



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 389 (Cy. 87)

2020 No. 389 (W. 87)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

Rheoliadau Deddf Rheoleiddio ac
Arolygu Gofal Cymdeithasol
(Cymru) 2016 a Gwasanaethau
Rheoleiddiedig (Diwygiadau
Amrywiol) 2020

The Regulation and Inspection of
Social Care (Wales) Act 2016 and
Regulated Services (Miscellaneous
Amendments) Regulations 2020

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud o dan Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf").

Mae Rhan 2 yn cynnwys diwygiad i adran 9 o'r Ddeddf. Mae adran 9 o'r Ddeddf yn ymwneud ag unrhyw benderfyniad y mae Gweinidogion Cymru yn ei wneud ynghylch a yw darparwr gwasanaeth, person sy'n gwneud cais i fod yn ddarparwr gwasanaeth, unigolyn cyfrifol neu berson sydd i'w ddynodi'n unigolyn cyfrifol (y cyfeirir atynt ar y cyd o hyn ymlaen fel "person perthnasol") yn berson addas a phriodol i fod yn ddarparwr gwasanaeth neu, yn ôl y digwydd, yn unigolyn cyfrifol.

Mae rheoliad 4 yn diwygio adran 9 i estyn cymhwysiad is-adran (6) i gynnwys unrhyw berson arall sy'n gysylltiedig â pherson perthnasol neu a oedd gynt yn gysylltiedig â pherson perthnasol.

Effaith y diwygiad hwn yw caniatáu i Weiniogion Cymru ystyried tystiolaeth bod unrhyw berson sy'n gysylltiedig â pherson perthnasol neu a oedd gynt yn gysylltiedig â pherson perthnasol wedi bod yn gyfrifol am gamymddwyn neu gamreoli, neu wedi cyfrannu ato neu wedi ei hwyluso, wrth ddarparu gwasanaeth rheoleiddiedig yng Nghymru neu wasanaeth cyfatebol y tu allan i Gymru.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act").

Part 2 contains an amendment to section 9 of the Act. Section 9 of the Act concerns any decision the Welsh Ministers make about whether a service provider, a person applying to be a service provider, a responsible individual or a person to be designated as a responsible individual (hereafter collectively referred to as "a relevant person") is a fit and proper person to be a service provider or, as the case may be, a responsible individual.

Regulation 4 amends section 9 to extend the application of subsection (6) to include any other person associated or formerly associated with a relevant person.

The effect of this amendment is to allow the Welsh Ministers to take into account evidence that any person associated or formerly associated with a relevant person has been responsible for, contributed to or facilitated misconduct or mismanagement in the provision of a regulated service in Wales or of the equivalent outside Wales.

Mae Rhan 3 yn cynnwys diwygiadau i Reoliadau Gwasanaethau Rheoleiddiedig (Cofrestru) (Cymru) 2017 (“y Rheoliadau Cofrestru”). Mae'r Rheoliadau Cofrestru wedi eu gwneud o dan adrannau 6 ac 11 o'r Ddeddf.

Mae adran 6(1) o'r Ddeddf yn nodi'r wybodaeth y mae rhaid ei chynnwys mewn cais i gofrestru fel darparwr gwasanaeth mewn cysylltiad â gwasanaeth rheoleiddiedig ac yn galluogi Gweinidogion Cymru i ragnodi gwybodaeth ychwanegol y mae rhaid ei chynnwys mewn cais i gofrestru.

Mae rheoliad 3 o'r Rheoliadau Cofrestru yn pennu'r wybodaeth ychwanegol sydd i'w darparu gan ymgeisydd sy'n gwneud cais i gofrestru. Mae hyn yn cynnwys yr wybodaeth a restrir yn Atodlen 1 i'r Rheoliadau Cofrestru.

Mae rheoliad 6 yn mewnosod rheoliad 3A yn y Rheoliadau Cofrestru.

Mae rheoliad 3A yn nodi'r wybodaeth ychwanegol y mae rhaid ei darparu, yn achos corff corfforedig, gan bob cyfarwyddwr, ymddiriedolwr neu aelod o'r pwyllgor rheoli; yn achos partneriaeth, gan bob partner; ac yn achos corff anghorfforedig, gan bob person sy'n ymwneud â rheoli a rheolaeth y corff.

Mae rheoliad 8 yn cynnwys darpariaeth drosiannol sy'n berthnasol i'r rheoliad 3A a fewnosodir.

Mae Rhan 4 yn diwygio pob un o'r setiau a ganlyn o Reoliadau (y cyfeirir atynt ar y cyd o hyn ymlaen fel “y Rheoliadau Gwasanaethau Rheoleiddiedig”) sydd wedi eu gwneud o dan adrannau 27 ac 28 o'r Ddeddf:

- (a) Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017,
- (b) Rheoliadau Gwasanaethau Lleoli Oedolion (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2019,
- (c) Rheoliadau Gwasanaethau Eirioli Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2019,
- (d) Rheoliadau Gwasanaethau Maethu Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2019, ac
- (e) Rheoliadau Gwasanaethau Mabwysiadu Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2019.

Mae'r Rheoliadau Gwasanaethau Rheoleiddiedig yn nodi'r gofynion rheoleiddiol sy'n gymwys i ddarparwyr gwasanaethau a reoleiddir o dan y Ddeddf. Y gwasanaethau hyn yw gwasanaethau cartrefi gofal, gwasanaethau llety diogel, gwasanaethau canolfannau

Part 3 contains amendments to the Regulated Services (Registration) (Wales) Regulations 2017 (“the Registration Regulations”). The Registration Regulations are made under sections 6 and 11 of the Act.

Section 6(1) of the Act sets out the information that must be contained in an application for registration as a service provider of a regulated service and enables the Welsh Ministers to prescribe additional information that must be contained in an application for registration.

Regulation 3 of the Registration Regulations specifies the additional information that is to be provided by an applicant for registration. This includes the information listed in Schedule 1 to the Registration Regulations.

Regulation 6 inserts regulation 3A into the Registration Regulations.

Regulation 3A sets out the additional information that must be provided by, in the case of a body corporate, each director, trustee, or member of the managing committee; in the case of a partnership, each partner; and in the case of an unincorporated body, each person concerned in the management and control of the body.

Regulation 8 contains a transitional provision relevant to the inserted regulation 3A.

Part 4 amends each of the following sets of Regulations (hereafter collectively referred to as “the Regulated Services Regulations”) which are made under sections 27 and 28 of the Act:

- (a) the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017,
- (b) the Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019,
- (c) the Regulated Advocacy Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019,
- (d) the Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019, and
- (e) the Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019.

The Regulated Services Regulations set out the regulatory requirements which apply to providers of services regulated under the Act. These are care home services, secure accommodation services, residential

preswyl i deuluoedd, gwasanaethau cymorth cartref, gwasanaethau lleoli oedolion, gwasanaethau eirioli, gwasanaethau maethu a gwasanaethau mabwysiadu.

Ym mhob set o'r Rheoliadau Gwasanaethau Rheoleiddiedig, mae Atodlen 3 yn rhestru'r digwyddiadau y mae rhaid i'r darparwr gwasanaeth hysbysu'r rheoleiddiwr gwasanaethau, sef Gweinidogion Cymru, amdanynt.

Mae rheoliad 10 yn rhoi paragraff 3 newydd a pharagraff newydd 3A yn lle'r paragraff 3 presennol o Atodlen 3 i bob set o'r Rheoliadau Gwasanaethau Rheoleiddiedig.

Y digwyddiad a restrir ym mharagraff 3 newydd yw unrhyw newid i'r personau sy'n rhan o'r corff a gyfansoddir (yn ffurfiol neu'n anffurfiol) fel corff gwneud penderfyniadau'r sefydliad, megis cyfarwyddwyr, ymddiriedolwyr neu aelodau pwyllgor rheoli'r darparwr gwasanaeth pan fo'r darparwr gwasanaeth yn gorff corfforedig.

Y digwyddiad a restrir ym mharagraff newydd 3A yw unrhyw newid i'r personau sy'n ymwneud â rheoli a rheolaeth corff y darparwr gwasanaeth pan fo'r darparwr gwasanaeth yn gorff anghorfforedig.

Mae Rhan 5 yn diwygio Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017 ("Rheoliadau 2017").

Mae Rheoliadau 2017 yn nodi'r gofynion rheoleiddiol sy'n gymwys i ddarparwyr gwasanaethau cartrefi gofal, gwasanaethau llety diogel, gwasanaethau canolfannau preswyl i deuluoedd a gwasanaethau cymorth cartref.

Mae Rhan 10 o Reoliadau 2017 yn cynnwys gofynion penodol o ran addasrwydd unigolion sy'n gweithio yn y gwasanaeth.

Mae rheoliad 13 yn diwygio rheoliad 35 o Reoliadau 2017.

Mae paragraff (a) yn amnewid paragraff 2(f) o reoliad 35 o Reoliadau 2017 sy'n darparu, pan fo darparwr gwasanaeth yn cyflogi person ac eithrio fel rheolwr i ddarparu gofal a chymorth mewn cysylltiad â chartref gofal a ddarperir yn gyfan gwbl neu'n bennaf i blant, gwasanaeth llety diogel neu wasanaeth cymorth cartref, fod rhaid i'r person fod wedi ei gofrestru fel gweithiwr gofal cymdeithasol â Gofal Cymdeithasol Cymru o fewn 6 mis i ddechrau ei gyflogaeth.

Mae paragraff (b) yn mewnosod paragraff newydd 2(g) o reoliad 35 o Reoliadau 2017 sy'n darparu, pan fo person wedi ei gymryd ymlaen o dan gontract ar gyfer gwasanaethau (sy'n cynnwys gweithwyr asiantaeth) ac eithrio fel rheolwr, i ddarparu gofal a

family centre services, domiciliary support services, adult placement services, advocacy services, fostering services and adoption services.

In each set of the Regulated Services Regulations, Schedule 3 lists the events of which the service provider must notify the service regulator, the Welsh Ministers.

Regulation 10 substitutes for paragraph 3 of Schedule 3 to each set of the Regulated Services Regulations, new paragraphs 3 and 3A.

The event listed in new paragraph 3 is any change to the persons who form part of the body constituted (formally or informally) as the decision-making body of the organisation, such as the directors, trustees or members of the managing committee of the service provider where the service provider is a body corporate.

The event listed in new paragraph 3A is any change in the persons who are concerned in the management and control of the body of the service provider where the service provider is an unincorporated body.

Part 5 amends the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 ("the 2017 Regulations").

The 2017 Regulations set out the regulatory requirements which apply to providers of care home services, secure accommodation services, residential family centre services and domiciliary support services.

Part 10 of the 2017 Regulations contains specific requirements as to the fitness of individuals working at the service.

Regulation 13 amends regulation 35 of the 2017 Regulations.

Paragraph (a) substitutes paragraph 2(f) of regulation 35 of the 2017 Regulations which provides that where a service provider employs a person, other than as a manager to provide care and support in connection with a care home provided wholly or mainly for children, a secure accommodation service or a domiciliary support service the person must be registered as a social care worker with Social Care Wales within 6 months of commencing their employment.

Paragraph (b) inserts a new paragraph 2(g) of regulation 35 of the 2017 Regulations which provides that where a person is engaged under a contract for services (which includes agency workers), other than as manager, to provide care and support to any person

chymorth i unrhyw berson mewn cysylltiad â gwasanaeth cartref gofal a ddarperir yn gyfan gwbl neu'n bennaf i blant, gwasanaeth llety diogel neu wasanaeth cymorth cartref, fod rhaid i'r person hwnnw fod wedi ei gofrestru â Gofal Cymdeithasol Cymru o fewn 6 mis i'r dyddiad y cymerir y person ymlaen gyntaf o dan contract ar gyfer gwasanaethau iddarparu gofal a chymorth o'r fath.

Mae paragraff (d) yn mewnosod paragraff newydd 11 i ddarparu nad yw'r gofyniad bod person wedi ei gofrestru â Gofal Cymdeithasol Cymru yn unol â rheoliad 35(2)(f) ac (g) yn gymwys pan fo'r person hwnnw wedi ei gyflogi neu ei gymryd ymlaen o dan contract ar gyfer gwasanaethau i weithio fel nyrs, neu broffesiynolyn cofrestredig sydd wedi ei gofrestru â'r Cyngor Proffesiynau Iechyd a Gofal.

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

in connection with a care home service provided wholly or mainly for children, a secure accommodation service or a domiciliary support service that person must be registered with Social Care Wales within 6 months of the date the person is first engaged under a contract for services to provide such care and support.

Paragraph (d) inserts a new paragraph 11 to provide that the requirement that a person is registered with Social Care Wales in accordance with regulation 35(2)(f) and (g), does not apply where that person is employed or engaged under a contract for services to work as a nurse, or registered professional who is registered with the Health and Care Professions Council.

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.

2020 Rhif 389 (Cy. 87)

2020 No. 389 (W. 87)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

**Rheoliadau Deddf Rheoleiddio ac
Arolygu Gofal Cymdeithasol
(Cymru) 2016 a Gwasanaethau
Rheoleiddiedig (Diwygiadau
Amrywiol) 2020**

**The Regulation and Inspection of
Social Care (Wales) Act 2016 and
Regulated Services (Miscellaneous
Amendments) Regulations 2020**

Gwnaed 11 Mawrth 2020

Made 11 March 2020

Yn dod i rym 1 Ebrill 2020

Coming into force 1 April 2020

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 6(1)(d), 9(9), 27(1) a 187(1)(b) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (“y Ddeddf”)(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 6(1)(d), 9(9), 27(1) and 187(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”)(1).

Mae Gweinidogion Cymru wedi ymgynghori â'r personau hynny y maent yn meddwl eu bod yn briodol, fel sy'n ofynnol gan adran 27(4)(a) o'r Ddeddf ac wedi cyhoeddi datganiad ynghylch yr ymgynghoriad fel sy'n ofynnol gan adran 27(4)(b) o'r Ddeddf honno. Mae Gweinidogion Cymru wedi gosod copi o'r datganiad gerbron Cynulliad Cenedlaethol Cymru fel sy'n ofynnol gan adran 27(5) o'r Ddeddf honno.

The Welsh Ministers have consulted such persons as they think appropriate, as required by section 27(4)(a) of the Act and published a statement about the consultation as required by section 27(4)(b) of that Act. The Welsh Ministers have laid a copy of the statement before the National Assembly for Wales as required by section 27(5) of that Act.

Gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru o dan adran 187(2)(d) ac (f) o'r Ddeddf ac fe'i cymeradwywyd ganddo drwy benderfyniad.

A draft of these Regulations was laid before the National Assembly for Wales under section 187(2)(d) and (f) of the Act and has been approved by a resolution of the National Assembly for Wales.

(1) 2016 dccc 2; gweler y diffiniad o “a ragnodir” a “rhagnodedig” yn adran 189. Gweler hefyd adran 40 o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) am ddarpariaeth ynghylch y weithdrefn sy'n gymwys i'r offeryn hwn.

(1) 2016 anaw 2; see the definition of “prescribed” in section 189. See also section 40 of the Legislation (Wales) Act 2019 (anaw 4) for provision about the procedure that applies to this instrument.

RHAN 1
Cyffredinol

PART 1
General

Enwi, cychwyn a dehongli

2.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 a Gwasanaethau Rheoleiddiedig (Diwygiadau Amrywiol) 2020.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2020.

(3) Yn y Rheoliadau hyn—

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

ystyr “Rheoliadau 2017” (“*the 2017 Regulations*”) yw Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017(1),

ystyr “y Rheoliadau Cofrestru” (“*the Registration Regulations*”) yw Rheoliadau Gwasanaethau Rheoleiddiedig (Cofrestru) (Cymru) 2017(2),

ystyr “y Rheoliadau Gwasanaethau Rheoleiddiedig” (“*the Regulated Services Regulations*”) yw—

- (a) Rheoliadau 2017,
- (b) Rheoliadau Gwasanaethau Lleoli Oedolion (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2019(3),
- (c) Rheoliadau Gwasanaethau Eirioli Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2019(4),
- (d) Rheoliadau Gwasanaethau Maethu Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2019(5),
- (e) Rheoliadau Gwasanaethau Mabwysiadu Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2019(6).

Title, commencement and interpretation

2.—(1) The title of these Regulations is the Regulation and Inspection of Social Care (Wales) Act 2016 and Regulated Services (Miscellaneous Amendments) Regulations 2020.

(2) These Regulations come into force on 1 April 2020.

(3) In these Regulations—

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

“the 2017 Regulations” (“*Rheoliadau 2017*”) means the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017(1),

“the Registration Regulations” (“*y Rheoliadau Cofrestru*”) means the Regulated Services (Registration) (Wales) Regulations 2017(2),

“the Regulated Services Regulations” (“*y Rheoliadau Gwasanaethau Rheoleiddiedig*”) means—

- (a) the 2017 Regulations,
- (b) the Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019(3),
- (c) the Regulated Advocacy Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019(4),
- (d) the Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019(5),
- (e) the Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019(6).

(1) O.S. 2017/1264 (Cy. 295) fel y'i diwygiwyd gan O.S. 2019/757 (Cy. 142).
(2) O.S. 2017/1098 (Cy. 278) y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(3) O.S. 2019/163 (Cy. 40).
(4) O.S. 2019/165 (Cy. 41) y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(5) O.S. 2019/169 (Cy. 42).
(6) O.S. 2019/762 (Cy. 145).

(1) S.I. 2017/1264 (W. 295) as amended by S.I. 2019/757 (W. 142).
(2) S.I. 2017/1098 (W. 278) to which there are amendments not relevant to these Regulations.
(3) S.I. 2019/163 (W. 40).
(4) S.I. 2019/165 (W. 41) to which there are amendments not relevant to these Regulations.
(5) S.I. 2019/169 (W. 42).
(6) S.I. 2019/762 (W. 145).

RHAN 2

Diwygiad i'r Ddeddf

Diwygiad i'r Ddeddf

3. Mae'r Ddeddf wedi ei diwygio yn unol â rheoliad 4.

Person addas a phriodol: ystyriaethau perthnasol

4. Yn adran 9(5)(a), ar ôl "is-adran (4)" mewnosoder "neu (6)".

RHAN 3

Diwygiadau i'r Rheoliadau Cofrestru

Diwygiadau i'r Rheoliadau Cofrestru

5. Mae'r Rheoliadau Cofrestru wedi eu diwygio yn unol â rheoliadau 6 a 7 ac mae rheoliad 8 yn cyflwyno darpariaeth drosiannol.

Yr wybodaeth sydd i'w darparu gan ymgeisydd

6. Ar ôl rheoliad 3 mewnosoder—

“3A.—(1) Mae'r rheoliad hwn yn gymwys pan fo'r ymgeisydd, o fewn ystyr paragraff (a) o'r diffiniad o "ymgeisydd" yn rheoliad 2, yn sefydliad.

(2) Rhaid i ymgeisydd y mae'r rheoliad hwn yn gymwys iddo, yn ychwanegol at yr wybodaeth a bennir yn rheoliad 3, ddarparu i Weinidogion Cymru yr wybodaeth ym mharagraff (3).

(3) Rhaid i'r ymgeisydd ddarparu, mewn perthynas â'r personau a restrir ym mharagraff (4)—

- (a) eu henw llawn, eu dyddiad geni, eu cyfeiriad cartref, eu cyfeiriad post electronig a'u rhif ffôn, a
- (b) yr wybodaeth a restrir ym mharagraffau 13 i 22 o Atodlen 1.

(4) Y personau y mae rhaid darparu'r wybodaeth ym mharagraff (3) mewn perthynas â hwy yw—

- (a) pan fo'r sefydliad yn gorff corfforaethol ac eithrio awdurdod lleol neu Fwrdd Iechyd Lleol—
 - (i) pob person sydd wedi ei benodi'n gyfarwyddwr o'r corff corfforaethol,

PART 2

Amendment to the Act

Amendment to the Act

3. The Act is amended in accordance with regulation 4.

Fit and proper person: relevant considerations

4. In section 9(5)(a) after "subsection (4)" insert "or (6)".

PART 3

Amendments to the Registration Regulations

Amendments to the Registration Regulations

5. The Registration Regulations are amended in accordance with regulations 6 and 7 and regulation 8 introduces a transitional provision.

Information to be provided by an applicant

6. After regulation 3 insert—

“3A.—(1) This regulation applies where the applicant, within the meaning of paragraph (a) of the definition of "applicant" in regulation 2, is an organisation.

(2) An applicant to whom this regulation applies must, in addition to the information specified in regulation 3, provide the Welsh Ministers with the information in paragraph (3).

(3) The applicant must provide, in relation to the persons listed in paragraph (4)—

- (a) their full name, date of birth, home address, electronic mail address and telephone number, and
- (b) the information listed in paragraphs 13 to 22 of Schedule 1.

(4) The persons in relation to whom the information in paragraph (3) must be provided are—

- (a) where the organisation is a body corporate other than a local authority or Local Health Board—
 - (i) each person who has been appointed as a director of the body corporate,

- (ii) pob person sydd wedi ei benodi'n ymddiriedolwr o'r corff corfforaethol,
- (iii) pob aelod o bwyllgor rheoli'r corff corfforaethol,
- (b) pan fo'r sefydliad yn gorff anghorfforedig, pob person sy'n ymwneud â rheoli a rheolaeth y corff,
- (c) pan fo'r sefydliad yn bartneriaeth, pob partner."

7. Yn Atodlen 1—

- (a) ym mharagraff 45—
 - (i) ar ddiwedd is-baragraff (b), yn lle “.” rhodder“;”,
 - (ii) ar ôl is-baragraff (b) mewnosoder—
 - “(c) unrhyw berson sy'n aelod o bwyllgor rheoli'r corff corfforaethol.”, a
- (b) yn nhestun Saesneg paragraff 48, yn lle “application” rhodder “declaration”.

Darpariaeth drosiannol

8. Mae cais i gofrestru sydd wedi ei gyflwyno yn unol â'r Rheoliadau Cofrestru cyn i'r Rheoliadau hyn ddod i rym, i'w benderfynu fel pe na bai'r Rheoliadau hyn wedi eu gwneud.

RHAN 4

Diwygiadau i'r Rheoliadau Gwasanaethau Rheoleiddiedig

Diwygiadau i'r Rheoliadau Gwasanaethau Rheoleiddiedig

9. Mae'r Rheoliadau Gwasanaethau Rheoleiddiedig wedi eu diwygio yn unol â rheoliad 10.

10. Yn Atodlen 3—

- (a) yn lle paragraff 3 rhodder—
 - “3. Pan fo'r darparwr gwasanaeth, ar neu ar ôl 1 Ebrill 2020, yn gorff corfforaethol, unrhyw newid i—
 - (a) cyfarwyddwyr,
 - (b) ymddiriedolwyr, neu
 - (c) aelodau pwyllgor rheoli, y corff corfforaethol.

- (ii) each person who has been appointed as a trustee of the body corporate,
- (iii) each member of the managing committee of the body corporate,
- (b) where the organisation is an unincorporated body, each person who is concerned in the management and control of the body,
- (c) where the organisation is a partnership, each partner."

7. In Schedule 1—

- (a) in paragraph 45—
 - (i) at the end of subparagraph (b) for “.” substitute “;”,
 - (ii) after subparagraph (b) insert—
 - “(c) any person who is a member of the managing committee of the body corporate.”, and
- (b) in paragraph 48 for “application” substitute “declaration”.

Transitional provision

8. An application for registration which has been submitted in accordance with the Registration Regulations prior to the coming into force of these Regulations, is to be determined as if these Regulations had not been made.

PART 4

Amendments to the Regulated Services Regulations

Amendments to the Regulated Services Regulations

9. The Regulated Services Regulations are each amended in accordance with regulation 10.

10. In Schedule 3—

- (a) for paragraph 3 substitute—
 - “3. Where, on or after 1 April 2020, the service provider is a body corporate, any change in the—
 - (a) directors,
 - (b) trustees, or
 - (c) members of the managing committee, of the body corporate.

3A. Pan fo'r darparwr gwasanaeth, ar neu ar ôl 1 Ebrill 2020, yn gorff anghorfforedig, unrhyw newid i'r personau sy'n ymwneud â rheoli a rheolaeth y corff."

(b) ym mharagraff 5 yn lle "cwmni" rhodder "corff corfforaethol".

3A. Where, on or after 1 April 2020, the service provider is an unincorporated body, any change in the persons who are concerned in the management and control of the body."

(b) in paragraph 5 for "company" substitute "body corporate".

RHAN 5

Diwygiadau i Reoliadau 2017

Diwygiadau i Reoliadau 2017

11. Mae Rheoliadau 2017 wedi eu diwygio yn unol â rheoliadau 12 a 13.

Dehongli

12. Yn rheoliad 1(3), mewnosoder y canlynol yn y lle priodol—

"ystyr "nyrs" ("*nurse*") yw nyrs gymwysedig neu fydwraig gymwysedig sydd wedi ei chofrestru â'r Cyngor Nyrsio a Bydwreigiaeth yn unol ag erthygl 5 o Orchymyn Nyrsio a Bydwreigiaeth 2001(1);"

"mae i "proffesiynolyn cofrestredig" yr ystyr a roddir i "registered professional" ym mharagraff 1 o Atodlen 3 i Orchymyn Proffesiynau Iechyd 2001(2);".

Addasrwydd staff

13. Yn rheoliad 35—

(a) yn lle paragraff (2)(f) rhodder—

"(f) yn ddarostyngedig i baragraff (11) o'r rheoliad hwn, pan fo'r person wedi ei gyflogi gan y darparwr gwasanaeth (pa un ai fel cyflogai neu fel gweithiwr) ac eithrio fel rheolwr er mwyn darparu gofal a chymorth i unrhyw berson mewn cysylltiad—

(i) â gwasanaeth cartref gofal a ddarperir yn gyfan gwbl neu'n bennafi blant,

(ii) â gwasanaeth llety diogel, neu

PART 5

Amendments to the 2017 Regulations

Amendments to the 2017 Regulations

11. The 2017 Regulations are amended in accordance with regulations 12 and 13.

Interpretation

12. In regulation 1(3), insert the following in the appropriate place—

"*nurse*" ("*nyrs*") means a qualified nurse or qualified midwife registered with the Nursing and Midwifery Council in accordance with article 5 of the Nursing and Midwifery Order 2001(1);"

"*registered professional*" ("*proffesiynolyn cofrestredig*") has the meaning given in paragraph 1 of Schedule 3 to the Health Professions Order 2001(2);".

Fitness of staff

13. In regulation 35—

(a) for paragraph (2)(f) substitute—

"(f) subject to paragraph (11) of this regulation, where the person is employed by the service provider (whether as an employee or worker) other than as a manager in order to provide care and support to any person in connection with—

(i) a care home service provided wholly or mainly for children,

(ii) a secure accommodation service, or

(1) O.S. 2002/253, a ddiwygiwyd gan O.S. 2018/838 ac O.S. 2009/1182; mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(2) O.S. 2002/254, y mae offerynnau diwygio iddo.

(1) S.I. 2002/253, amended by S.I. 2018/838 and S.I. 2009/1182; there are other amending instruments but none is relevant.

(2) S.I. 2002/254, to which there are amending instruments.

- (iii) â gwasanaeth cymorth cartref er mwyn darparu gofal a chymorth i berson y cyfeirir ato ym mharagraff 8(1) o Atodlen 1 i'r Ddeddf,
- fod y person wedi ei gofrestru fel gweithiwr gofal cymdeithasol â Gofal Cymdeithasol Cymru heb fod yn hwyrach na'r dyddiad perthnasol (gweler paragraff (8) amystyr "y dyddiad perthnasol")."
- (b) ar ôl is-baragraff (f) fel y'i hamnewidir gan y Rheoliadau hyn mewnosoder—
- “(g) yn ddarostyngedig i baragraff (11) o'r rheoliad hwn, pan fo'r person wedi ei gymryd ymlaen o dan gontract ar gyfer gwasanaethau ac eithrio fel rheolwr, i ddarparu gofal a chymorth i unrhyw berson mewn cysylltiad—
- (i) â gwasanaeth cartref gofal a ddarperir yn gyfan gwbl neu'n bennafi blant,
- (ii) â gwasanaeth llety diogel, neu
- (iii) â gwasanaeth cymorth cartref er mwyn darparu gofal a chymorth i berson y cyfeirir ato ym mharagraff 8(1) o Atodlen 1 i'r Ddeddf,
- fod y person wedi ei gofrestru fel gweithiwr gofal cymdeithasol â Gofal Cymdeithasol Cymru heb fod yn hwyrach na'r dyddiad perthnasol (gweler paragraff (8A) am ystyr "y dyddiad perthnasol")."
- (c) ar ôl paragraff (8) mewnosoder—
- “(8A) Ym mharagraff (2)(g) o'r rheoliad hwn, “y dyddiad perthnasol” yw naill ai—
- (a) 6 mis o'r dyddiad y cymerir person ymlaen gyntaf o dan gontract ar gyfer gwasanaethau i ddarparu gofal a chymorth mewn cysylltiad—
- (i) â gwasanaeth cartref gofal a ddarperir yn gyfan gwbl neu'n bennafi blant,
- (ii) â gwasanaeth llety diogel,
- (iii) â gwasanaeth cymorth cartref er mwyn darparu gofal a chymorth i berson y cyfeirir ato ym mharagraff 8(1) o Atodlen 1 i'r Ddeddf, neu
- (b) unrhyw ddyddiad diweddarach y mae'r rheoleiddiwr gwasanaethau yn cytuno arno o dan amgylchiadau eithriadol.”
- (iii) a domiciliary support service in order to provide care and support to a person referred to in paragraph 8(1) of Schedule 1 to the Act,
- the person is registered as a social care worker with Social Care Wales no later than the relevant date (see paragraph (8) for meaning of “the relevant date”)."
- (b) after subparagraph (f) as substituted by these Regulations insert—
- “(g) subject to paragraph (11) of this regulation, where the person is engaged under a contract for services, other than as manager, to provide care and support to any person in connection with—
- (i) a care home service provided wholly or mainly to children,
- (ii) a secure accommodation service, or
- (iii) a domiciliary support service in order to provide care and support to a person referred to in paragraph 8(1) of Schedule 1 to the Act,
- the person is registered as a social care worker with Social Care Wales no later than the relevant date (see paragraph (8A) for meaning of “the relevant date”)."
- (c) after paragraph (8) insert—
- “(8A) In paragraph (2)(g) of this regulation, “the relevant date” is either—
- (a) 6 months from the date a person is first engaged under a contract for services to provide care and support in connection with—
- (i) a care home service provided wholly or mainly to children,
- (ii) a secure accommodation service,
- (iii) a domiciliary support service in order to provide care and support to a person referred to in paragraph 8(1) of Schedule 1 to the Act, or
- (b) such later date as the service regulator may in exceptional circumstances agree.”

(d) ar ôl paragraff (10) mewnosoder—

“(11) Nid yw’r gofyniad bod person wedi ei gofrestru fel gweithiwr gofal cymdeithasol â Gofal Cymdeithasol Cymru yn unol â pharagraff (2)(f) ac (g) yn gymwys pan fo’r person wedi ei gyflogi (pa un ai fel cyflogai neu fel gweithiwr) neu ei gymryd ymlaen o dan gontract ar gyfer gwasanaethau i weithio fel—

- (a) nyrs, neu
- (b) proffesiynolyn cofrestredig.”

(d) after paragraph (10) insert—

“(11) The requirement that a person is registered as a social care worker with Social Care Wales in accordance with paragraph (2)(f) and (g), does not apply where the person is employed (whether as an employee or worker) or engaged under a contract for services to work as a—

- (a) nurse, or
- (b) registered professional.”

Julie Morgan

Y Dirprwy Weinidog Iechyd a Gwasanaethau
Cymdeithasol o dan awdurdod y Gweinidog Iechyd a
Gwasanaethau Cymdeithasol, un o Weinidogion
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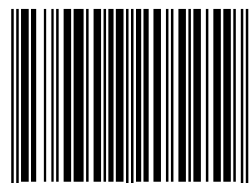
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