



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 169 (Cy. 42)

2019 No. 169 (W. 42)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

Rheoliadau Gwasanaethau Maethu
Rheoleiddiedig (Darparwyr
Gwasanaethau ac Unigolion
Cyfrifol) (Cymru) 2019

The Regulated Fostering Services
(Service Providers and Responsible
Individuals) (Wales) Regulations
2019

NODYN ESBONIADOL

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

Cyflwynodd Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (“Deddf 2016”) system newydd o reoleiddio gwasanaethau gofal a chymorth yng Nghymru, gan ddisodli'r un a sefydlwyd o dan Ddeddf Safonau Gofal 2000.

Hefyd, cyflwynodd Deddf 2016 gysyniad newydd o “gwasanaeth rheoleiddiedig” sydd wedi ei ddiffinio yn adran 2 o'r Ddeddf honno. Rhaid i berson sy'n dymuno darparu gwasanaeth rheoleiddiedig wneud cais i gofrestru i Weinidogion Cymru (wrth arfer eu swyddogaethau rheoleidiol) gan bennu'r gwasanaeth rheoleiddiedig y mae'r person yn dymuno ei ddarparu.

Mae adran 2(1)(e) o Ddeddf 2016 yn darparu bod gwasanaeth maethu yn wasanaeth rheoleiddiedig, sydd wedi ei ddiffinio yn Atodlen 1 i'r Ddeddf honno i olygu unrhyw wasanaeth a ddarperir yng Nghymru gan berson ac eithrio awdurdod lleol sy'n gwneud y naill neu'r llall o'r canlynol neu sy'n cynnwys y naill neu'r llall o'r canlynol, sef lleoli plant gyda rhieni maeth neu arfer swyddogaethau mewn cysylltiad â lleoliad o'r fath. Mae adran 3(1)(c) o Ddeddf 2016 yn diffinio “darparwr gwasanaeth” fel person sydd wedi ei gofrestru o dan adran 7 o'r Ddeddf honno i ddarparu gwasanaeth rheoleiddiedig.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”) introduced a new system of regulation of care and support services in Wales, replacing that established under the Care Standards Act 2000.

The 2016 Act also introduced a new concept of a “regulated service” which is defined in section 2 of that Act. A person who wants to provide a regulated service must make an application for registration to the Welsh Ministers (in the exercise of their regulatory functions) specifying the regulated service that the person wants to provide.

Section 2(1)(e) of the 2016 Act provides that a fostering service is a regulated service, which is defined in Schedule 1 to that Act as meaning any service provided in Wales by a person other than a local authority which consists of or includes the placement of children with foster parents or exercising functions in connection with such a placement. Section 3(1)(c) of the 2016 Act defines “a service provider” as person registered under section 7 of that Act to provide a regulated service.

Mae adran 27 o Ddeddf 2016 yn darparu y caiff rheoliadau osod gofynion ar ddarparwr gwasanaeth mewn perthynas â gwasanaeth rheoleiddiedig. Mae adran 28 o'r Ddeddf honno yn darparu ymhellach y caiff rheoliadau osod gofynion ar unigolion cyfrifol sydd wedi eu dynodi gan ddarparwr gwasanaeth rheoleiddiedig.

Mae adran 30 o Ddeddf 2016 yn galluogi Gweinidogion Cymru i wneud rheoliadau ynghylch darparwyr gwasanaethau sydd wedi eu datod, ac mae adran 31 o'r Ddeddf honno yn caniatáu i reoliadau gael eu gwneud ynghylch darparwyr sydd wedi marw.

Caiff Gweinidogion Cymru wneud rheoliadau hefyd er mwyn darparu ei bod yn drosedd i ddarparwr gwasanaeth (adran 45 o Ddeddf 2016) ac i unigolyn cyfrifol (adran 46 o'r Ddeddf honno) fethu â chydymffurfio â darpariaethau penodedig.

Mae Rhan 1 o'r Rheoliadau hyn yn cynnwys diffiniadau o dermau penodol sy'n cael eu defnyddio yn y Rheoliadau.

Mae Rhan 2 yn nodi'r gofynion cyffredinol sy'n gymwys i ddarparwyr gwasanaethau maethu rheoleiddiedig o ran y ffordd y darperir y gwasanaeth, gan gynnwys gofynion mewn perthynas â'r datganiad o ddiben, cynaliadwyedd ariannol y gwasanaeth a'r ddyletswydd gonestrwydd. O dan adran 6 o Ddeddf 2016, rhaid i berson sy'n dymuno darparu gwasanaeth maethu rheoleiddiedig wneud cais i gofrestru i Weinidogion Cymru y mae person wedi ei ddynodi fel yr unigolyn cyfrifol ynddo, ac mae Rhan 2 hefyd yn rhoi manylion am ofynion mewn perthynas â dynodi'r unigolyn cyfrifol.

Mae Rhan 3 yn disgrifio'r gofynion y mae rhaid i ddarparwyr gwasanaethau eu bodloni o ran y camau y mae rhaid iddynt gael eu cymryd cyn y caniateir i blentyn gael ei leoli gyda rhieni maeth. Mae Rhan 4 yn nodi'r gofynion ar ddarparwyr gwasanaethau o ran yr wybodaeth sydd i'w chynnwys mewn canllaw ysgrifenedig i'w ddarparu i blant a rhieni maeth wrth gychwyn lleoliad.

Mae Rhan 5 o'r Rheoliadau hyn yn nodi'r gofynion y mae rhaid iddynt gael eu bodloni mewn perthynas â safon y gofal a'r cymorth sydd i'w darparu. Mae'r rhain yn cynnwys gofynion sy'n ymwneud â diwallu anghenion iaith a chyfathrebu plentyn a thrin plant â pharch a sensitifrwydd. Mae hefyd yn ofynnol i'r darparwr gwasanaeth sicrhau bod rhieni maeth yn cydymffurfio â'r gofynion a nodir yn y cytundeb gofal maeth fel y'u rhagnodir yn Rheoliadau Paneli Maethu (Sefydlu a Swyddogaethau) (Cymru) 2018 (O.S. 2018/1333) (Cy. 260), a hybu cyswllt rhwng plentyn a faethir a rhieni, perthnasau a ffrindiau'r plentyn.

Section 27 of the 2016 Act provides that regulations may impose requirements on a service provider in relation to a regulated service. Section 28 of that Act further provides that regulations may impose requirements on responsible individuals designated by a regulated service provider.

Section 30 of the 2016 Act enables the Welsh Ministers to make regulations about service providers who are liquidated, with section 31 of that Act allowing regulations to be made about providers who have died.

The Welsh Ministers may also make regulations to provide that it is an offence for a service provider (section 45 of the 2016 Act) and for a responsible individual (section 46 of that Act) to fail to comply with specified provisions.

Part 1 of these Regulations contains definitions of certain terms used in the Regulations.

Part 2 sets out the general requirements which apply to service providers of a regulated fostering service as to the way in which the service is provided, including requirements in relation to the statement of purpose, the financial sustainability of the service and the duty of candour. Under section 6 of the 2016 Act, a person who wants to provide a regulated fostering service must make an application for registration to the Welsh Ministers in which a person is designated as the responsible individual, and Part 2 also gives details of requirements in relation to the designation of the responsible individual.

Part 3 describes the requirements which must be met by service providers as to the steps which must be taken before a child may be placed with foster parents. Part 4 sets out the requirements on service providers as to the information to be contained in a written guide to be provided to children and foster parents on commencement of a placement.

Part 5 of these Regulations sets out the requirements which must be met in relation to the standard of care and support to be provided. These include requirements relating to meeting the language and communication needs of a child and treating children with respect and sensitivity. The service provider is also required to ensure foster parents comply with the requirements set out in the foster care agreement as prescribed in the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 (S.I. 2018/1333) (W. 260), and to promote contact between a fostered child and the child's parents, relatives and friends.

Mae Rhan 6 yn ei gwneud yn ofynnol i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau bod y plant y mae'n eu lleoli gyda rhieni maeth yn ddiogel ac wedi eu hamddiffyn rhag camdriniaeth. Yn ogystal â'i gwneud yn ofynnol i bolisiau a gweithdrefnau fod yn eu lle mewn perthynas â diogelu a defnyddio rheolaeth ac ataliaeth yn briodol, mae'r rheoliadau yn y Rhan hon yn gosod gofynion penodol o ran y camau gweithredu sydd i'w cymryd os bydd honiad neu dystiolaeth o gamdriniaeth. Mae'r Rhan hon hefyd yn ei gwneud yn ofynnol i'r darparwr gwasanaeth roi gweithdrefnau penodol yn eu lle, gan gynnwys y rheini mewn perthynas â bwlio a'r rheini sy'n gymwys pan aiff plentyn sydd wedi ei leoli gyda rhieni maeth yn absennol heb ganiatâd.

Mae Rhan 7 yn nodi gofynion ar ddarparwyr gwasanaethau i roi trefniadau yn eu lle i sicrhau bod plant yn cael mynediad i wasanaethau iechyd, gwasanaethau addysg a gwasanaethau eraill.

Mae Rhan 8 yn cynnwys gofynion o ran staffio, sy'n cynnwys gofynion cyffredinol o ran defnyddio niferoedd digonol o staff a gofynion penodol o ran addasrwydd unigolion sy'n gweithio yn y gwasanaeth. Mae'r gofynion hyn yn gymwys nid yn unig i gyflogeion ond hefyd i wirfoddolwyr ac i bersonau eraill sy'n gweithio yn y gwasanaeth maethu, a fyddai'n cynnwys staff asiantaeth. Mae'r gofynion addasrwydd yn cynnwys gofyniad i wybodaeth a dogfennaeth benodol fod ar gael mewn cysylltiad â phersonau sy'n gweithio mewn gwasanaethau maethu.

Ymhlith y gofynion eraill a gynhwysir yn Rhan 8 mae gofynion sy'n ymwneud â chefnogi a datblygu staff, darparu gwybodaeth i staff a gweithredu gweithdrefn ddisgyblu addas. I sicrhau bod cyflogeion yn adrodd am achosion o gamdriniaeth i berson priodol, mae'r rheoliadau yn y Rhan hon yn ei gwneud yn ofynnol i weithdrefn ddisgyblu'r darparwr ddarparu y byddai methu ag adrodd ynddo'i hun yn sail dros achos disgyblu. Mae'r Rhan hon hefyd yn cyfyngu ar bersonau penodol rhag cael eu cyflogi gan y darparwr gwasanaeth mewn rolau allweddol penodedig.

Mae Rhan 9 yn ei gwneud yn ofynnol i ddarparwyr gwasanaethau sicrhau bod mangreoedd, cyfleusterau a chyfarpar sydd i'w defnyddio mewn perthynas â gwasanaethau maethu yn addas ac yn ddiogel.

Mae Rhan 10 yn nodi'r gofyniad i gadw cofnodion mewn cysylltiad â gwasanaethau maethu, ac mae Atodlen 2 yn nodi'r cofnodion penodol y mae rhaid eu cadw. Mae Rhan 10 hefyd yn ymdrin â gwneud hysbysiadau i Weinidogion Cymru ac i gyrff eraill, ac mae Atodlen 3 yn rhestru'r hysbysiadau penodol y mae'n ofynnol iddynt gael eu gwneud. Mae'r Rhan hon yn gosod gofynion pellach ar ddarparwyr gwasanaethau mewn perthynas â chael polisi cwyno yn ei le, ynghyd â gweithdrefnau i ymdrin ag unrhyw bryderon chwythu'r chwiban y gall aelodau o staff a gwirfoddolwyr eu codi.

Part 6 requires the service provider to put arrangements in place to ensure children they place with foster parents are safe and protected from abuse. As well as requiring policies and procedures to be in place in relation to safeguarding and the appropriate use of control and restraint, the regulations in this Part place specific requirements as to the action to be taken in the event of an allegation or evidence of abuse. This Part also requires the service provider to put certain procedures in place, including those in relation to bullying and those which apply when a child who has been placed with foster parents goes absent without permission.

Part 7 sets out requirements on service providers to put arrangements in place to ensure children access health, education and other services.

Part 8 contains requirements as to staffing, which include general requirements as to the deployment of sufficient numbers of staff and specific requirements as to the fitness of individuals working at the service. These requirements apply not just to employees but extend also to volunteers and to other persons working at the fostering service, which would include agency staff. The fitness requirements include a requirement for specific information and documentation to be available in respect of persons working in fostering services.

Other requirements contained in Part 8 include requirements relating to supporting and developing staff, providing information to staff and the operation of a suitable disciplinary procedure. To ensure that employees report incidents of abuse to an appropriate person, the regulations in this Part require the provider's disciplinary procedure to provide that a failure to report would itself be grounds for disciplinary proceedings. This Part also restricts certain persons from being employed by the service provider in specified key roles.

Part 9 requires service providers to ensure that premises, facilities and equipment to be used in relation to fostering services are suitable and safe.

Part 10 sets out the requirement to keep records in respect of fostering services, and Schedule 2 lists the specific records which must be kept. Part 10 also deals with the making of notifications to the Welsh Ministers and other bodies, and Schedule 3 lists the specific notifications which are required to be made. This Part further imposes requirements on service providers in relation to having a complaints policy in place, together with procedures to deal with any whistleblowing concerns which may be raised by members of staff and volunteers.

Mae Rhan 11 yn amlinellu'r cymorth a'r cynorthwyr arall sydd i'w rhoi i rieni maeth. Mae'r Rhan hon hefyd yn ei gwneud yn ofynnol i ddarparwyr gwasanaethau oruchwylio rhieni maeth a sicrhau bod rhieni maeth yn gyfarwydd â pholisïau a gweithdrefnau allweddol ac yn gweithredu yn unol â hwy.

Mae Rhan 12 yn nodi'r gofynion ar unigolion cyfrifol ar gyfer sicrhau y caiff y gwasanaeth ei reoli'n effeithiol. Mae dyletswydd gyffredinol ar yr unigolyn cyfrifol i oruchwylio'r gwaith o reoli'r gwasanaeth ac mae arno ddyletswyddau penodol i benodi person addas i reoli'r gwasanaeth. Rhaid i'r unigolyn cyfrifol hefyd roi trefniadau yn eu lle ar gyfer rheoli'r gwasanaeth pan yw'r rheolwr yn absennol. Mae'r Rhan hon hefyd yn nodi manylion yr ymweliadau y mae rhaid i unigolion cyfrifol ymgymryd â hwy.

Mae Rhan 13 yn cynnwys gofynion ar unigolion cyfrifol ar gyfer sicrhau bod y gwasanaeth yn cael ei oruchwylio'n effeithiol. Drwy osod y gofynion hyn ar yr unigolyn cyfrifol, mae'r rheoliadau yn y Rhan hon yn sicrhau bod person ar lefel briodol uchel yn y sefydliad yn atebol am ansawdd a chydymffurfedd y gwasanaeth. Hefyd, mae'n ofynnol i'r unigolyn cyfrifol wneud adroddiadau i'r darparwr gwasanaeth ar ddigonolrwydd adnoddau ac ar faterion eraill. Rhaid i'r unigolyn cyfrifol wneud trefniadau hefyd ar gyfer ymgysylltu â phlant ac eraill fel y gall eu safbwyntiau ar ansawdd y gofal a'r cymorth a ddarperir gael eu hystyried gan y darparwr.

Mae Rhan 14 yn nodi'r ddyletswydd ar yr unigolyn cyfrifol ar gyfer sicrhau bod y gwasanaeth yn cydymffurfio â'r gofynion perthnasol, gan gynnwys y rheini ar gyfer cadw cofnodion a chofnodi digwyddiadau a chwynion. Rhaid i'r unigolyn cyfrifol hefyd sicrhau bod polisïau a gweithdrefnau'r darparwr gwasanaeth yn cael eu cadw'n gyfredol.

Mae Rhan 15 yn gosod gofynion ar yr unigolyn cyfrifol ar gyfer monitro ac adolygu ansawdd y gwasanaeth, ac ar gyfer gwneud adroddiad i'r darparwr gwasanaeth.

Mae Rhan 16 yn ei gwneud yn ofynnol i'r unigolyn cyfrifol wneud yr hysbysiadau a amlinellir yn Atodlen 4 i Weinidogion Cymru, a sicrhau y cydymffurfir â pholisi chwythu chwiban y darparwr. Mae'r Rhan hon hefyd yn gosod dyletswydd gonestrwydd ar yr unigolyn cyfrifol.

Mae Rhan 17 yn darparu bod methiant gan ddarparwr gwasanaeth i gydymffurfio â gofynion darpariaethau penodedig yn y Rheoliadau hyn yn drosedd. Mewn perthynas â gofynion penodol eraill, mae'r Rhan hon yn darparu bod methiant i gydymffurfio yn drosedd os yw'r methiant i gydymffurfio yn arwain at wneud plentyn yn agored i

Part 11 outlines the support and other assistance to be given to foster parents. This Part also requires service providers to supervise foster parents and to ensure that foster parents are familiar with and act in accordance with key policies and procedures.

Part 12 sets out requirements on responsible individuals for ensuring the effective management of the service. The responsible individual has a general duty to supervise the management of the service and specific duties to appoint a fit person to manage the service. The responsible individual must also put arrangements in place for the management of the service when the manager is absent. This Part also sets out details of the visits which must be undertaken by responsible individuals.

Part 13 contains requirements on responsible individuals for ensuring the effective oversight of the service. By placing these requirements on the responsible individual, the regulations in this Part ensure that a person of an appropriately senior level in the organisation is accountable for service quality and compliance. The responsible individual is also required to make reports to the service provider on the adequacy of resources and on other matters. The responsible individual must also make arrangements for engagement with children and others so that their views on the quality of care and support provided can be taken into account by the provider.

Part 14 sets out the duty of the responsible individual for ensuring the service is compliant with the relevant requirements, including those for keeping records and recording incidents and complaints. The responsible individual must also ensure that the policies and procedures of the service provider are kept up to date.

Part 15 imposes requirements on the responsible individual for monitoring and reviewing the quality of the service, and for making a report to the service provider.

Part 16 requires the responsible individual to make the notifications outlined in Schedule 4 to the Welsh Ministers, and to ensure the provider's whistleblowing policy is being complied with. This Part also imposes a duty of candour on the responsible individual.

Part 17 provides that a failure of a service provider to comply with the requirements of specified provisions in these Regulations is an offence. In relation to certain other requirements, this Part provides that a failure to comply is an offence if the failure to comply results in a child being exposed to avoidable harm, or significant risk of such harm, or

niwed y gellir ei osgoi, neu'n agored i risg sylweddol o niwed o'r fath, neu'n agored i golli arian neu eiddo o ganlyniad i ddwyn, camddefnyddio neu gamberchnogi.

Mae Rhan 17 hefyd yn darparu ei bod yn drosedd i'r unigolyn cyfrifol fethu â chydymffurfio â gofynion darpariaethau penodedig yn y Rheoliadau hyn.

Mae Rhan 18 yn pennu'r cyfrifoldebau ar y "person a benodir" os bydd y darparwr gwasanaeth yn mynd yn ansolfent. Mae'r Rhan hon hefyd yn nodi'r camau i'w cymryd gan gynrychiolwyr personol yr ymadawedig os bydd darparwr gwasanaeth sy'n unigolyn yn marw. Mae'n galluogi'r cynrychiolwyr personol i weithredu fel y darparwr ac yn addasu Deddf 2016 fel nad yw'n ofynnol, o dan yr amgylchiadau hyn, i'r cynrychiolwyr personol gofrestru fel darparwr, a gall un o'r cynrychiolwyr personol gael ei ddynodi fel yr unigolyn cyfrifol.

Mae Rhan 19 yn nodi'r amgylchiadau pan gaiff Gweinidogion Cymru (yn lle darparwr gwasanaeth) ddynodi unigolyn i fod yn unigolyn cyfrifol, er nad yw gofynion adran 21(2) o Ddeddf 2016 wedi eu bodloni mewn cysylltiad â'r unigolyn.

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.

suffering a loss of money or property as a result of theft, misuse or misappropriation.

Part 17 also provides that it is an offence for the responsible individual to fail to comply with the requirements of specified provisions in these Regulations.

Part 18 specifies the responsibilities on the "appointed person" in the event of the insolvency of the service provider. This Part also sets out steps to be taken by the personal representatives of the deceased in the event of the death of a service provider who is an individual. It enables the personal representatives to act as the provider and modifies the 2016 Act so that in these circumstances, the personal representatives are not required to register as provider, and one of the personal representatives can be designated as the responsible individual.

Part 19 sets out the circumstances in which the Welsh Ministers (instead of a service provider) may designate an individual to be a responsible individual, despite the requirements of section 21(2) of the 2016 Act not being met in respect of the individual.

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.

2019 Rhif 169 (Cy. 42)

2019 No. 169 (W. 42)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

Rheoliadau Gwasanaethau Maethu
Rheoleiddiedig (Darparwyr
Gwasanaethau ac Unigolion
Cyfrifol) (Cymru) 2019

The Regulated Fostering Services
(Service Providers and Responsible
Individuals) (Wales) Regulations
2019

Gwnaed 31 Ionawr 2019

Made 31 January 2019

Yn dod i rym 29 Ebrill 2019

Coming into force 29 April 2019

CYNNWYS

CONTENTS

RHAN 1

PART 1

Cyffredinol

General

1. Enwi a chychwyn
2. Dehongli

1. Title and commencement
2. Interpretation

RHAN 2

PART 2

**Gofynion cyffredinol ar ddarparwyr
gwasanaethau**

General requirements on service providers

3. Gofynion mewn perthynas â darparu'r gwasanaeth
4. Gofynion mewn perthynas â'r datganiad o ddiben
5. Gofynion mewn perthynas â monitro a gwella
6. Gofynion mewn perthynas â'r unigolyn cyfrifol
7. Gofynion mewn perthynas â'r unigolyn cyfrifol pan fo'r darparwr yn unigolyn
8. Gofynion mewn perthynas â chynaliadwyedd ariannol y gwasanaeth

3. Requirements in relation to the provision of the service
4. Requirements in relation to the statement of purpose
5. Requirements in relation to monitoring and improvement
6. Requirements in relation to the responsible individual
7. Requirements in relation to the responsible individual where the provider is an individual
8. Requirements in relation to the financial sustainability of the service

9. Gofynion i ddarparu'r gwasanaeth yn unol â pholisïau a gweithdrefnau
10. Dyletswydd gonestrwydd

9. Requirements to provide the service in accordance with policies and procedures
10. Duty of candour

RHAN 3

PART 3

Gofynion ar ddarparwyr gwasanaethau o ran y camau sydd i'w cymryd cyn darparu gofal a chymorth

Requirements on service providers as to the steps to be taken before providing care and support

11. Addasrwydd y gwasanaeth

11. Suitability of the service

RHAN 4

PART 4

Gofynion ar ddarparwyr gwasanaethau o ran yr wybodaeth sydd i'w darparu i unigolion wrth gychwyn darparu gofal a chymorth

Requirements on service providers as to the information to be provided to individuals on commencement of the provision of care and support

12. Gwybodaeth am y gwasanaeth

12. Information about the service

RHAN 5

PART 5

Gofynion ar ddarparwyr gwasanaethau o ran safon y gofal a'r cymorth sydd i'w darparu

Requirements on service providers as to the standard of care and support to be provided

13. Safonau gofal a chymorth i blant – gofynion cyffredinol
14. Addasrwydd parhaus y lleoliad
15. Gwybodaeth ar gyfer plant
16. Iaith a chyfathrebu
17. Parch a sensitifrwydd
18. Cydymffurfedd â'r cytundeb gofal maeth
19. Dyletswydd i hybu cyswllt

13. Standards of care and support to children – overarching requirements
14. Continuing suitability of the placement
15. Information for children
16. Language and communication
17. Respect and sensitivity
18. Compliance with foster care agreement
19. Duty to promote contact

RHAN 6

PART 6

Gofynion ar ddarparwyr gwasanaethau – diogelu

Requirements on service providers - safeguarding

20. Diogelu – gofynion cyffredinol
21. Polisïau a gweithdrefnau diogelu
22. Defnyddio rheolaeth ac ataliaeth yn briodol
23. Gwaharddiad ar ddefnyddio cosb gorfforol
24. Amddifadu o ryddid
25. Polisi a gweithdrefnau ar fwlio

20. Safeguarding – overarching requirements
21. Safeguarding policies and procedures
22. The appropriate use of control and restraint
23. Prohibition on the use of corporal punishment
24. Deprivation of liberty
25. Policy and procedures on bullying

26. Y weithdrefn pan yw plentyn yn absennol heb ganiatâd

26. Procedure when child is absent without permission

RHAN 7

PART 7

Gofynion ar ddarparwyr gwasanaethau i sicrhau mynediad i wasanaethau iechyd, gwasanaethau addysg a gwasanaethau eraill

Requirements on service providers to ensure access to health, education and other services

27. Mynediad i wasanaethau iechyd
28. Addysg, cyflogaeth a gweithgareddau hamdden

27. Access to health services
28. Education, employment and leisure activities

RHAN 8

PART 8

Staffio

Staffing

29. Staffio - gofynion cyffredinol
30. Addasrwydd staff
31. Cefnogi a datblygu staff
32. Cydymffurfio â chod ymarfer y cyflogwr
33. Gwybodaeth ar gyfer staff
34. Gweithdrefnau disgyblu
35. Cyfyngiadau ar gyflogaeth

29. Staffing - overarching requirements
30. Fitness of staff
31. Supporting and developing staff
32. Compliance with employer's code of practice
33. Information for staff
34. Disciplinary procedures
35. Restrictions on employment

RHAN 9

PART 9

Mangreoedd, cyfleusterau a chyfarpar

Premises, facilities and equipment

36. Mangreoedd, cyfleusterau a chyfarpar - darparwyr gwasanaethau
37. Digonolrwydd cyfleusterau
38. Mangreoedd, cyfleusterau a chyfarpar - rhieni maeth

36. Premises, facilities and equipment - service providers
37. Adequacy of facilities
38. Premises, facilities and equipment - foster parents

RHAN 10

PART 10

Gofynion eraill ar ddarparwyr gwasanaethau

Other requirements on service providers

39. Cofnodion mewn cysylltiad â gwasanaethau maethu
40. Hysbysiadau
41. Gwrthdaro buddiannau
42. Polisi a gweithdrefnau cwyno
43. Chwythu'r chwiban

39. Records with respect to fostering services
40. Notifications
41. Conflicts of interest
42. Complaints policy and procedures
43. Whistleblowing

RHAN 11

Cefnogi a goruchwyllo rhieni maeth

- 44. Cymorth, hyfforddiant a gwybodaeth ar gyfer rhieni maeth
- 45. Polisiâu a gweithdrefnau i rieni maeth
- 46. Goruchwyllo
- 47. Perthnasoedd gwaith effeithiol
- 48. Cefnogi plant i reoli eu harian

PART 11

Support and oversight of foster parents

- 44. Support, training and information for foster parents
- 45. Policies and procedures to foster parents
- 46. Supervision
- 47. Effective working relationships
- 48. Supporting children to manage their money

RHAN 12

Gofynion ar unigolion cyfrifol ar gyfer sicrhau bod y gwasanaeth yn cael ei reoli'n effeithiol

- 49. Goruchwyllo'r gwaith o reoli'r gwasanaeth
- 50. Dyletswydd i benodi rheolwr
- 51. Gofynion o ran addasrwydd ar gyfer penodi rheolwr
- 52. Cyfyngiadau ar benodi rheolwr ar gyfer mwy nag un gwasanaeth
- 53. Dyletswydd i adrodd am benodiad rheolwr i'r darparwr gwasanaeth
- 54. Dyletswydd i adrodd am benodiad rheolwr i GCC a Gweinidogion Cymru
- 55. Y trefniadau pan yw'r rheolwr yn absennol
- 56. Ymweliadau

PART 12

Requirements on responsible individuals for ensuring the effective management of the service

- 49. Supervision of the management of the service
- 50. Duty to appoint a manager
- 51. Fitness requirements for appointment of a manager
- 52. Restrictions on appointing a manager for more than one service
- 53. Duty to report the appointment of manager to service provider
- 54. Duty to report the appointment of manager to SCW and the Welsh Ministers
- 55. Arrangements when manager is absent
- 56. Visits

RHAN 13

Gofynion ar unigolion cyfrifol ar gyfer sicrhau bod y gwasanaeth yn cael ei oruchwyllo'n effeithiol

- 57. Goruchwyllo digonolrwydd adnoddau
- 58. Adroddiadau eraill i'r darparwr gwasanaeth
- 59. Ymgysylltu â phlant ac eraill

PART 13

Requirements on responsible individuals for ensuring effective oversight of the service

- 57. Oversight of adequacy of resources
- 58. Other reports to the service provider
- 59. Engagement with children and others

RHAN 14

Gofynion ar unigolion cyfrifol ar gyfer sicrhau cydymffurfedd y gwasanaeth

- 60. Dyletswydd i sicrhau bod systemau yn eu lle i gofnodi digwyddiadau a chwynion
- 61. Dyletswydd i sicrhau bod systemau yn eu lle ar gyfer cadw cofnodion
- 62. Dyletswydd i sicrhau bod polisiau a gweithdrefnau yn gyfredol

PART 14

Requirements on responsible individuals for ensuring the compliance of the service

- 60. Duty to ensure there are systems in place to record incidents and complaints
- 61. Duty to ensure there are systems in place for keeping of records
- 62. Duty to ensure policies and procedures are up to date

RHAN 15

Gofynion ar unigolion cyfrifol ar gyfer monitro, adolygu a gwella ansawdd y gwasanaeth

- 63. Adolygiad o ansawdd y gofal
- 64. Datganiad o gydymffurfedd â'r gofynion o ran safonau gofal a chymorth

PART 15

Requirements on responsible individuals for monitoring, reviewing and improving the quality of the service

- 63. Quality of care review
- 64. Statement of compliance with the requirements as to standards of care and support

RHAN 16

Gofynion eraill ar unigolion cyfrifol

- 65. Cymorth ar gyfer staff sy'n codi pryderon
- 66. Dyletswydd gonestrwydd
- 67. Hysbysiadau

PART 16

Other requirements on responsible individuals

- 65. Support for staff raising concerns
- 66. Duty of candour
- 67. Notifications

RHAN 17

Troseddau

- 68. Troseddau – darparwyr gwasanaethau
- 69. Troseddau – unigolion cyfrifol

PART 17

Offences

- 68. Offences - service providers
- 69. Offences – responsible individuals

RHAN 18

Darparwyr gwasanaethau sydd wedi eu datod etc. neu sydd wedi marw

- 70. Penodi datodwyr etc.
- 71. Marwolaeth y darparwr gwasanaeth

PART 18

Service providers who are liquidated etc. or have died

- 70. Appointment of liquidators etc.
- 71. Death of service provider

RHAN 19

Rheoliadau o dan adran 21(5) o Ddeddf 2016

72. Dynodiad unigolyn cyfrifol gan Weinidogion Cymru

ATODLEN 1

Rhan 1 – Gwybodaeth a dogfennaeth sydd i fod ar gael mewn cysylltiad â phersonau sy'n gweithio mewn gwasanaethau maethu

Rhan 2 – Dehongli Rhan 1

ATODLEN 2 – Y cofnodion sydd i'w cadw gan ddarparwyr gwasanaethau

ATODLEN 3 – Hysbysiadau gan y darparwr gwasanaeth

Rhan 1 – Hysbysiadau i Weinidogion Cymru

Rhan 2 – Hysbysiadau i'r awdurdod lleoli

Rhan 3 – Hysbysiadau i'r awdurdod lleol y mae'r cartref maeth yn ei ardal

Rhan 4 – Hysbysiadau i'r Bwrdd Iechyd Lleol y mae'r plentyn wedi ei leoli yn ei ardal

Rhan 5 – Hysbysiadau i'r heddlu

ATODLEN 4 – Hysbysiadau gan yr unigolyn cyfrifol

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 21(5), 27, 28, 30, 31, 45, 46 a 187(1) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(1) (“Deddf 2016”).

Mae Gweinidogion Cymru wedi ymgynghori â'r personau hynny y maent yn meddwl eu bod yn briodol, fel sy'n ofynnol gan adrannau 27(4)(a) ac 28(4) o Ddeddf 2016, ac wedi cyhoeddi datganiad ynghylch yr ymgynghoriad fel sy'n ofynnol gan adran 27(4)(b) o'r Ddeddf honno. Mae Gweinidogion Cymru hefyd wedi gosod y datganiad gerbron Cynulliad Cenedlaethol Cymru fel sy'n ofynnol gan adran 27(5) o'r Ddeddf honno.

Gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru o dan adran 187(2)(f), (g), (j) a (k) o Ddeddf 2016 ac fe'i cymeradwywyd ganddo drwy benderfyniad.

(1) 2016 decc 2; gweler adran 189 am y diffiniad o “a ragnodir” a “rhagnodedig”.

PART 19

Regulations under section 21(5) of the 2016 Act

72. Designation of responsible individual by Welsh Ministers

SCHEDULE 1

Part 1 - Information and documentation to be available in respect of persons working in fostering services

Part 2 – Interpretation of Part 1

SCHEDULE 2 – Records to be kept by service providers

SCHEDULE 3 – Notifications by the service provider

Part 1 – Notifications to the Welsh Ministers

Part 2 – Notifications to the placing authority

Part 3 – Notifications to the local authority in whose area the foster home is situated

Part 4 – Notifications to the Local Health Board in whose area the child is placed

Part 5 - Notifications to the police

SCHEDULE 4 – Notifications by the responsible individual

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 21(5), 27, 28, 30, 31, 45, 46 and 187(1) of the Regulation and Inspection of Social Care (Wales) Act 2016(1) (“the 2016 Act”).

The Welsh Ministers have consulted such persons as they think appropriate, as required by sections 27(4)(a) and 28(4) of the 2016 Act, and published a statement about the consultation as required by section 27(4)(b) of that Act. The Welsh Ministers have also laid the statement before the National Assembly for Wales as required by section 27(5) of that Act.

A draft of these Regulations was laid before the National Assembly for Wales under section 187(2)(f), (g), (j) and (k) of the 2016 Act and has been approved by a resolution of the National Assembly for Wales.

(1) 2016 anaw 2; see section 189 for the definition of “prescribed”.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Maethu Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2019.

(2) Daw'r Rheoliadau hyn i rym ar 29 Ebrill 2019.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr “addasiadau rhesymol” (“*reasonable adjustments*”) yw unrhyw addasiadau rhesymol a fyddai'n ofynnol o dan Ddeddf Cydraddoldeb 2010(1);

ystyr “awdurdod ardal” (“*area authority*”) yw'r awdurdod lleol neu'r awdurdod lleol yn Lloegr ar gyfer yr ardal y mae'r plentyn wedi ei leoli ynddi, neu i'w leoli ynddi, pan fo hyn yn wahanol i'r awdurdod lleoli;

ystyr “awdurdod lleol yn Lloegr” (“*local authority in England*”) yw—

- (a) cyngor sir yn Lloegr,
- (b) cyngor dosbarth ar gyfer ardal yn Lloegr nad oes cyngor sir ar ei chyfer,
- (c) cyngor bwrdeistref yn Llundain, neu
- (d) Cyngor Cyffredin Dinas Llundain;

ystyr “awdurdod lleoli” (“*placing authority*”), mewn perthynas â phlentyn sy'n derbyn gofal gan awdurdod lleol neu awdurdod lleol yn Lloegr, yw'r awdurdod lleol hwnnw;

ystyr “camdriniaeth” a “cam-drin” (“*abuse*”) yw camdriniaeth gorfforol, rhywiol, seicolegol, emosiynol neu ariannol, ac mae “camdriniaeth ariannol” (“*financial abuse*”) yn cynnwys y canlynol—

- (a) bod arian neu eiddo arall person yn cael ei ddwyn,
- (b) bod person yn cael ei dwyllo,
- (c) bod person yn cael ei roi o dan bwysau mewn perthynas ag arian neu eiddo arall, neu
- (d) bod arian neu eiddo arall person yn cael ei gamddefnyddio;

(1) 2010 p. 15, adran 20.

Title and commencement

1.—(1) The title of these Regulations is the Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019.

(2) These Regulations come into force on 29 April 2019.

Interpretation

2. In these Regulations—

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

“the 2015 Regulations” (“*Rheoliadau 2015*”) means the Care Planning, Placement and Case Review (Wales) Regulations 2015(1);

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

“the 2018 Regulations” (“*Rheoliadau 2018*”) means the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018(3);

“abuse” (“*camdriniaeth*”, “*cam-drin*”) means physical, sexual, psychological, emotional or financial abuse, and “financial abuse” (“*camdriniaeth ariannol*”) includes—

- (a) having money or other property stolen,
- (b) being defrauded,
- (c) being put under pressure in relation to money or other property, or
- (d) having money or other property misused;

“area authority” (“*awdurdod ardal*”) means the local authority or local authority in England for the area in which the child is placed, or is to be placed, where this is different from the placing authority;

“care and support plan” (“*cynllun gofal a chymorth*”) means a plan for the child made under section 83 of the 2014 Act(4);

(1) S.I. 2015/1818 (W. 261).

(2) S.I. 2017/1098 (W. 278).

(3) S.I. 2018/1333 (W. 260). These Regulations are made under section 93 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) and make provision for securing that a child is not placed with a local authority foster parent unless that person is approved as a local authority foster parent by such local authority or a regulated service provider.

(4) “The 2014 Act” is defined in section 189 of the 2016 Act as the Social Services and Well-being (Wales) Act 2014.

ystyr “canlyniadau personol” (“*personal outcomes*”) yw—

- (a) y canlyniadau y mae'r plentyn yn dymuno eu cyflawni, neu
- (b) y canlyniadau y mae unrhyw bersonau a chanddynt gyfrifoldeb rhiant yn dymuno eu cyflawni mewn perthynas â'r plentyn;

mae i “cyflogai” yr un ystyr ag “employee” yn adran 230(1) o Ddeddf Hawliau Cyflogaeth 1996(1);

ystyr “cynllun gofal a chymorth” (“*care and support plan*”) yw cynllun ar gyfer y plentyn a wneir o dan adran 83 o Ddeddf 2014(2);

ystyr “cytundeb gofal maeth” (“*foster care agreement*”) yw'r cytundeb ysgrifenedig sy'n cwmpasu'r materion a bennir yn Atodlen 3 i Reoliadau 2018;

ystyr “datganiad o ddiben” (“*statement of purpose*”) yw'r ddogfen sy'n cynnwys yr wybodaeth y mae rhaid ei darparu yn unol â rheoliad 3(c) o Reoliadau Cofrestru 2017 ac Atodlen 2 iddynt ar gyfer y man y mae'r gwasanaeth yn cael ei ddarparu mewn perthynas ag ef(3);

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

mae i “esgeulustod” (“*neglect*”) yr un ystyr ag yn adran 197(1) o Ddeddf 2014;

ystyr “y Gwasanaeth Datgelu a Gwahardd” (“*the Disclosure and Barring Service*”) a'r “GDG” (“*DBS*”) yw'r corff a sefydlir gan adran 87(1) o Ddeddf Diogelu Rhyddidau 2012(4);

mae i “gweithiwr” yr un ystyr â “worker” yn adran 230(3) o Ddeddf Hawliau Cyflogaeth 1996;

ystyr “gweithiwr cymdeithasol” (“*social worker*”) yw person sydd wedi ei gofrestru fel gweithiwr cymdeithasol yn y gofrestr a gynhelir gan GCC(5) o dan adran 80 o Ddeddf 2016, yn Rhan 16 o'r gofrestr a gynhelir gan y Cyngor Proffesiynau Iechyd a Gofal o dan erthygl 5 o Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol

“child who is looked after by a local authority” (“*plentyn sy'n derbyn gofal gan awdurdod lleol*”) has the same meaning as in section 74 of the 2014 Act;

“DBS certificate” (“*tystysgrif GDG*”) means a certificate of a type referred to in paragraph 2 or 3 of Schedule 1;

“the Disclosure and Barring Service” (“*y Gwasanaeth Datgelu a Gwahardd*”) and “DBS” (“*GDG*”) mean the body formed by section 87(1) of the Protection of Freedoms Act 2012(1);

“employee” (“*cyflogai*”) has the same meaning as in section 230(1) of the Employment Rights Act 1996(2);

“foster care agreement” (“*cytundeb gofal maeth*”) means the written agreement covering the matters specified in Schedule 3 to the 2018 Regulations;

“foster parent” (“*rhiant maeth*”) means a person who has been approved as a foster parent in accordance with the 2018 Regulations, and includes a person with whom a child is placed under regulation 26 of the 2015 Regulations (temporary approval of a relative, friend or other person connected with a child) or regulation 28 of those Regulations (temporary approval of a particular prospective adopter as a foster parent);

“general practitioner” (“*ymarferydd cyffredinol*”) means a registered medical practitioner(3) who—

- (a) provides primary medical services under Part 4 of the National Health Service (Wales) Act 2006(4), or
- (b) provides services which correspond to services provided under Part 4 of the National Health Service (Wales) Act 2006, otherwise than in pursuance of that Act;

“improper treatment” (“*triniaeth amhriodol*”) means discrimination or unlawful restraint, including inappropriate deprivation of liberty under the terms of the Mental Capacity Act 2005(5);

(1) 1996 p. 18.

(2) Diffinnir “Deddf 2014” yn adran 189 o Ddeddf 2016 fel Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014.

(3) Mae rheoliad 3(c) o Reoliadau Cofrestru 2017 yn ei gwneud yn ofynnol i berson sy'n dymuno darparu gwasanaeth maethu ddarparu datganiad o ddiben ar gyfer pob man y mae'r gwasanaeth i'w ddarparu mewn perthynas ag ef.

(4) 2012 p. 9.

(5) *Gweler* adran 67(3) o Ddeddf 2016 am y diffiniad o Ofal Cymdeithasol Cymru fel “GCC”.

(1) 2012 c. 9.

(2) 1996 c. 18.

(3) The definition of a “registered medical practitioner” in Schedule 1 to the Interpretation Act 1978 (c. 30) was substituted by S.I. 2002/3135, Schedule 1, paragraph 10 with effect from 16 November 2009.

(4) 2006 c. 42.

(5) 2005 c. 9.

2001(1) neu mewn cofrestr gyfatebol a gynhelir o dan gyfraith yr Alban neu Ogledd Iwerddon;

ystyr “lleoliad” (“*placement*”) yw lleoli plentyn gyda rhiant maeth o dan adran 81(5), (6)(a) a (b) o Ddeddf 2014;

mae i “plentyn sy’n derbyn gofal gan awdurdod lleol” (“*child who is looked after by a local authority*”) yr un ystyr ag yn adran 74 o Ddeddf 2014;

ystyr “Rheoliadau 2015” (“*the 2015 Regulations*”) yw Rheoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015(2);

ystyr “Rheoliadau 2018” (“*the 2018 Regulations*”) yw Rheoliadau Paneli Maethu (Sefydlu a Swyddogaethau) (Cymru) 2018(3);

ystyr “Rheoliadau Cofrestru 2017” (“*the 2017 Registration Regulations*”) yw Rheoliadau Gwasanaethau Rheoleiddiedig (Cofrestru) (Cymru) 2017(4);

mae “rhiant” (“*parent*”), mewn perthynas â phlentyn, yn cynnwys unrhyw berson a chanddo gyfrifoldeb rhiant dros y plentyn;

ystyr “rhiant maeth” (“*foster parent*”) yw person sydd wedi cael ei gymeradwyo fel rhiant maeth yn unol â Rheoliadau 2018, ac mae’n cynnwys person y mae plentyn wedi ei leoli gydag ef o dan reoliad 26 o Reoliadau 2015 (cymeradwyo dros dro berthynas, cyfaill neu berson arall sydd â chysylltiad â phlentyn) neu reoliad 28 o’r Rheoliadau hynny (cymeradwyo dros dro ddarpar fabwysiad ydd penodol fel rhiant maeth);

mae “staff” (“*staff*”) yn cynnwys—

- (a) personau a gyflogir gan y darparwr gwasanaeth i weithio yn y gwasanaeth fel cyflogai neu weithiwr, a
- (b) personau sydd wedi eu cymryd ymlaen gan y darparwr gwasanaeth o dan gontract ar gyfer gwasanaethau,

ond nid yw’n cynnwys personau y caniateir iddynt weithio fel gwirfoddolwyr;

ystyr “triniaeth amhriodol” (“*improper treatment*”) yw gwahaniaethu neu ataliaeth anghyfreithlon, gan

“local authority in England” (“*awdurdod lleol yn Lloegr*”) means—

- (a) a county council in England,
- (b) a district council for an area in England for which there is no county council,
- (c) a London borough council, or
- (d) the Common Council of the City of London;

“neglect” (“*esgeulustod*”) has the same meaning as in section 197(1) of the 2014 Act;

“parent” (“*rhiant*”), in relation to a child, includes any person who has parental responsibility for the child;

“personal outcomes” (“*canlyniadau personol*”) means—

- (a) the outcomes that the child wishes to achieve, or
- (b) the outcomes that any persons with parental responsibility wish to achieve in relation to the child;

“placement” (“*lleoliad*”) means the placement of a child with a foster parent under section 81(5), (6)(a) and (b) of the 2014 Act;

“placing authority” (“*awdurdod lleoli*”) means, in relation to a child who is looked after by a local authority or local authority in England, that local authority;

“reasonable adjustments” (“*addasiadau rhesymol*”) means such reasonable adjustments as would be required under the Equality Act 2010(1);

“responsible individual” (“*unigolyn cyfrifol*”) means an individual designated by a service provider when making an application to register under section 6 of the 2016 Act;

“social worker” (“*gweithiwr cymdeithasol*”) means a person who is registered as a social worker in the register maintained by SCW(2) under section 80 of the 2016 Act, in Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001(3) or in a corresponding register maintained under the law of Scotland or Northern Ireland;

(1) O.S. 2002/254.

(2) O.S. 2015/1818 (Cy. 261).

(3) O.S. 2018/1333 (Cy. 260). Mae’r Rheoliadau hyn wedi eu gwneud o dan adran 93 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (decc 4) ac yn gwneud darpariaeth ar gyfer sicrhau nad yw plentyn yn cael ei leoli gyda rhiant maeth awdurdod lleol oni bai bod y person hwnnw wedi ei gymeradwyo fel rhiant maeth awdurdod lleol gan awdurdod lleol o’r fath neu ddarparwr gwasanaeth rheoleiddiedig.

(4) O.S. 2017/1098 (Cy. 278).

(1) 2010 c. 15, section 20.

(2) See section 67(3) of the 2016 Act for the definition of Social Care Wales as “SCW”.

(3) S.I. 2002/254.

gynnwys amddifadu amhriodol o ryddid o dan delerau Deddf Galluedd Meddyliol 2005(1);

ystyr “tystysgrif GDG” (“*DBS certificate*”) yw tystysgrif o fath y cyfeirir ato ym mharagraff 2 neu 3 o Atodlen 1;

ystyr “unigolyn cyfrifol” (“*responsible individual*”) yw unigolyn a ddynodir gan ddarparwr gwasanaeth wrth wneud cais i gofrestru o dan adran 6 o Ddeddf 2016;

ystyr “ymarferydd cyffredinol” (“*general practitioner*”) yw ymarferydd meddygol cofrestredig(2) sydd—

- (a) yn darparu gwasanaethau meddygol sylfaenol o dan Ran 4 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(3), neu
- (b) yn darparu gwasanaethau sy'n cyfateb i wasanaethau a ddarperir o dan Ran 4 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006, ac eithrio yn unol â'r Ddeddf honno.

RHAN 2

Gofynion cyffredinol ar ddarparwyr gwasanaethau

Gofynion mewn perthynas â darparu'r gwasanaeth

3. Rhaid i'r darparwr gwasanaeth sicrhau bod y gwasanaeth wedi ei ddarparu â gofal, cymhwysedd a sgil digonol, gan roi sylw i'r datganiad o ddiben.

Gofynion mewn perthynas â'r datganiad o ddiben

4.—(1) Rhaid i'r darparwr gwasanaeth ddarparu'r gwasanaeth yn unol â'r datganiad o ddiben.

(2) Rhaid i'r darparwr gwasanaeth—

- (a) cadw'r datganiad o ddiben o dan adolygiad, a
- (b) pan fo'n briodol, ddiwygio'r datganiad o ddiben.

(3) Rhaid i'r darparwr gwasanaeth hysbysu'r personau a restrir ym mharagraff (4) am unrhyw ddiwygiad sydd i'w wneud i'r datganiad o ddiben o leiaf 28 o ddiwrnodau cyn y mae i gymryd effaith.

(4) Y personau y mae rhaid iddynt gael eu hysbysu am unrhyw ddiwygiad i'r datganiad o ddiben yn unol â pharagraff (3) yw—

(1) 2005 p. 9.

(2) Amnewidiwyd y diffiniad o “registered medical practitioner” yn Atodlen 1 i Ddeddf Dehongli 1978 (p. 30) gan O.S. 2002/3135, Atodlen 1, paragraff 10 ag iddo effaith o 16 Tachwedd 2009.

(3) 2006 p. 42.

“staff” (“*staff*”) includes—

- (a) persons employed by the service provider to work at the service as an employee or a worker, and
- (b) persons engaged by the service provider under a contract for services,

but does not include persons who are allowed to work as volunteers;

“statement of purpose” (“*datganiad o ddiben*”) means the document containing the information which must be provided in accordance with regulation 3(c) of and Schedule 2 to the 2017 Registration Regulations for the place in relation to which the service is provided(1);

“worker” (“*gweithiwr*”) has the same meaning as in section 230(3) of the Employment Rights Act 1996.

PART 2

General requirements on service providers

Requirements in relation to the provision of the service

3. The service provider must ensure that the service is provided with sufficient care, competence and skill, having regard to the statement of purpose.

Requirements in relation to the statement of purpose

4.—(1) The service provider must provide the service in accordance with the statement of purpose.

(2) The service provider must—

- (a) keep the statement of purpose under review, and
- (b) where appropriate, revise the statement of purpose.

(3) The service provider must give notice to the persons listed in paragraph (4) of any revision to be made to the statement of purpose at least 28 days before it is to take effect.

(4) The persons who must be given notice of any revision to the statement of purpose in accordance with paragraph (3) are—

(1) Regulation 3(c) of the 2017 Registration Regulations requires a person who wants to provide a fostering service to provide a statement of purpose for each place in relation to which the service is to be provided.

- (a) Gweinidogion Cymru,
- (b) unrhyw blentyn sydd wedi ei leoli gyda rhiant maeth gan y darparwr gwasanaeth, oni bai na fyddai'n briodol gwneud hynny o ystyried oedran y plentyn a'i ddealltwriaeth,
- (c) rhieni unrhyw blentyn o'r fath,
- (d) rhieni maeth a darpar rieni maeth,
- (e) personau sy'n gweithio at ddibenion y gwasanaeth maethu,
- (f) yr awdurdod lleoli.

(5) Rhaid i'r darparwr gwasanaeth ddarparu'r datganiad o ddiben cyfredol i unrhyw berson ar gais, oni bai nad yw'n briodol gwneud hynny neu y byddai gwneud hynny yn anghyson â llesiant plentyn.

Gofnion mewn perthynas â monitro a gwella

5.—(1) Rhaid i'r darparwr gwasanaeth sicrhau bod trefniadau effeithiol yn eu lle ar gyfer monitro, adolygu a gwella ansawdd y gwasanaeth.

(2) Rhaid i'r trefniadau gynnwys trefniadau ar gyfer ceisio safbwyntiau—

- (a) unrhyw blentyn sydd wedi ei leoli gyda rhiant maeth gan y darparwr gwasanaeth,
- (b) rhieni unrhyw blentyn o'r fath, oni bai bod hyn yn amhriodol neu'n anghyson â llesiant y plentyn,
- (c) rhieni maeth,
- (d) personau sy'n gweithio at ddibenion y gwasanaeth maethu,
- (e) yr awdurdod lleoli, ac
- (f) yn achos plentyn sydd wedi ei leoli gydag awdurdod ardal, yr awdurdod ardal hwnnw,

ar ansawdd y gwasanaeth a sut y gellir gwella hyn.

(3) Wrth wneud unrhyw benderfyniadau ar gynlluniau ar gyfer gwella ansawdd y gwasanaeth, rhaid i ddarparwr gwasanaeth—

- (a) ystyried safbwyntiau'r rheini yr ymgynghorir â hwy yn unol â pharagraff (2), a
- (b) rhoi sylw i'r adroddiad a lunnir gan yr unigolyn cyfrifol yn unol â rheoliad 63(4) (adolygiad o ansawdd y gofal).

Gofnion mewn perthynas â'r unigolyn cyfrifol

6.—(1) Nid yw'r rheoliad hwn yn gymwys i ddarparwr gwasanaeth sy'n unigolyn.

- (a) the Welsh Ministers,
- (b) any child placed with a foster parent by the service provider, unless it would not be appropriate to do so having regard to the child's age and understanding,
- (c) the parents of any such child,
- (d) foster parents and prospective foster parents,
- (e) persons working for the purposes of the fostering service,
- (f) the placing authority.

(5) The service provider must provide the up to date statement of purpose to any person on request, unless it is not appropriate to do so or would be inconsistent with the well-being of a child.

Requirements in relation to monitoring and improvement

5.—(1) The service provider must ensure that there are effective arrangements in place for monitoring, reviewing and improving the quality of the service.

(2) The arrangements must include arrangements for seeking the views of—

- (a) any child placed with a foster parent by the service provider,
- (b) the parents of any such child, unless this is inappropriate or inconsistent with the child's well-being,
- (c) foster parents,
- (d) persons working for the purposes of the fostering service,
- (e) the placing authority, and
- (f) in the case of a child who is placed with an area authority, that area authority,

on the quality of the service and how this can be improved.

(3) When making any decisions on plans for improvement of the quality of the service, a service provider must—

- (a) take into account the views of those consulted in accordance with paragraph (2), and
- (b) have regard to the report prepared by the responsible individual in accordance with regulation 63(4) (quality of care review).

Requirements in relation to the responsible individual

6.—(1) This regulation does not apply to a service provider who is an individual.

(2) Rhaid i ddarparwr gwasanaeth y mae'r rheoliad hwn yn gymwys iddo sicrhau bod y person sydd wedi ei ddynodi fel yr unigolyn cyfrifol(1)—

- (a) yn cael ei gefnogi i gyflawni ei ddyletswyddau'n effeithiol, a
- (b) yn ymgymryd â hyfforddiant priodol.

(3) Os bydd gan y ddarparwr gwasanaeth reswm dros gredu nad yw'r unigolyn cyfrifol wedi cydymffurfio â gofyniad a osodir gan y rheoliadau yn Rhannau 12 i 16, rhaid i'r ddarparwr—

- (a) cymryd unrhyw gamau gweithredu sy'n angenrheidiol i sicrhau y cydymffurfir â'r gofyniad, a
- (b) hysbysu Gweinidogion Cymru.

(4) Yn ystod unrhyw adeg pan nad yw'r unigolyn cyfrifol yn gallu cyflawni ei ddyletswyddau, rhaid i'r ddarparwr gwasanaeth sicrhau bod trefniadau yn eu lle ar gyfer—

- (a) rheoli'r gwasanaeth yn effeithiol,
- (b) goruchwyllo'r gwasanaeth yn effeithiol,
- (c) cydymffurfedd y gwasanaeth â gofynion y Rheoliadau hyn, a
- (d) monitro, adolygu a gwella ansawdd y gwasanaeth.

(5) Os nad yw'r unigolyn cyfrifol yn gallu cyflawni ei ddyletswyddau a hynny am gyfnod o fwy nag 28 o ddiwrnodau, rhaid i'r ddarparwr gwasanaeth—

- (a) hysbysu Gweinidogion Cymru, a
- (b) rhoi gwybod i Weinidogion Cymru am y trefniadau interim.

Gofynion mewn perthynas â'r unigolyn cyfrifol pan fo'r ddarparwr yn unigolyn

7.—(1) Mae'r rheoliad hwn yn gymwys pan fo'r ddarparwr gwasanaeth yn unigolyn.

(2) Os yw'r rheoliad hwn yn gymwys, rhaid i'r unigolyn ymgymryd â hyfforddiant priodol er mwyn cyflawni ei ddyletswyddau'n briodol fel yr unigolyn cyfrifol.

(3) Yn ystod unrhyw adeg pan yw'r unigolyn yn absennol, rhaid iddo sicrhau bod trefniadau yn eu lle ar gyfer—

- (a) rheoli'r gwasanaeth yn effeithiol,
- (b) goruchwyllo'r gwasanaeth yn effeithiol,
- (c) cydymffurfedd y gwasanaeth â gofynion y Rheoliadau hyn, a

(1) Mae adran 6 o Ddeddf 2016 yn ei gwneud yn ofynnol i berson sy'n dymuno darparu gwasanaeth rheoleiddiedig wneud cais i gofrestru i Weinidogion Cymru sy'n dynodi unigolyn fel yr unigolyn cyfrifol.

(2) A service provider to whom this regulation applies must ensure that the person who is designated as the responsible individual(1)—

- (a) is supported to carry out their duties effectively, and
- (b) undertakes appropriate training.

(3) In the event that the service provider has reason to believe that the responsible individual has not complied with a requirement imposed by the regulations in Parts 12 to 16, the provider must—

- (a) take such action as is necessary to ensure that the requirement is complied with, and
- (b) inform the Welsh Ministers.

(4) During any time when the responsible individual is unable to fulfil their duties, the service provider must ensure that there are arrangements in place for—

- (a) the effective management of the service,
- (b) the effective oversight of the service,
- (c) the compliance of the service with the requirements of these Regulations, and
- (d) monitoring, reviewing and improving the quality of the service.

(5) If the responsible individual is unable to fulfil their duties for a period of more than 28 days, the service provider must—

- (a) notify the Welsh Ministers, and
- (b) inform the Welsh Ministers of the interim arrangements.

Requirements in relation to the responsible individual where the provider is an individual

7.—(1) This regulation applies where the provider of a service is an individual.

(2) If this regulation applies, the individual must undertake appropriate training for the proper discharge of their duties as the responsible individual.

(3) During any time when the individual is absent, they must ensure that there are arrangements in place for—

- (a) the effective management of the service,
- (b) the effective oversight of the service,
- (c) the compliance of the service with the requirements of these Regulations, and

(1) Section 6 of the 2016 Act requires a person who wants to provide a regulated service to make an application for registration to the Welsh Ministers designating an individual as the responsible individual.

(d) monitro, adolygu a gwella ansawdd y gwasanaeth.

(4) Os nad yw'r unigolyn yn gallu cyflawni ei ddyletswyddau fel unigolyn cyfrifol, a hynny am gyfnod o fwy nag 28 o ddiwrnodau, rhaid iddo—

- (a) hysbysu Gweinidogion Cymru, a
- (b) rhoi gwybod i Weinidogion Cymru am y trefniadau interim.

Gofynion mewn perthynas â chynaliadwyedd ariannol y gwasanaeth

8.—(1) Rhaid i'r darparwr gwasanaeth gymryd camau rhesymol i sicrhau bod y gwasanaeth yn gynaliadwy yn ariannol at ddiben cyflawni'r nodau a'r amcanion a nodir yn y datganiad o ddiben.

(2) Rhaid i'r darparwr gwasanaeth gynnal cyfrifon priodol a chyfredol ar gyfer y gwasanaeth.

(3) Rhaid i'r darparwr gwasanaeth ddarparu copiâu o'r cyfrifon i Weinidogion Cymru o fewn 28 o ddiwrnodau i gael cais i wneud hynny.

(4) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i'r cyfrifon gael eu hardystio gan gyfrifydd.

Gofynion i ddarparu'r gwasanaeth yn unol â pholisïau a gweithdrefnau

9.—(1) Rhaid i'r darparwr gwasanaeth sicrhau bod y polisïau a'r gweithdrefnau a ganlyn yn eu lle ar gyfer y gwasanaeth—

- (a) lleoli a chychwyn y gwasanaeth (gweler rheoliad 11 (addasrwydd y gwasanaeth)),
- (b) diogelu (gweler rheoliad 21),
- (c) defnyddio rheolaeth neu ataliaeth yn briodol (gweler rheoliad 22),
- (d) bwlio (gweler rheoliad 25),
- (e) absenoldeb (gweler rheoliad 26),
- (f) meddyginiaeth (gweler rheoliad 27 (mynediad i wasanaethau iechyd)),
- (g) cefnogi a datblygu staff (gweler rheoliad 31),
- (h) disgyblu staff (gweler rheoliad 34),
- (i) cwynion (gweler rheoliad 42),
- (j) chwythu'r chwiban (gweler rheoliad 43),
- (k) cymorth ar gyfer rhieni maeth o ran sut i helpu plant i reoli eu harian (gweler rheoliad 48).

(2) Rhaid i'r darparwr gwasanaeth hefyd gael unrhyw bolisïau a gweithdrefnau eraill yn eu lle sy'n rhesymol angenrheidiol i gefnogi nodau ac amcanion y gwasanaeth a nodir yn y datganiad o ddiben.

(d) monitoring, reviewing and improving the quality of the service.

(4) If the individual is unable to fulfil their duties as a responsible individual for a period of more than 28 days, they must—

- (a) notify the Welsh Ministers, and
- (b) inform the Welsh Ministers of the interim arrangements.

Requirements in relation to the financial sustainability of the service

8.—(1) The service provider must take reasonable steps to ensure that the service is financially sustainable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The service provider must maintain appropriate and up to date accounts for the service.

(3) The service provider must provide copies of the accounts to the Welsh Ministers within 28 days of being requested to do so.

(4) The Welsh Ministers may require the accounts to be certified by an accountant.

Requirements to provide the service in accordance with policies and procedures

9.—(1) The service provider must ensure that the following policies and procedures are in place for the service—

- (a) placement and commencement of the service (see regulation 11 (suitability of the service)),
- (b) safeguarding (see regulation 21),
- (c) appropriate use of control or restraint (see regulation 22),
- (d) bullying (see regulation 25),
- (e) absence (see regulation 26),
- (f) medication (see regulation 27 (access to health services)),
- (g) supporting and developing staff (see regulation 31),
- (h) staff discipline (see regulation 34),
- (i) complaints (see regulation 42),
- (j) whistleblowing (see regulation 43),
- (k) support for foster parents on how to help children manage their money (see regulation 48).

(2) The service provider must also have such other policies and procedures in place as are reasonably necessary to support the aims and objectives of the service set out in the statement of purpose.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod cynnwys y polisiau a'r gweithdrefnau y mae'n ofynnol iddynt fod yn eu lle yn rhinwedd paragraffau (1) a (2)—

- (a) yn briodol i anghenion plant y darperir gofal a chymorth ar eu cyfer,
- (b) yn gyson â'r datganiad o ddiben, ac
- (c) yn cael eu cadw'n gyfredol.

(4) Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau bod y gwasanaeth yn cael ei ddarparu yn unol â'r polisiau a'r gweithdrefnau hynny.

(5) Rhaid i'r darparwr gwasanaeth sicrhau bod cynnwys y polisiau a'r gweithdrefnau y mae'n ofynnol iddynt fod yn eu lle o dan baragraff (1)(a), (b), (c), (d) ac (i) yn ystyried anghenion unrhyw blant eraill y gall y lleoliad sy'n cael ei wneud effeithio arnynt.

Dyletswydd gonestrwydd

10. Rhaid i'r darparwr gwasanaeth weithredu mewn ffordd agored a thryloyw gydag—

- (a) unrhyw blentyn sydd wedi ei leoli gan y darparwr gwasanaeth,
- (b) rhieni unrhyw blentyn o'r fath,
- (c) rhieni maeth a darpar rieni maeth,
- (d) yr awdurdod lleoli,
- (e) yn achos plentyn sydd wedi ei leoli gydag awdurdod ardal, yr awdurdod ardal hwnnw.

RHAN 3

Gofynion ar ddarparwyr gwasanaethau o ran y camau sydd i'w cymryd cyn darparu gofal a chymorth

Addasrwydd y gwasanaeth

11.—(1) Ni chaiff y darparwr gwasanaeth gytuno i leoli plentyn gyda rhiant maeth oni bai bod y darparwr wedi penderfynu bod lleoliad addas a all ddiwallu anghenion y plentyn am ofal a chymorth a galluogi'r plentyn i gyflawni ei ganlyniadau personol.

(2) Rhaid i'r darparwr gwasanaeth gael polisi a gweithdrefnau yn eu lle ar leoliadau a chychwyn y gwasanaeth.

(3) Rhaid i'r penderfyniad o dan baragraff (1) ystyried—

- (a) cynllun gofal a chymorth y plentyn,
- (b) unrhyw asesiadau iechyd neu unrhyw asesiadau perthnasol eraill,

(3) The service provider must ensure that the content of the policies and procedures which are required to be in place by virtue of paragraphs (1) and (2) is—

- (a) appropriate to the needs of children for whom care and support is provided,
- (b) consistent with the statement of purpose, and
- (c) kept up to date.

(4) The service provider must put arrangements in place to ensure that the service is provided in accordance with those policies and procedures.

(5) The service provider must ensure that the content of the policies and procedures which are required to be in place under paragraph (1)(a), (b), (c), (d) and (i) takes into account the needs of any other children who may be affected by the placement being made.

Duty of candour

10. The service provider must act in an open and transparent way with—

- (a) any child placed by the service provider,
- (b) the parents of any such child,
- (c) foster parents and prospective foster parents,
- (d) the placing authority,
- (e) in the case of a child who is placed with an area authority, that area authority.

PART 3

Requirements on service providers as to the steps to be taken before providing care and support

Suitability of the service

11.—(1) The service provider must not agree to place a child with a foster parent unless the provider has determined that there is a suitable placement which can meet the child's needs for care and support and enable the child to achieve their personal outcomes.

(2) The service provider must have in place a policy and procedures on placements and commencement of the service.

(3) The determination under paragraph (1) must take into account—

- (a) the child's care and support plan,
- (b) any health or other relevant assessments,

- (c) safbwyntiau, dymuniadau a theimladau'r plentyn,
- (d) unrhyw risgiau i lesiant y plentyn,
- (e) unrhyw risgiau i lesiant unrhyw blentyn arall y gall y lleoliad sydd i'w wneud effeithio arno,
- (f) argyhoeddiad crefyddol, tarddiad hiliol, cefndir diwylliannol ac ieithyddol y plentyn, ynghyd â'i gyfeiriadedd rhywiol a'i hunaniaeth o ran rhywedd,
- (g) unrhyw addasiadau rhesymol y gallai'r darparwr gwasanaeth eu gwneud i alluogi i anghenion gofal a chymorth y plentyn gael eu diwallu,
- (h) polisi a gweithdrefnau'r darparwr gwasanaeth ar leoliadau a chychwyn y gwasanaeth.

(4) Wrth wneud y penderfyniad ym mharagraff (1), rhaid i'r darparwr gwasanaeth gynnwys—

- (a) y plentyn, pan fo'n ymarferol,
- (b) rhieni'r plentyn, oni bai bod hyn yn amhriodol neu'n anghyson â llesiant y plentyn,
- (c) yr awdurdod lleoli.

RHAN 4

Gofynion ar ddarparwyr gwasanaethau o ran yr wybodaeth sydd i'w darparu i unigolion wrth gychwyn darparu gofal a chymorth

Gwybodaeth am y gwasanaeth

12.—(1) Rhaid i'r darparwr gwasanaeth lunio canllaw ysgrifenedig ar y gwasanaeth.

(2) Rhaid i'r canllaw—

- (a) cael ei ddyddio, ei adolygu o leiaf bob blwyddyn a'i ddiweddarau fel y bo angen,
- (b) bod mewn iaith, arddull, cyflwyniad a fformat sy'n briodol i blant (o bob oedran a dealltwriaeth) ac oedolion,
- (c) cael ei roi i—
 - (i) unrhyw blentyn sydd wedi ei leoli gan y darparwr gwasanaeth,
 - (ii) unrhyw rieni maeth a darpar rieni maeth,
 - (iii) yr awdurdod lleoli, a
- (d) cael ei roi ar gael i eraill ar gais, oni bai nad yw hyn yn briodol neu y byddai'n anghyson â llesiant y plentyn.

- (c) the child's views, wishes and feelings,
- (d) any risks to the child's well-being,
- (e) any risks to the well-being of any other child who may be affected by the placement to be made,
- (f) the child's religious persuasion, racial origin, cultural and linguistic background, sexual orientation and gender identity,
- (g) any reasonable adjustments which the service provider could make to enable the child's care and support needs to be met,
- (h) the service provider's policy and procedures on placements and commencement of the service.

(4) In making the determination in paragraph (1), the service provider must involve—

- (a) the child, where practicable,
- (b) the child's parents, unless this is inappropriate or inconsistent with the child's well-being,
- (c) the placing authority.

PART 4

Requirements on service providers as to the information to be provided to individuals on commencement of the provision of care and support

Information about the service

12.—(1) The service provider must prepare a written guide to the service.

(2) The guide must be—

- (a) dated, reviewed at least annually and updated as necessary,
- (b) in a language, style, presentation and format which is appropriate for both children (of all ages and understanding) and adults,
- (c) given to—
 - (i) any child placed by the service provider,
 - (ii) any foster parents and prospective foster parents,
 - (iii) the placing authority, and
- (d) made available to others on request, unless this is not appropriate or would be inconsistent with the well-being of the child.

(3) Rhaid i'r canllaw gynnwys y canlynol—

- (a) crynodeb o'r polisiau a'r gweithdrefnau y mae rhaid i'r darparwr gwasanaeth eu rhoi yn eu lle o dan reoliad 9(1)(a), (b), (c), (d), (e), (f), (i) a (k),
- (b) gwybodaeth am sut i wneud cwyn,
- (c) gwybodaeth am argaeledd gwasanaethau eirioli i blant sy'n derbyn gofal gan awdurdod lleol,
- (d) gwybodaeth am rôl a manylion cyswllt Comisiynydd Plant Cymru.

(4) Rhaid i'r darparwr gwasanaeth sicrhau bod plant yn cael unrhyw gymorth sy'n angenrheidiol i'w galluogi i ddeall yr wybodaeth a gynhwysir yn y canllaw.

RHAN 5

Gofynion ar ddarparwyr gwasanaethau o ran safon y gofal a'r cymorth sydd i'w darparu

Safonau gofal a chymorth – gofynion cyffredinol

13. Rhaid i'r darparwr gwasanaeth sicrhau bod rhieni maeth yn rhoi gofal a chymorth i blentyn sydd wedi ei leoli gyda hwy—

- (a) yn unol â chynllun gofal a chymorth y plentyn, a
- (b) mewn ffordd sy'n cynnal, yn amddiffyn ac yn hybu diogelwch a llesiant y plentyn.

Addasrwydd parhaus y lleoliad

14. Os nad yw'r lleoliad sydd wedi ei wneud gan y darparwr gwasanaeth, o ganlyniad i newid yn anghenion asesedig y plentyn, yn addas i ddiwallu anghenion y plentyn am ofal a chymorth mwyach, hyd yn oed ar ôl i unrhyw addasiadau rhesymol gael eu gwneud, rhaid i'r darparwr gwasanaeth roi hysbysiad ysgrifenedig o hyn i'r awdurdod lleoli ar unwaith.

Gwybodaeth ar gyfer plant

15.—(1) Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau bod gan blant yr wybodaeth y mae ei hangen arnynt i wneud a chymryd rhan mewn penderfyniadau o ddydd i ddydd am y ffordd y darperir gofal a chymorth iddynt a sut y maent yn cael eu cefnogi i gyflawni eu canlyniadau personol.

(3) The guide must contain the following—

- (a) a summary of the policies and procedures which the service provider must put in place under regulation 9(1)(a), (b), (c), (d), (e), (f), (i) and (k),
- (b) information about how to make a complaint,
- (c) information about the availability of advocacy services for children who are looked after by a local authority,
- (d) information about the role and contact details for the Children's Commissioner for Wales.

(4) The service provider must ensure that children receive such support as is necessary to enable them to understand the information contained in the guide.

PART 5

Requirements on service providers as to the standard of care and support to be provided

Standards of care and support – overarching requirements

13. The service provider must ensure that foster parents give care and support to a child placed with them—

- (a) in accordance with the child's care and support plan, and
- (b) in a way which maintains, protects and promotes the safety and well-being of the child.

Continuing suitability of the placement

14. If, as a result of a change in the child's assessed needs, the placement made by the service provider is no longer suitable to meet the child's needs for care and support, even after any reasonable adjustments have been made, the service provider must immediately give written notice of this to the placing authority.

Information for children

15.—(1) The service provider must put arrangements in place to ensure that children have the information they need to make and participate in day to day decisions about the way care and support is provided to them and how they are supported to achieve their personal outcomes.

(2) Rhaid i'r wybodaeth a ddarperir fod ar gael mewn iaith, arddull, cyflwyniad a fformat sy'n briodol i blant o bob oedran.

(3) Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau bod plant yn cael unrhyw gymorth sy'n angenrheidiol i'w galluogi i ddeall yr wybodaeth a ddarperir.

Iaith a chyfathrebu

16.—(1) Rhaid i'r darparwr gwasanaeth gymryd camau rhesymol i ddiwallu anghenion iaith plant.

(2) Rhaid i'r darparwr gwasanaeth sicrhau y darperir mynediad i unrhyw gymhorthion a chyfarpar sy'n angenrheidiol i blant i hwyluso'r ffordd y maent yn cyfathrebu ag eraill.

Parch a sensitifrwydd

17.—(1) Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau bod plant sydd wedi eu lleoli gan y darparwr yn cael eu trin â pharch a sensitifrwydd.

(2) Mae hyn yn cynnwys, ond nid yw'n gyfyngedig i—

- (a) parchu preifatrwydd ac urddas y plentyn,
- (b) parchu hawliau'r plentyn i gyfrinachedd,
- (c) hybu ymreolaeth ac annibyniaeth y plentyn, a
- (d) rhoi sylw i unrhyw nodweddion gwarchoddedig perthnasol (fel y'u diffinnir yn adran 4 o Ddeddf Cydraddoldeb 2010) y plentyn.

Cydymffurfedd â'r cytundeb gofal maeth

18. Rhaid i'r darparwr gwasanaeth fonitro cydymffurfedd y rhieni maeth â gofynion y cytundeb gofal maeth.

Dyletswydd i hybu cyswllt

19. Rhaid i'r darparwr gwasanaeth sicrhau bod rhieni maeth yn hybu cyswllt rhwng plentyn sydd wedi ei leoli gyda hwy a rhieni, perthnasau a ffrindiau'r plentyn, yn unol â chynllun gofal a chymorth y plentyn ac unrhyw orchymyn llys sy'n ymwneud â chyswllt.

(2) Information provided must be available in an appropriate language, style, presentation and format for children of all ages.

(3) The service provider must put arrangements in place to ensure that children receive such support as is necessary to enable them to understand the information provided.

Language and communication

16.—(1) The service provider must take reasonable steps to meet the language needs of children.

(2) The service provider must ensure that children are provided with access to such aids and equipment as may be necessary to facilitate their communication with others.

Respect and sensitivity

17.—(1) The service provider must put arrangements in place to ensure that children placed by the provider are treated with respect and sensitivity.

(2) This includes, but is not limited to—

- (a) respecting the child's privacy and dignity,
- (b) respecting the child's right to confidentiality,
- (c) promoting the child's autonomy and independence, and
- (d) having regard to any relevant protected characteristics (as defined in section 4 of the Equality Act 2010) of the child.

Compliance with foster care agreement

18. The service provider must monitor the foster parents' compliance with the requirements of the foster care agreement.

Duty to promote contact

19. The service provider must ensure foster parents promote contact between a child placed with them and the child's parents, relatives and friends, in accordance with the child's care and support plan and any court order relating to contact.

RHAN 6

Gofynion ar ddarparwyr gwasanaethau – diogelu

Diogelu – gofynion cyffredinol

20. Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau bod plant sydd wedi eu lleoli ganddo yn ddiogel ac yn cael eu hamddiffyn rhag camdriniaeth, esgeulustod a thriniaeth amhriodol.

Polisiâu a gweithdrefnau diogelu

21.—(1) Rhaid i'r darparwr gwasanaeth gael polisiâu a gweithdrefnau yn eu lle—

- (a) ar gyfer atal camdriniaeth, esgeulustod a thriniaeth amhriodol, a
- (b) ar gyfer ymateb i unrhyw honiad neu dystiolaeth o gamdriniaeth, esgeulustod neu driniaeth amhriodol.

(2) Yn y rheoliad hwn, cyfeirir at bolisiâu a gweithdrefnau o'r fath fel polisiâu a gweithdrefnau diogelu.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod ei bolisiâu a'i weithdrefnau diogelu yn cael eu gweithredu'n effeithiol.

(4) Yn benodol, pan fo honiad neu dystiolaeth o gamdriniaeth, esgeulustod neu driniaeth amhriodol, rhaid i'r darparwr gwasanaeth—

- (a) gweithredu yn unol â'i bolisiâu a'i weithdrefnau diogelu,
- (b) cymryd camau gweithredu ar unwaith i sicrhau diogelwch pob plentyn y darperir gofal a chymorth ar ei gyfer,
- (c) gwneud atgyfeiriadau priodol i asiantaethau eraill, a
- (d) cadw cofnod o unrhyw dystiolaeth neu sylwedd unrhyw honiad, unrhyw gamau gweithredu a gymerir ac unrhyw atgyfeiriadau a wneir.

Defnyddio rheolaeth ac ataliaeth yn briodol

22.—(1) Rhaid i'r darparwr gwasanaeth gael polisi a gweithdrefnau yn eu lle ar ddefnyddio rheolaeth neu ataliaeth.

(2) Rhaid i'r polisi a'r gweithdrefnau wahardd gofal a chymorth rhag cael eu darparu mewn ffordd sy'n cynnwys gweithredoedd y bwriedir iddynt reoli neu atal plentyn oni bai bod y gweithredoedd hynny—

- (a) yn angenrheidiol i atal risg o niwed a berir i'r plentyn neu i bersonau eraill neu ddifrod difrifol tebygol i eiddo, a

PART 6

Requirements on service providers – safeguarding

Safeguarding – overarching requirements

20. The service provider must put arrangements in place to ensure that children placed by it are safe and are protected from abuse, neglect and improper treatment.

Safeguarding policies and procedures

21.—(1) The service provider must have policies and procedures in place—

- (a) for the prevention of abuse, neglect and improper treatment, and
- (b) for responding to any allegation or evidence of abuse, neglect or improper treatment.

(2) In this regulation, such policies and procedures are referred to as safeguarding policies and procedures.

(3) The service provider must ensure that its safeguarding policies and procedures are operated effectively.

(4) In particular, where there is an allegation or evidence of abuse, neglect or improper treatment, the service provider must—

- (a) act in accordance with its safeguarding policies and procedures,
- (b) take immediate action to ensure the safety of all children for whom care and support is provided,
- (c) make appropriate referrals to other agencies, and
- (d) keep a record of any evidence or the substance of any allegation, any action taken and any referrals made.

The appropriate use of control and restraint

22.—(1) The service provider must have a policy and procedures in place on the use of control or restraint.

(2) The policy and procedures must prohibit care and support being provided in a way which includes acts intended to control or restrain a child unless those acts—

- (a) are necessary to prevent a risk of harm posed to the child or other persons or likely serious damage to property, and

(b) yn ymateb cymesur i risg o'r fath.

(3) Rhaid i'r polisi a'r gweithdrefnau ei gwneud yn ofynnol i rieni maeth gael eu hyfforddi mewn unrhyw ddulliau rheoli neu atal sydd i'w defnyddio.

(4) Rhaid i'r polisi a'r gweithdrefnau ei gwneud yn ofynnol i rieni maeth—

(a) gwneud cofnod o unrhyw ddigwyddiad pan ddefnyddir rheolaeth neu ataliaeth, a

(b) hysbysu'r darparwr gwasanaeth am unrhyw ddigwyddiad o'r fath o fewn 24 awr.

(5) Rhaid i'r darparwr gwasanaeth sicrhau bod unrhyw reolaeth neu ataliaeth a ddefnyddir gan rieni maeth yn cael ei chyflawni yn unol â'r polisiâu a'r gweithdrefnau hyn.

(6) At ddibenion y rheoliad hwn, mae person yn rheoli neu'n atal plentyn os yw'r person hwnnw—

(a) yn defnyddio, neu'n bygwth defnyddio, grym i sicrhau bod gweithred yn cael ei gwneud y mae'r plentyn yn ei gwrthsefyll, neu

(b) yn cyfyngu ar ryddid symud y plentyn, pa un a yw'r plentyn yn gwrthsefyll ai peidio, gan gynnwys drwy ddefnyddio dulliau corfforol, mecanyddol neu gemegol.

(7) At ddibenion y rheoliad hwn, mae i "niwed" yr un ystyr ag yn adran 22(10) o Ddeddf 2016.

Gwaharddiad ar ddefnyddio cosb gorfforol

23. Rhaid i'r darparwr gwasanaeth sicrhau nad yw rhieni maeth yn defnyddio unrhyw fath o gosb gorfforol ar unrhyw adeg yn erbyn unrhyw blentyn.

Amddifadu o ryddid

24. Ni chaniateir amddifadu plentyn o'i ryddid at ddiben cael gofal a chymorth heb awdurdod cyfreithlon.

Polisi a gweithdrefnau ar fwlio

25. Rhaid i'r darparwr gwasanaeth gael yn eu lle bolisi ar atal bwlio a gweithdrefnau ar gyfer ymdrin â honiad o fwlio.

Y weithdrefn pan yw plentyn yn absennol heb ganiatâd

26. Rhaid i'r darparwr gwasanaeth sicrhau bod gweithdrefn i'w dilyn pan yw unrhyw blentyn sydd wedi ei leoli gyda rhieni maeth gan y darparwr yn absennol heb ganiatâd.

(b) are a proportionate response to such a risk.

(3) The policy and procedures must require foster parents to be trained in any methods of control or restraint to be used.

(4) The policy and procedures must require foster parents to—

(a) make a record of any incident in which control or restraint is used, and

(b) notify the service provider of any such incident within 24 hours.

(5) The service provider must ensure that any control or restraint used by foster parents is carried out in accordance with these policies and procedures.

(6) For the purposes of this regulation, a person controls or restrains a child if that person—

(a) uses, or threatens to use, force to secure the doing of an act which the child resists, or

(b) restricts the child's liberty of movement, whether or not the child resists, including by the use of physical, mechanical or chemical means.

(7) For the purposes of this regulation, "harm" has the same meaning as in section 22(10) of the 2016 Act.

Prohibition on the use of corporal punishment

23. The service provider must ensure that foster parents do not use any form of corporal punishment at any time against any child.

Deprivation of liberty

24. A child must not be deprived of their liberty for the purpose of receiving care and support without lawful authority.

Policy and procedures on bullying

25. The service provider must have in place a policy on the prevention of bullying and procedures for dealing with an allegation of bullying.

Procedure when child is absent without permission

26. The service provider must ensure that there is a procedure to be followed when any child who has been placed with foster parents by the provider is absent without permission.

RHAN 7

Gofynion ar ddarparwyr gwasanaethau i sicrhau mynediad i wasanaethau iechyd, gwasanaethau addysg a gwasanaethau eraill

Mynediad i wasanaethau iechyd

27.—(1) Rhaid i'r darparwr gwasanaeth sicrhau bod rhieni maeth yn hybu iechyd a datblygiad corfforol, meddyliol ac emosiynol plant sydd wedi eu lleoli gyda hwy.

(2) Yn benodol, rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau bod rhieni maeth—

- (a) yn cofrestru pob plentyn ag ymarferydd cyffredinol,
- (b) yn darparu i bob plentyn fynediad i unrhyw gyngor, triniaeth a gwasanaethau meddygol, deintyddol, optegol, nyrsio, seicolegol a seiciatrig y mae eu hangen ar y plentyn,
- (c) yn cefnogi pob plentyn i gael unrhyw gymorth, cymhorthion a chyfarpar unigol y mae eu hangen ar y plentyn o ganlyniad i unrhyw anghenion iechyd neu anabledd penodol sydd ganddo, a
- (d) yn darparu i bob plentyn ganllawiau, cymorth a chynghor ynghylch iechyd, gofal personol a materion hybu iechyd sy'n briodol i anghenion a dymuniadau'r plentyn.

(3) Rhaid i'r darparwr gwasanaeth gael polisi a gweithdrefnau yn eu lle mewn perthynas â rhoi meddyginiaethau gan rieni maeth.

Addysg, cyflogaeth a gweithgareddau hamdden

28.—(1) Rhaid i'r darparwr gwasanaeth sicrhau bod cyrhaeddiad addysgol plant sydd wedi eu lleoli gyda rhieni maeth yn cael ei hybu.

(2) Yn benodol, rhaid i'r darparwr gwasanaeth—

- (a) sefydlu gweithdrefn ar gyfer monitro cyrhaeddiad addysgol, cynnydd a phresenoldeb yn yr ysgol plant sydd wedi eu lleoli gyda rhieni maeth,
- (b) mewn perthynas â phlant oedran ysgol sydd wedi eu lleoli gyda rhieni maeth, sicrhau bod rhieni maeth yn hybu presenoldeb rheolaidd y plant yn yr ysgol a'u cyfranogiad mewn gweithgareddau ysgol, ac
- (c) darparu i rieni maeth unrhyw wybodaeth a chynhorthwy, gan gynnwys cyfarpar, sy'n angenrheidiol i ddiwallu anghenion addysgol plant sydd wedi eu lleoli gyda hwy.

PART 7

Requirements on service providers to ensure access to health, education and other services

Access to health services

27.—(1) The service provider must ensure that foster parents promote the physical, mental and emotional health and development of children placed with them.

(2) In particular, the service provider must put arrangements in place to ensure that foster parents—

- (a) register each child with a general practitioner,
- (b) provide each child with access to such medical, dental, optical, nursing, psychological and psychiatric advice, treatment and services as the child may require,
- (c) support each child to obtain such individual support, aids and equipment which the child may require as a result of any particular health needs or disability they may have, and
- (d) provide each child with guidance, support and advice on health, personal care and health promotion issues appropriate to the child's needs and wishes.

(3) The service provider must have a policy and procedures in place in relation to the administration of medicines by foster parents.

Education, employment and leisure activities

28.—(1) The service provider must ensure that the educational attainment of children placed with foster parents is promoted.

(2) In particular the service provider must—

- (a) establish a procedure for monitoring the educational attainment, progress and school attendance of children placed with foster parents,
- (b) in relation to school aged children placed with foster parents, ensure foster parents promote the children's regular attendance at school and participation in school activities, and
- (c) provide foster parents with such information and assistance, including equipment, as may be necessary to meet the educational needs of children placed with them.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod rhieni maeth yn hybu diddordebau hamdden plant sydd wedi eu lleoli gyda hwy ac yn eu cefnogi i chwarae ac ymroi i weithgareddau adloniadol sy'n briodol i'w hoedran ac i gymryd rhan ddirwystyr mewn bywyd diwylliannol a'r celfyddydau(1).

(4) Pan fo unrhyw blentyn sydd wedi ei leoli gyda rhieni maeth wedi cyrraedd yr oedran pan na fo'n ofynnol iddo gael addysg lawnamser orfodol mwyach, rhaid i'r darparwr gwasanaeth gynorthwyo i wneud trefniadau a wneir ar gyfer y plentyn mewn cysylltiad â'i addysg, ei hyfforddiant a'i gyflogaeth, a rhoi effaith i'r trefniadau hynny.

RHAN 8

Staffio

Staffio - gofynion cyffredinol

29. Rhaid i'r darparwr gwasanaeth sicrhau ar bob adeg fod nifer digonol o staff sydd â'r cymwysterau, yr hyfforddiant, y sgiliau, y cymhwysedd a'r profiad addas yn cael eu defnyddio i weithio yn y gwasanaeth, gan roi sylw—

- (a) i'r datganiad o ddiben ar gyfer y gwasanaeth,
- (b) i anghenion gofal a chymorth plant,
- (c) i'r angen i gefnogi plant i gyflawni eu canlyniadau personol,
- (d) i'r angen i ddiogelu a hybu iechyd a lles plant, ac
- (e) i ofynion y Rheoliadau hyn.

Addasrwydd staff

30.—(1) Ni chaiff y darparwr gwasanaeth—

- (a) cyflogi person o dan gontract cyflogaeth i weithio yn y gwasanaeth oni bai bod y person hwnnw yn addas i wneud hynny,
- (b) caniatáu i wirfoddolwr weithio yn y gwasanaeth oni bai bod y person hwnnw yn addas i wneud hynny, nac

(3) The service provider must ensure that foster parents promote the leisure interests of children placed with them and support them to engage in play and recreational activities appropriate to their age and to participate freely in cultural life and the arts(1).

(4) Where any child placed with foster parents has attained the age where they are no longer required to receive compulsory full-time education, the service provider must assist with the making of, and give effect to, arrangements made for the child in respect of their education, training and employment.

PART 8

Staffing

Staffing - overarching requirements

29. The service provider must ensure that at all times a sufficient number of suitably qualified, trained, skilled, competent and experienced staff are deployed to work at the service, having regard to—

- (a) the statement of purpose for the service,
- (b) the care and support needs of children,
- (c) the need to support children to achieve their personal outcomes,
- (d) the need to safeguard and promote the health and welfare of children, and
- (e) the requirements of these Regulations.

Fitness of staff

30.—(1) The service provider must not—

- (a) employ a person under a contract of employment to work at the service unless that person is fit to do so,
- (b) allow a volunteer to work at the service unless that person is fit to do so, or

(1) Mae adran 1 o Fesur Hawliau Plant a Phobl Ifanc (Cymru) 2011 (mccc 2) yn ei gwneud yn ofynnol i Weinidogion Cymru, wrth arfer unrhyw un neu ragor o'u swyddogaethau, roi sylw dyledus i ofynion Rhan 1 o Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn a fabwysiadwyd ac a agorwyd i'w lofnodi, ei gadarnhau a'i gytuno gan benderfyniad y Cynulliad Cyffredinol 44/25 dyddiedig 20 Tachwedd 1989 ("y Confensiwn"). Mae erthygl 31 o Ran 1 o'r Confensiwn yn cydnabod hawl plentyn i chwarae.

(1) Section 1 of the Rights of Children and Young Persons (Wales) Measure 2011 (nawm 2) requires the Welsh Ministers, when exercising any of their functions, to have due regard to the requirements of Part 1 of the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 ("the Convention"). Article 31 of Part 1 of the Convention recognises a child's right to play.

- (c) caniatáu i unrhyw berson arall weithio yn y gwasanaeth mewn swydd y gall, yng nghwrs ei ddyletswyddau, gael cysylltiad rheolaidd ynddi â phlant sy'n cael gofal a chymorth oni bai bod y person hwnnw yn addas i wneud hynny.

(2) At ddibenion paragraff (1), nid yw person yn addas i weithio yn y gwasanaeth oni bai—

- (a) bod y person yn addas o ran ei uniondeb ac o gymeriad da,
- (b) bod gan y person y cymwysterau, y sgiliau, y cymhwysedd a'r profiad sy'n angenrheidiol ar gyfer y gwaith y mae i'w wneud,
- (c) bod y person, oherwydd ei iechyd, ar ôl i addasiadau rhesymol gael eu gwneud, yn gallu cyflawni'n briodol y tasgau sy'n rhan annatod o'i rôl,
- (d) bod y person wedi darparu gwybodaeth neu ddogfennaeth lawn a boddhaol, yn ôl y digwydd, mewn cysylltiad â phob un o'r materion sy'n ofynnol o dan baragraffau 1 i 9 o Atodlen 1, a bod yr wybodaeth hon neu'r ddogfennaeth hon ar gael yn y gwasanaeth i Weinidogion Cymru edrych arni, ac
- (e) pan fo'r person wedi ei gyflogi gan y darparwr gwasanaeth i reoli'r gwasanaeth, o 1 Ebrill 2022, fod y person wedi ei gofrestru fel rheolwr gofal cymdeithasol(1) â GCC.

(3) Rhaid i gais gael ei wneud am dystysgrif GDG briodol gan neu ar ran y darparwr gwasanaeth at ddiben asesu addasrwydd person ar gyfer y swydd y cyfeirir ati ym mharagraff (1). Ond nid yw'r gofyniad hwn yn gymwys os yw'r person sy'n gweithio yn y gwasanaeth wedi ei gofrestru â gwasanaeth diweddarur'r Gwasanaeth Datgelu a Gwahardd (y cyfeirir ato yn y rheoliad hwn fel gwasanaeth diweddarur'r GDG).

(4) Pan fo person sy'n cael ei ystyried ar gyfer swydd y cyfeirir ati ym mharagraff (1) wedi ei gofrestru â gwasanaeth diweddarur'r GDG, rhaid i'r darparwr gwasanaeth wirio statws tystysgrif GDG y person at ddiben asesu addasrwydd y person hwnnw ar gyfer y swydd honno.

(5) Pan fo person a benodir i swydd y cyfeirir ati ym mharagraff (1) wedi ei gofrestru â gwasanaeth diweddarur'r GDG, rhaid i'r darparwr gwasanaeth wirio statws tystysgrif GDG y person o leiaf bob blwyddyn.

- (c) allow any other person to work at the service in a position in which they may in the course of their duties have regular contact with children who are receiving care and support unless that person is fit to do so.

(2) For the purposes of paragraph (1), a person is not fit to work at the service unless—

- (a) the person is of suitable integrity and good character,
- (b) the person has the qualifications, skills, competence and experience necessary for the work they are to perform,
- (c) the person is able by reason of their health, after reasonable adjustments are made, of properly performing the tasks which are intrinsic to their role,
- (d) the person has provided full and satisfactory information or documentation, as the case may be, in respect of each of the matters required under paragraphs 1 to 9 of Schedule 1, and this information or documentation is available at the service for inspection by the Welsh Ministers, and
- (e) where the person is employed by the service provider to manage the service, from 1 April 2022, the person is registered as a social care manager(1) with SCW.

(3) An appropriate DBS certificate must be applied for by, or on behalf of, the service provider, for the purpose of assessing the suitability of a person for the post referred to in paragraph (1). But this requirement does not apply if the person working at the service is registered with the Disclosure and Barring Service update service (referred to in this regulation as the DBS update service).

(4) Where a person being considered for a post referred to in paragraph (1) is registered with the DBS update service, the service provider must check the person's DBS certificate status for the purpose of assessing the suitability of that person for that post.

(5) Where a person appointed to a post referred to in paragraph (1) is registered with the DBS update service, the service provider must check the person's DBS certificate status at least annually.

(1) *Gweler* adran 79(1)(b) o Ddeddf 2016 am y diffiniad o "rheolwr gofal cymdeithasol".

(1) *See* section 79(1)(b) of the 2016 Act for the definition of a "social care manager".

(6) Pan na fo person a benodir i swydd y cyfeirir ati ym mharagraff (1) wedi ei gofrestru â gwasanaeth diweddarur GDG, rhaid i'r darparwr gwasanaeth wneud cais am dystysgrif GDG newydd mewn cysylltiad â'r person hwnnw o fewn tair blynedd i ddyroddi'r dystysgrif y gwneir cais amdani yn unol â pharagraff (3) ac wedi hynny, rhaid i geisiadau pellach o'r fath gael eu gwneud o leiaf bob tair blynedd.

(7) Os nad yw person sy'n gweithio yn y gwasanaeth maethu yn addas i weithio yn y gwasanaeth mwyach o ganlyniad i beidio â bodloni un neu ragor o'r gofynion ym mharagraff (2), rhaid i'r darparwr gwasanaeth—

- (a) cymryd camau gweithredu angenrheidiol a chymesur i ddiogelu plant, a
- (b) pan fo'n briodol, hysbysu—
 - (i) GCC,
 - (ii) y Gwasanaeth Datgelu a Gwahardd.

Cefnogi a datblygu staff

31.—(1) Rhaid i'r darparwr gwasanaeth gael polisi yn ei le ar gyfer cefnogi a datblygu staff.

(2) Rhaid i'r darparwr gwasanaeth sicrhau bod unrhyw berson sy'n gweithio yn y gwasanaeth (gan gynnwys person y caniateir iddo weithio fel gwirfoddolwr)—

- (a) yn cael cyfnod sefydlu sy'n briodol i'w rôl,
- (b) yn cael ei wneud yn ymwybodol o'i gyfrifoldebau ei hun a chyfrifoldebau staff eraill,
- (c) yn cael ei oruchwylio a'i arfarnu'n briodol,
- (d) yn cael hyfforddiant craidd sy'n briodol i'r gwaith sydd i'w wneud ganddo,
- (e) yn cael hyfforddiant arbenigol fel y bo'n briodol, ac
- (f) yn cael cymorth a chynhorthwy i gael unrhyw hyfforddiant pellach sy'n briodol i'r gwaith y mae'n ei wneud.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod unrhyw berson a gyflogir i weithio yn y gwasanaeth yn rheolwr yn cael ei gefnogi i gynnal unrhyw gofrestrriad â GCC.

Cydymffurfio â chod ymarfer y cyflogwr

32. Rhaid i'r darparwr gwasanaeth lynu wrth y cod ymarfer ar y safonau ymddygiad ac ymarfer a ddisgwylir oddi wrth bersonau sy'n cyflogi neu sy'n ceisio cyflogi gweithwyr gofal cymdeithasol, y mae'n ofynnol i GCC ei gyhoeddi o dan adran 112(1)(b) o Ddeddf 2016.

(6) Where a person appointed to a post referred to in paragraph (1) is not registered with the DBS update service, the service provider must apply for a new DBS certificate in respect of that person within three years of the issue of the certificate applied for in accordance with paragraph (3) and thereafter further such applications must be made at least every three years.

(7) If any person working at the fostering service is no longer fit to work at the service as a result of one or more of the requirements in paragraph (2) not being met, the service provider must—

- (a) take necessary and proportionate action to safeguard children, and
- (b) where appropriate, inform—
 - (i) SCW,
 - (ii) the Disclosure and Barring Service.

Supporting and developing staff

31.—(1) The service provider must have a policy in place for the support and development of staff.

(2) The service provider must ensure that any person working at the service (including a person allowed to work as a volunteer)—

- (a) receives an induction appropriate to their role,
- (b) is made aware of their own responsibilities and those of other staff,
- (c) receives appropriate supervision and appraisal,
- (d) receives core training appropriate to the work to be performed by them,
- (e) receives specialist training as appropriate, and
- (f) receives support and assistance to obtain such further training as is appropriate to the work they perform.

(3) The service provider must ensure that any person employed to work at the service as a manager is supported to maintain any registration with SCW.

Compliance with employer's code of practice

32. The service provider must adhere to the code of practice on the standards of conduct and practice expected of persons employing or seeking to employ social care workers, which is required to be published by SCW under section 112(1)(b) of the 2016 Act.

Gwybodaeth ar gyfer staff

33.—(1) Rhaid i'r darparwr gwasanaeth sicrhau y darperir gwybodaeth i bob person sy'n gweithio yn y gwasanaeth (gan gynnwys unrhyw berson y caniateir iddo weithio fel gwirfoddolwr) am y gwasanaeth a'r ffordd y caiff ei ddarparu.

(2) Rhaid i'r darparwr gwasanaeth sicrhau bod trefniadau addas yn eu lle i wneud staff yn ymwybodol o unrhyw godau ymarfer ynghylch y safonau ymddygiad a ddisgwyllir oddi wrth weithwyr gofal cymdeithasol y mae'n ofynnol i GCC eu cyhoeddi o dan adran 112(1)(a) o Ddeddf 2016.

Gweithdrefnau disgyblu

34.—(1) Rhaid i'r darparwr gwasanaeth roi gweithdrefn ddisgyblu yn ei lle a'i gweithredu.

(2) Rhaid i'r weithdrefn ddisgyblu gynnwys—

- (a) darpariaeth ar gyfer atal dros dro, a chymryd camau gweithredu heb fod mor bell ag atal dros dro, gyflogeion er budd diogelwch neu lesiant plant sy'n cael gofal a chymorth gan y gwasanaeth, a
- (b) darpariaeth bod methiant ar ran cyflogai i adrodd am achos o gam-drin, neu am amheuaeth o gam-drin, i berson priodol yn sail dros ganiatáu cychwyn achos disgyblu.

(3) At ddiben paragraff (2)(b), person priodol yw—

- (a) un o swyddogion Gweinidogion Cymru,
- (b) y darparwr gwasanaeth,
- (c) yr unigolyn cyfrifol,
- (d) swyddog i'r awdurdod lleol,
- (e) yn achos cam-drin neu amheuaeth o gam-drin plentyn, swyddog i'r Gymdeithas Genedlaethol er Atal Creulondeb i Blant, neu

(f) swyddog heddlu,

yn ôl y digwydd.

Cyfyngiadau ar gyflogaeth

35.—(1) Ni chaiff y darparwr gwasanaeth gyflogi i weithio, at ddibenion y gwasanaeth maethu, mewn swydd y mae paragraff (2) yn gymwys iddi, berson sydd—

- (a) yn rhiant maeth sydd wedi ei gymeradwyo gan y gwasanaeth maethu, neu
- (b) yn aelod o aelwyd rhiant maeth o'r fath.

Information for staff

33.—(1) The service provider must ensure that all persons working at the service (including any person allowed to work as a volunteer) are provided with information about the service and the way it is provided.

(2) The service provider must ensure that there are suitable arrangements in place to make staff aware of any codes of practice about the standards of conduct expected of social care workers which are required to be published by SCW under section 112(1)(a) of the 2016 Act.

Disciplinary procedures

34.—(1) The service provider must put in place and operate a disciplinary procedure.

(2) The disciplinary procedure must include—

- (a) provision for the suspension, and the taking of action short of suspension, of employees in the interests of the safety or well-being of children receiving care and support from the service, and
- (b) provision that a failure on the part of an employee to report an incident of abuse, or suspected abuse, to an appropriate person, is grounds on which disciplinary proceedings may be instituted.

(3) For the purpose of paragraph (2)(b), an appropriate person is—

- (a) an officer of the Welsh Ministers,
- (b) the service provider,
- (c) the responsible individual,
- (d) an officer of the local authority,
- (e) in the case of an incident of abuse or suspected abuse of a child, an officer of the National Society for the Prevention of Cruelty to Children, or
- (f) a police officer,

as the case may be.

Restrictions on employment

35.—(1) The service provider must not employ to work for the purposes of the fostering service in a position to which paragraph (2) applies, a person who is—

- (a) a foster parent approved by the fostering service, or
- (b) a member of the household of such a foster parent.

(2) Mae'r paragraff hwn yn gymwys i unrhyw swydd reoli, swydd gwaith cymdeithasol neu swydd broffesiynol arall, oni bai bod y gwaith yn cael ei wneud yn achlysurol, fel gwirfoddolwr, neu am ddim mwy na 5 awr mewn unrhyw wythnos, yn achos swydd nad yw'n swydd reoli nac yn swydd gwaith cymdeithasol.

RHAN 9

Mangreoedd, cyfleusterau a chyfarpar

Mangreoedd, cyfleusterau a chyfarpar - darparwyr gwasanaethau

36. Rhaid i'r darparwr gwasanaeth sicrhau bod y mangreoedd, y cyfleusterau a'r cyfarpar a ddefnyddir ar gyfer gweithredu'r gwasanaeth yn addas, gan roi sylw i'r datganiad o ddiben ar gyfer y gwasanaeth.

Digonolrwydd cyfleusterau

37. Rhaid i'r darparwr gwasanaeth sicrhau bod gan y fangre a ddefnyddir ar gyfer gweithredu'r gwasanaeth gyfleusterau digonol ar gyfer—

- (a) goruchwylio staff, a
- (b) storio cofnodion yn ddiogel.

Mangreoedd, cyfleusterau a chyfarpar - rhieni maeth

38.—(1) Rhaid i'r darparwr gwasanaeth gael trefniadau yn eu lle i sicrhau bod y mangreoedd, y cyfleusterau a'r cyfarpar a ddefnyddir gan rhieni maeth ar gyfer darparu gofal a chymorth i blant—

- (a) yn addas ac yn ddiogel i'r diben y bwriedir iddynt gael eu defnyddio ato,
- (b) yn cael eu defnyddio mewn ffordd ddiogel,
- (c) yn cael eu cynnal a'u cadw'n briodol, a
- (d) yn cael eu cadw'n lân yn unol â safon sy'n briodol i'r diben y maent yn cael eu defnyddio ato.

(2) Rhaid i'r darparwr gwasanaeth sicrhau bod rhieni maeth yn cael eu hyfforddi'n briodol ynghylch sut i weithredu unrhyw gyfarpar y maent yn ei ddefnyddio wrth ddarparu gofal a chymorth i blentyn.

(2) This paragraph applies to any management, social work or other professional position, unless in the case of a position which is not a management or a social work position, the work is undertaken on an occasional basis, as a volunteer, or for no more than 5 hours in any week.

PART 9

Premises, facilities and equipment

Premises, facilities and equipment - service providers

36. The service provider must ensure that the premises, facilities and equipment used for the operation of the service are suitable, having regard to the statement of purpose for the service.

Adequacy of facilities

37. The service provider must ensure that the premises used for the operation of the service have adequate facilities for—

- (a) the supervision of staff, and
- (b) the secure storage of records.

Premises, facilities and equipment - foster parents

38.—(1) The service provider must have arrangements in place to ensure that the premises, facilities and equipment used by foster parents for the provision of care and support to children are—

- (a) suitable and safe for the purpose for which they are intended to be used,
- (b) used in a safe way,
- (c) properly maintained, and
- (d) kept clean to a standard which is appropriate for the purpose for which they are being used.

(2) The service provider must ensure that foster parents are properly trained on how to operate any equipment that they may use when providing care and support to a child.

RHAN 10

Gofynion eraill ar ddarparwyr gwasanaethau

Cofnodion mewn cysylltiad â gwasanaethau maethu

39.—(1) Rhaid i'r darparwr gwasanaeth gynnal y cofnodion a bennir yn Atodlen 2 am 15 mlynedd.

(2) Rhaid i'r darparwr gwasanaeth—

- (a) sicrhau bod y cofnodion a bennir yn Atodlen 2 yn gywir ac yn gyfredol,
- (b) cadw'r cofnodion yn ddiogel,
- (c) sicrhau bod y cofnodion yn cael eu danfon i'r awdurdod lleoli pan fydd y gwasanaeth yn peidio â chael ei ddarparu mewn cysylltiad â'r plentyn y mae'r cofnodion yn ymwneud ag ef,
- (d) gwneud trefniadau addas er mwyn i'r cofnodion barhau i gael eu cadw'n ddiogel os bydd y gwasanaeth yn cau,
- (e) rhoi'r cofnodion ar gael i Weinidogion Cymru ar gais,
- (f) sicrhau bod plant sy'n defnyddio'r gwasanaeth—
 - (i) yn cael eu gwneud yn ymwybodol o'u hawliau i gael mynediad i'w cofnodion, a
 - (ii) yn cael mynediad i'w cofnodion fel y mae'r gyfraith yn ei ganiatáu.

Hysbysiadau

40.—(1) Rhaid i'r darparwr gwasanaeth hysbysu Gweinidogion Cymru am y digwyddiadau a bennir yn Rhan 1 o Atodlen 3.

(2) Rhaid i'r darparwr gwasanaeth hysbysu'r awdurdod lleoli am y digwyddiadau a bennir yn Rhan 2 o Atodlen 3.

(3) Rhaid i'r darparwr gwasanaeth hysbysu'r awdurdod ardal am y digwyddiadau a bennir yn Rhan 3 o Atodlen 3.

(4) Rhaid i'r darparwr gwasanaeth hysbysu'r Bwrdd Iechyd Lleol y mae'r plentyn wedi ei leoli yn ei ardal am y digwyddiadau a bennir yn Rhan 4 o Atodlen 3.

(5) Rhaid i'r darparwr gwasanaeth hysbysu'r heddlu am y digwyddiadau a bennir yn Rhan 5 o Atodlen 3.

(6) Rhaid i'r hysbysiadau sy'n ofynnol gan baragraff (1) gynnwys manylion y digwyddiad.

(7) Rhaid i hysbysiadau gael eu gwneud yn y modd a'r ffurf sy'n ofynnol gan Weinidogion Cymru.

PART 10

Other requirements on service providers

Records with respect to fostering services

39.—(1) The service provider must maintain the records specified in Schedule 2 for 15 years.

(2) The service provider must—

- (a) ensure that the records specified in Schedule 2 are accurate and up to date,
- (b) keep the records securely,
- (c) ensure the records are delivered to the placing authority when the service ceases to be provided in respect of the child to whom the records relate,
- (d) make suitable arrangements for the records to continue to be kept securely in the event the service closes,
- (e) make the records available to the Welsh Ministers on request,
- (f) ensure that children who use the service—
 - (i) are made aware of their right to access their records, and
 - (ii) have such access to their records as is permitted by law.

Notifications

40.—(1) The service provider must notify the Welsh Ministers of the events specified in Part 1 of Schedule 3.

(2) The service provider must notify the placing authority of the events specified in Part 2 of Schedule 3.

(3) The service provider must notify the area authority of the events specified in Part 3 of Schedule 3.

(4) The service provider must notify the Local Health Board in whose area the child is placed of the events specified in Part 4 of Schedule 3.

(5) The service provider must notify the police of the events specified in Part 5 of Schedule 3.

(6) The notifications required by paragraph (1) must include details of the event.

(7) Notifications must be made in such manner and in such form as may be required by the Welsh Ministers.

(8) Oni nodir fel arall, rhaid i hysbysiadau gael eu gwneud yn ddi-oed ac yn ysgrifenedig.

Gwrthdaro buddiannau

41. Rhaid i'r darparwr gwasanaeth gael trefniadau effeithiol yn eu lle i nodi, cofnodi a rheoli achosion posibl o wrthdaro buddiannau.

Polisi a gweithdrefnau cwyno

42.—(1) Rhaid i'r darparwr gwasanaeth gael polisi cwyno yn ei le a sicrhau bod y gwasanaeth yn cael ei weithredu yn unol â'r polisi hwnnw.

(2) Rhaid i'r polisi cwyno gynnwys gweithdrefnau ar gyfer ystyried cwynion a wneir i'r darparwr gwasanaeth gan neu ar ran plant sydd wedi eu lleoli gan y darparwr ynghylch—

- (a) y darparwr,
- (b) rhieni maeth, ac
- (c) unrhyw fater arall y mae'r darparwr yn ystyried ei fod yn berthnasol.

(3) Rhaid i'r polisi cwyno gynnwys gweithdrefnau ar gyfer ystyried cwynion a wneir i'r darparwr gwasanaeth gan neu ar ran unrhyw blant eraill y gall y lleoliad sy'n cael ei wneud effeithio arnynt ynghylch—

- (a) y darparwr, a
- (b) unrhyw fater arall y mae'r darparwr yn ystyried ei fod yn berthnasol.

(4) Rhaid i'r polisi cwyno gynnwys gweithdrefnau ar gyfer ystyried cwynion a wneir i'r darparwr gwasanaeth gan rieni maeth ynghylch—

- (a) y darparwr, a
- (b) unrhyw fater arall y mae'r darparwr yn ystyried ei fod yn berthnasol.

(5) Rhaid i'r polisi cwyno gynnwys gweithdrefnau ar gyfer ystyried cwynion a wneir i'r darparwr gwasanaeth gan rieni unrhyw blentyn sydd wedi ei leoli gan y darparwr ynghylch—

- (a) y darparwr, a
- (b) unrhyw fater arall y mae'r darparwr yn ystyried ei fod yn berthnasol.

(6) Rhaid i'r darparwr gwasanaeth roi trefniadau effeithiol yn eu lle ar gyfer ymdrin â chwynion, gan gynnwys trefniadau ar gyfer—

- (a) nodi cwynion ac ymchwilio iddynt,
- (b) rhoi ymateb priodol i berson sy'n gwneud cwyn, os yw'n rhesymol ymarferol cysylltu â'r person hwnnw,
- (c) sicrhau bod camau gweithredu priodol yn cael eu cymryd yn dilyn ymchwiliad, a

(8) Unless otherwise stated, notifications must be made without delay and in writing.

Conflicts of interest

41. The service provider must have effective arrangements in place to identify, record and manage potential conflicts of interest.

Complaints policy and procedures

42.—(1) The service provider must have a complaints policy in place and ensure that the service is operated in accordance with that policy.

(2) The complaints policy must include procedures for considering complaints made to the service provider by or on behalf of children placed by the provider about—

- (a) the provider,
- (b) foster parents, and
- (c) any other matter considered by the provider to be relevant.

(3) The complaints policy must include procedures for considering complaints made to the service provider by or on behalf of any other children who may be affected by the placement made about—

- (a) the provider, and
- (b) any other matter considered by the provider to be relevant.

(4) The complaints policy must include procedures for considering complaints made to the service provider by foster parents about—

- (a) the provider, and
- (b) any other matter considered by the provider to be relevant.

(5) The complaints policy must include procedures for considering complaints made to the service provider by the parents of any child placed by the provider about—

- (a) the provider, and
- (b) any other matter considered by the provider to be relevant.

(6) The service provider must have effective arrangements in place for dealing with complaints including arrangements for—

- (a) identifying and investigating complaints,
- (b) giving an appropriate response to a person who makes a complaint, if it is reasonably practicable to contact that person,
- (c) ensuring that appropriate action is taken following an investigation, and

(d) cadw cofnodion sy'n ymwneud â'r materion yn is-baragraffau (a) i (c).

(7) Rhaid i'r darparwr gwasanaeth ddarparu crynodeb o gwynion, ymatebion ac unrhyw gamau gweithredu dilynol a gymerir i Weinidogion Cymru o fewn 28 o ddiwrnodau i gael cais i wneud hynny.

(8) Rhaid i'r darparwr gwasanaeth—

- (a) dadansoddi gwybodaeth sy'n ymwneud â chwynion a phryderon, a
- (b) gan roi sylw i'r dadansoddiad hwnnw, nodi unrhyw feysydd i'w gwella.

Chwythu'r chwiban

43.—(1) Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau bod pob person sy'n gweithio yn y gwasanaeth (gan gynnwys unrhyw berson y caniateir iddo weithio fel gwirfoddolwr) yn gallu codi pryderon am y gwasanaeth.

(2) Rhaid i'r trefniadau hyn gynnwys—

- (a) cael polisi chwythu'r chwiban yn ei le a gweithredu yn unol â'r polisi hwnnw, a
- (b) sefydlu trefniadau i alluogi a chefnogi pobl sy'n gweithio yn y gwasanaeth i godi pryderon o'r fath.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod y trefniadau sy'n ofynnol o dan y rheoliad hwn yn cael eu gweithredu'n effeithiol.

(4) Pan godir pryder, rhaid i'r darparwr gwasanaeth sicrhau—

- (a) yr ymchwilir i'r pryder,
- (b) y cymerir camau priodol yn dilyn ymchwiliad, ac
- (c) y cedwir cofnod sy'n ymwneud â'r materion yn is-baragraffau (a) a (b).

(d) keeping records relating to the matters in subparagraphs (a) to (c).

(7) The service provider must provide a summary of complaints, responses and any subsequent action taken to the Welsh Ministers within 28 days of being requested to do so.

(8) The service provider must—

- (a) analyse information relating to complaints and concerns, and
- (b) having regard to that analysis, identify any areas for improvement.

Whistleblowing

43.—(1) The service provider must put arrangements in place to ensure that all persons working at the service (including any person allowed to work as a volunteer) are able to raise concerns about the service.

(2) These arrangements must include—

- (a) having a whistleblowing policy in place and acting in accordance with that policy, and
- (b) establishing arrangements to enable and support people working at the service to raise such concerns.

(3) The service provider must ensure that the arrangements required under this regulation are operated effectively.

(4) When a concern is raised, the service provider must ensure that—

- (a) the concern is investigated,
- (b) appropriate steps are taken following an investigation, and
- (c) a record is kept relating to the matters in subparagraphs (a) and (b).

RHAN 11

Cefnogi a goruchwyllo rhieni maeth

Cymorth, hyfforddiant a gwybodaeth ar gyfer rhieni maeth

44.—(1) Rhaid i'r darparwr gwasanaeth sicrhau bod gan rieni maeth yr wybodaeth y mae ei hangen arnynt i ddarparu gofal a chymorth i blentyn sydd wedi ei leoli gyda hwy yn unol â chynllun gofal a chymorth y plentyn.

PART 11

Support and oversight of foster parents

Support, training and information for foster parents

44.—(1) The service provider must ensure that foster parents have the information they need to provide care and support to a child placed with them in accordance with the child's care and support plan.

(2) Rhaid i'r darparwr gwasanaeth sicrhau bod rhieni maeth yn cael unrhyw hyfforddiant, cyngor a chymorth, gan gynnwys cymorth y tu allan i oriau swyddfa, y mae'n ymddangos eu bod yn angenrheidiol er budd plant sydd wedi eu lleoli gyda'r rhieni maeth ac i'w galluogi i ddarparu gofal a chymorth i blant yn unol â chynllun gofal a chymorth pob plentyn.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod darpar rieni maeth yn cael unrhyw hyfforddiant, gwybodaeth a chyngor yr ystyrir eu bod yn angenrheidiol.

(4) Rhaid i'r darparwr gwasanaeth fonitro ac adolygu'r wybodaeth, yr hyfforddiant, y cyngor a'r cymorth a ddarperir i rieni maeth a darpar rieni maeth a gwneud unrhyw welliannau sy'n angenrheidiol.

Polisiâu a gweithdrefnau i rieni maeth

45. Rhaid i'r darparwr gwasanaeth sicrhau bod rhieni maeth yn gyfarwydd â'r polisiâu a'r gweithdrefnau a sefydlir o dan reoliadau 11, 21, 22, 25, 26, 27, 42 ac 48 ac yn gweithredu yn unol â hwy.

Goruchwyllo

46. Rhaid i'r darparwr gwasanaeth sicrhau bod rhieni maeth yn cael eu goruchwyllo'n briodol.

Perthnasoedd gwaith effeithiol

47. Rhaid i'r darparwr gwasanaeth—

- (a) cynnal perthnasoedd proffesiynol da â rhieni maeth, a
- (b) annog a chynorthwyo rhieni maeth i gynnal perthnasoedd personol da â phlant sydd wedi eu lleoli gyda hwy.

Cefnogi plant i reoli eu harian

48.—(1) Rhaid i'r darparwr gwasanaeth gael polisi a gweithdrefnau yn eu lle i alluogi rhieni maeth i ddarparu cymorth a chynorthwyo i blant o ran sut i reoli eu harian.

(2) Rhaid i'r polisi a'r gweithdrefnau y mae'n ofynnol gan y rheoliad hwn iddynt fod yn eu lle nodi'r camau sydd i'w cymryd gan rieni maeth i alluogi a chefnogi plant i reoli eu harian eu hunain ac i amddiffyn plant rhag camdriniaeth ariannol.

(3) Rhaid i'r polisi a'r gweithdrefnau sicrhau bod y darparwr gwasanaeth yn goruchwyllo ac yn monitro'n ddigonol y cynilion a wneir gan rieni maeth ar ran plant.

(2) The service provider must ensure foster parents receive such training, advice and support, including support outside office hours, as appears necessary in the interests of children placed with the foster parents and to enable them to provide care and support to children in accordance with each child's care and support plan.

(3) The service provider must ensure prospective foster parents receive such training, information and advice as is considered necessary.

(4) The service provider must monitor and review the information, training, advice and support provided to foster parents and prospective foster parents and make any improvements which may be necessary.

Policies and procedures to foster parents

45. The service provider must ensure that foster parents are familiar with and act in accordance with the policies and procedures established under regulations 11, 21, 22, 25, 26, 27, 42 and 48.

Supervision

46. The service provider must ensure that foster parents are appropriately supervised.

Effective working relationships

47. The service provider must—

- (a) maintain good professional relationships with foster parents, and
- (b) encourage and assist foster parents to maintain good personal relationships with children placed with them.

Supporting children to manage their money

48.—(1) The service provider must have a policy and procedures in place to enable foster parents to provide support and assistance to children on how to manage their money.

(2) The policy and procedures which are required by this regulation to be in place must set out the steps which are to be taken by foster parents to enable and support children to manage their own money and to protect children from financial abuse.

(3) The policy and procedures must ensure that there is adequate oversight and monitoring by the service provider of savings which are made by foster parents on behalf of children.

(4) Pan fo'r rhieni maeth yn dal arian plentyn at unrhyw ddiben, rhaid i'r polisi a'r gweithdrefnau sy'n ofynnol gan y rheoliad hwn ddarparu bod yr arian yn cael ei ddal mewn cyfrif yn enw'r plentyn neu mewn cyfrif sy'n ei gwneud yn bosibl darnodi arian y plentyn yn glir.

(5) Rhaid i'r polisi a'r gweithdrefnau sicrhau bod rhieni maeth yn trosglwyddo'r holl gofnodion o gynilion (gan gynnwys gwariant o gynilion) i'r darparwr gwasanaeth pan ddaw lleoliad y plentyn y mae'r cofnodion yn ymwneud ag ef i ben.

RHAN 12

Gofynion ar unigolion cyfrifol ar gyfer sicrhau bod y gwasanaeth yn cael ei reoli'n effeithiol

Goruchwyllo'r gwaith o reoli'r gwasanaeth

49. Rhaid i'r unigolyn cyfrifol oruchwyllo'r gwaith o reoli'r gwasanaeth.

Dyletswydd i benodi rheolwr

50.—(1) Rhaid i'r unigolyn cyfrifol benodi person i reoli'r gwasanaeth. Ond nid yw'r gofyniad hwn yn gymwys os yw'r amodau ym mharagraff (2) neu (3) yn gymwys.

(2) Pan fo'r darparwr gwasanaeth yn unigolyn, yr amodau yw—

- (a) bod y darparwr gwasanaeth yn bwriadu rheoli'r gwasanaeth,
- (b) bod y darparwr gwasanaeth yn addas i reoli'r gwasanaeth,
- (c) yn ddarostyngedig i baragraff (6), bod y darparwr gwasanaeth wedi ei gofrestru fel rheolwr â GCC, a
- (d) bod Gweinidogion Cymru yn cytuno i'r darparwr gwasanaeth reoli'r gwasanaeth.

(3) Pan fo'r darparwr gwasanaeth yn bartneriaeth, yn gorff corfforaethol neu'n gorff anghorfforedig, yr amodau yw—

- (a) bod y darparwr gwasanaeth yn cynnig bod yr unigolyn sydd wedi ei ddynodi fel yr unigolyn cyfrifol am y gwasanaeth i'w benodi i reoli'r gwasanaeth,
- (b) bod yr unigolyn hwnnw yn addas i reoli'r gwasanaeth,
- (c) yn ddarostyngedig i baragraff (6), bod yr unigolyn hwnnw wedi ei gofrestru fel rheolwr â GCC, a

(4) Where a child's money is held by the foster parents for any purpose, the policy and procedures required by this regulation must provide that the money is held in an account in the child's name or in an account which enables clear demarcation of the child's money.

(5) The policy and procedures must ensure that foster parents pass on all records of savings (including expenditure from savings) to the service provider when the placement of the child to whom the records relate comes to an end.

PART 12

Requirements on responsible individuals for ensuring the effective management of the service

Supervision of management of the service

49. The responsible individual must supervise the management of the service.

Duty to appoint a manager

50.—(1) The responsible individual must appoint a person to manage the service. But this requirement does not apply if the conditions in paragraph (2) or (3) apply.

(2) Where the service provider is an individual, the conditions are—

- (a) the service provider proposes to manage the service,
- (b) the service provider is fit to manage the service,
- (c) subject to paragraph (6), the service provider is registered as a manager with SCW, and
- (d) the Welsh Ministers agree to the service provider managing the service.

(3) Where the service provider is a partnership, body corporate or unincorporated body, the conditions are—

- (a) the service provider proposes that the individual designated as the responsible individual for the service is to be appointed to manage the service,
- (b) that individual is fit to manage the service,
- (c) subject to paragraph (6), that individual is registered as a manager with SCW, and

(d) bod Gweinidogion Cymru yn cytuno i'r unigolyn hwnnw reoli'r gwasanaeth.

(4) At ddibenion paragraff (2)(b), nid yw'r darparwr gwasanaeth yn addas i reoli'r gwasanaeth oni bai bod gofynion rheoliad 30(2) (addasrwydd staff) wedi eu bodloni mewn cysylltiad â'r darparwr gwasanaeth.

(5) Nid yw'r ddyletswydd ym mharagraff (1) wedi ei chyflawni os yw'r person a benodir i reoli'r gwasanaeth yn absennol am gyfnod o fwy na thri mis.

(6) Nid yw'r amod ym mharagraffau (2)(c) a (3)(c) ond yn gymwys o 1 Ebrill 2022.

Gofynion o ran addasrwydd ar gyfer penodi rheolwr

51.—(1) Ni chaiff yr unigolyn cyfrifol benodi person i reoli'r gwasanaeth oni bai bod y person hwnnw yn addas i wneud hynny.

(2) At ddibenion paragraff (1), nid yw person yn addas i reoli'r gwasanaeth oni bai bod gofynion rheoliad 30(2) (addasrwydd staff) wedi eu bodloni mewn cysylltiad â'r person hwnnw.

Cyfyngiadau ar benodi rheolwr ar gyfer mwy nag un gwasanaeth

52.—(1) Ni chaiff yr unigolyn cyfrifol benodi person i reoli mwy nag un gwasanaeth, oni bai bod paragraff (2) yn gymwys.

(2) Mae'r paragraff hwn yn gymwys—

- (a) os yw'r darparwr gwasanaeth wedi gwneud cais i Weinidogion Cymru am ganiatâd i benodi rheolwr ar gyfer mwy nag un gwasanaeth, a
- (b) os yw Gweinidogion Cymru wedi eu bodloni—
 - (i) na fydd y trefniadau rheoli arfaethedig yn cael effaith andwyol ar y gofal a'r cymorth a ddarperir i blant, a
 - (ii) y bydd y trefniadau rheoli arfaethedig yn darparu goruchwyliaeth ddibynadwy ac effeithiol o bob gwasanaeth.

Dyletswydd i adrodd am benodiad rheolwr i'r darparwr gwasanaeth

53. Wrth benodi rheolwr yn unol â rheoliad 50(1), rhaid i'r unigolyn cyfrifol roi hysbysiad i'r darparwr gwasanaeth o—

- (a) enw'r person a benodir, a
- (b) y dyddiad y mae'r penodiad i gymryd effaith.

(d) the Welsh Ministers agree to that individual managing the service.

(4) For the purposes of paragraph (2)(b), the service provider is not fit to manage the service unless the requirements of regulation 30(2) (fitness of staff) are met in respect of the service provider.

(5) The duty in paragraph (1) is not discharged if the person appointed to manage the service is absent for a period of more than three months.

(6) The condition in paragraphs (2)(c) and (3)(c) applies only from 1 April 2022.

Fitness requirements for appointment of manager

51.—(1) The responsible individual must not appoint a person to manage the service unless that person is fit to do so.

(2) For the purposes of paragraph (1), a person is not fit to manage the service unless the requirements of regulation 30(2) (fitness of staff) are met in respect of that person.

Restrictions on appointing a manager for more than one service

52.—(1) The responsible individual must not appoint a person to manage more than one service, unless paragraph (2) applies.

(2) This paragraph applies if—

- (a) the service provider has applied to the Welsh Ministers for permission to appoint a manager for more than one service, and
- (b) the Welsh Ministers are satisfied that the proposed management arrangements—
 - (i) will not have an adverse impact on the care and support provided to children, and
 - (ii) will provide reliable and effective oversight of each service.

Duty to report the appointment of manager to service provider

53. On the appointment of a manager in accordance with regulation 50(1), the responsible individual must give notice to the service provider of—

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

Dyletswydd i adrodd am benodiad rheolwr i GCC a Gweinidogion Cymru

54.—(1) Wrth benodi rheolwr yn unol â rheoliad 50(1), rhaid i'r unigolyn cyfrifol roi hysbysiad i GCC a Gweinidogion Cymru o—

- (a) enw, dyddiad geni a rhif cofrestru GCC y person a benodir, a
- (b) y dyddiad y mae'r penodiad i gymryd effaith.

(2) Pan fo darparwr gwasanaeth sy'n unigolyn i reoli'r gwasanaeth, rhaid i'r unigolyn hwnnw roi hysbysiad i GCC o—

- (a) ei enw, ei ddyddiad geni a'i rif cofrestru GCC, a
- (b) y dyddiad y bydd yn rheoli'r gwasanaeth ohono.

Y trefniadau pan yw'r rheolwr yn absennol

55.—(1) Rhaid i'r unigolyn cyfrifol roi trefniadau addas yn eu lle i sicrhau bod y gwasanaeth yn cael ei reoli'n effeithiol ar unrhyw adeg pan nad oes rheolwr neu pan yw'r rheolwr yn absennol o'r gwasanaeth.

(2) Os nad oes rheolwr neu os yw'r rheolwr yn absennol am gyfnod o fwy nag 28 o ddiwrnodau, rhaid i'r unigolyn cyfrifol—

- (a) hysbysu'r darparwr gwasanaeth a Gweinidogion Cymru, a
- (b) rhoi gwybod iddynt am y trefniadau sydd wedi eu rhoi yn eu lle ar gyfer rheoli'r gwasanaeth yn effeithiol.

Ymweliadau

56.—(1) Rhaid i'r unigolyn cyfrifol—

- (a) ymweld â'r fangre y darperir y gwasanaeth ohoni,
- (b) cwrdd ag aelodau o staff sydd wedi eu cyflogi gan y darparwr gwasanaeth o bob man y mae'r unigolyn cyfrifol wedi ei ddyodi mewn cysylltiad ag ef, ac
- (c) cwrdd â phlant sydd wedi eu lleoli gan y darparwr gwasanaeth a'u rhieni maeth.

(2) Mae amllder ymweliadau a chyfarfodydd o'r fath i'w benderfynu gan yr unigolyn cyfrifol, gan roi sylw i'r datganiad o ddiben, ond rhaid i'r rhain gael eu cynnal o leiaf bob tri mis.

Duty to report the appointment of manager to SCW and the Welsh Ministers

54.—(1) On the appointment of a manager in accordance with regulation 50(1), the responsible individual must give notice to SCW and the Welsh Ministers of—

- (a) the name, date of birth and SCW registration number of the person appointed, and
- (b) the date on which the appointment is to take effect.

(2) Where a service provider who is an individual is to manage the service, that individual must give notice to SCW of—

- (a) their name, date of birth and SCW registration number, and
- (b) the date from which they will manage the service.

Arrangements when manager is absent

55.—(1) The responsible individual must put suitable arrangements in place to ensure that the service is managed effectively at any time when there is no manager or when the manager is absent from the service.

(2) If there is no manager or the manager is absent for a period of more than 28 days, the responsible individual must—

- (a) notify the service provider and the Welsh Ministers, and
- (b) inform them of the arrangements which have been put in place for the effective management of the service.

Visits

56.—(1) The responsible individual must—

- (a) visit the premises from which the service is provided,
- (b) meet with members of staff who are employed by the service provider from each place in respect of which the responsible individual is designated, and
- (c) meet with children who have been placed by the service provider and their foster parents.

(2) The frequency of such visits and meetings is to be determined by the responsible individual, having regard to the statement of purpose, but these must take place at least every three months.

RHAN 13

Gofynion ar unigolion cyfrifol ar gyfer sicrhau bod y gwasanaeth yn cael ei oruchwyllo'n effeithiol

Goruchwyllo digonolrwydd adnoddau

57.—(1) Rhaid i'r unigolyn cyfrifol adrodd i'r darparwr gwasanaeth am ddigonolrwydd yr adnoddau sydd ar gael i ddarparu'r gwasanaeth yn unol â gofynion y Rheoliadau hyn.

(2) Rhaid i adroddiadau o'r fath gael eu gwneud yn chwarterol.

(3) Nid yw'r gofyniad ym mharagraff (1) yn gymwys pan fo'r darparwr gwasanaeth yn unigolyn.

Adroddiadau eraill i'r darparwr gwasanaeth

58.—(1) Rhaid i'r unigolyn cyfrifol, yn ddi-oed, adrodd i'r darparwr gwasanaeth—

- (a) am unrhyw bryderon ynghylch rheoli neu ddarparu'r gwasanaeth,
- (b) am unrhyw newidiadau sylweddol i'r ffordd y caiff y gwasanaeth ei reoli neu ei ddarparu, ac
- (c) am unrhyw bryderon nad yw'r gwasanaeth yn cael ei ddarparu yn unol â'r datganiad o ddiben ar gyfer y gwasanaeth.

(2) Nid yw'r gofyniad ym mharagraff (1) yn gymwys pan fo'r darparwr gwasanaeth yn unigolyn.

Ymgysylltu â phlant ac eraill

59.—(1) Rhaid i'r unigolyn cyfrifol roi trefniadau addas yn eu lle ar gyfer cael safbwyntiau—

- (a) unrhyw blentyn sydd wedi ei leoli gan y darparwr gwasanaeth,
- (b) rhieni unrhyw blentyn o'r fath, oni bai bod hyn yn amhriodol neu'n anghyson â llesiant y plentyn,
- (c) rhieni maeth,
- (d) yr awdurdod lleoli, ac
- (e) staff sy'n cael eu cyflogi yn y gwasanaeth,

ar ansawdd y gofal a'r cymorth a ddarperir i blant a sut y gellir gwella hyn.

(2) Rhaid i'r unigolyn cyfrifol adrodd am y safbwyntiau a geir i'r darparwr gwasanaeth er mwyn i'r safbwyntiau hyn allu cael eu hystyried gan y darparwr wrth wneud unrhyw benderfyniadau ar gynlluniau ar gyfer gwella ansawdd y gofal a'r cymorth a ddarperir gan y gwasanaeth.

PART 13

Requirements on responsible individuals for ensuring effective oversight of the service

Oversight of adequacy of resources

57.—(1) The responsible individual must report to the service provider on the adequacy of the resources available to provide the service in accordance with the requirements of these Regulations.

(2) Such reports must be made on a quarterly basis.

(3) The requirement in paragraph (1) does not apply where the service provider is an individual.

Other reports to the service provider

58.—(1) The responsible individual must, without delay, report to the service provider—

- (a) any concerns about the management or provision of the service,
- (b) any significant changes to the way in which the service is managed or provided, and
- (c) any concerns that the service is not being provided in accordance with the statement of purpose for the service.

(2) The requirement in paragraph (1) does not apply where the service provider is an individual.

Engagement with children and others

59.—(1) The responsible individual must put suitable arrangements in place for obtaining the views of—

- (a) any child placed by the service provider,
- (b) the parents of any such child, unless this is inappropriate or inconsistent with the child's well-being,
- (c) foster parents,
- (d) the placing authority, and
- (e) staff employed at the service,

on the quality of care and support provided to children and how this can be improved.

(2) The responsible individual must report the views obtained to the service provider so that these views can be taken into account by the provider when making any decisions on plans for improving the quality of care and support provided by the service.

RHAN 14

Gofynion ar unigolion cyfrifol ar gyfer sicrhau cydymffurfedd y gwasanaeth

Dyletswydd i sicrhau bod systemau yn eu lle i gofnodi digwyddiadau a chwynion

60. Rhaid i'r unigolyn cyfrifol sicrhau bod systemau effeithiol yn eu lle i gofnodi digwyddiadau, cwynion a materion y mae rhaid gwneud hysbysiadau yn eu cylch o dan reoliadau 40 a 67.

Dyletswydd i sicrhau bod systemau yn eu lle ar gyfer cadw cofnodion

61. Rhaid i'r unigolyn cyfrifol sicrhau bod systemau effeithiol yn eu lle mewn perthynas â chadw cofnodion, sy'n cynnwys systemau ar gyfer sicrhau bod y cofnodion y mae rhaid iddynt gael eu cadw o dan reoliad 39 yn gywir ac yn gyflawn.

Dyletswydd i sicrhau bod polisiau a gweithdrefnau yn gyfredol

62. Rhaid i'r unigolyn cyfrifol roi trefniadau addas yn eu lle i sicrhau bod polisiau a gweithdrefnau'r darparwr gwasanaeth yn cael eu cadw'n gyfredol, gan roi sylw i'r datganiad o ddiben.

RHAN 15

Gofynion ar unigolion cyfrifol ar gyfer monitro, adolygu a gwella ansawdd y gwasanaeth

Adolygiad o ansawdd y gofal

63.—(1) Rhaid i'r unigolyn cyfrifol roi trefniadau addas yn eu lle i sefydlu a chynnal system ar gyfer monitro, adolygu a gwella ansawdd y gwasanaeth.

(2) Rhaid i'r system a sefydlir o dan baragraff (1) wneud darpariaeth i ansawdd y gwasanaeth gael ei adolygu mor aml ag sy'n ofynnol, ond o leiaf bob chwe mis.

(3) Fel rhan o unrhyw adolygiad a gynhelir, rhaid i'r unigolyn cyfrifol wneud trefniadau addas ar gyfer—

- (a) ystyried canlyniad yr ymgysylltiad â phlant ac eraill, fel sy'n ofynnol gan reoliad 59 (ymgysylltu â phlant ac eraill),
- (b) dadansoddi data cyfanredol ar hysbysiadau, materion diogelu, pryderon chwythu'r chwiban a chwynion,

PART 14

Requirements on responsible individuals for ensuring the compliance of the service

Duty to ensure there are systems in place to record incidents and complaints

60. The responsible individual must ensure that there are effective systems in place to record incidents, complaints and matters on which notifications must be made under regulations 40 and 67.

Duty to ensure there are systems in place for keeping of records

61. The responsible individual must ensure that there are effective systems in place in relation to the keeping of records, which include systems for ensuring the accuracy and completeness of records which must be kept under regulation 39.

Duty to ensure policies and procedures are up to date

62. The responsible individual must put suitable arrangements in place to ensure that the service provider's policies and procedures are kept up to date, having regard to the statement of purpose.

PART 15

Requirements on responsible individuals for monitoring, reviewing and improving the quality of the service

Quality of care review

63.—(1) The responsible individual must put suitable arrangements in place to establish and maintain a system for monitoring, reviewing and improving the quality of the service.

(2) The system established under paragraph (1) must make provision for the quality of the service to be reviewed as often as required, but at least every six months.

(3) As part of any review undertaken, the responsible individual must make suitable arrangements for—

- (a) considering the outcome of the engagement with children and others, as required by regulation 59 (engagement with children and others),
- (b) analysing aggregated data on notifications, safeguarding matters, whistleblowing concerns and complaints,

- (c) adolygu unrhyw gamau gweithredu a gymerir mewn perthynas â chwynion, a
- (d) ystyried canlyniad unrhyw archwiliad o gywirdeb a chyflawnrwydd cofnodion.

(4) Ar ôl cwblhau adolygiad o ansawdd y gwasanaeth yn unol â'r rheoliad hwn, rhaid i'r unigolyn cyfrifol lunio adroddiad i'r darparwr gwasanaeth y mae rhaid iddo gynnwys—

- (a) asesiad o safon y gofal a'r cymorth a ddarperir, a
- (b) argymhellion ar gyfer gwella'r gwasanaeth.

(5) Nid yw'r gofyniad ym mharagraff (4) yn gymwys pan fo'r darparwr gwasanaeth yn unigolyn.

Datganiad o gydymffurfedd â'r gofynion o ran safonau gofal a chymorth

64.—(1) Rhaid i'r unigolyn cyfrifol lunio'r datganiad y mae'n ofynnol iddo gael ei gynnwys yn y datganiad blynyddol o dan adran 10(2)(b) o Ddeddf 2016.

(2) Wrth lunio'r datganiad, rhaid i'r unigolyn cyfrifol roi sylw i'r asesiad o safon y gofal a'r cymorth a gynhwysir yn yr adroddiad a lunnir yn unol â rheoliad 63(4).

RHAN 16

Gofynion eraill ar unigolion cyfrifol

Cymorth ar gyfer staff sy'n codi pryderon

65. Rhaid i'r unigolyn cyfrifol sicrhau y cydymffurfir â pholisi chwythu chwiban y darparwr a bod y trefniadau i alluogi a chefnogi pobl sy'n gweithio yn y gwasanaeth i godi pryderon o'r fath yn cael eu gweithredu'n effeithiol.

Dyletswydd gonestrwydd

66. Rhaid i'r unigolyn cyfrifol weithredu mewn ffordd agored a thryloyw gydag—

- (a) unrhyw blentyn sydd wedi ei leoli gan y darparwr gwasanaeth,
- (b) rhieni unrhyw blentyn o'r fath,
- (c) rhieni maeth a darpar rieni maeth,
- (d) yr awdurdod lleoli.

- (c) reviewing any action taken in relation to complaints, and
- (d) considering the outcome of any audit of the accuracy and completeness of records.

(4) On completion of a review of the quality of the service in accordance with this regulation, the responsible individual must prepare a report to the service provider which must include—

- (a) an assessment of the standard of care and support provided, and
- (b) recommendations for the improvement of the service.

(5) The requirement in paragraph (4) does not apply where the service provider is an individual.

Statement of compliance with the requirements as to standards of care and support

64.—(1) The responsible individual must prepare the statement required to be included in the annual return under section 10(2)(b) of the 2016 Act.

(2) When preparing the statement, the responsible individual must have regard to the assessment of the standard of care and support which is included in the report prepared in accordance with regulation 63(4).

PART 16

Other requirements on responsible individuals

Support for staff raising concerns

65. The responsible individual must ensure that the provider's whistleblowing policy is being complied with and that the arrangements to enable and support people working at the service to raise such concerns are being operated effectively.

Duty of candour

66. The responsible individual must act in an open and transparent way with—

- (a) any child who is placed by the service provider,
- (b) the parents of any such child,
- (c) foster parents and prospective foster parents,
- (d) the placing authority.

Hysbysiadau

67.—(1) Rhaid i'r unigolyn cyfrifol hysbysu Gweinidogion Cymru am y digwyddiadau a bennir yn Atodlen 4.

(2) Rhaid i'r hysbysiadau sy'n ofynnol gan baragraff (1) gynnwys manylion y digwyddiad.

(3) Rhaid i hysbysiadau gael eu gwneud yn y modd a'r ffurf sy'n ofynnol gan Weinidogion Cymru.

(4) Oni nodir fel arall, rhaid i hysbysiadau gael eu gwneud yn ddi-oed ac yn ysgrifenedig.

RHAN 17

Troseddau

Troseddau – darparwyr gwasanaethau

68.—(1) Mae'n drosedd i ddarparwr gwasanaeth fethu â chydymffurfio â gofyniad unrhyw un neu ragor o'r darpariaethau a bennir ym mharagraff (2)(1).

(2) Y darpariaethau a bennir at ddibenion paragraff (1) yw darpariaethau rheoliadau—

- (a) 4(3) (gofynion mewn perthynas â'r datganiad o ddiben),
- (b) 4(4) (gofynion mewn perthynas â'r datganiad o ddiben),
- (c) 8(3) (gofynion mewn perthynas â chynaliadwyedd ariannol y gwasanaeth),
- (d) 9(1) (gofyniad i ddarparu'r gwasanaeth yn unol â pholisiau a gweithdrefnau),
- (e) 12(1) (gwybodaeth am y gwasanaeth),
- (f) 12(2) (gwybodaeth am y gwasanaeth),
- (g) 12(3) (gwybodaeth am y gwasanaeth),
- (h) 25 (polisi a gweithdrefnau ar fwlio),
- (i) 26 (y weithdrefn pan yw plentyn yn absennol heb ganiatâd),
- (j) 30(1) (addasrwydd staff),
- (k) 33(1) (gwybodaeth ar gyfer staff),
- (l) 39(1) (cofnodion mewn cysylltiad â gwasanaethau maethu),
- (m) 39(2) (cofnodion mewn cysylltiad â gwasanaethau maethu),

Notifications

67.—(1) The responsible individual must notify the Welsh Ministers of the events specified in Schedule 4.

(2) The notifications required by paragraph (1) must include details of the event.

(3) Notifications must be made in such manner and in such form as may be required by the Welsh Ministers.

(4) Unless otherwise stated, notifications must be made without delay and in writing.

PART 17

Offences

Offences - service providers

68.—(1) It is an offence for a service provider to fail to comply with a requirement of any of the provisions specified in paragraph (2)(1).

(2) The provisions specified for the purposes of paragraph (1) are the provisions of regulations—

- (a) 4(3) (requirements in relation to the statement of purpose),
- (b) 4(4) (requirements in relation to the statement of purpose),
- (c) 8(3) (requirements in relation to financial sustainability of the service),
- (d) 9(1) (requirement to provide the service in accordance with policies and procedures),
- (e) 12(1) (information about the service),
- (f) 12(2) (information about the service),
- (g) 12(3) (information about the service),
- (h) 25 (policy and procedures on bullying),
- (i) 26 (procedure when child is absent without permission),
- (j) 30(1) (fitness of staff),
- (k) 33(1) (information for staff),
- (l) 39(1) (records with respect to fostering services),
- (m) 39(2) (records with respect to fostering services),

(1) Am gosbau yn dilyn euogfarn am drosedd o dan y rheoliad hwn, gweler adran 51(1) o Ddeddf 2016.

(1) For penalties upon conviction for an offence under this regulation, see section 51(1) of the 2016 Act.

- (n) 40(1) (hysbysiadau),
- (o) 40(2) (hysbysiadau),
- (p) 40(3) (hysbysiadau),
- (q) 40(4) (hysbysiadau),
- (r) 40(5) (hysbysiadau),
- (s) 40(8) (hysbysiadau).

(3) Mae darparwr gwasanaeth yn cyflawni trosedd os yw'r darparwr yn methu â chydymffurfio â gofyniad unrhyw un neu ragor o'r darpariaethau a bennir ym mharagraff (4) a bod methiant o'r fath yn arwain at—

- (a) niwed y gellir ei osgoi (pa un ai o natur gorfforol neu seicolegol) i blentyn,
- (b) plentyn yn cael ei wneud yn agored i risg sylweddol o niwed o'r fath, neu
- (c) yn achos dwyn, camddefnyddio neu gamberchnogi arian neu eiddo, unrhyw golled gan blentyn o'r arian neu'r eiddo o dan sylw.

(4) Y darpariaethau a bennir at ddibenion paragraff (3) yw darpariaethau rheoliadau—

- (a) 3 (gofynion mewn perthynas â darparu'r gwasanaeth),
- (b) 4(1) (gofynion mewn perthynas â'r datganiad o ddiben),
- (c) 9(5) (gofyniad i ddarparu'r gwasanaeth yn unol â pholisïau a gweithdrefnau),
- (d) 11(1) (addasrwydd y gwasanaeth),
- (e) 11(3) (addasrwydd y gwasanaeth),
- (f) 13 (safonau gofal a chymorth – gofynion cyffredinol),
- (g) 20 (diogelu),
- (h) 27(3) (mynediad i wasanaethau iechyd),
- (i) 29 (staffio – gofynion cyffredinol).

Troseddau – unigolion cyfrifol

69.—(1) Mae'n drosedd i'r unigolyn cyfrifol fethu â chydymffurfio â gofyniad unrhyw un neu ragor o'r darpariaethau a bennir ym mharagraff (2)(1).

(2) Y darpariaethau a bennir at ddibenion paragraff (1) yw darpariaethau rheoliadau—

- (a) 50(1) (dyletswydd i benodi rheolwr),
- (b) 51(1) (gofynion o ran addasrwydd ar gyfer penodi rheolwr),
- (c) 54(1) (dyletswydd i adrodd am benodiad rheolwr i GCC a Gweinidogion Cymru),

(1) Am gosbau yn dilyn euogfarn am drosedd o dan y rheoliad hwn, gweler adran 51(1) o Ddeddf 2016.

- (n) 40(1) (notifications),
- (o) 40(2) (notifications),
- (p) 40(3) (notifications),
- (q) 40(4) (notifications),
- (r) 40(5) (notifications),
- (s) 40(8) (notifications).

(3) A service provider commits an offence if the provider fails to comply with a requirement of any of the provisions specified in paragraph (4) and such failure results in—

- (a) avoidable harm (whether of a physical or psychological nature) to a child,
- (b) a child being exposed to a significant risk of such harm occurring, or
- (c) in a case of theft, misuse or misappropriation of money or property, any loss by a child of the money or property concerned.

(4) The provisions specified for the purposes of paragraph (3) are the provisions of regulations—

- (a) 3 (requirements in relation to the provision of the service),
- (b) 4(1) (requirements in relation to the statement of purpose),
- (c) 9(5) (requirement to provide the service in accordance with policies and procedures),
- (d) 11(1) (suitability of the service),
- (e) 11(3) (suitability of the service),
- (f) 13 (standards of care and support – overarching requirements),
- (g) 20 (safeguarding),
- (h) 27(3) (access to health services),
- (i) 29 (staffing – overarching requirements).

Offences – responsible individuals

69.—(1) It is an offence for the responsible individual to fail to comply with a requirement of any of the provisions specified in paragraph (2)(1).

(2) The provisions specified for the purposes of paragraph (1) are the provisions of regulations—

- (a) 50(1) (duty to appoint a manager),
- (b) 51(1) (fitness requirements for appointment of manager),
- (c) 54(1) (duty to report the appointment of manager to SCW and the Welsh Ministers),

(1) For penalties upon conviction for an offence under this regulation, see section 51(1) of the 2016 Act.

- (d) 54(2) (dyletswydd i adrodd am benodiad rheolwr i GCC a Gweinidogion Cymru),
- (e) 56(1) (ymweliadau),
- (f) 56(2) (ymweliadau),
- (g) 57(1) (goruchwylio digonolrwydd adnoddau),
- (h) 57(2) (goruchwylio digonolrwydd adnoddau),
- (i) 58(1) (adroddiadau eraill i'r darparwr gwasanaeth),
- (j) 63(4) (adolygiad o ansawdd y gofal),
- (k) 64(1) (datganiad o gydymffurfedd â'r gofynion o ran safonau gofal a chymorth),
- (l) 67(1) (hysbysiadau), ac
- (m) 67(4) (hysbysiadau).

- (d) 54(2) (duty to report the appointment of manager to SCW and the Welsh Ministers),
- (e) 56(1) (visits),
- (f) 56(2) (visits),
- (g) 57(1) (oversight of adequacy of resources),
- (h) 57(2) (oversight of adequacy of resources),
- (i) 58(1) (other reports to the service provider),
- (j) 63(4) (quality of care review),
- (k) 64(1) (statement of compliance with the requirements as to standards of care and support),
- (l) 67(1) (notifications), and
- (m) 67(4) (notifications).

RHAN 18

Darparwyr gwasanaethau sydd wedi eu datod
etc. neu sydd wedi marw

Penodi datodwyr etc.

70. Rhaid i berson a benodir(1)—

- (a) yn ddi-oed, roi hysbysiad ysgrifenedig i Weiniogion Cymru o'i benodiad a'r rhesymau dros ei benodi;
- (b) o fewn 28 o ddiwrnodau i'w benodi, hysbysu Gweinidogion Cymru am ei fwriadau ynglŷn â gweithrediad y gwasanaeth yn y dyfodol.

Marwolaeth y darparwr gwasanaeth

71.—(1) Pan fo darparwr gwasanaeth sy'n unigolyn wedi marw, rhaid i gynrychiolwyr personol yr unigolyn—

- (a) yn ddi-oed, roi hysbysiad ysgrifenedig o'r farwolaeth i Weiniogion Cymru, a
- (b) o fewn 28 o ddiwrnodau i'r farwolaeth, hysbysu Gweinidogion Cymru am eu bwriadau ynglŷn â gweithrediad y gwasanaeth yn y dyfodol.

(2) Caiff cynrychiolwyr personol yr unigolyn weithredu yn rhinwedd y darparwr gwasanaeth am gyfnod nad yw'n hwy nag 28 o ddiwrnodau neu am unrhyw gyfnod hwy (nad yw'n hwy nag un flwyddyn) y mae Gweinidogion Cymru yn cytuno arno.

PART 18

Service providers who are liquidated etc. or
have died

Appointment of liquidators etc.

70. An appointed person(1) must—

- (a) without delay, give written notice to the Welsh Ministers of their appointment and the reasons for their appointment;
- (b) within 28 days of their appointment, inform the Welsh Ministers of their intentions regarding the future operation of the service.

Death of service provider

71.—(1) Where a service provider who is an individual has died, the personal representatives of the individual must—

- (a) without delay, give written notice of the death to the Welsh Ministers, and
- (b) within 28 days of the death, notify the Welsh Ministers of their intentions regarding the future operation of the service.

(2) The personal representatives of the individual may act in the capacity of the service provider for a period not exceeding 28 days or for such longer period (not exceeding one year) as the Welsh Ministers may agree.

(1) Mae i "person a benodir" yr un ystyr ag yn adran 30 o Ddeddf 2016.

(1) "Appointed person" has the same meaning as in section 30 of the 2016 Act.

(3) Pan fo'r cynrychiolwyr personol yn gweithredu yn rhinwedd y darparwr gwasanaeth yn unol â pharagraff (2), mae Rhan 1 o Ddeddf 2016 yn gymwys gyda'r addasiadau a ganlyn—

- (a) nid yw adran 5 (gofyniad i gofrestru) yn gymwys;
- (b) mae adran 21(2) (unigolion cyfrifol) i'w darllen fel pe bai'r canlynol wedi ei fewnosod ar ôl paragraff (a)—

“(aa) pan fo cynrychiolwyr personol darparwr gwasanaeth sydd wedi marw yn gweithredu yn rhinwedd y darparwr gwasanaeth, fod yn un o'r cynrychiolwyr personol;”.

(4) Yn y rheoliad hwn, ystyr “y gwasanaeth” yw'r gwasanaeth maethu yr oedd y darparwr unigol sydd wedi marw wedi ei gofrestru i'w ddarparu ar adeg ei farwolaeth.

RHAN 19

Rheoliadau o dan adran 21(5) o Ddeddf 2016

Dynodiad unigolyn cyfrifol gan Weinidogion Cymru

72. Caiff Gweinidogion Cymru (yn lle darparwr gwasanaeth) ddynodi unigolyn i fod yn unigolyn cyfrifol, er nad yw gofynion adran 21(2) o Ddeddf 2016 wedi eu bodloni mewn cysylltiad â'r unigolyn, o dan yr amgylchiadau a ganlyn—

- (a) bod y darparwr gwasanaeth yn unigolyn sydd wedi marw ac mae cynrychiolwyr personol y darparwr wedi hysbysu Gweinidogion Cymru nad ydynt yn bwriadu gwneud cais o dan adran 11(1)(c) o Ddeddf 2016;
- (b) bod y darparwr gwasanaeth yn unigolyn ac wedi hysbysu Gweinidogion Cymru—
 - (i) na all gydymffurfio â'i ddyletswyddau fel unigolyn cyfrifol mwyach, a
 - (ii) y rhesymau dros hyn;
- (c) bod y darparwr gwasanaeth yn gorff corfforaethol neu'n bartneriaeth ac wedi hysbysu Gweinidogion Cymru—
 - (i) nad yw'r unigolyn sydd wedi ei ddynodi gan y darparwr gwasanaeth fel yr unigolyn cyfrifol yn gallu cydymffurfio â'i ddyletswyddau fel unigolyn cyfrifol mwyach,

(3) Where the personal representatives are acting in the capacity of the service provider in accordance with paragraph (2), Part 1 of the 2016 Act applies with the following modifications—

- (a) section 5 (requirement to register) does not apply;
- (b) section 21(2) (responsible individuals) is to be read as if after paragraph (a), there is inserted—

“(aa) where the personal representatives of a service provider who has died are acting in the capacity of the service provider, be one of the personal representatives;”.

(4) In this regulation, “the service” means the fostering service which the individual provider who has died was registered to provide at the time of their death.

PART 19

Regulations under section 21(5) of the 2016 Act

Designation of responsible individual by Welsh Ministers

72. The Welsh Ministers (instead of a service provider) may designate an individual to be a responsible individual, despite the requirements of section 21(2) of the 2016 Act not being met in respect of the individual, in the following circumstances—

- (a) the service provider is an individual who has died and the personal representatives of the provider have informed the Welsh Ministers that they do not intend to make an application under section 11(1)(c) of the 2016 Act;
- (b) the service provider is an individual and they have informed the Welsh Ministers—
 - (i) that they are no longer able to comply with their duties as a responsible individual, and
 - (ii) the reasons for this being the case;
- (c) the service provider is a corporate body or partnership and they have informed the Welsh Ministers—
 - (i) that the individual designated by the service provider as the responsible individual is no longer able to comply with their duties as a responsible individual,

- (ii) y rhesymau dros hyn, a
- (iii) nad oes unrhyw unigolyn arall sy'n gymwys i fod yn unigolyn cyfrifol ac sy'n gallu cydymffurfio â dyletswyddau unigolyn cyfrifol.

- (ii) the reasons for this being the case, and
- (iii) that there is no other individual who is eligible to be a responsible individual and who is able to comply with the duties of a responsible individual.

Julie Morgan

Y Dirprwy Weinidog Iechyd a Gwasanaethau
Cymdeithasol
31 Ionawr 2019

Deputy Minister for Health and Social Services

31 January 2019

ATODLEN 1

Rheoliad 30(2) a (3)

RHAN 1

Gwybodaeth a dogfennaeth sydd i fod ar gael mewn cysylltiad â phersonau sy'n gweithio mewn gwasanaethau maethu

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

2. Pan fo'n ofynnol at ddibenion cwestiwn sydd wedi ei esemptio yn unol ag adran 113A(2)(b) o Ddeddf yr Heddlu 1997(1), copi o dystysgrif cofnod troseddol ddilys a ddyroddir o dan adran 113A o'r Ddeddf honno ynghyd, ar ôl y diwrnod penodedig a phan fo'n gymwys, â'r wybodaeth a grybwyllir yn adran 30A(3) o Ddeddf Diogelu Grwpiau Hyglwyf 2006(2) (darparu gwybodaeth am waharddiadau ar gais).

3. 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 ddilys a ddyroddir o dan adran 113B o'r Ddeddf honno ynghyd, pan fo'n gymwys, â gwybodaeth addasrwydd sy'n ymwneud â phlant (o fewn ystyr "suitability information relating to children" yn adran 113BA(2) o'r Ddeddf honno) neu wybodaeth addasrwydd sy'n ymwneud ag oedolion hyglwyf (o fewn ystyr "suitability information relating to vulnerable adults" yn adran 113BB(2) o'r Ddeddf honno).

4. Dau eirda ysgrifenedig, gan gynnwys geirda gan y cyflogwr diwethaf, os oes un.

5. Pan fo person wedi gweithio'n flaenorol mewn swydd yr oedd ei dyletswyddau yn cynnwys gweithio gyda phlant neu oedolion hyglwyf, cadarnhad, i'r graddau y bo'n rhesymol ymarferol, o'r rheswm pam y daeth y gyflogaeth neu'r swydd i ben.

6. Tystiolaeth ddogfennol o unrhyw gymhwyster perthnasol.

7. Pan fo'n berthnasol, tystiolaeth ddogfennol o gofrestrriad â GCC.

SCHEDULE 1

Regulation 30(2) and (3)

PART 1

Information and documentation to be available in respect of persons working in fostering services

1. Proof of identity including a recent photograph.

2. Where required for the purposes of an exempted question in accordance with section 113A(2)(b) of the Police Act 1997(1), a copy of a valid 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) of the Safeguarding Vulnerable Groups Act 2006(2) (provision of barring information on request).

3. 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 a valid enhanced criminal record certificate issued under section 113B of that Act together with, where applicable, suitability information relating to children (within the meaning of section 113BA(2) of that Act) or suitability information relating to vulnerable adults (within the meaning of section 113BB(2) of that Act).

4. Two written references, including a reference from the last employer, if any.

5. Where a person has previously worked in a position whose duties involved work with children or vulnerable adults, so far as reasonably practicable verification of the reason why the employment or position ended.

6. Documentary evidence of any relevant qualification.

7. Where relevant, documentary evidence of registration with SCW.

(1) 1997 p. 50.

(2) 2006 p. 47. Mae adrannau newydd 30A a 30B i'w rhoi yn lle adrannau 30 i 32 o Ddeddf Diogelu Grwpiau Hyglwyf 2006 fel y'i deddfwyd yn wreiddiol o ganlyniad i amnewidiadau a wnaed gan adran 72(1) o Ddeddf Diogelu Rhyddidau 2012. Mae adran 72(1) i'w chychwyn ar ddiwrnod sydd 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 substitutions made by section 72(1) of the Protection of Freedoms Act 2012. Section 72(1) is to be commenced on a day to be appointed.

8. Hanes cyflogaeth llawn, ynghyd ag esboniad ysgrifenedig boddhaol o unrhyw fylchau mewn cyflogaeth.

9. Manylion cofrestrriad ag unrhyw gorff proffesiynol neu aelodaeth o gorff o'r fath.

RHAN 2

Dehongli Rhan 1

10. At ddibenion paragraffau 2 a 3 o Ran 1 o'r Atodlen hon—

- (a) os nad yw'r person y mae'r dystysgrif yn ymwneud ag ef wedi ei gofrestru â gwasanaeth diweddarau'r GDG, nid yw dystysgrif ond yn ddilys—
 - (i) os y'i dyroddwyd mewn ymateb i gais gan y darparwr gwasanaeth yn unol â rheoliad 30(3) neu (6), a
 - (ii) os nad oes mwy na thair blynedd wedi mynd heibio ers i'r dystysgrif gael ei dyroddi;
- (b) os yw'r person y mae'r dystysgrif yn ymwneud ag ef wedi ei gofrestru â gwasanaeth diweddarau'r GDG, mae'r dystysgrif yn ddilys ni waeth pa bryd y'i dyroddwyd.

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

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

PART 2

Interpretation of Part 1

10. For the purposes of paragraphs 2 and 3 of Part 1 of this Schedule—

- (a) if the person to whom the certificate relates is not registered with the DBS update service, a certificate is only valid if—
 - (i) it has been issued in response to an application by the service provider in accordance with regulation 30(3) or (6), and
 - (ii) no more than three years have elapsed since the certificate was issued;
- (b) if the person to whom the certificate relates is registered with the DBS update service, the certificate is valid regardless of when it was issued.

ATODLEN 2

Rheoliadau 2 a 39

Y cofnodion sydd i'w cadw gan ddarparwyr gwasanaethau

1. Cofnod sy'n dangos mewn cysylltiad â phob plentyn sydd wedi ei leoli gyda rhieni maeth—

- (a) dyddiad lleoli'r plentyn;
- (b) cynllun gofal a chymorth y plentyn;
- (c) y cytundeb gofal maeth mewn cysylltiad â'r plentyn;
- (d) enw a chyfeiriad y rhieni maeth;
- (e) y dyddiad y daeth lleoliad y plentyn yno i ben;
- (f) cyfeiriad y plentyn cyn y lleoliad;
- (g) cyfeiriad y plentyn wrth iddo ymadael â'r lleoliad;
- (h) awdurdod lleol y plentyn;
- (i) y ddarpariaeth statudol y mae neu yr oedd gofal maeth yn cael ei ddarparu i'r plentyn odani.

2. Cofnod o'r holl bersonau sy'n gweithio i'r darparwr gwasanaeth, a hwnnw'n gofnod y mae rhaid iddo gynnwys y materion a ganlyn mewn cysylltiad â pherson sy'n dod o fewn rheoliad 30(1)—

- (a) enw llawn a chyfeiriad cartref;
- (b) dyddiad geni;
- (c) rhyw;
- (d) cymwysterau sy'n berthnasol i, a phrofiad o wneud, gwaith sy'n ymwneud â phlant;
- (e) copi o dystysgrif geni a phasbort (os oes ganddo un) mewn cysylltiad â'r person;
- (f) copi o bob geirda a geir mewn cysylltiad â'r person;
- (g) pa un a yw'r person wedi ei gyflogi gan y darparwr gwasanaeth o dan gontract gwasanaeth, contract ar gyfer gwasanaethau, neu heblaw o dan gontract, neu a yw wedi ei gyflogi gan rywun ac eithrio'r darparwr gwasanaeth;
- (h) pa un a yw'r person yn gweithio'n llawnamser neu'n rhan-amser, ac, os yw'n rhan-amser, nifer yr oriau sy'n cael eu gweithio ar gyfartaledd bob wythnos;
- (i) y dyddiadau y mae'r person yn dechrau cael ei gyflogi felly ac yn peidio â chael ei gyflogi felly;

SCHEDULE 2

Regulations 2 and 39

Records to be kept by service providers

1. A record showing in respect of each child placed with foster parents—

- (a) the date of the child's placement;
- (b) the child's care and support plan;
- (c) the foster care agreement in respect of the child;
- (d) the name and address of the foster parents;
- (e) the date on which the child ceased to be placed there;
- (f) the child's address prior to placement;
- (g) the child's address on leaving the placement;
- (h) the child's local authority;
- (i) the statutory provision under which the child is or was provided with foster care.

2. A record of all persons working for the service provider, which must include in respect of a person falling within regulation 30(1) the following matters—

- (a) full name and home address;
- (b) date of birth;
- (c) sex;
- (d) qualifications relevant to, and experience of, work involving children;
- (e) copy of birth certificate and passport (if any) in respect of the person;
- (f) copy of each reference obtained in respect of the person;
- (g) whether the person is employed by the service provider under a contract of service, a contract for services, or otherwise than under a contract, or is employed by someone other than the service provider;
- (h) whether the person works full-time or part-time, and, if part-time, the average number of hours worked per week;
- (i) the dates on which the person commences and ceases to be so employed;

- (j) y swydd sydd gan y person yn y gwasanaeth;
- (k) cofnodion o gamau disgyblu ac unrhyw gofnodion eraill mewn perthynas â chyflogaeth y person; ac
- (l) cofnod o ddyddiad tystysgrif GDG ddiweddaraf y person ac a gymerwyd unrhyw gamau gweithredu o ganlyniad i gynnwys y dystysgrif.

3. Cofnod o bob damwain ddifrifol ac anaf difrifol sy'n digwydd i blant tra bôn wedi eu lleoli gyda rhieni maeth.

4. Cofnod o'r holl gwynion a wneir o dan y polisi cwyno y mae'r darparwr gwasanaeth wedi ei roi yn ei le, a'r camau gweithredu a gymerir gan y darparwr gwasanaeth mewn cysylltiad ag unrhyw gwynion o'r fath.

5. Dyddiad ac amgylchiadau unrhyw atgyfeiriadau diogelu, a'r canlyniad.

6. Dyddiad ac amgylchiadau unrhyw fesurau rheoli neu atal a ddefnyddir gan rieni maeth ar blentyn.

- (j) the position the person holds in the service;
- (k) records of disciplinary action and any other records in relation to the person's employment; and
- (l) a record of the date of the person's latest DBS certificate and whether there was any action taken as a result of the content of the certificate.

3. A record of all serious accidents and injuries occurring to children whilst placed with foster parents.

4. A record of all complaints made under the complaints policy put in place by the service provider, and the action taken by the service provider in respect of any such complaints.

5. Date and circumstances of any safeguarding referrals, and the outcome.

6. Date and circumstances of any incident of control or restraint used by foster parents on a child.

Hysbysiadau gan y darparwr gwasanaeth

RHAN 1

Hysbysiadau i Weinidogion Cymru

1. Unrhyw ddiwygiad i'r datganiad o ddiben, 28 o ddiwrnodau cyn i'r datganiad o ddiben diwygiedig gymryd effaith.
2. Bod y darparwr gwasanaeth (unigolyn neu sefydliad) yn newid ei enw.
3. Pan fo'r darparwr gwasanaeth yn gwmni, unrhyw newid i gyfarwyddwyr y cwmni.
4. Pan fo'r darparwr gwasanaeth yn unigolyn, penodi ymddiriedolwr mewn methdaliad mewn perthynas â'r unigolyn hwnnw.
5. Pan fo'r darparwr gwasanaeth yn gorff corfforaethol neu'n bartneriaeth, penodi derbynnydd, rheolwr derbynnydd, datodwr neu ddatodwr dros dro mewn perthynas â'r cwmni hwnnw neu'r bartneriaeth honno.
6. Pan fo'r darparwr gwasanaeth yn bartneriaeth, marwolaeth un o'r partneriaid.
7. Pan fo'r darparwr gwasanaeth yn bartneriaeth, unrhyw newid i'r partneriaid.
8. Absenoldeb disgwylidig yr unigolyn cyfrifol am 28 o ddiwrnodau neu ragor, 7 niwrnod cyn i'r absenoldeb ddechrau.
9. Absenoldeb annisgwyl yr unigolyn cyfrifol, heb fod yn hwyrach na 7 niwrnod ar ôl i'r absenoldeb ddechrau.
10. Absenoldeb annisgwyl yr unigolyn cyfrifol am 28 o ddiwrnodau neu ragor, pan na fo hysbysiad ymlaen llaw wedi ei roi, yn union wrth i'r 28 o ddiwrnodau yn dilyn dechrau'r absenoldeb ddod i ben.
11. Bod yr unigolyn cyfrifol yn dychwelyd o fod yn absennol.
12. Bod yr unigolyn cyfrifol yn peidio â bod, neu'n bwriadu peidio â bod, yr unigolyn cyfrifol am y gwasanaeth.
13. Unrhyw gam-drin neu honiad o gam-drin mewn perthynas â phlentyn sy'n ymwneud â'r darparwr gwasanaeth, aelod o staff, gwirfoddolwr a/neu riant maeth.

Notifications by the service provider

PART 1

Notifications to the Welsh Ministers

1. Any revision to the statement of purpose, 28 days prior to the revised statement of purpose coming into effect.
2. Service provider (individual or organisation) changes their name.
3. Where the service provider is a company, any change in the directors of the company.
4. Where the service provider is an individual, the appointment of a trustee in bankruptcy in relation to that individual.
5. Where the service provider is a body corporate or partnership, the appointment of a receiver, receiver manager, liquidator or provisional liquidator in relation to that company or partnership.
6. Where the service provider is a partnership, death of one of the partners.
7. Where the service provider is a partnership, any change in the partners.
8. Expected absence of the responsible individual for 28 days or more, 7 days prior to the commencement of the absence.
9. Unexpected absence of the responsible individual, no later than 7 days after the commencement of the absence.
10. Unexpected absence of the responsible individual for 28 days or more, where no prior notification has been given, immediately on the expiry of 28 days following the commencement of the absence.
11. Return from absence of the responsible individual.
12. The responsible individual ceases, or proposes to cease, being the responsible individual for the service.
13. Any abuse or allegation of abuse in relation to a child that involves the service provider, a member of staff, a volunteer and/or a foster parent.

14. Bod y darparwr gwasanaeth, yr unigolyn cyfrifol neu'r rheolwr a benodir wedi ei euogfarnu o drosedd.

15. Unrhyw honiad o gamymddwyn gan aelod o staff.

16. Damwain ddifrifol neu anaf difrifol plentyn sydd wedi ei leoli gyda rhieni maeth.

17. Unrhyw ddigwyddiad a gaiff ei adrodd i'r heddlu sy'n ymwneud â phlentyn sydd wedi ei leoli gyda rhieni maeth.

18. Marwolaeth plentyn sydd wedi ei leoli gyda rhieni maeth.

19. Unrhyw atgyfeiriad i'r Gwasanaeth Datgelu a Gwahardd yn unol â Deddf Diogelu Grwpiau Hyglwyf 2006.

20. Cychwyn a chanlyniad unrhyw ymholiad amddiffyn plant sy'n ymwneud â phlentyn sydd wedi ei leoli gyda rhieni maeth.

21. Unrhyw achos o gamfanteisio'n rhywiol neu'n droseddol ar blentyn neu unrhyw amheuaeth o gamfanteisio'n rhywiol neu'n droseddol ar blentyn.

22. Unrhyw gynbig i newid cyfeiriad y brif swyddfa, 28 o ddiwrnodau cyn i'r newid ddigwydd.

14. Service provider, responsible individual or appointed manager convicted of criminal offence.

15. Any allegation of misconduct by a member of staff.

16. Serious accident or injury of a child placed with foster parents.

17. Any incident which is reported to the police relating to a child placed with foster parents.

18. Death of a child placed with foster parents.

19. Any referral to the Disclosure and Barring Service pursuant to the Safeguarding Vulnerable Groups Act 2006.

20. Instigation and outcome of any child protection enquiry involving a child placed with foster parents.

21. Any incident of child sexual or criminal exploitation or any suspected child sexual or criminal exploitation.

22. Any proposed change to the address of the principal office, 28 days prior to the change taking place.

RHAN 2

Hysbysiadau i'r awdurdod lleoli

23. Marwolaeth plentyn sydd wedi ei leoli gyda rhieni maeth.

24. Unrhyw atgyfeiriad i'r Gwasanaeth Datgelu a Gwahardd yn unol â Deddf Diogelu Grwpiau Hyglwyf 2006.

25. Damwain ddifrifol neu anaf difrifol plentyn sydd wedi ei leoli gyda rhieni maeth.

26. Unrhyw glefyd heintus yn torri allan yng nghartref rhieni maeth, a hwnnw'n glefyd sydd, ym marn ymarferydd cyffredinol sy'n ymweld â'r cartref, yn ddigon difrifol i hysbysu amdano felly.

27. Honiad bod plentyn sydd wedi ei leoli gyda rhieni maeth wedi cyflawni trosedd ddifrifol.

28. Unrhyw ddigwyddiad a gaiff ei adrodd i'r heddlu sy'n ymwneud â phlentyn sydd wedi ei leoli gyda rhieni maeth.

29. Unrhyw achos o blentyn sydd wedi ei leoli gyda rhieni maeth yn absennol heb ganiatâd.

PART 2

Notifications to the placing authority

23. Death of a child placed with foster parents.

24. Any referral to the Disclosure and Barring Service pursuant to the Safeguarding Vulnerable Groups Act 2006.

25. Serious accident or injury of a child placed with foster parents.

26. Outbreak at the home of foster parents of any infectious disease which in the opinion of a general practitioner attending the home is sufficiently serious to be so notified.

27. Allegation that a child placed with foster parents has committed a serious offence.

28. Any incident which is reported to the police relating to a child placed with foster parents.

29. Any incident of a child placed with foster parents being absent without permission.

30. Unrhyw gŵyn ddifrifol neu honiad difrifol ynghylch unrhyw rieni maeth a gymeradwywyd gan y darparwr gwasanaeth.

31. Cychwyn a chanlyniad unrhyw ymholiad amddiffyn plant sy'n ymwneud â phlentyn sydd wedi ei leoli gyda rhieni maeth.

32. Unrhyw achos o gamfanteisio'n rhywiol neu'n droseddol ar blentyn neu unrhyw amheuaeth o gamfanteisio'n rhywiol neu'n droseddol ar blentyn.

RHAN 3

Hysbysiadau i'r awdurdod ardal y mae'r cartref maeth yn ei ardal

33. Marwolaeth plentyn sydd wedi ei leoli gyda rhieni maeth.

34. Unrhyw glefyd heintus yn torri allan yng nghartref rhieni maeth, a hwnnw'n glefyd sydd, ym marn ymarferydd cyffredinol sy'n ymweld â'r cartref, yn ddigon difrifol i hysbysu amdano felly.

35. Unrhyw achos o gamfanteisio'n rhywiol neu'n droseddol ar blentyn neu unrhyw amheuaeth o gamfanteisio'n rhywiol neu'n droseddol ar blentyn.

36. Cychwyn a chanlyniad unrhyw ymholiad amddiffyn plant sy'n ymwneud â phlentyn sydd wedi ei leoli gyda rhieni maeth.

37. Unrhyw ddigwyddiad sy'n ymwneud â phlentyn sydd wedi ei leoli gyda rhieni maeth a gaiff ei adrodd i'r heddlu.

RHAN 4

Hysbysiadau i'r Bwrdd Iechyd Lleol y mae'r plentyn wedi ei leoli yn ei ardal

38. Marwolaeth plentyn sydd wedi ei leoli gyda rhieni maeth.

39. Unrhyw glefyd heintus yn torri allan yng nghartref rhieni maeth, a hwnnw'n glefyd sydd, ym marn ymarferydd cyffredinol sy'n ymweld â'r cartref, yn ddigon difrifol i hysbysu amdano felly.

30. Any serious complaint or allegation about any foster parents approved by the service provider.

31. Instigation and outcome of any child protection enquiry involving a child placed with foster parents.

32. Any incident of child sexual or criminal exploitation or any suspected child sexual or criminal exploitation.

PART 3

Notifications to the area authority in whose area the foster home is situated

33. Death of a child placed with foster parents.

34. Outbreak at the home of foster parents of any infectious disease which in the opinion of a general practitioner attending the home is sufficiently serious to be so notified.

35. Any incident of child sexual or criminal exploitation or any suspected child sexual or criminal exploitation.

36. Instigation and outcome of any child protection enquiry involving a child placed with foster parents.

37. Any incident which is reported to the police relating to a child placed with foster parents.

PART 4

Notifications to the Local Health Board in whose area the child is placed

38. The death of a child placed with foster parents.

39. Outbreak at the home of foster parents of any infectious disease which in the opinion of a general practitioner attending the home is sufficiently serious to be so notified.

RHAN 5

Hysbysiadau i'r heddlu

40. Honiad bod plentyn sydd wedi ei leoli gyda rhieni maeth wedi cyflawni trosedd ddifrifol.

41. Unrhyw achos o gamfanteisio'n rhywiol neu'n droseddol ar blentyn neu unrhyw amheuaeth o gamfanteisio'n rhywiol neu'n droseddol ar blentyn.

PART 5

Notifications to the police

40. Allegation that a child placed with foster parents has committed a serious offence.

41. Any incident of child sexual or criminal exploitation or any suspected child sexual or criminal exploitation.

ATODLEN 4

Rheoliad 67(1)

Hysbysiadau gan yr unigolyn cyfrifol

1. Penodi rheolwr (gweler rheoliad 50(1)).
2. Absenoldeb disgwylid y rheolwr a benodir, am 28 o ddiwrnodau neu ragor, 7 niwrnod cyn i'r absenoldeb ddechrau.
3. Absenoldeb annisgwyl y rheolwr a benodir, heb fod yn hwyrach na 7 niwrnod ar ôl i'r absenoldeb ddechrau.
4. Absenoldeb annisgwyl y rheolwr a benodir, am 28 o ddiwrnodau neu ragor, pan na fo hysbysiad ymlaen llaw wedi ei roi, yn union wrth i'r 28 o ddiwrnodau yn dilyn dechrau'r absenoldeb ddod i ben.
5. Bod y rheolwr a benodir yn dychwelyd o fod yn absennol.
6. Trefniadau interim pan fo'r rheolwr yn absennol am fwy nag 28 o ddiwrnodau.
7. Bod rhywun ac eithrio'r rheolwr a benodir yn bwriadu rheoli neu yn rheoli'r gwasanaeth.
8. Bod y rheolwr a benodir yn peidio, neu'n bwriadu peidio, â rheoli'r gwasanaeth.

©Hawlfraint y Goron 2019

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

SCHEDULE 4

Regulation 67(1)

Notifications by the responsible individual

1. The appointment of a manager (see regulation 50(1)).
2. The expected absence of the appointed manager for 28 days or more, 7 days prior to the commencement of the absence.
3. The unexpected absence of the appointed manager, no later than 7 days after the commencement of the absence.
4. The unexpected absence of appointed manager for 28 days or more where no prior notification has been given, immediately on the expiry of 28 days following the commencement of the absence.
5. Return from absence of appointed manager.
6. Interim arrangements where the manager is absent for longer than 28 days.
7. Someone other than the appointed manager is proposing to manage or is managing the service.
8. The appointed manager ceases, or proposes to cease, managing the service.

© Crown copyright 2019

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

