



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 163 (Cy. 40)

2019 No. 163 (W. 40)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

Rheoliadau Gwasanaethau Lleoli
Oedolion (Darparwyr
Gwasanaethau ac Unigolion
Cyfrifol) (Cymru) 2019

The Adult Placement Services
(Service Providers and Responsible
Individuals) (Wales) Regulations
2019

NODYN ESBONIADOL

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

Mae Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf") yn cyflwyno system newydd o reoleiddio gwasanaethau gofal a chymorth yng Nghymru, gan ddisodli'r un a sefydlwyd o dan Ddeddf Safonau Gofal 2000.

Mae'r Ddeddf yn cyflwyno cysyniad newydd o "gwasanaethau rheoleiddiedig" ac mae adran 2 o'r Ddeddf yn diffinio "gwasanaeth rheoleiddiedig" i gynnwys gwasanaeth lleoli oedolion. Mae paragraff 6 o Atodlen 1 i'r Ddeddf yn diffinio "gwasanaeth lleoli oedolion" fel gwasanaeth a gynhelir (pa un ai er elw ai peidio) gan awdurdod lleol neu berson arall at ddibenion lleoli oedolion gydag unigolyn yng Nghymru o dan gytundeb gofalwr (ac mae'n cynnwys unrhyw drefniadau ar gyfer recriwtio, hyfforddi a goruchwyllo unigolion o'r fath).

Yn unol â'r pwerau yn adran 27 o'r Ddeddf, mae'r Rheoliadau hyn yn gosod gofynion ar ddarparwyr gwasanaethau mewn perthynas â gwasanaethau lleoli oedolion, gan gynnwys gofynion o ran safon y gofal a'r cymorth sydd i'w darparu i unigolyn a leolir o dan gytundeb gofalwr. Mae paragraff 6 o Atodlen 1 i'r Ddeddf yn diffinio "cytundeb gofalwr" fel cytundeb ar gyfer darparu gan unigolyn lety yng nghartref yr unigolyn ynghyd â gofal a chymorth ar gyfer hyd at dri oedolyn.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act") introduces a new system of regulation of care and support services in Wales, replacing that established under the Care Standards Act 2000.

The Act introduces a new concept of "regulated services" and section 2 of the Act defines "regulated service" as including an adult placement service. Paragraph 6 of Schedule 1 to the Act defines "adult placement service" as a service carried on (whether or not for profit) by a local authority or other person for the purposes of placing adults with an individual in Wales under a carer agreement (and includes any arrangements for the recruitment, training and supervision of such individuals).

In accordance with powers in section 27 of the Act, these Regulations impose requirements on service providers in relation to adult placement services, including requirements as to the standard of care and support to be provided to an individual who is placed under a carer agreement. Paragraph 6 of Schedule 1 to the Act defines "carer agreement" as an agreement for the provision by an individual of accommodation at the individual's home together with care and support for up to three adults.

Mae Rhan 1 o'r Rheoliadau yn cynnwys diffiniadau o dermau penodol sy'n cael eu defnyddio yn y Rheoliadau.

Mae Rhan 2 o'r Rheoliadau yn nodi'r gofynion cyffredinol ar ddarparwyr gwasanaethau. Mae'r gofynion hyn yn ymwneud â darparu'r gwasanaeth lleoli oedolion (y cyfeirir ato yn y Rheoliadau hyn fel "y gwasanaeth"), gofynion penodol mewn perthynas â'r datganiad o ddiben, gofynion mewn perthynas â monitro a gwella'r gwasanaeth, gofynion mewn perthynas â'r unigolyn cyfrifol a gofynion i ddarparu'r gwasanaeth yn unol â pholisïau a gweithdrefnau.

Mae Rhan 3 o'r Rheoliadau yn pennu'r gofynion ar ddarparwyr gwasanaethau o ran y camau sydd i'w cymryd cyn cytuno i ddarparu gofal a chymorth. Mae hyn yn ymwneud ag addasrwydd y gwasanaeth.

Mae Rhan 4 o'r Rheoliadau yn pennu'r gofynion ar y darparwr gwasanaeth o ran y camau sydd i'w cymryd wrth gychwyn darparu gofal a chymorth a safon y gofal a'r cymorth sydd i'w darparu. Mae hyn yn cynnwys llunio cytundeb gofalwr, llunio cytundeb lleoli unigolyn a llunio ac adolygu cynllun personol.

Mae Rhan 5 o'r Rheoliadau yn pennu'r gofynion ar ddarparwyr gwasanaethau o ran yr wybodaeth sydd i'w darparu i unigolion wrth gychwyn darparu gofal a chymorth.

Mae Rhan 6 o'r Rheoliadau yn pennu gofynion ar ddarparwyr gwasanaethau o ran safon y gofal a'r cymorth sydd i'w darparu. Mae hyn yn cynnwys gofynion cyffredinol, darparu gwybodaeth, rhoi trefniadau yn eu lle i sicrhau bod anghenion iaith unigolion yn cael eu diwallu a sicrhau bod unigolion yn cael eu trin â pharch a sensitifrwydd.

Mae Rhan 7 o'r Rheoliadau yn pennu gofynion diogelu ar ddarparwyr gwasanaethau. Mae hyn yn cynnwys polisïau a gweithdrefnau diogelu, cefnogi unigolion i reoli eu harian, defnyddio rheolaeth ac ataliaeth yn briodol ac amddifadu o ryddid.

Mae Rhan 8 o'r Rheoliadau yn pennu gofynion ar ddarparwyr gwasanaethau o ran staffio. Mae hyn yn cynnwys addasrwydd staff, cefnogi a datblygu staff, cydymffurfedd â chod ymarfer y cyflogwr, gwybodaeth ar gyfer staff a gweithdrefnau disgyblu.

Mae Rhan 9 o'r Rheoliadau yn pennu gofynion ar ddarparwyr gwasanaethau o ran y cymorth y mae rhaid iddo fod yn ei le ar gyfer gofalwyr lleoli oedolion. Mae hyn yn cynnwys recriwtio a hyfforddi gofalwyr lleoli oedolion, perthnasoedd effeithiol, cymorth, hyfforddiant a gwybodaeth ar gyfer gofalwyr lleoli oedolion ac addasrwydd gofalwyr lleoli oedolion.

Part 1 of the Regulations contains definitions of certain terms used in the Regulations.

Part 2 of the Regulations sets out the general requirements on service providers. These requirements relate to the provision of the adult placement service (in these Regulations referred to as "the service"), specific requirements in relation to the statement of purpose, requirements in relation to the monitoring and improvement of the service, requirements in relation to the responsible individual and requirements to provide the service in accordance with policies and procedures.

Part 3 of the Regulations specifies the requirements on service providers as to the steps to be taken before agreeing to provide care and support. This concerns the suitability of the service.

Part 4 of the Regulations specifies the requirements on the service provider as to the steps to be taken on commencement of the provision of care and support and the standard of care and support to be provided. This includes the preparation of a carer agreement, the preparation of an individual placement agreement and the preparation and review of a personal plan.

Part 5 of the Regulations specifies the requirements on service providers as to the information to be provided to individuals on the commencement of the provision of care and support.

Part 6 of the Regulations specifies requirements on service providers as to the standard of care and support to be provided. This includes overarching requirements, the provision of information, putting arrangements in place to ensure that the language needs of individuals are met and ensuring that individuals are treated with respect and sensitivity.

Part 7 of the Regulations specifies safeguarding requirements on service providers. This includes safeguarding policies and procedures, supporting individuals to manage their money, the appropriate use of control and restraint and the deprivation of liberty.

Part 8 of the Regulations specifies requirements on service providers as to staffing. This includes the fitness of staff, the support and development of staff, compliance with the employer's code of practice, information for staff and disciplinary procedures.

Part 9 of the Regulations specifies requirements on service providers as to the support that must be in place for adult placement carers. This includes the recruitment and training of adult placement carers, effective relationships, support, training and information for adult placement carers and the fitness of adult placement carers.

Mae Rhan 10 o'r Rheoliadau yn pennu gofynion ar ddarparwyr gwasanaethau o ran mangreoedd, cyfleusterau a chyfarpar. Mae hyn yn cynnwys y mangreoedd a ddefnyddir ar gyfer gweithredu'r gwasanaeth a'r mangreoedd, y cyfleusterau a'r cyfarpar a ddefnyddir gan ofalwyr lleoli oedolion i ddiwallu anghenion unigolion.

Mae Rhan 11 o'r Rheoliadau yn pennu gofynion eraill ar ddarparwyr gwasanaethau. Mae hyn yn cynnwys cofnodion, hysbysiadau, gwrthdaro buddiannau, polisi a gweithdrefnau cwyno a chwythu'r chwiban.

Mae Rhan 12 o'r Rheoliadau yn pennu'r dyletswyddau ar unigolion cyfrifol sy'n ymwneud â rheoli'r gwasanaeth yn effeithiol. Mae'r dyletswyddau hyn yn cynnwys goruchwyllo'r gwaith o reoli'r gwasanaeth lleoli oedolion, dyletswydd i benodi rheolwr a chyfyngiadau a gofynion adrodd sy'n ymwneud â'r penodiad hwnnw a dyletswydd i wneud trefniadau pan yw'r rheolwr yn absennol. Mae Rhan 13 o'r Rheoliadau yn pennu'r dyletswyddau ar unigolion cyfrifol sy'n ymwneud â goruchwyllo'r gwasanaeth yn effeithiol. Mae hyn yn cynnwys goruchwyllo digonolrwydd adnoddau, adroddiadau eraill i'r darparwr gwasanaeth ac ymgysylltu ag unigolion ac eraill. Mae Rhan 14 o'r Rheoliadau yn pennu'r dyletswyddau ar unigolion cyfrifol sy'n ymwneud â sicrhau cydymffurfedd y gwasanaeth. Mae hyn yn cynnwys dyletswydd i sicrhau bod systemau yn eu lle i gofnodi digwyddiadau a chwynion a bod systemau yn eu lle i gadw cofnodion ac i sicrhau bod polisiâu a gweithdrefnau yn gyfredol. Mae Rhan 15 o'r Rheoliadau yn pennu'r dyletswyddau ar unigolion cyfrifol ar gyfer monitro, adolygu a gwella ansawdd y gwasanaeth rheoleiddiedig. Mae Rhan 16 yn gosod gofynion ar unigolion cyfrifol mewn perthynas â chymorth ar gyfer staff sy'n codi pryderon, dyletswydd gonestrwydd a hysbysiadau.

Mae Rhan 17 o'r Rheoliadau yn gwneud darpariaeth ar gyfer troseddau y mae darparwr ac unigolyn cyfrifol yn eu cyflawni os byddant yn methu â chydymffurfio â gofynion penodedig.

Mae Rhan 18 o'r Rheoliadau yn gwneud darpariaeth ar gyfer darparwyr gwasanaethau sydd wedi eu datod etc. neu sydd wedi marw. Mae Rhan 19 o'r Rheoliadau yn gwneud darpariaethau ar gyfer dynodi unigolyn cyfrifol gan Weinidogion Cymru o dan adran 21(5) o'r Ddeddf.

Part 10 of the Regulations specifies requirements on service providers as to premises, facilities and equipment. This includes the premises used for the operation of the service and the premises, facilities and equipment used by adult placement carers to meet the needs of individuals.

Part 11 of the Regulations specifies other requirements on service providers. This includes records, notifications, conflicts of interest, complaints policy and procedures and whistleblowing.

Part 12 of the Regulations specifies the duties on responsible individuals which relate to the effective management of the service. These duties include the supervision of management of the adult placement service, a duty to appoint a manager and restrictions and reporting requirements relating to that appointment and a duty to make arrangements when the manager is absent. Part 13 of the Regulations specifies the duties on responsible individuals which relate to the effective oversight of the service. This includes the oversight of the adequacy of resources, other reports to the service provider and engagement with individuals and others. Part 14 of the Regulations specifies the duties on responsible individuals which relate to ensuring the compliance of the service. This includes a duty to ensure there are systems in place to record incidents and complaints and that there are systems in place to keep records and ensure policies and procedures are up to date. Part 15 of the Regulations specifies the duties on responsible individuals for monitoring, reviewing and improving the quality of the regulated service. Part 16 places requirements on responsible individuals in relation to support for staff raising concerns, duty of candour and notifications.

Part 17 of the Regulations makes provision for offences that a provider and a responsible individual commit in the event that they fail to comply with specified requirements.

Part 18 of the Regulations makes provision for service providers who are liquidated etc. or who have died. Part 19 of the Regulations makes provisions for the designation of a responsible individual by the Welsh Ministers under section 21(5) of the Act.

Mae canllawiau wedi cael eu cyhoeddi ynghylch sut y caiff y darparwr gwasanaeth a'r unigolion cyfrifol gydymffurfio â'r gofynion a osodir gan y Rheoliadau hyn (gan gynnwys sut y caiff y darparwr gwasanaeth gyrraedd unrhyw safonau ar gyfer darparu gwasanaeth rheoleiddiedig) ac mae adran 29 o'r Ddeddf yn ei gwneud yn ofynnol i'r darparwr a'r unigolyn cyfrifol roi sylw i'r canllawiau hyn.

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.

Guidance has been published about how the service provider and responsible individual may comply with the requirements imposed by these Regulations (including how the service provider may meet any standards for the provision of a regulated service) and section 29 of the Act requires the provider and responsible individual to have regard to this guidance.

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.

2019 Rhif 163 (Cy. 40)

2019 No. 163 (W. 40)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

**Rheoliadau Gwasanaethau Lleoli
Oedolion (Darparwyr
Gwasanaethau ac Unigolion
Cyfrifol) (Cymru) 2019**

**The Adult Placement Services
(Service Providers and Responsible
Individuals) (Wales) Regulations
2019**

Gwnaed 31 Ionawr 2019

Made 31 January 2019

Yn dod i rym 29 Ebrill 2019

Coming into force 29 April 2019

CYNNWYS

CONTENTS

RHAN 1

Cyffredinol

1. Enwi, cychwyn a dehongli

1. Title, commencement and interpretation

RHAN 2

Gofynion cyffredinol ar ddarparwyr gwasanaethau

General requirements on service providers

2. Gofynion mewn perthynas â darparu'r gwasanaeth
3. Gofynion mewn perthynas â'r datganiad o ddiben
4. Gofynion mewn perthynas â monitro a gwella
5. Gofynion mewn perthynas â'r unigolyn cyfrifol
6. Gofynion mewn perthynas â'r unigolyn cyfrifol pan fo'r darparwr gwasanaeth yn unigolyn
7. Gofynion mewn perthynas â chynaliadwyedd ariannol y gwasanaeth
8. Gofynion i ddarparu'r gwasanaeth yn unol â pholisiâu a gweithdrefnau
9. Dyletswydd gonestrwydd

2. Requirements in relation to the provision of the service
3. Requirements in relation to the statement of purpose
4. Requirements in relation to monitoring and improvement
5. Requirements in relation to the responsible individual
6. Requirements in relation to the responsible individual where the service provider is an individual
7. Requirements in relation to the financial sustainability of the service
8. Requirements to provide the service in accordance with policies and procedures
9. Duty of candour

RHAN 3

Gofynion ar ddarparwyr gwasanaethau o ran y camau sydd i'w cymryd cyn cytuno i ddarparu gofal a chymorth

PART 3

Requirements on service providers as to the steps to be taken before agreeing to provide care and support

10. Addasrwydd y gwasanaeth

10. Suitability of the service

RHAN 4

Gofynion ar ddarparwyr gwasanaethau o ran y camau sydd i'w cymryd wrth gychwyn darparu gofal a chymorth

11. Cytundeb gofalwr
12. Cytundeb lleoli unigolyn
13. Cynllun personol
14. Adolygu'r cynllun personol
15. Cofnodion o'r cynllun personol

RHAN 5

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

16. Gwybodaeth am y gwasanaeth

RHAN 6

Gofynion ar ddarparwyr gwasanaethau o ran safon y gofal a'r cymorth sydd i'w darparu

17. Safonau gofal a chymorth – gofynion cyffredinol
18. Gwybodaeth
19. Iaith a chyfathrebu
20. Parch a sensitifrwyd

RHAN 7

Gofynion ar ddarparwyr gwasanaethau - diogelu

21. Diogelu – gofyniad cyffredinol
22. Polisiau a gweithdrefnau diogelu
23. Cefnogi unigolion i reoli eu harian
24. Defnyddio rheolaeth ac ataliaeth yn briodol
25. Amddifadu o ryddid
26. Dehongli Rhan 7

RHAN 8

Gofynion ar ddarparwyr gwasanaethau o ran staffio

27. Staffio – gofynion cyffredinol
28. Addasrwydd staff
29. Cefnogi a datblygu staff
30. Cydymffurfio â chod ymarfer y cyflogwr
31. Gwybodaeth ar gyfer staff
32. Gweithdrefn ddisgyblu

RHAN 9

Gofynion ar ddarparwyr gwasanaethau o ran gofalwyr lleoli oedolion

33. Recriwtio a hyfforddi gofalwyr lleoli oedolion
34. Perthnasoedd effeithiol
35. Cymorth a gwybodaeth ar gyfer gofalwyr lleoli oedolion

PART 4

Requirements on service providers as to the steps to be taken on commencement of the provision of care and support

11. Carer agreement
12. Individual placement agreement
13. Personal plan
14. Review of personal plan
15. Records of personal plan

PART 5

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

16. Information about the service

PART 6

Requirements on service providers as to the standard of care and support to be provided

17. Standards of care and support – overarching requirements
18. Information
19. Language and communication
20. Respect and sensitivity

PART 7

Requirements on service providers - safeguarding

21. Safeguarding –overarching requirement
22. Safeguarding policies and procedures
23. Supporting individuals to manage their money
24. The appropriate use of control and restraint
25. Deprivation of liberty
26. Interpretation of Part 7

PART 8

Requirements on service providers as to staffing

27. Staffing – overarching requirements
28. Fitness of staff
29. Supporting and developing staff
30. Compliance with employer's code of practice
31. Information for staff
32. Disciplinary procedure

PART 9

Requirements on service providers as to adult placement carers

33. Recruitment and training of adult placement carers
34. Effective relationships
35. Support and information for adult placement carers

36. Addasrwydd gofalwyr lleoli oedolion

RHAN 10

Gofynion ar ddarparwyr gwasanaethau o ran mangreoedd, cyfleusterau a chyfarpar

- 37. Gofyniad cyffredinol
- 38. Digonolrwydd mangreoedd
- 39. Mangreoedd, cyfleusterau a chyfarpar – gofalwyr lleoli oedolion

RHAN 11

Gofynion eraill ar ddarparwyr gwasanaethau

- 40. Cofnodion
- 41. Hysbysiadau
- 42. Gwrthdaro buddiannau
- 43. Polisi a gweithdrefnau cwyno
- 44. Chwythu'r chwiban

RHAN 12

Gofynion ar unigolion cyfrifol ar gyfer sicrhau bod y gwasanaeth yn cael ei reoli'n effeithiol

- 45. Goruchwyllo'r gwaith o reoli'r gwasanaeth
- 46. Dyletswydd i benodi rheolwr
- 47. Gofynion o ran addasrwydd ar gyfer penodi rheolwr
- 48. Cyfyngiadau ar benodi rheolwr ar gyfer mwy nag un gwasanaeth
- 49. Dyletswydd i adrodd am benodi rheolwr i'r darparwr gwasanaeth
- 50. Dyletswydd i adrodd am benodi rheolwr i reoleiddiwr y gweithlu a'r rheoleiddiwr gwasanaethau
- 51. Y trefniadau pan yw'r rheolwr yn absennol
- 52. Ymweliadau

RHAN 13

Gofynion ar unigolion cyfrifol ar gyfer sicrhau bod y gwasanaeth yn cael ei oruchwyllo'n effeithiol

- 53. Goruchwyllo digonolrwydd adnoddau
- 54. Adroddiadau eraill i'r darparwr gwasanaeth
- 55. Ymgysylltu ag unigolion ac eraill

RHAN 14

Gofynion ar unigolion cyfrifol ar gyfer sicrhau cydymffurfedd y gwasanaeth

- 56. Dyletswydd i sicrhau bod systemau yn eu lle i gofnodi digwyddiadau a chwynion
- 57. Dyletswydd i sicrhau bod systemau yn eu lle ar gyfer cadw cofnodion
- 58. Dyletswydd i sicrhau bod polisiau a gweithdrefnau yn gyfredol

36. Fitness of adult placement carers

PART 10

Requirements on service providers as to premises, facilities and equipment

- 37. Overarching requirement
- 38. Adequacy of premises
- 39. Premises, facilities and equipment - adult placement carers

PART 11

Other requirements on service providers

- 40. Records
- 41. Notifications
- 42. Conflicts of interest
- 43. Complaints policy and procedures
- 44. Whistleblowing

PART 12

Requirements on responsible individuals for ensuring effective management of the service

- 45. Supervision of management of the service
- 46. Duty to appoint a manager
- 47. Fitness requirements for appointment of manager
- 48. Restrictions on appointing manager for more than one service
- 49. Duty to report the appointment of manager to the service provider
- 50. Duty to report appointment of manager to the workforce and service regulators
- 51. Arrangements when manager is absent
- 52. Visits

PART 13

Requirements on responsible individuals for ensuring effective oversight of the service

- 53. Oversight of adequacy of resources
- 54. Other reports to the service provider
- 55. Engagement with individuals and others

PART 14

Requirements on responsible individuals for ensuring the compliance of the service

- 56. Duty to ensure there are systems in place to record incidents and complaints
- 57. Duty to ensure there are systems in place for keeping of records
- 58. Duty to ensure policies and procedures are up to date

RHAN 15

Gofynion ar unigolion cyfrifol ar gyfer monitro, adolygu a gwella ansawdd y gwasanaeth rheoleiddiedig

- 59. Adolygiad o ansawdd y gofal
- 60. Datganiad o gydymffurfedd â'r gofynion o ran safonau gofal a chymorth

RHAN 16

Gofynion eraill ar unigolion cyfrifol

- 61. Cymorth ar gyfer staff sy'n codi pryderon
- 62. Dyletswydd gonestrwydd
- 63. Hysbysiadau

RHAN 17

Troseddau

- 64. Troseddau – darparwyr gwasanaethau
- 65. Troseddau – unigolion cyfrifol

RHAN 18

Darparwyr gwasanaethau sydd wedi eu datod etc. neu sydd wedi marw

- 66. Penodi datodwyr etc.
- 67. Marwolaeth y darparwr gwasanaeth

RHAN 19

Rheoliadau o dan adran 21(5) o'r Ddeddf

- 68. Dynodiad unigolyn cyfrifol gan Weinidogion Cymru

PART 15

Requirements on responsible individuals for monitoring, reviewing and improving the quality of the regulated service

- 59. Quality of care review
- 60. Statement of compliance with the requirements as to standards of care and support

PART 16

Other requirements on responsible individuals

- 61. Support for staff raising concerns
- 62. Duty of candour
- 63. Notifications

PART 17

Offences

- 64. Offences – service providers
- 65. Offences – responsible individuals

PART 18

Service providers who are liquidated etc. or who have died

- 66. Appointment of liquidators etc.
- 67. Death of the service provider

PART 19

Regulations under section 21(5) of the Act

- 68. Designation of responsible individual by Welsh Ministers

ATODLEN 1

RHAN 1 – Gwybodaeth a dogfennaeth sydd i fod ar gael mewn cysylltiad â gofalwyr lleoli oedolion a phersonau sy'n gweithio yn y gwasanaeth

RHAN 2 – Dehongli Rhan 1

ATODLEN 2 — Y cofnodion sydd i'w cadw mewn cysylltiad â gwasanaethau

ATODLEN 3 — Hysbysiadau gan y darparwr gwasanaeth

ATODLEN 4 — Hysbysiadau gan yr unigolyn cyfrifol

SCHEDULE 1

PART 1 – Information and documentation to be available in respect of adult placement carers and persons working at the service

PART 2 – Interpretation of Part 1

SCHEDULE 2 — Records to be kept in respect of services

SCHEDULE 3 — Notifications by the service provider

SCHEDULE 4 — Notifications by the responsible individual

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 21(5), 27, 28, 30, 31, 45, 46 a 187(1) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(1).

Mae Gweinidogion Cymru wedi ymgynghori â'r personau hynny y maent yn meddwl eu bod yn briodol, fel sy'n ofynnol gan adrannau 27(4)(a) ac 28(4) o'r Ddeddf honno, ac wedi cyhoeddi datganiad ynghylch yr ymgynghoriad fel sy'n ofynnol gan adran 27(4)(b) o'r Ddeddf honno. Mae Gweinidogion Cymru wedi gosod y datganiad gerbron Cynulliad Cenedlaethol Cymru fel sy'n ofynnol gan adran 27(5) o'r Ddeddf honno.

Gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru o dan adran 187(2)(f), (g), (j) a (k) o'r Ddeddf honno ac fe'i cymeradwywyd ganddo drwy benderfyniad.

RHAN 1

Cyffredinol

Enwi, cychwyn a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Lleoli Oedolion (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2019.

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

(3) Yn y Rheoliadau hyn—

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

ystyr “ardal benodedig” (“*specified area*”) yw ardal a bennir mewn amod i gofrestrriad y darparwr gwasanaeth fel man y mae'r gwasanaeth i'w ddarparu mewn perthynas ag ef;

ystyr “canlyniadau personol” (“*personal outcomes*”) yw'r canlyniadau y mae'r unigolyn sy'n cael y gofal a'r cymorth yn dymuno eu cyflawni mewn bywyd o ddydd i ddydd;

ystyr “comisiynydd y gwasanaeth” (“*service commissioner*”) yw'r awdurdod lleol neu'r corff GIG sy'n gyfrifol am wneud trefniadau â'r darparwr gwasanaeth er mwyn i ofal a chymorth gael eu darparu i unigolyn;

(1) 2016 decc 2.

(2) 2010 p. 15.

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 21(5), 27, 28, 30, 31, 45, 46 and 187(1) of the Regulation and Inspection of Social Care (Wales) Act 2016(1).

The Welsh Ministers have consulted such persons as they think appropriate, as required by sections 27(4)(a) and 28(4) of that Act and published a statement about the consultation as required by section 27(4)(b) of that Act. The Welsh Ministers have laid the statement before the National Assembly for Wales as required by section 27(5) of that Act.

A draft of these Regulations was laid before the National Assembly for Wales under section 187(2)(f), (g), (j) and (k) of that Act and has been approved by a resolution of the National Assembly for Wales.

PART 1

General

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019.

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

(3) In these Regulations—

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

“adult placement carer” (“*gofalwr lleoli oedolion*”) means a person who has entered into a carer agreement(2) with a service provider;

“care and support plan” (“*cynllun gofal a chymorth*”) means a plan under section 54 of the 2014 Act(3);

“DBS certificate” (“*tystysgrif GDG*”) means a certificate of a type referred to in paragraph 2 or 3 of Schedule 1;

“employee” (“*cyflogai*”) has the same meaning as in section 230(1) of the Employment Rights Act 1996(4);

(1) 2016 anaw 2.

(2) “Carer agreement” is defined in paragraph 6(2) of Schedule 1 to the Act as “an agreement for the provision by an individual of accommodation at the individual’s home together with care and support for up to three adults”.

(3) “The 2014 Act” is defined in section 189 of the Act as the Social Services and Well-Being (Wales) Act 2014 (anaw 4).

(4) 1996 c. 18.

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

ystyr “cynllun gofal a chymorth” (“*care and support plan*”) yw cynllun o dan adran 54 o Ddeddf 2014(2);

ystyr “cynllun personol” (“*personal plan*”) yw’r cynllun y mae’n ofynnol iddo gael ei lunio yn unol â rheoliad 13(1);

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

ystyr “cytundeb lleoli unigolyn” (“*individual placement agreement*”) yw cytundeb rhwng darparwr gwasanaeth, gofalwr lleoli oedolion ac unigolyn i ofalwr lleoli oedolion ddarparu llety a gofal a chymorth i’r unigolyn hwnnw;

ystyr “darparwr gwasanaeth” (“*service provider*”) yw person sy’n cynnal gwasanaeth lleoli oedolion(3);

ystyr “y datganiad o ddiben” (“*the statement of purpose*”) yw’r datganiad o ddiben ar gyfer y man y mae’r gwasanaeth wedi ei ddarparu ynddo, ohono neu mewn perthynas ag ef(4);

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

ystyr “gofalwr lleoli oedolion” (“*adult placement carer*”) yw person sydd wedi ymrwymo i gytundeb gofalwr(5) â darparwr gwasanaeth;

ystyr “y gwasanaeth” (“*the service*”), mewn perthynas â gwasanaeth lleoli oedolion, yw’r gwasanaeth a ddarperir mewn perthynas ag ardal benodedig;

ystyr “y Gwasanaeth Datgelu a Gwahardd” (“*the Disclosure and Barring Service*”) a’r “GDG”

“health care professional” (“*proffesiynolyn gofal iechyd*”) means a person who is registered as a member of any profession to which section 60(2) of the Health Act 1999(1) applies;

“individual placement agreement” (“*cytundeb lleoli unigolyn*”) means an agreement between a service provider, an adult placement carer and an individual for an adult placement carer to provide accommodation and care and support to that individual;

“personal outcomes” (“*canlyniadau personol*”) means the outcomes that the individual receiving the care and support wishes to achieve in day to day life;

“personal plan” (“*cynllun personol*”) means the plan required to be prepared in accordance with regulation 13(1);

“reasonable adjustments” (“*addasiadau rhesymol*”) means such reasonable adjustments as would be required under the Equality Act 2010(2);

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

“service commissioner” (“*comisiynydd y gwasanaeth*”) means the local authority or NHS body which is responsible for making arrangements with the service provider for care and support to be provided to an individual;

“service provider” (“*darparwr gwasanaeth*”) means a person carrying on an adult placement service(3);

“specified area” (“*ardal benodedig*”) means an area specified in a condition to the service provider’s registration as a place in relation to which the service is to be provided;

“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,

(1) 1996 p. 18.

(2) Diffinnir “Deddf 2014” yn adran 189 o’r Ddeddf fel Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (decc 4).

(3) Diffinnir “gwasanaeth lleoli oedolion” ym mharagraff 6(1) o Atodlen 1 i’r Ddeddf fel “gwasanaeth a gynhelir (pa un ai er elw ai peidio) gan awdurdod lleol neu berson arall at ddibenion lleoli oedolion gydag unigolyn yng Nghymru o dan gytundeb gofalwr (ac mae’n cynnwys unrhyw drefniadau ar gyfer recriwtio, hyfforddi a goruchwyllo unigolion o’r fath)”.

(4) Mae rheoliad 3 o Reoliadau Gwasanaethau Rheoleiddiedig (Cofrestru) (Cymru) 2017 (O.S. 2017/1098 (Cy. 278)) yn ei gwneud yn ofynnol i berson sy’n dymuno darparu gwasanaethau lleoli oedolion ddarparu datganiad o ddiben ar gyfer pob man y mae’r gwasanaeth i’w ddarparu ohono.

(5) Diffinnir “cytundeb gofalwr” ym mharagraff 6(2) o Atodlen 1 i’r Ddeddf fel “cytundeb ar gyfer darparu gan unigolyn lety yng nghartref yr unigolyn ynghyd â gofal a chymorth ar gyfer hyd at dri oedolyn”.

(1) 1999 c. 8.

(2) 2010 c. 15.

(3) “Adult placement service” is defined in paragraph 6(1) of Schedule 1 to the Act as “a service carried on (whether or not for profit) by a local authority or other person for the purposes of placing adults with an individual in Wales under a carer agreement (and includes any arrangements for the recruitment, training and supervision of such individuals)”.

(“DBS”) yw’r corff a sefydlir gan adran 87(1) o Ddeddf Diogelu Rhyddidau 2012(1);

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

ystyr “proffesiynolyn gofal iechyd” (“*health care professional*”) yw person sydd wedi ei gofrestru’n aelod o unrhyw broffesiwn y mae adran 60(2) o Ddeddf Iechyd 1999(2) yn gymwys iddo;

ystyr “y rheoleiddiwr gwasanaethau” (“*the service regulator*”) yw Gweinidogion Cymru wrth arfer eu swyddogaethau rheoleiddiol(3);

ystyr “rheoleiddiwr y gweithlu” (“*the workforce regulator*”) yw GCC(4);

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 neu ofalwyr lleoli oedolion;

ystyr “tystysgrif GDG” (“*DBS certificate*”) yw tystysgrif o fath y cyfeirir ato ym mharagraff 2 neu 3 o Atodlen 1;

ystyr “yr unigolyn” (“*the individual*”), oni bai bod y cyd-destun yn nodi fel arall, yw’r oedolyn sy’n cael gofal a chymorth.

but does not include persons who are allowed to work as volunteers or adult placement carers;

“the 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(1);

“the individual” (“*yr unigolyn*”) means, unless the context indicates otherwise, the adult who is receiving care and support;

“the service” (“*y gwasanaeth*”) means in relation to an adult placement service, the service which is provided in relation to a specified area;

“the service regulator” (“*y rheoleiddiwr gwasanaethau*”) means the Welsh Ministers in the exercise of their regulatory functions(2);

“the statement of purpose” (“*y datganiad o ddiben*”) means the statement of purpose for the place at, from or in relation to which the service is provided(3);

“the workforce regulator” (“*rheoleiddiwr y gweithlu*”) means SCW(4);

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

RHAN 2

Gofynion cyffredinol ar ddarparwyr gwasanaethau

Gofynion mewn perthynas â darparu’r gwasanaeth

2. 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.

PART 2

General requirements on service providers

Requirements in relation to the provision of the service

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

(1) 2012 p. 9.

(2) 1999 p. 8.

(3) Diffinnir “swyddogaethau rheoleiddiol” yn adran 3(1)(b) o’r Ddeddf.

(4) *Gweler* adran 67(3) o’r Ddeddf am y diffiniad o Ofal Cymdeithasol Cymeu fel “GCC”.

(1) 2012 c. 9.

(2) “Regulatory functions” is defined in section 3(1)(b) of the Act.

(3) Regulation 3 of the Regulated Services (Registration) (Wales) Regulations 2017 (S.I. 2017/1098 (W. 278)) requires a person who wants to provide adult placement services to provide a statement of purpose for each place from which the service is to be provided.

(4) *See* section 67(3) of the Act for the definition of Social Care Wales as “SCW”.

Gofynion mewn perthynas â'r datganiad o ddiben

3.—(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.

(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) yr unigolyn,
- (c) y gofalwr lleoli oedolion,
- (d) unrhyw gynrychiolydd, oni bai nad yw'n briodol gwneud hynny neu y byddai gwneud hynny yn anghyson â llesiant unigolyn,
- (e) comisiynydd y gwasanaeth.

(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

4.—(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) gofaluwr lleoli oedolion,
- (d) comisiynwyr gwasanaethau, ac
- (e) staff,

ar ansawdd y gwasanaeth a sut y gellir gwella hyn.

Requirements in relation to the statement of purpose

3.—(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.

(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) the individual,
- (c) the adult placement carer,
- (d) any representative, unless it is not appropriate to do so or would be inconsistent with the well-being of an individual,
- (e) the service commissioner.

(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

4.—(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) adult placement carers,
- (d) service commissioners, and
- (e) staff,

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

(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 gofal a lunnir gan yr unigolyn cyfrifol yn unol â rheoliad 59(4).

Gofynion mewn perthynas â'r unigolyn cyfrifol

5.—(1) Nid yw'r rheoliad hwn yn gymwys i ddarparwr gwasanaeth sy'n unigolyn.

(2) Rhaid i ddarparwr gwasanaeth y mae'r rheoliad hwn yn gymwys iddo sicrhau bod y person sydd wedi ei ddynodi fel yr unigolyn cyfrifol(1)—

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

(3) Os bydd gan y darparwr gwasanaeth reswm dros gredu nad yw'r unigolyn cyfrifol wedi cydymffurfio â gofyniad a osodir gan y rheoliadau yn Rhannau 12 i 16, rhaid i'r darparwr gwasanaeth—

- (a) cymryd unrhyw gamau gweithredu sy'n angenrheidiol i sicrhau y cydymffurfir â'r gofyniad, a
- (b) hysbysu'r rheoleiddiwr gwasanaethau.

(4) Yn ystod unrhyw adeg pan nad yw'r unigolyn cyfrifol yn gallu cyflawni ei ddyletswyddau, rhaid i'r darparwr gwasanaeth sicrhau bod trefniadau yn eu lle ar gyfer—

- (a) rheoli'r gwasanaeth yn effeithiol,
- (b) goruchwyllo'r gwasanaeth yn effeithiol,
- (c) cydymffurfedd y gwasanaeth â gofynion y rheoliadau yn Rhannau 2 i 11, a
- (d) monitro, adolygu a gwella ansawdd y gwasanaeth.

(5) Os nad yw'r unigolyn cyfrifol yn gallu cyflawni ei ddyletswyddau am gyfnod o fwy nag 28 o ddiwrnodau, rhaid i'r darparwr gwasanaeth—

- (a) hysbysu'r rheoleiddiwr gwasanaethau, a
- (b) rhoi gwybod i'r rheoleiddiwr gwasanaethau am y trefniadau interim.

(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 care report prepared by the responsible individual in accordance with regulation 59(4).

Requirements in relation to the responsible individual

5.—(1) This regulation does not apply to a service provider who is an individual.

(2) A service provider to whom this regulation applies must ensure that the person who is designated as the responsible individual(1)—

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

(3) In the event that the service provider has reason to believe that the responsible individual has not complied with a requirement imposed by the regulations in Parts 12 to 16, the service provider must—

- (a) take such action as is necessary to ensure that the requirement is complied with, and
- (b) notify the service regulator.

(4) During any time when the responsible individual is unable to fulfil their duties, the service provider must ensure that there are arrangements in place for—

- (a) the effective management of the service,
- (b) the effective oversight of the service,
- (c) the compliance of the service with the requirements of the regulations in Parts 2 to 11, and
- (d) monitoring, reviewing and improving the quality of the service.

(5) If the responsible individual is unable to fulfil their duties for a period of more than 28 days, the service provider must—

- (a) notify the service regulator, and
- (b) inform the service regulator of the interim arrangements.

(1) Fel y'i diffinnir yn adran 21(1) o'r Ddeddf.

(1) As defined in section 21(1) of the Act.

Gofynion mewn perthynas â'r unigolyn cyfrifol pan fo'r darparwr gwasanaeth yn unigolyn

6.—(1) Mae'r rheoliad hwn yn gymwys pan fo'r darparwr gwasanaeth yn unigolyn.

(2) Os yw'r rheoliad hwn yn gymwys, rhaid i'r unigolyn ymgymryd â hyfforddiant priodol er mwyn cyflawni ei ddyletswyddau'n briodol fel yr unigolyn cyfrifol.

(3) Yn ystod unrhyw adeg pan yw'r darparwr gwasanaeth yn absennol, rhaid i'r unigolyn sicrhau bod trefniadau yn eu lle ar gyfer—

- (a) rheoli'r gwasanaeth yn effeithiol,
- (b) goruchwyllo'r gwasanaeth yn effeithiol,
- (c) cydymffurfedd y gwasanaeth â gofynion y rheoliadau yn Rhannau 2 i 11, a
- (d) monitro, adolygu a gwella ansawdd y gofal a'r cymorth a ddarperir gan y gwasanaeth.

(4) Os nad yw'r unigolyn yn gallu cyflawni ei ddyletswyddau fel unigolyn cyfrifol am gyfnod o fwy nag 28 o ddiwrnodau, rhaid iddo—

- (a) hysbysu'r rheoleiddiwr gwasanaethau, a
- (b) rhoi gwybod i'r rheoleiddiwr gwasanaethau am y trefniadau interim.

Gofynion mewn perthynas â chynaliadwyedd ariannol y gwasanaeth

7.—(1) Rhaid i'r darparwr gwasanaeth gymryd camau rhesymol i sicrhau bod y gwasanaeth yn gynaliadwy yn ariannol at ddiben cyflawni'r nodau a'r amcanion a nodir yn y datganiad o ddiben.

(2) Rhaid i'r darparwr gwasanaeth gynnal cyfrifon priodol a chyfredol ar gyfer y gwasanaeth.

(3) Rhaid i'r darparwr gwasanaeth ddarparu copiâu o'r cyfrifon i Weinidogion Cymru o fewn 28 o ddiwrnodau i gael cais i wneud hynny.

(4) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i gyfrifon gael eu hardystio gan gyfrifydd.

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

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

- (a) addasrwydd y gwasanaeth (gweler rheoliad 10);
- (b) diogelu (gweler rheoliad 22);
- (c) cefnogi unigolion i reoli eu harian (gweler rheoliad 23);

Requirements in relation to the responsible individual where the service provider is an individual

6.—(1) This regulation applies where the service provider is an individual.

(2) If this regulation applies, the individual must undertake appropriate training for the proper discharge of the individual's duties as the responsible individual.

(3) During any time when the service provider is absent, the individual must ensure that there are arrangements in place for—

- (a) the effective management of the service,
- (b) the effective oversight of the service,
- (c) the compliance of the service with the requirements of the regulations in Parts 2 to 11, and
- (d) monitoring, reviewing and improving the quality of the care and support provided by the service.

(4) If the individual is unable to fulfil their duties as a responsible individual for a period of more than 28 days, the individual must—

- (a) notify the service regulator, and
- (b) inform the service regulator of the interim arrangements.

Requirements in relation to the financial sustainability of the service

7.—(1) The service provider must take reasonable steps to ensure that the service is financially sustainable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The service provider must maintain appropriate and up to date accounts for the service.

(3) The service provider must provide copies of the accounts to the Welsh Ministers within 28 days of being requested to do so.

(4) The Welsh Ministers may require accounts to be certified by an accountant.

Requirements to provide the service in accordance with policies and procedures

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

- (a) suitability of the service (see regulation 10);
- (b) safeguarding (see regulation 22);
- (c) supporting individuals to manage their money (see regulation 23);

- (d) defnyddio rheolaeth neu ataliaeth yn briodol (gweler rheoliad 24);
- (e) cefnogi a datblygu staff (gweler rheoliad 29);
- (f) gweithdrefn ddisgyblu (gweler rheoliad 32);
- (g) recriwtio a hyfforddi gofalwyr lleoli oedolion (gweler rheoliad 33);
- (h) cwynion (gweler rheoliad 43);
- (i) chwythu'r chwiban (gweler rheoliad 44).

(2) Rhaid i'r darparwr gwasanaeth 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 unigolion y darperir gofal a chymorth ar eu cyfer a'u gofalwyr lleoli oedolion,
- (b) yn gyson â'r datganiad o ddiben, ac
- (c) yn cael eu cadw'n gyfredol.

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

Dyletswydd gonestrwydd

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

- (a) yr unigolyn,
- (b) unrhyw gynrychiolydd yr unigolyn,
- (c) y gofalwr lleoli oedolion, a
- (d) comisiynydd y gwasanaeth.

RHAN 3

Gofynion ar ddarparwyr gwasanaethau o ran y camau sydd i'w cymryd cyn cytuno i ddarparu gofal a chymorth

Addasrwydd y gwasanaeth

10.—(1) Ni chaiff y darparwr gwasanaeth gytuno i leoli unigolyn oni bai bod y darparwr gwasanaeth wedi penderfynu bod lleoliad oedolyn addas a all ddiwallu anghenion gofal a chymorth yr unigolyn a chefnogi'r unigolyn i gyflawni ei ganlyniadau personol.

(2) Rhaid i'r darparwr gwasanaeth gael polisi a gweithdrefnau yn eu lle ar addasrwydd y gwasanaeth.

- (d) appropriate use of control or restraint (see regulation 24);
- (e) supporting and developing staff (see regulation 29);
- (f) disciplinary procedure (see regulation 32);
- (g) recruitment and training of adult placement carers (see regulation 33);
- (h) complaints (see regulation 43);
- (i) whistleblowing (see regulation 44).

(2) The service provider must 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 care and support is provided and their adult placement carers,
- (b) consistent with the statement of purpose, and
- (c) kept up to date.

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

Duty of candour

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

- (a) the individual,
- (b) any representative of the individual,
- (c) the adult placement carer, and
- (d) the service commissioner.

PART 3

Requirements on service providers as to the steps to be taken before agreeing to provide care and support

Suitability of the service

10.—(1) The service provider must not agree to place an individual unless it has determined that there is a suitable adult placement which can meet the individual's care and support needs and support the individual to achieve their personal outcomes.

(2) The service provider must have in place a policy and procedures on the suitability of the service.

(3) Rhaid i'r darparwr gwasanaeth wrth wneud penderfyniad o dan baragraff (1) ystyried—

- (a) cynllun gofal a chymorth yr unigolyn,
- (b) os nad oes cynllun gofal a chymorth, asesiad y darparwr gwasanaeth o dan baragraff (4),
- (c) unrhyw asesiadau iechyd neu unrhyw asesiadau perthnasol eraill,
- (d) safbwyntiau, dymuniadau a theimladau'r unigolyn,
- (e) unrhyw risgiau i lesiant yr unigolyn,
- (f) unrhyw risgiau i lesiant unigolion eraill y darperir gofal a chymorth iddynt,
- (g) unrhyw risgiau i lesiant y gofalwr lleoli oedolion ac aelodau o'i aelwyd,
- (h) unrhyw addasiadau rhesymol y gallai'r darparwr gwasanaeth eu gwneud i alluogi i anghenion gofal a chymorth yr unigolyn gael eu diwallu, ac
- (i) polisi a gweithdrefnau'r darparwr gwasanaeth ar baru ar gyfer cydweddu a chychwyn y gwasanaeth.

(4) Mewn achos pan na fo gan yr unigolyn gynllun gofal a chymorth, rhaid i'r darparwr gwasanaeth—

- (a) asesu anghenion gofal a chymorth yr unigolyn, a
- (b) nodi ei ganlyniadau personol.

(5) Rhaid i'r asesiad sy'n ofynnol gan baragraff (4) gael ei gynnal gan berson sydd—

- (a) â'r sgiliau, yr wybodaeth a'r cymhwysedd i gynnal yr asesiad, a
- (b) wedi cael hyfforddiant i gynnal asesiadau.

(6) Wrth wneud y penderfyniad ym mharagraff (1), rhaid i'r darparwr gwasanaeth gynnwys yr unigolyn ac unrhyw gynrychiolydd. Ond nid yw'n ofynnol i'r darparwr gwasanaeth gynnwys cynrychiolydd—

- (a) os nad yw'r unigolyn yn dymuno i'r cynrychiolydd gael ei gynnwys, neu
- (b) pe byddai cynnwys y cynrychiolydd yn anghyson â llesiant yr unigolyn.

(3) The service provider must when making a determination under paragraph (1) take into account—

- (a) the individual's care and support plan,
- (b) if there is no care and support plan, the service provider's assessment under paragraph (4),
- (c) any health or other relevant assessments,
- (d) the individual's views, wishes and feelings,
- (e) any risks to the individual's well-being,
- (f) any risks to the well-being of other individuals to whom care and support is provided,
- (g) any risks to the well-being of the adult placement carer and members of their household,
- (h) any reasonable adjustments which the service provider could make to enable the individual's care and support needs to be met, and
- (i) the service provider's policy and procedures on matching for compatibility and commencement of the service.

(4) In a case where the individual does not have a care and support plan, the service provider must—

- (a) assess the individual's care and support needs, and
- (b) identify their personal outcomes.

(5) The assessment required by paragraph (4) must be carried out by a person who—

- (a) has the skills, knowledge and competence to carry out the assessment, and
- (b) has received training in the carrying out of assessments.

(6) In making the determination in paragraph (1), the service provider must involve the individual and any representative. But the service provider is not required to involve a representative if—

- (a) the individual does not wish the representative to be involved, or
- (b) involving the representative would not be consistent with the individual's well-being.

RHAN 4

Gofynion ar ddarparwyr gwasanaethau o ran y camau sydd i'w cymryd wrth gychwyn darparu gofal a chymorth

Cytundeb gofalwr

11.—(1) Ni chaiff y darparwr gwasanaeth leoli unigolyn gyda gofalwr lleoli oedolion oni bai bod y darparwr gwasanaeth wedi ymrwymo i gytundeb gofalwr â'r gofalwr lleoli oedolion.

(2) Rhaid i'r cytundeb gofalwr fod yn ysgrifenedig.

(3) Ni chaiff darparwr gwasanaeth ymrwymo ond i un cytundeb gofalwr â phob gofalwr lleoli oedolion.

(4) Rhaid i'r cytundeb gofalwr—

- (a) darparu bod y partïon i'r cytundeb gofalwr yn ymgymryd â'u rolau yn unol â pholisïau a gweithdrefnau'r gwasanaeth;
- (b) cynnwys trefniadau i sicrhau bod y mangreoedd, y cyfleusterau a'r cyfarpar a ddefnyddir gan ofalwyr lleoli oedolion—
 - (i) yn addas ac yn ddiogel i'r diben y bwriedir iddynt gael eu defnyddio ato;
 - (ii) yn cael eu defnyddio mewn ffordd ddiogel;
 - (iii) yn cael eu cynnal a'u cadw'n briodol;
 - (iv) yn cael eu cadw'n lân yn unol â safon sy'n briodol i'r diben y maent yn cael eu defnyddio ato;
 - (v) yn achos cyfarpar, yn cael ei storio'n briodol;
- (c) cynnwys gofyniad y dylai'r gofalwr lleoli oedolion gefnogi'r unigolyn i gael mynediad i driniaeth, cyngor a gwasanaethau eraill gan unrhyw broffesiynolyn gofal iechyd fel y bo angen;
- (d) cynnwys trefniadau i sicrhau bod meddyginiaethau yn cael eu storio a'u rhoi'n ddiogel gan gynnwys pennu o dan ba amgylchiadau y caiff gofalwr lleoli oedolion roi neu gynorthwyo i roi meddyginiaeth unigolyn a'r gweithdrefnau sydd i'w mabwysiadu o dan amgylchiadau o'r fath;
- (e) cynnwys trefniadau addas i gefnogi unigolion i reoli eu harian.

(5) Rhaid i'r darparwr gwasanaeth derfynu cytundeb gofalwr mewn unrhyw achos pan fo'r gofalwr lleoli oedolion yn peidio â bod yn addas i fod yn ofalwr lleoli oedolion yn unol â rheoliad 36.

PART 4

Requirements on service providers as to the steps to be taken on commencement of the provision of care and support

Carer agreement

11.—(1) The service provider must not make a placement of an individual with an adult placement carer unless the service provider has entered into a carer agreement with the adult placement carer.

(2) The carer agreement must be in writing.

(3) A service provider may only enter into one carer agreement with each adult placement carer.

(4) The carer agreement must—

- (a) provide that the parties to the carer agreement undertake their roles in accordance with the policies and procedures of the service;
- (b) include arrangements to ensure that the premises, facilities and equipment used by adult placement carers are—
 - (i) suitable and safe for the purpose for which they are intended to be used;
 - (ii) used in a safe way;
 - (iii) properly maintained;
 - (iv) kept clean to a standard which is appropriate for the purpose for which they are being used;
 - (v) in the case of equipment, stored appropriately;
- (c) include a requirement that the adult placement carer should support the individual to access treatment, advice and other services from any health care professional as necessary;
- (d) include arrangements to ensure that medicines are stored and administered safely including specifying in what circumstances an adult placement carer may administer or assist in the administration of an individual's medication and the procedures to be adopted in such circumstances;
- (e) include suitable arrangements to support individuals to manage their money.

(5) The service provider must terminate a carer agreement in any case in which the adult placement carer ceases to be fit to be an adult placement carer in accordance with regulation 36.

(6) Heb ragfarnu paragraff (5), rhaid i'r darparwr gwasanaeth derfynu cytundeb gofalwr mewn unrhyw achos pan fo'n ymddangos i'r darparwr gwasanaeth nad yw neu na fydd y gofalwr lleoli oedolion yn cyflawni ei rwymedigaethau o dan y cytundeb gofalwr.

(7) Ni chaiff y darparwr gwasanaeth derfynu cytundeb gofalwr heb ymgynghori'n gyntaf â'r gofalwr lleoli oedolion, oni bai nad yw'n rhesymol ymarferol ymgynghori ag ef.

Cytundeb lleoli unigolyn

12.—(1) Ni chaiff y darparwr gwasanaeth leoli unigolyn gyda gofalwr lleoli oedolion oni bai bod y darparwr gwasanaeth wedi ymrwymo i gytundeb lleoli unigolyn â'r gofalwr lleoli oedolion.

(2) Rhaid bod cytundeb lleoli unigolyn ar gyfer pob unigolyn sydd i'w leoli gyda'r gofalwr lleoli oedolion.

(3) Pryd bynnag y bo'n ymarferol, rhaid i'r unigolyn fod yn barti i'r cytundeb, a rhaid rhoi copi iddo o'r cytundeb wedi ei lofnodi sy'n ymwneud â'r gofal a'r cymorth sydd i'w darparu i'r unigolyn i gyflawni ei ganlyniadau personol.

(4) Rhaid i'r darparwr gwasanaeth gynnwys mewn cytundeb lleoli unigolyn wybodaeth sy'n galluogi pob parti sy'n ymwneud â'r cytundeb i ddeall ei rolau a'i gyfrifoldebau.

(5) Rhaid i'r cytundeb lleoli unigolyn hefyd gynnwys yr wybodaeth a ganlyn—

- (a) pryd bynnag y bo'n ymarferol, enw unigolyn ac eithrio aelod o staff y darparwr gwasanaeth, yr unigolyn cyfrifol neu'r gofalwr lleoli oedolion, sydd, gyda chydysniad datganedig neu oblygedig yr unigolyn, yn cymryd diddordeb yn iechyd a lles yr unigolyn;
- (b) yr ystafell sydd i'w meddiannu gan yr unigolyn yng nghartref y gofalwr lleoli oedolion;
- (c) y ffioedd sy'n daladwy mewn cysylltiad â'r lleoliad a chan bwy y maent yn daladwy.

(6) Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau bod unigolion yn cael unrhyw gymorth sy'n angenrheidiol i'w galluogi i ddeall yr wybodaeth a gynhwysir mewn unrhyw gytundeb o'r fath.

(7) Rhaid i'r darparwr gwasanaeth adolygu'r cytundeb lleoli unigolyn—

- (a) o leiaf unwaith o fewn blwyddyn gyntaf y lleoliad;
- (b) pryd bynnag y gwneir newid sylweddol i'r cynllun personol;

(6) Without prejudice to paragraph (5), the service provider must terminate a carer agreement in any case in which it appears to the service provider that the adult placement carer is not meeting or will not meet their obligations under the carer agreement.

(7) The service provider must not terminate a carer agreement without first consulting the adult placement carer, unless it is not reasonably practicable to consult them.

Individual placement agreement

12.—(1) The service provider must not make a placement of an individual with an adult placement carer unless the service provider has entered into an individual placement agreement with the adult placement carer.

(2) There must be an individual placement agreement for each individual to be placed with the adult placement carer.

(3) Whenever practicable the individual must be a party to the agreement, and be given a signed copy of the agreement relating to the care and support to be provided to the individual to achieve their personal outcomes.

(4) The service provider must include in an individual placement agreement information that enables each party involved in the agreement to understand their roles and responsibilities.

(5) The individual placement agreement must also include the following information—

- (a) whenever practicable, the name of an individual other than a member of staff of the service provider, the responsible individual or the adult placement carer, who with the individual's express or implied consent takes an interest in the individual's health and welfare;
- (b) the room to be occupied by the individual in the adult placement carer's home;
- (c) the fees payable in respect of the placement and by whom they are payable.

(6) The service provider must put arrangements in place to ensure that individuals receive such support as is necessary to enable them to understand the information contained in any such agreement.

(7) The service provider must review the individual placement agreement—

- (a) at least once within the first year of the placement;
- (b) whenever a significant alteration is made to the personal plan;

- (c) ar gais rhesymol yr unigolyn, unrhyw gynrychiolydd neu'r gofalwr lleoli oedolion;
- (d) beth bynnag, o fewn blwyddyn i'r adolygiad diwethaf.

(8) Rhaid i'r darparwr gwasanaeth derfynu cytundeb lleoli unigolyn mewn unrhyw achos pan fo'r gofalwr lleoli oedolion yn peidio â bod yn addas i fod yn ofalwr lleoli oedolion yn unol â rheoliad 36.

(9) Heb ragfarnu paragraff (8), rhaid i'r darparwr gwasanaeth derfynu cytundeb gofalwr mewn unrhyw achos pan fo'n ymddangos i'r darparwr gwasanaeth nad yw neu na fydd y gofalwr lleoli oedolion yn cyflawni ei rwymedigaethau o dan y cytundeb lleoli unigolyn.

(10) Ni chaiff y darparwr gwasanaeth derfynu cytundeb lleoli unigolyn heb ymgynghori'n gyntaf â'r unigolyn, oni bai nad yw'n rhesymol ymarferol ymgynghori ag ef.

Cynllun personol

13.—(1) Rhaid i'r darparwr gwasanaeth lunio cynllun i'r unigolyn sy'n nodi—

- (a) sut y bydd anghenion gofal a chymorth yr unigolyn yn cael eu diwallu o ddydd i ddydd,
- (b) sut y bydd yr unigolyn yn cael ei gefnogi i gyflawni ei ganlyniadau personol,
- (c) y camau a fydd yn cael eu cymryd i liniaru unrhyw risgiau a nodir i lesiant yr unigolyn, a
- (d) y camau a fydd yn cael eu cymryd i gefnogi cymryd risgiau cadarnhaol ac annibyniaeth, pan benderfynwyd bod hyn yn briodol.

(2) Yn y Rheoliadau hyn, cyfeirir at y cynllun y mae'n ofynnol iddo gael ei lunio o dan baragraff (1) fel cynllun personol.

(3) Rhaid i'r cynllun personol gael ei lunio cyn cychwyn darparu gofal a chymorth i'r unigolyn, oni bai bod paragraff (4) yn gymwys.

(4) Mae'r paragraff hwn yn gymwys mewn achos pan fo ar yr unigolyn angen brys am ofal a chymorth ac na fo amser wedi bod i lunio cynllun personol cyn cychwyn darparu gofal a chymorth i'r unigolyn.

(5) Os yw paragraff (4) yn gymwys, rhaid i'r cynllun personol gael ei lunio o fewn 24 awr i gychwyn darparu gofal a chymorth i'r unigolyn.

(6) Wrth lunio cynllun personol, rhaid i'r darparwr gwasanaeth gynnwys yr unigolyn ac unrhyw gynrychiolydd. Ond nid yw'n ofynnol i'r darparwr gwasanaeth gynnwys cynrychiolydd—

- (a) os nad yw'r unigolyn yn dymuno i'r cynrychiolydd gael ei gynnwys, neu

- (c) at the reasonable request of the individual, any representative or the adult placement carer;
- (d) in any event, within a year of the last review.

(8) The service provider must terminate an individual placement agreement in any case in which the adult placement carer ceases to be fit to be an adult placement carer in accordance with regulation 36.

(9) Without prejudice to paragraph (8), the service provider must terminate a carer agreement in any case in which it appears to the service provider that the adult placement carer is not meeting or will not meet their obligations under the individual placement agreement.

(10) The service provider must not terminate a individual placement agreement without first consulting the individual, unless it is not reasonably practicable to consult them.

Personal plan

13.—(1) The service provider must prepare a plan for the individual which sets out—

- (a) how on a day to day basis the individual's care and support needs will be met,
- (b) how the individual will be supported to achieve his or her personal outcomes,
- (c) the steps which will be taken to mitigate any identified risks to the individual's well-being, and
- (d) the steps which will be taken to support positive risk-taking and independence, where it has been determined this is appropriate.

(2) The plan which is required to be prepared under paragraph (1) is referred to in these Regulations as a personal plan.

(3) The personal plan must be prepared prior to commencement of the provision of care and support to the individual, unless paragraph (4) applies.

(4) This paragraph applies in a case where the individual is in urgent need of care and support and there has been no time to prepare a personal plan prior to the commencement of the provision of care and support to the individual.

(5) If paragraph (4) applies, the personal plan must be prepared within 24 hours of the commencement of the provision of care and support to the individual.

(6) When preparing a personal plan, the service provider must involve the individual and any representative. But the service provider is not required to involve a representative if—

- (a) the individual does not wish the representative to be involved, or

- (b) pe byddai cynnwys y cynrychiolydd yn anghyson â llesiant yr unigolyn.

(7) Wrth lunio'r cynllun personol, rhaid i'r darparwr gwasanaeth ystyried—

- (a) cynllun gofal a chymorth yr unigolyn,
- (b) os nad oes cynllun gofal a chymorth, asesiad y darparwr o dan reoliad 10(4),
- (c) unrhyw asesiadau iechyd neu unrhyw asesiadau perthnasol eraill,
- (d) safbwyntiau, dymuniadau a theimladau'r unigolyn,
- (e) unrhyw risgiau i lesiant yr unigolyn, ac
- (f) unrhyw risgiau i lesiant unigolion eraill y darperir gofal a chymorth iddynt yn yr un llety.

Adolygu'r cynllun personol

14.—(1) Rhaid i gynllun personol yr unigolyn gael ei adolygu fel sy'n ofynnol, a phan fo'n ofynnol, ond o leiaf bob tri mis.

(2) Rhaid i adolygiadau o gynllun personol gynnwys adolygiad o'r graddau y mae'r unigolyn wedi gallu cyflawni ei ganlyniadau personol.

(3) Wrth gynnal adolygiad o dan y rheoliad hwn, rhaid i'r darparwr gwasanaeth gynnwys yr unigolyn ac unrhyw gynrychiolydd. Ond nid yw'n ofynnol i'r darparwr gwasanaeth gynnwys cynrychiolydd—

- (a) os nad yw'r unigolyn yn dymuno i'r cynrychiolydd gael ei gynnwys, neu
- (b) pe byddai cynnwys y cynrychiolydd yn anghyson â llesiant yr unigolyn.

(4) Ar ôl cwblhau unrhyw adolygiad sy'n ofynnol gan y rheoliad hwn, rhaid i'r darparwr gwasanaeth ystyried a ddylai'r cynllun personol gael ei ddiwygio a diwygio'r cynllun fel y bo angen.

Cofnodion o'r cynllun personol

15. Rhaid i'r darparwr gwasanaeth—

- (a) cadw cofnod o'r canlynol—
 - (i) y cynllun personol ac unrhyw gynllun diwygiedig, a
 - (ii) canlyniad unrhyw adolygiad, a
- (b) rhoi copi o'r cynllun personol ac unrhyw gynllun diwygiedig i—
 - (i) yr unigolyn,
 - (ii) unrhyw gynrychiolydd, oni bai nad yw hyn yn briodol neu y byddai'n anghyson â llesiant yr unigolyn.

- (b) involving the representative would not be consistent with the individual's well-being.

(7) In preparing the personal plan, the service provider must take into account—

- (a) the individual's care and support plan,
- (b) if there is no care and support plan, the provider's assessment under regulation 10(4),
- (c) any health or other relevant assessments,
- (d) the individual's views, wishes and feelings,
- (e) any risks to the individual's well-being, and
- (f) any risks to the well-being of other individuals to whom care and support is provided in the same accommodation.

Review of personal plan

14.—(1) The individual's personal plan must be reviewed as and when required but at least every three months.

(2) Reviews of a personal plan must include a review of the extent to which the individual has been able to achieve their personal outcomes.

(3) When carrying out a review under this regulation, the service provider must involve the individual and any representative. But the service provider is not required to involve a representative if—

- (a) the individual does not wish the representative to be involved, or
- (b) involving the representative would not be consistent with the individual's well-being.

(4) Following the completion of any review required by this regulation, the service provider must consider whether the personal plan should be revised and revise the plan as necessary.

Records of personal plan

15. The service provider must—

- (a) keep a record of—
 - (i) the personal plan and any revised plan, and
 - (ii) the outcome of any review, and
- (b) give a copy of the personal plan and any revised plan to—
 - (i) the individual,
 - (ii) any representative, unless this is not appropriate or would be inconsistent with the individual's well-being.

RHAN 5

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

Gwybodaeth am y gwasanaeth

16.—(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,
- (c) cael ei roi i bob unigolyn sy'n cael gofal a chymorth,
- (d) cael ei roi i bob gofalwr lleoli oedolion,
- (e) cael ei wneud ar gael i eraill ar gais, oni bai nad yw hyn yn briodol neu y byddai'n anghyson â llesiant unrhyw unigolyn.

(3) Rhaid i'r canllaw gynnwys yr wybodaeth a ganlyn—

- (a) gwybodaeth am sut i godi pryder neu wneud cwyn;
- (b) gwybodaeth am argaeledd gwasanaethau eirioli.

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

RHAN 6

Gofynion ar ddarparwyr gwasanaethau o ran safon y gofal a'r cymorth sydd i'w darparu

Safonau gofal a chymorth - gofynion cyffredinol

17.—(1) Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau y darperir gofal a chymorth mewn ffordd sy'n amddiffyn, yn hybu ac yn cynnal diogelwch a llesiant unigolion.

(2) Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau y darperir gofal a chymorth i bob unigolyn yn unol â chynllun personol yr unigolyn.

PART 5

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

Information about the service

16.—(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) given to all individuals who are receiving care and support,
- (d) given to all adult placement carers,
- (e) made available to others on request, unless this is not appropriate or would be inconsistent with the well-being of any individual.

(3) The guide must contain the following information—

- (a) information about how to raise a concern or make a complaint;
- (b) information about the availability of advocacy services.

(4) The service provider must put arrangements in place to ensure that all individuals receive such support as is necessary to enable them to understand the information contained in the guide.

PART 6

Requirements on service providers as to the standard of care and support to be provided

Standards of care and support - overarching requirements

17.—(1) The service provider must put arrangements in place to ensure that care and support is provided in a way which protects, promotes and maintains the safety and well-being of individuals.

(2) The service provider must put arrangements in place to ensure that care and support is provided to each individual in accordance with the individual's personal plan.

(3) Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau y darperir gofal a chymorth mewn ffordd—

(a) sy'n cynnal perthnasoedd personol a phroffesiynol da ag unigolion a staff a gofalwyr lleoli oedolion; a

(b) sy'n annog ac yn cynorthwyo staff i gynnal perthnasoedd personol a phroffesiynol da ag unigolion a gofalwyr lleoli oedolion.

(4) Os nad yw'r darparwr gwasanaeth, o ganlyniad i newid yn anghenion asesedig yr unigolyn am ofal a chymorth, yn gallu diwallu'r anghenion hynny mwyach, hyd yn oed ar ôl gwneud unrhyw addasiadau rhesymol, rhaid i'r darparwr gwasanaeth roi hysbysiad ysgrifenedig o hyn i'r unigolyn, unrhyw gynrychiolydd, y gofalwr lleoli oedolion a chomisynydd y gwasanaeth ar unwaith.

Gwybodaeth

18.—(1) Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau bod gan unigolion yr wybodaeth y mae ei hangen arnynt i wneud neu gymryd rhan mewn asesiadau, cynlluniau a phenderfyniadau o ddydd i ddydd am y ffordd y darperir gofal a chymorth iddynt a sut y maent yn cael eu cefnogi i gyflawni eu canlyniadau personol.

(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.

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

Iaith a chyfathrebu

19.—(1) Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau bod anghenion iaith unigolion yn cael eu diwallu.

(2) Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau y darperir mynediad i unrhyw gymhorthion a chyfarpar sy'n angenrheidiol i unigolion a'u gofalwyr lleoli oedolion i hwyluso'r ffordd y mae'r unigolyn yn cyfathrebu ag eraill.

(3) The service provider must put arrangements in place to ensure that care and support is provided in a way which—

(a) maintains good personal and professional relationships with individuals and staff and adult placement carers; and

(b) encourages and assists staff to maintain good personal and professional relationships with individuals and adult placement carers.

(4) If, as a result of a change in the individual's assessed needs for care and support, the service provider is no longer able to meet those needs, even after making any reasonable adjustments, the service provider must immediately give written notification of this to the individual, any representative, the adult placement carer and the service commissioner.

Information

18.—(1) The service provider must put arrangements in place to ensure that individuals have the information they need to make or participate in assessments, plans and day to day decisions about the way care and support is provided to them and how they are supported to achieve their personal outcomes.

(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.

(3) The service provider must put arrangements in place to ensure that the individual receives such support as is necessary to enable them to understand the information provided.

Language and communication

19.—(1) The service provider must put arrangements in place to ensure that the language needs of individuals are met.

(2) The service provider must put arrangements in place to ensure that individuals and their adult placement carers are provided with access to such aids and equipment as may be necessary to facilitate the individual's communication with others.

Parch a sensitifrwydd

20.—(1) Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i 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) yr unigolyn.

RHAN 7

Gofynion ar ddarparwyr gwasanaethau - diogelu

Diogelu – gofyniad cyffredinol

21. Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau bod unigolion yn ddiogel ac yn cael eu hamddiffyn rhag camdriniaeth, esgeulustod a thriniaeth amhriodol.

Polisiâu a gweithdrefnau diogelu

22.—(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 roi trefniadau yn eu lle i 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 gofal a chymorth ar ei gyfer,
- (c) gwneud atgyfeiriadau priodol i asiantaethau eraill, a

Respect and sensitivity

20.—(1) The service provider must put arrangements in place to 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) of the individual.

PART 7

Requirements on service providers - safeguarding

Safeguarding – overarching requirement

21. The service provider must put arrangements in place to ensure that individuals are safe and are protected from abuse, neglect and improper treatment.

Safeguarding policies and procedures

22.—(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 put arrangements in place to 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 care and support is provided,
- (c) make appropriate referrals to other agencies, and

- (d) cadw cofnod o unrhyw dystiolaeth neu sylwedd unrhyw honiad, unrhyw gamau gweithredu a gymerir ac unrhyw atgyfeiriadau a wneir.

Cefnogi unigolion i reoli eu harian

23.—(1) Rhaid i'r darparwr gwasanaeth gael polisi a gweithdrefnau yn eu lle ynghylch cefnogi unigolion i reoli eu harian a rhaid iddo roi trefniadau yn eu lle i sicrhau y darperir y gwasanaeth yn unol â'r polisi hwnnw a'r gweithdrefnau hynny.

(2) Rhaid i'r polisi a'r gweithdrefnau y mae'n ofynnol gan y rheoliad hwn iddynt fod yn eu lle nodi'r camau sydd i'w cymryd i gefnogi unigolion i reoli eu harian eu hunain ac i amddiffyn unigolion rhag camdriniaeth ariannol.

(3) Rhaid i'r darparwr gwasanaeth sicrhau i'r graddau y bo'n ymarferol nad yw personau sy'n gweithio yn y gwasanaeth a gofalwyr lleoli oedolion yn gweithredu fel asiant unigolyn.

Defnyddio rheolaeth ac ataliaeth yn briodol

24.—(1) Rhaid i'r darparwr gwasanaeth gael polisi a gweithdrefnau yn eu lle ar ddefnyddio rheolaeth neu ataliaeth.

(2) Rhaid i'r polisi a'r gweithdrefnau wahardd gofal a chymorth rhag cael eu darparu gan y gofalwr lleoli oedolion mewn ffordd sy'n cynnwys gweithredoedd y bwriedir iddynt reoli neu atal unigolyn oni bai bod y gweithredoedd hynny—

- (a) yn angenrheidiol i atal risg o niwed a berir i'r unigolyn neu i unigolyn arall neu ddifrod difrifol tebygol i eiddo, a

- (b) yn ymateb cymesur i risg o'r fath.

(3) Rhaid i'r polisi a'r gweithdrefnau ei gwneud yn ofynnol i ofalwr lleoli oedolion gael ei hyfforddi yn y dull rheoli neu atal a ddefnyddir.

(4) Rhaid i'r darparwr gwasanaeth sicrhau bod unrhyw reolaeth neu ataliaeth a ddefnyddir gan y gofalwyr lleoli oedolion yn cael ei chyflawni yn unol â'r polisiau hyn a'r gweithdrefnau hyn.

(5) Rhaid i'r darparwr gwasanaeth wneud cofnod o unrhyw ddigwyddiad y defnyddir rheolaeth neu ataliaeth ynddo yn union ar ôl iddo gael ei hysbysu amdano gan y gofalwr lleoli oedolion.

(6) Rhaid i'r polisi a'r gweithdrefnau ei gwneud yn ofynnol i ofalwr lleoli oedolion hysbysu'r darparwr gwasanaeth am unrhyw ddigwyddiad y defnyddir rheolaeth neu ataliaeth ynddo o fewn 24 awr i'r digwyddiad.

- (d) keep a record of any evidence or the substance of any allegation, any action taken and any referrals made.

Supporting individuals to manage their money

23.—(1) The service provider must have a policy and procedures in place about supporting individuals to manage their money and must put arrangements in place to ensure that the service is provided in accordance with such policy and procedures.

(2) The policy and procedures which are required by this regulation to be in place must set out the steps which are to be taken to support individuals to manage their own money and to protect individuals from financial abuse.

(3) The service provider must ensure so far as practicable that persons working at the service and adult placement carers do not act as the agent of an individual.

The appropriate use of control and restraint

24.—(1) The service provider must have a policy and procedures in place on the use of control or restraint.

(2) The policy and procedures must prohibit care and support being provided by the adult placement carer in a way which includes acts intended to control or restrain an individual unless those acts—

- (a) are necessary to prevent a risk of harm posed to the individual or another individual or likely serious damage to property, and

- (b) are a proportionate response to such a risk.

(3) The policy and procedures must require an adult placement carer to be trained in the method of control or restraint used.

(4) The service provider must ensure that any control or restraint used by the adult placement carers is carried out in accordance with these policies and procedures.

(5) The service provider must make a record of any incident in which control or restraint is used immediately after being notified by the adult placement carer.

(6) The policy and procedures must require an adult placement carer to notify the service provider of any incident in which control or restraint is used within 24 hours of the incident.

(7) At ddibenion y rheoliad hwn, mae person yn rheoli neu'n atal unigolyn os yw'r person hwnnw—

- (a) yn defnyddio, neu'n bygwth defnyddio, grym i sicrhau bod gweithred yn cael ei gwneud y mae'r unigolyn yn ei gwrthsefyll, neu
- (b) yn cyfyngu ar ryddid symud yr unigolyn, pa un a yw'r unigolyn yn gwrthsefyll ai peidio, gan gynnwys drwy ddefnyddio dulliau corfforol, mecanyddol neu gemegol.

Amddifadu o ryddid

25. Ni chaniateir amddifadu unigolyn o'i ryddid at ddiben cael gofal a chymorth heb awdurdod cyfreithlon.

Dehongli Rhan 7

26. Yn y Rhan hon—

ystyr "camdriniaeth" ("*abuse*") yw camdriniaeth gorfforol, rywiol, seicolegol, emosiynol neu ariannol.

mae "camdriniaeth ariannol" ("*financial abuse*") yn cynnwys—

- (a) bod arian neu eiddo arall person yn cael ei ddwyn;
- (b) bod person yn cael ei dwyllo;
- (c) bod person yn cael ei roi o dan bwysau mewn perthynas ag arian neu eiddo arall;
- (d) bod arian neu eiddo arall person yn cael ei gamddefnyddio;

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

ystyr "niwed" ("*harm*") yw camdriniaeth neu amhariad ar—

- (a) iechyd corfforol neu iechyd meddwl, neu
- (b) datblygiad corfforol, deallusol, emosiynol, cymdeithasol neu ymddygiadol;

mae "triniaeth amhriodol" ("*improper treatment*") yn cynnwys gwahaniaethu neu atal anghyfreithlon, gan gynnwys amddifadu amhriodol o ryddid o dan delerau Deddf Galluedd Meddyliol 2005(1).

(7) For the purposes of this regulation, a person controls or restrains an individual if that person—

- (a) uses, or threatens to use, force to secure the doing of an act which the individual resists, or
- (b) restricts the individual's liberty of movement, whether or not the individual resists, including by the use of physical, mechanical or chemical means.

Deprivation of liberty

25. An individual must not be deprived of his or her liberty for the purpose of receiving care and support without lawful authority.

Interpretation of Part 7

26. In this Part—

"abuse" ("*camdriniaeth*") means physical, sexual, psychological, emotional or financial abuse.

"financial abuse" ("*camdriniaeth ariannol*") includes—

- (a) having money or other property stolen;
- (b) being defrauded;
- (c) being put under pressure in relation to money or other property;
- (d) having money or other property misused;

"harm" ("*niwed*") means abuse or the impairment of—

- (a) physical or mental health, or
- (b) physical, intellectual, emotional, social or behavioural development;

"improper treatment" ("*triniaeth amhriodol*") includes discrimination or unlawful restraint, including inappropriate deprivation of liberty under the terms of the Mental Capacity Act 2005(1);

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

RHAN 8

Gofynion ar ddarparwyr gwasanaethau o ran staffio

Staffio - gofynion cyffredinol

27.—(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'r gofyniad i gefnogi unigolion i gyflawni eu canlyniadau personol;
- (c) i ofynion y rheoliadau yn Rhannau 2 i 11;
- (d) i'r gofyniad i gefnogi a goruchwyllo gofâlwyrr lleoli oedolion wrth iddynt ddarparu gofal a chymorth.

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

Addasrwydd staff

28.—(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 ei ddyletswyddau, gael cysylltiad rheolaidd ynddi ag unigolion sy'n cael gofal a chymorth 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

PART 8

Requirements on service providers as to staffing

Staffing - overarching requirements

27.—(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 requirement to support individuals to achieve their personal outcomes;
- (c) the requirements of the regulations in Parts 2 to 11;
- (d) the requirement to support and supervise adult placement carers in providing care and support.

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

Fitness of staff

28.—(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 he or she may in the course of his or her duties have regular contact with individuals who are receiving care and support 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 he or she is to perform;
- (c) the person is able by reason of their health, after reasonable adjustments are made, of properly performing the tasks which are intrinsic to the work for which he or she 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

materion a bennir yn Atodlen 1 a bod yr wybodaeth hon neu'r ddogfennaeth hon ar gael gan y darparwr 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 GCC(1).

(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 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 diweddarau'r Gwasanaeth Datgelu a Gwahardd (y cyfeirir ato yn y rheoliad hwn fel gwasanaeth diweddarau'r GDG).

(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 dystysgrif 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 dystysgrif 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 rheoleiddiol neu broffesiynol perthnasol;
 - (ii) y Gwasanaeth Datgelu a Gwahardd.

specified in Schedule 1 and this information or documentation is available from the service provider 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 SCW(1).

(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 a 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) 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.

(1) *Gweler* adran 67(3) o'r Ddeddf am y diffiniad o Ofal Cymdeithasol Cymru fel "GCC".

(1) *See* section 67(3) of the Act for the definition of Social Care Wales as "SCW".

Cefnogi a datblygu staff

29.—(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 chynhorthwy i gael unrhyw hyfforddiant pellach sy'n briodol i'r gwaith y mae'n ei wneud.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod unrhyw berson a gyflogir i weithio yn y gwasanaeth yn cael ei gefnogi i gynnal ei gofrestrriad â'r corff rheoleidiol neu alwedigaethol priodol.

Cydymffurfio â chod ymarfer y cyflogwr

30. Rhaid i'r darparwr gwasanaeth lynu wrth y cod ymarfer ar y safonau ymddygiad ac ymarfer a ddisgwylir oddi wrth bersonau sy'n cyflogi neu sy'n ceisio cyflogi gweithwyr gofal cymdeithasol(1), sydd wedi ei gyhoeddi gan GCC o dan adran 112(1)(b) o'r Ddeddf.

Gwybodaeth ar gyfer staff

31.—(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 addas yn eu lle i wneud staff yn ymwybodol o unrhyw godau ymarfer ynghylch y safonau ymddygiad a ddisgwylir oddi wrth weithwyr gofal cymdeithasol, sydd i'w cyhoeddi gan GCC o dan adran 112(1)(a) o'r Ddeddf.

Supporting and developing staff

29.—(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 his or her own responsibilities and those of other staff;
- (c) receive appropriate supervision and appraisal;
- (d) receive core training appropriate to the work to be performed by them;
- (e) receive specialist training as appropriate;
- (f) receive support and assistance to obtain such further training as is appropriate to the work they perform.

(3) The service provider must ensure that any person employed to work at the service is supported to maintain their registration with the appropriate regulatory or occupational body.

Compliance with employer's code of practice

30. The service provider must adhere to the code of practice on the standards of conduct and practice expected of persons employing or seeking to employ social care workers(1), which is published by SCW under section 112(1)(b) of the Act.

Information for staff

31.—(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 suitable arrangements in place to make staff aware of any codes of practice about the standards of conduct expected of social care workers, which is to be published by SCW under section 112(1)(a) of the Act.

(1) Fel y'i diffinnir yn adran 79 o'r Ddeddf.

(1) As defined in section 79 of the Act.

Gweithdrefn ddisgyblu

32.—(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 pobl sy'n defnyddio'r gwasanaeth;
- (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) yr unigolyn cyfrifol,
- (c) swyddog i'r rheoleiddiwr gwasanaethau,
- (d) swyddog i'r awdurdod lleol ar gyfer yr ardal y darperir y gwasanaeth ynddi,
- (e) yn achos cam-drin neu amheuaeth o gam-drin plentyn, swyddog i'r Gymdeithas Genedlaethol er Atal Creulondeb i Blant, neu
- (f) swyddog heddlu.

RHAN 9

Gofynion ar ddarparwyr gwasanaethau o ran gofalwyr lleoli oedolion

Recriwtio a hyfforddi gofalwyr lleoli oedolion

33.—(1) Rhaid i'r darparwr gwasanaeth gael polisiau a gweithdrefnau yn eu lle ar gyfer recriwtio a hyfforddi gofalwyr lleoli oedolion.

(2) Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau bod gofalwyr lleoli oedolion yn cael hyfforddiant digonol er mwyn eu cynorthwyo i ddarparu gofal a chymorth o ansawdd uchel ar gyfer unigolion yn unol â'r cynllun personol ac i gefnogi pob unigolyn i gyflawni ei ganlyniadau personol.

Disciplinary procedure

32.—(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 people using the service;
- (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) the responsible individual,
- (c) an officer of the service regulator,
- (d) an officer of the local authority for the area in which the service is provided,
- (e) 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
- (f) a police officer.

PART 9

Requirements on service providers as to adult placement carers

Recruitment and training of adult placement carers

33.—(1) The service provider must have policies and procedures in place for the recruitment and training of adult placement carers.

(2) The service provider must put arrangements in place to ensure that adult placement carers receive adequate training so as to assist them to provide high quality care and support for individuals in accordance with the personal plan and to support each individual to achieve their personal outcomes.

Perthnasoedd effeithiol

34. Rhaid i'r darparwr gwasanaeth—

- (a) cynnal perthnasoedd proffesiynol da â gofalwr lleoli oedolion; a
- (b) annog a chynorthwyo gofalwr lleoli oedolion i gynnal perthnasoedd personol da ag unigolion.

Cymorth a gwybodaeth ar gyfer gofalwyr lleoli oedolion

35. Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau bod gan ofalwr lleoli oedolion yr wybodaeth y mae ei hangen arno i ddarparu gofal a chymorth i unigolion i gyflawni eu canlyniadau personol.

Addasrwydd gofalwyr lleoli oedolion

36.—(1) Ni chaiff y darparwr gwasanaeth ymrwymo i gytundeb gofalwr â gofalwr lleoli oedolion oni bai bod y gofalwr yn addas i fod yn ofalwr.

(2) At ddibenion paragraff (1), nid yw person yn addas i fod yn ofalwr lleoli oedolion 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 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 Atodlen 1 a bod yr wybodaeth hon neu'r ddogfennaeth hon ar gael gan y darparwr gwasanaeth i'r rheoleiddiwr gwasanaethau edrych arni.

(3) Rhaid i gais gael ei wneud am y dystysgrif y cyfeirir ati ym mharagraffau 2 a 3 o Atodlen 1 (y cyfeirir ati yn y rheoliad hwn fel tystysgrif GDG) gan neu ar ran y darparwr gwasanaeth at ddiben asesu addasrwydd person i fod yn ofalwr lleoli oedolion. Ond nid yw'r gofyniad hwn yn gymwys os yw'r gofalwr lleoli oedolion wedi ei gofrestru â gwasanaeth diweddarau'r Gwasanaeth Datgelu a Gwahardd (y cyfeirir ato yn y rheoliad hwn fel gwasanaeth diweddarau'r GDG).

Effective relationships

34. The service provider must—

- (a) maintain good professional relationships with an adult placement carer; and
- (b) encourage and assist an adult placement carer to maintain good personal relationships with individuals.

Support and information for adult placement carers

35. The service provider must put arrangements in place to ensure that an adult placement carer has the information they need to provide care and support to individuals to achieve their personal outcomes.

Fitness of adult placement carers

36.—(1) The service provider must not enter into a carer agreement with an adult placement carer unless the carer is fit to be a carer.

(2) For the purposes of paragraph (1), a person is not fit to be an adult placement carer 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 he or she is to perform;
- (c) the person is able by reason of their health, after reasonable adjustments are made, of properly performing the tasks which are intrinsic to the work for which he or she is 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 Schedule 1 and this information or documentation is available from the service provider for inspection by the service regulator.

(3) The certificate referred to in paragraphs 2 and 3 of Schedule 1 (referred to in this regulation as a DBS certificate) must be applied for by, or on behalf of the service provider, for the purpose of assessing the suitability of a person to be an adult placement carer. But this requirement does not apply if the adult placement carer 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 i fod yn ofalwr lleoli oedolion 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 i fod yn ofalwr lleoli oedolion.

(5) Pan fo person a gymeradwywyd i fod yn ofalwr lleoli oedolion 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 gymeradwywyd i fod yn ofalwr lleoli oedolion 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 gofalwr lleoli oedolion yn addas i fod yn ofalwr lleoli oedolion 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'r Gwasanaeth Datgelu a Gwahardd.

(4) Where a person being considered to be an adult placement carer 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 to be an adult placement carer.

(5) Where a person approved to be an adult placement carer 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 approved to be an adult placement carer 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 an adult placement carer is no longer fit to be an adult placement carer 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 the Disclosure and Barring Service.

RHAN 10

Gofynion ar ddarparwyr gwasanaethau o ran mangreoedd, cyfleusterau a chyfarpar

Gofyniad cyffredinol

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

Digonolrwydd mangreoedd

38. 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.

PART 10

Requirements on service providers as to premises, facilities and equipment

Overarching requirement

37. The service provider must ensure that the premises, facilities and equipment are suitable for the service, having regard to the statement of purpose for the service.

Adequacy of premises

38. 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.

Mangreoedd, cyfleusterau a chyfarpar - gofalwyr lleoli oedolion

39. Rhaid i'r darparwr gwasanaeth gael trefniadau yn eu lle i sicrhau bod y mangreoedd, y cyfleusterau a'r cyfarpar a ddefnyddir gan ofalwyr lleoli oedolion i ddiwallu anghenion unigolion—

- (a) yn addas ac yn ddiogel i'r diben y bwriedir iddynt gael eu defnyddio ato;
- (b) yn cael eu defnyddio mewn ffordd ddiogel;
- (c) yn cael eu cynnal a'u cadw'n briodol;
- (d) yn cael eu cadw'n lân yn unol â safon sy'n briodol i'r diben y maent yn cael eu defnyddio ato;
- (e) yn achos cyfarpar, yn cael ei storio'n briodol.

RHAN 11

Gofynion eraill ar ddarparwyr gwasanaethau

Cofnodion

40.—(1) Rhaid i'r darparwr gwasanaeth gadw a chynnal y cofnodion a bennir yn Atodlen 2 mewn cysylltiad â phob man y darperir gwasanaeth ohono.

(2) Rhaid i'r darparwr gwasanaeth—

- (a) sicrhau bod cofnodion sy'n ymwneud ag unigolion yn gywir ac yn gyfredol;
- (b) cadw pob cofnod 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) cadw cofnodion sy'n ymwneud ag unigolion am dair blynedd o ddyddiad y cofnod diwethaf;
- (f) 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.

Hysbysiadau

41.—(1) Rhaid i'r darparwr gwasanaeth hysbysu'r rheoleiddiwr gwasanaethau am y digwyddiadau a bennir yn Atodlen 3.

(2) Rhaid i'r hysbysiad gynnwys manylion y digwyddiad.

Premises, facilities and equipment - adult placement carers

39. The service provider must have arrangements in place, to ensure that the premises, facilities and equipment used by adult placement carers to meet the needs of individuals are—

- (a) suitable and safe for the purpose for which they are intended to be used;
- (b) used in a safe way;
- (c) properly maintained;
- (d) kept clean to a standard which is appropriate for the purpose for which they are being used;
- (e) in the case of equipment, stored appropriately.

PART 11

Other requirements on service providers

Records

40.—(1) The service provider must keep and maintain the records specified in Schedule 2 in respect of each place from which the service is provided.

(2) The service provider must—

- (a) ensure that records relating to individuals are accurate and up to date;
- (b) keep all 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) retain records relating to individuals for three years from the date of the last entry;
- (f) ensure that individuals who use the service—
 - (i) can have access to their records; and
 - (ii) are made aware they can access their records.

Notifications

41.—(1) The service provider must notify the service regulator of the events specified in Schedule 3.

(2) The notification must include details of the event.

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

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

Gwrthdaro buddiannau

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

Polisi a gweithdrefnau cwyno

43.—(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 polisi cwyno gynnwys gweithdrefnau ar gyfer ystyried cwynion a wneir i'r darparwr gwasanaeth gan ofalwyr lleoli oedolion ynghylch—

- (a) y darparwr, a
- (b) unrhyw fater arall y mae'r darparwr yn ystyried ei fod yn berthnasol.

(3) 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;
- (d) cadw cofnodion sy'n ymwneud â'r materion yn is-baragraffau (a) i (c).

(4) Rhaid i'r darparwr gwasanaeth ddarparu crynodeb o gwynion, ymatebion a chamau gweithredu dilynol i'r rheoleiddiwr gwasanaethau o fewn 28 o ddiwrnodau i gael cais i wneud hynny.

(5) 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

44.—(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 unigolion y darperir y gwasanaeth ar eu cyfer.

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

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

Conflicts of interest

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

Complaints policy and procedures

43.—(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 complaints policy must include procedures for considering complaints made to the service provider by adult placement carers about—

- (a) the provider, and
- (b) any other matter considered by the provider to be relevant.

(3) 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;
- (d) keeping records relating to the matters in subparagraphs (a) to (c).

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

(5) 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

44.—(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 individuals for whom the service is provided.

(2) Rhaid i'r trefniadau hyn gynnwys—

- (a) cael polisi chwythu'r chwiban yn ei le a gofyniad i weithredu 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 ymchwiler i'r pryder;
- (b) y cymerir camau priodol yn dilyn ymchwiliad;
- (c) y cedwir cofnod o bob un o'r camau hyn.

RHAN 12

Gofynion ar unigolion cyfrifol ar gyfer sicrhau bod y gwasanaeth yn cael ei reoli'n effeithiol

Goruchwyllo'r gwaith o reoli'r gwasanaeth

45. Rhaid i'r unigolyn cyfrifol oruchwyllo'r gwaith o reoli'r gwasanaeth, sy'n cynnwys cymryd y camau a ddisgrifir yn rheoliadau 51 a 52.

Dyletswydd i benodi rheolwr

46.—(1) Rhaid i'r unigolyn cyfrifol benodi person i reoli'r gwasanaeth. Ond nid yw'r gofyniad hwn yn gymwys os yw'r amodau ym mharagraff (2) neu (3) yn gymwys.

(2) Yr amodau yw—

- (a) bod y darparwr gwasanaeth yn unigolyn;
- (b) bod y darparwr gwasanaeth yn bwriadu rheoli'r gwasanaeth;
- (c) bod y darparwr gwasanaeth yn addas i reoli'r gwasanaeth;
- (d) bod y darparwr gwasanaeth wedi ei gofrestru fel rheolwr gofâl cymdeithasol â GCC; ac
- (e) bod y rheoleiddiwr gwasanaethau yn cytuno i'r darparwr gwasanaeth reoli'r gwasanaeth.

(3) Yr amodau yw—

- (a) bod y darparwr gwasanaeth yn bartneriaeth, yn gorff corfforaethol neu'n gorff anghorfforedig;

(2) These arrangements must include—

- (a) having a whistleblowing policy in place and a requirement to act 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;
- (c) a record is kept of each of these steps.

PART 12

Requirements on responsible individuals for ensuring effective management of the service

Supervision of management of the service

45. The responsible individual must supervise the management of the service, which includes taking the steps described in regulations 51 and 52.

Duty to appoint a manager

46.—(1) The responsible individual must appoint a person to manage the service. But this requirement does not apply if the conditions in paragraph (2) or (3) apply.

(2) The conditions are—

- (a) the service provider is an individual;
- (b) the service provider proposes to manage the service;
- (c) the service provider is fit to manage the service;
- (d) the service provider is registered as a social care manager with SCW; and
- (e) the service regulator agrees to the service provider managing the service.

(3) The conditions are—

- (a) the service provider is a partnership, body corporate or unincorporated body;

- (b) bod y darparwr gwasanaeth yn cynnig bod yr unigolyn sydd wedi ei ddynodi fel yr unigolyn cyfrifol am y gwasanaeth i'w benodi i reoli'r gwasanaeth;
- (c) bod yr unigolyn hwnnw yn addas i reoli'r gwasanaeth;
- (d) bod yr unigolyn hwnnw wedi ei gofrestru fel rheolwr gofal cymdeithasol â GCC; ac
- (e) bod y rheoleiddiwr gwasanaethau yn cytuno i'r unigolyn hwnnw reoli'r gwasanaeth.

(4) At ddibenion paragraff (2)(c), nid yw'r darparwr gwasanaeth yn addas i reoli'r gwasanaeth oni bai bod gofynion rheoliad 28(2) (addasrwydd staff) wedi eu bodloni mewn cysylltiad â'r darparwr gwasanaeth.

(5) Nid yw'r ddyletswydd ym mharagraff (1) wedi ei chyflawni os yw'r person a benodir i reoli'r gwasanaeth yn absennol am gyfnod o fwy na thri mis.

Gofynion o ran addasrwydd ar gyfer penodi rheolwr

47.—(1) Ni chaiff yr unigolyn cyfrifol 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 28(2) (addasrwydd staff) wedi eu bodloni mewn cysylltiad â'r person hwnnw.

Cyfyngiadau ar benodi rheolwr ar gyfer mwy nag un gwasanaeth

48.—(1) Ni chaiff yr unigolyn cyfrifol benodi person i reoli mwy nag un gwasanaeth, oni bai bod paragraff (2) yn gymwys.

(2) Mae'r paragraff hwn yn gymwys—

- (a) os yw'r darparwr gwasanaeth wedi gwneud cais i'r rheoleiddiwr gwasanaethau am ganiatâd i benodi rheolwr ar gyfer mwy nag un gwasanaeth, a
- (b) os yw'r rheoleiddiwr gwasanaethau wedi ei fodloni—
 - (i) na fydd y trefniadau rheoli arfaethedig yn cael effaith andwyol ar iechyd neu lesiant unigolion, a
 - (ii) y bydd y trefniadau rheoli arfaethedig yn darparu goruchwyliaeth ddibynadwy ac effeithiol o bob gwasanaeth.

- (b) the service provider proposes that the individual designated as the responsible individual for the service is to be appointed to manage the service;
- (c) that individual is fit to manage the service;
- (d) that individual is registered as a social care manager with SCW; and
- (e) the service regulator agrees to that individual managing the service.

(4) For the purposes of paragraph (2)(c), the service provider is not fit to manage the service unless the requirements of regulation 28(2) (fitness of staff) are met in respect of the service provider.

(5) The duty in paragraph (1) is not discharged if the person appointed to manage the service is absent for a period of more than three months.

Fitness requirements for appointment of manager

47.—(1) The responsible individual 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 28(2) (fitness of staff) are met in respect of that person.

Restrictions on appointing manager for more than one service

48.—(1) The responsible individual must not appoint a person to manage more than one service, unless paragraph (2) applies.

(2) This paragraph applies if—

- (a) the service provider has applied to the service regulator for permission to appoint a manager for more than one service, and
- (b) the service regulator is satisfied that the proposed management arrangements—
 - (i) will not have an adverse impact on the health or well-being of individuals, and
 - (ii) will provide reliable and effective oversight of each service.

Dyletswydd i adrodd am benodi rheolwr i'r darparwr gwasanaeth

49. Wrth benodi rheolwr yn unol â rheoliad 46(1), rhaid i'r unigolyn cyfrifol roi hysbysiad i'r darparwr gwasanaeth—

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

Dyletswydd i adrodd am benodi rheolwr i reoleiddiwr y gweithlu a'r rheoleiddiwr gwasanaethau

50.—(1) Wrth benodi rheolwr yn unol â rheoliad 46(1), rhaid i'r unigolyn cyfrifol roi hysbysiad i reoleiddiwr y gweithlu a'r rheoleiddiwr gwasanaethau—

- (a) o enw, dyddiad geni a rhif cofrestru GCC y person a benodir, a
- (b) o'r dyddiad y mae'r penodiad i gymryd effaith.

(2) Mewn achos pan fo'r darparwr gwasanaeth yn unigolyn a bod y rheoleiddiwr gwasanaethau wedi cytuno i'r darparwr gwasanaeth reoli'r gwasanaeth, rhaid i'r darparwr gwasanaeth roi hysbysiad i reoleiddiwr y gweithlu—

- (a) o enw, dyddiad geni a rhif cofrestru GCC y darparwr gwasanaeth, a
- (b) o'r dyddiad y mae'r darparwr gwasanaeth i reoli'r gwasanaeth ohono.

Y trefniadau pan yw'r rheolwr yn absennol

51.—(1) Rhaid i'r unigolyn cyfrifol roi trefniadau addas yn eu lle i sicrhau bod y gwasanaeth yn cael ei reoli'n effeithiol ar unrhyw adeg pan nad oes rheolwr neu pan nad yw'r rheolwr yn bresennol yn y gwasanaeth.

(2) Os nad oes rheolwr neu os nad yw'r rheolwr yn bresennol yn y gwasanaeth am gyfnod o fwy nag 28 o ddiwrnodau, rhaid i'r unigolyn cyfrifol—

- (a) hysbysu'r darparwr gwasanaeth a'r rheoleiddiwr gwasanaethau, a
- (b) rhoi gwybod iddynt am y trefniadau sydd wedi eu rhoi yn eu lle ar gyfer rheoli'r gwasanaeth yn effeithiol.

Ymweliadau

52.—(1) Rhaid i'r unigolyn cyfrifol—

- (a) ymweld â'r fangre y darperir y gwasanaeth ohoni;

Duty to report the appointment of manager to the service provider

49. On the appointment of a manager in accordance with regulation 46(1), the responsible individual must give notice to the service provider of—

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

Duty to report appointment of manager to the workforce and service regulators

50.—(1) On the appointment of a manager in accordance with regulation 46(1), the responsible individual must give notice to the workforce and service regulators of—

- (a) the name, date of birth and SCW registration number of the person appointed, and
- (b) the date on which the appointment is to take effect.

(2) In a case where the service provider is an individual and the service regulator has agreed to the service provider managing the service, the service provider must give notice to the workforce regulator of—

- (a) the name, date of birth and SCW registration number of the service provider, and
- (b) the date from which the service provider is to manage the service.

Arrangements when manager is absent

51.—(1) The responsible individual must put suitable arrangements in place to ensure that the service is managed effectively at any time when there is no manager or when the manager is not present at the service.

(2) If there is no manager or the manager is not present at the service for a period of more than 28 days, the responsible individual must—

- (a) notify the service provider and the service regulator, and
- (b) inform them of the arrangements which have been put in place for the effective management of the service.

Visits

52.—(1) The responsible individual must—

- (a) visit the premises from which the service is provided;

- (b) cwrdd ag aelodau o staff sydd wedi eu cyflogi i ddarparu'r gwasanaeth mewn perthynas â phob man y mae'r unigolyn cyfrifol wedi ei ddynodi mewn cysylltiad ag ef, a
- (c) cwrdd ag unigolion y mae'r gwasanaeth yn cael ei ddarparu ar eu cyfer a'u gofalwr lleoli oedolion.

(2) Mae amllder ymweliadau a chyfarfodydd o'r fath i'w benderfynu gan yr unigolyn cyfrifol gan roi sylw i'r datganiad o ddiben ond rhaid iddynt gael eu cynnal o leiaf bob tri mis.

RHAN 13

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

Goruchwylio digonolrwydd adnoddau

53.—(1) Rhaid i'r unigolyn cyfrifol adrodd i'r darparwr gwasanaeth am ddigonolrwydd yr adnoddau sydd ar gael i ddarparu'r gwasanaeth yn unol â'r gofynion ar y darparwr gwasanaeth yn Rhannau 2 i 11.

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

(3) Ond nid yw'r gofyniad hwn yn gymwys pan fo'r darparwr gwasanaeth yn unigolyn.

Adroddiadau eraill i'r darparwr gwasanaeth

54.—(1) Rhaid i'r unigolyn cyfrifol, yn ddi-oed, adrodd i'r darparwr gwasanaeth—

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

(2) Ond nid yw'r gofyniad hwn yn gymwys pan fo'r darparwr gwasanaeth yn unigolyn.

Ymgysylltu ag unigolion ac eraill

55.—(1) Rhaid i'r unigolyn cyfrifol roi trefniadau addas yn eu lle ar gyfer cael safbwyntiau—

- (a) yr unigolion sy'n cael gofal a chymorth,
- (b) unrhyw gynrychiolwyr yr unigolion hynny,
- (c) gofalwyr lleoli oedolion,
- (d) comisiynwyr gwasanaethau, ac
- (e) staff sy'n cael eu cyflogi yn y gwasanaeth,

- (b) meet with members of staff who are employed to provide the service in relation to each place in respect of which the responsible individual is designated, and
- (c) meet with individuals for whom the service is being provided and their adult placement carer.

(2) The frequency of such visits and meetings is to be determined by the responsible individual having regard to the statement of purpose but must take place at least every three months.

PART 13

Requirements on responsible individuals for ensuring effective oversight of the service

Oversight of adequacy of resources

53.—(1) The responsible individual must report to the service provider on the adequacy of the resources available to provide the service in accordance with the requirements on the service provider in Parts 2 to 11.

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

(3) But this requirement does not apply where the service provider is an individual.

Other reports to the service provider

54.—(1) The responsible individual must, without delay, report to the service provider—

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

(2) But this requirement does not apply where the service provider is an individual.

Engagement with individuals and others

55.—(1) The responsible individual must put suitable arrangements in place for obtaining the views of—

- (a) the individuals who are receiving care and support,
- (b) any representatives of those individuals,
- (c) adult placement carers,
- (d) service commissioners, and
- (e) staff employed at the service,

ar ansawdd y gofal a'r cymorth a ddarperir a sut y gellir gwella hyn.

(2) Rhaid i'r unigolyn cyfrifol adrodd am y safbwyntiau a geir i'r darparwr gwasanaeth 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 gofal a'r cymorth a ddarperir gan y gwasanaeth.

RHAN 14

Gofynion ar unigolion cyfrifol ar gyfer sicrhau cydymffurfedd y gwasanaeth

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

56. Rhaid i'r unigolyn cyfrifol sicrhau bod systemau effeithiol yn eu lle i gofnodi digwyddiadau, cwynion a materion y mae rhaid gwneud hysbysiadau yn eu cylch yn unol â rheoliadau 41 a 63.

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

57. Rhaid i'r unigolyn cyfrifol sicrhau bod systemau effeithiol yn eu lle mewn perthynas â chadw cofnodion, sy'n cynnwys systemau ar gyfer sicrhau bod cofnodion y mae'n ofynnol iddynt gael eu cadw gan reoliad 40 yn gywir ac yn gyflawn.

Dyletswydd i sicrhau bod polisiau a gweithdrefnau yn gyfredol

58. Rhaid i'r unigolyn cyfrifol 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.

RHAN 15

Gofynion ar unigolion cyfrifol ar gyfer monitro, adolygu a gwella ansawdd y gwasanaeth rheoleiddiedig

Adolygiad o ansawdd y gofal

59.—(1) Rhaid i'r unigolyn cyfrifol 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 chwe mis.

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

(2) The responsible individual must report the views obtained to the service provider 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 care and support provided by the service.

PART 14

Requirements on responsible individuals for ensuring the compliance of the service

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

56. The responsible individual must ensure that there are effective systems in place to record incidents, complaints and matters on which notifications must be made in accordance with regulations 41 and 63.

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

57. The responsible individual must ensure that there are effective systems in place in relation to the keeping of records, which include systems for ensuring the accuracy and completeness of records which are required to be kept by regulation 40.

Duty to ensure policies and procedures are up to date

58. The responsible individual 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.

PART 15

Requirements on responsible individuals for monitoring, reviewing and improving the quality of the regulated service

Quality of care review

59.—(1) The responsible individual 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 six months.

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

- (a) ystyried canlyniad yr ymgysylltiad ag unigolion ac eraill, fel sy'n ofynnol gan reoliad 55;
- (b) dadansoddi'r data cyfanredol ar ddiwyddiadau, 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 gofal a'r cymorth yn unol â'r rheoliad hwn, rhaid i'r unigolyn cyfrifol lunio adroddiad i'r darparwr gwasanaeth y mae rhaid iddo gynnwys—

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

(5) Ond nid yw'r gofyniad ym mharagraff (4) yn gymwys pan fo'r darparwr gwasanaeth yn unigolyn.

Datganiad o gydymffurfedd â'r gofynion o ran safonau gofal a chymorth

60.—(1) Rhaid i'r unigolyn cyfrifol lunio'r datganiad y mae'n ofynnol iddo gael ei gynnwys yn y datganiad blynyddol o dan adran 10(2)(b) o'r Ddeddf, i'r graddau y mae'n ymwneud â'r man neu'r manau y mae'r unigolyn cyfrifol wedi ei ddynodi mewn cysylltiad ag ef neu â hwy.

(2) Wrth lunio'r datganiad, rhaid i'r unigolyn cyfrifol roi sylw i'r asesiad o safon y gofal a'r cymorth a gynhwysir mewn adroddiad a lunnir yn unol â rheoliad 59(4).

RHAN 16

Gofynion eraill ar unigolion cyfrifol

Cymorth ar gyfer staff sy'n codi pryderon

61. Rhaid i'r unigolyn cyfrifol 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.

Dyletswydd gonestrwydd

62. Rhaid i'r unigolyn cyfrifol weithredu mewn ffordd agored a thryloyw gydag—

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

- (a) considering the outcome of the engagement with individuals and others, as required by regulation 55;
- (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 care and support in accordance with this regulation, the responsible individual must prepare a report to the service provider which must include—

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

(5) But the requirement in paragraph (4) does not apply where the service provider is an individual.

Statement of compliance with the requirements as to standards of care and support

60.—(1) The responsible individual must prepare the statement required to be included in the annual return under section 10(2)(b) of the Act, in so far as it relates to the place or places in respect of which the responsible individual has been designated.

(2) When preparing the statement, the responsible individual must have regard to the assessment of the standard of care and support which is contained in a report prepared in accordance with regulation 59(4).

PART 16

Other requirements on responsible individuals

Support for staff raising concerns

61. The responsible individual 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.

Duty of candour

62. The responsible individual must act in an open and transparent way with—

- (a) yr unigolyn;
- (b) unrhyw gynrychiolydd yr unigolyn;
- (c) y gofalwyr lleoli oedolion;
- (d) comisiynydd y gwasanaeth.

- (a) the individual;
- (b) any representative of the individual;
- (c) the adult placement carer;
- (d) the service commissioner.

Hysbysiadau

63.—(1) Rhaid i'r unigolyn cyfrifol hysbysu'r rheoleiddiwr gwasanaethau am y digwyddiadau a bennir yn Atodlen 4.

(2) Rhaid i'r hysbysiadau sy'n ofynnol gan baragraff (1) gynnwys manylion y digwyddiad.

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

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

Notifications

63.—(1) The responsible individual must notify the service regulator of the events specified in Schedule 4.

(2) The notifications required by paragraph (1) must include details of the event.

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

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

RHAN 17

Troseddau

Troseddau – darparwyr gwasanaethau

64.—(1) Mae'n drosedd i ddarparwr gwasanaeth fethu â chydymffurfio â gofyniad unrhyw un neu ragor o'r darpariaethau a bennir ym mharagraff (2)(1).

(2) Y darpariaethau a bennir at ddibenion paragraff (1) yw darpariaethau rheoliadau 3(3), 3(5), 7(3), 8(1), 8(4), 11(1), 16(1), 16(2), 16(3), 28(1), 31(1), 36(1), 40(1), 40(2), 41(1) ac 41(3).

(3) Mae darparwr gwasanaeth yn cyflawni trosedd os yw'r darparwr gwasanaeth yn methu â chydymffurfio â gofyniad unrhyw un neu ragor o'r darpariaethau a bennir ym mharagraff (4) a bod methiant o'r fath yn arwain at—

- (a) niwed y gellir ei osgoi (pa un ai o natur gorfforol neu seicolegol) i unigolyn,
- (b) unigolyn yn cael ei wneud yn agored i risg sylweddol o niwed o'r fath, neu
- (c) yn achos dwyn, camddefnyddio neu gamberchnogi arian neu eiddo, unrhyw golled gan unigolyn o'r arian neu'r eiddo o dan sylw.

(4) Y darpariaethau a bennir at ddibenion paragraff (3) yw darpariaethau rheoliadau 2, 3(1), 10(1), 10(3), 13(1), 13(3), 13(5), 14(1), 14(4), 17(1), 17(2), 21 a 27(1).

PART 17

Offences

Offences – service providers

64.—(1) It is an offence for a service provider to fail to comply with a requirement of any of the provisions specified in paragraph (2)(1).

(2) The provisions specified for the purposes of paragraph (1) are the provisions of regulations 3(3), 3(5), 7(3), 8(1), 8(4), 11(1), 16(1), 16(2), 16(3), 28(1), 31(1), 36(1), 40(1), 40(2), 41(1) and 41(3).

(3) A service provider commits an offence if the service provider fails to comply with a requirement of any of the provisions specified in paragraph (4) and such failure results in—

- (a) avoidable harm (whether of a physical or psychological nature) to an individual,
- (b) an individual being exposed to a significant risk of such harm occurring, or
- (c) in a case of theft, misuse or misappropriation of money or property, any loss by an individual of the money or property concerned.

(4) The provisions specified for the purposes of paragraph (3) are the provisions of regulations 2, 3(1), 10(1), 10(3), 13(1), 13(3), 13(5), 14(1), 14(4), 17(1), 17(2), 21 and 27(1).

(1) Am gosbau yn dilyn euogfarn am drosedd o dan y rheoliad hwn, gweler adran 51(1) o'r Ddeddf.

(1) For penalties upon conviction for an offence under this regulation, see section 51(1) of the Act.

Troseddau – unigolion cyfrifol

65.—(1) Mae'n drosedd i'r unigolyn cyfrifol fethu â chydymffurfio â gofyniad unrhyw un neu ragor o'r darpariaethau a bennir ym mharagraff (2)(1).

(2) Y darpariaethau a bennir at ddibenion paragraff (1) yw darpariaethau rheoliadau 46(1), 47(1), 50(1), 50(2), 52(1), 52(2), 53(1), 53(2), 54(1), 59(4), 60(1), 63(1) a 63(3).

RHAN 18

Darparwyr gwasanaethau sydd wedi eu datod
etc. neu sydd wedi marw

Penodi datodwyr etc.

66. Rhaid i berson a benodir(2)—

- (a) yn ddi-oed, roi hysbysiad ysgrifenedig i'r rheoleiddiwr gwasanaethau o'i benodiad a'r rhesymau dros ei benodi;
- (b) o fewn 28 o ddiwrnodau i'w benodi, hysbysu'r rheoleiddiwr gwasanaethau o'i fwriadau ynghylch gweithrediad y gwasanaeth yn y dyfodol.

Marwolaeth y darparwr gwasanaeth

67.—(1) Pan fo'r darparwr gwasanaeth sy'n unigolyn wedi marw, rhaid i gynrychiolwyr personol yr unigolyn—

- (a) yn ddi-oed, roi hysbysiad ysgrifenedig o'r farwolaeth i'r rheoleiddiwr gwasanaethau;
- (b) o fewn 28 o ddiwrnodau i'r farwolaeth, hysbysu'r rheoleiddiwr gwasanaethau am eu bwriadau ynghylch gweithrediad y gwasanaeth yn y dyfodol.

(2) Caiff cynrychiolwyr personol yr unigolyn weithredu yn rhinwedd y darparwr gwasanaeth am gyfnod nad yw'n hwy nag 28 o ddiwrnodau neu am unrhyw gyfnod hwy (nad yw'n hwy nag un flwyddyn) y mae'r rheoleiddiwr gwasanaethau yn cytuno arno.

(3) Pan fo'r cynrychiolwyr personol yn gweithredu yn rhinwedd y darparwr gwasanaeth yn unol â pharagraff (2), mae Rhan 1 o'r Ddeddf yn gymwys gyda'r addasiadau a ganlyn—

- (a) nid yw adran 5 (gofyniad i gofrestru) yn gymwys;

(1) Am gosbau yn dilyn euogfarn am drosedd o dan y rheoliad hwn, gweler adran 51(1) o'r Ddeddf.

(2) Mae i "person a benodir" yr un ystyr ag yn adran 30 o'r Ddeddf.

Offences – responsible individuals

65.—(1) It is an offence for the responsible individual to fail to comply with a requirement of any of the provisions specified in paragraph (2)(1).

(2) The provisions specified for the purposes of paragraph (1) are the provisions of regulations 46(1), 47(1), 50(1), 50(2), 52(1), 52(2), 53(1), 53(2), 54(1), 59(4), 60(1), 63(1) and 63(3).

PART 18

Service providers who are liquidated etc. or
who have died

Appointment of liquidators etc.

66. An appointed person(2) must—

- (a) without delay, give written notification to the service regulator of their appointment and the reasons for their appointment;
- (b) within 28 days of their appointment, notify the service regulator of their intentions regarding the future operation of the service.

Death of the service provider

67.—(1) Where the service provider who is an individual has died, the personal representatives of the individual must—

- (a) without delay, give written notification of the death to the service regulator;
- (b) within 28 days of the death, notify the service regulator of their intentions regarding the future operation of the service.

(2) The personal representatives of the individual may act in the capacity of the service provider for a period not exceeding 28 days or for such longer period (not exceeding one year) as the service regulator may agree.

(3) Where the personal representatives are acting in the capacity of the service provider in accordance with paragraph (2), Part 1 of the Act applies with the following modifications—

- (a) section 5 (requirement to register) does not apply;

(1) For penalties upon conviction for an offence under this regulation, see section 51(1) of the Act.

(2) "Appointed person" has the same meaning as in section 30 of the Act.

- (b) mae adran 21(2) (unigolion cyfrifol) i'w darllen fel pe bai'r canlynol wedi ei fewnosod ar ôl paragraff (a)—

“(aa)pan fo cynrychiolwyr personol darparwr gwasanaeth sydd wedi marw yn gweithredu yn rhinwedd y darparwr gwasanaeth, fod yn un o'r cynrychiolwyr personol;”.

RHAN 19

Rheoliadau o dan adran 21(5) o'r Ddeddf

Dynodiad unigolyn cyfrifol gan Weinidogion Cymru

68. Caiff Gweinidogion Cymru (yn lle darparwr gwasanaeth) ddynodi unigolyn i fod yn unigolyn cyfrifol, er nad yw gofynion adran 21(2) o'r Ddeddf wedi eu bodloni mewn cysylltiad â'r unigolyn, o dan yr amgylchiadau a ganlyn—

- (a) bod y darparwr gwasanaeth yn unigolyn sydd wedi marw ac mae cynrychiolwyr personol y darparwr gwasanaeth wedi hysbysu'r rheoleiddiwr gwasanaethau nad ydynt yn bwriadu gwneud cais o dan adran 11(1)(c) o'r Ddeddf;
- (b) bod y darparwr gwasanaeth yn unigolyn ac wedi hysbysu'r rheoleiddiwr gwasanaethau—
- (i) na all gydymffurfio â'i ddyletswyddau fel unigolyn cyfrifol mwyach, a
- (ii) y rhesymau dros hyn;
- (c) bod y darparwr gwasanaeth yn gorff corfforaethol neu'n bartneriaeth ac wedi hysbysu'r rheoleiddiwr gwasanaethau—
- (i) nad yw'r unigolyn sydd wedi ei ddynodi gan y darparwr gwasanaeth fel yr unigolyn cyfrifol yn gallu cydymffurfio â'i ddyletswyddau fel unigolyn cyfrifol mwyach,
- (ii) y rhesymau dros hyn, a
- (iii) nad oes unrhyw unigolyn arall sy'n gymwys i fod yn unigolyn cyfrifol ac sy'n gallu cydymffurfio â dyletswyddau unigolyn cyfrifol.

- (b) section 21(2) (responsible individuals) is to be read as though after paragraph (a) there were inserted—

“(aa)where the personal representatives of a service provider who has died are acting in the capacity of the service provider, be one of the personal representatives;”.

PART 19

Regulations under section 21(5) of the Act

Designation of responsible individual by Welsh Ministers

68. The Welsh Ministers (instead of a service provider) may designate an individual to be a responsible individual, despite the requirements of section 21(2) of the Act not being met in respect of the individual, in the following circumstances—

- (a) the service provider is an individual who has died and the personal representatives of the service provider have notified the service regulator that they do not intend to make an application under section 11(1)(c) of the Act;
- (b) the service provider is an individual and they have notified the service regulator—
- (i) that they are no longer able to comply with their duties as a responsible individual, and
- (ii) the reasons for this being the case;
- (c) the service provider is a corporate body or partnership and they have notified the service regulator—
- (i) that the individual designated by the service provider as the responsible individual is no longer able to comply with their duties as a responsible individual,
- (ii) the reasons for this being the case, and
- (iii) that there is no other individual who is eligible to be a responsible individual and who is able to comply with the duties of a responsible individual.

Y Dirprwy Weinidog Iechyd a Gwasanaethau
Cymdeithasol
31 Ionawr 2019

Julie Morgan

Deputy Minister for Health and Social Services

31 January 2019

ATODLEN 1

Rheoliadau 28 ac 36

RHAN 1

Gwybodaeth a dogfennaeth sydd i fod ar gael mewn cysylltiad â gofalwyr lleoli oedolion a phersonau sy'n gweithio yn y 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 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 GCC.

SCHEDULE 1

Regulations 28 and 36

PART 1

Information and documentation to be available in respect of adult placement carers and persons working at the 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 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 SCW.

(1) 1997 p. 50.
(2) 2006 p. 47.

(1) 1997 c. 50.
(2) 2006 c. 47.

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

9. Tystiolaeth o allu ieithyddol boddhaol at ddibenion darparu gofal a chymorth i'r unigolion hynny y mae'r gweithiwr neu'r gofalwr lleoli oedolion i ddarparu gofal a chymorth 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 care and support to those individuals for whom the worker or adult placement carer is to provide care and 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 28(3) neu (6), neu 36(3) neu (6), 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 28(3) or (6), or 36(3) or (6), 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.

Y cofnodion sydd i'w cadw mewn
cysylltiad â gwasanaethau

Y cofnodion sydd i'w cadw

1. Mewn cysylltiad â phob gofalwr lleoli oedolion, cofnodion o—

- (a) enw llawn;
- (b) rhyw;
- (c) dyddiad geni;
- (d) cyfeiriad;
- (e) cymwysterau sy'n berthnasol i waith sy'n ymwneud ag oedolion hyglwyf a phrofiad o wneud gwaith o'r fath;
- (f) copi o'r cytundeb gofalwr;
- (g) copi o unrhyw gytundebau lleoli unigolion perthnasol;
- (h) cofnod o'r gwaith monitro a wneir mewn cysylltiad â'r lleoliad.

2. Mewn cysylltiad â phob unigolyn, cofnodion o—

- (a) pob asesiad perthnasol;
- (b) cynlluniau gofal a chymorth;
- (c) cynlluniau personol;
- (d) adolygiadau o gynlluniau personol.

3. Cofnod o unrhyw ffioedd gan y darparwr gwasanaeth i unigolion am ddarparu gofal a chymorth ac unrhyw wasanaethau ychwanegol.

4. Pan fo'n gymwys, cofnod o'r holl feddyginiaethau a gedwir gan y gofalwr lleoli oedolion ar gyfer pob unigolyn a'r dyddiad a'r amser y'u rhoddwyd i'r unigolyn.

5. Cofnod o'r holl arian neu bethau gwerthfawr eraill a adnewwyd gan yr unigolyn gyda'r gofalwr lleoli oedolion i'w cadw'n ddiogel neu a gafwyd ar ran yr unigolyn, a hwnnw'n gofnod y mae rhaid iddo gynnwys cofnod o—

- (a) y dyddiad yr adnewwyd neu y cafwyd yr arian neu'r pethau gwerthfawr;
- (b) y dyddiad y cafodd unrhyw arian neu bethau gwerthfawr—
 - (i) eu dychwelyd at yr unigolyn, neu
 - (ii) eu defnyddio, ar gais yr unigolyn, ar ei ran;
- (c) pan fo'n gymwys, y diben y defnyddiwyd yr arian neu'r pethau gwerthfawr ato;

Records to be kept in respect of services

Records to be kept

1. In respect of each adult placement carer, records of—

- (a) full name;
- (b) sex;
- (c) date of birth;
- (d) address;
- (e) qualifications relevant to, and experience of work involving vulnerable adults;
- (f) a copy of the carer agreement;
- (g) a copy of any relevant individual placement agreements;
- (h) a record of the monitoring undertaken in respect of the placement.

2. In respect of each individual, records of—

- (a) all relevant assessments;
- (b) care and support plans;
- (c) personal plans;
- (d) reviews of personal plans.

3. A record of any charges by the service provider to individuals for the provision of care and support and any additional services.

4. Where applicable, a record of all medicines kept by the adult placement carer for each individual and the date and time on which they were administered to the individual.

5. A record of all money or other valuables deposited by the individual with the adult placement carer for safekeeping or received on the individual's behalf, which must include a record of—

- (a) the date on which the money or valuables were deposited or received;
- (b) the date on which any money or valuables were—
 - (i) returned to the individual, or
 - (ii) used, at the request of the individual, on their behalf;
- (c) where applicable, the purpose for which the money or valuables were used;

(d) y gydnabyddiaeth ysgrifenedig bod yr arian neu'r pethau gwerthfawr wedi eu dychwelyd.

6. Cofnod o'r digwyddiadau a ganlyn sy'n digwydd yng nghartref y gofalwr lleoli oedolion—

- (a) unrhyw ddamwain neu anaf difrifol sy'n cael effaith niweidiol sylweddol ar lesiant unigolyn;
- (b) unrhyw achos o ddwyn neu fwrgeriaeth;
- (c) unrhyw atgyfeiriad diogelu a wneir mewn cysylltiad ag unigolyn;
- (d) dyddiad ac amgylchiadau unrhyw fesurau rheoli, atal neu ddisgyblu a ddefnyddir ar unigolyn.

7. Cofnod o'r holl gwynion a wneir gan unigolion neu eu cynrychiolwyr neu gan bersonau sy'n gweithio yn y gwasanaeth neu gan ofalwyr lleoli oedolion ynghylch gweithrediad y gwasanaeth, a'r camau gweithredu a gymerir gan y darparwr gwasanaeth mewn cysylltiad ag unrhyw gŵyn o'r fath.

8. 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, cyfeiriad, dyddiad geni, cymwysterau a phrofiad y person;
- (b) copi o dystysgrif geni a phasbort (os oes ganddo un) y person;
- (c) copi o bob geirda a geir mewn cysylltiad â'r person;
- (d) y dyddiadau y mae'r person yn dechrau cael ei gyflogi felly ac yn peidio â chael ei gyflogi felly;
- (e) y swydd sydd gan y person yn y gwasanaeth, y gwaith y mae'n ei wneud a nifer yr oriau y mae wedi ei gyflogi bob wythnos;
- (f) cofnodion o gamau disgyblu ac unrhyw gofnodion eraill mewn perthynas â chyflogaeth y person;
- (g) cofnod o ddyddiad tystysgrif GDG ac a gymerwyd unrhyw gamau gweithredu o ganlyniad i gynnwys y dystysgrif.

9. Copi o restr ddyletswyddau'r personau sy'n gweithio yn y gwasanaeth, a chofnod o ran a oedd y rhestr yn gweithio yn ôl yr hyn a fwriadwyd mewn gwirionedd.

(d) the written acknowledgment of the return of the money or valuables.

6. A record of the following events that occur in the home of the adult placement carer—

- (a) any serious accident or injury which is significantly detrimental to the well-being of an individual;
- (b) any theft or burglary;
- (c) any safeguarding referral made in respect of an individual;
- (d) date and circumstances of any measures of control, restraint or discipline used on an individual.

7. A record of all complaints made by individuals or their representatives or by persons working at the service or by adult placement carers about the operation of the service, and the action taken by the service provider in respect of any such complaint.

8. A record of all persons working at the service, which must include the following matters—

- (a) the person's full name, address, date of birth, qualifications and experience;
- (b) a copy of the person's birth certificate and passport (if any);
- (c) a copy of each reference obtained in respect of the person;
- (d) the dates on which the person commences and ceases to be so employed;
- (e) the position the person holds at the service, the work he or she performs and the number of hours for which he or she is employed each week;
- (f) records of disciplinary action and any other records in relation to the person's employment;
- (g) a record of the date of a DBS certificate and whether there was any action taken as a result of the content of the certificate.

9. A copy of the duty roster of persons working at the service, and a record of whether the roster was actually worked as intended.

Hysbysiadau gan y darparwr gwasanaeth

1. Unrhyw ddiwygiad i'r datganiad o ddiben, 28 o ddiwrnodau cyn i'r datganiad o ddiben diwygiedig gymryd effaith.
2. Pan fo'r darparwr gwasanaeth (unigolyn neu sefydliad) yn newid ei enw.
3. Pan fo'r darparwr gwasanaeth yn gwmni, unrhyw newid i gyfarwyddwyr y cwmni.
4. Pan fo'r darparwr gwasanaeth yn unigolyn, penodi ymddiriedolwr mewn methdaliad mewn perthynas â'r unigolyn hwnnw.
5. Pan fo'r darparwr gwasanaeth yn gorff corfforaethol neu'n bartneriaeth, penodi derbynnydd, rheolwr, datodwr neu ddatodwr dros dro mewn perthynas â'r cwmni hwnnw neu'r bartneriaeth honno.
6. Pan fo'r darparwr gwasanaeth yn bartneriaeth, marwolaeth un o'r partneriaid.
7. Pan fo'r darparwr gwasanaeth yn bartneriaeth, unrhyw newid i'r partneriaid.
8. Absenoldeb disgwylidig yr unigolyn cyfrifol am 28 o ddiwrnodau neu ragor, 7 niwrnod cyn i'r absenoldeb ddechrau.
9. Absenoldeb annisgwyl yr unigolyn cyfrifol, heb fod yn hwyrach na 7 niwrnod ar ôl i'r absenoldeb ddechrau.
10. Absenoldeb annisgwyl yr unigolyn cyfrifol am 28 o ddiwrnodau neu ragor, pan na fo hysbysiad ymlaen llaw wedi ei roi, yn union wrth i'r 28 o ddiwrnodau yn dilyn dechrau'r absenoldeb ddod i ben.
11. Bod yr unigolyn cyfrifol yn dychwelyd o fod yn absennol.
12. Bod yr unigolyn cyfrifol yn peidio â bod, neu'n bwriadu peidio â bod, yr unigolyn cyfrifol am y gwasanaeth.
13. Unrhyw gam-drin neu honiad o gam-drin mewn perthynas ag unigolyn sy'n ymwneud â'r darparwr gwasanaeth, aelod o staff, gwirfoddolwr a/neu ofalwr lleoli oedolion.
14. Pan fo'r darparwr gwasanaeth, yr unigolyn cyfrifol neu'r rheolwr a benodir wedi ei euogfarnu o drosedd.
15. Unrhyw honiad o gamymddwyn gan aelod o staff.

Notifications by the service provider

1. Any revision to the statement of purpose, 28 days prior to the revised statement of purpose coming into effect.
2. Where the service provider (individual or organisation) changes their name.
3. Where the service provider is a company, any change in the directors of the company.
4. Where the service provider is an individual, the appointment of a trustee in bankruptcy in relation to that individual.
5. Where the service provider is a body corporate or partnership, the appointment of a receiver, manager, liquidator or provisional liquidator in relation to that company or partnership.
6. Where the service provider is a partnership, death of one of the partners.
7. Where the service provider is a partnership, any change in the partners.
8. Expected absence of the responsible individual for 28 days or more, 7 days prior to commencement of the absence.
9. The unexpected absence of the responsible individual, no later than 7 days after the commencement of the absence.
10. Unexpected absence of the responsible individual for 28 days or more, where no prior notification has been given, immediately on the expiry of 28 days following the commencement of the absence.
11. Return from absence of the responsible individual.
12. The responsible individual ceases, or proposes to cease, being the responsible individual for the service.
13. Any abuse or allegation of abuse in relation to an individual that involves the service provider, a member of staff, volunteer and/or a adult placement carer.
14. Where the service provider, responsible individual or appointed manager convicted of a criminal offence.
15. Any allegation of misconduct by a member of staff.

16. Damwain neu anaf difrifol unigolyn sydd wedi ei leoli gyda gofalwr lleoli oedolion.

17. Unrhyw ddigwyddiad a gaiff ei adrodd i'r heddlu.

18. Unrhyw ddigwyddiadau sy'n atal, neu a allai atal, y darparwr gwasanaeth rhag parhau i ddarparu'r gwasanaeth yn ddiogel.

19. Marwolaeth unigolyn sydd wedi ei leoli gyda gofalwr lleoli oedolion a'r amgylchiadau.

20. Unrhyw gais i gorff goruchwyllo mewn perthynas â chymhwyso'r mesurau diogelwch amddifadu o ryddid (DOLS)(1).

21. Unrhyw gynnig i newid cyfeiriad y brif swyddfa, 28 o ddiwrnodau cyn i'r newid ddigwydd.

16. Serious accident or injury of an individual placed with an adult placement carer.

17. Any incident reported to the police.

18. Any events which prevent, or could prevent, the service provider from continuing to provide the service safely.

19. The death of an individual placed with an adult placement carer and the circumstances.

20. Any request to a supervisory body in relation to the application of the deprivation of liberty safeguards (DOLS)(1).

21. Any proposal to change the address of the principal office, 28 days prior to the change taking place.

(1) *Gweler* Rhan 1 o Ddeddf Galluedd Meddyliol 2005 (p. 9).

(1) *See* Part 1 of the Mental Capacity Act 2005 (c. 9).

Hysbysiadau gan yr unigolyn cyfrifol

Notifications by the responsible individual

1. Penodi rheolwr (gweler rheoliad 46(1)).
2. Absenoldeb disgwylidig y rheolwr a benodir am 28 o ddiwrnodau neu ragor, 7 niwrnod cyn i'r absenoldeb ddechrau.
3. Absenoldeb annisgwyl y rheolwr a benodir, heb fod yn hwyrach na 7 niwrnod ar ôl i'r absenoldeb ddechrau.
4. Absenoldeb annisgwyl y rheolwr a benodir am 28 o ddiwrnodau neu ragor, pan na fo hysbysiad ymlaen llaw wedi ei roi, yn union wrth i'r 28 o ddiwrnodau yn dilyn dechrau'r absenoldeb ddod i ben.
5. Bod y rheolwr a benodir yn dychwelyd o fod yn absennol.
6. Trefniadau interim pan fo'r rheolwr yn absennol am fwy nag 28 o ddiwrnodau.
7. Bod rhywun ac eithrio'r rheolwr a benodir yn bwriadu rheoli neu yn rheoli'r gwasanaeth.
8. Bod y rheolwr a benodir yn peidio, neu'n bwriadu peidio, â rheoli'r gwasanaeth.

1. The appointment of a manager (see regulation 46(1)).
2. The expected absence of the appointed manager for 28 days or more, 7 days prior to the commencement of the absence.
3. The unexpected absence of the appointed manager, no later than 7 days after the commencement of the absence.
4. The unexpected absence of appointed manager for 28 days or more where no prior notification has been given, immediately on the expiry of 28 days following the commencement of the absence.
5. Return from absence of appointed manager.
6. Interim arrangements where the manager is absent for longer than 28 days.
7. Someone other than the appointed manager is proposing to manage or is managing the service.
8. The appointed manager ceases, or proposes to cease, managing the service.

©Hawlfraint y Goron 2019

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2019

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

