O F F E R Y N N A U S T A T U D O L C Y M R U

2026 Rhif 135

Rheoliadau Paneli Maethu (Sefydlu a Swyddogaethau) (Cymru) (Diwygio a Darpariaeth Drosiannol) 2026

Gwnaed *9 Tachwedd 2026*

Yn dod i rym yn unol â rheoliad 1(2) a (3)

W E L S H S T A T U T O R Y I N S T R U M E N T S

2026 No. 135

The Fostering Panels (Establishment and Functions) (Wales) (Amendment and Transitional Provision) Regulations 2026

Made *9 November 2026*

Coming into force in accordance with regulation 1(2) and (3)

£8.90

OFFERYNNAU STATUDOL CYMRU

2026 Rhif 135

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Paneli Maethu (Sefydlu a Swyddogaethau) (Cymru) (Diwygio a Darpariaeth Drosiannol) 2026

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Paneli Maethu (Sefydlu a Swyddogaethau) (Cymru) 2018 ("Rheoliadau 2018").

Mae rheoliad 2 yn mewnosod rheoliad newydd 8A yn Rheoliadau 2018.

Darpariaeth drosiannol dros dro yw rheoliad newydd 8A, a'i bwriad yw cefnogi'r gwaith o drosglwyddo gwasanaethau maethu i ddarparwyr nid-er-elw yn dilyn y newidiadau a wnaed gan Bennod 1 o Ddeddf Iechyd a Gofal Cymdeithasol (Cymru) 2025. Mae'n darparu i riant maeth gael ei drin fel pe bai wedi ei gymeradwyo gan ddarparwr olynol o dan amgylchiadau penodol. Yn fras, mae'r amgylchiadau hynny'n codi pan fo darparwr gwasanaethau maethu wedi peidio â darparu'r gwasanaeth maethu a bo darparwr gwasanaethau maethu nid-er-elw sy'n bodloni'r gofyniad yn adran 6A(1) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("Deddf 2016") yn dechrau darparu'r gwasanaeth maethu wedi hynny. Bwriad y ddarpariaeth yw sicrhau parhad gwasanaethau maethu a lleoliadau maeth, drwy osgoi'r angen i rieni maeth fynd drwy broses gymeradwyo newydd pan fo amodau parhad penodedig wedi eu bodloni.

Mae rheoliad 8A yn gymwys naill ai pan fo Gweinidogion Cymru wedi arfer y pŵer yn rheoliad 3B(3) o Reoliadau Gwasanaethau Rheoleiddiedig (Cofrestru) (Cymru) 2017 mewn perthynas â chofrestru'r darparwr olynol, neu pan fo Gweinidogion Cymru yn penderfynu o dan baragraff (3) fod parhad sylweddol rhwng y darparwr blaenorol a'r darparwr olynol. Wrth wneud penderfyniad o'r fath, rhaid i Weinidogion Cymru roi sylw i'r holl amgylchiadau, gan gynnwys parhad lleoliadau maeth, parhad o ran yr unigolyn cyfrifol, parhad o ran cyfarwyddwyr, ymddiriedolwyr neu ddeiliaid swyddi cyfatebol, parhad trefniadau gweithredol a goruchwylio, a pharhad o ran staff. Pan fo'r llwybr rheoliad 3B(3) yn gymwys, mae rhiant maeth yn cael ei drin fel pe bai wedi ei gymeradwyo naill ai o'r dyddiad y mae cofrestriad y darparwr olynol yn cymryd effaith, neu'r dyddiad y peidiodd

y darparwr blaenorol â darparu'r gwasanaeth maethu, pa ddyddiad bynnag yw'r diweddaraf. Pan fo'r llwybr parhad sylweddol yn gymwys, mae rhiant maeth yn cael ei drin fel pe bai wedi ei gymeradwyo o'r dyddiad y mae Gweinidogion Cymru yn gwneud eu penderfyniad.

Pan fo rheoliad 8A o Reoliadau 2018 yn gymwys, nid yw'r gofynion o dan Reoliadau 2018 sy'n ymwneud â phanel maethu yn ystyried achos y rhiant maeth, a gwneud penderfyniad ynghylch cymeradwyaeth y rhiant maeth, yn gymwys. Cyn gynted ag y bo'n rhesymol ymarferol ar ôl i riant maeth gael ei drin fel pe bai wedi ei gymeradwyo o dan reoliad 8A, rhaid i'r darparwr olynol gymryd pob cam rhesymol i'w fodloni ei hun bod gwybodaeth sy'n berthnasol i addasrwydd y rhiant maeth yn parhau i fod yn gyfredol ac yn ddilys. Rhaid i'r darparwr olynol hefyd sicrhau bod adolygiad o gymeradwyaeth y rhiant maeth yn cael ei gynnal o fewn 12 mis i'r dyddiad y mae'r rhiant maeth yn cael ei drin fel pe bai wedi ei gymeradwyo.

Mae rheoliad 3 yn dirymu rheoliad 8A o Reoliadau 2018 ar 1 Ebrill 2030. Mae rheoliad 3 hefyd yn darparu nad yw'r dirymu yn effeithio ar gymeradwyaeth rhiant maeth sy'n cael ei drin fel pe bai wedi ei gymeradwyo o dan reoliad 8A cyn 1 Ebrill 2030.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac ar y wefan ar www.llyw.cymru.

2026 Rhif 135

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Paneli Maethu (Sefydlu a Swyddogaethau) (Cymru) (Diwygio a Darpariaeth Drosiannol) 2026

Gwnaed *9 Tachwedd 2026*

Yn dod i rym yn unol â rheoliad 1(2) a (3)

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 87, 93 a 196(2)(a) a (b) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(**1**) ac adran 28(1)(a) a (b) o Ddeddf Iechyd a Gofal Cymdeithasol (Cymru) 2025(**2**).

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Paneli Maethu (Sefydlu a Swyddogaethau) (Cymru) (Diwygio a Darpariaeth Drosiannol) 2026.

(2) Yn ddarostyngedig i baragraff (3), daw'r Rheoliadau hyn i rym ar 21 Rhagfyr 2026.

(3) Daw rheoliad 3 i rym ar 1 Ebrill 2030.

Diwygio Rheoliadau Paneli Maethu (Sefydlu a Swyddogaethau) (Cymru) 2018

2.—(1) Mae Rheoliadau Paneli Maethu (Sefydlu a Swyddogaethau) (Cymru) 2018(**3**) wedi eu diwygio fel a ganlyn—

(2) Ar ôl rheoliad 8 mewnosoder—

"Cymeradwyaeth dybiedig gan ddarparwr gwasanaethau maethu olynol yn dilyn ailsefydlu fel endid nid-er-elw

8A.—(1) Mae'r rheoliad hwn yn gymwys—

(a) pan oedd rhiant maeth wedi ei gymeradwyo gan ddarparwr gwasanaethau maethu rheoleiddiedig ("y darparwr blaenorol"),

(b) pan fo'r darparwr blaenorol wedi peidio â darparu'r gwasanaeth maethu ar neu ar ôl dyddiad dod i rym y rheoliad hwn,

(c) pan fo darparwr gwasanaethau maethu nid-er-elw ("y darparwr olynol") yn dechrau darparu gwasanaeth maethu, a

(**1**) 2014 dccc 4.
(**2**) 2025 dsc 1.
(**3**) O.S. 2018/1333 (Cy. 260).

(d) pan fo naill ai paragraff (2) neu baragraff (3) yn gymwys.

(2) Mae'r paragraff hwn yn gymwys pan fo Gweinidogion Cymru wedi arfer y pŵer yn rheoliad 3B(3) o Reoliadau Gwasanaethau Rheoleiddiedig (Cofrestru) (Cymru) 2017(**4**) mewn perthynas â chofrestru'r darparwr olynol.

(3) Mae'r paragraff hwn yn gymwys pan fo Gweinidogion Cymru yn penderfynu bod parhad sylweddol rhwng y darparwr blaenorol a'r darparwr olynol.

(4) Wrth wneud y penderfyniad y cyfeirir ato ym mharagraff (3), rhaid i Weinidogion Cymru roi sylw i'r holl amgylchiadau, gan gynnwys—

(a) parhad lleoliadau maeth;

(b) parhad o ran yr unigolyn cyfrifol;

(c) parhad o ran y cyfarwyddwyr, yr ymddiriedolwyr neu'r deiliaid swyddi tebyg;

(d) parhad trefniadau gweithredol a goruchwylio;

(e) parhad o ran staff.

(5) Nid yw'r materion a restrir ym mharagraff (4) yn hollgynhwysfawr ac nid oes un mater yn benderfynodol.

(6) Pan fo paragraff (2) yn gymwys, mae'r rhiant maeth i'w drin fel pe bai wedi ei gymeradwyo gan y darparwr olynol o'r diweddaraf o'r canlynol—

(a) y dyddiad y mae cofrestriad y darparwr olynol yn cymryd effaith, neu

(b) y dyddiad y peidiodd y darparwr blaenorol â darparu'r gwasanaeth maethu.

(7) Pan fo paragraff (3) yn gymwys, mae'r rhiant maeth i'w drin fel pe bai wedi ei gymeradwyo gan y darparwr olynol o'r dyddiad y mae Gweinidogion Cymru yn gwneud y penderfyniad o dan baragraff (3).

(8) Mae rhiant maeth sy'n cael ei drin fel pe bai wedi ei gymeradwyo o dan baragraff (6) neu (7) yn ddarostyngedig i unrhyw delerau a oedd yn gymwys i gymeradwyaeth y rhiant maeth hwnnw yn union cyn i'r darparwr blaenorol beidio â darparu'r gwasanaeth maethu.

(9) O ran gofynion y Rheoliadau hyn sy'n ymwneud ag—

(a) panel maethu yn ystyried achos y rhiant maeth, a

(b) gwneud penderfyniad ynghylch cymeradwyaeth y rhiant maeth,

nid ydynt yn gymwys mewn perthynas â rhiant maeth sy'n cael ei drin fel pe bai wedi ei gymeradwyo o dan baragraff (6) neu (7).

(10) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl i riant maeth gael ei drin fel pe bai wedi ei gymeradwyo o dan baragraff (6) neu (7), rhaid i'r darparwr olynol gymryd pob cam rhesymol i'w fodloni ei hun bod yr wybodaeth a ddelir ganddo, sy'n berthnasol i addasrwydd y rhiant maeth, yn parhau i fod yn gyfredol ac yn ddilys.

(11) Rhaid i'r darparwr olynol sicrhau bod adolygiad o gymeradwyaeth y rhiant maeth yn cael ei gynnal o fewn 12 mis i'r dyddiad y mae'r rhiant maeth yn cael ei drin fel pe bai wedi ei gymeradwyo o dan baragraff (6) neu (7).

(12) Yn y rheoliad hwn—

ystyr "darparwr gwasanaethau maethu nid-er-elw" (*"not-for-profit fostering services provider"*) yw darparwr gwasanaeth sy'n bodloni'r gofyniad yn adran 6A(1) o Ddeddf 2016;

(**4**) O.S. 2017/1098 (Cy. 278). Mewnosodwyd rheoliad 3B gan reoliad 5 o Reoliadau Gwasanaethau Rheoleiddiedig (Cofrestru) (Cymru) (Diwygio) (Rhif 2) 2026 (O.S.C. 2026/38).

mae i “unigolyn cyfrifol” (*“responsible individual”*) yr ystyr a roddir yn adran 21(1) o Ddeddf 2016.”

Dirymu ac arbed

3.—(1) Mae rheoliad 8A o Reoliadau Paneli Maethu (Sefydlu a Swyddogaethau) (Cymru) 2018 wedi ei ddirymu.

(2) Nid yw dirymu rheoliad 8A yn effeithio ar—

(a) cymeradwyaeth rhiant maeth sy’n cael ei drin fel pe bai wedi ei gymeradwyo o dan y rheoliad hwnnw cyn 1 Ebrill 2030, na

(b) unrhyw ofyniad sy’n codi o dan reoliad 8A(9) neu (10) mewn perthynas â rhiant maeth o’r fath.

Delyth Jewell
Y Dirprwy Weinidog dros Ofal Cymdeithasol, Iechyd Meddwl ac Iechyd Menywod, o dan awdurdod y Gweinidog Cabinet dros Iechyd a Gofal, un o Weinidogion Cymru
9 Tachwedd 2026

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd y Brenin ar gyfer Cymru.

WELSH STATUTORY INSTRUMENTS

2026 No. 135

SOCIAL CARE, WALES

The Fostering Panels (Establishment and Functions) (Wales) (Amendment and Transitional Provision) Regulations 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 ("the 2018 Regulations").

Regulation 2 inserts new regulation 8A into the 2018 Regulations.

New regulation 8A is a temporary transitional provision intended to support the transfer of fostering services to not-for-profit providers following the changes made by Chapter 1 of the Health and Social Care (Wales) Act 2025. It provides for a foster parent to be treated as approved by a successor provider in certain circumstances. In broad terms, those circumstances arise where a fostering services provider has ceased to provide the fostering service and a not-for-profit fostering services provider that meets the requirement in section 6A(1) of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the 2016 Act") subsequently commences providing the fostering service. The provision is intended to ensure continuity of fostering services and placements, by avoiding the need for foster parents to undergo a fresh approval process where specified continuity conditions are met.

Regulation 8A applies either where the Welsh Ministers have exercised the power in regulation 3B(3) of the Regulated Services (Registration) (Wales) Regulations 2017 in relation to the registration of the successor provider, or where the Welsh Ministers determine under paragraph (3) that there is substantial continuity between the former provider and the successor provider. In making such a determination, the Welsh Ministers must have regard to all the circumstances, including continuity of foster placements, continuity of the responsible individual, continuity of directors, trustees or equivalent office holders, continuity of operational arrangements and oversight, and continuity of staff. Where the regulation 3B(3) route applies, a foster parent is treated as approved either from the date on which the successor provider's registration takes effect, or the date on

which the former provider ceased to provide the fostering service, whichever date is later. Where the substantial continuity route applies, a foster parent is treated as approved from the date on which the Welsh Ministers make their determination.

Where regulation 8A of the 2018 Regulations applies, the requirements under the 2018 Regulations relating to consideration of the foster parent's case by a fostering panel and the making of a determination as to the foster parent's approval do not apply. As soon as reasonably practicable after a foster parent is treated as approved under regulation 8A, the successor provider must take all reasonable steps to satisfy itself that information relevant to the foster parent's suitability remains current and valid. The successor provider must also ensure that a review of the foster parent's approval is carried out within 12 months of the date on which the foster parent is treated as approved.

Regulation 3 revokes regulation 8A of the 2018 Regulations on 1 April 2030. Regulation 3 also provides that the revocation does not affect the approval of a foster parent treated as approved under regulation 8A before 1 April 2030.

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

2026 No. 135

SOCIAL CARE, WALES

The Fostering Panels (Establishment and Functions) (Wales) (Amendment and Transitional Provision) Regulations 2026

Made *9 November 2026*

Coming into force in accordance with regulation 1(2) and (3)

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 87, 93 and 196(2)(a) and (b) of the Social Services and Well-being (Wales) Act 2014(**1**) and section 28(1)(a) and (b) of the Health and Social Care (Wales) Act 2025(**2**).

Title and coming into force

1.—(1) The title of these Regulations is the Fostering Panels (Establishment and Functions) (Wales) (Amendment and Transitional Provision) Regulations 2026.

(2) Subject to paragraph (3), these Regulations come into force on 21 December 2026.

(3) Regulation 3 comes into force on 1 April 2030.

Amendment of the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018

2.—(1) The Fostering Panels (Establishment and Functions) (Wales) Regulations 2018(**3**) are amended as follows—

(2) After regulation 8 insert—

"Deemed approval by successor fostering services provider following re-establishment as a not-for-profit entity

8A.—(1) This regulation applies where—

(a) a foster parent was approved by a regulated fostering services provider ("the former provider"),

(b) the former provider has ceased to provide the fostering service on or after the coming into force of this regulation,

(c) a not-for-profit fostering services provider ("the successor provider") commences providing a fostering service, and

(**1**) 2014 anaw 4.
(**2**) 2025 asc 1.
(**3**) S.I. 2018/1333 (W. 260).

(d) either paragraph (2) or paragraph (3) applies.

(2) This paragraph applies where the Welsh Ministers have exercised the power in regulation 3B(3) of the Regulated Services (Registration) (Wales) Regulations 2017(**4**) in relation to the registration of the successor provider.

(3) This paragraph applies where the Welsh Ministers determine that there is substantial continuity between the former provider and the successor provider.

(4) In making the determination referred to in paragraph (3), the Welsh Ministers must have regard to all the circumstances, including—

(a) continuity of foster placements;

(b) continuity of the responsible individual;

(c) continuity of the directors, trustees or similar office holders;

(d) continuity of operational arrangements and oversight;

(e) continuity of staff.

(5) The matters listed in paragraph (4) are not exhaustive and no one matter is determinative.

(6) Where paragraph (2) applies, the foster parent is to be treated as approved by the successor provider from the later of—

(a) the date on which the registration of the successor provider takes effect, or

(b) the date on which the former provider ceased to provide the fostering service.

(7) Where paragraph (3) applies, the foster parent is to be treated as approved by the successor provider from the date on which the Welsh Ministers make the determination under paragraph (3).

(8) A foster parent treated as approved under paragraph (6) or (7) is subject to any terms that applied to that foster parent's approval immediately before the former provider ceased to provide the fostering service.

(9) The requirements of these Regulations relating to—

(a) consideration of the foster parent's case by a fostering panel, and

(b) the making of a determination as to the foster parent's approval,

do not apply in relation to a foster parent who is treated as approved under paragraph (6) or (7).

(10) As soon as reasonably practicable after a foster parent is treated as approved under paragraph (6) or (7), the successor provider must take all reasonable steps to satisfy itself that the information that it holds, which is relevant to the foster parent's suitability, remains current and valid.

(11) The successor provider must ensure that a review of the foster parent's approval is carried out within 12 months of the date on which the foster parent is treated as approved under paragraph (6) or (7).

(12) In this regulation—

"not-for-profit fostering services provider" (*"darparwr gwasanaethau maethu nid-er-elw"*) means a service provider that meets the requirement in section 6A(1)(1) of the 2016 Act;

(**4**) S.I. 2017/1098 (W. 278). Regulation 3B was inserted by regulation 5 of the Regulated Services (Registration) (Wales) (Amendment) (No. 2) Regulations 2026 (W.S.I. 2026/38).

"responsible individual" (*"unigolyn cyfrifol"*) has the meaning given in section 21(1) of the 2016 Act."

Revocation and saving

3.—(1) Regulation 8A of the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 is revoked.

(2) The revocation of regulation 8A does not affect—

(a) the approval of a foster parent treated as approved under that regulation before 1 April 2030, nor

(b) any requirement arising under regulation 8A(9) or (10) in relation to such a foster parent.

Delyth Jewell
Deputy Minister for Social Care, Mental Health and Women's Health, under the authority of the Cabinet Minister for Health and Care, one of the Welsh Ministers
9 November 2026

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