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WELSH STATUTORY
INSTRUMENTS

2014 Rhif 2718 (Cy. 274) (C. 118)

2014 No. 2718 (W. 274) (C. 118)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

Gorchymyn Deddf Gwasanaethau
Cymdeithasol a Llesiant (Cymru)
2014 (Cychwyn Rhif 1) 2014

The Social Services and Well-being
(Wales) Act 2014 (Commencement
No. 1) Order 2014

NODYN ESBONIADOL

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

Dyma'r gorchymyn cychwyn cyntaf a wnaed gan Weinidogion Cymru o dan Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 ("y Ddeddf").

Mae erthygl 2 o'r Gorchymyn hwn yn dwyn i rym adrannau 170, 179 a 180 o'r Ddeddf ar 1 Tachwedd 2014.

Mae adran 170 yn rhoi'r pŵer i Weinidogion Cymru gyfarwyddo awdurdodau lleol i ymrwymo i drefniadau ar y cyd mewn perthynas â'u gwasanaethau mabwysiadu.

Mae adran 179 yn diwygio Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005 drwy fewnosod Rhan 2A, Rhan 2B ac Atodlen 3A newydd.

Mae Rhan 2A yn darparu pwerau newydd i Ombwdsmon Gwasanaethau Cyhoeddus Cymru ("OGCC") i ymchwilio i gwynion am fathau penodol o ofal cymdeithasol a gofal lliniarol. O dan Ran 2A caiff OGCC gymryd unrhyw gamau y mae'n barnu eu bod yn briodol gyda golwg ar ddatrys cwyn. Mae Rhan 2A hefyd yn darparu sut y mae rhaid i OGCC gynnal ymchwiliad a sut y caniateir i gŵyn gael ei gwneud. Mae Rhan 2A yn darparu bod rhaid i OGCC, ar ôl cynnal ymchwiliad, lunio adroddiad ac anfon copi o'r adroddiad at bersonau priodol. Mae Rhan 2A yn caniatáu i OGCC gyhoeddi'r adroddiad os yw'n barnu y byddai er budd y cyhoedd i wneud hynny.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the first commencement order made by the Welsh Ministers under the Social Services and Well-being (Wales) Act 2014 ("the Act").

Article 2 of this Order brings sections 170, 179 and 180 of the Act into force on the 1 November 2014.

Section 170 gives the Welsh Ministers power to direct local authorities to enter into joint arrangements in relation to their adoption services.

Section 179 amends the Public Services Ombudsman (Wales) Act 2005 by inserting new Part 2A, Part 2B and Schedule 3A.

Part 2A provides new powers for the Public Services Ombudsman for Wales ("PSOW") to investigate complaints about certain types of social care and palliative care. Under Part 2A the PSOW may take any action that he or she considers appropriate with a view to resolving a complaint. Part 2A also provides how the PSOW must conduct an investigation and how a complaint may be made. Part 2A provides that the PSOW must, after conducting an investigation, prepare a report and send a copy of the report to appropriate persons. Part 2A allows the PSOW to publish the report if he or she considered that it would be in the public interest to do so.

Mae Atodlen 3A yn rhestru materion sydd wedi eu heithrio o'r darpariaethau yn Rhan 2A.

Mae Rhan 2B yn nodi'r amgylchiadau pan fydd rhaid i OGCC ymgynghori ag ombwdsymyn eraill. Mae Rhan 2B hefyd yn gwneud darpariaeth i ganiatáu i OGCC weithio ar y cyd a chydlafurio â Chomisiynydd Pobl Hŷn Cymru a Chomisiynydd y Gymraeg. Mae Rhan 2B yn gwneud darpariaeth ynghylch pryd y caniateir i wybodaeth gael ei datgelu a pha gyhoeddiadau sydd â braint absoliwt at ddiben hawliadau difenwi.

Mae adran 180 yn diwygio adran 187 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 ("Deddf 2006"). Mae adran 187 o Ddeddf 2006 yn gosod dyletswydd ar Weinidogion Cymru i drefnu ar gyfer darparu gwasanaethau eirioli annibynnol. Mae'r diwygiad yn estyn y diffiniad o wasanaethau eirioli annibynnol i wasanaethau sy'n darparu cynhorthwy i unigolion sy'n gwneud neu'n bwriadu gwneud cwyn o dan weithdrefn a weithredir gan ddarparwr gofal lliniarol annibynnol. Mae'r diwygiad hefyd yn estyn y diffiniad i wasanaethau sy'n darparu cynhorthwy i unigolion sy'n gwneud neu'n bwriadu gwneud cwyn i OGCC sy'n ymwneud â darparwr gofal lliniarol annibynnol.

Schedule 3A lists matters which are excluded from the provisions in Part 2A.

Part 2B sets out the circumstances when the PSOW must consult with other ombudsmen. Part 2B also makes provision to allow the PSOW to work jointly and collaboratively with the Commissioner for Older People in Wales and the Welsh Language Commissioner. Part 2B makes provision about when information may be disclosed and which publications are absolutely privileged for the purpose of defamation claims.

Section 180 amends section 187 of the National Health Service (Wales) Act 2006 ("the 2006 Act"). Section 187 of the 2006 Act places a duty on the Welsh Ministers to arrange for the provision of independent advocacy services. The amendment extends the definition of independent advocacy services to services providing assistance to individuals making or intending to make a complaint under a procedure operated by an independent palliative care provider. The amendment also extends the definition to services providing assistance to individuals making or intending to make a complaint to the PSOW which relates to an independent palliative care provider.

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**GOFAL CYMDEITHASOL,
CYMRU**

Gorchymyn Deddf Gwasanaethau
Cymdeithasol a Llesiant (Cymru)
2014 (Cychwyn Rhif 1) 2014

Gwnaed

8 Hydref 2014

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 199(2) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014(1), yn gwneud y Gorchymyn a ganlyn:

Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (Cychwyn Rhif 1) 2014.

(2) Yn y Gorchymyn hwn, ystyr “y Ddeddf” (“*the Act*”) yw Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014.

Y darpariaethau sy'n dod i rym ar 1 Tachwedd 2014

2. Y diwrnod penodedig ar gyfer dod â'r darpariaethau a ganlyn o'r Ddeddf i rym yw 1 Tachwedd 2014—

- (a) adran 170 (Gwasanaeth mabwysiadu: trefniadau ar y cyd);
- (b) adran 179 (Ymchwilio i gwynion am ofal cymdeithasol a gofal lliniarol a drefnir neu a ariennir yn breifat); ac
- (c) adran 180 (Gwasanaethau eirioli annibynnol ar gyfer cwynion am ofal lliniarol a drefnir neu a ariennir yn breifat).

2014 No. 2718 (W. 274) (C. 118)

SOCIAL CARE, WALES

The Social Services and Well-being
(Wales) Act 2014 (Commencement
No. 1) Order 2014

Made

8 October 2014

The Welsh Ministers, in exercise of powers conferred by section 199(2) of the Social Services and Well-being (Wales) Act 2014(1), make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Social Services and Well-being (Wales) Act 2014 (Commencement No. 1) Order 2014.

(2) In this Order, “the Act” (“*y Ddeddf*”) means the Social Services and Well-being (Wales) Act 2014.

Provisions coming into force on 1 November 2014

2. The appointed day for the following provisions of the Act coming into force is the 1 November 2014—

- (a) section 170 (Adoption service: joint arrangements);
- (b) section 179 (Investigation of complaints about privately arranged or funded social care and palliative care); and
- (c) section 180 (Independent advocacy services for complaints about privately arranged or funded palliative care).

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru

8 Hydref 2014

Minister for Health and Social Services, one of the
Welsh Ministers

8 October 2014

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