**ENGLISH CONSULTATION QUESTIONS:**

**The Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (Wales) (Amendment) Regulations 2022**

**Question 1:** Do you agree that the amendments to the Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (Wales) Regulations 2007 clearly and sufficiently set out the functions of the IMCA under the LPS?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 1, please include this here.

**The Mental Capacity (Deprivation of Liberty: Eligibility to Carry out Assessments, Make Determinations and Carry out Pre-Authorisation Reviews) (Wales) Regulations 2022**

**Question 2:** Do you agree that the draft Regulations on undertaking assessments, determinations and pre-authorisation reviews are clear and sufficient?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 2, please include this here.

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**Question 3**: Do you agree the draft Regulations enable the relevant professionals to carry out assessments and make determinations?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 3, please include this here.

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**Question 4:** Do you agree that the draft Regulations relating to financial interest provide the necessary safeguards for the cared-for person?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 4, please include this here.

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**The Mental Capacity (Deprivation of Liberty: Training and Criteria for Approval as an Approved Mental Capacity Professional) (Wales) Regulations 2022**

**Question 5:** Do you agree the draft Regulations on the role and appointment of AMCPs are clear and sufficient?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 5, please include this here.

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**Question 6:** Do you agree the draft Regulations enable the relevant professionals to carry out the role of the AMCP?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 6, please include this here.

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**Question 7:** Do you agree with the arrangements for the approval of the AMCP?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 7, please include this here.

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**Question 8:** There are three main types of training that will be provided for AMCPs: conversion training; initial training; and further training. Do you agree with the overall approach being taken to providing training for AMCPs?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 8, please include this here.

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**Question 9:** With specific reference to further training do you agree with:

the proposed requirement to carry out 18 hours of further training each year?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

the content of further training being non-accredited and approved by either Social Care Wales or a local authority in Wales?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 9, please include this here.

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**Question 10:** Do you agree the draft Regulations should enable local authorities to work together with their partners to put in place regional or national arrangements for the approval of AMCPs?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 10, please include this here.

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**The Mental Capacity (Deprivation of Liberty: Monitoring and Reporting) (Wales) Regulations 2022**

**Question 11:** Do you agree that the draft Regulations on monitoring and reporting are clear and sufficient?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 11, please include this here.

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**Question 12:** Where an authorised arrangement is being carried out in a private dwelling or in a part of a premises used as a private dwelling, a monitoring body must seek permission prior to visiting. Also, a monitoring body will seek consent from the care-for person before meeting with them. If a cared-for person does not have capacity to consent then a best interests decision will need to be taken about such a meeting. This may include the monitoring bodies. Do you agree the consent based approach we are proposing to monitoring and reporting reflect people’s rights and provide adequate safeguards?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 12, please include this here.

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## **Broader consultation questions regarding the implementation of the LPS in Wales**

**Question 13:** Do you agree the Regulations protect the rights of the person and service users?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 13, please include this here.

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**Question 14:** We are also consulting on a draft Explanatory Memorandum and Regulatory Impact Assessment (RIA) which provide estimates of the financial costs and benefits / impacts of the implementation of the LPS Regulations in Wales. Do you agree with our assessment of the financial costs and benefits / impacts of the LPS Regulations set out in the draft RIA?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 14, please include this here.

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**Question 15:** As part of the RIA, we have included proposed data items for the LPS National Minimum Data Set – which is currently being developed. Do you agree with the data items included in the draft LPS National Minimum Data Set for Wales?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 15, please include this here.

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**Question 16:** We have issued a draft Children’s Rights Impact Assessment (CRIA) for consultation alongside the draft Regulations for Wales and the draft Regulatory Impact Assessment. Do you agree with our assessment of the impacts of the LPS Regulations on children’s rights set out in the CRIA?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 16, please include this here.

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**Question 17:** We have also issued a draft Equalities Impact Assessment for consultation alongside the draft Regulations for Wales and the draft Regulatory Impact Assessment. Do you agree with our assessment of the impacts of the LPS Regulations on those with protected characteristics?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 17, please include this here.

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**Question 18:** Welsh Government is currently engaging separately on a Workforce Plan and Training Framework – and a summary of this is included in the RIA. Do you agree that the LPS Workforce Plan and Training Framework will promote and embed person centred planning?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 18, please include this here.

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**Question 19:** We have also issued a draft Welsh Language Impact Assessment for consultation alongside the draft Regulations for Wales and the draft Regulatory Impact Assessment. Do you agree with our assessment of the impacts of the LPS Regulations on Welsh Language?

**Strongly Agree**

**Somewhat Agree**

**Neither Agree nor Disagree**

**Somewhat Disagree**

**Strongly Disagree**

If there is information you would like to provide that supports your response to question 19, please include this here.

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**Question 20**: We would like to know your views on the effects that the draft Regulations for Wales supporting the implementation of LPSwould have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.  What effects do you think there would be?  How could positive effects be increased, or negative effects be mitigated?

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**Question 21**: Please also explain how you believe the proposed draft Regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

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**Question 22**: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

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| **Responses to consultations are likely to be made public, on the internet or in a report.  If you would prefer your response to remain anonymous, please tick here:** |

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**CWESTIYNAU’R YMGYNGHORIAD**

**Rheoliadau Deddf Galluedd Meddyliol 2005 (Eiriolwyr Annibynnol o ran Galluedd Meddyliol) (Cymru) (Diwygio) 2022**

**Cwestiwn 1:** A ydych chi’n cytuno bod y diwygiadau i Reoliadau Deddf Galluedd Meddyliol 2005 (Eiriolwyr Annibynnol o ran Galluedd Meddyliol) (Cymru) 2007 yn nodi’n glir ac yn ddigonol swyddogaethau’r IMCA o dan yr LPS?

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 1, dylech ei chynnwys yma.

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**Rheoliadau Deddf Galluedd Meddyliol (Amddifadu o Ryddid: Cymhwystra i gynnal Asesiadau, Gwneud Penderfyniadau a Chynnal Adolygiadau Cyn Awdurdodi) (Cymru) 2022**

**Cwestiwn 2: A ydych chi’n cytuno bod y Rheoliadau drafft ar gynnal asesiadau, gwneud penderfyniadau a chynnal adolygiadau cyn-awdurdodi yn glir ac yn ddigonol?**

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 2, dylech ei chynnwys yma.

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**Cwestiwn 3: A ydych chi’n cytuno bod y Rheoliadau drafft yn galluogi’r gweithwyr proffesiynol perthnasol i gynnal asesiadau a gwneud penderfyniadau?**

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 3, dylech ei chynnwys yma.

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**Cwestiwn 4: A ydych chi’n cytuno bod y Rheoliadau drafft sy’n ymwneud â buddiant ariannol yn darparu’r mesurau diogelu angenrheidiol ar gyfer yr unigolyn sy’n derbyn gofal?**

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 4, dylech ei chynnwys yma.

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**Rheoliadau Galluedd Meddyliol (Amddifadu o Ryddid: Hyfforddiant a Meini Prawf ar gyfer Cael Cymeradwyaeth fel Proffesiynolyn Galluedd Meddyliol Cymeradwy (Cymru) 2022**

**Cwestiwn 5:** A ydych chi’n cytuno bod y Rheoliadau drafft ar rôl a phenodi AMCP yn glir ac yn ddigonol?

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 5, dylech ei chynnwys yma.

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**Cwestiwn 6:** A ydych chi’n cytuno bod y Rheoliadau drafft yn galluogi’r gweithwyr proffesiynol perthnasol i gyflawni rôl AMCP?

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 6, dylech ei chynnwys yma.

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**Cwestiwn 7:** A ydych chi’n cytuno â’r trefniadau ar gyfer cymeradwyo AMCP?

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 7, dylech ei chynnwys yma.

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**Cwestiwn 8:** Bydd tri phrif fath o hyfforddiant yn cael ei ddarparu ar gyfer AMCP: hyfforddiant trosi; hyfforddiant cychwynnol; a hyfforddiant pellach. A ydych chi’n cytuno â’r dull gweithredu cyffredinol sy’n cael ei ddefnyddio i ddarparu hyfforddiant ar gyfer AMCP?

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 8, dylech ei chynnwys yma.

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**Cwestiwn 9:** Gan gyfeirio’n benodol at hyfforddiant pellach, ydych chi’n cytuno â’r canlynol:

y gofyniad arfaethedig i gyflawni 18 awr o hyfforddiant pellach bob blwyddyn?

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

bod cynnwys hyfforddiant pellach ddim wedi’i achredu ac yn cael ei gymeradwyo gan naill ai Gofal Cymdeithasol Cymru neu awdurdod lleol yng Nghymru?

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 9, dylech ei chynnwys yma.

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**Cwestiwn 10:** A ydych chi’n cytuno y dylai’r Rheoliadau drafft alluogi awdurdodau lleol i gydweithio â’u partneriaid i sefydlu trefniadau rhanbarthol neu genedlaethol ar gyfer cymeradwyo AMCP?

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 10, dylech ei chynnwys yma.

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**Rheoliadau Galluedd Meddyliol (Amddifadu o Ryddid: Monitro ac Adrodd) (Cymru) 2022**

**Cwestiwn 11: A ydych chi’n cytuno bod y Rheoliadau drafft ar fonitro ac adrodd yn glir ac yn ddigonol?**

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 11, dylech ei chynnwys yma.

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**Cwestiwn 12:** Pan fo trefniant awdurdodedig yn cael ei wneud mewn annedd breifat neu mewn rhan o safle a ddefnyddir fel annedd breifat, rhaid i gorff monitro ofyn am ganiatâd cyn ymweld. Hefyd, bydd corff monitro yn gofyn am ganiatâd gan y person sy’n derbyn gofal cyn cyfarfod â hwy. Os nad oes gan berson sy’n derbyn gofal y galluedd i gydsynio, yna bydd angen gwneud penderfyniad er lles pennaf ynghylch cyfarfod o’r fath. Gall hyn gynnwys y cyrff monitro. A ydych chi’n cytuno bod y dull gweithredu sy’n seiliedig ar gydsyniad rydym yn ei gynnig ar gyfer monitro ac adrodd yn adlewyrchu hawliau pobl ac yn darparu mesurau diogelu digonol?

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 12, dylech ei chynnwys yma.

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**Cwestiynau ymgynghori ehangach ynghylch gweithredu’r LPS yng Nghymru**

**Cwestiwn 13:** A ydych chi’n cytuno bod y Rheoliadau’n amddiffyn hawliau’r person a’r defnyddwyr gwasanaethau?

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 13, dylech ei chynnwys yma.

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**Cwestiwn 14:** Rydym hefyd yn ymgynghori ar Femorandwm Esboniadol ac Asesiad Effaith Rheoleiddiol (RIA) drafft sy’n darparu amcangyfrifon o gostau a manteision / effeithiau ariannol gweithredu’r Rheoliadau LPS yng Nghymru. A ydych chi’n cytuno â’n hasesiad o gostau a manteision / effeithiau ariannol y Rheoliadau LPS sydd wedi’u nodi yn yr Asesiad Effaith Rheoleiddiol drafft?

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 14, dylech ei chynnwys yma.

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**Cwestiwn 15:** Fel rhan o’r Asesiad Effaith Rheoleiddiol, rydym wedi cynnwys eitemau data arfaethedig ar gyfer Set Ddata Sylfaenol Genedlaethol LPS – sy’n cael ei datblygu ar hyn o bryd. A ydych chi’n cytuno â’r eitemau data sydd wedi’u cynnwys yn y Set Ddata Sylfaenol Genedlaethol ddrafft ar gyfer yr LPS yng Nghymu?

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 15, dylech ei chynnwys yma.

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**Cwestiwn 16:** Rydym wedi cyhoeddi Asesiad o’r Effaith ar Hawliau Plant drafft i ymgynghori yn ei gylch ochr yn ochr â’r Rheoliadau drafft ar gyfer Cymru a’r Asesiad Effaith Rheoleiddiol drafft. A ydych chi’n cytuno â’n hasesiad o effeithiau Rheoliadau LPS ar hawliau plant a nodir yn yr Asesiad o’r Effaith ar Hawliau Plant?

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 16, dylech ei chynnwys yma.

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**Cwestiwn 17:** Rydym hefyd wedi cyhoeddi Asesiad Effaith Cydraddoldeb drafft i ymgynghori yn ei gylch ochr yn ochr â’r Rheoliadau drafft ar gyfer Cymru a’r Asesiad Effaith Rheoleiddiol drafft. A ydych chi’n cytuno â'n hasesiad o effeithiau'r Rheoliadau LPS ar y rhai sydd â nodweddion gwarchodedig?

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 17, dylech ei chynnwys yma.

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**Cwestiwn 18:** Ar hyn o bryd mae Llywodraeth Cymru yn ymgysylltu ar wahân ar Gynllun Gweithlu a Fframwaith Hyfforddi – ac mae crynodeb o hwn wedi’i gynnwys yn yr Asesiad Effaith Rheoleiddiol. A ydych chi’n cytuno y bydd Cynllun Gweithlu a Fframwaith Hyfforddi’r LPS yn hyrwyddo ac yn gwreiddio cynllunio sy’n canolbwyntio ar yr unigolyn?

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 18, dylech ei chynnwys yma.

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**Cwestiwn 19:** Rydym hefyd wedi cyhoeddi Asesiad o’r Effaith ar yr Iaith Gymraeg drafft i ymgynghori yn ei gylch ochr yn ochr â’r Rheoliadau drafft ar gyfer Cymru a’r Asesiad Effaith Rheoleiddiol drafft. A ydych chi’n cytuno â’n hasesiad o effeithiau Rheoliadau LPS ar yr Iaith Gymraeg?

**Cytuno’n gryf**

**Cytuno braidd**

**Ddim yn cytuno neu anghytuno**

**Anghytuno braidd**

**Anghytuno’n gryf**

Os oes gwybodaeth yr hoffech ei darparu sy’n ategu eich ymateb i Gwestiwn 19, dylech ei chynnwys yma.

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**Cwestiwn 20**: Hoffem glywed eich barn am yr effeithiau y byddai’r Rheoliadau drafft ar gyfer Cymru sy'n ategu gweithredu'r LPS yn eu cael ar yr iaith Gymraeg, yn benodol o ran cyfleoedd i bobl ddefnyddio’r Gymraeg ac o ran peidio â thrin y Gymraeg yn llai ffafriol na’r Saesneg.  Beth fyddai'r effeithiau hyn yn eich barn chi?  Sut gellid cynyddu’r effeithiau cadarnhaol, neu liniaru’r effeithiau negyddol?

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**Cwestiwn 21**: Hefyd, esboniwch sut rydych chi’n credu y gallai’r Rheoliadau drafft arfaethedig gael eu llunio neu eu newid er mwyn cael effeithiau cadarnhaol neu fwy o effeithiau cadarnhaol ar gyfleoedd i bobl ddefnyddio’r iaith Gymraeg ac ar beidio â thrin yr iaith Gymraeg yn llai ffafriol na’r Saesneg, a dim effeithiau niweidiol ar gyfleoedd i bobl ddefnyddio'r iaith Gymraeg ac ar beidio â thrin yr iaith Gymraeg yn llai ffafriol na’r Saesneg.

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**Cwestiwn 22**: Rydym wedi gofyn nifer o gwestiynau penodol. Os oes gennych chi unrhyw faterion cysylltiedig nad ydym wedi rhoi sylw penodol iddynt, defnyddiwch y lle gwag hwn i wneud hynny:

Rhowch eich sylwadau yma:

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| **Mae ymatebion i ymgyngoriadau’n debygol o gael eu gwneud yn gyhoeddus, ar y rhyngrwyd neu mewn adroddiad.  Os byddai'n well gennych i'ch ymateb aros yn ddienw, ticiwch yma:** |

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