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OFFERYNNAU STATUDOL  
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WELSH STATUTORY  
INSTRUMENTS

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**2017 Rhif 56 (Cy. 26)**

**2017 No. 56 (W. 26)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE, WALES**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**NATIONAL HEALTH  
SERVICE, WALES**

**Rheoliadau Gofal a Chymorth  
(Cynllunio Ardal) (Cymru) 2017**

**The Care and Support (Area  
Planning) (Wales) Regulations 2017**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Regulations)*

Mae adran 14A o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (“Deddf 2014”) yn ei gwneud yn ofynnol i bob awdurdod lleol a Bwrdd Iechyd Lleol lunio a chyhoeddi cynllun ar ôl cynnal asesiad o anghenion o dan adran 14 o Ddeddf 2014 (a adwaenir fel “asesiad poblogaeth”). Rhaid i'r cynllun hwn (a adwaenir fel “cynllun ardal”) nodi, ymhlith pethau eraill, ystod a lefel y gwasanaethau y mae'r corff yn bwriadu eu darparu, neu drefnu iddynt gael eu darparu, mewn ymateb i'r asesiad poblogaeth.

Section 14A of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”) requires local authorities and Local Health Boards to each prepare and publish a plan following the carrying out of an assessment of needs under section 14 of the 2014 Act (known as a “population assessment”). This plan (known as an “area plan”) must set out, amongst other things, the range and level of services the body proposes to provide, or arrange to be provided, in response to the population assessment.

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch cynlluniau ardal, gan gynnwys pennu pa bryd y mae cynllun ardal i gael ei gyhoeddi (rheoliad 2), adolygu a diwygio cynlluniau ardal (rheoliad 3), personau y dylid darparu copiâu o'r cynlluniau ardal iddynt (rheoliad 4), cymryd camau i ymgysylltu â dinasyddion, sefydliadau'r sector preifat a'r trydydd sector a chyrrff cyhoeddus wrth lunio cynlluniau ardal (rheoliadau 5 a 6) a monitro a gwerthuso cynlluniau ardal (rheoliad 7).

These Regulations make provision about area plans, including specifying when an area plan is to be published (regulation 2), the review and revision of area plans (regulation 3), persons who should be provided with copies of area plans (regulation 4), the taking of steps to engage with citizens, private and third sector organisations and public bodies in the preparation of area plans (regulations 5 and 6) and the monitoring and evaluation of area plans (regulation 7).

Mae'r Rheoliadau yn cynnwys darpariaeth ar gyfer sut y mae pob un o'r rheoliadau i fod yn gymwys os yw awdurdod lleol neu Fwrdd Iechyd Lleol wedi penderfynu arfer pwerau o dan adran 14A(4) neu (5) o Ddeddf 2014 i lunio a chyhoeddi cynllun ardal ar y cyd.

The Regulations include provision for how each of the regulations is to apply if a local authority or Local Health Board has decided to exercise powers under section 14A(4) or (5) of the 2014 Act to prepare and publish a joint area plan.

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.

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.

**2017 Rhif 56 (Cy. 26)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**Rheoliadau Gofal a Chymorth  
(Cynllunio Ardal) (Cymru) 2017**

*Gwnaed* 24 Ionawr 2017

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 27 Ionawr 2017

*Yn dod i rym* 1 Ebrill 2017

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 14A(6)(b) a (7) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1), yn gwneud y Rheoliadau a ganlyn:

**Enwi, cychwyn, cymhwyso a dehongli**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal a Chymorth (Cynllunio Ardal) (Cymru) 2017.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2017 ac maent yn gymwys o ran Cymru.

(3) Yn y Rheoliadau hyn—

ystyr “adroddiad asesiad poblogaeth” (“*population assessment report*”) yw'r adroddiad y mae'n ofynnol iddo gael ei lunio yn unol â rheoliad 5 o'r rheoliadau asesiadau poblogaeth;

ystyr “Bwrdd Partneriaeth Rhanbarthol” (“*Regional Partnership Board*”) yw un o'r byrddau y mae'n ofynnol iddynt gael eu sefydlu yn unol â rheoliadau 2 i 8 o'r rheoliadau trefniadau partneriaeth;

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(1) 2014 dccc 4. Mewnosodwyd adran 14A gan Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2), Atodlen 4, paragraff 34.

**2017 No. 56 (W. 26)**

**SOCIAL CARE, WALES**

**NATIONAL HEALTH  
SERVICE, WALES**

**The Care and Support (Area  
Planning) (Wales) Regulations 2017**

*Made* 24 January 2017

*Laid before the National Assembly for Wales*  
27 January 2017

*Coming into force* 1 April 2017

The Welsh Ministers, in exercise of the powers conferred by section 14A(6)(b) and (7) of the Social Services and Well-being (Wales) Act 2014(1), make the following Regulations:

**Title, commencement, application and interpretation**

1.—(1) The title of these Regulations is the Care and Support (Area Planning) (Wales) Regulations 2017.

(2) These Regulations come into force on 1 April 2017 and apply in relation to Wales.

(3) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Social Services and Well-being (Wales) Act 2014;

“area plan” (“*cynllun ardal*”) means the plan which a relevant body is required to prepare in accordance with section 14A(2) of the Act;

“joint area plan” (“*cynllun ardal ar y cyd*”) means an area plan which has been prepared by a relevant body jointly with another relevant body in accordance with the powers in section 14A(4) or (5) of the Act;

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(1) 2014 anaw 4. Section 14A was inserted by the Well-being of Future Generations (Wales) Act 2015 (anaw 2), Schedule 4, paragraph 34.

ystyr “Bwrdd Partneriaeth Rhanbarthol perthnasol” (“*relevant Regional Partnership Board*”) yw’r Bwrdd Partneriaeth Rhanbarthol sydd wedi ei sefydlu ar gyfer ardal y corff perthnasol;

mae i “corff perthnasol” (“*relevant body*”) yr un ystyr ag yn adran 14A(1) o’r Ddeddf;

ystyr “cynllun ardal” (“*area plan*”) yw’r cynllun y mae’n ofynnol i gorff perthnasol ei lunio yn unol ag adran 14A(2) o’r Ddeddf;

ystyr “cynllun ardal ar y cyd” (“*joint area plan*”) yw cynllun ardal sydd wedi ei lunio gan gorff perthnasol ar y cyd â chorff perthnasol arall yn unol â’r pwerau yn adran 14A(4) neu (5) o’r Ddeddf;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014;

ystyr “y rheoliadau asesiadau poblogaeth” (“*the population assessments regulations*”) yw Rheoliadau Gofal a Chymorth (Asesiadau Poblogaeth) (Cymru) 2015(1);

ystyr “y rheoliadau trefniadau partneriaeth” (“*the partnership arrangements regulations*”) yw Rheoliadau Trefniadau Partneriaeth (Cymru) 2015(2).

“population assessment report” (“*adroddiad asesiad poblogaeth*”) means the report which is required to be produced in accordance with regulation 5 of the population assessments regulations;

“Regional Partnership Board” (“*Bwrdd Partneriaeth Rhanbarthol*”) means one of the boards which are required to be established in accordance with regulations 2 to 8 of the partnership arrangements regulations;

“relevant body” (“*corff perthnasol*”) has the same meaning as in section 14A(1) of the Act;

“relevant Regional Partnership Board” (“*Bwrdd Partneriaeth Rhanbarthol perthnasol*”) means the Regional Partnership Board which has been established for the area of the relevant body;

“the partnership arrangements regulations” (“*y rheoliadau trefniadau partneriaeth*”) means the Partnership Arrangements (Wales) Regulations 2015(1);

“the population assessments regulations” (“*y rheoliadau asesiadau poblogaeth*”) means the Care and Support (Population Assessments) (Wales) Regulations 2015(2).

## Cyhoeddi cynlluniau ardal

2.—(1) Rhaid cyhoeddi’r cynllun ardal cyntaf (neu, os yw’n gymwys, y cynllun ardal cyntaf ar y cyd) erbyn 1 Ebrill 2018.

(2) Rhaid cyhoeddi cynlluniau ardal dilynol (neu, os yw’n gymwys, cynlluniau ardal ar y cyd) o fewn un flwyddyn ar ôl y dyddiad y mae’n ofynnol cyhoeddi’r adroddiad asesiad poblogaeth diweddaraf.

## Adolygu

3. Mewn achos pan fo adendwm i adroddiad asesiad poblogaeth yn cael ei ddyroddi yn unol â rheoliad 7 o’r rheoliadau asesiadau poblogaeth, rhaid i’r corff perthnasol sydd wedi llunio cynllun ardal yn dilyn yr adroddiad hwnnw (neu, os yw’n gymwys, y cyrff perthnasol sydd wedi llunio cynllun ardal ar y cyd yn dilyn yr adroddiad hwnnw)—

- (a) adolygu’r cynllun ardal diweddaraf (neu’r cynllun ardal ar y cyd, os yw’n gymwys);

## Publication of area plans

2.—(1) The first area plan (or, if applicable, the first joint area plan) must be published by 1 April 2018.

(2) Subsequent area plans (or, if applicable, joint area plans) must be published within one year after the date on which the most recent population assessment report is required to be published.

## Review

3. In the event that an addendum to a population assessment report is issued in accordance with regulation 7 of the population assessments regulations, the relevant body which has prepared an area plan following that report (or, if applicable, the relevant bodies which have prepared a joint area plan following that report) must—

- (a) review the most recent area plan (or joint area plan, if applicable);

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(1) O.S. 2015/1367 (Cy. 135).

(2) O.S. 2015/1989 (Cy. 299).

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(1) S.I. 2015/1989 (W. 299).

(2) S.I. 2015/1367 (W. 135).

- (b) ystyried a oes angen diwygio'r cynllun;
- (c) os penderfynir diwygio'r cynllun, llunio cynllun diwygiedig cyn gynted ag y bo'n ymarferol yn dilyn dyroddi'r addendum;
- (d) cyhoeddi unrhyw gynllun diwygiedig.

- (b) consider whether the plan needs to be revised;
- (c) if it is decided to revise the plan, prepare a revised plan as soon as practicable following the issue of the addendum;
- (d) publish any revised plan.

### Copïau o'r cynlluniau

4. Rhaid i gorff perthnasol sydd wedi llunio cynllun ardal (neu, os yw'n gymwys, y cyrff perthnasol sydd wedi llunio cynllun ardal ar y cyd)—

- (a) cynnwys copi o'r cynllun (ac, os yw'n gymwys, copi o unrhyw gynllun diwygiedig) fel rhan o'r adroddiad blynyddol a gyhoeddir gan y Bwrdd Partneriaeth Rhanbarthol perthnasol yn unol â rheoliad 12 o'r rheoliadau trefniadau partneriaeth, a
- (b) cyflwyno unrhyw gynllun neu gynllun diwygiedig o'r fath i Weinidogion Cymru.

### Copies of plans

4. A relevant body which has prepared an area plan (or, if applicable, the relevant bodies which have prepared a joint area plan) must—

- (a) include a copy of the plan (and, if applicable, a copy of any revised plan) as part of the annual report published by the relevant Regional Partnership Board in accordance with regulation 12 of the partnership arrangements regulations, and
- (b) submit any such plan or revised plan to the Welsh Ministers.

### Ymgysylltu â dinasyddion

5.—(1) Wrth lunio cynllun ardal neu gynllun ardal diwygiedig (neu, os yw'n gymwys, cynllun ardal ar y cyd neu gynllun ardal ar y cyd diwygiedig), rhaid i gorff perthnasol (neu, yn achos cynllun ardal ar y cyd, y cyrff perthnasol) gymryd camau rhesymol i ymgysylltu â'r canlynol—

- (a) pobl yn yr ardal y mae arnynt neu y gall fod arnynt anghenion am ofal a chymorth,
- (b) pobl yn yr ardal sydd â chyfrifoldeb rhiant dros blant y mae arnynt neu y gall fod arnynt anghenion am ofal a chymorth, ac
- (c) gofawyr yn yr ardal y mae arnynt neu y gall fod arnynt anghenion am gymorth.

(2) Ym mharagraff (1), ystyr “yr ardal” (“*the area*”) yw'r ardal sydd wedi ei chwmpasu gan y cynllun ardal (neu, os yw'n gymwys, y cynllun ardal ar y cyd).

(3) Rhaid i gorff perthnasol (neu, yn achos cynllun ardal ar y cyd, y cyrff perthnasol) sefydlu gweithdrefn ar gyfer yr ymgysylltu sy'n ofynnol gan baragraff (1).

### Citizen engagement

5.—(1) In preparing an area plan or revised area plan (or, if applicable, a joint area plan or revised joint area plan), a relevant body (or, in the case of a joint area plan, the relevant bodies) must take reasonable steps to engage with—

- (a) people in the area who have or may have needs for care and support,
- (b) people in the area with parental responsibility for children who have or may have needs for care and support, and
- (c) carers in the area who have or may have needs for support.

(2) In paragraph (1), “the area” (“*yr ardal*”) means the area covered by the area plan (or, if applicable, the joint area plan).

(3) A relevant body (or, in the case of a joint area plan, the relevant bodies) must establish a procedure for the engagement required by paragraph (1).

## Ymgysylltu â sefydliadau'r sector preifat a'r trydydd sector a chyrrff cyhoeddus

6.—(1) Wrth lunio cynllun ardal neu gynllun ardal diwygiedig (neu, os yw'n gymwys, cynllun ardal ar y cyd neu gynllun ardal ar y cyd diwygiedig), rhaid i gorff perthnasol (neu, yn achos cynllun ardal ar y cyd, y cyrrff perthnasol) ymgysylltu ag unrhyw sefydliad sector preifat, unrhyw sefydliad trydydd sector neu unrhyw gorff cyhoeddus y mae'n credu ei fod yn ymwneud â'r ddarpariaeth o ofal a chymorth neu wasanaethau ataliol, neu fod ganddo fuddiant yn y ddarpariaeth o ofal a chymorth neu wasanaethau ataliol, i'r boblogaeth yn yr ardal sydd wedi ei chwmpasu gan y cynllun.

(2) At ddibenion y rheoliad hwn—

ystyr “corff cyhoeddus” (“*public body*”) yw corff (pa un a yw'n gorfforaethol neu'n anghorfforedig) sy'n arfer swyddogaethau cyhoeddus. At ddiben y diffiniad hwn, mae swyddogaeth gyhoeddus yn swyddogaeth sy'n swyddogaeth o natur gyhoeddus at ddibenion Deddf Hawliau Dynol 1998(1);

mae i “sefydliad trydydd sector” (“*third sector organisation*”) yr un ystyr ag yn adran 16(2) o'r Ddeddf(2).

## Monitro a gwerthuso

7. Rhaid i gorff perthnasol (neu, yn achos cynllun ardal ar y cyd, y cyrrff perthnasol) gymryd camau priodol i fonitro a gwerthuso'r gwasanaethau a gweithredoedd eraill a nodir yn y cynllun ardal (neu, os yw'n gymwys, y cynllun ardal ar y cyd).

## Engagement with private sector and third sector organisations and public bodies

6.—(1) In preparing an area plan or revised area plan (or, if applicable, a joint area plan or revised joint area plan), a relevant body (or, in the case of a joint area plan, the relevant bodies) must engage with any private sector organisation, third sector organisation or public body which it believes is concerned with or has an interest in the provision of care and support or preventative services to the population of the area covered by the plan.

(2) For the purposes of this regulation—

“public body” (“*corff cyhoeddus*”) means a body (whether corporate or unincorporated) exercising public functions. For the purpose of this definition, a public function is a function that is a function of a public nature for the purposes of the Human Rights Act 1998(1);

“third sector organisation” (“*sefydliad trydydd sector*”) has the same meaning as in section 16(2) of the Act(2).

## Monitoring and evaluation

7. A relevant body (or, in the case of a joint area plan, the relevant bodies) must take appropriate steps to monitor and evaluate the services and other action set out in the area plan (or, if applicable, the joint area plan).

*Rebecca Evans*

Gweinidog Iechyd y Cyhoedd a Gwasanaethau  
Cymdeithasol o dan awdurdod Ysgrifennydd y Cabinet  
dros Iechyd, Llesiant a Chwaraeon, un o Weinidogion  
Cymru  
24 Ionawr 2017

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Minister for Social Services and Public Health under  
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being and Sport, one of the Welsh Ministers

24 January 2017

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(1) 1998 p. 42.

(2) Yn adran 16(2) o'r Ddeddf, ystyr “sefydliad trydydd sector” yw sefydliad y gallai person farnu'n rhesymol ei fod yn sefydliad sy'n bodoli'n gyfan gwbl neu'n bennaf i ddarparu buddion i'r gymdeithas.

(1) 1998 c. 42.

(2) In section 16(2) of the Act, “third sector organisation” means an organisation which a person might reasonably consider to exist wholly or mainly to provide benefits to society.



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