OFFERYNNAU STATUDOL CYMRU

2024 Rhif 388 (Cy. 68)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2024

Gwnaed	*18 Mawrth 2024*
Yn dod i rym	*31 Mawrth 2024*

WELSH STATUTORY INSTRUMENTS

2024 No. 388 (W. 68)

SOCIAL CARE, WALES

The Special School Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024

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NODYN ESBONIADOL

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

Mae Rheoliadau Gwasanaethau Rheoleiddiedig (Gwasanaethau Preswyl Ysgolion Arbennig) (Cymru) 2023 yn rhagnodi gwasanaeth preswyl ysgol arbennig fel math o wasanaeth rheoleiddiedig a reoleiddir o dan Ran 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf") fel ei bod yn ofynnol i bersonau sy'n darparu'r math hwn o wasanaeth gofrestru o dan y Ddeddf.

Yn unol â phwerau yn adran 27 o'r Ddeddf, mae'r Rheoliadau hyn yn gosod gofynion ar ddarparwyr gwasanaeth preswyl ysgol arbennig, gan gynnwys gofynion o ran safon y gofal a'r cymorth sydd i'w darparu.

Yn unol â phwerau yn adran 28 o'r Ddeddf, mae'r Rheoliadau hyn yn gosod gofynion ar unigolion cyfrifol mewn perthynas â man y mae'r unigolyn wedi ei ddynodi mewn cysylltiad ag ef.

Mae'r Rheoliadau hyn hefyd yn darparu ar gyfer troseddau os bydd darparwr gwasanaeth neu unigolyn cyfrifol yn methu â chydymffurfio â gofynion penodedig.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Regulated Services (Special School Residential Services) (Wales) Regulations 2023 prescribe a special school residential service as a type of regulated service which is regulated under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act") so that persons providing this type of service are required to register under the Act.

In accordance with powers in section 27 of the Act, these Regulations impose requirements on providers of a special school residential service, including requirements as to the standard of care and support to be provided.

In accordance with powers in section 28 of the Act, these Regulations impose requirements on responsible individuals in relation to a place in respect of which the individual is designated.

These Regulations also provide for offences in the event of failure by a service provider or a responsible individual to comply with specified requirements.

Mae canllawiau wedi eu cyhoeddi ynghylch sut y caiff darparwyr gwasanaethau ac unigolion cyfrifol gydymffurfio â'r gofynion a osodir gan y Rheoliadau hyn (gan gynnwys sut y caiff darparwyr fodloni unrhyw safonau ar gyfer darparu gwasanaeth preswyl ysgol arbennig) ac mae adran 29 o'r Ddeddf yn ei gwneud yn ofynnol i ddarparwyr gwasanaethau ac unigolion cyfrifol roi sylw i'r canllawiau hyn.

Guidance has been published about how service providers and responsible individuals may comply with the requirements imposed by these Regulations (including how providers may meet any standards for the provision of a special school residential service) and section 29 of the Act requires service providers and responsible individuals to have regard to this guidance.

Yn ogystal â gosod gofynion ar ddarparwyr gwasanaethau, mae'r Rheoliadau hyn hefyd yn gosod gofynion ar bersonau eraill: ar y "person a benodir" os bydd y darparwr gwasanaeth yn mynd yn ansolfent ac ar gynrychiolwyr personol yr ymadawedig os bydd darparwr gwasanaeth sy'n unigolyn yn marw.

As well as placing requirements on service providers, these Regulations also place requirements on other persons: on the "appointed person" in the event of the insolvency of the service provider and on the personal representatives of the deceased in the event of the death of a service provider who is an individual.

Mae Rhan 1 o'r Rheoliadau yn cynnwys diffiniadau o dermau penodol sy'n cael eu defnyddio yn y Rheoliadau.

Part 1 of the Regulations contains definitions of certain terms used in the Regulations.

Mae Rhan 2 yn cwmpasu gofynion cyffredinol ar y darparwr gwasanaeth o ran y ffordd y darperir y gwasanaeth, gan gynnwys gofynion mewn perthynas â'r datganiad o ddiben, y trefniadau ar gyfer monitro a gwella, y cymorth sydd i'w ddarparu i'r unigolyn cyfrifol, y camau sydd i'w cymryd i sicrhau cynaliadwyedd ariannol y gwasanaeth a'r polisïau a'r gweithdrefnau y mae rhaid iddynt fod yn eu lle.

Part 2 covers general requirements on the service provider as to the way the service is provided, including requirements in relation to the statement of purpose, the arrangements for monitoring and improvement, the support to be provided to the responsible individual, the steps to be taken to ensure the financial sustainability of the service and the policies and procedures which must be in place.

Mae Rhan 3 yn cwmpasu'r gofynion o ran y camau sydd i'w cymryd cyn i'r darparwr gwasanaeth gytuno i ddarparu gofal a chymorth i unigolyn. Ni chaiff darparwr gwasanaeth gytuno i ddarparu gofal a chymorth oni bai ei fod yn gyntaf wedi penderfynu bod y gwasanaeth yn addas i ddiwallu anghenion yr unigolyn. Mae rheoliad 10 yn nodi'r camau y mae rhaid iddynt gael eu cymryd a'r materion y mae rhaid iddynt gael eu hystyried wrth wneud y penderfyniad hwn. Pan na fo cynllun gofal a chymorth awdurdod lleol yn ei le, mae'r camau sydd i'w cymryd yn cynnwys cynnal asesiad o anghenion yr unigolyn.

Part 3 covers the requirements as to the steps to be taken before the service provider agrees to provide care and support to an individual. A service provider must not agree to provide care and support unless they have first determined that the service is suitable to meet the individual's needs. Regulation 10 sets out the steps that must be taken and the matters which must be taken into account when making this determination. Where there is no local authority care and support plan in place, the steps to be taken include carrying out an assessment of the individual's needs.

Mae Rhan 4 yn cwmpasu'r gofynion o ran y camau sydd i'w cymryd unwaith y bydd y darparwr gwasanaeth wedi cytuno i ddarparu gofal a chymorth i unigolyn. Cyn i ddarpariaeth o'r fath gychwyn, rhaid i'r darparwr lunio cynllun personol cychwynnol sydd, ymhlith pethau eraill, yn nodi sut y bydd anghenion yr unigolyn yn cael eu diwallu o ddydd i ddydd. O fewn 7 niwrnod i'r ddarpariaeth gychwyn, rhaid i'r darparwr gwasanaeth gynnal asesiad manwl o sut y gellir diwallu anghenion gofal a chymorth yr unigolyn orau ac mae'r asesiad hwn wedyn yn sbarduno adolygiad o'r cynllun personol cychwynnol.

Part 4 covers the requirements as to the steps to be taken once the service provider has agreed to provide care and support to an individual. Before the commencement of such provision, the provider must prepare an initial personal plan which, among other things, sets out how on a day-to-day basis the individual's needs will be met. Within 7 days of the commencement of the provision, the service provider must carry out a detailed assessment of how the individual's care and support needs can best be met and this assessment then prompts a review of the initial personal plan.

Mae Rhan 4 hefyd yn gwneud darpariaeth ar gyfer adolygu cynlluniau personol a chadw a rhannu cofnodion o'r cynllun personol.

Part 4 also makes provision for the review of personal plans and the keeping and sharing of records of the personal plan.

Mae Rhan 5 yn ymdrin â'r gofynion o ran yr wybodaeth sydd i'w darparu i unigolion wrth gychwyn darparu gofal a chymorth. Mae rheoliad 15 yn ei gwneud yn ofynnol bod rhaid i'r wybodaeth hon fod ar ffurf canllaw ysgrifenedig ac yn nodi gofynion manwl am y canllaw, gan gynnwys ei gynnwys a'i fformat. Mae rhagor o fanylion am yr wybodaeth y disgwylir i'r canllaw ei chynnwys fel arfer i'w cael yn y canllawiau a ddyroddir o dan adran 29 o'r Ddeddf.

Part 5 deals with the requirements as to the information to be provided to individuals on the commencement of the provision of care and support. Regulation 15 requires that this information must be in the form of a written guide and sets out detailed requirements about the guide, including its contents and format. More detail of the information it is expected the guide would usually contain is in the guidance issued under section 29 of the Act.

Mae Rhan 6 yn cynnwys gofynion o ran safon y gofal a'r cymorth sydd i'w darparu. Mae'r rhain yn cynnwys gofynion cyffredinol yn ogystal â gofynion mwy manwl sy'n ymwneud â pharhad gofal, darparu gwybodaeth, diwallu anghenion iaith a chyfathrebu unigolyn a thrin unigolion â pharch a sensitifrwydd.

Part 6 contains requirements as to the standard of care and support to be provided. These include overarching requirements as well as more detailed requirements relating to continuity of care, the provision of information, meeting individual's language and communication needs and treating individuals with respect and sensitivity.

Mae Rhan 7 yn cynnwys gofynion penodol mewn perthynas â sicrhau bod unigolion yn ddiogel ac wedi eu hamddiffyn rhag camdriniaeth, esgeulustod a thriniaeth amhriodol. Yn ogystal â'i gwneud yn ofynnol i bolisïau a gweithdrefnau fod yn eu lle mewn perthynas â diogelu a defnyddio rheolaeth ac ataliaeth yn briodol, mae'r rheoliadau yn y Rhan hon yn gosod gofynion penodol o ran y camau gweithredu sydd i'w cymryd os bydd honiad neu dystiolaeth o gamdriniaeth.

Part 7 contains specific requirements in relation to ensuring individuals are safe and protected from abuse, neglect and improper treatment. As well as requiring policies and procedures to be in place in relation to safeguarding and the appropriate use of control and restraint, the regulations in this Part place specific requirements as to the action to be taken in the event of an allegation or evidence of abuse.

Mae Rhan 8 yn cynnwys gofynion o ran staffio, sy'n cynnwys gofynion cyffredinol o ran defnyddio niferoedd digonol o staff.

Part 8 contains requirements as to staffing, which include general requirements as to the deployment of sufficient numbers of staff.

Mae Rhan 8 hefyd yn cynnwys gofynion penodol o ran addasrwydd unigolion sy'n gweithio yn y gwasanaeth. Mae'r gofynion addasrwydd yn cynnwys gofyniad i wybodaeth benodol a dogfennau penodol fod ar gael, fel y'u nodir yn Atodlen 1. Rhaid i bersonau a gyflogir i reoli'r gwasanaeth rheoleiddiedig fod wedi eu cofrestru â Gofal Cymdeithasol Cymru, sef rheoleiddiwr y gweithlu. Rhaid i bersonau a gyflogir i weithio mewn rolau y maent yn darparu gofal a chymorth i unigolion ynddynt hefyd fod wedi eu cofrestru â Gofal Cymdeithasol Cymru o fewn chwe mis i ddechrau eu cyflogaeth.

Part 8 also contains specific requirements as to the fitness of individuals working at the service. The fitness requirements include a requirement for specific information and documents to be available, as set out in Schedule 1. Persons employed to manage the regulated service must be registered with Social Care Wales, the workforce regulator. Persons employed to work in roles where they provide care and support to individuals must also be registered with Social Care Wales within six months of commencing their employment.

Ymhlith y gofynion eraill a gynhwysir yn Rhan 8 mae gofynion sy'n ymwneud â chefnogi a datblygu staff, darparu gwybodaeth i staff a gweithredu gweithdrefn ddisgyblu. I sicrhau bod cyflogeion yn adrodd am achosion o gamdriniaeth i berson priodol, mae'r rheoliadau yn y Rhan hon yn ei gwneud yn ofynnol i weithdrefn ddisgyblu'r darparwr ddarparu y byddai methu ag adrodd yn sail dros achos disgyblu.

Other requirements contained in Part 8 include requirements relating to supporting and developing staff, providing information to staff and the operation of a disciplinary procedure. To ensure that employees report incidents of abuse to an appropriate person, the regulations in this Part require the provider's disciplinary procedure to provide that a failure to report would be grounds for disciplinary proceedings.

Mae Rhan 9 yn cwmpasu gofynion o ran mangreoedd, cyfleusterau a chyfarpar.

Part 9 covers requirements as to premises, facilities and equipment.

Mae Rhan 10 yn nodi gofynion ychwanegol sy'n gymwys i ddarparwyr gwasanaethau os yw'r mangreoedd sydd i'w defnyddio ar gyfer darparu'r

Part 10 sets out additional requirements which apply to service providers if the premises which are to be used for the provision of the service fall into one of

gwasanaeth yn dod o fewn un o dri chategori: adeilad newydd neu adeilad sydd wedi cael ei addasu; estyniad i adeilad sy'n cael ei ddefnyddio at ddiben darparu gwasanaeth preswyl ysgol arbennig presennol; adeilad a oedd yn cael ei ddefnyddio at ddiben darparu gwasanaeth preswyl ysgol arbennig sydd wedi ei gofrestru gan ddarparwr gwasanaeth arall ond sydd heb ei feddiannu ar adeg cofrestriad y darparwr gwasanaeth.

three categories: a new or converted building; an extension to a building which is used for the purpose of providing an existing special school residential service; a building which was used for the purpose of providing a special school residential service registered by another service provider but is unoccupied at the time of the service provider's registration.

Mae'r gofynion ychwanegol yn Rhan 10 yn nodi safonau amgylcheddol mwy penodol, gan gynnwys safonau o ran ystafelloedd ymolchi en-suite, maint ystafelloedd a faint o le cymunedol sydd ar gael.

The additional requirements in Part 10 set out more specific environmental standards, including standards as to en-suite bathrooms, room sizes and the amount of communal space.

Mae Rhan 11 yn nodi gofynion o ran cyflenwadau, hylendid, iechyd a diogelwch a meddyginiaethau.

Part 11 sets out requirements as to supplies, hygiene, health and safety and medicines.

Mae Rhan 12 yn cynnwys gofynion amrywiol ar ddarparwyr gwasanaethau, gan gynnwys gofynion o ran cadw cofnodion a gwneud hysbysiadau i'r rheoleiddiwr gwasanaethau ac i gyrff eraill. Mae Atodlen 2 yn nodi'r cofnodion y mae'n ofynnol iddynt gael eu cadw ac mae Atodlen 3 yn nodi'r hysbysiadau penodol y mae'n ofynnol iddynt gael eu gwneud.

Part 12 contains miscellaneous requirements on service providers, including requirements as to the keeping of records and the making of notifications to the service regulator and other bodies. Schedule 2 sets out the records which are required to be kept and Schedule 3 sets out the specific notifications which are required to be made.

Mae Rhan 12 hefyd yn cynnwys gofynion ar y darparwr gwasanaeth i gael polisi cwyno a pholisi chwythu'r chwiban yn eu lle.

Part 12 also contains requirements on the service provider to have a complaints policy and a whistleblowing policy in place.

Mae Rhannau 13 i 17 yn cynnwys y gofynion a osodir ar unigolion cyfrifol. Mae'r rheoliadau yn y Rhannau hyn wedi eu gwneud o dan adran 28 o'r Ddeddf.

Parts 13 to 17 contain the requirements imposed on responsible individuals. The regulations in these Parts are made under section 28 of the Act.

Mae Rhan 13 yn nodi gofynion ar unigolion cyfrifol ar gyfer sicrhau y caiff y gwasanaeth ei reoli'n effeithiol. Mae dyletswydd gyffredinol ar yr unigolyn cyfrifol i oruchwylio'r gwaith o reoli'r gwasanaeth (rheoliad 57) ac mae arno ddyletswyddau penodol i benodi person addas i reoli'r gwasanaeth (rheoliadau 58 a 59), i roi trefniadau yn eu lle ar gyfer rheoli'r gwasanaeth pan yw'r rheolwr yn absennol (rheoliad 63) ac i ymweld â'r mannau lle y darperir y gwasanaeth (rheoliad 64).

Part 13 sets out requirements on responsible individuals which relate to the effective management of the service. The responsible individual has a general duty to supervise the management of the service (regulation 57) and specific duties to appoint a fit person to manage the service (regulations 58 and 59), to put arrangements in place for the management of the service when the manager is absent (regulation 63) and to visit the places where the service is being provided (regulation 64).

Mae Rhan 14 yn cynnwys gofynion ar unigolion cyfrifol ar gyfer sicrhau bod y gwasanaeth yn cael ei oruchwylio'n effeithiol. Drwy osod y gofynion hyn ar yr unigolyn cyfrifol, mae'r rheoliadau yn y Rhan hon yn sicrhau bod person ar lefel sy'n briodol uchel yn y sefydliad yn atebol am ansawdd a chydymffurfedd y gwasanaeth. Mae'n ofynnol i'r unigolyn cyfrifol wneud adroddiadau i'r darparwr gwasanaeth ar ddigonolrwydd adnoddau (rheoliad 65) ac ar faterion eraill (rheoliad 66). Mae'n ofynnol i'r unigolyn cyfrifol wneud trefniadau ar gyfer ymgysylltu ag unigolion ac eraill er mwyn i'w safbwyntiau ar ansawdd y gofal a'r cymorth a ddarperir allu cael eu hystyried gan y darparwr gwasanaeth (rheoliad 67).

Part 14 contains requirements on responsible individuals for ensuring the effective oversight of the service. By placing these requirements on the responsible individual, the regulations in this Part ensure that a person of an appropriately senior level in the organisation is accountable for service quality and compliance. The responsible individual is required to make reports to the service provider on the adequacy of resources (regulation 65) and on other matters (regulation 66). The responsible individual is required to make arrangements for engagement with individuals and others so that their views on the quality of care and support provided can be taken into account by the service provider (regulation 67).

Mae Rhan 15 yn nodi'r gofynion ar yr unigolyn cyfrifol ar gyfer sicrhau cydymffurfedd y gwasanaeth â gofynion eraill, gan gynnwys gofynion o ran cofnodi digwyddiadau a chwynion (rheoliad 68) a chadw cofnodion (rheoliad 69). Rhaid i'r unigolyn cyfrifol hefyd roi trefniadau yn eu lle i sicrhau bod polisïau a gweithdrefnau'r darparwr yn cael eu cadw'n gyfredol (rheoliad 70).

Mae Rhan 16 yn nodi'r gofynion ar yr unigolyn cyfrifol mewn perthynas â monitro, adolygu a gwella ansawdd y gofal a'r cymorth a ddarperir, gan gynnwys gwneud adroddiad i'r darparwr gwasanaeth.

Mae Rhan 17 yn nodi gofynion eraill ar yr unigolyn cyfrifol, gan gynnwys gofynion i wneud hysbysiadau penodol i'r rheoleiddiwr gwasanaethau, sydd wedi eu cynnwys yn Atodlen 4.

Mae Rhan 18 yn ymdrin â throseddau. Mae rheoliad 76 wedi ei wneud o dan y pwerau yn adran 45 o'r Ddeddf ac yn darparu bod methiant gan ddarparwr gwasanaeth i gydymffurfio â gofynion darpariaethau penodedig yn y Rheoliadau hyn yn drosedd. Mae amod pellach sy'n gymwys yn achos methiant gan ddarparwr gwasanaeth i gydymffurfio â gofynion penodol. Yn yr achosion hyn, mae'r rheoliad yn darparu nad yw hon ond yn drosedd os yw methu â chydymffurfio yn arwain at wneud unigolion yn agored i niwed y gellir ei osgoi, neu'n agored i risg sylweddol o niwed o'r fath neu'n agored i golli arian neu eiddo o ganlyniad i ddwyn, camddefnyddio neu gamberchnogi.

Mae rheoliad 77 yn darparu ei bod yn drosedd i'r unigolyn cyfrifol fethu â chydymffurfio â gofynion darpariaethau penodedig yn y Rheoliadau hyn. Mae'r rheoliad hwn wedi ei wneud o dan adran 46 o'r Ddeddf.

Mae Rhan 19 yn nodi gofynion penodol sy'n gymwys pan yw'r darparwr gwasanaeth yn ansolfent neu pan yw darparwr gwasanaeth sy'n unigolyn wedi marw. O dan yr amgylchiadau hyn, mae'r rheoliadau yn y Rhan hon yn gosod dyletswyddau hysbysu penodol ar y person a benodir (yn achos ansolfedd) neu ar y cynrychiolwyr personol (yn achos marwolaeth darparwr gwasanaeth sy'n unigolyn). Mae rheoliad 79 yn galluogi'r cynrychiolwyr personol i weithredu yn rhinwedd y darparwr gwasanaeth ac mae'r Ddeddf wedi ei haddasu fel nad yw'n ofynnol, o dan yr amgylchiadau hyn, i'r cynrychiolwyr personol gofrestru a gall un o'r cynrychiolwyr personol gael ei ddynodi fel yr unigolyn cyfrifol mewn cysylltiad â man lle y darperir y gwasanaeth.

Mae Rhan 20 (rheoliad 80) yn pennu'r amgylchiadau pan gaiff Gweinidogion Cymru (yn lle darparwr gwasanaeth) ddynodi unigolyn i fod yn unigolyn cyfrifol er nad yw gofynion cymhwystra adran 21(2)

Part 15 sets out the requirements on the responsible individual for ensuring the compliance of the service with other requirements, including requirements as to the recording of incidents and complaints (regulation 68) and the keeping of records (regulation 69). The responsible individual must also put arrangements in place for ensuring that the provider's policies and procedures are kept up to date (regulation 70).

Part 16 sets out the requirements on the responsible individual in relation to monitoring, reviewing and improving the quality of care and support provided, including making a report to the service provider.

Part 17 sets out other requirements on the responsible individual, including requirements to make certain notifications to the service regulator, contained in Schedule 4.

Part 18 deals with offences. Regulation 76 is made under the powers in section 45 of the Act and provides that failure of a service provider to comply with the requirements of specified provisions in these Regulations is an offence. There is a further qualification which applies in the case of a service provider's failure to comply with certain requirements. In these cases, the regulation provides that this is only an offence if the failure to comply results in individuals being exposed to avoidable harm or significant risk of such harm or suffering a loss of money or property as a result of theft, misuse or misappropriation.

Regulation 77 provides that it is an offence for the responsible individual to fail to comply with the requirements of specified provisions in these Regulations. This regulation is made under section 46 of the Act.

Part 19 sets out specific requirements which apply when the service provider is insolvent or when a service provider who is an individual has died. In these circumstances, the regulations in this Part place specific notification duties on the appointed person (in the case of insolvency) or the personal representatives (in the case of the death of a service provider who is an individual). Regulation 79 enables the personal representatives to act in the capacity of the service provider and the Act is modified so that in these circumstances the personal representatives are not required to register and one of the personal representatives can be designated as the responsible individual in respect of a place where the service is provided.

Part 20 (regulation 80) specifies the circumstances in which the Welsh Ministers (instead of a service provider) may designate an individual to be a responsible individual, despite the eligibility

o'r Ddeddf wedi eu bodloni mewn cysylltiad â'r unigolyn. Mae'r rheoliad hwn wedi ei wneud o dan adran 21(5) o'r Ddeddf.

Mae Rhan 21 yn gwneud diwygiadau i ddwy set bresennol o Reoliadau er mwyn ymgorffori diwygiadau sy'n ymwneud â gwasanaethau preswyl ysgolion arbennig. Mae'r diwygiad i Reoliadau Gwasanaethau Rheoleiddiedig (Datganiadau Blynyddol) (Cymru) 2017 yn diwygio rheoliad 5 er mwyn cynnwys cyfeiriad at wasanaethau preswyl ysgolion arbennig. Mae'r diwygiadau i Reoliadau Gwasanaethau Rheoleiddiedig (Hysbysiadau Cosb) (Cymru) 2019 yn nodi pa droseddau am fynd yn groes i ofynion a osodir gan y Rheoliadau hyn sy'n gallu bod yn destun hysbysiad cosb a ddyroddir gan Weinidogion Cymru o dan adran 52 o'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 ac mae wedi ei gyhoeddi ar www.llyw.cymru.

requirements of section 21(2) of the Act not being met in respect of the individual. This regulation is made under section 21(5) of the Act.

Part 21 makes amendments to two existing sets of Regulations to incorporate amendments relating to special school residential services. The amendment to the Regulated Services (Annual Returns) (Wales) Regulations 2017 amends regulation 5 to include reference to special school residential services. The amendments to the Regulated Services (Penalty Notices) (Wales) Regulations 2019 set out which offences for breaches of requirements imposed by these Regulations can be the subject of a penalty notice issued by Welsh Ministers under section 52 of 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 and is published on www.gov.wales.

OFFERYNNAU STATUDOL CYMRU

2024 Rhif 388 (Cy. 68)

GOFAL CYMDEITHASOL, CYMRU

Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2024

Gwnaed	*18 Mawrth 2024*
Yn dod i rym	*31 Mawrth 2024*

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WELSH STATUTORY INSTRUMENTS

2024 No. 388 (W. 68)

SOCIAL CARE, WALES

The Special School Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024

Made	*18 March 2024*
Coming into force	*31 March 2024*

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Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 10(2)(a)(ix)(**1**), 21(5), 27(1), 28(1), 30(1), 31(1), 45, 46, 52(1) a (6), 186(1) a 187(1) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(**2**) ("y Ddeddf") ac ar ôl ymgynghori â'r personau hynny y

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 10(2)(a)(ix)(**1**), 21(5), 27(1), 28(1), 30(1), 31(1), 45, 46, 52(1) and (6), 186(1) and 187(1) of the Regulation and Inspection of Social Care (Wales) Act 2016(**2**) ("the Act") and having consulted such persons as they

(**1**) Mae adran 10(2)(a)(ix) yn cyfeirio at wybodaeth "a ragnodir" ac mae adran 52(1) yn cyfeirio at droseddau sy'n "rhagnodedig". Mae adran 189 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2) yn diffinio "a ragnodir" a "rhagnodedig" i olygu "wedi ei ragnodi drwy reoliadau a wneir gan Weinidogion Cymru".

(**2**) 2016 dccc 2.

(**1**) Section 10(2)(a)(ix) refers to "prescribed" information and section 52(1) refers to offences which are "prescribed". Section 189 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) defines "prescribed" as meaning "prescribed by regulations made by the Welsh Ministers".

(**2**) 2016 anaw 2.

maent yn ystyried eu bod yn briodol, fel sy'n ofynnol gan adrannau 27(4)(a) ac 28(4) ac ar ôl gosod copi o'r datganiad a gyhoeddwyd o dan adran 27(4)(b) gerbron Senedd Cymru(**1**) yn unol ag adran 27(5) o'r Ddeddf.

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

think appropriate, as required by sections 27(4)(a) and 28(4) and having laid a copy of the statement published under section 27(4)(b) before Senedd Cymru(**1**) in accordance with section 27(5) of the Act.

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

RHAN 1

Cyffredinol

Enwi, dod i rym a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2024.

(2) Daw'r Rheoliadau hyn i rym ar 31 Mawrth 2024.

(3) Yn y Rheoliadau hyn—

ystyr "addasiadau rhesymol" ("*reasonable adjustments*") yw unrhyw addasiadau rhesymol a fyddai'n ofynnol o dan Ddeddf Cydraddoldeb 2010(**2**);

ystyr "asesiad darparwr" ("*provider assessment*") yw'r asesiad y mae'n ofynnol iddo gael ei gynnal gan y darparwr gwasanaeth o dan reoliad 14;

ystyr "awdurdod lleoli" ("*placing authority*") yw—

(a) yn achos plentyn sy'n derbyn gofal gan awdurdod lleol neu gan awdurdod lleol yn Lloegr, yr awdurdod lleol hwnnw;

(b) yn achos plentyn nad yw'n derbyn gofal gan awdurdod lleol neu gan awdurdod lleol yn Lloegr—

(i) os yw llety yn cael ei ddarparu i'r plentyn gan sefydliad gwirfoddol, y sefydliad gwirfoddol hwnnw, ac at ddiben y diffiniad hwn mae i "sefydliad gwirfoddol" yr un ystyr ag yn adran 197(1) o Ddeddf 2014;

(ii) os yw'r plentyn wedi ei letya yn y gwasanaeth o dan drefniadau a wneir gan awdurdod lleol neu awdurdod lleol yn Lloegr (pa un ai wrth arfer

(**1**) Mae cyfeiriadau yn Neddf 2016 at "Cynulliad Cenedlaethol Cymru" bellach yn cael effaith fel cyfeiriadau at Senedd Cymru yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

(**2**) 2010 p. 15.

PART 1

General

Title, coming into force and interpretation

1.—(1) The title of these Regulations is the Special School Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024.

(2) These Regulations come into force on 31 March 2024.

(3) In these Regulations—

"the Act" ("*y Ddeddf*") means the Regulation and Inspection of Social Care (Wales) Act 2016;

"the 2014 Act" ("*Deddf 2014*") means the Social Services and Well-being (Wales) Act 2014(**2**);

"abuse" ("*camdriniaeth*") means physical, sexual, psychological, emotional or financial abuse and for the purposes of this definition "financial abuse" ("*camdriniaeth ariannol*") includes—

(a) having money or other property stolen;

(b) being defrauded;

(c) being put under pressure in relation to money or other property;

(d) having money or other property misused;

"adult" ("*oedolyn*") means a person who is aged 18 or over;

"appointed manager" ("*rheolwr a benodir*") means a person appointed to manage the service in accordance with regulation 58;

"care and support" ("*gofal a chymorth*") and the individual terms "care" ("*gofal*") and "support" ("*cymorth*") have the same meaning as in section 3 of the Act;

(**1**) References in the 2016 Act to "the National Assembly for Wales" now have effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

(**2**) 2014 anaw 4.

swyddogaethau addysg o fewn ystyr "education functions" yn adran 579(1) o Ddeddf Addysg 1996(**1**) neu fel arall), yr awdurdod lleol hwnnw;

ystyr "camdriniaeth" ("*abuse*") yw camdriniaeth gorfforol, rywiol, seicolegol, emosiynol neu ariannol ac at ddibenion y diffiniad hwn mae "camdriniaeth ariannol" ("*financial abuse*") yn cynnwys—

(a) bod arian neu eiddo person yn cael ei ddwyn;

(b) bod person yn cael ei dwyllo;

(c) bod person yn cael ei roi o dan bwysau mewn perthynas ag arian neu eiddo arall;

(d) bod arian neu eiddo arall person yn cael ei gamddefnyddio;

ystyr "canlyniadau personol" ("*personal outcomes*")—

(a) mewn perthynas ag oedolyn, yw'r canlyniadau y mae'r oedolyn yn dymuno eu cyflawni mewn bywyd o ddydd i ddydd;

(b) mewn perthynas â phlentyn, yw—

(i) y canlyniadau y mae'r plentyn yn dymuno eu cyflawni, neu

(ii) y canlyniadau y mae unrhyw bersonau a chanddynt gyfrifoldeb rhiant yn dymuno eu cyflawni mewn perthynas â'r plentyn;

mae i "cyflogai" yr un ystyr ag a roddir i "employee" yn adran 230(1) o Ddeddf Hawliau Cyflogaeth 1996(**2**);

mae i "cyfrifoldeb rhiant" yr ystyr a roddir i "parental responsibility" gan adran 3 o Ddeddf Plant 1989(**3**);

ystyr "cynllun gofal a chymorth" ("*care and support plan*") yw cynllun o dan adran 54 neu adran 83 o Ddeddf 2014;

ystyr "cynllun personol" ("*personal plan*") yw'r cynllun y mae'n ofynnol iddo gael ei lunio yn unol â rheoliad 11(1);

ystyr "darparwr gwasanaeth" ("*service provider*") yw person sydd wedi ei gofrestru fel darparwr gwasanaeth preswyl ysgol arbennig;

ystyr "datganiad o ddiben" ("*statement of purpose*") yw'r datganiad o ddiben ar gyfer y man y mae'r gwasanaeth wedi ei ddarparu ynddo, ohono neu mewn perthynas ag ef(**4**);

"care and support plan" ("*cynllun gofal a chymorth*") means a plan under section 54 or section 83 of the 2014 Act;

"carer" ("*gofalwr*") means a person with whom an individual who is an adult lives and who is the individual's main carer;

"child" ("*plentyn*") means a person who is aged under 18;

"child who is looked after by a local authority" ("*plentyn sy'n derbyn gofal gan awdurdod lleol*") has the same meaning as in section 74 of the 2014 Act;

"DBS" ("*GDG*") and "the Disclosure and Barring Service" ("*y Gwasanaeth Datgelu a Gwahardd*") mean the body established by section 87(1) of the Protection of Freedoms Act 2012(**1**);

"DBS certificate" ("*tystysgrif GDG*") means the certificate referred to in paragraphs 2 and 3 of Schedule 1;

"DBS up-date service" ("*gwasanaeth diweddaru'r GDG*") means the service operated by the Disclosure and Barring Service that provides relevant "up-date information" within the meaning given in section 116A(8)(b)(i) or (c)(i) of the Police Act 1997(**2**);

"employee" ("*cyflogai*") has the same meaning as in section 230(1) of the Employment Rights Act 1996(**3**);

"harm" ("*niwed*") has the same meaning as in section 197(1) of the 2014 Act;

"individual" ("*unigolyn*") means, unless the context indicates otherwise, the child or adult who is receiving care and support;

"parent" ("*rhiant*") applies only in relation to an individual who is a child and who is not looked after by a local authority and means a person with parental responsibility for the child;

"parental responsibility" ("*cyfrifoldeb rhiant*") has the meaning given by section 3 of the Children Act 1989(**4**);

"personal outcomes" ("*canlyniadau personol*")—

(a) in relation to an adult, means the outcomes that the adult wishes to achieve in day to day life;

(**1**) 1996 p. 56.
(**2**) 1996 p. 18.
(**3**) 1989 p. 41.
(**4**) Mae rheoliad 3 o O.S. 2017/1098 (Cy. 278) yn ei gwneud yn ofynnol i berson sy'n dymuno darparu gwasanaeth preswyl ysgol arbennig ddarparu datganiad o ddiben ar gyfer pob man y mae'r gwasanaeth i gael ei ddarparu ynddo.

(**1**) 2012 c. 9.
(**2**) 1997 c. 50.
(**3**) 1996 c. 18.
(**4**) 1989 c. 41.

ystyr "Deddf 2014" ("*the 2014 Act*") yw Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(**1**);

ystyr "y Ddeddf" ("*the Act*") yw Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016;

ystyr "GDG" ("*DBS*") ac "y Gwasanaeth Datgelu a Gwahardd" ("*the Disclosure and Barring Service*") yw'r corff a sefydlwyd gan adran 87(1) o Ddeddf Diogelu Rhyddidau 2012(**2**);

mae i "gofal a chymorth" ("*care and support*") a'r termau unigol "gofal" ("*care*") a "cymorth" ("*support*") yr un ystyr ag yn adran 3 o'r Ddeddf;

ystyr "gofalwr" ("*carer*") yw person y mae unigolyn sy'n oedolyn yn byw gydag ef ac sy'n brif ofalwr yr unigolyn;

ystyr "gwasanaeth diweddaru'r GDG" ("*DBS update service*") yw'r gwasanaeth sy'n cael ei weithredu gan y Gwasanaeth Datgelu a Gwahardd ac sy'n darparu gwybodaeth ddiweddaru berthnasol o fewn yr ystyr a roddir i "update information" yn adran 116A(8)(b)(i) neu (c)(i) o Ddeddf yr Heddlu 1997(**3**);

mae i "gwasanaeth preswyl ysgol arbennig" ("*special school residential service*") yr un ystyr ag yn rheoliad 2 o Reoliadau Gwasanaethau Rheoleiddiedig (Gwasanaethau Preswyl Ysgolion Arbennig) (Cymru) 2023(**4**);

mae i "gweithiwr" yr un ystyr ag a roddir i "worker" yn adran 230(3) o Ddeddf Hawliau Cyflogaeth 1996 ac eithrio yn yr ymadrodd "gweithiwr gofal cymdeithasol" ("*social care worker*")(**5**);

mae i "llesiant" ("*well-being*") yr un ystyr ag yn adran 2 o Ddeddf 2014;

mae i "niwed" ("*harm*") yr un ystyr ag yn adran 197(1) o Ddeddf 2014;

ystyr "oedolyn" ("*adult*") yw person sy'n 18 oed neu drosodd;

ystyr "personau sy'n gweithio yn y gwasanaeth" ("*persons working at the service*") yw cyflogai, gwirfoddolwr neu bersonau eraill sy'n gweithio o dan gyfarwyddyd a rheolaeth y darparwr gwasanaeth;

ystyr "plentyn" ("*child*") yw person sydd o dan 18 oed;

(b) in relation to a child, means—

(i) the outcomes that the child wishes to achieve, or

(ii) the outcomes that any persons with parental responsibility wish to achieve in relation to the child;

"personal plan" ("*cynllun personol*") means the plan required to be prepared in accordance with regulation 11(1);

"persons working at the service" ("*personau sy'n gweithio yn y gwasanaeth*") means an employee, volunteer or other persons working under the direction and control of the service provider;

"placing authority" ("*awdurdod lleoli*") means—

(a) in the case of a child who is looked after by a local authority or local authority in England, that local authority;

(b) in the case of a child who is not looked after by a local authority or local authority in England—

(i) if the child is being provided with accommodation by a voluntary organisation, that voluntary organisation, and for the purpose of this definition "voluntary organisation" has the same meaning as in section 197(1) of the 2014 Act;

(ii) if the child is accommodated at the service under arrangements made by a local authority or a local authority in England (whether in the exercise of education functions within the meaning of section 579(1) of the Education Act 1996(**1**) or otherwise), that local authority;

"provider assessment" ("*asesiad darparwr*") means the assessment which is required to be carried out by the service provider under regulation 14;

"reasonable adjustments" ("*addasiadau rhesymol*") means such reasonable adjustments as would be required under the Equality Act 2010(**2**);

"responsible individual" ("*unigolyn cyfrifol*") has the same meaning as in section 21(1) of the Act;

(**1**) 2014 dccc 4.
(**2**) 2012 p. 9.
(**3**) 1997 p. 50.
(**4**) O.S. 2023/1327 (Cy. 238).
(**5**) 1996 p. 18.

(**1**) 1996 c. 56.
(**2**) 2010 c. 15.

mae i "plentyn sy'n derbyn gofal gan awdurdod lleol" ("*child who is looked after by a local authority*") yr un ystyr ag yn adran 74 o Ddeddf 2014;

ystyr "rheoleiddiwr gwasanaethau" ("*service regulator*") yw Gweinidogion Cymru wrth arfer eu swyddogaethau rheoleiddiol;

ystyr "rheoleiddiwr y gweithlu" ("*workforce regulator*") yw Gofal Cymdeithasol Cymru;

nid yw "rhiant" ("*parent*") yn gymwys ond mewn perthynas ag unigolyn sy'n blentyn ac nad yw'n derbyn gofal gan awdurdod lleol a'i ystyr yw person a chanddo gyfrifoldeb rhiant dros y plentyn;

ystyr "rheolwr a benodir" ("*appointed manager*") yw person a benodir i reoli'r gwasanaeth yn unol â rheoliad 58;

mae "staff" ("*staff*") yn cynnwys—

(a) personau a gyflogir gan y darparwr gwasanaeth i weithio yn y gwasanaeth fel cyflogai neu weithiwr, a

(b) personau sydd wedi eu cymryd ymlaen gan y darparwr gwasanaeth o dan gontract ar gyfer gwasanaethau,

ond nid yw'n cynnwys personau y caniateir iddynt weithio fel gwirfoddolwyr;

ystyr "tystysgrif GDG" ("*DBS certificate*") yw'r dystysgrif y cyfeirir ati ym mharagraffau 2 a 3 o Atodlen 1;

ystyr "unigolyn" ("*individual*"), oni noda'r cyd-destun yn wahanol, yw'r plentyn neu'r oedolyn sy'n cael gofal a chymorth;

mae i "unigolyn cyfrifol" ("*responsible individual*") yr un ystyr ag yn adran 21(1) o'r Ddeddf.

(4) Yn Rhannau 1 i 18, ystyr "y gwasanaeth" yw'r gwasanaeth preswyl ysgol arbennig sy'n cael ei ddarparu mewn lleoliad penodedig ac at ddiben y diffiniad hwn ystyr "lleoliad penodedig" yw lleoliad a bennir mewn amod i gofrestriad y darparwr gwasanaeth fel man y mae'r gwasanaeth i gael ei ddarparu ynddo.

(5) Yn Rhan 19, mae i "y gwasanaeth" yr ystyr a roddir yn rheoliad 78(2) o'r Rheoliadau hyn.

"service provider" ("*darparwr gwasanaeth*") means a person registered as a provider of a special school residential service;

"service regulator" ("*rheoleiddiwr gwasanaethau*") means the Welsh Ministers in the exercise of their regulatory functions;

"special school residential service" ("*gwasanaeth preswyl ysgol arbennig*") has the same meaning as in regulation 2 of the Regulated Services (Special School Residential Services) (Wales) Regulations 2023(**1**);

"staff" ("*staff*") includes—

(a) persons employed by the service provider to work at the service as an employee or a worker, and

(b) persons engaged by the service provider under a contract for services,

but does not include persons who are allowed to work as volunteers;

"statement of purpose" ("*datganiad o ddiben*") means the statement of purpose for the place at, from or in relation to which the service is provided(**2**);

"well-being" ("*llesiant*") has the same meaning as in section 2 of the 2014 Act;

"worker" ("*gweithiwr*") has the same meaning as in section 230(3) of the Employment Rights Act 1996 except for in the phrase "social care worker" ("*gweithwr gofal cymdeithasol*")(**3**);

"workforce regulator" ("*rheoleiddiwr y gweithlu*") means Social Care Wales.

(4) In Parts 1 to 18, "the service" ("*y gwasanaeth*") means the special school residential service which is provided at a specified location and for the purpose of this definition "specified location" means a location specified in a condition to the service provider's registration as a place at which the service is to be provided.

(5) In Part 19, "the service" has the meaning given in regulation 78(2) of these Regulations.

(**1**) S.I. 2023/1327 (W. 238).
(**2**) Regulation 3 of S.I. 2017/1098 (W. 278) requires a person who wants to provide a special school residential service to provide a statement of purpose for each place at which the service is to be provided.
(**3**) 1996 c. 18.

RHAN 2

Gofynion cyffredinol ar ddarparwyr gwasanaethau

Gofynion mewn perthynas â darparu'r gwasanaeth

2. Rhaid i'r darparwr gwasanaeth sicrhau bod y gwasanaeth wedi ei ddarparu â gofal, cymhwysedd a sgìl digonol, gan roi sylw i'r datganiad o ddiben.

Gofynion mewn perthynas â'r datganiad o ddiben

3.—(1) Rhaid i'r darparwr gwasanaeth ddarparu'r gwasanaeth yn unol â'r datganiad o ddiben.

(2) Rhaid i'r darparwr gwasanaeth—

(a) cadw'r datganiad o ddiben o dan adolygiad, a

(b) pan fo'n briodol, ddiwygio'r datganiad o ddiben.

(3) Oni bai bod paragraff (4) yn gymwys, rhaid i'r darparwr gwasanaeth hysbysu'r personau a restrir ym mharagraff (6) am unrhyw ddiwygiad sydd i'w wneud i'r datganiad o ddiben o leiaf 28 o ddiwrnodau cyn y mae i gymryd effaith.

(4) Mae'r paragraff hwn yn gymwys mewn achosion pan fo'n angenrheidiol diwygio'r datganiad o ddiben gydag effaith ar unwaith.

(5) Os yw paragraff (4) yn gymwys, rhaid i'r darparwr gwasanaeth, yn ddi-oed, hysbysu'r personau a restrir ym mharagraff (6) am unrhyw ddiwygiad a wneir i'r datganiad o ddiben.

(6) Y personau y mae rhaid iddynt gael eu hysbysu am unrhyw ddiwygiad i'r datganiad o ddiben yn unol â pharagraff (3) neu (5) yw—

(a) y rheoleiddiwr gwasanaethau,

(b) yr unigolion,

(c) unrhyw awdurdod lleoli, a

(d) unrhyw riant neu ofalwr i unigolyn oni bai nad yw'n briodol gwneud hynny neu y byddai gwneud hynny yn anghyson â llesiant yr unigolyn.

(7) Rhaid i'r darparwr gwasanaeth ddarparu'r datganiad o ddiben cyfredol i unrhyw berson ar gais, oni bai nad yw'n briodol gwneud hynny neu y byddai gwneud hynny yn anghyson â llesiant unigolyn.

Gofynion mewn perthynas â monitro a gwella

4.—(1) Rhaid i'r darparwr gwasanaeth sicrhau bod trefniadau effeithiol yn eu lle ar gyfer monitro, adolygu a gwella ansawdd y gofal a'r cymorth a ddarperir gan y gwasanaeth.

PART 2

General requirements on service providers

Requirements in relation to the provision of the service

2. The service provider must ensure that the service is provided with sufficient care, competence and skill, having regard to the statement of purpose.

Requirements in relation to the statement of purpose

3.—(1) The service provider must provide the service in accordance with the statement of purpose.

(2) The service provider must—

(a) keep the statement of purpose under review, and

(b) where appropriate, revise the statement of purpose.

(3) Unless paragraph (4) applies, the service provider must notify the persons listed in paragraph (6) of any revision to be made to the statement of purpose at least 28 days before it is to take effect.

(4) This paragraph applies in cases where it is necessary to revise the statement of purpose with immediate effect.

(5) If paragraph (4) applies, the service provider must, without delay, notify the persons listed in paragraph (6) of any revision made to the statement of purpose.

(6) The persons who must be notified of any revision to the statement of purpose in accordance with paragraph (3) or (5) are—

(a) the service regulator,

(b) the individuals,

(c) any placing authority, and

(d) any parent or carer of an individual unless it is not appropriate to do so or would be inconsistent with the well-being of the individual.

(7) The service provider must provide the up-to-date statement of purpose to any person on request, unless it is not appropriate to do so or would be inconsistent with the well-being of an individual.

Requirements in relation to monitoring and improvement

4.—(1) The service provider must ensure that there are effective arrangements in place for monitoring, reviewing and improving the quality of care and support provided by the service.

(2) Rhaid i'r trefniadau hynny gynnwys trefniadau ar gyfer ceisio safbwyntiau—

(a) unigolion,

(b) unrhyw riant neu ofalwr, oni bai nad yw hyn yn briodol neu y byddai'n anghyson â llesiant yr unigolyn,

(c) unrhyw awdurdod lleoli, a

(d) staff,

ar ansawdd y gofal a'r cymorth a ddarperir gan y gwasanaeth a sut y gellir gwella hyn.

(3) Wrth wneud unrhyw benderfyniadau ar gynlluniau ar gyfer gwella ansawdd y gofal a'r cymorth a ddarperir gan y gwasanaeth, rhaid i'r darparwr gwasanaeth—

(a) ystyried safbwyntiau'r personau hynny yr ymgynghorir â hwy yn unol â pharagraff (2), a

(b) rhoi sylw i'r adroddiad ar ansawdd y gofal a lunnir gan yr unigolyn cyfrifol yn unol â rheoliad 71(4).

Gofynion mewn perthynas â'r unigolyn cyfrifol

5.—(1) Nid yw'r rheoliad hwn yn gymwys i ddarparwr gwasanaeth sy'n unigolyn.

(2) Rhaid i ddarparwr gwasanaeth y mae'r rheoliad hwn yn gymwys iddo sicrhau bod y person sydd wedi ei ddynodi fel yr unigolyn cyfrifol—

(a) yn cael cymorth i gyflawni ei ddyletswyddau'n effeithiol, a

(b) yn ymgymryd â hyfforddiant priodol.

(3) Os bydd gan y darparwr gwasanaeth reswm dros gredu nad yw'r unigolyn cyfrifol wedi cydymffurfio â gofyniad a osodir gan y rheoliadau yn Rhannau 13 i 17, rhaid i'r darparwr—

(a) cymryd unrhyw gamau gweithredu sy'n angenrheidiol i sicrhau y cydymffurfir â'r gofyniad, a

(b) hysbysu'r rheoleiddiwr gwasanaethau.

(4) Yn ystod unrhyw adeg pan nad yw'r unigolyn cyfrifol yn gallu cyflawni ei ddyletswyddau, rhaid i'r darparwr gwasanaeth sicrhau bod trefniadau yn eu lle ar gyfer—

(a) rheoli'r gwasanaeth yn effeithiol,

(b) goruchwylio'r gwasanaeth yn effeithiol,

(c) cydymffurfedd y gwasanaeth â gofynion y rheoliadau yn Rhannau 2 i 12, a

(d) monitro, adolygu a gwella ansawdd y gofal a'r cymorth a ddarperir gan y gwasanaeth.

(2) Those arrangements must include arrangements for seeking the views of—

(a) individuals,

(b) any parent or carer, unless this is not appropriate or would be inconsistent with the individual's well-being,

(c) any placing authority, and

(d) staff,

on the quality of care and support provided by the service and how this can be improved.

(3) When making any decisions on plans for improvement of the quality of care and support provided by the service, the service provider must—

(a) take into account the views of those persons consulted in accordance with paragraph (2), and

(b) have regard to the quality of care report prepared by the responsible individual in accordance with regulation 71(4).

Requirements in relation to the responsible individual

5.—(1) This regulation does not apply to a service provider who is an individual.

(2) A service provider to whom this regulation applies must ensure that the person who is designated as the responsible individual—

(a) is supported to carry out their duties effectively, and

(b) undertakes appropriate training.

(3) In the event that the service provider has reason to believe that the responsible individual has not complied with a requirement imposed by the regulations in Parts 13 to 17, the provider must—

(a) take such action as is necessary to ensure that the requirement is complied with, and

(b) notify the service regulator.

(4) During any time when the responsible individual is unable to fulfil their duties, the service provider must ensure that there are arrangements in place for—

(a) the effective management of the service,

(b) the effective oversight of the service,

(c) the compliance of the service with the requirements of the regulations in Parts 2 to 12, and

(d) monitoring, reviewing and improving the quality of the care and support provided by the service.

(5) Os nad yw'r unigolyn cyfrifol yn gallu cyflawni ei ddyletswyddau a hynny am gyfnod o fwy nag 28 o ddiwrnodau, rhaid i'r darparwr gwasanaeth—

(a) hysbysu'r rheoleiddiwr gwasanaethau, a

(b) rhoi gwybod i'r rheoleiddiwr gwasanaethau am y trefniadau interim.

Gofynion mewn perthynas â'r unigolyn cyfrifol pan fo'r darparwr gwasanaeth yn unigolyn

6.—(1) Mae'r rheoliad hwn yn gymwys pan fo'r darparwr gwasanaeth yn unigolyn.

(2) Os yw'r rheoliad hwn yn gymwys, rhaid i'r unigolyn ymgymryd â hyfforddiant priodol er mwyn cyflawni ei ddyletswyddau'n briodol fel yr unigolyn cyfrifol.

(3) Yn ystod unrhyw adeg pan yw'r unigolyn yn absennol, rhaid iddo sicrhau bod trefniadau yn eu lle ar gyfer—

(a) rheoli'r gwasanaeth yn effeithiol,

(b) goruchwylio'r gwasanaeth yn effeithiol,

(c) cydymffurfedd y gwasanaeth â gofynion y rheoliadau yn Rhannau 2 i 12, a

(d) monitro, adolygu a gwella ansawdd y gofal a'r cymorth a ddarperir gan y gwasanaeth.

(4) Os nad yw'r unigolyn yn gallu cyflawni ei ddyletswyddau fel unigolyn cyfrifol a hynny am gyfnod o fwy nag 28 o ddiwrnodau, rhaid iddo—

(a) hysbysu'r rheoleiddiwr gwasanaethau, a

(b) rhoi gwybod i'r rheoleiddiwr gwasanaethau am y trefniadau interim.

Gofynion mewn perthynas â chynaliadwyedd ariannol y gwasanaeth

7.—(1) Rhaid i'r darparwr gwasanaeth gymryd camau rhesymol i sicrhau bod y gwasanaeth yn gynaliadwy yn ariannol at ddiben cyflawni'r nodau a'r amcanion a nodir yn y datganiad o ddiben.

(2) Rhaid i'r darparwr gwasanaeth gynnal cyfrifon priodol a chyfredol ar gyfer y gwasanaeth.

(3) Rhaid i'r darparwr gwasanaeth ddarparu copïau o'r cyfrifon i'r rheoleiddiwr gwasanaethau o fewn 28 o ddiwrnodau i gael cais i wneud hynny.

(4) Caiff y rheoleiddiwr gwasanaethau ei gwneud yn ofynnol i gyfrifon gael eu hardystio gan gyfrifydd.

(5) If the responsible individual is unable to fulfil their duties for a period of more than 28 days, the service provider must—

(a) notify the service regulator, and

(b) inform the service regulator of the interim arrangements.

Requirements in relation to the responsible individual where the service provider is an individual

6.—(1) This regulation applies where the service provider is an individual.

(2) If this regulation applies, the individual must undertake appropriate training for the proper discharge of the individual's duties as the responsible individual.

(3) During any time when the individual is absent, the individual must ensure that there are arrangements in place for—

(a) the effective management of the service,

(b) the effective oversight of the service,

(c) the compliance of the service with the requirements of the regulations in Parts 2 to 12, and

(d) monitoring, reviewing and improving the quality of the care and support provided by the service.

(4) If the individual is unable to fulfil their duties as a responsible individual for a period of more than 28 days, the individual must—

(a) notify the service regulator, and

(b) inform the service regulator of the interim arrangements.

Requirements in relation to the financial sustainability of the service

7.—(1) The service provider must take reasonable steps to ensure that the service is financially sustainable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The service provider must maintain appropriate and up to date accounts for the service.

(3) The service provider must provide copies of the accounts to the service regulator within 28 days of being requested to do so.

(4) The service regulator may require accounts to be certified by an accountant.

Gofynion i ddarparu'r gwasanaeth yn unol â pholisïau a gweithdrefnau

8.—(1) Rhaid i'r darparwr gwasanaeth sicrhau bod y polisïau a'r gweithdrefnau a ganlyn yn eu lle ar gyfer y gwasanaeth—

Derbyniadau a chychwyn y gwasanaeth (gweler Rhan 3, rheoliad 10)

Diogelu (gweler Rhan 7, rheoliad 24)

Cefnogi unigolion i reoli eu harian (gweler Rhan 7, rheoliad 25)

Defnyddio rheolaeth neu ataliaeth (gweler Rhan 7, rheoliad 26)

Cefnogi a datblygu staff (gweler Rhan 8, rheoliad 32)

Disgyblu staff (gweler Rhan 8, rheoliad 35)

Rheoli heintiau (gweler Rhan 11, rheoliad 48)

Meddyginiaeth (gweler Rhan 11, rheoliad 50)

Cwynion (gweler Rhan 12, rheoliad 55)

Chwythu'r chwiban (gweler Rhan 12, rheoliad 56).

(2) Rhaid i'r darparwr gwasanaeth gael polisi yn ei le ar atal bwlio, gweithdrefnau ar gyfer ymdrin â honiad o fwlio a gweithdrefn sydd i'w dilyn pan yw unrhyw unigolyn yn absennol heb ganiatâd.

(3) Rhaid i'r darparwr gwasanaeth gael unrhyw bolisïau a gweithdrefnau eraill yn eu lle sy'n rhesymol angenrheidiol i gefnogi nodau ac amcanion y gwasanaeth a nodir yn y datganiad o ddiben.

(4) Rhaid i'r darparwr gwasanaeth sicrhau bod cynnwys y polisïau a'r gweithdrefnau y mae'n ofynnol iddynt fod yn eu lle yn rhinwedd paragraffau (1) i (3)—

(a) yn briodol i anghenion unigolion y darperir gofal a chymorth ar eu cyfer,

(b) yn gyson â'r datganiad o ddiben, ac

(c) yn cael ei gadw'n gyfredol.

(5) Rhaid i'r darparwr gwasanaeth sicrhau bod y gwasanaeth yn cael ei ddarparu yn unol â'r polisïau a'r gweithdrefnau hynny.

Y ddyletswydd gonestrwydd

9. Rhaid i'r darparwr gwasanaeth weithredu mewn ffordd agored a thryloyw—

(a) ag unigolion sy'n cael gofal a chymorth,

(b) ag unrhyw riant neu ofalwr i'r unigolion hynny, ac

(c) ag unrhyw awdurdod lleoli.

Requirements to provide the service in accordance with policies and procedures

8.—(1) The service provider must ensure that the following policies and procedures are in place for the service—

Admissions and commencement of the service (see Part 3, regulation 10)

Safeguarding (see Part 7, regulation 24)

Supporting individuals to manage their money (see Part 7, regulation 25)

Use of control or restraint (see Part 7, regulation 26)

Staff support and development (see Part 8, regulation 32)

Staff discipline (see Part 8, regulation 35)

Infection control (see Part 11, regulation 48)

Medication (see Part 11, regulation 50)

Complaints (see Part 12, regulation 55)

Whistleblowing (see Part 12, regulation 56).

(2) The service provider must have a policy in place on the prevention of bullying, procedures for dealing with an allegation of bullying and a procedure to be followed when any individual is absent without permission.

(3) The service provider must have such other policies and procedures in place as are reasonably necessary to support the aims and objectives of the service set out in the statement of purpose.

(4) The service provider must ensure that the content of the policies and procedures which are required to be in place by virtue of paragraphs (1) to (3) is—

(a) appropriate to the needs of individuals for whom care and support is provided,

(b) consistent with the statement of purpose, and

(c) kept up to date.

(5) The service provider must ensure that the service is provided in accordance with those policies and procedures.

Duty of candour

9. The service provider must act in an open and transparent way with—

(a) individuals who are receiving care and support,

(b) any parent or carer of those individuals, and

(c) any placing authority.

RHAN 3

Gofynion ar ddarparwyr gwasanaethau o ran y camau sydd i'w cymryd cyn cytuno i ddarparu gofal a chymorth

Addasrwydd y gwasanaeth

10.—(1) Ni chaiff y darparwr gwasanaeth ddarparu gofal a chymorth ar gyfer unigolyn oni bai bod y darparwr gwasanaeth wedi penderfynu bod y gwasanaeth yn addas i ddiwallu anghenion gofal a chymorth yr unigolyn ac i gefnogi'r unigolyn i gyflawni ei ganlyniadau personol.

(2) Rhaid i'r darparwr gwasanaeth gael polisi a gweithdrefnau yn eu lle ar dderbyniadau a chychwyn y gwasanaeth.

(3) Rhaid i'r penderfyniad o dan baragraff (1) ystyried—

(a) cynllun gofal a chymorth yr unigolyn,

(b) os nad oes cynllun gofal a chymorth, asesiad y darparwr gwasanaeth o dan baragraff (4),

(c) unrhyw asesiadau iechyd neu addysg neu unrhyw asesiadau perthnasol eraill,

(d) safbwyntiau, dymuniadau a theimladau'r unigolyn,

(e) unrhyw risgiau i lesiant yr unigolyn,

(f) unrhyw risgiau i lesiant unigolion eraill y darperir gofal a chymorth iddynt,

(g) unrhyw addasiadau rhesymol y gallai'r darparwr gwasanaeth eu gwneud i alluogi i anghenion gofal a chymorth yr unigolyn gael eu diwallu, ac

(h) polisi a gweithdrefnau'r darparwr gwasanaeth ar dderbyniadau a chychwyn y gwasanaeth.

(4) Mewn achos pan na fo gan yr unigolyn gynllun gofal a chymorth, rhaid i'r darparwr gwasanaeth—

(a) asesu anghenion gofal a chymorth yr unigolyn, a

(b) nodi ei ganlyniadau personol.

(5) Rhaid i'r asesiad sy'n ofynnol gan baragraff (4) gael ei gynnal gan berson sydd—

(a) â'r sgiliau, yr wybodaeth a'r cymhwysedd i gynnal yr asesiad, a

(b) wedi cael hyfforddiant i gynnal asesiadau.

PART 3

Requirements on service providers as to the steps to be taken before agreeing to provide care and support

Suitability of the service

10.—(1) The service provider must not provide care and support for an individual unless the service provider has determined that the service is suitable to meet the individual's care and support needs and to support the individual to achieve their personal outcomes.

(2) The service provider must have in place a policy and procedures on admissions and commencement of the service.

(3) The determination under paragraph (1) must take into account—

(a) the individual's care and support plan,

(b) if there is no care and support plan, the service provider's assessment under paragraph (4),

(c) any health, education or other relevant assessments,

(d) the individual's views, wishes and feelings,

(e) any risks to the individual's well-being,

(f) any risks to the well-being of other individuals to whom care and support is provided,

(g) any reasonable adjustments which the service provider could make to enable the individual's care and support needs to be met, and

(h) the service provider's policy and procedures on admissions and commencement of the service.

(4) In a case where the individual does not have a care and support plan, the service provider must—

(a) assess the individual's care and support needs, and

(b) identify their personal outcomes.

(5) The assessment required by paragraph (4) must be carried out by a person who—

(a) has the skills, knowledge and competence to carry out the assessment, and

(b) has received training in the carrying out of assessments.

(6) Wrth wneud y penderfyniad ym mharagraff (1), rhaid i'r darparwr gwasanaeth gynnwys yr unigolyn, unrhyw awdurdod lleoli a rhiant neu ofalwr yr unigolyn. Ond nid yw'n ofynnol i'r darparwr gwasanaeth gynnwys rhiant neu ofalwr—

(a) os yw'r unigolyn yn oedolyn neu'n blentyn 16 oed neu drosodd ac nad yw'r unigolyn yn dymuno i'r rhiant neu'r gofalwr gael ei gynnwys, neu

(b) pe byddai cynnwys y rhiant neu'r gofalwr yn anghyson â llesiant yr unigolyn.

(6) In making the determination in paragraph (1), the service provider must involve the individual, any placing authority and the individual's parent or carer. But the service provider is not required to involve a parent or carer if—

(a) the individual is an adult or a child aged 16 or over and the individual does not wish the parent or carer to be involved, or

(b) involving the parent or carer would not be consistent with the individual's well-being.

RHAN 4

Gofynion ar ddarparwyr gwasanaethau o ran y camau sydd i'w cymryd wrth gychwyn darparu gofal a chymorth

PART 4

Requirements on service providers as to the steps to be taken on commencement of the provision of care and support

Cynllun personol

11.—(1) Rhaid i'r darparwr gwasanaeth lunio cynllun ar gyfer yr unigolyn sy'n nodi—

(a) sut y bydd anghenion gofal a chymorth yr unigolyn yn cael eu diwallu o ddydd i ddydd,

(b) sut y bydd yr unigolyn yn cael ei gefnogi i gyflawni ei ganlyniadau personol,

(c) y camau a fydd yn cael eu cymryd i liniaru unrhyw risgiau a nodir i lesiant yr unigolyn, a

(d) y camau a fydd yn cael eu cymryd i gefnogi cymryd risgiau cadarnhaol ac annibyniaeth, pan benderfynwyd bod hyn yn briodol.

(2) Cyfeirir yn y Rheoliadau hyn at y cynllun y mae'n ofynnol iddo gael ei lunio o dan baragraff (1) fel cynllun personol.

(3) Rhaid i'r cynllun personol gael ei lunio cyn cychwyn darparu gofal a chymorth i'r unigolyn, oni bai bod paragraff (4) yn gymwys.

(4) Mae'r paragraff hwn yn gymwys mewn achos pan fo ar yr unigolyn angen brys am ofal a chymorth ac nad oes amser wedi bod i lunio cynllun personol cyn cychwyn darparu gofal a chymorth i'r unigolyn.

(5) Os yw paragraff (4) yn gymwys, rhaid i'r cynllun personol gael ei lunio o fewn 24 awr i gychwyn darparu gofal a chymorth i'r unigolyn.

(6) Wrth lunio cynllun personol, rhaid i'r darparwr gwasanaeth gynnwys yr unigolyn, unrhyw awdurdod lleoli a rhiant neu ofalwr yr unigolyn. Ond nid yw'n ofynnol i'r darparwr gwasanaeth gynnwys rhiant neu ofalwr—

Personal plan

11.—(1) The service provider must prepare a plan for the individual which sets out—

(a) how on a day to day basis the individual's care and support needs will be met,

(b) how the individual will be supported to achieve their personal outcomes,

(c) the steps which will be taken to mitigate any identified risks to the individual's well-being, and

(d) the steps which will be taken to support positive risk-taking and independence, where it has been determined this is appropriate.

(2) The plan which is required to be prepared under paragraph (1) is referred to in these Regulations as a personal plan.

(3) The personal plan must be prepared prior to commencement of the provision of care and support to the individual, unless paragraph (4) applies.

(4) This paragraph applies in a case where the individual is in urgent need of care and support and there has been no time to prepare a personal plan prior to the commencement of the provision of care and support to the individual.

(5) If paragraph (4) applies, the personal plan must be prepared within 24 hours of the commencement of the provision of care and support to the individual.

(6) When preparing a personal plan, the service provider must involve the individual, any placing authority and the individual's parent or carer. But the service provider is not required to involve a parent or carer if—

(a) os yw'r unigolyn yn oedolyn neu'n blentyn 16 oed neu drosodd ac nad yw'r unigolyn yn dymuno i'r rhiant neu'r gofalwr gael ei gynnwys, neu

(b) pe byddai cynnwys y rhiant neu'r gofalwr yn anghyson â llesiant yr unigolyn.

(7) Wrth lunio'r cynllun personol, rhaid i'r darparwr gwasanaeth ystyried—

(a) cynllun gofal a chymorth yr unigolyn,

(b) os nad oes cynllun gofal a chymorth, asesiad y darparwr gwasanaeth o dan reoliad 10(4),

(c) unrhyw asesiadau iechyd neu addysg neu unrhyw asesiadau perthnasol eraill,

(d) safbwyntiau, dymuniadau a theimladau'r unigolyn,

(e) unrhyw risgiau i lesiant yr unigolyn, ac

(f) unrhyw risgiau i lesiant unigolion eraill y darperir gofal a chymorth iddynt.

Adolygu'r cynllun personol

12.—(1) Rhaid i'r cynllun personol gael ei adolygu fel sy'n ofynnol, a phan fo'n ofynnol, ond o leiaf bob tri mis.

(2) Yn achos plentyn sy'n derbyn gofal gan awdurdod lleol, rhaid sicrhau bod unrhyw adolygiad o'r cynllun personol yn cyd-fynd â'r adolygiadau y mae'n ofynnol iddynt gael eu cynnal gan yr awdurdod lleol o dan Reoliadau Cynllunio Gofal, Lleoli ac Adolygu Achosion (Cymru) 2015(**1**).

(3) Rhaid i adolygiadau o gynllun personol gynnwys adolygiad o'r graddau y mae'r unigolyn wedi gallu cyflawni ei ganlyniadau personol.

(4) Wrth gynnal adolygiad o dan y rheoliad hwn, rhaid i'r darparwr gwasanaeth gynnwys yr unigolyn, unrhyw awdurdod lleoli a rhiant neu ofalwr yr unigolyn. Ond nid yw'n ofynnol i'r darparwr gwasanaeth gynnwys rhiant neu ofalwr yr unigolyn—

(a) os yw'r unigolyn yn oedolyn neu'n blentyn 16 oed neu drosodd ac nad yw'r unigolyn yn dymuno i'r rhiant neu'r gofalwr gael ei gynnwys, neu

(b) pe byddai cynnwys y rhiant neu'r gofalwr yn anghyson â llesiant yr unigolyn.

(5) Ar ôl cwblhau unrhyw adolygiad sy'n ofynnol gan y rheoliad hwn, rhaid i'r darparwr gwasanaeth ystyried a ddylai'r cynllun personol gael ei ddiwygio a diwygio'r cynllun fel y bo angen.

(**1**) O.S. 2015/1818 (Cy. 261).

(a) the individual is an adult or a child aged 16 or over and the individual does not wish the parent or carer to be involved, or

(b) involving the parent or carer would not be consistent with the individual's well-being.

(7) In preparing the personal plan, the service provider must take into account—

(a) the individual's care and support plan,

(b) if there is no care and support plan, the service provider's assessment under regulation 10(4),

(c) any health, education or other relevant assessments,

(d) the individual's views, wishes and feelings,

(e) any risks to the individual's well-being, and

(f) any risks to the well-being of other individuals to whom care and support is provided.

Review of personal plan

12.—(1) The personal plan must be reviewed as and when required but at least every three months.

(2) In the case of a child who is looked after by a local authority, any review of the personal plan must be aligned with the reviews required to be carried out by the local authority under the Care Planning, Placement and Case Review (Wales) Regulations 2015(**1**).

(3) Reviews of a personal plan must include a review of the extent to which the individual has been able to achieve their personal outcomes.

(4) When carrying out a review under this regulation, the service provider must involve the individual, any placing authority and the individual's parent or carer. But the service provider is not required to involve the individual's parent or carer if—

(a) the individual is an adult or a child aged 16 or over and the individual does not wish the parent or carer to be involved, or

(b) involving the parent or carer would not be consistent with the individual's well-being.

(5) Following the completion of any review required by this regulation, the service provider must consider whether the personal plan should be revised and revise the plan as necessary.

(**1**) S.I. 2015/1818 (W. 261).

Cofnodion o gynlluniau personol

13. Rhaid i'r darparwr gwasanaeth—

(a) cadw cofnod—

(i) o'r cynllun personol ac unrhyw gynllun diwygiedig, a

(ii) o ganlyniad unrhyw adolygiad, a

(b) rhoi copi o'r cynllun personol ac unrhyw gynllun diwygiedig—

(i) i'r unigolyn,

(ii) i riant neu ofalwr yr unigolyn, oni bai nad yw hyn yn briodol neu y byddai'n anghyson â llesiant yr unigolyn, a

(iii) i unrhyw awdurdod lleoli.

Asesiad darparwr

14.—(1) O fewn 7 niwrnod i gychwyn darparu gofal a chymorth ar gyfer unigolyn, rhaid i'r darparwr gwasanaeth—

(a) asesu sut y gellir diwallu anghenion gofal a chymorth yr unigolyn orau,

(b) asesu sut y gall yr unigolyn gael ei gefnogi orau i gyflawni ei ganlyniadau personol,

(c) canfod safbwyntiau, dymuniadau a theimladau'r unigolyn,

(d) asesu unrhyw risgiau i lesiant yr unigolyn, ac

(e) asesu unrhyw risgiau i lesiant unigolion eraill y darperir gofal a chymorth iddynt.

(2) Cyfeirir yn y Rheoliadau hyn at yr asesiad o dan baragraff (1) fel asesiad darparwr.

(3) Rhaid i asesiad darparwr gael ei gynnal gan berson sydd—

(a) â'r sgiliau, yr wybodaeth a'r cymhwysedd i gynnal yr asesiad, a

(b) wedi cael hyfforddiant i gynnal asesiadau.

(4) Rhaid i asesiad darparwr ystyried—

(a) cynllun gofal a chymorth yr unigolyn, os oes un ar gael,

(b) asesiad y darparwr gwasanaeth o dan reoliad 10(4), os yw'n gymwys,

(c) unrhyw asesiadau iechyd neu addysg neu unrhyw asesiadau perthnasol eraill,

(d) safbwyntiau, dymuniadau a theimladau'r unigolyn,

(e) unrhyw risgiau i lesiant yr unigolyn, ac

(f) polisi a gweithdrefnau'r darparwr gwasanaeth ar dderbyniadau a chychwyn y gwasanaeth.

Records of personal plans

13. The service provider must—

(a) keep a record of—

(i) the personal plan and any revised plan, and

(ii) the outcome of any review, and

(b) give a copy of the personal plan and any revised plan to—

(i) the individual,

(ii) the parent or carer of the individual, unless this is not appropriate or would be inconsistent with the individual's well-being, and

(iii) any placing authority.

Provider assessment

14.—(1) Within 7 days of the commencement of the provision of care and support for an individual, the service provider must—

(a) assess how the individual's care and support needs can best be met,

(b) assess how the individual can best be supported to achieve their personal outcomes,

(c) ascertain the individual's views, wishes and feelings,

(d) assess any risks to the individual's well-being, and

(e) assess any risks to the well-being of other individuals to whom care and support is provided.

(2) The assessment under paragraph (1) is referred to in these Regulations as a provider assessment.

(3) A provider assessment must be carried out by a person who—

(a) has the skills, knowledge and competence to carry out the assessment, and

(b) has received training in the carrying out of assessments.

(4) A provider assessment must take into account—

(a) the individual's care and support plan, if available,

(b) the service provider's assessment under regulation 10(4), if applicable,

(c) any health, education or other relevant assessments,

(d) the individual's views, wishes and feelings,

(e) any risks to the individual's well-being, and

(f) the service provider's policy and procedures on admissions and commencement of the service.

(5) Wrth gynnal neu ddiwygio asesiad darparwr, rhaid i'r darparwr gwasanaeth gynnwys yr unigolyn, unrhyw awdurdod lleoli a rhiant neu ofalwr yr unigolyn. Ond nid yw'n ofynnol i'r darparwr gwasanaeth gynnwys rhiant neu ofalwr yr unigolyn—

(a) os yw'r unigolyn yn oedolyn neu'n blentyn 16 oed neu drosodd ac nad yw'r unigolyn yn dymuno i'r rhiant neu'r gofalwr gael ei gynnwys, neu

(b) pe byddai cynnwys y rhiant neu'r gofalwr yn anghyson â llesiant yr unigolyn.

(6) Rhaid i asesiad darparwr gael ei gadw o dan adolygiad a'i ddiwygio fel y bo angen.

(7) Ar ôl cwblhau asesiad y darparwr ac unrhyw asesiad diwygiedig, rhaid i'r cynllun personol gael ei adolygu a'i ddiwygio fel y bo angen.

(8) Rhaid i'r darparwr gwasanaeth gadw cofnod o asesiad darparwr a rhoi copi o'r asesiad i'r unigolyn ac i riant neu ofalwr yr unigolyn.

(5) When carrying out or revising a provider assessment, the service provider must involve the individual, any placing authority and the individual's parent or carer. But the service provider is not required to involve the individual's parent or carer if—

(a) the individual is an adult or a child aged 16 or over and the individual does not wish the parent or carer to be involved, or

(b) involving the parent or carer would not be consistent with the individual's well-being.

(6) A provider assessment must be kept under review and revised as necessary.

(7) Following the completion of the provider assessment and any revised assessment, the personal plan must be reviewed and revised as necessary.

(8) The service provider must keep a record of a provider assessment and give a copy of the assessment to the individual and the individual's parent or carer.

RHAN 5

Gofynion ar ddarparwyr gwasanaethau o ran yr wybodaeth sydd i'w darparu i unigolion wrth gychwyn darparu gofal a chymorth

Gwybodaeth am y gwasanaeth

15.—(1) Rhaid i'r darparwr gwasanaeth lunio canllaw ysgrifenedig ar y gwasanaeth.

(2) Rhaid i'r canllaw—

(a) cael ei ddyddio, ei adolygu o leiaf bob blwyddyn a'i ddiweddaru fel y bo angen,

(b) bod mewn iaith, arddull, cyflwyniad a fformat priodol, gan roi sylw i'r datganiad o ddiben ar gyfer y gwasanaeth,

(c) cael ei roi i bob unigolyn sy'n cael gofal a chymorth, ac i'w rieni a'i ofalwyr,

(d) cael ei roi i unrhyw awdurdod lleoli, ac

(e) cael ei roi ar gael i eraill ar gais, oni bai nad yw hyn yn briodol neu y byddai'n anghyson â llesiant unigolyn.

(3) Rhaid i'r canllaw gynnwys yr wybodaeth a ganlyn—

(a) gwybodaeth am sut i godi pryder neu wneud cwyn;

(b) gwybodaeth am argaeledd gwasanaethau eirioli.

PART 5

Requirements on service providers as to the information to be provided to individuals on commencement of the provision of care and support

Information about the service

15.—(1) The service provider must prepare a written guide to the service.

(2) The guide must be—

(a) dated, reviewed at least annually and updated as necessary,

(b) in an appropriate language, style, presentation and format, having regard to the statement of purpose for the service,

(c) given to all individuals who are receiving care and support and to their parents and carers,

(d) given to any placing authority, and

(e) made available to others on request, unless this is not appropriate or would be inconsistent with the well-being of an individual.

(3) The guide must contain the following information—

(a) information about how to raise a concern or make a complaint;

(b) information about the availability of advocacy services.

(4) Rhaid i'r darparwr gwasanaeth sicrhau bod pob unigolyn, a rhieni a gofalwyr unigolion, yn cael unrhyw gymorth sy'n angenrheidiol i'w galluogi i ddeall yr wybodaeth a gynhwysir yn y canllaw.

Cytundeb gwasanaeth

16.—(1) Rhaid i'r darparwr gwasanaeth lunio a rhoi i'r unigolyn gytundeb ysgrifenedig sy'n nodi—

(a) y gofal a'r cymorth sydd i'w darparu i'r unigolyn, a

(b) unrhyw wasanaethau eraill sydd i'w darparu i'r unigolyn.

(2) Rhaid i'r darparwr gwasanaeth ddarparu copi o'r cytundeb—

(a) i riant neu ofalwr yr unigolyn, a

(b) i unrhyw awdurdod lleoli.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod unigolion, a rhieni a gofalwyr unigolion, yn cael unrhyw gymorth sy'n angenrheidiol i'w galluogi i ddeall yr wybodaeth a gynhwysir yn y cytundeb.

(4) The service provider must ensure that all individuals, and the parents and carers of individuals, receive such support as is necessary to enable them to understand the information contained in the guide.

Service agreement

16.—(1) The service provider must prepare and give to the individual a written agreement setting out—

(a) the care and support to be provided to the individual, and

(b) any other services to be provided to the individual.

(2) The service provider must provide a copy of the agreement to—

(a) the individual's parent or carer, and

(b) any placing authority.

(3) The service provider must ensure that individuals, and the parents and carers of individuals, receive such support as is necessary to understand the information contained in the agreement.

RHAN 6

Gofynion ar ddarparwyr gwasanaethau o ran safon y gofal a'r cymorth sydd i'w darparu ac o ran cael gafael ar wasanaethau iechyd

Safonau gofal a chymorth – gofynion cyffredinol

17.—(1) Rhaid i'r darparwr gwasanaeth sicrhau y darperir gofal a chymorth mewn ffordd sy'n amddiffyn, yn hybu ac yn cynnal diogelwch a llesiant unigolion.

(2) Rhaid i'r darparwr gwasanaeth sicrhau y darperir gofal a chymorth i bob unigolyn yn unol â chynllun personol yr unigolyn.

(3) Rhaid i'r darparwr gwasanaeth sicrhau y darperir gofal a chymorth mewn ffordd—

(a) sy'n cynnal perthnasoedd personol a phroffesiynol da ag unigolion a staff, a

(b) sy'n annog ac yn cynorthwyo staff i gynnal perthnasoedd personol a phroffesiynol da ag unigolion.

(4) Os nad yw'r darparwr gwasanaeth, o ganlyniad i newid yn anghenion asesedig yr unigolyn, yn gallu diwallu'r anghenion hynny mwyach, hyd yn oed ar ôl gwneud unrhyw addasiadau rhesymol, rhaid i'r darparwr roi hysbysiad ysgrifenedig o hyn i'r unigolyn, rhiant neu ofalwr yr unigolyn, ac unrhyw awdurdod lleoli ar unwaith.

PART 6

Requirements on service providers as to the standard of care and support to be provided and as to access to health services

Standards of care and support - overarching requirements

17.—(1) The service provider must ensure that care and support is provided in a way which protects, promotes and maintains the safety and well-being of individuals.

(2) The service provider must ensure that care and support is provided to each individual in accordance with the individual's personal plan.

(3) The service provider must ensure that care and support is provided in way which—

(a) maintains good personal and professional relationships with individuals and staff, and

(b) encourages and assists staff to maintain good personal and professional relationships with individuals.

(4) If, as a result of a change in the individual's assessed needs, the service provider is no longer able to meet those needs, even after making any reasonable adjustments, the provider must immediately give written notification of this to the individual, the individual's parent or carer, and any placing authority.

Parhad gofal

18. Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle i sicrhau bod unigolion yn cael parhad gofal sy'n rhesymol i ddiwallu eu hanghenion am ofal a chymorth.

Gwybodaeth

19.—(1) Rhaid i'r darparwr gwasanaeth sicrhau bod gan unigolion a'u rhieni neu eu gofalwyr yr wybodaeth y mae ei hangen arnynt i wneud neu gymryd rhan mewn asesiadau, cynlluniau a phenderfyniadau o ddydd i ddydd am y ffordd y darperir gofal a chymorth iddynt a sut y maent yn cael eu cefnogi i gyflawni eu canlyniadau personol.

(2) Rhaid i'r wybodaeth a ddarperir fod ar gael yn yr iaith, yr arddull, y cyflwyniad a'r fformat priodol, gan roi sylw i—

(a) natur y gwasanaeth fel y'i disgrifir yn y datganiad o ddiben;

(b) lefel dealltwriaeth yr unigolyn a'i allu i gyfathrebu.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod unigolion a'u rhieni a'u gofalwyr yn cael unrhyw gymorth sy'n angenrheidiol i'w alluogi i ddeall yr wybodaeth a ddarperir.

Iaith a chyfathrebu

20.—(1) Rhaid i'r darparwr gwasanaeth gymryd camau rhesymol i ddiwallu anghenion iaith unigolion.

(2) Rhaid i'r darparwr gwasanaeth sicrhau y darperir mynediad i unrhyw gymhorthion a chyfarpar sy'n angenrheidiol i unigolyn i hwyluso'r ffordd y mae'r unigolyn yn cyfathrebu ag eraill.

Parch a sensitifrwydd

21.—(1) Rhaid i'r darparwr gwasanaeth sicrhau bod unigolion yn cael eu trin â pharch a sensitifrwydd.

(2) Mae hyn yn cynnwys, ond nid yw'n gyfyngedig i—

(a) parchu preifatrwydd ac urddas yr unigolyn;

(b) parchu hawliau'r unigolyn i gyfrinachedd;

(c) hybu ymreolaeth ac annibyniaeth yr unigolyn;

(d) rhoi sylw i unrhyw nodweddion gwarchodedig perthnasol (fel y diffinnir "protected characteristics" yn adran 4 o Ddeddf Cydraddoldeb 2010(**1**)) yr unigolyn.

(**1**) 2010 p. 15.

Continuity of care

18. The service provider must put arrangements in place to ensure that individuals receive such continuity of care as is reasonable to meet their needs for care and support.

Information

19.—(1) The service provider must ensure that individuals and their parents or carers have the information they need to make or participate in assessments, plans and day to day decisions about the way care and support is provided to them and how they are supported to achieve their personal outcomes.

(2) Information provided must be available in the appropriate language, style, presentation and format, having regard to—

(a) the nature of the service as described in the statement of purpose;

(b) the level of the individual's understanding and ability to communicate.

(3) The service provider must ensure that individuals and their parents and carers receive such support as is necessary to enable them to understand the information provided.

Language and communication

20.—(1) The service provider must take reasonable steps to meet the language needs of individuals.

(2) The service provider must ensure that the individual is provided with access to such aids and equipment as may be necessary to facilitate the individual's communication with others.

Respect and sensitivity

21.—(1) The service provider must ensure that individuals are treated with respect and sensitivity.

(2) This includes, but is not limited to—

(a) respecting the individual's privacy and dignity;

(b) respecting the individual's rights to confidentiality;

(c) promoting the individual's autonomy and independence;

(d) having regard to any relevant protected characteristics (as defined in section 4 of the Equality Act 2010(**1**)) of the individual.

(**1**) 2010 c. 15.

Cael gafael ar wasanaethau iechyd a gwasanaethau eraill

22.—(1) Rhaid i'r darparwr gwasanaeth roi trefniadau yn eu lle er mwyn i unigolion—

(a) gallu cael gafael ar driniaeth, cyngor a gwasanaethau eraill gan unrhyw broffesiynolyn gofal iechyd fel y bo angen, a

(b) cael eu cefnogi i gael gafael ar wasanaethau o'r fath.

(2) Yn y rheoliad hwn, ystyr "proffesiynolyn gofal iechyd" yw person sydd wedi ei gofrestru'n aelod o unrhyw broffesiwn y mae adran 60(2) o Ddeddf Iechyd 1999(**1**) yn gymwys iddo.

Access to health and other services

22.—(1) The service provider must put in place arrangements for individuals—

(a) to be able to access treatment, advice and other services from any health care professional as necessary, and

(b) to be supported to access such services.

(2) In this regulation, "health care professional" means a person who is registered as a member of any profession to which section 60(2) of the Health Act 1999(**1**) applies.

RHAN 7

Gofynion ar ddarparwyr gwasanaethau – diogelu

Diogelu – gofyniad cyffredinol

23. Rhaid i'r darparwr gwasanaeth ddarparu'r gwasanaeth mewn ffordd sy'n sicrhau bod unigolion yn ddiogel ac yn cael eu hamddiffyn rhag camdriniaeth, esgeulustod a thriniaeth amhriodol.

Polisïau a gweithdrefnau diogelu

24.—(1) Rhaid i'r darparwr gwasanaeth gael polisïau a gweithdrefnau yn eu lle—

(a) ar gyfer atal camdriniaeth, esgeulustod a thriniaeth amhriodol, a

(b) ar gyfer ymateb i unrhyw honiad neu dystiolaeth o gamdriniaeth, esgeulustod neu driniaeth amhriodol.

(2) Yn y rheoliad hwn, cyfeirir at bolisïau a gweithdrefnau o'r fath fel polisïau a gweithdrefnau diogelu.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod ei bolisïau a'i weithdrefnau diogelu yn cael eu gweithredu'n effeithiol.

(4) Yn benodol, pan fo honiad neu dystiolaeth o gamdriniaeth, esgeulustod neu driniaeth amhriodol, rhaid i'r darparwr gwasanaeth—

(a) gweithredu yn unol â'i bolisïau a'i weithdrefnau diogelu,

PART 7

Requirements on service providers – safeguarding

Safeguarding - overarching requirement

23. The service provider must provide the service in a way which ensures that individuals are safe and are protected from abuse, neglect and improper treatment.

Safeguarding policies and procedures

24.—(1) The service provider must have policies and procedures in place—

(a) for the prevention of abuse, neglect and improper treatment, and

(b) for responding to any allegation or evidence of abuse, neglect or improper treatment.

(2) In this regulation, such policies and procedures are referred to as safeguarding policies and procedures.

(3) The service provider must ensure that their safeguarding policies and procedures are operated effectively.

(4) In particular, where there is an allegation or evidence of abuse, neglect or improper treatment, the service provider must—

(a) act in accordance with their safeguarding policies and procedures,

(**1**) 1999 p. 8.

(**1**) 1999 c. 8.

(b) cymryd camau gweithredu ar unwaith i sicrhau diogelwch pob unigolyn y darperir gofal a chymorth ar ei gyfer,

(c) gwneud atgyfeiriadau priodol i asiantaethau eraill, a

(d) cadw cofnod o unrhyw dystiolaeth neu sylwedd unrhyw honiad, unrhyw gamau gweithredu a gymerir ac unrhyw atgyfeiriadau a wneir.

Cefnogi unigolion i reoli eu harian

25.—(1) Rhaid i'r darparwr gwasanaeth gael polisi a gweithdrefnau yn eu lle ynghylch cefnogi unigolion i reoli eu harian a rhaid iddo sicrhau y darperir y gwasanaeth yn unol â'r polisi hwnnw a'r gweithdrefnau hynny.

(2) Rhaid i'r polisi a'r gweithdrefnau y mae'n ofynnol gan y rheoliad hwn iddynt fod yn eu lle nodi'r camau sydd i'w cymryd—

(a) i alluogi a chefnogi unigolion i reoli eu harian eu hunain ac i amddiffyn unigolion rhag cam-driniaeth ariannol;

(b) i sicrhau y caiff cynilion a wneir gan neu ar ran unigolion eu goruchwylio a'u monitro'n ddigonol, gan gynnwys trefniadau ar gyfer cadw cofnodion o gynilion a throsglwyddo'r cofnodion hyn pan yw'r darparwr gwasanaeth yn peidio â darparu llety a gofal a chymorth i'r unigolyn.

(3) Pan fo arian unigolyn yn cael ei ddal gan y darparwr gwasanaeth at unrhyw ddiben (ac eithrio arian a ddelir at ddiben talu ffioedd sy'n daladwy gan yr unigolyn yn unol ag unrhyw gytundeb â'r darparwr gwasanaeth), rhaid i'r polisi a'r gweithdrefnau sy'n ofynnol gan y rheoliad hwn ddarparu—

(a) bod yr arian yn cael ei ddal mewn cyfrif yn enw'r unigolyn neu mewn cyfrif sy'n golygu bod modd gwahaniaethu'n glir rhwng arian pob unigolyn;

(b) nad yw unrhyw gyfrif o'r fath yn cael ei ddefnyddio mewn cysylltiad â rheoli'r gwasanaeth.

(4) Rhaid i'r darparwr gwasanaeth sicrhau cyn belled ag y bo'n ymarferol nad yw personau sy'n gweithio yn y gwasanaeth yn gweithredu fel asiant i unigolyn.

Defnyddio rheolaeth ac ataliaeth yn briodol

26.—(1) Ni chaniateir darparu gofal a chymorth mewn ffordd sy'n cynnwys gweithredoedd y bwriedir iddynt reoli neu atal unigolyn oni bai bod y gweithredoedd hynny—

(b) take immediate action to ensure the safety of all individuals for whom care and support is provided,

(c) make appropriate referrals to other agencies, and

(d) keep a record of any evidence or the substance of any allegation, any action taken and any referrals made.

Supporting individuals to manage their money

25.—(1) The service provider must have a policy and procedures in place about supporting individuals to manage their money and must ensure that the service is provided in accordance with such policy and procedures.

(2) The policy and procedures which are required by this regulation to be in place must set out the steps to be taken—

(a) to enable and support individuals to manage their own money and to protect individuals from financial abuse;

(b) to ensure adequate oversight and monitoring of savings made by or on behalf of individuals including arrangements for keeping records of savings and passing on these records when the service provider ceases to provide accommodation and care and support to the individual.

(3) Where an individual's money is held by the service provider for any purpose (apart from moneys held for the purpose of paying charges payable by the individual in accordance with any agreement with the service provider), the policy and procedures required by this regulation must provide—

(a) that the money is held in an account in the individual's name or in an account which enables clear demarcation of each individual's money;

(b) any such account is not used in connection with the management of the service.

(4) The service provider must ensure so far as practicable that persons working at the service do not act as the agent of an individual.

The appropriate use of control and restraint

26.—(1) Care and support must not be provided in a way which includes acts intended to control or restrain an individual unless those acts—

(a) yn angenrheidiol i atal risg o niwed a berir i'r unigolyn neu i unigolyn arall, a

(b) yn ymateb cymesur i risg o'r fath.

(2) Ni chaniateir defnyddio rheolaeth neu ataliaeth oni bai ei bod yn cael ei chyflawni gan staff sydd wedi eu hyfforddi yn y dull rheolaeth neu ataliaeth a ddefnyddir.

(3) Rhaid i'r darparwr gwasanaeth gael polisi ar ddefnyddio rheolaeth neu ataliaeth a sicrhau bod unrhyw reolaeth neu ataliaeth a ddefnyddir yn cael ei chyflawni yn unol â'r polisi hwn.

(4) Rhaid i gofnod o unrhyw ddigwyddiad y defnyddir rheolaeth neu ataliaeth ynddo gael ei wneud o fewn 24 awr.

(5) At ddibenion y rheoliad hwn, mae person yn rheoli neu'n atal unigolyn os yw'r person hwnnw—

(a) yn defnyddio, neu'n bygwth defnyddio, grym i sicrhau bod gweithred yn cael ei gwneud y mae'r unigolyn yn ei gwrthsefyll, neu

(b) yn cyfyngu ar ryddid symud yr unigolyn, pa un a yw'r unigolyn yn gwrthsefyll ai peidio, gan gynnwys defnyddio dulliau corfforol, mecanyddol neu gemegol.

Gwaharddiad ar ddefnyddio cosb gorfforol

27. Rhaid i'r darparwr gwasanaeth sicrhau nad yw personau sy'n gweithio yn y gwasanaeth yn defnyddio unrhyw fath o gosb gorfforol ar unrhyw adeg yn erbyn unrhyw unigolyn y darperir llety iddo.

Amddifadu o ryddid

28. Ni chaniateir amddifadu unigolyn o'i ryddid at ddiben cael gofal a chymorth heb awdurdod cyfreithlon.

Dehongli Rhan 7

29. Yn y Rhan hon—

mae i "esgeulustod" ("*neglect*") yr un ystyr ag yn adran 197(1) o Ddeddf 2014;

mae "triniaeth amhriodol" ("*improper treatment*") yn cynnwys gwahaniaethu neu ataliaeth anghyfreithlon, gan gynnwys amddifadu o ryddid nad yw wedi ei awdurdodi yn unol â thelerau Deddf Galluedd Meddyliol 2005(**1**).

(a) are necessary to prevent a risk of harm posed to the individual or another individual, and

(b) are a proportionate response to such a risk.

(2) Control or restraint must not be used unless it is carried out by staff who are trained in the method of control or restraint used.

(3) The service provider must have a policy on the use of control or restraint and ensure that any control or restraint used is carried out in accordance with this policy.

(4) A record of any incident in which control or restraint is used must be made within 24 hours.

(5) For the purposes of this regulation, a person controls or restrains an individual if that person—

(a) uses, or threatens to use, force to secure the doing of an act which the individual resists, or

(b) restricts the individual's liberty of movement, whether or not the individual resists, including by the use of physical, mechanical or chemical means.

Prohibition on the use of corporal punishment

27. The service provider must ensure that persons working at the service use no form of corporal punishment at any time against any individual to whom accommodation is provided.

Deprivation of liberty

28. An individual must not be deprived of their liberty for the purpose of receiving care and support without lawful authority.

Interpretation of Part 7

29. In this Part—

"improper treatment" ("*triniaeth amhriodol*") includes discrimination or unlawful restraint, including a deprivation of liberty that is not authorised in accordance with the terms of the Mental Capacity Act 2005(**1**);

"neglect" ("*esgeulustod*") has the same meaning as in section 197(1) of the 2014 Act.

(**1**) 2005 p. 9.

(**1**) 2005 c. 9.

RHAN 8

Gofynion ar ddarparwyr gwasanaethau o ran staffio

Staffio – gofynion cyffredinol

30.—(1) Rhaid i'r darparwr gwasanaeth sicrhau ar bob adeg fod nifer digonol o staff sydd â'r cymwysterau, yr hyfforddiant, y sgiliau, y cymhwysedd a'r profiad addas wedi eu defnyddio i weithio yn y gwasanaeth, gan roi sylw—

(a) i'r datganiad o ddiben ar gyfer y gwasanaeth;

(b) i anghenion gofal a chymorth yr unigolion;

(c) i gefnogi unigolion i gyflawni eu canlyniadau personol;

(d) i ofynion y rheoliadau yn Rhannau 2 i 12.

(2) Rhaid i'r darparwr gwasanaeth allu dangos y ffordd y mae'r penderfyniad wedi ei wneud o ran—

(a) y mathau o staff a ddefnyddir, a

(b) niferoedd y staff o bob math a ddefnyddir.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod trefniadau yn cael eu gwneud ar gyfer cefnogi a datblygu staff.

(4) Rhaid i'r darparwr gwasanaeth sicrhau nad yw cyflogi neu gymryd ymlaen unrhyw bersonau ar sail dros dro neu ar gontract oriau heb eu gwarantu yn atal unigolion rhag cael y parhad gofal y mae'r darparwr wedi penderfynu yn unol â rheoliad 18 ei fod yn rhesymol i ddiwallu eu hanghenion am ofal a chymorth.

(5) Ym mharagraff (4), ystyr "contract oriau heb eu gwarantu" yw contract cyflogaeth neu gontract gweithiwr arall—

(a) y mae'r ymgymeriad i wneud gwaith neu i gyflawni gwasanaethau odano yn ymgymeriad i wneud hynny ar yr amod bod y cyflogwr yn gwneud gwaith neu wasanaethau ar gael i'r gweithiwr, a

(b) nad oes unrhyw sicrwydd odano y bydd unrhyw waith o'r fath neu unrhyw wasanaethau o'r fath yn cael eu gwneud ar gael i'r gweithiwr.

Addasrwydd staff

31.—(1) Ni chaiff y darparwr gwasanaeth—

(a) cyflogi person o dan gontract cyflogaeth i weithio yn y gwasanaeth oni bai bod y person hwnnw yn addas i wneud hynny;

PART 8

Requirements on service providers as to staffing

Staffing - overarching requirements

30.—(1) The service provider must ensure that at all times a sufficient number of suitably qualified, trained, skilled, competent and experienced staff are deployed to work at the service, having regard to—

(a) the statement of purpose for the service;

(b) the care and support needs of the individuals;

(c) supporting individuals to achieve their personal outcomes;

(d) the requirements of the regulations in Parts 2 to 12.

(2) The service provider must be able to demonstrate the way in which the determination has been made as to—

(a) the types of staff deployed, and

(b) the numbers of staff of each type deployed.

(3) The service provider must ensure that arrangements are made for the support and development of staff.

(4) The service provider must ensure that the employment or engagement of any persons on a temporary basis or on a non-guaranteed hours contract does not prevent individuals receiving such continuity of care as the provider has determined in accordance with regulation 18 is reasonable to meet their needs for care and support.

(5) In paragraph (4), "non-guaranteed hours contract" means a contract of employment or other worker's contract under which—

(a) the undertaking to do work or perform services is an undertaking to do so conditionally on the employer making work or services available to the worker, and

(b) there is no certainty that any such work or services will be made available to the worker.

Fitness of staff

31.—(1) The service provider must not—

(a) employ a person under a contract of employment to work at the service unless that person is fit do so;

(b) caniatáu i wirfoddolwr weithio yn y gwasanaeth oni bai bod y person hwnnw yn addas i wneud hynny;

(c) caniatáu i unrhyw berson arall weithio yn y gwasanaeth mewn swydd y gall, yng nghwrs ei ddyletswyddau, gael cysylltiad rheolaidd ynddi ag unigolion sy'n cael gofal a chymorth neu â phersonau eraill sy'n hyglwyf oni bai bod y person hwnnw yn addas i wneud hynny.

(2) At ddibenion paragraff (1), nid yw person yn addas i weithio yn y gwasanaeth oni bai—

(a) bod y person yn addas o ran ei uniondeb ac o gymeriad da;

(b) bod gan y person y cymwysterau, y sgiliau, y cymhwysedd a'r profiad sy'n angenrheidiol ar gyfer y gwaith y mae i'w wneud;

(c) bod y person oherwydd ei iechyd, ar ôl i addasiadau rhesymol gael eu gwneud, yn gallu cyflawni'n briodol y tasgau sy'n rhan annatod o'r gwaith y mae wedi ei gyflogi neu ei gymryd ymlaen ar ei gyfer;

(d) bod y person wedi darparu gwybodaeth neu ddogfennaeth lawn a boddhaol, yn ôl y digwydd, mewn cysylltiad â phob un o'r materion a bennir yn Rhan 1 o Atodlen 1 a bod yr wybodaeth hon neu'r ddogfennaeth hon ar gael yn y gwasanaeth i'r rheoleiddiwr gwasanaethau edrych arni;

(e) pan fo'r person wedi ei gyflogi gan y darparwr gwasanaeth i reoli'r gwasanaeth, fod y person wedi ei gofrestru fel rheolwr gofal cymdeithasol â rheoleiddiwr y gweithlu heb fod yn hwyrach na'r dyddiad perthnasol (gweler paragraff (8) am ystyr "y dyddiad perthnasol");

(f) yn ddarostyngedig i baragraff (11), pan fo'r person wedi ei gyflogi gan y darparwr gwasanaeth (pa un ai fel cyflogai neu fel gweithiwr), ac eithrio fel rheolwr, i ddarparu gofal a chymorth i unrhyw berson, fod y person wedi ei gofrestru fel gweithiwr gofal cymdeithasol â rheoleiddiwr y gweithlu heb fod yn hwyrach na'r dyddiad perthnasol (gweler paragraff (9) am ystyr "y dyddiad perthnasol");

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

(b) allow a volunteer to work at the service unless that person is fit to do so;

(c) allow any other person to work at the service in a position in which that person may in the course of that person's duties have regular contact with individuals who are receiving care and support or with other persons who are vulnerable unless that person is fit to do so.

(2) For the purposes of paragraph (1), a person is not fit to work at the service unless—

(a) the person is of suitable integrity and good character;

(b) the person has the qualifications, skills, competence and experience necessary for the work that person is to perform;

(c) the person is able by reason of their health, after reasonable adjustments are made, of properly performing the tasks which are intrinsic to the work for which that person is employed or engaged;

(d) the person has provided full and satisfactory information or documentation, as the case may be, in respect of each of the matters specified in Part 1 of Schedule 1 and this information or documentation is available at the service for inspection by the service regulator;

(e) where the person is employed by the service provider to manage the service, the person is registered as a social care manager with the workforce regulator no later than the relevant date (see paragraph (8) for the meaning of "the relevant date");

(f) subject to paragraph (11), where the person is employed by the service provider (whether as an employee or worker) other than as a manager in order to provide care and support to any person, the person is registered as a social care worker with the workforce regulator no later than the relevant date (see paragraph (9) for the meaning of "the relevant date");

(g) subject to paragraph (11), where the person is engaged under a contract for services, other than as a manager, to provide care and support to any person in connection with the service, the person is registered as a social care worker

fel gweithiwr gofal cymdeithasol â rheoleiddiwr y gweithlu heb fod yn hwyrach na'r dyddiad perthnasol (gweler paragraff (10) am ystyr "y dyddiad perthnasol").

(3) Rhaid i gais gael ei wneud am dystysgrif GDG gan neu ar ran y darparwr gwasanaeth at ddiben asesu addasrwydd person ar gyfer y swydd y cyfeirir ati ym mharagraff (1). Ond nid yw'r gofyniad hwn yn gymwys os yw'r person sy'n gweithio yn y gwasanaeth wedi ei gofrestru â gwasanaeth diweddaru'r GDG.

(4) Pan fo person sy'n cael ei ystyried ar gyfer swydd y cyfeirir ati ym mharagraff (1) wedi ei gofrestru â gwasanaeth diweddaru'r GDG, rhaid i'r darparwr gwasanaeth wirio statws tystysgrif GDG y person at ddiben asesu addasrwydd y person hwnnw ar gyfer y swydd honno.

(5) Pan fo person a benodir i swydd y cyfeirir ati ym mharagraff (1) wedi ei gofrestru â gwasanaeth diweddaru'r GDG, rhaid i'r darparwr gwasanaeth wirio statws tystysgrif GDG y person o leiaf bob blwyddyn.

(6) Pan na fo person a benodir i swydd y cyfeirir ati ym mharagraff (1) wedi ei gofrestru â gwasanaeth diweddaru'r GDG, rhaid i'r darparwr gwasanaeth wneud cais am dystysgrif newydd GDG mewn cysylltiad â'r person hwnnw o fewn tair blynedd i ddyroddi'r dystysgrif y gwneir cais amdani yn unol â pharagraff (3) ac wedi hynny rhaid i geisiadau pellach o'r fath gael eu gwneud o leiaf bob tair blynedd.

(7) Os nad yw unrhyw berson sy'n gweithio yn y gwasanaeth yn addas i weithio yn y gwasanaeth mwyach o ganlyniad i beidio â bodloni un neu ragor o'r gofynion ym mharagraff (2), rhaid i'r darparwr gwasanaeth—

(a) cymryd camau gweithredu angenrheidiol a chymesur i sicrhau y cydymffurfir â'r gofynion perthnasol;

(b) pan fo'n briodol, roi gwybod—

(i) i'r corff rheoleiddiol neu broffesiynol perthnasol;

(ii) i'r Gwasanaeth Datgelu a Gwahardd.

(8) Ym mharagraff (2)(e), "y dyddiad perthnasol" yw 31 Mawrth 2025.

(9) Ym mharagraff (2)(f), "y dyddiad perthnasol" yw'r dyddiad diweddaraf o blith naill ai—

(a) 30 Medi 2026,

(b) chwe mis o'r dyddiad y dechreuodd y person ei gyflogaeth, neu

(c) dyddiad diweddarach y mae'r rheoleiddiwr gwasanaethau yn cytuno arno o dan amgylchiadau eithriadol.

with the workforce regulator no later than the relevant date (see paragraph (10) for meaning of "the relevant date").

(3) A DBS certificate must be applied for by, or on behalf of the service provider, for the purpose of assessing the suitability of a person for the post referred to in paragraph (1). But this requirement does not apply if the person working at the service is registered with the DBS up-date service.

(4) Where a person being considered for a post referred to in paragraph (1) is registered with the DBS up-date service, the service provider must check the person's DBS certificate status for the purpose of assessing the suitability of that person for that post.

(5) Where a person appointed to a post referred to in paragraph (1) is registered with the DBS up-date service, the service provider must check the person's DBS certificate status at least annually.

(6) Where a person appointed to a post referred to in paragraph (1) is not registered with the DBS up-date service, the service provider must apply for a new DBS certificate in respect of that person within three years of the issue of the certificate applied for in accordance with paragraph (3) and thereafter further such applications must be made at least every three years.

(7) If any person working at the service is no longer fit to work at the service as a result of one or more of the requirements in paragraph (2) not being met, the service provider must—

(a) take necessary and proportionate action to ensure that the relevant requirements are complied with;

(b) where appropriate, inform—

(i) the relevant regulatory or professional body;

(ii) the Disclosure and Barring Service.

(8) In paragraph (2)(e), "the relevant date" is 31 March 2025.

(9) In paragraph (2)(f), "the relevant date" is the later date of either—

(a) 30 September 2026,

(b) six months from the date on which the person commenced their employment, or

(c) such later date as the service regulator may in exceptional circumstances agree.

(10) Ym mharagraff (2)(g), "y dyddiad perthnasol" yw'r dyddiad diweddaraf o blith naill ai—

(a) 30 Medi 2026,

(b) chwe mis o'r dyddiad y cafodd y person ei gymryd ymlaen yn gyntaf o dan gontract ar gyfer gwasanaethau i ddarparu gofal a chymorth, neu

(c) dyddiad diweddarach y mae'r rheoleiddiwr gwasanaethau yn cytuno arno o dan amgylchiadau eithriadol.

(11) Nid yw'r gofyniad bod person wedi ei gofrestru fel gweithiwr gofal cymdeithasol â rheoleiddiwr y gweithlu yn unol â pharagraff (2)(f) ac (g) yn gymwys pan fo'r person wedi ei gyflogi (pa un ai fel cyflogai neu fel gweithiwr) neu ei gymryd ymlaen o dan gontract ar gyfer gwasanaethau i weithio fel—

(a) nyrs, neu

(b) proffesiynolyn cofrestredig.

(12) Yn y rheoliad hwn—

ystyr "nyrs" ("*nurse*") yw nyrs gymwysedig neu fydwraig gymwysedig sydd wedi ei chofrestru â'r Cyngor Nyrsio a Bydwreigiaeth yn unol ag erthygl 5 o Orchymyn Nyrsio a Bydwreigiaeth 2001(**1**);

mae i "proffesiynolyn cofrestredig" yr ystyr a roddir i "registered professional" ym mharagraff 1 o Atodlen 3 i Orchymyn Proffesiynau Iechyd 2001(**2**).

Cefnogi a datblygu staff

32.—(1) Rhaid i'r darparwr gwasanaeth gael polisi yn ei le ar gyfer cefnogi a datblygu staff.

(2) Rhaid i'r darparwr gwasanaeth sicrhau bod unrhyw berson sy'n gweithio yn y gwasanaeth (gan gynnwys person y caniateir iddo weithio fel gwirfoddolwr)—

(a) yn cael cyfnod sefydlu sy'n briodol i'w rôl;

(b) yn cael ei wneud yn ymwybodol o'i gyfrifoldebau ei hun a chyfrifoldebau staff eraill;

(c) yn cael ei oruchwylio a'i arfarnu'n briodol;

(d) yn cael hyfforddiant craidd sy'n briodol i'r gwaith sydd i'w wneud ganddo;

(e) yn cael hyfforddiant arbenigol fel y bo'n briodol;

(f) yn cael cymorth a chynhorthwy i gael unrhyw hyfforddiant pellach sy'n briodol i'r gwaith y mae'n ei wneud.

(**1**) O.S. 2002/253.
(**2**) O.S. 2002/254.

(10) In paragraph (2)(g), "the relevant date" is the later date of either—

(a) 30 September 2026,

(b) six months from the date on which the person was first engaged under a contract for services to provide care and support, or

(c) such later date as the service regulator may in exceptional circumstances agree.

(11) The requirement that a person is registered as a social care worker with the workforce regulator in accordance with paragraph (2)(f) and (g), does not apply where the person is employed (whether as an employee or worker) or engaged under a contract for services to work as—

(a) a nurse, or

(b) a registered professional.

(12) In this regulation—

"nurse" ("*nyrs*") means a qualified nurse or qualified midwife registered with the Nursing and Midwifery Council in accordance with article 5 of the Nursing and Midwifery Order 2001(**1**);

"registered professional" ("*proffesiynolyn cofrestredig*") has the meaning given in paragraph 1 of Schedule 3 to the Health Professions Order 2001(**2**).

Supporting and developing staff

32.—(1) The service provider must have a policy in place for the support and development of staff.

(2) The service provider must ensure that any person working at the service (including a person allowed to work as a volunteer)—

(a) receives an induction appropriate to their role;

(b) is made aware of that person's own responsibilities and those of other staff:

(c) receives appropriate supervision and appraisal;

(d) receives core training appropriate to the work to be performed by them;

(e) receives specialist training as appropriate;

(f) receives support and assistance to obtain such further training as is appropriate to the work they perform.

(**1**) S.I. 2002/253.
(**2**) S.I. 2002/254.

(3) Rhaid i'r darparwr gwasanaeth sicrhau bod unrhyw berson a gyflogir i weithio yn y gwasanaeth yn cael ei gefnogi i gynnal ei gofrestriad â'r corff rheoleiddiol neu alwedigaethol priodol.

Cydymffurfio â chod ymarfer y cyflogwr

33. Rhaid i'r darparwr gwasanaeth lynu wrth y cod ymarfer ar y safonau ymddygiad ac ymarfer a ddisgwylir oddi wrth bersonau sy'n cyflogi neu sy'n ceisio cyflogi gweithwyr gofal cymdeithasol, y mae'n ofynnol i reoleiddiwr y gweithlu ei gyhoeddi o dan adran 112(1)(b) o'r Ddeddf.

Gwybodaeth ar gyfer staff

34.—(1) Rhaid i'r darparwr gwasanaeth sicrhau y darperir gwybodaeth i bob person sy'n gweithio yn y gwasanaeth am y gwasanaeth a'r ffordd y caiff ei ddarparu.

(2) Rhaid i'r darparwr gwasanaeth sicrhau bod trefniadau yn eu lle i wneud staff yn ymwybodol o unrhyw godau ymarfer ynghylch y safonau ymddygiad a ddisgwylir oddi wrth weithwyr gofal cymdeithasol, y mae'n ofynnol i reoleiddiwr y gweithlu eu cyhoeddi o dan adran 112(1)(a) o'r Ddeddf.

Gweithdrefnau disgyblu

35.—(1) Rhaid i'r darparwr gwasanaeth roi gweithdrefn ddisgyblu yn ei lle a'i gweithredu.

(2) Rhaid i'r weithdrefn ddisgyblu gynnwys—

(a) darpariaeth ar gyfer atal dros dro, a chymryd camau gweithredu heb fod mor bell ag atal dros dro, gyflogai er budd diogelwch neu lesiant pobl sy'n defnyddio'r gwasanaeth;

(b) darpariaeth bod methiant ar ran cyflogai i adrodd am achos o gam-drin, neu am amheuaeth o gam-drin, i berson priodol yn sail dros ganiatáu cychwyn achos disgyblu.

(3) At ddiben paragraff (2)(b), person priodol yw—

(a) y darparwr gwasanaeth,

(b) yr unigolyn cyfrifol,

(c) swyddog i'r rheoleiddiwr gwasanaethau,

(d) swyddog i'r awdurdod lleol ar gyfer yr ardal y darperir y gwasanaeth ynddi,

(e) yn achos cam-drin neu amheuaeth o gam-drin plentyn, swyddog i'r Gymdeithas Genedlaethol er Atal Creulondeb i Blant, neu

(f) swyddog heddlu.

(3) The service provider must ensure that any person employed to work at the service is supported to maintain their registration with the appropriate regulatory or occupational body.

Compliance with employer's code of practice

33. The service provider must adhere to the code of practice on the standards of conduct and practice expected of persons employing or seeking to employ social care workers, which is required to be published by the workforce regulator under section 112(1)(b) of the Act.

Information for staff

34.—(1) The service provider must ensure that all persons working at the service are provided with information about the service and the way it is provided.

(2) The service provider must ensure that there are arrangements in place to make staff aware of any codes of practice about the standards of conduct expected of social care workers, which are required to be published by the workforce regulator under section 112(1)(a) of the Act.

Disciplinary procedures

35.—(1) The service provider must put in place and operate a disciplinary procedure.

(2) The disciplinary procedure must include—

(a) provision for the suspension, and the taking of action short of suspension, of an employee, in the interests of the safety or well-being of people using the service;

(b) provision that a failure on the part of an employee to report an incident of abuse, or suspected abuse, to an appropriate person, is grounds on which disciplinary proceedings may be instituted.

(3) For the purpose of paragraph (2)(b), an appropriate person is—

(a) the service provider,

(b) the responsible individual,

(c) an officer of the service regulator,

(d) an officer of the local authority for the area in which the service is provided,

(e) in the case of an incident of abuse or suspected abuse of a child, an officer of the National Society for the Prevention of Cruelty to Children, or

(f) a police officer.

RHAN 9

Gofynion ar ddarparwyr gwasanaethau o ran mangreoedd, cyfleusterau a chyfarpar

Gofyniad cyffredinol

36. Rhaid i'r darparwr gwasanaeth sicrhau bod y mangreoedd, y cyfleusterau a'r cyfarpar yn addas ar gyfer y gwasanaeth, gan roi sylw i'r datganiad o ddiben ar gyfer y gwasanaeth.

Mangreoedd

37.—(1) Rhaid i'r darparwr gwasanaeth sicrhau bod dyluniad ffisegol, cynllun a lleoliad y fangre a ddefnyddir ar gyfer darparu'r gwasanaeth yn addas i—

(a) cyflawni'r nodau a'r amcanion a nodir yn y datganiad o ddiben;

(b) diwallu anghenion gofal a chymorth yr unigolion;

(c) cefnogi unigolion i gyflawni eu canlyniadau personol.

(2) Yn benodol, rhaid i'r darparwr gwasanaeth sicrhau bod y fangre a ddefnyddir ar gyfer darparu'r gwasanaeth yn bodloni gofynion paragraffau (3) i (5).

(3) Rhaid i'r fangre—

(a) bod yn hygyrch ac wedi ei goleuo, ei gwresogi a'i hawyru'n ddigonol;

(b) bod yn ddiogel rhag mynediad anawdurdodedig;

(c) bod wedi ei dodrefnu a'i chyfarparu'n addas;

(d) bod o adeiladwaith cadarn ac wedi ei chadw mewn cyflwr strwythurol da yn allanol ac yn fewnol;

(e) bod wedi ei ffitio a'i haddasu fel y bo angen, er mwyn diwallu anghenion unigolion;

(f) bod wedi ei threfnu fel bod y cyfarpar a ddefnyddir i ddarparu'r gwasanaeth wedi ei leoli'n briodol;

(g) bod yn rhydd rhag peryglon i iechyd a diogelwch unigolion ac unrhyw bersonau eraill a all wynebu risg, i'r graddau y bo'n rhesymol ymarferol;

(h) cael ei chynnal a'i chadw'n briodol;

(i) bod wedi ei chadw'n lân yn unol â safon sy'n briodol i'r diben y caiff ei defnyddio ato.

PART 9

Requirements on service providers as to premises, facilities and equipment

Overarching requirement

36. The service provider must ensure that the premises, facilities and equipment are suitable for the service, having regard to the statement of purpose for the service.

Premises

37.—(1) The service provider must ensure that the physical design, layout and location of the premises used for the provision of the service is suitable to—

(a) achieve the aims and objectives set out in the statement of purpose;

(b) meet the care and support needs of the individuals;

(c) support individuals to achieve their personal outcomes.

(2) In particular, the service provider must ensure that the premises used for the provision of the service meet the requirements of paragraphs (3) to (5).

(3) Premises must be—

(a) accessible, adequately lit, heated and ventilated;

(b) secure from unauthorised access;

(c) suitably furnished and equipped;

(d) of sound construction and kept in good structural repair externally and internally;

(e) fitted and adapted as necessary, in order to meet the needs of individuals;

(f) organised so that equipment used for the provision of the service is appropriately located;

(g) free from hazards to the health and safety of individuals and any other persons who may be at risk, so far as is reasonably practicable;

(h) properly maintained;

(i) kept clean to a standard which is appropriate for the purpose for which they are being used.

(4) Rhaid i'r fangre gael ystafelloedd gwely sydd—

(a) yn cynnwys cyfleusterau priodol i ddiwallu anghenion gofal a chymorth yr unigolyn (os yw'r ystafell yn ystafell meddiannaeth sengl) neu'r unigolion (os yw'r ystafell yn cael ei rhannu) sy'n meddiannu'r ystafell wely;

(b) o faint digonol, gan roi sylw i—

(i) pa un a yw'r ystafell yn cael ei rhannu neu'n ystafell meddiannaeth sengl;

(ii) y cynllun a'r dodrefn;

(iii) y cyfarpar sy'n ofynnol i ddiwallu anghenion yr unigolyn (os yw'r ystafell yn ystafell meddiannaeth sengl) neu'r unigolion (os yw'r ystafell yn cael ei rhannu);

(iv) nifer y staff sy'n ofynnol i ddiwallu anghenion yr unigolyn (os yw'r ystafell yn ystafell meddiannaeth sengl) neu'r unigolion (os yw'r ystafell yn cael ei rhannu);

(c) yn gyfforddus ar gyfer yr unigolyn (os yw'r ystafell yn ystafell meddiannaeth sengl) neu'r unigolion (os yw'r ystafell yn cael ei rhannu);

(d) yn rhoi rhyddid symud a phreifatrwydd i'r unigolyn (os yw'r ystafell yn ystafell meddiannaeth sengl) neu'r unigolion (os yw'r ystafell yn cael ei rhannu).

(5) Rhaid i'r fangre gael lle eistedd, hamdden a bwyta a ddarperir ar wahân i ystafelloedd preifat yr unigolyn ei hun a rhaid i unrhyw le o'r fath fod—

(a) yn addas ac yn ddigonol, gan roi sylw i'r datganiad o ddiben;

(b) wedi ei leoli er mwyn galluogi pob person sy'n defnyddio'r lle i gael mynediad iddo yn hawdd ac yn ddiogel.

(6) Rhaid i unrhyw le cymunedol a ddefnyddir ar gyfer darparu'r gwasanaeth fod yn addas ar gyfer darparu gweithgareddau cymdeithasol, diwylliannol a chrefyddol sy'n briodol i amgylchiadau'r unigolion.

(7) Rhaid i gyfleusterau addas gael eu darparu er mwyn i unigolion gwrdd ag ymwelwyr yn breifat mewn lle sydd ar wahân i ystafelloedd preifat yr unigolyn ei hun.

(8) Rhaid i'r fangre gael toiledau, ystafelloedd ymolchi a chawodydd sydd—

(a) o nifer digonol ac o fath addas i ddiwallu anghenion yr unigolion;

(b) wedi eu cyfarparu'n briodol;

(4) Premises must have bedrooms which—

(a) include appropriate facilities to meet the care and support needs of the individual (if the room is single occupancy) or individuals (if the room is shared) occupying the bedroom;

(b) are of an adequate size, having regard to—

(i) whether the room is shared or single occupancy;

(ii) the layout and furniture;

(iii) the equipment required to meet the needs of the individual (if the room is single occupancy) or individuals (if the room is shared);

(iv) the number of staff required to meet the needs of the individual (if the room is single occupancy) or individuals (if the room is shared);

(c) are comfortable for the individual (if the room is single occupancy) or individuals (if the room is shared);

(d) allow the individual (if the room is single occupancy) or individuals (if the room is shared) both freedom of movement and privacy.

(5) Premises must have sitting, recreational and dining space which is provided separately from the individual's own private rooms and any such space must be—

(a) suitable and sufficient, having regard to the statement of purpose;

(b) located so as to enable all persons using the space to access any such space easily and safely.

(6) Any communal space used for the provision of the service must be suitable for the provision of social, cultural and religious activities appropriate to the circumstances of the individuals.

(7) Suitable facilities must be provided for individuals to meet visitors in private in a space which is separate from the individual's own private rooms.

(8) Premises must have toilets, bathrooms and showers which are—

(a) of sufficient number and of a suitable type to meet the needs of the individuals;

(b) appropriately equipped;

(c) wedi eu lleoli er mwyn galluogi pob person i gael mynediad iddynt yn hawdd ac yn ddiogel.

(9) Rhaid i'r fangre gael tiroedd allanol sy'n hygyrch ac sy'n addas ac sy'n ddiogel i unigolion eu defnyddio a rhaid iddynt gael eu cynnal a'u cadw'n briodol.

(10) Rhaid i'r fangre gael cyfleusterau addas ar gyfer staff y mae rhaid iddynt gynnwys—

(a) cyfleusterau storio addas, a

(b) pan fo'n briodol, llety cysgu a chyfleusterau newid addas.

Ystafelloedd meddiannaeth sengl ac ystafelloedd a rennir

38.—(1) Yn ddarostyngedig i baragraffau (3) i (5), rhaid i'r darparwr gwasanaeth sicrhau bod pob unigolyn yn cael ei letya mewn ystafelloedd sengl ond nid yw'r gofyniad hwn yn gymwys os yw'r amodau ym mharagraff (2) wedi eu bodloni.

(2) Yr amodau yw—

(a) bod unigolyn yn rhannu ystafell â dim mwy nag un unigolyn arall;

(b) nad yw'r unigolyn arall o'r rhyw arall nac o oedran sylweddol wahanol;

(c) y bydd rhannu ystafell yn hybu llesiant yr unigolion, y darperir ar ei gyfer yng nghynlluniau personol yr unigolion ac y cytunir arno â'r unigolion a'u rhieni neu eu gofalwyr. Ond nid yw'n ofynnol i'r darparwr gwasanaeth gynnwys rhiant neu ofalwr unigolyn—

(i) os yw'r unigolyn yn oedolyn neu'n blentyn 16 oed neu drosodd ac nad yw'r unigolyn yn dymuno i'r rhiant neu'r gofalwr gael ei gynnwys, neu

(ii) pe byddai cynnwys y rhiant neu'r gofalwr yn anghyson â llesiant yr unigolyn.

(3) Mae paragraff (4) yn gymwys i ddarparwr gwasanaeth a oedd yn cael ei ddarparu yn union cyn y dyddiad y daeth Rheoliadau Gwasanaethau Rheoleiddiedig (Gwasanaethau Preswyl Ysgolion Arbennig) (Cymru) 2023 i rym ac sydd wedi ei ddarparu'n ddi-dor ers y dyddiad hwnnw.

(4) Rhaid i ddarparwr gwasanaeth y mae paragraff (3) yn gymwys iddo sicrhau bod pob unigolyn yn cael ei letya mewn ystafelloedd sengl ond nid yw'r gofyniad hwn yn gymwys os yw'r amodau ym mharagraff (5) wedi eu bodloni.

(5) Yr amodau yw—

(a) bod unigolyn yn rhannu ystafell â dim mwy na thri unigolyn arall;

(c) located so as to enable all persons to access them easily and safely.

(9) Premises must have external grounds which are accessible, suitable for, and safe for use by, individuals and appropriately maintained.

(10) Premises must have suitable facilities for staff which must include—

(a) suitable storage facilities, and

(b) where appropriate, suitable sleeping accommodation and changing facilities.

Single occupancy and shared rooms

38.—(1) Subject to paragraphs (3) to (5), the service provider must ensure that all individuals are accommodated in single rooms but this requirement does not apply if the conditions in paragraph (2) are met.

(2) The conditions are—

(a) an individual is sharing a room with no more than one other individual;

(b) the other individual is not of the opposite sex or of a significantly different age;

(c) sharing a room will promote the individuals' well-being, is provided for in the individuals' personal plans and is agreed with the individuals and the individuals' parents or carers. But the service provider is not required to involve an individual's parent or carer if—

(i) the individual is an adult or a child aged 16 or over and the individual does not wish the parent or carer to be involved, or

(ii) involving the parent or carer would not be consistent with the individual's well-being.

(3) Paragraph (4) applies to a service provider of a service which was being provided immediately prior to the date of the coming into force of the Regulated Services (Special School Residential Services) (Wales) Regulations 2023 and has been provided continuously since that date.

(4) A service provider to whom paragraph (3) applies must ensure that all individuals are accommodated in single rooms but this requirement does not apply if the conditions in paragraph (5) are met.

(5) The conditions are—

(a) an individual is sharing a room with no more than three other individuals;

(b) bod yr unigolion o'r un rhyw ac nad ydynt o oedrannau sylweddol wahanol;

(c) y bydd rhannu ystafell yn hybu llesiant yr unigolion, y darperir ar ei gyfer yng nghynlluniau personol yr unigolion, ac y cytunir arno â'r unigolion a'u rhieni neu eu gofalwyr. Ond nid yw'n ofynnol i'r darparwr gwasanaeth gynnwys rhiant neu ofalwr unigolyn—

(i) os yw'r unigolyn yn oedolyn neu'n blentyn 16 oed neu drosodd ac nad yw'r unigolyn yn dymuno i'r rhiant neu'r gofalwr gael ei gynnwys, neu

(ii) pe byddai cynnwys y rhiant neu'r gofalwr yn anghyson â llesiant yr unigolyn.

(b) the individuals are of the same sex and not of significantly different ages;

(c) sharing a room will promote the individuals' well-being, is provided for in the individuals' personal plans and is agreed with the individuals and their parents or carers. But the service provider is not required to involve an individual's parent or carer if—

(i) the individual is an adult or a child aged 16 or over and the individual does not wish the parent or carer to be involved, or

(ii) involving the parent or carer would not be consistent with the individual's well-being.

Mangreoedd – gofynion pellach

39. Rhaid i'r darparwr gwasanaeth sicrhau bod gan y fangre a ddefnyddir ar gyfer gweithredu'r gwasanaeth gyfleusterau digonol ar gyfer—

(a) goruchwylio staff;

(b) storio cofnodion yn ddiogel.

Premises – further requirements

39. The service provider must ensure that the premises used for the operation of the service have adequate facilities for—

(a) the supervision of staff;

(b) the secure storage of records.

Cyfleusterau a chyfarpar

40. Rhaid i'r darparwr gwasanaeth sicrhau bod y cyfleusterau a'r cyfarpar a ddefnyddir ar gyfer darparu'r gwasanaeth—

(a) yn addas ac yn ddiogel i'r diben y bwriedir iddynt gael eu defnyddio ato;

(b) yn cael eu defnyddio mewn ffordd ddiogel;

(c) wedi eu cynnal a'u cadw'n briodol;

(d) wedi eu cadw'n lân yn unol â safon sy'n briodol i'r diben y cânt eu defnyddio ato;

(e) wedi eu storio'n briodol.

Facilities and equipment

40. The service provider must ensure that the facilities and equipment used for the provision of the service are—

(a) suitable and safe for the purpose for which they are intended to be used;

(b) used in a safe way;

(c) properly maintained;

(d) kept clean to a standard which is appropriate for the purpose for which they are being used;

(e) stored appropriately.

RHAN 10

Gofynion ychwanegol ar ddarparwyr gwasanaethau mewn cysylltiad â mangreoedd – llety newydd

PART 10

Additional requirements on service providers in respect of premises - new accommodation

Cymhwyso Rhan 10

41.—(1) Mae'r Rhan hon yn gymwys i ddarparwyr gwasanaethau sydd wedi eu cofrestru i ddarparu gwasanaeth preswyl ysgol arbennig a bod y fangre a ddefnyddir ar gyfer darparu'r gwasanaeth yn dod o fewn un o'r categorïau ym mharagraff (2). Ond nid yw'r Rhan hon yn gymwys os yw'r gwasanaeth yn cynnwys darparu llety i bedwar neu lai o unigolion.

Application of Part 10

41.—(1) This Part applies to service providers who are registered to provide a special school residential service and the premises used for the provision of the service fall within one of the categories in paragraph (2). But this Part does not apply if the service involves the provision of accommodation to four or fewer individuals.

(2) Y categorïau yw—

(a) Categori A: Mae'r fangre a ddefnyddir ar gyfer darparu'r gwasanaeth yn adeilad newydd neu adeilad presennol sydd wedi cael ei addasu at ddiben darparu'r gwasanaeth, ac, yn y naill achos neu'r llall, nad yw'r adeilad wedi cael ei ddefnyddio o'r blaen at ddiben darparu gwasanaeth preswyl ysgol arbennig;

(b) Categori B: Mae'r fangre yn adeilad neu adeiladau y mae estyniad wedi cael ei ychwanegu ato neu ei ychwanegu atynt ac y defnyddir yr estyniad at ddiben darparu'r gwasanaeth mewn man a bennir fel amod i gofrestriad y darparwr gwasanaeth;

(c) Categori C: Mae'r fangre yn adeilad a oedd heb ei feddiannu yn union cyn cofrestriad y darparwr gwasanaeth ond a oedd yn cael ei ddefnyddio o'r blaen at ddiben darparu gwasanaeth preswyl ysgol arbennig mewn man a bennir fel amod i gofrestriad darparwr gwasanaeth arall.

(3) Os yw'r Rhan hon yn gymwys, rhaid i'r darparwr gwasanaeth sicrhau y cydymffurfir â gofynion rheoliadau 42 i 46.

(2) The categories are—

(a) Category A: The premises used for the provision of the service consist of a new building or an existing building which has been converted for the purpose of providing the service, and, in either case, the building has not previously been used for the purpose of providing a special school residential service;

(b) Category B: The premises consist of a building or buildings to which an extension is added and the extension is used for the purpose of providing the service at a place specified as a condition to the service provider's registration;

(c) Category C: The premises consist of a building which was unoccupied immediately prior to the service provider's registration but was previously used for the purpose of providing a special school residential service at a place specified as a condition to the registration of another service provider.

(3) If this Part applies, the service provider must ensure that the requirements of regulations 42 to 46 are complied with.

Gofynion ychwanegol – ystafelloedd ymolchi en-suite

42. Rhaid i bob ystafell wely a ddefnyddir ar gyfer darparu'r gwasanaeth gael ystafell ymolchi en-suite sy'n cynnwys basn golchi dwylo, toiled a chawod hygyrch.

Additional requirements – en-suite bathrooms

42. All bedrooms used for the provision of the service must have an en-suite bathroom which includes an accessible wash hand basin, lavatory and shower.

Gofynion ychwanegol – maint ystafelloedd

43.—(1) Rhaid i bob ystafell a ddefnyddir ar gyfer darparu'r gwasanaeth gael o leiaf 12 o fetrau sgwâr o le llawr y gellir ei ddefnyddio oni bai bod paragraff (2) neu (3) yn gymwys.

(2) Mae'r paragraff hwn yn gymwys pan fo rhaid i'r person sy'n byw yn yr ystafell ddefnyddio cadair olwyn yn barhaol ac yn gyson.

(3) Mae'r paragraff hwn yn gymwys pan fo ystafell wely yn cael ei rhannu.

(4) Os yw paragraff (2) yn gymwys, rhaid i'r ystafell wely gael o leiaf 13.5 o fetrau sgwâr o le llawr y gellir ei ddefnyddio.

(5) Os yw paragraff (3) yn gymwys, rhaid i'r ystafell wely gael o leiaf 16 o fetrau sgwâr o le llawr y gellir ei ddefnyddio.

Additional requirements – room sizes

43.—(1) All bedrooms used for the provision of the service must have a minimum of 12 square metres of useable floor space unless paragraph (2) or (3) applies.

(2) This paragraph applies where the person living in the room has to use a wheelchair on a permanent and constant basis.

(3) This paragraph applies where a bedroom is shared.

(4) If paragraph (2) applies, the bedroom must have a minimum of 13.5 square metres of useable floor space.

(5) If paragraph (3) applies, the bedroom must have a minimum of 16 square metres of useable floor space.

Gofynion ychwanegol – lle cymunedol

44.—(1) Yn ddarostyngedig i baragraff (2), rhaid i'r lle eistedd, hamdden a bwyta a ddefnyddir ar gyfer darparu'r gwasanaeth yn unol â rheoliad 37(5) fod o leiaf—

(a) 4.1 metr sgwâr ar gyfer pob unigolyn;

(b) 5.1 metr sgwâr ar gyfer pobl sy'n defnyddio cadair olwyn.

(2) Ar gyfer mangre Categori B, mae'r rheoliad hwn yn gymwys fel bod rhaid i'r gofyniad o ran lle gael ei fodloni mewn perthynas ag unrhyw ystafelloedd ychwanegol i unigolion.

Gofynion ychwanegol – lle yn yr awyr agored

45. Rhaid i'r tiroedd allanol (neu, yn achos mangre Categori B, unrhyw ran o'r tiroedd allanol a ddatblygir ar y cyd ag adeiladu'r estyniad) a ddefnyddir ar gyfer darparu'r gwasanaeth yn unol â rheoliad 37(9)—

(a) bod yn hygyrch i unigolion sy'n defnyddio cadair olwyn neu sydd â phroblemau symudedd eraill,

(b) bod â digon o seddi addas, ac

(c) bod wedi eu dylunio i ddiwallu anghenion pob unigolyn gan gynnwys y rhai sydd ag amhariadau corfforol, synhwyraidd a gwybyddol.

Gofynion ychwanegol – lifft i deithwyr

46. Pan fo'r llety a ddefnyddir ar gyfer darparu'r gwasanaeth ar fwy nag un llawr a bod hyn yn gyson â'r datganiad o ddiben ar gyfer y gwasanaeth, rhaid i lifft i deithwyr fod ar gael.

RHAN 11

Gofynion ar ddarparwyr gwasanaethau o ran cyflenwadau, hylendid, iechyd a diogelwch a meddyginiaethau

Cyflenwadau

47. Rhaid i'r darparwr gwasanaeth sicrhau bod cyflenwadau ar gael o nifer digonol ac o fath addas i gyflenwi'r gwasanaeth yn effeithiol ac i ddiwallu anghenion gofal a chymorth yr unigolion.

Additional requirements – communal space

44.—(1) Subject to paragraph (2), the amount of sitting, recreational and dining space which is used for the provision of the service in accordance with regulation 37(5) must be at least—

(a) 4.1 square metres for each individual;

(b) 5.1 square metres for wheelchair users.

(2) For Category B premises, this regulation applies so that the space requirement must be met in relation to any additional rooms for individuals.

Additional requirements – outdoor space

45. The external grounds (or, in the case of Category B premises, any part of the external grounds developed in conjunction with the building of the extension) which are used for the provision of the service in accordance with regulation 37(9) must—

(a) be accessible to individuals in wheelchairs or with other mobility problems,

(b) have sufficient and suitable seating, and

(c) be designed to meet the needs of all individuals including those with physical, sensory and cognitive impairments.

Additional requirements – passenger lift

46. Where the accommodation used for the provision of the service is on more than one floor and this is consistent with the statement of purpose for the service, there must be a passenger lift.

PART 11

Requirements on service providers as to supplies, hygiene, health and safety and medicines

Supplies

47. The service provider must ensure that supplies are available of a sufficient quantity and of a suitable type to deliver the service effectively and to meet the care and support needs of the individuals.

Hylendid a rheoli heintiau

48.—(1) Rhaid i'r darparwr gwasanaeth gael trefniadau yn eu lle i sicrhau—

(a) safonau hylendid boddhaol wrth gyflenwi'r gwasanaeth;

(b) bod gwastraff cyffredinol a chlinigol yn cael ei waredu'n briodol.

(2) Rhaid i'r darparwr gwasanaeth gael polisïau a gweithdrefnau yn eu lle ar gyfer rheoli heintiau a lleihau lledaeniad heintiau a rhaid iddo sicrhau y darperir y gwasanaeth yn unol â'r polisïau hyn a'r gweithdrefnau hyn.

Iechyd a diogelwch

49. Rhaid i'r darparwr gwasanaeth sicrhau bod unrhyw risgiau i iechyd a diogelwch unigolion yn cael eu nodi a'u lleihau i'r graddau y bo'n rhesymol ymarferol.

Meddyginiaethau

50.—(1) Rhaid i'r darparwr gwasanaeth gael trefniadau yn eu lle i sicrhau bod meddyginiaethau yn cael eu storio a'u rhoi yn ddiogel.

(2) Rhaid i'r trefniadau hyn gynnwys y trefniadau ar gyfer—

(a) cynnal cyflenwad digonol o feddyginiaethau;

(b) cofnodi, trin a gwaredu meddyginiaethau yn effeithiol;

(c) archwilio storio a rhoi meddyginiaethau yn rheolaidd.

(3) Rhaid i'r darparwr gwasanaeth gael polisi a gweithdrefnau yn eu lle mewn perthynas â storio a rhoi meddyginiaethau yn ddiogel a rhaid iddo sicrhau y darperir y gwasanaeth yn unol â'r polisi hwn a'r gweithdrefnau hyn.

Hygiene and infection control

48.—(1) The service provider must have arrangements in place to ensure—

(a) satisfactory standards of hygiene in the delivery of the service;

(b) the appropriate disposal of general and clinical waste.

(2) The service provider must have policies and procedures in place for the control of infection and to minimise the spread of infection and must ensure that the service is provided in accordance with these policies and procedures.

Health and safety

49. The service provider must ensure that any risks to the health and safety of individuals are identified and reduced so far as reasonably practicable.

Medicines

50.—(1) The service provider must have arrangements in place to ensure that medicines are stored and administered safely.

(2) These arrangements must include the arrangements for—

(a) maintaining a sufficient supply of medicines;

(b) the effective recording, handling and disposal of medicines;

(c) regular auditing of the storage and administration of medicines.

(3) The service provider must have a policy and procedures in place in relation to the safe storage and administration of medicines and must ensure that the service is provided in accordance with this policy and these procedures.

RHAN 12

Gofynion eraill ar ddarparwyr gwasanaethau

Cofnodion

51.—(1) Rhaid i'r darparwr gwasanaeth gadw a chynnal y cofnodion a bennir yn Atodlen 2 mewn cysylltiad â phob man y darperir y gwasanaeth ynddo.

(2) Rhaid i'r darparwr gwasanaeth—

(a) sicrhau bod cofnodion sy'n ymwneud ag unigolion yn gywir ac yn gyfredol;

PART 12

Other requirements on service providers

Records

51.—(1) The service provider must keep and maintain the records specified in Schedule 2 in respect of each place at which the service is provided.

(2) The service provider must—

(a) ensure that records relating to individuals are accurate and up to date;

(b) cadw pob cofnod yn ddiogel;

(c) gwneud trefniadau er mwyn i'r cofnodion barhau i gael eu cadw'n ddiogel os bydd y gwasanaeth yn cau;

(d) yn achos cofnodion am blentyn sy'n derbyn gofal gan awdurdod lleol, sicrhau bod y cofnodion yn cael eu danfon i'r awdurdod lleoli pan yw'r plentyn yn gadael;

(e) gwneud y cofnodion ar gael i'r rheoleiddiwr gwasanaethau ar gais;

(f) cadw cofnodion sy'n ymwneud ag unigolion am bymtheng mlynedd o ddyddiad y cofnod diwethaf, oni bai bod y cofnodion yn cael eu dychwelyd i'r awdurdod lleoli yn unol ag is-baragraff (d);

(g) sicrhau bod unigolion sy'n defnyddio'r gwasanaeth, a'u rhieni a'u gofalwyr—

(i) yn gallu cael mynediad i'w cofnodion, a

(ii) yn cael gwybod eu bod yn gallu cael mynediad i'w cofnodion.

(3) Ond nid yw'n ofynnol i ddarparwr gwasanaeth ddarparu mynediad i'r cofnodion sy'n ymwneud ag unigolyn o dan baragraff (2)(g)—

(a) os yw'r unigolyn yn oedolyn neu'n blentyn 16 oed neu drosodd ac nad yw'r unigolyn yn dymuno i'r rhiant neu'r gofalwr gael mynediad, neu

(b) pe byddai darparu mynediad i'r rhiant neu'r gofalwr yn anghyson â llesiant yr unigolyn.

Hysbysiadau

52.—(1) Rhaid i'r darparwr gwasanaeth hysbysu'r rheoleiddiwr gwasanaethau am y digwyddiadau a bennir yn Rhan 1 o Atodlen 3.

(2) Rhaid i'r darparwr gwasanaeth—

(a) hysbysu'r awdurdod lleoli mewn cysylltiad ag unrhyw blentyn sy'n derbyn gofal gan awdurdod lleol, a rhiant neu ofalwr unrhyw unigolyn arall, am y digwyddiadau a bennir yn Rhan 2 o Atodlen 3;

(b) hysbysu'r awdurdod lleol ar gyfer yr ardal y mae'r gwasanaeth ynddi am y digwyddiadau a bennir yn Rhan 3 o Atodlen 3;

(c) hysbysu'r swyddog heddlu priodol am y digwyddiadau a bennir yn Rhan 4 o Atodlen 3;

(b) keep all records securely;

(c) make arrangements for the records to continue to be kept securely in the event the service closes;

(d) in the case of records about a child who is looked after by a local authority, ensure that the records are delivered to the placing authority when the child leaves;

(e) make the records available to the service regulator on request;

(f) retain records relating to individuals for fifteen years from the date of the last entry, unless the records are returned to the placing authority in accordance with sub-paragraph (d);

(g) ensure that individuals who use the service, and their parents and carers—

(i) can have access to their records, and

(ii) are made aware they can access their records.

(3) But a service provider is not required to provide access to the records relating to an individual under paragraph (2)(g) if—

(a) the individual is an adult or a child aged 16 or over and the individual does not wish the parent or carer to have access, or

(b) providing access to the parent or carer would not be consistent with the individual's well-being.

Notifications

52.—(1) The service provider must notify the service regulator of the events specified in Part 1 of Schedule 3.

(2) The service provider must—

(a) notify the placing authority in respect of any child who is looked after by a local authority, and the parent or carer of any other individual, of the events specified in Part 2 of Schedule 3;

(b) notify the local authority for the area in which the service is situated of the events specified in Part 3 of Schedule 3;

(c) notify the appropriate police officer of the events specified in Part 4 of Schedule 3;

(d) hysbysu'r bwrdd iechyd y mae'r gwasanaeth yn ei ardal am y digwyddiadau a bennir yn Rhan 5 o Atodlen 3.

(3) Rhaid i'r hysbysiadau sy'n ofynnol gan baragraffau (1) a (2) gynnwys manylion y digwyddiad.

(4) Oni nodir fel arall, rhaid i hysbysiadau gael eu gwneud yn ddi-oed ac yn ysgrifenedig.

(5) Rhaid i hysbysiadau gael eu gwneud yn y modd ac ar y ffurf sy'n ofynnol gan y rheoleiddiwr gwasanaethau.

Hysbysu am dderbyn a rhyddhau

53.—(1) Rhaid i'r darparwr gwasanaeth hysbysu, yn ddi-oed, yr awdurdod lleol ar gyfer yr ardal y mae'r gwasanaeth ynddi, am bob unigolyn sy'n cael ei dderbyn i'r gwasanaeth ac am bob unigolyn sy'n cael ei ryddhau o'r gwasanaeth.

(2) Nid yw'n ofynnol i'r darparwr gwasanaeth hysbysu'r awdurdod lleol ym mharagraff (1) os yw'r unigolyn yn blentyn ac os yr awdurdod lleol hwnnw yw'r awdurdod lleoli ar gyfer y plentyn hefyd.

(3) Rhaid i hysbysiad o dan y rheoliad hwn fod yn ysgrifenedig a rhaid iddo ddatgan enw a dyddiad geni'r unigolyn.

(4) Pan fo'r unigolyn yn blentyn rhaid i'r hysbysiad hefyd ddatgan—

(a) pa un a yw llety yn cael ei ddarparu i'r plentyn o dan adran 76 neu 77 o Ddeddf 2014 neu, yn achos plentyn a leolir gan awdurdod lleol yn Lloegr, pa un a yw llety yn cael ei ddarparu i'r plentyn o dan adran 20 neu 21 o Ddeddf Plant 1989(**1**),

(b) pa un a yw'r plentyn yn ddarostyngedig i orchymyn gofal neu orchymyn goruchwylio o dan adran 31 o Ddeddf Plant 1989,

(c) manylion cyswllt—

(i) unrhyw awdurdod lleoli, a

(ii) unrhyw swyddog adolygu annibynnol a benodir ar gyfer achos y plentyn, a

(d) pa un a oes gan y plentyn ddatganiad anghenion addysgol arbennig, cynllun datblygu unigol neu gynllun addysg, iechyd a gofal ac, os felly, fanylion yr awdurdod lleol a chanddo gyfrifoldeb am gynnal y datganiad anghenion addysgol arbennig, y cynllun datblygu unigol neu'r cynllun addysg, iechyd a gofal.

(**1**) 1989 p. 41.

(d) notify the health board in whose area the service is situated of the events specified in Part 5 of Schedule 3.

(3) The notifications required by paragraphs (1) and (2) must include details of the event.

(4) Unless otherwise stated, notifications must be made without delay and in writing.

(5) Notifications must be made in such manner and in such form as may be required by the service regulator.

Notification of admission and discharge

53.—(1) The service provider must notify, without delay, the local authority for the area in which the service is located of every admission of an individual into the service and every discharge of an individual from the service.

(2) The service provider is not required to notify the local authority in paragraph (1) if the individual is a child and that local authority is also the placing authority for the child.

(3) A notification under this regulation must be in writing and must state the individual's name and date of birth.

(4) Where the individual is a child the notification must also state—

(a) whether the child is provided with accommodation under section 76 or 77 of the 2014 Act or, in the case a child placed by a local authority in England, whether the child is provided with accommodation under section 20 or 21 of the Children Act 1989(**1**),

(b) whether the child is subject to a care or supervision order under section 31 of the Children Act 1989,

(c) the contact details for—

(i) any placing authority, and

(ii) any independent reviewing officer appointed for the child's case, and

(d) whether the child has a statement of special educational needs, an individual development plan or an EHC plan and, if so, details of the local authority with responsibility for maintaining the statement of special educational needs, the individual development plan or the EHC plan.

(**1**) 1989 c. 41.

(5) Yn y rheoliad hwn—

mae i "cynllun addysg, iechyd a gofal" yr ystyr a roddir i "EHC plan" yn adran 37(2) (cynlluniau addysg, iechyd a gofal) o Ddeddf Plant a Theuluoedd 2014(**1**);

mae i "cynllun datblygu unigol" ("*individual development plan*") yr ystyr a roddir yn adran 10 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018(**2**);

mae i "datganiad anghenion addysgol arbennig" yr un ystyr â "statement of special educational needs" yn adran 324 o Ddeddf Addysg 1996(**3**).

(5) In this regulation—

"EHC plan" ("*cynllun addysg, iechyd a gofal*") has the meaning given in section 37(2) (education, health and care plans) of the Children and Families Act 2014(**1**);

"individual development plan" ("*cynllun datblygu unigol*") has the meaning given in section 10 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(**2**);

"statement of special educational needs" (*"datganiad anghenion addysgol arbennig"*) has the same meaning as in section 324 of the Education Act 1996(**3**).

Gwrthdaro buddiannau

54.—(1) Rhaid i'r darparwr gwasanaeth gael trefniadau effeithiol yn eu lle i nodi, cofnodi a rheoli achosion posibl o wrthdaro buddiannau.

(2) Rhaid i'r darparwr gwasanaeth sicrhau nad yw person a chanddo fuddiant ariannol ym mherchnogaeth gwasanaeth preswyl ysgol arbennig yn gweithredu fel ymarferydd meddygol ar gyfer unrhyw unigolyn y darperir y gwasanaeth hwnnw ar ei gyfer.

Conflicts of interest

54.—(1) The service provider must have effective arrangements in place to identify, record and manage potential conflicts of interest.

(2) The service provider must ensure that a person having a financial interest in the ownership of a special school residential service does not act as a medical practitioner for any individual for whom that service is provided.

Polisi a gweithdrefn gwyno

55.—(1) Rhaid i'r darparwr gwasanaeth gael polisi cwyno yn ei le a sicrhau bod y gwasanaeth yn cael ei weithredu yn unol â'r polisi hwnnw.

(2) Rhaid i'r darparwr gwasanaeth gael trefniadau effeithiol yn eu lle ar gyfer ymdrin â chwynion, gan gynnwys trefniadau ar gyfer—

(a) nodi cwynion ac ymchwilio iddynt;

(b) rhoi ymateb priodol i berson sy'n gwneud cwyn, os yw'n rhesymol ymarferol cysylltu â'r person hwnnw;

(c) sicrhau bod camau gweithredu priodol yn cael eu cymryd yn dilyn ymchwiliad;

(d) cadw cofnodion sy'n ymwneud â'r materion yn is-baragraffau (a) i (c).

(3) Rhaid i'r darparwr gwasanaeth ddarparu crynodeb o gwynion, ymatebion a chamau gweithredu dilynol i'r rheoleiddiwr gwasanaethau o fewn 28 o ddiwrnodau i gael cais i wneud hynny.

(4) Rhaid i'r darparwr gwasanaeth—

(a) dadansoddi gwybodaeth sy'n ymwneud â chwynion a phryderon, a

Complaints policy and procedure

55.—(1) The service provider must have a complaints policy in place and ensure that the service is operated in accordance with that policy.

(2) The service provider must have effective arrangements in place for dealing with complaints including arrangements for—

(a) identifying and investigating complaints;

(b) giving an appropriate response to a person who makes a complaint, if it is reasonably practicable to contact that person;

(c) ensuring that appropriate action is taken following an investigation;

(d) keeping records relating to the matters in sub-paragraphs (a) to (c).

(3) The service provider must provide a summary of complaints, responses and subsequent action to the service regulator within 28 days of being requested to do so.

(4) The service provider must—

(a) analyse information relating to complaints and concerns, and

(**1**) 2014 p. 6.
(**2**) 2018 dccc 2.
(**3**) 1996 p. 56.

(**1**) 2014 c. 6.
(**2**) 2018 anaw 2.
(**3**) 1996 c. 56.

(b) gan roi sylw i'r dadansoddiad hwnnw, nodi unrhyw feysydd i'w gwella.

Chwythu'r chwiban

56.—(1) Rhaid i'r darparwr gwasanaeth gael trefniadau yn eu lle i sicrhau bod pob person sy'n gweithio yn y gwasanaeth yn gallu codi pryderon am faterion a all effeithio'n andwyol ar iechyd, diogelwch neu lesiant unigolion y darperir y gwasanaeth ar eu cyfer.

(2) Rhaid i'r trefniadau hyn gynnwys—

(a) cael polisi chwythu'r chwiban yn ei le a gweithredu yn unol â'r polisi hwnnw, a

(b) sefydlu trefniadau i alluogi a chefnogi pobl sy'n gweithio yn y gwasanaeth i godi pryderon o'r fath.

(3) Rhaid i'r darparwr sicrhau bod y trefniadau sy'n ofynnol o dan y rheoliad hwn yn cael eu gweithredu'n effeithiol.

(4) Pan godir pryder, rhaid i'r darparwr gwasanaeth sicrhau—

(a) yr ymchwilir i'r pryder;

(b) y cymerir camau priodol yn dilyn ymchwiliad;

(c) y cedwir cofnod o'r ddau beth uchod.

(b) having regard to that analysis, identify any areas for improvement.

Whistleblowing

56.—(1) The service provider must have arrangements in place to ensure that all persons working at the service are able to raise concerns about matters that may adversely affect the health, safety or well-being of individuals for whom the service is provided.

(2) These arrangements must include—

(a) having a whistleblowing policy in place and acting in accordance with that policy, and

(b) establishing arrangements to enable and support people working at the service to raise such concerns.

(3) The provider must ensure that the arrangements required under this regulation are operated effectively.

(4) When a concern is raised, the service provider must ensure that—

(a) the concern is investigated;

(b) appropriate steps are taken following an investigation;

(c) a record is kept of both the above.

RHAN 13

Gofynion ar unigolion cyfrifol ar gyfer sicrhau bod y gwasanaeth yn cael ei reoli'n effeithiol

Goruchwylio'r gwaith o reoli'r gwasanaeth

57. Rhaid i'r unigolyn cyfrifol oruchwylio'r gwaith o reoli'r gwasanaeth, sy'n cynnwys cymryd y camau a ddisgrifir yn rheoliadau 58, 63 a 64.

Dyletswydd i benodi rheolwr

58.—(1) Rhaid i'r unigolyn cyfrifol benodi person i reoli'r gwasanaeth. Ond nid yw'r gofyniad hwn yn gymwys os yw'r amodau ym mharagraff (2) neu (3) yn gymwys.

(2) Yr amodau yw—

(a) bod y darparwr gwasanaeth yn unigolyn,

(b) bod y darparwr gwasanaeth yn bwriadu rheoli'r gwasanaeth,

(c) bod y darparwr gwasanaeth yn addas i reoli'r gwasanaeth,

PART 13

Requirements on responsible individuals for ensuring effective management of the service

Supervision of management of the service

57. The responsible individual must supervise the management of the service, which includes taking the steps described in regulations 58, 63 and 64.

Duty to appoint a manager

58.—(1) The responsible individual must appoint a person to manage the service. But this requirement does not apply if the conditions in paragraph (2) or (3) apply.

(2) The conditions are—

(a) the service provider is an individual,

(b) the service provider proposes to manage the service,

(c) the service provider is fit to manage the service,

(d) bod y darparwr gwasanaeth wedi ei gofrestru fel rheolwr gofal cymdeithasol â rheoleiddiwr y gweithlu, ac

(e) bod y rheoleiddiwr gwasanaethau yn cytuno i'r darparwr gwasanaeth reoli'r gwasanaeth.

(3) Yr amodau yw—

(a) bod y darparwr gwasanaeth yn bartneriaeth, yn gorff corfforedig neu'n gorff anghorfforedig,

(b) bod y darparwr gwasanaeth wedi ei gofrestru i ddarparu gwasanaeth cartref gofal, gwasanaeth canolfan breswyl i deuluoedd neu wasanaeth preswyl ysgol arbennig mewn dim mwy na dau le neu ei fod wedi ei gofrestru i ddarparu gwasanaeth cymorth cartref mewn perthynas â dim mwy na dau le,

(c) bod y darparwr gwasanaeth yn cynnig bod y person sydd wedi ei ddynodi fel yr unigolyn cyfrifol ar gyfer y gwasanaeth i gael ei benodi i reoli'r gwasanaeth,

(d) bod y person hwnnw yn addas i reoli'r gwasanaeth,

(e) bod y person hwnnw wedi ei gofrestru fel rheolwr gofal cymdeithasol â rheoleiddiwr y gweithlu, ac

(f) bod y rheoleiddiwr gwasanaethau yn cytuno i'r person hwnnw reoli'r gwasanaeth.

(4) At ddibenion paragraff (2)(c), nid yw'r darparwr gwasanaeth yn addas i reoli'r gwasanaeth oni bai bod gofynion rheoliad 31(2) (addasrwydd staff) wedi eu bodloni mewn cysylltiad â'r darparwr gwasanaeth.

(5) Nid yw'r ddyletswydd ym mharagraff (1) wedi ei chyflawni os yw'r person a benodir i reoli'r gwasanaeth yn absennol am gyfnod o fwy na thri mis.

Gofynion o ran addasrwydd ar gyfer penodi rheolwr

59.—(1) Ni chaiff yr unigolyn cyfrifol benodi person i reoli'r gwasanaeth oni bai bod y person hwnnw yn addas i wneud hynny.

(2) At ddibenion paragraff (1), nid yw person yn addas i reoli'r gwasanaeth oni bai bod gofynion rheoliad 31(2) (addasrwydd staff) wedi eu bodloni mewn cysylltiad â'r person hwnnw.

(d) the service provider is registered as a social care manager with the workforce regulator, and

(e) the service regulator agrees to the service provider managing the service.

(3) The conditions are—

(a) the service provider is a partnership, body corporate or unincorporated body,

(b) the service provider is registered to provide a care home service, residential family centre service or special school residential service at no more than two places or is registered to provide a domiciliary support service in relation to no more than two places,

(c) the service provider proposes that the person designated as the responsible individual for the service is to be appointed to manage the service,

(d) that person is fit to manage the service,

(e) that person is registered as a social care manager with the workforce regulator, and

(f) the service regulator agrees to that person managing the service.

(4) For the purposes of paragraph (2)(c), the service provider is not fit to manage the service unless the requirements of regulation 31(2) (fitness of staff) are met in respect of the service provider.

(5) The duty in paragraph (1) is not discharged if the person appointed to manage the service is absent for a period of more than three months.

Fitness requirements for appointment of manager

59.—(1) The responsible individual must not appoint a person to manage the service unless that person is fit to do so.

(2) For the purposes of paragraph (1), a person is not fit to manage the service unless the requirements of regulation 31(2) (fitness of staff) are met in respect of that person.

Cyfyngiadau ar benodi rheolwr ar gyfer mwy nag un gwasanaeth

60.—(1) Ni chaiff yr unigolyn cyfrifol benodi person i reoli mwy nag un gwasanaeth, oni bai bod paragraff (2) yn gymwys.

(2) Mae'r paragraff hwn yn gymwys—

(a) os yw'r darparwr gwasanaeth wedi gwneud cais i'r rheoleiddiwr gwasanaethau am ganiatâd i benodi rheolwr ar gyfer mwy nag un gwasanaeth, a

(b) os yw'r rheoleiddiwr gwasanaethau wedi ei fodloni—

(i) na fydd y trefniadau rheoli arfaethedig yn cael effaith andwyol ar iechyd neu lesiant unigolion, a

(ii) y bydd y trefniadau rheoli arfaethedig yn darparu goruchwyliaeth ddibynadwy ac effeithiol o bob gwasanaeth.

Restrictions on appointing manager for more than one service

60.—(1) The responsible individual must not appoint a person to manage more than one service, unless paragraph (2) applies.

(2) This paragraph applies if—

(a) the service provider has applied to the service regulator for permission to appoint a manager for more than one service, and

(b) the service regulator is satisfied that the proposed management arrangements—

(i) will not have an adverse impact on the health or well-being of individuals, and

(ii) will provide reliable and effective oversight of each service.

Dyletswydd i adrodd am benodi rheolwr i'r darparwr gwasanaeth

61. Wrth benodi rheolwr yn unol â rheoliad 58(1), rhaid i'r unigolyn cyfrifol hysbysu'r darparwr gwasanaeth am—

(a) enw'r person a benodir, a

(b) y dyddiad y mae'r penodiad i gymryd effaith.

Duty to report the appointment of manager to service provider

61. On the appointment of a manager in accordance with regulation 58(1), the responsible individual must give notice to the service provider of—

(a) the name of the person appointed, and

(b) the date on which the appointment is to take effect.

Dyletswydd i adrodd am benodi rheolwr i reoleiddiwr y gweithlu a'r rheoleiddiwr gwasanaethau

62.—(1) Wrth benodi rheolwr yn unol â rheoliad 58(1), rhaid i'r unigolyn cyfrifol hysbysu rheoleiddiwr y gweithlu a'r rheoleiddiwr gwasanaethau am—

(a) enw, dyddiad geni a rhif cofrestru Gofal Cymdeithasol Cymru y person a benodir, a

(b) y dyddiad y mae'r penodiad i gymryd effaith.

(2) Mewn achos pan fo'r darparwr gwasanaeth yn unigolyn a bod y rheoleiddiwr gwasanaethau wedi cytuno i'r darparwr gwasanaeth reoli'r gwasanaeth, rhaid i'r darparwr gwasanaeth hysbysu rheoleiddiwr y gweithlu am—

(a) enw, dyddiad geni a rhif cofrestru Gofal Cymdeithasol Cymru y darparwr gwasanaeth, a

(b) y dyddiad y mae'r darparwr gwasanaeth i reoli'r gwasanaeth ohono.

Duty to report appointment of manager to the workforce and service regulators

62.—(1) On the appointment of a manager in accordance with regulation 58(1), the responsible individual must give notice to the workforce and service regulators of—

(a) the name, date of birth and Social Care Wales registration number of the person appointed, and

(b) the date on which the appointment is to take effect.

(2) In a case where the service provider is an individual and the service regulator has agreed to the service provider managing the service, the service provider must give notice to the workforce regulator of—

(a) the name, date of birth and Social Care Wales registration number of the service provider, and

(b) the date from which the service provider is to manage the service.

Y trefniadau pan yw rheolwr yn absennol

63.—(1) Rhaid i'r unigolyn cyfrifol roi trefniadau addas yn eu lle i sicrhau bod y gwasanaeth yn cael ei reoli'n effeithiol ar unrhyw adeg pan nad oes rheolwr neu pan nad yw'r rheolwr yn bresennol yn y gwasanaeth.

(2) Os nad oes rheolwr neu os nad yw'r rheolwr yn bresennol yn y gwasanaeth am gyfnod o fwy nag 28 o ddiwrnodau, rhaid i'r unigolyn cyfrifol—

(a) hysbysu'r darparwr gwasanaeth a'r rheoleiddiwr gwasanaethau, a

(b) rhoi gwybod iddynt am y trefniadau sydd wedi eu rhoi yn eu lle ar gyfer rheoli'r gwasanaeth yn effeithiol.

Ymweliadau

64.—(1) Rhaid i'r unigolyn cyfrifol—

(a) ymweld â phob man y mae'r unigolyn cyfrifol wedi ei ddynodi mewn cysylltiad ag ef, a

(b) cwrdd â staff ac unigolion ym mhob man o'r fath.

(2) Mae amlder ymweliadau a chyfarfodydd o'r fath i gael ei benderfynu gan yr unigolyn cyfrifol gan roi sylw i'r datganiad o ddiben ond rhaid iddynt gael eu cynnal o leiaf bob tri mis.

Arrangements when manager is absent

63.—(1) The responsible individual must put suitable arrangements in place to ensure that the service is managed effectively at any time when there is no manager or when the manager is not present at the service.

(2) If there is no manager or the manager is not present at the service for a period of more than 28 days, the responsible individual must—

(a) notify the service provider and the service regulator, and

(b) inform them of the arrangements which have been put in place for the effective management of the service.

Visits

64.—(1) The responsible individual must—

(a) visit each place in respect of which the responsible individual is designated, and

(b) meet with staff and individuals at each such place.

(2) The frequency of such visits and meetings is to be determined by the responsible individual having regard to the statement of purpose but must be at least every three months.

RHAN 14

Gofynion ar unigolion cyfrifol ar gyfer sicrhau bod y gwasanaeth yn cael ei oruchwylio'n effeithiol

Goruchwylio digonolrwydd adnoddau

65.—(1) Rhaid i'r unigolyn cyfrifol adrodd i'r darparwr gwasanaeth am ddigonolrwydd yr adnoddau sydd ar gael i ddarparu'r gwasanaeth yn unol â'r gofynion ar ddarparwyr gwasanaethau yn Rhannau 2 i 12 o'r Rheoliadau hyn.

(2) Rhaid i adroddiadau o'r fath gael eu gwneud yn chwarterol.

(3) Ond nid yw'r gofyniad ym mharagraff (1) yn gymwys pan fo'r darparwr gwasanaeth yn unigolyn.

Adroddiadau eraill i'r darparwr gwasanaeth

66.—(1) Rhaid i'r unigolyn cyfrifol, yn ddi-oed, adrodd i'r darparwr gwasanaeth—

(a) am unrhyw bryderon ynghylch rheoli neu ddarparu'r gwasanaeth;

PART 14

Requirements on responsible individuals for ensuring effective oversight of the service

Oversight of adequacy of resources

65.—(1) The responsible individual must report to the service provider on the adequacy of the resources available to provide the service in accordance with the requirements on service providers in Parts 2 to 12 of these Regulations.

(2) Such reports must be made on a quarterly basis.

(3) But the requirement in paragraph (1) does not apply where the service provider is an individual.

Other reports to the service provider

66.—(1) The responsible individual must, without delay, report to the service provider—

(a) any concerns about the management or provision of the service;

(b) am unrhyw newidiadau sylweddol i'r ffordd y caiff y gwasanaeth ei reoli neu ei ddarparu;

(c) am unrhyw bryderon nad yw'r gwasanaeth yn cael ei ddarparu yn unol â'r datganiad o ddiben ar gyfer y gwasanaeth.

(2) Ond nid yw'r gofyniad hwn yn gymwys pan fo'r darparwr gwasanaeth yn unigolyn.

Ymgysylltu ag unigolion ac eraill

67.—(1) Rhaid i'r unigolyn cyfrifol roi trefniadau addas yn eu lle ar gyfer cael safbwyntiau—

(a) yr unigolion sy'n cael gofal a chymorth,

(b) rhieni a gofalwyr yr unigolion hynny,

(c) unrhyw awdurdod lleoli, a

(d) staff sydd wedi eu cyflogi yn y gwasanaeth,

ar ansawdd y gofal a'r cymorth a ddarperir a sut y gellir gwella hyn.

(2) Rhaid i'r unigolyn cyfrifol adrodd am y safbwyntiau a geir i'r darparwr gwasanaeth er mwyn i'r safbwyntiau hyn allu cael eu hystyried gan y darparwr gwasanaeth wrth wneud unrhyw benderfyniadau ar gynlluniau ar gyfer gwella ansawdd y gofal a'r cymorth a ddarperir gan y gwasanaeth.

RHAN 15

Gofynion ar unigolion cyfrifol ar gyfer sicrhau cydymffurfedd y gwasanaeth

Dyletswydd i sicrhau bod systemau yn eu lle i gofnodi digwyddiadau a chwynion

68. Rhaid i'r unigolyn cyfrifol sicrhau bod systemau effeithiol yn eu lle i gofnodi digwyddiadau, cwynion a materion y mae rhaid gwneud hysbysiadau yn eu cylch yn unol â rheoliadau 52, 53 a 75.

Dyletswydd i sicrhau bod systemau yn eu lle ar gyfer cadw cofnodion

69. Rhaid i'r unigolyn cyfrifol sicrhau bod systemau effeithiol yn eu lle mewn perthynas â chadw cofnodion, sy'n cynnwys systemau ar gyfer sicrhau bod cofnodion y mae'n ofynnol iddynt gael eu cadw gan reoliad 51 yn gywir ac yn gyflawn.

(b) any significant changes to the way the service is managed or provided;

(c) any concerns that the service is not being provided in accordance with the statement of purpose for the service.

(2) But this requirement does not apply where the service provider is an individual.

Engagement with individuals and others

67.—(1) The responsible individual must put suitable arrangements in place for obtaining the views of—

(a) the individuals who are receiving care and support,

(b) the parents and carers of those individuals,

(c) any placing authority, and

(d) staff employed at the service,

on the quality of care and support provided and how this can be improved.

(2) The responsible individual must report the views obtained to the service provider so that these views can be taken into account by the service provider when making any decisions on plans for improvement of the quality of care and support provided by the service.

PART 15

Requirements on responsible individuals for ensuring the compliance of the service

Duty to ensure there are systems in place to record incidents and complaints

68. The responsible individual must ensure that there are effective systems in place to record incidents, complaints and matters on which notifications must be made in accordance with regulations 52, 53 and 75.

Duty to ensure there are systems in place for keeping of records

69. The responsible individual must ensure that there are effective systems in place in relation to the keeping of records, which include systems for ensuring the accuracy and completeness of records which are required to be kept by regulation 51.

Dyletswydd i sicrhau bod polisïau a gweithdrefnau yn gyfredol

70. Rhaid i'r unigolyn cyfrifol roi trefniadau addas yn eu lle i sicrhau bod polisïau a gweithdrefnau'r darparwr gwasanaeth fel sy'n ofynnol gan reoliad 8(1) i (3) yn cael eu cadw'n gyfredol, gan roi sylw i'r datganiad o ddiben.

Duty to ensure policies and procedures are up to date

70. The responsible individual must put suitable arrangements in place to ensure that the service provider's policies and procedures as required by regulation 8(1) to (3) are kept up to date, having regard to the statement of purpose.

RHAN 16

Gofynion ar unigolion cyfrifol ar gyfer monitro, adolygu a gwella ansawdd y gwasanaeth

PART 16

Requirements on responsible individuals for monitoring, reviewing and improving the quality of the service

Adolygiad o ansawdd y gofal

71.—(1) Rhaid i'r unigolyn cyfrifol roi trefniadau addas yn eu lle i sefydlu a chynnal system ar gyfer monitro, adolygu a gwella ansawdd y gofal a'r cymorth a ddarperir gan y gwasanaeth.

(2) Rhaid i'r system a sefydlir o dan baragraff (1) wneud darpariaeth i adolygu ansawdd y gofal a'r cymorth mor aml ag sy'n ofynnol ond o leiaf bob chwe mis.

(3) Fel rhan o unrhyw adolygiad a gynhelir, rhaid i'r unigolyn cyfrifol wneud trefniadau ar gyfer—

(a) ystyried canlyniad yr ymgysylltiad ag unigolion ac eraill, fel sy'n ofynnol gan reoliad 67;

(b) dadansoddi'r data cyfanredol ar ddigwyddiadau, digwyddiadau hysbysadwy o dan y Rheoliadau hyn, materion diogelu, chwythu'r chwiban, pryderon a chwynion;

(c) adolygu unrhyw gamau gweithredu a gymerir mewn perthynas â chwynion;

(d) ystyried canlyniad unrhyw archwiliad o gywirdeb a chyflawnrwydd cofnodion.

(4) Ar ôl cwblhau adolygiad o ansawdd y gofal a'r cymorth yn unol â'r rheoliad hwn, rhaid i'r unigolyn cyfrifol lunio adroddiad i'r darparwr gwasanaeth y mae rhaid iddo gynnwys—

(a) asesiad o safon y gofal a'r cymorth a ddarperir, a

(b) argymhellion ar gyfer gwella'r gwasanaeth.

(5) Ond nid yw'r gofyniad ym mharagraff (4) yn gymwys pan fo'r darparwr gwasanaeth yn unigolyn.

Quality of care review

71.—(1) The responsible individual must put suitable arrangements in place to establish and maintain a system for monitoring, reviewing and improving the quality of care and support provided by the service.

(2) The system established under paragraph (1) must make provision for the quality of care and support to be reviewed as often as required but at least every six months.

(3) As part of any review undertaken, the responsible individual must make arrangements for—

(a) considering the outcome of the engagement with individuals and others, as required by regulation 67;

(b) analysing the aggregated data on incidents, notifiable incidents under these Regulations, safeguarding matters, whistleblowing, concerns and complaints;

(c) reviewing any action taken in relation to complaints;

(d) considering the outcome of any audit of the accuracy and completeness of records.

(4) On completion of a review of the quality of care and support in accordance with this regulation, the responsible individual must prepare a report to the service provider which must include—

(a) an assessment of the standard of care and support provided, and

(b) recommendations for the improvement of the service.

(5) But the requirement in paragraph (4) does not apply where the service provider is an individual.

Datganiad o gydymffurfedd â'r gofynion o ran safonau gofal a chymorth

72.—(1) Rhaid i'r unigolyn cyfrifol lunio'r datganiad y mae'n ofynnol iddo gael ei gynnwys yn y datganiad blynyddol o dan adran 10(2)(b) o'r Ddeddf, i'r graddau y mae'n ymwneud â'r man neu'r mannau y mae'r unigolyn cyfrifol wedi ei ddynodi mewn cysylltiad ag ef neu â hwy.

(2) Wrth lunio'r datganiad, rhaid i'r unigolyn cyfrifol roi sylw i'r asesiad o safon y gofal a'r cymorth a gynhwysir mewn adroddiad a lunnir yn unol â rheoliad 71(4).

Statement of compliance with the requirements as to standards of care and support

72.—(1) The responsible individual must prepare the statement required to be included in the annual return under section 10(2)(b) of the Act, in so far as it relates to the place or places in respect of which the responsible individual has been designated.

(2) When preparing the statement, the responsible individual must have regard to the assessment of the standard of care and support which is contained in a report prepared in accordance with regulation 71(4).

RHAN 17

Gofynion eraill ar unigolion cyfrifol

Cymorth ar gyfer staff sy'n codi pryderon

73. Rhaid i'r unigolyn cyfrifol sicrhau y cydymffurfir â pholisi chwythu chwiban y darparwr a bod y trefniadau i alluogi a chefnogi pobl sy'n gweithio yn y gwasanaeth i godi pryderon o'r fath yn cael eu gweithredu'n effeithiol.

Y ddyletswydd gonestrwydd

74. Rhaid i'r unigolyn cyfrifol weithredu mewn ffordd agored a thryloyw—

(a) ag unigolion sy'n cael gofal a chymorth,

(b) â rhieni a gofalwyr yr unigolion hynny, ac

(c) ag unrhyw awdurdod lleoli.

Hysbysiadau

75.—(1) Rhaid i'r unigolyn cyfrifol hysbysu'r rheoleiddiwr gwasanaethau am y digwyddiadau a bennir yn Atodlen 4.

(2) Rhaid i'r hysbysiadau sy'n ofynnol gan baragraff (1) gynnwys manylion y digwyddiad.

(3) Oni nodir fel arall, rhaid i hysbysiadau gael eu gwneud yn ddi-oed ac yn ysgrifenedig.

(4) Rhaid i hysbysiadau gael eu gwneud yn y modd a'r ffurf sy'n ofynnol gan y rheoleiddiwr gwasanaethau.

PART 17

Other requirements on responsible individuals

Support for staff raising concerns

73. The responsible individual must ensure that the provider's whistleblowing policy is being complied with and that the arrangements to enable and support people working at the service to raise such concerns are being operated effectively.

Duty of candour

74. The responsible individual must act in an open and transparent way with—

(a) individuals who are receiving care and support,

(b) the parents and carers of those individuals, and

(c) any placing authority.

Notifications

75.—(1) The responsible individual must notify the service regulator of the events specified in Schedule 4.

(2) The notifications required by paragraph (1) must include details of the event.

(3) Unless otherwise stated, notifications must be made without delay and in writing.

(4) Notifications must be made in such manner and in such form as may be required by the service regulator.

RHAN 18

Troseddau

Troseddau – darparwyr gwasanaethau

76.—(1) Mae'n drosedd i ddarparwr gwasanaeth fethu â chydymffurfio â gofyniad unrhyw un neu ragor o'r darpariaethau a bennir ym mharagraff (2).

(2) Y darpariaethau a bennir at ddibenion paragraff (1) yw darpariaethau rheoliadau 3(3) a (5), 7(3), 8(1) a (2), 15(1) i (3), 16(1), 31(1), 34(1), 51(1) a (2), 52(1), (2) a (4) a 53(1).

(3) Mae darparwr gwasanaeth yn cyflawni trosedd os yw'r darparwr yn methu â chydymffurfio â gofyniad unrhyw un neu ragor o'r darpariaethau a bennir ym mharagraff (4) a bod methiant o'r fath yn arwain at—

(a) niwed y gellir ei osgoi (pa un ai o natur gorfforol neu seicolegol) i unigolyn,

(b) unigolyn yn cael ei wneud yn agored i risg sylweddol o niwed o'r fath, neu

(c) yn achos dwyn, camddefnyddio neu gamberchnogi arian neu eiddo, unrhyw golled gan unigolyn o'r arian neu'r eiddo o dan sylw.

(4) Y darpariaethau a bennir at ddibenion paragraff (3) yw darpariaethau rheoliadau 2, 3(1), 8(5), 10(1) a (3), 11(1) a (3), 12(1) a (5), 14(1), (6) a (7), 17(1) a (2), 18, 22(1), 23 a 30(1) a (2).

Troseddau – unigolion cyfrifol

77.—(1) Mae'n drosedd i'r unigolyn cyfrifol fethu â chydymffurfio â gofyniad unrhyw un neu ragor o'r darpariaethau a bennir ym mharagraff (2).

(2) Y darpariaethau a bennir at ddibenion paragraff (1) yw darpariaethau rheoliadau 58(1), 59(1), 62(1) a (2), 64(1) a (2), 65(1) a (2), 66(1), 71(4), 72(1) a 75(1) a (3).

PART 18

Offences

Offences - service providers

76.—(1) It is an offence for a service provider to fail to comply with a requirement of any of the provisions specified in paragraph (2).

(2) The provisions specified for the purposes of paragraph (1) are the provisions of regulations 3(3) and (5), 7(3), 8(1) and (2), 15(1) to (3), 16(1), 31(1), 34(1), 51(1) and (2), 52(1), (2) and (4) and 53(1).

(3) A service provider commits an offence if the provider fails to comply with a requirement of any of the provisions specified in paragraph (4) and such failure results in—

(a) avoidable harm (whether of a physical or psychological nature) to an individual,

(b) an individual being exposed to a significant risk of such harm occurring, or

(c) in a case of theft, misuse or misappropriation of money or property, any loss by an individual of the money or property concerned.

(4) The provisions specified for the purposes of paragraph (3) are the provisions of regulations 2, 3(1), 8(5), 10(1) and (3), 11(1) and (3), 12(1) and (5), 14(1), (6) and (7), 17(1) and (2), 18, 22(1), 23 and 30(1) and (2).

Offences - responsible individuals

77.—(1) It is an offence for the responsible individual to fail to comply with a requirement of any of the provisions specified in paragraph (2).

(2) The provisions specified for the purposes of paragraph (1) are the provisions of regulations 58(1), 59(1), 62(1) and (2), 64(1) and (2), 65(1) and (2), 66(1), 71(4), 72(1) and 75(1) and (3).

RHAN 19

Darparwyr gwasanaethau sydd wedi eu datod etc. neu sydd wedi marw

Penodi datodwyr etc.

78.—(1) Rhaid i berson a benodir—

(a) yn ddi-oed, roi hysbysiad ysgrifenedig i'r rheoleiddiwr gwasanaethau o'i benodiad a'r rhesymau dros ei benodi;

PART 19

Service providers who are liquidated etc. or who have died

Appointment of liquidators etc.

78.—(1) An appointed person must—

(a) without delay, give written notification to the service regulator of their appointment and the reasons for their appointment;

(b) o fewn 28 o ddiwrnodau i'w benodi, hysbysu'r rheoleiddiwr gwasanaethau am ei fwriadau ynghylch gweithrediad y gwasanaeth yn y dyfodol.

(2) Yn y Rhan hon—

ystyr "y gwasanaeth" ("*the service*") yw'r gwasanaeth preswyl ysgol arbennig y mae'r darparwr gwasanaeth y mae'r penodiad yn ymwneud ag ef wedi ei gofrestru i'w ddarparu;

mae i "person a benodir" ("*appointed person*") yr un ystyr ag yn adran 30 o'r Ddeddf.

(b) within 28 days of their appointment, notify the service regulator of their intentions regarding the future operation of the service.

(2) In this Part—

"appointed person" ("*person a benodir*") has the same meaning as in section 30 of the Act;

"the service" ("*y gwasanaeth*") means the special school residential service which the service provider to which the appointment relates is registered to provide.

Marwolaeth y darparwr gwasanaeth

79.—(1) Pan fo darparwr gwasanaeth sy'n unigolyn wedi marw, rhaid i gynrychiolwyr personol yr unigolyn—

(a) yn ddi-oed, roi hysbysiad ysgrifenedig o'r farwolaeth i'r rheoleiddiwr gwasanaethau;

(b) o fewn 28 o ddiwrnodau i'r farwolaeth, hysbysu'r rheoleiddiwr gwasanaethau am eu bwriadau ynghylch gweithrediad y gwasanaeth yn y dyfodol.

(2) Caiff cynrychiolwyr personol yr unigolyn weithredu yn rhinwedd y darparwr gwasanaeth am gyfnod nad yw'n hwy nag 28 o ddiwrnodau neu am unrhyw gyfnod hwy (nad yw'n hwy nag un flwyddyn) y mae'r rheoleiddiwr gwasanaethau yn cytuno arno.

(3) Pan fo'r cynrychiolwyr personol yn gweithredu yn rhinwedd y darparwr gwasanaeth yn unol â pharagraff (2), mae Rhan 1 o'r Ddeddf yn gymwys gyda'r addasiadau a ganlyn—

(a) nid yw adran 5 (gofyniad i gofrestru) yn gymwys;

(b) mae adran 21(2) (unigolion cyfrifol) yn darllen fel pe bai'r canlynol wedi ei fewnosod ar ôl paragraff (a)—

"(aa) pan fo cynrychiolwyr personol darparwr gwasanaeth sydd wedi marw yn gweithredu yn rhinwedd y darparwr gwasanaeth, fod yn un o'r cynrychiolwyr personol;".

Death of service provider

79.—(1) Where a service provider who is an individual has died, the personal representatives of the individual must—

(a) without delay, give written notification of the death to the service regulator;

(b) within 28 days of the death, notify the service regulator of their intentions regarding the future operation of the service.

(2) The personal representatives of the individual may act in the capacity of the service provider for a period not exceeding 28 days or for such longer period (not exceeding one year) as the service regulator may agree.

(3) Where the personal representatives are acting in the capacity of the service provider in accordance with paragraph (2), Part 1 of the Act applies with the following modifications—

(a) section 5 (requirement to register) does not apply;

(b) section 21(2) (responsible individuals) reads as if after paragraph (a) there were inserted—

"(aa) where the personal representatives of a service provider who has died are acting in the capacity of the service provider, be one of the personal representatives;".

RHAN 20

Rheoliadau o dan adran 21(5) o'r Ddeddf

Dynodiad unigolyn cyfrifol gan Weinidogion Cymru

80. Caiff Gweinidogion Cymru (yn lle darparwr gwasanaeth) ddynodi unigolyn i fod yn unigolyn cyfrifol, er nad yw gofynion adran 21(2) o'r Ddeddf wedi eu bodloni mewn cysylltiad â'r unigolyn, o dan yr amgylchiadau a ganlyn—

(a) bod y darparwr gwasanaeth yn unigolyn sydd wedi marw a bod cynrychiolwyr personol y darparwr gwasanaeth wedi hysbysu'r rheoleiddiwr gwasanaethau nad ydynt yn bwriadu gwneud cais o dan adran 11(1)(c) o'r Ddeddf;

(b) bod y darparwr gwasanaeth yn unigolyn ac wedi hysbysu'r rheoleiddiwr gwasanaethau—

(i) na all gydymffurfio â'i ddyletswyddau fel unigolyn cyfrifol mwyach, a

(ii) y rhesymau dros hyn;

(c) bod y darparwr gwasanaeth yn gorff corfforedig neu'n bartneriaeth ac wedi hysbysu'r rheoleiddiwr gwasanaethau—

(i) nad yw'r unigolyn sydd wedi ei ddynodi gan y darparwr gwasanaeth fel yr unigolyn cyfrifol yn gallu cydymffurfio â'i ddyletswyddau fel unigolyn cyfrifol mwyach,

(ii) y rhesymau dros hyn, a

(iii) nad oes unrhyw unigolyn arall sy'n gymwys i fod yn unigolyn cyfrifol ac sy'n gallu cydymffurfio â dyletswyddau unigolyn cyfrifol.

RHAN 21

Diwygio rheoliadau cysylltiedig

Diwygio Rheoliadau Gwasanaethau Rheoleiddiedig (Datganiadau Blynyddol) (Cymru) 2017

81. Yn rheoliad 5 o Reoliadau Gwasanaethau Rheoleiddiedig (Datganiadau Blynyddol) (Cymru) 2017(**1**), ar ôl "gwasanaeth llety diogel" mewnosoder ", gwasanaeth preswyl ysgol arbennig".

(**1**) O.S. 2017/1097 (Cy. 277), a ddiwygiwyd gan O.S. 2019/233 (Cy. 52), O.S. 2020/486 (Cy. 111), O.S. 2021/395 (Cy. 126) ac O.S. 2022/476 (Cy. 118).

PART 20

Regulations under section 21(5) of the Act

Designation of responsible individual by Welsh Ministers

80.—(1) The Welsh Ministers (instead of a service provider) may designate an individual to be a responsible individual, despite the requirements of section 21(2) of the Act not being met in respect of the individual, in the following circumstances—

(a) the service provider is an individual who has died and the personal representatives of the service provider have notified the service regulator that they do not intend to make an application under section 11(1)(c) of the Act;

(b) the service provider is an individual and they have notified the service regulator—

(i) that they are no longer able to comply with their duties as a responsible individual, and

(ii) the reasons for this being the case;

(c) the service provider is a corporate body or partnership and they have notified the service regulator—

(i) that the individual designated by the service provider as the responsible individual is no longer able to comply with their duties as a responsible individual,

(ii) the reasons for this being the case, and

(iii) that there is no other individual who is eligible to be a responsible individual and who is able to comply with the duties of a responsible individual.

PART 21

Amendments to related regulations

Amendment of the Regulated Services (Annual Returns) (Wales) Regulations 2017

81. In regulation 5 of the Regulated Services (Annual Returns) (Wales) Regulations 2017(**1**), after "secure accommodation service" insert ", special school residential service".

(**1**) S.I. 2017/1097 (W. 277), amended by S.I. 2019/233 (W. 52), S.I. 2020/486 (W. 111), S.I. 2021/395 (W. 126) and S.I. 2022/476 (W. 118).

Diwygio Rheoliadau Gwasanaethau Rheoleiddiedig (Hysbysiadau Cosb) (Cymru) 2019

82. Mae Rheoliadau Gwasanaethau Rheoleiddiedig (Hysbysiadau Cosb) (Cymru) 2019(**1**) wedi eu diwygio fel a ganlyn—

(a) yn rheoliad 2, ar ôl y diffiniad o "y Rheoliadau Gwasanaethau Maethu" mewnosoder "ystyr "y Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig" ("*the Special School Residential Services Regulations*") yw Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig (Darparwyr Gwasanaethau ac Unigolion Cyfrifol) (Cymru) 2024;";

(b) ar ôl rheoliad 9, mewnosoder—

"**Troseddau o dan y Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig**

9A.—(1) Mae'r troseddau o dan ddarpariaethau'r Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig a restrir yng ngholofn gyntaf y tabl yn Atodlen 6 wedi eu rhagnodi'n droseddau at ddibenion adran 52(1) o'r Ddeddf.

(2) Mae ail golofn y tabl yn Atodlen 6 yn cynnwys disgrifiad o natur gyffredinol y drosedd ragnodedig.

(3) Mae swm y gosb sydd i'w dalu ar gyfer pob trosedd wedi ei bennu yn nhrydedd golofn y tabl yn Atodlen 6.";

(c) ar ôl Atodlen 5, mewnosoder—

(**1**) O.S. 2019/887 (Cy. 159).

Amendment of the Regulated Services (Penalty Notices) (Wales) Regulations 2019

82. The Regulated Services (Penalty Notices) (Wales) Regulations 2019(**1**) are amended as follows—

(a) in regulation 2, after the definition of "the Fostering Services Regulations" insert "the Special School Residential Services Regulations ("*y Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig*") means the Special School Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024;";

(b) after regulation 9, insert—

"**Offences under the Special School Residential Services Regulations**

9A.—(1) The offences under the provisions of the Special School Residential Services Regulations listed in the first column of the table in Schedule 6 are prescribed as offences for the purposes of section 52(1) of the Act.

(2) The second column of the table in Schedule 6 contains a description of the general nature of the prescribed offence.

(3) The amount of the penalty to be paid for each offence is specified in the third column of the table in Schedule 6.";

(c) after Schedule 5, insert—

(**1**) S.I. 2019/887 (W. 159).

“ATODLEN 6 Rheoliad 9A

Troseddau rhagnodedig - gwasanaethau preswyl ysgolion arbennig

Y ddarpariaeth sy'n creu'r drosedd	*Natur gyffredinol y drosedd*	*Swm y gosb*
Rheoliad 3(3) a (5) o'r Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig	Mynd yn groes i'r gofynion mewn perthynas â'r datganiad o ddiben, neu fethiant i gydymffurfio â hwy	Swm sy'n cyfateb i ddwywaith a hanner lefel 4 ar y raddfa safonol
Rheoliad 7(3) o'r Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig	Mynd yn groes i'r gofynion mewn perthynas â chynaliadwyedd ariannol y gwasanaeth, neu fethiant i gydymffurfio â hwy	Swm sy'n cyfateb i lefel 4 ar y raddfa safonol
Rheoliad 8(1) a (2) o'r Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig	Mynd yn groes i'r gofynion i gael polisïau a gweithdrefnau penodedig yn eu lle, neu fethiant i gydymffurfio â hwy	Swm sy'n cyfateb i lefel 4 ar y raddfa safonol
Rheoliad 15(1), (2) a (3) o'r Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig	Mynd yn groes i'r gofynion mewn perthynas â darparu gwybodaeth am y gwasanaeth, neu fethiant i gydymffurfio â hwy	Swm sy'n cyfateb i ddwywaith lefel 4 ar y raddfa safonol

“SCHEDULE 6 Regulation 9A

Prescribed offences - special school residential services

Provision creating offence	*General nature of the offence*	*Amount of penalty*
Regulation 3(3) and (5) of the Special School Residential Services Regulations	Contravention of, or failure to comply with, requirements in relation to the statement of purpose	An amount corresponding to two and a half times level 4 on the standard scale
Regulation 7(3) of the Special School Residential Services Regulations	Contravention of, or failure to comply with, requirements in relation to the financial sustainability of the service	An amount corresponding to level 4 on the standard scale
Regulation 8(1) and (2) of the Special School Residential Services Regulations	Contravention of, or failure to comply with, requirements to have in place specified policies and procedures	An amount corresponding to level 4 on the standard scale
Regulation 15(1), (2) and (3) of the Special School Residential Services Regulations	Contravention of, or failure to comply with, requirements in relation to the provision of information about the service	An amount corresponding to two times level 4 on the standard scale

Rheoliad 16(1) o'r Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig	Mynd yn groes i'r gofynion mewn perthynas â darparu cytundeb gwasanaeth, neu fethiant i gydymffurfio â hwy	Swm sy'n cyfateb i lefel 4 ar y raddfa safonol	Regulation 16(1) of the Special School Residential Services Regulations	Contravention of, or failure to comply with, requirements in relation to the provision of a service agreement	An amount corresponding to level 4 on the standard scale
Rheoliad 31(1) o'r Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig	Mynd yn groes i'r gofynion mewn perthynas ag addasrwydd staff, neu fethiant i gydymffurfio â hwy	Swm sy'n cyfateb i ddwywaith a hanner lefel 4 ar y raddfa safonol	Regulation 31(1) of the Special School Residential Services Regulations	Contravention of, or failure to comply with, requirements in relation to the fitness of staff	An amount corresponding to two and a half times level 4 on the standard scale
Rheoliad 34(1) o'r Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig	Mynd yn groes i'r gofynion mewn perthynas â darparu gwybodaeth ar gyfer staff, neu fethiant i gydymffurfio â hwy	Swm sy'n cyfateb i ddwywaith lefel 4 ar y raddfa safonol	Regulation 34(1) of the Special School Residential Services Regulations	Contravention of, or failure to comply with, requirements in relation to the provision of information for staff	An amount corresponding to two times level 4 on the standard scale
Rheoliad 51(1) a (2) o'r Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig	Mynd yn groes i'r gofynion mewn perthynas â chofnodion, neu fethiant i gydymffurfio â hwy	Swm sy'n cyfateb i ddwywaith lefel 4 ar y raddfa safonol	Regulation 51(1) and (2) of the Special School Residential Services Regulations	Contravention of, or failure to comply with, requirements in relation to records	An amount corresponding to two times level 4 on the standard scale
Rheoliad 52(1), (2) a (4) o'r Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig	Mynd yn groes i'r gofynion mewn perthynas â hysbysiadau, neu fethiant i gydymffurfio â hwy	Swm sy'n cyfateb i ddwywaith lefel 4 ar y raddfa safonol	Regulation 52(1), (2) and (4) of the Special School Residential Services Regulations	Contravention of, or failure to comply with, requirements in relation to notifications	An amount corresponding to two times level 4 on the standard scale
Rheoliad 58(1) o'r Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig	Mynd yn groes i'r gofynion mewn perthynas â dyletswydd unigolyn cyfrifol i benodi rheolwr, neu fethiant i gydymffurfio â hwy	Swm sy'n cyfateb i ddwywaith a hanner lefel 4 ar y raddfa safonol	Regulation 58(1) of the Special School Residential Services Regulations	Contravention of, or failure to comply with, requirements in relation to the duty of a responsible individual to appoint a manager	An amount corresponding to two and a half times level 4 on the standard scale

Rheoliad 65(1) a (2) o'r Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig	Mynd yn groes i'r gofynion mewn perthynas â dyletswydd unigolyn cyfrifol i adrodd am ddigonolrwydd yr adnoddau, neu fethiant i gydymffurfio â hwy	Swm sy'n cyfateb i ddwywaith lefel 4 ar y raddfa safonol	Regulation 65(1) and (2) of the Special School Residential Services Regulations	Contravention of, or failure to comply with, requirements in relation to the duty of a responsible individual to report on the adequacy of resources	An amount corresponding to two times level 4 on the standard scale
Rheoliad 66(1) o'r Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig	Mynd yn groes i'r gofynion mewn perthynas ag unigolyn cyfrifol yn gwneud adroddiadau eraill i'r darparwr gwasanaeth, neu fethiant i gydymffurfio â hwy	Swm sy'n cyfateb i ddwywaith lefel 4 ar y raddfa safonol	Regulation 66(1) of the Special School Residential Services Regulations	Contravention of, or failure to comply with, requirements in relation to the making by a responsible individual of other reports to the service provider	An amount corresponding to two times level 4 on the standard scale
Rheoliad 71(4) o'r Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig	Mynd yn groes i'r gofynion mewn perthynas â llunio gan unigolyn cyfrifol adroddiad mewn cysylltiad ag adolygiad o ansawdd y gofal, neu fethiant i gydymffurfio â hwy	Swm sy'n cyfateb i ddwywaith lefel 4 ar y raddfa safonol	Regulation 71(4) of the Special School Residential Services Regulations	Contravention of, or failure to comply with, requirements in relation to the preparation by a responsible individual of a report in respect of a quality of care review	An amount corresponding to two times level 4 on the standard scale
Rheoliad 72(1) o'r Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig	Mynd yn groes i'r gofynion mewn perthynas â llunio gan unigolyn cyfrifol ddatganiad o gydymffurfedd â'r gofynion o ran safonau gofal a chymorth, neu fethiant i gydymffurfio â hwy	Swm sy'n cyfateb i ddwywaith lefel 4 ar y raddfa safonol	Regulation 72(1) of the Special School Residential Services Regulations	Contravention of, or failure to comply with, requirements in relation to the preparation by a responsible individual of a statement of compliance with the requirements as to standards of care and support	An amount corresponding to two times level 4 on the standard scale

Rheoliad 75(1) a (3) o'r Rheoliadau Gwasanaethau Preswyl Ysgolion Arbennig	Mynd yn groes i'r gofynion mewn perthynas â dyletswydd yr unigolyn cyfrifol i wneud hysbysiadau i'r rheoleiddiwr gwasanaethau, neu fethiant i gydymffurfio â hwy	Swm sy'n cyfateb i ddwywaith lefel 4 ar y raddfa safonol"

Regulation 75(1) and (3) of the Special School Residential Services Regulations	Contravention of, or failure to comply with requirements in relation to the responsible individual's duty to make notifications to the service regulator	An amount corresponding to two times level 4 on the standard scale "

Julie Morgan

Y Dirprwy Weinidog Gwasanaethau Cymdeithasol o dan awdurdod y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
18 Mawrth 2024

Deputy Minister for Social Services under the authority of the Minister for Health and Social Services, one of the Welsh Ministers
18 March 2024

ATODLEN 1 Rheoliad 31

RHAN 1

Gwybodaeth a dogfennau sydd i fod ar gael mewn cysylltiad â phersonau sy'n gweithio yn y gwasanaeth

1. Prawf o bwy yw'r person gan gynnwys ffotograff diweddar.

2. Pan fo'n ofynnol at ddibenion cwestiwn sydd wedi ei eseptio yn unol ag adran 113A(2)(b) o Ddeddf yr Heddlu 1997(**1**), copi o dystysgrif cofnod troseddol ddilys a ddyroddir o dan adran 113A o'r Ddeddf honno ynghyd, pan fo'n gymwys a phan fydd yr Ysgrifennydd Gwladol yn cychwyn y ddarpariaeth, â'r wybodaeth a grybwyllir yn adran 30A(3) o Ddeddf Diogelu Grwpiau Hyglwyf 2006(**2**) (darparu gwybodaeth am waharddiadau ar gais).

3. Pan fo'n ofynnol at ddibenion cwestiwn sydd wedi ei eseptio ac a ofynnir at ddiben rhagnodedig o dan adran 113B(2)(b) o Ddeddf yr Heddlu 1997, copi o dystysgrif cofnod troseddol manwl ddilys a ddyroddir o dan adran 113B o'r Ddeddf honno ynghyd, pan fo'n gymwys, â gwybodaeth addasrwydd sy'n ymwneud â phlant (o fewn ystyr "suitability information relating to children" yn adran 113BA(2) o'r Ddeddf honno) neu wybodaeth addasrwydd sy'n ymwneud ag oedolion hyglwyf (o fewn ystyr "suitability information relating to vulnerable adults" yn adran 113BB(2) o'r Ddeddf honno).

4. Dau eirda ysgrifenedig, gan gynnwys geirda gan y cyflogwr diwethaf, os oes un.

5. Pan fo person wedi gweithio'n flaenorol mewn swydd yr oedd ei dyletswyddau yn cynnwys gweithio gyda phlant neu oedolion hyglwyf, cadarnhad, i'r graddau y bo'n rhesymol ymarferol, o'r rheswm pam y daeth y gyflogaeth neu'r swydd i ben.

6. Tystiolaeth ddogfennol o unrhyw gymhwyster perthnasol.

7. Pan fo'n berthnasol, tystiolaeth ddogfennol o gofrestriad â rheoleiddiwr y gweithlu.

8. Hanes cyflogaeth llawn, ynghyd ag esboniad ysgrifenedig boddhaol o unrhyw fylchau mewn cyflogaeth.

(**1**) 1997 p. 50.
(**2**) 2006 p. 47. Mewnosodir adran 30A(3) gan adran 72(1) o Ddeddf Diogelu Rhyddidau 2012 (p. 9) nad yw eto mewn grym.

SCHEDULE 1 Regulation 31

PART 1

Information and documents to be available in respect of persons working at the service

1. Proof of identity including a recent photograph.

2. Where required for the purposes of an exempted question in accordance with section 113A(2)(b) of the Police Act 1997(**1**), a copy of a valid criminal record certificate issued under section 113A of that Act together with, where applicable and when commenced by the Secretary of State, the information mentioned in section 30A(3) of the Safeguarding Vulnerable Groups Act 2006(**2**) (provision of barring information on request).

3. Where required for the purposes of an exempted question asked for a prescribed purpose under section 113B(2)(b) of the Police Act 1997, a copy of a valid enhanced criminal record certificate issued under section 113B of that Act together with, where applicable, suitability information relating to children (within the meaning of section 113BA(2) of that Act) or suitability information relating to vulnerable adults (within the meaning of section 113BB(2) of that Act).

4. Two written references, including a reference from the last employer, if any.

5. Where a person has previously worked in a position whose duties involved work with children or vulnerable adults, so far as reasonably practicable verification of the reason why the employment or position ended.

6. Documentary evidence of any relevant qualification.

7. Where relevant, documentary evidence of registration with the workforce regulator.

8. A full employment history, together with a satisfactory written explanation of any gaps in employment.

(**1**) 1997 c. 50.
(**2**) 2006 c. 47. Section 30A(3) is inserted by section 72(1) of the Protection of Freedoms Act 2012 (c. 9) which is not yet in force.

9. Tystiolaeth o allu ieithyddol boddhaol at ddibenion darparu gofal a chymorth i'r unigolion hynny y mae'r gweithiwr i ddarparu gofal a chymorth ar eu cyfer.

10. Manylion cofrestriad ag unrhyw gorff proffesiynol neu aelodaeth o gorff o'r fath.

9. Evidence of satisfactory linguistic ability for the purposes of providing care and support to those individuals for whom the worker is to provide care and support.

10. Details of registration with or membership of any professional body.

RHAN 2

Dehongli Rhan 1

11. At ddibenion paragraffau 2 a 3 o Ran 1 o'r Atodlen hon—

(a) os nad yw'r person y mae'r dystysgrif yn ymwneud ag ef wedi ei gofrestru â gwasanaeth diweddaru'r GDG, nid yw tystysgrif ond yn ddilys—

(i) os y'i dyroddwyd mewn ymateb i gais gan y darparwr gwasanaeth yn unol â rheoliad 31(3) neu (6), a

(ii) os nad oes mwy na thair blynedd wedi mynd heibio ers i'r dystysgrif gael ei dyroddi;

(b) os yw'r person y mae'r dystysgrif yn ymwneud ag ef wedi ei gofrestru â gwasanaeth diweddaru'r GDG, mae'r dystysgrif yn ddilys ni waeth pa bryd y'i dyroddwyd.

PART 2

Interpretation of Part 1

11. For the purposes of paragraphs 2 and 3 of Part 1 of this Schedule—

(a) if the person to whom the certificate relates is not registered with the DBS up-date service, a certificate is only valid if—

(i) it has been issued in response to an application by the service provider in accordance with regulation 31(3) or (6), and

(ii) no more than three years have elapsed since the certificate was issued;

(b) if the person to whom the certificate relates is registered with the DBS up-date service, the certificate is valid regardless of when it was issued.

ATODLEN 2 Rheoliad 51

Cofnodion sydd i gael eu cadw gan y darparwr gwasanaeth

1. Mewn cysylltiad â phob unigolyn, cofnodion—

(a) o bob asesiad perthnasol;

(b) o gynlluniau personol;

(c) o adolygiadau o gynlluniau personol;

(d) o gynlluniau gofal a chymorth;

(e) o adolygiadau o gynlluniau gofal a chymorth;

(f) o'r gofal a ddarperir, gan gynnwys cofnodion dyddiol neu gofnodion o ymyriadau gofal penodol;

(g) o ohebiaeth, adroddiadau a chofnodion mewn perthynas â chymorth ychwanegol a ddarperir gan wasanaethau addysg, gwasanaethau iechyd a gwasanaethau perthynol eraill.

SCHEDULE 2 Regulation 51

Records to be kept by the service provider

1. In respect of each individual, records of—

(a) all relevant assessments;

(b) personal plans;

(c) reviews of personal plans;

(d) care and support plans;

(e) reviews of care and support plans;

(f) care provided, including daily records or records of specific care interventions;

(g) correspondence, reports and records in relation to additional support provided by education, health and other allied services.

2. Cofnod o unrhyw ffioedd gan y darparwr gwasanaeth i unigolion am ddarparu gofal a chymorth ac unrhyw wasanaethau ychwanegol.

3. Cofnod o'r holl feddyginiaethau a gedwir yn y gwasanaeth ar gyfer pob unigolyn a'r dyddiad a'r amser y rhoddwyd y meddyginiaethau hynny i'r unigolyn, gan gynnwys unrhyw achos o wrthod cymryd meddyginiaeth gan yr unigolyn.

4. Cofnod o'r holl arian neu bethau gwerthfawr eraill a roddwyd gan yr unigolyn i'w cadw'n ddiogel neu a gafwyd ar ran yr unigolyn, y mae rhaid iddo gynnwys cofnod o'r canlynol—

(a) y dyddiad pan roddwyd yr arian neu'r pethau gwerthfawr i'w cadw neu pan gafwyd yr arian neu'r pethau gwerthfawr;

(b) y dyddiad pan gafodd unrhyw arian neu bethau gwerthfawr—

(i) eu dychwelyd at yr unigolyn, neu

(ii) eu defnyddio, ar gais yr unigolyn, ar ei ran;

(c) pan fo'n gymwys, at ba ddiben y defnyddiwyd yr arian neu'r pethau gwerthfawr;

(d) cydnabyddiaeth ysgrifenedig bod yr arian neu'r pethau gwerthfawr wedi eu dychwelyd.

5. Cofnod o'r digwyddiadau a ganlyn sy'n digwydd yn y gwasanaeth—

(a) unrhyw ddamwain neu anaf difrifol sy'n cael effaith niweidiol sylweddol ar lesiant unigolyn;

(b) achos o glefyd heintus yn y gwasanaeth;

(c) unrhyw achos o ddwyn neu fwrgleriaeth;

(d) unrhyw atgyfeiriad diogelu a wneir mewn cysylltiad ag unigolyn;

(e) achosion o gwympo a thriniaeth ganlyniadol a ddarperir i unigolyn;

(f) achosion o niwed pwyso a thriniaeth ganlyniadol a ddarperir i unigolyn;

(g) dyddiad ac amgylchiadau unrhyw fesurau rheolaeth neu ataliaeth a ddefnyddir ar unigolyn.

6. Cofnod o bob ymarfer tân, dril tân neu brawf cyfarpar tân (gan gynnwys cyfarpar larwm tân) a gynhelir yn y gwasanaeth ac o unrhyw gamau gweithredu a gymerir i unioni diffygion yn y cyfarpar tân.

2. A record of any charges by the service provider to individuals for the provision of care and support and any additional services.

3. A record of all medicines kept in the service for each individual and the date and time on which they were administered to the individual, including any instance of refusal to take medication by the individual.

4. A record of all money or other valuables deposited by the individual for safekeeping or received on the individual's behalf, which must include a record of—

(a) the date on which the money or valuables were deposited or received;

(b) the date on which any money or valuables were

(i) returned to the individual, or

(ii) used, at the request of the individual, on their behalf;

(c) where applicable, the purpose for which the money or valuables were used;

(d) the written acknowledgment of the return of the money or valuables.

5. A record of the following events that occur in the service—

(a) any serious accident or injury which is significantly detrimental to the well-being of an individual;

(b) the outbreak of infectious disease in the service;

(c) any theft or burglary;

(d) any safeguarding referral made in respect of an individual;

(e) falls and consequent treatment provided to an individual;

(f) incidence of pressure damage and of consequent treatment provided to an individual;

(g) date and circumstances of any measures of control or restraint used on an individual.

6. A record of every fire practice, drill or test of fire equipment (including fire alarm equipment) conducted in the service and of any action taken to remedy defects in the fire equipment.

7. Cofnod o'r holl gwynion a wneir gan unigolion neu eu rhieni neu eu gofalwyr neu gan bersonau sy'n gweithio yn y gwasanaeth ynghylch gweithrediad y gwasanaeth, a'r camau gweithredu a gymerir gan y darparwr gwasanaeth mewn cysylltiad ag unrhyw gŵyn o'r fath.

8. Cofnod o'r holl bersonau sy'n gweithio yn y gwasanaeth, a hwnnw'n gofnod y mae rhaid iddo gynnwys y materion a ganlyn—

(a) enw llawn, cyfeiriad, dyddiad geni, cymwysterau a phrofiad y person;

(b) copi o dystysgrif geni a phasbort (os oes ganddo un) y person;

(c) copi o bob geirda a geir mewn cysylltiad â'r person;

(d) y dyddiadau y mae'r person yn dechrau cael ei gyflogi felly ac yn peidio â chael ei gyflogi felly;

(e) y swydd sydd gan y person yn y gwasanaeth, y gwaith y mae'n ei wneud a nifer yr oriau y mae wedi ei gyflogi bob wythnos;

(f) cofnodion o gamau disgyblu ac unrhyw gofnodion eraill mewn perthynas â chyflogaeth y person;

(g) cofnod o ddyddiad tystysgrif GDG a pha un a gymerwyd unrhyw gamau gweithredu o ganlyniad i gynnwys y dystysgrif.

9. Copi o restr ddyletswyddau'r personau sy'n gweithio yn y gwasanaeth, a chofnod o ran pa un a weithiwyd yn ôl y rhestr fel y'i bwriadwyd mewn gwirionedd.

10. Cofnod o unrhyw ddodrefn y mae unigolyn yn dod â hwy i'r ystafell y mae'n ei meddiannu.

11. Cofnod o unrhyw un neu ragor o'r digwyddiadau a ganlyn sy'n digwydd yn y gwasanaeth—

(a) unrhyw dân;

(b) absenoldeb heb esboniad neu absenoldeb anawdurdodedig unigolyn gan gynnwys—

(i) amgylchiadau'r absenoldeb;

(ii) y camau gweithredu a gymerwyd gan staff;

(iii) amgylchiadau dychweliad yr unigolyn a'r rhesymau a roddwyd gan yr unigolyn dros yr absenoldeb;

(iv) unrhyw gamau gweithredu a gymerwyd gan y darparwr gwasanaeth o ganlyniad i'r absenoldeb;

(c) marwolaeth unigolyn.

12. Cofnod o'r holl ymwelwyr â'r gwasanaeth, gan gynnwys enwau ymwelwyr a'r personau y maent yn ymweld â hwy.

7. A record of all complaints made by individuals or their parents or carers or by persons working at the service about the operation of the service, and the action taken by the service provider in respect of any such complaint.

8. A record of all persons working at the service, which must include the following matters—

(a) the person's full name, address, date of birth, qualifications and experience;

(b) a copy of the person's birth certificate and passport (if any);

(c) a copy of each reference obtained in respect of the person;

(d) the dates on which the person commences and ceases to be so employed;

(e) the position the person holds at the service, the work that person performs and the number of hours for which that person is employed each week;

(f) records of disciplinary action and any other records in relation to the person's employment;

(g) a record of the date of a DBS certificate and whether there was any action taken as a result of the content of the certificate.

9. A copy of the duty roster of persons working at the service, and a record of whether the roster was actually worked as intended.

10. A record of any furniture brought by an individual into the room occupied by that individual.

11. A record of any of the following events that occur in the service—

(a) any fire;

(b) unexplained or unauthorised absence of an individual including—

(i) the circumstances of the absence;

(ii) the action taken by staff;

(iii) the circumstances of the individual's return and the reasons given by the individual for the absence;

(iv) any actions taken by the service provider in consequence of the absence;

(c) death of an individual.

12. A record of all visitors to the service, including the names of visitors and the persons they are visiting.

ATODLEN 3 Rheoliad 52

RHAN 1

Hysbysiadau i'r rheoleiddiwr gwasanaethau

1. Unrhyw ddiwygiad i'r datganiad o ddiben, 28 o ddiwrnodau cyn i'r datganiad o ddiben diwygiedig gymryd effaith.

2. Bod y darparwr gwasanaeth (unigolyn neu sefydliad) yn newid ei enw.

3. Pan fo'r darparwr gwasanaeth yn gorff corfforedig, unrhyw newid—

(a) i gyfarwyddwyr,

(b) i ymddiriedolwyr, neu

(c) i aelodau o bwyllgor rheoli,

y corff corfforedig.

4. Pan fo'r darparwr gwasanaeth yn gorff anghorfforedig, unrhyw newid i'r personau sy'n ymwneud â rheoli a rheolaeth y corff.

5. Pan fo'r darparwr gwasanaeth yn unigolyn, penodi ymddiriedolwr mewn methdaliad mewn perthynas â'r unigolyn hwnnw.

6. Pan fo'r darparwr gwasanaeth yn gorff corfforaethol neu'n bartneriaeth, penodi derbynnydd, rheolwr, datodwr neu ddatodwr dros dro mewn perthynas â'r corff corfforaethol hwnnw neu'r bartneriaeth honno.

7. Pan fo'r darparwr gwasanaeth yn bartneriaeth, marwolaeth un o'r partneriaid.

8. Pan fo'r darparwr gwasanaeth yn bartneriaeth, unrhyw newid i'r partneriaid.

9. Absenoldeb disgwyliedig yr unigolyn cyfrifol am 28 o ddiwrnodau neu ragor, 7 niwrnod cyn i'r absenoldeb ddechrau.

10. Absenoldeb annisgwyl yr unigolyn cyfrifol, heb fod yn hwyrach na 7 niwrnod ar ôl i'r absenoldeb ddechrau.

11. Absenoldeb annisgwyl yr unigolyn cyfrifol am 28 o ddiwrnodau neu ragor, pan na fo hysbysiad ymlaen llaw wedi ei roi, yn union wrth i'r 28 o ddiwrnodau yn dilyn dechrau'r absenoldeb ddod i ben.

12. Bod yr unigolyn cyfrifol yn dychwelyd o fod yn absennol.

13. Bod yr unigolyn cyfrifol yn peidio â bod, neu'n bwriadu peidio â bod, yr unigolyn cyfrifol am y gwasanaeth.

SCHEDULE 3 Regulation 52

PART 1

Notifications to the service regulator

1. Any revision to the statement of purpose, 28 days prior to the revised statement of purpose coming into effect.

2. Service provider (individual or organisation) changes their name.

3. Where the service provider is a body corporate, any change in the—

(a) directors,

(b) trustees, or

(c) members of the managing committee,

of the body corporate.

4. Where the service provider is an unincorporated body, any change in the persons who are concerned in the management and control of the body.

5. Where the service provider is an individual, the appointment of a trustee in bankruptcy in relation to that individual.

6. Where the service provider is a body corporate or partnership, the appointment of a receiver, manager, liquidator or provisional liquidator in relation to that body corporate or partnership.

7. Where the service provider is a partnership, death of one of the partners.

8. Where the service provider is a partnership, any change in the partners.

9. Expected absence of the responsible individual for 28 days or more, 7 days prior to commencement of the absence.

10. The unexpected absence of the responsible individual, no later than 7 days after the commencement of the absence.

11. Unexpected absence of the responsible individual for 28 days or more, where no prior notification has been given, immediately on the expiry of 28 days following the commencement of the absence.

12. Return from absence of the responsible individual.

13. The responsible individual ceases, or proposes to cease, being the responsible individual for the service.

14. Unrhyw achos o gam-drin neu unrhyw honiad o gam-drin mewn perthynas ag unigolyn sy'n ymwneud â'r darparwr gwasanaeth a/neu aelod o staff a/neu wirfoddolwr.

15. Bod y darparwr gwasanaeth, yr unigolyn cyfrifol neu'r rheolwr a benodir wedi ei euogfarnu o drosedd.

16. Unrhyw honiad o gamymddwyn gan aelod o staff.

17. Unrhyw niwed pwyso categori 3 neu 4 neu niwed pwyso nad oes modd ei osod ar unrhyw gam.

18. Unrhyw ddamwain ddifrifol neu anaf difrifol i unigolyn.

19. Achos o unrhyw glefyd heintus.

20. Unrhyw ddigwyddiad a gaiff ei adrodd i'r heddlu.

21. Unrhyw ddigwyddiadau sy'n atal, neu a allai atal, y darparwr rhag parhau i ddarparu'r gwasanaeth yn ddiogel.

22. Pan fo llety wedi ei ddarparu, marwolaeth unigolyn a'r amgylchiadau.

23. Unrhyw gais i gorff goruchwylio mewn perthynas â chymhwyso'r mesurau diogelwch amddifadu o ryddid yn unol â Deddf Galluedd Meddyliol 2005(**1**).

24. Bod y fangre yn cael ei newid neu ei hestyn yn sylweddol neu y bwriedir gwneud hynny.

25. Bod mangre ychwanegol yn cael ei chaffael neu y bwriedir gwneud hynny.

26. Unrhyw gynnig i newid cyfeiriad y brif swyddfa, 28 o ddiwrnodau cyn i'r newid ddigwydd.

27. Unrhyw atgyfeiriad i'r GDG yn unol â Deddf Diogelu Grwpiau Hyglwyf 2006.

28. Pan fo'r darparwr gwasanaeth, yr unigolyn cyfrifol neu'r rheolwr a benodir wedi ei gyhuddo o unrhyw drosedd a bennir yn yr Atodlen i Reoliadau Deddf Diogelu Grwpiau Hyglwyf 2006 (Meini Prawf Rhagnodedig a Darpariaethau Amrywiol) 2009(**2**), hysbysiad o'r drosedd a gyhuddir a'r man cyhuddo.

29. Cychwyn a chanlyniad dilynol unrhyw ymholiad amddiffyn plant neu unrhyw ymholiad amddiffyn oedolion sy'n ymwneud ag unigolyn sy'n cael ei letya gan y gwasanaeth.

14. Any abuse or allegation of abuse in relation to an individual that involves the service provider and/or a member of staff and/or a volunteer.

15. Service provider, responsible individual or the appointed manager convicted of a criminal offence.

16. Any allegation of misconduct by a member of staff.

17. Any occurrence of category 3 or 4 pressure damage or unstageable pressure damage.

18. Serious accident or injury to an individual.

19. The outbreak of any infectious disease.

20. Any incident reported to the police.

21. Any events which prevent, or could prevent, the provider from continuing to provide the service safely.

22. Where accommodation is provided, the death of an individual and the circumstances.

23. Any request to a supervisory body in relation to the application of the deprivation of liberty safeguards in accordance with the Mental Capacity Act 2005(**1**).

24. The premises are, or are proposed to be, significantly altered or extended.

25. Additional premises are, or are proposed, to be acquired.

26. Any proposal to change the address of the principal office, 28 days prior to the change taking place.

27. Any referral to the DBS pursuant to the Safeguarding Vulnerable Groups Act 2006.

28. Where the service provider, responsible individual or appointed manager is charged with any offence specified in the Schedule to the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009(**2**), notice of the offence charged and the place of charge.

29. Instigation and subsequent outcome of any child or adult protection enquiry involving an individual accommodated by the service.

(**1**) 2005 p. 9.
(**2**) O.S. 2009/37.

(**1**) 2005 c. 9.
(**2**) S.I. 2009/37.

30. Unrhyw honiad bod unigolyn sy'n cael ei letya gan y gwasanaeth wedi cyflawni trosedd ddifrifol.

31. Unrhyw achos o gamfanteisio'n rhywiol neu'n droseddol ar unigolyn neu unrhyw amheuaeth o gamfanteisio'n rhywiol neu'n droseddol ar unigolyn.

32. Unrhyw achos pan fo unigolyn yn mynd ar goll neu'n absennol heb esboniad.

RHAN 2

Hysbysiadau i'r awdurdod lleoli mewn perthynas â phlentyn sy'n derbyn gofal gan awdurdod lleol ac i riant neu ofalwr mewn perthynas ag unigolion eraill

33. Unrhyw achos o gam-drin neu unrhyw honiad o gam-drin mewn perthynas â'r unigolyn sy'n ymwneud â'r darparwr neu aelod o staff.

34. Bod yr unigolyn yn cael damwain ddifrifol neu anaf difrifol.

35. Unrhyw niwed pwyso categori 3 neu 4 neu niwed pwyso nad oes modd ei osod ar unrhyw gam a gaiff yr unigolyn.

36. Achos o unrhyw glefyd heintus.

37. Unrhyw ddigwyddiad a gaiff ei adrodd i'r heddlu sy'n ymwneud â'r unigolyn.

38. Marwolaeth yr unigolyn tra bo'n cael ei letya gan y gwasanaeth, a'r amgylchiadau.

39. Honiad bod yr unigolyn wedi cyflawni trosedd ddifrifol tra bo'n cael ei letya gan y gwasanaeth.

40. Unrhyw achos pan fo'r unigolyn yn mynd ar goll neu'n absennol heb esboniad tra bo'n cael ei letya yn y gwasanaeth.

41. Unrhyw gofnod o reolaeth neu ataliaeth mewn perthynas â'r unigolyn sy'n ofynnol o dan reoliad 51 a pharagraff 5(g) o Atodlen 2.

42. Cychwyn a chanlyniad dilynol unrhyw ymholiad amddiffyn plant neu oedolion sy'n ymwneud â'r unigolyn mewn perthynas â digwyddiadau a ddigwyddodd tra bo'r unigolyn wedi ei letya yn y gwasanaeth.

43. Unrhyw achos o gamfanteisio'n rhywiol neu'n droseddol ar yr unigolyn neu unrhyw amheuaeth o gamfanteisio'n rhywiol neu'n droseddol ar yr unigolyn.

30. Any allegation that an individual accommodated by the service has committed a serious offence.

31. Any incident of sexual or criminal exploitation of an individual or suspected sexual or criminal exploitation of an individual.

32. Any incident where an individual goes missing or has an unexplained absence.

PART 2

Notifications to the placing authority in relation to a child who is looked after by a local authority and to a parent or carer in relation to other individuals

33. Any abuse or allegation of abuse in relation to the individual that involves the provider or a member of staff.

34. Serious accident or injury to the individual.

35. Any occurrence of category 3 or 4 pressure damage or an unstageable pressure damage sustained by the individual.

36. The outbreak of any infectious disease.

37. Any incident reported to the police relating to the individual.

38. The death of the individual while accommodated by the service and the circumstances.

39. An allegation that the individual has committed a serious offence while accommodated by the service.

40. Any incident where the individual goes missing or has an unexplained absence while accommodated at the service.

41. Any record of control or restraint in relation to the individual which is required under regulation 51 and paragraph 5(g) of Schedule 2.

42. Instigation and subsequent outcome of any child or adult protection enquiry concerning the individual in relation to events which occurred while the individual was accommodated at the service.

43. Any incident of sexual or criminal exploitation or suspected sexual or criminal exploitation of the individual.

RHAN 3

Hysbysiadau i'r awdurdod lleol y mae'r gwasanaeth yn ei ardal

44. Marwolaeth unigolyn a'r amgylchiadau.

45. Unrhyw achos o gamfanteisio'n rhywiol neu'n droseddol ar unigolyn neu unrhyw amheuaeth o gamfanteisio'n rhywiol neu'n droseddol ar unigolyn.

46. Unrhyw achos pan fo unigolyn sy'n cael ei letya yn mynd ar goll neu'n absennol heb esboniad.

RHAN 4

Hysbysiadau i'r swyddog heddlu priodol

47. Unrhyw achos o gamfanteisio'n rhywiol neu'n droseddol ar unigolyn neu unrhyw amheuaeth o gamfanteisio'n rhywiol neu'n droseddol ar unigolyn.

RHAN 5

Hysbysiadau i'r bwrdd iechyd y mae'r gwasanaeth yn ei ardal

48. Achos o unrhyw glefyd heintus.

49. Marwolaeth unigolyn a'r amgylchiadau.

PART 3

Notifications to the local authority in whose area the service is situated

44. Death of an individual and the circumstances.

45. Any incident of sexual or criminal exploitation or suspected sexual or criminal exploitation of an individual.

46. Any incident where an accommodated individual goes missing or has an unexplained absence.

PART 4

Notifications to the appropriate police officer

47. Any incident of sexual or criminal exploitation or suspected sexual or criminal exploitation of an individual.

PART 5

Notifications to the health board in whose area the service is situated

48. The outbreak of any infectious disease.

49. The death of an individual and the circumstances.

ATODLEN 4 Rheoliad 75

Hysbysiadau gan yr unigolyn cyfrifol

1. Penodi rheolwr yn unol â rheoliad 58(1).

2. Absenoldeb disgwyliedig y rheolwr a benodir, am 28 o ddiwrnodau neu ragor, 7 niwrnod cyn i'r absenoldeb ddechrau.

3. Absenoldeb annisgwyl y rheolwr a benodir, heb fod yn hwyrach na 7 niwrnod ar ôl i'r absenoldeb ddechrau.

4. Absenoldeb annisgwyl y rheolwr a benodir, am 28 o ddiwrnodau neu ragor, pan na fo hysbysiad ymlaen llaw wedi ei roi, yn union wrth i'r 28 o ddiwrnodau yn dilyn dechrau'r absenoldeb ddod i ben.

5. Bod y rheolwr a benodir yn dychwelyd o fod yn absennol.

SCHEDULE 4 Regulation 75

Notifications by the responsible individual

1. The appointment of a manager in accordance with regulation 58(1).

2. The expected absence of the appointed manager for 28 days or more, 7 days prior to the commencement of the absence.

3. The unexpected absence of the appointed manager, no later than 7 days after the commencement of the absence.

4. The unexpected absence of the appointed manager for 28 days or more where no prior notification has been given, immediately on the expiry of 28 days following the commencement of the absence.

5. Return from absence of the appointed manager.

6. Trefniadau interim pan fo'r rheolwr a benodir yn absennol am fwy nag 28 o ddiwrnodau.

7. Bod rhywun ac eithrio'r rheolwr a benodir yn bwriadu rheoli neu yn rheoli'r gwasanaeth.

8. Bod y rheolwr a benodir yn peidio, neu'n bwriadu peidio, â rheoli'r gwasanaeth.

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

6. Interim arrangements where the appointed manager is absent for longer than 28 days.

7. Someone other than the appointed manager is proposing to manage or is managing the service.

8. The appointed manager ceases, or proposes to cease, managing the service.

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