



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 762 (Cy. 145)

2019 No. 762 (W. 145)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

Rheoliadau Gwasanaethau
Mabwysiadu Rheoleiddiedig
(Darparwyr Gwasanaethau ac
Unigolion Cyfrifol) (Cymru) 2019

The Regulated Adoption Services
(Service Providers and Responsible
Individuals) (Wales) Regulations
2019

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud o dan Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf") ac yn nodi'r gofynion rheoleiddiol a darpariaethau cysylltiedig ar gyfer darparwyr gwasanaethau mabwysiadu rheoleiddiedig ac ar gyfer y personau hynny sydd wedi eu dynodi'n "unigolion cyfrifol" ar gyfer y gwasanaethau hynny.

Cyflwynodd y Ddeddf gysyniad newydd o "gwasanaethau rheoleiddiedig" sydd wedi ei ddiffinio yn adran 2 o'r Ddeddf honno.

Rhaid i berson sy'n dymuno darparu gwasanaeth rheoleiddiedig wneud cais i gofrestru i Weinidogion Cymru (wrth arfer eu swyddogaethau rheoleiddiol) gan bennu'r gwasanaeth rheoleiddiedig y mae'r person yn dymuno ei ddarparu.

Mae adran 2(1)(d) o'r Ddeddf yn darparu bod gwasanaeth mabwysiadu yn wasanaeth rheoleiddiedig, sydd wedi ei ddiffinio yn Atodlen 1 i'r Ddeddf honno i olygu gwasanaeth a ddarperir yng Nghymru gan (a) cymdeithas fabwysiadu o fewn ystyr "adoption society" yn Neddf Mabwysiadu a Phlant 2002 ("Deddf 2002") sy'n sefydliad gwirfoddol o fewn ystyr "voluntary organisation" yn y Ddeddf honno, neu (b) asiantaeth cymorth mabwysiadu o fewn yr ystyr a roddir i "adoption support agency" gan adran 8 o'r Ddeddf honno. Cyfeirir at berson sydd wedi ei gofrestru i ddarparu gwasanaeth mabwysiadu yn y Rheoliadau hyn fel "darparwr gwasanaeth".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act") and set out the regulatory requirements and related provisions for providers of regulated adoption services and for those persons who are designated as the "responsible individuals" for such services.

The Act introduced a new concept of "regulated services" which is defined in section 2 of that Act.

A person who wants to provide a regulated service must make an application for registration to the Welsh Ministers (in the exercise of their regulatory functions) specifying the regulated service that the person wants to provide.

Section 2(1)(d) of the Act provides that an adoption service is a regulated service, which is defined in Schedule 1 to that Act as meaning a service provided in Wales by (a) an adoption society within the meaning of the Adoption and Children Act 2002 ("the 2002 Act") which is a voluntary organisation within the meaning of that Act, or (b) an adoption support agency within the meaning given by section 8 of that Act. A person who is registered to provide an adoption service is referred to in these Regulations as a "service provider".

Mae adran 27 o'r Ddeddf yn darparu y caiff rheoliadau osod gofynion ar ddarparwr gwasanaeth mewn perthynas â gwasanaeth rheoleiddiedig. Mae adran 28 yn darparu ymhellach y caiff rheoliadau osod gofynion ar unigolyn cyfrifol sydd wedi ei ddynodi gan ddarparwr gwasanaeth.

Mae adran 30 o'r Ddeddf yn galluogi Gweinidogion Cymru i wneud rheoliadau ynghylch darparwr gwasanaeth sydd wedi ei ddatod, ac mae adran 31 yn caniatáu i reoliadau gael eu gwneud ynghylch darparwr sydd wedi marw.

Caiff Gweinidogion Cymru wneud rheoliadau er mwyn darparu ei bod yn drosedd i ddarparwr gwasanaeth (adran 45 o'r Ddeddf) ac i unigolyn cyfrifol (adran 46) fethu â chydymffurfio â darpariaethau penodedig.

Mae Rhan 1 o'r Rheoliadau hyn yn cynnwys diffiniadau o dermau penodol sy'n cael eu defnyddio yn y Rheoliadau. Cyfeirir at wasanaeth mabwysiadu fel "gwasanaeth" ac mae "cymorth" yn cynnwys y cymorth y mae'n ofynnol i gymdeithas fabwysiadu ei ddarparu yng nghwrs gwneud trefniadau ar gyfer mabwysiadu neu ar ôl i fabwysiadu gael eu trefnu yn ogystal â'r gwasanaethau cymorth mabwysiadu a all gael eu darparu gan naill ai cymdeithas fabwysiadu neu asiantaeth cymorth mabwysiadu.

Mae Rhan 2 yn cwmpasu eithriadau. Mae'r rheoliad yn Rhan 2 wedi ei wneud o dan bwerau yn adran 2(3) o'r Ddeddf sy'n galluogi Gweinidogion Cymru i ragnodi pethau nad ydynt, er gwaethaf Atodlen 1 i'r Ddeddf (sy'n nodi'r diffiniadau o wasanaethau rheoleiddiedig), i'w trin fel gwasanaeth rheoleiddiedig.

Mae Rhan 3 yn nodi'r gofynion cyffredinol ar y darparwr gwasanaeth o ran y ffordd y darperir y gwasanaeth, gan gynnwys gofynion mewn perthynas â'r datganiad o ddiben, y trefniadau ar gyfer monitro a gwella, y cymorth sydd i'w ddarparu i'r unigolyn cyfrifol, y camau sydd i'w cymryd i sicrhau cynaliadwyedd ariannol y gwasanaeth a'r polisïau a'r gweithdrefnau y mae rhaid iddynt fod yn eu lle.

Mae Rhan 3 hefyd yn disgrifio amryw ofynion mewn perthynas â dynodiad unigolyn cyfrifol. O dan adran 6 o'r Ddeddf, rhaid i berson sy'n dymuno darparu gwasanaeth rheoleiddiedig wneud cais i gofrestru i Weinidogion Cymru y mae person wedi ei ddynodi fel yr unigolyn cyfrifol ynddo.

Mae Rhan 4 yn cwmpasu'r gofynion o ran y camau sydd i'w cymryd cyn i'r darparwr gwasanaeth gytuno i ddarparu cymorth i unigolyn. Ni chaiff darparwr gwasanaeth gytuno i ddarparu cymorth oni bai ei fod yn gyntaf wedi penderfynu bod y gwasanaeth yn addas i ddiwallu anghenion yr unigolyn. Mae rheoliad 12 yn nodi'r camau y mae rhaid iddynt gael eu cymryd a'r

Section 27 of the Act provides that regulations may impose requirements on a service provider in relation to a regulated service. Section 28 further provides that regulations may impose requirements on a responsible individual designated by a service provider.

Section 30 of the Act enables the Welsh Ministers to make regulations about a service provider who is liquidated, with section 31 allowing regulations to be made about a provider who has died.

The Welsh Ministers may make regulations to provide that it is an offence for a service provider (section 45 of the Act) and for a responsible individual (section 46) to fail to comply with specified provisions.

Part 1 of these Regulations contains definitions of certain terms used in the Regulations. An adoption service is referred to as a "service" and "support" includes the support which an adoption society is required to provide in the course of making arrangements for adoption or after adoptions have been arranged as well as the adoption support services which may be provided by either an adoption society or an adoption support agency.

Part 2 covers exceptions. The regulation in Part 2 is made under powers in section 2(3) of the Act which enable the Welsh Ministers to prescribe things which, despite Schedule 1 to the Act (which sets out the definitions of regulated services), are not to be treated as a regulated service.

Part 3 sets out the general requirements on the service provider as to the way in which the service is provided, including requirements in relation to the statement of purpose, the arrangements for monitoring and improvement, the support to be provided to the responsible individual, the steps to be taken to ensure the financial sustainability of the service and the policies and procedures which must be in place.

Part 3 also describes various requirements in relation to the designation of a responsible individual. Under section 6 of the Act, a person who wants to provide a regulated service must make an application for registration to the Welsh Ministers in which a person is designated as the responsible individual.

Part 4 covers the requirements as to the steps to be taken before the service provider agrees to provide support to an individual. A service provider must not agree to provide support unless they have first determined that the service is suitable to meet the individual's needs. Regulation 12 sets out the steps that must be taken and the matters which must be

materion y mae rhaid iddynt gael eu hystyried wrth wneud y penderfyniad hwn. Pan na fo cynllun gofal a chymorth, cynllun cymorth mabwysiadu neu gynllun lleoliad yn ei le, mae'r camau sydd i'w cymryd yn cynnwys cynnal asesiad o angen yr unigolyn am gymorth.

Mae Rhan 5 yn ymdrin â'r gofynion o ran yr wybodaeth sydd i'w darparu i unigolion wrth gychwyn darparu cymorth. Mae rheoliad 13 yn ei gwneud yn ofynnol bod rhaid i'r wybodaeth hon fod ar ffurf canllaw ysgrifenedig ac yn nodi gofynion manwl am y canllaw, gan gynnwys ei gynnwys a'i fformat. Mae rhagor o fanylion am yr wybodaeth y disgwylir y byddai'r canllaw fel arfer yn ei chynnwys i'w cael yn y canllawiau a ddyroddir o dan adran 29 o'r Ddeddf.

Mae Rhan 6 yn cynnwys gofynion o ran safon y cymorth sydd i'w ddarparu. Mae'r rhain yn cynnwys gofynion cyffredinol yn ogystal â gofynion mwy manwl sy'n ymwneud â darparu gwybodaeth, diwallu anghenion iaith a chyfathrebu unigolion a thrin unigolion â pharch a sensitifrwydd.

Mae Rhan 7 yn cynnwys gofynion penodol mewn perthynas â sicrhau bod unigolion yn ddiogel ac wedi eu hamddiffyn rhag camdriniaeth, esgeulustod a thriniaeth amhriodol. Yn ogystal â'i gwneud yn ofynnol i bolisiâu a gweithdrefnau fod yn eu lle mewn perthynas â diogelu, mae'r rheoliadau yn y Rhan hon yn gosod gofynion penodol o ran y camau gweithredu sydd i'w cymryd os bydd honiad neu dystiolaeth o gamdriniaeth.

Mae Rhan 8 yn cynnwys gofynion o ran staffio, sy'n cynnwys gofynion cyffredinol o ran defnyddio niferoedd digonol o staff a gofynion penodol o ran addasrwydd unigolion sy'n gweithio yn y gwasanaeth. Mae'r gofynion hyn yn gymwys nid yn unig i gyflogeion ond hefyd i wirfoddolwyr ac i bersonau eraill sy'n gweithio yn y gwasanaeth. Mae'r gofynion addasrwydd yn cynnwys gofyniad i wybodaeth benodol a dogfennaeth benodol fod ar gael mewn cysylltiad â phersonau sy'n gweithio yn y gwasanaeth, fel y'u nodir yn Atodlen 1.

Ymhlith y gofynion eraill a gynhwysir yn Rhan 8 mae gofynion sy'n ymwneud â chefnogi a datblygu staff, darparu gwybodaeth i staff a gweithredu gweithdrefn ddisgyblu addas. I sicrhau bod cyflogeion yn adrodd am achosion o gamdriniaeth i berson priodol, mae'r rheoliadau yn y Rhan hon yn ei gwneud yn ofynnol i weithdrefn ddisgyblu'r darparwr ddarparu y byddai methu ag adrodd ynddo'i hun yn sail dros achos disgyblu.

taken into account when making this determination. Where there is no care and support plan, adoption support plan, or placement plan in place, the steps to be taken include carrying out an assessment of the individual's need for support.

Part 5 deals with the requirements as to the information to be provided to individuals on the commencement of the provision of support. Regulation 13 requires that this information must be in the form of a written guide and sets out detailed requirements about the guide, including its contents and format. More detail of the information it is expected the guide would usually contain is in the guidance issued under section 29 of the Act.

Part 6 contains requirements as to the standard of support to be provided. These include overarching requirements as well as more detailed requirements relating to the provision of information, meeting individuals' language and communication needs and treating individuals with respect and sensitivity.

Part 7 contains specific requirements in relation to ensuring individuals are safe and protected from abuse, neglect and improper treatment. As well as requiring policies and procedures to be in place in relation to safeguarding, the regulations in this Part place specific requirements as to the action to be taken in the event of an allegation or evidence of abuse.

Part 8 contains requirements as to staffing, which include general requirements as to the deployment of sufficient numbers of staff and specific requirements as to the fitness of individuals working at the service. These requirements apply not just to employees but extend also to volunteers and to other persons working at the service. The fitness requirements include a requirement for specific information and documentation to be available in respect of persons working at the service, as set out in Schedule 1.

Other requirements contained in Part 8 include requirements relating to supporting and developing staff, providing information to staff and the operation of a suitable disciplinary procedure. To ensure that employees report incidents of abuse to an appropriate person, the regulations in this Part require the provider's disciplinary procedure to provide that a failure to report would itself be grounds for disciplinary proceedings.

Mae Rhan 9 yn sicrhau bod mangreuedd sydd i'w defnyddio mewn perthynas â gwasanaethau mabwysiadu yn ddigonol ar gyfer goruchwylio staff a storio cofnodion yn ddiogel.

Mae Rhan 10 yn cynnwys gofynion amrywiol ar ddarparwyr gwasanaethau, gan gynnwys gofynion o ran cadw cofnodion a gwneud hysbysiadau i'r rheoleiddiwr gwasanaethau a chyrrff eraill. Mae Atodlen 2 yn nodi'r cofnodion y mae'n ofynnol iddynt gael eu cadw ac mae Atodlen 3 yn nodi'r hysbysiadau penodol y mae'n ofynnol iddynt gael eu gwneud.

Mae Rhannau 11 i 15 yn cynnwys y gofynion a osodir ar unigolion cyfrifol. Mae'r rheoliadau yn y Rhannau hyn wedi eu gwneud o dan adran 28 o'r Ddeddf.

Mae Rhan 11 yn nodi gofynion ar unigolion cyfrifol sy'n ymwneud â rheoli'r gwasanaeth yn effeithiol. Mae dyletswydd gyffredinol ar yr unigolyn cyfrifol i oruchwylio'r gwaith o reoli'r gwasanaeth ac mae arno ddyletswyddau penodol i benodi person addas i reoli'r gwasanaeth. Rhaid i'r unigolyn cyfrifol hefyd roi trefniadau yn eu lle ar gyfer rheoli'r gwasanaeth pan yw'r rheolwr yn absennol.

Mae Rhan 12 yn cynnwys gofynion ar unigolion cyfrifol ar gyfer sicrhau bod y gwasanaeth yn cael ei oruchwylio'n effeithiol. Drwy osod y gofynion hyn ar yr unigolyn cyfrifol, mae'r rheoliadau yn y Rhan hon yn sicrhau bod person ar lefel briodol uchel yn y sefydliad yn atebol am ansawdd a chydymffurfedd y gwasanaeth. Hefyd, mae'n ofynnol i'r unigolyn cyfrifol wneud adroddiadau i'r darparwr gwasanaeth ar ddigonolrwydd adnoddau ac ar faterion eraill. Rhaid i'r unigolyn cyfrifol wneud trefniadau ar gyfer ymgysylltu ag unigolion ac eraill fel y gall eu safbwyntiau ar ansawdd y cymorth a ddarperir gael eu hystyried gan y darparwr.

Mae Rhan 13 yn nodi'r ddyletswydd ar yr unigolyn cyfrifol ar gyfer sicrhau cydymffurfedd y gwasanaeth â gofynion eraill, gan gynnwys gofynion o ran hysbysu am ddigwyddiadau a chwynion a chadw cofnodion. Rhaid i'r unigolyn cyfrifol hefyd sicrhau bod polisiau a gweithdrefnau'r darparwr gwasanaeth yn cael eu cadw'n gyfredol.

Mae Rhan 14 yn cwmpasu cyfrifoldebau'r unigolyn cyfrifol mewn perthynas â monitro ac adolygu ansawdd y gwasanaeth, ac â gwneud adroddiad i'r darparwr gwasanaeth.

Mae Rhan 15 yn cwmpasu gofynion eraill ar yr unigolyn cyfrifol, gan gynnwys gofynion i wneud hysbysiadau penodol i'r rheoleiddiwr gwasanaethau a gynhwysir yn Atodlen 4.

Part 9 ensures that premises to be used in relation to adoption services are adequate for the supervision of staff and secure storage of records.

Part 10 contains miscellaneous requirements on service providers, including requirements as to the keeping of records and the making of notifications to the service regulator and other bodies. Schedule 2 sets out the records which are required to be kept and Schedule 3 sets out the specific notifications which are required to be made.

Parts 11 to 15 contain the requirements imposed on responsible individuals. The regulations in these Parts are made under section 28 of the Act.

Part 11 sets out requirements on responsible individuals which relate to the effective management of the service. The responsible individual has a general duty to supervise the management of the service and specific duties to appoint a fit person to manage the service. The responsible individual must also put arrangements in place for the management of the service when the manager is absent.

Part 12 contains requirements on responsible individuals for ensuring the effective oversight of the service. By placing these requirements on the responsible individual, the regulations in this Part ensure that a person of an appropriately senior level in the organisation is accountable for service quality and compliance. The responsible individual is also required to make reports to the service provider on the adequacy of resources and on other matters. The responsible individual must make arrangements for engagement with individuals and others so that their views on the quality of support provided can be taken into account by the provider.

Part 13 sets out the duty of the responsible individual for ensuring compliance of the service with other requirements, including requirements as to the notification of incidents and complaints and the keeping of records. The responsible individual must also ensure that the policies and procedures of the service provider are kept up to date.

Part 14 covers the responsible individual's responsibilities in relation to monitoring and reviewing the quality of the service, and making a report to the service provider.

Part 15 covers other requirements on the responsible individual, including requirements to make certain notifications to the service regulator contained in Schedule 4.

Mae Rhan 16 yn cwmpasu troseddau. Mae rheoliad 54 wedi ei wneud o dan y pwerau yn adran 45 o'r Ddeddf ac yn darparu bod methiant gan ddarparwr gwasanaeth i gydymffurfio â gofynion darpariaethau penodedig yn y Rheoliadau hyn yn drosedd. Yn ogystal, pan fo ddarparwr gwasanaeth yn methu â chydymffurfio â gofynion penodol eraill, mae rheoliad 54(3) yn darparu bod hyn hefyd yn drosedd os yw'r methiant i gydymffurfio yn arwain at wneud plentyn yn agored i niwed y gellir ei osgoi neu'n agored i risg sylweddol o niwed o'r fath neu'n agored i golli arian neu eiddo o ganlyniad i ddwyn, camddefnyddio neu gamberchnogi.

Mae Rhan 16 hefyd yn darparu bod methiant gan unigolyn cyfrifol i gydymffurfio â gofynion darpariaethau penodedig yn y Rheoliadau hyn yn drosedd. Mae'r rheoliad hwn wedi ei wneud o dan adran 46 o'r Ddeddf.

Mae Rhan 17 yn pennu'r cyfrifoldebau ar y "person a benodir" os bydd y ddarparwr gwasanaeth yn mynd yn ansolfent. Mae Rhan 17 hefyd yn nodi'r camau i'w cymryd gan gynrychiolwyr personol yr ymadawedig os bydd ddarparwr gwasanaeth sy'n unigolyn yn marw. Mae'n galluogi'r cynrychiolwyr personol i weithredu yn rhinwedd y ddarparwr ac yn addasu'r Ddeddf fel nad yw'n ofynnol, o dan yr amgylchiadau hyn, i'r cynrychiolwyr personol gofrestru fel ddarparwr, a gall un o'r cynrychiolwyr personol gael ei ddynodi fel yr unigolyn cyfrifol.

Mae Rhan 18 yn nodi'r amgylchiadau pan gaiff Gweinidogion Cymru (yn lle ddarparwr gwasanaeth) ddynodi unigolyn i fod yn unigolyn cyfrifol er nad yw gofynion cymhwystra adran 21(2) o'r Ddeddf wedi eu bodloni mewn cysylltiad â'r unigolyn. Mae'r rheoliad hwn wedi ei wneud o dan adran 21(5) o'r Ddeddf.

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.

Part 16 covers offences. Regulation 54 is made under the powers in section 45 of the Act and provides that a failure of a service provider to comply with the requirements of specified provisions in these Regulations is an offence. In addition, where a service provider fails to comply with certain other requirements, regulation 54(3) provides that this is also an offence if the failure to comply results in a child being exposed to avoidable harm or significant risk of such harm or suffering a loss of money or property as a result of theft, misuse or misappropriation.

Part 16 also provides that a failure of a responsible individual to comply with the requirements of specified provisions in these Regulations is an offence. This regulation is made under section 46 of the Act.

Part 17 specifies the responsibilities on the "appointed person" in the event of the insolvency of the service provider. Part 17 also sets out steps to be taken by the personal representatives of the deceased in the event of the death of a service provider who is an individual. It enables the personal representatives to act in the capacity of the provider and modifies the Act so that in these circumstances, the personal representatives are not required to register as provider, and one of the personal representatives can be designated as the responsible individual.

Part 18 sets out the circumstances in which the Welsh Ministers (instead of a service provider) may designate an individual to be a responsible individual despite the eligibility requirements of section 21(2) of the Act not being met in respect of the individual. This regulation is made under section 21(5) of the Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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CYMRU**

SOCIAL CARE, WALES

Rheoliadau Gwasanaethau
Mabwysiadu Rheoleiddiedig
(Darparwyr Gwasanaethau ac
Unigolion Cyfrifol) (Cymru) 2019

The Regulated Adoption Services
(Service Providers and Responsible
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2019

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CYNNWYS

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- 33. Polisi a gweithdrefn gwyno
- 34. Chwythu'r chwiban

RHAN 11

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

- 35. Goruchwyllo'r gwaith o reoli'r gwasanaeth
- 36. Dyletswydd i benodi rheolwr
- 37. Gofynion o ran addasrwydd ar gyfer penodi rheolwr
- 38. Cyfyngiadau ar benodi rheolwr ar gyfer mwy nag un gwasanaeth
- 39. Dyletswydd i adrodd am benodi rheolwr i'r darparwr gwasanaeth
- 40. Dyletswydd i adrodd am benodi rheolwr i GCC a'r rheoleiddiwr gwasanaethau
- 41. Y trefniadau pan yw'r rheolwr yn absennol
- 42. Ymweliadau

RHAN 12

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

- 43. Goruchwyllo digonolrwydd adnoddau
- 44. Adroddiadau eraill i'r darparwr gwasanaeth
- 45. Ymgysylltu ag unigolion ac eraill

PART 9

Requirements on service providers as to premises

- 28. Overarching requirement
- 29. Adequacy of premises

PART 10

Other requirements on service providers

- 30. Records
- 31. Notifications
- 32. Conflicts of interest
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PART 11

Requirements on responsible individuals for ensuring effective management of the service

- 35. Supervision of the management of the service
- 36. Duty to appoint a manager
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- 38. Restrictions on appointing a manager for more than one service
- 39. Duty to report the appointment of manager to service provider
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PART 12

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- 43. Oversight of adequate resources
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RHAN 13

Gofynion ar unigolion cyfrifol ar gyfer sicrhau cydymffurfedd y gwasanaeth

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47. Dyletswydd i sicrhau bod systemau yn eu lle ar gyfer cadw cofnodion
48. Dyletswydd i sicrhau bod polisiau a gweithdrefnau yn gyfredol

RHAN 14

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

49. Adolygiad o ansawdd y gwasanaeth
50. Datganiad o gydymffurfedd â'r gofynion o ran safonau'r cymorth

RHAN 15

Gofynion eraill ar unigolion cyfrifol

51. Cymorth ar gyfer staff sy'n codi pryderon
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RHAN 16

Troseddau

54. Troseddau - darparwyr gwasanaethau
55. Troseddau - unigolion cyfrifol

RHAN 17

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

56. Penodi datodwyr etc.
57. Marwolaeth darparwr gwasanaeth

RHAN 18

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

58. Dynodiad unigolyn cyfrifol gan Weinidogion Cymru

PART 13

Requirements on responsible individuals for ensuring compliance of the service

46. Duty to ensure there are systems in place to record incidents and complaints
47. Duty to ensure there are systems in place for keeping of records
48. Duty to ensure policies and procedures are up to date

PART 14

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

49. Quality of service review
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PART 15

Other requirements on responsible individuals

51. Support for staff raising concerns
52. Duty of candour
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PART 16

Offences

54. Offences – service providers
55. Offences – responsible individuals

PART 17

Service providers who are liquidated etc. or who have died

56. Appointment of liquidators etc.
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PART 18

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58. Designation of responsible individual by Welsh Ministers

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RHAN 2	— Dehongli Rhan 1	PART 2	— Interpretation of Part 1
ATODLEN 2	— Y cofnodion sydd i'w cadw	SCHEDULE 2	— Records to be kept
ATODLEN 3	— Hysbysiadau gan y darparwr gwasanaeth	SCHEDULE 3	— Notifications by the service provider
RHAN 1	— Hysbysiadau i'r rheoleiddiwr gwasanaethau	PART 1	— Notifications to the service regulator
RHAN 2	— Hysbysiad i'r Bwrdd Iechyd Lleol/grŵp comisiynu clinigol a Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol gan ddarparwr cymdeithas fabwysiadu	PART 2	— Notification to the Local Health Board/clinical commissioning group and National Health Service Commissioning Board by the provider of an adoption society
RHAN 3	— Hysbysiad i'r Bwrdd Iechyd Lleol/grŵp comisiynu clinigol a Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol gan ddarparwr asiantaeth cymorth mabwysiadu neu ddarparwr cymdeithas fabwysiadu sy'n darparu gwasanaethau cymorth mabwysiadu	PART 3	— Notification to the Local Health Board/clinical commissioning group and National Health Service Commissioning Board by the provider of an adoption support agency or of an adoption society which provides adoption support services
RHAN 4	— Hysbysiad i'r asiantaeth leoli	PART 4	— Notification to the placing agency
RHAN 5	— Hysbysiadau i'r awdurdod ardal	PART 5	— Notifications to the area authority
RHAN 6	— Hysbysiadau i'r awdurdod lleoli gan ddarparwr cymdeithas fabwysiadu	PART 6	— Notifications to the placing authority by the provider of an adoption society

<p>RHAN 7 — Hysbysiadau i'r awdurdod lleoli gan ddarparwr asiantaeth cymorth mabwysiadu neu gymdeithas fabwysiadu sy'n darparu gwasanaethau cymorth mabwysiadu</p> <p>RHAN 8 — Hysbysiad i'r awdurdod perthnasol</p> <p>RHAN 9 — Hysbysiad i'r heddlu</p> <p>ATODLEN 4 — Hysbysiadau gan yr unigolyn cyfrifol</p>	<p>PART 7 — Notifications to the placing authority by the provider of an adoption support agency or adoption society which provides adoption support services</p> <p>PART 8 — Notification to the relevant authority</p> <p>PART 9 — Notification to the police</p> <p>SCHEDULE 4 — Notifications by the responsible individual</p>
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Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 2(3), 21(5), 27, 28, 30, 31, 45, 46 a 187(1) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(1) (“y Ddeddf”).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 2(3), 21(5), 27, 28, 30, 31, 45, 46 and 187(1) of the Regulation and Inspection of Social Care (Wales) Act 2016(1) (“the Act”).

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, 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.

The Welsh Ministers have consulted such persons as they think appropriate, as required by sections 27(4)(a) and 28(4) of the 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.

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

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

RHAN 1

Cyffredinol

PART 1

General

Enwi a chychwyn

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

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

Title and commencement

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

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

(1) 2016 dccc 2; gweler adran 189 am y diffiniad o “a ragnodir” a “rhagnodedig”.

(1) 2016 anaw 2; see section 189 for the definition of “prescribed”.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr “addasiadau rhesymol” (“*reasonable adjustments*”) yw unrhyw addasiadau rhesymol a fyddai’n ofynnol o dan Ddeddf Cydraddoldeb 2010(1);

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;

mae i “asiantaeth cymorth mabwysiadu” yr ystyr a roddir i “adoption support agency” yn adran 8 o Ddeddf 2002;

ystyr “asiantaeth fabwysiadu” (“*adoption agency*”) yw cymdeithas fabwysiadu neu wasanaeth mabwysiadu awdurdod lleol;

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

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

ystyr “Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol” (“*the National Health Service Commissioning Board*”) yw’r corff a sefydlwyd o dan adran 1H o Ddeddf y Gwasanaeth Iechyd Gwladol 2006;

mae i “cyflogai” yr un ystyr ag “employee” yn adran 230(1) o Ddeddf Hawliau Cyflogaeth 1996(2);

mae i “cymdeithas fabwysiadu” yr ystyr a roddir i “adoption society” yn adran 2(5) o Ddeddf 2002, sef sefydliad gwirfoddol o fewn ystyr “voluntary organisation” yn y Ddeddf honno;

ystyr “cynllun cymorth mabwysiadu” (“*adoption support plan*”) yw’r cynllun sy’n nodi’r gwasanaethau cymorth mabwysiadu y mae’r awdurdod lleol wedi penderfynu eu darparu ar gyfer y plentyn a’r teulu mabwysiadol, sut y darperir hwy a chan bwy (os yw’n gymwys);

ystyr “cynllun gofal a chymorth” (“*care and support plan*”) yw cynllun ar gyfer y plentyn a wneir o dan adran 54 neu adran 83 o Ddeddf 2014(3);

Interpretation

2.—(1) In these Regulations—

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

“the 2002 Act” (“*Deddf 2002*”) means the Adoption and Children Act 2002(1);

“adoption agency” (“*asiantaeth fabwysiadu*”) means an adoption society or a local authority adoption service;

“adoption society” (“*cymdeithas fabwysiadu*”) has the meaning given in section 2(5) of the 2002 Act, which is a voluntary organisation within the meaning of that Act;

“adoption support agency” (“*asiantaeth cymorth mabwysiadu*”) has the meaning given in section 8 of the 2002 Act;

“adoption support plan” (“*cynllun cymorth mabwysiadu*”) means the plan which sets out the adoption support services the local authority has decided to provide for the child and the adoptive family, how these will be provided and by whom (if applicable);

“adoption support services” (“*gwasanaethau cymorth mabwysiadu*”) has the meaning given in section 2(6) of the 2002 Act and regulation 3 of the Adoption Support Services (Wales) Regulations 2019(2);

“adoptive child” (“*plentyn mabwysiadol*”) has the meaning given in regulation 2 of the Adoption Support Services (Wales) Regulations 2019;

“adoptive parent” (“*rhiant mabwysiadol*”) has the meaning given in regulation 2 of the Adoption Support Services (Wales) Regulations 2019;

“approved by the service” (“*a gymeradwywyd gan y gwasanaeth*”) means approved by the service as suitable to be an adoptive parent in accordance with the Adoption Agencies (Wales) Regulations 2005(3);

“care and support plan” (“*cynllun gofal a chymorth*”) means a plan for the child made under section 54 or section 83 of the 2014 Act(4);

“child” (“*plentyn*”) means a person who is aged under 18;

(1) 2010 p. 15, adran 20.

(2) 1996 p. 18.

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

(1) 2002 c. 38.

(2) S.I. 2019/286 (W.66).

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

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

mae i “cynllun lleoliad” (“*placement plan*”) yr ystyr a roddir yn rheoliad 36(2) o Reoliadau Asiantaethau Mabwysiadu (Cymru) 2005(1);

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

ystyr “darparwr gwasanaeth” (“*service provider*”) yw darparwr gwasanaeth mabwysiadu sydd wedi ei gofrestru o dan adran 7 o’r Ddeddf;

ystyr “y datganiad o ddiben” (“*the statement of purpose*”) yw’r ddogfen sy’n cynnwys yr wybodaeth y mae rhaid ei darparu yn unol â rheoliad 3(c) o Reoliadau Gwasanaethau Rheoleiddiedig (Cofrestru) (Cymru) 2017(2) ac Atodlen 2 iddynt ar gyfer y man y mae’r gwasanaeth i’w ddarparu mewn perthynas ag ef(3);

ystyr “Deddf 2002” (“*the 2002 Act*”) yw Deddf Mabwysiadu a Phlant 2002(4);

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

ystyr “grŵp comisiynu clinigol” (“*clinical commissioning group*”) yw corff a sefydlwyd o dan adran 14D o Ddeddf y Gwasanaeth Iechyd Gwladol 2006(5);

mae i “gwarcheidwad” yr ystyr a roddir i “guardian” yn adran 5 o Ddeddf Plant 1989(6);

ystyr “y gwasanaeth” (“*the service*”), oni nodir fel arall, yw gwasanaeth mabwysiadu(7) a ddarperir mewn perthynas ag ardal benodedig;

ystyr “y Gwasanaeth Datgelu a Gwahardd” (“*the Disclosure and Barring Service*”) a’r “GDG” (“*DBS*”) yw’r corff a sefydlir gan adran 87(1) o Ddeddf Diogelu Rhyddidau 2012(8);

mae i “gwasanaeth mabwysiadu awdurdod lleol” (“*local authority adoption service*”) yr ystyr a roddir yn rheoliad 2(1) o Reoliadau Gwasanaethau Mabwysiadu Awdurdodau Lleol (Cymru) 2019(9);

ystyr “gwasanaeth mabwysiadu rheoleiddiedig” (“*regulated adoption service*”) yw gwasanaeth

“clinical commissioning group” (“*grŵp comisiynu clinigol*”) means a body established under section 14D of the National Health Service Act 2006(1);

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

“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(2);

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

“guardian” (“*gwarcheidwad*”) has the meaning given to it in section 5 of the Children Act 1989(4);

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

(a) in the case of an adoption society in the course of arranging an adoption or after an adoption has been arranged—

(i) a child who may be adopted, their parent or guardian;

(ii) a person wishing to adopt a child, or

(iii) an adopted person, their parent, birth parent or former guardian,

who is receiving support of the type which an adoption society is required to provide in accordance with the Adoption Agencies (Wales) Regulations 2005 or the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005(5);

(b) in the case of an adoption support agency, or an adoption society in the course of providing adoption support services, any person who is receiving adoption support services;

“local authority adoption service” (“*gwasanaeth mabwysiadu awdurdod lleol*”) has the meaning given in regulation 2(1) of the Local Authority Adoption Services (Wales) Regulations 2019(6);

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

(1) O.S. 2005/1313 (Cy. 95).

(2) O.S. 2017/1098 (Cy. 278).

(3) Mae rheoliad 3(c) o Reoliadau Gwasanaethau Rheoleiddiedig (Cofrestru) (Cymru) 2017 yn ei gwneud yn ofynnol i berson sy’n dymuno darparu gwasanaeth mabwysiadu ddarparu datganiad o ddiben ar gyfer pob man y mae’r gwasanaeth i’w ddarparu ohono.

(4) 2002 p. 38.

(5) 2006 p. 41.

(6) 1989 p. 41.

(7) Mae i “gwasanaeth mabwysiadu” yr ystyr a roddir ym mharagraff 4 o Atodlen 1 i’r Ddeddf.

(8) 2012 p. 9.

(9) O.S. 2019/291 (W.69).

(1) 2006 c. 41.

(2) 2012 c. 9.

(3) 1996 c. 18.

(4) 1989 c. 41.

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

(6) S.I. 2019/291 (W.69).

mabwysiadu sydd wedi ei reoleiddio o dan y Ddeddf;

mae i “gwasanaethau cymorth mabwysiadu” yr ystyr a roddir i “adoption support services” yn adran 2(6) o Ddeddf 2002 a'r ystyr a roddir yn rheoliad 3 o Reoliadau Gwasanaethau Cymorth Mabwysiadu (Cymru) 2019(1);

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

ystyr “a gymeradwywyd gan y gwasanaeth” (“*approved by the service*”) yw wedi ei gymeradwyo gan y gwasanaeth yn addas i fod yn rhiant mabwysiadol yn unol â Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005;

mae i “person perthynol” (“*related person*”) yr ystyr a roddir yn rheoliad 2 o Reoliadau Gwasanaethau Cymorth Mabwysiadu (Cymru) 2019;

ystyr “plentyn” (“*child*”) yw person sydd o dan 18 oed;

mae i “plentyn mabwysiadol” (“*adoptive child*”) yr ystyr a roddir yn rheoliad 2 o Reoliadau Gwasanaethau Cymorth Mabwysiadu (Cymru) 2019;

ystyr “y rheoleiddiwr gwasanaethau” (“*the service regulator*”) yw Gweinidogion Cymru wrth arfer eu swyddogaethau rheoleiddiol(2);

mae i “rhiant mabwysiadol” (“*adoptive parent*”) yr ystyr a roddir yn rheoliad 2 o Reoliadau Gwasanaethau Cymorth Mabwysiadu (Cymru) 2019;

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 contract ar gyfer gwasanaethau,

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

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

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

- (a) yn achos cymdeithas fabwysiadu yng nghwrs trefnu mabwysiad neu ar ôl i fabwysiad gael ei drefnu—

(a) a county council in England,

(b) a district council for an area in England for which there is no county council,

(c) a London borough council, or

(d) the Common Council of the City of London;

“the National Health Service Commissioning Board” (“*Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol*”) means the body established under section 1H of the National Health Service Act 2006;

“placement plan” (“*cynllun lleoliad*”) has the meaning given in regulation 36(2) of the Adoption Agencies (Wales) Regulations 2005;

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

“regulated adoption service” (“*gwasanaeth mabwysiadu rheoleiddiedig*”) means an adoption service which is regulated under the Act;

“related person” (“*person perthynol*”) has the meaning given in regulation 2 of the Adoption Support Services (Wales) Regulations 2019;

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

“the service” (“*y gwasanaeth*”), unless otherwise indicated, means an adoption service(2) which is provided in relation to a specified area;

“service provider” (“*darparwr gwasanaeth*”) means an adoption service provider who is registered under section 7 of the Act;

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

(1) O.S. 2019/286 (W.66).

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

(1) 2010 c. 15, section 20.

(2) “adoption service” has the meaning given in paragraph 4 of Schedule 1 to the Act.

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

- (i) plentyn a all gael ei fabwysiadu, ei riant neu ei warcheidwad,
- (ii) person sy'n dymuno mabwysiadu plentyn, neu
- (iii) person mabwysiedig, ei riant, ei riant geni neu ei gyn-warcheidwad,

sy'n cael cymorth o'r math y mae'n ofynnol i gymdeithas fabwysiadu ei ddarparu yn unol â Rheoliadau Asiantaethau Mabwysiadu (Cymru) 2005 neu Reoliadau Mynediad i Wybodaeth (Mabwysiadu Ôl-gychwyn) (Cymru) 2005(1);

- (b) yn achos asiantaeth cymorth mabwysiadu, neu gymdeithas fabwysiadu yng nghwrs darparu gwasanaethau cymorth mabwysiadu, unrhyw berson sy'n cael gwasanaethau cymorth mabwysiadu.

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

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

RHAN 2

Eithriadau

Eithriadau

3.—(1) Nid yw'r gwasanaethau a ganlyn i'w trin fel gwasanaeth mabwysiadu, er gwaethaf paragraff 4 o Atodlen 1 i'r Ddeddf (gwasanaethau rheoleiddiedig: diffiniadau, gwasanaeth mabwysiadu)—

- (a) darparu gwasanaeth mewn perthynas â mabwysiadu gan berson, yng nghwrs gweithgaredd cyfreithiol (o fewn yr ystyr a roddir i "legal activity" yn Neddf Gwasanaethau Cyfreithiol 2007(2)), sy'n—
 - (i) person awdurdodedig at ddibenion y Ddeddf honno, neu

- (b) persons engaged by the service provider under a contract for services,

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

"the statement of purpose" ("y datganiad o ddiben") means the document containing the information which must be provided in accordance with regulation 3(c) of and Schedule 2 to the Regulated Services (Registration) (Wales) Regulations 2017(1) for the place in relation to which the service is to be provided(2);

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

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

- (a) the support which an adoption society is required to provide to individuals in the course of arranging an adoption, or after an adoption has been arranged, in accordance with the Adoption Agencies (Wales) Regulations 2005 or the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005, or
- (b) the adoption support services which may be provided by an adoption society or adoption support agency.

PART 2

Exceptions

Exceptions

3.—(1) The following services are not to be treated as an adoption service, despite paragraph 4 of Schedule 1 to the Act (regulated services: definitions, adoption service)—

- (a) the provision of a service in relation to adoption by a person, in the course of a legal activity (within the meaning of the Legal Services Act 2007(3)), who is—
 - (i) an authorised person for the purposes of that Act, or

(1) S.I. 2017/1098 (W. 278).

(2) Regulation 3(c) of the Regulated Services (Registration) (Wales) Regulations 2017 requires a person who wants to provide an adoption service to provide a statement of purpose for each place from which the service is to be provided.

(3) 2007 c. 29.

(1) O.S. 2005/2689 (Cy. 189).

(2) 2007 p. 29.

- (ii) cyfreithiwr Ewropeaidd (o fewn yr ystyr a roddir i “European lawyer” yng Ngorchymyn y Cymunedau Ewropeaidd (Gwasanaethau Cyfreithwyr) 1978(1));
- (b) darparu gwasanaethau i alluogi grwpiau o blant mabwysiadol, rhieni mabwysiadol a rhieni geni neu gyn-warcheidwaid plentyn mabwysiadol i drafod materion sy’n ymwneud â mabwysiadu;
- (c) darparu gofal seibiant i blentyn mabwysiadol neu riant mabwysiadol gan wasanaeth cartref gofal neu wasanaeth cymorth cartref y mae person wedi ei gofrestru mewn cysylltiad ag ef o dan bennod 2 o Ran 1 o’r Ddeddf;
- (d) darparu gofal seibiant mewn perthynas â phlentyn mabwysiadol sy’n cynnwys gwarchod plant neu ofal dydd o fewn yr ystyr yn Rhan 2 o Fesur Plant a Theuluoedd (Cymru) 2010(2) ac y mae person wedi ei gofrestru mewn cysylltiad ag ef ar gyfer gwarchod plant neu ofal dydd o dan y Rhan honno o’r Mesur hwnnw;
- (e) darparu gwasanaethau cymorth mabwysiadu gan berson sy’n darparu’r gwasanaethau hynny—
 - (i) ac eithrio mewn partneriaeth ag eraill, a
 - (ii) o dan contract ar gyfer gwasanaethau gyda—
 - (aa) gwasanaeth mabwysiadu rheoleiddiedig, neu
 - (bb) gwasanaeth mabwysiadu awdurdod lleol.

(2) Ym mharagraff (1)(e), nid yw person yn cynnwys y lluosog ac nid yw’n gorff corfforaethol.

RHAN 3

Gofynion cyffredinol ar ddarparwyr gwasanaethau

Gofynion mewn perthynas â darparu’r gwasanaeth

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

- (ii) a European lawyer (within the meaning of the European Communities (Services of Lawyers) Order 1978(1));

- (b) the provision of services to enable groups of adoptive children, adoptive parents and birth parents or former guardians of an adoptive child to discuss matters relating to adoption;
- (c) the provision of respite care to an adoptive child or an adoptive parent by a care home service or domiciliary support service in respect of which a person is registered under chapter 2 of Part 1 of the Act;
- (d) the provision of respite care in relation to an adoptive child consisting of child minding or day care within the meaning in Part 2 of the Children and Families (Wales) Measure 2010(2) and in respect of which a person is registered for child minding or day care under that Part of that Measure;
- (e) the provision of adoption support services by a person who provides those services—
 - (i) otherwise than in partnership with others, and
 - (ii) under a contract for services with—
 - (aa) a regulated adoption service, or
 - (bb) a local authority adoption service.

(2) In paragraph (1)(e), a person does not include the plural and is not a corporate body.

PART 3

General requirements on service providers

Requirements in relation to the provision of the service

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

(1) O.S. 1978/1910.
(2) 2010 mccc 1.

(1) S.I. 1978/1910.
(2) 2010 nawm 1.

Gofynion mewn perthynas â'r datganiad o ddiben

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

(2) Rhaid i'r darparwr gwasanaeth—

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

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

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

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

Gofynion mewn perthynas â monitro a gwella

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

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

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

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

Requirements in relation to the statement of purpose

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

(2) The service provider must—

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

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

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

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

Requirements in relation to monitoring and improvement

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

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

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

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

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

- (a) ystyried safbwyntiau'r personau hynny yr ymgynghorir â hwy yn unol â pharagraff (2), a
- (b) rhoi sylw i'r adroddiad ar ansawdd y gwasanaeth a lunnir gan yr unigolyn cyfrifol yn unol â rheoliad 49(4).

Gofynion mewn perthynas â'r unigolyn cyfrifol

7.—(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—

- (a) yn cael ei gefnogi 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 11 i 15, rhaid i'r darparwr—

- (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'r gofynion a osodir gan y rheoliadau yn Rhannau 3 i 10, a
- (d) monitro, adolygu a gwella ansawdd y cymorth a ddarperir.

(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.

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

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

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

- (a) take into account the views of those persons consulted in accordance with paragraph (2), and
- (b) have regard to the quality of service report prepared by the responsible individual in accordance with regulation 49(4).

Requirements in relation to the responsible individual

7.—(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—

- (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 11 to 15, the 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 imposed by the regulations in Parts 3 to 10, and
- (d) monitoring, reviewing and improving the quality of support provided.

(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.

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

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

(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 unigolyn yn absennol, rhaid iddo 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 3 i 10, a
- (d) monitro, adolygu a gwella ansawdd y cymorth a ddarperir.

(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

9.—(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 copïau 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

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

- (a) cychwyn y gwasanaeth (gweler rheoliad 12);
- (b) diogelu (gweler rheoliad 20);
- (c) cefnogi a datblygu staff (gweler rheoliad 24);
- (d) disgyblu staff (gweler rheoliad 27);
- (e) cwynion (gweler rheoliad 33);
- (f) chwythu'r chwiban (gweler rheoliad 34).

(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 individual 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 3 to 10, and
- (d) monitoring, reviewing and improving the quality of support provided.

(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

9.—(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

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

- (a) commencement of the service (see regulation 12);
- (b) safeguarding (see regulation 20);
- (c) supporting and developing staff (see regulation 24);
- (d) staff discipline (see regulation 27);
- (e) complaints (see regulation 33);
- (f) whistleblowing (see regulation 34).

(2) Rhaid i'r darparwr gwasanaeth hefyd gael unrhyw bolisïau 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 polisïau 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 cymorth ar eu cyfer,
- (b) yn gyson â'r datganiad o ddiben, ac
- (c) yn cael ei gadw'n gyfredol.

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

Dyletswydd gonestrwydd

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

- (a) unigolion;
- (b) unrhyw gynrychiolwyr yr unigolion hynny.

RHAN 4

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

Addasrwydd y gwasanaeth

12.—(1) Ni chaiff y darparwr gwasanaeth ddarparu cymorth ar gyfer unigolyn oni bai bod y darparwr wedi penderfynu bod y gwasanaeth yn addas i ddiwallu angen yr unigolyn am gymorth.

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

(3) Rhaid i'r penderfyniad o dan baragraff (1) ystyried—

- (a) unrhyw gynllun cyfredol;
- (b) unrhyw asesiadau iechyd neu unrhyw asesiadau perthnasol eraill;
- (c) safbwyntiau, dymuniadau a theimladau'r unigolyn;
- (d) unrhyw risgiau i lesiant yr unigolyn;
- (e) unrhyw risgiau i lesiant unigolion eraill y darperir cymorth iddynt;
- (f) argyhoeddiad crefyddol, tarddiad hiliol, cefndir diwylliannol ac ieithyddol yr unigolyn, ynghyd â'i gyfeiriadedd rhywiol a'i hunaniaeth o ran rhywedd;

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

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

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

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

Duty of candour

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

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

PART 4

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

Suitability of the service

12.—(1) The service provider must not provide support for an individual unless the provider has determined that the service is suitable to meet the individual's need for support.

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

(3) The determination under paragraph (1) must take into account—

- (a) any up to date plan;
- (b) any health or other relevant assessments;
- (c) the individual's views, wishes and feelings;
- (d) any risks to the individual's well-being;
- (e) any risks to the well-being of other individuals to whom support is provided;
- (f) the individual's religious persuasion, racial origin, cultural and linguistic background, sexual orientation and gender identity;

- (g) unrhyw addasiadau rhesymol y gallai'r darparwr gwasanaeth eu gwneud i alluogi i angen yr unigolyn am gymorth gael ei ddiwallu;
- (h) polisi a gweithdrefnau'r darparwr gwasanaeth ar gychwyn y gwasanaeth.

(4) Mewn achos pan na fo gan yr unigolyn gynllun, rhaid i'r darparwr gwasanaeth asesu angen yr unigolyn am gymorth.

(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 yw'r unigolyn yn oedolyn neu'n blentyn 16 oed neu drosodd ac 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.

(7) Yn y rheoliad hwn, caiff "cynllun" gynnwys—

- (a) cynllun cymorth mabwysiadu,
- (b) cynllun gofal a chymorth, neu
- (c) cynllun lleoliad.

RHAN 5

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

Gwybodaeth am y gwasanaeth

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

- (g) any reasonable adjustments which the service provider could make to enable the individual's need for support to be met;

- (h) the service provider's policy and procedures on commencement of the service.

(4) In a case where the individual does not have a plan, the service provider must assess the individual's need for support.

(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 is an adult or a child aged 16 or over and 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.

(7) In this regulation "plan" may include—

- (a) an adoption support plan,
- (b) a care and support plan, or
- (c) a placement plan.

PART 5

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

Information about the service

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

- (3) Rhaid i'r canllaw gynnwys gwybodaeth am—
- (a) sut i godi pryder neu wneud cwyn;
 - (b) argaeledd gwasanaethau eirioli;
 - (c) rôl a manylion cyswllt Comisiynydd Plant Cymru.

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

Cytundeb gwasanaeth

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

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

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

RHAN 6

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

Safonau'r cymorth – gofynion cyffredinol

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

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

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

Gwybodaeth

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

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

- (3) The guide must contain information about—
- (a) how to raise a concern or make a complaint;
 - (b) the availability of advocacy services;
 - (c) the role and contact details for the Children's Commissioner for Wales.

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

Service agreement

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

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

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

PART 6

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

Standards of support – overarching requirements

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

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

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

Information

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

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

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

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

Iaith a chyfathrebu

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

Parch a sensitifrwydd

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

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

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

RHAN 7

Gofynion ar ddarparwyr gwasanaethau - diogelu

Diogelu – gofyniad cyffredinol

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

Polisiâu a gweithdrefnau diogelu

20.—(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.

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

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

Language and communication

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

Respect and sensitivity

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

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

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

PART 7

Requirements on service providers – safeguarding

Safeguarding - overarching requirement

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

Safeguarding policies and procedures

20.—(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) Yn y rheoliad hwn, cyfeirir at bolisïau a gweithdrefnau o'r fath fel polisïau a gweithdrefnau diogelu.

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

Dehongli Rhan 7

21. Yn y Rhan hon—

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

At ddibenion y diffiniad hwn—

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

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

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).

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

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

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

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

Interpretation of Part 7

21. In this Part—

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

For the purposes of this definition—

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

“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.

(1) 2005 p. 9.

(1) 2005 c. 9.

RHAN 8

Gofynion ar ddarparwyr gwasanaethau o ran staffio

Staffio - gofynion cyffredinol

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

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

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

Addasrwydd staff

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

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

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

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

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

Fitness of staff

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

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

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

- (a) the person is of suitable integrity and good character;
- (b) the person has the qualifications, skills, competence and experience necessary for the work that person is to perform;
- (c) the person is able by reason of their health, after reasonable adjustments are made, to properly perform the tasks which are intrinsic to the work for which that person is employed or engaged;
- (d) the person has provided full and satisfactory information or documentation, as the case may be, in respect of each of the matters

materion a bennir yn Rhan 1 o Atodlen 1 a bod yr wybodaeth hon neu'r ddogfennaeth hon ar gael yn y gwasanaeth i'r rheoleiddiwr gwasanaethau edrych arni;

- (e) pan fo'r person wedi ei gyflogi gan y darparwr gwasanaeth i reoli'r gwasanaeth, o 1 Ebrill 2022, fod y person wedi ei gofrestru fel rheolwr gofal cymdeithasol(1) â GCC(2).

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

specified in Part 1 of Schedule 1 and this information or documentation is available at the service for inspection by the service regulator;

- (e) where the person is employed by the service provider to manage the service, from 1 April 2022, the person is registered as a social care manager(1) with SCW(2).

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

(4) 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 79(1)(b) o'r Ddeddf am y diffiniad o "rheolwr gofal cymdeithasol".

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

(1) *See* section 79(1)(b) of the Act for the definition of a "social care manager".

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

Cefnogi a datblygu staff

24.—(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 fel rheolwr yn cael ei gefnogi i gynnal ei gofrestrriad â GCC.

Cydymffurfio â chod ymarfer

25. 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, y mae'n ofynnol i GCC ei gyhoeddi o dan adran 112(1)(b) o'r Ddeddf.

Gwybodaeth ar gyfer staff

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

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

Gweithdrefnau disgyblu

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

(2) Rhaid i'r weithdrefn ddisgyblu gynnwys—

Supporting and developing staff

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

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

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

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

Compliance with code of practice

25. 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, which is required to be published by SCW under section 112(1)(b) of the Act.

Information for staff

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

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

Disciplinary procedures

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

(2) The disciplinary procedure must include—

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

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

- (a) y darparwr gwasanaeth,
- (b) yr unigolyn cyfrifol,
- (c) swyddog i'r rheoleiddiwr gwasanaethau,
- (d) swyddog i'r awdurdod lleol ar gyfer yr ardal lle y darperir y gwasanaeth,
- (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,

yn ôl y digwydd.

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

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

- (a) the service provider,
- (b) the responsible individual,
- (c) an officer of the service regulator,
- (d) an officer of the local authority for the area where 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,

as the case may be.

RHAN 9

Gofynion ar ddarparwyr gwasanaethau o ran mangreoedd

Gofyniad cyffredinol

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

Digonolrwydd mangreoedd

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

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

RHAN 10

Gofynion eraill ar ddarparwyr gwasanaethau

Cofnodion

30.—(1) Rhaid i'r darparwr gwasanaeth gadw a chynnal y cofnodion a bennir yn Atodlen 2.

PART 9

Requirements on service providers as to premises

Overarching requirement

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

Adequacy of premises

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

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

PART 10

Other requirements on service providers

Records

30.—(1) The service provider must keep and maintain the records specified in Schedule 2.

(2) Rhaid i'r darparwr gwasanaeth—

- (a) sicrhau bod cofnodion a bennir yn Atodlen 2 yn gywir ac yn gyfredol;
- (b) cadw'r cofnodion yn ddiogel;
- (c) gwneud trefniadau addas er mwyn i'r cofnodion barhau i gael eu cadw'n ddiogel os bydd y gwasanaeth yn cau;
- (d) rhoi'r cofnodion ar gael i'r rheoleiddiwr gwasanaethau ar gais;
- (e) pan fo gorchymyn mabwysiadu wedi ei wneud mewn perthynas â phlentyn, gadw cofnodion sy'n ymwneud â'r plentyn a mabwysiadu y plentyn am o leiaf 100 mlynedd o ddyddiad y gorchymyn mabwysiadu;
- (f) pan fo gwasanaethau cymorth mabwysiadu yn cael eu darparu i unigolyn, gadw cofnodion sy'n ymwneud â'r unigolyn am o leiaf 100 mlynedd o ddyddiad y cofnod diwethaf;
- (g) mewn achos nad yw'n dod o fewn is-baragraff (e) neu (f), gadw—
 - (i) cofnodion sy'n ymwneud ag oedolion am 3 blynedd o ddyddiad y cofnod diwethaf;
 - (ii) cofnodion sy'n ymwneud â phlant am 15 mlynedd o ddyddiad y cofnod diwethaf;
- (h) sicrhau bod unigolion sy'n defnyddio'r gwasanaeth—
 - (i) yn gallu cael mynediad i'w cofnodion, a
 - (ii) yn cael eu gwneud yn ymwybodol eu bod yn gallu cael mynediad i'w cofnodion.

Hysbysiadau

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

(2) Yn achos gwasanaeth a ddarperir gan gymdeithas fabwysiadu, rhaid i'r darparwr gwasanaeth hysbysu—

- (a) y Bwrdd Iechyd Lleol, neu'r grŵp comisiynu clinigol a Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol, am y digwyddiadau a bennir yn Rhan 2 o Atodlen 3;
- (b) yr asiantaeth leoli am y digwyddiad a bennir yn Rhan 4 o Atodlen 3;
- (c) yr awdurdod ardal am y digwyddiadau a bennir yn Rhan 5 o Atodlen 3;
- (d) yr awdurdod lleoli am y digwyddiadau a bennir yn Rhan 6 o Atodlen 3;
- (e) yr heddlu am y digwyddiad a bennir yn Rhan 9 o Atodlen 3.

(2) The service provider must—

- (a) ensure that records specified in Schedule 2 are accurate and up to date;
- (b) keep the records securely;
- (c) make suitable arrangements for the records to continue to be kept securely in the event the service closes;
- (d) make the records available to the service regulator on request;
- (e) where an adoption order has been made in relation to a child, retain records relating to the child and the child's adopter for at least 100 years from the date of the adoption order;
- (f) where adoption support services are provided to an individual, retain records relating to the individual for at least 100 years from the date of the last entry;
- (g) in a case which does not fall within subparagraph (e) or (f) retain—
 - (i) records relating to adults for 3 years from the date of the last entry;
 - (ii) records relating to children for 15 years from the date of the last entry;
- (h) ensure that individuals who use the service—
 - (i) can have access to their records, and
 - (ii) are made aware they can access their records.

Notifications

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

(2) In the case of a service provided by an adoption society, the service provider must notify—

- (a) the Local Health Board, or clinical commissioning group and the National Health Service Commissioning Board, of the events specified in Part 2 of Schedule 3;
- (b) the placing agency of the event specified in Part 4 of Schedule 3;
- (c) the area authority of the events specified in Part 5 of Schedule 3;
- (d) the placing authority of the events specified in Part 6 of Schedule 3;
- (e) the police of the event specified in Part 9 of Schedule 3.

(3) Yn achos gwasanaeth a ddarperir gan asiantaeth cymorth mabwysiadu neu asiantaeth fabwysiadu sy'n darparu gwasanaethau cymorth mabwysiadu, rhaid i'r darparwr gwasanaeth hysbysu—

- (a) y Bwrdd Iechyd Lleol, neu'r grŵp comisiynu clinigol a Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol, am y digwyddiad a bennir yn Rhan 3 o Atodlen 3;
- (b) yr awdurdod lleoli am y digwyddiadau a bennir yn Rhan 7 o Atodlen 3;
- (c) yr awdurdod perthnasol am y digwyddiad a bennir yn Rhan 8 o Atodlen 3;
- (d) yr heddlu am y digwyddiad a bennir yn Rhan 9 o Atodlen 3.

(4) Rhaid i'r hysbysiadu sy'n ofynnol gan y rheoliad hwn gynnwys manylion y digwyddiad.

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

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

(7) Yn y rheoliad hwn—

- (a) ystyr “Bwrdd Iechyd Lleol”, “grŵp comisiynu clinigol” a “Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol” yw'r Bwrdd Iechyd Lleol, neu'r grŵp comisiynu clinigol a Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol—
 - (i) y mae'r plentyn wedi ei leoli ar gyfer ei fabwysiadu gan y gwasanaeth yn ei ardal, neu
 - (ii) yr oedd y plentyn sydd wedi marw neu wedi cael damwain neu anaf difrifol wrth gael gwasanaethau cymorth mabwysiadu yn byw yn ei ardal ar adeg y digwyddiad;
- (b) ystyr “awdurdod ardal” yw'r awdurdod lleol neu'r awdurdod lleol yn Lloegr ar gyfer yr ardal y mae plentyn wedi ei leoli ynddi, neu i'w leoli ynddi, pan fo hyn yn wahanol i'r awdurdod lleoli;
- (c) ystyr “asiantaeth leoli” yw'r asiantaeth fabwysiadu a leolodd y plentyn ar gyfer ei fabwysiadu gyda'r darpar fabwysiadydd;
- (d) ystyr “awdurdod lleoli”, mewn perthynas â phlentyn sy'n derbyn gofal neu a oedd yn derbyn gofal gan awdurdod lleol neu awdurdod lleol yn Lloegr, yw'r awdurdod lleol hwnnw;

(3) In the case of a service provided by an adoption support agency or an adoption society which provides adoption support services the service provider must notify—

- (a) the Local Health Board, or clinical commissioning group and the National Health Service Commissioning Board, of the event specified in Part 3 of Schedule 3;
- (b) the placing authority of the events specified in Part 7 of Schedule 3;
- (c) the relevant authority of the event specified in Part 8 of Schedule 3;
- (d) the police of the event specified in Part 9 of Schedule 3.

(4) The notifications required by this regulation must include details of the event.

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

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

(7) In this regulation—

- (a) “Local Health Board”, “clinical commissioning group” and the “National Health Service Commissioning Board” means the Local Health Board, or the clinical commissioning group and the National Health Service Commissioning Board in whose area the child—
 - (i) is placed for adoption by the service, or
 - (ii) who has died or sustained serious accident or injury in the course of receiving adoption support services was living at the time of the incident;
- (b) “area authority” means the local authority or local authority in England for the area in which a child is placed, or is to be placed, where this is different from the placing authority;
- (c) “placing agency” means the adoption agency that placed the child for adoption with the prospective adopter;
- (d) “placing authority” means, in relation to a child who is or was looked after by a local authority or local authority in England, that local authority;

- (e) ystyr “awdurdod perthnasol” yw’r awdurdod lleol y mae’r gwasanaeth yn ei ardal ac unrhyw awdurdod lleol arall y mae’r gwasanaeth yn darparu gwasanaethau cymorth mabwysiadu i’r plentyn hwnnw ar ei ran yn rhinwedd adran 3(4)(a) o Ddeddf 2002.

Gwrthdaro buddiannau

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

Polisi a gweithdrefn gwyno

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

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

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

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

(4) Rhaid i’r darparwr gwasanaeth—

- (a) dadansoddi gwybodaeth sy’n ymwneud â chwynion a phryderon, a
- (b) gan roi sylw i’r dadansoddiad hwnnw, nodi unrhyw feysydd i’w gwella.

Chwythu’r chwiban

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

(2) Rhaid i’r trefniadau hyn gynnwys—

- (a) cael polisi chwythu’r chwiban yn ei le a gweithredu yn unol â’r polisi hwnnw, a

- (e) “relevant authority” means the local authority in whose area the service is located and any other local authority on behalf of whom the service is providing adoption support services to that child by virtue of section 3(4)(a) of the 2002 Act.

Conflicts of interest

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

Complaints policy and procedure

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

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

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

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

(4) 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

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

(2) These arrangements must include—

- (a) having a whistleblowing policy in place and acting in accordance with that policy, and

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

(b) establishing arrangements to enable and support people working at the service to raise such concerns.

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

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

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

RHAN 11

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

Goruchwylio'r gwaith o reoli'r gwasanaeth

35. Rhaid i'r unigolyn cyfrifol oruchwylio'r gwaith o reoli'r gwasanaeth.

Dyletswydd i benodi rheolwr

36.—(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) yn ddarostyngedig i baragraff (6), fod y darparwr gwasanaeth wedi ei gofrestru fel rheolwr 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,
- (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,

PART 11

Requirements on responsible individuals for ensuring effective management of the service

Supervision of the management of the service

35. The responsible individual must supervise the management of the service.

Duty to appoint a manager

36.—(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) subject to paragraph (6), the service provider is registered as a 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) 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) yn ddarostyngedig i baragraff (6), fod yr unigolyn hwnnw wedi ei gofrestru fel rheolwr 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 23(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.

(6) Nid yw'r amod ym mharagraffau (2)(d) a (3)(d) yn gymwys ond ar ôl 1 Ebrill 2022.

Gofynion o ran addasrwydd ar gyfer penodi rheolwr

37.—(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 23(2) (addasrwydd staff) wedi eu bodloni mewn cysylltiad â'r person hwnnw.

Cyfyngiadau ar benodi rheolwr ar gyfer mwy nag un gwasanaeth

38.—(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 ddarparu'r gwasanaeth, a

(ii) y bydd y trefniadau rheoli arfaethedig yn darparu goruchwyliaeth ddibynadwy ac effeithiol o bob gwasanaeth.

Dyletswydd i adrodd am benodi rheolwr i'r darparwr gwasanaeth

39. Wrth benodi rheolwr yn unol â rheoliad 36(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.

(d) subject to paragraph (6), that individual is registered as a 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 23(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.

(6) The condition in paragraphs (2)(d) and (3)(d) only applies after 1 April 2022.

Fitness requirements for appointment of manager

37.—(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 23(2) (fitness of staff) are met in respect of that person.

Restrictions on appointing a manager for more than one service

38.—(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 provision of the service, and

(ii) will provide reliable and effective oversight of each service.

Duty to report the appointment of manager to service provider

39. On the appointment of a manager in accordance with regulation 36(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.

Dyletswydd i adrodd am benodi rheolwr i GCC a'r rheoleiddiwr gwasanaethau

40.—(1) Wrth benodi rheolwr yn unol â rheoliad 36(1), rhaid i'r unigolyn cyfrifol roi hysbysiad i GCC 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 GCC—

- (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

41.—(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

42.—(1) Rhaid i'r unigolyn cyfrifol—

- (a) ymweld â'r fangre y darperir y gwasanaeth ohoni,
- (b) cwrdd ag aelodau o staff sydd wedi eu cyflogi i ddarparu gwasanaeth o bob man y mae'r unigolyn cyfrifol wedi ei ddynodi mewn cysylltiad ag ef, ac
- (c) cwrdd ag unigolion neu unrhyw gynrychiolwyr i unigolion y mae gwasanaeth yn cael ei ddarparu ar eu cyfer o bob man o'r fath.

(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 3 mis.

Duty to report the appointment of manager to SCW and the service regulator

40.—(1) On the appointment of a manager in accordance with regulation 36(1), the responsible individual must give notice to SCW and the service regulator 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 SCW 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

41.—(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

42.—(1) The responsible individual must—

- (a) visit the premises from which the service is provided,
- (b) meet with members of staff who are employed to provide a service from each place in respect of which the responsible individual is designated, and
- (c) meet with individuals or any representatives of individuals for whom a service is being provided from each such place.

(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 be at least every 3 months.

RHAN 12

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

Goruchwylio digonolrwydd adnoddau

43.—(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 gofynion y Rheoliadau hyn.

(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

44.—(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

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

- (a) unigolion,
- (b) unrhyw gynrychiolwyr i'r unigolion hynny,
- (c) unrhyw awdurdod lleol neu awdurdod lleol yn Lloegr sydd wedi trefnu bod cymorth yn cael ei ddarparu gan y gwasanaeth, a
- (d) staff a gyflogir yn y gwasanaeth,

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

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

PART 12

Requirements on responsible individuals for ensuring effective oversight of the service

Oversight of adequate resources

43.—(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 of these Regulations.

(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

44.—(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

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

- (a) individuals,
- (b) any representatives of those individuals,
- (c) any local authority or local authority in England which has arranged for the provision of support by the service, and
- (d) staff employed at the service,

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

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

RHAN 13

Gofynion ar unigolion cyfrifol ar gyfer sicrhau cydymffurfedd y gwasanaeth

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

46. 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 31 a 53.

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

47. 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 30 yn gywir ac yn gyflawn.

Dyletswydd i sicrhau bod polisiau a gweithdrefnau yn gyfredol

48. 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 14

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

Adolygiad o ansawdd y gwasanaeth

49.—(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 6 mis.

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

- (a) ystyried canlyniad yr ymgysylltiad ag unigolion ac eraill, fel sy'n ofynnol gan reoliad 45 (ymgysylltu ag unigolion ac eraill);
- (b) dadansoddi'r data cyfanredol ar ddiwyddiadau, digwyddiadau hysbysadwy, materion diogelu, chwythu'r chwiban, pryderon a chwynion;

PART 13

Requirements on responsible individuals for ensuring compliance of the service

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

46. 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 31 and 53.

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

47. 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 30.

Duty to ensure policies and procedures are up to date

48. 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 14

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

Quality of service review

49.—(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 6 months.

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

- (a) considering the outcome of the engagement with individuals and others, as required by regulation 45 (engagement with individuals and others);
- (b) analysing the aggregate data on incidents, notifiable incidents, safeguarding matters, whistleblowing, concerns and complaints;

- (c) adolygu unrhyw gamau gweithredu a gymerir mewn perthynas â chwynion;
- (d) ystyried canlyniad unrhyw archwiliad o gywirdeb a chyflawnrwydd cofnodion.

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

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

(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'r cymorth

50.—(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 cymorth a gynhwysir mewn adroddiad a lunnir yn unol â rheoliad 49(4).

RHAN 15

Gofynion eraill ar unigolion cyfrifol

Cymorth ar gyfer staff sy'n codi pryderon

51. Rhaid i'r unigolyn cyfrifol sicrhau y cydymffurfir â pholisi chwythu chwiban y darparwr 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

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

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

Hysbysiadau

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

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

- (c) reviewing any action taken in relation to complaints;
- (d) considering the outcome of any audit of the accuracy and completeness of records.

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

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

(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 support

50.—(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 support which is contained in a report prepared in accordance with regulation 49(4).

PART 15

Other requirements on responsible individuals

Support for staff raising concerns

51. The responsible individual must ensure that the 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

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

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

Notifications

53.—(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) 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.

RHAN 16

Troseddau

Troseddau – darparwyr gwasanaethau

54.—(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—

- (a) 5(3) (gofynion mewn perthynas â'r datganiad o ddiben);
- (b) 5(5) (gofynion mewn perthynas â'r datganiad o ddiben);
- (c) 9(3) (gofynion mewn perthynas â chynaliadwyedd ariannol y gwasanaeth);
- (d) 10(1) (gofynion i ddarparu'r gwasanaeth yn unol â pholisïau a gweithdrefnau);
- (e) 13(1) (gwybodaeth am y gwasanaeth);
- (f) 13(2) (gwybodaeth am y gwasanaeth);
- (g) 13(3) (gwybodaeth am y gwasanaeth);
- (h) 14(1) (cytundeb gwasanaeth);
- (i) 23(1) (addasrwydd staff);
- (j) 26(1) (gwybodaeth ar gyfer staff);
- (k) 30(1) (cofnodion);
- (l) 30(2) (cofnodion);
- (m) 31(1) (hysbysiadau);
- (n) 31(2) (hysbysiadau);
- (o) 31(3) (hysbysiadau);
- (p) 31(5) (hysbysiadau).

(3) Mae darparwr gwasanaeth yn cyflawni trosedd os yw'r darparwr 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

(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.

PART 16

Offences

Offences – service providers

54.—(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—

- (a) 5(3) (requirements in relation to statement of purpose);
- (b) 5(5) (requirements in relation to statement of purpose);
- (c) 9(3) (requirements in relation to financial sustainability of the service);
- (d) 10(1) (requirements to provide the service in accordance with policies and procedures);
- (e) 13(1) (information about the service);
- (f) 13(2) (information about the service);
- (g) 13(3) (information about the service);
- (h) 14(1) (service agreement);
- (i) 23(1) (fitness of staff);
- (j) 26(1) (information for staff);
- (k) 30(1) (records);
- (l) 30(2) (records);
- (m) 31(1) (notifications);
- (n) 31(2) (notifications);
- (o) 31(3) (notifications);
- (p) 31(5) (notifications).

(3) A service provider commits an offence if the 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

(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.

(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—

- (a) 4 (gofynion mewn perthynas â darparu'r gwasanaeth);
- (b) 5(1) (gofynion mewn perthynas â'r datganiad o ddiben);
- (c) 10(4) (gofynion i ddarparu'r gwasanaeth yn unol â pholisïau a gweithdrefnau);
- (d) 12(1) (gofyniad i sicrhau addasrwydd y gwasanaeth);
- (e) 12(3) (gofyniad i sicrhau addasrwydd y gwasanaeth);
- (f) 15(1) (safonau'r cymorth – gofynion cyffredinol);
- (g) 19 (diogelu – gofyniad cyffredinol);
- (h) 22 (staffio – gofynion cyffredinol).

Troseddau – unigolion cyfrifol

55.—(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—

- (a) 36(1) (dyletswydd i benodi rheolwr);
- (b) 37(1) (gofynion o ran addasrwydd ar gyfer penodi rheolwr);
- (c) 40(1) (dyletswydd i adrodd am benodi rheolwr i GCC a'r rheoleiddiwr gwasanaethau);
- (d) 40(2) (dyletswydd i adrodd am benodi rheolwr i GCC a'r rheoleiddiwr gwasanaethau);
- (e) 42(1) (ymweliadau);
- (f) 42(2) (ymweliadau);
- (g) 43(1) (goruchwylio digonolrwydd adnoddau);
- (h) 43(2) (goruchwylio digonolrwydd adnoddau, amllder adroddiadau);
- (i) 44(1) (adroddiadau eraill i'r darparwr gwasanaeth);
- (j) 49(4) (adolygiad o ansawdd y gwasanaeth);
- (k) 50(1) (datganiad o gydymffurfedd â'r gofynion o ran safonau'r cymorth);

(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—

- (a) 4 (requirements in relation to the provision of the service);
- (b) 5(1) (requirements in relation to the statement of purpose);
- (c) 10(4) (requirements to provide the service in accordance with policies and procedures);
- (d) 12(1) (requirement to ensure suitability of the service);
- (e) 12(3) (requirement to ensure suitability of the service);
- (f) 15(1) (standards of support – overarching requirements);
- (g) 19 (safeguarding – overarching requirement);
- (h) 22 (staffing – overarching requirements).

Offences – responsible individuals

55.—(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—

- (a) 36(1) (duty to appoint a manager);
- (b) 37(1) (fitness requirements for appointment of manager);
- (c) 40(1) (duty to report the appointment of manager to SCW and the service regulator);
- (d) 40(2) (duty to report the appointment of manager to SCW and the service regulator);
- (e) 42(1) (visits);
- (f) 42(2) (visits);
- (g) 43(1) (oversight of adequacy of resources);
- (h) 43(2) (oversight of adequacy of resources, frequency of reports);
- (i) 44(1) (other reports to the service provider);
- (j) 49(4) (quality of service review);
- (k) 50(1) (statement of compliance with the requirements as to standards of support);

(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.

- (l) 53(1) (hysbysiadau);
- (m) 53(3) (hysbysiadau).

RHAN 17

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

Penodi datodwyr etc.

56. Rhaid i berson a benodir(1)—

- (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 am ei fwriadau ynghylch gweithrediad y gwasanaeth yn y dyfodol.

Marwolaeth darparwr gwasanaeth

57.—(1) Pan fo 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;
- (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;”.

- (l) 53(1) (notifications);
- (m) 53(3) (notifications).

PART 17

Service providers who are liquidated etc. or
who have died

Appointment of liquidators etc.

56. An appointed person(1) 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 service provider

57.—(1) Where a 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;
- (b) section 21(2) (responsible individuals) is to be read as if after paragraph (a), there is 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;”.

(1) *Gweler* adran 30 o'r Ddeddf am y diffiniad o "person a benodir".

(1) *See* section 30 of the Act for the definition of "appointed person".

(4) Yn y rheoliad hwn, ystyr “y gwasanaeth” yw’r gwasanaeth neu’r gwasanaethau yr oedd y darparwr gwasanaeth sydd wedi marw wedi ei gofrestru i’w ddarparu neu eu darparu ar adeg ei farwolaeth.

RHAN 18

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

Dynodiad unigolyn cyfrifol gan Weinidogion Cymru

58. 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.

(4) In this regulation, “the service” means the service or services which the service provider who has died was registered to provide at the time of their death.

PART 18

Regulations under section 21(5) of the Act

Designation of responsible individual by Welsh Ministers

58. 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.

Julie Morgan

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

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ATODLEN 1

Rheoliadau 2(1) a 23

RHAN 1

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

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

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

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

4. Dau eirda ysgrifenedig, gan gynnwys geirda 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 2(1) and 23

PART 1

Information and documentation to be available in respect of persons working in regulated services

1. Proof of identity including a recent photograph.

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

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

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

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

6. Documentary evidence of any relevant qualification.

7. Where relevant, documentary evidence of registration with SCW.

(1) 1997 p. 50.

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

(1) 1997 c. 50.

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

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

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

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

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

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

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

RHAN 2

Dehongli Rhan 1

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

- (a) os nad yw'r person y mae'r dystysgrif yn ymwneud ag ef wedi ei gofrestru â gwasanaeth diweddarau'r GDG, nid yw dystysgrif ond yn ddilys—
 - (i) os y'i dyroddwyd mewn ymateb i gais gan y darparwr gwasanaeth yn unol â rheoliad 23(3) neu (6) (addasrwydd staff), a
 - (ii) os nad oes mwy na thair blynedd wedi mynd heibio ers i'r dystysgrif gael ei dyroddi;
- (b) os yw'r person y mae'r dystysgrif yn ymwneud ag ef wedi ei gofrestru â gwasanaeth diweddarau'r GDG, mae'r dystysgrif yn ddilys ni waeth pa bryd y'i dyroddwyd.

PART 2

Interpretation of Part 1

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

- (a) if the person to whom the certificate relates is not registered with the DBS update service, a certificate is only valid if—
 - (i) it has been issued in response to an application by the service provider in accordance with regulation 23(3) or (6) (fitness of staff), and
 - (ii) no more than three years have elapsed since the certificate was issued;
- (b) if the person to whom the certificate relates is registered with the DBS update service, the certificate is valid regardless of when it was issued.

ATODLEN 2

Rheoliadau 2(1) a 30

Y cofnodion sydd i'w cadw

1. Mewn cysylltiad â phob unigolyn—

- (a) enw llawn;
- (b) dyddiad geni;
- (c) a yw'r person—
 - (i) yn blentyn a all gael ei fabwysiadu, ei riant neu ei warcheidwad;
 - (ii) yn berson sy'n dymuno mabwysiadu plentyn;
 - (iii) yn berson mabwysiedig, ei riant, ei riant geni, ei gyn-warcheidwad neu berson perthynol;
- (d) disgrifiad o'r cymorth y gofynnir amdano;
- (e) disgrifiad o'r angen am gymorth ynghyd ag unrhyw asesiad o'r angen hwnnw;
- (f) disgrifiad o'r cymorth a ddarperir;
- (g) a ddarperir y cymorth ar ran awdurdod lleol o dan reoliadau a wneir o dan adran 3(4)(b) o Ddeddf 2002;
- (h) cynlluniau gan gynnwys—
 - (i) cynlluniau cymorth mabwysiadu;
 - (ii) cynlluniau gofal a chymorth;
 - (iii) cynlluniau lleoliadau;
- (i) adolygiadau o'r cynlluniau y cyfeirir atynt yn is-baragraff (h).

2. Cofnod o unrhyw ffioedd gan y darparwr gwasanaeth i unigolion am ddarparu cymorth ac unrhyw wasanaethau ychwanegol.

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

4. Cofnod o'r holl bersonau sy'n gweithio yn y gwasanaeth, a hwnnw'n gofnod y mae rhaid iddo gynnwys y materion a ganlyn—

- (a) enw llawn a chyfeiriad cartref;
- (b) dyddiad geni;
- (c) cymwysterau sy'n berthnasol i weithio gydag unigolion a phrofiad o wneud gwaith o'r fath;
- (d) y dyddiadau y mae'r person yn dechrau cael ei gyflogi felly ac yn peidio â chael ei gyflogi felly;

SCHEDULE 2

Regulations 2(1) and 30

Records to be kept

1. In respect of each individual—

- (a) full name;
- (b) date of birth;
- (c) whether the person is—
 - (i) a child who may be adopted, their parent or guardian;
 - (ii) a person wishing to adopt a child;
 - (iii) an adopted person, their parent, birth parent, former guardian or related person;
- (d) description of support requested;
- (e) description of need for support along with any assessment of that need;
- (f) description of support provided;
- (g) whether the support is provided on behalf of a local authority under regulations made under section 3(4)(b) of the 2002 Act;
- (h) plans including—
 - (i) adoption support plans;
 - (ii) care and support plans;
 - (iii) placement plans;
- (i) reviews of plans referred to in sub-paragraph (h).

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

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

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

- (a) full name and home address;
- (b) date of birth;
- (c) qualifications relevant to, and experience of, working with individuals;
- (d) the dates on which the person commences and ceases to be so employed;

- (e) a yw'r person wedi ei gyflogi gan y darparwr gwasanaeth o dan gontract gwasanaeth, contract ar gyfer gwasanaethau, neu ac eithrio o dan gontract, neu a yw wedi ei gyflogi gan rywun ac eithrio'r darparwr gwasanaeth;
 - (f) y swydd sydd gan y person yn y gwasanaeth, y gwaith y mae'r person yn ei wneud a nifer yr oriau y mae'r person wedi ei gyflogi amdanynt bob wythnos;
 - (g) copi o dystysgrif geni a phasbort (os oes ganddo un) y person;
 - (h) copi o bob geirda a geir mewn cysylltiad â'r person;
 - (i) hyfforddiant y mae'r person wedi ymgymryd ag ef, goruchwyliaeth ohono a'i arfarnu;
 - (j) cofnodion o gamau disgyblu ac unrhyw gofnodion eraill mewn perthynas â chyflogaeth y person;
 - (k) cofnod o ddyddiad tystysgrif GDG ddiweddaraf y person ac a gymerwyd unrhyw gamau gweithredu o ganlyniad i gynnwys y dystysgrif.
- (e) whether the person is employed by the service provider under a contract of service, a contract for services, or otherwise than under contract, or is employed by someone other than the service provider;
 - (f) the position the person holds at the service, the work the person performs and the number of hours for which the person is employed each week;
 - (g) a copy of the person's birth certificate and passport (if any);
 - (h) a copy of each reference obtained in respect of the person;
 - (i) training undertaken by the person, their supervision and appraisal;
 - (j) records of disciplinary action and any other records in relation to the person's employment;
 - (k) a record of the date of the person's latest DBS certificate and whether there was any action taken as a result of the content of the certificate.

Hysbysiadau gan y darparwr gwasanaeth

RHAN 1

Hysbysiadau i'r rheoleiddiwr gwasanaethau

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 a/neu aelod o staff neu wirfoddolwr.
14. Bod y darparwr gwasanaeth, yr unigolyn cyfrifol neu'r rheolwr a benodir wedi ei euogfarnu o drosedd.

Notifications by the service provider

PART 1

Notifications to the service regulator

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 and/or a member of staff or volunteer.
14. Service provider, responsible individual or appointed manager convicted of criminal offence.

15. Unrhyw honiad o gamymddwyn gan aelod o staff.

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

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

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

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

20. Pan fo'r darparwr gwasanaeth, yr unigolyn cyfrifol neu'r rheolwr a benodir wedi ei gyhuddo o unrhyw drosedd a bennir yn yr Atodlen i Reoliadau Deddf Diogelu Grwpiau Hyglwyf 2006 (Meini Prawf Rhagnodedig a Darpariaethau Amrywiol) 2009(1), hysbysiad o'r drosedd a gyhuddir a'r man cyhuddo.

21. Unrhyw achos o gamfanteisio'n rhywiol neu'n droseddol ar blentyn neu o amheuaeth o gamfanteisio'n rhywiol neu'n droseddol ar blentyn.

22. Marwolaeth plentyn sydd wedi ei leoli ar gyfer ei fabwysiadu gan y gwasanaeth.

23. Cychwyn a chanlyniad unrhyw ymholiad amddiffyn plant sy'n ymwneud â phlentyn sydd wedi ei leoli ar gyfer ei fabwysiadu gan y gwasanaeth.

15. Any allegation of misconduct by a member of staff.

16. Any incident reported to the police.

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

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

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

20. Where the service provider, responsible individual or appointed manager is charged with any offence specified in the Schedule to the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009(1), notice of the offence charged and the place of charge.

21. Any incident of child sexual or criminal exploitation or suspected child sexual or criminal exploitation.

22. The death of a child placed for adoption by the service.

23. The instigation and outcome of any child protection enquiry involving a child placed for adoption by the service.

RHAN 2

Hysbysiad i'r Bwrdd Iechyd Lleol/grŵp comisiynu clinigol a Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol gan ddarparwr cymdeithas fabwysiadu

24. Marwolaeth plentyn sydd wedi ei leoli ar gyfer ei fabwysiadu gan y gwasanaeth.

25. Unrhyw ddamwain neu anaf difrifol a ddiodefir gan blentyn sydd wedi ei leoli ar gyfer ei fabwysiadu gan y gwasanaeth.

PART 2

Notification to the Local Health Board/clinical commissioning group and National Health Service Commissioning Board by the provider of an adoption society

24. Death of a child placed for adoption by the service.

25. Any serious accident or injury sustained by a child placed for adoption by the service.

RHAN 3

Hysbysiad i'r Bwrdd Iechyd Lleol/grŵp comisiynu clinigol a Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol gan ddarparwr asiantaeth cymorth mabwysiadu neu ddarparwr cymdeithas fabwysiadu sy'n darparu gwasanaethau cymorth mabwysiadu

26. Marwolaeth, damwain neu anaf difrifol plentyn wrth gael gwasanaethau cymorth mabwysiadu gan y gwasanaeth.

RHAN 4

Hysbysiad i'r asiantaeth leoli

27. Unrhyw gŵyn ddifrifol ynghylch darpar fabwysiadydd a gymeradwywyd gan y gwasanaeth pan fo plentyn wedi ei leoli ar gyfer ei fabwysiadu gyda'r darpar fabwysiadydd hwnnw gan asiantaeth fabwysiadu arall.

RHAN 5

Hysbysiadau i'r awdurdod ardal

28. Marwolaeth plentyn sydd wedi ei leoli ar gyfer ei fabwysiadu gan y gwasanaeth.

29. Unrhyw ddamwain neu anaf difrifol a ddiodeffir gan blentyn sydd wedi ei leoli ar gyfer ei fabwysiadu gan y gwasanaeth.

30. Unrhyw gŵyn ddifrifol ynghylch darpar fabwysiadydd a gymeradwywyd gan y gwasanaeth pan fo plentyn wedi ei leoli ar gyfer ei fabwysiadu gyda'r darpar fabwysiadydd hwnnw gan y gwasanaeth.

31. Unrhyw gŵyn ddifrifol ynghylch darpar fabwysiadydd a gymeradwywyd gan y gwasanaeth pan fo plentyn wedi ei leoli ar gyfer ei fabwysiadu gyda'r darpar fabwysiadydd hwnnw gan asiantaeth fabwysiadu arall (os nas hysbyswyd fel yr asiantaeth leoli).

32. Cychwyn a chanlyniad unrhyw ymholiad amddiffyn plant sy'n ymwneud â phlentyn sydd wedi ei leoli ar gyfer ei fabwysiadu gan y gwasanaeth.

PART 3

Notification to the Local Health Board/clinical commissioning group and National Health Service Commissioning Board by the provider of an adoption support agency or of an adoption society which provides adoption support services

26. The death, serious accident or injury of a child in the course of receiving adoption support services from the service.

PART 4

Notification to the placing agency

27. Any serious complaint about a prospective adopter approved by the agency where a child is placed for adoption with that prospective adopter by another adoption agency.

PART 5

Notifications to the area authority

28. The death of a child placed for adoption by the service.

29. Any serious accident or injury sustained by a child placed for adoption by the service.

30. Any serious complaint about a prospective adopter approved by the service where a child is placed for adoption with that prospective adopter by the service.

31. Any serious complaint about a prospective adopter approved by the service where a child is placed for adoption with that prospective adopter by another adoption agency (if not notified as the placing agency).

32. The instigation and outcome of any child protection enquiry involving a child placed for adoption by the service.

RHAN 6

Hysbysiadau i'r awdurdod lleoli gan ddarparwr cymdeithas fabwysiadu

33. Marwolaeth plentyn sydd wedi ei leoli ar gyfer ei fabwysiadu gan y gwasanaeth.

34. Unrhyw ddamwain neu anaf difrifol a ddioddefir gan blentyn sydd wedi ei leoli ar gyfer ei fabwysiadu gan y gwasanaeth.

35. Unrhyw gŵyn ddifrifol ynghylch darpar fabwysiadu gyda gymeradwydd gan y gwasanaeth pan fo plentyn wedi ei leoli ar gyfer ei fabwysiadu gyda'r darpar fabwysiadu hwnnw gan asiantaeth fabwysiadu arall.

36. Cychwyn a chanlyniad unrhyw ymholiad amddiffyn plant sy'n ymwneud â phlentyn sydd wedi ei leoli ar gyfer ei fabwysiadu gan y gwasanaeth.

PART 6

Notifications to the placing authority by the provider of an adoption society

33. The death of a child placed for adoption by the service.

34. Any serious accident or injury sustained by a child placed for adoption by the service.

35. Any serious complaint about a prospective adopter approved by the service where a child is placed for adoption with that prospective adopter by another adoption agency.

36. The instigation and outcome of any child protection enquiry involving a child placed for adoption by the service.

RHAN 7

Hysbysiadau i'r awdurdod lleoli gan ddarparwr asiantaeth cymorth mabwysiadu neu gymdeithas fabwysiadu sy'n darparu gwasanaethau cymorth mabwysiadu

37. Marwolaeth plentyn wrth gael gwasanaethau cymorth mabwysiadu gan y gwasanaeth.

38. Unrhyw ddamwain neu anaf difrifol a ddioddefir gan blentyn wrth gael gwasanaethau cymorth mabwysiadu gan y gwasanaeth.

39. Cychwyn a chanlyniad unrhyw ymholiad amddiffyn plant sy'n ymwneud â phlentyn sy'n cael gwasanaethau cymorth mabwysiadu gan y gwasanaeth.

PART 7

Notifications to the placing authority by the provider of an adoption support agency or adoption society which provides adoption support services

37. The death of a child in the course of receiving adoption support services from the service.

38. Any serious accident or injury sustained by a child in the course of receiving adoption support services from the service.

39. The instigation and outcome of any child protection enquiry involving a child receiving adoption support services from the service.

RHAN 8

Hysbysiad i'r awdurdod perthnasol

40. Marwolaeth neu unrhyw ddamwain neu anaf difrifol a ddioddefir gan blentyn wrth gael gwasanaethau cymorth mabwysiadu.

PART 8

Notification to the relevant authority

40. Death or any serious accident or injury sustained by a child in the course of receiving adoption support services.

RHAN 9

Hysbysiad i'r heddlu

41. Unrhyw achos o gamfanteisio'n rhywiol neu'n droseddol ar blentyn neu o amheuaeth o gamfanteisio'n rhywiol neu'n droseddol ar blentyn.

PART 9

Notification to the police

41. Any incident of child sexual or criminal exploitation or suspected child sexual or criminal exploitation.

Hysbysiadau gan yr unigolyn cyfrifol

1. Penodi rheolwr (gweler rheoliad 37(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.

Notifications by the responsible individual

1. The appointment of a manager (see regulation 37(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.

