OFFERYNNAU STATUDOL CYMRU

2016 Rhif 1251 (Cy. 296)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Gofal Cymdeithasol Cymru (Ehangu Ystyr “Gweithiwr Gofal Cymdeithasol”) 2016

NODYN ESBONIADOL

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

Mae adran 79(2)(b) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (“y Ddeddf”) yn rhoi pŵer i Weinidogion Cymru i wneud rheoliadau i ddarparu bod personau penodol i gael eu trin fel gweithwyr gofal cymdeithasol.

Mae’r Rheoliadau hyn yn darparu mai’r personau sydd i gael eu trin fel gweithwyr gofal cymdeithasol yw’r rhai a ddisgrifir ym mharagraffau (a) i (l) o adran 79(3) o’r Ddeddf. Mae’r rheini yn cynnwys personau sydd wedi eu dynodi’n unigolion cyfrifol gan ddarparwyr gwasanaethau; personau sy’n ymgymryd â gwaith at ddibenion swyddogaethau gwasanaethau cymdeithasol awdurdod lleol (neu â’r ddarpariaeth o wasanaethau sy’n debyg i’r rheini a ddarperir wrth arfer y swyddogaethau hynny); personau sy’n ymgymryd â darparu gofal a chymorth personol nad ydynt wedi eu rheoleiddio i unrhyw berson; personau sydd wedi eu cofrestru fel gwarchodwyr plant neu fel darparwyr gofal dydd i blant; personau sy’n rheoli ymgymeriad neu sydd wedi eu cyflogi mewn ymgymeriad sy’n cynnal busnes cyflogi neu asiantaeth gyflogi mewn cysylltiad â’r ddarpariaeth o ofal a chymorth personol i unrhyw berson yng Nghymru; myfyrwyr gwaith cymdeithasol penodol ac arolygwyr gwasanaethau gofal cymdeithasol penodedig.

WELSH STATUTORY INSTRUMENTS

2016 No. 1251 (W. 296)

SOCIAL CARE, WALES

The Social Care Wales (Extension of Meaning of “Social Care Worker”) Regulations 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 79(2)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) empowers the Welsh Ministers to make regulations to provide that certain persons are to be treated as social care workers.

These Regulations provide that the persons who are to be treated as social care workers are those described in paragraphs (a) to (l) of section 79(3) of the Act. Those include persons designated as responsible individuals by service providers; persons engaged in work for the purposes of a local authority’s social services functions (or in the provision of services similar to those provided in the exercise of those functions); persons engaged in the provision of unregulated personal care and support for any person; persons registered as child minders or as providers of day care for children; persons who manage or are employed in an undertaking carrying on an employment business or employment agency in connection with the provision of personal care and support to any person in Wales; certain social work students and inspectors of specified social care services.

Mae'r personau a grybwyllir uchod wedi eu pennu'n weithwyr gofal cymdeithasol at ddibenion swyddogaethau Gofal Cymdeithasol Cymru ("GCC") o dan adrannau 68(2), 112, 114 a 116 o'r Ddeddf. O dan adran 68(2) o'r Ddeddf, rhaid i GCC arfer ei swyddogaethau gyda golwg ar hybu a chynnal safonau uchel yn y ddarpariaeth o wasanaethau gofal a chymorth, safonau uchel o ymddygiad ac ymarfer ymhlith gweithwyr gofal cymdeithasol, safonau uchel o ran hyfforddi gweithwyr gofal cymdeithasol a hyder y cyhoedd mewn gweithwyr gofal cymdeithasol. Mae adran 112 o'r Ddeddf yn darparu bod rhaid i GCC lunio a chyhoeddi codau ymarfer sy'n pennu safonau ymddygiad ac ymarfer a ddisgwylir oddi wrth weithwyr gofal cymdeithasol ac unrhyw bersonau sy'n cyflogi neu sy'n ceisio cyflogi gweithwyr gofal cymdeithasol. Mae adran 114 o'r Ddeddf yn rhoi pŵer i GCC i wneud rheolau i gymeradwyo cyrsiau penodol ac mae adran 116 yn nodi swyddogaethau eraill GCC mewn cysylltiad ag addysg a hyfforddiant.

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 persons mentioned above are specified as social care workers for the purposes of the functions of Social Care Wales ("SCW") under sections 68(2), 112, 114 and 116 of the Act. Under section 68(2) of the Act, SCW must exercise its functions with a view to promoting and maintaining high standards in the provision of care and support services, high standards of conduct and practice among social care workers, high standards in the training of social care workers and public confidence in social care workers. Section 112 of the Act provides that SCW must prepare and publish codes of practice setting standards of conduct and practice expected of both social care workers and of any persons employing or seeking to employ social care workers. Section 114 of the Act empowers SCW to make rules to approve certain courses and section 116 sets out other functions of SCW in respect of education and training.

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

2016 Rhif 1251 (Cy. 296)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Gofal Cymdeithasol Cymru (Ehangu Ystyr "Gweithiwr Gofal Cymdeithasol") 2016

Gwnaed	*13 Rhagfyr 2016*
Yn dod i rym	*3 Ebrill 2017*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 79(2)(b) a 187(1)(b) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(**1**) yn gwneud y Rheoliadau a ganlyn.

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

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal Cymdeithasol Cymru (Ehangu Ystyr "Gweithiwr Gofal Cymdeithasol") 2016.

(2) Daw'r Rheoliadau hyn i rym ar 3 Ebrill 2017.

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

(**1**) 2016 dccc 2.

WELSH STATUTORY INSTRUMENTS

2016 No. 1251 (W. 296)

SOCIAL CARE, WALES

The Social Care Wales (Extension of Meaning of "Social Care Worker") Regulations 2016

Made	*13 December 2016*
Coming into force	*3 April 2017*

The Welsh Ministers, in exercise of the powers conferred upon them by sections 79(2)(b) and 187(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016(**1**) make the following Regulations.

In accordance with section 187(2)(m) 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 application

1.—(1) The title of these Regulations is the Social Care Wales (Extension of Meaning of "Social Care Worker") Regulations 2016.

(2) These Regulations come into force on 3 April 2017.

(3) These Regulations apply in relation to Wales.

(**1**) 2016 anaw 2.

Dehongli

2. Yn y Rheoliadau hyn—

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

ystyr "GCC" ("*SCW*") yw Gofal Cymdeithasol Cymru(**1**).

Interpretation

2. In these Regulations—

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

"SCW" ("*GCC*") means Social Care Wales(**1**).

Personau sydd i gael eu trin fel gweithwyr gofal cymdeithasol

3. At ddibenion swyddogaethau GCC o dan adrannau 68(2), 112, 114 a 116 o'r Ddeddf yn unig, mae personau o unrhyw un neu ragor o'r disgrifiadau ym mharagraffau (a) i (l) o adran 79(3) o'r Ddeddf i gael eu trin fel gweithwyr gofal cymdeithasol.

Persons to be treated as social care workers

3. For the purposes only of the functions of SCW under sections 68(2), 112, 114 and 116 of the Act, persons of any of the descriptions in paragraphs (a) to (l) of section 79(3) of the Act are to be treated as social care workers.

Rebecca Evans

Gweinidog Iechyd y Cyhoedd a Gwasanaethau Cymdeithasol, o dan awdurdod Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon, un o Weinidogion Cymru
13 Rhagfyr 2016

Minister for Social Services and Public Health, under authority of the Cabinet Secretary for Health, Wellbeing and Sport, one of the Welsh Ministers
13 December 2016

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(**1**) Ailenwyd Cyngor Gofal Cymru yn Ofal Cymdeithasol Cymru gan adran 67(3) o'r Ddeddf.

(**1**) The Care Council for Wales was renamed Social Care Wales by section 67(3) of the Act.

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