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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2019 Rhif 291 (Cy. 69)**

**2019 No. 291 (W. 69)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE, WALES**

**Rheoliadau Gwasanaethau  
Mabwysiadu Awdurdodau Lleol  
(Cymru) 2019**

**The Local Authority Adoption  
Services (Wales) Regulations 2019**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae adran 9 o Ddeddf Mabwysiadu a Phlant 2002 yn darparu y caiff rheoliadau wneud darpariaeth at unrhyw ddiben sy'n ymwneud ag (a) arfer swyddogaethau gan awdurdodau lleol neu asiantaethau mabwysiadu gwirfoddol mewn perthynas â mabwysiadu, neu (b) arfer swyddogaethau gan asiantaethau cymorth mabwysiadu mewn perthynas â mabwysiadu. Ni chyfyngir ar y pŵer i wneud rheoliadau o dan adran 9 gan y pwerau penodol yn adrannau 10 i 12, 45, 54 a 56 i 65 a 98, na chan unrhyw bwerau eraill sy'n arferadwy mewn cysylltiad ag awdurdodau lleol.

Section 9 of the Adoption and Children Act 2002 Act provides that regulations may make provision for any purpose relating to (a) the exercise by local authorities or voluntary adoption agencies of their functions in relation to adoption, or (b) the exercise by adoption support agencies of their functions in relation to adoption. The power to make regulations under section 9 is not limited by the specific powers in sections 10 to 12, 45, 54 and 56 to 65 and 98 nor by any other powers exercisable in respect of local authorities.

Mae'r Rheoliadau hyn yn gosod gofynion ar ddarparwyr gwasanaethau mabwysiadu awdurdodau lleol, y cyfeirir atynt yn y Rheoliadau hyn fel "darparwyr gwasanaethau". Cyfeirir at wasanaeth mabwysiadu awdurdod lleol yn y Rheoliadau hyn fel "gwasanaeth".

These Regulations impose requirements on local authority adoption service providers, referred to in these Regulations as "service providers". A local authority adoption service is referred to in these Regulations as a "service".

Mae Rhan 1 o'r Rheoliadau hyn yn cynnwys diffiniadau o dermau penodol sy'n cael eu defnyddio yn y Rheoliadau. Mae "cymorth" yn cynnwys y cymorth y mae'n ofynnol i wasanaeth ei ddarparu yng nghwrs gwneud trefniadau ar gyfer mabwysiadu neu ar ôl i fabwysiadu gael eu trefnu, yn ogystal â'r gwasanaethau cymorth mabwysiadu y mae'r gwasanaeth yn eu darparu neu'n trefnu i'w darparu.

Part 1 of these Regulations contains definitions of certain terms used in the Regulations. "Support" includes the support which a service is required to provide in the course of making arrangements for adoption or after adoptions have been arranged, as well as the adoption support services which the service provides or arranges to provide.

Mae Rhan 2 yn amlinellu'r gofynion cyffredinol sy'n gymwys i ddarparwyr gwasanaethau o ran y ffordd y darperir y gwasanaeth, gan gynnwys gofynion mewn perthynas â'r datganiad o ddiben (mae Atodlen 1 yn nodi'r wybodaeth sydd i'w chynnwys yn y datganiad o ddiben), y trefniadau ar gyfer monitro a gwella a'r gofyniad i benodi rheolwr i fod yn gyfrifol am reoli'r gwasanaeth. Mae Rhan 2 hefyd yn nodi'r polisiau a'r gweithdrefnau y mae rhaid iddynt fod yn eu lle.

Mae Rhan 3 yn ymdrin â'r gofynion o ran yr wybodaeth sydd i'w darparu i unigolion wrth gychwyn darparu cymorth. Mae rheoliad 12 yn ei gwneud yn ofynnol bod rhaid i'r wybodaeth hon fod ar ffurf canllaw ysgrifenedig ac yn nodi gofynion manwl am y canllaw, gan gynnwys ei gynnwys a'i fformat.

Mae Rhan 4 yn cynnwys gofynion o ran safonau'r cymorth sydd i'w ddarparu. Mae'r rhain yn cynnwys gofynion cyffredinol yn ogystal â gofynion mwy manwl sy'n ymwneud â darparu gwybodaeth, diwallu anghenion iaith a chyfathrebu unigolion a thrin unigolion â pharch a sensitifwydd.

Mae Rhan 5 yn cynnwys gofynion penodol mewn perthynas â sicrhau bod unigolion yn ddiogel ac wedi eu hamddiffyn rhag camdriniaeth, esgeulustod a thriniaeth amhriodol. Yn ogystal â'i gwneud yn ofynnol i bolisiau a gweithdrefnau fod yn eu lle mewn perthynas â diogelu, mae'r rheoliadau yn y Rhan hon yn gosod gofynion penodol o ran y camau gweithredu sydd i'w cymryd os bydd honiad neu dystiolaeth o gamdriniaeth.

Mae Rhan 6 yn cynnwys gofynion o ran staffio, sy'n cynnwys gofynion cyffredinol o ran defnyddio niferoedd digonol o staff.

Mae Rhan 6 hefyd yn cynnwys gofynion penodol o ran addasrwydd unigolion sy'n gweithio yn y gwasanaeth. Mae'r gofynion hyn yn gymwys nid yn unig i gyflogeion ond hefyd i wirfoddolwyr ac i bersonau eraill sy'n gweithio yn y gwasanaeth. Mae'r gofynion addasrwydd yn cynnwys gofyniad i wybodaeth benodol a dogfennaeth benodol fod ar gael mewn cysylltiad â phersonau sy'n gweithio mewn gwasanaethau, fel y'u nodir yn Atodlen 2.

Ymhlith y gofynion eraill a gynhwysir yn Rhan 6 mae gofynion sy'n ymwneud â chefnogi a datblygu staff, darparu gwybodaeth i staff a gweithredu gweithdrefn ddisgyblu addas. I sicrhau bod cyflogeion yn adrodd am achosion o gamdriniaeth i berson priodol, mae'r rheoliadau yn y Rhan hon yn ei gwneud yn ofynnol i weithdrefn ddisgyblu'r darparwr ddarparu y byddai methu ag adrodd ynddo'i hun yn sail dros achos disgyblu.

Part 2 outlines the general requirements which apply to service providers as to the way in which the service is provided, including requirements in relation to the statement of purpose (Schedule 1 sets out the information to be included in the statement of purpose), the arrangements for monitoring and improvement and the requirement to appoint a manager to be responsible for the management of the service. Part 2 also sets out the policies and procedures which must be in place.

Part 3 deals with the requirements as to the information to be provided to individuals on the commencement of the provision of support. Regulation 12 requires that this information must be in the form of a written guide and sets out detailed requirements about the guide, including its contents and format.

Part 4 contains requirements as to the standards of support to be provided. These include overarching requirements as well as more detailed requirements relating to the provision of information, meeting individuals' language and communication needs and treating individuals with respect and sensitivity.

Part 5 contains specific requirements in relation to ensuring individuals are safe and protected from abuse, neglect and improper treatment. As well as requiring policies and procedures to be in place in relation to safeguarding, the regulations in this Part place specific requirements as to the action to be taken in the event of an allegation or evidence of abuse.

Part 6 contains requirements as to staffing, which include general requirements as to the deployment of sufficient numbers of staff.

Part 6 also contains specific requirements as to the fitness of individuals working at the service. These requirements apply not just to employees but extend also to volunteers and to other persons working at the service. The fitness requirements include a requirement for specific information and documentation to be available in respect of persons working in services, as set out in Schedule 2.

Other requirements contained in Part 6 include requirements relating to supporting and developing staff, providing information to staff and the operation of a suitable disciplinary procedure. To ensure that employees report incidents of abuse to an appropriate person, the regulations in this Part require the provider's disciplinary procedure to provide that a failure to report would itself be grounds for disciplinary proceedings.

Mae Rhan 7 yn sicrhau bod mangreoedd sydd i'w defnyddio mewn perthynas â gwasanaethau yn ddigonol ar gyfer goruchwylio staff a storio cofnodion yn ddiogel.

Mae Rhan 8 yn nodi'r gofyniad i gadw cofnodion mewn cysylltiad â'r gwasanaeth ac mae Atodlen 3 yn nodi'r cofnodion y mae'n ofynnol iddynt gael eu cadw. Mae Rhan 8 hefyd yn cynnwys gofynion ar y darparwr gwasanaeth i gael polisi cwyno a pholisi chwythu'r chwiban yn eu lle.

Mae Rhannau 9 i 12 yn cynnwys y gofynion a osodir ar y rheolwr a gyflogir gan y gwasanaeth.

Mae Rhan 9 yn nodi'r gofynion ar reolwyr sy'n ymwneud â goruchwylio digonolrwydd adnoddau yn effeithiol a gwneud adroddiadau i'r darparwr gwasanaeth ar ddigonolrwydd yr adnoddau ac ar faterion eraill. Mae'n ofynnol i'r rheolwr wneud trefniadau ar gyfer ymgysylltu ag unigolion ac eraill er mwyn i'w safbwyntiau ar ansawdd y cymorth allu cael eu hystyried gan y darparwr gwasanaeth.

Mae Rhan 10 yn nodi'r gofynion ar y rheolwr ar gyfer sicrhau cydymffurfedd y gwasanaeth â gofynion eraill, gan gynnwys cadw cofnodion. Rhaid i'r rheolwr hefyd roi trefniadau yn eu lle i sicrhau bod systemau yn eu lle i gofnodi digwyddiadau a chwynion a sicrhau bod polisiau a gweithdrefnau yn cael eu cadw'n gyfredol.

Mae Rhan 11 yn nodi'r gofynion mewn perthynas â monitro, adolygu a gwella ansawdd y cymorth a ddarperir, gan gynnwys gwneud adroddiad i'r darparwr gwasanaeth.

Mae Rhan 12 yn nodi gofynion eraill ar y rheolwr, gan gynnwys gofynion i sicrhau y cydymffurfir â pholisi chwythu'r chwiban.

Mae Rhan 13 yn cwmpasu gofynion eraill ar ddarparwyr gwasanaethau ac yn cynnwys gofyniad i gael strategaeth yn ei lle ar gyfer recriwtio niferoedd digonol o fabwysiadwyr ac i ddarparu gwybodaeth am y broses fabwysiadu i ddarpar fabwysiadwyr.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd aseidiad 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.

Part 7 ensures that premises to be used in relation to services are adequate for the supervision of staff and secure storage of records.

Part 8 sets out the requirement to keep records in respect of the service and Schedule 3 sets out the records which are required to be kept. Part 8 also contains requirements on the service provider to have a complaints policy and a whistleblowing policy in place.

Parts 9 to 12 contain the requirements placed on the manager employed by the service.

Part 9 sets out the requirements on managers which related to the effective oversight of the adequacy of resources and making reports to the service provider on the adequacy of the resources and on other matters. The manager is required to make arrangements for engagement with individuals and others so that their views on the quality of support can be taken into account by the service provider.

Part 10 sets out the requirements on the manager for ensuring the compliance of the service with other requirements including the keeping of records. The manager must also put arrangements in place for ensuring that there are systems in place to record incidents and complaints and ensuring that policies and procedures are kept up to date.

Part 11 sets out the requirements in relation to monitoring, reviewing and improving the quality of support provided, including making a report to the service provider.

Part 12 sets out other requirements on the manager, including requirements to ensure that the whistleblowing policy is being complied with.

Part 13 covers other requirements on service providers and includes a requirement to have a strategy in place for the recruitment of sufficient numbers of adopters and to provide prospective adopters with information about the adoption process.

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.

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**SOCIAL CARE, WALES**

**Rheoliadau Gwasanaethau  
Mabwysiadu Awdurdodau Lleol  
(Cymru) 2019**

**The Local Authority Adoption  
Services (Wales) Regulations 2019**

*Gwnaed* 17 Chwefror 2019

*Made* 17 February 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 19 Chwefror 2019

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

*Yn dod i rym* 29 Ebrill 2019

*Coming into force* 29 April 2019

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Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 9(1) a (3), a 10 o Ddeddf Mabwysiadu a Phlant 2002(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 9(1) and (3), and 10 of the Adoption and Children Act 2002(1).

## RHAN 1

### Cyffredinol

#### Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Mabwysiadu Awdurdodau Lleol (Cymru) 2019.

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

#### Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr “addasiadau rhesymol” (“*reasonable adjustments*”) yw unrhyw addasiadau rhesymol a fyddai'n ofynnol o dan Ddeddf Cydraddoldeb 2010(2);

ystyr “awdurdod lleol yn Lloegr” (“*local authority in England*”) yw—

(1) 2002 p. 38; mae adran 144(1) o'r Ddeddf yn diffinio “regulations” fel rheoliadau a weir gan y Gweinidog priodol, oni bai ei bod yn ofynnol i'r Arglwydd Ganghellor, yr Ysgrifennydd Gwladol neu'r Cofrestrdydd Cyffredinol eu gwneud. Mae adran 144(1) yn diffinio mai'r “appropriate Minister” (“y Gweinidog priodol”) o ran Cymru yw Cynulliad Cenedlaethol Cymru. Trosglwyddwyd y pŵer a roddwyd i Gynulliad Cenedlaethol Cymru i wneud rheoliadau o dan y Ddeddf i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(2) 2010 p. 15, adran 20.

## PART 1

### General

#### Title and commencement

1.—(1) The title of these Regulations is the Local Authority Adoption Services (Wales) Regulations 2019.

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

#### Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Adoption and Children Act 2002;

“the 2016 Act” (“*Deddf 2016*”) means the Regulation and Inspection of Social Care (Wales) Act 2016(2);

(1) 2002 c. 38; section 144(1) of the Act defines “regulations” as meaning regulations made by the appropriate Minister, unless they are required to be made by the Lord Chancellor, the Secretary of State or the Registrar General. Section 144(1) defines “appropriate Minister” in relation to Wales as meaning the National Assembly for Wales. The power conferred on the National Assembly for Wales to make regulations under the Act transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) 2016 anaw 2.

- (a) cyngor sir yn Lloegr,
- (b) cyngor dosbarth ar gyfer ardal yn Lloegr nad oes cyngor sir ar ei chyfer,
- (c) cyngor bwrdeistref yn Llundain, neu
- (d) Cyngor Cyffredin Dinas Llundain;

mae i “cyflogai” yr un ystyr ag “employee” yn adran 230(1) o Ddeddf Hawliau Cyflogaeth 1996(1);

ystyr “cynrychiolydd” (“*representative*”) yw unrhyw berson a chanddo awdurdod cyfreithiol, neu sydd wedi cael cydsyniad yr unigolyn, i weithredu ar ran yr unigolyn;

ystyr “darparwr gwasanaeth” (“*service provider*”) yw’r awdurdod lleol sy’n darparu gwasanaeth mabwysiadu’r awdurdod lleol;

ystyr “datganiad o ddiben” (“*statement of purpose*”) yw’r ddogfen sy’n cynnwys yr wybodaeth y mae rhaid ei darparu yn unol ag Atodlen 1 ar gyfer y man y mae’r gwasanaeth yn cael ei ddarparu mewn perthynas ag ef;

ystyr “Deddf 2016” (“*the 2016 Act*”) yw Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(2);

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Mabwysiadu a Phlant 2002;

mae i “Gofal Cymdeithasol Cymru” (“*Social Care Wales*”) yr ystyr a roddir yn adran 67(3) o Ddeddf 2016;

ystyr “y gwasanaeth” (“*the service*”) yw gwasanaeth mabwysiadu’r awdurdod lleol;

ystyr “y Gwasanaeth Datgelu a Gwahardd” (“*the Disclosure and Barring Service*”) a’r “GDG” (“*DBS*”) yw’r corff a sefydlir gan adran 87(1) o Ddeddf Diogelu Rhyddidau 2012(3);

ystyr “gwasanaeth mabwysiadu awdurdod lleol” (“*local authority adoption service*”) yw cyflawni’r swyddogaethau gan awdurdod lleol o dan y Ddeddf o wneud trefniadau neu gymryd rhan mewn trefniadau ar gyfer mabwysiadu plant neu ddarparu gwasanaethau cymorth mabwysiadu;

mae i “gwasanaethau cymorth mabwysiadu” yr ystyr a roddir i “adoption support services” yn adran 2(6) o’r Ddeddf a’r ystyr a roddir yn rheoliad 3 o Reoliadau Gwasanaethau Cymorth Mabwysiadu (Awdurdodau Lleol) (Cymru) 2005(4);

“adoption support services” (“*gwasanaethau cymorth mabwysiadu*”) has the meaning given in section 2(6) of the Act and regulation 3 of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005(1);

“DBS certificate” (“*tystysgrif GDG*”) means a certificate of a type referred to in paragraph 2 or 3 of Schedule 2;

“Disclosure and Barring Service” (“*y Gwasanaeth Datgelu a Gwahardd*”) and “DBS” (“*GDG*”) mean the body formed by section 87(1) of the Protection of Freedoms Act 2012(2);

“employee” (“*cyflogai*”) has the same meaning as in section 230(1) of the Employment Rights Act 1996(3);

“individual” (“*unigolyn*”) means, unless the context indicates otherwise—

- (a) a child who may be adopted, their parent or guardian,
- (b) a person wishing to adopt a child, or
- (c) an adopted person, their parent, birth parent or former guardian,

who is receiving support of the type which a local authority adoption service is required to provide in accordance with the Adoption Agencies (Wales) Regulations 2005(4) or the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005(5), or

- (d) any person receiving adoption support services;

“local authority adoption service” (“*gwasanaeth mabwysiadu awdurdod lleol*”) means the discharge by a local authority of the functions under the Act of making or participating in arrangements for the adoption of children or the provision of adoption support services;

“local authority in England” (“*awdurdod lleol yn Lloegr*”) means—

- (a) a county council in England,
- (b) a district council for an area in England for which there is no county council,
- (c) a London borough council, or
- (d) the Common Council of the City of London;

(1) 1996 p. 18.

(2) 2016 dccc 2.

(3) 2012 p. 9.

(4) O.S. 2005/1512 (Cy. 116).

(1) S.I. 2005/1512 (W. 116).

(2) 2012 c. 9.

(3) 1996 c. 18.

(4) S.I. 2005/1313 (W. 95).

(5) S.I. 2005/2689 (W. 189).



mae i “gweithiwr” yr un ystyr â “worker” yn adran 230(3) o Ddeddf Hawliau Cyflogaeth 1996;

ystyr “y rheoleiddiwr gwasanaethau” (“*the service regulator*”) yw Gweinidogion Cymru wrth arfer eu swyddogaethau rheoleiddiol fel y’u diffinir yn adran 3(1)(b) o Ddeddf 2016;

mae i “rheolwr gofal cymdeithasol” (“*social care manager*”) yr ystyr a roddir yn adran 79(1)(b) o Ddeddf 2016;

mae “staff” (“*staff*”) yn cynnwys—

- (a) personau a gyflogir gan y darparwr gwasanaeth i weithio yn y gwasanaeth fel cyflogai neu weithiwr, a
- (b) personau sydd wedi eu cymryd ymlaen gan y darparwr gwasanaeth o dan gontract ar gyfer gwasanaethau,

ond nid yw’n cynnwys personau y caniateir iddynt weithio fel gwirfoddolwyr;

ystyr “tystysgrif GDG” (“*DBS certificate*”) yw tystysgrif o fath y cyfeirir ato ym mharagraff 2 neu 3 o Atodlen 2;

ystyr “unigolyn” (“*individual*”), oni bai bod y cyddestun yn nodi fel arall, yw—

- (a) plentyn a all gael ei fabwysiadu, ei riant neu ei warcheidwad,
- (b) person sy’n dymuno mabwysiadu plentyn, neu
- (c) person mabwysiedig, ei riant, ei riant geni neu ei gyn-warcheidwad,

sy’n cael cymorth o’r math y mae’n ofynnol i wasanaeth mabwysiadu awdurdod lleol ei ddarparu yn unol â Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005(1) neu Reoliadau Mynediad i Wybodaeth (Mabwysiadu Ôl-gychwyn) (Cymru) 2005(2), neu

- (d) unrhyw berson sy’n cael gwasanaethau cymorth mabwysiadu.

(2) Yn y Rheoliadau hyn, pan fo’n cael ei ddefnyddio mewn perthynas â’r cymorth a ddarperir i “unigolyn” fel y’i diffinir yn y rheoliad hwn, mae “cymorth” yn cynnwys—

“reasonable adjustments” (“*addasiadau rhesymol*”) means such reasonable adjustments as would be required under the Equality Act 2010(1);

“representative” (“*cynrychiolydd*”) means any person having legal authority, or the consent of the individual, to act on the individual’s behalf;

“the service” (“*y gwasanaeth*”) means the local authority adoption service;

“service provider” (“*darparwr gwasanaeth*”) means the local authority providing the local authority adoption service;

“service regulator” (“*y rheoleiddiwr gwasanaethau*”) means the Welsh Ministers in the exercise of their regulatory functions as defined in section 3(1)(b) of the 2016 Act;

“social care manager” (“*rheolwr gofal cymdeithasol*”) has the meaning given in section 79(1)(b) of the 2016 Act;

“Social Care Wales” (“*Gofal Cymdeithasol Cymru*”) has the meaning given in section 67(3) of the 2016 Act;

“staff” (“*staff*”) includes—

- (a) persons employed by the service provider to work at the service as an employee or a worker, and
- (b) persons engaged by the service provider under a contract for services,

but does not include persons who are allowed to work as volunteers;

“statement of purpose” (“*datganiad o ddiben*”) means the document containing the information which must be provided in accordance with Schedule 1 for the place in relation to which the service is provided;

“worker” (“*gweithiwr*”) has the same meaning as in section 230(3) of the Employment Rights Act 1996.

(2) In these Regulations, where used in relation to the support provided to an “individual” as defined in this regulation, “support” includes—

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(1) O.S. 2005/1313 (Cy. 95).  
(2) O.S. 2005/2689 (Cy. 189).

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(1) 2010 c. 15, section 20.

- (a) y cymorth y mae'n ofynnol i wasanaeth mabwysiadu awdurdod lleol ei ddarparu i unigolion yng nghwrs trefnu mabwysiad neu ar ôl i fabwysiad gael ei drefnu yn unol â Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005 neu Reoliadau Mynediad i Wybodaeth (Mabwysiadu Ôl-gychwyn) (Cymru) 2005, neu
- (b) y gwasanaethau cymorth mabwysiadu y mae awdurdod lleol yn eu darparu neu'n trefnu i'w darparu(1).

- (a) the support which a local authority adoption service is required to provide to individuals in the course of arranging an adoption or after an adoption has been arranged in accordance with the Adoption Agencies (Wales) Regulations 2005 or the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005, or
- (b) the adoption support services which a local authority provides or arranges to provide(1).

## RHAN 2

### Gofynion cyffredinol ar ddarparwyr gwasanaethau

#### Gofynion mewn perthynas â darparu'r gwasanaeth

3. Rhaid i'r darparwr gwasanaeth sicrhau bod y gwasanaeth wedi ei ddarparu â gofal, cymhwysedd a sgil digonol, gan roi sylw i'r datganiad o ddiben.

#### Cynnwys y datganiad o ddiben

4. Rhaid i'r darparwr gwasanaeth lunio datganiad o ddiben sy'n cynnwys yr wybodaeth a restrir yn Atodlen 1.

#### Gofynion mewn perthynas â'r datganiad o ddiben

5.—(1) Rhaid i'r darparwr gwasanaeth ddarparu'r gwasanaeth yn unol â'r datganiad o ddiben.

(2) Rhaid i'r darparwr gwasanaeth—

- (a) cadw'r datganiad o ddiben o dan adolygiad, a
- (b) pan fo'n briodol, ddiwygio'r datganiad o ddiben.

(3) Oni bai bod paragraff (4) yn gymwys, rhaid i'r darparwr gwasanaeth hysbysu'r personau a restrir ym mharagraff (6) am unrhyw ddiwygiad sydd i'w wneud i'r datganiad o ddiben o leiaf 28 o ddiwrnodau cyn y mae i gymryd effaith.

## PART 2

### General requirements on service providers

#### Requirements in relation to the provision of the service

3. The service provider must ensure that the service is provided with sufficient care, competence and skill, having regard to the statement of purpose.

#### Content of statement of purpose

4. The service provider must prepare a statement of purpose which contains the information listed in Schedule 1.

#### Requirements in relation to statement of purpose

5.—(1) The service provider must provide the service in accordance with the statement of purpose.

(2) The service provider must—

- (a) keep the statement of purpose under review, and
- (b) where appropriate, revise the statement of purpose.

(3) Unless paragraph (4) applies, the service provider must notify the persons listed in paragraph (6) of any revision to be made to the statement of purpose at least 28 days before it is to take effect.

(1) Mae adran 3(4) o'r Ddeddf yn darparu y caiff awdurdod lleol ddarparu unrhyw un neu ragor o'r cyfleusterau angenrheidiol drwy sicrhau y cânt eu darparu gan (a) cymdeithasau mabwysiadu cofrestredig, neu (b) personau eraill sydd o fewn disgrifiad a ragnodir gan reoliadau o bersonau a gaiff ddarparu'r cyfleusterau o dan sylw. Mae "cyfleusterau" yn cynnwys gwneud trefniadau ar gyfer darparu gwasanaethau cymorth mabwysiadu (adran 3(2)(b)). Mae rheoliad 5 o Reoliadau Gwasanaethau Cymorth Mabwysiadu (Awdurdodau Lleol) (Cymru) 2005 yn rhagnodi, at ddibenion adran 3(4)(b), bersonau ac eithrio cymdeithasau mabwysiadu cofrestredig a gaiff ddarparu'r cyfleusterau angenrheidiol.

(1) Section 3(4) of the Act provides that a local authority may provide any of the requisite facilities by securing their provision by (a) registered adoption societies, or (b) other persons who are within a description prescribed by regulations of persons who may provide the facilities in question. "Facilities" include making arrangements for the provision of adoption support services (section 3(2)(b)). Regulation 5 of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005 prescribes, for the purposes of section 3(4)(b), persons other than registered adoption societies who may provide the requisite facilities.

(4) Mae'r paragraff hwn yn gymwys mewn achosion pan fo'n angenrheidiol diwygio'r datganiad o ddiben gydag effaith ar unwaith.

(5) Os yw paragraff (4) yn gymwys, rhaid i'r darparwr gwasanaeth, yn ddi-oed, hysbysu'r personau a restrir ym mharagraff (6) am unrhyw ddiwygiad a wneir i'r datganiad o ddiben.

(6) Y personau y mae rhaid iddynt gael eu hysbysu am unrhyw ddiwygiad i'r datganiad o ddiben yn unol â pharagraff (3) neu (5) yw—

- (a) y rheoleiddiwr gwasanaethau;
- (b) unigolion;
- (c) unrhyw gynrychiolwyr, oni bai nad yw'n briodol gwneud hynny neu y byddai gwneud hynny yn anghyson â llesiant unigolyn.

(7) Rhaid i'r darparwr gwasanaeth ddarparu'r datganiad o ddiben cyfredol i unrhyw berson ar gais, oni bai nad yw'n briodol gwneud hynny neu y byddai gwneud hynny yn anghyson â llesiant unigolyn.

### **Gofynion mewn perthynas â monitro a gwella**

6.—(1) Rhaid i'r darparwr gwasanaeth sicrhau bod trefniadau effeithiol yn eu lle ar gyfer monitro, adolygu a gwella ansawdd y gwasanaeth.

(2) Rhaid i'r trefniadau hynny gynnwys trefniadau ar gyfer ceisio safbwyntiau—

- (a) unigolion;
- (b) unrhyw gynrychiolwyr, oni bai nad yw hyn yn briodol neu y byddai'n anghyson â llesiant yr unigolyn;
- (c) unrhyw awdurdod lleol arall neu awdurdod lleol yn Lloegr sydd wedi trefnu bod gwasanaethau cymorth mabwysiadu yn cael eu darparu gan y gwasanaeth;
- (d) staff,

ar ansawdd y gwasanaeth a sut y gellir gwella hyn.

(3) Wrth wneud unrhyw benderfyniadau ar gynlluniau ar gyfer gwella ansawdd y gwasanaeth, rhaid i'r darparwr gwasanaeth—

- (a) ystyried safbwyntiau'r personau hynny yr ymgynghorir â hwy yn unol â pharagraff (2), a
- (b) rhoi sylw i'r adroddiad ar ansawdd y gwasanaeth a lunnir gan y rheolwr yn unol â rheoliad 39(4).

(4) This paragraph applies in cases where it is necessary to revise the statement of purpose with immediate effect.

(5) If paragraph (4) applies, the service provider must, without delay, notify the persons listed in paragraph (6) of any revision made to the statement of purpose.

(6) The persons who must be notified of any revision to the statement of purpose in accordance with paragraph (3) or (5) are—

- (a) the service regulator;
- (b) individuals;
- (c) any representatives, unless it is not appropriate to do so or would be inconsistent with the well-being of an individual.

(7) The service provider must provide the up to date statement of purpose to any person on request, unless it is not appropriate to do so or would be inconsistent with the well-being of an individual.

### **Requirements in relation to monitoring and improvement**

6.—(1) The service provider must ensure that there are effective arrangements in place for monitoring, reviewing and improving the quality of the service.

(2) Those arrangements must include arrangements for seeking the views of—

- (a) individuals;
- (b) any representatives, unless this is not appropriate or would be inconsistent with the individual's well-being;
- (c) any other local authority or local authority in England which has arranged for the provision of adoption support services by the service;
- (d) staff,

on the quality of the service and how this can be improved.

(3) When making any decisions on plans for improvement of the quality of the service, the service provider must—

- (a) take into account the views of those persons consulted in accordance with paragraph (2), and
- (b) have regard to the quality of service report prepared by the manager in accordance with regulation 39(4).

### **Gofyniad i benodi rheolwr**

7.—(1) Rhaid i bob darparwr gwasanaeth benodi un o'i swyddogion i fod yn gyfrifol am reoli'r gwasanaeth.

(2) Rhaid i'r darparwr gwasanaeth roi hysbysiad ysgrifenedig ar unwaith i'r rheoleiddiwr gwasanaethau—

- (a) o enw'r person a benodir yn rheolwr, a
- (b) o'r dyddiad y mae'r penodiad i gymryd effaith.

(3) Rhaid i'r darparwr gwasanaeth hysbysu'r rheoleiddiwr gwasanaethau yn ysgrifenedig os yw'r person a benodir o dan baragraff (1) yn peidio â rheoli'r gwasanaeth.

### **Gofynion o ran addasrwydd ar gyfer penodi rheolwr**

8.—(1) Ni chaiff y darparwr gwasanaeth benodi person i reoli'r gwasanaeth oni bai bod y person hwnnw yn addas i wneud hynny.

(2) At ddibenion paragraff (1), nid yw person yn addas i reoli'r gwasanaeth oni bai bod gofynion rheoliad 22(2) (addasrwydd staff) wedi eu bodloni mewn cysylltiad â'r person hwnnw.

### **Gofynion eraill mewn perthynas â'r rheolwr**

9.—(1) Rhaid i ddarparwr gwasanaeth sicrhau bod y person sydd wedi ei benodi'n rheolwr—

- (a) yn cael ei gefnogi i gyflawni ei ddyletswyddau'n effeithiol, a
- (b) yn ymgymryd â hyfforddiant priodol.

(2) Rhaid i'r darparwr gwasanaeth sicrhau bod y rheolwr yn cydymffurfio â gofynion Rhannau 9 i 12 (dyletswyddau i'w cyflawni gan y rheolwr).

(3) Os bydd gan y darparwr gwasanaeth reswm dros gredu nad yw'r rheolwr wedi cydymffurfio â gofyniad a osodir gan y rheoliadau yn Rhannau 9 i 12, rhaid i'r darparwr gwasanaeth gymryd unrhyw gamau gweithredu sy'n angenrheidiol i sicrhau y cydymffurfir â'r gofyniad.

(4) Rhaid i'r darparwr gwasanaeth roi trefniadau addas yn eu lle i sicrhau bod y gwasanaeth yn cael ei reoli'n effeithiol ar unrhyw adeg pan nad oes rheolwr sydd wedi ei benodi neu pan yw'r rheolwr yn absennol o'r gwasanaeth.

### **Requirement to appoint a manager**

7.—(1) Each service provider must appoint one of its officers to be responsible for the management of the service.

(2) The service provider must immediately give notice in writing to the service regulator of—

- (a) the name of the person appointed as manager, and
- (b) the date on which the appointment is to take effect.

(3) The service provider must notify the service regulator in writing if the person appointed under paragraph (1) ceases to manage the service.

### **Fitness requirements for appointment of manager**

8.—(1) The service provider must not appoint a person to manage the service unless that person is fit to do so.

(2) For the purposes of paragraph (1), a person is not fit to manage the service unless the requirements of regulation 22(2) (fitness of staff) are met in respect of that person.

### **Other requirements in relation to the manager**

9.—(1) A service provider must ensure that the person who is appointed as the manager—

- (a) is supported to carry out their duties effectively, and
- (b) undertakes appropriate training.

(2) The service provider must ensure that the manager complies with the requirements of Parts 9 to 12 (duties to be carried out by the manager).

(3) In the event that the service provider has reason to believe that the manager has not complied with a requirement imposed by the regulations in Parts 9 to 12, the service provider must take such action as is necessary to ensure that the requirement is complied with.

(4) The service provider must put suitable arrangements in place to ensure that the service is managed effectively at any time when there is no manager appointed or when the manager is absent from the service.

### **Gofynion i ddarparu'r gwasanaeth yn unol â pholisïau a gweithdrefnau**

**10.**—(1) Rhaid i'r darparwr gwasanaeth sicrhau bod y polisiâu a'r gweithdrefnau a ganlyn yn eu lle ar gyfer y gwasanaeth—

- (a) diogelu (gweler rheoliad 19);
- (b) cefnogi a datblygu staff (gweler rheoliad 23);
- (c) disgyblu staff (gweler rheoliad 25);
- (d) cwynion (gweler rheoliad 31);
- (e) chwythu'r chwiban (gweler rheoliad 32).

(2) Rhaid i'r darparwr gwasanaeth hefyd gael unrhyw bolisiâu a gweithdrefnau eraill yn eu lle sy'n rhesymol angenrheidiol i gefnogi nodau ac amcanion y gwasanaeth a nodir yn y datganiad o ddiben.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod cynnwys y polisiâu a'r gweithdrefnau y mae'n ofynnol iddynt fod yn eu lle yn rhinwedd paragraffau (1) a (2)—

- (a) yn briodol i anghenion yr unigolion y darperir cymorth ar eu cyfer,
- (b) yn gyson â'r datganiad o ddiben, ac
- (c) yn cael eu cadw'n gyfredol.

(4) Rhaid i'r darparwr gwasanaeth sicrhau bod y gwasanaeth yn cael ei ddarparu yn unol â'r polisiâu a'r gweithdrefnau hynny.

### **Dyletswydd gonestrwydd**

**11.** Rhaid i'r darparwr gwasanaeth weithredu mewn ffordd agored a thryloyw gydag—

- (a) unigolion;
- (b) unrhyw gynrychiolwyr i'r unigolion hynny.

## **RHAN 3**

Gofynion ar ddarparwyr gwasanaethau o ran yr wybodaeth sydd i'w darparu i unigolion wrth gychwyn darparu cymorth

### **Gwybodaeth am y gwasanaeth**

**12.**—(1) Rhaid i'r darparwr gwasanaeth lunio canllaw ysgrifenedig ar y gwasanaeth.

(2) Rhaid i'r canllaw—

- (a) cael ei ddyddio, ei adolygu o leiaf bob blwyddyn a'i ddiweddarau fel y bo angen;
- (b) bod mewn iaith, arddull, cyflwyniad a fformat priodol, gan roi sylw i'r datganiad o ddiben ar gyfer y gwasanaeth;

### **Requirements to provide the service in accordance with policies and procedures**

**10.**—(1) The service provider must ensure that the following policies and procedures are in place for the service—

- (a) safeguarding (see regulation 19);
- (b) supporting and developing staff (see regulation 23);
- (c) staff discipline (see regulation 25);
- (d) complaints (see regulation 31);
- (e) whistleblowing (see regulation 32).

(2) The service provider must also have such other policies and procedures in place as are reasonably necessary to support the aims and objectives of the service set out in the statement of purpose.

(3) The service provider must ensure that the content of the policies and procedures which are required to be in place by virtue of paragraphs (1) and (2) is—

- (a) appropriate to the needs of individuals for whom support is provided,
- (b) consistent with the statement of purpose, and
- (c) kept up to date.

(4) The service provider must ensure that the service is provided in accordance with those policies and procedures.

### **Duty of candour**

**11.** The service provider must act in an open and transparent way with—

- (a) individuals;
- (b) any representatives of those individuals.

## **PART 3**

Requirements on service providers as to the information to be provided to individuals on commencement of the provision of support

### **Information about the service**

**12.**—(1) The service provider must prepare a written guide to the service.

(2) The guide must be—

- (a) dated, reviewed at least annually and updated as necessary;
- (b) in an appropriate language, style, presentation and format, having regard to the statement of purpose for the service;



- (c) cael ei roi i unrhyw unigolyn sy'n cael cymorth;
- (d) cael ei roi ar gael i eraill ar gais, oni bai nad yw hyn yn briodol neu y byddai'n anghyson â llesiant unigolyn.

(3) Rhaid i'r canllaw gynnwys gwybodaeth am—

- (a) sut i godi pryder neu wneud cwyn;
- (b) argaeledd gwasanaethau eirioli;
- (c) rôl a manylion cyswllt Comisiynydd Plant Cymru.

(4) Rhaid i'r darparwr gwasanaeth sicrhau bod unigolyn yn cael unrhyw gynhorthwy sy'n angenrheidiol i'w alluogi i ddeall yr wybodaeth a gynhwysir yn y canllaw.

### **Cytundeb gwasanaeth**

**13.**—(1) Rhaid i'r darparwr gwasanaeth sicrhau y rhoddir i bob unigolyn sy'n cael cymorth gopi wedi ei lofnodi o unrhyw gytundeb sy'n ymwneud ag—

- (a) y cymorth a ddarperir i'r unigolyn;
- (b) unrhyw wasanaethau eraill a ddarperir i'r unigolyn.

(2) Rhaid i'r darparwr gwasanaeth sicrhau bod yr unigolion yn cael unrhyw gynhorthwy sy'n angenrheidiol i'w alluogi i ddeall yr wybodaeth a gynhwysir mewn unrhyw gytundeb o'r fath.

## **RHAN 4**

Gofyniad ar ddarparwyr gwasanaethau o ran safonau'r cymorth sydd i'w ddarparu

### **Safonau'r cymorth – gofynion cyffredinol**

**14.**—(1) Rhaid i'r darparwr gwasanaeth sicrhau y darperir cymorth mewn ffordd sy'n amddiffyn, yn hybu ac yn cynnal diogelwch a llesiant unigolion.

(2) Rhaid i'r darparwr gwasanaeth sicrhau y darperir cymorth mewn ffordd—

- (a) sy'n cynnal perthnasoedd personol a phroffesiynol da ag unigolion a staff, a
- (b) sy'n annog ac yn cynorthwyo staff i gynnal perthnasoedd personol a phroffesiynol da ag unigolion.

(c) given to any individual who is receiving support;

(d) made available to others on request, unless this is not appropriate or would be inconsistent with the well-being of an individual.

(3) The guide must contain information about—

- (a) how to raise a concern or make a complaint;
- (b) the availability of advocacy services;
- (c) the role and contact details for the Children's Commissioner for Wales.

(4) The service provider must ensure that an individual receives such assistance as is necessary to enable the individual to understand the information contained in the guide.

### **Service agreement**

**13.**—(1) The service provider must ensure that every individual who receives support is given a signed copy of any agreement relating to—

- (a) the support provided to the individual;
- (b) any other services provided to the individual.

(2) The service provider must ensure that the individual receives such assistance as is necessary to enable the individual to understand the information contained in any such agreement.

## **PART 4**

Requirement on service providers as to the standards of support to be provided

### **Standards of support – overarching requirements**

**14.**—(1) The service provider must ensure that support is provided in a way which protects, promotes and maintains the safety and well-being of individuals.

(2) The service provider must ensure that support is provided in a way which—

- (a) maintains good personal and professional relationships with individuals and staff, and
- (b) encourages and assists staff to maintain good personal and professional relationships with individuals.



## Gwybodaeth

15.—(1) Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau bod gan unigolyn yr wybodaeth y mae ei hangen arno i wneud neu gymryd rhan mewn asesiadau, cynlluniau a phenderfyniadau o ddydd i ddydd am y ffordd y darperir cymorth iddo.

(2) Rhaid i'r wybodaeth a ddarperir fod ar gael yn yr iaith, yr arddull, y cyflwyniad a'r fformat priodol, gan roi sylw i—

- (a) natur y gwasanaeth fel y'i disgrifir yn y datganiad o ddiben;
- (b) lefel dealltwriaeth yr unigolyn a'i allu i gyfathrebu;
- (c) yn achos plentyn, oedran y plentyn.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod yr unigolyn yn cael unrhyw gynhorthwy sy'n angenrheidiol i'w alluogi i ddeall yr wybodaeth a ddarperir.

## Iaith a chyfathrebu

16. Rhaid i'r darparwr gwasanaeth gymryd camau rhesymol i ddiwallu anghenion iaith a chyfathrebu unigolyn.

## Parch a sensitifrwydd

17.—(1) Rhaid i'r darparwr gwasanaeth sicrhau bod unigolion yn cael eu trin â pharch a sensitifrwydd.

(2) Mae hyn yn cynnwys, ond nid yw'n gyfyngedig i—

- (a) parchu preifatrwydd ac urddas yr unigolyn;
- (b) parchu hawliau'r unigolyn i gyfrinachedd;
- (c) hybu ymreolaeth ac annibyniaeth yr unigolyn;
- (d) rhoi sylw i unrhyw nodweddion gwarchoddedig perthnasol (fel y'u diffinnir yn adran 4 o Ddeddf Cydraddoldeb 2010(1)) yr unigolyn.

## Information

15.—(1) The service provider must put arrangements in place to ensure that an individual has the information they need to make or participate in assessments, plans and day to day decisions about the way support is provided to them.

(2) Information provided must be available in the appropriate language, style, presentation and format, having regard to—

- (a) the nature of the service as described in the statement of purpose;
- (b) the level of the individual's understanding and ability to communicate;
- (c) in the case of a child, the child's age.

(3) The service provider must ensure that the individual receives such assistance as is necessary to enable them to understand the information provided.

## Language and communication

16. The service provider must take reasonable steps to meet the language and communication needs of an individual.

## Respect and sensitivity

17.—(1) The service provider must ensure that individuals are treated with respect and sensitivity.

(2) This includes, but is not limited to—

- (a) respecting the individual's privacy and dignity;
- (b) respecting the individual's rights to confidentiality;
- (c) promoting the individual's autonomy and independence;
- (d) having regard to any relevant protected characteristics (as defined in section 4 of the Equality Act 2010(1)) of the individual.

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(1) 2010 p. 15.

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(1) 2010 c. 15.

## RHAN 5

### Gofynion ar ddarparwyr gwasanaethau – diogelu

#### Diogelu - gofyniad cyffredinol

18. Rhaid i'r darparwr gwasanaeth ddarparu'r gwasanaeth mewn ffordd sy'n sicrhau bod unigolion yn ddiogel ac yn cael eu hamddiffyn rhag camdriniaeth, esgeulustod a thriniaeth amhriodol.

#### Polisiâu a gweithdrefnau diogelu

19.—(1) Rhaid i'r darparwr gwasanaeth gael polisiâu a gweithdrefnau yn eu lle—

- (a) ar gyfer atal camdriniaeth, esgeulustod a thriniaeth amhriodol, a
- (b) ar gyfer ymateb i unrhyw honiad neu dystiolaeth o gamdriniaeth, esgeulustod neu driniaeth amhriodol.

(2) Yn y rheoliad hwn, cyfeirir at bolisiâu a gweithdrefnau o'r fath fel polisiâu a gweithdrefnau diogelu.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod ei bolisiâu a'i weithdrefnau diogelu yn cael eu gweithredu'n effeithiol.

(4) Yn benodol, pan fo honiad neu dystiolaeth o gamdriniaeth, esgeulustod neu driniaeth amhriodol, rhaid i'r darparwr gwasanaeth—

- (a) gweithredu yn unol â'i bolisiâu a'i weithdrefnau diogelu,
- (b) cymryd camau gweithredu ar unwaith i sicrhau diogelwch pob unigolyn y darperir cymorth ar ei gyfer,
- (c) gwneud atgyfeiriadau priodol i asiantaethau eraill, a
- (d) cadw cofnod o unrhyw dystiolaeth neu sylwedd unrhyw honiad, unrhyw gamau gweithredu a gymerir ac unrhyw atgyfeiriadau a wneir.

#### Dehongli Rhan 5

20. Yn y Rhan hon—

ystyr “camdriniaeth” (“*abuse*”) yw camdriniaeth gorfforol, rywiol, seicolegol, emosiynol neu ariannol ac, mewn perthynas â phlentyn, unrhyw niwed arall.

## PART 5

### Requirements on service providers – safeguarding

#### Safeguarding - overarching requirement

18. The service provider must provide the service in a way which ensures that individuals are safe and are protected from abuse, neglect and improper treatment.

#### Safeguarding policies and procedures

19.—(1) The service provider must have policies and procedures in place—

- (a) for the prevention of abuse, neglect and improper treatment, and
- (b) for responding to any allegation or evidence of abuse, neglect or improper treatment.

(2) In this regulation, such policies and procedures are referred to as safeguarding policies and procedures.

(3) The service provider must ensure that their safeguarding policies and procedures are operated effectively.

(4) In particular, where there is an allegation or evidence of abuse, neglect or improper treatment, the service provider must—

- (a) act in accordance with their safeguarding policies and procedures,
- (b) take immediate action to ensure the safety of all individuals for whom support is provided,
- (c) make appropriate referrals to other agencies, and
- (d) keep a record of any evidence or the substance of any allegation, any action taken and any referrals made.

#### Interpretation of Part 5

20. In this Part—

“abuse” (“*camdriniaeth*”) means physical, sexual, psychological, emotional or financial abuse and, in relation to a child, any other harm.

At ddibenion y diffiniad hwn—

- (a) mae “camdriniaeth ariannol” (“*financial abuse*”) yn cynnwys—
- (i) bod arian neu eiddo arall person yn cael ei ddwyn;
  - (ii) bod person yn cael ei dwyllo;
  - (iii) bod person yn cael ei roi o dan bwysau mewn perthynas ag arian neu eiddo arall;
  - (iv) bod arian neu eiddo arall person yn cael ei gamddefnyddio;
- (b) mae i “niwed” (“*harm*”) yr un ystyr ag yn adran 197(1) o Ddeddf 2014(1);

mae i “esgeulustod” (“*neglect*”) yr un ystyr ag yn adran 197(1) o Ddeddf 2014;

mae “triniaeth amhriodol” (“*improper treatment*”) yn cynnwys gwahaniaethu neu ataliaeth anghyfreithlon, gan gynnwys amddifadu amhriodol o ryddid o dan delerau Deddf Galluedd Meddyliol 2005(2).

For the purposes of this definition—

- (a) “financial abuse” (“*camdriniaeth ariannol*”) includes—
- (i) having money or other property stolen;
  - (ii) being defrauded;
  - (iii) being put under pressure in relation to money or other property;
  - (iv) having money or other property misused;
- (b) “harm” (“*niwed*”) has the same meaning as in section 197(1) of the 2014 Act(1);

“improper treatment” (“*triniaeth amhriodol*”) includes discrimination or unlawful restraint, including inappropriate deprivation of liberty under the terms of the Mental Capacity Act 2005(2);

“neglect” (“*esgeulustod*”) has the same meaning as in section 197(1) of the 2014 Act.

## RHAN 6

Gofynion ar ddarparwyr gwasanaethau o ran staffio

### Staffio - gofynion cyffredinol

**21.**—(1) Rhaid i'r darparwr gwasanaeth sicrhau ar bob adeg fod nifer digonol o staff sydd â'r cymwysterau, yr hyfforddiant, y sgiliau, y cymhwysedd a'r profiad addas yn cael eu defnyddio i weithio yn y gwasanaeth, gan roi sylw—

- (a) i'r datganiad o ddiben ar gyfer y gwasanaeth,
- (b) i angen unigolion am gymorth,
- (c) i gynorthwyo unigolion i ddiwallu eu hangen am gymorth,
- (d) i'r angen i ddiogelu a hybu iechyd a lles plant, ac
- (e) i ofynion y Rheoliadau hyn.

(2) Rhaid i'r darparwr gwasanaeth sicrhau bod trefniadau addas yn cael eu gwneud ar gyfer cefnogi a datblygu staff.

## PART 6

Requirements on service providers as to staffing

### Staffing - overarching requirements

**21.**—(1) The service provider must ensure that at all times a sufficient number of suitably qualified, trained, skilled, competent and experienced staff are deployed to work at the service, having regard to—

- (a) the statement of purpose for the service,
- (b) the individuals' need for support,
- (c) assisting individuals to meet their need for support,
- (d) the need to safeguard and promote the health and welfare of children, and
- (e) the requirements of these Regulations.

(2) The service provider must ensure that suitable arrangements are made for the support and development staff.

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(1) Diffinnir “the 2014 Act” (“Deddf 2014”) yn adran 2(5) o'r Ddeddf fel Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4).

(2) 2005 p. 9.

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(1) “The 2014 Act” is defined in section 2(5) of the Act as the Social Services and Well-being (Wales) Act 2014 (anaw 4).

(2) 2005 c. 9.

## Addasrwydd staff

22.—(1) Ni chaiff y darparwr gwasanaeth—

- (a) cyflogi person o dan contract cyflogaeth i weithio yn y gwasanaeth oni bai bod y person hwnnw yn addas i wneud hynny;
- (b) caniatáu i wirfoddolwr weithio yn y gwasanaeth oni bai bod y person hwnnw yn addas i wneud hynny;
- (c) caniatáu i unrhyw berson arall weithio yn y gwasanaeth mewn swydd y gall, yng nghwrs dyletswyddau, gael cysylltiad rheolaidd ynddi ag unigolion sy'n cael cymorth neu â phersonau eraill sy'n hyglwyf oni bai bod y person hwnnw yn addas i wneud hynny.

(2) At ddibenion paragraff (1), nid yw person yn addas i weithio yn y gwasanaeth oni bai—

- (a) bod y person yn addas o ran ei uniondeb ac o gymeriad da;
- (b) bod gan y person y cymwysterau, y sgiliau, y cymhwysedd a'r profiad sy'n angenrheidiol ar gyfer y gwaith y mae i'w wneud;
- (c) bod y person, oherwydd ei iechyd, ar ôl i addasiadau rhesymol gael eu gwneud, yn gallu cyflawni'n briodol y tasgau sy'n rhan annatod o'r gwaith y mae wedi ei gyflogi neu ei gymryd ymlaen ar ei gyfer;
- (d) bod y person wedi darparu gwybodaeth neu ddogfennaeth lawn a boddhaol, yn ôl y digwydd, mewn cysylltiad â phob un o'r materion a bennir yn Rhan 1 o Atodlen 2 a bod yr wybodaeth hon neu'r ddogfennaeth hon ar gael yn y gwasanaeth i'r rheoleiddiwr gwasanaethau edrych arni;
- (e) pan fo'r person wedi ei gyflogi gan y darparwr gwasanaeth i reoli'r gwasanaeth, o 1 Ebrill 2022, fod y person wedi ei gofrestru fel rheolwr gofal cymdeithasol â Gofal Cymdeithasol Cymru.

(3) Rhaid i gais gael ei wneud am dystysgrif GDG briodol gan neu ar ran y darparwr gwasanaeth, at ddiben asesu addasrwydd person ar gyfer y swydd y cyfeirir ati ym mharagraff (1). Ond nid yw'r gofyniad hwn yn gymwys os yw'r person sy'n gweithio yn y gwasanaeth wedi ei gofrestru â gwasanaeth diweddarur Gwasanaeth Datgelu a Gwahardd (y cyfeirir ato yn y rheoliad hwn fel "gwasanaeth diweddarur GDG").

## Fitness of staff

22.—(1) The service provider must not—

- (a) employ a person under a contract of employment to work at the service unless that person is fit to do so;
- (b) allow a volunteer to work at the service unless that person is fit to do so;
- (c) allow any other person to work at the service in a position in which that person may, in the course of duties, have regular contact with individuals who are receiving support or with other persons who are vulnerable unless that person is fit to do so.

(2) For the purposes of paragraph (1), a person is not fit to work at the service unless—

- (a) the person is of suitable integrity and good character;
- (b) the person has the qualifications, skills, competence and experience necessary for the work that person is to perform;
- (c) the person is able by reason of their health, after reasonable adjustments are made, to properly perform the tasks which are intrinsic to the work for which that person is employed or engaged;
- (d) the person has provided full and satisfactory information or documentation, as the case may be, in respect of each of the matters specified in Part 1 of Schedule 2 and this information or documentation is available at the service for inspection by the service regulator;
- (e) where the person is employed by the service provider to manage the service, from 1 April 2022, the person is registered as a social care manager with Social Care Wales.

(3) An appropriate DBS certificate must be applied for by, or on behalf of the service provider, for the purpose of assessing the suitability of a person for the post referred to in paragraph (1). But this requirement does not apply if the person working at the service is registered with the Disclosure and Barring Service update service (referred to in this regulation as "the DBS update service").

(4) Pan fo person sy'n cael ei ystyried ar gyfer swydd y cyfeirir ati ym mharagraff (1) wedi ei gofrestru â gwasanaeth diweddarau'r GDG, rhaid i'r darparwr gwasanaeth wirio statws tystysgrif GDG y person at ddiben asesu addasrwydd y person hwnnw ar gyfer y swydd honno.

(5) Pan fo person a benodir i swydd y cyfeirir ati ym mharagraff (1) wedi ei gofrestru â gwasanaeth diweddarau'r GDG, rhaid i'r darparwr gwasanaeth wirio statws tystysgrif GDG y person o leiaf bob blwyddyn.

(6) Pan na fo person a benodir i swydd y cyfeirir ati ym mharagraff (1) wedi ei gofrestru â gwasanaeth diweddarau'r GDG, rhaid i'r darparwr gwasanaeth wneud cais am dystysgrif GDG newydd mewn cysylltiad â'r person hwnnw o fewn tair blynedd i ddyroddi'r dystysgrif y gwneir cais amdani yn unol â pharagraff (3) ac wedi hynny, rhaid i geisiadau pellach o'r fath gael eu gwneud o leiaf bob tair blynedd.

(7) Os nad yw person sy'n gweithio yn y gwasanaeth yn addas i weithio yn y gwasanaeth mwyach o ganlyniad i beidio â bodloni un neu ragor o'r gofynion ym mharagraff (2), rhaid i'r darparwr gwasanaeth—

- (a) cymryd camau gweithredu angenrheidiol a chymesur i sicrhau y cydymffurfir â'r gofynion perthnasol;
- (b) pan fo'n briodol, hysbysu—
  - (i) y corff rheoleidiol neu broffesiynol perthnasol;
  - (ii) y Gwasanaeth Datgelu a Gwahardd.

### Cefnogi a datblygu staff

**23.**—(1) Rhaid i'r darparwr gwasanaeth gael polisi yn ei le ar gyfer cefnogi a datblygu staff.

(2) Rhaid i'r darparwr gwasanaeth sicrhau bod unrhyw berson sy'n gweithio yn y gwasanaeth (gan gynnwys person y caniateir iddo weithio fel gwirfoddolwr)—

- (a) yn cael cyfnod sefydlu sy'n briodol i'w rôl;
- (b) yn cael ei wneud yn ymwybodol o'i gyfrifoldebau ei hun a chyfrifoldebau staff eraill;
- (c) yn cael ei oruchwylio a'i arfarnu'n briodol;
- (d) yn cael hyfforddiant craidd sy'n briodol i'r gwaith sydd i'w wneud ganddo;
- (e) yn cael hyfforddiant arbenigol fel y bo'n briodol;
- (f) yn cael cymorth a chynorthwy i gael unrhyw hyfforddiant pellach sy'n briodol i'r gwaith y mae'n ei wneud.

(4) Where a person being considered for a post referred to in paragraph (1) is registered with the DBS update service, the service provider must check the person's DBS certificate status for the purpose of assessing the suitability of that person for that post.

(5) Where a person appointed to a post referred to in paragraph (1) is registered with the DBS update service, the service provider must check the person's DBS certificate status at least annually.

(6) Where a person appointed to a post referred to in paragraph (1) is not registered with the DBS update service, the service provider must apply for a new DBS certificate in respect of that person within three years of the issue of the certificate applied for in accordance with paragraph (3) and thereafter further such applications must be made at least every three years.

(7) If any person working at the service is no longer fit to work at the service as a result of one or more of the requirements in paragraph (2) not being met, the service provider must—

- (a) take necessary and proportionate action to ensure that the relevant requirements are complied with;
- (b) where appropriate, inform—
  - (i) the relevant regulatory or professional body;
  - (ii) the Disclosure and Barring Service.

### Supporting and developing staff

**23.**—(1) The service provider must have a policy in place for the support and development of staff.

(2) The service provider must ensure that any person working at the service (including a person allowed to work as a volunteer)—

- (a) receives an induction appropriate to their role;
- (b) is made aware of their own responsibilities and those of other staff;
- (c) receives appropriate supervision and appraisal;
- (d) receives core training appropriate to the work to be performed by them;
- (e) receives specialist training as appropriate;
- (f) receives support and assistance to obtain such further training as is appropriate to the work they perform.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod unrhyw berson a gyflogir i weithio yn y gwasanaeth fel rheolwr yn cael ei gefnogi i gynnal ei gofrestrriad â Gofal Cymdeithasol Cymru.

### **Gwybodaeth ar gyfer staff**

**24.**—(1) Rhaid i'r darparwr gwasanaeth sicrhau y darperir gwybodaeth i bob person sy'n gweithio yn y gwasanaeth (gan gynnwys unrhyw berson y caniateir iddo weithio fel gwirfoddolwr) am y gwasanaeth a'r ffordd y caiff ei ddarparu.

(2) Rhaid i'r darparwr gwasanaeth sicrhau bod trefniadau yn eu lle i wneud staff yn ymwybodol o unrhyw godau ymarfer ynghylch y safonau ymddygiad a ddisgwylir oddi wrth weithwyr gofal cymdeithasol, y mae'n ofynnol i Ofal Cymdeithasol Cymru eu cyhoeddi o dan adran 112(1)(a) o Ddeddf 2016.

### **Gweithdrefnau disgyblu**

**25.**—(1) Rhaid i'r darparwr gwasanaeth roi gweithdrefn ddisgyblu yn ei lle a'i gweithredu.

(2) Rhaid i'r weithdrefn ddisgyblu gynnwys—

- (a) darpariaeth ar gyfer atal dros dro, a chymryd camau gweithredu heb fod mor bell ag atal dros dro, gyflogai er budd diogelwch neu lesiant unigolion;
- (b) darpariaeth bod methiant ar ran cyflogai i adrodd am achos o gam-drin, neu am amheuaeth o gam-drin, i berson priodol yn sail dros ganiatáu cychwyn achos disgyblu.

(3) At ddiben paragraff (2)(b), person priodol yw—

- (a) y darparwr gwasanaeth,
- (b) swyddog i'r rheoleiddiwr gwasanaethau,
- (c) swyddog i'r awdurdod lleol ar gyfer yr ardal lle y darperir y gwasanaeth,
- (d) yn achos cam-drin neu amheuaeth o gam-drin plentyn, swyddog i'r Gymdeithas Genedlaethol er Atal Creulondeb i Blant, neu

(e) swyddog heddlu,

yn ôl y digwydd.

(3) The service provider must ensure that any person employed to work at the service as a manager is supported to maintain their registration with Social Care Wales.

### **Information for staff**

**24.**—(1) The service provider must ensure that all persons working at the service (including any person allowed to work as a volunteer) are provided with information about the service and the way it is provided.

(2) The service provider must ensure that there are arrangements in place to make staff aware of any codes of practice about the standards of conduct expected of social care workers, which are required to be published by Social Care Wales under section 112(1)(a) of the 2016 Act.

### **Disciplinary procedures**

**25.**—(1) The service provider must put in place and operate a disciplinary procedure.

(2) The disciplinary procedure must include—

- (a) provision for the suspension, and the taking of action short of suspension, of an employee, in the interests of the safety or well-being of individuals;
- (b) provision that a failure on the part of an employee to report an incident of abuse, or suspected abuse, to an appropriate person, is grounds on which disciplinary proceedings may be instituted.

(3) For the purpose of paragraph (2)(b), an appropriate person is—

- (a) the service provider,
- (b) an officer of the service regulator,
- (c) an officer of the local authority for the area where the service is provided,
- (d) in the case of an incident of abuse or suspected abuse of a child, an officer of the National Society for the Prevention of Cruelty to Children, or
- (e) a police officer,

as the case may be.



## RHAN 7

Gofynion ar ddarparwyr gwasanaethau o ran mangreoedd

### Gofyniad cyffredinol

26. Rhaid i'r darparwr gwasanaeth sicrhau bod y mangreoedd yn addas ar gyfer y gwasanaeth, gan roi sylw i'r datganiad o ddiben ar gyfer y gwasanaeth.

### Digonolrwydd mangreoedd

27. Rhaid i'r darparwr gwasanaeth sicrhau bod gan y mangreoedd a ddefnyddir ar gyfer gweithredu'r gwasanaeth gyfleusterau digonol ar gyfer—

- (a) goruchwylio staff;
- (b) storio cofnodion yn ddiogel.

## RHAN 8

Gofynion eraill ar ddarparwyr gwasanaethau

### Cofnodion

28.—(1) Rhaid i'r darparwr gwasanaeth gadw a chynnal y cofnodion a bennir yn Rhan 1 o Atodlen 3.

(2) Rhaid i'r darparwr gwasanaeth—

- (a) sicrhau bod cofnodion a bennir yn Rhan 1 o Atodlen 3 yn gywir ac yn gyfredol;
- (b) cadw'r cofnodion yn ddiogel;
- (c) gwneud trefniadau addas er mwyn i'r cofnodion barhau i gael eu cadw'n ddiogel os bydd y gwasanaeth yn cau;
- (d) rhoi'r cofnodion ar gael i'r rheoleiddiwr gwasanaethau ar gais;
- (e) pan fo gorchymyn mabwysiadu wedi ei wneud mewn perthynas â phlentyn, gadw cofnodion sy'n ymwneud â'r plentyn a mabwysiadu y plentyn am o leiaf 100 mlynedd o ddyddiad y gorchymyn mabwysiadu;
- (f) pan fo gwasanaethau cymorth mabwysiadu yn cael eu darparu i unigolyn, gadw cofnodion sy'n ymwneud â'r unigolyn am o leiaf 100 mlynedd o ddyddiad y cofnod diwethaf;
- (g) mewn achos nad yw'n dod o fewn is-baragraff (e) neu (f), gadw—
  - (i) cofnodion sy'n ymwneud ag oedolion am 3 blynedd o ddyddiad y cofnod diwethaf;

## PART 7

Requirements on service providers as to premises

### Overarching requirement

26. The service provider must ensure that the premises are suitable for the service, having regard to the statement of purpose for the service.

### Adequacy of premises

27. The service provider must ensure that the premises used for the operation of the service have adequate facilities for—

- (a) the supervision of staff;
- (b) the secure storage of records.

## PART 8

Other requirements on service providers

### Records

28.—(1) The service provider must keep and maintain the records specified in Part 1 of Schedule 3.

(2) The service provider must—

- (a) ensure that records specified in Part 1 of Schedule 3 are accurate and up to date;
- (b) keep the records securely;
- (c) make suitable arrangements for the records to continue to be kept securely in the event the service closes;
- (d) make the records available to the service regulator on request;
- (e) where an adoption order has been made in relation to a child, retain records relating to the child and the child's adopter for at least 100 years from the date of the adoption order;
- (f) where adoption support services are provided to an individual, retain records relating to the individual for at least 100 years from the date of the last entry;
- (g) in a case which does not fall within sub-paragraph (e) or (f) retain—
  - (i) records relating to adults for 3 years from the date of the last entry;

- (ii) cofnodion sy'n ymwneud â phlant am 15 mlynedd o ddyddiad y cofnod diwethaf;
- (h) sicrhau bod unigolion sy'n defnyddio'r gwasanaeth—
  - (i) yn gallu cael mynediad i'w cofnodion, a
  - (ii) yn cael eu gwneud yn ymwybodol eu bod yn gallu cael mynediad i'w cofnodion.

- (ii) records relating to children for 15 years from the date of the last entry;
- (h) ensure that individuals who use the service—
  - (i) can have access to their records, and
  - (ii) are made aware they can access their records.

### Hysbysiadau

**29.**—(1) Rhaid i'r darparwr gwasanaeth hysbysu'r rheoleiddwr gwasanaethau am y digwyddiadau a bennir ym mharagraffau 1 a 2 o Atodlen 4.

(2) Rhaid i'r darparwr gwasanaeth hysbysu'r awdurdod lleol ar gyfer yr ardal y mae'r plentyn wedi ei lleoli ar gyfer ei fabwysiadu ynddi am y digwyddiad a bennir ym mharagraff 1 o Atodlen 4.

(3) Rhaid i'r hysbysiadau sy'n ofynnol gan baragraffau (1) a (2) o'r rheoliad hwn gynnwys manylion y digwyddiad.

(4) Oni nodir fel arall, rhaid i hysbysiadau gael eu gwneud yn ddi-oed ac yn ysgrifenedig.

(5) Rhaid i hysbysiadau gael eu gwneud yn y modd a'r ffurf sy'n ofynnol gan y rheoleiddwr gwasanaethau.

### Gwrthdaro buddiannau

**30.** Rhaid i'r darparwr gwasanaeth gael trefniadau effeithiol yn eu lle i nodi, cofnodi a rheoli achosion posibl o wrthdaro buddiannau.

### Polisi a gweithdrefn gwyno

**31.**—(1) Rhaid i'r darparwr gwasanaeth gael polisi cwyno yn ei le a sicrhau bod y gwasanaeth yn cael ei weithredu yn unol â'r polisi hwnnw.

(2) Rhaid i'r darparwr gwasanaeth gael trefniadau effeithiol yn eu lle ar gyfer ymdrin â chwynion, gan gynnwys trefniadau ar gyfer—

- (a) nodi cwynion ac ymchwilio iddynt,
- (b) rhoi ymateb priodol i berson sy'n gwneud cwyn, os yw'n rhesymol ymarferol cysylltu â'r person hwnnw,
- (c) sicrhau bod camau gweithredu priodol yn cael eu cymryd yn dilyn ymchwiliad, a
- (d) cadw cofnodion sy'n ymwneud â'r materion yn is-baragraffau (a) i (c).

(3) Rhaid i'r darparwr gwasanaeth ddarparu crynodeb o gwynion, ymatebion ac unrhyw gamau gweithredu dilynol a gymerir i'r rheoleiddwr gwasanaethau o fewn 28 o ddiwrnodau i gael cais i wneud hynny.

### Notifications

**29.**—(1) The service provider must notify the service regulator of the events specified in paragraphs 1 and 2 of Schedule 4.

(2) The service provider must notify the local authority for the area in which the child is placed for adoption of the event specified in paragraph 1 of Schedule 4.

(3) The notifications required by paragraphs (1) and (2) of this regulation must include details of the event.

(4) Unless otherwise stated, notifications must be made without delay and in writing.

(5) Notifications must be made in such manner and in such form as may be required by the service regulator.

### Conflicts of interest

**30.** The service provider must have effective arrangements in place to identify, record and manage potential conflicts of interest.

### Complaints policy and procedure

**31.**—(1) The service provider must have a complaints policy in place and ensure that the service is operated in accordance with that policy.

(2) The service provider must have effective arrangements in place for dealing with complaints including arrangements for—

- (a) identifying and investigating complaints,
- (b) giving an appropriate response to a person who makes a complaint, if it is reasonably practicable to contact that person,
- (c) ensuring that appropriate action is taken following an investigation, and
- (d) keeping records relating to the matters in sub-paragraphs (a) to (c).

(3) The service provider must provide a summary of complaints, responses and any subsequent action taken to the service regulator within 28 days of being requested to do so.

- (4) Rhaid i'r darparwr gwasanaeth—
- (a) dadansoddi gwybodaeth sy'n ymwneud â chwynion a phryderon, a
  - (b) gan roi sylw i'r dadansoddiad hwnnw, nodi unrhyw feysydd i'w gwella.

### Chwythu'r chwiban

**32.**—(1) Rhaid i'r darparwr gwasanaeth gael trefniadau yn eu lle i sicrhau bod pob person sy'n gweithio yn y gwasanaeth (gan gynnwys unrhyw berson y caniateir iddo weithio fel gwirfoddolwr) yn gallu codi pryderon am faterion a all effeithio'n andwyol ar iechyd, diogelwch neu lesiant personau y darperir y gwasanaeth ar eu cyfer.

- (2) Rhaid i'r trefniadau hyn gynnwys—
- (a) cael polisi chwythu'r chwiban yn ei le a gweithredu yn unol â'r polisi hwnnw, a
  - (b) sefydlu trefniadau i alluogi a chefnogi pobl sy'n gweithio yn y gwasanaeth i godi pryderon o'r fath.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod y trefniadau sy'n ofynnol o dan y rheoliad hwn yn cael eu gweithredu'n effeithiol.

(4) Pan godir pryder, rhaid i'r darparwr gwasanaeth sicrhau—

- (a) yr ymchwilir i'r pryder,
- (b) y cymerir camau priodol yn dilyn ymchwiliad, ac
- (c) y cedwir cofnod sy'n ymwneud â'r materion yn is-baragraffau (a) a (b).

## RHAN 9

Gofynion ar reolwyr ar gyfer sicrhau bod y gwasanaeth yn cael ei oruchwylio'n effeithiol

### Goruchwylio digonolrwydd adnoddau

**33.**—(1) Rhaid i'r rheolwr adrodd i'r darparwr gwasanaeth am ddigonolrwydd yr adnoddau sydd ar gael i ddarparu'r gwasanaeth yn unol â gofynion y Rheoliadau hyn.

(2) Rhaid i adroddiadau o'r fath gael eu gwneud yn chwarterol.

### Adroddiadau eraill i'r darparwr gwasanaeth

**34.** Rhaid i'r rheolwr, yn ddi-oed, adrodd i'r darparwr gwasanaeth—

- (a) am unrhyw bryderon ynghylch darparu'r gwasanaeth,

(4) The service provider must—

- (a) analyse information relating to complaints and concerns, and
- (b) having regard to that analysis, identify any areas for improvement.

### Whistleblowing

**32.**—(1) The service provider must have arrangements in place to ensure that all persons working at the service (including any person allowed to work as a volunteer) are able to raise concerns about matters that may adversely affect the health, safety or well-being of persons for whom the service is provided.

(2) These arrangements must include—

- (a) having a whistleblowing policy in place and acting in accordance with that policy, and
- (b) establishing arrangements to enable and support people working at the service to raise such concerns.

(3) The service provider must ensure that the arrangements required under this regulation are operated effectively.

(4) When a concern is raised, the service provider must ensure that—

- (a) the concern is investigated,
- (b) appropriate steps are taken following an investigation, and
- (c) a record is kept relating to the matters in subparagraphs (a) and (b).

## PART 9

Requirements on managers for ensuring effective oversight of the service

### Oversight of adequacy of resources

**33.**—(1) The manager must report to the service provider on the adequacy of the resources available to provide the service in accordance with the requirements of these Regulations.

(2) Such reports must be made on a quarterly basis.

### Other reports to the service provider

**34.** The manager must, without delay, report to the service provider—

- (a) any concerns about the provision of the service,

- (b) am unrhyw newidiadau sylweddol i'r ffordd y caiff y gwasanaeth ei reoli neu ei ddarparu, ac
- (c) am unrhyw bryderon nad yw'r gwasanaeth yn cael ei ddarparu yn unol â'r datganiad o ddiben ar gyfer y gwasanaeth.

- (b) any significant changes to the way the service is managed or provided, and
- (c) any concerns that the service is not being provided in accordance with the statement of purpose for the service.

### **Ymgysylltu ag unigolion ac eraill**

**35.**—(1) Rhaid i'r rheolwr roi trefniadau addas yn eu lle ar gyfer cael safbwyntiau—

- (a) unigolion,
- (b) unrhyw gynrychiolwyr i'r unigolion hynny,
- (c) staff sy'n cael eu cyflogi yn y gwasanaeth, a
- (d) unrhyw awdurdod lleol arall neu awdurdod lleol yn Lloegr,

ar ansawdd y cymorth a ddarperir a sut y gellir gwella hyn.

(2) Rhaid i'r rheolwr adrodd am y safbwyntiau a geir er mwyn i'r safbwyntiau hyn allu cael eu hystyried gan y darparwr gwasanaeth wrth wneud unrhyw benderfyniadau ar gynlluniau ar gyfer gwella ansawdd y cymorth a ddarperir gan y gwasanaeth.

### **Engagement with individuals and others**

**35.**—(1) The manager must put suitable arrangements in place for obtaining the views of—

- (a) individuals,
- (b) any representatives of those individuals,
- (c) staff employed at the service, and
- (d) any other local authority or local authority in England,

on the quality of support provided and how this can be improved.

(2) The manager must report on the views obtained so that these views can be taken into account by the service provider when making any decisions on plans for improvement of the quality of support provided by the service.

## **RHAN 10**

### **Gofynion ar reolwyr ar gyfer sicrhau cydymffurfedd y gwasanaeth**

#### **Dyletswydd i sicrhau bod systemau yn eu lle i gofnodi digwyddiadau a chwynion**

**36.** Rhaid i'r rheolwr sicrhau bod systemau effeithiol yn eu lle i gofnodi digwyddiadau, cwynion a materion y mae rhaid gwneud hysbysiadau yn eu cylch yn unol â rheoliad 29.

#### **Dyletswydd i sicrhau bod systemau yn eu lle ar gyfer cadw cofnodion**

**37.** Rhaid i'r rheolwr sicrhau bod systemau effeithiol yn eu lle mewn perthynas â'r cofnodion, sy'n cynnwys systemau ar gyfer sicrhau bod cofnodion yn gywir ac yn gyflawn, y mae rhaid eu cadw yn unol â rheoliad 28.

#### **Dyletswydd i sicrhau bod polisiau a gweithdrefnau yn gyfredol**

**38.** Rhaid i'r rheolwr roi trefniadau addas yn eu lle i sicrhau bod polisiau a gweithdrefnau'r darparwr gwasanaeth yn cael eu cadw'n gyfredol, gan roi sylw i'r datganiad o ddiben ar gyfer y gwasanaeth.

## **PART 10**

### **Requirements on managers for ensuring the compliance of the service**

#### **Duty to ensure there are systems in place to record incidents and complaints**

**36.** The manager must ensure that there are effective systems in place to record incidents, complaints and matters on which notifications must be made in accordance with regulation 29.

#### **Duty to ensure there are systems in place for keeping of records**

**37.** The manager must ensure that there are effective systems in place in relation to the records, which include systems for ensuring the accuracy and completeness of records which must be kept in accordance with regulation 28.

#### **Duty to ensure policies and procedures are up to date**

**38.** The manager must put suitable arrangements in place to ensure that the service provider's policies and procedures are kept up to date, having regard to the statement of purpose for the service.

## RHAN 11

Gofynion ar reolwyr ar gyfer monitro, adolygu a gwella ansawdd y gwasanaeth

### Adolygiad o ansawdd y gwasanaeth

**39.**—(1) Rhaid i'r rheolwr roi trefniadau addas yn eu lle i sefydlu a chynnal system ar gyfer monitro, adolygu a gwella ansawdd y gwasanaeth.

(2) Rhaid i'r system a sefydlir o dan baragraff (1) wneud darpariaeth i ansawdd y gwasanaeth gael ei adolygu mor aml ag sy'n ofynnol ond o leiaf bob 6 mis.

(3) Fel rhan o unrhyw adolygiad a gynhelir, rhaid i'r rheolwr wneud trefniadau ar gyfer—

- (a) ystyried canlyniad yr ymgysylltiad ag unigolion ac eraill, fel sy'n ofynnol gan reoliad 35 (ymgysylltu ag unigolion ac eraill);
- (b) dadansoddi'r data cyfanredol ar ddigwyddiadau, digwyddiadau hysbysadwy, materion diogelu, chwythu'r chwiban, pryderon a chwynion;
- (c) adolygu unrhyw gamau gweithredu a gymerir mewn perthynas â chwynion;
- (d) ystyried canlyniad unrhyw archwiliad o gywirdeb a chyflawnrwydd cofnodion.

(4) Ar ôl cwblhau adolygiad o ansawdd y gwasanaeth yn unol â'r rheoliad hwn, rhaid i'r rheolwr lunio adroddiad i'r darparwr gwasanaeth y mae rhaid iddo gynnwys—

- (a) asesiad o safon y cymorth a ddarperir, a
- (b) argymhellion ar gyfer gwella'r gwasanaeth.

## RHAN 12

Gofynion eraill ar reolwyr

### Cymorth ar gyfer codi pryderon

**40.** Rhaid i'r rheolwr sicrhau y cydymffurfir â pholisi chwythu chwiban y darparwr gwasanaeth a bod y trefniadau i alluogi a chefnogi pobl sy'n gweithio yn y gwasanaeth i godi pryderon o'r fath yn cael eu gweithredu'n effeithiol.

## PART 11

Requirements on managers for monitoring, reviewing and improving the quality of the service

### Quality of service review

**39.**—(1) The manager must put suitable arrangements in place to establish and maintain a system for monitoring, reviewing and improving the quality of the service.

(2) The system established under paragraph (1) must make provision for the quality of the service to be reviewed as often as required but at least every 6 months.

(3) As part of any review undertaken, the manager must make arrangements for—

- (a) considering the outcome of the engagement with individuals and others, as required by regulation 35 (engagement with individuals and others);
- (b) analysing the aggregated data on incidents, notifiable incidents, safeguarding matters, whistleblowing, concerns and complaints;
- (c) reviewing any action taken in relation to complaints;
- (d) considering the outcome of any audit of the accuracy and completeness of records.

(4) On completion of a review of the quality of service in accordance with this regulation, the manager must prepare a report to the service provider which must include—

- (a) an assessment of the standard of support provided, and
- (b) recommendations for the improvement of the service.

## PART 12

Other requirements on managers

### Support for raising concerns

**40.** The manager must ensure that the service provider's whistleblowing policy is being complied with and that the arrangements to enable and support people working at the service to raise such concerns are being operated effectively.

## Dyletswydd gonestrwydd

41. Rhaid i'r rheolwr weithredu mewn ffordd agored a thryloyw gydag—

- (a) unigolion, a
- (b) unrhyw gynrychiolwr i'r unigolion hynny.

## RHAN 13

Gofynion eraill ar ddarparwyr gwasanaethau

### Darpar fabwysiadwyr a mabwysiadwyr a gymeradwywyd

42. Rhaid i'r darparwr gwasanaeth—

- (a) bod â chynlluniau ysgrifenedig ar ei strategaeth i recriwtio nifer digonol o fabwysiadwyr;
- (b) bod â chynlluniau cynhwysfawr ar gyfer prosesau paratoi a chymeradwyo ar gyfer mabwysiadwyr yn ei bolisiau a'i weithdrefnau;
- (c) darparu gwybodaeth ysgrifenedig i ddarpar fabwysiadwyr am y broses fabwysiadu gan gynnwys gwybodaeth am—
  - (i) y polisi a'r gweithdrefnau mewn cysylltiad â'r broses fabwysiadu;
  - (ii) trefniadau ar gyfer asesu'r gwasanaethau cymorth mabwysiadu a'u darparu;
  - (iii) Cofrestr Fabwysiadu Cymru ac unrhyw gofrestr fabwysiadu genedlaethol berthnasol arall;
  - (iv) trefniadau lleol a rhanbarthol;
- (d) darparu cynhorthwy pan amharwyd ar leoliad neu pan fo perygl y bydd hynny'n digwydd, sy'n cynnwys defnyddio cyfryngu a chyfarfodydd.

## RHAN 14

Diwygiad amrywiol

### Diwygio Rheoliadau Gwasanaethau Cymorth Mabwysiadu (Awdurdodau Lleol) (Cymru) 2005

43.—(1) Mae Rheoliadau Gwasanaethau Cymorth Mabwysiadu (Awdurdodau Lleol) (Cymru) 2005(1) wedi eu diwygio fel a ganlyn.

## Duty of candour

41. The manager must act in an open and transparent way with—

- (a) individuals, and
- (b) any representatives of those individuals.

## PART 13

Other requirements on service providers

### Prospective and approved adopters

42. The service provider must—

- (a) have written plans on its strategy to recruit sufficient number of adopters;
- (b) have comprehensive plans for preparation and approval processes for adopters contained within its policies and procedures;
- (c) provide prospective adopters with written information about the adoption process including information about—
  - (i) the policy and procedures in respect of the adoption process;
  - (ii) arrangements for the assessment of and the provision of adoption support services;
  - (iii) the Adoption Register for Wales and any other relevant national adoption register;
  - (iv) local and regional arrangements;
- (d) provide assistance where disruption of a placement has occurred or is in danger of occurring, which includes the use of mediation and meetings.

## PART 14

Miscellaneous amendment

### Amendment to the Adoption Support Services (Local Authorities) (Wales) Regulations 2005

43.—(1) The Adoption Support Services (Local Authorities) (Wales) Regulations 2005(1) are amended as follows.

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(1) O.S. 2005/1512 (Cy. 116).

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(1) S.I. 2005/1512 (W. 116).



(2) Yn rheoliad 5—

(a) ar ôl paragraff (1)(b) mewnosoder—

“(bb) unigolyn sy’n dod o fewn rheoliad 3(e) o Reoliadau Gwasanaethau Mabwysiadu Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2019(1).”  
;

(b) ym mharagraff (2), hepgorer y geiriau o “ond, o ran darparu” hyd at y diwedd.

(2) In regulation 5—

(a) after paragraph (1)(b) insert—

“(bb) an individual falling within regulation 3(e) of the Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019(1).”;

(b) in paragraph (2), omit the words from “but in relation to” to the end.

*Julie Morgan*

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

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

17 February 2019

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(1) O.S. 2019/XXX (W. XX).

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(1) S.I. 2019/xxx (W.xx).

## ATODLEN 1

Rheoliadau 2(1) a 4

### Gwybodaeth sydd i'w chynnwys mewn datganiad o ddiben gan ddarparwr gwasanaeth

Rhaid i'r datganiad o ddiben a ddarperir gan ddarparwr gwasanaeth gynnwys yr wybodaeth a ganlyn—

- (a) enw a phrif gyfeiriad yr awdurdod lleol;
- (b) enw a chyfeiriad y rheolwr;
- (c) datganiad o ystod anghenion yr unigolion y mae'r gwasanaeth i'w ddarparu ar eu cyfer;
- (d) sut y mae'r gwasanaeth i'w ddarparu i ddiwallu anghenion unigolion ac i'w cefnogi i ddiwallu'r anghenion hynny;
- (e) manylion strwythur rheoli a staffio'r gwasanaeth;
- (f) manylion y trefniadau a wnaed i gefnogi anghenion diwylliannol, ieithyddol a chrefyddol unigolion;
- (g) manylion ynghylch sut y bydd y darparwr gwasanaeth yn diwallu anghenion iaith a chyfathrebu unigolion, gan gynnwys drwy gyfrwng y Gymraeg;
- (h) nodau ac amcanion y darparwr gwasanaeth mewn perthynas â'r gwasanaeth, gan gynnwys achosion sy'n ymwneud â mabwysiadu trawswladol;
- (i) y trefniadau y mae'r darparwr gwasanaeth wedi eu rhoi yn eu lle i asesu gwasanaethau cymorth mabwysiadu a gwneud darpariaeth ar eu cyfer;
- (j) cymwysterau perthnasol a phrofiad y rheolwr;
- (k) nifer, cymwysterau perthnasol a phrofiad y staff sydd wedi eu cyflogi gan y darparwr gwasanaeth at ddibenion y gwasanaeth;
- (l) y system sydd yn ei lle i fonitro a gwerthuso darpariaeth y gwasanaethau i sicrhau bod y gwasanaethau a ddarperir gan y darparwr gwasanaeth yn effeithiol a bod ansawdd y gwasanaeth o safon briodol;
- (m) y gweithdrefnau ar gyfer recriwtio, paratoi, asesu, cymeradwyo a chefnogi darpar rieni mabwysiadol;

## SCHEDULE 1

Regulations 2(1) and 4

### Information to be contained in a statement of purpose by a service provider

The statement of purpose provided by a service provider must contain the following information—

- (a) the name and principal address of the local authority;
- (b) the name and address of the manager;
- (c) a statement of the range of needs of the individuals for whom the service is to be provided;
- (d) how the service is to be provided to meet the needs of individuals and to support them to meet those needs;
- (e) details of the management and staff structure of the service;
- (f) details of the arrangements made to support the cultural, linguistic and religious needs of individuals;
- (g) details of how the service provider will meet individuals' language and communication needs, including through the medium of Welsh;
- (h) the aims and objectives of the service provider in relation to the service, including cases involving inter-country adoption;
- (i) the arrangements that the service provider has put in place to assess and make provision for adoption support services;
- (j) the relevant qualifications and experience of the manager;
- (k) the number, relevant qualifications and experience of the staff employed by the service provider for the purposes of the service;
- (l) the system in place to monitor and evaluate the provision of services to ensure that the services provided by the service provider are effective and the quality of the service is of an appropriate standard;
- (m) the procedures for recruiting, preparing, assessing, approving and supporting prospective adoptive parents;

- (n) manylion y cynghorydd gwasanaethau cymorth mabwysiadu a'r gweithdrefnau i asesu ar gyfer gwasanaethau cymorth mabwysiadu a'u darparu;
  - (o) crynodeb o'r gweithdrefnau cwyno a sefydlir yn unol â Rheoliadau Gweithdrefn Sylwadau (Cymru) 2014(1), Rheoliadau Gweithdrefn Gwynion y Gwasanaethau Cymdeithasol (Cymru) 2014(2) ac adrannau 171 a 172 o Ddeddf 2014(3);
  - (p) cyfeiriad a rhif ffôn y rheoleiddiwr gwasanaethau.
- (n) details of the adoption support service advisor and the procedures for the assessment for and provision of adoption support services;
  - (o) a summary of the complaints procedures established in accordance with the Representations Procedure (Wales) Regulations 2014(1), the Social Services Complaints Procedure (Wales) Regulations 2014(2) and sections 171 and 172 of the 2014 Act(3);
  - (p) the address and telephone number of the service regulator.

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(1) O.S. 2014/1795 (Cy. 188).

(2) O.S. 2014/1794 (Cy. 187).

(3) Diffinnir "the 2014 Act" ("Deddf 2014") yn adran 2(5) o'r Ddeddf fel Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4).

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(1) S.I. 2014/1795 (W. 188).

(2) S.I. 2014/1794 (W. 187).

(3) "The 2014 Act" is defined in section 2(5) of the Act as the Social Services and Well-being (Wales) Act 2014 (anaw 4).

## ATODLEN 2

Rheoliadau 2(1) a 22

### RHAN 1

Gwybodaeth a dogfennaeth sydd i fod ar gael mewn cysylltiad â phersonau sy'n gweithio mewn gwasanaeth

1. Prawf o bwy yw'r person gan gynnwys ffotograff diweddar.

2. Pan fo'n ofynnol at ddibenion cwestiwn sydd wedi ei esemptio yn unol ag adran 113A(2)(b) o Ddeddf yr Heddlu 1997(1), copi o dystysgrif cofnod troseddol ddilys a ddyroddir o dan adran 113A o'r Ddeddf honno ynghyd, ar ôl y diwrnod penodedig a phan fo'n gymwys, â'r wybodaeth a grybwyllir yn adran 30A(3) o Ddeddf Diogelu Grwpiau Hyglwyf 2006(2) (darparu gwybodaeth am waharddiadau ar gais).

3. Pan fo'n ofynnol at ddibenion cwestiwn sydd wedi ei esemptio ac a ofynnir at ddiben rhagnodedig o dan adran 113B(2)(b) o Ddeddf yr Heddlu 1997, copi o dystysgrif cofnod troseddol manwl ddilys a ddyroddir o dan adran 113B o'r Ddeddf honno ynghyd, pan fo'n gymwys, â gwybodaeth addasrwydd sy'n ymwneud â phlant (o fewn ystyr "suitability information relating to children" yn adran 113BA(2) o'r Ddeddf honno) neu wybodaeth addasrwydd sy'n ymwneud ag oedolion hyglwyf (o fewn ystyr "suitability information relating to vulnerable adults" yn adran 113BB(2) o'r Ddeddf honno).

4. Dau eirida ysgrifenedig, gan gynnwys geirida gan y cyflogwr diwethaf, os oes un.

5. Pan fo person wedi gweithio'n flaenorol mewn swydd yr oedd ei dyletswyddau yn cynnwys gweithio gyda phlant neu oedolion hyglwyf, cadarnhad, i'r graddau y bo'n rhesymol ymarferol, o'r rheswm pam y daeth y gyflogaeth neu'r swydd i ben.

6. Tystiolaeth ddogfennol o unrhyw gymhwyster perthnasol.

7. Pan fo'n berthnasol, tystiolaeth ddogfennol o gofrestrriad â Gofal Cymdeithasol Cymru.

## SCHEDULE 2

Regulations 2(1) and 22

### PART 1

Information and documentation to be available in respect of persons working in a service

1. Proof of identity including a recent photograph.

2. Where required for the purposes of an exempted question in accordance with section 113A(2)(b) of the Police Act 1997(1), a copy of a valid criminal record certificate issued under section 113A of that Act together with, after the appointed day and where applicable, the information mentioned in section 30A(3) of the Safeguarding Vulnerable Groups Act 2006(2) (provision of barring information on request).

3. Where required for the purposes of an exempted question asked for a prescribed purpose under section 113B(2)(b) of the Police Act 1997, a copy of a valid enhanced criminal record certificate issued under section 113B of that Act together with, where applicable, suitability information relating to children (within the meaning of section 113BA(2) of that Act) or suitability information relating to vulnerable adults (within the meaning of section 113BB(2) of that Act).

4. Two written references, including a reference from the last employer, if any.

5. Where a person has previously worked in a position whose duties involved work with children or vulnerable adults, so far as reasonably practicable verification of the reason why the employment or position ended.

6. Documentary evidence of any relevant qualification.

7. Where relevant, documentary evidence of registration with Social Care Wales.

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(1) 1997 p. 50.

(2) 2006 p. 47. Mae adrannau newydd 30A a 30B i'w rhoi yn lle adrannau 30 i 32 o Ddeddf Diogelu Grwpiau Hyglwyf 2006 fel y'u deddfwyd yn wreiddiol o ganlyniad i amnewidiadau a wnaed gan adran 72(1) o Ddeddf Diogelu Rhyddidau 2012. Mae adran 72(1) i'w chychwyn ar ddiwrnod i'w benodi.

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(1) 1997 c. 50.

(2) 2006 c. 47. Sections 30 to 32 of the Safeguarding Vulnerable Groups Act 2006 as originally enacted are to be replaced by new sections 30A and 30B as a result of substitutions made by section 72(1) of the Protection of Freedoms Act 2012. Section 72(1) is to be commenced on a day to be appointed.

**8.** Hanes cyflogaeth llawn, ynghyd ag esboniad ysgrifenedig boddhaol o unrhyw fylchau mewn cyflogaeth.

**9.** Tystiolaeth o allu ieithyddol boddhaol at ddibenion darparu cymorth i'r unigolion hynny y mae'r gweithiwr i ddarparu cymorth ar eu cyfer.

**10.** Manylion cofrestrriad ag unrhyw gorff proffesiynol neu aelodaeth o gorff o'r fath.

**8.** A full employment history, together with a satisfactory written explanation of any gaps in employment.

**9.** Evidence of satisfactory linguistic ability for the purposes of providing support to those individuals for whom the worker is to provide support.

**10.** Details of registration with or membership of any professional body.

## RHAN 2

### Dehongli Rhan 1

**11.** At ddibenion paragraffau 2 a 3 o Ran 1 o'r Atodlen hon—

- (a) os nad yw'r person y mae'r dystysgrif yn ymwneud ag ef wedi ei gofrestru â gwasanaeth diweddarau'r GDG, nid yw dystysgrif ond yn ddilys—
  - (i) os y'i dyroddwyd mewn ymateb i gais gan y darparwr gwasanaeth yn unol â rheoliad 22(3) neu (6) (addasrwydd staff), a
  - (ii) os nad oes mwy na thair blynedd wedi mynd heibio ers i'r dystysgrif gael ei dyroddi;
- (b) os yw'r person y mae'r dystysgrif yn ymwneud ag ef wedi ei gofrestru â gwasanaeth diweddarau'r GDG, mae'r dystysgrif yn ddilys ni waeth pa bryd y'i dyroddwyd.

## PART 2

### Interpretation of Part 1

**11.** For the purposes of paragraphs 2 and 3 of Part 1 of this Schedule—

- (a) if the person to whom the certificate relates is not registered with the DBS update service, a certificate is only valid if—
  - (i) it has been issued in response to an application by the service provider in accordance with regulation 22(3) or (6) (fitness of staff), and
  - (ii) no more than three years have elapsed since the certificate was issued;
- (b) if the person to whom the certificate relates is registered with the DBS update service, the certificate is valid regardless of when it was issued.

RHAN 1

Y cofnodion sydd i'w cadw gan ddarparwyr gwasanaethau

1. Mewn cysylltiad â phob unigolyn—
  - (a) enw llawn;
  - (b) dyddiad geni;
  - (c) a yw'r person—
    - (i) yn blentyn a all gael ei fabwysiadu, ei riant a'i warcheidwad;
    - (ii) yn berson sy'n dymuno mabwysiadu plentyn;
    - (iii) yn berson mabwysiedig, ei riant, ei riant geni, ei gyn-warcheidwad neu berson perthynol;
  - (d) disgrifiad o'r cymorth y gofynnir amdano;
  - (e) disgrifiad o'r angen am gymorth ynghyd ag unrhyw asesiad o'r angen hwnnw;
  - (f) disgrifiad o'r cymorth a ddarperir;
  - (g) a ddarperir y cymorth ar ran awdurdod lleol o dan reoliadau a wneir o dan adran 3(4)(b) o'r Ddeddf;
  - (h) cynlluniau gan gynnwys—
    - (i) cynlluniau cymorth mabwysiadu;
    - (ii) cynlluniau gofal a chymorth;
    - (iii) cynlluniau lleoliadau;
  - (i) adolygiadau o'r cynlluniau y cyfeirir atynt yn is-baragraff (h).
2. Cofnod o unrhyw ffioedd gan y darparwr gwasanaeth i unigolion am ddarparu cymorth ac unrhyw wasanaethau ychwanegol.
3. Cofnod o'r holl gwynion a wneir gan unigolion neu eu cynrychiolwyr neu gan bersonau sy'n gweithio yn y gwasanaeth ynghylch gweithrediad y gwasanaeth, a'r camau gweithredu a gymerir gan y darparwr gwasanaeth mewn cysylltiad ag unrhyw gŵyn o'r fath.
4. Cofnod o'r holl bersonau sy'n gweithio yn y gwasanaeth, a hwnnw'n gofnod y mae rhaid iddo gynnwys y materion a ganlyn—
  - (a) enw llawn a chyfeiriad cartref;
  - (b) dyddiad geni;
  - (c) cymwysterau sy'n berthnasol i weithio gydag unigolion a phrofiad o wneud gwaith o'r fath;

PART 1

Records to be kept by service providers

1. In respect of each individual—
  - (a) full name;
  - (b) date of birth;
  - (c) whether the person is—
    - (i) a child who may be adopted, their parent and guardian;
    - (ii) a person wishing to adopt a child;
    - (iii) an adopted person, their parent, birth parent, former guardian or related person;
  - (d) description of support requested;
  - (e) description of need for support along with any assessment of that need;
  - (f) description of support provided;
  - (g) whether the support is provided on behalf of a local authority under regulations made under section 3(4)(b) of the Act;
  - (h) plans including—
    - (i) adoption support plans;
    - (ii) care and support plans;
    - (iii) placement plans;
  - (i) reviews of plans referred to in sub-paragraph (h).
2. A record of any charges by the service provider to individuals for the provision of support and any additional services.
3. A record of all complaints made by individuals or their representatives or by persons working at the service about the operation of the service, and the action taken by the service provider in respect of any such complaint.
4. A record of all persons working at the service, which must include the following matters—
  - (a) full name and home address;
  - (b) date of birth;
  - (c) qualifications relevant to, and experience of, working with individuals;



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| <ul style="list-style-type: none"> <li>(d) y dyddiadau y mae'r person yn dechrau cael ei gyflogi felly ac yn peidio â chael ei gyflogi felly;</li> <li>(e) a yw'r person wedi ei gyflogi gan y darparwr gwasanaeth o dan gontract gwasanaeth, contract ar gyfer gwasanaethau, neu ac eithrio o dan gontract, neu a yw wedi ei gyflogi gan rywun ac eithrio'r darparwr gwasanaeth;</li> <li>(f) y swydd sydd gan y person yn y gwasanaeth, y gwaith y mae'r person yn ei wneud a nifer yr oriau y mae'r person wedi ei gyflogi amdanynt bob wythnos;</li> <li>(g) copi o dystysgrif geni a phasbort (os oes ganddo un) y person;</li> <li>(h) copi o bob geirda a geir mewn cysylltiad â'r person;</li> <li>(i) hyfforddiant y mae'r person wedi ymgymryd ag ef, goruchwyliaeth ac arfarnu;</li> <li>(j) cofnodion o gamau disgyblu ac unrhyw gofnodion eraill mewn perthynas â chyflogaeth y person;</li> <li>(k) cofnod o ddyddiad tystysgrif GDG ddiweddaraf y person ac a gymerwyd unrhyw gamau gweithredu o ganlyniad i gynnwys y dystysgrif.</li> </ul> | <ul style="list-style-type: none"> <li>(d) the dates on which the person commences and ceases to be so employed;</li> <li>(e) whether the person is employed by the service provider under a contract of service, a contract for services, or otherwise than under contract, or is employed by someone other than the service provider;</li> <li>(f) the position the person holds at the service, the work the person performs and the number of hours for which the person is employed each week;</li> <li>(g) a copy of the person's birth certificate and passport (if any);</li> <li>(h) a copy of each reference obtained in respect of the person;</li> <li>(i) training undertaken by the person, supervision and appraisal;</li> <li>(j) records of disciplinary action and any other records in relation to the person's employment;</li> <li>(k) a record of the date of the person's latest DBS certificate and whether there was any action taken as a result of the content of the certificate.</li> </ul> |
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## RHAN 2

### Dehongli Rhan 1

5. At ddibenion paragraff 1 o Ran 1 o'r Atodlen hon—

- (a) mae i "person perthynol" yr ystyr a roddir yn rheoliad 2(1) o Reoliadau Gwasanaethau Cymorth Mabwysiadu (Awdurdodau Lleol) (Cymru) 2005;
- (b) "cynllun cymorth mabwysiadu" yw'r cynllun sy'n nodi'r gwasanaethau cymorth mabwysiadu y mae'r awdurdod lleol wedi penderfynu eu darparu ar gyfer y plentyn a'r teulu mabwysiadol, sut y darperir hwy a chan bwy (os yw'n gymwys);
- (c) ystyr "cynllun gofal a chymorth" yw cynllun ar gyfer y plentyn a wneir o dan adran 54 neu adran 83 o Ddeddf 2014;
- (d) mae i "cynllun lleoliad" yr ystyr a roddir yn rheoliad 36(2) o Reoliadau Asiantaethau Mabwysiadu (Cymru) 2005.

## PART 2

### Interpretation of Part 1

5. For the purposes of paragraph 1 of Part 1 of this Schedule—

- (a) "related person" has the meaning given in regulation 2(1) of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005;
- (b) an "adoption support plan" is the plan which sets out the adoption support services the local authority has decided to provide for the child and the adoptive family, how these will be provided and by whom (if applicable);
- (c) "care and support plan" means a plan for the child made under section 54 or section 83 of the 2014 Act;
- (d) "placement plan" has the meaning given in regulation 36(2) of the Adoption Agencies (Wales) Regulations 2005.

## Hysbysiadau gan y darparwr gwasanaeth

1. Marwolaeth plentyn sydd wedi ei leoli gyda darpar fabwysiadwr pan na fo gorchymyn mabwysiadu wedi ei wneud eto.

2. Unrhyw atgyfeiriad i'r GDG yn unol â Deddf Diogelu Grwpiau Hyglwyf 2006.

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## Notifications by the service provider

1. Death of a child placed with prospective adopter where an adoption order has yet to be made.

2. Any referral to the DBS pursuant to the Safeguarding Vulnerable Groups Act 2006.

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