



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2002 Rhif 812 (Cy.92)

2002 No. 812 (W.92)

**GOFAL CYMDEITHASOL,
CYMRU**

**SOCIAL CARE,
WALES**

**PLANT A PHERSONAU
IFANC, CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

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

**The Child Minding and Day Care
(Wales) 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 ("Deddf 1989") ac maent yn gymwys i bersonau sy'n gweithredu fel gwarchodwyr plant neu sy'n darparu gofal dydd ar safle sydd wedi'i leoli yng Nghymru. Mae Rhan XA yn darparu ar gyfer cofrestru ac arolygu gwarchodwyr plant a darparwyr gofal dydd yng Nghymru gan Gynulliad Cenedlaethol Cymru. Mae'n cynnwys pwerau hefyd sy'n galluogi'r Cynulliad Cenedlaethol i wneud rheoliadau sy'n llywodraethu gweithgareddau personau o'r fath. Mae'r rheoliadau yn dod i rym ar 1 Ebrill 2002.

These regulations are made under Part XA of the Children Act 1989 ("the 1989 Act") and apply to persons who act as child minders or provide day care on premises situated in Wales. Part XA provides for the registration and inspection of child minders and day care providers in Wales by the National Assembly for Wales. It also contains powers enabling the National Assembly to make regulations governing the activities of such persons. The regulations come into force on 1st April 2002.

Mae Rheoliad 3 yn darparu bod datganiad o ddiben yn cael ei lunio gan bersonau cofrestredig a bod hwnnw'n cynnwys y nodau a'r amcanion a materion perthnasol eraill am y gwasanaeth sydd i'w ddarparu ar gyfer plant o dan ofal y person cofrestredig.

Regulation 3 provides for a statement of purpose to be compiled by registered persons consisting of the aims and objectives and other relevant matters about the service to be provided for children under the care of the registered person.

Mae Rhan II (rheoliadau 4 i 6) yn gwneud darpariaeth ynglŷn ag addasrwydd personau sy'n gweithredu fel gwarchodwyr plant a darparwyr gofal dydd ac yn ei gwneud yn ofynnol i wybodaeth fod ar gael mewn perthynas â'r materion a bennir yn Atodlen 2. Os corff yw'r darparydd gofal dydd, rhaid iddo enwebu unigolyn cyfrifol y mae'n rhaid i'r wybodaeth fod ar gael mewn perthynas ag ef. Mae rheoliad 5 yn gosod gofynion cyffredinol ynglŷn â darparu gofal gan bersonau cofrestredig ac ynglŷn â hyfforddiant. Mae rheoliad 6 yn ei gwneud yn ofynnol i'r Cynulliad

Part II (regulations 4 to 6) makes provision about the suitability of persons acting as child minders and day care providers and requires information to be available in relation to the matters specified in Schedule 2. Where a day care provider is an organisation it must nominate a responsible individual in respect of whom the information must be available. Regulation 5 imposes general requirements about the provision of care by registered persons and as to training. Regulation 6 requires offences and being charged for

Cenedlaethol gael ei hysbysu ynghylch tramgwyddau a chyhuddiadau o dramgwyddau penodol.

Mae Rhan III yn gwneud darpariaeth ynglŷn â lles a datblygiad plant perthnasol o dan ofal personau cofrestredig ac yn benodol ynghylch hybu lles plant o'r fath, darparu bwyd a darparu polisïau amddiffyn plant a rheoli ymddygiad a'u gweithredu. Mae rheoliad 10 yn cynnwys darpariaethau sy'n gwahardd cosbi'n gorfforol a mesurau eraill yn erbyn plant o'r fath. Mae rheoliadau 11 i 13 yn gwneud darpariaeth am hybu iechyd plant perthnasol, ynglŷn â'u diogelwch ac ynghylch storio meddyginiaethau a'u rhoi. Mae rheoliad 14 yn ei gwneud yn ofynnol bod gweithdrefn gwynion yn cael ei pharatoi a'i dilyn gan bersonau cofrestredig.

Mae Rhan IV yn gwneud darpariaeth ynghylch nifer, cymwysterau, profiad ac addasrwydd y rhai sy'n gweithio i bersonau cofrestredig gan gynnwys darpariaeth am yr wybodaeth sy'n ofynnol mewn perthynas â gweithwyr cyn y caniateir iddynt weithio i warchodwyr plant neu ddarparwyr gofal dydd.

Mae Rhan V yn darparu ar gyfer cadw cofnodion a darparu gwybodaeth i rieni plant perthnasol o dan ofal gwarchodwyr plant neu ddarparwyr gofal dydd ac i'r Cynulliad Cenedlaethol.

Mae Rhan VI yn darparu ar gyfer ffitrwydd y safle lle mae gofal yn cael ei ddarparu, y cyfarpar a'r cyfleusterau sy'n cael eu darparu yn y safle ac ynglŷn â rhagofalon tân.

Mae Rhan VII yn ymdrin â materion amrywiol. Yn benodol, mae rheoliad 23 yn ei gwneud yn ofynnol i bersonau cofrestredig roi sylw i safonau gofynnol cenedlaethol ar gyfer y gwahanol sefydliadau a ddisgrifir yn Atodlen 1 ac yn darparu y dylai unrhyw honiad bod person cofrestredig wedi methu â rhoi sylw i'r safonau perthnasol gael ei gymryd i ystyriaeth gan y Cynulliad Cenedlaethol wrth iddo arfer ei swyddogaethau o dan Ran XA o Ddeddf 1989 ac mewn achosion o dan y Rhan honno o'r Ddeddf. Mae rheoliad 24 yn darparu ar gyfer tramgwyddau am dorri rheoliadau penodol neu fethu â chydymffurfio â hwy.

certain offences to be notified to the National Assembly.

Part III makes provision about the welfare and development of relevant children under the care of registered persons and in particular about the promotion of the welfare of such children, the provision of food and the provision and implementation of child protection and behaviour management policies. Regulation 10 contains provisions prohibiting corporal punishment and other measures against such children. Regulations 11 to 13 make provision about the promotion of the health of relevant children, as to their safety and concerning the storage and administration of medicines. Regulation 14 requires a complaints procedure to be prepared and followed by registered persons.

Part IV makes provision about the numbers, qualifications, experience and suitability of those working for registered persons including provision about the information which is required in relation to workers before they may work for child minders or day care providers.

Part V provides for the keeping of records and the provision of information to parents of relevant children under the care of child minders or day care providers and to the National Assembly.

Part VI makes provision about the fitness of premises on which care is provided, equipment and facilities provided at the premises and about fire precautions.

Part VII deals with miscellaneous matters. In particular regulation 23 requires registered persons to have regard to national minimum standards for the different settings described in Schedule 1 and provides that any allegation that a registered person has failed to have regard to the relevant standards is to be taken into account by the National Assembly in the exercise of its functions under Part XA of the 1989 Act and in proceedings under that Part of the Act. Regulation 24 provides for offences for contravention of or non-compliance with certain regulations.

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

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

Wedi'u gwneud *16.00 ar 21 Mawrth 2002*
Yn dod i rym *1 Ebrill 2002*

Made *16.00 on 21 March 2002*
Coming into force *1st April 2002*

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YR WYBODAETH Y MAE EI HANGEN MEWN
PERTHYNAS Â PHERSONAU SY'N CEISIO
GWEITHREDU FEL GWARCHODWYR PLANT
NEU DDARPARWYR GOFAL DYDD NEU
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Y COFNODION SYDD I'W CADW

ATODLEN 4

Y DIGWYDDIADAU SYDD I'W HYSBYSU I'R
CYNULLIAD CENEDLAETHOL

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

(a) 1989 p.41; mewnosodwyd adran 79C gan adran 79 o Ddeddf
Safonau Gofal 2000 (p.14).

SCHEDULE 1

STATEMENTS OF NATIONAL MINIMUM
STANDARDS

SCHEDULE 2

INFORMATION REQUIRED IN RESPECT OF
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SCHEDULE 3

RECORDS TO BE MAINTAINED

SCHEDULE 4

EVENTS TO BE NOTIFIED TO THE NATIONAL
ASSEMBLY

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

(a) 1989 c.41; section 79C was inserted by section 79 of the Care
Standards Act 2000 (c.14).

RHAN I - CYFFREDINOL

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) 2002 a deuant i rym ar 1 Ebrill 2002.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â phersonau sy'n gweithredu fel gwarchodwyr plant neu'n darparu gofal dydd ar safle perthnasol yng Nghymru.

Dehongli

2.-(1) Yn y Rheoliadau hyn oni bai bod y cyd-destun yn mynnu fel arall -

ystyr "corff" ("*organisation*") yw corff corfforaethol;

ystyr "y Cynulliad Cenedlaethol" ("*the National Assembly*") yw Cynulliad Cenedlaethol Cymru;

ystyr "darpariaeth chwarae mynediad agored" ("*open access play provision*") yw darpariaeth gofal dydd nad yw'n gofyn am y canlynol:

- (a) trefniant ymlaen llaw gan y person cofrestredig i ddarparu gofal o'r fath; neu
- (b) bod plant yn cael eu hebrwng gan riant neu berson cyfrifol arall yn ôl ac ymlaen i'r safle perthnasol;

ystyr "datganiad o ddiben" ("*statement of purpose*") yw'r datganiad sy'n cael ei lunio yn unol â rheoliad 3(1);

ystyr "datganiadau safonau gofynnol cenedlaethol" ("*statements of national minimum standards*") yw'r datganiadau safonau gofynnol cenedlaethol a ddisgrifir yn Atodlen 1 ac a wnaed gan y Cynulliad Cenedlaethol ar ddyddiad gwneud y Rheoliadau hyn;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Plant 1989;

ystyr "person cofrestredig" ("*registered person*") yw person sydd wedi'i gofrestru o dan Ran XA o'r Ddeddf fel gwarchodwr plant neu ddarparydd gofal dydd;

ystyr "person sy'n gyfrifol" ("*person in charge*"), mewn perthynas â gofal dydd, yw'r unigolyn sydd wedi'i benodi gan y person cofrestredig fel y person sy'n gyfrifol am ddarparu gofal dydd gwirioneddol ar y safle;

ystyr "plentyn perthnasol" ("*relevant child*") yw plentyn y mae person cofrestredig yn gweithredu fel gwarchodwr plant mewn perthynas ag ef neu, yn ôl fel y digwydd, y mae gofal dydd yn cael ei ddarparu iddo gan berson cofrestredig;

PART I - GENERAL

Citation, commencement and application

1.-(1) These Regulations may be cited as the Child Minding and Day Care (Wales) Regulations 2002 and shall come into force on 1st April 2002.

(2) These Regulations apply in relation to persons who act as child minders or provide day care on relevant premises in Wales.

Interpretation

2.-(1) In these Regulations unless the context otherwise requires -

"the Act" ("*y Ddeddf*") means the Children Act 1989;

"appropriate office" ("*swyddfa briodol*") means-

- (a) if an office has been specified under paragraph (2) in relation to any relevant premises, that office;
- (b) in any other case, any office of the National Assembly;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"national minimum standards" ("*safonau gofynnol cenedlaethol*") means the standards set out in the statements of national minimum standards;

"open access play provision" ("*darpariaeth chwarae mynediad agored*") means the provision of day care which does not require

- (a) a prior arrangement by the registered person to provide such care; or
- (b) that children are escorted by a parent or other responsible person to and from the relevant premises;

"organisation" ("*corff*") means a body corporate;

"person in charge" ("*person sy'n gyfrifol*") means in relation to day care the individual appointed by the registered person as the person in charge of providing actual day care on the premises;

"registered person" ("*person cofrestredig*") means a person registered under Part XA of the Act as a child minder or a provider of day care;

"relevant child" ("*plentyn perthnasol*") means a child in relation to whom a registered person acts as a child minder or, as the case may be, to whom day care is provided by a registered person;

ystyr "safle perthnasol" ("*relevant premises*") yw'r safle lle mae'r person cofrestredig yn gweithredu fel gwarchodwr plant neu, yn ôl fel y digwydd, lle mae gofal dydd yn cael ei ddarparu gan berson cofrestredig;

ystyr "safonau gofynnol cenedlaethol" ("*national minimum standards*") yw'r safonau sydd wedi'u nodi yn y datganiadau safonau gofynnol cenedlaethol;

ystyr "swyddfa briodol" ("*appropriate office*")

- (a) os yw swyddfa wedi'i phennu o dan baragraff (2) mewn perthynas ag unrhyw safle perthnasol, yw'r swyddfa honno;
- (b) mewn unrhyw achos arall, yw unrhyw un o swyddfeydd y Cynulliad Cenedlaethol;

mae i "unigolyn cyfrifol" ("*responsible individual*") yr ystyr a roddir iddo yn rheoliad 4.

(2) Caiff y Cynulliad Cenedlaethol bennu swyddfa sydd o dan ei reolaeth fel y swyddfa briodol mewn perthynas â safle perthnasol sydd wedi'i leoli mewn ardal benodol o Gymru.

(3) Yn y Rheoliadau hyn mae cyfeiriad-

- (a) at reoliad neu atodlen â rhif yn gyfeiriad at y rheoliad yn y Rheoliadau hyn neu at yr Atodlen iddynt sy'n dwyn y rhif hwnnw;
- (b) mewn rheoliad neu Atodlen at baragraff â rhif, yn gyfeiriad at y paragraff yn y rheoliad hwnnw neu'r Atodlen honno sy'n dwyn y rhif hwnnw;
- (c) mewn paragraff at is-baragraff â llythyren neu rif yn gyfeiriad at yr is-baragraff yn y paragraff hwnnw sy'n dwyn y llythyren honno neu'r rhif hwnnw.

(4) Yn y rheoliadau hyn, onid yw'n ymddangos bod bwriad i'r gwrthwyneb, mae cyfeiriadau at gyflogi person yn cynnwys cyflogi person p'un ai am dâl neu beidio, a ph'un ai o dan gontract gwasanaeth, contract ar gyfer gwasanaethau neu fel arall heblaw o dan gontract, a chaniatáu i berson weithio fel gwirfoddolwr, a dehonglir cyfeiriadau at gyflogai neu gyflogi person yn unol â hynny.

Datganiad o ddiben

3.-(1) Rhaid i'r person cofrestredig lunio mewn perthynas â'r gwaith gwarchod plant neu ddarparu gofal dydd y mae'r person wedi'i gofrestru ar ei gyfer, datganiad ar bapur ("y datganiad o ddiben") a rhaid i'r datganiad hwnnw gynnwys -

- (a) datganiad o nodau ac amcanion;
- (b) datganiad ynghylch ystod oedran, rhyw a nifer y plant y bwriedir darparu gofal ar eu cyfer gan y person cofrestredig ac ynghylch ystod yr anghenion y mae'r person yn bwriadu eu diwallu;

"relevant premises" ("*safle perthnasol*") means premises on which a registered person acts as a childminder or, as the case may be, day care is provided by a registered person;

"responsible individual" ("*unigolyn cyfrifol*") has the meaning given to it in regulation 4;

"statements of national minimum standards" ("*datganiadau safonau gofynnol cenedlaethol*") means the statements of national minimum standards described in Schedule 1 which were made by the National Assembly on the date of making of these Regulations;

"statement of purpose" ("*datganiad o ddiben*") means the statement compiled in accordance with regulation 3(1).

(2) The National Assembly may specify an office controlled by it as the appropriate office in relation to relevant premises situated in a particular area of Wales.

(3) In these Regulations a reference-

- (a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;
- (b) in a regulation or Schedule to a numbered paragraph, is to the paragraph in that regulation or Schedule bearing that number;
- (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

(4) In these regulations, unless the contrary intention appears, references to employing a person include employing a person whether or not for payment, and whether under a contract of service, a contract for services or otherwise than under a contract, and allowing a person to work as a volunteer, and references to an employee or to a person being employed shall be construed accordingly.

Statement of purpose

3.-(1) The registered person shall compile in relation to the child minding or provision of day care for which the person is registered, a statement on paper ("the statement of purpose") which shall consist of-

- (a) a statement of aims and objectives;
- (b) a statement as to the age-range, sex and number of children for whom care is intended to be provided by the registered person and as to the range of needs that the person intends to meet;

- (c) datganiad ynghylch y cyfleusterau a'r gwasanaethau sydd i'w darparu neu i'w rhoi ar gael i blant perthnasol;
- (ch) datganiad ynghylch y gweithgareddau sydd i'w darparu ac ynglŷn â'r iaith neu'r ieithoedd y darperir y gweithgareddau drwyddynt; a
- (d) datganiad ynghylch y telerau a'r amodau y darperir gofal yn unol â hwy i blant perthnasol pan fydd y person cofrestredig yn gweithredu fel gwarchodwr plant neu'n darparu gofal dydd, yn ôl fel y digwydd.

(2) Yn ddarostyngedig i baragraff (3) rhaid i'r person cofrestredig sicrhau ei fod yn gweithredu fel gwarchodwr plant neu fod gofal dydd yn cael ei ddarparu, yn ôl fel y digwydd, mewn modd sy'n gyson â'r datganiad o ddiben.

(3) Ni fydd dim ym mharagraff (2) nac yn rheoliad 20 yn ei gwneud yn ofynnol i'r person cofrestredig dorri neu beidio â chydymffurfio â'r canlynol nac yn ei awdurdodi i wneud hynny -

- (a) unrhyw ddarpariaeth arall yn y Rheoliadau hyn; neu
 - (b) yr amodau sydd mewn grym am y tro mewn perthynas â chofrestru'r person cofrestredig o dan Ran XA o'r Ddeddf.
- (4) Rhaid i'r person cofrestredig -
- (a) cadw'r datganiad o ddiben o dan sylw, ac os yw'n briodol, ei adolygu; a
 - (b) pryd bynnag y bo'n ymarferol, hysbysu swyddfa briodol y Cynulliad Cenedlaethol o unrhyw adolygiad o'r fath o leiaf 28 diwrnod cyn y dyddiad y mae ei effaith i fod i ddechrau.

RHAN II - PERSONAU COFRESTREDIG

Y person cofrestredig - ei addasrwydd

4.-(1) Rhaid i berson beidio â gweithredu fel gwarchodwr plant na darparu gofal dydd oni bai bod y person yn addas i ofalu am blant o dan wyth oed.

(2) Nid yw person yn addas felly oni bai bod y person -

- (a) yn unigolyn sy'n gweithredu fel gwarchodwr plant ar ei ben ei hun neu sy'n darparu gofal dydd ar ei ben ei hun neu mewn partneriaeth ag un neu ragor o bersonau, ac yn bodloni'r gofynion sydd wedi'u nodi ym mharagraff (3); neu
- (b) yn achos person sy'n darparu gofal dydd, yn gorff a -
 - (i) bod y corff wedi hysbysu swyddfa briodol y Cynulliad Cenedlaethol ynghylch enw, cyfeiriad a safle unigolyn yn y corff (unigolyn y cyfeirir ato yn y Rheoliadau hyn fel "yr unigolyn cyfrifol") sy'n un o gyfarwyddwyr, rheolwyr, ysgrifenyddion y

- (c) a statement as to the facilities and services to be provided or made available to relevant children;
- (d) a statement as to the activities to be provided and as to the language or languages through which the activities will be provided; and
- (e) a statement of the terms and conditions upon which care is provided to relevant children when the registered person acts as a child minder or provides day care, as the case may be.

(2) Subject to paragraph (3) the registered person shall ensure that he or she acts as a child minder or day care is provided, as the case may be, in a manner which is consistent with the statement of purpose.

(3) Nothing in paragraph (2) or in regulation 20 shall require or authorise the registered person to contravene or not comply with-

- (a) any other provision of these Regulations; or
 - (b) the conditions for the time being in force in relation to the registration of the registered person under Part XA of the Act.
- (4) The registered person shall -
- (a) keep under review, and, where appropriate, revise the statement of purpose; and
 - (b) whenever practicable notify the appropriate office of the National Assembly of any such revision at least 28 days before it is to take effect.

PART II - REGISTERED PERSONS

Registered person - suitability

4.-(1) A person shall not act as a child minder or provide day care unless the person is suitable to look after children under the age of eight.

(2) A person is not so suitable unless the person-

- (a) is an individual who acts as a child minder alone or who provides day care alone or in partnership with one or more persons, and satisfies the requirements set out in paragraph (3); or
- (b) in the case of a person providing day care, is an organisation and -
 - (i) the organisation has given notice to the appropriate office of the National Assembly of the name, address and position in the organisation of an individual (in these Regulations referred to as "the responsible individual") who is a

corff neu'n un o'i swyddogion eraill ac sy'n gyfrifol am oruchwylio gwaith darparu gofal dydd o'r fath; a

- (ii) bod yr unigolyn hwnnw yn bodloni'r gofynion sydd wedi'u nodi ym mharagraff (3).

(3) Y gofynion yw -

- (a) bod y person yn addas o ran ei onestrwydd a'i gymeriad da i ofalu am blant o dan wyth oed;
- (b) bod y person yn ffit yn gorfforol ac yn feddyliol i ofalu am blant o dan wyth oed;
- (c) bod gwybodaeth neu ddogfennaeth lawn a boddhaol, yn ôl fel y digwydd, ar gael mewn perthynas â'r person-
 - (i) ac eithrio os yw paragraff (4) yn gymwys, mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1 i 6 o Atodlen 2;
 - (ii) os yw paragraff (4) yn gymwys, mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1 a 3 i 7 o Atodlen 2.

(4) Mae'r paragraff hwn yn gymwys os nad oes unrhyw dystysgrif neu wybodaeth am unrhyw faterion a bennir ym mharagraff 2 o Atodlen 2 ar gael i unigolyn am nad yw unrhyw un o ddarpariaethau Deddf yr Heddlu 1997(a) wedi'i dwyn i rym.

(5) Nid yw person yn addas i weithredu fel gwarchodwr plant nac i ddarparu gofal dydd -

- (a) os yw'r person wedi'i ddyfarnu'n fethdalwr neu os yw ei ystad wedi'i hatafael ac nad yw'r person (yn y naill achos neu'r llall) wedi'i ryddhau a bod y gorchymyn methdaliad heb ei ddirymu nac wedi'i ddadwneud; neu
- (b) os yw'r person wedi gwneud unrhyw gyfaddawd neu drefniant gyda'i gredydwy, a heb gael ei ryddhau mewn perthynas ag ef.

Y person cofrestredig - gofynion cyffredinol

5.-(1) Rhaid i'r person cofrestredig, o roi sylw

- (a) i'r datganiad o ddiben, nifer y plant perthnasol a'u hanghenion (gan gynnwys unrhyw anghenion sy'n deillio o anabled), a
- (b) i'r angen i ddiogelu a hybu eu lles,

weithredu fel gwarchodwr plant neu ddarparu gofal dydd (yn ôl fel y digwydd) â gofal, medrusrwydd a medr digonol.

(2) Os yw person cofrestredig yn gweithredu fel gwarchodwr plant neu yn unigolyn sy'n darparu gofal dydd, rhaid i'r person cofrestredig ymgymryd o bryd i'w gilydd ag unrhyw hyfforddiant sy'n briodol i

director, manager, secretary or other officer of the organisation and is responsible for supervising the provision of such day care; and

- (ii) that individual satisfies the requirements set out in paragraph (3).

(3) The requirements are that the person-

- (a) is of suitable integrity and good character to look after children under the age of eight;
- (b) is physically and mentally fit to look after children under the age of eight; and
- (c) full and satisfactory information or documentation, as the case may be, is available in relation to the person-
 - (i) except where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 2;
 - (ii) where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 2.

(4) This paragraph applies where any certificate or information on any matters specified in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997(a) has not been brought into force.

(5) A person is not suitable to act as a child minder or provide day care if-

- (a) the person has been adjudged bankrupt or sequestration of the person's estate has been awarded and (in either case) the person has not been discharged and the bankruptcy order has not been annulled or rescinded; or
- (b) the person has made a composition or arrangement with the person's creditors and has not been discharged in respect of it.

Registered person - general requirements

5.-(1) The registered person shall, having regard to

- (a) the statement of purpose, the number and needs (including any needs arising from disability) of the relevant children, and
- (b) the need to safeguard and promote their welfare,

act as a child minder or provide day care (as the case may be) with sufficient care, competence and skill.

(2) Where a registered person acts as a child minder or is an individual providing day care, the registered person shall undertake from time to time such training as is appropriate to ensure that he or she, as the case

(a) 1997 p.50. Nid yw adrannau 113 a 115, fel y'u diwygiwyd, wedi'u dwyn i rym eto. Gweler ymhellach y troednodiadau i baragraff 2 o Atodlen 2 i'r Rheoliadau hyn.

(a) 1997 c.50. Sections 113 and 115, as amended have not yet been brought into force. See further the footnotes to paragraph 2 of Schedule 2 to these Regulations.

sicrhau bod ganddo'r profiad a'r medrau sy'n angenrheidiol i weithredu fel gwarchodwr plant neu i ddarparu gofal dydd, yn ôl fel y digwydd.

(3) Os corff sy'n darparu gofal dydd yw'r person cofrestredig rhaid iddo sicrhau bod yr unigolyn cyfrifol yn ymgymryd ag unrhyw hyfforddiant sy'n briodol i sicrhau bod ganddo'r medrau sy'n angenrheidiol ar gyfer darparu gofal dydd.

Hysbysu am dramgwyddau

6.-(1) Os yw'r person cofrestredig neu'r unigolyn sy'n gyfrifol wedi'i gael yn euog o unrhyw dramgwydd troseddol, boed yng Nghymru neu'n rhywle arall, rhaid i'r person a gafwyd yn euog hysbysu swyddfa briodol y Cynulliad Cenedlaethol yn ysgrifenedig ar unwaith o'r canlynol:

- (a) dyddiad a lleoliad y gollfarn,
- (b) y tramgwydd y cafwyd y person yn euog ohono, ac
- (c) y gosb a osodwyd ar y person mewn perthynas â'r tramgwydd.

(2) Os yw'r person cofrestredig wedi'i gyhuddo o unrhyw dramgwydd y gellir gwneud gorchymyn mewn perthynas ag ef o dan Ran II o Ddeddf Cyfiawnder Troseddol a Gwasanaethau Llys 2000(a) rhaid i'r person hysbysu swyddfa briodol y Cynulliad Cenedlaethol ar unwaith yn ysgrifenedig o'r tramgwydd y mae wedi'i gyhuddo ohono a dyddiad a man y cyhuddiad.

RHAN III - LLES A DATBLYGIAD PLANT PERTHNASOL

Hybu lles

7.-(1) Rhaid i'r person cofrestredig weithredu fel gwarchodwr plant neu ddarparu gofal dydd, yn ôl fel y digwydd, yn y fath fodd ag i wneud y canlynol-

- (a) hybu lles plant perthnasol a darparu'n briodol ar ei gyfer; a
- (b) darparu'n briodol ar gyfer gofal, addysg, goruchwyliaeth ac, os yw'n briodol, driniaeth plant perthnasol.

(2) Rhaid i'r person cofrestredig, er mwyn darparu gofal i blant perthnasol a darparu'n briodol ar gyfer eu lles, a chyn belled ag y bo'n ymarferol, ddarganfod eu dymuniadau a'u teimladau a'u cymryd i ystyriaeth.

(3) Rhaid i'r person cofrestredig wneud trefniadau addas i sicrhau-

- (a) bod preifatrwydd ac urddas plant perthnasol yn cael eu parchu;
- (b) bod sylw dyledus yn cael ei roi i ryw,

may be, has the experience and skills necessary for acting as a child minder or providing day care, as the case may be.

(3) Where the registered person is an organisation providing day care it shall ensure that the responsible individual undertakes such training as is appropriate to ensure that he or she has the skills necessary for providing day care.

Notification of offences

6.-(1) Where the registered person or the responsible individual is convicted of any criminal offence whether in Wales or elsewhere, the person convicted shall forthwith give notice in writing to the appropriate office of the National Assembly of-

- (a) the date and place of the conviction,
- (b) the offence of which the person was convicted, and
- (c) the penalty imposed on the person in respect of the offence.

(2) Where the registered person is charged with any offence in respect of which an order may be made under Part II of the Criminal Justice and Court Services Act 2000(a) the person shall forthwith give notice in writing to the appropriate office of the National Assembly of the offence charged and the date and place of charge.

PART III - WELFARE AND DEVELOPMENT OF RELEVANT CHILDREN

Promotion of welfare

7.-(1) The registered person shall act as a child minder or provide day care, as the case may be, in such a way as to -

- (a) promote and make proper provision for the welfare of relevant children; and
- (b) make proper provision for the care, education, supervision and, where appropriate, treatment, of relevant children.

(2) The registered person shall, for the purpose of providing care to relevant children and making proper provision for their welfare, so far as practicable, ascertain and take into account their wishes and feelings.

(3) The registered person shall make suitable arrangements to ensure that while relevant children are under the care of the person-

- (a) their privacy and dignity is respected;
- (b) due regard is paid to their sex, religious

(a) 2000 p.50.

(a) 2000 c.50.

argyhoeddiad crefyddol, tarddiad hiliol a chefnidir diwylliannol ac ieithyddol plant perthnasol ac unrhyw anabledd sy'n effeithio arnynt

tra bod y plant hynny o dan ofal y person.

Y bwyd a ddarperir ar gyfer y plant

8.-(1) Os oes bwyd yn cael ei ddarparu i'r plant perthnasol gan y person cofrestredig, rhaid i'r person cofrestredig sicrhau

- (a) eu bod yn cael -
 - (i) digon o fwyd a bod hwnnw'n cael ei ddarparu bob hyn a hyn fel y bo'n briodol;
 - (ii) bwyd sydd wedi'i baratoi'n iawn, sy'n iach ac yn faethlon;
 - (iii) bwyd sy'n addas ar gyfer eu hanghenion ac sy'n cymryd i ystyriaeth eu dymuniadau rhesymol;
 - (iv) bwyd sy'n ddigon amrywiol; a
- (b) bod unrhyw angen deietegol arbennig plentyn perthnasol, sy'n deillio o ieched, argyhoeddiad crefyddol, tarddiad hiliol neu gefndir diwylliannol y plentyn, yn cael ei ddiwallu.

(2) Rhaid i'r person cofrestredig sicrhau bod modd i blant perthnasol gael dŵr yfed ffres yn ystod yr holl gyfnod y maent o dan ofal y person.

Y trefniadau ar gyfer amddiffyn plant

9.-(1) Rhaid i'r person cofrestredig lunio a gweithredu polisi ysgrifenedig -

- (a) sydd wedi'i fwriadu i ddiogelu plant perthnasol rhag cael eu cam-drin neu eu hesgeuluso; a
- (b) sy'n nodi'r weithdrefn sydd i'w dilyn os bydd unrhyw honiad o gamdriniaeth neu esgeulustod.

(2) Yn benodol rhaid i'r weithdrefn o dan baragraff (1)(b) ddarparu ar gyfer y canlynol -

- (a) cysylltu a chydweithredu ag unrhyw awdurdod lleol sy'n gwneud, neu a all fod yn gwneud, ymholiadau amddiffyn plant mewn perthynas â phlentyn perthnasol;
- (b) cyfeirio yn ddi-oed unrhyw honiadau o gamdriniaeth neu esgeulustod sy'n effeithio ar blentyn perthnasol at yr awdurdod lleol ar gyfer yr ardal lle mae'r safle perthnasol;
- (c) cadw cofnodion ysgrifenedig am unrhyw honiad o gamdriniaeth neu esgeulustod, ac am y camau a gymerwyd mewn ymateb iddynt;
- (ch) bod ystyriaeth yn cael ei rhoi ym mhob achos i'r mesurau a all fod yn angenrheidiol i amddiffyn plant perthnasol yn dilyn honiad o

persuasion, racial origin, cultural and linguistic background and any disability affecting them.

Food provided for children

8.-(1) The registered person shall ensure, where food is provided to relevant children by the registered person, that

- (a) they are provided with food which -
 - (i) is served in adequate quantities and at appropriate intervals;
 - (ii) is properly prepared, wholesome and nutritious;
 - (iii) is suitable for their needs and meets their reasonable preferences; and
 - (iv) is sufficiently varied; and
- (b) any special dietary need of a relevant child which is due to the child's health, religious persuasion, racial origin or cultural background is met.

(2) The registered person shall ensure that relevant children are provided with access to fresh drinking water at all times while they are under the care of the person.

Arrangements for the protection of children

9.-(1) The registered person shall draw up and implement a written policy which -

- (a) is intended to safeguard relevant children from abuse or neglect; and
- (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.

(2) The procedure under paragraph (1)(b) shall in particular provide for -

- (a) liaison and co-operation with any local authority which is, or may be, making child protection enquiries in relation to a relevant child;
- (b) the prompt referral to the local authority for the area in which the relevant premises are situated, of any allegations of abuse or neglect affecting a relevant child;
- (c) written records to be kept of any allegation of abuse or neglect, and of the action taken in response;
- (d) consideration to be given in each case to the measures which may be necessary to protect relevant children following an allegation of

- gamdriniaeth neu esgeulustod;
- (d) gofyniad bod unrhyw bersonau sy'n gweithio gyda phlant perthnasol yn rhoi gwybod am unrhyw bryderon ynghylch lles neu ddiogelwch plentyn i un o'r canlynol -
- (i) y person cofrestredig;
 - (ii) cwnstabl;
 - (iii) person sy'n gyfrifol am arfer swyddogaethau'r Cynulliad Cenedlaethol o dan Ran XA o'r Ddeddf;
 - (iv) un o swyddogion yr awdurdod lleol ar gyfer yr ardal lle mae'r safle perthnasol; neu
 - (v) un o swyddogion y Gymdeithas Genedlaethol er Atal Creulondeb i Blant;
- (dd) trefniadau sy'n rhoi cyfle bob amser i bersonau sy'n gweithio gyda phlant perthnasol weld gwybodaeth ar ffurf briodol a fyddai'n eu galluogi i gysylltu â'r awdurdod lleol ar gyfer yr ardal lle mae'r safle perthnasol, neu â swyddfa briodol y Cynulliad Cenedlaethol ynghylch lles neu ddiogelwch y plant hynny.

(3) Yn y rheoliad hwn ystyr "ymholiadau amddiffyn plant" yw unrhyw ymholiadau a wneir gan awdurdod lleol wrth arfer unrhyw un o'i swyddogaethau a roddwyd gan y Ddeddf neu odani mewn perthynas ag amddiffyn plant.

Rheoli ymddygiad, disgyblu ac atal

10.-(1) Rhaid peidio â defnyddio unrhyw fesur rheoli, atal neu ddisgyblu sy'n ormodol, yn afresymol neu'n groes i baragraff (5) ar blant perthnasol ar unrhyw adeg.

(2) Rhaid i'r person cofrestredig, yn unol â'r rheoliad hwn, lunio a gweithredu polisi rheoli ymddygiad ysgrifenedig sy'n nodi -

- (a) y mesurau rheoli, atal a disgyblu y gellir eu defnyddio ar y safle perthnasol; a
- (b) drwy ba fodd y bwriedir hyrwyddo ymddygiad priodol ar y safle hwnnw.

(3) Yn ddarostyngedig i baragraffau (6) a (7) o'r rheoliad hwn, dim ond y mesurau rheoli, atal a disgyblu y darperir ar eu cyfer yn y polisi rheoli ymddygiad a enwyd y caniateir eu defnyddio ar blant perthnasol.

(4) Rhaid i'r person cofrestredig gadw'r polisi rheoli ymddygiad o dan sylw ac, os yw'n briodol, ei adolygu, a hysbysu swyddfa briodol y Cynulliad Cenedlaethol ynghylch unrhyw adolygiad o'r fath o fewn 28 diwrnod.

(5) Yn ddarostyngedig i baragraff (6), rhaid peidio â defnyddio'r mesurau canlynol na bygythiad i ddefnyddio un neu ragor ohonynt ar blant perthnasol -

abuse or neglect;

- (e) a requirement for any persons working with relevant children to report any concerns about the welfare or safety of a child to one of the following -
- (i) the registered person;
 - (ii) a constable;
 - (iii) a person responsible for exercising the functions of the National Assembly under Part XA of the Act;
 - (iv) an officer of the local authority for the area in which the relevant premises are situated, or
 - (v) an officer of the National Society for the Prevention of Cruelty to Children;
- (f) arrangements giving persons working with relevant children, access at all times and in an appropriate form, to information which would enable them to contact the local authority for the area in which the relevant premises are situated, or the appropriate office of the National Assembly concerning the welfare or safety of such children.

(3) In this regulation "child protection enquiries" means any enquiries carried out by a local authority in the exercise of any of its functions conferred by or under the Act relating to the protection of children.

Behaviour management, discipline and restraint

10.-(1) No measure of control, restraint or discipline which is excessive, unreasonable or contrary to paragraph (5) shall be used at any time on relevant children.

(2) The registered person shall, in accordance with this regulation, draw up and implement a written behaviour management policy setting out -

- (a) the measures of control, restraint and discipline which may be used on the relevant premises; and
- (b) the means whereby appropriate behaviour is to be promoted on those premises.

(3) Subject to paragraphs (6) and (7) of this regulation, only such measures of control, restraint and discipline as are provided for in the said behaviour management policy shall be used on relevant children.

(4) The registered person shall keep under review and where appropriate revise the behaviour management policy and notify the appropriate office of the National Assembly of any such revision within 28 days.

(5) Subject to paragraph (6), neither the following measures nor a threat to use one or more of them shall be used on relevant children -

- (a) unrhyw ffurf ar gosb gorfforol;
- (b) (yn ddarostyngedig i'r ddarpariaeth mewn unrhyw orchymyn llys sy'n ymwneud â chysylltiadau rhwng y plentyn ac unrhyw berson) unrhyw gyfyngiad ar y plentyn o ran cysylltu neu gyfathrebu â'i rieni;
- (c) unrhyw gosb sy'n ymwneud â bwyta bwyd neu yfed diod neu beidio â'u rhoi iddynt;
- (ch) unrhyw ofyniad i blentyn wisgo dillad neilltuol neu amhriodol;
- (d) defnyddio meddyginiaeth neu driniaeth feddygol neu ddeintyddol neu eu gwrthod fel mesur disgyblu;
- (dd) cadw plentyn ar ddi-hun yn fwriadol;
- (e) unrhyw archwiliad corfforol agos ar blentyn;
- (f) gwrthod unrhyw gymhorthion neu offer y mae eu hangen ar blentyn anabl;
- (ff) unrhyw fesur sy'n cynnwys -
 - (i) unrhyw blentyn er mwyn gosod unrhyw fesur ar unrhyw blentyn arall; neu
 - (ii) cosbi grŵp o blant am ymddygiad plentyn unigol.

- (6) Ni fydd dim yn y rheoliad hwn yn gwahardd -
- (a) cymryd unrhyw gamau y mae eu hangen i ddiogelu iechyd plentyn gan ymarferydd meddygol neu ddeintyddol cofrestredig neu'n unol â'u cyfarwyddiadau;
 - (b) cymryd unrhyw gamau y mae eu hangen ar unwaith i atal niwed i unrhyw berson neu ddifrod difrifol i eiddo.

Anghenion iechyd y plant

11.-(1) Rhaid i'r person cofrestredig hybu iechyd plant perthnasol a'i ddiogelu.

- (2) Yn benodol rhaid i'r person cofrestredig sicrhau -
- (a) bod pob plentyn yn cael y cymorth unigol sy'n ofynnol yng ngoleuni unrhyw anghenion iechyd neu anabled penodol sydd gan y plentyn; a
 - (b) bod bob amser un person o leiaf sy'n gofalu am blant perthnasol yn meddu ar gymhwyster cymorth cyntaf addas.

Peryglon a diogelwch

- 12.** Rhaid i'r person cofrestredig sicrhau -
- (a) bod pob rhan o'r safle perthnasol y gall plant perthnasol fynd iddi yn rhydd rhag peryglon i'w diogelwch cyn belled ag y bo'n rhesymol ymarferol;
 - (b) bod unrhyw weithgareddau y mae plant perthnasol yn cymryd rhan ynddynt yn rhydd

- (a) any form of corporal punishment;
- (b) (subject to the provision of any court order relating to contact between the child and any person) any restriction on a child's contact or communication with his or her parents;
- (c) any punishment relating to the consumption or deprivation of food or drink;
- (d) any requirement that a child wear distinctive or inappropriate clothes;
- (e) the use or withholding of medication or medical or dental treatment as a disciplinary measure;
- (f) the intentional deprivation of sleep;
- (g) any intimate physical examination of a child;
- (h) the withholding of any aids or equipment needed by a disabled child;
- (i) any measure which involves -
 - (i) any child in the imposition of any measure against any other child; or
 - (ii) the punishment of a group of children for the behaviour of an individual child.

- (6) Nothing in this regulation shall prohibit -
- (a) the taking of any action by, or in accordance with the instructions of, a registered medical or dental practitioner which is necessary to protect the health of a child;
 - (b) the taking of any action immediately necessary to prevent injury to any person or serious damage to property.

Health needs of children

11.-(1) The registered person shall promote and protect the health of relevant children.

- (2) In particular the registered person shall ensure that -
- (a) each child is provided with such individual support as may be required in the light of any particular health needs or disability of the child; and
 - (b) at all times, at least one person caring for relevant children has a suitable first aid qualification.

Hazards and safety

- 12.** The registered person shall ensure that -
- (a) all parts of the relevant premises to which relevant children have access are so far as reasonably practicable free from hazards to their safety;
 - (b) any activities in which relevant children participate are so far as reasonably practicable

rhag risgiau y gellir eu hosgoi cyn belled ag y bo'n rhesymol ymarferol; ac

- (c) bod risgiau diangen i iechyd neu ddiogelwch plant perthnasol yn cael eu nodi ac yn cael eu dileu i'r graddau y mae hynny'n bosibl.

Defnyddio meddyginiaethau a'u storio

13.-(1) Rhaid i'r person cofrestredig wneud trefniadau addas ar gyfer cadw unrhyw feddyginiaeth ar y safle perthnasol yn ddiogel.

(2) Yn benodol, rhaid i'r person cofrestredig sicrhau, yn ddarostyngedig i baragraff (3) -

- (a) bod plant perthnasol yn cael eu hatal rhag cael gafael ar unrhyw feddyginiaeth heb oruchwyliaeth;
- (b) bod unrhyw feddyginiaeth a ragnodwyd ar gyfer plentyn perthnasol yn cael ei rhoi fel y'i rhagnodwyd, i'r plentyn y mae wedi'i rhagnodi ar ei gyfer, ac nid i unrhyw blentyn arall; ac
- (c) bod cofnod ysgrifenedig yn cael ei gadw o unrhyw feddyginiaeth a roddwyd i blentyn perthnasol.

(3) Yn y rheoliad hwn, ystyr "rhagnodwyd" neu "wedi'i rhagnodi" yw

- (a) wedi'i harchebu ar gyfer claf i gael ei darparu ar ei gyfer -
 - (i) o dan adran 41 o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(a) neu'n unol â hi; neu
 - (ii) fel rhan o gyflawni gwasanaethau meddygol personol mewn cysylltiad â chynllun peilot o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997(b); neu
- (b) mewn achos nad yw'n dod o fewn is-baragraff (a), wedi'i rhagnodi ar gyfer claf o dan adran 58 o Ddeddf Meddyginiaethau 1968(c).

Cwynion

14.-(1) Rhaid i'r person cofrestredig baratoi a dilyn gweithdrefn ysgrifenedig ar gyfer ystyried cwynion sy'n cael eu gwneud gan blant perthnasol neu ar eu rhan.

(2) Yn benodol, rhaid i'r weithdrefn ddarparu ar gyfer trefniadau i roi gwybod am y weithdrefn

- (a) i blant perthnasol;
- (b) i'w rhieni; ac

free from avoidable risks; and

- (c) unnecessary risks to the health or safety of relevant children are identified and so far as possible eliminated.

Use and Storage of Medicines

13. -(1) The registered person shall make suitable arrangements for the safekeeping of any medicine on relevant premises.

(2) In particular the registered person shall ensure, subject to paragraph (3), that-

- (a) relevant children are prevented from having unsupervised access to any medicine;
- (b) any medicine which is prescribed for a relevant child is administered as prescribed, to the child for whom it is prescribed, and to no other child; and
- (c) a written record is kept of the administration of any medicine to a relevant child.

(3) In this regulation, "prescribed" means-

- (a) ordered for a patient for provision to them-
 - (i) under or by virtue of section 41 of the National Health Service Act 1977(a); or
 - (ii) as part of the performance of personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997(b); or
- (b) in a case not falling within sub-paragraph (a), prescribed for a patient under section 58 of the Medicines Act 1968(c).

Complaints

14.-(1) The registered person shall prepare and follow a written procedure for considering complaints made by or on behalf of relevant children.

(2) The procedure shall, in particular, provide for arrangements for the procedure to be made known to-

- (a) relevant children;
- (b) their parents; and

(a) 1977 p.49.

(b) 1997 p.46

(c) 1968 p.67. Mae adran 58 wedi'i diwygio gan adran 1 o Ddeddf Cynhyrchion Meddyginiaethol: Rhagnodi gan Nyrsys 1992 (p.28).

(a) 1977 c.49.

(b) 1997 c. 46.

(c) 1968 c.67. Section 58 has been amended by section 1 of the Medicinal Products Prescription by Nurses Act 1992 (c.28).

(c) i bersonau sy'n gweithio dros y person cofrestredig.

(3) Os gofynnir amdano, rhaid darparu copi o'r weithdrefn i unrhyw un o'r personau a grybwyllir ym mharagraff (2).

(4) Rhaid i'r copi o'r weithdrefn a ddarperir o dan baragraff (3) gynnwys-

(a) enw, cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol; a

(b) manylion y weithdrefn (os o gwbl) sydd wedi'i hysbysu i'r person cofrestredig gan y Cynulliad Cenedlaethol ar gyfer cyflwyno cwynion iddo mewn perthynas â darparu gofal gan warchodwyr plant neu ddarparwyr gofal dydd.

(5) Rhaid i'r person cofrestredig sicrhau bod ymchwiliad llawn yn cael ei gynnal i unrhyw gwyn sy'n cael ei gwneud o dan y weithdrefn gwynion.

(6) Rhaid i'r person cofrestredig, o fewn 28 diwrnod ar ôl dyddiad gwneud y gwyn, neu unrhyw gyfnod byrrach sy'n rhesymol o dan yr amgylchiadau, hysbysu'r person sydd wedi gwneud y gwyn am unrhyw gamau (os o gwbl) sydd i'w cymryd.

(7) Rhaid i'r person cofrestredig sicrhau bod cofnod ysgrifenedig yn cael ei wneud am unrhyw gwyn, am y camau a gymerwyd mewn ymateb iddi ac am ganlyniad yr ymchwiliad.

(8) Rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol os bydd yn gofyn amdano, ddatganiad sy'n cynnwys crynodeb o'r cwynion a wnaed yn ystod y deuddeng mis blaenorol a'r camau a gymerwyd mewn ymateb i bob cwyn.

RHAN IV - STAFFIO

Staffio

15. Rhaid i'r person cofrestredig sicrhau bod nifer digonol o bersonau medrus a phrofiadol gyda chymwysterau addas yn gofalu am y plant perthnasol bob amser, o ystyried-

(a) y datganiad o ddiben a nifer y plant perthnasol a'u hanghenion (gan gynnwys unrhyw anghenion sy'n deillio o unrhyw anabledd) , a

(b) yr angen i ddiogelu a hybu eu hiechyd a'u lles.

Addasrwydd gweithwyr

16.-(1) Rhaid i'r person cofrestredig beidio â gwneud y canlynol-

(c) persons working for the registered person.

(3) A copy of the procedure shall be supplied on request to any of the persons mentioned in paragraph (2).

(4) The copy of the procedure supplied under paragraph (3) shall include-

(a) the name, address and telephone number of the appropriate office of the National Assembly; and

(b) details of the procedure (if any) which has been notified to the registered person by the National Assembly for the making of complaints to it relating to the provision of care by child minders or day care providers.

(5) The registered person shall ensure that any complaint made under the complaints procedure is fully investigated.

(6) The registered person shall, within 28 days after the date on which the complaint is made, or such shorter period as may be reasonable in the circumstances, inform the person who made the complaint of the action (if any) that is to be taken.

(7) The registered person shall ensure that a written record is made of any complaint, the action taken in response and the outcome of the investigation.

(8) The registered person shall supply to the appropriate office of the National Assembly at its request a statement containing a summary of the complaints made during the preceding twelve months and the action that was taken in response to each complaint.

PART IV - STAFFING

Staffing

15. The registered person shall ensure that there is at all times, having regard to-

(a) the statement of purpose and the number and needs (including any needs arising from any disability) of the relevant children, and

(b) the need to safeguard and promote their health and welfare,

a sufficient number of suitably qualified, skilled and experienced persons looking after the relevant children.

Suitability of Workers

16.-(1) The registered person shall not-

- (a) cyflogi o dan contract cyflogi person i ofalu am blant perthnasol oni bai bod y person hwnnw yn addas i wneud hynny;
- (b) caniatáu i wirfoddolwr ofalu am blant perthnasol oni bai bod y person hwnnw yn addas i wneud hynny;
- (c) caniatáu i unrhyw berson arall weithio mewn rhan o'r safle perthnasol o dan amgylchiadau lle byddai mewn cysylltiad rheolaidd â phlant perthnasol oni bai ei fod yn addas i ofalu am blant o'r fath.

(2) At ddibenion paragraff (1), nid yw person yn addas i ofalu am blant perthnasol oni bai -

- (a) bod y person yn addas o ran ei onestrwydd a'i gymeriad i wneud hynny;
- (b) bod gan y person y cymwysterau, y medrau a'r profiad sy'n angenrheidiol ar gyfer y gwaith y mae'r person i'w gyflawni;
- (c) bod y person yn ffit yn gorfforol ac yn feddyliol ar gyfer y gwaith y mae'r person i'w gyflawni; ac
- (ch) bod gwybodaeth neu ddogfennaeth lawn a boddhaol, yn ôl fel y digwydd, ar gael mewn perthynas â'r person ar gyfer-
 - (i) pob un o'r materion a bennir ym mharagraffau 1 i 6 o Atodlen 2, ac eithrio os yw paragraff (3) yn gymwys;
 - (ii) pob un o'r materion a bennir ym mharagraffau 1 a 3 i 7 o Atodlen 2, os yw paragraff (3) yn gymwys.

(3) Mae'r paragraff hwn yn gymwys os nad oes unrhyw dystysgrif neu wybodaeth am unrhyw fater y cyfeirir ato ym mharagraff 2 o Atodlen 2 ar gael i unigolyn am nad yw unrhyw un o ddarpariaethau Deddf yr Heddlu 1997(a) wedi'i dwyn i rym.

(4) Rhaid i'r person cofrestredig sicrhau -

- (a) bod unrhyw gynnig cyflogaeth i berson a ddisgrifir ym mharagraff (1) neu drefniant arall ynghylch gweithio ar y safle perthnasol a wneir gyda pherson o'r fath neu mewn perthynas ag ef, yn gynnig neu'n drefniant sy'n ddarostyngedig i gydymffurfedd â pharagraff (2)(ch) mewn perthynas â'r person hwnnw; a
- (b) oni bai bod paragraff (5) yn gymwys, na fydd unrhyw berson o'r fath yn dechrau gwaith ar y safle perthnasol nes y cydymffurfir â pharagraff (2)(ch) mewn perthynas â'r person hwnnw.

(5) 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 cofrestredig wedi cymryd pob cam rhesymol i gael gwybodaeth lawn mewn perthynas â phob un o'r materion a restrir yn

- (a) employ under a contract of employment a person to look after relevant children unless that person is suitable to do so;
- (b) allow a volunteer to look after relevant children unless that person is suitable to do so;
- (c) allow any other person to work in a part of the relevant premises in circumstances in which he or she will be in regular contact with relevant children unless he or she is suitable to look after such children.

(2) For the purposes of paragraph (1), a person is not suitable to look after relevant children unless -

- (a) The person is of suitable integrity and good character to do so;
- (b) the person has the qualifications, skills and experience necessary for the work he or she is to perform;
- (c) the person is physically and mentally fit for the work he or she is to perform; and
- (d) full and satisfactory information or documentation, as the case may be, is available in relation to the person in respect of -
 - (i) except where paragraph (3) applies, each of the matters specified in paragraphs 1 to 6 of Schedule 2;
 - (ii) where paragraph (3) applies, each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 2.

(3) This paragraph applies where any certificate or information on any matters referred to in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997(a) has not been brought into force.

(4) The registered person shall ensure that-

- (a) any offer of employment to, or other arrangement about working in the relevant premises made with or in respect of, a person described in paragraph (1) is subject to paragraph (2)(d) being complied with in relation to that person; and
- (b) unless paragraph (5) applies, no such person starts work in the relevant premises until such time as paragraph (2)(d) has been complied with in relation to that person.

(5) 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 registered person has taken all reasonable steps to obtain full information in respect of each of the matters listed in Schedule 2 in

(a) *Gweler* y troednodyn i reoliad 4(4).

(a) *See* the footnote to regulation 4(4).

Atodlen 2 mewn perthynas â'r person hwnnw, ond bod yr ymholiadau mewn perthynas ag unrhyw un o'r materion a restrir ym mharagraffau 3 i 6 o Atodlen 2 yn anghyflawn;

- (b) bod gwybodaeth lawn a boddhaol mewn perthynas â'r person hwnnw wedi'i sicrhau ynghylch-
 - (i) y mater a bennir ym mharagraff 1 o Atodlen 2; a
 - (ii) y mater a bennir ym mharagraff 2 o'r Atodlen honno, ac eithrio pan fydd paragraff (3) yn gymwys; neu
 - (iii) y mater a bennir ym mharagraff 7 o'r Atodlen honno, os yw paragraff (3) yn gymwys;
- (c) bod yr amgylchiadau yn eithriadol ym marn resymol y person cofrestredig; ac
- (ch) 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.

(6) Rhaid i'r person cofrestredig sicrhau bod unrhyw berson sy'n gweithio ar y safle perthnasol nad yw'n dod o dan baragraff (1) yn cael ei oruchwyllo'n briodol tra bod y plant perthnasol yn bresennol.

Cyflogi staff

17.-(1) Rhaid i'r person cofrestredig weithredu gweithdrefn ddisgyblu sydd, yn benodol -

- (a) yn darparu ar gyfer gwahardd cyflogai dros dro, a chymryd camau eraill heb fynd mor bell â gwahardd dros dro, mewn perthynas â chyflogai os yw hynny'n briodol er lles neu ddiogelwch plant perthnasol; a
- (b) yn darparu bod methiant ar ran cyflogai i roi gwybod i berson priodol am ddiogwyddiad lle camdriniwyd plentyn perthnasol, neu lle amheuwyd ei fod wedi'i gam-drin, yn sail ar gyfer cychwyn achos disgyblu.

(2) At ddibenion paragraff (1)(b), y person cofrestredig, person sy'n gyfrifol am arfer swyddogaethau'r Cynulliad Cenedlaethol o dan Ran XA o'r Ddeddf, un o swyddogion yr awdurdod lleol ar gyfer yr ardal lle mae'r safle perthnasol, cwnstabl neu un o swyddogion y Gymdeithas Genedlaethol er Atal Creulondeb i Blant yw'r person priodol.

(3) Rhaid i'r person cofrestredig sicrhau bod pob cyflogai sy'n gofalu am blant perthnasol-

- (a) yn cael hyfforddiant, goruchwyliaeth a gwerthusiad priodol; a

respect of that person, but the enquiries in relation to any of the matters listed in paragraphs 3 to 6 of Schedule 2 are incomplete;

- (b) full and satisfactory information in relation to that person has been obtained in respect of -
 - (i) the matter specified in paragraph 1 of Schedule 2; and
 - (ii) unless paragraph (3) applies, the matter specified in paragraph 2 of that Schedule; or
 - (iii) where paragraph (3) applies, the matter specified in paragraph 7 of that Schedule;
- (c) in the reasonable opinion of the registered person the circumstances are exceptional; and
- (d) 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.

(6) The registered person shall ensure that any person working in the relevant premises who does not fall within paragraph (1) is appropriately supervised while the relevant children are present.

Employment of Staff

17.-(1) The registered person shall operate a disciplinary procedure which, in particular -

- (a) provides for the suspension, and the taking of other action short of suspension, in relation to an employee where appropriate in the interests of the safety or welfare of relevant children; and
- (b) provides that the failure on the part of an employee to report an incident of abuse, or suspected abuse of a relevant child to an appropriate person is a ground on which disciplinary proceedings may be instituted.

(2) For the purposes of paragraph (1)(b), an appropriate person is the registered person, a person responsible for the exercise of functions of the National Assembly under Part XA of the Act, an officer of the local authority for the area in which the relevant premises are situated, a constable or an officer of the National Society for the Prevention of Cruelty to Children.

(3) The registered person shall ensure that all employees who look after relevant children-

- (a) receive appropriate training, supervision and appraisal; and

- (b) yn cael ei alluogi o bryd i'w gilydd i sicrhau cymwysterau pellach sy'n briodol i'r gwaith y mae yn ei gyflawni.

RHAN V - COFNODION A GWYBODAETH

Cadw cofnodion

18.-(1) Yn ddarostyngedig i baragraff (2), rhaid i'r person cofrestredig -

- (a) cadw'r cofnodion ynglŷn â'r materion a bennir yn Atodlen 3 a thra bydd plant perthnasol yn derbyn gofal gan y person cofrestredig, rhaid cadw'r cofnodion hynny ar y safle perthnasol;
- (b) cadw'n ddiogel bob cofnod yn y cofnodion a bennir ym mharagraffau 1 i 9 o'r Atodlen honno am gyfnod o dair blynedd o'r dyddiad y gwnaed y cofnod diwethaf; ac
- (c) trefnu bod y cofnodion hynny ar gael i'w harchwilio gan y Cynulliad Cenedlaethol os bydd yn gofyn amdanynt.

(2) Nid yw'n ofynnol i berson cofrestredig sy'n darparu gofal dydd drwy gyfrwng darpariaeth chwarae mynediad agored gadw'r cofnodion a bennir ym mharagraffau 5, 6 (i'r graddau y mae'n ymwneud ag oriau mynychu) a 9 o'r Atodlen honno.

(3) Os yw person cofrestredig yn peidio â gweithredu fel gwarchodwr plant neu'n peidio â darparu gofal dydd, rhaid i'r person cofrestredig sicrhau bod y cofnodion sy'n cael eu cadw yn unol â pharagraff (1) yn cael eu cadw'n ddiogel a rhaid iddo drefnu iddynt fod ar gael i'w harchwilio gan y Cynulliad Cenedlaethol os bydd yn gofyn amdanynt.

Darparu gwybodaeth

19.-(1) Rhaid i berson cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol os bydd unrhyw un o'r digwyddiadau a nodir yn Atodlen 4 yn digwydd ac yr un pryd rhaid iddo ddarparu i'r Cynulliad Cenedlaethol unrhyw wybodaeth a bennir yn yr Atodlen honno mewn perthynas â'r digwyddiad hwnnw.

(2) Rhaid hysbysu -

- (a) os yw'n rhesymol ymarferol i wneud hynny, cyn i'r digwyddiad ddigwydd, a
- (b) ym mhob achos arall cyn gynted ag y bo'n rhesymol ymarferol, ond heb fod yn hwyrach na 14 diwrnod ar ôl i'r digwyddiad ddigwydd.

(3) Rhaid i'r person cofrestredig hysbysu riant plentyn perthnasol yn ddi-oed am unrhyw ddigwyddiad arwyddocaol sy'n effeithio ar les y plentyn a rhaid iddo drefnu bod y cofnodion sy'n cael eu cadw yn unol â rheoliad 18, i'r graddau y maent yn ymwneud â phlentyn perthnasol, ar gael i'w harchwilio gan riant y plentyn hwnnw ac eithrio os na fyddai gwneud hynny yn rhesymol ymarferol neu os byddai'n gosod lles y plentyn mewn perygl.

- (b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.

PART V - RECORDS AND INFORMATION

Keeping of records

18.-(1) Subject to paragraph (2), the registered person shall -

- (a) maintain and, whilst relevant children are being cared for by the registered person, keep at the relevant premises, records in relation to the matters specified in Schedule 3;
- (b) preserve every entry in the records specified in paragraphs 1 to 9 of that Schedule for a period of three years from the date on which the last entry was made; and
- (c) make the records available for inspection by the National Assembly at its request.

(2) A registered person who provides day care by means of open access play provision is not required to keep the records specified in paragraphs 5, 6 (in so far as hours of attendance are concerned) and 9 of that Schedule.

(3) Where a registered person ceases to act as a child minder or to provide day care, the registered person shall ensure that the records maintained in accordance with paragraph (1) are kept securely and shall make them available for inspection by the National Assembly at its request.

Provision of Information

19.-(1) A registered person shall notify the appropriate office of the National Assembly of the occurrence of any of the events set out in Schedule 4 and shall at the same time provide the National Assembly with any information specified in that Schedule in respect of that event.

(2) Notification shall be made -

- (a) where it is reasonably practicable to do so, in advance of the event occurring, and
- (b) in all other cases as soon as reasonably practicable, but not later than 14 days after the event has occurred.

(3) The registered person shall without delay notify the parent of a relevant child of any significant incident affecting the child's welfare and shall make the records maintained in accordance with regulation 18, in so far as they relate to a relevant child, available for inspection by that child's parent unless to do so is not reasonably practicable or would place the child's welfare at risk.

(4) Rhaid i'r person cofrestredig ddarparu i'r Cynulliad Cenedlaethol, os bydd yn gofyn amdani, unrhyw wybodaeth y mae arno ei hangen am ddarparu gofal i blant perthnasol, gan gynnwys gwybodaeth ariannol a chadarnhad am yswiriant ar gyfer atebolrwydd y gall y person cofrestredig ei beri mewn perthynas â marwolaeth, anafiadau, atebolrwydd cyhoeddus, niwed neu golled arall.

RHAN VI - Y SAFLE

Ffitrwydd y safle

20.-(1) Rhaid i'r person cofrestredig beidio â defnyddio safle ar gyfer gwarchod plant neu ddarparu gofal dydd, yn ôl fel y digwydd, oni bai ei fod mewn lleoliad sy'n addas ar gyfer sicrhau'r nodau a'r amcanion sydd wedi'u nodi yn y datganiad o ddiben, a bod dyluniad a chynllun ffisegol y safle yn addas ar gyfer sicrhau'r nodau a'r amcanion hynny.

(2) Rhaid i'r person cofrestredig sicrhau bod yr holl rannau o'r safle perthnasol sy'n cael eu defnyddio gan blant -

- (a) wedi'u goleuo, eu gwresogi a'u hawyru'n ddigonol;
- (b) yn ddiogel rhag mynediad diawdurdod;
- (c) wedi'u dodrefnu a'u cyfarparu'n addas;
- (ch) o adeiladwaith cadarn ac yn cael eu cadw mewn cyflwr da y tu allan a'r tu mewn;
- (d) yn lân ac wedi'u haddurno a'u cynnal a'u cadw'n rhesymol; a
- (dd) wedi'u cyfarparu â'r hyn sy'n rhesymol angenrheidiol, ac wedi'u haddasu yn ôl yr angen, i ddiwallu'r anghenion sy'n deillio o anabledd unrhyw blentyn perthnasol.

(3) Rhaid i'r person cofrestredig sicrhau bod y safle perthnasol yn cael ei gadw'n rhydd rhag arogleuon drwg a gwneud trefniadau addas ar gyfer gwaredu gwastraff cyffredinol a gwastraff clinigol.

(4) Pan fydd gofal yn cael ei ddarparu mewn safle dan do rhaid i'r person cofrestredig sicrhau bod yna ddigon o'r cyfleusterau canlynol ar y safle perthnasol i blant perthnasol eu defnyddio o dan amodau sy'n caniatáu preifatrwydd priodol -

- (a) nifer digonol o fasnau ymolchi gyda chyflenwad dwr rhedegog poeth ac oer, a
- (b) nifer digonol o doiledau, sy'n addas i blant perthnasol,

ar gyfer nifer a rhyw'r plant perthnasol.

(5) Rhaid i'r person cofrestredig sicrhau, os yw bwyd yn cael ei ddarparu mewn safle dan do, fod cyfleusterau a chyfarpar addas a digonol ar gyfer paratoi, storio a bwyta bwyd ar y safle perthnasol.

(4) The registered person shall provide the National Assembly upon its request with such information as it may require about the provision of care to relevant children, including financial information and confirmation of insurance cover in respect of liability which may be incurred by the registered person in respect of death, injury, public liability, damage or other loss.

PART VI - PREMISES

Fitness of Premises

20.-(1) The registered person shall not use premises for child minding or the provision of day care, as the case may be, unless they are in a location and of a physical design and layout, which are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered person shall ensure that all parts of the relevant premises used by children are -

- (a) adequately lit, heated and ventilated;
- (b) secure from unauthorised access;
- (c) suitably furnished and equipped;
- (d) of sound construction and kept in good structural repair externally and internally;
- (e) clean and reasonably decorated and maintained; and
- (f) equipped with what is reasonably necessary, and adapted as necessary, in order to meet the needs arising from the disability of any relevant child.

(3) The registered person shall ensure that the relevant premises are kept free from offensive odours and shall make suitable arrangements for the disposal of general and clinical waste.

(4) The registered person shall ensure that when care is provided in indoor premises there are available on the relevant premises for use by relevant children in conditions of appropriate privacy -

- (a) a sufficient number of wash basins supplied with hot and cold running water, and
- (b) a sufficient number of lavatories which are suitable for relevant children,

for the number and sex of relevant children.

(5) The registered person shall ensure that where food is provided in indoor premises there are suitable and sufficient facilities and equipment for the preparation storage and consumption of food on the relevant premises.

Rhagofalon tân

21.-(1) Rhaid i'r person cofrestredig -

- (a) cymryd rhagofalon digonol rhag risg tân, gan gynnwys darparu cyfarpar atal a chanfod tân ;
- (b) darparu dulliau boddhaol ar gyfer dianc os bydd tân;
- (c) gwneud trefniadau digonol ar gyfer -
 - (i) canfod, cyfyngu a diffodd tanau;
 - (ii) rhoi rhybuddion tân;
 - (iii) gwacáu'r adeilad os digwydd tân;
 - (iv) cynnal a chadw'r holl offer atal a chanfod tân; a
 - (v) adolygu'r rhagofalon tân, a phrofi'r offer atal a chanfod tân, bob hyn a hyn fel y bo'n addas;
- (ch) gwneud trefniadau i'r personau sy'n gweithio gyda phlant perthnasol ar safle perthnasol gael hyfforddiant addas mewn atal tân;
- (d) sicrhau, drwy gyfrwng driliau ac ymarferion tân bob hyn a hyn fel y bo'n addas, fod y personau sy'n gweithio gyda phlant perthnasol ac, i'r graddau y mae'n ymarferol, y plant perthnasol, yn ymwybodol o'r weithdrefn sydd i'w dilyn os digwydd tân; ac
- (dd) ymgynghori â'r awdurdod tân am y materion a ddisgrifiwyd yn is-baragraffau (a) i (d).

(2) Yn y rheoliad hwn, ystyr "awdurdod tân" yw'r awdurdod sy'n cyflawni, yn yr ardal lle mae'r safle perthnasol, swyddogaethau awdurdod tân o dan Ddeddf Gwasanaethau Tân 1947(a).

RHAN VII - AMRYWIOL

Cydymffurfio â rheoliadau

22. Os oes mwy nag un person cofrestredig ar gyfer darparu gofal dydd i blant perthnasol ar yr un safle, ni fydd yn ofynnol i unrhyw un o'r personau cofrestredig wneud unrhyw beth y mae'n ofynnol o dan y rheoliadau hyn iddo gael ei wneud gan y person cofrestredig, os yw wedi'i wneud gan un o'r personau cofrestredig eraill.

Safonau

23. -(1) Rhaid i'r person cofrestredig roi sylw i'r safonau gofynnol cenedlaethol sydd wedi'u nodi yn y datganiad safonau gofynnol cenedlaethol sy'n berthnasol i'r math o ofal plant sy'n cael ei ddarparu gan y person cofrestredig.

(2) Mae unrhyw honiadau bod y person cofrestredig

(a) 1947 p.41.

Fire Precautions

21. -(1) The registered person shall, in relation to relevant premises-

- (a) take adequate precautions against the risk of fire, including the provision of fire prevention and detection equipment;
- (b) provide adequate means of escape in the event of a fire;
- (c) make adequate arrangements -
 - (i) for detecting, containing and extinguishing fires;
 - (ii) for giving warnings of fires;
 - (iii) for evacuation in the event of a fire;
 - (iv) for the maintenance of all fire prevention and detection equipment; and
 - (v) for reviewing fire precautions, and testing fire prevention and detection equipment, at suitable intervals;
- (d) make arrangements for persons working with relevant children on relevant premises to receive suitable training in fire prevention;
- (e) ensure by means of fire drills and practices at suitable intervals, that the persons working with relevant children, and, so far as practicable, the relevant children, are aware of the procedure to be followed in case of fire; and
- (f) consult with the fire authority about the matters described in sub-paragraphs (a) to (e).

(2) In this regulation "fire authority" means the authority discharging in the area in which the relevant premises are situated, the functions of fire authority under the Fire Services Act 1947(a).

PART VII - MISCELLANEOUS

Compliance with regulations

22. Where there is more than one registered person in respect of the provision of day care to relevant children on the same premises, anything which is required under these regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.

Standards

23. -(1) The registered person shall have regard to the national minimum standards set out in the statement of national minimum standards which relates to the type of care provided by the registered person.

(2) Any allegation that the registered person has

(a) 1947 c.41.

wedi methu â chydymffurfio â pharagraff (1) i'w cymryd i ystyriaeth gan y Cynulliad Cenedlaethol wrth arfer ei swyddogaethau o dan Ran XA o'r Ddeddf ac mewn achos o dan y Rhan honno o'r Ddeddf.

Tramgwyddau

24. Bydd person cofrestredig sydd, heb esgus rhesymol, yn torri gofynion rheoliadau 3 i 21 neu'n methu fel arall â chydymffurfio â hwy yn euog o dramgwydd a bydd yn agored o'i gollfarnu'n ddiannod i ddirwy heb fod yn fwy na lefel 5 ar y raddfa safonol.

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

21 Mawrth 2002 (16.00)

failed to comply with paragraph (1) is to be taken into account in the exercise by the National Assembly of its functions under Part XA of the Act and in proceedings under that Part of the Act.

Offences

24. A registered person who, without reasonable excuse, contravenes or otherwise fails to comply with the requirements of regulations 3 to 21 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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

21 March 2002 (16.00)

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

ATODLEN 1

DATGANIADAU SAFONAU GOFYNNOL CENEDLAETHOL

Rheoliad 2(1)

"Y Safonau Gofynnol Cenedlaethol ar gyfer Gwarchodwyr Plant"

"Y Safonau Gofynnol Cenedlaethol ar gyfer Gofal Dydd Llawn"

"Y Safonau Gofynnol Cenedlaethol ar gyfer Gofal y tu allan i'r Ysgol"

"Y Safonau Gofynnol Cenedlaethol ar gyfer Crèches"

"Y Safonau Gofynnol Cenedlaethol ar gyfer Gofal Sesiynol"

"Y Safonau Gofynnol Cenedlaethol ar gyfer Darpariaethau Chwarae Mynediad Agored"

SCHEDULE 1

STATEMENTS OF NATIONAL MINIMUM STANDARDS

Regulation 2(1)

"National Minimum Standards for Child Minders"

"National Minimum Standards for Full Day Care"

"National Minimum Standards for Out of School Care"

"National Minimum Standards for Crèches"

"National Minimum Standards for Sessional Care"

"National Minimum Standards for Open Access Play Provision"

ATODLEN 2

Rheoliadau 4 ac 16

YR WYBODAETH SY'N OFYNNOL MEWN PERTHYNAS Â PHERSONAU SY'N CEISIO GWEITHREDU FEL GWARCHODWYR PLANT NEU DDARPARWYR GOFAL DYDD NEU'N CEISIO GWEITHIO DROSTYNT

1. Prawf o bwy yw'r person gan gynnwys ffotograff diweddar.

2. Naill ai -

(a) os oes angen y dystysgrif at ddiben sy'n ymwneud ag adran 115(5)(e) o Ddeddf yr Heddlu 1997 (cofrestru o dan Ran XA o Ddeddf Plant 1989)(a), neu os yw'r swydd yn dod o fewn adran 115(3) o Ddeddf yr Heddlu 1997(b), tystysgrif cofnod troseddol fanwl a roddwyd o dan adran 115 o'r Ddeddf honno ac y mae llai na thair blynedd wedi mynd heibio ers ei dyroddi; neu

(b) mewn unrhyw achos arall, tystysgrif cofnod troseddol o dan adran 113 o'r Ddeddf honno, ac y mae llai na thair blynedd wedi mynd heibio ers ei dyroddi,

gan gynnwys, os yw'n gymwys, y materion a bennir yn adran 113(3A) neu (3C) neu 115(6A) neu (6B) o'r

(a) Mae adran 115(5)(e) wedi'i diwygio gan adran 116 o Ddeddf Safonau Gofal 2000 a pharagraff 25 o Atodlen 4 iddi.

(b) Mae swydd o fewn adran 115(3) os yw'n golygu bod y person wrthi'n rheolaidd yn hyfforddi, yn goruchwyllo neu'n gofalu am bersonau o dan 18 oed neu os yw'n golygu mai'r unig berson sy'n gyfrifol amdanynt yw deiliad y swydd.

SCHEDULE 2

Regulations 4 and 16

INFORMATION REQUIRED IN RESPECT OF PERSONS SEEKING TO ACT AS OR WORK FOR CHILD MINDERS OR PROVIDERS OF DAY CARE

1. Proof of identity including a recent photograph.

2. Either -

(a) where the certificate is required for a purpose relating to section 115(5)(e) of the Police Act 1997 (registration under Part XA of the Children Act 1989) (a) or the position falls within section 115(3) of the Police Act 1997(b), an enhanced criminal record certificate issued under section 115 of that Act in respect of which less than three years have elapsed since it was issued; or

(b) in any other case, a criminal record certificate issued under section 113 of that Act in respect of which less than three years have elapsed since it was issued,

including, where applicable, the matters specified in section 113(3A) or (3C) or 115(6A) or (6B) of that

(a) Section 115(5)(e) is amended by section 116 and paragraph 25 of Schedule 4 to the Care Standards Act 2000.

(b) A position is within section 115(3) if it involves regularly caring for, training, supervising or being in sole charge of persons aged under 18.

Ddeddf honno(a).

3. Dau dystlythyr ysgrifenedig, gan gynnwys tystlythyr gan y cyflogwr diwethaf, os oes un.

4. Os yw person wedi gweithio o'r blaen mewn swydd yr oedd ei ddyletswyddau'n golygu gweithio gyda phlant neu oedolion hawdd eu niweidio, yna, i'r graddau y mae'n rhesymol ymarferol, cadarnhad o'r rheswm y daeth y gyflogaeth neu'r swydd i ben.

5. Tystiolaeth ddogfennol am unrhyw gymhwyster perthnasol.

6. Hanes cyflogaeth llawn, ynghyd ag esboniad ysgrifenedig boddhaol am unrhyw fylchau mewn cyflogaeth.

7. Manylion unrhyw dramgwyddau troseddol -

- (a) y cafwyd y person yn euog ohonynt, gan gynnwys manylion unrhyw gollfarnau sydd wedi darfod o fewn ystyr "spent" yn adran 1 o Ddeddf Adsefydlu Tramgwyddwyr 1974(b) ac y gellir eu datgelu yn rhinwedd Gorchymyn Deddf Adsefydlu Tramgwyddwyr 1974 (Eithriadau) 1975(c); neu
- (b) y mae'r person wedi'i rybuddio amdanynt gan swyddog heddlu ac yr oedd y person wedi'u cyfaddef adeg rhoi'r rhybudd.

ATODLEN 3

Rheoliad 18

Y COFNODION SYDD I'W CADW

1. Enw, cyfeiriad a rhif ffôn y person cofrestredig, yr unigolyn cyfrifol a phob person arall sy'n byw, sy'n gweithio neu sy'n cael ei gyflogi ar y safle perthnasol.

2. Enw, cyfeiriad cartref a rhif ffôn unrhyw berson arall a fydd mewn cysylltiad rheolaidd heb oruchwyliaeth â'r plant perthnasol.

3. Enw, cyfeiriad cartref, dyddiad geni a rhyw pob plentyn perthnasol.

(a) Mae adrannau 113(3A) a 115(6A) yn cael eu hychwanegu at Ddeddf yr Heddlu 1997 gan adran 8 o Ddeddf Amddiffyn Plant 1997 (p.14) ar ddyddiad sydd i'w bennu, ac yn cael eu diwygio gan adrannau 104 a 116 o Ddeddf Safonau Gofal 2000 a pharagraff 25 o Atodlen 4 iddi ar ddyddiad sydd i'w bennu. Mae'r diwygiad o dan baragraff 25 wedi'i ddwyn i rym mewn perthynas â Lloegr yn unig. Mae adrannau 113(3C) a 115(6B) yn cael eu hychwanegu at Ddeddf yr Heddlu 1997 gan adran 90 o Ddeddf Safonau Gofal 2000 ar ddyddiad sydd i'w bennu.

(b) 1974 p.53.

(c) O.S. 1975/1023. Mae diwygiadau perthnasol wedi'u gwneud gan O.S. 1986/1249, O.S. 1986/2268 ac O.S. 2001/1192.

Act(a).

3. Two written references, including a reference from the last employer, if any.

4. Where a person has previously worked in a position whose duties involved work with children or vulnerable adults, so far as reasonably practicable verification of the reason why the employment or position ended.

5. Documentary evidence of any relevant qualification.

6. A full employment history, together with a satisfactory written explanation of any gaps in employment.

7. Details of any criminal offences-

- (a) 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(b) and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(c); or
- (b) 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.

SCHEDULE 3

Regulation 18

RECORDS TO BE MAINTAINED

1. The name, address and telephone number of the registered person, the responsible individual and every other person living, working or employed on the relevant premises.

2. The name, home address and telephone number of any other person who will regularly be in unsupervised contact with the relevant children.

3. The name, home address, date of birth and sex of each relevant child.

(a) Sections 113(3A) and 115(6A) are added to the Police Act 1997 by section 8 of the Protection of Children Act 1999 (c.14) on a date to be appointed and amended by section 104 and 116 of, and paragraph 25 of Schedule 4 to, the Care Standards Act 2000 on a date to be appointed. The amendment under paragraph 25 has been brought into force in relation to England only. Sections 113(3C) and 115(6B) are added to the Police Act 1997 by section 90 of the Care Standards Act 2000 on a date to be appointed.

(b) 1974 c.53.

(c) S.I. 1975/1023. Relevant amendments have been made by S.I. 1986/1249, S.I.1986/2268 and S.I.2001/1192.

4. Ar gyfer pob plentyn perthnasol, enw, cyfeiriad cartref a rhif ffôn rhiant.

5. Ar gyfer pob plentyn perthnasol, enw a chyfeiriad yr ymarferydd meddygol cofrestredig y mae'r plentyn wedi'i gofrestru gydag ef.

6. Cofnod dyddiol o enwau'r plant perthnasol, yr oriau yr oeddent yn bresennol ac enwau'r personau a oedd yn gofalu amdanynt.

7. Cofnod o ddamweiniau, afiechydon difrifol a digwyddiadau arwyddocaol eraill a ddigwyddodd ar y safle perthnasol ac a effeithiodd ar les y plant perthnasol.

8. Cofnod o unrhyw gynnyrch meddyginiaethol a roddwyd i blentyn perthnasol ar y safle perthnasol, gan gynnwys dyddiad ac amgylchiadau ei roi a chan bwy y cafodd ei roi, gan gynnwys cynhyrchion meddyginiaethol y caniateir i'r plentyn eu rhoi iddo ef ei hun, ynghyd â chofnod o gydsyniad rhiant.

9. Unrhyw anghenion deietegol neu anghenion iechyd arbennig neu alergedd sydd gan unrhyw blentyn perthnasol.

10. Datganiad o'r weithdrefn sydd i'w dilyn os digwydd tân neu ddamwain.

11. Datganiad o'r weithdrefn sydd i'w dilyn os oes gan riant gwyn ynghylch y gwasanaeth sy'n cael ei ddarparu gan y person cofrestredig.

12. Datganiad o'r trefniadau sydd wedi'u sefydlu ar gyfer amddiffyn plant perthnasol, gan gynnwys trefniadau i ddiogelu'r plant rhag cael eu cam-drin neu eu hesgeuluso a'r gweithdrefnau sydd i'w dilyn os ceir honiadau o gam-drin neu esgeuluso.

13. Datganiad o'r weithdrefn sydd i'w dilyn os bydd plentyn perthnasol yn mynd ar goll neu'n peidio â chael ei gasglu.

4. In respect of each relevant child, the name, address and telephone number of a parent.

5. In respect of each relevant child, the name and address of the registered medical practitioner with whom the child is registered.

6. A daily record of the names of the relevant children, their hours of attendance and the names of the persons who looked after them.

7. A record of accidents, serious illness and other significant events occurring on the relevant premises which affected the welfare of relevant children.

8. A record of any medicinal product administered to a relevant child on the relevant premises, including the date and circumstances of its administration, by whom it was administered, including medicinal products which the child is permitted to administer to himself or herself, together with a record of a parent's consent.

9. Any special dietary or health needs or allergy of any relevant child.

10. A statement of the procedure to be followed in the event of a fire or accident.

11. A statement of the procedure to be followed where a parent has a complaint about the service provided by the registered person.

12. A statement of the arrangements in place for the protection of relevant children, including arrangements to safeguard the children from abuse or neglect and procedures to be followed in the event of allegations of abuse or neglect.

13. A statement of the procedure to be followed in the event of a relevant child being lost or not collected.

ATODLEN 4

Rheoliad 19

DIGWYDDIADAU I'W HYSBYSU I'R CYNULLIAD CENEDLAETHOL

1.-(1) Yn achos gwarchod plant, newid yn y personau canlynol -

- (a) unrhyw berson sy'n gofalu am blant ar y safle perthnasol, neu
- (b) unrhyw berson sy'n byw neu'n cael ei gyflogi ar y safle hwnnw.

(2) Dyddiad geni, enw llawn, ac enwau blaenorol neu enwau eraill y person newydd a'i gyfeiriad cartref

SCHEDULE 4

Regulation 19

EVENTS TO BE NOTIFIED TO THE NATIONAL ASSEMBLY

1.-(1) In the case of child minding, a change of the following persons -

- (a) any person looking after children on the relevant premises, or
- (b) any person living or employed on those premises.

(2) The information to be provided is the new person's date of birth, full name, and former names or

yw'r wybodaeth sydd i'w darparu.

2.-(1) Yn achos gofal dydd, newid yn y personau canlynol -

- (a) unrhyw berson sy'n gyfrifol,
- (b) unrhyw un sy'n gofalu am blant ar y safle perthnasol,
- (c) unrhyw un sy'n byw neu'n gweithio ar y safle hwnnw (ar yr amod na ddylid trin personau fel rhai sy'n gweithio ar y safle at ddibenion y paragraff hwn os nad oes dim o'u gwaith yn cael ei wneud yn y rhan o'r safle lle mae plant yn derbyn gofal neu os nad ydynt yn gweithio ar y safle ar adegau pan yw plant yn derbyn gofal yno), ac
- (ch) os yw'r gofal dydd yn cael ei ddarparu gan bartneriaeth, pwyllgor neu gorff corfforaethol neu anghorfforaethol, y Cadeirydd, yr Ysgrifennydd, y Trysorydd (neu berson sy'n dal swydd gyffelyb yn y corff).

(2) Dyddiad geni, enw llawn, ac enwau blaenorol neu enwau eraill y person newydd a'i gyfeiriad cartref yw'r wybodaeth sydd i'w darparu.

3. Unrhyw newid yn enw neu gyfeiriad cartref y person cofrestredig neu'r personau hynny a ddisgrifir ym mharagraff 1(1) neu baragraff 2(1)(a) i (c).

4. Unrhyw newid yn y math o ofal plant sy'n cael ei ddarparu gan berson cofrestredig.

5. Unrhyw newid yng nghyfeiriad y safle perthnasol.

6. Yn achos gofal dydd, unrhyw newid yn y cyfleusterau sydd i'w defnyddio ar gyfer gofal dydd ar y safle perthnasol, gan gynnwys newidiadau i'r nifer o ystafelloedd, eu swyddogaethau, y nifer o doiledau a basnau ymolchi, unrhyw gyfleusterau ar wahân ar gyfer gweithwyr sy'n oedolion a mynedfa i'r safle ar gyfer ceir.

7. Unrhyw newid yn yr oriau y mae gofal dydd neu wasanaeth gwarchod plant yn cael ei ddarparu ynddynt.

8. Brigiad unrhyw glefyd heintus ar y safle perthnasol sydd ym marn unrhyw ymarferydd meddygol cofrestredig sy'n ymweld â phlentyn neu berson arall ar y safle yn ddigon difrifol i'w hysbysu felly neu unrhyw anaf difrifol i unrhyw blentyn neu berson arall ar y safle, neu salwch difrifol neu farwolaeth unrhyw blentyn neu berson arall ar y safle.

9. Unrhyw honiadau bod niwed difrifol wedi'i wneud yn erbyn plentyn gan unrhyw berson sy'n gofalu am blant perthnasol ar y safle, neu gan unrhyw berson sy'n byw, yn gweithio neu'n cael ei gyflogi ar y safle, neu unrhyw gamdriniaeth yr honnir ei bod wedi digwydd ar y safle.

10. Unrhyw ddigwyddiad arall a all effeithio ar

aliases and home address.

2.-(1) In the case of day care, a change of the following persons -

- (a) any person in charge,
- (b) anyone looking after children on the relevant premises,
- (c) anyone living or working on those premises (provided that persons are not to be treated as working on the premises for the purposes of this paragraph if none of their work is done in the part of the premises in which children are looked after or if they do not work on the premises at times when children are looked after there), and
- (d) where the day care is provided by a partnership, committee or corporate or unincorporate body, the Chairman, Secretary, Treasurer (or person holding a comparable position in the organisation).

(2) The information to be provided is the new person's date of birth, full name, any former names or aliases used by them and home address.

3. Any change in the name or home address of the registered person or those persons described in paragraph 1(1) or paragraph 2(1)(a) to (c).

4. Any change in the type of care provided by a registered person.

5. Any change in the address of the relevant premises.

6. In the case of day care, any change in the facilities to be used for day care on the relevant premises, including changes to the number of rooms, their functions, the numbers of lavatories and washbasins, any separate facilities for adult workers and access to the premises for cars.

7. Any change in the hours during which day care or child minding is provided.

8. The outbreak at the relevant premises of any infectious disease which in the opinion of any registered medical practitioner attending a child or other person at the premises is sufficiently serious to be so notified or of any serious injury to, or serious illness of, or the death of, any child or other person on the premises.

9. Any allegations of serious harm against a child committed by any person looking after relevant children at the premises, or by any person living, working or employed on the premises, or any abuse alleged to have taken place on the premises.

10. Any other event which may affect the suitability

addasrwydd y person cofrestredig i ofalu am blant neu addasrwydd unrhyw berson sy'n byw, yn gweithio neu'n cael ei gyflogi ar y safle i fod mewn cysylltiad rheolaidd â phlant.

11. Unrhyw ddigwyddiad arwyddocaol arall sy'n debyg o effeithio ar les unrhyw blentyn ar y safle.

of the registered person to look after children or the suitability of any person living, working or employed on the premises to be in regular contact with children.

11. Any other significant event which is likely to affect the welfare of any child on the premises.

2002 Rhif 812 (Cy.92)

**GOFAL CYMDEITHASOL,
CYMRU**

**PLANT A PHERSONAU
IFANC, CYMRU**

Rheoliadau Gwarchod Plant a
Gofal Dydd (Cymru) 2002

2002 No. 812 (W.92)

**SOCIAL CARE,
WALES**

**CHILDREN AND YOUNG
PERSONS, WALES**

The Child Minding and Day Care
(Wales) Regulations 2002

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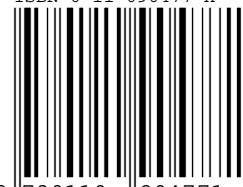
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