



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 1097 (Cy. 277)

2017 No. 1097 (W. 277)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

**Rheoliadau Gwasanaethau
Rheoleiddiedig (Datganiadau
Blynyddol) (Cymru) 2017**

**The Regulated Services (Annual
Returns) (Wales) Regulations 2017**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae adran 10(1) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf") yn ei gwneud yn ofynnol i ddarparwyr gwasanaethau gyflwyno datganiad blynyddol i Weinidogion Cymru.

Section 10(1) of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act") requires service providers to submit an annual return to the Welsh Ministers.

Mae adran 10(2) o'r Ddeddf yn nodi'r gofynion ar gyfer cynnwys y datganiad blynyddol.

Section 10(2) of the Act sets out the requirements for the contents of the annual return.

Mae'r Rheoliadau hyn wedi eu gwneud o dan adran 10(2)(a)(vii), (viii) a (ix), (3) a (4) o'r Ddeddf, sy'n galluogi Gweinidogion Cymru i ragnodi'r wybodaeth am hyfforddiant a chynllunio'r gweithlu a gwybodaeth arall y mae rhaid ei chynnwys yn y datganiad blynyddol, i ragnodi ffurf y datganiad blynyddol ac i ragnodi'r terfyn amser y mae rhaid cyflwyno'r datganiad blynyddol i Weinidogion Cymru ynddo.

These Regulations are made under section 10(2)(a)(vii), (viii) and (ix), (3) and (4) of the Act, which enables Welsh Ministers to prescribe the information about training and workforce planning and other information which must be contained in the annual return, to prescribe the form of the annual return and to prescribe the time limit within which the annual return must be submitted to Welsh Ministers.

Mae rheoliad 3 yn ei gwneud yn ofynnol i'r datganiad blynyddol gynnwys gwybodaeth am y trefniadau ar gyfer nodi, cynllunio a diwallu anghenion hyfforddiant staff.

Regulation 3 requires the annual return to contain information about the arrangements for identifying, planning and meeting the training needs of staff.

Mae rheoliad 4 yn ei gwneud yn ofynnol i'r datganiad blynyddol gynnwys gwybodaeth am y trefniadau ar gyfer recriwtio a chadw staff.

Regulation 4 requires the annual return to contain information about the arrangements for recruitment and retention of staff.

Mae rheoliadau 5 a 6 a'r Atodlen yn ymdrin â gwybodaeth arall am y gwasanaeth a ddarperir ym mhob lleoliad y mae rhaid ei chynnwys yn y datganiad blynyddol, gan gynnwys gwybodaeth am staffio ac am y gwasanaeth a ddarperir a'r wybodaeth benodol sy'n ofynnol pan fo'r gwasanaeth yn cynnwys y ddarpariaeth o lety.

Regulations 5 and 6 and the Schedule deal with other information about the service provided at each location, which must be contained in the annual return, including information about staffing and about service provision and the specific information required where the service involves the provision of accommodation.

Mae rheoliadau 7 ac 8 yn ei gwneud yn ofynnol i'r datganiad blynyddol gynnwys datganiad o wirionedd gan y darparwr gwasanaeth a'r unigolyn cyfrifol. Bydd hwn yn darparu tystiolaeth o'r person sy'n gyfrifol am wneud datganiad yn y datganiad blynyddol os bydd erlyniad am drosedd o dan adran 47 o'r Ddeddf (datganiadau anwir).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Regulations 7 and 8 require the annual return to contain a declaration of truth by the service provider and the responsible individual. This will provide evidence of the person responsible for making a statement in the annual return in the event of a prosecution for an offence under section 47 of the Act (false statements).

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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**Rheoliadau Gwasanaethau
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Blynyddol) (Cymru) 2017**

**The Regulated Services (Annual
Returns) (Wales) Regulations 2017**

Gwnaed 14 Tachwedd 2017
Yn dod i rym 2 Ebrill 2018

Made 14 November 2017
Coming into force 2 April 2018

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adran 10(2)(a)(vii), (viii) a (ix), (3) a (4) ac adran 187(1) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 10(2)(a)(vii), (viii) and (ix), (3) and (4) and section 187(1) of the Regulation and Inspection of Social Care (Wales) Act 2016(1).

Gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru o dan adran 10(6) o'r Ddeddf honno ac fe'i cymeradwywyd ganddo drwy benderfyniad.

A draft of these Regulations was laid before the National Assembly for Wales under section 10(6) of that Act and has been approved by a resolution of the National Assembly for Wales.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Rheoleiddiedig (Datganiadau Blynyddol) (Cymru) 2017.

(2) Daw'r Rheoliadau hyn i rym ar 2 Ebrill 2018 ac maent yn gwmwys o ran Cymru.

Title, commencement and application

1.—(1) The title of these Regulations is the Regulated Services (Annual Returns) (Wales) Regulations 2017.

(2) These Regulations come into force on 2 April 2018 and apply in relation to Wales.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr “datganiad blynyddol” (“*annual return*”) yw’r datganiad blynyddol y mae rhaid i ddarparwr gwasanaeth ei gyflwyno i Weinidogion Cymru yn unol ag adran 10(1) o’r Ddeddf;

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

Gwybodaeth am hyfforddiant

3. Rhaid i ddatganiad blynyddol gynnwys disgrifiad o’r trefniadau sydd ar waith ar gyfer nodi, cynllunio a diwallu anghenion hyfforddiant staff a gyflogir gan y darparwr gwasanaeth mewn perthynas â phob un o’r gwasanaethau rheoleiddiedig y mae’r darparwr gwasanaeth wedi ei gofrestru i’w darparu.

Gwybodaeth am gynllunio’r gweithlu

4. Rhaid i ddatganiad blynyddol gynnwys disgrifiad o’r trefniadau sydd ar waith ar gyfer recriwtio a chadw staff a gyflogir gan y darparwr gwasanaeth mewn perthynas â’r gwasanaethau rheoleiddiedig y mae’r darparwr gwasanaeth wedi ei gofrestru i’w darparu.

Gwybodaeth arall

5. Rhaid i ddatganiad blynyddol a gyflwynir gan ddarparwr gwasanaeth sydd wedi ei gofrestru i ddarparu gwasanaeth cartref gofal, gwasanaeth llety diogel neu wasanaeth canolfan breswyl i deuluoedd gynnwys yr wybodaeth ychwanegol a bennir yn yr Atodlen mewn perthynas â phob un o’r manau y darperir y gwasanaeth ynddo.

6. Rhaid i ddatganiad blynyddol a gyflwynir gan ddarparwr gwasanaeth sydd wedi ei gofrestru i ddarparu gwasanaeth cymorth cartref gynnwys yr wybodaeth ychwanegol a bennir yn yr Atodlen mewn perthynas â phob un o’r manau y darperir y gwasanaeth mewn perthynas ag ef.

Datganiad o wirionedd

7. Rhaid i ddatganiad blynyddol gynnwys datganiad wedi ei lofnodi gan y darparwr gwasanaeth sy’n cadarnhau ei fod wedi darllen yr wybodaeth ac yn cytuno â’r wybodaeth sydd wedi ei chynnwys yn y datganiad blynyddol sy’n ymwneud â’r gwasanaethau rheoleiddiedig y mae’r darparwr wedi ei gofrestru i’w darparu.

Interpretation

2. In these Regulations—

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

“annual return” (“*datganiad blynyddol*”) means the annual return which a service provider must submit to the Welsh Ministers in accordance with section 10(1) of the Act.

Information about training

3. An annual return must contain a description of the arrangements in place for identifying, planning and meeting the training needs of staff employed by the service provider in relation to each of the regulated services which the service provider is registered to provide.

Information about workforce planning

4. An annual return must contain a description of the arrangements in place for the recruitment and retention of staff employed by the service provider in relation to the regulated services which the service provider is registered to provide.

Other information

5. An annual return which is submitted by a service provider who is registered to provide a care home service, a secure accommodation service or a residential family centre service must contain the additional information specified in the Schedule in relation to each of the places at which the service is provided.

6. An annual return which is submitted by a service provider who is registered to provide a domiciliary support service must contain the additional information specified in the Schedule in relation to each of the places in relation to which the service is provided.

Declaration of truth

7. An annual return must contain a signed declaration by the service provider confirming that they have read and agree with the information contained in the annual return which relates to the regulated services that the provider is registered to provide.

8. Rhaid i ddatganiad blynyddol gynnwys datganiad wedi ei lofnodi gan bob unigolyn cyfrifol sy'n cadarnhau ei fod wedi darllen yr wybodaeth ac yn cytuno â'r wybodaeth sydd wedi ei chynnwys yn y datganiad blynyddol sy'n ymwneud â'r man y mae wedi ei ddynodi ynddo, ohono neu mewn perthynas ag ef gan y darparwr gwasanaeth fel yr unigolyn cyfrifol.

Ffurff y datganiad blynyddol

9. Rhaid i ddatganiad blynyddol fod ar ffurff datganiad ar-lein a gyrchir ar dudalennau'r wefan a gynhelir gan Lywodraeth Cymru sydd wedi eu sefydlu at ddiben hysbysu darparwyr gwasanaethau am y gofynion ar gyfer llunio a chyflwyno datganiadau blynyddol.

Terfyn amser ar gyfer cyflwyno datganiadau blynyddol

10. Rhaid i ddatganiad blynyddol gael ei gyflwyno i Weinidogion Cymru o fewn 56 o ddiwrnodau i ddiwedd y flwyddyn ariannol y mae'n ymwneud â hi.

8. An annual return must contain a signed declaration by each responsible individual confirming that they have read and agree with the information contained in the annual return which relates to the place at, from or in relation to which they have been designated by the service provider as the responsible individual.

Form of annual return

9. An annual return must be in the form of an on-line return which is accessed from the pages of the website maintained by the Welsh Government which have been established for the purpose of informing service providers of the requirements for the preparation and submission of annual returns.

Time limit for submission of annual returns

10. An annual return must be submitted to the Welsh Ministers within 56 days of the end of the financial year to which it relates.

Huw Irranca-Davies

Gweinidog Gofal Cymdeithasol a Phlant, o dan awdurdod Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
14 Tachwedd 2017

Minister for Children and Social Care, under authority of the Cabinet Secretary for Health and Social Services, one of the Welsh Ministers

14 November 2017

YR ATODLEN

Rheoliadau 5 a 6

Gwybodaeth i gael ei chynnwys yn y datganiad blynyddol

Gwybodaeth gyffredinol

1. Manylion cyswllt.

Gwybodaeth am yr unigolyn cyfrifol

2. Enw'r unigolyn cyfrifol.

Gwybodaeth am staffio

3. Enw'r rheolwr.

4. Cyfanswm nifer y swyddi cyfwerth ag amser llawn (gan gynnwys swyddi sydd wedi eu llenwi a swyddi gwag).

5. Nifer y swyddi sydd wedi eu llenwi a'r swyddi gwag ym mhob un o'r categorïau a ganlyn—

- (a) rheolwr;
- (b) dirprwy Reolwr;
- (c) staff goruchwyllo eraill;
- (d) staff gofal nyrsio;
- (e) nyrsys cofrestredig;
- (f) uwch staff gofal cymdeithasol sy'n darparu gofal uniongyrchol;
- (g) staff gofal cymdeithasol eraill sy'n darparu gofal uniongyrchol;
- (h) staff domestig;
- (i) staff arlwyyo;
- (j) mathau eraill o staff nad ydynt wedi eu rhestru uchod.

6. Os yw nifer y staff a gyflogir yn cynnwys staff o fath nad yw wedi ei restru ym mharagraff 5(a) i (i), manylion y math neu'r mathau o'r staff hynny.

7. Cyfradd trosiant staff.

8. Y mathau o drefniadau contractiol y mae staff wedi eu cyflogi arnynt a nifer y staff a gyflogir ar bob math o drefniant contractiol ym mhob un o'r categorïau a restrir ym mharagraff 5.

9. Cymwysterau'r staff a gyflogir ym mhob un o'r categorïau a restrir ym mharagraff 5.

SCHEDULE

Regulations 5 and 6

Information to be contained in annual return

General information

1. Contact details.

Information about the responsible individual

2. The name of the responsible individual.

Information about staffing

3. The name of the manager.

4. The total number of full time equivalent posts (including filled and vacant posts).

5. The number of filled and vacant posts in each of the following categories—

- (a) manager;
- (b) deputy Manager;
- (c) other supervisory staff;
- (d) nursing care staff;
- (e) registered nurses;
- (f) senior social care staff providing direct care;
- (g) other social care staff providing direct care;
- (h) domestic staff;
- (i) catering staff;
- (j) other types of staff not listed above.

6. If the number of staff employed includes staff of a type not listed in paragraph 5(a) to (i), details of the type or types of such staff.

7. The rate of staff turnover.

8. The types of contractual arrangements on which staff are employed and the number of staff employed on each type of contractual arrangement in each of the categories listed in paragraph 5.

9. The qualifications of staff employed in each of the categories listed in paragraph 5.

10. Manylion unrhyw hyfforddiant perthnasol y mae staff a gyflogir ym mhob un o'r categorïau a restrir ym mharagraff 5 wedi ei gyflawni yn ystod y cyfnod y maent wedi eu cyflogi ynddo gan y darparwr gwasanaeth.

Gwybodaeth am y gwasanaeth a ddarperir

11. Manylion y raddfa ffioedd sy'n daladwy gan ddefnyddwyr y gwasanaeth yn ystod y flwyddyn ariannol ddiwethaf.

12. Manylion yr ieithoedd a ddefnyddir i ddarparu'r gwasanaeth.

13. Manylion unrhyw ddulliau cyfathrebu nad ydynt yn rhai llafar a ddefnyddir.

14. Cyfanswm nifer y cwynion ffurfiol a wnaed yn ystod y flwyddyn ariannol ddiwethaf a chyfran y cwynion hynny na chawsant eu cadarnhau, a gafodd eu cadarnhau'n rhannol ac a gafodd eu cadarnhau.

15. Manylion y trefniadau a wneir ar gyfer ymgynghori â defnyddwyr y gwasanaeth ynghylch gweithrediad y gwasanaeth rheoleiddiedig.

Gwybodaeth ychwanegol pan fo'r gwasanaeth yn cynnwys y ddarpariaeth o lety

16. Patrymau sifft nodweddiadol y staff a gyflogir, gan ddangos nifer y staff ym mhob un o'r categorïau a restrir ym mharagraff 5(d), (e), (f) ac (g) sydd ar ddyletswydd yn ystod pob sifft.

17. Nifer yr ystafelloedd gwely sengl ac ystafelloedd gwely a rennir.

18. Nifer yr ystafelloedd gwely a chanddynt gyfleusterau en suite.

19. Nifer y lolfeydd/ystafelloedd bwyta cymunedol.

20. Nifer yr ystafelloedd ymolchi a chanddynt gyfleusterau cymorth ymolchi.

21. Manylion unrhyw le yn yr awyr agored y mae gan y preswylwyr fynediad iddo.

22. Manylion unrhyw gyfleusterau eraill y mae gan y preswylwyr fynediad atynt.

10. Details of any relevant training which has been undertaken by staff employed in each of the categories listed in paragraph 5 during the period in which they have been employed by the service provider.

Information about the service provision

11. Details of the scale of charges payable by service users during the last financial year.

12. Details of the languages used in providing the service.

13. Details of any non-verbal communication methods used.

14. The total number of formal complaints made during the last financial year and the proportion of those complaints which were not upheld, partially upheld and upheld.

15. Details of the arrangements made for consulting service users about the operation of the regulated service.

Additional information where the service involves the provision of accommodation

16. The typical shift patterns of staff employed, showing the number of staff in each of the categories listed in paragraph 5(d), (e), (f) and (g) who are on duty during each shift.

17. The number of single bedrooms and shared bedrooms.

18. The number of bedrooms with en suite facilities.

19. The number of communal lounge/dining rooms.

20. The number of bathrooms which have assisted bathing facilities.

21. Details of any outside space to which the residents have access.

22. Details of any other facilities to which the residents have access.

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