



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 1098 (Cy. 278)

2017 No. 1098 (W. 278)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

**Rheoliadau Gwasanaethau
Rheoleiddiedig (Cofrestru) (Cymru)
2017**

**The Regulated Services
(Registration) (Wales) Regulations
2017**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud o dan adrannau 6 ac 11 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf") ac maent yn gymwys o ran Cymru.

Mae adran 6(1) o'r Ddeddf yn nodi'r wybodaeth y mae rhaid ei chynnwys mewn cais i gofrestru fel darparwr gwasanaeth mewn cysylltiad â gwasanaeth rheoleiddiedig. Mae "gwasanaeth rheoleiddiedig" wedi ei ddiffinio yn adran 2 o'r Ddeddf fel gwasanaeth cartref gofal; gwasanaeth llety diogel; gwasanaeth canolfan breswyl i deuluoedd; gwasanaeth mabwysiadu; gwasanaeth maethu; gwasanaeth lleoli oedolion; gwasanaeth eirioli neu wasanaeth cymorth cartref.

Mae adran 6(1)(d) o'r Ddeddf yn galluogi Gweinidogion Cymru i ragnodi gwybodaeth ychwanegol y mae rhaid ei chynnwys mewn cais i gofrestru. Mae rheoliadau 3 a 4 yn pennu'r wybodaeth ychwanegol sydd i gael ei darparu gan ymgeisydd sy'n gwneud cais i gofrestru. Mae hyn yn cynnwys yr wybodaeth a restrir yn Atodlen 1 ynghyd â datganiad o ddiben sy'n cynnwys yr wybodaeth a ddisgrifir yn Atodlen 2. Rhaid i ddatganiad o ddiben gael ei ddarparu ar gyfer pob man y mae gwasanaeth rheoleiddiedig i gael ei ddarparu ynddo, ohono neu mewn perthynas ag ef.

Mae adran 6(2) o'r Ddeddf yn darparu bod rhaid i'r cais i gofrestru fod ar y ffurf ragnodedig. Mae rheoliad 5 yn gwneud darpariaeth sy'n ei gwneud yn ofynnol i gais gael ei wneud ar ffurf cais ar-lein, a gyrchir ar dudalennau perthnasol gwefan Llywodraeth Cymru.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under sections 6 and 11 of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act") and apply in relation to Wales.

Section 6(1) of the Act sets out the information that must be contained in an application for registration as a service provider of a regulated service. "Regulated service" is defined in section 2 of the Act as a care home service; a secure accommodation service; a residential family centre service; an adoption service; a fostering service; an adult placement service; an advocacy service or a domiciliary support service.

Section 6(1)(d) of the Act enables the Welsh Ministers to prescribe additional information that must be contained in an application for registration. Regulations 3 and 4 specify the additional information that is to be provided by an applicant for registration. This includes the information listed in Schedule 1 together with a statement of purpose which contains the information described in Schedule 2. A statement of purpose must be provided for each place at, from or in relation to which a regulated service is to be provided.

Section 6(2) of the Act provides that the application for registration must be in the prescribed form. Regulation 5 makes provision that requires an application to be in the form of an on-line application, which is accessed from the relevant pages of the Welsh Government's website.

Mae adran 11(1) o'r Ddeddf yn nodi'r amgylchiadau pan fo rhaid i ddarparwr gwasanaeth wneud cais i amrywio cofrestrriad. Mae adran 11(3) yn nodi'r wybodaeth y mae rhaid ei chynnwys mewn cais i amrywio cofrestrriad. Mae adran 11(3)(a)(iii) yn galluogi Gweinidogion Cymru i ragnodi gwybodaeth arall y mae rhaid ei chynnwys mewn cais i amrywio cofrestrriad. Mae rheoliadau 6 i 9 yn pennu'r wybodaeth sydd i gael ei darparu mewn cais i amrywio cofrestrriad.

Mae rheoliadau 6, 7 ac 8 yn nodi'r wybodaeth bellach sy'n ofynnol mewn cysylltiad â chais i amrywio a wneir yn unol ag adran 11(1)(a)(i) a (ii) o'r Ddeddf – hynny yw pan fo darparwr naill ai yn dymuno darparu gwasanaeth rheoleiddiedig nad yw'r darparwr eisoes wedi ei gofrestru i'w ddarparu neu pan fo darparwr yn dymuno darparu gwasanaeth rheoleiddiedig mewn man, o fan neu mewn perthynas â man nad yw eisoes wedi ei bennu yng nghofrestrriad y darparwr mewn perthynas â'r gwasanaeth hwnnw. Mae'r wybodaeth bellach sy'n ofynnol yn cynnwys yr wybodaeth a restrir yn Atodlen 1 ynghyd â datganiad o ddiben sy'n cynnwys yr wybodaeth a ddisgrifir yn Atodlen 2. Rhaid i ddatganiad o ddiben gael ei ddarparu ar gyfer pob man y mae gwasanaeth rheoleiddiedig i gael ei ddarparu ynddo, ohono neu mewn perthynas ag ef.

Mae rheoliad 9 yn nodi'r wybodaeth bellach sy'n ofynnol mewn cysylltiad â chais i amrywio a wneir yn unol ag adran 11(1)(a)(iii) o'r Ddeddf – hynny yw pan fo darparwr gwasanaeth yn dymuno peidio â darparu gwasanaeth rheoleiddiedig mwyach.

Mae rheoliad 10 yn nodi'r wybodaeth bellach sy'n ofynnol mewn cysylltiad â chais i amrywio a wneir yn unol ag adran 11(1)(b) o'r Ddeddf – hynny yw pan fo darparwr gwasanaeth yn dymuno i amod a osodir o dan adran 7(3)(b), 12(2) neu 13(1) o'r Ddeddf gael ei amrywio neu ei ddileu.

Mae rheoliad 11 yn nodi'r wybodaeth bellach sy'n ofynnol mewn cysylltiad â chais i amrywio a wneir yn unol ag adran 11(1)(c) o'r Ddeddf – hynny yw pan fo darparwr gwasanaeth yn dymuno dynodi unigolyn cyfrifol gwahanol mewn cysylltiad â man neu y mae'n ofynnol iddo ddynodi unigolyn cyfrifol oherwydd nad oes unigolyn o'r fath wedi ei ddynodi mewn cysylltiad â man y mae'r darparwr yn darparu gwasanaeth rheoleiddiedig ynddo, ohono neu mewn perthynas ag ef. Yr wybodaeth bellach sy'n ofynnol yw'r wybodaeth a restrir ym mharagraffau 23 i 28 a pharagraffau 38 i 49 o Atodlen 1.

Section 11(1) of the Act sets out the circumstances in which a service provider must apply to vary a registration. Section 11(3) sets out the information that must be contained in an application for variation of registration. Section 11(3)(a)(iii) enables the Welsh Ministers to prescribe other information that must be contained in an application to vary registration. Regulations 6 to 9 specify the information that is to be provided on an application to vary registration.

Regulations 6, 7 and 8 set out the further information that is required in respect of an application to vary made pursuant to section 11(1)(a)(i) and (ii) of the Act – that is where a provider either wants to provide a regulated service which the provider is not already registered to provide or where a provider wants to provide a regulated service at, from, or in relation to a place which is not already specified in the provider's registration in relation to that service. The further information required includes the information listed in Schedule 1 together with a statement of purpose which contains the information described in Schedule 2. A statement of purpose must be provided for each place at, from or in relation to which a regulated service is to be provided.

Regulation 9 sets out the further information that is required in respect of an application to vary made pursuant to section 11(1)(a)(iii) of the Act – that is where a service provider wants to cease to provide a regulated service.

Regulation 10 sets out the further information that is required in respect of an application to vary made pursuant to section 11(1)(b) of the Act – that is where a service provider wants a condition imposed under section 7(3)(b), 12(2) or 13(1) of the Act to be varied or removed.

Regulation 11 sets out the further information that is required in respect of an application to vary made pursuant to section 11(1)(c) of the Act – that is where a service provider wants to designate a different responsible individual in respect of a place or is required to designate a responsible individual because there is no such individual designated in respect of a place at, from or in relation to which the provider provides a regulated service. The further information required is the information listed in paragraphs 23 to 28 and paragraphs 38 to 49 of Schedule 1.

Mae adran 11(3)(b) o'r Ddeddf yn darparu bod rhaid i gais i amrywio cofrestrriad fod ar y ffurf ragnodedig. Mae rheoliad 12 yn gwneud darpariaeth sy'n ei gwneud yn ofynnol i gais i amrywio fod ar ffurf cais ar-lein, a gyrchir ar dudalennau perthnasol gwefan Llywodraeth Cymru.

Mae adran 11(2) o'r Ddeddf yn gosod dyletswydd ar Weinidogion Cymru i ragnodi mewn rheoliadau derfyn amser y mae rhaid cyflwyno cais i amrywio cofrestrriad darparwr ynddo o dan amgylchiadau pan na fo unigolyn cyfrifol wedi ei ddynodi mewn cysylltiad â man y mae'r darparwr yn darparu gwasanaeth rheoleiddiedig ynddo, ohono neu mewn perthynas ag ef. Mae rheoliad 13 yn rhagnodi'r terfyn amser hwnnw fel 28 o ddiwrnodau o'r dyddiad pan na fo unigolyn sydd wedi ei ddynodi'n unigolyn cyfrifol mewn cysylltiad â'r gwasanaeth rheoleiddiedig neu'r man y darperir y gwasanaeth rheoleiddiedig ynddo, ohono neu mewn perthynas ag ef.

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

Section 11(3)(b) of the Act provides that an application for variation of registration must be in the prescribed form. Regulation 12 makes provision that requires an application for variation to be in the form of an on-line application, which is accessed from the relevant pages of the Welsh Government's website.

Section 11(2) of the Act places a duty on the Welsh Ministers to prescribe in regulations a time limit within which an application for variation of a provider's registration must be made in circumstances where there is no responsible individual designated in respect of a place at, from or in relation to which the provider provides a regulated service. Regulation 13 prescribes that time limit as being 28 days from the date upon which there is no individual designated as responsible individual in respect of the regulated service or place at, from or in relation to which the regulated service is provided.

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

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**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

**Rheoliadau Gwasanaethau
Rheoleiddiedig (Cofrestru) (Cymru)
2017**

**The Regulated Services
(Registration) (Wales) Regulations
2017**

Gwnaed 14 Tachwedd 2017
Yn dod i rym 1 Chwefror 2018

Made 14 November 2017
Coming into force 1 February 2018

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 6(1)(d), 6(2), 11(2), 11(3)(a)(iii), 11(3)(b) a 187(1)(b) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 6(1)(d), 6(2), 11(2), 11(3)(a)(iii), 11(3)(b) and 187(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016(1).

Yn unol ag adran 187(2)(e) o'r Ddeddf honno, gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad.

In accordance with section 187(2)(e) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

**RHAN 1
CYFFREDINOL**

**PART 1
GENERAL**

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Rheoleiddiedig (Cofrestru) (Cymru) 2017 a deuant i rym ar 1 Chwefror 2018.

1.—(1) The title of these Regulations is the Regulated Services (Registration) (Wales) Regulations 2017 and they come into force on 1 February 2018.

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

(2) These Regulations apply in relation to Wales.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

mae i “awdurdod lleol” (“*local authority*”) yr un ystyr ag yn adran 189 o’r Ddeddf;

mae i “Bwrdd Iechyd Lleol” (“*Local Health Board*”) yr un ystyr ag yn adran 189 o’r Ddeddf;

mae i “darparwr gwasanaeth” (“*service provider*”) yr ystyr a roddir gan adran 3(1)(c) o’r Ddeddf;

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

mae “sefydliad” (“*organisation*”) yn cynnwys partneriaeth, corff corfforaethol a chorff anghorfforedig;

ystyr “yr unigolyn” (“*the individual*”), oni bai bod y cyd-destun yn nodi fel arall, yw’r plentyn neu’r oedolyn sy’n cael gofal a chymorth;

mae i “unigolyn cyfrifol” (“*responsible individual*”) yr ystyr a roddir gan adran 21(1) o’r Ddeddf;

ystyr “ymgeisydd” (“*applicant*”) yw naill ai—

(a) y person sy’n gwneud cais i gofrestru fel darparwr gwasanaeth yn unol ag adran 6 o’r Ddeddf, neu

(b) y person sy’n gwneud cais i amrywio cofrestriad yn unol ag adran 11 o’r Ddeddf.

(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at adran yn gyfeiriad at adran o’r Ddeddf, oni nodir fel arall.

RHAN 2

Cais i Gofrestru fel Darparwr Gwasanaeth

Yr wybodaeth sydd i gael ei darparu gan ymgeisydd

3. Rhaid i berson sy’n dymuno darparu gwasanaeth rheoleiddiedig⁽¹⁾, yn ychwanegol at yr wybodaeth a nodir yn adran 6(1)(a) i (c), ddarparu i Weinidogion Cymru y canlynol—

(a) yr wybodaeth a restrir yn Atodlen 1;

(1) *Gweler* adran 2 o’r Ddeddf ac Atodlen 1 iddi i gael y diffiniad o “gwasanaeth rheoleiddiedig”.

Interpretation

2.—(1) In these Regulations—

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

“applicant” (“*ymgeisydd*”) means either—

(a) the person making an application for registration as a service provider in accordance with section 6 of the Act, or

(b) the person making an application for variation of registration in accordance with section 11 of the Act;

“local authority” (“*awdurdod lleol*”) has the same meaning as in section 189 of the Act;

“Local Health Board” (“*Bwrdd Iechyd Lleol*”) has the same meaning as in section 189 of the Act;

“organisation” (“*sefydliad*”) includes a partnership, a body corporate and an unincorporated body;

“responsible individual” (“*unigolyn cyfrifol*”) has the meaning given by section 21(1) of the Act;

“service provider” (“*darparwr gwasanaeth*”) has the meaning given by section 3(1)(c) of the Act;

“the individual” (“*yr unigolyn*”) means, unless the context indicates otherwise, the child or adult who is receiving care and support.

(2) Any reference in these Regulations to a section is a reference to a section of the Act, unless otherwise indicated.

PART 2

Application for Registration as a Service Provider

Information to be provided by an applicant

3. A person who wants to provide a regulated service⁽¹⁾ must, in addition to the information set out in section 6(1)(a) to (c) provide the Welsh Ministers with the following—

(a) the information listed in Schedule 1;

(1) *See* section 2 of and Schedule 1 to the Act for the definition of “regulated service”.

- (b) mewn cysylltiad ag ymgeiswyr sy'n gwneud cais i gofrestru fel darparwr gwasanaeth cartref gofal, gwasanaeth llety diogel neu wasanaeth canolfan breswyl i deuluoedd, datganiad o ddiben ar gyfer pob man y mae'r gwasanaeth i gael ei ddarparu ynddo;
- (c) mewn cysylltiad ag ymgeiswyr sy'n gwneud cais i gofrestru fel darparwr gwasanaeth mabwysiadu, gwasanaeth maethu, gwasanaeth lleoli oedolion neu wasanaeth eirioli, datganiad o ddiben ar gyfer pob man y mae'r gwasanaeth i gael ei ddarparu ohono;
- (d) mewn cysylltiad ag ymgeiswyr sy'n gwneud cais i gofrestru fel darparwr gwasanaeth cymorth cartref, datganiad o ddiben ar gyfer pob man y mae'r gwasanaeth i gael ei ddarparu mewn perthynas ag ef.

4. Rhaid i'r datganiad o ddiben y mae'n ofynnol ei ddarparu yn unol â rheoliad 3(b), (c) neu (d) gynnwys yr wybodaeth a ddisgrifir yn Atodlen 2.

Ffurf y cais

5. Rhaid i gais i gofrestru fel darparwr gwasanaeth fod ar ffurf cais ar-lein a gyrchir ar dudalennau'r wefan a gynhelir gan Lywodraeth Cymru sydd wedi eu sefydlu at ddiben hysbysu ymgeiswyr am y weithdrefn ar gyfer cofrestru o dan Ran 1 o'r Ddeddf.

RHAN 3

Cais i amrywio cofrestriad fel darparwr gwasanaeth

Yr wybodaeth sydd i gael ei ddarparu gan ddarparwr gwasanaeth i amrywio cofrestriad – adran 11(1)(a)(i) a (ii)

6. Rhaid i gais i amrywio cofrestriad a wneir yn unol ag adran 11(1)(a)(i), yn ychwanegol at yr wybodaeth a nodir yn adran 11(3)(a)(i) a, phan fo'n briodol, adran 11(3)(a)(ii), gynnwys y canlynol—

- (a) yr wybodaeth a restrir yn Atodlen 1;
- (b) mewn cysylltiad â cheisiadau i amrywio cofrestriad i ddarparu gwasanaeth cartref gofal, gwasanaeth llety diogel neu wasanaeth canolfan breswyl i deuluoedd, datganiad o ddiben ar gyfer pob man y mae'r gwasanaeth i gael ei ddarparu ynddo;

- (b) in respect of applicants for registration as the provider of a care home service, a secure accommodation service or a residential family centre service, a statement of purpose for each place at which the service is to be provided;
- (c) in respect of applicants for registration as the provider of an adoption service, a fostering service, an adult placement service or an advocacy service, a statement of purpose for each place from which the service is to be provided;
- (d) in respect of applicants for registration as the provider of a domiciliary support service, a statement of purpose for each place in relation to which the service is to be provided.

4. The statement of purpose which is required to be provided in accordance with regulation 3(b), (c) or (d) must contain the information described in Schedule 2.

Form of application

5. An application for registration as a service provider must be in the form of an on-line application which is accessed from the pages of the website maintained by the Welsh Government which have been established for the purpose of informing applicants about the procedure for registration under Part 1 of the Act.

PART 3

Application for variation of registration as a service provider

Information to be provided by a service provider for variation of registration – section 11(1)(a)(i) and (ii)

6. An application for variation of registration made pursuant to section 11(1)(a)(i) must, in addition to the information set out in section 11(3)(a)(i) and, where appropriate, section 11(3)(a)(ii), contain the following—

- (a) the information listed in Schedule 1;
- (b) in respect of applications for variation of registration to provide a care home service, a secure accommodation service or a residential family centre service, a statement of purpose for each place at which the service is to be provided;

- (c) mewn cysylltiad â cheisiadau i amrywio cofrestriad i ddarparu gwasanaeth mabwysiadu, gwasanaeth maethu, gwasanaeth lleoli oedolion neu wasanaeth eirioli, datganiad o ddiben ar gyfer pob man y mae'r gwasanaeth i gael ei ddarparu ohono;
- (d) mewn cysylltiad â cheisiadau i amrywio cofrestriad i ddarparu gwasanaeth cymorth cartref, datganiad o ddiben ar gyfer pob man y mae'r gwasanaeth i gael ei ddarparu mewn perthynas ag ef.

7. Rhaid i gais i amrywio cofrestriad a wneir yn unol ag adran 11(1)(a)(ii), yn ychwanegol at yr wybodaeth a nodir yn adran 11(3)(a)(i), gynnwys y canlynol—

- (a) yr wybodaeth a restrir yn Atodlen 1;
- (b) mewn cysylltiad â chais i amrywio cofrestriad i ddarparu gwasanaeth cartref gofal, gwasanaeth llety diogel neu wasanaeth canolfan breswyl i deuluoedd mewn man nad yw eisoes wedi ei bennu yng nghofrestriad y darparwr mewn perthynas â'r gwasanaeth hwnnw, datganiad o ddiben ar gyfer y man hwnnw;
- (c) mewn cysylltiad â cheisiadau i amrywio cofrestriad i ddarparu gwasanaeth mabwysiadu, gwasanaeth maethu, gwasanaeth lleoli oedolion neu wasanaeth eirioli o fan nad yw eisoes wedi ei bennu yng nghofrestriad y darparwr mewn perthynas â'r gwasanaeth hwnnw, datganiad o ddiben ar gyfer y man hwnnw;
- (d) mewn cysylltiad â chais i amrywio cofrestriad fel darparwr gwasanaeth cymorth cartref mewn perthynas â man nad yw eisoes wedi ei bennu yng nghofrestriad y darparwr mewn perthynas â'r gwasanaeth hwnnw, datganiad o ddiben ar gyfer y man hwnnw.

8. Rhaid i'r datganiad o ddiben y mae'n ofynnol ei ddarparu yn unol â rheoliad 6(b), (c) neu (d) neu yn unol â rheoliad 7(b), (c) neu (d) gynnwys yr wybodaeth a ddisgrifir yn Atodlen 2.

Yr wybodaeth sydd i gael ei darparu gan ddarparwr gwasanaeth ar gyfer amrywio – adran 11(1)(a)(iii) a (iv)

9.—(1) Rhaid i gais i amrywio cofrestriad a wneir yn unol ag adran 11(1)(a)(iii) neu (iv), yn ychwanegol at yr wybodaeth a nodir yn adran 11(3)(a)(i), gynnwys y canlynol—

- (a) y dyddiad effeithiol arfaethedig;
- (b) y rheswm dros wneud y cais;

- (c) in respect of applications for variation of registration to provide an adoption service, a fostering service, an adult placement service or an advocacy service, a statement of purpose for each place from which the service is to be provided;
- (d) in respect of applications for variation of registration to provide a domiciliary support service, a statement of purpose for each place in relation to which the service is to be provided.

7. An application for variation of registration made pursuant to section 11(1)(a)(ii) must, in addition to the information set out in section 11(3)(a)(i), contain the following—

- (a) the information listed in Schedule 1;
- (b) in respect of an application for variation of registration to provide a care home service, a secure accommodation service or a residential family centre service at a place which is not already specified in the provider's registration in relation to that service, a statement of purpose for that place;
- (c) in respect of an applications for variation of registration to provide an adoption service, a fostering service, an adult placement service or an advocacy service from a place which is not already specified in the provider's registration in relation to that service, a statement of purpose for that place;
- (d) in respect of an application for variation of registration as the provider of a domiciliary support service in relation to a place which is not already specified in the provider's registration in relation to that service, a statement of purpose for that place.

8. The statement of purpose which is required to be provided in accordance with regulation 6(b), (c) or (d) or in accordance with regulation 7(b), (c) or (d) must contain the information described in Schedule 2.

Information to be provided by a service provider for variation – section 11(1)(a)(iii) and (iv)

9.—(1) An application for variation of registration made pursuant to section 11(1)(a)(iii) or (iv) must, in addition to the information set out in section 11(3)(a)(i), contain the following—

- (a) the proposed effective date;
- (b) the reason for making the application;

- (c) datganiad ynghylch sut y mae'r darparwr gwasanaeth yn bwriadu parhau i gydymffurfio â'r rheoliadau a wneir o dan adran 27 hyd nes y bydd y gwasanaeth yn peidio â chael ei ddarparu;
- (d) manylion unrhyw hysbysiad a roddir ynghylch y cais arfaethedig i amrywio i—
 - (i) defnyddwyr y gwasanaeth;
 - (ii) yr awdurdod lleol y darperir y gwasanaeth rheoleiddiedig o fewn ei ardal;
 - (iii) y Bwrdd Iechyd Lleol y darperir y gwasanaeth rheoleiddiedig o fewn ei ardal;
 - (iv) unrhyw berson arall;
- (e) pan fo'r darparwr gwasanaeth yn gwneud cais i amrywio'r cofrestrriad lai na 3 mis cyn y dyddiad effeithiol arfaethedig, adroddiad ynghylch a yw'r gwasanaeth rheoleiddiedig neu'r man y darperir y gwasanaeth rheoleiddiedig ynddo, ohono neu mewn perthynas ag ef wedi peidio â bod yn ariannol hyfyw neu'n debygol o beidio â bod yn ariannol hyfyw o fewn y 12 mis nesaf.

(2) At ddiben y rheoliad hwn a rheoliad 10 ystyr "dyddiad effeithiol arfaethedig" yw'r dyddiad y mae'r darparwr gwasanaeth yn gofyn amdano fel y dyddiad pan fo'r amrywiad y gwneir cais amdano i gymryd effaith.

Yr wybodaeth sydd i gael ei ddarparu gan ddarparwr gwasanaeth ar gyfer amrywio – adran 11(1)(b)

10. Rhaid i gais i amrywio cofrestrriad a wneir yn unol ag adran 11(1)(b), yn ychwanegol at yr wybodaeth a nodir yn adran 11(3)(a)(i), gynnwys y canlynol—

- (a) y dyddiad effeithiol arfaethedig;
- (b) y rheswm dros wneud y cais;
- (c) manylion unrhyw newidiadau y mae'r darparwr gwasanaeth yn bwriadu eu gwneud mewn perthynas â'r gwasanaeth rheoleiddiedig o ganlyniad i'r cais i amrywio neu ddileu, gan gynnwys manylion ynghylch—
 - (i) unrhyw newidiadau strwythurol arfaethedig i unrhyw fangre a ddefnyddir ar gyfer darparu'r gwasanaeth rheoleiddiedig;
 - (ii) unrhyw staffio, cyfleusterau neu gyfarpar ychwanegol neu newidiadau o ran rheoli sy'n ofynnol i sicrhau bod y newidiadau arfaethedig yn cael eu gweithredu;

- (c) a statement as to how the service provider intends to continue to comply with the regulations made under section 27 until the service ceases to be provided;
- (d) details of any notice given about the proposed application to vary to—
 - (i) service users;
 - (ii) the local authority within whose area the regulated service is being provided;
 - (iii) the Local Health Board within whose area the regulated service is being provided;
 - (iv) any other person;
- (e) where the service provider is applying to vary the registration less than 3 months before the proposed effective date, a report as to whether the regulated service or place at, from, or in relation to which the regulated service is being provided has ceased or is likely to cease to be financially viable within the next 12 months.

(2) For the purpose of this regulation and regulation 10 "proposed effective date" means the date requested by the service provider as the date on which the variation applied for is to take effect.

Information to be provided by a service provider for variation – section 11(1)(b)

10. An application for variation of registration made pursuant to section 11(1)(b) must, in addition to the information set out in section 11(3)(a)(i), contain the following—

- (a) the proposed effective date;
- (b) the reason for making the application;
- (c) details of any changes that the service provider proposes to make in relation to the regulated service as a consequence of the variation or removal applied for, including details of—
 - (i) any proposed structural changes to any premises used for the provision of the regulated service;
 - (ii) any additional staffing, facilities or equipment or changes to the management that are required to ensure that the proposed changes are carried into effect;

(d) unrhyw ddogfennaeth ategol y mae'r darparwr gwasanaeth yn ystyried y bydd yn cynorthwyo Gweinidogion Cymru wrth wneud penderfyniad ynghylch pa un ai i gymeradwyo'r cais i amrywio neu ddileu amod.

(d) any supporting documentation which the service provider considers will assist the Welsh Ministers in making a decision whether to approve the application to vary or remove a condition.

Yr wybodaeth sydd i gael ei darparu gan ddarparwr gwasanaeth ar gyfer amrywio – adran 11(1)(c)

11. Rhaid i gais i amrywio cofrestrriad a wneir yn unol ag adran 11(1)(c), yn ychwanegol at yr wybodaeth a nodir yn adran 11(3)(a)(i), gynnwys yr wybodaeth a restrir ym mharagraffau 23 i 28 a pharagraffau 38 i 49 o Atodlen 1.

Ffurff y cais

12. Rhaid i gais i amrywio cofrestrriad fel darparwr gwasanaeth gael ei wneud ar ffurf cais ar-lein a gyrchir ar dudalennau'r wefan a gynhelir gan Lywodraeth Cymru sydd wedi eu sefydlu at ddibenion hysbysu darparwyr gwasanaethau am y weithdrefn ar gyfer amrywio cofrestrriad o dan Ran 1 o'r Ddeddf.

Terfyn amser y mae rhaid cyflwyno cais i amrywio ynddo pan na fo unigolyn cyfrifol dynodedig

13. Y terfyn amser a ragnodir at ddibenion adran 11(2) yw 28 o ddiwrnodau o'r dyddiad pan na fo unigolyn sydd wedi ei ddynodi'n unigolyn cyfrifol mewn cysylltiad â'r gwasanaeth rheoleiddiedig neu'r man y darperir y gwasanaeth rheoleiddiedig ynddo, ohono neu mewn perthynas ag ef.

Huw Irranca-Davies

Gweinidog Gofal Cymdeithasol a Phlant, o dan awdurdod Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
14 Tachwedd 2017

Information to be provided by a service provider for variation – section 11(1)(c)

11. An application for variation of registration made pursuant to section 11(1)(c) must, in addition to the information set out in section 11(3)(a)(i), contain the information listed in paragraphs 23 to 28 and paragraphs 38 to 49 of Schedule 1.

Form of application

12. An application for variation of registration as a service provider must be made in the form of an on-line application which is accessed from the pages of the website maintained by the Welsh Government which have been established for the purposes of informing service providers about the procedure for variation of registration under Part 1 of the Act.

Time limit within which application to vary must be made where there is no designated responsible individual

13. The time limit prescribed for the purposes of section 11(2) is 28 days from the date upon which there is no individual designated as responsible individual in respect of the regulated service or place at, from or in relation to which the regulated service is provided.

Huw Irranca-Davies

Minister for Children and Social Care, under authority of the Cabinet Secretary for Health and Social Services, one of the Welsh Ministers

14 November 2017

ATODLEN 1

Rheoliadau 3, 6, 7 ac 11

Yr wybodaeth sydd i gael ei darparu gan ymgeisydd sy'n gwneud cais i gofrestru neu gan ddarparwr gwasanaeth sy'n gwneud cais i amrywio cofrestrriad

Yr wybodaeth sy'n ofynnol ynghylch yr ymgeisydd pan fo'r ymgeisydd yn unigolyn

1. Enw llawn yr ymgeisydd, ei ddyddiad geni, cyfeiriad cartref, cyfeiriad post electronig a rhif ffôn.

2. Manylion am gymwysterau a phrofiad proffesiynol neu dechnegol yr ymgeisydd i'r graddau bod cymwysterau a phrofiad o'r fath yn berthnasol i ddarparu'r gwasanaeth neu wasanaethau rheoleiddiedig y mae'r ymgeisydd yn gwneud cais i gael ei gofrestru fel darparwr gwasanaeth mewn cysylltiad â hwy.

3. Manylion am hanes cyflogaeth yr ymgeisydd, gan gynnwys enw a chyfeiriad ei gyflogwr presennol ac unrhyw gyflogwyr blaenorol.

4. Manylion am unrhyw fusnes y mae'r ymgeisydd yn ei gynnal neu wedi ei gynnal.

5. Enw a chyfeiriad dau ganolwr—

- (a) nad ydynt yn berthnasau i'r ymgeisydd;
- (b) y mae'r ddau yn gallu darparu geirada ynghylch cymhwysedd yr ymgeisydd i ddarparu'r gwasanaeth neu wasanaethau rheoleiddiedig y mae'r ymgeisydd wedi gwneud cais i'w darparu; ac
- (c) y mae un ohonynt wedi cyflogi'r ymgeisydd am gyfnod o 3 mis o leiaf oni bai nad yw'n ymarferol cael geirada o'r fath.

6. Manylion ynghylch a yw'r ymgeisydd—

- (a) wedi cael ei wneud yn fethdalwr ac nad yw wedi ei ryddhau o'r gorchymyn methdalw;
- (b) wedi bod yn ddarostyngedig i orchymyn secwestru nad yw wedi ei ddad-wneud;
- (c) yn ddarostyngedig i gyfnod moratoriwm o dan orchymyn rhyddhau o ddyled (o fewn ystyr "debt relief order" yn adran 251A o Ddeddf Ansolfedd 1986(1)); neu

SCHEDULE 1

Regulations 3, 6, 7 and 11

Information to be provided by an applicant for registration or by a service provider on application for a variation of registration

Information required about the applicant where the applicant is an individual

1. The applicant's full name, date of birth, home address, electronic mail address and telephone number.

2. Details of the applicant's professional or technical qualifications and experience so far as such qualifications and experience are relevant to providing the regulated service or services in respect of which the applicant is applying to be registered as a service provider.

3. Details of the applicant's employment history, including the name and address of his or her present employer and of any previous employers.

4. Details of any business the applicant carries on or has carried on.

5. The name and addresses of two referees—

- (a) who are not relatives of the applicant;
- (b) each of whom is able to provide a reference as to the applicant's competence to provide the regulated service or services that the applicant has applied to provide; and
- (c) one of whom has employed the applicant for a period of at least 3 months unless it is not practicable to obtain such a reference.

6. Details as to whether the applicant—

- (a) has been made bankrupt and is undischarged from the bankruptcy order;
- (b) has been the subject of a sequestration order that has not been rescinded;
- (c) is subject to a moratorium period under a debt relief order (within the meaning of section 251A of the Insolvency Act 1986(1)); or

(1) 1986 p. 45.

(1) 1986 c. 45.

- (d) wedi gwneud compôwnd neu drefniant â chredydwy'r ac nad yw wedi ei ryddhau mewn cysylltiad â'r compôwnd neu'r trefniant.

- (d) has made a composition or arrangement with creditors and has not been discharged in respect of the composition or arrangement.

Yr wybodaeth sy'n ofynnol ynghylch yr ymgeisydd pan fo'r ymgeisydd yn sefydliad

Information required about the applicant where the applicant is an organisation

7. Pan fo'r sefydliad yn gorff corfforaethol ac eithrio awdurdod lleol neu Fwrdd Iechyd Lleol—

7. Where the organisation is a body corporate other than a local authority or Local Health Board—

- (a) enw'r sefydliad;
- (b) cyfeiriad swyddfa gofrestredig y sefydliad;
- (c) os yw'n wahanol i gyfeiriad y swyddfa gofrestredig neu os nad oes unrhyw swyddfa gofrestredig, cyfeiriad prif swyddfa'r sefydliad;
- (d) cyfeiriad post electronig a rhif ffôn y sefydliad;
- (e) os yw'r sefydliad yn gwmni, rhif y cwmni;
- (f) os yw'r sefydliad yn elusen, rhif yr elusen;
- (g) pan fo'r sefydliad yn gwmni ac yn is-gwmni i gwmni daliannol—
 - (i) enw a chyfeiriad swyddfa gofrestredig y cwmni daliannol;
 - (ii) cyfeiriad post electronig a rhif ffôn y cwmni daliannol;
 - (iii) rhif cwmni'r cwmni daliannol;
 - (iv) os yw'r cwmni daliannol yn elusen, rhif elusen y cwmni daliannol;
 - (v) enw a chyfeiriad swyddfa gofrestredig unrhyw is-gwmni arall i'r cwmni daliannol;
 - (vi) cyfeiriad post electronig a rhif ffôn unrhyw is-gwmni arall i'r cwmni daliannol;
 - (vii) rhif cwmni unrhyw is-gwmni arall i'r cwmni daliannol;
 - (viii) os yw'r is-gwmni yn elusen, rhif elusen unrhyw is-gwmni i'r cwmni daliannol.

- (a) the name of the organisation;
- (b) the address of the registered office of the organisation;
- (c) if different from the address of the registered office or if there is no registered office, the address of the principal office of the organisation;
- (d) the electronic mail address and telephone number of the organisation;
- (e) if the organisation is a company, the company number;
- (f) if the organisation is a charity, the charity number;
- (g) where the organisation is a company and is a subsidiary of a holding company—
 - (i) the name and address of the registered office of the holding company;
 - (ii) the electronic mail address and telephone number of the holding company;
 - (iii) the company number of the holding company;
 - (iv) if the holding company is a charity, the charity number of the holding company;
 - (v) the name and address of the registered office of any other subsidiary of the holding company;
 - (vi) the electronic mail address and telephone number of any other subsidiary of the holding company;
 - (vii) the company number of any other subsidiary of the holding company;
 - (viii) if the subsidiary is a charity, the charity number of any subsidiary of the holding company.

8. Pan fo'r sefydliad yn awdurdod lleol—

- (a) enw a chyfeiriad prif swyddfa'r awdurdod;
- (b) cyfeiriad post electronig a rhif ffôn yr awdurdod;

8. Where the organisation is a local authority—

- (a) the name and address of the principal office of the authority;
- (b) the electronic mail address and telephone number of the authority;

(c) manylion arweinydd y Cyngor a'r Cyfarwyddwr Gwasanaethau Cymdeithasol.

9. Pan fo'r sefydliad yn Fwrdd Iechyd Lleol—

- (a) enw a chyfeiriad prif swyddfa'r Bwrdd;
- (b) cyfeiriad post electronig a rhif ffôn y Bwrdd;
- (c) manylion y cadeirydd a'r prif weithredwr.

10. Pan fo'r sefydliad yn bartneriaeth—

- (a) enw'r bartneriaeth;
- (b) cyfeiriad prif swyddfa'r bartneriaeth;
- (c) cyfeiriad post electronig a rhif ffôn y bartneriaeth.

11. Pan fo'r sefydliad yn gorff anghorfforedig—

- (a) enw'r corff;
- (b) cyfeiriad prif swyddfa'r corff;
- (c) cyfeiriad post electronig a rhif ffôn y corff.

12. Ym mhob achos pan fo'r ymgeisydd yn sefydliad, gwybodaeth am drefniadau llywodraethu'r sefydliad, gan gynnwys manylion unrhyw gyfrifoldebau'r sefydliad sydd wedi eu dirprwyo.

Yr wybodaeth sy'n ofynnol ynghylch pob ymgeisydd

13. Manylion unrhyw geisiadau blaenorol i gofrestru fel darparwr gwasanaeth o dan y Ddeddf.

14. Manylion unrhyw gofrestriadau fel darparwr gwasanaeth o dan y Ddeddf.

15. Manylion unrhyw gais blaenorol i gofrestru o dan Ran 2 o Ddeddf Safonau Gofal 2000(1).

16. Manylion unrhyw gofrestriadau o dan Ran 2 o Ddeddf Safonau Gofal 2000.

17. Manylion unrhyw geisiadau blaenorol i gofrestru fel darparwr gwasanaeth o dan Ddeddf Iechyd a Gofal Cymdeithasol 2008(2).

18. Manylion unrhyw gofrestriadau fel darparwr gwasanaeth o dan Ddeddf Iechyd a Gofal Cymdeithasol 2008.

(c) details of the leader of the Council and the Director of Social Services.

9. Where the organisation is a Local Health Board—

- (a) the name and address of the principal office of the Board;
- (b) the electronic mail address and telephone number of the Board;
- (c) details of the chairperson and chief executive.

10. Where the organisation is a partnership—

- (a) the name of the partnership;
- (b) the address of the principal office of the partnership;
- (c) the electronic mail address and telephone number of the partnership.

11. Where the organisation is an unincorporated body—

- (a) the name of the body;
- (b) the address of the principal office of the body;
- (c) the electronic mail address and telephone number of the body.

12. In all cases where the applicant is an organisation, information about the governance arrangements of the organisation, including details of any delegations of the responsibilities of the organisation.

Information required about all applicants

13. Details of any previous applications for registration as a service provider under the Act.

14. Details of any registrations as a service provider under the Act.

15. Details of any previous application for registration under Part 2 of the Care Standards Act 2000(1).

16. Details of any registrations under Part 2 of the Care Standards Act 2000.

17. Details of any previous applications for registration as a service provider under the Health and Social Care Act 2008(2).

18. Details of any registrations as a service provider under the Health and Social Care Act 2008.

(1) 2000 p. 14.
(2) 2008 p. 14.

(1) 2000 c. 14.
(2) 2008 c. 14.

19. Manylion unrhyw geisiadau blaenorol i gofrestru fel person sy'n darparu gwasanaeth gofal o dan Ran 5 o Ddeddf Diwygio Gwasanaethau Cyhoeddus (Yr Alban) 2010(1).

20. Manylion unrhyw gofrestriadau fel person sy'n darparu gwasanaeth gofal o dan Ran 5 o Ddeddf Diwygio Gwasanaethau Cyhoeddus (Yr Alban) 2010.

21. Manylion unrhyw geisiadau blaenorol i gofrestru o dan Ran 3 o Orchymyn Gwasanaethau Iechyd a Chymdeithasol Personol (Ansawdd, Gwella a Rheoleiddio) (Gogledd Iwerddon) 2003(2).

22. Manylion unrhyw gofrestriadau o dan Ran 3 o Orchymyn Gwasanaethau Iechyd a Chymdeithasol Personol (Ansawdd, Gwella a Rheoleiddio) (Gogledd Iwerddon) 2003.

Yr wybodaeth sy'n ofynnol mewn cysylltiad â phob unigolyn a ddynodir gan yr ymgeisydd i fod yn unigolyn cyfrifol

23. Dyddiad geni, rhif ffôn, cyfeiriad ar gyfer gohebiaeth a chyfeiriad post electronig pob unigolyn a ddynodir gan yr ymgeisydd i fod yn unigolyn cyfrifol.

24. Manylion am gymwysterau a phrofiad proffesiynol neu dechnegol pob unigolyn a ddynodir gan yr ymgeisydd i fod yn unigolyn cyfrifol i'r graddau bod cymwysterau a phrofiad o'r fath yn berthnasol—

- (a) i berfformiad a swyddogaethau'r unigolyn cyfrifol a roddir gan y rheoliadau o dan adran 28; a
- (b) i'r gwasanaeth sydd i gael ei ddarparu yn y man y dynodir yr unigolyn cyfrifol mewn cysylltiad ag ef.

25. Manylion ynghylch a yw pob unigolyn a ddynodir gan yr ymgeisydd i fod yn unigolyn cyfrifol—

- (a) wedi cael ei wneud yn fethdalwr ac nad yw wedi ei ryddhau o'r gorchymyn methdalw;
- (b) wedi bod yn ddarostyngedig i orchymyn secwestru nad yw wedi ei ddad-wneud;
- (c) yn ddarostyngedig i gyfnod moratoriwm o dan orchymyn rhyddhau o ddyled (o fewn ystyr "debt relief order" yn adran 251A o Ddeddf Ansolfedd 1986(3)); neu

19. Details of any previous applications for registration as a person providing a care service under Part 5 of the Public Services Reform (Scotland) Act 2010(1).

20. Details of any registrations as a person providing a care service under Part 5 of the Public Services Reform (Scotland) Act 2010.

21. Details of any previous applications for registration under Part 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(2).

22. Details of any registrations under Part 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

Information required in respect of each individual designated by the applicant to be a responsible individual

23. Date of birth, telephone number, correspondence address and electronic mail address of each individual designated by the applicant to be a responsible individual.

24. Details of the professional or technical qualifications and experience of each individual designated by the applicant to be a responsible individual so far as such qualifications and experience are relevant to—

- (a) the performance and functions of the responsible individual conferred by the regulations under section 28; and
- (b) the service to be provided at the place in respect of which the responsible individual is designated.

25. Details as to whether each individual designated by the applicant to be a responsible individual—

- (a) has been made bankrupt and is undischarged from the bankruptcy order;
- (b) has been the subject of a sequestration order that has not been rescinded;
- (c) is subject to a moratorium period under a debt relief order (within the meaning of section 251A of the Insolvency Act 1986(3)); or

(1) 2010 dsa 8.

(2) O.S. 2003/431 (G.I. 9).

(3) 1986 p. 45.

(1) 2010 asp 8.

(2) S.I. 2003/431 (N.I. 9).

(3) 1986 c. 45.

- (d) wedi gwneud compôwnd neu drefniant â chredydwy'r ac nad yw wedi ei ryddhau mewn cysylltiad â'r compôwnd neu'r trefniant.

26. Manylion am hanes cyflogaeth pob unigolyn a ddynodir gan yr ymgeisydd i fod yn unigolyn cyfrifol, gan gynnwys enw a chyfeiriad ei gyflogwr presennol ac unrhyw gyflogwyr blaenorol.

27. Manylion am unrhyw fusnes sy'n cael ei gynnal neu sydd wedi cael ei gynnal gan bob unigolyn a ddynodir gan yr ymgeisydd i fod yn unigolyn cyfrifol.

28. Mewn cysylltiad â phob unigolyn a ddynodir gan yr ymgeisydd i fod yn unigolyn cyfrifol, enw a chyfeiriadau dau ganolwr—

- (a) nad ydynt yn berthnasau i'r unigolyn;
- (b) y mae'r ddau yn gallu darparu geirada ynghylch cymhwysedd yr unigolyn i gyflawni dyletswyddau unigolyn cyfrifol ar gyfer y man y mae'r unigolyn wedi ei ddynodi mewn perthynas ag ef neu'r manau y mae'r unigolyn wedi ei ddynodi mewn perthynas â hwy gan yr ymgeisydd i fod yn unigolyn cyfrifol; ac
- (c) y mae un ohonynt wedi cyflogi'r unigolyn am gyfnod o 3 mis o leiaf oni bai nad yw'n ymarferol cael geirada o'r fath.

Gwybodaeth am y gwasanaeth sydd i gael ei ddarparu

29. Manylion y raddfa ffioedd y bwriedir iddynt fod yn daladwy gan ddefnyddwyr y gwasanaeth.

30. Yn achos gwasanaeth cartref gofal, gwasanaeth llety diogel neu wasanaeth canolfan breswyl i deuluoedd, y dyddiad y bwriedir dechrau darparu'r gwasanaeth yn mhob man a bennir yn y cais.

31. Yn achos gwasanaeth cymorth cartref, y dyddiad y bwriedir dechrau darparu'r gwasanaeth mewn perthynas â phob man a bennir yn y cais.

Gwybodaeth am y llety y mae'r gwasanaeth i gael ei ddarparu ynddo

32. Pan fo'r ymgeisydd yn ceisio darparu gwasanaeth cartref gofal(1), gwasanaeth llety diogel(2) neu wasanaeth canolfan breswyl i deuluoedd(3)—

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- (1) *Gweler* adran 2(1)(a) o'r Ddeddf a pharagraff 1 o Atodlen 1 iddi i gael y diffiniad o "gwasanaeth cartref gofal".
 - (2) *Gweler* adran 2(1)(b) o'r Ddeddf a pharagraff 2 o Atodlen 1 iddi i gael y diffiniad o "gwasanaeth llety diogel".
 - (3) *Gweler* adran 2(1)(c) o'r Ddeddf a pharagraff 3 o Atodlen 1 iddi i gael y diffiniad o "gwasanaeth canolfan breswyl i deuluoedd".

- (d) has made a composition or arrangement with creditors and has not been discharged in respect of the composition or arrangement.

26. Details of the employment history of each individual designated by the applicant to be the responsible individual, including the name and address of his or her present employer and of any previous employers.

27. Details of any business which is being carried on or has been carried on by each individual designated by the applicant to be the responsible individual.

28. In respect of each individual designated by the applicant to be the responsible individual, the name and addresses of two referees—

- (a) who are not relatives of the individual;
- (b) each of whom is able to provide a reference as to the individual's competence to perform the duties of a responsible individual for the place or places in respect of which the individual has been designated by the applicant to be the responsible individual; and
- (c) one of whom has employed the individual for a period of at least 3 months unless it is not practicable to obtain such a reference.

Information about the service to be provided

29. Details of the scale of charges that are intended to be payable by service users.

30. In the case of a care home service, secure accommodation service or residential family centre service, the date on which it is intended to begin providing the service at each place specified in the application.

31. In the case of a domiciliary support service, the date on which it is intended to begin providing the service in relation to each place specified in the application.

Information about the accommodation at which the service is to be provided

32. Where the applicant is seeking to provide a care home service(1), a secure accommodation service(2) or a residential family centre service(3)—

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- (1) *See* section 2(1)(a) of and paragraph 1 of Schedule 1 to the Act for the definition of "care home service".
 - (2) *See* section 2(1)(b) of and paragraph 2 of Schedule 1 to the Act for the definition of "secure accommodation service".
 - (3) *See* section 2(1)(c) of and paragraph 3 of Schedule 1 to the Act for the definition of "residential family centre service".

- (a) enw, cyfeiriad a rhif ffôn arfaethedig y fangre y bwriedir darparu'r gwasanaeth rheoleiddiedig ynddi;
 - (b) disgrifiad o'r fangre, gan gynnwys datganiad ynghylch a yw'r fangre wedi cael ei hadeiladu'n bwrpasol neu a yw wedi cael ei throsi neu y bwriedir iddi gael ei throsi i'w defnyddio fel y man y mae'r gwasanaeth i gael ei ddarparu ynddo;
 - (c) tystiolaeth o'r canlynol—
 - (i) asesiad risg wedi ei gwblhau fel sy'n ofynnol o dan Orchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005(1);
 - (ii) cymeradwyaeth rheoliadau adeiladu;
 - (iii) cofrestrriad busnes bwyd;
 - (iv) caniatâd cynllunio;
 - (d) tystiolaeth o ymgynghori ag unrhyw gyrff rheoleiddiol neu gymeradwyaeth unrhyw gyrff o'r fath, pan fo ymgynghori neu gymeradwyaeth o'r fath yn ofynnol;
 - (e) manylion unrhyw fusnes arall sy'n cael ei ddarparu neu a fydd yn cael ei ddarparu yn yr un fangre y bwriedir darparu'r gwasanaeth rheoleiddiedig ynddi;
 - (f) manylion a thystiolaeth ddogfennol o statws perchnogaeth yr adeilad gan gynnwys, os yw wedi ei lesio neu ei rentu, hyd unrhyw gyfnod hysbysu.
- (a) the proposed name, address and telephone number of the premises at which it is intended to provide the regulated service;
 - (b) a description of the premises, including a statement as to whether the premises are purpose-built or have been or are intended to be converted for use as the place at which the service is to be provided;
 - (c) evidence of the following—
 - (i) a completed risk assessment as required under the Regulatory Reform (Fire Safety) Order 2005(1);
 - (ii) building regulations approval;
 - (iii) food business registration;
 - (iv) planning permission;
 - (d) evidence of consultation with or approval of any regulatory bodies, where such consultation or approval is required;
 - (e) details of any other business that is or will be provided at the same premises at which it is intended that the regulated service will be provided;
 - (f) details and documentary evidence of ownership status of the building including, if leased or rented, the length of any notice period.

Gwybodaeth am y swyddfeydd y mae'r gwasanaeth i gael ei ddarparu ohonynt

33. Pan fo'r ymgeisydd yn ceisio darparu gwasanaeth mabwysiadu, gwasanaeth maethu, gwasanaeth lleoli oedolion, gwasanaeth eirioli neu wasanaeth cymorth cartref, cyfeiriad, rhif ffôn a chyfeiriad post electronig y swyddfa neu'r swyddfeydd y mae'r gwasanaeth i gael ei ddarparu ohoni neu ohonynt.

Y dogfennau y mae'n ofynnol i'r ymgeisydd eu darparu

34. Pan fo'r ymgeisydd yn unigolyn—
- (a) tystiolaeth o bwy yw'r person sydd i gynnwys ffotograff;
 - (b) tystiolaeth ddogfennol mewn cysylltiad ag unrhyw gymwysterau y mae'r ymgeisydd wedi darparu manylion amdanynt ym mharagraff 2 o'r Atodlen hon;

Information about the offices from which the service is to be provided

33. Where the applicant is seeking to provide an adoption service, a fostering service, an adult placement service, an advocacy service or a domiciliary support service, the address, telephone number and electronic mail address of the office or offices from which the service is to be provided.

Documents required from the applicant

34. Where the applicant is an individual—
- (a) evidence of the person's identity to include a photograph;
 - (b) documentary evidence in respect of any qualifications the applicant has provided details about in paragraph 2 of this Schedule;

(1) O.S. 2005/1541, y mae diwygiadau iddo nad yw'n berthnasol i'r Rheoliadau hyn.

(1) S.I. 2005/1541, to which there are amendments not relevant to these Regulations.

- (c) yn ddarostyngedig i is-baragraff (d), adroddiad gan ymarferydd meddygol cyffredinol ynghylch a yw'r ymgeisydd yn addas yn gorfforol ac yn feddyliol i gydymffurfio â'r dyletswyddau a osodir ar ddarparwr gwasanaeth mewn rheoliadau o dan adran 27;
- (d) pan na fo'r ymgeisydd yn gallu cael yr adroddiad y cyfeirir ato yn is-baragraff (c), datganiad gan yr ymgeisydd ynghylch cyflwr ei iechyd corfforol a'i iechyd meddwl;
- (e) pan fo'n ofynnol at ddibenion cwestiwn sydd wedi ei esemptio ac a ofynnir at ddiben rhagnodedig o dan adran 113B(2)(b) o Ddeddf yr Heddlu 1997(1), copi o dystysgrif cofnod troseddol manwl a ddyroddir o dan adran 113B o'r Ddeddf honno ynghyd â, phan fo'n gymwys, wybodaeth am addasrwydd sy'n ymwneud â phlant neu oedolion hyglwyf.

At ddibenion yr is-baragraff hwn ac at ddibenion paragraff 42, ystyr "gwybodaeth am addasrwydd sy'n ymwneud â phlant neu oedolion hyglwyf" yw'r wybodaeth a bennir yn adrannau 113BA a 113BB yn y drefn honno o Ddeddf yr Heddlu 1997;

- (f) pan fo'n ofynnol at ddibenion cwestiwn sydd wedi ei esemptio yn unol ag adran 113A(2)(b) o Ddeddf yr Heddlu 1997, copi o dystysgrif cofnod troseddol a ddyroddir o dan adran 113A o'r Ddeddf honno ynghyd ag, ar ôl y diwrnod penodedig a phan fo'n gymwys, yr wybodaeth a grybwyllir yn adran 30A(3) o Ddeddf Diogelu Grwpiau Hyglwyf 2006(2) (darparu gwybodaeth am waharddiadau ar gais).

At ddibenion yr is-baragraff hwn ac at ddibenion paragraff 43, ystyr "y diwrnod penodedig" yw'r diwrnod y daw adran 30A o Ddeddf Diogelu Grwpiau Hyglwyf 2006 i rym.

35. Pan fo'r ymgeisydd yn sefydliad ac eithrio awdurdod lleol neu Fwrdd Iechyd Lleol, y ddau adroddiad blynyddol a chyfrifon diwethaf, os oes rhai.

36. Mewn cysylltiad ag ymgeiswyr ac eithrio awdurdodau lleol a Byrddau Iechyd Lleol—

- (a) cynllun busnes;

- (c) subject to sub-paragraph (d), a report by a general medical practitioner as to whether the applicant is physically and mentally fit to comply with the duties imposed on a service provider in regulations under section 27;
- (d) where the applicant is unable to obtain the report referred to in sub-paragraph (c), a statement by the applicant as to the state of his or her physical and mental health;
- (e) where required for the purposes of an exempted question asked for a prescribed purpose under section 113B(2)(b) of the Police Act 1997(1), a copy of an enhanced criminal record certificate issued under section 113B of that Act together with, where applicable, suitability information relating to children or vulnerable adults.

For the purposes of this sub-paragraph and for the purposes of paragraph 42, "suitability information relating to children or vulnerable adults" means the information specified in sections 113BA and 113BB respectively of the Police Act 1997;

- (f) where required for the purposes of an exempted question in accordance with section 113A(2)(b) of the Police Act 1997, a copy of a criminal record certificate issued under section 113A of that Act together with, after the appointed day and where applicable, the information mentioned in section 30A(3)(2) of the Safeguarding Vulnerable Groups Act 2006 (provision of barring information on request).

For the purposes of this sub-paragraph and for the purposes of paragraph 43, "the appointed day" means the day on which section 30A of the Safeguarding Vulnerable Groups Act 2006 comes into force.

35. Where the applicant is an organisation other than a local authority or Local Health Board, the last two annual reports and accounts, if any.

36. In respect of applicants other than local authorities and Local Health Boards—

- (a) a business plan;

(1) 1997 p. 50.

(2) 2006 p. 47. Mae adrannau 30 i 32 o Ddeddf Diogelu Grwpiau Hyglwyf 2006 fel y'u deddfwyd yn wreiddiol i gael eu disodli gan adrannau newydd 30A a 30B o ganlyniad i'r amnewidiadau a wneir gan adran 72(1) o Ddeddf Diogelu Rhyddidau 2012 (p. 9). Mae adran 72(1) i gael ei chychwyn ar ddiwrnod i'w bennu.

(1) 1997 c. 50.

(2) 2006 c. 47. Sections 30 to 32 of the Safeguarding Vulnerable Groups Act 2006 as originally enacted are to be replaced by new sections 30A and 30B as a result of the substitutions made by section 72(1) of the Protection of Freedoms Act 2012 (c. 9). Section 72(1) is to be commenced on a day to be appointed.

- (b) geirda oddi wrth fanc sy'n mynegi barn ar sefyllfa ariannol yr ymgeisydd;
- (c) manylion am y llif arian rhagamcanol mewn cysylltiad â'r unigolyn neu'r sefydliad sy'n gwneud cais i gael ei gofrestru fel darparwr gwasanaeth.

37. Mewn cysylltiad â phob ymgeisydd, tystysgrif yswiriant mewn cysylltiad ag atebolrwydd a all godi mewn cysylltiad â marwolaeth, anaf, atebolrwydd cyhoeddus, difrod neu golled arall.

Y dogfennau sy'n ofynnol mewn cysylltiad â phob unigolyn a ddynodir gan yr ymgeisydd yn unigolyn cyfrifol

38. Tystiolaeth o bwy yw'r person sydd i gynnwys ffotograff.

39. Tystiolaeth ddogfennol o'r holl gymwysterau y mae'r ymgeisydd wedi darparu manylion amdanynt ym mharagraff 24 o'r Atodlen hon.

40. Yn ddarostyngedig i baragraff 41 adroddiad gan ymarferydd meddygol cyffredinol ynghylch a yw'r unigolyn cyfrifol yn addas yn gorfforol ac yn feddyliol i gydymffurfio â'i ddyletswyddau mewn rheoliadau o dan adran 28.

41. Pan na fo'r unigolyn cyfrifol yn gallu cael yr adroddiad y cyfeirir ato ym mharagraff 40, datganiad gan yr unigolyn cyfrifol ynghylch cyflwr ei iechyd corfforol a'i iechyd meddwl.

42. Pan fo'n ofynnol at ddibenion cwestiwn sydd wedi ei esemptio ac a ofynnir at ddiben rhagnodedig o dan adran 113B(2)(b) o Ddeddf yr Heddlu 1997, copi o dystysgrif cofnod troseddol manwl a ddyroddir o dan adran 113B o'r Ddeddf honno ynghyd â, phan fo'n gymwys, wybodaeth am addasrwydd sy'n ymwneud â phlant neu oedolion hyglwyf(1).

43. Pan fo'n ofynnol at ddibenion cwestiwn sydd wedi ei esemptio yn unol ag adran 113A(2)(b) o Ddeddf yr Heddlu 1997, copi o dystysgrif cofnod troseddol a ddyroddir o dan adran 113A o'r Ddeddf honno ynghyd ag, ar ôl y diwrnod penodedig(2) a phan fo'n gymwys, yr wybodaeth a grybwyllir yn adran 30A(3) o Ddeddf Diogelu Grwpiau Hyglwyf 2006 (darparu gwybodaeth am waharddiadau ar gais).

- (b) a reference from a bank expressing an opinion as to the applicant's financial standing;
- (c) details as to projected cash flow in respect of the individual or organisation applying to be registered as a service provider.

37. In respect of all applicants, a certificate of insurance in respect of liability which may be incurred in respect of death, injury, public liability, damage or other loss.

Documents required in respect of each individual designated by the applicant as a responsible individual.

38. Evidence of the person's identity to include a photograph.

39. Documentary evidence of all qualifications the applicant has provided details about in paragraph 24 of this Schedule.

40. Subject to paragraph 41 a report by a general medical practitioner as to whether the responsible individual is physically and mentally fit to comply with their duties in regulations under section 28.

41. Where the responsible individual is unable to obtain the report referred to in paragraph 40 a statement by the responsible individual as to the state of his or her physical and mental health.

42. Where required for the purposes of an exempted question asked for a prescribed purpose under section 113B(2)(b) of the Police Act 1997, a copy of an enhanced criminal record certificate issued under section 113B of that Act together with, where applicable, suitability information relating to children or vulnerable adults(1).

43. Where required for the purposes of an exempted question in accordance with section 113A(2)(b) of the Police Act 1997, a copy of a criminal record certificate issued under section 113A of that Act together with, after the appointed day(2) and where applicable, the information mentioned in section 30A(3) of the Safeguarding Vulnerable Groups Act 2006 (provision of barring information on request).

(1) *Gweler* paragraff 34(e) o'r Atodlen hon am ystyr "gwybodaeth am addasrwydd sy'n ymwneud â phlant neu oedolion".

(2) *Gweler* paragraff 34(f) o'r Atodlen hon am ystyr "y diwrnod penodedig".

(1) *See* paragraph 34(e) of this Schedule for the meaning of "suitability information relating to children or adults".

(2) *See* paragraph 34(f) of this Schedule for the meaning of "the appointed day".

44. Mewn perthynas ag ymgeisydd sy'n gorff corfforaethol ac eithrio awdurdod lleol, datganiad wedi ei lofnodi gan bob un o'r personau a grybwyllir ym mharagraff 45 i'r perwyl eu bod wedi darllen a deall y gofynion a osodir ar unigolion cyfrifol gan reoliadau o dan adran 28 a'u bod yn bwriadu cefnogi'r unigolyn a ddynodir yn unigolyn cyfrifol wrth arfer ei ddyletswyddau fel y'u nodir yn y rheoliadau hynny.

45. Y personau hynny yw—

- (a) unrhyw berson sydd wedi ei benodi'n gyfarwyddwr, rheolwr neu ysgrifennydd o'r corff corfforaethol;
- (b) unrhyw berson sydd wedi ei benodi'n ymddiriedolwr o'r corff corfforaethol.

46. Mewn perthynas ag ymgeisydd sy'n awdurdod lleol, datganiad wedi ei lofnodi gan y person a ddisgrifir ym mharagraff 47 i'r perwyl ei fod wedi darllen a deall y gofynion a osodir ar unigolion cyfrifol gan reoliadau o dan adran 28 a'i fod yn bwriadu cefnogi'r unigolyn a ddynodir yn unigolyn cyfrifol wrth arfer ei ddyletswyddau fel y'u nodir yn y rheoliadau hynny.

47. Mae'r person naill ai—

- (a) yn gyfarwyddwr gwasanaethau cymdeithasol yr awdurdod, neu
- (b) os y cyfarwyddwr gwasanaethau cymdeithasol yw'r unigolyn cyfrifol, prif weithredwr yr awdurdod.

48. Mewn perthynas ag ymgeisydd sy'n gorff anghorfforedig, datganiad wedi ei lofnodi gan bob un o'r personau hynny sy'n ymwneud â rheoli a rheolaeth y corff i'r perwyl eu bod wedi darllen a deall y gofynion a osodir ar unigolion cyfrifol gan reoliadau o dan adran 28 a'u bod yn bwriadu cefnogi'r unigolyn a ddynodir yn unigolyn cyfrifol wrth arfer ei ddyletswyddau fel y'u nodir yn y rheoliadau hynny.

49. Mewn perthynas ag ymgeisydd sy'n bartneriaeth, datganiad wedi ei lofnodi gan bob partner i'r perwyl ei fod wedi darllen a deall y gofynion a osodir ar unigolion cyfrifol gan reoliadau o dan adran 28 a'i fod yn bwriadu cefnogi'r unigolyn a ddynodir yn unigolyn cyfrifol wrth arfer ei ddyletswyddau fel y'u nodir yn y rheoliadau hynny.

44. In relation to an applicant who is a body corporate other than a local authority, a signed declaration by each of the persons mentioned in paragraph 45 to the effect that they have read and understood the requirements imposed on responsible individuals by regulations under section 28 and that they intend to support the individual designated as responsible individual in the exercise of their duties as set out in those regulations.

45. Those persons are—

- (a) any person who has been appointed as a director, manager or secretary of the body corporate;
- (b) any person who has been appointed as a trustee of the body corporate.

46. In relation to an applicant who is a local authority, a signed declaration by the person described in paragraph 47 to the effect that they have read and understood the requirements imposed on responsible individuals by regulations under section 28 and that they intend to support the individual designated as responsible individual in the exercise of their duties as set out in those regulations.

47. The person is either—

- (a) the director of social services of the authority, or
- (b) if the director of social services is the responsible individual, the chief executive of the authority.

48. In relation to an applicant who is an unincorporated body, a signed application by each of those persons who are concerned in the management and control of the body to the effect that they have read and understood the requirements imposed on responsible individuals by regulations under section 28 and that they intend to support the individual designated as responsible individual in the exercise of their duties as set out in those regulations.

49. In relation to an applicant who is a partnership, a signed declaration by each partner to the effect that they have read and understood the requirements imposed on responsible individuals by regulations under section 28 and that they intend to support the individual designated as responsible individual in the exercise of their duties as set out in those regulations.

ATODLEN 2

Rheoliadau 4 ac 8

Yr wybodaeth y mae'n ofynnol ei chynnwys mewn datganiad o ddiben

Mae'r wybodaeth y mae'n ofynnol ei chynnwys mewn datganiad o ddiben fel a ganlyn—

- (a) enw'r ymgeisydd;
- (b) pan fo'r ymgeisydd yn unigolyn, cyfeiriad yr unigolyn ar gyfer gohebiaeth;
- (c) pan fo'r ymgeisydd yn sefydliad, cyfeiriad prif swyddfa neu swyddfa gofrestredig y sefydliad;
- (d) yn achos gwasanaeth cartref gofal, enw a chyfeiriad y man y darperir y gwasanaeth ynddo;
- (e) yn achos gwasanaeth cymorth cartref—
 - (i) enw'r gwasanaeth;
 - (ii) yr ardal y darperir y gwasanaeth mewn perthynas â hi;
 - (iii) cyfeiriadau'r swyddfa neu'r swyddfeydd y darperir y gwasanaeth ohoni neu ohonynt;
 - (iv) cyfeiriadau unrhyw swyddfa arall neu unrhyw swyddfeydd eraill a ddefnyddir mewn cysylltiad â darparu'r gwasanaeth;
- (f) enw'r unigolyn a ddynodir gan yr ymgeisydd i fod yn unigolyn cyfrifol ar gyfer y man y mae'r gwasanaeth i gael ei ddarparu ynddo, ohono neu mewn perthynas ag ef;
- (g) datganiad o ystod anghenion yr unigolion y mae'r gwasanaeth rheoleiddiedig i gael ei ddarparu ar eu cyfer sydd i gynnwys ystod oedran, nifer a rhyw unigolion o'r fath;
- (h) sut y mae'r gwasanaeth i gael ei ddarparu i ddiwallu anghenion unigolion a'u cefnogi i gyflawni eu canlyniadau personol, fel sy'n ofynnol gan reoliadau o dan adran 27 a chan ystyried yr ystod o anghenion a nodir yn y datganiad o ddiben (gweler paragraff (g));
- (i) manylion strwythur rheoli a staffio arfaethedig y gwasanaeth;
- (j) manylion y fangre, y cyfleusterau a'r cyfarpar a fydd ar gael i unigolion yn unol â gofynion y rheoliadau a wneir o dan adran 27 a chan ystyried yr ystod o anghenion a nodir yn y datganiad o ddiben (gweler paragraff (g));

SCHEDULE 2

Regulations 4 and 8

Information required to be contained in a statement of purpose

The information that is required to be contained in a statement of purpose is as follows—

- (a) the name of the applicant;
- (b) where the applicant is an individual, the individual's correspondence address;
- (c) where the applicant is an organisation, the address of the organisation's principal or registered office;
- (d) in the case of a care home service, the name and address of the place at which the service is provided;
- (e) in the case of a domiciliary support service—
 - (i) the name of the service;
 - (ii) the area in relation to which the service is provided;
 - (iii) the addresses of the office or offices from which the service will be provided;
 - (iv) the addresses of any other office or offices which are used in connection with the provision of the service;
- (f) the name of the individual designated by the applicant as the responsible individual for the place at, from or in relation to which the service is to be provided;
- (g) a statement of the range of needs of the individuals for whom the regulated service is to be provided to include the age range, number and sex of such individuals;
- (h) how the service is to be provided to meet the needs of individuals and support them to achieve their personal outcomes, as required by regulations under section 27 and taking into account the range of needs set out in the statement of purpose (see paragraph (g));
- (i) details of the proposed management and staffing structure of the service;
- (j) details of the premises, facilities and equipment that will be available to individuals in accordance with the requirements of the regulations made under section 27 and taking into account the range of needs set out in the statement of purpose (see paragraph (g));

- (k) yn achos gwasanaeth cartref gofal, gwasanaeth llety diogel neu wasanaeth canolfan breswyl i deuluoedd, disgrifiad o'r ardal y mae'r gwasanaeth wedi ei leoli ynddi, a'r cyfleusterau a'r gwasanaethau cymunedol sydd ar gael yno;
- (l) manylion y trefniadau a wneir i gefnogi anghenion diwylliannol, ieithyddol a chrefyddol yr unigolion;
- (m) manylion y trefniadau a wneir ar gyfer ymgynghori ag unigolion ynghylch gweithredu'r gwasanaeth rheoleiddiedig;
- (n) manylion ynghylch sut y bydd y darparwr yn diwallu anghenion iaith a chyfathrebu unigolion, gan gynnwys drwy gyfrwng y Gymraeg;
- (o) manylion unrhyw ofal iechyd (gan gynnwys nyrso) neu therapi sydd i gael ei ddarparu yn y fangre y bwriedir darparu'r gwasanaeth rheoleiddiedig ynddi.

- (k) in the case of a care home service, a secure accommodation service or a residential family centre service, a description of the area in which the service is located and the community facilities and services available there;
- (l) details of the arrangements made to support the cultural, linguistic and religious needs of the individuals;
- (m) details of the arrangements made for consulting individuals about the operation of the regulated service;
- (n) details of how the provider will meet individuals language and communication needs, including through the medium of Welsh;
- (o) details of any healthcare (including nursing) or therapy to be provided at the premises at which it is intended to provide the regulated service.

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