Canllawiau Amddiffyn Plant Cymru Gyfan 2008

All Wales Child Protection Procedures

www.awcpp.org.uk

Cynhyrchwyd ar ran Byrddau Lleol Diogelu Plant Cymru gyfan

Produced on behalf of all Local Safeguarding Children Boards in Wales

Rhagair

Pleser yw ysgrifennu rhagair i'r ddogfen hon, sef ail rifyn Canllawiau Amddiffyn Plant Cymru Gyfan. Mae'n parhau'n destun balchder fod gennym y fath gasgliad unigol o ganllawiau ar gyfer Cymru gyfan. Mae rhannau eraill o'r Deyrnas Unedig yn edrych tuag at yr esiampl yr ydyn ni wedi'i gosod.

Fel un sy'n gyfrifol am ddiogelu a hybu hawliau a lles plant, rwy'n gweld y canllawiau yma fel rhan hanfodol o'r hyn sydd angen ei wneud. Mae hanes trist methiannau'r drefn amddiffyn plant yn llawn enghreifftiau o wahanol asiantaethau'n gweithredu gwahanol ganllawiau gyda gwahanol drothwyon wrth ymyrryd. Ni ddylai hynny ddigwydd bellach yng Nghymru.

Mae'r canllawiau'n cael eu cyflwyno mewn gwlad lle mae llawer wedi'i gyflawni ar gyfer plant mewn meysydd eraill. Mae Cynulliad Cymru wedi mabwysiadu Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn yn sylfaen i'w holl waith. Mae rhwydweithiau'n raddol cael eu sefydlu ar gyfer annog plant i gymryd rhan mewn gwneud penderfyniadau; yn ei dro, mae hyn yn hybu trefn lle'r ydyn yn gweithio ar y cyd â phobl ifanc.

Deallwn erbyn hyn mai gweithgarwch i'w wneud gyda phlant yw diogelu, nid rhywbeth i'w wneud iddyn nhw.

Wrth gwrs, ddylen ni ddim teimlo'n rhy fodlon; mae llawer o waith i'w wneud o hyd. Ond, rhaid i ni gydnabod llwyddiant yn ein gwaith ac rwy'n falch iawn o gael fy nghysylltu â'r canllawiau yma a fydd yn parhau i fod o gymorth wrth amddiffyn ein plant a phobl ifanc.

Swyddfa Comisiynydd Plant Cymru

(Ysgrifennodd Peter Clarke y rhagair hwn ar gyfer y canllawiau cyn ei farwolaeth ym mis Ionawr 2007. Mae'r rhagair wedi'i gadw er cof am ddyn a weithiodd hyd ei eithaf dros blant Cymru.)

Preface

It is a pleasure to provide a preface to this, the second edition of the All Wales Child Protection Procedures. It is still a matter of pride that we in Wales have such a single set of procedures for the whole country. Other parts of the United Kingdom are looking to the example we have given.

As someone who is charged with the safeguarding and promotion of children's rights and welfare, I view these procedures as a necessary part of what needs to be done. The sad history of where child protection has failed is littered with examples of different agencies having different procedures and different thresholds for intervention. That should not now happen in Wales.

These procedures are launched into a country where there has been considerable progress for children in other areas. The Welsh Assembly has now adopted the United Nations Convention on the Rights of the Child as a guide to all its work. Networks for the participation of children in decision-making are gradually being established, leading in turn to a more collaborative approach to work with our young.

Safeguarding children is now more clearly understood as an activity that is done with our children rather than to them.

There is obviously no room for complacency and there is so much still to do. Nonetheless, we should acknowledge success in our work and I am pleased to be associated with the procedures that will continue to help protect our young.

The Office of the Children's Commissioner for Wales

(The above preface was written for the procedures by Peter Clarke before his death in January 2007 and is retained in memory of a man who was a true champion for the children of Wales.)

CYNNWYS

- **Rhagair 2**
- **Rhestr termau 28**
- **Rhestr o'r Blychau 42**
- **RHAGARWEINIAD 46**
- **Pwrpas y Canllawiau 46**

I bwy mae'r canllawiau? 48

Sut i ddefnyddio'r canllawia 48

Y canllawiau yn eu cyd-destun 50

- **RHAN 1 ..... 56**
- **1. Y Prif Egwyddorion 56**
- **1.1 Diffiniadau o gam-drin ac esgeuluso plant 56**

1.1.1 Cam-drin corfforol 56

1.1.2 Cam-drin emosiynol 56

1.1.3 Cam-drin rhywiol 58

1.1.4 Esgeulustod 58

1.1.5 Adnabod niwed arwyddocaol neu sylweddol 58

1.2 Yr egwyddorion sy'n sylfaen i waith diogelu a hybu lles plant 60

1.2.1 Dylai gwaith gyda phlant a theuluoedd fod: 60

1.2.2 Rhannu gwybodaeth gyda theuluoedd 64

1.2.3 Cynnig cefnogaeth a chyngor i deuluoedd 64

1.2.4 Amrywiaeth 66

1.3 Gweithwyr proffesiynol yn gweithio gyda'i gilydd 66

1.3.1 Byrddau Lleol Diogelu Plant 66

1.3.2 Cyfrifoldeb ar y Cyd 66

CONTENTS

- **Preface 3**
- **Glossary 29**
- **List of Boxes 43**
- **INTRODUCTION 47**
- **The Purpose of the Procedures 47**

Who are the procedures for? 49

How to use these procedures 49

The procedures in context 51

- **PART 1 ..... 57**
- **1. Key Principles 57**
- **1.1 Definitions of Child Abuse and Neglect 57**

1.1.1 Physical abuse 57

1.1.2 Emotional abuse 57

1.1.3 Sexual abuse 59

1.1.4 Neglect 59

1.1.5 Identifying significant harm 59

1.2 Principles underpinning work to safeguard and promote the welfare of children .. 61

1.2.1 Work with children and families should be: 61

1.2.2 Sharing information with families 65

1.2.3 Providing support and advice to families 65

1.2.3 Diversity 65

1.3 Professionals Working Together 67

1.3.1 Local Safeguarding Children Boards 67

1.3.2 A shared responsibility 67

1.4 Rhannu gwybodaeth ymhlith gweithwyr proffesiynol 68

- **RHAN 2 ..... 72**
- **2. Cyfrifoldebau Pawb 72**

2.1 Cyfrifoldebau pawb sy'n pryderu am les plentyn 72
2.1.1 Beth ddylai pawb ei wneud 72
2.1.2 Adnabod a gweithredu ar bryderon neu amheuaeth o gam-drin 76
2.2 Adnabod ac Atgyfeirio 80
2.2.1 Mynd ati i atgyfeirio 80
2.3 Cadw cofnodion 84
2.4 Rôl y gwahanol asiantaethau 86
2.4.1 Goruchwylio 86

- **RHAN 3 ..... 90**
- **3. Y Broses Amddiffyn Plant 90**

3.1 Crynodeb 90
3.2 Pan ddaw'r atgyfeiriad i law 92
3.2.1 Beth i'w wneud 92
3.2.2 Atgyfeiriadau tu allan i oriau arferol swyddfa 96
3.2.3 Hysbysu'r sawl sy'n atgyfeirio 98
3.2.4 Materion sy'n croesi ffiniau 98
3.2.5 Siart llif 1: Atgyfeirio 103
3.3 Yr Asesiad Cychwynnol 104
3.3.1 Pwrpas a chwmpas yr asesiad cychwynnol 104
3.3.2 Cydsyniad rhieni 104
3.3.3 Gofyn i asiantaethau eraill am wybodaeth 106
3.3.4 Cwblhau'r asesiad cychwynnol 106
3.3.5 Cwblhau'r asesiad cychwynnol a'r canlyniadau posib 114

1.4 Sharing Information among Professionals..... 69

- **PART 2..... 73**
- **2. Everyone's Responsibilities 73**

2.1 The responsibilities of everyone who has concerns about the welfare of a child..... 73

2.1.1 What everyone should do 73

2.1.2 Identifying and acting on concerns or suspicion of abuse 77

2.2 Recognition and Referral..... 81

2.2.1 Making the referral 81

2.3 Record Keeping 83

2.4 The roles of the various agencies..... 87

2.4.1 Supervision 87

- **PART 3..... 91**
- **3. The Child Protection Process..... 91**

3.1 Summary 91

3.2 Receiving the referral..... 96

3.2.1 Action 93

3.2.2 Referrals out of usual office hours 97

3.2.3 Keeping the referrer informed 99

3.2.4 Cross border issues 99

3.2.5 Flowchart 1: referral 103

3.3 The Initial Assessment..... 103

3.3.1 Purpose and scope of the initial assessment..... 105

3.3.2 Parental consent 105

3.3.3 Requesting information from other agencies 107

3.3.4 Carrying out the initial assessment 107

3.3.5 Completion of the initial assessment and the possible outcomes.....113

3.3.6 Siart llif 2: gweithredu yn dilyn asesiad cychwynnol 115

3.4 Y Drafodaeth Strategaeth 118

3.4.1 Cwmpas a phwrpas y drafodaeth strategaeth 118

3.4.2 Canlyniadau posib y drafodaeth strategaeth 120

3.4.3 Adrodd yn ôl i'r atgyfeiriwr.... 120

3.5 Y Cyfarfod Strategaeth.... 122

3.5.1 Cwmpas a phwrpas y cyfarfod strategaeth.... 122

3.5.1.1 Materion sy'n croesi ffiniau a'r cyfarfod strategaeth 124

3.5.2 Cynllunio'r cyfarfod strategaeth 124

3.5.3 Y materion i'w trafod yn y cyfarfod strategaeth.... 126

3.6 Amddiffyn Plentyn ar Unwaith 130

3.6.1 Pan mae angen amddiffyn ar unwaith 130

3.6.2 Y gwahanol opsiynau wrth fynd ati i amddiffyn plentyn ar unwaith.... 134

3.6.3 Siart llif 3: Gweithredu ar frys wrth ddiogelu plant 136

3.6.4 Siart llif 4: Gweithredu ar ôl y drafodaeth / y cyfarfod strategaeth.... 138

3.7 Amddiffyn Plant: Ymholiadau dan adran 47 a'r Asesiad Craidd.... 140

3.7.1 Cwmpas a phwrpas ymholiadau amddiffyn plant dan adran 47 140

3.8 Gweithio gyda'r plentyn a'r teulu yn ystod yr ymholiadau.... 142

3.8.1 Symud y rhwystrau rhag cymryd rhan 142

3.8.2 Esbonio pwrpas yr ymholiadau amddiffyn plant adran 47 142

3.8.3 Ystyried y plentyn 144

3.8.4 Ystyried plant eraill 146

3.8.5 Ystyried y rhieni neu'r rhai sy'n rhoi gofal.... 146

3.8.6 Pan mae rhieni neu'r rhai sy'n rhoi gofal yn gwrthod cydweithredu.... 148

3.8.7 Plant sy'n symud yn ystod ymholiadau amddiffyn plant dan adran 47 150

3.9 Cynllunio a rhoi ar waith yr ymholiadau dan adran 47 a'r asesiad craidd.... 152

3.9.1 Casglu gwybodaeth gan asiantaethau eraill.... 152

3.9.2 Y cyfweliad ymchwilio gyda'r plentyn.... 152

3.3.6 Flow chart 2: action following initial assessment 117

3.4 The Strategy Discussion..... 119

3.4.1 Scope and purpose of the strategy discussion 119

3.4.2 Possible outcomes of the strategy discussion 121

3.4.3 Feedback to the referrer 121

3.5 The Strategy Meeting 123

3.5.1 Scope and purpose of the strategy meeting 123

3.5.1.1 Cross border issues and the strategy meeting 125

3.5.2 Planning the strategy meeting 125

3.5.3 Matters to be discussed at the strategy meeting 127

3.6 Immediate Protection of a Child..... 131

3.6.1 When immediate protection is necessary 131

3.6.2 The range of options for securing the immediate protection of a child 133

3.6.3 Flow chart 3: Urgent action to safeguard children 137

3.6.4 Flow chart 4: action after the strategy discussion / meeting 139

3.7 Child Protection Section 47 Enquiries and the Core Assessment 141

3.7.1 Scope and purpose of child protection section 47 enquiries..... 141

3.8 Working with the child and family during the enquiries..... 143

3.8.1 Remove barriers to involvement 143

3.8.2 Explain the purpose of the child protection section 47 enquiries 143

3.8.3 Consider the child 145

3.8.4 Consider other children..... 147

3.8.5 Consider the parents or caregivers..... 147

3.8.6 Where parents or caregivers refuse to co-operate 149

3.8.7 Children who move during the course of child protection section 47 enquiries 151

3.9 Planning and carrying out the child protection section 47 enquiries and the core assessment..... 153

3.9.1 Gathering information from other agencies..... 153

3.9.2 The investigative interview with the child 153

3.10 Yr archwiliad meddygol 154
3.10.1 Pryd ddylai'r archwiliad meddygol gael ei gynnal? 156
3.10.2 Y safonau ar gyfer archwiliadau meddygol 158
3.10.3 Cydsynio â'r archwiliad meddygol 158
3.10.3.1 158
3.10.3.2 158
3.10.3.3 160
3.10.3.4 160
3.10.3.5 160
3.10.4 Cydsynio: materion eraill 160
3.11 Cofnodi 161
3.12 Casgliad a chanlyniad yr ymholiadau amddiffyn plant dan adran 47 164
3.12.1 Dod i benderfyniad 164
3.12.2 Pryderon sydd heb eu cadarnhau 166
3.12.3 Pryderon wedi'u cadarnhau ond y farn yw nad yw'r plentyn yn parhau mewn perygl o ddioddef niwed arwyddocaol 168
3.12.4 Pryderon wedi'u cadarnhau a'r farn yw bod y plentyn yn parhau mewn perygl o ddioddef niwed arwyddocaol 170
3.13 Yr asesiad craidd 172
3.14 Y gynhadledd amddiffyn plant gychwynnol 176
3.14.1 Cwmpas a phwrpas 176
3.14.2 Cynllunio'r gynhadledd amddiffyn plant gychwynnol 178
3.14.3 Cworwm ar gyfer y gynhadledd amddiffyn gychwynnol 180
3.14.4 Cynnwys y plentyn yn y gynhadledd amddiffyn plant 182
3.14.4.1 Cau allan plant o gynhadledd amddiffyn plant 182
3.14.5 Cynnwys yn y gynhadledd amddiffyn yr oedolion sydd â chyfrifoldeb rhiant dros y plentyn neu'r rhai sy'n rhoi gofal iddo 184
3.14.5.1 Cynorthwyo rhieni neu rai sy'n rhoi gofal i ddod i'r gynhadledd amddiffyn plant 186
3.14.5.2 Cau allan rhiant neu'r sawl sy'n rhoi gofal o gynhadledd amddiffyn plant ... 188

3.10 The medical examination 155
3.10.1 When should the medical examination take place 157
3.10.2 Standards for medical examinations 157
3.10.3 Consent for the medical examination 159
3.10.3.1 159
3.10.3.2 159
3.10.3.3 159
3.10.3.4 159
3.10.3.5 161
3.10.4 Consent: other issues 161
3.11 Recording 164
3.12 The conclusion and outcome of child protection section 47 enquiries 165
3.12.1 Making the decision 165
3.12.2 Concerns are not substantiated 167
3.12.3 Concerns are substantiated but the child is not judged to be at continuing risk of significant harm 167
3.12.4 Concerns are substantiated and the child is judged to be at continuing risk of significant harm 171
3.13 The core assessment 173
3.14 The initial child protection conference 177
3.14.1 Scope and Purpose 177
3.14.2 Planning the initial child protection conference 181
3.14.3 Quorum for the child protection conference 183
3.14.4 Involvement of the child in the child protection conference 183
3.14.4.1 Excluding children from a child protection conference 183
3.14.5 Involvement of adults with parental responsibility/the child's caregivers at the child protection conference 185
3.14.5.1 Supporting parents or caregivers to attend the child protection conference 185
3.14.5.2 Excluding a parent or caregiver from a child protection conference 189

3.14.6 Adroddiadau ar gyfer cynhadledd amddiffyn plant 192
3.14.8 Adroddiad y gweithiwr cymdeithasol 192
3.14.9 Adroddiadau gweithwyr proffesiynol eraill 196
3.14.10 Adroddiadau meddygol 196
3.14.11 Cadeirio'r gynhadledd amddiffyn plant 198
3.14.12 Rôl cadeirydd y gynhadledd 198
3.14.13 Trefn y gynhadledd 200
3.14.14 Cyfrinachedd a rhannu gwybodaeth mewn cynadleddau amddiffyn plant 202
3.14.15 Y broses o ddod i benderfyniad mewn cynadleddau amddiffyn plant cychwynnol 206
3.14.16 Dod i benderfyniad mewn cynadleddau amddiffyn plant lle nad yw pawb yn cytuno 208
3.14.17 Gohirio penderfyniad mewn cynhadledd amddiffyn plant 212
3.15 Rhoi enw plentyn ar y gofrestr amddiffyn plant 214
3.15.1 Pwrpas rhoi enw plentyn ar y gofrestr amddiffyn plant 214
3.15.2 Plant sy'n derbyn gofal, a chofrestru 214
3.16 Y cynllun amddiffyn plant amlinellol 216
3.17 Tasgau eraill y gynhadledd amddiffyn plant gychwynnol 218
3.18 Cofnodion y gynhadledd amddiffyn plant 220
3.19 Cwynion gan rieni, rhai sy'n rhoi gofal a phlant am benderfyniadau a gweithrediad cynhadledd amddiffyn plant 222
3.19.1 Rhoi gwybod i deuluoedd am y drefn gwyno 224
3.20 Y gweithiwr allweddol 224
3.21 Y grŵp craidd 228
3.22 Y cynllun amddiffyn plant manwl 232
3.22.1 Defnyddio cytundebau ysgrifenedig 234
3.23 Sut i weithredu pan mae gweithiwr proffesiynol yn credu nad yw plentyn ar y gofrestr yn cael ei amddiffyn yn ddigonol 236
3.24 Y gynhadledd adolygu amddiffyn plant 238
3.24.1 Pwrpas y gynhadledd adolygu amddiffyn plant 238

3.14.6 Reports for the child protection conference 191
3.14.8 The social worker's report 193
3.14.9 Other professionals reports 195
3.14.10 Medical reports 197
3.14.11 Chairing the child protection conference 197
3.14.12 The role of the conference chair 199
3.14.13 The conference process 201
3.14.14 Confidentiality and the sharing of information at child protection conferences 201
3.14.15 The decision making process of the initial child protection conference 205
3.14.16 Decision making at child protection conferences where consensus is not reached 209
3.14.17 Deferring a decision at a child protection conference 213
3.15 Placing a child's name on the child protection register 213
3.15.1 The purpose of placing a child's name on the child protection register 215
3.15.2 Looked after children and registration 215
3.16 The outline child protection plan 215
3.17 Other tasks of the initial child protection conference 217
3.18 Minutes of the child protection conference 219
3.19 Complaints from parents, caregivers and children about the decisions and functioning of a child protection conference 223
3.19.1 Informing families about the complaints procedure 223
3.20 The key worker 225
3.21 The core group 227
3.22 The detailed child protection plan 231
3.22.1 Use of written agreements 235
3.23 Action required when a professional believes a child on the register is not being adequately protected 235
3.24 The review child protection conference 237
3.24.1 Purpose of the review child protection conference 237

3.24.2 Cynllunio'r gynhadledd adolygu a'i rhoi ar waith 238
3.24.3 Gwneud penderfyniadau mewn cynadleddau adolygu amddiffyn plant 240
3.24.4 Siart llif 5: Gweithredu ar ôl y gynhadledd amddiffyn plant, yn cynnwys y broses adolygu 244
3.25 Y gofrestr amddiffyn plant 246
3.25.1 Rheoli'r gofrestr amddiffyn plant 246
3.25.2 Rhoi enw plentyn ar y gofrestr amddiffyn plant 246
3.25.3 Tynnu enw plentyn oddi ar y gofrestr amddiffyn plant 248
3.26 Mynediad at y gofrestr amddiffyn plant, ac ymholiadau iddi 250
3.26.1 Ymholiadau i'r gofrestr amddiffyn plant 250
3.26.1.1 Y broses 250
3.26.1.2 Ail ymholiadau 252
3.26.2 Ceisiadau eraill am wybodaeth am blant sydd ar y gofrestr 254
3.27 Symudiadau plant ar y gofrestr amddiffyn plant 254
3.27.1 Pan mae teulu'n symud allan o'r ardal 254
3.27.1.1 Rhoi gwybod i'r awdurdod sy'n derbyn yr achos 254
3.27.2 Pan mae teulu'n symud i gyfeiriad anhysbys 256
3.27.3 Pan mae plentyn ar y gofrestr amddiffyn plant yn symud dros dro allan o'r ardal 258
3.27.4 Pan mae teulu'n symud i mewn i'r ardal 258
3.27.4.1 Derbyn yr atgyfeiriad 258
3.27.4.2 Y gynhadledd 'trosglwyddo i mewn' amddiffyn plant 260
3.27.5 Pan mae plentyn ar y gofrestr amddiffyn plant yn symud dros dro i mewn i'r ardal 260
3.27.6 Plant 'coll' ar y gofrestr amddiffyn plant 262
3.28 Symudiadau teuluoedd â phlant mewn angen 264
3.28.1 Pan mae plant mewn angen yn symud allan o'r awdurdod 264
3.28.1.1 Dod i benderfyniad 266
3.28.1.2 Atgyfeirio 268

3.24.2 Planning and conduct of the review child protection conference 237
3.24.3 Decision making at review child protection conferences 239
3.24.4 Flow Chart 5: Action after the Child Protection Conference, including the Review Process. 245
3.25 The child protection register 247
3.25.1 Managing the child protection register 247
3.25.2 Placing a child's name on the child protection register 247
3.25.3 Removing a child's name from the child protection register 249
3.26 Access and enquiries to the child protection register 249
3.26.1 Enquiries to the child protection register 251
3.26.1.1 Process 251
3.26.1.2 Repeat enquiries 253
3.26.2 Other requests for information about children on the register 255
3.27 Moves of children on the child protection register 255
3.27.1 Where a family moves out of the area 255
3.27.1.1 Informing the receiving authority 255
3.27.2 Where the family moves to an unknown address 257
3.27.3 Where a move of a child on the child protection register out of the originating area is temporary 259
3.27.4 Where a family moves into the area 259
3.27.4.1 Receiving the referral 259
3.27.4.2 The 'transfer in' child protection conference 261
3.27.5 Where a move of a child on the child protection register into the receiving area is temporary 261
3.27.6 Missing children on the child protection register 263
3.28 Moves of families with children in need 265
3.28.1 Moves out of the authority of children in need 265
3.28.1.1 Making the decision 265
3.28.1.2 Making the referral 267

3.28.1.3 Ar ôl penderfynu peidio ag atgyfeirio 268

3.28.1.4 Pan mae teulu'n symud i gyfeiriad anhysbys..... 268

3.28.2 Pan mae plant mewn angen yn symud i mewn i'r awdurdod..... 270

3.28.3 Symudiadau plant mewn angen ac ymholiadau amddiffyn plant dan adran 47... 270

3.29 Y broses amddiffyn plant a chrynodeb o'r amserlen..... 272

- **RHAN 4 ..... 276**
- **4. Amddiffyn Plant mewn Amgylchiadau Penodol 276**

4.1 Rhagarweiniad..... 276

4.2 Plant sy'n byw oddi cartref..... 276

4.2.1 Amgylchiadau lle mae plant yn byw oddi cartref..... 276

4.2.2 Mesurau diogelu hanfodol 278

Blwch 18: Dyletswydd i roi gwybod i'r gwasanaethau cymdeithasol am blant mewn ysbyty neu ysgol breswyl 280

4.3 Honiadau o gam-drin plant yn erbyn gweithwyr proffesiynol / staff 280

4.3.1 Honiadau o gam-drin yn erbyn staff cartrefi preswyl 284

4.3.2 Honiadau o gam-drin yn erbyn gofalwr maeth..... 288

4.3.2.1 Adnabod y perygl o ddioddef niwed..... 288

4.3.2.2 Y cyfarfod strategaeth..... 290

4.3.2.3 Y gofalwyr maeth 292

4.3.2.4 Ar ôl i'r ymholiadau amddiffyn plant adran 47 gael eu cwblhau..... 294

4.3.3 Honiadau o gam-drin yn erbyn gofalwyr maeth preifat..... 296

4.3.4 Canllawiau ychwanegol mewn perthynas â gwarchodwyr plant..... 298

4.3.5 Honiadau bod plant yn y ddalfa'n cael eu cam-drin..... 300

4.3.5.1 Ymateb i honiadau bod plant mewn carchar yn cael eu cam-drin..... 300

4.3.5.2 Y camau gweithredu sy'n ofynnol 300

3.28.1.3 When the decision is made not to make a referral 269
3.28.1.4 When a family moves to an unknown address 269
3.28.2 Moves into the authority of children in need 269
3.28.3 Moves of children in need and child protection section 47 enquiries 269
3.29 The child protection process and summary of timescales 271

- **PART 4 ..... 277**
- **4. Child Protection in Specific Circumstances 277**

4.1 Introduction 277
4.2 Children living away from home 277
4.2.1 Circumstances in which children live away from home 277
4.2.2 Essential safeguards 279
Box 18: Duty to notify social services about children in hospital or residential school 281
4.3 Allegations of the abuse of children by professionals / staff members 281
4.3.1 Allegations of child abuse by staff in residential homes 285
4.3.2 Allegations of abuse against a foster carer 289
4.3.2.1 Identifying the risk of harm 289
4.3.2.2 Strategy meeting 290
4.3.2.3 The foster carers 293
4.3.2.4 After the child protection section 47 enquiries have been completed 295
4.3.3 Allegations against private foster carers 297
4.3.4 Additional guidelines in respect of childminders 299
4.3.5 Allegations of abuse of children in custody 301
4.3.5.1 Responding to allegations of abuse involving children in prison 301
4.3.5.2 Action required 301

4.3.6 Honiadau o gam-drin ynglŷn â neu yn erbyn gweithiwr proffesiynol, aelod o staff neu wirfoddolwr sydd â chyswllt â phlant ac oedolion agored i niwed (neu rai sy'n rheolineu'n goruchwylio gwasanaethau neu'n dylanwadu arnyn nhw) 304

4.3.6.1 Ymateb i atgyfeiriadau ynglŷn â gweithwyr proffesiynol sy'n cam-drin plentyn yn eu gwaith neu yn eu bywyd preifat..... 304

4.3.6.2 Y cyfarfod strategaeth..... 308

4.3.6.3 Canlyniad y cyfarfod strategaeth 310

4.3.6.4 Rhoi gwybodaeth i'r aelod staff..... 312

4.3.6.5 Cyfarfod canlyniad yr ymchwiliad 312

4.3.6.6 Ystyriaethau ychwanegol o ran addysg 314

4.3.6.7 Gweithredu ar ôl y gwrandawiad llys 316

4.4 Honiadau o gam-drin yn achos plant sy'n derbyn gofal ac sy'n byw y tu allan i ardal eu hawdurdod lleol 316

4.4.1 Cyfrifoldeb dros y cyfarfod strategaeth a'r ymchwiliad 318

4.4.2 Y cyfarfod strategaeth..... 318

4.5 Ymchwilio i gam-drin wedi ei drefnu neu gam-drin lluosog..... 320

4.5.1 Diffiniad o gam-drin wedi ei drefnu neu gam-drin lluosog..... 320

4.5.2 Y camau gweithredu gofynnol..... 322

4.5.3 Y cyfarfod strategaeth..... 324

4.5.4 Cynllunio'r ymchwiliad a'i roi ar waith 326

4.6 Perygl o niwed yn y dyfodol i blentyn sydd heb ei eni 330

4.6.1 Adnabod y perygl o ddioddef niwed..... 330

4.6.2 Y camau gweithredu gofynnol..... 332

4.7 Pan mae plant anabl yn cael eu cam-drin 336

4.8 Camfanteisio'n rhywiol ar blant 338

4.8.1 Diffiniad..... 338

4.8.2 Ei adnabod..... 338

4.8.3 Atgyfeirio 342

4.8.4 Y camau gweithredu gofynnol..... 344

4.3.6 Allegations of abuse about or against a professional, staff member or volunteer in contact with children and vulnerable adults (or who manage/ supervise influence services) 305

4.3.6.1 Responding to referrals about professionals who abuse a child in their professional or their private capacity 305

4.3.6.2 Strategy meeting 309

4.3.6.3 Outcome of the strategy meeting 311

4.3.6.4 Information to the staff member 313

4.3.6.5 Investigation outcome meeting 313

4.3.6.6 Additional considerations in respect of education 315

4.3.6.7 Action after the court hearing 317

4.4 Allegations of abuse of looked after children who are living outside their local authority area 317

4.4.1 Responsibility for the strategy meeting and investigation 319

4.4.2 Strategy meeting 319

4.5 Investigating organised or multiple abuse 321

4.5.1 Definition of organised or multiple abuse 321

4.5.2 Action required 323

4.5.3 Strategy meeting 325

4.5.4 Planning and running the investigation 327

4.6 Future risk of harm to an unborn child 331

4.6.1 Identifying the risk of harm 331

4.6.2 Action required 333

4.7 Abuse of children with a disability 337

4.8 The sexual exploitation of children 339

4.8.1 Definition 339

4.8.2 Recognition 339

4.8.3 Referral 343

4.8.4 Action required 343

4.8.5 Cyfrifoldebau'r Byrddau Lleol Diogelu Plant 346

4.9 Plant sy'n arddangos ymddygiad rhywiol niweidiol 346

4.9.1 Ymateb i gamdriniaeth rywiol gan blant a phobl ifanc 346

4.9.2 Y camau gweithredu gofynnol..... 348

4.9.3 Cynadleddau amddiffyn plant cychwynnol os mai plentyn/person ifanc yw'r sawl yr honnir iddo gyflawni'r weithred 350

4.9.4 Plentyn sydd wedi cam-drin..... 350

4.9.5 Plentyn sy'n destun amheuaeth..... 354

4.10 Plant ar eu pen eu hunain yn ceisio lloches 354

4.10.1 Rhagarweiniad..... 354

4.10.2 Penderfynu pwy sy'n gyfrifol am blant ar eu pen eu hunain yn ceisio lloches . 356

4.10.3 Asesu anghenion plant ar eu pen eu hunain yn ceisio lloches 356

4.10.4 Rhannu gwybodaeth am symudiadau plant ar eu pen eu hunain yn ceisio lloches . 358

4.11 Trefniadau amlasiantaethol ar gyfer diogelu'r cyhoedd (MAPPA) 360

4.11.1 Y camau gweithredu gofynnol pan mae MAPPA yn adnabod perygl i blentyn /blant..... 364

4.11.2 Y gynhadledd amlasiantaethol asesu'r perygl o drais yn y cartref (MARAC).. 366

4.11.2.1 Amcanion MARAC..... 366

4.12 Diogelu plant sy'n ymweld â charcharorion sy'n oedolion 368

4.12.1 Adnabod carcharorion a allai niweidio plant 370

4.12.2 Y drefn asesu..... 372

4.12.3 Diogelu buddiannau plant..... 374

- **RHAN 5 ..... 376**
- **5. Protocolau Cymru Gyfan ar gyfer diogelu plant mewn amgylchiadau penodol... 376**

5.1 Rhagarweiniad..... 376

5.2 Delio â chwynion gan blant, rhieni a'r rhai sy'n roi gofal am weithrediad cynhadledd amddiffyn plant..... 390

5.2.1 Panel y Bwrdd Lleol Diogelu Plant..... 390

4.8.5 LSCB responsibilities 345

4.9 Children who display sexually harmful behaviour 345

4.9.1 Responding to sexual abuse by children and young people 345

4.9.2 Action required 347

4.9.3 Initial child protection conferences where the alleged perpetrator is a child/young person 351

4.9.4 The child perpetrator 351

4.9.5 A child who becomes a suspect 353

4.10 Unaccompanied asylum seeking children (UASC) 355

4.10.1 Introduction 355

4.10.2 Establishing responsibility for UASC 355

4.10.3 Assessing the needs of UASC 357

4.10.4 Sharing information on the movements of UASC 357

4.11 Multi agency public protection arrangements (MAPPA) 359

4.11.1 Action required where a risk to a child/children is identified by the MAPPA process 363

4.11.2 The domestic abuse multi agency risk assessment conference (MARAC) 365

4.11.2.1 The aims of the MARAC 365

4.12 Safeguarding children who visit adult prisoners 367

4.12.1 Identification of prisoners posing a risk to children 369

4.12.2 Assessment procedure 369

4.12.3 Safeguarding the interests of children 371

- **PART 5 ..... 377**
- **5. All Wales protocols for safeguarding children in specific circumstances 377**

5.1 Introduction 377

5.2 Handling complaints from parents, caregivers and children about the functioning of the child protection conference 391

5.2.1 The LSCB panel 391

5.2.2 Os yw'r gwyn yn cael ei chadarnhau: 392
5.2.3. Cwynion sydd heb eu datrys..... 390
5.2.4. Adroddiadau..... 390
5.2.5 Siart Llif 6: Delio â chwynion am Gynadleddau Amddiffyn Plant 394
5.3 Protocol Salwch Ffug..... 398
5.3.1.1..... 398
5.3.1.2 Gallai'r rhain fod yn amlwg: 400
5.3.2 Er bod salwch ffug 400
5.3.2.1 Os yw rhywun yn amau salwch ffug, mae angen atgyferio'r achos at y gwasanaethau cymdeithasol. 400
5.3.2.2..... 402
5.3.2.3..... 402
5.3.3 Gweithredu pwrpasol gan Fyrddau Lleol Diogelu Plant:..... 404
5.3.4 YSTYRIAETHAU AR GYFER GWEITHWYR PROFFESIYNOL Y SECTOR IECHYD.. 406
5.3.4.1 Gweithredu ar gyfer gweithwyr proffesiynol y sector iechyd (os mai gweithwyr iechyd sy'n codi pryderon yn y lle cyntaf) 406
5.3.4.2 Ystyriaethau ychwanegol o ran iechyd: 408
5.3.5 YSTYRIAETHAU AR GYFER Y GWASANAETHAU CYMDEITHASOL..... 410
5.3.5.1 Ystyriaethau Allweddol..... 410
5.3.5.1.1 Gweithredu ar unwaith..... 410
5.3.5.1.2 Rhoi gwybodaeth i rieni 410
5.3.5.1.3 Yr asesiad cychwynnol 412
5.3.5.1.4 Y cyfarfod strategaeth (cyfeiriwch at 5.3.2.3 hefyd)..... 412
5.3.5.1.5 Y gynhadledd amddiffyn plant gychwynnol..... 412
5.3.6 YSTYRIAETHAU AR GYFER YR HEDDLU 414
5.3.6.1..... 414
5.3.7 YSTYRIAETHAU AR GYFER GWASANAETH ERLYN Y GORON..... 416
5.3.8 YSTYRIAETHAU AR GYFER Y GWASANAETHAU ADDYSG 416

5.2.2 If the complaint is upheld: 393
5.2.3. Unresolved complaints..... 393
5.2.4. Reports 393
5.2.5 Flow Chart 6: Handling Complaints about Child Protection Conferences..... 395
5.3 Fabricated Illness Protocol..... 399
5.3.1.1 395
5.3.1.2 The following may be present: 401
5.3.2 Fabricated illness 401
5.3.2.1 In the case of suspected fabricated illness, a referral should be made to social services. 401
5.3.2.2 403
5.3.2.3 403
5.3.3 Specific action by the Local Safeguarding Children Board (LSCB): 407
5.3.4 CONSIDERATIONS FOR HEALTH PROFESSIONALS..... 407
5.3.4.1 Action for health professionals (if initial concerns raised by health)..... 407
5.3.4.2 Additional health considerations: 409
5.3.5 CONSIDERATIONS FOR SOCIAL SERVICES 409
5.3.5.1 Key considerations.....411
5.3.5.1.1 Immediate action.....411
5.3.5.1.2 Information to parents 411
5.3.5.1.3 Initial assessment 413
5.3.5.1.4 Strategy meeting (see also 5.3.2.3) 413
5.3.5.1.5 Initial child protection conference..... 413
5.3.6 CONSIDERATIONS FOR THE POLICE 417
5.3.6.1 417
5.3.7 CONSIDERATIONS FOR THE CROWN PROSECUTION SERVICE 417
5.3.8 CONSIDERATIONS FOR EDUCATION SERVICES 419

RÔL ADDYSG..... 416
5.3.8.1 Adnabod salwch ffug neu salwch gwneud..... 418
5.3.8.2 Y camau gweithredu sy'n ofynnol gan staff ysgolion..... 418
5.3.8.3 Y camau gweithredu sy'n ofynnol gan staff gwasanaethau cymorth ysgolion yr awdurdodau addysg lleol..... 418
5.3.8.4 Rhagor o gyngor..... 420
5.4 Diogelu a Hybu Lles Pobl Ifanc sy'n Weithredol yn Rhywiol..... 424
5.4.1 Rhagarweiniad..... 424
5.4.2 Rhannu gwybodaeth..... 426
5.4.2.1 Cyfrinachedd a chydsynio..... 426
5.4.3 Asesu..... 428
5.4.3.1 Asesu anghenion pobl ifanc:..... 430
5.4.3.2 Dangosyddion y perygl o ddioddef niwed..... 430
5.4.3.3 Anghydbwysedd grym..... 432
5.4.4 Plant a phobl ifanc anabl a/neu sy'n dioddef anhwylder iechyd meddwl..... 434
5.4.5 Cam-drin trwy gamfanteisio'n rhywiol er elw ar blant neu fasnachu mewn plant . 436
5.4.5.1 Ymyrraeth..... 436
5.4.6 Y trothwyon ar gyfer atgyfeirio at y gwasanaethau cymdeithasol a/neu'r heddlu, ac oedran y plentyn..... 436
5.4.6.1 Plant dan 13 oed..... 436
5.4.6.2 Pobl ifanc 13-16 oed..... 438
5.4.6.3 Pobl ifanc 17-18 oed..... 438
5.4.6.4 Defnyddio Deddf Cipio..... 440
5.4.7 Canllawiau Fraser..... 440
5.4.8 Deddfwriaeth a chanllawiau..... 440
5.4.10 Asesu'r peryglon..... 440
5.5 Delweddau Anweddus o Blant, a'r Rhyngrwyd..... 444
5.5.1 Rhagarweiniad..... 444

THE ROLE OF EDUCATION 419
5.3.8.1 Identifying fabricated or induced illness 419
5.3.8.2 Action required by school staff 419
5.3.8.3 Action required by staff from LEA school support services 421
5.3.8.4 Further advice 421
5.4 Safeguarding and Promoting the Welfare of Sexually Active Young People 425
5.4.1 Introduction 425
5.4.2 Information sharing 427
5.4.2.1 Confidentiality and consent 427
5.4.3 Assessment 429
5.4.3.1 Assessing young people's needs: 431
5.4.3.2 Indicators of risk of harm 431
5.4.3.3 Power imbalances 433
5.4.4 Children and young people with a disability and/or with a mental health disorder 435
5.4.5 Abuse through commercial sexual exploitation / or trafficking 435
5.4.5.1 Intervention 437
5.4.6 Thresholds for referring to social services and/or police and the age of the child 437
5.4.6.1 Children under the age of 13 437
5.4 6.2 Young people aged between 13 and 16 439
5.4.6.3 Young People aged between 17 and 18 439
5.4.6.4 Use of the Abduction Act 439
5.4.7 Fraser guidance 439
5.4.8 Legislation and guidance 441
5.4.10 Risk assessment 441
5.5 Indecent Images of Children and the Internet. 445
5.5.1 Introduction 445

5.5.2 Diffiniad o ddelweddau anweddus o blant 444
5.5.3 Y Rhyngrwyd a ffonau symudol 444
5.5.4 Y prif droseddau..... 446
5.5.5 Amddiffyn plant a rheoli achosion 446
5.5.6 Cadw'r dystiolaeth 446
5.5.7 Canolfan Camfanteisio ar Blant a'u Hamddiffyn Ar-lein (*The Child Exploitation and Online Protection* – CEOP)..... 448

5.5.2 Definition of indecent images of children 445
5.5.3 The Internet and mobile telephones 447
5.5.4 Principal offences..... 447
5.5.5 Child protection and case management. 447
5.5.6 Preservation of evidence. 449
5.5.7 The Child Exploitation and Online Protection (CEOP)..... 449

Rhestr termau

Aelodau Staff	Term sy'n cynnwys gwirfoddolwyr, gweithwyr proffesiynol, contractwyr annibynnol a gofalwyr.
AGGCC	Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru (*Care and Social Services Inspectorate Wales - CSSIW*)
Amddiffyn Plant	Rhan o'r gwaith o ddiogelu a hybu lles plant yw amddiffyn plant. Mae'n cyfeirio at y gweithgarwch o amddiffyn plant penodol sy'n dioddef neu mewn perygl o ddioddef niwed arwyddocaol o ganlyniad i gamdriniaeth neu esgeulustod.
Asiantaethau Statudol	Er enghraifft: Awdurdodau Lleol (pob adran), Iechyd, yr Heddlu, y Gwasanaeth Prawf, CAFCASS CYMRU (y Gwasanaeth Cynghori a Chynorthwyo Llys i Blant a Theuluoedd).
Awdurdod Lleol	Cyngor sir neu gyngor bwrdeistref sirol.
Cam-drin: emosiynol	Trin plentyn yn wael yn emosiynol yn barhaus fel bod hyn yn achosi effeithiau niweidiol difrifol a pharhaus ar ddatblygiad emosiynol ac ymddygiadol plentyn.
Cam-drin: esgeuluso	Esgeuluso plentyn yn barhaus neu'n ddifrifol, neu fethu ag amddiffyn plentyn rhag bod yn agored i unrhyw fath o berygl, yn cynnwys oerfel, newyn neu fethiant eithafol i gyflawni agweddau pwysig ar ofal, gan arwain at nam arwyddocaol i iechyd neu ddatblygiad y plentyn, yn cynnwys methiant anorganig i ffynnu.
Cam-drin: corfforol	Taro, ysgwyd, taflu, gwenwyno, llosgi neu sgaldio, boddi, tagu, neu achosi niwed corfforol fel arall i blentyn. Gall niwed corfforol gael ei achosi hefyd pan fo rhiant neu ofalwr yn ffugio neu'n achosi salwch mewn plentyn o dan eu gofal.

Glossary

Abuse: emotional	The persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effects on the child's emotional and behavioural development.
Abuse: neglect	The persistent or severe neglect of a child, or the failure to protect a child from exposure to any kind of danger, including cold, starvation or extreme failure to carry out important aspects of care, resulting in the significant impairment of the child's health or development, including non-organic failure to thrive.
Abuse: physical	The hitting, shaking, throwing, poisoning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates or induces an illness in a child whom they are looking after.
Abuse: sexual	Forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening, including:- • Physical contact, including penetration or non penetrative acts. • Non-contact activities, such as involving children in looking at, or in the production of pornographic material or watching sexual activities; or • Encouraging children to behave in sexually inappropriate ways.
Achieving Best Evidence	Home Office Guidelines that identify best practice in working with vulnerable and

Cam-drin: rhywiol	Gorfodi neu hudo plentyn neu berson ifanc i gymryd rhan mewn gweithgareddau rhywiol, waeth a yw'r plentyn yn ymwybodol o beth sy'n digwydd ai peidio, yn cynnwys:- • cyswllt corfforol, yn cynnwys gweithredoedd treiddiol neu anhreiddiol. • gweithgareddau heb gyswllt corfforol fel cael plant i wylio deunydd pornograffig neu i fod yn rhan o ddeunydd pornograffig neu i wylio gweithgareddau rhywiol; neu • annog plant i ymddwyn mewn ffyrdd rhywiol amhriodol.
Cam-drin yn y cartref / Cam-drin domestig	Term sy'n cael ei ddefnyddio yn y maes i gynnwys pob math o gam-drin.
CPS	(*Crown Prosecution Service*) Gwasanaeth Erlyn y Goron.
CSP	(*Community Safety Partnership*) Partneriaeth Diogelwch Cymunedol.
Chwythu'r chwiban	Polisïau a gweithdrefnau sy'n rhoi cyfle i staff fynegi eu pryderon.
Datblygiad	Corfforol, deallusol, emosiynol, cymdeithasol neu ymddygiadol.
Dioddefwr	Term sy'n cael ei ddefnyddio i ddisgrifio plentyn neu oedolyn sydd wedi cael ei gam-drin neu ei niweidio'n uniongyrchol neu'n anuniongyrchol, neu sydd wedi bod yn dyst i'r fath gam-drin neu niwed.
Diogelu a hybu lles plant	• Amddiffyn plant rhag cael eu cam-drin a'u hesgeuluso; • Atal niwed neu nam i'w hiechyd neu eu datblygiad; a • Sicrhau eu bod yn derbyn gofal diogel ac effeithiol;

	intimidated child and adult witnesses.
Barring Lists	Comprehensive lists of people deemed unsuitable to work with children and /or vulnerable adults –will come into effect when the Safeguarding Vulnerable Persons Act 2006 is implemented (follows the Bichard Inquiry).
Child in need	A child is in need if: • He/she is unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him/her of services by a local authority. • His/her health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services; or • He/she is disabled.
Child Pornography	Abusive images of children
Child Protection	Child Protection is a part of safeguarding and promoting welfare. This refers to the activity which is undertaken to protect specific children who are suffering or are at risk of suffering significant harm as a result of abuse or neglect.
Children	A child is anyone who has not yet reached their 18th birthday. 'Children' therefore means 'children and young people' throughout. The fact that a child has become sixteen years of age, is living independently, is in Further Education, is a

	…. er mwyn eu galluogi i gael y cyfleoedd bywyd gorau posib.
DTC	(*Detention Training Centre*) Canolfannau cadw lle y gall pobl ifanc dan 18 oed gael eu hyfforddi.
EDT	(*Emergency Duty Team*) Tîm Dyletswydd Argyfwng.
FPO	(*Family Protection Officer*) Swyddog Amddiffyn y Teulu (yr heddlu).
Goroeswr	Term sy'n cael ei ddefnyddio'n aml yn lle 'dioddefwr' er mwyn helpu pobl i feddwl yn gadarnhaol.
'Gwasanaethau cymdeithasol ar gyfer plant' neu 'gwasanaethau cymdeithasol awdurdod lleol ar gyfer plant'	Gwaith awdurdodau lleol wrth gyflawni eu swyddogaethau gwasanaethau cymdeithasol mewn perthynas â phlant. Nid bwriad y term yw awgrymu bod adran ar wahân sy'n gyfrifol am wasanaethau cymdeithasol ar gyfer plant. Mae'r term generig 'gwasanaethau cymdeithasol' yn cael ei ddefnyddio ym mhob rhan o'r canllawiau.
ICS	(*Integrated Children's System*) System Integredig ar gyfer Plant neu System Blant Integredig.
IDVA	(*Independent Domestic Violence Advocate*) Cynghorwyr Annibynnol ar Drais yn y Cartref.
ISVA	(*Independent Sexual Violence Advocate*) Cynghorwyr Annibynnol ar Drais Rhywiol.
Iechyd	Iechyd corfforol neu iechyd meddwl.
LSCB	(*Local Safeguarding Children Board*) Bwrdd Lleol Diogelu Plant.

	member of the Armed Forces, is in hospital, is in prison or a young offenders institution does not change their status or their entitlement to services or protection under the Children Act 1989.
'Children's social services' or 'local authority children's social services.	The work of the local authorities exercising their social services functions with regard to children. This is not meant to imply a separate 'children's social services' department. Throughout the procedures the generic term social services is used.
CPS	Crown Prosecution Service
CSSIW	Care and Social Services Inspectorate Wales.
CSP	Community Safety Partnership.
Development	Physical, intellectual, emotional, social or behavioural development.
DfES List 99	Confidential list of people not to be employed in schools or further education.
Domestic Abuse	Term used in practice to encompass the spectrum of abuse.
Domestic Violence	Term often used in legislation and by Criminal Justice Agencies.

Lles

Nid oes diffiniad statudol. Cyflwynodd Deddf Plant 1989 y rhestr wirio y mae'n rhaid i Lys ei hystyried dan rai amgylchiadau. Mae Deddf 1989 yn dweud "a Court shall have regard in particular to:-

- The ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);
- His physical, emotional and educational needs;
- The likely effect on him of any change in his circumstances;
- His age, sex, background and any characteristics of his which the court consider relevant;
- Any harm which he has suffered or is at risk of suffering;
- How capable each of his parents, and any other person in relation to whom the Court considers the question to be relevant, is of meeting his needs;
- The range of powers available to the Court under this Act in the proceedings in question."

Maethu

Yn cynnwys lleoliadau teulu.

MAPPA

(*Multi Agency Public Protection Arrangements*) Trefniadau Amlasiantaethol ar gyfer Diogelu'r Cyhoedd.

MARAC

(*Multi Agency Risk Assessment Conference*) Cynhadledd Amlasiantaethol ar gyfer Asesu Perygl.

Mudiadau Gwirfoddol

Mudiadau fel Barnardo's, Achub y Plant, NSPCC, NCH, Tai Hafan, Cymorth i Fenywod.

DTC	Detention Training Centre for under 18s.
EDT	Emergency Duty Team.
Enquiry (1)	Term used under Section 47 part of child protection process, (Children Act 1989) sometimes referred to as a Section 47 investigation.
Enquiry (2)	Means whereby checks are made to the Child Protection Register.
Fostering	Inclusive of family placements.
FPO	Family Protection Officer (Police).
Harm	Ill-treatment or the impairment of health or development including, for example, impairment suffered from seeing or hearing the ill-treatment of another.
Health	Physical or mental health.
ICS	Integrated Children's System.
IDVA	Independent Domestic Violence Advocate.

Niwed / **Niweidio**	Cam-drin neu amharu ar iechyd neu ddatblygiad, yn cynnwys, er enghraifft, nam a ddioddefwyd ar ôl gweld neu glywed rhywun arall yn cael ei gam-drin.
Niwed arwyddocaol	Niwed arwyddocaol neu niwed sylweddol. Dywed Adran 31(10) o Ddeddf Plant 1989, “where the question of whether harm suffered by a child is significant turns on the child’s health or development, his health or development shall be compared with that which could be reasonably be expected of a similar child.”
Partneriaethau	Y term sy’n cael ei ddefnyddio i ddisgrifio patrwm o weithio, er enghraifft, Partneriaethau Iechyd a Lles, Partneriaethau Plant a Phobl Ifanc, Partneriaethau Diogelwch Cymunedol.
Plant	Plentyn yw unrhyw un o dan 18 oed. Mae ‘plant’ felly’n golygu ‘plant a phobl ifanc’ drwy’r ddogfen. Nid yw’r ffaith fod plentyn wedi cyrraedd 16 mlwydd oed, yn byw’n annibynnol neu mewn Addysg Bellach, wedi ymuno â’r Lluoedd Arfog, neu mewn ysbyty, carchar neu sefydliad i droseddwyr ifanc yn newid ei statws na’i hawl i gael gwasanaethau na’i hawl i gael ei amddiffyn o dan Ddeddf Plant 1989.
Plentyn mewn angen	Mae plentyn yn blentyn mewn angen os: • yw ef/hi yn annhebygol o gyflawni neu gynnal, neu gael y cyfle o gyflawni neu gynnal, safon iechyd neu ddatblygiad rhesymol heb gael gwasanaethau gan awdurdod lleol; • yw ei iechyd neu ei ddatblygiad yn debygol o gael ei niweidio, neu ei niweidio ymhellach, heb gael gwasanaethau o’r fath • yw ef/hi yn blentyn anabl.
POCA	(*Protection of Children Act 1999*) Deddf Amddiffyn Plant 1999. Rhestr o bobl sy’n

ISVA	Independent Sexual Violence Advocate.
Local Authority	A county council or county borough council.
LSCB	Local Safeguarding Children Board.
MAPPA	Multi Agency Public Protection Arrangements.
MARAC	Multi Agency Risk Assessment Conference.
Partnerships	Term used to describe structures e.g. Health and Well Being, Children and Young People's Partnerships, Community Safety Partnerships.
POCA	Protection of Children Act 1999. List of people who are unsuitable to work with children in childcare positions.
POVA	Protection of Vulnerable Adults.
Prostitution	Legal term used for commercial sexual exploitation.
Safeguarding and promoting the welfare of children	• Protecting children from abuse and neglect; • Preventing impairment of their health or development; and • Ensuring their receive safe and effective care;

	anaddas i weithio gyda phlant mewn swyddi gofal.
Pornograffi Plant	Delweddau anweddus o blant.
POVA	(*Protection of Vulnerable Adults*) Amddiffyn Oedolion sy'n Agored i Niwed.
Puteindra	Term cyfreithiol sy'n cael ei ddefnyddio wrth sôn am gamfanteisio rhywiol masnachol.
Rhestr 99 yr Adran Addysg (DfES)	Rhestr gyfrinachol o'r bobl sydd ddim i'w cyflogi mewn ysgolion neu addysg bellach.
Rhestri Gwahardd	Rhestri cynhwysfawr o bobl y bernir eu bod yn anaddas i weithio gyda phlant a/neu oedolion sy'n agored i niwed. Bydd y rhestrau ar waith ar ôl i Ddeddf Diogelu Pobl Agored i Niwed 2006 ddod i rym (yn sgil Ymchwiliad Bichard).
SARC	(*Sexual Assault Referral Centre*) Canolfan Atgyfeirio Ymosodiadau Rhywiol.
Sicrhau'r Dystiolaeth Orau (*Achieving Best Evidence*)	Canllawiau'r Swyddfa Gartref sy'n tynnu sylw at yr arferion gorau wrth weithio gyda thystion sy'n blant ac oedolion sy'n agored i niwed a rhai sydd dan ofn.
SOPO	(*Sexual Offences Prevention Order*) Gorchymyn Atal Troseddau Rhywiol.
STC	(*Secure Training Centre*) Canolfan Hyfforddi Ddiogel.
Trais domestig	Term sy'n cael ei ddefnyddio'n aml mewn deddfwriaeth a gan asiantaethau cyfiawnder troseddol.
ViSOR	(*Violent and sex offender register*) Cofrestr o droseddwyr treisiol neu droseddwyr sydd wedi cam-drin yn rhywiol.

	…. so as to enable them to have optimum life chances.
SARC	Sexual Assault Referral Centre.
Significant harm	Section 31(10) of the Children Act 1989 states that "where the question of whether harm suffered by a child is significant turns on the child's health or development, his health or development shall be compared with that which could be reasonably be expected of a similar child".
SOPO	Sexual Offences Prevention Order.
Staff Members	Inclusive of volunteers, professionals, independent contractors, caretakers.
Statutory Agencies	e.g: Local Authorities – All Departments, Health, Police, Probation, CAFCAS CYMRU.
STC	Secure Training Centre.
Survivor	Term often used as alternative to victim to promote positive outlook.
Victim	Term used to describe child or adult who has been, or witnessed abuse/harm, either directly or indirectly.
ViSOR	Violent and sex offender register.

WAG/ LLCC	(*Welsh Assembly Government*) Llywodraeth Cynulliad Cymru.
Ymholiad (1)	Term sy'n cael ei ddefnyddio fel rhan o'r broses amddiffyn plant dan Adran 47 Deddf Plant 1989. Enw arall arno yw ymchwiliad Adran 47.
Ymholiad (2)	Y broses o fynd ati i wirio'r wybodaeth yn y Gofrestr Amddiffyn Plant.
YOI	(*Young Offender Institution*) Sefydliad ar gyfer Troseddwyr Ifanc.

Voluntary Organisations	e.g: Barnardo's, Save The Children, NSPCC, NCH, Tai Hafan, Women's Aid.
WAG	Welsh Assembly Government.
Welfare and Wellbeing	There is no statutory definition. The Children Act 1989 introduced the welfare checklist that a Court shall have regard to in certain circumstances. The 1989 Act states that a "Court shall have regard in particular to:- • The ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding); • His physical, emotional and educational needs; • The likely effect on him of any change in his circumstances; • His age, sex, background and any characteristics of his which the Court consider relevant; • Any harm which he has suffered or is at risk of suffering; • How capable each of his parents, and any other person in relation to whom the Court considers the question to be relevant, is of meeting his needs; • The range of powers available to the Court under this Act in the proceedings in question."
Whistleblowing	Policy and procedures to enable staff members to raise concerns.
YOI	Young Offender Institution.

Rhestr o'r Blychau

Nid yw'r blychau hyn yn rhan o'r canllawiau ond maen nhw'n cynnig canllawiau ychwanegol

Blwch 1: Hybu partneriaethau effeithiol gyda theuluoedd.

Blwch 2: Beth i'w wneud os yw plentyn yn dweud wrthych ei fod e neu berson ifanc arall yn cael ei gam-drin.

Blwch 3: Pan rydych yn pryderu am ymddygiad unrhyw oedolyn neu gydweithiwr (yn cynnwys aelod o'r cyhoedd) tuag at blant neu bobl ifanc.

Blwch 4: Rheoli systemau dyletswyddau ac atgyfeiriadau.

Blwch 5: Cynnwys plant o'r dechrau.

Blwch 6: Cynnwys aelodau teulu.

Blwch 7: Asesiad Cychwynnol ac Ymholiadau: deg problem a sut i'w hosgoi.

Blwch 8: Lles y plentyn yw'r peth pwysicaf un.

Blwch 9: Canolbwyntio ar ganlyniadau ar gyfer y plentyn.

Blwch 10: Cyfathrebu gyda phlant.

Blwch 11: Cofnodi ymweliadau â theuluoedd.

Blwch 12: Cyfarfodydd grwp teuluol.

Blwch 13: Arferion da wrth asesu.

Blwch 14: Sefydlu niwed arwyddocaol.

Blwch 15: Sylwi pan mae teulu'n mynd ar goll.

Blwch 16: Atgyfeiriadau penodol am blant mewn angen yn symud i ardaloedd eraill.

Blwch 17: Plant yn byw oddi cartref: mesurau diogelwch sylfaenol.

Blwch 18: Dyletswydd i roi gwybod i'r gwasanaethau cymdeithasol am blant mewn ysbyty neu ysgol breswyl.

List of Boxes

These boxes do not form part of the procedures but are additional guidance

Box 1: Promoting effective partnership with families.

Box 2: What to do if a child tells you that they or another young person is being abused.

Box 3: Behaviour of any adult or colleague (including members of the public) towards children or young people causes you concern.

Box 4: Management of duty and referral systems.

Box 5: Involving children from the outset.

Box 6: Involving family members.

Box 7: Initial Assessment and Enquiries: Ten pitfalls and how to avoid them.

Box 8: The welfare of the child is paramount

Box 9: Focus on outcomes for the child.

Box 10: Communicating with children.

Box 11: Recording visits to families.

Box 12: Family group conferences.

Box 13: Good practice in assessment.

Box 14: Establishing significant harm.

Box 15: Noticing when a family goes missing.

Box 16: Specific referrals about children in need moving to other areas.

Box 17: Children living away from home: Basic safeguards.

Box 18: Duty to notify social services about children in hospital or residential school.

Box 19: Duty to report professional abuse

Blwch 19: Dyletswydd i adrodd camdriniaeth gan weithiwr proffesiynol.

Blwch 20: Cydbwyso lles y plentyn â'r angen i wneud ymchwiliad troseddol.

Blwch 21: Mae bod yn 'agored i niwed' yn cynnwys:

Blwch 22: Camdriniaeth gan blant a phobl ifanc ac anabledd/anhawster dysgu.

Box 20: Balancing the welfare of the child with the need to undertake a criminal investigation.

Box 21: Vulnerabilities include

Box 22: Abuse by children and young people and learning disability/difficulty

RHAGARWEINIAD

Pwrpas y Canllawiau

'Doing the basic things well keeps children safe.'[1]

Mae Grŵp Adolygu Canllawiau Amddiffyn Plant Cymru Gyfan wedi adolygu'r canllawiau ar ran Byrddau Lleol Diogelu Plant Cymru. Mae Canllawiau Amddiffyn Plant Cymru Gyfan 2007 yn disodli'r rhai blaenorol a gyhoeddwyd yn 2002. F'eu diweddarwyd i gynnwys y newidiadau pwysig ers y cyhoeddiad cyntaf, yn arbennig argymhellion Adroddiad Ymchwiliad Victoria Climbié (*Victoria Climbié Inquiry Report*); Deddf Plant 2004 a'r canllawiau: *Diogelu Plant: Gweithio gyda'n Gilydd dan Ddeddf Plant 2004*. Cydnabydda Grŵp Adolygu Canllawiau Amddiffyn Plant Cymru Gyfan y bydd angen parhau i ymateb i newidiadau, a'u bwriad yw cyhoeddi diweddariadau blynyddol.

Mae'n glir bod cyfrifoldebau helaeth iawn gan Fyrddau Lleol Diogelu Plant o ran diogelu a hybu lles plant. Ond, mae'r canllawiau'n rhoi sylw penodol i'w dyletswydd i amddiffyn plant unigol rhag cael eu cam-drin a'u hesgeuluso.

Cyniga'r canllawiau'n safonau cyffredin ar gyfer pob Bwrdd Lleol Diogelu Plant wrth amddiffyn plant. Gweithredant fel fframwaith y gall gweithwyr ei ddefnyddio ym mhob atgyfeiriad, ac wrth gynllunio, gwneud penderfyniadau a gweithredu ym maes amddiffyn plant. Maent yn rhan annatod o'r gwaith o ddiogelu a hybu lles plant.

Yr egwyddor gadarn sy'n sylfaen i'r canllawiau yw bod cyfrifoldeb ar bob unigolyn ac asiantaeth sy'n gweithio gyda phlant a theuluoedd, a gydag oedolion a allai achosi niwed i blant, i amddiffyn plant rhag niwed. Ni all unrhyw asiantaeth lwyddo i amddiffyn plant yn effeithiol trwy weithio ar ei phen ei hun. Esbonia' r canllawiau'n glir sut y dylai unigolion ac asiantaethau gyfathrebu â'i gilydd a chydweithio trwy bartneriaethau effeithiol er mwyn adnabod plant sy'n agored i niwed, eu diogelu rhag cael eu cam-drin a'u hesgeuluso, ac i wella'r canlyniadau ar eu cyfer.

Dim ond trwy ddefnyddio arfer da, ynghyd â sgil a barn proffesiynol sydd wedi eu seilio ar asesu trwyadl, a'u cefnogi gan dystiolaeth a dadansoddi beirniadol, y bydd yn bosib rhoi'r canllawiau hyn ar waith yn effeithiol. Mae hybu a datblygu barn a sgil proffesiynol yn gofyn am hyfforddiant, goruchwyliaeth a chynhaliaeth ar gyfer unigolion sy'n gwneud y math hwn o

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[1] Arglwydd Laming, Victoria Climbié Inquiry gan yr Arglwydd Laming 2003 para 4.190

INTRODUCTION

The Purpose of the Procedures

'Doing the basic things well keeps children safe'1

The All Wales Child Protection Procedures Review Group has revised the procedures on behalf of Local Safeguarding Children Boards in Wales. The 2007 All Wales Child Protection Procedures replace the previous procedures issued in 2002.They have been updated to incorporate the important changes since they were first issued, in particular the recommendations of the *Victoria Climbie Inquiry Report; the Children Act 2004;* and, the accompanying guidance, *Safeguarding Children: Working Together under the Children Act 2004*. The All Wales Child Protection Procedures Review Group acknowledge that there will continue to be a need to respond to changes in the future and intend to issue annual updates.

It is recognised that the Local Safeguarding Children Boards have a broad scope of responsibility for safeguarding and promoting the welfare of children, however these procedures are about their specific function to protect individual children from abuse and neglect.

The procedures provide common standards to guide child protection practice for every Local Safeguarding Children Board in Wales. They provide a framework within which individual child protection referrals, actions, decisions and plans are made and carried out. They are an integral part of the agenda for safeguarding and promoting the welfare of children.

The procedures are based on the fundamental principle that the protection of children from harm is the responsibility of all individuals and agencies working with children and families, and with adults who may pose a risk to children. The effective protection of children cannot be achieved by a single agency acting on its own. The procedures clarify how individuals and agencies should communicate and work together effectively in partnership in order to identify vulnerable children, keep them safe from abuse and neglect, and, improve outcomes for them.

The implementation of the procedures can only be effective when supported by good practice, and the exercise of professional skill and judgement based

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[1] Lord Laming, The Victoria Climbie Inquiry by Lord Laming 2003 para 4.190

waith anodd a chymhleth. Ar ben hynny, mae gofyn i Fyrddau Lleol Diogelu Plant, asiantaethau unigol a phartneriaethau strategol gynnig arweiniad clir wrth gyd-drefnu a monitro roi'r canllawiau ar waith. Dyma'r ffordd i wneud y gorau o'r adnoddau dynol ac ariannol sy'n perthyn i'r gwasanaethau ar gyfer plant Cymru.

I bwy mae'r canllawiau?

Mae Canllawiau Amddiffyn Plant Cymru Gyfan yn hanfodol i unrhyw unigolion ac asiantaeth sy'n gweithio gyda phlant a theuluoedd, neu gydag oedolion a allai achosi niwed i blant. Maen nhw'n berthnasol i bob proffesiwn, asiantaeth ac adran yn y sectorau statudol, gwirfoddol ac annibynnol. Enwa Deddf Plant 2004 y cyrff sydd â dyletswydd statudol i ddiogelu a hybu lles plant ac sy'n perthyn i Fyrddau Lleol Diogelu Plant. Cyfrifoldeb y Byrddau Lleol Diogelu Plant yw gofalu bod Canllawiau Amddiffyn Plant Cymru Gyfan yn cael eu gweithredu'n llawn o fewn eu hardaloedd, ac i fonitro pa mor effeithiol ydyn nhw.

Dogfen gyhoeddus yw'r canllawiau. Dangosant yn glir fod lle i aelodau pob cymuned hysbysu adran gwasanaethau cymdeithasol a'r heddlu am unrhyw bryderon ynglŷn â niwed i blant.

Sut i ddefnyddio'r canllawiau: Mae pump rhan i'r canllawiau:

Mae **Rhan 1** yn gosod cyd-destun gwaith amddiffyn plant, yn cynnwys y prif egwyddorion sy'n sylfaen i waith pobl broffesiynol sy'n gweithio gyda phlant a theuluoedd. Mae hefyd yn diffinio camdriniaeth ac esgeulustod.

Mae **Rhan 2** yn disgrifio'r hyn y dylai rhywun ei wneud os yw'n pryderu fod plentyn yn cael ei gam-drin, neu os yw'n amau bod perygl o gamdriniaeth. Mae'n waith darllen pwysig i unrhyw un sy'n gweithio gyda neu'n gofalu am blant a theuluoedd, neu gydag oedolion a allai achosi niwed i blant.

Mae **Rhan 3** yn disgrifio'r drefn i'w dilyn ar ôl i adroddiad ddod i law am blentyn sy'n cael ei gam-drin neu ei esgeuluso.

Mwy o wybodaeth sydd yn **Rhan 4** am y broses o reoli rhai mathau neilltuol o gamdriniaeth.

Protocolau sydd yn **Rhan 5** y mae Grŵp Adolygu Canllawiau Amddiffyn Plant Cymru Gyfan wedi'u datblygu ers 2002.

Ym mhob rhan o'r canllawiau, mae gwybodaeth a chyngor i'w cael mewn blychau. Ar ben hynny, mae'r pwyntiau pwysig yn ymddangos mewn print trwm.

on thorough assessment, supported by evidence, and critical analysis. The promotion and development of professional skill and judgement requires training, supervision and support for individuals engaged in this difficult and complex area of work. In addition, the procedures require clear leadership from Local Safeguarding Children Boards to coordinate and monitor their implementation and from individual agencies and strategic partnerships in order to make good use of the human and financial resources that comprise children's services across Wales.

Who are the procedures for?

The All Wales Child Protection Procedures are essential for all individuals and agencies working with children and families, or with adults who may pose a risk to children, across professions, agencies and departments, and in the statutory, voluntary and independent sectors. The *Children Act 2004* names the organisations that have a statutory duty to safeguard and promote the welfare of children, and who are constituent members of the Local Safeguarding Children Boards. The Local Safeguarding Children Boards have a responsibility to ensure that the All Wales Child Protection Procedures are fully implemented within their areas and to monitor their effectiveness.

The procedures are a public document, and acknowledge that members of all communities can have a vital role in alerting social services departments and the police to concerns about harm to children.

How to use these procedures: The procedures are in five parts:

Part 1 gives the context for child protection work, including the key principles that underpin professional's work with children and families, and the definitions of abuse and neglect.

Part 2 sets out what people should do if they are concerned that a child is being abused, or if they suspect that there is a risk of abuse. It is important reading for all individuals working with and caring for children and families, or with adults who may pose a risk to children.

Part 3 describes the procedures to be followed when a report of child abuse or neglect has been made.

Part 4 provides additional information about the management of particular types of child abuse.

Part 5 contains protocols developed by the All Wales Child Protection Procedures Review Group since 2002.

Throughout the procedures there is information and advice presented in boxes. In addition, important points are highlighted in bold.

Y canllawiau yn eu cyd-destun

Deddf Plant 1989 a *Deddf Plant 2004* sy'n gosod y prif gyd-destun deddfwriaethol ar gyfer Canllawiau Amddiffyn Plant Cymru Gyfan. Mae'r deddfau'n rhoi dyletswydd ar gyrff penodol i ddiogelu a hybu lles plant.

Mae'r canllawiau'n parchu'r gwerthoedd a'r egwyddorion sydd wedi'u hymgorffori yng Nghonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn. Datblygodd Llywodraeth Cynulliad Cymru y gwerthoedd a'r egwyddorion yma'n y dogfennau *Plant a Phobl Ifanc: Gweithredu'r Hawliau 2004*. Mae'r Llywodraeth wedi mabwysiadu amcanion a chanlyniadau craidd fel sylfaen i'w hymrwymiad i weithio gyda phob plentyn a pherson ifanc. Un o'r prif ganlyniadau ar gyfer gwella lles plentyn o adeg ei genhedlu i'r adeg y daw'n oedolyn yw'r gofyniad ei fod yn cael byw mewn amgylchedd diogel wedi ei amddiffyn rhag niwed.

Yn unol â *Deddf Plant 2004* ac adran 7 *Deddf Gwasanaethau Cymdeithasol Awdurdodau Lleol 1970*, cyhoeddodd Llywodraeth Cynulliad Cymru'r canllawiau *Diogelu Plant: Gweithio gyda'n Gilydd dan Ddeddf Plant 2004.* Y ddogfen hon yw sylfaen y gwaith ar y canllawiau. Mae'r canllawiau'n cyfeirio'n gyson at y ddogfen, ac mae angen darllen y ddwy set o ganllawiau gyda'i gilydd.

Ar ben hynny, mae'r System Integredig ar gyfer Plant wedi cael ei wethredu yng Nghymru. Disgrifia'r prosesau proffesiynol craidd, sef asesu, cynllunio, ymyrryd ac adolygu, y bydd y gwasanaethau cymdeithasol yn eu defnyddio wrth gydweithio ag asiantaethau eraill sydd â chyfrifoldeb dros blant mewn angen. Fframwaith o gysyniadau yw'r System Integredig ar gyfer Plant. Adeilada ar y gwaith o ddatblygu'r Fframwaith Asesu ar gyfer Plant mewn Angen a'u Teuluoedd a'r System ar gyfer Plant sy'n Derbyn Gofal. Mae'n cynnig un ffordd bwrpasol o fynd ati i roi'r prif brosesau hyn ar waith gan wneud dealltwriaeth o anghenion datblygu plant yn sylfaen i'r gwaith, yng nghyd-destun eu teuluoedd a'u cymunedau.

Mae'r canllawiau'n cynnwys roi sylw i'r canlynol:

- Deddf Plant 1989;
- Safe From Harm: A Code of Practice for Safeguarding the Welfare of Children in Voluntary Organisations in England and Wales, Y Swyddfa Gartref, 1993;
- Child Protection - Messages from Research, Yr Adran Iechyd, 1995;
- Amddiffyn Plant Rhag Cael eu Cam-drin: Rôl y Gwasanaeth Addysg; Cylchlythyr y Swyddfa Gymreig 52/95 (Y fersiwn ar gyfer Cymru o DfES 10/95);
- Deddf Hawliau Dynol 1998;

The procedures in context

The *Children Act 1989* and the *Children Act 2004* provide the main legislative context for the All Wales Child Protection Procedures and place a duty on designated bodies to safeguard and promote the welfare of children.

The procedures reflect the values and principles enshrined in the UN Convention on the Rights of the Child. The Welsh Assembly Government developed these values and principles in *Children and Young People: Rights to Action 2004*, and adopted core aims and outcomes through which it is committed to work with all children and young people. The key outcomes for improving the well being of children from conception to adulthood, includes the requirement that children live in a safe environment and be protected from harm.

The Welsh Assembly Government guidance*, Safeguarding Children; Working Together under the Children Act 2004* has been issued in accordance with the *Children Act 2004* and under Section 7 of the *Local Authority Social Services Act 1970,* and provides the working basis for the procedures. There are references to the guidance throughout these procedures, and they should be read in conjunction with them.

Furthermore, the Integrated Children's System has been implemented in Wales. It sets out the core professional processes of assessment, planning, intervention and reviewing, which will be used by social services in collaboration with other agencies with responsibility for children in need. The Integrated Children's System is a conceptual framework that builds upon the previous developments of the Framework for Assessment of Children in Need and their Families, and the Looked After Children System, and provides a single approach to undertaking these key processes based on an understanding of children's developmental needs in the context of their families and communities.

The procedures take account of the following:

- The Children Act 1989;
- Safe From Harm A Code of Practice for Safeguarding the Welfare of Children in Voluntary Organisations in England and Wales, Home Office, 1993;
- Child Protection - Messages from Research, Department of Health, 1995;
- Protecting Children From Abuse: The Role of the Education Service; Welsh Office Circular 52/95 (Welsh version of 10/95 DFES);
- The Human Rights Act 1998;

- Learning How to Make Children Safer: An Analysis for the Welsh Office of Serious Child Abuse Cases in Wales, Prifysgol East Anglia, 1999;
- Rhoi Plant yn Gyntaf**,** Llywodraeth Cynulliad Cymru, 1999;
- Ar Goll mewn Gofal, Adroddiad y Tribiwnlys a fu'n ymchwilio i'r achosion o gam-drin plant mewn gofal yn ardaloedd hen gynghorau sir Gwynedd a Chlwyd ers 1974, Sir Ronald Waterhouse, Chwefror 2000;
- Fframwaith ar gyfer Asesu Plant Mewn Angen a'u Teuluoedd, 2001;
- Practice Guide to Investigating Allegations of Abuse against a Professional or Caregiver in relation to Children Looked After, Llywodraeth Cynulliad Cymru, 2000;
- Safeguarding Children Involved in Prostitution, Department of Health 2000;
- Achieving Best Evidence in Criminal Proceedings - Guidance for Vulnerable or Intimidated Witnesses including Children, Y Swyddfa Gartref, 2002;
- Learning How to Make Children Safer: An Analysis for the Welsh Assembly Government of Serious Child Abuse Cases in Wales, Prifysgol East Anglia a Llywodraeth Cynulliad Cymru, 2002;
- Safeguarding Children in Whom Illness is Fabricated or Induced, Llywodraeth Cynulliad Cymru, 2002;
- Peth Rhy Ddifrifol: Adolygiad o'r Mesurau i Amddiffyn Plant a Phobl Ifanc sy'n cael Triniaeth a Gofal gan yr NHS yng Nghymru, Arglwydd Carlile, Llywodraeth Cynulliad Cymru, Mawrth 2002;
- Joint NEOST(National Employers' Organisation for School Teachers) / Teacher Union Guidance on Education Staff and Child Protection: Staff Facing an Allegation of Abuse – Guidelines on Practice and *Procedure*: Bwletin Addysg rhif:467 Medi 2002 a diweddariadau;
- Drafft Ymgynghorol: System Integredig ar gyfer Plant – Gweithio gyda Phlant mewn Angen a'u Teuluoedd, Llywodraeth Cynulliad Cymru, 2003;
- Rhagarweiniad i'r cofnodion a ddefnyddiwyd yn y System Integredig ar gyfer Plant, Llywodraeth Cynulliad Cymru, 2003;
- The Victoria Climbié Inquiry Report of and Inquiry, Arglwydd Laming, HMSO, 2003;
- First Report of the Committee on Standards in Public Life, Arglwydd Nolan, HMSO, 2003;
- Hidden Harm: Responding to the needs of children of problem drug users, Report of an Inquiry by the Drug Advisory Council on the Misuse of Drugs, Mehefin 2003;
- Ymchwiliadau i Achosion Cymhleth o Gam-drin Plant: Materion Rhyngasiantaethol, Rhagfyr 2003;

- Learning How to Make Children Safer: An Analysis for the Welsh Office of Serious Child Abuse Cases in Wales, University of East Anglia, 1999;
- Children First**,** Welsh Assembly Government, 1999;
- Lost in Care, the Report of the Tribunal of Inquiry into the abuse of children in care in the former county council areas of Gwynedd and Clwyd since 1974, Sir Ronald Waterhouse, February 2000;
- Framework for the Assessment of Children in Need and their Families,National Assembley for Wales 2001;
- Practice Guide to Investigating Allegations of Abuse against a Professional or Caregiver in relation to Children Looked After, Welsh Assembly Government, 2000;
- Safeguarding Children Involved in Prostitution Department of Health, 2000;
- Achieving Best Evidence in Criminal Proceedings - Guidance for Vulnerable or Intimidated Witnesses including Children, Home Office, 2002;
- Learning How to Make Children Safer: An Analysis for the Welsh Assembly Government of Serious Child Abuse Cases in Wales, UEA and Welsh Assembly Government, 2002;
- Safeguarding Children in Whom Illness is Fabricated or Induced, Welsh Assembly Government, 2002;
- Too Serious a Thing: The Review of Safeguards for Children and Young people Treated and Cared For by the NHS in Wales, Lord Carlile, Welsh Assembly Government, March 2002;
- Joint NEOST(National Employers' Organisation for School Teachers)/Teacher Union Guidance on Education Staff and Child Protection: Staff Facing an Allegation of Abuse – Guidelines on Practice and Procedure: Education bulletin no:467 September 2002- and updates;
- Integrated Children's System Working with Children in Need and their Families Draft Consultation, Welsh Assembly Government, 2003;
- Introduction to the records used in the Integrated Children's System, Welsh Assembly Government, 2003;
- The Victoria Climbié Inquiry Report of and Inquiry by Lord Laming, HMSO, 2003;
- First Report of the Committee on Standards in Public Life Lord Nolan, HMSO, 2003;

- Plant a Phobl Ifanc: Gweithredu'r Hawliau, Llywodraeth Cynulliad Cymru, Ionawr 2004;
- Clywch: Adroddiad Archwiliad Comisiynydd Plant Cymru o Honiadau o Gam-drin Plant yn Rhywiol mewn Ysgol, Llywodraeth Cynulliad Cymru, 2004;
- The Bichard Inquiry Report, Y Swyddfa Gartref, 2004;
- Arolygu Gwasanaethau Amddiffyn Plant, Llywodraeth Cynulliad Cymru, 2004;
- Serious Case Review by Sir Christopher Kelly for North East *Lincolnshire ACPC*, North East Lincolnshire ACPC, Gorffennaf 2004;
- Diogelu Plant: Cydweithio er Mwyn Sicrhau Canlyniadau Cadarnhaol, Llywodraeth Cynulliad Cymru, 2004;
- Gweithdrefnau Disgyblu Staff mewn Ysgolion, Cylchlythyr Cynulliad Cenedlaethol Cymru rhif 45/2004;
- Deddf Plant 2004;
- Safeguarding Children: The second joint Chief Inspectors Report on Arrangements to Safeguard Children, CSCI, 2005;
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RHAN 1

1. Y Prif Egwyddorion

Mae'r prif egwyddorion sy'n sail i weithio gyda phlant a theuluoedd i'w cael yn *Neddfau Plant 1989* a *2004* ac yng *Nghonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn*. Mae Llywodraeth Cynulliad Cymru wedi mabwysiadu'r Confensiwn fel sylfaen i'w gwaith gyda holl blant a theuluoedd Cymru. Yn *Plant a Phobl Ifanc: Gweithredu'r Hawliau 2004*, sefydlodd Llywodraeth Cynulliad Cymru saith nod craidd i'w gwaith a fyddai'n gofalu bod pob plentyn yn cael:

1. Dechrau da mewn bywyd;

2. Amrywiaeth gynhwysfawr o gyfleoedd addysg a dysgu;

3. Mwynhau'r iechyd gorau posib, yn rhydd o gamdriniaeth, erledigaeth a cham-fanteisio;

4. Mynediad at weithgareddau chwarae, hamdden, chwaraeon a diwylliant;

5. Eu clywed, eu trin â pharch, a bod eu hil a'u hunaniaeth ddiwylliannol yn cael eu cydnabod;

6. Byw mewn cartref diogel a chymuned sy'n cefnogi lles corfforol ac emosiynol;

7. Peidio â bod dan anfantais oherwydd tlodi.

1.1 Diffiniadau o gam-drin ac esgeuluso plant

Gall rhywun gam-drin neu esgeuluso plentyn drwy beri niwed, neu drwy fethu gweithredu i atal niwed. Gall plant gael eu cam-drin o fewn y teulu neu mewn sefyllfa sefydliadol neu gymunedol, gan rywun mae'n ei adnabod neu, yn llai aml, gan rywun dieithr. Gall plentyn neu berson ifanc, hyd at mae ef neu hi yn 18 oed, ddioddef camdriniaeth neu esgeulustod a bod angen cael eu hamddiffyn trwy gynllun amddiffyn plant rhyng asiantaethol.

1.1.1 Cam-drin corfforol

Gall cam-drin corfforol gynnwys taro, ysgwyd, taflu, gwenwyno, llosgi neu sgaldio, boddi, tagu, neu achosi math arall o niwed corfforol i blentyn. Gall plentyn gael ei niweidio'n gorfforol hefyd pan mae rhiant neu berson sy'n rhoi gofal yn ffugio neu'n creu salwch i'r plentyn yn ei ofal.

Mae mwy o fanylion am salwch ffug yn rhan 5.

1.1.2 Cam-drin emosiynol

PART 1

1. Key Principles

The key principles that underpin work with children and families are found in the *Children Act 1989* and *2004* and the *UN Convention on the Rights of the Child*, which the Welsh Assembly Government adopted as the basis for its work with all children and families in Wales. In *Children and Young People: Rights to Action* 2004 the Welsh Assembly Government established seven core aims through which it would work to ensure all children:

1. Have a flying start in life;

2. Have a comprehensive range of education and learning opportunities;

3. Enjoy the best possible health and are free from abuse, victimisation and exploitation;

4. Have access to play, leisure, sporting and cultural activities;

5. Are listened to, treated with respect, and have their race and cultural identity recognised;

6. Have a safe home and a community which supports physical and emotional well being; and

7. Are not disadvantaged by poverty.

1.1 Definitions of Child Abuse and Neglect

A child is abused or neglected when somebody inflicts harm, or fails to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger. A child or young person up to the age of 18 years can suffer abuse or neglect and require protection via an inter-agency child protection plan.

1.1.1 Physical abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or caregiver fabricates or induces illness in a child whom they are looking after.

Part 5 provides further detail about Fabricated Illness.

1.1.2 Emotional abuse

Emotional abuse is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effects on the child's emotional

Cam-drin emosiynol yw cam-drin plentyn yn emosiynol dros amser i'r graddau lle achosir effeithiau niweidiol difrifol a chyson i ddatblygiad emosiynol y plentyn. Gallai olygu cyfleu'r syniad i'r plentyn ei fod yn ddiwerth neu fod neb yn ei garu, ei fod yn annigonol neu â gwerth ond i'r graddau ei fod yn bodloni anghenion person arall. Gall gynnwys beichio plentyn â disgwyliadau anaddas i'w oed neu ddatblygiad. Gall gynnwys peri i blentyn deimlo'n ofnus neu mewn perygl yn aml, er enghraifft, trwy orfod bod yn dyst o fewn y cartref i gam-drin domestig neu trwy gael ei fwlio. Gall hefyd olygu cam-fanteisio ar neu lygru plant. Mae elfen o gam-drin emosiynol yn perthyn i bob math o gamdriniaeth, er y gall fodoli ar ei ben ei hun.

1.1.3 Cam-drin rhywiol

Mae cam-drin rhywiol yn golygu gorfodi neu hudo plentyn neu berson ifanc i gymryd rhan mewn gweithredoedd rhywiol, p'un a yw'r plentyn yn ymwybodol o'r hyn sy'n digwydd ai peidio. Gall y gweithredoedd olygu cyffwrdd corfforol, gan gynnwys gweithredoedd treiddio i gorff y plentyn neu beidio. Gallan nhw fod yn weithredoedd sydd ddim yn cynnwys cyffwrdd, fel cynnwys plant yn y broses o edrych ar neu gynhyrchu deunyddiau pornograffig, o wylio gweithredoedd rhywiol neu o annog plant i ymddwyn mewn ffyrdd anaddas yn rhywiol.

1.1.4 Esgeulustod

Esgeulustod yw methiant cyson i fodloni anghenion corfforol a/neu seicolegol sylfaenol plentyn sy'n debygol o arwain at nam difrifol i iechyd neu ddatblygiad y plentyn. Gall olygu methiant rhiant neu ofalwr i ddarparu digon o fwyd, cysgod neu ddillad, methiant i amddiffyn plentyn rhag niwed corfforol neu berygl, neu fethiant i sicrhau mynediad i ofal neu driniaeth feddygol addas. Gall hefyd gynnwys esgeuluso anghenion emosiynol sylfaenol plentyn, neu fethu ag ymateb iddyn nhw.

Gall esgeuluso ddigwydd hefyd yn ystod beichiogrwydd pan mae mam yn camddefnyddio sylweddau.

1.1.5 Adnabod niwed arwyddocaol neu sylweddol

Cyflwynodd Deddf Plant1989 y **cysyniad o niwed arwyddocaol** fel y trothwy sy'n cyfiawnhau ymyrryd yn orfodol ym mywyd teulu er mwyn amddiffyn plant. Mae'r ddeddfwriaeth yn diffinio niwed arwyddocaol fel trin plentyn yn wael neu niweidio'n ddifrifol ei iechyd a'i ddatblygiad. Mae'n disgrifio effeithiau cam-drin neu esgeulustod rhywiol, corfforol ac emosiynol, neu gyfuniad o'r gwahanol fathau o gam-drin neu esgeuluso. Mae dyletswydd statudol ar awdurdodau lleol dan adran 47(1)(b) o Deddf Plant 1989 i wneud ymholiadau neu i sbarduno ymholiadau, os oes achos rhesymol i amau bod plentyn sy'n byw neu wedi cael ei ddarganfod yn eu hardal yn dioddef neu'n debygol o ddioddef niwed arwyddocaol.

Nid oes meini prawf absoliwt y gellir eu defnyddio wrth farnu union natur niwed arwyddocaol. Gall un weithred ddifrifol fel cam-drin plentyn yn rhywiol

development. It may involve conveying to a child that they are worthless or unloved, inadequate or valued only in so far as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children frequently to feel frightened or in danger, for example by witnessing domestic abuse within the home or being bullied, or, the exploitation or corruption of children. Some level of emotional abuse is involved in all types of ill treatment of a child, though it may occur alone.

1.1.3 Sexual abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

1.1.4 Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or caregiver failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

In addition, neglect may occur during pregnancy as a result of maternal substance misuse.

1.1.5 Identifying significant harm

The Children Act 1989 introduced **the concept of significant harm** as the threshold that justifies compulsory intervention in family life in order to protect children. Significant harm is defined in the legislation as ill treatment or the impairment of health and development. It describes the effects of sexual, physical, emotional abuse or neglect, or a combination of different types. Local authorities have a statutory duty under *the Children Act 1989* section 47 (1) (b) to make enquiries, or cause enquiries to be made, where they have reasonable cause to suspect that a child who lives, or is found in their area is suffering, or likely to suffer, significant harm.

There are no absolute criteria on which to rely when judging what constitutes significant harm. A single, serious event of abuse, such as an incident of sexual abuse or violent assault, might be the cause of significant harm to a child. However, more frequently significant harm occurs as a result of a long-standing compilation of events, which interrupt, change or damage a child's physical and psychological development. The significant harm resulting from

neu ymosod arno'n dreisgar achosi niwed arwyddocaol. Fodd bynnag, yr hyn sy'n digwydd yn amlach yw bod niwed arwyddocaol yn ganlyniad i gyfuniad o ddigwyddiadau dros gyfnod hir sy'n amharu ar, yn newid neu'n niweidio datblygiad corfforol a seicolegol plentyn. Mae'r niwed arwyddocaol sy'n dod yn sgil effeithiau andwyol camdriniaeth dros gyfnod hir yn debygol o effeithio'n ddwys ar ganlyniadau'r plentyn yn y dyfodol.

Ar adeg yr atgyfeirio, efallai nad yw'n glir a yw plentyn mewn angen neu a yw'n dioddef niwed arwyddocaol. Dylai'r asesiad cychwynnol ofalu bod y gwasanaethau cymdeithasol yn casglu digon o wybodaeth i ffurfio barn ynglŷn â natur yr angen a/neu'r niwed, a beth sydd angen ei wneud. I hyn ddigwydd, mae angen i asiantaethau rannu gwybodaeth a dilyn patrwm pendant wrth asesu a dadansoddi. Mae hyn yn cynnwys rhoi sylw i farn y plentyn ei hun ynglŷn â'i amgylchiadau, yn ôl ei oedran a'i allu i ddeall. **Mae asesiad da'n sylfaen hanfodol i'r gwaith o benderfynu beth yw natur y pryderon ynglŷn â'r plentyn; pa newidiadau sydd eu hangen a pha wasanaethau ac ymyriadau sydd eu hangen er mwyn llwyddo i gyflawni'r newidiadau sydd wedi'u cynllunio.**

I ddod i ddeall niwed arwyddocaol ac i gadarnhau a yw'n digwydd, rhaid ystyried:

- Cyd-destun y teulu;
- Datblygiad y plentyn yng nghyd-destun ei deulu a'r amgylchedd cymdeithasol a diwylliannol ehangach;
- Unrhyw anghenion arbennig fel cyflwr meddygol, anawsterau cyfathrebu neu anabledd a allai effeithio ar ddatblygiad a gofal y plentyn o fewn y teulu;
- Natur y niwed o ran trin y plentyn yn wael neu fethu rhoi digon o ofal iddo;
- Yr effaith ar iechyd a datblygiad y plentyn; a
- Pha mor ddigonol yw gofal y rhieni.

1.2 Yr egwyddorion sy'n sylfaen i waith diogelu a hybu lles plant

1.2.1 Dylai gwaith gyda phlant a theuluoedd fod:

- yn blentyn canolog;
- wedi'i wreiddio mewn datblygiad plant;
- yn cefnogi sicrhau'r canlyniadau gorau posib ar gyfer plant ac o wella'u lles;
- yn mynd ati'n holistig;

the corrosive effect of long-term abuse is likely to have a profound impact on the future outcomes for the child.

At the time of referral it might not be clear whether a child is in need or is suffering significant harm. The initial assessment should ensure that sufficient information is obtained by social services to make a judgement about the nature of the need and/or harm and what action is required. This requires the sharing of information between agencies, structured assessment and analysis, including taking into account the child's own view about his/her circumstances according to his/her age and understanding. **A good assessment is an essential basis for deciding what are the concerns for the child; what needs to change; and which services and interventions are needed to achieve the planned changes**.

To understand and establish significant harm, it is necessary to consider:

- The family context;
- The child's development within the context of their family and wider social and cultural environment;
- Any special needs, such as medical condition, communication difficulty or disability that may affect the child's development and care within the family;
- The nature of harm, in terms of ill treatment or the failure to provide adequate care;
- The impact on the child's health and development; and
- The adequacy of parental care.

1.2 Principles underpinning work to safeguard and promote the welfare of children

1.2.1 Work with children and families should be:

- child centred;
- rooted in child development;
- supporting the achievement of the best possible outcomes for children and improving their well being;
- holistic in approach;
- ensuring equality of opportunity;
- involving children and families;
- building on strengths as well as identifying and addressing difficulties;
- multi/inter-agency in its approach;
- a continuing process;

- yn gofalu bod pob plentyn yn cael yr un cyfleoedd;
- yn cynnwys plant a'u teuluoedd;
- yn adeiladu ar gryfderau ac yn adnabod anawsterau a'r ffyrdd o'u datrys;
- yn mynd ati mewn ffordd aml/rhyng-asiantaethol;
- yn broses parhaus;
- wedi'i gynllunio i adnabod y gwasanaethau sy'n ofynnol ac i fonitro'u heffaith ar ddatblygiad plentyn;
- wedi'i seilio ar dystiolaeth sy'n deillio o theori, ymchwil, polisi ac ymarfer.

Blwch 1: Hybu partneriaethau effeithiol gyda theuluoedd

- Parchwch urddas pob aelod o'r teulu gydag urddas a'u trin mewn modd y byddech chi am gael eich trin eich hun.
- Gwnewch yn glir mai diogelwch y plentyn yw'r flaenoriaeth ond parchwch hawl y teulu i gael gwasanaeth cwrtais, effeithiol, proffesiynol a llawn gofal.
- Peidiwch â tharfu ar breifatrwydd y teulu mwy na sy'n rhaid i ddiogelu'r plentyn.
- Byddwch yn glir bob adeg ynglŷn â'ch hawl i ymyrryd a phwrpas eich rôl.
- Byddwch yn ymwybodol o'r grymoedd sydd gan weithwyr proffesiynol a'r ffordd y gallan nhw effeithio ar deuluoedd.
- Parchwch gyfrinachedd y teulu lle bynnag y gallwch chi, os yw'n gyson â diogelwch a lles y plentyn, a threfnwch ffordd glir o reoli cyfrinachedd.
- Gwrandewch ar ddymuniadau a theimladau plant a theuluoedd, a chofnodwch nhw gan wneud eich gorau i ddeall eu pryderon a'u dymuniadau.
- Dysgwch am a cheisiwch ddeall perthynas y plentyn o fewn ei deulu a'i gymuned, a byddwch yn hyderus wrth herio agweddau neu arferion amhriodol.
- Dysgwch am gryfderau a photensial aelodau'r teulu, yn ogystal â'u gwendidau, eu problemau a'u diffygion, er mwyn dod i wybod am yr elfennau llwyddiannus ac effeithiol y gallwch chi eu defnyddio fel sail i ymyriadau.
- Gofalwch fod plant, teuluoedd a phobl eraill sy'n rhoi gofal yn gwybod am eu hawliau.
- Defnyddiwch iaith glir.
- Byddwch yn agored ac yn onest wrth ddelio â phryderon a chyfrifoldebau,

- designed to identify the services required and monitor the impact their provision has on a child's developmental progress;
- evidence based, derived from theory, research, policy and practice

Box 1: Promoting Effective Partnership with Families

- Treat all family members, as you would wish to be treated, with dignity and respect.
- Be explicit about the child's safety being the priority but uphold the families right to a courteous, caring and professionally competent service.
- Do not infringe upon privacy more than necessary to safeguard the child.
- Be clear about your powers to intervene and the purpose of your involvement at every stage.
- Be aware of the power of professionals and their impact upon families.
- Respect confidentiality wherever possible, consistent with the child's safety and welfare, and be clear about how this is managed.
- Listen to and record the wishes and feelings of children and families and take care in understanding their concerns and wishes.
- Learn about and view children within their family and community relationships and be confident about challenging inappropriate attitude or practice.
- Get to know the strengths and potential of family members as well as the weakness, problems and limitations in order to understand areas of success and effectiveness on which to base interventions.
- Ensure children, families and other caregivers know their rights.
- Use plain language.
- Be open and honest about concerns and responsibilities, plans and limitations.
- Allow time for children and families to absorb and understand concerns and processes.
- Distinguish between personal feelings, values, prejudices and beliefs, and professional roles and responsibility, and ensure access to supervision to check what you are doing.
- If mistakes are made or an agreement cannot be kept provide an explanation, acknowledge distress and do what can be done to minimise it.

cynlluniau a'r pethau sy'n cyfyngu arnyn nhw.

- Rhowch ddigon o amser i blant a theuluoedd ddod i ddeall a derbyn pryderon a phrosesau.
- Dangoswch y gwahaniaeth rhwng teimladau, gwerthoedd, rhagfarnau a chredoau personol, a rolau a chyfrifoldebau proffesiynol, a gofalwch y gallwch chi fynd at oruchwyliwr i wirio'ch gwaith.
- Os bydd camgymeriadau'n digwydd neu os yw'n amhosib cadw at rywbeth sydd wedi'i gytuno, esboniwch y sefyllfa.
- Byddwch yn barod i gydnabod straen a gofid a gwnewch eich gorau i'w lleddfu.

1.2.2 Rhannu gwybodaeth gyda theuluoedd

Cyflawnir gwell canlyniadau ar gyfer plant trwy weithio mewn partneriaethau effeithiol gyda phlant a theuluoedd a lle ceir pwyslais clir ar ddiogelwch a lles y plentyn. Mae rhannu gwybodaeth gyda theuluoedd a gweithredu'n agored yn ymarfer da, ar yr amod nad yw hynny'n tanseilio diogelwch y plentyn. Efallai fod angen cadw'n gyfrinachol peth o'r wybodaeth sydd ar gael i weithwyr proffesiynol yn unig heb ei rhannu o flaen rhai o blant neu oedolion y teulu. Un enghraifft yw gwybodaeth am un aelod o'r teulu a allai danseilio ymchwiliad troseddol.

Wrth i'r broses ymyrraeth fynd yn ei blaen, dylai'r unigolion sy'n gweithio gyda'i gilydd ddeall ei gilydd bob cam o'r ffordd, a chytuno ar y wybodaeth i'w rhannu gyda'r teulu. Mae angen rhesymau clir dros gadw gwybodaeth oddi wrth y teulu, ac mae angen cofnodi'r rhesymau. Dan y fath amgylchiadau, diogelu a hybu lles y plentyn yw'r prif bethau i'w hystyried bob amser.

1.2.3 Cynnig cefnogaeth a chyngor i deuluoedd

Mae cynnig cefnogaeth a chyngor addas a chlir yn rhan hanfodol o weithio'n effeithiol mewn partneriaeth. Dylid cydnabod bob amser fod llawer o deuluoedd yn gweld ymyrraeth gan weithwyr proffesiynol fel rhywbeth poenus sy'n amharu ar eu bywydau, yn enwedig os ydyn nhw'n teimlo bod y gweithwyr yn amau eu gallu i ofalu am eu plant. Gall gweithwyr proffesiynol ac ymarferwyr ofalu bod y broses amddiffyn plant yn achosi llai o straen i deuluoedd trwy fynd ati'n ofalus i weithio mewn partneriaeth. Mae'n bosib gwneud cyfraniad plant a theuluoedd at y broses amddiffyn plant yn fwy cadarnhaol trwy gynnig cyngor a chefnogaeth iddyn nhw ar ffurf gwasanaethau eiriolaeth. Dylai plant a'u teuluoedd gael gwybod bob amser fod gwasanaethau eiriolaeth ar gael ar eu cyfer. Mae dyletswydd ar y gwasanaethau cymdeithasol i ofalu bod plant ac oedolion yn cael yr holl wybodaeth y maen nhw ei hangen i'w helpu i ddeall y broses amddiffyn plant. Dylai'r wybodaeth fod yn glir ac yn hawdd i'w chael, a dylai fod ar gael yn

1.2.2 Sharing information with families

There are improved outcomes for children when effective partnership working is achieved with children and families combined with a clear focus being maintained on the child's safety and welfare. It is good practice to share information with families, and there should be a presumption of openness, unless to do so would compromise a child's safety. Some information known to professionals may have to be treated confidentially and not be shared in front of some children or some adult family members, such as information about a particular member, which might compromise a criminal investigation.

The individuals jointly working with a family should reach a common understanding at each stage of their intervention about what information is shared with the family. The reasons for withholding information from the family needs to be clear and recorded. In these circumstances, safeguarding and promoting the welfare of the child must always be the overriding consideration.

1.2.3 Providing support and advice to families

The provision of timely and clear support and advice is an essential part of working effectively in partnership. It should always be acknowledged that many families perceive professional involvement in their lives as painful and intrusive, particularly if they feel that the care of their children is being questioned. Professionals and practitioners can make the child protection process less stressful for families by the way they approach working in partnership to protect children. Children and families can be engaged more positively in the child protection process by receiving advice and support through advocacy services. Children and their families should always be informed of the availability of advocacy services. Social services have a responsibility to make sure children and adults have all the information they need to help them understand child protection processes. Information should be clear and accessible and available in the family's language of choice. Support and advice should also be available to the family in the language and communication method of their choice.

1.2.4 Diversity

In order to make sensitive and well informed professional judgements about a child's needs, and a parents' capacity to respond to their child's needs, it is important that professionals are sensitive to differing family patterns and lifestyles and to child rearing patterns that vary across different racial, ethnic and cultural groups. Professionals and practitioners should also be aware of the broader social factors that serve to discriminate against people from black or ethnic minority communities.

Local authorities should ensure they have systems and protocols in place for identifying children placed in their areas including asylum seeking and unaccompanied children and children placed under private fostering

newis iaith y teulu. Yn yr un ffordd, dylai cefnogaeth a chyngor fod ar gael i'r teulu yn eu dewis iaith a dull cyfathrebu.

1.2.4 Amrywiaeth

I rywun allu gwneud penderfyniadau proffesiynol sensitif a gwybodus ynglŷn ag anghenion plentyn a gallu rhieni i ymateb i anghenion eu plentyn, mae'n bwysig i weithwyr proffesiynol fod yn sensitif i batrymau a ffyrdd o fyw gwahanol deuluoedd. Rhaid sylweddoli hefyd fod gwahanol grwpiau hiliol, ethnig a diwylliannol yn defnyddio gwahanol batrymau o fagu plant. Dylai gweithwyr proffesiynol ac ymarferwyr fod yn ymwybodol hefyd o'r ffactorau cymdeithasol ehangach sy'n arwain at wahaniaethu yn erbyn pobl ddu a phobl o leiafrifoedd ethnig.

Dylai awdurdodau lleol ofalu eu bod nhw wedi sefydlu systemau a phrotocolau ar gyfer adnabod plant sydd wedi eu lleoli yn eu hardal, yn cynnwys plant sy'n ceisio Lloches, plant ar eu pen eu hunain a phlant sydd wedi eu lleoli o dan drefniadau maethu preifat. Gall y plant yma fod yn arbennig o agored i niwed, ac mae angen i brotocolau bwysleisio pwysigrwydd eu diogelu a hybu eu lles.

Dylai'r broses asesu roi sylw bob amser i'r ffordd mae credoau crefyddol a thraddodiadau diwylliannol gwahanol grwpiau hiliol, ethnig a diwylliannol yn dylanwadu ar werthoedd, agweddau ac ymddygiad. Rhaid edrych hefyd ar batrwm bywyd y teulu a'r gymuned, a'r ffordd y mae'n cael ei drefnu. Rhaid i weithwyr proffesiynol beidio â gwrando ar fythau a stereoteipiau, p'un ai ydyn nhw'n gadarnhaol neu'n negyddol. Ac ni ddylai poeni am gael eu cyhuddo o fod yn hiliol neu'n ormesol eu rhwystro rhag gwneud yr hyn sydd angen ei wneud i ddiogelu plentyn. Pan fo gofyn, dylid mynd ati i gomisiynu a defnyddio gwasanaethau cyfieithu a lladmerydd annibynnol ac addas a chyfieithwyr iaith arwyddion wrth i weithwyr proffesiynol weithio gyda phlant, pobl ifanc a'u teuluoedd. Ni ddylid defnyddio aelodau o'r teulu, plant a ffrindiau fel yr unig ddehonglwyr.

1.3 Gweithwyr proffesiynol yn gweithio gyda'i gilydd

1.3.1 Byrddau Lleol Diogelu Plant

Dan *Ddeddf Plant 2004*, mae'n ofynnol i bob awdurdod lleol sefydlu Bwrdd Lleol Diogelu Plant gyd-drefnu gweithgarwch pob asiantaeth sy'n perthyn iddo ac i ofalu bod y gwaith yn effeithiol. Eu nod yw diogelu a hybu lles plant. Disgrifir amcanion a swyddogaethau'r Byrddau yn *Diogelu Plant: Gweithio Gyda'n Gilydd dan Ddeddf Plant 2004*.

1.3.2 Cyfrifoldeb ar y Cyd

Mae amddiffyn plant unigol rhag niwed arwyddocaol, yn ogystal â'r gofynion ehangach o ran diogelu a hybu lles plant, yn dibynnu'n llwyr ar asiantaethau a gweithwyr proffesiynol yn rhannu gwybodaeth, yn cydweithio'n effeithiol, ac

arrangements. These children can be particularly vulnerable, and protocols need to emphasise the importance of safeguarding and promoting their welfare.

The assessment process should always include consideration about how religious beliefs and cultural traditions in different racial, ethnic and cultural groups influence values, attitudes and behaviour and the way in which family and community life is structured and organised. Professionals should guard against myths and stereotypes, whether positive or negative, and anxiety about being accused of oppressive and discriminatory practice should not prevent the necessary action being taken to safeguard a child. When required, independent, appropriate interpreting and translation services and sign language interpreters should be readily commissioned and used wherever professionals have contact with children, young people and their families. Family members; children, and, friends should not be used as sole interpreters.

1.3 Professionals Working Together

1.3.1 Local Safeguarding Children Boards

The *Children Act 2004* requires every local authority to establish an LSCB to coordinate and ensure the effectiveness of what is done by each member agency for the purpose of safeguarding and promoting the welfare of children. The objectives and functions of LSCBs are described in *Safeguarding Children: Working Together under the Children Act* 2004.

1.3.2 A shared responsibility

The protection of individual children from significant harm, as well as the broader requirement for safeguarding and promoting children's welfare, depends fundamentally upon effective sharing of information, collaboration and understanding between agencies and professionals. The achievement of constructive working relationships between professionals and practitioners, which are supported by lead members, chief officers, LSCBs and other strategic partnership arrangements, will provide the platform for effective joint partnership working.

The findings from *Child Protection: Messages from Research* highlighted that joint agency working is often relatively good at the early stages of child protection enquiries, but its effectiveness tends to decline when child protection plans are made following registration, often leaving social services departments with sole responsibility for implementing the plans. It is important that all agencies are mindful that when a child's name is placed on the child protection register and is subject to a inter agency protection plan there is collective responsibility for ensuring that the plan is implemented.

LSCBs must have quality assurance systems in place to monitor and ensure the effectiveness of child protection practice and joint working arrangements

yn deall ei gilydd i'r dim. Mae llwyddo i greu perthynas waith adeiladol rhwng gweithwyr proffesiynol ac ymarferwyr sydd â chefnogaeth aelodau sy'n arwain, prif swyddogion, Byrddau Lleol Diogelu Plant a phartneriaid strategol eraill, yn cynnig llwyfan ar gyfer sefydlu partneriaethau gwaith effeithiol.

Pwysleisiodd ddarganfyddiadau'r adroddiad *Child Protection: Messages from Research* bod asiantaethau'n cydweithio'n weddol dda yng nghamau cynnar ymholiadau amddiffyn plant, ond bod pethau'n tueddu i fynd yn llai effeithiol yn ystod y broses o greu cynllun amddiffyn plant ar ôl i blentyn gael ei gofrestru. Mae'r gwaith o weithredu'r cynllun yn cael ei adael yn llawer rhy aml i'r adrannau gwasanaethau cymdeithasol. Mae'n bwysig i bob asiantaeth gofio bod pob un yn gyfrifol am weithredu cynllun amddiffyn plant pan fydd enw plentyn wedi ei roi ar y gofrestr amddiffyn plant.

Rhaid i'r Byrddau Lleol fod wedi sefydlu systemau sicrhau ansawdd i fonitro arferion amddiffyn plant a'r trefniadau ar gyfer asiantaethau a gweithwyr proffesiynol gyd-weithio, ac i ofalu bod y cyfan yn effeithiol. Bydd y fath systemau'n gofalu hefyd fod y gwaith yn cydymffurfio â pholisïau, gweithdrefnau a phrotocolau lleol.

1.4 Rhannu gwybodaeth ymhlith gweithwyr proffesiynol

Mae'n hanfodol bod gweithwyr proffesiynol yn rhannu a chyfnewid gwybodaeth berthnasol yn effeithiol er mwyn i blant gael eu diogelu.

Anaml y mae'r gyfraith yn rhwystr rhag datgelu gwybodaeth. Nid oes unrhyw beth yn y *Ddeddf Diogelu Data* nac yn unrhyw ddeddfwriaeth arall sy'n rhwystro rhywun rhag tynnu sylw at bryderon ynglŷn ag unigolion, ac i rannu'r pryderon gydag asiantaethau at bwrpas amddiffyn plant. Mae adroddiadau Bichard[2] a Carlile[3] yn cadarnhau y gall casglu pryderon o amryw o ffynonellau, er nad yw'r pryderon yn arwyddocaol iawn ar eu pen eu hunain efallai, adeiladu darlun a allai awgrymu bod plentyn yn dioddef neu mewn perygl o ddioddef niwed arwyddocaol, a bod angen i weithwyr proffesiynol wethredu i'w amddiffyn.

Lle bynnag y mae' n bosib, dylid cael caniatâd cyn rhannu gwybodaeth bersonol gyda thrydydd parti. Ond, mae'r diddordeb cyhoeddus mewn amddiffyn plentyn bob amser yn bwysicach na'r diddordeb cyhoeddus mewn cadw rhywbeth yn gyfrinachol neu mewn cael caniatâd teulu. Wrth ystyried y diddordebau hyn, diogelwch y plentyn yw'r ystyriaeth bwysicaf un.

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[2] Adroddiad Bichard, y Swyddfa Gartref, 2004

[3] Peth Rhy Ddifrifol: Adolygiad o'r Mesurau i Amddiffyn Plant a Phobl Ifanc sy'n cael Triniaeth a Gofal gan yr NHS yng Nghymru, Arglwydd Carlile, Llywodraeth Cynulliad Cymru, Mawrth 2002

between agencies and professionals, and, compliance with local policies, procedures, and protocols.

1.4 Sharing Information among Professionals

Effective sharing and exchange of relevant information between professionals is essential in order to safeguard children.

The law is rarely a barrier to disclosure of information. There is no restriction in the Data Protection Act or any other legislation that prevents concerns regarding individuals being highlighted and shared between agencies for the purpose of protecting children. The Bichard[2] and Carlile[3] reports both confirm the need to be aware that concerns from a number of sources, which individually may not be of significance, can build up a picture which may suggest a child is suffering or is at risk of suffering significant harm and therefore requires professionals to act to protect them.

Whenever possible, consent should be obtained before sharing personal information with third parties, but the public interest in child protection always overrides the public interest in maintaining confidentiality or obtaining consent from families. A child's safety is the paramount consideration in weighing these interests.

Further guidance is available in *Safeguarding Children: Working Together under the Children Act 2004*. Reference is also made to information sharing and confidentiality in specific sections of these procedures relating to managing fabricated illness, organised abuse and child protection conferences.

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[2] The Bichard Inquiry Report, The Home Office, 2004

[3] Too Serious a Thing: The Review of Safeguards for Children and Young people Treated and Cared For by the NHS in Wales, Lord Carlile, Welsh Assembly Government, March 2002

Mae rhagor o ganllawiau yn *Diogelu Plant: Gweithio gyda'n Gilydd dan Ddeddf Plant 2004*. Mae rhannau penodol o'r canllawiau'n sôn hefyd am gyfrinachedd a rhannu gwybodaeth mewn perthynas â rheoli salwch ffug, camdrin wedi ei drefnu a chynadleddau amddiffyn plant.

RHAN 2

2. Cyfrifoldebau Pawb

2.1 Cyfrifoldebau pawb sy'n pryderu am les plentyn

2.1.1 Beth ddylai pawb ei wneud

Fe ddylai pob unigolyn sy'n dod i gysylltiad â phlant, pobl ifanc a'u teuluoedd neu sy'n gweithio gyda nhw neu gydag oedolion a allai achosi perygl i blant, neu rai sy'n gyfrifol am drefnu gwasanaethau ar gyfer plant a/neu oedolion:

- Ddeall ei rôl a'i gyfrifoldebau o ran diogelu a hybu lles plant;
- Ymgyfarwyddo â chanllawiau a phrotocolau eu sefydliad o ran diogelu a hybu lles plant, eu dilyn, a gwybod â phwy yn eu sefydliad i gysylltu er mwyn adrodd pryderon am les plentyn;
- Bod yn effro i ddangosyddion camdriniaeth ac esgeulustod;
- Gallu mynd yn rhwydd at *Ganllawiau Amddiffyn Plant Cymru Gyfan*, a chydymffurfio â nhw*;*
- Ddeall yr egwyddorion a'r arferion gwaith sydd yn *Diogelu Plant: Gweithio gyda'n Gilydd dan Ddeddf Plant 2004;*
- Wedi cael ei hyfforddi ym maes amddiffyn plant i safon sy'n gyson â'i rôl a'i gyfrifoldebau;
- Wybod pryd a sut i gyfeirio unrhyw bryderon ynglŷn â cham-drin plant ac esgeulustod at y gwasanaethau cymdeithasol neu'r heddlu;
- Wybod na ddylai plentyn, rhiant, un sy'n rhoi gofal, perthynas neu aelod o'r cyhoedd sy'n mynegi pryder am les plentyn wrth weithiwr proffesiynol a/neu rywun sy'n gweithio i asiantaeth gael ei gynghori i atgyfeirio'i hun at y gwasanaethau cymdeithasol neu'r heddlu. Rhaid i'r gweithiwr proffesiynol a/neu'r sawl sy'n gweithio i asiantaeth wneud yr atgyfeiriad.

PART 2

2. Everyone's Responsibilities

2.1 The responsibilities of everyone who has concerns about the welfare of a child

2.1.1 What everyone should do

Every person in contact with or working with children, young people and their families; or with adults who may pose a risk to children; or responsible for arranging services for children and/or adults, should:

- Understand their role and responsibilities to safeguard and promote the welfare of children;
- Be familiar with and follow their organisation's procedures and protocols for safeguarding and promoting the welfare of children and know who to contact in their organisation to express concerns about a child's welfare;
- Be alert to indicators of abuse and neglect;
- Have access to and comply with the *All Wales Child Protection Procedures;*
- Understand the principles and practice contained in *Safeguarding Children: Working Together under the Children Act 2004;*
- Have received child protection training to a level commensurate with their role and responsibilities;
- Know when and how to refer any concerns about child abuse and neglect to social services or the police;
- Know that a child, parent, caregiver, relative or member of the public who expresses concerns about a child's welfare to a professional and /or agency employee must never be asked to make a self referral to social services or the police. The professional and/or agency employee must make the referral.

If any person has knowledge, concerns or suspicions that a child is suffering, has suffered or is likely to be at risk of harm, it is their responsibility to ensure that the concerns are referred to social services or the police, who have statutory duties and powers to make enquiries and intervene when necessary.

Os yw unrhyw un yn gwybod am, neu'n pryderu, neu'n amau bod plentyn yn dioddef, neu wedi dioddef neu'n debygol o fod mewn perygl o ddioddef niwed, cyfrifoldeb yr unigolyn hwnnw yw gofalu bod y pryderon yn cael eu hatgyfeirio at y gwasanaethau cymdeithasol neu'r heddlu, sydd â dyletswydd statudol a phwerau i wneud ymholiadau ac i ymyrryd os oes angen.

Yn ogystal â'u dyletswydd a'u cyfrifoldebau i wneud atgyfeiriadau, mae ffyrdd eraill y gall pawb sy'n gweithio gyda phlant a theuluoedd gyfrannu at y broses o ddiogelu plant a'r drefn amddiffyn plant:

- Rhoi'r flaenoriaeth uchaf i les y plentyn;
- Bod yn effro ac yn ymwybodol o'r peryglon y gall unigolion sy'n cam-drin neu a allai gam-drin eu hachosi i blant;
- Cydnabod pan mae gallu rhiant neu un sy'n rhoi gofal wedi ei gyfaddawdu, hynny yw, pan fydd problemau a all effeithio ar allu i gynnig gofal effeithiol ac addas, neu broblemau a all olygu cyflwyno perygl o niwed i'r plentyn;
- Gwybod am effeithiau camdriniaeth ac esgeulustod ar blant;
- Deall y Fframwaith Asesu ar gyfer Plant mewn Angen a'u Teuluoedd sy'n sail i'r broses o asesu anghenion, o gynllunio gwasanaethau ac o bwyso a mesur pa mor effeithiol yw gwasanaeth ym mhob cam o'r gwaith gyda phlant a theuluoedd;
- Rhannu gwybodaeth a helpu i'w dadansoddi er mwyn gwneud asesiad gwybodus ynglŷn ag anghenion ac amgylchiadau'r plentyn;
- Cynnig help neu wasanaeth penodol yn ôl y gofyn i'r plentyn neu aelod o'i deulu fel rhan o gynllun mae pawb yn cytuno arno, a chyfrannu at y gwaith o adolygu sut mae'r plentyn yn dod yn ei flaen;
- Cyfrannu yn ôl y gofyn i bob cam o'r broses amddiffyn plant;
- Cyfrannu at y gwaith o adolygu'n rheolaidd y canlyniadau ar gyfer y plentyn gan eu cymharu ag amcanion penodol ar y cyd;
- Gweithio'n gydweithredol gyda'r rhieni, oni bai fod hyn yn anghyson â'r angen i ddiogelu'r plentyn;
- Wedi ymrwymo i gydweithredu'n llawn â phob asiantaeth arall er mwyn diogelu plant.

Mae'r asiantaethau partner sydd wedi'u rhestru yn Neddf Plant 2004 yn rhannu cyfrifoldeb statudol i ddiogelu a hybu lles plant ac mae dyletswydd ar

In addition to their duty and responsibility to make referrals, there are other ways in which everyone who works with children and families can contribute to the safeguarding of children and the child protection process:

- Treat the child's welfare as paramount;
- Be alert to and aware of the risks which individual abusers, or potential abusers, may pose to children;
- Recognise when a parent or caregiver has compromised parenting capacity, that is, problems which may affect their capacity to provide effective and appropriate care, or which may mean they pose a risk of harm to a child.
- Be aware of the impact and effects of abuse and neglect on children;
- Have an understanding of the Framework for Assessment of Children in Need and their Families, which underpins the processes of assessing needs, planning services and reviewing the effectiveness of service provision at all stages of work with children and families;
- Share and help to analyse information so that an informed assessment can be made of the child's needs and circumstances;
- Contribute as required to provide help or a specific service to the child or a member of their family as part of an agreed plan and contribute to the reviewing of a child's progress;
- Contribute as necessary at all stages of the child protection process;
- Contribute to regularly reviewing the outcomes for the child against specific shared objectives;
- Work co-operatively with the parents, unless this is inconsistent with the need to ensure the child's safety;
- Be committed to fully co-operating with all other agencies in the interests of safeguarding children.

The partner agencies listed in the Children Act 2004 share statutory responsibility for safeguarding and promoting the welfare of children and there is a duty placed on all professionals working for those agencies to report concerns.

This is not a matter for individual choice.

The suspected abuse of a child must be reported to social services or the police, who are the agencies together with the NSPCC with statutory powers to investigate suspected abuse. Agencies must not undertake their own internal child protection enquiries, but refer their concerns. If the concern involves a member of staff, agencies must not make their own internal

bob gweithiwr proffesiynol sy'n gweithio i'r asiantaethau hyn i adrodd eu pryderon.

Nid mater o ddewis yr unigolyn yw hyn.

Rhaid i'r gwasanaethau cymdeithasol neu'r heddlu gael gwybod am amheuaeth fod plentyn yn cael ei gam-drin. Yr asiantaethau yma, a'r NSPCC, sydd â'r pwerau statudol i ymchwilio i amheuon o gamdriniaeth. Ddylai asiantaethau ddim mynd ati eu hunain i gynnal ymchwilidau amddiffyn plant mewnol, ond dylen nhw atgyfeirio'u pryderon. Os yw'r pryderon yn ymwneud ag aelod o staff, rhaid i asiantaethau beidio â phenderfynu'n fewnol ai mater disgyblu neu fater amddiffyn plant yw'r achos. Dim ond dan arweiniad y gwasanaethau cymdeithasol a'r heddlu y dylai'r materion cymhleth hyn gael sylw. Rhaid i asiantaethau gadw mewn cof fod gan yr heddlu bwerau a chyfrifoldebau statudol ar gyfer penderfynu a oes rhaid gwneud ymchwiliad troseddol.

Dylai pob asiantaeth sy'n gweithio gyda phlant fod yn dilyn trefn gadarn iawn wrth recriwtio a dethol staff. Rhaid i'r drefn greu trothwy mynediad uchel iawn i atal pobl sy'n cam-drin rhag chwilio am swydd neu waith gwirfoddol gyda phlant a theuluoedd. Mae mwy o ganllawiau yn *Diogelu Plant: Gweithio gyda'n Gilydd dan Ddeddf Plant 2004.*

2.1.2 Adnabod a gweithredu ar bryderon neu amheuaeth o gam-drin

Dylai awdurdodau lleol ofalu bod trefniadau effeithiol ar waith er mwyn caniatáu i asiantaethau eraill ac aelodau o'r cyhoedd adrodd pryderon ynglŷn â phlant. Dylai'r trefniadau fod ar waith y tu allan i'r oriau gwaith arferol hefyd.

Mewn achosion lle mae aelod o staff yn bryderus ond am gael mwy o gyngor, fe ddylai allu cael y cyngor gan ei asiantaeth ei hun neu gan y gwasanaethau cymdeithasol. Rhaid cofnodi'n ysgrifenedig unrhyw drafodaethau am les plentyn. Rhaid nodi'r dyddiad a'r amser, ac enwau'r rhai a fu'n trafod. Ar ddiwedd y drafodaeth, dylai pawb gytuno'n llwyr ar y camau gweithredu a phwy sy'n mynd i weithredu. Os y penderfynir na fydd unrhyw weithredu pellach, rhaid cofnodi hyn yn ysgrifenedig gan nodi'r rhesymau dros y penderfyniad. Dylai unrhyw aelod o staff sy'n pryderu am les plentyn gofnodi ei bryderon yn ysgrifenedig, p'un ai oes camau gweithredu pellach ai peidio.

Ond ni ddylai'r angen i chwilio am fwy o gyngor achosi unrhyw fath o oedi os oes angen gweithredu ar frys i amddiffyn plentyn.

Rhaid i brotocolau lleol ar gyfer rhoi'r *Fframwaith Asesu Cyffredin* ar waith ofalu bod pob gweithiwr proffesiynol yn deall pa mor bwysig yw atgyfeirio achos at y gwasanaethau cymdeithasol neu'r heddlu, os yw'n ofni neu'n clywed honiad yn ystod y broses asesu fod plentyn yn cael ei gam-drin neu ei esgeuluso.

decisions about whether it is a disciplinary issue or a child protection matter. These complex considerations should only take place with the involvement of social services and the police. Agencies should be mindful that the police have statutory powers and responsibility for determining whether a criminal investigation is to be undertaken.

All agencies working with children should have robust recruitment and selection procedures that create a high threshold of entry to deter abusers from seeking employment or voluntary work with children and families. Additional guidance can be found in "*Safeguarding Children: Working together under the Children Act 2004.*

2.1.2 Identifying and acting on concerns or suspicion of abuse

Local authorities should ensure effective arrangements are in place to allow other agencies and members of the public to report concerns about children, including outside of core office hours.

Where a staff member has concerns, but wishes for further advice, this should be available from their own agency or from social services. Any discussion about a child's welfare should be recorded in writing, including a note of the date and time, and the people who took part in the discussion. At the end of a discussion, there should be clear and explicit agreement about what actions will be undertaken and by whom. If the decision is that no further action is to be taken, this should also be recorded in writing with the reasons for the decision. Any member of staff with concerns about a child's welfare should document their concerns, whether or not further action is taken.

However, the need to seek advice should never delay any emergency action needed to protect a child.

Local protocols for implementing the *Common Assessment Framework* must ensure that all professionals understand the importance of instigating a referral to social services or the police if and when concerns or allegations about child abuse or neglect emerge during assessment.

Agencies represented at the LSCB have arrangements for making enquiries to the child protection register. An employee from these agencies who is worried about a child and wants to know whether the whether a child's name is already on the child protection register and/or the subject of an inter-agency child protection plan may make an enquiry to the register (see 3.26).

Mae'r asiantaethau sy'n perthyn i'r Byrddau Lleol wedi sefydlu trefn ar gyfer gwneud ymholiadau i'r gofrestr amddiffyn plant. Gall gweithiwr o'r asiantaethau hyn s'yn pryderu am blentyn ac yn dymuno cael gwybod a yw enw'r plentyn ar y gofrestr amddiffyn plant yn barod, neu'n destun cynllun amddiffyn plant gyfeirio ymholiad at y gofrestr (cyfeiriwch at 3.26).

Blwch 2: Beth i'w wneud os yw plentyn yn dweud wrthych chi ei fod yn cael ei gam-drin, neu fod person ifanc arall yn cael gam-drin

- Dangoswch i'r plentyn eich bod chi'n gwrando arno'n astud, a'ch bod yn cymryd ei honiadau o ddifrif;
- Anogwch y plentyn i siarad, ond peidiwch â'i arwain wrth ei holi. Peidiwch â thorri ar draws pan mae'n sôn am ddigwyddiadau pwysig. Peidiwch â gwneud i'r plentyn ailadrodd ei hanes;
- Esboniwch beth sydd rhaid i chi wneud. Siaradwch mewn ffordd sy'n addas ar gyfer oedran y plentyn a'i allu i'ch deall;
- Peidiwch ag addo cadw stori'r plentyn yn gyfrinachol. Mae cyfrifoldeb arnoch i ddatgelu gwybodaeth i'r rheini sydd angen ei gwybod. Nid bradychu ymddiriedaeth yw rhoi gwybod am bryderon;
- Cyn gynted ag y gallwch chi ac o fewn 24 awr fan bellaf, ysgrifennwch yr hyn mae'r plentyn wedi'i ddweud wrthych. Defnyddiwch union eiriau'r plentyn os gallwch chi;
- Hysbyswch eich rheolwr llinell am eich pryderon neu (os yw hynny'n briodol) yr aelod staff pwrpasol yn eich sefydliad sy'n gyfrifol am amddiffyn plant;
- Gofalwch fod y gweithiwr cymdeithasol ar ddyletswydd yn y swyddfa leol yn cael gwybod am eich pryderon ar unwaith. Peidiwch ag oedi;
- Peidiwch â herio'r sawl sy'n cael ei amau o gam-drin;
- Peidiwch â phoeni am wneud camgymeriad. Bydd y gwasanaethau cymdeithasol bob amser yn eich cymryd o ddifrif. Mae'n well trafod y mater gyda rhywun sydd â'r profiad a'r cyfrifoldebau i wneud asesiad;
- Nodwch y dyddiad, yr amser, y lle ac enwau'r bobl oedd yn bresennol yn y drafodaeth.

Box 2: What to do if a child tells you that they or another young person is being abused

- Show the child that you have heard what they are saying, and that you take their allegations seriously;
- Encourage the child to talk, but do not prompt or ask leading questions; Don't interrupt when the child is recalling significant events. Don't make the child repeat their account;
- Explain what actions you must take, in a way that is appropriate to the age and understanding of the child;
- Do not promise to keep what you have been told secret or confidential, as you have a responsibility to disclose information to those who need to know. Reporting concerns is not a betrayal of trust;
- Write down as soon as you can and no later than 24 hours what you have been told, using the exact words if possible;
- Report your concerns to your line manager or (if appropriate) the member of staff in your organisation with designated responsibility for child protection;
- Ensure that your concerns are immediately reported to the duty social worker at the local office. Do not delay;
- Do not confront the alleged abuser;
- Do not worry that you may be mistaken. You will always be taken seriously by social services. It is better to have discussed it with somebody with the experience and responsibility to make an assessment;
- Make a note of the date, time, place and people who were present at the discussion.

Box 3: Behaviour of any adult or colleague (including members of the public) towards children or young people causes you concern:

- Do not dismiss your concerns;
- Do not confront the person about whom you have concerns;
- If it is a person with professional responsibility for children or young people, you must act in accordance with your agency's professional

Blwch 3: Ymddygiad unrhyw oedolyn neu gydweithiwr (yn cynnwys aelod o'r cyhoedd) tuag at blant neu bobl ifanc sy'n achosi pryder:

- Peidiwch â diystyru neu wfftio'ch pryderon;
- Peidiwch â cheisio herio'r person yr ydych yn bryderus yn ei gylch;
- Os oes gan y person dan sylw gyfrifoldeb proffesiynol dros blant neu bobl ifanc, rhaid i chi ddilyn trefn a pholisïau'ch asiantaeth ar gyfer delio â chamdriniaeth gan weithwyr proffesiynol a chwythu'r chwiban;
- Mae'n bwysig iawn nad ydych yn anwybyddu neu ddiystyru amheuon ynglŷn â gweithiwr proffesiynol arall neu gydweithiwr.

2.2 Adnabod ac Atgyfeirio

Gall amheuaeth fod plentyn yn cael ei gam-drin fod ar ffurf 'pryderon' yn hytrach na 'ffeithiau hysbys'. Gall pryderon ynglŷn â lles plentyn godi mewn amryw o wahanol gyd-destunau, yn cynnwys pan mae'r gwasanaethau cymdeithasol eisoes yn gwybod am blentyn. Mae'n bosib ac yn ddymunol i rywun rannu pryderon gyda'r gwasanaethau cymdeithasol trwy atgyfeirio. Er nad yw pryderon yn gorfod ysgogi ymchwiliad, maen nhw'n helpu i greu darlun os yw rhywun arall wedi cyfleu pryderon y gallai'r un plentyn fod yn cael ei gam-drin. Mae amryw o awdurdodau lleol wedi datblygu protocolau sy'n disgrifio'r trefniadau wrth i wasanaethau lleol wneud asesiadau cychwynnol. Maen nhw'n diffinio'r amgylchiadau a'r trothwyon sy'n ofynnol i blentyn gael ei atgyfeirio at y gwasanaethau cymdeithasol.

Mewn achosion lle mae gweithiwr proffesiynol neu weithiwr unigol yn cael ei amau o gam-drin, neu fod honiad yn ei erbyn, dylai'r camau gweithredu ddilyn trefn yr asiantaeth ei hun o ran camdriniaeth gan weithwyr proffesiynol a chwythu'r chwiban.

2.2.1 Mynd ati i atgyfeirio

Mae angen atgyfeirio achos at y gwasanaethau cymdeithasol cyn gynted â bod problem, amheuaeth neu bryderon ynglŷn â phlentyn yn dod i'r amlwg, ac yn bendant **o fewn 24 awr** fan bellaf. Y tu allan i oriau gwaith, dylai atgyfeiriadau gael eu gwneud i wasanaeth argyfwng y gwasanaethau cymdeithasol neu'r heddlu. Rhaid i'r gwasanaethau cymdeithasol a'r heddlu ofalu bod digon o staff wedi'u hyfforddi ar gael i ddelio ag ymholiadau amddiffyn plant dan adran 47, yn cynnwys y tu allan i oriau gwaith arferol.

Wrth wneud atgyfeiriad dros y ffôn neu'n bersonol, dylid cadarnhau'r atgyfeiriad yn ysgrifenedig o fewn dau ddiwrnod gwaith. Y ffordd orau yw defnyddio ffurflen safonol leol os oes un ar gael.

abuse and whistle blowing policies;
- It is very important that you do not ignore or dismiss suspicions about another professional or colleague.

2.2 Recognition and Referral

Suspicion about child abuse may take the form of 'concerns' rather than 'known facts'. Child welfare concerns can arise in many different contexts, including when a child is already known to the social services. Concerns can and should be shared with social services through a referral. While concerns will not necessarily trigger an investigation, they help to build up a picture, along with concerns from other sources, which suggests that a child may be suffering harm. Many local authorities have developed protocols establishing arrangements for conducting initial assessments by local services and defining the circumstances and thresholds under which a child should be referred to social services.

In cases of alleged or suspected abuse by a professional or individual employee, the action should also be guided by the agency's own procedures on professional abuse and whistle blowing.

2.2.1 Making the referral

Referrals should be made to social services as soon as a problem, suspicion or concern about a child becomes apparent, and certainly **within 24 hours**. Outside office hours, referrals should be made to the social services emergency duty service or the police. Social services and the police must ensure that an appropriate level and deployment of trained staff are available to undertake child protection section 47 enquiries, including out of hours.

All telephone referrals or referrals made in person should be confirmed in writing within two working days, preferably using a local standard form where provided.

The duty social worker taking the referral should be given as much of the following information as possible by the referrer:

- The nature of the concerns;
- How and why those concerns have arisen;
- The full name, address and date of birth (or age) of the child;
- The names, addresses and dates of birth/ages of family members, along with any other names which they use or are known by;
- The names and relationship of all those with parental responsibility, where known, should be recorded;

Dylai'r atgyfeiriwr ddarparu gymaint â phosib o'r wybodaeth canlynol i'r gweithiwr cymdeithasol ar ddyletswydd sy'n derbyn yr atgyfeiriad:

- Natur y pryderon;
- Sut a pham mae'r pryderon wedi dod i'r amlwg;
- Enw a chyfeiriad llawn y plentyn, a'i ddyddiad geni (neu oedran);
- Enwau, cyfeiriadau a dyddiadau geni neu oedrannau aelodau'r teulu, ynghyd ag unrhyw enwau eraill y maen nhw'n eu defnyddio;
- Os ydyn nhw ar gael, dylid cofnodi enwau pawb sydd â chyfrifoldeb rhiant, a nodi sut maen nhw'n perthyn i'r plentyn;
- Enw, cyfeiriad a dyddiad geni partner y rhiant;
- Enw, cyfeiriad a dyddiad geni unrhyw oedolion eraill sy'n byw gyda'r teulu;
- Enwau gweithwyr proffesiynol eraill sy'n ymwneud â'r teulu, yn cynnwys enw ysgol y plentyn ac enw'r meddyg teulu;
- Unrhyw wybodaeth sydd gennych am anghenion datblygu'r plentyn a gallu ei rieni neu'r rhai sy'n rhoi gofal iddo i ymateb i'r anghenion hynny o fewn cyd-destun y teulu a'r amgylchedd ehangach;
- Unrhyw wybodaeth sy'n effeithio ar ddiogelwch staff.

Rhaid i weithwyr unigol, gweithwyr proffesiynol a chontractwyr annibynnol sylweddoli nad yw'n bosib iddyn nhw aros yn ddienw wrth atgyfeirio achos. Ond gall aelodau o'r cyhoedd beidio â rhoi eu henwau, os dyna yw eu dymuniad.

Efallai y bydd gofyn i'r gweithiwr unigol neu'r gweithiwr proffesiynol sy'n atgyfeirio'r achos gyflawni rhai neu'r cyfan o'r tasgau dilynol a dylai'r gweithiwr fod yn barod ac yn fodlon i'w cyflawni:

- Cyfrannu at drafodaeth strategaeth neu gyfarfod strategaeth;
- Cynorthwyo gydag ymholiadau amddiffyn plant dan adran 47;
- Mynd i gynhadledd amddiffyn plant;
- Ysgrifennu adroddiad ar gyfer cynhadledd amddiffyn plant;
- Cyfrannu at yr asesiad cychwynnol a'r asesiad craidd.

Cyfrifoldeb gweithwyr unigol a gweithwyr proffesiynol yw gofalu bod eu pryderon am les plentyn yn cael eu cymryd o ddifrif ac yn cael sylw. Mae pob gweithiwr unigol neu broffesiynol yn gyfrifol am ei ran ei hun yn y broses amddiffyn plant. Os yw gweithiwr unigol neu broffesiynol yn dal i bryderu am

- The name, address & date of birth of parent's partner;
- The name, address and date of birth of any other adults living in the household;
- The names of other professionals involved with the family, including the name of the child's school and GP;
- Any information you have on the child's developmental needs and his/her parents or caregivers ability to respond to these needs within the context of the wider family and environment;
- Any information affecting the safety of staff.

Individual employees, professionals and independent contractors, should be aware that they cannot remain anonymous when making a referral. However, members of the public may remain anonymous, if they wish to.

The individual employee or professional making the referral may be asked to do some or all of the following tasks, and should be prepared and willing to do them:

- Contribute to a strategy discussion or strategy meeting;
- Assist in the child protection section 47 enquiries;
- Attend the child protection conference;
- Provide a written report for the child protection conference;
- Contribute to the initial and core assessments.

It is the responsibility of individual employees and professionals to ensure that their child protection concerns are taken seriously and followed through. Each individual employee and professional is accountable for his or her own role in the child protection process, and if an individual employee or professional remains concerned about a child they should re-refer the child and/or bring the matter to the immediate attention of the social services senior manager with responsibility for child protection for the area. In their absence the social services team manager responsible for the child's case must be notified. In all such situations, the individual employee or professionals own line manager and named professional for child protection should be informed.

2.3 Record Keeping

Accurate, concise and clear record keeping in straightforward language is an essential part of an individual employee and professional's accountability towards people using their services, and underpins good child protection practice.

y plentyn, fe ddylai atgyfeirio'r achos unwaith eto a/neu ddod â'r mater i sylw brys uwch reolwr y gwasanaethau cymdeithasol sy'n gyfrifol am amddiffyn plant yr ardal. Os nad yw'r uwch reolwr ar gael, dylid rhoi gwybod am achos y plentyn i'r rheolwr tîm perthnasol. Ym mhob achos o'r fath, rhaid rhoi gwybod hefyd i reolwr llinell y gweithiwr unigol neu'r gweithiwr proffesiynol ac i'r gweithiwr proffesiynol penodol sy'n gyfrifol am amddiffyn plant.

2.3 Cadw cofnodion

Mae cadw cofnodion cywir, cryno a chlir mewn iaith syml yn elfen hanfodol o atebolrwydd gweithiwr unigol neu weithiwr proffesiynol i'r bobl sy'n defnyddio'i wasanaeth. Mae'n rhan hanfodol o arfer da wrth amddiffyn plant.

Mae'r gofynion gwybodaeth ar gyfer y gwasanaethau cymdeithasol i'w gweld yn ffurflenni enghreifftiol y System Integredig ar gyfer Plant. Dangosant y wybodaeth sydd angen i asiantaethau eraill ddarparu am blant mewn angen a'u teuluoedd.

Rhaid i bob asiantaeth sy'n rhan o'r gwaith o ddiogelu a hybu lles plant fod â pholisïau a chanllawiau sy'n disgrifio dulliau pwrpasol o gadw, storio a dinistrio cofnodion achos ar ffurf electronig ac ar bapur. Dylai'r polisïau ofalu bod cofnodion achos yn cael eu storio'n ddiogel fel bod modd dod o hyd iddyn nhw yn ôl y galw.

Pwrpas cofnodion papur yw:

- Ffocysu gwaith ar bwrpas, gweithrediad a chanlyniad ymholiadau, gwaith asesu a dadansoddi, a chynlluniau;
- Cynnig cofnod clir ar bapur o'r gwaith gyda phlentyn a/neu deulu, yn cynnwys amseriad y cyswllt;
- Helpu i gadw cysondeb pan nad yw gweithiwr ar gael neu pan mae staff yn newid;
- Cynnig sail i weithwyr proffesiynol lunio barn a gwneud penderfyniadau;
- Cynnig ffordd i reolwyr fonitro gwaith, goruchwylio a chynnig cymorth i ymarferwyr;
- Bod yn ffynhonnell hanfodol o dystiolaeth ar gyfer ymchwiliadau, ymholiadau ac achosion llys.

Dylai cofnodion fod:

- Mewn iaith glir, syml;
- Wedi'u llofnodi, gan nodi'r dyddiad a'r amser;

The Integrated Children's System exemplars contain the information requirements for social services, and signposts the information that is needed from other agencies about children in need and their families.

All agencies involved in safeguarding and promoting the welfare of children must have policies, and procedures specifying arrangements for the retention, storage & destruction of electronic and paper case records. The policies should ensure that case records are stored safely and can be retrieved as required.

The purpose of written records is:

- To focus work on the purpose, conduct and outcome of enquiries, assessment, analysis and plans;
- To provide a clear documented account of involvement with a child and /or family including the time of contact;
- To assist continuity when a worker is unavailable or changes;
- To provide the basis for professional judgements and decision-making;
- To enable managers to monitor work, supervise and provide support to practitioners;
- To provide essential sources of evidence for investigations, enquiries and for court proceedings.

Records should:

- Use clear, straightforward language;
- Be signed, dated and timed;
- Be concise, legible and comply with professional, national and local agency standards and requirements;
- Be accurate in fact and distinguish between fact, opinion, judgement and hypothesis;
- Be organised and comprise detailed recording and chronologies and summaries including all contacts;
- Be comprehensive;
- Clearly record judgements that are made and action and decisions taken;
- Clarify where decisions have been taken jointly across agencies, or endorsed by a manager;
- Record both formal and informal supervision discussion, including telephone advice;

- Yn gryno, yn hawdd i'w darllen ac yn cydymffurfio â safonau a gofynion proffesiynol, cenedlaethol a lleol asiantaethau;
- Yn ffeithiol gywir gan wahaniaethu rhwng ffaith, barn, dyfarniad a hypothesis;
- Wedi'u trefnu'n dda ac yn cynnwys cofnodion manwl yn ôl trefn amser, a chrynodebau, gan restru pob cyswllt;
- Yn gynhwysfawr;
- Yn cofnodi pob dyfarniad, gweithred a phenderfyniad yn glir;
- Yn ei gwneud hi'n glir pan mae amryw o asiantaethau wedi dod i benderfyniad ar y cyd, neu os yw rheolwr wedi cadarnhau penderfyniad;
- Yn cofnodi trafodaethau ffurfiol ac anffurfiol gyda goruchwylwyr, yn cynnwys cyngor dros y ffôn;
- Yn cofnodi cyfarwyddiadau a sefyllfaoedd lle mae gweithiwr yn cytuno neu'n anghytuno ar ôl ymgynghori â goruchwylwyr neu reolwyr.

Dylai fod yn bosib i'r darllenydd olrhain:

- Hanes perthnasol y plentyn a'r teulu a arweiniodd at y broses ymyrraeth;
- Natur yr angen a'r ymyriadau, yn cynnwys y canlyniadau oedd wedi'u bwriadu;
- Y dull fydd yn cael ei ddefnyddio i sicrhau newid;
- Y cynnydd sy'n cael ei wneud;
- Yr awdur, a dyddiad ac amser y cofnod penodol.

Pan mae gweithiwr unigol neu broffesiynol sy'n gweithio gyda phlant mewn angen yn absennol o'r swyddfa, waeth beth yw'r rheswm, dylai'r rheolwr ofalu bod trefniadau ar gyfer gwirio holl ohebiaeth bapur ac electronig y gweithiwr.

2.4 Rôl y gwahanol asiantaethau

Disgrifia'r ddogfen *Diogelu Plant: Gweithio gyda'n Gilydd dan Ddeddf Plant 2004* rôl yr asiantaethau partner a'r mudiadau gwirfoddol, a'u cyfrifoldebau o ran diogelu a hybu lles plant.

2.4.1 Goruchwylio

Dylai pob gweithiwr proffesiynol sy'n gweithio ym maes amddiffyn plant gael ei oruchwylio'n briodol. Dylai pob asiantaeth fod â pholisi a threfn oruchwylio

- Record directions given and agreements or disagreements made in consultation with Supervisors or Managers.

The reader should be able to track:

- The relevant history of the child and family which led to the intervention;
- The nature of need and the interventions, including intended outcomes;
- The means by which change is to be achieved;
- The progress which is being made;
- The author, date and time of specific recording.

When an individual employee or professional who works with children in need is absent from the office for any reason the manager should ensure that arrangements are made for all paper and electronic correspondence to be checked.

2.4 The roles of the various agencies

The role of the partner agencies and voluntary organisations and their responsibilities for the safeguarding and promoting the welfare of children, is described in *Safeguarding Children: Working Together under the Children Act 2004.*

2.4.1 Supervision

All professionals involved in child protection require appropriate supervision. Each agency should have a formal supervision procedure and policy in place. Staff supervision should help to ensure that practice is soundly based and consistent with the *All Wales Child Protection Procedures*. Supervision should also ensure that key decisions made, and guidance given, in supervision, is clearly recorded in case files.

ffurfiol. Dylai'r broses o oruchwylio staff helpu i ofalu bod arferion yn gadarn ac yn gyson â *Chanllawiau Amddiffyn Plant Cymru Gyfan*. Dylai goruchwylio ofalu hefyd fod unrhyw benderfyniadau pwysig a chanllawiau sy'n digwydd wrth oruchwylio'n cael eu cofnodi'n glir mewn ffeiliau achos.

RHAN 3

3. Y Broses Amddiffyn Plant

3.1 Crynodeb

Ym mhob cam o'r broses amddiffyn plant rhaid ystyried a yw plentyn ar fin cael ei niweidio a ph'un ai oes angen gwneud rhywbeth ar frys i'w amddiffyn.

Dyma chwe cham y broses amddiffyn plant:

- **Atgyfeirio:** Bydd y sawl sy'n derbyn yr atgyfeiriad yn y gwasanaethau cymdeithasol yn cofnodi'r manylion llawn ar y ffurflen addas a bydd yn gofyn am fwy o wybodaeth. Dylid hysbysu'r heddlu cyn gynted â phosib os oes amheuaeth fod rhywun wedi troseddu yn erbyn plentyn.
- **Asesiad Cychwynnol:** Mae'r gwasanaethau cymdeithasol yn gwneud asesiad cychwynnol i asesu a yw plentyn mewn angen ac a oes angen ei amddiffyn. Dylid cwblhau'r asesiad o fewn saith diwrnod gwaith. Efallai y bydd angen cynnal trafodaeth strategaeth ar ôl yr asesiad hwn. Rhaid i'r sawl sy'n cwblhau'r asesiad weld y plentyn a siarad neu gyfathrebu gydag e. Rhaid iddo fodloni'i hun fod y plentyn yn ddiogel ac yn teimlo'n ddiogel. Efallai y bydd yr asesiad cychwynnol yn fyr iawn, a gall arwain yn syth at drafodaeth neu gyfarfod strategaeth a/neu asesiad craidd.
- **Trafodaeth Strategaeth:** Ar ôl cwblhau'r asesiad craidd, efallai y bydd penderfyniad i gynnal trafodaeth strategaeth. Dylai'r heddlu a'r gwasanaethau cymdeithasol rannu a thrafod yr holl wybodaeth sydd ar gael, a thrafod gyda gweithwyr proffesiynol neu asiantaethau eraill os yw hynny'n briodol. Os oes pryderon dwys ynglŷn â phlentyn gallant benderfynu ar y camau nesaf o fewn 24 awr neu ar unwaith.
- **Cyfarfod Strategaeth:** Gallai trafodaeth strategaeth gytuno bod angen cynnal cyfarfod strategaeth. Mae angen i'r bobl ganlynol ddod i gyfarfod strategaeth: staff yr heddlu a'r gwasanaethau cymdeithasol, yr aelod staff neu'r gweithiwr proffesiynol a atgyfeiriodd yr achos, aelodau eraill o staff a gweithwyr proffesiynol a allai gynorthwyo yn y broses o gynllunio ymholiadau amddiffyn y plentyn, os oes bwriad i wneud y fath ymholiadau. Dylid cynnal y cyfarfod cyn gynted â phosib ond o fewn wyth diwrnod gwaith fan bellaf i'r dyddiad y derbyniwyd yr atgyfeiriad.
- **Ymholiadau Amddiffyn Plant dan Adran 47 gan y Gwasanaethau cymdeithasol a/neu'r heddlu:** Rhaid penderfynu yn ystod y drafodaeth neu'r cyfarfod strategaeth ai un asiantaeth fydd yn gwneud yr ymholiadau dan adran 47, neu a fydd yn ymholiad ar y cyd. Dibynna hyn ar natur a difrifoldeb y gamdriniaeth. Dylid cofnodi'r wybodaeth

PART 3

3. The Child Protection Process

3.1 Summary

At every stage of the child protection process consideration must be given to whether a child is at imminent risk of harm and whether emergency protective action needs to be taken.

The six stages of the child protection process are:

- **Referral:** The person taking the referral within social services will record comprehensive details on the appropriate form and seek further information. The police should be notified as soon as possible if it is suspected that a criminal offence has been committed against a child.
- **Initial Assessment:** Social services undertake an initial assessment to establish if the child is in need and requires protection. This should be completed within 7 working days. A strategy discussion may be required following this assessment. The person making the assessment must see the child and speak to or communicate with the child, to an extent where they are satisfied that the child is and feels safe. The initial assessment may be very brief and lead directly to a strategy discussion/meeting, and/or core assessment.
- **Strategy Discussion:** Following the completion of the initial assessment, it may be decided that a strategy discussion is required. Police and social services should share and discuss all information received/gathered and with other professionals/agencies as appropriate, and decide on the next course of action within 24 hours or without delay if there is immediate concern for the child.
- **Strategy Meeting:** A strategy discussion may agree that a strategy meeting should be held. Those attending a strategy meeting should include police and social services staff, the staff member or professional making the referral, together with other staff members and professionals who can assist in the planning process for the child protection enquiries, if they are to take place. This meeting should be

sy'n cael ei chasglu yn ystod y cam ffurfiol hwn o'r ymholiadau yn yr asesiad craidd. Gellir cychwyn yr asesiad craidd cyn y gynhadledd amddiffyn plant, ond mae'n annhebygol y bydd wedi'i gwblhau cyn y gynhadledd.

- **Cynhadledd Amddiffyn Plant:** gellir cynnal cynhadledd amddiffyn plant a pahratoi a gweithredu cynllun amddiffyn plant yn syth ar ôl yr ymholiadau amddiffyn plant dan adran 47. Bydd yr asesiad craidd yn sylfaen i'r cynllun amddiffyn plant ac yn fodd i'w ddiweddaru. Mae'r asesiad craidd yn cael ei gwblhau ar yr un pryd â'r ymholiadau dan adran 47.

Dylid cofnodi'r chwe cham ar ffurflen enghreifftiol berthnasol y System Integredig ar gyfer Plant.

3.2 Pan ddaw'r atgyfeiriad i law

Rhaid i'r gwasanaethau cymdeithasol a'r heddlu sicrhau bod digon o staff wedi'u hyfforddi ar gael i ddelio ag ymholiadau amddiffyn plant dan adran 47, yn cynnwys tu allan i oriau gwaith arferol.

Rhaid trin unrhyw atgyfeiriadau sy'n honni bod plentyn wedi cael ei gam-drin neu mewn perygl o gael ei gam-drin yn ddifrifol. Rhaid i'r awdurdod lleol lle mae'r plentyn yn byw, wedi'i leoli neu wedi'i ddarganfod fynd ati'n syth i wneud ymholiadau (cyfeiriwch at 3.2.4).

Rhaid trin pob atgyfeiriad yn yr un ffordd, p'un ai yw'r gamdriniaeth honedig wedi digwydd o fewn y teulu neu tu allan iddo, a hefyd waeth pwy syn atgyfeirio neu os ydy'r atgyfeiriad yn ddienw.

3.2.1 Beth i'w wneud

- Dylid rhoi gwybod am yr atgyfeiriad ar unwaith i'r rheolwr perthnasol yn y gwasanaethau cymdeithasol. Dylai'r sawl sy'n derbyn yr atgyfeiriad ei gofnodi, a cheisio casglu a chofnodi'r wybodaeth dilynol gan yr atgyfeiriwr gan ddefnyddio'r ffurflen enghreifftiol o'r System Integredig ar gyfer Plant a chofnodi'r dyddiad, amser a dull cyfeirio:

- Enw a chyfeiriad y sawl sy'n rhoi'r wybodaeth sy'n sail i'r atgyfeiriad. Rhaid cofnodi a yw'n oedolyn neu'n blentyn. Nid oes hawl gan weithiwr proffesiynol sy'n gwneud atgyfeiriad aros yn ddienw, ond gall aelodau o'r cyhoedd a gwirfoddolwyr fod yn ddi-enw os dymunant;

- Perthynas y sawl sy'n atgyfeirio i'r plentyn, a/neu enw'r asiantaeth mae'r sawl sy'n atgyfeirio'n gweithio iddi;

- A yw'r rhiant neu'r un sy'n rhoi gofal yn gwybod bod yr atgyfeiriad yn cael ei wneud;

- Enw, oedran a chyfeiriad y camdriniwr honedig neu'r sawl sy'n cael ei amau o gam-drin. Holwch a yw'n gwybod am yr atgyfeiriad;

held as soon as possible but no later than a maximum of 8 working days from the receipt of the referral.

- **Child Protection Section 47 Enquiries by Social Services and/or the Police:** At the strategy discussion/meeting, a decision must be made on whether the child protection section 47 enquiries will be undertaken as a single agency or jointly, depending on the seriousness and type of abuse. Information gathered during this formal stage of enquiries should be recorded in the core assessment that can begin before a child protection conference but is unlikely to be concluded by the time the conference meets.
- **Child Protection Conference:** a child protection conference and the preparation and implementation of a child protection plan may follow the child protection section 47 enquiries. The child protection plan will be informed and updated by the core assessment of the child's needs, which runs in parallel with the section 47 enquiries.

All six stages should be recorded on the relevant Integrated Children System exemplar.

3.2 Receiving the referral

Social services and the police must ensure that an appropriate level and deployment of trained staff are available to undertake child protection section 47 enquiries including out of hours.

Referrals alleging that a child has been abused or is at risk of abuse must always be regarded as serious and enquiries should commence without delay by the local authority where the child is living, has been placed or has been found (see 3.2.4).

All referrals should be treated in the same way, whether the alleged abuse has taken place in or outside the family and regardless of the source of the referral, including anonymous referrals.

3.2.1 Action

- The relevant social services manager should be informed about and record the referral without delay. The person taking the referral should try to gather and record all of the following information from the referrer using the ICS exemplar, and include the date, time and method of referral:
- The name and address of the person reporting the information that is leading to the referral and whether they are an adult or a child.

- Manylion am natur y gamdriniaeth sy'n cael ei honni neu ei hamau, neu am y pryderon cyffredinol;
- Enw, dyddiad geni a chyfeiriad y plentyn dan sylw, a manylion unrhyw blant eraill sy'n byw yn yr un cartref a'u lleoliad/cyfeiriad ar hyn o bryd;
- Enwau, cyfeiriadau a dyddiadau geni unrhyw blant eraill a allai fod wedi dod i gysylltiad â'r sawl sy'n cael ei amau o gam-drin;
- Enw, oedran a chyfeiriad y sawl sydd â gwybodaeth uniongyrchol am y gamdriniaeth sy'n cael ei honni neu ei hamau;
- Manylion am y dyddiad, yr amser a'r lle y mae'r gamdriniaeth i fod wedi digwydd;
- Enw, oedran a chyfeiriad rhiant y plentyn neu'r prif berson sy'n rhoi gofal iddo. Rhaid enwi hefyd yr holl bobl sydd â chyfrifoldeb rhiant;
- Enwau ac oedrannau pawb arall sy'n byw yn yr un cartref p'un a ydyn nhw'n oedolion neu'n blant;
- Manylion unrhyw aelodau pwysig o'r teulu sydd ddim yn byw yn yr un cartref â'r plentyn;
- Enw, oedran a chyfeiriad unrhyw un arall sy'n amlwg yn gwybod am y gamdriniaeth sy'n cael ei honni neu ei hamau;
- Gwybodaeth am unrhyw archwiliad meddygol a gafodd y plentyn yn ddiweddar, ac enw'r sawl a wnaeth yr archwiliad;
- Enw a chyfeiriad meddyg teulu, ymwelydd iechyd neu nyrs ysgol y plentyn, a manylion unrhyw weithiwr proffesiynol arall sy'n ymwneud â'r teulu, yn cynnwys y rhieni;
- Enw a chyfeiriad ysgol y plentyn;
- Tarddiad ethnig, crefydd a dewis iaith y plentyn;
- **Disgrifiad cryno o ymddangosiad y plentyn** i helpu'r person sy'n gwneud ymweliad cychwynnol i deimlo'n siŵr ei fod yn gweld y plentyn cywir;
- **Unrhyw anawsterau cyfathrebu sydd gan y plentyn.** Dylid cofnodi manylion llawn am natur yr anawsterau cyfathrebu er mwyn gallu cynllunio'r ymholiadau cychwynnol;
- Unrhyw wybodaeth arall a allai fod yn berthnasol i'r achos.

Rhaid cofnodi mor llawn a chywir â phosib unrhyw wybodaeth am y gamdriniaeth sy'n cael ei honni neu ei hamau, gan ddilyn y canllawiau yma. Hwn yw cam cyntaf y broses asesu. Lle bynnag y bo'n bosib, dylai'r swyddog sy'n derbyn yr atgyfeiriad ddarllen y cofnod ysgrifenedig yn ôl i'r sawl sy'n

Professionals making referrals cannot choose to remain anonymous, though members of the public including volunteers may, if they wish ;

- The relationship of the referrer to the child and/or the agency employing the referrer;
- Information on whether the parent or caregiver is aware of the referral being made;
- The name, age and address of the alleged or suspected abuser and ascertain if he/she is aware of the referral;
- Details of the nature of the alleged abuse, suspected abuse or general concerns;
- The name, date of birth and address of the child alleged to have been abused and of other children in the household and their current location/ address;
- If other children may have had contact with the alleged abuser, their names, addresses and dates of birth;
- The name, age and address of the person who has direct knowledge of the alleged or suspected abuse;
- Details of the date, time and place where the abuse is alleged to have occurred;
- The name, age and address of the child's parent/main caregivers and the names of all those with parental responsibility;
- The names and ages of all other members of the household, both adults and children;
- Details of significant family members who are not members of the child's household;
- The name, age and address of any other person known to have information on the alleged or suspected abuse;
- Information on whether the child has been recently medically examined and, if so, by whom;
- The name and address of the child's general practitioner (GP), the health visitor/school nurse and any other health professional involved with the family, including the adults;
- Name and address of school;
- The child's ethnic origin, religion and language of choice of the child;
- **A brief physical description of the child** to assist the person making an initial visit being assured they have seen the correct child;

atgyfeirio'r achos. Rhaid darllen hefyd unrhyw ddehongliad o'r wybodaeth a gafwyd.

Ar ôl i'r atgyfeiriad ddod i law, rhaid i'r gweithiwr cymdeithasol neu'r swyddog ar ddyletswydd wirio cofnodion y gwasanaethau cymdeithasol, yn cynnwys y gofrestr amddiffyn plant. Pwrpas gwneud hyn yw dod o hyd i unrhyw wybodaeth sydd ar gael yn barod am y plentyn. Rhaid gwirio am wybodaeth am y plentyn ei hun ac am wybodaeth am y plant a'r oedolion eraill sy'n byw yn y cartref. Rhaid chwilio hefyd am wybodaeth am y sawl sy'n cael ei amau o gam-drin, p'un ai yw'n blentyn neu'n oedolyn. Rhaid i'r broses o chwilio mewn cronfeydd data am enwau oedolion fod yr un mor hwylus â chwilio am enwau plant.

Pryd bynnag y bydd y gwasanaethau cymdeithasol yn cael gwybod am honiad sy'n cyfrif neu a allai gyfrif fel trosedd yn erbyn plentyn, rhaid hysbysu'r heddlu cyn gynted â phosib.

Hyd yn oed os nad yw'r wybodaeth i gyd ar gael yn syth, fe ddylai'r drafodaeth strategaeth fynd yn ei blaen.

Mae angen i'r atgyfeiriwr gadarnhau'r wybodaeth yn ysgrifenedig o fewn dau ddiwrnod gwaith.

3.2.2 Atgyfeiriadau tu allan i oriau arferol swyddfa

Y tu allan i oriau craidd swyddfeydd, gellir atgyfeirio achos at y gwasanaeth y tu allan i oriau neu dîm dyletswydd argyfwng y gwasanaethau cymdeithasol, neu at yr heddlu. Bydd staff y tim gwasanaethau cymdeithasol tu allan i oriau'n trosglwyddo pob atgyfeiriad (yn ysgrifenedig ac yn llafar os yn bosib) i reolwr perthnasol y gwasanaethau cymdeithasol ar y diwrnod canlynol. Bydd hefyd yn disgrifio yr hyn gafodd ei wneud. Wrth dderbyn yr atgyfeiriad, rhaid i'r gweithiwr cymdeithasol neu swyddog yr heddlu ystyried a oes arwyddion o berygl buan i ddiogelwch y plentyn neu blant eraill. Rhaid iddynt fod yn barod i weithredu ar frys i ddiogelu'r plentyn neu'r plant, gan gynnwys trefnu unrhyw sylw meddygol angenrheidiol. Os yw natur yr atgyfeiriad yn ddifrifol ac yn gofyn am ymateb ar unwaith, yna rhaid i'r heddlu a'r gwasanaethau cymdeithasol weithredu gyda'i gilydd mewn ffordd addas gan ddilyn y canllawiau yma heb unrhyw oedi.

Dylai gweithiwr cymdeithasol y gwasanaeth tu allan i oriau neu'r tîm dyletswydd argyfwng wirio'r gofrestr amddiffyn plant i weld a oes gwybodaeth ynddi am y plentyn. Dylai hefyd wneud unrhyw wiriadau eraill sy'n bosib y tu allan i oriau, gan gofio y gall rhain fod yn gyfyngedig.

Ond, ni ddylai'r ffaith nad yw'n bosib gwirio'n drwyadl rwystro'r swyddog rhag mynd ati i ddiogelu'r plentyn.

Pan mae pryderon yn codi tu allan i oriau gwaith arferol fod plentyn yn cael ei niweidio'n fwriadol, dylai'r heddlu neu wasanaeth y tîm dyletswydd argyfwng ofalu fod y naill asiantaeth yn rhoi gwybod am yr atgyfeiriad i'r llall, waeth pa

- **Any difficulties the child has with communication.** Specific detail about the nature of the communication difficulty should be recorded to inform how initial enquiries need to be planned;
- Any other information which may be relevant.

It is essential that information regarding allegations or suspicions of abuse be recorded as fully and as accurately as possible in accordance with these procedures, as this forms the first phase of assessment. Where possible the officer receiving the referral should read back to the referrer the written record of the referral, together with any interpretation being made of the information that has been given.

Upon receipt of a referral the social worker/duty officer must check the social services records, including the child protection register, to establish what information, if any, is already known about the child. These checks should be in respect of the referred child, other children and adults in the household, and the alleged abuser whether a child or an adult. Databases must be searchable for adult as well as children's names.

Whenever social services become aware of an allegation that constitutes or may constitute a criminal offence against a child, the police should always be informed at the earliest opportunity.

Even if some of this information is not immediately available, the strategy discussion should still take place.

The person making the referral should be asked to confirm the information in writing within 2 working days.

3.2.2 Referrals out of usual office hours

Outside usual core office hours, referrals can be made to the social services out of hours service/ emergency duty team (EDT) or to the police. All referrals made to social services will be communicated by the out of hours staff (in writing and, if possible, also orally) to the relevant social services manager the following day, together with the action taken. In taking the referral, the social worker or police officer must be alert to any indications of an immediate risk to the child or other children's safety and must be prepared to take urgent action to ensure this child's or other children's safety, including necessary medical attention. Where a referral is of a serious nature requiring an immediate response, then appropriate action, jointly between police and social services, in accordance with these procedures must be carried out without delay.

The Out of hours service/ emergency duty team (EDT) social worker should check the child protection register for information on the child and make any other possible checks available out of hours, but recognise these may be limited.

un a dderbyniodd yr atgyfeiriad yn y lle cyntaf. Dylai'r ddwy asiantaeth benderfynu ar y cyd sut mae mynd ati i ddiogelu'r plentyn ac unrhyw blant eraill ar unwaith. Dylai hyn gynnwys cynnal trafodaeth strategaeth sy'n cofnodi'r gweithredu sy'n cael ei gytuno ac enw'r sawl sy'n gyfrifol am wneud y gwaith. Y tu allan i oriau, efallai mai gweithiwr cymdeithasol y tîm dyletswydd argyfwng ac un o uwch swyddogion yr heddlu fydd yn mynd ati i gynnal trafodaeth strategaeth. Dylai'r tîm dyletswydd argyfwng lenwi'r dogfennau sy'n berthnasol dan brotocolau'r ardal.

3.2.3 Hysbysu'r sawl sy'n atgyfeirio

Rhaid hysbysu unrhyw un sy'n atgyfeirio achos o gam-drin plentyn mai'r heddlu a'r gwasanaethau cymdeithasol ar y cyd, neu'r naill asiantaeth yn gweithio ar ei phen ei hun, a fydd yn gwneud yr ymholiadau dilynol. Rhaid dweud wrth y sawl sy'n atgyfeirio hefyd sut y bydd yn cael gwybod am ganlyniadau'r atgyfeiriad, ac y bydd hynny'n cael ei wneud mewn ffordd sy'n parchu cyfrinachedd y plentyn a'r teulu.

Cyfrifoldeb y gweithiwr cymdeithasol neu reolwr y tîm gwaith cymdeithasol sydd ar ddyletswydd yw hysbysu'r atgyfeiriwr o fewn 10 diwrnod gwaith fan bellaf beth fydd yn cael ei wneud.

Gan barchu cyfrinachedd y plentyn a'r teulu, dylid hysbysebu'r atgyfeiriwr achos am yr hyn sydd wedi cael ei wneud. Dylid dweud wrtho/wrthi sut mae'r plentyn yn cael ei ddiogelu a pha mor briodol oedd atgyfeirio'r achos.

3.2.4 Materion sy'n croesi ffiniau

Pan ddaw honiad o gamdriniaeth gan neu ynglyn â phlentyn sy'n cael ei ddarganfod yn byw y tu allan i'r awdurdod gwreiddiol, yr awdurdod lle cafodd y plentyn ei ddarganfod ar yr adeg y gwnaeth y gwyn a fydd yn cynnull cyfarfod strategaeth cychwynnol.

Rhaid hysbysu'r reolwyr perthnasol o'r gwasanaethau cymdeithasol am yr atgyfeiriad, heb unrhyw oedi. Rhaid trefnu'r cyfarfod strategaeth (neu'r drafodaeth strategaeth os yw pellter yn creu problemau) fel gall cynrychiolwyr ddod o'r awdurdod gwreiddiol a'r awdurdod lle'r oedd y gamdriniaeth i fod wedi digwydd, os yw'n wahanol i'r awdurdod lle y cafodd y plentyn ei ddarganfod ar adeg y gwyn. Bydd y cyfarfod strategaeth yn penderfynu pa un o'r awdurdodau fydd yn gyfrifol am ymchwilio i'r gwyn, er mai'r drefn arferol yw i'r ymchwiliad gael ei arwain gan yr awdurdod lle'r bu'r digwyddiad. Bydd y cyfarfod strategaeth yn penderfynu hefyd sut bydd yr awdurdodau perthnasol eraill yn cyfrannu at yr ymchwiliad.

Rhaid cofnodi'r penderfyniad yn glir a'r rhesymau dros ei wneud. Bwriad clir y penderfyniad yw amddiffyn y plentyn.

(Cyfeiriwch hefyd at 3.5.1.1 a 4.4)

However, not being able to make other checks should not prevent taking any necessary action to safeguard the child.

If there are concerns outside core office hours that a child is being deliberately harmed, either the police or EDT service, whichever receives the referral, should ensure the other agency is informed and decide jointly what action, if any, is necessary to secure the immediate safety of the child and any other children. This should include a strategy discussion, which records the agreed actions and the person responsible for carrying them out. The strategy discussion out of hours may need to be undertaken by the EDT social worker and a senior police officer. The EDT social worker should complete the relevant documentation in accordance with local protocols.

3.2.3 Keeping the referrer informed

Anyone making a referral of child abuse should be made aware that any subsequent enquiries might be conducted jointly by the police and social services or as a single agency enquiry. The referrer should also be informed about how he or she will be given information about the outcome of the referral, in a way that is consistent with respecting the confidentiality of the child and family.

It is the responsibility of the duty social worker/duty social work team manager to inform a referrer of action being taken within a maximum of 10 working days.

While respecting the confidentiality of the child and family, the referrer should be given information regarding action taken, to include the safeguarding arrangements for the child and the appropriateness of the referral.

3.2.4 Cross border issues

When an allegation of abuse is received from/ about a child found living away from the originating authority the initial strategy meeting will be convened by the authority where the child is found when he or she makes the complaint.

The relevant social services managers should be informed about the referral without delay, and the strategy meeting (or discussion where there are constraints of distance) must be organised to allow for the attendance of a representative of the originating authority, and the authority where the incident is alleged to have happened if that is different from the authority where the child is found at the time of the complaint. The strategy meeting will decide which authority should have responsibility for carrying out the child protection enquiries although this will usually be the authority in whose area the incident occurred. The strategy meeting will also decide what part should be played in the investigation by the other relevant authorities.

The decision and reason for making this decision must be clearly recorded and made in the best interest of protecting the child. (See also 3.5.1.1 and 4.4)

Blwch 4: Rheoli systemau dyletswydd ac atgyfeirio

- O ddydd i ddydd, dylid cael rheolwyr cymwys a phrofiadol i reoli a goruchwylio'r drefn ddyletswydd mewn ffordd glir. Rhaid i'r rheolwyr allu mynd at systemau sy'n dangos yn syth faint o blant a gafodd eu hatgyfeirio at eu tîm, beth oedd rhaid ei wneud ar gyfer pob plentyn, pwy oedd yn gyfrifol, a chofnod o'r dyddiad y daeth y gweithredu i ben.
- Rhaid i brif weithredwyr cynghorau fodloni eu hunain fod uwch reolwyr a chynghorwyr yn ymweld yn rheolaidd â thimau dyletswydd. Rhaid i'w sylwadau gael eu trosglwyddo i'r prif weithredwr ac i gyfarfod addas o'r cynghorwyr sy'n gyfrifol am graffu ac am oruchwylio'r gwasanaethau plant.
- Cyfrifoldeb y rheolwr ar ddyletswydd yw goruchwylio'r holl achosion sy'n cael eu hatgyfeirio at y gwasanaeth, gofalu eu bod yn cael eu blaenoriaethu yn ôl canllawiau gweithredu clir, a bod staff sydd wedi'u henwi'n cael cyfarwyddiadau clir ynghylch gweithredu.

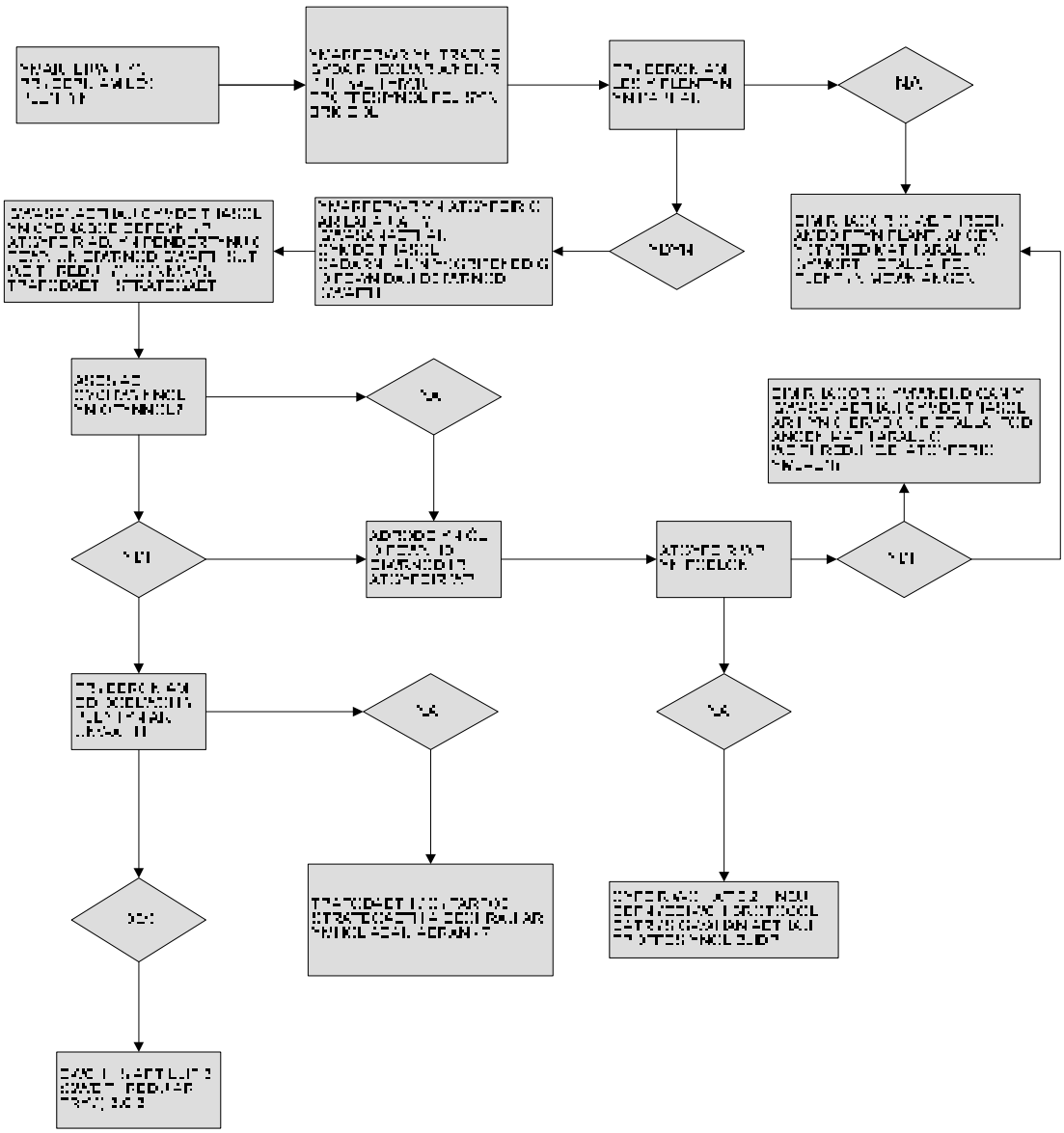
Wrth ddosbarthu gwaith, rhaid i'r rheolwr ar ddyletswydd ofalu bod y gweithiwr cymdeithasol yn deall yn glir beth yw pwrpas y gwaith, gwybod beth sydd rhaid iddo wneud, a bod trefniadau ar gyfer adolygu a goruchwylio. Pan fydd ymarferwyr yn ymweld â phlentyn, rhaid i reolwyr ofalu eu bod nhw'n deall pwrpas yr ymweliad a'r canlyniadau sydd angen eu cyflawni ar gyfer y plentyn.

Box 4: Management of Duty and Referral Systems

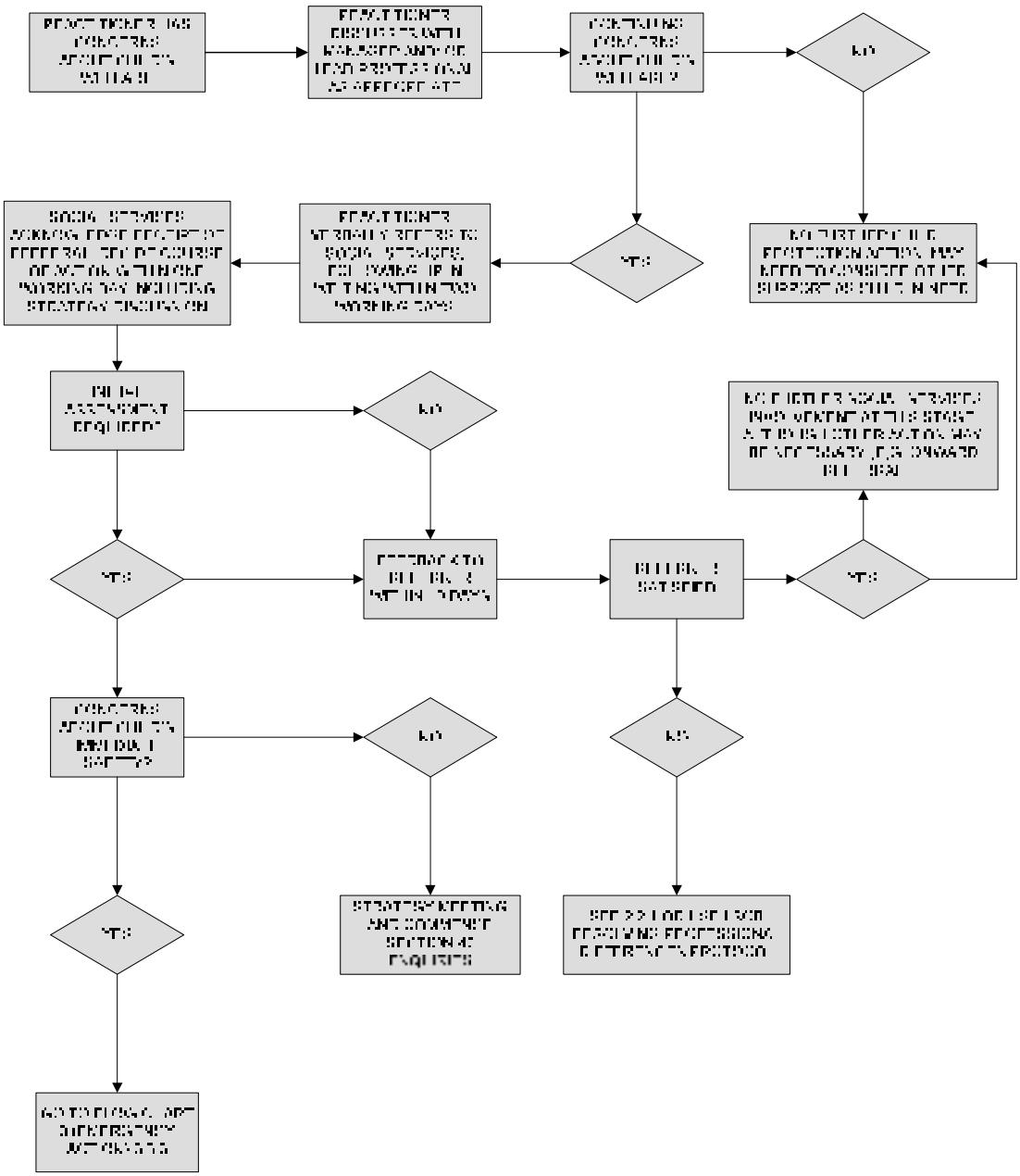
- Duty arrangements should be subject of clear day-to-day management and oversight by suitably qualified and experienced managers. These managers should have access to systems that can immediately establish how many children have been referred to their team, what action was required for each child, the person responsible and a record of when the action was completed.
- Chief executives of councils must satisfy themselves that senior managers and councillors undertake regular visits to duty teams and their observations and comments are reported to the chief executive and an appropriate meeting of councillors responsible for scrutiny and oversight of children's services.
- It is the responsibility of the duty manager to oversee all referrals made to the service, ensure they are prioritised according to clear operational guidelines and clear action is allocated to named members of staff.

In allocating work, the duty manager must ensure that the social worker is clear as to the purpose of the allocation, what action is required and that there are arrangements for reviewing and supervision. When practitioners undertake visits, managers should ensure that they are clear regarding the purpose of the visit and the outcomes that are to be achieved for the child.

3.2.5 Siart llif 1: Atgyfeirio



3.2.5 Flowchart 1: referral



3.3 Yr Asesiad Cychwynnol

3.3.1 Pwrpas a chwmpas yr asesiad cychwynnol

Bydd yr asesiad cychwynnol yn penderfynu a yw plentyn mewn angen, ac a oes angen ei amddiffyn. Dylid cwblhau'r asesiad cychwynnol cyn gynted â phosib ac yn bendant cyn pen saith diwrnod gwaith i'r dyddiad y derbyniwyd yr atgyfeiriad. Gallai gymryd llai o amser na hyn. Canolbwynt yr asesiad cychwynnol yw diogelwch a lles y plentyn. Hyd yn oed os mai'r rheswm dros atgyfeirio'r achos yw pryder fod y plentyn yn cael ei gam-drin neu ei esgeuluso ac mae'r pryder hwnnw'n ddi-sail yn y pen draw, gallai teulu elwa ar dderbyn cefnogaeth a help ymarferol i hybu iechyd a datblygiad plentyn. Os bydd y gwasanaethau cymdeithasol yn gweld wrth wneud asesiad nad yw plentyn oedran ysgol yn mynd i'r ysgol, mae angen iddynt hysbysu'r awdurdod addysg. Yn y cyfamser, dylid gofalu bod y plentyn yn cael digon o ofal a goruchwyliaeth yn ystod y dydd.

Rhaid i'r asesiad cychwynnol gynnwys cyfle i weld a siarad neu gyfathrebu gyda'r plentyn. Rhaid i'r sawl sy'n gwneud yr asesiad fodloni'i hun fod y plentyn yn ddiogel ac yn teimlo'n ddiogel.

Pan dderbynir atgyfeiriad ynglŷn â phlentyn sy'n adnabyddus i'r gwasanaethau cymdeithasol, efallai bydd llawer o wybodaeth eisoes ar gael. Rhaid i bob penderfyniad sy'n dilyn atgyfeiriad newydd roi sylw i'r wybodaeth sydd eisoes ar gael ynghyd â'r gwaith sydd ar y gweill.

Mae penderfyniad i gasglu mwy o wybodaeth yn cyfrif fel asesiad cychwynnol.

Mae'r adeg y derbyniwyd yr atgyfeiriad yn cyfrif fel dechrau'r asesiad cychwynnol. Gall cyfnod yr asesiad cychwynnol fod yn fyr iawn os oes angen trafodaeth strategaeth a gwneud ymholiadau amddiffyn plant dan adran 47.

3.3.2 Cydsyniad rhieni

Mae hysbysu rhieni fod eu plentyn wedi cael ei atgyfeirio am resymau amddiffyn plant yn arfer da, oni bai mai'r farn broffesiynol yw y byddai gwneud hynny'n rhoi'r plentyn mewn perygl o gael rhagor o niwed. Fel arfer, un o reolwyr y gwasanaethau cymdeithasol sy'n gyfrifol am reoli atgyfeiriadau amddiffyn plant fydd yn penderfynu ai dyma'r adeg i hysbysu'r rhieni ai peidio.

Y brif ystyriaeth bob tro yw diogelu a hybu lles y plentyn. Os oes materion amddiffyn plant wedi codi a allai gynyddu'r perygl i'r plentyn, gallai'r heddlu a/neu'r gwasanaethau cymdeithasol wneud ymholiadau amddiffyn plant a siarad gyda'r plentyn ei hun, heb roi gwybod am yr honiadau i'r rhiant neu'r un sy'n rhoi gofal. Ymhlith yr amgylchiadau eraill lle y byddai'n bosib gwneud ymholiadau heb hysbysu'r rhiant yw'r posibilrwydd fod y plentyn yn cael ei

3.3 The Initial Assessment

3.3.1 Purpose and scope of the initial assessment

The initial assessment will establish whether a child is in need and additionally whether the child is in need of protection. The initial assessment should be carried out as soon as possible, but must be completed within 7 working days of the referral being received, though it may take less time than this. The focus of the initial assessment is the safety and welfare of the child. Even if the reason for a referral was a concern about abuse or neglect, which is subsequently unsubstantiated, a family may still benefit from support and practical help to promote a child's health and development. During the course of the assessment, if social services establish that a school age child is not attending school, they should alert the education authority, and ensure that in the interim, the child is subject to adequate daytime care and supervision arrangements.

The initial assessment must include seeing the child and speaking to or communicating with the child to an extent where the person making the assessment is satisfied that the child is and feels safe.

Where a referral is received about a child already known to social services a great deal of information may already be available. Decisions made following the new referral must take account of all the known information and the work currently being undertaken.

A decision to gather more information constitutes an initial assessment.

The initial assessment is deemed to have commenced at the point of referral to social services. The initial assessment period may be very brief if a strategy discussion and child protection section 47 enquiries are required.

3.3.2 Parental consent

It is good practice for parents to be informed about a child protection referral concerning their child unless there is a professional judgement that this would place the child at risk of further harm. Normally a social services manager with responsibility for managing child protection referrals will decide whether to inform the parents at this stage.

The overriding concern must be the safeguarding and promoting the welfare of the child. Where there are child protection issues, which may put the child at increased risk, the police and/or social services may conduct child protection enquiries and speak to a suspected child victim without the knowledge of a parent or caregiver. Other circumstances where enquiries can take place without the knowledge of the parent include the possibility of threats or coercion; concerns about the loss of important evidence, or the

fygwth neu ei orfodi; pryder y gallai tystiolaeth bwysig fynd ar goll; neu bod y plentyn yn dymuno i'w rieni beidio gwybod. Ond, cyn atal y fath wybodaeth, rhaid sicrhau bod gan y plentyn y gallu cymwys i wneud y penderfyniad. Os oes unrhyw amheuaeth ynglŷn â mynd at y rhieni i ofyn iddyn nhw gydsynio, mae'n well peidio â mynd atyn nhw. Rhaid cofnodi'r penderfyniadau ynglŷn â chydsynio. (Os yw'r atgyfeiriad/ymholiadau ynglŷn â phlentyn mewn angen, rhaid gofalu bod y rhieni'n cydsynio.)

3.3.3 Gofyn i asiantaethau eraill am wybodaeth

Dylai'r gweithiwr cymdeithasol sy'n cyd-drefnu'r asesiad cychwynnol ofyn i asiantaethau eraill am wybodaeth. Dylai'r gweithiwr cymdeithasol wneud natur a phwrpas y cais yn glir, a chofnodi'r cais a'r ymateb yn ysgrifenedig.

Diogelwch y plentyn sy'n cael blaenoriaeth dros yr angen i barchu cyfrinachedd proffesiynol. Cyfrifoldeb pob asiantaeth neu weithiwr proffesiynol yw cyfrannu'r holl wybodaeth berthnasol pan ddaw cais amdani, nid rhoi'r 'uchafbwyntiau' yn unig.

Os yw'r plentyn a'r teulu wedi byw dramor, dylid gofyn i'r asiantaethau perthnasol am wybodaeth. Dylai gweithwyr proffesiynol asiantaethau fel gwasanaethau iechyd, gwasanaethau cymdeithasol neu'r heddlu ofyn am y wybodaeth hon gan yr asiantaethau sy'n cyfateb iddyn nhw yn y wlad neu'r gwledydd mae'r plentyn wedi byw ynddyn nhw. Mae gwybodaeth am bwy i gysylltu â nhw ar gael o'r Swyddfa Dramor a Chymanwlad ar 0207 008 15000 (http://www.fco.gov.uk) neu'r Llysgenhadaeth neu Swyddfa'r Is-Gennad priodol. Efallai fod modd cael gwybodaeth gan y 'Gwasanaethau Cymdeithasol Rhyngwladol' hefyd. (Mae gwybodaeth fanwl am y bobl i gysylltu â nhw yn Atodiad D y ddogfen Ddiogelu Plant: Gweithio gyda'n Gilydd dan Ddeddf Plant 2004.)

3.3.4 Cwblhau'r asesiad cychwynnol

Bydd y wybodaeth sy'n cael ei chasglu wrth wneud asesiad cychwynnol yn sylfaen i'r broses o ddadansoddi'r hyn sy'n peri pryder ac yn rhan o drafodaeth neu gyfarfod strategaeth neu ymholiadau amddiffyn plant dan adran 47. Bydd y wybodaeth yn helpu penderfynu a yw plentyn mewn angen ac a oes angen cyngor, cefnogaeth neu wasanaethau arno. Bydd hefyd yn sail i asesiad craidd. Dylai'r asesiad cychwynnol gynnwys:

- Cyfweliadau gyda'r plentyn ac aelodau o'r teulu, fel sy'n briodol;
- Gofyn i asiantaethau eraill am wybodaeth
- Ystyried a oes angen gwneud archwiliad meddygol;
- Cofnod o'r dadansoddi cychwynnol, a dadansoddiad o'r wybodaeth hanesyddol;
- Penderfyniad ynglŷn ag unrhyw weithredu pellach, a beth i'w wneud os oes gweithredu i fod;

child's wishes that the parent is not made aware, providing the child is competent to take that decision. Where there are any doubts about seeking permission from parents, then they should not be approached. The issue of consent should be recorded. (Where the referral/enquiries are about a child in need parental consent is required.)

3.3.3 Requesting information from other agencies

The social worker co-ordinating the initial assessment should approach other agencies with requests for information. The social worker should make clear the nature and purpose of the request, and record the request and the response in writing.

The safety of the child takes precedence over the need to maintain professional confidentiality. It is the responsibility of each agency or individual professional to contribute all the relevant information when requested and not 'edited highlights'.

If the child and family have lived abroad information should be sought from relevant agencies. Professionals from agencies such as health, social services or police should request this information from their equivalent agencies in the country/countries in which the child has lived. Information about who to contact can be sought via the Foreign and Commonwealth Office on 0207 008 15000 (http://www.fco.gov.uk/) or the appropriate Embassy or Consulate. Information may also be available from International Social Services. (There is detailed information on armed services contacts in Appendix D of Safeguarding Children: Working Together under the Children Act 2004.)

3.3.4 Carrying out the initial assessment

The information obtained during the initial assessment stage will be used to analyse the causes for concern as part of a strategy discussion and/or meeting, and child protection section 47 enquiries. The information will help decide whether the child is in need and requires advice, support or services and also forms the basis of a core assessment. The initial assessment should include:

- Interviews with child and family members, as appropriate;
- Seeking information from other agencies;
- Consideration of the need for a medical assessment;
- Record of initial analysis, including analysis of historical information;
- A decision on whether to take further action, and, if so, what;
- Record of decisions and the reason for decisions;
- Informing other agencies of the decisions;
- Statement to the family of decision made and, if a child is in need, the plan for providing support.

- Cofnod o'r penderfyniadau, a'r rhesymau dros eu gwneud;
- Rhoi gwybod am y penderfyniadau i asiantaethau eraill;
- Datganiad o'r penderfyniad i'r teulu ac, os yw plentyn mewn angen, y cynllun ar gyfer cynnig cefnogaeth.

Blwch 5: Cynnwys plant o'r dechrau

- Yn aml iawn, mae gan blant ddarlun clir iawn o'r hyn sydd angen ei wneud i'w diogelu ac i sicrhau eu lles;
- Dylid helpu plant i ddeall sut mae canllawiau amddiffyn plant yn gweithio, sut y gellir eu cynnwys yn y broses a chyfrannu at y penderfyniadau ynglŷn â'u dyfodol;
- Dylid rhoi gwybodaeth i blant am y ffordd y gallan nhw gael gwasanaethau eiriolaeth a mynd at ffynonellau eraill o gymorth;
- Dylid gwrando ar blant ym mhob cam o'r broses amddiffyn plant a'u hysbysu mewn ffordd briodol am y penderfyniadau sy'n cael eu gwneud;
- Dylid ystyried ar bob adeg diogelwch brys y plentyn ac unrhyw blant eraill. Gofalwch fod y plentyn yn cael ei weld gan weithiwr cymdeithasol all asesu'r sefyllfa a chymryd unrhyw gamau brys angenrheidiol i'w amddiffyn.

Blwch 6: Cynnwys aelodau o'r teulu

- Archwiliwch gydag aelodau teulu sut y gellir eu cynnwys yn y broses asesu gan ddefnyddio dulliau amrywiol.
- Mae gweithio mewn partneriaeth gydag un neu fwy o aelodau'r teulu'n debygol o arwain at well ganlyniadau ar gyfer y plentyn yn y tymor hir.
- Gwrandewch yn ofalus ar yr hyn mae rhieni'n dweud, a chynigiwch gyngor, cefnogaeth a gwasanaethau os ydyn nhw'n briodol.
- Cofiwch roi sylw i gryfderau teulu yn ogystal â'i anawsterau.
- Cofiwch hysbysu rhieni am bwrpas a chynnydd y drefn asesu. Rhowch wybodaeth ysgrifenedig iddyn nhw.
- Gofalwch fod rhieni'n deall mai diogelu'r plentyn yw ystyriaeth gyntaf y gweithiwr cymdeithasol.
- Rhowch gyfle i'r rhieni ysgrifennu eu barn fel rhan o'r cofnod asesu.

Box 5: Involving children from the outset

- Children often have a clear perception of what needs to be done to ensure their safety and well being;
- Children should be helped to understand how child protection procedures work, how they can be involved and how they can contribute to decisions about their future;
- Children should also be given information about how to access advocacy services and other sources of support;
- Children should be listened to at every stage of the child protection process and kept informed appropriately about decisions being made;
- At all stages, consideration should be given to the immediate safety of the child and any other children. Make sure the child is seen by a social worker competent to make an assessment of the situation and who can take any immediate action needed to protect the child.

Box 6: Involving family members

- Explore with family members how they can be involved in assessment using various methods.
- Working in partnership with one or more family members is likely to have long-term beneficial outcomes for the child.
- Listen carefully to what parents have to say, offer advice, support and services, if appropriate.
- Remember to take account of family's strengths as well as their difficulties.
- Keep parents informed about the purpose, process and progress of the assessment and provide written information to them.
- Ensure that parents understand that the first consideration of the professionals involved is making sure their child is safe.
- Provide an opportunity for parents to write down their views as part of the assessment record.
- Provide child and family friendly leaflets and information

- Rhowch daflenni a gwybodaeth hawdd eu deall i'r plentyn a'r rhieni.

Mae'r asesiad cychwynnol yn rhoi sylw i'r cwestiynau sy'n dilyn:

- A yw'r plentyn mewn angen?
- Os yw, beth yw anghenion y plentyn?
- A oes achos rhesymol i amau bod y plentyn yn dioddef neu'n debygol o ddioddef niwed arwyddocaol?
- A yw'r rhieni'n gallu ymateb yn addas i anghenion y plentyn?
- A yw'r plentyn yn cael ei ddiogelu'n ddigonol rhag dioddef niwed arwyddocaol ac a yw'r rhieni'n gallu hybu iechyd a datblygiad eu plentyn?
- A oes angen gwasanaethau ar y plentyn?
- A oes angen gweithredu i ddiogelu a hybu lles y plentyn a lles unrhyw blant eraill a allai fod wedi dod i gysylltiad â'r camdriniwr honedig?

Blwch 7: Asesiad Cychwynnol ac Ymholiadau:

Deg problem a sut i'w hosgoi

1. Peidio â rhoi digon o bwys ar wybodaeth gan deulu, cyfeillion a chymdogion. Gofynnwch i'ch hunan: Fyddwn i wedi ymateb yn wahanol pe bai'r adroddiadau wedi dod gan rywun gwahanol? Sut gallaf i wirio a oes sail i'r adroddiadau ai peidio? Hyd yn oed os nad ydyn nhw'n gywir, ydyn nhw'n arwydd bod angen rhyw fath o help neu gefnogaeth ar y teulu?

2. Peidio â rhoi digon o sylw i'r hyn mae plant yn ei ddweud, eu hymddangosiad a'u hymddygiad. Gofynnwch i'ch hunan: A gefais i ddigon o gyfle i weld pob un o blant y teulu? Os fethais i â gweld plentyn, oes rheswm da iawn pam? Ydw i wedi trefnu i'w weld cyn gynted â phosib, neu wedi gofalu bod gweithiwr proffesiynol arall yn ei weld? Sut ddylwn i fynd ar ôl unrhyw anesmwythdra ynglŷn ag iechyd neu les y plentyn? Os yw'r plentyn yn ddigon hen ac mae'r sgiliau cyfathrebu ganddo, beth yw ei fersiwn e o'r digwyddiadau? Os yw'r plentyn yn defnyddio iaith arall heblaw Cymraeg neu Saesneg, neu fath arall o gyfathrebu di-eiriau, ydw i wedi gwneud digon i gael help rhywun arall i'w ddeall? Pa dystiolaeth sy'n profi neu'n gwrthbrofi fersiwn y person ifanc?

The initial assessment considers the following questions:

- Is this child in need?
- If so, what are the needs of the child?
- Is there reasonable cause to suspect that this child is suffering or is likely to suffer significant harm?
- Are the parents able to respond appropriately to the child's needs?
- Is the child adequately safeguarded from significant harm and are the parents able to promote their child's health and development?
- Is the child in need of services?
- Is action required to protect and promote the child's welfare and the welfare of any other children who may have had contact with the alleged abuser?

Box 7: Initial Assessment and Enquiries:

Ten pitfalls and how to avoid them

1. Not enough weight is given to information from family, friends and neighbours. Ask yourself: Would I react differently if these reports had come from a different source? How can I check whether or not they have substance? Even if they are not accurate, are they a sign that the family is in need of some help or support?

2. Not enough attention is paid to what children say, how they look and how they behave. Ask yourself: Have I been given appropriate access to all the children in the family? If I have not been able to see any child, is there a very good reason, and have I made arrangements to see him/her as soon as possible, or made sure that another relevant professional sees him/her? How should I follow up any uneasiness about the child's health or well being? If the child is old enough and has the communication skills, what is the child's account of events? If the child uses a language other than Welsh or English, or alternative non-verbal communication, have I made an effort to enlist help in understanding him/her? What is the evidence to support or refute the young person's account?

3. Attention is focused on the most visible or pressing problems and other warning signs are not appreciated. Ask yourself: What is the most striking thing about this situation? If this feature were to be removed or changed, would I still have concerns?

4. Pressures from high status officers or the press, who express fears that a child may die, lead to over-precipitate action. Ask yourself: Would I see this referral as a child protection matter if it came from another source?

5. Professionals assume that they have explained something clearly, and

3. Rhoi gormod o sylw i'r problemau mwyaf amlwg neu ddwys heb weld arwyddion rhybudd eraill. Gofynnwch i'ch hunan: Beth yw'r peth mwyaf trawiadol am y sefyllfa hon? Pe bai'r nodwedd hon yn cael ei dileu neu ei newid, a fyddwn i'n dal i bryderu?

4. Mae pwysau gan uwch swyddogion neu'r wasg, sy'n mynegi pryder y gallai plentyn farw, yn arwain at wneud pethau'n fyrbwyll. Gofynnwch i'ch hunan: A fyddwn i'n trin yr atgyfeiriad hwn fel mater amddiffyn plant pe bai rhywun arall wedi sôn amdano?

5. Mae gweithwyr proffesiynol yn cymryd yn ganiataol eu bod nhw wedi esbonio rhywbeth yn glir a bod y person arall wedi'i ddeall. Gofynnwch i'ch hunan: Ydw i wedi gwneud yn siŵr bod y teulu a'r plentyn/plant yn deall beth fydd yn digwydd nesa?

6. Mae rhagdybio a rhagfeirniadu teuluoedd yn arwain at anwybyddu neu gamddehongli arsylwadau. Gofynnwch i'ch hunan: Pa dystiolaeth gadarn, os oes tystiolaeth o gwbl, sy'n gwrthbrofi'r arsylwadau? Sut mae ffactorau eraill yn cadarnhau neu'n gwrth-ddweud honiad neu bryder?

7. Mae ymddygiad rhieni, p'un a ydyn nhw'n cydweithredu ai peidio, yn cael ei gamddehongli. Gofynnwch i'ch hunan: Beth oedd y rhesymau dros ymddygiad y rhieni? Oes posibiliadau eraill heblaw'r rhai amlwg? Oedd eu hymddygiad yn ymateb i rywbeth a wnes i neu a ddywedais i yn hytrach na rhywbeth yn ymwneud â'r plentyn? A yw'r ymddygiad yn dilyn straen neu bryder ynglŷn â sail fy ymholiadau i?

8. Pan mae'r ymholiad cychwynnol yn dangos nad yw'r plentyn mewn perygl o ddioddef niwed arwyddocaol, nid yw'r teulu'n cael ei atgyfeirio at wasanaethau eraill y maen nhw eu hangen er mwyn osgoi problemau yn y tymor hir. Gofynnwch i'ch hunan: A yw sefyllfa'r teulu'n foddhaol i ddiwallu anghenion y plentyn? P'un ai oes pryderon amddiffyn plant ai peidio, oes angen cefnogaeth neu help ymarferol ar y teulu? Sut gallaf i roi gwybod iddyn nhw am wasanaethau mae ganddyn nhw hawl i'w cael ac y gallan nhw ddewis eu defnyddio?

9. Pan mae teulu'n ymosodol neu'n codi ofn, mae gweithwyr proffesiynol yn amharod i drafod eu pryderon am eu diogelwch eu hunain a gofyn am help. Gofynnwch i'ch hunan: Oeddwn i'n teimlo'n ddiogel yn y cartref hwn? Os nad oeddwn i, pam? Os oes angen i mi neu weithiwr proffesiynol arall fynd yn ôl yno i ofalu am ddiogelwch y plant, pa gymorth dylwn i ofyn amdano? Os oes angen, ysgrifennwch at eich rheolwr ynglŷn â'ch pryderon.

10. Nid yw gwybodaeth o'r ymholiad cyntaf yn cael ei chofnodi'n ddigon da, nid yw ffeithiau'n cael eu gwirio ac nid yw'r rhesymau dros wneud penderfyniad yn cael eu nodi. Gofynnwch i'ch hunan: Ydw i'n siŵr bod y wybodaeth rwyf wedi'i nodi'n gwbl gywir? Os na wnes i wirio fy nodiadau gyda'r teulu yn ystod y cyfweliad, beth ddylwn i ei wneud i'w

the other person will have understood it. Ask yourself: Have I double-checked with the family and the child/ren that they understand what will happen next?

6. Assumptions and pre-judgements about families lead to observations being ignored or misinterpreted. Ask yourself: What, if any, is the hard evidence which refutes the observations? How are other factors supporting or contradicting an allegation or concern?

7. Parents' behaviour, whether co-operative or un-cooperative, is misinterpreted. Ask yourself: What were the reasons for the parents' behaviour? Are there other possibilities besides the most obvious? Could their behaviour have been a reaction to something I did or said rather than to do with the child? Is behaviour a reflection of stress and anxiety about why I have to make my enquiries?

8. When the initial enquiry shows that the child is not at risk of significant harm, the family is not referred to other services that they need to prevent longer-term problems. Ask yourself: Is this family's situation satisfactory for meeting the child's needs? Whether or not there is a child protection concern, does the family need support or practical help? How can I make sure they know about services they are entitled to, and can access them if they wish?

9. When faced with an aggressive or frightening family, professionals are reluctant to discuss concerns for their own safety and ask for help. Ask yourself: Did I feel safe in this household? If not, why not? If I, or another professional, should go back there to ensure the children's safety, what support should I ask for? If necessary, put your concerns and requests in writing to your manager.

10. Information taken at the first enquiry is not adequately recorded, facts are not checked and reasons for decisions are not noted. Ask yourself: Am I sure the information I have noted is 100% accurate? If I didn't check my notes with the family during the interview, what steps should I take to verify them? Do my notes show clearly the difference between the information the family gave me, my own direct observations, and my interpretation or assessment of the situation? Do my notes record what action I have taken/will take and what action all other relevant people have taken/will take?

3.3.5 Completion of the initial assessment and the possible outcomes

Following the completion of the initial assessment a decision must be made about the next course of action. This decision must be taken by the appropriate personnel in social services with responsibility for child protection, in consultation with the police, and must take account of the

cadarnhau? Ydi fy nodiadau'n dangos yn glir y gwahaniaeth rhwng y wybodaeth a gefais i gan y teulu, fy arsylwadau uniongyrchol i, a fy nehongliad neu asesiad o'r sefyllfa?

3.3.5 Cwblhau'r asesiad cychwynnol a'r canlyniadau posib

Ar ôl cwblhau'r asesiad cychwynnol, rhaid penderfynu beth i'w wneud nesaf. Rhaid i staff priodol y gwasanaethau cymdeithasol sy'n gyfrifol am amddiffyn plant wneud y penderfyniad hwn, ar ôl ymgynghori â'r heddlu. Wrth benderfynu, rhaid iddyn nhw roi sylw i ganlyniadau'r asesiad cychwynnol. Os oes digon o bryder bod plentyn mewn perygl o ddioddef niwed arwyddocaol, dylid trefnu trafodaeth strategaeth cyn gynted â phosib, ac o fewn 24 awr fan bellaf i'r adeg y gwnaed y penderfyniad.

Efallai y bydd asesiad craidd yn cael ei gychwyn ar unwaith.

Rhaid cofnodi'n glir y penderfyniad am beth fydd yn digwydd nesaf, y rhesymau dros y penderfyniad, a'r gweithredu dilynol. Rhaid i'r person a wnaeth y penderfyniad lofnodi'r cofnod.

Dylid trafod gyda'r plentyn a'r teulu beth fydd yn digwydd nesaf, oni bai fod y rheolwr sy'n gyfrifol yn teimlo y byddai'r fath drafodaeth yn rhoi'r plentyn mewn perygl o ddioddef niwed arwyddocaol. Rhaid i'r gwasanaethau cymdeithasol gofnodi'r penderfyniad yma a'u rhesymau dros ei wneud.

Gall canlyniadau'r asesiad cychwynnol fod yn un neu fwy o'r posibiliadau sy'n dilyn:

- Dim rhagor o weithredu;
- Cynnig gwasanaethau i blentyn fel plentyn mewn angen dan adran 17 Deddf Plant 1989;
- Mynd ati i wneud asesiad craidd;
- Cynnal trafodaeth neu gyfarfod strategaeth i benderfynu a oes gofyn gwneud ymholiadau amddiffyn plant dan adran 47;
- Gweithredu ar frys wedi'i gynllunio os yw bywyd plentyn mewn perygl neu fod gwir berygl y bydd y plentyn yn cael niwed ar unwaith. Dylai'r fath weithredu, pan fo hynny'n bosib, ddigwydd ar ôl cyfarfod strategaeth. Ond, yn yr achosion lle mae'n rhaid i'r heddlu neu'r gwasanaethau cymdeithasol weithredu ar unwaith i amddiffyn plentyn, dylid cynnal cyfarfod strategaeth cyn gynted â phosib ar ôl y fath weithredu i gynllunio'r camau nesaf.

results of the initial assessment. If there are sufficient concerns in relation to significant harm for a child, a strategy discussion should be arranged as soon as possible and take place no later than 24 hours after making this decision.

A core assessment may be initiated at the outset.

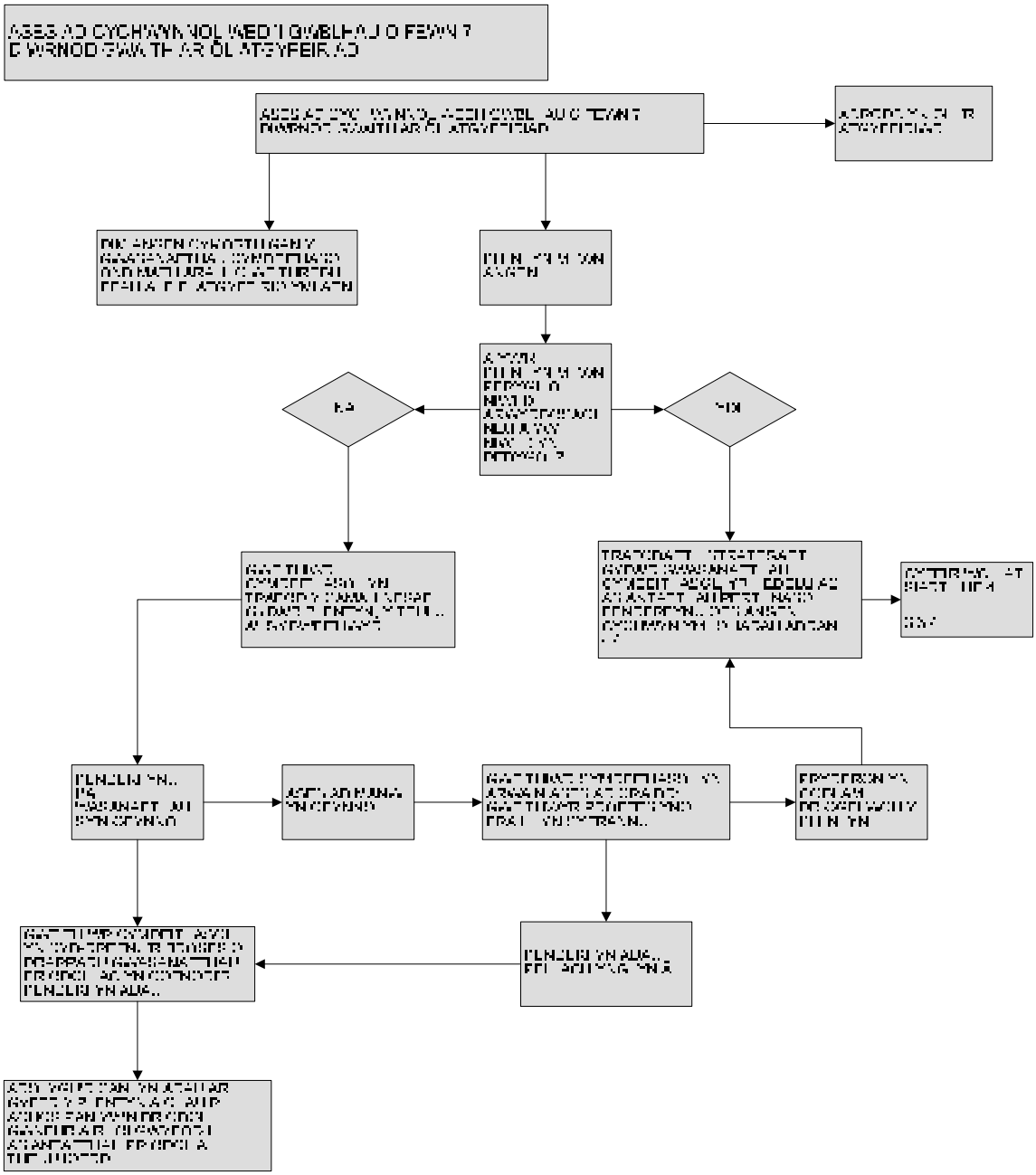
The decision about what will happen next, the reasons for this and the subsequent action taken, should be clearly recorded and the record signed by the person making the decision.

A discussion should also take place at this stage with the child and family about what will happen next, unless such a discussion would, in the view of the responsible manager, be likely to place the child at risk of significant harm. Social services must record this decision with their reasons.

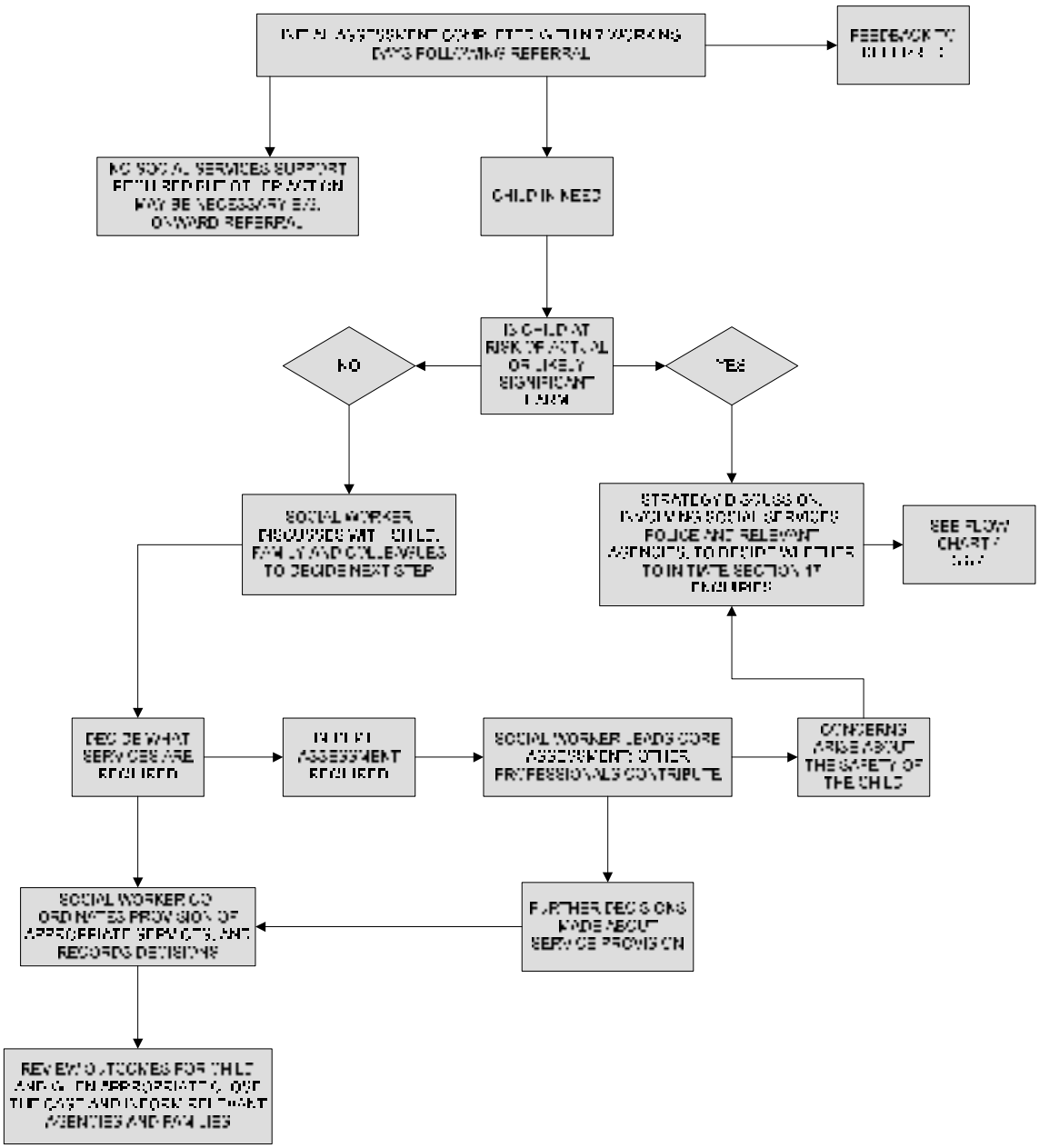
The outcome of the initial assessment may be one or more of the following possibilities:

- No further action;
- Offer services under section 17 Children Act 1989 as a child in need;
- Undertake a core assessment;
- Strategy discussion/meeting that will determine whether child protection section 47 enquiries are required;
- Planned emergency action if there is a risk to the life of a child or a likelihood of serious risk of immediate harm. Such action should, where possible, take place following a strategy meeting, but where the police or social services have to act immediately to protect a child, a strategy meeting should take place as soon as possible after such action to plan the next steps.

3.3.6 Siart llif 2: gweithredu yn dilyn asesiad cychwynnol



3.3.6 Flow chart 2: action following initial assessment



3.4 Y Drafodaeth Strategaeth

3.4.1 Cwmpas a phwrpas y drafodaeth strategaeth

Pwrpas y drafodaeth strategaeth yw rhannu'r wybodaeth a gafodd ei chasglu hyd yma, a'i thrafod yn fanwl yng nghyd-destun natur y pryderon. Rhaid penderfynu a oes angen cychwyn ymholiadau amddiffyn plant dan adran 47, neu parhau ag ymholiadau os oes rhai eisoes wedi'u cychwyn. Rhaid dechrau, felly, ar asesiad craidd fel y dull o wneud yr ymholiadau hynny.

Ar unrhyw adeg ar ôl derbyn atgyfeiriad, pan fo achos rhesymol i amau fod plentyn yn dioddef neu'n debygol o ddioddef niwed arwyddocaol, dylid cwblhau asesiad cychwynnol byr a chynnal trafodaeth strategaeth. Gallai'r drafodaeth ddigwydd mewn cyfarfod neu drwy gyfrwng dull arall fel dros y ffôn neu gydag offer fideo gynadledda.

Dylid cynnal trafodaeth strategaeth o leiaf rhwng staff perthnasol sy'n gyfrifol am amddiffyn plant yn yr heddlu a'r gwasanaethau cymdeithasol a'r asiantaeth sy'n atgyfeirio. Dylai'r drafodaeth gynnwys gweithwyr proffesiynol perthnasol eraill mewn meysydd fel iechyd ac addysg. Os yw archwiliad meddygol yn ofynnol, dylid cynnwys paediatregydd ymgynghorol o'r gwasanaeth sy'n darparu. Efallai ei bod hi'n briodol cynnwys cyfreithiwr yr awdurdod lleol os yw mesurau cyfreithiol brys dan ystyriaeth.

Dylai'r staff sy'n ymwneud â'r drafodaeth fod o statws ddigon uchel i wneud penderfyniadau ar ran eu hasiantaethau. Gallai'r drafodaeth ddigwydd naill ai gyda phawb yn bresennol, neu drwy siarad dros y ffôn. Dylai ddigwydd cyn gynted â phosib ac o fewn 24 awr i'r penderfyniad i'w chynnal. Gallai ddigwydd ar unrhyw adeg ar ôl i atgyfeiriad gael ei wneud neu ar adegau eraill, er enghraifft, pan fo plentyn eisoes yn cael gwasanaethau dan adran 17 fel plentyn mewn angen, a bod pryderon ynglŷn â niwed arwyddocaol wedi codi.

Dylai'r drafodaeth strategaeth gytuno pa weithredu sy'n ofynnol a gosod amserlen ar gyfer y gweithredu. Dylai gytuno pa wybodaeth am y drafodaeth strategaeth sy'n cael ei rhannu gyda'r teulu. Dylai gweithwyr proffesiynol roi gwybodaeth lawn i'r teuluoedd, oni bai y byddai rhannu gwybodaeth fel hyn yn rhoi'r plentyn mewn perygl o ddioddef niwed arwyddocaol a/neu beryglu ymchwiliadau'r heddlu i unrhyw drosedd honedig.

Rhaid i'r drafodaeth strategaeth ystyried anghenion plant eraill a allai gael eu heffeithio, er enghraifft, brodyr a chwiorydd neu blant eraill sy'n dod i gysylltiad â phobl sy'n cael eu cyhuddo o gam-drin.

Dylai'r drafodaeth gytuno ar y bobl sydd i gael eu cyfweld, pwy fydd yn eu cyfweld, ac i ba bwrpas. Dylid rhoi sylw i anghenion neilltuol o ran iaith neu gyfathrebu. Wrth benderfynu sut mae mynd ati i wneud ymholiadau dan adran 47 ac ymchwiliadau'r heddlu, dylai'r gwasanaethau cymdeithasol a'r heddlu weithio dan brotocol mae Byrddau Lleol Diogelu Plant wedi'i

3.4 The Strategy Discussion

3.4.1 Scope and purpose of the strategy discussion

The purpose of the strategy discussion is to share and discuss in detail all information gathered to date, as well as the nature of the concern. A decision must be made whether to initiate child protection section 47 enquiries, or continue with them if they have already begun, and therefore begin a core assessment as the means by which those enquiries will be undertaken.

At any stage following receipt of a referral, where there is reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm, then a brief initial assessment should be completed and a strategy discussion held. The discussion may take place at a meeting or by other means such as telephone or video conferencing.

A strategy discussion should take place as a minimum between appropriate personnel with responsibility for child protection in police and social services and the referring agency. The discussion should include other relevant professionals such as health and education. Where a medical examination may be required a consultant paediatrician from the providing service should be involved. It may be appropriate to involve the local authority's solicitor if emergency legal measures are being considered.

The staff involved in the discussion should be sufficiently senior to make decisions on behalf of their agency. The discussion can take place either in person or over the telephone. It should happen at the earliest opportunity within 24 hours of the decision to hold it. It may take place at any stage following referral or may occur at other times where for example the child is already in receipt of services under section 17 as a child in need and concerns about significant harm have been identified.

The strategy discussion should agree the course of action required and time-scales set for those actions to be carried out. It should agree what information about the strategy discussion is shared with the family. Professionals should keep families fully informed unless such information sharing may place the child at risk of significant harm and/or jeopardise police investigations into any alleged offence(s).

The strategy discussion must consider the needs of other children who may be affected such as siblings or those children in contact with alleged abusers.

The discussion should agree who is to be interviewed, by whom, and for what purpose. Particular needs relating to language or communication should be considered. Social services and police should work within a protocol endorsed by the LSCB and agreed by both agencies in determining

gadarnhau a'r ddwy asiantaeth wedi'i gytuno. Dylai hynny gynnwys lleoliad ar gyfer y cyfweliadau a'r staff sy'n mynd i'w harwain.

Pan bwriedir cwblhau ymholiadau amddiffyn plant dan adran 47, rhaid i bob gweithiwr proffesiynol ofalu ei fod yn gwneud yr ymholiadau mewn ffordd sy'n achosi y lleiaf o ofid i'r plentyn. Wrth gadw plant yn ddiogel, rhaid dangos parch a sensitifrwydd at deuluoedd. Dylai gweithwyr cymdeithasol esbonio pwrpas a chanlyniad yr ymholiadau i'r rheini a'r plant (yn ôl eu hoedran a'u gallu i ddeall). Dylen nhw fod yn barod i ateb cwestiynau'n agored oni bai y byddai gwneud hynny'n peryglu diogelwch neu les y plentyn. Gall gwybodaeth fod yn gyffredinol ac yn benodol, yn cynnwys lle i fynd i gael cyngor, eiriolaeth a chymorth.

Bydd y ffordd mae achos yn cael ei drin o'r cychwyn cyntaf yn effeithio ar bopeth sy'n dilyn. Mae trin achosion yn dda, a dangos sensitifrwydd, yn ei gwneud hi'n bosib dylanwadu'n gadarnhaol ar y canlyniadau a ddaw yn y pen draw i'r plentyn a'r teulu.

3.4.2 Canlyniadau posib y drafodaeth strategaeth

Gall y drafodaeth strategaeth arwain at benderfyniad i ddilyn un o'r chwe llwybr gweithredu sy'n dilyn:

- **Dim camau pellach** os yw'n ymddangos yn glir nad oes sail i'r honiad ac nid oes pryderon eraill;
- **Atgyfeiriad i'r gwasanaethau cefnogi** os yw ymholiadau rhagarweiniol wedi amlygu anghenion sylweddol am gefnogaeth a gwasanaethau nad sy'n cael eu diwallu a does dim problemau o ran niwed arwyddocaol;
- **Ymholiadau amddiffyn plant dan adran 47;**
- **Asesiad Craidd, naill ai dan adran 47 neu adran 17;**
- **Cyfarfod Strategaeth i gynllunio'r ymholiadau amddiffyn plant dan adran 47 a/neu ymchwiliad troseddol os yw achos y pryder yn parhau;**
- **Gweithredu ar frys i ddiogelu'r plentyn os y farn yw ei fod mewn perygl o ddioddef niwed arwyddocaol ar unwaith.**

Dylai'r bobl sy'n gwneud penderfyniadau yn ystod y drafodaeth strategaeth gytuno ar y penderfyniadau a'r rhesymau dros eu gwneud, a'u cofnodi'n glir.

3.4.3 Adrodd yn ôl i'r atgyfeiriwr

Dylid adrodd yn ôl i'r sawl sy'n atgyfeirio o fewn 10 diwrnod i ddyddiad yr atgyfeiriad gwreiddiol. Os daeth yr atgyfeiriad gan aelod o'r cyhoedd, dylid adrodd yn ôl mewn ffordd sy'n parchu cyfrinachedd y plentyn a'i deulu.

how child protection section 47 enquiries and police investigations should be conducted including location for the interviews and the personnel to undertake the interviews.

When child protection section 47 enquiries are to be undertaken all professionals should ensure that they conduct the enquiries in a way that minimises distress to the child and ensures families are treated sensitively and with respect whilst keeping children safe. Social workers should explain the purpose and outcome of the enquiries to parents and children (subject to their age and understanding) and be prepared to answer questions openly unless to do otherwise would compromise the safety or well being of the child. Information can be general as well as specific including sources of advice, advocacy and support.

The way in which a case is handled at the outset will affect the entire subsequent process. Handling enquiries well, and with sensitivity, creates better prospects for a positive effect on the eventual outcomes for the child and family.

3.4.2 Possible outcomes of the strategy discussion

The strategy discussion may result in the decision to take one or more of the following six courses of action:

- **No further action** if it transpires that the allegation is without substance and there are no other concerns;
- **Referral for support services** if preliminary enquiries have revealed significant unmet needs for support and services but no issues in relation to significant harm;
- **Child protection section 47 enquiries;**
- **Core Assessment, under either section 47 or section 17;**
- **Strategy Meeting to plan the child protection section 47 enquiries and/or criminal investigation where there is continuing cause for concern;**
- **Emergency action to safeguard the child if he or she is considered to be at imminent risk of significant harm.**

All decisions made during the strategy discussion and the reasons for those decisions should be clearly agreed and recorded by the people making them.

3.4.3 Feedback to the referrer

Feedback should be provided to the referrer within 10 days of the original referral. If the referral has been received from a member of the public, this feedback should be given in a manner consistent with respecting the confidentiality of the child and their family.

Mewn rhai achosion, gall y bydd yr atgyfeiriwr yn dymuno herio canlyniad y drafodaeth strategaeth. Dylai gweithwyr proffesiynol gyflwyno eu pryderon i'w rheolwyr llinell eu hunain ac i'r uwch reolwr yn y gwasanaethau cymdeithasol sy'n gyfrifol am amddiffyn plant. Dylent ofyn i'r broses gael ei hailagor. Dylai defnyddwyr y gwasanaeth neu aelodau o'r cyhoedd ddefnyddio trefn gwyno'r asiantaeth, ar ôl ailgyfeirio'u pryderon yn gyntaf at y rheolwr tîm perthnasol. Dylai pob Bwrdd Lleol Diogelu Plant ofalu bod protocol ar gyfer delio â sefyllfaoedd lle mae rhywun yn herio penderfyniadau neu mae gweithwyr proffesiynol yn anghytuno.

3.5 Y Cyfarfod Strategaeth

3.5.1 Cwmpas a phwrpas y cyfarfod strategaeth

- Gallai'r drafodaeth strategaeth gytuno bod angen cynnal cyfarfod strategaeth. Dylai protocolau a gweithdrefnau lleol ddisgrifio'r amgylchiadau pan fyddai angen trefnu cyfarfod strategaeth. Dyma rai enghreifftiau o'r fath amgylchiadau:
- Cam-drin rhywiol (plentyn a throseddwr sy'n blentyn);
- Esgeulustod;
- Anafiadau corfforol;
- Cam-drin emosiynol;
- Pryderon cyn i blentyn gael ei eni;
- Honiadau bod rhywun mae pobl yn ymddiried ynddo'n cam-drin;
- Honiadau bod gweithiwr proffesiynol/aelod o staff yn cam-drin yn ei waith neu ei fywyd personol (cyfeiriwch at 4.3.6);
- Digwyddiad o gam-drin domestig arwyddocaol pan mae'r plentyn yn bresennol yn y cartref, neu fwy nag un digwyddiad o'r fath;
- Honiadau neu bryderon fod rhywun yn cam-fanteisio'n rhywiol ar blentyn;
- Honiadau neu bryderon fod plentyn yn destun i salwch ffug neu salwch gwneud;
- Mae'r heddlu wedi defnyddio'u pwerau amddiffyn brys i symud plentyn o ofal riant neu un sy'n rhoi gofal;
- Pan fo pryderon ac mae teulu'n symud cyn i ymholiadau amddiffyn plant dan adran 47 gael eu cwblhau;
- Pan mae teulu'n symud i'r ardal o ardal arall, ac mae ymholiad amddiffyn plant dan adran 47 heb ei ddatrys;

In some cases, referrers may wish to challenge the outcome of the strategy discussion. Professionals should make representation via their own line manager and also by reporting their concerns to the senior manager in social services responsible for child protection, asking for the process to be re-opened. Service users or members of the public should use the agency complaints procedure; having first re-referred their concerns to the relevant team manager, each LSCB should ensure that they have a local protocol in place for dealing with challenges to decisions/professional differences.

3.5 The Strategy Meeting

3.5.1 Scope and purpose of the strategy meeting

- The strategy discussion may agree that a strategy meeting should be held. Local protocols and procedures should describe the circumstances under which a strategy meeting should be arranged. The following circumstances are examples:
- Sexual abuse (child and child offender);
- Neglect;
- Physical injury;
- Emotional abuse;
- Pre-birth concerns;
- Alleged abuse by a person in a position of trust;
- Alleged abuse by a professional/staff member in their professional or private capacity (see 4.3.6))
- An incident of significant or repeated domestic abuse where the child is present in the household;
- Allegations or concerns that a child is being sexually exploited;
- Allegations or concerns that a child is subject of fabricated or induced illness;
- The police have used their emergency powers of protection to remove a child from a parent or caregiver;
- Where there are concerns and a family moves before child protection section 47 enquiries are complete;
- Where a family moves in from another area, and there is an outstanding child protection section 47 enquiry;
- The non accidental death of a child in a household where other children continue to live;
- Multi Agency Public Protection Arrangements (MAPPA) have identified potential risk to a specific child from a prisoner being released from custody;

- Pan mae plentyn wedi marw heb fod hynny yn achos o farwoaeth trwy ddamwaun ac mae plant eraill yn dal i fyw yn y cartref;
- Pan mae'r Trefniadau Amlasiantaethol ar gyfer Diogelu'r Cyhoedd (MAPPA) wedi adnabod risg posib i blentyn neilltuol wrth i garcharor gael ei ryddhau o garchar;
- Mae plentyn ar goll neu wedi bod ar goll o'i gartref neu ofal am dros saith diwrnod neu'n amlach na theirgwaith mewn cyfnod o 12 mis.

Dylai un o reolwyr y gwasanaethau cymdeithasol gadeirio'r cyfarfod strategaeth. Dylai'r cyfarfod benderfynu a fydd yr ymholiadau'n mynd ymhellach ai peidio ac, os byddan nhw, rhaid cynllunio'r drefn a'r broses o reoli'r ymholiadau.

Mae tri cham sylfaenol i bob cyfarfod a thrafodaeth strategaeth:

- Llunio rhestr o'r pwyntiau gweithredu gan gytuno ar amserlen ar gyfer pob pwynt ac enw'r sawl a fydd yn gyfrifol am ei weithredu;
- Cylchredeg cofnod clir o'r drafodaeth neu'r cyfarfod i bawb oedd yn bresennol ac i bawb sy'n gyfrifol am bwynt gweithredu;
- Pennu dull ar gyfer adolygu a yw'r pwyntiau gweithredu wedi cael eu gweithredu. Mae'r dyddiad ar gyfer yr adolygiad cyntaf yn cael ei gytuno a'i gofnodi.

Yn ystod y cyfarfod strategaeth, bydd yr heddlu a'r gwasanaethau cymdeithasol yn penderfynu ai un asiantaeth fydd yn ymholi i'r atgyfeiriad, neu a fydd yn ymholiad ar y cyd. Ni ddylid cael ymholiadau/ymchwiliadau ar wahân na rhai sydd heb eu cysylltu a'i gilydd. Dylai'r penderfyniadau hyn gael eu llywio gan brotocolau mae'r ddau wasanaeth wedi'u cytuno a'r Bwrdd Lleol Diogelu Plant wedi'u cymeradwyo.

Pan fydd pawb yn cytuno mai un asiantaeth fydd yn ymchwilio, yr asiantaeth honno fydd yn penderfynu ar y strategaeth ar gyfer ei hymholiad, gan ymgynghori â'r asiantaeth arall. Dylid cofnodi'n ofalus yn ôl canllawiau lleol y rheswm dros benderfynu mai un asiantaeth yn unig fydd yn ymchwilio. Os daw hi'n amlwg ar unrhyw adeg yn ystod yr ymholiad fod y meini prawf ar gyfer ymholiad ar y cyd wedi'u bodloni, rhaid cysylltu'n syth â'r asiantaeth arall gyda'r nod o drefnu trafodaeth neu gyfarfod strategaeth arall.

3.5.1.1 Materion sy'n croesi ffiniau a'r cyfarfod strategaeth

Cyfeiriwch at 3.2.4 a 4.4.

3.5.2 Cynllunio'r cyfarfod strategaeth

Dylai staff yr heddlu a'r gwasanaethau cymdeithasol, ynghyd â gweithwyr proffesiynol eraill o'r gwasanaethau addysg ac iechyd neu bobl eraill a allai helpu i gynllunio'r ymholiadau, fod yn bresennol bob amser yn y cyfarfod

- A child is or has been missing from home or care for more than 7 days or on more than three occasions in a 12-month period.

The strategy meeting, which should be chaired by a social services manager, should decide whether the enquiries will proceed further and if so, plan the process and management of the enquiries.

All strategy meetings and discussions follow three basic steps:

- A list of action points are drawn up, each with an agreed timescale and the identity of the person responsible for carrying them out;
- A clear record of the discussion or meeting is circulated to all those present and all those with responsibility for an action point;
- A mechanism for reviewing completion of the action points is specified. The date upon which the first review is to take place is agreed and documented.

During the strategy meeting the police and social services will decide whether the referral requires a single or joint agency enquiry. There should never be separate or unrelated enquiries/investigations. These decisions should be guided by protocols agreed between the two services and approved by the LSCB.

Where it is agreed that one agency will investigate, that agency will determine the strategy for its enquiry in consultation with the other. The reason for deciding that one agency alone will investigate should be carefully recorded in accordance with local procedures. If at any point during a single agency enquiry, it becomes apparent that the criteria for a joint enquiry are met, immediate contact must be made with the other agency with a view to convening a further strategy discussion/meeting.

3.5.1.1 Cross border issues and the strategy meeting

See 3.2.4 and 4.4.

3.5.2 Planning the strategy meeting

Both police and social services staff, together with other professionals from education and health or other people who can assist in the planning process of the enquiries, should always attend the strategy meeting. A paediatrician should attend when a medical examination of the child has been undertaken or is likely to be required. Where possible the professional who made the referral should be invited to the strategy meeting. It is important to ensure that these other people are invited to attend any strategy meeting in order that they are able to share information and assist in the decision making process.

strategaeth. Dylai paediatregydd ddod i'r cyfarfod pan mae archwiliad meddygol wedi cael ei wneud ar y plentyn neu mae'n debygol y bydd gofyn gwneud un. Lle bynnag y bo hynny'n bosib, dylid gwahodd y gweithiwr proffesiynol a atgyfeiriodd yr achos i ddod i'r cyfarfod strategaeth. Mae'n bwysig gofalu bod y bobl yma yn cael eu gwahodd i unrhyw gyfarfod strategaeth er mwyn iddyn nhw rannu gwybodaeth a helpu yn y broses o wneud penderfyniadau.

Os cychwynwyd achos gofal ac mae gwarcheidwad plant (sy'n cael ei alw hefyd yn swyddog achosion teulu yng Nghymru) wedi cael ei benodi, dylid gwahodd y gwarcheidwad i'r cyfarfod strategaeth fel sylwebydd.

Lle mae asesiad cychwynnol wedi cael ei gwblhau, bydd y cyfarfod strategaeth yn cael ei gynnal dim hwyrach na chyfanswm o wyth diwrnod gwaith o'r dyddiad y derbyniwyd yr atgyfeiriad. Dylid ei gynnal yn gynt os oes lle i amau niwed arwyddocaol i blentyn cyn hynny.

3.5.3 Y materion i'w trafod yn y cyfarfod strategaeth

Dylai cyfarfod strategaeth:

- Rannu'r holl wybodaeth sydd ar gael;
- Penderfynu a oes angen dechrau ar ymholiadau amddiffyn plant dan adran 47 a/neu ymchwiliad troseddol, neu barhau ag ymholiadau os oes rhai eisoes ar waith;
- Cytuno ar yr amserlen ar gyfer ymholiadau amddiffyn plant dan adran 47;
- Cytuno ar gynllun ar gyfer ymholiadau amddiffyn plant dan adran 47 fel rhan o'r asesiad craidd. Byddai hynny'n cynnwys penderfynu pa wybodaeth arall am y plentyn neu'r plant a'r teulu sydd ei hangen, a sut mae mynd ati i'w chasglu;
- Cytuno pwy fydd yn ffurfio'r tîm ymholiadau;
- Cytuno pa weithredu brys sydd ei angen, os o gwbl, i ddiogelu'r plentyn, a/neu drefnu gwasanaethau dros dro tra bo'r ymholiadau'n cael eu cwblhau;
- Penderfynu a oes angen cymryd camau cyfreithiol;
- Cynllunio sut mae mynd ati i gwblhau'r ymholiadau, yn cynnwys yr angen am archwiliad/asesiad meddygol a thriniaeth. Dylid cynllunio hynny gyda meddyg sydd wedi'i hyfforddi'n briodol (paediatregydd fel arfer);
- Penderfynu pwy sydd i gael eu cyfweld, pwy sydd am arwain y cyfweliadau, a phryd, ble ac i ba bwrpas y bydd y cyfweliadau'n cael eu cynnal. Bydd hyn yn cynnwys cyfweld y sawl a roddodd wybod am yr achos yn y lle cyntaf os nad yw wedi cael ei gyfweld yn barod;

If care proceedings have started and a children's guardian (also referred to in Wales as a family proceedings officer) has been appointed, the guardian should be invited to the strategy meeting as an observer.

Where an initial assessment has been undertaken, the strategy meeting will take place no later than a maximum of 8 working days from the receipt of the referral and sooner if there is cause to suspect significant harm to a child at an earlier stage.

3.5.3 Matters to be discussed at the strategy meeting

The strategy meeting should:

- Share all available information;
- Decide whether child protection section 47 enquiries and/or criminal investigation should be started or continued if they have already begun;
- Agree the timetable for child protection section 47 enquiries;
- Agree a plan for child protection section 47 enquiries as part of the core assessment, including deciding what further information is needed about the child or children and family and how it should be obtained;
- Agree who will form the team undertaking the enquiries;
- Agree what immediate action if any is needed to safeguard the child, and/or provide interim services while enquiries are taking place;
- Determine if legal action is required;
- Plan how enquiries should be handled, including the need for a medical examination/assessment and treatment. This should be planned with an appropriately trained doctor, usually a paediatrician;
- Decide who is to be interviewed, by whom, when, where and with what purpose. This will include interviewing the original informant if this has not already been done;
- Agree in particular how the child's wishes and feelings will be ascertained so that they can be taken into account when making decisions;
- Agree whether or not any investigative interview with the child is video recorded, with reasons for this decision. Agree who else needs to be present at the interview with the child;
- Decide whether or not it is in the child's best interest to seek consent from the parents for interviewing the child;

- Cytuno'n benodol sut mae cael gwybod am ddymuniadau a theimladau'r plentyn er mwyn eu hystyried wrth wneud penderfyniadau;
- Cytuno ai'r bwriad yw recordio'r cyfweliad gyda'r plentyn ar fideo ai peidio, gan nodi'r rhesymau dros wneud y penderfyniad. Cytuno pwy arall ddylai fod yn bresennol yn y cyfweliad gyda'r plentyn;
- Penderfynu a yw er lles pennaf y plentyn ai peidio i ofyn i'r rhieni gydsynio iddo gael ei gyfweld;
- Os yw'n briodol, penderfynu pwy sydd i gysylltu â'r rhiant/rhieni i ofyn iddyn nhw gydsynio i'r plentyn gael ei gyfweld, i'r cyfweliad gael ei recordio ar fideo ac i'r plentyn gael archwiliad meddygol (os oes bwriad eu gwneud);
- Ystyried pa gamau i'w cymryd os yw rhiant neu blentyn yn gwrthod cydsynio â chyfweliad neu asesiad meddygol;
- Ystyried lefel datblygiad y plentyn, unrhyw anabledd neu ystyriaethau iaith, a pha drefniadau a fyddai angen eu gwneud i gynnig cyfweliad i'r plentyn yn ei ddewis iaith;
- Rhoi sylw i anghenion a diogelwch plant eraill a allai gael eu heffeithio, yn cynnwys brodyr a chwiorydd a phlant eraill sy'n dod i gysylltiad â'r cam-driniwr honedig. Rhaid ystyried oes angen ymestyn yr ymholiad i gynnwys unrhyw rai o'r plant hynny. Yn aml, bydd yn briodol cael asesiad meddygol o'r holl frodyr a chwiorydd;
- Cytuno pwy fydd yn cyfweld y camdriniwr honedig, a phryd;
- Penderfynu sut mae rhannu gwybodaeth gyda'r plentyn ac aelodau o'r teulu, oni bai y gallai rhannu'r fath wybodaeth roi'r plentyn mewn perygl o ddioddef niwed arwyddocaol neu y byddai'n peryglu ymchwiliadau'r heddlu i unrhyw drosedd(au) posib;
- Cytuno pa weithwyr proffesiynol nad sy'n bresennol yn y cyfarfod strategaeth ddylai wybod am yr achos ar yr adeg hwn;
- Cytuno i bwy y bydd y tîm sy'n gwneud yr ymholiadau'n adrodd, pa mor aml y byddan nhw'n adrodd, a sut mae mynd ati i adolygu'r cynnydd. Mae'n bwysig penderfynu oes angen trefnu cyfarfod strategaeth arall er mwyn gofalu bod y gwaith yn mynd yn ei flaen, casglu mwy o wybodaeth, asesu gwybodaeth newydd, neu archwilio canlyniadau'r ymholiad cyn cynnal cynhadledd amddiffyn plant. Efallai, yn ôl amgylchiadau'r achos, y bydd yn briodol cynnal mwy nag un cyfarfod/trafodaeth strategaeth;
- Ystyried pa wybodaeth y bydd yr heddlu'n ei rhoi i'r plentyn, a phryd i'w rhoi, er mwyn iddo gael gwybod am ganlyniad ymchwiliad yr heddlu yn y pen draw.

- If appropriate, decide who is to contact the parent(s) and obtain consent for interviewing the child, any video recording and medical examination;
- Consider what steps should be taken if a parent or child refuses consent for interview or medical assessment;
- Consider the child's level of development, any disability or any language issues, and what arrangements might be needed to offer the child an interview in their language of choice;
- Consider the needs and safety of other children who may be affected, including siblings and other children in contact with the alleged abuser and whether to extend the enquiry to include any of these children. It is often appropriate to have medical assessments of all siblings;
- Agree who will interview the alleged abuser and when;
- Determine how information will be shared with the child and family members, unless such information sharing may place a child at risk of significant harm or jeopardise police investigations into any alleged offence(s);
- Agree which professionals not present at the strategy meeting should be informed at this stage;
- Decide to whom the team undertaking the enquiries will report, with what frequency and how progress will be reviewed. It is important to decide whether to reconvene a strategy meeting in order to check on progress, to gather more information or to assess new information or examine the results of the enquiry prior to a child protection conference. More than one strategy meeting/discussion may be appropriate depending on the circumstances of the case;
- Consider what information will be given by the police, and when, to inform the child about the eventual outcome of the police investigation.

All decisions made and the basis for them should be clearly recorded. This will include timescales and the identity of the named person responsible for implementing the decision or action agreed by the parties to the meeting. The minutes should include a record of those invited, attendees and apologies received. The minutes should be circulated to those invited and to agencies involved with the child, within five working days. The record of discussion or minutes of the meeting must state how the agreed actions will be reviewed. The chair decides at the meeting who will receive a copy of the minutes.

In the event of a request for copies of the minutes to be provided to anybody else other than those invited to attend the strategy meeting, the chair of the

Rhaid cofnodi pob penderfyniad yn glir, a'r rheswm dros ei wneud. Bydd hyn yn cynnwys amserlenni ac enwi'r sawl sy'n gyfrifol am weithredu'r penderfyniadau neu'r hyn mae pawb yn y cyfarfod wedi'i gytuno. Dylai'r cofnodion gofnodi enwau pawb a gafodd eu gwahodd, pawb a ddaeth i'r cyfarfod ac unrhyw ymddiheuriadau a ddaeth i law. Dylid cylchredeg y cofnodion, o fewn pum diwrnod gwaith, i bawb a gafodd eu gwahodd ac i'r asiantaethau sy'n ymwneud â'r plentyn. Rhaid i'r cofnod o'r trafodaethau neu gofnodion y cyfarfod nodi sut bydd y gweithredu a gytunwyd yn cael ei adolygu. Bydd cadeirydd y cyfarfod yn penderfynu pwy fydd yn cael copi o'r cofnodion.

Os bydd unrhyw un arall heblaw'r bobl a gafodd eu gwahodd i'r cyfarfod strategaeth yn gofyn am gopi o'r cofnodion, bydd cadeirydd y cyfarfod yn gofyn am gyngor cyfreithiol cyn ystyried pa wybodaeth i'w datgelu, os oes gwybodaeth i'w datgelu o gwbl.

Os bydd gweithiwr proffesiynol yn anghytuno â phenderfyniad y cyfarfod strategaeth, dylai hysbysu ei reolwr llinell ac uwch reolwyr yn y gwasanaethau cymdeithasol a'r heddlu sy'n gyfrifol am amddiffyn plant er mwyn ceisio cael penderfyniad wedi ei gytuno trwy gonsensws.

Dylai staff sy'n ymgymryd ag ymholiadau amddiffyn plant dan adran 47 fod wedi'u hyfforddi'n llawn, yn ddigon cymwys, yn meddu ar sgiliau priodol ac yn cael eu goruchwylio'n iawn.

3.6 Amddiffyn Plentyn ar Unwaith

3.6.1 Pan mae angen amddiffyn ar unwaith

Dylid mynd ati i sicrhau diogelwch plentyn ar unwaith os yw ei fywyd mewn perygl neu mae'n debygol o gael niwed difrifol yn fuan. Efallai y bydd angen gweithredu ar frys cyn gynted ag y derbynir atgyfeiriad neu ar unrhyw adeg yn ystod y broses amddiffyn plant. Ond, fel arfer, dylai unrhyw weithredu brys sy'n cael ei gynllunio ddigwydd yn syth ar ôl y drafodaeth strategaeth neu'r cyfarfod strategaeth. Rhaid rhoi sylw llawn i gyngor cyfreithiol a barn y plant dan sylw. Lle mae asiantaeth yn gorfod gweithredu'n unigol i amddiffyn plentyn ar unwaith, dylid cynnal trafodaeth/cyfarfod strategaeth cyn gynted â phosib wedi hynny. Dim ond i amgylchiadau'r plentyn ar y pryd y mae gweithredu ar frys yn rhoi sylw, a dylai ymholiadau amddiffyn plant dan adran 47 ddilyn y math hwn o weithredu. Ar yr un pryd, rhaid ystyried diogelwch unrhyw blant eraill a allai fod yn yr un perygl (er enghraifft, plant sy'n byw yn yr un cartref neu blant sydd heb eu geni).

Dylid ystyried bob amser yr angen i weithredu ar frys i ddiogelu'r plentyn os:

- Yw rhywun yn gwrthod yn afresymol yr hawl i weld y plentyn;

meeting will consider what, if any information is disclosed having sought legal guidance.

If a professional disagrees with the strategy meeting decision, he/she should make representation to their own line manager and inform a senior manager responsible for child protection in social services and the police in order to seek an agreed consensus decision.

The staff who undertake the child protection section 47 enquiries should have completed training and have the relevant competence and skills and receive appropriate supervision.

3.6 Immediate Protection of a Child

3.6.1 When immediate protection is necessary

Risk to the life of a child or the likelihood of serious immediate harm requires action to secure their immediate safety. Emergency action might be necessary as soon as a referral is received or at any stage of the child protection process. However, planned emergency action should normally follow immediately from the strategy discussion or strategy meeting, taking account of legal advice and the views of the children involved. Where a single agency has to act immediately to protect a child, a strategy discussion/meeting should take place as soon as possible afterwards. Emergency action addresses only the immediate circumstances of the child and child protection section 47 enquiries should follow. The safety of any other children to whom the risk/danger might also apply, for example children in the same household or unborn children must always be considered at the same time.

The need for emergency action to secure the child's safety should always be considered if:

- Access to the child is being unreasonably refused;
- Parents refuse consent to the medical examination of child suspected of being abused or a child who, it is believed, needs urgent medical attention;
- Parents deliberately frustrate or delay the enquiries in other ways.

Box 8: The Welfare of the Child is Paramount

- Following the child protection procedures must not be allowed to impede securing the safety of a child who is at imminent risk of significant harm.
- Response to any indication that a child is in danger takes priority over other requirements in the procedures.

- Yw rhieni'n gwrthod cydsynio i'w plentyn gael archwiliad meddygol ac mae amheuaeth ei fod wedi cael ei gam-drin neu os y farn yw bod angen sylw meddygol arno ar frys;
- Mae rhieni'n mynd ati'n fwriadol i rwystro neu oedi'r ymholiadau mewn rhyw ffordd.

Blwch 8: Lles y plentyn yw'r peth pwysicaf un

- Ni ddylai dilyn y canllawiau amddiffyn plant rwystro'r gwaith o ddiogelu'r plentyn, os yw mewn perygl o ddioddef niwed arwyddocaol ar unwaith.
- Mae ymateb i unrhyw arwydd fod plentyn mewn perygl yn cael blaenoriaeth dros ofynion eraill y canllawiau.
- Er ei bod hi'n bwysig peidio ag oedi, lles y plentyn yw'r agwedd bwysicaf un ar yr ymholiadau amddiffyn plant dan adran 47, a'r ymchwiliadau troseddol. Mae hefyd yn bwysig osgoi achosi straen y mae modd ei osgoi trwy frysio gormod ac aflonyddu ar drefn bywyd y plentyn.

Os oes perygl o niwed arwyddocaol i'r plentyn ac mae'r rhieni'n gwrthod cydweithredu gydag ymholiadau amddiffyn plant adran 47, yn cynnwys gwrthod archwiliad meddygol neu driniaeth, bydd angen gofyn i'r rheolwr priodol am gyngor. Pan mae'r rheini'n gwrthod archwiliad meddygol a/neu driniaeth, dylid ymgynghori hefyd â'r meddyg fyddai'n gwneud yr archwiliad. Dylai cynrychiolydd o wasanaeth cyfreithiol yr awdurdod lleol fod ar gael i roi cyngor cyfreithiol i'r gwasanaethau cymdeithasol. Dylid ystyried a fyddai'n briodol ac yn angenrheidiol gwneud cais am Orchymyn Amddiffyn Brys (Emergency Protection Order) gyda chyfarwyddiadau ar gyfer asesiad meddygol. Dewis arall yw ystyried Gorchymyn Asesu Plentyn (Child Assessment Order) os yw'r amgylchiadau'n awgrymu nad yw'r plentyn mewn perygl ar unwaith. Dylid cofnodi canlyniadau'r math yma o ymgynghori'n ofalus ac yn ysgrifenedig.

Ni ddylai'r angen i ofyn am gyngor achosi unrhyw oedi wrth weithredu i ddiogelu a sicrhau lles unrhyw blentyn y mae pryder ei fod mewn perygl o gael niwed arwyddocaol ar unwaith.

Wrth ystyried cyfweld y plentyn, dylid dilyn canllawiau Achieving Best Evidence.

- Although there must be no delay, the child's welfare is paramount throughout the child protection section 47 enquiries, and the criminal investigation. It is also important to avoid subjecting children to avoidable trauma and disruption to their routines as a result of unnecessary haste.

If there is a risk of significant harm to the child, and parents refuse to cooperate with child protection section 47 enquiries, including medical examination or treatment, advice will need to be sought from the appropriate manager. When refusal relates to medical examination and/or treatment, the examining doctor should also be consulted. Legal advice should be available to social services from a representative of the local authority's legal service. Consideration should be given to whether an application for an Emergency Protection Order (EPO) with directions for a medical assessment is appropriate and necessary. Alternatively a Child Assessment Order in circumstances where the child is not considered to be at immediate risk could be considered. The results of these consultations should be carefully recorded in writing.

The need to seek advice must not delay any necessary action to secure the safety and well being of any child believed to be at imminent risk of significant harm.

Where consideration is being given to interviewing a child, the Achieving Best Evidence guidance should be followed.

3.6.2 The range of options for securing the immediate protection of a child

Action to protect a child may be one of the five options described below. The first three options should always be considered before removing a child using compulsory powers:

- The alleged abuser agrees to leave the household. Local services may be required to provide practical help and assistance on matters such as accommodation;
- Parents/caregivers make safe arrangements for the child to be cared for within the extended family subject to safeguarding checks being made as to their suitability, which should be described in local procedures;
- The local authority provides accommodation for the child under section 20 of the *Children Act 1989* with the agreement of those with parental responsibility;

3.6.2 Y gwahanol opsiynau wrth fynd ati i amddiffyn plentyn ar unwaith

Gall amddiffyn plentyn ar frys ddigwydd mewn un o'r pump ffordd ganlynol. Dylid ystyried y tri dewis cyntaf cyn defnyddio pwerau gorfodol i symud plentyn:

- Mae'r camdriniwr honedig yn cytuno i adael y cartref. Efallai y bydd gofyn i wasanaethau lleol gynnig help ymarferol gyda materion fel llety;
- Mae'r rhieni/y rhai sy'n rhoi gofal yn gwneud trefniadau diogel i aelod o'r teulu estynedig ofalu am y plentyn. Mae'r fath drefniadau'n dibynnu ar wirio a yw'r bobl yn addas, a dylai'r canllawiau lleol ddisgrifio'r drefn i'w dilyn;
- Mae'r awdurdod lleol yn cynnig llety i'r plentyn dan adran 20 Deddf Plant 1989, gyda chytundeb y sawl sydd â chyfrifoldeb rhiant drosto;
- Mae'r gwasanaethau cymdeithasol yn gwneud cais am Orchymyn Amddiffyn Brys;
- **Mae'r heddlu'n defnyddio'u pwerau amddiffyn** mewn amgylchiadau eithriadol pan nad oes dewis arall ar gael.

Gall unrhyw un o'r pedwar dewis olaf ddigwydd ar ffurf trefniadau i leoli'r plentyn gyda theulu estynedig. Pan mae angen defnyddio pwerau gorfodol i symud plentyn o'i gartref, dylai awdurdod lleol wneud cais am Orchymyn Amddiffyn Brys lle bynnag y bo'n bosib, oni bai fod diogelwch y plentyn mewn perygl ar unwaith. Ni ddylid ceisio defnyddio pwerau amddiffyn yr heddlu i'r pwrpas hwn. Yr egwyddor ar waith yw mai llys yn unig ddylai benderfynu symud plentyn o'i gartref. Ni ddylai'r heddlu ddefnyddio'u pwerau amddiffyn heb gymeradwyaeth gan Arolygydd neu swyddog o radd uwch, a bod un o swyddogion yr heddlu wedi gweld y plentyn a barnu y bydd neu ei fod mewn perygl o gael niwed ar unwaith heblaw for yr heddlu'n ei symud o'i gartref.

Os yw'r heddlu'n gorfod defnyddio'u pwerau amddiffyn, dylid cynnal cyfarfod strategaeth cyn gynted ag sy'n ymarferol a, beth bynnag, o fewn 72 awr. Rhaid i'r cyfarfod benderfynu a oes angen gwneud cais am Orchymyn Amddiffyn Brys ai peidio. Gallai hefyd benderfynu gofyn i'r llys ychwanegu archwiliad meddygol fel un o'r gofynion gan nad yw Gorchymyn Amddiffyn Brys yn cynnwys un yn awtomatig.

Dylid gofyn am gyngor cyfreithiol, a chofnodi'n ofalus y penderfyniadau sy'n cael eu gwneud a'r rhesymau dros eu gwneud. Dylid rhoi sylw i'r holl wybodaeth sydd ar gael o'r ymholiadau presennol neu hanesyddol.

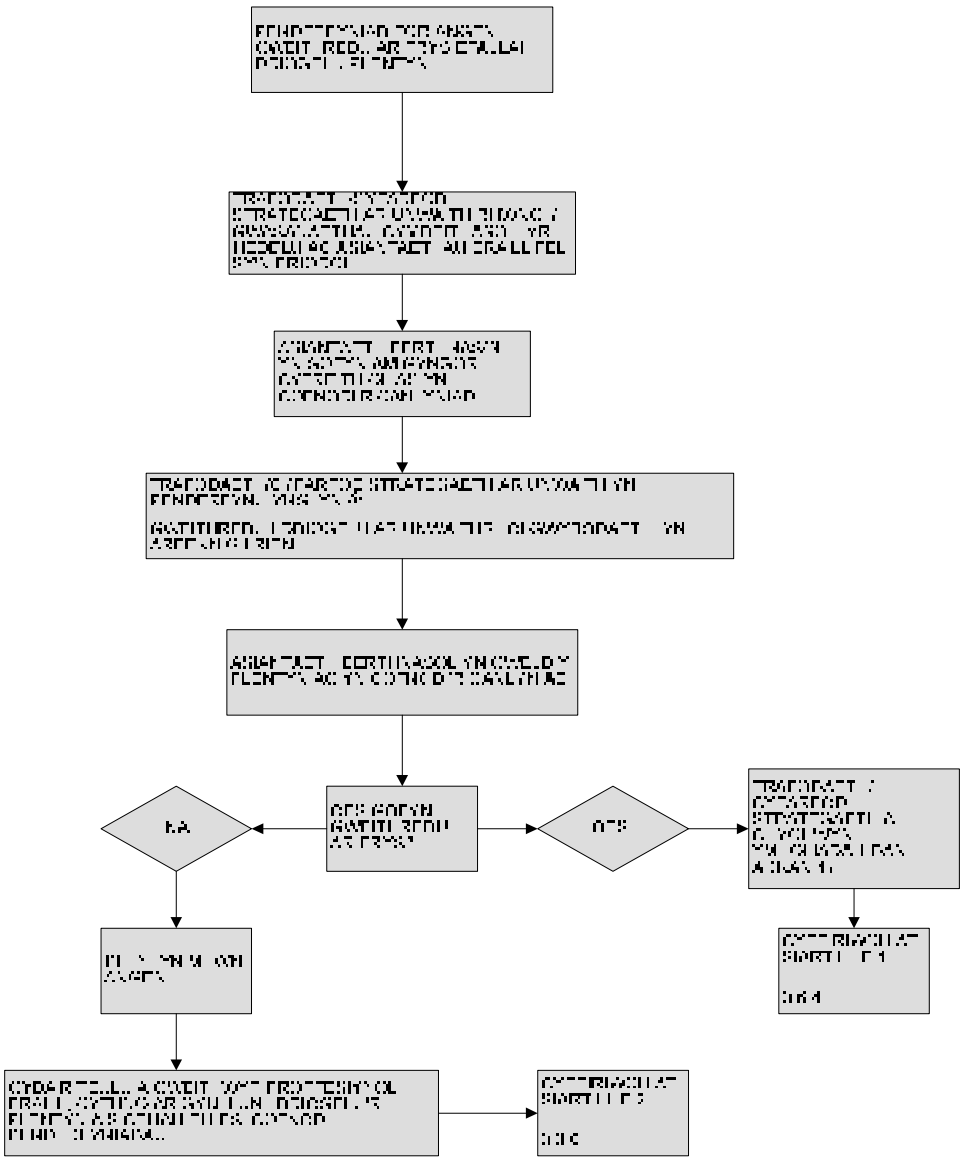
- Social services apply for an Emergency Protection Order
- **The police use their powers of protection** in exceptional circumstances when no other option is available.

Any of the last four options might take the form of arrangements to place the child within the extended family. Where it is necessary to use compulsory powers to remove a child, a local authority should, wherever possible and unless a child's safety is otherwise at immediate risk, apply for an Emergency Protection Order (EPO) and should not seek to use police powers of protection for this purpose. This is based on the principle that only a court should decide on removal of a child from home. The police should not use their powers of protection unless and until this has been approved by an Inspector or a higher ranking officer and the child has been seen by a police officer who has judged that the child will be or is at imminent risk of suffering harm unless the police remove the child immediately.

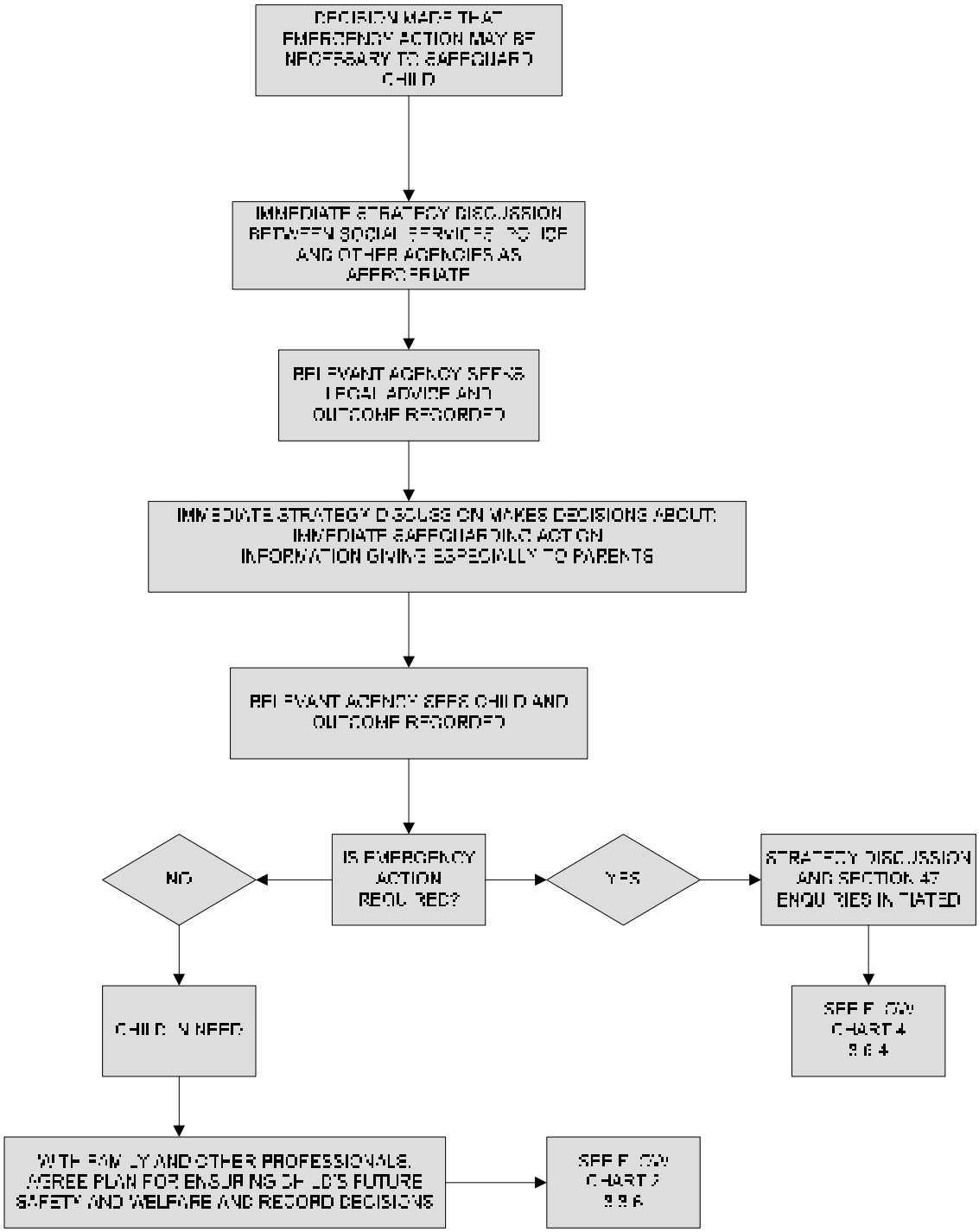
If the police do have to use their powers of protection, a strategy meeting should be held as soon as practicable and in any event within 72 hours, and a decision made as to whether or not to apply for an EPO. The court may also be asked to add a requirement for a medical examination, as an EPO does not include an automatic direction for this.

Legal advice should be sought and the decisions taken, together with their reasons, should be carefully recorded. All available information from the current enquiries as well as any historical information should be considered.

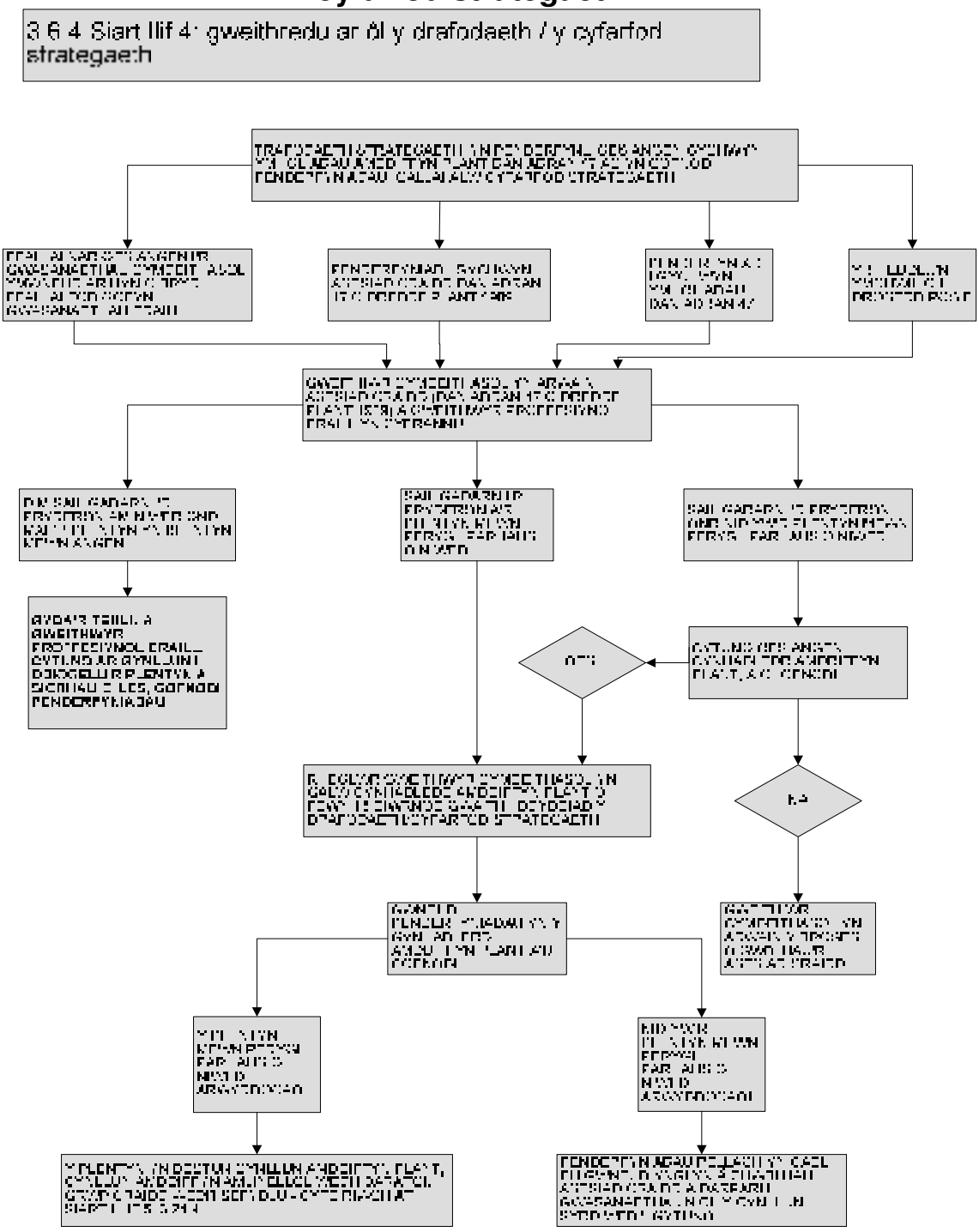
3.6.3 Siart llif 3: Gweithredu ar frys wrth ddiogelu plant



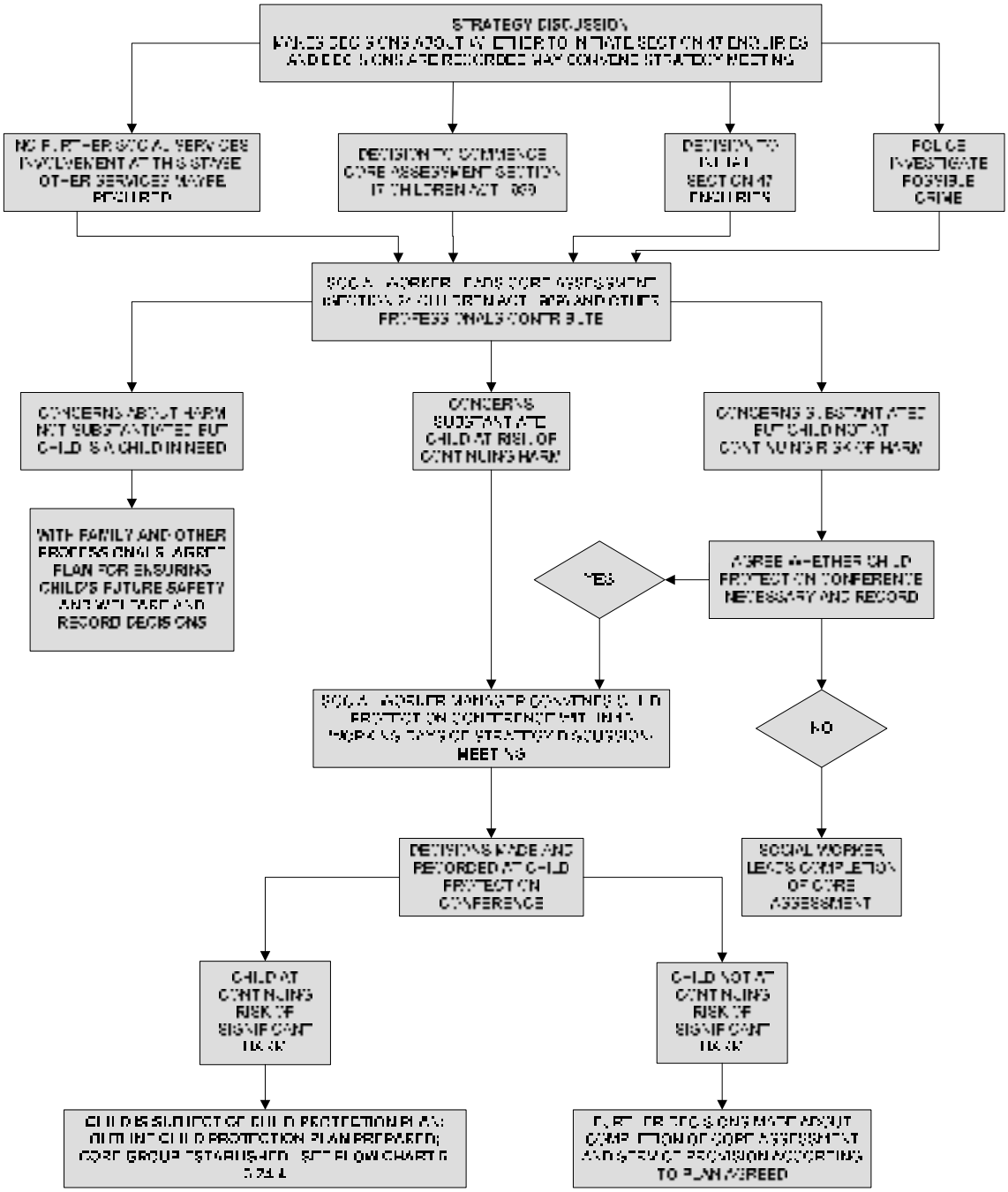
3.6.3 Flow chart 3: Urgent action to safeguard children



3.6.4 Siart llif 4: Gweithredu ar ôl y drafodaeth / y cyfarfod strategaeth



3.6.4 Flow chart 4: action after the strategy discussion / meeting



3.7 Amddiffyn Plant: Ymholiadau dan adran 47 a'r Asesiad Craidd

3.7.1 Cwmpas a phwrpas ymholiadau amddiffyn plant dan adran 47

Pwrpas ymholiadau amddiffyn plant dan adran 47 yw penderfynu pa weithredu os o gwbl sydd ei angen i hybu a diogelu lles plentyn. Lle mae'n berthnasol, bydd angen i'r heddlu ddarganfod y ffeithiau am unrhyw drosedd a all fod wedi'i gyflawni yn erbyn plentyn, a chasglu tystiolaeth.

Bydd ymholiadau amddiffyn plant dan adran 47 yn cynnwys casglu gwybodaeth gan weithwyr proffesiynol sy'n gweithio gyda'r plentyn neu'r teulu. Golyga hyn drafod gyda staff asiantaethau eraill er mwyn casglu'r wybodaeth berthnasol gam wrth gam. Dylid mesur ac asesu'n fanwl hyd a lled eu gwybodaeth am y teulu a'u hymwneud uniongyrchol â nhw.

Mae asesiad craidd yn cael ei ddechrau pan:

- Cwblheir cam asesu cychwynnol;
- Penderfyna cyfarfod strategaeth gychwyn ymholiadau amddiffyn plant dan adran 47;
- Mae gwybodaeth newydd am achos agored yn awgrymu bod angen gwneud neu ddiweddaru asesiad craidd.

Camau cyntaf yr asesiad craidd yw'r ymholiadau amddiffyn plant dan adran 47.

Mae'r canllawiau ar gyfer gwneud asesiad craidd i'w cael yn y Fframwaith ar gyfer Asesu Plant mewn Angen a'u Teuluoedd. Mae'n cynnig patrwm ar gyfer casglu a dadansoddi'r wybodaeth a gasglwyd wrth gwblhau ymholiadau amddiffyn plant adran 47. Un o ofynion y Fframwaith yw bod yr asesiad craidd yn cael ei gwblhau o fewn 35 diwrnod gwaith. Golyga asesu anghenion plentyn, a gallu'r rhieni a'r ffactorau amgylcheddol teuluol ehangach yn ddigonol i sicrhau diogelwch, iechyd a ddatblygiad y plentyn.

Mae dewis o ddeunyddiau ar gael i gynorthwyo ymarferwyr sy'n mynd ati i gwblhau asesiadau ar sail tystiolaeth. Fe'u disgrifir yn Atodiad B, Defnydd o Holiaduron a Graddfeydd fel tystiolaeth o asesu a gwneud penderfyniadau, yn y ddogfen Diogelu Plant: Gweithio gyda'n Gilydd dan Ddeddf Plant 2004.

3.7 Child Protection Section 47 Enquiries and the Core Assessment

3.7.1 Scope and purpose of child protection section 47 enquiries

The purpose of child protection section 47 enquiries is to determine what if any action is needed to promote and safeguard the welfare of a child. Where relevant, the police will need to establish the facts about any offence that may have been committed against a child, and to collect evidence.

Child protection section 47 enquiries will include gathering information from those who are professionally involved with the child or the family. This will entail discussions with staff from other agencies in order to gather the relevant information systematically. Their knowledge of the family, the status of their knowledge and the details of their direct involvement should be clearly established.

A core assessment is commenced when:

- The initial assessment stage is completed;
- A strategy meeting decides to initiate child protection section 47 enquiries;
- New information obtained on an open case indicates a core assessment should be undertaken or updated;

Child protection section 47 enquiries are the initial stages of the core assessment.

The guidance for carrying out a core assessment is contained within the Framework for the Assessment for Children in Need and their Families. It provides a structure to collect and analyse information obtained in the course of child protection section 47 enquiries and requires the core assessment to be completed within 35 working days. It involves assessing the needs of a child and the capacity of the parents and the wider family environmental factors adequately to ensure the child's safety, health and development.

A range of materials is available to support practitioners in undertaking evidence-based assessments. These are described in Safeguarding Children: Working Together under the Children Act 2004, Appendix B, Use of Questionnaires and Scales to evidence assessment and decision making.

Blwch 9: Canolbwyntio ar ganlyniadau ar gyfer y plentyn

- Meddyliwch beth yw amcan ymyriadau a beth fydd y manteision i les y plentyn yn y tymor hir;
- Dylai'r holl ymyriadau a'r cynlluniau ganolbwyntio ar weld canlyniadau da tymor hir o ran iechyd, datblygiad, a chyrhaeddiad addysgol.

3.8 Gweithio gyda'r plentyn a'r teulu yn ystod yr ymholiadau

3.8.1 Symud y rhwystrau rhag cymryd rhan

Dylai'r plentyn a'r teulu gael eu helpu i gymryd rhan lawn yn yr ymholiadau amddiffyn plant, oni bai fod hyn yn anghyson â'r gwaith o amddiffyn y plentyn. Efallai y bydd dilyn y pwyntiau yma yn eu helpu i gymryd rhan:

- Os oes anabledd ar y plentyn neu un o'r rhieni, dylid cyfathrebu trwy eu dewis ddull er mwyn rhoi'r cyfle gorau iddyn nhw fedru cymryd rhan yn y broses;
- Rhaid cynnig gwasanaeth cyfieithydd annibynnol os yw'n well gan y plentyn neu un o'r rhieni gyfathrebu mewn iaith wahanol i'r sawl sy'n cyfweld;
- Os yw'r plentyn yn rhy ifanc i gymryd rhan mewn cyfweliad neu'n methu ei ddeall, dylid defnyddio ffyrdd eraill o ddeall safbwynt y plentyn;
- Rhaid cwblhau'r ymholiadau bob amser mewn ffordd sy'n rhoi cyn lleied o bwysau â phosib ar y plentyn. Rhaid gofalu trin y teulu'n gydag urddas a pharch.

3.8.2 Esbonio pwrpas yr ymholiadau amddiffyn plant adran 47

Dylai'r gwasanaethau cymdeithasol esbonio i'r rhieni a'r plentyn pwrpas yr ymholiadau amddiffyn plant adran 47 gan roi sylw i oedran a gallu i ddeall a bod yn barod i ateb cwestiynau'n onest, oni bai y byddai hynny'n amharu ar ddiogelwch a lles y plentyn. Un ffordd werthfawr iawn o helpu teuluoedd yw i'r gwasanaethau cymdeithasol roi gwybodaeth ysgrifenedig am bwrpas, trefn a chanlyniadau posib yr ymholiadau amddiffyn plant dan adran 47. Dylai hyn gynnwys gwybodaeth am sut i gael gafael ar gyngor, eiriolaeth a chymorth o ffynonellau annibynnol, a sut mae defnyddio'r drefn gwyno.

Box 9: Focus on Outcomes for the Child

- Consider what interventions are intended to achieve and what the benefits will be for the child's long-term well-being;
- All interventions and plans should focus on achieving good long-term outcome in terms of health, development, and educational achievement.

3.8 Working with the child and family during the enquiries

3.8.1 Remove barriers to involvement

The child and family should always be enabled to participate fully in the child protection enquiry process, unless this is inconsistent with the protection of the child. The following may need to be provided to facilitate involvement:

- Where a child or parent has a disability the means of communication should be in their preferred medium to maximise their opportunity to participate in the process;
- An independent interpreter must be provided where the child or parent's language of choice is not the same as that of the interviewer;
- If the child is unable to participate in an interview because of age or understanding, alternative means of understanding the child's perspective should be used;
- The enquiries should always be carried out in such a way as to minimise distress to the child, and to ensure that families are treated sensitively and with respect.

3.8.2 Explain the purpose of the child protection section 47 enquiries

Social services should explain the purpose of child protection section 47 enquiries to the parents and child, having regard to age and their understanding, and be prepared to answer questions openly, unless doing so would affect the safety and welfare of the child. It is particularly helpful for families if social services provide written information about the purpose, process and potential outcomes of child protection section 47 enquiries. This should include information about how advice, advocacy and support may be obtained from independent sources and how to access complaints procedures.

3.8.3 Ystyried y plentyn

Fel rhan o'r broses cwblhau ymholiadau amddiffyn plant, mae angen gwrando ar a chofnodi dymuniadau a theimladau'r plentyn. Dylai hyn gynnwys ei ddymuniadau o ran trefn y cyfweliad ymchwilio ac, yn arbennig, pwy y mae'r plentyn yn dymuno gael i'w gynorthwyo yn ystod y cyfweliad. Rhaid esbonio'r broses i'r plentyn mewn ffordd sy'n addas i'w oedran a'i allu i ddeall. Rhaid gweld y plentyn ar ei ben ei hun a gwrando'n ofalus arno. Ni ddylid byth mynd ati i gyfweld y plentyn pan mae'r camdriniwr honedig yn bresennol. Rhaid i bob aelod o staff sy'n gwneud ymholiadau ar y cyd fod yn gwbl gyfarwydd â chanllawiau Achieving Best Evidence in Criminal Proceedings.

Rhaid hysbysu'r plentyn yn rheolaidd am y broses a chanlyniadau'r ymholiadau amddiffyn a'r ymchwiliad troseddol gan roi sylw i'w oedran a'i allu i ddeall.

Blwch 10: Cyfathrebu gyda phlant

- Y plentyn yw'r brif ffynhonnell, ac weithiau'r unig ffynhonnell wybodaeth am yr hyn sydd wedi digwydd iddo;
- Mae'n hanfodol cael gwybodaeth lawn a chywir;
- Hyd yn oed wrth gynnal trafodaethau cychwynnol gyda phlentyn, rhaid peidio â rhoi unrhyw bwysau arno;
- Siaradwch gyda'r plentyn heb i'r rheini neu'r un sy'n rhoi gofal fod yn bresennol;
- Peidiwch â gofyn cwestiynau awgrymog neu sy'n arwain meddyliau'r plentyn;
- Ysgrifennwch yr hyn mae'r plentyn yn ei ddweud, a'r hyn a ddywedoch chi;
- Efallai fod angen amser ar blant i ymddiried yn ddigonol yn rhywun i sôn am eu pryderon. Gallai hyn olygu siarad gydag nhw mwy nag unwaith;
- Os yw oedran y plentyn neu oedi datblygiadol yn golygu na all gyfathrebu ar lafar, mae amryw o arfau ar gael i hwyluso'r broses gyfathrebu.

Mewn rhai achosion, gallai fod yn addas siarad gyda phlentyn heb yn wybod i'r rhiant neu'r un sy'n rhoi gofal (mae mwy o ganllawiau ynglŷn â chydsynio yn 3.3.2). Os yw pob ymdrech i ddod o hyd i'r person â chyfrifoldeb rhiant yn methu a byddai rhagor o oedi'n peryglu diogelwch neu les y plentyn, dylid

It is essential that the child, subject to age and understanding, is consulted and informed about what is taking place and helped to understand the process. It is equally important, provided it is not contrary to the welfare of the child, that parents/caregivers are kept informed of all action being taken, its implications and consequences.

3.8.3 Consider the child

As part of the child protection enquiry process, the child's wishes and feelings need to be heard and recorded. This should include the child's wishes about how the investigative interview is conducted including any preferences for support during the interview. The process must be explained to the child in a way appropriate to his or her age and understanding. The child must be seen separately and listened to carefully. The child should never be interviewed in the presence of the alleged offender. All staff undertaking joint enquires should be conversant with the guidance provided within *Achieving Best Evidence in Criminal Proceedings*.

The child should always be kept informed of the process and outcome of the child protection enquiries and criminal investigation, subject to their age and level of understanding.

Box 10: Communicating with children

- Children are the key, and sometimes the only, source of information about what has happened to them;
- Accurate and complete information is essential;
- Even initial discussions with children should be conducted in a way that minimises any distress caused to them;
- Talk to the child separately from the parents or caregivers;
- Avoid leading or suggestive questions;
- Write down what the child tells you, and what you said to the child;
- Children may need time to develop sufficient trust to communicate any concerns they have. This may mean talking to them on more than one occasion;
- If the child is not able to communicate verbally, because of age or delay, there are a number of tools that can be used to facilitate communication.

In some cases, it may be appropriate to speak to a child without the knowledge of the parent or caregiver. (See 3.3.2 for further guidance on consent). If, for example, all attempts to locate a person with parental

siarad gyda'r plentyn heb hysbysu'r rhieni o flaen llaw. Gallai hyn ddigwydd pan:

- Mae'n amhosib cysylltu â'r person sydd â chyfrifoldeb rhiant;
- Y farn yw y byddai er lles pennaf y plentyn i'r broses fynd yn ei blaen heb gysylltu â'r person sydd â chyfrifoldeb rhiant.

Rhaid cyfiawnhau a chofnodi'n ofalus y rhesymau dros y penderfyniad hwn. Ond dim ond dan yr amgylchiadau dilynol y dylid penderfynu peidio â chysylltu â neu siarad gyda rhiant:

- Mae'n bosib y gallai'r plentyn gael ei fygwth neu ei orfodi i gadw'n dawel;
- Mae'n debygol y byddai tystiolaeth yn cael ei dinistrio;
- Nid oedd y plentyn yn dymuno i riant gael ei gynnwys ar yr adg yma, ac mae'r gallu ganddo i wneud y penderfyniad hwnnw.

3.8.4 Ystyried plant eraill

Dylai'r sawl sy'n gwneud ymholiadau amddiffyn plant gofio bob amser am anghenion a diogelwch posib unrhyw frodyr a chwiorydd, neu am blant eraill sy'n byw yn yr un cartref â'r plentyn dan sylw. Efallai y bydd rhaid i'r ymholiadau gynnwys plant cartrefi eraill neu lefydd eraill a fyddai'n dod â nhw i gysylltiad â'r sawl sydd wedi'i gyhuddo o gam-drin.

3.8.5 Ystyried y rhieni neu'r rhai sy'n rhoi gofal

Mae'n bwysig cynnwys y rhieni neu'r rhai sy'n rhoi gofal gymaint â phosib yn yr ymholiadau amddiffyn plant dan adran 47 ar yr amod mai hyn sydd er lles pennaf y plentyn. Dylai'r gweithiwr cymdeithasol a/neu swyddog yr heddlu sy'n gwneud yr ymholiadau esbonio'r rhesymau dros y pryderon. Dylid esbonio camau'r drefn a'r rheswm dros eu cymryd, a gofyn i'r rhieni gydsynio'n ysgrifenedig lle bynnag y bo hynny'n bosib. Bydd y meddyg sy'n gwneud archwiliad meddygol yn gofyn am gydsyniad deallus y rhieni i'r archwiliad (cyfeiriwch at 3.10).

Os yw'n briodol, dylid annog y rhieni neu'r rhai sy'n rhoi gofal ddod gyda'r plentyn i'r cyfweliad a'r asesiad meddygol. Ond, rhaid gofalu nad yw unrhyw weithredu'n amharu ar unrhyw ymchwiliad troseddol, yn arbennig os y rhiant neu'r un sy'n rhoi gofal sy'n cael ei gyhuddo o gam-drin, neu os yw'n dyst yn yr achos. Dylid bob amser hysbysu'r rhieni neu'r rhai sy'n rhoi gofal am drefn yr ymholiadau amddiffyn plant, ac am y canlyniadau. Gan mai'r heddlu sy'n arwain pob ymchwiliad troseddol, eu cyfrifoldeb nhw yw hysbysu'r rhieni neu'r rhai sy'n rhoi gofal a'r plentyn pan mae'n briodol am yr ymchwiliadau troseddol.

responsibility fail and to delay further would jeopardise the safety or welfare of the child, the child may be spoken to without the parents being informed beforehand. This may arise where:

- The person with parental responsibility cannot be contacted
- It is considered to be in the child's best interests to proceed without contacting a person with parental responsibility

The reasons for this decision must be justified and be carefully recorded. However, a decision not to make contact and speak with a parent should only be made if:

- There is a possibility that a child would be threatened or be coerced into silence;
- It is likely that evidence would be destroyed;
- The child did not wish the parent to be involved at this stage and is competent to take that decision.

3.8.4 Consider other children

Those making child protection enquiries should always be alert to the potential needs and safety of any siblings, or other children in the household of the child in question. Enquiries may also need to cover children in other households or situations with whom the alleged offender may have had contact.

3.8.5 Consider the parents or caregivers

The parents or caregivers should be involved throughout the child protection section 47enquiries as far as possible, subject to this being in the best interests of the child. The social worker and/or police officer undertaking the enquiries should explain to them the reasons for concern about the child, and what actions are proposed and why, and obtain parental consent in writing where possible. Informed consent for a medical examination will be taken by the examining doctor (see 3.10).

Where appropriate, parents/caregivers should be encouraged to accompany the child for interview and medical assessment. However, care should be taken to avoid action that might prejudice any criminal investigation, particularly where the parent/caregiver is an alleged perpetrator or witness. Parents/caregivers should always be kept informed of the process and outcome of the child protection enquiries. As the police lead all criminal investigations it will be their responsibility to inform the parents/caregivers, and where appropriate children, about criminal investigations.

Parents or caregivers should be told that relevant information might have to be shared with professional colleagues who also have responsibility for the child's welfare.

Dylid hysbysu'r rhieni neu rai sy'n rhoi gofal am y posibilrwydd y bydd rhaid rhannu gwybodaeth berthnasol â chydweithwyr proffesiynol sy'n gyfrifol am les y plentyn.

3.8.6 Pan mae rhieni neu'r rhai sy'n rhoi gofal yn gwrthod cydweithredu

- Dylid ystyried gweithredu ar frys pan mae rhieni'n gwrthod cydweithredu neu'n gwneud rhywbeth neilltuol fel symud plentyn o'r ysbyty. Rhaid ceisio gofalu ar ddechrau'r ymholiadau fod rhieni'n barod i gydweithredu. Bydd angen tawelu eu meddyliau am y broses.
- Os yw bywyd plentyn mewn perygl neu mae'n debygol o gael niwed difrifol yn fuan, rhaid gweithredu'n gyflym i ddiogelu'r plentyn ar frys. Efallai y bydd angen gweithredu ar frys cyn gynted ag y daw atgyfeiriad i law, neu yn hwyrach yn y broses.

Dylai cyfarwyddwyr arweiniol ofalu bod trefniadau'n bodoli i weithwyr cymdeithasol fedru cael cyngor cyfreithiol, yn cynnwys y tu allan i oriau gwaith.

Dyma'r math o gamau cyfreithiol brys a fyddai ar gael:

- Gorchymyn Asesu Plentyn (Child Assessment Order), gellir ei ddefnyddio os yw rhieni'n parhau i wrthod mynediad at y plentyn at bwrpas sefydlu ffeithiau sylfaenol am ei sefyllfa, ond nid yw'r pryderon am ei ddiogelwch yn ddigon dwys fel bod Gorchymyn Amddiffyn Brys (Emergency Protection Order) yn ofynnol. Mae Gorchymyn Asesu'n caniatáu i'r llys orchymyn y rhieni i gydweithredu gydag asesiad. Bydd manylion y fath asesiad yn benodol, ond nid yw'n caniatáu i'r plentyn gael ei symud o'i gartref. Nid yw'r gorchymyn yn dileu hawl y plentyn ei hun i wrthod asesiad. Dylid hysbysu rhieni am y camau cyfreithiol y gellid eu defnyddio.
- Gorchymyn Gwahardd (Exclusion Order), a allai fod yn briodol dan fesurau Deddf Cyfraith Teulu 1996. Mae'n caniatáu i gamdriniwr gael ei symud o'r cartref, yn lle symud y plentyn. Er mwyn i lys benderfynu caniatáu gorchymyn gyda gwaharddiad fel un o'i ofynion, rhaid iddo ymfodloni fod achos i gredu y byddai'r plentyn yn cael niwed neu'n debygol o gael niwed os na waherddir y person. Rhaid bodloni'r llys hefyd fod rhywun arall yn byw yn y cartref a all ofalu am y plentyn.
- Dylid hefyd ystyried Gorchymyn Amddiffyn Brys pan wrthodir mynediad at blentyn. Dylid gwneud cais pan mae angen gweithredu ar frys i ddiogelu plentyn. Dylid cofnodi'n glir y rhesymau dros benderfynu gwneud y cais. Os oes angen archwiliad meddygol rhaid i'r Gorchymyn Amddiffyn Brys gynnwys cyfarwyddiadau am y fath archwiliad.

3.8.6 Where parents or caregivers refuse to co-operate

- Emergency action should be considered where parents refuse to cooperate or take a particular action, for example removing a child from hospital. Care needs to be taken at the outset of the enquiries to try to secure the co-operation of parents who will need reassurance about the process.
- Where there is a risk to the life of a child or a likelihood of serious imminent harm, action should be taken quickly to secure the immediate safety of the child. Emergency action might be necessary as soon as a referral is received or at any stage of the process.

Lead directors should ensure arrangements are in place for social workers to access legal advice including out of hours.

Emergency legal actions available would be:

- A Child Assessment Order, which can be used if parents continue to refuse access to a child for the purpose of establishing basic facts about the child's condition but concerns about the child's safety are not so urgent as to require an Emergency Protection Order. The order enables the court to direct the parents to co-operate with an assessment, the details of which will be specific, but does not allow for the removal of the child from home. The order does not take away the child's own right to refuse an assessment. The parents should be informed of the legal steps that could be used;
- An Exclusion Order may be appropriate under a range of powers under the Family Law Act 1996, which allows a perpetrator to be removed from the home, instead of removing the child. For a court to include an exclusion requirement in an order it must be satisfied there is reasonable cause to believe that if the person is not excluded the child will suffer or is likely to suffer harm and that another person living in the home can care for the child and consents to the order;
- An Emergency Protection Order should also be considered when access to a child is refused and should be applied for when there is an urgent need for protective action. Reasons for the decision to apply for the order should be clearly recorded. If a medical examination is required the Emergency Protection Order also needs to specify the directions for this;

- Mae gan yr heddlu hefyd bwerau amddiffyn sy'n caniatáu iddyn nhw symud plentyn i le diogel os oes achos rhesymol i gredu bod plentyn mewn perygl o ddioddef niwed arwyddocaol.

Rhaid nodi mai dim ond yr heddlu sydd â'r awdurdod statudol i ddefnyddio grym rhesymol i fynd i mewn i adeilad. Felly, rhaid cynnwys yr heddlu mewn unrhyw drafodaethau ynglŷn â sefyllfa lle mae'r hawl i weld plentyn wedi cael ei wrthod. Rhaid i'r swyddog heddlu sydd wedi'i ddynodi awdurdodi'r penderfyniad i ddefnyddio'r pwerau hyn.

3.8.7 Plant sy'n symud yn ystod ymholiadau amddiffyn plant dan adran 47

Pan fo plentyn yn destun i ymholiadau amddiffyn plant adran 47, bydd y gweithiwr cymdeithasol yn rhoi gwybod yn syth i'w reolwr llinell. Bydd hefyd yn gyfrifol am hysbysu, heb unrhyw oedi, yr awdurdod newydd. Rhaid gwneud hyn yn ysgrifenedig, a rhoi'r dogfennau perthnasol, o fewn dau ddiwrnod gwaith. Bydd y gweithiwr cymdeithasol hefyd yn rhoi gwybod i asiantaethau perthnasol yr ardal y symudodd y teulu ohoni.

Os yw gweithwyr yn gwybod o flaen llaw fod y teulu'n symud, bydd y gweithiwr cymdeithasol yn gyfrifol am ddweud wrth y rhieni y bydd atgyfeiriad yn cael ei wneud i'r awdurdod newydd.

Os bydd teulu'n symud o un ardal i un arall tra bo ymholiadau amddiffyn plant dan adran 47 ar y gweill:

- Mewn achos lle mae'r teulu'n symud cyn i'r ymholiadau ddechrau ac mae'r awdurdod gwreiddiol yn dweud ei fod ar fin dechrau ymholiadau dan adran 47, dylai'r awdurdod sy'n derbyn yr achos drefnu trafodaeth/cyfarfod strategaeth i gynllunio'r ymholiadau, a chynnwys y ddau awdurdod yn y trefniadau. Rhaid cynnal y fath drafodaeth neu gyfarfod o fewn 48 awr i'r adeg y cafodd yr atgyfeiriad ei wneud. Rôl yr awdurdod sy'n derbyn yw gwneud asesiad cychwynnol a gofyn i'r awdurdod gwreiddiol a oes angen unrhyw gamau amddiffyn brys. Rhaid cofnodi penderfyniadau'n glir yn ffeiliau achos y ddau awdurdod.
- Mewn achos lle mae'r teulu'n symud tra bo ymholiadau amddiffyn plant adran 47 ar y gweill, dylai'r awdurdod gwreiddiol drefnu trafodaeth strategaeth. Rhaid i'r trefniadau gynnwys yr awdurdod sy'n derbyn yr achos. Pwrpas y cyfarfod yw pennu rolau a chyfrifoldebau pawb. Rhaid cofnodi'r penderfyniadau yng nghofnodion y plentyn yn y ddwy ardal.

- In addition, the police have powers of protection to remove a child to a place of safety, where they have reasonable grounds to believe that he/she is at risk of significant harm.

It should be noted that only the police have statutory authority to use reasonable force in order to gain entry to premises. The police must therefore be involved in discussions about any situation where access to a child has been refused. The decision to use these powers must be authorised by the designated police officer.

3.8.7 Children who move during the course of child protection section 47 enquiries

Where a child is the subject of ongoing child protection section 47 enquiries, the social worker will immediately inform their line manager and will be responsible for notifying the new authority without delay. This must be completed in writing, with the relevant documentation within two working days. The social worker will also inform the relevant agencies in the area from which the family has moved.

If the move is known about in advance, the social worker will be responsible for informing the parents that a referral will be made to the new authority.

In the event of a family moving areas during the course of child protection section 47 enquiries:

- If the family move before the commencement of the enquiries and the originating authority indicates that they were about to commence section 47 enquiries, a strategy discussion/meeting involving both authorities should be called by the receiving authority to plan the enquiries. This discussion/meeting must be held within 48 hours of the referral being made. It is the role of the receiving authority to carry out an initial assessment and to clarify with the originating authority whether any emergency protective action is required. Decisions should be clearly recorded on both authorities' case files.
- If the family move during the course of child protection section 47 enquiries a strategy discussion should take place, convened by the originating authority. It must include the receiving authority. The meeting will establish roles and responsibilities. This must be recorded and placed on the child's records in both areas.

3.9 Cynllunio a rhoi ar waith yr ymholiadau dan adran 47 a'r asesiad craidd

3.9.1 Casglu gwybodaeth gan asiantaethau eraill

Mae casglu hanes manwl plentyn a'i deulu'n bwysig er mwyn sicrhau effeithlonrywdd penderfyniadau. Bydd gwybodaeth fanwl ar gael yng nghofnodion asiantaethau sy'n adnabod y teulu. Cyfrifoldeb pob asiantaeth neu weithiwr proffesiynol yw darparu'r holl wybodaeth berthnasol sydd yn y cofnodion pan ddaw cais amdani, a pheidio â dethol a dewis gwybodaeth. Dylai pob asiantaeth sy'n ymwneud â'r achos baratoi cronoleg sy'n rhoi sylw i'r holl wybodaeth gefndirol sydd ar gael.

3.9.2 Y cyfweliad ymchwilio gyda'r plentyn

Rhaid dilyn canllawiau *Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses including Children* wrth gwblhau unrhyw gyfweliad ymchwilio gyda phlant ar gyfer achosion troseddol. Rhaid i staff profiadol sydd wedi'u hyfforddi'n benodol arwain y fath gyfweliadau. Dylai gweithwyr cymdeithasol a swyddogion heddlu sy'n mynd ati i gyfweld plant fod wedi cael eu hyfforddi'n arbennig i gyfweld plant, a deall a gwybod am ddatblygiad plant. Dylen nhw allu asesu gallu'r plentyn fel tyst, a bod â'r sgiliau i gynllunio ac arwain cyfweliadau gyda phlant. Yn benodol, mae angen i'r sawl sy'n cyfweld benderfynu ar:

- Gyd-destun yr honiad, a'r meini prawf cysylltiedig â chyfweliad ffurfiol;
- Pwy ddylai fod yn rhan o'r gwaith o gynllunio'r cyfweliad?
- Y ffactorau cefndirol perthnasol a allai fod yn perthyn i'r plentyn a'r teulu;
- Pwy ddylai arwain y cyfweliad?
- Pwy o'r sefydliadau ddylai arolygu'r cyfweliad yn dechnegol a threfniadol?
- Ystyriaethau am ryw'r sawl sy'n cyfweld, yn arbennig mewn achosion o gam-drin rhywiol;
- Ystyriaethau am anghenion cyfathrebu'r plentyn;

Mae'r cyfweliad yn sail hanfodol i benderfyniadau'r gwahanol asiantaethau ac i unrhyw achos troseddol a allai ddilyn.

Ni ddylai'r plentyn byth gael ei gyfweld pan mae'r camdriniwr honedig yn bresennol, neu pan mae rhywun a allai fod yn cydgynllwynio gydag e neu hi, yn cynnwys rhiant, yn bresennol.

Yn y rhan fwyaf o amgylchiadau, dylid ymgynghori â rhiant neu un sy'n rhoi gofal ac sydd â chyfrifoldeb rhiant cyn cyfweld y plentyn. Rhaid gwrando ar

3.9 Planning and carrying out the child protection section 47 enquiries and the core assessment

3.9.1 Gathering information from other agencies

It is important to have a detailed history of a child and his or her family to ensure effective decision-making. Detailed information will be available within the records of agencies that know the family. It is the responsibility of each agency or individual professional to contribute all the relevant information held in the records when requested and not just selective information. A chronology should be prepared by each agency involved, to take account of all the background information available.

3.9.2 The investigative interview with the child

The Home Office guidance *Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses including Children* will be followed for all investigative interviews of children for criminal proceedings, and conducted by specifically trained and experienced staff. Social workers and police officers interviewing children should have received specialist training for interviewing children and in addition knowledge and understanding of child development. They should be able to assess the child's competence as a witness, and have the skills to plan and conduct interviews with children. In particular interviewers need to determine:

- The context of the allegation, and associated criteria for a formal interview;
- Who should be involved in planning the interview;
- What relevant background factors relating to the child and family there might be;
- Who should lead the interview;
- Technical and organisational oversight for the interview;
- Consideration about the gender of interviewers particularly in cases of alleged sexual abuse;
- Consideration of any communication needs for the child.

The interview is crucial for informing interagency decision-making and will form the basis of any subsequent criminal proceedings.

A child should never be interviewed in the presence of an alleged or suspected perpetrator of abuse, or somebody who may be colluding with a perpetrator, including a parent.

In most circumstances, a parent or caregiver with parental responsibility should be consulted before the interview with the child, and their views ascertained. If there is no one with parental responsibility, another

eu barn. Os nad oes unrhyw un â chyfrifoldeb rhiant, dylid ymgynghori â phwy bynnag sy'n rhoi gofal parhaol a gofyn am gyngor cyfreithiol. Mewn achosion lle mae'r cyfweliad i gael ei recordio ar fideo, dylai'r swyddog sy'n ymchwilio roi taflen wybodaeth/pro-forma i'r rhiant neu'r un sy'n rhoi gofal.

Pan mae plentyn yn ddigon hen i ddeall ac i gydsynio, rhaid cofnodi ei ganiatâd ar y fideo ar ddechrau'r cyfweliad.

Mewn rhai amgylchiadau penodol, efallai mai'r farn yw y byddai er lles y plentyn i wneud cyfweliad llawn neu un ar fideo heb ymgynghori'n gyntaf â rhiant/un sy'n rhoi gofal. Yn y fath achosion, dylai'r gwasanaethau cymdeithasol ofyn am gyngor cyfreithiol, heblaw mewn achosion lle mae'r person ifanc yn 16 oed neu'n hŷn. Mewn amgylchiadau eithriadol lle byddai gofyn am y fath gyngor yn achosi oedi, mae'r heddlu'n cadw'r hawl i fynd ymlaen gyda'r ymchwiliad ar eu pen eu hunain.

Mewn achosion pan mae'r plentyn yn yr ysgol ar adeg y pryder, gall y pennaeth gydsynio i ystafell yn yr ysgol gael ei defnyddio ar gyfer y cyfweliad.

3.10 Yr archwiliad meddygol

Rhaid ystyried ym mhob achos o bryder a oes angen i'r plentyn gael archwiliad meddygol. Dylai'r person sy'n cyd-drefnu'r ymholiad drafod yr angen am archwiliad meddygol gyda phaediatregydd profiadol a chymwys neu gydag archwiliwr meddygol/meddyg fforensig. Dylai gytuno ar amseru a lleoliad yr archwiliad gan roi sylw i les pennaf y plentyn. Rhaid ystyried hefyd a oes angen archwiliad meddygol ar blant eraill y cartref neu rai sy'n dod i gysylltiad â'r camdriniwr honedig.

Er nad yw archwiliad meddygol yn un o ofynion pob ymholiad amddiffyn plant dan adran 47, mae angen ystyried gwneud un p'un ai oes gan y plentyn anafiadau amlwg neu arwyddion o esgeuluso ai peidio. Dim ond os yw'r sawl sy'n rheoli'r ymholiad yn fodlon y gallan nhw gyflawni ei bwrpas heb wneud archwiliad meddygol y dylid penderfynu peidio â gwneud un. Rhaid i'r penderfyniad hwnnw gynnwys trafodaeth gyda'r paediatregydd perthnasol.

Bydd angen i'r holl weithwyr proffesiynol sy'n ymwneud â'r achos gofnodi'r rhesymau hynny'n glir.

Mae angen i ymarferwyr gofio mai pwrpas archwiliad neu asesiad meddygol yw:

- Gofalu bod cyflwr meddygol y plentyn yn cael ei asesu'n feddygol, a'i fod yn cael y driniaeth addas;
- Tawelu meddwl y plentyn am ei iechyd a'i les;
- Cael asesiad o unrhyw arwyddion posib o gamdriniaeth;

permanent caregiver should be consulted and legal advice sought. In cases where a video interview is to be undertaken, the investigating officer should give a pro-forma/information sheet to the parent/caregiver.

Where a child is of sufficient age and understanding to consent, their consent should be recorded on the video at the start of the interview.

In certain circumstances it may be considered in the child's interests to undertake a full or video interview without first consulting with a parent/caregiver. In such cases, except where the young person is 16 years or over, legal advice should be sought by social services. In exceptional circumstances, where seeking such advice will cause a delay in the enquiry, the police reserve the right to proceed with the investigation on their own.

In cases where the child is at school at the time of expressed concern, the head teacher can consent to school premises being used for the interview.

3.10 The medical examination

Consideration should always be given to the need for a medical examination of each child about whom there are concerns. The person co-ordinating the enquiry should discuss the need for a medical examination with a suitably qualified and experienced paediatrician or forensic medical examiner/ physician, and agree the timing and location of the examination taking account of the best interests of the child. There should also be consideration of the need for other children in the household or in contact with the alleged perpetrator to be medically examined.

Although a medical examination is not a requirement in every child protection section 47 enquiry, it needs to be considered regardless of whether the child has any apparent or visible injuries or appears neglected. The medical examination should be dispensed with only if those managing the enquiry are satisfied that they can achieve the purposes of the enquiry without it. This must involve discussion with the appropriate paediatrician.

Those reasons will need to be clearly recorded by all professionals involved.

Practitioners need to be aware that the purpose of a medical examination or assessment is:

- To ensure the child's condition is medically assessed and treatment given as appropriate;
- To re-assure the child about their health and well-being;
- To obtain an assessment about possible indications of abuse;
- To ensure that any injuries or signs of neglect or abuse are noted for evidential purposes;
- To secure forensic evidence.

- Gofalu bod unrhyw anafiadau neu arwyddion o esgeuluso'n cael eu nodi fel tystiolaeth;
- Casglu tystiolaeth fforensig.

Lles y plentyn yw'r peth pwysicaf un. Rhaid i'r broses o gasglu tystiolaeth beidio olygu mwy o gamdriniaeth i'r plentyn. Dylai'r angen i gasglu tystiolaeth fforensig ddod yn ail bob amser i'r angen i blentyn gael triniaeth feddygol.

Dylai'r heddlu a'r gwasanaethau cymdeithasol gydweithio er mwyn osgoi'r angen am archwiliadau meddygol dro ar ôl tro. Os nad oedd y meddyg a fydd yn gwneud yr archwiliad yn gallu dod i'r cyfarfod strategaeth, bydd swyddog yr heddlu neu'r gweithiwr cymdeithasol yn rhoi gwybodaeth lawn iddo. Bydd y gweithiwr cymdeithasol yn gofalu bod y person â chyfrifoldeb rhiant ar gael i gydsynio â'r archwiliad.

3.10.1 Pryd ddylai'r archwiliad meddygol gael ei gynnal?

Rhaid i'r meddyg sy'n cael cais i wneud archwiliad farnu'r amseru gorau ar gyfer gwneud yr archwiliad.

- Cam-drin Corfforol a/neu Esgeuluso

Os yw'r atgyfeiriad yn ymwneud ag anaf corfforol neu esgeuluso difrifol, dylid trefnu archwiliad meddygol. Lle bynnag y bo hynny'n bosib, dylid ei wneud ar yr un diwrnod. Eithriad fyddai peidio â gweld y plentyn ar ddiwrnod yr atgyfeirio.

- Cam-drin Rhywiol

Mewn achosion o honiadau am gamdrin rhywiol, dylid ystyried archwiliad meddygol. Os oes angen un, dylai'r fath archwiliad fod ar gael o fewn cyfnod rhesymol, yn cynnwys y tu allan i oriau gwaith er mwyn amddiffyn iechyd y plentyn a diogelu a chadw tystiolaeth.

Yn achos honiad am ymosodiad rhywiol:

- Llai na 72 awr – dylai'r plentyn gael ei weld cyn gynted â phosib yn unol ag amgylchiadau unigol a'r angen i gasglu samplau fforensig, tynnu ffotograffau a/neu roi triniaeth;
- 72 awr i 6-7 diwrnod – dylai'r plentyn gael ei weld o fewn y 24 awr nesaf yn unol â phenderfyniad y meddyg;
- Mwy na 7 diwrnod – dylai'r plentyn gael ei weld o fewn amser rhesymol, fel arfer, pan mae'r apwyntiad cyntaf ar gael ac fel arfer o fewn wythnos.

The child's welfare is the paramount concern and the gathering of evidence must not become an additional source of abuse of the child. The need for forensic evidence should always be considered as secondary to the need for medical treatment for a child.

There should be liaison with police and social services to avoid the need for repeated medical examinations. The police or social worker will fully brief the examining doctor if he or she has been unable to attend the strategy meeting. The social worker will ensure that the person with parental responsibility is available to give consent for the examination.

3.10.1 When should the medical examination take place

The doctor to whom the request for an examination is made must judge the timing of the examination.

- Physical Abuse and/or Neglect

If the referral concerns physical injury or severe neglect a medical examination should be arranged, wherever possible, on the same day. Not to see the child on the day of referral would be exceptional.

- Sexual Abuse

In cases of any alleged sexual abuse, a medical examination should be considered, and if required, be available within a reasonable timescale, including out of hours. This will be to protect the health of the child and to secure and preserve evidence.

For an alleged sexual assault:

- Under 72 hours—the child should be seen as soon as possible, but dependent on the individual circumstances and the need for forensic samples, photo-documentation and/or treatment;
- 72hrs to 6/7 days--the child should be seen within the next 24 hrs as this will be determined by the doctor;
- More than 7 days—the child should be seen within an appropriate timescale, usually at the first available appointment and usually within a week.

3.10.2 Standards for medical examinations

For physical abuse and/or neglect an appropriately trained doctor usually the paediatrician should undertake the examination.

For alleged sexual abuse, a suitably qualified paediatrician should only undertake the examination. Where forensic information is sought, as in acute

3.10.2 Y safonau ar gyfer archwiliadau meddygol

Mewn achosion cam-drin a/neu esgeuluso corfforol, dylai meddyg sydd wedi'i hyfforddi'n briodol (y paediatregydd fel arfer) gwblhau'r archwiliad.

Mewn achos cam-drin rhywiol, dim ond paediatregydd â chymwysterau addas a ddylai gwblhau'r archwiliad. Os oes angen chwilio am wybodaeth fforensig, er enghraifft, mewn achos ymosodiad rhywiol difrifol, ac nid oes gan y paediatregydd y sgiliau fforensig angenrheidiol, gallai ofyn i un o feddygon fforensig yr heddlu fod yn bresennol i gasglu sbesimenau fforensig.

Rhaid i feddygon sy'n gwneud archwiliadau wybod am y dogfennau sy'n dilyn:

- *Guidance on Paediatric Forensic Examinations in Relation to Possible Child Sexual Abuse*, Coleg Brenhinol Pediatreg ac Iechyd Plant (RCPCH) a Chymdeithas y Meddygon Fforensig, 2004
- *Child Protection Companion*, RCPCH 2006
- *Child Protection Reader*, RCPCH 2007
- Datganiad Sefyllfa: *'Interpreting the Physical Signs of Child Sexual Abuse'*, RCPCH Rhagfyr 2006

3.10.3 Cydsynio â'r archwiliad meddygol

Rhaid i feddygon sy'n gwneud archwiliadau wybod am egwyddorion cydsynio deallus ac am y canllawiau yn *Child Protection Companion* yr RCPCH, 2006.

Mae angen i weithwyr cymdeithasol a swyddogion yr heddlu sy'n cwblhau ymholiadau amddiffyn plant dan adran 47 ac ymchwiliadau troseddol wybod hefyd am yr agwedd gydsynio ar wneud archwiliadau meddygol.

- Yn ôl y gyfraith, gallai gwneud archwiliad heb gydsyniad gyfrif fel ymosodiad;
- Cyfrifoldeb y meddyg sy'n gwneud archwiliad yw cael cydsyniad deallus, a gorau oll os yw'n ysgrifenedig.

3.10.3.1 Gall plentyn 16 oed a hŷn gydsynio ar ei ben ei hun. Os yw'r plentyn yn methu cydsynio, er enghraifft oherwydd anabledd dysgu, mae'n bosib gofyn am gydsyniad y person â chyfrifoldeb rhiant.

3.10.3.2 Mae pobl ifanc dan 16 oed, sy'n berffaith abl i ddeall yn iawn yr hyn sydd dan sylw a'i oblygiadau, yn gymwys i gydsynio (*Gillick v Wisbech 1986).* Ond, po fwyaf difrifol yw'r gweithredoedd meddygol dan sylw, po fwyaf o allu mae'r person ifanc ei angen i ddeall ei oblygiadau. Felly, dylai'r meddyg sy'n archwilio ofalu bod y person ifanc yn deall natur yr archwiliad meddygol yn iawn, ac yn sylweddoli y gallai'r wybodaeth a ddaw i law gael ei rhannu gyda phobl eraill.

sexual assault, if the paediatrician does not have the necessary forensic skills, he/she may request from the police that a forensic medical physician (FMP), be in attendance for the collection of forensic specimens.

Doctors undertaking the examinations must be aware of:

- Guidance on Paediatric Forensic Examinations in Relation to Possible Child Sexual Abuse The Royal College of Paediatrics and Child Health (RCPCH) and The Association of Forensic Physicians 2004
- Child Protection Companion *RCPCH 2006*
- Child Protection Reader *RCPCH 2007*
- Position Statement 'Interpreting the Physical Signs of Child Sexual Abuse' *RCPCH December 2006*

3.10.3 Consent for the medical examination

Examining doctors must be aware of the principles of informed consent and of the guidance contained in the RCPCH Child Protection Companion 2006.

Social workers and police officers undertaking child protection section 47 enquiries and criminal investigations also need to be aware of the issues of consent for the medical examination.

- Examination without consent may be held in law to be an assault;
- It is the responsibility of the examining doctor to obtain the informed consent preferably in writing.

3.10.3.1 A child of 16 years and over can give their own consent. If they are unable to consent for example because of a learning disability, consent may be sought from a person with parental responsibility.

3.10.3.2 Young people under the age of 16 years, who are able to fully understand what is proposed and its full implications, are competent to consent (*Gillick v Wisbech 1986).* However the more serious the medical procedures proposed a correspondingly better grasp of the implications is required. Therefore the examining doctor needs to ensure that the young person fully understands the nature of the medical examination and how the information obtained might be shared with others.

3.10.3.3 If a young person is not deemed to be Fraser/Gillick competent, consent from a person with parental responsibility is required. However the child may still refuse to be examined.

3.10.3.4 For a child under 16, consent for a child protection medical examination will require the informed consent of a person with parental responsibility and of the child, preferably in writing.

3.10.3.3 Os y farn yw nad yw'r person ifanc yn gymwys yn ôl Fraser/Gillick, dylid cael person â chyfrifoldeb rhiant i gydsynio; mae hawl gan y plentyn o hyd i wrthod cael ei archwilio.

3.10.3.4 Yn achos plentyn dan 16 oed, rhaid i berson â chyfrifoldeb rhiant a'r plentyn ei hun roi eu cydsyniad deallus i archwiliad meddygol sy'n cael ei wneud am resymau amddiffyn plant, a gorau oll os yw'r cydsyniad yn ysgrifenedig.

3.10.3.5 Os yw'r plentyn yn destun achos llys yn barod, mae gofyn cael cydsyniad yr un llys. Os yw'r plentyn yn destun gorchymyn gofal, mae gofyn cael cydsyniad y cyfarwyddwr arweiniol ar ran y gwasanaethau cymdeithasol hefyd.

- I'r cydsyniad fod yn ddeallus, mae angen i'r meddyg siarad yn uniongyrchol gyda'r person â chyfrifoldeb rhiant ac esbonio pwrpas a threfn yr archwiliad meddygol. Rhaid disgrifio'n glir holl elfennau'r archwiliad, hynny yw, yr hanes, y broses archwilio, y sbesimenau fforensig, y defnydd o ffotograffau fideo neu luniau unigol, trafodaethau gyda chydweithwyr, a'r broses o rannu'r darganfyddiadau a'r adroddiadau â'r gwasanaethau cymdeithasol, yr heddlu, gwasanaeth erlyn y goron a'r llysoedd. Yn benodol, bydd angen i'r plentyn a'r rhiant sylweddoli y bydd gwybodaeth a ddaw i law yn ystod yr archwiliad yn cael ei rhannu â phobl eraill, ac efallai y bydd yn cael ei darllen yn uchel mewn llys;
- Rhaid gofyn am gydsyniad mewn sefyllfa wyneb yn wyneb, hynny yw, pan mae'r rhiant yn bresennol gyda'r plentyn. Ond os nad yw'r rhiant yn gallu neu'n dymuno bod yn bresennol, bydd angen i'r meddyg benderfynu sut mae mynd ati i gael cydsyniad dilys;
- Dim ond mewn argyfwng meddygol pan mae angen sylw meddygol brys ar y plentyn, nad yw cydsyniad yn ofynnol.

3.10.4 Cydsynio: materion eraill

- Pan nad yw cydsyniad ar gael yn rhwydd, neu os yw rhiant yn gwrthod ei roi, dylid trafod y mater gyda'r gwasanaethau cymdeithasol o safbwynt yr angen i gael cyngor cyfreithiol a sut mae mynd ati i gael cydsyniad dilys;
- Dylid nodi nad yw ymholiadau amddiffyn plant dan adran 47, Gorchmynion Amddiffyn Brys (Emergency Protection Orders) na phwerau amddiffyn yr heddlu'n rhoi cydsyniad ar gyfer archwiliad meddygol. Wrth wneud cais am Orchymyn Amddiffyn Brys ac os oes gofyn cael archwiliad meddygol, mae angen gwneud cais i'r gorchymyn gynnwys cyfarwyddiadau am archwiliad meddygol.

3.10.3.5 Where the child is already the subject of proceedings in a court, the consent of the same court is required. If the child is subject to a care order, the consent of the lead director of social services is required.

- For the consent to be informed the doctor needs to speak directly to the person with parental responsibility and explain the purpose and process of the medical examination, clearly specify all of the elements of the examination i.e. history, examination, forensic specimens, use of video/still photo-documentation, discussion with colleagues, the sharing of findings and reports with social services, police, crown prosecution service and courts. In particular the child and parent will need to be aware that information gained by the examination will be shared with others and may also be read out in court;
- Consent should always be sought on a face-to-face basis, that is with the parent in attendance with the child. However if the parent cannot or does not want to be present the doctor will need to decide on the action needed to obtain a valid consent;
- Only in the case of a medical emergency where the child needs urgent medical attention, is consent not required.

3.10.4 Consent: other issues

- Where consent is not readily available or is refused by a parent, the matter should be discussed with social services regarding the need for legal advice and action to obtain a valid consent;
- It should be noted that neither child protection section 47 enquiries, Emergency Protection Orders or police powers of protection give consent for a medical examination. When applying for an Emergency Protection Order and a medical examination is required, directions for a medical examination need to be requested.
- If a child or teenager refuses the examination, it cannot be undertaken. An examination must never be forced on a child.

3.11 Recording

The case notes should be written contemporaneously as fully as possible, and no later than 24 hours after the events. They should fully reflect the child protection enquiry process, including all events leading to the investigative interview, the timing, setting and personnel involved in all discussions. All records must be signed, or the author identified, timed and dated. Records of contact with the child should record what the child says in the child's own

- Os yw plentyn neu berson ifanc yn ei arddegau'n gwrthod yr archwiliad, nid yw'n bosib ei wneud. Rhaid peidio byth â gorfodi plentyn i gael archwiliad.

3.11 Cofnodi

Dylid ysgrifennu nodiadau'r achos ar y pryd ac mor llawn â phosib ac o fewn 24 awr fan bellaf i'r digwyddiadau. Dylai'r nodiadau ddisgrifio trefn yr ymholiadau amddiffyn plant yn llawn, yn cynnwys popeth a ddigwyddodd cyn y cyfweliad ymchwilio, yr amseru, y lleoliad a'r staff oedd yn rhan o bob trafodaeth. Rhaid i bob cofnod gael ei lofnodi neu fod ag enw'r awdur, a rhaid iddo nodi'r amser a'r dyddiad. Dylai cofnod o gyswllt gyda'r plentyn nodi'r hyn a ddywedodd y plentyn, yn ei eiriau ei hun. Wrth ysgrifennu cofnodion, dylai gweithwyr proffesiynol ddilyn cod ymarfer eu hasiantaeth neu eu proffesiwn eu hun.

Blwch 11: Cofnodi ymweliadau â theuluoedd

Byddai enghraifft dda o gofnodi'n cynnwys y pwyntiau canlynol:

- Dyddiad ac amser yr ymweliad;
- Pwrpas yr ymweliad (ymholiad cychwynnol wrth amddiffyn plentyn, ymweliad asesu, ymweliad goruchwylio, etc);
- P'un ai oedd yr ymweliad wedi'i drefnu ai peidio;
- Canlyniad bwriadol yr ymweliad. Dylai hyn fod yn benodol. Er enghraifft, yn lle cofnodi 'casglu gwybodaeth ar gyfer asesiad', dylai'r cofnod sôn am wybodaeth benodol fel 'dysgu am brofiadau'r rheini o'u plentyndod eu hunain'. Byddai sefyllfa lle mae rhiant yn gwrthod cydweithredu'n cyfrannu at y dyfarniadau a'r penderfyniadau terfynol, a gallai fod yn ddarn pwysig o dystiolaeth;
- Y bobl oedd yn bresennol yn ystod yr ymweliad;
- Cadarnhad a oedd cyfle i weld a siarad gyda'r plentyn ai peidio gan ddisgrifio'i ymddangosiad corfforol ac emosiynol;
- Unrhyw ddymuniadau a theimladau a grybwyllwyd gan y plentyn a'r rhiant/un sy'n rhoi gofal yn ystod yr ymweliad;
- Os na chafodd y plentyn ei weld neu os nad oedd yn bresennol, beth gafodd ei wneud wedyn i gadarnhau unrhyw reswm dros ei absenoldeb;
- Crynodeb o'r trafodaethau;
- Pa wybodaeth neu gyngor a gafodd eu rhoi i'r rhiant, yr un sy'n rhoi gofal neu'r plentyn;

words. Professionals should follow their agency/professional codes of practice in relation to record keeping.

Box 11: Recording visits to families

A good example of recording would include the following:

- The date and time of the visit;
- The purpose of the visit (child protection initial enquiry, assessment visit, supervision visit, etc);
- Whether it was a planned or an unannounced visit;
- The intended outcome of the visit. This should be specific. For example instead of recording 'gathering information for assessment' the record should indicate specific information being sought such as a parent's own childhood experiences. Non-cooperation by a parent will contribute to eventual judgements and decisions and may form an important piece of evidence;
- Who was present during the visit;
- Confirmation whether the child was seen and communicated with, and how they presented physically and emotionally;
- Any wishes and feelings expressed by the child and parent/caregiver during the visit;
- If a child is not seen/not present the action that was taken subsequently to verify any reason given;
- Summary of discussion;
- Information or advice given to the parent/caregiver/child;
- Any subsequent arrangement made or action planned or taken, by whom, and in what timescale;
- The name of the worker making the entry and the time and date of the recording.

All agencies need to ensure that staff members and professionals are aware of their agency's record keeping standards. All agencies should have a system in place for monitoring recording standards. Health in particular, should ensure that within a given location, there is a single set of records for the child.

Agencies should ensure clear protocols are in place concerning information databases and in particular the content, process and access to records that

- Unrhyw drefniant dilynol a wnaed neu weithredu wedi ei gynllunio gan nodi pwy a weithredodd, a'r amserlen;
- Enw'r gweithiwr cymdeithasol a ysgrifennodd y cofnod, a'r amser a'r dyddiad pan gafodd ei ysgrifennu.

Mae angen i bob asiantaeth ofalu bod ei staff a'i gweithwyr proffesiynol yn ymwybodol o'r safonau sydd wedi'u gosod ar gyfer cadw cofnodion. Rhaid i bob asiantaeth fod â system ar waith ar gyfer monitro safonau cofnodi. Dylai'r gwasanaeth iechyd, yn benodol, ofalu mai un set yn unig o gofnodion sy'n bodoli ar gyfer y plentyn o fewn ardal benodedig.

Dylai asiantaethau ofalu bod protocolau clir ar waith ar gyfer y cronfeydd data o wybodaeth mae'r asiantaeth yn eu cadw am blant unigol, yn arbennig y cynnwys, y prosesau a'r hawl i fynd at y cofnodion. Dylai'r Byrddau Lleol Diogelu Plant ofalu bod y trefniadau hyn yn effeithiol.

3.12 Casgliad a chanlyniad yr ymholiadau amddiffyn plant dan adran 47

3.12.1 Dod i benderfyniad

Ar ôl cwblhau'r ymholiadau amddiffyn plant dan adran 47, bydd un o reolwyr y gwasanaethau cymdeithasol yn penderfynu pa weithredu fydd yn dilyn. Bydd yn rhoi sylw i farn unrhyw asiantaethau eraill sy'n rhan o'r broses amddiffyn plant. Gallai hyn gynnwys yr angen i gynnal cyfarfod strategaeth arall.

Rhaid cofnodi'r rhesymau dros wneud y penderfyniad yn glir yng nghofnodion achos y plentyn.

Gallai'r rheolwr ddod i un o dri phenderfyniad posib:

- Nid yw'r pryderon wedi'u cadarnhau neu nid oes sail i'r pryderon;
- Mae'r pryderon wedi'u cadarnhau neu mae sail i'r pryderon ond y farn yw nad yw'r plentyn yn parhau mewn perygl o ddioddef niwed arwyddocaol;
- Mae'r pryderon wedi'u cadarnhau neu mae sail i'r pryderon a'r farn yw bod y plentyn yn parhau mewn perygl o ddioddef niwed arwyddocaol.

Gyda'r ddau ddewis cyntaf, efallai fod y plentyn yn blentyn mewn angen. Efallai fod gofyn trefnu gwasanaethau cefnogi i roi sylw i'w anghenion a ddaeth i'r amlwg ar ôl cwblhau asesiad craidd a chynllun ar gyfer plentyn mewn angen. Dylai'r rhain gael eu cyd-gysylltu mewn cyfarfod rhyng-asiantaethol, a dylid cynnwys y teulu.

are maintained by agencies in respect of individual children. The LSCB should ensure the effectiveness of these arrangements.

3.12 The conclusion and outcome of child protection section 47 enquiries

3.12.1 Making the decision

Following the conclusion of the child protection section 47 enquiries a social services manager will make the decision about future action taking into consideration the views of other agencies involved in the child protection process. This may include the need for a further strategy meeting.

Reasons for the decision must be clearly recorded on the child's case records.

The manager may come to one of three possible decisions:

- Concerns are not substantiated;
- Concerns are substantiated but the child is not judged to be at continuing risk of significant harm;
- Concerns are substantiated and the child is judged to be at continuing risk of significant harm.

In the case of the first two options, the child may or may not be a child in need. Support services may be required to address the child's needs identified through a completed core assessment and a child in need plan, and should be co-ordinated by an inter-agency meeting that includes the family.

The original referrer should be notified of the outcome of enquiries consistent with respecting the confidentiality of the family.

The family will be kept informed throughout the child protection process.

The outcome of child protection section 47 enquiries must be recorded. Parents, the child if of sufficient age and understanding, and the referring agency should receive a copy. All agencies that have provided information or been involved in the child protection section 47 enquiries should be informed of the outcome.

If a referrer wishes to challenge the outcome of child protection section 47 enquiries they should follow the local protocol for resolving professional differences.

Dylai'r sawl a atgyfeiriodd yr achos yn wreiddiol gael gwybod am ganlyniad yr ymholiadau, gan gofio bod angen parchu cyfrinachedd y teulu.

Dylai'r teulu gael gwybodaeth lawn trwy gydol y broses amddiffyn plant.

Rhaid cofnodi canlyniad yr ymholiadau amddiffyn plant dan adran 47. Dylid rhoi copi i'r rhieni, y plentyn os yw'n ddigon hen i ddeall, a'r asiantaeth a atgyfeiriodd yr achos. Dylid rhoi gwybod am y canlyniad i bob asiantaeth sydd wedi rhoi gwybodaeth neu wedi bod yn rhan o'r ymholiadau amddiffyn plant dan adran 47.

Os yw'r sawl a atgyfeiriodd yr achos yn dymuno herio canlyniad yr ymholiadau amddiffyn plant dan adran 47, dylai ddilyn y protocol lleol ar gyfer datrys anghydfodau proffesiynol.

3.12.2 Pryderon sydd heb eu cadarnhau

Pan nad yw ymholiadau'n cadarnhau'r pryderon gwreiddiol fod y plentyn yn dioddef niwed arwyddocaol neu mewn perygl o gael niwed arwyddocaol, nid oes angen rhagor o weithredu dan y canllawiau amddiffyn plant.

Mae angen cofnodi'n glir y rhesymau dros benderfynu nad oes angen rhagor o weithredu.

Ond dylai'r gwasanaethau cymdeithasol ac asiantaethau eraill ystyried, ar y cyd â'r teulu, a oes angen cymorth a/neu wasanaethau arnyn nhw er mwyn gwella lles y plentyn. Yn ddelfrydol, dylai'r fath benderfyniad gael ei wneud mewn cyfarfod rhyng-asiantaethol. Bydd canlyniad yr asesu a gwblhawyd hyd yn hyn yn sail i'r penderfyniad hwnnw. Dan yr amgylchiadau yma, dylai'r asesiad craidd fynd yn ei flaen a chael ei gwblhau o fewn 35 diwrnod gwaith i'w ddyddiad cychwyn.

Pan mae'r ymholiadau'n dangos nad oes sail i'r pryderon, dylid hysbysu'n ysgrifenedig y rhieni/y rhai sy'n rhoi gofal, y plentyn a'r sawl a atgyfeiriodd yr achos, os yn briodol. Rhaid bod yn effro i deimladau pobl wrth ysgrifennu'r llythyrau a chydnabod bod y broses ymholi wedi achosi gofid a phryder. Ond, rhaid pwysleisio hefyd dyletswydd gyfreithiol yr asiantaethau statudol i wneud ymholiadau.

Mewn rhai amgylchiadau, efallai fod y pryderon ynglŷn â niwed arwyddocaol yn parhau, ond does dim digon o dystiolaeth. Yn y fath amgylchiadau, dylid cynnig gwasanaethau i'r teulu. Ond, os yw'r teulu'n eu gwrthod, mae angen i'r asiantaethau sy'n dal i ymwneud â'r teulu barhau'n wyliadwrus ac adrodd yn y ffordd arferol am unrhyw bryderon. Dan yr amgylchiadau yma, dylid ystyried gwneud asesiad craidd.

3.12.2 Concerns are not substantiated

Where enquiries do not substantiate the original concerns about the child suffering significant harm or being at risk of significant harm, no further action under the child protection procedures will be required.

The reasons for making a decision that no action is required need to be clearly recorded.

Social services and other agencies should however, consider with the family whether there is a need for support and/or services to improve the child's well being. This decision should ideally be made at an inter-agency meeting and will be informed by the outcome of the assessment so far. In these circumstances the core assessment should continue and be completed within 35 working days of it commencement.

Where the enquiries reveal no substance to the cause for concern, parents/caregivers, the child and the referrer, as appropriate, should be informed in writing. Letters should be sensitively worded and acknowledge the distress and anxiety caused by the enquiry process, but draw attention to the legal duty of the statutory agencies to make enquiries.

In some circumstances concerns about significant harm may remain but there is insufficient evidence. In such circumstances, the family should be offered services. If, however, the family refuses, agencies that continue to be involved with the family need to remain vigilant and report any concerns in the usual way. In these circumstances, a core assessment should be considered.

3.12.3 Concerns are substantiated but the child is not judged to be at continuing risk of significant harm

Where there are substantiated concerns that a child has suffered significant harm but it is clear from enquiries that there is no continuing risk of significant harm, it may be agreed that there is no need for a child protection conference and a child protection plan even though there may still be a need for a criminal investigation. In these circumstances, all those involved need to be sure that any plan for ensuring the child's future safety and well being can be developed and implemented outside of child protection procedures. It will always be important to seek children's views before making this decision, in a way that is compatible with their age and level of understanding. The decision and the reason for it must be recorded by the social worker and include the names of all those involved in the decision-making.

A decision not to hold a child protection conference in such circumstances must be taken carefully, analysing the available evidence and the views of other agencies that have been involved in the child protection section 47 enquiries. Social services should take care over any decision not to proceed to a child protection conference where it is known that a child has suffered significant harm. A suitably qualified and designated person within social

3.12.3 Pryderon wedi'u cadarnhau ond y farn yw nad yw'r plentyn yn parhau mewn perygl o ddioddef niwed arwyddocaol

Pan mae pryderon wedi eu cadarnhau bod plentyn wedi dioddef niwed arwyddocaol ond bod ymholiadau'n dangos yn glir nad yw'r fath berygl yn parhau, mae'n bosib cytuno nad oes angen cynhadledd a chynllun amddiffyn plant, er ei bod hi'n dal yn bosib y bydd angen gwneud ymchwiliad troseddol. Yn y fath amgylchiadau, mae angen i bawb sy'n ymwneud â'r achos deimlo'n siŵr bod modd datblygu unrhyw gynllun sy'n ceisio sicrhau diogelwch a lles y plentyn yn y dyfodol a'i roi ar waith y tu allan i'r canllawiau amddiffyn plant. Cyn gwneud y fath benderfyniad, bydd yn bwysig pob tro i ofyn am farn y plentyn mewn ffordd sy'n gyson â'i oedran a'i allu i ddeall. Rhaid i'r gweithiwr cymdeithasol gofnodi'r penderfyniad a'r rhesymau dros ei wneud, a rhaid cynnwys enwau'r holl weithwyr oedd yn rhan o'r broses benderfynu.

Rhaid i'r penderfyniad i beidio â chynnal cynhadledd amddiffyn plant yn y fath amgylchiadau gael ei wneud yn ofalus iawn. Rhaid dadansoddi'r wybodaeth sydd ar gael a barn asiantaethau eraill a fu'n rhan o'r ymholiadau amddiffyn plant adran 47. Pan mae'n glir bod plentyn wedi dioddef niwed arwyddocaol, rhaid i'r gwasanaethau cymdeithasol fod yn ofalus iawn wrth benderfynu peidio â symud ymlaen at gynhadledd amddiffyn plant. Rhaid i'r penderfyniad gael ei gadarnhau, neu ei wrthod, gan un o weithwyr y gwasanaethau cymdeithasol sydd wedi'i ddynodi ac sydd â chymwysterau addas. Mae hawl gan y gweithwyr proffesiynol a'r asiantaethau sydd wedi ymwneud fwyaf â'r plentyn a'r teulu, a'r rhai oedd yn cymryd rhan yn yr ymholiadau, i ofyn i'r gwasanaethau cymdeithasol gynnull cynhadledd amddiffyn plant os ydyn nhw'n wir bryderu na fyddai plentyn yn cael ei ddiogelu'n iawn fel arall. Rhaid i'r penderfyniad i beidio â chynnal cynhadledd amddiffyn plant gael ei seilio ar farn glir nad yw'r perygl iddo gael niwed arwyddocaol yn parhau. Gallai enghreifftiau o'r fath sefyllfa gynnwys: lle mae'r amgylchiadau wedi newid ac mae'r camdriniwr honedig wedi gadael y cartref yn barhaol, neu lle mae'r niwed arwyddocaol wedi digwydd o ganlyniad i ddigwyddiad camdriniol ynysig, er enghraifft pan mae dieithryn wedi cam-drin plentyn. Wrth wneud y fath benderfyniad, dylai'r gwasanaethau cymdeithasol neu unrhyw asiantaeth arall ystyried trefnu cyfarfod cynllunio rhyng-asiantaethol neu gyfarfod i drafod cynllun plentyn mewn angen, a chynnwys y teulu.

Pwrpas y cyfarfod cynllunio rhyng-asiantaethol neu'r cyfarfod i drafod cynllun plentyn mewn angen fydd:

- Cytuno gydag asiantaethau eraill a gyda'r teulu beth sydd angen ei wneud, a beth yw'r canlyniadau a fwriedir o ran diogelwch a lles y plentyn;
- Creu cynllun a ddylai gael ei seilio ar ddarganfyddiadau'r broses asesu, a gofalu y bydd yr asesiad craidd yn cael ei gwblhau yn ôl yr amserlen ofynnol;

services should endorse this decision, or if necessary overrule it. Those professionals and agencies who are most involved with the child and family, and those who have taken part in enquiries, have the right to request that social services convene a child protection conference if they have serious concerns that a child may not otherwise be adequately safeguarded. The decision not to hold a child protection conference must be based on the clear view that there is no continuing risk of significant harm. Examples of when this may apply include where circumstances have changed such as when an alleged abuser has permanently left the household or where significant harm has occurred as a result of an isolated abusive incident such as abuse by a stranger. In making this decision, social services or any other agency should consider arranging an inter-agency or child in need planning meeting to include the family.

The purpose of the inter-agency or child in need planning meeting will be to:

- Agree with other agencies and the family what actions need to be undertaken, and with what intended outcome for the child's safety and well-being;
- Draw up a plan which should be informed by the assessment findings and ensure that the core assessment has been or will be completed within the required time;
- Set out in the plan who will have responsibility for what actions;
- Clarify what actions will be taken if the plan cannot be successfully implemented;
- Set out a timescale for review of progress;
- Consider the appropriateness of a family group conference.

Box 12: Family Group Conferences

- Family group conferences (FGC) are a way of giving families the chance to come together to try and make the best plan for children.
- **The significant difference between family group conferences and other meetings is that family members not professionals are the decision makers.**
- The emphasis is upon solving problems through discussion. Effective FGCs need to be based within a framework of clear principles and practice that encompasses referral process, planning meetings, conduct of the meeting and reviewing plans.
- FGCs do not replace or remove the need for a child protection conference, which should always be held where the relevant criteria

- Enwi'r tasgau yn y cynllun a'r bobl a fydd yn gyfrifol am roi pob un ar waith;
- Esbonio'n glir beth fydd yn cael ei wneud os nad yw'n bosib rhoi'r cynllun ar waith yn llwyddiannus;
- Gosod amserlen ar gyfer adolygu'r cynnydd;
- Ystyried a fyddai'n briodol cynnal cynhadledd neu gyfarfod grŵp teulu.

Blwch 12: Cynadleddau/ Cyfarfodydd Grwp Teulu

- Ffordd yw cynadleddau grwp teulu o roi cyfle i deuluoedd ddod at ei gilydd i geisio creu'r cynllun gorau ar gyfer plentyn.
- **Y gwahaniaeth sylfaenol rhwng cynadleddau grwp teulu a chyfarfodydd eraill yw mai aelodau'r teulu sy'n gwneud penderfyniadau, nid gweithwyr proffesiynol.**
- Datrys problemau trwy drafod yw hanfod cynadleddau teulu. Byddan nhw'n effeithiol os ydyn nhw wedi'u seilio ar fframwaith o egwyddorion ac arferion clir sy'n cynnwys y broses atgyfeirio, cyfarfodydd cynllunio, trefn y cyfarfod a chynlluniau adolygu.
- Nid yw cynadleddau teulu yn disodli cynadleddau amddiffyn plant, nac yn diddymu'r angen am y fath gynadleddau. Os yw'r meini prawf perthnasol yn cael eu bodloni, dylid cynnal cynhadledd amddiffyn plant bob amser.

Gall cynadleddau teulu fod yn werthfawr:

- Os oes gofyn creu cynllun plentyn mewn angen;
- Os nad yw ymholiadau amddiffyn plant adran 47 wedi cadarnhau niwed arwyddocaol, ond mae angen cymorth a gwasanaethau ar y teulu ac maen nhw'n ansicr yn eu cylch;
- Mae cynhadledd amddiffyn plant wedi cytuno fod cynhadledd deuluol yn ffordd addas i'r grŵp craidd fynd ati i droi cynllun amddiffyn plant yn gynllun manwl, ac i gytuno arno.

3.12.4 Pryderon wedi'u cadarnhau a'r farn yw bod y plentyn yn parhau mewn perygl o ddioddef niwed arwyddocaol

Dan yr amgylchiadau yma, dylai'r gwasanaethau cymdeithasol gynnull cynhadledd amddiffyn plant o fewn 15 diwrnod gwaith i ddyddiad y drafodaeth strategaeth, neu i ddyddiad y drafodaeth/cyfarfod strategaeth diwethaf os oedd mwy nag un, pan gafodd yr ymholiadau amddiffyn plant adran 47 eu cychwyn. Mae angen cynhadledd amddiffyn plant i benderfynu ar y camau nesaf dan y canllawiau amddiffyn plant.

have been met.

They may be valuable when:

- A child in need plan is required;
- Where child protection section 47 enquiries have not substantiated significant harm but there is a need for support and services and there is ambivalence from the family;
- A child protection conference has agreed a FGC is an appropriate vehicle for the core group to use to develop an outline child protection plan in to a detailed plan and agreement.

3.12.4 Concerns are substantiated and the child is judged to be at continuing risk of significant harm

In these circumstances a child protection conference should be convened by social services within 15 working days of the strategy discussion, or the last strategy discussion/meeting if more than one has occurred, which initiated the child protection section 47 enquiries. A child protection conference is needed to make a decision about further action under the child protection procedures.

A strategy meeting is not a substitute for a child protection conference.

There are five types of situation that may make a child protection conference necessary:

- Child protection section 47 enquiries into an incident or suspicion of child abuse indicates that the concerns are substantiated and that further action under the child protection procedures is necessary to safeguard the child's welfare. This includes situations where suspicions of the likelihood of abuse and/or neglect have developed over time based on a variety of concerns and a decision has been made to move the case into the child protection system, or another agency requests a child protection conference. This decision should be made via a strategy discussion/meeting, with the conference following within 15 working days;
- Before a child is born, family history suggests the likelihood of significant harm occurring;

Nid yw cyfarfod strategaeth yn gwneud y tro yn lle cynhadledd amddiffyn plant.

Mae pump math o sefyllfa a allai olygu bod cynhadledd amddiffyn plant yn angenrheidiol:

- Mae ymholiadau amddiffyn plant adran 47 i ddigwyddiad neu i amheuaeth o gamdriniaeth yn cadarnhau'r pryderon ac yn dangos bod angen gweithredu dan y canllawiau amddiffyn plant i ddiogelu lles y plentyn. Mae hyn yn cynnwys sefyllfaoedd lle mae'r amheuaeth fod camdriniaeth a/neu esgeulustod yn debygol wedi datblygu dros amser ar sail amryw o bryderon, a bod penderfyniad wedi cael ei wneud i symud yr achos i'r drefn amddiffyn plant, neu fod asiantaeth arall wedi gofyn am gynhadledd amddiffyn plant. Dylid dod i'r penderfyniad hwn mewn trafodaeth neu gyfarfod strategaeth, gyda'r gynhadledd yn dilyn o fewn 15 diwrnod gwaith;
- Mae hanes teulu'n awgrymu bod plentyn, cyn iddo gael ei eni, yn debygol o gael niwed arwyddocaol;
- Mae plentyn yn cael ei ddarganfod yn byw mewn cartref sy'n cynnwys neu sy'n cael ei ymweld gan oedolyn sy'n achosi perygl i blentyn neu oedolyn y credir iddo gamdrin plentyn;
- Mae plentyn yn perthyn i deulu sydd wedi symud i'r ardal, ac mae wedi cael ei gofrestru mewn ardal arall;
- Mae asiantaeth arall yn galw am gynnal cynhadledd.

Dan y tair set gyntaf o amgylchiadau, dylai ymholiadau amddiffyn plant dan adran 47 ddod bob amser o flaen y gynhadledd amddiffyn plant.

Os y farn yw bod angen amddiffyn plentyn ar unwaith, cyn i gynhadledd amddiffyn plant gael ei chynnal, ni ddylai'r ffaith fod y gynhadledd ar fin cael ei chynnal achosi unrhyw oedi wrth fynd ati i amddiffyn y plentyn.

3.13 Yr asesiad craidd

Rhaid dechrau asesiad craidd ar gyfer pob plentyn sy'n destun ymholiadau amddiffyn plant dan adran 47; mae'r ddwy broses yn dechrau ar yr un pryd. Pwrpas yr asesiad craidd yw galluogi gweithwyr i ffurfio barn broffesiynol gadarn ynglŷn â'r ffordd orau i ymyrryd i ddiogelu a hybu lles plentyn.

Dylid cwblhau'r asesiad craidd o fewn 35 diwrnod gwaith. Dylai adeiladu ar yr holl wybodaeth a ddaeth i law wrth wneud yr asesiad cychwynnol a'r ymholiadau adran 47. Dylai gynnig tystiolaeth a fydd yn sylfaen i farn a chynlluniau ynglŷn â'r ffordd orau o ddiogelu plentyn, hybu ei les, a chynorthwyo'r rhieni i hybu lles eu plant.

- A child is found to be living in a household that includes, or is visited, by a person who is an adult who poses a risk to children or who is believed to have abused a child;
- A child in a family moves into the area and is the subject of registration in another area;
- Another agency requests that a conference is convened.

In the first three circumstances, child protection section 47 enquiries should always precede the child protection conference.

If prior to the child protection conference it is thought that the child may require immediate protection, such action must not be delayed because a child protection conference is pending.

3.13 The core assessment

A core assessment must be started for each child who is the subject of child protection section 47 enquiries; both commence at the same time. The purpose of the core assessment is to enable sound professional judgements to be made about how best to intervene to safeguard and promote a child's welfare.

The core assessment should be completed within 35 working days. It should build on all the information obtained in the course of the initial assessment and the section 47 enquiries. It should provide evidence on which to base judgements and plans on how best to safeguard a child, promote his or her welfare and support parents in promoting their children's welfare.

The core assessment is the responsibility of all professionals who are members of the core group and this responsibility will be reflected in their full contribution to the process.

The core assessment will include an analysis of:

- The child's developmental needs;
- The parents' capacity to respond to those needs, including the parents' ability to ensure that the child is safe from harm;
- The wider circumstances of the family.

The assessment will take into account the ethnic and cultural needs of the child and family. The family should be encouraged and enabled to participate in the assessment and the allocated social worker should explain the process throughout.

Mae pob un o'r gweithwyr proffesiynol sy'n perthyn i'r grŵp craidd yn gyfrifol am wneud yr asesiad craidd. Bydd hyd a lled y cyfrifoldeb hwn i'w weld yn eu cyfraniad llawn at y broses.

Bydd yr asesiad craidd yn cynnwys dadansoddiad o:

- Anghenion datblygu'r plentyn;
- Gallu'r rhieni i ymateb i'r anghenion hynny, yn cynnwys gallu'r rhieni i ddiogelu'r plentyn rhag niwed;
- Amgylchiadau ehangach y teulu.

Bydd yr asesiad yn rhoi sylw i anghenion ethnig a diwylliannol y plentyn a'r teulu. Dylid rhoi cyfle i'r teulu gymryd rhan yn yr asesu, a'u hannog i wneud hynny gan esbonio'r broses bob cam o'r ffordd.

Blwch 13: Ymarfer da wrth asesu

Mae adolygiadau achosion difrifol yn tanlinellu'n aml bwysigrwydd asesu a dadansoddi. Wrth asesu mae rhywun yn casglu, trefnu a dadansoddi gwybodaeth. Mae asesu effeithiol yn chwilio am batrymau cyffredinol sy'n esbonio'r hyn sydd wedi digwydd i blentyn. Mae'n rhoi fframwaith ar gyfer deall a dadansoddi angen, risg a'r perygl mae unigolion yn ei achosi i blant.

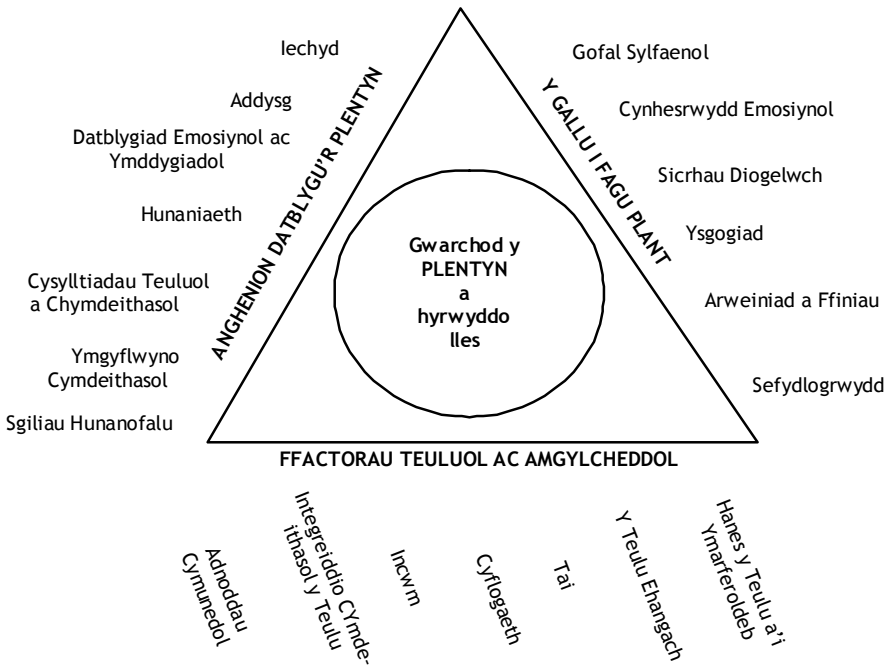
Rhaid bod yn arbennig o ofalus nad yw asesiadau'n mynd yn rhy optimistaidd neu'n lleihau'r risg i blant. Mae angen canolbwyntio ar gasglu tystiolaeth er mwyn barnu p'un ai yw plentyn yn ddiogel rhag cael ei anafu, ei esgeuluso, a'i gam-drin yn emosiynol neu'n rhywiol.

Box 13: Good Practice in Assessment

Serious case reviews frequently highlight the importance of assessment and analysis. Assessment is the process by which information is collected, collated and analysed. Effective assessment seeks overall patterns that explain what has happened to a child and provides a framework for understanding and analysing need, risk and the danger individuals pose for children.

Particular care needs to be taken that assessments do not become over optimistic or minimise risk to children. The focus needs to be on gathering evidence to make judgements about whether a child is safe from injury, neglect, and emotional or sexual abuse.

Y Fframwaith ar gyfer Asesu Plant mewn Angen a'u Teuluoedd



3.14 Y gynhadledd amddiffyn plant gychwynnol

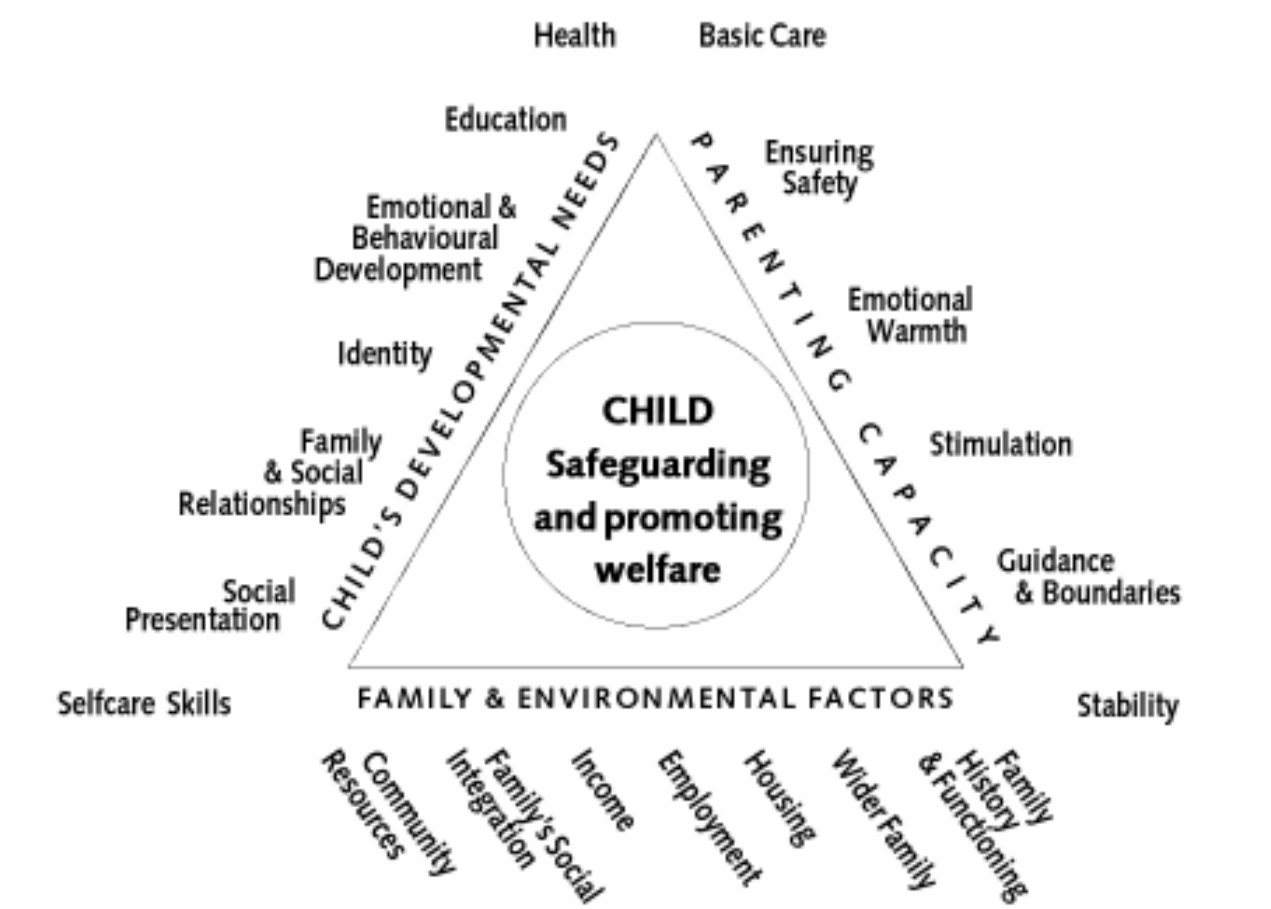
3.14.1 Cwmpas a phwrpas

Mae'r gynhadledd amddiffyn plant gychwynnol yn dod ag aelodau'r teulu, y plentyn pan fo hynny'n briodol, a'r gweithwyr proffesiynol sy'n ymwneud fwyaf â'r plentyn a'r teulu, at ei gilydd ar ôl ymholiadau amddiffyn plant dan adran 47.

Pwrpas y gynhadledd gychwynnol yw:

- Dadansoddi'n wrthrychol, mewn sefyllfa ryng-asiantaethol, yr holl bryderon a'r wybodaeth a ddaeth i law o'r asesiad cychwynnol, yr ymholiadau amddiffyn plant dan adran 47, yr asesiad craidd hyd yn hyn ac o'r wybodaeth sydd ar gael yn barod am y teulu;
- Barnu a yw'n debygol y bydd plentyn neu unrhyw blentyn cysylltiedig arall neu blentyn sydd heb ei eni'n dioddef niwed arwyddocaol yn y dyfodol, hynny yw, lefel y perygl sy'n parhau;
- Penderfynu pa weithredu sydd ei angen yn y dyfodol i ddiogelu'r plentyn ac i hybu ei les, cytuno sut mae mynd â hyn yn ei flaen a gwneud yn glir y canlyniadau sydd wedi'u bwriadu ar gyfer y plentyn (yr angen i'w gofrestru ac i greu cynllun amddiffyn plant ar ei gyfer).

The Framework for the Assessment of Children in Need and their Families



3.14 The initial child protection conference

3.14.1 Scope and Purpose

The initial child protection conference brings together family members, the child where appropriate, and those professionals most involved with the child and family, following child protection section 47 enquiries.

Its purpose is to:

- Objectively analyse, in an interagency setting, all the concerns and the information which has been obtained from the initial assessment, the child protection section 47 enquiries, the core assessment to date and from previous knowledge of the family;

3.14.2 Cynllunio'r gynhadledd amddiffyn plant gychwynnol

Dylid cynnal y gynhadledd amddiffyn gychwynnol o fewn 15 diwrnod gwaith i ddyddiad y drafodaeth/cyfarfod strategaeth diwethaf.

Mae'r gynhadledd yn gofyn am waith paratoi ac asesu cychwynnol effeithiol. Dylai cadeirydd y gynhadledd fodloni bod gwybodaeth digonol yn debygol o fod ar gael i'r gynhadledd fedru barnu'n ddeallus a yw'r plentyn yn parhau mewn perygl o ddioddef niwed. Dan amgylchiadau eithriadol, efallai y bydd y cadeirydd am ohirio'r gynhadledd. Ond, wrth wneud hynny, dylai fodloni'i hun fod y plentyn yn cael ei amddiffyn, a rhaid pennu dyddiad y gynhadledd cyn gynted ag y bo modd.

Dylai'r rhai sy'n cael eu gwahodd i gynadleddau fod â chyfraniad gwerthfawr i'w wneud ar sail eu harbenigedd proffesiynol, eu gwybodaeth am y plentyn neu'r teulu, neu'r ddau. Dim ond y bobl ag angen i fod yno a ddylai fod yn bresennol.

Dylid ystyried gwahodd y bobl canlynol:

- Y plentyn, y rhai sy'n rhoi gofal ac aelodau o'r teulu, yn cynnwys pawb sydd â chyfrifoldeb rhiant;
- Staff y gwasanaethau cymdeithasol sydd wedi bod wrthi'n gwneud asesiad o'r plentyn a'r teulu, a'r ymholiadau;
- Yr heddlu;
- Cynrychiolydd ysgol y plentyn (os yw'r plentyn o oedran ysgol);
- Unrhyw rai eraill o staff y gwasanaeth addysg sy'n ymwneud â'r plentyn, er enghraifft, swyddog lles addysg/gweithiwr cymdeithasol addysg, seicolegydd addysg neu weithiwr ieuenctid;
- Paediatregydd yr ardal neu'r gymuned a/neu'r meddyg a wnaeth yr archwiliad;
- Meddyg teulu'r plentyn;
- Gwasanaeth yr ymwelwyr iechyd/nyrs yr ysgol/y fydwraig/yr uwch nyrs sy'n gyfrifol am amddiffyn plant ac unrhyw un arall o weithwyr perthnasol y proffesiynau iechyd;
- Gwasanaethau iechyd meddwl plant a phobl ifanc;
- Y gwasanaeth prawf cenedlaethol;
- Gwasanaeth troseddwyr ifanc;
- Yr NSPCC (os yw ar waith yn yr ardal);
- Gwasanaethau cyfreithiol yr awdurdod lleol (plant a theuluoedd);

- Make judgements about the likelihood of a child or any other connected or unborn children suffering significant harm in the future, that is, the level of continuing risk;
- Decide what future action is required to safeguard the child and to promote their welfare, agree how to take this forward and clarify the intended outcomes for the child, that is, the need for registration and a child protection plan.

3.14.2 Planning the initial child protection conference

The initial child protection conference should take place within 15 working days of the last strategy discussion/meeting.

The conference requires preparation and effective initial assessment. The chair of the conference should be satisfied that sufficient information is likely to be available, in order for the conference to make an informed judgement about continuing risk of harm to the child. In exceptional circumstances the chair may wish to postpone the conference, but in doing so must be satisfied that the child is protected and the conference date set as soon as possible.

Those invited to conferences should have a significant contribution to make, arising from their professional expertise, their knowledge of the child or family, or both. Attendance should be limited to those who need to be there.

Consideration should be given to inviting the following people:

- The child, caregivers and family members, including all those with parental responsibility;
- Social services staff who have undertaken an assessment of the child and family, and the child protection enquiries;
- The police;
- A representative of the child's school (where the child is of school age);
- Any other education staff involved with the child for example education welfare officer/inclusion officer, educational social worker, educational psychologist or youth worker;
- The locality or community paediatrician and/or examining doctor;
- The child's GP;
- The health visiting service/school nurse/midwife/senior nurse child protection and other relevant health professionals;
- Child and adolescent mental health services;
- The national probation service;

- Gwasanaethau iechyd meddwl oedolion/gwasanaethau camddefnyddio sylweddau;
- Gwasanaethau cefnogi teuluoedd/gwasanaethau gofal dydd;
- Cymorth i Fenywod neu unrhyw fudiad gwirfoddol neu annibynnol arall sy'n ymwneud â'r achos;
- Un o gynrychiolwyr y lluoedd arfog, mewn achosion lle mae cyswllt â'r gwasanaethau.

Bydd rheolwr priodol y gwasanaethau cymdeithasol, ar y cyd â'r gweithiwr cymdeithasol sydd wedi'i ddynodi i'r achos, yn penderfynu pwy i'w gwahodd. Dylai'r bobl sy'n cael eu gwahodd roi blaenoriaeth i'r gynhadledd. Dylen nhw gael gwybod pwy arall sydd wedi cael eu gwahodd.

Os yw achos gofal wedi cael ei ddechrau ac mae gwarcheidwad plant (sy'n cael ei alw hefyd yn swyddog achosion teulu yng Nghymru) wedi cael ei benodi, dylid gwahodd y gwarcheidwad i'r gynhadledd. Ond bydd y gwarcheidwad yn dod i gynhadledd amddiffyn plant fel sylwebydd yn unig, ac ar yr amod y cafodd ei benodi gan y llys i gynrychioli'r plentyn. Rhaid cadw hefyd at amodau'r Adran Iechyd sydd wedi'u disgrifio yn '*Manual of Practice Guidance for Guardians and Reporting Officers'*. Dylai gwarcheidwaid ofalu bob amser nad ydyn nhw'n mynd yn rhan o'r broses pan fydd y gynhadledd yn gwneud penderfyniadau. Dylai'r cadeirydd ofalu bod y gwahaniaeth hwn yn rôl y gwarcheidwad yn cael ei barchu bob amser.

3.14.3 Cworwm ar gyfer y gynhadledd amddiffyn gychwynnol

Dylai cynhadledd fod â digon o wybodaeth a thystiolaeth i allu dod i benderfyniadau deallus. Ond, rhaid cadw cydbwysedd rhwng y gofyn hwn a'r perygl o'r gynhadledd yn mynd yn rhy fawr. Gallai hynny amharu ar y drafodaeth a gwneud y plentyn a'r teulu'n llai parod i gyfrannu.

Fel arfer, bydd angen i o leiaf tair asiantaeth neu grwpiad proffesiynol sydd wedi dod i gysylltiad uniongyrchol â phlentyn fod yn bresennol cyn y gall cynhadledd fynd yn ei blaen. Efallai y bydd pobl eraill sydd heb wybodaeth uniongyrchol am y plentyn yn cael eu gwahodd oherwydd eu harbenigedd proffesiynol neu'r ffaith eu bod yn gyfrifol am wasanaethau. Os yw'r gynhadledd yn trafod plentyn sydd heb ei eni, mae'n hanfodol i'r gwasanaethau bydwreigiaeth/gwasanaeth yr ymwelwyr iechyd gael eu cynnwys.

Ond, gallai sefyllfaoedd godi lle mai dim ond dwy asiantaeth neu grwpiad proffesiynol sy'n bresennol. Un enghraifft o'r fath sefyllfa yw pan nad yw'r plentyn wedi dod i gysylltiad â thair asiantaeth, ond amgylchiadau eithriadol fyddai'r rhain. Dan y fath amgylchiadau, mae'r hawl gan y cadeirydd fynd ymlaen ar yr amod ei fod yn fodlon bod y wybodaeth hanfodol ar gael, yn arbennig oddi wrth y prif asiantaethau sy'n ymwneud â'r achos.

- Youth offending service;
- The NSPCC (when operational in the area);
- Local authority legal services (children and families);
- Adult mental health services/substance misuse services;
- Family support services/day care services;
- Women's aid or any other voluntary or independent organisation involved;
- A representative of the armed services, in cases where there is a service connection.

The appropriate social services manager, in conjunction with the social worker allocated to the case, will decide whom to invite. All those who have been invited should give priority to attending and they should be informed who else has been invited to the conference.

If care proceedings have started and a children's guardian, also referred to in Wales as a family proceedings officer, has been appointed, he/she should be invited to the conference. However he/she attends child protection conferences in an observer capacity, provided that he/she has been appointed by the court to represent the child and subject to the conditions laid down by the Department of Health *'Manual of Practice Guidance for Guardians and Reporting Officers'*. Guardians should always avoid becoming part of the conference decision-making process and the chair should ensure this distinction in role is maintained.

3.14.3 Quorum for the child protection conference

A conference should have sufficient information and evidence to make informed decisions. However there should be a balance between this requirement and making the conference larger than necessary, thus inhibiting discussion and intimidating child and family members.

A minimum of three agencies or professional groupings that have had direct contact with a child will normally need to be present before a conference can proceed. In addition, other attendees who do not have direct knowledge of the child may be invited by virtue of their particular professional expertise or responsibility for services. If the conference is about an unborn child it is essential that midwifery and health visitor services are involved.

However, situations may arise whereby only two agencies or professional groupings are present, where for example, in exceptional circumstances, the child has not had contact with three agencies. In these circumstances, the chair of the conference has the discretion for the conference to proceed, as long as he/she is satisfied that essential information is available, particularly from the key agencies involved.

All professionals and agencies invited to attend a child protection conference should submit a written report, whether or not they are able to attend.

Dylai pob gweithiwr proffesiynol ac asiantaeth sydd wedi cael gwahoddiad i ddod i gynhadledd amddiffyn plant roi adroddiad ysgrifenedig, p'un ai ydyn nhw'n gallu bod yn bresennol ai peidio.

Ni ddylai'r ffaith fod cynhadledd amddiffyn plant ar fin cael ei chynnal achosi unrhyw oedi wrth gymryd camau angenrheidiol i sicrhau diogelwch plentyn sydd mewn perygl o ddioddef niwed arwyddocaol.

3.14.4 Cynnwys y plentyn yn y gynhadledd amddiffyn plant

Rhaid i'r plentyn gael cyfle ym mhob cynhadledd i roi ei farn a disgrifio'i ddymuniadau, p'un ai yw'n bresennol ei hun neu fod rhywun arall yn mynegi ei deimladau a'i ddymuniadau ar ei ran. Os y teimlad yw bod y gallu gan y plentyn i elwa ar y profiad o ddod i gynhadledd, dylid ei annog i fod yn bresennol. Os y farn yw y gallai'r profiad o fynd i gynhadledd niweidio'r plentyn oherwydd ei oedran, ei allu i ddeall, neu'r wybodaeth a fydd yn cael ei chyflwyno, ni ddylid ei annog i fod yn bresennol. Gallai fod yn fwy addas i'r plentyn gyflwyno'i deimladau'n ysgrifenedig ac, os oes angen, dylai'r plentyn gael help i wneud hynny. Mae gan blentyn hawl i gael eiriolwr annibynnol a fyddai'n dod i gynhadledd gydag e neu'n mynd ar ei ran.

Mae rôl cadeirydd y gynhadledd yn allweddol wrth wneud y profiad yn un cadarnhaol i'r plentyn. Dylai plentyn sy'n dod i gynhadledd gael cyfle i ddod ag eiriolwr, ffrind neu gefnogwr gydag e. Rhaid rhoi sylw i ddewis iaith y plentyn, ei hoff ddull o gyfathrebu neu unrhyw anghenion penodol eraill. Dylai'r cadeirydd gyfarfod y plentyn cyn y gynhadledd, yn ystafell y gynhadledd a chyn i bobl eraill gyrraedd. Dylai'r cadeirydd ofalu bod y plentyn yn deall beth fydd yn digwydd yn y gynhadledd, sut y gallai gyfrannu, a sut y gallai wneud cwyn os yw am wneud.

Pan mae rhiant y plentyn neu'r un sy'n rhoi gofal iddo'n gwadu'r honiadau, neu'n ceisio'u lleihau, neu'n dangos diffyg cefnogaeth i'r plentyn/person ifanc, ni ddylai hyn fod yn rheswm dros gadw'r plentyn o'r gynhadledd. Ond bydd rhaid i'r cadeirydd feddwl am drefn y gynhadledd er mwyn peidio ag achosi rhagor o ofid i'r plentyn. Gallai hyn gynnwys trefnu i'r plentyn a'i rieni ddod i'r gynhadledd ar wahân, ac i'r naill gyfrannu iddi heb i'r llall fod yn bresennol.

Ar ôl y gynhadledd, dylai'r cadeirydd gynnig cyfle i'r plentyn ei thrafod yn syth ac i roi ei farn arni. Dylai'r gweithiwr allweddol ddilyn hyn trwy ymweld â'r plentyn o fewn 72 awr. Os yw plentyn yn anghytuno â phenderfyniadau cynhadledd, rhaid rhoi gwybodaeth a chyngor iddo am drefn gwyno/apelio'r Bwrdd Lleol Diogelu Plant, gan roi sylw i'w oedran a'i allu i ddeall.

3.14.4.1 Cau allan plant o gynhadledd amddiffyn plant

Cyfrifoldeb cadeirydd y gynhadledd yw penderfynu a ddylai plentyn gael ei gau allan am ran o'i gynhadledd amddiffyn, neu am y gynhadledd gyfan. Ymhlith y ffactorau i'w hystyried y mae:

Any necessary protective action to secure the safety of a child at risk of significant harm must not be delayed because a child protection conference is pending.

3.14.4 Involvement of the child in the child protection conference

The child's views and wishes should always be heard at the conference, whether this is by attending in person or by having their feelings and wishes presented on their behalf. Children should be encouraged to attend conferences provided they have the capacity to benefit from their attendance. The child should not be encouraged to attend if the experience is likely to be harmful to them because of their age, understanding or disclosures of information. It may be more appropriate for a child to put their feelings in writing, and they should be given help with this, if needed. They have a right to an independent advocate, who either attends with them or on their behalf.

The role of the conference chair is critical in enabling the child to have a positive experience. A child attending a conference should be given the opportunity to bring an advocate, friend or supporter. Account must be taken of the child's language of choice, their preferred medium of communication or any other specific needs. The conference chair should meet with the child beforehand, in the conference room and before other people arrive, to ensure that they understand what will happen at the conference, how they can contribute and how they can complain, if they so wish .

When the child's parent or caregiver is dismissive of the allegations, or seeks to minimise them, or is not supportive to the child/young person, this should not be a reason for excluding the child from the conference. However the chair will need to give thought to the conduct of the conference to avoid the child being subjected to any distress. This may include arranging for the child and parents to attend separately and provide their contributions to the conference without the other being present.

After the conference, the chair should offer the child an opportunity for immediate discussion and debriefing. The key worker should follow this up with a visit within 72 hours. If a child disagrees with the conference decisions, they should be given information and advice appropriate to his/her age and understanding about LSCB complaints/appeals procedures.

3.14.4.1 Excluding children from a child protection conference

It is the responsibility of the chair of the conference to decide whether a child should be excluded for the whole or part of their child protection conference. Factors to consider include:

- Oedran cronolegol y plentyn neu ei oedran ymarferol sy'n awgrymu mai prin y byddai'n gallu deall y broses a'r wybodaeth;
- Mae ymddygiad y plentyn yn awgrymu y byddai ei bresenoldeb yn amharu'n ddrwg ar y gynhadledd i'r fath raddau na fyddai'n effeithiol;
- Mae'n debygol y byddai'r plentyn yn clywed gwybodaeth a fyddai'n creu llawer o ofid iddo;
- Nid yw'r rhiant neu'r person â chyfrifoldeb rhiant yn fodlon cydsynio i bresenoldeb y plentyn yn y gynhadledd.

Pan mae angen cau allan plentyn o gynhadledd, rhaid i'r cadeirydd deimlo'n fodlon fod trefniadau wedi cael eu gwneud i'w farn, ei ddymuniadau a'i deimladau gael eu cyfleu, ac iddo gael gwybod am ganlyniad y gynhadledd. Efallai y byddai'n ddefnyddiol i eiriolwr y plentyn, er enghraifft, ddod i'r gynhadledd.

Rhaid cofnodi yn y cofnodion unrhyw benderfyniad i gau allan plentyn am ran o gynhadledd, neu am y gynhadledd gyfan, a rhaid nodi'r rhesymau dros benderfynu hynny. Dylid ystyried a ddylai eiriolwr y plentyn fod yn bresennol i gyfleu barn a dymuniadau'r plentyn pan mae'r plentyn wedi'i gau allan neu'n dewis peidio â bod yn bresennol.

3.14.5 Cynnwys yn y gynhadledd amddiffyn yr oedolion sydd â chyfrifoldeb rhiant dros y plentyn neu'r rhai sy'n rhoi gofal iddo

Dylid mynd ati i annog rhieni neu'r rhai sy'n rhoi gofal i blentyn i ddod i'r gynhadledd amddiffyn, oni bai fod penderfyniad wedi ei wneud i'w cau allan. Efallai y bydd eu cyfraniad yn werthfawr. Mae pwysigrwydd gweithio mewn partneriaeth gyda rhieni ac aelodau'r teulu'n sail i holl waith amddiffyn plant. Mae angen i weithwyr proffesiynol a theuluoedd fod yn gwbl onest â'i gilydd o gamau cyntaf yr ymholiadau. Dylai'r gweithiwr cymdeithasol sy'n cynnull y gynhadledd roi gwybod am y broses a ddilynir i'r rhieni/y rhai sy'n rhoi gofal. Dylai ofalu eu bod yn deall pwrpas y gynhadledd a phwy fydd yn bresennol.

Tra bo angen annog rhieni i fod yn bresennol, ni ddylai hynny olygu bod plentyn sy'n dymuno bod yn bresennol yn cael ei gau allan. Efallai na fydd bob amser yn bosib i bob aelod o deulu gael ei gynnwys. Er enghraifft, pan mae oedolion a phlant yn dymuno cyflwyno'u hachos mewn cynhadledd, efallai nad yw'r naill yn awyddus i siarad o flaen y llall. Efallai fod angen rhannu gwybodaeth am deulu arall. Neu efallai fod rhaid cyflwyno gwybodaeth sensitif iawn, yn arbennig os oes mai un o'r rhieni yw'r sawl y mae honiad o gam-drin yn ei erbyn.

- The child's chronological age or the child's functional age indicates that they will have limited ability to understand the process and information;
- The child's behaviour indicates that the conference is likely to be severely disrupted by their presence to the extent that the meeting will not be effective;
- The child is likely to hear information that could be particularly distressing to them;
- The parent or person with parental responsibility does not consent to the child attending the conference.

When a child needs to be excluded the chair must be satisfied about arrangements for ensuring the child's views, wishes and feelings are reported to the conference and for informing the child of the outcome. It may, for example, be helpful to have the child's advocate attend the conference.

Any decision to exclude a child from the whole or part of a conference must be recorded in the minutes with reasons for this. Consideration should be made as to whether the child's advocate should attend and express the child's views and wishes when the child has been excluded or does not wish to attend.

3.14.5 Involvement of adults with parental responsibility/the child's caregivers at the child protection conference

Parents/caregivers should always be actively encouraged to attend the child protection conference, unless there has been a decision to exclude them, because they should have a significant contribution to make. The importance of working in partnership with parents and family members underpins all child protection work, and needs openness and honesty between professionals and families to be established from the outset of the enquiries. The social worker initiating the conference should inform the parents/caregivers of the process that will be followed and ensure that they understand the purpose of the conference and who will attend.

Whilst parents should be encouraged to attend, this should not be at the cost of excluding a child who wishes to be present. It may not always be possible to accommodate all family members at all times, for example adults and children who wish to make representations to the conference may not wish to speak in front of each other; or information regarding another family may need to be shared; or there is other highly sensitive information, particularly if one parent is the alleged abuser.

3.14.5.1 Cynorthwyo rhieni neu rai sy'n rhoi gofal i ddod i'r gynhadledd amddiffyn plant

Dylid esbonio pwrpas a threfn cynhadledd i'r rhieni ac i unrhyw aelodau eraill o'r teulu sy'n rhan o'r broses, ac esbonio pwy fydd yn bresennol.

Oni bai fod y meini prawf yn cael eu bodloni ar gyfer cau allan o gynhadledd y rhieni neu'r rhai sy'n rhoi gofal, dylid mynd ati bob tro i'w hannog i fod yn bresennol. Trwy ddod i'r gynhadledd, bydd y rhieni neu'r rhai sy'n rhoi gofal yn gwybod am natur y pryderon, yn debygol o ddeall y perygl i'w plant a'r rhesymau dros ymwneud yr asiantaethau â'r teulu a'r plant. Dylai'r holl weithwyr proffesiynol sy'n dod i gysylltiad uniongyrchol â'r teulu eu hannog i ddod i'r gynhadledd, oni bai fod rhesymau da dros weld y cadeirydd yn ystyried eu cau allan.

Gallai hyn olygu:

- Cynnig help ariannol neu ymarferol i drefnu cludiant i safle'r gynhadledd;
- Trefnu'r gynhadledd ar adeg sy'n cyd-fynd â threfniadau gofal plant neu gyfrifoldebau eraill;
- Dewis safle ar gyfer y gynhadledd sy'n rhwydd mynd iddo, a/neu un a allai gynnig gwasanaeth gwarchod plant i ryddhau'r rhiant i gymryd rhan lawn yn y gynhadledd;
- Trefnu i blentyn a'i deulu weld safle'r gynhadledd cyn iddi gael ei chynnal;
- Trefnu gwasanaeth cyfieithu neu fod unrhyw anghenion eraill yn cael eu diwallu;
- Annog y rhiant/yr un sy'n rhoi gofal i wahodd rhywun i'w gefnogi – gallai'r person hwnnw fod yn ffrind, yn aelod o'r teulu, neu'n aelod o fudiad proffesiynol neu wirfoddol.

Dylai'r gweithiwr cymdeithasol sy'n cynnull y gynhadledd hysbysu'r rhieni/ y rhai sy'n rhoi gofal am y broses a ddilynir. Dylai ofalu eu bod yn deall pwrpas y gynhadledd a phwy fydd yn bresennol. **Nid yw bod yn bresennol yr un fath â chymryd rhan**. Dylai rhieni/y rhai sy'n rhoi gofal gael eu paratoi'n ddigonol cyn y gynhadledd er mwyn cymryd rhan mor lawn â phosib ynddi. Dylai rhieni gael gwahoddiad llafar ac ysgrifenedig i'r gynhadledd a thaflen yn esbonio pwrpas y fath gynadleddau a phwrpas cofrestru, a thaflen yn esbonio'r drefn gwyno. Efallai fod angen y wybodaeth hon ar rai rhieni er mwyn gofalu eu bod yn deall y broses a'u rôl eu hunain ynddi. Dylai'r gweithiwr cymdeithasol fynd ati wedyn i drafod y materion hyn gyda nhw, yn cynnwys pwy sy'n debygol o fod yn bresennol a pham, a pha fath o faterion fydd yn cael eu trafod. Gallai defnyddio eiriolwr hwyluso'r broses hon, yn arbennig pan mae cyfathrebu'n creu anawsterau.

3.14.5.1 Supporting parents or caregivers to attend the child protection conference

The purpose of a conference, who will attend and the way it will operate should be explained to parents and other involved family members.

Unless the criteria for exclusion are met parents/caregivers should always be actively encouraged to attend the conference. By attending the conference parents/caregivers will know what the concerns are, should understand the risk to their children and the reason that agencies are involved with them and their children. All professionals who have face-to-face contact with the family should support and encourage attendance unless there are reasons that mean the chair needs to consider excluding them.

Support may include:

- Providing financial or practical help for transport to the conference venue;
- Arranging the conference for a time which is compatible with childcare or other responsibilities;
- Identifying a conference venue which is accessible, and/or which may provide a child minding service to allow the parent to participate fully in the conference;
- Arranging for a child and family to see the venue prior to the conference;
- Arranging for a translation service or any other specific needs to be met;
- Encouraging the parent/caregiver to invite a supporter, who may be a friend, family member, or member of a professional or voluntary organisation.

The social worker initiating the conference should inform the parents/caregivers of the process that will be followed and ensure that they understand the purpose of the conference and who will attend. **Attendance is not the same as participation**. Parents/caregivers should receive adequate preparation prior to the conference to enable them to participate as fully as possible. Parents should receive a verbal and written invitation to the conference and a leaflet explaining the purpose of conferences and of registration as well as the complaints leaflet. Some parents may need this information to ensure they understand the process and their role within it. A social worker should then discuss these matters with them, including who is likely to attend and why, and what sort of issues will be discussed. The use of an advocate may assist in this process especially where communication is a difficulty.

Er mwyn i'r rhieni gyfrannu'n llwyddiannus ac yn effeithiol i'r gynhadledd, efallai fod angen eu helpu i baratoi ar ei chyfer, er enghraifft, trwy eu hannog i ysgrifennu nodiadau am yr hyn sydd ganddyn nhw i'w ddweud. Efallai hefyd y bydd angen eu helpu gyda threfniadau gofal plant neu i oresgyn anawsterau teithio. Dylid annog rhieni i ddod â ffrind neu berthynas i'r gynhadledd, neu rywun arall i'w cefnogi, ar yr amod nad yw'r person dan sylw'n cael ei amau neu wedi'i gael yn euog o gam-drin. Ond, wrth wneud hyn, rhaid rhoi sylw i unrhyw ddymuniadau neu deimladau mae'r plentyn wedi'u mynegi.

Pan nad yw rhiant/un sy'n rhoi gofal yn dymuno dod i'r gynhadledd, rhaid gwneud popeth posib i ofalu bod eu barn, eu dymuniadau a'u teimladau'n cael eu cyfleu a'u cofnodi. Gallai eiriolwr helpu i ddatblygu'r math hwn o gyfathrebu.

Dylai cadeirydd y gynhadledd gwrdd â'r rhieni o flaen llaw, a gorau oll os gall wneud hynny yn yr ystafell gynhadledd cyn i bawb arall gyrraedd. Dylai esbonio trefn a rheolau sylfaenol y gynhadledd iddyn nhw.

Os bydd aelodau'r gynhadledd yn penderfynu rhoi enw'r plentyn ar y gofrestr amddiffyn plant, dylai'r rhieni gael gwybod beth y mae gofyn iddyn nhw ei gyfrannu at gynllun amddiffyn y plentyn, a sut y byddan nhw'n cyfrannu at gynllunio ac adolygu gofal pellach. Os bydd rhieni'n anghytuno â phenderfyniad y gynhadledd, mae gofyn rhoi gwybod iddyn nhw am drefn gwyno a/neu apelio'r Bwrdd Lleol Diogelu Plant.

P'un ai yw'r rhieni'n bresennol yn y gynhadledd ai peidio, dylid ysgrifennu atyn nhw i'w hysbysu o benderfyniad y gynhadledd a'r cynllun amddiffyn plant o fewn pum diwrnod gwaith i ddyddiad y gynhadledd. Dylai'r gweithiwr allweddol drafod yr argymhellion gyda'r rhieni er mwyn gofalu eu bod yn deall y rhesymau dros wneud y penderfyniad, a'i oblygiadau. Gallai hyn olygu trafod cynlluniau wrth gefn neu'r canlyniadau os ydyn nhw'n methu cydymffurfio â'r cynllun amddiffyn plant neu os yw'r cynllun yn aneffeithiol.

Dylid anfon cofnodion y gynhadledd amddiffyn plant at y rhieni ac at y plentyn hefyd, os yw hynny'n briodol, **ac eithrio pan fyddai eu hanfon yn rhoi'r plentyn neu unrhyw berson arall mewn perygl**. Dylai'r cadeirydd benderfynu a ddylai'r cofnodion gael eu hanfon ai peidio ar ôl ymgynghori ag aelodau'r gynhadledd. Er mwyn peidio â datgelu gwybodaeth sensitif, dylid penderfynu pwy sydd i gael set gyfan o'r cofnodion a phwy sydd i gael crynodeb. Dylid cofnodi'n ofalus yn y cofnodion y rhesymau dros benderfynu peidio ag anfon cofnodion at aelodau perthnasol y teulu.

3.14.5.2 Cau allan rhiant neu'r sawl sy'n rhoi gofal o gynhadledd amddiffyn plant

Dim ond oherwydd diogelwch y plentyn a/neu i ofalu bod y gynhadledd yn cyflawni'i hamcanion a'i phwrpas y dylid cau allan o gynhadledd amddiffyn plant y rhiant neu'r sawl sy'n rhoi gofal ac sydd â chyfrifoldeb rhiant. Dylai'r

If the involvement of parents is to be successful and effective, they may need help in preparing for the conference, for example, in making written notes of what they want to say as well as practical assistance with any child care or transport difficulties. Parents should be encouraged to bring to the conference a friend; a relative or other supporter, provided the person concerned is not a suspected or known abuser. This needs to take account of any wishes and feelings expressed by the child.

Where a parent/caregiver does not to attend the conference, efforts should be made to ensure their views, wishes and feelings are represented and recorded. An advocate can help develop this communication.

The conference chair should meet parents beforehand, preferably in the conference room before the other people attending arrive and explain to them how the meeting will be conducted and the ground rules.

If the conference members decide to place the child's name on the child protection register, parents should be told what they are required to contribute to the child protection plan, and how they will be involved in further care planning and review. If parents disagree with the conference decision, they should be informed about the LSCB complaints and/or appeals procedure.

Whether the parents attend the conference or not, they should be sent the conference decision and outline child protection plan in writing within 5 working days of the conference. The key worker should discuss the recommendations with the parents to ensure they understand the reasons and implications of the decision. This may require discussion of contingency plans or consequences if the child protection plan is not complied with or proves ineffective.

The child protection conference minutes should also be sent to parents and, where appropriate, the child **except where the child or any other person could be put at risk** as a result. The decision about whether or not to send the minutes should be made by the chair in consultation with the conference members and determine who has a full set of minutes and who should have a summary to avoid disclosure of sensitive information. Reasons for a decision not to send minutes to relevant family members should be carefully recorded in the minutes.

3.14.5.2 Excluding a parent or caregiver from a child protection conference

A parent or caregiver with parental responsibility should only be excluded from a child protection conference because of the safety of the child and/or to ensure the conference achieves its aims and purpose. The social worker should discuss the attendance of parent or caregiver with the conference chair at least 24 hours before the conference, and preferably earlier.

The chair can exercise discretion to exclude parents or caregivers from all or part of the conference where one or more of the following criteria apply:

gweithiwr cymdeithasol fynd ati o leiaf 24 awr cyn y gynhadledd, ac yn gynt os yw'n bosib, i drafod gyda'r cadeirydd a ddylai'r rhiant neu'r sawl sy'n rhoi gofal ddod i'r gynhadledd.

Mae hawl gan y cadeirydd i gau rhieni neu'r sawl sy'n rhoi gofal allan o gynhadledd gyfan neu o ran ohoni os yw un neu fwy o'r meini prawf sy'n dilyn yn cael eu bodloni:

- Mae perygl cryf y bydd aelod o'r teulu'n bygwth y plentyn neu unrhyw un arall yn ystod neu ar ôl y gynhadledd;
- Gallai presenoldeb y rhiant neu'r sawl sy'n rhoi gofal amharu'n ddrwg ar drefn y gynhadledd;
- Mae goblygiadau i achos troseddol rhiant sydd yn gamdriniwr honedig wrth ddod i'r gynhadledd. Ond nid yw'r ffaith y gallai person gael ei erlyn yn rheswm ynddo'i hun dros ei gau allan. Dylai'r cadeirydd ofyn am gyngor yr heddlu a gwasanaeth erlyn y goron cyn dod i'r fath benderfyniad;
- Mae plant sy'n ddigon hen a deallus yn dweud nad ydyn nhw am weld eu rhieni/y rhai sy'n rhoi gofal yn dod i'r gynhadledd.

Os yw person â chyfrifoldeb rhiant yn cael ei gau allan:

- Mae ganddo hawl i wybod pam y mae'n cael ei gau allan. Gall ofyn i'r cadeirydd ailystyried ei benderfyniad i'w gau allan, ac mae ganddo hawl i'r aelodau ymgynghori ag e cyn ac ar ôl y gynhadledd;
- Dylai gael cyfle i drafod y sefyllfa gyda'r cadeirydd, ac i gael ffordd arall o gyfleu ei farn i'r gynhadledd;
- Pan mae penderfyniad wedi cael ei wneud i gau rhiant allan, dylai'r cadeirydd ofalu bod y gweithiwr cymdeithasol yn gofyn i'r rhiant am ei farn, ac yn cyfleu'r farn honno yn ystod y gynhadledd;
- Mae gan y person hawl i gael gwybod am benderfyniadau'r gynhadledd sy'n effeithio'n uniongyrchol ar fywyd ei deulu;
- Rhaid nodi yn y cofnodion y rhesymau dros gau'r rhieni allan;
- Mae penderfyniad y cadeirydd i gau rhywun allan yn derfynol. Mae'n cael ei wneud mewn amgylchiadau eithriadol, ond mae'n bosib cwyno am y penderfyniad;
- Os yw rhieni wedi cael eu cau allan, neu maen nhw'n methu dod neu'n amharod i ddod, rhaid cynnwys y rhesymau yn y cofnodion;
- Gall unrhyw weithiwr proffesiynol ofyn am gau rhiant/un sy'n rhoi gofal allan o'r gynhadledd. Rhaid i'r cais fynd cyn gynted â phosib at gadeirydd y gynhadledd. Dylai'r cadeirydd drafod y cais gyda rheolwr

- There is a strong risk of intimidation of the child or anybody else by a family member at or after the conference;
- When the presence of the parent / caregiver may seriously disrupt the conduct of the conference;
- There are implications for criminal proceedings of a parent who is the alleged perpetrator attending. However, the fact that a person may be prosecuted is not in itself a reason for exclusion and the chair should take advice from the police and crown prosecution service before making this decision;
- Children of sufficient age and understanding state that they do not wish their parents/caregivers to be present.

If a person with parental responsibility is to be excluded:

- They have a right to know why they have been excluded, and to request the chair reconsider the decision to exclude them, and to be consulted before and after the conference;
- They should have the chance to discuss their exclusion with the chair, and to communicate their views to the conference by other means;
- In the event of a decision to exclude a parent, the chair should ensure that the excluded parent's views are sought by the social worker and made available during the conference;
- They have a right to be informed of the decisions of the meeting that directly affect their family life;
- The chair's decision to exclude is final and made in exceptional circumstances, although a complaint may be made;
- If the parents are excluded or unable or unwilling to attend, the reasons for this should be included in the minutes;
- Any professional can request the exclusion of a parent/caregiver from the conference. The request must be made to the conference chair at the earliest opportunity. The chair should discuss the request with the relevant agency manager before coming to a decision about whether to exclude.

3.14.6 Reports for the child protection conference

Each agency invited to attend the conference should provide, in advance, a written report, which summarises their involvement with the family, their knowledge of the child's health and development, and importantly, their view of the parents' capacity to safeguard the child and promote their welfare. Written reports should use the guidance set out in the ICS exemplar and be

perthnasol yr asiantaeth cyn penderfynu a yw am gau'r person allan ai peidio.

3.14.6 Adroddiadau ar gyfer cynhadledd amddiffyn plant

Dylai pob asiantaeth sy'n cael ei gwahodd i'r gynhadledd ddarparu adroddiad ysgrifenedig o flaen llaw. Dylai'r adroddiad grynhoi ymwneud yr asiantaeth â'r teulu a disgrifio'r hyn y mae'n gwybod am iechyd a datblygiad y plentyn ac, yn bwysig, rhoi ei barn ar allu'r rhieni i ddiogelu'r plentyn a hybu ei les. Dylai adroddiadau ysgrifenedig ddefnyddio'r canllawiau yn ffurflen enghreifftiol y System Integredig ar gyfer Plant. Dylen nhw fod ar gael i'r cadeirydd 48 awr cyn y gynhadledd, yn unol â chanllawiau'r System Integredig ar gyfer Plant. Mae'n ymarfer da i'r rhai sy'n ysgrifennu adroddiadau rannu a thrafod eu hadroddiadau gyda theuluoedd o leiaf diwrnod cyn y gynhadledd, ac esbonio'r cynnwys. Rhaid i gynrychiolwyr yr asiantaethau ddod i'r gynhadledd yn disgwyl cyflwyno'u hadroddiad a chrynhoi eu pwyntiau pwysig.

Dylai pob adroddiad ddangos y gwahaniaeth clir rhwng ffeithiau, arsylw, honiad a barn.

Dylai'r rhai sy'n ysgrifennu adroddiadau roi sylw i anghenion pob plentyn. Dylen nhw wirio'u cofnodion am ddata ffeithiol fel rhestr o'u brechiadau, eu hymweliadau â chlinigau neu unedau ddamweiniau ysbyty, a'u presenoldeb yn yr ysgol. Dylid archwilio cofnodion oedolion perthnasol hefyd. Mae hyn yn arbennig o bwysig os oes gan oedolyn broblemau fel afiechyd meddwl neu ei fod yn ddibynnol ar alcohol neu gyffuriau. Gallai'r ffactorau hyn effeithio ar allu'r oedolyn i ddiwallu anghenion neu amddiffyn plentyn.

Dylid tynnu sylw'r cadeirydd at unrhyw wybodaeth arbennig o sensitif neu gyfrinachol cyn y gynhadledd. Yn yr un ffordd, dylai'r cadeirydd gael gwybod o flaen llaw os yw unrhyw weithiwr proffesiynol yn bryderus am y posibilrwydd o drais neu fygwth.

3.14.8 Adroddiad y gweithiwr cymdeithasol

Mae adroddiad y gweithiwr cymdeithasol yn crynhoi a dadansoddi'r wybodaeth a ddaeth i law wrth wneud yr asesiad cychwynnol a'r ymholiadau amddiffyn plant dan adran 47. Mae'n cael ei baratoi'n unol â'r Fframwaith ar gyfer Asesu Plant mewn Angen a'u Teuluoedd a'r ffurflen enghreifftiol yn y System Integredig ar gyfer Plant. Dylai'r adroddiad gynnwys:

- Yr asesiad cychwynnol, a'r wybodaeth sy'n deillio o'r gwaith sydd wedi cael ei wneud hyd yn hyn ar yr asesiad craidd;
- Cronoleg o'r digwyddiadau pwysig, a chyswllt asiantaethau a gweithwyr proffesiynol gyda'r plentyn a'r teulu gan gynnwys rhestr wedi'i threfnu yn ôl dyddiadau o'r digwyddiadau yn arwain at y gynhadledd amddiffyn plant. Dylid tynnu sylw at feysydd lle mae angen mwy o wybodaeth;

available to the chair 48 hours before the conference, in accordance with ICS guidance. It is good practice for report writers to share, discuss and explain their reports with families at least the day before the conference. Agency representatives must come to the conference expecting to present their report and summarise their important points.

All reports should distinguish between what is fact, observation, allegation or opinion.

Report writers should address the needs of each child. They should check their records for factual data such as immunisation history, clinic attendance, A&E attendance and school attendance. Relevant adult records should also be scrutinised. This is especially important when there are factors such as adult mental ill health, alcohol or drug dependency, which have a bearing on their capacity to meet the needs of, or protect, a child.

Any particularly sensitive or confidential information should be drawn to the attention of the chair prior to the conference. Similarly, any professional's concerns about possible violence or intimidation should be communicated in advance to the chair.

3.14.8 The social worker's report

The social worker's report summarises and analyses the information obtained in the course of the initial assessment and child protection section 47 enquiries, guided by the Framework for the Assessment of Children in Need and their Families and the ICS exemplar. The report should include:

- The initial assessment and information from the work that has been done on the core assessment so far;
- A chronology of significant events and agency and professional contact with the child and family, including a list in date order of the events that brought the case to the child protection conference. Areas where more information is required should be highlighted;
- Significant aspects of the child's current and past state of health and development;
- Report of the child protection section 47 enquiries and brief description of events;
- Information on the capacity of the parents and other family members to ensure the child's safety from harm, and to promote the child's health and development;
- The expressed views wishes and feelings of the child, parents and other family members;
- Assessment of risk and any child protection action taken;

- Agweddau pwysig ar gyflwr iechyd a datblygiad y plentyn yn y presennol a'r gorffennol;
- Adroddiad ar yr ymholiadau amddiffyn plant dan adran 47 a disgrifiad cryno o'r digwyddiadau;
- Gwybodaeth am allu'r rhieni ac aelodau eraill o'r teulu i ddiogelu'r plentyn rhag niwed ac i hybu ei iechyd a'i ddatblygiad;
- Y farn, y dymuniadau a'r teimladau mae'r plentyn, y rhieni ac aelodau eraill o'r teulu wedi'u mynegi;
- Asesiad o'r perygl ac unrhyw gamau amddiffyn plant sydd wedi cael eu cymryd;
- Dadansoddiad o oblygiadau'r wybodaeth a ddaeth i law am ddiogelwch, iechyd a datblygiad y plentyn yn y dyfodol;
- Argymhellion o ran y gwaith i'w wneud yn y dyfodol gyda'r plentyn a'r teulu;

Gallai'r adroddiad gynnwys argymhellion o ran cofrestru, ond ni ddylai gymryd yn ganiataol y bydd y gynhadledd yn dod i'r fath benderfyniad. Rhaid i'r gweithiwr cymdeithasol fod yn barod i roi crynodeb clir a dadansoddiad i helpu'r gynhadledd i benderfynu sut mae mynd ati i amddiffyn y plentyn.

3.14.9 Adroddiadau gweithwyr proffesiynol eraill

Bydd gofyn i weithwyr proffesiynol eraill ddarparu adroddiadau. Dylai'r rhain fod yn gyson â meysydd a dimensiynau'r fframwaith asesu. Rhaid i weithwyr proffesiynol fod yn barod i ddehongli, dadansoddi ac esbonio'u gwybodaeth er mwyn helpu'r bobl eraill fydd yn bresennol yn y gynhadledd i ddeall.

- Bydd **staff y gwasanaeth iechyd**, yn cynnwys y Gwasanaethau Iechyd Meddwl Plant a Phobl Ifanc (CAMHS), yn cynnig cronolegau ac adroddiadau'n trefnu'r holl wybodaeth berthnasol arall am iechyd sy'n berthnasol i'r gweithiwr proffesiynol hwnnw gan gynnwys hefyd yr un wybodaeth am y rhieni a'r rhai sy'n rhoi gofal gan ei bod yn effeithio ar allu'r rhieni i ofalu am iechyd, diogelwch a lles y plant;
- Dylai **meddygon teulu** gael eu gwahodd bob amser. Os ydyn nhw'n methu dod, dylen nhw roi adroddiad ysgrifenedig. Rhaid anfon y cofnodion atyn nhw bob amser;
- Bydd **staff addysg ac ysgolion** yn casglu a gwirio'r holl gofnodion perthnasol, yn cynnwys presenoldeb y plentyn yn yr ysgol a gwybodaeth fugeiliol, ac yn rhoi adroddiad ysgrifenedig;
- Bydd **yr heddlu'n** gwirio'r cofnodion ynglŷn a phob oedolyn y mae gwybodaeth amdanyn nhw sydd wedi ymwneud yn sylweddol â'r plentyn, ac yn gwirio cofnodion achosion o gam-drin domestig. Mae angen i'w hadroddiad gynnwys pob dyfarniad blaenorol mewn

- An analysis of the implications of the information obtained for the child's future safety, health and development;
- Recommendations for future work with the child and family;

The report may include a recommendation regarding registration, but this should not pre-suppose the decision making process of the conference. The social worker must be prepared to provide a clear summary and analysis to the conference to help decide what is needed to protect the child.

3.14.9 Other professionals reports

Other professionals will be required to provide reports that should be consistent with the domains and dimensions of the assessment framework. Professionals must be prepared to interpret, analyse and explain their information for the benefit of other conference attendees.

- **Health personnel** including CAMHS will provide chronologies and reports which will collate all the other relevant health information appropriate to that professional, including that pertaining to parents and caregivers as it effects parental capacity to adequately provide for the health, safety and welfare of the children;
- **GPs** should always receive an invitation and if unable to attend should provide a written report. They should always receive minutes;
- **Education and school personnel** will collate and check all relevant records, including school attendance and pastoral information and provide a written report;
- The **police** will check records of all known adults who have a significant involvement with the child and also check domestic abuse records. Their report needs to contain all previous convictions relating to drugs or alcohol, violence including domestic abuse, sexual offences or dishonesty where relevant to the child's welfare;
- The **national probation service** will check records including any licence conditions and provide a written report;
- **Adult services** should be prepared to report on their involvement with the adult client and any issues that may indicate compromised parenting capacity;
- **Representatives of other agencies** will prepare and provide written reports as appropriate.

Reports from all agencies should include:

- Basic information about the child and family;

perthynas â chyffuriau neu alcohol, trais yn cynnwys cam-drin domestig, troseddau rhywiol, neu anonestrwydd os yw'n berthnasol i les y plentyn;

- Bydd y **gwasanaeth prawf cenedlaethol** yn gwirio'u cofnodion, yn cynnwys amodau trwydded, ac yn rhoi adroddiad ysgrifenedig;
- Dylai **gwasanaethau oedolion** fod yn barod i adrodd ar eu hymwneud â'r cleient sy'n oedolyn, ac am unrhyw faterion a allai fod yn cyfaddawdu ar eu gallu fel rhieni;
- Bydd **cynrychiolwyr asiantaethau eraill** yn paratoi a rhoi adroddiadau ysgrifenedig os ydyn nhw'n briodol.

Dylai adroddiad pob asiantaeth gynnwys:

- Gwybodaeth sylfaenol am y plentyn a'r teulu;
- Natur gwaith yr asiantaeth gyda'r teulu;
- Ydyn nhw'n gwybod am y digwyddiad diweddaraf neu ydyn nhw wedi cael achos i bryderu?
- Pa mor aml mae'r asiantaeth yn gweld pob plentyn a dyddiad y cyswllt diwethaf?
- Manylion am ddatblygiad pob plentyn;
- Y cefndir / unrhyw bryderon blaenorol;
- Asesiad o broblemau a chryfderau'r teulu, a ffactorau perygl i'r plentyn neu'r plant.

3.14.10 Adroddiadau meddygol

Bydd staff meddygol yn trefnu'r holl wybodaeth feddygol berthnasol ac yn paratoi adroddiadau ysgrifenedig. Pan mae cyngor meddygol yn hanfodol i drafodaethau'r gynhadledd, dylai'r gynhadledd gael ei threfnu ar adeg sy'n golygu y gall y meddyg(on) a wnaeth yr archwiliad neu'r paediatregydd lleol/cymunedol ddod iddi. Os yw amgylchiadau eithriadol yn rhwystro'r meddyg rhag dod, rhaid iddo gyflwyno adroddiad ysgrifenedig a dylai cadeirydd y gynhadledd ddarllen y darganfyddiadau meddygol yn llawn i bawb sy'n bresennol. Dim ond ymarferwr meddygol ddylai dehongli'r adroddiad, er bod rhwydd hynt i'r gynhadledd archwilio'r posibilrwydd fod y diagnosis yn cau allan dewisiadau eraill a fyddai'n esbonio pam mae'r plentyn yn ymddangos fel pe bai wedi cael ei gam-drin, neu'n esbonio'i anafiadau. Os nad yw cynnwys neu ddehongliad yr adroddiad yn gwbl glir i'r gynhadledd, dylai'r cadeirydd fynd ati i drefnu eglurhad. Ni ddylai unrhyw oedi amharu ar ddiogelwch y plentyn.

Os yw barn gwahanol feddygon yn groes i'w gilydd, dylai'r cadeirydd ofyn i'r meddygon dan sylw adolygu eu darganfyddiadau ar y cyd, gan gadw

- Nature of their involvement with the family;
- Knowledge of involvement in current incident/cause for concern;
- Frequency of contact and date last seen for each child;
- Development details of each child;
- Background /previous concerns;
- Assessment of current issues/family strengths and risk factors to the child or children.

3.14.10 Medical reports

Medical personnel will collate all relevant medical information and provide written reports. Where medical advice is crucial to the conference deliberations, the conference should be scheduled to ensure that the examining doctor(s) or locality/community paediatrician is able to attend. If due to exceptional circumstances, the doctor cannot attend, he or she must submit a written report and the chair of the conference should read the medical findings in full to the conference. Only a medical practitioner should undertake any further interpretation of the report, although the conference can, and should, explore the extent to which any diagnosis excludes any other alternatives to explain apparent abuse or injuries to a child. If conference is not clear as to the contents or the interpretation of the report, arrangements should be made by the chair to seek clarification. Any delay should not prejudice the safety of the child.

In cases of conflicting medical opinion, the chair should request that the doctors involved review their findings jointly with the interests of the child in mind. If they are unable to establish common ground, they should be asked to explain their differences. Their views must be considered in the context of the other information available. If resolution is not possible, a further expert opinion may need to be commissioned to review the medical findings in order to offer a definitive opinion.

3.14.11 Chairing the child protection conference

The conference chair must be knowledgeable and trained for the role and should be:

- A professional who is independent of operational or line management responsibility for the case;
- Trained in chairing child protection conferences;
- Possess a good understanding and professional knowledge of child protection, children's welfare and development, and best practice in working with children and families;
- Able to look objectively at and assess the implications of the evidence on which judgements should be based and confident in managing and

buddiannau'r plentyn mewn cof. Os na allant gytuno, dylid gofyn iddyn nhw esbonio eu gwahaniaeth barn. Rhaid ystyried eu barn yng nghyd-destun gweddill y wybodaeth sydd ar gael. Os yw'n amhosib cymodi, efallai y bydd angen comisiynu barn arbenigwr arall i adolygu'r darganfyddiadau meddygol er mwyn ceisio cael un farn sy'n rhagori.

3.14.11 Cadeirio'r gynhadledd amddiffyn plant

Rhaid i gadeirydd y gynhadledd fod yn wybodus am y maes ac wedi'i hyfforddi ar gyfer y rôl. Dylai fod:

- Yn weithiwr proffesiynol sydd heb unrhyw gyfrifoldebau o ran gweithredu neu reoli'r achos dan sylw;
- Wedi'i hyfforddi i gadeirio cynadleddau amddiffyn plant;
- Yn deall yn dda meysydd amddiffyn plant, lles a datblygiad plant, a'r ymarfer gorau wrth weithio gyda phlant a theuluoedd, ac â gwybodaeth broffesiynol am y meysydd hyn;
- Yn gallu edrych yn wrthrychol ar oblygiadau'r dystiolaeth, a'u hasesu er mwyn ffurfio barn; ac yn hyderus wrth reoli barn a safbwyntiau aelodau'r gynhadledd er mwyn dod i gasgliad clir;
- Yn gallu cadeirio cyfarfodydd yn fedrus gan annog pobl i gyfrannu'n adeiladol ond yn cadw lles y plentyn a'r penderfyniadau y mae'n rhaid eu gwneud yn ganolbwynt clir;
- Yn gwybod llawer am amrywiaeth ac wedi ymrwymo i ymarfer gwrth-wahaniaethol.

3.14.12 Rôl cadeirydd y gynhadledd

Rôl cadeirydd y gynhadledd yw:

- Cwrdd â'r plentyn ac aelodau o'r teulu o flaen llaw, er mwyn gofalu eu bod yn deall pwrpas a threfn y gynhadledd;
- Penderfynu a oes rhesymau dilys dros gau allan o'r gynhadledd unrhyw blant neu aelodau eraill o'r teulu, os bydd rhywun yn gofyn am hyn;
- Gofalu bod agenda'r gynhadledd yn cael ei ddilyn;
- Galluogi **pawb** sy'n bresennol, yn cynnwys plant ac aelodau'r teulu, i gyfrannu'n llawn at y drafodaeth a'r broses benderfynu gan ystyried trefniadau eiriolaeth ar gyfer y rhieni, y rhai sy'n rhoi gofal a/neu'r plentyn;
- Gofalu bod y gynhadledd yn dod i benderfyniadau mewn ffordd ddeallus, drefnus a chlir;

drawing to clear conclusion the views and judgements of conference members;
- Skilled in chairing meetings in a way that encourages constructive participation while maintaining a clear focus on the welfare of the child and the decisions that need to be taken;
- Knowledgeable about diversity and committed to anti-discriminatory and non oppressive practice.

3.14.12 The role of the conference chair

The role of the conference chair is to:

- Meet the child and family members in advance, to ensure that they understand the purpose of the conference and what will happen;
- Decide whether or not there are valid reasons for excluding any children or other family members from attending the conference if this request is made;
- Ensure that the conference agenda is followed;
- Enable **all** those present, including children and family members, to make their full contribution to discussion and decision making, which will include consideration of advocacy arrangements for parents, caregivers and/or child;
- Ensure that the conference makes decisions in an informed, systematic and explicit way;
- Enable conference members to share all appropriate information and evaluate risks;
- Ensure that the conference focuses on the child;
- Ensure that the conference is conducted in an anti-discriminatory and non oppressive manner and gives proper consideration to issues of race, culture, language, religion, gender and disability;
- Ensure that dissenting views and reasons are recorded in full;
- Clearly differentiate between fact, observation, allegation and opinion;
- Establish the opinions of lead persons from professional groupings about placing the child's name on the child protection register;
- Draw together the views of the conference members and arbitrate where different views are being expressed, in line with LSCB protocols;
- Be available after the conference to explain decisions to parents and children;

- Galluogi aelodau'r gynhadledd i rannu'r holl wybodaeth briodol ac i bwyso a mesur y peryglon;
- Gofalu bod y gynhadledd yn canolbwyntio ar y plentyn;
- Gofalu nad yw'r gynhadledd yn gwahaniaethu mewn unrhyw ffordd a'i bod yn rhoi sylw teg i faterion hil, diwylliant, iaith, crefydd, rhyw ac anabledd;
- Gofalu bod unrhyw anghytuno'n cael ei gofnodi'n llawn, a hefyd y rhesymau dros yr anghytuno;
- Dangos y gwahaniaeth clir rhwng ffeithiau, arsylwadau, honiadau a barn;
- Casglu barn y bobl sy'n arwain ar ran grwpiad proffesiynol ynglŷn â rhoi enw'r plentyn ar y gofrestr amddiffyn plant;
- Crynhoi barn aelodau'r gynhadledd a chyflafareddu pan mae'r farn yn wahanol, yn unol â phrotocolau'r Bwrdd Lleol Diogelu Plant;
- Bod ar gael ar ôl y gynhadledd i esbonio'r penderfyniadau i'r rhieni a'r plant;
- Bod yn gyfrifol am gywirdeb cofnodion y gynhadledd;
- Bod yn gyfrifol am drefnu bod y bobl sydd i gael copïau o gofnodion y gynhadledd yn eu cael.

3.14.13 Trefn y gynhadledd

Bydd y gynhadledd amddiffyn plant yn dilyn agenda a fydd yn cynnwys:

- Pwrpas a thasgau'r gynhadledd arbennig hon, neu'r rhesymau dros ei chynnull;
- Cyflwyniadau, ymddiheuriadau, cyfrinachedd a rolau'r gwahanol asiantaethau gyda'r teulu;
- Cylchredeg adroddiadau;
- Manylion y digwyddiadau oedd yn arwain at y gynhadledd amddiffyn plant gychwynnol;
- Gwybodaeth o'r asesiad cychwynnol, yr ymholiadau amddiffyn plant dan adran 47 a'r asesiad craidd hyd yn hyn;
- Gwybodaeth gefndirol gan yr holl asiantaethau, yn cynnwys eu hymwneud â'r teulu ar hyn o bryd ac yn y gorffennol;
- Crynodeb y cadeirydd o'r holl wybodaeth a ddaeth i law ar gyfer y gynhadledd;
- Barn y plant ac aelodau'r teulu;

- Take responsibility for the accuracy of the conference minutes;
- Take responsibility for who will receive copies of the conference minutes.

3.14.13 The conference process

The child protection conference will follow an agenda to include:

- The purpose or reasons for the particular conference and the tasks of the conference;
- Introductions, apologies, confidentiality, agency roles with the family;
- Circulation of reports;
- Details of the events leading up to the initial child protection conference;
- Information from the initial assessment, child protection section 47 enquiries and the core assessment to date;
- Background information from all agencies, including past and present involvement;
- A summary by the chair of all the main information provided to the conference;
- The views of children and family members;
- An analysis of the implications of all the information shared for the child's future safety, health and development, that is, whether the child at continuing risk of significant harm;
- Consideration of the risks of harm if the child remains at home, and explicit recommendations for how the risks can be managed;
- Consideration of the need for legal advice;
- Make a decision whether to place the child's name on the child protection register and the category of risk.

3.14.14 Confidentiality and the sharing of information at child protection conferences

It is essential to the decision-making process that individual staff members and professionals contribute all the relevant information held on their records. Successful interagency co-operation in protecting children is rooted in the exchange and sharing of relevant information. In all cases where child abuse is alleged or suspected, there is a duty to share all relevant information. In all such situations the protection of the child must take precedence.

- Dadansoddiad o'r holl wybodaeth sy'n cael ei rhannu am ddiogelwch, iechyd a datblygiad y plentyn yn y dyfodol, hynny yw, a yw'r plentyn yn parhau mewn perygl o ddioddef niwed arwyddocaol ai peidio;
- Ystyried y perygl o niwed i'r plentyn os yw'n aros yn ei gartref, ac argymhellion manwl o ran rheoli'r peryglon;
- Ystyried a oes angen cyngor cyfreithiol;
- Penderfynu a ddylai enw'r plentyn gael ei roi ar y gofrestr amddiffyn plant ai peidio, a phenderfynu ar y categori risg.

3.14.14 Cyfrinachedd a rhannu gwybodaeth mewn cynadleddau amddiffyn plant

Mae'n hanfodol i'r broses benderfynu i staff unigol a gweithwyr proffesiynol gyfrannu'r holl wybodaeth berthnasol sydd yn eu cofnodion. Sylfaen y broses o weld cydweithredu'n llwyddiannus rhwng asiantaethau yw cyfnewid a rhannu gwybodaeth berthnasol. Ym mhob achos lle mae cam-drin yn cael ei honni neu ei amau, mae dyletswydd i rannu unrhyw wybodaeth berthnasol. Ym mhob sefyllfa o'r fath, y peth pwysicaf un yw amddiffyn y plentyn.

Mae rhagor o wybodaeth am rannu gwybodaeth a therfynau cyfrinachedd ym mhennod 14 o *Diogelu Plant: Gweithio gyda'n Gilydd dan Ddeddf Plant 2004.*

Rhaid trin gwybodaeth sy'n dod i law mewn unrhyw ran o'r broses amddiffyn plant yn gwbl gyfrinachol. Ni ddylai unrhyw un sy'n cael gwybodaeth trwy'r broses amddiffyn plant ei datgelu at unrhyw bwrpas heblaw amddiffyn plant, a heb ganiatâd clir y gweithwyr proffesiynol neu'r aelod o'r teulu a roddodd y wybodaeth. Os oes unrhyw amheuaeth ynglŷn â rhannu gwybodaeth, dylid trafod y mater gyda'r cadeirydd cyn y gynhadledd. Dylai'r un rheolau cyfrinachedd fod yn berthnasol hefyd mewn cyfarfodydd strategaeth.

Mae'n ymarfer da i'r cadeirydd ofyn i weithwyr proffesiynol cyn dechrau'r gynhadledd a oes unrhyw wybodaeth ganddyn nhw a fyddai'n anodd ei rhannu gyda'r rheini. Bydd y cadeirydd yn trafod gyda'r aelodau proffesiynol sut i rannu'r fath wybodaeth. Os bydd unrhyw aelod o'r gynhadledd yn penderfynu ar ôl i'r gynhadledd ddechrau ei fod am gadw gwybodaeth gyfrinachol oddi wrth aelodau'r teulu, bydd cais i'r teulu adael y gynhadledd am gyfnod byr i'r aelodau drafod mewn sesiwn gaeedig. Gallai aelodau'r gynhadledd benderfynu bod y fath wybodaeth yn berthnasol i amddiffyn y plentyn a bod rhaid felly ei rhannu gyda'r teulu ar ôl iddyn nhw ddod yn ôl i'r ystafell gynhadledd. Dylai'r cadeirydd hwyluso'r broses hon.

Os nad yw'r rhieni neu aelodau o'r teulu'n bresennol yn y cyfarfod, gallai'r cadeirydd ac aelodau'r gynhadledd benderfynu ei bod hi'n briodol iddyn nhw gael y cofnodion llawn er budd y plant. Y gweithiwr allweddol fydd yn trefnu hyn fel arfer.

For further information on sharing information and the limits of confidentiality refer to *Safeguarding Children: Working Together under the Children Act 2004, Chapter 14.*

Information obtained in any part of the child protection process must be treated in strict confidence. Anyone obtaining information through the child protection process should not disclose it for any purpose other than the protection of children without the expressed consent of the professionals or any family member who provided it. If there is any doubt about sharing information this should be discussed with the chair before the conference. The same rules for confidentiality should also apply to strategy meetings.

It is good practice for the chair to ask professionals prior to the start of the conference whether there is anything a professional would find difficult to share with the parents. The chair will discuss with professional attendees how this information is to be shared. In the event of any member of the conference exercising their right to withhold confidential information from the family members after the conference has started, the family will be asked to leave the conference briefly for a closed session. Conference members may decide that such information is relevant to the protection of children and must therefore be shared with the family on their return to the conference room. The chair should facilitate this.

If parents or family members are not present at the meeting, the chair and conference members may decide that it is appropriate to provide them with full minutes in the interests of the children. This will usually be through the key worker.

Conference members should be aware that any person has a right to request access to confidential information held about themselves whether they attended the conference or not. All conference members should be mindful of this when making their contributions.

There are a number of circumstances when information must be disclosed:

- Subject to limited exceptions, any person has a right to request access to personal information held about them. This includes information contained in child protection conference minutes and must be disclosed upon request whether the individual attends the conference or not. It should be noted that non-family members might apply to see information about them that may be contained in child protection conference minutes;
- If there are court proceedings child protection conference minutes are disclosed to the parties. This applies to both family proceedings and to criminal proceedings. Conference members may be asked or ordered to attend court to give evidence;

Dylai aelodau'r gynhadledd gadw mewn cof fod hawl gan unrhyw berson i ofyn am gael gweld gwybodaeth gyfrinachol sy'n cael ei chadw amdano, p'un ai oedd yn y gynhadledd ai peidio. Rhaid i holl aelodau'r gynhadledd gadw hyn mewn cof wrth gyfrannu ati.

Mae nifer o amgylchiadau pan mae'n rhaid datgelu gwybodaeth:

- Gyda rhai eithriadau prin, mae gan unrhyw berson yr hawl i ofyn am gael gweld y wybodaeth bersonol sy'n cael ei chadw amdano. Mae hyn yn cynnwys gwybodaeth yng nghofnodion y gynhadledd amddiffyn plant. Rhaid datgelu'r wybodaeth pan ddaw cais amdani, p'un ai yw'r unigolyn yn dod i'r gynhadledd ai peidio. Dylid nodi hefyd y gallai pobl y tu allan i'r teulu ofyn am gael gweld gwybodaeth amdanyn nhw a allai fod yng nghofnodion cynhadledd amddiffyn plant;
- Os oes achos llys, mae cofnodion cynadleddau amddiffyn plant yn cael eu datgelu i'r partïon i gyd. Mae hyn yn berthnasol i achosion teulu ac achosion troseddol fel ei gilydd. Efallai y bydd aelodau o'r gynhadledd yn cael cais neu orchymyn i fynd i'r llys i roi tystiolaeth;
- Os oes achos cyfreithiol, gallai gwarcheidwad (neu swyddog lles y llys teuluol mewn achosion preifat) weld cofnodion y gynhadledd amddiffyn plant a chofnodion unrhyw gyfarfod strategaeth. Gallan nhw gyfeirio atyn nhw yn eu hadroddiadau.

Dylid gofyn am ganiatâd cadeirydd y gynhadledd cyn rhoi gwybodaeth i drydydd parti, yn cynnwys asiantaethau eraill. Ymhlith yr amgylchiadau eraill pan mae hawl i ddatgelu gwybodaeth y mae: -

- Datgelu gwybodaeth i weithwyr proffesiynol eraill sy'n ymwneud â'r plentyn ac nad oedd yn y gynhadledd;
- Gallai'r rhai oedd yn y gynhadledd ddatgelu ei chofnodion i'r sawl sy'n rhoi cyngor cyfreithiol iddyn nhw;
- Datgelu gwybodaeth gyfrinachol er lles y cyhoedd pan fo angen hynny os yw rhywun mewn perygl o ddioddef niwed arwyddocaol;

Mae lles y cyhoedd wrth amddiffyn plant yn uwch na lles y cyhoedd wrth gynnal cyfrinachedd. Dylai fod yn bosib cyfiawnhau pob achos o ddatgelu gwybodaeth, a dylid gofyn am gyngor cyfreithiol ym mhob achos.

Mewn achos troseddol, bydd yr heddlu'n datgelu'r cofnodion i wasanaeth erlyn y goron. Os oes unrhyw wybodaeth yn y cofnodion a fyddai'n tanseilio achos yr erlyniad neu o help yn achos y diffynnydd, bydd tîm yr amddiffyniad yn eu cael hefyd.

- If there are legal proceedings, a guardian or a family court welfare officer in private proceedings, may see the child protection conference minutes, and any strategy meeting minutes, and may refer to them in their reports.

Permission should be obtained from the conference chair before passing information to a third party including other agencies. Other circumstances where the information may be disclosed include: -

- Disclosure to other professionals involved with the child who have not attended the conference;
- Conference attendees may disclose the minutes of the conference to their own legal advisor;
- Disclosure of confidential information when necessary, in the public interest when persons may be at risk of significant harm;

The public interest in child protection overrides the public interest of maintaining confidentiality. Disclosures should be justifiable in each case and legal advice should be sought.

Where there are criminal proceedings, the police will disclose the minutes to the crown prosecution service and if they contain any information, which either undermines the prosecution case or assists the defence case, also to the defence.

3.14.15 The decision making process of the initial child protection conference

The only decision that can be made at the conference is whether or not the child's name is included on the child protection register, and, if so, under which category. Discussion at the conference can contribute to making this decision, as well as providing a basis for future planning for the child. The conference needs to establish, as far as is possible, the cause of the significant harm or of the likelihood of significant harm to the child.

The decision as to whether or not a child's name should be placed on the register depends on the answer to the question: 'Is the child at continuing risk of significant harm?'

The child is at continuing risk of significant harm if *either*:

- The child can be shown to have suffered ill-treatment or impairment of health or development as a result of physical, emotional, or sexual abuse or neglect, and professional judgement is that further ill-treatment or impairment are likely, ***or***

3.14.15 Y broses o ddod i benderfyniad mewn cynadleddau amddiffyn plant cychwynnol

Yr unig benderfyniad y mae modd ei wneud yn y gynhadledd yw a fydd enw'r plentyn yn cael ei gynnwys ar y gofrestr amddiffyn plant ai peidio. Ac os bydd yn cael ei gynnwys, ym mha gategori. Gallai'r trafodaethau yn y gynhadledd gyfrannu at y broses benderfynu, ynghyd â chreu sylfaen i'r gwaith o gynllunio ar gyfer y plentyn yn y dyfodol. Mae angen i'r gynhadledd sefydlu, cyn belled ag y bo hynny'n bosib, achos y niwed arwyddocaol a'r tebygolrwydd y bydd y plentyn yn dioddef niwed arwyddocaol.

Mae'r penderfyniad i roi enw'r plentyn ar y gofrestr yn dibynnu ar yr ateb i'r cwestiwn: "A yw'r plentyn mewn perygl parhaus o ddioddef niwed arwyddocaol?'

Mae'r plentyn mewn perygl parhaus o ddioddef niwed arwyddocaol os *naill ai*:

- Fod modd dangos bod y plentyn wedi cael ei drin yn wael neu wedi datblygu nam ar ei iechyd neu ei ddatblygiad o ganlyniad i gam-drin corfforol, emosiynol neu rhywiol, neu esgeulusdod, a bod gweithwyr proffesiynol o'r farn bod y plentyn yn debygol o barhau i gael ei drin yn wael neu ddatblygu nam arall; **neu**
- Fod gweithwyr proffesiynol yn seiliedig ar gasgliadau'r achos unigol hwn neu dystiolaeth ymchwil, o'r farn bod y plentyn yn debygol o gael ei drin yn wael neu ddatblygu nam mewn perthynas â'i iechyd neu ei ddatblygiad o ganlyniad i gam-drin corfforol, emosiynol neu rhywiol,

Blwch 14: Sefydlu niwed arwyddocaol

I ddeall a sefydlu niwed arwyddocaol, rhaid ystyried:

- Cyd-destun y teulu;
- Datblygiad y plentyn o fewn cyd-destun ei deulu a'i amgylchedd cymdeithasol a diwylliannol ehangach;
- Ymatebion y plentyn a'r hyn y mae'n ei ganfod, yn ôl ei oedran a'i allu i ddeall;
- Unrhyw anghenion arbennig, fel cyflwr meddygol, anawsterau cyfathrebu, neu anabledd a allai effeithio ar ddatblygiad a gofal y plentyn o fewn y teulu;
- Natur y niwed, yn nhermau triniaeth wael neu fethiant i ddarparu digon o ofal;
- Yr effaith ar iechyd a datblygiad y plentyn a pha mor ddigonol yw gofal y rhieni.

- Professional judgement, substantiated by the findings of enquiries in this individual case or by research evidence, is that the child is likely to suffer ill-treatment or the impairment of health or development as a result of physical, emotional, or sexual abuse or neglect.

Box 14: Establishing significant harm

To understand and establish significant harm, consider:

- The family context;
- The child's development within the context of their family and wider social and cultural environment;
- The child's reactions and his or her perceptions, according to the child's age and understanding;
- Any special needs, such as a medical condition, communication difficulty, or disability that may affect the child's development and care within the family;
- The nature of harm, in terms of ill treatment or failure to provide adequate care;
- The impact on the child's health and development and the adequacy of parental care.

The conference should follow a structured process of decision-making:

- The decision whether or not to include a child's name on the child protection register will be arrived at via a process of information sharing and discussion that includes everyone present at the conference and any written reports provided, including reports from those unable to attend;
- The conference chair should summarise the risks, based on the facts presented at the conference, before a decision is made about registration or before members of the conference are asked for their analysis of risk. The chair should then ask whether conference members agree this is an accurate summary, before proceeding;

neu esgeulusdod.

Dylai'r gynhadledd ddilyn patrwm pendant wrth ddod i benderfyniadau:

- Trwy broses o rannu gwybodaeth a thrafod y bydd y gynhadledd yn penderfynu a fydd enw'r plentyn yn cael ei roi ar y gofrestr amddiffyn plant ai peidio. Bydd y broses honno'n cynnwys pawb sy'n bresennol, unrhyw adroddiadau ysgrifenedig a ddaeth i law, ac adroddiadau pawb oedd yn methu dod i'r gynhadledd;
- Cyn dod i benderfyniad ynglŷn â chofrestru a chyn gofyn i aelodau'r gynhadledd am eu dadansoddiad o'r perygl, dylai'r cadeirydd grynhoi'r peryglon ar sail y ffeithiau a gafodd eu cyflwyno yn y gynhadledd. Cyn symud ymlaen, dylai'r cadeirydd ofyn a yw aelodau'r gynhadledd yn cytuno bod y crynodeb hwnnw'n gywir;
- Mae rôl y cadeirydd yn cynnwys rhoi'r holl ffeithiau a gafodd eu cyflwyno mewn cyd-destun ar sail gwaith ymchwil. Trwy wneud hynny, dylai grynhoi'r peryglon i'r plentyn;
- Ni ddylid gadael i'r drafodaeth yn y gynhadledd ganolbwyntio'n unig ar gofrestru. Dylid rhoi amser a sylw i ddatblygu cynllun amddiffyn plant, os oes angen un;
- Dylai'r cadeirydd ofyn i bob aelod o'r gynhadledd am ei farn am y peryglon i'r plentyn ac a oes angen cynllun amddiffyn plant. Dylai holi hefyd ynglŷn â chynnwys y fath gynllun yn nhermau'r peryglon i roi sylw iddynt.
- **Rhaid i bob gweithiwr proffesiynol sy'n dod i gynhadledd sylweddoli ei fod yn rhan o'r broses benderfynu ac nad oes hawl ganddo i ymwrthod â'i gyfrifoldeb**;
- Dylai'r penderfyniad adlewyrchu barn gyffredinol y gynhadledd. Bydd barn pob unigolyn sy'n bresennol yn y gynhadledd yn cael sylw. Mae barn y rhieni a'r plant yn bwysig i'r gynhadledd, ond gweithwyr proffesiynol sy'n dod i benderfyniad ynglŷn â chofrestru;
- Os yw'r gynhadledd yn methu cytuno, dylai benderfynu ar sail barn y mwyafrif er mwyn gadael i'r broses symud yn ei blaen.

3.14.16 Dod i benderfyniad mewn cynadleddau amddiffyn plant lle nad yw pawb yn cytuno

Dylai pob person sy'n bresennol yn y gynhadledd, heblaw am aelodau o'r teulu neu bobl sydd yno i gefnogi'r rhieni, roi ei farn am yr angen am gynllun amddiffyn plant ac, yn sgil hynny, cofrestru. Nid oes disgwyl, fel arfer, i aelodau CAFCASS Cymru roi barn ynglŷn â chofrestru.

- The role of the chair includes placing the facts that have been presented in a context informed by research and thereby summarising the risks to the child;
- The discussion at the conference should not be allowed to focus solely on registration; time and attention should be given to the development of a child protection plan if required;
- The chair should ask each member of the conference for their view about the risks to the child and the need for a child protection plan, including the proposed content of such a plan in terms of risks to be addressed.
- **All professionals attending conference must be aware that they are part of the decision making process and cannot abdicate their responsibility**;
- The decision should reflect the consensus view of the conference. The views of all individuals present at the conference will be taken into account. The views of parents and children are important to the conference but it is professionals who make the decision about registration;
- Where consensus cannot be achieved, the conference should make a decision on a majority basis to allow progress to be made.

3.14.16 Decision making at child protection conferences where consensus is not reached

Each person at the conference other than family members or people who are there in the role of support for parents, should express a view about the need for a child protection plan and, hence, registration. Members of CAFCASS Cymru would not normally be expected to express an opinion regarding registration.

Parents, children (where appropriate) and family members should also be asked for their views but it is the professionals who would be responsible for making the final decision.

At many conferences there will be a consensus of opinion for or against registration.

In the event of a lack of consensus, the chair should attempt to seek a resolution, for example by re-summarising the issues and risks and facilitating further discussion. Voting as such should be avoided where possible although the chair needs to ensure the view of each agency has been sought. However if consensus is still not possible the decision on registration should be subject to a vote.

Dylai'r rhieni, y plant (pan mae hynny'n briodol) ac aelodau o'r teulu gael cyfle hefyd i roi eu barn. Ond y gweithwyr proffesiynol fydd yn gyfrifol am wneud y penderfyniad terfynol.

Mewn llawer o gynadleddau, bydd yr aelodau'n unfryd o blaid neu yn erbyn cofrestru.

Ond yn yr achosion lle mae'r aelodau'n methu cytuno, dylai'r cadeirydd geisio cyrraedd penderfyniad trwy, er enghraifft, ail-grynhoi'r materion a'r peryglon a hwyluso rhagor o drafod. Dylid osgoi pleidleisio lle bynnag y mae hynny'n bosib, er bod angen i'r cadeirydd ofalu bod staff pob asiantaeth wedi cael cyfle i roi eu barn. Ond os yw'n dal yn amhosib cytuno, dylid pleidleisio ynglŷn â'r penderfyniad i gofrestru.

Yr asiantaethau a/neu grwpiadau proffesiynol a ddylai bleidleisio, nid unigolion. Dylai'r cadeirydd enwi'n glir y cylch o grwpiadau proffesiynol a fydd yn pleidleisio ar ran asiantaethau. Dylai staff uwch yr asiantaethau sy'n bresennol helpu i drefnu bod cyn lleied â phosib o grwpiadau o weithwyr proffesiynol.

Dylid ystyried yr enghreifftiau sy'n dilyn o grwpiadau proffesiynol:

- Gwasanaethau cymdeithasol plant;
- Gwasanaethau cymdeithasol oedolion;
- Yr heddlu;
- Y gwasanaeth prawf;
- Y gwasanaeth tai;
- Yr awdurdod addysg lleol;
- Yr ysgol gynradd;
- Yr ysgol uwchradd;
- Iechyd plant (i gynnwys yr ymwelydd iechyd, nyrs yr ysgol, y fydwraig, y nyrs paediatreg [gofal llym a gofal cymunedol]);
- Y paediatregydd;
- Y meddyg teulu;
- Gwasanaeth iechyd meddwl oedolion;
- Gwasanaeth camddefnyddio sylweddau;
- Gwasanaeth iechyd meddwl plant a phobl ifanc (CAMHS).

Dylid gofyn i'r swyddog sydd wedi'i enwi neu'r sawl sy'n arwain ar ran pob asiantaeth/grŵp proffesiynol i bleidleisio o blaid neu yn erbyn cofrestru.

Voting should be based on agencies and/or professional groupings not individuals. The chair should clearly identify the relevant professional groupings within agencies for the purposes of voting. Senior staff present from each agency should assist in this process and ensure that professional groupings are kept to a minimum.

The following examples of professional groupings should be considered:

- Children's social services;
- Adult social services;
- Police;
- Probation;
- Housing;
- LEA;
- Primary school;
- Secondary school;
- Child health (to include health visitor, school nurse, midwife, paediatric nurse both acute and community);
- Paediatrician;
- GP;
- Adult mental health;
- Substance misuse service;
- CAMHS.

The nominated or lead person from each agency/professional group should be asked to vote on registration.

Where there is no consensus but there is a majority view, the chair will accept the majority view even if he/she may disagree with this. If the chair believes the decision places the child at risk, he/she needs to take their concern to the senior manager with responsibility for child protection immediately.

In situations where members remain split 50/50, the chair will make the decision about registration.

The minutes of the conference should reflect the difference of view expressed at the conference, including any concerns of the chair regarding the appropriateness of the decision.

Where the issues of a lack of consensus relate to professional differences the LSCB resoloution of professional differences protocol may need to be used at a later date.

Pan mae'r aelodau'n methu cytuno ond mae barn fwyafrifol, bydd y cadeirydd yn derbyn barn y mwyafrif hyd yn oed os yw'n anghytuno â'r farn. Os yw'r cadeirydd o'r farn fod y penderfyniad yn rhoi'r plentyn mewn perygl, mae angen iddo drafod ei bryderon ar unwaith gyda'r uwch reolwr sy'n gyfrifol am amddiffyn plant.

Pan mae barn yr aelodau wedi'i rhannu 50:50, y cadeirydd fydd yn dod i benderfyniad ynglŷn â chofrestru.

Dylai cofnodion y gynhadledd gofnodi'r gwahaniaethau ym marn yr aelodau. Rhaid cofnodi hefyd unrhyw bryderon mae'r cadeirydd wedi'u cyfleu ynglŷn â'r penderfyniad.

Pan mae'r methu cytuno'n seiliedig ar wahaniaethau proffesiynol, efallai y bydd angen defnyddio protocol gwahaniaethau proffesiynol y Bwrdd Lleol Diogelu Plant yn ddiweddarach.

3.14.17 Gohirio penderfyniad mewn cynhadledd amddiffyn plant

Nid yw gohirio penderfyniad ynglŷn â chofrestru'n ymarfer da mewn cynhadledd amddiffyn plant.

Mae'n well gohirio cynnull cynhadledd am y tro os na fydd elfennau pwysig o'r wybodaeth ar gael i helpu'r aelodau i farnu'n ddeallus ynglŷn â'r perygl i'r plentyn ac i benderfynu a ddylai ei enw gael ei roi ar y gofrestr ai peidio.

Os nad oes digon o wybodaeth ar gael i fod yn sail i benderfyniad, mae'n debygol y bydd y gynhadledd yn penderfynu peidio â rhoi enw'r plentyn ar y gofrestr, ac yn argymell i'r asesiad craidd gael ei gwblhau. Byddai'r fath asesiad craidd yn cynnig gwybodaeth gliriach am y plentyn a'i deulu. Rhaid i'r gynhadledd, a'r cadeirydd yn benodol, deimlo'n fodlon nad oes unrhyw arwyddion o berygl buan i'r plentyn i'w canfod. Dylid pennu dyddiad ar gyfer y gynhadledd amddiffyn plant nesaf.

Hyd yn oed os y farn yw nad yw'r plentyn yn parhau mewn perygl o ddioddef niwed arwyddocaol, efallai fod y plentyn mewn angen. Efallai, felly, fod angen cyngor neu wasanaethau arno i hybu ei ddatblygiad a bydd angen i'r asesiad craidd barhau, yn unol â'r meini prawf cymhwyster a threfniadau'r gwahanol asiantaethau i greu cynllun ar gyfer darparu'r gefnogaeth neu'r gwasanaethau priodol.

Os y farn yw bod y plentyn yn parhau mewn perygl o ddioddef niwed arwyddocaol a bod ei enw i gael ei roi ar y gofrestr amddiffyn plant, bydd angen help ac ymyrraeth gan asiantaethau eraill i ddiogelu a hybu ei les. I wneud hyn, bydd rhaid creu cynllun amddiffyn ffurfiol, i'w gytuno yn y gynhadledd.

3.14.17 Deferring a decision at a child protection conference

It is not good practice to defer making a decision about registration at a child protection conference.

It is more appropriate to defer convening a conference if key elements of information will not be available to make an informed judgement about risk to child and decide whether to place a child's name on the register.

If there is insufficient information upon which to base a decision it is probable that the conference will decide not to place the child's name on the register, but recommend that the core assessment is completed and should provide clearer information regarding the child and family. The conference, and in particular the chair, must be satisfied that there is no discernable indication of immediate risk for the child. A date for the next child protection conference should be set.

Even where the child is not considered to be at continuing risk of significant harm, the child may be in need, and therefore require advice or services to promote his or her development. The core assessment may need to continue, in accordance with eligibility criteria, and inter-agency arrangements made to draw up a plan for provision of appropriate support or services.

Where the child is considered to be at continuing risk of significant harm and his/her name is to be placed on the child protection register, safeguarding and promoting the welfare of the child will require inter-agency cooperation and intervention delivered through a formal child protection plan, to be agreed at the conference.

3.15 Placing a child's name on the child protection register

The chair should determine under which category of abuse the child's name should be registered, taking into account the views of the conference members. The category used in registration will indicate to those consulting the register the primary presenting concerns at the time of registration. This can be one or more of the following:

- Physical abuse;
- Emotional abuse;
- Sexual abuse;
- Neglect.

The categories should reflect all the information obtained in the course of the child protection section 47 enquiries and subsequent analysis and should not just relate to one or more abusive incidents.

3.15 Rhoi enw plentyn ar y gofrestr amddiffyn plant

Gan roi sylw i farn aelodau'r gynhadledd, dylai'r cadeirydd benderfynu dan ba gategori o gamdriniaeth y dylid cofrestru enw'r plentyn. Bydd y categori a gafodd ei ddefnyddio wrth gofrestru'n arwydd i bobl sy'n ymgynghori â'r gofrestr o'r prif bryderon pan gafodd enw'r plentyn ei gofrestru. Mae modd defnyddio un neu fwy o'r categorïau sy'n dilyn :

- Cam-drin corfforol;
- Cam-drin emosiynol;
- Cam-drin rhywiol;
- Esgeulustod.

Dylai'r categorïau sy'n cael eu dewis roi sylw i'r holl wybodaeth a ddaeth i'r amlwg wrth wneud yr ymholiadau amddiffyn plant dan adran 47, a'r broses ddadansoddi oedd yn dilyn yr ymholiadau. Ni ddylai'r broses o ddewis categori ystyried un neu fwy o ddigwyddiadau cam-drin yn unig.

Rhaid ystyried unrhyw ddigwyddiad o gamdriniaeth bosib yn ei gyd-destun er mwyn asesu hyd a lled y niwed i blentyn a'r ymyriadau priodol. Yn aml iawn, y rhyngweithio rhwng nifer o ffactorau sy'n ei gwneud hi'n fwy tebygol y bydd plentyn yn cael niwed arwyddocaol, neu y bydd niwed yn fwy llym. Ym mhob achos, mae angen ystyried unrhyw sefyllfa lle mae plentyn yn cael ei drin yn wael yng nghyd-destun cryfderau a chefnogaeth y teulu.

3.15.1 Pwrpas rhoi enw plentyn ar y gofrestr amddiffyn plant

Pwrpas rhoi enw plentyn ar y gofrestr yw rhybuddio pob gweithiwr proffesiynol sy'n gweithio gyda'r plentyn ei fod mewn perygl o gael niwed arwyddocaol. Mae'n cadarnhau bod cynllun rhyng-asiantaethol ar waith ar gyfer amddiffyn y plentyn, a bod rhaid cydymffurfio â'r cynllun hwnnw. Ac mae'n dangos bod gweithiwr allweddol yn gweithio gyda'r plentyn a'r teulu. Mae dyletswydd ar weithwyr proffesiynol i roi gwybod i'r gweithiwr allweddol am ddigwyddiadau arwyddocaol neu am newidiadau yn amgylchiadau'r plentyn. Ni ddylai'r ffaith fod enw plentyn ar y gofrestr rwystro unrhyw un rhag cyfleu eu pryderon i'r gwasanaethau cymdeithasol neu'r heddlu.

Mae adran 3.25 yn cynnig gwybodaeth am y gwaith o reoli'r gofrestr ac am wneud ymholiadau i'r gofrestr.

3.15.2 Plant sy'n derbyn gofal, a chofrestru

Mae'r Rheoliadau Adolygu Achosion Plant 1991, fel y'i diwygiwyd gan y Rheoliadau Adolygu Achosion Plant (Diwygio) (Cymru) 2004, yn berthnasol i awdurdodau lleol sy'n gofalu am blant, mudiadau gwirfoddol sy'n rhoi llety i blant dan adran 59 o Ddeddf Plant 1989, a chartrefi cofrestredig sy'n rhoi llety i blant sydd ddim yn derbyn gofal gan awdurdod lleol. Mae'r rheoliadau'n

Any potentially abusive incident has to be seen in context to assess the extent of harm to a child and appropriate intervention. It is often the interaction between a number of factors that serve to increase the likelihood or level of actual significant harm. In each case it is necessary to consider any ill treatment alongside the family's strengths and support.

3.15.1 The purpose of placing a child's name on the child protection register

The purpose of placing a child's name on the register is to alert all professionals working with a child to the risk of significant harm. It confirms that an interagency plan for the protection of the child is in place and must be complied with, and that a key worker is working with the child and family. Professionals have a duty to inform the key worker of significant events or changes of circumstance relevant to the child. The fact that a child is on the register must never deter anyone from raising concerns with social services or the police.

Information regarding the management of the register including enquiries to the register is provided at 3.25

3.15.2 Looked after children and registration

The Review of Children's Cases Regulations 1991 as amended by the Review of Children's Cases (Amendment)(Wales) Regulations 2004 apply to local authorities looking after children and to voluntary organisations who accommodate children under section 59 of the Children Act 1989 and registered children's homes who accommodate children who are not looked after by local authorities. The review regulations stipulate the frequency of reviews. The 2004 regulations require authorities to appoint an independent reviewing officer (IRO). Where children looked after are also subject to a child protection review conference, the two systems should be integrated in order to promote a child centred approach to planning. This means that a review of the child's care plan under the looked after children regulations should have all the information available to it from the review of the child protection plan held under these procedures. Careful consideration should be given to the timing of the two reviews as well as attendance. Both reviews should involve all the relevant people. Where a child who is looked after remains on the register, explicit agreements are required about arrangements for review and co-ordination of plans.

Where a child cannot live at home and has a care plan, which meets their care and protection needs, a review should recommend de-registration, unless there are exceptional circumstances.

3.16 The outline child protection plan

When a child's name is placed on the child protection register, the act of registration itself confers no protection on a child and a child protection plan should always accompany registration.

pennu pa mor aml y mae'n rhaid mynd ati i wneud adolygiadau. Mae rheoliadau 2004 yn ei gwneud hi'n ofynnol i awdurdodau benodi swyddog adolygu annibynnol (IRO). Pan mae plant sy'n derbyn gofal yn destun hefyd i gynhadledd adolygu amddiffyn plant, dylai'r ddwy system gael eu hintegreiddio'n llawn er mwyn hybu dull o gynllunio sy'n canolbwyntio ar y plentyn. Mae hyn yn golygu y dylai adolygiad o gynllun gofal plentyn, dan y rheoliadau plant sy'n derbyn gofal, gael yr holl wybodaeth wrth law a oedd ar gael wrth adolygu'r cynllun amddiffyn plant o dan y canllawiau hyn. Rhaid ystyried amseru'r ddau adolygiad yn ofalus, a phwy fydd yn rhan o'r broses adolygu. Dylai'r ddau adolygiad gynnwys yr holl bobl berthnasol. Pan mae plentyn sy'n derbyn gofal yn aros ar y gofrestr, mae gofyn cytuno'n benodol ar y trefniadau ar gyfer adolygu a chyd-drefnu'r cynlluniau.

Pan mae'n amhosib i blentyn fyw gartref, ac mae ganddo gynllun gofal sy'n diwallu ei anghenion gofal ac amddiffyn, dylai adolygiad argymell dadgofrestru fel arfer.

3.16 Y cynllun amddiffyn plant amlinellol

Pan mae enw plentyn yn cael ei roi ar y gofrestr amddiffyn plant, nid yw'r weithred gofrestru ynddi ei hun yn amddiffyn y plentyn mewn unrhyw ffordd. Dylai cynllun amddiffyn plant gyd-fynd â'r broses gofrestru bob amser.

Rhaid creu cynllun amddiffyn rhyng-asiantaethol ar gyfer pob plentyn y mae ei enw wedi cael ei roi ar y gofrestr amddiffyn plant. Dylai fod dau gam i'r broses o ddatblygu'r cynllun amddiffyn plant. Bydd cynllun **amlinellol** yn cael ei greu yn y gynhadledd amddiffyn plant gychwynnol. Bydd hwnnw'n cael ei ddatblygu'n gynllun **manwl** yng nghyfarfod cyntaf y grŵp craidd.

Dylai'r gynhadledd amddiffyn plant gychwynnol drafod a chytuno ar yr elfennau sy'n dilyn ar gynllun amddiffyn amlinellol pob plentyn sydd wedi'i gofrestru:

- Cytuno beth yw'r peryglon i'r plentyn ddioddef niwed arwyddocaol, a'r ffordd y gall cynllun rhyngasiantaethol amddiffyn y plentyn;
- Y canlyniadau y mae bwriad eu cyflawni yn y tymor byr a'r tymor hir. Eu cysylltu'n glir â'r gwaith o leihau'r peryglon i'r plentyn gael niwed ac o hybu ei les;
- Disgrifio'n glir pwy fydd yn gyfrifol am weithredu, sut mae gweithredu, a'r amserlen ar ei gyfer;
- Penderfynu ar y trefniadau ar gyfer monitro a mesur y cynnydd yn erbyn y cynllun;
- Enwi'r gweithwyr proffesiynol a fydd yn monitro cynnydd, datblygiad, lles a diogelwch y plentyn, a sut bydd y monitro'n cael ei wneud;

An inter-agency child protection plan must be formulated for every child whose name is placed on the child protection register. The child protection plan should be developed in two phases. An **outline** plan will be drawn up at the initial child protection conference and developed into a **detailed** plan at the first core group meeting.

The initial child protection conference should discuss and agree the following elements of the outline child protection plan for each child registered:

- Agree the risks of significant harm to the child and the way in which an inter-agency plan can protect the child;
- The shorter and longer term planned outcomes to be achieved, clearly linking them to reducing the risks of harm to the child and promoting the child's welfare;
- Specify who will have responsibility for what actions, within what specified timescales;
- Decide arrangements to monitor and evaluate progress against the plan;
- Identify the professionals who will monitor the child's progress, development, welfare and safety, and how;
- The outline child protection plan must take into consideration the wishes and feelings of the child, and the views of the parents, in so far as this is consistent with the child's welfare.

A copy of the outline plan and a summary of decisions made at the initial child protection conference, which includes the date of the next conference should be circulated to those invited and present at the conference and members of the core group within five working days.

3.17 Other tasks of the initial child protection conference

When the child's name is placed on the child protection register the conference should:

- Agree how the decisions and recommendations of the conference are communicated to the parents or caregivers and, depending on age and understanding, the child/children, if they are not present at the conference;
- Appoint a key worker and set out their role, including visiting arrangements that should as a minimum comply with the standards described in section 3.20;

- Os ydyn nhw'n gyson â lles y plentyn, rhaid i'r cynllun amddiffyn plant amlinellol roi sylw i ddymuniadau a theimladau'r plentyn, a barn y rhieni.

Dylid anfon, o fewn pum diwrnod gwaith, gopi o'r cynllun amlinellol, crynodeb o benderfyniadau'r gynhadledd amddiffyn gychwynnol, a dyddiad y gynhadledd nesaf at bawb a gafodd wahoddiad i'r gynhadledd, pawb oedd yn bresennol ynddi, ac aelodau'r grŵp craidd.

3.17 Tasgau eraill y gynhadledd amddiffyn plant gychwynnol

Pan mae enw'r plentyn yn cael ei roi ar y gofrestr amddiffyn plant, dylai'r gynhadledd:

- Gytuno sut y bydd penderfyniadau ac argymhellion y gynhadledd yn cael eu cyfleu i'r rhieni neu'r rhai sy'n rhoi gofal, a'r plentyn neu'r plant yn ôl eu hoedran a'u gallu i ddeall, os nad ydyn nhw'n bresennol yn y gynhadledd;
- Penodi gweithiwr allweddol a disgrifio'i rôl, yn cynnwys y trefniadau ymweld a ddylai gydymffurfio o leiaf â'r safonau sy'n cael sylw yn adran 3.20;
- Enwi aelodau'r grŵp craidd o weithwyr proffesiynol ac aelodau'r teulu a fydd yn datblygu ac yn rhoi ar waith y cynllun amddiffyn manwl fel erfyn gweithio;
- Sefydlu sut y bydd plant a theuluoedd yn cyfrannu at y broses gynllunio a gweithredu, ac enwi'r ffynonellau o gymorth ac eiriolaeth sydd ar gael iddyn nhw;
- Gosod yr amserlen ar gyfer cyfarfodydd y grŵp craidd, yn cynnwys dyddiad y cyfarfod cyntaf a dyddiad creu'r cynllun amddiffyn plant. Dylai'r grŵp craidd gwrdd o fewn 10 diwrnod i ddyddiad y gynhadledd amddiffyn plant gychwynnol, ac yn fisol wedi hynny, ond dim llai aml nag unwaith bob chwe wythnos;
- Gosod yr amserlen ar gyfer y cynadleddau adolygu, hynny yw, dim hwyrach na thri mis ar ôl dyddiad y gynhadledd amddiffyn plant gychwynnol, a dim llai aml nag unwaith bob chwe mis wedi hynny;
- Adnabod yn fras y meysydd sydd i gael sylw yn yr asesiad craidd sy'n parhau. Gosod yr amserlen ar gyfer cwblhau'r gwaith o fewn 35 diwrnod i ddyddiad dechrau'r ymholiadau amddiffyn plant dan adran 47;
- Enwi'n fras y gweithwyr proffesiynol a fydd yn cyfrannu at yr asesiad craidd, a natur eu cyfraniad;

- Identify the membership of the core group of professionals and family members who will develop and implement the detailed child protection plan as a working tool;
- Establish how children and families will be involved in the planning and implementation process and identify the sources of support and advocacy available to them;
- Set timescales for the meetings of the core group including the date of the first meeting and the production of the child protection plan. The core group should meet within 10 days of the date of the initial child protection conference and thereafter at monthly but no more than 6 weekly intervals;
- Set timescales for review conferences i.e. 3 monthly as a maximum time from the date of the initial child protection conference and thereafter at no more than 6 monthly intervals;
- Identify in outline the areas to be covered by the continuing core assessment with timescales for completion within 35 days of the date of the start of the child protection section 47 enquiries;
- Identify in outline which professionals will contribute to the core assessment and in what way;
- Outline the child protection plan, including identifying what needs to change in order to safeguard the child and the arrangements for monitoring the health, development and progress of the child;
- Consider the need for a contingency plan under certain circumstances e.g. in cases where the abuser receives a custodial sentence, the family withdraw co-operation or fail to comply with agreements;
- Clarify the different purpose and remit of the initial conference, the core group and the child protection review conference;
- Recommend, if appropriate, that social services gives consideration to the need for legal action to protect the child;
- Plan any health assessment or care needed.

3.18 Minutes of the child protection conference

The written record of the conference is a crucial working document for all relevant professionals and the family. All child protection conferences both initial and review should have a trained person to take notes and produce minutes of the meeting. The minute taker should have no other role in the conference and no involvement in the case.

The minutes should include:

- Amlinellu'r cynllun amddiffyn plant, yn cynnwys adnabod yr hyn sydd angen ei newid er mwyn diogelu'r plentyn, a'r trefniadau ar gyfer monitro iechyd, datblygiad a chynnydd y plentyn.
- Ystyried a oes angen cynllun wrth gefn ar gyfer amgylchiadau neilltuol, er enghraifft, mewn achosion lle mae'r sawl sydd wedi'i gyhuddo o gam-drin yn cael ei ddedfrydu i garchar, mae'r teulu'n penderfynu peidio â chydweithredu mwyach neu'n methu cydymffurfio â chytundebau;
- Esbonio gwahanol bwrpas a chylch gwaith y gynhadledd gychwynnol, y grŵp craidd a'r gynhadledd adolygu amddiffyn plant;
- Argymell, os yw hynny'n briodol, fod y gwasanaethau cymdeithasol yn ystyried yr angen i gymryd camau cyfreithiol i amddiffyn y plentyn;
- Cynllunio unrhyw asesiadau iechyd neu ofal sydd eu hangen.

3.18 Cofnodion y gynhadledd amddiffyn plant

Mae cofnod ysgrifenedig y gynhadledd yn ddogfen waith hanfodol i'r holl weithwyr proffesiynol a'r teulu fel ei gilydd. Dylai person sydd wedi'i hyfforddi i gymryd nodiadau a chreu cofnodion y cyfarfod fod ym mhob cynhadledd amddiffyn plant, p'un ai yw'n gynhadledd gychwynnol neu'n gynhadledd adolygu. Ni ddylai'r person sy'n ysgrifennu'r cofnodion fod ag unrhyw rôl arall yn y gynhadledd nag unrhyw ymwneud â'r achos.

Dylai'r cofnodion gynnwys:

- Manylion y sawl sy'n bresennol, manylion unrhyw un sydd wedi'i gau allan ac enwau'r bobl sydd wedi darparu adroddiadau;
- Ffeithiau hanfodol yr achos;
- Crynodeb o'r trafod yn y gynhadledd sy'n ddarlun cywir o'r cyfraniadau a gafodd eu gwneud ac yn gwahaniaethu'n glir rhwng ffeithiau a barn;
- Dadansoddiad clir o'r perygl i'r plentyn;
- Pob penderfyniad a gafodd ei wneud, gyda disgrifiad bras o'r rhesymau dros ei wneud;
- Cynllun amddiffyn plant amlinellol neu ddiwygiedig sy'n rhoi darlun clir o dasgau pawb a'r amserlen ar gyfer eu cwblhau;
- Unrhyw anghytuno â chasgliadau, penderfyniadau neu argymhellion y gynhadledd;
- Dylid ysgrifennu'r cofnodion yn iaith y gynhadledd a threfnu eu cyfieithu ar gyfer cyfranogwyr sydd am eu cael mewn iaith arall. Efallai

- Details of attendance, including exclusions and the provision of reports
- The essential facts of the case;
- A summary of the discussions at the conference which accurately reflect contributions made and clearly distinguishes between fact and opinion;
- A clear analysis of risk to the child;
- All decisions reached, with information outlining the reasons for decisions;
- An outline or revised child protection plan enabling everyone to be clear about their tasks and timescales for completing action;
- Any dissension from the conclusions, decision or recommendations of the conference.
- Minutes should be taken in the language of the conference and a translation provided for participants who require one. Families may wish for the conference to be held in the language of their choice but to receive the minutes in another language.
- The conference chair should agree the minutes including who should receive a full or partial copy before they are distributed. A summary and outline plan should be circulated within 5 working days or by the first meeting of the core group. A copy should be sent as soon as possible after the conference to all those who attended or were invited to attend, including family members, except for any part of the conference from which they were excluded. Good practice would aim for circulation no later than 20 working days. Conference participants, who have concerns regarding any inaccuracies in the minutes, should send their comments to the chair within ten working days of receiving the minutes.
- The minutes are confidential and should not be passed by professionals to third parties without the consent of the conference chair, except where transfer is made to another office of the same agency. Child protection conference minutes and other records associated with the registration process should be retained by the agencies receiving them in accordance with their record retention policies.

y bydd teulu am weld y gynhadledd yn cael ei chynnal yn eu dewis iaith, ond am gael y cofnodion mewn iaith arall;

- Dylai cadeirydd y gynhadledd ddarllen a chymeradwyo'r cofnodion, a dweud, cyn iddyn nhw gael eu dosbarthu, pwy ddylai gael copi llawn neu gopi rhannol. Dylid cylchredeg crynodeb a chynllun amlinellol o fewn pum diwrnod gwaith i ddyddiad y gynhadledd, neu erbyn cyfarfod cyntaf y grŵp craidd. Dylid anfon copi cyn gynted â phosib ar ôl y gynhadledd i bawb oedd yn bresennol ynddi neu a gafodd eu gwahodd, yn cynnwys aelodau'r teulu, ac eithrio unrhyw ran o'r gynhadledd pan roedden nhw wedi'u cau allan. Byddai anelu at gylchredeg y cofnodion o fewn 20 diwrnod gwaith i ddyddiad y gynhadledd yn ymarfer da. Dylai unrhyw aelod sy'n pryderu nad yw cofnodion y gynhadledd yn gwbl gywir anfon eu sylwadau at y cadeirydd o fewn 10 diwrnod gwaith i'r dyddiad y daethon nhw i law;
- Mae cofnodion y gynhadledd yn gyfrinachol ac ni ddylai gweithwyr proffesiynol eu rhoi i drydydd parti heb ganiatâd y cadeirydd, heblaw am eu trosglwyddo i swyddfa arall o fewn yr un asiantaeth. Dylai staff asiantaethau ddilyn polisïau'r asiantaeth ei hun wrth gadw cofnodion cynadleddau amddiffyn plant ac unrhyw gofnodion eraill sy'n perthyn i'r broses gofrestru.

3.19 Cwynion gan rieni, rhai sy'n rhoi gofal a phlant am benderfyniadau a gweithrediad cynhadledd amddiffyn plant

Dylai'r Byrddau Lleol Diogelu Plant gytuno ar y protocolau lleol ar gyfer gofalu bod rhieni, rhai sy'n rhoi gofal a phlant yn gwybod am y drefn gwyno. Rhaid iddyn nhw ofalu bod gwybodaeth ar gael yn disgrifio'r drefn, a threfnu bod cwynion yn cael eu derbyn a'u hymchwilio (cyfeiriwch at adran 5.2).

Dylai'r drefn gwyno gynnwys:

- Prosesau'r gynhadledd yn nhermau cadw at y drefn weithredu;
- Y penderfyniad ynglŷn â chofrestru, yn cynnwys y categori;
- Penderfyniad i beidio â chofrestru neu i ddadgofrestru.

Ni ddylai'r drefn gynnwys:

- Cwynion ynglŷn â chynnwys y cofnodion – bydd cadeirydd y gynhadledd yn delio â'r rhain;
- Cwynion neu sylwadau am y gwasanaethau mae gwahanol asiantaethau'n eu darparu yn sgil penderfyniadau cynhadledd;
- Cwynion am un o'r gweithwyr proffesiynol sy'n dod i gynhadledd.

3.19 Complaints from parents, caregivers and children about the decisions and functioning of a child protection conference

The LSCB should agree local protocols to ensure parents, caregivers and children are aware of the procedures for making a complaint, information is available describing the procedure, and, arrangements for receiving and investigating complaints are established. (See 5.2)

The complaints procedure should cover:

- The process of the conference, in terms of adherence to procedures;
- The registration decision, including the category;
- A decision not to register or to de-register.

The procedure should **not** cover:

- Complaints in relation to the contents of minutes, which will be dealt with by the conference chair;
- Complaints or representations relating to services that are delivered by individual agencies as a result of conference decisions;
- Complaints about an individual professional attending conference.

These complaints will be dealt with under the internal complaints procedures of the relevant agency. If an issue emerges in relation to an individual professional whilst a conference complaint is being addressed, it will be referred to that individual's agency.

The LSCB should ensure:

- Easy and open access to the procedure;
- All complaints relating to the outcome and process of conferences are received and responded to within an agreed timeframe;
- All complaints are monitored and reported to the LSCB at regular agreed intervals;
- When complaints are upheld, redress is made within agreed timescales and lessons learned.

3.19.1 Informing families about the complaints procedure

Information, which explains the process for making complaints, will be made available to parents, caregivers and children invited to the conference.

Bydd y cwynion hyn yn cael sylw dan drefn gwyno fewnol yr asiantaeth berthnasol. Os bydd mater yng nghyswllt gweithiwr proffesiynol penodol yn dod i'r amlwg fel rhan o'r broses o ymchwilio i gwyn am gynhadledd, bydd y mater yn cael ei gyfeirio at asiantaeth yr unigolyn dan sylw.

Dylai'r Byrddau Lleol Diogelu Plant ofalu bod:

- Y drefn yn agored ac yn rhwydd mynd ati;
- Sylw'n cael ei roi i gwynion am ganlyniad a phrosesau cynadleddau, a bod ymateb yn dilyn yn ôl amserlen sydd wedi'i chytuno;
- Yr holl gwynion yn cael eu monitro, a bod adroddiadau amdanyn nhw'n mynd yn rheolaidd at y Byrddau Lleol;
- Proses o wneud iawn yn dilyn achos o gadarnhau cwynion, gan ddilyn amserlen sydd wedi'i chytuno, a bod gwersi'n cael eu dysgu.

3.19.1 Rhoi gwybod i deuluoedd am y drefn gwyno

Bydd gwybodaeth ar gael i'r rhieni, y rhai sy'n rhoi gofal a'r plant sy'n cael eu gwahodd i'r gynhadledd am y broses o fynd ati i wneud cwynion.

Ar ddechrau pob cynhadledd, bydd y cadeirydd yn holi a yw hyn wedi digwydd. Rhaid nodi hyn yn y cofnodion.

Pan mae rhieni, rhai sy'n rhoi gofal a phlant wedi mynegi pryder yn ystod cynhadledd am y prosesau neu'r canlyniad, dylid eu hatgoffa am eu hawl i gwyno. Rhaid nodi hyn yn y cofnodion. Mae mwy o wybodaeth yn adran 5.2 am y broses o reoli cwynion am gynhadledd amddiffyn plant.

3.20 Y gweithiwr allweddol

Dylai pob plentyn y mae ei enw'n cael ei roi ar y gofrestr amddiffyn plant gael gweithiwr allweddol wedi'i enwi. Hwn yw'r gweithiwr proffesiynol sy'n gyfrifol am yr achos. Dylai cadeirydd y gynhadledd gychwynnol enwi'r gweithiwr allweddol. Gweithiwr cymdeithasol yw'r gweithiwr allweddol bob amser. Bydd wedi'i gofrestru gyda Chyngor Gofal Cymdeithasol Cyffredinol (General Social Care Council) ac yn gweithio i'r gwasanaethau cymdeithasol, a bydd ganddo gymwysterau, hyfforddiant a phrofiad addas.

Os nad yw'n bosib penodi gweithiwr allweddol, rhaid i'r uwch reolwr sy'n gyfrifol am amddiffyn plant yn y gwasanaethau cymdeithasol gael gwybod ar unwaith.

Dylai'r gweithiwr allweddol:

- Weld y plentyn o leiaf bob 10 diwrnod gwaith, a gofalu bod y plentyn yn cael ei weld gartref o leiaf bob pedair wythnos;

At the start of each conference, the chair will check that this has occurred and this should be noted in the minutes.

Where parents, caregivers and children have expressed concern about process or outcome during a conference, they should be reminded of their right to complain. This should be noted in the minutes. Refer to 5.2 for further information for managing complaints about child protection conference.

3.20 The key worker

Each child, whose name is placed on the child protection register, should have a named key worker who carries the professional responsibility for the case. The chair at the initial conference should identify the key worker. The key worker is always a social worker registered with the General Social Care Council and an employee of social services with appropriate qualifications, training and experience.

In the event that it is not possible to appoint a key worker, the relevant senior manager responsible for child protection in social services must be informed immediately

The key worker should:

- See the child at least every 10 working days, and ensure that the child is seen at home at least every 4 weeks;
- This responsibility is delegated to the key worker's line manager in the event of unanticipated absence;
- Ensure the child is seen alone whenever possible and as a minimum this should be every 6 weeks;
- Ensure the child's bedroom is seen on at least one occassion between conferences;
- Ensure that the outline child protection plan is developed by the core group into a more detailed inter-agency child protection plan;
- Co-ordinate the completion of the core assessment of the needs of the child and the family;
- Take the lead in inter-agency work with the child and family;
- Co-ordinate the contributions of family members and other agencies to the implementation of the child protection plan;
- Review progress in outcomes for the child's safety and welfare in relation to the child protection plan;
- Provide a focus for communication between all professionals and family members;

- Os bydd y gweithiwr allweddol yn absennol yn annisgwyl, bydd y cyfrifoldeb hwn yn trosglwyddo i'w reolwr llinell;
- Gofalu bod y plentyn yn cael ei weld ar ei ben ei hun lle bynnag y bo hynny'n bosib. Dylai hyn ddigwydd o leiaf bob chwe wythnos;
- Gofalu bod ystafell wely'r plentyn yn cael ei gweld o leiaf unwaith rhwng cynadleddau;
- Gofalu bod y grŵp craidd yn datblygu cynllun amddiffyn amlinellol y plentyn yn gynllun amddiffyn rhyngasiantaethol mwy manwl;
- Cyd-drefnu'r gwaith o gwblhau'r asesiad craidd o anghenion y plentyn a'r teulu;
- Arwain unrhyw waith gyda'r plentyn a'r teulu sy'n golygu cyfraniad gan y gwahanol asiantaethau;
- Cyd-drefnu cyfraniadau aelodau'r teulu ac asiantaethau eraill at y gwaith o roi'r cynllun amddiffyn plant ar waith;
- Adolygu'r broses o weld y cynllun amddiffyn plant yn arwain at ganlyniadau o ran diogelwch a lles y plentyn;
- Bod yn gyfrwng i helpu'r holl weithwyr proffesiynol ac aelodau'r teulu i gyfathrebu â'i gilydd;
- Gofalu bod y plentyn a'r rhieni'n deall amcanion y cynllun yn glir, a'u bod yn gwybod am eu hawl i gwyno a sut mae mynd ati i gwyno;
- Llenwi cofnod yr asesiad craidd.

Os yw plentyn yn derbyn gofal neu'n byw i ffwrdd o'i gartref, efallai y bydd y safonau ar gyfer ymweld â phlant sy'n derbyn gofal yn berthnasol.

Mae dyletswydd ar bob gweithiwr proffesiynol i roi gwybod i'r gweithiwr allweddol am unrhyw ddigwyddiadau arwyddocaol neu newid amgylchiadau sy'n berthnasol i'r plentyn. Ddylai hyn ddim atal gwneud atgyfeiriad newydd os daw peryglon neu bryderon eraill i'r amlwg. Rhaid mynd ati wedyn i gyflwyno'r fath bryderon yn ysgrifenedig hefyd.

Dylai'r gweithiwr allweddol roi gwybod ar unwaith i'r swyddog sy'n cadw'r gofrestr amddiffyn plant am unrhyw wybodaeth berthnasol fel newidiadau yn nheulu'r plentyn, fel bod modd diweddaru'r gofrestr. Dylai'r gweithiwr allweddol roi gwybod i weithwyr proffesiynol am newidiadau hefyd.

Os bydd y gweithiwr allweddol yn newid, rhaid i'r gweithiwr allweddol sy'n trosglwyddo'r cyfrifoldebau neu ei reolwr llinell roi gwybod ar lafar, a chadarnhau hynny'n ysgrifenedig, i bob asiantaeth berthnasol ac i'r teulu. Rhaid diwygio'r cofnodion cofrestru yn syth hefyd.

- Ensure that the children and parents have a clear understanding of the objectives of the plan, and that they know of their right to make a complaint and how to do so;
- Complete the core assessment record.

If a child is looked after or living away from home the standards for visiting looked after children may be applied.

All professionals have a duty to inform the key worker of significant events or changes of circumstance relevant to the child. This should not preclude making a new referral in the event of further risk or concerns being identified, and such concerns should be followed up in writing.

The key worker should notify the custodian of the child protection register immediately of any relevant information such as changes to the child's household, so the register can be updated. The key worker should also keep professionals informed of changes.

Any change of key worker must be notified verbally and confirmed in writing to all relevant agencies and the family by the key worker relinquishing responsibility or their supervising line manager. Registration records must also be amended promptly.

3.21 The core group

The core group is responsible for developing and implementing the child protection plan as a detailed working tool within the outline plan agreed at the initial child protection conference. Membership is decided at the time of registration and will include the key worker, relevant family members (including children) and professionals and/or foster carers who have direct contact with the family. All professionals who have significant involvement should participate in the core group and may include staff from leaving care or substance misuse services. If another agency becomes involved the key worker may invite them to join the core group.

The first meeting of the core group should take place within a maximum of 10 working days of the initial child protection conference and be chaired in line with local arrangements. The core group should continue to meet at least monthly but no more than 6 weekly intervals.

The core group needs to be chaired effectively and can be done by any professional member of the core group. Good practice separates the role of key worker and chairing the core group.

Although the key worker has the lead role, all members of the core group are jointly responsible for preparing and implementing the child protection plan, and members of the core group can undertake specific work as part of the plan. The core group members should contribute to the social worker's report.

3.21 Y grŵp craidd

Y grŵp craidd sy'n gyfrifol am ddatblygu a rhoi ar waith y cynllun amddiffyn plant fel erfyn gweithio manwl o fewn y cynllun amlinellol a gafodd ei gytuno yn y gynhadledd amddiffyn plant gychwynnol. Mae aelodau'r grŵp yn cael eu penderfynu ar adeg y cofrestru. Bydd yn cynnwys y gweithiwr allweddol, aelodau perthnasol o'r teulu (yn cynnwys plant) a'r gweithwyr proffesiynol a/neu'r rhai sy'n rhoi gofal maeth sydd â chyswllt uniongyrchol â'r teulu. Dylai pob gweithiwr proffesiynol y mae ei ymwneud â'r teulu'n arwyddocaol berthyn i'r grŵp craidd. Gallai gynnwys staff o'r gwasanaethau gadael gofal neu gamddefnyddio sylweddau. Os yw staff asiantaeth arall yn dechrau ymwneud â'r achos, gallai'r gweithiwr allweddol eu gwahodd i ymuno â'r grŵp craidd.

Dylai cyfarfod cyntaf y grŵp craidd gael ei gynnal o fewn 10 diwrnod gwaith fan bellaf i ddyddiad y gynhadledd amddiffyn plant gychwynnol. Dylid dilyn trefniadau lleol wrth benodi cadeirydd y grŵp. Dylai'r grŵp craidd barhau i gwrdd o leiaf unwaith y mis, ond dim llai aml nag unwaith bob chwe wythnos.

Mae angen i'r grŵp craidd gael ei gadeirio'n effeithiol. Gall unrhyw aelod proffesiynol o'r grŵp weithredu fel ei gadeirydd. Mae'n ymarfer da i gadw rôl y gweithiwr allweddol a rôl cadeirydd y grŵp craidd ar wahân.

Er bod y gweithiwr allweddol yn gweithredu fel arweinydd, mae pob aelod o'r grŵp craidd yn gyfrifol ar y cyd am baratoi a rhoi ar waith y cynllun amddiffyn plant. Gall aelodau o'r grŵp craidd fynd ati i wneud gwaith penodol fel rhan o'r cynllun. Dylai'r grŵp craidd gyfrannu at adroddiad y gweithiwr cymdeithasol.

Tasgau'r grŵp craidd yw:

- Adnabod yn fanwl y peryglon i'r plentyn, a'r ffordd o fynd ati i roi sylw iddyn nhw;
- Cytuno pa mor aml y bydd y gweithiwr allweddol a/neu aelodau eraill o'r grŵp craidd yn gweld y plentyn. Dylai'r fath gyswllt gydymffurfio o leiaf â'r safonau sy'n cael eu disgrifio yn adran 3.20;
- Cytuno yn y cyfarfod cyntaf ar yr amcanion a'r amserlen;
- Datblygu'r cynllun amddiffyn amlinellol, yn cynnwys pennu trefniadau wrth gefn rhag ofn y bydd aelodau'r teulu'n peidio â chydymffurfio â'r cynllun;
- Penderfynu sut mae mynd ati i gwblhau'r asesiad craidd mewn pryd, a phwy fydd yn gweithredu;
- Cynorthwyo'r gweithiwr allweddol gyda'r gwaith o baratoi'r asesiad craidd o'r plentyn a'r teulu;

The tasks of the core group:

- Identify in detail the risks to the child and how these are to be addressed;
- Agree the frequency of contact with the child by the key worker and/or other core group members that should as a minimum comply with the standards described in 3.20;
- Agree objectives and timescales at the first meeting;
- Develop the outline child protection plan, including the identification of contingency arrangements in the event of family members not complying with the plan;
- Decide what steps need to be taken, by whom, to complete the core assessment on time;
- Assist the key worker in the preparation of the core assessment of the child and family;
- Plan and implement the inter-agency work in accordance with conference recommendations;
- Monitor progress against the objectives specified in the plan and refine the plan as needed;
- Ensure that parents, and children where appropriate, are fully engaged in the implementation of the child protection plan, and understand the expectations and objectives of each agency involved;
- In the event of further incidents to the child, reconvene the child protection conference;
- Ensure any instances of a professional or core group member being denied access to the child and/or home is reported to the other core group members and social services manager;
- Contribute to the key worker's written reports for the child protection review conference outlining the work that has been undertaken by family members and professionals and with what degree of success, as measured against the objectives and in terms of positive outcomes for the child;
- The focus of planning has to always be on whether a child's requirement for safe and emotionally secure care will be met by their parent(s) making and sustaining necessary changes. Child protection interventions need to be undertaken within the context of child focussed care planning that secures the best possible outcomes for a child. This requires clear assessment and plans that are monitored to

- Cynllunio a rhoi ar waith gwaith y gwahanol asiantaethau'n unol ag argymhellion y gynhadledd;
- Monitro'r cynnydd yn erbyn yr amcanion sydd wedi'u disgrifio yn y cynllun, a chaboli'r cynllun yn ôl yr angen;
- Gofalu bod y rhieni, a'r plant lle y bo hynny'n briodol, yn cyfrannu'n llawn at y broses o roi'r cynllun amddiffyn plant ar waith. Gofalu'u bod nhw'n deall disgwyliadau ac amcanion pob asiantaeth sy'n ymwneud â'r achos;
- Os bydd mwy o ddigwyddiadau'n effeithio ar y plentyn, ailgynnull y gynhadledd amddiffyn plant;
- Gofalu bod y grŵp craidd cyfan a rheolwr y gwasanaethau cymdeithasol yn cael gwybod am unrhyw sefyllfa lle mae hawl gweithiwr proffesiynol neu aelod o'r grŵp craidd i weld y plentyn a/neu'r cartref yn cael ei gwrthod;
- Cyfrannu at adroddiadau ysgrifenedig y gweithiwr allweddol ar gyfer y gynhadledd adolygu amddiffyn plant. Disgrifio'r gwaith mae aelodau'r teulu a gweithwyr proffesiynol wedi'i wneud, a nodi i ba raddau'r oedd y gwaith yn llwyddiannus o'i fesur yn erbyn yr amcanion, ac yn nhermau canlyniadau cadarnhaol ar gyfer y plentyn;
- Rhaid i bwyslais y cynllunio fod bob amser ar ofyn a fydd rhiant/rhieni plentyn yn llwyddo i wneud a chynnal newidiadau er mwyn diwallu ei angen am ofal diogel sy'n emosiynol gadarn. Mae angen i ymyriadau amddiffyn plant gael eu gwneud yng nghyd-destun cynllunio gofal sy'n canolbwyntio ar y plentyn er mwyn cyflawni'r canlyniadau gorau posib ar ei gyfer. I gyflawni hyn, mae gofyn asesu clir a chynlluniau sy'n cael eu monitro er mwyn ffurfio barn am y canlyniad gorau sy'n fwyaf tebygol ar gyfer plentyn;
- Dylai grwpiau craidd gadw mewn cof fod angen ymlyniadau cadarn a gofal parhaol diogel ar blant. Mae cynlluniau a chytundebau clir yn hanfodol wrth weithio gyda rhieni plant ifanc iawn yn arbennig, ac wrth benderfynu a yw'r gallu gan rieni i roi sylw i ddiogelwch, lles a datblygiad eu plentyn.

Dylid ysgrifennu cofnodion ar gyfer pob un o gyfarfodydd grŵp craidd, yn cynnwys nodiadau am y camau a gafodd eu cytuno a'r penderfyniadau a fydd yn sail i'r gynhadledd adolygu. Dylid dosbarthu'r cofnodion i aelodau'r grŵp craidd. Mae ymarfer da'n awgrymu y dylid cylchredeg y cofnodion o fewn pum diwrnod gwaith i ddyddiad y cyfarfod.

Os yw'r grŵp craidd yn methu rhoi ar waith y cynllun a gafodd ei gytuno, waeth beth yw'r rheswm, mae angen ystyried gofyn am gyngor cyfreithiol. Dylai'r gweithiwr allweddol ailgynnull y gynhadledd amddiffyn plant, ar ôl ymgynghori â'r rheolwr tîm perthnasol.

inform judgements about what is likely to be the best outcome for a child;

- Core groups should be mindful of children's needs for secure attachments and safe permanent care. Clear plans and agreements are essential components of working with parents of very young children in particular and determining whether parents are capable of addressing their child's needs for safety, welfare and development.

All core group meetings should be recorded in writing, including notes on the action agreed and decisions taken to inform the review conference. The minutes should be distributed to core group members. Good practice suggests the minutes should be circulated within 5 working days.

If the core group is unable to implement the plan agreed, for whatever reason, consideration needs to be given to seeking legal advice and the key worker in consultation with the relevant team manager should reconvene the child protection conference.

In particular if the key worker or other core group professional is obstructed or denied access at any time to a child on the child protection register, the relevant senior manager in social services should be informed as well as other core group members. The core group should formally agree that another agency carry out face-to-face contact and/or a child protection review conference should be arranged. The key worker in consultation with managers and legal advisors should consider whether any form of legal action including removal of the child is required to ensure the child is protected and safe.

Any necessary protective action to secure the safety and well being of any child at risk of significant harm must not be delayed because a core group meeting is pending or imminent.

3.22 The detailed child protection plan

The core group develops the detailed child protection plan at its first meeting.

The detailed plan will be the working document that the core group members use to assess, plan, provide and review the services to the family. The plan will identify in detail the risk of significant harm to the child, the needs of the child associated with the risk, and the expected outcomes from the interventions.

The plan should be recorded and distributed to all members of the core group. The planning process should involve the whole family as fully as possible, as long as this is compatible with keeping children protected. The discussions about the plan should take place in their language of choice and they should be given a copy of the minutes of core group meetings and of the child protection plan in their language of choice.

Os yw'r gweithiwr allweddol neu aelod proffesiynol arall o'r grŵp craidd yn cael ei rwystro ar unrhyw adeg rhag gweld neu fynd at blentyn y mae ei enw ar y gofrestr amddiffyn plant, dylid rhoi gwybod i uwch reolwr perthnasol y gwasanaethau cymdeithasol ac i aelodau eraill y grŵp craidd. Dylai'r grŵp craidd gytuno'n ffurfiol i asiantaeth arall gysylltu wyneb yn wyneb, a/neu dylid trefnu cynhadledd adolygu amddiffyn plant. Ar ôl ymgynghori â rheolwyr a chynghorwyr cyfreithiol, dylai'r gweithiwr allweddol ystyried a oes gofyn cymryd unrhyw gamau cyfreithiol i ofalu bod y plentyn yn ddiogel ac yn cael ei amddiffyn, yn cynnwys symud y plentyn.

Ni ddylai'r ffaith fod cyfarfod o'r grŵp craidd ar fin cael ei gynnal achosi unrhyw oedi wrth gymryd camau angenrheidiol i amddiffyn unrhyw blentyn sydd mewn perygl o ddioddef niwed arwyddocaol, ac i sicrhau ei ddiogelwch a'i les.

3.22 Y cynllun amddiffyn plant manwl

Bydd y grŵp craidd yn mynd ati yn ei gyfarfod cyntaf i ddatblygu'r cynllun amddiffyn manwl.

Y cynllun manwl fydd y ddogfen weithio y bydd aelodau'r grŵp craidd yn ei defnyddio wrth asesu, cynllunio, darparu ac adolygu'r gwasanaethau i'r teulu. Bydd y cynllun yn manylu ar y perygl o niwed arwyddocaol i'r plentyn, ei anghenion oherwydd y perygl, a'r canlyniadau sydd i'w disgwyl o'r broses ymyrraeth.

Dylai'r cynllun gael ei gofnodi a'i gylchredeg i bob aelod o'r grŵp craidd. Dylai'r broses gynllunio gynnwys y teulu cyfan gymaint â phosib, cyn belled ag y bo gwneud hynny'n gyson ag amddiffyn y plant. Dylid defnyddio dewis iaith y teulu wrth drafod y cynllun gyda nhw. A dylen nhw gael copi yn eu dewis iaith o gofnodion cyfarfodydd y grŵp craidd a'r cynllun amddiffyn plant.

Wrth ysgrifennu'r cynllun, dylid defnyddio iaith glir y gall pawb ei deall. Dylai'r cynllun ddisgrifio'n glir y newidiadau mae angen eu gwneud er mwyn lleihau'r peryglon i'r plentyn. Dylai ddisgrifio'r canlyniadau dymunol a dylai gynnig ffordd o farnu sut mae pethau'n symud yn eu blaen. Er enghraifft, mae angen i'r cynllun ddangos y gwahaniaeth rhwng rhiant yn mynd ar gwrs rhianta, a gallu'r rhiant hwnnw i gyflawni'r tasgau sy'n perthyn i'w rôl fel rhiant y plentyn.

Rhaid i'r cynllun amddiffyn manwl roi sylw i ddymuniadau a theimladau'r plentyn. Dylai roi sylw hefyd i farn y rhieni, ar yr amod ei bod yn gyson â lles y plentyn.

Nod y cynllun amddiffyn plant yw:

- Diogelu'r plentyn rhag cael rhagor o niwed;
- Hybu iechyd a datblygiad y plentyn;

The plan should be written in clear terms that are understood by all parties. It needs to make explicit what needs to change in order to reduce the risks to the child. It should describe outcomes to be achieved and be possible to make judgements about whether progress has been achieved, for example the plan needs to distinguish between a parent who attends a parenting course and their ability to carry out their parenting tasks in relation to their child.

The child protection plan must take account of the wishes and feelings of the child, and the views of the parents, in so far as this is consistent with the child's welfare.

The aim of the child protection plan is to:

- Safeguard the child from further harm;
- Promote the child's health and development;
- Support the family and wider family members in promoting the welfare of the child, provided that this is in the best interests of the child.

The child protection plan should set out what work needs to be done, why, when and by whom.

The plan should:

- Describe the identified risk to and needs of the child and any therapeutic services which are required;
- Include specific, achievable, child-focused objectives intended to safeguard the child and promote his or her welfare, together with timescales for achieving these objectives;
- Be specific about timescales which should reflect the needs of the child;
- Make clear the part to be played by parents, the expectations they may legitimately have of agencies and what expectations agencies may reasonably have of them;
- Include realistic strategies and specific actions to achieve the objectives;
- Clearly identify roles and responsibilities of professionals and family members, including the nature and frequency of contact by professionals with children and family members;
- State when progress will be reviewed and the means by which progress will be evaluated;

- Cynorthwyo'r teulu ac aelodau o'r teulu ehangach i hybu lles y plentyn, ar yr amod y bo hynny er lles pennaf y plentyn.

Dylai'r cynllun amddiffyn plant ddisgrifio'r gwaith y mae angen ei wneud, y rhesymau dros ei wneud, pryd bydd yn cael ei wneud, a phwy fydd yn ei wneud.

Dylai'r cynllun:

- Ddisgrifio'r perygl sydd wedi cael ei adnabod yng nghyswllt y plentyn, anghenion y plentyn, ac unrhyw wasanaethau therapiwtig sy'n ofynnol;
- Cynnwys, gan gofio mai'r nod yw diogelu'r plentyn a hybu ei les, amcanion penodol y mae modd eu cyflawni, sy'n canolbwyntio ar y plentyn, gydag amserlenni clir ar gyfer eu cyflawni;
- Cynnwys amserlenni penodol sy'n adlewyrchu anghenion y plentyn;
- Disgrifio rhan y rhieni yn y broses yn glir, a disgrifio beth y gallan nhw'n rhesymol ei ddisgwyl oddi wrth yr asiantaethau a beth y gallai'r asiantaethau'n rhesymol ei ddisgwyl oddi wrthyn nhw;
- Cynnwys strategaethau realistig, a chamau pendant ar gyfer cyflawni'r amcanion;
- Disgrifio rôl a chyfrifoldebau'r gweithwyr proffesiynol ac aelodau'r teulu. Rhaid disgrifio natur y cyswllt rhwng y gweithwyr proffesiynol a'r plant ac aelodau'r teulu, a pha mor aml y bydd y cyswllt hwnnw'n digwydd;
- Dweud pryd a sut y bydd cynnydd yn cael ei adolygu, ei fesur a'i farnu;
- Disgrifio rôl a chyfrifoldebau'r gweithwyr proffesiynol sy'n dod i gyswllt rheolaidd â'r plentyn. Rhaid cynnwys unrhyw gymorth arbenigol neu gymorth sydd wedi'i dargedu'n arbennig ar gyfer y plentyn a'r teulu;
- Cytuno ar gynlluniau wrth gefn os yw'r hawl i weld y plentyn neu'r cartref yn cael ei gwrthod.

Mae pob aelod o'r grŵp craidd yn berchen yn gyfartal ar y cynllun amddiffyn plant manwl, ac â chyfrifoldeb cyfartal drosto. Dylen nhw gydweithredu i gyflawni ei amcanion.

Dylai pob gweithiwr proffesiynol sy'n gweithio gyda phlant a/neu deuluoedd dan gynllun amddiffyn plant fod yn effro i'r posibilrwydd nad yw'r cynllun yn llwyddo i amddiffyn y plentyn.

3.22.1 Defnyddio cytundebau ysgrifenedig

Wrth roi'r cynllun ar waith, mae creu cytundeb ysgrifenedig yn rhan neu'n ychwanegol iddo'n ymarfer da. Dylai'r plentyn, y teulu a'r gweithwyr

- Set out clearly the roles and responsibilities of those professionals with routine contact with the child as well as any specialist or targeted support to the child and family;
- Agree contingency plans if access to the child/home is denied.

All members of the core group have equal ownership of and responsibility for the detailed child protection plan and should co-operate to achieve its aims.

All professionals working with children and/or families under a child protection plan must be alert to indications that the plan may be failing to protect the child.

3.22.1 Use of written agreements

It is good practice to produce a written agreement as part of, or additional to the plan, which is negotiated between the child, the family and professionals regarding the implementation of the plan. The agreement should make clear for parents:

- The causes of concern that resulted in their child's name being placed on the child protection register;
- The changes that are required and the timescale for achieving them;
- What is expected of the parents/caregivers as part of the plan for safeguarding the child;
- The consequences of failure to cooperate.

For agreements to be effective they need to be constructed in language that is clear, straightforward and practical, and taking into account the parent/caregivers level of literacy and comprehension. Parents should be encouraged to think about what needs to be said in the agreement and it should describe tasks as well as the outcomes being sought. The agreements should avoid jargon or generalisations for example, rather than stating that an objective is to keep a child safe, describe the nature of the specific risk that led to registration and address it in terms of what the parent will do to reduce the identified risk. The agreement should also describe what professionals will do.

3.23 Action required when a professional believes a child on the register is not being adequately protected

If any professional has concerns that a child on the child protection register is not being adequately protected, this must be brought to the immediate attention of their manager and their named child protection professional as well as the key worker and the social services team manager supervising the key worker. In their absence, or, if the response from the team manager is

proffesiynol drafod y broses o greu'r fath gytundeb. Dylai'r cytundeb esbonio'n glir i'r rhieni:

- Achosion y pryder a arweiniodd at roi enw'u plentyn ar y gofrestr amddiffyn plant;
- Y newidiadau sy'n ofynnol a'r amserlen ar gyfer eu cyflawni;
- Yr hyn y mae disgwyl i rieni neu'r rhai sy'n rhoi gofal ei wneud fel rhan o'r cynllun i ddiogelu'r plentyn;
- Y canlyniadau os byddan nhw'n methu cydweithredu.

I gytundebau fod yn effeithiol, mae angen iddyn nhw gael eu hysgrifennu mewn iaith glir, syml ac ymarferol. Rhaid iddyn nhw roi sylw i safon llythrennedd y rhieni neu'r rhai sy'n rhoi gofal, a'u gallu i ddeall. Dylid annog rhieni i feddwl am yr hyn y dylai'r cytundeb ei ddweud, a dylai'r cytundeb ddisgrifio tasgau yn ogystal â'r canlyniadau yr hoffai pawb eu gweld. Dylai'r cytundebau osgoi jargon a pheidio â chyffredinoli, er enghraifft, yn hytrach na dweud mai'r amcan yw cadw plentyn yn ddiogel, disgrifiwch union natur y perygl a arweiniodd at gofrestru a dywedwch yn glir beth fydd rhieni'n ei wneud i leihau'r perygl hwnnw. Dylai'r cytundeb ddisgrifio hefyd beth fydd gweithwyr proffesiynol yn ei wneud.

3.23 Sut i weithredu pan mae gweithiwr proffesiynol yn credu nad yw plentyn ar y gofrestr yn cael ei amddiffyn yn ddigonol

Os yw unrhyw weithiwr proffesiynol yn poeni nad yw plentyn ar y gofrestr amddiffyn plant yn cael ei amddiffyn yn ddigonol, rhaid mynd ati'n syth i ddod â'r mater i sylw ei reolwr a'i weithiwr proffesiynol amddiffyn plant, sydd wedi'i enwi. Rhaid rhoi gwybod hefyd i'r gweithiwr allweddol a rheolwr tîm y gwasanaethau cymdeithasol sy'n goruchwylio'r gweithiwr allweddol. Os nad ydyn nhw ar gael, neu os y farn yw bod ymateb y rheolwr tîm yn annigonol, rhaid rhoi gwybod yn syth i uwch reolwr y gwasanaethau cymdeithasol sy'n gyfrifol am amddiffyn plant.

Mewn rhai achosion, gallai asiantaeth ystyried bod angen iddi weithredu ar ei phen ei hun. Mewn achosion eithriadol lle mae gweithiwr neu asiantaeth yn mynnu gweithredu ar eu pen eu hun heb ddilyn cynllun wedi'i gytuno, rhaid rhoi gwybod i'r gweithiwr allweddol a'i reolwr tîm. Bydd y rheolwr tîm yn mynd ati wedyn i drafod y mater gyda'r uwch reolwr sy'n gyfrifol am amddiffyn plant ac uwch reolwr perthnasol yr asiantaeth dan sylw. Bydd cadeirydd y Bwrdd Lleol Diogelu Plant yn cael gwybod am unrhyw fater sy'n deillio o'r broses hon o ymgynghori. Bydd cynhadledd adolygu amddiffyn plant yn cael ei chynnull os oes angen. Gallai'r achos gael ei gyfeirio hefyd i'w adolygu'n fewnol.

judged inadequate, the senior manager responsible for child protection in social services must be notified.

An agency may consider it necessary to take unilateral action in some cases. In exceptional cases where an individual worker or agency insists on unilateral action that departs from an agreed plan, the key worker and their team manager must be notified. The team manager will then discuss the matter with the senior manager responsible for child protection and the relevant senior manager of the agency concerned. Any issues arising out of this consultation will be brought to the attention of the chair of the LSCB. A child protection review conference will be convened as necessary. The case may also be referred for an internal case review.

3.24 The review child protection conference

3.24.1 Purpose of the review child protection conference

All children on the child protection register will be subject of regular reviews, which should consider including any other children in the household.

The tasks of the review child protection conference are to:

- Review the safety, health and development of the child against the planned outcomes set out in the child protection plan;
- Consider the information and conclusions of the core assessment;
- Consider how successfully the current plan has improved the original perceived concerns;
- Ensure that the welfare of the child continues to be adequately safeguarded;
- Consider whether inter-agency co-ordination is functioning effectively;
- Consider whether the child protection plan should continue to be in place or should be changed;
- Consider whether the membership of the core group is appropriate;
- Consider whether the child's name should remain on or be removed from the child protection register or the category of registration changed.

The chair will decide if the category of registration should be changed.

3.24.2 Planning and conduct of the review child protection conference

The first review child protection conference should be held within three months of the initial child protection conference. Further reviews should be held at intervals of no more than six months for as long as the child's name

3.24 Y gynhadledd adolygu amddiffyn plant

3.24.1 Pwrpas y gynhadledd adolygu amddiffyn plant

Bydd achos pob plentyn ar y gofrestr amddiffyn plant yn cael ei adolygu'n rheolaidd. Dylai'r broses ystyried hefyd a oes angen ychwanegu enwau unrhyw blant eraill yn y cartref.

Tasgau'r gynhadledd adolygu amddiffyn plant yw:

- Adolygu diogelwch, iechyd a datblygiad y plentyn yn erbyn y canlyniadau'r oedd bwriad i'r cynllun amddiffyn plant eu cyflawni;
- Rhoi sylw i wybodaeth a chasgliadau'r asesiad craidd;
- Ystyried pa mor llwyddiannus yw'r cynllun presennol wrth geisio wella'r pryderon gwreiddiol a gafodd eu canfod;
- Gofalu bod lles y plentyn yn dal i gael ei ddiogelu'n ddigonol;
- Ystyried a yw'r cyd-drefnu rhwng yr asiantaethau'n effeithiol;
- Ystyried a ddylai'r cynllun amddiffyn plant barhau i fod ar waith neu oes angen ei newid;
- Ystyried a yw aelodaeth y grŵp craidd yn briodol;
- Ystyried a ddylai enw'r plentyn aros ar y gofrestr amddiffyn plant, oes modd ei dynnu oddi ar y gofrestr neu oes angen newid y categori cofrestru?

Bydd y cadeirydd yn penderfynu oes angen newid y categori cofrestru.

3.24.2 Cynllunio'r gynhadledd adolygu a'i rhoi ar waith

Dylai'r gynhadledd adolygu gyntaf gael ei chynnal o fewn tri mis i ddyddiad y gynhadledd amddiffyn plant gychwynnol. Dylai adolygiadau pellach gael eu cynnal o fewn chwe mis i ddyddiad yr un blaenorol, tra bo enw'r plentyn yn aros ar y gofrestr amddiffyn plant. Rhaid rhoi gwybod i reolwr perthnasol y gwasanaethau cymdeithasol os yw amgylchiadau'n newid yn arwyddocaol, os oes digwyddiad pellach o niwed arwyddocaol, os oes mwy o ymholiadau amddiffyn plant dan adran 47 yn cael eu gwneud, neu os oes digwyddiadau pellach sy'n codi pryderon amddiffyn plant. Bydd y rheolwr yn penderfynu wedyn a oes angen cynnal yr adolygiad yn gynt. Dylai'r rheolwr gytuno fel arfer i unrhyw gais o'r math hwn gan asiantaeth arall, os yw uwch reolwr neu weithiwr proffesiynol wedi'i enwi neu ei ddynodi a/neu'r grŵp craidd yn ei ategu.

Dylai'r bobl sy'n dilyn ddod i'r gynhadledd: holl aelodau'r grŵp craidd, aelodau'r teulu a'r plentyn, a staff unrhyw asiantaethau perthnasol eraill fel y rhai oedd yn bresennol yn y gynhadledd amddiffyn plant gychwynnol. Mae

remains on the child protection register. If there is a significant change of circumstances, a further incident of significant harm, further child protection section 47 enquiries, or there are further incidents raising child protection concerns, the appropriate social services manager must be informed and he or she will then decide whether to bring forward the date of the review. The manager should normally agree to any such request from another agency supported by a senior manager or named or designated professional and/or core group.

Participants in the conference should include all members of the core group, including family members and the child, and any other relevant agencies such as those present at the initial child protection conference. Professional members of the core group have a responsibility to produce individual agency reports for the review child protection conference. Together they should provide an overview of the work undertaken by family members and professionals, and evaluate the impact on the child's welfare against the objectives and planned outcomes set out in the child protection plan.

The key worker is responsible for ensuring that all the appropriate people are invited. Where key professionals are absent from the conference and written information is not available, consideration should be given to postponing the conference. A review will then be reconvened so that they can attend and their respective agency will be informed in writing of any failure to comply.

The required quorum for attendance is the same as that for initial child protection conference, that is, a minimum of three agencies or professional groupings, or in exceptional circumstances and at the discretion of the conference chair, two agencies or professional groupings.

3.24.3 Decision making at review child protection conferences

The review conference will consider whether the child continues to be at risk of significant harm and therefore whether or not their name should stay on the child protection register and they should continue to be in need of a formal child protection plan to safeguard their welfare.

While it is appropriate to consider removing a child's name from the register at each review conference, deregistration at the first review conference after registration would usually only occur if the child's circumstances have changed to such an extent that a child protection plan is no longer required.

The review conference decision must be based on a careful and thorough analysis of all the available information, including the written reports provided by the core group, the completed core assessment and a discussion involving all members of the conference. The conference needs to have access to the child protection plan and recommendations of the previous child protection conference to help them decide whether progress has been made.

dyletswydd ar aelodau proffesiynol unigol y grŵp craidd i greu adroddiadau ar ran eu hasiantaeth ar gyfer y gynhadledd adolygu amddiffyn plant. Dylai'r holl adroddiadau gynnig golwg cyffredinol o'r gwaith mae aelodau'r teulu a gweithwyr proffesiynol wedi'i wneud. Dylen nhw hefyd bwyso a mesur effaith y gwaith ar les y plentyn o'i gymharu â'r amcanion a'r canlyniadau a gafodd eu disgrifio yn y cynllun i'w amddiffyn.

Y gweithiwr allweddol sy'n gyfrifol am ofalu bod yr holl bobl briodol yn cael eu gwahodd. Pan mae gweithwyr proffesiynol allweddol yn absennol o'r gynhadledd ac nid oes gwybodaeth ysgrifenedig ar gael, dylid ystyried gohirio'r gynhadledd. Bydd yr adolygiad yn cael ei ailgynnull er mwyn iddyn nhw fod yn bresennol, a rhaid ysgrifennu at eu hasiantaethau i roi gwybod am achos o fethu cydymffurfio.

Mae'r rheolau cworwm ar gyfer cynadleddau adolygu'r un fath â'r rhai ar gyfer cynadleddau cychwynnol, hynny yw, o leiaf tair asiantaeth neu dri grwpiad proffesiynol. Mae cadeirydd y gynhadledd yn rhydd, mewn amgylchiadau eithriadol, i ddewis ei chynnal gyda dim ond dwy asiantaeth neu ddau grwpiad proffesiynol yn bresennol.

3.24.3 Gwneud penderfyniadau mewn cynadleddau adolygu amddiffyn plant

Bydd y gynhadledd adolygu'n ystyried a yw'r plentyn yn parhau mewn perygl o ddioddef niwed arwyddocaol, ac felly a ddylai ei enw aros ar y gofrestr amddiffyn plant ai peidio. Bydd yn gofyn a oes angen cynllun amddiffyn plant ffurfiol o hyd i ddiogelu lles y plentyn.

Er ei bod hi'n briodol i bob cynhadledd adolygu ystyried tynnu enw plentyn oddi ar y gofrestr, fel arfer dim ond os yw amgylchiadau'r plentyn wedi newid i'r fath raddau nad oes angen cynllun i'w amddiffyn mwyach y byddai dadgofrestru'n digwydd yn y gynhadledd adolygu gyntaf ar ôl cofrestru.

Rhaid seilio penderfyniad y gynhadledd adolygu ar ddadansoddiad trwyadl a gofalus iawn o'r holl wybodaeth sydd ar gael. Wrth ddadansoddi, rhaid ystyried adroddiadau ysgrifenedig y grŵp craidd a'r asesiad craidd gorffenedig, a rhoi cyfle i holl aelodau'r gynhadledd drafod y penderfyniad. Rhaid i'r gynhadledd allu gweld y cynllun amddiffyn plant ac argymhellion y gynhadledd amddiffyn flaenorol i'w helpu i benderfynu a oes cynnydd i'w weld.

Dylid gofyn am farn aelodau proffesiynol y grŵp craidd ynglŷn â dadgofrestru, cyn gofyn am farn aelodau eraill y gynhadledd.

Cyn penderfynu tynnu enw plentyn oddi ar y gofrestr, rhaid i aelodau'r gynhadledd fodloni eu hunain nad yw'r niwed arwyddocaol neu'r perygl o niwed arwyddocaol dal yn bresennol, neu nad yw'n bresennol mwyach i'r fath raddau fel bod rhaid cofrestru'r plentyn. A rhaid iddyn nhw deimlo'n fodlon nad oes angen cynllun amddiffyn ar y plentyn mwyach. Dylid rhoi rhesymau clir dros wneud y penderfyniad, a'u cofnodi.

The professional members of the core group should be asked for their opinion before other members of the conference are asked for their views on whether registration should continue.

Before making any decision to remove a child's name from the register, members of the conference must be satisfied that the significant harm or risk of significant harm is no longer present or is no longer at a level to warrant registration, and the child no longer needs a child protection plan. Clear reasons for the decision should be given and recorded.

Conference participants should base their judgements on whether:

- The risk of harm has been reduced by action taken through the child protection plan;
- The child and family's circumstances have changed;
- The core assessment of the child and family indicates that a child protection plan is not necessary.

The role of the chair is to draw together the views of conference members. The decision about de-registration should reflect the consensus view of the review conference. Where consensus is not achieved, the review conference should make a decision on a majority basis. The views of parents and children are important to the conference but it is the professionals who make the decision about registration. In the event of a child's name being removed from the child protection register parents and caregivers should be informed that the previous registration history will remain on record.

A child whose name is removed from the child protection register may continue to require support and services, and in these circumstances consideration should be given at the review conference to formulating a child in need plan in partnership with the child and family.

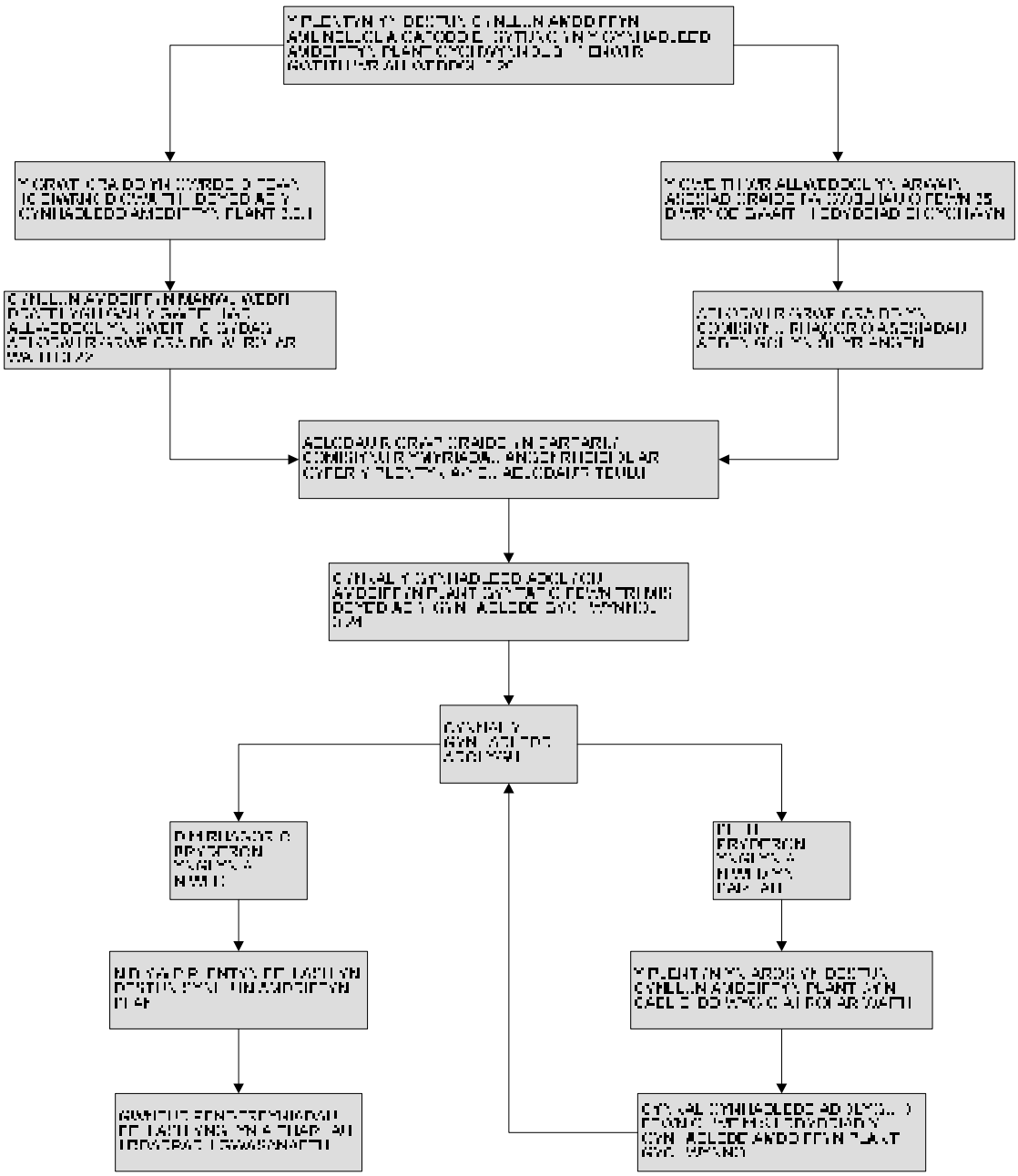
Wrth ffurfio'u barn, dylai aelodau'r gynhadledd ofyn i'w hunain:

- A yw'r perygl o niwed wedi cael ei leihau yn sgil gweithredu dan y cynllun amddiffyn plant?
- A yw amgylchiadau'r plentyn a'r teulu wedi newid?
- A yw'r asesiad craidd o'r plentyn a'r teulu'n dangos nad oes angen cynllun amddiffyn plant?

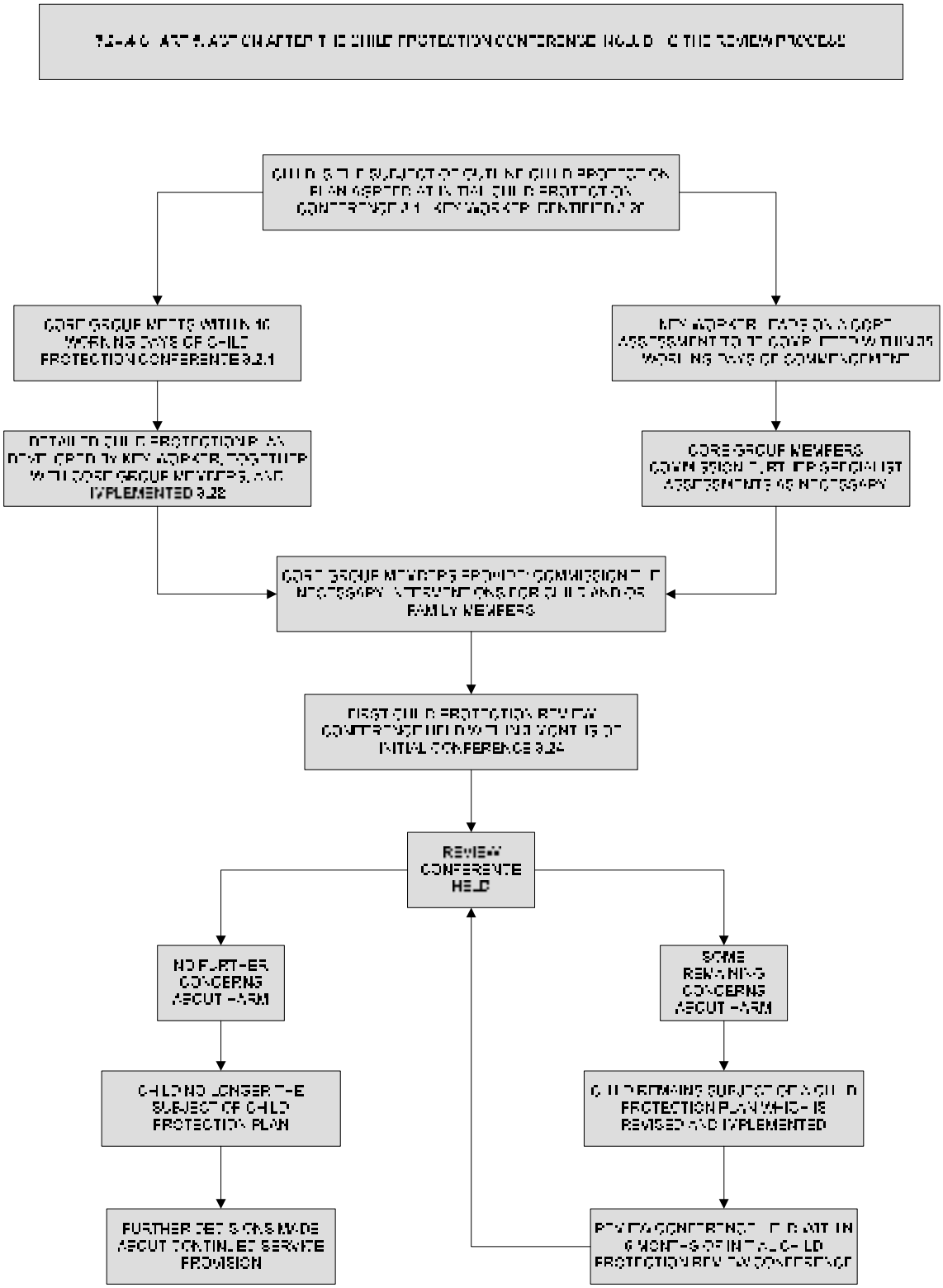
Rôl y cadeirydd yw crynhoi barn aelodau'r gynhadledd. Dylai holl aelodau'r gynhadledd adolygu gytuno ar y penderfyniad ynglŷn â dadgofrestru. Os nad yw pawb yn cytuno, dylai'r gynhadledd adolygu dderbyn penderfyniad y mwyafrif. Mae barn rhieni a phlant yn bwysig, ond y gweithwyr proffesiynol mewn cynhadledd sy'n gwneud penderfyniad ynglŷn â chofrestru. Os bydd enw'r plentyn yn cael ei dynnu o'r gofrestr amddiffyn plant, dylai'r rhieni a'r rhai sy'n rhoi gofal gael gwybod y bydd hanes y cofrestru blaenorol yn aros yn y cofnodion.

Efallai y bydd angen cymorth a gwasanaethau o hyd ar blentyn y mae ei enw wedi cael ei dynnu oddi ar y gofrestr amddiffyn plant. Dan yr amgylchiadau hyn, dylai'r gynhadledd adolygu ystyried gweithio mewn partneriaeth gyda'r plentyn a'r teulu i greu cynllun 'plentyn mewn angen'.

3.24.4 Siart llif 5: Gweithredu ar ôl y gynhadledd amddiffyn plant, yn cynnwys y broses adolygu



3.24.4 Flow Chart 5: Action after the Child Protection Conference, including the Review Process.



3.25 Y gofrestr amddiffyn plant

Rhestr gyfrinachol yw'r gofrestr amddiffyn plant o'r plant mewn awdurdod lleol sy'n cael eu hystyried i fod yn dioddef neu'n debygol o ddioddef niwed arwyddocaol. Mae'r plant ar y pryd yn destun cynllun amddiffyn plant rhyng-asiantaethol.

Pwrpas y gofrestr yw:

- Cynnig rhestr hawdd mynd ati o enwau'r holl blant sy'n byw yn yr ardal dan sylw sydd ar y gofrestr ar hyn o bryd;
- Cynnig man canolog lle y gall staff proffesiynol ymholi, 24 awr y diwrnod, os ydyn nhw'n pryderu y gall plentyn for mewn perygl o ddioddef niwed arwyddocaol;
- Gwneud asiantaethau a gweithwyr proffesiynol yn ymwybodol o'r plant sy'n parhau mewn perygl o ddioddef niwed arwyddocaol, ac mae angen eu diogelu mewn modd gweithredol;
- Darparu cofnod o'r holl blant yn yr ardal y mae pryderon amddiffyn plant heb eu datrys yn eu cylch, ac sydd ar y pryd yn destun cynllun amddiffyn plant rhyng-asiantaethol;
- Cynnig gwybodaeth ystadegol am dueddiadau cyfredol yn yr ardal, a chyfrannu at y gwaith o gasglu ystadegau cenedlaethol ynglŷn ag amddiffyn plant;
- Trwy ei defnyddio'n iawn, bydd cofnod cronolegol yn y gofrestr o'r holl bryderon blaenorol ynglŷn â niwed arwyddocaol posib i blentyn. Gallai'r cofnod helpu'r sawl sy'n ymholi i benderfynu pa gamau sydd angen eu cymryd, os o gwbl.

3.25.1 Rheoli'r gofrestr amddiffyn plant

Mae'r gwasanaethau cymdeithasol yn gweinyddu'r gofrestr amddiffyn plant ar ran y Byrddau Lleol Diogelu Plant. Bydd y gwasanaethau cymdeithasol yn pennu uwch reolwr i fod yn geidwad ar y gofrestr.

Ar ôl i blentyn gael ei gofrestru, cyfrifoldeb ceidwad y gofrestr yw gofalu bod yr holl fanylion yn mynd ar y gofrestr amddiffyn plant. Dylai pob Bwrdd Lleol fod â threfniadau ar waith i ofalu bod ceidwad y gofrestr yn cael yr holl wybodaeth i'w hychwanegu at y gofrestr neu newidiadau iddi. Dylai'r wybodaeth ddiweddaraf fod ar y gofrestr, a dylai ei chynnwys fod yn gyfrinachol heblaw i'r sawl sydd am wneud ymholiadau dilys iddi.

3.25.2 Rhoi enw plentyn ar y gofrestr amddiffyn plant

Dim ond yn sgil penderfyniad mewn cynhadledd amddiffyn plant y gall rhywun roi enw plentyn ar y gofrestr. Yr unig eithriad yw pan mae plentyn ar

3.25 The child protection register

The child protection register is a confidential list of children in a local authority area who are considered to be suffering or likely to suffer significant harm and who are currently subject of an inter-agency child protection plan.

The purpose of the register is to:

- Provide an easily accessible list of all children resident in the relevant area who are currently placed on the register or who have previously been the subjects of child protection enquiries;
- Provide a central point of enquiry, available 24 hours a day, for professional staff who are concerned that a child may be at risk of significant harm;
- Make agencies and professionals aware of those children who are judged to be at continuing risk of significant harm and in need of active safeguarding;
- Provide a record of all children in the area for whom there are unresolved child protection concerns and who are currently the subject of an inter-agency child protection plan;
- Provide statistical information about current trends in the area and to contribute to national collation of statistics concerning child protection;
- If used properly the register will contain a chronological record of all previous concerns about possible significant harm about a child, which could assist the enquirer in deciding what action, if any, is needed;

3.25.1 Managing the child protection register

The child protection register is administered on behalf of the LSCB by social services. Social services will identify a senior manager to act as the custodian of the register.

Following the registration of a child, it is the responsibility of the custodian of the register to ensure that all details are entered onto the child protection register. Each LSCB should have arrangements in place to ensure that the custodian of the register is notified of all additions or changes to the register. The register should be kept up to date and its contents should be confidential other than to legitimate enquirers.

3.25.2 Placing a child's name on the child protection register

A child's name can be entered on the register only as a result of a decision at a child protection conference, except where it is a child on another authority's register who moves into the area. In this case, the child will be registered

gofrestr awdurdod arall yn symud i mewn i'r ardal. Yn y fath achos, bydd y plentyn yn cael ei gofrestru ar unwaith, a bydd adolygiad o hynny yng nghynhadledd amddiffyn gychwynnol y plentyn yn yr ardal newydd. Dylid cofnodi'r math o gamdriniaeth mae plant wedi'i ddioddef dan un neu fwy o gategorïau: cam-drin corfforol, emosiynol neu rywiol, neu esgeulustod. Cadeirydd y gynhadledd amddiffyn plant fydd yn penderfynu ar y categori hwnnw. Mae'r categorïau hyn yn arwydd o'r pryder ar y pryd ynglŷn â phlant neilltuol. Byddan nhw hefyd yn hwyluso gwaith y Byrddau Lleol wrth gasglu a dadansoddi gwybodaeth.

3.25.3 Tynnu enw plentyn oddi ar y gofrestr amddiffyn plant

Fel arfer, yn sgil penderfyniad gan gynhadledd amddiffyn plant y bydd enw plentyn cael ei dynnu oddi ar y gofrestr amddiffyn plant.

Dim ond dan yr amgylchiadau sy'n dilyn y mae modd penderfynu tynnu enw plentyn oddi ar y gofrestr amddiffyn plant heb gynnull cynhadledd adolygu amddiffyn plant:

- Mae'r plentyn wedi cael ei ben-blwydd yn 18 oed;
- Mae'r plentyn wedi gadael y DU yn barhaol;
- Mae'r plentyn wedi marw.

Dim ond rheolwr perthnasol y gwasanaethau cymdeithasol sydd â'r hawl i wneud y penderfyniadau hyn.

Ym mhob achos arall, dim ond mewn cynhadledd adolygu amddiffyn plant y mae modd penderfynu dadgofrestru.

Rhaid rhoi gwybod yn ysgrifenedig i'r rhieni pan mae enw eu plentyn wedi cael ei dynnu oddi ar y gofrestr amddiffyn plant.

Dylid rhoi gwybod yn ffurfiol hefyd i'r holl asiantaethau a fu'n ymwneud â'r plentyn.

Ddylai'r ffaith fod enw plentyn wedi cael ei dynnu oddi ar y gofrestr ddim golygu bod gwasanaethau'n dod i ben yn awtomatig. Efallai fod angen cymorth a gwasanaethau ychwanegol ar y plentyn o hyd, er bod ei enw wedi cael ei dynnu oddi ar y gofrestr. Dylai'r gweithiwr allweddol fynd ati i drafod gyda'r rhieni a'r plentyn pa wasanaethau y maen nhw eu hangen.

Mae ymarfer da'n awgrymu fod angen creu cynllun plentyn mewn angen os yw'r gwasanaethau cymdeithasol yn dal i ddarparu gwasanaethau ar ôl i'r plentyn gael ei ddadgofrestru. Dylid adolygu cynllun o'r fath bob chwe mis fan bellaf, tan fydd yr achos yn cau.

immediately and the registration reviewed at the initial child protection conference in the new area. Children should be recorded as having been abused or neglected under one or more of the categories of physical, emotional, or sexual abuse or neglect, according to a decision by the chair of the child protection conference. These categories help reflect current concerns about specific children and will also contribute to the collation and analysis of information by the LSCB.

3.25.3 Removing a child's name from the child protection register

Usually a child's name is removed from the child protection register by the decision of a child protection conference.

A decision to remove a child's name from the register without the need to convene a child protection review conference may only occur in the following circumstances:

- The child has reached the age of 18 years
- Has permanently left the U.K
- Has died.

These decisions can only be made by the appropriate social services manager.

In all other cases the decision to de-register can only be made at a child protection review conference.

Parents should always be informed in writing when their child's name has been removed from the child protection register.

Formal notification should be sent to all the agencies involved with the child.

The removal of a child's name from the register should not automatically lead to services being stopped, as a child whose name is removed from the register may still require additional support and services. The key worker should discuss with the parents and the child what services might be required.

Good practice would suggest that if after de-registration services continue to be provided by social services a child in need plan should be drawn up and reviewed at intervals of not more than six months until closure.

3.26 Access and enquiries to the child protection register

Information can be sought from the register by any agency that is a member of the relevant LSCB.

3.26 Mynediad at y gofrestr amddiffyn plant, ac ymholiadau iddi

Gall unrhyw asiantaeth sy'n aelod o'r Bwrdd Lleol Diogelu Plant perthnasol ofyn am wybodaeth o'r gofrestr.

Dylai pob Bwrdd Lleol fod â threfn ar waith sy'n galluogi asiantaethau i fynd at y gofrestr amddiffyn plant, 24 awr y diwrnod. Os oes mwy nag un ffordd o fynd ati, rhaid bod trefn wedi'i chytuno ar waith ar gyfer cofnodi ymholiadau a bwydo'r wybodaeth yn ôl i geidwad y gofrestr.

Rhaid i'r Byrddau Lleol ofalu bod trefn ar waith ar gyfer monitro'r ffordd mae'r gofrestr yn gweithio.

Yn ardaloedd rhai Byrddau Lleol, mae gan asiantaethau gyswllt electronig â'r gofrestr, 24 awr y diwrnod. Un enghraifft o hyn yw gwasanaethau damweiniau ac argyfwng ymddiriedolaethau GIG. Yn yr ardaloedd hyn, dylai'r Byrddau Lleol ofalu bod gwahaniaeth clir rhwng gwirio'r gofrestr yn awtomatig ar gyfer pob plentyn sy'n defnyddio gwasanaeth, ac ymholiad penodol i'r gofrestr. Sail y fath ymholiad yw pryderon y gallai plentyn neilltuol fod wedi cael ei gam-drin.

3.26.1 Ymholiadau i'r gofrestr amddiffyn plant

Mae ymholiadau i'r gofrestr amddiffyn plant yn ffordd i weithiwr proffesiynol sy'n pryderu am blentyn:

- holi a yw enw'r plentyn ar y gofrestr amddiffyn plant ar hyn o bryd, neu a yw ei enw wedi bod arni yn y gorffennol;
- gael gwybod am unrhyw ymholiadau eraill i'r gofrestr.

Rhaid peidio byth â defnyddio ymholiadau i'r gofrestr fel rhywbeth i gymryd lle'r broses o drafod pryderon amddiffyn plant gyda'r gwasanaethau cymdeithasol, ac atgyfeirio'n ôl y drefn briodol.

3.26.1.1 Y broses

Mae'n bosib ymholi dros y ffôn neu drwy lythyr, ffacs neu neges electronig.

Pan ddaw ymholiad, bydd y ceidwad neu ei gynrychiolydd yn:

- Cadarnhau enw a gwaith y sawl sy'n gwneud yr ymholiad;
- Gofyn am y rheswm dros wneud yr ymholiad.

Bydd yr ymateb yn dod o fewn dwy awr ar ffurf galwad ffôn at y gweithiwr proffesiynol wedi'i enwi a wnaeth yr ymholiad neu ei reolwr llinell. Mae hyn yn ffordd o wirio pwy ydyn nhw a'u hawl i gael gwybodaeth.

All LSCBs should have a system to enable agencies to have access to the child protection register 24 hours per day. Where there is more than one access point there must be an agreed format for recording an enquiry and reporting back to the custodian of the register.

LSCBs must ensure that arrangements are in place to monitor the operation of the register.

In some LSCB areas member agencies have 24 hour electronic access to the register, for instance NHS trust accident and emergency services. In these areas LSCBs should ensure that there is a distinction made between an automatic check to the register for all children using that service, and, a specific enquiry to the register, which is made because there are concerns that an individual child has been abused.

3.26.1 Enquiries to the child protection register

Enquiries to the child protection register:

- enable a professional who has concerns about a child to enquire whether the child's name is or has been on the child protection register;
- enable a professional who has concerns about a child to be informed if there have been other enquiries to the register.

Enquiries to the register must never be seen as a substitute for appropriate discussion of concern with social services and an appropriate child protection referral.

3.26.1.1 Process

Enquiries can be made by phone, letter, electronically or fax.

When an enquiry is made the custodian or their representative shall:

- Confirm the identity and position of the person making the enquiry;
- Request the reason for the enquiry.

Responses will be made, within 2 hours, by phone to the nominated professional making the enquiry or their line manager and their identity and right of access to information verified.

On each enquiry made to the custodian the following information must be recorded:

- Name, agency and contact number of the enquirer;
- Date and time of enquiry;
- Reason for the enquiry;

Wrth i'r ceidwad dderbyn unrhyw ymholiad, rhaid iddo gofnodi'r wybodaeth sy'n dilyn;

- Enw a rhif ffôn y sawl sy'n ymholi, ac enw'i asiantaeth;
- Dyddiad ac amser yr ymholiad;
- Y rheswm dros wneud yr ymholiad;
- Dyddiad ac amser yr ymateb;
- Y canlyniad.

Bydd y ceidwad yn rhoi statws cofrestru'r plentyn ac, os yw wedi'i gofrestru:

- Categori'r cofrestru;
- Dyddiad y cofrestru;
- Enw a manylion cysylltu'r gweithiwr allweddol;
- Manylion unrhyw gofrestru blaenorol, os ydyn nhw ar gael;
- Manylion unrhyw ymholiadau blaenorol, os ydyn nhw ar gael.

Os yw enw plentyn ar y gofrestr, bydd y sawl sy'n ymholi'n cael enw'r gweithiwr allweddol. Cyfrifoldeb y sawl sy'n ymholi yw rhoi gwybod i'r gweithiwr allweddol am yr ymholiad ac am y pryderon.

Dylai ceidwad y gofrestr roi gwybod i'r gweithiwr allweddol am unrhyw ymholiad ynglŷn â phlentyn sydd ar y gofrestr, neu ynglŷn â phlentyn sy'n byw yn yr un cyfeiriad â phlentyn sydd ar y gofrestr.

Os daw ymholiad **ac nid yw enw'r plentyn ar y gofrestr**, rhaid cofnodi'r ymholiad a'r cyngor a roddwyd i'r sawl oedd yn ymholi.

Mae cofnod yn cael ei gadw o enwau'r holl blant y daw ymholiadau yn eu cylch:

- Rhaid cofnodi pob ymholiad i'r gofrestr, o fewn 24 awr, ar gronfa ddata o wybodaeth am gleientiaid y gwasanaethau cymdeithasol;
- Dylid ymateb i ymholiadau o fewn dwy awr;
- Pan fydd unrhyw atgyfeiriad amddiffyn plant yn cyrraedd y gwasanaethau cymdeithasol, dylid gwneud ymholiad i'r gofrestr amddiffyn plant fel rhan o'r broses asesu gychwynnol.

3.26.1.2 Ail ymholiadau

Os daw dau ymholiad o fewn chwe mis ynglŷn â phlentyn sydd heb ei gofrestru, bydd y ceidwad yn gofalu bod yr uwch reolwr sy'n gyfrifol am amddiffyn plant yn cael gwybod.

Pan ddaw ail ymholiad ynglŷn â phlentyn sydd heb ei gofrestru:

- Date and time feedback given;
- Outcome.

The custodian will provide the registration status of the child, and, if registered:

- The category of registration;
- The date of registration;
- The name and contact details of the key worker;
- Previous registration details, if available;
- Details of previous enquiries, if available.

If a child's name is on the register, the enquirer will be given the name of the key worker, and it is the responsibility of the enquirer to notify the key worker about their concern.

The custodian of the register should notify the key worker of any enquiry regarding a child on the register, or a child at the same address as a child on the register

If an enquiry is made but the **child's name is not on the register** this should be recorded together with the advice given to the enquirer.

A record is kept of the names of children about whom enquiries are made:

- All enquiries to the register must be recorded on the social services client information data base within 24 hrs
- The response to the enquiry should be made within 2 hrs
- Whenever a child protection referral is received by social services, an enquiry of the CPR should be made as a part of the initial assessment process.

3.26.1.2 Repeat enquiries

In the event of two enquires for a non-registered child being made in a 6 month period then the custodian will ensure that the senior manager with responsibility for child protection is informed.

In the event of a second enquiry about a non-registered child the custodian should inform:

- the second enquirer about the first enquiry;
- the first enquirer about of the second enquiry.

- dylid dweud wrth y sawl sy'n gwneud yr ail ymholiad am yr un cyntaf;
- dylai'r sawl a wnaeth yr ymholiad cyntaf gael gwybod am yr ail un.

3.26.2 Ceisiadau eraill am wybodaeth am blant sydd ar y gofrestr

Mae modd gwneud ceisiadau eraill am blant sydd ar y gofrestr amddiffyn plant dan yr amgylchiadau sy'n dilyn:

- Pan fydd gweithiwr proffesiynol yn paratoi adroddiad ar gyfer llys neu os yw'n cyfrannu at ymchwiliad troseddol neu amddiffyn plant (fel arfer gan CAFCASS Cymru neu'r gwasanaeth prawf cenedlaethol);
- **I bwrpasau diogelu plant, er enghraifft, wrth weithio mewn lleoliadau wedi'u rheoleiddio – gwarchodwyr plant, maethu, mabwysiadu etc;**
- Gwybodaeth ystadegol ddienw (sydd ar gael i unrhyw asiantaeth neu unigolyn).

Os yw'r achos yn dal yn agored, dylid cyfeirio'r fath geisiadau at y rheolwr tîm ar gyfer y plentyn. Yn achos plentyn nad oes unrhyw wybodaeth amdano neu achos sydd wedi'i gau, bydd y ceidwad yn rhoi gwybod i'r sawl sy'n ymholi a oedd y plentyn wedi'i gofrestru yn y gorffennol ai peidio.

Bydd gweithiwr proffesiynol sy'n gwneud cais i'r gofrestr amddiffyn plant am wybodaeth yn ei chael o fewn 14 diwrnod gwaith.

3.27 Symudiadau plant ar y gofrestr amddiffyn plant

Dylai unrhyw un sy'n gweithio i un o'r asiantaethau sy'n perthyn i Fwrdd Lleol Diogelu Plant ddweud wrth y gwasanaethau cymdeithasol os ydyn nhw'n dod i wybod am deulu sy'n symud i mewn i'r ardal neu allan ohoni, ac mae enw un o blant y teulu ar y gofrestr amddiffyn plant. Dylai'r gwasanaethau cymdeithasol roi gwybod i bob asiantaeth arall sy'n ymwneud â'r achos, yn cynnwys ceidwad y gofrestr.

3.27.1 Pan mae teulu'n symud allan o'r ardal

3.27.1.1 Rhoi gwybod i'r awdurdod sy'n derbyn yr achos

Pan ddaw'n amlwg bod teulu wedi symud neu'n bwriadu symud yn barhaol neu dros dro allan o ardal awdurdod lleol, ac mae enw un o blant y teulu ar y gofrestr amddiffyn plant, rhaid i'r sawl sy'n cael y wybodaeth roi gwybod yn syth i'r rheolwr tîm.

Dylai'r rheolwr tîm yn yr ardal lle'r oedd y teulu'n byw fynd ati wedyn i ffonio'r tîm yn adran gwasanaethau cymdeithasol yr awdurdod mae'r teulu wedi

3.26.2 Other requests for information about children on the register

Other requests for information about children on the child protection register may be made in the following circumstances:

- A professional preparing a report for court or involved in any formal criminal or child protection enquiry, for example CAFCASS Cymru or national probation service;
- For the purpose of safeguarding children, for example working in regulated settings, such as child minders, fostering and adoption;
- Anonymous statistical information (available to any agency or individual).

These requests should be referred to the team manager for the child if the case is open. For a child who has never been known or is a closed case, the custodian will let the enquirer know if the case involved previous registration or not.

Written information from the child protection register will be given within 14 working days to a professional making an information request.

3.27 Moves of children on the child protection register

Anybody working for an organisation represented on the LSCB should notify social services if they become aware that a family with a child whose name is on a child protection register moves into or out of the area. Social services should notify all other involved agencies, including the custodian of the register.

3.27.1 Where a family moves out of the area

3.27.1.1 Informing the receiving authority

When it becomes known that a family with a child whose name is included on the child protection register has moved, or is planning to move, permanently or temporarily out of a local authority area, the individual receiving the information must immediately inform the team manager.

The team manager in the originating area then ensures that the intake team in the social services department in the receiving authority is informed immediately by telephone. The team manager will ensure that the telephone message is followed up, within three working days, with written information, including the following:

- Chronology;

symud iddo i roi gwybod am yr achos. Bydd y rheolwr tîm yn gofalu bod gwybodaeth ysgrifenedig yn dilyn, o fewn tri diwrnod, yn cynnwys:

- Cronoleg;
- Asesiad cychwynnol neu asesiad craidd;
- Cofnodion unrhyw gynhadledd amddiffyn plant berthnasol (nodwch nad yw crynodeb yn ddigon, oni bai i'r gynhadledd gael ei chynnal yn ddiweddar iawn ac nad yw'r cofnodion ar gael eto).

Dylai'r rheolwr tîm ofyn i'r wybodaeth gael ei chydnabod yn ysgrifenedig pan ddaw i law.

Bydd y gweithiwr allweddol yn rhoi gwybod ar unwaith i geidwad y gofrestr. Yn ei dro, bydd y ceidwad yn rhoi gwybod i geidwad y gofrestr yn yr awdurdod mae'r teulu wedi symud iddo. Bydd enw'r plentyn yn cael ei roi dros dro ar gofrestr yr awdurdod newydd. Bydd yr awdurdod newydd yn aros wedyn am gais gan yr awdurdod lle'r oedd y teulu'n byw am gynhadledd drosglwyddo i mewn, os y farn yw bod y teulu wedi symud yn barhaol.

Dylai'r gweithiwr allweddol roi gwybod hefyd i wasanaethau iechyd ac addysg yr awdurdod lle'r oedd y teulu'n byw. Yn eu tro, gallan nhw roi gwybod i'r swyddogion sy'n gwneud yr un gwaith â nhw yn yr awdurdod newydd, gan ddilyn protocolau lleol.

Pan mae teulu'n symud o'r ardal, rhaid i bob asiantaeth ofalu bod cofnodion y plant yn cael eu trosglwyddo'n ddiogel ac yn brydlon i'r asiantaeth briodol yn yr ardal newydd. Rhaid gwneud hyn o fewn 10 diwrnod gwaith fan bellaf.

Wrth drosglwyddo cofnodion y gwasanaethau cymdeithasol, dylid gofalu eu bod yn cynnwys crynodeb a chronoleg. Dylid anfon hefyd yr asesiadau sydd ar waith, cofnodion cynadleddau amddiffyn plant, cofnodion cyfarfodydd y grŵp craidd, a'r cynllun amddiffyn plant diweddaraf.

3.27.2 Pan mae teulu'n symud i gyfeiriad anhysbys

Os yw teulu wedi symud, nid oes cyfeiriad newydd ar eu cyfer ac mae ymdrech deg i gael y cyfeiriad wedi methu, dylai'r rheolwr tîm yn yr awdurdod lle'r oedd y teulu'n byw fynd ati ar unwaith i drafod gyda'r rheolwr uwch priodol yn y gwasanaethau cymdeithasol beth sydd angen ei wneud nesaf. Dylai'r gweithredu gynnwys rhoi gwybod i'r Bwrdd Iechyd Lleol neu'r nyrs benodol sy'n gyfrifol am amddiffyn plant ar ran ymddiriedolaeth GIG ac sy'n gyfrifol yn barod am wybodaeth am blant coll ac atgyfeiriadau cyn geni o fewn awdurdod lleol pan mae pryderon o safbwynt amddiffyn plant. Cyfrifoldeb nyrs benodol yr ymddiriedolaeth yw rhybuddio unedau ddamweiniau, adrannau bydwreigiaeth, gwasanaethau iechyd meddwl a gwasanaethau ymwelwyr iechyd ynglŷn â'r teulu coll. Wrth wneud hynny, mae'n bwysig cynnwys yr ymwelwyr iechyd a'r nyrsys cymunedol sy'n mynd i lochesau menywod neu unedau i deuluoedd digartref.

- Initial/core assessment;
- Relevant child protection conference minutes (a summary is not sufficient, unless the conference is very recent and the minutes are not yet available).

A team manager should request a written acknowledgement.

The key worker will immediately inform the custodian of the register who will, in turn, inform the custodian for the receiving authority. The child's name will then be placed on the receiving authority's register on a temporary basis. The receiving authority will await a request from the originating authority for a transfer in conference when the move is considered to be permanent.

The key worker should also inform health and education in the originating local authority of the move so that they can inform their counterparts in the receiving area in line with local protocol.

When a family moves from the area each agency must ensure the children's records are secured and transferred promptly to the relevant agency in the new area and within 10 working days.

The social services' records that are transferred should contain a transfer summary and chronology together with assessments already undertaken as well as minutes of child protection conferences and core group meetings and the latest child protection plan.

3.27.2 Where the family moves to an unknown address

If the family have moved and no forwarding address is known and reasonable efforts to ascertain this information have failed the team manager in the originating authority should immediately discuss with the appropriate senior social services manager what further action is required. This action should include informing the LHB or NHS trust named nurse child protection, who already has responsibility for receiving information about local authority missing children and ante-natal referrals where there are child protection concerns. It is the responsibility of the trust named nurse to alert A&E departments, midwifery departments, mental health and health visiting services, in particular to include health visitors/ community nurses who cover women's refuges or homeless families units.

Action also might include:

- Circulating information on the missing family through the child protection network;
- Alerting the police;
- Alerting health services either through the child protection network or the designated child protection health professional.

Gallai'r gweithredu gynnwys:

- Cylchredeg gwybodaeth am y teulu coll trwy'r rhwydwaith amddiffyn plant;
- Rhybuddio'r heddlu;
- Rhybuddio'r gwasanaethau iechyd, naill ai trwy'r rhwydwaith amddiffyn plant neu drwy weithiwr proffesiynol y gwasanaeth iechyd sy'n gyfrifol am amddiffyn plant.

3.27.3 Pan mae plentyn ar y gofrestr amddiffyn plant yn symud dros dro allan o'r ardal

Yn dilyn asesiad cychwynnol, bydd rheolwr tîm yr awdurdod mae'r plentyn wedi symud iddo'n penderfynu ai wedi symud dros dro neu'n barhaol y mae e. Dim ond dan amgylchiadau eithriadol y byddai symudiad plentyn yn cyfrif fel un dros dro os yw wedi byw (neu fod disgwyl iddo fyw) yn y lle newydd am fwy na thri mis.

Os y farn yw mai symud dros dro y mae'r plentyn, bydd y rheolwr tîm yn gofyn i'w enw gael ei roi dros dro ar gofrestr amddiffyn plant yr awdurdod mae'r plentyn wedi symud iddo. Mae angen i'r awdurdod gwreiddiol barhau i adolygu amgylchiadau'r plentyn tan fydd yn dod yn ei ôl i'r ardal wreiddiol, neu fod penderfyniad yn cael ei wneud fod y symudiad wedi dod yn barhaol.

Os oes amheuaeth y bydd plentyn yn aros am fwy na thri mis yn yr awdurdod mae wedi symud iddo, ond fod y symudiad yn dal i gyfrif fel un dros dro, dylai'r awdurdod mae'r plentyn wedi symud iddo gynnull cynhadledd 'trosglwyddo i mewn' amddiffyn plant. Ar ôl y gynhadledd, yr awdurdod gwreiddiol fydd yn cadw'r cyfrifoldeb cyffredinol am y cynllun amddiffyn rhyng-asiantaethol. Bydd y gynhadledd yn gyfle i greu darlun cliriach o'r holl wybodaeth sydd ar gael er mwyn i'r cynllun amddiffyn rhyngasiantaethol fod ar waith yn yr ardal mae'r plentyn wedi symud iddi.

3.27.4 Pan mae teulu'n symud i mewn i'r ardal

Dylai unrhyw un sy'n gweithio i asiantaeth sy'n perthyn i'r Bwrdd Lleol Diogelu Plant roi gwybod i'r gwasanaethau cymdeithasol os ydyn nhw'n dod i wybod am deulu y mae enw un o'u plant ar y gofrestr amddiffyn plant yn symud i'r ardal. Dylai'r gwasanaethau cymdeithasol roi gwybod i bob asiantaeth berthnasol arall, yn cynnwys ceidwad y gofrestr.

3.27.4.1 Derbyn yr atgyfeiriad

Pan mae teulu'n symud i ardal awdurdod lleol, yn cynnwys lloches Cymorth i Fenywod, ac mae enw'r plentyn neu'r plant ar gofrestr amddiffyn plant Bwrdd Lleol arall, dylai'r sawl sy'n cael y wybodaeth yn gyntaf roi gwybod i geidwad y gofrestr amddiffyn plant yn yr ardal newydd.

3.27.3 Where a move of a child on the child protection register out of the originating area is temporary

Following an initial assessment, the team manager in the receiving authority will determine whether the move is temporary or permanent. It would only be in exceptional circumstances that a child would have been considered to move temporarily if the period of residence exceeds (or is expected to exceed) three months.

Where a move is deemed to be temporary, the team manager will request that the child's name is placed on the receiving authority's child protection register on a temporary basis. The child's circumstances should continue to be reviewed by the originating authority until either the child returns to the originating area or a decision is taken that the move has become permanent.

Where it is anticipated that a child will remain in a receiving authority for longer than 3 months, but the arrangement is still considered to be on a on a temporary basis, a 'transfer in' child protection conference should be convened by the receiving authority. The originating authority will retain overall responsibility for the multi-agency child protection plan after the conference. The conference will clarify all of the information available in order to ensure that the multi-agency child protection plan operates in the receiving area for the child.

3.27.4 Where a family moves into the area

Anybody working for an organisation represented on the LSCB should notify social services if they become aware that a family with a child whose name is on a child protection register moves into the area. Social services should notify all other involved agencies, including the custodian of the register.

3.27.4.1 Receiving the referral

Where a family moves into the local authority area, including into a women's aid refuge, and the child or children's names are included on another LSCB's child protection register, whoever first receives the information should inform the custodian of the child protection register in the receiving area.

The custodian of the child protection register will inform all other relevant agencies. The custodian will add the child/children's names temporarily to the child protection register, pending the convening of a receiving child protection conference.

The team manager of the receiving authority should check whether a written referral has been made by the originating authority along with relevant information for example, initial assessment, core assessment, and minutes of previous child protection conferences. If necessary, the team manager in the receiving authority should ask the originating authority to make a written referral, to include this information.

Bydd ceidwad y gofrestr amddiffyn plant yn rhoi gwybod i bob asiantaeth berthnasol arall. Bydd y ceidwad yn ychwanegu enw'r plentyn (neu enwau'r plant) dros dro at y gofrestr amddiffyn plant, tra bydd cynhadledd dderbyn amddiffyn plant yn cael ei chynnull.

Dylai rheolwr tîm yr awdurdod sy'n derbyn yr achos wirio a yw'r awdurdod gwreiddiol wedi gwneud atgyfeiriad ysgrifenedig. Bydd yn gofyn hefyd am wybodaeth berthnasol fel, er enghraifft, asesiad cychwynnol, asesiad craidd, a chofnodion unrhyw gynadleddau amddiffyn plant sydd wedi cael eu cynnal. Os oes angen, dylai rheolwr tîm yr awdurdod newydd ofyn i'r awdurdod gwreiddiol atgyfeirio'r achos yn ysgrifenedig. Dylai'r atgyfeiriad gynnwys y wybodaeth angenrheidiol.

Bydd yr awdurdod sy'n derbyn yr achos yn gwneud asesiad cychwynnol o drefniadau byw newydd y plentyn. Ar ôl yr asesiad cychwynnol, bydd rheolwr tîm yr awdurdod newydd yn penderfynu a yw'r plentyn wedi symud dros dro neu'n barhaol. Dim ond dan amgylchiadau eithriadol y byddai symudiad plentyn yn cyfrif fel un dros dro os yw wedi byw (neu fod disgwyl iddo fyw) yn y lle newydd am fwy na thri mis.

3.27.4.2 Y gynhadledd 'trosglwyddo i mewn' amddiffyn plant

Os daw'n glir mai'r bwriad yw i'r plentyn aros yn barhaol yn yr ardal newydd, bydd yr awdurdod sy'n derbyn yr achos yn galw cynhadledd 'trosglwyddo i mewn' o fewn 15 diwrnod gwaith. Yn ogystal â'r bobl a fyddai fel arfer yn cael eu gwahodd, dylid gwahodd gweithiwr allweddol yr awdurdod gwreiddiol ac aelodau perthnasol o grŵp craidd yr awdurdod. Dylai'r bobl hyn ddarparu adroddiad ysgrifenedig.

Ar ôl y gynhadledd, bydd y cyfrifoldeb am yr achos yn trosglwyddo i'r awdurdod newydd, waeth beth oedd y penderfyniad ynglŷn â chofrestru. Os bydd penderfyniad yn cael ei wneud i gofrestru'r plentyn/plant, bydd yr awdurdod newydd yn enwi gweithiwr allweddol cymwys yn syth.

Bydd rheolwr tîm yr awdurdod newydd, neu ei gynorthwyydd, yn mynd ati heb oedi i roi gwybod am ganlyniad y gynhadledd i geidwad y gofrestr amddiffyn plant. Bydd ceidwad y gofrestr amddiffyn plant yn diwygio'r wybodaeth yn y cofnodion. Bydd hefyd yn ysgrifennu at geidwad cofrestr amddiffyn plant yr awdurdod gwreiddiol i gadarnhau y gall yr awdurdod hwnnw dynnu enw'r plentyn/plant o'i gofrestr amddiffyn plant.

3.27.5 Pan mae plentyn ar y gofrestr amddiffyn plant yn symud dros dro i mewn i'r ardal

Os y casgliad yw mai wedi symud dros dro y mae plentyn, mae'n bwysig i reolwr tîm yr awdurdod newydd a rheolwr tîm yr awdurdod gwreiddiol gytuno ar y trefniadau ar gyfer ei oruchwylio.

Mae'n debygol y bydd y fath drefniadau'n golygu gofyn:

The receiving authority will carry out an initial assessment of the child's new living arrangements. Following the initial assessment the team manager in the receiving authority will determine whether the move is temporary or permanent. It would only be in exceptional circumstances that a child would have been considered to move temporarily if the period of residence exceeds, (or is expected to exceed), three months.

3.27.4.2 The 'transfer in' child protection conference

If it becomes clear that the child is to remain in the receiving area on a permanent basis, a 'transfer in' child protection conference will be called within 15 working days by the receiving authority. In addition to the people who would normally be invited, the key worker and relevant members of the core group from the originating authority should be invited to attend and should provide a written report.

Following the conference, case responsibility will transfer to the receiving authority irrespective of the decision about registration. Should a decision be made to register the child/children the receiving authority will immediately name a key worker.

The team manager in the receiving authority will, without delay, inform the receiving authority's custodian of the child protection register of the outcome of the conference. The custodian of the child protection register will then amend the records accordingly and confirm in writing, to the custodian of the child protection register of the originating authority that the name of the child/children can be removed from that authority's child protection register.

3.27.5 Where a move of a child on the child protection register into the receiving area is temporary

If it is concluded that the move is of a temporary nature it is important that the arrangements for supervision of the child are agreed between the team managers in the receiving authority and the originating authority.

These arrangements are likely to include:

- Responsibility for undertaking the child protection monitoring visits;
- Frequency of monitoring visits;
- Where concerns from other professionals should be directed;
- Who arranges and chairs core groups;
- How this information is going to be passed to other relevant professionals.

Where a child has remained, or is expected to remain, in an authority on a temporary basis for 3 months or longer a receiving conference should be convened by the authority in which the child is currently residing prior to the end of the 3 month period.

- Pwy sy'n gyfrifol am wneud yr ymweliadau monitro amddiffyn plant?
- Pa mor aml y bydd ymweliadau monitro'n cael eu gwneud?
- At bwy y dylai gweithwyr proffesiynol eraill gyfeirio'u pryderon?
- Pwy sy'n trefnu ac yn cadeirio grwpiau craidd?
- Sut mae trosglwyddo'r fath wybodaeth i weithwyr proffesiynol perthnasol eraill?

Pan mae plentyn wedi aros, neu mae disgwyl iddo aros dros dro mewn awdurdod am dri mis neu fwy, dylai'r awdurdod lle mae'r plentyn yn byw cyn i'r tri mis hwnnw ddod i ben gynnull cynhadledd dderbyn.

3.27.6 Plant 'coll' ar y gofrestr amddiffyn plant

Dylai pob gweithiwr proffesiynol roi gwybod yn syth i'r gweithiwr allweddol a'r heddlu os yw'n dod i wybod bod plentyn y mae ei enw ar y gofrestr amddiffyn plant 'ar goll'. Bydd y gweithiwr allweddol yn ymgynghori â'r rheolwr tîm sy'n gyfrifol ac yn gwneud ymholiadau brys ar y cyd â'r heddlu er mwyn ceisio dod o hyd i'r plentyn.

Bydd yr adeg y mae teulu'n cyfrif fel teulu 'coll' yn dibynnu ar y ffeithiau sydd ar gael amdanyn nhw ac asesiad o ba mor ddifrifol yw'r sefyllfa. Y prif reswm dros geisio dod o hyd i'r fath deuluoedd yw'r pryder bod y diflannu'n arwydd fod mwy o gam-drin wedi digwydd. Gallai fod yn berthnasol hefyd pan mae gweithiwr proffesiynol wedi methu sawl gwaith â gweld plentyn mewn angen.

Dylai'r gweithiwr allweddol gydweithio'n agos â'r heddlu er mwyn osgoi ail-wneud yr un gwaith a gofalu bod yr holl ymholiadau'n cael eu cyd-drefnu a'u cofnodi. Dylai uwch reolwr y gwasanaethau cymdeithasol sy'n gyfrifol am amddiffyn plant gael gwybod am yr achos. Dylid gofyn am gyngor cyfreithiol cyn gynted â phosib.

Os yw pob ymdrech i ddod o hyd i'r plentyn yn methu, gallai rheolwr perthnasol y gwasanaethau cymdeithasol ofyn am help: swyddfa'r Adran Gwaith a Phensiynau yn yr ardal; y Ganolfan Budd-dal Plant; mudiadau iechyd, addysg ac ysgolion.

Dylai'r gweithiwr allweddol roi gwybod i geidwad y gofrestr amddiffyn plant. Dylai ceidwad y gofrestr ystyried a oes angen anfon manylion am y teulu coll at geidwaid yr holl gofrestri amddiffyn plant yng Nghymru a'r Deyrnas Unedig. Gallai'r ceidwad gydweithio gyda'r gweithiwr proffesiynol sy'n gyfrifol am amddiffyn plant i benderfynu pa wybodaeth i'w chylchredeg o fewn y Gwasanaeth Iechyd Gwladol, os oes angen cylchredeg unrhyw wybodaeth o gwbl.

Dylai'r gweithiwr allweddol gael gwybod pan mae rhywun yn dod o hyd i'r teulu. Os yw hynny'n briodol, bydd y gweithiwr allweddol yn dilyn y drefn ar

3.27.6 Missing children on the child protection register

All professionals should immediately notify the key worker and the police if they become aware that a child whose name is on the child protection register is missing. The key worker will consult with the responsible team manager and make urgent enquiries in consultation with the police in order to locate the child.

The point at which a family is considered to be "missing" will depend on the known facts about the family and the assessed seriousness of the situation. The major reason for trying to locate such families is that the disappearance may indicate further abuse has occurred. It might also apply where there are unsuccessful contacts with children who are children in need.

The key worker should liaise closely with the police to ensure that there is no duplication of effort and that all enquiries are co-ordinated and recorded. The senior manager for child protection in social services should be informed. Legal advice should be sought at the earliest opportunity.

If all efforts to locate the child fail, the appropriate manager in social services may request assistance from: the local Department of Work and Pensions office; the Child Benefit Centre; health organisations, education and schools.

The key worker should inform the custodian of the child protection register and the custodian should consider whether to circulate details of the missing family to all custodians of child protection registers throughout Wales and the United Kingdom. The custodian may liaise with the designated health professional for child protection to decide what if any circulation should be initiated within the National Health Service.

When the family is found, the key worker should be notified and will follow the procedure for the transfer of cases on the child protection register where appropriate. The key worker will also ensure that all other agencies are informed as well as the custodian of the register.

LSCBs should develop a missing children protocol. The arrangements should include database and information systems that record and track school age children but who are not on a school roll. For pre-school children health professionals have a crucial role in alerting other agencies if a child is missing.

Box 15: Noticing when a family goes missing

A series of missed appointments or abortive home visits may indicate that the family have suddenly and unexpectedly moved out of the area. Anyone working with children and families where there are outstanding child protection concerns (including where the concerns are about an unborn child who may be at future risk of significant harm) should be vigilant, and inform social services and the police immediately.

gyfer trosglwyddo achosion ar y gofrestr amddiffyn plant. Bydd hefyd yn rhoi gwybod i bob asiantaeth arall a cheidwad y gofrestr amddiffyn plant.

Dylai bob Bwrdd Lleol Diogelu Plant ddatblygu canllawiau ar gyfer delio â phlant coll. Dylai'r fath drefniadau gynnwys cronfeydd data a systemau gwybodaeth sy'n cofnodi ac yn dilyn hynt plant oedran ysgol, ond sydd heb eu cofrestru mewn ysgol. Mae gan weithwyr y proffesiynau iechyd rôl bwysig iawn wrth rybuddio asiantaethau eraill pan mae plant cyn oedran ysgol yn mynd ar goll.

Blwch 15: Sylwi pan mae teulu'n mynd ar goll

Pan mae teulu'n methu sawl apwyntiad mewn rhes neu os nad ydyn nhw gartref pan mae swyddog yn ymweld, efallai eu bod nhw wedi symud yn ddisymwth ac yn annisgwyl o'r ardal. Dylai unrhyw un sy'n gweithio gyda phlant a theuluoedd y mae pryderon amddiffyn plant yn eu cylch (yn cynnwys os oes pryder ynglŷn â phlentyn sydd heb ei eni a allai fod mewn perygl o ddioddef niwed arwyddocaol yn y dyfodol) fod yn wyliadwrus, a rhoi gwybod i'r gwasanaethau cymdeithasol a'r heddlu ar unwaith.

3.28 Symudiadau teuluoedd â phlant mewn angen

Pan mae teuluoedd â phlant mewn angen yn croesi ffiniau daearyddol unrhyw asiantaeth sy'n gyfrifol amdanyn nhw, bydd y gweithwyr proffesiynol dan sylw'n ystyried a oes angen rhybuddio'u cydweithwyr yn yr ardal newydd. Byddai hyn yn cael ei wneud fel arfer gyda chaniatâd y teulu. Mae modd ei wneud trwy drosglwyddo cofnodion yn y ffordd arferol, neu trwy atgyfeirio'n benodol os oes pryderon neu broblemau arbennig.

3.28.1 Pan mae plant mewn angen yn symud allan o'r awdurdod

Wrth sôn am blant mewn angen yn yr adran hon, mae'r term yn cynnwys yr achosion sy'n agored yn yr awdurdod lleol gwreiddiol. Efallai:

- Fod asesiad wedi dangos eu bod nhw'n blant mewn angen a'u bod nhw'n cael gwasanaethau ar hyn o bryd;
- Bod asesiadau wedi cael eu cwblhau ond eu bod nhw'n aros i gael eu rhoi yn nwylo'r gwasanaethau priodol;
- Bod asesiadau wrthi'n cael eu gwneud ar y pryd.

3.28 Moves of families with children in need

Whenever families with children in need move across the geographical boundaries of responsible agencies, the professionals concerned will make a decision with regard to alerting colleagues in the new area. This would normally be done with the consent of the family. It may be done by routine transfer of records or a specific referral raising particular issues or concerns if required.

3.28.1 Moves out of the authority of children in need

In this section children in need refers to children whose cases are open to the originating local authority. They may:

- Have been assessed as being in need and be currently receiving services;
- Have had their assessments completed but are waiting for allocation or re-allocation to services;
- Currently be undergoing assessment.

Whenever a family with a child or children in need whose case is open to the local social services moves out of the area of the originating authority the social work professionals in the originating authority must consider whether to inform colleagues in the receiving authority. They will normally do so, subject to the consent of the family, if:

- They judge that it would be in the best interests of the child concerned to continue to receive services from the receiving authority; and/or,
- There is a history of concern about a child or children even though the child or children's names do not appear on the child protection register.

Given that there are no arrangements for the routine transfer of records between local authorities, this will always be done by making a referral.

3.28.1.1 Making the decision

When any member of social services staff within the originating authority becomes aware that a family with children currently allocated to a social worker has moved or is planning to move from the area, he or she will immediately inform the responsible team manager in the originating authority. The team manager will:

Pryd bynnag y mae teulu â phlentyn neu blant mewn angen yn symud allan o ardal awdurdod lleol, ac mae gwasanaethau cymdeithasol yr awdurdod yn trin yr achos fel un agored, rhaid i weithwyr cymdeithasol yr awdurdod gwreiddiol ystyried a oes angen rhoi gwybod i'w cydweithwyr yn yr awdurdod mae'r teulu wedi symud iddo. Byddan nhw'n gwneud hynny fel mater o drefn (a gyda chaniatâd y teulu) os:

- Ydyn nhw o'r farn y byddai er lles pennaf y plentyn dan sylw i barhau i gael gwasanaethau gan yr awdurdod newydd; a/neu
- Mae hanes o bryder ynglŷn â phlentyn neu blant, hyd yn oed os nad yw enw'r plentyn neu enwau'r plant ar y gofrestr amddiffyn plant.

O gofio nad oes trefniadau ar gyfer trosglwyddo cofnodion yn arferol rhwng awdurdodau lleol, bydd hyn bob amser yn cael ei wneud trwy atgyfeirio'r achos.

3.28.1.1 Dod i benderfyniad

Pan ddaw unrhyw aelod o staff y gwasanaethau cymdeithasol yn yr awdurdod gwreiddiol i wybod am deulu sydd wedi symud neu'n bwriadu symud o'r ardal, ac mae gan blant y teulu weithiwr cymdeithasol, bydd yn rhoi gwybod yn syth i'r rheolwr tîm â chyfrifoldeb yn yr awdurdod gwreiddiol. Bydd y rheolwr tîm yn:

- Trafod gyda'r ymarferwr sy'n gofalu am yr achos a oes angen ei atgyfeirio i'r awdurdod mae'r teulu'n symud iddo;
- Os oes gofyn atgyfeirio'r achos, trefnu i'r teulu gael gwybod am y penderfyniad a gofyn iddyn nhw gydsynio i'r achos gael ei atgyfeirio;
- Pan mae gan y teulu blant oedran ysgol, ac ar ôl trafod y sefyllfa gyda'r teulu, rhoi gwybod i wasanaeth lles addysg yr awdurdod addysg lleol gwreiddiol am y symudiad a gofyn iddyn nhw gysylltu ag awdurdod addysg lleol yr ardal mae'r teulu'n symud iddi;
- Pan mae gan y teulu blant oedran ysgol, ac ar ôl trafod y sefyllfa gyda'r teulu, rhoi gwybod i wasanaeth nyrsys ysgol yr awdurdod gwreiddiol er mwyn iddo roi gwybod i wasanaeth nyrsys ysgol yr awdurdod mae'r teulu'n symud iddo;
- Pan mae gan y teulu blant dan bump oed, ac ar ôl trafod y sefyllfa gyda'r teulu, rhoi gwybod i wasanaeth ymwelwyr iechyd yr awdurdod gwreiddiol er mwyn iddo roi gwybod i wasanaeth ymwelwyr iechyd yr awdurdod mae'r teulu'n symud iddo;
- Dilyn y protocolau lleol o ran rhoi gwybod a throsglwyddo cofnodion.

Os yw'r rhieni'n gwrthod cydsynio i'r achos gael ei atgyfeirio i'r awdurdod newydd, rhaid i'r rheolwr tîm benderfynu a yw'r plentyn yn debygol o ddioddef niwed arwyddocaol os nad yw'r atgyfeiriad yn mynd yn ei flaen.

- Discuss with the allocated practitioner the need to make a referral to the receiving authority;
- If a referral is required, make suitable arrangements to inform the family of the decision, and seek their consent for the referral to be made;
- Where there are school age children, and following discussion with the family, inform the LEA's education welfare service in the originating authority about the move and ask them to liaise with the LEA in the receiving authority;
- Where there are school age children, and following discussion with the family, inform the school nursing service in the originating authority , so that the school nursing service can notify the school nursing service in the receiving authority;
- Where there are children under 5, inform the health visiting service in the originating authority , following discussion with the family, so that the health visiting service can notify the health visiting service in the receiving authority;
- Follow local protocols on notification and transfer of records.

If the parents refuse consent for a referral to be made to the receiving authority, the team manager must make a professional judgement, in accordance with their own local authority's guidance, about whether or not the child is likely to suffer significant harm if a referral is not made. If it seems likely that the child will suffer significant harm, they should make the referral even without the consent of the parents.

3.28.1.2 Making the referral

If a decision is taken to refer the family to the receiving authority the team manager will make arrangements for the receiving authority to be informed verbally and this will be recorded on the case file. Within five working days, a written confirmation of the referral will be made to the receiving authority, to include the following information:

- Names and dates of birth of all family members (if known);
- Address in the originating authority and in the receiving area (if known);
- Details of education and health arrangements;
- Outcome of any assessments conducted in the originating authority;
- Details of provision of services in the originating authority;
- Family history and reason for referral.

Wrth ddod i benderfyniad, rhaid i'r rheolwr tîm ddefnyddio'i farn broffesiynol a dilyn canllawiau'i awdurdod ei hun. Os yw'n barnu ei bod hi'n debygol y bydd y plentyn yn dioddef niwed arwyddocaol, dylai'r rheolwr tîm atgyfeirio'r achos hyd yn oed os nad yw'r rhieni'n cydsynio.

3.28.1.2 Atgyfeirio

Os y penderfyniad yw atgyfeirio'r teulu at yr awdurdod newydd, bydd y rheolwr tîm yn trefnu i'r awdurdod mae'r teulu'n symud iddo gael gwybod yn llafar. Bydd hyn yn cael ei gofnodi yn ffeil yr achos. Bydd yr atgyfeiriad yn cael ei gadarnhau'n ysgrifenedig, o fewn pum diwrnod gwaith. Bydd yn cynnwys y wybodaeth sy'n dilyn:

- Enwau a dyddiadau geni holl aelodau'r teulu (os ydyn nhw'n eu gwybod);
- Cyfeiriad y teulu yn yr awdurdod gwreiddiol a'i gyfeiriad yn yr awdurdod newydd (os ydyn nhw'n ei wybod);
- Manylion y trefniadau addysg ac iechyd;
- Canlyniad unrhyw asesiadau a wnaeth yr awdurdod gwreiddiol;
- Manylion unrhyw wasanaethau'r oedd yr awdurdod gwreiddiol yn eu rhoi;
- Hanes y teulu a'r rheswm dros eu hatgyfeirio.

Mewn unrhyw achos lle mae anghytuno ynglŷn â'r camau sydd wedi'u cymryd neu heb eu cymryd, ac mae'r ymarferwyr gwaith cymdeithasol yn methu datrys yr anghydfod, byddan nhw'n cyfeirio'r mater at reolwyr priodol y ddau awdurdod. Bydd y rheolwyr yn datrys y mater o fewn 20 diwrnod gwaith.

3.28.1.3 Ar ôl penderfynu peidio ag atgyfeirio

Os y penderfyniad yw peidio ag atgyfeirio'r achos i'r awdurdod newydd, bydd ffeil yr achos yn cael ei chau. Bydd y rheolwr tîm yn cofnodi'r rhesymau dros wneud hyn ar gofnod yr achos, a bydd yn trefnu i roi gwybod i'r teulu am y penderfyniad.

3.28.1.4 Pan mae teulu'n symud i gyfeiriad anhysbys

Os yw'r teulu wedi symud heb roi gwybod am eu cyfeiriad newydd, ac mae ymdrechion rhesymol i ddod o hyd i'r wybodaeth wedi methu, dylai rheolwr tîm yr awdurdod gwreiddiol fynd ati'n syth i drafod y mater gydag uwch reolwr priodol y gwasanaethau cymdeithasol. Rhaid penderfynu beth sydd angen ei wneud, os oes angen gwneud rhywbeth o gwbl. Os oes pryderon y gallai'r plentyn fod angen ei amddiffyn, dylid ystyried a oes angen rhoi gwybod i'r rhwydwaith amddiffyn plant a'r heddlu am y teulu coll. Rhaid cytuno'n

In all cases, where there is a disagreement in respect of actions taken/not taken which cannot be resolved by the social work practitioners, the disagreement will be referred to appropriate managers within the two authorities who will resolve the matter within 20 working days.

3.28.1.3 When the decision is made not to make a referral

If a decision is made not to make a referral to the receiving authority the case file will be closed and the team manager will record the reasons for the action on the case record and make suitable arrangements to inform the family of the decision.

3.28.1.4 When a family moves to an unknown address

If the family has moved and no forwarding address is known, despite reasonable efforts to find this information having been made, the team manager in the originating authority should immediately discuss with the appropriate senior manager in social services what, if any, further action is required. If the issues identified raise concern that the child may be in need of protection, consideration should be given to notifying the child protection network and the police of the missing family. There should be a clear agreement with the police regarding the concerns and the expected action required by the police if the child is found.

If, when located in another area, the child is assessed as being a child in need but not in need of protection, the originating authority's case file can then be closed with all actions recorded and counter-signed by the team manager. The team manager in the originating authority will inform key agencies involved in that authority of the decision to close the case file.

3.28.2 Moves into the authority of children in need

Referrals

In the event of a local authority be notified by an originating authority that they wish to refer a child in need moving into the area, the originating authority should be asked to complete a referral form and the team manager will make a decision regarding the referral in the normal way.

Where there is a disagreement in respect of actions taken/not taken that cannot be resolved by the social work practitioners, the disagreement will be referred to appropriate managers within the two authorities who will resolve the matter within 20 working days.

3.28.3 Moves of children in need and child protection section 47 enquiries

If the originating authority indicates that they were about to commence child protection section 47 enquiries before the family moved, they will make a referral to the receiving authority.

benodol gyda'r heddlu beth yw natur y pryderon a sut y dylen nhw weithredu os ydyn nhw'n dod o hyd i'r plentyn.

Os yw'r plentyn yn dod i'r golwg mewn ardal arall, ac mae wedi cael ei asesu fel plentyn mewn angen ond heb fod angen ei amddiffyn, mae'n bosib wedyn i'r awdurdod gwreiddiol gau ei ffeil ar yr achos. Rhaid cofnodi'r holl gamau gweithredu yn gyntaf, a rhaid i'r rheolwr tîm eu llofnodi hefyd. Bydd rheolwr tîm yr awdurdod gwreiddiol yn rhoi gwybod i'r asiantaethau perthnasol am y penderfyniad i gau ffeil yr achos.

3.28.2 Pan mae plant mewn angen yn symud i mewn i'r awdurdod

Atgyfeiriadau

Pan fydd awdurdod lleol yn rhoi gwybod i awdurdod arall ei fod am atgyfeirio plentyn mewn angen sy'n symud i'r ardal, dylid gofyn i'r awdurdod gwreiddiol lenwi ffurflen atgyfeirio. Bydd y rheolwr tîm yn gwneud penderfyniad ynglŷn â'r atgyfeiriad yn y ffordd arferol.

Mewn unrhyw achos lle mae anghytuno ynglŷn â'r camau sydd wedi'u cymryd neu heb eu cymryd, ac mae'r ymarferwyr gwaith cymdeithasol yn methu datrys yr anghydfod, byddan nhw'n cyfeirio'r mater at reolwyr priodol y ddau awdurdod. Bydd y rheolwyr yn datrys y mater o fewn 20 diwrnod gwaith.

3.28.3 Symudiadau plant mewn angen ac ymholiadau amddiffyn plant dan adran 47

Os yw'r awdurdod gwreiddiol yn dweud ei fod ar fin dechrau ymholiadau amddiffyn plant dan adran 47 cyn i'r teulu symud, bydd yn atgyfeirio'r achos i'r awdurdod mae'r teulu wedi symud iddo.

Bydd yr awdurdod newydd yn cynnull trafodaeth neu gyfarfod strategaeth i gynllunio'r ymholiadau dan adran 47. Bydd yr awdurdod newydd a'r awdurdod gwreiddiol yn bresennol yn y drafodaeth neu'r cyfarfod strategaeth a fydd yn cael ei gynnal o fewn 48 awr i'r adeg y daeth yr atgyfeiriad gan yr awdurdod gwreiddiol i law. Cyfrifoldeb yr awdurdod newydd yw gwneud asesiad cychwynnol ac i gael gwybod gan yr awdurdod gwreiddiol a oes angen gwneud unrhyw beth i amddiffyn y plentyn ar unwaith. Dylid cofnodi'r penderfyniadau'n glir yn ffeiliau achos y ddau awdurdod.

Blwch 16: Atgyfeiriadau penodol am blant mewn angen yn symud i ardaloedd eraill

Mae atgyfeiriadau penodol yn bwysig fel ffordd o rybuddio asiantaethau sy'n derbyn achos ynglŷn ag unrhyw hanes o bryderon am blentyn neu blant, er nad ydyn nhw ar y gofrestr ar y pryd. Mae angen i bawb sy'n gweithio gyda theulu ystyried yn ofalus oes angen gwneud atgyfeiriad penodol ynglŷn â

The receiving authority will convene a strategy discussion/meeting to plan the section 47 enquiries, which will be held jointly with the receiving authority within 48 hours of the originating authority making the referral. It is the role of the receiving authority to carry out an initial assessment and to clarify with the originating authority whether any emergency protective action is required. Decisions should be clearly recorded on both authorities' case files.

Box 16: Specific referrals about children in need moving to other areas

Specific referrals are important in order to alert receiving agencies where there is a history of concerns about a child or children, even though they are not currently on the register. Everybody working with a family needs to think carefully about whether to make a specific referral about a child moving to another area. Take account of issues of consent. Don't make assumptions about the children's needs being met, or assume that concerns will be systematically addressed. It is neither safe nor professionally competent to assume that other agencies involved either know about the change or will take the appropriate action.

3.29 The child protection process and summary of timescales

- Referring agency reports concerns to social services or police. Referring agency follows up verbal report with written referral **within two working days;**
- Duty worker shares referral with his/her designated supervising manager on the **same day;**
- Child subject of allegations of deliberate abuse or concern should be seen and spoken to **within 24 hours;**
- Enquiry of the child protection register **within 24hours;**
- Response from the custodian of the child protection register **within 2 hours;**
- Initial assessment completed within 7 working days of receipt of the referral;
- Referring agency advised of action being taken **within 10 days;**
- Where child protection section 47 enquiries are indicated, there is a strategy discussion with the police and a decision made about next course of action **within 24 hours;**
- Strategy meeting convened if appropriate as soon as possible but within 8 working days of receipt of the referral;

phlentyn sy'n symud i ardal arall. Cofiwch roi sylw i ystyriaethau cydsynio. Peidiwch â chymryd yn ganiataol bod anghenion y plentyn yn cael eu diwallu, na chymryd yn ganiataol y bydd ei anghenion yn cael sylw'n systematig. Nid yw'n ddiogel nac yn broffesiynol i gymryd yn ganiataol y bydd asiantaethau eraill naill ai'n gwybod am y newid neu'n bwriadu cymryd y camau iawn.

3.29 Y broses amddiffyn plant a chrynodeb o'r amserlen

- Yr asiantaeth sy'n atgyfeirio'n adrodd am bryderon i'r gwasanaethau cymdeithasol neu'r heddlu. Yr asiantaeth sy'n atgyfeirio'n dilyn hynny gydag adroddiad llafar ac adroddiad ysgrifenedig **o fewn dau ddiwrnod gwaith**;
- Y gweithiwr ar ddyletswydd yn mynd ati **ar yr un diwrnod** i rannu'r atgyfeiriad â'r rheolwr-goruchwyliwr sydd wedi'i ddynodi iddo;
- Dylid gweld a siarad gyda phlentyn sy'n destun honiad o gam-drin bwriadol neu bryderon **o fewn 24 awr**;
- Gwneud ymholiad i'r gofrestr amddiffyn plant **o fewn 24 awr**;
- Ymateb gan geidwad y gofrestr amddiffyn plant **o fewn dwy awr;**
- Cwblhau'r asesiad cychwynnol o fewn **saith diwrnod gwaith** i'r dyddiad y daeth yr atgyfeiriad i law;
- Rhoi gwybod **o fewn 10 diwrnod** i'r asiantaeth sy'n atgyfeirio am y camau sy'n cael eu cymryd;
- Pan mae'n amlwg bod angen gwneud ymholiadau amddiffyn plant dan adran 47, mae trafodaeth strategaeth gyda'r heddlu a phenderfyniad ynglŷn â'r camau gweithredu nesaf yn digwydd **o fewn 24 awr**;
- Mynd ati cyn gynted â phosib i gynnull cyfarfod strategaeth os yw'n briodol, ond **o fewn wyth diwrnod gwaith** i'r dyddiad y daeth yr atgyfeiriad i law;
- Cynnull cynhadledd amddiffyn plant **o fewn 15 diwrnod gwaith** i ddyddiad y drafodaeth neu'r cyfarfod strategaeth diwethaf;
- Y gynhadledd yn cytuno ar gynllun amddiffyn plant amlinellol. Copi o'r cynllun yn cael ei gylchredeg **o fewn pum diwrnod gwaith** neu cyn cyfarfod cyntaf y grŵp craidd;
- Cwblhau'r asesiad craidd **o fewn 35 diwrnod gwaith i'w ddechrau**;
- Cynnull grŵp craidd **o fewn 10 diwrnod gwaith i ddyddiad y gynhadledd amddiffyn plant gychwynnol**;
- Cynnal y gynhadledd adolygu gyntaf **o fewn tri mis i ddyddiad y gynhadledd amddiffyn gychwynnol**;

- Conference convened within 15 working days of the last strategy discussion/meeting;
- Outline child protection plan agreed at conference and circulated within 5 working days or by the first core group;
- Core assessment completed **within 35 working days of commencement;**
- Core group convened **within 10 working days of initial child protection conference;**
- First review conference held **within 3 months of initial child protection conference;**
- Subsequent reviews to be held **within 6 months;**
- **Missing children must be reported to the police immediately** and in any case no later than midnight on the first day of disappearance;
- Police or social services interview missing child who returns within 72 hours;
- Child missing for **more than seven days convene a strategy meeting;**
- Child missing more than three times in 12 months **convene a strategy meeting.**

- Adolygiadau dilynol i'w cynnal **o fewn chwe mis**;
- **Rhaid rhoi gwybod i'r heddlu ar unwaith am blant coll** a, beth bynnag, dim hwyrach na hanner nos ar ddiwrnod cyntaf y diflannu;
- Yr heddlu neu'r gwasanaethau cymdeithasol yn cyfweld plentyn coll sy'n dod i'r golwg **o fewn 72 awr;**
- Cynnull cyfarfod strategaeth yn achos plentyn sydd wedi bod ar goll **am fwy na saith diwrnod;**
- **Cynnull cyfarfod strategaeth** yn achos plentyn sydd wedi bod ar goll mwy na theirgwaith mewn cyfnod o 12 mis.

RHAN 4

4. Amddiffyn Plant mewn Amgylchiadau Penodol

4.1 Rhagarweiniad

Mae'r adran yma yn ategu'r wybodaeth yn Rhan 3: *Y Broses Amddiffyn Plant,* a dylid darllen y ddwy adran gyda'i gilydd. Tra fo Rhan 3 yn egluro'r fframwaith sylfaenol ar gyfer gweithredu ym mhob amgylchiad pan fo pryder am les plentyn, mae Rhan 4 yn delio gydag ystyriaethau ychwanegol neu esboniad llawnach o'r drefn. Gallai un neu fwy o adrannau fod yn berthnasol i amgylchiadau plentyn penodol.

4.2 Plant sy'n byw oddi cartref

4.2.1 Amgylchiadau lle mae plant yn byw oddi cartref

Rhaid i blant sy'n byw oddi cartref allu disgwyl yr un lefel o amddiffyn â phlant sy'n byw gyda'u teuluoedd.

Rhaid dilyn y canllawiau yma ym mhob sefyllfa lle ceir pryderon am les plentyn, ac mae hyn yn cynnwys plant sy'n byw oddi cartref. Mae plant yn yr amgylchiadau dilynol yn cyfrif fel rhai sy'n byw oddi cartref:

- Gofal maeth y mae'r awdurdod lleol neu asiantaeth annibynnol yn ei ddarparu;
- Maethu preifat;
- Gofal preswyl y mae'r awdurdod lleol neu asiantaeth wirfoddol neu annibynnol yn ei ddarparu;
- Unedau diogel,
- Ysgolion preswyl dan ofal yr awdurdod lleol neu ysgolion gwirfoddol/ annibynnol;
- Sefydliadau iechyd fel ysbytai;
- Llety annibynnol y mae pobl ifanc sy'n gadael gofal a phobl ifanc eraill dan 18 oed yn ei ddefnyddio;
- Carchardai, canolfannau hyfforddi diogel a sefydliadau ar gyfer troseddwyr ifanc.

Pan mae awdurdod lleol yn comisiynu gwasanaethau ond ddim yn eu darparu'n uniongyrchol, rhaid rhoi sylw penodol i fesurau diogelu sylfaenol. Rhaid i unrhyw gytundebau lefel gwasanaeth neu gontractau gyda'r darparwr allanol eu nodi'n glir.

PART 4

4. Child Protection in Specific Circumstances

4.1 Introduction

This section supplements Part 3: *The Child Protection Process,* and should be read in conjunction with it. Whilst Part 3 sets out the basic framework of actions to be taken in all circumstances when anyone has concerns about the welfare of a child, Part 4 deals with additional considerations or points of procedure. One or more sections might apply to an individual child's circumstances.

4.2 Children living away from home

4.2.1 Circumstances in which children live away from home

Children living away from home must be afforded the same level of protection as children living with their family.

These procedures should be applied in every situation where there are concerns about a child's welfare and this includes children living away from home. Children are deemed to be living away from home in the following circumstances:

- Foster care, provided by the local authority or by an independent agency;
- Private fostering;
- Residential care, provided by the local authority or by a voluntary or independent agency;
- Secure units,
- Residential schools, both provided by the local authority and voluntary/independent schools;
- Health establishments such as hospitals;
- Independent accommodation used by care leavers and other young people under 18 years;
- Prisons, secure training centres and young offender institutions

Where services are commissioned by a local authority but not directly provided by them, basic safeguards should be explicitly addressed and stated clearly in any service level agreement / contracts with the external provider.

4.2.2 Mesurau diogelu hanfodol

Dylai pob lleoliad lle mae plant yn byw oddi cartref gynnig yr un mesurau sylfaenol i'w diogelu rhag cael eu cam-drin a dylai'r fath fesurau hybu eu lles cyffredinol, eu hamddiffyn rhag dioddef niwed, a'u trin ag urddas a pharch.

Blwch 17: Plant sy'n byw oddi cartref: mesurau diogelu sylfaenol

Mae plant sy'n byw i ffwrdd o'u cartrefi angen mesurau diogelu i'w hamddiffyn rhag dioddef niwed. Dylai'r Bwrdd Lleol Diogelu Plant ofalu bod asiantaethau neu gyrff sy'n comisiynu lleoliadau a gwasanaethau ar gyfer plant sy'n byw oddi cartref yn rhoi sylw penodol bob amser i'r mesurau diogelu sy'n dilyn wrth lunio contractau neu gytundebau lefel gwasanaeth gyda'r darparwyr.

- Datganiadau sy'n disgrifio'r camau fydd yn gwneud i blant deimlo eu bod yn cael eu gwerthfawrogi, a'u parchu, a'u bod yn ddiogel;
- Datganiadau a pholisïau sy'n parchu amrywiaeth ac yn hybu sensitifrwydd o ran hil, diwylliant, crefydd, rhyw, rhywioldeb ac anabledd;
- Datganiadau sy'n cadarnhau'r trefniadau ar gyfer craffu allanol;
- Datganiadau sy'n cadarnhau'r trefniadau ar gyfer cynnwys teuluoedd;
- Trefn gadarn ar gyfer recriwtio ac archwilio cefndir staff, a bod y drefn yn cydymffurfio â chanllawiau a safonau cenedlaethol;
- Bod yr holl staff a'r rhai sy'n rhoi gofal yn cael eu hyfforddi ym maes amddiffyn a diogelu plant, yn cynnwys rheoli hunan-niweidio;
- Trefn gwyno glir ac effeithiol, a bod digon o sylw iddi;
- Trefniadau sy'n gofalu bod plant yn gwybod sut mae cwyno, eu bod nhw'n cael gwybodaeth am y drefn ac am yr help sydd ar gael gan y gwasanaethau eiriolaeth;
- Mynediad plentyn at wasanaeth eiriolaeth annibynnol;
- Mynediad plentyn at y gwasanaeth ymweld annibynnol;
- Mynediad plentyn at swyddog cwynion yr awdurdod lleol, y Comisiynydd Plant a *Childline*;
- Protocolau ffurfiol sy'n disgrifio hyd a lled y gofal a'r rheolaeth sy'n cael eu caniatáu;
- Hyfforddiant i staff a rhai sy'n rhoi gofal o ran hyd a lled y mesurau gofal a rheolaeth sy'n cael eu caniatáu;
- Mynediad staff a rhai sy'n rhoi gofal i fynd at drefniadau 'chwythu'r chwiban' clir sydd wedi'u hysbysebu'n dda;

4.2.2 Essential safeguards

Every setting where children live away from home should provide the same basic safeguards against abuse, founded on an approach that promotes their general welfare, protects them from harm, and treats them with dignity and respect.

Box 17: Safeguards for Children Living Away From Home

Children who live away from their family home require safeguarding measures to protect them from harm. The LSCB should ensure that agencies/organisations commissioning placements and services for children living away from home always explicitly address the following safeguards in contracts/service level agreements with providers.

- Statements that describe how children will be made to feel valued, respected and safe;
- Statements and policies that ensure respect for diversity and sensitivity to race, culture, religion, gender, sexuality and disability is promoted;
- Statements that confirm arrangements for external scrutiny;
- Statements that confirm arrangements for the involvement of families;
- Recruitment and vetting procedures for staff that comply with national guidance and standards
- Child protection and safeguarding training, including the management of self harm, is provided for all staff and caregivers;
- Clear, effective and well promoted complaints procedures;
- Arrangements to ensure that children are aware and have information about how to make complaints and the help they will receive from advocacy services;
- A child's access to an independent advocacy service;
- A child's access to the independent visiting service;
- A child's access to the local authority complaints officer, the Children's Commissioner and Child line;
- Formal protocols that describe the permitted measures of care and control;
- Training for staff/caregivers regarding the permitted measures of care and control;
- Staff and caregivers' access to explicit and well promoted whistle blowing arrangements;
- Clear arrangements for the supervision and support of staff and

- Trefniadau clir ar gyfer goruchwylio a chefnogi staff a rhai sy'n rhoi gofal, yn cynnwys rhai dros dro a gwirfoddol;
- Protocolau ffurfiol ar gyfer rheoli a gofalu am blant sy'n mynd ar goll o'u lleoliadau ac sy'n rhoi digon o gyfle i blentyn siarad â pherson annibynnol am unrhyw bryderon;
- Cydymffurfio â phrotocolau a Chanllawiau Amddiffyn Plant Cymru Gyfan.

Blwch 18: Dyletswydd i roi gwybod i'r gwasanaethau cymdeithasol am blant mewn ysbyty neu ysgol breswyl

Mae *adran 85 Deddf Plant 1989* yn ei gwneud yn ofynnol i'r rhai sy'n darparu iechyd a gwasanaethau addysg hysbysu awdurdod lleol yr ardal mae'r plentyn yn arfer byw ynddi, neu'r awdurdod lle mae'r plentyn wedi'i leoli os nad yw'n glir ym mha ardal yr arferai fyw, pan mae plentyn wedi bod neu y bydd yn cael ei leoli (er enghraifft, mewn ysbyty neu ysgol breswyl) am dri mis neu fwy. Pwrpas hyn yw rhoi cyfle i staff yr awdurdod asesu lles y plentyn os oes angen, a'i gadw dan ystyriaeth.

Dylai'r darparwr iechyd neu'r gwasanaeth addysg hysbysu'r gwasanaethau cymdeithasol a ydyn nhw'n gwneud hysbysiad arferol neu a ydynt yn ystyried bod angen asesu anghenion a sefyllfa deuluol y plentyn. Os yw'r darparwr iechyd neu'r gwasanaeth addysg yn arbennig o bryderus ynglŷn â diogelu'r plentyn, dylid gwneud atgyfeiriad amddiffyn ffurfiol, gan ddilyn y drefn yn adran 2.

Dylai unrhyw hysbysiad/atgyfeiriad gael ei wneud ar ôl ymgynghori â'r rhieni neu'r sawl sydd â chyfrifoldeb rhiant, a gyda'u cydweithrediad, oni bai y byddai gwneud hynny'n peryglu'r plentyn neu staff.

4.3 Honiadau o gam-drin plant yn erbyn gweithwyr proffesiynol / staff

Dylai pob corff, sefydliad a grwpiad proffesiynol sy'n gweithio neu sydd mewn cysylltiad gyda phlant a theuluoedd fod â'u canllawiau'u hunain ar gyfer rheoli honiadau yn erbyn staff a gweithwyr proffesiynol, ac ar gyfer chwythu'r chwiban. Dylai'r canllawiau gydymffurfio â *Chanllawiau Amddiffyn Plant Cymru Gyfan*. Dylai pob aelod o staff a gweithiwr proffesiynol gael gwybod am y canllawiau hyn. Dylai'r Bwrdd Lleol Diogelu Plant gael copi o'r canllawiau a dylai'r Bwrdd ofalu eu bod nhw'n effeithiol.

caregivers, including temporary and volunteer staff;

- Formal protocols for the management and care of children who go missing from their placement that provides a child with the opportunity to talk to an independent person about any concerns;
- Adherence to the All Wales Child Protection Procedures and protocols.

Box 18: Duty to notify social services about children in hospital or residential school

The *Children Act 1989, section 85*, requires health providers and education services to notify the local authority for the area where the child is ordinarily resident, or where the child is accommodated if this is unclear, when a child has been or will be accommodated for three months or more (for example in hospital or residential school), so that the welfare of the child can be assessed if necessary and kept under review.

The health provider or education service should inform social services whether this is a routine notification, or whether they consider that an assessment of the child's needs and family situation is needed. If the health provider or education service has particular concerns or issues regarding the safeguarding of the child, a formal child protection referral should be made, as described in part 2.

Any notification/referral should be normally done in consultation with, and the agreement of, the parent(s) or person with parental responsibility, unless this would place the child or staff at risk.

4.3 Allegations of the abuse of children by professionals / staff members

All organisations, establishments and professional groupings that work or have contact with children and families should have their own procedures for the management of allegations against staff and professionals, and for whistle blowing. The procedures should be compliant with the *All Wales Child Protection Procedures*. All staff and professionals should be made aware of these procedures. The LSCB should be provided with a copy of them and ensure that they are effective.

Rhaid dilyn y drefn amddiffyn plant wrth reoli honiadau bod gweithwyr proffesiynol neu staff yn cam-drin plant. Mae rhai gwahaniaethau sy'n dibynnu ar natur y lleoliad.

Rhaid rhoi sylw i'r amgylchiadau sy'n dilyn:

4.3.1 Honiadau o gam-drin yn erbyn staff cartrefi preswyl;

4.3.2 Honiadau o gam-drin yn erbyn gofalwyr maeth;

4.3.3 Honiadau o gam-drin yn erbyn gofalwyr maeth preifat;

4.3.4 Canllawiau ychwanegol mewn perthynas â gwarchodwyr plant;

4.3.5 Honiadau bod plant yn y ddalfa'n cael eu cam-drin;

4.3.6 Honiadau o gam-drin ynglŷn â neu yn erbyn gweithiwr proffesiynol, aelod o staff neu wirfoddolwr sydd â chyswllt â phlant ac oedolion agored i niwed.

Mae'r amodau sy'n dilyn yn berthnasol i'r adrannau 4.3.1 – 4.3.6:

Os diswyddir aelod o satff neu os yw'n cael ei symud i swydd arall oherwydd ymholiadau amddiffyn plant a/neu ymchwiliad troseddol, dylai'r cyfarfod canlyniad yr ymchwiliad hysbysu'r cyflogwr o'i ddyletswydd i ddarparu manylion yr unigolyn o dan Ddeddf Amddiffyn Plant 1999, protocolau Amddiffyn Oedolion Agored i Niwed, ac unrhyw gyfarwyddiadau perthnasol dilynol gan Lywodraeth Cynulliad Cymru. Ni ddylai unrhyw asiantaeth sy'n cyflogi unigolyn adael iddo ymddiswyddo os yw'n destun i ymholiadau amddiffyn plant a/neu ymchwiliad troseddol. Dylai'r asiantaeth ddilyn ei threfn ddisgyblu er mwyn gofalu bod yr ymchwiliad, ei ganlyniad ac unrhyw gamau disgyblu sy'n dilyn yn cael eu cofnodi'n ffurfiol ac yn glir yn hanes cyflogaeth y gweithiwr.

Mae'n bosib chwilio am fwy o wybodaeth ar http://www.crb.gov.uk/

- Dylai'r Bwrdd Lleol Diogelu Plant gael gwybod pan mae'r cyfarfod canlyniad yr ymchwiliad yn argymell i'r awdurdod sy'n cyflogi gyfeirio at y rhestri gwahardd a/neu at y cyrff rheoleiddio proffesiynol perthnasol.
- Dylid ei gwneud hi'n ofynnol i'r asiantaeth ysgrifennu at y Bwrdd Lleol Diogelu Plant i gadarnhau bod hyn wedi cael ei wneud.
- Dylai'r Bwrdd Lleol Diogelu Plant fonitro'r broses o roi'r fath argymhellion ar waith.

Blwch 19: Dyletswydd i adrodd camdriniaeth gan weithiwr proffesiynol

- Mae dyletswydd ar bob aelod o staff a phob gweithiwr proffesiynol i

Allegations of the abuse of children by professionals/staff members should be managed in accordance with the child protection process. There are some differences that reflect the nature of the setting.

The following circumstances are addressed:

4.3.1 Allegations of child abuse by staff in residential homes;

4.3.2 Allegations of abuse against a foster carer;

4.3.3 Allegations of abuse against private foster carer;

4.3.4 Additional guidelines on childminders;

4.3.5 Allegations of abuse of children in custody;

4.3.6 Allegations of abuse about a professional, staff member or volunteer in contact with children and vulnerable adults.

For all of the sections 4.3.1 to 4.3.6 the following applies:

In the event of a member of staff being dismissed or moved to another position as a result of child protection enquiries and/or a criminal investigation, the investigation outcome meeting should advise the employer of the duty to submit their details under the Protection of Children Act 1999 (POCA) or Protection of Vulnerable Adults (POVA) protocols, and any other subsequent directions by the Welsh Assembly Government. No employing agency should accept a resignation from a member of staff subject to child protection enquiries and/or a criminal investigation but should follow disciplinary procedures to ensure a formal employment record of the investigation and its outcome and any disciplinary measures taken are clearly recorded.

Further information can be sought from http://www.crb.gov.uk/

- The LSCB should be informed about any recommendations made by the investigation outcome meeting for the employing authority to refer to the barring lists and / or to the relevant professional regulatory bodies
- The agency should be required to confirm in writing to the LSCB that this action has been taken.
- The LSCB should monitor the implementation of any such recommendations.

Box 19: Duty to report professional abuse

- Every staff member/professional has a duty to safeguard and promote

ddiogelu a hybu lles plant.

- Rhaid i bob corff ofalu bod disgrifiadau swyddi, codau ymddygiad a chontractau/cytundebau lefel gwasanaeth yn ei gwneud hi'n ddyletswydd i ddiogelu a hybu lles plant.
- Mae dyletswydd ar bob aelod o staff a gweithiwr proffesiynol i adrodd os yw'n pryderu am ymddygiad aelod arall o staff, gweithiwr proffesiynol neu wirfoddolwr tuag at blant.
- Rhaid i bob mudiad ofalu bod ganddo drefn chwythu'r chwiban.
- Rhaid i bob prif swyddog ofalu bod unrhyw honiad bod aelod o'i staff efallai'n cam-drin plentyn yn cael ei gofnodi'n gywir ar gofrestr.

4.3.1 Honiadau o gam-drin yn erbyn staff cartrefi preswyl

Os yw rhywun yn adrodd bod aelod o staff mewn cartref preswyl yn cam-drin plant, rhaid dilyn y canllawiau amddiffyn plant sy'n delio â honiadau yn erbyn gweithwyr proffesiynol pob tro. Rhaid hysbysu'r heddlu am unrhyw drosedd. Gallai'r fath honiad olygu hefyd fod trefn ddisgyblu'r cartref yn cael ei weithredu.

Bydd gweithredu Canllawiau Amddiffyn Plant Cymru Gyfan yn cael blaenoriaeth bob amser dros drefn ddisgyblu cartref preswyl.

Bydd ymholiadau amddiffyn plant i honiadau bod plant mewn lleoliadau preswyl yn cael eu cam-drin yn dilyn y canllawiau yn Rhan 3. Rhaid i'r ymholiadau ystyried hefyd a yw'n debygol bod plant eraill yn y lleoliad wedi cael eu cam-drin, ac y gall fod yna batrwm o gam-drin hanesyddol. Oherwydd hynny, rhaid i'r gweithwyr cymdeithasol a swyddogion yr heddlu sy'n cwblhau'r ymholiadau fod yn gyfarwydd â'r canllawiau o ran rheoli cam-drin wedi ei drefnu.

Fel arfer, bydd aelod o staff sy'n bryderus bod plentyn yn cael ei gam-drin yn adrodd ei bryderon wrth bennaeth a/neu ddirprwy'r cartref. Bydd yn dilyn trefn a chanllawiau'r cartref ei hun.

Rhaid ystyried ar unwaith a fyddai'n ddoeth gohirio unrhyw leoliadau newydd neu rai sydd eisoes ar y gweill ar gyfer lleoli plant yn y cartref.

Mae dyletswydd ar bennaeth y cartref preswyl i hysbysu Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru (CSSIW) am unrhyw honiadau o gam-drin yn ôl Rheoliadau Cartrefi Plant (Cymru) 2002 (Rheoliad 29 (1) [Atodlen 5]).

Pan mae'r aelod o staff wedi dweud wrth bennaeth neu ddirprwy'r cartref breswyl am yr honiad o gam-drin, bydd y pennaeth neu'r dirprwy'n hysbysu'r aelod o staff a wnaeth yr honiad am y camau a gafodd eu cymryd i roi sylw i'r honiad ac i amddiffyn y plentyn. Os yw'r aelod o staff:

the welfare of children.

- All organisations must ensure that job descriptions, codes of conduct and contracts/service level agreements include the duty to safeguard and promote the welfare of children.
- Individual staff members/professionals and volunteers have a duty to report concerns about the behaviour of other staff members /professionals/volunteers towards children.
- All organisations must ensure they have whistle blowing procedures.
- Chief officers should make sure that a record of any whistle blowing allegations in respect of possible child abuse within their organisation, are maintained on a register.

4.3.1 Allegations of child abuse by staff in residential homes

In the event of a staff member in a residential home being reported for alleged abuse, the child protection procedures for allegations against professionals must always be followed. A criminal offence must be reported to the police. An allegation may also result in an organisation's disciplinary procedures being invoked.

The implementation of the All Wales Child Protection Procedures will always take precedence over a residential home's disciplinary process.

Child protection enquiries into allegations of abuse of children in residential settings will follow the procedures in Part 3, and must also consider the likelihood that other children may have been abused, and that there may have been a pattern of historical abuse. Therefore social workers and police officers undertaking the enquiries must be familiar with the procedure for the management of organised abuse.

Staff members will usually report concerns about the alleged abuse of a child by a staff member to the head and/ or deputy of the establishment, and follow the establishment's own procedures and guidance.

Immediate consideration should be given to postponing any new or pending placements of children at the establishment.

The head of the residential home is required to report all allegations of abuse to CSSIW in accordance with the Children's Homes (Wales) Regulations 2002 (Regulation 29 (1) (Schedule 5).

When the staff member has reported the alleged abuse to the head/deputy of the residential home, the head/deputy will inform the referring staff member

- Yn poeni nad yw'r hyn a wnaeth y pennaeth a/neu'r dirprwy wedi llwyddo i amddiffyn y plentyn a phlant eraill rhag parhau i ddioddef niwed; *neu*
- Yn methu trafod ei bryderon gyda'r pennaeth a/neu'r dirprwy; *neu*
- Yn amau bod y pennaeth a/neu'r dirprwy yn cydgynllwynio neu'n rhan o'r cam-drin;

Dylai'r aelod o staff adrodd ei bryderon yn uniongyrchol wrth reolwr y gwasanaethau cymdeithasol sy'n gyfrifol am amddiffyn plant yn ardal yr awdurdod lleol lle mae'r cartref, a/neu'r heddlu.

Os yw'r honiad yn uniongyrchol neu'n anuniongyrchol yn erbyn y pennaeth a/neu'r dirprwy, dylai'r aelod o staff roi gwybod am yr honiad i reolwr y gwasanaethau cymdeithasol sy'n gyfrifol am amddiffyn plant yn ardal yr awdurdod lleol lle mae'r cartref, a/neu'r heddlu.

Os yw'r cartref plant yn cael ei reoli gan neu ar ran yr awdurdod lleol:

- Dylid cynnwys rhywun annibynnol yn yr ymholiad amddiffyn plant o'r dechrau un;
- Ni ddylai'r person sy'n rheoli'r ymchwiliad fod â chyfrifoldebau rheolwr llinell dros staff y cartref.

Yn y cyfarfod strategaeth neu'r cyfarfod canlyniad yr ymchwiliad, mae gofyn gwneud penderfyniad ynglŷn â'r materion ychwanegol sy'n dilyn:

- Trefniadau i'r gwasanaethau cymdeithasol i roi gwybod yn gynnar i rieni'r plentyn am fanylion yr honiad a'r camau sydd i'w cymryd;
- Cynnig eiriolwr annibynnol (er enghraifft, Gwasanaeth Hawliau Plant neu Wasanaeth Eiriolaeth) i'r plentyn;
- Cytuno ar unrhyw gamau ar gyfer amddiffyn y plentyn sy'n atgyfeirio'r achos, y plentyn y mae'r honiad yn ei gylch ac unrhyw blant eraill yn yr uned breswyl;
- Trosglwyddo'r plentyn i leoliad arall os byddai hynny er ei les gorau;
- Ystyried pa gamau disgyblu y mae angen eu cymryd, hyd yn oed os nad oes digon o dystiolaeth i erlyn y sawl sy'n cael ei amau.

Hefyd, os yw honiadau o gam-drin yn digwydd mewn ysgolion annibynnol, dylai uwch reolwr y gwasanaethau cymdeithasol sy'n gyfrifol am amddiffyn plant hysbysu CSSIW a chofrestrydd yr ysgolion annibynnol yn gynnar yn y broses.

about the actions taken to address the allegation and protect the child. If the referring staff member:

- Has concerns that the actions taken by the head and/or deputy have failed to protect the child and other children from continuing harm; *or*
- Is unable to discuss concerns with the head and/or deputy; *or*
- Suspects that the head and/or deputy is involved in or colluding with the abuse;

The staff member must report their concerns directly to the social services manager responsible for child protection in the local authority in which the establishment is situated, and/or to the police.

In the event of the allegation being directly or indirectly made about the head and/or deputy, the staff member should promptly report the allegation to the social services manager responsible for child protection in the local authority in which the establishment is situated, and/ or to the police.

Where the children's home is managed by or on behalf of the local authority:

- There should be someone independent involved in the child protection enquiry from the outset;
- The person managing the investigation should not have line management responsibility for the establishment.

At the strategy meeting/investigation outcome meeting a decision is required about the following additional matters:

- Arrangements for social services to inform the child's parents at an early stage of the details of the allegation and the procedure to be followed;
- Offer an independent advocate (e.g. Children Rights Service or Advocacy Service) to the child;
- Agree any action needed to protect the child making the referral and/or the child who is the subject of the allegation and any other children in the residential unit;
- Transfer the child to another placement if this is in the child's best interests;
- Consider what disciplinary measures should be invoked even when there is insufficient evidence for prosecution.

Additionally, in cases of alleged abuse in independent schools, the senior manager responsible for child protection in social services should at an early

4.3.2 Honiadau o gam-drin yn erbyn gofalwr maeth

4.3.2.1 Adnabod y perygl o ddioddef niwed

Mae'r adran hon yn berthnasol i leoliadau maeth y mae awdurdod lleol wedi'u trefnu, asiantaethau maethu annibynnol a chyrff gwirfoddol.

Yn aml iawn, plant sy'n derbyn gofal maeth yw'r rhai mwyaf agored i niwed mewn cymdeithas. Mae'r mwyafrif o ofalwyr maeth yn cynnig gofal diogel safonol i blant. Ond, fe all y ffaith fod y gofal maeth yn digwydd o fewn pedair wal cartref y sawl sy'n rhoi gofal ei wneud hi'n anodd adnabod unrhyw gam-drin ac i blant sôn am eu pryderon. Gall plentyn mewn lleoliad fod wedi cael ei gam-drin yn y gorffennol.

Mae'n bwysig i'r plentyn a'r gofalwr fel ei gilydd fod unrhyw bryderon yn cael eu hymchilio'n drwyadl. Mae gan honiad yn erbyn gofalwr maeth oblygiadau difrifol iawn i'r gofalwr ei hun ac i'w deulu.

Rhaid cyfeirio unrhyw honiad, amheuaeth neu bryderon bod gofalwr maeth neu aelod o'i deulu'n cam-drin plentyn at reolwyr y gwasanaethau cymdeithasol sy'n gyfrifol am amddiffyn plant, plant sy'n derbyn gofal a maethu.

Ni ddylai unrhyw un sydd wedi bod yn rhan o'r gwaith o asesu'r gofalwr maeth, nac unrhyw un sy'n gyfrifol am y gwasanaeth lleoli/maethu yn yr ardal, weithredu'r ymholiadau amddiffyn plant. Er hynny, mae gan staff maethu wybodaeth bwysig y gallan nhw ei rhannu, a gallan nhw gynnig cefnogaeth i'r gofalwr maeth. Ond, dylid bob amser ystyried cynnig cymorth annibynnol i'r gofalwr maeth hefyd.

Wrth ddelio â'r atgyfeiriad, dylid dilyn y canllawiau yn Rhan 3, gyda'r camau ychwanegol sy'n dilyn:

- Hysbysu'r gweithiwr cymdeithasol am unrhyw blant sy'n derbyn gofal sydd wedi'u lleoli yn y cartref;
- Mynd ati'n syth ac yn ôl yr angen i amddiffyn pob plentyn sydd yn y cartref;
- Mynd ati'n syth ac yn ôl yr angen i amddiffyn plant y gofalwr maeth ei hun;
- Gofalu nad oes unrhyw blant eraill yn cael eu lleoli yn y cartref tan fydd yr ymholiad amddiffyn plant wedi cael ei gwblhau;
- Cynnull cyfarfod strategaeth cyn gynted â phosib. Dylai un o uwch reolwyr y gwasanaethau cymdeithasol gadeirio'r cyfarfod a'r arfer gorau fyddai cynnal y cyfarfod strategaeth o fewn dau ddiwrnod gwaith;
- Hysbysu CSSIW am yr honiadau.

stage notify the Care and Social Services Inspectorate Wales (CSSIW) and the registrar of independent schools.

4.3.2 Allegations of abuse against a foster carer

4.3.2.1 Identifying the risk of harm

This section applies to foster placements arranged by a local authority, independent fostering agencies and voluntary organisations.

Children looked after in foster care are often the most vulnerable in society. The majority of foster carers provide children with good quality and safe care. However the fact that foster care is undertaken in the privacy of a caregivers home may make it difficult to identify abuse taking place and for children to voice their concerns. A child in placement may have experienced abuse previously.

It is important for both the child and caregiver that all concerns are fully and rigorously investigated. An allegation against a foster carer has serious implications for them and their families.

Any allegation or concern about abuse or suspected abuse in relation to a foster carer or any member of the foster carer's household must be referred to the social services managers responsible for child protection, looked after children and fostering.

Child protection enquiries should not be carried out by anyone who has been involved in assessing the foster carer or who has operational responsibilities for the family placement/fostering service in the area. However, fostering staff can be important sources of information and may provide support to the foster carer, although consideration should always be given to the provision of independent support for the foster carer.

The handling of the referral will follow the procedure set out in Part 3, with the following additional measures:

- Inform the social worker of any looked after child placed in the household;
- Take any immediate steps necessary to ensure the protection of all children in the household;
- Take any immediate steps necessary to ensure the protection of the foster carer's own children;
- Ensure that no further placements are made pending the child protection enquiry;
- Convene a strategy meeting as soon as possible, to be chaired by social services at a senior level; best practice would be to hold the strategy meeting within 2 working days;

4.3.2.2 Y cyfarfod strategaeth

Dylid ystyried gwahodd y swyddogion sy'n dilyn i'r cyfarfod:

- Uwch reolwr y gwasanaethau cymdeithasol sy'n gyfrifol am amddiffyn plant;
- Y rheolwr sy'n gyfrifol am faethu;
- Cyd-drefnydd amddiffyn plant y gwasanaethau cymdeithasol;
- Gweithiwr cymdeithasol y plentyn a'r rheolwr tîm;
- Gweithiwr cymdeithasol y gofalwr maeth;
- Cynrychiolydd o'r heddlu;
- Cynrychiolydd cyfreithiol ar ran yr awdurdod;
- CSSIW;
- Nyrs glinigol arbenigol ar gyfer plant sy'n derbyn gofal / y gweithiwr iechyd proffesiynol amddiffyn plant sydd wedi'i enwi neu ei ddynodi,
- Asiantaethau perthnasol eraill, er enghraifft, cynrychiolydd maes addysg;
- Y person sydd â'r manylion am yr atgyfeiriad.

Mae dyletswyddau penodol y cyfarfod strategaeth yn dilyn, ond rhaid hefyd dilyn y canllawiau yn rhan 3.5 ar gyfer pob cyfarfod strategaeth:

- Ystyried diogelwch ac anghenion pob plentyn sydd yn y lleoliad ar y pryd, yn ogystal â rhai sydd wedi eu lleoli yn y gorffennol.
- Trin **pob plentyn** fel unigolyn ac argymell a ddylai'r plentyn/plant aros gyda'r gofalwyr maeth tan fydd yr ymholiadau amddiffyn plant dan adran 47 yn cael eu cwblhau. Rhaid rhoi sylw bob amser i farn y plentyn;
- Cynllunio camau diogelu ychwanegol os bydd y plentyn yn aros yn y lleoliad maeth tra bo'r ymholiadau ar waith;
- Dylid gofyn am gymeradwyaeth yr uwch reolwr os yr argymhelliad yw i'r plentyn aros yn y lleoliad;
- Penodi eiriolwr ar gyfer y plentyn/plant. Gallai fod yn weithiwr cymdeithasol, yn aelod o'r teulu neu'n berson annibynnol. Mae'n arbennig o werthfawr cynnwys eiriolwr annibynnol a allai gynrychioli'r plentyn ym mhob cam o'r broses. Ond, ni fyddai'r eiriolwr, fel arfer, yn dod i'r cyfarfod strategaeth, oni bai fod gwybodaeth ganddo i'w rhannu;
- Ystyried diogelwch a lles plant y gofalwr maeth ei hun ac unrhyw blant eraill y mae'n dod i gysylltiad rheolaidd â nhw;

- Inform CSSIW of the allegations.

4.3.2.2 Strategy meeting

Consideration should be given to attendance by:

- The senior social services manager with responsibility for child protection;
- The manager responsible for fostering;
- The social services child protection co-ordinator;
- The social worker for the child and the team manager;
- The foster carers' social worker;
- A police representative;
- A legal representative for the authority;
- CSSIW;
- LAC clinical nurse specialist / named or designated child protection health professional;
- Other relevant agencies e.g. education representative;
- The person with details of the referral.

The tasks of the strategy meeting should include the following, in addition to the tasks of all strategy meetings described in section 3.5

Consider the safety and needs of all children currently in the placement as well as previously in the placement

- Consider **each** child individually and make recommendations as to whether the foster child/children should remain with the foster carers pending child protection section 47 enquiries. The views of the child should always be taken into account;
- Plan additional safeguards, if the child is to remain in the foster placement while the enquiries take place;
- The approval of the senior manager should be sought if it is recommended that the child remains in the placement;
- Appoint an advocate for the child/ children, who may be a social worker, family member or independent person. There are particular benefits to involving an independent advocate who can represent the child at all stages of the process. However, the advocate would not usually be part of the strategy meeting unless they had information to share;

- Rhoi sylw i unrhyw swyddi eraill neu weithgarwch gwirfoddol mae'r gofalwr maeth yn eu gwneud, os ydyn nhw'n golygu dod i gysylltiad â phlant a allai fod mewn perygl o ddioddef niwed;
- Adnabod pob plentyn arall a gafodd ei leoli gyda'r gofalwr yn y gorffennol ac ystyried a oes pryderon yn eu cylch;
- Penderfynu pa wybodaeth i'w rhoi i'r gofalwyr maeth am yr honiad a'r ymholiadau adran 47, pryd i'w rhoi a phwy fydd yn ei rhoi. Dylai cadeirydd y cyfarfod strategaeth ysgrifennu at y gofalwyr maeth i gadarnhau hyn;
- Penderfynu pwy fydd yn cefnogi'r gofalwyr maeth yn ystod yr ymchwiliad, a sut mae rhoi gwybod iddyn nhw wrth iddo fynd yn ei flaen. Os bydd y cyfarfod strategaeth yn penderfynu mai aelod o staff sydd i wneud hyn, rhaid i bawb ddeall ei statws er mwyn osgoi unrhyw ddryswch;
- Trefnu i'r gofalwyr maeth gael gwybod na fydd unrhyw blant eraill yn cael eu lleoli gyda nhw tra bydd yr ymholiadau amddiffyn plant ar waith;
- Dylid hysbysu'n gynnar yn y broses rieni'r plentyn am yr honiad a'r drefn sydd i'w dilyn a chynnig cefnogaeth ac eiriolaeth iddyn nhw. Dylid ystyried yn ofalus a oes angen datgelu gwybodaeth i rieni plant eraill sydd wedi'u lleoli gyda'r gofalwr, yn arbennig os oes rhaid symud plentyn oherwydd yr honiad;
- Cytuno ar enw'r rheolwr a fydd yn cael gwybodaeth am ganlyniad yr ymholiadau amddiffyn plant a'r ymchwiliad troseddol.
- Dylid cadw cofnod manwl o'r cyfarfod, yn cynnwys cofnodi'r rhesymau os y penderfyniad yw peidio â chymryd unrhyw gamau pellach.

4.3.2.3 Y gofalwyr maeth

Dylai'r person sy'n cefnogi'r gofalwyr maeth ofalu bod y gofalwyr:

- Yn deall y pryderon sy'n cael eu codi a threfnu i'r gofalwyr gadarnhau'r wybodaeth ffeithiol dan sylw ac i gynnig eu sylwadau, oni bai y byddai hyn yn amharu ar unrhyw ymchwiliad troseddol;
- Yn cael gwybod am y canllawiau amddiffyn plant fydd yn cael ei dilyn;
- Yn cael gwybod am yr amserlen ar gyfer y broses;
- Yn cael gwybod am y gefnogaeth sydd ar gael iddyn nhw, sut mae cysylltu â'r Rhwydwaith Maethu, ac am unrhyw drefniadau allanol eraill mae'r awdurdod lleol wedi'u gwneud ar gyfer cefnogi gofalwyr maeth;
- Yn cael gwybodaeth glir am ganlyniad yr ymholiadau amddiffyn plant a'r ymchwiliad troseddol;

- Consider the safety and welfare of the foster carers' own children and any other children with whom they have regular contact;
- Consider any other employment or voluntary activity of the foster carer, which brings them into contact with children and may place a child at risk;
- Identify all children previously placed and whether there may be concerns in relation to them;
- Identify what information will be given to the foster carers, when and by whom, regarding the allegation and section 47 enquiries. The chair of the strategy meeting to confirm this information in writing to the foster carers;
- Identify who will support the foster carers during the process of investigation and how they will be kept informed. If the strategy meeting gives a staff member this role, their status must be made clear to all parties to avoid confusion;
- Make arrangements to advise the foster carers that no further placements will be made during the course of the child protection enquiries;
- The child's parent(s) should be informed at an early stage of the allegation and of the procedures to be followed, and should be offered support and advocacy. The disclosure of information to parents of other children in the placement should be carefully considered, particularly when a child has to be moved as the result of an allegation;
- Agree the manager who will receive the information on the outcome of child protection enquiries and the criminal investigation.
- A full record of the meeting will be made, including the reasons in the event of a decision to take no further action.

4.3.2.3 The foster carers

The person supporting the foster carers should ensure that the foster carers:

- Understand the concerns being expressed and arrange for the foster carers to verify and comment on the factual information given, unless this compromises any criminal investigation;
- Are informed of the child protection procedures that will be followed;
- Are informed of time scales set for the process;

- Yn deall y gallai tystion, yn cynnwys gweithwyr cymorth, gael eu galw i roi tystiolaeth os bydd gwrandawiad mewn llys.

4.3.2.4 Ar ôl i'r ymholiadau amddiffyn plant adran 47 gael eu cwblhau

Rhaid cynnal cyfarfod i roi canlyniad yr ymchwiliad ar ôl i'r ymholiadau amddiffyn plant a/neu'r ymchwiliad troseddol gael eu cwblhau. Rhaid i gyfarfod canlyniad yr ymchwiliad benderfynu beth ddylai ddigwydd nesaf.

- Dylai pawb a oedd yn y cyfarfod strategaeth ddod i'r cyfarfod hwn, ynghyd â'r staff a'r swyddogion a oedd yn cyfrannu'n uniongyrchol at yr ymholiadau amddiffyn plant a'r ymchwiliad troseddol, ac eiriolwr y plentyn;
- Bydd rheolwr y gwasanaethau cymdeithasol sy'n gyfrifol am amddiffyn plant yn cynnull y cyfarfod hwn. Mae tasgau'r cyfarfod yn dilyn:
- Pwyso a mesur y wybodaeth a ddaeth i law a darganfyddiadau'r ymholiadau amddiffyn plant a'r ymchwiliad troseddol;
- Penderfynu a oes sail i'r honiadau;
- Penderfynu pa gamau y mae angen eu cymryd i ddiogelu unrhyw blentyn arall yng ngoleuni'r wybodaeth a ddaeth i law;
- Penderfynu a oes angen cynnull cynhadledd amddiffyn plant gychwynnol i drafod y plant maeth a/neu unrhyw blant eraill y gall fod pryderon amddiffyn plant yn eu cylch;
- Ystyried pa wybodaeth am y canlyniad y dylid ei rhoi i rieni'r plentyn neu'r plant sy'n destun i'r honiadau, a/neu i'r rhai sy'n rhoi gofal iddyn nhw;
- Gofalu bod cefnogaeth ar gael yn ôl y gofyn i'r plentyn a'r gofalwr maeth;
- Dylai cadeirydd y cyfarfod strategaeth ysgrifennu at y gofalwyr maeth o fewn pum diwrnod gwaith i ddyddiad cyfarfod canlyniad yr ymchwiliad i roi'r manylion sy'n dilyn:
- Natur yr honiad;
- Canlyniad yr ymholiadau amddiffyn plant adran 47;
- Penderfyniadau'r cyfarfod strategaeth.

Ar ôl unrhyw ymholiadau amddiffyn plant dan adran 47, neu ar ôl digwyddiad neu gwyn arwyddocaol, dylai'r panel maethu bob amser ystyried statws cymeradwyaeth y gofalwr maeth. Dylid cofnodi'r honiad a chanlyniad yr ymholiadau amddiffyn plant a/neu'r ymchwiliad troseddol ar ffeil y gofalwr maeth.

Dylai'r swyddog adolygu annibynnol (IRO) gael gwybod am yr ymholiadau amddiffyn plant a'r canlyniadau.

- Are told what support is available to them and how to contact the Fostering Network and any other external support arrangements for foster carers made by the local authority;
- Are clearly informed of the outcome of the child protection enquiries/criminal investigation;
- Understand that witnesses, including support workers may be called to give evidence, in the event of a court hearing.

4.3.2.4 After the child protection section 47 enquiries have been completed

An investigation outcome meeting must be held following completion of the child protection enquiries and/or criminal investigation to determine what should happen next.

- The attendance at this meeting should include the strategy meeting participants, staff and officers directly contributing to the child protection enquiries and criminal investigation, and the child's advocate.
- This meeting will be convened by the social services manager with responsibility for child protection and will undertake the following tasks:
- Evaluate the information/findings gathered during the child protection enquiries and criminal investigation;
- Decide whether there is substance in the allegations;
- Decide whether further action is needed to safeguard any child in the light of the information gathered;
- Decide whether to convene an initial child protection conference in respect of the foster children and/or any other children for whom there may be child protection concerns;
- Consider what information, regarding the outcome, should be given to the parents and/or caregivers of children who are the subject of the allegations;
- Ensure support is available as required for the child and the foster carer;
- Within five working days of this meeting, the foster carers should receive a letter from the chair of the strategy meeting giving details of:
- The nature of the allegation;
- The result of the child protection section 47 enquiries;
- The decisions of the strategy meeting.

Efallai bydd gofalwr maeth sy'n destun honiadau yn ei erbyn yn penderfynu roi rhybudd o'i fwriad i roi'r gorau i faethu. Yn ôl y rheoliadau, mae hawl gan ofalwr maeth roi 28 diwrnod o rybudd o'i fwriad i roi'r gorau i'r gwaith cyn i'r ymddiswyddiad ddod i rym. Os yw gofalwr maeth yn penderfynu rhoi'r gorau i'r gwaith yn ystod camau cynnar ymholiadau amddiffyn plant, mae'n debygol y bydd yr ymddiswyddiad yn dod i rym cyn i'r ymchwiliad gael ei gwblhau. Os yw'r gofalwr maeth wedi ymddiswyddo'n barod, dylai'r panel maethu gael adroddiad am ganlyniad yr ymholiadau amddiffyn plant a/neu'r ymchwiliad troseddol. Rhaid hefyd gofalu bod cofnod o drafodaethau'r panel ac unrhyw gyngor neu argymhellion yn mynd ar ffeil y gofalwr maeth. Os bydd asiantaethau eraill yn gofyn yn y dyfodol am eirda, rhaid i unrhyw ymateb gynnwys sylwadau am yr argymhellion neu'r cyngor. Rhaid iddyn nhw ddangos yn glir fod y gofalwr maeth wedi ymddiswyddo cyn i'r asiantaeth ddod i benderfyniad ynglŷn â'i statws cymeradwyaeth.

Hyd yn oed os yw gofalwr maeth yn ymddiswyddo, rhaid i'r ymholiadau amddiffyn plant dan adran 47 a/neu'r ymchwiliad troseddol gael eu cwblhau.

Rhaid i'r gwasanaethau cymdeithasol ofalu bod manylion gofalwr maeth sydd wedi cael ei dynnu o gofrestri lleol oherwydd honiadau yn ei erbyn, p'un ai cafodd yr honiadau eu cadarnhau ai peidio, yn cael eu hanfon i'w cynnwys dan brotocolau Deddf Amddiffyn Plant (POCA) ac Amddiffyn Oedolion Agored i Niwed (POVA), ac unrhyw rai o ofynion dilynol eraill Llywodraeth Cynulliad Cymru.

4.3.3 Honiadau o gam-drin yn erbyn gofalwyr maeth preifat

Cytundeb preifat yw trefniant maethu preifat. Mae'n golygu bod rhywun heblaw rhiant neu berthynas agos yn gofalu am blentyn dan 16 oed (dan 18 oed os yw'n anabl), nid yw'r awdurdod lleol yn rhan o'r cytundeb ac mae bwriad iddo bara am o leiaf 28 diwrnod.

Gall gofalwr maethu preifat fod yn ffrind i'r teulu, yn rhiant un o ffrindiau'r plentyn neu'n rhywun nad yw'r plentyn na'i deulu'n ei adnabod yn barod ond sy'n fodlon maethu'r plentyn yn breifat.

Mae gofyn i'r gofalwyr maethu preifat a'r sawl sydd â chyfrifoldeb rhiant hysbysu'r awdurdod lleol am y trefniant.

Mae dyletswydd ar bob gweithiwr proffesiynol hysbysu'r awdurdod lleol am unrhyw drefniant maethu preifat y maen nhw'n dod i wybod amdano.

Roedd marwolaeth Victoria Climbié yn 2000 yn tanlinellu'r perygl o blant sy'n destun trefniadau maethu preifat yn cael eu cam-drin. Mae *Deddf Plant 2004* yn sefydlu dyletswyddau ar bob awdurdod lleol i hyrwyddo ymwybyddiaeth am yr angen i roi gwybod i'r awdurdod am unrhyw blant sy'n cael eu maethu'n breifat yn eu hardal.

Following any child protection section 47 enquiries, or a significant incident or complaint, the fostering panel should always consider the foster carer's approval status. A record of the allegation and the outcome of the child protection enquiries and/or criminal investigation should be placed on the foster carers file.

The independent reviewing officer (IRO) should be informed about the child protection enquiries and the outcome.

Foster carers subject to allegations may decide to give notice of their intention to cease fostering. The regulations allow foster carers to provide 28 days notice of their intention to resign after which the resignation becomes effective. It is likely that in the event of a foster carer deciding to resign at an early stage of child protection enquiries that the investigation will not be complete before it takes effect. In the event of the foster carer having already resigned, the fostering panel should receive a report concerning the outcomes of the child protection enquiries and/or criminal investigation, and ensure a record of the panel discussion together with any advice or recommendations are placed on the foster carer's agency record. In the event of a request being made at a later date from other agencies for a reference, any response must include comment about recommendations or advice and make clear the foster carer resigned before the agency made a decision concerning their approval status.

The child protection section 47 enquiries and/or criminal investigation must be completed regardless of a resignation.

Social services must ensure that details about a foster carer removed from local registers as a direct result of the allegations, whether substantiated or not, are submitted for inclusion under the POCA and POVA protocols, and any other subsequent requirements directed by the Welsh Assembly Government.

4.3.3 Allegations against private foster carers

A private fostering arrangement is a private agreement without the involvement of a local authority for the care of a child under the age of 16 (under 18, if disabled) with someone other than a parent or close relative with the intention of it lasting for 28 days or more.

A private foster carer may be a friend of the family, the parent of a friend of the child, or someone previously unknown to the child or their family but who is willing to privately foster the child.

Both the private foster carers and the persons with parental responsibility are required to notify the local authority of the arrangement.

All professionals have a duty to notify the local authority if they become aware of a private fostering arrangement.

Mae'r canllawiau ar gyfer gwneud ymholiadau i honiadau yn erbyn gofalwyr maeth preifat yn dilyn yr un drefn â'r canllawiau ar gyfer gofalwyr maeth eraill. Ond mae rhai gwahaniaethau pwysig, sef:

- Dylai cyfarfod strategaeth gynnwys y gweithiwr cymdeithasol sydd wedi bod yn gwneud ymweliadau statudol gyda'r gofalwr maeth preifat a'r plentyn;
- Os nad yw'r plentyn yn un o wladolion y DU, dylid cysylltu â'r llysgenhadaeth briodol;
- Dylid ystyried cynnig cymorth i'r gofalwr maeth preifat ar ôl i'r ymholiadau gael eu cwblhau.

4.3.4 Canllawiau ychwanegol mewn perthynas â gwarchodwyr plant

Mae'r Rheoliadau Cofrestru ac Arolygu'n berthnasol i bob trefniant gwarchod plant. Felly, dylai aelodaeth y cyfarfod strategaeth gynwys:

- Swyddog Cofrestru ac Arolygu Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru (CSSIW);
- Un o uwch swyddogion y gwasanaethau cymdeithasol sy'n gyfrifol am wasanaethau gofal dydd;
- Yn ogystal â'r canllawiau yn Rhan 3, bydd y cyfarfod strategaeth hefyd yn:
- Ystyried y camau y gallai CSSIW eu cymryd o ran atal cofrestriad y gwarchodwr plant;
- Adnabod y plant mae'r gwarchodwr yn gofalu amdanyn nhw ar hyn o bryd a'r rhai mae wedi'u gwarchod yn y gorffennol;
- Pa wybodaeth a ddylid ei rhoi i'r rhieni eraill sy'n defnyddio gwasanaeth y gwarchodwr plant ar hyn o bryd;
- Ystyried amgylchiadau a lles plant y gwarchodwr ei hun ac unrhyw blant eraill mae wedi cael cyswllt arwyddocaol gyda nhw;
- Cytuno ar y wybodaeth i'w rhoi i'r gwarchodwr plant am yr honiad a'r ymholiadau amddiffyn plant. Bydd cadeirydd y cyfarfod strategaeth yn ysgrifennu at y gwarchodwr i roi'r wybodaeth;
- Penderfynu pa wybodaeth i'w rhoi i'r rhieni neu'r rhai sy'n rhoi gofal. Bydd cadeirydd y cyfarfod strategaeth yn ysgrifennu at y rhieni neu'r rhai sy'n rhoi gofal i roi'r wybodaeth;
- Adnabod y math a'r maint o gefnogaeth a ddylid ei gynnig i'r plant a'u rhieni, ac i'r gwarchodwr plant.

The risk of abuse of children subject to private fostering arrangements was highlighted by the death of Victoria Climbié in 2000. The *Children Act 2004* establishes duties on all local authorities to promote awareness about the need to notify the authority about any privately fostered children living in their area.

The procedures to be followed when making enquiries about allegations concerning private foster carers follow the same sequence as described for other foster carers with some important distinctions:

- A strategy meeting should involve the social worker who has undertaken statutory visits to the private foster carer and child;
- If the child is a non UK national the appropriate embassy should be contacted;
- Consider support for the private foster carer following the completion of the enquiries.

4.3.4 Additional guidelines in respect of childminders

The Registration and Inspection Regulations apply to all childminding arrangements. The membership of the strategy meeting should therefore include:

- The Registration and Inspection Officer (Care and Social Services Inspectorate Wales (CSSIW);
- A senior social services officer responsible for day care services.
- In addition to the guidance in Part 3, the strategy meeting will also:
- Consider action that may be taken by the CSSIW with regard to the suspension of the childminder's registration;
- Identify children currently and previously cared for by the childminder;
- What information should be shared with other parents currently using the service of the childminder;
- Consider the circumstances and welfare of the childminder's own children and any other children with whom they have significant contact;
- Agree the information to be given to the childminder about the allegation and child protection enquiries; the chair of the strategy meeting will provide this in writing to the childminder;
- Decide what information will be given to parents/caregivers; the chair of the strategy meeting will send this in writing to the parents/caregivers;

Tra bo'r ymholiadau ar y gweill, dylid annog y gwarchodwr plant i ofyn am gymorth gan Gymdeithas Genedlaethol Gwarchodwyr Plant. Bydd y gwarchodwr plant yn cael cymaint o wybodaeth â phosib heb i hynny amharu ar effeithiolrwydd yr ymholiadau.

4.3.5 Honiadau bod plant yn y ddalfa'n cael eu cam-drin

Pan mae plant yn cael eu trosglwyddo i ofal y gwasanaethau cymdeithasol neu'r heddlu i aros eu prawf, dylai'r protocolau ddisgrifio'r trefniadau ar gyfer atgyfeirio unrhyw honiadau o gam-drin. Dylai'r Bwrdd Lleol Diogelu Plant fod wedi cytuno'r protocolau hyn.

4.3.5.1 Ymateb i honiadau bod plant mewn carchar yn cael eu cam-drin

Dylai aelodau staff neu weithwyr proffesiynol sy'n ymweld â phlant yn y ddalfa fod â chyfrifoldeb i atgyfeirio i'r gwasanaethau cymdeithasol unrhyw bryderon am ddiogelwch neu les plentyn yn y ddalfa. Gallai'r pryderon fod wedi'u seilio ar rywbeth mae'r plentyn ei hun wedi'i ddweud, neu ar arwyddion neu symptomau o gamdriniaeth, neu ar wybodaeth gan rywun arall. Gallai'r honiadau neu'r amheuon greu pryderon mai carcharorion eraill neu aelod o staff sy'n cam-drin y plentyn.

Dylai aelodau staff neu weithwyr proffesiynol sy'n pryderu am ddiogelwch neu les plentyn yn y ddalfa, neu sydd wedi gweld tystiolaeth o'r fath gam-drin, fynd ati ar unwaith i ddod â'r mater i sylw'r cyd-drefnydd yn y sefydliad sy'n gyfrifol am amddiffyn plant. Dylid ystyried a yw'r pryderon yn ddigon difrifol i'w hatgyfeirio at dîm dyletswydd gwasanaethau cymdeithasol yr ardal. Dylid atgyfeirio pob achos lle mae aelod o staff yn cael ei amau o gam-drin, a dilyn y canllawiau yn adran 4.3.6.

Dylai aelodau staff neu weithwyr proffesiynol sy'n ymweld â phlentyn yn y ddalfa ac sy'n bryderus neu'n dod i wybod am honiadau o gam-drin, ofalu bod yr achos yn cael ei atgyfeirio at dîm dyletswydd y gwasanaethau cymdeithasol yn yr ardal lle mae'r sefydliad. Mae'n arfer da i roi gwybod i'r swyddog sy'n gyfrifol am gyd-drefnu amddiffyn plant o fewn y sefydliad am y pryderon neu'r honiad, cyn gynted ag y bo hynny'n ymarferol.

4.3.5.2 Y camau gweithredu sy'n ofynnol

Mae'r canllawiau sy'n cael eu disgrifio yn Rhan 3 ac adran 4.3 yn berthnasol i blant yn y ddalfa neu rai mewn carchar, canolfan hyfforddi ddiogel neu sefydliad i droseddwyr ifanc, os ydyn nhw wedi'u henwi mewn warant neu orchymyn llys.

Dylai'r cyfarfod strategaeth ddilyn y canllawiau yn Rhan 3, gan roi sylw hefyd i'r ystyriaethau sy'n dilyn:

- Penderfynu a oes goblygiadau i ddiogelwch ac anghenion plant eraill neu'r **holl** blant yn y sefydliad yn sgil yr honiadau neu'r amheuon;

- Identify the nature and levels of support, which should be offered to the children, their parents and the childminder.

During the course of the enquiries, the childminder should be encouraged to seek support from the National Childminder Association. The childminder will be kept informed as far as possible without prejudicing the effectiveness of the ongoing enquiries.

4.3.5 Allegations of abuse of children in custody

When children are remanded to the care of social services or the police, protocols should describe arrangements for referring any allegations of abuse. These should be agreed with the LSCB.

4.3.5.1 Responding to allegations of abuse involving children in prison.

Individual staff members or professionals visiting children in custody have a responsibility to refer any concerns regarding the safety or well being of a child in custody to social services. The concerns may arise from disclosures made by the young person, observed signs or symptoms of abuse, or third party disclosures. The concerns may arise from allegations or suspicions regarding abuse from other prisoners or allegations concerning staff.

Individual staff members or professionals who have concerns or evidence about the safety and well being of a child in custody should bring their concerns to the attention of the designated child protection co-ordinator within the establishment without delay. Consideration should be given to whether the concerns merit referral to the local social services duty team. If the allegation concerns abuse by a member of staff a referral should be made in all cases and the procedures described in section 4.3.6 followed.

Individual staff members or professionals visiting a child in custody who become aware or have concerns or specific information regarding allegations of abuse must ensure that a referral is made to the social services duty team in whose area the establishment is located. It is good practice for the designated child protection co-ordinator within the establishment to be informed of the concern or allegation as soon as practicable.

4.3.5.2 Action required

The procedures described in part 3 and section 4.3 apply to children in police custody, prison, secure training centres or youth offender institutions, who are subject of court warrants or orders.

The strategy meeting should follow the guidance in Part 3 with the additional considerations:

- Decide whether the allegations or suspicions have implications for the safety and needs of other or **all** children in the establishment;

- Argymell yn ôl yr angen a ddylai'r plentyn/plant aros yn y sefydliad tra bo'r ymholiadau amddiffyn plant adran 47 ar y gweill. Dylid ystyried lles, diogelwch a barn y plentyn ei hun, cyn belled ag y bo hynny'n gyson â gofynion diogelwch corfforol y plentyn;
- Os yw'r plentyn i aros yn y sefydliad pan mae'r ymholiadau ar y gweill, cynllunio mesurau diogelu ychwanegol yn ôl yr angen. Os yw'r honiadau'n cynnwys plant eraill sydd yn y ddalfa, dylai'r cyfarfod gytuno ar y trefniadau i'w gwneud i atal rhagor o gam-drin neu godi ofn;
- Gofyn am gymeradwyaeth i symud y plentyn i sefydliad arall os y farn yw bod hynny'n angenrheidiol ac yn ymarferol;
- Penodi eiriolwr ar gyfer y plentyn/plant. Mae'n arbennig o werthfawr cynnwys eiriolwr annibynnol a allai gynrychioli'r plentyn ym mhob cam o'r broses. Ond, ni fyddai'r eiriolwr fel arfer yn dod i'r cyfarfod strategaeth, oni bai fod gwybodaeth ganddo i'w rhannu;
- Os yw'r honiadau yn erbyn aelod o staff, rhaid ystyried amgylchiadau ei blant ei hun a gofyn a oes angen gwneud rhagor o ymholiadau amddiffyn plant dan adran 47 yn eu cylch;
- Os yw'r honiadau yn erbyn carcharorion eraill, rhaid ystyried eu teuluoedd a'u rhwydweithiau cymdeithasol. Rhaid gofyn a oes angen gwneud rhagor o ymholiadau amddiffyn plant adran 47 i gynorthwyo'r ymholiadau neu i ddiogelu plant eraill;
- Penderfynu a oes angen adnabod plant eraill a gafodd eu lleoli yno yn y gorffennol ac a oes unrhyw bryderon yn eu cylch;
- Penderfynu pa wybodaeth i'w rhoi i'r aelod(au) staff dan sylw am yr honiad a'r ymholiadau amddiffyn plant dan adran 47, pryd i'w rhoi a phwy fydd yn ei rhoi;
- Penderfynu pwy fydd yn cefnogi'r camdriniwr honedig yn ystod yr ymchwiliad, a sut mae rhoi gwybod iddo wrth i'r ymchwiliad fynd yn ei flaen. Os bydd y cyfarfod strategaeth yn penderfynu mai aelod o staff sydd i wneud hyn, rhaid i bawb ddeall ei statws er mwyn osgoi unrhyw ddryswch;
- Penderfynu pa wybodaeth i'w rhoi i rieni'r plentyn, a phwy fydd yn rhoi'r wybodaeth. Dylid hysbysu'n gynnar yn y broses rieni'r plentyn am yr honiad a'r drefn sydd i'w dilyn. Dylid cynnig cefnogaeth ac eiriolaeth iddyn nhw. Dylai cadeirydd y cyfarfod strategaeth ysgrifennu at y rhieni i gadarnhau'r wybodaeth. Dylid ystyried yn ofalus a oes angen datgelu gwybodaeth i rieni plant eraill sydd wedi'u lleoli yn y sefydliad, yn arbennig os oes rhaid symud plentyn oherwydd yr honiad;
- Trefnu i staff wirio'r wybodaeth ffeithiol a ddaeth i law, ac i roi sylwadau arni;

- Make recommendations as necessary as to whether the child/children should remain within the establishment pending child protection section 47 enquiries. Welfare and safety considerations as well as the views of the child should be taken into account, subject to the requirements of maintaining the physical security of the child;
- Plan additional safeguards as necessary if the child is to remain in the establishment while enquiries take place. If the allegations concern other children in custody the meeting should agree what arrangements will be made to prevent further abuse or intimidation occurring;
- Seek approval for the child to move to another establishment if considered necessary and practical;
- Appoint an advocate for the child/ren. It is beneficial to appoint an independent advocate who can represent the child at all stages of the process. However, the advocate would not usually be part of strategy meeting unless they have information to share;
- If the allegations concern a staff member consider the circumstances of their own children and whether any further child protection section 47 enquiries are necessary in respect of them;
- If the allegations concern other prisoners consider their family and social networks and whether any further child protection section 47 enquiries are necessary to assist with enquiries or safeguard other children;
- Determine if there is a need to identify other children previously placed and whether there may be issues in relation to them;
- Identify what information will be given to the staff member(s) concerned, when and by whom, regarding the allegation and child protection section 47 enquiries;
- Identify who will support the alleged perpetrator during the process of investigation and how they will be kept informed. If the strategy meeting gives a staff member this role, their status must be made clear to all parties to avoid confusion;
- Decide who should give what information to the parents of the child. The child's parent(s) should be informed at an early stage of the allegation and of the procedures to be followed. They should be offered support and advocacy. The chair of the strategy meeting should confirm this in writing to the parents. The disclosure of information to parents of other children in the placement should be

- Penodi cyd-drefnydd o fewn y sefydliad i ofalu am yr achos a fydd yn derbyn y wybodaeth am ganlyniad yr ymholiadau amddiffyn plant a'r ymchwiliad troseddol.

Rhaid ysgrifennu cofnodion llawn o'r cyfarfod. Rhaid cofnodi hefyd unrhyw resymau dros benderfynu peidio â chymryd camau pellach.

4.3.6 Honiadau o gam-drin ynglŷn â neu yn erbyn gweithiwr proffesiynol, aelod o staff neu wirfoddolwr sydd â chyswllt â phlant ac oedolion agored i niwed (neu rai sy'n rheoli neu'n goruchwylio gwasanaethau neu'n dylanwadu arnyn nhw)

Rhaid i bob asiantaeth benodi uwch reolwr neu reolwr gweithredol i fod yn gyfrifol am bolisïau'r asiantaeth o ran cam-drin gan weithwyr proffesiynol.

4.3.6.1 Ymateb i atgyfeiriadau ynglŷn â gweithwyr proffesiynol sy'n cam-drin plentyn yn eu gwaith neu yn eu bywyd preifat

Mae'r adran hon yn rhoi sylw i'r holl weithwyr proffesiynol, staff a gwirfoddolwyr sydd wedi'u hachredu gan neu'n gweithio i asiantaeth gyhoeddus, wirfoddol neu breifat, sefydliad addoli, mudiad ffydd neu gontractwr annibynnol y mae eu gwaith yn dod â nhw i gyswllt â phlant a/neu oedolion agored i niwed. Mae'n cynnwys gweithwyr mewn carchardai a sefydliadau hyfforddi diogel, a gwasanaethau gyrru a hebrwng plant. I bwrpasau'r adran hon, bydd y term gweithiwr unigol yn ffordd o ddisgrifio gweithwyr proffesiynol, gweithiwyr wedi'u cyflogi, aelodau staff a gwirfoddolwyr.

Gall honiadau o gam-drin gael eu gwneud yn erbyn gweithiwr unigol naill ai yn ei fywyd preifat neu yn ei waith.

Pan mae rhywun yn honni bod gweithiwr unigol yn cam-drin yn ei fywyd preifat, dylid gwneud ymholiadau amddiffyn plant yn unol â'r canllawiau sy'n cael sylw yn Rhan 3. Yn ogystal â'r canllawiau yn Rhan 3, dylai'r drafodaeth strategaeth a/neu'r cyfarfod strategaeth ystyried:

- Hysbysu'r cyflogwr am yr honiad;
- Ymestyn yr ymholiadau amddiffyn plant adran 47 i gynnwys plant eraill y mae'r gweithiwr unigol yn dod i gysylltiad â nhw yn ei waith;
- Cynnull cyfarfod strategaeth i ystyried a yw plant eraill y mae'r gweithiwr unigol yn dod i gysylltiad â nhw yn ei waith yn debygol o ddioddef niwed.

Pan mae'r gweithiwr unigol yn gweithio gydag oedolion agored i niwed, dylid atgyfeirio'r honiadau at yr uwch reolwr perthnasol sy'n gyfrifol am oedolion agored i niwed.

carefully considered, particularly when a child has to be moved as the result of an allegation;
- Arrange for staff to verify and comment on the factual information given;
- Appoint a case co-ordinator within the establishment, who will receive the information on the outcome of the child protection enquiries and the criminal investigation.

A full record of the meeting will be made, including any reasons for no further action if appropriate.

4.3.6 Allegations of abuse about or against a professional, staff member or volunteer in contact with children and vulnerable adults (or who manage/supervise/influence services)

Each agency must identify a senior manager/executive with responsibility for its professional abuse policy.

4.3.6.1 Responding to referrals about professionals who abuse a child in their professional or their private capacity

This section applies to all professionals, employees and volunteers working for or accredited by a public, voluntary, private agency, place of worship or faith organisation or independent contractor, whose work brings them into contact with children and/or vulnerable adults. It includes employees working in prisons, secure training establishments, and escort driving services for children. For the purposes of this section the term individual employee will be used to describe a professional, employee, member of staff and volunteer.

Allegations of abuse may be made against an individual employee in either their private life or their working capacity.

In the event of an allegation of abuse being made against an individual employee in their private life, child protection enquiries should be conducted in accordance with the procedures described in Part 3. In addition to the procedures in Part 3 the strategy discussion and/or strategy meeting should consider the following:

- Informing the employer about the allegation;
- Extending the child protection section 47 enquiries to include other children with whom the individual employee has contact at work;
- Convening a strategy meeting to consider likelihood of harm to other children with whom the individual employee has contact at work.

Rhaid i'r cyflogwr roi gwybod i adran gwasanaethau cymdeithasol yr awdurdod lleol pan mae rhywun yn honni bod gweithiwr unigol wedi cam-drin plentyn a/neu wedi cyflawni trosedd yn erbyn plentyn yn ei waith, neu'n rhoi gwybodaeth sydd yn arwydd ei fod wedi ymddwyn tuag at blentyn mewn ffordd a allai ei wneud yn anaddas i weithio gyda phlant. Rhaid i'r cyflogwr hefyd roi gwybod ar unwaith i'r heddlu am unrhyw drosedd bosib. Ar ôl derbyn yr atgyfeiriad, bydd yr uwch reolwr priodol yn adran gwasanaethau cymdeithasol yr awdurdod lleol yn cyd-drefnu'r ymateb.

Bydd yr uwch reolwr sy'n gyfrifol yn mynd ati i drafod yn y lle cyntaf gyda'r cyflogwr. Os gall y cyflogwr ddangos yn gwbl ddiamheuol yn ystod y drafodaeth gychwynnol hon fod yr honiad yn ffug a/ neu nad oes sail i'r honiad, gallai'r uwch reolwr benderfynu nad oes angen camau pellach. Gallai'r uwch reolwr benderfynu ymgynghori â'r heddlu cyn dod i'r fath benderfyniad. Ni ddylai'r penderfyniad fyth gael ei seilio ar farn y cyflogwr am gymeriad a/neu amgylchiadau personol y gweithiwr unigol dan sylw, ac am y sawl a wnaeth yr honiad. Os y penderfyniad yw i beidio â chymryd camau pellach, mae gofyn i'r uwch reolwr ystyried:

- Rhoi gwybod i rieni'r plentyn am yr honiad a'r canlyniad. Mewn rhai amgylchiadau neilltuol (er enghraifft, os oes angen triniaeth feddygol ar y plentyn) efallai y bydd angen i'r cyflogwr roi gwybod i'r rhieni ar unwaith, cyn mynd ati i drafod.
- Rhoi gwybod i'r gweithiwr unigol am yr honiad, yn cynnwys faint o fanylion i'w rhoi iddo.

Rhaid cofnodi'r rhesymau dros wneud y penderfyniad.

Os oes lle i amau, ar ôl y drafodaeth gychwynnol rhwng yr uwch reolwr a'r cyflogwr fod plentyn yn dioddef neu'n debygol o ddioddef niwed arwyddocaol, a/neu fod trosedd wedi cael ei chyflawni yn ei erbyn, a/neu fod y gweithiwr unigol wedi ymddwyn tuag at y plentyn mewn ffordd sy'n awgrymu nad yw'n addas iddo weithio gyda phlant, bydd yr uwch reolwr yn trefnu i drafodaeth strategaeth gael ei chynnal gyda'r heddlu i ystyried a oes angen mynd ati i amddiffyn y plentyn ar unwaith. Bydd hefyd yn trefnu cyfarfod strategaeth.

Gallai'r cyflogwr benderfynu ar unrhyw adeg ar ôl cael gwybod am yr honiad i atal y gweithiwr unigol o'i waith er mwyn amddiffyn y plentyn. Bydd modd pwyso a mesur wedyn a oes perygl i blant eraill ddioddef niwed, a mynd ati i wneud yr ymholiadau amddiffyn plant a/neu'r ymchwiliad troseddol.

Ar ben hynny, os yw'r gweithiwr unigol yn penderfynu ymddiswyddo ar unrhyw adeg ar ôl i'r honiad gael ei wneud, rhaid i'r camau amddiffyn plant ac unrhyw gamau disgyblu fynd yn eu blaen. Rhaid i'r cyflogwr beidio â gwneud unrhyw gytundebau cyfaddawdu gyda'r gweithiwr.

In circumstances where the individual employee is working with vulnerable adults, the allegations should be referred to the appropriate senior manager for vulnerable adults.

The local authority social services department must be informed by the employer in the event of an allegation of abuse and/or a criminal offence against a child being made about an individual employee in their working capacity, or information indicating that they have behaved towards a child in a way that may make the individual employee unsuitable to work with children The employer must also immediately inform the police about a possible criminal offence. Following receipt of the referral the appropriate responsible senior manager in the local authority social services department will coordinate the response.

The responsible senior manager will have an initial discussion with the employer. If during the initial discussion the employer can unequivocally demonstrate that the allegation is false and/or unfounded, the senior manager may make a decision that there should be no further action. The senior manager may want to consult with the police before arriving at this decision. The decision should never be based on the employer's opinion about the character and/or personal circumstances of the individual employee and about the person making the allegation. In the event of no further action being taken the senior manager will consider the following:

- Informing the child's parents about the allegation and outcome. In certain circumstances the employer may need to advise parents immediately, before any discussion, if the child requires medical treatment;
- Informing the individual employee about the allegation, including the amount of detail that should be provided.

The reasons for the decision must be recorded.

If, following the initial discussion between the senior manager and the employer, there is cause to suspect a child is suffering or likely to suffer significant harm, and/or a criminal offence against a child has been committed, and/or the individual employee has behaved towards a child in a way that indicates he/she is unsuitable to work with children, the senior manager will arrange for a strategy discussion with the police to consider any immediate action to protect the child, and to arrange a strategy meeting.

At any point after being informed about the allegation the employer may decide to suspend the individual employee in order that the child can be afforded protection; the possible risk of harm to children can be evaluated; and, the child protection enquiries and/or criminal investigation be undertaken.

In addition if the individual employee decides to resign at any time following the allegation the child protection procedures and any disciplinary processes

4.3.6.2 Y cyfarfod strategaeth

Bydd yr uwch reolwr yn trefnu i gyfarfod strategaeth gael ei gynnull o fewn 2 ddiwrnod gwaith i ddyddiad yr atgyfeiriad.

Bydd pob asiantaeth berthnasol yn cael ei gwahodd i'r cyfarfod strategaeth. Rhaid hefyd ystyried gwahodd:

- Y cyflogwr;
- Adran adnoddau dynol neu bersonél y corff sy'n cyflogi;
- Y corff rheoleiddio yn ôl y diffiniad yn Neddf Safonau Gofal 2000;
- Arolygiaeth Carchardai Ei Mawrhydi, os yw'r honiad yn erbyn gweithiwr mewn carchar, canolfan hyfforddi ddiogel neu sefydliad troseddau ieuenctid;
- Os yw'r honiad yn erbyn unigolyn sydd hefyd â chyswllt ag oedolyn sy'n agored i niwed, neu mae'r fath oedolyn yn ei ofal, dylid gwahodd y cyd-drefnydd ar ran oedolion agored i niwed neu'r rheolwr sydd wedi'i ddynodi i arwain yn yr ardal lle mae'r oedolyn sy'n agored i niwed yn byw.

Rhaid i uwch swyddog gadeirio'r cyfarfod strategaeth.

Bydd y cyfarfod strategaeth yn rhoi sylw i'r holl wybodaeth ragarweiniol a ddaeth i law trwy'r atgyfeiriad a'r asesiad cychwynnol. Bydd yn ystyried hefyd y wybodaeth a ddaeth i law gan y cyflogwr am yr amgylchiadau a chyd-destun yr honiad. Dylai'r cyfarfod strategaeth ddilyn y canllawiau yn Rhan 3 a rhoi sylw i'r ystyriaethau sy'n dilyn:

- Bydd angen i'r cyfarfod strategaeth ystyried ac asesu a oes perygl i blant y gweithiwr unigol ei hun ddioddef niwed, a chytuno ar unrhyw gamau gweithredu sy'n ofynnol;
- Pan mae'r honiad yn erbyn un o weithwyr unigol yr adran gwasanaethau cymdeithasol neu'r heddlu, gallai'r cyfarfod strategaeth argymell comisiynu asiantaeth annibynnol i wneud yr ymholiadau amddiffyn plant;
- Yn ystod y cyfarfod strategaeth, rhaid bob amser ystyried atal gweithiwr unigol o'i waith os oes lle i amau bod plentyn mewn perygl o ddioddef niwed arwyddocaol, a/neu bod yr honiad yn ddigon difrifol i'r heddlu wneud ymchwiliad troseddol, a/neu gallai'r honiad fod yn achos dros ddiswyddo'r unigolyn. Nid yw atal gweithiwr unigol o'i waith yn un o'r gofynion awtomatig a dylid ystyried yn ofalus cyn argymell gwneud hynny. Dylai'r sefyllfa gael ei hadolygu ym mhob cyfarfod strategaeth ac yn y cyfarfod i roi canlyniad yr ymchwiliad. Dim ond argymell atal y gweithiwr y gall y cyfarfod strategaeth ei wneud. Dim ond y cyflogwr sydd â'r awdurdod i atal gweithiwr unigol. Ond, os bydd cyflogwr yn penderfynu peidio ag atal gweithiwr unigol, dylid ei annog i

shall continue. The employer must not enter into any compromise agreements with the employee.

4.3.6.2 Strategy meeting

The senior manager will arrange for a strategy meeting to be convened within 2 working days of the referral.

All relevant agencies will be invited to the strategy meeting, and, in addition consideration should be given to inviting the following:

- The employer;
- The human resources/personnel department of the employing organisation;
- The regulating body as defined in the Care Standards Act 2000;
- HMIP, if the allegation is about an employee in a prison, secure training centre or youth offending institution;
- If the allegations concern an individual who also has contact or care of a vulnerable adult the vulnerable adult co-ordinator or designated lead manager in the area in which the vulnerable adult lives should be invited to attend.

The strategy meeting must be chaired at a senior level.

The strategy meeting will take account of the preliminary information gathered in the referral and initial assessment, and the information provided by the employer about the circumstances and context of the allegation. The strategy meeting should follow the procedures in Part 3 and the additional considerations:

- The strategy meeting will also need to consider and evaluate the risk of harm to the individual employee's own children, and agree any actions that are required;
- When the allegation is about an individual employee of the social services department or the police the strategy meeting may recommend commissioning an independent agency to undertake the child protection enquiries;
- During the strategy meeting the suspension of an individual employee must always be considered where there is cause to suspect that a child is at risk of significant harm, and/or where the allegation warrants a criminal investigation by the police, and/or where the allegation might be grounds for dismissal. The suspension of an individual employee is not an automatic requirement and should only be

wneud asesiad rheoli risg, a dylai rannu'r canlyniad gyda'r cyfarfod strategaeth. Dylai hefyd ystyried symud gweithiwr unigol i swydd arall o fewn y sefydliad lle nad yw'n dod i gysylltiad â phlant.

Mae atal gweithiwr o'i waith yn cael ei ystyried fel gweithred niwtral a dylai gael ei ystyried:

- Yn achos honiad a fyddai'n arwain at ddiswyddo neu erlyniad os yw'n cael ei brofi;
- Lle y gallai plentyn fod mewn perygl pe na bai'r aelod o staff yn cael ei atal o'i waith;
- Lle y mae'n angenrheidiol cyn y gall ymholiadau amddiffyn plant dan adran 47 a/neu ymchwiliad troseddol a'r broses o gymryd datganiadau ar gyfer achos llys fynd yn eu blaen yn iawn.

4.3.6.3 Canlyniad y cyfarfod strategaeth

Bydd y cyfarfod strategaeth yn gwneud un o'r penderfyniadau sy'n dilyn:

- I fynd ymlaen gydag ymholiadau amddiffyn plant dan adran 47 a/neu ymchwiliad troseddol;
- Nad yw ymholiadau amddiffyn plant dan adran 47 yn ofynnol ac y dylai'r cyflogwr ddelio â'r honiad dan drefn ddisgyblu'r corff ei hun;
- Nad oes angen cymryd unrhyw gamau pellach.

Os yw'r cyfarfod strategaeth yn penderfynu nad oes angen cymryd unrhyw gamau pellach, dylid cofnodi'r rhesymau dros y penderfyniad.

Efallai y bydd angen cynnal rhagor o gyfarfodydd strategaeth os yw'r ymholiadau amddiffyn plant dan adran 47 a/neu ymchwiliad troseddol a/neu drefn ddisgyblu'r corff ei hun yn dangos bod perygl i blant eraill gael niwed. Ar ben hynny, yn ystod ymholiad maith a chymhleth, dylai adran gwasanaethau cymdeithasol yr awdurdod lleol fynd ati i fonitro cynnydd yr ymholiadau amddiffyn plant dan adran 47 trwy gytuno i gynnull cyfarfod strategaeth yn rheolaidd i'w hadolygu.

Dylai'r cyfarfod strategaeth greu cynllun gweithredu gydag amserlenni er mwyn osgoi unrhyw oedi diangen.

Mae'n debygol mai canlyniad nifer o honiadau fydd na fydd erlyniad troseddol yn digwydd, a bod y cyflogwr a/neu'r corff rheoleiddio'n cymryd camau disgyblu. Gall fod yn bosib osgoi oedi a dyblygu gwaith trwy argymell yn y cyfarfod strategaeth fod swyddog yr heddlu a/neu'r gweithiwr cymdeithasol sy'n gwneud y cyfweliadau'n gofyn am ganiatâd y sawl sy'n cael ei gyfweld i'r wybodaeth y mae'n ei rhoi gael ei rhannu gyda'r cyflogwr a/neu'r corff rheoleiddio a/neu'r gwasanaeth ymchwilio annibynnol pan ddaw'r ymholiadau i ben a/neu ar ôl y gwrandawiad llys.

recommended after careful consideration, and reviewed at each strategy meeting and the investigation outcome meeting. The strategy meeting can only recommend suspension; the authority to suspend an individual employee rests with the employer. However, in the event of an employer deciding not to suspend an individual employee, the employer should be encouraged to undertake a risk management assessment that should be shared with the strategy meeting, and/or consider the redeployment of an individual employee to a position where he/she has no contact with children.

Suspension is considered a neutral act and should be considered:

- Where an allegation has been made which, if proven, would lead to a dismissal or prosecution;
- Where a child could be placed in danger if the member of staff were not removed from duty;
- Where it is necessary to allow full and proper child protection section 47 enquiries and/or criminal investigation and the taking of statements for criminal proceedings.

4.3.6.3 Outcome of the strategy meeting

The strategy meeting will decide the following:

- To undertake child protection section 47 enquiries and/or a criminal investigation;
- That child protection section 47 enquiries are not required and the employer should deal with the allegation in accordance with the organisation's own disciplinary procedures;
- No further action should be taken.

If the outcome of the strategy meeting is for no further action to be taken, the reasons for the decision should be recorded.

It may be necessary to hold further strategy meetings in the event of child protection section 47 enquiries, and/or criminal investigation, and/or the organisation's disciplinary process identifying a risk of harm to other children. In addition during a prolonged and complex enquiry the local authority social services department should monitor the progress of the child protection section 47 enquiries by convening review strategy meeting at agreed intervals.

The strategy meeting should develop an action plan with timescales in order to avoid unnecessary delay.

4.3.6.4 Rhoi gwybodaeth i'r aelod staff

Dylai'r cyflogwr roi gwybod cyn gynted â phosib i'r gweithiwr unigol am yr honiad, oni bai y byddai gwneud hynny'n rhoi plentyn mewn perygl o ddioddef rhagor o niwed a/neu'n amharu ar yr ymchwiliad troseddol. Dylai'r cyflogwr roi'r wybodaeth ddiweddaraf i'r gweithiwr wrth i'r ymholiad fynd ei flaen. Rhaid i uwch reolwr adran gwasanaethau cymdeithasol yr awdurdod lleol, yr heddlu a'r cyflogwr gytuno ar y wybodaeth y mae'n bosib ei datgelu i'r gweithiwr unigol.

Dylai'r gweithiwr unigol gael gwybod y bydd yr ymholiad amddiffyn plant yn cael ei weithreu yn unol â'r canllawiau amddiffyn plant. Bydd rhaid tawelu meddwl y gweithiwr unigol y bydd popeth yn cael ei wneud i barchu cyfrinachedd ac i osgoi cyhoeddusrwydd gan y cyfryngau yn ystod yr ymholiadau. Ond, bydd unrhyw wybodaeth sy'n dod i law ac sy'n berthnasol i achos llys neu drefn ddisgyblu'n cael ei datgelu i'r pwrpasau hynny.

Os yw'r gweithiwr unigol yn perthyn i undeb llafur neu gymdeithas broffesiynol, dylid ei gynghori i gysylltu â'r corff hwnnw.

Ni fydd y gweithiwr unigol yn cael ei wahodd i'r cyfarfodydd strategaeth nac i'r cyfarfod canlyniad yr ymchwiliad. Ar ôl y cyfarfod canlyniad yr ymchwiliad, ac o fewn pum diwrnod gwaith, rhaid i'r cadeirydd ysgrifennu at y gweithiwr unigol i roi gwybod iddo am yr honiad a wnaed yn ei erbyn, y drefn a gafodd ei dilyn, a'r canlyniad. Rhaid rhoi gwybod hefyd am y penderfyniadau a gafodd eu gwneud, oni bai y byddai hynny'n amharu ar ymholiadau pellach neu ar y drefn gyfreithiol.

4.3.6.5 Cyfarfod canlyniad yr ymchwiliad

Pan mae'r ymholiadau amddiffyn plant dan adran 47 a/neu'r ymchwiliad troseddol wedi cael eu cwblhau, dylid cynnull cyfarfod canlyniad yr ymchwiliad.

Y rheolwr yn y gwasanaethau cymdeithasol sy'n gyfrifol am amddiffyn plant fydd yn cynnull y cyfarfod canlyniad yr ymchwiliad, a hynny o fewn pum diwrnod gwaith i ddyddiad cwblhau'r ymholiadau amddiffyn plant dan adran 47. Bydd y cyfarfod yn penderfynu a fydd honiad yn dal i gael sylw dan y canllawiau hyn. Bydd y bobl oedd yn bresennol yn y cyfarfod strategaeth yn dod i'r cyfarfod canlyniad, gydag unrhyw swyddogion eraill sydd wedi bod yn ymwneud yn uniongyrchol â'r ymchwiliad, ac eiriolwr y plentyn.

Bydd y cyfarfod i roi canlyniad yr ymchwiliad yn:

- Pwyso a mesur y wybodaeth a ddaeth i law yn ystod yr ymholiadau;
- Penderfynu, wrth gydbwyso yr hyn sy'n debygol, pa un ai a oes sail i'r honiad neu mewn geiriau eraill a yw'r honiad wedi ei gadarnhau ;
- Penderfynu, yng ngoleuni'r wybodaeth a ddaeth i law, a oes angen camau pellach;

The outcome for a number of allegations is likely to be that a criminal prosecution does not take place, and that the employer and/or regulatory body undertake disciplinary proceedings. The avoidance of delay and duplication may be facilitated by a recommendation at the strategy meeting that the interviewing police officer and/or social worker seek consent from individuals being interviewed to share the information provided with the employer and/or regulatory body and/or independent investigation service at the conclusion of the enquiries and/or court hearing.

4.3.6.4 Information to the staff member

The employer should inform the individual employee about the allegation at the earliest opportunity, unless to do so may place a child at risk of further harm and/or prejudice the criminal investigation. The employer should keep the individual employee up to date with the progress of the enquiries. The local authority social services department senior manager, the police and the employer must agree the information that can be disclosed to the individual employee.

The individual employee should be informed that the child protection enquiry would be carried out in accordance with the child protection procedures. The individual employee will be assured that every effort will be made to preserve confidentiality and avoid media publicity during the enquiries. However any information gathered that is relevant for criminal proceedings or disciplinary procedures will be disclosed for those purposes.

If the individual employee is a member of a trade union or professional association they should be advised to contact that organisation.

The individual employee will not be invited to strategy meetings or the investigation outcomes meeting. At the conclusion of the investigation outcomes meeting and within 5 working days, the chair must write to the individual employee and inform them about the allegation that was made, the procedures followed, and, the outcome, including decisions that were made, unless to do so would prejudice any further enquiries or the legal process.

4.3.6.5 Investigation outcome meeting

When the child protection section 47 enquiries and/or criminal investigation has been concluded an investigation outcome meeting should be convened.

The social services manager with responsibility for child protection will convene an investigation outcome meeting within five working days of the completion of the child protection section 47 enquiries. The meeting will determine whether an allegation continues to be dealt with under these procedures. The meeting will be attended by those involved in the strategy meeting, plus relevant others who have been directly involved in the investigation process, and the child's advocate.

The investigation outcome meeting will:

- Gofalu, os oes angen, fod cymorth a gwasanaethau ar gael i'r plentyn neu'r plant;
- Penderfynu a oes angen argymell i'r cyflogwr atgyfeirio'r achos dan Ddeddf Amddiffyn Plant (POCA) neu ganllawiau Amddiffyn Oedolion Agored i Niwed (POVA) a Rhestr 99 (ac unrhyw drefniadau eraill y bydd Llywodraeth Cynulliad Cymru'n eu cyflwyno yn y dyfodol);
- Cynnig cyngor i'r heddlu o ran cofnodi gwybodaeth ar Gyfrifiadur Cenedlaethol yr Heddlu, gan ofalu'n benodol fod canlyniad yr ymchwiliad yn cael ei gofnodi'n glir;
- Cytuno ar y wybodaeth am yr ymchwiliad a'r camau gweithredu i'w rhoi i Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru, os yw'r Arolygiaeth yn ymwneud â'r achos;
- Trafod a gwneud argymhellion i'r rheolwr sy'n cynrychioli'r cyflogwr ynglŷn â gweithredu yn achos gweithiwr a gafodd ei atal dros dro neu ei symud i swydd arall yn ystod yr ymchwiliad;
- Cynghori ar gymorth i staff pan mae pryderon wedi eu cadarnhau/heb eu cadarnhau;
- Os y penderfyniad yw nad yw'r honiad wedi ei gadarnhau, cofnodi'r rheswm dros y penderfyniad.

4.3.6.6 Ystyriaethau ychwanegol o ran addysg

Mae'r drefn sy'n cael ei disgrifio yn 4.3.6 yr un mor berthnasol i staff dysgu, a rhaid i'r atgyfeiriad amddiffyn plant gael ei wneud i'r gwasanaethau cymdeithasol.

Roedd y Comisiynydd Plant yn argymell yn adroddiad Clywch y dylai fod elfen ymchwilio annibynnol yn bodoli mewn perthynas ag unrhyw drefn ddisgyblu yn achos staff dysgu y mae pryderon amddiffyn plant yn eu cylch.

Mae Llywodraeth Cynulliad Cymru wedi disgrifio'r angen hwn am wasanaeth ymchwilio annibynnol yn *Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006.* Mae gofyn bellach i ysgolion ddefnyddio gwasanaeth ymchwilio annibynnol ar gyfer unrhyw drefn ddisgyblu yn ymwneud â staff dysgu. Pwrpas y gwasanaeth ymchwilio annibynnol yw cynorthwyo cyrff llywodraethol ysgolion sy'n ystyried materion disgyblu.

Ond ni ddylai'r elfen ymchwilio annibynnol gael ei chyflwyno tan fydd yr asiantaethau statudol wedi cwblhau'r ymholiadau amddiffyn plant a/neu'r ymchwiliad troseddol.

Bydd rôl gan gyfarfod canlyniad yr ymchwiliad wrth benderfynu pryd fydd elfen ymchwilio annibynnol unrhyw drefn ddisgyblu'n dechrau.

Dylai'r Byrddau Lleol Diogelu Plant ofalu bod protocolau'n bod ar gyfer rhannu gwybodaeth yn briodol â'r gwasanaeth ymchwilio annibynnol.

- Evaluate the information gathered during the enquiries;
- Decide, on the balance of probability, whether there is substance in the allegation
- Decide whether any further action is needed, in the light of the information gathered;
- Ensure support and services are available for the child or children where indicated;
- Decide whether to recommend that the employer make a referral under the POCA and POVA procedures, and List 99 (and future arrangements brought in by the the Welsh Assembly Government);
- Offer advice to the police regarding any entry on the Police National Computer taking particular care to ensure that the outcome of the investigation is clearly recorded;
- Agree reporting arrangements to CSSIW, if involved, on the investigation and action taken or to be taken;
- Discuss and make recommendations to the employing manager in relation to employees who may have been temporarily suspended or redeployed for the duration of the investigation;
- Advise on support for staff where concerns are substantiated/ are not substantiated;
- If the allegation is deemed to be not substantiated, record the reason for this decision.

4.3.6.6 Additional considerations in respect of education

The process described in 4.3.6 applies equally to teaching staff, and the child protection referral must be made to social services.

The Children's Commissioner in the Clywch report, recommended an independent investigative element to be in place in respect of any disciplinary process, in relation to teaching staff where there are child protection concerns.

The Welsh Assembly Government has in the *Staffing of Maintained Schools (Wales) Regulations 2006* set out this requirement for an independent investigation service. Schools are now required to use an independent investigation service in respect of any disciplinary process in relation to teaching staff. The purpose of the independent investigation service is to support the school governing bodies when considering a disciplinary matter.

However the independent investigative element should not be introduced until the completion of the child protection enquiries and/or criminal investigation by the statutory agencies.

4.3.6.7 Gweithredu ar ôl y gwrandawiad llys

Dylai'r heddlu a Gwasanaeth Erlyn y Goron roi gwybod i'r cyflogwr ac i uwch reolwr adran y gwasanaethau cymdeithasol pan fydd achos troseddol wedi dod i ben, ac am ganlyniad yr achos. Dylai uwch reolwr adran y gwasanaethau cymdeithasol drefnu i gyfarfod strategaeth amddiffyn plant gael ei gynnull. Pwrpas y cyfarfod strategaeth fydd ystyried canlyniad yr achos llys a phenderfynu a oes angen unrhyw argymhellion neu gamau pellach.

Os bydd y llys yn penderfynu bod y gweithiwr unigol yn euog o'r drosedd ac mae'n cael ei ddiswyddo neu'n ymddiswyddo, rhaid i'r cyfarfod strategaeth argymell i'r cyflogwr roi gwybod i'r corff rheoleiddio perthnasol neu'r corff gwahardd. Mae dyletswydd statudol ar gyflogwyr yn y sector addysg i atgyfeirio gweithwyr unigol.

Pan mae llys yn penderfynu nad yw gweithiwr unigol yn euog, bydd y cyflogwr yn penderfynu a oes angen unrhyw gamau disgyblu pellach. Os bydd y gweithiwr unigol yn dychwelyd i'w waith, bydd y cyfarfod strategaeth yn penderfynu sut mae rheoli'r cyswllt rhwng y gweithiwr unigol a'r plentyn. Bydd yn penderfynu hefyd a oes angen unrhyw wasanaethau ar y plentyn.

Ni ddylai'r cyflogwr byth ddod i gytundeb cyfaddawdu gyda gweithiwr unigol sy'n penderfynu ymddiswyddo. Dylai'r drefn ddisgyblu a'r broses hysbysu fynd yn eu blaen bob amser.

Dylai'r cyfarfod strategaeth drefnu i'r plentyn a'i rieni gael gwybod am y canlyniadau.

4.4 Honiadau o gam-drin yn achos plant sy'n derbyn gofal ac sy'n byw y tu allan i ardal eu hawdurdod lleol

Mae'r canllaw hwn yn berthnasol pan mae plentyn sy'n derbyn gofal yn byw y tu allan i ardal ei awdurdod lleol ei hun a/neu ei fod mewn lleoliad sydd ddim yn cael ei ddarparu'n uniongyrchol gan yr awdurdod gwreiddiol. Gallai'r plentyn fod yn byw gyda gofalwyr sy'n perthyn iddo, mewn cartref preswyl neu mewn lleoliad y mae asiantaeth faethu annibynnol wedi'i drefnu. Dylai'r drefn fod yn berthnasol hefyd i blant mewn llety diogel, canolfannau hyfforddi diogel, sefydliadau i droseddwyr ifanc a charchardai lle mae pobl ifanc dan 18 oed yn cael eu cadw.

Rhaid i unrhyw honiad neu ddigwyddiad o gamdrin plant ynglŷn â phlentyn sy'n derbyn gofal ac sydd wedi ei leoli mewn awdurdod arall, gael ei adrodd i uwch reolwr y cartref preswyl neu reolwr gofal maeth yr awdurdod lle mae'r plentyn wedi cael ei leoli. Rhaid rhoi gwybod hefyd i'r rheolwr sy'n gyfrifol am amddiffyn plant yn adran gwasanaethau cymdeithasol yr awdurdod hwnnw. Rhaid i weithiwr cymdeithasol y plentyn gael gwybod am yr honiad neu'r digwyddiad hefyd.

The investigation outcome meeting will have a role in determining when the independent investigative element of any disciplinary process commences.

LSCBs should ensure that there are protocols in place for the appropriate sharing of information with the independent investigation service.

4.3.6.7 Action after the court hearing

The police and CPS should inform the employer and the social services department senior manager when a criminal trial has been concluded and its outcome. The social services department senior manager should arrange for a child protection strategy meeting to be convened. The purpose of the strategy meeting will be to consider the outcome of the court hearing and decide any further recommendations and actions.

In the event of a criminal conviction and the individual employee is dismissed or resigns, the strategy meeting must recommend that the employer notify the relevant regulatory/barring organisation. Employers in the education sector are under a statutory duty to refer individual employees.

In the event of a court decision that does not find the individual employee guilty, the employer will decide if any further disciplinary action is required. If the individual employee is to return to work the strategy meeting will consider how the contact between the individual employee and child should be managed, and any services that the child may need.

The employer should never reach a compromise agreement with an individual employee who decides to resign. The disciplinary procedure and notification should always be carried out.

The strategy meeting should arrange to keep the child and his/her parents informed of the outcomes.

4.4 Allegations of abuse of looked after children who are living outside their local authority area

This procedure applies when a looked after child lives outside his/her own local authority area, and/or is in a placement that is not directly provided by the originating authority. The child may be living with kinship carers, in a residential home or a placement provided by an independent fostering agency. The procedures should also be applied to children placed in secure accommodation, secure training centres, young offender institutions and prisons where young people under 18 are detained.

Any allegation or incidence of child abuse concerning a looked after child placed in another local authority must be reported to the senior manager of the residential home or the foster care manager of the authority where the child is placed. The social services manager responsible for child protection for that authority must also be informed. The child's social worker must also be told about the allegation or incident.

Rhaid i'r awdurdod gwreiddiol roi gwybod am y digwyddiad yn syth i weithiwr cymdeithasol y plentyn, a bydd y gweithiwr cymdeithasol yn rhoi gwybod i'r rheolwr tîm perthnasol. Os y plentyn sydd wedi'i leoli yn ardal yr awdurdod arall yw'r sawl sydd wedi'i gyhuddo o gam-drin, bydd rhaid dilyn yr un canllawiau.

Bydd y gweithiwr cymdeithasol yn rhoi gwybod i rieni'r plentyn am y digwyddiad ac yn esbonio y bydd canllawiau amddiffyn plant yn cael eu dilyn.

4.4.1 Cyfrifoldeb dros y cyfarfod strategaeth a'r ymchwiliad

- Pan ddaw cwyn gan blentyn sy'n derbyn gofal ac sy'n cael ei ddarganfod yn byw y tu allan i'r awdurdod gwreiddiol, yr awdurdod lle cafodd y plentyn ei ddarganfod a fydd yn cynnull y cyfarfod strategaeth cychwynnol;
- Rhaid i reolwyr perthnasol y gwasanaethau cymdeithasol gael gwybod am yr atgyfeiriad, heb unrhyw oedi. Rhaid trefnu'r cyfarfod strategaeth (neu'r drafodaeth strategaeth os yw pellter yn creu problemau) fel ei bod hi'n bosib i gynrychiolwyr ddod o'r awdurdod gwreiddiol a'r awdurdod lle'r oedd y digwyddiad i fod wedi digwydd, os yw'n wahanol i'r awdurdod lle y cafodd y plentyn ei ddarganfod ar adeg y gwyn. Bydd y cyfarfod strategaeth yn penderfynu pa un o'r awdurdodau a fydd yn gyfrifol am wneud yr ymholiadau amddiffyn plant dan adran 47, er mai'r drefn arferol yw i'r awdurdod lle bu'r digwyddiad wneud yr ymholiadau. Bydd y cyfarfod strategaeth yn penderfynu hefyd sut bydd yr awdurdodau perthnasol eraill yn cyfrannu at yr ymholiadau amddiffyn plant adran 47;
- Rhaid cofnodi'n glir y penderfyniad hwn a'r rhesymau dros ei wneud. Dylai'r penderfyniad gael ei wneud gyda'r bwriad clir o amddiffyn y plentyn.

4.4.2 Y cyfarfod strategaeth

Dylai rheolwr y gwasanaethau cymdeithasol sy'n gyfrifol am amddiffyn plant ofalu bod cyfarfod strategaeth yn cael ei gynnull gyda'r aelodau craidd sy'n dilyn yn bresennol:

- Un o uwch reolwyr yr awdurdod lleol lle mae'r plentyn yn byw neu'r awdurdod lle y cafodd ei ddarganfod ar adeg yr honiad. Yr uwch reolwr hwn fydd yn cadeirio'r cyfarfod;
- Swyddog(ion) yr heddlu sy'n perthyn i'r tîm sy'n gwneud yr ymholiadau amddiffyn plant a/neu'r ymchwiliad troseddol;
- Un neu fwy o aelodau staff adran gwasanaethau cymdeithasol yr awdurdodau lleol perthnasol;
- Aelod o staff y cartref preswyl neu'r rheolwr gofal maeth, p'un bynnag sy'n berthnasol;

The originating authority should immediately inform the child's social worker of the incident, and the social worker will inform the appropriate team manager. If the child placed in the other local authority area is the alleged abuser, the same procedures will be followed.

The social worker will inform the child's parents of the incident and explain that child protection procedures will be followed.

4.4.1 Responsibility for the strategy meeting and investigation

- Where a complaint is received from a looked after child, found living away from the originating authority the initial strategy meeting will be convened by the authority where the child is found when he or she makes the complaint;
- The relevant social services managers should be informed about the referral without delay, and the strategy meeting (or discussion where there are constraints of distance) must be organised to allow for the attendance of a representative of the originating authority, and the authority where the incident is alleged to have happened if that is different from the authority where the child is found at the time of the complaint. The strategy meeting will decide which authority should have responsibility for carrying out the child protection section 47 enquiries although this will usually be the authority in whose area the incident occurred. The meeting will also decide what part the other relevant authorities should play in the child protection section 47 enquiries;
- The decision and reason for making this decision need to be clearly recorded and made in the best interest of protecting the child.

4.4.2 Strategy meeting

The social services manager with responsibility for child protection should ensure that a strategy meeting is convened which will consist of the following core members:

- A senior manager of the local authority in which the child is living or was found at the time of the allegation, who will chair the meeting;
- Police officer(s) from the team undertaking the child protection enquiries and/or criminal investigation;
- One or more social services representatives from relevant local authorities;

- Unrhyw weithiwr proffesiynol arall a allai gyfrannu at y cyfarfod.

Bydd y cyfarfod strategaeth yn rhoi sylw i'r materion sy'n cael eu disgrifio yn yr adrannau blaenorol mewn perthynas â honiadau o gam-drin yn erbyn gweithwyr proffesiynol neu ofalwyr maeth. Ar ben hynny, bydd angen iddyn nhw benderfynu:

- Ar y gweithwyr proffesiynol a fydd yn gyfrifol am y gwahanol rannau o'r ymholiadau amddiffyn plant dan adran 47;
- Ar rôl awdurdod gwreiddiol y plentyn yn yr ymholiadau amddiffyn plant dan adran 47, ac mewn unrhyw ymchwiliad troseddol posib a materion disgyblu staff.

Bydd yr holl benderfyniadau'n cael eu cofnodi a'u cylchredeg o fewn pum diwrnod gwaith. Efallai y bydd angen cynnull rhagor o gyfarfodydd strategaeth yn ystod yr ymholiadau, a rhaid cofnodi a chylchredeg penderfyniadau'r rheini.

Weithiau, bydd rhai pobl ifanc yn arbennig o agored i niwed neu'n cael eu cydnabod fel perygl i blant eraill. Yn y fath achosion, bydd uwch reolwr yr awdurdod gwreiddiol ac uwch reolwr yr awdurdod lle y cafodd y plentyn ei ddarganfod neu ei leoli'n penderfynu ar y cyd ar leoliad y plentyn yn y dyfodol.

Bydd y gweithiwr cymdeithasol yn rhoi gwybodaeth i rieni'r plentyn trwy gydol y broses amddiffyn plant. Dylai rheolwr tîm y gweithiwr cymdeithasol ofalu bod y trefniadau hyn wedi cael eu gwneud.

4.5 Ymchwilio i gam-drin wedi ei drefnu neu gam-drin lluosog

4.5.1 Diffiniad o gam-drin wedi ei drefnu neu gam-drin lluosog

Dylid cyfeirio hefyd at *Ddiogelu Plant: Gweithio Gyda'n Gilydd dan Ddeddf Plant 2004 (Pennod 9), ac Ymchwiliadau i Achosion Cymhleth o Gam-drin Plant: Materion Ryngasiantaethol* (*Llywodraeth Cynulliad Cymru 2003*).

Mae cam-drin wedi ei drefnu a cham-drin lluosog yn golygu bod un neu fwy o bobl yn cam-drin nifer o blant neu bobl ifanc sy'n perthyn iddyn nhw, neu ddim yn perthyn. Gallai'r rhai sy'n cam-drin fod yn gweithio gyda'i gilydd neu ar wahân. Gallan nhw fod yn defnyddio fframwaith sefydliadol a/neu safle o awdurdod i recriwtio plant i gael eu cam-drin. Gallan nhw fod yn targedu sefydliadau/cyrff lle nad yw mesurau amddiffyn plant yn ddigon cadarn.

Mae cam-drin wedi ei drefnu a cham-drin lluosog yn digwydd oherwydd rhwydwaith o gam-drin ar draws teulu neu gymuned ac o fewn sefydliadau fel cartrefi neu ysgolion preswyl. Mae'r cam-drin yn drawmatig iawn i'r plant dan

- A member of staff from the residential home or the foster care manager, whichever is relevant;
- Any other professional who may have a contribution to make.

The strategy meeting will address the issues outlined in the previous sections relating to allegations of abuse against professionals or foster carers, and in addition will need to identify:

- The professionals who will take responsibility for the different parts of the child protection section 47 enquiries;
- The role of the child's originating authority in relation to the child protection section 47 enquiries, any possible criminal investigation and staff disciplinary issues.

All decisions will be recorded and circulated within five working days. Further strategy meetings may need to be called during the enquiries, and decisions made at those will be recorded and circulated.

Occasionally, there will be young people who are highly vulnerable or considered to be a recognised risk to other children. In such a case, senior managers of the originating authority and the authority where the child is found or placed will make a joint decision on the child's future placement.

The social worker will keep the parents of the child informed throughout the child protection process. The social worker's team manager should ensure that these arrangements have been undertaken.

4.5 Investigating organised or multiple abuse

4.5.1 Definition of organised or multiple abuse

Reference should also be made to *Safeguarding Children: Working Together under the Children Act 2004 (Chapter 9), and Complex Child Abuse Investigations: Inter-Agency Issues* (*Welsh Assembly Government 2003*).

Organised or multiple abuse involves one or more abusers and a number of related or non-related abused children and young people. The abusers may act together or in isolation, and/ or may use an institutional framework, and/ or a position of authority to recruit children for abuse, or may target establishments/organisations where child protection procedures are not sufficiently robust.

Organised and multiple abuse occurs both as a result of a network of abuse across a family or community, and within institutions such as residential homes or schools. The abuse is traumatic for the children who become involved. Its investigation is time consuming and emotionally demanding work requiring specialist skills from the police and social services. Some

sylw. Mae ymchwilio i'r fath gam-drin yn gofyn am lawer o amser, sgiliau arbenigol a chadernid emosiynol gan yr heddlu a'r gwasanaethau cymdeithasol. Mae rhai ymchwiliadau wedi bod yn arbennig o anodd oherwydd nifer y llefydd a'r bobl sy'n rhan o'r cam-drin. Gall yr achosion fynd yn fwy cymhleth byth pan mae'r honiadau'n mynd yn ôl mewn amser ac nid yw'r dioddefwyr neu'r rhai yr honnir iddyn nhw gam-drin yn dal â chyswllt â lleoliad arbennig.

Yn gyffredinol, mae rhwydweithiau cam-drin wedi ei drefnu a cham-drin lluosog yn creu mecanweithiau soffistigedig i osgoi cael eu dal. Mae torri i mewn i'r fath rwydweithiau'n gofyn am ystyried yn ofalus y peryglon o fod yn gysylltiedig ag ymchwiliadau cymhleth.

Y prif ystyriaethau yw:

- Oedi cyn mynd ati i gynnal cyfweliadau wyneb yn wyneb er mwyn casglu tystiolaeth;
- Dod o hyd i ran fach yn unig o'r rhwydwaith cyfan, a allai olygu bod rhagor o blant yn cael eu cam-drin ym mhellach.

Wrth gynllunio'r ymateb, rhaid cofio bod natur ddifrifol a hyd a lled y math hwn o gam-drin yn ei gwneud hi'n hynod o bwysig i'r holl wybodaeth gael ei chadw'n gwbl gyfrinachol.

Mae goblygiadau unrhyw ymyriadau sydd heb eu cynllunio a'r posibilrwydd o ddenu llawer o sylw yn y cyfryngau yn gofyn i uwch reolwyr y gwasanaethau cymdeithasol a'r heddlu fod yn rhan o'r ymchwiliad o'r dechrau un. Dylai'r Byrddau Lleol Diogelu Plant fod â phrotocolau ysgrifenedig sy'n disgrifio'r drefn leol ar gyfer rheoli ymchwiliadau cymhleth.

4.5.2 Y camau gweithredu gofynnol

Bydd pob ymchwiliad i gam-drin wedi ei drefnu a cham-drin lluosog yn wahanol gan fod amgylchiadau, hyd a lled a chymhlethdod pob ymchwiliad yn amrywio.

Dylid mynd ati ar unwaith i ddod ag unrhyw amheuon o gam-drin wedi ei drefnu at sylw uwch reolwr dynodedig y gwasanaethau cymdeithasol ac uwch swyddog ditectif adran yr heddlu. Bydd y swyddogion hyn yn cydweithio ac yn gyfrifol am ddechrau'r broses ymchwilio. Bydd y naill swyddog a'r llall yn gyfrifol am roi gwybod ar unwaith i uwch reolwr ei asiantaeth. Dylai uwch reolwr yr asiantaeth drefnu bod digon o adnoddau ar gael ac y bydd staff yn cael y gefnogaeth angenrheidiol.

Dylai'r Bwrdd Lleol Diogelu Plant ofalu bod grŵp rheoli strategol yn cael ei ffurfio i weithredu fel grŵp llywio ac i greu strategaeth, polisïau a threfniadau gwaith yn ôl yr angen. Dylai'r grŵp hwn ofalu bod cylch gorchwyl clir yn cael ei sefydlu ar y dechrau, a bod digon o staff ac adnoddau eraill ar gael ar gyfer yr ymchwiliad. Wrth benderfynu ar y dechrau ynglŷn â'r gwaith o reoli'r

investigations have been extremely difficult due to the number of places and people involved and can be complicated further when the allegations concern historical cases where alleged victims and perpetrators are no longer linked to a particular setting.

In general, organised or multiple abuse networks develop sophisticated mechanisms to avoid detection. Breaking into such networks requires careful consideration of the risks associated with complex investigations.

These are principally:

- Delaying the start of face to face investigations in order to collate evidence;
- Only uncovering a small part of the network but not all of it, and thereby exposing more children to further abuse.

In planning the response, the need for secrecy on the part of the investigators must be considered given the serious nature and potential scale of this form of abuse.

The implications of unplanned interventions, and the potential for media interest requires senior managers in both social services and the police to be involved from the outset. The LSCB should have written protocols describing local arrangements for managing a complex investigation.

4.5.2 Action required

Each investigation of organised or multiple abuse will vary according to the circumstances and the scale and complexity of the investigation.

Suspected organised abuse should be brought immediately to the attention of the designated senior social services manager and the senior detective officer for the police division. These officers will liaise and take responsibility for initiating these procedures. They will take responsibility for each notifying their relevant agency senior manager without delay. The designated senior manager from involved agencies should ensure that appropriate resources are deployed and that staff will receive the necessary support.

The LSCB should ensure that a strategic management group is established to act as a steering group to formulate strategy, policy and working arrangements as necessary. This group should ensure clear terms of reference are established at the outset and agree staffing and other resources for the investigation. The possibility that the size and complexity of the task may increase considerably over time should be taken into account when initial decisions about the management of the investigation are taken. The strategic management group has a distinct role from the operational group of staff responsible for undertaking the investigation.

An expert, trusted and vetted team of police and social workers, that may include staff from NSPCC, suitably trained, should be put together as and

ymchwiliad, rhaid ystyried hefyd y gallai maint a chymhlethdod y gwaith gynyddu'n sylweddol dros amser. Mae gan y grŵp rheoli strategol rôl wahanol i'r grŵp o staff sy'n gyfrifol am roi'r ymchwiliad ar waith.

Yn ôl yr angen, dylid casglu grŵp o swyddogion heddlu a gweithwyr proffesiynol arbenigol sydd wedi'u harchwilio ac y gellir ymddiried ynddyn nhw i ymgymryd ag ymchwiliadau cymhleth o gam-drin mewn lleoliadau preswyl a lleoliadau eraill. Gallai'r tîm gynnwys staff o'r NSPCC sydd wedi'u hyfforddi'n briodol.

4.5.3 Y cyfarfod strategaeth

Dylai cyfarfod strategaeth sy'n cynnwys staff o'r prif asiantaethau amddiffyn plant benderfynu ar ffurf ac amseru cychwynnol yr ymchwiliad. Bydd y gwasanaethau cymdeithasol yn cydweithio â'r heddlu i gynnull y cyfarfod o fewn 2 ddiwrnod gwaith i'r dyddiad y daeth yr atgyfeiriad neu'r awgrym fod angen ymchwilio i gam-drin cymhleth neu wedi ei drefnu i law.

Rhaid i'r cyfarfod gynnwys uwch reolwyr. Rhaid i'r cadeirydd fod yn uwch reolwr. Bydd y gwasanaethau cymdeithasol, yr heddlu (o leiaf ar lefel swyddog ymchwilio uwch), cyfreithiwr yr awdurdod lleol ac unrhyw asiantaethau priodol eraill yn dod i'r cyfarfod, yn ogystal ag unrhyw weithwyr proffesiynol eraill sydd "angen cael gwybodaeth am yr achos". Os yw'r honiad yn ymwneud â lleoliad gofal wedi'i reoleiddio, dylid gwahodd Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru i'r cyfarfod.

Bydd y cyfarfod strategaeth yn rhoi sylw i'r holl faterion sy'n cael sylw yn Rhan 3, *Y Broses Amddiffyn Plant*, ac yn cyfeirio hefyd at y canllawiau Achieving Best Evidence o ran gwneud cyfweliadau ymchwilio gyda phlant.

Bydd hefyd yn:

- Ystyried:
  - a oes angen amddiffyn unrhyw blant;
  - a oes angen cymorth therapiwtig ar unrhyw blant;
  - sut mae cyflawni hyn a pheidio ag amharu ar yr ymchwiliad troseddol.
- Penodi uwch swyddogion o'r gwasanaethau cymdeithasol a'r heddlu i gyd-drefnu a rheoli'r ymchwiliad cyffredinol;
- Penodi tîm o'r heddlu a'r gwasanaethau cymdeithasol a/neu'r NSPCC;
- Gosod cylch gorchwyl clir sy'n diffinio rôl ac amcanion y tîm a'r dull gweithio. Bydd hyn yn cynnwys trefniadau penodol i'r tîm gael hawl i fynd at gofnodion ac unigolion sydd â gwybodaeth bwysig;
- Cytuno ar gynllun ar y cyd ar gyfer yr ymchwiliad sy'n disgrifio rolau a thasgau'r gwahanol staff ac unrhyw oblygiadau o ran adnoddau;
- Cytuno ar amseru unrhyw gamau gweithredu a'r canlyniadau posib, er enghraifft, peidio â symud plant yn ystod oriau anghymdeithasol;

when needed for the purposes of complex investigations of abuse in residential and other settings.

4.5.3 Strategy meeting

The initial format and timing of the investigation should be agreed at a strategy meeting involving staff from the main child protection agencies. The meeting will be convened by social services in conjunction with the police within 2 working days of the receipt of the referral or the recognition that there may be complex or organised abuse.

The meeting must involve senior managers and be chaired at a senior level. Social services, the police (senior investigating officer or above) and other agencies as appropriate, the local authority solicitor and any other professionals on a "need to know" basis will attend the meeting. If the allegations relate to a regulated care setting, the Care and Social Services Inspectorate for Wales should be invited to the meeting.

The strategy meeting will consider all the issues listed in Part 3 *The Child Protection Process* and also refer to the *Achieving Best Evidence* guidance in relation to investigative interviews with children.

It will additionally undertake the following:

- Consider whether there are any children
    - who need protection;
    - who need therapeutic help;
    - and, how this will be achieved in a way compatible with the conduct of a criminal investigation.
- Appoint a senior officer from social services and the police to co-ordinate and manage the overall investigation;
- Appoint a team from police and social services and /or NSPCC;
- Set out clear terms of reference that define the role and objectives for the team and methods of working and include specific arrangements for the team to have access to records and individuals who hold important information;
- Agree a joint plan for the investigation which identifies roles and tasks of staff involved and any resource implications;
- Agree the timing of any action and the possible consequences, for example not to remove children during unsocial hours;
- Agree the lines of accountability and communication;
- Agree how and with whom information will be shared compatible with the need for confidentiality;

- Cytuno ar lwybrau atebolrwydd a chyfathrebu;
- Cytuno sut bydd gwybodaeth yn cael ei rhannu a phwy fydd yn cael y wybodaeth, gan gofio bod angen cadw'n cyfrinachedd;
- Ystyried yn ofalus ba wybodaeth i'w rhoi i'r rhieni a phryd i wneud hynny. Fel arfer, mae hawl gan rieni i gael y wybodaeth lawnaf bosib ond mae'r penderfyniad yn fwy cymhleth yn yr amgylchiadau hyn;
- Sicrhau arbenigwyr i roi cyngor cyfreithiol a gofalu y bydd yr ymchwiliad yn gallu cael cyngor cyfreithiol arbenigol yn gyson o safbwynt prosesau troseddol, sifil a chyflogaeth os yw'r honiad yn erbyn staff proffesiynol;
- Trefnu i gofnodion papur ac electronig gael eu storio'n gwbl ddiogel;
- Cytuno ar strategaeth ar gyfer delio â'r cyfryngau. Er enghraifft, bydd uwch reolwyr yn cytuno ar amseru a chynnwys datganiadau i'r wasg a'r cyfryngau. Rhaid bod yn ofalus iawn gyda materion *sub judice* neu rai a allai enwi'r dioddefwr(wyr) neu'r teulu;
- Os yw'r honiad yn croesi ffiniau gwahanol awdurdodau lleol, cysylltu â'r awdurdodau eraill er mwyn cynllunio ar y cyd;
- Cytuno y bydd cynadleddau amddiffyn plant yn cael eu cynnull yn ôl yr angen;
- Cytuno ar amserlen cyfarfodydd dilynol;
- Rhoi gwybod am ganlyniad y cyfarfod i'r cyfarwyddwr sy'n arwain y gwasanaethau plant, ac i'r prif gwnstabl.

4.5.4 Cynllunio'r ymchwiliad a'i roi ar waith

Dylai'r ymchwiliad ddilyn y canllawiau ar wneud ymholiadau amddiffyn plant dan adran 47 sydd i'w cael yn Rhan 3. Dylen nhw hefyd roi sylw i'r materion ychwanegol sy'n dilyn:

- Dylai'r heddlu benodi uwch swyddog ymchwilio o safle addas a phrofiad digonol. Dylen nhw ystyried defnyddio'r ystafell digwyddiadau mawr, canllawiau gweinyddol safonol a threfn ymholiadau mawr y Swyddfa Gartref;
- Dylid mynd ati i ddatblygu strategaeth gyfathrebu sy'n cynnwys aelodau o'r awdurdod, staff, plant a'u teuluoedd, y cyfryngau ac Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru;
- Dylai cyfarfodydd cynllunio strategol ac adolygiadau rheolaidd ystyried trefn yr ymchwiliad a'r camau nesaf a gofyn pa mor effeithlon yw'r cydweithio;
- Dylid pennu'r adnoddau a allai fod yn ofynnol yn nhermau staff a chyllid priodol;

- Consider carefully the decision about what information to share with parents and when. Parents are usually entitled to the fullest possible information but in these circumstances the decision is more complex;
- Secure expert legal advice and ensure that the investigation will have ongoing access to expert legal advice in respect of criminal, civil and employment processes where the allegations concern professional staff;
- Make arrangements to ensure that both paper and electronic records will be safely and securely stored;
- Agree a strategy for dealing with the media; for example, senior managers will agree the timing and content of press and media statements. Particular care must be taken regarding matters which are *sub judice* or may identify the victim/s or family/ies;
- Contact other local authorities if the allegation crosses authority boundaries, to ensure joint planning and consistency;
- Agree the convening of child protection conferences as and when necessary;
- Agree a timetable for future meetings;
- Communicate the outcome of the meeting to the lead director responsible for children's services and the chief constable.

4.5.4 Planning and running the investigation

The investigation should follow the guidance on child protection section 47 enquiries set out in Part 3, and also address the following additional issues:

- The police should appoint a senior investigating officer of appropriate rank and experience and consider the use of the major incident room, standard administrative procedures, and, the Home Office large major enquiry system;
- A communications strategy should be developed covering authority members, staff, children and families, the media and CSSIW;
- Regular strategic planning meetings and reviews should consider the conduct of the investigation, next steps and the effectiveness of joint working;
- Identify the resources in terms of appropriate staff and finance that may be required;

- Cytuno ar brotocolau ysgrifenedig rhwng yr heddlu, y gwasanaethau cymdeithasol a'r asiantaethau eraill o ran y prif faterion gweithredol a'r polisïau, yn cynnwys rhannu gwybodaeth;
- Dylid gwneud asesiad trwyadl o anghenion y dioddefwr(wyr), ac ystyried pa wasanaethau sy'n angenrheidiol. Mae'n ymarfer da i gynnig gwasanaeth cynghori cyfrinachol ac annibynnol i ddioddefwyr a'u teuluoedd. Rhaid cytuno gyda'r gwasanaethau cynghori a lles ar y canllawiau o ran datgelu gwybodaeth, er mwyn osgoi amharu ar y dystiolaeth;
- Pan mae plant i gael eu symud o'u cartrefi, lles y plentyn neu'r plant fydd yr ystyriaeth bwysicaf bob amser. Felly, dylai'r holl weithwyr proffesiynol fynd ati i drafod y broses symud a chytuno ar yr amseru, oni bai fod y plentyn neu'r plant mewn perygl corfforol difrifol yn y tymor byr iawn;
- Dylai gofal a chymorth fod ar gael i'r tîm ymchwilio gan fod llawer o'r math yma o waith yn anodd ac yn achosi gofid;
- Pan mae staff y gwasanaethau cymdeithasol, gofalwyr maeth neu swyddogion yr heddlu'n destun i ymchwiliad, mae'n hanfodol i'r asiantaethau sy'n perthyn i'r tîm ymchwilio fod yn gwbl annibynnol a gwrthrychol. Mae'n bwysig bod y staff ymchwilio'n ddigon annibynnol ar a phell oddi wrth y rhai sy'n cael eu hymchwilio, er enghraifft, trwy gael staff ymchwilio o ardal arall i wneud yr ymchwiliad;
- Dylai rheolwyr y tîm ymchwilio fod â phrofiad ac wedi cael hyfforddiant mewn gwneud ymchwiliadau, prosesau cyfreithiol, achosion disgyblu, lles plant, a phroffiliau a chamau gweithredu pobl sy'n cam-drin;
- Gallai'r rheolwyr ddewis cyfethol cydweithiwr o ardal awdurdod arall. Os oes gan y cydweithiwr hwnnw brofiad o reoli ymchwiliadau cymhleth gallai gynnig cyngor a chymorth yn unrhyw ran o'r ymchwiliad. Mae angen profiad o wneud ymchwiliadau a gwybodaeth am brosesau amddiffyn plant a lles plant ar aelodau'r tîm ymchwilio. Dylen nhw fod wedi ymrwymo i weithio'n agos gyda'i gilydd;
- Mae angen trefn ar gyfer adnabod y gwersi sydd i'w dysgu o'r ymchwiliad wrth iddo fynd yn ei flaen, a'r gallu i weithredu arnyn nhw.

Ar ôl i'r ymchwiliad gael ei gwblhau, dylai ei reolwyr a'r Bwrdd Lleol Diogelu Plant asesu'r broses o'i reoli a chofnodi unrhyw wersi a ddysgwyd ar gyfer ymchwiliadau tebyg a fydd yn ei ddilyn. Dylid rhannu'r gwersi â Byrddau Lleol Diogelu Plant eraill.

Blwch 20: Cydbwyso lles y plentyn gyda'r angen i gynnal ymchwiliad troseddol

Weithiau, bydd angen penderfynu a ddylid gohirio gweithredu i amddiffyn er mwyn casglu rhagor o dystiolaeth yn erbyn y rhai sy'n cam-drin. Ond rhaid

- Agree clear written protocols between police, social services and other agencies in relation to all key operational and policy matters, including information sharing;
- A thorough assessment should be made of victim/s' needs, and consideration of the services provided. It is good practice to provide a confidential and independent counselling service for victim/s and families. Guidelines should be agreed with counselling and welfare services on disclosure of information, to avoid the contamination of evidence;
- Where children are to be removed from their homes, the welfare of the individual child or children will always be the first consideration. Therefore the timing of removal should be agreed following consultation with all the appropriate professionals, unless the children are in acute and immediate physical danger;
- Care and support should be provided for the investigation team since much of the work may be difficult and distressing;
- Where social services staff, foster carers or police officers are under investigation, it is essential to ensure independence and objectivity on the part of the agencies that are members of the investigating team. It is important to ensure sufficient distance and independence from those being investigated by, for example, involving investigative staff from another area;
- Managers of the investigating team should have training and expertise in conducting investigations, legal processes, disciplinary proceedings, children's welfare, profiles and methods of abusers;
- Managers may wish to co-opt a colleague from another authority area that has recent experience of managing a complex investigation to provide advice and guidance at any stage of the enquiry. Investigating team members need expertise in conducting investigations, child protection processes, and children's welfare and they should be committed to working closely together;
- There should be the means for identifying and acting on lessons learned from the investigation as it progresses.

When the investigation is concluded, managers in conjunction with the LSCB should assess the management and identify lessons for conducting similar investigations in future. These should be shared with other relevant LSCBs.

bod yn ofalus iawn, yn arbennig mewn ymchwiliadau mawr, nad yw staff yn canolbwyntio ar agweddau troseddol yr ymchwiliad ac yn anghofio am ddiogelu a hybu lles y plentyn.

Yr ystyriaeth unigol bwysicaf un yw diogelwch a lles y plentyn neu'r plant. Rhaid i'r gwaith o'u hamddiffyn gael y flaenoriaeth gyntaf bob amser. Rhaid cydbwyso hyn gyda'r wybodaeth mewn achosion o gamdrin wedi ei drefnu y bydd y perygl i blant yn cynyddu os yw camdrinwyr yn osgoi cael eu dal.

4.6 Perygl o niwed yn y dyfodol i blentyn sydd heb ei eni

4.6.1 Adnabod y perygl o ddioddef niwed

Rhaid i staff a gweithwyr proffesiynol sy'n bryderus am berygl o niwed yn y dyfodol i blentyn sydd heb ei eni, wneud atgyfeiriad amddiffyn plant at y gwasanaethau cymdeithasol. Er na all ymyrraeth statudol gychwyn cyn i'r plentyn gael ei eni, mae'n bosib gwneud asesiad, a gall cynhadledd amddiffyn plant greu cynlluniau er mwyn diwallu anghenion y babi ar ôl iddo gael ei eni. Mae adolygiadau o achosion difrifol yn ategu pwysigrwydd creu cynlluniau ar gyfer amddiffyn plant sydd heb eu geni.

Mae'r amgylchiadau ar gyfer atgyfeirio'n cynnwys:

- Fod plant eraill y teulu wedi cael eu symud oherwydd eu bod wedi dioddef niwed;
- Bod enwau plant eraill y teulu ar y gofrestr amddiffyn plant;
- Bod y fam feichiog neu'r tad wedi cam-drin plentyn yn y gorffennol, neu fod amheuaeth o gam-drin;
- Bod gan y fam feichiog bartner sydd wedi cam-drin plentyn, neu mae mewn cysylltiad â rhywun sydd wedi cam-drin plentyn;
- Bod pryderon ynglŷn â gallu'r naill riant neu'r llall i amddiffyn y babi;
- Bod pryderon ynglŷn â gallu rhieni newydd fel rhieni a'r gred yw y gallai unrhyw blentyn ddioddef niwed gyda'r teulu;
- Bod pryderon fod rhywbeth yn amharu ar y gallu i rianta, er enghraifft:
    - Anawsterau dysgu difrifol;
    - Problemau iechyd meddwl difrifol (yn cynnwys hanes o seicosis cyn neu ar ôl geni plentyn oedd yn creu pryderon ynglŷn â'r gallu i fod yn rhiant);

Box 20: Balancing the welfare of the child with the need to undertake a criminal investigation

On occasion, a decision will be needed on whether protective action should be delayed in order to collect more evidence against abusers. Care should however be taken, particularly in large-scale investigations, to ensure that staff do not concentrate on the criminal aspects of the investigation at the expense of the safeguarding and promoting the welfare of children.

The single most important consideration is the safety and well being of the child/children. Their protection should always be the first priority. This has to be balanced with the knowledge that in cases of organised abuse the risk to children will escalate if abusers avoid detection.

4.6 Future risk of harm to an unborn child

4.6.1 Identifying the risk of harm

Individual staff members and professionals who have concerns about future risk of harm to a child not yet born, must make a child protection referral to social services. Although statutory intervention cannot begin prior to birth, an assessment can take place and plans formulated at a child protection conference with the purpose of ensuring the needs of the baby can be met following birth. Serious case reviews reinforce the importance of pre-birth plans for protecting children.

The circumstances for making a referral include:

- Previous children in the family have been removed because they have suffered harm;
- Other children in the family have their names included on the child protection register;
- The expectant mother/father has previously abused or allegedly abused a child;
- The expectant mother has a partner, or is in contact with someone, who has abused a child;
- Concerns about either parent's ability to protect the baby;
- Any concern about new parents' capacity to parent and it is believed that any child of the family might suffer significant harm;
- Concerns about compromised parenting capacity for example:
    - Significant learning difficulties

  - Cam-drin alcohol neu sylweddau (a allai fod yn effeithio ar iechyd y babi sydd heb ei eni ac a allai amharu ar allu a sgiliau'r rhiant);
  - Achosion difrifol neu gyson o gam-drin domestig (o fewn y berthynas, sy'n creu pryderon ynglŷn â diogelwch neu les plentyn).
- Bod un o'r rhieni'n ifanc iawn ac efallai fod angen gwneud asesiad o anghenion y rhiant hwnnw fel plentyn, yn ogystal ag asesiad o'i allu i ddiwallu anghenion y babi;
- Bod ffordd o fyw'r fam feichiog a/neu'r bobl mae'n dod i gysylltiad â nhw'n creu pryderon y gallai'r plentyn fod mewn perygl ar ôl cael ei eni;
- Bod hanes o ddiffyg cydweithredu ag asiantaethau gan y teulu y mae pryderon yn eu cylch, yn arbennig os oes partner newydd.

4.6.2 Y camau gweithredu gofynnol

Bydd y gweithiwr cymdeithasol penodedig yn gwneud asesiad cychwynnol ac yn dilyn y canllawiau sy'n cael sylw yn Rhan 3, Y Broses Amddiffyn Plant.

Bydd rhaid ystyried wedyn a oes angen cynnull cynhadledd amddiffyn plant gychwynnol cyn y geni er mwyn cyd-drefnu'r camau a'r gwasanaethau ar gyfer amddiffyn y plentyn o adeg yr enedigaeth. Rhaid dilyn y canllawiau yn Rhan 3 wrth benderfynu ynglŷn â chynnull cynhadledd amddiffyn plant gychwynnol. Bydd yr un statws a threfn i'r fath gynhadledd ag unrhyw gynhadledd amddiffyn plant gychwynnol arall.

Dylai'r gynhadledd amddiffyn plant gael ei chynnal rhwng 8-16 wythnos cyn y dyddiad y mae disgwyl i'r plentyn gael ei eni. Bydd hyn yn caniatáu digon o amser ar gyfer asesu a chynllunio'n briodol.

Bydd aelodau'r gynhadledd yn rhannu gwybodaeth ac yn ystyried a oes angen cofrestru'r plentyn ar adeg ei eni. Ar ôl cytuno y bydd y babi yn cael ei gofrestru ar adeg ei eni, bydd y gweithiwr allweddol ac aelodau'r grŵp craidd yn cytuno, cyn yr enedigaeth, ar gynllun amddiffyn manwl.

Bydd angen i'r cynllun gynnwys:

- Asesiad craidd cyn i'r babi gael ei eni er mwyn gofalu bod yr ymateb yn effeithiol pan ddaw'r enedigaeth;
- Gofalu bod y fydwraig/nyrs benodol yn rhoi gwybod i'r tîm esgor am yr ymateb sydd wedi'i gynllunio a bod copi o'r cynllun yn mynd at yr uned famolaeth.

Dylai'r asesiad craidd gynnwys gwybodaeth gan y meddyg teulu, y fydwraig a gweithwyr eraill y sector iechyd. Mae gofyn hefyd cael hanes cymdeithasol

  - Serious mental health problems (including a previous history of puerperal/post natal psychosis where there were concerns regarding parenting capacity);
  - Alcohol or substance abuse (could be affecting the health of an unborn baby, and may significantly impair parenting skills);
  - Serious or persistent incidents of domestic abuse (within the relationship which give cause for concern about a child's safety or well being).
- A very young expectant parent may require a dual assessment of her/his own needs as a child, as well as her/his ability to meet the baby's needs
- The lifestyle of the expectant mother and/or the people she is in contact with is such that the child may be at risk at birth;
- A history of non-cooperation with agencies in families for whom there are concerns, especially where there is a new partner.

4.6.2 Action required

The allocated social worker will conduct an initial assessment and follow the procedure outlined in Part 3 *The Child Protection Process*.

Consideration will then be given to convening an initial child protection conference before the birth to plan co-ordinated action and services for the protection of the child at the time of the birth. The decision about whether to convene an initial child protection conference must be made in accordance with the procedures set out in part 3. The conference will have the same status and be conducted in the same manner as any other initial child protection conference.

The child protection conference should take place between 8 and 16 weeks before the estimated delivery date to allow for appropriate assessment and planning.

Conference members will share information and consider the need for registration of the child at birth. When it is agreed that the unborn baby will be registered at birth, the key worker and members of the core group will agree a detailed child protection plan in advance of the birth.

The plan will need to include:

- A pre-birth core assessment to ensure that an effective response is made at the time of the birth;

trylwyr, asesiad o'r rhieni ac asesiad o'u perthynas, eu gallu fel rhieni a phatrwm gweithredu'r teulu, a chofnod o unrhyw gam-drin blaenorol yn hanes y teulu neu'r rhieni. Dylai'r asesiad bwyso a mesur agweddau'r teulu at rôl gweithwyr proffesiynol yn eu bywydau a'u gallu i ddeall a diwallu anghenion sylfaenol eu babi.

Gall y gynhadledd benderfynu, heb orfod galw cynhadledd arall, y bydd enw'r plentyn yn mynd ar y gofrestr amddiffyn plant pan gaiff ei eni. Ond gellid cynnull cynhadledd arall os oes galw. Mae'r un meini prawf ar gyfer cofrestru'n berthnasol â'r rheini ar gyfer unrhyw blentyn arall. Dylid cynnal cynhadledd adolygu o fewn tri mis i ddyddiad cofrestru enw'r plentyn ar y gofrestr amddiffyn plant, hynny yw, ar adeg ei eni. Ond efallai y bydd angen cynnal y gynhadledd adolygu'n gynt.

Pan mae penderfyniad yn cael ei wneud i symud babi ar adeg ei eni, rhaid bod cynllun wedi'i greu sy'n disgrifio'r trefniadau'n gwbl glir. Dylai'r rhain gynnwys:

- Gofalu bod staff yr ysbyty'n gwybod â phwy i gysylltu pan mae'r fam yn cael ei derbyn i'r ysbyty;
- Y trefniadau os yw'r babi yn cael ei eni'r tu allan i oriau gwaith arferol;
- Bod pawb yn cytuno faint o gyswllt y bydd y rhiant yn ei gael gyda'r babi;
- Bod y cynllun yn cynnwys trefniadau gofal ymarferol fel bwydo o'r fron;
- Ystyried a oes angen rhybuddio ysbytai eraill ynglŷn â'r cynllun;
- Y trefniadau ar gyfer cychwyn camau cyfreithiol;
- Cynlluniau wrth gefn os yw'r babi yn cael ei eni'r tu allan i ysbyty;
- Enwau'r bobl sydd i gael copi o'r cynllun.

Os yw'r babi yn cael ei eni'n gynnar, efallai na fydd yn bosib cynnal cyfarfod neu gynhadledd cyn yr enedigaeth. Dylai'r gynhadledd gael ei chynnal cyn gynted â phosib ar ôl yr enedigaeth a chyn i'r babi adael yr ysbyty.

Ar ben hynny, os yw babi yn cael ei eni'n gynnar, efallai nad oedd amser i adnabod y pryderon amddiffyn plant cyn yr enedigaeth. Yn y fath achosion, mae'n debygol iawn y bydd y babi yn cael gofal mewn uned gofal dwys i'r newydd-anedig (NICU) neu'r uned gofal arbennig i fabanod (SCBU). Mae angen i'r unedau hyn ofalu bod trefniadau trwyadl wedi cael eu gwneud cyn gadael i'r babi adael yr ysbyty. Rhaid i'r trefniadau gynnwys asesiad priodol o allu'r rhieni i rianta a rhaid iddo gynnwys yr ymarferwyr perthnasol yn y gymuned. Os daw unrhyw bryderon ynglŷn â diogelu i'r amlwg, rhaid gwneud atgyfeiriad amddiffyn plant at y gwasanaethau cymdeithasol.

- Ensuring that the named midwife/nurse informs the delivery team of the planned response and that a copy of the plan is sent to the maternity unit.

The core assessment should ensure that information from the GP, the midwife and other health sources is incorporated together with a comprehensive social history, an assessment of the parents, their relationship, parenting capacity, an exploration of the family's functioning and an account of any previous abuse involving the family or parents. The assessment should explore family attitudes to professional involvement and include an evaluation about the parents understanding of their baby's basic needs and their ability to meet them.

The conference can decide to place the unborn child's name on the child protection register at birth without a further conference, although a further conference can be convened if required. The same criteria for registration apply as for any other child. A review conference should take place within 3 months of the baby's name being placed on the child protection register, that is, at birth. However it may be necessary to hold the review conference at an earlier stage.

When a decision is taken to remove a baby at birth a plan needs to be in place that ensures clarity about arrangements. These should include:

- Hospital staff know who to contact when the mother is admitted;
- Arrangements are agreed if the birth occurs outside office hours;
- The parent's level of contact with the baby is agreed;
- The plan includes practical care arrangements such as breast-feeding;
- Consider whether other hospitals need to be alerted to the plan;
- Arrangements for initiating legal proceedings;
- Contingency plans if the baby is born outside hospital;
- Identify who needs a copy of the plan.

If the baby is born prematurely a pre-birth meeting/conference may not be possible. The child protection conference should be held as soon as possible after the birth and before the baby is discharged.

In addition if a baby is born prematurely the child protection concerns may not have been identified before the birth. In such cases it is highly probable that the baby will be cared for in a neonatal intensive care unit (NICU)/special care baby unit (SCBU). These units need to ensure there is a thorough process for planning the discharge of the baby that includes an appropriate assessment of parenting capacity involving the relevant community based practitioners. If any concerns of safeguarding are identified a child protection referral must be made to social services.

4.7 Pan mae plant anabl yn cael eu cam-drin

Wrth amddiffyn a diogelu plant anabl, rhaid dilyn yr un canllawiau â'r rhai ar gyfer pob plentyn arall.

Mae llawer iawn o dystiolaeth yn awgrymu bod mwy o berygl i blant anabl gael eu cam-drin. Ymddengys bod mwy o berygl i blant ag anableddau lluosog gael eu cam-drin a'u hesgeuluso fel ei gilydd.

Mae plant anabl yn arbennig o agored i niwed am nifer o resymau sy'n cynnwys:

- Bod â llai o gysylltiadau allanol na phlant eraill;
- Eu bod nhw'n cael gofal personol iawn, weithiau gan amryw o ofalwyr, ac mae hyn yn cynyddu'r posibilrwydd a'r cyfle i gam-drin;
- Bod llai o allu ganddyn nhw i wrthsefyll neu osgoi cael eu cam-drin;
- Eu bod nhw'n cael anhawster i gyfathrebu;
- Efallai eu bod nhw'n poeni y gallan nhw golli gwasanaethau os byddan nhw'n cwyno;
- Eu bod nhw'n arbennig o agored i gael eu bwlio a'u dychryn.

Efallai fod rhai gweithwyr proffesiynol a phobl eraill sy'n gweithio gyda phlant anabl yn ei chael hi'n anodd credu y gallai'r fath blant gael eu cam-drin neu eu hesgeuluso. Os felly, gallan nhw fod yn amharod i herio rhieni neu'r rhai sy'n rhoi gofal.

Dylid dilyn y canllawiau yma wrth fynd ati i roi sylw i bryderon am les plentyn anabl. Ond mae rhai pethau ychwanegol i'w hystyried:

- Pan mae gan blentyn anawsterau cyfathrebu, anawsterau dysgu a/neu broblemau emosiynol a phroblemau iechyd, mae angen rhoi sylw gofalus i'w anghenion cyfathrebu. Mae'n bwysig cael dehongliad y plentyn o'r digwyddiadau, a dod i ddeall ei ddymuniadau a'i deimladau;
- Mae angen i'r gwasanaethau cymdeithasol a'r heddlu ofalu bod staff sy'n gwneud cyfweliadau wedi cael eu hyfforddi, ac y gallan nhw gael mynediad rhwydd at wybodaeth ac adnoddau arbenigol. Bydd hyn yn cynnwys defnyddio lladmeryddion neu hwyluswyr addas os oes angen;
- Meddyliwch am ddefnyddio staff arbenigol i weithio gyda'r rhai sy'n gwneud yr ymchwiliad.

Mae angen i weithwyr proffesiynol ofalu nad ydyn nhw'n cymryd yn ganiataol nad yw plentyn yn gallu rhoi tystiolaeth ddilys. Rhaid mynd ati'n ofalus iawn i geisio cael gwybodaeth gan blant y mae eu gallu i ddeall a'u sgiliau

4.7 Abuse of disabled children

The protection and safeguarding of disabled children must follow the same procedure as for all other children.

There is considerable evidence that disabled children are at increased risk of abuse, and children with multiple disabilities appear to be at increased risk of both abuse and neglect.

Disabled children are especially vulnerable for a number of reasons, which include:

- They have fewer outside contacts than other children;
- They receive intimate care sometimes from multiple caregivers that increases the potential for exposure to abuse;
- They have an impaired capacity to resist or avoid abuse;
- They have difficulty in communication;
- They can be concerned about loss of services if they raise complaints;
- They are particularly vulnerable to bullying and intimidation.

Some professionals and others working with disabled children may be reluctant to believe that such children can be abused or neglected and therefore be unwilling to challenge parents / caregivers when necessary.

Concerns about the welfare of a disabled child should be acted upon in accordance with the guidance throughout these procedures with the additional considerations:

- Where a child has communication, learning difficulties, and /or emotional health problems special attention needs to be given to their communication needs and ascertaining the child's perception of events and their wishes and feelings;
- Social services and the police need to ensure staff undertaking interviews have been trained, and have access to appropriate specialist knowledge and resources. This will include using suitable interpreters or facilitators when appropriate;
- Consider the use of specialist staff to work alongside the investigating workers.

Practitioners need to be wary of assumptions about the inability of a child to give credible evidence. Care should be exercised in how information is sought from children who may have limited comprehension or means of communication. Particular care needs to be paid to not leading a disclosure from a child. This can be especially sensitive in cases involving suspected

cyfathrebu'n gyfyngedig. Rhaid bod yn arbennig o ofalus i beidio ag arwain datleniad oddi wrth blentyn. Mae hwn yn faes arbennig o sensitif os oes amheuaeth bod y plentyn wedi cael ei gam-drin yn rhywiol. Rhaid cyd-bwyso'r angen i'r gyfundrefn cyfiawnder troseddol ymchwilio a chanfod ac erlyn pobl sy'n euog o drosedd, gyda'r angen i amddiffyn a diogelu plentyn. Ni ddylai asiantaethau gymryd yn ganiataol nad yw'r gallu gan blentyn i roi tystiolaeth neu i fynd trwy achos llys. Ond, mae angen iddyn nhw gydbwyso lles pennaf y plentyn gyda gofynion cyfiawnder.

Pan mae'r pryderon yn para ac mae'r person ifanc yn agosau at fod yn 18 mlwydd oed, rhaid i gynlluniau fod wedi cael eu gwneud i'r achos gael ei drosglwyddo'n iawn i'r treniadau sy'n gofalu am oedolion agored i niwed.

Mae'n bwysig i'r Byrddau Lleol Diogelu Plant fynd ati i wneud pobl yn fwy ymwybodol o'r gwaith o ddiogelu plant anabl. Rhaid i'r byrddau hybu'r broses o greu cronfa o arbenigeddau'r gwahanol asiantaethau i gynnwys pobl â gwybodaeth arbenigol am anableddau penodol a phobl â gwybodaeth a sgiliau ym maes amddiffyn plant.

4.8 Camfanteisio'n rhywiol ar blant

4.8.1 Diffiniad

Ffurf gudd ar gam-drin yw camfanteisio'n rhywiol ar blant a phobl ifanc. Ond, mae'r cysyniadau o gamfanteisio a chyfnewid yn ganolog i'r cam-drin.

Mae camfanteisio'n rhywiol ar blant yn cynnwys:

- cam-drin trwy buteindra;
- cam-drin trwy ddefnyddio plant i greu delweddau a deunydd cam-drin plant yn rhywiol;
- cam-drin trwy baratoi (grooming), p'un ai yw hynny trwy gyswllt uniongyrchol neu trwy ddefnyddio technolegau fel ffonau symudol a'r rhyngrwyd;
- cam-drin trwy fasnachu mewn pobl(trafficking) at bwrpasau rhywiol.

4.8.2 Ei adnabod

Mae *Diogelu Plant sy'n Ymwneud â Phuteindra* (2000) yn tynnu sylw at yr angen i drin plant sy'n cael eu camfanteisio'n rhywiol fel dioddefwyr ac i ofalu bod y bobl sy'n eu camfanteisio'n cael eu hymchwilio'n iawn a'u herlyn. Mae'r ddogfen yn dweud y dylai gweithwyr proffesiynol a staff asiantaethau sy'n gweithio gyda phlant a theuluoedd fod â gwybodaeth drwyadl am ddangosyddion camdriniaeth a'r perygl i blant gael eu cam-drin trwy gamfanteisio'n rhywiol arnyn nhw.

sexual abuse. A balance is required between the needs of the criminal justice system to detect, investigate and prosecute individuals who have committed crimes and keeping a child safe and protected. Agencies should not make assumptions about the ability of a child to either give evidence or withstand the court process but do need to balance the child's best interests and the interests of justice.

Where concerns remain and the young person is approaching the age of 18, there must be transition plans in place with an appropriate transfer to the protection of vulnerable adults arrangements.

LSCBs have an important role in raising awareness about safeguarding disabled children and promoting the pooling of interagency expertise between those with expert knowledge about specific disability and those with knowledge and skills in child protection.

4.8 The sexual exploitation of children

4.8.1 Definition

The sexual exploitation of children and young people is a hidden form of abuse though the concepts of exploitation and exchange are central.

Child sexual exploitation includes:

- abuse through prostitution;
- abuse through using children to produce child sexual abuse images and material;
- abuse through grooming whether via direct contact or the use of technologies such as mobile phones and the internet;
- abuse through trafficking for sexual purposes.

4.8.2 Recognition

Safeguarding Children Involved in Prostitution (2000) highlights the need to respond to children who are being sexually exploited as victims of abuse and to ensure the proper investigation and prosecution of perpetrators. It states all professionals and staff in agencies who work with children and families should be aware of and alert to indicators of abuse or risk of abuse to children through sexual exploitation.

Interagency working is essential, agencies should contribute to safeguarding children and promoting their well being by working together, sharing information and agreeing and implementing a child protection or child in need plan which addresses all the child's assessed needs.

Sexual health service providers should be particularly vigilant in recognising potential signs a child is being sexually exploited and should be trained to do

Mae'n hanfodol i asiantaethau weithio gyda'i gilydd. Dylai asiantaethau gyfrannu at y gwaith o ddiogelu plant a hybu eu lles trwy weithio gyda'i gilydd, rhannu gwybodaeth a chytuno a gweithredu ar gynllun amddiffyn plentyn neu gynllun plentyn mewn angen sy'n rhoi sylw i holl anghenion y plentyn.

Mae gofyn i weithwyr y gwasanaeth iechyd rhywiol fod yn arbennig o wyliadwrus ynglŷn ag arwyddion posib fod plentyn yn cael ei gamfanteisio'n rhywiol. Dylid hyfforddi'r gweithwyr hyn i adnabod yr arwyddion (cyfeiriwch at Adran 5.4 Diogelu a Hybu Lles Pobl Ifanc sy'n Weithredol yn Rhywiol).

Mae'r dystiolaeth ymchwil ar gamfanteisio'n rhywiol ar blant yn awgrymu bod y rhan fwyaf o'r cam-drin yn gudd ac yn digwydd 'oddi ar y stryd' mewn llefydd preifat fel tai pobl, gwestai neu fusnesau sy'n cynnig gwasanaethau sawna a thylino'r corff.

Mae bob amser yn anodd i blant roi gwybod am gam-drin a thrais rhywiol. Gall y broses soffistigedig o baratoi a meithrin plant y mae'r oedolion sy'n eu cam-drin yn ei chreu, a'r elfen gyfnewid yn y math hwn o gam-drin achosi rhwystrau ychwanegol i'r plant. Maen nhw'n cynyddu'r gwadu ac yn ei gwneud hi'n arbennig o anodd i'r plant roi gwybod am y cam-drin.

Blwch 21 Mae arwyddion bod yn agored i niwed yn cynnwys:

- Cam-drin neu esgeuluso gan riant, gofalwr neu aelod o'r teulu
- Hanes o fod yng ngofal awdurdod lleol;
- Hanes yn y teulu o gam-drin domestig;
- Hanes yn y teulu o gamddefnyddio sylweddau;
- Hanes yn y teulu o anawsterau iechyd meddwl;
- Perthynasau yn y teulu'n chwalu;
- Diffyg hunan-barch.

Mae'r dangosyddion o berygl yn cynnwys:

- Aros allan yn hwyr;
- Llawer o bobl yn galw (oedolion diarth neu'n bobl ifanc hŷn);
- Defnyddio ffôn symudol mewn ffordd sy'n creu pryderon;
- Arwyddion o anobaith (hunan-niweidio, cymryd gorddos, anhwylder bwyta, ymddygiad heriol neu ymosodol);
- Rhoi gwybod am ymosodiad rhywiol/corfforol a thynnu'r honiad yn ôl wedyn;

so.(see 5.5. Safeguarding and Promoting the Welfare of Sexually Active Young People).

The research evidence about child sexual exploitation suggests that the majority of abuse is hidden and takes place 'off street', in private accommodation, or hotels or sauna and massage establishments.

Disclosure of sexual abuse and violence is always difficult for children. The sophisticated grooming and priming processes executed by abusing adults and the exchange element of this form of abuse, can act as additional barriers, which increase denial and make disclosure especially difficult

Box 21 Vulnerabilities include:

- Abuse or neglect by parent/carer/family member;
- History of local authority care;
- Family history of domestic abuse;
- Family history of substance misuse;
- Family history of mental health difficulties;
- Breakdown of family relationships;
- Low self-esteem.
- Risk indicators include:
- Staying out late;
- Multiple callers (unknown adults/older young people);
- Use of a mobile phone that causes concern;
- Expressions of despair (self-harm, overdose, eating disorder, challenging behaviour, aggression);
- Disclosure of sexual/physical assault followed by withdrawal of allegation;
- Sexually Transmitted Infections (STIs);
- Peers involved in clipping/sexual exploitation;
- Drugs/alcohol misuse;
- Use of the Internet that causes concern;
- Unsuitable/inappropriate accommodation;
- Isolation from peers/social networks;
- Lack of positive relationship with a protective/nurturing adult;
- Exclusion from school or unexplained absences from or not engaged in school/college/training;
- Living independently and failing to respond to attempts by worker to keep in touch;
- High number of sexual partners.

- Heintiau a drosglwyddir yn rhywiol (STIs);
- Cyfoedion yn ymwneud â chlipio/camfanteisio'n rhywiol;
- Camddefnyddio cyffuriau neu alcohol;
- Defnyddio'r rhyngrwyd mewn ffordd sy'n creu pryderon;
- Byw mewn lle anaddas neu amhriodol;
- Peidio â bod yn rhan o rwydweithiau cyfoedion neu gymdeithasol;
- Diffyg perthynas bositif gydag oedolyn sy'n cynnig gofal a magwraeth;
- Bod wedi'i wahardd o'r ysgol neu'n absennol o ysgol, coleg neu hyfforddiant, heb esboniad;
- Byw'n annibynnol ac yn methu ymateb i ymdrechion y gweithiwr i gadw mewn cysylltiad;
- Bod â llawer o bartneriaid rhywiol.

Mae'r dangosyddion o berygl arwyddocaol yn cynnwys:

- Cyfnodau o fynd ar goll dros nos neu am gyfnod hirach;
- Bod â chariad neu mewn perthynas â rhywun sydd â dylanwad sy'n llawer hŷn;
- Cam-drin corfforol/emosiynol gan gariad neu oedolyn dylanwadol;
- Yn gadael neu'n mynd i gerbydau y mae oedolion anhysbys yn eu gyrru;
- Bod â symiau mawr o arian, dillad drud neu eitem arall, heb esboniad;
- Yn mynd yn aml i ardaloedd lle mae puteiniaid yn gweithio;
- Anaf corfforol heb esboniad credadwy;
- Plant dan 13 mlwydd oed yn gofyn am gyngor ynglŷn ag iechyd rhywiol.

4.8.3 Atgyfeirio

Rhaid i unrhyw un sy'n gweithio gyda phlant a theuluoedd ac sy'n pryderu bod plentyn mewn perygl o gael ei gam-drin trwy gamfanteisio'n rhywiol arno atgyfeirio'r achos gan ddilyn y canllawiau amddiffyn plant yn Rhan 3. Mae hyn yn cynnwys unrhyw bryderon lle nad oes prawf bod sail iddynt neu eu bod wedi eu cadarnhau. Gallai'r fath bryderon gyfrannu at wybodaeth arall y mae rhywun arall wedi'i rhoi a helpu i greu darlun cyflawn sy'n dangos bod y plentyn yn dioddef niwed.

- Significant risk indicators include:
- Periods of going missing overnight or longer;
- Older boyfriend/ relationship with controlling adult;
- Physical/emotional abuse by boyfriend/controlling adult;
- Entering/leaving vehicles driven by unknown adults;
- Unexplained amounts of money, expensive clothing or other item;
- Frequenting areas known for prostitution;
- Physical injury without plausible explanation;
- Children under 13 years asking for sexual health advice.

4.8.3 Referral

Any person who works with children and families and has concerns that a child is at risk of abuse through sexual exploitation must make a referral in accordance with child protection procedures as set out in Part 3. This includes any unsubstantiated concerns as they can contribute to other information that has been provided from elsewhere and help to build up a full picture that the child may be suffering harm.

4.8.4 Action required

Following referral, the procedures set out in Part 3 will be followed, and a strategy meeting will take place with the following additional considerations:

- If the sexual exploitation is taking place or has taken place in another area, social services and police should make contact with their respective agencies to make them aware of the concerns and agree action, including participating in the strategy meeting;
- In light of the complex and hidden nature of this form of abuse which children and young people rarely disclose, it is important to work on the basis of concerns rather than relying on hard evidence.
- Take account of the new offences introduced by the Sexual Offences Act 2003 in respect of child sexual exploitation detailed below .

1. Paying for the sexual services of a child aged under 13 years (Section 47);

2. Paying for the sexual services of a child aged between 14 and 16 years (Section 47);

3. Paying for the sexual services of a child aged between 16 and 18 years (Section 47);

4. Controlling a child prostitute (Section 49);

4.8.4 Y camau gweithredu gofynnol

Ar ôl atgyfeirio'r achos, rhaid dilyn y canllawiau yn Rhan 3. Bydd cyfarfod strategaeth yn cael ei gynnal a fydd hefyd yn ystyried y pwyntiau sy'n dilyn:

- Os yw'r camfanteisio rhywiol yn digwydd neu wedi digwydd mewn ardal arall, dylai'r gwasanaethau cymdeithasol a'r heddlu gysylltu â'u hasiantaethau yn yr ardal honno i roi gwybod am y pryderon ac i gytuno ar y camau gweithredu. Dylai hyn gynnwys eu gwahodd i'r cyfarfod strategaeth;
- Gan fod natur y math hwn o gam-drin yn gymhleth ac yn gudd ac anaml iawn y bydd plant a phobl ifanc yn rhoi gwybod amdano, mae'n bwysig gweithredu ar bryderon yn hytrach na dibynnu ar dystiolaeth gadarn.
- Rhowch sylw i'r troseddau newydd y mae Deddf Troseddau Rhywiol 2003 yn eu cyflwyno o safbwynt camfanteisio'n rhywiol ar blant; mae manylion yn dilyn:

1. Talu am wasanaethau rhywiol plentyn o dan 13 mlwydd oed (Adran 47);

2. Talu am wasanaethau rhywiol plentyn sydd rhwng 14 ac 16 mlwydd oed (Adran 47);

3. Talu am wasanaethau rhywiol plentyn sydd rhwng 16 ac 18 mlwydd oed (Adran 47);

4. Rheoli plentyn sy'n butain (Adran 49);

5. Achosi neu annog puteindra plant (Adran 48);

6. Trefnu neu hwyluso puteindra plant (Adran 50);

7. Paratoi rhywiol (grooming) ar blentyn sydd o dan 16 mlwydd oed.

Canlyniad y cyfarfod strategaeth fydd un o'r canlyniadau sy'n cael eu disgrifio yn Rhan 3. Hefyd bydd rhaid:

- Monitro a chasglu gwybodaeth ar gyfer unrhyw achos llys dilynol yn erbyn oedolion. Os yw'n briodol gwneud hynny, atgyfeirio'r achos at MAPPA (y Trefniadau Amlasiantaethol ar gyfer Diogelu'r Cyhoedd);
- Rhoi canllawiau cam-drin wedi ei drefnu ar waith os oes amheuaeth fod yr honiad yn ymwneud â cham-drin wedi ei drefnu neu luosog (cyfeiriwch at adran 4.5);
- Gofalu bod gweithiwr yn cael ei bennu i gyd-drefnu unrhyw gynllun aml-asiantaethol os nad yw'n briodol i'r gweithiwr cymdeithasol penodedig ymgymryd â'r rôl;
- Trefnu i'r cynllun cael ei adolygu cyn pen tri mis fan bellaf.

5. Causing or inciting child prostitution (Section 48);

6. Arranging or facilitating child prostitution (Section 50);

7. Sexual grooming of a child under 16 years.

The strategy meeting will result in one of the outcomes set out in part 3, plus the following

- Monitoring and intelligence gathering for any future prosecutions against adults, and, if appropriate, a referral to the Multi Agency Public Protection Arrangements;
- Activating organised abuse procedures if it is suspected that the allegations concern organised or multiple abuse;(See 4.5)
- Ensuring worker is identified to co-ordinate any multi agency plan if it is not appropriate for nominated social worker to undertake this role;
- Make arrangements to review the plan minimum timescale 3 months.

4.8.5 LSCB responsibilities

LSCBs should ensure clear guidance and working protocols are in place describing arrangements to respond to concerns that children (including 16/17 year olds) are of may be being abused through sexual exploitation

NB There is currently an All Wales Sexual Exploitation of Children Protocol in development.

4.9 Children who display sexually harmful behaviour

This section relates to children and young people who display sexually harmful/offending behaviour.

4.9.1 Responding to sexual abuse by children and young people

Abuse by children and young people should be treated seriously and should always be referred to social services and/or the police.

Staff members and caregivers need clear guidance and training to identify when relationships between children are coercive, inappropriate or exploitative. They need to be aware that children and young people may commit sexual offences. They should not dismiss abusive sexual behaviour as normal and adaptive, and need to know that a child under 13 cannot in law consent to sexual activity.

If the allegedly abusive behaviour is initially investigated directly by the police they must always inform social services. This information should be regarded

4.8.5 Cyfrifoldebau'r Byrddau Lleol Diogelu Plant

Dylai'r Byrddau Lleol ofalu bod canllawiau a phrotocolau clir wedi'u creu yn disgrifio'r drefn ar gyfer ymateb i bryderon bod plant (yn cynnwys rhai 16-17 mlwydd oed) yn cael neu efallai'n cael eu cam-drin trwy gamfanteisio'n rhywiol.

ON. Mae Protocol Cymru Gyfan ar Gamfanteisio'n Rhywiol ar Blant yn cael ei ddatblygu ar hyn o bryd.

4.9 Plant sy'n arddangos ymddygiad rhywiol niweidiol

Mae'r adran hon yn rhoi sylw i blant a phobl ifanc sy'n arddangos ymddygiad rhywiol sy'n niweidiol neu'n droseddol.

4.9.1 Ymateb i gamdriniaeth rywiol gan blant a phobl ifanc

Dylid trin achosion o gamdriniaeth gan blant a phobl ifanc fel mater difrifol. Dylai'r fath achosion gael eu hatgyfeirio bob tro at y gwasanaethau cymdeithasol a/neu'r heddlu.

Mae angen canllawiau clir a hyfforddiant ar aelodau staff a rhai sy'n rhoi gofal i'w helpu i adnabod pan mae perthynas rhwng plant yn anaddas neu fod arwyddion o orfodi neu gamfanteisio. Mae angen iddyn nhw fod yn ymwybodol y gall plant a phobl ifanc fod yn euog o droseddau rhyw. Ni ddylen nhw ddiystyru ymddygiad rhywiol sy'n cam-drin fel rhywbeth normal neu arwydd o addasu. Mae angen iddyn nhw wybod nad yw'n gyfreithiol bosib i blentyn dan 13 mlwydd oed gydsynio i weithredoedd rhywiol.

Os yr heddlu yw'r cyntaf i ymchwilio'n uniongyrchol i honiadau o ymddygiad sy'n cam-drin, rhaid iddyn nhw roi gwybod bob tro i'r gwasanaethau cymdeithasol. Rhaid trin y wybodaeth fel atgyfeiriad amddiffyn plant, a rhaid dilyn y canllawiau yn Rhan 3 wrth ei rheoli.

Wrth ymchwilio i honiadau o gam-drin rhywiol yn erbyn plant neu bobl ifanc, dylai'r gwaith gael ei gyd-drefnu. Rhaid cynnwys y Gwasanaeth Troseddu Ieuenctid yn ogystal â'r gwasanaethau cymdeithasol, yr heddlu, y gwasanaethau addysg (yn cynnwys seicoleg addysgol a lles addysg), y gwasanaeth iechyd (yn cynnwys gwasanaethau iechyd meddwl plant a phobl ifanc) ac unrhyw wasanaethau sy'n arbenigo ar ymddygiad sy'n niweidio, os ydyn nhw ar gael.

Dylid ystyried anghenion plant a phobl ifanc sy'n cam-drin plant eraill ar wahân i anghenion eu dioddefwyr. Dylid gwneud asesiad ym mhob achos. Dylai'r asesiad roi sylw i'w hanghenion emosiynol a therapiwtig yn ogystal â chadw mewn cof yr angen i amddiffyn plant eraill rhag cael eu cam-drin yn y dyfodol. Mae'n debygol y bydd llawer iawn o anghenion gan blant a phobl ifanc sy'n cam-drin plant eraill yn ogystal a'u bod yn creu perygl arwyddocaol o niweidio plant eraill. Efallai hefyd eu bod nhw angen cael eu hamddiffyn.

as a child protection referral and managed in accordance with procedures in Part 3.

There should be a co-ordinated approach to allegations of sexual abuse by children and young people that involves the Youth Offending Service as well as social services, police, education services (including educational psychology and education welfare), the health service (including child and adolescent mental health service) and specialist harmful behaviour services where available.

The needs of children and young people who abuse other children should be considered separately from the needs of their victims, and an assessment should be carried out in each case. This should address their emotional and therapeutic needs as well as being mindful of protecting other children from future abuse. Children and young people who abuse others are likely to have considerable needs themselves as well as posing a significant risk of harm to other children. They may also be in need of protection.

Children and young people who abuse others should be held responsible for their abusive behaviour, whilst being identified and responded to in a way that meets their needs as well as protecting others. Therefore when another child or young person within or outside the family alleges abuse of a child, the child protection procedures must be followed in respect of both the victim and **considered** in relation to the alleged abuser. The welfare of other children, for example, those living in the same residential home, should also be considered.

If the initial assessment and/or child protection section 47 enquiries indicate that a child has an urgent requirement for services arising from an allegation of abuse, or because they are exhibiting sexually inappropriate behaviour, the services should be made available before the completion of a core assessment.

4.9.2 Action required

Following the referral, the child protection procedures set out in Part 3 will be followed, with the following variations.

When a child makes an allegation of abuse against another child in a residential home, the manager of the home must be informed. He or she should make a referral to the social services manager with responsibility for child protection in the area. The manager of the residential home and the child's key worker must attend the strategy meeting.

In planning the child protection enquiries it is important to ensure that:

- Information relevant to evaluating the needs of both victim and abuser is collected only once, and shared;
- The enquiries are sufficiently separate to ensure that the needs of and risks to each child in his or her own right are assessed, and

Rhaid i blant a phobl ifanc sy'n cam-drin plant eraill weld eu bod nhw'n gyfrifol am eu hymddygiad niweidiol. Ond, ar yr un pryd, dylid ymateb iddyn nhw mewn ffordd sy'n diwallu eu hanghenion yn ogystal ag yn amddiffyn plant eraill. Felly, pan mae plentyn yn honni bod plentyn neu berson ifanc wedi'i gam-drin, p'un ai yw'n aelod o'r un teulu ai peidio, rhaid dilyn y canllawiau amddiffyn plant o safbwynt y dioddefwr ac **ystyried** y canllawiau o safbwynt y sawl sy'n cael ei amau o gam-drin. Dylid hefyd ystyried lles plant eraill, er enghraifft, rhai sy'n byw yn yr un cartref preswyl.

Os yw'r asesiad cychwynnol a/neu'r ymholiadau amddiffyn plant dan adran 47 yn dangos bod gofynion brys gan y plentyn am wasanaethau yn sgil honiad o gam-drin neu oherwydd ei ymddygiad rhywiol amhriodol, dylai'r gwasanaethau fod ar gael iddo cyn i'r asesiad craidd gael ei gwblhau.

4.9.2 Y camau gweithredu gofynnol

Ar ôl atgyfeirio'r achos, rhaid dilyn y canllawiau amddiffyn plant yn Rhan 3, gyda'r amrywiadau sy'n dilyn.

Pan mae plentyn mewn cartref preswyl yn honni bod un arall o blant y cartref wedi'i gam-drin, rhaid rhoi gwybod i reolwr y cartref. Dylai rheolwr y cartref atgyfeirio'r achos i reolwr y gwasanaethau cymdeithasol sy'n gyfrifol am amddiffyn plant yn yr ardal. Rhaid i reolwr y cartref preswyl a gweithiwr allweddol y plentyn ddod i'r cyfarfod strategaeth.

Wrth gynllunio'r ymholiadau amddiffyn plant, mae'n bwysig gofalu:

- Mai dim ond unwaith y bydd gwybodaeth am anghenion y dioddefwr a'r sawl sydd wedi cam-drin yn cael ei chasglu a'i rhannu;
- Bod yr ymholiadau'n cael eu cadw'n gwbl ar wahân fel bod anghenion y naill blentyn a'r llall yn cael eu hasesu gyda mesur o'r perygl iddo, ac nad yw anghenion na lles y naill blentyn i'w gweld yn bwysicach na rai'r llall;
- Bod sylw wedi cael ei roi i unrhyw anabledd dysgu a allai fod ar unrhyw un o'r plant.

Dylai'r ymholiadau roi sylw i'r ffactorau sy'n dilyn hefyd:

- Y gwahaniaeth mewn pwer rhwng y sawl sy'n cael ei amau o gam-drin a'i ddioddefwr. Gallai'r gwahaniaeth fod ar sail oedran, maint corfforol, gallu deallusol neu statws cymdeithasol;
- Pa mor soffistigedig oedd y weithred, a pha mor briodol oedd hi o ystyried oedran y person dan sylw a'i allu i ddeall;
- Unrhyw dystiolaeth o drais amlwg, bwlio neu gamfanteisio rhywiol;

neither child's needs or interests are treated as more important than the other's;
- Account has been taken of any learning disability the child may have.

The enquiries should also take account of the following factors:

- The power difference between the alleged abuser and his or her victim, which may relate to age, physical size, intellectual or social status;
- The sophistication and age-appropriateness of the activity, given the age and understanding of the young person;
- Any evidence of overt violence, sexual bullying or exploitation;
- Whether consent/choice could not be exercised because of the victim's social or economic vulnerability;
- Whether there was secrecy or denial of the activity;
- The possible immediate risk posed by the alleged abuser to his or her current alleged victims and other potential victims;
- Whether the alleged abuser is a child in need of protection and/or has in the past suffered or may be suffering continued abuse;
- Establish whether the children's parents or caregivers were aware of the abuse prior to the referral being made but took no action or colluded with the abuse.

Box 22: Abuse by children and young people and learning disability/difficulty

- Any learning difficulties or disability should be assessed at the outset and appropriate advocacy should be provided during the enquiries;
- Although the child with learning difficulties may not be culpable, they may nevertheless continue to present a risk of significant harm to other children;
- Treatment will need to take account of the child's abilities and address the child's needs in a holistic way.

- P'un ai oedd y dioddefwr yn methu cydsynio neu'n cael ei rwystro rhag gwrthod cymryd rhan oherwydd ei fod yn agored i niwed yn sgil ffactorau cymdeithasol neu economaidd;
- P'un ai oedd y weithred yn cael ei chuddio neu ei gwadu;
- Y perygl posib buan i'r dioddefwr presennol oddi wrth y camdriniwr honedig, ac i ddioddefwyr posib eraill;
- P'un ai yw'r sawl sydd wedi'i gyhuddo o gam-drin yn blentyn sydd angen ei amddiffyn a/neu wedi cael ei gam-drin yn y gorffennol neu'n dal i gael ei gam-drin.
- Canfod a oedd rhieni neu ofalwyr y plant yn gwybod am y cam-drin cyn i'r atgyfeiriad gael ei wneud, ond eu bod nhw wedi methu gweithredu neu wedi cydgynllwynio gyda'r cam-drin.

Blwch 22: Camdriniaeth gan blant a phobl ifanc ac anabledd/anhawster dysgu

- Dylid asesu unrhyw anawsterau dysgu neu anableddau ar y dechrau un a threfnu eiriolaeth addas yn ystod yr ymholiadau;
- Er nad yw'n bosib dal plentyn ag anawsterau dysgu'n gyfrifol, efallai ei fod yn dal i achosi perygl o niwed arwyddocaol i blant eraill.
- Bydd angen i driniaeth roi sylw i alluoedd y plentyn a bydd rhaid edrych ar anghenion y plentyn mewn ffordd holistig.

4.9.3 Cynadleddau amddiffyn plant cychwynnol os mai plentyn/person ifanc yw'r sawl yr honnir iddo gyflawni'r weithred

Dylid cynnal cynhadledd amddiffyn plant gychwynnol i drafod dioddefwr y cam-drin honedig os naill ai:

- Y gall fod rhieni'r plentyn wedi cyfrannu at y gamdriniaeth trwy esgeulustod neu gydgynllwynio; *neu*
- Fod y sawl sy'n cael ei amau o gam-drin yn debyg o barhau i achosi perygl i'r dioddefwr sy'n blentyn.

4.9.4 Plentyn sydd wedi cam-drin

Dylai cyfarfod strategaeth gael ei gynnal yn achos unrhyw honiad bod plentyn neu berson ifanc wedi cam-drin trwy gyflawni gweithred rywiol. Bydd y cyfarfod yn ystyried p'un ai yw cynhadledd amddiffyn plant yn briodol ac a oes angen rhoi asesiad craidd ar waith.

4.9.3 Initial child protection conferences where the alleged perpetrator is a child/young person

An initial child protection conference should be held about the victim of the alleged abuse where either:

- The child's parents may have contributed to the abuse through negligence or collusion; *or*
- The alleged abuser is considered to pose a further risk to the child victim.

4.9.4 The child perpetrator

A strategy meeting should always take place wherever there is an allegation that a child or young person has committed a sexually abusive act. This meeting will consider whether a child protection conference is appropriate and a core assessment be instigated.

Evidence suggests that children who sexually abuse others may have:

- Suffered considerable disruption in their lives;
- Been exposed to violence within the family;
- Witnessed or been subject to neglect, physical or sexual abuse;
- Problems in their educational development;
- Committed other offences.

Children and young people who exhibit sexually harmful behaviours are likely to be children in need, some will additionally be suffering or be at risk of significant harm, and may require protection themselves. Research from work with adult abusers demonstrates that many began committing abusive acts during childhood or adolescence, and that a significant number have been subjected to abuse. Early intervention with children and young people who exhibit sexually harmful behaviours may, therefore, play an important part in protecting the public by preventing the continuation or escalation of abusive behaviour.

The strategy meeting should decide whether to arrange an initial child protection conference in respect of the alleged child abuser. If the decision is made not to hold a conference, social services should ensure that this decision is made in full consultation with all those agencies included in the child protection enquiries. If there is no agreement, the social services manager with responsibility for child protection should be consulted.

A child protection conference about the alleged abuser should:

- Share all available information about the young person including his or her family circumstances, the circumstances of the abusive behaviour

Mae tystiolaeth yn awgrymu y gallai plant sy'n cam-drin plant eraill yn rhywiol fod:

- Wedi dioddef llawer o aflonyddu yn eu bywydau;
- Wedi bod yn dyst i drais o fewn y teulu;
- Wedi bod yn dyst neu'n destun esgeuluso a cham-drin corfforol neu rywiol;
- Problemau yn eu datblygiad addysgol;
- Wedi cyflawni troseddau eraill.

Mae plant a phobl ifanc sy'n niweidio eraill trwy eu hymddygiad rhywiol yn debygol o fod yn blant mewn angen. Bydd rhai hefyd yn dioddef (neu mewn perygl o ddioddef) niwed arwyddocaol, ac angen eu hamddiffyn eu hunain. Mae gwaith ymchwil gydag oedolion sy'n cam-drin yn dangos bod llawer wedi dechrau cam-drin yn ystod eu plentyndod neu eu harddegau, a bod nifer arwyddocaol wedi cael eu cam-drin eu hunain. Gall ymyrraeth gynnar felly gyda phlant a phobl ifanc sy'n ymddwyn yn rhywiol niweidiol fynd yn rhan bwysig o'r broses o amddiffyn y cyhoedd trwy dorri cylch yr ymddygiad niweidiol neu ei rwystro rhag gwaethygu.

Dylai'r cyfarfod strategaeth benderfynu p'un ai oes angen trefnu cynhadledd amddiffyn plant gychwynnol i drafod y sawl sy'n cael ei amau o gam-drin. Os y penderfyniad yw peidio â chynnal cynhadledd, dylai'r gwasanaethau cymdeithasol ofalu bod y penderfyniad yn cael ei wneud ar ôl ymgynghori'n drwyadl gyda'r holl asiantaethau sy'n rhan o'r ymholiadau amddiffyn plant. Os nad yw'n bosib cytuno ar y penderfyniad, dylid ymgynghori â rheolwr y gwasanaethau cymdeithasol sy'n gyfrifol am amddiffyn plant.

Dylai cynhadledd amddiffyn plant ar gyfer y sawl sy'n cael ei amau o gam-drin fynd ati i:

- Rannu'r holl wybodaeth sydd ar gael am y person ifanc, yn cynnwys amgylchiadau ei deulu, amgylchiadau'r ymddygiad niweidiol a natur y drosedd a gafodd ei chyflawni. Rhaid ystyried hefyd a ddylid rhoi enw'r person ifanc ar y gofrestr amddiffyn plant;
- Ystyried i ba raddau y mae'r person ifanc yn deall y drosedd;
- Penderfynu, fel rhan o'r asesiad craidd, ar unrhyw gyngor neu asesu arbenigol pellach sy'n ofynnol;
- Pennu dyddiad ar gyfer trafod canlyniadau'r asesiad craidd ac unrhyw asesiadau arbenigol ychwanegol;
- Gofalu bod lleoliad y person ifanc yn amddiffyn y dioddefwr ei hun a dioddefwyr eraill posib yn llawn, a bod y person ifanc yn cael ei gynnal yn ddiogel;

and the nature of the offence committed, and consider whether to place the young person's name on the child protection register;
- Consider the level of understanding he/ she has about the offence;
- As part of the core assessment, decide on any further specialist advice and assessment that may be required;
- Set a date to discuss the results of the core assessment and any additional specialist assessments;
- Ensure that the placement of the young person fully protects actual and potential victims, and that the young person is supported safely;
- Consider any other help that should be offered to the young person and his/ her family;
- Seek the agreement of the young person and their family to whatever further intervention is needed;
- Identify the therapeutic needs of the young person and the pathway for accessing this;
- Consider alternative forms of intervention where voluntary agreement cannot be reached, including court proceedings.

A specialist sexually harmful behaviour service, or in the absence of such a service, a professional, trained and experienced in working with children who sexually harm / offend, should provide advice and assistance with the outcome of the core assessment.

Where a decision is made not to hold a child protection conference or the young person's name is not placed on the child protection register, and work with the young person and possibly their family/caregivers may still be recommended, there must be continued multi agency working and meetings.

4.9.5 A child who becomes a suspect

A child being interviewed during child protection enquiries may come under suspicion of involvement in a criminal offence, perhaps by making a self-incriminating statement. The interview should be terminated and the child told that it is possible that he/she may be interviewed concerning these matters at a later time.

If the child is to be interviewed in accordance with the Police and Criminal Evidence Act, he or she will be cautioned and the purpose of the interview made clear.

Where the priority is to obtain evidence from the child as a victim or witness, the interview can proceed and should follow Achieving Best Evidence guidance.

- Ystyried a oes angen cynnig unrhyw help arall i'r person ifanc a'i deulu;
- Gofyn i'r person ifanc a'i deulu am eu cytundeb i unrhyw ymyriadau pellach sydd eu hangen;
- Pennu anghenion therapiwtig y person ifanc a sut mae mynd ati i'w diwallu;
- Ystyried ffyrdd eraill o ymyrryd, yn cynnwys achos llys, os yw'r person ifanc yn gwrthod cytuno'n wirfoddol.

Dylid gofyn am gyngor a chymorth gan wasanaeth sy'n arbenigo mewn ymddygiad rhywiol niweidiol. Os nad oes gwasanaeth o'r fath ar gael, dylai gweithiwr proffesiynol profiadol sydd wedi'i hyfforddi ym maes ymddygiad rhywiol plant sy'n niweidio/troseddu helpu gyda chanlyniad yr asesiad craidd.

Os y penderfyniad yw peidio â chynnal cynhadledd amddiffyn plant ac nid yw enw'r plentyn i fynd ar y gofrestr amddiffyn plant ac efallai mai'r argymhelliad o hyd yw gweithio gyda'r person ifanc a'i deulu/ofalwyr hefyd efallai, rhaid parhau gyda gweithio a chyfrafodydd amlasiantaethol.

4.9.5 Plentyn sy'n destun amheuaeth

Efallai y daw plentyn sy'n cael ei gyfweld yn ystod ymholiadau amddiffyn plant dan amheuaeth o fod wedi cyflawni trosedd, efallai trwy roi datganiad sy'n awgrymu ei fod wedi troseddu. Dylid dod â'r cyfweliad i ben a dweud wrth y plentyn y gallai gael ei gyfweld rywbryd eto ynglŷn â'r materion hyn.

Os yw'r plentyn i gael ei gyfweld yn unol â Deddf yr Heddlu a Thystiolaeth Droseddol, bydd rhaid ei rybuddio ac esbonio pwrpas y cyfweliad yn glir.

Os mai cael tystiolaeth gan y plentyn fel dioddefwr neu dyst yw'r flaenoriaeth, gallai'r cyfweliad fynd yn ei flaen gan ddilyn canllawiau Achieving Best Evidence.

4.10 Plant ar eu pen eu hunain yn ceisio lloches

4.10.1 Rhagarweiniad

Mae mwy a mwy o blant a phobl ifanc yn dod i'r DU bob blwyddyn i geisio lloches, ac mae'r niferoedd yn sylweddol. Maen nhw "ar eu pen eu hunain" yn yr ystyr nad oes rhieni neu warcheidwaid y gallan nhw droi atyn nhw ar ôl cyrraedd er efallai fod tywysydd neu gydymaith arall wedi bod gyda nhw yn ystod y daith. Maen nhw fel arfer yn bobl ifanc 16-18 mlwydd oed, er bod rhai plant iau'n cyrraedd hefyd.

Yr un fath ag unrhyw blentyn arall yn y DU, mae gan blant ar eu pen eu hunain yn ceisio lloches hawl i gael cymorth gan wasanaethau cymdeithasol awdurdod sydd wedi'i enwi. Mae'r hawl yn para cyhyd ag y byddan nhw'n

4.10 Unaccompanied asylum seeking children (UASC)

4.10.1 Introduction

Each year, substantial and growing numbers of children and young people come to seek asylum in the UK. They are “unaccompanied” in the sense that they do not have parents or guardians to turn to when they arrive here, although they may well have been accompanied on the trip by a courier or other companion. UASC are usually in the 16-18 age group, although some younger children arrive as well.

As with any other child in the UK, UASC are entitled to social services’ assistance from a named authority for the period of their childhood, or until they leave the United Kingdom, or until their needs are otherwise met. UASC are entitled to assessment, support and protection in the same way as any other child. The local authority in which a child’s needs are identified is usually responsible for meeting them.

UASC frequently arrive with little or no documentation. There can be uncertainty and dispute about their ages, and even whether they are children at all. Their immigration status, entitlements, and the identification of appropriate support services all depend on an assessment of the age range into which they fall. Immigration staff and staff members and professionals in the receiving authority are frequently involved in making judgements about a young person’s age and entitlements, which at times can be difficult and conflicting.

There is a significant lack of information about children who arrive with pressing child protection needs. The protection of children at risk from traffickers requires staff members and professionals with specialist skills, and the earliest possible identification of potential victims.

4.10.2 Establishing responsibility for UASC

UASC, like other children in urgent need, should receive immediate assistance from the nearest local authority, until an authority with long-term responsibility takes over.

When an asylum seeking child establishes a local connection, the local authority responsibility is determined in the usual way. Children/young people should be asked for their preferences, and their attachment to a particular area, because of existing communities, and as far as possible their views should be respected.

Where a child has not established a local connection with a particular local authority, responsibility should be established quickly.

blant neu'n aros yn y Deyrnas Unedig, neu tan fydd eu hanghenion yn cael eu diwallu mewn ffordd arall. Mae gan y fath blant hawl i gael eu hasesu, eu cynnal a'u hamddiffyn yn yr un ffordd ag unrhyw blentyn arall. Fel arfer, yr awdurdod lleol sydd wedi adnabod anghenion y plentyn sy'n gyfrifol am eu diwallu.

Mae plant ar eu pen eu hunain yn ceisio lloches yn aml yn cyrraedd heb fawr ddim dogfennau. Efallai bydd ansicrwydd neu dadlau ynglŷn â'u hoedran, ac weithiau ynghylch pa un ai ydyn nhw'n blant o gwbl. Mae eu statws fel mewnfudwyr, eu hawliau a'r gwasanaethau cymorth y mae ganddyn nhw hawl i'w cael i gyd yn dibynnu ar asesiad o'u hoedran. Mae staff y gwasanaeth mewnfudo a staff a gweithwyr proffesiynol yr awdurdod sy'n eu derbyn yn aml yn gorfod mynd ati i farnu ynglŷn ag oedran a hawliau person ifanc. Mae'n gallu bod yn waith anodd sy'n creu gwrthdaro.

Mae prinder sylweddol o wybodaeth am blant sy'n cyrraedd y mae eu hanghenion amddiffyn yn ddwys. Mae gofyn i aelodau staff a gweithwyr proffesiynol fod â sgiliau arbenigol i amddiffyn plant sydd mewn perygl oherwydd masnachu pobl ac adnabod dioddefwyr potensial cyn gynted â phosib.

4.10.2 Penderfynu pwy sy'n gyfrifol am blant ar eu pen eu hunain yn ceisio lloches

Dylai plant ar eu pen eu hunain yn ceisio lloches, fel plant eraill mewn angen brys, gael cymorth ar unwaith gan yr awdurdod lleol agosaf, tan fydd awdurdod â chyfrifoldeb yn y tymor hir yn derbyn yr achos.

Pan mae plant sy'n ceisio lloches yn sefydlu cyswllt lleol, mae'r awdurdod lleol sy'n gyfrifol yn cael ei bennu yn y ffordd arferol. Dylid gadael i blant a phobl ifanc ddewis yr ardal y maen nhw am gael eu cysylltu â hi oherwydd cymunedau sydd yno'n barod. Dylid rhoi gymaint â phosib o barch i'w barn.

Pan nad yw plentyn wedi sefydlu cyswllt lleol gydag awdurdod lleol penodol, dylid mynd ati'n gyflym i bennu pa un sy'n gyfrifol.

4.10.3 Asesu anghenion plant ar eu pen eu hunain yn ceisio lloches

Yn yr un ffordd ag unrhyw blentyn arall, dylai awdurdodau lleol ddefnyddio'r Fframwaith ar gyfer Asesu Plant mewn Angen a'u Teuluoedd wrth asesu anghenion plant ar eu pen eu hunain yn ceisio lloches. Rhaid rhoi sylw arbennig i'r pwyntiau sy'n dilyn:

- hanes teulu, iaith, diwylliant, crefydd;
- gwybodaeth y plentyn am y cynlluniau ar ei gyfer yn y DU;
- gwybodaeth y plentyn am yr oedolyn sydd gydag e neu'n ei gwrdd;
- p'un ai oes gan y plentyn unrhyw ofnau neu bryderon;

4.10.3 Assessing the needs of UASC

As with any other child, local authorities should use the Framework for Assessment of Children in Need and their Families when assessing the needs of UASC. Particular attention should be paid to the following:

- family history, language, culture, religion;
- child's knowledge of plans for them in the UK;
- child's knowledge of accompanying/meeting adult;
- whether the child has any worries, concerns;
- whether the child has any contact numbers, knowledge of relatives etc in UK;
- any gaps in the information identified above.

Particular attention should be paid to the following, which are additional indicators of risk of significant harm to those which apply to all children:

- false address provided in UK;
- evidence that address is unsuitable;
- evidence that accompanying/meeting adult is unsuitable;
- evidence that parents have not made plans for the child;
- no relationship between adult accompanying/meeting the child; remember it may be culturally acceptable for an extended family member or friend to care for a child; **but this may be a private fostering arrangement and the receiving local authority would need to be notified and assess**;
- telephone numbers held by the child give cause for suspicion;
- police checks on adults meeting the child cause concern;
- discrepancies in the child's and accompanying/meeting adult's account;
- demeanour of child in company of adult;
- account of child;
- account of (absent) parent;
- contents of luggage, e.g. drugs, pornography, large sums of money.

Where appropriate, use should be made of Language Line or an independent interpreter.

4.10.4 Sharing information on the movements of UASC

There is a National Register for Unaccompanied Children (NRUC). This is a web-based register where it is intended that all unaccompanied children's details will be entered. This means that if a child moves across boundaries,

- p'un ai oes gan y plentyn rifau ffôn neu wybodaeth am berthnasau ac ati yn y DU;
- unrhyw fylchau yn y wybodaeth sydd wedi'i rhestru.

Rhaid rhoi sylw arbennig i'r pwyntiau sy'n dilyn, sef dangosyddion o'r perygl o ddioddef niwed arwyddocaol sy'n ychwanegol i'r rheini sy'n berthnasol i bob plentyn:

- rhoi cyfeiriad ffug yn y DU;
- tystiolaeth fod y cyfeiriad yn anaddas;
- tystiolaeth fod yr oedolyn sydd gyda'r plentyn neu'n ei gwrdd yn anaddas;
- tystiolaeth nad yw'r rhieni wedi gwneud trefniadau ar gyfer y plentyn;
- dim perthynas rhwng y plentyn â'r oedolyn sydd gydag e neu'n ei gwrdd. Cofiwch ei bod hi'n dderbyniol mewn rhai diwylliannau i aelod o'r teulu estynedig neu ffrind ofalu am blentyn. **Ond fe allai fod yn drefniant maethu preifat a byddai'n rhaid i'r awdurdod lleol sy'n derbyn yr achos gael gwybod amdano a chael cyfle i'w asesu**;
- mae'r rhifau ffôn sydd gan y plentyn yn codi amheuon;
- mae gwiriadau'r heddlu ar yr oedolion sy'n cwrdd y plentyn yn creu pryderon;
- diffyg cysondeb rhwng stori'r plentyn a stori'r oedolyn sydd gydag e neu'n ei gwrdd;
- ymddygiad y plentyn sydd gyda'r oedolyn;
- stori'r plentyn;
- stori'r rhiant (absennol);
- cynnwys bagiau'r plentyn, er enghraifft, cyffuriau, pornograffi, symiau mawr o arian.

Lle bynnag y bo hynny'n berthnasol, dylid defnyddio *Language Line* neu gyfieithydd annibynnol.

4.10.4 Rhannu gwybodaeth am symudiadau plant ar eu pen eu hunain yn ceisio lloches

Mae cofrestr genedlaethol ar gyfer plant ar eu pen eu hunain (*National Register for Unaccompanied Children / NRUC*). Mae'r gofrestr ar y we a'i bwriad yw cofnodi manylion pob plentyn ar ei ben ei hun. Mae hyn yn golygu y bydd yn bosib i awdurdod lleol fynd at y wybodaeth am blentyn, os yw'n symud o ardal un awdurdod i ardal un arall. **Rhaid rhoi gwybod i'r wefan pan ddaw awdurdod i wybod am blentyn ar ei ben ei hun sy'n symud naill ai i mewn i'r ardal neu allan ohoni.**

the collected information about them will be accessible by the receiving authority. **In the event of authority becoming aware of movements of UASC either in or out of their authority the web site must be notified.**

4.11 Multi agency public protection arrangements (MAPPA)

The Multi Agency Public Protection Arrangements (MAPPA) provide a national framework for the assessment and management of risk posed by sexual and violent offenders. This includes individuals who are considered to pose a risk, or potential risk of harm to children. The arrangements impose statutory requirements on the police and probation services (the "Responsible Authorities") to make these arrangements under Sections 67 and 68 of the Criminal Justice and Court Services Act of 2000.

Section 325 (3) of the Criminal Justice Act 2003 imposes a 'duty to co-operate' with the MAPPA on certain agencies:

- Youth Offending Service
- Local Education Authorities
- Local Authority Social Services
- Job Centre Plus
- Local Housing Authorities
- Registered Social Landlords
- Electronic Monitoring providers
- Health Bodies including:-
- National Health Service Trusts
- National Public health Service
- Local Health Boards

The purpose of MAPPA is to focus on convicted sexual and violent offenders returning to and living in the community. The development of national databases significantly enhances the ability to track offenders who move between communities and across organisational boundaries. The LSCB should ensure local databases are effective in storing and searching for information regarding adults who pose a risk to children.

There will be local arrangements including information sharing protocols in place to enable and direct the full sharing of information between all agencies involved.

Three categories of offenders are identified for MAPPA:

4.11 Trefniadau amlasiantaethol ar gyfer diogelu'r cyhoedd (MAPPA)

Mae'r trefniadau amlasiantaethol ar gyfer diogelu'r cyhoedd (*Multi Agency Public Protection Arrangements / MAPPA*) yn cynnig fframwaith cenedlaethol ar gyfer asesu a rheoli'r perygl y mae troseddwyr rhyw a throseddwyr treisiol yn ei achosi. Mae hyn yn cynnwys unigolion sy'n cyflwyno perygl neu berygl posib o niwed i blant. Mae'r trefniadau'n ei gwneud hi'n ofynnol yn statudol i'r heddlu a'r gwasanaethau prawf (yr "Awdurdodau Cyfrifol") i wneud y trefniadau hyn dan Adrannau 67 a 68 Deddf Cyfiawnder Troseddol a Gwasanaethau Llysoedd 2000.

Mae Adran 325 (3) Deddf Cyfiawnder Troseddol 2003 yn gosod 'dyletswydd i gydweithredu' â MAPPA ar asiantaethau neilltuol:

- Gwasanaeth Troseddau Ieuenctid
- Awdurdodau Addysg Lleol
- Gwasanaethau Cymdeithasol Awdurdodau Lleol
- Canolfan Byd Gwaith
- Awdurdodau Tai Lleol
- Landlordiaid Cymdeithasol Cofrestredig
- Cyrff sy'n darparu Monitro Electronig
- Cyrff Iechyd, yn cynnwys:-
- Ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol
- Gwasanaeth Iechyd Cyhoeddus Cenedlaethol
- Byrddau Iechyd Lleol

Pwrpas MAPPA yw canolbwyntio ar droseddwyr rhyw a throseddwyr treisiol sydd wedi'u cael yn euog ac sy'n dod yn ôl i'r gymuned neu'n byw ynddi. Mae'r gwaith o ddatblygu cronfeydd data cenedlaethol wedi'i gwneud hi'n llawer haws dilyn hynt droseddwyr sy'n symud o'r naill gymuned i'r llall ac ar draws ffiniau cyfundrefnau. Dylai'r Byrddau Lleol Diogelu Plant ofalu bod cronfeydd data lleol effeithiol ar gael i storio gwybodaeth am oedolion a allai achosi perygl i blant, ac i ganiatáu i bobl chwilio am y fath wybodaeth.

Bydd trefniadau lleol yn bodoli i roi sylw i ffactorau fel protocolau rhannu gwybodaeth. Bydd y fath drefniadau'n caniatáu i'r holl asiantaethau rannu gwybodaeth yn drwyadl.

Mae tri chategori o droseddwyr wedi cael ei bennu ar gyfer MAPPA:

- **Category 1**: registered sex offenders as defined by the Sex Offenders Act 1997, and amended by the Criminal Justice and Court Services Act 2000 and the Sexual Offences Act 2003;
- **Category 2**: violent and other sex offenders; violent and sexual offenders who receive a custodial sentence of 12 months or more, those detained under Hospital or Guardianship Orders and those who have committed specific offences against children;
- **Category 3**: other offenders not in Category 1 or 2 but who are considered by the responsible authority to pose a serious risk to the public.

Offenders are referred to the MAPPA process following conviction for a relevant offence. Following referral to MAPPA, a thorough and rigorous risk assessment on an individual case basis should be undertaken. Each area should have identified a MAPPA co-ordinator who can be contacted via any of the local responsible authorities.

The area MAPPA Strategic Management Board comprises lead managers from police, probation and prison, a number of agencies with a duty to co-operate and two lay advisors.

The National Probation Service and the Prison Service are responsible for the assessment of risk under the MAPPA arrangements. These services assess risk of harm using the Offender Assessment System (OASys). The Youth Justice Board use ASSET for under eighteen year olds. The following describe each level of risk:

- **Low**: no significant indicators of risk of harm at present;
- **Medium**: there are currently some indicators of risk of harm. The offenders has the potential to cause harm but is unlikely to do so unless there is a change in circumstances, for example failure to take medication, loss of accommodation, relationship breakdown, drug or alcohol misuse;
- **High**: there are currently indicators of risk of serious harm. The potential event could happen at any time and the impact would be serious;
- **Very High**: there is an imminent risk of harm. The potential event is more likely than not to happen imminently and the impact would be serious.

Risk is categorised by reference to people who may be the subject of that harm. This includes children who may be vulnerable to harm of various kinds, including violent or sexual behaviour, emotional harm or neglect. In this

- **Categori 1**: troseddwyr rhyw cofrestredig yn ôl y diffiniad yn Neddf Troseddwyr Rhyw 1997 fel y cafodd ei diwygio gan Ddeddf Cyfiawnder Troseddol a Gwasanaethau Llysoedd 2000 a Deddf Troseddau Rhyw 2003;
- **Categori 2**: troseddwyr treisiol a throseddwyr rhyw eraill; troseddwyr treisiol a throseddwyr rhyw sydd wedi'u dedfrydu i garchar am 12 mis neu fwy; y rhai sy'n cael eu cadw'n gaeth dan Orchmynion Ysbyty neu Warcheidiaeth a'r rhai sydd wedi cyflawni troseddau neilltuol yn erbyn plant;
- **Categori 3**: troseddwyr eraill sydd heb fod yn Nghategori 1 neu 2 ond y mae'r awdurdod cyfrifol yn dal i'w hystyried fel rhai sy'n achosi perygl difrifol i'r cyhoedd.

Mae troseddwyr yn cael eu hatgyfeirio at y drefn MAPPA ar ôl eu cael yn euog o drosedd berthnasol. Ar ôl cael eu hatgyfeirio at MAPPA, dylid mynd ati ym mhob achos unigol i wneud asesiad trwyadl a chadarn o'r perygl. Dylai pob ardal fod wedi penodi cyd-drefnydd MAPPA y mae modd cysylltu ag e trwy unrhyw un o'r awdurdodau cyfrifol lleol.

Mae rheolwyr sy'n arwain ar ran yr heddlu, y gwasanaeth prawf, carchardai a nifer o asiantaethau eraill sydd â dyletswydd i gydweithredu a dau gynghorydd lleyg yn perthyn i Fwrdd Rheoli Strategol MAPPA ym mhob ardal.

Y Gwasanaeth Prawf Cenedlaethol a Gwasanaeth Carchardai sy'n gyfrifol am asesu'r perygl dan drefniadau MAPPA. Mae'r gwasanethau hyn yn asesu'r perygl o niwed gan ddefnyddio'r System Asesu Troseddwyr (OASys). Mae'r Bwrdd Cyfiawnder Ieuenctid yn defnyddio ASSET ar gyfer pobl ifanc dan 18 mlwydd oed. Mae'r pwyntiau sy'n dilyn yn disgrifio'r lefelau o berygl:

- **Isel**: dim dangosyddion arwyddocaol o berygl o achosi niwed ar hyn o bryd;
- **Canolig**: rhai dangosyddion o berygl o achosi niwed ar hyn o bryd. Mae'r potensial gan y troseddwr i achosi niwed ond mae'n annhebygol o wneud hynny oni bai fod newid yn ei amgylchiadau, er enghraifft, methu cymryd meddyginiaeth, colli ei gartref, perthynas yn chwalu, camddefnyddio cyffuriau neu alcohol;
- **Uchel**: mae dangosyddion ar hyn o bryd o'r perygl o achosi niwed difrifol. Gallai'r niwed ddigwydd ar unrhyw adeg a byddai ei effeithiau'n ddifrifol;
- **Uchel iawn**: mae perygl ei fod ar fin achosi niwed. Mae'n fwyaf tebygol fod y digwyddiad ar fin digwydd a byddai ei effeithiau'n ddifrifol.

Mae perygl yn cael ei ddosbarthu yn ôl y bobl a allai fod yn destun i'r math hwnnw o niwed. Mae hyn yn cynnwys plant a allai fod yn agored i wahanol

context, the MAPPA must work closely with LSCBs to ensure that the best, local joint arrangements can be made for any individual child being considered by either setting.

The MAPPA framework identifies three separate, but connected levels at which risk is assessed and managed:

- **Level 1** ordinary risk management: this would be where the risks posed by the offender can be managed by one agency without significantly, involving other agencies;
- **Level 2** local inter-agency risk management: this is used where significant involvement from more than one agency is required but where either the level of risk or the complexity of managing the risk is not so great as to require referral to level 3;
- **Level 3** MAPPP (Multi Agency Public Protection Panels): This relates to the "critical few" assessed under OASys/ASSET as being a high or very high risk of causing serious harm.

4.11.1 Action required where a risk to a child/children is identified by the MAPPA process

When an offender is assessed as presenting a medium or high risk to a particular child/ren, the MAPPA co-ordinator has the responsibility for making the referral to social services or the police, who will consider the need to convene a strategy meeting.

The strategy meeting must:

- Consider where the offender plans to reside, its location and opportunity for contact with children;
- Consider the safety and needs of **all** children living in a household the offender plans to move in to or have contact with taking account of their age, understanding, any special needs and previous contact;
- Decide if child protection section 47 enquiries are required , and/or whether an assessment of a child's needs is required for providing a service that safeguards and promotes the welfare of the child;
- Determine what need, if any, there is to identify other children the offender has had contact with previously;
- Identify what information has been provided by MAPPA about the offender to schools, voluntary groups and others and whether any further steps are required to safeguard specific children;

fathau o niwed, yn cynnwys ymddygiad rhywiol neu dreisiol, niwed emosiynol neu esgeulustod. Yn y cyd-destun hwn, rhaid i MAPPA weithio'n agos gyda'r Byrddau Lleol i gynnig y trefniadau lleol, ar y cyd, gorau posib ar gyfer unrhyw blentyn sy'n dod i sylw'r naill gyd-destun a'r llall.

Mae fframwaith MAPPA'n adnabod tair lefel ar wahân, ond mae cyswllt rhwng y tair, ar gyfer asesu a rheoli perygl:

- **Lefel 1** lle mae'r perygl yn cael ei reoli'n gyffredinol: byddai hon yn sefyllfa lle y gallai un asiantaeth reoli'r peryglon sydd ynghlwm â'r troseddwr, heb orfod cael cyfraniad sylweddol gan asiantaethau eraill;
- **Lefel 2** lle mae amryw o asiantaethau'n rheoli'r perygl yn lleol: mae'r patrwm yma i'w weld pan mae gofyn cyfraniad sylweddol gan fwy nag un asiantaeth, ond nid yw lefel y perygl neu gymhlethdod y broses o'i reoli'n mor fawr fel bod angen atgyfeirio ar lefel 3;
- **Lefel 3** MAPPP (Paneli Amlasiantaethol ar gyfer Diogelu'r Cyhoedd): Mae hwn yn ymwneud â'r "lleiafrif difrifol" sydd wedi cael eu hasesu dan OASys/ASSET fel rhai sy'n achosi perygl uchel neu uchel iawn o niwed difrifol.

4.11.1 Y camau gweithredu gofynnol pan mae MAPPA yn adnabod perygl i blentyn/blant

Pan mae asesiad yn awgrymu bod perygl canolig neu uchel i droseddwr achosi niwed i blentyn neu blant, y cyd-drefnydd MAPPA sy'n gyfrifol am atgyfeirio'r achos at y gwasanaethau cymdeithasol neu'r heddlu. Bydd yr asiantaethau hyn yn ystyried a oes angen cynnull cyfarfod strategaeth.

Rhaid i'r cyfarfod strategaeth:

- Ystyried ble mae'r troseddwr yn bwriadu byw, lleoliad y cartref a'r cyfle a fydd ganddo i ddod i gyswllt â phlant;
- Ystyried diogelwch ac anghenion yr **holl** blant sy'n byw yn y cartref mae'r troseddwr yn bwriadu symud iddo neu'r plant y bydd y troseddwr yn dod i gyswllt â nhw, gyda sylw arbennig i'w hoedran, eu gallu i ddeall, unrhyw anghenion arbennig a chyswllt blaenorol.
- Penderfynu a oes angen gwneud ymholiadau amddiffyn plant dan adran 47, a/neu ystyried a oes angen asesiad o anghenion plentyn cyn cynnig gwasanaeth sy'n ei ddiogelu ac yn hybu ei les;
- Penderfynu a oes angen adnabod unrhyw blant eraill y mae'r troseddwr wedi dod i gyswllt â nhw yn y gorffennol;
- Nodi'r wybodaeth mae MAPPA wedi'i rhoi am y troseddwr i ysgolion, grwpiau gwirfoddol ac eraill, ac ystyried a oes angen cymryd unrhyw gamau pellach i ddiogelu plant neilltuol

- Identify a contingency plan and, if necessary, convene a child protection conference.

A full record of the meeting will be made, including any reasons for no further action if appropriate.

4.11.2 The domestic abuse multi agency risk assessment conference (MARAC)

The MARAC is a process to address the safety and protection of those most at risk from serious assault or murder as a result of domestic abuse. Effective protection of victims and their children is a multi agency responsibility and this conference to facilitate the risk assessment process is attended by a partnership of criminal justice agencies, other statutory bodies and the voluntary support sector.

The MARAC process is a way of moving the responsibility for addressing domestic abuse from the victim to a broad group of agencies.

In many high risk situations, victims may adopt an increasingly passive stance and an acceptance of their situation without the possibility of change, leading to them being unlikely to seek help. The MARAC is a vital tool in addressing their safety.

The MARAC meeting combines up to date risk information with a comprehensive assessment of a victim's needs linking those directly involved to the provision of appropriate services for the victim, children and perpetrator.

4.11.2.1 The aims of the MARAC.

The aims of the MARAC are to:

- Share information to enhance the safety, health and well being of victims, adults and their children;
- Raise awareness of the impact of domestic abuse on children;
- Agree and implement a risk management plan;
- Reduce repeat victimisation;
- Determine whether the perpetrator poses a significant risk to any particular individual or to the general community;
- Reduce domestic homicide and abuse;
- Prevent child abuse;
- Ensure agency accountability;
- Provide support for staff members and professionals involved in high risk domestic abuse cases.

- Creu cynllun wrth gefn ac, os oes angen, cynnull cynhadledd amddiffyn plant.

Rhaid cofnodi trafodaethau'r cyfarfod yn llawn, yn cynnwys cofnodi unrhyw resymau dros benderfynu i beidio â chymryd camau pellach.

4.11.2 Y gynhadledd amlasiantaethol asesu'r perygl o drais yn y cartref (MARAC)

Proses yw MARAC (Cynhadledd amlasiantaethol ar gyfer asesu perygl) i fynd ati i ddiogelu ac amddiffyn pobl sydd mewn perygl o gael rhywun yn ymosod arnyn nhw neu'n eu llofruddio yn sgil cam-drin domestig. Cyfrifoldeb amlasiantaethol yw amddiffyn dioddefwyr a'u plant yn effeithiol. Mae partneriaeth o asiantaethau cyfiawnder troseddol, cyrff statudol eraill a gwasanaethau o'r sector gwirfoddol yn dod i'r fath gynhadledd er mwyn hwyluso'r broses o asesu perygl.

Mae trefn MARAC yn ffordd o symud y cyfrifoldeb dros gam-drin domestig oddi wrth y dioddefwr i grŵp eang o asiantaethau.

Mewn llawer o sefyllfaoedd lle mae perygl uchel, gall dioddefwyr fynd yn fwy a mwy goddefol a derbyn eu sefyllfa heb weld ffordd o'i newid. Gall hyn eu gwneud nhw'n amharod iawn i ofyn am help. Mae MARAC yn erfyn pwysig iawn yn y broses o roi sylw i'w diogelwch.

Mae cyfarfod MARAC yn cyfuno gwybodaeth ddiweddar iawn am y perygl gyda asesiad trwyadl o anghenion dioddefwr. Mae'n cysylltu'r cyrff sy'n cynnig gwasanaethau i'r dioddefwr, i'w blant ac i'r sawl sy'n achosi'r cam-drin domestig.

4.11.2.1 Amcanion y MARAC

Amcanion y gynhadledd MARAC yw:

- Rhannu gwybodaeth er mwyn gwella diogelwch, iechyd a lles dioddefwyr, oedolion a'u plant;
- Gwneud pobl yn fwy ymwybodol o effeithiau cam-drin domestig ar blant;
- Cytuno ar gynllun i reoli'r perygl, a rhoi'r cynllun ar waith;
- Lleihau'r achosion o gam-drin yn digwydd tro ar ôl tro;
- Penderfynu a yw'r camdriniwr yn creu perygl arwyddocaol i unrhyw unigolyn penodol neu i'r gymuned gyffredinol;
- Lleihau'r achosion o lofruddiaethau a cham-drin domestig;
- Atal cam-drin plant;
- Sicrhau atebolrwydd asiantaethau;

The MARAC may recommend a referral to social services. Similarly at any point in a social services assessment process a MARAC may be recommended and arrangements must be in place to share information between the 2 processes.

Research shows that children experiencing domestic abuse can be affected in every aspect of their functioning - safety, health, school attendance, educational achievement, economic well-being and emotional and social development. In the most extreme cases children are at risk of serious injury or death.

MARAC partner agencies recognise the overlap between domestic abuse and the abuse of children. The legal definition of harm to children has been extended to include those living in households where domestic abuse is taking place. Amendment*, Section 120, Adoption & Children Act 2002*.

4.12 Safeguarding children who visit adult prisoners

The purpose of these guidelines is to provide a framework of guidance for managing contact between children and their parents/guardians or close relatives who have been deemed a risk to children or a specified child. As part of an overall assessment, professional judgement will be required regarding any contact between a prisoner and child.

The Prison Services Public Protection Strategy states that:

- The over-riding principle is that the child's welfare is paramount;
- Any contact should be in the child's best interest;
- It is necessary to carry out a risk assessment of the prisoner and a best interest assessment for the child in order to decide what, if any, form of contact is appropriate;
- Contact includes correspondence, telephone calls and visits;
- A minor is classed as any person under the age of 18.

The overriding principle in any decision-making is safeguarding and promoting the welfare of children. When assessing contact arrangements for a child, social services in consultation with the prison will need to take account of the wishes and feelings of the child. Any orders made by a court regarding contact between a child and specified people must be complied with and will take precedence over this guidance. If an order prohibiting or restricting contact has been made concerning a prisoner, and a child is supervised by a social worker, he/she must ensure the Prison Governor/Director is advised of this order and the terms of the restriction.

The prison governor has the overall responsibility for visiting arrangements.

- Darparu cefnogaeth ar gyfer staff a gweithwyr proffesiynol sy'n ymwneud ag achosion difrifol o gam-drin domestig.

Gallai'r gynhadledd MARAC argymell i achos gael ei gyfeirio at y gwasanaethau cymdeithasol. Yn yr un ffordd, gallai cynhadledd MARAC gael ei hargymell ar unrhyw adeg pan mae'r gwasanaethau cymdeithasol wrthi'n gwneud asesiad, a rhaid bod trefniadau'n bodoli i'r ddwy broses rannu gwybodaeth.

Mae gwaith ymchwil yn dangos bod effaith ar bob agwedd ar fywydau plant sy'n byw gyda cham-drin domestig – eu diogelwch, eu hiechyd, eu presenoldeb yn yr ysgol, eu cyraeddiadau addysgol, eu lles economaidd a'u datblygiad emosiynol a chymdeithasol. Yn yr achosion mwyaf difrifol, mae plant mewn perygl o ddioddef anafiadau difrifol neu o gael eu lladd.

Mae'r asiantaethau sy'n perthyn i MARAC yn cydnabod bod cam-drin domestig a cham-drin plant yn gorgyffwrdd. Mae'r diffiniad cyfreithiol o niwed i blant wedi cael ei ymestyn i gynnwys rhai sy'n byw mewn cartrefi lle mae cam-drin domestig yn digwydd. Diwygiad*, Adran 120, Deddf Mabwysiadu a Phlant 2002*.

4.12 Diogelu plant sy'n ymweld â charcharorion sy'n oedolion

Pwrpas y canllawiau hyn yw cynnig fframwaith o ganllawiau ar gyfer rheoli'r cyswllt rhwng plant a'u rhieni/gwarcheidwaid neu berthnasau agos y mae pryder eu bod nhw'n achosi perygl i'r plant neu i blentyn neilltuol. Bydd gofyn i weithwyr proffesiynol farnu, fel rhan o'r broses o wneud asesiad cyffredinol, ynglŷn ag unrhyw gyswllt rhwng carcharor a phlentyn.

Mae Strategaeth Amddiffyn y Cyhoedd y Gwasanaeth Carchardai'n dweud:

- Yr egwyddor gyffredinol yw mai lles y plentyn yw'r peth pwysicaf un;
- Dylai unrhyw gyswllt fod er budd gorau'r plentyn;
- Mae angen gwneud asesiad perygl o'r carcharor ac asesiad lles gorau'r plentyn er mwyn penderfynu pa fath o gyswllt a fyddai'n briodol, os bydd unrhyw gyswllt o gwbl;
- Mae cyswllt yn cynnwys gohebiaeth, galwadau ffôn ac ymweliadau;
- Mae unrhyw un dan 18 mlwydd oed yn cyfrif fel plentyn dan oed.

Yr egwyddor gyffredinol wrth wneud unrhyw benderfyniadau yw diogelu a hybu lles plant. Wrth asesu trefniadau cyswllt ar gyfer plentyn, dylai'r gwasanaethau cymdeithasol ymgynghori â'r carchar a rhoi sylw i ddymuniadau a theimladau'r plentyn. Rhaid cydymffurfio ag unrhyw

4.12.1 Identification of prisoners posing a risk to children

Establishments are required to identify prisoners who have:

- Been convicted or are charged with a sexual offence against a child;
- A previous conviction for a sexual offence against a child;
- A conviction or charge of murder or assault against a child;
- A charge or conviction involving domestic abuse where a child was involved;
- A charge or conviction where emotional abuse or neglect of a child was involved;
- Displayed any behaviour whilst in custody indicating the prisoner presents a risk to a child;
- Information has been received from other agencies that the prisoner presents a risk to a child.

Establishments are required to undertake a risk assessment to determine whether the offender poses a risk to children.

An assessment must give consideration to:

- a pattern of behaviour;
- age at time of offence;
- a prisoner's insight into his/her behaviour.

Once an offender has been assessed as a *Risk to Children* they will not be allowed to contact any child by any means regardless of their prisoner status, that is convicted or on remand. All prisoners are informed of the decision made and are offered the opportunity to apply for contact.

4.12.2 Assessment procedure

In accordance with the prison service public protection manual an offender can apply for contact with:

- Their own children;
- Their brothers and sisters children; and,
- In exceptional circumstances, their grand-children.

Where a prisoner requests a child visit, the establishment is responsible for the assessment of the offender.

The prison service will be required to write to the main carer of the child to seek their approval for contact to take place. The parent/ person with

orchymynion y mae llys wedi'i wneud o ran y cyswllt rhwng plentyn a phobl sydd wedi'u henwi. Bydd y fath orchymyn yn cael blaenoriaeth dros y canllawiau hyn. Os yw gorchymyn yn gwahardd neu'n cyfyngu ar y cyswllt â charcharor, ac mae gweithiwr cymdeithasol yn goruchwylio'r plentyn, rhaid i'r gweithiwr cymdeithasol ofalu bod Llywodraethwyr/Cyfarwyddwr y Carchar yn cael gwybod am y gorchymyn a thelerau'r cyfyngiad.

Llywodraethwr y carchar sy'n bennaf gyfrifol am drefniadau ymweld.

4.12.1 Adnabod carcharorion a allai niweidio plant

Mae dyletswydd ar garchardai i adnabod y carcharorion:

- Sydd wedi'u cael yn euog neu wedi'u cyhuddo o drosedd rhyw yn erbyn plentyn;
- Sydd wedi'u cael yn euog yn flaenorol am drosedd rhyw yn erbyn plentyn;
- Sydd wedi'u cael yn euog neu wedi'u cyhuddo o lofruddio plentyn neu o ymosod ar blentyn;
- Sydd wedi'u cyhuddo neu eu cael yn euog o gam-drin domestig ac roedd plentyn yn rhan o'r achos;
- Sydd wedi'u cyhuddo neu eu cael yn euog o drosedd oedd yn golygu cam-drin emosiynol neu esgeuluso plentyn;
- Ymddwyn tra'r oedden nhw yn y ddalfa mewn unrhyw ffordd sy'n awgrymu bod perygl iddyn nhw niweidio plentyn;
- Mae asiantaethau eraill wedi rhoi gwybod bod perygl i'r carcharor niweidio plentyn.

Mae dyletswydd ar garchardai i fynd ati i asesu'r perygl er mwyn penderfynu a oes perygl i droseddwr neilltuol niweidio plant.

Rhaid i'r fath asesiad roi sylw i:

- batrwm o ymddygiad;
- oedran y carcharor ar adeg y drosedd;
- p'un ai yw carcharor yn sylweddoli pa mor ddifrifol oedd ei ymddygiad.

Cyn gynted ag y bydd asesiad yn dangos bod carcharor yn achosi *Perygl i Blant*, ni fydd yn cael cysylltu mewn unrhyw ffordd ag unrhyw blentyn, waeth beth yw ei statws fel carcharor (hynny yw, wedi'i gael yn euog neu ar remand). Mae carcharorion yn cael gwybod am y penderfyniad ac yn cael cyfle i wneud cais am gyswllt â phlentyn.

parental responsibility will be contacted for their consent. The views of the child/young person must also be listened to and considered.

If contact is supported then a full risk assessment will be undertaken. A request for assistance will be sent to social services, police and probation. These agencies will be asked to provide a written report.

The prison service will contact social services to request an assessment of the suitability of the visit by the child. Social services should respond if they know the child and/or family. When the child is a looked after child, the views of social services must always be sought.

If the main carer, who has or shares parental responsibility does not support contact then the prisoner will not be allowed any contact with children and the full risk assessment will not be carried out.

When the establishment has received all assessments then a decision will be made on the level of contact the prisoner is allowed. In the case of a prisoner's contact with grandchildren the Governor/Director will make the final decision.

There are four levels of contact:

Level 1 No contact allowed;

Level 2 Written correspondence only;

Level 3 Written and telephone contact;

Level 4 Full contact including visits, mail and telephone calls.

An offender can appeal any decision made through the establishment's internal procedures. All cases are reviewed at least every 6 months.

4.12.3 Safeguarding the interests of children

Only those offenders identified after a thorough risk assessment will be allowed contact with children.

A photograph will be held at reception and in the visiting area. Each child will be identified prior to entering the prison and again on arrival at the visits hall. Where a child arrives at the prison and is not allowed to have contact with the prisoner then access will be refused. Establishment staff will closely monitor visits.

4.12.2 Y drefn asesu

Yn unol â llawlyfr amddiffyn y cyhoedd y gwasanaeth carchardai, gall troseddwr wneud cais am gyswllt â:

- Ei blant ei hun;
- Plant ei frodyr a'i chwiorydd; ac,
- Mewn amgylchiadau eithriadol, ei wyrion a'i wyresau.

Pan mae carcharor yn gofyn am gael ymweliad gan blentyn, y carchar sy'n gyfrifol am asesu'r troseddwr.

Bydd gofyn i'r gwasanaeth carchardai ysgrifennu at brif ofalwr y plentyn i ofyn am ei ganiatâd i'r cyswllt fynd yn ei flaen. Bydd rhaid cysylltu â rhiant y plentyn neu'r sawl sydd â chyfrifoldeb rhiant drosto i ofyn am eu caniatâd hefyd. Rhaid gwrando ar farn y plentyn neu'r person ifanc hefyd a rhoi sylw i'w farn.

Os bydd y cyswllt yn cael ei gefnogi, bydd asesiad llawn yn cael ei wneud o'r perygl. Bydd cais am gymorth yn cael ei anfon i'r gwasanaethau cymdeithasol, yr heddlu a'r gwasanaeth prawf. Bydd disgwyl i'r asiantaethau hyn roi adroddiad ysgrifenedig.

Bydd y gwasanaeth carchar yn cysylltu â'r gwasanaethau cymdeithasol i ofyn am asesiad i ddangos a yw ymweliad y plentyn yn addas ai peidio. Dylai'r gwasanaethau cymdeithasol ymateb os ydyn nhw'n gwybod am y plentyn a/neu'r teulu. Os yw'r plentyn yn blentyn sy'n derbyn gofal, rhaid gofyn ym mhob achos am farn y gwasanaethau cymdeithasol.

Os nad yw'r prif ofalwr, sydd â chyfrifoldeb rhiant neu mae'n rhannu'r cyfrifoldeb, yn fodlon i'r cyswllt â'r carcharor fynd yn ei flaen, yna ni fydd y carcharor yn cael hawl i weld y plant. Ni fydd asesiad llawn o'r perygl yn cael ei wneud.

Pan mae'r carchar wedi cael yr holl asesiadau, bydd penderfyniad yn cael ei wneud ynglŷn â lefel y cyswllt y mae gan y carcharor hawl i'w gael. Yn achos cyswllt carcharor â'i wyrion a'i wyresau, Llywodraethwr neu Gyfarwyddwr y carchar fydd yn penderfynu'n derfynol.

Mae pedair lefel o gyswllt:

Lefel 1 Nid oes hawl i gael unrhyw gyswllt;

Lefel 2 Gohebiaeth ysgrifenedig yn unig;

Lefel 3 Cyswllt ysgrifenedig a galwadau ffôn;

Lefel 4 Cyswllt llawn, yn cynnwys ymweliadau, post a galwadau ffôn.

Gall troseddwr apelio yn erbyn penderfyniad. Rhaid iddo wneud hynny trwy drefn fewnol y carchar. Mae pob achos yn cael ei adolygu o leiaf bob chwe mis.

4.12.3 Diogelu buddiannau plant

Dim ond troseddwyr sydd wedi mynd trwy asesiad trwyadl o'r perygl fydd â hawl i gael cyswllt â phlant.

Bydd ffotograff o'r plentyn yn cael ei ddal yn y dderbynfa ac yn y man ymweld. Bydd pob plentyn yn cael ei adnabod wrth gyrraedd y carchar ac unwaith eto wrth iddo gyrraedd y neuadd ymweliadau. Os bydd plentyn yn dod i garchar heb ganiatâd i weld y carcharor, ni fydd yn cael mynd at y carcharor. Bydd staff carchardai'n monitro ymweliadau'n ofalus iawn.

RHAN 5

5. Protocolau Cymru Gyfan ar gyfer diogelu plant mewn amgylchiadau penodol

5.1 Rhagarweiniad

Mae'r canllawiau *Diogelu Plant: Gweithio gyda'n Gilydd dan Ddeddf Plant 2004* yn gofyn bod Byrddau Lleol Diogelu Plant wedi creu nifer o brotocolau aml-asiantaethol penodol ar gyfer amddiffyn plant. Mae'n bosib datblygu'r protocolau'n lleol, yn rhanbarthol neu'n genedlaethol. Un o ddyletswyddau Grŵp Adolygu Canllawiau Amddiffyn Plant Cymru Gyfan yw ymgymryd â'r gwaith hwn ar ran y Byrddau Lleol Diogelu Plant yng Nghymru. Dylai pob Bwrdd unigol dderbyn a chymeradwyo pob un o'r protocolau amddiffyn plant aml- asiantaethol cyn iddyn nhw gael eu rhoi ar waith. Dylid eu hadolygu'n rheolaidd.

Mae Adroddiad Clywch yn argymell y dylai pob Bwrdd Lleol gadw cofrestr o'r protocolau amddiffyn plant, yn cynnwys protocolau amddiffyn plant asiantaethau unigol sy'n cael eu cyhoeddi yn eu hardal.

Mae'r canllawiau'n gofyn i Fyrddau Lleol Diogelu Plant fod â'r protocolau amddiffyn plant sy'n dilyn.

	Teitl y Protocol	**Fersiwn Cymru Gyfan ar gael fel dogfen ar wahân**	**Wedi'i gynnwys yn y Canllawiau**		**Gofyn i Fwrdd Lleol Diogelu Plant fod â fersiwn**
1	Protocol ar gyfer Ymholiadau / Ymchwiliadau Amddiffyn Plant (Adran 47 Deddf Plant 1989)				√
2	Datrys Gwahaniaethau Proffesiynol				√

PART 5

5. All Wales protocols for safeguarding children in specific circumstances.

5.1 Introduction

The guidance, *Safeguarding Children: Working Together under the Children Act 2004* requires LSCBs to have a number of specified multi agency child protection protocols in place. They can be produced at a local, regional or national level, and a function of the All Wales Child Protection Procedures Review Group is to undertake this task on behalf of LSCBs in Wales. All child protection multi agency protocols should be accepted and approved by individual LSCBs before being implemented. They should be reviewed on a regular basis.

The Clwych Report recommended that all LSCBs keep a register of child protection protocols, including single agency child protection protocols issued in their local area.

The guidance requires LSCBs to have the following child protection protocols.

	Title of Protocol	**All Wales version available as separate document**	**Included in Procedures**		**LSCB version required**
1	Protocol for Child Protection Enquiries / Investigation (Section 47 Children Act 1989)				√
2	Resolving Professional Differences				√
3	Information sharing protocol for the assessment of children in need and children				√

3	Protocol ar gyfer rhannu gwybodaeth wrth asesu plant mewn angen a phlant y mae angen eu hamddiffyn				√
4	Mynd at y Gofrestr Amddiffyn Plant a gwneud ymholiadau iddo		√	**3.26**	
5	Presenoldeb mewn cynadleddau amddiffyn plant (yn cynnwys cworwm)		√	**3.14.3**	
6a	Cynnwys plant, a chyfleu barn, dymuniadau a theimladau plentyn mewn cynadleddau amddiffyn plant		√	**3.14.4**	
6b	Cynnwys oedolion â chyfrifioldeb rhiant neu ofalwyr plentyn, a chyfleu eu barn, dymuniadau a theimladau mewn cynadleddau amddiffyn plant		√	**3.14.5**	
7	Dod i benderfyniad mewn cynadleddau amddiffyn plant lle nad		√	**3.14.16**	

	requiring protection				
4	Access and Enquiries to the Child Protection Register		√	**3.26**	
5	Attendance at child protection conferences (including quorum)		√	**3.14.3**	
6a	The participation of children, and the representation of the views, wishes and feelings at child protection conferences		√	**3.14.4**	
6b	The participation of adults with parental responsibility/the child's caregivers, and the representation of the views, wishes and feelings at child protection conferences		√	**3.14.5**	
7	Decision Making at child protection conferences where a consensus is not reached		√	**3.14.16**	
8	Handling complaints from families re child		√	**5.2**	

	yw pawb yn cytuno				
8	Delio â chwynion gan deuluoedd ynglŷn â chynadleddau amddiffyn plant		√	**5.2**	
9	Trefniadau cydweithio ag Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru (CSSIW)				√
10	Symudiadau achosion amddiffyn plant a phlant agored i niwed rhwng gwahanol awdurdodau lleol		√	**3.27** **3.28**	
11	Diogelu plant sy'n dioddef o salwch ffug neu salwch gwneud		√	**5.3**	
12	Diogelu plant mewn perygl o ddioddef Camfanteisio Rhywiol				√
13	Cynnig therapi i dystion sy'n blant cyn mynd i lys				√
14	Plant yn ymweld ag				√

	protection conferences				
9	Joint working arrangements with Care and Social Services Inspectorate Wales				√
10	Moves of Child Protection Cases and Vulnerable Children between Local Authorities		√	**3.27** **3.28**	
11	Safeguarding Children in Whom Illness is Fabricated or Induced		√	**5.3**	
12	Safeguarding Children at Risk of Sexual Exploitation				√
13	The Provision of Pre-Trial Therapy for Child Witnesses				√
14	Children visiting secure psychiatric hospitals				√ **(where applicable)**

The All Wales Child Protection Procedures Review Group recommends that LSCBs have the following protocols, some of which are / or will be available as all Wales versions:

	ysbytai seiciatrig diogel				**(os yw'n berthnasol)**

Mae Grŵp Adolygu Canllawiau Amddiffyn Plant Cymru Gyfan yn argymell y dylai Byrddau Lleol Diogelu Plant fod â'r protocolau sy'n dilyn. Mae rhai (neu bydd rhai) ar gael fel fersiynau ar gyfer Cymru gyfan:

	Teitl y Protocol	**Fersiwn Cymru Gyfan ar gael fel dogfen ar wahân**	**Wedi'i gynnwys yn Rhan 5**		**Gofyn i Fwrdd Lleol Diogelu Plant fod â fersiwn**
15	Yr effaith ar y plentyn/plant pan mae teulu'n cael profiad o salwch/anhwylder meddwl	**I'w ddatblygu**			√
16	Effaith teuluoedd sy'n camddefnyddio sylweddau neu alcohol ar y plentyn/plant	**I'w ddatblygu**			√
17	Effaith Cam-drin Domestig ar y plentyn/plant	**I'w ddatblygu**			√
18	Plant sydd ar goll o'u cartrefi neu o ofal awdurdod lleol	**I'w ddatblygu**			√
19	Protocol Aml-asiantaethol Cymru Gyfan ar gyfer Marwolaethau Sydyn Annisgwyl Babanod a Phlant (SUDI)	√			

	Title of Protocol	All Wales version available as separate document	Included in Part 5		LSCB version required
15	The impact on the child/children of families experiencing Mental Illness/disorder	**To be developed**			√
16	The impact on the child/children of families with substance / alcohol misuse	**To be developed**			√
17	The impact on the child/children of Domestic Abuse	**To be developed**			√
18	Children Missing from home or from local authority care	**To be developed**			√
19	All Wales Multi-Agency Protocol for Sudden Unexpected Death in Infants and Children (SUDI)	√			
20	Female Genital Mutilation Protocol	√			
21	Safeguarding and Promoting		√	**5.4**	

20	Protocol Anffurfio Organau Cenhedlu Merched	√			
21	Diogelu a Hybu Lles Pobl Ifanc sy'n Weithredol yn Rhywiol		√	**5.4**	
22	Rheoli plant ag arwyddion o ymddygiad rhywiol niweidiol				√
23	Amddiffyn plant rhag cael eu cam-drin trwy dechnoleg gwybodaeth		√	**5.5**	
24	Adolygiadau Achosion Difrifol				√
25	Diogelu plant o fewn trefniadau benthyg croth				√
26	Plant ar wyliau cyfnewid				√
27	Plant teuluoedd sy'n ceisio Lloches				√ **(cyfeiriwch hefyd at**

	the Welfare of Sexually Active Young People				
22	The management of children displaying sexually harmful behaviour				√
23	The protection of children from abuse via information technology		√	**5.5**	
24	Serious Case Reviews				√
25	Safeguarding children within surrogacy arrangements				√
26	Children on exchange holidays				√
27	Children of Asylum seeking families				√ **(see also 4.10)**
28	Safeguarding Children from Abuse linked to a belief in Spirit Possession				√ **(see also 5.6)**

All Wales protocols available as All Wales documents but not included in these procedures can be accessed at www.awcpp.org.uk.

					4.10)
28	Diogelu plant rhag cael eu cam-drin ar sail cred bod ysbrydion yn eu meddiannu				√ **(cyfeiriwch hefyd at 5.6)**

Mae'n bosib mynd at brotocolau Cymru Gyfan sydd yn ddogfennau ar gyfer Cymru Gyfan (ond sydd heb eu cynnwys yn y Canllawiau hyn) ar www.awcpp.org.uk.

Hefyd, mae templed enghreifftiol ar gael ar y wefan hefyd ar gyfer cronoleg Adolygiad Achos difrifol.

In addition a model template for the Serious Case Review chronology is available on the website.

PROTOCOL
CYMRU GYFAN

Delio â chwynion

gan

Deuluoedd

am

Weithrediad

Cynhadledd

Amddiffyn Plant

ALL WALES PROTOCOL

Handling Complaints from Families about the Functioning of the Child Protection Conference

5.2 Delio â chwynion gan blant, rhieni a'r rhai sy'n roi gofal am weithrediad cynhadledd amddiffyn plant

Efallai fydd gan rieni, rhai sy'n rhoi gofal a phlant sy'n rhan o broses cynhadledd bryderon y byddan nhw am drafod gyda rhywun neu wneud cwyn amdanynt ynghyd-destun yr agweddau dilynol;

- Gweithrediad y gynhadledd o ran cadw at ganllawiau;
- Y penderfyniad i gofrestru, yn cynnwys y categori;
- Penderfyniad i beidio â chofrestru neu i ddadgofrestru.

Rhaid anfon cwynion at gadeirydd y gynhadledd o fewn 14 diwrnod gwaith i ddyddiad anfon cofnodion y gynhadledd. Efallai y bydd angen help ar y sawl sy'n gwneud y gwyn i ysgrifennu'r gwyn yn ffurfiol. Dylai'r sawl sy'n cwyno gytuno ar y gwyn, a'i llofnodi. Dylai'r cadeirydd roi gwybod am y gwyn i'r uwch reolwr yn y gwasanaethau cymdeithasol sy'n gyfrifol am amddiffyn plant.

Bydd y cadeirydd yn ceisio datrys y gwyn o fewn saith niwrnod i'r dyddiad y daeth i law.

Os nad yw'n bosib datrys y gwyn, dylai'r cadeirydd roi gwybod i'r uwch reolwr sy'n gyfrifol am amddiffyn plant fod y sawl sy'n cwyno'n awyddus i fynd â'r gwyn yn ei blaen i'r cam nesaf, sef panel rhyngasiantaethol y Bwrdd Lleol Diogelu Plant.

5.2.1 Panel y Bwrdd Lleol Diogelu Plant

Bydd yr uwch reolwr sy'n gyfrifol am amddiffyn plant yn cynnull cyfarfod o banel rhyngasiantaethol y Bwrdd Lleol Diogelu Plant. Mae gan y panel hwn 25 ddiwrnod gwaith o'r dyddiad y cafodd y gwyn ei **llofnodi** i roi gwybod am eu darganfyddiadau i'r sawl sy'n gwneud y gwyn.

Dylai aelodaeth y panel gynnwys o leiaf tri o uwch gynrychiolwyr yr asiantaethau sy'n perthyn i'r Bwrdd Lleol Diogelu Plant. Bydd un o'r tri'n cadeirio'r panel. Ni ddylai'r panel gynnwys unrhyw un sydd wedi bod yn ymwneud yn uniongyrchol â'r achos dan sylw.

Dylai'r sawl sy'n gwneud y gwyn gael cyfle i ddod i'r cyfarfod i roi datganiad i'r panel neu i'w gyflwyno'n ysgrifenedig, ac i alw tystiolaeth ynglŷn â'i gwyn. Bydd ganddo hawl i ddod ag eiriolwr a/neu gynghorwr cyfreithiol i'r cyfarfod.

Gall y panel a'r sawl sy'n gwneud y gwyn alw tystion.

Bydd y panel yn penderfynu:

- P'un ai wnaeth y broses a ddilynwyd gadw at Canllawiau Amddiffyn Plant Cymru Gyfan;

5.2 Handling complaints from parents, caregivers and children about the functioning of the child protection conference

Parents, caregivers and children, who are involved in the conference process, may have concerns about which they may wish to make representations or complain, in respect of one or more of the following aspects of the functioning of child protection conference:

- The process of the conference in terms of adherence to procedures;
- The registration decision, including the category;
- A decision not to register or to de-register.

Complaints should be addressed to the conference chair within 14 working days from the conference minutes being sent. The person making the complaint may need to be assisted in putting their complaint in a written format. The complainant should agree and sign the complaint. The chair should notify the senior manager for child protection in social services about the complaint.

The chair will attempt to resolve the complaint within 7 days of receiving the complaint.

If the complaint is not resolved, the chair should inform the senior manager for child protection that the complainant wishes to go to next stage of the procedure, the interagency LSCB Panel.

5.2.1 The LSCB panel

The senior manager for child protection shall convene a meeting of the interagency LSCB Panel. This panel has 25 working days from the date that the complaint was **signed** to inform the complainant of their findings.

The panel should consist of a minimum of three senior representatives from LSCB member agencies, one of whom will act as chair. The panel shall not include anyone who has had direct involvement in the case that is being heard.

The complainant shall be offered the opportunity to make a statement in person or in writing to the panel and call evidence relating to his/her complaint. The complainant shall be entitled to be accompanied by an advocate and/or a legal advisor.

Both the panel and the complainant may call witnesses.

The panel will determine:

- P'un ai yw'r penderfyniad sy'n sail i'r gwyn yn dilyn yn rhesymol o'r broses o gadw at y canllawiau yn gywir;
- P'un ai yw'r penderfyniad sy'n sail i'r gwyn yn dilyn yn rhesymol o'r wybodaeth a oedd ar gael i'r gynhadledd wreiddiol.

Bydd cadeirydd y panel yn rhoi gwybod am benderfyniad y panel i'r sawl sy'n gwneud y gwyn.

Bydd y penderfyniad yn cael ei anfon yn ysgrifenedig ac yn cael ei anfon hefyd at:

- Y plentyn, yn unol â'i oed a'i ddealltwriaeth
- Unrhyw riant neu ofalwr arall
- Unrhyw berson arall â chyfrifioldeb rhiant
- Aelodau o'r gynhadledd amddiffyn berthnasol
- Cadeirydd y gynhadledd amddiffyn plant dan sylw

5.2.2 Os yw'r gwyn yn cael ei chadarnhau:

Bydd y panel yn cyfeirio'u hargymhellion at gynhadledd amddiffyn plant sydd wedi'i hailgynnull. Bydd y gynhadledd yn edrych eto ar y penderfyniad i gofrestru, ac ar y categori.

Rhaid enwebu cadeirydd gwahanol ar gyfer y gynhadledd. Rhaid ailgynnull y gynhadledd o fewn 15 diwrnod gwaith i ddyddiad penderfyniad y panel. Bydd penderfyniad gwreiddiol y gynhadledd yn sefyll tan fydd yr ail gynhadledd wedi cael ei chynnal.

Rhaid i'r gynhadledd roi sylw i argymhellion y panel wrth ystyried a yw'r meini prawf ar gyfer cofrestru'n cael eu bodloni.

Os yw'r meini prawf ar gyfer cofrestru wedi'u bodloni, dylai cadeirydd y gynhadledd benderfynu wedyn pa gategori o gofrestru sy'n berthnasol.

5.2.3. Cwynion sydd heb eu datrys

Dylai Byrddau Lleol Diogelu Plant ystyried gwneud eu trefniadau eu hunain er mwyn delio gyda chwynion heb eu datrys.

5.2.4. Adroddiadau

Dylai'r Bwrdd Lleol Diogelu Plant ofalu bod adroddiadau'n cael eu creu bob chwarter blwyddyn ar unrhyw gwynion a wnaed, y canlyniadau a chrynodeb o'r materion oedd dan sylw.

- Whether the process followed adhered to the All Wales Child Protection Procedures;
- Whether the decision that is being complained about follows reasonably from the proper observation of the procedures;
- Whether the decision that is being complained about follows reasonably from the information available to the original conference.

The LSCB panel cannot remove a child's name from the child protection register; this can only be done at a child protection conference

The chair of the panel shall inform the complainant of the decision of the panel.

The decision should be communicated in writing and also be sent to:

- The child if appropriate to their age and understanding
- Any other parent or caregiver
- Any other person with parental responsibility
- Members of the relevant child protection conference
- The chair of the child protection conference, subject to the complaint

5.2.2 If the complaint is upheld:

The panel shall refer their recommendations to a reconvened child protection conference to reconsider the registration decision and category.

A different conference chair must be nominated and the conference reconvened within 15 working days of the panel decision. The original conference decision will remain in place until the reconvened conference has taken place.

The conference must consider, taking into account the panel's recommendations, whether the criteria for registration is met.

If the criteria for registration are met, the conference chair should then determine the relevant category for registration.

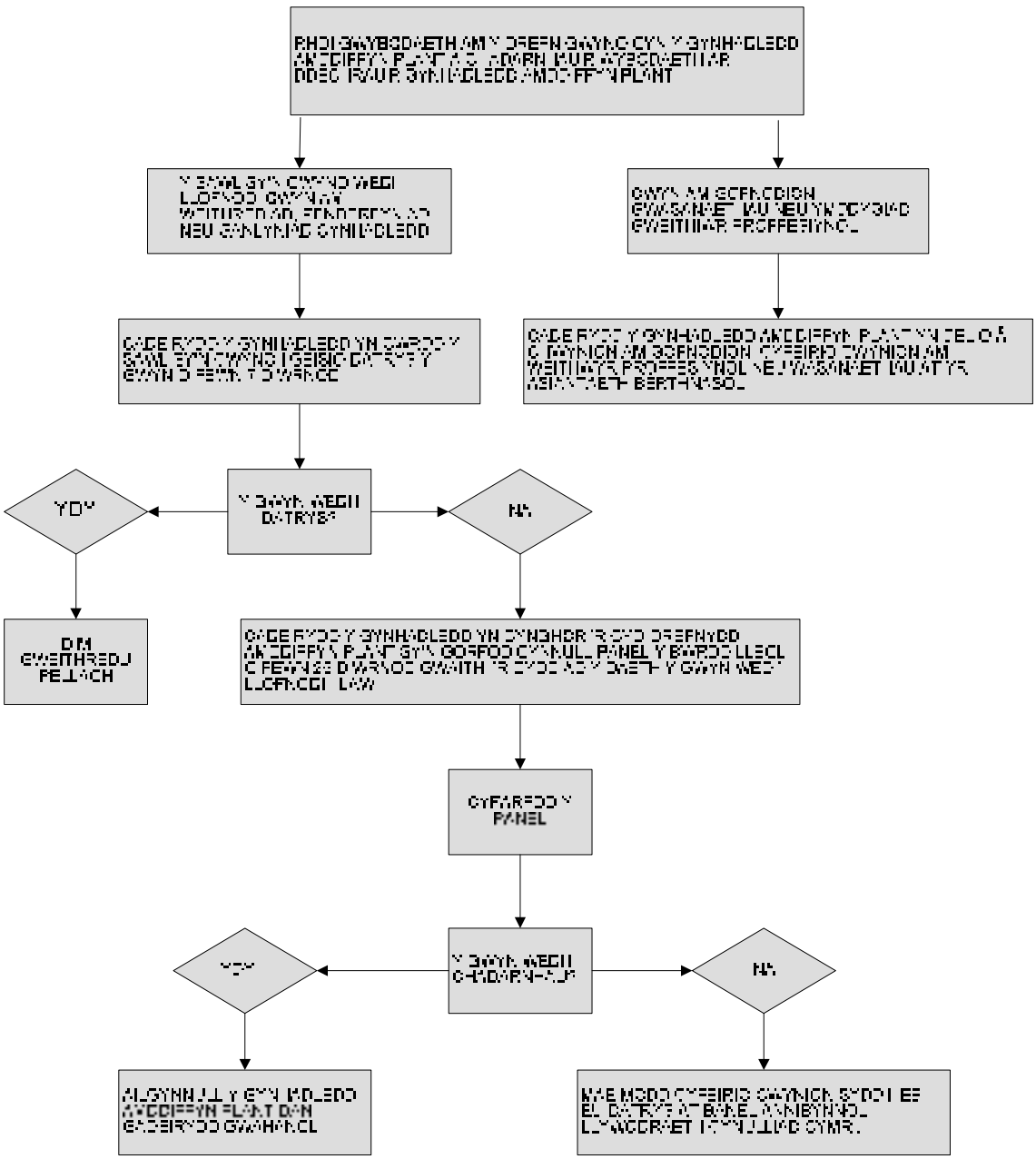
5.2.3. Unresolved complaints

LSCB's should consider making their own arrangements for dealing with unresolved complaints.

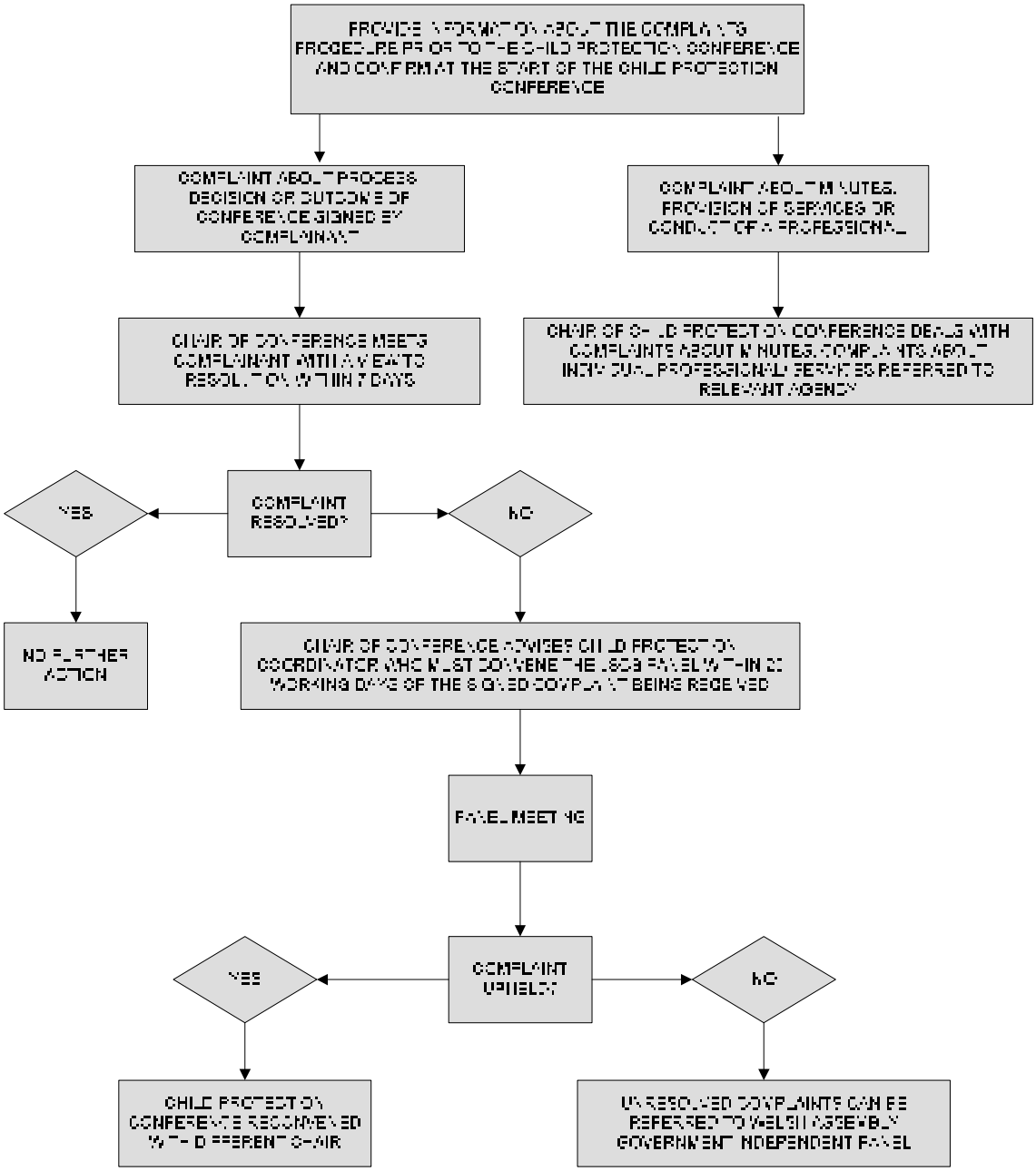
5.2.4. Reports

The LSCB should ensure reports are provided on a quarterly basis regarding any complaints made, outcomes and summary of issues raised.

5.2.5 Siart Llif 6: Delio â chwynion am Gynadleddau Amddiffyn Plant



5.2.5 Flow Chart 6: Handling Complaints about Child Protection Conferences.



PROTOCOL
CYMRU GYFAN

Diogelu Plant sy'n dioddef o Salwch Ffug neu Salwch Gwneud

2007

Yn disodli fersiwn blaenorol 2004

ALL WALES PROTOCOL

Safeguarding Children In Whom Illness is Fabricated or Induced

2007

Replaces the previous 2004 version

5.3 Protocol Salwch Ffug

Cyhoeddwyd y polisi hwn yn flaenorol yn 2004, ac fe'i ail-gyhoeddir fel diweddariad ar gyfer y Canllawiau Amddiffyn Plant Cymru Gyfan newydd 2007

Ffurf ar gam-drin, nid cyflwr meddygol, yw salwch ffug neu salwch gwneud mewn plant.

5.3.1

Yn 2002, cyhoeddodd yr Adran Iechyd, y Swyddfa Gartref, yr Adran Addysg a Sgiliau a Llywodraeth Cynulliad Cymru ganllawiau cynhwysfawr dan statud, sef *Safeguarding Children in Whom Illness is Fabricated or Induced.*

- Mae'r canllawiau'n cynnig fframwaith cenedlaethol ar gyfer pob asiantaeth, ac yn argymell y dylid creu canllawiau mwy penodol a manwl yn lleol;
- Ar ben hynny, cyhoeddodd Coleg Brenhinol Pediatreg ac Iechyd Plant (RCPCH) adroddiad ei weithgor ei hun yn 2001/02;
- Mae'r canllawiau'n rhoi disgrifiad llawn o salwch ffug, ac mae'n rhoi sylw arbennig i gymhlethdodau gweithio gyda theuluoedd;
- Rhaid cymryd y polisi cenedlaethol *Safeguarding Children in whom Illness is Fabricated/Induced* a'r protocol hwn ar gyfer Cymru Gyfan fel atodiadau i'r dogfennau *Canllawiau Amddiffyn Plant Cymru Gyfan* a *Diogelu Plant: Gweithio gyda'n Gilydd dan Ddeddf Plant 2004* (2006);
- Dylai fod modd i unrhyw ymarferwr fynd at y dogfennau hyn, a rhaid eu darllen ar y cyd â'r protocol hwn;
- Mae pecyn hyfforddi ar gael bellach i weithwyr proffesiynol: **'Incredibly Caring'** (www.radcliffe-oxford.com).

5.3.1.1

Dylid rheoli atgyfeiriadau ym maes salwch ffug neu salwch gwneud yn unol â Rhan 3 o'r Canllawiau Amddiffyn Plant Cymru Gyfan 2007 (Y Broses Amddiffyn Plant) a'r protocol hwn.

- **Pan mae un sy'n rhoi gofal yn ffugio arwyddion a symptomau salwch bydd y plentyn yn cael ei niweidio p'un a yw'r un sy'n rhoi gofal yn gwneud rhywbeth uniongyrchol iddo**

5.3 Fabricated Illness Protocol

This policy was previously issued in 2004, and is now reissued as an update for the new All Wales Child Protection Procedures 2007.

Fabricated/Induced Illness in children is a form of abuse

not a medical condition.

5.3.1

In 2002 the Department of Health, Home Office, Department of Education and Skills and the Welsh Assembly Government issued comprehensive guidance under statute, *Safeguarding Children in Whom Illness is Fabricated or Induced.*

- The guidance provides a national framework for all agencies and recommends that more specific and detailed guidance is available locally;
- In addition in 2001/2 The Royal College of Paediatrics and Child Health (RCPCH) produced their own working party report;
- The guidance gives a comprehensive overview of fabricated illness, and in particular the complex issues of working with families;
- The above national policy *Safeguarding Children in whom Illness is Fabricated/Induced*, and this All Wales protocol should be viewed as addenda to the *All Wales Child Protection Procedures and Safeguarding Children: Working under the Children Act 2004 (2006;)*
- The above documents should be available to practitioners and must be read in conjunction with this protocol;
- A training pack for professionals is now available: **'Incredibly Caring'.** (www.radcliffe-oxford.com)

5.3.1.1

Referrals regarding fabricated/induced illness should be managed in accordance both with the *All Wales Child Protection Procedures 2007*, Part 3 – The Child Protection Process and with this protocol.

NEU

- o ganlyniad i archwiliadau a thriniaethau meddygol diangen.

Rhaid i bob gweithiwr proffesiynol ym mhob asiantaeth fod yn ymwybodol o'r posibilrwydd o salwch ffug.

Rhaid ystyried yn ofalus y derminoleg mae rhywun yn ei defnyddio a'r meini prawf diagnostig.

Dylid cadw'r termau salwch ffug a salwch gwneud ar gyfer rhieni sy'n niweidio plentyn neu mewn perygl o'i niweidio yn sgil salwch y maen nhw'n fwriadol yn ei ffugio neu'n ei achosi.

Bydd sbectrwm yr achosion yn amrywio o rai ysgafn iawn i rai difrifol iawn a rhai sy'n rhoi peryglu bywyd.

5.3.1.2 Gallai'r rhain fod yn amlwg:

- Gorliwio salwch a symptomau go iawn;
- Ffugio symptomau fel apnoea wrth gysgu, ffitiau, pyliau o asthma ac alergedd;
- Ffugio arwyddion, profion a chofnodion trwy, er enghraifft, ychwanegu gwaed neu siwgr at wrin neu greu cofnodion ffug o dymheredd;
- Creu salwch corfforol trwy, er enghraifft, wenwyno, mygu, newynu neu fwyta diet anaddas;
- Marwolaeth annisgwyl sydyn baban neu blentyn;
- Honiadau ffug o gam-drin;
- Annog neu orfodi plentyn i ymddangos yn anabl yn cynnwys anabledd dysgu, a/neu hawlio triniaethau arbenigol neu gyfarpar diangen ar gyfer y plentyn.

5.3.2 Er bod salwch ffug yn anarferol, dylai pob gweithiwr proffesiynol, yn arbennig rhai ym maes iechyd, ei ystyried wrth wneud diagnosis, ac wrth drin a gweithio gyda phlant a phobl ifanc.

5.3.2.1 Os yw rhywun yn amau salwch ffug, mae angen atgyferio'r achos at y gwasanaethau cymdeithasol.

Pan mae'r fath bryderon yn codi:

- Mae angen i bob gweithiwr proffesiynol ym mhob asiantaeth ystyried yr angen i ofyn yn gynnar am gyngor gweithiwr proffesiynol uwch;
- Rhaid bod yn arbennig o ofalus wrth benderfynu a ddylid rhannu'r pryderon â'r teulu yn y cam hwn. Dylid gwneud hynny dim ond pan yw'n glir nad yw'n rhoi'r plentyn mewn rhagor o berygl. Mae hwn yn

- **Fabrication of symptoms and signs by a caregiver will result in harm to the child whether as a direct result of the caregiver's actions**

OR

- as a result of unnecessary medical investigation and treatment.

All professionals in all agencies should be alert to the possibility of fabricated illness.

The terminology used and the diagnostic criteria should be carefully considered.

The term FII (Fabricated/Factitious/Induced Illness) should be reserved for parents who are causing the child harm, or risk of harm, as a result of deliberate fabrication/induction of illness.

The spectrum of cases will vary from the very mild to the severe and life threatening.

(Another term in use is Paediatric Falsification)

5.3.1.2 The following may be present:

- Exaggerating real illness and symptoms;
- Fabrication of symptoms for example sleep apnoea, seizures, asthma attacks and allergy;
- Falsifying signs, tests and records, for example addition of blood or sugar to urine, false temperature records;
- Inducing physical illness, for example poisoning, suffocation, starvation or inappropriate diet;
- Sudden unexpected death of infant or child;
- False allegations of abuse;
- Encouraging or requiring the child to appear disabled, including learning disability and/or obtaining unnecessary specialist treatments or equipment for the child.

5.3.2 Fabricated illness may be unusual but should form part of a differential diagnosis/consideration for all professionals, especially health, in working with/ treating children and young people.

5.3.2.1 In the case of suspected fabricated illness, a referral should be made to social services.

Where any such concerns arise:

achos sy'n wahanol i'r rheol arferol o weithio mewn partneriaeth gyda rhieni;

- Nid cyfrifoldeb gweithiwr asiantaeth unigol yw ystyried a ddylid rhannu pryderon â'r teulu. Dylai fod yn gyfrifoldeb aml- asiantaethol, o bosib wedi ei benderfynu mewn cyfarfod proffesiynol/strategaeth ar ôl i'r asesiad cychwynnol gael ei weithredu;
- Rhaid mynd ati i weithredu yn ôl amserlen na fydd yn amharu ar anghenion y plentyn;
- **RHAID** i bob gweithiwr proffesiynol gadw cofnodion clir, cywir a chyfoes.

5.3.2.2 Bydd y gwasanaethau cymdeithasol yn mynd ati wedyn i wneud asesiad cychwynnol, a bydd cyfarfod strategaeth yn cael ei gynnal yn unol â'r canllawiau amddiffyn plant. Bydd gweithwyr proffesiynol uwch o bob asiantaeth berthnasol yn dod i'r cyfarfod strategaeth:

- Uwch reolwr / arweinydd tîm / gweithiwr cymdeithasol o'r gwasanaethau cymdeithasol;
- Y meddyg penodol a'r nyrs benodol neu weithiwr cyfatebol;
- Uwch swyddog ymchwilio'r heddlu;
- Cynghorydd cyfreithiol yr awdurdod lleol;
- Y meddyg teulu;
- Gweithwyr eraill o'r proffesiynau iechyd yn ôl y galw (sydd naill ai'n ymwneud â'r teulu neu'n rhoi cyngor arbenigol);
- Unrhyw asiantaethau eraill, yn cynnwys gwasanaethau addysg, yn ôl y galw.

5.3.2.3 Ar ôl penderfynu bod angen cynnull cyfarfod strategaeth;

Bydd y cyfarfod strategaeth yn:

- Rhannu gwybodaeth a chynllunio creu cronoleg fanwl o'r holl faterion gan adnabod a chadarnhau'r arwyddion a'r symptomau amlwg. Mae cyfrifoldeb arbennig ar y gweithwyr iechyd i esbonio arwyddocâd y wybodaeth feddygol. Efallai y byddai creu llinell amser o'r wybodaeth sydd ar gael o fantais hefyd;
- Cadarnhau enwau'r gweithwyr proffesiynol allweddol o'r gwasanaethau iechyd a'r asiantaethau eraill;
- Cadarnhau a chadw'r nifer yn isel efallai o weithwyr proffesiynol o'r gwasanaeth iechyd a fydd yn gweld y plentyn, er enghraifft, gofalu mai'r un meddyg teulu sy'n ymateb i geisiadau i'r plentyn gael ei weld;

- All professionals in all agencies need to be aware of the need to seek the advice of a senior key professional at an early stage;
- Considerable care must be taken in deciding whether to share concerns with the family at this stage, and should only take place where it is clear that this will **not** further jeopardise the safety of the child. This is highlighted as being different to the normal rule of partnership working with parents;
- Consideration of whether to share concerns with the family should be a multi-agency shared responsibility, possibly decided at a professional/strategy meeting when the initial assessment has been undertaken;
- Action must be taken in a time frame which is not detrimental to the needs of the child;
- All professionals **MUST** keep clear, accurate and contemporaneous records.

5.3.2.2 An initial assessment will then be carried out by social services and a strategy meeting under child protection procedures will be held. The strategy meeting will include senior professionals from each relevant agency:-

- Senior manager social services / team leader / social worker;
- Named doctor and named nurse or equivalent;
- Senior investigating police officer;
- Local authority legal adviser;
- General practitioner;
- Other health professionals as indicated (either involved with the family or an expert resource);
- Education and other agencies if indicated.

5.3.2.3 Once it has been decided that a strategy meeting should be convened;

The strategy meeting will:

- Share information and plan to produce a detailed chronology of all of the issues, with clear recognition of confirmed signs and symptoms. Health has a particular responsibility to explain the significance of the medical information. In addition to a chronology a time line of the information available may be of assistance;
- Confirm the key health professionals and key professionals from the other agencies;

- Pwyso a mesur yr angen i weld cofnodion iechyd y teulu. Dylai'r nyrs neu'r meddyg penodol neu'r rhai sydd wedi'u dynodi hyrwyddo hyn;
- Penderfynu a ddylid rhannu gwybodaeth â'r teulu ai peidio. (Mae salwch ffug yn eithriad i'r drefn "Gweithio mewn partneriaeth gyda'r rhieni".);
- Pwyso a mesur trefniadau amddiffyn addas ar gyfer y plentyn;
- Ystyried a oes angen gofyn am farn arbenigol gan weithwyr iechyd proffesiynol neu weithiwr proffesiynol gofal plant sy'n annibynnol o'r achos. Gellid gofyn am farn gweithiwr proffesiynol sy'n arbenigo ar salwch ffug a/neu weithiwr proffesiynol sy'n arbenigo ar y diagnosis targed;
- Gofalu bod pob asiantaeth yn deall yr angen i gydweithio'n agos ac i gyfnewid gwybodaeth yn gyson;
- Dim ond ar ôl ei thrafod yn drwyadl yn y cyfarfod strategaeth y dylid ystyried rhoi gwyliadwriaeth fideo gudd ar waith. Dim ond yr heddlu all ei rhoi ar waith ac, wrth wneud hynny, rhaid iddyn nhw gadw at eu canllawiau a chydymffurfio â Deddf Rheoleiddio Pwerau Ymchwilio 2000;
- Datblygu cynllun gweithredu clir er mai casglu rhagor o wybodaeth fydd y camau nesaf mewn llawer o achosion, yn arbennig os yw'r atgyfeiriad newydd gael ei wneud;
- Pwysleisio y gallai fod angen i bob asiantaeth ofyn am gyngor cyfreithiol. Efallai y bydd angen i'r cynghorwyr cyfreithiol gwrdd yr holl weithwyr proffesiynol perthnasol, yn arbennig mewn achosion cymhleth;
- Penderfynu oes angen cychwyn ymholiadau amddiffyn plant dan adran 47;
- Ystyried yr angen i gynnal rhagor o gyfarfodydd strategaeth;
- Bydd angen i'r cyfarfod gynghori a oes angen cadw llygad ar y sefyllfa tymor hir;
- Bydd angen ysgrifennu cofnodion y cyfarfod a dewis yn ofalus pwy sydd i gael copi;
- Ystyried anghenion y gweithwyr proffesiynol sy'n gweithio gyda'r teulu, a chynnig cefnogaeth a goruchwyliaeth iddyn nhw.

Efallai y bydd gofyn cynnal cyfres o gyfarfodydd strategaeth dan ganllawiau amddiffyn plant cyn penderfynu mynd ymlaen i gynnal cynhadledd amddiffyn plant.

5.3.3 Gweithredu pwrpasol gan Fyrddau Lleol Diogelu Plant:

Mae angen i bob Bwrdd ofalu:

- Clarify and possibly limit the number of health professionals seeing the child for example where possible ensure that the same GP responds to requests for consultation;
- Consider the need to access the family's health records. This should be facilitated via the named and/or designated doctor and nurse;
- Make a decision on sharing or not sharing information with the family. (Fabricated Illness is an exception to "Partnership with Parents");
- Consider appropriate protection arrangements for the child;
- Consider whether to consult a health professional, or other child care professional who can give an expert opinion, and who is independent of the case. This may be a professional with expertise in fabricated illness and/or` a professional with expertise relevant to the target diagnosis;
- Ensure that all agencies understand the need to work very closely together and to keep each other fully informed;
- Only consider covert video surveillance as a possible course of action following full discussion within a strategy meeting. It can only be initiated by the police according to their guidelines and must comply with the Regulation of Investigatory Powers Act 2000;
- Develop a clear action plan, although in many cases, especially if referral is at a very early stage, the next steps may be further collation of information;
- Emphasise that each agency may need to take its own legal advice. In complex cases the legal advisers may also themselves need to meet with all of the relevant professionals;
- Decide whether child protection section 47 enquiries should be initiated;
- Consider the need for further strategy meetings;
- The meeting will need to advise on the need for longer term vigilance;
- The meeting will be minuted, with strict control over the circulation of the minutes;
- Consider the needs of, and provide support and supervision for all professionals involved with the family.

There may be a series of strategy meetings under child protection procedures before a decision is made to proceed to a child protection conference.

- bod pob asiantaeth yn enwebu gweithwyr proffesiynol allweddol, a chadw rhestr o'r holl enwau;
- bod modd cael barn feddygol arbenigol yn rhwydd, a gwneud hynny trwy'r gwasanethau iechyd.

RHESTR Y BYRDDAU O WEITHWYR PROFFESIYNOL "ALLWEDDOL"

(Pob Bwrdd Lleol Diogelu Plant i greu rhestr)

Gweithwyr Proffesiynol wedi'u Henwi i ddelio â Salwch Ffug:

- **Gweithwyr proffesiynol allweddol y sector Iechyd**
- **Gweithwyr proffesiynol allweddol y Gwasanaethau Cymdeithasol**
- **Gweithwyr proffesiynol allweddol y Gwasanethau Addysg**
- **Gweithwyr proffesiynol allweddol yr Heddlu, yn cynnwys rhai sy'n gyfrifol am wyliadwriaeth fideo gudd**
- **Gweithwyr proffesiynol allweddol Cyfreithiol a fydd yn gallu gael gafael ar gyngor meddygol.**

5.3.4 YSTYRIAETHAU AR GYFER GWEITHWYR PROFFESIYNOL Y SECTOR IECHYD

Yn aml, Iechyd fydd yr asiantaeth gyntaf i godi pryderon. Er mwyn gallu trafod achosion yn gynnar, mae'n bwysig felly i'r sector iechyd fod â chysylltiadau cadarn â gwasanaethau plant, y gwasanaethau cymdeithasol ac unedau'r heddlu ar gyfer amddiffyn y teulu/plant.

Mae'n hanfodol i weithwyr proffesiynol y sector iechyd, yn arbennig rhai'r Gwasanaeth Iechyd Cyhoeddus lle mae arbenigwyr heblaw staff paediatrig yn gofalu am blant a phobl ifanc, yn cadw mewn cof y posibilrwydd y gallai'r fath diagnosis gael ei wneud ac yn gwybod ble i gael cyngor. Fel arfer, y nyrs neu'r meddyg penodol sy'n gofalu am amddiffyn plant ar ran yr ymddiriedolaeth fydd yn rhoi'r fath gyngor.

Rhaid i weithwyr proffesiynol y sector iechyd sylweddoli bod angen mynd ati'n gynnar i rannu gwybodaeth â'r asiantaethau statudol.

Dylai'r meddyg penodol neu'r nyrs benodol (neu un arall o weithwyr proffesiynol arbenigol y sector iechyd) weithio gyda'u cydweithwyr yn y sector iechyd sy'n ymwneud â'r achos i gasglu'r holl wybodaeth sydd ar gael ac i ddod i benderfyniad yn gynnar ynglŷn â rhannu gwybodaeth â'r gwasanaethau cymdeithasol.

5.3.4.1 Gweithredu ar gyfer gweithwyr proffesiynol y sector iechyd (os mai gweithwyr iechyd sy'n codi pryderon yn y lle cyntaf)

- Dylai staff meddygol a nyrsio gofnodi'u pryderon a holi yn y lle cyntaf o fewn eu hadran am ragor o wybodaeth am y teulu. Dylai gweithwyr

5.3.3 Specific action by the Local Safeguarding Children Board (LSCB):

- Each LSCB needs to ensure that appropriate key professionals are nominated from each agency and to hold a list of these names
- Each LSCB, via Health, needs to ensure access to appropriate expert medical opinion.

LSCB LIST OF "KEY" PROFESSIONALS

(to be completed by each LSCB)

Identified Professionals re: Fabricated Illness:

- **Key Health Professionals**
- **Key Social Services Professionals**
- **Key Education Professionals**
- **Key Police Professionals, including those with responsibility for Covert Video Surveillance**
- **Key Legal Professionals who can access expert medical advice**

5.3.4 CONSIDERATIONS FOR HEALTH PROFESSIONALS

Health will often be the first agency to raise concerns. It is therefore important that health has well-established links with children's/social services and the family/child protection units of the police, to enable early discussion of cases.

It is again imperative that within NHS settings and in particular where children and young people may be under the care of "non paediatric" specialists, health professionals are alert to the possibility of the diagnosis and aware of where to obtain advice. This will usually be from the named doctor and/ or named nurse child protection for the trust.

It is imperative that health professionals are fully aware of the need to make an early decision on sharing information with the statutory agencies.

The named doctor/named nurse (or appropriate health professionals with expertise), should work with all involved health colleagues to draw together all available information and make an early decision on sharing information with social services.

5.3.4.1 Action for health professionals (if initial concerns raised by health)

- Medical and nursing staff should record their concerns and seek further information regarding the family within their own department

proffesiynol y sector iechyd wybod am brotocolau lleol ynglŷn â defnyddio'r "math atodol o gofnodion". **Rhaid** iddyn nhw gysylltu wedyn â gweithwyr proffesiynol eraill y sector iechyd yn yr ardal a allai fod wedi dod i gyswllt â'r teulu, e.e. y meddyg teulu, y meddyg penodol a/neu ddynodedig, y nyrs amddiffyn plant ac asiantaethau eraill;

- Dylai staff heblaw rhai meddygol neu nyrsio sy'n gweithio yn y sector iechyd gysylltu â'r gweithiwr proffesiynol penodol a/neu'r gweithiwr sy'n arwain amddiffyn plant ar ran yr asiantaeth. Rhaid cadw cofnodion manwl;
- Dylid enwebu gweithiwr proffesiynol allweddol i gasglu'r **HOLL** wybodaeth o unedau acíwt y sector iechyd ac o'r gymuned. Dylai'r wybodaeth gynnwys hanes perthnasol y teulu y mae modd ei gael gan y meddyg teulu, a gwybodaeth berthnasol am y rhai sy'n rhoi gofal i'r plentyn;
- Yn ystod y cam hwn, gelllid cynnull cyfarfod o weithwyr proffesiynol y sector iechyd sy'n ymwneud â'r achos, neu gysylltu'n syth â'r gwasanaethau cymdeithasol. Mae'n hanfodol o hyd nad yw'r rhai sy'n cael eu hamau o ffugio salwch yn cael gwybod am y gweithredu.

5.3.4.2 Ystyriaethau ychwanegol o ran iechyd:

- Gofalu bod gweithiwr proffesiynol "allweddol" o'r sector iechyd yn cael ei enwebu a fydd yn gofalu bod y gwasanaethau iechyd sylfaenol ac eilaidd yn gyson â'i gilydd ac yn hwyluso'r cyfathrebu â'r gwasanaethau trydyddol;
- Bydd angen i'r gweithiwr proffesiynol allweddol fonitro'r broses a chydgysylltu pan mae'r teulu'n gofyn am gyngor oddi wrth ganolfannau therapïau amgen neu arbenigol;
- Bydd angen i'r gwasanaethau iechyd fynd ati i ofalu nad oes gormod o ymchwiliadau/ymyriadau;
- Os nad yw'r meddyg teulu'n gallu dod i gyfarfodydd strategaeth, rhaid i'r gweithiwr proffesiynol sydd wedi'i enwi ar ran y sector iechyd ofalu bod yr holl wybodaeth yn cael ei rhannu. Rhaid gwneud hyn heb i'r teulu ddod i wybod;
- Mae angen i weithwyr proffesiynol y sector iechyd rannu pob gwybodaeth â'r asiantaethau statudol, waeth pa mor ddibwys y mae'n ymddangos;
- Dylai gweithwyr proffesiynol y sector iechyd ofalu eu bod nhw'n cadw at y polisi cenedlaethol, *Safeguarding Children in whom Illness is Fabricated/Induced* ac yn chwilio am fwy o wybodaeth ac arweiniad yn adroddiad Coleg Brenhinol Pediatreg ac Iechyd Plant (RCPCH).

initially. (Health professionals should be aware of local protocols about the use of "supplementary type records". They **must** then communicate with other local health professionals, who may have had contact with the family, e.g. the general practitioner, the named and/or designated doctor and nurse child protection and other agencies;

- Non- medical / non-nursing staff in health should communicate with the appropriate named and/or lead professional for child protection and document as advised;
- A key health professional should be nominated to pull together **ALL** the health information across the acute units and the community. This should also include relevant family history available from the GP including relevant information regarding the child's caregivers;
- A health professionals' meeting may be convened at this stage including only relevant personnel, or an immediate contact made with social services. It is crucial that possible perpetrators are still not informed.

5.3.4.2 Additional health considerations:

- Ensure a "key" health professional is nominated, who will ensure agreement between primary and secondary services and also maintain communication with tertiary services;
- The key professional will need to monitor and liaise when advice is sought by the family from alternative or other specialist centres;
- Health will need to take steps to ensure that investigations/interventions are limited;
- If the GP is unable to attend strategy meetings the nominated health professional must ensure that all information is shared, but in such a way that the family are not alerted;
- Health professionals need to have a low threshold for sharing information with the statutory agencies;
- Health professionals should ensure that they refer to the national policy, *Safeguarding Children in Whom Illness is Fabricated/Induced* and the report of the Royal College of Paediatricians and Child Health (RCPCH), for further guidance and information.

5.3.5 CONSIDERATIONS FOR SOCIAL SERVICES

Referrals to social services in relation to fabricated or induced illness should be managed in accordance with *the All Wales Child Protection Procedures*

5.3.5 YSTYRIAETHAU AR GYFER Y GWASANAETHAU CYMDEITHASOL

Dylid dilyn rhan 3, Y Broses Amddiffyn Plant, o *Ganllawiau Amddiffyn Plant Cymru Gyfan (2007)* a'r Protocol hwn wrth reoli atgyfeiriadau at y gwasanaethau cymdeithasol ynglŷn â salwch ffug neu salwch gwneud.

Gweithredu ar gyfer Gweithwyr Proffesiynol y Gwasanaethau Cymdeithasol.

Rôl y gwasanaethau cymdeithasol yw gwneud asesiadau, cynllunio'r broses ymyrraeth a'i rhoi ar waith er mwyn sicrhau'r canlyniadau gorau ar gyfer plant a theuluoedd.

Mae'r gwasanaethau cymdeithasol yn cydweithio ag asiantaethau eraill sydd hefyd â chyfrifoldebau o ran diogelu a hybu lles plant.

5.3.5.1 Ystyriaethau Allweddol

5.3.5.1.1 Gweithredu ar unwaith

- Os yw tystiolaeth feddygol yn awgrymu ar unrhyw adeg fod bywyd plentyn mewn perygl, dylai'r heddlu a/neu'r gwasanaethau cymdeithasol fynd ati ar unwaith i'w ddiogelu;
- Natur a difrifoldeb y cam-drin a fydd yn pennu'r math o ymateb a'r brys i weithredu. Er enghraifft, os yw'r plentyn wedi cael ei fygu neu ei wenwyno'n fwriadol bydd angen ei amddiffyn ar unwaith. Go brin y bydd angen yr un math o ymateb yn achos salwch sydd wedi'i ffugio'n llafar;
- Ond rhaid cofio y gallai amgylchiadau ac anghenion y plentyn newid yn ystod y broses asesu, yn arbennig os yw'r rhieni a/neu'r rhai sy'n rhoi gofal yn dod i wybod bod gweithwyr proffesiynol yn eu hamau o ffugio symptomau salwch. Rhaid mynd ati'n gyson i adolygu'r angen am weithredu ar unwaith;
- Yn ystod y broses asesu, dylai gweithwyr proffesiynol y gwasanaethau cymdeithasol ystyried anghenion plant eraill sy'n byw yn y cartref a gweithredu os oes angen eu hamddiffyn.

5.3.5.1.2 Rhoi gwybodaeth i rieni

- Rhaid mynd ati ym mhob cam o'r broses – o'r atgyfeiriad a chynllunio'r achos i'r ymyriadau a'r adolygiad – i ystyried yn ofalus pa wybodaeth i'w rhoi i'r rheini, pryd i roi'r wybodaeth a phwy fydd yn ei rhoi. Rhaid rhoi blaenoriaeth i les y plentyn;
- Dylai'r gweithwyr proffesiynol drafod a chytuno ar y wybodaeth i'w rhoi i'r rhieni a/neu'r rhai sy'n rhoi gofal. Wrth wneud hynny, rhaid cadw at *Ganllawiau Amddiffyn Plant Cymru Gyfan*;

(2007) (Part 3: The Child Protection Process), and with this All Wales Protocol.

Action for Social Services Professionals.

The role of social services is to undertake assessment, planning, and intervention in order to achieve the best outcomes for children and families.

Social services work in collaboration with other agencies, which also have responsibilities for safeguarding and promoting the welfare of children

5.3.5.1 Key considerations

5.3.5.1.1 Immediate action

- If, at any stage, there is medical evidence to indicate that a child's life is at risk, immediate action should be taken by police and/or social services to secure the child's safety;
- The nature and severity of the abuse will determine the urgency and level of response; for example; intentional suffocation or poisoning will require immediate protection for the child, whereas this level of response is unlikely to be required for verbal fabrication of illness;
- However, the circumstances and child's needs may change during the assessment process, especially if parents and/or caregivers become aware that professionals are suspicious that symptoms of an illness are being fabricated. The decisions, about the need for immediate action should be kept under constant review;
- During the assessment social services professionals should consider the needs of other children in the household and whether any action is required to protect them.

5.3.5.1.2 Information to parents

- At each stage of the enquiries, from referral and case planning to intervention and review, careful consideration must be given to what information should be shared with parents, when and by whom, taking account of the child's welfare;
- The professionals should discuss and jointly agree the information that will be shared with parents and /or caregivers, in accordance with the All Wales Child Protection Procedures;
- No concerns and/or information should be shared with parents and/or caregivers if it is judged that this action will jeopardise the child's safety;

- Ni ddylid rhannu pryderon na rhoi gwybodaeth i'r rhieni a/neu'r rhai sy'n rhoi gofal os y farn yw y bydd gwneud hynny'n amharu ar les y plentyn;
- Rhaid mynd ati'n ofalus iawn wrth benderfynu datgelu pryderon i'r rhieni.

5.3.5.1.3 Yr asesiad cychwynnol

- Mae cronoleg yn rhan annatod o'r asesiad cychwynnol. Wrth baratoi ar gyfer cyfarfod strategaeth neu gyfarfod i rannu gwybodaeth, dylai'r gweithiwr cymdeithasol ddefnyddio'r cofnodion sy'n bod yn barod a'r holl wybodaeth sydd ar gael gan asiantaethau eraill i greu'r fath gronoleg;
- Y gweithiwr proffesiynol allweddol o'r sector iechyd sy'n gyfrifol am gasglu'r holl wybodaeth am achos y plentyn a ddylai hefyd fod yn paratoi cronoleg o'i iechyd.

5.3.5.1.4 Y cyfarfod strategaeth (cyfeiriwch at 5.3.2.3 hefyd)

- Rhaid cynnull cyfarfod strategaeth amddiffyn plant yn achos unrhyw amheuon neu honiadau o ffugio neu achosi salwch. Nid yw trafodaeth strategaeth dros y ffôn yn ddigonol nac yn ffordd addas o weithredu;
- Dylai'r heddlu a'r gwasanaethau cymdeithasol ofalu bod yr ymgynghorydd meddygol, y meddyg teulu, uwch nyrs y ward (os yw'r plentyn yn yr ysbyty) ac unrhyw weithwyr proffesiynol perthnasol eraill yn rhan o'r broses o gynllunio a gwneud penderfyniadau, yn cynnwys penderfyniadau i rannu gwybodaeth â'r rheini;
- Efallai y bydd angen cynnal mwy nag un cyfarfod strategaeth amddiffyn plant er mwyn trafod popeth yn drwyadl a rhannu'r holl wybodaeth berthnasol cyn penderfynu rhoi ymholiadau amddiffyn plant dan adran 47 ar waith.

5.3.5.1.5 Y gynhadledd amddiffyn plant gychwynnol

- Dylai'r gweithiwr cymdeithasol ofalu bod y gynhadledd amddiffyn gychwynnol yn cael ei chynnal o fewn 15 diwrnod gwaith i ddyddiad y cyfarfod i drafod y strategaeth amddiffyn plant. Efallai fod cyfres o gyfarfodydd strategaeth i fod, a dylid cynnal y gynhadledd o fewn 15 diwrnod gwaith i ddyddiad yr un terfynol.
- Ar ôl ymgynghori â'i reolwr llinell, dylai'r gweithiwr cymdeithasol ystyried oes angen gwahodd gweithiwr proffesiynol sy'n arbenigo ym maes salwch ffug neu salwch gwneud a gweithiwr proffesiynol meddygol fel paediatregydd sy'n gwybod am symptomau a phrosesau penodol unrhyw salwch sy'n gysylltiedig â'r math hwn o gam-drin, er enghraifft, gastroenteroleg, niwroleg, salwch anadlol a meysydd arbenigol eraill. Gall gweithwyr proffesiynol meddygol gynnig cymorth arbenigol hanfodol i aelodau'r gynhadledd sy'n ceisio deall yr holl wybodaeth a ddaeth i law;

- In all cases any decision to disclose concerns to the parents needs to be handled very carefully.

5.3.5.1.3 Initial assessment

- A chronology is an integral part of the initial assessment. The social worker should compile it from existing records and all available information from other agencies in preparation for a child protection strategy meeting or other information-sharing meeting;
- The nominated key health professional responsible for collating all the health information in the child's case should also be preparing a health chronology.

5.3.5.1.4 Strategy meeting (see also 5.3.2.3)

- A child protection strategy meeting shall always be convened following suspicions or allegations of fabricated or induced illness. A telephone strategy discussion is not an adequate and appropriate course of action;
- Police and social services should ensure that the child's medical consultant, GP, the senior ward nurse (if the child is an in-patient) and other relevant professionals are involved in their planning and decision-making, including decisions about sharing information with parents;
- More than one child protection strategy meeting might be necessary in order to ensure that the complex issues are discussed thoroughly and all the information shared before a decision is made to undertake child protection section 47 enquiries.

5.3.5.1.5 Initial child protection conference

- The social worker should ensure that the initial child protection conference takes place within 15 working days of the child protection strategy meeting. There may be a series of strategy meetings, and the conference should be held within 15 working days of the final one held.
- The social worker in consultation with their line manager, should consider inviting a professional who has expertise in the field of fabricated or induced illness and a medical professional such as a paediatrician with knowledge of the particular symptoms and illness

- Dylid cynnwys y plant yn y gynhadledd amddiffyn gychwynnol yn ôl eu hoedran a'u gallu i ddeall,. Mae'n debygol y bydd plentyn sydd wedi dioddef salwch ffug neu salwch gwneud wedi dioddef niwed emosiynol hefyd. Rhaid trafod pob agwedd ar yr achos yn sensitif iawn a chynnig cyd-destun diogel i'r plentyn. Mae diogelwch y plentyn ar ôl y gynhadledd a'r ffordd o fynd ati i gyfleu'r pryderon yn bethau pwysig i aelodau'r gynhadledd eu hystyried;
- Fel arfer bydd rhieni'r plentyn a/neu'r rhai sy'n rhoi gofal iddo'n cael eu gwahodd i'r gynhadledd amddiffyn plant. Ond, efallai na fyddai er lles y plentyn i'w rieni ddod hefyd i'r gynhadledd, er enghraifft, efallai na fyddai'r rhiant neu'r un sy'n rhoi gofal y mae honiad o gam-drin wedi'i wneud yn ei erbyn yn fodlon cyfaddef hynny o flaen ei bartner. Ni ddylid rhoi pwysau ar y rhiant i siarad am y cam-drin. Efallai y byddai'n ddoethach delio â'r materion hyn y tu allan i'r gynhadledd. Dylai'r gweithiwr cymdeithasol baratoi aelodau'r teulu cyn y gynhadledd a barnu ar sail ei wybodaeth amdanyn nhw ar hyd a lled eu cyfraniad iddi. Dylai'r gweithiwr cymdeithasol drafod ei farn gyda chadeirydd annibynnol y gynhadledd amddiffyn plant. Cadeirydd y gynhadledd fydd yn penderfynu pwy fydd yn bresennol ynddi.
- Bydd y gweithiwr cymdeithasol a'r gweithwyr proffesiynol allweddol eraill yn cyfrannu adroddiadau ysgrifenedig i'r gynhadledd gan ddisgrifio'u hymwneud â'r teulu. Rhaid bod yn ffeithiol gywir. Dylid creu cronoleg sy'n canolbwyntio'n benodol ar hanes meddygol y plentyn. Wrth greu'r gronoleg, dylid cydweithio â'r paediatregydd ymgynghorol sy'n gyfrifol amdano. Dylid ystyried hanes iechyd unrhyw frodyr a chwiorydd hefyd. Pan mae honiadau o ffugio neu achosi salwch yn cael eu gwneud yn erbyn rhieni, **nid yw'n arferol** rhannu adroddiad y gweithiwr cymdeithasol a'r gronoleg â nhw cyn y gynhadledd. Dylai'r gweithiwr cymdeithasol a'r gweithwyr proffesiynol eraill drafod hyn yn y cyfarfod strategaeth amddiffyn plant, a thrafod gyda chadeirydd annibynnol y gynhadledd amddiffyn plant.

5.3.6 YSTYRIAETHAU AR GYFER YR HEDDLU

Gall unrhyw achos lle mae salwch ffug neu salwch gwneud yn cael ei amau olygu bod trosedd wedi'i chyflawni. Felly, mae'n bwysig cynnwys yr heddlu yn gynnar yn y broses yn unol â 'Diogelu Plant: Gweithio gyda'n Gilydd dan Ddeddf Plant 2004 [2006] a Chanllawiau Amddiffyn Plant Cymru Gyfan.

5.3.6.1

- Rhaid i ddditectif-oruchwyliwr profiadol arwain y fath achosion cymhleth. Y swyddog hwn, fel rhan o'r tîm rheoli rhyng-asiantaethol, a ddylai gynllunio'r broses ymchwilio'n ofalus. Dylid ystyried yr effaith a allai'r fath ymchwiliad ei chael ar y staff a'r cleifion yn yr ysbyty;
- Wrth ymchwilio, rhaid ystyried pob trywydd, yn cynnwys y posibilrwydd o ddefnyddio technegau gwyliadwriaeth gudd;

processes caused by the suspected abuse for example, gastroenterology, neurology, respiratory illness and other specialist areas. The medical professionals can provide essential specialist assistance to the conference participants in making sense of all the information presented;

- Children should be involved in the initial child protection conference in accordance with their age and level of understanding. A child who has suffered fabricated or induced illness is also likely to have suffered emotional harm, and therefore all discussions should be carried out in a sensitive manner and provide a safe context for the child. In addition the child's safety following the conference, and the way in which these concerns are conveyed are important considerations for conference participants;
- The parents and/or caregivers will normally be invited to the child protection conference. However, it may not be in the child's interests for them to attend at the same time, for instance the alleged abusing parent and/or caregiver may not wish to admit their behaviour in front of their partner and should not be put under pressure to talk about the abuse. These are matters that might be best managed outside the conference. The preparation of family members should be undertaken by the social worker before the conference, using her/his professional judgement from what she/he knows about each of them to recommend their level of participation in the meeting. The social worker should discuss his/her views with the independent chair of the child protection conference and the chair will decide on the matter of attendance.
- The social worker and other key professionals will contribute written reports to the conference, setting out their involvement with the family. Factual accuracy is essential. A chronology, focusing particularly on the child's medical history, should be compiled in collaboration with the responsible consultant paediatrician involved and the health history of siblings should also be considered. The social worker's report and the chronology will **not** routinely be shared with parents before the conference following allegations of fabricated or induced illness. The social worker and other professionals should discuss this course of action at the child protection strategy meeting and with the independent child protection conference chair before the conference.

- Dylid defnyddio gwyliadwriaeth gudd dim ond pan nad oes ffyrdd eraill o esbonio arwyddion a symptomau'r plentyn a bod y cyfarfod strategaeth aml-asiantaethol o'r farn fod y fath dechneg yn briodol;
- Pan mae technegau gwyliadwriaeth gudd yn cael eu defnyddio, **RHAID** i'r ditectif-oruchwyliwr sy'n delio â'r ymchwiliad gydweithio, cyn gynted â phosib, â'r swyddog awdurdodi sy'n gofalu am RIPA (Deddf Rheoleiddio Pwerau Ymchwilio 2000) ar ran heddlu'r rhanbarth;
- Wrth ystyried defnyddio'r fath dechnegau cudd i ddelio'r â materion mor sensitif â'r rhain, rhaid i swyddog awdurdodi RIPA ystyried a yw'n bosib cyfiawnhau'r defnydd o ddulliau cudd â'r tarfu ar fywydau pobl sy'n dod yn eu sgil. Rhaid gofyn a ydyn nhw'n angenrheidiol ac yn rhesymol o ystyried y wybodaeth sydd ar gael a'r troseddau dan sylw.

5.3.7 YSTYRIAETHAU AR GYFER GWASANAETH ERLYN Y GORON

- Y disgwyl yw y bydd yr heddlu'n cydweithio'n agos gyda Gwasanaeth Erlyn y Goron pan fydd unrhyw ymholiadau ynglŷn â salwch ffug neu salwch gwneud yn mynd yn cyrraedd y cam ymchwilio troseddol. Bydd achosion o'r fath yma wedi'u cynnwys yng nghanllawiau'r Cyfarwyddwr Erlyniadau Cyhoeddus (DPP) ynglŷn â chyhuddo. Pan gaiff rhywun ei gyhuddo, mae gofyn i Erlynydd y Goron roi barn ar bob achos;
- Wrth benderfynu ar y cyhuddiad, bydd Erlynydd y Goron yn ystyried a oes angen gofyn am dystiolaeth gan arbenigwyr. Gallai ystyried hefyd a fyddai cynnal cynhadledd gyda'r gwasanaethau iechyd a gwasanaethau cymdeithasol plant yn helpu'r dasg o asesu'r dystiolaeth;
- Ar ôl cyhuddo rhywun, bydd Erlynydd y Goron yn cadw mewn cof yr angen i gael barn arbenigwyr ac i ystyried y farn honno, er enghraifft, os bydd tîm yr amddiffyniad yn cyflwyno barn eu harbenigwr eu hunain.

5.3.8 YSTYRIAETHAU AR GYFER Y GWASANAETHAU ADDYSG

RÔL ADDYSG

Mae gan ysgolion rôl bwysig yn y dasg o adnabod a rheoli achosion posib o salwch ffug neu salwch gwneud. Am eu bod nhw'n dod i gyswllt â phlant o ddydd i ddydd, mae athrawon a staff eraill ysgolion mewn sefyllfa da i sylwi ar arwyddion allanol sy'n awgrymu bod plentyn mewn perygl o ddioddef niwed arwyddocaol. Yn yr un ffordd, mae staff gwasanaethau cymorth ysgolion awdurdodau addysg lleol (fel swyddogion lles addysg, gweithwyr cymdeithasol addysg a seicolegwyr addysg) mewn sefyllfa i godi pryderon.

5.3.6 CONSIDERATIONS FOR THE POLICE

Any suspected case of fabricated or induced illness may also involve the commission of a crime and therefore the police should always be involved at an early stage in accordance with 'Safeguarding Children: Working Together under the Children Act 2004 [2006] and the All Wales Child Protection Procedures.

5.3.6.1

- Such complex cases must be led by an experienced detective supervisor who as part of the inter-agency management team should, plan carefully the investigation process, taking account of the impact that such an investigation may have on hospital staff and patients;
- All investigative avenues must be explored, including the use of covert surveillance techniques;
- Covert surveillance should only be used when there are no alternative ways of explaining the child's signs and symptoms and the multi agency strategy meeting considers that such an approach is appropriate;
- When covert surveillance techniques are utilised the detective supervisor dealing with the investigation **MUST** liaise, at the earliest opportunity, with the authorising officer for RIPA (Regulation of Investigatory Powers Act 2000) within the appropriate policing area;
- The RIPA authorising officer when considering the use of covert techniques to deal with such sensitive matter must consider that the levels of intrusion offered by the covert methods used are justified, necessary and proportionate when considering the information available and the offences under investigation.

5.3.7 CONSIDERATIONS FOR THE CROWN PROSECUTION SERVICE

- It is expected that when any enquiries regarding a possible fabricated/induced illness reach the criminal investigation stage, the police will work closely with the crown prosecution service. Cases of this nature will be covered by the director of public prosecution's (dpp) guidance on charging, requiring the crown prosecutor to advise upon charge in all cases;
- In deciding upon the charge the crown prosecutor will consider the need for any specialist expert evidence and may consider whether a

5.3.8.1 Adnabod salwch ffug neu salwch gwneud

Mae nifer o bethau'n gallu awgrymu bod disgybl yn destun salwch ffug neu salwch gwneud. Dylai athrawon a staff eraill ysgolion fod yn ymwybodol o'r arwyddion posib.

- Bod yn absennol o'r ysgol yn gyson ac yn aml heb esboniad;
- Bod yn absennol yn rheolaidd er mwyn cadw apwyntiad gyda meddyg neu mewn ysbyty;
- Sefyllfa lle mae rhiant neu un sy'n rhoi gofal yn honni'n aml fod plentyn yn wael a bod angen sylw meddygol arno ar gyfer symptomau neu salwch nad yw'r staff wedi sylwi arnyn nhw;
- Manylion am salwch, ddamweiniau neu farwolaethau o fewn y teulu sy'n anghyson â'i gilydd neu'n amlwg yn anghywir.

Dylai ysgolion roi sylw i newidiadau arwyddocaol yng nghyflwr corfforol neu emosiynol plentyn, anafiadau sydd heb esboniad, newid yn ei ymddygiad neu ddiffyg ffynnu.

5.3.8.2 Y camau gweithredu sy'n ofynnol gan staff ysgolion

Lle mae athro neu aelod arall o staff yn amau bod plentyn yn destun salwch ffug neu salwch gwneud, a'i fod mewn perygl oherwydd hynny, rhaid rhoi gwybod yn syth i'r athro sydd wedi'i ddynodi i fod yn gyfrifol am amddiffyn plant yn yr ysgol. Fel sy'n digwydd gydag unrhyw fath o achos o amau niwed, bydd Canllawiau Amddiffyn Plant Cymru Gyfan yn berthnasol. Yr athro sydd wedi'i ddynodi a fydd yn gyfrifol am atgyfeirio'r achos yn iawn i'r gwasanaethau cymdeithasol. Dylid cadw'r holl dystiolaeth sy'n sail i'r pryderon yn ddiogel. Efallai y bydd angen y fath dystiolaeth wrth ddod i benderfyniad neu wrth ymchwilio'r mater.

Ni ddylai athrawon na staff eraill ysgolion fynd ati eu hunain i ymchwilio'r mater nac i'w drafod gyda rhiant y plentyn neu'r un sy'n rhoi gofal iddo. Diogelwch y plentyn yw'r peth pwysicaf un i'w ystyried. Rhaid i'r athro ofyn am gyngor cyn i'r ysgol rannu unrhyw bryderon â rhiant y plentyn neu'r un sy'n rhoi gofal iddo. Ar ôl i'r athro sydd wedi'i ddynodi atgyfeirio pryderon at y gwasanaethau cymdeithasol, bydd yr asiantaethau sy'n arwain, yn cynnwys y gwasanaeth addysg, yn cadw at drefniadau amddiffyn plant Bwrdd Lleol Diogelu Plant yr ardal wrth fynd â'r mater yn ei flaen.

5.3.8.3 Y camau gweithredu sy'n ofynnol gan staff gwasanaethau cymorth ysgolion yr awdurdodau addysg lleol

Dylai staff gwasanaethau cymorth ysgolion naill ai sôn am eu pryderon wrth yr athro sydd wedi'i ddynodi yn ysgol y plentyn neu wrth yr uwch swyddog sy'n gyfrifol am amddiffyn plant ar ran yr awdurdod addysg lleol. Y rhain a fydd yn atgyfeirio'r mater at y gwasanaethau cymdeithasol.

conference with health and children's social services might be helpful in assessing the evidence;

- Following charge the crown prosecutor will be alert to the need to obtain and consider further expert opinion (for example where the defence serve an opinion from their own expert upon the crown)

5.3.8 CONSIDERATIONS FOR EDUCATION SERVICES

THE ROLE OF EDUCATION

Schools have an important role to play in the identification and management of suspected cases of fabricated or induced illness. Through their day to day contact with children, teachers and other school staff are particularly well placed to notice outward signs of a child at risk of significant harm. Similarly, staff from LEA school support services, such as education welfare officers, education social workers and educational psychologists, are in a position to raise concerns.

5.3.8.1 Identifying fabricated or induced illness

There are a number of factors that teachers and other school staff should be aware of that can indicate that a pupil may be the subject of fabricated or induced illness.

- Frequent and often unexplained absences from school;
- Regular absences to keep a hospital or doctor's appointment;
- Repeated claims by a parent/caregiver that a child is frequently unwell and that s/he requires medical attention for symptoms or illnesses that have not been observed by staff;
- Conflicting or patently untrue stories about illnesses, accidents or deaths in the family.

Schools should be aware of significant changes to a child's physical or emotional state, unexplained injuries, changes in behaviour and a failure to thrive.

5.3.8.2 Action required by school staff

Where a teacher or other member of staff has cause to believe that a child is at risk from, or is the subject of, fabricated or induced illness, the teacher with designated responsibility for child protection should be immediately informed. As with all forms of suspected harm, the *All Wales Child Protection Procedures'* will apply and the designated teacher will take responsibility for making an appropriate referral to social services. All evidence relating to the concern should be kept safely as it may be needed to inform decision making or contribute to any consequent investigation.

5.3.8.4 Rhagor o gyngor

Mae'n bosib gofyn am fwy o gyngor gan yr uwch swyddog sy'n gyfrifol am gyd-drefnu'r camau gweithredu ac am bolisïau amddiffyn plant yr awdurdod addysg lleol.

Teachers and other school staff should not carry out their own investigations or discuss the matter with the child's parent/caregiver. With the safety of the child foremost in mind, the teacher will take advice as to whether the school should share its concerns with a child's parent/caregiver. After the designated teacher has referred a concern to social services, the lead agencies, including education, will take the matter forward in line with local LSCB child protection arrangements.

5.3.8.3 Action required by staff from LEA school support services

Staff from school support services should either refer their concerns to the designated teacher of the child's school or to the LEA senior officer with designated responsibility for child protection who will make the referral to social services.

5.3.8.4 Further advice

Further advice can be sought from the LEA senior officer with responsibility for co-ordinating action and policy on child protection.

PROTOCOL
CYMRU GYFAN

Diogelu a Hybu Lles

Pobl Ifanc

sy'n

Weithredol yn Rhywiol

(yn ardal BLLDP RCT, gweler protocol lleol)

ALL WALES PROTOCOL Safeguarding and Promoting the Welfare of Sexually Active Young People

(in RCT LSCB area, see local protocol)

5.4 Diogelu a Hybu Lles Pobl Ifanc sy'n Weithredol yn Rhywiol

5.4.1 Rhagarweiniad

- Mae'r protocol hwn wedi cael ei greu i helpu'r rheini sy'n gweithio gyda phobl ifanc i adnabod unrhyw berthynas lle mae plentyn neu berson ifanc yn cael ei gam-drin, mae angen ei ddiogelu neu mae angen gwasanaethau ychwanegol arno.
- Mae'r protocol wedi cael ei greu ar sail y ddealltwriaeth fod gan y mwyafrif o bobl ifanc dan 18 oed ddiddordeb iach mewn rhyw a pherthnasoedd rhywiol. Mae'r protocol yn pontio rhwng canllawiau'r llywodraeth, deddfwriaeth, ymholiadau cyhoeddus fel Adroddiad Bichard, ac anghenion plant a phobl ifanc.
- Bwriad y protocol yw sefydlu trefn gyson ar hyd a lled Cymru ar gyfer adnabod, adrodd ac ymateb i weithgaredd rhywiol o dan oed.
- Mae'r protocol wedi'i seilio ar yr egwyddor graidd mai lles y plentyn yw'r peth pwysicaf un. Mae'n pwysleisio'r angen i asesu'n gywir unrhyw berygl o niwed arwyddocaol pan mae plentyn neu berson ifanc yn mynd i berthynas sy'n golygu bod yn weithredol yn rhywiol.
- Mae Deddf Troseddau Rhywiol 2003 yn gosod 16 oed fel yr oedran cyfreithiol y gall rhywun gymryd rhan mewn gweithgaredd rhywiol heterorywiol a chyfunrywiol. Mae'n mynd ymlaen i ddweud nad yw plant dan 13 oed yn ddigon hen i gydsynio i weithgaredd rhywiol. Yn ôl y gyfraith, mae gweithred rywiol gyda phlentyn dan 13 oed yn drosedd ddifrifol a allai arwain at arestio'r sawl a'i cyflawnodd. Mae'n adlewyrchu barn cymdeithas na ddylai plant dan 13 oed fod yn weithredol yn rhywiol ac y gall eu lefel o fod yn agored i rywun gamfanteisio arnyn nhw a'u paratoi ar gyfer rhyw fod yn arwyddocaol.

Mae'r protocol yn cadarnhau'r ddau bwynt sy'n dilyn;

- Ni ddylid troi gweithgaredd rhywiol rhwng dau berson ifanc sy'n cydsynio, yn drosedd;
- Y sefyllfa gyfreithiol fod gweithgaredd rhywiol dan 16 oed yn drosedd.

Yn ymarferol, bydd y protocol hwn yn berthnasol i bobl ifanc dan 16 oed. Ond, rhaid i weithwyr proffesiynol gofio bob amser ei bod hi'n bosib cam-drin neu gamfanteisio ar bobl ifanc 16-18 oed.

Rhaid nodi ei bod hi'n anghyfreithlon i dalu am ryw gydag unrhyw blentyn neu berson ifanc dan 18 oed.

5.4 Safeguarding and Promoting the Welfare of Sexually Active Young People

5.4.1 Introduction

- This protocol is designed to assist those working with young people to identify where these relationships may be abusive and where children and young people may need safeguarding or additional services.
- It has been devised with the understanding that most young people under the age of 18 will have a healthy interest in sex and sexual relationships. This protocol provides a bridge between government guidance, legislation, public inquiries such as the Bichard Report and the needs of children and young people.
- This protocol will ensure consistency in the identification, reporting and response throughout Wales in relation to under age sexual activity.
- The protocol is based on the core principle that the welfare of the child is paramount and emphasises the need to accurately assess any risk of significant harm when a child or young person is engaged in a sexually active relationship.
- The Sexual Offences Act 2003 sets the legal age for sexual activity, both heterosexual and homosexual at 16. It further states that children under the age of 13 are of insufficient age to give consent to sexual activity. In law, sexual activity with a child under the age of 13 years is a serious arrestable offence and reflects society's view that children of less than 13 years of age should not be sexually active and that their level of vulnerability to exploitation and sexual grooming is potentially significant.

This protocol endorses both of the following;

- Sexual activity between consenting young people should not be criminalised;
- The legal position that sexual activity under the age of 16 is an offence.

In practice this protocol will apply for under 16 year olds. However professionals must always be aware of the possibility of abuse and / or exploitation in the 16-18 age group.

Mae cyrraedd canlyniadau da ar gyfer plant a phobl ifanc yn gofyn i bawb sy'n gyfrifol am asesu a darparu gwasanaethau weithio gyda'i gilydd yn ôl y protocol hwn a *Chanllawiau Amddiffyn Plant Cymru Gyfan* a *Diogelu Plant: Gweithio gyda'n Gilydd dan Ddeddf Plant 2004.*

5.4.2 Rhannu gwybodaeth

Go brin y bydd unrhyw asiantaeth ar ei phen ei hun yn dal gwybodaeth gynhwysfawr am unrhyw blentyn neu berson ifanc, neu'n wir am unrhyw elfen o risg yn ei fywyd. Dim ond pan fydd amryw o ffynonellau'n rhannu gwybodaeth y daw hi'n glir fod plentyn mewn perygl neu'n dioddef niwed.

Dyletswydd gyntaf pob ymarferwr yw diogelu a hybu lles y plentyn a'r person ifanc. Wrth greu perthynas waith gyda phlant a phobl ifanc, rhaid iddyn nhw ddeall o'r dechrau un a thrwy gydol y broses nad oes dyletswydd absoliwt i gadw gwybodaeth yn gyfrinachol. Mae amgylchiadau'n rhwym o godi lle mai dim ond trwy rannu gwybodaeth â phobl eraill y bydd yn bosib diogelu'r plentyn neu'r person ifanc neu'r plant neu'r bobl ifanc eraill.

Wrth benderfynu rhannu gwybodaeth â rhieni neu'r rhai sy'n rhoi gofal, bydd gweithwyr proffesiynol yn defnyddio'u barn, yn rhoi sylw i ganllawiau Fraser/Gillick (cyfeiriwch at 5.4.8) ac yn ymgynghori â Chanllawiau Amddiffyn Plant Cymru Gyfan. Bydd penderfyniadau'n cael eu seilio ar oedran y plentyn, ei aeddfedrwydd a'i allu i ddeall y goblygiadau, a'r peryglon i'w hun. Rhaid cyfuno hyn â gallu'r rhieni a'r rhai sy'n rhoi gofal, a pha mor benderfynol ydyn nhw i amddiffyn y person ifanc. O dderbyn bod rhieni'n gyfrifol am ymddygiad a lles eu plant, dylai gweithwyr proffesiynol annog y person ifanc i rannu gwybodaeth bob amser â'u rhieni a'r rhai sy'n rhoi gofal iddyn nhw, ar yr amod bod hynny'n ddiogel.

Sylfaen y protocol hwn yw'r ddealltwriaeth y bydd y rheini sy'n gweithio gyda'r grŵp hwn o bobl ifanc agored i niwed yn dymuno gwneud eu gorau glas i gynnig gwasanaeth diogel, cyfrinachol a hawdd mynd ato iddyn nhw. Mae'r gweithwyr yn derbyn bod dyletswydd gofal arnyn nhw i ddiogelu a hybu lles y bobl ifanc.

5.4.2.1 Cyfrinachedd a chydsynio

Nid yw Deddf Troseddau Rhywiol 2003 yn effeithio ar ddyletswydd gofal a chyfrinachedd gweithwyr proffesiynol y sector iechyd a gofal cymdeithasol tuag at blant a phobl ifanc dan 16 oed. Yn ôl canllawiau diweddar y llywodraeth i weithwyr proffesiynol ym maes iechyd a gofal cymdeithasol, nid bwriad y ddeddf yw dwyn achos yn erbyn pobl ifanc yn eu harddegau os yw'r ddau o oedran tebyg wedi cydsynio i weithgaredd rhywiol, er mai 16 oed yw'r oedran cydsynio o hyd, oni bai bod y gweithgaredd yn golygu cam-drin neu gamfanteisio.

Dim ond trwy rannu gwybodaeth berthnasol y mae'n bosib i weithwyr proffesiynol weithio gyda'i gilydd i ddiogelu plant. Mae'r llysoedd wedi derbyn hyn mewn egwyddor (Butler Schloss, L J yn Re G (plentyn dan oed) (1996) 2

It must be noted that is illegal to pay for sex with any child or young person under the age of 18 years.

Achieving good outcomes for children and young people requires all those with responsibility for assessment and the provision of services to work together according to this protocol and the *All Wales Child Protection Procedures. Safeguarding Children: Working Together under the Children Act 2004.*

5.4.2 Information sharing

Comprehensive information on any child or young person or indeed on any specific risk factor in their life is rarely held exclusively by a single agency. Often, it is only when information from a number of sources has been shared that it becomes clear that a child is at risk of or is suffering harm.

The first duty of every practitioner is to safeguard and promote the welfare of the child and young person. It must always be made clear to children and young people at the earliest opportunity and throughout any working relationship that the duty of confidentiality is not absolute, and that there will be some circumstances where the needs of the child or young person, or of other children and young people, can only be safeguarded by sharing information with others.

Decisions to share information with parents and caregivers will be taken using professional judgement, consideration of Fraser/Gillick guidelines (see 5.4.8) and in consultation with the All Wales Child Protection Procedures. Decisions will be based on the child's age, maturity and ability to appreciate what is involved in terms of the implications and risks to themselves. This should be coupled with the parents' and caregivers' ability and commitment to protect the young person. Given the responsibility that parents have for the conduct and welfare of their children, professionals should encourage the young person, at all points, to share information with their parents and caregivers wherever safe to do so.

This protocol is written on the understanding that those working with this vulnerable group of young people will naturally want to do as much as they can to provide a safe, accessible and confidential service whilst remaining aware of their duty of care to safeguard them and promote their well being.

5.4.2.1 Confidentiality and consent

The Sexual Offences Act 2003 does not affect the duty of care and confidentiality of health and social care professionals to children and young people under 16 years of age. According to current government guidance for health and social care professionals, although the age of consent remains at 16, it is not intended that the law should be used to prosecute mutually agreed teenage sexual activity between two young people of similar age, unless the activity involves abuse or exploitation.

ALL ER 65 at 68) 6. Fel arfer, dylid gofyn am ganiatâd gwrthrych y wybodaeth cyn datgelu unrhyw wybodaeth bersonol i unrhyw drydydd parti (yn cynnwys asiantaeth arall). Lle bynnag y bo hynny'n bosib, dylid gofyn am ganiatâd cyn rhannu gwybodaeth bersonol â thrydydd parti. Ond, dan rai amgylchiadau, nid yw'n bosib neu'n addas gofyn am ganiatâd ond mae diogelwch a lles y plentyn yn awgrymu'n gryf fod rhaid rhannu'r wybodaeth (*Diogelu Plant: Gweithio gyda'n Gilydd dan Ddeddf Plant 2004*).

Nid yw'r ddyletswydd i gadw gwybodaeth yn gyfrinachol yn absoliwt. Os yw gweithiwr proffesiynol yn credu bod iechyd, diogelwch neu les plentyn, person ifanc neu bobl eraill mewn perygl, a bod y perygl hwnnw'n ddigon difrifol i orbwyso hawl y person dan sylw i'w breifatrwydd, dylai'r gweithiwr proffesiynol ddilyn Canllawiau Amddiffyn Plant Cymru Gyfan.

Rhaid cyfiawnhau unrhyw benderfyniad i ddatgelu gwybodaeth neu i beidio â'i datgelu, yn ôl ffeithiau'r achos dan sylw. Rhaid cofnodi'r penderfyniad yn ysgrifenedig. Yn achos unrhyw amheuaeth, rhaid gofyn ar unwaith am gyngor y gweithiwr proffesiynol sy'n gyfrifol am amddiffyn plant ar ran asiantaeth yr ymarferwr.

Gallai datgelu gwybodaeth heb ganiatâd arwain at herio'r weithred dan Erthygl 8 o'r Confensiwn Ewropeaidd ar Hawliau Dynol. Ond nid yw Erthygl 8 yn absoliwt. Mae'n hanfodol datgelu gwybodaeth er mwyn diogelu plant, ac mae'n bosib cyfiawnhau hynny'n llawn wrth amddiffyn plant a phobl ifanc, wrth ddiogelu eu hiechyd neu eu moesau, wrth ystyried hawliau a rhyddid pobl eraill, ac wrth rwystro troseddau yn erbyn plant neu wrth fynd ati i ddatrys troseddau.

Mae asesu perygl yn broses barhaus. Mae'n briodol felly i ymarferwr ystyried pob achos o weithio gyda pherson ifanc neu o gael gwybodaeth amdano ar wahân. Dylai ystyried a yw amgylchiadau'r person ifanc wedi newid mewn ffordd sy'n cyfiawnhau atgyfeirio'r achos (neu ei ail atgyfeirio) at y gwasanaethau cymdeithasol a'r heddlu. Gallai asiantaethau partner ofyn am fwy o wybodaeth cyn penderfynu ynglŷn ag atgyfeirio achos at asiantaethau priodol.

5.4.3 Asesu

Rhaid i'r asiantaeth dan sylw asesu anghenion iechyd, addysg, cymorth ac amddiffyn pob person ifanc, waeth beth yw ei ryw neu ei ogwydd rhywiol, os yw'n credu ei fod yn cymryd rhan mewn gweithgaredd rhywiol, neu'n bwriadu gwneud hynny. Rhaid i'r asesiad gael ei wneud yn unol â'r wybodaeth a'r canllawiau yn:

- Canllawiau Amddiffyn Plant Cymru Gyfan;
- Canllawiau'r Adran Iechyd: *Best Practice Guidance for Doctors and other Health Professionals on the provision of Advice and Treatment to Young People Under 16 On Contraception, Sexual, and Reproductive Health*.

Professionals can only work together to safeguard children if there is an exchange of relevant information between them. This has been recognised in principle by the courts (Butler Schloss LJ in Re G (a minor) (1996) 2 ALL ER 65 at 68) 6. Normally personal information should only be disclosed to third parties (including other agencies) with the consent of the subject of that information. When ever possible, consent should be obtained before sharing personal information with third parties. However, in some circumstances, consent may not be possible or appropriate but the safety and welfare of a child may dictate that the information must be shared. (*Safeguarding Children: Working Together under the Children Act 2004)*

The duty of confidentiality is not absolute. Where a professional believes that there is a risk to the health, safety or welfare of a child, young person or others, which is serious enough to outweigh the young person's right to privacy, they should follow the All Wales Child Protection Procedures.

Any disclosure or decision not to disclose must be justified according to the particular facts of the case and documented accordingly. Advice should be sought in cases of doubt from lead professionals in child protection within the practitioners own agency without delay.

Disclosure of information without consent might give rise to a challenge under Article 8 (European Convention on Human Rights). However Article 8 is not absolute and disclosure of information to safeguard children is essential and can be wholly justified when considering the protection of children and young people's safety, health or morals, the rights and freedoms of others and for the prevention or detection of crimes committed against children.

The assessment of risk is a continual process it is therefore appropriate that on each occasion that a practitioner has contact with a young person or receives information about them, consideration should be given as to whether the young person's circumstances have changed in a way which may require referral (or re-referral) to social services and the police. Further information may be required from partner agencies to inform the decision-making before making a referral to appropriate agencies.

5.4.3 Assessment

All young people, regardless of gender, or sexual orientation who are believed to be engaged in, or planning to be engaged in, sexual activity must have their needs in respect of their health, education, support and/or protection assessed by the agency involved. This assessment must be carried out in accordance with information and guidance set out within:

- All Wales Child Protection Procedures;
- Department of Health Best Practice Guidance for Doctors and other Health Professionals on the provision of Advice and Treatment to

5.4.3.1 Asesu anghenion pobl ifanc:

- Mae gan blant a phobl ifanc sy'n mynd o wirfodd i berthynas rywiol yr hawl i gael cyngor a gwasanaethau cyfrinachol;
- Rhaid i blant a phobl ifanc gael asesu eu hanghenion iechyd a/neu addysg;
- Er hynny, mae dyletswydd ar bob gweithiwr proffesiynol i ystyried y posibilrwydd o niwed i unrhyw blentyn neu berson ifanc dan 18 oed sy'n cymryd rhan mewn gweithgaredd rhywiol. Mae cymryd rhan yn ifanc mewn gweithgaredd rhywiol yn arwydd posib bod peryglon i les y plentyn, ac i blant eraill efallai.

5.4.3.2 Dangosyddion y perygl o ddioddef niwed

Er mwyn penderfynu a yw perthynas yn golygu perygl o niwed i berson ifanc, dylid rhoi sylw i'r ffactorau sy'n dilyn:

- P'un a yw'r gallu gan y plentyn neu'r person ifanc i ddeall ac i gydsynio i'r gweithgaredd rhywiol dan sylw. Dylid dilyn canllawiau Fraser (cyfeiriwch at 5.4.8) a chofnodi pob penderfyniad;
- Ble mae'r plentyn neu'r person ifanc yn byw, a gyda phwy; p'un ai yw'n ddisgybl mewn ysgol neu a yw'r gwasanaethau cymdeithasol neu asiantaeth gofal cymdeithasol arall wedi cael unrhyw ymwneud ag e neu unrhyw frodyr neu chwiorydd;
- Natur y berthynas rywiol, yn arbennig os oes anghydbwysedd o ran oedran neu rym personoliaeth (cyfeiriwch at 5.4.3.3);
- P'un ai yw trais, perswâd neu lwgrwobrwyo'n rhan amlwg o'r berthynas, yn cynnwys camddefnyddio alcohol neu sylweddau eraill i wneud y person ifanc yn fwy parod i gydweithredu;
- P'un ai oes unrhyw agwedd ar gamfanteisio'n rhywiol ac yn fasnachol yn amlwg, yn cynnwys cynnig serch, arian, cyffuriau neu alcohol;
- P'un ai yw ymddygiad y plentyn neu'r person ifanc ei hun yn ei roi mewn sefyllfa lle mae'n anodd iddo ddewis yn ddoeth ynglŷn â'r gweithgaredd, er enghraifft a yw'n camddefnyddio alcohol neu sylweddau eraill;
- Unrhyw ymdrech gan y partner rhywiol i gelu pethau y tu hwnt i'r hyn a fyddai i'w ddisgwyl mewn perthynas rhwng pobl ifanc yn eu harddegau;
- P'un ai yw dulliau'r partner rhywiol o sicrhau bod y plentyn neu'r person ifanc yn cydfynd, yn ymddiried ynddo neu'n cadw pethau'n ddirgel yn gyson â pharatoi ar gyfer camfanteisio'n rhywiol. Mae'r fath baratoi'n debygol o gynnwys ymdrechion gan ecsbloitiwr rhywiol (sydd fel arfer yn hŷn na'r plentyn neu'r person ifanc) i faldodi neu orfodi i greu cyfeillgarwch gyda'r unigolyn dan sylw trwy roi anrhegion,

Young People Under 16 On Contraception, Sexual, and Reproductive Health.

5.4.3.1 Assessing young people's needs:

- Children/young people engaging in consensual sexual relationships are entitled to confidential advice and services;
- Children and young people must have their health and / or education needs assessed;
- However every professional has a duty to always consider the possibility of harm for every sexually active child or young person under 18 years of age. Sexual activity at a young age is an indicator that there are possible risks to the welfare of the child and possibly other children.

5.4.3.2 Indicators of risk of harm

In order to determine whether a relationship presents a risk of harm to a young person, the following factors should be considered:

- Whether the child/young person is competent to understand, and consent to, the sexual activity they are involved in. The Fraser guidelines (see 5.4.8) should be applied and decisions recorded;
- Where and with whom the child or young person resides, whether they are attending school or whether they or their siblings have involvement with social services or any social care agency etc;
- The nature of the sexual relationship between those involved, particularly if there are age or power imbalances (see 5.4.3.3);
- Whether overt aggression, coercion or bribery was or is involved including misuse of alcohol or other substances as a disinhibitor;
- Whether there is any element of commercial sexual exploitation including in particular the elements of affection, money, drugs, alcohol;
- Whether the child/young person's own behaviour, for example through misuse of alcohol or other substances, places him/her in a position where he/she is unable to make an informed choice about the activity;
- Any attempts to secure secrecy by the sexual partner beyond what would be considered usual in a teenage relationship;
- Whether methods used to secure a child or young person's compliance and trust and/or secrecy by the sexual partner are consistent with grooming for sexual exploitation. Grooming is likely to

arian neu gyffuriau, trwy ddatblygu perthynas agos gyda theulu'r unigolyn, trwy ddatblygu perthynas gyda'r unigolyn dros y rhyngrwyd etc, gyda'r bwriad o gam-drin y plentyn neu'r person ifanc;

- P'un ai yw un o'r asiantaethau'n gyfarwydd â'r partner rhywiol ar sail pryderon ynglŷn â pherthynas gyda phlentyn neu berson ifanc arall. Mae hyn yn rhagdybio y bydd cais yn mynd at yr heddlu am wybodaeth am y partner;
- P'un ai yw'r plentyn yn gwadu neu'n derbyn y pryderon, neu'n ceisio'u trin yn ysgafn;
- P'un ai oes anghenion dysgu gan y plentyn neu'r person ifanc;
- P'un ai oes hanes gan y plentyn o fod ar goll o'i gartref.

5.4.3.3 Anghydbwysedd grym

Mae cam-drin rhywiol a chamfanteisio ar blentyn neu berson ifanc yn cynnwys anghydbwysedd grym. Dylai'r asesiad geisio adnabod anghydbwyseddau grym posib o fewn perthynas. Gallai anghydbwysedd ddod yn sgil gwahaniaethau o ran maint, oedran, cyfoeth materol a/neu ddatblygiad seicolegol, cymdeithasol a chorfforol. Mae modd i rywun defnyddio gwybodaeth rywiol fel sylfaen i awdurdod dros bobl eraill sydd efallai'n cael eu heffeithio gan agweddau ar amrywiaeth fel rhyw, rhywioldeb, hil ac ati.

Er y gallai gwahaniaeth oed fod yn un o'r prif ddangosyddion (er enghraifft, merch 15 oed mewn perthynas gyda dyn 20 oed), rhaid i ymarferwyr gadw mewn cof y gall bachgen 14 neu 15 oed roi pwysau sylweddol ar ferch o'r un oed neu'n hŷn, yn enwedig os oes grŵp o'i gyfoedion yn ei gymell. Bydd achosion eraill lle mae menyw neu ferch yn manteisio'n rhywiol ar fachgen.

Pan mae'r anghydbwysedd grym yn arwain at orfodi, defnyddio a/neu lwgrwobrwyo a gweithgaredd rhywiol, gall y pwysau ar berson ifanc ddod gan unigolyn, dau berson neu trwy grŵp o gyfoedion (h.y. bwlio gan grŵp o bobl). Mae angen i weithwyr proffesiynol sy'n asesu natur perthynas plentyn neu berson ifanc sylweddoli y gallai fod yn y naill sefyllfa a'r llall. Dylai'r gweithiwr fynd ati i wneud asesiad holistig o'i anghenion.

Os yw'r partner rhywiol yn gweithio mewn swydd broffesiynol gyfrifol neu'n aelod o'r teulu (yn ôl y diffiniad yn Neddf Troseddau Rhywiol 2003), mae anghydbwysedd grym yn bodoli. Y farn yw nad yw'r plentyn neu'r person ifanc yn gallu cydsynio i'r gweithgaredd.

Mae'n anghyfreithlon i unrhyw un dalu am weithredoedd rhywiol gyda phlentyn neu berson ifanc dan 18 oed.

involve efforts by a sexual predator (usually older than the child or young person) to befriend a child/young person by indulging or coercing her/him with gifts, treats, money, drugs, developing a trusting relationship with the child/young person's family, developing a relationship with the child or young person through the internet etc in order to abuse the child/young person;

- Whether the sexual partner is known by one of the agencies as having or having had, other concerning relationships with children/young people which presupposes that checks will be made with the police;
- Whether the child denies, minimises, or accepts concerns;
- Whether the child or young person has learning needs;
- Whether the child has a history of being missing from home.

5.4.3.3 Power imbalances

Sexual abuse and the exploitation of a child or young person involves an imbalance of power. The assessment should seek to identify possible power imbalances within a relationship. These can result from differences in size, age, material wealth and/or psychological, social and physical development. In addition gender, sexuality, race and any other diversity issues where levels of sexual knowledge can be used to exert power.

Whilst a large age differential could be a key indicator for example a 15-year-old girl and a 20-year-old man, practitioners should be aware that a 14 or 15 year old boy, supported by a group of his peers, is able to exert very real pressure over a girl of the same age or older. There will also be instances when the sexual predator is a woman or girl and the victim is a boy.

Where a power imbalance results in coercion, manipulation and/or bribery and seduction, these pressures can be applied to a young person by one or two individuals, or through peer pressure (i.e. group bullying). Professionals assessing the nature of a child or young person's relationship need to be aware of the possibility that either or both of these situations can exist for the child or a young person – and conduct an holistic assessment of the young person's needs.

There will be an imbalance of power and the child or young person will not be deemed able to give consent if the sexual partner is in a position of professional trust or is a family member as defined by the Sexual Offences Act 2003.

It is illegal for any person to pay for sexual activity with a child or young person under 18 years.

5.4.4 Plant a phobl ifanc anabl a/neu sy'n dioddef anhwylder iechyd meddwl

Mae plant a phobl ifanc anabl a/neu sy'n dioddef anhwylder iechyd meddwl yn fwy agored i niwed na phlant sydd heb fod yn anabl. Maen nhw'n fwy agored byth i niwed pan maen nhw'n byw oddi cartref. Efallai fod mwy o berygl iddyn nhw gael eu gorfodi am eu bod nhw'n dibynnu'n gorfforol ar bobl eraill neu am fod anabledd dysgu neu anawsterau cyfathrebu'n ei gwneud hi'n anodd iddyn nhw gyfleu eu dymuniadau i rywun arall. Oherwydd eu hanabledd a'u hoedran, mae mwy o berygl na fyddan nhw'n gallu gwrthod mynd i berthynas rywiol.

Wrth asesu a yw perthynas yn rhoi plentyn neu berson ifanc anabl mewn perygl o ddioddef niwed, mae angen i weithwyr proffesiynol roi sylw i'r dangosyddion sydd wedi'u rhestru yn 5.4.3.2. Rhaid cofio hefyd fod peryglon ychwanegol i'r plant neu'r bobl ifanc hyn.

Gallai plentyn neu berson ifanc ag anawsterau dysgu canolig fod yn agored i niwed mewn perthynas rywiol sydd wedi datblygu yn sgil gweithgareddau cynhwysol. Gallai hyn ddigwydd mewn ysgol brif ffrwd, coleg addysg, canolfan hamdden neu yn un o'r llefydd eraill lle mae plant a phobl ifanc yn cwrdd, a lle mae'r oruchwyliaeth yn anffurfiol iawn. Rhaid i staff gofio bod gwahanol alluoedd gan y plant a'r bobl ifanc y maen nhw'n eu goruchwylio, ac asesu'r perygl o ddioddef niwed ar sail hynny.

Mewn achosion lle mae gweithwyr proffesiynol yn ofni y gallai perthynas arwain at niwed i berson ifanc anabl sydd ar fin mynd yn oedolyn, dylen nhw fynd ati'n gynnar i weithio gyda staff yr asiantaeth sy'n gyfrifol am amddiffyn oedolion. Rhaid gofalu bod amddiffyn dan Ddeddf Plant 1989 yn trosglwyddo'n rhwydd yn amddiffyn person ifanc dros 18 oed dan y trefniadau lleol ar gyfer Amddiffyn Oedolion Agored i Niwed.

Wrth fynd ati i asesu perygl, rhaid i asiantaethau a gweithwyr proffesiynol gydbwyso'u pryderon â'u dyletswydd i gadw gwybodaeth yn gyfrinachol. Mae hyn yn arbennig o wir yn y gwasanaeth iechyd lle mae'r gyfraith yn rhoi'r hawl i weithwyr iechyd roi dulliau atal cenhedlu, cyngor iechyd rhywiol a thriniaeth yn gyfrinachol i bobl ifanc dan 16 oed.

Felly, pan ddaw gweithiwr proffesiynol i wybod bod person ifanc yn cymryd rhan, neu'n debygol o gymryd rhan, mewn gweithredoedd rhywiol, dylid asesu anghenion y person ifanc o ran iechyd corfforol ac emosiynol, addysg a diogelwch – a hynny yng nghyd-destun y berthynas rywiol. Dylid seilio'r asesiad ar y tri dimensiwn yn *Fframwaith ar gyfer Asesu Plant mewn angen a'u Teuluoedd* (neu'r *Fframwaith Asesu Cyffredin* pan fydd ar waith). Os yw'n briodol, dylid cadw at *Ganllawiau Amddiffyn Plant Cymru Gyfan* hefyd.

5.4.4 Children and young people with a disability and/or with a mental health disorder

Children and young people with a disability and/or with a mental health disorder are more vulnerable than non-disabled children; and they are especially at risk when they are living away from home. They may be particularly vulnerable to coercion due to physical dependency or because of a learning disability or because a communication difficulty means that it is not easy for them to make known their wishes to another person. Their disability and age increases the risk that a sexual relationship may not be consensual.

In assessing whether a relationship presents a risk of harm to a disabled child or young person, professionals need to consider the indicators listed in 5.4.3.2 in the light of these potential additional vulnerabilities.

A child or young person with moderate learning difficulties could be vulnerable to harm from a sexual relationship developed through inclusive activities. This may be in mainstream schools, education colleges, leisure centres and other places where children and young people meet where supervision is at a minimum. Staff need to be alert to the different capabilities of the children and young people they supervise, and assess the risk of harm accordingly.

Where professionals have concerns that a relationship may present a risk of harm to an older disabled young person, they should begin work with the agency's adult protection staff at an early point in order for there to be a smooth transition from protection under the Children Act 1989 to protection for the young person, from their 18th birthday onwards, under the local Protection of Vulnerable Adult Procedures.

In undertaking the risk assessment, agencies and professionals have to balance these concerns with their duty of confidentiality, particularly within the health service where the law allows health workers to give confidential contraception, sexual health advice and treatment to under 16 year olds.

Therefore when a professional becomes aware that a young person is, or is likely to be, sexually active, an assessment should be made of the young person's physical and emotional health, education and safeguarding needs – in the context of the sexual relationship. The assessment should be based on the three dimensions of *The Framework for Assessment of Children In Need and Their Families* (or the *Common Assessment Framework* when in place), and where appropriate, it should be in accordance with the *All Wales Child Protection Procedures.*

5.4.5 Abuse through commercial sexual exploitation / or trafficking

If there are any concerns that the child or young person may be at risk of abuse through sexual exploitation (prostitution, pornography (abusive images of children), including creating/exchanging images, grooming etc through the

5.4.5 Cam-drin trwy gamfanteisio'n rhywiol er elw ar blant neu fasnachu mewn plant

Yn achos unrhyw bryderon y gallai plentyn neu berson ifanc fod mewn perygl o gael ei gam-drin trwy gamfanteisio'n rhywiol (puteindra, pornograffi [delweddau o blant yn cael eu cam-drin], yn cynnwys creu neu gyfnewid delweddau, paratoi ac ati, trwy'r rhyngrwyd a thrwy fasnachu mewn pobl), rhaid atgyfeirio'r achos at y gwasanaethau cymdeithasol a'r heddlu yn unol â *Chanllawiau Amddiffyn Plant Cymru Gyfan* a phrotocolau'r ardal ar gyfer *Camfanteisio'n Rhywiol a Masnachu mewn Plant*.

Dylid nodi fod y deddfau ynglŷn â chamfanteisio'n rhywiol er elw ar blant yn cynnwys plant hyd at 18 oed, hynny yw, mae'n anghyfreithlon i unrhyw un dalu (mewn unrhyw ffordd) am wasanaethau rhywiol plentyn neu berson ifanc dan 18 oed.

5.4.5.1 Ymyrraeth

Pan mae'r gwasanaethau cymdeithasol wedi adnabod perygl o niwed arwyddocaol i blentyn, neu eu bod nhw'n gwybod bod trosedd wedi'i chyflawni yn erbyn plentyn, byddan nhw'n cynnal trafodaeth neu gyfarfod strategaeth gyda'r heddlu a'r gwasanaeth iechyd (a allai gynnwys y sawl a atgyfeiriodd yr achos). Bydd rhaid penderfynu yn ystod y drafodaeth neu'r cyfarfod a oes angen gwneud ymholiadau amddiffyn plant dan adran 47 yn ôl y canllawiau yn Rhan 3 o *Ganllawiau Amddiffyn Plant Cymru Gyfan*.

5.4.6 Y trothwyon ar gyfer atgyfeirio at y gwasanaethau cymdeithasol a/neu'r heddlu, ac oedran y plentyn

5.4.6.1 Plant dan 13 oed

Dan Ddeddf Troseddau Rhywiol 2003, nid yw plant dan 13 oed yn ddigon hen i gydsynio i weithgaredd rhywiol.

Ym mhob achos lle mae'r person ifanc sy'n cymryd rhan mewn gweithgaredd rhywiol o dan 13 oed, rhaid i'r asiantaeth dan sylw fynd ati i wneud asesiad llawn. Rhaid edrych ar bob achos yn unigol, a rhaid ystyried gwneud atgyfeiriad amddiffyn plant at y gwasanaethau cymdeithasol. I'r atgyfeiriad fod yn ystyrlon, rhaid enwi'r person ifanc a'i bartner rhywiol os yw'r wybodaeth honno ar gael.

Dim ond ar ôl trafod yr achos gyda'r swyddog sy'n arwain ar ran amddiffyn plant o fewn yr asiantaeth sy'n cyflogi'r gweithiwr proffesiynol y mae'n bosib penderfynu peidio â'i atgyfeirio at y gwasanaethau cymdeithasol. Os nad yw'r achos yn cael ei atgyfeirio, mae'r gweithiwr proffesiynol a'r asiantaeth dan sylw'n gwbl atebol am y penderfyniad. Rhaid cofnodi'n glir y rhesymau dros ddod i'r fath benderfyniad.

Pan ddaw'n glir bod merch dan 13 oed yn feichiog, rhaid atgyfeirio'r achos at y gwasanaethau cymdeithasol. Byddan nhw'n gwneud asesiad cychwynnol

internet or trafficking), a referral to social services and to the police must be made in accordance with *All Wales Child Protection Procedures* and local *Child Commercial Sexual Exploitation Protocols.*

It should be noted that the legislation regarding the commercial sexual exploitation of children is up to the age of 18 i.e. it is illegal to pay (in any way) for the sexual services of a child/young person under the age of 18.

5.4.5.1 Intervention

When social services identify a risk of significant harm or are aware that an offence may have been committed against a child, they will hold a strategy discussion or meeting with the police and health (which may include the referrer), which will determine the need or otherwise for section 47, child protection enquiries to be made in line with part 3 of the *All Wales Child Protection Procedures*.

5.4.6 Thresholds for referring to social services and/or police and the age of the child

5.4.6.1 Children under the age of 13

Under the Sexual Offences Act 2003, children under the age of 13 are of insufficient age to give consent to sexual activity.

In all cases where the sexually active young person is under the age of 13, a full assessment must be undertaken by the agency involved. Each case must be assessed individually and consideration must be given to making a child protection referral to social services. In order for this to be meaningful, the young person will need to be identified, as will their sexual partner if details are known.

A decision not to refer to social services can only be made following a discussion of the case, with the designated / named lead for child protection within the professional's employing agency. When a referral is not made, the professional and agency concerned is fully accountable for the decision and the reasons for the decision must be clearly recorded.

When a girl under the age of 13 is found to be pregnant, a referral must be made to social services where an initial assessment will be completed and a strategy meeting/discussion will take place, which will include representatives from health and education.

The Bichard Inquiry Report's recommendation 12 stated that the Government should reaffirm the guidance that the police are notified as soon as possible when a criminal offence has been committed, or is suspected of having been committed, against a child – unless there are exceptional reasons not to do so. The Welsh Assembly Government reaffirmed this recommendation in the guidance *Safeguarding Children: Working Together Under the Children Act 2004* in Chapter 8, para 8.29.

ac yn cynnal cyfarfod/trafodaeth strategaeth, gan wahodd cynrychiolwyr o'r gwasanaethau iechyd ac addysg.

Mae argymhelliad 12 Adroddiad Ymchwiliad Bichard yn dweud y dylai'r Llywodraeth gadarnhau'r canllaw bod rhaid hysbysu'r heddlu cyn gynted â phosib pan mae trosedd wedi ei chyflawni neu pan mae amheuaeth bod trosedd wedi ei chyflawni, yn erbyn plentyn – onibai bod rhesymau eithriadol i beidio gwneud hynny. Fe gadarnhaodd Llywodraeth Cynulliad Cymru yr argymhelliad yma yn y canllawiau *Diogelu Plant: Gweithio gyda'n gilydd dan Ddeddf Plant 2004 ym Mhennod 8, para 8.29.*

5.4.6.2 Pobl ifanc 13-16 oed

Mae Deddf Troseddau Rhywiol 2003 yn cadarnhau bod pobl ifanc yn eu harddegau'n cymryd rhan mewn gweithgaredd rhywiol lle mae'r ddau'n fodlon i'r gweithgaredd ddigwydd. Er nad oes niwed yn dod yn aml yn sgil y fath weithgaredd, dylai'r oedran cydsynio aros ar 16 oed. Mae hyn yn cydnabod bod y grŵp hwn o bobl ifanc yn dal yn agored i niwed, hyd yn oed os nad ydyn nhw'n cydnabod hynny eu hunain.

Rhaid defnyddio'r protocol hwn o hyd i asesu anghenion pobl ifanc yn y grŵp oedran hwn sy'n cymryd rhan mewn gweithgaredd rhywiol. Bydd y trafodaethau gyda'r gwasanaethau cymdeithasol yn dibynnu ar y mesur o berygl/angen y mae'r rhai sy'n gweithio gyda'r person ifanc wedi'i osod.

Os yw'r person ifanc yn beichiogi neu'n erthylu'n naturiol neu'n cael erthyliad wedi'i drefnu, dylid ystyried a oes angen atgyfeirio'r achos.

Mae'r gwahaniaeth hwn yn y drefn yn cadw at yr egwyddor nad yw'r gallu gan bobl ifanc dan 13 oed i gydsynio i weithredoedd rhywiol, er bod cymryd rhan mewn gweithgaredd rhywiol dan 16 oed yn parhau'n anghyfreithlon.

5.4.6.3 Pobl ifanc 17-18 oed

Er nad yw cymryd rhan mewn gweithgaredd rhywiol ar ôl cyrraedd 16 oed yn dal yn drosedd, mae pobl ifanc dan 18 oed yn dal i gael eu hamddiffyn dan y gyfundrefn amddiffyn plant a *Deddf Plant 1989*. Mae angen ystyried o hyd a oes unrhyw gamfanteisio'n rhywiol trwy buteindra a chamddefnyddio grym dan yr amgylchiadau sydd wedi'u disgrifio uchod. Wrth gwrs, mae'n dal yn bosib troseddu yn erbyn pobl ifanc trwy eu treisio neu ymosod arnyn nhw. Efallai fod rhaid holi'r person ifanc ynglŷn ag amgylchiadau unrhyw ddigwyddiad.

Bydd anghydbwysedd grym yn ffactor yn achos unrhyw berson ifanc 16-18 oed. Os yw'r partner rhywiol yn gweithio mewn swydd broffesiynol gyfrifol neu'n aelod o'r teulu (yn ôl y diffiniad yn Neddf Troseddau Rhywiol 2003), y farn yw nad yw'r person ifanc yn gallu cydsynio i'r gweithgaredd.

5.4 6.2 Young people aged between 13 and 16

The Sexual Offences Act 2003 reinforces that, whilst mutually agreed, non-exploitative sexual activity between teenagers does take place and that often no harm comes from it, the age of consent should still remain at 16. This acknowledges that this group of young people is still vulnerable, even when they do not view themselves as such.

Sexually active young people in this age group will still have to have their needs assessed using this protocol. Discussion with social services will depend on the level of risk/need assessed by those working with the young person.

Consideration should be given to making a referral if the young person becomes pregnant or has a miscarriage or planned termination.

This difference in procedure reflects the position that, whilst sexual activity under 16 remains illegal, young people under the age of 13 are not capable of giving consent to sexual activity.

5.4.6.3 Young People aged between 17 and 18

Although sexual activity in itself is no longer an offence over the age of 16, young people under the age of 18 are still offered the protection of child protection procedures under *the Children Act 1989*. Consideration still needs to be given to issues of sexual exploitation through prostitution and abuse of power in circumstances outlined above. Young people, of course, can still be subject to offences of rape and assault and the circumstances of an incident may need to be explored with a young person.

For young people over the age of 16 and under the age of 18, there will be an imbalance of power and the child or young person will not be deemed able to give consent if the sexual partner is in a position of professional trust or is a family member as defined by the Sexual Offences Act 2003.

5.4.6.4 Use of the Abduction Act

In situations where a young person is known to be visiting a person or place that is inappropriate / unsafe, the Abduction Act 1984 may be of use to support the parents / caregivers. In this situation advice should be sought from the police child abuse investigation unit.

5.4.7 Fraser guidance

Professionals working with young people should be fully aware of the 5 points of the Fraser guidance in respect of the young person's capacity:

- The young person will understand the professional's advice;
- The young person cannot be persuaded to inform their parents;

5.4.6.4 Defnyddio Deddf Cipio

Pan mae'n amlwg bod y person ifanc yn ymweld â pherson neu le anaddas neu anniogel, efallai fod modd defnyddio Deddf Cipio 1984 i gynorthwyo'r rhieni neu'r rhai sy'n rhoi gofal. Yn y fath sefyllfa, dylid gofyn am gyngor gan uned ymchwilio'r heddlu i achosion o gam-drin plant.

5.4.7 Canllawiau Fraser

Dylai gweithwyr proffesiynol sy'n gweithio gyda phobl ifanc fod â gwybodaeth lawn am bum pwynt canllawiau Fraser sy'n rhoi sylw i allu'r person ifanc:

- Bydd y person ifanc yn deall cyngor y gweithiwr proffesiynol;
- Nid yw'n bosib perswadio'r person ifanc i roi gwybod i'w rieni;
- Mae'r person ifanc yn debygol o ddechrau neu barhau i gael cyfathrach rywiol, heb ddefnyddio dulliau atal cenhedlu;
- Oni bai fod y person ifanc yn cael triniaeth atal cenhedlu, mae ei iechyd corfforol, ei iechyd meddyliol neu'r ddau'n debygol o ddioddef.
- Ar sail lles pennaf y person ifanc, mae gofyn iddo gael cyngor ynglŷn ag atal cenhedlu neu driniaeth, gyda chaniatâd y rhieni neu hebddo.

5.4.8 Deddfwriaeth a chanllawiau

Yn ogystal â'r dogfennau sydd wedi'u rhestru yn Rhan 1, mae'r dogfennau sy'n dilyn wedi cael sylw wrth ddatblygu'r protocol hwn:

- Deddf Troseddau Rhywiol 2003;
- Adroddiad Bichard 2004;
- Adroddiad Kelly 2004;
- Canllawiau ACPO: *Guidance on Investigating Child Abuse and Safeguarding Children 2005*;
- Uned Beichiogrwydd Ymhlith Pobl Ifanc yn eu Harddegau, Adran Addysg a Gwyddoniaeth: *Enabling young people to access contraceptive and sexual health advice* 2005;
- Canllawiau'r Adran Iechyd ynglŷn â phlant sy'n buteiniaid (*Child Prostitution DOH Guidance*);
- Y Fframwaith Asesu Cyffredin 2005;
- Y Safonau Cenedlaethol ar gyfer Cofnodi Troseddau (*National Crime Recording Standards*).

5.4.10 Asesu'r peryglon

Mae model enghreifftiol ar gael ar www.awcpp.org.uk i'w ddefnyddio wrth asesu peryglon.

- The young person is likely to begin, or to continue having, sexual intercourse without contraceptive treatment;
- Unless the young person receives contraceptive treatment, their physical or mental health, or both, are likely to suffer.
- The young person's best interests require them to receive contraceptive advice or treatment with or without parental consent.

5.4.8 Legislation and guidance

In addition to the documents listed in part 1, the following have been considered in developing this protocol:

- Sexual Offences Act 2003;
- Bichard Report 2004;
- Kelly Report 2004;
- ACPO Guidance on Investigating Child Abuse and Safeguarding Children 2005;
- Enabling young people to access contraceptive and sexual health advice. DFES Teenage Pregnancy Unit 2005;
- Child Prostitution DOH Guidance;
- The Common Assessment Framework 2005;
- National Crime Recording Standards.

5.4.10 Risk assessment

An example risk assessment model is available on the www.awcpp.org.uk website.

PROTOCOL
CYMRU GYFAN

Amddiffyn Plant
rhag cael eu
Cam-drin
trwy
Dechnoleg Gwybodaeth

ALL WALES PROTOCOL

The Protection of Children from Abuse via Information Technology

5.5 Delweddau Anweddus o Blant, a'r Rhyngrwyd

5.5.1 Rhagarweiniad

Nod y protocol hwn yw cynnig cyngor i ymarferwyr sy'n gweithio ym maes diogelu a hybu lles plant pan mae'r plentyn dan ofal unigolyn sy'n destun ymchwiliadau oherwydd troseddau'n ymwneud â delweddau anweddus o blant ar y rhyngrwyd neu wrth ddefnyddio ffôn symudol.

Mae'r canllawiau'n ceisio gofalu bod ymarferwyr i gyd yn gwybod am bwysigrwydd rhannu gwybodaeth er mwyn cydymffurfio â Chanllawiau Amddiffyn Plant Cymru Gyfan wrth ddelio â dioddefwyr a throseddwyr sy'n gysylltiedig â'r fath droseddau.

Mae troseddau sy'n gysylltiedig â chymryd, gwneud, dosbarthu neu gyhoeddi delweddau anweddus o blant yn golygu bob tro fod plentyn neu berson ifanc yn cael ei gam-drin neu ei gamfanteisio mewn rhyw ffordd. Pan mae ymarferwyr yn dod i wybod am y fath weithgarwch, mae'n hynod o bwysig i'r heddlu gael gwybod am y mater cyn gynted â phosib.

5.5.2 Diffiniad o ddelweddau anweddus o blant

I bwrpas y protocol hwn, diffiniad delweddau anweddus o blant yw delweddau llonydd neu symudol sy'n cyfrif fel rhai anweddus. Gallan nhw gael eu creu mewn unrhyw ffordd, yn cynnwys lluniadau â llaw, ffotograffau, ffilmiau neu ffug ffotograffau. Delwedd sydd wedi'i chreu trwy gyfuno gwahanol rannau o ddelweddau eraill yw ffug ffotograffau, er enghraifft, y pen o un ddelwedd a'r corff o ddelwedd arall.

Mae Adran 1 o Ddeddf Amddiffyn Plant 1978 yn diffinio plentyn fel rhywun dan 18 oed neu os yw person ifanc yn cyfleu'r argraff mai plentyn yw, er gwaethaf y ffaith fod rhai o'r nodweddion corfforol yn perthyn i oedolyn.

Nid yw'r term 'anweddus' yn cael ei ddiffinio yn y ddeddfwriaeth ac mae'n fater i'r llys ei benderfynu.

5.5.3 Y Rhyngrwyd a ffonau symudol

Mae'r rhyngrwyd a ffonau symudol yn ddulliau arwyddocaol y mae pobl yn eu defnyddio i ddosbarthu delweddau anweddus o blant. Mae troseddwyr yn defnyddio'r rhyngrwyd a ffonau symudol hefyd i geisio cysylltu â phlant a phobl ifanc gyda'r bwriad o'u paratoi ar gyfer perthynas anaddas neu un sydd wedi'i seilio ar gam-drin.

Mae defnyddio ystafelloedd sgwrsio (*chat rooms*) ar y rhyngrwyd yn destun pryder mawr. Mae plant yn aml yn defnyddio ystafelloedd sgwrsio fel llefydd ar-lein ar gyfer cyfathrebu â'u ffrindiau a phlant eraill. Mae'n ffaith amlwg fod

5.5 Indecent Images of Children and the Internet.

5.5.1 Introduction

This protocol aims to provide advice for practitioners involved in safeguarding and promoting the welfare of children when a child is in the care of an individual who is under investigation for offences related to indecent images of children on the internet or linked to mobile telephone usage.

The guidance also aims to ensure that all practitioners are aware of the importance of the need to share information in compliance with the All Wales Child Protection Procedures when dealing with victims and offenders linked to such crimes.

Offences related to taking, making, distributing or publishing of indecent images of children always involve a child or young person being abused or exploited in some way. In the event of practitioners becoming aware of this activity it is of paramount importance that it is brought to the attention of the police at the earliest opportunity.

5.5.2 Definition of indecent images of children

For the purpose of this protocol indecent images of children are defined as either still or moving images deemed to be indecent; they may be created by any means, including hand drawings, photographs, film or pseudo-photographs. A pseudo-photograph is an image that is produced by combining various parts or other images, for example, the head from one image and the body from another.

The Protection Of Children Act 1978 Section 1 defines a child as under 18 years of age or where the predominant impression conveyed is that the person shown, is a child, notwithstanding that some of the physical characteristics shown are those of an adult.

The term indecent is not defined by legislation and will be a matter for the court to decide.

5.5.3 The Internet and mobile telephones

The internet and mobile telephones have now become significant tools used for the distribution of indecent images of children. Offenders also use the internet and mobile telephones to try and establish contact with children and young people, with a view to grooming them for inappropriate or abusive relationships.

troseddwyr yn defnyddio'r fath ystafelloedd i gysylltu â phlant er mwyn bodloni eu hanghenion eu hunain ac i feithrin perthynas anaddas neu un sydd wedi'i seilio ar gam-drin. Mae troseddwyr yn defnyddio ffonau symudol hefyd i baratoi plant ac i anfon ffotograffau a ffug ffotograffau anweddus o blant.

5.5.4 Y prif droseddau

Mae'r prif droseddau'n dilyn:

- Cymryd neu greu ffotograff neu ffug ffotograff anweddus o blentyn dan 18 oed, neu ganiatáu i'r fath ffotograffau gael eu cymryd neu eu creu: Deddf Amddiffyn Plant 1978, Adran 1 (a);
- Dosbarthu neu ddangos y fath ffotograffau neu ffug ffotograffau anweddus; Deddf Amddiffyn Plant 1978, Adran 1 (b);
- Bod â'r fath ffotograffau neu ffug ffotograffau anweddus yn eu meddiant gyda'r bwriad o'u dosbarthu neu eu dangos i bobl eraill; Deddf Amddiffyn Plant 1978, Adran 1 (c);
- Cyhoeddi neu achosi i gael ei chyhoeddi unrhyw hysbyseb sy'n debygol o gyfleu fod y sawl sy'n hysbysebu'n dosbarthu neu'n dangos y fath ffotograffau neu ffug ffotograffau anweddus; Deddf Amddiffyn Plant 1978, Adran 1 (d);
- Cyhoeddi erthygl anllad neu fod ag erthygl anllad yn eu meddiant er mwyn ei chyhoeddi neu wneud elw; Deddf Cyhoeddiadau Anllad 1959, Adran 2;
- Bod â ffotograff neu ffug ffotograff anweddus o blentyn yn eu meddiant; Deddf Cyfiawnder Troseddol 1988, Adran 60.

5.5.5 Amddiffyn plant a rheoli achosion

Yr heddlu fydd yn arwain pob ymchwiliad i droseddau sy'n ymwneud â delweddau anweddus o blant. Ond, ym mhob achos, pan mae rhywun yn cael ei amau o gyflawni'r fath droseddau a bod plentyn neu berson ifanc yn ei ofal, neu ei fod yn byw neu'n gweithio gyda phlant, rhaid cysylltu ar ddechrau'r ymchwiliad ag uned ymchwilio'r heddlu i achosion o gam-drin plant, neu'r gwasanaethau cymdeithasol. Rhaid dilyn Canllawiau Amddiffyn Plant Cymru Gyfan ym mhob achos hefyd. Rhaid trafod y peryglon i unrhyw blentyn neu blant, a rhaid i asiantaethau rannu gwybodaeth er mwyn mynd ati i ddiogelu a hybu lles unrhyw blentyn, plant neu bobl ifanc.

5.5.6 Cadw'r dystiolaeth

RHAID adrodd i'r heddlu ar unwaith ynglŷn ag unrhyw adroddiadau am ddelweddau anweddus o blant ar y rhyngrwyd neu ffôn symudol.

The use of chat rooms on the internet is a particular concern. Chat rooms are on-line meeting places that children often use to communicate with their friends and other children. It is a very well established fact that offenders use such rooms to contact children so to satisfy their own needs and to encourage inappropriate or abusive relationships. In addition, mobile telephones are also a tool used by offenders to groom children and also to send indecent photographs, pseudo-photographs of children.

5.5.4 Principal offences

The principal offences are as follows:

- To take, or permit to be taken, or to make any indecent photograph or pseudo-photograph of a child under 18 years of age; Protection of Children Act 1978, Section 1 (a);
- To distribute or show such indecent photographs or pseudo-photographs; Protection of Children Act 1978, Section 1 (b);
- To have in his/her possession such indecent photographs or pseudo-photographs with a view to their being distributed or shown by himself or others; Protection of Children Act 1978, Section 1(c);
- To publish or cause to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows such indecent photographs or pseudo-photographs, or intends to do so; Protection of Children Act 1978, Section 1(d);
- Publishing an obscene article or being in possession of an obscene article for publication or gain; Obscene Publications Act 1959, Section 2;
- Possession of an indecent photograph or pseudo-photograph of a child; Criminal Justice Act 1988, Section 60.

5.5.5 Child protection and case management.

The police will lead all criminal investigations concerning offences involving indecent images of children. However, in all cases, where a person is suspected of committing such offences and has a child or young person in his/her care resides with children or works with children the Child Abuse Investigation Unit or Social Services must be contacted at the very outset of the criminal investigation. Additionally, the All Wales Child Protection Procedures must be followed, that is, the risk posed to any child/children is discussed and multi-agency information shared, to ensure that appropriate action is taken to safeguard and promote the welfare any children/ child or young person.

Bydd yr heddlu'n penderfynu ar batrwm a threfn yr ymchwiliad. Bydd yr heddlu ac adran gwasanaethau cymdeithasol yr awdurdod lleol yn ystyried ar y cyd y peryglon i unrhyw blentyn neu berson ifanc.

Os yw'r wybodaeth sy'n dilyn ar gael, dylid ei rhoi i'r heddlu ar unwaith:

- Enwau unrhyw dystion;
- Enw'r cwmni sy'n darparu gwasanaeth rhyngrwyd (ISP) neu'r gwasanaeth ffôn symudol;
- Cyfeiriad y wefan neu enw'r ystafell sgwrsio neu'r grŵp ar-lein lle y cafwyd hyd i'r ddelwedd;
- Unrhyw gyfrineiriau neu drefn arall sy'n ofynnol i fynd i'r wefan;
- Enw'r sawl a anfonodd y ddelwedd;
- Yn achos negeseuon e-bost, cyfeiriad e-bost yr anfonwr neu'r enw'r oedd yn ei ddefnyddio ar y sgrin tra'r oedd yn yr ystafell sgwrsio;
- Unrhyw resymau dros oedi cyn rhoi gwybod i'r heddlu am y digwyddiad.

5.5.7 Canolfan Camfanteisio ar Blant a'u Hamddiffyn Ar-lein (*The Child Exploitation and Online Protection* – CEOP)

Mae'r Ganolfan Camfanteisio ar Blant a'u Hamddiffyn Ar-lein (CEOP) ar waith ar draws y DU. Mae'n gwneud y gorau o gysylltiadau rhyngwladol i fynd i'r afael ag achosion o gam-drin plant yn rhywiol.

Mae CEOP yn gweithio'n agos iawn gyda'r holl wahanol asiantaethau i fynd i'r afael â materion amddiffyn plant ac i roi sylw iddyn nhw.

Mae CEOP yn cynnig cyngor i rieni a gofalwyr. Mae ganddo orsaf heddlu rithiol lle y gall plant roi gwybod am gam-drin ar y rhyngrwyd. Mae CEOP hefyd yn cynnig gwasanaeth gwerthfawr iawn i'r asiantaethau sy'n rhoi'r gyfraith ar waith trwy daclo a dod o hyd i droseddwyr sy'n defnyddio'r rhyngrwyd i baratoi plant a'u cam-drin wedyn.

Rhaid i weithwyr proffesiynol sy'n dod i wybod am achosion cyfredol neu hen o unrhyw fath o gam-drin plant roi gwybod am eu pryderon i adran gwasanaethau cymdeithasol yr awdurdod lleol neu i'r heddlu, yn unol â Chanllawiau Amddiffyn Plant Cymru Gyfan.

5.5.6 Preservation of evidence.

All reports concerning the presence of indecent images of children on the internet or mobile telephone MUST be reported to the police without delay.

The police will determine the process of the investigation, and with the local authority social services will consider the risks posed to any child or young person.

The following information, if known, should be given to the police as a matter of urgency:

- The identity of any witnesses;
- The name of the Internet service provider or mobile telephone service provider;
- The web address, name of the chat room, or online group through which the image was found or received;
- Any passwords or other procedure required to gain access to the website;
- The identity of the person who sent the image;
- In respect of e-mails, the sender's e-mail address or screen name used by the sender while in a chat room;
- The reason for any delay in reporting the incident to the police.

5.5.7 The Child Exploitation and Online Protection (CEOP)

The Child Exploitation and Online Protection (CEOP) Centre works across the UK and maximises international links to tackle child sex abuse.

CEOP work very closely with all agencies to proactively tackle and address child protection issues.

CEOP provides advice for parents and carers and delivers a virtual police station for children report abuse on the Internet. They also provide an invaluable service to law enforcement agencies in tackling and tracing offenders that use the internet to groom and subsequently abuse children.

Professionals aware of ongoing or historic child protection abuse matters of any kind must refer such concerns to local authority social services or police in accordance with the All Wales Child Protection Procedures.