Mesur Strategaethau ar gyfer Gofalwyr (Cymru) 2010

2010 mccc 5

Carers Strategies (Wales) Measure 2010

2010 nawm 5

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Mesur hwn ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Measure and are available separately.

£ 5.75

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CYNNWYS

1. Gofalwyr
2. Dyletswydd i lunio strategaeth
3. Gwybodaeth briodol a chyngor priodol
4. Ymgynghori
5. Darpariaeth bellach ynghylch strategaethau
6. Cyflwyno strategaeth ddrafft i Weinidogion Cymru
7. Cyfle i'r cyhoedd gael gweld strategaeth
8. Pŵer i ychwanegu awdurdodau perthnasol pellach
9. Diwygio Deddf Gwasanaethau Cymdeithasol Awdurdod Lleol 1970
10. Gorchmynion a rheoliadau
11. Cychwyn
12. Enw byr

Carers Strategies (Wales) Measure 2010

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CONTENTS

1. Carers
2. Duty to produce strategy
3. Appropriate information and advice
4. Consultation
5. Further provision about strategies
6. Submission of draft strategy to Welsh Ministers
7. Public access to strategy
8. Power to add further relevant authorities
9. Amendment to the Local Authority Social Services Act 1970
10. Orders and regulations
11. Commencement
12. Short title

Mesur Strategaethau ar gyfer Gofalwyr (Cymru) 2010

MESUR gan Gynulliad Cenedlaethol Cymru i wneud darpariaeth ar gyfer ac mewn cysylltiad â chyhoeddi a gweithredu strategaethau ar gyfer darparu gwybodaeth i ofalwyr ac ymgynghori â hwy.

Mae'r Mesur hwn, a basiwyd gan Gynulliad Cenedlaethol Cymru ar 21 Medi 2010 ac a gymeradwywyd gan Ei Mawrhydi yn Ei Chyngor ar 10 Tachwedd 2010, yn deddfu'r darpariaethau a ganlyn:–

1 Gofalwyr

(1) Yn y Mesur hwn ystyr "gofalwr" yw unigolyn sy'n darparu neu'n bwriadu darparu cyfran sylweddol o ofal yn rheolaidd ar gyfer–

(a) plentyn sydd yn anabl o fewn ystyr Rhan 3 o Ddeddf Plant 1989, neu

(b) unigolyn sy'n 18 oed neu drosodd.

(2) Ond nid yw "gofalwr" yn cynnwys unigolyn sy'n darparu neu'n bwriadu darparu'r gofal hwnnw–

(a) yn rhinwedd contract cyflogaeth neu gontract arall gydag unrhyw berson, neu

(b) fel gwirfoddolwr i unrhyw gorff (p'un a ydyw'n un corfforedig ai peidio).

(3) Yn y Mesur hwn mae unrhyw gyfeiriad, mewn perthynas â gofalwr, at "y person y gofelir amdano" yn gyfeiriad at y person y mae'r gofalwr yn darparu neu'n bwriadu darparu'r gofal iddo.

2 Dyletswydd i lunio strategaeth

(1) Caiff Gweinidogion Cymru ei gwneud yn ofynnol drwy reoliadau i awdurdod perthnasol, neu ddau neu fwy o awdurdodau perthnasol baratoi a chyhoeddi strategaeth yn nodi sut y bydd yr awdurdod yn gweithio neu'r awdurdodau yn cydweithio–

(a) i ddarparu gwybodaeth briodol a chyngor priodol i ofalwyr,

(b) i sicrhau, pan fo'n dod i ran unrhyw awdurdod i benderfynu pa wasanaethau (os o gwbl) sydd i'w darparu i ofalwr neu'r person y gofelir amdano, neu ar gyfer y naill neu'r llall ohonynt, yr ymgynghorir â'r gofalwr cyn bod y penderfyniad hwnnw'n cael ei wneud, ac

(c) i sicrhau bod pob awdurdod yn ymgynghori â gofalwyr cyn ei fod yn gwneud penderfyniadau cyffredinol eu natur ynghylch darparu gwasanaethau i ofalwyr a'r personau y maent yn gofalu amdanynt, neu ynghylch darparu gwasanaethau ar eu cyfer.

Carers Strategies (Wales) Measure 2010

A MEASURE of the National Assembly for Wales to make provision for and in connection with the publication and implementation of strategies for the provision of information to, and consultation of, carers.

This Measure, passed by the National Assembly for Wales on 21 September 2010 and approved by Her Majesty in Council on 10 November 2010, enacts the following provisions:–

1 Carers

(1) In this Measure "carer" means an individual who provides or intends to provide a substantial amount of care on a regular basis for–

(a) a child who is disabled within the meaning of Part 3 of the Children Act 1989, or

(b) an individual aged 18 or over.

(2) But "carer" does not include an individual who provides or intends to provide that care–

(a) by virtue of a contract of employment or other contract with any person, or

(b) as a volunteer for any body (whether or not incorporated).

(3) In this Measure any reference, in relation to a carer, to "the person cared for" is a reference to the person for whom the carer provides the care or intends to provide the care.

2 Duty to produce strategy

(1) The Welsh Ministers may by regulations require a relevant authority, or two or more relevant authorities to prepare and publish a strategy setting out how the authority will work, or the authorities will work together–

(a) to provide appropriate information and advice to carers,

(b) to ensure that, where it falls to an authority to decide what services (if any) are to be provided to or for a carer or the person cared for, the carer is consulted before that decision is made, and

(c) to ensure that each authority consults carers before it makes decisions of a general nature regarding the provision of services to or for carers and the persons they care for.

(2) Rhaid i bob awdurdod perthnasol sy'n gyfrifol o dan is-adran (1) am baratoi a chyhoeddi strategaeth weithredu'r strategaeth.

(3) Yr "awdurdodau perthnasol" yw–

(a) unrhyw Fwrdd Iechyd Lleol a sefydlwyd o dan adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42);

(b) unrhyw ymddiriedolaeth GIG a sefydlwyd o dan adran 18 o'r Ddeddf honno;

(c) unrhyw Awdurdod Iechyd Arbennig a sefydlwyd o dan adran 22 o'r Ddeddf honno;

(d) unrhyw gyngor sir neu gyngor bwrdeistref sirol.

(4) At ddibenion is-adran (1)(b) ac (c) nid yw o bwys pwy sy'n darparu'r gwasanaethau.

(5) Yn y Mesur hwn, ystyr "awdurdod cyfrifol", mewn perthynas â strategaeth, yw awdurdod y mae'n ddyletswydd arno o dan is-adran (1) i baratoi a chyhoeddi'r strategaeth.

3 Gwybodaeth briodol a chyngor priodol

(1) Yn adran 2(1)(a) ystyr "gwybodaeth briodol a chyngor priodol" yw gwybodaeth a chyngor sy'n debyg o fod o ddiddordeb neu fudd i ofalwyr yn eu rôl fel y cyfryw, neu i'r person y gofelir amdano.

(2) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth bellach ynghylch beth sy'n wybodaeth briodol a chyngor priodol at ddibenion yr adran honno.

(3) Mae gwybodaeth a chyngor a ddarperir i ofalwyr yn unol â strategaeth i'w darparu'n ddi-dâl.

4 Ymgynghori

Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth sy'n pennu'r camau y mae'n rhaid, neu y caniateir, i awdurdodau perthnasol eu cymryd er mwyn ymgynghori â gofalwyr fel a grybwyllir yn adran 2(1)(b) ac (c).

5 Darpariaeth bellach ynghylch strategaethau

(1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth bellach ynghylch paratoi a chyhoeddi strategaethau o dan adran 2.

(2) Mae'r ddarpariaeth yn cynnwys (ond nid yw wedi ei chyfyngu i'r canlynol)–

(a) darpariaeth bellach ynghylch y gwasanaethau y mae'r ddyletswydd i baratoi strategaeth yn gymwys iddynt;

(b) darpariaeth ynghylch y materion sydd i'w trin yn y strategaeth;

(c) darpariaeth ynghylch sut a phryd y mae'r strategaeth i'w chyhoeddi;

(d) darpariaeth ynghylch adolygu'r strategaeth yn gyson (gan gynnwys pennu cyfnod y bydd yn rhaid adolygu neu amnewid y strategaeth ar ei ôl);

(e) darpariaeth ynghylch yr ymgynghori y mae'n rhaid ymgymryd ag ef cyn paratoi, gweithredu neu adolygu'r strategaeth neu wrth wneud hynny;

(f) darpariaeth ar gyfer trefniadau i fonitro a gwerthuso'r broses o weithredu'r strategaeth.

(2) Each relevant authority responsible under subsection (1) for the preparation and publication of a strategy must implement the strategy.

(3) The "relevant authorities" are–

(a) any Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c. 42);

(b) any NHS trust established under section 18 of that Act;

(c) any Special Health Authority established under section 22 of that Act;

(d) any county council or county borough council.

(4) For the purposes of subsection (1)(b) and (c) it does not matter who provides the services.

(5) In this Measure "responsible authority", in relation to a strategy, means an authority which has the duty under subsection (1) to prepare and publish the strategy.

3 Appropriate information and advice

(1) In section 2(1)(a) "appropriate information and advice" means information and advice which is likely to be of interest or benefit to carers in their role as such, or to the person cared for.

(2) The Welsh Ministers may by regulations make further provision about what constitutes appropriate information and advice for the purposes of that section.

(3) Information and advice provided to carers in pursuance of a strategy is to be provided free of charge.

4 Consultation

The Welsh Ministers may by regulations make provision specifying steps which relevant authorities must or may take for the purpose of consulting carers as mentioned in section 2(1)(b) and (c).

5 Further provision about strategies

(1) The Welsh Ministers may by regulations make further provision as to the preparation and publication of strategies under section 2.

(2) The provision includes (but is not limited to)–

(a) further provision as to the services in respect of which the duty to prepare a strategy applies;

(b) provision as to the matters to be dealt with in the strategy;

(c) provision as to how and when the strategy is to be published;

(d) provision about keeping the strategy under review (including setting a period after which the strategy must be reviewed or replaced);

(e) provision as to the consultation which must be undertaken before or during the preparation, implementation or review of the strategy;

(f) provision for arrangements to monitor and evaluate the implementation of the strategy.

(3) Caiff Gweinidogion ddynodi, ar gyfer pob strategaeth pan fo mwy nag un awdurdod cyfrifol, un ohonynt yn awdurdod arweiniol at ddibenion cydlynu a goruchwylio gwaith paratoi a chyhoeddi'r strategaeth (a chydlynu a goruchwylio unrhyw adolygiad dilynol ohoni).

6 Cyflwyno strategaeth ddrafft i Weinidogion Cymru

(1) Rhaid i bob strategaeth gael ei chyflwyno ar ffurf drafft i Weinidogion Cymru gan–

(a) yr awdurdod cyfrifol, os dim ond un awdurdod cyfrifol sydd;

(b) yr awdurdod arweiniol, os oes mwy nag un awdurdod cyfrifol (neu, pan na fo unrhyw awdurdod arweiniol, yr awdurdodau cyfrifol yn gweithredu ar y cyd).

(2) Rhaid i Weinidogion Cymru–

(a) hysbysu'r awdurdod neu awdurdodau cyfrifol eu bod wedi eu bodloni bod y strategaeth ddrafft yn cydymffurfio â'r gofynion a osodir gan neu o dan y Mesur hwn, neu

(b) os na chânt eu bodloni felly, rhoi i'r awdurdod neu awdurdodau cyfrifol unrhyw gyfarwyddyd y mae Gweinidogion Cymru yn meddwl ei fod yn briodol er mwyn sicrhau bod y strategaeth yn cydymffurfio â'r gofynion hynny.

(3) Rhaid i'r awdurdod neu awdurdodau cyfrifol beidio â chyhoeddi strategaeth onid ydys wedi cydymffurfio–

(a) ag is-adran (2)(a), neu

(b) os yw Gweinidogion Cymru wedi rhoi cyfarwyddyd o dan is-adran (2)(b), â'r cyfarwyddyd hwnnw.

(4) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch sut a phryd y mae'n rhaid cydymffurfio â gofynion yr adran hon.

7 Cyfle i'r cyhoedd gael gweld y strategaeth

Rhaid i bob awdurdod sy'n gyfrifol am strategaeth drefnu bob copi ohoni ar gael i'w harchwilio, yn ddi-dâl, ar bod adeg resymol ym mhrif swyddfa'r awdurdod.

8 Pŵer i ychwanegu awdurdodau perthnasol pellach

Caiff Gweinidogion Cymru drwy orchymyn ddiwygio adran 2(3) drwy ychwanegu cyrff neu awdurdodau ychwanegol neu ddisgrifiadau ychwanegol o gyrff neu awdurdodau.

9 Diwygio Deddf Gwasanaethau Cymdeithasol Awdurdod Lleol 1970

(1) Diwygir Deddf Gwasanaethau Cymdeithasol Awdurdod Lleol 1970 (p. 42) fel a ganlyn.

(3) The Welsh Ministers may, for each strategy for which there is more than one responsible authority, designate one of them as the lead authority for the purposes of co-ordinating and overseeing the preparation and publication (and any subsequent review) of the strategy.

6 Submission of draft strategy to Welsh Ministers

(1) Each strategy must be submitted in draft to the Welsh Ministers by–

(a) the responsible authority, if there is only one responsible authority;

(b) the lead authority, if there is more than one responsible authority (or, where there is no lead authority, the responsible authorities acting together).

(2) The Welsh Ministers must–

(a) inform the responsible authority or authorities that they are satisfied that the draft strategy complies with the requirements imposed by or under this Measure, or

(b) if they are not so satisfied, give the responsible authority or authorities such direction as the Welsh Ministers think fit for the purpose of ensuring that the strategy does comply with those requirements.

(3) The responsible authority or authorities must not publish a strategy unless–

(a) subsection (2)(a), or

(b) if the Welsh Ministers have given a direction under subsection (2)(b), that direction, has been complied with.

(4) The Welsh Ministers may by regulations make provision as to how and when the requirements of this section must be complied with.

7 Public access to strategy

Each responsible authority for a strategy must make a copy of it available for inspection, free of charge, at all reasonable hours at the principal office of the authority.

8 Power to add further relevant authorities

The Welsh Ministers may by order amend section 2(3) by adding further bodies or authorities or descriptions of body or authority.

9 Amendment to the Local Authority Social Services Act 1970

(1) The Local Authority Social Services Act 1970 (c. 42) is amended as follows.

(2) Ar ddiwedd y tabl yn Atodlen 1 i'r Ddeddf mewnosoder–

"Carers Strategies (Wales) Measure 2010	Preparation and implementation of carers strategies."

10 Gorchmynion a rheoliadau

(1) Mae unrhyw bŵer i wneud gorchymyn neu reoliadau o dan y Mesur hwn yn arferadwy drwy offeryn statudol.

(2) Caiff unrhyw orchymyn neu reoliadau o dan y Mesur hwn–

(a) gwneud darpariaeth wahanol ar gyfer achosion gwahanol neu at ddibenion gwahanol,

(b) gwneud unrhyw ddarpariaethau cysylltiedig, atodol, canlyniadol, dros dro, trosiannol neu ddarpariaethau arbed y gwêl Gweinidogion Cymru yn dda.

(3) Mae offeryn statudol sy'n cynnwys rheoliadau a wneir o dan y Mesur hwn yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.

(4) Nid yw is-adran (3) yn gymwys pan fo is-adran (5) yn gymwys.

(5) Ni chaniateir i offeryn statudol sy'n cynnwys–

(a) gorchymyn a wneir gan Weinidogion Cymru o dan adran 8 o'r Mesur hwn, neu

(b) y rheoliadau cyntaf a wneir gan Weinidogion Cymru o dan unrhyw un o adrannau 2(1), 3(2), 4, 5(1) a 6(4), (p'un a yw'r offeryn hefyd yn cynnwys darpariaeth a wnaed o dan unrhyw adran arall ai peidio) gael ei wneud oni bai bod drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru, ac wedi ei gymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru.

11 Cychwyn

Daw'r Mesur hwn i rym yn unol â darpariaeth a wnaed gan Weinidogion Cymru drwy orchymyn.

12 Enw byr

Enw'r Mesur hwn yw Mesur Strategaethau ar gyfer Gofalwyr (Cymru) 2010.

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(2) At the end of the table in Schedule 1 to the Act insert–

"Carers Strategies (Wales) Measure 2010	Preparation and implementation of carers strategies."

10 Orders and regulations

(1) Any power to make an order or regulations under this Measure is exercisable by statutory instrument.

(2) Any order or regulations under this Measure–

(a) may make different provision for different cases or purposes,

(b) may make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Welsh Ministers think fit.

(3) A statutory instrument containing regulations under this Measure is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(4) Subsection (3) does not apply where subsection (5) applies.

(5) A statutory instrument containing–

(a) an order made by the Welsh Ministers under section 8 of this Measure, or

(b) the first regulations made by the Welsh Ministers under each of sections 2(1), 3(2), 4, 5(1) and 6(4), (whether or not the instrument also contains provision made under any other section) must not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

11 Commencement

This Measure comes into force in accordance with provision made by the Welsh Ministers by order.

12 Short title

This Measure may be cited as the Carers Strategies (Wales) Measure 2010.

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