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WELSH STATUTORY
INSTRUMENTS

2017 Rhif 309 (Cy. 80) (C. 29)

2017 No. 309 (W. 80) (C. 29)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

Gorchymyn Deddf Rheoleiddio ac
Arolygu Gofal Cymdeithasol
(Cymru) 2016 (Cychwyn Rhif 3,
Arbedion a Darpariaethau
Trosiannol) 2017

The Regulation and Inspection of
Social Care (Wales) Act 2016
(Commencement No. 3, Savings
and Transitional Provisions) Order
2017

NODYN ESBONIADOL

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

Hwn yw'r trydydd Gorchymyn Cychwyn a wneir gan Weinidogion Cymru o dan Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 ("y Ddeddf"). Mae'n cychwyn (gydag eithriadau cyfyngedig) Rhannau 2 i 11 o'r Ddeddf ar 3 Ebrill 2017.

Sefydlwyd Cyngor Gofal Cymru ("CGC") gan Ddeddf Safonau Gofal 2000 at ddibenion hybu safonau ymddygiad ac ymarfer uchel ymhlith gweithwyr gofal cymdeithasol a hybu safonau uchel yn eu hyfforddiant.

Mae Rhannau 2 i 10 o'r Ddeddf yn ailenwi CGC yn Ofal Cymdeithasol Cymru ("GCC"), yn ailddatgan ac yn addasu ei swyddogaethau presennol ac yn rhoi swyddogaethau ychwanegol.

Mae erthygl 2 yn cychwyn Rhannau 2 i 10 o'r Ddeddf (i'r graddau nad ydynt eisoes mewn grym), ac eithrio is-adran (5) o adran 160 (pŵer i'w gwneud yn ofynnol i wybodaeth gael ei darparu). Mae hefyd yn cychwyn Atodlen 2 (sy'n gwneud darpariaeth bellach ynghylch GCC) ac adran 185 o'r Ddeddf ac Atodlen 3 iddi (mân ddiwygiadau a diwygiadau canlyniadol) i'r graddau y maent yn ymwneud â Rhan 2 o Atodlen 3 (Gofal Cymdeithasol Cymru).

Mae erthygl 3 yn cyflwyno'r Atodlen, sy'n cael effaith o 3 Ebrill 2017, ac sy'n gwneud arbedion a darpariaethau trosiannol.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the third Commencement Order made by the Welsh Ministers under the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act"). It commences (with limited exceptions) Parts 2 to 11 of the Act on 3 April 2017.

The Care Council for Wales ("the CCW") was established by the Care Standards Act 2000 for the purposes of promoting high standards of conduct and practice among social care workers and promoting high standards in their training.

Parts 2 to 10 of the Act rename the CCW as Social Care Wales ("SCW"), restate and modify its existing functions and confer additional functions.

Article 2 commences Parts 2 to 10 of the Act (in so far as they are not already in force), except for subsection (5) of section 160 (power to require information). It also commences Schedule 2 (which makes further provision about SCW) and section 185 of, and Schedule 3 to, the Act (minor and consequential amendments) insofar as they relate to Part 2 of Schedule 3 (Social Care Wales).

Article 3 introduces the Schedule, which has effect from 3 April 2017, and which makes savings and transitional provisions.

Mae paragraff 2 o'r Atodlen yn gwneud darpariaeth gyffredinol fel bod unrhyw beth a wneir gan CGC, neu mewn perthynas â rheoleiddio gweithwyr gofal cymdeithasol yng Nghymru yn statudol gan CGC, pan fo'n briodol, i gael ei drin ar neu ar ôl 3 Ebrill 2017 fel pe bai wedi ei wneud gan GCC neu mewn perthynas ag ef.

Mae paragraff 3 o'r Atodlen yn darparu ar gyfer trosglwyddo, ar 3 Ebrill 2017, y mwyafrif o'r cofnodion ar y gofrestr a gynhelir gan CGC (yn unol ag adran 56 o Ddeddf Safonau Gofal 2000) i rannau cyfatebol o'r gofrestr a gynhelir gan GCC (o dan adran 80 o'r Ddeddf). Gallai gweithwyr cartrefi gofal i oedolion a gweithwyr gofal cartref wneud cais ar gyfer cofrestriad gwirfoddol yn y rhan ychwanegol o'r gofrestr a gynhelir gan CGC. Nid yw darpariaeth wedi ei gwneud ar gyfer cofrestriad gwirfoddol yn y gofrestr a gynhelir gan GCC a bydd unrhyw gofnodion o'r fath ar gofrestr CGC yn darfod ar 3 Ebrill 2017 am nad dynt yn cael eu trosglwyddo yn unol â pharagraff 3.

Mae paragraff 3 hefyd yn ei gwneud yn bosibl i GCC barhau i ymchwilio i honiad bod cofnod yng nghofrestr CGC wedi ei gael yn dwyllodrus neu ei wneud yn anghywir.

Mae paragraffau 4, 5, 6 a 7 yn gwneud darpariaeth ynghylch achosion arbennig.

Os oedd cofrestriad person yng nghofrestr CGC yn ddarostyngedig i amodau, mae paragraff 4 yn darparu i'r amodau hynny gael eu cario drosodd i gofrestr GCC.

Mae paragraff 5 yn gwneud darpariaeth gyfatebol mewn perthynas â pherson y mae ei gofrestrriad yn ddarostyngedig i gerydd a ddyroddir gan CGC. Yn yr achosion hynny, bydd ei gofrestrriad yng nghofrestr GCC yn cofnodi rhybudd o ran ymddygiad a pherfformiad yn y dyfodol a wneir yn unol â'r un telerau ac ar gyfer yr un hyd â'r cerydd.

Mae paragraff 6 yn darparu y bydd person sydd wedi ei atal dros dro gan CGC yn parhau i fod wedi ei atal dros dro yn unol â'r un telerau ac ar gyfer yr un hyd pan fydd wedi ei gofrestru â GCC.

Mae paragraff 7 yn gwneud darpariaeth ynghylch person sy'n ddarostyngedig i orchymyn gwahardd sy'n atal y person rhag gwneud cais i gael ei adfer i'r gofrestr. Mae'r orchymyn wedi ei drosi i drefniant cyfatebol GCC.

Mae paragraff 8 yn gwneud darpariaeth ynghylch achosion sydd yn yr arfaeth gerbron un o bwyllgorau disgyblu CGC. Ymdrinnir â'r achosion hynny, ar neu ar ôl 3 Ebrill 2017, gan GCC yn unol â Rheolau Cyngor Gofal Cymru (Addasrwydd i Ymarfer) 2014, sydd wedi eu harbed at y diben hwnnw.

Paragraph 2 of the Schedule makes general provision so that anything done by or in relation to the statutory regulation of social care workers in Wales by CCW is, where appropriate, to be treated on or after 3 April 2017 as done by or in relation to SCW.

Paragraph 3 of the Schedule provides for the transfer on 3 April 2017 of the majority of entries on the register maintained by the CCW (in accordance with section 56 of the Care Standards Act 2000) to corresponding parts of the register maintained by SCW (under section 80 of the Act). Adult care home workers and domiciliary care workers could apply for voluntary registration in the added part of the register maintained by the CCW. No provision is made for voluntary registration in the register maintained by SCW and any such entries on the CCW register will lapse on 3 April 2017 as they are not transferred in accordance with paragraph 3.

Paragraph 3 also makes it possible for an allegation that an entry in the CCW register was fraudulently obtained or incorrectly made to continue to be investigated by SCW.

Paragraphs 4, 5, 6 and 7 make provision about special cases.

If a person's registration in the CCW register was subject to conditions, paragraph 4 provides for those conditions to be carried over to the SCW register.

Paragraph 5 makes corresponding provision in relation to a person whose registration is subject to an admonishment issued by the CCW. In such cases their registration in the SCW register will record a warning as to future conduct and performance made in the same terms and for the same duration as the admonishment.

Paragraph 6 provides that a person who is suspended by the CCW will continue to be suspended on the same terms and for the same duration when registered with SCW.

Paragraph 7 makes provision about a person who is subject to a barring order preventing the person from applying for restoration to the register. The order is converted to SCW's equivalent.

Paragraph 8 makes provision about proceedings pending before one of CCW's disciplinary committees. Such proceedings will, on or after 3 April 2017, be dealt with by SCW in accordance with the Care Council for Wales (Fitness to Practise) Rules 2014, which are saved for that purpose.

Mae paragraffau 9 a 10 yn gwneud darpariaeth debyg mewn perthynas â cheisiadau ar gyfer cofrestru, adnewyddu cofrestriad a cheisiadau i adfer i gofrestr CGC sydd yn yr arfaeth gerbron un o bwyllgorau CGC. Ymdrinnir â'r achosion hynny, ar neu ar ôl 3 Ebrill 2017, gan GCC yn unol â Rheolau perthnasol CGC, sydd wedi eu harbed at y diben hwnnw.

Mae paragraff 11 yn cadw'r hawl i apelio yn erbyn penderfyniad CGC a wneir cyn 3 Ebrill 2017. Mae'r apêl i'r Tribiwnlys.

Mae paragraff 12 yn darparu bod unrhyw gwestiwn o ran ymddygiad neu ymarfer person cyn 3 Ebrill 2017 i gael ei benderfynu, ar neu ar ôl y diwrnod hwnnw, yn unol â'r un safonau ymarfer a oedd yn gymwys ar yr adeg berthnasol.

Mae paragraff 13 yn trin safonau hyfedredd, cymwysterau, cyrsiau, hyfforddiant a datblygiad proffesiynol parhaus a gymeradwyir gan CGC cyn 3 Ebrill 2017 fel pe baent wedi eu cymeradwyo gan GCC. Mae hefyd yn cadw hawl GCC, ar neu ar ôl y diwrnod hwnnw, i arfer ei farn ei hun ynghylch cymeradwyaeth y mae'r ddarpariaeth hon yn effeithio arni.

Mae paragraff 14 yn darparu y caniateir parhau i ymchwilio i gwynion a wneir i Ombwdsmon Gwasanaethau Cyhoeddus Cymru cyn 3 Ebrill 2017 ynghylch CGC ar neu ar ôl y diwrnod hwnnw. Mae unrhyw gŵyn o'r fath i gael ei thrin fel pe bai wedi ei gwneud yn erbyn GCC.

NODYN AM Y GORCHMYNION CYCHWYN CYNHARACH

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

Mae'r darpariaethau a ganlyn o'r Ddeddf wedi eu dwyn i rym drwy Orchymyn Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

<i>Y Ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>
Adran 67 (yn rhannol)	11 Gorffennaf 2016	2016/713 (Cy. 191) (C. 51)
Adran 68 (yn rhannol)	11 Gorffennaf 2016	2016/713 (Cy. 191) (C. 51)
Adran 73(1) a (2) (yn rhannol)	11 Gorffennaf 2016	2016/713 (Cy. 191) (C. 51)
Adran 75 (yn rhannol)	11 Gorffennaf 2016	2016/713 (Cy. 191) (C. 51)

Paragraphs 9 and 10 make similar provision in relation to applications for registration, renewal of registration and applications for restoration to the CCW register which are pending before one of the CCW's committees. Such applications will, on or after 3 April 2017, be dealt with by SCW in accordance with the relevant CCW Rules, which are saved for that purpose.

Paragraph 11 preserves the right of appeal against a pre-3 April 2017 decision of the CCW. The appeal is to the Tribunal.

Paragraph 12 provides that any question as to a person's conduct or practice before 3 April 2017 is to be judged on or after that day by the same standards of practice that applied at the relevant time.

Paragraph 13 treats standards of proficiency, qualifications, courses, training and continuing professional development approved by the CCW before 3 April 2017 as though they were approved by SCW. It also preserves the right of SCW on or after that day to exercise its own judgement about an approval affected by this provision.

Paragraph 14 provides that complaints made to the Public Services Ombudsman for Wales before 3 April 2017 about the CCW may continue to be investigated on or after that day. Any such complaint is to be treated as though it were made against SCW.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by Commencement Order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 67 (partially)	11 July 2016	2016/713 (W. 191) (C. 51)
Section 68 (partially)	11 July 2016	2016/713 (W. 191) (C. 51)
Section 73(1) and (2) (partially)	11 July 2016	2016/713 (W. 191) (C. 51)
Section 75 (partially)	11 July 2016	2016/713 (W. 191) (C. 51)

Adran 185 ac 6 Ebrill 2016 2016/467
Atodlen 3 (yn (Cy. 149)
rhannol) (C. 28)

Section 185 and 6 April 2016 2016/467
Schedule 3 (W. 149) (C. 28)
(partially)

Gweler hefyd adran 188(2) o'r Ddeddf am
ddarpariaethau a ddaeth i rym ar 19 Ionawr 2016 (y
diwrnod ar ôl dyddiad y Cydsyniad Brenhinol).

See also section 188(2) of the Act for provisions that
came into force on 19 January 2016 (the day after the
date of Royal Assent).

2017 Rhif 309 (Cy. 80) (C. 29)

2017 No. 309 (W. 80) (C. 29)

**GOFAL CYMDEITHASOL,
CYMRU**

SOCIAL CARE, WALES

Gorchymyn Deddf Rheoleiddio ac
Arolygu Gofal Cymdeithasol
(Cymru) 2016 (Cychwyn Rhif 3,
Arbedion a Darpariaethau
Trosiannol) 2017

The Regulation and Inspection of
Social Care (Wales) Act 2016
(Commencement No. 3, Savings
and Transitional Provisions) Order
2017

Gwnaed

7 Mawrth 2017

Made

7 March 2017

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 188(1) a (3) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016(1), yn gwneud y Gorchymyn a ganlyn:

The Welsh Ministers, in exercise of the powers conferred by section 188(1) and (3) of the Regulation and Inspection of Social Care (Wales) Act 2016(1), make the following Order:

Enwi a dehongli

Title and interpretation

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (Cychwyn Rhif 3, Arbedion a Darpariaethau Trosiannol) 2017.

1.—(1) The title of this Order is the Regulation and Inspection of Social Care (Wales) Act 2016 (Commencement No. 3, Savings and Transitional Provisions) Order 2017.

(2) Yn y Gorchymyn hwn, ystyr “y Ddeddf” (“*the Act*”) yw Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016.

(2) In this Order “the Act” (“*y Ddeddf*”) means the Regulation and Inspection of Social Care (Wales) Act 2016.

Y diwrnod penodedig

Appointed day

2. Y diwrnod penodedig i'r darpariaethau a ganlyn o'r Ddeddf ddod i rym yw 3 Ebrill 2017—

2. 3 April 2017 is the appointed day for the coming into force of the following provisions of the Act—

- (a) Rhan 2 (sy'n cynnwys adrannau 65 i 66 ac sy'n ymwneud â'r trosolwg o Rannau 3 i 8 a'u dehongli);
- (b) i'r graddau nad yw eisoes mewn grym, Rhan 3 (sy'n cynnwys adrannau 67 i 78 ac sy'n ymwneud â Gofal Cymdeithasol Cymru) ac Atodlen 2(2);

- (a) Part 2 (which comprises sections 65 to 66 and relates to the overview and interpretation of Parts 3 to 8);
- (b) insofar as it is not already in force, Part 3 (which comprises sections 67 to 78 and relates to Social Care Wales) and Schedule 2(2);

(1) 2016 decc 2.

(2) Mae Atodlen 2 (sy'n gwneud darpariaeth bellach ynghylch Gofal Cymdeithasol Cymru) yn cael ei chyflwyno gan adran 67(4) o'r Ddeddf.

(1) 2016 anaw 2.

(2) Schedule 2 (which makes further provision about Social Care Wales) is introduced by section 67(4) of the Act.

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| <p>(c) Rhan 4 (sy'n cynnwys adrannau 79 i 111 ac sy'n ymwneud â gweithwyr gofal cymdeithasol);</p> <p>(d) Rhan 5 (sy'n cynnwys adrannau 112 i 116 ac sy'n ymwneud â gweithwyr gofal cymdeithasol, safonau ymddygiad, addysg etc.);</p> <p>(e) Rhan 6 (sy'n cynnwys adrannau 117 i 164 ac sy'n ymwneud ag addasrwydd gweithwyr gofal cymdeithasol i ymarfer), ac eithrio is-adran (5) o adran 160 (pŵer i'w gwneud yn ofynnol i wybodaeth gael ei darparu);</p> <p>(f) Rhan 7 (sy'n cynnwys adrannau 165 i 173 ac sy'n ymwneud â phersonau anghofrestredig a gorchmynion sy'n gwahardd gwaith mewn gofal cymdeithasol);</p> <p>(g) Rhan 8 (sy'n cynnwys adrannau 174 i 175 ac sy'n ymwneud â Gofal Cymdeithasol Cymru a'r ddyletswydd i sefydlu paneli);</p> <p>(h) Rhan 9 (sy'n cynnwys adrannau 176 i 182 ac sy'n ymwneud â chydweithredu a chydweithio gan gyrff rheoleiddiol);</p> <p>(i) Rhan 10 (sy'n cynnwys adrannau 183 i 184 ac sy'n ymwneud â darpariaethau amrywiol a chyffredinol);</p> <p>(j) adran 185 ac Atodlen 3 (mân ddiwygiadau a diwygiadau canlyniadol) i'r graddau y maent yn ymwneud â Rhan 2 o Atodlen 3 (Gofal Cymdeithasol Cymru).</p> | <p>(c) Part 4 (which comprises sections 79 to 111 and relates to social care workers);</p> <p>(d) Part 5 (which comprises sections 112 to 116 and relates to social care workers, standards of conduct, education etc.);</p> <p>(e) Part 6 (which comprises sections 117 to 164 and relates to the fitness to practise of social care workers), except for sub-section (5) of section 160 (power to require information);</p> <p>(f) Part 7 (which comprises sections 165 to 173 and relates to unregistered persons and orders prohibiting work in social care);</p> <p>(g) Part 8 (which comprises sections 174 to 175 and relates to Social Care Wales and the duty to establish panels);</p> <p>(h) Part 9 (which comprises sections 176 to 182 and relates to co-operation and joint working by regulatory bodies);</p> <p>(i) Part 10 (which comprises sections 183 to 184 and relates to miscellaneous and general provisions);</p> <p>(j) section 185 and Schedule 3 (minor and consequential amendments) insofar as they relate to Part 2 of Schedule 3 (Social Care Wales).</p> |
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Arbedion a darpariaethau trosiannol

3. Mae'r Atodlen (sy'n cynnwys arbedion a darpariaethau trosiannol) yn cael effaith o 3 Ebrill 2017.

4. Nid yw'r ddarpariaeth a wneir gan yr Atodlen yn effeithio ar weithrediad adrannau 16 a 17 o Ddeddf Dehongli 1978(1) fel y'i darllenir gydag adran 23 o'r Ddeddf honno.

Savings and transitional provisions

3. The Schedule (which contains savings and transitional provisions) has effect from 3 April 2017.

4. The provision made by the Schedule does not affect the operation of sections 16 and 17 of the Interpretation Act 1978(1) as read with section 23 of that Act.

Rebecca Evans

Gweinidog Iechyd y Cyhoedd a Gwasanaethau Cymdeithasol, o dan awdurdod Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon, un o Weinidogion Cymru
7 Mawrth 2017

Minister for Social Services and Public Health, under authority of the Cabinet Secretary for Health, Well-being and Sport, one of the Welsh Ministers
7 March 2017

(1) 1978 p. 30.

(1) 1978 c. 30.

Dehongli**1.** Yn yr Atodlen hon—

ystyr “CGC” (“*the CCW*”) yw Cyngor Gofal Cymru(1);

ystyr “cofrestr CGC” (“*the CCW register*”) yw’r gofrestr a gynhelir gan CGC o dan adran 56 o Ddeddf Safonau Gofal 2000;

ystyr “cofrestr GCC” (“*the SCW register*”) yw’r gofrestr a gynhelir gan GCC o dan adran 80 o’r Ddeddf;

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

ystyr “GCC” (“*SCW*”) yw Gofal Cymdeithasol Cymru(2);

mae i “gweithiwr gofal cymdeithasol” (“*social care worker*”) yr ystyr a roddir yn adran 79 o’r Ddeddf;

mae i “person a drosglwyddir” (“*transferred person*”) yr ystyr a roddir gan baragraff 3.

Cyffredinol

2. Yn ddarostyngedig i’r darpariaethau a ganlyn o’r Atodlen hon, ar neu ar ôl 3 Ebrill 2017, mae unrhyw beth a wneir gan CGC, neu mewn perthynas ag ef, i’r graddau y mae’n ymwneud â rheoleiddio gweithwyr gofal cymdeithasol yng Nghymru yn statudol (pan fo’n briodol), i gael ei drin fel pe bai wedi ei wneud gan GCC neu mewn perthynas ag ef.

Trosglwyddo cofrestr CGC

3.—(1) Mae pob person sydd yn union cyn 3 Ebrill 2017 wedi ei gofrestru ar un o rannau cofrestr CGC(3) a bennir yn is-baragraff (2) wedi ei gofrestru, ar neu ar ôl y diwrnod hwnnw, yn y rhan gyfatebol o gofrestr GCC(4).

Interpretation**1.** In this Schedule—

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

“the CCW” (“*CGC*”) means the Care Council for Wales(1);

“the CCW register” (“*cofrestr CGC*”) means the register maintained by the CCW under section 56 of the Care Standards Act 2000;

“SCW” (“*GCC*”) means Social Care Wales(2);

“the SCW register” (“*cofrestr GCC*”) means the register maintained by SCW under section 80 of the Act;

“social care worker” (“*gweithiwr gofal cymdeithasol*”) has the meaning given in section 79 of the Act;

“transferred person” (“*person a drosglwyddir*”) has the meaning given by paragraph 3.

General

2. Subject to the following provisions of this Schedule, on or after 3 April 2017, anything done by or in relation to the CCW so far as relating to the statutory regulation of social care workers in Wales is (where appropriate) to be treated as done by, or in relation to SCW.

Transfer of the CCW register

3.—(1) Each person who immediately before the 3 April 2017 is registered on a part of the CCW register(3) specified in sub-paragraph (2) is, on or after that day, registered in the corresponding part of the SCW register(4).

(1) Sefydlwyd Cyngor Gofal Cymru gan adran 54 o Ddeddf Safonau Gofal 2000 (p. 14) (“Deddf 2000”).

(2) Mae adran 67 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (“y Ddeddf”) yn diddymu adran 54 o Ddeddf 2000; ond mae’r corff corfforaethol a sefydlwyd ganddi, sef Cyngor Gofal Cymru, wedi ei ailenwi’n Ofal Cymdeithasol Cymru ac mae’r Ddeddf yn ailddatgan ei swyddogaethau gwreiddiol, yn eu haddasu ac yn ychwanegu atynt.

(3) *Gweler* adran 56(2A) o Ddeddf 2000.

(4) *Gweler* adran 80(3) o’r Ddeddf; y rhannau hyn yw’r “rhan gweithwyr cymdeithasol”, y “rhan ychwanegol” a’r “rhan ymwelwyr Ewropeaidd”.

(1) The Care Council for Wales was established by section 54 of the Care Standards Act 2000 (c. 14) (“the 2000 Act”).

(2) Section 67 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) repeals section 54 of the 2000 Act; but the body corporate it established, the Care Council for Wales, is renamed as Social Care Wales and its original functions are restated, modified and added to by the Act.

(3) *See* section 56(2A) of the 2000 Act.

(4) *See* section 80(3) of the Act; these are the “social worker part”, the “added part” and the “visiting European part”.

(2) Y rhannau o'r gofrestr y cyfeirir atynt yn is-baragraff (1) yw—

- (a) y brif ran;
- (b) y rhan ychwanegol;
- (c) y rhan ymwelwyr Ewropeaidd.

(3) Ond nid yw is-baragraff (1) yn gymwys pan fo person—

- (a) wedi ei gofrestru yn y rhan ychwanegol o gofrestr CGC, a
- (b) yn dod o fewn y naill neu'r llall o'r disgrifiadau a ganlyn—
 - (i) gweithiwr cartref gofal i oedolion, neu
 - (ii) gweithiwr gofal cartref.

(4) Mae person y mae ei enw yn ymddangos ym mhrif ran cofrestr CGC, yn y rhan ychwanegol ohoni, neu yn y rhan ymwelwyr Ewropeaidd ohoni, ac y mae ei gofrestriad wedi ei atal dros dro, yn cael ei ystyried at ddibenion is-baragraffau (1) i (3) fel pe bai wedi ei gofrestru yn y rhan honno o'r gofrestr, ond mae paragraff 6 yn gwneud darpariaeth bellach ynghylch y personau hynny.

(5) Mae cyfeiriadau yn y Ddeddf at gofnod yn y gofrestr sydd wedi ei gynnwys ar sail gwybodaeth anwir neu gamarweiniol i gael eu trin ar neu ar ôl 3 Ebrill 2017 fel pe baent yn cynnwys cofnodion blaenorol yng nghofrestr CGC sy'n ymwneud â phersonau a drosglwyddir.

(6) Cyfeirir at berson, sy'n dod yn gofrestredig yng nghofrestr GCC yn rhinwedd y paragraff hwn, yn yr Atodlen hon yn "person a drosglwyddir".

Cofrestriad sy'n ddarostyngedig i amodau

4.—(1) Mae'r paragraff hwn yn gymwys os oedd cofrestriad person a drosglwyddir yng nghofrestr CGC, yn union cyn 3 Ebrill 2017, yn ddarostyngedig i amodau a osodir—

- (a) wrth ganiatáu cais y person a drosglwyddir i CGC ar gyfer cofrestru neu adnewyddu cofrestriad gan CGC, y Pwyllgor Cofrestru(1) neu'r Pwyllgor Adfer(2), neu

(2) The parts of the register referred to in sub-paragraph (1) are—

- (a) the principal part;
- (b) the added part;
- (c) the visiting European part.

(3) But sub-paragraph (1) does not apply where a person is—

- (a) registered in the added part of the CCW register, and
- (b) falls within either of the following descriptions—
 - (i) an adult care home worker, or
 - (ii) a domiciliary care worker.

(4) A person whose name appears in the principal part, the added part, or the visiting European part of the CCW register, and whose registration has been suspended, counts for the purposes of sub-paragraphs (1) to (3) as being registered in that part of the register, but paragraph 6 makes further provision about such persons.

(5) References in the Act to an entry in the register having been included on the basis of false or misleading information are to be treated on or after 3 April 2017 as including former entries in the CCW register relating to transferred persons.

(6) A person who becomes registered in the SCW register by virtue of this paragraph is referred in this Schedule as a "transferred person".

Registration subject to conditions

4.—(1) This paragraph applies if a transferred person's registration in the CCW register was immediately before 3 April 2017 subject to conditions imposed—

- (a) on the grant of the transferred person's application to the CCW for registration or for renewal of registration by the CCW, the Registration Committee(1) or the Restoration Committee(2), or

(1) Mae'r Pwyllgor Cofrestru wedi ei sefydlu gan reol 14 o Reolau Cyngor Gofal Cymru (Cofrestru) 2015(b), sydd wedi eu gwneud gan CGC o dan bwerau yn Rhan 4 o Ddeddf 2000 a chyda chydsyniad Gweinidogion Cymru.

(2) Mae'r Pwyllgor Adfer, y Pwyllgor Ymchwilio a'r Pwyllgor Addasrwydd i Ymarfer wedi eu sefydlu gan reol 4 o Reolau Cyngor Gofal Cymru (Addasrwydd i Ymarfer) 2014, sydd wedi eu gwneud gan CGC o dan bwerau yn Rhan 4 o Ddeddf 2000 a chyda chydsyniad Gweinidogion Cymru.

(1) The Registration Committee is established by rule 14 of the Care Council for Wales (Registration) Rules 2015(b), which are made by CCW under powers in Part 4 of the 2000 Act and with the consent of the Welsh Ministers.

(2) The Restoration, Investigation and Fitness to Practise Committees are established by rule 4 of the Care Council for Wales (Fitness to Practise) Rules 2014, which are made by CCW under powers in Part 4 of the 2000 Act and with the consent of the Welsh Ministers.

- (b) yn ystod achos, neu ar ddiwedd achos, mewn perthynas ag ymddygiad person gan y Pwyllgor Ymchwilio neu'r Pwyllgor Addasrwydd i Ymarfer.

(2) Per bai'r amodau wedi parhau mewn grym ar 3 Ebrill 2017, mae cofrestriad y person hwnnw yng nghofrestr GCC yn parhau i fod yn ddarostyngedig i'r amodau hynny fel pe baent wedi eu gosod yn unol â'r un telerau ac ar gyfer yr un hyd mewn gorchymyn cofrestru amodol a wneir gan banel gorchymynion interim neu banel addasrwydd i ymarfer(1) (sydd i gael ei ystyried a chanddo'r pŵer i osod yr amodau hynny).

Cofrestriad sy'n ddarostyngedig i gerydd

5.—(1) Mae'r paragraff hwn yn gymwys—

- (a) os, yn union cyn 3 Ebrill 2017, oedd cofnod o gerydd(2) ar gofnod person a drosglwyddir yng nghofrestr CGC, a

- (b) pe bai'r cofnod o'r cerydd wedi parhau ar 3 Ebrill 2017.

(2) Ar neu ar ôl 3 Ebrill 2017, mae cofrestriad y person hwnnw yng nghofrestr GCC i gael ei drin fel pe bai'n ddarostyngedig i rybudd o ran ymddygiad neu berfformiad yn y dyfodol, yn unol â'r un telerau ac ar gyfer yr un hyd â'r cerydd, a ddyroddir gan GCC neu banel addasrwydd i ymarfer(3) (sydd i gael ei ystyried a chanddo'r pŵer i ddyroddi'r rybudd hwnnw).

Cofrestriad sydd wedi ei atal dros dro

6.—(1) Mae'r paragraff hwn yn gymwys—

- (a) os oedd cofrestriad person a drosglwyddir yng nghofrestr CGC yn union cyn 3 Ebrill 2017 wedi ei atal dros dro yn rhinwedd gorchymyn atal dros dro a osodir gan Bwyllgor Addasrwydd i Ymarfer CGC neu orchymyn atal dros dro interim a osodir gan ei Bwyllgor Ymchwilio, a

- (b) pe bai'r ataliad dros dro wedi parhau ar 3 Ebrill 2017.

- (b) during, or at the conclusion of, proceedings in relation to a person's conduct by the Investigation Committee or the Fitness to Practise Committee.

(2) If the conditions would have continued in force on 3 April 2017, that person's registration in the SCW register continues to be subject to those conditions as if they had been imposed in the same terms and for the same duration in a conditional registration order made by an interim orders panel or fitness to practise panel(1) (which is to be taken to have had the power to impose such conditions).

Registration subject to admonishment

5.—(1) This paragraph applies if—

- (a) immediately before 3 April 2017 there was a record of an admonishment(2) on a transferred person's entry in the CCW register, and

- (b) the record of the admonishment would have continued on 3 April 2017.

(2) On or after 3 April 2017 that person's registration in the SCW register is to be treated as if it is subject to a warning as to future conduct or performance, made in the same terms and for the same duration as the admonishment, issued by SCW or a fitness to practise panel(3) (which are to be taken to have had the power to issue such a warning).

Suspended registration

6.—(1) This paragraph applies if—

- (a) a transferred person's registration in the CCW register was immediately before 3 April 2017 suspended by virtue of a suspension order imposed by the CCW's Fitness to Practise Committee or an interim suspension order imposed by its Investigation Committee, and

- (b) the suspension would have continued on 3 April 2017.

(1) Mae adran 174 o'r Ddeddf yn ei gwneud yn ofynnol i GCC sefydlu panel apelau cofrestru, panel addasrwydd i ymarfer a phanel gorchymynion interim.

(2) *Gweler* Rheolau Cyngor Gofal Cymru (Addasrwydd i Ymarfer) 2014.

(3) Caniateir i rybuddion gael eu dyroddi gan GCC o dan adran 126(3)(c) o'r Ddeddf, a chan banel addasrwydd i ymarfer o dan adrannau 137(5), 138(6), 152(3)(b)(ii) ac (8)(b), 153(3)(b)(ii) a (9)(b), 154(3)(b)(ii) ac (8)(b) a 155(6)(b)(ii).

(1) Section 174 of the Act requires SCW to establish a registration appeals panel, a fitness to practise panel and an interim orders panel.

(2) *See* the Care Council for Wales (Fitness to Practise) Rules 2014.

(3) Warnings may be issued by SCW under section 126(3)(c) of the Act, and by a fitness to practise panel under sections 137(5), 138(6), 152(3)(b)(ii) and (8)(b), 153(3)(b)(ii) and (9)(b), 154(3)(b)(ii) and (8)(b) and 155(6)(b)(ii).

(2) Ar neu ar ôl 3 Ebrill 2017, mae cofrestriad y person yng nghofrestr GCC i gael ei drin fel pe bai wedi ei atal dros dro yn unol â'r un telerau ac ar gyfer yr un hyd drwy orchymyn panel gorchmynion interim neu banel addasrwydd i ymarfer GCC (sydd i gael ei ystyried a chanddo'r pŵer i wneud y gorchymyn hwnnw).

(3) Yn unol â hynny, a chyhyd ag y mae'r ataliad dros dro yn cael ei drin fel pe bai'n parhau, bydd adran 163 o'r Ddeddf yn gymwys i gofrestriad y person yng nghofrestr GCC(1).

Gorchmynion gwahardd

7.—(1) Mae'r paragraff hwn yn gymwys os, yn union cyn 3 Ebrill 2017, oedd person a drosglwyddir yn ddarostyngedig i orchymyn gwahardd a osodir gan Bwyllgor Adfer CGC(2).

(2) Ar neu ar ôl 3 Ebrill 2017, mae hawl y person i wneud cais i gael ei adfer i gofrestr GCC(3) i gael ei thrin fel pe bai wedi ei atal am gyfnod amhenodol gan gyfarwyddyd a wneir, ar yr un dyddiad â'r gorchymyn gwahardd, gan banel apelau cofrestru i GCC o dan adran 98(4) o'r Ddeddf (achosion adfer)(4).

Achosion presennol CGC

8.—(1) Mae'r paragraff hwn yn gymwys os, yn union cyn 3 Ebrill 2017, mae person a drosglwyddir—

- (a) yn ddarostyngedig i achos gerbron Pwyllgor Ymchwilio neu Bwyllgor Addasrwydd i Ymarfer CGC, neu
- (b) yn berson y mae CGC wedi cael gwybodaeth amdano a allai arwain at achos o'r fath.

(2) On or after 3 April 2017, the person's registration in the SCW register is to be treated as if it had been suspended on the same terms and for the same duration by order of an interim order panel or a fitness to practise panel of SCW (which is to be taken to have had the power to make such an order).

(3) Accordingly, and for so long as the suspension is treated as continuing, section 163 of the Act will apply to the person's registration in the SCW register(1).

Barring orders

7.—(1) This paragraph applies if immediately before 3 April 2017 a transferred person was subject to a barring order imposed by the CCW's Restoration Committee(2).

(2) On or after 3 April 2017, the person's right to make an application for restoration to the SCW register(3) is to be treated as suspended indefinitely by a direction made, on the same date as the barring order, by a registration appeals panel of SCW under section 98(4) of the Act (restoration proceedings)(4).

Existing CCW proceedings

8.—(1) This paragraph applies if immediately before 3 April 2017 a transferred person is—

- (a) subject to proceedings before the Investigating Committee or the Fitness to Practise Committee of the CCW, or
- (b) a person about whom the CCW has received information which might lead to such proceedings.

(1) Mae adran 163 o'r Ddeddf (sy'n gwneud darpariaeth atodol ynghylch atal dros dro) yn gwneud darpariaeth nad yw person, yn ddarostyngedig i is-adran (3), i gael ei drin fel person cofrestredig os yw'n ddarostyngedig i orchymyn atal dros dro er gwaethaf bod ei enw yn dal i ymddangos yn y gofrestr. Bydd hyn yn sicrhau na chaiff gweithwyr cymdeithasol sy'n ddarostyngedig i orchymyn atal dros dro eu galw eu hunain yn weithwyr cymdeithasol cofrestredig neu honni eu bod wedi eu cofrestru, ond caiff achosion addasrwydd i ymarfer, achosion o dan adran 94 o'r Ddeddf (cofnodion sy'n seiliedig ar wybodaeth anwir neu gamarweiniol), neu gais i ddileu cofnod o'r gofrestr drwy gytundeb (gan reolau a wneir o dan adran 92) barhau.

(2) Caniateir i orchymyn gwahardd gael ei wneud gan Bwyllgor Adfer CGC yn unol â Rheolau Cyngor Gofal Cymru (Addasrwydd i Ymarfer) 2014 o dan amgylchiadau pan fo person wedi ei dynnu oddi ar y gofrestr ac wedi gwneud cais blaenorol i gael ei adfer i gofrestr CGC sydd wedi ei wrthod.

(3) *Gweler* adran 97 o'r Ddeddf (adfer yn dilyn achos addasrwydd i ymarfer).

(4) Mae adran 98(4) o'r Ddeddf yn darparu pŵer i banel apelau cofrestru i gyfarwyddo na chaiff person wneud unrhyw geisiadau pellach i gael ei adfer i gofrestr GCC. Mae adran 97 yn gwneud darpariaeth sy'n galluogi person i wneud cais am i gyfarwyddyd o'r fath gael ei adolygu ar ôl cyfnod o dair blynedd gan ddechrau ar y dyddiad y mae'r gyfarwyddyd yn cael ei roi.

(1) Section 163 of the Act (which makes supplementary provision about suspension) makes provision that subject to subsection (3), a person is not to be treated as a registered person if he or she is subject to a suspension order despite the fact that his or her name still appears in the register. This will ensure that social workers who are subject to a suspension order cannot call themselves registered social workers or hold themselves out as being registered, but fitness to practise proceedings, proceedings under section 94 of the Act (entries based on false or misleading information), or an application for removal from the register by agreement (by rules made under section 92) may continue.

(2) A barring order may be made by the Restoration Committee of CCW in accordance with the Care Council for Wales (Fitness to Practise) Rules 2014 in circumstances where a person has been removed from the register and has made a previous application for restoration to the CCW register which has been refused.

(3) *See* section 97 of the Act (restoration following fitness to practise proceedings).

(4) Section 98(4) of the Act provides a power for a registration appeals panel to direct that a person may not make any further applications for restoration to the SCW register. Section 97 makes provision which enables a person to apply for such a direction to be reviewed after a period of three years beginning on the date on which the direction is given.

(2) Er gwaethaf y ddarpariaeth a wneir gan erthygl 2, ar neu ar ôl 3 Ebrill 2017, mae achosion o'r fath neu ddarpar achosion o'r fath i gael eu diweddu gan GCC yn unol â'r ddarpariaeth a wneir gan Reolau Cyngor Gofal Cymru (Addasrwydd i Ymarfer) 2014(1).

Ceisiadau ar gyfer cofrestru neu adnewyddu sydd heb eu penderfynu

9.—(1) Mae'r paragraff hwn yn gymwys os, yn union cyn 3 Ebrill 2017, yw cais wedi ei wneud i CGC ond nad yw wedi ei benderfynu ganddo, ar gyfer—

- (a) cofrestru ym mhrif ran cofrestr CGC, yn y rhan ychwanegol ohoni neu yn y rhan ymwelwyr Ewropeaidd ohoni, neu
- (b) adnewyddu cofrestriad o'r fath.

(2) Ar neu ar ôl 3 Ebrill 2017, mae cais o'r fath i gael ei drin fel pe bai wedi ei wneud i GCC ar gyfer cofrestru yn y rhan gyfatebol o gofrestr GCC, neu ar gyfer adnewyddu cofrestriad o'r fath.

(3) Er gwaethaf y ddarpariaeth a wneir gan erthygl 2, os, yn union cyn 3 Ebrill 2017, yw cais yn ddarostyngedig i achos gerbron Pwyllgor Cofrestru CGC, mae'r achos i gael ei ddiweddu gan GCC yn unol â'r ddarpariaeth a wneir gan Reolau Cyngor Gofal Cymru (Cofrestru) 2015(b)(2).

(4) Ond nid yw is-baragraffau (2) a (3) yn gymwys—

- (a) i gais ar gyfer cofrestru fel gweithiwr cartref gofal i oedolion neu weithiwr gofal cartref yn y rhan ychwanegol o gofrestr CGC,
- (b) i adnewyddu cais o'r fath, neu
- (c) i achos mewn cysylltiad â chais o'r fath(3).

(2) Notwithstanding the provision made by article 2, on or after 3 April 2017 such proceedings or prospective proceedings are to be concluded by SCW in accordance with the provision made by the Care Council for Wales (Fitness to Practise) Rules 2014(1).

Outstanding applications for registration or renewal

9.—(1) This paragraph applies if immediately before 3 April 2017 an application has been made to, but not determined by the CCW for—

- (a) registration in the principal part, the added part or the visiting European part of the CCW register, or
- (b) renewal of such a registration.

(2) On or after the 3 April 2017, such an application is to be treated as having been made to SCW for registration in the corresponding part of the SCW register, or for the renewal of such a registration.

(3) Notwithstanding the provision made by article 2, if immediately before 3 April 2017 an application is subject to proceedings before the CCW's Registration Committee, the proceedings are to be concluded by SCW in accordance with the provision made by the Care Council for Wales (Registration) Rules 2015(b)(2).

(4) But sub-paragraphs (2) and (3) do not apply to—

- (a) an application for registration as an adult care home worker or a domiciliary care worker in the added part of the CCW register,
- (b) the renewal of such an application, or
- (c) proceedings in respect of such an application(3).

(1) Mae Rheolau Cyngor Gofal Cymru (Addasrwydd i Ymarfer) 2014 wedi eu gwneud o dan adrannau 59 ac 71 o Ddeddf 2000. Mae erthygl 2 o'r Gorchymyn hwn yn cychwyn Rhannau 2 i 10 o'r Ddeddf (yn ddarostyngedig i eithriadau cyfyngedig ac i'r graddau nad ydynt eisoes mewn grym) a hefyd adran 185 a Rhan 2 o Atodlen 3, sy'n diddymu darpariaethau penodol yn Neddf 2000. Mae'r ddarpariaeth hon yn arbed y Rheolau at y dibenion a bennir yn y paragraff.

(2) Gwnaed Rheolau Cyngor Gofal Cymru (Cofrestru) 2015(b) o dan bwerau yn adrannau 57 i 60, 63 i 65 ac 71 o Ddeddf 2000. Mae erthygl 2 yn cychwyn Rhannau 2 i 10 o'r Ddeddf (yn ddarostyngedig i eithriadau cyfyngedig ac i'r graddau nad ydynt eisoes mewn grym) a hefyd adran 185 a'r Atodlen sy'n diddymu darpariaethau penodol yn Neddf 2000. Mae'r ddarpariaeth hon yn arbed y Rheolau at y dibenion a bennir yn y paragraff.

(3) Gallai gweithwyr cartrefi gofal i oedolion a gweithwyr gofal cartref wneud cais ar gyfer cofrestriad gwirfoddol yn y rhan ychwanegol o'r gofrestr a gynhelir gan CGC o dan adran 56 o Ddeddf 2000. Nid yw'r gofrestr a gynhelir gan GCC o dan adran 80 o'r Ddeddf yn gwneud unrhyw ddarpariaeth ar gyfer cofrestriad gwirfoddol gan bersonau o'r fath. *Gweler* paragraff 3 am ddarpariaeth ynghylch trosglwyddo cofnodion ar y gofrestr a gynhelir gan CGC. Bydd ceisiadau ac achosion y cyfeirir atynt ym mharagraff 9(4) yn darfod.

(1) The Care Council for Wales (Fitness to Practise) Rules 2014 are made under sections 59 and 71 of the 2000 Act. Article 2 of this Order commences Parts 2 to 10 of the Act (subject to limited exceptions and in so far as not already in force) and also section 185 and Part 2 of Schedule 3, which repeal certain provisions within the 2000 Act. This provision saves the Rules for the purposes specified in the paragraph.

(2) The Care Council for Wales (Registration) Rules 2015(b) were made under powers in sections 57 to 60, 63 to 65 and 71 of the 2000 Act. Article 2 commences Parts 2 to 10 of the Act (subject to limited exceptions and in so far as not already in force) and also section 185 and Schedule which repeal certain provisions within the 2000 Act. This provision saves the Rules for the purposes specified in the paragraph.

(3) Adult care home workers and domiciliary care workers could apply for voluntary registration in the added part of the register maintained by the CCW under section 56 of the 2000 Act. The register maintained by SCW under section 80 of the Act makes no provision for voluntary registration by such persons. *See* paragraph 3 for provision about the transfer of entries on the register maintained by CCW. Applications and proceedings referred to in paragraph 9(4) will lapse.

Ceisiadau i adfer

10.—(1) Yn ddarostyngedig i baragraff 7 ac is-baragraff (2), caiff person yr oedd gorchymyn dileu wedi ei wneud mewn perthynas ag ef yn unol â Rheolau Cyngor Gofal Cymru (Ymddygiad) 2011 neu Reolau Cyngor Gofal Cymru (Addasrwydd i Ymarfer) 2014 cyn 3 Ebrill 2017, ac nad yw erbyn y diwrnod hwnnw wedi ei adfer i gofrestr CGC, wneud cais i GCC i gael ei adfer i gofrestr GCC.

(2) Er gwaethaf y ddarpariaeth a wneir gan erthygl 2, mae cais o'r fath i gael ei benderfynu gan GCC yn unol â'r ddarpariaeth a wneir gan Reolau Cyngor Gofal Cymru (Addasrwydd i Ymarfer) 2014.

(3) Mae cais a wneir cyn 3 Ebrill 2017 i adfer i brif ran cofrestr CGC, i'r rhan ychwanegol ohoni neu i'r rhan ymwelwyr Ewropeaidd ohoni i gael ei drin, ar neu ar ôl y diwrnod hwnnw, fel pe bai wedi ei wneud i GCC i adfer i'r rhan gyfatebol o gofrestr GCC.

(4) Er gwaethaf y ddarpariaeth a wneir gan erthygl 2, os, yn union cyn 3 Ebrill 2017, yw achos gerbron Pwyllgor Adfer CGC wedi dechrau yn unol â chais o'r fath, mae'r achos i gael ei ddiweddu gan GCC yn unol â'r ddarpariaeth a wneir gan Reolau Cyngor Gofal Cymru (Addasrwydd i Ymarfer) 2014.

(5) Ond nid yw'r paragraff hwn yn gymwys—

- (a) i gais a wneir gan weithiwr cartref gofal i oedolion neu weithiwr gofal cartref i gael ei adfer i'r rhan ychwanegol o'r gofrestr, neu
- (b) i achos mewn cysylltiad â chais o'r fath.

Apelau

11.—(1) Er gwaethaf y ddarpariaeth a wneir gan erthygl 2, mae adran 68 o Ddeddf Safonau Gofal 2000 (apelau i'r Tribiwnlys) yn parhau i gael effaith mewn perthynas â phenderfyniad CGC a wneir cyn 3 Ebrill 2017 mewn perthynas â pherson a drosglwyddir neu berson sy'n ddarostyngedig i orchymyn dileu.

(2) Ond ar neu ar ôl 3 Ebrill 2017—

- (a) mae ymatebydd i apêl a wneir neu a barheir yn rhinwedd is-baragraff (1) i gael ei drin fel GCC yn hytrach na CGC, a
- (b) mae GCC (neu banel a sefydlir o dan adran 174 o'r Ddeddf) i gael ei drin—
 - (i) fel pe bai wedi gwneud y penderfyniad o dan sylw, a
 - (ii) fel pe bai ganddo'r pŵer i weithredu penderfyniad y Tribiwnlys (neu unrhyw benderfyniad a wneir ar apêl bellach gan y Tribiwnlys).

Applications for restoration

10.—(1) Subject to paragraph 7 and to sub-paragraph (2), a person in relation to whom a removal order was made in accordance with the Care Council for Wales (Conduct) Rules 2011 or the Care Council for Wales (Fitness to Practise) Rules 2014 before 3 April 2017, and who has not by that day been restored to the CCW register, may make an application to SCW for restoration to the SCW register.

(2) Notwithstanding the provision made by article 2, such an application is to be determined by SCW in accordance with the provision made by the Care Council for Wales (Fitness to Practise) Rules 2014.

(3) An application made before 3 April 2017 for restoration to the principal part, the added part or the visiting European part of the CCW register is to be treated on or after that day as having been made to SCW for restoration to the corresponding part of the SCW register.

(4) Notwithstanding the provision made by article 2, if immediately before 3 April 2017 proceedings before the CCW's Restoration Committee have begun pursuant to such an application, the proceedings are to be concluded by SCW in accordance with the provision made by the Care Council for Wales (Fitness to Practise) Rules 2014.

(5) But this paragraph does not apply to—

- (a) an application made by an adult care home worker or a domiciliary care worker for restoration to the added part of the register, or
- (b) proceedings in respect of such an application.

Appeals

11.—(1) Notwithstanding the provision made by article 2, section 68 of the Care Standards Act 2000 (appeals to the Tribunal) continues to have effect in relation to a decision of the CCW made before 3 April 2017 in relation to a transferred person or to a person subject to a removal order.

(2) But on or after 3 April 2017—

- (a) the respondent to an appeal made or continued by virtue of sub-paragraph (1) is to be treated as SCW rather than the CCW, and
- (b) SCW (or a panel established under section 174 of the Act) is to be treated—
 - (i) as having made the decision in question, and
 - (ii) as having the power to implement the decision of the Tribunal (or any decision made on a further appeal from the Tribunal).

Cwestiynau sy'n ymwneud ag ymddygiad

12.—(1) Mae unrhyw gwestiwn o ran ymddygiad neu ymarfer, cyn 3 Ebrill 2017, person a drosglwyddir neu berson sy'n ddarostyngedig i orchymyn dileu, i gael ei benderfynu ar neu ar ôl y diwrnod hwnnw fel y byddai wedi ei benderfynu cyn y diwrnod hwnnw.

(2) Er gwaethaf y ddarpariaeth a wneir gan erthygl 2, mae cod ymarfer a gyhoeddir o dan adran 62 o Ddeddf Safonau Gofal 2000 a fyddai wedi bod yn gymwys yn union cyn 3 Ebrill 2017 mewn cysylltiad â'r ymddygiad neu'r ymarfer o dan sylw i barhau i fod yn gymwys ar neu ar ôl y diwrnod hwnnw mewn cysylltiad â'r ymddygiad hwnnw neu'r ymarfer hwnnw.

Cymeradwyo safonau, cyrsiau, etc.

13.—(1) Mae'r safon ofynnol o hyfedredd yng ngwaith cymdeithasol perthnasol⁽¹⁾ a ddisgrifir yn union cyn 3 Ebrill 2017 mewn rheolau a wneir gan CGC o dan adran 63 o Ddeddf Safonau Gofal 2000 (cymeradwyo cyrsiau etc.) yn cael effaith ar neu ar ôl y diwrnod hwnnw fel pe bai wedi ei sefydlu o dan adran 114 o'r Ddeddf (cymeradwyo cyrsiau etc.) fel y safon o hyfedredd sy'n ofynnol i berson gael ei dderbyn i gofrestr GCC.

(2) Ar neu ar ôl 3 Ebrill 2017, mae'r canlynol i gael eu trin fel cymhwyster a gymeradwyir at ddibenion adran 84 o'r Ddeddf ("wedi ei gymhwyso'n briodol")—

- (a) cwblhau cwrs yn llwyddiannus mewn gwaith cymdeithasol perthnasol a oedd, yn union cyn 3 Ebrill 2017, wedi ei gymeradwyo gan CGC yn rhinwedd adran 63 o Ddeddf Safonau Gofal 2000;
- (b) bodloni gofynion o ran hyfforddiant a osodir cyn 3 Ebrill 2017 yn rhinwedd adran 58(2)(a)(iii) o Ddeddf Safonau Gofal 2000 (sy'n ymwneud ag amod ar gyfer caniatáu cofrestriad o dan y Ddeddf honno fel gweithiwr cymdeithasol);
- (c) bodloni gofynion o ran hyfforddiant a osodir cyn 3 Ebrill 2017 yn rhinwedd adran 58(2)(b) o Ddeddf Safonau Gofal 2000 (sy'n ymwneud â gofynion hyfforddiant ar gyfer caniatáu cofrestriad o dan y Ddeddf honno, ar gyfer personau ac eithrio gweithwyr cymdeithasol, fel gweithiwr gofal cymdeithasol).

(1) *Gweler* adran 63(3) o Ddeddf 2000.

Questions relating to conduct

12.—(1) Any question as to the conduct or practice, before 3 April 2017, of a transferred person or a person subject to a removal order, is to be determined on or after that day as it would have been determined before that day.

(2) Notwithstanding the provision made by article 2, a code of practice published under section 62 of the Care Standards Act 2000 which would have been applied immediately before 3 April 2017 in respect of the conduct or practice in question is to continue to apply on or after that day in respect of that conduct or practice.

Approval of standards, courses, etc.

13.—(1) The required standard of proficiency in relevant social work⁽¹⁾ described immediately before 3 April 2017 in rules made by the CCW under section 63 of the Care Standards Act 2000 (approval of courses etc.) has effect on or after that day as if it had been established under section 114 of the Act (approval of courses etc.) as being the standard of proficiency required to be admitted to the SCW register.

(2) On or after 3 April 2017 the following are to be treated as an approved qualification for the purposes of section 84 of the Act ("appropriately qualified")—

- (a) the successful completion of a course in relevant social work which was immediately before 3 April 2017 approved by the CCW by virtue of section 63 of the Care Standards Act 2000;
- (b) the satisfaction of requirements as to training imposed before 3 April 2017 by virtue of section 58(2)(a)(iii) of the Care Standards Act 2000 (which relates to a condition for the grant of registration under that Act as a social worker);
- (c) the satisfaction of requirements as to training imposed before 3 April 2017 by virtue of section 58(2)(b) of the Care Standards Act 2000 (which relates to training requirements for the grant of registration under that Act, for persons other than social workers, as a social care worker).

(1) *See* section 63(3) of the 2000 Act.

(3) Mae is-baragraff (2)(a) hefyd yn gymwys i gyrsiau a oedd yn cael eu trin yn union cyn 3 Ebrill 2017 fel cyrsiau a gymeradwyir gan CGC yn rhinwedd erthygl 5(2)(a) o Orchymyn Cyngor Canolog Addysg a Hyfforddiant mewn Gwaith Cymdeithasol (Cynllun Trosglwyddo) 2001(1) fel y mae'n gymwys i gyrsiau a gymeradwyir gan CGC yn rhinwedd adran 63 o Ddeddf Safonau Gofal 2000.

(4) Mae cyfnod addasu neu brawf tueddfryd y mae CGC yn ei gwneud yn ofynnol i geisydd ei wneud cyn 3 Ebrill 2017 yn rhinwedd adran 64(A1) o Ddeddf Safonau Gofal 2000 (cymwysterau a geir y tu allan i ardal Cyngor Cymru, pan fo'r ceisydd yn berson esempt o dan y Rheoliadau Systemau Cyffredinol)(2) i gael ei drin ar neu ar ôl y diwrnod hwnnw yn ofynnol yn rhinwedd adran 85 o'r Ddeddf (cymwysterau a geir y tu allan i Gymru).

(5) Mae cwblhau'n llwyddiannus hyfforddiant mewn gwaith cymdeithasol perthnasol a oedd, yn union cyn 3 Ebrill 2017, yn cael ei gydnabod gan CGC fel bod o safon ddigonol ar gyfer cofrestru ym mhrif ran cofrestr CGC at ddibenion adran 64(2)(b)(i) o Ddeddf Safonau Gofal 2000(3) (cymwysterau a geir y tu allan i ardal Cyngor Cymru) i gael ei drin ar neu ar ôl 3 Ebrill 2017 fel cymhwyster y mae GCC wedi ei fodloni yn ei gylch at ddibenion adran 85(2)(b)(i) o'r Ddeddf.

(6) Mae cwblhau'n llwyddiannus hyfforddiant ychwanegol sy'n ofynnol cyn 3 Ebrill 2017 gan CGC o dan adran 64(2)(b)(ii) o Ddeddf Safonau Gofal 2000 (hyfforddiant ychwanegol sy'n ofynnol pan nad yw CGC wedi ei fodloni o ran safon hyfforddiant) i gael ei drin ar neu ar ôl y diwrnod hwnnw fel hyfforddiant ychwanegol sy'n bodloni GCC at ddibenion adran 85(2)(b)(ii) o'r Ddeddf.

(7) Mae hyfforddiant pellach a oedd, yn union cyn 3 Ebrill 2017, yn ofynnol gan CGC yn rhinwedd adran 65 o Ddeddf Safonau Gofal 2000(4) (hyfforddiant ar ôl cofrestru) i gael ei drin ar neu ar ôl y diwrnod hwnnw fel pe bai—

(3) Sub-paragraph (2)(a) also applies to courses treated immediately before 3 April 2017 as approved by the CCW by virtue of article 5(2)(a) of the Central Council for Education and Training in Social Work (Transfer Scheme) Order 2001(1) as it applies to courses approved by the CCW by virtue of section 63 of the Care Standards Act 2000.

(4) An adaption period or aptitude test required of an applicant by the CCW before 3 April 2017 by virtue of section 64(A1) of the Care Standards Act 2000 (qualifications gained outside the Welsh Council area, where the applicant is an exempt person under the General Systems Regulations)(2) is to be treated on or after that day as being required by virtue of section 85 of the Act (qualifications gained outside Wales).

(5) The successful completion of training in relevant social work which was immediately before 3 April 2017 recognised by the CCW as being of a standard sufficient for registration in the principal part of the CCW register for the purposes of section 64(2)(b)(i) of the Care Standards Act 2000(3) (qualifications gained outside the Welsh Council's area) is to be treated on or after 3 April 2017 as a qualification as to which SCW are satisfied for the purposes of section 85(2)(b)(i) of the Act.

(6) The successful completion of additional training required before 3 April 2017 by the CCW under section 64(2)(b)(ii) of the Care Standards Act 2000 (additional training required when the CCW not satisfied as to standard of training) is to be treated on or after that day as additional training which satisfies SCW for the purposes of section 85(2)(b)(ii) of the Act.

(7) Further training which was immediately before 3 April 2017 required by the CCW by virtue of section 65 of the Care Standards Act 2000(4) (post-registration training) is to be treated on or after that day as if it were—

(1) O.S. 2001/2561. Mae erthygl 5(2)(a) yn trin cyrsiau penodol a gymeradwywyd yn flaenorol gan y Cyngor Canolog Addysg a Hyfforddiant mewn Gwaith Cymdeithasol yn gyrsiau a gymeradwyir gan CGC (a chyrrff eraill) hyd nes y mae CGC etc. yn penderfynu nad yw'r cyrsiau hynny yn cael eu cydnabod ganddo.

(2) *Gweler* adran 55(6) o Ddeddf 2000 ac adran 90(8) o'r Ddeddf am y diffiniad o "y Rheoliadau Systemau Cyffredinol".

(3) Amnewidiwyd pennawd adran 64 o Ddeddf 2000 gan baragraff 12(c) o Atodlen 15 i Ddeddf Iechyd a Gofal Cymdeithasol 2012 (p. 7), a chan reoliad 106(2) o Ran 7(1) o Reoliadau Cymwysterau Ewropeaidd (Proffesiynau Iechyd a Gofal Cymdeithasol) 2016 (O.S. 2016/1030). Ychwanegwyd is-adran (A1) gan reoliad 238(a) o Ran 18 o Reoliadau Cymwysterau Ewropeaidd (Proffesiynau Iechyd a Gofal Cymdeithasol) 2007 (O.S. 2007/3101).

(4) Diwygiwyd adran 65 gan O.S. 2007/3101.

(1) S.I. 2001/2561. Article 5(2)(a) treats as approved by the CCW (and other bodies) certain courses previously approved by the Central Council for Education and Training in Social Work until such time as the CCW etc. determines that such courses are not recognised by it.

(2) *See* section 55(6) of the 2000 Act and section 90(8) of the Act for the definition of the "General Systems Regulations".

(3) The heading to section 64 of the 2000 Act was substituted by the Health and Social Care Act 2012 (c. 7), Schedule 15, paragraph 12(c) and by the European Qualifications (Health and Social Care Professions) Regulations 2016 (S.I. 2016/1030), Part 7(1), regulation 106(2). Subsection (A1) was added by the European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), Part 18, regulation 238(a).

(4) Section 65 was amended by S.I. 2007/3101.

- (a) yn ddatblygiad proffesiynol parhaus a bennir gan GCC yn rhinwedd adran 113(1) o'r Ddeddf (datblygiad proffesiynol parhaus), oni bai bod yr hyfforddiant yn ymwneud â gweithiwr proffesiynol iechyd meddwl a gymeradwywyd, neu
- (b) yn gwrs a gymeradwyir gan GCC yn rhinwedd adran 114A o Ddeddf Iechyd Meddwl 1983 (cymeradwyo cyrsiau: Cymru)(1), yn achos gweithiwr proffesiynol iechyd meddwl a gymeradwywyd.

- (a) continuing professional development specified by SCW by virtue of section 113(1) of the Act (continuing professional development), unless the training related to an approved mental health professional, or
- (b) a course approved by SCW by virtue of section 114A of the Mental Health Act 1983 (approval of courses: Wales)(1), in the case of an approved mental health professional.

(8) Nid oes dim yn y paragraff hwn yn atal GCC ar neu ar ôl 3 Ebrill 2017 rhag arfer ei bwerau o dan y Ddeddf mewn perthynas ag unrhyw safon, cymhwyster, cwrs, hyfforddiant neu ddatblygiad proffesiynol parhaus a grybwyllir yn y paragraff hwn.

(8) Nothing in this paragraph prevents the exercise by SCW on or after 3 April 2017 of its powers under the Act in relation to any standard, qualification, course, training or continuing professional development mentioned in this paragraph.

Ombwdsmon Gwasanaethau Cyhoeddus Cymru

14.—(1) Er gwaethaf y ddarpariaeth a wneir gan erthygl 2, caiff Ombwdsmon Gwasanaethau Cyhoeddus Cymru (“yr Ombwdsmon”) barhau i ymchwilio i gŵyn a wneir iddo mewn perthynas â CGC cyn 3 Ebrill 2017 o dan Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005(2), ond fel pe bai'r gŵyn wedi ei gwneud mewn cysylltiad â GCC.

(2) Pan fo'r Ombwdsmon yn cynnal ymchwiliad yn unol â'r paragraff hwn, rhaid i'r Ombwdsmon anfon adroddiad o ganlyniad yr ymchwiliad hwnnw at Weinidogion Cymru ac i GCC(3).

Public Services Ombudsman for Wales

14.—(1) Notwithstanding the provision made by article 2, a complaint made to the Public Services Ombudsman for Wales (“the Ombudsman”) in relation to the CCW before 3 April 2017 under the Public Services Ombudsman (Wales) Act 2005(2) may continue to be investigated by the Ombudsman, but as if the complaint had been made in respect of SCW.

(2) Where the Ombudsman conducts an investigation in accordance with this paragraph, the Ombudsman must send a report of the result of that investigation to the Welsh Ministers and SCW(3).

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(1) 1983 p. 20, mewnosodwyd adran 114A gan adran 19 o Ddeddf Iechyd Meddwl 2007 (p. 12), mae hefyd wedi ei diwygio gan adran 217 o Ddeddf Iechyd a Gofal Cymdeithasol 2012, a chan adran 185 o'r Ddeddf a Rhan 2 o Atodlen 3 iddi.
 (2) 2005 p. 10 (“Deddf 2005”).
 (3) Mae adran 16 o Ddeddf 2005 yn gwneud darpariaeth am adroddiadau ymchwiliadau.

(1) 1983 c. 20, section 114A was inserted by section 19 of the Mental Health Act 2007 (c. 12), it is also amended by the Health and Social Care Act 2012, section 217, and by section 185 of and Part 2 of Schedule 3 to the Act.
 (2) 2005 c. 10 (“the 2005 Act”).
 (3) Section 16 of the 2005 Act makes provision about the reports of investigations.

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Arolygu Gofal Cymdeithasol
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