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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2010 Rhif 2575 (Cy.215)**

**2010 No. 2575 (W.215)**

**PLANT A PHOBL  
IFANC, CYMRU**

**CHILDREN AND YOUNG  
PERSONS, WALES**

**GOFAL CYMDEITHASOL, CYMRU**

**SOCIAL CARE, WALES**

**Rheoliadau Gwarchod Plant a  
Gofal Dydd (Arolygu a  
Gwybodaeth ar gyfer Awdurdodau  
Lleol)(Cymru) 2010**

**The Child Minding and Day Care  
(Inspection and Information for  
Local Authorities)(Wales)  
Regulations 2010**

**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 yn pennu'r trefniadau ar gyfer arolygiadau o rai sy'n darparu gwarchod plant a gofal dydd i blant, a hefyd yr wybodaeth y mae'n rhaid i Weinidogion Cymru ei darparu i awdurdod lleol pan gymerir camau penodol.

These Regulations set out both the arrangements for inspections of those providing child minding and day care and also the information which the Welsh Ministers must provide to a local authority when certain steps are taken.

Mae rheoliad 2 yn dyrannu'r swyddogaeth o drefnu arolygiadau o leoliadau gwarchod plant a gofal dydd i Weinidogion Cymru a Phrif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru ("Prif Arolygydd Ei Mawrhydi"). Rhaid paratoi adroddiad ar ôl pob arolygiad. Rhaid anfon yr adroddiad at y person cofrestredig. Yn achos arolygiad gan Brif Arolygydd Ei Mawrhydi, raid anfon yr adroddiad at Weinidogion Cymru os gofynnant amdano.

Regulation 2 confers the function of organising inspections of child minding and day care settings on the Welsh Ministers and Her Majesty's Chief Inspector of Education and Training in Wales ("Her Majesty's Chief Inspector"). A report must be prepared after each inspection. The report must be sent to the registered person. In the case of an inspection by Her Majesty's Chief Inspector the report must be sent to the Welsh Ministers where the Welsh Ministers request.

Rhaid cyhoeddi'r adroddiadau arolygu ar ddarpariaeth gofal dydd. Ceir darparu adroddiadau ar warchod plant naill ai i rieni plant a warchodir, i rieni sy'n ddarpar gleientiaid neu i'r awdurdod lleol ar gyfer yr ardal dan sylw.

Inspection reports of day care provision must be published. Inspection reports of child minding may be provided either to parents of minded to children, to parents who are prospective clients or to the local authority for the area in question.

Mae rheoliad 3 yn gwneud yn ofynnol bod Gweinidogion Cymru, pan fônt yn bwriadu caniatáu cais am gofrestrriad, yn darparu gwybodaeth benodol i awdurdod lleol am warchodwr plant neu ddarparwr gofal dydd i blant. Pennir yr wybodaeth honno yn Atodlen 1.

Regulation 3 requires the Welsh Ministers to provide certain information about a child minder or day care provider to a local authority when they propose to grant an application for registration. The information concerned is set out in Schedule 1.

Mae rheoliad 4 ac Atodlen 2 yn pennu'r wybodaeth y mae'n rhaid ei darparu i awdurdod lleol pan fo Gweinidogion Cymru naill ai'n dyroddi hysbysiad o fwriad i ddiddymu cofrestriad, yn diddymu cofrestriad, yn atal cofrestriad dros dro neu'n tynnu enw person o'r gofrestr ar gais y person hwnnw. Rhaid darparu'r wybodaeth yn Atodlen 2 hefyd pan fo llys, ar gais Gweinidogion Cymru yn gwneud gorchymyn sy'n diddymu cofrestriad, o dan adran 34(2) o Fesur Plant a Theuluoedd (Cymru) 2010.

Regulation 4 and Schedule 2 set out the information which must be provided to a local authority when the Welsh Ministers either issue a notice of intention to cancel a registration, when they cancel a registration, when they suspend a registration or when they remove a person from the register at that person's request. The information in Schedule 2 must also be provided when, on the application of the Welsh Ministers, a court makes an order cancelling a registration under section 34(2) of the Children and Families (Wales) Measure 2010.

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Lleol)(Cymru) 2010**

*Gwnaed* 20 Hydref 2010  
*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 22 Hydref 2010  
*Yn dod i rym* 1 Ebrill 2011

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 40, 45(1) a 74(2) o Fesur Plant a Theuluoedd (Cymru) 2010(2), yn gwneud y Rheoliadau canlynol.

**Enwi, cychwyn, dehongli a chymhwyso**

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwarchod Plant a Gofal Dydd (Arolygu a Gwybodaeth ar gyfer Awdurdodau Lleol)(Cymru) 2010 a deuant i rym ar 1 Ebrill 2011.

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

(3) Yn y Rheoliadau hyn—

ystyr "awdurdod lleol perthnasol" ("*relevant local authority*") yw'r awdurdod lleol ar gyfer yr ardal lle mae'r person yn gweithredu fel gwarchodwr plant (neu wedi gweithredu felly) neu'n darparu (neu wedi darparu) gofal dydd i blant, ac yn gofrestredig (neu wedi bod yn gofrestredig) mewn perthynas â hynny;

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(1) Mae adran 45(1) a (2) yn cyfeirio at wybodaeth a ragnodir. Mae adran 71 o Fesur Plant a Theuluoedd (Cymru) 2010 yn diffinio "rhagnodi" i olygu rhagnodi mewn rheoliadau, a "rheoliadau" i olygu rheoliadau a wnaed gan Weinidogion Cymru.

(2) 2010 mccc 1.

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**The Child Minding and Day Care  
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Local Authorities) (Wales)  
Regulations 2010**

*Made* 20 October 2010  
*Laid before the National  
Assembly for Wales* 22 October 2010  
*Coming into force* 1 April 2011

The Welsh Ministers, in exercise of the powers conferred on them by sections 40, 45(1) and 74(2) of the Children and Families (Wales) Measure 2010(2), make the following Regulations.

**Title, commencement, interpretation and  
application**

1.–(1) The title of these Regulations is the Child Minding and Day Care (Inspection and Information for Local Authorities) (Wales) Regulations 2010 and they come into force on 1 April 2011.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations –

"the 2010 Measure" ("*Mesur 2010*") means the Children and Families (Wales) Measure 2010;

"child minding" ("*gwarchod plant*") has the same meaning given in s.19(2) of the 2010 Measure;

"day care for children" ("*gofal dydd i blant*") has the same meaning given in s. 19(3) of the 2010 Measure;

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(1) Section 45(1) and (2) refer to information which is prescribed. Section 71 of the Children and Families (Wales) Measure 2010 defines "prescribed" as meaning prescribed in regulations and "regulations" as meaning regulations made by the Welsh Ministers.

(2) 2010 nawm 1.

mae i "gofal dydd i blant" ("*day care for children*") yr un ystyr ag a roddir iddo yn adran 19(3) o Fesur 2010;

mae i "gwarchod plant" ("*child minding*") yr un ystyr ag a roddir iddo yn adran 19(2) o Fesur 2010;

ystyr "Mesur 2010" ("*the 2010 Measure*") yw Mesur Plant a Theuluoedd (Cymru) 2010;

ystyr "person cofrestredig" ("*registered person*") yw person sydd wedi ei gofrestru'n warchodwr plant neu'n ddarparwr gofal dydd i blant o dan Ran 2 o Fesur 2010;

mae "rhiant" ("*parent*") yn cynnwys unrhyw berson sy'n gofalu am blentyn.

## Arolygu

2.–(1) Caiff Gweinidogion Cymru a Phrif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru ("Prif Arolygydd Ei Mawrhydi") drefnu arolygiadau o–

- (a) gwarchod plant, a ddarperir gan bersonau cofrestredig; a
- (b) gofal dydd i blant, a ddarperir gan bersonau cofrestredig.

(2) Pan fo Gweinidogion Cymru neu Brif Arolygydd Ei Mawrhydi yn arolygu unrhyw fangre a ddefnyddir ar gyfer gwarchod plant neu ddarparu gofal dydd i blant, rhaid iddynt–

- (a) adrodd mewn ysgrifen ar y materion a arolygir;
- (b) anfon copi o'r adroddiad at y person cofrestredig; ac
- (c) yn achos adroddiad gan Brif Arolygydd Ei Mawrhydi, anfon copi o'r adroddiad at Weinidogion Cymru os gofynnir amdano gan Weinidogion Cymru.

(3) Rhaid i Weinidogion Cymru a Phrif Arolygydd Ei Mawrhydi gyhoeddi adroddiad ar arolygiad o fangre a ddefnyddir i ddarparu gofal dydd i blant.

(4) Caiff Gweinidogion Cymru a Phrif Arolygydd Ei Mawrhydi ddarparu copi o adroddiad, neu rannau o adroddiad, ar arolygiad o fangre a ddefnyddir i warchod plant i'r canlynol–

- (a) rhiant plentyn y gofelir neu y gofalwyd amdano gan y gwarchodwr plant hwnnw;
- (b) rhiant plentyn pan fo'r rhiant hwnnw'n ystyried a fydd yn trefnu i'r plentyn gael ei warchod gan y gwarchodwr plant hwnnw ai peidio; neu
- (c) awdurdod lleol perthnasol.

(5) At ddibenion y gyfraith ar ddifenwi, mae unrhyw adroddiad a gyhoeddir yn freintiedig oni phofir bod y cyhoeddi wedi ei wneud yn faleisus.

"parent" ("*rhiant*") includes any person who is caring for a child;

"relevant local authority" ("*awdurdod lleol perthnasol*") means the local authority for the area in which the person acts as a child minder (or has so acted) or provides (or has provided) day care in respect of which the person is (or was) registered;

"registered person" ("*person cofrestredig*") means a person who is registered as a child minder or a provider of day care for children under Part 2 of the 2010 Measure.

## Inspection

2.–(1) The Welsh Ministers and Her Majesty's Chief Inspector of Education and Training in Wales ("Her Majesty's Chief Inspector") may organise inspections of–

- (a) child minding provided by registered persons; and,
- (b) day care for children provided by registered persons.

(2) Where the Welsh Ministers or Her Majesty's Chief Inspector inspect any premises used for child minding or providing day care for children they must–

- (a) report in writing on the matters inspected;
- (b) send a copy of the report to the registered person; and
- (c) in the case of a report by Her Majesty's Chief Inspector, send a copy of the report to the Welsh Ministers if the Welsh Ministers request it.

(3) The Welsh Ministers and Her Majesty's Chief Inspector must publish a report of an inspection of premises used for providing day care for children.

(4) The Welsh Ministers and Her Majesty's Chief Inspector may provide a copy of a report, or parts of a report, of an inspection of premises used for child minding to–

- (a) a parent of a child who is or has been looked after by that child minder;
- (b) a parent of a child where that parent is considering whether to arrange for the child to be looked after by that child minder; or
- (c) a relevant local authority.

(5) For the purposes of the law of defamation, any report published is privileged unless the publication is shown to have been made with malice.

### **Caniatáu cofrestriad**

3. Pan fo Gweinidogion Cymru, mewn perthynas â pherson sy'n gwneud cais i gofrestru fel gwarchodwr plant neu ddarparwr gofal dydd i blant, yn caniatáu cais person am gofrestriad, rhaid i Weinidogion Cymru ddarparu'r wybodaeth sydd yn Atodlen 1 i'r awdurdod lleol perthnasol.

### **Terfynu cofrestriad neu ei atal dros dro**

4. Rhaid i Weinidogion Cymru ddarparu'r wybodaeth sydd yn Atodlen 2 i'r awdurdod lleol perthnasol—

- (a) wrth roi hysbysiad o'u bwriad i ddiddymu cofrestriad person;
- (b) wrth ddiddymu cofrestriad person;
- (c) wrth atal cofrestriad person dros dro (gan gynnwys achosion pan wnânt hynny ar gais y person cofrestredig);
- (ch) wrth dynnu enw person allan o'r gofrestr ar gais person hwnnw; neu
- (d) pan fo ynad heddwch, o ganlyniad i gais gan Weinidogion Cymru, yn gwneud gorchymyn o dan adran 34(2) o Fesur Plant a Theuluoedd (Cymru) 2010 (Amddiffyn plant mewn argyfwng: diddymu cofrestriad).

### **Granting a registration**

3. Where the Welsh Ministers, in relation to a person who applies to register as a child minder or provider of day care for children, grant a person's application for registration they must supply the information in Schedule 1 to the relevant local authority.

### **Ending or suspending a registration**

4. The Welsh Ministers must supply the information in Schedule 2 to the relevant local authority where –

- (a) they give notice of their intention to cancel a person's registration;
- (b) they cancel a person's registration;
- (c) they suspend a person's registration (including cases where they do so at the request of the registered person);
- (d) they remove a person from the register at that person's request; or,
- (e) on the application of the Welsh Ministers, a justice of the peace makes an order under section 34(2) of the Children and Families (Wales) Measure 2010 (Protection of children in an emergency: cancellation of registration).

*Huw Lewis*

Y Dirprwy Weinidog dros Blant o dan awdurdod y Gweinidog dros Blant, Addysg a Dysgu Gydol Oes, ar ran Gweinidogion Cymru

Deputy Minister for Children Under authority of the Minister for Children Education and Lifelong Learning, on behalf of the Welsh Ministers

20 Hydref 2010

20 October 2010

**Yr wybodaeth sydd i'w chyflenwi i awdurdodau lleol wrth ganiatáu cofrestriad**

1. Enw'r person.
2. Yn achos person sy'n darparu neu'n bwriadu darparu gofal dydd i blant, yr enw busnes, os oes un, y darperir y gofal dydd (neu y bwriedir ei ddarparu) odano gan y person hwnnw, neu'r enw yr adwaenir y lleoliad odano yn gyffredinol.
3. Cyfeiriad y person a chyfeiriad y fangre os yw hwnnw'n wahanol.
4. Pa un ai ar gyfer gwarchod plant ynteu gofal dydd y mae, neu yr oedd, y cofrestriad dan sylw.
5. Unrhyw rif cyfeirnod unigryw a ddefnyddir gan Weinidogion Cymru.
6. Gwybodaeth ynghylch amseriad a pharhad y ddarpariaeth dan sylw.
7. Nifer ac oedranau'r plant y gwneir, neu y bwriedir gwneud, y ddarpariaeth ar eu cyfer.
8. Unrhyw amodau a osodwyd ar y cofrestriad.
9. Unrhyw wybodaeth arall am y gwarchodwr plant neu'r darparwr gofal dydd i blant a'r fangre dan sylw, a allai fod o gymorth i awdurdod lleol gyflawni ei ddyletswydd o dan adran 27 o Ddeddf Gofal Plant 2006(1), i ddarparu gwybodaeth, cyngor neu gymorth i bersonau sy'n gofalu am blant ac yn bwriadu defnyddio'r ddarpariaeth gwarchod plant neu ofal dydd i blant yn ardal yr awdurdod lleol perthnasol.
10. Yn achos person sy'n gweithredu, neu'n bwriadu gweithredu, fel gwarchodwr plant, gwybodaeth pa un a yw'r person hwnnw'n dymuno ai peidio i'w fanylion gael eu cynnwys mewn gwybodaeth a roddir ar gael i bersonau sy'n chwilio am ddarpariaeth gofal plant yn ardal yr awdurdod lleol perthnasol.

**Information to be supplied to local authorities on granting registration**

1. The person's name.
2. In the case of a person who provides or proposes providing day care for children, the business name, if any, under which the day care is provided (or is intended to be provided) by the person or by which the setting is generally known.
3. The person's address and the address of the premises if this is different.
4. Whether the registration in question is or was for child minding or day care.
5. Any unique reference number used by the Welsh Ministers.
6. Information as to the time and duration of the provision in question.
7. The number and ages of children for whom provision is made or is intended to be made.
8. Any conditions attached to the registration.
9. Any other information about the child minder or day care provider and the premises in question which may assist a local authority in performance of its duty under s.27 of the Childcare Act 2006(1), to provide information advice or assistance to persons caring for children who propose to use child minding or day care provision in the area of the relevant local authority.
10. In the case of a person who acts, or proposes to act, as a child minder, whether or not the person wishes their details to be included in information made available to persons seeking child care provision in the area of the relevant local authority.

**Yr wybodaeth sydd i'w chyflenwi i awdurdodau lleol wrth derfynu cofrestriad neu ei atal dros dro**

1. Enw'r person.
2. Yn achos person sy'n darparu neu'n bwriadu darparu gofal dydd i blant, yr enw busnes, os oes un, y darperir (neu, yn ôl fel y digwydd, y darperid) y gofal dydd odano gan y person hwnnw, neu'r enw yr adwaenir y lleoliad odano yn gyffredinol.
3. Cyfeiriad y person.
4. Pa un ai ar gyfer gwarchod plant ynteu gofal dydd y mae, neu yr oedd, y cofrestriad dan sylw.
5. Unrhyw rif cyfeirnod unigryw a ddefnyddir gan Weinidogion Cymru.
6. Pa un o'r camau ym mharagraffau (a) i (d) o reoliad 4 a gymerwyd.
7. Gwybodaeth am unrhyw gam gorfodi, neu gam gorfodi arall, a gymerwyd, neu y gellir ei gymryd yn erbyn y person hwnnw a'r rhesymau am unrhyw weithredu o'r fath.

**Information to be supplied to local authorities on ending or suspending a registration**

1. The person's name.
2. In the case of a person who provides or proposes providing day care for children, the business name, if any, under which the day care is provided (or, as the case may be, was provided) by the person or by which the setting is generally known.
3. The person's address.
4. Whether the registration in question is or was for child minding or day care.
5. Any unique reference number used by the Welsh Ministers.
6. Which of the steps in paragraphs (a) to (e) of regulation 4 has been taken.
7. Information about any, or any other, enforcement action which has been taken or which may be taken against that person and the reasons for any such action.

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CYMRU

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**2010 Rhif 2575 (Cy.215)**

**PLANT A PHOBL  
IFANC,CYMRU**

**GOFAL CYMDEITHASOL, CYMRU**

Rheoliadau Gwarchod Plant a  
Gofal Dydd (Arolygu a  
Gwybodaeth ar gyfer Awdurdodau  
Lleol)(Cymru) 2010

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