CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2004 Rhif 2880 (Cy.250)

GOFAL CYMDEITHASOL, CYMRU

Gorchymyn Cyngor Gofal Cymru (Pennu Gweithwyr Gofal Cymdeithasol) (Cofrestru) 2004

NODYN ESBONIADOL

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

Mae adran 56(1) o Ddeddf Safonau Gofal 2000 yn ei gwneud yn ofynnol i Gyngor Gofal Cymru gadw cofrestr o weithwyr cymdeithasol a gweithwyr gofal cymdeithasol o unrhyw ddisgrifiad arall a bennir gan Gynulliad Cenedlaethol Cymru drwy orchymyn.

Mae erthygl 2 o'r Gorchymyn hwn yn pennu disgrifiad o weithwyr gofal cymdeithasol at ddibenion adran 56(1).

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2004 No. 2880 (W.250)

SOCIAL CARE, WALES

The Care Council for Wales (Specification of Social Care Workers) (Registration) Order 2004

EXPLANATORY NOTE

(This note is not part of the Order)

Section 56(1) of the Care Standards Act 2000 requires the Care Council for Wales to maintain a register of social workers and social care workers of any other description specified by the National Assembly for Wales by order.

Article 2 of this Order specifies a description of social care workers for the purposes of section 56(1).

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Gorchymyn Cyngor Gofal Cymru (Pennu Gweithwyr Gofal Cymdeithasol) (Cofrestru) 2004

Wedi'i wneud	*2 Tachwedd 2004*
Yn dod i rym	*19 Tachwedd 2004*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pŵer a roddwyd iddo gan adran 56(1)(b) o Ddeddf Safonau Gofal 2000(**a**), ac ar ôl ymgynghori â Chyngor Gofal Cymru(**b**), drwy hyn yn gwneud y Gorchymyn canlynol:

Enwi, cychwyn a dehongli

1.-(1) O ran y Gorchymyn hwn -

(a) ei enw yw Gorchymyn Cyngor Gofal Cymru (Pennu Gweithwyr Gofal Cymdeithasol) (Cofrestru) 2004;

(b) mae'n dod i rym ar 19 Tachwedd 2004.

(2) Yn y Gorchymyn hwn -

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

ystyr "y Cyngor" ("*the Council*") yw Cyngor Gofal Cymru;

ystyr "gwaith" ("*work*") yw gwaith o unrhyw fath a grybwyllir yn adran 55(2)(b) i (d) o'r Ddeddf.

(a) 2000 p. 14. Mae'r pwerau wedi'u rhoi i'r "appropriate Minister", sy'n golygu'r "Assembly", mewn perthynas â Chymru: adran 121(1) o'r Ddeddf. Ystyr "Assembly" yw Cynulliad Cenedlaethol Cymru: adran 5(1)(b) o'r Ddeddf.

(b) *Gweler* adran 56(4) o'r Ddeddf ynglyn â'r gofyniad i ymgynghori.

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2004 No. 2880 (W.250)

SOCIAL CARE, WALES

The Care Council for Wales (Specification of Social Care Workers) (Registration) Order 2004

Made	*2 November 2004*
Coming into force	*19 November 2004*

The National Assembly for Wales, in exercise of the power conferred upon it by section 56(1)(b) of the Care Standards Act 2000(**a**), and having consulted the Care Council for Wales(**b**), hereby makes the following Order:

Citation, commencement and interpretation

1.-(1) This Order -

(a) may be cited as the Care Council for Wales (Specification of Social Care Workers) (Registration) Order 2004;

(b) comes into force on 19 November 2004.

(2) In this Order -

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

"the Council" ("*y Cyngor*") means the Care Council for Wales;

"work" ("*gwaith*") means work of any type mentioned in section 55(2)(b) to (d) of the Act.

(a) 2000 c. 14. The powers are conferred upon the "appropriate Minister", which means, in relation to Wales, the "Assembly": section 121(1) of the Act. "Assembly" means the National Assembly for Wales: section 5(1)(b) of the Act.

(b) *See* section 56(4) of the Act for the requirement to consult.

Pennu gweithwyr gofal cymdeithasol

2.-(1) Mae'r gweithwyr gofal cymdeithasol a ddisgrifir ym mharagraff (2) isod wedi'u pennu at ddibenion adran 56(1)(b) o'r Ddeddf (dyletswydd y Cyngor i gadw cofrestr o weithwyr gofal cymdeithasol a bennir drwy orchymyn)(**a**).

(2) Mae'r disgrifiad o weithwyr gofal cymdeithasol yn cyfeirio at y personau hynny -

(a) sy'n dod o fewn unrhyw un o'r disgrifiadau yn adran 55(2)(b) i (d) o'r Ddeddf(**b**);

(b) sydd fel arfer yn cyflawni rhyw waith yng Nghymru neu'n disgwyl gwneud hynny; ac

(c) y caiff yr Ysgrifennydd Gwladol, yn rhinwedd y gwaith hwnnw, ddyroddi tystysgrif cofnod troseddol ar eu cyfer o dan adran 113(1) neu 115(1) o Ddeddf yr Heddlu 1997(**c**).

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru yn unol ag adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**ch**)

2 Tachwedd 2004

Llywydd y Cynulliad Cenedlaethol

Specification of social care workers

2.-(1) The social care workers described in paragraph (2) below are specified for the purposes of section 56(1)(b) of the Act (duty of the Council to maintain a register of social care workers specified by order)(**a**).

(2) The description of social care workers is those persons -

(a) who fall within any of the descriptions in section 55(2)(b) to (d) of the Act(**b**);

(b) who ordinarily perform some work in Wales or expect to do so; and

(c) in respect of whom the Secretary of State may, by virtue of that work, issue a criminal record certificate under section 113(1) or 115(1) of the Police Act 1997(**c**).

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

2 November 2004

D. Elis-Thomas

Presiding Officer of the National Assembly

(a) Dyma'r ail grwp o weithwyr gofal cymdeithasol i gael eu pennu at ddibenion cofrestru gyda'r Cyngor o dan adran 56(1)(b). Gweithwyr cymdeithasol o dan hyfforddiant a bennwyd gan O.S. 2004/709 (Cy.76) oedd y grŵp cyntaf.

(b) Mae person yn dod o dan adran 55(2)(b) os yw'n cael ei gyflogi mewn cartref plant, cartref gofal neu ganolfan breswyl i deuluoedd neu at ddibenion asiantaeth gofal cartref, asiantaeth faethu neu asiantaeth fabwysiadu wirfoddol. Mae person yn dod o dan adran 55(2)(c) os yw'n rheoli sefydliad, neu asiantaeth, o ddisgrifiad a grybwyllir yn adran 55(2)(b). Mae person yn dod o dan adran 55(2)(d) os yw wedi'i gyflenwi gan asiantaeth gofal cartref 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.

(c) 1997 p. 50.

(ch) 1998 p. 38.

(a) This is the second group of social care workers to be specified for the purposes of registration with the Council under section 56(1)(b). The first group was student social workers specified by S.I. 2004/709 (W.76).

(b) A person falls within section 55(2)(b) if he or she is employed at a children's home, care home or residential family centre or for the purposes of a domiciliary care agency, a fostering agency or a voluntary adoption agency. A person falls within section 55(2)(c) if he or she manages an establishment, or an agency, of a description mentioned in section 55(2)(b). A person falls within section 55(2)(d) if he or she is supplied by a domiciliary care agency to provide personal care in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.

(c) 1997 c. 50.

(d) 1998 c. 38.

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