

- Beth yw Adran 31, 44, 46 o dan Ddeddf Plant 1989

Group 3

- What are Section 31, 44, 46 under the Children Act 1989

Gorchymyn Amddiffyn Brys (a44)

- Lle mae achos rhesymol i gredu bod y plentyn yn debygol o ddioddef niwed sylweddol
- Os na chaiff ei dynnu o gyfeiriad,
- Neu os nad ydynt yn aros yn eu lleoliad presennol
- Neu mae mynediad yn cael ei wrthod yn afresymol ac mae achos rhesymol i gredu bod angen mynediad fel mater o frys

- Materion hawliau dynol ee Erthygl 8, ECHR

Emergency Protection order (s44)

- Where there is a reasonable cause to believe the child is likely to suffer significant harm
- If not removed from an address,
- Or if they do not remain in their current location
- Or access is being unreasonably refused and reasonable cause to believe that access is required as matter of urgency

- Issues for human rights eg Article 8, ECHR

Pŵer amddiffyn yr heddlu

- Rhaid bod gan swyddog heddlu sail resymol dros gredu y byddai plentyn fel arall yn dioddef niwed sylweddol [Deddf Plant 46]
- Yn rhoi pŵer i symud y plentyn
- Yn para hyd at 72 awr

Police power of protection

- A police officer must have reasonable grounds to believe a child would otherwise suffer significant harm [Children Act 46]
- Gives power to remove the child
- Lasts for up to 72 hours

Gorchmynion gofal a gorchmynion goruchwylio

- Beth yw gorchymyn gofal?
- Beth yw gorchymyn goruchwylio?
- Llys yn fodlon bod y plentyn yn dioddef, neu'n debygol o ddioddef, niwed sylweddol; a
- Bod y niwed, neu'r tebygolrwydd o niwed, i'w briodoli i-
- Gofal a roddir i blentyn, neu'n debygol o gael ei roi os na wneir gorchymyn, nad yw'n rhesymol disgwyl i riant ei roi, neu
- Plentyn y tu hwnt i reolaeth rhiant [Deddf plant 31(2)
- Gorchmynion gofal/goruchwylio dros dro [Deddf Plant 38]
- Cyswllt rhieni ac ati â phlant mewn gofal [Deddf Plant 34]

Care orders and supervision orders

- What is a care order?
- What is a supervision order?
- Court satisfied that the child suffering, or is likely to suffer, significant harm; and
- That the harm, or likelihood of harm, is attributable to-
- Care given to child, or likely to be given if order not made, not being reasonable to expect a parent to give, or
- Child beyond parental control [children Act 31(2)
- Interim Care/supervision orders [Children Act38]
- Parental contact etc. with children in care [Children Act 34]

- **Dylid gwaredu cais am orchymyn gofal neu orchymyn goruchwylio:**
    - Heb oedi;
  - O fewn 26 wythnos ym mhob achos
    - [Deddf Plant 32(1) (a)
- **Ond gellir ymestyn y cyfnod hwn hyd at 8 wythnos (gellir ei ymestyn fwy nag unwaith) [Deddf Plant 32(5)&(8)**
- **[DS cyflwynwyd terfynau amser newydd gan Ddeddf Plant a Theuluoedd 2014, a14, sy'n diwygio Deddf Plant 1989**

Gweithdrefnau Diogelu Cymru 2019

- **A care order or supervision order application should be disposed of:**
    - Without delay;
  - In any event within 26 weeks
    - [Children Act 32(1)(a)
- **But this period can be extended or up to 8 weeks (can be extended more than once) [Children Act 32(5)&(8)**
- **[NB new time limits introduced by Children and Families Act 2014, s14, amending the Children Act 1989**

Wales Safeguarding Procedures 2019

Deddf Plant 2004

- Adran 25 i hybu cydweithrediad â phartneriaid perthnasol
- Comisiynydd plant
- Ystyried pwysigrwydd rhieni
- Gwella lles plant
- Swyddogaethau CAFCASS

Children Act 2004

- Section 25 to promote co-operation with relevant partners
- Children's commissioner
- Regard for the importance of parents
- Improving the wellbeing of children
- Functions of CAFCASS

Deddf Plant a Theuluoedd 2014 - Rhan 2 cyfiawnder teuluol

- Lleihau'r amser y mae'n ei gymryd i lys teulu benderfynu ar ddyfodol plentyn
- Mae'n ofynnol i'r llys feddwl am y pethau sydd bwysicaf ar gyfer ei benderfyniad am y plentyn wrth gytuno ar y cynllun gofal
- Barn arbenigol
- Nid oes angen i'r llys barhau i wneud yr un penderfyniad ynghylch ble bydd plentyn yn byw yn ystod proses y llys

Children and Family Act 2014-Part 2 family justice

- Shorten the time it takes a family court to decide about a child's future
- The court is required to think about the things that are most important for its decision about the child when agreeing the care plan
- Expert opinion
- The court doesn't need to keep making the same decision about where a child will live during the court process

Deddf Plant a Theuluoedd 2014 - rhan 2 cyfiawnder teuluol

- Cyfryngu
- Y ddau riant yn parhau i ymwneud â'u plant
- Gorchymyn trefniadau plant
- Darparu cyrsiau i helpu rhieni i aros ym mywydau eu plant

Children and Family act 2014-part 2 family justice

- Mediation
- Both parents staying involved with their children
- Child arrangements order
- Provision of courses to help parents stay in their children's lives

Mesur Hawliau Plant a Phobl Ifanc (Cymru) 2011

The rights of Children and Young Persons (Wales) Measure 2011

Yn gosod dyletswydd ar Weinidogion Cymru – rhaid iddynt roi sylw dyledus i ofynion Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn

Places a duty on Welsh Ministers – they must have due regard to the requirements of the united Nations Convention on the Rights on the Child

Astudiaeth dan Gyfarwyddyd

- I baratoi ar gyfer y ddarlith nesaf a fydd yn canolbwyntio ar Ran 6 Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 – plant sy'n derbyn gofal a phlant sy'n cael eu lletya
- Ymchwilio i ddeddfwriaeth, polisïau a chanllawiau cenedlaethol eraill sy'n hyrwyddo hawliau plant yng Nghymru
- Gwylio'r fideo yma Trosolwg o'r Ddeddf Gwasanaethau... | Gofal Cymdeithasol Cymru

Directed Study

- In preparation for the next lecture which will be focusing on part 6 of the social services and well-being (Wales) Act 2014 – looked after and accommodated Children
- Research other legislation national policy and guidance that promotes the rights of children in wales
- Watch this video

https://socialcare.wales/hub/sswbact

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WELSH

Cyswllt Fideo - Overview of the Social services and well-being... | Social Care Wales

ENGLISH

Video Link - Overview of the Social services and well-being... | Social Care Wales

Diolch
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