



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2005 Rhif 1816 (Cy.145)**

**2005 No. 1816 (W.145)**

**TAI, CYMRU**

**HOUSING, WALES**

**Rheoliadau Ombwdsmon Tai  
Cymdeithasol (Cymru) 2005**

**The Social Housing Ombudsman  
(Wales) Regulations 2005**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Regulations)*

Mae adran 228 o Ddeddf Tai 2004 yn mewnosod adran 51B (Ymchwilio i gwynion) yn Neddf Tai 1996 ("Deddf 1996"). Gwneir y Rheoliadau hyn o dan adran 51B o Ddeddf 1996 ac maent yn gwneud darpariaeth ynglyn ag ymchwiliadau gan Ombwdsmon Tai Cymdeithasol Cymru ("OTCC") i gwynion a wnaed yn erbyn landlordiaid cymdeithasol yng Nghymru fel y diffinnir "social landlords in Wales" yn adran 51C(1) o Ddeddf 1996. Yn rhinwedd adran 51A (Ombwdsmon Tai Cymdeithasol Cymru) o Ddeddf 1996 y person sydd yn Gomisiynydd Lleol Cymru yw OTCC hefyd.

Section 228 of the Housing Act 2004 inserts section 51B (Investigation of complaints) into the Housing Act 1996 ("the 1996 Act"). These Regulations are made under section 51B of the 1996 Act and make provision in relation to investigation by the Social Housing Ombudsman for Wales ("SHOW") of complaints made against social landlords in Wales as defined in section 51C(1) of the 1996 Act. By virtue of section 51A (Social Housing Ombudsman for Wales) of the 1996 Act the person who is the Local Commissioner for Wales is also SHOW.

Mae rheoliad 3 yn nodi'r materion y caniateir gwneud cwynion amdanynt. Mae rheoliad 4 yn nodi ar ba sail y caniateir eithrio mater rhag ymchwiliad. Mae rheoliad 5 yn pennu unigolion a gaiff gwyno. Mae rheoliad 6 yn nodi pŵer OTCC i ymchwilio i gŵyn. Ymdrinnir â'r weithdrefn sydd i'w dilyn wrth gynnal ymchwiliadau yn rheoliad 7. Mae rheoliad 8 yn ei gwneud yn ofynnol i OTCC wneud penderfyniad ysgrifenedig o ran cwyn. Mae rheoliad 9 yn cynnwys darpariaeth i OTCC atgyfeirio cwynion at ddull amgen priodol i ddatrys anghydfod. Mae rheoliad 10 yn ymdrin ag ymgynghori a chydweithredu â phersonau eraill. Mae rheoliad 11 yn nodi dull cyfathrebu a chyhoeddi penderfyniadau ac adroddiadau arbennig.

Regulation 3 sets out the matters about which complaints may be made. Regulation 4 sets out the grounds on which a matter may be excluded from investigation. Regulation 5 specifies persons who may make a complaint. Regulation 6 sets out the power of SHOW to investigate a complaint. The procedure to be followed in the conduct of investigations is dealt with in regulation 7. Regulation 8 requires SHOW to make a written determination in respect of a complaint. Regulation 9 includes provision for SHOW to refer a complaint to an appropriate alternative method of resolution. Regulation 10 deals with consultation and co-operation with other persons. Regulation 11 sets out the manner in which determinations and special reports are to be communicated and published.

**2005 Rhif 1816 (Cy.145)****2005 No. 1816 (W.145)****TAI, CYMRU****HOUSING, WALES****Rheoliadau Ombwdsmon Tai  
Cymdeithasol (Cymru) 2005****The Social Housing Ombudsman  
(Wales) Regulations 2005***Wedi'u gwneud* 5 Gorffennaf 2005*Made* 5 July 2005*Yn dod i rym* 15 Gorffennaf 2005*Coming into force* 15 July 2005

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 51B o Ddeddf Tai 1996(1), drwy hyn yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred on it by section 51B of the Housing Act 1996(1), hereby makes the following Regulations:

**Enwi, cychwyn a chymhwyso****Title, commencement and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Ombwdsmon Tai Cymdeithasol (Cymru) 2005, a deuant i rym ar 15 Gorffennaf 2005.

1.-(1) The title of these Regulations is the Social Housing Ombudsman (Wales) Regulations 2005, and come into force on 15 July 2005.

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

(2) These Regulations apply in relation to Wales.

**Dehongli****Interpretation**

2. Yn y Rheoliadau hyn –

2. In these Regulations –

ystyr "achwynydd" ("*complainant*") yw person sy'n honni ei fod wedi dioddef anghyfiawnder neu galedi oherwydd mater y mae gan OTCC hawl i ymchwilio iddo o dan y Rheoliadau hyn a hwnnw'n berson nad yw'n landlord cymdeithasol sy'n gweithredu yn rhinwedd ei swyddogaeth fel landlord o'r fath;

"action" ("*camau*") includes a failure to act (and related expressions must be construed accordingly);

mae "camau" ("*action*") yn cynnwys methiant i weithredu (a rhaid dehongli ymadroddion cysylltiedig yn unol â hynny);

"complainant" ("*achwynydd*") means a person who claims to have sustained injustice or hardship as a result of a matter which SHOW is entitled to investigate under these Regulations other than a social landlord acting in its capacity as such;

ystyr "camau perthnasol" ("*relevant action*") yw'r camau a gymerir gan y landlord cymdeithasol yn ei swyddogaeth fel landlord cymdeithasol;

"SHOW" ("*OTCC*") means the Social Housing Ombudsman for Wales(2);

ystyr "gwasanaeth perthnasol" ("*relevant service*")

"relevant action" ("*camau perthnasol*") means action taken by the social landlord in its capacity as social landlord;

(1) 1996 p.52. Mewnosodwyd adran 51B gan adran 228 o Ddeddf Tai 2004 (p.34). Daw adran 51B i rym ar 14 Mehefin 2005 drwy O.S. 2005/ .

(1) 1996 c.52. Section 51B is inserted by section 228 of the Housing Act 2004 (c.34). By S.I. 2005/ section 228 of the Housing Act 2004 comes into force on 14 July 2005.

(2) See section 51A (Social Housing Ombudsman for Wales) of the Housing Act 1996 (c.52) - the person who is the Local Commissioner for Wales will also be the Social Housing Ombudsman for Wales.

yw unrhyw wasanaeth y mae'n swyddogaeth y landlord cymdeithasol i'w ddarparu yn rhinwedd ei swydd fel landlord cymdeithasol;

mae i "landlord cymdeithasol" ("*social landlord*") yr ystyr a roddir i "social landlord in Wales" fel y'i diffinnir yn adran 51C(1) o Ddeddf Tai 1996(1); ac

ystyr "OTCC" ("*SHOW*") yw Ombwdsmon Tai Cymdeithasol Cymru(2).

### **Materion y caniateir gwneud cwynion amdanynt**

3. Mae'r canlynol yn faterion y caniateir gwneud cwynion amdanynt i OTCC yn unol â'r Rheoliadau hyn:

- (a) camweinyddu honedig gan landlord cymdeithasol mewn cysylltiad â chamau perthnasol;
- (b) methiant honedig gan landlord cymdeithasol i ddarparu gwasanaeth perthnasol; ac
- (c) methiant honedig mewn gwasanaeth perthnasol a ddarparwyd gan landlord cymdeithasol.

### **Y seiliau y mae mater yn cael ei eithrio rhag ymchwiliad o'u herwydd**

4.-(1) Ni chaiff OTCC ymchwilio i'r canlynol:

- (a) materion sy'n codi mewn cysylltiad â landlord cymdeithasol sy'n cyflawni unrhyw un o'i swyddogaethau heblaw o ran Cymru;
- (b) camau a gymerwyd gan y landlord cymdeithasol pan nad oedd y landlord cymdeithasol hwnnw wedi'i gofrestru;
- (c) materion o ran contract cyflogaeth rhwng y landlord cymdeithasol ac unrhyw berson arall (ond nid gweithdrefnau ar gyfer recriwtio a phenodi);
- (ch) materion o ran penderfynu swm y rhent; a
- (d) mater sy'n destun cwyn a wnaed i Gynulliad Cenedlaethol Cymru yn erbyn landlord cymdeithasol cyn i'r Rheoliadau hyn ddod i rym oni bai bod Cynulliad Cenedlaethol Cymru yn cytuno y caiff OTCC ymchwilio i'r mater.

(2) Ni chaiff OTCC ymchwilio i fater os oes neu os oedd rhwymedi gan yr achwynydd drwy reithdrefnau mewn llys cyfraith, oni fydd OTCC wedi'i fodloni, yn yr amgylchiadau penodol, nad yw'n rhesymol disgwyl i'r achwynydd gyrchu, neu ddisgwyl ei fod wedi gyrchu, rhwymedi drwy lys.

"relevant service" ("*gwasanaeth perthnasol*") means any service which it is the social landlord's function to provide in its capacity as social landlord; and

"social landlord" ("*landlord cymdeithasol*") has the same meaning as "Social landlord in Wales" as defined by section 51C(1) of the Housing Act 1996(1).

### **Matters about which complaints may be made**

3. The following are matters about which complaints may be made to SHOW in accordance with these Regulations:

- (a) alleged maladministration by a social landlord in connection with relevant action;
- (b) an alleged failure by a social landlord to provide a relevant service; and
- (c) an alleged failure in a relevant service provided by a social landlord.

### **Grounds on which a matter is excluded from investigation**

4.-(1) SHOW may not investigate:

- (a) matters arising in connection with the discharge by a social landlord of any of its functions otherwise than in relation to Wales;
- (b) action taken by the social landlord when that social landlord was not registered;
- (c) matters in respect of a contract of employment between the social landlord and any other person, (but not procedures for recruitment and appointment);
- (d) matters in relation to the determination of the amount of rent; and
- (e) a matter which is the subject of a complaint made against a social landlord to the National Assembly for Wales before these Regulations come into force unless the National Assembly for Wales agree that SHOW may investigate the matter.

(2) SHOW may not investigate a matter where a complainant has or had a remedy by way of proceedings in a court of law, unless SHOW is satisfied that, in the particular circumstances, it is not reasonable to expect the complainant to resort, or to have resorted, to seeking the remedy via a court.

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(1) 1996 p. 52. *Gweler* adran 51C(1)

(2) *Gweler* adran 51A (Ombwdsmon Tai Cymdeithasol Cymru) o Ddeddf Tai 1996 (p.52) - bydd y person sydd yn Gomisiynydd Lleol Cymru hefyd yn Ombwdsmon Tai Cymdeithasol Cymru.

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(1) 1996 c.52. *See* section 51C(1)

(3) -

- (a) yn ddarostyngedig i is-baragraff (b) ni chaiff OTCC ymchwilio i fater onid yw wedi'i fodloni:
  - (i) bod y mater wedi cael ei ddwyn i sylw'r landlord cymdeithasol y mae'n ymwneud ag ef gan neu ar ran yr achwynydd; a
  - (ii) bod y landlord cymdeithasol wedi cael cyfle rhesymol i ymchwilio ac ymateb i'r gŵyn yn unol â gweithdrefn gwyno'r landlord cymdeithasol.
- (b) nid yw is-baragraff (a) yn gymwys os yw OTCC wedi'i fodloni ei bod yn rhesymol, serch hynny, iddo ymchwilio i'r mater yn yr amgylchiadau penodol.

(4) Nid yw paragraffau (1) i (3) yn atal OTCC rhag ymchwilio i gamau a gymerwyd gan landlord cymdeithasol i weithredu gweithdrefn a sefydlwyd i ymchwilio i gwynion neu i adolygu penderfyniadau.

### **Disgrifiad o unigolyn a gaiff gwyno**

5.-(1) Dyma'r personau sy'n cael cwyno:

- (a) achwynydd;
- (b) person a awdurdodwyd gan yr achwynydd i weithredu ar ei ran; ac
- (c) os nad yw'r achwynydd yn alluog i awdurdodi person i weithredu ar ei ran, person y mae'n ymddangos i OTCC ei fod yn briodol i gynrychioli achwynydd.

(2) OTCC sydd i benderfynu unrhyw gwestiwn a oes gan berson hawl o dan y rheoliad hwn i gwyno.

### **Pŵer OTCC i ymchwilio i gŵyn a wnaed**

6.-(1) Yn ddarostyngedig i reoliad 5 caiff OTCC ymchwilio i gŵyn os gwnaed y gŵyn gan neu ar ran achwynydd yn unol â'r Rheoliadau hyn.

(2) Yn ddarostyngedig i baragraff (3) rhaid gwneud cwyn yn ysgrifenedig, gan bennu'r materion y cwynir amdanynt.

(3) Nid oes angen cwyno'n ysgrifenedig os yw OTCC wedi'i fodloni bod amgylchiadau arbennig sy'n ei gwneud yn briodol i'r gŵyn gael ei gwneud ar lafar.

(4) Rhaid gwneud cwyn i OTCC cyn diwedd y cyfnod o flwyddyn sy'n dechrau ar y diwrnod y daeth yr achwynydd yn ymwybodol yn gyntaf o'r materion a honnwyd yn y gŵyn, ond caiff OTCC hepgor y gofyniad hwn os yw OTCC o'r farn ei bod yn rhesymol gwneud hynny.

(3) -

- (a) subject to sub-paragraph (b) SHOW may not investigate a matter unless SHOW is satisfied that:
  - (i) the matter has been brought to the attention of the social landlord to which it relates by or on behalf of the complainant; and
  - (ii) the social landlord has been given a reasonable opportunity to investigate and respond to the complaint in accordance with the social landlord's complaints procedure.
- (b) sub-paragraph (a) does not apply if SHOW is satisfied that it is nevertheless reasonable to investigate the matter in the particular circumstances.

(4) Paragraphs (1) to (3) do not prevent SHOW from investigating action of a social landlord in operating a procedure established to examine complaints or review decisions.

### **Description of individuals who may make a complaint**

5.-(1) The persons who may make a complaint are:

- (a) a complainant;
- (b) a person authorised by the complainant to act on behalf of the complainant; and
- (c) if the complainant is not capable of authorising a person to act on their behalf, a person who appears to SHOW to be appropriate to represent a complainant.

(2) It is for SHOW to determine any question of whether a person is entitled under this regulation to make a complaint.

### **Power of SHOW to investigate a complaint made**

6.-(1) Subject to regulation 5 SHOW may investigate a complaint where a complaint is made by or on behalf of a complainant in accordance with these Regulations.

(2) Subject to paragraph (3) a complaint must be made in writing, specifying the matters about which the complaint is made.

(3) A complaint need not be made in writing if SHOW is satisfied that there are special circumstances which make it appropriate for it to be made orally.

(4) A complaint to SHOW must be made before the end of the period of one year starting on the day on which the complainant first has notice of the matters alleged in the complaint, but SHOW may waive this requirement if SHOW considers it is reasonable to do so.

(5) Yn ddarostyngedig i baragraff (6) caiff OTCC:

- (a) penderfynu a ddylid cychwyn neu barhau ymchwiliad neu ddirwyn ymchwiliad i ben; a
- (b) cychwyn neu barhau ymchwiliad i gŵyn hyd yn oed os tynnwyd y gŵyn yn ôl.

(6) Os bydd OTCC yn unol â pharagraff (5) yn penderfynu peidio ag ymchwilio neu'n penderfynu dirwyn ymchwiliad i ben, rhaid i OTCC baratoi datganiad ysgrifenedig o'r rhesymau dros y penderfyniad.

(7) Rhaid i OTCC anfon copi o'r datganiad at:

- (a) yr achwynydd;
- (b) y landlord cymdeithasol; ac
- (c) unrhyw berson arall y mae OTCC yn barnu ei fod yn briodol.

(8) Os bydd datganiad ysgrifenedig o'r rhesymau a baratowyd o dan baragraff (6) –

- (a) yn crybwyll enw unrhyw berson heblaw'r landlord cymdeithasol y gwnaed y gŵyn amdano, neu
- (b) yn cynnwys unrhyw fanylion sydd, ym marn OTCC, yn debyg o ddangos pwy yw unrhyw berson o'r fath a'r rheini'n fanylion y gellid eu hepgor, ym marn OTCC, heb amharu ar effeithiolrwydd y datganiad o'r rhesymau,

rhaid peidio â chynnwys yr wybodaeth honno mewn fersiwn o'r datganiad o'r rhesymau a anfonir at berson o dan baragraff (7), a hynny'n ddarostyngedig i baragraff (9).

(9) Nid yw paragraff (8) yn gymwys o ran fersiwn o'r datganiad o'r rhesymau os bydd OTCC, ar ôl pwyso a mesur buddiannau'r achwynydd a buddiannau unrhyw bersonau eraill y mae OTCC yn meddwl eu bod yn briodol, yn barnu y byddai cynnwys yr wybodaeth honno yn y fersiwn honno o'r datganiad o'r rhesymau er lles y cyhoedd.

### **Y weithdrefn sydd i'w dilyn wrth gynnal ymchwiliadau**

7.-(1) Os bydd OTCC yn penderfynu ymchwilio i gŵyn, rhaid i OTCC:

- (a) rhoi cyfle i'r landlord cymdeithasol wneud sylwadau ar unrhyw honiadau sydd yn y gwyn; a
- (b) rhoi cyfle i unrhyw berson arall yr honnir yn y gŵyn ei fod wedi cymryd y camau neu awdurdodi'r camau y cwynir amdanynt wneud sylwadau ar unrhyw honiadau ynglŷn â'r person hwnnw.

(5) Subject to paragraph (6) SHOW may:

- (a) decide whether to begin, continue or discontinue an investigation; and
- (b) begin or continue an investigation into a complaint even if the complaint has been withdrawn.

(6) Where in accordance with paragraph (5) SHOW decides not to investigate a complaint or decides to discontinue an investigation, SHOW must prepare a written statement of the reasons for the decision.

(7) SHOW must send a copy of the statement to:

- (a) the complainant;
- (b) the social landlord; and
- (c) any other person SHOW considers appropriate.

(8) If a written statement of reasons prepared under paragraph (6) –

- (a) mentions the name of any person other than the social landlord in respect of which the complaint was made, or
- (b) includes any particulars which, in the opinion of SHOW, are likely to identify any such person and which, in SHOW's opinion, can be omitted without impairing the effectiveness of the statement of reasons,

that information must not be included in a version of the statement of reasons sent to a person under paragraph (7), subject to paragraph (9).

(9) Paragraph (8) does not apply in relation to a version of the statement of reasons if, after taking account of the interests of the complainant and any other persons SHOW thinks appropriate, SHOW considers it to be in the public interest to include that information in that version of the statement of reasons.

### **Procedure to be followed in conduct of investigations**

7.-(1) If SHOW decides to investigate a complaint, SHOW must:

- (a) give the social landlord an opportunity to comment on any allegations contained in the complaint; and
- (b) give any other person who is alleged in the complaint to have taken or authorised the action complained of an opportunity to comment on any allegations relating to that person.

(2) Rhaid cynnal ymchwiliad yn unol â'r Rheoliadau hyn yn breifat.

(3) Mae'r weithdrefn ar gyfer cynnal ymchwiliad i fod yn weithdrefn y mae OTCC yn ystyried ei bod yn briodol yn amgylchiadau'r achos.

(4) At ddibenion ymchwiliad caiff OTCC ofyn i'r landlord cymdeithasol ac unrhyw berson yr ystyrir ei fod yn gallu rhoi gwybodaeth neu ddangos dogfen sy'n berthnasol i'r ymchwiliad i wneud hynny.

(5) At ddibenion ymchwiliad caiff OTCC ofyn:

(a) i dystion fod yn bresennol a chael eu holi; a

(b) bod dogfennau yn cael eu dangos.

(6) Bydd methu â chydymffurfio â pharagraffau (4) a (5) yn golygu y caiff OTCC ddod i'r casgliadau y bydd yn barnu eu bod yn briodol.

(7) Caiff OTCC ofyn i unrhyw berson a ystyrir yn briodol ddarparu unrhyw gyfleuster y mae ei angen yn rhesymol at ddibenion ymchwiliad.

## **Penderfynu**

**8.-(1)** Ar ôl cwblhau ymchwiliad i gŵyn, rhaid i OTCC wneud penderfyniad ysgrifenedig ynglŷn â hi.

(2) Os bydd OTCC mewn penderfyniad yn casglu bod yr achwynydd wedi dioddef anghyfiawnder neu galedi o ganlyniad i'r mater yr ymchwilir iddo, rhaid i'r landlord cymdeithasol ystyried y penderfyniad ac unrhyw argymhellion sydd ynddo a hysbysu OTCC yn ysgrifenedig cyn diwedd cyfnod o un mis ar ôl y dyddiad y daw'r penderfyniad i law'r landlord cymdeithasol (neu unrhyw gyfnod hwy y caiff OTCC ei ganiatáu'n ysgrifenedig) o'r canlynol:

(a) y camau y mae wedi eu cymryd neu'n bwriadu eu cymryd wrth ymateb i'r penderfyniad, a

(b) o fewn pa gyfnod y mae'n bwriadu cymryd y camau hynny (os nad yw eisioes wedi'u cymryd).

(3) Os na fydd OTCC wedi cael yr hysbysiad sy'n ofynnol o dan baragraff (2) cyn diwedd y cyfnod a bennir yn y paragraff hwnnw, neu os bydd wedi cael yr hysbysiad ond nad yw'n fodlon naill ai:

(a) ar y camau y mae'r landlord cymdeithasol wedi eu cymryd neu'n bwriadu eu cymryd,

(b) ar hyd y cyfnod y mae'n bwriadu cymryd y camau hynny o'i fewn,

(c) bod y landlord cymdeithasol wedi cymryd y camau yr oedd yn bwriadu eu cymryd o fewn y cyfnod perthnasol,

(2) An investigation in accordance with these Regulations must be conducted in private.

(3) The procedure for conducting an investigation is to be that which SHOW considers appropriate in the circumstances of the case.

(4) For the purposes of an investigation SHOW may request the social landlord and any person considered able to supply information or produce a document relevant to the investigation to do so.

(5) For the purposes of an investigation SHOW may request:

(a) the attendance and examination of witnesses; and

(b) the production of documents.

(6) Failure to comply with paragraphs (4) and (5) mean SHOW may draw such inferences as SHOW considers appropriate.

(7) SHOW may request any person considered appropriate to provide any facility as may be reasonably required for the purposes of an investigation.

## **Making a determination**

**8.-(1)** Upon completion of an investigation of a complaint SHOW must make a written determination in respect of it.

(2) If, a determination concludes that the complainant has sustained injustice or hardship in consequence of the matter investigated, the social landlord must consider the determination and any recommendations made in it and notify SHOW in writing before the end of a period of one month from the date on which the social landlord receives the determination (or such longer period as SHOW may in writing permit):

(a) the action it has taken or proposes to take in response to the determination, and

(b) the period within which it proposes to take that action (if it has not already taken it).

(3) If SHOW has not received the notification required by paragraph (2) before the end of the period specified in that paragraph, or has received notification, but is not satisfied:

(a) with the action the social landlord has taken or proposes to take;

(b) with the period within which it proposes to take that action;

(c) that the social landlord has taken the action it proposed to take within the relevant period,

caiff OTCC baratoi adroddiad arbennig yn unol â pharagraff (4).

- (4) Rhaid i adroddiad arbennig gynnwys y canlynol:
- (a) y penderfyniad ynglŷn â'r ymchwiliad; a
  - (b) ymateb y landlord cymdeithasol i'r penderfyniad hwnnw; ac
  - (c) unrhyw argymhellion, os oes rhai, y gwêl OTCC yn dda eu gwneud o ran y camau y dylai'r landlord cymdeithasol eu cymryd ym marn OTCC:
    - (i) i wneud iawn am yr anghyfiawnder neu'r caledi i'r achwynydd; a
    - (ii) i atal anghyfiawnder neu galedi tebyg rhag cael ei achosi yn y dyfodol.

- (5) Os yw penderfyniad neu adroddiad arbennig –
- (a) yn crybwyll enw unrhyw berson heblaw'r landlord cymdeithasol y gwnaed y gŵyn amdano, neu
  - (b) yn cynnwys unrhyw fanylion sydd, ym marn OTCC, yn debyg o ddangos pwy yw unrhyw berson o'r fath a'r rheini'n fanylion y gellid eu hepgor, ym marn OTCC, heb amharu ar effeithiolrwydd y penderfyniad neu'r adroddiad arbennig,

rhaid peidio â chynnwys yr wybodaeth honno mewn fersiwn o'r penderfyniad neu'r adroddiad arbennig a anfonir at berson o dan reoliad 11(1), neu a gyhoeddir o dan reoliad 11(2), a hynny'n ddarostyngedig i baragraff (6).

(6) Nid yw paragraff (5) yn gymwys o ran fersiwn o'r penderfyniad neu'r adroddiad arbennig os yw OTCC, ar ôl cymryd i ystyriaeth fuddiannau'r achwynydd ac unrhyw bersonau eraill y mae OTCC yn meddwl eu bod yn briodol, yn barnu y byddai er lles y cyhoedd i gynnwys yr wybodaeth honno yn y fersiwn honno o'r penderfyniad neu'r adroddiad arbennig.

### **Dulliau amgen o ddatrys anghydfod**

9.-(1) Caiff OTCC gymryd unrhyw gamau y mae'n ystyried sy'n briodol er mwyn datrys cwyn y mae gan OTCC bŵer i ymchwilio iddi o dan reoliad 6.

(2) Caiff OTCC gymryd unrhyw gamau o dan y rheoliad hwn yn ogystal â chynnal ymchwiliad i'r gŵyn neu yn lle ei gynnal.

(3) Rhaid cymryd unrhyw gamau o dan y rheoliad hwn yn breifat.

### **Ymgynghori a chydweithredu â phersonau eraill**

10. Caiff OTCC ymgynghori ag unrhyw un a all fod o gymorth mewn ymchwiliad a gofyn bod yr wybodaeth honno neu'r dogfennau hynny yr ystyrir eu bod yn berthnasol i'r ymchwiliad yn cael eu dangos at ddibenion yr ymchwiliad.

SHOW must prepare a special report in accordance with paragraph (4).

- (4) A special report must contain the following:
- (a) the determination in respect of the investigation; and
  - (b) the social landlord's response to that determination; and
  - (c) such recommendations, if any, as SHOW sees fit with respect to the action which, in SHOW's opinion should be taken by the social landlord:
    - (i) to remedy the injustice or hardship to the complainant; and
    - (ii) to prevent similar injustice or hardship being caused in the future.

- (5) If a determination or special report –
- (a) mentions the name of any person other than the social landlord in respect of which the complaint was made, or
  - (b) includes any particulars which, in the opinion of SHOW, are likely to identify any such person and which, in SHOW's opinion, can be omitted without impairing the effectiveness of the determination or special report,

that information must not be included in a version of the determination or special report sent to a person under regulation 11(1) or published under regulation 11(2), subject to paragraph (6).

(6) Paragraph (5) does not apply in relation to a version of the determination or special report if, after taking account of the interests of the complainant and any other persons SHOW thinks appropriate, SHOW considers it to be in the public interest to include that information in that version of the determination or special report.

### **Alternative resolution of complaints**

9.-(1) SHOW may take any action considered appropriate with a view to resolving a complaint which SHOW has power to investigate under regulation 6.

(2) SHOW may take action under this regulation in addition to or instead of conducting an investigation into the complaint.

(3) Any action under this regulation must be taken in private.

### **Consultation and co-operation with other persons**

10. SHOW may consult with anyone who may assist in an investigation and request such information or documents considered relevant to the investigation to be produced for the purposes of the investigation.

## Dull cyfathrebu a chyhoeddi'r penderfyniadau a'r adroddiadau arbennig

11.-(1) Pan fydd penderfyniad wedi'i wneud yn unol â rheoliad 8(1) neu pan fydd adroddiad wedi'i baratoi o dan reoliad 8(4), rhaid i OTCC anfon copi o'r penderfyniad neu'r adroddiad hwnnw at y canlynol:

- (a) y person a wnaeth y gŵyn;
- (b) y landlord cymdeithasol, neu unrhyw berson arall yr honnir yn y gŵyn ei fod wedi cymryd y camau y cwynir amdanynt neu ei fod wedi'u hawdurdodi;
- (c) Cynulliad Cenedlaethol Cymru; ac
- (ch) unrhyw berson arall neu bersonau eraill y mae OTCC yn ystyried sy'n briodol.

(2) Caiff OTCC gyhoeddi penderfyniad neu adroddiad arbennig ar unrhyw gŵyn, naill ai yn ei gyfanrwydd neu'n rhannol, os yw OTCC o'r farn, ar ôl pwyso a mesur buddiannau'r achwynydd a buddiannau unrhyw berson arall y mae OTCC yn ystyried sy'n briodol, ei fod er lles y cyhoedd i wneud hynny.

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

5 Gorffennaf 2005

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

## Manner in which determinations and special reports are to be communicated and published

11.-(1) Where a determination is made in accordance with regulation 8(1) or a report prepared under regulation 8(4) SHOW must send a copy of that determination or report to:

- (a) the person who made the complaint;
- (b) the social landlord, and any other person who is alleged in the complaint to have taken or authorised the action complained of;
- (c) the National Assembly for Wales; and
- (d) any other person or persons SHOW considers appropriate.

(2) SHOW may publish a determination or special report on any complaint, either in full or in part if SHOW, after taking into account the interests of the complainant and of any other person SHOW considers appropriate, if SHOW considers it to be in the public interest to do so.

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

5 July 2005

The Presiding Officer of the National Assembly

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(1) 1998 p.38.

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(1) 1998 c.38.

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