



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2002 Rhif 2171 (Cy.218)

2002 No. 2171 (W.218)

**GOFAL CYMDEITHASOL,
CYMRU**

**SOCIAL CARE,
WALES**

**PLANT A PHERSONAU IFANC,
CYMRU**

**CHILDREN AND YOUNG PERSONS,
WALES**

**Rheoliadau Gwarchod Plant a
Gofal Dydd (Cymru) (Diwygio)
2002**

**The Child Minding and Day Care
(Wales) (Amendment) Regulations
2002**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r rheoliadau hyn yn cael eu gwneud o dan Ran XA o Ddeddf Plant 1989 ac maent yn gymwys i bersonau sy'n dymuno darparu cynlluniau chwarae haf a fyddai'n gweithredu yng Nghymru yn y cyfnod rhwng dyddiad dod i rym y rheoliadau hyn a 13 Medi 2002 neu i bersonau sy'n dymuno gweithio yn y cynlluniau hynny.

These regulations are made under Part XA of the Children Act 1989 and apply to persons wishing to provide or work in summer playschemes operating in Wales in the period between the date of coming into force of these regulations and 13 September 2002

Mae'r rheoliadau yn diwygio Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) 2002 a Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002, fel bod modd i bersonau sy'n dymuno darparu cynlluniau chwarae haf gael eu cofrestru er gwaethaf y ffaith nad oes ganddynt dystysgrif cofnod troseddol fanwl, cyhyd â bod amodau penodol eraill yn cael eu bodloni. Ar yr amod eu bod yn cael eu goruchwylio, caiff personau sy'n dymuno gweithio mewn cynlluniau chwarae haf ddechrau gweithio tra'n aros am gael y tystysgrifau cofnod troseddol manwl cyhyd â bod pob gwybodaeth benodedig arall ar gael.

The regulations amend the Child Minding and Day Care (Wales) Regulations 2002 and the Registration of Social Care and Independent Healthcare (Wales) Regulations 2002, so that persons wishing to provide a summer playscheme can be registered despite the lack of an enhanced criminal record certificate, provided certain other conditions are met. Persons wishing to work in summer playschemes may commence working subject to supervision whilst awaiting receipt of the enhanced criminal record certificates as long as all other specified information is available.

2002 Rhif 2171 (Cy.218)

**GOFAL CYMDEITHASOL,
CYMRU**

**PLANT A PHERSONAU IFANC,
CYMRU**

**Rheoliadau Gwarchod Plant a
Gofal Dydd (Cymru) (Diwygio)
2002**

*Wedi'u gwneud am 11:45 a.m. ar 22 Gorffennaf
2002*

*Yn dod i rym am 12.00 canol dydd ar 22
Gorffennaf 2002*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pŵer a roddwyd iddo gan adrannau 79C, 79E a 104(4) o Ddeddf Plant 1989(a), drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwysu

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) (Diwygio) 2002 a deuant i rym am 12.00 canol dydd ar 22 Gorffennaf 2002.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru.

Diwygiadau

2.-(1) At ddibenion y Rheoliad hwn ystyr "cynllun chwarae haf" yw darpariaeth gofal dydd sy'n cynnwys plant o dan wyth oed am fwy na dwy awr y dydd, a honno'n ddarpariaeth sy'n gweithredu'n unig am y cyfan neu ran o'r cyfnod rhwng dyddiad dod i rym Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) (Diwygio) 2002 a 13 Medi 2002.

(2) Diwygir rheoliad 4 o Reoliadau Gwarchod Plant a Gofal Dydd (Cymru) 2002(b) fel a ganlyn

(a) 1989 p.41; mewnosodwyd adrannau 79C a 79E gan adran 79 o Ddeddf Safonau Gofal 2000 (p.14). Mae'r pwerau'n arferadwy gan y Gweinidog priodol, a ddiffinnir yn Adran 121(1) o'r Ddeddf Safonau Gofal, mewn perthynas â Chymru, fel y Cynulliad Cenedlaethol. *Gweler* adran 121(1) am y diffiniadau o "prescribed" a "regulations".

(b) O.S. 2002/812.

2002 No. 2171 (W.218)

**SOCIAL CARE,
WALES**

**CHILDREN AND YOUNG PERSONS,
WALES**

**The Child Minding and Day Care
(Wales) (Amendment) Regulations
2002**

Made at 11:45 a.m. on 22nd July 2002

*Coming into force at 12 noon on 22nd July
2002*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 79C, 79E and 104(4) of the Children Act 1989(a) hereby makes the following Regulations:

Citation, commencement and application

1.-(1) These regulations may be cited as the Child Minding and Day Care (Wales) (Amendment) Regulations 2002 and shall come into force at 12 noon on 22nd July 2002.

(2) These Regulations apply to Wales.

Amendments

2.-(1) For the purposes of this Regulation "a summer playscheme" means the provision of day care including children under the age of eight for more than two hours a day, operating only for all or part of the period between the dates of the coming into force of the Child Minding and Day Care (Wales) (Amendment) Regulations 2002 and 13 September 2002.

(2) Regulation 4 of the Child Minding and Day Care (Wales) Regulations 2002(b) is amended as follows

(a) 1989 c.41; sections 79C and 79E were inserted by section 79 of the Care Standards Act 2000 (c.14). The powers are exercisable by the appropriate Minister, who is defined in section 121(1) of the Care Standards Act, in relation to Wales as the National Assembly. *See* section 121(1) for the definitions of "prescribed" and "regulations".

(b) S.I. 2002/812.

(a) yn is-baragraff (c)(i) o baragraff (3) mewnosodir ar ôl "paragraff (4)" y geiriau "neu (4A)";

(b) yn dilyn is-baragraff (c) (ii) o baragraff (3) mewnosodir

"(iii) os yw paragraff (4A) yn gymwys,

(A) mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1, 4, 6 a 7 o Atodlen 2;

(B) o leiaf un geirda ysgrifenedig neu eirida dros y ffôn;

(C) tystysgrif cofnod troseddol a roddwyd o'r blaen o dan adran 113 o Ddeddf yr Heddlu 1997(a); ac

(CH) canlyniad ysgrifenedig gwiriad a wnaed o'r rhestrau sy'n cael eu cadw yn unol ag adran 1 o Ddeddf Amddiffyn Plant 1999(b) a Rheoliadau a wnaed o dan adran 218 o Ddeddf Diwygio Addysg 1988(c)."

(c) Ar ôl paragraff (4) mewnosodir -

"(4A) Mae'r paragraff hwn yn gymwys os oes cais wedi'i wneud am y dystysgrif neu am wybodaeth am unrhyw fater a bennir ym mharagraff 2 o Atodlen 2 ond nad yw ar gael eto i unigolyn sy'n dymuno darparu cynllun chwarae haf."

(3) Diwygir rheoliad 16 o Reoliadau Gwarchod Plant a Gofal Dydd (Cymru) 2002 fel a ganlyn -

(a) Ym mharagraff (5) mewnosodir ar y dechrau

"Yn ddarostyngedig i baragraff (7),"

(b) Ar ôl paragraff (6) mewnosodir -

"(7) Pan fydd yr amodau canlynol yn gymwys, gall y person cofrestredig ganiatáu i berson ddechrau gweithio yn y safle perthnasol er gwaethaf paragraff (4)(b)-

(a) bod y person yn dymuno gweithio mewn cynllun chwarae haf;

(b) bod y person cofrestredig wedi cymryd pob cam rhesymol i gael gwybodaeth lawn mewn perthynas â phob un o'r materion a restrir yn Atodlen 2 mewn perthynas â'r person hwnnw;

(c) bod gwybodaeth lawn a boddhaol mewn perthynas â'r person hwnnw wedi'i sicrhau ynghylch y materion a bennir ym mharagraffau 1, 4 a 6 o Atodlen 2;

(ch) o leiaf un geirda ysgrifenedig neu eirida dros y ffôn;

(d) bod y person wedi darparu

(a) 1997 p.50.

(b) 1999 p.14.

(c) 1988 p.40.

(a) in sub-paragraph (c)(i) of paragraph (3) there is inserted after "paragraph (4)" the words "or (4A)";

(b) following sub-paragraph (c) (ii) of paragraph (3) there is inserted

"(iii) where paragraph (4A) applies,

(A) in respect of each of the matters specified in paragraphs 1, 4, 6 and 7 of Schedule 2;

(B) at least one written or telephone reference;

(C) a criminal record certificate issued previously under section 113 of the Police Act 1997(a); and

(D) a written result of a check carried out of the lists maintained pursuant to section 1 of the Protection of Children Act 1999(b) and Regulations made under section 218 of the Education Reform Act 1988(c)."

(c) After paragraph (4) there is inserted -

"(4A) This paragraph applies where the certificate or information on any matters specified in paragraph 2 of Schedule 2 has been applied for but is not yet available to an individual who wishes to provide a summer playscheme."

(3) Regulation 16 of the Child Minding and Day Care (Wales) Regulations 2002 is amended as follows-

(a) In paragraph (5) at the beginning there is inserted

"Subject to paragraph (7),";

(b) After paragraph (6) there is inserted -

"(7) Where the following conditions apply, the registered person may permit a person to start work in the relevant premises notwithstanding paragraph (4)(b)-

(a) the person wishes to work in a summer playscheme;

(b) the registered person has taken all reasonable steps to obtain full information in respect of the matters listed in paragraph 2 of Schedule 2 in respect of that person;

(c) full and satisfactory information in relation to that person has been obtained in respect of the matters specified in paragraph 1, 4, and 6 of Schedule 2;

(d) at least one written or telephone reference;

(e) the person has provided

(a) 1997 c.50.

(b) 1999 c.14.

(c) 1988 c.40.

(i) datganiad ysgrifenedig nad yw'r person wedi'i gollfarnu na'i rybuddio am unrhyw dramgwydd troseddol, neu

(ii) manylion ysgrifenedig unrhyw dramgwyddau troseddol y mae'r person wedi'i gollfarnu ohonynt, gan gynnwys manylion unrhyw gollfarnau sydd wedi darfod o fewn ystyr "spent" yn adran 1 o Ddeddf Adsefydlu Tramgwyddwyr 1974(a) ac y caniateir eu datgelu yn rhinwedd Gorchymyn Deddf Adsefydlu Tramgwyddwyr 1974 (Eithriadau) 1975 neu y mae'r person wedi'i rybuddio amdanynt gan swyddog heddlu ac wedi'u cyfaddef adeg cael y rhybudd; a

(dd) bod y person cofrestredig, wrth ddisgwyl am unrhyw wybodaeth sydd heb ddod i law, a chyn iddo fodloni'i hun mewn perthynas â'r wybodaeth honno, yn sicrhau bod y person yn cael ei oruchwyllo'n briodol wrth iddo gyflawni ei ddyletswyddau.

(4) Diwygir Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002(b) fel a ganlyn -

(a) Yn Atodlen 8, yn dilyn paragraff 9 mewnosodir -

"9A. Notwithstanding paragraph 4 where the applicant intends to provide a summer playscheme, -

(a) a statement confirming that the documents specified in paragraph 4 have been applied for and the applicant, or where the applicant is an organisation, the responsible individual, will advise the National Assembly on receipt that the documents so applied for are available for inspection; and

(b) a criminal record certificate previously issued under section 113 of the Police Act 1997; and

(c) a written result of a check carried out of the lists maintained pursuant to section 1 of the Protection of Children Act 1999(c) and Regulations made under section 218 of the Education Reform Act 1988."

(b) Yn Atodlen 8, mewnosodir ar ôl paragraff 10(2) -

(i) a written declaration that the person has not been convicted nor cautioned for any criminal offence, or

(ii) written details of any criminal offences of which the person has been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974(a) and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or in respect of which the person has been cautioned by a police officer and which, at the time the caution was given, the person admitted; and

(f) pending receipt of, and being satisfied with regard to, any outstanding information, the registered person ensures that the person is appropriately supervised while carrying out his or her duties.

(4) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002(b) are amended as follows -

(a) In Schedule 8, following paragraph 9 there is inserted -

"9A. Notwithstanding paragraph 4 where the applicant intends to provide a summer playscheme, -

(a) a statement confirming that the documents specified in paragraph 4 have been applied for and the applicant, or where the applicant is an organisation, the responsible individual, will advise the National Assembly on receipt that the documents so applied for are available for inspection; and

(b) a criminal record certificate previously issued under section 113 of the Police Act 1997; and

(c) a written result of a check carried out of the lists maintained pursuant to section 1 of the Protection of Children Act 1999(c) and Regulations made under section 218 of the Education Reform Act 1988."

(b) In Schedule 8, following paragraph 10(2) there is inserted -

(a) 1974 p.53.

(b) O.S. 2002/919.

(c) 1999 c.14.

(a) 1974c.53.

(b) S.I. 2002/919.

(c) 1999 p.14.

"(3) Notwithstanding sub-paragraph (1), where the person works or intends to work in a summer playscheme, a statement confirming that the documents specified in sub-paragraph (2) have been applied for and the applicant, or where the applicant is an organisation, the responsible individual will advise the National Assembly on receipt that the documents so applied for are available for inspection."

"(3) Notwithstanding sub-paragraph (1), where the person works or intends to work in a summer playscheme, a statement confirming that the documents specified in sub-paragraph (2) have been applied for and the applicant, or where the applicant is an organisation, the responsible individual will advise the National Assembly on receipt that the documents so applied for are available for inspection."

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

11:45 a.m. ar 22 Gorffennaf 2002

11:45 a.m. on 22nd July 2002

Jane.E.Hutt

Y Gweinidog Dros Iechyd a Gwasanaethau
Cymdeithasol

Minister for Health and Social Services

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