



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2015 Rhif 1466 (Cy. 160)

2015 No. 1466 (W. 160)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

**Rheoliadau Byrddau Diogelu
(Swyddogaethau a Gweithdrefnau)
(Cymru) 2015**

**The Safeguarding Boards
(Functions and Procedures) (Wales)
Regulations 2015**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn darparu ar gyfer swyddogaethau a gweithdrefnau Byrddau Diogelu Plant a Byrddau Diogelu Oedolion (y cyfeirir atynt yn y Rheoliadau hyn fel "Byrddau Diogelu"), a sefydlir o dan adran 134 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ("y Ddeddf").

Mae rheoliadau 3 a 4 yn gwneud darpariaeth ynghylch swyddogaethau Byrddau Diogelu ac mae rheoliad 5 yn gwneud darpariaeth ynglŷn â'u gweithdrefnau.

Mae rheoliad 6 yn ei gwneud yn ofynnol i Fyrddau Diogelu roi i blant neu oedolion y mae arfer swyddogaethau'r Bwrdd yn effeithio arnynt, neu y gall effeithio arnynt, gyfle i gymryd rhan yng ngwaith y Bwrdd.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd Asesiad Effaith Rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth y Gyfarwyddiaeth Gwasanaethau Cymdeithasol ac Integreiddio, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the functions and procedures of Safeguarding Children Boards and Safeguarding Adults Boards (referred to in these Regulations as "Safeguarding Boards"), which are established under section 134 of the Social Services and Well-being (Wales) Act 2014 ("the Act").

Regulations 3 and 4 make provision about the functions of Safeguarding Boards and regulation 5 makes provision about their procedures.

Regulation 6 requires Safeguarding Boards to give children or adults who are, or may be, affected by the exercise of the Board's functions, an opportunity to participate in the Board's work.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Social Services and Integration Directorate, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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SOCIAL CARE, WALES

Rheoliadau Byrddau Diogelu
(Swyddogaethau a Gweithdrefnau)
(Cymru) 2015

The Safeguarding Boards
(Functions and Procedures) (Wales)
Regulations 2015

Gwnaed 1 Gorffennaf 2015
Yn dod i rym 6 Ebrill 2016

Made 1 July 2015
Coming into force 6 April 2016

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adran 135(4) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 135(4) of the Social Services and Well-being (Wales) Act 2014 (1).

Yn unol ag adran 196(6) o'r Ddeddf honno, gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru a chymeradwywyd ef ganddo drwy benderfyniad.

In accordance with section 196(6) of that Act, a draft of this instrument was laid before and approved by a resolution of the National Assembly for Wales.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Byrddau Diogelu (Swyddogaethau a Gweithdrefnau) (Cymru) 2015.

(2) Daw'r Rheoliadau hyn i rym ar 6 Ebrill 2016.

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

Dehongli

2. Yn y Rheoliadau hyn—

ystyr “adolygiad ymarfer” ac “adolygu ymarfer” (“*practice review*”) yw naill ai adolygiad ymarfer cryno neu adolygiad ymarfer estynedig fel y darperir ar ei gyfer yn rheoliad 4;

ystyr “Bwrdd” (“*Board*”) yw Bwrdd Diogelu;

Title, commencement and application

1.—(1) The title of these Regulations is the Safeguarding Boards (Functions and Procedures) (Wales) Regulations 2015.

(2) These Regulations come into force on 6 April 2016.

(3) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Social Services and Well-being (Wales) Act 2014;

“action plan” (“*cynllun gweithredu*”) means a written report produced by a Board at the same time as a practice review report, detailing action to be taken by the representative bodies as a result of

(1) 2014 dccc 4.

(1) 2014 anaw 4.

ystyr “Bwrdd Cenedlaethol” (“*National Board*”) yw'r Bwrdd Diogelu Annibynnol Cenedlaethol a sefydlwyd gan adran 132(1) o'r Ddeddf;

ystyr “Bwrdd Diogelu” (“*Safeguarding Board*”) yw Bwrdd Diogelu Plant(1) neu Fwrdd Diogelu Oedolion(2);

ystyr “cofrestr amddiffyn plant” (“*child protection register*”) yw rhestr a grëir ac a gynhelir gan awdurdod lleol ac sy'n cynnwys enwau plant sy'n destun cynllun amddiffyn plant(3) o ganlyniad i benderfyniad mewn cynhadledd amddiffyn plant fod y plentyn mewn perygl parhaus o niwed o bwys ar ffurf camdriniaeth gorfforol, camdriniaeth emosiynol, camdriniaeth rywiol neu esgeulustod;

ystyr “cynllun gweithredu” (“*action plan*”) yw adroddiad ysgrifenedig sy'n cael ei lunio gan Fwrdd yr un pryd ag adroddiad ar yr adolygiad ymarfer, gan fanylu ar y camau sydd i'w cymryd gan y cyrff cynrychioliadol o ganlyniad i ganfyddiadau ac argymhellion adroddiad yr adolygiad ymarfer;

ystyr “digwyddiad dysgu amlasiantaethol” (“*multi-agency learning event*”) yw digwyddiad sy'n ffurfio rhan o'r broses adolygu ymarfer ac y mae Bwrdd yn gwahodd iddo ymarferwyr a rheolwyr o gyrrff cynrychioliadol ac unrhyw gyrrff neu bersonau eraill y bernir eu bod yn berthnasol gan Gadeirydd y Bwrdd ac sy'n ymwneud, neu sydd wedi ymwneud, â'r person sy'n destun yr adolygiad, at y diben o wella polisi ac ymarfer amddiffyn plant neu oedolion yn y dyfodol;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014;

ystyr “fforymau proffesiynol amlasiantaethol” (“*multi-agency professional forums*”) yw'r fforymau, a drefnir ac a hwylusir gan Fwrdd ar gyfer ymarferwyr a rheolwyr o gyrrff cynrychioliadol, a chyrrff neu bersonau eraill y

the findings and recommendations of the practice review report;

“adults” (“*oedolion*”) means adults who are, or may be, affected by the exercise of a Board's functions;

“Board” (“*Bwrdd*”) means a Safeguarding Board;

“child protection register” (“*cofrestr amddiffyn plant*”) means a list created and held by a local authority which contains the names of children who are the subject of a child protection plan(1) as a result of a decision of a child protection conference that the child is at continuing risk of significant harm in the form of physical abuse, emotional abuse, sexual abuse or neglect;

“children” (“*plant*”) means children who are, or may be, affected by the exercise of a Board's functions;

“looked after child” (“*plentyn sy'n derbyn gofal*”) means a child looked after by:

- (a) a local authority under section 74(1) of the Act,
- (b) a local authority in England under section 22(1) of the Children Act 1989(2),
- (c) a local authority in Scotland in accordance with Chapter 1 of Part 2 of the Children (Scotland) Act 1995(3),
- (d) a Health and Social Care trust in accordance with article 25 of the Children (Northern Ireland) Order 1995(4);

“multi-agency learning event” (“*digwyddiad dysgu amlasiantaethol*”) means an event which forms part of the practice review process to which a Board invites practitioners and managers from representative bodies and any other bodies or persons deemed relevant by the Chair of the Board and who are or have been involved with the person who is the subject of the review, with the purpose of improving future child or adult protection policy and practice;

“multi-agency professional forums” (“*fforymau proffesiynol amlasiantaethol*”) means the forums, arranged and facilitated by a Board for practitioners and managers from representative

(1) Sefydliar Byrddau Diogelu Plant gan bartner arweiniol y Bwrdd Diogelu mewn perthynas â phlant ar gyfer yr ardal yn unol ag adran 134(4) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (“y Ddeddf”). Pennir partneriaid arweiniol Byrddau Diogelu gan Weinidogion Cymru yn Rheoliadau Byrddau Diogelu (Cyffredinol) (Cymru) 2015 (O.S. 2015/1357 (Cy. 131)) o blith rhestr o bartneriaid Byrddau Diogelu a nodir yn adran 134(2) o'r Ddeddf.

(2) Sefydliar Byrddau Diogelu Oedolion gan bartner arweiniol y Bwrdd Diogelu mewn perthynas ag oedolion ar gyfer yr ardal yn unol ag adran 134(5) o'r Ddeddf.

(3) Mae “cynhadledd amddiffyn plant” yn gyfarfod aml-ddisgyblaethol a drefnir gan awdurdod lleol yn dilyn ymholiadau o dan adran 47 o Ddeddf Plant 1989 (p. 41) (dyletswydd awdurdod lleol i ymchwilio) er mwyn ystyried yr holl wybodaeth berthnasol ynghylch amgylchiadau'r plentyn. Os ystyrir bod y plentyn mewn risg parhaus o niwed o bwys bydd “cynllun amddiffyn plant” yn cael ei wneud sy'n nodi manylion y risgiau penodol i'r plentyn a'r camau y bydd angen eu cymryd i gadw'r plentyn yn ddiogel.

(1) A “child protection conference” is a multi-disciplinary meeting organised by a local authority following enquiries under section 47 of the Children Act 1989 (c. 41) (local authority's duty to investigate) in order to consider all relevant information about the child's circumstances. If it is considered that the child is at continuing risk of significant harm a “child protection plan” will be made which sets out details of the specific risks to the child and the actions that will be needed to keep the child safe.

(2) 1989 c. 41.

(3) 1995 c. 36, see section 17(6) of that Act.

(4) S.I. 1995 / 755 (N.I. 2).

bernir eu bod yn berthnasol gan Gadeirydd y Bwrdd, at y diben o ddysgu oddi wrth achosion, archwiliadau, arolygiadau ac adolygiadau er mwyn gwella polisi ac ymarfer amddiffyn plant neu oedolion yn y dyfodol;

ystyr “oedolion” (“*adults*”) yw oedolion y mae arfer swyddogaethau Bwrdd yn effeithio, neu y gall effeithio, arnynt;

ystyr “plant” (“*children*”) yw plant y mae arfer swyddogaethau Bwrdd yn effeithio, neu y gall effeithio, arnynt;

ystyr “plentyn sy’n derbyn gofal” (“*looked after child*”) yw plentyn sy’n derbyn gofal gan:

- (a) awdurdod lleol o dan adran 74(1) o’r Ddeddf,
- (b) awdurdod lleol yn Lloegr o dan adran 22(1) o Ddeddf Plant 1989(1),
- (c) awdurdod lleol yn yr Alban yn unol â Phennod 1 o Ran 2 o Ddeddf Plant (Yr Alban) 1995(2),
- (d) Ymddiriedolaeth Iechyd a Gofal Cymdeithasol yn unol ag erthygl 25 o Orchymyn Plant (Gogledd Iwerddon) 1995(3).

Swyddogaethau Byrddau Diogelu

3.—(1) Mae paragraff (2) yn pennu swyddogaethau—

- (a) Bwrdd Diogelu Plant mewn perthynas â’i amcanion o dan adran 135(1)(4) o’r Ddeddf, a
- (b) Bwrdd Diogelu Oedolion mewn perthynas â’i amcanion o dan adran 135(2)(5) o’r Ddeddf.

(2) Y swyddogaethau yw—

- (a) cydweithredu â Byrddau Diogelu eraill a’r Bwrdd Cenedlaethol gyda golwg ar—
 - (i) cyfrannu at ddatblygu ac adolygu polisiau a gweithdrefnau cenedlaethol ar gyfer Byrddau Diogelu,

(1) 1989 p. 41.

(2) 1995 p. 36, gweler adran 17(6) o’r Ddeddf honno.

(3) O.S. 1995 / 755 (N.I. 2).

(4) Amcanion Bwrdd Diogelu Plant o dan adran 135(1) yw: (a) amddiffyn plant o fewn ei ardal sy’n cael, neu sy’n wynebu risg o gael, eu cam-drin, eu hesgeuluso, neu ddiodef mathau eraill o niwed, a (b) atal plant o fewn ei ardal rhag dod yn rhai sy’n wynebu risg o gael eu cam-drin, eu hesgeuluso neu ddiodef mathau eraill o niwed.

(5) Amcanion Bwrdd Diogelu Oedolion o dan adran 135(2) yw: (a) amddiffyn oedolion o fewn ei ardal— (i) y mae arnynt anghenion am ofal a chymorth (p’un a yw awdurdod lleol yn diwallu unrhyw un neu rai o’r anghenion hynny ai peidio), a (ii) sy’n cael, neu sy’n wynebu risg o gael, eu cam-drin neu eu hesgeuluso, a (b) atal yr oedolion hynny o fewn ei ardal y soniwyd amdanynt ym mharagraff (a)(i) rhag dod yn rhai sy’n wynebu risg o gael eu cam-drin neu eu hesgeuluso.

bodies, and other bodies or persons deemed relevant by the Chair of the Board, with the purpose of learning from cases, audits, inspections and reviews in order to improve future child or adult protection policy and practice;

“National Board” (“*Bwrdd Cenedlaethol*”) means the National Independent Safeguarding Board established by section 132(1) of the Act;

“practice review” (“*adolygiad ymarfer*”) means either a concise practice review or an extended practice review as provided for in regulation 4;

“Safeguarding Board” (“*Bwrdd Diogelu*”) means a Safeguarding Children Board(1) or a Safeguarding Adults Board(2).

Functions of Safeguarding Boards

3.—(1) Paragraph (2) specifies the functions of—

- (a) a Safeguarding Children Board in relation to its objectives under section 135(1)(3) of the Act, and
- (b) a Safeguarding Adults Board in relation to its objectives under section 135(2)(4) of the Act.

(2) The functions are—

- (a) to cooperate with other Safeguarding Boards and the National Board with a view to—
 - (i) contributing to the development and review of national policies and procedures for Safeguarding Boards,

(1) Safeguarding Children Boards are established by the Safeguarding Board lead partner in relation to children for the area in accordance with section 134(4) of the Social Services and Well-being Wales Act 2014 (“the Act”). Safeguarding Board lead partners are specified by the Welsh Ministers in the Safeguarding Boards (General) (Wales) Regulations 2015 (S.I. 2015/1357 (W. 131)) from among the list of Safeguarding Board partners set out in section 134(2) of the Act.

(2) Safeguarding Adults Boards are established by the Safeguarding Board lead partner in relation to adults for the area in accordance with section 134(5) of the Act.

(3) The objectives of a Safeguarding Children Board under section 135(1) are:

(a) to protect children within its area who are experiencing, or are at risk of, abuse, neglect or other kinds of harm, and (b) to prevent children within its area from becoming at risk of abuse, neglect or other kinds of harm.

(4) The objectives of a Safeguarding Adults Board under section 135(2) of the Act are:

(a) to protect adults within its area who—

- (i) have needs for care and support (whether or not a local authority is meeting any of those needs), and
- (ii) are experiencing, or at risk of, abuse or neglect, and

(b) to prevent those adults within its area mentioned in paragraph (a)(i) from becoming at risk of abuse or neglect.

- (ii) gweithredu polisiau a gweithdrefnau cenedlaethol a argymhellir gan, a chanllawiau a chyngor a roddir gan, y Bwrdd Cenedlaethol;
- (b) codi ymwybyddiaeth ledled ardal y Bwrdd Diogelu o amcanion y Bwrdd a sut y gallai'r rheini gael eu cyflawni;
- (c) ymgymryd ag adolygiadau, archwiliadau ac ymchwiliadau perthnasol;
- (d) adolygu effeithiolrwydd mesurau a gymerir gan y Bwrdd i gyflawni amcanion y Bwrdd;
- (e) gwneud argymhellion yng ngoleuni'r adolygiadau hynny, monitro i ba raddau y mae'r argymhellion hynny wedi eu rhoi ar waith a chymryd camau priodol pan fo'n cael ei ddangos nad yw amcanion y Bwrdd yn cael eu cyflawni;
- (f) lledaenu gwybodaeth am yr argymhellion hynny i Fyrddau Diogelu priodol eraill a'r Bwrdd Cenedlaethol;
- (g) hwyluso ymchwil i faterion amddiffyn, ac atal cam-drin ac esgeuluso, plant neu oedolion sy'n wynebu risg o ddioddef niwed;
- (h) adolygu anghenion hyfforddi personau sy'n gweithio i gyflawni amcanion y Bwrdd a hyrwyddo'r broses o ddarparu hyfforddiant addas ar eu cyfer;
- (i) trefnu a hwyluso rhaglen flynyddol o fforymau proffesiynol amlasiantaethol;
- (j) cydweithredu neu weithredu ar y cyd ag unrhyw gorff tebyg sydd wedi ei leoli mewn unrhyw awdurdodaeth pan fo'r Bwrdd o'r farn y byddai hynny'n ei gynorthwyo i gyflawni ei amcanion;
- (k) sicrhau cyngor neu wybodaeth arbenigol sy'n berthnasol i gyrraedd amcanion y Bwrdd;
- (l) ymgymryd ag adolygiadau ymarfer yn unol â rheoliad 4.

Adolygiadau ymarfer

4.—(1) Rhaid i Fwrdd gynnal adolygiad ymarfer yn unol â'r rheoliad hwn.

(2) Diben adolygiad ymarfer yw canfod unrhyw gamau y gall partneriaid y Bwrdd Diogelu neu gyrrff eraill eu cymryd i wella ymarfer amddiffyn plant ac oedolion amlasiantaethol.

(3) Rhaid i Fwrdd gynnal adolygiad ymarfer cryno yn unrhyw un neu rai o'r achosion canlynol, pan fo'n hysbys neu pan amheuir, o fewn ardal y Bwrdd, fod plentyn neu oedolyn wedi ei gam-drin neu ei esgeuluso a—

- (a) bod y plentyn neu'r oedolyn—

(ii) implementing national policies and procedures recommended by, and guidance and advice given by, the National Board;

- (b) to raise awareness throughout the Safeguarding Board area of the Board's objectives and how these might be achieved;
- (c) to undertake relevant reviews, audits and investigations;
- (d) to review the efficacy of measures taken by the Board to achieve the Board's objectives;
- (e) to make recommendations in light of those reviews, to monitor the extent to which those recommendations are carried out and to take appropriate action where it is shown that the Board's objectives are not being fulfilled;
- (f) to disseminate information about those recommendations to other appropriate Safeguarding Boards and the National Board;
- (g) to facilitate research into protection of, and prevention of abuse and neglect of, children or adults at risk of harm;
- (h) to review the training needs of and promote the provision of suitable training for persons working to achieve the Board's objectives;
- (i) to arrange and facilitate an annual programme of multi-agency professional forums;
- (j) to cooperate or act jointly with any similar body situated in any jurisdiction where the Board considers that this will assist it to fulfil its objectives;
- (k) to obtain specialist advice or information relevant to the attainment of the Board's objectives;
- (l) to undertake practice reviews in accordance with regulation 4.

Practice reviews

4.—(1) A Board must undertake a practice review in accordance with this regulation.

(2) The purpose of a practice review is to identify any steps that can be taken by Safeguarding Board partners or other bodies to achieve improvements in multi-agency child and adult protection practice.

(3) A Board must undertake a concise practice review in any of the following cases, where within the area of the Board, abuse or neglect of a child or adult is known or suspected and—

- (a) the child or adult has—

- (i) wedi marw, neu
 - (ii) wedi dioddef anaf a allai roi ei fywyd mewn perygl, neu
 - (iii) wedi dioddef nam difrifol a pharhaol i'w iechyd neu i'w ddatblygiad; a
- (b) o ran plentyn, nad oedd y plentyn ar y gofrestr amddiffyn plant nac yn blentyn a oedd yn derbyn gofal ar unrhyw ddyddiad yn ystod y 6 mis cyn—
- (i) dyddiad y digwyddiad y cyfeirir ato yn is-baragraff (a)(i) neu (a)(ii), neu
 - (ii) pan fo is-baragraff (a)(iii) yn gymwys, y dyddiad y mae awdurdod lleol, person neu gorff y cyfeirir atynt yn adran 28 o Ddeddf Plant 2004(1) neu gorff a grybwyllir yn adran 175 o Ddeddf Addysg 2002(2) yn canfod bod plentyn wedi dioddef nam difrifol a pharhaol i'w iechyd ac i'w ddatblygiad; ac
- (c) o ran oedolyn, nad yw'r oedolyn wedi bod, ar unrhyw ddyddiad yn ystod y 6 mis cyn dyddiad y digwyddiad y cyfeirir ato yn is-baragraff (a), yn berson y mae awdurdod lleol wedi penderfynu cymryd camau mewn cysylltiad ag ef i'w amddiffyn rhag cael ei gam-drin neu ei esgeuluso yn unol ag adran 32(1)(b)(i) o'r Ddeddf yn dilyn ymholiadau gan awdurdod lleol o dan adran 126(2) o'r Ddeddf.

(4) Rhaid i Fwrdd gynnal adolygiad ymarfer estynedig yn unrhyw un neu rai o'r achosion canlynol, pan fo'n hysbys neu pan amheuir, o fewn ardal y Bwrdd, fod plentyn neu oedolyn wedi ei gam-drin neu ei esgeuluso a—

- (a) bod y plentyn neu'r oedolyn—
 - (i) wedi marw, neu
 - (ii) wedi dioddef anaf a allai roi ei fywyd mewn perygl, neu
 - (iii) wedi dioddef nam difrifol a pharhaol i'w iechyd neu i'w ddatblygiad; a
- (b) o ran plentyn, bod y plentyn ar y gofrestr amddiffyn plant a/neu ei fod yn blentyn a oedd yn derbyn gofal ar unrhyw ddyddiad yn ystod y 6 mis cyn—
 - (i) dyddiad y digwyddiad y cyfeirir ato yn is-baragraff (a)(i) neu (a)(ii), neu
 - (ii) pan fo is-baragraff (a)(iii) yn gymwys, y dyddiad y mae awdurdod lleol, person

(1) 2004 p. 31.
 (2) 2002 p. 32.

- (i) died, or
 - (ii) sustained potentially life threatening injury, or
 - (iii) sustained serious and permanent impairment of health or development; and
- (b) in respect of a child, the child was neither on the child protection register nor was a looked after child on any date during the 6 months preceding—
- (i) the date the event referred to in sub-paragraph (a)(i) or (a)(ii), or
 - (ii) where sub-paragraph (a)(iii) applies, the date on which a local authority, person or body referred to in section 28 of the Children Act 2004(1) or a body mentioned in section 175 of the Education Act 2002(2) identifies that a child has sustained serious and permanent impairment of health and development; and
- (c) in respect of an adult, that adult has not been, on any date during the 6 months preceding the date of the event referred to in in sub-paragraph (a), a person in respect of whom a local authority has determined to take action to protect from abuse or neglect in accordance with section 32(1)(b)(i) of the Act following enquiries by a local authority under section 126(2) of the Act.

(4) A Board must undertake an extended practice review in any of the following cases where, within the area of the Board, abuse of a child or adult is known or suspected and—

- (a) the child or adult has—
 - (i) died, or
 - (ii) sustained potentially life threatening injury, or
 - (iii) sustained serious and permanent impairment of health or development; and
- (b) in respect of a child, the child was on the child protection register and/or the child was a looked after child on any date during the 6 months preceding—
 - (i) the date of the event referred to in sub-paragraph (a)(i) or (a)(ii), or
 - (ii) where sub-paragraph (a)(iii) applies, the date on which a local authority, person or

(1) 2004 c. 31.
 (2) 2002 c. 32.

neu gorff y cyfeirir atynt yn adran 28 o Ddeddf Plant 2004 neu gorff a grybwyllir yn adran 175 o Ddeddf Addysg 2002 yn canfod bod plentyn wedi dioddef nam difrifol a pharhaol i'w iechyd a'i ddatblygiad; ac

- (c) o ran oedolyn, bod yr oedolyn wedi bod, ar unrhyw ddyddiad yn ystod y 6 mis cyn dyddiad y digwyddiad y cyfeirir ato yn is-baragraff (a), yn berson y mae awdurdod lleol wedi penderfynu cymryd camau mewn cysylltiad ag ef i'w amddiffyn rhag cael ei gam-drin neu ei esgeuluso yn unol ag adran 32(1)(b)(i) o'r Ddeddf yn dilyn ymholiadau gan awdurdod lleol o dan adran 126(2) o'r Ddeddf.

(5) Wrth gynnal adolygiad ymarfer, rhaid i Fwrdd—

- (a) gofyn i bob corff cynrychioliadol roi gwybodaeth yn ysgrifenedig i'r Bwrdd am ei ymwneud â'r plentyn neu'r oedolyn sy'n destun yr adolygiad;
- (b) sicrhau y ceir persbectif y plentyn neu'r oedolyn sy'n destun yr adolygiad a bod persbectif y plentyn neu'r oedolyn hwnnw yn cyfrannu at y broses adolygu, i'r graddau y bo'n ymarferol a phriodol i amgylchiadau'r achos;
- (c) sicrhau y ceir persbectifau aelodau o'r teulu neu gynrychiolydd penodedig y plentyn neu'r oedolyn sy'n destun yr adolygiad a bod y persbectifau hyn yn cyfrannu at y broses adolygu, i'r graddau y bo'n ymarferol a phriodol i amgylchiadau'r achos;
- (d) cynnal digwyddiad dysgu amlasiantaethol ar ôl cael yr wybodaeth ysgrifenedig y cyfeirir ati yn is-baragraff (a);
- (e) yn achos adolygiad ymarfer cryno, sicrhau bod y digwyddiad dysgu amlasiantaethol y cyfeirir ato yn is-baragraff (d) yn cael ei drefnu a'i hwyluso gan un adolygydd a benodir gan y Bwrdd;
- (f) yn achos adolygiad ymarfer estynedig, sicrhau bod y digwyddiad dysgu amlasiantaethol y cyfeirir ato yn is-baragraff (d) yn cael ei drefnu a'i hwyluso gan ddau adolygydd a benodir gan y Bwrdd;
- (g) sicrhau bod unrhyw adolygydd y cyfeirir ato yn is-baragraff (e) neu (f) yn annibynnol ar unrhyw ymwneud uniongyrchol â gwaith achos neu reoli achosion mewn cysylltiad â'r plentyn neu'r oedolyn sy'n destun yr adolygiad;
- (h) llunio adroddiad ar yr adolygiad ymarfer sy'n argymhell pa gamau (os o gwbl) y mae'n

body referred to in section 28 of the Children Act 2004 or body mentioned in section 175 of the Education Act 2002 identifies that a child has sustained serious and permanent impairment of health and development; and

- (c) in respect of an adult, that adult has been, on any date during the 6 months preceding the date of the event referred to in sub-paragraph (a), a person in respect of whom a local authority has determined to take action to protect from abuse or neglect in accordance with section 32(1)(b)(i) of the Act following enquiries by a local authority under section 126(2) of the Act.

(5) In undertaking a practice review a Board must—

- (a) ask each representative body to provide the Board with information in writing about its involvement with the child or adult who is the subject of the review;
- (b) ensure that the perspective of the child or adult who is the subject of the review is obtained and that the subject's perspective contributes to the review process, so far as practicable and appropriate to the circumstances of the case;
- (c) ensure that the perspectives of members of the family or the appointed representative of the child or adult who is the subject of the review are obtained and these perspectives contribute to the review process, so far as practicable and appropriate to the circumstances of the case;
- (d) hold a multi-agency learning event following receipt of the written information referred to in sub-paragraph (a);
- (e) in the case of a concise practice review, ensure that the multi-agency learning event referred to sub-paragraph (d) is organised and facilitated by a single reviewer appointed by the Board;
- (f) in the case of an extended practice review, ensure that the multi-agency learning event referred to in sub-paragraph (d) is organised and facilitated by two reviewers appointed by the Board;
- (g) ensure that any reviewer referred to in sub-paragraph (e) or (f) is independent of direct involvement in case work or case management in respect of the child or adult who is the subject of the review;
- (h) produce a practice review report which recommends what action (if any) is required

ofynnol eu cymryd ar ôl y digwyddiad dysgu amlasiantaethol;

- (i) sicrhau nad yw'r adroddiad ar yr adolygiad ymarfer yn datgelu pwy yw'r plentyn neu'r oedolyn sy'n destun yr adolygiad na theulu'r plentyn neu'r oedolyn na lle y maent;
- (j) llunio cynllun gweithredu gan fanylu ar y camau sydd i'w cymryd gan y cyrff cynrychioliadol i weithredu argymhellion yr adroddiad ar yr adolygiad ymarfer;
- (k) rhoi copi o'r adroddiad ar yr adolygiad ymarfer a'r cynllun gweithredu i Weinidogion Cymru ac i'r Bwrdd Cenedlaethol;
- (l) trefnu bod yr adroddiad ar yr adolygiad ymarfer ar gael i'r cyhoedd;
- (m) cynnal adolygiadau cynnydd cyfnodol ar roi'r cynllun gweithredu ar waith;
- (n) rhoi i Weinidogion Cymru a'r Bwrdd Cenedlaethol adroddiad ysgrifenedig ar ôl unrhyw adolygiad cynnydd y cyfeirir ato yn is-baragraff (m), gan adrodd ar y cynnydd o ran rhoi'r cynllun gweithredu ar waith a'r effaith ar bolisi ac ymarfer amddiffyn plant neu oedolion yng Nghymru;
- (o) rhoi sylw i unrhyw ganllawiau a roddir iddo gan Weinidogion Cymru, drwy arfer ei swyddogaethau o dan y rheoliad hwn.

(6) Yn y rheoliad hwn ystyr "cynrychiolydd penodedig" ("*appointed representative*") yw person sydd â'r awdurdod i siarad neu weithredu ar ran plentyn neu oedolyn.

Gweithdrefnau Byrddau Diogelu

5.—(1) Yn ddarostyngedig i ddarpariaethau'r rheoliad hwn, mae Bwrdd Diogelu i benderfynu ei weithdrefnau ei hun a threfnu bod copi o'r gweithdrefnau hynny ar gael i'r cyhoedd.

(2) Yng nghyfarfod cyntaf Bwrdd, rhaid i'r aelodau sy'n bresennol benodi un o'r aelodau i fod yn Gadeirydd ac un i fod yn Is-gadeirydd.

(3) Rhaid i'r Bwrdd gytuno ar reolau gweithredu ar gyfer cyfarfodydd y Bwrdd, gan gynnwys person i lywyddu mewn cyfarfodydd.

(4) Oni fydd rheolau gweithredu'r Bwrdd yn darparu fel arall, rhaid i'r Bwrdd weithredu'n unol â phleidlais mwyafrif syml o'r aelodau sy'n bresennol, a'r person sy'n llywyddu yn y cyfarfod yn cael ail bleidlais neu bleidlais fwrw os bydd y bleidlais yn gyfartal.

(5) Ym mhob cyfarfod o'r Bwrdd rhaid i'r Bwrdd ystyried sut y bydd yn rhoi cyfle i blant neu oedolion gymryd rhan yng ngwaith y Bwrdd.

to be taken following the multi-agency learning event;

- (i) ensure that the practice review report does not reveal the identity or whereabouts of the child or adult who is the subject of the review or that of the subject's family;
- (j) produce an action plan detailing action to be taken by the representative bodies to implement the recommendations of the practice review report;
- (k) provide a copy of the practice review report and action plan to the Welsh Ministers and to the National Board;
- (l) make the practice review report publicly available;
- (m) undertake periodic progress reviews on the implementation of the action plan;
- (n) provide a written report to the Welsh Ministers and to the National Board following any progress review referred to in sub-paragraph (m), reporting on progress in implementing the action plan and the impact on child or adult protection policy and practice in Wales;
- (o) have regard to any guidance given to it by the Welsh Ministers, in exercising its functions under this regulation.

(6) In this regulation "appointed representative" ("*cynrychiolydd penodedig*") means a person who has authority to speak or act on behalf of a child or an adult.

Procedures of Safeguarding Boards

5.—(1) Subject to the provisions of this regulation, a Safeguarding Board is to determine its own procedures and to make a copy of such procedures publicly available.

(2) At the first meeting of a Board, the members present must appoint one of the members as Chair and one as vice Chair.

(3) The Board must agree rules of procedure for meetings of the Board, to include provision for a person to preside at meetings.

(4) Unless the Board's rules of procedure provide otherwise, the Board must act in accordance with a simple majority vote of the members present, the person presiding at the meeting having a second or casting vote in the event of a tied vote.

(5) At each Board meeting the Board must give consideration as to how it will give children or adults the opportunity to participate in the work of the Board.

(6) Yn ei gyfarfod nesaf ar ôl i blentyn neu oedolyn gymryd rhan yng ngwaith y Bwrdd, rhaid i'r Bwrdd werthuso effeithiolrwydd y cymryd rhan hwnnw.

(7) Rhaid i'r Bwrdd gadw cofnodion o'i gyfarfodydd; mae'r cofnodion i gofnodi'r penderfyniadau a wnaed, y dystiolaeth y gwnaed penderfyniadau arni, unrhyw farn ac unrhyw farn anghydsyniol a fynegwyd ac unrhyw drafodaeth am blentyn neu oedolyn yn cymryd rhan yng ngwaith y Bwrdd.

(8) Daw penodiad Cadeirydd neu Is-gadeirydd i ben:

- (a) os oedd y penodiad am gyfnod penodol a bod y cyfnod hwnnw yn dirwyn i ben;
- (b) os yw'r person a benodwyd yn ymddiswyddo;
- (c) os nad yw'r person a benodwyd bellach yn aelod o'r Bwrdd;
- (d) os yw'r aelodau, drwy benderfyniad y mwyafrif, yn penderfynu hynny.

Cyfle i gymryd rhan yng ngwaith Byrddau Diogelu

6. O leiaf unwaith y flwyddyn rhaid i Fwrdd Diogelu, fel y bo'n berthnasol, roi cyfle i blant neu oedolion gymryd rhan mewn digwyddiad lle y bydd ganddynt gyfle i gymryd rhan yng ngwaith y Bwrdd.

(6) At its next meeting after a child or adult has participated in the Board's work, the Board must evaluate the effectiveness of that participation.

(7) The Board must keep minutes of its meetings; the minutes are to record the decisions taken, evidence on which decisions were taken, any views and dissenting views expressed and any discussion about participation by a child or an adult in the Board's work.

(8) The appointment of a Chair or a vice Chair will come to an end if:

- (a) the appointment was for a fixed term and that term expires;
- (b) the person appointed resigns;
- (c) the person appointed is no longer a member of the Board;
- (d) the members, by majority decision, so decide.

Opportunity to participate in work of Safeguarding Boards

6. At least once a year a Safeguarding Board must, as relevant, give children or adults the opportunity to participate in an event at which they will have an opportunity to participate in the Board's work.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru
1 Gorffennaf 2015

Minister for Health and Social Services, one of the
Welsh Ministers
1 July 2015

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Printed and Published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

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SOCIAL CARE, WALES

Rheoliadau Byrddau Diogelu
(Swyddogaethau a Gweithdrefnau)
(Cymru) 2015

The Safeguarding Boards
(Functions and Procedures) (Wales)
Regulations 2015

£6.00

W2354/07/15

ON

ISBN 978-0-348-11135-4



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