OFFERYNNAU STATUDOL CYMRU

2020 Rhif 286 (Cy. 65)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Gofal Cymdeithasol Cymru (Pennu Gweithwyr Gofal Cymdeithasol) (Cofrestru) (Diwygio) 2020

NODYN ESBONIADOL

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

Mae adran 80(1)(a) a (b) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf") yn ei gwneud yn ofynnol i Ofal Cymdeithasol Cymru gadw cofrestr o weithwyr cymdeithasol a gweithwyr gofal cymdeithasol o unrhyw ddisgrifiad arall a bennir gan Weinidogion Cymru mewn rheoliadau.

Mae Rheoliadau Gofal Cymdeithasol Cymru (Pennu Gweithwyr Gofal Cymdeithasol) (Cofrestru) 2016 ("Rheoliadau 2016") yn pennu'r disgrifiadau o weithwyr gofal cymdeithasol y mae rhaid cadw cofrestr ar eu cyfer.

Mae'r Rheoliadau hyn yn diwygio rheoliad 3 o Reoliadau 2016 drwy amnewid paragraff (2)(b) a mewnosod paragraff newydd (2)(bb) i ddarparu bod rhaid i Ofal Cymdeithasol Cymru gadw cofrestr o unigolion sydd wedi eu cyflogi (pa un ai fel cyflogai neu fel gweithiwr), neu sydd wedi eu cymryd ymlaen o dan gontract am wasanaethau i ddarparu gofal a chymorth mewn cysylltiad â gwasanaeth cartref gofal a ddarperir yn gyfan gwbl neu'n bennaf i oedolion, gwasanaeth cartref gofal a ddarperir yn gyfan gwbl neu'n bennaf i blant, gwasanaeth llety diogel, gwasanaeth cymorth cartref neu wasanaeth canolfan breswyl i deuluoedd.

WELSH STATUTORY INSTRUMENTS

2020 No. 286 (W. 65)

SOCIAL CARE, WALES

The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 80(1)(a) and (b) of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act") require Social Care Wales to keep a register of social workers and social care workers of any other description specified by the Welsh Ministers in regulations.

The Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016 ("the 2016 Regulations") specify the descriptions of social care workers for whom a register must be kept.

These Regulations amend regulation 3 of the 2016 Regulations by substituting paragraph (2)(b) and inserting a new paragraph (2)(bb) to provide that a register must be kept by Social Care Wales of individuals who are employed (whether as an employee or a worker), or engaged under a contract for services to provide care and support in connection with a care home service provided wholly or mainly to adults, a care home service provided wholly or mainly for children, a secure accommodation service, a domiciliary support service or a residential family centre service.

Caiff y gofyniad i Ofal Cymdeithasol Cymru gadw cofrestr o unigolion sydd wedi eu cyflogi neu sydd wedi eu cymryd ymlaen o dan gontract am wasanaethau mewn cysylltiad â gwasanaeth cartref gofal a ddarperir yn gyfan gwbl neu'n bennaf i oedolion a gwasanaethau canolfannau preswyl i deuluoedd ei ychwanegu gan y Rheoliadau hyn.

Caiff y gofyniad i Ofal Cymdeithasol Cymru gadw cofrestr o unigolion mewn cysylltiad â gwasanaeth cartref gofal a ddarperir yn gyfan gwbl neu'n bennaf i blant, a gwasanaeth llety diogel, ei estyn gan y Rheoliadau hyn i'w gwneud yn ofynnol cofrestru unigolion sydd wedi eu cymryd ymlaen o dan gontract am wasanaethau (gan gynnwys gweithwyr asiantaeth) yn ychwanegol at unigolion sydd wedi eu cyflogi gan y darparwr gwasanaeth.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau 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.

The requirement for Social Care Wales to keep a register of individuals employed or engaged under a contract for services in connection with a care home service provided wholly or mainly to adults and a residential family centre services is added by these Regulations.

The requirement for Social Care Wales to keep a register of individuals in connection with a care home service provided wholly or mainly for children and a secure accommodation service, is extended by these Regulations to require the registration of individuals engaged under a contract of services (including agency workers) in addition to individuals who are employed by the service provider.

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.

OFFERYNNAU STATUDOL CYMRU

2020 Rhif 286 (Cy. 65)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Gofal Cymdeithasol Cymru (Pennu Gweithwyr Gofal Cymdeithasol) (Cofrestru) (Diwygio) 2020

Made	*11 Mawrth 2020*
Coming into force	*1 Ebrill 2020*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adran 80(1)(b) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(**1**), yn gwneud y Rheoliadau a ganlyn.

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

Enwi, cychwyn a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal Cymdeithasol Cymru (Pennu Gweithwyr Gofal Cymdeithasol) (Cofrestru) (Diwygio) 2020.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2020.

(3) Yn y Rheoliadau hyn, ystyr "Rheoliadau 2016" yw Rheoliadau Gofal Cymdeithasol Cymru (Pennu Gweithwyr Gofal Cymdeithasol) (Cofrestru) 2016(**2**).

Diwygio Rheoliadau 2016

2.—(1) Mae Rheoliadau 2016 wedi eu diwygio fel a ganlyn.

(**1**) 2016 dccc 2.
(**2**) O.S. 2016/1235 (Cy. 293), a ddiwygiwyd gan O.S. 2018/192 (Cy. 43).

WELSH STATUTORY INSTRUMENTS

2020 No. 286 (W. 65)

SOCIAL CARE, WALES

The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2020

Made	*11 March 2020*
Coming into force	*1 April 2020*

The Welsh Ministers, in exercise of the powers conferred upon them by section 80(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016(**1**), make the following Regulations.

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

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2020.

(2) These Regulations come into force on 1 April 2020.

(3) In these Regulations, "the 2016 Regulations" means the Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016(**2**).

Amendment of the 2016 Regulations

2.—(1) The 2016 Regulations are amended as follows.

(**1**) 2016 anaw 2.
(**2**) S.I. 2016/1235 (W. 293), amended by S.I. 2018/192 (W. 43).

(2) Yn rheoliad 2 (dehongli), yn y lle priodol mewnosoder—

"mae i "cyflogaeth" yr un ystyr ag a roddir i "employment" yn adran 230(5) o Ddeddf Hawliau Cyflogaeth 1996(**1**) ac mae'n cynnwys unigolion sydd wedi eu cyflogi pa un ai fel cyflogai neu fel gweithiwr;";

"mae i "gwasanaeth canolfan breswyl i deuluoedd" ("*residential family centre service*") yr un ystyr ag a roddir yn adran 2(1)(c) o'r Ddeddf a pharagraff 3 o Atodlen 1 iddi, yn ddarostyngedig i reoliad 4 o Reoliadau 2017;";

"mae i "gwasanaeth cartref gofal" ("*care home service*") yr un ystyr ag a roddir yn adran 2(1)(a) o'r Ddeddf a pharagraff 1 o Atodlen 1 iddi, yn ddarostyngedig i reoliad 2 o Reoliadau 2017;".

(3) Yn rheoliad 3 (pennu gweithwyr gofal cymdeithasol)—

(a) ym mharagraff (2)—

(i) yn lle is-baragraff (b) rhodder—

"(b) sydd, yn ystod eu cyflogaeth gyda darparwr gwasanaeth, yn darparu gofal a chymorth i unrhyw berson yng Nghymru mewn cysylltiad—

(i) â gwasanaeth cartref gofal a ddarperir yn gyfan gwbl neu'n bennaf i oedolion,

(ii) â gwasanaeth cartref gofal a ddarperir yn gyfan gwbl neu'n bennaf i blant,

(iii) â gwasanaeth llety diogel o fewn ystyr paragraff 2 o Atodlen 1 i'r Ddeddf,

(iv) â gwasanaeth cymorth cartref er mwyn darparu gofal a chymorth i berson y cyfeirir ato ym mharagraff 8(1) o Atodlen 1 i'r Ddeddf, neu

(v) â gwasanaeth canolfan breswyl i deuluoedd,

a ddarperir gan y darparwr hwnnw;";

(ii) ar ôl is-baragraff (b) fel y'i hamnewidir gan y Rheoliadau hyn mewnosoder—

"(bb) sydd, o dan gontract am wasanaethau, yn darparu gofal a chymorth i unrhyw berson yng Nghymru mewn cysylltiad—

(**1**) 1996 p. 18.

(2) In regulation 2 (interpretation), in the appropriate place insert—

""care home service" ("*gwasanaeth cartref gofal*") has the same meaning as that given in section 2(1)(a) of, and paragraph 1 of Schedule 1 to, the Act, subject to regulation 2 of the 2017 Regulations;";

""employment" ("*cyflogaeth*") has the same meaning as in section 230(5) of the Employment Rights Act 1996(**1**) and includes individuals employed whether as an employee or worker;";

""residential family centre service" ("*gwasanaeth canolfan breswyl i deuluoedd*") has the same meaning as that given in section 2(1)(c) of, and paragraph 3 of Schedule 1 to, the Act, subject to regulation 4 of the 2017 Regulations;".

(3) In regulation 3 (specification of social care workers)—

(a) in paragraph (2)—

(i) for sub-paragraph (b) substitute—

"(b) who in the course of their employment with a service provider, provide care and support to any person in Wales in connection with—

(i) a care home service provided wholly or mainly for adults,

(ii) a care home service provided wholly or mainly for children,

(iii) a secure accommodation service within the meaning of paragraph 2 of Schedule 1 to the Act,

(iv) a domiciliary support service in order to provide care and support to a person referred to in paragraph 8(1) of Schedule 1 to the Act, or

(v) a residential family centre service,

provided by that provider;";

(ii) after sub-paragraph (b) as substituted by these Regulations insert—

"(bb) who under a contract for services, provide care and support to any person in Wales in connection with—

(**1**) 1996 c. 18.

(i) â gwasanaeth cartref gofal a ddarperir yn gyfan gwbl neu'n bennaf i oedolion,

(ii) â gwasanaeth cartref gofal a ddarperir yn gyfan gwbl neu'n bennaf i blant,

(iii) â gwasanaeth llety diogel o fewn ystyr paragraff 2 o Atodlen 1 i'r Ddeddf,

(iv) â gwasanaeth cymorth cartref er mwyn darparu gofal a chymorth i berson y cyfeirir ato ym mharagraff 8(1) o Atodlen 1 i'r Ddeddf, neu

(v) â gwasanaeth canolfan breswyl i deuluoedd,

a ddarperir gan ddarparwr gwasanaeth; ";

(iii) hepgorer is-baragraff (d);

(b) hepgorer paragraff (3).

(i) a care home service provided wholly or mainly for adults,

(ii) a care home service provided wholly or mainly for children,

(iii) a secure accommodation service within the meaning of paragraph 2 of Schedule 1 to the Act,

(iv) a domiciliary support service in order to provide care and support to a person referred to in paragraph 8(1) of Schedule 1 to the Act, or

(v) a residential family centre service,

provided by a service provider;";

(iii) omit sub-paragraph (d);

(b) omit paragraph (3).

Julie Morgan

Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol o dan awdurdod y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
11 Mawrth 2020

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

11 March 2020

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