



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 1097 (Cy. 261)

2016 No. 1097 (W. 261)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

**Rheoliadau Gofal Cymdeithasol
Cymru (Cynnwys y Gofrestr) 2016**

**The Social Care Wales (Content of
Register) Regulations 2016**

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn pennu gwybodaeth y mae rhaid ei chynnwys ar y gofrestr o dan adran 91(1)(c) a (d) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf").

These Regulations specify information which must be included on the register under section 91(1)(c) and (d) of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act").

O dan adran 80(1) o'r Ddeddf, rhaid i Ofal Cymdeithasol Cymru ("GCC") gadw cofrestr o weithwyr cymdeithasol, gweithwyr gofal cymdeithasol penodol a gweithwyr cymdeithasol sydd ar ymweliad o Wladwriaethau Ewropeaidd perthnasol. Mae adran 91(1)(a) a (b) o'r Ddeddf yn ei gwneud yn ofynnol i'r gofrestr honno ddangos gwybodaeth benodedig sy'n ymwneud â phob person ar y gofrestr, ac mae paragraffau (c) a (d) yn darparu bod rhaid i'r gofrestr hefyd ddangos unrhyw gymwysterau eraill, gwybodaeth arall neu brofiad arall sy'n berthnasol i gofrestriad y person, ac unrhyw wybodaeth sy'n ymwneud ag addasrwydd y person i ymarfer, a bennir gan Weinidogion Cymru drwy reoliadau.

Under section 80(1) of the Act, Social Care Wales ("SCW") must keep a register of social workers, certain social care workers and visiting social workers from relevant European States. Section 91(1)(a) and (b) of the Act require that register to show specified information relating to each person on the register, and paragraphs (c) and (d) provide that the register must also show such other qualifications, knowledge or experience relevant to the person's registration, and such information relating to the person's fitness to practise, as may be specified by the Welsh Ministers by regulations.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

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

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SOCIAL CARE, WALES

Rheoliadau Gofal Cymdeithasol
Cymru (Cynnwys y Gofrestr) 2016

The Social Care Wales (Content of
Register) Regulations 2016

Gwnaed 15 Tachwedd 2016

Made 15 November 2016

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 22 Tachwedd 2016

*Laid before the National Assembly
for Wales* 22 November 2016

Yn dod i rym 3 Ebrill 2017

Coming into force 3 April 2017

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 91(1)(c) a (d) a 187(1)(b) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(1) yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers in exercise of the powers conferred upon them by sections 91(1)(c) and (d) and 187(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016(1) make the following Regulations.

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal Cymdeithasol Cymru (Cynnwys y Gofrestr) 2016.

1.—(1) The title of these Regulations is the Social Care Wales (Content of Register) Regulations 2016.

(2) Daw'r Rheoliadau hyn i rym ar 3 Ebrill 2017.

(2) These Regulations come into force on 3 April 2017.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) These Regulations apply in relation to Wales.

Dehongli

Interpretation

2.—(1) Yn y Rheoliadau hyn—

2.—(1) In these Regulations—

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

“the Act” (“*y Ddeddf*”) means the Regulation and Inspection of Social Care (Wales) Act 2016;

ystyr “GCC” (“*SCW*”) yw Gofal Cymdeithasol Cymru(2).

“SCW” (“*GCC*”) means Social Care Wales(2).

(2) Mae cyfeiriadau at adrannau yn y Rheoliadau hyn yn gyfeiriadau at adrannau o'r Ddeddf.

(2) References to sections in these Regulations are references to sections of the Act.

(1) 2016 dccc 2.

(2) Ailenwyd Cyngor Gofal Cymru yn Ofal Cymdeithasol Cymru gan adran 67(3) o'r Ddeddf.

(1) 2016 anaw 2.

(2) The Care Council for Wales was renamed Social Care Wales by section 67(3) of the Act.

Cynnwys y gofrestr

3.—(1) Rhaid i gofnod yn y gofrestr mewn cysylltiad â pherson ddangos—

- (a) unrhyw gymwysterau, gwybodaeth neu brofiad a bennir yn yr Atodlen i'r Rheoliadau hyn sydd gan y person (os oes rhai), a
- (b) pan fo penderfyniad perthnasol wedi ei wneud mewn cysylltiad ag addasrwydd y person i ymarfer, yr wybodaeth a bennir yn rheoliadau 4 i 9.

(2) Yn y rheoliad hwn, ystyr “penderfyniad perthnasol” yw—

- (a) yn ddarostyngedig i baragraff (3), dyfarniad gan banel addasrwydd i ymarfer bod amhariad ar addasrwydd person cofrestredig i ymarfer o dan yr adrannau a ganlyn—
 - (i) adran 138 (gwarediadau gan banel addasrwydd i ymarfer: canfyddiad o amhariad);
 - (ii) adran 152 (adolygu ymgymeriadau: gwarediadau gan banel addasrwydd i ymarfer);
 - (iii) adran 153 (adolygu gorchmynion cofrestru amodol: gwarediadau gan banel addasrwydd i ymarfer);
 - (iv) adran 154 (adolygu gorchmynion atal dros dro: gwarediadau gan banel addasrwydd i ymarfer);
 - (v) adran 155 (adolygu gorchmynion atal dros dro amhenodol);
- (b) penderfyniad gan banel addasrwydd i ymarfer neu banel gorchmynion interim i wneud gorchmyn interim o dan adran 144 (gorchmynion interim) neu i gadarnhau neu amrywio gorchmyn interim o dan adran 147 (adolygiadau o orchymyn interim: penderfyniadau posibl),
- (c) penderfyniad gan banel addasrwydd i ymarfer i gytuno ar ymgymeriadau o dan adran 136(1), 152(5) neu (6), 153(4), 154(4) neu 155(7) yn dilyn cyfaddefiad gan berson cofrestredig bod amhariad ar ei addasrwydd i ymarfer,
- (d) penderfyniad gan banel addasrwydd i ymarfer i roi cyngor neu rybudd i berson cofrestredig o dan adran 137 (gwarediadau gan banel addasrwydd i ymarfer: canfyddiad o ddim amhariad), 152(3), 153(3), 154(3) neu 155(6) yn dilyn canfyddiad nad oes amhariad ar ei addasrwydd i ymarfer,
- (e) penderfyniad gan GCC i ddyroddi rhybudd i berson cofrestredig o dan adran 126(3)(c),

Content of the register

3.—(1) An entry in the register in respect of a person must show—

- (a) such of the qualifications, knowledge or experience specified in the Schedule to these Regulations as are possessed by the person (if any), and
- (b) where a relevant decision has been made in respect of the person's fitness to practise, the information specified in regulations 4 to 9.

(2) In this regulation, “relevant decision” means—

- (a) subject to paragraph (3), a determination by a fitness to practise panel that a registered person's fitness to practise is impaired under the following sections—
 - (i) section 138 (disposals by fitness to practise panel: finding of impairment);
 - (ii) section 152 (review of undertakings: disposals by fitness to practise panel);
 - (iii) section 153 (review of conditional registration orders: disposals by fitness to practise panel);
 - (iv) section 154 (review of suspension orders: disposals by fitness to practise panel);
 - (v) section 155 (review of indefinite suspension orders);
- (b) a decision by a fitness to practise panel or an interim orders panel to make an interim order under section 144 (interim orders) or to confirm or vary an interim order under section 147 (review of interim orders: possible decisions),
- (c) a decision by a fitness to practise panel to agree undertakings under section 136(1), 152(5) or (6), 153(4), 154(4) or 155(7) following an admission by a registered person that his or her fitness to practise is impaired,
- (d) a decision by a fitness to practise panel to give advice or a warning to a registered person under section 137 (disposals by fitness to practise panel: finding of no impairment), 152(3), 153(3), 154(3) or 155(6) following a finding that his or her fitness to practise is not impaired,
- (e) a decision by SCW to issue a warning to a registered person under section 126(3)(c),

- (f) penderfyniad gan GCC i gytuno ar ymgymeriadau â pherson cofrestredig o dan adran 126(3)(d), ac
- (g) penderfyniad gan banel addasrwydd i ymarfer i adfer person i'r rhan berthnasol o'r gofrestr o dan adran 98(1)(a).

(3) Nid yw dyfarniad gan banel addasrwydd i ymarfer bod amhariad ar addasrwydd person cofrestredig i ymarfer yn benderfyniad perthnasol os yw'r gwarediad a wneir yn—

- (a) gorchymyn dileu o dan adran 138(9) (yn ddarostyngedig i is-adran (10)), 152(8)(e), 153(9)(d) neu 154(8)(d) (yn ddarostyngedig i is-adran (9)), neu
- (b) gorchymyn ar gyfer dileu drwy gytundeb o dan adran 135(2), 152(2), 153(2), 154(2) neu 155(5).

Gwybodaeth berthnasol: amhariad ar addasrwydd i ymarfer

4.—(1) Mae'r rheoliad hwn yn gymwys pan fo panel addasrwydd i ymarfer wedi gwneud penderfyniad perthnasol a bennir yn rheoliad 3(2)(a).

(2) Rhaid i'r cofnod yn y gofrestr mewn cysylltiad â'r person cofrestredig (y "cofnod perthnasol")—

- (a) datgan y canfuwyd bod amhariad ar addasrwydd y person i ymarfer, a
- (b) pennu'r ffordd y gwaredodd y panel addasrwydd i ymarfer y mater o dan adran 138 neu unrhyw un neu ragor o adrannau 152 i 155.

(3) Pan fo'r panel addasrwydd i ymarfer wedi cytuno ar ymgymeriadau â'r person cofrestredig, rhaid i'r cofnod perthnasol bennu'r ymgymeriadau y cytunwyd arnynt, ac eithrio unrhyw ymgymeriadau sy'n ymwneud ag iechyd corfforol neu iechyd meddwl y person.

(4) Pan fo'r panel addasrwydd i ymarfer wedi gwneud gorchymyn cofrestru amodol, rhaid i'r cofnod perthnasol bennu'r amodau a osodir ar gofrestrriad y person cofrestredig, ac eithrio unrhyw amodau sy'n ymwneud â'i iechyd corfforol neu ei iechyd meddwl.

(5) Pan fo'r panel addasrwydd i ymarfer wedi gwneud gorchymyn cofrestru amodol sydd wedi peidio â chael effaith, rhaid i'r cofnod perthnasol barhau i nodi bod y person yn ddarostyngedig o'r blaen i orchymyn o'r fath a'r dyddiadau pan oedd y gorchymyn yn cael effaith.

(6) Pan fo'r panel addasrwydd i ymarfer wedi gwneud gorchymyn atal dros dro sydd wedi peidio â chael effaith, rhaid i'r cofnod perthnasol barhau i nodi bod y person wedi bod yn ddarostyngedig i orchymyn o'r fath a'r dyddiadau pan oedd y gorchymyn yn cael effaith.

- (f) a decision by SCW to agree undertakings with a registered person under section 126(3)(d), and

- (g) a decision by a registration appeals panel to restore a person to the relevant part of the register under section 98(1)(a).

(3) A determination by a fitness to practise panel that a registered person's fitness to practise is impaired is not a relevant decision if the disposal made is—

- (a) a removal order under section 138(9) (subject to subsection (10)), 152(8)(e), 153(9)(d) or 154(8)(d) (subject to subsection (9)), or
- (b) an order for removal by agreement under section 135(2), 152(2), 153(2), 154(2) or 155(5).

Relevant information: impaired fitness to practise

4.—(1) This regulation applies where a fitness to practise panel has made a relevant decision specified in regulation 3(2)(a).

(2) The entry in the register in respect of the registered person (the "relevant entry") must—

- (a) state that the person's fitness to practise has been found to be impaired, and
- (b) specify the way in which the fitness to practise panel disposed of the matter under section 138 or any of sections 152 to 155.

(3) Where the fitness to practise panel has agreed undertakings with the registered person, the relevant entry must specify the undertakings that have been agreed, except for any undertakings relating to the person's physical or mental health.

(4) Where the fitness to practise panel has made a conditional registration order, the relevant entry must specify the conditions imposed on the registered person's registration, except for any conditions relating to his or her physical or mental health.

(5) Where the fitness to practise panel has made a conditional registration order which has ceased to have effect, the relevant entry must continue to indicate that the person was previously subject to such an order and the dates for which the order had effect.

(6) Where the fitness to practise panel has made a suspension order which has ceased to have effect, the relevant entry must continue to indicate that the person had been subject to such an order and the dates for which the order had effect.

Gwybodaeth berthnasol: gorchymynion interim

5.—(1) Mae'r rheoliad hwn yn gymwys pan fo panel addasrwydd i ymarfer neu banel gorchymynion interim wedi gwneud penderfyniad perthnasol a bennir yn rheoliad 3(2)(b).

(2) Rhaid i'r cofnod yn y gofrestr mewn cysylltiad â'r person cofrestredig—

- (a) datgan y math o orchymyn interim sydd wedi ei wneud neu wedi ei gadarnhau, neu (yn achos amrywio gorchymyn interim o dan adran 147) yr amrywiad sydd wedi ei wneud, a
- (b) pan fo'r gorchymyn yn orchymyn cofrestru amodol interim, pennu'r amodau a osodir ar gofrestriad y person, ac eithrio unrhyw amodau sy'n ymwneud â'i iechyd corfforol neu ei iechyd meddwl.

Gwybodaeth berthnasol: ymgymeriadau yn dilyn cyfaddefiad o amhariad

6.—(1) Mae'r rheoliad hwn yn gymwys pan fo panel addasrwydd i ymarfer wedi gwneud penderfyniad perthnasol a bennir yn rheoliad 3(2)(c).

(2) Rhaid i'r cofnod yn y gofrestr mewn cysylltiad â'r person cofrestredig—

- (a) datgan bod y person yn cyfaddef bod amhariad ar ei addasrwydd i ymarfer, a
- (b) pennu'r ymgymeriadau y cytunwyd arnynt, ac eithrio unrhyw ymgymeriadau sy'n ymwneud ag iechyd corfforol neu iechyd meddwl y person.

Gwybodaeth berthnasol: canfyddiad o ddim amhariad gan banel addasrwydd i ymarfer

7.—(1) Mae'r rheoliad hwn yn gymwys pan fo panel addasrwydd i ymarfer wedi gwneud penderfyniad perthnasol a bennir yn rheoliad 3(2)(d).

(2) Rhaid i'r cofnod yn y gofrestr mewn cysylltiad â'r person cofrestredig ddatgan—

- (a) y canfuwyd nad oes amhariad ar addasrwydd y person i ymarfer, a
- (b) bod y panel addasrwydd i ymarfer wedi rhoi cyngor neu rybudd (yn ôl y digwydd) i'r person.

Relevant information: interim orders

5.—(1) This regulation applies where a fitness to practise panel or an interim orders panel has made a relevant decision specified in regulation 3(2)(b).

(2) The entry in the register in respect of the registered person must—

- (a) state the type of interim order that has been made or confirmed, or (in the case of a variation of an interim order under section 147) the variation that has been made, and
- (b) where the order is an interim conditional registration order, specify the conditions imposed on the person's registration, except for any conditions relating to his or her physical or mental health.

Relevant information: undertakings following admission of impairment

6.—(1) This regulation applies where a fitness to practise panel has made a relevant decision specified in regulation 3(2)(c).

(2) The entry in the register in respect of the registered person must—

- (a) state that the person admits that his or her fitness to practise is impaired, and
- (b) specify the undertakings that have been agreed, except for any undertakings relating to the person's physical or mental health.

Relevant information: finding of no impairment by a fitness to practise panel

7.—(1) This regulation applies where a fitness to practise panel has made a relevant decision specified in regulation 3(2)(d).

(2) The entry in the register in respect of the registered person must state—

- (a) that there has been a finding that the person's fitness to practise is not impaired, and
- (b) that the fitness to practise panel has given advice or a warning (as the case may be) to the person.

Gwybodaeth berthnasol: adfer

8. Pan fo cofnod mewn cysylltiad â pherson wedi ei adfer i'r rhan berthnasol o'r gofrestr o dan adran 98(1)(a), rhaid i'r cofnod hefyd ddatgan bod y person wedi ei dynnu oddi ar y gofrestr yn dilyn canfyddiad o amhariad ar addasrwydd i ymarfer.

Gwybodaeth berthnasol: penderfyniadau gan GCC

9.—(1) Pan fo GCC wedi dyroddi rhybudd i berson cofrestredig o dan adran 126(3)(c), rhaid i'r cofnod yn y gofrestr mewn cysylltiad â'r person ddatgan—

- (a) nad yw'r cwestiwn ynghylch amhariad ar addasrwydd y person i ymarfer wedi ei atgyfeirio i banel addasrwydd i ymarfer, a
- (b) bod rhybudd wedi ei ddyroddi gan GCC.

(2) Pan fo GCC wedi cytuno ar ymgymeriadau â pherson cofrestredig o dan adran 126(3)(d), rhaid i'r cofnod yn y gofrestr mewn cysylltiad â'r person—

- (a) datgan nad yw'r cwestiwn ynghylch amhariad ar addasrwydd y person i ymarfer wedi ei atgyfeirio i banel addasrwydd i ymarfer, a
- (b) pennu'r ymgymeriadau y cytunwyd arnynt, ac eithrio unrhyw ymgymeriadau sy'n ymwneud ag iechyd corfforol neu iechyd meddwl y person.

Relevant information: restoration

8. Where an entry in respect of a person has been restored to the relevant part of the register under section 98(1)(a), the entry must also state that the person had been removed from the register following a finding of impairment of fitness to practise.

Relevant information: decisions by SCW

9.—(1) Where SCW has issued a warning to a registered person under section 126(3)(c), the entry in the register in respect of the person must state—

- (a) that the question of impairment of the person's fitness to practise has not been referred to a fitness to practise panel, and
- (b) that a warning has been issued by SCW.

(2) Where SCW has agreed undertakings with a registered person under section 126(3)(d), the entry in the register in respect of the person must—

- (a) state that the question of impairment of the person's fitness to practise has not been referred to a fitness to practise panel, and
- (b) specify the undertakings that have been agreed, except for any undertakings relating to the person's physical or mental health.

Rebecca Evans

Gweinidog Iechyd y Cyhoedd a Gwasanaethau
Cymdeithasol, o dan awdurdod Ysgrifennydd y
Cabinet dros Iechyd, Llesiant a Chwaraeon, un o
Weinidogion Cymru

15 Tachwedd 2016

Minister for Social Services and Public Health, under
authority of the Cabinet Secretary for Health,
Wellbeing and Sport, one of the Welsh Ministers

15 November 2016

Cynnwys y gofrestr – Cymwysterau,
gwybodaeth neu brofiad perthnasol

1. Cymeradwyaeth gan unrhyw awdurdod gwasanaethau cymdeithasol y mae ei ardal yng Nghymru i weithredu fel gweithiwr proffesiynol iechyd meddwl a gymeradwywyd yn unol ag adran 114(1) o Ddeddf Iechyd Meddwl 1983(1).

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Content of the register – Relevant
qualifications, knowledge or experience

1. Approval by any social services authority whose area is in Wales to act as an approved mental health professional pursuant to section 114(1) of the Mental Health Act 1983(1).

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