O F F E R Y N N A U S T A T U D O L C Y M R U

2026 Rhif 31

Rheoliadau Adolygu Dyfarniadau'n Annibynnol (Mabwysiadu a Maethu) (Cymru) 2026

Gwnaed	*6 Chwefror 2026*
Yn dod i rym	*1 Ebrill 2026*

W E L S H S T A T U T O R Y I N S T R U M E N T S

2026 No. 31

The Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2026

Made	*6 February 2026*
Coming into force	*1 April 2026*

£8.90

OFFERYNNAU STATUDOL CYMRU

2026 Rhif 31

GOFAL CYMDEITHASOL, CYMRU

PLANT A PHOBL IFANC, CYMRU

Rheoliadau Adolygu Dyfarniadau'n Annibynnol (Mabwysiadu a Maethu) (Cymru) 2026

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud gan Weinidogion Cymru o dan bwerau a roddir gan Ddeddf Mabwysiadu a Phlant 2002 a chan Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014. Maent yn dirymu ac yn disodli Rheoliadau Adolygu Penderfyniadau'n Annibynnol (Mabwysiadu a Maethu) (Cymru) 2010 ("Rheoliadau 2010").

Mae'r Rheoliadau hyn yn gwneud darpariaeth i banel annibynnol adolygu dyfarniadau penodol a wnaed gan asiantaethau mabwysiadu a darparwyr gwasanaeth maethu.

Y dyfarniadau o dan sylw yw—

- pan fo asiantaeth fabwysiadu yn dyfarnu nad yw darpar fabwysiadydd yn addas i fabwysiadu plentyn, neu nad yw'n addas mwyach i fabwysiadu plentyn yn dilyn adolygiad;
- pan fo asiantaeth fabwysiadu yn gwneud dyfarniad o dan Reoliadau Mynediad i Wybodaeth (Mabwysiadu Ôl-gychwyn) (Cymru) 2005 (defnyddir y gair "penderfyniad" i gyfeirio at ddyfarniad yn y testun Cymraeg o'r Rheoliadau hynny);
- pan fo darparwr gwasanaeth maethu yn dyfarnu nad yw person yn addas i weithredu fel rhiant maeth, neu'n penderfynu terfynu cymeradwyaeth bresennol rhiant maeth neu ddiwygio telerau'r gymeradwyaeth honno.

Mae Rhan 1 yn nodi darpariaethau cyffredinol, gan gynnwys diffiniadau, a'r mathau o ddyfarniadau sy'n gymwys i gael eu hadolygu o dan y Rheoliadau hyn.

Mae Rhan 2 yn gwneud darpariaeth ar gyfer cyfansoddiad ac aelodaeth paneli adolygu annibynnol a benodir gan Weinidogion Cymru. Mae'n nodi'r meini prawf ar gyfer cynnwys person ar y rhestr ganolog o aelodau panel, cyfansoddiad paneli ar gyfer y mathau

gwahanol o ddyfarniadau, a'r meini prawf anghymhwyso ar gyfer aelodau panel. Mae hefyd yn darparu ar gyfer penodi cynghorwyr paneli a chadeiryddion paneli, ac ar gyfer gweinyddu, ffioedd a chadw cofnodion mewn perthynas â phaneli.

Mae Rhan 3 yn nodi'r weithdrefn ar gyfer gwneud cais am adolygiad, cynnal y broses adolygu, a dyletswyddau'r sefydliad a wnaeth y dyfarniad gwreiddiol. Mae'n cynnwys terfynau amser ar gyfer gwneud ceisiadau ac ar gyfer penodiadau i baneli. Mae hefyd yn darparu bod rhaid i'r sefydliad a wnaeth y dyfarniad dalu unrhyw gostau i Weinidogion Cymru y mae Gweinidogion Cymru yn ystyried eu bod yn rhesymol.

Mae Rhan 4 yn cynnwys darpariaeth sy'n dirymu Rheoliadau 2010.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

2026 Rhif 31

GOFAL CYMDEITHASOL, CYMRU

PLANT A PHOBL IFANC, CYMRU

Rheoliadau Adolygu Dyfarniadau'n Annibynnol (Mabwysiadu a Maethu) (Cymru) 2026

Gwnaed	*6 Chwefror 2026*
Yn dod i rym	*1 Ebrill 2026*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 9(1)(a) a 12(1), (3) a (3A)(**1**) o Ddeddf Mabwysiadu a Phlant 2002(**2**) ac adrannau 87 a 93(1)(b), (2)(b), (3) a (4) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(**3**), yn gwneud y Rheoliadau a ganlyn.

RHAN 1
CYFFREDINOL

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Adolygu Dyfarniadau'n Annibynnol (Mabwysiadu a Maethu) (Cymru) 2026 a deuant i rym ar 1 Ebrill 2026.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr "adroddiad darpar fabwysiadydd" ("*prospective adopter's report*") yw adroddiad a lunnir yn unol â rheoliad 30 o'r Rheoliadau Asiantaethau;

mae i "asiantaeth fabwysiadu" yr ystyr a roddir i "adoption agency" yn adran 2(1) o Ddeddf 2002;

(**1**) 2002 p. 38. Diwygiwyd adran 12 gan adran 57 o Ddeddf Plant 2004 (p. 31) a chan adran 34 o Ddeddf Plant a Phobl Ifanc 2008 (p. 23).
(**2**) *Gweler* y diffiniadau o "regulations", "appropriate Minister" a "the Assembly" yn adran 144(1). Trosglwyddwyd y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru i wneud rheoliadau o dan Ddeddf Mabwysiadu a Phlant 2002 i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.
(**3**) 2014 dccc 4. Diwygiwyd adran 93 gan reoliad 302 o Reoliadau Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (Diwygiadau Canlyniadol) 2016 (O.S. 2016/413 (Cy. 131)).

ystyr “ceisydd” (“*applicant*”) yw—

(a) yn achos dyfarniad ar addasrwydd i fabwysiadu, darpar fabwysiadydd;

(b) yn achos dyfarniad ar ddatgelu, person perthnasol o fewn ystyr rheoliad 13A(7) o’r Rheoliadau Datgelu(**4**);

(c) yn achos dyfarniad ar faethu, person y rhoddwyd hysbysiad iddo at ddibenion rheoliad 8(6)(a) o’r Rheoliadau Maethu;

ystyr “darparwr gwasanaeth maethu” (“*fostering service provider*”) yw—

(a) darparwr gwasanaeth maethu awdurdod lleol;

(b) darparwr gwasanaeth maethu rheoleiddiedig;

ystyr “darparwr gwasanaeth maethu awdurdod lleol” (“*local authority fostering service provider*”) yw’r awdurdod lleol sy’n darparu gwasanaeth maethu’r awdurdod lleol;

ystyr “darparwr gwasanaeth maethu rheoleiddiedig” (“*regulated fostering service provider*”) yw person sydd wedi ei gofrestru o dan adran 7 o Ddeddf 2016 i ddarparu gwasanaeth maethu;

ystyr “Deddf 2002” (“*the 2002 Act*”) yw Deddf Mabwysiadu a Phlant 2002;

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

ystyr “Deddf 2016” (“*the 2016 Act*”) yw Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(**5**);

ystyr “dyfarniad ar addasrwydd i fabwysiadu” (“*adoption suitability determination*”) yw dyfarniad cymhwysol a ddisgrifir yn rheoliad 3(a);

ystyr “dyfarniad ar ddatgelu” (“*disclosure determination*”) yw penderfyniad cymhwysol o ddisgrifiad a ragnodir yn rheoliad 13A o’r Rheoliadau Datgelu;

ystyr “dyfarniad ar faethu” (“*fostering determination*”) yw dyfarniad cymhwysol o ddisgrifiad a ragnodir yn rheoliad 4;

ystyr “dyfarniad cymhwysol” (“*qualifying determination*”) yw dyfarniad a ddisgrifir yn rheoliadau 3 a 4;

ystyr “gwasanaeth maethu awdurdod lleol” (“*local authority fostering service*”) yw unrhyw wasanaeth a ddarperir yng Nghymru gan awdurdod lleol sy’n gwneud y naill neu’r llall o’r canlynol neu sy’n cynnwys y naill neu’r llall o’r canlynol, sef lleoli plant gyda rhieni maeth neu arfer swyddogaethau mewn cysylltiad â lleoliad o’r fath;

ystyr “gwasanaeth maethu rheoleiddiedig” (“*regulated fostering service*”) yw unrhyw wasanaeth a ddarperir yng Nghymru gan berson sydd wedi ei gofrestru o dan adran 7 o Ddeddf 2016 i ddarparu gwasanaeth maethu;

ystyr “gweithiwr cymdeithasol” (“*social worker*”) yw person sydd wedi ei gofrestru—

(a) yn y gofrestr o weithwyr cymdeithasol yn Lloegr a gynhelir o dan adran 39(1) o Ddeddf Plant a Gwaith Cymdeithasol 2017(**6**),

(**4**) O.S. 2005/2689 (Cy. 189). Mewnosodwyd rheoliad 13A gan O.S. 2006/3100 (Cy. 284).
(**5**) 2016 dccc 2.
(**6**) 2017 p. 16.

(b) yn y rhan ar gyfer gweithwyr cymdeithasol o'r gofrestr a gynhelir gan Ofal Cymdeithasol Cymru o dan adran 80 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(**7**),

(c) yn y rhan ar gyfer gweithwyr cymdeithasol o'r gofrestr a gynhelir gan Gyngor Gwasanaethau Cymdeithasol yr Alban o dan adran 44 o Ddeddf Rheoleiddio Gofal (Yr Alban) 2001(**8**), neu

(d) yn y rhan ar gyfer gweithwyr cymdeithasol o'r gofrestr a gynhelir gan Gyngor Gofal Cymdeithasol Gogledd Iwerddon o dan adran 3 o Ddeddf Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 2001(**9**);

ystyr "panel" ("*panel*") yw panel y mae'n ofynnol gan reoliad 5 i Weinidogion Cymru ei gyfansoddi yn unol â rheoliad 6, 7 neu 8, yn ôl y digwydd;

ystyr "panel mabwysiadu" ("*adoption panel*") yw panel y mae'n ofynnol i asiantaeth fabwysiadu ei gyfansoddi yn unol â rheoliad 3 o'r Rheoliadau Asiantaethau;

ystyr "y Rheoliadau Asiantaethau" ("*the Agencies Regulations*") yw Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005(**10**);

ystyr "y Rheoliadau Datgelu" ("*the Disclosure Regulations*") yw Rheoliadau Mynediad i Wybodaeth (Mabwysiadu Ôl-gychwyn) (Cymru) 2005(**11**);

ystyr "y Rheoliadau Maethu" ("*the Fostering Regulations*") yw Rheoliadau Paneli Maethu (Sefydlu a Swyddogaethau) (Cymru) 2018(**12**);

mae "y rhestr ganolog" ("*the central list*") i'w ddehongli yn unol â rheoliad 5;

mae i "rhiant maeth" ("*foster parent*") yr ystyr a roddir yn rheoliad 2 o'r Rheoliadau Maethu;

ystyr "sefydliad" ("*organisation*") yw asiantaeth fabwysiadu neu ddarparwr gwasanaeth maethu, yn ôl y digwydd.

Dyfarniad cymhwysol — disgrifiad rhagnodedig at ddibenion adran 12(2) o Ddeddf 2002

3. At ddibenion adran 12(2) o Ddeddf 2002, dyfarniad cymhwysol yw—

(a) dyfarniad a wneir gan asiantaeth fabwysiadu—

(i) o dan reoliad 30B(5) o'r Rheoliadau Asiantaethau nad yw'r asiantaeth yn bwriadu cymeradwyo darpar fabwysiadydd fel rhywun addas i fabwysiadu plentyn,

(ii) o dan reoliad 30CH(2) o'r Rheoliadau Asiantaethau nad yw darpar fabwysiadydd yn addas mwyach i fabwysiadu plentyn yn dilyn adolygiad, neu

(b) penderfyniad a ddisgrifir yn rheoliad 13A(1) o'r Rheoliadau Datgelu.

(**7**) 2016 dccc 2.
(**8**) 2001 dsa 8.
(**9**) 2001 p. 3 (G.I.).
(**10**) O.S. 2005/1313 (Cy. 95), a ddiwygiwyd gan O.S. 2014/567 (Cy. 68), O.S. 2020/163, O.S. 2020/319 (Cy. 72) ac O.S. 2020/1082 (Cy. 244). Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.
(**11**) O.S. 2005/2689 (Cy. 189). Diwygiwyd y Rheoliadau Datgelu gan O.S. 2006/3100 (Cy. 284). Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.
(**12**) O.S. 2018/1333 (Cy. 260). Mae offerynnau sy'n diwygio'r Rheoliadau Maethu ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

Dyfarniad cymhwysol — disgrifiadau rhagnodedig at ddibenion adran 93(2)(b) o Ddeddf 2014

4. At ddibenion adran 93(2)(b) o Ddeddf 2014, mae'r disgrifiadau a ganlyn o ddyfarniadau wedi eu rhagnodi—

(a) dyfarniad (ac eithrio penderfyniad a wneir yn unol â rheoliad 7(11) o'r Rheoliadau Maethu) fod y darparwr gwasanaeth maethu yn bwriadu peidio â chymeradwyo person fel rhywun addas i weithredu fel rhiant maeth yn unol â rheoliad 8(6) o'r Rheoliadau Maethu, a

(b) dyfarniad (ac eithrio penderfyniad a wneir yn unol â rheoliad 7(11) o'r Rheoliadau Maethu) fod y darparwr gwasanaeth maethu yn bwriadu terfynu, neu'n bwriadu diwygio telerau, cymeradwyaeth person fel rhywun addas i weithredu fel rhiant maeth yn unol â rheoliad 9(7) o'r Rheoliadau Maethu, pan fo hysbysiad am y penderfyniad yn cael ei roi ar ôl 31 Mawrth 2026.

RHAN 2

PANELI

Cyfansoddiad paneli

5.—(1) Rhaid i Weinidogion Cymru, ar ôl cael cais a wnaed gan geisydd yn unol â rheoliad 18, gyfansoddi panel yn unol â rheoliad 6, 7 neu 8, yn ôl y digwydd, at ddiben adolygu'r dyfarniad cymhwysol.

(2) Rhaid dewis aelodau'r panel o restr o bersonau (y cyfeirir ati yn y Rheoliadau hyn fel "y rhestr ganolog") a gedwir gan Weinidogion Cymru, y mae Gweinidogion Cymru yn ystyried eu bod yn addas, yn rhinwedd eu sgiliau, eu cymwysterau neu eu profiad, i fod yn aelodau panel.

(3) Rhaid i aelodau'r rhestr ganolog gynnwys—

(a) gweithwyr cymdeithasol sydd ag o leiaf dair blynedd o brofiad ôl-gymhwyso ym maes gwaith mabwysiadu a lleoli gyda theuluoedd,

(b) gweithwyr cymdeithasol sydd ag o leiaf dair blynedd o brofiad ôl-gymhwyso ym maes gwaith cymdeithasol sy'n ymwneud â gofal plant, gan gynnwys profiad uniongyrchol o waith maethu,

(c) ymarferwyr meddygol cofrestredig, a

(d) personau eraill y mae Gweinidogion Cymru yn ystyried eu bod yn addas i fod yn aelodau gan gynnwys, pan fo'n rhesymol ymarferol, bersonau sydd â phrofiad personol o fabwysiadu a phersonau sydd, neu sydd wedi bod o fewn y ddwy flynedd flaenorol, yn rhiant maeth awdurdod lleol.

Aelodaeth panel i adolygu dyfarniad ar addasrwydd i fabwysiadu

6. Pan fo'r dyfarniad cymhwysol sydd i'w adolygu yn ddyfarniad ar addasrwydd i fabwysiadu, pump yw nifer y bobl y mae rhaid eu penodi i banel a rhaid i'r panel gynnwys—

(a) dau berson sy'n dod o fewn rheoliad 5(3)(a),

(b) un person sy'n dod o fewn rheoliad 5(3)(c), ac

(c) dau berson arall o'r rhestr ganolog, gan gynnwys, pan fo'n rhesymol ymarferol, o leiaf un person sydd â phrofiad personol o fabwysiadu.

Aelodaeth panel i adolygu dyfarniad ar ddatgelu

7. Pan fo'r dyfarniad cymhwysol sydd i'w adolygu yn ddyfarniad ar ddatgelu, pump yw nifer y bobl y mae rhaid eu penodi i banel a rhaid i'r panel gynnwys—

(a) dau berson sy'n dod o fewn rheoliad 5(3)(a), a

(b) tri pherson o'r rhestr ganolog.

Aelodaeth panel i adolygu dyfarniad ar faethu

8. Pan fo'r dyfarniad cymhwysol sydd i'w adolygu yn ddyfarniad ar faethu, pump yw nifer y bobl y mae rhaid eu penodi i banel a rhaid i'r panel gynnwys—

(a) dau berson sy'n dod o fewn rheoliad 5(3)(b), a

(b) tri pherson arall o'r rhestr ganolog, gan gynnwys, pan fo'n rhesymol ymarferol, o leiaf un person sydd, neu sydd wedi bod o fewn y ddwy flynedd flaenorol, yn rhiant maeth awdurdod lleol.

Cynghorwyr panel

9.—(1) Rhaid i banel gael ei gynghori gan weithiwr cymdeithasol sydd â chymwysterau, sgiliau a phrofiad priodol.

(2) Caniateir i banel, pan fo'r panel yn ystyried ei bod yn briodol, gael ei gynghori gan—

(a) cynghorydd cyfreithiol sydd â gwybodaeth ac arbenigedd ym maes deddfwriaeth sy'n ymwneud â mabwysiadu a maethu;

(b) ymarferydd meddygol cofrestredig sydd ag arbenigedd perthnasol ym maes gwaith mabwysiadu neu faethu, pa un bynnag sy'n briodol i'r dyfarniad cymhwysol sy'n cael ei ystyried;

(c) unrhyw berson arall y mae'r panel yn ystyried bod ganddo arbenigedd perthnasol mewn perthynas â'r dyfarniad sy'n cael ei ystyried.

(3) Rhaid i'r cynghorwyr panel y cyfeirir atynt ym mharagraffau (1) a (2) fod yn aelodau o'r rhestr ganolog.

Penodi cadeirydd panel

10. Rhaid i Weinidogion Cymru benodi person sydd â'r sgiliau a'r profiad angenrheidiol i gadeirio panel.

Anghymhwyso aelodau panel

11.—(1) Ni chaniateir penodi person ("P") i banel—

(a) os yw P yn aelod o banel mabwysiadu'r sefydliad a wnaeth y dyfarniad cymhwysol, neu'n aelod o banel maethu'r sefydliad hwnnw,

(b) yn achos dyfarniad cymhwysol a wnaed gan awdurdod lleol, os yw P, neu os oedd P o fewn y cyfnod o un flwyddyn cyn y dyddiad y gwnaed y dyfarniad cymhwysol—

(i) wedi ei gyflogi gan yr awdurdod hwnnw yn ei adran gwasanaethau cymdeithasol i blant a theuluoedd, neu

(ii) yn aelod o'r awdurdod hwnnw,

(c) yn achos dyfarniad cymhwysol a wnaed gan sefydliad nad yw'n awdurdod lleol, os yw P, neu os oedd P o fewn y cyfnod o un flwyddyn cyn y dyddiad y gwnaed y dyfarniad cymhwysol, yn gyflogai neu'n ymddiriedolwr i'r sefydliad hwnnw,

(d) os yw P yn perthyn i berson sy'n dod o fewn is-baragraff (a), (b) neu (c),

(e) os yw'r sefydliad a wnaeth y dyfarniad cymhwysol wedi lleoli plentyn ar gyfer ei fabwysiadu gyda P neu wedi lleoli plentyn gyda P fel rhiant maeth awdurdod lleol,

(f) os cafodd P ei fabwysiadu neu ei faethu yn blentyn, a'r sefydliad a wnaeth y dyfarniad cymhwysol oedd y sefydliad a drefnodd i P gael ei fabwysiadu neu ei faethu, neu

(g) os yw P yn adnabod y ceisydd yn bersonol neu yn rhinwedd ei broffesiwn.

(2) Yn y rheoliad hwn—

(a) mae "wedi ei gyflogi" yn cynnwys bod yn barti i gontract gwasanaeth neu gontract am wasanaethau neu weithio fel gwirfoddolwr, a

(b) mae P yn perthyn i berson arall ("A") os yw P—

(i) yn aelod o aelwyd A, neu'n briod ag A neu'n bartner sifil i A,

(ii) yn fab, merch, mam, tad, chwaer neu frawd i A, neu

(iii) yn fab, merch, mam, tad, chwaer neu frawd i'r person y mae A yn briod ag ef neu y mae A wedi ffurfio partneriaeth sifil ag ef.

Swyddogaethau panel a gyfansoddwyd i adolygu dyfarniad ar addasrwydd i fabwysiadu

12.—(1) Mae'r rheoliad hwn yn gymwys pan fo'r dyfarniad cymhwysol sy'n cael ei adolygu yn ddyfarniad ar addasrwydd i fabwysiadu.

(2) Rhaid i banel a gyfansoddwyd yn unol â rheoliad 6 adolygu'r dyfarniad ar addasrwydd i fabwysiadu ac—

(a) pan fo paragraff (3) yn gymwys, gwneud argymhelliad i'r asiantaeth fabwysiadu a wnaeth y dyfarniad ar addasrwydd i fabwysiadu ynghylch a yw'r ceisydd yn addas i fabwysiadu plentyn ai peidio, neu

(b) pan fo paragraff (4) yn gymwys, gwneud argymhelliad i'r asiantaeth fabwysiadu a wnaeth y dyfarniad ar addasrwydd i fabwysiadu—

(i) y dylai lunio adroddiad darpar fabwysiadydd yn unol â rheoliad 30(2) a, phan fo'n gymwys, â rheoliad 30(3) o'r Rheoliadau Asiantaethau i gynnwys yr holl wybodaeth sy'n ofynnol gan y rheoliad hwnnw, neu

(ii) nad yw'r ceisydd yn addas i fabwysiadu plentyn.

(3) Mae'r paragraff hwn yn gymwys pan oedd adroddiad y darpar fabwysiadydd yn cynnwys yr holl wybodaeth sy'n ofynnol gan reoliad 30(2), a phan fo'n gymwys, gan reoliad 30(3) o'r Rheoliadau Asiantaethau.

(4) Mae'r paragraff hwn yn gymwys pan nad oedd adroddiad y darpar fabwysiadydd, yn unol â rheoliad 30(4) o'r Rheoliadau Asiantaethau, yn cynnwys yr holl wybodaeth sy'n ofynnol gan reoliad 30(2) a, phan fo'n gymwys, gan reoliad 30(3) o'r Rheoliadau Asiantaethau.

(5) Wrth ystyried pa argymhelliad i'w wneud, o ran y panel—

(a) rhaid iddo bwyso a mesur ac ystyried yr holl wybodaeth a roddwyd iddo yn unol â rheoliad 30C o'r Rheoliadau Asiantaethau,

(b) caiff ofyn i'r asiantaeth fabwysiadu gael unrhyw wybodaeth berthnasol arall y mae'r panel yn ystyried ei bod yn angenrheidiol, neu ddarparu unrhyw gymorth arall y caiff y panel ofyn amdano, ac

(c) caniateir iddo gael unrhyw gyngor gan y cynghorwyr y cyfeirir atynt yn rheoliad 9 y mae'n ystyried ei fod yn angenrheidiol mewn perthynas â'r achos.

(6) Pan fo'r panel yn gwneud argymhelliad bod y ceisydd yn addas i fabwysiadu plentyn, caiff y panel roi cyngor i'r asiantaeth fabwysiadu ynghylch nifer y plant y gall y darpar fabwysiadydd fod yn addas i'w mabwysiadu, ystod eu hoedran, eu rhyw, eu hanghenion tebygol a'u cefndir.

Swyddogaethau panel a gyfansoddwyd i adolygu dyfarniad ar ddatgelu

13.—(1) Mae'r rheoliad hwn yn gymwys pan fo'r dyfarniad cymhwysol sy'n cael ei adolygu yn ddyfarniad ar ddatgelu.

(2) Rhaid i banel a gyfansoddwyd yn unol â rheoliad 7 adolygu'r dyfarniad ar ddatgelu a gwneud argymhelliad i'r asiantaeth fabwysiadu a wnaeth y dyfarniad ar ddatgelu ynghylch a ddylai'r asiantaeth fwrw ymlaen â'i dyfarniad gwreiddiol ai peidio.

(3) Wrth ystyried pa argymhelliad i'w wneud, o ran y panel—

(a) rhaid iddo bwyso a mesur ac ystyried yr holl wybodaeth a roddwyd iddo yn unol â rheoliad 13A o'r Rheoliadau Datgelu,

(b) caiff ofyn i'r asiantaeth fabwysiadu gael unrhyw wybodaeth berthnasol arall y mae'r panel yn ystyried ei bod yn angenrheidiol, neu ddarparu unrhyw gymorth arall y caiff y panel ofyn amdano,

(c) caniateir iddo gael unrhyw gyngor gan y cynghorwyr y cyfeirir atynt yn rheoliad 9 y mae'n ystyried ei fod yn angenrheidiol mewn perthynas â'r achos,

(d) rhaid iddo ystyried yr effaith ar unrhyw berson y gall datgelu'r wybodaeth effeithio arno, ac

(e) rhaid iddo ystyried lles unrhyw berson mabwysiedig ac os yw'r person yn blentyn mabwysiedig, rhaid i les y plentyn hwnnw fod yn bwysicach na dim.

Swyddogaethau panel a gyfansoddwyd i adolygu dyfarniad ar faethu

14.—(1) Mae'r rheoliad hwn yn gymwys pan fo'r dyfarniad cymhwysol sy'n cael ei adolygu yn ddyfarniad ar faethu.

(2) Rhaid i banel a gyfansoddwyd yn unol â rheoliad 8 adolygu'r dyfarniad ar faethu ac—

(a) pan fo paragraff (3) yn gymwys, gwneud argymhelliad i'r darparwr gwasanaeth maethu a wnaeth y dyfarniad ar faethu ynghylch a yw'r ceisydd yn addas i weithredu fel rhiant maeth ai peidio;

(b) pan fo paragraff (4) yn gymwys, gwneud argymhelliad i'r darparwr gwasanaeth maethu a wnaeth y dyfarniad ar faethu—

(i) y dylai lunio adroddiad llawn yn unol â rheoliad 7(5)(c) o'r Rheoliadau Maethu i gynnwys yr holl wybodaeth sy'n ofynnol gan reoliad 7 o'r Rheoliadau hynny, neu

(ii) nad yw'r ceisydd yn addas i weithredu fel rhiant maeth;

(c) pan fo'r dyfarniad cymhwysol yn ymwneud â thelerau cymeradwyaeth y ceisydd fel rhywun addas i weithredu fel rhiant maeth, gwneud argymhelliad i'r darparwr gwasanaeth maethu ynghylch y telerau hynny.

(3) Mae'r paragraff hwn yn gymwys pan oedd yr adroddiad ysgrifenedig a luniwyd gan y darparwr gwasanaeth maethu yn cynnwys yr holl wybodaeth sy'n ofynnol gan reoliad 7(5)(c) o'r Rheoliadau Maethu.

(4) Mae'r paragraff hwn yn gymwys pan luniwyd yr adroddiad ysgrifenedig gan y darparwr gwasanaeth maethu yn unol â rheoliad 7(6) o'r Rheoliadau Maethu, ac o ganlyniad, nad oedd yn cynnwys yr holl wybodaeth a fyddai fel arall yn ofynnol gan reoliad 7(5)(c).

(5) Wrth ystyried pa argymhelliad i'w wneud, o ran y panel—

(a) rhaid iddo bwyso a mesur ac ystyried yr holl wybodaeth a roddwyd iddo yn unol â rheoliad 10 o'r Rheoliadau Maethu,

(b) caiff ei gwneud yn ofynnol i'r darparwr gwasanaeth maethu gael unrhyw wybodaeth berthnasol arall y mae'r panel yn ystyried ei bod yn angenrheidiol, neu ddarparu unrhyw gymorth arall y caiff y panel ofyn amdano, ac

(c) caniateir iddo gael unrhyw gyngor gan y cynghorwyr y cyfeirir atynt yn rheoliad 9 y mae'n ystyried ei fod yn angenrheidiol mewn perthynas â'r achos.

(6) Pan fo'r panel yn gwneud argymhelliad bod y ceisydd yn addas i weithredu fel rhiant maeth, caiff y panel hefyd wneud argymhelliad i'r darparwr gwasanaeth maethu ynghylch telerau unrhyw gymeradwyaeth.

Pŵer i ohirio paneli

15.—(1) Caiff y panel ohirio gwrandawiad y panel—

(a) pan fo'r panel yn ystyried nad oes ganddo ddigon o wybodaeth i wneud argymhelliad i'r sefydliad perthnasol yn unol â rheoliad 12(2), 13(2) neu 14(2), a

(b) pan fo'r panel yn dymuno gofyn am ragor o wybodaeth.

(2) Rhaid ailgynnull y panel cyn gynted ag y bo'n rhesymol ymarferol pan fydd yr wybodaeth y cyfeirir ati ym mharagraff (1)(b) ar gael, ond mewn unrhyw achos heb fod yn hwyrach na 28 o ddiwrnodau calendr o ddyddiad y gwrandawiad panel a ohiriwyd.

Ffioedd aelodau paneli

16. Caiff Gweinidogion Cymru dalu i unrhyw aelod panel unrhyw ffioedd y mae Gweinidogion Cymru yn ystyried eu bod yn rhesymol.

Cofnodion

17. Rhaid i Weinidogion Cymru sicrhau bod cofnod ysgrifenedig o adolygiad panel o'r dyfarniad cymhwysol, gan gynnwys y rhesymau dros ei argymhelliad ac a oedd yr argymhelliad yn unfrydol neu'n argymhelliad gan fwyafrif, yn cael ei gadw am gyfnod o 5 mlynedd o'r dyddiad y gwneir yr argymhelliad.

RHAN 3

Y WEITHDREFN

Cais i adolygu dyfarniad cymhwysol

18. Rhaid i gais i Weinidogion Cymru i adolygu dyfarniad cymhwysol—

(a) cael ei wneud gan y ceisydd yn ysgrifenedig o fewn 40 niwrnod gwaith sy'n dechrau â'r dyddiad yr anfonwyd hysbysiad am y dyfarniad cymhwysol at y ceisydd gan y sefydliad, a

(b) cynnwys y seiliau dros y cais.

Penodi panel a chynnal adolygiad

19.—(1) Ar ôl cael cais sydd wedi ei wneud yn unol â rheoliad 18, rhaid i Weinidogion Cymru—

(a) o fewn 5 niwrnod gwaith, hysbysu'r sefydliad a wnaeth y dyfarniad cymhwysol fod y cais wedi ei wneud drwy anfon copi o'r cais i'r sefydliad;

(b) o fewn 5 niwrnod gwaith, anfon cydnabyddiaeth ysgrifenedig o'r cais at y ceisydd a hysbysu'r ceisydd am y camau a gymerwyd o dan is-baragraff (a);

(c) o fewn 25 o ddiwrnodau gwaith, benodi panel yn unol â rheoliad 5 a phennu dyddiad, amser a lleoliad i'r panel gyfarfod at ddibenion adolygu'r dyfarniad cymhwysol ("cyfarfod adolygu");

(d) ar ôl cymryd y camau a ragnodir yn is-baragraff (c), a heb fod yn llai na 5 niwrnod gwaith cyn y cyfarfod adolygu, roi gwybod yn ysgrifenedig i'r ceisydd a'r sefydliad a wnaeth y dyfarniad cymhwysol—

(i) bod y panel wedi ei benodi, a

(ii) am ddyddiad, amser a lleoliad y cyfarfod adolygu.

(2) Ni chaiff y dyddiad a bennir ar gyfer y cyfarfod adolygu fod yn hwyrach na deuddeng wythnos ar ôl y dyddiad y mae Gweinidogion Cymru yn cael y cais.

(3) Rhaid i Weinidogion Cymru sicrhau bod y panel yn cael yr holl bapurau perthnasol sy'n ymwneud â'r adolygiad cyn gynted â phosibl, ond heb fod yn llai na 5 niwrnod gwaith cyn y dyddiad a bennwyd ar gyfer y cyfarfod adolygu.

Dyletswydd i ddarparu gwybodaeth a chymorth

20. Rhaid i'r sefydliad a wnaeth y dyfarniad cymhwysol ddarparu, i'r graddau y bo'n rhesymol ymarferol, unrhyw wybodaeth neu unrhyw gymorth y gofynnir amdani neu amdano gan y panel o dan reoliad 12, 13, 14 neu 15.

Argymhelliad y panel

21.—(1) Pan na fo argymhelliad y panel yn unfrydol, rhaid i'r argymhelliad fod yn argymhelliad gan y mwyafrif.

(2) Caniateir i'r argymhelliad gael ei wneud a'i gyhoeddi ar ddiwedd yr adolygiad, neu caniateir iddo gael ei gadw yn ôl.

(3) Rhaid i'r argymhelliad a'r rhesymau drosto, ac a oedd yn unfrydol neu'n argymhelliad gan fwyafrif, gael eu cofnodi'n ddi-oed mewn dogfen a gaiff ei llofnodi a'i dyddio gan y cadeirydd.

(4) Rhaid i Weinidogion Cymru anfon, yn ddi-oed ac mewn unrhyw achos heb fod yn hwyrach na 10 niwrnod gwaith ar ôl y dyddiad y gwneir yr argymhelliad, gopi o'r argymhelliad a'r rhesymau drosto at y ceisydd ac i'r sefydliad a wnaeth y dyfarniad cymhwysol.

Dyletswydd i dalu costau mewn cysylltiad ag adolygiad

22. Rhaid i'r sefydliad a wnaeth y dyfarniad cymhwysol dalu i Weinidogion Cymru unrhyw gostau mewn cysylltiad â'r adolygiad o'r dyfarniad cymhwysol hwnnw y mae Gweinidogion Cymru yn ystyried eu bod yn rhesymol.

RHAN 4

DIRYMU

Dirymu

23. Mae Rheoliadau Adolygu Penderfyniadau'n Annibynnol (Mabwysiadu a Maethu) (Cymru) 2010(**13**) wedi eu dirymu(**14**).

Dawn Bowden
Y Gweinidog Plant a Gofal Cymdeithasol, o dan awdurdod Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol, un o Weinidogion Cymru
6 Chwefror 2026

© Hawlfraint y Goron 2026

Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd y Brenin ar gyfer Cymru.

(**13**) O.S. 2010/746 (Cy. 75).

(**14**) Mae adran 34(2) o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) yn cael effaith, fel y caniateir parhau neu orfodi unrhyw hawl, braint, rhwymedigaeth neu atebolrwydd a geir neu a gronnir o dan Reoliadau Adolygu Penderfyniadau'n Annibynnol (Mabwysiadu a Maethu) (Cymru) 2010, ac unrhyw geisiadau am adolygiad a wnaed o dan Reoliadau Adolygu Penderfyniadau'n Annibynnol (Mabwysiadu a Maethu) (Cymru) 2010, fel pe na bai'r dirymiad wedi digwydd.

WELSH STATUTORY INSTRUMENTS

2026 No. 31

SOCIAL CARE, WALES

CHILDREN AND YOUNG PERSONS, WALES

The Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by the Welsh Ministers under powers conferred by the Adoption and Children Act 2002 and the Social Services and Well-being (Wales) Act 2014. They revoke and replace the Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010 ("the 2010 Regulations").

These Regulations make provision for the review by an independent panel of certain determinations made by adoption agencies and fostering service providers.

The determinations concerned are—

- where an adoption agency determines that a prospective adopter is not suitable to adopt a child, or is no longer suitable to adopt a child following a review;
- where an adoption agency makes a determination under the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005 (the word "decision" is used to refer to a determination in the Welsh language text of those Regulations);
- where a fostering service provider determines that a person is not suitable to act as a foster parent, or decides to terminate or revise the terms of a foster parent's existing approval.

Part 1 sets out general provisions, including definitions, and the types of determinations that qualify for review under these Regulations.

Part 2 makes provision for the constitution and membership of independent review panels appointed by the Welsh Ministers. It sets out the criteria for inclusion on the central list of panel members, the composition of panels for the different types of determinations, and the disqualification criteria for panel members. It also provides for the appointment

of panel advisers and chairs, and for the administration, fees and record-keeping of panels.

Part 3 sets out the procedure for applying for a review, the conduct of the review process, and the duties of the organisation that made the original determination. It includes time limits for making applications and panel appointments. It also provides that the organisation that made the determination must pay such costs to the Welsh Ministers as the Welsh Ministers consider reasonable.

Part 4 contains provision which revokes the 2010 Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

2026 No. 31

SOCIAL CARE, WALES

CHILDREN AND YOUNG PERSONS, WALES

The Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2026

Made	*6 February 2026*
Coming into force	*1 April 2026*

The Welsh Ministers, in exercise of the powers conferred by sections 9(1)(a) and 12(1), (3) and (3A)(**1**) of the Adoption and Children Act 2002(**2**) and sections 87 and 93(1)(b), (2)(b), (3) and (4) of the Social Services and Well-being (Wales) Act 2014(**3**), make the following Regulations.

PART 1
GENERAL

Title and commencement

1. The title of these Regulations is the Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2026 and they come into force on 1 April 2026.

Interpretation

2. In these Regulations—

"the 2002 Act" ("*Deddf 2002*") means the Adoption and Children Act 2002;

"the 2014 Act" ("*Deddf 2014*") means the Social Services and Well-being (Wales) Act 2014;

(**1**) 2002 c. 38. Section 12 was amended by section 57 of the Children Act 2004 (c. 31) and by section 34 of the Children and Young Persons Act 2008 (c. 23).

(**2**) *See* the definitions of "regulations", "appropriate Minister" and "the Assembly" in section 144(1). The powers conferred on the National Assembly for Wales to make regulations under the Adoption and Children Act 2002 were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(**3**) 2014 anaw 4. Section 93 was amended by regulation 302 of the Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413 (W. 131)).

"the 2016 Act" ("*Deddf 2016*") means the Regulation and Inspection of Social Care (Wales) Act 2016(**4**);

"adoption agency" ("*asiantaeth fabwysiadu*") has the meaning given in section 2(1) of the 2002 Act;

"adoption panel" ("*panel mabwysiadu*") means a panel that an adoption agency is required to constitute in accordance with regulation 3 of the Agencies Regulations;

"adoption suitability determination" ("*dyfarniad ar addasrwydd i fabwysiadu*") means a qualifying determination described in regulation 3(a);

"the Agencies Regulations" ("*y Rheoliadau Asiantaethau*") means the Adoption Agencies (Wales) Regulations 2005(**5**);

"applicant" ("*ceisydd*") means—

(a) in the case of an adoption suitability determination, a prospective adopter;

(b) in the case of a disclosure determination, a relevant person within the meaning of regulation 13A(7) of the Disclosure Regulations(**6**);

(c) in the case of a fostering determination, a person to whom notice has been given for the purposes of regulation 8(6)(a) of the Fostering Regulations;

"the central list" ("*y rhestr ganolog*") is to be interpreted in accordance with regulation 5;

"disclosure determination" ("*dyfarniad ar ddatgelu*") means a qualifying determination of a description prescribed in regulation 13A of the Disclosure Regulations;

"the Disclosure Regulations" ("*y Rheoliadau Datgelu*") means the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005(**7**);

"foster parent" ("*rhiant maeth*") has the meaning given in regulation 2 of the Fostering Regulations;

"fostering determination" ("*dyfarniad ar faethu*") means a qualifying determination of a description prescribed in regulation 4;

"fostering service provider" ("*darparwr gwasanaeth maethu*") means—

(a) a local authority fostering service provider;

(b) a regulated fostering service provider;

"the Fostering Regulations" ("*y Rheoliadau Maethu*") means the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018(**8**);

"local authority fostering service" ("*gwasanaeth maethu awdurdod lleol*") means any service provided in Wales by a local authority which consists of or includes the placement of children with foster parents or exercising functions in connection with such a placement;

(**4**) 2016 anaw 2.

(**5**) S.I. 2005/1313 (W. 95), amended by the S.I. 2014/567 (W. 68), S.I. 2020/163, S.I. 2020/319 (W. 72) and S.I. 2020/1082 (W. 244). There are other amending instruments, but none is relevant.

(**6**) S.I. 2005/2689 (W. 189). Regulation 13A was inserted by S.I. 2006/3100 (W. 284).

(**7**) S.I. 2005/2689 (W. 189). The Disclosure Regulations were amended by S.I. 2006/3100 (W. 284). There are other amending instruments, but none is relevant.

(**8**) S.I. 2018/1333 (W. 260). There are instruments that amend the Fostering Regulations but none is relevant to these Regulations.

"local authority fostering service provider" ("*darparwr gwasanaeth maethu awdurdod lleol*") means the local authority providing the local authority fostering service;

"organisation" ("*sefydliad*") means an adoption agency or a fostering service provider as the case may be;

"panel" ("*panel*") means a panel that the Welsh Ministers are required by regulation 5 to constitute in accordance with regulation 6, 7 or 8 as the case may be;

"prospective adopter's report" ("*adroddiad darpar fabwysiadydd*") means a report prepared in accordance with regulation 30 of the Agencies Regulations;

"qualifying determination" ("*dyfarniad cymhwysol*") means a determination described in regulations 3 and 4;

"regulated fostering service" ("*gwasanaeth maethu rheoleiddiedig*") means any service provided in Wales by a person registered under section 7 of the 2016 Act to provide a fostering service;

"regulated fostering service provider" ("*darparwr gwasanaeth maethu rheoleiddiedig*") means a person registered under section 7 of the 2016 Act to provide a fostering service;

"social worker" ("*gweithiwr cymdeithasol*") means a person who is registered in—

(a) the register of social workers in England maintained under section 39(1) of the Children and Social Work Act 2017(**9**),

(b) the social worker part of the register maintained by Social Care Wales under section 80 of the Regulation and Inspection of Social Care (Wales) Act 2016(**10**),

(c) the social worker part of the register maintained by the Scottish Social Services Council under section 44 of the Regulation of Care (Scotland) Act 2001(**11**), or

(d) in the social worker part of the register maintained by the Northern Ireland Social Care Council under section 3 of the Health and Personal Social Services Act (Northern Ireland) 2001(**12**).

Qualifying determination — prescribed description for the purposes of section 12(2) of the 2002 Act

3. For the purposes of section 12(2) of the 2002 Act, a qualifying determination is—

(a) a determination made by an adoption agency—

(i) under regulation 30B(5) of the Agencies Regulations that the agency does not propose to approve a prospective adopter as suitable to adopt a child,

(ii) under regulation 30D(2) of the Agencies Regulations that a prospective adopter is no longer suitable to adopt a child following a review, or

(b) a determination described in regulation 13A(1) of the Disclosure Regulations.

(**9**) 2017 c. 16.
(**10**) 2016 anaw 2.
(**11**) 2001 asp 8.
(**12**) 2001 c. 3 (N.I.).

Qualifying determination — prescribed descriptions for the purposes of section 93(2)(b) of the 2014 Act

4. For the purposes of section 93(2)(b) of the 2014 Act the following descriptions of determinations are prescribed—

(a) a determination (other than a decision made pursuant to regulation 7(11) of the Fostering Regulations) that the fostering service provider proposes not to approve a person as suitable to act as a foster parent in accordance with regulation 8(6) of the Fostering Regulations, and

(b) a determination (other than a decision made pursuant to regulation 7(11) of the Fostering Regulations) that the fostering service provider proposes to terminate, or to revise the terms of, the approval of a person as suitable to act as a foster parent in accordance with regulation 9(7) of the Fostering Regulations, where notice of the determination is given after 31 March 2026.

PART 2

PANELS

Constitution of panels

5.—(1) The Welsh Ministers must, on receipt of an application made by an applicant in accordance with regulation 18, constitute a panel in accordance with regulation 6, 7 or 8, as the case may be, for the purpose of reviewing the qualifying determination.

(2) The members of the panel must be drawn from a list of persons (in these Regulations referred to as "the central list") kept by the Welsh Ministers, who are considered by the Welsh Ministers to be suitable, by virtue of their skills, qualifications or experience, to be members of a panel.

(3) The members of the central list must include—

(a) social workers who have at least three years' post-qualifying experience in adoption and family placement work,

(b) social workers who have at least three years' post-qualifying experience in child care social work including direct experience of fostering work,

(c) registered medical practitioners, and

(d) other persons who are considered by the Welsh Ministers to be suitable as members including, where reasonably practicable, persons with personal experience of adoption and persons who are, or within the previous two years have been, a local authority foster parent.

Membership of a panel to review an adoption suitability determination

6. Where the qualifying determination to be reviewed is an adoption suitability determination, the number of people who must be appointed to a panel is five and the panel must include—

(a) two persons falling within regulation 5(3)(a),

(b) one person falling within regulation 5(3)(c), and

(c) two other persons from the central list, including, where reasonably practicable, at least one person with personal experience of adoption.

Membership of a panel to review a disclosure determination

7. Where the qualifying determination to be reviewed is a disclosure determination, the number of people who must be appointed to a panel is five and the panel must include—

(a) two persons falling within regulation 5(3)(a), and

(b) three persons from the central list.

Membership of a panel to review a fostering determination

8. Where the qualifying determination to be reviewed is a fostering determination, the number of people who must be appointed to a panel is five and the panel must include—

(a) two persons falling within regulation 5(3)(b), and

(b) three other persons from the central list, including, where reasonably practicable, at least one person who is, or within the previous two years has been, a local authority foster parent.

Panel advisers

9.—(1) A panel must be advised by a social worker with appropriate qualifications, skills and experience.

(2) A panel may, where the panel considers it appropriate, be advised by—

(a) a legal adviser with knowledge and expertise in adoption and fostering legislation;

(b) a registered medical practitioner with relevant expertise in adoption or fostering work, whichever is appropriate to the qualifying determination being considered;

(c) any other person whom the panel considers has relevant expertise in relation to the determination being considered.

(3) The panel advisers referred to in paragraphs (1) and (2) must be members of the central list.

Appointment of a panel chair

10. The Welsh Ministers must appoint a person who has the necessary skills and experience to chair a panel.

Disqualification of panel members

11.—(1) A person ("P") must not be appointed to a panel if—

(a) P is a member of the adoption panel or fostering panel of the organisation which made the qualifying determination,

(b) in the case of a qualifying determination made by a local authority, P is, or has been within the period of one year prior to the date on which the qualifying determination was made—

(i) employed by that authority in its children and family social services department, or

(ii) a member of that authority,

(c) in the case of a qualifying determination made by an organisation which is not a local authority, P is, or has been within the period of one year prior to the date on which the qualifying determination was made, an employee or a trustee of that organisation,

(d) P is related to a person falling within sub-paragraph (a), (b) or (c),

(e) the organisation which made the qualifying determination has placed a child for adoption with P or placed a child with P as a local authority foster parent,

(f) P was adopted or fostered as a child, and the organisation which made the qualifying determination was the organisation which arranged P's adoption or fostering, or

(g) P knows the applicant in a personal or professional capacity.

(2) In this regulation—

(a) "employed" includes being a party to a contract of service or a contract for services or working as a volunteer, and

(b) P is related to another person ("A") if P is—

(i) a member of the household of, or married to or the civil partner of, A,

(ii) the son, daughter, mother, father, sister or brother of A, or

(iii) the son, daughter, mother, father, sister, or brother of the person to whom A is married or with whom A has formed a civil partnership.

Functions of a panel constituted to review an adoption suitability determination

12.—(1) This regulation applies where the qualifying determination being reviewed is an adoption suitability determination.

(2) A panel constituted in accordance with regulation 6 must review the adoption suitability determination and—

(a) where paragraph (3) applies, make to the adoption agency that made the adoption suitability determination a recommendation as to whether or not the applicant is suitable to adopt a child, or

(b) where paragraph (4) applies, make to the adoption agency that made the adoption suitability determination a recommendation that—

(i) it should prepare a prospective adopter's report in accordance with regulation 30(2) and, where applicable, regulation 30(3) of the Agencies Regulations to include all of the information required by that regulation, or

(ii) the applicant is not suitable to adopt a child.

(3) This paragraph applies where the prospective adopter's report included all of the information required by regulation 30(2), and where applicable, regulation 30(3) of the Agencies Regulations.

(4) This paragraph applies where the prospective adopter's report, in accordance with regulation 30(4) of the Agencies Regulations, did not include all of the information required by regulation 30(2) and, where applicable, regulation 30(3) of the Agencies Regulations.

(5) In considering what recommendation to make, the panel—

(a) must consider and take into account all of the information passed to it in accordance with regulation 30C of the Agencies Regulations,

(b) may request the adoption agency to obtain any other relevant information which the panel considers necessary or to provide such other assistance as the panel may request, and

(c) may obtain such advice from the advisers referred to in regulation 9 as it considers necessary in relation to the case.

(6) Where the panel makes a recommendation that the applicant is suitable to adopt a child, the panel may give advice to the adoption agency on the number, age range, sex, likely needs, and background of children the applicant may be suitable to adopt.

Functions of a panel constituted to review a disclosure determination

13.—(1) This regulation applies where the qualifying determination being reviewed is a disclosure determination.

(2) A panel constituted in accordance with regulation 7 must review the disclosure determination and make to the adoption agency that made the disclosure determination a recommendation as to whether or not the agency should proceed with its original determination.

(3) In considering what recommendation to make, the panel—

(a) must consider and take into account all of the information passed to it in accordance with regulation 13A of the Disclosure Regulations,

(b) may request the adoption agency to obtain any other relevant information which the panel considers necessary or to provide such other assistance as the panel may request,

(c) may obtain such advice from the advisers referred to in regulation 9 as it considers necessary in relation to the case,

(d) must consider the impact on any person who may be affected by the disclosure of the information, and

(e) must consider the welfare of any adopted person and if the person is an adopted child, that child's welfare must be paramount.

Functions of a panel constituted to review a fostering determination

14.—(1) This regulation applies where the qualifying determination being reviewed is a fostering determination.

(2) A panel constituted in accordance with regulation 8 must review the fostering determination and—

(a) where paragraph (3) applies, make to the fostering service provider that made the fostering determination a recommendation as to whether or not the applicant is suitable to act as a foster parent;

(b) where paragraph (4) applies, make to the fostering service provider that made the fostering determination a recommendation that—

(i) it should prepare a full report in accordance with regulation 7(5)(c) of the Fostering Regulations to include all of the information required by regulation 7 of those Regulations, or

(ii) the applicant is not suitable to act as a foster parent;

(c) where the qualifying determination relates to the terms of the approval of the applicant as suitable to act as a foster parent, make a recommendation to the fostering service provider as to those terms.

(3) This paragraph applies where the written report prepared by the fostering service provider included all of the information required by regulation 7(5)(c) of the Fostering Regulations.

(4) This paragraph applies where the written report was prepared by the fostering service provider in accordance with regulation 7(6) of the Fostering Regulations, and in

consequence, did not include all of the information that would otherwise be required by regulation 7(5)(c).

(5) In considering what recommendation to make, the panel—

(a) must consider and take into account all of the information passed to it in accordance with regulation 10 of the Fostering Regulations,

(b) may require the fostering service provider to obtain any other relevant information which the panel considers necessary or to provide such other assistance as the panel may request, and

(c) may obtain such advice from the advisers referred to in regulation 9 as it considers necessary in relation to the case.

(6) Where the panel makes a recommendation that the applicant is suitable to act as a foster parent, the panel may also make a recommendation to the fostering service provider as to the terms of any approval.

Power to adjourn panels

15.—(1) The panel may adjourn the panel hearing where—

(a) the panel considers that it has insufficient information to make a recommendation to the relevant organisation in accordance with regulation 12(2), 13(2) or 14(2), and

(b) the panel wishes to request further information.

(2) The panel must be reconvened as soon as reasonably practicable when the information referred to in paragraph (1)(b) is available, but in any event no later than 28 calendar days from the date of the adjourned panel hearing.

Fees of panel members

16. The Welsh Ministers may pay to any member of a panel such fees as the Welsh Ministers consider to be reasonable.

Records

17. The Welsh Ministers must ensure that a written record of a panel's review of the qualifying determination, including the reasons for its recommendation and whether the recommendation was unanimous or that of a majority, is retained for a period of 5 years from the date on which the recommendation is made.

PART 3

PROCEDURE

Application for review of qualifying determination

18. An application to the Welsh Ministers for a review of a qualifying determination must—

(a) be made by the applicant in writing within 40 working days beginning with the date on which a notification of the qualifying determination was sent by the organisation to the applicant, and

(b) include the grounds of the application.

Appointment of panel and conduct of review

19.—(1) Upon receipt of an application which has been made in accordance with regulation 18, the Welsh Ministers must—

(a) within 5 working days notify the organisation which made the qualifying determination that the application has been made by sending a copy of the application to the organisation;

(b) within 5 working days send a written acknowledgement of the application to the applicant and notify the applicant of the steps taken under sub-paragraph (a);

(c) within 25 working days appoint a panel in accordance with regulation 5 and fix a date, time and venue for the panel to meet for the purposes of reviewing the qualifying determination ("review meeting");

(d) after taking the steps prescribed in sub-paragraph (c), and no less than 5 working days before the review meeting, inform the applicant and the organisation which made the qualifying determination in writing of—

(i) the appointment of the panel, and

(ii) the date, time and venue of the review meeting.

(2) The date fixed for the review meeting must be no later than twelve weeks after the date of the receipt of the application by the Welsh Ministers.

(3) The Welsh Ministers must ensure that the panel receives all relevant papers relating to the review as soon as possible but no less than 5 working days before the date fixed for the review meeting.

Duty to provide information and assistance

20. The organisation which made the qualifying determination must provide, as far as is reasonably practicable, any information or assistance requested by the panel under regulation 12, 13, 14 or 15.

Recommendation of panel

21.—(1) Where the panel's recommendation is not unanimous the recommendation must be that of the majority.

(2) The recommendation may be made and announced at the end of the review or reserved.

(3) The recommendation and the reasons for it, and whether it was unanimous or that of a majority, must be recorded without delay in a document signed and dated by the chair.

(4) The Welsh Ministers must without delay, and in any event no later than 10 working days after the date on which the recommendation is made, send a copy of the recommendation and the reasons for it to the applicant and to the organisation which made the qualifying determination.

Duty to pay costs in connection with a review

22. The organisation which made the qualifying determination must pay to the Welsh Ministers such costs in connection with the review of that qualifying determination as the Welsh Ministers consider reasonable.

PART 4
REVOCATION

Revocation

23. The Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010(**13**)are revoked(**14**).

Dawn Bowden
Minister for Children and Social Care, under the authority of the Cabinet Secretary for Health and Social Care, one of the Welsh Ministers
6 February 2026

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(**13**) S.I. 2010/746 (W. 75).
(**14**) Section 34(2) of the Legislation (Wales) Act 2019 (anaw 4) has effect, so that any right, privilege, obligation or liability acquired or accrued under the Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010, and any applications for review which were made under the Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010 may be continued or enforced as if the revocation had not occurred.

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