OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2025 Rhif 1099 (Cy. 183)

2025 No. 1099 (W. 183)

Y GWASANAETH IECHYD GWLADOL, CYMRU

NATIONAL HEALTH SERVICE, WALES

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Trefniadau Pryderon, Cwynion ac Iawn) (Cymru) (Diwygio) 2025

The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) (Amendment) Regulations 2025

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Trefniadau Pryderon, Cwynion ac Iawn) (Cymru) 2011 (O.S. 2011/704 (Cy. 108)) ("y Prif Reoliadau").

Mae rheoliad 4 yn diwygio rheoliad 2 o'r Prif Reoliadau (dehongli), gan fewnosod diffiniadau newydd yn y ddarpariaeth honno.

Mae rheoliad 5 yn diwygio rheoliad 3 o'r Prif Reoliadau (egwyddorion cyffredinol ar gyfer trin ac ymchwilio i bryderon), er mwyn cynnwys darpariaeth i berson sy'n hysbysu pryder gael gwybod yn rheolaidd am gynnydd ac amserlenni, a darpariaeth ynghylch gofynion cyfathrebu.

Mae rheoliad 6 yn diwygio rheoliad 11 o'r Prif Reoliadau (hysbysu pryderon) er mwyn dileu croesgyfeiriad at ddarpariaeth a hepgorir gan y Rheoliadau hyn.

Mae rheoliad 7 yn diwygio rheoliad 14 o'r Prif Reoliadau (materion a phryderon a eithrir rhag eu hystyried o dan y trefniadau) i ychwanegu eithriad rhag cwmpas y Prif Reoliadau pan fo'r corff cyfrifol yn ystyried bod y pryder yn flinderus neu'n wacsaw, ac i ddarparu bod pryderon a ddatrysir drwy'r weithdrefn datrys yn gynnar wedi eu heithrio rhag cwmpas rheoliadau penodedig.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011 (S.I. 2011/704 (W. 108)) ("the Principal Regulations").

Regulation 4 amends regulation 2 of the Principal Regulations (interpretation), inserting new definitions into that provision.

Regulation 5 amends regulation 3 of the Principal Regulations (general principles for the handling and investigation of concerns), including provision for a person who notifies a concern to be kept informed of progress and time frames and about communication requirements.

Regulation 6 amends regulation 11 of the Principal Regulations (notification of concerns) to remove a cross-reference to a provision which is omitted by these Regulations.

Regulation 7 amends regulation 14 of the Principal Regulations (matters and concerns excluded from consideration under the arrangements) to add an exclusion from the scope of the Principal Regulations where the responsible body considers the concern to be vexatious or frivolous, and to provide that concerns that are resolved through the early resolution procedure are excluded from the scope of specified regulations.

Mae rheoliad 8 yn diwygio rheoliad 17 o'r Prif Reoliadau (pryderon sy'n ymwneud â mwy nag un corff cyfrifol) i ddiwygio'r amserlenni ar gyfer ceisio cydsyniad, gan berson sy'n hysbysu pryder, i hysbysu'r cyrff cyfrifol eraill sy'n gysylltiedig, a'r amserlen ar gyfer rhoi'r hysbysiad hwnnw.

Regulation 8 amends regulation 17 of the Principal Regulations (concerns involving more than one responsible body) to amend the time frames for seeking consent, from a person who notifies a concern, to notify the other responsible bodies involved, and the time frame for giving that notification.

Mae rheoliadau 9 a 10 yn diwygio rheoliadau 19 (camau sydd i'w cymryd pan hysbysir pryder i Fwrdd Iechyd Lleol ynghylch gwasanaethau a ddarperir gan ddarparwr gofal sylfaenol) ac 20 (camau sydd i'w cymryd pan hysbysir pryder i Fwrdd Iechyd Lleol gan ddarparwr gofal sylfaenol) o'r Prif Reoliadau, yn y drefn honno. Mae'r diwygiadau yn pennu o dan ba amgylchiadau y mae darparwyr gofal sylfaenol, ac nid y Bwrdd Iechyd Lleol, i geisio datrys pryder drwy'r weithdrefn datrys yn gynnar.

Regulations 9 and 10 amend regulations 19 (action to be taken where a Local Health Board receives notification of a concern about services provided by a primary care provider) and 20 (action to be taken where a Local Health Board receives notification of a concern from a primary care provider) of the Principal Regulations, respectively. The amendments specify the circumstances in which primary care providers are to attempt to resolve a concern through the early resolution procedure, and not the Local Health Board.

Mae rheoliad 11 yn diwygio rheoliad 22 o'r Prif Reoliadau (y weithdrefn cyn ymchwilio) i ychwanegu materion pellach i'r corff cyfrifol gynnig eu trafod â'r person sy'n hysbysu'r pryder, a gofynion pellach pan fo trafodaeth o'r fath yn digwydd, gan gynnwys gofyniad i gadw cofnodion o gynigion i drafod o dan y ddarpariaeth honno.

Regulation 11 amends regulation 22 of the Principal Regulations (procedure before investigation) to add further matters for the responsible body to offer to discuss with the person notifying the concern, and further requirements where such a discussion takes place including a requirement to keep records of offers of discussions under that provision.

Mae rheoliad 12 yn mewnosod rheoliad 22A yn y Prif Reoliadau, sy'n gwneud darpariaeth ynghylch y cyfnod datrys yn gynnar a'r weithdrefn datrys yn gynnar.

Regulation 12 inserts regulation 22A into the Principal Regulations, making provision regarding the early resolution period and early resolution procedure.

Mae rheoliad 13 yn mewnosod rheoliad 24A yn y Prif Reoliadau, sy'n gwneud darpariaeth i alluogi atal dros dro y weithdrefn datrys yn gynnar neu ymchwiliad wrth aros am ganlyniad ymholiad diogelu, ymchwiliad troseddol neu achos troseddol.

Regulation 13 inserts regulation 24A into the Principal Regulations, making provision to enable the suspension of the early resolution procedure or an investigation pending the outcome of a safeguarding enquiry, criminal investigation or criminal proceedings.

Mae rheoliad 14 yn diwygio rheoliad 26 o'r Prif Reoliadau (ymateb i ymchwiliad o dan reoliad 23 pan benderfynir bod, neu y gall fod, atebolrwydd cymwys) i ddiwygio'r amserlenni ar gyfer darparu adroddiad interim, ac adroddiad ar ymchwiliad o dan reoliad 31.

Regulation 14 amends regulation 26 of the Principal Regulations (response to an investigation under regulation 23 where it is decided that there is or there may be a qualifying liability) to amend the time frames for providing an interim report, and an investigation report under regulation 31.

Mae rheoliad 15 yn diwygio rheoliad 29 o'r Prif Reoliadau (iawn – digolledïad ariannol) i gynyddu'r terfyn ar gyfer yr elfen o ddigolledïad ariannol yn yr iawn at ddibenion Rhan 6.

Regulation 15 amends regulation 29 of the Principal Regulations (redress – financial compensation) to increase the limit for the financial compensation element of redress for the purposes of Part 6.

Mae rheoliad 16 yn diwygio rheoliad 31 o'r Prif Reoliadau (adroddiad yr ymchwiliad) i gynnwys gofyniad i gorff GIG Cymru (fel y'i diffinnir yn rheoliad 2(1) o'r Prif Reoliadau) gynnig trafod adroddiad ar ymchwiliad, pan fo'r corff wedi darparu adroddiad, at ddibenion Rhan 6.

Regulation 16 amends regulation 31 of the Principal Regulations (investigation report) to include a requirement for a Welsh NHS body (as defined in regulation 2(1) of the Principal Regulations) to offer to discuss an investigation report, where it has provided one, for the purposes of Part 6.

Mae rheoliad 17 yn diwygio rheoliad 33 o'r Prif Reoliadau (iawn – hysbysu ynghylch penderfyniad), i leihau'r amserlen y mae rhaid i gorff GIG Cymru hysbysu ynghylch penderfyniad oddi mewn iddi at ddibenion Rhan 6.

Regulation 17 amends regulation 33 of the Principal Regulations (redress – communication of a decision) to reduce the time frame within which a Welsh NHS body must communicate a decision for the purposes of Part 6.

Mae rheoliad 18 yn diwygio rheoliad 40 o'r Prif Reoliadau (ymateb i ymchwiliad o dan reoliad 39 pan fo corff GIG Cymru o'r farn bod, neu y gall fod, atebolrwydd cymwys) i ddiwygio'r amserlenni ar gyfer darparu adroddiad interim, ac adroddiad ar ymchwiliad o dan reoliad 46.

Regulation 18 amends regulation 40 of the Principal Regulations (response to an investigation under regulation 39 where a Welsh NHS body is of the opinion that there is, or there may be, a qualifying liability) to amend the time frames for providing an interim report, and an investigation report under regulation 46.

Mae rheoliad 19 yn diwygio rheoliad 44 o'r Prif Reoliadau (iawn – digolledïad ariannol) i gynyddu'r terfyn ar gyfer yr elfen o ddigolledïad ariannol yn yr iawn at ddibenion Rhan 7.

Regulation 19 amends regulation 44 of the Principal Regulations (redress – financial compensation) to increase the limit for the financial compensation element of redress for the purposes of Part 7.

Mae rheoliad 20 yn diwygio rheoliad 46 o'r Prif Reoliadau (adroddiad yr ymchwiliad) i gynnwys gofyniad i gorff GIG Cymru gynnig trafod adroddiad ar ymchwiliad, pan fo'r corff wedi darparu adroddiad, at ddibenion Rhan 7.

Regulation 20 amends regulation 46 of the Principal Regulations (investigation report) to include a requirement for a Welsh NHS body to offer to discuss an investigation report, where it has provided one, for the purposes of Part 7.

Mae rheoliad 21 yn diwygio rheoliad 48 o'r Prif Reoliadau (iawn – hysbysu ynghylch penderfyniad) i leihau'r amserlen y mae rhaid i gorff GIG Cymru hysbysu ynghylch penderfyniad oddi mewn iddi at ddibenion Rhan 7.

Regulation 21 amends regulation 48 of the Principal Regulations (redress – communication of a decision) to reduce the time frame within which a Welsh NHS body must communicate a decision for the purposes of Part 7.

Mae rheoliad 22 yn diwygio rheoliad 50 o'r Prif Reoliadau (monitro gweithrediad y trefniadau i ymdrin â phryderon) i ychwanegu gofynion newydd o ran cadw cofnodion ynghylch a wnaed cynnig o iawn, ac unrhyw benderfyniad nad oes angen cyngor meddygol annibynnol mewn perthynas â phryderon sy'n ymwneud â marwolaeth claf, neu niwed cymedrol neu ddifrifol iddo.

Regulation 22 amends regulation 50 of the Principal Regulations (monitoring the operation of arrangements for dealing with concerns) to add new record-keeping requirements regarding whether an offer of redress was made, and any determination that independent medical advice is not required in relation to concerns involving the death of, or moderate or severe harm to, a patient.

Mae rheoliad 23 yn diwygio rheoliad 51 o'r Prif Reoliadau (yr adroddiad blynyddol) i'w gwneud yn ofynnol i Fwrdd Iechyd Lleol gynnwys adroddiadau blynyddol cyrff cyfrifol yn ei adroddiad blynyddol ei hun o dan amgylchiadau penodedig.

Regulation 23 amends regulation 51 of the Principal Regulations (annual report) to require a Local Health Board to include the annual reports of responsible bodies in its own annual report in specified circumstances.

Mae rheoliad 24 yn cynnwys darpariaeth drosiannol.

Regulation 24 contains transitional provision.

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 https://www.llyw.cymru.

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 https://www.gov.wales.

2025 Rhif 1099 (Cy. 183)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Trefniadau Pryderon, Cwynion ac Iawn) (Cymru) (Diwygio) 2025

Gwnaed	*15 Hydref 2025*
Yn dod i rym	*1 Ebrill 2026*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan: adrannau 113(2), (3), 115(1), (2), (5), (6) a 195(1) o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003(**1**); adrannau 1(1) i (4)(a), (5), (6), 2(1), (2), (4), (5), (6)(a), 3(1), (2)(b) i (d), 4(1), (2)(a), 5, 9(1) i (5), (7) ac 11(2) a (3) o Fesur Gwneud Iawn am Gamweddau'r GIG (Cymru) 2008(**2**).

(**1**) 2003 p. 43. Mewnosodwyd adran 113(2)(d) o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 ("Deddf 2003") gan adran 10 o Fesur Gwneud Iawn am Gamweddau'r GIG (Cymru) 2008 (mccc 1). Diddymwyd adran 113(3)(b) o Ddeddf 2003 gan y darpariaethau a ganlyn o Ddeddf Iechyd a Gofal Cymdeithasol 2008 (p. 14): adran 95 a pharagraff 45 o Atodlen 5; adran 166 a Rhan 1 o Atodlen 15. *Gweler* adran 148 o Ddeddf 2003 am y diffiniadau o "NHS body" a "Welsh NHS body", ac adran 194 am y diffiniad o "the Assembly". Diwygiwyd adran 115(1) o Ddeddf 2003 gan reoliad 206 o O.S. 2016/413 (Cy. 131). Mae swyddogaethau Cynulliad Cenedlaethol Cymru yn arferadwy bellach gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(**2**) 2008 mccc 1.

2025 No. 1099 (W. 183)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) (Amendment) Regulations 2025

Made	*15 October 2025*
Coming into force	*1 April 2026*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by: sections 113(2), (3), 115(1), (2), (5), (6) and 195(1) of the Health and Social Care (Community Health and Standards) Act 2003(**1**); sections 1(1) to (4)(a), (5), (6), 2(1), (2), (4), (5), (6)(a), 3(1), (2)(b) to (d), 4(1), (2)(a), 5, 9(1) to (5), (7) and 11(2) and (3) of the NHS Redress (Wales) Measure 2008(**2**).

(**1**) 2003 c. 43. Section 113(2)(d) of the Health and Social Care (Community Health and Standards) Act 2003 ("the 2003 Act") was inserted by section 10 of the NHS Redress (Wales) Measure 2008 (nawm 1). Section 113(3)(b) of the 2003 Act was repealed by the following provisions of the Health and Social Care Act 2008 (c. 14): section 95 and paragraph 45 of Schedule 5; section 166 and Part 1 of Schedule 15. *See* section 148 of the 2003 Act for the definitions of "NHS body" and "Welsh NHS body", and section 194 for the definition of "the Assembly". Section 115(1) of the 2003 Act was amended by regulation 206 of S.I. 2016/413 (W. 131). The functions of the National Assembly for Wales are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(**2**) 2008 nawm 1.

Gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad yn unol ag adran 11(6)(c) o Fesur Gwneud Iawn am Gamweddau'r GIG (Cymru) 2008(**1**).

A draft of these Regulations was laid before, and approved by resolution of, Senedd Cymru in accordance with section 11(6)(c) of the NHS Redress (Wales) Measure 2008(**1**).

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Trefniadau Pryderon, Cwynion ac Iawn) (Cymru) (Diwygio) 2025.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2026.

Title and coming into force

1.—(1) The title of these Regulations is the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) (Amendment) Regulations 2025.

(2) These Regulations come into force on 1 April 2026.

Dehongli

2.—(1) Yn y Rheoliadau hyn, ystyr "y Prif Reoliadau" yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Trefniadau Pryderon, Cwynion ac Iawn) (Cymru) 2011(**2**).

(2) Oni nodir yn wahanol yn y Rheoliadau hyn, mae i ymadroddion a ddefnyddir yn y Rheoliadau hyn yr un ystyr ag a roddir yn y Prif Reoliadau.

Interpretation

2.—(1) In these Regulations, "the Principal Regulations" means the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011(**2**).

(2) Unless stated otherwise in these Regulations, expressions used in these Regulations have the same meaning as given in the Principal Regulations.

Diwygio'r Prif Reoliadau

3. Mae'r Prif Reoliadau wedi eu diwygio fel y nodir yn rheoliadau 4 i 23.

Amendments to the Principal Regulations

3. The Principal Regulations are amended as set out at regulations 4 to 23.

Diwygio rheoliad 2

4. Yn rheoliad 2(1) (dehongli), yn y lleoedd priodol mewnosoder—

> "ystyr "cyfathrebu uniongyrchol" ("*in-person communication*") yw cyfathrebu sy'n digwydd drwy alwad ffôn, drwy gyfathrebu clyweledol neu drwy gyfarfod wyneb yn wyneb;";

Amendment to regulation 2

4. In regulation 2(1) (interpretation), at the appropriate places insert—

> ""early resolution period" ("*cyfnod datrys yn gynnar*") means a period of no longer than 10 working days beginning with the day on which the responsible body acknowledged receipt of the notification of the concern;";

(**1**) *Gweler* hefyd adran 40 o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) am ddarpariaeth ynghylch y weithdrefn sy'n gymwys i'r offeryn hwn. Mae'r cyfeiriad yn adran 11(6) o Fesur Gwneud Iawn am Gamweddau'r GIG (Cymru) 2008 at "the National Assembly for Wales" bellach yn cael effaith fel cyfeiriad at Senedd Cymru, yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006. Mae'r cyfeiriad at y naill Dŷ Senedd neu'r llall yn adran 195(6) o Ddeddf 2003 i'w ddarllen fel cyfeiriad at Senedd Cymru yn rhinwedd adrannau 150A(2) a 162(1) o Ddeddf Llywodraeth Cymru 2006, a pharagraff 34(1) a (2) o Atodlen 11 iddi.

(**2**) O.S. 2011/704 (Cy. 108), a ddiwygiwyd gan O.S. 2011/1706 (Cy. 192), O.S. 2013/235, O.S. 2022/634, O.S. 2023/274 (Cy. 41), O.S. 2023/281 (Cy. 42), O.S. 2023/1053 (Cy. 179) ac O.S. 2023/1071.

(**1**) *See* also section 40 of the Legislation (Wales) Act 2019 (anaw 4) for provision about the procedure that applies to this instrument. The reference in section 11(6) of the NHS Redress (Wales) Measure 2008 to the National Assembly for Wales now has effect as a reference to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006. The reference to either House of Parliament in section 195(6) of the 2003 Act is to be read as a reference to Senedd Cymru by virtue of sections 150A(2) and 162(1) of, and paragraph 34(1) and (2) of Schedule 11 to, the Government of Wales Act 2006.

(**2**) S.I. 2011/704 (W. 108), amended by S.I. 2011/1706 (W. 192), S.I. 2013/235, S.I. 2022/634, S.I. 2023/274 (W. 41), S.I. 2023/281 (W. 42), S.I. 2023/1053 (W. 179) and S.I. 2023/1071.

"ystyr "cyfnod datrys yn gynnar" ("*early resolution period*") yw cyfnod nad yw'n hwy na 10 niwrnod gwaith sy'n dechrau â'r diwrnod y cydnabu'r corff cyfrifol ei fod wedi cael yr hysbysiad o'r pryder;";

"ystyr "gweithdrefn datrys yn gynnar" ("*early resolution procedure*") yw'r camau y mae'n ofynnol i gorff cyfrifol eu cymryd yn unol â rheoliad 22A i geisio datrys y pryder er boddhad y person a hysbysodd y pryder heb symud ymlaen i ymchwiliad o dan reoliad 23;".

Diwygio rheoliad 3

5.—(1) Mae rheoliad 3(1) (egwyddorion cyffredinol ar gyfer trin ac ymchwilio i bryderon) wedi ei ddiwygio fel a ganlyn.

(2) Ar ôl is-baragraff (f) mewnosoder—

"(fa) bod personau sy'n hysbysu pryderon yn cael gwybod yn rheolaidd am gynnydd yr ymchwiliad mewn perthynas â'r pryder a'r amserlen debygol ar gyfer cwblhau'r ymchwiliad hwnnw;".

(3) Ar ôl is-baragraff (g) hepgorer "ac" a mewnosoder—

"(ga) bod unrhyw gyfathrebu â phersonau sy'n hysbysu pryderon—

(i) i'r graddau y bo'n rhesymol bosibl, yn cael ei ddarparu mewn modd y gall y person a hysbysodd y pryder ei ddeall;

(ii) pan fo'n briodol, yn darparu esboniad o dermau cyfreithiol neu dermau meddygol;

(iii) i'r graddau y bo'n rhesymol bosibl, yn cael ei ddarparu yn y modd y mae'r person a hysbysodd y pryder wedi gofyn amdano; ac".

Diwygio rheoliad 11

6. Ar ddechrau rheoliad 11(2) (hysbysu pryderon), yn lle "Yn ddarostyngedig i reoliad 14(1)(dd) pan" rhodder "Pan".

Diwygio rheoliad 14

7.—(1) Mae rheoliad 14 (materion a phryderon a eithrir rhag eu hystyried o dan y trefniadau) wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (1)—

(a) hepgorer is-baragraff (dd);

""early resolution procedure" ("*gweithdrefn datrys yn gynnar*") means the steps required to be taken by a responsible body in accordance with regulation 22A to attempt to resolve the concern to the satisfaction of the person who notified the concern without proceeding to an investigation under regulation 23;";

""in-person communication" ("*cyfathrebu uniongyrchol*") means communication that is made by telephone call, audio-visual communication or a face-to-face meeting;".

Amendment to regulation 3

5.—(1) Regulation 3(1) (general principles for the handling and investigation of concerns) is amended as follows.

(2) After sub-paragraph (h) insert—

"(ha) persons who notify concerns are kept informed of the progress of the investigation in relation to the concern and the likely time frame for completing that investigation;".

(3) After sub-paragraph (j) omit "and" and insert—

"(ja) any communication with persons who notify concerns—

(i) as far as reasonably possible, is provided in a manner that the person who notified the concern can understand;

(ii) where appropriate, provides an explanation of legal or medical terms;

(iii) as far as reasonably possible, is provided in the manner in which the person who notified the concern has requested; and".

Amendment to regulation 11

6. At the beginning of regulation 11(2) (notification of concerns), for "Subject to regulation 14(1)(f), where" substitute "Where".

Amendment to regulation 14

7.—(1) Regulation 14 (matters and concerns excluded from consideration under the arrangements) is amended as follows.

(2) In paragraph (1)—

(a) omit sub-paragraph (f);

(b) yn is-baragraff (e), yn lle "ag is-baragraff (dd)" rhodder "â pharagraff (5)";

(c) ar ôl is-baragraff (f) mewnosoder—

"(fa) pryder y mae'r corff cyfrifol o'r farn ei fod yn flinderus neu'n wacsaw;".

(3) Ar ddechrau paragraff (2), yn lle "Yn ddarostyngedig i baragraff (3), pan" rhodder "Pan".

(4) Hepgorer paragraff (3).

(5) Ar ôl paragraff (4) mewnosoder—

"(5) Mae pryder a ddatrysir yn ystod y cyfnod datrys yn gynnar yn unol â'r weithdrefn datrys yn gynnar wedi ei eithrio o briod faes y trefniadau sy'n ofynnol o dan reoliadau 23 i 48. "

Diwygio rheoliad 17

8. Mae rheoliad 17(2) (pryderon sy'n ymwneud â mwy nag un corff cyfrifol) wedi ei ddiwygio fel a ganlyn—

(a) yn is-baragraff (a), yn lle'r geiriau o "o fewn dau" hyd at "o bryder, gofyn" rhodder "ddim hwyrach na phum niwrnod gwaith ar ôl y diwrnod y mae'n cael hysbysiad o'r pryder, ofyn";

(b) yn is-baragraff (b), yn lle "o fewn dau ddiwrnod gwaith ar ôl cael" rhodder "ddim hwyrach na dau ddiwrnod gwaith ar ôl y diwrnod y mae'n cael".

Diwygio rheoliad 19

9.—(1) Mae rheoliad 19 (camau sydd i'w cymryd pan hysbysir pryder i Fwrdd Iechyd Lleol ynghylch gwasanaethau a ddarperir gan ddarparwr gofal sylfaenol) wedi ei ddiwygio fel a ganlyn.

(2) Ar ddechrau paragraff (1), yn lle "Pan fo" rhodder "Yn ddarostyngedig i baragraff (5), pan fo".

(3) Ar ôl paragraff (4) mewnosoder—

"(5) Os yw'r person sy'n hysbysu'r pryder wedi rhoi caniatâd i'r corff cyfrifol geisio datrys y pryder yn ystod y cyfnod datrys yn gynnar yn unol â rheoliad 22A, y darparwr gofal sylfaenol, ac nid y Bwrdd Iechyd Lleol, yw'r corff cyfrifol y mae rhaid iddo geisio datrys y pryder yn ystod y cyfnod datrys yn gynnar, oni bai bod amgylchiadau eithriadol yn gymwys."

Diwygio rheoliad 20

10.—(1) Mae rheoliad 20 (camau sydd i'w cymryd pan hysbysir pryder i Fwrdd Iechyd Lleol gan ddarparwr gofal sylfaenol) wedi ei ddiwygio fel a ganlyn.

(b) in sub-paragraph (g), for "sub-paragraph (f)" substitute "paragraph (5)";

(c) after sub-paragraph (h) insert—

"(ha) a concern which the responsible body considers is vexatious or frivolous;".

(3) At the beginning of paragraph (2), for "Subject to paragraph (3), where" substitute "Where".

(4) Omit paragraph (3).

(5) After paragraph (4) insert—

"(5) A concern which is resolved during the early resolution period in accordance with the early resolution procedure is excluded from the scope of the arrangements required under regulations 23 to 48."

Amendment to regulation 17

8. Regulation 17(2) (concerns involving more than one responsible body) is amended as follows—

(a) in sub-paragraph (a), for the words from "within two" to "of the concern" substitute "not later than five working days after the day on which it receives notification of the concern";

(b) in sub-paragraph (b), for "within two working days of receipt of" substitute "not later than two working days after the day on which it receives".

Amendment to regulation 19

9.—(1) Regulation 19 (action to be taken where a Local Health Board receives notification of a concern about services provided by a primary care provider) is amended as follows.

(2) At the beginning of paragraph (1), for "When a" substitute "Subject to paragraph (5), when a".

(3) After paragraph (4) insert—

"(5) If the person notifying the concern has consented to the responsible body attempting to resolve the concern during the early resolution period in accordance with regulation 22A, the primary care provider is the responsible body who must attempt to resolve the concern during the early resolution period, not the Local Health Board, unless exceptional circumstances apply."

Amendment to regulation 20

10.—(1) Regulation 20 (action to be taken where a Local Health Board receives notification of a concern from a primary care provider) is amended as follows.

(2) Ar ddechrau paragraff (1), yn lle "Pan fo" rhodder "Yn ddarostyngedig i baragraff (5), pan fo".

(3) Ar ôl paragraff (4) mewnosoder—

"(5) Os yw'r person sy'n hysbysu'r pryder wedi rhoi caniatâd i'r corff cyfrifol geisio datrys y pryder yn ystod y cyfnod datrys yn gynnar yn unol â rheoliad 22A, y darparwr gofal sylfaenol, ac nid y Bwrdd Iechyd Lleol, yw'r corff cyfrifol y mae rhaid iddo geisio datrys y pryder yn ystod y cyfnod datrys yn gynnar, oni bai bod amgylchiadau eithriadol yn gymwys."

Diwygio rheoliad 22

11.—(1) Mae rheoliad 22 (y weithdrefn cyn ymchwilio) wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (1), hepgorer "14(1)(dd) neu".

(3) Ar ddiwedd paragraff (4)(c)(ii), hepgorer yr atalnod llawn a mewnosoder—

";

(ch) y datrysiad neu'r canlyniad y mae'n dymuno ei gael mewn perthynas â'r pryder y mae wedi ei hysbysu;

(d) ei ddealltwriaeth o ffeithiau ac amgylchiadau'r pryder y mae wedi ei hysbysu, a'i safbwynt arnynt;

(dd) y dull cyfathrebu a ffefrir gan y person ac a oes ganddo unrhyw ofynion cyfathrebu penodol;

(e) ac eithrio pan fo ymchwiliad o dan reoliad 23 wedi dechrau mewn perthynas â'r pryder, y weithdrefn datrys yn gynnar, gan gynnwys—

(i) a yw'r corff cyfrifol o'r farn bod y weithdrefn datrys yn gynnar yn briodol o dan yr amgylchiadau, a

(ii) os yw'r corff cyfrifol o'r farn nad yw'r weithdrefn datrys yn gynnar yn briodol (er enghraifft oherwydd cymhlethdod neu ddifrifoldeb), y rheswm dros hyn;

(f) mai dim ond pan gynhelir ymchwiliad o dan reoliad 23 y gall asesiad ddigwydd ynghylch a oes atebolrwydd cymwys yn bodoli mewn perthynas â'r pryder a hysbyswyd;

(2) At the beginning of paragraph (1), for "When a" substitute "Subject to paragraph (5), when a".

(3) After paragraph (4) insert—

"(5) If the person notifying the concern has consented to the responsible body attempting to resolve the concern during the early resolution period in accordance with regulation 22A, the primary care provider is the responsible body who must attempt to resolve the concern during the early resolution period, not the Local Health Board, unless exceptional circumstances apply."

Amendment to regulation 22

11.—(1) Regulation 22 (procedure before investigation) is amended as follows.

(2) In paragraph (1), omit "14(1)(f) or".

(3) At the end of paragraph (4)(c)(ii), omit the full stop and insert—

";

(d) the resolution or outcome they desire in relation to the concern they have notified;

(e) their understanding of, and perspective on, the facts and circumstances of the concern they have notified;

(f) the person's preferred method of communication and whether they have any specific communication requirements;

(g) except where an investigation under regulation 23 has begun in relation to the concern, the early resolution procedure, including—

(i) whether the responsible body considers that the early resolution procedure is appropriate in the circumstances, and

(ii) if the responsible body considers that the early resolution procedure is not appropriate (for example due to complexity or severity), the reason for this;

(h) that an assessment of whether a qualifying liability exists in relation to the concern notified can only take place where an investigation under regulation 23 is undertaken;

(ff) pan fo'r corff cyfrifol o'r farn bod y cyfnod datrys yn gynnar yn briodol o dan yr amgylchiadau, a yw'r person a hysbysodd y pryder yn rhoi caniatâd i'r corff cyfrifol geisio datrys y pryder yn unol â'r weithdrefn datrys yn gynnar."

(i) where the responsible body considers that the early resolution period is appropriate in the circumstances, whether the person who notified the concern consents to the responsible body attempting to resolve the concern in accordance with the early resolution procedure."

(4) Ar ôl paragraff (4) mewnosoder—

"(4A) Pan fo'r person a hysbysodd y pryder yn derbyn y cynnig o drafodaeth o dan baragraff (4), rhaid i drafodaeth o'r fath fod drwy ddull cyfathrebu uniongyrchol.

(4B) Pan fo'r corff cyfrifol yn cael ei hysbysu bod angen unrhyw wasanaethau a grybwyllir ym mharagraff (4)(b) ar y person a hysbysodd y pryder, pan fydd yn trefnu trafodaeth o dan baragraff (4), rhaid i'r corff cyfrifol ystyried yr angen i sicrhau bod gwasanaethau o'r fath yn cael eu darparu yn y drafodaeth honno.

(4C) Rhaid i'r corff cyfrifol gadw cofnod o'r canlynol—

(a) pa un a yw'r cynnig o drafodaeth o dan baragraff (4) yn cael ei dderbyn ai peidio, a

(b) os yw'r cynnig yn cael ei dderbyn, y materion a drafodwyd."

(4) After paragraph (4) insert—

"(4A) Where the person who notified the concern accepts the offer of a discussion under paragraph (4), such discussion must be by in-person communication.

(4B) Where the responsible body is notified that any services mentioned in paragraph (4)(b) are required by the person who notified the concern, when arranging a discussion under paragraph (4), the responsible body must take into account the need to ensure that such services are provided at that discussion.

(4C) The responsible body must keep a record of—

(a) whether or not the offer of a discussion under paragraph (4) is accepted, and

(b) if the offer is accepted, the matters discussed."

Mewnosod rheoliad 22A

12. Ar ôl rheoliad 22 (y weithdrefn cyn ymchwilio) mewnosoder—

"Y cyfnod datrys yn gynnar a'r weithdrefn datrys yn gynnar

22A.—(1) Mae'r rheoliad hwn yn gymwys—

(a) pan fo person sydd wedi hysbysu pryder wedi rhoi caniatâd (yn ystod trafodaeth o dan reoliad 22(4) neu o dan baragraff (2)) i'r corff cyfrifol geisio datrys y pryder yn ystod y cyfnod datrys yn gynnar yn unol â'r weithdrefn datrys yn gynnar a bennir yn y rheoliad hwn, a

(b) pan fo'r corff cyfrifol o'r farn bod y weithdrefn datrys yn gynnar yn briodol o dan yr amgylchiadau.

(2) Pan na fo trafodaeth o dan reoliad 22(4) wedi digwydd, rhaid i'r corff cyfrifol geisio cadarnhad gan y person a hysbysodd y pryder o ran a yw'n rhoi caniatâd i'r corff cyfrifol geisio datrys y pryder yn ystod y cyfnod datrys yn gynnar cyn cymryd unrhyw gamau o dan baragraff (3).

Insertion of regulation 22A

12. After regulation 22 (procedure before investigation) insert—

"Early resolution period and early resolution procedure

22A.—(1) This regulation applies where—

(a) a person who has notified a concern has given consent (in the course of a discussion under regulation 22(4) or under paragraph (2)) to the responsible body attempting to resolve the concern during the early resolution period in accordance with the early resolution procedure set out in this regulation, and

(b) the responsible body considers that the early resolution procedure is appropriate in the circumstances.

(2) Where a discussion under regulation 22(4) has not taken place, the responsible body must seek confirmation from the person who notified the concern whether they consent to the responsible body attempting to resolve the concern during the early resolution period before taking any steps under paragraph (3).

(3) Rhaid i'r corff cyfrifol gymryd unrhyw gamau y mae o'r farn eu bod yn briodol i geisio datrys y pryder er boddhad y person a hysbysodd y pryder yn ystod y cyfnod datrys yn gynnar cyn symud ymlaen i gynnal ymchwiliad o dan reoliad 23.

(4) Pan fo'r corff cyfrifol wedi ceisio datrys y pryder yn ystod y cyfnod datrys yn gynnar, rhaid i'r corff cyfrifol, cyn gynted ag y bo'n rhesymol bosibl—

(a) ceisio cadarnhad gan y person a hysbysodd y pryder o ran pa un a yw'r pryder wedi ei ddatrys er ei foddhad ai peidio yn ystod y cyfnod datrys yn gynnar;

(b) pan fo'r person a hysbysodd y pryder yn cadarnhau bod y pryder wedi ei ddatrys er ei foddhad, ddarparu cadarnhad ysgrifenedig i'r person a hysbysodd y pryder fod y weithdrefn datrys yn gynnar wedi dod i ben ac na fydd ymchwiliad i'r pryder yn cael ei gynnal o dan reoliad 23;

(c) pan fo'r person a hysbysodd y pryder yn cadarnhau nad yw'r pryder wedi ei ddatrys er ei foddhad—

(i) dechrau ymchwilio i'r pryder o dan reoliad 23, a

(ii) darparu cadarnhad ysgrifenedig i'r person i'r perwyl hwnnw;

(ch) pan na fo'r person a hysbysodd y pryder yn darparu cadarnhad o dan is-baragraff (a), a phan fo'r corff cyfrifol wedi cymryd pob cam rhesymol i gyfathrebu â'r person hwnnw at y diben hwnnw—

(i) os yw'r corff cyfrifol o'r farn bod y pryder wedi ei ddatrys yn ystod y cyfnod datrys yn gynnar, ddarparu cadarnhad ysgrifenedig yn unol ag is-baragraff (b), neu

(ii) os yw'r corff cyfrifol o'r farn nad yw'r pryder wedi ei ddatrys yn ystod y cyfnod datrys yn gynnar, gymryd y camau a bennir yn is-baragraff (c)(i) a (ii);

(d) cadw cofnod o ganlyniad y weithdrefn datrys yn gynnar."

(3) The responsible body must take such steps as it considers appropriate to attempt to resolve the concern to the satisfaction of the person who notified the concern during the early resolution period before proceeding to undertake an investigation under regulation 23.

(4) Where the responsible body has attempted resolution during the early resolution period, the responsible body must, as soon as reasonably possible—

(a) seek confirmation from the person who notified the concern as to whether or not the concern has been resolved to their satisfaction during the early resolution period;

(b) where the person who notified the concern confirms that the concern has been resolved to their satisfaction, provide written confirmation to the person who notified the concern that the early resolution procedure has concluded and the concern will not be investigated under regulation 23;

(c) where the person who notified the concern confirms that the concern has not been resolved to their satisfaction—

(i) begin investigating the concern under regulation 23, and

(ii) provide written confirmation to the person to that effect;

(d) where the person who notified the concern does not provide confirmation under sub-paragraph (a), and the responsible body has taken all reasonable steps to communicate with that person for that purpose—

(i) if the responsible body considers that the concern has been resolved during the early resolution period, provide written confirmation in accordance with sub-paragraph (b), or

(ii) if the responsible body considers that the concern has not been resolved during the early resolution period, take the steps specified in sub-paragraph (c)(i) and (ii);

(e) keep a record of the outcome of the early resolution procedure."

Mewnosod rheoliad 24A

13. Ar ôl rheoliad 24 (ymateb) mewnosoder—

"**Atal dros dro y weithdrefn datrys yn gynnar neu ymchwiliad**

24A.—(1) Pan fo'r corff cyfrifol yn dod yn ymwybodol o ymholiad diogelu, ymchwiliad troseddol neu achos troseddol mewn perthynas â mater sy'n destun pryder a hysbyswyd i'r corff cyfrifol, caiff y corff cyfrifol atal dros dro y weithdrefn datrys yn gynnar neu ymchwiliad o dan y Rheoliadau hyn, mewn perthynas â'r pryder.

(2) Caiff ataliad dros dro o dan baragraff (1) fod am unrhyw gyfnod y mae'r corff cyfrifol o'r farn ei fod yn angenrheidiol er mwyn caniatáu i unrhyw ymholiad diogelu neu ymchwiliad troseddol gael ei gwblhau, neu i unrhyw achos troseddol gael ei benderfynu.

(3) Wrth bennu'r cyfnod o dan baragraff (2), rhaid i'r corff cyfrifol roi sylw—

(a) i unrhyw geisiadau gan y personau hynny sy'n gyfrifol am gynnal yr ymholiad diogelu, yr ymchwiliad troseddol neu'r achos troseddol i atal dros dro y weithdrefn datrys yn gynnar neu ymchwiliad o dan y Rheoliadau hyn, neu

(b) i unrhyw ganiatâd a ddarperir gan y personau hynny sy'n gyfrifol am gynnal yr ymholiad diogelu, yr ymchwiliad troseddol neu'r achos troseddol i fwrw ymlaen â'r weithdrefn datrys yn gynnar neu ag ymchwiliad o dan y Rheoliadau hyn.

(4) Yn ddarostyngedig i baragraff (6), pan fo'r corff cyfrifol wedi atal dros dro y weithdrefn datrys yn gynnar neu ymchwiliad o dan baragraff (1), rhaid i'r corff cyfrifol roi hysbysiad mewn ysgrifen i'r person a hysbysodd y pryder fod y weithdrefn datrys yn gynnar neu'r ymchwiliad i'r pryder wedi ei hatal dros dro neu ei atal dros dro, wrth aros i ymholiad diogelu neu ymchwiliad troseddol gael ei gwblhau, neu i achos troseddol gael ei benderfynu, yn ôl y digwydd.

(5) Rhaid rhoi hysbysiad o dan baragraff (4) ddim hwyrach na dau ddiwrnod gwaith ar ôl y diwrnod y mae'r corff cyfrifol yn dod yn ymwybodol o'r ymholiad diogelu, yr ymchwiliad troseddol neu'r achos troseddol.

Insertion of regulation 24A

13. After regulation 24 (response) insert—

"**Suspension of early resolution procedure or an investigation**

24A.—(1) Where the responsible body becomes aware of a safeguarding enquiry, criminal investigation or criminal proceedings in relation to a matter which is the subject of a concern that has been notified to the responsible body, the responsible body may suspend the early resolution procedure or an investigation under these Regulations, in relation to the concern.

(2) A suspension under paragraph (1) may be for such period as the responsible body considers necessary to allow for the completion of any safeguarding enquiry or criminal investigation, or the determination of any criminal proceedings.

(3) When determining the period under paragraph (2), the responsible body must have regard to—

(a) any requests by those persons responsible for undertaking the safeguarding enquiry, criminal investigation or criminal proceedings to suspend the early resolution procedure or an investigation under these Regulations, or

(b) any consent provided by those persons responsible for undertaking the safeguarding enquiry, criminal investigation or criminal proceedings to proceed with the early resolution procedure or an investigation under these Regulations.

(4) Subject to paragraph (6), where the responsible body has suspended the early resolution procedure or an investigation under paragraph (1), the responsible body must give notice in writing to the person who notified the concern that the early resolution procedure or investigation of the concern has been suspended, pending the completion of a safeguarding enquiry or criminal investigation, or the determination of criminal proceedings, as the case may be.

(5) A notice under paragraph (4) must be given not later than two working days after the day on which the responsible body becomes aware of the safeguarding enquiry, criminal investigation or criminal proceedings.

(6) Nid yw'r Rheoliadau hyn yn caniatáu, nac yn ei gwneud yn ofynnol, i gorff cyfrifol ddatgelu unrhyw wybodaeth—

(a) a fyddai'n rhagfarnu unrhyw ymchwiliad troseddol, unrhyw achos troseddol neu unrhyw erlyniad troseddol, neu

(b) a fyddai'n mynd yn groes i unrhyw gyfyngiad ar ddatgelu sy'n codi yn rhinwedd deddfiad neu reol gyfreithiol.

(7) Yn y rheoliad hwn, ystyr "ymholiad diogelu" yw proses yr ymgymerir â hi gan awdurdod lleol er mwyn galluogi'r awdurdod lleol i benderfynu—

(a) a ddylai unrhyw gamau gael eu cymryd ac, os felly, pa rai a chan bwy, mewn perthynas ag oedolyn sy'n wynebu risg o dan adran 126 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(**1**);

(b) a ddylai gymryd unrhyw gamau er mwyn diogelu neu hyrwyddo lles plentyn o dan adran 47 o Ddeddf Plant 1989(**2**)."

(6) These Regulations do not permit or require a responsible body to disclose any information which would—

(a) prejudice any criminal investigation, criminal proceedings or prosecution, or

(b) contravene any restriction on disclosure arising by virtue of an enactment or rule of law.

(7) In this regulation, "safeguarding enquiry" means a process undertaken by a local authority to enable the local authority to decide—

(a) whether any action should be taken and, if so, what and by whom, in relation to an adult at risk under section 126 of the Social Services and Well-being (Wales) Act 2014(**1**);

(b) whether they should take any action to safeguard or promote the welfare of a child under section 47 of the Children Act 1989(**2**)."

Diwygio rheoliad 26

14.—(1) Mae rheoliad 26 (ymateb i ymchwiliad o dan reoliad 23 pan benderfynir bod, neu y gall fod, atebolrwydd cymwys) wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (3)(b), yn lle "chwe mis" rhodder "120 o ddiwrnodau gwaith".

(3) Ym mharagraff (4), yn lle "chwe mis" rhodder "120 o ddiwrnodau gwaith".

(4) Ym mharagraff (5), yn lle "deuddeng mis" rhodder "120 o ddiwrnodau gwaith".

(5) Ym mharagraff (6), yn lle "ddeuddeng mis" rhodder "120 o ddiwrnodau gwaith".

Amendment to regulation 26

14.—(1) Regulation 26 (response to an investigation under regulation 23 where it is decided that there is or there may be a qualifying liability) is amended as follows.

(2) In paragraph (3)(b), for "six months" substitute "120 working days".

(3) In paragraph (4), for "six month" substitute "120 working day".

(4) In paragraph (5), for "twelve months" substitute "120 working days".

(5) In paragraph (6), for "twelve month" substitute "120 working day".

(**1**) 2014 dccc 4. *Gweler* adran 126(1) am y diffiniad o "oedolyn sy'n wynebu risg".

(**2**) 1989 p. 41. Diwygiwyd adran 47 gan y deddfiadau a ganlyn: Deddf Awdurdodau Iechyd 1995 (p. 17) (adran 2 a pharagraff 118 o Atodlen 1); Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p. 43) (adran 34 a pharagraff 79 o Atodlen 4); Deddf Plant 2004 (p. 31) (adran 53(3)); O.S. 2007/961 (Cy. 85) (erthygl 3 a pharagraff 20 o'r Atodlen); Deddf Plismona a Throsedd 2009 (p. 26) (adran 112(2) a Rhan 13 o Atodlen 8); O.S. 2010/1158 (erthygl 5(1) a pharagraff 37(8) o Atodlen 2, erthygl 5(2) a Rhan 2 o Atodlen 3); Deddf Iechyd a Gofal Cymdeithasol 2012 (p. 7) (adran 55(2) a pharagraff 53 o Atodlen 5); O.S. 2016/413 (Cy. 131) (rheoliad 100); O.S. 2022/744 (Cy. 161) (rheoliad 4 a pharagraff 1(2) o Atodlen 2); Deddf Iechyd a Gofal 2022 (p. 31) (adran 1(2) a pharagraff 1 o Atodlen 1, adran 32 a pharagraff 33 o Atodlen 4).

(**1**) 2014 anaw 4. *See* section 126(1) for the definition of "adult at risk".

(**2**) 1989 c. 41. Section 47 was amended by the following enactments: the Health Authorities Act 1995 (c. 17) (section 2 and paragraph 118 of Schedule 1); the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (section 34 and paragraph 79 of Schedule 4); the Children Act 2004 (c. 31) (section 53(3)); S.I. 2007/961 (W. 85) (article 3 and paragraph 20 of the Schedule); Policing and Crime Act 2009 (c. 26) (section 112(2) and Part 13 of Schedule 8); S.I. 2010/1158 (article 5(1) and paragraph 37(8) of Schedule 2, article 5(2) and Part 2 of Schedule 3); Health and Social Care Act 2012 (c. 7) (section 55(2) and paragraph 53 of Schedule 5); S.I. 2016/413 (W. 131) (regulation 100); S.I. 2022/744 (W. 161) (regulation 4 and paragraph 1(2) of Schedule 2); the Health and Care Act 2022 (c. 31) (section 1(2) and paragraph 1 of Schedule 1, section 32 and paragraph 33 of Schedule 4).

(6) Ar ôl paragraff (6) mewnosoder—

"(7) Caiff y corff GIG Cymru ddarparu adroddiad interim ar yr un pryd ag adroddiad ar ymchwiliad y cyfeirir ato yn rheoliad 31 pan fo adroddiad yr ymchwiliad yn barod i gael ei ddarparu i'r person a hysbysodd y pryder cyn i'r adroddiad interim gael ei ddarparu.

(8) Pan fo'r adroddiad interim ac adroddiad yr ymchwiliad yn cael eu darparu ar yr un pryd—

(a) nid yw'n ofynnol i'r corff GIG Cymru ddarparu'r wybodaeth ym mharagraff (1)(c) ac (f), a

(b) mae paragraff (1)(e) i'w ddarllen fel pe bai'r geiriau "a ddilynwyd" wedi eu rhoi yn lle "a ddilynir"."

(6) After paragraph (6) insert—

"(7) The Welsh NHS body may provide an interim report at the same time as an investigation report referred to in regulation 31 where the investigation report is ready to be provided to the person who notified the concern before the interim report has been provided.

(8) Where the interim report and investigation report are provided at the same time—

(a) the Welsh NHS body is not required to provide the information in paragraph (1)(c) and (h), and

(b) paragraph (1)(g) is to be read as if for "which will be" there were substituted "that was"."

Diwygio rheoliad 29

15. Yn rheoliad 29 (iawn – digolledi ariannol), ym mharagraff (1), yn lle "nag £25,000" rhodder "na £50,000", ac ym mharagraff (2), yn lle "na £25,000" rhodder "na £50,000".

Amendment to regulation 29

15. In regulation 29(1) and (2) (redress – financial compensation), for "£25,000" substitute "£50,000".

Diwygio rheoliad 31

16. Yn rheoliad 31 (adroddiad yr ymchwiliad), yn lle paragraff (3) rhodder—

"(3) Oni bai bod paragraff (4) yn gymwys, rhaid i'r corff GIG Cymru—

(a) darparu copi o adroddiad yr ymchwiliad o fewn yr amserlen a bennir yn rheoliad 26(5) neu (6) i'r person sy'n ceisio iawn o dan y Rhan hon, neu i'w gynrychiolydd cyfreithiol, a

(b) cynnig cyfle i'r person sy'n ceisio iawn o dan y Rhan hon i drafod yr adroddiad ymchwiliad hwnnw gyda'r swyddog cyfrifol neu berson sy'n gweithredu ar ran y swyddog cyfrifol, drwy ddefnyddio dull cyfathrebu uniongyrchol."

Amendment to regulation 31

16. In regulation 31 (investigation report), for paragraph (3) substitute—

"(3) Unless paragraph (4) applies, the Welsh NHS body must—

(a) provide the person who is seeking redress under this Part, or their legal representative, with a copy of the investigation report within the time frame set out in regulation 26(5) or (6), and

(b) offer the person who is seeking redress under this Part an opportunity to discuss that investigation report with the responsible officer or a person acting on the responsible officer's behalf, by way of in-person communication."

Diwygio rheoliad 33

17. Yn rheoliad 33(a) (iawn – hysbysu ynghylch penderfyniad)—

(a) yn lle "deuddeng mis" rhodder "120 o ddiwrnodau gwaith";

(b) yn lle "ddeuddeng mis" rhodder "120 o ddiwrnodau gwaith".

Amendment to regulation 33

17. In regulation 33(a) (redress – communication of a decision)—

(a) for "twelve months" substitute "120 working days";

(b) for "twelve month" substitute "120 working day".

Diwygio rheoliad 40

18.—(1) Mae rheoliad 40 (ymateb i ymchwiliad o dan reoliad 39 pan fo corff GIG Cymru o'r farn bod, neu y gall fod, atebolrwydd cymwys) wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (3)(b), yn lle "chwe mis" rhodder "120 o ddiwrnodau gwaith".

(3) Ym mharagraff (4), yn lle "chwe mis" rhodder "120 o ddiwrnodau gwaith".

(4) Ym mharagraff (5), yn lle "deuddeng mis" rhodder "120 o ddiwrnodau gwaith".

(5) Ym mharagraff (6), yn lle "ddeuddeng mis" rhodder "120 o ddiwrnodau gwaith".

Amendment to regulation 40

18.—(1) Regulation 40 (response to an investigation under regulation 39 where a Welsh NHS body is of the opinion that there is, or there may be, a qualifying liability) is amended as follows.

(2) In paragraph (3)(b), for "six months" substitute "120 working days".

(3) In paragraph (4), for "six month" substitute "120 working day".

(4) In paragraph (5), for "twelve months" substitute "120 working days".

(5) In paragraph (6), for "twelve month" substitute "120 working day".

Diwygio rheoliad 44

19. Yn rheoliad 44(1) (iawn – digolledia ariannol), yn lle "£25,000" rhodder "£50,000".

Amendment to regulation 44

19. In regulation 44(1) (redress – financial compensation), for "£25,000" substitute "£50,000".

Diwygio rheoliad 46

20. Yn rheoliad 46 (adroddiad yr ymchwiliad), yn lle paragraff (3) rhodder—

"(3) Oni bai bod paragraff (4) yn gymwys, rhaid i'r corff GIG Cymru—

(a) darparu copi o adroddiad yr ymchwiliad o fewn yr amserlen a bennir yn rheoliad 40(5) neu (6) i'r person sy'n ceisio iawn o dan y Rhan hon, neu i'w gynrychiolydd cyfreithiol, a

(b) cynnig cyfle i'r person sy'n ceisio iawn o dan y Rhan hon i drafod yr adroddiad ymchwiliad hwnnw gyda'r swyddog cyfrifol neu berson sy'n gweithredu ar ran y swyddog cyfrifol, drwy ddefnyddio dull cyfathrebu uniongyrchol."

Amendment to regulation 46

20. In regulation 46 (investigation report), for paragraph (3) substitute—

"(3) Unless paragraph (4) applies, the Welsh NHS body must—

(a) provide the person who is seeking redress under this Part, or their legal representative, with a copy of the investigation report within the time frame set out in regulation 40(5) or (6), and

(b) offer the person who is seeking redress under this Part an opportunity to discuss that investigation report with the responsible officer or a person acting on the responsible officer's behalf, by way of in-person communication."

Diwygio rheoliad 48

21. Mae rheoliad 48(a) (iawn – hysbysu ynghylch penderfyniad) wedi ei ddiwygio fel a ganlyn—

(a) yn lle "deuddeng mis" rhodder "120 o ddiwrnodau gwaith";

(b) yn lle "ddeuddeng mis" rhodder "120 o ddiwrnodau gwaith".

Amendment to regulation 48

21. Regulation 48(a) (redress – communication of a decision) is amended as follows—

(a) for "twelve months" substitute "120 working days";

(b) for "twelve month" substitute "120 working day".

Diwygio rheoliad 50

22.—(1) Mae rheoliad 50 (monitro gweithrediad y trefniadau i ymdrin â phryderon) wedi ei ddiwygio fel a ganlyn.

(2) Ar ôl paragraff (a) mewnosoder—

"(aa) pan fo'r pryder yn ymwneud â marwolaeth claf, neu niwed cymedrol neu ddifrifol iddo, a phan fo'r corff cyfrifol yn penderfynu nad oes angen cyngor meddygol annibynnol at ddibenion ymchwilio i'r materion a godir gan y pryder at ddibenion rheoliad 23(1)(d), y rheswm dros y penderfyniad hwnnw;".

(3) Ym mharagraff (b), ar ôl "pob pryder" mewnosoder "gan gynnwys, pan ganfuwyd bod atebolrwydd cymwys yn bodoli, a wnaed cynnig o iawn".

Amendment to regulation 50

22.—(1) Regulation 50 (monitoring the operation of arrangements for dealing with concerns) is amended as follows.

(2) After paragraph (a) insert—

"(aa) where the concern involves the death of, or moderate or severe harm to, a patient, and the responsible body determines that independent medical advice is not required for the purposes of investigating the matters raised by the concern for the purposes of regulation 23(1)(e), the reason for that determination;".

(3) In paragraph (b), after "each concern" insert "including, where a qualifying liability was found to exist, whether an offer of redress was made".

Diwygio rheoliad 51

23. Ar ôl paragraff (3) o reoliad 51 (yr adroddiad blynyddol) mewnosoder—

"(4) Rhaid i adroddiad blynyddol Bwrdd Iechyd Lleol ar gyfer blwyddyn, a baratoir o dan baragraff (1), gynnwys copi o bob adroddiad blynyddol, ar gyfer y flwyddyn honno, gan y cyrff cyfrifol a restrir o dan baragraff (2) ac a ddarparwyd iddo o dan baragraff (3)."

Amendment to regulation 51

23. After paragraph (3) of regulation 51 (annual report) insert—

"(4) A Local Health Board's annual report for a year, prepared under paragraph (1), must include a copy of each annual report, for that year, of the responsible bodies listed under paragraph (2), that was provided to it under paragraph (3)."

Darpariaeth drosiannol

24. Nid yw'r Rheoliadau hyn yn gymwys i unrhyw bryder a hysbyswyd yn unol â threfniadau a oedd yn eu lle o dan y Prif Reoliadau cyn y dyddiad y daw'r Rheoliadau hyn i rym.

Transitional provision

24. These Regulations do not apply to any concern notified in accordance with arrangements in place under the Principal Regulations before the date on which these Regulations come into force.

Jeremy Miles

Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol, un o Weinidogion Cymru
15 Hydref 2025

Cabinet Secretary for Health and Social Care, one of the Welsh Ministers
15 October 2025

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