



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 202 (Cy. 57)

2017 No. 202 (W. 57)

**IECHYD Y CYHOEDD,
CYMRU**

PUBLIC HEALTH, WALES

**Rheoliadau Deintyddiaeth Breifat
(Cymru) 2017**

**The Private Dentistry (Wales)
Regulations 2017**

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn wedi eu gwneud o dan Ddeddf Safonau Gofal 2000 ("y Ddeddf") ac maent yn gymwys mewn perthynas â phersonau sy'n cynnal neu'n rheoli'r ddarpariaeth o wasanaethau deintyddiaeth preifat gan ddeintydd, neu wasanaethau proffesiynol perthnasol gan broffesiynolyn gofal deintyddol, ac eithrio at ddibenion Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 yng Nghymru.

These Regulations are made under the Care Standards Act 2000 ("the Act") and apply in relation to persons who carry on or manage the provision of private dental services by a dentist, or relevant professional services by a dental care professional, otherwise than for the purposes of the National Health Service (Wales) Act 2006 in Wales.

Mae'r Rheoliadau hyn yn disodli Rheoliadau Deintyddiaeth Breifat (Cymru) 2008 a oedd yn rheoleiddio deintyddion unigol ac maent yn gwneud darpariaeth mewn perthynas â phractisau deintyddol preifat y mae'n ofynnol iddynt gofrestru o dan Ran 2 o'r Ddeddf.

These Regulations replace the Private Dentistry (Wales) Regulations 2008 which regulated individual dentists and they make provision in relation to private dental practices which are required to register under Part 2 of the Act.

Mae Rhan 2 o'r Ddeddf yn darparu ar gyfer cofrestru ac arolygu sefydliadau ac asiantaethau gan yr awdurdod cofrestru (Gweinidogion Cymru). Mae Rhan 2 o'r Ddeddf hefyd yn darparu i Weindogion Cymru bwerau i wneud rheoliadau sy'n llywodraethu'r ffordd y mae sefydliadau ac asiantaethau yn cael eu rhedeg.

Part 2 of the Act provides for the registration and inspection of establishments and agencies by the registration authority (Welsh Ministers). Part 2 of the Act also provides powers for the Welsh Ministers to make regulations governing the conduct of establishments and agencies.

Mae adran 42 o'r Ddeddf yn gwneud darpariaeth, drwy reoliadau, ar gyfer cymhwyso Rhan 2 o'r Ddeddf (gydag unrhyw addasiadau a bennir) mewn cysylltiad â phersonau sy'n cynnal neu'n rheoli'r ddarpariaeth o wasanaethau nad ydynt wedi eu pennu yn y Ddeddf honno.

Section 42 of the Act makes provision, through regulations, for the application of Part 2 of the Act (with such modifications as may be specified) in respect of persons who carry on or manage the provision of services that are not specified in that Act.

Mae Rheoliadau Deddf Safonau Gofal 2000 (Estyn Cymhwysiad Rhan 2 i Bractisau Deintyddol Preifat) (Cymru) 2017 wedi eu gwneud o dan y pŵer yn adran 42 o'r Ddeddf i ddarparu bod y pŵer i wneud rheoliadau yn Rhan 2 o'r Ddeddf yn gymwys, gyda'r addasiadau a nodir yn y Rheoliadau hynny, mewn cysylltiad â phractisau deintyddol preifat.

Mae Rhan 1 o'r Rheoliadau hyn yn darparu bod rhaid i bob practis deintyddol preifat gael datganiad o ddiben, sy'n cynnwys y materion a nodir yn Atodlen 1 i'r Rheoliadau hyn, a thaflen gwybodaeth i gleifion, a bod rhaid adolygu'r ddau yn gyson (rheoliadau 5 i 7). Yn rhinwedd rheoliad 5(3) rhaid rhedeg y practis deintyddol preifat mewn modd sy'n gyson â'i ddatganiad o ddiben.

Mae rheoliad 8 yn nodi'r polisiau a'r gweithdrefnau y mae rhaid eu llunio a'u gweithredu mewn perthynas â'r practis deintyddol preifat.

Mae Rhan 2 o'r Rheoliadau hyn yn gwneud darpariaeth ynghylch addasrwydd y personau sy'n cynnal ac yn rheoli'r practis deintyddol preifat ac yn ei gwneud yn ofynnol bod gwybodaeth lawn a boddhaol ar gael mewn perthynas â'r materion a ragnodir yn Rhan 1 o Atodlen 3. Pan fo'r darparwr yn bartneriaeth, rhaid i'r wybodaeth hon fod ar gael mewn perthynas â phob un o'r partneriaid. Pan fo'r darparwr yn sefydliad, rhaid iddo enwebu unigolyn cyfrifol y mae rhaid i'r wybodaeth hon fod ar gael mewn cysylltiad ag ef (rheoliad 9). Mae rheoliadau 10 ac 11 yn rhagnodi'r amgylchiadau pan fo rhaid i reolwr gael ei benodi ar gyfer y practis deintyddol preifat a'r gofynion addasrwydd ar gyfer y rheolwr. Mae rheoliad 12 yn gosod gofynion cyffredinol mewn perthynas â chynnal a rheoli'r practis deintyddol preifat a'r angen am hyfforddiant priodol.

Mae Rhan 3 o'r Rheoliadau yn gwneud darpariaeth benodol ynghylch rhedeg practisau deintyddol preifat, yn benodol ynghylch ansawdd y gwasanaethau sydd i gael eu darparu mewn, neu at ddibenion, practis deintyddol preifat, gan gynnwys materion sy'n ymwneud ag ansawdd y driniaeth, preifatrwydd ac urddas y cleifion, staffio'r practis deintyddol preifat, addasrwydd y gweithwyr, diogelu cleifion, cwynion, ffurflenni blynyddol a chadw cofnodion. Gwneir darpariaeth hefyd ynghylch addasrwydd mangreoedd a'r rhagofalon tân sydd i gael eu cymryd. Mae'n ofynnol i'r darparwr cofrestredig ymweld â'r practis deintyddol preifat fel y'i rhagnodir (rheoliad 23) ac mae rheoliad 24 yn gosod gofynion sy'n ymwneud â hyfywedd ariannol y practis deintyddol preifat.

The Care Standards Act 2000 (Extension of the Application of Part 2 to Private Dental Practices) (Wales) Regulations 2017 have been made under the power in section 42 of the Act to provide that the regulation making powers in Part 2 of the Act apply, with the modifications set out in those Regulations, in respect of private dental practices.

Part 1 of these Regulations provides that each private dental practice must have a statement of purpose, consisting of the matters set out in Schedule 1 to these Regulations, and a patient information leaflet, both of which must be kept under review (regulations 5 to 7). By virtue of regulation 5(3) the private dental practice must be conducted in a manner which is consistent with its statement of purpose.

Regulation 8 sets out the policies and procedures which must be prepared and implemented in relation to the private dental practice.

Part 2 of these Regulations makes provision about the fitness of the persons carrying on and managing the private dental practice and requires full and satisfactory information to be available in relation to matters prescribed in Part 1 of Schedule 3. Where the provider is a partnership, this information must be available in relation to each of the partners. Where the provider is an organisation, it must nominate a responsible individual in respect of whom this information must be available (regulation 9). Regulations 10 and 11 prescribe the circumstances in which a manager must be appointed for the private dental practice and the fitness requirements for the manager. Regulation 12 imposes general requirements in relation to the carrying on and management of the private dental practice and the need for appropriate training.

Part 3 of the Regulations makes specific provision about the conduct of private dental practices, in particular about the quality of the services to be provided in or for the purposes of a private dental practice, including matters relating to the quality of treatment, privacy and dignity of patients, the staffing of the private dental practice, the suitability of workers, safeguarding patients, complaints, annual returns and record keeping. Provision is also made about the suitability of premises and the fire precautions to be taken. The registered provider is required to visit the private dental practice as prescribed (regulation 23) and regulation 24 imposes requirements relating to the financial viability of the private dental practice.

Mae rheoliadau 25 i 30 yn delio â rhoi hysbysiadau i'r awdurdod cofrestru pan fo digwyddiadau penodol yn digwydd megis marwolaeth claf neu anaf difrifol i glaf; absenoldeb y rheolwr; pan fo newidiadau penodol yn digwydd, er enghraifft, newid y person cofrestredig a newidiadau eraill i bersonél neu newidiadau sylweddol i'r fangre; pan fo'r person cofrestredig neu'r unigolyn cyfrifol wedi ei euogfarnu o unrhyw drosedd; pan fo datodwyr ac eraill wedi eu penodi; a phan fo'r person cofrestredig yn marw.

Mae Rhan 4 yn nodi'r gofynion ychwanegol mewn perthynas â dadebru cleifion a'r defnydd o gynhyrchion laser Dosbarth 3B neu Ddosbarth 4.

Mae Rhan 5 yn delio â materion amrywiol. Yn benodol, mae rheoliad 36 yn darparu y bydd torri rheoliadau 5 i 32 yn drosedd ar ran y person cofrestredig.

Mae rheoliad 38 yn diwygio Rheoliadau Gofal Iechyd Annibynnol (Cymru) 2011 drwy ddileu o'r rhestr o "gwasanaethau rhestredig" y defnydd o gynhyrchion laser Dosbarth 4 gan neu o dan oruchwyliaeth deintydd neu broffesiynolyn gofal deintyddol mewn practis deintyddol preifat. Mae'r diwygiad hwn yn dileu'r gofyniad i gofrestru fel ysbyty annibynnol pan fo laser Dosbarth 4 yn cael ei ddefnyddio gan neu o dan oruchwyliaeth deintydd neu broffesiynolyn gofal deintyddol mewn practis deintyddol preifat i ddarparu triniaeth ddeintyddol.

Mae rheoliad 39 yn cymhwyso Rhan 2 o'r Ddeddf (i'r graddau nad yw eisoes wedi ei chymhwyso a'i haddasu) i bersonau sy'n cynnal ac yn rheoli practisau deintyddol preifat gyda'r addasiadau a nodir yn Atodlen 4.

Mae rheoliad 40 yn darparu darpariaethau trosiannol sy'n ymwneud â phersonau a oedd yn cynnal neu'n rheoli practis deintyddol preifat cyn i'r Rheoliadau hyn ddod i rym. Mae rheoliad 41 yn dirymu Rheoliadau Deintyddiaeth Breifat (Cymru) 2008 ("Rheoliadau 2008") a Rheoliadau Deintyddiaeth Breifat (Cymru) (Diwygio) 2011. Mae rheoliad 42 yn darparu darpariaethau arbed mewn perthynas â deintyddion sydd wedi eu cofrestru o dan Reoliadau 2008 sydd wedi eu dirymu o dan y Rheoliadau hyn.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau 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.

Regulations 25 to 30 deal with the giving of notices to the registration authority when certain events occur such as the death or serious injury of a patient; the absence of the manager; where certain changes occur, for example, a change in the registered person and other personnel or significant changes to the premises; where the registered person or responsible individual is convicted of any criminal offence; where liquidators and others are appointed; and where the registered person dies.

Part 4 sets out additional requirements in relation to resuscitation of patients and the use of Class 3B or Class 4 laser products.

Part 5 deals with miscellaneous matters. In particular, regulation 36 provides that a breach of regulations 5 to 32 will be an offence on the part of the registered person.

Regulation 38 amends the Independent Health Care (Wales) Regulations 2011 by removing from the list of "listed services" the use of Class 4 laser products by or under the supervision of a dentist or dental care professional in a private dental practice. This amendment removes the requirement to register as an independent hospital where a Class 4 laser is used by or under the supervision of a dentist or dental care professional in a private dental practice to provide dental treatment.

Regulation 39 applies Part 2 of the Act (in so far as it has not already been applied and modified) to persons carrying on and managing private dental practices with the modifications set out in Schedule 4.

Regulation 40 provides transitional provisions relating to persons who were carrying on or managing a private dental practice before these Regulations come into force. Regulation 41 revokes the Private Dentistry (Wales) Regulations 2008 ("the 2008 Regulations") and the Private Dentistry (Wales) (Amendment) Regulations 2011. Regulation 42 provides saving provisions in relation to dentists registered under the 2008 Regulations which are revoked under these Regulations.

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 by contacting the Department for Health and Social Services, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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**Rheoliadau Deintyddiaeth Breifat
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**The Private Dentistry (Wales)
Regulations 2017**

Gwnaed 23 Chwefror 2017

Made 23 February 2017

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 27 Chwefror 2017

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27 February 2017

Yn dod i rym 1 Ebrill 2017

Coming into force 1 April 2017

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Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 2(8), 12(2), 15(3) a (5), 16(1) a (3), 22(1), (2)(a) i (d) ac (f) i (j), (5)(a) a (7)(a) i (h), (j) a (k), 25(1), 33, 34(1), 35, 42(1) a 118(5) i (7) o Ddeddf Safonau Gofal 2000(1) ac wedi ymgynghori(2) â'r personau hynny y maent yn ystyried eu bod yn briodol, yn gwneud y Rheoliadau a ganlyn(3).

The Welsh Ministers in exercise of powers conferred by sections 2(8), 12(2), 15(3) and (5), 16(1) and (3), 22(1), (2)(a) to (d), and (f) to (j), (5)(a) and (7)(a) to (h), (j) and (k), 25(1), 33, 34(1), 35, 42(1) and 118(5) to (7) of the Care Standards Act 2000(1) and having consulted(2) such persons as they consider appropriate, hereby make the following Regulations(3).

RHAN 1 Cyffredinol

PART 1 General

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Deintyddiaeth Breifat (Cymru) 2017 a deuant i rym ar 1 Ebrill 2017.

Cymhwysio

2. Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Title and commencement

1. The title of these Regulations is the Private Dentistry (Wales) Regulations 2017 and they come into force on 1 April 2017.

Application

2. These Regulations apply in relation to Wales.

(1) 2000 p. 14. Trosglwyddwyd y pŵer a roddir i Gynulliad Cenedlaethol Cymru i wneud rheoliadau o dan y Ddeddf i Weiniogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32). *Gweler* Rheoliadau Deddf Safonau Gofal 2000 (Estyn Cymhwysiad Rhan 2 i Bractisau Deintyddol Preifat) (Cymru) 2017 (O.S. 2017/200 (W.55)) am yr estyniad i'r cymhwysiad o'r pwerau perthnasol i wneud rheoliadau yn Rhan 2 o'r Ddeddf i bractisau deintyddol preifat.

(2) *Gweler* adran 22(9) o'r Ddeddf am y gofyniad i ymgynghori.

(3) *Gweler* adran 121(1) o'r Ddeddf am y diffiniadau o "prescribed" a "regulations".

(1) 2000 c. 14. The power conferred on the National Assembly for Wales to make regulations under the Act transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). *See* the Care Standards Act 2000 (Extension of the Application of Part 2 to Private Dental Practices) (Wales) Regulations 2017 (S.I. 2017200 (W.55)) for the extension of the application of relevant regulation making powers in Part 2 of the Act to private dental practices.

(2) *See* section 22(9) of the Act for the requirement to consult.

(3) *See* section 121(1) of the Act for the definitions of "prescribed" and "regulations".

Dehongli

3.—(1) Yn y Rheoliadau hyn—

ystyr “addasiadau rhesymol” (“*reasonable adjustments*”) yw unrhyw addasiadau rhesymol a fyddai'n ofynnol o dan Ddeddf Cydraddoldeb 2010(1);

ystyr “claf” (“*patient*”) yw person y darperir gwasanaethau deintyddol neu wasanaethau proffesiynol eraill iddo;

mae i “cwrmpas ymarfer” yr ystyr a roddir i “scope of practice” ar gyfer deintyddion a phroffesiynolion gofal deintyddol yn y canllawiau ar gwmpas ymarfer a gyhoeddir gan y Cyngor Deintyddol Cyffredinol o bryd i'w gilydd;

ystyr “darparwr cofrestredig” (“*registered provider*”) yw person sydd wedi ei gofrestru o dan Ran 2 o'r Ddeddf fel y person sy'n cynnal practis deintyddol preifat;

ystyr “datganiad o ddiben” (“*statement of purpose*”) yw'r datganiad a lunnir yn unol â rheoliad 5(1);

ystyr “Deddf 1984” (“*the 1984 Act*”) yw Deddf Deintyddion 1984(2);

ystyr “Deddf 2005” (“*the 2005 Act*”) yw Deddf Galluedd Meddyliol 2005(3);

ystyr “deintydd” (“*dentist*”) yw person sydd wedi ei gofrestru yn y gofrestr o ddeintyddion a gedwir yn unol ag adran 14 o Ddeddf 1984;

ystyr “deintyddfa symudol” (“*mobile surgery*”), at ddibenion y Rheoliadau hyn, yw unrhyw gerbyd lle y darperir gwasanaethau deintyddol preifat;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Safonau Gofal 2000 ac, mewn cysylltiad â Rhan 2 o'r Ddeddf honno, ei ystyr yw'r Rhan honno fel y'i cymhwysir gydag addasiadau i bractisau deintyddol preifat gan Ddeddf Safonau Gofal 2000 (Estyn Cymhwysiad Rhan 2 i Bractisau Deintyddol Preifat) (Cymru) 2017(4) a chan reoliad 39 o'r Rheoliadau hyn;

ystyr “ffi amrywiad mawr” (“*major variation fee*”) yw'r ffi sy'n daladwy mewn cysylltiad â chais i amrywio amod cofrestru pan fo'r awdurdod cofrestru yn ystyried ei bod yn angenrheidiol iddo arolygu o dan Ran 2 o'r Ddeddf;

ystyr “ffi mân amrywiad” (“*minor variation fee*”) yw'r ffi sy'n daladwy mewn cysylltiad â chais i amrywio amod cofrestru pan na fo'r awdurdod

Interpretation

3.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Care Standards Act 2000 and, with respect to Part 2 of that Act, means that Part as applied with modifications to private dental practices by the Care Standards Act 2000 (Extension of the Application of Part 2 to Private Dental Practices) (Wales) Regulations 2017(1) and by regulation 39 of these Regulations; “the 1984 Act” (“*Deddf 1984*”) means the Dentists Act 1984(2);

“the 2005 Act” (“*Deddf 2005*”) means the Mental Capacity Act 2005(3);

“the 2008 Regulations” (“*Rheoliadau 2008*”) means the Private Dentistry (Wales) Regulations 2008(4);

“the 2011 Regulations” (“*Rheoliadau 2011*”) means the Private Dentistry (Wales) (Amendment) Regulations 2011(5);

“appropriate office of the registration authority” (“*swyddfa briodol yr awdurdod cofrestru*”) means in relation to a private dental practice—

(a) if an office has been specified under paragraph (2) for the area in which the private dental practice is situated, that office;

(b) in any other case, any office of the registration authority;

“dental care professional” (“*proffesiynolyn gofal deintyddol*”) means—

(a) a dental hygienist;

(b) a dental therapist; or

(c) a clinical dental technician;

“dental hygienist” (“*hyleneidd deintyddol*”), “dental therapist” (“*therapydd deintyddol*”) and “clinical dental technician” (“*technegydd deintyddol clinigol*”) mean persons registered as such with the General Dental Council in the dental care professionals register established under section 36B of the 1984 Act;

“dental services” (“*gwasanaethau deintyddol*”) means dental care and treatment provided by a dentist;

“dentist” (“*deintydd*”) means a person registered in the dentists register kept in accordance with section 14 of the 1984 Act;

(1) 2010 p. 15.

(2) 1984 p. 24.

(3) 2005 p. 9. Gwnaed diwygiadau perthnasol gan Ddeddf Iechyd Meddwl 2007 (p. 12), adrannau 50 a 55 a Rhan 10 o Atodlen A1.

(4) O.S. 2017/200 (W.55).

(1) S.I. 2017/200 (W.55).

(2) 1984 c. 24.

(3) 2005 c. 9. Relevant amendments were made by the Mental Health Act 2007 (c. 12), sections 50 and 55 and Part 10 of Schedule A1.

(4) S.I. 2008/1976 (W. 185).

(5) S.I. 2011/2686 (W. 288).

cofrestru yn ystyried ei bod yn angenrheidiol iddo arolygu o dan Ran 2 o'r Ddeddf;

ystyr "gwasanaethau cartref" ("*domiciliary services*") yw cwrs o driniaeth, neu ran o gwrs o driniaeth, a ddarperir mewn lleoliad ac eithrio—

- (a) y fangre a ddefnyddir i gynnal practis deintyddol preifat;
- (b) deintyddfa symudol unrhyw ddarparwr gwasanaethau deintyddol preifat;
- (c) carchar;

ystyr "gwasanaethau deintyddol" ("*dental services*") yw gofal a thriniaeth ddeintyddol a ddarperir gan ddeintydd;

ystyr "gwasanaethau deintyddol preifat" ("*private dental services*") yw gwasanaethau deintyddol ac eithrio at ddibenion Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1) ac mae "deintyddiaeth breifat" ("*private dentistry*") i gael ei dehongli yn unol â hynny;

ystyr "gwasanaethau proffesiynol perthnasol" ("*relevant professional services*") yw darparu gwasanaethau proffesiynol yn unol â chwmpas ymarfer llawn proffesiynolyn gofal deintyddol, ac eithrio yn unol â phresgripsiwn gan ddeintydd ond nid yw'n cynnwys—

- (a) darparu gwasanaethau gwynnu dannedd gan hylenydd deintyddol neu therapydd deintyddol, a
- (b) darparu a chynnal a chadw dannedd gosod i gleifion â dannedd(2) gan dechnegydd deintyddol clinigol;

ystyr "hylenydd deintyddol" ("*dental hygienist*"), "therapydd deintyddol" ("*dental therapist*") a "technegydd deintyddol clinigol" ("*clinical dental technician*") yw personau sydd wedi eu cofrestru felly â'r Cyngor Deintyddol Cyffredinol yn y gofrestr o broffesiynolion gofal deintyddol a sefydlwyd o dan adran 36B o Ddeddf 1984;

ystyr "person cofrestredig" ("*registered person*") yw person sy'n ddarparwr cofrestredig neu'n rheolwr cofrestredig practis deintyddol preifat;

ystyr "practis deintyddol preifat" ("*private dental practice*") yw ymgymeriad sy'n darparu neu sy'n cynnwys darparu—

- (a) gwasanaethau deintyddol preifat; neu

"domiciliary services" ("*gwasanaethau cartref*") means a course of treatment, or part of a course of treatment, provided at a location other than—

- (a) the premises used to carry on a private dental practice;
- (b) a mobile surgery of any provider of private dental services;
- (c) a prison;

"exposure-prone procedures" ("*triniaethau a all arwain at gysylltiad*") for the purposes of these Regulations refers to invasive procedures where there is a risk that injury to the dentist or dental care professional may result in the exposure of a patient's open tissue to the blood of the dentist or dental care professional;

"health service hospital" ("*ysbyty gwasanaeth iechyd*") has the same meaning as in section 206 of the National Health Service (Wales) Act 2006(1);

"insurance" ("*yswiriant*") means—

- (a) a contract of insurance providing cover for liabilities which may be incurred in carrying out work as a dentist or dental care professional, or
- (b) an arrangement made for the purposes of indemnifying a person against such liabilities;

"major variation fee" ("*ffi amrywiad mawr*") means the fee payable in respect of an application to vary a condition of registration where the registration authority considers it is necessary for them to inspect under Part 2 of the Act;

"minor variation fee" ("*ffi mân amrywiad*") means the fee payable in respect of an application to vary a condition of registration where the registration authority considers it is not necessary for them to inspect under Part 2 of the Act;

"mobile surgery" ("*deintyddfa symudol*") means, for the purposes of these Regulations, any vehicle in which private dental services are provided;

"organisation" ("*sefydliad*") means a body corporate or any unincorporated association other than a partnership;

"patient" ("*claf*") means a person to whom dental services or relevant professional services are provided;

"private dental practice" ("*practis deintyddol preifat*") means an undertaking which consists of or includes the provision of—

- (a) private dental services; or

(1) 2006 p. 42.

(2) Dim ond i gleifion diddannedd y caiff technegydd deintyddol technegol ddarparu'r ystod llawn o wasanaethau drwy drefniadau mynediad uniongyrchol.

(1) 2006 c. 42.

(b) gwasanaethau proffesiynol perthnasol ac eithrio at ddibenion Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;

ystyr “proffesiynolyn gofal deintyddol” (“*dental care professional*”) yw—

- (a) hylenydd deintyddol;
- (b) therapydd deintyddol; neu
- (c) technegydd deintyddol clinigol;

ystyr “Rheoliadau 2008” (“*the 2008 Regulations*”) yw Rheoliadau Deintyddiaeth Breifat (Cymru) 2008(1);

ystyr “Rheoliadau 2011” (“*the 2011 Regulations*”) yw Rheoliadau Deintyddiaeth Breifat (Cymru) (Diwygio) 2011(2);

ystyr “rheolwr cofrestredig” (“*registered manager*”) yw person sydd wedi ei gofrestru o dan Ran 2 o’r Ddeddf fel rheolwr practis deintyddol preifat;

ystyr “sefydliad” (“*organisation*”) yw corff corfforaethol neu unrhyw gymdeithas anghorfforedig ac eithrio partneriaeth;

ystyr “swyddfa briodol yr awdurdod cofrestru” (“*appropriate office of the registration authority*”) mewn perthynas â phractis deintyddiaeth preifat yw—

- (a) os yw swyddfa wedi ei phennu o dan baragraff (2) ar gyfer yr ardal y mae’r practis deintyddol preifat ynddi, y swyddfa honno;
- (b) mewn unrhyw achos arall, unrhyw swyddfa’r awdurdod cofrestru;

mae “triniaethau a all arwain at gysylltiad” (“*exposure-prone procedures*”), at ddibenion y Rheoliadau hyn, yn cyfeirio at driniaethau mewnwithiol pan fo risg y gall anaf i’r deintydd neu’r proffesiynolyn gofal deintyddol arwain at gysylltiad rhwng meinwe agored claf a gwaed y deintydd neu’r proffesiynolyn gofal deintyddol;

ystyr “unigolyn cyfrifol” (“*responsible individual*”) yw unigolyn sy’n gyfarwyddwr, rheolwr, ysgrifennydd, neu swyddog arall i’r sefydliad ac sy’n gyfrifol am oruchwylio’r gwaith o reoli practis deintyddol preifat;

mae i “ysbyty gwasanaeth iechyd” yr un ystyr â “health service hospital” yn adran 206 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;

ystyr “yswiriant” (“*insurance*”) yw—

(b) relevant professional services otherwise than for the purposes of the National Health Services (Wales) Act 2006;

“private dental services” (“*gwasanaethau deintyddol preifat*”) means dental services otherwise than for the purposes of the National Health Service (Wales) Act 2006 and “private dentistry” (“*deintyddiaeth breifat*”) is to be construed accordingly;

“reasonable adjustments” (“*addasiadau rhesymol*”) means such reasonable adjustments as would be required under the Equality Act 2010(1);

“registered manager” (“*rheolwr cofrestredig*”) means a person who is registered under Part 2 of the Act as the manager of a private dental practice;

“registered person” (“*person cofrestredig*”) means a person who is the registered provider or the registered manager of a private dental practice;

“registered provider” (“*darparwr cofrestredig*”) means a person who is registered under Part 2 of the Act as the person carrying on a private dental practice;

“relevant professional services” (“*gwasanaethau proffesiynol perthnasol*”) means the provision of professional services in accordance with the full scope of practice of a dental care professional, otherwise than in accordance with a prescription from a dentist but does not include—

- (a) the provision of tooth whitening services by a dental hygienist or a dental therapist, and
- (b) the provision and maintenance of dentures for dentate patients(2) by a clinical dental technician;

“responsible individual” (“*unigolyn cyfrifol*”) means an individual who is the director, manager, secretary or other officer of the organisation and is responsible for supervising the management of a private dental practice;

“scope of practice” (“*cwmpas ymarfer*”) has the meaning given for dentists and dental care professionals in the guidance on scope of practice published by the General Dental Council from time to time;

(1) O.S. 2008/1976 (Cy. 185).

(2) O.S. 2011/2686 (Cy. 288).

(1) 2010 c. 15.

(2) A clinical dental technician may only provide the full range of services via direct access arrangements for edentulous patients.

- (a) contract yswiriant sy'n darparu sicrwydd o ran atebolrwyddau a all godi wrth gyflawni gwaith fel deintydd neu broffesiynolyn gofal deintyddol, neu
- (b) trefniant a wneir at ddibenion indemnio person rhag atebolrwyddau o'r fath.

(2) Caiff yr awdurdod cofrestru bennu swyddfa sydd o dan ei reolaeth i fod y swyddfa briodol mewn perthynas â phractisau deintyddol preifat mewn ardal benodol o Gymru.

(3) Pan fo person yn gweithredu ar ran claf (gan gynnwys pan fo'r claf yn blentyn neu'n glaf nad oes ganddo alluedd) at ddibenion y Rheoliadau hyn a phan fo'r cyd-destun yn mynnu, mae ystyr "claf" ("*patient*") hefyd yn cynnwys person sy'n gweithredu ar ran y claf.

Eithriadau

4. At ddibenion y Rheoliadau hyn, nid yw ymgymeriad yn bractis deintyddol preifat—

- (a) os yw'n darparu gwasanaethau deintyddol preifat gan ddeintydd sydd wedi ei gyflogi mewn ysbyty gwasanaeth iechyd ac sy'n darparu gwasanaethau o'r fath yn yr ysbyty hwnnw'n unig; neu
- (b) os yw'n darparu gwasanaethau deintyddol preifat gan ddeintydd neu wasanaethau proffesiynol perthnasol gan broffesiynolyn gofal deintyddol mewn ac at ddibenion ysbyty annibynnol yn unig.

Datganiad o ddiben

5.—(1) Rhaid i'r person cofrestredig lunio, mewn perthynas â'r practis deintyddol preifat, ddatganiad ar bapur ("y datganiad o ddiben") sy'n cynnwys y materion a restrir yn Atodlen 1.

(2) Rhaid i'r person cofrestredig ddarparu copi o'r datganiad o ddiben i swyddfa briodol yr awdurdod cofrestru, ei roi ar wefan y practis deintyddol preifat (os oes gan y practis wefan) a rhoi copi ohono ar gael cyn gynted ag y bo'n rhesymol ymarferol ar gais gan glaf.

(3) Yn ddarostyngedig i baragraff (4), rhaid i'r person cofrestredig sicrhau bod y practis deintyddol preifat yn cael ei redeg mewn modd sy'n gyson â'i ddatganiad o ddiben.

(4) Nid oes dim ym mharagraff (3), rheoliad 13(1) na 22(1) a (2) sy'n ei gwneud yn ofynnol i'r person cofrestredig, nac yn awdurdodi'r person cofrestredig, i dorri neu i beidio â chydymffurfio—

- (a) ag unrhyw ddarpariaeth arall yn y Rheoliadau hyn; neu

"statement of purpose" ("*datganiad o ddiben*") means the statement compiled in accordance with regulation 5(1).

(2) The registration authority may specify an office controlled by it as the appropriate office in relation to private dental practices situated in a particular area of Wales.

(3) Where a person is acting on behalf of a patient (including where the patient is a child or lacks capacity) for the purposes of these Regulations and where the context requires, "a patient" ("*claf*") also means the person acting on behalf of the patient.

Exceptions

4. For the purposes of these Regulations, an undertaking is not a private dental practice if it consists of—

- (a) the provision of private dental services by a dentist who is employed in a health service hospital and provides such services only in that hospital; or
- (b) the provision of private dental services by a dentist or relevant professional services by a dental care professional only in and for the purposes of an independent hospital.

Statement of purpose

5.—(1) The registered person must compile in relation to the private dental practice a statement on paper ("the statement of purpose") which includes the matters listed in Schedule 1.

(2) The registered person must provide a copy of the statement of purpose to the appropriate office of the registration authority, post it on the website of the private dental practice (if there is a website) and make a copy of it available as soon as practicable on request by a patient.

(3) Subject to paragraph (4), the registered person must ensure that the private dental practice is conducted in a manner which is consistent with its statement of purpose.

(4) Nothing in paragraph (3), regulation 13(1) or 22(1) and (2) requires or authorises the registered person to contravene, or not comply with—

- (a) any other provision of these Regulations; or

- (b) â'r amodau sydd mewn grym am y tro mewn perthynas â chofrestru'r person cofrestredig o dan Ran 2 o'r Ddeddf.

Gwybodaeth i gleifion

6.—(1) Rhaid i'r person cofrestredig lunio dogfen (“y daflen gwybodaeth i gleifion”), y mae rhaid iddi gynnwys yr wybodaeth a bennir yn Atodlen 2.

(2) Rhaid i'r person cofrestredig ddarparu copi o'r daflen gwybodaeth i gleifion i swyddfa briodol yr awdurdod cofrestru, ei rhoi ar wefan y practis deintyddol preifat (os oes gan y practis wefan) a rhoi copi ohoni ar gael cyn gynted ag y bo'n rhesymol ymarferol ar gais gan glaf.

(3) Rhaid i'r person cofrestredig sicrhau bod gwybodaeth ddangosol am y ffioedd sy'n daladwy gan gleifion yn cael ei harddangos mewn man amlwg yn y practis deintyddol preifat, mewn rhan y mae gan gleifion fynediad iddi.

Adolygu'r datganiad o ddiben a'r daflen gwybodaeth i gleifion

7. Rhaid i'r person cofrestredig—

- (a) adolygu'r datganiad o ddiben a'r daflen gwybodaeth i gleifion o leiaf unwaith ym mhob cyfnod o ddeuddeng mis a gwneud unrhyw ddiwygiad y mae ei angen i gynnal eu cywirdeb; a
- (b) hysbysu swyddfa briodol yr awdurdod cofrestru ynghylch unrhyw ddiwygiad o'r fath o fewn 28 o ddiwrnodau i'r adolygiad.

Polisiâu a gweithdrefnau

8.—(1) Rhaid i'r person cofrestredig lunio a gweithredu datganiadau ysgrifenedig o'r polisiâu sydd i gael eu cymhwyso a'r gweithdrefnau sydd i gael eu dilyn mewn, neu at ddibenion, practis deintyddol preifat mewn perthynas â phob un o'r materion a bennir isod—

- (a) y trefniadau ar gyfer derbyn cleifion;
- (b) y trefniadau ar gyfer asesu, diagnosisio a thrin cleifion;
- (c) sicrhau bod y fangre a ddefnyddir at ddiben cynnal y practis deintyddol preifat bob amser yn addas at y diben hwnnw;
- (d) monitro ansawdd ac addasrwydd y cyfleusterau a'r cyfarpar, gan gynnwys cynnal a chadw cyfarpar o'r fath;

- (b) the conditions for the time being in force in relation to the registration of the registered person under Part 2 of the Act.

Patient information

6.—(1) The registered person must compile a document (“the patient information leaflet”), which must include the information specified in Schedule 2.

(2) The registered person must provide a copy of the patient information leaflet to the appropriate office of the registration authority, post it on the website of the private dental practice (if there is a website) and make a copy of it available as soon as practicable on request by a patient.

(3) The registered person must ensure that there is displayed in a prominent position in the private dental practice, in a part to which patients have access, indicative information on charges payable by patients.

Review of the statement of purpose and patient information leaflet

7. The registered person must—

- (a) review the statement of purpose and patient information leaflet at least once in every period of twelve months and make any amendment necessary to maintain their accuracy; and
- (b) notify the appropriate office of the registration authority of any such amendment within 28 days of the review.

Policies and procedures

8.—(1) The registered person must prepare and implement written statements of the policies to be applied and the procedures to be followed in or for the purposes of a private dental practice in relation to each of the matters specified below—

- (a) the arrangements for acceptance of patients;
- (b) the arrangements for assessment, diagnosis and treatment of patients;
- (c) ensuring that the premises used for the purpose of carrying on the private dental practice are at all times fit for that purpose;
- (d) monitoring the quality and suitability of facilities and equipment, including maintenance of such equipment;

- (e) nodi, asesu a rheoli risgiau sy'n gysylltiedig â gweithrediad y practis deintyddol preifat i gyflogeion, cleifion, ymwelwyr a'r rhai sy'n gweithio yn, neu at ddibenion, y practis deintyddol preifat, gan gynnwys y camau a gymerir mewn perthynas â rheoliad 13(5) a (6);
 - (f) creu, rheoli, trin a storio cofnodion a gwybodaeth arall;
 - (g) darparu gwybodaeth i gleifion ac eraill gan gynnwys hysbysiadau clir i gleifion o unrhyw ffioedd sy'n daladwy am wasanaethau deintyddol preifat;
 - (h) recriwtio, sefydlu a chadw cyflogeion, eu hamodau cyflogaeth a'u gofynion o ran hyfforddiant;
 - (i) sicrhau bod staff yn cael eu recriwtio mewn ffordd ddiogel, gan gynnwys cynnal gwiriadau sy'n briodol i'r gwaith y mae'r staff i ymgymryd ag ef;
 - (j) pan fo gwaith ymchwil yn cael ei wneud mewn practis deintyddol preifat, sicrhau bod y gwaith hwnnw yn cael ei wneud gyda chydysniad unrhyw glaf neu gleifion sy'n rhan o'r ymchwil, bod y gwaith ymchwil yn briodol ar gyfer y practis o dan sylw, a'i fod yn cael ei gynnal yn unol ag unrhyw ganllawiau cyhoeddedig cyfredol ac awdurdodol ar gynnal prosiectau ymchwil;
 - (k) y trefniadau ar gyfer sicrhau iechyd a diogelwch staff a chleifion;
 - (l) archebu, cofnodi, rhoi a chyflenwi meddyginiaethau i gleifion;
 - (m) y trefniadau sy'n ymwneud â rheoli heintiau gan gynnwys hylendid dwylo, trin a gwaredu gwastraff clinigol yn ddiogel, gweithdrefnau cadw tŷ a glanhau, a hyfforddiant a chynngor perthnasol;
 - (n) y trefniadau ar gyfer cynnal archwiliadau clinigol;
 - (o) y trefniadau ar gyfer cynlluniau wrth gefn ar gyfer argyfyngau sy'n sicrhau bod y practis deintyddol preifat yn parhau i gael ei redeg yn ddiogel;
 - (p) y ddarpariaeth o wasanaethau cartref os caiff gwasanaethau o'r fath eu darparu; a
 - (q) y trefniadau ar gyfer delio ag argyfyngau meddygol sy'n sicrhau bod staff a all fod yn gysylltiedig â delio ag argyfwng meddygol yn cael yr hyfforddiant priodol.
- (e) identifying, assessing and managing risks associated with the operation of the private dental practice to employees, patients, visitors and those working in or for the purposes of the private dental practice, including the steps taken in relation to regulation 13(5) and (6);
 - (f) the creation, management, handling and storage of records and other information;
 - (g) the provision of information to patients and others including clear notifications to patients of any charges payable for private dental services;
 - (h) the recruitment, induction and retention of employees, their employment conditions and training requirements;
 - (i) ensuring safe recruitment of staff including undertaking checks appropriate to the work that staff are to undertake;
 - (j) ensuring that, where research is carried out in a private dental practice, it is carried out with the consent of any patient or patients involved, is appropriate for the practice concerned and is conducted in accordance with any up-to-date and authoritative published guidance on the conduct of research projects;
 - (k) the arrangements for ensuring the health and safety of staff and patients;
 - (l) the ordering, recording, administration and supply of medicines to patients;
 - (m) the arrangements relating to infection control including hand hygiene, safe handling and disposal of clinical waste, housekeeping and cleaning regimes and relevant training and advice;
 - (n) the arrangements for clinical audit;
 - (o) the arrangements for emergency contingencies which ensure the continuous safe running of the private dental practice;
 - (p) the provision of domiciliary services if such services are provided; and
 - (q) the arrangements for dealing with medical emergencies which ensure that staff who may be involved in dealing with a medical emergency receive appropriate training.

(2) Rhaid llunio'r polisiau a'r gweithdrefnau y cyfeirir atynt ym mharagraff (1) gan roi sylw i faint y practis deintyddol preifat, y datganiad o ddiben a nifer y cleifion a'u hanghenion.

(3) Rhaid i'r person cofrestredig lunio a gweithredu datganiadau ysgrifenedig o'r polisiau sydd i gael eu cymhwyso a'r gweithdrefnau sydd i gael eu dilyn ar gyfer y gofal a'r driniaeth i gleifion nad oes ganddynt alluedd o fewn ystyr "lack capacity" yn Neddf 2005, sy'n cyd-fynd â Deddf 2005 ac unrhyw God Ymarfer a chanllawiau perthnasol.

(4) Rhaid i'r datganiadau ysgrifenedig y cyfeirir atynt ym mharagraff (3) gynnwys polisiau a gweithdrefnau sy'n sicrhau—

- (a) bod galluedd pob claf i gydsynio i driniaeth yn cael ei asesu;
- (b) yn achos claf nad oes ganddo alluedd, y cydymffurfir â gofynion Deddf 2005 cyn rhoi unrhyw driniaeth arfaethedig iddo; ac
- (c) nad yw'r wybodaeth am iechyd, gofal a thriniaeth claf nad oes ganddo alluedd ond yn cael ei datgelu i'r personau hynny y mae angen iddynt fod yn ymwybodol o'r wybodaeth honno er mwyn trin y claf yn effeithiol neu leihau unrhyw risg y gallai'r claf ei niweidio ei hun neu niweidio person arall.

(5) Pan fo gwasanaethau cartref yn cael eu darparu gan y practis deintyddol preifat, rhaid i'r person cofrestredig—

- (a) llunio a gweithredu datganiadau ysgrifenedig o'r polisiau sydd i gael eu cymhwyso a'r gweithdrefnau sydd i gael eu dilyn ar gyfer darparu gwasanaethau cartref; a
- (b) rhoi sylw i unrhyw ganllawiau cenedlaethol ar ddarparu gwasanaethau cartref wrth lunio'r datganiadau ysgrifenedig y cyfeirir atynt yn is-baragraff (a).

(6) Rhaid i'r person cofrestredig adolygu gweithrediad polisiau a gweithdrefnau a weithredir o dan y rheoliad hwn a rheoliad 21 (cwynion) fesul ysbaid nad yw'n hwy na thair blynedd a, phan fo'n briodol, diwygio a gweithredu'r polisiau a'r gweithdrefnau hynny.

(7) Rhaid i'r person cyfrifol roi ar gael ar gais gan glaf, ac unrhyw ddarpar glaf, gopïau o'r polisiau a'r gweithdrefnau.

(8) Rhaid i'r person cofrestredig gadw copïau o'r holl bolisiau a gweithdrefnau y cyfeirir atynt yn y rheoliad hwn, gan gynnwys fersiynau blaenorol o bolisiau a gweithdrefnau sydd wedi eu diwygio yn unol â pharagraff (6), am gyfnod o ddim llai na thair blynedd o ddyddiad creu neu ddiwygio'r polisi neu'r weithdrefn.

(2) The policies and procedures referred to in paragraph (1) must be prepared having regard to the size of the private dental practice, the statement of purpose and the number and needs of the patients.

(3) The registered person must prepare and implement written statements of policies to be applied and procedures to be followed for the care and treatment of patients who lack capacity within the meaning of the 2005 Act, which accord with the 2005 Act and any relevant Code of Practice and guidance.

(4) The written statements referred to in paragraph (3) must include policies and procedures which ensure that—

- (a) the capacity of each patient to consent to treatment is assessed;
- (b) in the case of a patient who lacks capacity, the requirements of the 2005 Act are complied with before any treatment proposed for the patient is administered; and
- (c) information about the health, care and treatment of a patient who lacks capacity is disclosed only to those persons who need to be aware of that information in order to treat the patient effectively or minimise any risk of the patient harming himself or herself or another person.

(5) Where domiciliary services are provided by the private dental practice, the registered person must—

- (a) prepare and implement written statements of policies to be applied and procedures to be followed for the provision of domiciliary services; and
- (b) have regard to any national guidance on the provision of domiciliary services when preparing the written statements referred to in sub-paragraph (a).

(6) The registered person must review the operation of policies and procedures implemented under this regulation and regulation 21 (complaints) at intervals of not more than three years and, where appropriate, revise and implement those policies and procedures.

(7) The registered person must make available upon request by a patient, and any prospective patient, copies of the policies and procedures.

(8) The registered person must retain copies of all policies and procedures referred in this regulation, including previous versions of policies and procedures that have been revised in accordance with paragraph (6), for a period of not less than three years from the date of creation or revision of the policy or procedure.

(9) Rhaid i'r person cofrestredig roi copi o'r holl ddatganiadau ysgrifenedig a lunnir yn unol â'r rheoliad hwn ar gael i'r awdurdod cofrestru edrych arnynt.

RHAN 2

Personau Cofrestredig

Addasrwydd darparwr cofrestredig

9.—(1) Ni chaiff person gynnal practis deintyddol preifat oni bai bod y person yn addas i wneud hynny.

(2) Nid yw person yn addas i gynnal practis deintyddol preifat oni bai bod y person—

- (a) yn unigolyn sy'n bodloni'r gofynion a nodir ym mharagraff (3);
- (b) yn bartneriaeth, a bod pob un o'r partneriaid yn bodloni'r gofynion ym mharagraff (3); neu
- (c) yn sefydliad ac—
 - (i) bod y sefydliad wedi hysbysu swyddfa briodol yr awdurdod cofrestru am enw a chyfeiriad yr unigolyn cyfrifol a'i swydd yn y sefydliad; a
 - (ii) bod yr unigolyn yn bodloni'r gofynion ym mharagraff (3).

(3) Y gofynion yw—

- (a) bod yr unigolyn yn addas o ran ei uniondeb ac o gymeriad da i gynnal y practis deintyddol preifat neu, yn ôl y digwydd, i fod yn gyfrifol am oruchwylio'r gwaith o reoli'r practis deintyddol preifat;
- (b) bod yr unigolyn yn gallu oherwydd ei iechyd, ar ôl i addasiadau rhesymol (os oes rhai) gael eu gwneud, gynnal y practis deintyddol preifat neu, yn ôl y digwydd, fod yn gyfrifol am oruchwylio'r gwaith o reoli'r practis deintyddol preifat; ac
- (c) bod gwybodaeth neu ddogfennaeth lawn a boddhaol, yn ôl y digwydd, ar gael mewn perthynas â'r unigolyn mewn cysylltiad â phob un o'r materion a bennir yn Rhan 1 o Atodlen 3.

(4) Wrth asesu cymeriad unigolyn at ddibenion paragraff (3)(a), rhaid i'r materion a ystyrir gynnwys y rhai a restrir yn Rhan 2 o Atodlen 3.

(5) Nid yw person yn addas i gynnal practis deintyddol preifat—

(9) The registered person must make a copy of all written statements prepared in accordance with this regulation available for inspection by the registration authority.

PART 2

Registered Persons

Fitness of registered provider

9.—(1) A person must not carry on a private dental practice unless the person is fit to do so.

(2) A person is not fit to carry on a private dental practice unless the person—

- (a) is an individual who satisfies the requirements set out in paragraph (3);
- (b) is a partnership, and each of the partners satisfies the requirements in paragraph (3); or
- (c) is an organisation and—
 - (i) the organisation has given notice to the appropriate office of the registration authority of the name, address and position in the organisation of the responsible individual; and
 - (ii) that individual satisfies the requirements in paragraph (3).

(3) The requirements are that—

- (a) the individual is of suitable integrity and good character to carry on, or, as the case may be, be responsible for the supervision of the management of, the private dental practice;
- (b) the individual is able by reason of their health, after reasonable adjustments (if any) are made, to carry on, or as the case may be, be responsible for the supervision of the management of, the private dental practice; and
- (c) full and satisfactory information or documentation, as the case may be, is available in relation to the individual in respect of each of the matters specified in Part 1 of Schedule 3.

(4) In assessing an individual's character for the purposes of paragraph (3)(a), the matters considered must include those listed in Part 2 of Schedule 3.

(5) A person is not fit to carry on a private dental practice if that person has—

- (a) os yw'r person hwnnw wedi ei ddyfarnu'n fethdalwr(1) neu y dyfarnwyd y secwestriad o ystad y person ac (yn y naill achos neu'r llall) os nad yw'r person wedi ei ryddhau ac nad yw'r gorchymyn methdal(2) wedi ei ddiddymu na'i ddad-wneud neu fod cyfnod moratoriwm o dan orchymyn rhyddhau o ddyled (o fewn ystyr "debt relief order" yn adran 251A o Ddeddf Ansolfedd 1986)(3) yn gymwys mewn perthynas â'r person; neu
- (b) os yw'r person hwnnw wedi gwneud compôwnd neu drefniant â chredydwr y person ac nad yw wedi ei ryddhau mewn cysylltiad ag ef.

- (a) been adjudged bankrupt(1) or sequestration of the person's estate has been awarded and (in either case) the person has not been discharged and the bankruptcy order(2) has not been annulled or rescinded or a moratorium period under a debt relief order (within the meaning of section 251A of the Insolvency Act 1986)(3) applies in relation to the person; or
- (b) made a composition or arrangement with the person's creditors and has not been discharged in respect of it.

Penodi rheolwr

10.—(1) Rhaid i'r darparwr cofrestredig benodi unigolyn i reoli'r practis deintyddol preifat—

- (a) os yw'r darparwr cofrestredig yn sefydliad neu'n bartneriaeth;
- (b) os nad yw'r darparwr cofrestredig yn berson addas i gynnal y practis deintyddol preifat; neu
- (c) os nad oes gan y darparwr cofrestredig ofal am y practis deintyddol preifat yn llawnamser o ddydd i ddydd, neu os nad yw'n bwriadu i'r practis fod o dan ei ofal yn y modd hwnnw.

(2) Os yw'r darparwr cofrestredig yn penodi unigolyn i reoli'r practis deintyddol preifat, rhaid i'r darparwr cofrestredig hysbysu swyddfa briodol yr awdurdod cofrestru ar unwaith am enw'r unigolyn a benodir a'r dyddiad y mae'r penodiad yn cymryd effaith.

Addasrwydd rheolwr

11.—(1) Ni chaiff person reoli practis deintyddol preifat oni bai bod y person yn addas i wneud hynny.

(2) Nid yw person yn addas i reoli practis deintyddol preifat oni bai—

- (a) bod y person hwnnw yn addas o ran ei uniondeb ac o gymeriad da i reoli'r practis deintyddol preifat; a
- (b) gan roi sylw i faint y practis deintyddol preifat, y datganiad o ddiben a nifer y cleifion a'u hanghenion—

Appointment of manager

10.—(1) The registered provider must appoint an individual to manage the private dental practice if the registered provider—

- (a) is an organisation or a partnership;
- (b) is not a fit person to manage the private dental practice; or
- (c) is not, or does not intend to be, in full-time day to day charge of the private dental practice.

(2) If the registered provider appoints an individual to manage the private dental practice, the registered provider must immediately give notice to the appropriate office of the registration authority of the name of the individual appointed and the date on which the appointment takes effect.

Fitness of manager

11.—(1) A person must not manage a private dental practice unless the person is fit to do so.

(2) A person is not fit to manage a private dental practice unless—

- (a) the person is of suitable integrity and good character to manage the private dental practice; and
- (b) having regard to the size of the private dental practice, the statement of purpose and the number and needs of the patients—

(1) *Gweler* adran 381(1) o Ddeddf Ansolfedd 1986 am ystyr "bankrupt".

(2) *Gweler* adran 381(2) o Ddeddf Ansolfedd 1986 am ystyr "bankruptcy order".

(3) 1986 p. 45. Mewnosodwyd adran 251A gan adran 108 o Ddeddf Tribiwlysoedd, Llysoedd a Gorfodaeth 2007 (p. 15) ac Atodlen 17 iddi.

(1) *See* section 381(1) of the Insolvency Act 1986 for the meaning of "bankrupt".

(2) *See* section 381(2) of the Insolvency Act 1986 for the meaning of "bankruptcy order".

(3) 1986 c. 45. Section 251A was inserted by section 108 of and Schedule 17 to the Tribunals, Courts and Enforcement Act 2007 (c. 15).

- (i) bod gan y person y cymwysterau, y sgiliau a'r profiad angenrheidiol i reoli'r practis deintyddol preifat; a
- (ii) bod y person yn gallu gwneud hynny oherwydd ei iechyd, ar ôl i addasiadau rhesymol (os oes rhai) gael eu gwneud; a
- (iii) bod gwybodaeth neu ddogfennaeth lawn a boddhaol, yn ôl y digwydd, ar gael mewn perthynas â'r person mewn cysylltiad â phob un o'r materion a bennir yn Rhan 1 o Atodlen 3.

(3) Wrth asesu cymeriad person at ddibenion paragraff (2)(a), rhaid i'r materion a ystyrir gynnwys y rhai a restrir yn Rhan 2 o Atodlen 3.

(4) Pan fo person yn rheoli mwy nag un practis deintyddol preifat, rhaid iddo dreulio amser digonol ym mhob practis i sicrhau bod y practis yn cael ei reoli'n effeithiol.

Y person cofrestredig – gofynion cyffredinol a hyfforddiant

12.—(1) Rhaid i'r darparwr cofrestredig a'r rheolwr cofrestredig gynnal neu reoli'r practis deintyddol preifat, yn ôl y digwydd, gyda gofal, cymhwysedd a sgil digonol, gan roi sylw i faint y practis deintyddol preifat, y datganiad o ddiben a nifer y cleifion a'u hanghenion.

(2) Rhaid i'r darparwr cofrestredig a'r rheolwr cofrestredig ymgymryd, o bryd i'w gilydd, ag unrhyw hyfforddiant sy'n briodol er mwyn sicrhau bod ganddynt y sgiliau y mae eu hangen i gynnal neu reoli'r practis deintyddol preifat, yn ôl y digwydd.

(3) At ddibenion y rheoliad hwn, rhaid i'r sawl a ganlyn ymgymryd â'r hyfforddiant y cyfeirir ato ym mharagraff (2)—

- (a) yr unigolyn, os yw'r darparwr cofrestredig yn unigolyn;
- (b) yr unigolyn cyfrifol, os yw'r darparwr cofrestredig yn sefydliad; neu
- (c) un o'r partneriaid, os yw'r darparwr cofrestredig yn bartneriaeth.

- (i) the person has the qualifications, skills and experience necessary to manage the private dental practice; and
- (ii) the person is able by reason of their health, after reasonable adjustments (if any) are made, to do so; and
- (iii) full and satisfactory information or documentation, as the case may be, is available in relation to the person in respect of each of the matters specified in Part 1 of Schedule 3.

(3) In assessing a person's character for the purposes of paragraph (2)(a), the matters considered must include those listed in Part 2 of Schedule 3.

(4) Where a person manages more than one private dental practice, that person must spend sufficient time at each practice to ensure that the practice is managed effectively.

Registered person – general requirements and training

12.—(1) The registered provider and the registered manager must, having regard to the size of the private dental practice, the statement of purpose and the number and needs of the patients, carry on or manage the private dental practice, as the case may be, with sufficient care, competence and skill.

(2) The registered provider and the registered manager must undertake, from time to time, such training as is appropriate to ensure that they have the skills necessary to carry on or manage the private dental practice, as the case may be.

(3) For the purposes of this regulation, the training referred to in paragraph (2) must be undertaken by—

- (a) the individual, if the registered provider is an individual;
- (b) the responsible individual, if the registered provider is an organisation; or
- (c) one of the partners, if the registered provider is a partnership.

RHAN 3

Rhedeg Practis Deintyddol Preifat

PENNOD 1

Ansawdd y Gwasanaethau a Ddarperir

Ansawdd y driniaeth a'r gwasanaethau eraill a ddarperir

13.—(1) Yn ddarostyngedig i reoliad 5(4) (datganiad o ddiben), rhaid i'r person cofrestredig ddarparu unrhyw driniaeth a gwasanaethau eraill i gleifion yn unol â'r datganiad o ddiben a rhaid iddo sicrhau bod unrhyw driniaeth a gwasanaethau eraill a ddarperir i bob claf—

- (a) yn diwallu anghenion unigol y claf; a
- (b) yn sicrhau lles a diogelwch y claf.

(2) Rhaid i'r person cofrestredig sicrhau—

- (a) bod yr holl gyfarpar a ddefnyddir yn, neu at ddibenion, y practis deintyddol preifat yn ddiogel ac mewn cyflwr da ac yn addas at y diben y mae i gael ei ddefnyddio ar ei gyfer; a
- (b) bod staff wedi eu hyfforddi'n ddigonol i ddefnyddio unrhyw gyfarpar (gan gynnwys dyfeisiau meddygol a systemau diagnostig) y mae'n ofynnol iddynt ei ddefnyddio yn, neu at ddibenion, y practis deintyddol preifat.

(3) Pan fo dyfeisiau meddygol amldro yn cael eu defnyddio mewn practis deintyddol preifat, rhaid i'r person cofrestredig sicrhau—

- (a) bod dyfeisiau o'r fath yn cael eu trin yn ddiogel;
- (b) bod gweithdrefnau priodol yn cael eu gweithredu mewn perthynas â glanhau, diheintio, arolygu, pecynnu, sterileiddio, cludo a storio dyfeisiau o'r fath; ac
- (c) bod trefniadau priodol yn eu lle ar gyfer delio'n ddi-oed ag unrhyw fethiant o ran dyfais neu system.

(4) Rhaid i'r person cofrestredig amddiffyn cleifion rhag y risgiau sy'n gysylltiedig â defnyddio a rheoli meddyginiaethau yn annigol, drwy—

- (a) gwneud trefniadau priodol ar gyfer cael, cofnodi, trin, defnyddio, cadw'n ddiogel, gweinyddu, rhoi a gwaredu'n ddiogel feddyginiaethau a ddefnyddir yn, neu at ddibenion, y practis deintyddol preifat;
- (b) rhoi sylw i unrhyw ganllawiau a ddyroddir gan yr awdurdod cofrestru neu gan gorff arbenigol priodol mewn perthynas â thrin a defnyddio meddyginiaethau yn ddiogel;

PART 3

Conduct of Private Dental Practice

CHAPTER 1

Quality of Service Provision

Quality of treatment and other service provision

13.—(1) Subject to regulation 5(4) (statement of purpose), the registered person must provide any treatment and other services to patients in accordance with the statement of purpose, and must ensure that any treatment and other services provided to each patient—

- (a) meet the patient's individual needs; and
- (b) ensure the welfare and safety of the patient.

(2) The registered person must ensure that—

- (a) all equipment used in or for the purposes of the private dental practice is safe and in good condition and suitable for the purpose for which it is to be used; and
- (b) staff are adequately trained to use any equipment (including medical devices and diagnostic systems) that they are required to use in or for the purposes of the private dental practice.

(3) Where reusable medical devices are used in a private dental practice, the registered person must ensure that—

- (a) such devices are handled safely;
- (b) appropriate procedures are implemented in relation to cleaning, disinfection, inspection, packaging, sterilisation, transportation and storage of such devices; and
- (c) appropriate arrangements are in place for promptly dealing with any device or system failure.

(4) The registered person must protect patients against the risks associated with the unsafe use and management of medicines, by—

- (a) making appropriate arrangements for the obtaining, recording, handling, using, safe keeping, dispensing, safe administration and disposal of medicines used in or for the purposes of the private dental practice;
- (b) having regard to any guidance issued by the registration authority or appropriate expert body in relation to the safe handling and use of medicines;

- (c) sicrhau bod deintyddion a phroffesiynolion gofal deintyddol wedi eu cymhwyso a'u hyfforddi i ragnodi a rhoi meddyginiaethau o fewn eu cwmpas ymarfer;
- (d) sicrhau bod gan gleifion a staff fynediad at gyngor a gwybodaeth am feddyginiaethau a ddefnyddir yn, neu at ddibenion, y practis deintyddol preifat; ac
- (e) sicrhau yr adroddir ar bob digwyddiad andwyol sy'n ymwneud â chyffuriau.

(5) Rhaid i'r person cofrestredig, i'r graddau y mae'n rhesymol ymarferol, sicrhau bod y personau a ganlyn yn cael eu hamddiffyn rhag y risgiau adnabyddadwy o gael haint sy'n gysylltiedig â gofal iechyd drwy'r dulliau a bennir ym mharagraff (6)—

- (a) cleifion; a
- (b) eraill a all fod yn wynebu risg o ddod i gysylltiad â haint o'r fath sy'n deillio o weithio mewn, neu at ddibenion, practis deintyddol preifat.

(6) Y dulliau y cyfeirir atynt ym mharagraff (5) yw—

- (a) gweithrediad effeithiol systemau a ddyluniwyd i asesu'r risg o gael haint sy'n gysylltiedig â gofal iechyd ac atal, canfod a rheoli lledaeniad haint o'r fath;
- (b) cynnal safonau priodol o lanweithdra a hylendid mewn perthynas ag—
 - (i) y mangreoedd a ddefnyddir at ddiben cynnal y practis deintyddol preifat;
 - (ii) cyfarpar a dyfeisiau meddygol aml dro a ddefnyddir at ddiben cynnal y practis deintyddol preifat; a
 - (iii) deunyddiau sydd i gael eu defnyddio wrth drin defnyddwyr gwasanaethau, pan fo risg y gall deunyddiau o'r fath gael eu halogi; ac
- (c) sicrhau bod system effeithiol yn cael ei gweithredu er mwyn sicrhau bod pob aelod o staff wedi cwblhau'n llwyddiannus—
 - (i) gwiriadau iechyd safonol; a
 - (ii) gwiriadau iechyd ychwanegol pan fydd staff yn gwneud triniaethau a all arwain at gysylltiad.

(7) Rhaid i'r person cofrestredig roi sylw i'r canllawiau presennol a gyhoeddwyd gan Weinidogion Cymru(1) wrth weithredu'r system y cyfeirir ati ym mharagraff (6)(c).

- (c) ensuring that dentists and dental care professionals are qualified and trained in prescribing and administering medicines within their scope of practice;
- (d) ensuring that patients and staff have access to advice and information on medicines used in or for the purposes of the private dental practice; and
- (e) ensuring that all drug-related adverse incidents are reported.

(5) The registered person must, so far as reasonably practicable, ensure that the following persons are protected against identifiable risks of acquiring a health care-associated infection by the means specified in paragraph (6)—

- (a) patients; and
- (b) others who may be at risk of exposure to such an infection arising from working in or for the purposes of a private dental practice.

(6) The means referred to in paragraph (5) are—

- (a) the effective operation of systems designed to assess the risk of and to prevent, detect and control the spread of a health care-associated infection;
- (b) the maintenance of appropriate standards of cleanliness and hygiene in relation to—
 - (i) premises used for the purpose of carrying on the private dental practice;
 - (ii) equipment and reusable medical devices used for the purpose of carrying on the private dental practice; and
 - (iii) materials to be used in the treatment of service users where such materials are at risk of being contaminated; and
- (c) ensuring that an effective system is implemented for ensuring that all staff have successfully completed—
 - (i) standard health checks; and
 - (ii) additional health checks where staff will be performing exposure-prone procedures.

(7) The registered person must have regard to current guidance published by the Welsh Ministers(1) when implementing the system referred to in paragraph (6)(c).

(1) Mae'r canllawiau ar gliriadau iechyd ar gyfer gweithwyr iechyd ar hyn o bryd wedi eu nodi yng Nghylchlythyr Iechyd Cymru WHC

(1) Guidance on health clearance for health workers is currently set out in the Welsh Health Circular WHC (2006) 86 published by the Welsh Government. This guidance is subject to amendment.

(8) Rhaid i'r person cofrestredig ystyried unrhyw gyngor sy'n ymwneud â'r math o driniaeth y mae'r practis deintyddol preifat yn ei ddarparu ac sy'n ymwneud â gwybodaeth am ddiogelwch cleifion a gyhoeddir gan gyrff arbenigol rheoleiddiol, proffesiynol neu statudol cydnabyddedig.

(9) Rhaid i'r person cofrestredig sicrhau—

- (a) bod cleifion yn cael gwybodaeth amserol a hygyrch am eu cyflwr, eu gofal, eu meddyginiaeth, eu triniaeth a'u trefniadau cymorth;
- (b) bod cleifion yn cael cyfleoedd i drafod yr opsiynau sydd ar gael mewn perthynas â'u meddyginiaeth (os oes meddyginiaeth), eu triniaeth a'u cymorth a chytuno ar yr opsiynau hynny;
- (c) bod gwybodaeth am gleifion yn cael ei thrin yn gyfrinachol; a
- (d) bod cydsyniad dilys yn cael ei roi i'r driniaeth.

Diogelu cleifion

14.—(1) Rhaid i'r person cofrestredig wneud trefniadau addas i sicrhau bod cleifion yn cael eu diogelu rhag y risg o gael eu cam-drin a'u trin yn amhriodol drwy—

- (a) sicrhau bod staff yn ymwybodol o'r angen i ddiogelu plant ac oedolion sy'n wynebu risg⁽¹⁾ a'u bod yn gyfarwydd ag unrhyw weithdrefnau cenedlaethol ar gyfer amddiffyn plant ac oedolion sy'n wynebu risg;
- (b) sicrhau bod staff wedi eu hyfforddi'n briodol mewn materion diogelu gan gynnwys amddiffyn plant ac oedolion sy'n wynebu risg;
- (c) sicrhau bod staff yn gwybod â phwy i gysylltu yn lleol os bydd pryder sy'n ymwneud ag amddiffyn plant ac oedolion sy'n wynebu risg;
- (d) cymryd camau rhesymol i nodi'r posibilrwydd o gam-drin ac ymateb yn briodol i unrhyw honiadau o gam-drin; ac
- (e) sicrhau bod gan staff fynediad at gymorth a'r canllawiau diweddaraf os bydd pryder ynghylch lles a diogelwch plentyn neu oedolyn sy'n wynebu risg.

(8) The registered person must take account of any advice relating to the type of treatment the private dental practice provides and to patient safety information published by recognised regulatory, professional or statutory expert bodies.

(9) The registered person must ensure that—

- (a) patients are provided with timely and accessible information on their condition, care, medication, treatment and support arrangements;
- (b) patients are provided with opportunities to discuss and agree options available in relation to their medication (if any), treatment and support;
- (c) patient information is treated confidentially; and
- (d) valid consent is given to treatment.

Safeguarding patients

14.—(1) The registered person must make suitable arrangements to ensure that patients are safeguarded against the risk of abuse and improper treatment by—

- (a) ensuring that staff are made aware of the need to safeguard children and adults at risk⁽¹⁾ and are familiar with any national procedures for the protection of children and adults at risk;
- (b) ensuring that staff are appropriately trained in safeguarding issues including the protection of children and adults at risk;
- (c) ensuring that staff are aware of who to contact locally in the event of a concern relating to the protection of children and adults at risk;
- (d) taking reasonable steps to identify the possibility of abuse and responding appropriately to any allegations of abuse; and
- (e) ensuring that staff have access to support and up-to-date guidance in the event of a concern about the welfare and safety of a child or adult at risk.

(2006) 86 a gyhoeddwyd gan Lywodraeth Cymru. Mae'r canllawiau hyn yn ddarostyngedig i ddiwygiadau.

(1) Mae i "oedolion sy'n wynebu risg" yr un ystyr ag yn adran 126(1) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4).

(1) "Adults at risk" has the same meaning as in section 126(1) of the Social Services and Well-being (Wales) Act 2014 (anaw 4).

(2) Wrth wneud y trefniadau y cyfeirir atynt ym mharagraff (1), rhaid i'r person cofrestredig roi sylw i unrhyw ganllawiau a ddyroddir gan yr awdurdod cofrestru neu'r corff arbenigol priodol mewn perthynas ag amddiffyn plant ac oedolion sy'n wynebu risg.

Preifatrwydd, urddas a pherthnasau

15.—(1) Rhaid i'r person cofrestredig wneud trefniadau addas i sicrhau bod y practis deintyddol preifat yn cael ei redeg mewn ffordd sy'n parhau preifatrwydd ac urddas cleifion.

(2) Wrth wneud y trefniadau y cyfeirir atynt ym mharagraff (1), rhaid i'r person cofrestredig roi sylw i'r nodweddion gwarchoddedig a nodir yn Neddff Cydraddoldeb 2010(1).

(3) Rhaid i'r darparwr cofrestredig a'r rheolwr cofrestredig (os oes un) gymryd pob cam rhesymol i sicrhau bod y practis deintyddol preifat yn cael ei redeg ar sail perthnasau personol a phroffesiynol da—

- (a) rhwng y naill a'r llall;
- (b) rhyngddynt hwy ac aelodau'r staff; ac
- (c) rhwng pob un sy'n cael ei gyflogi yn, neu at ddibenion, y practis deintyddol preifat a'r cleifion.

Asesu a monitro ansawdd y gwasanaethau a ddarperir gan gynnwys ffurflenni blynyddol

16.—(1) Rhaid i'r person cofrestredig—

- (a) asesu a monitro'n rheolaidd ansawdd y gwasanaethau a ddarperir wrth gynnal y practis yn erbyn y gofynion a nodir yn y Rheoliadau hyn; a
- (b) nodi, asesu a rheoli risgiau sy'n ymwneud ag iechyd, lles a diogelwch staff a chleifion.

(2) At ddibenion paragraff (1), rhaid i'r person cofrestredig—

- (a) pan fo'n briodol, gael cyngor proffesiynol perthnasol;
- (b) rhoi sylw i—
 - (i) yr wybodaeth sydd wedi ei chynnwys yn y cofnodion y cyfeirir atynt yn rheoliad 20 (cofnodion);

(2) When making the arrangements referred to in paragraph (1), the registered person must have regard to any guidance issued by the registration authority or appropriate expert body in relation to the protection of children and adults at risk.

Privacy, dignity and relationships

15.—(1) The registered person must make suitable arrangements to ensure that the private dental practice is conducted in a manner which respects the privacy and dignity of patients.

(2) When making the arrangements referred to in paragraph (1), the registered person must have regard to the protected characteristics set out in the Equality Act 2010(1).

(3) The registered provider and the registered manager (if any) must take all reasonable steps to ensure that the private dental practice is conducted on the basis of good personal and professional relationships—

- (a) between each other;
- (b) between them and the staff members; and
- (c) between all those employed in or for the purposes of the private dental practice and the patients.

Assessing and monitoring the quality of service provision including annual returns

16.—(1) The registered person must—

- (a) regularly assess and monitor the quality of the services provided in the carrying on of the practice against the requirements set out in these Regulations; and
- (b) identify, assess and manage risks relating to the health, welfare and safety of staff and patients.

(2) For the purposes of paragraph (1), the registered person must—

- (a) where appropriate, obtain relevant professional advice;
- (b) have regard to—
 - (i) the information contained in the records referred to in regulation 20 (records);

(1) 2010 p. 15. Mae'r nodweddion gwarchoddedig wedi eu nodi ym Mhennod 1 o Ran 2 o Ddeddf Cydraddoldeb 2010.

(1) 2010 c. 15. The protected characteristics are set out in Chapter 1 of Part 2 of the Equality Act 2010.

- (ii) y sylwadau a'r cwynion a wneir, a'r safbwyntiau (gan gynnwys y disgrifiadau o'u profiadau o ofal a thriniaeth) a fynegir gan gleifion yn unol ag is-baragraff (c) a rheoliad 21 (cwynion);
- (iii) unrhyw ymchwiliad a gynhelir gan y person cofrestredig mewn perthynas ag ymddygiad person a gyflogir at ddiben cynnal y practis deintyddol preifat; a
- (iv) adroddiadau a lunnir gan yr awdurdod cofrestru o bryd i'w gilydd yn unol ag adran 32(5) o'r Ddeddf (arolygiadau: atodol) mewn perthynas â'r practis deintyddol preifat;
- (c) mynd ati'n rheolaidd i geisio safbwyntiau (gan gynnwys y disgrifiadau o'u profiadau o ofal a thriniaeth) cleifion a phersonau sydd wedi eu cyflogi yn, neu at ddibenion, y practis deintyddol preifat; a
- (d) pan fo angen, gwneud newidiadau i gyflenwi gwasanaethau, triniaeth neu ofal a ddarperir er mwyn adlewyrchu—
 - (i) y dadansoddiad o ddigwyddiadau a achosodd, neu a oedd â'r potensial i achosi, niwed i glaf;
 - (ii) casgliadau'r adolygiadau lleol a chenedlaethol o wasanaethau, archwiliadau clinigol a gwaith ymchwil a gynhelir gan gyrff arbenigol priodol; a
 - (iii) safbwyntiau cleifion a phersonau sydd wedi eu cyflogi yn, neu at ddibenion, y practis deintyddol preifat.

(3) Rhaid i'r person cofrestredig, pan ofynnir iddo wneud hynny, anfon i swyddfa briodol yr awdurdod cofrestru ffurflen flynyddol sy'n nodi sut y mae'r person cofrestredig wedi bodloni gofynion paragraff (1), ynghyd ag unrhyw gynlluniau sydd gan y person cofrestredig ar gyfer gwella safon y gwasanaethau, y driniaeth a'r gofal a ddarperir i gleifion gyda golwg ar sicrhau eu hiechyd, eu lles a'u diogelwch.

(4) Rhaid i'r person cofrestredig gymryd camau rhesymol i sicrhau nad yw'r ffurflen flynyddol yn gamarweiniol nac yn anghywir.

(5) Rhaid i'r person cofrestredig gyflenwi'r ffurflen flynyddol i swyddfa briodol yr awdurdod cofrestru o fewn yr amserlen a fyynnir gan yr awdurdod.

- (ii) the comments and complaints made, and views (including the descriptions of their experiences of care and treatment) expressed by patients pursuant to subparagraph (c) and regulation 21 (complaints);
- (iii) any investigation carried out by the registered person in relation to the conduct of a person employed for the purpose of carrying on the private dental practice; and
- (iv) reports prepared by the registration authority from time to time pursuant to section 32(5) of the Act (inspections: supplementary) in relation to the private dental practice;
- (c) regularly seek the views (including the descriptions of their experiences of care and treatment) of patients and persons who are employed in or for the purposes of the private dental practice; and
- (d) where necessary, make changes to the service delivery, treatment or care provided in order to reflect—
 - (i) the analysis of incidents that resulted in, or had the potential to result in, harm to a patient;
 - (ii) the conclusions of local and national service reviews, clinical audits and research carried out by appropriate expert bodies; and
 - (iii) the views of patients and persons who are employed in or for the purposes of the private dental practice.

(3) The registered person must send to the appropriate office of the registration authority, when requested to do so, an annual return setting out how the registered person has met the requirements of paragraph (1), together with any plans that the registered person has for improving the standard of the services, treatment and care provided to patients with a view to ensuring their health, welfare and safety.

(4) The registered person must take reasonable steps to ensure that the annual return is not misleading or inaccurate.

(5) The registered person must supply the annual return to the appropriate office of the registration authority within the time frame stipulated by the authority.

Staffio

17.—(1) Rhaid i'r person cofrestredig, wedi rhoi sylw i natur y practis deintyddol preifat, y datganiad o ddiben a nifer y cleifion a'u hanghenion—

- (a) sicrhau bod personau sydd â'r cymwysterau, y sgiliau a'r profiad addas bob amser yn gweithio yn, neu at ddibenion, y practis deintyddol preifat a bod eu niferoedd yn briodol ar gyfer iechyd, lles a diogelwch y cleifion; a
- (b) sicrhau na fydd cyflogi unrhyw bersonau ar sail dros dro yn, neu at ddibenion, y practis deintyddol preifat yn rhwystro cleifion rhag cael parhad gofal sy'n rhesymol i ddiwallu eu hanghenion.

(2) Rhaid i'r person cofrestredig sicrhau bod pob deintydd neu broffesiynolyn gofal deintyddol sy'n gweithio yn, neu at ddibenion, y practis deintyddol preifat wedi ei gofrestru â'r Cyngor Deintyddol Cyffredinol.

(3) Rhaid i'r person cofrestredig sicrhau bod pob person a gyflogir yn, neu at ddibenion, y practis deintyddol preifat—

- (a) yn cael ei hyfforddi a'i oruchwylio'n briodol;
- (b) yn cael ei alluogi o bryd i'w gilydd i gael hyfforddiant pellach sy'n briodol i'w rôl;
- (c) yn cael disgrifiad swydd sy'n amlinellu cyfrifoldebau'r person;
- (d) â chontract ysgrifenedig; ac
- (e) â mynediad at brosesau sy'n ei alluogi i fynegi pryderon, yn gyfrinachol a heb ragfarnu ei gyflogaeth, am unrhyw agwedd ar gyflenwi gwasanaethau, triniaeth neu reoli.

(4) Rhaid i'r person cofrestredig sicrhau bod pob person a gyflogir yn, neu at ddibenion, y practis meddygol preifat yn cael ei harfarnu'n rheolaidd ac yn briodol, a rhaid iddo gymryd unrhyw gamau angenrheidiol er mwyn ymdrin ag unrhyw agwedd—

- (a) ar ymarfer clinigol deintyddol neu broffesiynolyn gofal deintyddol; neu
- (b) ar berfformiad aelod o staff nad yw'n ddeintyddol nac yn broffesiynolyn gofal deintyddol,

y cafwyd ei bod yn anfoddhaol.

(5) Rhaid i'r person cofrestredig gymryd camau rhesymol i sicrhau bod unrhyw bersonau sy'n gweithio yn, neu at ddibenion, y practis deintyddol preifat, nad ydynt yn cael eu cyflogi gan y person cofrestredig ac nad yw paragraff (3) yn gymwys iddynt, yn cael eu goruchwylio'n briodol tra bônt yn cyflawni eu dyletswyddau, er mwyn sicrhau na pheryglir iechyd, lles a diogelwch y cleifion.

Staffing

17.—(1) The registered person must, having regard to the nature of the private dental practice, the statement of purpose and the number and needs of patients—

- (a) ensure that at all times suitably qualified, skilled and experienced persons are working in or for the purposes of the private dental practice in such numbers as are appropriate for the health, welfare and safety of the patients; and
- (b) ensure that the employment of any persons on a temporary basis in or for the purposes of the private dental practice will not prevent patients from receiving such continuity of care as is reasonable to meet their needs.

(2) The registered person must ensure that each dentist or dental care professional working in or for the purposes of the private dental practice is registered with the General Dental Council.

(3) The registered person must ensure that each person employed in or for the purposes of the private dental practice—

- (a) receives appropriate training and supervision;
- (b) is enabled from time to time to obtain further training appropriate to their role;
- (c) is provided with a job description outlining the person's responsibilities;
- (d) has a written contract; and
- (e) has access to processes which enable them to raise, in confidence and without prejudice to their employment, concerns over any aspect of service delivery, treatment or management.

(4) The registered person must ensure that each person employed in or for the purposes of the private dental practice receives regular and appropriate appraisals and must take such steps as may be necessary to address any aspect of—

- (a) a dentist or dental care professional's clinical practice; or
- (b) the performance of a member of staff who is not a dentist or dental care professional,

which is found to be unsatisfactory.

(5) The registered person must take reasonable steps to ensure that any persons working in or for the purposes of the private dental practice who are not employed by the registered person and to whom paragraph (3) does not apply are appropriately supervised while carrying out their duties to ensure patients' health, welfare and safety are not compromised.

Addasrwydd gweithwyr

18.—(1) Ni chaiff person cofrestredig—

- (a) cyflogi person o dan contract cyflogaeth i weithio mewn, neu at ddibenion, practis deintyddol preifat onid yw'r person hwnnw yn addas i wneud hynny; neu
- (b) caniatáu i unrhyw berson arall weithio mewn, neu at ddibenion, practis deintyddol preifat onid yw'r person hwnnw yn addas i wneud hynny.

(2) At ddibenion paragraff (1) nid yw person yn addas i weithio yn, neu at ddibenion, y practis deintyddol preifat—

- (a) onid yw'r person wedi ei gofrestru â'r Cyngor Deintyddol Cyffredinol, os yw'n ofynnol iddo wneud hynny;
- (b) onid yw'r person yn addas o ran ei uniondeb ac o gymeriad da;
- (c) onid oes gan y person y cymwysterau, y sgiliau a'r profiad angenrheidiol ar gyfer y gwaith y mae'r person hwnnw i'w wneud;
- (d) onid yw'r person oherwydd ei iechyd, ar ôl i addasiadau rhesymol (os oes rhai) gael eu gwneud, yn gallu cyflawni tasgau sy'n rhan annatod o'r gwaith hwnnw yn briodol; ac
- (e) onid oes wybodaeth neu ddogfennaeth lawn a boddhaol, yn ôl y digwydd, ar gael mewn perthynas â'r person mewn cysylltiad â phob un o'r materion a bennir yn Rhan 1 o Atodlen 3.

(3) Wrth asesu cymeriad unigolyn at ddibenion paragraff (2)(b), rhaid i'r materion a ystyrir gynnwys y rhai a restrir yn Rhan 2 o Atodlen 3.

Canllawiau ar gyfer deintyddion a phroffesiynolion gofal deintyddol

19. Rhaid i'r person cofrestredig sicrhau bod unrhyw god moeseg neu god ymarfer proffesiynol a lunnir gan y Cyngor Deintyddol Cyffredinol yn cael ei roi ar gael yn y practis deintyddol preifat.

Cofnodion

20.—(1) Rhaid i'r person cofrestredig sicrhau bod cofnod gofal deintyddol cynhwysfawr a gaiff fod ar ffurf bapur neu electronig yn cael ei gynnal mewn perthynas â phob claf—

- (a) sy'n cynnwys—
 - (i) nodyn cyfredol a chywir o'r holl asesu, cynllunio triniaeth a thriniaeth a ddarperir i'r claf; a

Fitness of workers

18.—(1) The registered person must not—

- (a) employ under a contract of employment a person to work in or for the purposes of a private dental practice unless that person is fit to do so; or
- (b) allow any other person to work in or for the purposes of a private dental practice unless that person is fit to do so.

(2) For the purposes of paragraph (1) a person is not fit to work in or for the purposes of the private dental practice unless—

- (a) the person is registered with the General Dental Council, if they are required to do so;
- (b) the person is of suitable integrity and good character;
- (c) the person has the qualifications, skills and experience which are necessary for the work which that person is to perform;
- (d) the person is able, by reason of their health, after reasonable adjustments (if any) are made, of properly performing tasks which are intrinsic to that work; and
- (e) full and satisfactory information or documentation, as the case may be, is available in relation to the person in respect of each of the matters specified in Part 1 of Schedule 3.

(3) In assessing an individual's character for the purposes of paragraph (2)(b), the matters considered must include those listed in Part 2 of Schedule 3.

Guidance for dentists and dental care professionals

19. The registered person must ensure that any code of ethics or professional practice prepared by the General Dental Council is made available in the private dental practice.

Records

20.—(1) The registered person must ensure that a comprehensive dental care record which may be in paper or electronic form is maintained in relation to each patient—

- (a) which includes—
 - (i) a contemporaneous and accurate note of all assessment, treatment planning and treatment provided to the patient; and

(ii) hanes deintyddol y claf ac unrhyw hanes meddygol perthnasol a'r holl nodiadau eraill a lunnir gan ddeintydd neu broffesiynolyn gofal deintyddol ynghylch achos y claf; a

(b) bod y cofnod yn cael ei gadw am isafswm cyfnod o wyth mlynedd sy'n dechrau ar y dyddiad y daeth y driniaeth y mae'r cofnod yn cyfeirio ati i ben neu y cafodd y driniaeth honno ei therfynu.

(2) Rhaid i'r person cofrestredig sicrhau—

(a) bod cofnod gofal deintyddol person sydd ar hyn o bryd yn glaf yn cael ei gadw mewn lle diogel yn y fangre a ddefnyddir i gynnal y practis deintyddol preifat; a

(b) bod cofnod gofal deintyddol person nad yw'n glaf mwyach yn cael ei storio'n ddiogel (pa un ai yn y practis neu mewn man arall) a bod modd dod o hyd iddo pe bai angen.

(3) Pan fo practis deintyddol preifat yn peidio â gweithredu rhaid i'r person cofrestredig sicrhau bod y cofnodion a gynhelir yn unol â pharagraff (1) yn cael eu cadw'n ddiogel mewn man arall a rhaid iddo eu rhoi ar gael i'r awdurdod cofrestru edrych arnynt os bydd yr awdurdod yn gofyn amdanynt.

Cwynion

21.—(1) Rhaid i'r person cofrestredig sefydlu a gweithredu'n effeithiol weithdrefn glir a hygyrch (“y weithdrefn gwyno”) ar gyfer ystyried cwynion a wneir i'r person cofrestredig gan glaf ac ymateb i'r cwynion hynny.

(2) Rhaid i'r person cofrestredig—

(a) sicrhau yr ymchwiliad i unrhyw gŵyn a wneir o dan y weithdrefn gwyno;

(b) sicrhau bod camau angenrheidiol a chymesur yn cael eu cymryd mewn ymateb i unrhyw fethiant a nodir gan y gŵyn neu'r ymchwiliad; ac

(c) wrth weithredu'r weithdrefn gwyno, gymryd i ystyriaeth ddyuniadau a theimladau'r claf hyd y gellir eu canfod a pharchu preifatrwydd y claf gymaint ag y bo'n bosibl.

(3) Rhaid i'r person cofrestredig gyflenwi copi ysgrifenedig o'r weithdrefn gwyno ar gais i glaf ac unrhyw ddarpar glaf.

(4) Rhaid i'r copi ysgrifenedig o'r weithdrefn gwyno gynnwys—

(a) enw, cyfeiriad a rhif ffôn yr awdurdod cofrestru; a

(ii) the patient's dental and any relevant medical history and all other notes prepared by a dentist or dental care professional about the patient's case; and

(b) the record is retained for a minimum period of eight years beginning on the date on which the treatment which the record refers was concluded or terminated.

(2) The registered person must ensure that—

(a) the dental care record for a person who is currently a patient is kept in a secure place in the premises used to carry on the private dental practice; and

(b) the dental care record for a person who is no longer a patient is stored securely (whether in the practice or elsewhere) and that it can be located if required.

(3) Where a private dental practice ceases to operate the registered person must ensure that the records maintained in accordance with paragraph (1) are kept securely elsewhere and must make them available for inspection by the registration authority at its request.

Complaints

21.—(1) The registered person must establish and operate effectively a clear and accessible procedure (“the complaints procedure”) for considering and responding to complaints made to the registered person by a patient.

(2) The registered person must—

(a) ensure that any complaint made under the complaints procedure is investigated;

(b) ensure that necessary and proportionate action is taken in response to any failure identified by the complaint or investigation; and

(c) in operating the complaints procedure, take account of the ascertainable wishes and feelings of the patient and respect the patient's privacy as far as possible.

(3) The registered person must supply a written copy of the complaints procedure upon request to a patient and any prospective patient.

(4) The written copy of the complaints procedure must include—

(a) the name, address and telephone number of the registration authority; and

- (b) y weithdrefn (os oes un) y mae'r person cofrestredig wedi ei hysbysu amdani gan yr awdurdod cofrestru ar gyfer gwneud cwynion i'r awdurdod cofrestru ynghylch y practis deintyddol preifat.

(5) Rhaid i'r person cofrestredig gynnal cofnod o bob cwyn, gan gynnwys manylion yr ymchwiliadau a wneir, y canlyniad ac unrhyw gamau canlyniadol a gymerir, gan gynnwys a oes angen gweithredu i wella ansawdd y driniaeth neu'r gwasanaethau.

(6) Rhaid i'r person cofrestredig gyflenwi copïau o'r cofnodion a gynhelir o dan baragraff (5) i'r awdurdod cofrestru, ar ei gais, a hynny heb fod yn hwyrach nag 28 o ddiwrnodau sy'n dechrau ar y dyddiad ar ôl cael y cais.

PENNOD 2

Mangreoedd

Addasrwydd mangreoedd

22.—(1) Ni chaiff y person cofrestredig ddefnyddio mangre i gynnal practis deintyddol preifat oni bai bod y fangre honno o ddyluniad a chynllun ffisegol sy'n addas at ddiben cyflawni'r nodau a'r amcanion a nodir yn y datganiad o ddiben.

(2) Rhaid i'r person cofrestredig sicrhau—

- (a) bod y fangre yn darparu amgylchedd glân, diogel ac wedi ei ddiogelu;
- (b) bod y fangre o adeiladwaith cadarn ac yn cael ei chadw mewn cyflwr da yn allanol ac yn fewnol; ac
- (c) bod maint a chynllun y fangre yn addas at y dibenion y caiff ei defnyddio atynt a'i bod wedi ei chyfarparu a'i dodrefnu'n addas.

(3) Rhaid i'r person cofrestredig ddarparu'r canlynol ar gyfer cyflogeion—

- (a) cyfleusterau at ddibenion newid; a
- (b) cyfleusterau storio.

(4) Yn ddarostyngedig i baragraff (5) rhaid i'r person cofrestredig—

- (a) cymryd rhagofalon digonol yn erbyn y risg o dân, gan gynnwys darparu a chynnal a chadw cyfarpar digonol i atal a chanfod tân;
- (b) darparu dulliau digonol o ddianc os digwydd tân;
- (c) gwneud trefniadau er mwyn i bersonau a gyflogir yn y practis deintyddol preifat gael hyfforddiant addas mewn atal tân;

- (b) the procedure (if any) which has been notified by the registration authority to the registered person for making complaints to the registration authority relating to the private dental practice.

(5) The registered person must maintain a record of each complaint, including details of the investigations made, the outcome and any action taken in consequence, including whether any action is necessary to improve the quality of treatment or services.

(6) The registered person must supply to the registration authority at its request, and by no later than 28 days beginning on the date after receipt of the request, copies of records maintained under paragraph (5).

CHAPTER 2

Premises

Fitness of premises

22.—(1) The registered person must not use premises to carry on a private dental practice unless those premises are of a physical design and layout which are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered person must ensure that—

- (a) the premises provide a clean, safe and secure environment;
- (b) the premises are of sound construction and kept in a good state of repair externally and internally; and
- (c) the size and layout of the premises are suitable for the purposes for which they are used and are suitably equipped and furnished.

(3) The registered person must provide for employees—

- (a) facilities for the purposes of changing; and
- (b) storage facilities.

(4) Subject to paragraph (5) the registered person must—

- (a) take adequate precautions against the risk of fire, including the provision and maintenance of adequate fire prevention and detection equipment;
- (b) provide adequate means of escape in the event of a fire;
- (c) make arrangements for persons employed in the private dental practice to receive suitable training in fire prevention;

- (d) sicrhau, drwy gynnal driliau ac ymarferion tân fesul ysbaid addas, fod cyflogeion y practis deintyddol preifat yn ymwybodol o'r weithdrefn sydd i gael ei dilyn yn achos tân;
- (e) adolygu rhagofalon tân, addasrwydd cyfarpar tân a'r weithdrefn sydd i gael ei dilyn yn achos tân fesul ysbaid nad yw'n hwy na deuddeng mis; ac
- (f) llunio a chynnal asesiad risg diogelwch tân ysgrifenedig.

(5) Pan fo Gorchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005(1) yn gymwys i'r practis deintyddol preifat—

- (a) nid yw paragraff (4) yn gymwys; a
- (b) rhaid i'r person cofrestredig sicrhau y cydymffurfir â gofynion y Gorchymyn hwnnw, ac unrhyw reoliadau a wneir odano, ac eithrio erthygl 23 (dyletswyddau cyffredinol cyflogeion yn y gwaith), mewn cysylltiad â'r fangre a ddefnyddir at ddiben darparu gwasanaethau deintyddol preifat.

PENNOD 3

Rheoli

Ymweliadau gan ddarparwr cofrestredig â phractis deintyddol preifat

23.—(1) Pan fo'r person cofrestredig yn unigolyn nad yw'n rheoli'r practis deintyddol preifat, rhaid i'r unigolyn hwnnw ymweld â'r fangre a ddefnyddir i gynnal y practis deintyddol preifat yn unol â'r rheoliad hwn.

(2) Pan fo'r darparwr cofrestredig yn sefydliad neu'n bartneriaeth, rhaid i'r canlynol ymweld â'r fangre a ddefnyddir i gynnal y practis deintyddol preifat yn unol â'r rheoliad hwn—

- (a) yr unigolyn cyfrifol;
- (b) un arall o'r cyfarwyddwyr neu, yn ôl y digwydd, y partneriaid, neu'r personau eraill sy'n gyfrifol am reoli'r sefydliad neu'r bartneriaeth; neu
- (c) un o gyflogeion y sefydliad sydd â'r cymwysterau, y sgiliau a'r profiad priodol at y diben ac nad yw'n ymwneud yn uniongyrchol â rhedeg y practis deintyddol preifat.

(3) Rhaid gwneud ymweliadau o dan baragraff (1) neu (2) o leiaf bob deuddeng mis a chaniateir iddynt fod yn ddirybudd.

(4) Rhaid i'r person sy'n ymgymryd â'r ymweliad—

- (d) ensure, by means of fire drills and practices at suitable intervals, that employees of the private dental practice are aware of the procedure to be followed in case of fire;
- (e) review fire precautions, the suitability of fire equipment and the procedure to be followed in case of fire at intervals not exceeding twelve months; and
- (f) produce and maintain a written fire safety risk assessment.

(5) Where the Regulatory Reform (Fire Safety) Order 2005(1) applies to the private dental practice—

- (a) paragraph (4) does not apply; and
- (b) the registered person must ensure that the requirements of that Order, and any regulations made under it, except for article 23 (general duties of employees at work), are complied with in respect of the premises used for the purpose of providing private dental services.

CHAPTER 3

Management

Visits by registered provider to private dental practice

23.—(1) Where the registered provider is an individual who does not manage the private dental practice, that individual must visit the premises used to carry on the private dental practice in accordance with this regulation.

(2) Where the registered provider is an organisation or a partnership, the premises used to carry on the private dental practice must be visited in accordance with this regulation by—

- (a) the responsible individual;
- (b) another of the directors or, as the case may be, partners, or other persons responsible for the management of the organisation or partnership; or
- (c) an employee of the organisation who has appropriate qualifications, skills and experience for the purpose and who is not directly concerned with the conduct of the private dental practice.

(3) Visits under paragraph (1) or (2) must take place at least every twelve months and may be unannounced.

(4) The person carrying out the visit must—

(1) O.S. 2005/1541.

(1) S.I. 2005/1541.

- (a) cyf-weld ag unrhyw gyflogeion yr ymddengys ei bod yn angenrheidiol er mwyn ffurfio barn ynghylch safon y gofal, y driniaeth a'r gwasanaethau eraill a ddarperir yn, neu at ddibenion, y practis deintyddol preifat;
- (b) arolygu'r fangre a ddefnyddir i gynnal y practis deintyddol preifat a chofnodion o unrhyw gwynion; ac
- (c) llunio adroddiad ysgrifenedig ar y ffordd y mae'r practis deintyddol preifat yn cael ei redeg.

(5) Rhaid i'r darparwr cofrestredig gyflenwi copi o'r adroddiad y mae'n ofynnol ei wneud o dan baragraff (4)(c)—

- (a) i'r rheolwr cofrestredig; ac
- (b) yn achos ymweliad o dan baragraff (2)—
 - (i) pan fo'r darparwr cofrestredig yn sefydliad, i bob un o'r cyfarwyddwyr neu'r personau eraill sy'n gyfrifol am reoli'r sefydliad;
 - (ii) pan fo'r darparwr cofrestredig yn bartneriaeth, i bob un o'r partneriaid.

(6) Rhaid i'r darparwr cofrestredig, os yw'r awdurdod cofrestru yn gofyn felly, gyflenwi copi iddo o'r adroddiad y mae'n ofynnol ei wneud o dan baragraff (4)(c).

Sefyllfa ariannol

24. Rhaid i'r darparwr cofrestredig gymryd pob cam rhesymol i gynnal y practis deintyddol preifat mewn modd sy'n debygol o sicrhau y bydd yn hyfyw yn ariannol at ddiben cyflawni'r nodau a'r amcanion a nodir yn ei ddatganiad o ddiben.

PENNOD 4

Hysbysiadau sydd i Gael eu Rhoi i'r Awdurdod Cofrestru

Hysbysu am ddigwyddiadau

25.—(1) Rhaid i'r person cofrestredig roi hysbysiad i swyddfa briodol yr awdurdod cofrestru, cyn gynted ag y bo'n ymarferol gwneud hynny—

- (a) am farwolaeth claf neu unrhyw anaf difrifol i glaf—
 - (i) yn ystod triniaeth a ddarperir yn, neu at ddibenion, y practis deintyddol preifat;
 - (ii) o ganlyniad i driniaeth a ddarperir yn y practis deintyddol preifat; neu
 - (iii) sydd fel arall ar fangre'r practis deintyddol preifat;

- (a) interview such employees as appear to be necessary in order to form an opinion of the standard of care, treatment and other services provided in or for the purposes of the private dental practice;
- (b) inspect the premises used to carry on the private dental practice and records of any complaints; and
- (c) prepare a written report on the conduct of the private dental practice.

(5) The registered provider must supply a copy of the report required to be made under paragraph (4)(c) to—

- (a) the registered manager; and
- (b) in the case of a visit under paragraph (2)—
 - (i) where the registered provider is an organisation, to each of the directors or other persons responsible for the management of the organisation;
 - (ii) where the registered provider is a partnership, to each of the partners.

(6) The registered provider must, if the registration authority so requests, supply it with a copy of the report required to be made under paragraph (4)(c).

Financial position

24. The registered person must take all reasonable steps to carry on the private dental practice in such a manner as is likely to ensure that it will be financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose.

CHAPTER 4

Notices to be Given to the Registration Authority

Notification of events

25.—(1) The registered person must give notice to the appropriate office of the registration authority, as soon as it is practicable to do so, of—

- (a) the death of, or any serious injury to, a patient—
 - (i) during treatment provided in or for the purposes of the private dental practice;
 - (ii) as a consequence of treatment provided in the private dental practice; or
 - (iii) otherwise on the premises of the private dental practice;

- (b) am achos o unrhyw glefyd heintus sydd, ym marn unrhyw ddeintydd neu broffesiynolyn gofal deintyddol sy'n gweithio yn y practis, yn ddigon difrifol i roi hysbysiad yn ei gylch felly; neu
- (c) am unrhyw honiad o gamymddwyn sy'n arwain at niwed gwirioneddol neu niwed posibl i glaf gan y person cofrestredig neu unrhyw berson a gyflogir yn, neu at ddibenion, y practis deintyddol preifat.

(2) Yn achos marwolaeth claf, rhaid i'r person cofrestredig hefyd hysbysu'r awdurdod cofrestru am ddyddiad, amser, rheswm (pan fo'n hysbys) ac amgylchiadau marwolaeth y claf.

(3) Rhaid i'r person cofrestredig gadw cofnod ysgrifenedig diogel o'r holl ddiwyddiadau a restrir yn is-baragraffau (a) i (c) o baragraff (1).

Hysbysiad o absenoldeb dros dro berson cofrestredig

26.—(1) Pan fo—

- (a) darparwr cofrestredig sy'n rheoli'r practis deintyddol preifat; neu
- (b) rheolwr cofrestredig,

yn bwriadu bod yn absennol o'r practis deintyddol preifat am gyfnod parhaus o 28 o ddiwrnodau neu ragor, rhaid i'r person cofrestredig roi hysbysiad ysgrifenedig i swyddfa briodol yr awdurdod cofrestru.

(2) Ac eithrio yn achos argyfwng, rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (1) gael ei roi heb fod yn hwyrach nag un mis cyn dechrau'r absenoldeb arfaethedig, neu o fewn unrhyw gyfnod byrrach y cytunir arno â'r awdurdod cofrestru a rhaid i'r hysbysiad bennu, mewn cysylltiad â'r absenoldeb—

- (a) ei hyd neu ei hyd disgwylidig;
- (b) y rheswm drosto;
- (c) y trefniadau sydd wedi eu gwneud ar gyfer rhedeg y practis deintyddol preifat;
- (d) enw, cyfeiriad a chymwysterau'r person a fydd yn gyfrifol am y practis deintyddol preifat yn ystod yr absenoldeb hwnnw; ac
- (e) y trefniadau sydd wedi, neu y bwriedir, eu gwneud ar gyfer penodi person arall i reoli'r practis deintyddol preifat yn ystod yr absenoldeb hwnnw, gan gynnwys erbyn pa ddyddiad y bwriedir gwneud y penodiad hwnnw.

(3) Pan fo'r absenoldeb yn codi o ganlyniad i argyfwng, rhaid i'r person cofrestredig roi hysbysiad o'r absenoldeb o fewn un wythnos i'r argyfwng ddiwydd, gan bennu'r materion a nodir yn is-baragraffau (a) i (e) o baragraff (2).

- (b) the outbreak of any infectious disease which in the opinion of any dentist or dental care professional working in the practice is sufficiently serious to be so notified; or
- (c) any allegation of misconduct resulting in actual or potential harm to a patient by the registered person or any person employed in or for the purposes of the private dental practice.

(2) In the case of the death of a patient, the registered person must also notify the registration authority of the date, time, cause (where known) and circumstances of the patient's death.

(3) The registered person must keep a secure written record of all events listed in sub-paragraphs (a) to (c) of paragraph (1).

Notice of temporary absence of registered person

26.—(1) Where—

- (a) a registered provider who manages the private dental practice; or
- (b) a registered manager,

proposes to be absent from the private dental practice for a continuous period of 28 days or more, the registered person must give notice in writing to the appropriate office of the registration authority.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) must be given no later than one month before the proposed absence commences or within such shorter period as may be agreed with the registration authority and the notice must specify with respect to the absence—

- (a) its length or expected length;
- (b) the reason for it;
- (c) the arrangements which have been made for running the private dental practice;
- (d) the name, address and qualifications of the person who will be responsible for the private dental practice during that absence; and
- (e) the arrangements that have been or are proposed to be made for appointing another person to manage the private dental practice during that absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as a result of an emergency, the registered person must give notice of the absence within one week of the emergency's occurrence, specifying the matters set out in sub-paragraphs (a) to (e) of paragraph (2).

(4) Pan fo—

- (a) darparwr cofrestredig sy'n rheoli'r practis deintyddol preifat; neu
- (b) rheolwr cofrestredig,

wedi bod yn absennol o'r practis deintyddol preifat am gyfnod parhaus o 90 o ddiwrnodau neu ragor, ac nad yw hysbysiad wedi cael ei roi i swyddfa briodol yr awdurdod cofrestru am yr absenoldeb, rhaid i'r person cofrestredig roi hysbysiad ysgrifenedig i'r swyddfa honno, cyn gynted ag y bo'n ymarferol gwneud hynny, gan bennu'r materion a nodir yn is-baragraffau (a) i (e) o baragraff (2).

(5) Rhaid i'r person cofrestredig hysbysu swyddfa briodol yr awdurdod cofrestru bod person a grybwyllir yn is-baragraff (a) neu (b) o baragraff (4) wedi dychwelyd i'r gwaith, heb fod yn hwyrach na 7 niwrnod ar ôl y dyddiad y mae'r person hwnnw yn dychwelyd i'r gwaith.

Hysbysiad o newidiadau

27.—(1) Rhaid i'r person cofrestredig roi hysbysiad ysgrifenedig i swyddfa briodol yr awdurdod cofrestru, cyn gynted ag y bo'n ymarferol gwneud hynny, os bydd unrhyw un neu ragor o'r digwyddiadau a ganlyn yn digwydd neu os bwriedir iddynt ddigwydd—

- (a) bod person ac eithrio'r person cofrestredig yn cynnal neu'n rheoli'r practis deintyddol preifat;
- (b) bod person yn peidio â chynnal neu reoli'r practis deintyddol preifat;
- (c) pan fo'r person cofrestredig yn unigolyn, bod yr unigolyn hwnnw yn newid ei enw;
- (d) pan fo'r darparwr cofrestredig yn bartneriaeth, bod unrhyw newid yn aelodaeth y bartneriaeth;
- (e) pan fo'r darparwr cofrestredig yn sefydliad—
 - (i) bod enw neu gyfeiriad y sefydliad yn newid;
 - (ii) bod unrhyw newid i gyfarwyddwr, rheolwr, ysgrifennydd neu swyddog tebyg arall o'r sefydliad;
- (f) bod yr unigolyn cyfrifol yn newid ei enw;
- (g) bod newid i hunaniaeth yr unigolyn cyfrifol;
- (h) pan fo'r darparwr cofrestredig yn unigolyn, bod ymddiriedolwr mewn methodaliad yn cael ei benodi, neu fod compôwnd neu drefniant yn cael ei wneud â chredydwyr;
- (i) pan fo'r darparwr cofrestredig yn gwmni neu'n bartneriaeth, bod derbynnydd, rheolwr, datodwr neu ddatodwr dros dro yn cael ei benodi; neu

(4) Where—

- (a) a registered provider who manages the private dental practice; or
- (b) a registered manager,

has been absent from the private dental practice for a continuous period of 90 days or more, and the appropriate office of the registration authority has not been given notice of the absence, the registered person must give notice in writing to that office, as soon as it is practicable to do so, specifying the matters set out in sub-paragraphs (a) to (e) of paragraph (2).

(5) The registered person must notify the appropriate office of the registration authority of the return to work of a person mentioned in sub-paragraph (a) or (b) of paragraph (4) not later than 7 days after the date of that person's return to work.

Notice of changes

27.—(1) The registered person must give notice in writing to the appropriate office of the registration authority, as soon as it is practicable to do so, if any of the following events take place or are proposed to take place—

- (a) a person other than the registered person carries on or manages the private dental practice;
- (b) a person ceases to carry on or manage the private dental practice;
- (c) where the registered person is an individual, that individual changes their name;
- (d) where the registered provider is a partnership, there is any change in the membership of the partnership;
- (e) where the registered provider is an organisation—
 - (i) the name or address of the organisation is changed;
 - (ii) there is any change of director, manager, secretary or other similar officer of the organisation;
- (f) the responsible individual changes their name;
- (g) there is any change in the identity of the responsible individual;
- (h) where the registered provider is an individual, a trustee in bankruptcy is appointed or a composition or arrangement is made with creditors;
- (i) where the registered provider is a company or partnership, a receiver, manager, liquidator or provisional liquidator is appointed; or

- (j) bod y fangre a ddefnyddir i gynnal y practis deintyddol preifat yn cael ei newid neu ei hestyn yn sylweddol, neu fod mangre ychwanegol yn cael ei chaffael y bwriedir ei defnyddio at ddibenion y practis.

- (j) the premises used to carry on the private dental practice are significantly altered or extended, or additional premises are acquired which are intended to be used for the purposes of the practice.

Hysbysu am droseddau

28. Pan fo'r person cofrestredig neu'r unigolyn cyfrifol yn cael ei euogfarnu o unrhyw drosedd, pa un ai yng Nghymru neu yn rhywle arall, rhaid i'r person sydd wedi ei euogfarnu roi hysbysiad ysgrifenedig ar unwaith i swyddfa briodol yr awdurdod cofrestru—

- (a) o ddyddiad a man yr euogfarn;
- (b) o'r drosedd yr euogfarnir y person ohoni; ac
- (c) o'r gosb a osodir ar y person mewn cysylltiad â'r drosedd.

Notification of offences

28. Where the registered person or the responsible individual is convicted of any criminal offence, whether in Wales or elsewhere, the person convicted must immediately give notice in writing to the appropriate office of the registration authority of—

- (a) the date and place of the conviction;
- (b) the offence of which the person was convicted; and
- (c) the penalty imposed on the person in respect of the offence.

Penodi datodwyr etc.

29.—(1) Rhaid i unrhyw berson y mae paragraff (2) yn gymwys iddo—

- (a) rhoi hysbysiad ysgrifenedig i swyddfa briodol yr awdurdod cofrestru am benodiad y person, gan nodi'r rhesymau dros ei benodi;
- (b) penodi rheolwr i fod â gofal llawnamser o ddydd i ddydd am y practis deintyddol preifat mewn unrhyw achos pan na fo'r ddyletswydd o dan reoliad 10(1) yn cael ei chyflawni; ac
- (c) cyn diwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau ar ddyddiad penodiad y person, hysbysu swyddfa briodol yr awdurdod cofrestru am fwriadau'r person ynglŷn â gweithrediad y practis deintyddol preifat yn y dyfodol y mae'r penodiad yn ymwneud ag ef.

(2) Mae'r paragraff hwn yn gymwys i unrhyw berson a benodir—

- (a) yn dderbynydd neu'n rheolwr eiddo sefydliad sy'n ddarparwr cofrestredig practis deintyddol preifat;
- (b) yn ddatodwr neu'n ddatodwr dros dro i gwmni sy'n ddarparwr cofrestredig practis deintyddol preifat;
- (c) yn ymddiriedolwr mewn methdaliad i ddarparwr cofrestredig practis deintyddol preifat.

Appointment of liquidators etc.

29.—(1) Any person to whom paragraph (2) applies must—

- (a) give notice in writing to the appropriate office of the registration authority of the person's appointment indicating the reasons for it;
- (b) appoint a manager to take full-time day to day charge of the private dental practice in any case where the duty under regulation 10(1) is not being met; and
- (c) before the end of the period of 28 days beginning on the date of the person's appointment, notify the appropriate office of the registration authority of the person's intentions regarding the future operation of the private dental practice to which the appointment relates.

(2) This paragraph applies to any person appointed as—

- (a) the receiver or manager of the property of an organisation which is a registered provider of a private dental practice;
- (b) a liquidator or provisional liquidator of a company which is the registered provider of a private dental practice;
- (c) the trustee in bankruptcy of a registered provider of a private dental practice.

Marwolaeth person cofrestredig

30.—(1) Os oes mwy nag un person wedi ei gofrestru mewn cysylltiad â phractis deintyddol preifat, a bod person cofrestredig yn marw, rhaid i unrhyw berson cofrestredig sy'n goroesi roi hysbysiad ysgrifenedig o'r farwolaeth i swyddfa briodol yr awdurdod cofrestru cyn gynted ag y bo'n ymarferol gwneud hynny.

(2) Os dim ond un person sydd wedi ei gofrestru mewn cysylltiad â phractis deintyddol preifat, a bod y person yn marw, rhaid i gynrychiolwyr personol y person—

- (a) rhoi hysbysiad ysgrifenedig o'r farwolaeth i swyddfa briodol yr awdurdod cofrestru, cyn gynted ag y bo'n ymarferol gwneud hynny; a
- (b) rhoi hysbysiad i'r awdurdod hwnnw o'u bwriadau ynglŷn â rhedeg y practis deintyddol preifat yn y dyfodol, o fewn 28 o ddiwrnodau i'r farwolaeth.

(3) Caiff cynrychiolwyr personol y darparwr cofrestredig ymadawedig gynnal y practis deintyddol preifat heb gael eu cofrestru mewn cysylltiad ag ef—

- (a) am gyfnod nad yw'n hwy nag 28 o ddiwrnodau; a
- (b) am unrhyw gyfnod pellach a benderfynir gan yr awdurdod cofrestru yn unol â pharagraff (4).

(4) Caiff yr awdurdod cofrestru estyn y cyfnod a bennir ym mharagraff (3)(a) am unrhyw gyfnod pellach, nad yw'n hwy na chwe mis, a benderfynir gan yr awdurdod cofrestru, a rhaid iddo hysbysu'r cynrychiolwyr personol am unrhyw benderfyniad o'r fath yn ysgrifenedig.

(5) Rhaid i'r cynrychiolwyr personol benodi rheolwr i fod â gofal llawnamser o ddydd i ddydd am y practis deintyddol preifat yn ystod unrhyw gyfnod pan fyddant, yn unol â pharagraff (3), yn cynnal y practis deintyddol preifat heb gael eu cofrestru mewn cysylltiad ag ef.

(6) Mae darpariaethau rheoliad 11 yn gymwys i reolwr a benodir yn unol â pharagraff (5).

(7) Pan fo'r awdurdod cofrestru yn cael cais i gofrestru fel darparwr mewn cysylltiad â'r practis deintyddol preifat y cyfeirir ato ym mharagraff (1), caniateir estyn y chwe mis y cyfeirir ato ym mharagraff (4) am gyfnod nad yw'n hwy na chwe mis fel y'i penderfynir gan yr awdurdod cofrestru.

Death of a registered person

30.—(1) If more than one person is registered in respect of a private dental practice, and a registered person dies, any surviving registered person must give notice of the death in writing to the appropriate office of the registration authority, as soon as it is practicable to do so.

(2) If only one person is registered in respect of a private dental practice, and the person dies, the person's personal representatives must—

- (a) give notice of the death in writing to the appropriate office of the registration authority, as soon as it is practicable to do so; and
- (b) give notice to that authority of their intentions regarding the future running of the private dental practice, within 28 days of the death.

(3) The personal representatives of the deceased registered provider may carry on the private dental practice without being registered in respect of it—

- (a) for a period not exceeding 28 days; and
- (b) for any further period as may be determined by the registration authority in accordance with paragraph (4).

(4) The registration authority may extend the period specified in paragraph (3)(a) by such further period, not exceeding six months, as the registration authority may determine, and must notify any such determination to the personal representatives in writing.

(5) The personal representatives must appoint a manager to take full-time day to day charge of the private dental practice during any period in which, in accordance with paragraph (3), they carry on the private dental practice without being registered in respect of it.

(6) The provisions of regulation 11 apply to a manager appointed in accordance with paragraph (5).

(7) Where the registration authority receives an application for registration as provider in respect of the private dental practice referred to in paragraph (1), the six months referred to in paragraph (4) may be extended by a period not exceeding six months as the registration authority may determine.

RHAN 4

Gofynion Ychwanegol

Dadebru

31.—(1) Rhaid i'r person cofrestredig lunio a gweithredu datganiad ysgrifenedig, ar sail canllawiau cenedlaethol cyfredol ar gyfer dadebru, o'r polisïau sydd i gael eu cymhwyso a'r gweithdrefnau sydd i gael eu dilyn yn y practis deintyddol preifat mewn perthynas â dadebru cleifion a rhaid iddo adolygu'r datganiad hwnnw bob blwyddyn.

(2) Rhaid i'r person cofrestredig sicrhau bod y polisïau a'r gweithdrefnau y cyfeirir atynt ym mharagraff (1)—

- (a) ar gael ar gais i bob claf; a
 - (b) yn cael eu cyfathrebu i, a'u deall gan, unrhyw berson sy'n gweithio yn, neu at ddibenion, y practis deintyddol preifat a all fod yn rhan o benderfyniadau am ddadebru claf.
- (3) Rhaid i'r person cofrestredig hefyd—
- (a) sicrhau bod unrhyw berson sy'n gweithio yn, neu at ddibenion, y practis deintyddol preifat a all fod yn rhan o benderfyniadau am ddadebru claf, neu a all fod yn rhan o ddadebru cleifion, wedi ei hyfforddi'n addas; a
 - (b) sicrhau bod yr holl gyfarpar a meddyginiaethau y mae eu hangen i ddadebru cleifion ar gael ar y fangre a ddefnyddir i gynnal y practis deintyddol preifat.

Defnyddio cynnyrch laser Dosbarth 3B neu Ddosbarth 4

32.—(1) Rhaid i'r person cofrestredig sicrhau na chaiff unrhyw gynnyrch laser Dosbarth 3B neu Ddosbarth 4(1) ei ddefnyddio yn, neu at ddibenion, y practis deintyddol preifat oni bai bod gan y person cofrestredig brotocol proffesiynol wedi ei lunio gan ddeintydd neu broffesiynolyn gofal deintyddol hyfforddedig a phrofiadol y mae triniaeth sy'n defnyddio cynnyrch laser Dosbarth 3B neu Ddosbarth 4 i gael ei darparu yn unol ag ef, ac y darperir y driniaeth yn unol â'r protocol hwnnw.

(2) Rhaid i'r person cofrestredig gynnal cofrestr yn y practis deintyddol preifat o bob achlysur pan fo cynnyrch laser Dosbarth 3B neu Ddosbarth 4 wedi ei ddefnyddio, sy'n cynnwys—

(1) I gael ystyr cynnyrch laser Dosbarth 3B neu Ddosbarth 4 gweler Rhan 1 Safon Prydeinig EN 60825 – 1 (Diogelwch ymbelydredd cynhyrchion a systemau laser). Gellir cael copiïau oddi wrth: BS1 Customer Services, 389 Chiswick High Road, London W4 4AL.

PART 4

Additional Requirements

Resuscitation

31.—(1) The registered person must prepare and implement a written statement, based on current national guidelines for resuscitation, of the policies to be applied and the procedures to be followed in the private dental practice in relation to resuscitation of patients and must review such statement annually.

(2) The registered person must ensure that the policies and procedures referred to in paragraph (1)—

- (a) are available on request to every patient; and
 - (b) are communicated to and understood by any person working in or for the purposes of the private dental practice who may be involved in decisions about resuscitation of a patient.
- (3) The registered person must also—
- (a) ensure that any person working in or for the purposes of the private dental practice who may be involved in decisions about resuscitation of a patient, or who may be involved in the resuscitation of patients, has been suitably trained; and
 - (b) ensure that all equipment and medicines necessary for the resuscitation of patients are available on the premises used to carry on the private dental practice.

Use of Class 3B or Class 4 laser product

32.—(1) The registered person must ensure that no Class 3B or Class 4 laser product(1) is used in or for the purposes of the private dental practice unless the registered person has in place a professional protocol drawn up by a trained and experienced dentist or dental care professional in accordance with which treatment using a Class 3B or Class 4 laser product is to be provided, and that the treatment is provided in accordance with it.

(2) The registered person must maintain at the private dental practice a register of each occasion where a Class 3B or Class 4 laser product has been used which includes—

(1) For the meaning of Class 3B or Class 4 laser product see Part 1 of British Standard EN 60825 – 1 (Radiation safety of laser products and systems). Copies can be obtained from BS1 Customer Services, 389 Chiswick High Road, London W4 4AL.

- (a) enw'r claf y defnyddiwyd y cynnyrch laser Dosbarth 3B neu Ddosbarth 4 mewn cysylltiad â'i driniaeth;
- (b) enw'r person a ddefnyddiodd y cynnyrch laser Dosbarth 3B neu Ddosbarth 4; ac
- (c) ei ddyddiad defnyddio.

(3) Rhaid i'r person cofrestredig sicrhau nad yw cynnyrch laser Dosbarth 3B neu Ddosbarth 4 o'r fath ond yn cael ei ddefnyddio yn y practis deintyddol preifat gan berson sydd wedi ymgymryd â hyfforddiant priodol ac sydd wedi dangos dealltwriaeth—

- (a) o sut i ddefnyddio'r cynnyrch laser Dosbarth 3B neu Ddosbarth 4 yn gywir;
- (b) o'r risgiau sy'n gysylltiedig â defnyddio'r cynnyrch laser Dosbarth 3B neu Ddosbarth 4;
- (c) o'i effeithiau biolegol ac amgylcheddol;
- (d) o'r rhagofalon sydd i gael eu cymryd cyn defnyddio cynnyrch laser Dosbarth 3B neu Ddosbarth 4 ac wrth ei ddefnyddio; ac
- (e) o'r camau sydd i gael eu cymryd os digwydd damwain, argyfwng neu achlysur andwyol arall sy'n ymwneud â chynnyrch laser Dosbarth 3B neu Ddosbarth 4.

- (a) the name of the patient in connection with whose treatment the Class 3B or Class 4 laser product was used;
- (b) the name of the person who used the Class 3B or Class 4 laser product; and
- (c) the date on which it was used.

(3) The registered person must ensure that such a Class 3B or Class 4 laser product is used in the private dental practice only by a person who has undertaken appropriate training and has demonstrated an understanding of—

- (a) the correct use of the Class 3B or Class 4 laser product;
- (b) the risks associated with using the Class 3B or Class 4 laser product;
- (c) its biological and environmental effects;
- (d) precautions to be taken before and during use of a Class 3B or Class 4 laser product; and
- (e) action to be taken in the event of an accident, emergency or other adverse incident involving a Class 3B or Class 4 laser product.

RHAN 5

Amrywiol

Ffioedd

33. Mae Atodlen 5 yn pennu'r ffioedd sy'n daladwy gan geiswyr ar gyfer cofrestriad a chan bersonau cofrestredig o dan Ran 2 o'r Ddeddf.

34.—(1) Yn ddarostyngedig i baragraff (2), caiff deintydd ofyn am ad-daliad o'r ffi flynyddol a ragnodir yn Rheoliadau 2008—

- (a) os yw cais i gofrestru o dan Ran 2 o'r Ddeddf wedi ei wneud i'r awdurdod cofrestru mewn cysylltiad â'r practis deintyddol preifat y mae'r deintydd yn gweithio ynddo;
- (b) os yw'r cais i gofrestru wedi ei ganiatáu gan yr awdurdod cofrestru; ac
- (c) os talodd y deintydd ffi flynyddol o dan Reoliadau 2008 o fewn y chwe mis cyn i'r cais i gofrestru gael ei ganiatáu.

(2) Rhaid i gais am ad-daliad y mae deintydd yn ei wneud a ddisgrifir ym mharagraff (1) gael ei wneud o fewn tri mis i'r dyddiad y cafodd y cais i gofrestru y cyfeirir ato ym mharagraff (1) ei ganiatáu.

PART 5

Miscellaneous

Fees

33. Schedule 5 specifies the fees that are payable by applicants for registration and registered persons under Part 2 of the Act.

34.—(1) Subject to paragraph (2), a dentist may request a refund of the annual fee prescribed in the 2008 Regulations if—

- (a) an application for registration under Part 2 of the Act has been made to the registration authority in respect of the private dental practice in which the dentist works;
- (b) the application for registration has been granted by the registration authority; and
- (c) the dentist paid an annual fee under the 2008 Regulations within the six months prior to the application for registration being granted.

(2) A request for a refund made by a dentist described in paragraph (1) must be made within three months of the date on which the application for registration referred to in paragraph (1) was granted.

(3) Pan fo deintydd yn gofyn am ad-daliad yn unol â pharagraff (2) a bod yr awdurdod cofrestru yn cytuno i ganiatáu'r cais, yna bydd ad-daliad yn cael ei dalu i'r deintydd ar sail un rhan o ddeuddeg o'r ffi flynyddol a delir ar gyfer pob mis cyfan yn dilyn y dyddiad y cafodd y cais i gofrestru y cyfeirir ato ym mharagraff (1) ei ganiatáu.

(4) Os yw deintydd yn gweithio mewn mwy nag un practis deintyddol preifat, ni chaiff y deintydd ond ofyn am ad-daliad—

- (a) os yw cais i gofrestru wedi ei wneud i'r awdurdod cofrestru mewn cysylltiad â phob practis deintyddol preifat y mae'r deintydd yn gweithio ynddo; a
- (b) os yw pob cais i gofrestru wedi ei ganiatáu.

Cydymffurfio â rheoliadau

35. Pan fo mwy nag un person cofrestredig mewn cysylltiad â phractis deintyddol preifat, ni fydd unrhyw beth y mae'n ofynnol o dan y Rheoliadau hyn iddo gael ei wneud gan y person cofrestredig, os yw'n cael ei wneud gan un o'r personau cofrestredig, yn ofynnol gan unrhyw un neu ragor o'r personau cofrestredig eraill.

Troseddau

36.—(1) Mae torri unrhyw un neu ragor o ddarpariaethau rheoliadau 5 i 32, neu fethu â chydymffurfio ag unrhyw un neu ragor ohonynt, yn drosedd.

(2) Caiff yr awdurdod cofrestru ddwyn achos yn erbyn person a fu unwaith, ond nad yw mwyach, yn berson cofrestredig, mewn cysylltiad â methu â chydymffurfio â rheoliad 20 (cofnodion) ar ôl i'r person beidio â bod yn berson cofrestredig.

Diwygiadau i Reoliadau Gofal Iechyd Annibynnol (Cymru) 2011

37. Mae Rheoliadau Gofal Iechyd Annibynnol (Cymru) 2011(1) wedi eu diwygio fel a ganlyn.

(3) Where a dentist requests a refund in accordance with paragraph (2) and the registration authority agrees to grant the request, then a refund will be paid to the dentist on the basis of one twelfth of the annual fee paid for each complete month following the date on which the application for registration referred to in paragraph (1) was granted.

(4) If a dentist works in more than one private dental practice, the dentist may only request a refund if—

- (a) an application for registration has been made to the registration authority in respect of each private dental practice in which the dentist works; and
- (b) each application for registration has been granted.

Compliance with regulations

35. Where there is more than one registered person in respect of a private dental practice, anything which is required under these Regulations to be done by the registered person will, if done by one of the registered persons, not be required to be done by any of the other registered persons.

Offences

36.—(1) A contravention, or failure to comply with any of the provisions of regulations 5 to 32, is an offence.

(2) The registration authority may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 20 (records) after the person ceased to be a registered person.

Amendments to the Independent Health Care (Wales) Regulations 2011

37. The Independent Health Care (Wales) Regulations 2011(1) are amended as follows.

(1) O.S. 2011/734 (Cy. 112).

(1) S.I. 2011/734 (W. 112).

38.—(1) Yn rheoliad 2(1) (dehongli) yn y lleoedd priodol mewnoder—

“ystyr “hylenydd deintyddol” (“*dental hygienist*”), “therapydd deintyddol” (“*dental therapist*”) a “technegydd deintyddol clinigol” (“*clinical dental technician*”) yw personau sydd wedi eu cofrestru felly â’r Cyngor Deintyddol Cyffredinol yn y gofrestr o broffesiynolion gofal deintyddol a sefydlwyd o dan adran 36B o Ddeddf Deintyddion 1984;”;

“ystyr “proffesiynolyn gofal deintyddol” (“*dental care professional*”) yw—

- (a) hyleneydd deintyddol;
- (b) therapydd deintyddol; neu
- (c) technegydd deintyddol clinigol;”.

(2) Yn rheoliad 3 (ystyr “ysbyty annibynnol”) ar ôl paragraff (2)(b) mewnoder—

“(ba) triniaeth ddeintyddol sy’n defnyddio cynnyrch laser Dosbarth 4 pan fo’r driniaeth honno yn cael ei chyflawni gan neu o dan oruchwyliaeth deintyddol neu broffesiynolyn gofal deintyddol sy’n gweithio mewn practis deintyddol preifat o fewn ystyr Rheoliadau Deintyddiaeth Breifat (Cymru) 2017;”.

Cymhwyso Rhan 2 o’r Ddeddf i bersonau sy’n cynnal neu’n rheoli practis deintyddol preifat

39. Mae darpariaethau Rhan 2 o’r Ddeddf, i’r graddau y maent yn gymwys i Gymru ac nad ydynt eisoes wedi eu cymhwyso gan Reoliadau Deddf Safonau Gofal 2000 (Estyn Cymhwysiad Rhan 2 i Bractisau Deintyddol Preifat) (Cymru) 2017, yn gymwys i bersonau cofrestredig yn unol â’r addasiadau a nodir yn Atodlen 4.

Darpariaethau trosiannol

40.—(1) Mae’r paragraff hwn yn gymwys i unrhyw berson—

- (a) sy’n cynnal neu’n rheoli practis deintyddol preifat sy’n darparu neu’n cynnwys darparu gwasanaethau proffesiynol perthnasol gan broffesiynolyn gofal deintyddol ond nad yw’n cynnwys darparu gwasanaethau deintyddol gan ddeintyddol; a
- (b) sy’n gwneud cais i gofrestru yn briodol cyn 1 Hydref 2017 o dan Ran 2 o’r Ddeddf fel person sy’n cynnal neu’n rheoli practis deintyddol preifat.

38.—(1) In regulation 2(1) (interpretation) in the appropriate places insert—

““dental care professional” (“*proffesiynolyn gofal deintyddol*”) means—

- (a) a dental hygienist;
- (b) a dental therapist; or
- (c) a clinical dental technician;”;

““dental hygienist” (“*hylenydd deintyddol*”), “dental therapist” (“*therapydd deintyddol*”) and “clinical dental technician” (“*technegydd deintyddol clinigol*”) mean persons registered as such with the General Dental Council in the dental care professional register established under section 36B of the Dentists Act 1984;”.

(2) In regulation 3 (meaning of “independent hospital”) after paragraph (2)(b) insert—

“(ba) dental treatment using a Class 4 laser product where such treatment is carried out by or under the supervision of a dentist or dental care professional working in a private dental practice within the meaning of the Private Dentistry (Wales) Regulations 2017;”.

Application of Part 2 of the Act to persons carrying on or managing a private dental practice

39. The provisions of Part 2 of the Act, insofar as they apply to Wales and are not already applied by the Care Standards Act 2000 (Extension of the Application of Part 2 to Private Dental Practices) (Wales) Regulations 2017, apply to registered persons in accordance with the modifications set out in Schedule 4.

Transitional provisions

40.—(1) This paragraph applies to any person who—

- (a) carries on or manages a private dental practice which consists of or includes the provision of relevant professional services by a dental care professional but does not include the provision of dental services by a dentist; and
- (b) duly makes an application for registration before 1 October 2017 under Part 2 of the Act as a person who carries on or manages a private dental practice.

(2) Mae'r paragraff hwn yn gymwys i unrhyw berson—

- (a) sy'n cynnal neu'n rheoli practis deintyddol preifat sy'n darparu neu'n cynnwys darparu gwasanaethau deintyddol gan ddeintydd; a
- (b) sy'n gwneud cais i gofrestru yn briodol cyn 1 Ebrill 2018 o dan Ran 2 o'r Ddeddf fel person sy'n cynnal neu'n rheoli practis deintyddol preifat.

(3) Ni fydd adran 11(1), (5) a (6) o'r Ddeddf yn gymwys i'r personau y cyfeirir atynt ym mharagraff (1) neu (2) mewn cysylltiad â'r practis deintyddol preifat—

- (a) hyd nes y caiff y cais ei ganiatáu, naill ai'n ddiamod neu ddim ond yn ddarostyngedig i amodau y cytunwyd arnynt yn ysgrifenedig rhyngddo ef a'r awdurdod cofrestru; neu
- (b) os yw'r cais yn cael ei ganiatáu yn ddarostyngedig i amodau nas cytunwyd arnynt, neu os yw'n cael ei wrthod—
 - (i) os na chaiff apêl ei dwyn, hyd nes y bydd y cyfnod o 28 o ddiwrnodau yn dod i ben ar ôl cyflwyno penderfyniad yr awdurdod cofrestru iddo; neu
 - (ii) os caiff apêl ei dwyn, hyd nes y caiff ei phenderfynu, y rhoddir y gorau iddi neu y caiff ei thynnu'n ôl.

Dirymu

41. Yn ddarostyngedig i reoliad 42, mae'r Rheoliadau a ganlyn wedi eu dirymu—

- (a) Rheoliadau 2008;
- (b) Rheoliadau 2011.

Arbedion trosiannol

42.—(1) Mae Rheoliadau 2008 yn parhau i fod yn gymwys mewn perthynas â deintydd hyd nes y dyddiad y mae darparwr y practis deintyddol preifat y mae'r deintydd yn gweithio ynddo wedi ei gofrestru o dan Ran 2 o'r Ddeddf.

(2) Yn ddarostyngedig i baragraff (3) pan fo deintydd yn gweithio mewn mwy nag un practis deintyddol preifat, bydd Rheoliadau 2008 yn parhau i fod yn gymwys i'r deintydd hwnnw hyd nes y mae darparwr pob un o'r practisau deintyddol preifat y mae'r deintydd yn gweithio ynddynt wedi eu cofrestru o dan Ran 2 o'r Ddeddf.

(3) Ni fydd Rheoliadau 2008 yn gymwys mwyach i'r deintydd mewn cysylltiad â'r practis deintyddol preifat y mae'n gweithio ynddo unwaith y bydd darparwr y practis deintyddol preifat hwnnw wedi ei gofrestru o dan Ran 2 o'r Ddeddf.

(2) This paragraph applies to any person who—

- (a) carries on or manages a private dental practice which consists of or includes the provision of dental services by a dentist; and
- (b) duly makes an application for registration before 1 April 2018 under Part 2 of the Act as a person who carries on or manages a private dental practice.

(3) Section 11(1), (5) and (6) of the Act will not apply to the persons referred to in paragraph (1) or (2) in respect of the private dental practice—

- (a) until such time as the application is granted, either unconditionally or subject only to conditions which have been agreed in writing between him or her and the registration authority; or
- (b) if the application is granted subject to conditions which have not been agreed, or is refused—
 - (i) if no appeal is brought, until the expiration of the period of 28 days after service on him or her of the registration authority's decision; or
 - (ii) if an appeal is brought, until it is determined, abandoned or withdrawn.

Revocations

41. Subject to regulation 42, the following Regulations are revoked—

- (a) the 2008 Regulations;
- (b) the 2011 Regulations.

Transitional savings

42.—(1) The 2008 Regulations continue to apply in relation to a dentist until the date on which the provider of the private dental practice in which the dentist works is registered under Part 2 of the Act.

(2) Subject to paragraph (3) where a dentist works in more than one private dental practice, the 2008 Regulations will continue to apply to that dentist until the provider of each of the private dental practices in which the dentist works is registered under Part 2 of the Act.

(3) The 2008 Regulations will no longer apply to the dentist in respect of the private dental practice in which he or she works once the provider of that private dental practice has registered under Part 2 of the Act.

(4) Pan fo cais i gofrestru, cais i ganslo neu gais i amrywio neu ddileu amod yn cael ei wneud gan ddeintydd ond nad yw'n cael ei benderfynu cyn i'r Rheoliadau hyn ddod i rym, bydd y cais yn cael ei ystyried fel pe bai Rheoliadau 2008 mewn grym o hyd, a rhaid i'r person cofrestredig ddarparu i'r awdurdod cofrestru unrhyw wybodaeth arall neu unrhyw ddogfennau eraill y caiff yr awdurdod cofrestru eu gwneud yn ofynnol.

(5) At ddibenion y rheoliad hwn, ystyr cyfeiriadau at ddeintydd yw deintydd sydd wedi ei gofrestru i ddarparu gwasanaethau deintyddol preifat ac sy'n gweithio mewn practis deintyddol preifat.

(4) Where an application for registration, for cancellation or for the variation or removal of a condition is made by a dentist but is not determined before the coming into force of these Regulations, the application will be considered as if the 2008 Regulations were still in force, and the registered person must provide to the registration authority any other information or documents that the registration authority may require.

(5) For the purposes of this regulation, references to a dentist means a dentist registered to provide private dental services and who works in a private dental practice.

Vaughan Gething

Ysgrifennydd y Cabinet dros Iechyd, Llesiant a
Chwaraeon, un o Weinidogion Cymru
23 Chwefror 2017

Cabinet Secretary for Health, Well-being and Sport,
one of the Welsh Ministers
23 February 2017

Gwybodaeth sydd i Gael ei Chynnwys yn y Datganiad o Ddiben

1. Nodau ac amcanion y practis deintyddol preifat.
2. Enw, cyfeiriad a manylion cyswllt dros y ffôn, ffacs a phost electronig (os oes rhai) y darparwr cofrestredig ac unrhyw reolwr cofrestredig.
3. Cymwysterau a phrofiad perthnasol y darparwr cofrestredig ac unrhyw reolwr cofrestredig.
4. Yn achos sefydliad, manylion rolau a chyfrifoldebau'r unigolyn cyfrifol yn y sefydliad.
5. Enwau, a chymwysterau a phrofiad perthnasol pob un o'r deintyddion a'r proffesiynolion gofal deintyddol a gyflogir yn, neu at ddibenion, y practis deintyddol preifat.
6. Strwythur sefydliadol y darparwr cofrestredig.
7. Y mathau o driniaeth, cyfleusterau a'r holl wasanaethau eraill a ddarperir yn, neu at ddibenion, y practis deintyddol preifat, gan gynnwys manylion yr ystod o anghenion y bwriedir i'r gwasanaethau hynny eu diwallu.
8. Y trefniadau a wneir ar gyfer ceisio safbwyntiau cleifion ar ansawdd y gwasanaethau a ddarperir gan y practis deintyddol preifat.
9. Oriau agor y practis ac unrhyw drefniadau ar gyfer cleifion y mae angen gofal brys neu driniaeth frys arnynt y tu allan i oriau.
10. Y trefniadau ar gyfer delio â chwynion fel y'u nodir yn rheoliad 21.
11. Y trefniadau ar gyfer parchu preifatrwydd ac urddas cleifion.
12. Dyddiad ysgrifennu'r datganiad o ddiben a, phan fo'n cael ei ddiwygio yn unol â rheoliad 7(a), ddyddiad y diwygiad hwnnw.

Information to be Included in the Statement of Purpose

1. The aims and objectives of the private dental practice.
2. The name, address, telephone, fax and electronic mail contact details (if any) of the registered provider and of any registered manager.
3. The relevant qualifications and experience of the registered provider and any registered manager.
4. In the case of an organisation, details of the responsible individual's roles and responsibilities within the organisation.
5. The names, relevant qualifications and experience of all the dentists and dental care professionals employed in or for the purposes of the private dental practice.
6. The registered provider's organisational structure.
7. The kinds of treatment, facilities and all other services provided in or for the purposes of the private dental practice, including details of the range of needs which those services are intended to meet.
8. The arrangements made for seeking patients' views about the quality of services provided by the private dental practice.
9. The practice opening hours and any arrangements for patients who require urgent care or treatment out of hours.
10. The arrangements for dealing with complaints as set out in regulation 21.
11. The arrangements for respecting the privacy and dignity of patients.
12. The date the statement of purpose was written and, where revised in accordance with regulation 7(a), the date of such revision.

Gwybodaeth sydd i Gael ei Chynnwys yn y Daflen Gwybodaeth i Gleifion

1. Crynodeb o'r datganiad o ddiben gan gynnwys—

- (a) enw, cyfeiriad a manylion cyswllt dros y ffôn, ffacs a phost electronig (os oes rhai) y darparwr cofrestredig ac unrhyw reolwr cofrestredig;
- (b) enwau pob un o'r deintyddion a'r proffesiynolion gofal deintyddol a gyflogir yn, neu at ddibenion, y practis deintyddol preifat;
- (c) y mathau o driniaeth, cyfleusterau a'r holl wasanaethau eraill a ddarperir yn, neu at ddibenion, y practis deintyddol preifat;
- (d) oriau agor y practis ac unrhyw drefniadau ar gyfer cleifion y mae angen gofal brys neu driniaeth frys arnynt y tu allan i oriau;
- (e) y trefniadau ar gyfer delio â chleifion sy'n dreisgar neu'n gamdriniol i staff; ac
- (f) y trefniadau ar gyfer delio â chwynion fel y'u nodir yn rheoliad 21.

2. Profiad a chymwysterau perthnasol pob un o'r deintyddion a'r proffesiynolion gofal deintyddol a gyflogir yn, neu at ddibenion, y practis deintyddol preifat.

3. Y trefniadau a wneir ar gyfer ceisio safbwyntiau cleifion ar ansawdd y gwasanaethau a ddarperir gan y practis deintyddol preifat.

4. Y trefniadau ar gyfer datblygu a hyfforddi cyflogion yn briodol.

5. Cyfeiriad a rhif ffôn pob un o'r mangroedd a ddefnyddir at ddiben cynnal practis deintyddol preifat gan y darparwr cofrestredig.

6. Y trefniadau ar gyfer mynediad i fangroedd a ddefnyddir at ddiben cynnal practis deintyddol preifat.

7. Hawliau a chyfrifoldebau claf gan gynnwys cadw apwyntiadau.

8. Manylion personau y mae ganddynt fynediad at wybodaeth am gleifion (gan gynnwys gwybodaeth y gellir canfod pwy yw'r claf oddi wrthi) a hawliau cleifion mewn perthynas â datgelu'r wybodaeth honno.

Information to be Included in the Patient Information Leaflet

1. A summary of the statement of purpose including—

- (a) the name, address, telephone, fax and electronic mail contact details (if any) of the registered provider and of any registered manager;
- (b) the names of all the dentists and dental care professionals employed in or for the purposes of the private dental practice;
- (c) the kinds of treatment, facilities and all other services provided in or for the purposes of the private dental practice;
- (d) the practice opening hours and any arrangements for patients who require urgent care or treatment out of hours;
- (e) the arrangements for dealing with patients who are violent or abusive to staff; and
- (f) the arrangements for dealing with complaints as set out in regulation 21.

2. The relevant experience and qualifications of all the dentists and dental care professionals employed in or for the purposes of the private dental practice.

3. The arrangements made for seeking patients' views about the quality of services provided by the private dental practice.

4. The arrangements for the appropriate development and training of employees.

5. The address and telephone number for each of the premises used for the purpose of carrying on a dental care practice by the registered provider.

6. The arrangements for access to premises used for the purpose of carrying on a private dental practice.

7. The rights and responsibilities of a patient including keeping appointments.

8. Details of persons who have access to patient information (including information from which the identity of the patient can be ascertained) and patients' rights in relation to disclosure of such information.

ATODLEN 3

Rheoliadau 9(3)(c), 9(4), 11(3) a 18(3)

RHAN 1

Yr Wybodaeth sy'n Ofynnol mewn Cysylltiad â
Phersonau sy'n Ceisio Cynnal, Rheoli neu
Weithio mewn Practis Deintyddol Preifat

1. Prawf o bwy yw'r person gan gynnwys ffotograff diweddar.

2. Naill ai—

(a) pan fo'r dystysgrif yn ofynnol at ddiben sy'n ymwneud â chofrestru o dan Ran 2 o'r Ddeddf neu pan fo'r swydd yn dod o fewn rheoliad 5A o Reoliadau Deddf yr Heddlu 1997 (Cofnodion Troseddol) 2002, dystysgrif cofnod troseddol manwl a ddyroddir o dan adran 113B o Ddeddf yr Heddlu 1997 sy'n cynnwys, fel y bo'n gymwys, gwybodaeth addasrwydd yn ymwneud ag oedolion hyglwyf (o fewn ystyr "suitability information relating to vulnerable adults" yn adran 113BB(2) o'r Ddeddf honno) neu wybodaeth addasrwydd sy'n ymwneud â phlant (o fewn ystyr "suitability information relating to children" yn adran 113BA(2) o'r Ddeddf honno) neu'r ddwy; neu

(b) mewn unrhyw achos arall, dystysgrif cofnod troseddol manwl a ddyroddir o dan adran 113A o Ddeddf yr Heddlu 1997.

3. Dau eirida ysgrifenedig, gan gynnwys geirida gan gyflogwr diweddaraf y person, os oes un.

4. Pan fo person wedi gweithio'n flaenorol mewn swydd a oedd yn cynnwys gweithio gyda phlant neu oedolion sy'n wynebu risg, cadarnhad, i'r graddau y bo'n rhesymol ymarferol, o'r rheswm pam y daeth y gyflogaeth neu'r swydd i ben.

5. Tystiolaeth ddogfennol o unrhyw gymwysterau perthnasol.

6. Hanes cyflogaeth llawn, ynghyd ag esboniad ysgrifenedig boddhaol o unrhyw fylchau mewn cyflogaeth.

7. Pan fo'r person yn ddeintydd neu'n broffesiynolyn gofal deintyddol—

(a) manylion cofrestriad y person â'r Cyngor Deintyddol Cyffredinol; a

SCHEDULE 3

Regulations 9(3)(c), 9(4), 11(3) and 18(3)

PART 1

Information Required in Respect of Persons
Seeking to Carry on, Manage or Work at a
Private Dental Practice

1. Proof of identity including a recent photograph.

2. Either—

(a) where the certificate is required for a purpose related to registration under Part 2 of the Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information relating to vulnerable adults (within the meaning of section 113BB(2) of that Act) or suitability information relating to children (within the meaning of section 113BA(2) of that Act) or both; or

(b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997.

3. Two written references, including a reference from the person's most recent employer, if any.

4. Where a person has previously worked in a position which involved work with children or adults at risk, verification, so far as reasonably practicable, of the reason why the employment or position ended.

5. Documentary evidence of any relevant qualifications.

6. A full employment history, together with a satisfactory written explanation of any gaps in employment.

7. Where the person is a dentist or dental care professional—

(a) details of the person's registration with the General Dental Council; and

(b) tystysgrif yswiriant mewn cysylltiad ag atebolrwydd y gall ddod i ran person mewn perthynas â'r practis deintyddol preifat mewn cysylltiad â marwolaeth, anaf, atebolrwydd cyhoeddus, difrod neu golled arall.

(b) a certificate of insurance in respect of liability which may be incurred by the person in relation to the private dental practice in respect of death, injury, public liability, damage or other loss.

RHAN 2

Cymeriad Da

8. A yw'r person wedi ei euogfarnu yn y Deyrnas Unedig o unrhyw drosedd neu wedi ei euogfarnu unrhyw le arall o unrhyw drosedd a fyddai, pe bai wedi ei chyflawni mewn unrhyw ran o'r Deyrnas Unedig, yn ffurfio trosedd.

9. Os yw enw'r person wedi ei dynnu, ei ddileu neu ei daro oddi ar gofrestr o broffesiynolion a gynhelir gan reoleiddiwr proffesiynolion gofal iechyd neu waith cymdeithasol.

PART 2

Good Character

8. Whether the person has been convicted in the United Kingdom of any offence or been convicted elsewhere of any offence which, if committed in any part of the United Kingdom, would constitute an offence.

9. Whether the person has been erased, removed or struck-off a register of professionals maintained by a regulator of health care or social work professionals.

Cymhwyso Rhan 2 o'r Ddeddf i
bersonau sy'n cynnal neu'n rheoli practis
deintyddol preifat

1. Mae adran 11 (gofyniad i gofrestru) yn gymwys fel pe bai—

- (a) yn is-adran (1)—
 - (i) “or private dental practice” wedi ei fewnosod ar ôl “description”, ar yr achlysur cyntaf pan fo'r gair yn digwydd;
 - (ii) “or as a private dental practice” wedi ei fewnosod ar ôl “description”, ar yr ail achlysur pan fo'r gair yn digwydd;
- (b) yn is-adran (6)(a)—
 - (i) “, agency or private dental practice” wedi ei roi yn lle “or agency”;
 - (ii) “or” wedi ei hepgor ar ddiwedd y paragraff;
- (c) y canlynol wedi ei roi yn lle is-adran (6)(b)—
 - “(b) in the case of a conviction in relation to an establishment or agency, the conviction is a second or subsequent conviction of the offence and the earlier conviction, or one of the earlier convictions, was of an offence in relation to an establishment or agency of the same description; or
 - (c) in the case of a conviction in relation to a private dental practice, the conviction is a second or subsequent conviction of the offence.”

2. Mae adran 12 (ceisiadau i gofrestru) yn gymwys fel pe bai “, agency or private dental practice” wedi ei roi yn lle “or agency”, ble bynnag y mae'r geiriau yn digwydd.

3. Mae adran 13 (caniatáu neu wrthod cofrestriad) yn gymwys fel pe bai “, agency or private dental practice” wedi ei roi yn lle “or agency”, ble bynnag y mae'r geiriau yn digwydd.

4. Mae adran 14 (canslo cofrestriad) yn gymwys fel pe bai “, agency or private dental practice” wedi ei roi yn lle “or agency”, yn is-adran (1)(b) ac (c)(1).

(1) Mae geiriau agoriadol adran 14(1) wedi eu haddasu gan Reoliadau Deddf Safonau Gofal 2000 (Estyn Cymhwysiad Rhan 2 i Bractisau Deintyddol Preifat) (Cymru) 2017 (2017/200 (W.55)) sef bod “, agency or private dental practice” wedi ei roi yn lle “or agency”.

Application of Part 2 of the Act to
persons carrying on or managing a
private dental practice

1. Section 11 (requirement to register) applies as if—

- (a) in subsection (1)—
 - (i) after “description”, on the first occasion where the word occurs, there were inserted “or private dental practice”;
 - (ii) after “description”, on the second occasion where the word occurs, there were inserted “or as a private dental practice”;
- (b) in subsection (6)(a)—
 - (i) for “or agency” there were substituted “, agency or private dental practice”;
 - (ii) “or” at the end of the paragraph were omitted;
- (c) for subsection (6)(b) there were substituted—
 - “(b) in the case of a conviction in relation to an establishment or agency, the conviction is a second or subsequent conviction of the offence and the earlier conviction, or one of the earlier convictions, was of an offence in relation to an establishment or agency of the same description; or
 - (c) in the case of a conviction in relation to a private dental practice, the conviction is a second or subsequent conviction of the offence.”

2. Section 12 (applications for registration) applies as if for “or agency”, wherever the words occur, there were substituted “, agency or private dental practice”.

3. Section 13 (grant or refusal of registration) applies as if for “or agency”, wherever the words occur, there were substituted “, agency or private dental practice”.

4. Section 14 (cancellation of registration) applies as if for “or agency”, in subsection (1)(b) and (c), there were substituted “, agency or private dental practice”(1).

(1) The opening words of section 14(1) are modified by the Care Standards Act 2000 (Extension of the Application of Part 2 to Private Dental Practices) (Wales) Regulations 2017 (2017/200 (W.55)) whereby “or agency” is substituted with “,agency or private dental practice”.

5. Mae adran 17 (hysbysiad o gynigion) yn gymwys fel pe bai “, agency or private dental practice” wedi ei roi yn lle “or agency”, ble bynnag y mae’r geiriau yn digwydd.

6. Mae adran 19 (hysbysiad o benderfyniadau) yn gymwys fel pe bai “, agency or private dental practice” wedi ei roi yn lle “or agency”.

7. Mae adran 20A (gweithdrefn frys i ganslo; Cymru) yn gymwys fel pe bai “, agency or private dental practice” wedi ei roi yn lle “or agency”, ble bynnag y mae’r geiriau yn digwydd.

8. Mae adran 20B (gweithdrefn frys i atal dros dro neu amrywio etc.) yn gymwys fel pe bai “, agency or private dental practice” wedi ei roi yn lle “or agency”, ble bynnag y mae’r geiriau yn digwydd.

9. Mae adran 21 (apelau i’r Tribiwnlys) yn gymwys fel pe bai “, agency or private dental practice” wedi ei roi yn lle “or agency”, ble bynnag y mae’r geiriau yn digwydd.

10. Mae adran 24 (methu â chydymffurfio ag amodau) yn gymwys fel pe bai “, agency or private dental practice” wedi ei roi yn lle “or agency”, ble bynnag y mae’r geiriau yn digwydd.

11. Mae adran 24A (troseddau sy’n ymwneud ag atal dros dro) yn gymwys fel pe bai “, agency or private dental practice” wedi ei roi yn lle “or agency”, ble bynnag y mae’r geiriau yn digwydd.

12. Mae adran 26 (disgrifiadau anwir o sefydliadau ac asiantaethau) yn gymwys fel pe bai—

- (a) yn is-adran (1), “or a private dental practice” wedi ei fewnosod ar ôl “description” ym mhob lle y mae’r gair yn digwydd;
- (b) yn is-adran (3), “, agency or private dental practice” wedi ei roi yn lle “or agency”, ble bynnag y mae’r geiriau yn digwydd.

13. Mae adran 28 (methu ag arddangos tystysgrif gofrestru) yn gymwys fel pe bai—

- (a) “, agency or private dental practice” wedi ei roi yn lle “or agency”, ble bynnag y mae’r geiriau yn digwydd;
- (b) “or at the premises used to carry on the private dental practice” wedi ei fewnosod ar ôl “at the agency”.

5. Section 17 (notice of proposals) applies as if for “or agency”, wherever the words occur, there were substituted “, agency or private dental practice”.

6. Section 19 (notice of decisions) applies as if for “or agency” there were substituted “, agency or private dental practice”.

7. Section 20A (urgent procedure for cancellation; Wales) applies as if for “or agency”, wherever the words occur, there were substituted “, agency or private dental practice”.

8. Section 20B (urgent procedure for suspension or variation etc.) applies as if for “or agency”, wherever the words occur, there were substituted “, agency or private dental practice”.

9. Section 21 (appeals to the Tribunal) applies as if for “or agency”, wherever the words occur, there were substituted “, agency or private dental practice”.

10. Section 24 (failure to comply with conditions) applies as if for “or agency”, wherever the words occur, there were substituted “, agency or private dental practice”.

11. Section 24A (offences relating to suspension) applies as if for “or agency”, wherever the words occur, there were substituted “, agency or private dental practice”.

12. Section 26 (false descriptions of establishments and agencies) applies as if—

- (a) in subsection (1), after “description” in each place where the word occurs, there were inserted “or a private dental practice”;
- (b) in subsection (3), for “or agency”, wherever the words occur, there were substituted “, agency or private dental practice”.

13. Section 28 (failure to display certificate of registration) applies as if—

- (a) for “or agency”, wherever the words occur, there were substituted “, agency or private dental practice”;
- (b) after “at the agency” there were inserted “or at the premises used to carry on the private dental practice”.

14. Mae adran 30A(2) (hysbysu am faterion sy'n ymwneud â phersonau sy'n cynnal neu'n rheoli sefydliadau neu asiantaethau penodol) yn gymwys fel pe bai “, agency or private dental practice” wedi ei roi yn lle “or agency”, ble bynnag y mae'r geiriau yn digwydd⁽¹⁾.

15. Mae adran 31 (arolygiadau gan bersonau sydd wedi eu hawdurdodi gan yr awdurdod cofrestru) yn gymwys fel pe bai—

- (a) yn is-adrannau (1), (3)(c) a (4)(a), “, agency or private dental practice” wedi ei roi yn lle “or agency”, ble bynnag y mae'r geiriau yn digwydd;
- (b) yn is-adran (2), “or a private dental practice” wedi ei fewnosod ar ôl “agency”;
- (c) yn is-adran (5), “or for the purposes of carrying on a private dental practice” wedi ei fewnosod ar ôl “establishment”.

16. Mae adran 32 (arolygiadau: atodol) yn gymwys fel pe bai—

- (a) “, agency or private dental practice” wedi ei roi yn lle “or agency”, ble bynnag y mae'r geiriau yn digwydd;
- (b) yn is-adran (5), “or a private dental practice” wedi ei fewnosod ar ôl “of an agency”.

17. Mae adran 37 (cyflwyno dogfennau) yn gymwys fel pe bai yn lle “or agency”—

- (a) yn is-adran (1) a'r tro cyntaf y mae'r geiriau yn digwydd yn is-adran (2), “agency or private dental practice” wedi ei roi.
- (b) yn is-adran (2), yr ail dro y mae'r geiriau yn digwydd, “agency or premises used for the purposes of carrying on the private dental practice” wedi ei roi.

14. Section 30A(2) (notification of matters relating to persons carrying on or managing certain establishments or agencies) apply as if for “or agency”, wherever the words occur, there were substituted “, agency or private dental practice”⁽¹⁾.

15. Section 31 (inspections by persons authorised by registration authority) applies as if—

- (a) in subsections (1), (3)(c) and (4)(a), for “or agency”, wherever the words occur, there were substituted “, agency or private dental practice”;
- (b) in subsection (2), after “agency” there were inserted “or a private dental practice”;
- (c) in subsection (5), after “establishment” there were inserted “or for the purposes of carrying on a private dental practice”.

16. Section 32 (inspections: supplementary) applies as if—

- (a) for “or agency”, wherever the words occur, there were substituted “, agency or private dental practice”;
- (b) in subsection (5), after “of an agency” there were inserted “or a private dental practice”.

17. Section 37 (service of documents) applies as if for “or agency”—

- (a) in subsection (1) and for the first occurrence of the words in subsection (2), there were substituted “, agency or private dental practice”;
- (b) in subsection (2), for the second occurrence of the words, there were substituted “agency or premises used for the purposes of carrying on the private dental practice”.

⁽¹⁾ Mae adran 30A(1) wedi ei haddasu gan Reoliadau Deddf Safonau Gofal 2000 (Estyn Cymhwysiad Rhan 2 i Bractisau Deintyddol Preifat) (Cymru) 2017.

⁽¹⁾ Section 30A(1) is modified by the Care Standards Act 2000 (Extension of the Application of Part 2 to Private Dental Practices) (Wales) Regulations 2017.

Ffioedd

Ffioedd blynyddol

1.—(1) At ddibenion adran 16(3) o'r Ddeddf, rhaid i ddarparwr cofrestredig practis deintyddol preifat dalu ffi flynyddol a swm y ffi flynyddol yw'r swm a bennir yn is-baragraff (2).

(2) Swm y ffi flynyddol sy'n daladwy yw—

- (a) £500; neu
- (b) £300, os nad yw'r practis deintyddol preifat yn cynnwys mwy nag un deintydd a bod y deintydd hwnnw yn darparu—
 - (i) gwasanaethau deintyddol preifat; a
 - (ii) gwasanaethau deintyddol at ddibenion Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.

(3) Pan fo person yn cofrestru mewn cysylltiad â phractis deintyddol preifat—

- (a) bydd y ffi flynyddol gyntaf yn daladwy ar ddyddiad un mis ar ôl dyddiad y cofrestrriad cyntaf (“y dyddiad dyledus”); a
- (b) ar ôl hynny, bydd y ffi flynyddol yn daladwy ar 1 Ebrill bob blwyddyn.

(4) Mae'r ffi flynyddol gyntaf y cyfeirir ati yn is-baragraff (3)(a) i gael ei chyfrifo'n un rhan o ddeuddeg o £500 neu £300, yn ôl y digwydd, ar gyfer pob mis cyfan o'r dyddiad dyledus i'r tro cyntaf y daw 31 Mawrth yn union ar ôl y dyddiad dyledus.

Ffi gofrestru

2. At ddibenion adran 12(2) o'r Ddeddf, mae'r ffi sydd i fynd gyda chais gan naill ai ddarparwr neu reolwr sy'n ceisio cael ei gofrestru o dan Ran 2 o'r Ddeddf mewn perthynas â phractis deintyddol preifat yn £0.

Ffi mewn cysylltiad â cheisiadau i amrywio amod cofrestru

3. At ddibenion adran 15(3) o'r Ddeddf, mae'r ffi sydd i fynd gyda chais gan y person cofrestredig o dan adran 15(1)(a) o'r Ddeddf i amrywio amod cofrestru mewn cysylltiad â phractis deintyddol preifat fel a ganlyn—

- (a) ar gyfer amrywiad mawr mae'r ffi wedi ei phennu'n £500;
- (b) ar gyfer mân amrywiad mae'r ffi wedi ei phennu'n £250.

Fees

Annual fees

1.—(1) For the purposes of section 16(3) of the Act, the registered provider of a private dental practice must pay an annual fee and the amount of the annual fee is the sum specified in sub-paragraph (2).

(2) The amount of the annual fee payable is—

- (a) £500; or
- (b) £300, if the private dental practice consists of no more than one dentist and that dentist provides—
 - (i) private dental services; and
 - (ii) dental services for the purposes of the National Health Service (Wales) Act 2006.

(3) Where a person registers in respect of a private dental practice—

- (a) the first annual fee will be payable on a date one month after the date of first registration (“the due date”); and
- (b) thereafter, the annual fee will be payable on 1 April in each year.

(4) The first annual fee referred to in sub-paragraph (3)(a) is to be calculated as one twelfth of £500 or £300, as the case may be, for each complete month from the due date to the first occurrence of 31 March immediately following the due date.

Registration fee

2. For the purposes of section 12(2) of the Act, the fee to accompany an application by either a provider or a manager seeking to be registered under Part 2 of the Act in relation to a private dental practice is £0.

Fee in respect of applications to vary a condition of registration

3. For the purposes of section 15(3) of the Act, the fee to accompany an application by the registered person under section 15(1)(a) of the Act to vary a condition of registration in respect of a private dental practice is as follows—

- (a) for a major variation the fee is specified as £500;
- (b) for a minor variation the fee is specified as £250.

Ffi mewn cysylltiad â cheisiadau i ddileu amod cofrestru

4. At ddibenion adran 15(3) o'r Ddeddf, mae'r ffi sydd i fynd gyda chais gan y person cofrestredig o dan adran 15(1)(a) o'r Ddeddf i ddileu amod cofrestru mewn cysylltiad â phractis deintyddol preifat wedi ei phennu'n £50.

Ad-dalu ffioedd blynyddol

5.—(1) Pan fo'r darparwr cofrestredig yn gwneud cais i ganslo ei gofrestrriad o dan adran 15(1)(b) o'r Ddeddf o fewn chwe mis i'r 1 Ebrill blaenorol a bod yr awdurdod cofrestru yn cytuno i ganiatáu'r cais hwnnw, bydd ad-daliad o hyd at 75% o'r ffi flynyddol yn cael ei dalu i'r darparwr cofrestredig.

(2) Mae swm yr ad-daliad y mae hawl gan ddarparwr cofrestredig i'w gael yn chwarter o'r ffi flynyddol a delir ar gyfer pob chwarter cyfan sy'n weddill o'r cyfnod o ddeuddeng mis y mae'n ddyledus ar ei gyfer ar y dyddiad y mae'r awdurdod cofrestru yn cael y cais i ganslo ac mae'n ddarostyngedig i uchafswm ad-daliad o 75%.

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Fee in respect of applications to remove a condition of registration

4. For the purposes of section 15(3) of the Act, the fee to accompany an application by the registered person under section 15(1)(a) of the Act to remove a condition of registration in respect of a private dental practice is specified as £50.

Refund of annual fees

5.—(1) Where the registered provider applies to cancel its registration under section 15(1)(b) of the Act within six months of the preceding 1 April and the registration authority agrees to grant that application, a refund of up to 75% of the annual fee will be paid to the registered provider.

(2) The amount of the refund to which a registered provider is entitled is a quarter of the annual fee paid for each complete quarter which remains of the twelve month period for which it is due as at the date the registration authority receives the application to cancel and subject to a maximum refund of 75%.

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