OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2019 Rhif 233 (Cy. 52)

2019 No. 233 (W. 52)

GOFAL CYMDEITHASOL, CYMRU

SOCIAL CARE, WALES

Rheoliadau Gwasanaethau Rheoleiddiedig (Datganiadau Blynyddol a Chofrestru) (Cymru) (Diwygio) 2019

The Regulated Services (Annual Returns and Registration) (Wales) (Amendment) Regulations 2019

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Gwasanaethau Rheoleiddiedig (Datganiadau Blynyddol) (Cymru) 2017 ("y Rheoliadau Datganiadau Blynyddol") a Rheoliadau Gwasanaethau Rheoleiddiedig (Cofrestru) (Cymru) 2017 ("y Rheoliadau Cofrestru").

Mae rheoliad 6 (gwybodaeth arall) o'r Rheoliadau Datganiadau Blynyddol wedi ei ddiwygio i gynnwys y darparwyr gwasanaethau hynny sydd wedi eu cofrestru i ddarparu gwasanaeth mabwysiadu, gwasanaeth maethu, gwasanaeth lleoli oedolion neu wasanaeth eirioli, i gyflwyno gwybodaeth ychwanegol, fel y'i pennir yn yr Atodlen, fel rhan o'u datganiad blynyddol.

Mae rheoliad 9A (amser ar gyfer cyflwyno'r datganiadau blynyddol cyntaf) wedi ei fewnosod i bennu'r flwyddyn y mae'r set gyntaf o ddatganiadau blynyddol i'w chyflwyno gan briod ddarparwyr gwasanaethau.

Mae paragraff 5 o'r Atodlen (gwybodaeth am staffio) wedi ei ddiwygio i wahaniaethu rhwng categorïau'r swyddi sydd wedi eu llenwi a'r swyddi gwag y mae'n ofynnol i briod ddarparwyr gwasanaethau eu cynnwys yn y datganiad blynyddol.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Regulated Services (Annual Returns) (Wales) Regulations 2017 ("the Annual Returns Regulations") and the Regulated Services (Registration) (Wales) Regulations 2017 ("the Registration Regulations").

Regulation 6 (other information) of the Annual Returns Regulations is amended to incorporate those service providers who are registered to provide an adoption service, a fostering service, an adult placement service or an advocacy service, to submit additional information, as specified within the Schedule, as part of their annual return.

Regulation 9A (time for submission of first annual returns) is inserted to specify the year the first set of annual returns is to be submitted by respective service providers.

The Schedule (information about staffing), paragraph 5 is amended to distinguish the categories of filled and vacant posts that are required to be contained in the annual return by respective service providers.

Mae Atodlen 1 (yr wybodaeth sy'n ofynnol am y gwasanaeth sydd i'w ddarparu) o'r Rheoliadau Cofrestru wedi ei diwygio i gynnwys y darparwyr gwasanaethau hynny sydd wedi eu cofrestru i ddarparu gwasanaeth mabwysiadu, gwasanaeth maethu, gwasanaeth lleoli oedolion neu wasanaeth eirioli.

Mae Atodlen 2 (yr wybodaeth y mae'n ofynnol ei chynnwys mewn datganiad o ddiben) wedi ei diwygio i gynnwys y darparwyr gwasanaethau hynny sydd wedi eu cofrestru i ddarparu gwasanaeth mabwysiadu, gwasanaeth maethu, gwasanaeth lleoli oedolion neu wasanaeth eirioli.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

Schedule 1 (information required about the service to be provided) of the Registration Regulations is amended to incorporate those service providers who are registered to provide an adoption service, a fostering service, an adult placement service or an advocacy service.

Schedule 2 (information required to be contained in a statement of purpose) is amended to incorporate those service providers who are registered to provide an adoption service, a fostering service, an adult placement service or an advocacy service.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

2019 Rhif 233 (Cy. 52)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Gwasanaethau Rheoleiddiedig (Datganiadau Blynyddol a Chofrestru) (Cymru) (Diwygio) 2019

Gwnaed *12 Chwefror 2019*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *13 Chwefror 2019*

Yn dod i rym *29 Ebrill 2019*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 6(1)(d), 10(4), 11(3)(a)(iii) a 187(1) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(**1**), yn gwneud y Rheoliadau a ganlyn.

Enwi, cychwyn a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Rheoleiddiedig (Datganiadau Blynyddol a Chofrestru) (Cymru) (Diwygio) 2019.

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

(3) Yn y Rheoliadau hyn—

ystyr "y Rheoliadau Cofrestru" ("*the Registration Regulations*") yw Rheoliadau Gwasanaethau Rheoleiddiedig (Cofrestru) (Cymru) 2017(**2**);

ystyr "y Rheoliadau Datganiadau Blynyddol" ("*the Annual Returns Regulations*") yw Rheoliadau Gwasanaethau Rheoleiddiedig (Datganiadau Blynyddol) (Cymru) 2017(**3**).

(**1**) 2016 dccc 2; *gweler* y diffiniad o "a ragnodir" a "rhagnodedig" yn adran 189.
(**2**) O.S. 2017/1098 (Cy. 278).
(**3**) O.S. 2017/1097 (Cy. 277).

2019 No. 233 (W. 52)

SOCIAL CARE, WALES

The Regulated Services (Annual Returns and Registration) (Wales) (Amendment) Regulations 2019

Made *12 February 2019*

Laid before the National Assembly for Wales *13 February 2019*

Coming into force *29 April 2019*

The Welsh Ministers, in exercise of the powers conferred by sections 6(1)(d), 10(4), 11(3)(a)(iii) and 187(1) of the Regulation and Inspection of Social Care (Wales) Act 2016(**1**), make the following Regulations.

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Regulated Services (Annual Returns and Registration) (Wales) (Amendment) Regulations 2019.

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

(3) In these Regulations—

"the Annual Returns Regulations" ("*y Rheoliadau Datganiadau Blynyddol*") means the Regulated Services (Annual Returns) (Wales) Regulations 2017(**2**);

"the Registration Regulations" ("*y Rheoliadau Cofrestru*") means the Regulated Services (Registration) (Wales) Regulations 2017(**3**).

(**1**) 2016 anaw 2; *see* the definition of "prescribed" in section 189.
(**2**) S.I. 2017/1097 (W. 277).
(**3**) S.I. 2017/1098 (W. 278).

Diwygiadau i'r Rheoliadau Datganiadau Blynyddol

2. Mae'r Rheoliadau Datganiadau Blynyddol wedi eu diwygio yn unol â rheoliadau 3 i 5.

Gwybodaeth arall

3. Yn rheoliad 6, ar ôl "gwasanaeth cymorth cartref" mewnosoder ", gwasanaeth mabwysiadu, gwasanaeth maethu, gwasanaeth lleoli oedolion neu wasanaeth eirioli".

Amser ar gyfer cyflwyno'r datganiadau blynyddol cyntaf

4. Ar ôl rheoliad 9 mewnosoder—

"**Amser ar gyfer cyflwyno'r datganiadau blynyddol cyntaf**

9A.—(1) Rhaid i ddarparwyr gwasanaethau sydd wedi eu cofrestru i ddarparu gwasanaeth cartref gofal, gwasanaeth llety diogel, gwasanaeth canolfan breswyl i deuluoedd neu wasanaeth cymorth cartref gyflwyno'r set gyntaf o ddatganiadau blynyddol yn 2020.

(2) Rhaid i ddarparwyr gwasanaethau sydd wedi eu cofrestru i ddarparu gwasanaeth mabwysiadu, gwasanaeth maethu, gwasanaeth lleoli oedolion neu wasanaeth eirioli gyflwyno'r set gyntaf o ddatganiadau blynyddol yn 2021.

(3) Os yw darparwr gwasanaeth wedi ei gofrestru i ddarparu gwasanaethau a restrir ym mharagraffau (1) a (2), nid oes angen i ddatganiad blynyddol gynnwys gwybodaeth mewn perthynas â'r gwasanaethau hynny sydd wedi eu rhestru ym mharagraff (2) tan 2021."

Yr Atodlen

5. Yn yr Atodlen, ym mharagraff 5—

(a) yn is-baragraff (j), yn lle "." rhodder ";";

(b) ar ôl is-baragraff (j) mewnosoder y canlynol—

"ond nid yw is-baragraffau (d), (e), (h) ac (i) yn gymwys os nad yw darparwr gwasanaeth wedi ei gofrestru ond i ddarparu gwasanaeth mabwysiadu, gwasanaeth maethu, gwasanaeth lleoli oedolion neu wasanaeth eirioli."

Diwygiadau i'r Rheoliadau Cofrestru

6. Mae'r Rheoliadau Cofrestru wedi eu diwygio yn unol â rheoliadau 7 i 11.

Amendments to the Annual Returns Regulations

2. The Annual Returns Regulations are amended in accordance with regulations 3 to 5.

Other information

3. In regulation 6, after "domiciliary support service" insert ", an adoption service, a fostering service, an adult placement service or an advocacy service".

Time for submission of first annual returns

4. After regulation 9 insert—

"**Time for submission of first annual returns**

9A.—(1) The first set of annual returns by service providers who are registered to provide a care home service, a secure accommodation service, a residential family centre service or a domiciliary support service, must be submitted in 2020.

(2) The first set of annual returns by service providers who are registered to provide an adoption service, a fostering service, an adult placement service or an advocacy service, must be submitted in 2021.

(3) If a service provider is registered to provide services listed in both paragraphs (1) and (2), an annual return does not need to contain information in relation to those services listed in paragraph (2) until 2021."

Schedule

5. In the Schedule, in paragraph 5—

(a) in sub-paragraph (j), for "." substitute ";";

(b) after sub-paragraph (j) insert the following—

"but sub-paragraphs (d), (e), (h), and (i) do not apply if a service provider is registered only to provide an adoption service, a fostering service, an adult placement service or an advocacy service."

Amendments to the Registration Regulations

6. The Registration Regulations are amended in accordance with regulations 7 to 11.

Yr wybodaeth sydd i'w darparu gan ymgeisydd

7. Yn rheoliad 3(c), yn lle "ohono" rhodder "mewn perthynas ag ef".

Yr wybodaeth sydd i'w darparu gan ddarparwr gwasanaeth i amrywio cofrestriad – adran 11(1)(a)(i) a (ii)

8. Yn rheoliad 6(c), yn lle "ohono" rhodder "mewn perthynas ag ef".

9. Yn rheoliad 7(c), yn lle "o fan" rhodder "mewn perthynas â man".

Atodlen 1 – yr wybodaeth sy'n ofynnol am y gwasanaeth sydd i'w ddarparu

10. Yn Atodlen 1, ar ôl paragraff 31 mewnosoder—

"**31A.** Yn achos gwasanaeth mabwysiadu, gwasanaeth maethu, gwasanaeth lleoli oedolion neu wasanaeth eirioli, y dyddiad y bwriedir dechrau darparu'r gwasanaeth mewn perthynas â phob man a bennir yn y cais."

Atodlen 2 – yr wybodaeth y mae'n ofynnol ei chynnwys mewn datganiad o ddiben

11. Yn Atodlen 2, ar ôl paragraff (e) mewnosoder—

"(ea) yn achos gwasanaeth mabwysiadu, gwasanaeth maethu, gwasanaeth lleoli oedolion neu wasanaeth eirioli—

(i) enw'r gwasanaeth;

(ii) yr ardal y darperir y gwasanaeth mewn perthynas â hi;

(iii) cyfeiriadau'r swyddfa neu'r swyddfeydd y darperir y gwasanaeth ohoni neu ohonynt;

(iv) cyfeiriadau unrhyw swyddfa arall neu unrhyw swyddfeydd eraill a ddefnyddir mewn cysylltiad â darparu'r gwasanaeth;".

Information to be provided by an applicant

7. In regulation 3(c), for "from" substitute "in relation to".

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

8. In regulation 6(c), for "from" substitute "in relation to".

9. In regulation 7(c), for "from" substitute "in relation to".

Schedule 1 – information required about the service to be provided

10. In Schedule 1, after paragraph 31 insert—

"**31A.** In the case of an adoption service, a fostering service, an adult placement service or an advocacy service, the date on which it is intended to begin providing the service in relation to each place specified in the application."

Schedule 2 – information required to be contained in a statement of purpose

11. In Schedule 2, after paragraph (e) insert—

"(ea) in the case of an adoption service, a fostering service, an adult placement service or an advocacy service—

(i) the name of the service;

(ii) the area in relation to which the service is provided;

(iii) the addresses of the office or offices from which the service will be provided;

(iv) the addresses of any other office or offices which are used in connection with the provision of the service;".

Julie Morgan

Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol o dan awdurdod y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
12 Chwefror 2019

Deputy Minister for Health and Social Services under authority of the Minister for Health and Social Services, one of the Welsh Ministers

12 February 2019

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