



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2004 Rhif 219 (Cy.23)**

**2004 No. 219 (W.23)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE,  
WALES**

**Rheoliadau Asiantaethau Gofal  
Cartref (Cymru) 2004**

**The Domiciliary Care Agencies  
(Wales) Regulations 2004**

**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 wedi'u gwneud o dan Ddeddf Safonau Gofal 2000 ("y Ddeddf") ac maent yn gymwys mewn perthynas ag asiantaethau gofal cartref ("asiantaethau") yng Nghymru. Mae Rhannau I a II o'r Ddeddf yn darparu mai Cynulliad Cenedlaethol Cymru, mewn perthynas â Chymru, a fydd yn cofrestru personau sy'n rhedeg neu'n rheoli asiantaethau ac yn archwilio mangreoeedd asiantaethau. Mae Rhan II yn darparu hefyd fod person sy'n rhedeg neu'n rheoli asiantaeth heb fod wedi'i gofrestru ar gyfer hynny yn cyflawni tramgwydd. Mae'r Ddeddf yn darparu hefyd i'r Cynulliad Cenedlaethol wneud rheoliadau sy'n llywodraethu'r ffordd y mae asiantaethau yn cael eu rhedeg mewn perthynas â Chymru. O dan adran 13 o'r Ddeddf rhaid i'r Cynulliad Cenedlaethol gael ei fodloni bod yr asiantaeth yn cydymffurfio â'r rheoliadau ac y bydd yn parhau i wneud hynny os yw'n mynd i ganiatáu cais am gofrestrriad.

These Regulations are made under the Care Standards Act 2000 ("the Act") and apply in relation to domiciliary care agencies ("agencies") in Wales. Parts I and II of the Act provide for the National Assembly for Wales, in relation to Wales, to register persons carrying on or managing agencies and to inspect agency premises. Part II also provides that a person who carries on or manages an agency without being registered in respect of it commits an offence. The Act also provides for the National Assembly to make regulations governing the conduct of agencies in relation to Wales. Under section 13 of the Act the National Assembly must be satisfied that the regulations are being and will continue to be complied with if it is to grant an application for registration.

Mae rheoliad 3 yn eithrio ymgymeriadau penodol o'r diffiniad o asiantaeth gofal cartref yn adran 4 o'r Ddeddf. Ymgymeriadau yw'r rhain sy'n cael eu rhedeg gan unigolyn yn unig a hwnnw'n unigolyn nad yw'n cael ei gyflogi gan gorff i redeg ymgymeriad, ac nad yw'n cyflogi neb arall at ddibenion yr ymgymeriad ac y mae'n trefnu gofal personol i lai na phedwar defnyddiwr gwasanaeth. Mae rheoliadau 4 i 6 yn ymwneud â datganiad o ddiben yr asiantaeth a'i harweiniad defnyddiwr gwasanaeth. Rhaid bod gan bob asiantaeth ddatganiad o ddiben ac arweiniad defnyddiwr gwasanaeth i'r asiantaeth (rheoliadau 4 a 5). Rhaid i'r person cofrestredig roi sylw i'r datganiad o ddiben wrth wneud trefniadau staffio ar gyfer yr

Regulation 3 excludes certain undertakings from the definition of domiciliary care agency in section 4 of the Act. These include undertakings which are carried on solely by an individual who is not employed by an organisation to carry it on, who does not employ anyone else for the purposes of the undertaking and who arranges personal care to fewer than four service users. Regulations 4 to 6 are about the agency's statement of purpose and service users' guide. Each agency must have a statement of purpose and a service users' guide to the agency (regulations 4 and 5). The registered person must have regard to the statement of purpose in making staffing arrangements for the agency (regulation 16), and ensure that the agency

asiantaeth (rheoliad 16), a sicrhau bod mangre'r asiantaeth yn addas at ddibenion cyrraedd y nodau a'r amcanion a nodir yn y datganiad o ddiben (rheoliad 24). Mae'r datganiad a'r arweiniad i'w cadw o dan sylw ac i'w diwygio os bydd angen (rheoliad 6).

Mae rheoliad 7 yn ei gwneud yn ofynnol i'r ffaith bod asiantaeth wedi'i chofrestru gael ei nodi ar ei gohebiaeth.

Mae Rhan II o'r Rheoliadau yn gwneud darpariaeth ynglŷn â ffitrwydd personau sy'n rhedeg neu'n rheoli'r asiantaeth, ac yn ei gwneud yn ofynnol i wybodaeth foddhaol ynglŷn â'r materion a nodir yn atodlen 2 fod ar gael mewn perthynas â'r personau hyn. Os corff yw'r person sy'n rhedeg asiantaeth, rhaid iddo enwi person cyfrifol y mae'n rhaid i'r wybodaeth hon fod ar gael mewn perthynas ag ef (rheoliad 8). Mae rheoliad 9 yn darparu bod rhaid i reolwr gael ei benodi ar gyfer asiantaeth o dan amgylchiadau penodol, ac mae rheoliad 11 yn gosod gofynion cyffredinol mewn perthynas â rhedeg asiantaeth, a'r angen i bersonau cofrestredig ymgymryd â hyfforddiant priodol.

Mae Rhan III o'r Rheoliadau yn gwneud darpariaeth ynglŷn â rhedeg asiantaethau, ac yn benodol ynghylch y trefniadau ar gyfer darparu gofal personol (rheoliad 14), ffitrwydd gweithwyr (rheoliad 15), gofynion staffio (rheoliad 16), darparu llawlyfr a chod ymddygiad i'r staff a gwybodaeth i'r defnyddwyr gwasanaeth (rheoliadau 17 a 18), yr adnabyddiaeth sydd i'w gyflwyno gan weithwyr (rheoliad 19), cadw cofnodion (rheoliad 20), gweithdrefnau cwyno'r asiantaeth (rheoliad 21), holi barn y staff ynglŷn â'r ffordd y mae'r asiantaeth yn cael ei rhedeg (rheoliad 23) ac adolygu gweithrediadau asiantaeth (rheoliad 23).

Mae Rhan III hefyd yn gwneud darpariaeth ynglŷn â ffitrwydd mangreoedd asiantaethau (rheoliad 24), gosod gofynion ynglŷn â sefyllfa ariannol asiantaethau (rheoliad 25) ac yn ei gwneud yn ofynnol i hysbysiad gael ei roi i'r Cynulliad Cenedlaethol o ddigwyddiadau penodedig sy'n ymwneud ag asiantaeth (rheoliadau 26 i 29).

Mae Rhan IV o'r Rheoliadau yn ymdrin â materion amrywiol megis cyflawni rhwymedigaethau o dan y Rheoliadau pan fydd gan asiantaeth fwy nag un person cofrestredig (rheoliad 30), tramgwyddau o dan y Rheoliadau (rheoliad 31), pennu swyddfeydd priodol y Cynulliad Cenedlaethol at ddibenion rhwymedigaethau o dan y Rheoliadau i roi hysbysiad (rheoliad 32), diwygiadau i'r Offerynnau Statudol ynglŷn â gwneud ceisiadau am gofrestrriad a thalu ffoedd cofrestru i gymryd i ystyriaeth gymhwysiad y Ddeddf i asiantaethau (rheoliadau 33 a 34), ac mae'n gwneud darpariaeth drosiannol hefyd (rheoliad 35).

premises are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose (regulation 24). The statement and the guide are to be kept under review and revised if necessary (regulation 6).

Regulation 7 requires the fact of an agency's registration to be noted on its correspondence.

Part II of the Regulations makes provision about the fitness of persons carrying on or managing the agency, and requires satisfactory information as to the matters set out in schedule 2 to be available in relation to these persons. Where the person carrying on an agency is an organisation, it must nominate a responsible person in respect of whom this information must be available (regulation 8). Regulation 9 provides that a manager must be appointed for an agency in certain circumstances, and regulation 11 imposes general requirements in relation to the conduct of an agency and the need for registered persons to undertake appropriate training.

Part III of the Regulations makes provision about the conduct of agencies, in particular as to the arrangements for the provision of personal care (regulation 14), the fitness of workers (regulation 15), staffing requirements (regulation 16), provision of a handbook and code of conduct to staff and information to service users (regulations 17 and 18), identification to be produced by workers (regulation 19), record keeping (regulation 20), complaints procedures of the agency (regulation 21), the seeking of staff views about the conduct of an agency (regulation 22) and the review of the operations of an agency (regulation 23).

Part III also makes provision about the fitness of agency premises (regulation 24), imposes requirements as to the financial position of agencies (regulation 25) and requires notice to be given to the National Assembly of specified events relating to an agency (regulations 26 to 29).

Part IV of the Regulations deals with miscellaneous matters such as the discharge of obligations under the Regulations where an agency has more than one registered person (regulation 30), offences under the Regulations (regulation 31), the specification of appropriate offices of the National Assembly for the purposes of obligations under the Regulations to give notice (regulation 32), amendments to the Statutory Instruments about the making of applications for registration and the payment of registration fees to take account of the application of the Act to agencies (regulations 33 and 34), and also makes transitional provision (regulation 35).

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**SOCIAL CARE,  
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**Rheoliadau Asiantaethau Gofal  
Cartref (Cymru) 2004**

**The Domiciliary Care Agencies  
(Wales) Regulations 2004**

*Wedi'u gwneud* 3 Chwefror 2004

*Made* 3rd February 2004

*Yn dod i rym* 1 Mawrth 2004

*Coming into force* 1st March 2004

TREFN Y RHEOLIADAU

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Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 4(6), 12(2), 14(1)(d), 15(3), 16(1) a (3), 22(1), (2)(a) i (d), ac (f) i (j), (5)(a) a (7)(a) i (h) a (j), 25, 35 a 118(5) i (7) o Ddeddf Safonau Gofal 2000(a), ar ôl ymgynghori ag unrhyw bersonau y mae'n barnu eu bod yn briodol(b), drwy hyn yn gwneud y Rheoliadau canlynol:-

## RHAN I CYFFREDINOL

### Enwi, cychwyn a chymhwys

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Asiantaethau Gofal Cartref (Cymru) 2004 a deuant i rym ar 1 Mawrth 2004.

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

### Dehongli

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

ystyr "arweiniad defnyddiwr gwasanaeth" ("*service user's guide*") yw'r wybodaeth ysgrifenedig a baratowyd yn unol â rheoliad 5(1);

ystyr "asiantaeth" ("*agency*") yw asiantaeth gofal cartref;

mae i "asiantaeth gyflogi" yr un ystyr ag "*employment agency*" yn Neddf Asiantaethau Cyflogi 1973(c);

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

ystyr "cynrychiolydd" ("*representative*"), mewn perthynas â defnyddiwr gwasanaeth, yw person, heblaw'r person cofrestredig neu berson sy'n cael ei gyflogi at ddibenion yr asiantaeth, sydd â chydysniad pendant neu oblygedig y defnyddiwr gwasanaeth, yn cymryd diddordeb yn iechyd a lles y defnyddiwr gwasanaeth;

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

ystyr "darpariadd cofrestredig" ("*registered provider*"), mewn perthynas ag asiantaeth, yw person sydd wedi'i gofrestru o dan Ran II o'r Ddeddf fel y person sy'n rhedeg yr asiantaeth;

(a) 2000 p.14. Mae'r pwerau'n arferadwy gan y Gweinidog priodol, sy'n cael ei ddiffinio yn adran 121(1), mewn perthynas â Chymru, fel y Cynulliad, ac mewn perthynas â Lloegr, Yr Alban a Gogledd Iwerddon, fel yr Ysgrifennydd Gwladol. Diffinnir ystyr "prescribed" a "regulations" yn adran 121(1) o'r Ddeddf; diffinnir "the Assembly" yn adran 5(b) o'r Ddeddf.

(b) *Gweler* adran 22(9) o Ddeddf Safonau Gofal 2000 ar gyfer y gofyniad i ymgynghori.

(c) 1973 p.35.

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by sections 4(6), 12(2), 14(1)(d), 15(3), 16(1) and (3), 22(1), (2)(a) to (d) and (f) to (j), (5)(a) and (7)(a) to (h) and (j), 25, 35 and 118(5) to (7) of the Care Standards Act 2000(a), having consulted such persons as it considers appropriate(b):-

## PART I GENERAL

### Name, commencement and application

1.-(1) These Regulations are called the Domiciliary Care Agencies (Wales) Regulations 2004 and shall come into force on 1st March 2004.

(2) These Regulations apply in relation to Wales.

### Interpretation

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

"the Act" ("*y Ddeddf*") means the Care Standards Act 2000;

"agency" ("*asiantaeth*") means a domiciliary care agency;

"agency premises" ("*mangre'r asiantaeth*") means the premises from which the activities of an agency are carried on;

"appropriate office of the National Assembly" ("*swyddfa briodol y Cynulliad Cenedlaethol*") means in relation to an agency -

(a) if an office of the National Assembly has been specified under regulation 32 for the area in which the agency premises are situated, that office; or

(b) in any other case, any office of the National Assembly;

"direct service provider" ("*darpariadd gwasanaeth uniongyrchol*") means a provider who supplies a domiciliary care worker who is employed by and who acts for and under the control of the provider;

"domiciliary care worker" ("*gweithiwr gofal cartref*") means a person who-

(a) is employed by the agency to act for, and

(a) 2000 c.14. The powers are exercisable by the appropriate Minister, who is defined in section 121(1), in relation to Wales, as the Assembly, and in relation to England, Scotland and Northern Ireland, as the Secretary of State. "Prescribed" and "regulations" are defined in section 121(1) of the Act; "the Assembly" is defined in section 5(b) of the Act.

(b) *See* section 22(9) of the Care Standards Act 2000 for the requirement to consult.

ystyr "darparrydd gwasanaeth uniongyrchol" ("*direct service provider*") yw darparrydd sy'n cyflenwi gweithiwr gofal cartref a gyflogir gan y darparrydd ac sy'n gweithredu ar ei ran ac o dan ei reolaeth;

ystyr "datganiad o ddiben" ("*statement of purpose*") yw'r datganiad ysgrifenedig a luniwyd yn unol â rheoliad 4(1);

ystyr "defnyddiwr gwasanaeth" ("*service user*") yw unrhyw berson y mae asiantaeth yn trefnu bod gofal personol yn cael ei ddarparu ar ei gyfer yng nghartref y person ei hun;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Safonau Gofal 2000;

ystyr "gweithiwr gofal cartref" ("*domiciliary care worker*") yw person -

- (a) a gyflogir gan yr asiantaeth i weithredu ar ran person arall ac o dan ei reolaeth;
- (b) a gyflwynir gan asiantaeth i ddefnyddiwr gwasanaeth i'w gyflogi ganddo; neu
- (c) a gyflogir gan ddarparrydd gwasanaeth uniongyrchol,

i ddarparu gofal personol yn eu cartrefi eu hunain i bersonau nad ydynt yn gallu ei ddarparu iddynt eu hunain heb gymorth oherwydd eu hafiechyd, eu llesgedd neu eu hanabledd;

ystyr "mangre'r asiantaeth" ("*agency premises*") yw'r fangre y mae gweithgareddau asiantaeth yn cael eu rhedeg ohoni;

ystyr "person cofrestredig" ("*registered person*"), mewn perthynas ag asiantaeth, yw unrhyw berson sy'n ddarparrydd cofrestredig neu reolwr cofrestredig yr asiantaeth;

ystyr "perthynas" ("*relative*"), mewn perthynas ag unrhyw berson, yw -

- (a) priod y person;
- (b) unrhyw hynafiad uniongyrchol, disgynnydd uniongyrchol, brawd, chwaer, ewyrth, modryb, nai neu nith i'r person neu i briod y person;
- (c) priod unrhyw berthynas o fewn is-baragraff (b) o'r diffiniad hwn,

ac er mwyn penderfynu ar unrhyw berthynas o'r fath, trinnir llys-blentyn person fel plentyn iddo, ac mae cyfeiriadau at "priod" yn cynnwys cyn-briod a pherson sy'n byw gyda'r person fel petai ef neu hi yn ŵr i'r person (neu yn ôl y digwydd) yn wraig i'r person;

ystyr "rheolwr cofrestredig" ("*registered manager*"), mewn perthynas ag asiantaeth, yw person sydd wedi'i gofrestru o dan Ran II o'r Ddeddf fel rheolwr yr asiantaeth;

under the control of, another person;

- (b) is introduced by an agency to a service user for employment by him or her; or
- (c) is employed by a direct service provider,

to provide personal care in the homes of and for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance;

"employment agency" ("*asiantaeth gyflogi*") has the same meaning as in the Employment Agencies Act 1973(a);

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

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

"registered manager" ("*rheolwr cofresredig*") in relation to an agency, means a person who is registered under Part II of the Act as the manager of the agency;

"registered person" ("*person cofresredig*") in relation to an agency, means any person who is the registered provider or the registered manager of the agency;

"registered provider" ("*darparrydd cofresredig*") in relation to an agency, means a person who is registered under Part II of the Act as the person carrying on the agency;

"relative" ("*perthynas*") in relation to any person, means -

- (a) the person's spouse;
- (b) any lineal ancestor, lineal descendant, brother, sister, uncle, aunt, nephew or niece of the person or the person's spouse;
- (c) the spouse of any relative within sub-paragraph (b) of this definition,

and for the purpose of determining any such relationship a person's step-child shall be treated as his or her child, and references to "spouse" include a former spouse and a person who is living with the person as if he or she were the person's husband or (as the case may be) wife;

"representative" ("*cynrychiolydd*") in relation to a service user, means a person, other than the registered person or a person employed for the purposes of the agency, who with the service user's express or implied consent takes an interest in the service user's health and welfare;

"responsible individual" ("*unigolyn cyfrifol*") shall be construed in accordance with regulation 8(2)(a);

"service user" ("*defnyddiwr gwasanaeth*") means any person for whom an agency arranges the provision of personal care in the person's own home;

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(a) 1973 c.35.

ystyr "staff" ("*staff*") yw personau sy'n cael eu cyflogi gan y person cofrestredig at ddibenion yr asiantaeth;

ystyr "swyddfa briodol y Cynulliad Cenedlaethol" ("*appropriate office of the National Assembly*") mewn perthynas ag asiantaeth-

- (a) os oes un o swyddfeydd y Cynulliad Cenedlaethol wedi'i phennu o dan reoliad 32 ar gyfer yr ardal y mae mangre'r asiantaeth wedi'i lleoli ynddi, yw'r swyddfa honno; neu
- (b) mewn unrhyw achos arall, yw unrhyw un o swyddfeydd y Cynulliad Cenedlaethol;

rhaidd dehongli "unigolyn cyfrifol" ("*responsible individual*") yn unol â rheoliad 8(2)(a).

(2) Yn y Rheoliadau hyn, mae cyfeiriad -

- (a) at reoliad neu Atodlen â rhif yn gyfeiriad at y rheoliad yn y Rheoliadau hyn sy'n dwyn y rhif hwnnw 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.

(3) Yn y Rheoliadau hyn, mae'r termau "cyflogi" a "chyflogaeth" yn cynnwys cyflogi person p'un ai am dâl neu beidio a boed o dan gontract gwasanaeth, contract ar gyfer gwasanaethau neu mewn modd nad yw o dan gontract.

### **Ymgymeriadau sydd wedi'u heithrio a'u cymhwysaid i asiantaethau cyflogi**

3.-(1) At ddibenion y Ddeddf, mae ymgymeriad wedi'i eithrio o'r diffiniad o "domiciliary care agency" yn adran 4(3) o'r Ddeddf -

- (a) os yw'n cael ei redeg gan unigolyn -
  - (i) sy'n ei redeg heblaw mewn partneriaeth ag eraill;
  - (ii) nad yw'n cael ei gyflogi gan gorff neu gymdeithas anghorfforedig i'w redeg; a
  - (iii) nad yw'n cyflogi unrhyw berson arall at ddibenion yr ymgymeriad;
  - (iv) sy'n darparu neu'n trefnu'r ddarpariaeth o wasanaethau gofal personol i lai na phedwar defnyddiwr gwasanaeth;
- (b) i'r graddau y mae'n trefnu ar gyfer darparu gofal personol ar gyfer personau sy'n cael eu lletya mewn cartref gofal y mae person wedi'i gofrestru mewn perthynas ag ef o dan Ran II o'r Ddeddf;

"service user's guide" ("*arweiniad defnyddiwr gwasanaeth*") means the written information prepared in accordance with regulation 5(1);

"staff" ("*staff*") means persons employed by the registered person for the purposes of the agency;

"statement of purpose" ("*datganiad o ddiben*") means the written statement compiled in accordance with regulation 4(1).

(2) 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.

(3) In these Regulations the terms "employed" and "employment" include employment under a contract of service or a contract for services, or otherwise than under a contract and whether or not for payment.

### **Excepted undertakings and application to employment agencies**

3.-(1) For the purposes of the Act, an undertaking is excepted from the definition of "domiciliary care agency" in section 4(3) of the Act -

- (a) if it is carried on by an individual who -
  - (i) carries it on otherwise than in partnership with others;
  - (ii) is not employed by an organisation or unincorporated association to carry it on;
  - (iii) does not employ any other person for the purposes of the undertaking; and
  - (iv) provides or arranges the provision of personal care services to fewer than four service users;
- (b) in so far as it arranges for the provision of personal care for persons accommodated in a care home in respect of which a person is registered under Part II of the Act;

- (c) i'r graddau y mae'n trefnu ar gyfer darparu gofal personol drwy gytundeb gydag ymrwymiad a gofrestrwyd o dan y Ddeddf ac o dan y Rheoliadau hyn.

(2) Ni fydd darpariaethau'r Rheoliadau hyn sydd ym mharagraff (3) yn gymwys i asiantaethau gofal cartref i'r graddau y maent hefyd yn asiantaethau cyflogi.

(3) Y rheoliadau hynny yw 13 (Rhedeg yr asiantaeth), 14 (Y trefniadau ar gyfer darparu gofal personol), 16 (Staffio), 17 (Y llawlyfr staff a'r cod ymddygiad), ac 19 (Dull adnabod y gweithwyr).

### **Datganiad o ddiben**

4.-(1) Rhaid i'r person cofrestredig lunio mewn perthynas â'r asiantaeth ddatganiad sydd wedi'i ysgrifennu ar bapur (a hwnnw'n ddatganiad y cyfeirir ato yn y Rheoliadau hyn fel y "datganiad o ddiben" a rhaid iddo gynnwys -

- (a) datganiad o nodau ac amcanion yr asiantaeth;
- (b) datganiad sy'n pennu'r gwasanaethau gofal personol y mae'r asiantaeth yn trefnu iddynt gael eu darparu i'r defnyddwyr gwasanaeth;
- (c) datganiad o ran nifer a maint y contractau neu'r trefniadau eraill y mae'r asiantaeth yn darparu gwasanaethau odanynt;
- (ch) datganiad ynghylch y materion a restrir yn Atodlen 1.

(2) Rhaid i'r person cofrestredig drefnu bod y datganiad o ddiben ar gael ym mangre'r asiantaeth i'w archwilio gan unrhyw ddefnyddiwr gwasanaeth ac unrhyw berson sy'n cael ei gyflogi at ddibenion yr asiantaeth.

### **Arweiniad defnyddiwr gwasanaeth**

5.-(1) Rhaid i'r person cofrestredig gynhyrchu arweiniad ysgrifenedig i'r asiantaeth a rhaid iddo gynnwys -

- (a) crynodeb o'r datganiad o ddiben;
- (b) disgrifiad o'r ardal ddaearyddol y mae'r asiantaeth yn trefnu bod gwasanaethau i'w darparu ar ei chyfer;
- (c) y telerau a'r amodau ar gyfer y gofal personol sydd i'w ddarparu i'r defnyddwyr gwasanaeth, gan gynnwys-
  - (i) swm y ffioedd a dull eu talu;
  - (ii) y materion a ddisgrifir ym mharagraffau 5, 6 a 9 o Atodlen 1;
- (ch) disgrifiad o strwythur staff yr asiantaeth;
- (d) crynodeb o weithdrefn gwyno'r asiantaeth sy'n ofynnol gan reoliad 21;
- (dd) datganiad o gyfrifoldebau'r asiantaeth a'r

- (c) to the extent that it arranges the provision of personal care by an agreement with an undertaking which is registered under the Act and these Regulations.

(2) The provisions of these Regulations set out in paragraph (3) shall not apply to domiciliary care agencies to the extent to which they are also employment agencies.

(3) The regulations are 13 (Conduct of agency), 14 (Arrangements for the provision of personal care), 16 (Staffing), 17 (Staff handbook and code of conduct) and 19 (Identification of workers).

### **Statement of purpose**

4.-(1) The registered person shall compile in relation to the agency a statement written on paper (in these Regulations referred to as "the statement of purpose") which shall consist of -

- (a) a statement of the aims and objectives of the agency;
- (b) a statement specifying the personal care services which the agency arranges to be provided to service users;
- (c) a statement as to the number and scale of contracts or other arrangements under which the agency provides services; and
- (d) a statement as to the matters listed in Schedule 1.

(2) The registered person shall make the statement of purpose available at the agency premises for inspection by every service user and any person employed for the purposes of the agency.

### **Service user's guide**

5.-(1) The registered person shall produce a written guide to the agency which shall contain -

- (a) a summary of the statement of purpose;
- (b) a description of the geographical area in respect of which the agency arranges for services to be provided;
- (c) the terms and conditions upon which personal care is to be provided for service users, including those as to -
  - (i) the amount and method of payment of fees;
  - (ii) the matters described in paragraphs 5, 6 and 9 of Schedule 1;
- (d) a description of the staff structure of the agency;
- (e) a summary of the agency's complaints procedure required by regulation 21;
- (f) a statement as to the responsibilities of the



defnyddiwr gwasanaeth o ran iechyd a diogelwch;

- (e) manylion ar sut y gall y defnyddiwr gwasanaeth gysylltu â'r person cofrestredig, neu berson a benodwyd i weithredu ar ei ran, ar bob adeg yn ystod y cyfnod y darperir gofal personol;
- (f) gwybodaeth ar y materion a ddisgrifir ym mharagraffau 8, 16 ac 18 o Atodlen 1; ac
- (ff) disgrifiad o'r broses a luniwyd gan yr asiantaeth ar gyfer monitro ac adolygu ansawdd y gwasanaeth a ddarperir gan yr asiantaeth i'r defnyddiwr gwasanaeth (gan gynnwys lle bo'n briodol ymgynghori â chyrff eraill sy'n darparu gwasanaethau i'r defnyddiwr gwasanaeth).

(2) Rhaid i'r person cofrestredig -

- (a) darparu copi o'r arweiniad defnyddiwr gwasanaeth cyntaf i swyddfa briodol y Cynulliad Cenedlaethol;
- (b) darparu copi o fersiwn gyfredol yr arweiniad defnyddiwr gwasanaeth i bob defnyddiwr gwasanaeth neu gynrychiolydd y defnyddiwr gwasanaeth pan fydd yr asiantaeth yn trefnu gwasanaethau gofal personol ar gyfer y defnyddiwr gwasanaeth am y tro cyntaf; ac
- (c) yn dilyn y ddarpariaeth a ddisgrifiwyd yn is-baragraff (b), darparu copïau pellach o'r arweiniad defnyddiwr gwasanaeth os gofynnir amdanynt i'r defnyddiwr gwasanaeth neu gynrychiolydd y defnyddiwr gwasanaeth.

### **Adolygiad o'r datganiad o ddiben a'r arweiniad defnyddiwr gwasanaeth**

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

- (a) am gyfnodau heb fod yn fwy na blwyddyn ac mewn ymgynghoriad â defnyddwyr gwasanaeth eraill, adolygu'r datganiad o ddiben a'r arweiniad defnyddiwr gwasanaeth a'u diwygio os yw'n briodol; a
- (b) hysbysu'r defnyddwyr gwasanaeth a swyddfa briodol y Cynulliad Cenedlaethol ynghylch unrhyw ddiwygiad o'r fath o fewn 28 diwrnod.

(2) Onid yw'n rhesymol ymarferol gwneud hynny, rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol ynghylch unrhyw ddiwygiad sydd i'w wneud i'r datganiad o ddiben o leiaf 28 diwrnod cyn bod y diwygiad yn effeithiol.

### **Dogfennau'r asiantaeth**

7. Rhaid i'r person cofrestredig sicrhau bod cofrestriad mewn perthynas â'r asiantaeth o dan Ran II o'r Ddeddf yn cael ei nodi ym mhob gohebiaeth a dogfennau eraill sy'n cael eu paratoi mewn cysylltiad â busnes yr asiantaeth.

agency and the service user in relation to health and safety;

- (g) details of how the service user may contact the registered person, or a person nominated to act on his or her behalf, at all times during the period for which personal care is being provided;
- (h) information on the matters described in paragraphs 8, 16 and 18 of Schedule 1; and
- (i) a description of the process established by the agency for monitoring and reviewing the quality of the service being provided by the agency to the service user (including where appropriate consultation with other bodies providing services to the service user).

(2) The registered person shall -

- (a) provide a copy of the first service user's guide to the appropriate office of the National Assembly;
- (b) provide a copy of the current version of the service user's guide to each service user or the service user's representative when the agency first arranges for the provision of personal care for the service user; and
- (c) subsequent to the provision described in (b), provide on request further copies of the service user's guide to the service user or the service user's representative.

### **Review of statement of purpose and service user's guide**

6.-(1) The registered person shall -

- (a) at intervals not exceeding one year and in consultation with service users, review and, where appropriate, revise the statement of purpose and the service user's guide; and
- (b) notify service users and the appropriate office of the National Assembly of any such revision within 28 days.

(2) Unless it is not reasonably practicable to do so, the registered person shall notify the appropriate office of the National Assembly of any revision to be made to the statement of purpose at least 28 days before the revision is to take effect.

### **Agency documents**

7. The registered person shall ensure that registration in respect of the agency under Part II of the Act is noted in all correspondence and other documents prepared in connection with the agency's business.

RHAN II  
PERSONAU COFRESTREDIG

**Ffitrwydd y darparydd cofrestredig**

8.-(1) Rhaid i berson beidio â rhedeg asiantaeth onid yw'n ffit i wneud hynny.

(2) Nid yw person yn ffit i redeg asiantaeth oni bai bod y person -

- (a) yn unigolyn sy'n rhedeg asiantaeth -
  - (i) mewn dull nad yw mewn partneriaeth gydag eraill a'i fod yn bodloni'r gofynion a nodir ym mharagraff (3); neu
  - (ii) mewn partneriaeth gydag eraill a'i fod ef a phob un o'r partneriaid yn bodloni'r gofynion a nodir ym mharagraff (3); neu
- (b) yn gorff ac -
  - (i) bod hwnnw wedi hysbysu swyddfa briodol y Cynulliad Cenedlaethol o enw, cyfeiriad a safle unigolyn yn y corff (unigolyn y cyfeirir ato yn y Rheoliadau hyn fel yr "unigolyn cyfrifol") sy'n gyfarwyddwr, rheolwr, ysgrifennydd neu swyddog arall i'r corff ac sy'n gyfrifol am reoli'r asiantaeth; a
  - (ii) bod yr unigolyn hwnnw yn bodloni'r gofynion a nodir ym mharagraff (3).

(3) Dyma'r gofynion -

- (a) bod yr unigolyn yn addas o ran ei onestrwydd a'i gymeriad da;
- (b) bod y person yn ffit yn gorfforol ac yn feddyliol i redeg neu (yn ôl y digwydd) i fod yn gyfrifol am oruchwyllo rheolaeth yr asiantaeth; ac
- (c) bod gwybodaeth neu (yn ôl y digwydd) ddogfennaeth lawn a boddhaol mewn perthynas â phob un o'r materion a restrir yn Atodlen 2 ar gael mewn perthynas â'r person.

(4) Nid yw person yn ffit i redeg asiantaeth-

- (a) os yw wedi'i ddyfarnu'n fethdalwr neu os dyfarnwyd atafaeliad ar ei ystâd ac (yn y naill achos neu'r llall) nad yw wedi'i ryddhau ac nad yw'r gorchymyn methdaliad wedi'i ddiddymu neu wedi'i ddileu; neu
- (b) os yw wedi gwneud cyfansoddiad neu drefniant gyda'i gredydwr neu wedi rhoi gweithred ymddiriedaeth ar eu cyfer, ac nad yw wedi'i ryddhau mewn perthynas â hwy.

**Penodi rheolwr**

9.-(1) Rhaid i'r darparydd cofrestredig benodi unigolyn i reoli'r asiantaeth-

- (a) os nad oes rheolwr cofrestredig mewn

PART II  
REGISTERED PERSONS

**Fitness of registered provider**

8.-(1) A person shall not carry on an agency unless fit to do so.

(2) A person is not fit to carry on an agency unless the person -

- (a) is an individual who carries on an agency -
  - (i) otherwise than in partnership with others and he or she satisfies the requirements of paragraph (3); or
  - (ii) in partnership with others and he or she and each of the partners satisfies the requirements set out in paragraph (3); or
- (b) is an organisation and -
  - (i) it 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 director, manager, secretary or other senior officer of the organisation and is responsible for the management of the agency; and
  - (ii) that individual satisfies the requirements set out in paragraph (3).

(3) The requirements are that -

- (a) the person is of integrity and good character;
- (b) the person is physically and mentally fit to carry on or (as the case may be) be responsible for the management of the agency; and
- (c) full and satisfactory information or (as the case may be) documentation in respect of each of the matters listed in Schedule 2 is available in relation to the person.

(4) A person is not fit to carry on an agency if -

- (a) he or she has been adjudged bankrupt or sequestration of his or her estate has been awarded and (in either case) he or she has not been discharged and the bankruptcy order has not been annulled or rescinded; or
- (b) he or she has made a composition or arrangement with, or granted a trust deed for, his or her creditors and has not been discharged in respect of it.

**Appointment of manager**

9.-(1) The registered provider shall appoint an individual to manage the agency if -

- (a) there is no registered manager in respect of the

perthynas â'r asiantaeth; a

- (b) os yw'r darparrydd cofrestredig -
  - (i) yn gorff;
  - (ii) yn rhedeg asiantaeth mewn partneriaeth;
  - (iii) heb fod yn berson ffit i reoli asiantaeth; neu
  - (iv) heb fod â gofal llawnamser dros yr asiantaeth o ddydd i ddydd, neu heb fwriadu bod â gofal drosti.

(2) Pan fydd -

- (a) y darparrydd cofrestredig, neu
- (b) os oes penodiad wedi'i wneud o dan baragraff (1), y rheolwr cofrestredig,

yn cynnig bod, neu'n debyg o fod, neu wedi bod, yn absennol o'r asiantaeth am gyfnod parhaus o 28 diwrnod neu ragor, rhaid i'r darparrydd cofrestredig benodi unigolyn i reoli'r asiantaeth tra bydd y darparrydd neu (yn ôl y digwydd) y rheolwr cofrestredig yn absennol.

(3) Pan fydd y darparrydd cofrestredig yn penodi person i reoli'r asiantaeth, rhaid iddo hysbysu swyddfa briodol y Cynulliad Cenedlaethol ar unwaith -

- (a) o enw'r person a benodwyd felly; a
- (b) yn amodol ar gofrestru'r person, o'r dyddiad y mae effaith y penodiad i fod i ddod i rym.

(4) Rhaid i'r person cofrestredig enwebu person i fod â gofal dros yr asiantaeth ar bob adeg y mae'r asiantaeth ar agor ar gyfer busnes a phan fydd y person cofrestredig yn absennol o'r fangre.

(5) Ni cheir enwebu person at ddibenion paragraff (4) oni bai bod gwybodaeth lawn a boddhaol mewn perthynas â phob un o'r materion a restrir yn Atodlen 2 ar gael mewn perthynas ag ef ac wedi ei hysbysu i'r Cynulliad Cenedlaethol, ac eithrio bod rhaid i'r wybodaeth sy'n ofynnol ym mharagraffau 10 ac 11 o Atodlen 3 fod ar gael yn lle'r wybodaeth sy'n ofynnol ym mharagraff 8 o Atodlen 2.

### **Ffitrwydd y rheolwr**

**10.**-(1) Ni chaiff person reoli asiantaeth oni bai ei fod yn ffit i wneud hynny.

- (2) Nid yw person yn ffit i reoli asiantaeth oni bai -
  - (a) ei fod yn addas o ran ei onestrwydd a'i gymeriad da;
  - (b) o roi sylw i natur yr asiantaeth a nifer ac anghenion y defnyddwyr gwasanaeth -
    - (i) bod gan y person y cymwysterau, y medrau a'r profiad sy'n angenrheidiol i reoli'r asiantaeth; a
    - (ii) bod y person yn ffit yn gorfforol ac yn feddyliol i reoli'r asiantaeth; ac

agency; and

- (b) the registered provider -
  - (i) is an organisation;
  - (ii) carries on the agency in partnership;
  - (iii) is not a fit person to manage an agency; or
  - (iv) is not, or does not intend to be, in full time day to day charge of the agency.

(2) Where -

- (a) the registered provider, or
- (b) if an appointment has been made under paragraph (1), the registered manager,

proposes to be, is likely to be, or has been, absent from the agency for a continuous period of 28 days or more, the registered provider shall appoint an individual to manage the agency during the provider's or (as the case may be) the registered manager's absence.

(3) Where the registered provider appoints a person to manage the agency, he or she shall forthwith give notice to the appropriate office of the National Assembly of -

- (a) the name of the person so appointed; and
- (b) subject to registration, the date on which the appointment is to take effect.

(4) The registered person shall nominate a person to be in charge at all times when the agency is open for business and the registered person is absent from the premises.

(5) A person may not be nominated for the purpose of paragraph (4) unless full and satisfactory information in respect of each of the matters listed in Schedule 2 is available in relation to him or her and has been provided to the National Assembly, except that the information required in paragraphs 10 and 11 of Schedule 3 must be available in substitution for the information required in paragraph 8 of Schedule 2.

### **Fitness of manager**

**10.**-(1) A person shall not manage an agency unless fit to do so.

- (2) A person is not fit to manage an agency unless -
  - (a) the person is of integrity and good character;
  - (b) having regard to the nature and size of the agency and the number and needs of the service users -
    - (i) the person has the qualifications, skills and experience necessary to manage the agency; and
    - (ii) the person is physically and mentally fit to manage the agency; and

- (c) bod gwybodaeth neu (yn ôl y digwydd) ddogfennaeth lawn a boddhaol mewn perthynas â phob un o'r materion a restrir yn Atodlen 2 ar gael mewn perthynas â'r person.

### **Person cofrestredig - gofynion cyffredinol a hyfforddiant**

11.-(1) Rhaid i'r darparrydd cofrestredig a'r rheolwr cofrestredig, o roi sylw i natur a maint yr asiantaeth a nifer ac anghenion y defnyddwyr gwasanaeth, redeg yr asiantaeth neu (yn ôl y digwydd) ei rheoli â gofal, cymhwysedd a medr digonol.

(2) Os yw'r darparrydd cofrestredig -

(a) yn unigolyn, rhaid iddo ymgymryd; neu

(b) os yw'n gorff, rhaid iddo sicrhau bod yr unigolyn cyfrifol yn ymgymryd,

o dro i dro ag unrhyw hyfforddiant sy'n briodol er mwyn sicrhau bod gan yr unigolyn yr arbenigedd, y profiad a'r medrau sy'n angenrheidiol ar gyfer rhedeg yr asiantaeth neu (yn ôl y digwydd) i fod yn gyfrifol am redeg yr asiantaeth.

(3) Os yw'r asiantaeth yn cael ei rhedeg gan unigolion mewn partneriaeth, rhaid i'r partneriaid sicrhau bod un o'u plith yn ymgymryd â hyfforddiant fel sy'n ofynnol gan baragraff (2).

(4) Rhaid i'r rheolwr cofrestredig ymgymryd o dro i dro ag unrhyw hyfforddiant sy'n briodol er mwyn sicrhau bod ganddo'r arbenigedd, y profiad a'r medrau sy'n angenrheidiol ar gyfer rheoli'r asiantaeth.

### **Hysbysu tramgwyddau**

12. Os yw'r person cofrestredig neu'r unigolyn cyfrifol wedi'i gollfarnu o unrhyw dramgwydd troseddol, p'un ai yng Nghymru neu mewn man arall, rhaid iddo hysbysu swyddfa briodol y Cynulliad Cenedlaethol yn ysgrifenedig ar unwaith -

(a) o ddyddiad a man y collfarniad;

(b) o'r tramgwydd; ac

(c) o'r gosb a osodwyd mewn perthynas â'r tramgwydd.

- (c) full and satisfactory information or (as the case may be) documentation in respect of each of the matters listed in Schedule 2 is available in relation to the person.

### **Registered person - general requirements and training**

11.-(1) The registered provider and the registered manager shall, having regard to the nature and size of the agency and the number and needs of the service users, carry on or (as the case may be) manage the agency with sufficient care, competence and skill.

(2) If the registered provider is -

(a) an individual, that individual shall undertake, or

(b) an organisation, it shall ensure that the responsible individual undertakes,

from time to time such training as is appropriate to ensure that the individual has the expertise, experience and skills necessary for carrying on the agency.

(3) If the agency is carried on by individuals in partnership, the partners shall ensure that one of them undertakes training as required by paragraph (2).

(4) The registered manager shall undertake from time to time such training as is appropriate to ensure that he or she has the expertise, experience and skills necessary for managing the agency.

### **Notification of offences**

12. Where the registered person or the responsible individual is convicted of any criminal offence, whether in Wales or elsewhere, he or she 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; and

(c) the penalty imposed in respect of the offence.

**Rhedeg yr asiantaeth**

13. Rhaid i'r person cofrestredig wneud trefniadau addas i sicrhau bod yr asiantaeth yn cael ei rhedeg, a bod y gofal personol a drefnir gan yr asiantaeth, yn cael eu darparu yn y fath fodd ag y bydd -

- (a) yn sicrhau diogelwch y defnyddwyr gwasanaeth;
- (b) yn diogelu'r defnyddwyr gwasanaeth rhag cael eu cam-drin neu eu hesgeuluso;
- (c) yn hyrwyddo annibyniaeth y defnyddwyr gwasanaeth;
- (ch) yn sicrhau bod eiddo'r defnyddwyr gwasanaeth, gan gynnwys eu cartrefi, yn ddiogel ac yn saff;
- (d) mewn modd sy'n parchu preifatrwydd, urddas a dymuniadau'r defnyddwyr gwasanaeth, a chyfrinachedd gwybodaeth ynglŷn â hwy; ac
- (dd) gan roi sylw dyledus i ryw, argyhoeddiad crefyddol, tarddiad hiliol, a chefnidir diwylliannol ac ieithyddol y defnyddwyr gwasanaeth ac unrhyw anabledd sydd ganddynt ac i'r ffordd y maent yn byw eu bywydau.

**Trefniadau ar gyfer darparu gofal personol**

14.-(1) Rhaid i'r person cofrestredig, ar ôl ymgynghori â'r defnyddiwr gwasanaeth, neu os nad yw ymgynghori â'r defnyddiwr gwasanaeth yn ymarferol, ar ôl ymgynghori â pherson sy'n gweithredu ar ran y defnyddiwr gwasanaeth, baratoi cynllun ysgrifenedig ("y cynllun cyflenwi gwasanaeth") a rhaid iddo -

- (a) fod yn gyson ag unrhyw gynllun ar gyfer gofal y defnyddiwr gwasanaeth a baratowyd gan yr awdurdod lleol;
  - (b) pennu anghenion y defnyddiwr gwasanaeth y mae gofal personol i'w ddarparu mewn perthynas â hwy;
  - (c) pennu sut y mae'r anghenion hynny i'w diwallu drwy ddarparu gofal personol.
- (2) Rhaid i'r person cofrestredig -
- (a) trefnu bod cynllun cyflenwi gwasanaeth ar gael
    - (i) i'r defnyddiwr gwasanaeth; a
    - (ii) i unrhyw berson sy'n gweithredu ar ran y defnyddiwr gwasanaeth yr ymgynghorwyd ag ef wrth ei baratoi neu ei ddiwygio;
  - (b) parhau i adolygu cynllun cyflenwi gwasanaeth y defnyddiwr gwasanaeth;

**Conduct of agency**

13. The registered person shall make suitable arrangements to ensure that the agency is conducted, and the personal care arranged by the agency is provided -

- (a) so as to ensure the safety of service users;
- (b) so as to safeguard service users against abuse or neglect;
- (c) so as to promote the independence of service users;
- (d) so as to ensure the safety and security of the service users' property, including their homes;
- (e) in a manner which respects the privacy, dignity and wishes of service users, and the confidentiality of information relating to them; and
- (f) with due regard to the sex, religious persuasion, racial origin, and cultural and linguistic background and any disability of service users, and to the way in which they conduct their lives.

**Arrangements for the provision of personal care**

14.-(1) The registered person shall, after consultation with the service user, or if consultation with the service user is not practicable, after consultation with a person acting on behalf of the service user, prepare a written plan ("the service delivery plan") which shall -

- (a) be consistent with any plan for the care of the service user prepared by a local authority;
  - (b) specify the service user's needs in respect of which personal care is to be provided; and
  - (c) specify how those needs are to be met by the provision of personal care.
- (2) The registered person shall -
- (a) make the service delivery plan available to -
    - (i) the service user, and
    - (ii) any person acting on behalf of a service user who was consulted in its preparation or revision;
  - (b) keep the service delivery plan under review;

(c) os yw'n briodol, ac ar ôl ymgynghori â'r defnyddiwr gwasanaeth, neu os nad yw'n ymarferol ymgynghori â'r defnyddiwr gwasanaeth, ar ôl ymgynghori â pherson sy'n gweithredu ar ran y defnyddiwr gwasanaeth, diwygio cynllun cyflenwi gwasanaeth y defnyddiwr gwasanaeth; ac

(ch) hysbysu'r defnyddiwr gwasanaeth o unrhyw ddiwygiad o'r fath.

(3) Rhaid i'r person cofrestredig, i'r graddau y bo'n ymarferol, sicrhau bod y gofal personol y mae'r asiantaeth yn trefnu iddo gael ei ddarparu i unrhyw ddefnyddiwr gwasanaeth yn diwallu anghenion y defnyddiwr gwasanaeth a bennir yn y cynllun cyflenwi gwasanaeth.

(4) Rhaid i'r person cofrestredig, at ddibenion darparu gofal personol i ddefnyddwyr gwasanaeth, ac i'r graddau y bo'n ymarferol -

(a) darganfod eu dymuniadau a'u teimladau a'u cymryd i ystyriaeth;

(b) darparu gwybodaeth gynhwysfawr a chynnig dewisiadau addas iddynt ynglŷn â'r gofal personol y gellid ei ddarparu iddynt; ac

(c) eu hannog a'u galluogi i wneud penderfyniadau mewn perthynas â'r gofal personol hwnnw.

(5) Rhaid i'r person cofrestredig sicrhau bod y trefniadau sy'n cael eu gwneud i ddarparu gofal personol i ddefnyddiwr gwasanaeth -

(a) yn pennu'r weithdrefn sydd i'w dilyn ar ôl honiad o gamdriniaeth, esgeulustod neu niwed arall, gan sicrhau bod camau priodol yn cael eu cymryd ar unwaith i leihau'r risg o gamdriniaeth, esgeulustod neu niwed arall;

(b) yn pennu o dan ba amgylchiadau y caiff gweithiwr gofal cartref roi neu helpu i roi meddyginiaeth y defnyddiwr gwasanaeth iddo a'r gweithdrefnau sydd i'w mabwysiadu o dan amgylchiadau o'r fath;

(c) yn cynnwys trefniadau addas i helpu'r defnyddiwr gwasanaeth gyda materion symudedd yn ei gartref, os oes angen; ac

(ch) yn pennu'r weithdrefn sydd i'w dilyn pan fydd gweithiwr gofal cartref yn gweithredu fel asiant ar gyfer defnyddiwr gwasanaeth, neu'n cael arian oddi wrth ddefnyddiwr gwasanaeth.

(6) Rhaid i'r person cofrestredig wneud trefniadau addas ar gyfer cofnodi'r meddyginiaethau sy'n cael eu defnyddio wrth ddarparu gofal personol i ddefnyddwyr gwasanaeth ac ar gyfer trafod y meddyginiaethau hynny, eu cadw'n ddiogel, eu rhoi a'u gwaredu yn ddiogel.

(7) Rhaid i'r person cofrestredig wneud trefniadau addas, gan gynnwys hyfforddi staff, i sicrhau bod gweithwyr gofal cartref yn gweithredu system weithio

(c) where appropriate, and after consultation with the service user, or if consultation with the service user is not practicable, after consultation with a person acting on behalf of the service user, revise the service delivery plan; and

(d) notify the service user of any such revision.

(3) The registered person shall, so far as is practicable, ensure that the personal care which the agency arranges to be provided to any service user meets the service user's needs specified in the service delivery plan.

(4) The registered person shall, for the purpose of providing personal care to service users, so far as is practicable -

(a) ascertain and take into account their wishes and feelings;

(b) provide them with comprehensive information and suitable choices as to the personal care that may be provided to them; and

(c) encourage and enable them to make decisions with respect to such personal care.

(5) The registered person shall ensure that arrangements made for the provision of personal care to a service user -

(a) specify the procedure to be followed after an allegation of abuse, neglect or other harm has been made, ensuring that appropriate steps are taken immediately to reduce the risk of any abuse, neglect or other harm;

(b) specify the circumstances in which a domiciliary care worker may administer or assist in the administration of the service user's medication, and the procedures to be adopted in such circumstances;

(c) include suitable arrangements to assist the service user with mobility in his or her home, where required; and

(d) specify the procedure to be followed where a domiciliary care worker acts as agent for, or receives money from, a service user.

(6) The registered person shall make suitable arrangements for the recording, handling, safe keeping, safe administration and disposal of medicines used in the course of the provision of personal care to service users.

(7) The registered person shall make suitable arrangements, including training of staff, to ensure that domiciliary care workers operate a safe system of

ddiogel, gan gynnwys mewn perthynas â chodi defnyddwyr gwasanaeth a'u symud.

(8) Rhaid i'r person cofrestredig wneud trefniadau addas, drwy roi hyfforddiant i'r staff neu drwy fesurau eraill, i atal defnyddwyr gwasanaeth rhag cael niwed neu ddioddef camdriniaeth neu gael eu gosod mewn perygl o gael niwed neu gael eu cam-drin.

(9) Rhaid i'r person cofrestredig sicrhau na chaiff unrhyw ddefnyddiwr gwasanaeth ei atal yn gorfforol oni bai mai ataliad o'r math a ddefnyddir yw'r unig ddull ymarferol o ddiogelu lles y defnyddiwr gwasanaeth hwnnw neu unrhyw ddefnyddiwr gwasanaeth arall a bod yna amgylchiadau eithriadol.

(10) Ar unrhyw achlysur pan fydd defnyddiwr gwasanaeth yn cael ei atal yn gorfforol gan berson sy'n gweithio fel gweithiwr gofal cartref at ddibenion yr asiantaeth, rhaid i'r person cofrestredig gofnodi'r amgylchiadau, gan gynnwys natur yr ataliad.

### **Ffitrwydd y gweithwyr**

**15.-(1)** Rhaid i'r person cofrestredig sicrhau na fydd unrhyw berson yn gweithio fel gweithiwr gofal cartref at ddibenion yr asiantaeth oni bai -

- (a) bod y person yn ffit i weithio at ddibenion yr asiantaeth;
- (b) bod gwybodaeth neu (yn ôl y digwydd) ddogfennaeth lawn a boddhaol mewn perthynas â phob un o'r materion a bennir yn Atodlen 3 ar gael mewn perthynas â'r person hwnnw; ac
- (c) bod y person cofrestredig wedi'i fodloni ar seiliau rhesymol ynglŷn â dilysrwydd y tystlythyron y cyfeirir atynt ym mharagraff 5 o Atodlen 3 mewn perthynas â'r person hwnnw.

(2) Rhaid i'r person cofrestredig sicrhau na fydd unrhyw berson nad yw'n weithiwr gofal cartref ond ei fod yn ofynnol iddo fel arall at ddibenion yr asiantaeth i ymweld â defnyddiwr gwasanaeth yn ei gartref yn gweithio i'r asiantaeth onid oes gwybodaeth neu (yn ôl y digwydd) ddogfennaeth lawn a boddhaol mewn perthynas â phob un o'r materion a bennir ym mharagraffau 1 i 6 a 9 o Atodlen 3 ar gael mewn perthynas â'r person.

(3) Nid yw person yn ffit i weithio at ddibenion yr asiantaeth oni bai -

- (a) bod gan y person y cymwysterau, y profiad a'r medrau sy'n angenrheidiol ar gyfer y gwaith y mae i'w gyflawni; a
- (b) bod y person yn ffit yn gorfforol ac yn feddyliol at ddibenion y gwaith y mae i'w gyflawni.

(4) Ni fydd paragraffau 1(b) a (2), i'r graddau y maent yn ymwneud â pharagraff 4 o Atodlen 3, yn gymwys tan 31 Hydref 2004 mewn perthynas â

working, including in relation to lifting and moving service users.

(8) The registered person shall make suitable arrangements, by training staff or by other measures, to prevent service users being harmed or suffering abuse or being placed at risk of harm or abuse.

(9) The registered person shall ensure that no service user is subject to physical restraint unless restraint of the kind employed is the only practicable means of securing the welfare of that or any other service user and there are exceptional circumstances.

(10) On any occasion on which a service user is subject to physical restraint by a person who works as a domiciliary care worker for the purposes of the agency, the registered person shall record the circumstances including the nature of the restraint.

### **Fitness of workers**

**15.-(1)** The registered person shall ensure that no person works as a domiciliary care worker for the purposes of the agency unless -

- (a) the person is fit to work for the purposes of the agency;
- (b) there is available in respect of that person full and satisfactory information or (as the case may be) documentation in respect of each of the matters specified in Schedule 3; and
- (c) the registered person is satisfied on reasonable grounds as to the authenticity of the references referred to in paragraph 5 of Schedule 3 in respect of that person.

(2) The registered person shall ensure that a person who is not a domiciliary care worker but who otherwise is required for the purposes of the agency to visit a service user in their home shall not work for the agency unless there is available in respect of that person full and satisfactory information or (as the case may be) documentation in respect of the matters specified in paragraphs 1 to 6 and 9 of Schedule 3.

(3) A person is not fit to work for the purposes of the agency unless -

- (a) the person has the qualifications, experience and skills necessary for the work which he or she is to perform; and
- (b) the person is physically and mentally fit for the purposes of the work which he or she is to perform.

(4) Paragraphs (1)(b) and (2), in so far as they relate to paragraph 4 of Schedule 3, shall not apply until 31st October 2004 in respect of a worker who has been

gweithiwr a gafodd ei gyflenwi gan yr asiantaeth neu a weithiodd iddi ar unrhyw adeg yn ystod y cyfnod o 1 Mehefin 2003 hyd at 31 Mai 2004.

### Staffio

16.-(1) Rhaid i'r person cofrestredig, o roi sylw i natur yr asiantaeth, y datganiad o ddiben, a nifer ac anghenion y defnyddwyr gwasanaeth, sicrhau -

- (a) bod nifer priodol o bersonau medrus a phrofiadol a chanddynt gymwysterau addas yn cael eu cyflogi at ddibenion yr asiantaeth bob amser;
- (b) bod gwybodaeth a chyngor priodol yn cael eu rhoi i bersonau sy'n cael eu cyflogi at ddibenion yr asiantaeth, ac os ydynt yn gofyn yn rhesymol amdanynt, bod gwybodaeth a chyngor pellach yn cael eu rhoi ar gael iddynt mewn perthynas â'r canlynol -
  - (i) defnyddwyr gwasanaeth a'u hanghenion o ran gofal personol, a
  - (ii) darparu gofal personol i ddefnyddwyr gwasanaeth;
- (c) bod cymorth addas yn cael ei roi i bersonau sy'n gweithio at ddibenion yr asiantaeth, ac os ydynt yn gofyn yn rhesymol amdano, bod cymorth pellach ar gael iddynt mewn perthynas â darparu gofal personol i ddefnyddwyr gwasanaeth;
- (ch) bod personau cymwys a chanddynt gymwysterau addas ar gael i'r staff ymgynghori â hwy ar unrhyw adeg yn ystod y dydd pan fydd person yn gweithio at ddibenion yr asiantaeth; a
- (d) bod defnyddwyr gwasanaeth yn cael parhad yn eu gofal sy'n rhesymol i ddiwallu eu hanghenion am ofal personol lle cyflogir pobl, neu lle bo gweithwyr gofal cartref yn gweithio, ar sail dros dro at ddibenion yr asiantaeth.

(2) Rhaid i'r person cofrestredig sicrhau bod pob aelod o'r staff -

- (a) yn cael hyfforddiant ac arfarniad sy'n briodol i'r gwaith y mae i'w gyflawni;
- (b) yn cael cymorth addas, gan gynnwys amser i ffwrdd o'r gwaith, er mwyn ennill cymwysterau pellach sy'n briodol i'r gwaith hwnnw;
- (c) yn ymwybodol o'i gyfrifoldebau ei hun a chyfrifoldebau aelodau eraill o'r staff; ac
- (ch) yn gorfod hysbysu'r person cofrestredig os yw wedi'i gollfarnu o unrhyw dramgwydd troseddol.

supplied by or worked for the agency at any time during the period from 1st June 2003 to 31st May 2004.

### Staffing

16.-(1) The registered person shall, having regard to the nature of the agency, the statement of purpose and the number and needs of the service users, ensure that -

- (a) at all times an appropriate number of suitably qualified, skilled and experienced persons are employed for the purposes of the agency;
- (b) appropriate information and advice are provided to persons employed for the purposes of the agency, and further information and advice are made available to them at their reasonable request, in respect of -
  - (i) service users and their needs in respect of personal care, and
  - (ii) the provision of personal care to service users;
- (c) suitable assistance is provided to persons working for the purposes of the agency, and further assistance is made available to them at their reasonable request, in respect of the provision of personal care to service users;
- (d) suitably qualified and competent persons are available to be consulted during any time when a person is working for the purposes of the agency; and
- (e) service users will receive such continuity of care as is reasonable to meet their needs for personal care where persons are employed, or domiciliary care workers are working, on a temporary basis for the purposes of the agency.

(2) The registered person shall ensure that each member of staff -

- (a) receives training and appraisal which are appropriate to the work which he or she is to perform;
- (b) receives suitable assistance, including time off, for the purpose of obtaining further qualifications appropriate to such work;
- (c) is aware of his or her own responsibilities and those of the other members of staff; and
- (d) is required to notify the registered person if convicted of any criminal offence.



(3) Rhaid i'r person cofrestredig gymryd unrhyw gamau sy'n angenrheidiol i fynd i'r afael ag unrhyw agwedd ar berfformiad aelod o'r staff y cafwyd ei fod yn anfodhaol.

(4) Rhaid i'r person cofrestredig sicrhau bod y staff a'r gweithwyr gofal cartref nad ydynt yn aelodau o'r staff, yn cael goruchwyliaeth briodol.

### **Y llawlyfr staff a'r cod ymddygiad**

**17.**-(1) Rhaid i'r person cofrestredig baratoi llawlyfr staff a darparu copi ohono i bob aelod o'r staff a phob gweithiwr gofal cartref nad yw'n aelod o'r staff.

(2) Rhaid i'r llawlyfr a baratoir yn unol â pharagraff (1) gynnwys datganiad ynglŷn â'r canlynol-

- (a) yr ymddygiad a ddisgwylir oddi wrth aelodau'r staff a gweithwyr gofal cartref a'r camau disgyblu y gellir eu cymryd yn eu herbyn;
- (b) rôl a chyfrifoldebau aelodau staff a gweithwyr gofal cartref;
- (c) y gofynion ynglŷn â chadw cofnodion;
- (ch) y gweithdrefnau recriwtio; a
- (d) gofynion a chyfleoedd hyfforddi a datblygu.

### **Darparu gwybodaeth i ddefnyddwyr gwasanaeth**

**18.**-(1) Rhaid i'r person cofrestredig sicrhau y rhoddid i ddefnyddiwr gwasanaeth cyn darparu unrhyw ofal personol -

- (a) enw'r gweithiwr gofal cartref sydd i weini ar y defnyddiwr gwasanaeth;
- (b) manylion ynglŷn â'r ffordd y gall y defnyddiwr gwasanaeth gysylltu â'r person cofrestredig, neu berson sydd wedi'i enwebu i weithredu ar ei ran, ar bob adeg yn ystod y cyfnod y mae gofal personol yn cael ei ddarparu; ac
- (c) y telerau a'r amodau y trefnir gofal personol odanynt.

(2) Rhaid i'r person cofrestredig sicrhau bod yr wybodaeth a bennir ym mharagraff (1) yn cael ei darparu hefyd, os yw'n briodol, i berthnasau neu ofalwyr y defnyddiwr gwasanaeth.

### **Dull adnabod gweithwyr**

**19.** Rhaid i'r person cofrestredig sicrhau bod pob gweithiwr gofal cartref sy'n gweithio at ddibenion yr asiantaeth yn cael ei gyfarwyddo bod rhaid iddo gyflwyno i'r defnyddiwr gwasanaeth adnabyddiaeth sy'n dangos enw, enw'r asiantaeth a ffotograff diweddar ohono tra bydd yn darparu gofal personol i ddefnyddiwr gwasanaeth.

(3) The registered person shall take such steps as may be necessary to address any aspect of the performance of a domiciliary care worker which is found to be unsatisfactory.

(4) The registered person shall ensure that members of staff, and domiciliary care workers who are not members of staff, receive appropriate supervision.

### **Staff handbook and code of conduct**

**17.**-(1) The registered person shall prepare a staff handbook and provide a copy of it to every member of staff and every domiciliary care worker who is not a member of staff.

(2) The handbook prepared in accordance with paragraph (1) shall include a statement as to -

- (a) the conduct expected of members of staff and domiciliary care workers, and disciplinary action which may be taken against them;
- (b) the role and responsibilities of members of staff and domiciliary care workers;
- (c) record keeping requirements;
- (d) recruitment procedures; and
- (e) training and development requirements and opportunities.

### **Provision of information to service users**

**18.**-(1) The registered person shall ensure that before personal care is provided a service user is provided with -

- (a) the name of each domiciliary care worker who is to provide personal care;
- (b) details of how the service user may contact the registered person, or a person nominated to act on his or her behalf, at all times during the period for which personal care is being provided; and
- (c) the terms and conditions upon which personal care is arranged.

(2) The registered person shall ensure that the information specified in paragraph (1) is, where appropriate, also provided on request to the service user's relatives or carers.

### **Identification of workers**

**19.** The registered person shall ensure that every domiciliary care worker who works for the purposes of the agency is instructed that while providing personal care to a service user he or she must present the service user with identification showing his or her name, a recent photograph of himself or herself and the name of the agency.

## Cofnodion

20.-(1) Rhaid i'r person cofrestredig sicrhau bod y cofnodion a bennir yn Atodlen 4 yn cael eu cadw a'u bod-

- (a) yn cael eu cadw'n gyfoes, mewn cyflwr da, ac mewn modd diogel;
- (b) ar gael ar bob adeg i'w harchwilio gan unrhyw berson a awdurdodir gan y Cynulliad Cenedlaethol i fynd i'r fangre ac i'w harchwilio; ac
- (c) yn cael eu cadw am gyfnod heb fod yn llai na thair blynedd gan ddechrau ar ddyddiad yr eitem olaf ynddynt.

(2) Yn ychwanegol at y cofnodion y cyfeirir atynt ym mharagraff (1), rhaid i'r person cofrestredig ymdrechu i sicrhau bod copi o gynllun cyflenwi gwasanaeth a chofnod manwl o'r gofal personol a ddarparwyd i'r defnyddiwr gwasanaeth yn cael eu cadw yng nghartref y defnyddiwr gwasanaeth a'u bod yn cael eu cadw'n gyfoes, mewn cyflwr da ac mewn modd diogel.

## Cwynion

21.-(1) Rhaid i'r person cofrestredig sefydlu gweithdrefn ("y weithdrefn gwyno") ar gyfer ystyried cwynion a wneir i'r person cofrestredig gan ddefnyddiwr gwasanaeth neu ar ei ran.

(2) Rhaid i'r person cofrestredig ddarparu copi ysgrifenedig o'r weithdrefn gwyno i bob defnyddiwr gwasanaeth ac, os bydd yn gofyn amdano, i unrhyw gynrychiolydd y defnyddiwr gwasanaeth.

(3) Rhaid i'r copi o'r weithdrefn gwyno gynnwys -

- (a) enw a chyfeiriad swyddfa briodol y Cynulliad Cenedlaethol; a
- (b) y weithdrefn (os oes un) y mae'r Cynulliad Cenedlaethol wedi'i hysbysu i'r person cofrestredig ar gyfer gwneud cwynion i'r Cynulliad Cenedlaethol ynghylch yr asiantaeth.

(4) Rhaid i'r person cofrestredig sicrhau y bydd ymchwiliad llawn i bob cwyn a wneir o dan y weithdrefn gwyno.

(5) Rhaid i'r person cofrestredig roi gwybod i'r person a wnaeth y gwyn am y camau sydd i'w cymryd (os oes rhai), a hynny o fewn 28 diwrnod ar ôl dyddiad gwneud y gwyn, neu unrhyw gyfnod byrrach a fydd yn rhesymol o dan yr amgylchiadau.

(6) Rhaid i'r person cofrestredig gadw cofnod o bob cwyn, gan gynnwys manylion yr ymchwiliadau a wnaed, y canlyniad ac unrhyw gamau a gymerwyd o ganlyniad i hynny a bydd gofynion rheoliad 20(1) yn gynnwys i'r cofnod hwnnw.

## Records

20.-(1) The registered person shall ensure that the records specified in Schedule 4 are maintained and that they are -

- (a) kept up to date, in good order and in a secure manner;
- (b) at all times available for inspection by any person authorised by the National Assembly to enter and inspect the premises; and
- (c) retained for a period of not less than three years beginning on the date of the last entry.

(2) The registered person shall endeavour to ensure that, in addition to the records referred to in paragraph (1), a copy of the service delivery plan and a detailed record of the personal care provided to the service user are kept at the service user's home and that they are kept up to date, in good order and in a secure manner.

## Complaints

21.-(1) The registered person shall establish a written procedure ("the complaints procedure") for considering complaints made to the registered person by or on behalf of a service user.

(2) The registered person shall supply a written copy of the complaints procedure to every service user and, on request, to any representative of a service user.

(3) The written copy of the complaints procedure shall include -

- (a) the name and address of the appropriate office of the National Assembly; and
- (b) the procedure (if any) which has been notified by the National Assembly to the registered person for making complaints to the National Assembly relating to the agency.

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

(5) 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.

(6) The registered person shall maintain a record of each complaint, including details of the investigations made, the outcome and any action taken in consequence and the requirements of regulation 20(1) shall apply to that record.

(7) Rhaid i'r person cofrestredig roi i'r Cynulliad Cenedlaethol pan fydd yn gofyn amdano, ddatganiad sy'n cynnwys crynodeb o'r cwynion a wnaed yn ystod y deuddeg mis a ddaeth i ben ar ddyddiad y cais a'r camau a gymerwyd mewn ymateb i bob cwyn.

### **Barn y staff ynghylch rhedeg yr asiantaeth**

**22.**-(1) Mae'r rheoliad hwn yn gymwys i unrhyw fater sy'n ymwneud â rhedeg yr asiantaeth i'r graddau y gall effeithio ar iechyd neu les y defnyddwyr gwasanaeth, neu'r gofal personol sy'n cael ei ddarparu iddynt.

(2) Rhaid i'r person cofrestredig wneud trefniadau i alluogi'r staff i roi gwybod i'r person cofrestredig neu, heb gyfeirio at yr asiantaeth, i'r Cynulliad Cenedlaethol am eu barn ar unrhyw fater y mae'r rheoliad hwn yn gymwys iddo.

### **Adolygu ansawdd y gofal a ddarperir**

**23.**-(1) Rhaid i'r person cofrestredig gyflwyno a chynnal system ar gyfer adolygu bob hyn a hyn fel y bo'n briodol ansawdd y gwasanaeth a gofal personol y mae'r asiantaeth yn trefnu iddo gael ei ddarparu.

(2) Rhaid i'r person cofrestredig roi adroddiad i swyddfa briodol y Cynulliad Cenedlaethol mewn perthynas ag unrhyw adolygiad y mae'r person cofrestredig wedi'i gynnal at ddibenion paragraff (1), a threfnu bod copi o'r adroddiad ar gael i'r defnyddwyr gwasanaeth.

(3) Rhaid i'r system y cyfeirir ati ym mharagraff (1) ddarparu ar gyfer ymgynghori â'r defnyddwyr gwasanaeth a'u cynrychiolwyr.

### **Ffitrwydd y fangre**

**24.** Rhaid i'r person cofrestredig beidio â defnyddio mangre'r asiantaeth at ddibenion asiantaeth onid yw'n addas at ddibenion asiantaeth cyflawni'r nodau a'r amcanion a nodir yn y datganiad o ddiben.

### **Y sefyllfa ariannol**

**25.**-(1) Rhaid i'r darparydd cofrestredig redeg yr asiantaeth mewn modd sy'n debyg o sicrhau y bydd yr asiantaeth yn hyfyw yn ariannol er mwyn cyflawni'r nodau a'r amcanion a nodir yn y datganiad o ddiben.

(2) Rhaid i'r person cofrestredig hefyd roi i'r Cynulliad Cenedlaethol unrhyw wybodaeth arall y bydd yn gofyn amdano o dro i dro er mwyn ystyried hyfywedd ariannol yr asiantaeth, gan gynnwys -

- (a) cyfrifon blynyddol yr asiantaeth, wedi'u hardystio gan gyfrifydd; a
- (b) tystysgrif yswiriant i'r darparydd cofrestredig mewn perthynas â'r atebolrwydd y gallai ei beri mewn perthynas â'r asiantaeth ynghylch

(7) The registered person shall supply to the National Assembly at its request a statement containing a summary of the complaints made during the twelve months ending on the date of the request and the action taken in response.

### **Staff views as to conduct of agency**

**22.**-(1) This regulation applies to any matter relating to the conduct of the agency so far as it may affect the health or welfare of, or the personal care provided to, service users.

(2) The registered person shall make arrangements to enable staff to inform the registered person or, without reference to the agency, the National Assembly of their views about any matter to which this regulation applies.

### **Review of quality of service provision**

**23.**-(1) The registered person shall introduce and maintain a system for reviewing at appropriate intervals the quality of the service and personal care which the agency arranges to be provided.

(2) The registered person shall supply to the appropriate office of the National Assembly a report in respect of any review conducted by him or her for the purposes of paragraph (1) and shall make a copy of the report available to service users.

(3) The system referred to in paragraph (1) shall provide for consultation with service users and their representatives.

### **Fitness of premises**

**24.** The registered person shall not use the agency premises for the purposes of an agency unless they are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

### **Financial position**

**25.**-(1) The registered provider shall carry on the agency in such manner as is likely to ensure that the agency will be financially viable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered person shall provide to the National Assembly such other information as it may require from time to time in order to consider the financial viability of the agency, including -

- (a) the annual accounts of the agency, certified by an accountant; and
- (b) a certificate of insurance for the registered provider in respect of liability which may be incurred by him or her in relation to the agency

marwolaeth, niwed, atebolrwydd cyhoeddus, difrod neu golled arall.

in respect of death, injury, public liability, damage or other loss.

### **Hysbysu digwyddiadau**

**26.**-(1) Rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol os bydd digwyddiad a ddisgrifir ym mharagraff (2) yn digwydd a rhaid rhoi'r hysbysiad hwnnw o fewn 24 awr o roi gwybod i'r person cofrestredig fod digwyddiad o'r fath wedi digwydd, neu o'r amser y daeth y person hwnnw yn ymwybodol fel arall o'r ffaith bod digwyddiad o'r fath wedi digwydd.

(2) Y digwyddiadau yw -

- (a) unrhyw anaf difrifol y mae defnyddiwr gwasanaeth yn ei gael ym mangre'r asiantaeth neu tra bo gweithiwr gofal cartref yn gweini ar y defnyddiwr gwasanaeth at ddibenion darparu gofal personol iddo;
- (b) unrhyw ddigwyddiad -
  - (i) sy'n digwydd ym mangre'r asiantaeth tra bo gweithiwr gofal cartref yn gweini ar y defnyddiwr gwasanaeth er mwyn darparu gofal personol iddo, a
  - (ii) y rhoddir adroddiad amdano i'r heddlu, neu y mae ymchwiliad iddo yn cael ei gynnal ganddynt; ac
- (c) unrhyw honiad o gamymddwyn gan y person cofrestredig neu unrhyw berson sy'n gweithio at ddibenion yr asiantaeth.

(3) Rhaid i unrhyw hysbysiad a roddir ar lafar yn unol â'r rheoliad hwn gael ei gadarnhau yn ysgrifenedig o fewn 48 awr.

(4) Rhaid i'r person cofrestredig sicrhau ei bod yn ofynnol i'r personau sy'n gweithio at ddibenion yr asiantaeth roi gwybod i'r person cofrestredig ar unwaith fod unrhyw un o'r digwyddiadau a ddisgrifir ym mharagraff (2) wedi digwydd.

### **Hysbysu absenoldeb**

**27.**-(1) Os yw -

- (a) darparydd cofrestredig sy'n rheoli'r asiantaeth; neu
- (b) rheolwr cofrestredig,

i fod yn absennol o'r asiantaeth am gyfnod parhaus o 28 diwrnod neu fwy, rhaid i'r person cofrestredig roi hysbysiad ysgrifenedig i swyddfa briodol y Cynulliad Cenedlaethol o'r absenoldeb arfaethedig.

(2) Ac eithrio mewn argyfwng, rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (1) gael ei roi heb fod yn hwyrach nag un mis cyn i'r absenoldeb gychwyn neu o fewn unrhyw gyfnod byrrach y cytunir arno gyda'r Cynulliad Cenedlaethol a rhaid i'r hysbysiad bennu -

- (a) pa mor hir y bydd yr absenoldeb arfaethedig

### **Notification of incidents**

**26.**-(1) The registered person shall notify the appropriate office of the National Assembly if an incident described in paragraph (2) takes place and such notification shall be given within 24 hours of the registered person being informed, or otherwise becoming aware, that such an incident has taken place.

(2) The incidents are -

- (a) any serious injury sustained by a service user in the agency premises or while a domiciliary care worker is attending on the service user for the purposes of the provision of personal care to him;
- (b) any incident which -
  - (i) occurs in the agency premises or while a domiciliary care worker is attending on the service user for the purposes of the provision of personal care to him, and
  - (ii) is reported to, or investigated by, the police; and
- (c) any allegation of misconduct by the registered person or any person who works for the purposes of the agency.

(3) Any oral notification given in accordance with this regulation shall be confirmed in writing within 48 hours.

(4) The registered person shall ensure that the persons working for the purposes of the agency are required to inform the registered person forthwith of the occurrence of any of the incidents described in paragraph (2).

### **Notice of absence**

**27.**-(1) Where -

- (a) a registered provider who manages the agency; or
- (b) a registered manager,

is to be absent from the agency for a continuous period of 28 days or more, the registered person shall give notice in writing to the appropriate office of the National Assembly of the absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) shall be given no later than one month before the absence commences, or within such shorter period as may be agreed with the National Assembly, and the notice shall specify -

- (a) the length or expected length of the proposed

- neu pa mor hir y disgwylir iddo fod;
- (b) y rheswm dros yr absenoldeb;
- (c) y trefniadau sydd wedi'u gwneud ar gyfer rhedeg yr asiantaeth yn ystod yr absenoldeb;
- (ch) enw, cyfeiriad a chymwysterau y person a fydd yn gyfrifol am yr asiantaeth yn ystod yr absenoldeb; a
- (d) enw, cyfeiriad a chymwysterau unrhyw berson a benodir yn unol â rheoliad 9.

(3) Os yw'r absenoldeb y cyfeirir ato ym mharagraff (1) yn codi yn sgil argyfwng, rhaid i'r darparydd cofrestredig roi hysbysiad o'r absenoldeb o fewn un wythnos wedi i'r argyfwng ddigwydd, gan bennu'r materion yn is-baragraffau (a) i (d) o baragraff (2).

(4) Os bydd -

- (a) darparydd cofrestredig sy'n rheoli'r asiantaeth; neu
- (b) rheolwr cofrestredig,

wedi bod yn absennol o'r asiantaeth am gyfnod parhaus o 28 diwrnod neu fwy, ac na roddwyd hysbysiad o'r absenoldeb i swyddfa briodol y Cynulliad Cenedlaethol, rhaid i'r person cofrestredig roi hysbysiad ysgrifenedig ar unwaith i'r swyddfa honno, gan bennu'r materion yn is-baragraffau (a) i (d) o baragraff (2).

(5) Pan fydd y darparydd cofrestredig neu (yn ôl y digwydd) y rheolwr cofrestredig yn dychwelyd i'r gwaith, rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol heb fod yn hwyrach na 7 diwrnod wedi iddo ddychwelyd.

### Hysbysu newidiadau

**28.** Rhaid i'r person cofrestredig roi hysbysiad ysgrifenedig i swyddfa briodol y Cynulliad Cenedlaethol cyn gynted ag y bo'n ymarferol gwneud hynny -

- (a) os yw person heblaw'r person cofrestredig yn rhedeg neu'n rheoli'r asiantaeth, neu'n bwriadu ei rhedeg neu ei rheoli;
- (b) os yw person yn rhoi'r gorau i redeg neu i reoli'r asiantaeth, neu'n bwriadu rhoi'r gorau i'w rhedeg neu i'w rheoli;
- (c) pan yw'r person cofrestredig yn unigolyn, os yw'r unigolyn hwnnw yn newid ei enw neu'n bwriadu newid ei enw;
- (ch) pan yw'r darparydd cofrestredig yn gorff -
  - (i) os yw enw neu gyfeiriad y corff wedi newid neu os bwriedir ei newid;
  - (ii) os yw unrhyw newid cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog cyffelyb arall i'r corff yn digwydd neu os bwriedir i hynny ddigwydd;

absence;

- (b) the reason for that absence;
- (c) the arrangements which have been made for the running of the agency during that absence;
- (d) the name, address and qualifications of the person who will be responsible for the agency during that absence; and
- (e) the name, address and qualifications of any person appointed or nominated in accordance with regulation 9.

(3) Where an absence referred to in paragraph (1) arises as a result of an emergency, the registered person shall give notice of the absence within one week of the emergency's occurrence specifying the matters in sub-paragraphs (a) to (e) of paragraph (2).

(4) Where -

- (a) a registered provider who manages the agency; or
- (b) a registered manager,

has been absent from the agency for a continuous period of 28 days or more, and the appropriate office of the National Assembly has not been given notice of the absence, the registered person shall forthwith give notice in writing to that office specifying the matters in sub-paragraphs (a) to (e) of paragraph (2).

(5) The registered person shall notify the appropriate office of the National Assembly of the return to duty of the registered provider or (as the case may be) the registered manager no later than 7 days after the date of return.

### Notice of changes

**28.** The registered person shall give notice in writing to the appropriate office of the National Assembly as soon as it is practicable to do so if -

- (a) a person other than the registered person carries on or manages, or proposes to carry on or manage, the agency;
- (b) a person ceases, or proposes to cease, to carry on or manage the agency;
- (c) where a registered person is an individual, that individual changes, or proposes to change, his or her name;
- (d) where the registered provider is an organisation -
  - (i) the name or address of the organisation is, or is proposed to be, changed,
  - (ii) there is, or is proposed to be, any change of director, manager, secretary or other similar officer of the organisation,

- (iii) os oes unrhyw newid o ran pwy yw'r unigolyn cyfrifol, neu os bwriedir unrhyw newid o'r fath;
- (iv) os oes unrhyw newid ym mherchenogaeth y corff, neu os bwriedir unrhyw newid o'r fath;
- (d) pan yw darparrydd cofrestredig yn unigolyn, os yw ymddiriedolwr mewn methdaliad wedi'i benodi ar ei gyfer, neu'n debygol o gael ei benodi, neu os oes cyfamod neu drefniant wedi'i wneud, neu'n debygol o gael ei wneud, gyda chredydwy'r;
- (dd) pan yw darparrydd cofrestredig yn gwmni, os yw derbynnydd, rheolwr, datodwr neu ddatodwr dros dro wedi'i benodi, neu'n debygol o gael ei benodi;
- (e) pan yw darparrydd cofrestredig mewn partneriaeth y mae ei fusnes yn cynnwys rhedeg asiantaeth, os yw derbynnydd neu reolwr wedi'i benodi, neu'n debygol o gael ei benodi, ar gyfer y bartneriaeth;
- (f) os yw mangre'r asiantaeth wedi'i newid neu ei hestyn mewn ffordd arwyddocaol, neu os oes bwriad i'w newid neu i'w hestyn, neu os oes mangre ychwanegol wedi'i chaffael neu os oes bwriad i'w chaffael.

- (iii) there is, or is proposed to be, any change in the identity of the responsible individual, or
- (iv) there is, or is proposed to be, a change of ownership of the organisation;
- (e) where a registered provider is an individual, a trustee in bankruptcy for the individual is, or is likely to be, appointed or a composition or arrangement with the individual's creditors is, or is to be, made;
- (f) where a registered provider is a company, a receiver, manager, liquidator or provisional liquidator is, or is likely to be, appointed;
- (g) where a registered provider is in a partnership whose business includes carrying on an agency, a receiver or manager is, or is likely to be, appointed for the partnership; or
- (h) the agency premises are, or are proposed to be, significantly altered or extended, or additional premises are, or are proposed to be, acquired.

### **Marwolaeth person cofrestredig**

**29.**-(1) Os oes mwy nag un person wedi'i gofrestru ar gyfer asiantaeth, a bod person cofrestredig yn marw, rhaid i'r person cofrestredig sy'n goroesi hysbysu yn ysgrifenedig swyddfa briodol y Cynulliad Cenedlaethol yn ddi-oed o'r farwolaeth.

(2) Os un person yn unig sydd wedi'i gofrestru ar gyfer asiantaeth, a bod y person hwnnw yn marw, rhaid i'w gynrychiolwyr personol hysbysu swyddfa briodol y Cynulliad Cenedlaethol yn ysgrifenedig -

- (a) o'r farwolaeth yn ddi-oed; a
- (b) o fewn 28 diwrnod o'u bwriadau ynglŷn â rhedeg yr asiantaeth yn y dyfodol.

(3) Caiff cynrychiolwyr personol y darparrydd cofrestredig ymadawedig redeg yr asiantaeth heb fod wedi'u cofrestru ar ei chyfer -

- (a) am gyfnod heb fod yn hirach nag 28 diwrnod; a
- (b) am unrhyw gyfnod pellach a benderfynnir yn unol â pharagraff (4).

(4) Caiff y Cynulliad Cenedlaethol estyn y cyfnod a bennwyd ym mharagraff (3)(a) am unrhyw gyfnod pellach, heb fod yn hirach na blwyddyn, y bydd y Cynulliad Cenedlaethol yn penderfynu arno, a rhaid iddo hysbysu'r cynrychiolwyr personol yn ysgrifenedig o unrhyw benderfyniad o'r fath.

### **Death of registered person**

**29.**-(1) If more than one person is registered in respect of an agency and a registered person dies, the surviving registered person shall without delay give notice in writing of the death to the appropriate office of the National Assembly.

(2) If only one person is registered in respect of an agency and he or she dies, his or her personal representatives shall give notice in writing to the appropriate office of the National Assembly -

- (a) without delay, of the death; and
- (b) within 28 days, of their intentions regarding the future running of the agency.

(3) The personal representatives of the deceased registered provider may carry on the agency without being registered in respect of it -

- (a) for a period not exceeding 28 days; and
- (b) for any further period as may be determined in accordance with paragraph (4).

(4) The National Assembly may extend the period specified in paragraph (3)(a) by such period, not exceeding one year, as the National Assembly shall determine, and shall give notice in writing of such determination to the personal representatives.

(5) Rhaid i'r cynrychiolwyr personol benodi person i gymryd gofal llawnamser o ddydd i ddydd dros yr asiantaeth yn ystod unrhyw gyfnod pryd y byddant, yn unol â pharagraff (3), yn rhedeg yr asiantaeth, heb fod wedi'u cofrestru ar ei chyfer.

RHAN IV  
AMRYWIOL

**Cydymffurfio â'r rheoliadau**

**30.** Os oes mwy nag un person cofrestredig mewn perthynas ag asiantaeth, 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.

**Tramgwyddau**

**31.**-(1) Bydd torri neu fethu â chydymffurfio â rheoliadau 4 i 7, 9 ac 11 i 28 yn dramgwydd.

(2) Caiff y Cynulliad Cenedlaethol ddwyn achos yn erbyn person a oedd ar un adeg, ond nad yw bellach, yn berson cofrestredig, mewn perthynas â methiant i gydymffurfio â rheoliad 20.

**Pennu swyddfydd priodol**

**32.** Caiff y Cynulliad bennu swyddfa sydd o dan ei reolaeth fel y swyddfa briodol mewn perthynas â mangre'r asiantaeth sydd wedi'u lleoli mewn ardal benodol yng Nghymru.

**Diwygio Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002**

**33.**-(1) Diwygir Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002(a) yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 2(1) -

(a) yn y lle priodol, mewnosoder -

""domiciliary care agency" has the same meaning as in the Act but subject to the exceptions in regulation 3(1) of the Domiciliary Care Agencies (Wales) Regulations 2004";

(b) yn y diffiniad o "appropriate office", ar ôl paragraff (g) mewnosoder -

"(h) in relation to a domiciliary care agency -

(i) if an office has been specified under regulation 32 of the Domiciliary Care Agencies (Wales) Regulations 2004

(5) The personal representatives shall appoint a person to take full-time day to day charge of the agency during any period in which, in accordance with paragraph (3), they carry on the agency without being registered in respect of it.

PART IV  
MISCELLANEOUS

**Compliance with regulations**

**30.** Where there is more than one registered person in respect of an agency, 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.

**Offences**

**31.**-(1) A contravention or failure to comply with regulations 4 to 7, 9 and 11 to 28 shall be an offence.

(2) The National Assembly may bring proceedings against a person who was once, but no longer is, a registered person in respect of a failure to comply with regulation 20.

**Specification of appropriate offices**

**32.** The National Assembly may specify an office controlled by it as the appropriate office in relation to agency premises situated in a particular area of Wales.

**Amendment of the Registration of Social Care and Independent Health Care (Wales) Regulations 2002**

**33.**-(1) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002(a) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) -

(a) at the appropriate place, insert -

""domiciliary care agency" has the same meaning as in the Act but subject to the exceptions in regulation 3(1) of the Domiciliary Care Agencies (Wales) Regulations 2004";

(b) in the definition of "appropriate office", after paragraph (g) insert -

"(h) in relation to a domiciliary care agency -

(i) if an office has been specified under regulation 32 of the Domiciliary Care Agencies (Wales) Regulations 2004

(a) O.S. 2002/919 (Cy.107) fel y'i diwygiwyd gan O.S. 2003/710 (Cy.86) a 2003/2517 (Cy.242).

(a) S.I. 2002/919 (W.107) as amended by S.I. 2003/710 (W.86) and 2003/2517 (W.242).

- for the area in which the agency premises are situated, that office;
- (ii) in any other case, any office of the National Assembly.";
- (c) yn y diffiniad o "statement of purpose" mewnosoder -
- "(i) in relation to a domiciliary care agency, the written statement required to be compiled in relation to the agency in accordance with regulation 4 of the Domiciliary Care Agencies (Wales) Regulations 2004;"
- (3) Yn rheoliad 9 -
- (a) ym mharagraff (e), ar ôl "section 4(8)(a)" mewnosoder "or (9)(a)";
- (b) ar ôl paragraff (i) mewnosoder -
- "(j) where the establishment or agency is being carried on by an individual in partnership with others, the names and addresses of all the partners."
- (4) Ym mharagraff 1 o Atodlen 1, mewnosoder -
- "(g)if he or she intends to carry on a domiciliary care agency in partnership with others, the information specified in the preceding sub-paragraphs of this paragraph in relation to each partner of the firm and the name and address of the partnership."

#### **Diwygio Rheoliadau Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Ffioedd) (Cymru) 2002**

34.-(1) Diwygir Rheoliadau Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Ffioedd) (Cymru) 2002(a) yn unol â darpariaethau canlynol y rheoliad hwn.

- (2) Yn y paragraff o dan y pennawd "Arrangement of Regulations", ychwaneger y canlynol ar y diwedd "15. Annual fee- domiciliary care agencies".
- (3) Yn rheoliad 2(1)(a) -
- (a) yn y diffiniad o "agency", ar y diwedd ychwaneger ", or a domiciliary care agency";
- (b) yn y lle priodol, mewnosoder -
- "domiciliary care agency" has the same meaning as in the Act but subject to the exceptions in regulation 3(1) of the Domiciliary Care Agencies (Wales) Regulations 2004";
- (c) yn y lle priodol, mewnosoder -
- "small domiciliary care agency" means a domiciliary care agency which arranges the provision of fewer than 200 hours of personal care per week or a domiciliary care agency which is solely an employment agency".

(a) O.S. 2002/921 (Cy.109) fel y'i diwygiwyd gan O.S. 2003/710 (Cy.86), 2003/781 (Cy.92) a 2003/2517 (Cy.242).

- for the area in which the agency premises are situated, that office;
- (ii) in any other case, any office of the National Assembly.";
- (c) in the definition of "statement of purpose" insert -
- "(i) in relation to a domiciliary care agency, the written statement required to be compiled in relation to the agency in accordance with regulation 4 of the Domiciliary Care Agencies (Wales) Regulations 2004;"
- (3) In regulation 9 -
- (a) in paragraph (e), after "section 4(8)(a)" insert "or (9)(a)";
- (b) after paragraph (i) insert -
- "(j) where the establishment or agency is being carried on by an individual in partnership with others, the names and addresses of all the partners."
- (4) In paragraph 1 of Schedule 1, insert -
- "(g)if he or she intends to carry on a domiciliary care agency in partnership with others, the information specified in the preceding sub-paragraphs of this paragraph in relation to each partner of the firm and the name and address of the partnership."

#### **Amendment of the Registration of Social Care and Independent Healthcare (Fees) (Wales) Regulations 2002**

34.-(1) The Registration of Social Care and Independent Healthcare (Fees) (Wales) Regulations 2002(a) are amended in accordance with the following provisions of this regulation.

- (2) In the paragraph headed "Arrangement of Regulations", add the following at the end "15. Annual fee- domiciliary care agencies".
- (3) In regulation 2(1)(a) -
- (a) in the definition of "agency", at the end add ", or a domiciliary care agency";
- (b) at the appropriate place, insert -
- "domiciliary care agency" has the same meaning as in the Act but subject to the exceptions in regulation 3(1) of the Domiciliary Care Agencies (Wales) Regulations 2004";
- (c) at the appropriate place, insert -
- "small domiciliary care agency" means a domiciliary care agency which arranges the provision of fewer than 200 hours of personal care per week or a domiciliary care agency which is solely an employment agency".

(a) S.I. 2002/921 (W.109) as amended by S.I. 2003/710 (W.86), 2003/781 (W.92) and 2003/2517 (W.242).



(4) Yn rheoliad 3, ar ôl paragraff (3C), mewnosoder -

"(3D) In the case of an application for registration in respect of a small domiciliary care agency -

- (a) by a person mentioned in paragraph (1)(a), the registration fee shall be £550; and
- (b) by a person mentioned in paragraph (1)(b), the registration fee shall be nil."

(5) Ar ôl rheoliad 14 (Ffi Flynyddol - asiantaethau nyrsys), mewnosoder y rheoliad canlynol -

#### **"Annual fee- domiciliary care agencies**

**15.**-(1) The annual fee in respect of a domiciliary care agency is -

- (a) in the case of a small domiciliary care agency, £375; and
- (b) otherwise, £750.

(2) The annual fee in respect of a domiciliary care agency is to be payable by the registered provider on the first and subsequent anniversaries of the date on which his or her certificate of registration is issued."

#### **Darpariaethau trosiannol**

**35.**-(1) Mae'r rheoliad hwn yn gymwys i bobl y mae'n ofynnol iddynt yn rhinwedd darpariaethau'r Ddeddf a'r Rheoliadau hyn fod yn gofrestredig o dan y Ddeddf ond nad oedd angen iddynt fod yn gofrestredig yn union cyn 1 Mawrth 2004.

(2) Er gwaethaf unrhyw ddarpariaeth o'r fath, caiff person a oedd yn union cyn 20 Chwefror 2004 yn rhedeg neu'n rheoli asiantaeth barhau i redeg neu reoli'r asiantaeth heb fod yn gofrestredig o dan y Ddeddf -

- (a) yn ystod y cyfnod o 3 mis sy'n dechrau ar y dyddiad hwnnw; a
- (b) os gwneir cais am gofrestrriad yn ystod y cyfnod hwnnw, hyd nes y gwneir y penderfyniad terfynol ar y cais hwnnw neu y tynnir ef yn ôl.

(3) Yn y rheoliad hwn ystyr "penderfyniad terfynol" yw'r dyddiad 28 diwrnod ar ôl caniatáu neu wrthod y cofrestrriad ac, os caiff apêl ei gwneud, y dyddiad pan ddyfarnir yn derfynol ar yr apêl neu pan roddir y gorau iddi.

(4) In regulation 3, after paragraph (3C), insert -

"(3D) In the case of an application for registration in respect of a small domiciliary care agency -

- (a) by a person mentioned in paragraph (1)(a), the registration fee shall be £550; and
- (b) by a person mentioned in paragraph (1)(b), the registration fee shall be nil."

(5) After regulation 14 (Annual fee - nurses agencies), there is to be inserted the following regulation -

#### **"Annual fee- domiciliary care agencies**

**15.**-(1) The annual fee in respect of a domiciliary care agency is -

- (a) in the case of a small domiciliary care agency, £375; and
- (b) otherwise, £750.

(2) The annual fee in respect of a domiciliary care agency is to be payable by the registered provider on the first and subsequent anniversaries of the date on which his or her certificate of registration is issued."

#### **Transitional provisions**

**35.**-(1) This regulation applies to persons who by virtue of the provisions of the Act and these Regulations are required to be registered under the Act but who immediately before 1st March 2004 were not required to be so registered.

(2) Notwithstanding any such provision, a person who immediately before 1st March 2004 was carrying on or managing an agency may continue to carry on or manage the agency without being registered under the Act -

- (a) during the period of 3 months beginning with that date; and
- (b) if within that period application is made for registration, until that application is finally disposed of or withdrawn.

(3) In this regulation "finally disposed of" means the date 28 days following the grant or refusal of registration and, if an appeal is made, the date when the appeal is finally determined or abandoned.

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

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

3 Chwefror 2004

3rd February 2004

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

Rheoliad 4(1)(ch)

Regulation 4(1)(d)

**YR WYBODAETH SYDD I'W CHYNNWYS  
YN Y DATGANIAD O DDIBEN**

1. A yw'r asiantaeth yn cael ei rhedeg gan unigolyn, gan bersonau mewn partneriaeth neu gan gorff.
2. Natur y gwasanaethau y mae'r asiantaeth yn eu darparu.
3. Yr ardal ddaearyddol y mae'r asiantaeth yn darparu gwasanaethau ynddi.
4. Ystod cymwysterau'r gweithwyr gofal personol sydd i fod i ymweld â chartrefi defnyddwyr gwasanaeth.
5. O dan ba amgylchiadau y caiff yr asiantaeth roi terfyn ar ddarparu gwasanaethau i ddefnyddiwr gwasanaeth.
6. Y trefniadau i ganslo'r cyflenwad o weithiwr gofal cartref gan y defnyddiwr gwasanaeth neu'r asiantaeth.
7. Ffioedd yr asiantaeth.
8. Y trefniadau a fydd yn gymwys yn ystod salwch neu reswm arall dros absenoldeb gweithwyr gofal cartref sydd i fod i weini yng nghartrefi defnyddwyr gwasanaeth.
9. Y gofynion ynglŷn â dalennau amser.
10. Y weithdrefn gwyno a sefydlwyd yn unol â rheoliad 21.
11. Y gweithdrefnau i ddiogelu defnyddwyr gwasanaeth a gweithwyr gofal cartref.
12. Y gweithdrefnau i ddiogelu eiddo'r defnyddwyr gwasanaeth.
13. Y gweithdrefnau ar gyfer rhoi meddyginiaeth, neu helpu i'w rhoi.
14. Y gofynion i amddiffyn iechyd a diogelwch gweithwyr gofal cartref.
15. Y gweithdrefnau i'w dilyn os bydd digwyddiad y cyfeirir ato yn rheoliad 27 yn digwydd.
16. Y trefniadau i ddefnyddwyr gwasanaeth fynegi eu barn ynglŷn â'r gwasanaeth sy'n cael ei ddarparu gan yr asiantaeth.
17. Strwythur rheoli'r asiantaeth.
18. A yw'r asiantaeth, ac os felly i ba raddau, yn darparu gwasanaethau drwy bersonau heblaw cyflogeion yr asiantaeth.

**INFORMATION TO BE INCLUDED IN THE  
STATEMENT OF PURPOSE**

1. Whether the agency is carried on by an individual, by persons in partnership or by an organisation.
2. The nature of the services which the agency provides.
3. The geographical area in which the agency provides services.
4. The range of qualifications of the domiciliary care workers who are to attend at the homes of service users.
5. The circumstances in which the agency may cease to provide services to a service user.
6. Arrangements for cancellation of the supply of a domiciliary care worker by the service user or the agency.
7. The agency's charges.
8. Arrangements which will apply during the sickness or other absence of domiciliary care workers who are to attend at the homes of service users.
9. Requirements in relation to time sheets.
10. The complaints procedure established in accordance with regulation 21.
11. Procedures to safeguard service users and domiciliary care workers.
12. Procedures to safeguard service users' property.
13. Procedures for the administration, or assistance with the administration, of medication.
14. Requirements to protect the health and safety of domiciliary care workers.
15. Procedures to be followed in the event of an occurrence referred to in regulation 27.
16. Arrangements for service users to express their views about the service provided by the agency.
17. The management structure of the agency.
18. Whether, and if so the extent to which, the agency provides services through persons other than employees of the agency.

Rheoliadau 8(3)(c), 9(5), a 10(2)(c)

Regulations 8(3)(c), 9(5) and 10(2)(c)

YR WYBODAETH SY'N OFYNNOL  
MEWN PERTHYNAS Â DARPARWYR A  
RHEOLWYR COFRESTREDIG  
ASIAANTAETH A PHERSONAU SYDD  
WEDI'U HENWI I DDIRPRWYO AR GYFER  
PERSON COFRESTREDIG

INFORMATION REQUIRED IN RESPECT  
OF REGISTERED PROVIDERS AND  
MANAGERS OF AN AGENCY AND  
PERSONS NOMINATED TO DEPUTISE  
FOR A REGISTERED PERSON

1. Enw, cyfeiriad, dyddiad geni a rhif ffôn.
2. Prawf o bwy yw'r person gan gynnwys ffotograff diweddar.
3. Naill ai-
  - (a) os oes angen tystysgrif at ddiben sy'n ymwneud ag adran 115(5)(ea) o Ddeddf yr Heddlu 1997(a) (cofrestru o dan Ran II o Ddeddf Safonau Gofal 2000), neu os yw'r swydd yn dod o fewn adran 115(3) neu (4) o'r Ddeddf honno, tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 115 o'r Ddeddf honno; neu
  - (b) mewn unrhyw achos arall, tystysgrif cofnod troseddol a ddyroddwyd o dan adran 113 o'r Ddeddf honno,

gan gynnwys, os yw'n gymwys, y materion a bennir yn adrannau 133(3A) a 115(6A) o'r Ddeddf honno a'r darpariaethau canlynol pan fyddant mewn grym, sef adran 113(3C)(a) a (b) ac adran 115(6B)(a) a (b) o'r Ddeddf honno.

4. Dau dystlythyr ysgrifenedig gan gynnwys tystlythyr sy'n ymwneud â'r cyfnod cyflogaeth diwethaf nad oedd wedi para llai na thri mis.

5. Os yw person wedi gweithio gynt mewn swydd a oedd yn cynnwys gwaith gyda phlant neu oedolion hawdd eu niweidio, cadarnhad o'r rhesymau pam y daeth y swydd honno neu'r swyddogaeth honno i ben ac eithrio os yw'r Cynulliad Cenedlaethol wedi penderfynu bod pob cam rhesymol wedi'i gymryd i sicrhau cadarnhad o'r fath ond nad yw ar gael.

6. Tystiolaeth ddogfennol o unrhyw gymwysterau a hyfforddiant perthnasol.

7. Hanes cyflogaeth llawn, ynghyd ag esboniad ysgrifenedig boddhaol o unrhyw fylchau yn y gyflogaeth.

8. Os unigolyn yw'r person, adroddiad gan ymarferydd meddygol cyffredinol ynghylch a yw'r person yn ffit yn gorfforol ac yn feddyliol (yn ôl y digwydd) i redeg, rheoli neu fod â gofal dros asiantaeth.

1. Name, address, date of birth and telephone number.

2. Proof of identity, including a recent photograph.

3. Either -

(a) where the certificate is required for a purpose relating to section 115(5)(ea) of the Police Act 1997(a) (registration under Part II of the Care Standards Act 2000), or the position falls within section 115(3) or (4) of that Act, an enhanced criminal record certificate issued under section 115 of that Act; or

(b) in any other case, a criminal record certificate issued under section 113 of that Act,

including, where applicable, the matters specified in section 113(3A) or 115(6A) of that Act and, once they are in force, section 113(3C)(a) and (b) or section 115(6B)(a) and (b) of that Act.

4. Two written references, including a reference relating to the last period of employment of not less than three months duration.

5. Where a person has previously worked in a position which involved work with children or vulnerable adults, verification of the reason why the employment or position ended except where the National Assembly has determined that all reasonable steps have been taken to obtain such verification but it is not available.

6. Documentary evidence of any relevant qualifications and training.

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

8. Where the person is an individual, a report by a general medical practitioner as to whether the person is physically and mentally fit to (as the case may be) carry on, manage or be in charge of an agency.

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(a) 1997 p.50.

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(a) 1997 c.50.

9. Manylion cofrestrriad gydag unrhyw gorff proffesiynol neu aelodaeth ohono.

10. Manylion unrhyw yswiriant indemnio proffesiynol.

### ATODLEN 3

Rheoliad 15(1)(b) a (2)

#### YR WYBODAETH A'R DDOGFENNAETH SYDD I FOD AR GAEL MEWN PERTHYNAS Â GWEITHWYR GOFAL CARTREF

1. Enw, cyfeiriad, dyddiad geni a rhif ffôn.

2. Enw, cyfeiriad a rhif ffôn y perthynas agosaf.

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

4. Naill ai -

(a) os yw'r swydd yn dod o dan adran 115(3) neu (4) o Ddeddf yr Heddlu 1997 tystysgrif cofnod troseddol fanwl a ddyroddwyd o dan adran 115 o'r Ddeddf honno; neu

(b) mewn unrhyw achos arall, tystysgrif cofnod troseddol a ddyroddwyd o dan adran 113 o'r Ddeddf honno,

gan gynnwys, os yw'n gymwys, y materion a bennir yn adrannau 113(3A) a 115(6A) o'r Ddeddf honno a'r darpariaethau canlynol pan fyddant mewn grym, sef adran 113(3C)(a) a (b) ac adran 115(6B)(a) a (b) o'r Ddeddf honno.

5. Os yw'r person wedi gweithio ar unrhyw adeg yn y cyfnod o bum mlynedd cyn iddo gael ei gyflogi gan yr asiantaeth, dau dystlythyr ysgrifenedig gan gynnwys, os yw'r person wedi gweithio o'r blaen am fwy na thri mis mewn swydd a oedd yn cynnwys gwaith gyda phlant neu oedolion hawdd eu niweidio, tystlythyr sy'n ymwneud â'r swydd ddiwethaf o'r fath a ddaliwyd.

6. Os yw'r person wedi bod yn gweithio gynt mewn swydd a oedd yn cynnwys gwaith gyda phlant neu oedolion hawdd eu niweidio, cadarnhad, i'r graddau y bo hynny'n rhesymol ymarferol, o'r rheswm pam daeth y swydd honno neu'r swyddogaeth honno i ben, ac eithrio os yw'r Cynulliad Cenedlaethol wedi penderfynu bod pob cam rhesymol wedi'i gymryd i sicrhau cadarnhad o'r fath ond nad yw ar gael.

7. Tystiolaeth o allu ieithyddol boddhaol at ddibenion darparu gofal personol i'r defnyddwyr gwasanaeth hynny y mae'r gweithiwr i ddarparu gofal

9. Details of registration with or membership of any professional body.

10. Details of any professional indemnity insurance.

### SCHEDULE 3

Regulation 15(1)(b) and (2)

#### INFORMATION AND DOCUMENTATION TO BE AVAILABLE IN RESPECT OF DOMICILIARY CARE WORKERS

1. Name, address, date of birth and telephone number.

2. Name, address and telephone number of next of kin.

3. Proof of identity, including a recent photograph.

4. Either -

(a) where the position falls within section 115(3) or (4) of the Police Act 1997, an enhanced criminal record certificate issued under section 115 of that Act; or

(b) in any other case, a criminal record certificate issued under section 113 of that Act,

including, where applicable, the matters specified in section 113(3A) or 115(6A) of that Act and, once they are in force, section 113(3C)(a) and (b) or section 115(6B)(a) and (b) of that Act.

5. Where the person has worked at any time within the period of five years before being employed by the agency, two written references including, where the person has previously worked for more than three months in a position which involved work with children or vulnerable adults, a reference relating to the last such position held.

6. Where a person has previously worked in a position which involved work with children or vulnerable adults, verification of the reason why the employment or position ended except where the National Assembly has determined that all reasonable steps have been taken to obtain such verification but it is not available.

7. Evidence of satisfactory linguistic ability for the purposes of providing personal care to those service users for whom the worker is to provide personal care.

personol iddynt.

8. Tystiolaeth ddogfennol o unrhyw gymwysterau a hyfforddiant perthnasol.

9. Hanes cyflogaeth llawn, ynghyd ag esboniad ysgrifenedig boddhaol o unrhyw fylchau yn y gyflogaeth a manylion unrhyw gyflogaeth gyfredol heblaw at ddibenion yr asiantaeth.

10. Datganiad gan y person ynglŷn â'i gyflwr o ran iechyd corfforol a meddyliol.

11. Datganiad gan y darparrydd cofrestredig, neu'r rheolwr cofrestredig, yn ôl y digwydd, fod y person yn ffit yn gorfforol ac yn feddyliol at ddibenion y gwaith y mae i'w gyflawni.

12. Manylion unrhyw yswiriant indemnio proffesiynol.

8. Documentary evidence of any relevant qualifications and training.

9. A full employment history, together with a satisfactory written explanation of any gaps in employment and details of any current employment other than for the purposes of the agency.

10. A statement by the person as to the state of his or her physical and mental health.

11. A statement by the registered provider, or the registered manager, as the case may be, that the person is physically and mentally fit for the purposes of the work which he or she is to perform.

12. Details of any professional indemnity insurance.

## ATODLEN 4

## SCHEDULE 4

Rheoliad 20

Regulation 20

### Y COFNODION SYDD I'W CADW AR GYFER ARCHWILIAD

### RECORDS TO BE MAINTAINED FOR INSPECTION

#### Cofnodion ariannol

1. Cofnod o holl drafodion busnes yr asiantaeth.
2. Bonion neu gopiau o'r holl dderbynebau a roddwyd.
3. Manylion y ffioedd sy'n daladwy gan bob defnyddiwr gwasanaeth mewn perthynas â darparu gofal personol.
4. Cofnodion treth a chyfraniadau yswiriant gwladol sy'n ymwneud â phob person sy'n gweithio at ddibenion yr asiantaeth.

#### Cofnodion eraill

5. Cofnod o'r holl wybodaeth a roddwyd i'r Cynulliad Cenedlaethol at ddibenion cofrestru mewn perthynas â'r asiantaeth.
6. Manylion pob honiad o gamdriniaeth, esgeulustod neu niwed arall a wnaed yn erbyn un o gyflogeion yr asiantaeth, neu unrhyw weithiwr gofal cartref sy'n gweithio at ddibenion yr asiantaeth, gan gynnwys manylion yr ymchwiliadau a wnaed, y canlyniad ac unrhyw gamau a gymerwyd yn sgil hynny.
7. Manylion unrhyw ataliad corfforol a ddefnyddiwyd ar ddefnyddiwr gwasanaeth.
8. Y cynllun cyflenwi gwasanaeth a luniwyd ar gyfer

#### Financial records

1. A record of all business transacted by the agency.
2. Counterfoils or copies of all receipts issued.
3. Details of the charges payable by each service user in respect of the provision of personal care.
4. Records of tax and national insurance contributions relating to each person who works for the purposes of the agency.

#### Other records

5. A record of all information provided to the National Assembly for the purposes of registration in relation to the agency.
6. Details of every allegation of abuse, neglect or other harm made against an employee of, or any domiciliary care worker who works for the purposes of, the agency, including details of the investigations made, the outcome and any action taken in consequence.
7. Details of any physical restraint used on a service user.
8. Each service user's service delivery plan prepared

pob defnyddiwr gwasanaeth a chofnod manwl o'r gofal personol a roddwyd iddo.

**9.** Cofnod personél sy'n ymwneud â phob person sy'n cael ei gyflogi gan yr asiantaeth, neu sy'n gweithio at ddibenion yr asiantaeth.

for him or her and a detailed record of the personal care provided to him or her.

**9.** A personnel record relating to each person employed by, or working for the purposes of, the agency.