OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2018 Rhif 192 (Cy. 43)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Gofal Cymdeithasol Cymru (Pennu Gweithwyr Gofal Cymdeithasol) (Cofrestru) (Diwygio) 2018

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Gofal Cymdeithasol Cymru (Pennu Gweithwyr Gofal Cymdeithasol) (Cofrestru) 2016.

Mae adran 80(1)(b) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf") yn ei gwneud yn ofynnol i Ofal Cymdeithasol Cymru gadw cofrestr o weithwyr gofal cymdeithasol o unrhyw ddisgrifiad a bennir gan Weinidogion Cymru.

Mae'r Rheoliadau hyn yn pennu disgrifiad ychwanegol o weithwyr gofal cymdeithasol y mae rhaid i Ofal Cymdeithasol Cymru gadw cofrestr mewn cysylltiad â hwy, sef y rheini sydd wedi eu cyflogi neu wedi eu cymryd ymlaen gan wasanaeth cymorth cartref rheoleiddiedig i ddarparu gofal a chymorth i bersonau y cyfeirir atynt ym mharagraff 8 o Atodlen 1 i'r Ddeddf.

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: Yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

2018 No. 192 (W. 43)

SOCIAL CARE, WALES

The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2018

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016.

Section 80(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act") requires Social Care Wales to keep a register of social care workers of such description as may be specified by the Welsh Ministers.

These Regulations specify an additional description of social care workers in respect of which Social Care Wales must keep a register, namely those who are employed or engaged by a regulated domiciliary support service to provide care and support to persons referred to in paragraph 8 of Schedule 1 to the Act.

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

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OFFERYNNAU STATUDOL CYMRU

2018 Rhif 192 (Cy. 43)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Gofal Cymdeithasol Cymru (Pennu Gweithwyr Gofal Cymdeithasol) (Cofrestru) (Diwygio) 2018

Gwnaed	*15 Chwefror 2018*
Yn dod i rym	*2 Ebrill 2018*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 80(1)(b) a 187(1)(b) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(**1**), yn gwneud y Rheoliadau a ganlyn.

Yn unol ag adran 187(2)(n) o'r Ddeddf honno, gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal Cymdeithasol Cymru (Pennu Gweithwyr Gofal Cymdeithasol) (Cofrestru) (Diwygio) 2018.

(2) Daw'r Rheoliadau hyn i rym ar 2 Ebrill 2018.

Dehongli

2. Yn y Rheoliadau hyn, ystyr "Rheoliadau 2016" ("*the 2016 Regulations*") yw Rheoliadau Gofal Cymdeithasol Cymru (Pennu Gweithwyr Gofal Cymdeithasol) (Cofrestru) 2016(**2**).

(**1**) 2016 dccc 2.
(**2**) O.S. 2016/1235 (Cy. 293).

WELSH STATUTORY INSTRUMENTS

2018 No. 192 (W. 43)

SOCIAL CARE, WALES

The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2018

Made	*15 February 2018*
Coming into force	*2 April 2018*

The Welsh Ministers, in exercise of the powers conferred upon them by sections 80(1)(b) and 187(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016(**1**), make the following Regulations.

In accordance with section 187(2)(n) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

Title and commencement

1.—(1) The title of these Regulations is the Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2018.

(2) These Regulations come into force on 2 April 2018.

Interpretation

2. In these Regulations "the 2016 Regulations" ("*Rheoliadau 2016*") means the Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016(**2**).

(**1**) 2016 anaw 2.
(**2**) S.I. 2016/1235 (W. 293).

Diwygio rheoliad 2 o Reoliadau 2016

3. Yn rheoliad 2 (dehongli) o Reoliadau 2016, mewnosoder y canlynol yn y lle priodol—

> "mae i "gwasanaeth cymorth cartref" ("*domiciliary support service*") yr un ystyr ag a roddir yn adran 2(1)(h) o'r Ddeddf a pharagraff 8 o Atodlen 1 iddi, yn ddarostyngedig i reoliad 3(1) o Reoliadau 2017;";
>
> "ystyr "Rheoliadau 2017" ("*the 2017 Regulations*") yw Rheoliadau Gwasanaethau Rheoleiddiedig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2017(**1**);".

Amendment to regulation 2 of the 2016 Regulations

3. In regulation 2 (interpretation) of the 2016 Regulations, insert the following in the appropriate place—

> ""the 2017 Regulations" ("*Rheoliadau 2017*") means the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017(**1**);";
>
> ""domiciliary support service" ("*gwasanaeth cymorth cartref*") has the same meaning as that given in section 2(1)(h) of and paragraph 8 of Schedule 1 to the Act, subject to regulation 3(1) of the 2017 Regulations;".

Diwygio rheoliad 3 o Reoliadau 2016

4. Mae rheoliad 3 (pennu gweithwyr gofal cymdeithasol) o Reoliadau 2016 wedi ei ddiwygio fel a ganlyn—

(a) ar ddiwedd paragraff (2)(c), yn lle "." rhodder ";"; a

(b) ar ôl paragraff (2)(c) mewnosoder—

> "(d) sydd—
>
> (i) wedi eu cyflogi (pa un ai fel cyflogai neu fel gweithiwr), neu
>
> (ii) wedi eu cymryd ymlaen o dan gontract am wasanaethau,
>
> gan ddarparwr gwasanaeth cymorth cartref er mwyn darparu gofal a chymorth i berson y cyfeirir ato ym mharagraff 8(1) o Atodlen 1 i'r Ddeddf.
>
> (3) At ddibenion y rheoliad hwn, mae i'r termau "cyflogai", "cyflogaeth"(**2**) a "gweithiwr" yr un ystyron ag "employee", "employment" a "worker" yn adran 230(1), (5) a (3) yn y drefn honno o Ddeddf Hawliau Cyflogaeth 1996(**3**)."

Amendment to regulation 3 of the 2016 Regulations

4. Regulation 3 (specification of social care workers) of the 2016 Regulations is amended as follows—

(a) at the end of paragraph (2)(c), for "." substitute ";"; and

(b) after paragraph (2)(c) insert—

> "(d) who are—
>
> (i) employed (whether as an employee or a worker), or
>
> (ii) engaged under a contract for services,
>
> by a service provider of a domiciliary support service in order to provide care and support to a person referred to in paragraph 8(1) of Schedule 1 to the Act.
>
> (3) For the purposes of this regulation, the terms "employee" ("*cyflogai*"), "employment" ("*cyflogaeth*")(**2**) and "worker" ("*gweithiwr*") have the same meanings as in section 230(1), (5) and (3) respectively of the Employment Rights Act 1996(**3**)."

(**1**) O.S. 2017/1264 Cy. 295).
(**2**) Mae adran 230(5) o Ddeddf Hawliau Cyflogaeth 1996 hefyd yn diffinio'r term "employed" drwy gyfeirio at ystyr "employment".
(**3**) 1996 p. 18.

(**1**) S.I. 2017/1264 (W. 295).
(**2**) Section 230(5) of the Employment Rights Act 1996 also defines the term "employed" by reference to the meaning of "employment".
(**3**) 1996 c. 18.

Huw Irranca-Davies

Y Gweinidog Gofal Cymdeithasol a Phlant, o dan awdurdod Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
15 Chwefror 2018

Minister for Children and Social Care, under authority of the Cabinet Secretary for Health and Social Services, one of the Welsh Ministers

15 February 2018

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