CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 3251 (Cy.295)

GOFAL CYMDEITHASOL, CYMRU

PLANT A PHOBL IFANC, CYMRU

Rheoliadau Deddf Safonau Gofal 2000 a Deddf Plant 1989 (Diwygio Rheoleiddiol a Chwynion) (Cymru) 2006

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio amrywiol reoliadau a wnaed o dan Ddeddf Plant 1989 ("Deddf 1989") a Deddf Safonau Gofal 2000 ("Deddf 2000"). Mae darpariaeth wedi'i mewnosod sy'n ei gwneud yn ofynnol i bersonau cofrestredig sefydlu a chynnal systemau ar gyfer monitro, adolygu a gwella ansawdd y gofal sy'n cael ei ddarparu gan y gwasanaeth o leiaf unwaith y flwyddyn. Mae darpariaeth wedi'i gwneud i'r person cofrestredig ddarganfod barn y defnyddwyr gwasanaeth a'u cynrychiolwyr, yr awdurdodau prynu, a staff y gwasanaeth. Rhaid i adroddiadau ar yr adolygiad hwn gael eu llunio gan y person cofrestredig. Ar gais Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") rhaid i'r person cofrestredig gynnal asesiad o'r gwasanaeth a ddarperir. Caiff y Cynulliad Cenedlaethol ei gwneud yn ofynnol i'r person cofrestredig gymryd y camau y mae'r Cynulliad Cenedlaethol yn ystyried eu bod yn angenrheidiol er mwyn cydymffurfio â'r ddarpariaeth statudol a rhaid i'r person cofrestredig roi gwybod i'r Cynulliad Cenedlaethol pan fydd y camau hyn wedi'u cwblhau. Mae'r gofynion ynghylch ymdrin â chwynion gan bersonau cofrestredig yn cael eu diwygio hefyd. Bydd methu â bodloni unrhyw rai o'r gofynion hyn yn dramgwydd. Mae Rheoliad 2 yn diwygio Rheoliadau

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 3251 (W.295)

SOCIAL CARE, WALES

CHILDREN AND YOUNG PERSONS, WALES

The Care Standards Act 2000 and the Children Act 1989 (Regulatory Reform and Complaints) (Wales) Regulations 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend various regulations made under the Children Act 1989 ("the 1989 Act") and the Care Standards Act 2000 ("the 2000 Act"). Provision is inserted which requires registered persons to establish and maintain systems for monitoring, reviewing and improving the quality of care provided by the service at least once a year. Provision is made for the registered person to ascertain the views of service users and their representatives, purchasing authorities and staff of the service. Reports of this review must be prepared by the registered person. At the request of the National Assembly for Wales (the National Assembly) the registered person must undertake an assessment of the service provided. The National Assembly can require the registered person to take such action as the National Assembly considers is necessary in order to meet statutory provision and the registered person must advise the National Assembly when this action has been completed. Amendment is also made to the requirements in relation to the handling of complaints by registered persons. A failure to meet any of these requirements will be an offence. Regulation 2 amends the Care Homes (Wales) Regulations 2002. The amendment in regulation 2(a) is to correct a drafting error; Regulation 3 amends the Children's Homes

Cartrefi Gofal (Cymru) 2002. Mae'r diwygiad yn Rheoliad 2(a) i gywiro gwall ddrafftio mae Rheoliad 3 yn diwygio Rheoliadau Cartrefi Plant (Cymru) 2002; mae Rheoliad 4 yn diwygio Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) 2002; mae Rheoliad 5 yn diwygio Rheoliadau Gwasanaethau Maethu (Cymru) 2003; mae Rheoliad 6 yn diwygio Rheoliadau Canolfannau Preswyl i Deuluoedd (Cymru) 2003; mae Rheoliad 7 yn diwygio Rheoliadau Asiantaethau Nyrsys (Cymru) 2003; mae Rheoliad 8 yn diwygio Rheoliadau Cynlluniau Lleoli Oedolion (Cymru) 2004; mae Rheoliad 9 yn diwygio Rheoliadau Asiantaethau Gofal Cartref (Cymru) 2004; mae Rheoliad 10 yn diwygio Rheoliadau Asiantaethau Cymorth Mabwysiadu (Cymru) 2005; ac mae Rheoliad 11 yn diwygio gwall yn Rheoliadau Cofrestri Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002.

(Wales) Regulations 2002; Regulation 4 amends the Child Minding and Day Care (Wales) Regulations 2002; Regulation 5 amends the Fostering Services (Wales) Regulations 2003; Regulation 6 amends the Residential Family Centres (Wales) Regulations 2003; Regulation 7 amends the Nurses Agencies (Wales) Regulations 2003; Regulation 8 amends the Adult Placement Schemes (Wales) Regulations 2004; Regulation 9 amends the Domiciliary Care Agencies (Wales) Regulations 2004; Regulation 10 amends the Adoption Support Agencies (Wales) Regulations 2005; and Regulation 11 amends an error in the Registration of Social Care and Independent Health Care (Wales) Regulations 2002.

2006 Rhif 3251 (Cy.295)

GOFAL CYMDEITHASOL, CYMRU

PLANT A PHOBL IFANC, CYMRU

Rheoliadau Deddf Safonau Gofal 2000 a Deddf Plant 1989 (Diwygio Rheoleiddiol a Chwynion) (Cymru) 2006

Wedi'u gwneud	*5 Rhagfyr 2006*
Yn dod i rym	*1 Ionawr 2006*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adrannau 23(2)(a) a (9), 59(2), 79C a 104(4) o Ddeddf Plant 1989 a pharagraff 12 o Atodlen 2 iddi(**1**); adrannau 14(1)(d), 16, 22, 25, 33, 42(1), 48(1), 50 a 118(1) a (5) i (7) o Ddeddf Safonau Gofal 2000(**2**); ac adrannau 2(6)(b), 9(1) a (3), 10 a 140(1) o Ddeddf Mabwysiadu a Phlant 2002(**3**):

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Safonau Gofal 2000 a Deddf Plant 1989 (Diwygio Rheoleiddiol a Chwynion) (Cymru) 2006 a deuant i rym ar 1 Ionawr 2007.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Diwygio Rheoliadau Cartrefi Gofal (Cymru) 2002

2. Diwygir Rheoliadau Cartrefi Gofal (Cymru) 2002(**4**) fel a ganlyn -

(**1**) 1989 p.41: mewnosodwyd adran 79C gan adran 79 o Ddeddf Safonau Gofal 2000 (p.14). Mae'r pwerau hyn yn arferadwy gan Gynulliad Cenedlaethol Cymru yn rhinwedd erthygl 2 o orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddi Swyddogaethau) 1999, O.S. 1999/672 ac Atodlen 1 iddi.

(**2**) 2000 p.14.

(**3**) 2002 p.38.

(**4**) O.S. 2002/324 (Cy.37).

2006 No. 3251 (W.295)

SOCIAL CARE, WALES

CHILDREN AND YOUNG PERSONS, WALES

The Care Standards Act 2000 and the Children Act 1989 (Regulatory Reform and Complaints) (Wales) Regulations 2006

Made	*5 December 2006*
Coming into force	*1 January 2007*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred upon it by sections 23(2)(a) and (9), 59(2), 79C and 104(4) of and paragraph 12 of Schedule 2 to the Children Act 1989(**1**); sections 14(1)(d), 16, 22, 25, 33, 42(1), 48(1), 50 and 118(1) and (5) to (7) of the Care Standards Act 2000(**2**); and sections 2(6)(b), 9(1) and (3), 10 and 140(1) of the Adoption and Children Act 2002(**3**):

Title, commencement and application

1.-(1) The title of these Regulations is the Care Standards Act 2000 and the Children Act 1989 (Regulatory Reform and Complaints) (Wales) Regulations 2006 and will come into force on 1 January 2007.

(2) These Regulations apply in relation to Wales.

Amendment of the Care Homes (Wales) Regulations 2002

2. The Care Homes (Wales) Regulations 2002(**4**) are amended as follows -

(**1**) 1989 c.41: section 79C was inserted by section 79 of the Care Standards Act 2000 (c.14). These powers are exercisable by the National Assembly for Wales by virtue of article 2 of, and schedule to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672.

(**2**) 2000 c.14.

(**3**) 2002 c.38.

(**4**) S.I. 2002/324 (W.37).

(a) Yn rheloiad 3(3) yn lle "paragraff (1)(ch)" rhodder "paragraff (1)(dd)"

(b) Yn lle rheoliad 25 (Adolygu Ansawdd y Gofal) rhodder-

"**Adolygu Ansawdd y Gofal**

25.-(1) Rhaid i'r person cofrestredig wneud trefniadau addas i sefydlu a chynnal system ar gyfer monitro, adolygu a gwella ansawdd y gofal sy'n cael ei roi i'r defnyddwyr gwasanaeth.

(2) Rhaid i'r system a sefydlir o dan baragraff (1) ddarparu -

(a) bod ansawdd y gofal yn cael ei adolygu o leiaf bob blwyddyn; a

(b) bod y person cofrestredig yn cael barn -

(i) y defnyddwyr gwasanaeth;

(ii) cynrychiolwyr y defnyddwyr gwasanaeth;

(iii) unrhyw awdurdod lleol sydd wedi trefnu bod defnyddiwr gwasanaeth yn cael ei letya yn y cartref gofal; a

(iv) y staff sy'n cael eu cyflogi yn y cartref gofal

ar ansawdd y gofal sy'n cael ei ddarparu, fel rhan o unrhyw adolygiad a gynhelir.

(3) Yn dilyn adolygiad o ansawdd y gofal, rhaid i'r person cofrestredig lunio adroddiad ar yr adolygiad hwnnw o fewn 28 o ddiwrnodau a threfnu bod copi o'r adroddiad ar gael ar fformat priodol pan ofynnir iddo wneud hynny gan -

(a) defnyddwyr gwasanaeth;

(b) cynrychiolwyr defnyddwyr gwasanaeth;

(c) unrhyw awdurdod lleol sydd wedi trefnu bod defnyddiwr gwasanaeth yn cael ei letya yn y cartref gofal;

(ch) staff sy'n cael eu cyflogi yn y cartref gofal; a

(d) y Cynulliad Cenedlaethol.

Asesu'r Gwasanaeth

25A.-(1) Caiff y Cynulliad Cenedlaethol ofyn ar unrhyw bryd i'r person cofrestredig i gynnal asesiad o'r gwasanaeth sy'n cael ei ddarparu i'r defnyddwyr gwasanaeth yn y cartref gofal.

(2) O fewn 28 o ddiwrnodau o gael cais o dan baragraff (1), rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol asesiad ar y ffurf sy'n ofynnol gan y Cynulliad Cenedlaethol.

(3) Rhaid i'r person cofrestredig gymryd camau rhesymol i sicrhau na fydd yr asesiad yn gamarweiniol nac yn anghywir.

Hysbysu am gydymffurfedd

25B.-(1) Caiff y Cynulliad Cenedlaethol ar unrhyw bryd hysbysu'r person cofrestredig am y

(a) In regulation 3(3) substitute "paragraph (1)(d)" with "paragraph (1)(f)"

(b) Substitute regulation 25 (Review of Quality of Care) with -

"**Review of Quality of Care**

25.-(1) The registered person must make suitable arrangements to establish and maintain a system for monitoring, reviewing and improving the quality of care given to service users.

(2) The system established under paragraph (1) must make provision for -

(a) the quality of care to be reviewed at least annually; and

(b) the registered person to obtain the views of -

(i) service users;

(ii) representatives of service users;

(iii) any local authority which has arranged for the accommodation of a service user at the care home; and

(iv) staff employed at the care home

on the quality of care provided, as part of any review undertaken.

(3) Following a review of the quality of care, the registered person must within 28 days prepare a report of that review and make a copy of the available report in an appropriate format when requested by -

(a) service users;

(b) representatives of service users;

(c) any local authority which has arranged for the accommodation of a service user at the care home;

(d) staff employed at the care home;

(e) the National Assembly.

Assessment of Service

25A.-(1) The National Assembly can at any time request the registered person to undertake an assessment of the service provided to service users at the care home.

(2) Within 28 days of receiving a request under paragraph (1) the registered person must supply to the appropriate office of the National Assembly the assessment in the form required by the National Assembly.

(3) The registered person must take reasonable steps to ensure that the assessment is not misleading nor inaccurate.

Compliance Notification

25B.-(1)The National Assembly can at any time notify the registered person of the action that in the

camau y mae'n rhaid i'r person cofrestredig ym marn y Cynulliad Cenedlaethol eu cymryd i sicrhau cydymffurfedd â'r Ddeddf ac ag unrhyw reoliadau a wneir odani.

(2) Caiff y Cynulliad Cenedlaethol bennu'r amserlen erbyn pryd y mae'n rhaid i'r person cofrestredig gymryd y camau sy'n ofynnol o dan baragraff (1).

(3) Rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol pan fydd unrhyw gamau sy'n ofynnol o dan baragraff (1) wedi'u cwblhau .".

(c) Yn lle rheoliad 23 (Cwynion) rhodder-

"**Cwynion**

23.-(1) Rhaid i'r person cofrestredig lunio a dilyn gweithdrefn ysgrifenedig ("y weithdrefn gwynion") ar gyfer ystyried cwynion a wneir iddo gan ddefnyddiwr gwasanaeth neu berson sy'n gweithredu ar ran y defnyddiwr gwasanaeth.

(2) Rhaid i'r weithdrefn gwynion fod yn briodol i anghenion y defnyddwyr gwasanaeth.

(3) Rhaid i'r weithdrefn gwynion gynnwys darpariaeth ar gyfer ystyried cwynion a wneir am y person cofrestredig.

(4) Rhaid i'r person cofrestredig sicrhau bod y personau canlynol yn ymwybodol o fodolaeth y weithdrefn gwynion a rhaid iddo gymryd pob cam rhesymol i roi copi iddynt o'r weithdrefn gwynion ar fformat priodol neu ar unrhyw fformat y gofynnir amdano -

(a) y defnyddwyr gwasanaeth;

(b) cynrychiolwyr y defnyddwyr gwasanaeth; ac

(c) unrhyw awdurdod sydd wedi trefnu bod defnyddiwr gwasanaeth yn cael ei letya yn y cartref gofal.

(5) Rhaid i'r person cofrestredig sicrhau bod y staff sy'n cael eu cyflogi yn y cartref gofal yn cael eu hysbysu o'r weithdrefn gwynion, eu bod yn cael copi ohoni a'u hyfforddi'n briodol ynghylch ei gweithredu.

(6) Rhaid i'r weithdrefn gwynion gynnwys -

(a) enw, cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol; a

(b) y weithdrefn, os oes un, y mae'r person cofrestredig wedi'i hysbysu ohoni gan y Cynulliad Cenedlaethol ar gyfer gwneud cwynion i'r Cynulliad Cenedlaethol.

(7) Rhaid i'r weithdrefn gwynion gynnwys darpariaeth ar gyfer datrys cwynion yn lleol ac yn gynnar yn y broses pan fo'n briodol.

(8) Os bydd y weithdrefn gwynion yn cynnwys darpariaeth ar gyfer ystyried cwyn yn ffurfiol, rhaid bod y ddarpariaeth hon gael ei chymeradwyo gan y Cynulliad Cenedlaethol.

National Assembly's view the registered person must take to ensure compliance with the Act and any regulations made under it.

(2) The National Assembly can specify the timescale within which the registered person must take the action required under paragraph (1).

(3) The registered person must advise the appropriate office of the National Assembly of the completion of any action required under paragraph (1).".

(c) Substitute regulation 23 (Complaints) with -

"**Complaints**

23.-(1) The registered person must prepare and follow a written procedure ("the complaints procedure") for considering complaints made to the registered person by a service user or person acting on the service user's behalf.

(2) The complaints procedure must be appropriate to the needs of service users.

(3) The complaints procedure must include provision for the consideration of complaints made about the registered person.

(4) The registered person must ensure that the following persons are aware of the existence of the complaints procedure and must take all reasonable steps to give a copy of the complaints procedure in an appropriate format or such format as may be requested to -

(a) service users;

(b) representatives of service users; and

(c) any authority which has arranged for the accommodation of a service user at the care home.

(5) The registered person must ensure that the staff employed at the care home are informed about, given a copy of and appropriately trained in the operation of the complaints procedure.

(6) The complaints procedure must include -

(a) the name, address and telephone number of the appropriate office of the National Assembly; and

(b) the procedure, if any, that has been notified to the registered person by the National Assembly for the making of complaints to the National Assembly.

(7) The complaints procedure must include provision for the local resolution of complaints at an early stage where appropriate.

(8) Where the complaints procedure includes provision for a formal consideration, this provision must be approved by the National Assembly.

(9) Ni roddir cymeradwyaeth y Cynulliad Cenedlaethol o dan (8) ond pan fo'r weithdrefn gwynion yn cynnwys darpariaeth i'r ystyriaeth ffurfiol gael ei gwneud gan berson sy'n annibynnol ar reolaeth y cartref.

Ymdrin â Chwynion

23A.-(1) Rhaid i'r weithdrefn gwynion a lunnir o dan reoliad 23 gael ei gweithredu yn unol â'r egwyddor bod lles y defnyddiwr gwasanaeth yn cael ei ddiogelu a'i hybu a rhaid ystyried dymuniadau a theimladau canfyddadwy'r defnyddiwr gwasanaeth.

(2) Pan fo cwyn yn cael ei gwneud, rhaid i'r person cofrestredig hysbysu'r achwynydd o'i hawl i gwyno i'r Cynulliad Cenedlaethol ar unrhyw bryd neu, pan fo'n berthnasol, i'r awdurdod sydd wedi trefnu i letya'r defnyddiwr gwasanaeth yn y cartref gofal.

(3) Rhaid i'r person cofrestredig roi gwybod i'r achwynydd am argaeledd unrhyw wasanaethau eiriolaeth y mae'r person cofrestredig yn credu y gallant fod o gymorth i'r achwynydd. Pan fo hynny'n berthnasol a phan fo'r achwynydd yn blentyn, rhaid i'r person cofrestredig roi gwybod i'r achwynydd bod rhaid i awdurdod lleol sy'n cael cwyn ddarparu gwybodaeth a chymorth i achwynyddion, ac yn neilltuol rhaid iddo gynnig cymorth i gael eiriolwr.

(4) Mewn unrhyw achos pan fyddai'n briodol gwneud hynny, caiff y person cofrestredig, gyda chytundeb yr achwynydd, wneud trefniadau ar gyfer cymodi, cyfryngu neu roi cymorth arall at ddibenion datrys y gwyn.

(5) Rhaid i'r person cofrestredig gadw cofnod ysgrifenedig o unrhyw gwyn, canlyniad yr ymchwiliad iddi ac unrhyw gamau a gymerwyd wrth ymateb i'r gwyn.

(6) Rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol, os bydd y Cynulliad Cenedlaethol yn gofyn amdano, ddatganiad sy'n cynnwys crynodeb o'r cwynion a wnaed yn ystod y deuddeng mis blaenorol a'r camau a gymerwyd wrth ymateb i bob cwyn.

Datrysiad lleol

23B.-(1) Rhaid i gwynion sy'n cael eu trin yn lleol gael eu datrys gan y person cofrestredig cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 14 o ddiwrnodau .

(2) Os caiff y gwyn ei datrys o dan baragraff (1), rhaid i'r person cofrestredig gadarnhau'n ysgrifenedig i'r achwynydd y datrysiad y cytunwyd arno.

(3) Rhaid i'r person cofrestredig, ar gais y Cynulliad Cenedlaethol neu unrhyw awdurdod sydd wedi trefnu llety i ddefnyddiwr gwasanaeth mewn cartref gofal, gadarnhau'r datrysiad lleol i gwyn.

(9) The approval of the National Assembly under (8) will only be given where the complaints procedure includes provision for the formal consideration to be undertaken by a person who is independent of the management of the home.

Handling Complaints

23A.-(1) The complaints procedure prepared under regulation 23 must be operated in accordance with the principle that the welfare of the service user is safeguarded and promoted and account must be taken of the ascertainable wishes and feelings of the service user.

(2) When a complaint is made, the registered person must advise the complainant of their right to at any time complain to the National Assembly or, where relevant, to the authority which has arranged for the accommodation of the service user at the care home.

(3) The registered person must inform the complainant of the availability of any advocacy services which the registered person believes may be of assistance to the complainant. Where relevant and the complainant is a child, the registered person must advise the complainant that a local authority receiving a complaint must provide information and assistance for complainants, and must in particular offer help in obtaining an advocate.

(4) The registered person can in any case where it is appropriate to do so, and with the agreement of the complainant, make arrangements for conciliation, mediation or other assistance for the purposes of resolving the complaint.

(5) The registered person must keep a written record of any complaint, the outcome of the investigation and any action taken in response.

(6) The registered person must supply to the appropriate office of the National Assembly at its request a statement containing a summary of the complaints made during the preceding twelve months and the action taken in response to each complaint.

Local Resolution

23B.-(1) Complaints that are dealt with locally must be resolved by the registered person as soon as reasonably practicable and in any event within 14 days.

(2) Where the complaint is resolved under paragraph (1), the registered person must confirm in writing to the complainant the agreed resolution.

(3) The registered person must, at the request of the National Assembly or any authority who has arranged for the accommodation of a service user at the care home, confirm the local resolution of a complaint.

(4) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn am hyd at 14 o ddiwrnodau pellach gyda chytundeb yr achwynydd.

Ystyriaeth Ffurfiol

23C.-(1) Rhaid i gwynion sy'n cael eu trin drwy gyfrwng ystyriaeth ffurfiol gael eu datrys cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 35 o ddiwrnodau i'r cais am ystyriaeth ffurfiol.

(2) Rhaid i ganlyniad ystyriaeth ffurfiol gael ei gadarnhau'n ysgrifenedig gan y person cofrestredig i'r achwynydd a rhaid iddo grynhoi natur a sylwedd y gwyn, y casgliadau a'r camau sydd i'w cymryd o ganlyniad.

(3) Rhaid i'r person cofrestredig anfon copi o'r ymateb ysgrifenedig i gwyn i swyddfa briodol y Cynulliad Cenedlaethol ac at unrhyw awdurdod sydd wedi trefnu llety i'r defnyddiwr gwasanaeth yn y cartref gofal.

(4) Os na chafodd y gwyn ei datrys o fewn 35 o ddiwrnodau ar ôl y cais am ystyriaeth ffurfiol, rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol o'r gwyn a'r rhesymau dros yr oedi am ei datrys.

(5) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn gyda chytundeb yr achwynydd.

(6) Os plentyn yw'r achwynydd, rhaid i'r person cofrestredig benodi person annibynnol a fydd yn cymryd rhan mewn unrhyw ystyriaeth o'r gwyn gan y person cofrestredig.

Cwynion sy'n ddarostyngedig i ystyriaeth gydamserol

23D.-(1) Pan fo a wnelo cwyn ag unrhyw fater-

(a) y mae'r achwynydd wedi datgan yn ysgrifenedig ei fod yn bwriadu codi achos mewn unrhyw lys neu dribiwnlys amdano, neu

(b) y mae'r person cofrestredig yn codi achos disgyblu amdano neu'n bwriadu codi achos disgyblu amdano, neu

(c) y mae'r person cofrestredig wedi cael ei hysbysu amdano bod ymchwiliad yn cael ei gynnal gan unrhyw berson neu gorff wrth ystyried achos troseddol; neu

(ch) y cynhaliwyd cyfarfod amdano sy'n cynnwys cyrff eraill gan gynnwys yr heddlu i drafod materion sy'n ymwneud ag amddiffyn plant neu oedolion agored i niwed, neu

(d) yr hysbyswyd y person cofrestredig amdano bod ymchwiliadau cyfredol wrth ystyried achos o dan adran 59 o Ddeddf Safonau Gofal 2000 rhaid i'r person cofrestredig ystyried, wrth ymgynghori â'r achwynydd ac unrhyw berson arall neu gorff arall y mae'n briodol yn ei farn

(4) The time limit in paragraph (1) may be extended for up to a further 14 days with the agreement of the complainant.

Formal Consideration

23C.-(1) Complaints that are dealt with by way of formal consideration must be resolved as soon as reasonably practicable and in any event within 35 days of the request for formal consideration.

(2) The outcome of a formal consideration must be confirmed in writing by the registered person to the complainant and must summarise the nature and substance of the complaint, the conclusions and the action to be taken as a result.

(3) The registered person must send a copy of the written response to a complaint to the appropriate office of the National Assembly and any authority which has arranged for the accommodation of the service user at the care home.

(4) If the complaint has not been resolved within 35 days of the request for formal consideration, the registered person must notify the appropriate office of the National Assembly of the complaint and the reasons for the delay in resolution.

(5) The time limit in paragraph (1) may be extended with the agreement of the complainant.

(6) Where the complainant is a child the registered person must appoint an independent person who shall take part in any consideration of the complaint by the registered person.

Complaints subject to concurrent consideration

23D.-(1) Where a complaint relates to any matter-

(a) about which the complainant has stated in writing that he or she intends to take proceedings in any court or tribunal, or

(b) about which the registered person is taking or is proposing to take disciplinary proceedings, or

(c) about which the registered person has been notified that an investigation is being conducted by any person or body in contemplation of criminal proceedings, or

(d) about which a meeting involving other bodies including the police has been convened to discuss issues relating to the protection of children or vulnerable adults, or

(e) about which the registered person has been notified that there are current investigations in contemplation of proceedings under section 59 of the Care Standards Act 2000, the registered person must consider, in consultation with the complainant and any other

ef ymgynghori ag ef, sut y dylid ymdrin â'r gwyn. Rhaid cyfeirio at y cyfryw gwynion at ddibenion y rheoliad hwn fel "cwynion sy'n ddarostyngedig i ystyriaeth gydamserol.

(2) Caniateir peidio â pharhau i ystyried cwynion sy'n ddarostyngedig i ystyriaeth gydamserol os ymddengys ar unrhyw adeg i'r person cofrestredig y byddai parhau yn peryglu neu'n rhagfarnu'r ystyriaeth arall.

(3) Pan fo'r person cofrestredig yn penderfynu peidio â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r person cofrestredig roi hysbysiad am y penderfyniad hwnnw i'r achwynydd.

(4) Pan fo'r person cofrestredig yn peidio â pharhau i ystyried unrhyw gwyn o dan baragraff (2), gellir ailddechrau'r ystyriaeth ar unrhyw adeg.

(5)Os peidir â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r person cofrestredig ganfod pa mor bell y mae'r ystyriaeth gydamserol wedi mynd a hysbysu'r achwynydd pan fydd ar ben.

(6) Rhaid i'r person cofrestredig ailddechrau ystyried unrhyw gwyn pan beidir â pharhau â'r ystyriaeth gydamserol neu pan fydd wedi'i chwblhau a phan fo'r achwynydd yn gwneud cais i'r gwyn gael ei hystyried o dan y Rheoliadau hyn.".

person or body which they consider appropriate to consult, how the complaint should be handled. Such complaints shall be referred to for the purposes of this regulation as "complaints subject to concurrent consideration".

(2) The consideration of complaints subject to concurrent consideration may be discontinued if at any time it appears to the registered person that to continue would compromise or prejudice the other consideration.

(3) Where the registered person decides to discontinue the consideration of a complaint under paragraph (2) the registered person must give notice of that decision to the complainant.

(4) Where the registered person discontinues the consideration of any complaint under paragraph (2), consideration can be resumed at any time.

(5) Where the consideration of a complaint has been discontinued under paragraph (2) the registered person must ascertain the progress of the concurrent consideration and notify the complainant when it has been concluded.

(6) The registered person must resume consideration of any complaint where the concurrent consideration is discontinued or completed and the complainant requests that the complaint be considered under these Regulations.".

Diwygio Rheoliadau Cartrefi Plant (Cymru) 2002

3. Diwygir Rheoliadau Cartrefi Plant (Cymru) 2002(**1**) fel a ganlyn -

(a) Yn lle rheoliad 33 (Adolygu Ansawdd y Gofal) rhodder-

"**Adolygu Ansawdd y Gofal**

33.-(1) Rhaid i'r person cofrestredig wneud trefniadau addas i sefydlu a chynnal system ar gyfer monitro, adolygu a gwella ansawdd y gofal sy'n cael ei roi i blant.

(2) Rhaid i'r system a sefydlir o dan baragraff (1) ddarparu-

(a) bod ansawdd y gofal yn cael ei adolygu o leiaf bob blwyddyn;

(b) bod y materion a nodir yn Atodlen 6 i gael eu monitro a'u hadolygu; ac

(c) bod y person cofrestredig yn cael barn -

(i) y plant sy'n cael eu lletya yn y cartref plant;

(ii) yn ddarostyngedig i baragraff (3), rhiant unrhyw blentyn sy'n cael ei letya yn y cartref plant;

Amendment of the Children's Homes (Wales) Regulations 2002

3. The Children's Homes (Wales) Regulations 2002(**1**) are amended as follows -

(a) Substitute regulation 33 (Review of quality of care) with-

"**Review of Quality of Care**

33-(1) The registered person must make suitable arrangements to establish and maintain a system for monitoring, reviewing and improving the quality of care given to children.

(2) The system established under paragraph (1) must make provision for -

(a) the quality of care to be reviewed at least annually;

(b) the matters set out in Schedule 6 to be monitored and reviewed; and

(c) the registered person to obtain the views of -

(i) children accommodated at the children's home;

(ii) subject to paragraph (3) the parent of any child accommodated in the children's home;

(**1**) O.S. 2002 Rhif 327 (Cy.40).

(**1**) S.I. 2002 No.327 (W.40).

(iii) awdurdod lleoli unrhyw blentyn sy'n cael ei letya yn y cartref plant; a

(iv) y staff sy'n cael eu cyflogi yn y cartref gofal ar ansawdd y gofal sy'n cael ei ddarparu, fel rhan o unrhyw adolygiad a gynhelir.

(3) Rhaid i'r person cofrestredig beidio â chydymffurfio â pharagraff (2)(c)(ii) neu (4)(b) mewn perthynas â phlentyn os oes gorchymyn llys sy'n cyfyngu ar gysylltiadau rhwng y plentyn a'i rieni neu'n cadw'r cysylltiadau hynny o fewn terfynau a'i bod yn angenrheidiol cyfyngu ar gyfathrebu at ddibenion diogelu neu hybu lles y plentyn.

(4) Yn dilyn adolygiad o ansawdd y gofal, rhaid i'r person cofrestredig lunio adroddiad ar yr adolygiad hwnnw o fewn 28 o ddiwrnodau a threfnu bod copi o'r adroddiad ar gael ar fformat priodol pan ofynnir iddo wneud hynny gan -

(a) y plant sy'n cael eu lletya yn y cartref plant;

(b) yn ddarostyngedig i baragraff (3), rhiant unrhyw blentyn sy'n cael ei letya yn y cartref plant;

(c) awdurdod lleoli unrhyw blentyn sy'n cael ei letya yn y cartref plant;

(ch) staff sy'n cael eu cyflogi yn y cartref plant;

(d) y Cynulliad Cenedlaethol.

Asesu'r Gwasanaeth

33A.-(1) Caiff y Cynulliad Cenedlaethol ofyn ar unrhyw bryd i'r person cofrestredig i gynnal asesiad o'r gwasanaeth sy'n cael ei ddarparu i blant sy'n cael eu lletya yn y cartref plant.

(2) O fewn 28 o ddiwrnodau o gael cais o dan baragraff (1), rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol asesiad ar y ffurf sy'n ofynnol gan y Cynulliad Cenedlaethol.

(3) Rhaid i'r person cofrestredig gymryd camau rhesymol i sicrhau na fydd yr asesiad yn gamarweiniol nac yn anghywir.

Hysbysu am gydymffurfedd

33B.-(1) Caiff y Cynulliad Cenedlaethol ar unrhyw bryd hysbysu'r person cofrestredig am y camau y mae'n rhaid i'r person cofrestredig ym marn y Cynulliad Cenedlaethol eu cymryd i sicrhau cydymffurfedd â'r Ddeddf ac ag unrhyw reoliadau a wneir odani.

(2) Caiff y Cynulliad Cenedlaethol bennu'r amserlen erbyn pryd y mae'n rhaid i'r person cofrestredig gymryd y camau sy'n ofynnol o dan (1).

(3) Rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol pan

(iii) the placing authority of any child accommodated in the children's home; and

(iv) staff employed at the care home on the quality of care provided, as part of any review undertaken.

(3) The registered person must not comply with paragraph (2)(c)(ii) or (4)(b) in relation to a child if there is a court order that restricts or limits contact between the child and his or her parents and it is necessary to restrict communication for the purpose of safeguarding or promoting the welfare of the child.

(4) Following a review of the quality of care, the registered person must within 28 days prepare a report of that review and make a copy of the available report in an appropriate format when requested by -

(a) children accomodated in the children's home;

(b) subject to paragraph (3) the parent of any child accommodated in the children's home;

(c) the placing authority of any child accommodated in the children's home;

(d) staff employed at the children's home;

(e) the National Assembly.

Assessment of Service

33A.-(1) The National Assembly can at any time request the registered person to undertake an assessment of the service provided to children accommodated in the children's home.

(2) Within 28 days of receiving a request under paragraph (1), the registered person must supply to the appropriate office of the National Assembly the assessment in the form required by the National Assembly.

(3) The registered person must take reasonable steps to ensure that the assessment is not misleading nor inaccurate.

Compliance Notification

33B.-(1) The National Assembly can at any time notify the registered person of the action that in the view of the National Assembly the registered person must take to ensure compliance with the Act and any regulations made under it.

(2) The National Assembly can specify the timescale within which the registered person must take the action required under paragraph (1).

(3) The registered person must notify the appropriate office of the National Assembly of the

fydd unrhyw gamau sy'n ofynnol o dan (1) wedi'u cwblhau.".

(b) Yn lle rheoliad 24 (Cynrychioliadau a Chwynion) rhodder-

"**Cwynion**

24.-(1) Rhaid i'r person cofrestredig lunio a dilyn gwethdrefn ysgrifenedig ("y weithdrefn gwynion") ar gyfer ystyried cwynion a wneir iddo gan neu ar ran plant sy'n cael eu lletya yn y cartref plant.

(2) Rhaid i'r weithdrefn gwynion fod yn briodol i anghenion plant sy'n cael eu lletya yn y cartref.

(3) Rhaid i'r weithdrefn gwynion gynnwys darpariaeth ar gyfer ystyried cwynion a wneir am y person cofrestredig.

(4) Rhaid i'r person cofrestredig sicrhau bod y personau canlynol yn ymwybodol o fodolaeth y weithdrefn gwynion a chymryd pob cam rhesymol i roi copi o'r weithdrefn gwynion iddynt ar fformat priodol neu ar unrhyw fformat y gofynnir amdano -

(a) y plant sy'n cael eu lletya yn y cartref;

(b) eu rhieni;

(c) awdurdod lleoli unrhyw blentyn sy'n cael ei letya yn y cartref plant.

(5) Rhaid i'r person cofrestredig sicrhau bod y staff sy'n cael eu cyflogi yn y cartref plant yn cael eu hysbysu o'r weithdrefn gwynion, yn cael copi ohoni a'u hyfforddi'n briodol ynghylch ei gweithredu.

(6) Rhaid i'r weithdrefn gwynion gynnwys -

(a) enw, cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol; a

(b) y weithdrefn, os oes un, y mae'r person cofrestredig wedi'i hysbysu ohoni gan y Cynulliad Cenedlaethol ar gyfer gwneud cwynion i'r Cynulliad Cenedlaethol.

(7) Rhaid i'r weithdrefn gwynion gynnwys darpariaeth ar gyfer datrys cwynion yn lleol ac yn gynnar pan fo'n briodol.

(8) Os yw'r weithdrefn gwynion yn cynnwys darpariaeth ar gyfer ystyried cwyn yn ffurfiol, rhaid bod y ddarpariaeth hon wedi cael ei chymeradwyo gan y Cynulliad Cenedlaethol.

(9) Ni roddir cymeradwyaeth y Cynulliad Cenedlaethol o dan (8) ond pan fo'r weithdrefn gwynion yn cynnwys darpariaeth i'r ystyriaeth ffurfiol gael ei gwneud gan berson sy'n annibynnol ar reolaeth y cartref.

Ymdrin â Chwynion

24A.-(1) Rhaid i'r weithdrefn gwynion a lunnir o dan reoliad 24 gael ei gweithredu yn unol â'r egwyddor bod lles y plentyn yn cael ei ddiogelu a'i

completion of any action required under paragraph (1).".

(b) Substitute regulation 24 (Representations and Complaints) with -

"**Complaints**

24.-(1) The registered person must prepare and follow a written procedure ("the complaints procedure") for considering complaints made to the registered person by or on behalf of children accommodated in the children's home.

(2) The complaints procedure must be appropriate to the needs of children accommodated in the home.

(3) The complaints procedure must include provision for the consideration of complaints made about the registered person.

(4) The registered person must ensure that the following persons are aware of the existence of the complaints procedure and take all reasonable steps to give a copy of the complaints procedure in an appropriate format or such format as may be requested to-

(a) children accommodated in the home;

(b) their parents; and

(c) the placing authority of any child accommodated in the children's home;

(5) The registered person must ensure that the staff employed at the children's home are informed about, given a copy of and appropriately trained in the operation of the complaints procedure.

(6) The complaints procedure must include -

(a) the name, address and telephone number of the appropriate office of the National Assembly; and

(a) the procedure, if any, that has been notified to the registered person by the National Assembly for the making of complaints to the National Assembly.

(7) The complaints procedure must include provision for the local resolution of complaints at an early stage where appropriate.

(8) Where the complaints procedure includes provision for a formal consideration, this provision must be approved by the National Assembly.

(9) The approval of the National Assembly under (8) will only be given where the complaints procedure includes provision for the formal consideration to be undertaken by a person who is independent of the management of the home.

Handling Complaints

24A.-(1) The complaints procedure prepared under regulation 24 must be operated in accordance with the principle that the welfare of

hybu a rhaid ystyried dymuniadau a theimladau'r canfyddadwy'r plentyn.

(2) Pan fo cwyn yn cael ei gwneud, rhaid i'r person cofrestredig hysbysu'r achwynydd o'i hawl i gwyno i'r Cynulliad Cenedlaethol ar unrhyw bryd neu, pan fo'n berthnasol, i'r awdurdod lleoli.

(3) Rhaid i'r person cofrestredig roi gwybod i'r achwynydd am argaeledd unrhyw wasanaethau eiriolaeth y mae'r person cofrestredig yn credu y gallant fod o gymorth i'r achwynydd. Pan fo hynny'n berthnasol a phan fo'r achwynydd yn blentyn, rhaid i'r person cofrestredig roi gwybod i'r achwynydd bod rhaid i awdurdod lleol sy'n cael cwyn ddarparu gwybodaeth a chymorth i achwynyddion, ac yn neilltuol rhaid iddo gynnig cymorth i gael eiriolwr.

(4) Mewn unrhyw achos pan fyddai'n briodol gwneud hynny, caiff y person cofrestredig, gyda chytundeb yr achwynydd, wneud trefniadau ar gyfer cymodi, cyfryngu neu roi cymorth arall at ddibenion datrys y gwyn.

(5) Rhaid i'r person cofrestredig gadw cofnod ysgrifenedig o unrhyw gwyn, canlyniad yr ymchwiliad iddi ac unrhyw gamau a gymerwyd wrth ymateb i'r gwyn.

(6) Rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol, os bydd y Cynulliad Cenedlaethol yn gofyn amdano, ddatganiad sy'n cynnwys crynodeb o'r cwynion a wnaed yn ystod y deuddeng mis blaenorol a'r camau a gymerwyd wrth ymateb i bob cwyn.

Datrysiad lleol

24B.-(1) Rhaid i gwynion sy'n cael eu trin yn lleol gael eu datrys gan y person cofrestredig cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 14 o ddiwrnodau.

(2) Os caiff y gwyn ei datrys o dan baragraff (1), rhaid i'r person cofrestredig gadarnhau'n ysgrifenedig i'r achwynydd y datrysiad y cytunwyd arno.

(3) Rhaid i'r person cofrestredig, ar gais y Cynulliad Cenedlaethol neu unrhyw awdurdod sydd wedi trefnu llety i blentyn mewn cartref plant, gadarnhau'r datrysiad lleol i gwyn.

(4) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn am hyd at 14 o ddiwrnodau pellach gyda chytundeb yr achwynydd.

Ystyriaeth Ffurfiol

24C.-(1) Rhaid i gwynion sy'n cael eu trin drwy gyfrwng ystyriaeth ffurfiol gael eu datrys cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 35 o ddiwrnodau i'r cais am ystyriaeth ffurfiol.

the child is safeguarded and promoted and account must be taken of the ascertainable wishes and feelings of the child.

(2) When a complaint is made, the registered person must advise the complainant of their right to at any time complain to the National Assembly or, where relevant, to the placing authority.

(3) The registered person must inform the complainant of the availability of any advocacy services which the registered person believes may be of assistance to the complainant. Where relevant and the complainant is a child, the registered person must advise the complainant that a local authority receiving a complaint must provide information and assistance for complainants, and must in particular offer help in obtaining an advocate.

(4) The registered person can in any case where it is appropriate to do so, and with the agreement of the complainant, make arrangements for conciliation, mediation or other assistance for the purposes of resolving the complaint.

(5) The registered person must keep a written record of any complaint, the outcome of the investigation and any action taken in response.

(6) The registered person must supply to the appropriate office of the National Assembly at its request a statement containing a summary of the complaints made during the preceding twelve months and the action taken in response to each complaint.

Local Resolution

24B.-(1) Complaints that are dealt with locally must be resolved by the registered person as soon as reasonably practicable and in any event within 14 days.

(2) Where the complaint is resolved under paragraph (1), the registered person must confirm in writing to the complainant the agreed resolution.

(3)The registered person must, at the request of the National Assembly or any authority who has arranged for the accommodation of a child at the children's home, confirm the local resolution of a complaint.

(4) The time limit in paragraph (1) may be extended for up to a further 14 days with the agreement of the complainant.

Formal Consideration

24C.-(1) Complaints that are dealt with by way of formal consideration must be resolved as soon as reasonably practicable and in any event within 35 days of the request for formal consideration.

(2) Rhaid i'r person cofrestredig benodi person annibynnol a fydd yn cymryd rhan mewn unrhyw ystyriaeth o'r gwyn gan y person cofrestredig.

(3) Rhaid i ganlyniad ystyriaeth ffurfiol gael ei gadarnhau'n ysgrifenedig gan y person cofrestredig i'r achwynydd a rhaid iddo grynhoi natur a sylwedd y gwyn, y casgliadau a'r camau sydd i'w cymryd o ganlyniad.

(4) Rhaid i'r person cofrestredig anfon copi o'r ymateb ysgrifenedig i gwyn i swyddfa briodol y Cynulliad Cenedlaethol ac at unrhyw awdurdod lleoli i unrhyw blentyn a gaiff ei letya yn y cartref plant.

(5) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn gyda chytundeb yr achwynydd.

(6) Os na chafodd y gwyn ei datrys o fewn 35 o ddiwrnodau ar ôl y cais am ystyriaeth ffurfiol, rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol o'r gwyn a'r rhesymau dros yr oedi am ei datrys.

Cwynion sy'n ddarostyngedig i ystyriaeth gydamserol

24D.-(1) Pan fo a wnelo cwyn ag unrhyw fater-

(a) y mae'r achwynydd wedi datgan yn ysgrifenedig ei fod yn bwriadu codi achos mewn unrhyw lys neu dribiwnlys amdano, neu

(b) y mae'r person cofrestredig yn codi achos disgyblu amdano neu'n bwriadu codi achos disgyblu amdano, neu

(c) y mae'r person cofrestredig wedi cael ei hysbysu amdano bod ymchwiliad yn cael ei gynnal gan unrhyw berson neu gorff wrth ystyried achos troseddol; neu

(ch) y cynhaliwyd cyfarfod amdano sy'n cynnwys cyrff eraill gan gynnwys yr heddlu i drafod materion sy'n ymwneud ag amddiffyn plant neu oedolion agored i niwed, neu

(d) yr hysbyswyd y person cofrestredig amdano bod ymchwiliadau cyfredol wrth ystyried achos o dan adran 59 o Ddeddf Safonau Gofal 2000

rhaid i'r person cofrestredig ystyried, wrth ymgynghori â'r achwynydd ac unrhyw berson arall neu gorff arall y mae'n briodol yn ei farn ef ymgynghori ag ef, sut y dylid ymdrin â'r gwyn. Rhaid cyfeirio at y cyfryw gwynion at ddibenion y rheoliad hwn fel "cwynion sy'n ddarostyngedig i ystyriaeth gydamserol".

(2) Caniateir peidio â pharhau i ystyried cwynion sy'n ddarostyngedig i ystyriaeth gydamserol os ymddengys ar unrhyw adeg i'r person cofrestredig y byddai parhau yn peryglu neu'n rhagfarnu'r ystyriaeth arall.

(2) The registered person must appoint an independent person who shall take part in any consideration of the complaint by the registered person.

(3) The outcome of a formal consideration must be confirmed in writing by the registered person to the complainant and must summarise the nature and substance of the complaint, the conclusions and the action to be taken as a result.

(4) The registered person must send a copy of the written response to a complaint to the appropriate office of the National Assembly and any placing authority of any child accommodated in the children's home.

(5) The time limit in paragraph (1) may be extended with the agreement of the complainant.

(6) If the complaint has not been resolved within 35 days of the request for formal consideration, the registered person must notify the appropriate office of the National Assembly of the complaint and the reasons for the delay in resolution.

Complaints subject to concurrent consideration

24D.-(1) Where a complaint relates to any matter-

(a) about which the complainant has stated in writing that he or she intends to take proceedings in any court or tribunal, or

(b) about which the registered person is taking or is proposing to take disciplinary proceedings, or

(c) about which the registered person has been notified that an investigation is being conducted by any person or body in contemplation of criminal proceedings, or

(d) about which a meeting involving other bodies including the police has been convened to discuss issues relating to the protection of children or vulnerable adults, or

(e) about which the registered person has been notified that there are current investigations in contemplation of proceedings under section 59 of the Care Standards Act 2000,

the registered person must consider, in consultation with the complainant and any other person or body which they consider appropriate to consult, how the complaint should be handled. Such complaints shall be referred to for the purposes of this regulation as "complaints subject to concurrent consideration".

(2) The consideration of complaints subject to concurrent consideration may be discontinued if at any time it appears to the registered person that to continue would compromise or prejudice the other consideration.

(3) Pan fo'r person cofrestredig yn penderfynu peidio â pharhau i ystyried cwyn o dan paragraff (2) rhaid i'r person cofrestredig roi hysbysiad am y penderfyniad hwnnw i'r achwynydd.

(4) Pan fo'r person cofrestredig yn peidio â pharhau i ystyried unrhyw gwyn o dan baragraff (2), gellir ailddechrau'r ystyriaeth ar unrhyw adeg.

(5) Os peidir â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r person cofrestredig ganfod pa mor bell y mae'r ystyriaeth gydamserol wedi mynd a hysbysu'r achwynydd pan fydd ar ben.

(6) Rhaid i'r person cofrestredig ailddechrau ystyried unrhyw gwyn pan beidir â pharhau â'r ystyriaeth gydamserol neu pan fydd wedi'i chwblhau a phan fo'r achwynydd yn gwneud cais i'r gwyn gael ei hystyried o dan y Rheoliadau hyn.".

Diwygio Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) 2002

4. Diwygir Rheoliadau Gwarchod Plant a Gofal Dydd (Cymru) 2002(**1**) fel a ganlyn -

(a) Ar ôl rheoliad 3 (Datganiad o Ddiben) mewnosoder -

"**Adolygu Ansawdd y Gofal**

3A.-(1) Rhaid i'r person cofrestredig wneud trefniadau addas i sefydlu a chynnal system ar gyfer monitro, adolygu a gwella ansawdd y gofal sy'n cael ei roi i blant.

(2) Rhaid i'r system a sefydlir o dan baragraff (1) ddarparu -

(a) bod ansawdd y gofal yn cael ei adolygu o leiaf bob blwyddyn; a

(b) bod y person cofrestredig yn cael barn -

(i) y plant perthnasol;

(ii) rhieni'r plant perthnasol;

(iii) awdurdod lleol sy'n trefnu gwasanaeth gwarchod plant neu ofal dydd i blentyn perthnasol; a

(iv) personau sy'n cael eu cyflogi i ofalu am blant perthnasol,

ar ansawdd y gofal sy'n cael ei ddarparu, fel rhan o unrhyw adolygiad a gynhelir.

(3) Yn dilyn adolygiad o ansawdd y gofal, rhaid i'r person cofrestredig lunio adroddiad ar yr adolygiad hwnnw o fewn 28 o ddiwrnodau a threfnu bod copi o'r adroddiad ar gael ar fformat priodol pan ofynnir iddo wneud hynny gan -

(a) rhieni plant perthnasol;

(b) awdurdod lleol sy'n trefnu gwasanaeth gwarchod plant neu ofal dydd i blentyn perthnasol; ac

(**1**) O.S. 2002 Rhif 812 (Cy.92).

(3) Where the registered person decides to discontinue the consideration of a complaint under paragraph (2) the registered person must give notice of that decision to the complainant.

(4) Where the registered person discontinues the consideration of any complaint under paragraph (2), consideration can be resumed at any time.

(5) Where the consideration of a complaint has been discontinued under paragraph (2) the registered person must ascertain the progress of the concurrent consideration and notify the complainant when it has been concluded.

(6) The registered person must resume consideration of any complaint where the concurrent consideration is discontinued or completed and the complainant requests that the complaint be considered under these Regulations.".

Amendment of the Child Minding and Day Care (Wales) Regulations 2002

4. The Child Minding and Day Care (Wales) Regulations 2002(**1**) are amended as follows -

(a) After regulation 3 (Statement of Purpose) insert -

"**Review of Quality of Care**

3A.-(1) The registered person must make suitable arrangements to establish and maintain a system for monitoring, reviewing and improving the quality of care given to children.

(2) The system established under paragraph (1) must make provision for -

(a) the quality of care to be reviewed at least annually; and

(b) the registered person to obtain the views of -

(i) relevant children;

(ii) the parents of relevant children;

(iii) a local authority arranging for child minding or day care for a relevant child; and

(iv) persons employed to look after relevant children,

on the quality of care provided, as part of any review undertaken.

(3) Following a review of the quality of care, the registered person must within 28 days prepare a report of that review and make a copy of the available report in an appropriate format when requested by -

(a) the parents of relevant children;

(b) a local authority arranging for child minding or day care for a relevant child; and

(**1**) S.I. 2002 No.812 (W.92).

(c) personau sy'n cael eu cyflogi i ofalu am blant perthnasol; ac

(ch) y Cynulliad Cenedlaethol.

Asesu'r Gwasanaeth

3B.-(1) Caiff y Cynulliad Cenedlaethol ofyn ar unrhyw bryd i'r person cofrestredig i gynnal asesiad o'r gwasanaeth sy'n cael ei ddarparu i blant perthnasol.

(2) O fewn 28 o ddiwrnodau o gael cais o dan baragraff (1), rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol asesiad ar y ffurf sy'n ofynnol gan y Cynulliad Cenedlaethol.

(3) Rhaid i'r person cofrestredig gymryd camau rhesymol i sicrhau na fydd yr asesiad yn gamarweiniol nac yn anghywir.

Hysbysu am gydymffurfedd

3C.-(1) Caiff y Cynulliad Cenedlaethol ar unrhyw bryd hysbysu'r person cofrestredig am y camau y mae'n rhaid i'r person cofrestredig ym marn y Cynulliad Cenedlaethol eu cymryd i sicrhau cydymffurfedd â'r Ddeddf ac ag unrhyw reoliadau a wneir odani.

(2) Caiff y Cynulliad Cenedlaethol bennu'r amserlen erbyn pryd y mae'n rhaid i'r person cofrestredig gymryd y camau sy'n ofynnol o dan baragraff (1).

(3) Rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol pan fydd unrhyw gamau sy'n ofynnol o dan baragraff (1) wedi'u cwblhau.".

(b) Yn lle rheoliad 14 (Cwynion) rhodder-

"**Cwynion**

14.-(1) Rhaid i'r person cofrestredig lunio a dilyn gweithdrefn ysgrifenedig ("y weithdrefn gwynion") ar gyfer ystyried cwynion a wneir iddo gan neu ar ran plant perthnasol.

(2) Rhaid i'r weithdrefn gwynion fod yn briodol i anghenion plant.

(3) Rhaid i'r weithdrefn gwynion gynnwys darpariaeth ar gyfer ystyried cwynion a wneir am y person cofrestredig.

(4) Rhaid i'r person cofrestredig sicrhau bod y personau canlynol yn ymwybodol o fodolaeth y weithdrefn gwynion a chymryd pob cam rhesymol i roi copi o'r weithdrefn gwynion iddynt ar fformat priodol neu ar unrhyw fformat y gofynnir amdano -

(a) y plant perthnasol;

(b) eu rhieni; ac

(c) awdurdod lleol sy'n trefnu gwasanaeth gwarchod plant neu ofal dydd i blentyn perthnasol.

(c) persons employed to look after relevant children; and

(d) the National Assembly.

Assessment of Service

3B.-(1) The National Assembly can at any time request the registered person to undertake an assessment of the service provided to relevant children.

(2) Within 28 days of receiving a request under paragraph (1), the registered person must supply to the appropriate office of the National Assembly the assessment in the form required by the National Assembly.

(3) The registered person must take reasonable steps to ensure that the assessment is not misleading nor inaccurate.

Compliance Notification

3C.-(1) The National Assembly can at any time notify the registered person of the action that in the National Assembly's view the registered person must take to ensure compliance with the Act and any regulations made under it.

(2) The National Assembly can specify the timescale within which the registered person must take the action required under paragraph (1).

(3) The registered person must advise the appropriate office of the National Assembly of the completion of any action required under paragraph (1).".

(b) Substitute regulation 14 (Complaints) with -

"**Complaints**

14.-(1) The registered person must prepare and follow a written procedure ("the complaints procedure") for considering complaints made to the registered person by or on behalf of relevant children.

(2) The complaints procedure must be appropriate to the needs of children.

(3) The complaints procedure must include provision for the consideration of complaints made about the registered person.

(4) The registered person must ensure that the following persons are aware of the existence of the complaints procedure and take all reasonable steps to give a copy of the complaints procedure in an appropriate format or such format as may be requested to -

(a) relevant children;

(b) their parents; and

(c) a local authority arranging for child minding or day care for a relevant child.

(5) Rhaid i'r person cofrestredig sicrhau bod y staff sy'n cael eu cyflogi i ofalu am blant perthnasol yn cael eu hysbysu o'r weithdrefn gwynion, cael copi ohoni a'u hyfforddi'n briodol ynghylch ei gweithredu.

(6) Rhaid i'r weithdrefn gwynion gynnwys -

(a) enw, cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol; a

(b) y weithdrefn, os oes un, y mae'r person cofrestredig wedi'i hysbysu ohoni gan y Cynulliad Cenedlaethol ar gyfer gwneud cwynion i'r Cynulliad Cenedlaethol.

(7) Rhaid i'r weithdrefn gwynion gynnwys darpariaeth ar gyfer datrys cwynion yn lleol ac yn gynnar pan fo'n briodol.

(8) Os yw'r weithdrefn gwynion yn cynnwys darpariaeth ar gyfer ystyried cwyn yn ffurfiol, rhaid i'r ddarpariaeth hon gael ei chymeradwyo gan y Cynulliad Cenedlaethol.

(9) Ni roddir cymeradwyaeth y Cynulliad Cenedlaethol o dan (8) ond pan fo'r weithdrefn gwynion yn cynnwys darpariaeth i'r ystyriaeth ffurfiol gael ei gwneud gan berson sy'n annibynnol ar y gofal a ddarperir i blant perthnasol.

Ymdrin â chwynion

14A.-(1) Rhaid i'r weithdrefn gwynion a lunnir o dan reoliad 14 gael ei gweithredu yn unol â'r egwyddor bod lles y plentyn yn cael ei ddiogelu a'i hybu a rhaid ystyried dymuniadau a theimladau canfyddadwy'r plentyn.

(2) Pan fo cwyn yn cael ei gwneud, rhaid i'r person cofrestredig hysbysu'r achwynydd o'i hawl i gwyno i'r Cynulliad Cenedlaethol ar unrhyw bryd neu, pan fo'n berthnasol, i'r awdurdod lleol sydd wedi trefnu bod gwasanaeth gwarchod plant neu ofal dydd yn cael ei ddarparu i blentyn perthnasol.

(3) Rhaid i'r person cofrestredig roi gwybod i'r achwynydd am argaeledd unrhyw wasanaethau eiriolaeth y mae'r person cofrestredig yn credu y gallant fod o gymorth i'r achwynydd. Pan fo hynny'n berthnasol a phan fo'r achwynydd yn blentyn, rhaid i'r person cofrestredig roi gwybod i'r achwynydd bod rhaid i awdurdod lleol sy'n cael cwyn ddarparu gwybodaeth a chymorth i achwynyddion, ac y neilltuol rhaid iddo gynnig cymorth i gael eiriolwr.

(4) Mewn unrhyw achos pan fyddai'n briodol gwneud hynny, caiff y person cofrestredig, gyda chytundeb yr achwynydd, wneud trefniadau ar gyfer cymodi, cyfryngu neu roi cymorth arall at ddibenion datrys y gwyn.

(5) Rhaid i'r person cofrestredig gadw cofnod ysgrifenedig o unrhyw gwyn, canlyniad yr ymchwiliad iddi ac unrhyw gamau a gymerwyd wrth ymateb i'r gwyn.

(5) The registered person must ensure that the staff employed to look after relevant children are informed about, given a copy of and appropriately trained in the operation of the complaints procedure.

(6) The complaints procedure must include -

(a) the name, address and telephone number of the appropriate office of the National Assembly; and

(b) the procedure, if any, that has been notified to the registered person by the National Assembly for the making of complaints to the National Assembly.

(7) The complaints procedure must include provision for the local resolution of complaints at an early stage where appropriate.

(8) Where the complaints procedure includes provision for a formal consideration, this provision must be approved by the National Assembly.

(9) The approval of the National Assembly under (8) will only be given where the complaints procedure includes provision for the formal consideration to be undertaken by a person who is independent of the provision of care to relevant children.

Handling Complaints

14A.-(1) The complaints procedure prepared under regulation 14 must be operated in accordance with the principle that the welfare of the child is safeguarded and promoted and account must be taken of the ascertainable wishes and feelings of the child.

(2) When a complaint is made, the registered person must advise the complainant of their right to at any time complain to the National Assembly or, where relevant, to the local authority which has arranged for the provision of child minding or day care for a relevant child.

(3) The registered person must inform the complainant of the availability of any advocacy services which the registered person believes may be of assistance to the complainant. Where relevant and the complainant is a child, the registered person must advise the complainant that a local authority receiving a complaint must provide information and assistance for complainants, and must in particular offer help in obtaining an advocate.

(4) The registered person can in any case where it is appropriate to do so, and with the agreement of the complainant, make arrangements for conciliation, mediation or other assistance for the purposes of resolving the complaint.

(5) The registered person must keep a written record of any complaint, the outcome of the investigation and any action taken in response.

(6) Rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol, os bydd y Cynulliad Cenedlaethol yn gofyn amdano, ddatganiad sy'n cynnwys crynodeb o'r cwynion a wnaed yn ystod y deuddeng mis blaenorol a'r camau a gymerwyd wrth ymateb i bob cwyn.

Datrysiad Lleol

14B.-(1) Rhaid i gwynion sy'n cael eu trin yn lleol gael eu datrys gan y person cofrestredig cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 14 o ddiwrnodau.

(2) Os caiff y gwyn ei datrys o dan baragraff (1), rhaid i'r person cofrestredig gadarnhau'n ysgrifenedig i'r achwynydd y datrysiad y cytunwyd arno.

(3) Rhaid i'r person cofrestredig, ar gais y Cynulliad Cenedlaethol neu unrhyw awdurdod lleol sydd wedi trefnu darpariaeth i warchod plentyn neu ofal dydd i blentyn perthnasol, gadarnhau'r datrysiad lleol i gwyn.

(4) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn am hyd at 14 o ddiwrnodau pellach gyda chytundeb yr achwynydd.

Ystyriaeth Ffurfiol

14C.-(1) Rhaid i gwynion sy'n cael eu trin drwy gyfrwng ystyriaeth ffurfiol gael eu datrys cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 35 o ddiwrnodau i'r cais am ystyriaeth ffurfiol.

(2) Rhaid i ganlyniad ystyriaeth ffurfiol gael ei gadarnhau'n ysgrifenedig gan y person cofrestredig i'r achwynydd a rhaid i'r cadarnhad hwnnw grynhoi natur a sylwedd y gwyn, y casgliadau a'r camau sydd i'w cymryd o ganlyniad.

(3) Rhaid i'r person cofrestredig anfon copi o'r ymateb ysgrifenedig i gwyn i swyddfa briodol y Cynulliad Cenedlaethol ac at unrhyw awdurdod lleol sydd wedi trefnu darpariaeth i warchod plentyn neu ofal dydd i blentyn perthnasol.

(4) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn gyda chytundeb yr achwynydd.

(5) Os na chafodd y gwyn ei datrys o fewn 35 o ddiwrnodau ar ôl y cais am ystyriaeth ffurfiol, rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol o'r gwyn a'r rhesymau dros yr oedi am ei datrys.

Cwynion sy'n ddarostyngedig i ystyriaeth gydamserol

14D -(1) Pan fo a wnelo cwyn ag unrhyw fater-

(a) y mae'r achwynydd wedi datgan yn ysgrifenedig ei fod yn bwriadu codi achos mewn unrhyw lys neu dribiwnlys amdano, neu

(b) y mae'r person cofrestredig yn codi achos disgyblu amdano neu'n bwriadu codi achos disgyblu amdano, neu

(6) The registered person must supply to the appropriate office of the National Assembly at its request a statement containing a summary of the complaints made during the preceding twelve months and the action taken in response to each complaint.

Local Resolution

14B.-(1) Complaints that are dealt with locally must be resolved by the registered person as soon as reasonably practicable and in any event within 14 days.

(2) Where the complaint is resolved under paragraph (1), the registered person must confirm in writing to the complainant the agreed resolution.

(3) The registered person must, at the request of the National Assembly or any local authority which has arranged for the provision of child minding or day care for a relevant child, confirm the local resolution of a complaint.

(4) The time limit in paragraph (1) may be extended for up to a further 14 days with the agreement of the complainant.

Formal Consideration

14C.-(1) Complaints that are dealt with by way of formal consideration must be resolved as soon as reasonably practicable and in any event within 35 working days of the request for formal consideration.

(2) The outcome of a formal consideration must be confirmed in writing by the registered person to the complainant and must summarise the nature and substance of the complaint, the conclusions and the action to be taken as a result.

(3) The registered person must send a copy of a written response to a complaint to the appropriate office of the National Assembly and any local authority which has arranged for the provision of child minding or day care for a relevant child.

(4) The time limit in paragraph (1) may be extended with the agreement of the complainant

(5) If the complaint has not been resolved within 35 days of the request for formal consideration, the registered person must notify the appropriate office of the National Assembly of the complaint and reasons for the delay in resolution.

Complaints subject to Concurrent Consideration

14D.-(1) Where a complaint relates to any matter-

(a) about which the complainant has stated in writing that he or she intends to take proceedings in any court or tribunal, or

(b) about which the registered person is taking or is proposing to take disciplinary proceedings, or

(c) y mae'r person cofrestredig wedi cael ei hysbysu amdano bod ymchwiliad yn cael ei gynnal gan unrhyw berson neu gorff wrth ystyried achos troseddol; neu

(ch) y cynhaliwyd cyfarfod amdano sy'n cynnwys cyrff eraill gan gynnwys yr heddlu i drafod materion sy'n ymwneud ag amddiffyn plant neu oedolion agored i niwed, neu

(d) yr hysbyswyd y person cofrestredig amdano bod ymchwiliadau cyfredol wrth ystyried achos o dan adran 59 o Ddeddf Safonau Gofal 2000, rhaid i'r person cofrestredig ystyried, wrth ymgynghori â'r achwynydd ac unrhyw berson arall neu gorff arall y mae'n briodol yn ei farn ef ymgynghori ag ef, sut y dylid ymdrin â'r gwyn. Rhaid cyfeirio at y cyfryw gwynion at ddibenion y rheoliad hwn fel "cwynion sy'n ddarostyngedig i ystyriaeth gydamserol".

(2) Caniateir peidio â pharhau i ystyried cwynion sy'n ddarostyngedig i ystyriaeth gydamserol os ymddengys ar unrhyw adeg i'r person cofrestredig y byddai parhau yn peryglu neu'n rhagfarnu'r ystyriaeth arall.

(3) Pan fo'r person cofrestredig yn penderfynu peidio â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r person cofrestredig roi hysbysiad am y penderfyniad hwnnw i'r achwynydd.

(4) Pan fo'r person cofrestredig yn peidio â pharhau i ystyried unrhyw gwyn o dan baragraff (2), gellir ailddechrau'r ystyriaeth ar unrhyw adeg.

(5) Os peidir â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r person cofrestredig ganfod pa mor bell y mae'r ystyriaeth gydamserol wedi mynd a hysbysu'r achwynydd pan fydd ar ben.

(6) Rhaid i'r person cofrestredig ailddechrau ystyried unrhyw gwyn pan beidir â pharhau â'r ystyriaeth gydamserol neu pan fydd wedi'i chwblhau a phan fo'r achwynydd yn gwneud cais i'r gwyn gael ei hystyried o dan y Rheoliadau hyn.".

Diwygio Rheoliadau Gwasanaethau Maethu (Cymru) 2003

5. Diwygir Rheoliadau Gwasanaethau Maethu (Cymru) 2003(**1**) fel a ganlyn -

(a) Yn lle rheoliad 42 (Adolygu Ansawdd y Gofal) rhodder-

(c) about which the registered person has been notified that an investigation is being conducted by any person or body in contemplation of criminal proceedings, or

(d) about which a meeting involving other bodies including the police has been convened to discuss issues relating to the protection of children or vulnerable adults, or

(e) about which the registered person has been notified that there are current investigations in contemplation of proceedings under section 59 of the Care Standards Act 2000, the registered person must consider, in consultation with the complainant and any other person or body which they consider appropriate to consult, how the complaint should be handled. Such complaints shall be referred to for the purposes of this regulation as "complaints subject to concurrent consideration".

(2) The consideration of complaints subject to concurrent consideration may be discontinued if at any time it appears to the registered person that to continue would compromise or prejudice the other consideration.

(3) Where the registered person decides to discontinue the consideration of a complaint under paragraph (2) the registered person must give notice of that decision to the complainant.

(4) Where the registered person discontinues the consideration of any complaint under paragraph (2), consideration can be resumed at any time.

(5) Where the consideration of a complaint has been discontinued under paragraph (2) the registered person must ascertain the progress of the concurrent consideration and notify the complainant when it has been concluded.

(6) The registered person must resume consideration of any complaint where the concurrent consideration is discontinued or completed and the complainant requests that the complaint be considered under these Regulations.".

Amendment of the Fostering Services (Wales) Regulations 2003

5. The Fostering Services (Wales) Regulations 2003(**1**) are amended as follows -

(a) Substitute regulation 42(Review of quality of care) with-

(**1**) O.S. 2003 Rhif 237 (Cy.35).

(**1**) S.I. 2003 No.237 (W.35).

"**Adolygu Ansawdd y Gofal**

42.-(1) Rhaid i'r darparydd gwasanaeth maethu wneud trefniadau addas i sefydlu a chynnal system ar gyfer monitro, adolygu a gwella ansawdd y gofal sy'n cael ei roi i blant a leolwyd gan yr asiantaeth faethu annibynnol.

(2) Rhaid i'r system a sefydlir o dan baragraff (1) ddarparu -

(a) bod ansawdd y gofal yn cael ei adolygu o leiaf bob blwyddyn;

(b) bod y materion a nodir yn Atodlen 7 yn cael eu monitro bob hyn a hyn fel y bo'n briodol; ac

(c) bod y darparydd gwasanaeth maethu yn cael barn -

(i) y plant a leolwyd ganddo;

(ii) eu rhieni;

(iii) unrhyw riant maeth neu ddarpar riant maeth y gwasanaeth maethu

(iv) awdurdod lleol unrhyw blentyn a leolwyd ganddo; a

(v) personau sy'n gweithio at ddibenion yr asiantaeth faethu annibynnol

ar ansawdd y gofal maeth sy'n cael ei ddarparu, fel rhan o unrhyw adolygiad a gynhelir.

(3) Yn dilyn adolygiad o ansawdd y gofal maeth, rhaid i'r darparydd gwasanaeth maethu lunio adroddiad ar yr adolygiad hwnnw o fewn 28 o ddiwrnodau a threfnu bod copi o'r adroddiad ar gael ar fformat priodol pan ofynnir iddo wneud hynny gan -

(a) plant a leolwyd ganddo;

(b) eu rhieni;

(c) unrhyw riant maeth neu ddarpar riant maeth y gwasanaeth maethu;

(ch) awdurdod lleol unrhyw blentyn a leolwyd ganddo;

(d) personau sy'n gweithio at ddibenion yr asiantaeth faethu annibynnol; ac

(dd) y Cynulliad Cenedlaethol.

Asesu'r Gwasanaeth

42A.-(1) Caiff y Cynulliad Cenedlaethol ofyn i'r darparydd gwasanaeth maethu ar unrhyw bryd i gynnal asesiad o'r gwasanaeth sy'n cael ei ddarparu i blant a leolwyd ganddo.

(2) O fewn 28 o ddiwrnodau o gael cais o dan baragraff (1) rhaid i'r darparydd gwasanaeth maethu ddarparu i swyddfa briodol y Cynulliad Cenedlaethol yr asesiad ar y ffurf sy'n ofynnol gan y Cynulliad Cenedlaethol.

(3) Rhaid i'r darparydd gwasanaeth maethu gymryd camau rhesymol i sicrhau na fydd yr asesiad yn gamarweiniol nac yn anghywir.

"**Review of Quality of Care**

42.-(1) The fostering service provider must make suitable arrangements to establish and maintain a system for monitoring, reviewing and improving the quality of care given to children placed by the independent fostering agency.

(2) The system established under paragraph (1) must make provision for -

(a) the quality of care to be reviewed at least annually;

(b) the matters set out in Schedule 7 to be monitored at appropriate intervals; and

(c) the fostering service provider to obtain the views of -

(i) children placed by it;

(ii) their parents;

(iii) any foster parent or prospective foster parent of the fostering service

(iv) the local authority of any child placed by it; and

(v) persons working for the purposes of the independent fostering agency

on the quality of foster care provided, as part of any review undertaken.

(3) Following a review of the quality of foster care, the fostering service provider must within 28 days prepare a report of that review and make a copy of the available report in an appropriate format when requested by -

(a) children placed by it;

(b) their parents;

(c) any foster parent or prospective foster parent of the fostering service;

(d) the local authority of any child placed by it;

(e) persons working for the purposes of the independent fostering agency; and

(f) the National Assembly.

Assessment of Service

42A.-(1) The National Assembly can at any time request the fostering service provider to undertake an assessment of the service provided to children placed by it.

(2) Within 28 days of receiving a request under paragraph (1) the fostering service provider must supply to the appropriate office of the National Assembly the assessment in the form required by the National Assembly.

(3) The fostering service provider must take reasonable steps to ensure that the assessment is not misleading nor inaccurate.

Hysbysu am gydymffurfedd

42B.-(1) Caiff y Cynulliad Cenedlaethol hysbysu'r darparydd gwasanaeth maethu ar unrhyw bryd am y camau y mae'n rhaid i'r darparydd gwasanaethau maethu ym marn y Cynulliad Cenedlaethol eu cymryd er mwyn sicrhau cydymffurfedd â gofynion Deddf 1989 a Deddf 2000 ac ag unrhyw reoliadau a wneir odanynt

(2) Caiff y Cynulliad Cenedlaethol bennu'r amserlen erbyn pryd y mae'n rhaid i'r darparydd gwasanaethau maethu gymryd y camau sy'n ofynnol o dan baragraff(1).

(3) Rhaid i'r darparydd gwasanaeth maethu hysbysu swyddfa briodol y Cynulliad Cenedlaethol pan fydd unrhyw gamau sy'n ofynnol o dan (1) wedi'u cwblhau.".

(b) Yn lle rheoliad 18 (Asiantaethau maethu annibynnol - cwynion a sylwadau) rhodder -

"**Cwynion**

18.-(1) Rhaid i'r darparydd gwasanaeth maethu lunio a dilyn gweithdrefn ysgrifenedig ("y weithdrefn gwynion") ar gyfer ystyried cwynion a wneir i'r darparydd gwasanaeth maethu gan neu ar ran plant a leolwyd ganddo neu'r rhieni maeth.

(2) Rhaid i'r weithdrefn gwynion fod yn briodol i anghenion plant a leolwyd gan y darparydd gwasanaeth maethu.

(3) Rhaid i'r weithdrefn gwynion gynnwys darpariaeth ar gyfer ystyried cwynion a wneir am y darparydd gwasanaeth maethu.

(4) Rhaid i'r darparydd gwasanaeth maethu sicrhau bod y personau canlynol yn ymwybodol o fodolaeth y weithdrefn gwynion a chymryd pob cam rhesymol i roi copi iddynt o'r weithdrefn gwynion ar fformat priodol neu ar unrhyw fformat y gofynnir amdano -

(a) y plant a leolwyd ganddo;

(b) eu rhieni;

(c) y rhieni maeth; ac

(ch) awdurdod lleol unrhyw blentyn a leolwyd ganddo.

(5) Rhaid i'r darparydd gwasanaeth maethu sicrhau bod y staff sy'n gweithio at ddibenion yr asiantaeth faethu annibynnol yn cael eu hysbysu o'r weithdrefn gwynion, yn cael copi ohoni a'u hyfforddi'n briodol ynghylch gweithredu'r weithdrefn gwynion.

(6) Rhaid i'r weithdrefn gwynion gynnwys -

(a) enw, cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol; a

Compliance Notification

42B.-(1) The National Assembly can at any time notify the fostering service provider of the action that in the National Assembly's view the fostering service provider must take to ensure compliance with the 1989 Act and the 2000 Act and any regulations made under them..

(2) The National Assembly can specify the timescale within which the fostering service provider must take the action required under paragraph (1).

(3) The fostering service provider must notify the appropriate office of the National Assembly of the completion of any action required under paragraph (1).".

(b) Substitute regulation 18 (Independent fostering agencies - complaints and representations) with -

"**Complaints**

18.-(1) The fostering service provider must prepare and follow a written procedure ("the complaints procedure") for considering complaints made to the fostering service provider by or on behalf of children placed by it or foster parents.

(2) The complaints procedure must be appropriate to the needs of children placed by the fostering service provider.

(3) The complaints procedure must include provision for the consideration of complaints made about the fostering service provider.

(4) The fostering service provider must ensure that the following persons are aware of the existence of the complaints procedure and take all reasonable steps to give a copy of the complaints procedure in an appropriate format or such format as may be requested to -

(a) children placed by it;

(b) their parents;

(c) foster parents; and

(d) the local authority of any child placed by it.

(5) The fostering service provider must ensure that the persons working for the purposes of the independent fostering agency are informed about, given a copy of and appropriately trained in the operation of the complaints procedure.

(6) The complaints procedure must include -

(a) the name, address and telephone number of the appropriate office of the National Assembly; and

(b) y weithdrefn, os oes un, y mae'r darparydd gwasanaeth maethu wedi'i hysbysu ohoni gan y Cynulliad Cenedlaethol ar gyfer gwneud cwynion i'r Cynulliad Cenedlaethol.

(7) Rhaid i'r weithdrefn gwynion gynnwys darpariaeth ar gyfer datrys cwynion yn lleol ac yn gynnar, pan fo'n briodol.

(8) Os yw'r weithdrefn gwynion yn cynnwys darpariaeth ar gyfer ystyriaeth ffurfiol, rhaid i'r ddarpariaeth hon gael ei chymeradwyo gan y Cynulliad Cenedlaethol.

(9) Ni roddir cymeradwyaeth y Cynulliad Cenedlaethol o dan (8) ond pan fo'r weithdrefn gwynion yn cynnwys darpariaeth i'r ystyriaeth ffurfiol gael ei gwneud gan berson sy'n annibynnol ar reolaeth yr asiantaeth faethu annibynnol.

Ymdrin â chwynion

18A.-(1) Rhaid i'r weithdrefn gwynion a lunnir o dan reoliad 18 gael ei gweithredu yn unol â'r egwyddor bod lles y plentyn yn cael ei ddiogelu a'i hybu a rhaid ystyried dymuniadau a theimladau canfyddadwy'r plentyn.

(2) Pan fo cwyn yn cael ei gwneud, rhaid i'r darparydd gwasanaeth maethu hysbysu'r achwynydd o'i hawl i gwyno i'r Cynulliad Cenedlaethol ar unrhyw bryd neu, pan fo'n berthnasol, i'r awdurdod lleol unrhyw blentyn a leolwyd ganddo.

(3) Rhaid i'r darparydd gwasanaethau maethu roi gwybod i'r achwynydd am argaeledd unrhyw wasanaethau eiriolaeth y mae'r darparydd gwasanaethau maethu yn credu y gallant fod o gymorth i'r achwynydd. Pan fo hynny'n berthnasol a phan fo'r achwynydd yn blentyn, rhaid i'r darparydd gwasanaethau maethu roi gwybod i'r achwynydd bod rhaid i awdurdod lleol sy'n cael cwyn ddarparu gwybodaeth a chymorth i achwynyddion, ac yn neilltuol rhaid iddo gynnig cymorth i gael eiriolwr.

(4) Caiff y darparydd gwasanaeth maethu, mewn unrhyw achos pan fyddai'n briodol gwneud hynny, a chyda chytundeb yr achwynydd, wneud trefniadau ar gyfer cymodi, cyfryngu neu roi cymorth arall at ddibenion datrys y gwyn.

(5) Rhaid i'r darparydd gwasanaeth maethu gadw cofnod ysgrifenedig o unrhyw gwyn, canlyniad yr ymchwiliad iddi ac unrhyw gamau a gymerwyd wrth ymateb i'r gwyn.

(6) Rhaid i'r darparydd gwasanaeth maethu ddarparu i swyddfa briodol y Cynulliad Cenedlaethol, os bydd y Cynulliad Cenedlaethol yn gofyn amdano, ddatganiad sy'n cynnwys crynodeb o'r cwynion a wnaed yn ystod y deuddeng mis blaenorol a'r camau a gymerwyd wrth ymateb i bob cwyn.

(b) the procedure, if any, that has been notified to the fostering service provider by the National Assembly for the making of complaints to the National Assembly.

(7) The complaints procedure must include provision for the local resolution of complaints at an early stage where appropriate.

(8) Where the complaints procedure includes provision for a formal consideration, this provision must be approved by the National Assembly.

(9) The approval of the National Assembly under (8) will only be given where the complaints procedure includes provision for the formal consideration to be undertaken by a person who is independent of the management of the independent fostering agency.

Handling Complaints

18A.-(1) The complaints procedure prepared under to regulation 18 must be operated in accordance with the principle that the welfare of the child is safeguarded and promoted and account must be taken of the ascertainable wishes and feelings of the child.

(2) When a complaint is made, the fostering service provider must advise the complainant of their right to at any time complain to the National Assembly or, where relevant, to the local authority of any child placed by it.

(3) The fostering service provider must inform the complainant of the availability of any advocacy services which the fostering service provider believes may be of assistance to the complainant. Where relevant and the complainant is a child, the fostering service provider must advise the complainant that a local authority receiving a complaint must provide information and assistance for complainants, and must in particular offer help in obtaining an advocate.

(4) The fostering service provider can in any case where it is appropriate to do so, and with the agreement of the complainant, make arrangements for conciliation, mediation or other assistance for the purposes of resolving the complaint.

(5) The fostering service provider must keep a written record of any complaint, the outcome of the investigation and any action taken in response.

(6) The fostering service provider must supply to the appropriate office of the National Assembly at its request a statement containing a summary of the complaints made during the preceding twelve months and the action taken in response to each complaint.

Datrysiad Lleol

18B.-(1) Rhaid i gwynion sy'n cael eu trin yn lleol gael eu datrys gan y darparydd gwasanaeth maethu cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 14 o ddiwrnodau.

(2) Os caiff y gwyn ei datrys o dan baragraff (1), rhaid i'r person cofrestredig gadarnhau'n ysgrifenedig i'r achwynydd y datrysiad y cytunwyd arno.

(3) Rhaid i'r darparydd gwasanaeth maethu, ar gais y Cynulliad Cenedlaethol neu awdurdod lleol unrhyw blentyn a leolwyd ganddo, gadarnhau datrysiad lleol cwyn.

(4) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn am hyd at 14 o ddiwrnodau pellach gyda chytundeb yr achwynydd.

Ystyriaeth Ffurfiol

18C.-(1) Rhaid i gwynion sy'n cael eu trin drwy gyfrwng ystyriaeth ffurfiol gael eu datrys cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 35 o ddiwrnodau i'r cais am ystyriaeth ffurfiol.

(2) Rhaid i ganlyniad ystyriaeth ffurfiol gael ei gadarnhau'n ysgrifenedig gan y darparydd gwasanaeth maethu i'r achwynydd a rhaid i'r cadarnhad hwnnw grynhoi natur a sylwedd y gwyn, y casgliadau a'r camau sydd i'w cymryd o ganlyniad.

(3) Rhaid i'r darparydd gwasanaeth maethu anfon copi o ymateb ysgrifenedig i gwyn i swyddfa briodol y Cynulliad Cenedlaethol ac awdurdod lleol unrhyw blentyn a leolwyd ganddo.

(4) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn gyda chytundeb yr achwynydd.

(5) Os na chafodd y gwyn ei datrys o fewn 35 o ddiwrnodau ar ôl y cais am ystyriaeth ffurfiol, rhaid i'r darparydd gwasanaeth maethu hysbysu swyddfa briodol y Cynulliad Cenedlaethol o'r gwyn a'r rhesymau dros yr oedi am ei datrys.

(6) Os plentyn yw'r achwynydd, rhaid i'r darparydd gwasanaeth maethu cofrestredig benodi person annibynnol a fydd yn cymryd rhan mewn unrhyw ystyriaeth o'r gwyn gan y person confrestig.

Cwynion sy'n ddarostyngedig i ystyriaeth gydamserol

18D.-(1) Pan fo a wnelo cwyn ag unrhyw fater-

(a) y mae'r achwynydd wedi datgan yn ysgrifenedig ei fod yn bwriadu codi achos mewn unrhyw lys neu dribiwnlys amdano, neu

(b) y mae'r darparydd gwasanaethau maethu yn codi achos disgyblu amdano neu'n bwriadu codi achos disgyblu amdano, neu

Local Resolution

18B.-(1) Complaints that are dealt with locally must be resolved by the fostering service provider as soon as reasonably practicable and in any event within 14 days.

(2) Where the complaint is resolved under paragraph (1), the registered person must confirm in writing to the complainant the agreed resolution.

(3) The fostering service provider must, at the request of the National Assembly or the local authority of any child placed by it, confirm the local resolution of a complaint.

(4) The time limit in paragraph (1) may be extended for up to a further 14 days with the agreement of the complainant.

Formal Consideration

18C.-(1) Complaints that are dealt with by way of formal consideration must be resolved as soon as reasonably practicable and in any event within 35 days of the request for formal consideration.

(2) The outcome of a formal consideration must be confirmed in writing by the fostering service provider to the complainant and must summarise the nature and substance of the complaint, the conclusions and the action to be taken as a result.

(3) The fostering service provider must send a copy of a written response to a complaint to the appropriate office of the National Assembly and the local authority of any child placed by it.

(4) The time limit in paragraph (1) may be extended with the agreement of the complainant.

(5) If the complaint has not been resolved within 35 days of the request for formal consideration, the fostering service provider must notify the appropriate office of the National Assembly of the complaint and reasons for the delay in resolution

(6) Where the complainant is a child the fostering service provider must appoint an independent person who shall take part in any consideration of the complaint by the registered person.".

Complaints subject to concurrent consideration

18D.-(1) Where a complaint relates to any matter-

(a) about which the complainant has stated in writing that he or she intends to take proceedings in any court or tribunal, or

(b) about which the fostering service provider is taking or is proposing to take disciplinary proceedings, or

(c) y mae'r darparydd gwasanaethau maethu wedi cael ei hysbysu amdano bod ymchwiliad yn cael ei gynnal gan unrhyw berson neu gorff wrth ystyried achos troseddol; neu

(ch)y cynhaliwyd cyfarfod amdano sy'n cynnwys cyrff eraill gan gynnwys yr heddlu i drafod materion sy'n ymwneud ag amddiffyn plant neu oedolion agored i niwed, neu

(d) yr hysbyswyd y darparydd gwasanaethau maethu amdano bod ymchwiliadau cyfredol wrth ystyried achos o dan adran 59 o Ddeddf Safonau Gofal 2000, rhaid i'r darparydd gwasanaethau maethu ystyried, wrth ymgynghori â'r achwynydd ac unrhyw berson arall neu gorff arall y mae'n briodol yn ei farn ef ymgynghori ag ef, sut y dylid ymdrin â'r gwyn. Rhaid cyfeirio at y cyfryw gwynion at ddibenion y rheoliad hwn fel "cwynion sy'n ddarostyngedig i ystyriaeth gydamserol".

(2) Caniateir peidio â pharhau i ystyried cwynion sy'n ddarostyngedig i ystyriaeth gydamserol os ymddengys ar unrhyw adeg i'r darparydd gwasanaethau maethu y byddai parhau yn peryglu neu'n rhagfarnu'r ystyriaeth arall.

(3) Pan fo'r darparydd gwasanaethau maethu yn penderfynu peidio â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r darparydd gwasanaethau maethu roi hysbysiad am y penderfyniad hwnnw i'r achwynydd.

(4) Pan fo'r darparydd gwasanaethau maethu yn peidio â pharhau i ystyried unrhyw gwyn o dan baragraff (2), gellir ailddechrau'r ystyriaeth ar unrhyw adeg.

(5) Os peidir â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r darparydd gwasanaethau maethu ganfod pa mor bell y mae'r ystyriaeth gydamserol wedi mynd a hysbysu'r achwynydd pan fydd ar ben.

(6) Rhaid i'r darparydd gwasanaethau maethu ailddechrau ystyried unrhyw gwyn pan beidir â pharhau â'r ystyriaeth gydamserol neu pan fydd wedi'i chwblhau a phan fo'r achwynydd yn gwneud cais i'r gwyn gael ei hystyried o dan y Rheoliadau hyn.".

Diwygio Rheoliadau Canolfannau Preswyl i Deuluoedd (Cymru) 2003

6. Diwygir Rheoliadau Canolfannau Preswyl i Deuluoedd (Cymru) 2003(**1**) fel a ganlyn -

(a) Yn lle rheoliad 23 (Adolygu ansawdd gofal) rhodder -

(**1**) O.S. 2003 Rhif 781 (Cy.92).

(c) about which the fostering service provider has been notified that an investigation is being conducted by any person or body in contemplation of criminal proceedings, or

(d) about which a meeting involving other bodies including the police has been convened to discuss issues relating to the protection of children or vulnerable adults, or

(e) about which the fostering service provider has been notified that there are current investigations in contemplation of proceedings under section 59 of the Care Standards Act 2000, the fostering service provider must consider, in consultation with the complainant and any other person or body which they consider appropriate to consult, how the complaint should be handled. Such complaints shall be referred to for the purposes of this regulation as "complaints subject to concurrent consideration".

(2) The consideration of complaints subject to concurrent consideration may be discontinued if at any time it appears to the fostering service provider that to continue would compromise or prejudice the other consideration.

(3) Where the fostering service provider decides to discontinue the consideration of a complaint under paragraph (2) the fostering service provider must give notice of that decision to the complainant.

(4) Where the fostering service provider discontinues the consideration of any complaint under paragraph (2), consideration can be resumed at any time.

(5) Where the consideration of a complaint has been discontinued under paragraph (2) the fostering service provider must ascertain the progress of the concurrent consideration and notify the complainant when it has been concluded.

(6) The fostering service provider must resume consideration of any complaint where the concurrent consideration is discontinued or completed and the complainant requests that the complaint be considered under these Regulations.".

Amendment of the Residential Family Centres (Wales) Regulations 2003

6. The Residential Family Centres (Wales) Regulations 2003(**1**) are amended as follows -

(a) Substitute regulation 23 (Review of quality of care) with -

(**1**) S.I. 2003 No. 781 (W.92).

"**Adolygu Ansawdd y Gofal**

23.-(1) Rhaid i'r person cofrestredig wneud trefniadau addas i sefydlu a chynnal system ar gyfer monitro, adolygu a gwella ansawdd y gofal sy'n cael ei roi i'r preswylwyr.

(2) Rhaid i'r system a sefydlir o dan baragraff (1) ddarparu -

(a) bod ansawdd y gofal yn cael ei adolygu o leiaf bob blwyddyn; a

(b) bod y person cofrestredig yn cael barn -

(i) y preswylwyr;

(ii) cynrychiolwyr y preswylwyr;

(iii) unrhyw awdurdod lleol sydd wedi trefnu bod preswylydd yn cael ei letya yn y ganolfan breswyl i deuluoedd; a

(iv) y staff sy'n cael eu cyflogi yn y ganolfan breswyl i deuluoedd

ar ansawdd y gofal sy'n cael ei ddarparu, fel rhan o unrhyw adolygiad a gynhelir.

(3) Yn dilyn adolygiad o ansawdd y gofal, rhaid i'r person cofrestredig lunio adroddiad ar yr adolygiad hwnnw o fewn 28 o ddiwrnodau a threfnu bod copi o'r adroddiad ar gael ar fformat priodol pan ofynnir iddo wneud hynny gan -

(a) preswylwyr;

(b) cynrychiolwyr preswylwyr;

(c) unrhyw awdurdod lleol sydd wedi trefnu bod preswylydd yn cael ei letya yn y ganolfan breswyl i deuluoedd;

(ch)staff sy'n cael eu cyflogi yn y ganolfan breswyl i deuluoedd; a

(d) y Cynulliad Cenedlaethol.

Asesu'r Gwasanaeth

23A.-(1) Caiff y Cynulliad Cenedlaethol ofyn ar unrhyw bryd i'r person cofrestredig gynnal asesiad o'r gwasanaeth sy'n cael ei ddarparu i'r preswylwyr yn y ganolfan breswyl i deuluoedd.

(2) O fewn 28 o ddiwrnodau o gael cais o dan baragraff (1), rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol asesiad ar y ffurf sy'n ofynnol gan y Cynulliad Cenedlaethol.

(3) Rhaid i'r person cofrestredig gymryd camau rhesymol i sicrhau na fydd yr asesiad yn gamarweiniol nac yn anghywir.

Hysbysu am gydymffurfedd

23B.-(1) Caiff y Cynulliad Cenedlaethol ar unrhyw bryd hysbysu'r person cofrestredig am y camau y mae'n rhaid i'r person cofrestredig ym marn y Cynulliad Cenedlaethol eu cymryd i sicrhau cydymffurfedd â'r Ddeddf ac ag unrhyw reoliadau a wneir odani.

"**Review of Quality of Care**

23.-(1) The registered person must make suitable arrangements to establish and maintain a system for monitoring, reviewing and improving the quality of care given to residents.

(2) The system established under paragraph (1) must make provision for -

(a) the quality of care to be reviewed at least annually; and

(b) the registered person to obtain the views of -

(i) residents;

(ii) representatives of residents;

(iii) any local authority who has arranged for the accommodation of a resident at the residential family centre; and

(iv) staff employed at the residential family centre

on the quality of care provided, as part of any review undertaken.

(3) Following a review of the quality of care, the registered person must within 28 days prepare a report of that review and make a copy of the available report in an appropriate format when requested by -

(a) residents;

(b) representatives of residents;

(c) any local authority who has arranged for the accommodation of a resident at the residential family centre;

(d) staff employed at the residential family centre; and

(e) the National Assembly.

Assessment of Service

23A.-(1) The National Assembly can at any time request the registered person to undertake an assessment of the service provided to residents at the residential family centre.

(2) Within 28 days of receiving a request under paragraph (1) the registered person must supply to the appropriate office of the National Assembly the assessment in the form required by the National Assembly.

(3) The registered person must take reasonable steps to ensure that the assessment is not misleading nor inaccurate.

Compliance Notification

23B.-(1) The National Assembly can at any time notify the registered person of the action that in the National Assembly's view the registered person must take to ensure compliance with the Act and any regulations made under it.

(2) Caiff y Cynulliad Cenedlaethol bennu'r amserlen erbyn pryd y mae'n rhaid i'r person cofrestredig gymryd y camau sy'n ofynnol o dan (1).

(3) Rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol pan fydd unrhyw gamau sy'n ofynnol o dan (1) wedi'u cwblhau.".

(b) Yn lle rheoliad 20 (Cwynion) rhodder-

"**Cwynion**

20.-(1) Rhaid i'r person cofrestredig lunio a dilyn gweithdrefn ysgrifenedig ("y weithdrefn gwynion") er mwyn ystyried cwynion a wneir iddo gan breswylydd neu berson sy'n gweithredu ar ran y preswylydd.

(2) Rhaid i'r weithdrefn gwynion fod yn briodol i anghenion preswylwyr.

(3) Rhaid i'r weithdrefn gwynion gynnwys darpariaeth ar gyfer ystyried cwynion a wneir am y person cofrestredig.

(4) Rhaid i'r person cofrestredig sicrhau bod y personau canlynol yn ymwybodol o fodolaeth y weithdrefn gwynion a chymryd pob cam rhesymol i roi copi o'r weithdrefn gwynion iddynt ar fformat priodol neu ar unrhyw fformat y gofynnir amdano -

(a) y preswylwyr;

(b) cynrychiolwyr y preswylwyr; ac

(c) unrhyw awdurdod lleol sydd wedi trefnu bod preswylydd yn cael ei letya yn y ganolfan breswyl i deuluoedd.

(5) Rhaid i'r person cofrestredig sicrhau bod y staff sy'n cael eu cyflogi i weithio yn y ganolfan breswyl i deuluoedd yn cael eu hysbysu o'r weithdrefn gwynion, cael copi ohoni a'u hyfforddi'n briodol ynghylch gweithredu'r weithdrefn gwynion.

(6) Rhaid i'r weithdrefn gwynion gynnwys -

(a) enw, cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol; a

(b) y weithdrefn, os oes un, y mae'r person cofrestredig wedi'i hysbysu ohoni gan y Cynulliad Cenedlaethol ar gyfer gwneud cwynion i'r Cynulliad Cenedlaethol.

(7) Rhaid i'r weithdrefn gwynion gynnwys darpariaeth ar gyfer datrys cwynion yn lleol ac yn gynnar, pan fo'n briodol.

(8) Os yw'r weithdrefn gwynion yn cynnwys darpariaeth ar gyfer ystyriaeth ffurfiol, rhaid i'r ddarpariaeth hon gael ei chymeradwyo gan y Cynulliad Cenedlaethol.

(2) The National Assembly can specify the timescale within which the registered person must take the action required under paragraph (1).

(3) The registered person must notify the appropriate office of the National Assembly of the completion of any action required under paragraph (1).".

(b) Substitute regulation 20 (Complaints) with -

"**Complaints**

20.-(1) The registered person must prepare and follow a written procedure ("the complaints procedure") for considering complaints made to the registered person by a resident or person acting on the resident's behalf.

(2) The complaints procedure must be appropriate to the needs of residents.

(3) The complaints procedure must include provision for the consideration of complaints made about the registered person.

(4) The registered person must ensure that the following persons are aware of the existence of the complaints procedure and take all reasonable steps to give a copy of the complaints procedure in an appropriate format or such format as may be requested to -

(a) residents;

(b) representatives of residents; and

(c) any authority which has arranged for the accommodation of a resident at the residential family centre.

(5) The registered person must ensure that the staff employed at the residential family centre are informed about, given a copy of and appropriately trained in the operation of the complaints procedure.

(6) The complaints procedure must include -

(a) the name, address and telephone number of the appropriate office of the National Assembly; and

(b) the procedure, if any, that has been notified to the registered person by the National Assembly for the making of complaints to the National Assembly.

(7) The complaints procedure must include provision for the local resolution of complaints at an early stage where appropriate.

(8) Where the complaints procedure includes provision for a formal consideration, this provision must be approved by the National Assembly.

(9) Ni roddir cymeradwyaeth y Cynulliad Cenedlaethol o dan (8) ond pan fo'r weithdrefn gwynion yn cynnwys darpariaeth i'r ystyriaeth ffurfiol gael ei gwneud gan berson sy'n annibynnol ar reolaeth y ganolfan breswyl i deuluoedd.

Ymdrin â chwynion

20A.-(1) Rhaid i'r weithdrefn gwynion a lunnir o dan reoliad 20 gael ei gweithredu yn unol â'r egwyddor bod lles y preswylydd yn cael ei ddiogelu a'i hybu a rhaid ystyried dymuniadau a theimladau canfyddadwy'r preswylydd.

(2) Pan fo cwyn yn cael ei gwneud, rhaid i'r person cofrestredig hysbysu'r achwynydd o'i hawl i gwyno i'r Cynulliad Cenedlaethol ar unrhyw bryd neu, pan fo'n berthnasol, i'r awdurdod sydd wedi trefnu i letya'r preswylydd yn y ganolfan breswyl i deuluoedd.

(3) Rhaid i'r person cofrestredig roi gwybod i'r achwynydd am argaeledd unrhyw wasanaethau eiriolaeth y mae'r person cofrestredig yn credu y gallant fod o gymorth i'r achwynydd. Pan fo hynny'n berthnasol a phan fo'r achwynydd yn blentyn, rhaid i'r person cofrestredig roi gwybod i'r achwynydd bod rhaid i awdurdod lleol sy'n cael cwyn ddarparu gwybodaeth a chymorth i achwynyddion, ac yn neilltuol rhaid iddo gynnig cymorth i gael eiriolwr.

(4) Mewn unrhyw achos pan fyddai'n briodol gwneud hynny, caiff y person cofrestredig, gyda chytundeb yr achwynydd, wneud trefniadau ar gyfer cymodi, cyfryngu neu roi cymorth arall at ddibenion datrys y gwyn.

(5) Rhaid i'r person cofrestredig gadw cofnod ysgrifenedig o unrhyw gwyn, canlyniad yr ymchwiliad iddi ac unrhyw gamau a gymerwyd wrth ymateb i'r gwyn.

(6) Rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol, os bydd y Cynulliad Cenedlaethol yn gofyn amdano, ddatganiad sy'n cynnwys crynodeb o'r cwynion a wnaed yn ystod y deuddeng mis blaenorol a'r camau a gymerwyd wrth ymateb i bob cwyn.

Datrysiad Lleol

20B.-(1) Rhaid i gwynion sy'n cael eu trin yn lleol gael eu datrys gan y person cofrestredig cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 14 o ddiwrnodau.

(2) Os caiff y gwyn ei datrys o dan baragraff (1), rhaid i'r person cofrestredig gadarnhau'n ysgrifenedig i'r achwynydd y datrysiad y cytunwyd arno.

(3) Rhaid i'r person cofrestredig, ar gais y Cynulliad Cenedlaethol neu unrhyw awdurdod sydd wedi trefnu llety i breswylydd mewn canolfan breswyl i deuluoedd, gadarnhau'r datrysiad lleol i gwyn.

(9) The approval of the National Assembly under (8) will only be given where the complaints procedure includes provision for the formal consideration to be undertaken by a person who is independent of the management of the residential family centre.

Handling Complaints

20A.-(1) The complaints procedure prepared under regulation 20 must be operated in accordance with the principle that the welfare of the resident is safeguarded and promoted and account must be taken of the ascertainable wishes and feelings of the resident.

(2) When a complaint is made, the registered person must advise the complainant of their right to at any time complain to the National Assembly or, where relevant, to the authority which has arranged for the accommodation of the resident at the residential family centre.

(3) The registered person must inform the complainant of the availability of any advocacy services which the registered person believes may be of assistance to the complainant. Where relevant and the complainant is a child, the registered person must advise the complainant that a local authority receiving a complaint must provide information and assistance for complainants, and must in particular offer help in obtaining an advocate.

(4) The registered person can in any case where it is appropriate to do so, and with the agreement of the complainant, make arrangements for conciliation, mediation or other assistance for the purposes of resolving the complaint.

(5) The registered person must keep a written record of any complaint, the outcome of the investigation and any action taken in response.

(6) The registered person must supply to the appropriate office of the National Assembly at its request a statement containing a summary of the complaints made during the preceding twelve months and the action taken in response to each complaint.

Local Resolution

20B.-(1) Complaints that are dealt with locally must be resolved by the registered person as soon as reasonably practicable and in any event within 14 days.

(2) Where the complaint is resolved under paragraph (1), the registered person must confirm in writing to the complainant the agreed resolution.

(3) The registered person must, at the request of the National Assembly or any authority which has arranged for the accommodation of a resident at the residential family centre, confirm the local resolution of a complaint.

(4) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn am hyd at 14 o ddiwrnodau pellach gyda chytundeb yr achwynydd.

Ystyriaeth Ffurfiol

20C.-(1) Rhaid i gwynion sy'n cael eu trin drwy gyfrwng ystyriaeth ffurfiol gael eu datrys cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 35 o ddiwrnodau i'r cais am ystyriaeth ffurfiol.

(2) Rhaid i ganlyniad ystyriaeth ffurfiol gael ei gadarnhau'n ysgrifenedig gan y person cofrestredig i'r achwynydd a rhaid i'r cadarnhad hwnnw grynhoi natur a sylwedd y gwyn, yr ymchwiliad a wnaed, y casgliadau a'r camau sydd i'w cymryd o ganlyniad.

(3) Rhaid i'r person cofrestredig anfon copi o'r ymateb ysgrifenedig i gwyn i swyddfa briodol y Cynulliad Cenedlaethol ac at unrhyw awdurdod sydd wedi trefnu llety i breswylydd yn y cartref preswyl i deuluoedd.

(4) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn gyda chytundeb yr achwynydd.

(5) Os na chafodd y gwyn ei datrys o fewn 35 o ddiwrnodau ar ôl y cais am ystyriaeth ffurfiol, rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol o'r gwyn a'r rhesymau dros yr oedi am ei datrys.

(6) Os plentyn yw'r achwynydd, rhaid i'r person cofrestredig benodi person annibynnol a fydd yn cymryd rhan mewn unrhyw ystyriaeth o'r gwyn gan y person cofrestredig."

Cwynion sy'n ddarostyngedig i ystyriaeth gydamserol

20D -(1) Pan fo a wnelo cwyn ag unrhyw fater-

(a) y mae'r achwynydd wedi datgan yn ysgrifenedig ei fod yn bwriadu codi achos mewn unrhyw lys neu dribiwnlys amdano, neu

(b) y mae'r person cofrestredig yn codi achos disgyblu amdano neu'n bwriadu codi achos disgyblu amdano, neu

(c) y mae'r person cofrestredig wedi cael ei hysbysu amdano bod ymchwiliad yn cael ei gynnal gan unrhyw berson neu gorff wrth ystyried achos troseddol; neu

(ch) y cynhaliwyd cyfarfod amdano sy'n cynnwys cyrff eraill gan gynnwys yr heddlu i drafod materion sy'n ymwneud ag amddiffyn plant neu oedolion agored i niwed, neu

(d) yr hysbyswyd y person cofrestredig amdano bod ymchwiliadau cyfredol wrth ystyried achos o dan adran 59 o Ddeddf Safonau Gofal 2000, rhaid i'r person cofrestredig ystyried, wrth ymgynghori â'r achwynydd ac unrhyw berson arall

(4) The time limit in paragraph (1) may be extended for up to a further 14 days with the agreement of the complainant.

Formal Consideration

20C.-(1) Complaints that are dealt with by way of formal consideration must be resolved as soon as reasonably practicable and in any event within 35 days of the request for formal consideration.

(2) The outcome of a formal consideration must be confirmed in writing by the registered person to the complainant and must summarise the nature and substance of the complaint, the investigation undertaken, the conclusions and the action to be taken as a result.

(3) The registered person must send a copy of the written response to a complaint to the appropriate office of the National Assembly and any authority which has arranged for the accommodation of a resident at the residential family centre.

(4) The time limit in paragraph (1) may be extended with the agreement of the complainant.

(5) If the complaint has not been resolved within 35 days of the request for formal consideration, the registered person must notify the appropriate office of the National Assembly of the complaint and the reasons for the delay in resolution.

(6) If the complainant is a child the registered person must appoint an independent person who shall take part in any consideration of the representations by the registered person.

Complaints subject to concurrent consideration

20D.-(1) Where a complaint relates to any matter-

(a) about which the complainant has stated in writing that he or she intends to take proceedings in any court or tribunal, or

(b) about which the registered person is taking or is proposing to take disciplinary proceedings, or

(c) about which the registered person has been notified that an investigation is being conducted by any person or body in contemplation of criminal proceedings, or

(d) about which a meeting involving other bodies including the police has been convened to discuss issues relating to the protection of children or vulnerable adults, or

(e) about which the registered person has been notified that there are current investigations in contemplation of proceedings under section 59 of the Care Standards Act 2000, the registered person must consider, in consultation with the complainant and any other person or body

neu gorff arall y mae'n briodol yn ei farn ef ymgynghori ag ef, sut y dylid ymdrin â'r gwyn. Rhaid cyfeirio at y cyfryw gwynion at ddibenion y rheoliad hwn fel "cwynion sy'n ddarostyngedig i ystyriaeth gydamserol".

(2) Caniateir peidio â pharhau i ystyried cwynion sy'n ddarostyngedig i ystyriaeth gydamserol os ymddengys ar unrhyw adeg i'r person cofrestredig y byddai parhau yn peryglu neu'n rhagfarnu'r ystyriaeth arall.

(3) Pan fo'r person cofrestredig yn penderfynu peidio â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r person cofrestredig roi hysbysiad am y penderfyniad hwnnw i'r achwynydd.

(4) Pan fo'r person cofrestredig yn peidio â pharhau i ystyried unrhyw gwyn o dan baragraff (2), gellir ailddechrau'r ystyriaeth ar unrhyw adeg.

(5) Os peidir â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r person cofrestredig ganfod pa mor bell y mae'r ystyriaeth gydamserol wedi mynd a hysbysu'r achwynydd pan fydd ar ben.

(6) Rhaid i'r person cofrestredig ailddechrau ystyried unrhyw gwyn pan beidir â pharhau â'r ystyriaeth gydamserol neu pan fydd wedi'i chwblhau a phan fo'r achwynydd yn gwneud cais i'r gwyn gael ei hystyried o dan y Rheoliadau hyn.".

which they consider appropriate to consult, how the complaint should be handled. Such complaints shall be referred to for the purposes of this regulation as "complaints subject to concurrent consideration".

(2) The consideration of complaints subject to concurrent consideration may be discontinued if at any time it appears to the registered person that to continue would compromise or prejudice the other consideration.

(3) Where the registered person decides to discontinue the consideration of a complaint under paragraph (2) the registered person must give notice of that decision to the complainant.

(4) Where the registered person discontinues the consideration of any complaint under paragraph (2), consideration can be resumed at any time.

(5) Where the consideration of a complaint has been discontinued under paragraph (2) the registered person must ascertain the progress of the concurrent consideration and notify the complainant when it has been concluded.

(6) The registered person must resume consideration of any complaint where the concurrent consideration is discontinued or completed and the complainant requests that the complaint be considered under these Regulations.".

Diwygio Rheoliadau Asiantaethau Nyrsys (Cymru) 2003

7. Diwygir Rheoliadau Asiantaethau Nyrsys (Cymru) 2003(**1**) fel a ganlyn -

(a) Yn lle rheoliad 19 (darpariaeth adolygu ansawdd y gofal) rhodder-

"**Adolygu Ansawdd y Gofal**

19.-(1) Rhaid i'r person cofrestredig wneud trefniadau addas i sefydlu a chynnal system ar gyfer monitro, adolygu a gwella ansawdd y gofal sy'n cael ei roi i'r defnyddwyr gwasanaeth.

(2) Rhaid i'r system a sefydlir o dan baragraff (1) ddarparu -

(a) bod ansawdd y gofal yn cael ei adolygu o leiaf bob blwyddyn; a

(b) bod y person cofrestredig yn cael barn -

(i) y defnyddwyr gwasanaeth;

(ii) cynrychiolwyr y defnyddwyr gwasanaeth;

(iii) unrhyw awdurdod lleol neu ymddiriedolaeth GIG sydd wedi trefnu i ddarparu gwasanaeth i ddefnyddiwr gwasanaeth; a

Amendment of the Nurses Agencies (Wales) Regulations 2003

7. The Nurses Agencies (Wales) Regulations 2003(**1**) are amended as follows -

(a) Substitute regulation 19 (Review of quality of service provision) with-

"**Review of Quality of Care**

19.-(1) The registered person must make suitable arrangements to establish and maintain a system for monitoring, reviewing and improving the quality of care given to service users.

(2) The system established under paragraph (1) must make provision for -

(a) the quality of care to be reviewed at least annually; and

(b) the registered person to obtain the views of -

(i) service users;

(ii) representatives of service users;

(iii) any local authority or NHS trust which has arranged for the provision of service to a service user; and

(**1**) O.S. 2003 Rhif 2527 (Cy.242).

(**1**) S.I. 2003 No. 2527 (W.242).

(iv) y staff sy'n cael eu cyflogi gan yr asiantaeth, ar ansawdd y gofal sy'n cael ei ddarparu, fel rhan o unrhyw adolygiad a gynhelir.

(3) Yn dilyn adolygiad o ansawdd y gofal, rhaid i'r person cofrestredig lunio adroddiad ar yr adolygiad hwnnw o fewn 28 o ddiwrnodau a threfnu bod copi o'r adroddiad ar gael ar fformat priodol pan ofynnir iddo wneud hynny gan -

(a) defnyddwyr gwasanaeth;

(b) cynrychiolwyr defnyddwyr gwasanaeth;

(c) unrhyw awdurdod lleol neu ymddiriedolaeth GIG sydd wedi trefnu i ddarparu gwasanaeth i ddefnyddiwr gwasanaeth;

(ch) staff sy'n cael eu cyflogi gan yr asiantaeth; a

(d) y Cynulliad Cenedlaethol.

Asesu'r Gwasanaeth

19A.-(1) Caiff y Cynulliad Cenedlaethol ofyn ar unrhyw bryd i'r person cofrestredig i gynnal asesiad o'r gwasanaeth sy'n cael ei ddarparu i'r defnyddwyr gwasanaeth gan yr asiantaeth.

(2) O fewn 28 o ddiwrnodau o gael cais o dan baragraff (1), rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol asesiad ar y ffurf sy'n ofynnol gan y Cynulliad Cenedlaethol.

(3) Rhaid i'r person cofrestredig gymryd camau rhesymol i sicrhau na fydd yr asesiad yn gamarweiniol nac yn anghywir.

Hysbysu am gydymffurfedd

19B.-(1) Caiff y Cynulliad Cenedlaethol ar unrhyw bryd hysbysu'r person cofrestredig am y camau y mae'n rhaid i'r person cofrestredig ym marn y Cynulliad Cenedlaethol eu cymryd i sicrhau cydymffurfedd â'r Ddeddf ac ag unrhyw reoliadau a wneir odani.

(2) Caiff y Cynulliad Cenedlaethol bennu'r amserlen erbyn pryd y mae'n rhaid i'r person cofrestredig gymryd y camau sy'n ofynnol o dan (1).

(3) Rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol pan fydd unrhyw gamau sy'n ofynnol o dan (1) wedi'u cwblhau.".

(b) Yn lle rheoliad 18 (Cwynion) rhodder-

"**Cwynion**

18.-(1) Rhaid i'r person cofrestredig lunio a dilyn gweithdrefn ysgrifenedig ("y weithdrefn gwyno") er mwyn ystyried cwynion a wneir iddo gan ddefnyddiwr gwasanaeth neu berson sy'n gweithredu ar ran y defnyddiwr gwasanaeth.

(2) Rhaid i'r weithdrefn gwyno fod yn briodol i anghenion y defnyddwyr gwasanaeth.

(iv) staff employed by the agency, on the quality of care provided, as part of any review undertaken.

(3) Following a review of the quality of care, the registered person must within 28 days prepare a report of that review and make a copy of the available report in an appropriate format when requested by -

(a) service users;

(b) representatives of service users;

(c) any local authority or NHS trust which has arranged for the provision of service to a service user;

(d) staff employed by agency; and

(e) the National Assembly.

Assessment of Service

19A.-(1) The National Assembly can at any time request the registered person to undertake an assessment of the service provided to service users by the agency.

(2) Within 28 days of receiving a request under paragraph (1) the registered person must supply to the appropriate office of the National Assembly the assessment in the form required by the National Assembly.

(3) The registered person must take reasonable steps to ensure that the assessment is not misleading nor inaccurate.

Compliance Notification

19B.-(1) The National Assembly can at any time notify the registered person of the action that in the National Assembly's view the registered person must take to ensure compliance with the Act and any regulations made under it.

(2) The National Assembly can specify the timescale within which the registered person must take the action required under paragraph (1) .

(3) The registered person must notify the appropriate office of the National Assembly of the completion of any action required under paragraph (1).".

(b) Substitute regulation 18 (Complaints) with-

"**Complaints**

18.-(1) The registered person must prepare and follow a written procedure ("the complaints procedure") for considering complaints made to the registered person by a service user or person acting on the service user's behalf.

(2) The complaints procedure must be appropriate to the needs of service users.

(3) Rhaid i'r weithdrefn gwyno gynnwys darpariaeth ar gyfer ystyried cwynion a wneir am y person cofrestredig.

(4) Rhaid i'r person cofrestredig sicrhau bod y personau canlynol yn ymwybodol o fodolaeth y weithdrefn gwyno a chymryd pob cam rhesymol i roi copi o'r weithdrefn gwyno iddynt ar fformat priodol neu ar unrhyw fformat y gofynnir amdano -

(a) y defnyddwyr gwasanaeth;

(b) cynrychiolwyr y defnyddwyr gwasanaeth; ac

(c) unrhyw awdurdod neu gorff iechyd sydd wedi trefnu i ddarparu gwasanaeth i ddefnyddiwr gwasanaeth.

(5) Rhaid i'r person cofrestredig sicrhau bod y staff sy'n cael eu cyflogi gan yr asiantaeth yn cael eu hysbysu o'r weithdrefn gwyno, yn cael copi ohoni a'u hyfforddi'n briodol ynghylch gweithredu'r weithdrefn gwyno.

(6) Rhaid i'r weithdrefn gwyno gynnwys -

(a) enw, cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol; a

(b) y weithdrefn, os oes un, y mae'r person cofrestredig wedi'i hysbysu ohoni gan y Cynulliad Cenedlaethol ar gyfer gwneud cwynion i'r Cynulliad Cenedlaethol.

(7) Rhaid i'r weithdrefn gwyno gynnwys darpariaeth ar gyfer datrys cwynion yn lleol ac yn gynnar, pan fo'n briodol.

(8) Os yw'r weithdrefn gwyno yn cynnwys darpariaeth ar gyfer ystyriaeth ffurfiol, rhaid i'r ddarpariaeth hon gael ei chymeradwyo gan y Cynulliad Cenedlaethol.

(9) Ni roddir cymeradwyaeth y Cynulliad Cenedlaethol o dan (8) ond pan fo'r weithdrefn gwyno yn cynnwys darpariaeth i'r ystyriaeth ffurfiol gael ei gwneud gan berson sy'n annibynnol ar reolaeth yr asiantaeth.

Ymdrin â chwynion

18A.-(1) Rhaid i'r weithdrefn gwyno a lunnir o dan reoliad 18 gael ei gweithredu yn unol â'r egwyddor bod lles y defnyddiwr gwasanaeth yn cael ei ddiogelu a'i hybu a rhaid ystyried dymuniadau a theimladau canfyddadwy'r defnyddwyr gwasanaeth.

(2) Pan fo cwyn yn cael ei gwneud, rhaid i'r person cofrestredig hysbysu'r achwynydd o'i hawl i gwyno i'r Cynulliad Cenedlaethol ar unrhyw bryd neu, pan fo'n berthnasol, i'r awdurdod lleol neu'r corff iechyd sydd wedi trefnu i wasanaethau gael eu darparu i'r defnyddiwr gwasanaeth gan yr asiantaeth.

(3) Rhaid i'r person cofrestredig roi gwybod i'r achwynydd am argaeledd unrhyw wasanaethau eiriolaeth y mae'r person cofrestredig yn credu y gallant fod o gymorth i'r achwynydd.

(3) The complaints procedure must include provision for the consideration of complaints made about the registered person.

(4) The registered person must ensure that the following persons are aware of the existence of the complaints procedure and take all reasonable steps to give a copy of the complaints procedure in an appropriate format or such format as may be requested to -

(a) service users;

(b) representatives of service users; and

(c) any authority or health body which has arranged for the provision of service to a service user.

(5) The registered person must ensure that the staff employed by the agency are informed about, given a copy of and appropriately trained in the operation of the complaints procedure.

(6) The complaints procedure must include -

(a) the name, address and telephone number of the appropriate office of the National Assembly; and

(b) the procedure, if any, that has been notified to the registered person by the National Assembly for the making of complaints to the National Assembly.

(7) The complaints procedure must include provision for the local resolution of complaints at an early stage where appropriate.

(8) Where the complaints procedure includes provision for a formal consideration, this provision must be approved by the National Assembly.

(9) The approval of the National Assembly under (8) will only be given where the complaints procedure includes provision for the formal consideration to be undertaken by a person who is independent of the management of the agency.

Handling Complaints

18A.-(1) The complaints procedure prepared under regulation 18 must be operated in accordance with the principle that the welfare of the service user is safeguarded and promoted and account must be taken of the ascertainable wishes and feelings of the service user.

(2) When a complaint is made, the registered person must advise the complainant of their right to at any time complain to the National Assembly or, where relevant, to the local authority or health body which has arranged for the provision of services to the service user by the agency.

(3) The registered person must inform the complainant of the availability of any advocacy services which the registered person believes may be of assistance to the complainant.

(4) Mewn unrhyw achos pan fyddai'n briodol gwneud hynny, caiff y person cofrestredig, gyda chytundeb yr achwynydd, wneud trefniadau ar gyfer cymodi, cyfryngu neu roi cymorth arall at ddibenion datrys y gwyn.

(5) Rhaid i'r person cofrestredig gadw cofnod ysgrifenedig o unrhyw gwyn, canlyniad yr ymchwiliad iddi ac unrhyw gamau a gymerwyd wrth ymateb i'r gwyn.

(6) Rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol, os bydd y Cynulliad Cenedlaethol yn gofyn amdano, ddatganiad sy'n cynnwys crynodeb o'r cwynion a wnaed yn ystod y deuddeng mis blaenorol a'r camau a gymerwyd wrth ymateb i bob cwyn.

Datrysiad Lleol

18B.-(1) Rhaid i gwynion sy'n cael eu trin yn lleol gael eu datrys gan y person cofrestredig cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 14 o ddiwrnodau.

(2) Os caiff y gwyn ei datrys o dan baragraff (1), rhaid i'r person cofrestredig gadarnhau'n ysgrifenedig i'r achwynydd y datrysiad y cytunwyd arno.

(3) Rhaid i'r person cofrestredig, ar gais y Cynulliad Cenedlaethol neu unrhyw awdurdod lleol neu gorff iechyd sydd wedi trefnu darparu gwasanaethau i ddefnyddiwr gwasanaeth gan yr asiantaeth, gadarnhau'r datrysiad lleol i gwyn.

(4) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn am hyd at 14 o ddiwrnodau pellach gyda chytundeb yr achwynydd.

Ystyriaeth Ffurfiol

18C.-(1) Rhaid i gwynion sy'n cael eu trin drwy gyfrwng ystyriaeth ffurfiol gael eu datrys cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 35 o ddiwrnodau i'r cais am ystyriaeth ffurfiol.

(2) Rhaid i ganlyniad ystyriaeth ffurfiol gael ei gadarnhau'n ysgrifenedig gan y person cofrestredig i'r achwynydd a rhaid i'r cadarnhad hwnnw grynhoi natur a sylwedd y gwyn, y casgliadau a'r camau sydd i'w cymryd o ganlyniad.

(3) Rhaid i'r person cofrestredig anfon copi o'r ymateb ysgrifenedig i gwyn i swyddfa briodol y Cynulliad Cenedlaethol ac at unrhyw awdurdod lleol neu gorff iechyd sydd wedi trefnu i ddarparu gwasanaethau i'r defnyddiwr gwasanaeth gan yr asiantaeth.

(4) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn gyda chytundeb yr achwynydd.

(5) Os na chafodd y gwyn ei datrys o fewn 35 o ddiwrnodau ar ôl y cais am ystyriaeth ffurfiol, rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol o'r gwyn a'r rhesymau dros yr oedi am ei datrys.

(4) The registered person can in any case where it is appropriate to do so, and with the agreement of the complainant, make arrangements for conciliation, mediation or other assistance for the purposes of resolving the complaint.

(5) The registered person must keep a written record of any complaint, the outcome of the investigation and any action taken in response.

(6) The registered person must supply to the appropriate office of the National Assembly at its request a statement containing a summary of the complaints made during the preceding twelve months and the action taken in response to each complaint.

Local Resolution

18B.-(1) Complaints that are dealt with locally must be resolved by the registered person as soon as reasonably practicable and in any event within 14 days.

(2) Where the complaint is resolved under paragraph (1), the registered person must confirm in writing to the complainant the agreed resolution.

(3) The registered person must, at the request of the National Assembly or any local authority or health body which has arranged for the provision of services to the service user by the agency, confirm the local resolution of a complaint.

(4) The time limit in paragraph (1) may be extended for up to a further 14 days with the agreement of the complainant.

Formal Consideration

18C.-(1) Complaints that are dealt with by way of formal consideration must be resolved as soon as reasonably practicable and in any event within 35 days of the request for formal consideration.

(2) The outcome of a formal consideration must be confirmed in writing by the registered person to the complainant and must summarise the nature and substance of the complaint, the conclusions and the action to be taken as a result.

(3) The registered person must send a copy of a written response to a complaint to the appropriate office of the National Assembly and any local authority or health body which has arranged for the provision of services to the service user by the agency.

(4) The time limit in paragraph (1) may be extended with the agreement of the complainant

(5) If the complaint has not been resolved within 35 days of the request for formal consideration, the registered person must notify the appropriate office of the National Assembly of the complaint and reasons for the delay in resolution.

(6) Os plentyn yw'r achwynydd, rhaid i'r person cofrestredig benodi person annibynnol a fydd yn cymryd rhan mewn unrhyw ystyriaeth o'r gwyn gan y person cofrestredig.

Cwynion sy'n ddarostyngedig i ystyriaeth gydamserol

18D.- (1) Pan fo a wnelo cwyn ag unrhyw fater-

(a) y mae'r achwynydd wedi datgan yn ysgrifenedig ei fod yn bwriadu codi achos mewn unrhyw lys neu dribiwnlys amdano, neu

(b) y mae'r person cofrestredig yn codi achos disgyblu amdano neu'n bwriadu codi achos disgyblu amdano, neu

(c) y mae'r person cofrestredig wedi cael ei hysbysu amdano bod ymchwiliad yn cael ei gynnal gan unrhyw berson neu gorff wrth ystyried achos troseddol; neu

(ch) y cynhaliwyd cyfarfod amdano sy'n cynnwys cyrff eraill gan gynnwys yr heddlu i drafod materion sy'n ymwneud ag amddiffyn plant neu oedolion agored i niwed, neu

(d) yr hysbyswyd y person cofrestredig amdano bod ymchwiliadau cyfredol wrth ystyried achos o dan adran 59 o Ddeddf Safonau Gofal 2000, rhaid i'r person cofrestredig ystyried, wrth ymgynghori â'r achwynydd ac unrhyw berson arall neu gorff arall y mae'n briodol yn ei farn ef ymgynghori ag ef, sut y dylid ymdrin â'r gwyn. Rhaid cyfeirio at y cyfryw gwynion at ddibenion y rheoliad hwn fel "cwynion sy'n ddarostyngedig i ystyriaeth gydamserol.

(2) Caniateir peidio â pharhau i ystyried cwynion sy'n ddarostyngedig i ystyriaeth gydamserol os ymddengys ar unrhyw adeg i'r person cofrestredig y byddai parhau yn peryglu neu'n rhagfarnu'r ystyriaeth arall.

(3) Pan fo'r person cofrestredig yn penderfynu peidio â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r person cofrestredig roi hysbysiad am y penderfyniad hwnnw i'r achwynydd.

(4) Pan fo'r person cofrestredig yn peidio â pharhau i ystyried unrhyw gwyn o dan baragraff (2), gellir ailddechrau'r ystyriaeth ar unrhyw adeg.

(5)Os peidir â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r person cofrestredig ganfod pa mor bell y mae'r ystyriaeth gydamserol wedi mynd a hysbysu'r achwynydd pan fydd ar ben.

(6) Where the complainant is a child, the registered person must appoint an independent person who shall take part in any consideration of the complaint by the registered person.

Complaints subject to concurrent consideration

18D.-(1) Where a complaint relates to any matter-

(a) about which the complainant has stated in writing that he or she intends to take proceedings in any court or tribunal, or

(b) about which the registered person is taking or is proposing to take disciplinary proceedings, or

(c) about which the registered person has been notified that an investigation is being conducted by any person or body in contemplation of criminal proceedings, or

(d) about which a meeting involving other bodies including the police has been convened to discuss issues relating to the protection of children or vulnerable adults, or

(e) about which the registered person has been notified that there are current investigations in contemplation of proceedings under section 59 of the Care Standards Act 2000, the registered person must consider, in consultation with the complainant and any other person or body which they consider appropriate to consult, how the complaint should be handled. Such complaints shall be referred to for the purposes of this regulation as "complaints subject to concurrent consideration".

(2) The consideration of complaints subject to concurrent consideration may be discontinued if at any time it appears to the registered person that to continue would compromise or prejudice the other consideration.

(3) Where the registered person decides to discontinue the consideration of a complaint under paragraph (2) the registered person must give notice of that decision to the complainant.

(4) Where the registered person discontinues the consideration of any complaint under paragraph (2), consideration can be resumed at any time.

(5) Where the consideration of a complaint has been discontinued under paragraph (2) the registered person must ascertain the progress of the concurrent consideration and notify the complainant when it has been concluded.

(6) Rhaid i'r person cofrestredig ailddechrau ystyried unrhyw gwyn pan beidir â pharhau â'r ystyriaeth gydamserol neu pan fydd wedi'i chwblhau a phan fo'r achwynydd yn gwneud cais i'r gwyn gael ei hystyried o dan y Rheoliadau hyn.".

Diwygio Rheoliadau Cynlluniau Lleoli Oedolion (Cymru) 2004

8. Diwygir Rheoliadau Cynlluniau Lleoli Oedolion (Cymru) 2004(**1**) fel a ganlyn -

(a) Yn lle rheoliad 22 (Adolygu ansawdd gweithrediad y cynllun) rhodder-

"**Adolygu Ansawdd y Gofal**

22.-(1) Rhaid i'r person cofrestredig wneud trefniadau addas i sefydlu a chynnal system ar gyfer monitro, adolygu a gwella ansawdd y gofal sy'n cael ei roi i bob oedolyn sydd wedi'i leoli o dan y cynllun lleoli oedolion.

(2) Rhaid i'r system a sefydlir o dan baragraff (1) ddarparu -

(a) bod ansawdd y gofal yn cael ei adolygu o leiaf bob blwyddyn; a

(b) bod y person cofrestredig yn cael barn -

(i) yr oedolion perthnasol;

(ii) cynrychiolwyr yr oedolion perthnasol;

(iii) unrhyw awdurdod lleol sydd wedi trefnu i leoli oedolyn gyda gofalwr lleoliad oedolion;

(iv) gofalwyr lleoliad oedolion; a

(v) y staff sy'n cael eu cyflogi gan y cynllun,

ar ansawdd y gofal sy'n cael ei ddarparu, fel rhan o unrhyw adolygiad a gynhelir.

(3) Yn dilyn adolygiad o ansawdd y gofal, rhaid i'r person cofrestredig lunio adroddiad ar yr adolygiad hwnnw o fewn 28 o ddiwrnodau a threfnu bod copi o'r adroddiad ar gael ar fformat priodol pan ofynnir iddo wneud hynny gan -

(a) oedolion perthnasol;

(b) cynrychiolwyr oedolion perthnasol;

(c) unrhyw awdurdod lleol sydd wedi trefnu i leoli oedolyn gyda gofalwr lleoliad oedolion;

(ch) gofalwyr lleoliad oedolion;

(d) staff sy'n cael eu cyflogi gan y cynllun; ac

(dd) y Cynulliad Cenedlaethol.

(6) The registered person must resume consideration of any complaint where the concurrent consideration is discontinued or completed and the complainant requests that the complaint be considered under these Regulations.".

Amendment of the Adult Placement Schemes (Wales) Regulations 2004

8. The Adult Placement Schemes (Wales) Regulations 2004(**1**) are amended as follows -

(a) Substitute regulation 22 (Review of quality of scheme's operation) with-

"**Review of Quality of Care**

22.-(1) The registered person must make suitable arrangements to establish and maintain a system for monitoring, reviewing and improving the quality of care given to each adult placed under the adult placement scheme.

(2) The system established under paragraph (1) must make provision for -

(a) the quality of care to be reviewed at least annually; and

(b) the registered person to obtain the views of -

(i) relevant adults;

(ii) representatives of relevant adults;

(iii) any local authority which has arranged for the placement of an adult with an adult placement carer;

(iv) adult placement carers; and

(v) staff employed by the scheme,

on the quality of care provided, as part of any review undertaken.

(3) Following a review of the quality of care, the registered person must within 28 days prepare a report of that review and make a copy of the available report in an appropriate format when requested by -

(a) relevant adults;

(b) representatives of relevant adults;

(c) any local authority which has arranged for the placement of an adult with an adult placement carer;

(d) adult placement carers;

(e) staff employed by the scheme; and

(f) the National Assembly.

(**1**) O.S. 2004 Rhif 1756 (Cy.188).

(**1**) S.I. 2004 No. 1756 (W.188).

Asesu'r Gwasanaeth

22A.-(1) Caiff y Cynulliad Cenedlaethol ofyn ar unrhyw bryd i'r person cofrestredig gynnal asesiad o ansawdd gweithredu'r cynllun gan gynnwys ansawdd y llety a'r gofal sy'n cael eu darparu i oedolion perthnasol drwy'r cynllun.

(2) O fewn 28 o ddiwrnodau o gael cais o dan baragraff (1), rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol asesiad ar y ffurf sy'n ofynnol gan y Cynulliad Cenedlaethol.

(3) Rhaid i'r person cofrestredig gymryd camau rhesymol i sicrhau na fydd yr asesiad yn gamarweiniol nac yn anghywir.

Hysbysu am gydymffurfedd

22B.-(1) Caiff y Cynulliad Cenedlaethol ar unrhyw bryd hysbysu'r person cofrestredig am y camau y mae'n rhaid i'r person cofrestredig ym marn y Cynulliad Cenedlaethol eu cymryd i sicrhau cydymffurfedd â'r Ddeddf ac ag unrhyw reoliadau a wneir odani.

(2) Caiff y Cynulliad Cenedlaethol bennu'r amserlen erbyn pryd y mae'n rhaid i'r person cofrestredig gymryd y camau sy'n ofynnol o dan (1).

(3) Rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol pan fydd unrhyw gamau sy'n ofynnol o dan (1) wedi'u cwblhau.".

(b) Yn lle rheoliad 21 (Cwynion) rhodder-

"**Cwynion**

21.-(1) Rhaid i'r person cofrestredig lunio a dilyn gweithdrefn ysgrifenedig ("y weithdrefn gwyno") ar gyfer ystyried cwynion a wneir iddo gan oedolyn perthnasol neu berson sy'n gweithredu ar ran oedolyn perthnasol neu ofalwr lleoliad oedolion.

(2) Rhaid i'r drefn gwyno fod yn briodol i anghenion oedolion perthnasol.

(3) Rhaid i'r drefn gwyno gynnwys darpariaeth ar gyfer ystyried cwynion a wneir am y person cofrestredig.

(4) Rhaid i'r person cofrestredig sicrhau bod y personau canlynol yn ymwybodol o fodolaeth y drefn gwyno a chymryd camau rhesymol i roi copi o'r drefn gwyno iddynt ar fformat priodol neu ar unrhyw fformat y gofynnir amdano -

(a) yr oedolion perthnasol;

(b) cynrychiolwyr yr oedolion perthnasol; ac

(c) unrhyw awdurdod lleol sydd wedi trefnu i leoli oedolyn gyda gofalwr lleoliad oedolion.

Assessment of Service

22A.-(1) The National Assembly can at any time request the registered person to undertake an assessment of the quality of the operation of the scheme including the quality of the accommodation and care provided to relevant adults by the scheme.

(2) Within 28 days of receiving a request under paragraph (1) the registered person must supply to the appropriate office of the National Assembly the assessment in the form required by the National Assembly.

(3) The registered person must take reasonable steps to ensure that the assessment is not misleading nor inaccurate.

Compliance Notification

22B.-(1) The National Assembly can at any time notify the registered person of the action that in the National Assembly's view the registered person must take to ensure compliance with the Act and any regulations made under it.

(2) The National Assembly can specify the timescale within which the registered person must take the action required under paragraph (1).

(3) The registered person must notify the appropriate office of the National Assembly of the completion of any action required under paragraph (1).".

(b) Substitute regulation 21 (Complaints) with-

"**Complaints**

21.-(1) The registered person must prepare and follow a written procedure ("the complaints procedure") for considering complaints made to the registered person by a relevant adult or person acting on the relevant adult's behalf or an adult placement carer.

(2) The complaints procedure must be appropriate to the needs of relevant adults.

(3) The complaints procedure must include provision for the consideration of complaints made about the registered person.

(4) The registered person must ensure that the following persons are aware of the existence of the complaints procedure and take all reasonable steps to give a copy of the complaints procedure in an appropriate format or such format as may be requested to -

(a) relevant adults;

(b) representatives of relevant adults; and

(c) any local authority which has arranged for the placement of an adult with an adult placement carer.

(5) Rhaid i'r person cofrestredig sicrhau bod y gofalwyr lleoliad oedolion a'r staff sy'n cael eu cyflogi at ddibenion y cynllyn yn cael eu hysbysu o'r drefn gwyno, yn cael copi ohoni a'u hyfforddi'n briodol ynghylch gweithredu'r drefn gwyno.

(6) Rhaid i'r drefn gwyno gynnwys -

(a) enw, cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol; a

(b) y drefn, os oes un, y mae'r person cofrestredig wedi'i hysbysu ohoni gan y Cynulliad Cenedlaethol ar gyfer gwneud cwynion i'r Cynulliad Cenedlaethol.

(7) Rhaid i'r drefn gwyno gynnwys darpariaeth ar gyfer datrys cwynion yn lleol ac yn gynnar, pan fo'n briodol.

(8) Os yw'r drefn gwyno yn cynnwys darpariaeth ar gyfer ystyriaeth ffurfiol, rhaid i'r ddarpariaeth hon gael ei chymeradwyo gan y Cynulliad Cenedlaethol.

(9) Ni roddir cymeradwyaeth y Cynulliad Cenedlaethol o dan (8) ond pan fo'r drefn gwyno yn cynnwys darpariaeth i'r ystyriaeth ffurfiol gael ei gwneud gan berson sy'n annibynnol ar reolaeth y cynllun.

Ymdrin â chwynion

21A.-(1) Rhaid i'r drefn gwyno a lunnir o dan reoliad 21 gael ei gweithredu yn unol â'r egwyddor bod lles yr oedolyn perthnasol yn cael ei ddiogelu a'i hybu a rhaid ystyried dymuniadau a theimladau canfyddadwy'r oedolion perthnasol.

(2) Pan fo cwyn yn cael ei gwneud, rhaid i'r person cofrestredig hysbysu'r achwynydd o'i hawl i gwyno i'r Cynulliad Cenedlaethol ar unrhyw bryd neu, pan fo'n berthnasol, i'r awdurdod lleol sydd wedi trefnu i leoli oedolyn gyda gofalwr lleoliad oedolion.

(3) Rhaid i'r person cofrestredig roi gwybod i'r achwynydd am argaeledd unrhyw wasanaethau eiriolaeth y mae'r person cofrestredig yn credu y gallant fod o gymorth i'r achwynydd

(4) Mewn unrhyw achos pan fyddai'n briodol gwneud hynny, caiff y person cofrestredig, gyda chytundeb yr achwynydd, wneud trefniadau ar gyfer cymodi, cyfryngu neu roi cymorth arall at ddibenion datrys y gwyn.

(5) Rhaid i'r person cofrestredig gadw cofnod ysgrifenedig o unrhyw gwyn, canlyniad yr ymchwiliad iddi ac unrhyw gamau a gymerwyd wrth ymateb i'r gwyn.

(6) Rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol, os bydd y Cynulliad Cenedlaethol yn gofyn amdano, ddatganiad sy'n cynnwys crynodeb o'r cwynion a wnaed yn ystod y deuddeng mis blaenorol a'r camau a gymerwyd wrth ymateb i bob cwyn.

(5) The registered person must ensure that the adult placement carers and the staff employed for the purposes of the scheme are informed about, given a copy of and appropriately trained in the operation of the complaints procedure.

(6) The complaints procedure must include -

(a) the name, address and telephone number of the appropriate office of the National Assembly; and

(b) the procedure, if any, that has been notified to the registered person by the National Assembly for the making of complaints to the National Assembly.

(7) The complaints procedure must include provision for the local resolution of complaints at an early stage where appropriate.

(8) Where the complaints procedure includes provision for a formal consideration, this provision must be approved by the National Assembly.

(9) The approval of the National Assembly under (8) will only be given where the complaints procedure includes provision for the formal consideration to be undertaken by a person who is independent of the management of the scheme.

Handling Complaints

21A.-(1) The complaints procedure prepared under regulation 21 must be operated in accordance with the principle that the welfare of the relevant adult is safeguarded and promoted and account must be taken of the ascertainable wishes and feelings of the relevant adult.

(2) When a complaint is made, the registered person must advise the complainant of their right to at any time complain to the National Assembly or, where relevant, to the local authority which has arranged for the placement of an adult with an adult placement carer.

(3) The registered person must inform the complainant of the availability of any advocacy services which the registered person believes may be of assistance to the complainant.

(4) The registered person can in any case where it is appropriate to do so, and with the agreement of the complainant, make arrangements for conciliation, mediation or other assistance for the purposes of resolving the complaint.

(5) The registered person must keep a written record of any complaint, the outcome of the investigation and any action taken in response.

(6) The registered person must supply to the appropriate office of the National Assembly at its request a statement containing a summary of the complaints made during the preceding twelve months and the action taken in response to each complaint.

Datrysiad Lleol

21B.-(1) Rhaid i gwynion sy'n cael eu trin yn lleol gael eu datrys gan y person cofrestredig cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 14 o ddiwrnodau gwaith.

(2) Os caiff y gwyn ei datrys o dan baragraff (1), rhaid i'r person cofrestredig gadarnhau'n ysgrifenedig i'r achwynydd y datrysiad y cytunwyd arno.

(3) Rhaid i'r person cofrestredig, ar gais y Cynulliad Cenedlaethol neu unrhyw awdurdod lleol sydd wedi trefnu llety i oedolyn gyda gofalwr lleoliad oedolyn, gadarnhau'r datrysiad lleol i gwyn.

(4) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn am hyd at 14 o ddiwrnodau pellach gyda chytundeb yr achwynydd.

Ystyriaeth Ffurfiol

21C.-(1) Rhaid i gwynion sy'n cael eu trin drwy gyfrwng ystyriaeth ffurfiol gael eu datrys cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 35 o ddiwrnodau i'r cais am ystyriaeth ffurfiol.

(2) Rhaid i ganlyniad ystyriaeth ffurfiol gael ei gadarnhau'n ysgrifenedig gan y person cofrestredig i'r achwynydd a rhaid i'r cadarnhad hwnnw grynhoi natur a sylwedd y gwyn, yr ymchwiliad a wnaed, y casgliadau a'r camau sydd i'w cymryd o ganlyniad.

(3) Rhaid i'r person cofrestredig anfon copi o'r ymateb ysgrifenedig i gwyn i swyddfa briodol y Cynulliad Cenedlaethol ac at unrhyw awdurdod lleol sydd wedi trefnu lleoli oedolyn gyda gofalwr lleoliad oedolyn.

(4) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn gyda chytundeb yr achwynydd.

(5) Os na chafodd y gwyn ei datrys o fewn 35 o ddiwrnodau ar ôl y cais am ystyriaeth ffurfiol, rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol o'r gwyn a'r rhesymau dros yr oedi am ei datrys.

Cwynion sy'n ddarostyngedig i ystyriaeth gydamserol

21D-(1) Pan fo a wnelo cwyn ag unrhyw fater-

(a) y mae'r achwynydd wedi datgan yn ysgrifenedig ei fod yn bwriadu codi achos mewn unrhyw lys neu dribiwnlys amdano, neu

(b) y mae'r person cofrestredig yn codi achos disgyblu amdano neu'n bwriadu codi achos disgyblu amdano, neu

(c) y mae'r person cofrestredig wedi cael ei hysbysu amdano bod ymchwiliad yn cael ei gynnal gan unrhyw berson neu gorff wrth ystyried achos troseddol; neu

Local Resolution

21B.-(1) Complaints that are dealt with locally must be resolved by the registered person as soon as reasonably practicable and in any event within 14 days.

(2) Where the complaint is resolved under paragraph (1), the registered person must confirm in writing to the complainant the agreed resolution.

(3) The registered person must, at the request of the National Assembly or any local authority who has arranged for the placement of an adult with an adult placement carer, confirm the local resolution of a complaint.

(4) The time limit in paragraph (1) may be extended for up to a further 14 days with the agreement of the complainant.

Formal Consideration

21C.-(1) Complaints that are dealt with by way of formal consideration must be resolved as soon as reasonably practicable and in any event within 35 days of the request for formal consideration.

(2) The outcome of a formal consideration must be confirmed in writing by the registered person to the complainant and must summarise the nature and substance of the complaint, the investigation undertaken, the conclusions and the action to be taken as a result.

(3) The registered person must send a copy of a written response to a complaint to the appropriate office of the National Assembly and any local authority which has arranged for the placement of an adult with an adult placement carer.

(4) The time limit in paragraph (1) may be extended with the agreement of the complainant.

(5) If the complaint has not been resolved within 35 days of the request for formal consideration, the registered person must notify the appropriate office of the National Assembly of the complaint and reasons for the delay in resolution.

Complaints subject to concurrent consideration

21D.-(1) Where a complaint relates to any matter-

(a) about which the complainant has stated in writing that he or she intends to take proceedings in any court or tribunal, or

(b) about which the registered person is taking or is proposing to take disciplinary proceedings, or

(c) about which the registered person has been notified that an investigation is being conducted by any person or body in contemplation of criminal proceedings, or

(ch) y cynhaliwyd cyfarfod amdano sy'n cynnwys cyrff eraill gan gynnwys yr heddlu i drafod materion sy'n ymwneud ag amddiffyn plant neu oedolion agored i niwed, neu

(d) yr hysbyswyd y person cofrestredig amdano bod ymchwiliadau cyfredol wrth ystyried achos o dan adran 59 o Ddeddf Safonau Gofal 2000, rhaid i'r person cofrestredig ystyried, wrth ymgynghori â'r achwynydd ac unrhyw berson arall neu gorff arall y mae'n briodol yn ei farn ef ymgynghori ag ef, sut y dylid ymdrin â'r gwyn. Rhaid cyfeirio at y cyfryw gwynion at ddibenion y rheoliad hwn fel "cwynion sy'n ddarostyngedig i ystyriaeth gydamserol".

(2) Caniateir peidio â pharhau i ystyried cwynion sy'n ddarostyngedig i ystyriaeth gydamserol os ymddengys ar unrhyw adeg i'r person cofrestredig y byddai parhau yn peryglu neu'n rhagfarnu'r ystyriaeth arall.

(3) Pan fo'r person cofrestredig yn penderfynu peidio â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r person cofrestredig roi hysbysiad am y penderfyniad hwnnw i'r achwynydd.

(4) Pan fo'r person cofrestredig yn peidio â pharhau i ystyried unrhyw gwyn o dan baragraff (2), gellir ailddechrau'r ystyriaeth ar unrhyw adeg.

(5) Os peidir â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r person cofrestredig ganfod pa mor bell y mae'r ystyriaeth gydamserol wedi mynd a hysbysu'r achwynydd pan fydd ar ben.

(6) Rhaid i'r person cofrestredig ailddechrau ystyried unrhyw gwyn pan beidir â pharhau â'r ystyriaeth gydamserol neu pan fydd wedi'i chwblhau a phan fo'r achwynydd yn gwneud cais i'r gwyn gael ei hystyried o dan y Rheoliadau hyn.".

Diwygio Rheoliadau Asiantaethau Gofal Cartref (Cymru) 2004

9. Diwygir Rheoliadau Asiantaethau Gofal Cartref (Cymru) 2004(**1**) fel a ganlyn -

(a) Yn lle rheoliad 23 (Adolygu darpariaeth ansawdd y gwasanaeth) rhodder-

"**Adolygu Ansawdd y Gofal**

23.-(1) Rhaid i'r person cofrestredig wneud trefniadau addas i sefydlu a chynnal system ar gyfer monitro, adolygu a gwella ansawdd y gofal sy'n cael ei roi i'r defnyddwyr gwasanaeth.

(2) Rhaid i'r system a sefydlir o dan baragraff (1) ddarparu -

(d) about which a meeting involving other bodies including the police has been convened to discuss issues relating to the protection of children or vulnerable adults, or

(e) about which the registered person has been notified that there are current investigations in contemplation of proceedings under section 59 of the Care Standards Act 2000, the registered person must consider, in consultation with the complainant and any other person or body which they consider appropriate to consult, how the complaint should be handled. Such complaints shall be referred to for the purposes of this regulation as "complaints subject to concurrent consideration".

(2) The consideration of complaints subject to concurrent consideration may be discontinued if at any time it appears to the registered person that to continue would compromise or prejudice the other consideration.

(3) Where the registered person decides to discontinue the consideration of a complaint under paragraph (2) the registered person must give notice of that decision to the complainant.

(4) Where the registered person discontinues the consideration of any complaint under paragraph (2), consideration can be resumed at any time.

(5) Where the consideration of a complaint has been discontinued under paragraph (2) the registered person must ascertain the progress of the concurrent consideration and notify the complainant when it has been concluded.

(6) The registered person must resume consideration of any complaint where the concurrent consideration is discontinued or completed and the complainant requests that the complaint be considered under these Regulations.".

Amendment of the Domiciliary Care Agencies (Wales) Regulations 2004

9. The Domiciliary Care Agencies (Wales) Regulations 2004(**1**) are amended as follows -

(a) Substitute regulation 23 (Review of quality of service provision) with -

"**Review of Quality of Care**

23.-(1) The registered person must make suitable arrangements to establish and maintain a system for monitoring, reviewing and improving the quality of care given to service users.

(2) The system established under paragraph (1) must make provision for -

(**1**) O.S. 2004 Rhif 219 (Cy.23).

(**1**) S.I.2004 No. 219 (W.23).

(a) bod ansawdd y gofal yn cael ei adolygu o leiaf bob blwyddyn; a

(b) bod y person cofrestredig yn cael barn -

(i) y defnyddwyr gwasanaeth;

(ii) cynrychiolwyr y defnyddwyr gwasanaeth;

(iii) unrhyw awdurdod lleol sydd wedi trefnu bod gofal yn cael ei ddarparu i ddefnyddiwr gwasanaeth; a

(iv) y staff sy'n cael eu cyflogi gan yr asiantaeth,

ar ansawdd y gofal sy'n cael ei ddarparu, fel rhan o unrhyw adolygiad a gynhelir.

(3) Yn dilyn adolygiad o ansawdd y gofal, rhaid i'r person cofrestredig lunio adroddiad ar yr adolygiad hwnnw o fewn 28 o ddiwrnodau a threfnu bod copi o'r adroddiad ar gael ar fformat priodol pan ofynnir iddo wneud hynny gan -

(a) defnyddwyr gwasanaeth;

(b) cynrychiolwyr y defnyddwyr gwasanaeth;

(c) unrhyw awdurdod lleol sydd wedi trefnu bod gofal yn cael ei ddarparu i ddefnyddiwr gwasanaeth;

(ch) staff sy'n cael eu cyflogi gan yr asiantaeth; a

(d) y Cynulliad Cenedlaethol.

Asesu'r Gwasanaeth

23A.-(1) Caiff y Cynulliad Cenedlaethol ofyn ar unrhyw bryd i'r person cofrestredig i gynnal asesiad o'r gwasanaeth sy'n cael ei ddarparu i'r defnyddwyr gwasanaeth gan yr asiantaeth.

(2) O fewn 28 o ddiwrnodau o gael cais o dan baragraff (1), rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol asesiad ar y ffurf sy'n ofynnol gan y Cynulliad Cenedlaethol.

(3) Rhaid i'r person cofrestredig gymryd camau rhesymol i sicrhau na fydd yr asesiad yn gamarweiniol nac yn anghywir.

Hysbysu am gydymffurfedd

23B.-(1) Caiff y Cynulliad Cenedlaethol ar unrhyw bryd hysbysu'r person cofrestredig am y camau y mae'n rhaid i'r person cofrestredig ym marn y Cynulliad Cenedlaethol eu cymryd i sicrhau cydymffurfedd â'r Ddeddf ac ag unrhyw reoliadau a wneir odani.

(2) Caiff y Cynulliad Cenedlaethol bennu'r amserlen erbyn pryd mae'n rhaid i'r person cofrestredig gymryd y camau sy'n ofynnol o dan (1).

(a) the quality of care to be reviewed at least annually; and

(b) the registered person to obtain the views of -

(i) service users;

(ii) representatives of service users;

(iii) any local authority which has arranged for the provision of care to a service user; and

(iv) staff employed by the agency,

on the quality of care provided, as part of any review undertaken.

(3) Following a review of the quality of care, the registered person must within 28 days prepare a report of that review and make a copy of the available report in an appropriate format when requested by -

(a) service users;

(b) representatives of service users;

(c) any local authority which has arranged for the provision of care to a service user;

(d) staff employed by agency; and

(e) the National Assembly.

Assessment of Service

23A.-(1) The National Assembly can at any time request the registered person to undertake an assessment of the service provided to service users by the agency.

(2) Within 28 days of receiving a request under paragraph (1) the registered person must supply to the appropriate office of the National Assembly the assessment in the form required by the National Assembly.

(3) The registered person must take reasonable steps to ensure that the assessment is not misleading nor inaccurate.

Compliance Notification

23B.-(1) The National Assembly can at any time notify the registered person of the action that in the National Assembly's view the registered person must take to ensure compliance with the Act and any regulations made under it.

(2) The National Assembly can specify the timescale within which the registered person must take the action required under paragraph (1).

(3) Rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol pan fydd unrhyw gamau sy'n ofynnol o dan (1) wedi'u cwblhau.".

(b) Yn lle rheoliad 21 (Cwynion) rhodder-

"**Cwynion**

21.-(1) Rhaid i'r person cofrestredig lunio a dilyn gweithdrefn ysgrifenedig ("y weithdrefn gwyno") er mwyn ystyried cwynion a wneir iddo gan ddefnyddiwr gwasanaeth neu berson sy'n gweithredu ar ran y defnyddiwr gwasanaeth.

(2) Rhaid i'r weithdrefn gwyno fod yn briodol i anghenion y defnyddwyr gwasanaeth.

(3) Rhaid i'r weithdrefn gwyno gynnwys darpariaeth ar gyfer ystyried cwynion a wneir am y person cofrestredig.

(4) Rhaid i'r person cofrestredig sicrhau bod y personau canlynol yn ymwybodol o fodolaeth y weithdrefn gwyno a chymryd pob cam rhesymol i roi copi o'r weithdrefn gwyno iddynt ar fformat priodol neu ar unrhyw fformat y gofynnir amdano -

(a) y defnyddwyr gwasanaeth;

(b) cynrychiolwyr y defnyddwyr gwasanaeth; ac

(c) unrhyw awdurdod lleol sydd wedi trefnu bod gofal yn cael ei ddarparu i ddefnyddiwr gwasanaeth.

(5) Rhaid i'r person cofrestredig sicrhau bod y staff sy'n cael eu cyflogi gan yr asiantaeth yn cael eu hysbysu o'r drefn gwyno a chael copi ohoni a'u hyfforddi'n briodol ynghylch gweithredu'r weithdrefn gwyno.

(6) Rhaid i'r weithdrefn gwyno gynnwys -

(a) enw, cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol; a

(b) y drefn, os oes un, y mae'r person cofrestredig wedi'i hysbysu ohoni gan y Cynulliad Cenedlaethol ar gyfer gwneud cwynion i'r Cynulliad Cenedlaethol.

(7) Rhaid i'r weithdrefn gwyno gynnwys darpariaeth ar gyfer datrys cwynion yn lleol ac yn gynnar, pan fo'n briodol.

(8) Os yw'r weithdrefn gwyno yn cynnwys darpariaeth ar gyfer ystyriaeth ffurfiol, rhaid i'r ddarpariaeth hon gael ei chymeradwyo gan y Cynulliad Cenedlaethol.

(9) Ni roddir cymeradwyaeth y Cynulliad Cenedlaethol o dan (8) ond pan fo'r weithdrefn gwyno yn cynnwys darpariaeth i'r ystyriaeth ffurfiol gael ei gwneud gan berson sy'n annibynnol ar reolaeth yr asiantaeth.

(3) The registered person must notify the appropriate office of the National Assembly of the completion of any action required under paragraph (1).".

(b) Substitute regulation 21(Complaints) with -

"**Complaints**

21.-(1) The registered person must prepare and follow a written procedure ("the complaints procedure") for considering complaints made to the registered person by a service user or person acting on the service user's behalf.

(2) The complaints procedure must be appropriate to the needs of service users.

(3) The complaints procedure must include provision for the consideration of complaints made about the registered person.

(4) The registered person must ensure that the following persons are aware of the existence of the complaints procedure and take all reasonable steps to give a copy of the complaints procedure in an appropriate format or such format as may be requested to-

(a) service users;

(b) representatives of service users; and

(c) any authority which has arranged for the provision of care to a service user.

(5) The registered person must ensure that the staff employed by the agency are informed about, given a copy of and appropriately trained in the operation of the complaints procedure.

(6) The complaints procedure must include -

(a) the name, address and telephone number of the appropriate office of the National Assembly; and

(b) the procedure, if any, that has been notified to the registered person by the National Assembly for the making of complaints to the National Assembly.

(7) The complaints procedure must include provision for the local resolution of complaints at an early stage where appropriate.

(8) Where the complaints procedure includes provision for a formal consideration, this provision must be approved by the National Assembly.

(9) The approval of the National Assembly under (8) will only be given where the complaints procedure includes provision for the formal consideration to be undertaken by a person who is independent of the management of the agency.

Ymdrin â chwynion

21A.-(1) Rhaid i'r weithdrefn gwyno a lunnir yn unol â rheoliad 21 gael ei gweithredu yn unol â'r egwyddor bod lles y defnyddiwr gwasanaeth yn cael ei ddiogelu a'i hybu a rhaid ystyried dymuniadau a theimladau canfyddadwy'r defnyddiwr gwasanaeth.

(2) Pan fo cwyn yn cael ei gwneud, rhaid i'r person cofrestredig hysbysu'r achwynydd o'i hawl i gwyno i'r Cynulliad Cenedlaethol ar unrhyw bryd neu, pan fo'n berthnasol, i'r awdurdod lleol neu'r corff iechyd sydd wedi trefnu i wasanaethau gael eu darparu i'r defnyddiwr gwasanaeth gan yr asiantaeth.

(3) Rhaid i'r person cofrestredig roi gwybod i'r achwynydd am argaeledd unrhyw wasanaethau eiriolaeth y mae'r person cofrestredig yn credu y gallant fod o gymorth i'r achwynydd. Pan fo hynny'n berthnasol a phan fo'r achwynydd yn blentyn, rhaid i'r person cofrestredig roi gwybod i'r achwynydd bod rhaid i awdurdod lleol sy'n cael cwyn ddarparu gwybodaeth a chymorth i achwynyddion, ac yn neilltuol rhaid iddo gynnig cymorth i gael eiriolwr.

(4) Mewn unrhyw achos pan fyddai'n briodol gwneud hynny, caiff y person cofrestredig, gyda chytundeb yr achwynydd, wneud trefniadau ar gyfer cymodi, cyfryngu neu roi cymorth arall at ddibenion datrys y gwyn.

(5) Rhaid i'r person cofrestredig gadw cofnod ysgrifenedig o unrhyw gwyn, canlyniad yr ymchwiliad iddi ac unrhyw gamau a gymerwyd wrth ymateb i'r gwyn.

(6) Rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol, os bydd y Cynulliad Cenedlaethol yn gofyn amdano, ddatganiad sy'n cynnwys crynodeb o'r cwynion a wnaed yn ystod y deuddeng mis blaenorol a'r camau a gymerwyd wrth ymateb i bob cwyn.

Datrysiad Lleol

21B.-(1) Rhaid i gwynion sy'n cael eu trin yn lleol gael eu datrys gan y person cofrestredig cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 14 o ddiwrnodau.

(2) Os caiff y gwyn ei datrys o dan baragraff (1), rhaid i'r person cofrestredig gadarnhau'n ysgrifenedig i'r achwynydd y datrysiad y cytunwyd arno.

(3) Rhaid i'r person cofrestredig, ar gais y Cynulliad Cenedlaethol neu unrhyw awdurdod lleol neu gorff iechyd sydd wedi trefnu darparu'r gwasanaethau i'r defnyddiwr gwasanaeth, gadarnhau'r datrysiad lleol i gwyn.

(4) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn am hyd at 14 o ddiwrnodau pellach gyda chytundeb yr achwynydd.

Handling Complaints

21A.-(1) The complaints procedure prepared under regulation 21 must be operated in accordance with the principle that the welfare of the service user is safeguarded and promoted and account must be taken of the ascertainable wishes and feelings of the service user.

(2) When a complaint is made, the registered person must advise the complainant of their right to at any time complain to the National Assembly or, where relevant, to the local authority or health body which has arranged for the provision of services to the service user by the agency.

(3) The registered person must inform the complainant of the availability of any advocacy services which the registered person believes may be of assistance to the complainant. Where relevant and the complainant is a child, the registered person must advise the complainant that a local authority receiving a complaint must provide information and assistance for complainants, and must in particular offer help in obtaining an advocate.

(4) The registered person can in any case where it is appropriate to do so, and with the agreement of the complainant, make arrangements for conciliation, mediation or other assistance for the purposes of resolving the complaint.

(5) The registered person must keep a written record of any complaint, the outcome of the investigation and any action taken in response.

(6) The registered person must supply to the appropriate office of the National Assembly at its request a statement containing a summary of the complaints made during the preceding twelve months and the action taken in response to each complaint.

Local Resolution

21B.-(1) Complaints that are dealt with locally must be resolved by the registered person as soon as reasonably practicable and in any event within 14 days.

(2) Where the complaint is resolved under paragraph (1), the registered person must confirm in writing to the complainant the agreed resolution.

(3) The registered person must, at the request of the National Assembly or any local authority or health body which has arranged for the provision of services to the service user, confirm the local resolution of a complaint.

(4) The time limit in paragraph (1) may be extended for up to a further 14 days with the agreement of the complainant.

Ystyriaeth Ffurfiol

21C.-(1) Rhaid i gwynion sy'n cael eu trin drwy gyfrwng ystyriaeth ffurfiol gael eu datrys cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 35 o ddiwrnodau i'r cais am ystyriaeth ffurfiol.

(2) Rhaid i ganlyniad ystyriaeth ffurfiol gael ei gadarnhau'n ysgrifenedig gan y person cofrestredig i'r achwynydd a rhaid i'r cadarnhad hwnnw grynhoi natur a sylwedd y gwyn, yr ymchwiliad a wnaed, y casgliadau a'r camau sydd i'w cymryd o ganlyniad.

(3) Rhaid i'r person cofrestredig anfon copi o'r ymateb ysgrifenedig i gwyn i swyddfa briodol y Cynulliad Cenedlaethol ac at unrhyw awdurdod lleol neu gorff iechyd sydd wedi trefnu darparu'r gwasanaethau i'r defnyddiwr gwasanaeth gan yr asiantaeth.

(4) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn gyda chytundeb yr achwynydd.

(5) Os na chafodd y gwyn ei datrys o fewn 35 o ddiwrnodau ar ôl y cais am ystyriaeth ffurfiol, rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol o'r gwyn a'r rhesymau dros yr oedi am ei datrys.

(6) Os plentyn yw'r achwynydd, rhaid i'r person cofrestredig benodi person annibynnol a fydd yn cymryd rhan mewn unrhyw ystyriaeth o'r gwyn gan y person cofrestredig.

Cwynion sy'n ddarostyngedig i ystyriaeth gydamserol

21D-(1) Pan fo a wnelo cwyn ag unrhyw fater-

(a) y mae'r achwynydd wedi datgan yn ysgrifenedig ei fod yn bwriadu codi achos mewn unrhyw lys neu dribiwnlys amdano, neu

(b) y mae'r person cofrestredig yn codi achos disgyblu amdano neu'n bwriadu codi achos disgyblu amdano, neu

(c) y mae'r person cofrestredig wedi cael ei hysbysu amdano bod ymchwiliad yn cael ei gynnal gan unrhyw berson neu gorff wrth ystyried achos troseddol; neu

(ch) y cynhaliwyd cyfarfod amdano sy'n cynnwys cyrff eraill gan gynnwys yr heddlu i drafod materion sy'n ymwneud ag amddiffyn plant neu oedolion agored i niwed, neu

(d) yr hysbyswyd y person cofrestredig amdano bod ymchwiliadau cyfredol wrth ystyried achos o dan adran 59 o Ddeddf Safonau Gofal 2000, rhaid i'r person cofrestredig ystyried, wrth ymgynghori â'r achwynydd ac unrhyw berson arall neu gorff arall y mae'n briodol yn ei farn

Formal Consideration

21C.-(1) Complaints that are dealt with by way of formal consideration must be resolved as soon as reasonably practicable and in any event within 35 days of the request for formal consideration.

(2) The outcome of a formal consideration must be confirmed in writing by the registered person to the complainant and must summarise the nature and substance of the complaint, the investigation undertaken, the conclusions and the action to be taken as a result.

(3) The registered person must send a copy of a written response to a complaint to the appropriate office of the National Assembly and any local authority or health body which has arranged for the provision of services to the service user by the agency.

(4) The time limit in paragraph (1) may be extended with the agreement of the complainant.

(5) If the complaint has not been resolved within 35 days of the request for formal consideration, the registered person must notify the appropriate office of the National Assembly of the delay and reasons for the delay in resolution.

(6) If the complainant is a child the registered person must appoint an independent person who shall take part in any consideration of the representations by the registered person.

Complaints subject to concurrent consideration

21D.-(1) Where a complaint relates to any matter-

(a) about which the complainant has stated in writing that he or she intends to take proceedings in any court or tribunal, or

(b) about which the registered person is taking or is proposing to take disciplinary proceedings, or

(c) about which the registered person has been notified that an investigation is being conducted by any person or body in contemplation of criminal proceedings, or

(d) about which a meeting involving other bodies including the police has been convened to discuss issues relating to the protection of children or vulnerable adults, or

(e) about which the registered person has been notified that there are current investigations in contemplation of proceedings under section 59 of the Care Standards Act 2000, the registered person must consider, in consultation with the complainant and any other person or

ef ymgynghori ag ef, sut y dylid ymdrin â'r gwyn. Rhaid cyfeirio at y cyfryw gwynion at ddibenion y rheoliad hwn fel "cwynion sy'n ddarostyngedig i ystyriaeth gydamserol".

(2) Caniateir peidio â pharhau i ystyried cwynion sy'n ddarostyngedig i ystyriaeth gydamserol os ymddengys ar unrhyw adeg i'r person cofrestredig y byddai parhau yn peryglu neu'n rhagfarnu'r ystyriaeth arall.

(3) Pan fo'r person cofrestredig yn penderfynu peidio â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r person cofrestredig roi hysbysiad am y penderfyniad hwnnw i'r achwynydd.

(4) Pan fo'r person cofrestredig yn peidio â pharhau i ystyried unrhyw gwyn o dan baragraff (2), gellir ailddechrau'r ystyriaeth ar unrhyw adeg.

(5) Os peidir â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r person cofrestredig ganfod pa mor bell y mae'r ystyriaeth gydamserol wedi mynd a hysbysu'r achwynydd pan fydd ar ben.

(6) Rhaid i'r person cofrestredig ailddechrau ystyried unrhyw gwyn pan beidir â pharhau â'r ystyriaeth gydamserol neu pan fydd wedi'i chwblhau a phan fo'r achwynydd yn gwneud cais i'r gwyn gael ei hystyried o dan y Rheoliadau hyn.".

Diwygio Rheoliadau Asiantaethau Cymorth Mabwysiadu (Cymru) 2005

10.-(1) Diwygir Rheoliadau Asiantaethau Cymorth Mabwysiadu (Cymru) 2005(**1**) fel a ganlyn -

(a) Ar ôl rheoliad 26 (Ffitrwydd y fangre) mewnosoder -

"**Adolygu Ansawdd y Gwasanaeth**

26A.-(1) Rhaid i'r person cofrestredig wneud trefniadau addas i sefydlu a chynnal system ar gyfer monitro, adolygu a gwella ansawdd y gwasanaethau cymorth mabwysiadu sy'n cael eu darparu gan yr asiantaeth.

(2) Rhaid i'r system a sefydlir o dan baragraff (1) ddarparu -

(a) bod ansawdd y gwasanaeth yn cael ei adolygu o leiaf bob blwyddyn; a

(b) bod y person cofrestredig yn cael barn -

(i) unrhyw berson sy'n cael gwasanaethau cymorth mabwysiadu gan yr asiantaeth;

(ii) cynrychiolwyr unrhyw berson sy'n cael gwasanaethau cymorth mabwysiadu gan yr asiantaeth;

body which they consider appropriate to consult, how the complaint should be handled. Such complaints shall be referred to for the purposes of this regulation as "complaints subject to concurrent consideration".

(2) The consideration of complaints subject to concurrent consideration may be discontinued if at any time it appears to the registered person that to continue would compromise or prejudice the other consideration.

(3) Where the registered person decides to discontinue the consideration of a complaint under paragraph (2) the registered person must give notice of that decision to the complainant.

(4) Where the registered person discontinues the consideration of any complaint under paragraph (2), consideration can be resumed at any time.

(5) Where the consideration of a complaint has been discontinued under paragraph (2) the registered person must ascertain the progress of the concurrent consideration and notify the complainant when it has been concluded.

(6) The registered person must resume consideration of any complaint where the concurrent consideration is discontinued or completed and the complainant requests that the complaint be considered under these Regulations.".

Amendment of the Adoption Support Agencies (Wales) Regulations 2005

10.-(1) The Adoption Support Agencies (Wales) Regulations 2005(**1**) are amended as follows -

(a) After regulation 26 (Fitness of premises)) insert -

"**Review of Quality of Service**

26A.-(1) The registered person must make suitable arrangements to establish and maintain a system for monitoring, reviewing and improving the quality of adoption support services provided by the agency.

(2) The system established under paragraph (1) must make provision for -

(a) the quality of service to be reviewed at least annually; and

(b) the registered person to obtain the views of -

(i) any person receiving adoption support services from the agency;

(ii) representatives of any person receiving adoption support services from the agency;

(**1**) O.S. 2005 Rhif 1514 (Cy.118).

(**1**) S.I. 2005 No.1514(W.118).

(iii) unrhyw awdurdod lleol sydd wedi trefnu bod gwasanaeth cymorth mabwysiadu yn cael ei ddarparu gan yr asiantaeth; a

(iv) y staff sy'n cael eu cyflogi gan yr asiantaeth ar ansawdd y gwasanaeth sy'n cael ei ddarparu, fel rhan o unrhyw adolygiad a gynhelir.

(3) Yn dilyn adolygiad o ansawdd y gwasanaeth, rhaid i'r person cofrestredig lunio adroddiad ar yr adolygiad hwnnw o fewn 28 o ddiwrnodau a threfnu bod copi o'r adroddiad ar gael ar fformat priodol pan ofynnir iddo wneud hynny gan -

(a) unrhyw berson sy'n cael gwasanaethau cymorth mabwysiadu gan yr asiantaeth;

(b) cynrychiolwyr unrhyw berson sy'n cael gwasanaethau cymorth mabwysiadu gan yr asiantaeth;

(c) unrhyw awdurdod lleol sydd wedi trefnu bod gwasanaeth cymorth mabwysiadu yn cael ei ddarparu gan yr asiantaeth;

(ch)staff sy'n cael eu cyflogi gan yr asiantaeth; a

(d) y Cynulliad Cenedlaethol.

Asesu'r Gwasanaeth

26B.-(1) Caiff y Cynulliad Cenedlaethol ofyn ar unrhyw bryd i'r person cofrestredig i gynnal asesiad o'r gwasanaeth sy'n cael ei ddarparu gan yr asiantaeth.

(2) O fewn 28 o ddiwrnodau o gael cais o dan baragraff (1), rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol asesiad ar y ffurf sy'n ofynnol gan y Cynulliad Cenedlaethol.

(3) Rhaid i'r person cofrestredig gymryd camau rhesymol i sicrhau na fydd yr asesiad yn gamarweiniol nac yn anghywir.

Hysbysu am gydymffurfedd

26C.-(1) Caiff y Cynulliad Cenedlaethol ar unrhyw bryd hysbysu'r person cofrestredig am y camau y mae'n rhaid i'r person cofrestredig ym marn y Cynulliad Cenedlaethol eu cymryd i sicrhau cydymffurfedd â Deddf 2000 a Deddf 2002 ac ag unrhyw reoliadau a wneir odanynt.

(2) Caiff y Cynulliad Cenedlaethol bennu'r amserlen erbyn pryd y mae'n rhaid i'r person cofrestredig gymryd y camau sy'n ofynnol o dan baragraff (1).

(3) Rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol pan fydd unrhyw gamau sy'n ofynnol o dan baragraff (1) wedi'u cwblhau.".

(b) Yn lle rheoliad 19 (Cwynion) rhodder y canlynol -

(iii) any local authority which has arranged for the provision of an adoption support service by the agency; and

(iv) staff employed by the agency on the quality of service provided, as part of any review undertaken.

(3) Following a review of the quality of service, the registered person must within 28 days prepare a report of that review and make a copy of the available report in an appropriate format when requested by -

(a) any person receiving adoption support services from the agency;

(b) representatives of any person receiving adoption support services from the agency;

(c) any local authority which has arranged for the provision of an adoption support service by the agency;

(d) staff employed by agency; and

(e) the National Assembly.

Assessment of Service

26B.-(1) The National Assembly can at any time request the registered person to undertake an assessment of the service provided by the agency.

(2) Within 28 days of receiving a request under paragraph (1) the registered person must supply to the appropriate office of the National Assembly the assessment in the form required by the National Assembly.

(3) The registered person must take reasonable steps to ensure that the assessment is not misleading nor inaccurate.

Compliance Notification

26C.-(1) The National Assembly can at any time notify the registered person of the action that in the National Assembly's view the registered person must take to ensure compliance with the 2000 Act and the 2002 Act and any regulations made under them.

(2) The National Assembly can specify the timescale within which the registered person must take the action required under paragraph (1).

(3) The registered person must notify the appropriate office of the National Assembly of the completion of any action required under paragraph (1).".

(b) Substitute regulation 19(Complaints) with the following -

"**Cwynion**

19.-(1) Rhaid i'r person cofrestredig lunio a dilyn gweithdrefn ysgrifenedig ("y weithdrefn gwynion") er mwyn ystyried cwynion a wneir iddo gan berson sy'n cael gwasanaethau cymorth mabwysiadu gan yr asiantaeth neu berson sy'n gweithredu ar ei ran.

(2) Rhaid i'r weithdrefn gwynion fod yn briodol i anghenion y person sy'n cael gwasanaethau cymorth mabwysiadu gan yr asiantaeth.

(3) Rhaid i'r weithdrefn gwynion gynnwys darpariaeth ar gyfer ystyried cwynion a wneir am y person cofrestredig.

(4) Rhaid i'r person cofrestredig sicrhau bod y personau canlynol yn ymwybodol o fodolaeth y weithdrefn gwynion a chymryd pob cam rhesymol i roi copi o'r weithdrefn gwynion iddynt ar fformat priodol neu ar unrhyw fformat y gofynnir amdano -

(a) personau sy'n cael gwasanaethau cymorth mabwysiadu gan yr asiantaeth;

(b) cynrychiolwyr person sy'n cael gwasanaethau cymorth mabwysiadu gan yr asiantaeth; ac

(c) unrhyw awdurdod sydd wedi trefnu bod gwasanaeth cymorth mabwysiadu yn cael ei ddarparu gan yr asiantaeth.

(5) Rhaid i'r person cofrestredig sicrhau bod y staff sy'n cael eu cyflogi gan yr asiantaeth yn cael eu hysbysu o'r weithdrefn gwynion a chael copi ohoni a'u hyfforddi'n briodol ynghylch gweithredu'r weithdrefn gwynion.

(6) Rhaid i'r weithdrefn gwynion gynnwys -

(a) enw, cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol; a

(b) y weithdrefn, os oes un, y mae'r person cofrestredig wedi'i hysbysu ohoni gan y Cynulliad Cenedlaethol ar gyfer gwneud cwynion i'r Cynulliad Cenedlaethol.

(7) Rhaid i'r weithdrefn gwynion gynnwys darpariaeth ar gyfer datrys cwynion yn lleol ac mewn cyfnod cynnar, pan fo'n briodol.

(8) Os yw'r weithdrefn gwynion yn cynnwys darpariaeth ar gyfer ystyriaeth ffurfiol, rhaid i'r ddarpariaeth hon gael ei chymeradwyo gan y Cynulliad Cenedlaethol.".

(9) Ni roddir cymeradwyaeth y Cynulliad Cenedlaethol o dan (8) ond pan fo'r weithdrefn gwynion yn cynnwys darpariaeth i'r ystyriaeth ffurfiol gael ei gwneud gan berson sy'n annibynnol ar reolaeth yr asiantaeth.

(c) Yn lle rheoliad 20 (Cwynion - gofynion pellach) rhodder y canlynol -

"**Complaints**

19.-(1) The registered person must prepare and follow a written procedure ("the complaints procedure") for considering complaints made to the registered person by a person receiving adoption support services from the agency or by a person acting on their behalf.

(2) The complaints procedure must be appropriate to the needs of person receiving adoption support services from the agency.

(3) The complaints procedure must include provision for the consideration of complaints made about the registered person.

(4) The registered person must ensure that the following persons are aware of the existence of the complaints procedure and take all reasonable steps to give a copy of the complaints procedure in an appropriate format or such format as may be requested to-

(a) persons receiving adoption support services from the agency;

(b) representatives of person receiving adoption support services from the agency; and

(c) any authority which has arranged for the provision of an adoption support service by the agency.

(5) The registered person must ensure that the staff employed by the agency are informed about, given a copy of and appropriately trained in the operation of the complaints procedure.

(6) The complaints procedure must include -

(a) the name, address and telephone number of the appropriate office of the National Assembly; and

(b) the procedure, if any, that has been notified to the registered person by the National Assembly for the making of complaints to the National Assembly.

(7) The complaints procedure must include provision for the local resolution of complaints at an early stage where appropriate.

(8) Where the complaints procedure includes provision for a formal consideration, this provision must be approved by the National Assembly.

(9) The approval of the National Assembly under paragraph (8) will only be given where the complaints procedure includes provision for the formal consideration to be undertaken by a person who is independent of the management of the agency.

(c) Substitute regulation 20 (Complaints - further requirements) with the following -

"Ymdrin â chwynion

20.-(1) Rhaid i'r weithdrefn gwynion a lunnir o dan reoliad 19 gael ei gweithredu yn unol â'r egwyddor bod lles y personau sy'n cael gwasanaethau cymorth mabwysiadu gan yr asiantaeth yn cael ei ddiogelu a'i hybu a rhaid ystyried dymuniadau a theimladau canfyddadwy'r personau hynny.

(2) Pan fo cwyn yn cael ei gwneud, rhaid i'r person cofrestredig hysbysu'r achwynydd o'i hawl i gwyno i'r Cynulliad Cenedlaethol ar unrhyw bryd neu, pan fo'n berthnasol, i'r awdurdod lleol sydd wedi trefnu bod gwasanaethau cymorth mabwysiadu yn cael eu darparu gan yr asiantaeth.

(3) Rhaid i'r person cofrestredig roi gwybod i'r achwynydd am argaeledd unrhyw wasanaethau eiriolaeth y mae'r person cofrestredig yn credu y gallant fod o gymorth i'r achwynydd. Pan fo hynny'n berthnasol a phan fo'r achwynydd yn blentyn, rhaid i'r person cofrestredig roi gwybod i'r achwynydd bod rhaid i awdurdod lleol sy'n cael cwyn ddarparu gwybodaeth a chymorth i achwynyddion, ac yn neilltuol rhaid iddo gynnig cymorth i gael eiriolwr.

(4) Mewn unrhyw achos pan fyddai'n briodol gwneud hynny, caiff y person cofrestredig, gyda chytundeb yr achwynydd, wneud trefniadau ar gyfer cymodi, cyfryngu neu roi cymorth arall at ddibenion datrys y gwyn.

(5) Rhaid i'r person cofrestredig gadw cofnod ysgrifenedig o unrhyw gwyn, canlyniad yr ymchwiliad iddi ac unrhyw gamau a gymerwyd wrth ymateb i'r gwyn.

(6) Rhaid i'r person cofrestredig ddarparu i swyddfa briodol y Cynulliad Cenedlaethol, os bydd y Cynulliad Cenedlaethol yn gofyn amdano, ddatganiad sy'n cynnwys crynodeb o'r cwynion a wnaed yn ystod y deuddeng mis blaenorol a'r camau a gymerwyd wrth ymateb i bob cwyn.

Datrysiad Lleol

20A.-(1) Rhaid i gwynion sy'n cael eu trin yn lleol gael eu datrys gan y person cofrestredig cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 14 o ddiwrnodau.

(2) Os caiff y gwyn ei datrys o dan baragraff (1), rhaid i'r person cofrestredig gadarnhau'n ysgrifenedig i'r achwynydd y datrysiad y cytunwyd arno.

(3) Rhaid i'r person cofrestredig, ar gais y Cynulliad Cenedlaethol neu unrhyw awdurdod lleol sydd wedi trefnu darparu gwasanaethau cymorth mabwysiadu gan yr asiantaeth, gadarnhau'r datrysiad lleol i gwyn.

(4) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn am hyd at 14 o ddiwrnodau gwaith pellach gyda chytundeb yr achwynydd.

"Handling Complaints

20.-(1) The complaints procedure prepared under regulation 19 must be operated in accordance with the principle that the welfare of the persons receiving adoption support services from the agency is safeguarded and promoted and account must be taken of the ascertainable wishes and feelings of such persons.

(2) When a complaint is made, the registered person must advise the complainant of their right to at any time complain to the National Assembly or, where relevant, to the local authority which has arranged for the provision of adoption support services by the agency.

(3) The registered person must inform the complainant of the availability of any advocacy services which the registered person believes may be of assistance to the complainant. Where relevant and the complainant is a child, the registered person must advise the complainant that a local authority receiving a complaint must provide information and assistance for complainants, and must in particular offer help in obtaining an advocate.

(4) The registered person can in any case where it is appropriate to do so, and with the agreement of the complainant, make arrangements for conciliation, mediation or other assistance for the purposes of resolving the complaint.

(5) The registered person must keep a written record of any complaint, the outcome of the investigation and any action taken in response.

(6) The registered person must supply to the appropriate office of the National Assembly at its request a statement containing a summary of the complaints made during the preceding twelve months and the action taken in response to each complaint.

Local Resolution

20A.-(1) Complaints that are dealt with locally must be resolved by the registered person as soon as reasonably practicable and in any event within 14 days.

(2) Where the complaint is resolved under paragraph (1), the registered person must confirm in writing to the complainant the agreed resolution.

(3) The registered person must, at the request of the National Assembly or any local authority which has arranged for the provision of adoption support services by the agency, confirm the local resolution of a complaint.

(4) The time limit in paragraph (1) may be extended for up to a further 14 days with the agreement of the complainant.

Ystyriaeth Ffurfiol

20B.-(1) Rhaid i gwynion sy'n cael eu trin drwy gyfrwng ystyriaeth ffurfiol gael eu datrys cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 35 o ddiwrnodau i'r cais am ystyriaeth ffurfiol.

(2) Rhaid i ganlyniad ystyriaeth ffurfiol gael ei gadarnhau'n ysgrifenedig gan y person cofrestredig i'r achwynydd a rhaid i'r cadarnhad hwnnw grynho i natur a sylwedd y gwyn, yr ymchwiliad a wnaed, y casgliadau a'r camau sydd i'w cymryd o ganlyniad.

(3) Rhaid i'r person cofrestredig anfon copi o'r ymateb ysgrifenedig i gwyn i swyddfa briodol y Cynulliad Cenedlaethol ac at unrhyw awdurdod lleol sydd wedi trefnu darparu gwasanaethau cymorth mabwysiadu gan yr asiantaeth.

(4) Caniateir i'r terfyn amser ym mharagraff (1) gael ei estyn gyda chytundeb yr achwynydd.

(5) Os na chafodd y gwyn ei datrys o fewn 35 o ddiwrnodau ar ôl y cais am ystyriaeth ffurfiol, rhaid i'r person cofrestredig hysbysu swyddfa briodol y Cynulliad Cenedlaethol o'r gwyn a'r rhesymau dros yr oedi am ei datrys.

(6) Os plentyn yw'r achwynydd, rhaid i'r person cofrestredig benodi person annibynnol a fydd yn cymryd rhan mewn unrhyw ystyriaeth o'r cynrychioliadau gan y person cofrestredig.

Cwynion sy'n ddarostyngedig i ystyriaeth gydamserol

20D-(1) Pan fo a wnelo cwyn ag unrhyw fater-

(a) y mae'r achwynydd wedi datgan yn ysgrifenedig ei fod yn bwriadu codi achos mewn unrhyw lys neu dribiwnlys amdano, neu

(b) y mae'r person cofrestredig yn codi achos disgyblu amdano neu'n bwriadu codi achos disgyblu amdano, neu

(c) y mae'r person cofrestredig wedi cael ei hysbysu amdano bod ymchwiliad yn cael ei gynnal gan unrhyw berson neu gorff wrth ystyried achos troseddol; neu

(ch) y cynhaliwyd cyfarfod amdano sy'n cynnwys cyrff eraill gan gynnwys yr heddlu i drafod materion sy'n ymwneud ag amddiffyn plant neu oedolion agored i niwed, neu

(d) yr hysbyswyd y person cofrestredig amdano bod ymchwiliadau cyfredol wrth ystyried achos o dan adran 59 o Ddeddf Safonau Gofal 2000, rhaid i'r person cofrestredig ystyried, wrth ymgynghori â'r achwynydd ac unrhyw berson arall neu gorff arall y mae'n briodol yn ei farn ef ymgynghori ag ef, sut y dylid ymdrin

Formal Consideration

20B.-(1) Complaints that are dealt with by way of formal consideration must be resolved as soon as reasonably practicable and in any event within 35 days of the request for formal consideration.

(2) The outcome of a formal consideration must be confirmed in writing by the registered person to the complainant and must summarise the nature and substance of the complaint, the investigation undertaken, the conclusions and the action to be taken as a result.

(3) The registered person must send a copy of a written response to a complaint to the appropriate office of the National Assembly and any local authority which has arranged for the provision of adoption support services by the agency.

(4) The time limit in paragraph (1) may be extended with the agreement of the complainant.

(5) If the complaint has not been resolved within 35 days of the request for formal consideration, the registered person must notify the appropriate office of the National Assembly of the delay and reasons for the delay in resolution.

(6) If the complainant is a child the registered person must appoint an independent person who shall take part in any consideration of the representations by the registered person.

Complaints subject to concurrent consideration

20D.-(1) Where a complaint relates to any matter-

(a) about which the complainant has stated in writing that he or she intends to take proceedings in any court or tribunal, or

(b) about which the registered person is taking or is proposing to take disciplinary proceedings, or

(c) about which the registered person has been notified that an investigation is being conducted by any person or body in contemplation of criminal proceedings, or

(d) about which a meeting involving other bodies including the police has been convened to discuss issues relating to the protection of children or vulnerable adults, or

(e) about which the registered person has been notified that there are current investigations in contemplation of proceedings under section 59 of the Care Standards Act 2000, the registered person must consider, in consultation with the complainant and any other person or body which they consider

â'r gwyn. Rhaid cyfeirio at y cyfryw gwynion at ddibenion y rheoliad hwn fel "cwynion sy'n ddarostyngedig i ystyriaeth gydamserol".

(2) Caniateir peidio â pharhau i ystyried cwynion sy'n ddarostyngedig i ystyriaeth gydamserol os ymddengys ar unrhyw adeg i'r person cofrestredig y byddai parhau yn peryglu neu'n rhagfarnu'r ystyriaeth arall.

(3) Pan fo'r person cofrestredig yn penderfynu peidio â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r person cofrestredig roi hysbysiad am y penderfyniad hwnnw i'r achwynydd.

(4) Pan fo'r person cofrestredig yn peidio â pharhau i ystyried unrhyw gwyn o dan baragraff (2), gellir ailddechrau'r ystyriaeth ar unrhyw adeg.

(5) Os peidir â pharhau i ystyried cwyn o dan baragraff (2) rhaid i'r person cofrestredig ganfod pa mor bell y mae'r ystyriaeth gydamserol wedi mynd a hysbysu'r achwynydd pan fydd ar ben.

(6) Rhaid i'r person cofrestredig ailddechrau ystyried unrhyw gwyn pan beidir â pharhau â'r ystyriaeth gydamserol neu pan fydd wedi'i chwblhau a phan fo'r achwynydd yn gwneud cais i'r gwyn gael ei hystyried o dan y Rheoliadau hyn.".

Diwygio Rheoliadau Cofrestri Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002

11. Ym mharagraff 11 o Atodlen 3 i Reoliadau Cofrestri Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002(**1**), yn lle "carry on" rhodder "manage".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**2**)

5 Rhagfyr 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

(**1**) O.S. 2002 Rhif 919 (C.107).

(**2**) 1998 p.38.

appropriate to consult, how the complaint should be handled. Such complaints shall be referred to for the purposes of this regulation as "complaints subject to concurrent consideration".

(2) The consideration of complaints subject to concurrent consideration may be discontinued if at any time it appears to the registered person that to continue would compromise or prejudice the other consideration.

(3) Where the registered person decides to discontinue the consideration of a complaint under paragraph (2) the registered person must give notice of that decision to the complainant.

(4) Where the registered person discontinues the consideration of any complaint under paragraph (2), consideration can be resumed at any time.

(5) Where the consideration of a complaint has been discontinued under paragraph (2) the registered person must ascertain the progress of the concurrent consideration and notify the complainant when it has been concluded.

(6) The registered person must resume consideration of any complaint where the concurrent consideration is discontinued or completed and the complainant requests that the complaint be considered under these Regulations.".

Amendment of the Registration of Social Care and Independent Health Care (Wales) Regulations 2002

11. In paragraph 11 of Schedule 3 to the Registration of Social Care and Independent Health Care (Wales) Regulations 2002(**1**), substitute "carry on" with "manage".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**2**).

5 December 2006

The Presiding Officer of the National Assembly

(**1**) S.I. 2002 No.919 (W.107).

(**2**) 1998 c.38.

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