



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2022 Rhif 1074 (Cy. 226)

2022 No. 1074 (W. 226)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

Rheoliadau Gwasanaethau
Rheoleiddiedig (Darparwyr
Gwasanaethau ac Unigolion
Cyfrifol) (Cymru) (Diwygio) a
(Coronafeirws) (Dirymu) 2022

The Regulated Services (Service
Providers and Responsible
Individuals) (Wales) (Amendment)
and (Coronavirus) (Revocation)
Regulations 2022

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud o dan bwerau a roddir i Weinidogion Cymru gan Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2) ("y Ddeddf").

Mae Rhan 1 o'r Ddeddf yn nodi'r gwasanaethau gofal cymdeithasol y mae'r Ddeddf yn gymwys iddynt, ac yn eu diffinio fel "gwasanaethau rheoleiddiedig". Mae adran 2(3) yn rhoi'r pŵer i Weinidogion Cymru i ragnodi mewn rheoliadau nad yw gwasanaethau penodol yn "gwasanaethau rheoleiddiedig". Mae adran 27 o'r Ddeddf yn rhoi'r pŵer i Weinidogion Cymru i osod, mewn rheoliadau, ofynion ar ddarparwyr gwasanaethau rheoleiddiedig mewn perthynas â'r gwasanaethau y maent yn eu darparu.

Mae Gweinidogion Cymru wedi arfer y pŵer hwn i wneud Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017 (O.S. 2017/1264 (Cy. 295)) ("y Rheoliadau Gwasanaethau Rheoleiddiedig").

Mae rheoliadau 2 i 7 yn dirymu newidiadau a wnaed i'r Rheoliadau Gwasanaethau Rheoleiddiedig gan Reoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) (Diwygio) (Coronafeirws) 2020 (O.S. 2020/570 (Cy. 131)) ("Rheoliadau 2020") a greodd eithriadau cyfyngedig nad oeddent i'w trin fel gwasanaeth

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under powers given to the Welsh Ministers by the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) ("the Act").

Part 1 of the Act sets out the social care services to which the Act applies, and defines them as "regulated services". Section 2(3) gives the Welsh Ministers the power to prescribe in regulations that particular services are not "regulated services". Section 27 of the Act gives the Welsh Ministers the power to impose, in regulations, requirements on providers of regulated services in relation to the services they provide.

The Welsh Ministers have exercised this power to make the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (S.I. 2017/1264 (W. 295)) ("the Regulated Services Regulations").

Regulations 2 to 7 revoke changes made to the Regulated Services Regulations by the Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) (Coronavirus) Regulations 2020 (S.I. 2020/570 (W. 131)) ("the 2020 Regulations") which created limited exceptions that were not to be treated as a regulated service and made

rheoleiddiedig ac a wnaeth newidiadau eraill i ofynion ar gyfer gwasanaethau penodedig fel rhan o'r ymateb i ledaeniad coronafeirws syndrom anadlol aciwt difrifol 2 (SARS-CoV-2) yng Nghymru.

Mae rheoliad 8 yn diwygio'r disgrifiad o fangre "Categori C" yn rheoliad 49 o'r Rheoliadau Gwasanaethau Rheoleiddiedig i ddarparu bod mangreoedd a sefydliadau, yr oedd person wedi ei gofrestru mewn cysylltiad â hwy o dan unrhyw un neu ragor o'r deddfiadau perthnasol a oedd yn darparu yn flaenorol ar gyfer rheolaeth a goruchwyliaeth reoleiddiol ar ddarparu llety a gofal, yn dod o fewn cwmpas mangre Categori C; mae rheoliad 9 yn gwneud trefniadau trosiannol mewn cysylltiad â'r diwygiadau hyn.

Mae rheoliad 10 yn dirymu Rheoliadau 2020.

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 ac mae wedi ei gyhoeddi ar www.llyw.cymru.

other changes to requirements for specified services as part of the response to the spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

Regulation 8 amends the description of "Category C" premises within regulation 49 of the Regulated Services Regulations to provide that premises and establishments, in respect of which a person had been registered under any of the relevant enactments which previously provided for regulatory control and oversight of the provision of accommodation and care, come within the scope of Category C premises; regulation 9 makes transitional arrangements in respect of these amendments.

Regulation 10 revokes the 2020 Regulations.

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, CF10 3NQ and is published on www.gov.wales.

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Rheoliadau Gwasanaethau
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The Regulated Services (Service
Providers and Responsible
Individuals) (Wales) (Amendment)
and (Coronavirus) (Revocation)
Regulations 2022

Gwnaed 19 Hydref 2022
Yn dod i rym 1 Tachwedd 2022

Made 19 October 2022
Coming into force 1 November 2022

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 2(3), 27(1) a 187(1)(b) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (“y Ddeddf”)(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 2(3), 27(1) and 187(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”)(1).

Mae Gweinidogion Cymru wedi ymgynghori â'r personau hynny y maent yn meddwl eu bod yn briodol, fel sy'n ofynnol gan adrannau 2(4) a 27(4)(a) o'r Ddeddf ac wedi cyhoeddi datganiad ynghylch yr ymgynghoriad fel sy'n ofynnol gan adran 27(4)(b) o'r Ddeddf. Mae Gweinidogion Cymru wedi gosod copi o'r datganiad gerbron Senedd Cymru fel sy'n ofynnol gan adran 27(5) o'r Ddeddf.

The Welsh Ministers have consulted such persons as they think appropriate, as required by sections 2(4) and 27(4)(a) of the Act and have published a statement about the consultation as required by section 27(4)(b) of the Act. The Welsh Ministers have laid a copy of the statement before Senedd Cymru as required by section 27(5) of the Act.

Gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru o dan adran 187(2)(b) ac (f) o'r Ddeddf ac fe'i cymeradwywyd ganddi drwy benderfyniad(2).

A draft of these Regulations was laid before Senedd Cymru under section 187(2)(b) and (f) of the Act and has been approved by a resolution of Senedd Cymru(2).

(1) 2016 decc 2; gweler y diffiniad o “a ragnodir” a “rhagnodedig” yn adran 189 o'r Ddeddf.
(2) Mae'r cyfeiriadau yn adrannau 27(5) a 187(2) o'r Ddeddf at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriadau at Senedd Cymru yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

(1) 2016 anaw 2; see the definition of “prescribed” in section 189 of the Act.
(2) The references in sections 27(5) and 187(2) of the Act to the National Assembly for Wales now have effect as references to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

Enwi, cychwyn a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) (Diwygio) a (Coronafeirws) (Dirymu) 2022.

(2) Daw'r Rheoliadau hyn i rym ar 1 Tachwedd 2022.

(3) Yn y Rheoliadau hyn—

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

ystyr “y Rheoliadau Gwasanaethau Rheoleiddiedig” (“*the Regulated Services Regulations*”) yw Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017(1).

Diwygiadau i'r Rheoliadau Gwasanaethau Rheoleiddiedig

2. Mae'r Rheoliadau Gwasanaethau Rheoleiddiedig wedi eu diwygio yn unol â rheoliadau 3 i 8.

3. Yn rheoliad 1(3) (enwi, cychwyn, cymhwyso a dehongli), hepgorer y diffiniadau o “y Comisiwn Ansawdd Gofal” a “coronafeirws”.

4. Yn rheoliad 2(1) (gwasanaethau cartrefi gofal)—

- (a) ar ddiwedd is-baragraff (j), yn lle'r hanner colon rhodder atalnod llawn;
- (b) hepgorer is-baragraff (k) a'r geiriau cloi yn union ar ei ôl.

5. Yn rheoliad 3(1) (gwasanaethau cymorth cartref)—

- (a) ar ddiwedd is-baragraff (i), yn lle'r hanner colon rhodder atalnod llawn;
- (b) hepgorer is-baragraff (j) a'r geiriau cloi yn union ar ei ôl.

6. Yn rheoliad 35 (addasrwydd staff)—

- (a) ym mharagraff (2)(d), hepgorer “yn ddarostyngedig i baragraff (9A) o'r rheoliad hwn,”;
- (b) hepgorer paragraff (9A).

7. Yn rheoliad 45 (ystafelloedd meddiannaeth sengl ac ystafelloedd a rennir – oedolion)—

- (a) hepgorer paragraff (2A);
- (b) yn lle paragraff (3)(c), rhodder—

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) and (Coronavirus) (Revocation) Regulations 2022.

(2) These Regulations come into force on 1 November 2022.

(3) In these Regulations—

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

“the Regulated Services Regulations” (“*y Rheoliadau Gwasanaethau Rheoleiddiedig*”) means the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017(1).

Amendments to the Regulated Services Regulations

2. The Regulated Services Regulations are amended in accordance with regulations 3 to 8.

3. In regulation 1(3) (title, commencement, application and interpretation), omit the definitions of “Care Quality Commission” and “coronavirus”.

4. In regulation 2(1) (care home services)—

- (a) at the end of sub-paragraph (j), for the semi-colon substitute a full-stop;
- (b) omit sub-paragraph (k) and the full-out words immediately following.

5. In regulation 3(1) (domiciliary support services)—

- (a) at the end of sub-paragraph (i), for the semi-colon substitute a full-stop;
- (b) omit sub-paragraph (j) and the full-out words immediately following.

6. In regulation 35 (fitness of staff)—

- (a) in paragraph (2)(d), omit “subject to paragraph (9A) of this regulation,”;
- (b) omit paragraph (9A).

7. In regulation 45 (single occupancy and shared rooms – adults)—

- (a) omit paragraph (2A);
- (b) for paragraph (3)(c), substitute—

(1) O.S. 2017/1264 (Cy. 295), yr offerynnau diwygio perthnasol yw O.S. 2019/757 (Cy. 142), O.S. 2020/389 (Cy. 87) a 2020/570 (Cy. 131) ac O.S. 2022/832 (Cy. 184).

(1) S.I. 2017/1264 (W. 295), relevant amending instruments are S.I. 2019/757 (W. 142), S.I. 2020/389 (W. 87) and 2020/570 (W. 131) and S.I. 2022/832 (W. 184).

“(c) roedd yr holl oedolion sy’n cael eu lletya mewn ystafelloedd a rennir yn rhannu ystafell ag oedolyn arall ar yr adeg berthnasol.”

8. Yn rheoliad 49 (cymhwyso Rhan 13)—

- (a) ym mharagraff (2), yn lle’r testun sy’n disgrifio mangre Categori C, rhodder—

“Categori C: Mae’r fangre yn adeilad a oedd heb ei feddiannu yn union cyn cofrestriad y darparwr gwasanaeth ond a oedd yn cael ei ddefnyddio o’r blaen at unrhyw un neu ragor o’r dibenion a ganlyn—

- (a) at ddiben darparu gwasanaeth llety mewn man a bennir fel amod i gofrestriad darparwr gwasanaeth arall;
- (b) fel sefydliad yr oedd person wedi ei gofrestru mewn cysylltiad ag ef o dan Ran 2 o Ddeddf Safonau Gofal 2000(1) i ddarparu llety mewn cartref plant, cartref gofal, neu ganolfan breswyl i deuluoedd;
- (c) fel sefydliad yr oedd person wedi ei gofrestru mewn cysylltiad ag ef o dan Ran 1 neu 2 o Ddeddf Cartrefi Cofrestredig 1984(2) i ddarparu llety preswyl i bersonau y mae angen gofal personol arnynt (oherwydd henaint, anabledd, dibyniaeth ar alcohol neu gyffuriau neu anhwylder meddwl);
- (d) fel sefydliad yr oedd person wedi ei gofrestru mewn cysylltiad ag ef mewn cofrestr a gedwir at ddibenion adran 60 o Ddeddf Plant 1989(3), neu o dan Ran 8 o’r Ddeddf honno, i ddarparu llety preswyl i blant.”;

- (b) yn lle paragraff (4) rhodder—

“(4) Yn y rheoliad hwn—

- (a) ystyr “gwasanaeth llety” yw gwasanaeth cartref gofal, gwasanaeth llety diogel neu wasanaeth canolfan breswyl i deuluoedd;
- (b) mae i “cartref plant”, “cartref gofal” a “canolfan breswyl i deuluoedd” yr ystyron a roddir i “children’s home”, “care home” a “residential family centre” yn ôl eu trefn yn adrannau 1, 3 a 4 o Ddeddf Safonau Gofal 2000 fel yr oedd yn cael effaith yng Nghymru yn union cyn 1 Ebrill 2017.”

“(c) all the adults who are accommodated in shared rooms were sharing a room with another adult at the relevant time.”

8. In regulation 49 (application of Part 13)—

- (a) in paragraph (2), for the text describing Category C premises, substitute—

“Category C: The premises consist of a building which was unoccupied immediately prior to the service provider’s registration but was previously used for any of the following purposes—

- (a) for the purpose of providing an accommodation-based service at a place specified as a condition to the registration of another service-provider;
- (b) as an establishment in respect of which a person was registered under Part 2 of the Care Standards Act 2000(1) to provide accommodation in a children’s home, a care home, or a residential family centre;
- (c) as an establishment in respect of which a person was registered under Part 1 or 2 of the Registered Homes Act 1984(2) to provide residential accommodation for persons in need of personal care (by reason of old age, disablement, drug or alcohol dependence or mental disorder);
- (d) as an establishment in respect of which a person was registered in a register kept for the purposes of section 60 of the Children Act 1989(3), or under Part 8 of that Act, to provide residential accommodation for children.”;

- (b) for paragraph (4) substitute—

“(4) In this regulation—

- (a) “accommodation-based service” means a care home service, a secure accommodation service or a residential family centre service;
- (b) “children’s home”, “care home” and “residential family centre” have the meanings respectively given in sections 1, 3 and 4 of the Care Standards Act 2000 as it had effect in Wales immediately before 1 April 2017.”

(1) 2000 p. 14.
(2) 1984 p. 23.
(3) 1989 p. 41.

(1) 2000 c. 14.
(2) 1984 c. 23.
(3) 1989 c. 41.

Darpariaeth Drosiannol

9. Mae rheoliad 49 o'r Rheoliadau Gwasanaethau Rheoleiddiedig yn parhau i gael effaith heb y diwygiadau a wneir gan reoliad 8 mewn perthynas â chais (gan gynnwys unrhyw apel sy'n deillio o gais o'r fath) a wneir i Weinidogion Cymru ar neu cyn 31 Hydref 2022—

- (a) i gofrestru fel darparwr gwasanaeth (o dan adran 6 o'r Ddeddf);
- (b) i amrywio cofrestriad fel darparwr gwasanaeth (o dan adran 11 o'r Ddeddf).

Dirymu

10. Mae Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) (Diwygio) (Coronafeirws) 2020(1) wedi eu dirymu.

Transitional Provision

9. Regulation 49 of the Regulated Services Regulations continues to have effect without the amendments made by regulation 8 in relation to an application (including any appeal arising from such an application) which was made to the Welsh Ministers on or before 31 October 2022 for—

- (a) registration as a service provider (under section 6 of the Act);
- (b) variation of registration as a service provider (under section 11 of the Act).

Revocation

10. The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) (Coronavirus) Regulations 2020(1) are revoked.

Julie Morgan

Y Dirprwy Weinidog Gwasanaethau Cymdeithasol, o dan awdurdod y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
19 Hydref 2022

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

Deputy Minister for Social Services under authority of the Minister for Health and Social Services, one of the Welsh Ministers
19 October 2022

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