OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2022 Rhif 832 (Cy. 184)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) (Diwygio) 2022

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017 ("Rheoliadau 2017"). Mae Rheoliadau 2017 yn nodi'r gofynion rheoleiddiol sy'n gymwys i ddarparwyr gwasanaethau penodol sy'n cael eu rheoleiddio o dan Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016. Y rhain yw gwasanaethau cartrefi gofal, gwasanaethau llety diogel, gwasanaethau canolfannau preswyl i deuluoedd a gwasanaethau cymorth cartref.

Mae rheoliad 3 yn diwygio rheoliad 35 o Reoliadau 2017.

Mae paragraff (a) yn amnewid paragraff (2)(f) o reoliad 35 sy'n darparu, pan fo darparwr gwasanaeth yn cyflogi person, ac eithrio fel rheolwr, i ddarparu gofal a chymorth mewn cysylltiad â gwasanaeth cartref gofal, gwasanaeth cymorth cartref neu wasanaeth canolfan breswyl i deuluoedd, fod rhaid i'r person fod wedi ei gofrestru fel gweithiwr gofal cymdeithasol â Gofal Cymdeithasol Cymru o fewn 6 mis i ddechrau ei gyflogaeth.

2022 No. 832 (W. 184)

SOCIAL CARE, WALES

The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 ("the 2017 Regulations"). The 2017 Regulations set out the regulatory requirements which apply to providers of certain services regulated under the Regulation and Inspection of Social Care (Wales) Act 2016. These are care home services, secure accommodation services, residential family centre services and domiciliary support services.

Regulation 3 amends regulation 35 of the 2017 Regulations.

Paragraph (a) substitutes paragraph (2)(f) of regulation 35 which provides that where a service provider employs a person, other than as a manager to provide care and support in connection with a care home service, a domiciliary support service or a residential family centre service, the person must be registered as a social care worker with Social Care Wales within 6 months of commencing their employment.

Mae paragraff (b) yn amnewid paragraff (2)(g) o reoliad 35 sy'n darparu, pan fo person wedi ei gymryd ymlaen o dan gontract ar gyfer gwasanaethau (sy'n cynnwys gweithwyr asiantaeth), ac eithrio fel rheolwr, i ddarparu gofal a chymorth i unrhyw berson mewn cysylltiad â gwasanaeth cartref gofal, gwasanaeth llety diogel, gwasanaeth cymorth cartref neu wasanaeth canolfan breswyl i deuluoedd, fod rhaid i'r person hwnnw fod wedi ei gofrestru â Gofal Cymdeithasol Cymru o fewn 6 mis i'r dyddiad y cymerir y person ymlaen gyntaf o dan gontract ar gyfer gwasanaethau i ddarparu gofal a chymorth o'r fath.

Effaith yr amnewidiadau hyn yw estyn y gofyniad i ddarparwyr gwasanaethau gyflogi a chontractio gweithwyr, ac eithrio rheolwyr, i ddarparu gofal a chymorth, sydd wedi eu cofrestru o fewn 6 mis i ddechrau eu cyflogaeth neu i ddechrau bod wedi eu cymryd ymlaen o dan gontract, fel ei fod yn gymwys i wasanaethau cartrefi gofal i oedolion a gwasanaethau canolfannau preswyl i deuluoedd.

Mae paragraff (c) yn diwygio paragraff (8A) o reoliad 35 i sicrhau bod y diffiniad o "y dyddiad perthnasol" yn gymwys i weithwyr sydd wedi eu contractio i ddarparu gwasanaethau gofal a chymorth mewn cartrefi gofal i oedolion a gwasanaethau canolfannau preswyl i deuluoedd.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau 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: Gwasanaethau Cymdeithasol ac Integreiddio, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Paragraph (b) substitutes paragraph (2)(g) of regulation 35 which provides that where a person is engaged under a contract for services (which includes agency workers), other than as a manager to provide care and support to any person in connection with a care home service, a secure accommodation service, a domiciliary support service or a residential family centre service, that person must be registered with Social Care Wales within 6 months of the date the person is first engaged under a contract for services to provide such care and support.

The effect of these substitutions is to extend the requirement for service providers to employ and contract workers, other than managers, to provide care and support, who are registered within 6 months of commencing their employment or being engaged under a contract, so that it applies to adult care home services and residential family centre services.

Paragraph (c) amends paragraph (8A) of regulation 35 to ensure the definition of "the relevant date" applies to workers contracted to provide care and support services in adult care homes and residential family centre services.

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 Social Services and Integration, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

OFFERYNNAU STATUDOL CYMRU

2022 Rhif 832 (Cy. 184)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) (Diwygio) 2022

Gwnaed	*19 Gorffennaf 2022*
Yn dod i rym	*1 Hydref 2022*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 27(1) a 187(1)(b) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf")(**1**).

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

Mae Gweinidogion Cymru wedi gosod copi o'r datganiad gerbron Senedd Cymru fel sy'n ofynnol gan adran 27(5) o'r Ddeddf.

Gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru o dan adran 187(2)(f) o'r Ddeddf ac fe'i cymeradwywyd ganddi drwy benderfyniad.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) (Diwygio) 2022.

(**1**) 2016 dccc 2. Mae'r cyfeiriadau yn adrannau 27(5) a 187(2) at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriadau at Senedd Cymru yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

WELSH STATUTORY INSTRUMENTS

2022 No. 832 (W. 184)

SOCIAL CARE, WALES

The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2022

Made	*19 July 2022*
Coming into force	*1 October 2022*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 27(1) and 187(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act")(**1**).

The Welsh Ministers have consulted such persons as they think appropriate, as required by section 27(4)(a) of the Act, and published a statement about the consultation as required by section 27(4)(b) of the Act.

The Welsh Ministers have laid a copy of the statement before Senedd Cymru as required by section 27(5) of the Act.

A draft of these Regulations was laid before Senedd Cymru under section 187(2)(f) of the Act and has been approved by a resolution of Senedd Cymru.

Title and commencement

1.—(1) The title of these Regulations is the Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2022.

(**1**) 2016 anaw 2. The references in sections 27(5) and 187(2) to the National Assembly for Wales now have effect as references to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

(2) Daw'r Rheoliadau hyn i rym ar 1 Hydref 2022.

Diwygiadau i Reoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017

2. Mae Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017(**1**) wedi eu diwygio fel a ganlyn.

Diwygiad i'r gofyniad ynghylch addasrwydd staff

3. Yn rheoliad 35—

(a) yn lle paragraff (2)(f) rhodder—

"(f) yn ddarostyngedig i baragraff (11) o'r rheoliad hwn, pan fo'r person wedi ei gyflogi gan y darparwr gwasanaeth (pa un ai fel cyflogai neu fel gweithiwr) ac eithrio fel rheolwr er mwyn darparu gofal a chymorth i unrhyw berson mewn cysylltiad—

(i) â gwasanaeth cartref gofal,

(ii) â gwasanaeth llety diogel,

(iii) â gwasanaeth cymorth cartref er mwyn darparu gofal a chymorth i berson y cyfeirir ato ym mharagraff 8(1) o Atodlen 1 i'r Ddeddf, neu

(iv) â gwasanaeth canolfan breswyl i deuluoedd,

fod y person wedi ei gofrestru fel gweithiwr gofal cymdeithasol â Gofal Cymdeithasol Cymru heb fod yn hwyrach na'r dyddiad perthnasol (gweler paragraff (8) am ystyr "y dyddiad perthnasol");";

(b) yn lle paragraff (2)(g) rhodder—

"(g) yn ddarostyngedig i baragraff (11) o'r rheoliad hwn, pan fo'r person wedi ei gymryd ymlaen o dan gontract ar gyfer gwasanaethau, ac eithrio fel rheolwr, i ddarparu gofal a chymorth i unrhyw berson mewn cysylltiad—

(i) â gwasanaeth cartref gofal,

(ii) â gwasanaeth llety diogel,

(**1**) O.S. 2017/1264 (Cy. 295), a ddiwygiwyd gan O.S. 2019/757 (Cy. 142) ac O.S. 2020/389 (Cy. 87); mae offeryn diwygio arall nad yw'n berthnasol.

(2) These Regulations come into force on 1 October 2022.

Amendments to the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017

2. The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017(**1**) are amended as follows.

Amendment to requirement about fitness of staff

3. In regulation 35—

(a) for paragraph (2)(f) substitute—

"(f) subject to paragraph (11) of this regulation, where the person is employed by the service provider (whether as an employee or worker) other than as a manager in order to provide care and support to any person in connection with—

(i) a care home service,

(ii) a secure accommodation service,

(iii) a domiciliary support service in order to provide care and support to a person referred to in paragraph 8(1) of Schedule 1 to the Act, or

(iv) a residential family centre service,

the person is registered as a social care worker with Social Care Wales no later than the relevant date (see paragraph (8) for the meaning of "the relevant date");";

(b) for paragraph (2)(g) substitute—

"(g) subject to paragraph (11) of this regulation, where the person is engaged under a contract for services, other than as a manager, to provide care and support to any person in connection with—

(i) a care home service,

(ii) a secure accommodation service,

(**1**) S.I. 2017/1264 (W. 295), amended by S.I. 2019/757 (W. 142) and S.I. 2020/389 (W. 87); there is another amending instrument which is not relevant.

(iii) â gwasanaeth cymorth cartref er mwyn darparu gofal a chymorth i berson y cyfeirir ato ym mharagraff 8(1) o Atodlen 1 i'r Ddeddf, neu

(iv) â gwasanaeth canolfan breswyl i deuluoedd,

fod y person wedi ei gofrestru fel gweithiwr gofal cymdeithasol â Gofal Cymdeithasol Cymru heb fod yn hwyrach na'r dyddiad perthnasol (gweler paragraff (8A) am ystyr "y dyddiad perthnasol").";

(c) ym mharagraff (8A)(a)—

(i) ym mharagraff (i), hepgorer "a ddarperir yn gyfan gwbl neu'n bennaf i blant";

(ii) ar ôl paragraff (iii) hepgorer "neu";

(iii) ar ôl paragraff (iii) mewnosoder—

"(iv) â gwasanaeth canolfan breswyl i deuluoedd, neu".

(iii) a domiciliary support service in order to provide care and support to a person referred to in paragraph 8(1) of Schedule 1 to the Act, or

(iv) a residential family centre service,

the person is registered as a social care worker with Social Care Wales no later than the relevant date (see paragraph (8A) for meaning of "the relevant date").";

(c) in paragraph (8A)(a)—

(i) in paragraph (i), omit "provided wholly or mainly to children";

(ii) after paragraph (iii) omit "or";

(iii) after paragraph (iii) insert—

"(iv) a residential family centre service, or".

Julie Morgan

Y Dirprwy Weinidog Gwasanaethau Cymdeithasol o dan awdurdod y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
19 Gorffennaf 2022

Deputy Minister for Social Services under authority of the Minister for Health and Social Services, one of the Welsh Ministers
19 July 2022

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ISBN 978-0-348-39346-0

£4.90

http://www.legislation.gov.uk/id/wsi/2022/832