



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Pwyllgor Deddfwriaeth Rhif 2
Legislation Committee No. 2**

**Dydd Iau, 1 Hydref 2009
Thursday, 1 October 2009**

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Yn y golofn chwith, cofnodwy y trafodion hyn yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn y golofn dde, cynhwyswyd cyfieithiad o'r areithiau hynny.

In the left-hand column, these proceedings are reported in the language in which they were spoken in the committee. In the right-hand column, a translation of those speeches has been included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Mick Bates	Democratiaid Rhyddfrydol Cymru (yn dirprwyo ar ran Jenny Randerson) Welsh Liberal Democrats (substitute for Jenny Randerson)
Ann Jones	Llafur (yn dirprwyo ar ran Jeff Cuthbert) Labour (substitute for Jeff Cuthbert)
Gareth Jones	Plaid Cymru The Party of Wales
Val Lloyd	Llafur (Cadeirydd y Pwyllgor) Labour (Chair of the Committee)
Sandy Mewies	Llafur Labour
Brynle Williams	Ceidwadwyr Cymreig Welsh Conservatives

Eraill yn bresennol
Others in attendance

Brian Gibbons	Aelod Cynulliad, Llafur (y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol) Assembly Member, Labour (the Minister for Social Justice and Local Government)
Michael Lubienski	Gwasanaethau Cyfreithiol, Llywodraeth Cynulliad Cymru Legal Services, Welsh Assembly Government

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Sarah Beasley	Clerc Clerk
Claire Griffiths	Dirprwy Glerc Deputy Clerk
Joanest Jackson	Cynghorydd Cyfreithiol Legal Adviser
Sarah Sargent	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 1.02 p.m.
The meeting began at 1.02 p.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Val Lloyd:** Good afternoon and welcome to today's meeting of Legislation Committee No. 2, where we will be considering Stage 2 of the Proposed Children and Families (Wales) Measure. Apologies have been received from Jeff Cuthbert and Jenny Randerson and I thank Ann Jones and Mick Bates, who are substituting for them. I would also like to extend a welcome to Brynle Williams, who has replaced Paul

Val Lloyd: Prynawn da a chroeso i gyfarfod Pwyllgor Deddfwriaeth Rhif 2 heddiw, lle y byddwn yn ystyried Cyfnod 2 y Mesur Arfaethedig ynghylch Plant a Theuluoedd (Cymru). Mae Jeff Cuthbert a Jenny Randerson wedi ymddiheuro ac yr wyf am ddiolch i Ann Jones a Mick Bates sy'n dirprwyo drostynt. Hoffwn hefyd groesawu Brynle Williams, sydd wedi dod yn aelod parhaol o'r pwyllgor yn lle Paul Davies.

Davies as a permanent member of the committee.

[2] The usual instructions apply. In the event of a fire alarm, please make your way to either of the exits. There is no test forecast, so it will be for real if you hear it. Turn off all mobile phones, pagers and BlackBerrys. As you know, they interfere with the broadcasting equipment. I remind everybody that we work through the media of both English and Welsh. Translation is available on channel 1 and amplification of the sound on channel 0. The microphones will come on automatically.

Yr un yw'r cyfarwyddiadau ag arfer. Os digwydd i'r gloch dân ganu, ewch at un o'r ddwy allanfa. Nid ydym yn disgwyl prawf, felly os bydd y gloch yn canu, bydd rheswm dilys dros hynny. Diffoddwch bob ffôn symudol, pob negesydd a phob Blackberry. Fel y gwyddoch, maent yn amharu ar yr offer darlledu. Yr wyf am atgoffa pawb ein bod yn gweithio drwy gyfrwng y Gymraeg a'r Saesneg. Bydd cyfieithiad ar gael ar sianel 1 a chwyddir y sain ar sianel 0. Bydd y meicroffonau'n gweithio'n awtomatig.

1.03 p.m.

Mesur Arfaethedig ynghylch Plant a Theuluoedd (Cymru)—Cyfnod 2: Ystyried Gwelliannau
The Proposed Children and Families (Wales) Measure—Stage 2: Consideration of Amendments

[3] **Val Lloyd:** I am going to take us through the procedure today because, for some people, it is their first time. In relation to the items before us, Members should have a copy of the proposed Measure, the marshalled list of amendments and a copy of the groupings of the amendments for debate today. The marshalled list of amendments is the list of all amendments tabled that have been marshalled into the order in which the sections appear in the proposed Measure. Schedules will be considered with the relevant sections that introduce them. So, for our meeting, which is the bit that we need to concentrate on, the order in which we will consider amendments will be: sections 1 to 12, sections 13 to 48, sections 49 to 58, sections 59 to 64, Schedule 1, section 65, Schedule 2, sections 66 to 68, any new sections and finally the long title.

Val Lloyd: Yr wyf am ein tywys drwy'r weithdrefn heddiw oherwydd, dyma'r tro cyntaf i rai pobl. O ran yr eitemau sydd ger ein bron, dylai fod gan yr Aelodau gopi o'r Mesur arfaethedig, y rhestr o'r gwelliannau wedi'u didoli a'r ddogfen sy'n grwpio'r gwelliannau a drafodir heddiw. Y rhestr o'r gwelliannau wedi'u didoli yw'r rhestr o'r holl welliannau a gyflwynwyd sydd wedi'u didoli yn ôl trefn yr adrannau yn y Mesur arfaethedig. Ystyrir Atodlenni gyda'r adrannau perthnasol sy'n eu cyflwyno. Felly, ar gyfer ein cyfarfod, sef y darn y mae angen inni ganolbwyntio arno, y drefn y byddwn yn ei dilyn wrth ystyried gwelliannau fydd: adrannau 1 i 12, adrannau 13 i 48, adrannau 49 i 58, adrannau 59 i 64, Atodlen 1, adran 65, Atodlen 2, adrannau 66 i 68, unrhyw adrannau newydd ac yn olaf, y teitl hir.

[4] You will see from the groupings list that amendments have been grouped to facilitate debate, but the order in which they are called and moved for a decision is dictated by the marshalled list. Members will need to follow the two papers, although I will advise Members when I call them whether they are being called to speak in the debate or to move their amendments for a decision. There will be only one debate on each group

Gwelwch o'r rhestr grwpio fod y gwelliannau wedi'u grwpio er mwyn hwyluso'r ddadl, ond dilynir trefn y rhestr o'r gwelliannau wedi'u didoli wrth eu galw a'u cynnig ar gyfer cael penderfyniad. Bydd angen i'r Aelodau ddilyn y ddau bapur, ond byddaf yn dweud wrth yr Aelodau wrth imi eu galw a ydynt yn cael eu galw i siarad yn y ddadl ynteu i gynnig eu gwelliannau er mwyn cael penderfyniad. Dim ond un drafodaeth a fydd

of amendments. I will call the proposer of the first amendment in the group, who should speak to and move their first amendment, and speak to the other amendments in that group.

[5] I will then call other speakers, including the proposers of any other amendments in that group, but they should not move their amendments at that stage. Members who do not have an amendment in the group but who wish to speak should indicate their wish to speak in the usual way. I will call the Minister to speak on each group. To conclude each debate, I will call the proposer of the first amendment in the group to wind up.

[6] Following the debate on a group or amendments, I will clarify whether the Member who moved the first amendment still wishes to press it to a decision. If not, he or she may seek the agreement of the committee to withdraw it. If it is not withdrawn, I will ask, in reference to the first amendment in the group, if the amendment is to be agreed to. It is my intention to record all votes so that the names of those voting for, against or abstaining will be recorded in the minutes.

[7] I will call the proposers of other amendments in each group to move their amendments at the appropriate time and in accordance with the marshalled list. If you do not wish to move your amendment, you should say so clearly when the amendment is called. For the record, only committee members can move amendments. Members will wish to be aware that, in line with the convention for the operation of legislation committees, I will move the amendments in the name of the Minister. Members will also be aware that the only way to debate a section of the proposed Measure is to have tabled an amendment to it. Any sections that do not have amendments tabled to them will be deemed to be agreed to, as will any sections where tabled amendments are not agreed to. For the sake of clarity, I will announce which sections have been agreed at the end of the meeting.

[8] There will be a further opportunity to table amendments to those sections that are not disposed of today. In order to be

ar gyfer pob grŵp o welliannau. Byddaf yn galw ar gynigydd y gwelliant cyntaf yn y grŵp, a dylai hwnnw siarad am y gwelliant cyntaf a'i gynnig, a siarad am y gwelliannau eraill sydd yn y grŵp hwnnw.

Yna, galwaf ar siaradwyr eraill, gan gynnwys cynigwyr unrhyw welliannau eraill yn y grŵp hwnnw, ond ni ddylent gynnig eu gwelliannau bryd hynny. Dylai'r Aelodau nad oes ganddynt welliant yn y grŵp ond sy'n dymuno siarad ddangos hynny yn y ffordd arferol. Byddaf yn galw ar y Gweinidog i siarad am bob grŵp. I gloi pob dadl, byddaf yn galw ar gynigydd gwelliant cyntaf y grŵp i ddirwyn pethau i ben.

Ar ôl y ddadl ynglŷn â grŵp o welliannau, byddaf yn gofyn a yw'r Aelod a gynigiodd y gwelliant cyntaf yn dal i ddymuno pwyso am benderfyniad. Os nad yw, caiff ef neu hi geisio cytundeb y pwyllgor i'w dynnu yn ôl. Oni chaiff ei dynnu yn ôl, byddaf yn gofyn, gan gyfeirio at y gwelliant cyntaf yn y grŵp, a dderbynnir y gwelliant. Fy mwriad yw cofnodi pob pleidlais er mwyn i enwau'r rhai sy'n pleidleisio o blaid, yn erbyn neu'n atal eu pleidlais gael eu cofnodi yn y cofnodion.

Byddaf yn galw ar gynigwyr gwelliannau eraill ym mhob grŵp i gynnig eu gwelliannau ar yr adeg briodol ac yn unol â'r rhestr o welliannau wedi'u didoli. Os nad ydych am gynnig eich gwelliant, dylech ddweud hynny'n glir pan elwir y gwelliant. Er gwybodaeth, dim ond aelodau'r pwyllgor a gaiff gynnig gwelliannau. Dylai Aelodau gofio, yn unol â'r arfer wrth gynnal pwyllgorau deddfwriaeth, y byddaf fi'n cynnig y gwelliannau sydd yn enw'r Gweinidog. Bydd yr Aelodau'n ymwybodol hefyd mai'r unig ffordd o drafod adran o'r Mesur arfaethedig yw cynnig gwelliant iddi. Bernir bod unrhyw adrannau nad oes gwelliannau wedi'u cynnig iddynt wedi'u derbyn, a bydd hynny'n wir hefyd am unrhyw adrannau y gwrthodir y gwelliannau a gyflwynwyd iddynt. Er mwyn bod yn glir, byddaf yn cyhoeddi ar ddiwedd y cyfarfod pa adrannau sydd wedi'u derbyn.

Bydd cyfle arall i gyflwyno gwelliannau i'r adrannau hynny nas gwaredir heddiw. Er mwyn eu hystyried yng nghyfarfod yr

considered during next week's meeting, amendments would need to be tabled by 5 p.m. today.

wythnos nesaf, byddai angen cyflwyno gwelliannau erbyn 5 p.m. heddiw.

[9] Do you have any questions? I see that you do not. We will, therefore, move to consider the amendments.

A oes gennych unrhyw gwestiynau? Gwelaf nad oes. Felly, ymlaen â ni i ystyried y gwelliannau.

**Y Nodau Eang—Dull sy'n Canolbwyntio ar y Plentyn (Gwelliannau 40 a 41)
Broad Aims—Child-centred Approach (Amendments 40 and 41)**

[1] **Val Lloyd:** This group of amendments deals with the child-centred approach. In this group, the lead amendment is amendment 40, which is grouped with amendment 41. I invite Brynle Williams to move amendment 40 and to speak to the other amendment in the group.

Val Lloyd: Mae a wnelo'r grŵp hwn o welliannau â'r dull sy'n canolbwyntio ar y plentyn. Yn y grŵp hwn, gwelliant 40 yw'r prif welliant, ac mae wedi'i grwpio gyda gwelliant 41. Gwahoddaf Brynle Williams i gynnig gwelliant 40 ac i siarad am y gwelliant arall yn y grŵp.

[2] **Brynle Williams:** I am very sorry, Chair, but I seem to have misplaced my notes on this group of amendments.

Brynle Williams: Mae'n ddrwg iawn gennyf, Gadeirydd, ond i bob golwg yr wyf wedi colli fy nodiadau am y grŵp hwn o welliannau.

[3] **Val Lloyd:** Given that we cannot continue until we have disposed of this group of amendments, I will allow a 10-minute adjournment for Brynle to find his notes.

Val Lloyd: Gan nad oes modd inni fwrw ymlaen nes inni waredu'r grŵp hwn o welliannau, caniatâf ohirio'r pwyllgor am 10 munud er mwyn i Brynle ddod o hyd i'w nodiadau.

*Gohiriwyd y cyfarfod rhwng 1.09 p.m. ac 1.20 p.m.
The meeting adjourned between 1.09 p.m. and 1.20 p.m.*

[10] **Val Lloyd:** In this group, the first amendment to be considered is amendment 40. In the absence of the Member who was to move and speak to the lead amendment, any Member may move this amendment. Is there anybody who wishes to do so?

Val Lloyd: Yn y grŵp hwn, y gwelliant cyntaf i'w ystyried yw gwelliant 40. Gan nad yw'r Aelod a oedd i fod i gynnig y prif welliant a siarad amdano'n bresennol, caiff unrhyw Aelod gynnig y gwelliant hwn. A oes unrhyw un yn dymuno gwneud hynny?

[11] **Mick Bates:** I move amendment 40 in the name of Mark Isherwood and with the name of Jenny Randerson in support.

Mick Bates: Cynigïaf welliant 40 yn enw Mark Isherwood a chydag enw Jenny Randerson yn ei gefnogi.

[12] **Val Lloyd:** Ann Jones wishes to speak to this amendment.

Val Lloyd: Mae Ann Jones am siarad am y gwelliant hwn.

[13] **Ann Jones:** As a substitute on this committee, I have looked at the proposed Measure and the amendments very closely over the last 24 hours. I just wonder why the proposer of the amendment wants to add 'households in Wales'. It is a Welsh proposed Measure so can apply only to homes in Wales. I do not think that this is necessary in

Ann Jones: A minnau'n ddirprwy ar y pwyllgor hwn, yr wyf wedi edrych yn ofalus iawn ar y Mesur arfaethedig a'r gwelliannau yn ystod y 24 awr diwethaf. Yr wyf yn pendroni braidd pam mae cynigydd y gwelliant am ychwanegu 'aelwyd yng Nghymru'. Mesur a gynigir yng Nghymru yw hwn. Felly, ni all ond fod yn berthnasol i

the legislation.

gartrefi yng Nghymru. Ni chredaf fod angen hyn yn y ddeddfwriaeth.

[14] **Val Lloyd:** I see no other Members who wish to speak, so I call on the Minister.

Val Lloyd: Ni welaf fod yr un Aelod arall yn dymuno siarad, felly galwaf ar y Gweinidog.

[15] **The Minister for Social Justice and Local Government (Brian Gibbons):** My first observation is along the lines of the contribution from Ann. If you look at section 2(1), there is a specific reference to the eradication of poverty in Wales, so, apart from the title of the proposed Measure, that should mean that there is no confusion in relation to what these broad aims deal with. I think that we could also question it, because if it is needed for sections 1(2)(a) and (b), why is it not similarly required for the other 11 broad aims? I do not consider that the case has been made to restrict the inclusion of 'in Wales' to sections 1(2)(a) and (b). For those reasons, it is unnecessary and would lead to a lack of consistency and, therefore, I would urge Members to reject these amendments.

Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol (Brian Gibbons): Mae sylw cyntaf yn dilyn trywydd cyfraniad Ann. Os edrychwch ar adran 2(1), mae cyfeiriad penodol at ddileu tlodi yng Nghymru, felly, ar wahân i deitl y Mesur arfaethedig, dylai hynny olygu nad oes dryswch ynglŷn â'r hyn y mae'r nodau eang hyn yn ymwneud ag ef. Credaf y gallem gwestiynu hyn hefyd oherwydd os oes ei angen yn adrannau 1(2)(a) a (b), pam yn yr un modd nad oes ei angen ar gyfer yr 11 nod eang arall? Ni chredaf i neb lwyddo i'm hargyhoeddi bod angen cyfyngu cynnwys 'yng Nghymru' i adrannau 1(2)(a) a (b). Am y rhesymau hynny, mae'n ddiangen a byddai'n arwain at ddiffyg cysondeb. Felly, byddwn yn pwysu ar yr Aelodau i wrthod y gwelliannau hyn.

[16] **Val Lloyd:** Mick, as the person who moved amendment 40, do you want to respond or do you wish to proceed to a vote?

Val Lloyd: Mick, a chithau wedi cynnig gwelliant 40, a ydych am ymateb ynteu a ydych am symud i bleidlais?

[17] **Mick Bates:** Thank you for the offer, Chair, but I wish to move directly to the vote.

Mick Bates: Diolch am y cynnig, Gadeirydd, ond yr wyf am symud yn syth i'r bleidlais.

[18] **Val Lloyd:** The question is that amendment 40 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 40. Galwaf am bleidlais.

*Gwelliant 40: O blaid 1, Ymatal 0, Yn erbyn 3.
Amendment 40: For 1, Abstain 0, Against 3.*

Pleidleisiodd yr Aelod canlynol o blaid:
The following Member voted for:

Bates, Mick

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 40.
Amendment 40 not agreed.*

[19] **Val Lloyd:** As amendment 40 was not agreed, amendment 41 in the name of Mark Isherwood falls.

Val Lloyd: Gan fod gwelliant 40 wedi'i wrthod, mae gwelliant 41 yn enw Mark Isherwood yn methu.

*Methodd gwelliant 41.
Amendment 41 fell.*

**Tlodi Tanwydd (Gwelliant 42)
Fuel Poverty (Amendment 42)**

[20] **Val Lloyd:** Group 2 relates to fuel poverty. The lead amendment is amendment 42 in the name of Mark Isherwood. I invite any Member to move amendment 42.

Val Lloyd: Mae a wnelo grŵp 2 â thlodi tanwydd. Y prif welliant yw gwelliant 42 yn enw Mark Isherwood. Gwahoddaf unrhyw Aelod i gynnig gwelliant 42.

[21] **Mick Bates:** I move amendment 42 in the name of Mark Isherwood and with the name of Jenny Randerson in support.

Mick Bates: Cynigïaf welliant 42 yn enw Mark Isherwood a chydag enw Jenny Randerson yn ei gefnogi.

[22] **Val Lloyd:** Is there anyone who wishes to speak to amendment 42? I see that no-one does. Therefore, I call the Minister.

Val Lloyd: A oes unrhyw un yn dymuno siarad am welliant 42? Gwellaf nad oes. Felly, galwaf ar y Gweinidog.

[23] **Brian Gibbons:** I would urge the rejection of amendment 42 because we feel that the intention of amendment 42 is already covered in the broad aims, particularly the broad aims in relation to income. We recognise that, in trying to address the issue of income, there are many elements that will contribute to the income of a family, but to pick out fuel poverty in isolation when the case for doing so has not been made would add imbalance and lacks a coherent reason in relation to that one aspect of what is overall family income.

Brian Gibbons: Byddwn yn pwysu arnoch i wrthod gwelliant 42 oherwydd teimlwn fod bwriad gwelliant 42 wedi'i gynnwys eisoes yn y nodau eang, yn enwedig yn y nodau eang sy'n ymwneud ag incwm. Sylweddolwn, wrth geisio mynd i'r afael ag incwm, fod llawer o elfennau a fydd yn cyfrannu at incwm teulu, ond byddai cyfeirio at dlodi tanwydd ar ei ben ei hun pan nad yw'r ddadl dros wneud hynny wedi'n hargyhoeddi yn golygu bod y Mesur yn anghybwys ac nid oes rheswm rhesymegol dros gyfeirio at yr un elfen honno o incwm cyffredinol teulu.

[24] **Val Lloyd:** Thank you, Minister. I call on the proposer to reply to the debate.

Val Lloyd: Diolch, Weinidog. Galwaf ar y cynigydd i ymateb i'r ddadl.

[25] **Mick Bates:** I do not wish to respond.

Mick Bates: Nid wyf am ymateb.

[26] **Val Lloyd:** Mick, do you wish to move to a vote on amendment 42?

Val Lloyd: Mick, a ydych am symud i bleidlais ar welliant 42?

[27] **Mick Bates:** Yes, please.

Mick Bates: Ydwyf, os gwelwch yn dda.

Val Lloyd: The question is that amendment 42 be agered to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 42. Galwaf am bleidlais.

Gwelliant 42: O blaid 2, Ymatal 0, Yn erbyn 3.

Amendment 42: For 2, Abstain 0, Against 3.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

Gwrthodwyd gwelliant 42.

Amendment 42 not agreed.

**Tlodi, Amddifadedd Sylweddol, Incwm Canolrifol (Gwelliannau 43, 44 a 56)
Poverty, Material Deprivation, Median Income (Amendments 43, 44 and 56)**

- [28] **Val Lloyd:** Having disposed of amendment 42, we turn to the third group of amendments, which relate to issues of poverty, material deprivation, and median income. We will consider amendments 43, 44, and 56. I call on Brynle Williams to move the lead amendment and to speak to all three.
- [29] **Brynle Williams:** I move amendment 43 in the name of Mark Isherwood and with the name of Jenny Randerson in support.
- [30] The Stage 1 committee report stated the following, from paragraphs 16 to 20.
- [31] ‘We note the evidence from some stakeholders calling for determinations of material deprivation and median income to be set out on the face of the proposed Measure, rather than in regulations as currently provided for. (paragraph 112)’
- [32] ‘However, we accept the Minister’s argument that to make such provision in section 1 of the proposed Measure would unnecessarily limit the flexibility to vary these determinations in the future in order to ensure they keep pace with changing circumstances—something we consider to be very important. (paragraph 113)’
- [33] ‘As such, we do not consider that determinations of material deprivation and median income should be provided for on the face of the proposed Measure. (paragraph 114)’
- [34] ‘We do, however, share the concerns of some stakeholders that, in providing for Welsh authorities to make their own determination of material deprivation and median income in the absence of any regulations by the Welsh Ministers, section 1(6) could create a situation where different Welsh authorities across Wales make different determinations. (paragraph 115)’
- [35] ‘On this point, we strongly advocate
- Val Lloyd:** A ninnau wedi gwaredu gwelliant 42, trown at y trydydd grŵp o welliannau, sy’n ymwneud â thlodi, amddifadedd sylweddol ac incwm canolrifol. Ystyriwn welliannau 43, 44, a 56. Galwaf ar Brynle Williams i gynnig y prif welliant ac i siarad am bob un o’r tri.
- Brynle Williams:** Cynigïaf welliant 43 yn enw Mark Isherwood a chydag enw Jenny Randerson yn ei gefnogi.
- Yn adroddiad pwyllgor Cyfnod 1 dywedwyd y canlynol, ym mharagraffau 6 i 20.
- ‘Nodwn dystiolaeth rhai rhanddeiliaid yn gofyn am ddyfarniadau o amddifadedd sylweddol ac incwm canolrifol i gael eu cynnwys yn y Mesur arfaethedig, yn hytrach na mewn rheoliadau fel y darperir ar ei gyfer ar hyn o bryd. (paragraff 112)’
- ‘Fodd bynnag, rydym yn derbyn dadl y Gweinidog y byddai gwneud darpariaeth o’r fath yn adran 1 o’r Mesur arfaethedig yn cyfyngu’n ddiangen ar yr hyblygrwydd i amrywio’r dyfarniadau hyn yn y dyfodol er mwyn sicrhau eu bod yn ymateb i amgylchiadau sy’n newid—rhywbeth sy’n bwysig iawn yn ein barn ni. (paragraff 113)’
- ‘Felly, nid ydym yn credu y dylid darparu ar gyfer dyfarniadau o amddifadedd sylweddol ac incwm canolrifol yn y Mesur arfaethedig. (paragraff 114)’
- ‘Fodd bynnag, rydym yn rhannu pryderon rhai rhanddeiliaid y gallai darparu ar gyfer awdurdodau Cymreig i wneud eu penderfyniadau eu hunain ar amddifadedd sylweddol ac incwm canolrifol oherwydd absenoldeb unrhyw reoliadau gan Weinidogion Cymru olygu y gallai adran 1(6) greu sefyllfa lle mae awdurdodau Cymreig gwahanol ledled Cymru yn pennu dyfarniadau gwahanol. (paragraff 115)’
- ‘Pe bai’r sefyllfa hon yn codi, rydym yn

that, were this situation to arise, the Minister provide clear guidance for all Welsh authorities as to the determinations of material deprivation and median income they should be working to, in order to ensure a consistent approach is adopted across Wales which also takes account of the UK position. We would welcome a commitment from the Minister to this effect. (paragraph 116)'

[36] **Val Lloyd:** As there are no other speakers, Minister, do you wish to speak?

[37] **Brian Gibbons:** I would urge the committee to reject these amendments. It is our intention to bring forward regulations in respect of determining material deprivation and median income as soon as possible. We intend to align these measures with the set that the UK Government will use. The UK Government itself intends to publish regulations, following Royal Assent for the UK Poverty Bill.

[38] Amendment 44 is undesirable as it removes a provision, in the absence of regulations, for the determination of material deprivation and median income, that allows Welsh authorities to make that determination themselves. Colleagues need to remember that there is the potential for a time lag between when the necessary opportunities to develop competence in this regard and when the regulations are brought forward. So, if there is a gap between the times, we clearly need some measure by which authorities covered by this regulation can decide what deprivation is in their context.

1.30 p.m.

[39] The amendments would bring unnecessary inflexibility into the system, because, for example, the Department for Work and Pensions regularly reviews the list of necessities contained in the family resource survey, which is used to inform us on the definition of material deprivation. So, we need flexibility to change in line with developments elsewhere.

argymell yn gryf y dylai'r Gweinidog ddarparu canllawiau clir i'r holl awdurdodau Cymreig ynglŷn â'r dyfarniadau o amddifadedd sylweddol ac incwm canolrifol y dylent eu defnyddio, er mwyn sicrhau dull gweithredu cyson ledled Cymru sydd hefyd yn ystyried sefyllfa'r DU. Byddem yn croesawu ymrwymiad gan y Gweinidog i'r perwyl hwn. (paragraff 116)'

Val Lloyd: Gan nad oes yr un siaradwr arall, Weinidog, a ydych am siarad?

Brian Gibbons: Byddwn yn pwyso ar y pwyllgor i wrthod y gwelliannau hyn. Ein bwriad yw cyflwyno rheoliadau sy'n ymwneud â dyfarniadau ynglŷn ag amddifadedd sylweddol ac incwm canolrifol cyn gynted ag y bo modd. Bwriadwn gysoni'r mesurau hyn â'r set a ddefnyddir gan Lywodraeth y Deyrnas Unedig. Mae Llywodraeth y Deyrnas Unedig ei hun yn bwriadu cyhoeddi rheoliadau, ar ôl i Fesur Tlodi'r Deyrnas Unedig gael Cydsyniad Brenhinol.

Ni fyddem am weld derbyn Gwelliant 44 oherwydd pan nad oes rheoliadau ar gael, ei ei fod yn dileu darpariaeth ar gyfer cael dyfarniad ynglŷn ag amddifadedd sylweddol ac incwm canolrifol, sy'n caniatáu i awdurdodau Cymru wneud y dyfarniad hwnnw'u hunain. Mae angen i'm cyd-Aelodau gofio y gall cryn amser fynd heibio rhwng cael y cyfleoedd angenrheidiol i ddatblygu cymhwysedd yn y cyswllt hwn a chyflwyno'r rheoliadau. Felly, os bydd bwlch rhwng yr adegau hynny, mae'n amlwg bod angen rhyw ffordd i'r awdurdodau sy'n dod o dan y rheoliad hwn benderfynu beth yw amddifadedd yn eu cyd-destun hwy.

Byddai'r gwelliannau'n gwneud y drefn yn ddiangen o anhyblyg, oherwydd, er enghraifft, bydd yr Adran Gwaith a Phensiynau'n adolygu'n rheolaidd y rhestr o bethau angenrheidiol sydd yn yr arolwg adnoddau teuluol. Defnyddir honno'n sail wrth inni ddiffinio amddifadedd sylweddol. Felly, mae angen hyblygrwydd arnom fel y gallwn newid wrth i bethau ddatblygu mewn manau eraill.

[40] Again, we feel that amendment 56 is unnecessary, because sections 1(3) and 1(4) of the proposed Measure already describe the relevant income groups for the purposes of tackling child poverty in relation to the broad aims in subsections 1(2)(a) and 1(2)(b), which are defined at less than 60 per cent of median income and 70 per cent of median income respectively. On that basis, I urge that the amendments be rejected.

[41] **Val Lloyd:** Thank you very much. I call on Brynle Williams to reply to the debate.

[42] **Brynle Williams:** On the above arguments, amendments 43 and 44 confirm the duty—am I in the right place?

[43] **Val Lloyd:** You are now speaking in closing on that group, Brynle.

[44] **Brynle Williams:** I have nothing to say in closing.

[45] **Val Lloyd:** Brynle, do you wish to proceed to vote on amendment 43 or withdraw it?

[46] **Brynle Williams:** I wish to proceed to a vote.

[47] **Val Lloyd:** The question is that amendment 43 be agreed to. I call for a vote.

Unwaith eto, teimlwn fod gwelliant 56 yn ddiangen, oherwydd bod adrannau 1(3) ac 1(4) y Mesur arfaethedig eisoes yn disgrifio'r grwpiau incwm perthnasol er mwyn mynd i'r afael â thlodi plant yng nghyswllt y nodau eang yn isadrannau 1(2)(a) ac 1(2)(b), sef, yn ôl y diffiniad, llai na 60 y cant o'r incwm canolrifol a 70 y cant o'r incwm canolrifol, yn y drefn honno. Ar y sail honno, pwysaf arnoch i wrthod y gwelliannau.

Val Lloyd: Diolch yn fawr iawn. Galwaf ar Brynle Williams i ymateb i'r ddadl.

Brynle Williams: Ar sail y dadleuon uchod, mae gwelliannau 43 a 44 yn cadarnhau'r ddyletswydd—a wyf yn y man iawn?

Val Lloyd: Yr ydych yn siarad i gloi'r grŵp hwnnw yn awr, Brynle.

Brynle Williams: Nid oes gennyf ddim i'w ddweud wrth gloi.

Val Lloyd: Brynle, a ydych am symud i bleidlais ar welliant 43 ynteu ei dynnu yn ôl?

Brynle Williams: Yr wyf am symud i bleidlais.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 43. Galwaf am bleidlais.

*Gwelliant 43: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 43: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 43.
Amendment 43 not agreed.*

[48] **Val Lloyd:** As amendment 43 has been disposed of, we now come to dispose of amendment 44, in line with the marshalled list. Brynle, I invite you to move amendment 44.

[49] **Brynle Williams:** I move amendment 44 in the name of Mark

Val Lloyd: Gan inni waredu gwelliant 43, mae'n bryd inni yn awr waredu gwelliant 44, yn unol â'r rhestr o welliannau wedi'u didoli. Brynle, yr wyf yn eich gwahodd i gynnig gwelliant 44.

Brynle Williams: Cynigïaf welliant 44 yn enw Mark Isherwood a chydag enw Jenny

Isherwood and with the name of Jenny Randerson yn ei gefnogi.
Randerson in support.

[50] **Val Lloyd:** The question is that amendment 44 be agreed to. I call for a vote. **Val Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 44. Galwaf am bleidlais.

*Gwelliant 44: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 44: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

*Gwrthodwyd gwelliant 44.
Amendment 44 not agreed.*

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

[51] **Val Lloyd:** For your information, there will be no vote on amendment 56 at this point. We will vote on that amendment later in the proceedings. **Val Lloyd:** Er gwybodaeth ichi, ni fyddwn yn pleidleisio ar welliant 56 ar hyn o bryd. Byddwn yn pleidleisio ar y gwelliant hwnnw'n ddiweddarach yn y trafodaethau.

Strategaethau—Targedau a Cherrig Milltir (Gwelliant 57) Strategies—Targets and Milestones (Amendment 57)

[52] **Val Lloyd:** I call on Mick Bates to move and speak to the lead amendment, amendment 57 in the name of Jenny Randerson. **Val Lloyd:** Galwaf ar Mick Bates i gynnig y prif welliant a siarad amdano, sef gwelliant 57 yn enw Jenny Randerson.

[53] **Mick Bates:** I move amendment 57 in the name of Jenny Randerson and with the name of Mark Isherwood in support. **Mick Bates:** Cynigïaf welliant 57 yn enw Jenny Randerson a chydag enw Mark Isherwood yn ei gefnogi.

[54] This amendment seeks to provide a requirement that authorities should strive to achieve targets or milestones when implementing their strategies. Unlike the Child Poverty Bill, the proposed Measure does not set a target to be achieved by a target year. On that basis, we are taking an approach that is similar to that taken in the Local Government (Wales) Measure 2009, and providing an additional power for the Welsh Ministers to provide performance indicators in regulations relating to strategies. I hope that the Minister will clearly signal his support for this so that he and his colleagues will be granted powers to give the proposed Measure teeth and the potential for bold milestones and achievements. Nod y gwelliant hwn yw ei gwneud yn ofynnol i awdurdodau ymdrechu i gyrraedd targedau neu gerrig milltir wrth roi eu strategaethau ar waith. Yn wahanol i'r Mesur Tlodi Plant, nid yw'r Mesur arfaethedig yn gosod targed i'w gyflawni erbyn blwyddyn darged. Ar y sail honno, yr ydym yn mynd ati mewn ffordd debyg i'r hyn a geir ym Mesur Llywodraeth Leol (Cymru) 2009, ac yn rhoi pŵer ychwanegol i Weinidogion Cymru ddarparu dangosyddion perfformiad mewn rheoliadau sy'n berthnasol i strategaethau. Gobeithiaf y bydd y Gweinidog yn dangos ei gefnogaeth yn glir i hyn er mwyn iddo ef a'i gyd-Weinidogion gael pwerau i roi dannedd i'r Mesur arfaethedig a'r posibilrwydd o bennu cerrig milltir beiddgar a llwyddo.

[55] **Val Lloyd:** There are no other speakers, therefore, Minister, I call upon you to speak. **Val Lloyd:** Nid oes yr un siaradwr arall, felly, Weinidog, galwaf arnoch i siarad.

[56] **Brian Gibbons:** If we look at the wording, it is ‘performance indicators’ rather than milestones, which is a relevant distinction. However, I agree with the broader point that Mick made in his contribution. It is important that we are able to monitor progress against targets and have a real feel for what progress looks like. So, it is important that we can reassure ourselves that Welsh authorities are making progress towards achieving our objective of eradicating child poverty by 2020. However, I am not convinced that adding a new set of performance indicators, rather than milestones, to the arrangement already in place, is desirable. We already have an overcluttered field of targets and we must ask ourselves whether this further set of targets will add value to the current range of measurement tools that we have in place, or what is further planned.

[57] It is important to recognise that a considerable amount of work is currently under way to streamline and rationalise the range of targets by which performance is measured so that we have greater clarity with regard to what we aspire to achieve and what we are achieving. One way in which we have already committed to achieving this is through the publication of the wellbeing monitor. We have published one edition of that already; another edition is due in 2010 and we will be publishing it every three years thereafter. We are also in the process of developing a new outcomes measure framework, which will provide a set of measures for each core aim that underpins the children and young people’s plan, which will be one of the main delivery vehicles for this proposed Measure. This framework will consist of high-level measures on which all of the plans across local authorities in Wales must report and also has groups of additional measures from which selection can be made in measuring performance against local priorities.

[58] The framework is being designated to incorporate, as well as the seven core aims of the local plans, the 13 broad aims set out in this proposed Measure, thereby supporting the policy intention that local child poverty strategies are firmly integrated in the children

Brian Gibbons: Os edrychwn ar y geiriad, mae’n dweud ‘dangosyddion perfformiad’ yn hytrach na cherrig milltir, sy’n wahaniaeth perthnasol. Fodd bynnag, cytunaf â’r pwynt ehangach a wnaeth Mick yn ei gyfraniad. Mae’n bwysig inni allu monitro cynnydd o’i gymharu â thargedau a’n bod yn wir yn gwybod sut beth yw cynnydd. Felly, mae’n bwysig inni allu bod yn dawel ein meddwl bod awdurdodau Cymru’n camu ymlaen tuag at gyflawni’n nod o ddileu tlodi plant erbyn 2020. Serch hynny, nid wyf yn argyhoeddedig bod ychwanegu set newydd o ddangosyddion perfformiad, yn hytrach na cherrig milltir, at y trefniant sydd gennym eisoes, yn beth da. Mae gennym eisoes faes sy’n orlawn o dargedau a rhaid inni ofyn inni’n hunain a wnaiff y set ychwanegol hon o dargedau ychwanegu gwerth at yr ystod o ddulliau mesur sydd gennym eisoes, neu at y rhai y bwriedir eu cyflwyno eto.

Mae’n bwysig sylweddoli bod cryn waith ar y gweill eisoes i symleiddio a chysoni’r ystod o dargedau a ddefnyddir i fesur perfformiad er mwyn inni fod yn fwy clir ynglŷn a’r hyn yr ydym yn dyheu i’w gyflawni a’r hyn yr ydym yn ei gyflawni. Yr ydym eisoes wedi ymrwymo mewn un ffordd i gyflawni hyn drwy gyhoeddi’r monitor lles. Yr ydym wedi cyhoeddi un rhifyn o hwnnw eisoes; mae rhifyn arall ar y ffordd yn 2010 a byddwn yn ei gyhoeddi bob tair blynedd wedi hynny. Yr ydym hefyd wrthi’n datblygu fframwaith mesur canlyniadau newydd a fydd yn cynnig set o ddulliau mesur ar gyfer pob nod craidd sy’n sail i’r cynllun plant a phobl ifanc. Dyma un o’r prif gyfryngau ar gyfer gwireddu’r Mesur arfaethedig hwn. Bydd y fframwaith hwn yn cynnwys dulliau mesur lefel-uchel y bydd yn rhaid i’r holl gynlluniau ar draws awdurdodau lleol Cymru gyflwyno adroddiadau yn eu cylch. Mae hefyd yn cynnwys grwpiau o ddulliau mesur ychwanegol y gellir dethol o’u plith wrth fesur perfformiad ar sail blaenoriaethau lleol.

Pennir y bydd y fframwaith yn cynnwys, yn ogystal â saith nod craidd y cynlluniau lleol, y 13 nod cyffredinol a nodir yn y Mesur arfaethedig hwn, a thrwy hynny, mae’n cefnogi’r bwriad yn y polisi sef bod strategaethau tlodi plant lleol yn cael eu

and young people plan. We intend to have a consultation period on this outcome measures framework by April 2010.

[59] Outcome measures included in the Welsh Ministers' child poverty strategy will need to link and reflect this work across the children and young people's plans as well as the strategies flowing from the child poverty Measure. In addition, setting prescriptive national targets will mitigate the very local bases by which these strategies will be delivered. The proposed Measure will be asking local authorities to decide on the crucial objectives to deliver against child poverty targets at a local level, and there is a risk that unduly prescriptive national targets will not contribute to that local sensitivity. It may, in fact, result in a chase after the target rather than addressing local needs. In conclusion, we recognise the clear necessity of being able to measure progress. We have a number of means of doing that already in hand and we have a very comprehensive set of proposals in the pipeline that will, hopefully, address the purpose of the amendment. I would urge Mick to withdraw his amendment; but if not, I would urge the committee to oppose it.

[60] **Val Lloyd:** Thank you. I call upon Mick Bates to reply to the debate.

[61] **Mick Bates:** I listened intently to your response, Minister. I remind you that this is an additional power to a Welsh Minister, as with the local government Measure, which we consider to be an important tool to set performance indicators when required. I appreciate the list of indicators that you have outlined, and the sensitivity to local need, however, the crucial point and the opportunity that we have in creating this legislation is to make sure that those good intentions are transferred into action. I believe that it is only through having the power for the Welsh Ministers to set performance indicators and targets that we can scrutinise the achievement. Otherwise, we will be left up in the air. As you have just stated, there are good intentions at a local level with great sensitivity, but that does not

hintegreiddio'n gadarn yn y cynllun plant a phobl ifanc. Ein bwriad yw cynnal cyfnod ymgynghori ynglŷn â'r fframwaith mesur canlyniadau hwn erbyn mis Ebrill 2010.

Bydd angen i'r dulliau mesur canlyniadau a gynhwysir yn strategaeth tlodi plant Gweinidogion Cymru gydgysylltu â'r gwaith hwn a'i adlewyrchu ar draws y cynlluniau plant a phobl ifanc yn ogystal â'r strategaethau sy'n deillio o'r Mesur tlodi plant. Yn ogystal â hyn, gallai pennu targedau cenedlaetholamharu ar wireddu'r strategaethau hyn a roddir ar waith ar seiliau lleol iawn. Bydd y Mesur arfaethedig yn gofyn i awdurdodau lleol benderfynu ynglŷn â'r amcanion hollbwysig er mwyn gwireddu targedau tlodi plant ar lefel leol, ac wrth orbennu targedau cenedlaethol gallai hynny amharu ar y sensitifrwydd lleol hwnnw. Mewn gwirionedd, gall olygu bod rhywun yn mynd ar drywydd y targed yn hytrach na mynd i'r afael ag anghenion lleol. I gloi, sylweddolwn ei bod yn amlwg bod angen gallu mesur cynnydd. Mae gennym nifer o ddulliau o wneud hynny eisoes ac mae gennym set gynhwysfawr iawn o gynigion ar y gweill a fydd, gobeithio, yn mynd i'r afael â phwrpas y gwelliant. Byddwn yn pwysu ar Mick i dynnu ei welliant yn ôl; ond os na wnaiff hynny, byddwn yn pwysu ar y pwyllgor i'w wrthod.

Val Lloyd: Diolch. Galwaf ar Mick Bates i ymateb i'r ddadl.

Mick Bates: Gwrandewais yn astud ar eich ymateb, Weinidog. Fe'ch atgoffaf fod gan Weinidogion Cymru bŵer ychwanegol, fel sy'n wir yng nghyswllt y Mesur llywodraeth leol, pŵer yr ydym yn ei ystyried yn arf bwysig, sef y pŵer i osod dangosyddion perfformiad pan fydd gofyn. Sylweddolaf fod gennym y rhestr o ddangosyddion a grybwyllwyd gennych, a bod angen bod yn sensitif i anghenion lleol. Fodd bynnag, y pwynt hollbwysig a'r cyfle sydd gennym wrth greu'r ddeddfwriaeth hon yw sicrhau bod y bwriadau da hyn yn cael eu gwireddu. Credaf mai dim ond trwy gael y pŵer i Weinidogion Cymru osod dangosyddion perfformiad a thargedau y gallwn graffu ar y llwyddiant. Fel arall, byddwn yn cael ein gadael yn nhir neb. Fel yr ydych newydd ei ddweud, mae bwriadau da ar lefel leol a

necessarily mean that that would be achieved without power being vested in a Welsh Minister to say, 'You are not meeting your performance indicators'. I beg to move this amendment.

sensitifrwydd mawr, ond nid yw hynny o reidrwydd yn golygu y llwyddid i wneud hynny heb roi'r pŵer i un o Weinidogion Cymru ddweud, 'Nid ydych yn cyflawni'ch dangosyddion perfformiad'. Cynigiau y gwelliant hwn.

[62] **Val Lloyd:** Mick Bates, do you wish to proceed to a vote on amendment 57 or withdraw it?

Val Lloyd: Mick Bates, a ydych am symud i bleidlais ar welliant 57 ynteu ei dynnu yn ôl?

[63] **Mick Bates:** I wish to proceed to a vote.

Mick Bates: Yr wyf am symud i bleidlais.

[64] **Val Lloyd:** The question is that amendment 57 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 57. Galwaf am bleidlais.

*Gwelliant 57: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 57: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 57.
Amendment 57 not agreed.*

Strategaethau—Dyletswyddau Gweinidogion Cymru i Ymgynghori (Gwelliannau 3, 58 a 4)

Strategies—Duties of the Welsh Ministers to Consult (Amendments 3, 58 and 4)

[65] **Val Lloyd:** The lead amendment is amendment 3 in the name of Brian Gibbons, which is grouped with amendments 4 and 58. Minister, would you like amendment 3 in your name to be moved?

Val Lloyd: Y prif welliant yw gwelliant 3 yn enw Brian Gibbons, sydd wedi'i grwpio gyda gwelliannau 4 a 58. Weinidog, a hoffech imi gynnig gwelliant 3 yn eich enw?

[66] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Hoffwn, Gadeirydd.

[67] **Val Lloyd:** I move amendment 3 in the name of Brian Gibbons. I call on the Minister to speak to amendment 3 and the other amendments in the group.

Val Lloyd: Cynigiau welliant 3 yn enw Brian Gibbons. Galwaf ar y Gweinidog i siarad am welliant 3 a'r gwelliannau eraill yn y grŵp.

1.40 p.m.

[68] **Brian Gibbons:** Thank you, Chair. The proposed Measure currently includes a duty for the Welsh Ministers to consult 'such persons as they consider appropriate' on the content of the strategy. Amendment 3 will have the effect of placing an explicit obligation that the Secretary of State be

Brian Gibbons: Diolch, Gadeirydd. Ar hyn o bryd, mae'r Mesur arfaethedig yn cynnwys dyletswydd ar i Weinidogion Cymru ymgynghori â'r 'cyfryw bersonau ag y maent o'r farn eu bod yn briodol' ynglŷn â chynnwys y strategaeth. Effaith gwelliant 3 fydd ei gwneud yn ddyletswydd benodol

consulted. This, in effect, is a reciprocal provision to that which appears in relation to devolved administrations in the Child Poverty Bill currently before the Houses of Parliament. The UK Bill places a requirement that the Welsh Ministers should be consulted on the content of the UK Government's initial and revised child poverty strategy. The Bill also includes provision that, before reporting annually on progress to the UK Parliament, the Welsh Ministers should be consulted. I am keen that the two pieces of child poverty legislation, at a UK and a Welsh level, are complementary. I have, therefore, made it clear that we should be doing what we can to ensure that arrangements are in place to achieve this alignment.

ymgyngori â'r Ysgrifennydd Gwladol. Mewn gwirionedd, darpariaeth ddwy ffordd yw hon sy'n cyfateb i'r hyn a ddywedir am y gweinyddiaethau datganoledig yn y Mesur Tlodi Plant sydd gerbron Tai'r Senedd ar hyn o bryd. Mae mesur y Deyrnas Unedig yn ei gwneud yn ofynnol ymgynghori â Gweinidogion Cymru ynglŷn â chynnwys strategaeth tldi plant gychwynnol a diwygiedig Llywodraeth y Deyrnas Unedig. Mae'r Mesur hefyd yn cynnwys darpariaeth y dylid ymgynghori â Gweinidogion Cymru cyn cyflwyno'r adroddiad blynyddol ynglŷn â chynnydd i Senedd y Deyrnas Unedig. Yr wyf yn awyddus i'r ddau ddam o ddeddfwriaeth tldi plant, ar lefel y Deyrnas Unedig ac ar lefel Cymru, ategu ei gilydd. Felly, yr wyf wedi'i gwneud yn glir y dylem fod yn gwneud yr hyn a allwn i sicrhau bod trefniadau ar waith i sicrhau'r cysondeb hwn.

[69] Amendment 4 relates to amendment 3. The imposition of a duty on the Welsh Ministers to consult the Secretary of State could be construed as imposing a duty on the Secretary of State to be consulted, or to imply the necessity of a power to respond to the consultation. However, this would offend against the prohibition of conferring a function on a Minister of the Crown. So, amendment 4 is put forward for the purposes of clarity and to remove any doubts.

Mae gwelliant 4 yn gysylltiedig â gwelliant 3. Gellid dehongli bod ei gwneud yn ddyletswydd i Weinidogion Cymru ymgynghori â'r Ysgrifennydd Gwladol gyfystyr â'i gwneud yn ddyletswydd i ymgynghori â'r Ysgrifennydd Gwladol, neu ag awgrymu bod angen pŵer i ymateb i'r ymgynghori. Serch hynny, byddai hyn yn groes i wahardd rhoi swyddogaeth i un o Weinidogion y Goron. Felly, cynigir gwelliant 4 er mwyn bod yn glir ac osgoi unrhyw amheuaeth.

[70] **Val Lloyd:** Thank you, Minister. I have an indication from Ann Jones to speak.

Val Lloyd: Diolch, Weinidog. Mae Ann Jones wedi dangos ei bod am siarad.

[71] **Brian Gibbons:** Chair, amendment 58 has not yet been moved.

Brian Gibbons: Gadeirydd, nid yw gwelliant 58 wedi'i gynnig eto.

[72] **Val Lloyd:** No, it has not. It is in the same group, so it does not have to be formally moved at this stage.

Val Lloyd: Nac ydyw. Mae yn yr un grŵp, felly nid oes yn rhaid ei gynnig yn ffurfiol ar hyn o bryd.

[73] **Brian Gibbons:** So, do you want—

Brian Gibbons: Felly, a ydych am—

[74] **Val Lloyd:** You can speak to the amendment, because it is in the group. You speak to amendments 3, 58 and 4 together, but it does not have to be moved; only the lead amendment has to be formally moved.

Val Lloyd: Cewch siarad am y gwelliant, am ei fod yn y grŵp. Cewch siarad am welliannau 3, 58 a 4 gyda'i gilydd, ond nid oes yn rhaid ei gynnig; y prif welliant yn unig y mae'n rhaid ei gynnig yn ffurfiol.

[75] **Brian Gibbons:** Okay. I will say a few words on amendment 58. We urge rejection of amendment 58, because we

Brian Gibbons: Iawn. Dywedaf ychydig o eiriau am welliant 58. Pwyswn arnoch i wrthod gwelliant 58, oherwydd credwn fod

believe that the Assembly Government has an excellent record on consultation. There is no evidence, on the basis of current practice, that a duty to consult should be put on the face of the proposed Measure. Indeed, if you look at the record of developing child poverty work to date, we have regular meetings with the End Child Poverty Network Cymru, and Save the Children has been commissioned to do work on behalf of the Assembly Government to inform our work. Equally, our policy is influenced by third sector organisations, such as the Bevan Foundation and the Joseph Rowntree Foundation. So, we do not believe, on the basis of current practice, that this amendment is necessary.

[76] Including this duty on the face of the proposed Measure suggests that our current duties, under the Government of Wales Act 2006, and our third sector scheme, are somehow deficient. We are obliged, by the Government of Wales Act, to engage with the third sector, and consult on all matters that are relevant to it and on which it can legitimately have an interest. Consequently, introducing this amendment would suggest that, in some way, that duty is not being complied with, and that we need a further legal framework by which to undertake the work that we are already legally bound to do under the Government of Wales Act. So, in view of our consistent record in consultation with the third sector and our existing legal duties, I do not feel that this amendment is necessary or appropriate.

[77] **Ann Jones:** I am glad to hear the Minister speak to amendment 3, because I feel that it is important that, while we are considering child poverty and creating our own Measure, we must link it to what is happening in the UK Government, because so much of the UK Government's benefits affect people here in child poverty. So, I am pleased to see that.

[78] On amendment 58, when we look at legislation like this, people tend to forget the Government of Wales Act 2006; there are

hanes Llywodraeth y Cynulliad, o ran ymgynghori, yn un ardderchog. Nid oes dim dystiolaeth, ar sail ein harferion presennol, y dylid cynnwys dyletswydd i ymgynghori yn y Mesur arfaethedig. Yn wir, os edrychwch ar ein hanes wrth ddatblygu gwaith tlodi plant hyd yn hyn, yr ydym yn cynnal cyfarfodydd rheolaidd gyda Rhwydwaith Dileu Tlodi Plant Cymru ac mae Achub y Plant wedi'i gomisiynu i wneud gwaith ar ran Llywodraeth y Cynulliad yn sail i'n gwaith. Yn yr un modd, mae mudiadau'r trydydd sector yn dylanwadu ar ein polisi, cyrff megis Sefydliad Bevan a Sefydliad Joseph Rowntree. Felly, ni chredwn, ar sail ein harferion presennol, fod angen y gwelliant hwn.

Mae cynnwys y ddyletswydd hon yn y Mesur arfaethedig yn awgrymu bod ein dyletswyddau presennol, o dan Ddeddf Llywodraeth Cymru 2006, a'n cynllun ar gyfer y trydydd sector, rywsut yn ddiffygiol. Mae'n ddyletswydd arnom, o dan Ddeddf Llywodraeth Cymru, ymgysylltu â'r trydydd sector, ac ymgynghori ynglŷn â phob mater sy'n berthnasol iddo ac y gall fod ganddo ddiddordeb dilys ynddo. Felly, byddai cyflwyno'r gwelliant hwn yn awgrymu nad ydym mewn rhyw fodd yn cydymffurfio â'r ddyletswydd honno, a bod angen inni gael fframwaith cyfreithiol arall er mwyn gwneud y gwaith yr ydym eisoes yn gyfreithiol rwym o'i wneud o dan Ddeddf Llywodraeth Cymru. Felly, am fod gennym hanes cyson o ymgynghori â'r trydydd sector a'r dyletswyddau cyfreithiol sydd gennym eisoes, ni chredaf fod y gwelliant hwn nac yn angenrheidiol nac yn briodol.

Ann Jones: Yr wyf yn falch o glywed yn Gweinidog yn siarad am welliant 3, oherwydd teimlaf ei bod yn bwysig, wrth inni ystyried tlodi plant a chreu ein Mesur ni'n hunain, ei bod yn rhaid inni gysylltu hynny â'r hyn sy'n digwydd yn Llywodraeth y Deyrnas Unedig, oherwydd bod cynifer o fudd-daliadau Llywodraeth y Deyrnas Unedig yn effeithio ar bobl yma sy'n wynebu tlodi plant. Felly, yr wyf yn falch o weld hynny.

O ran gwelliant 58, wrth inni edrych ar ddeddfwriaeth fel hyn, bydd pobl yn tueddu i anghofio Deddf Llywodraeth Cymru 2006;

sufficient powers under that Act, and we should look at those before we go running off to ask for other powers to be devolved.

[79] **Mick Bates:** I want to speak to amendment 58 in the name of Jenny Randerson, which seeks to ensure that, when drawing up strategies, the Welsh authorities, including the Welsh Ministers, must consult with relevant voluntary organisations. We are seeking to enshrine and secure the input of the voluntary sector in this process through this amendment, and I hope that Members will give their support in order to achieve that.

[80] On a note of process, I understand that, if amendment 3 passes, then amendment 58 will fall. I would urge the Minister to withdraw amendment 3 in order to allow the important amendment 58 to pass. He could of course then bring back his amendment at Stage 3. If he will not consider that, then I hope that he will signal that he will bring an amendment similar to 58 at Stage 3. I hear what the Minister had to say, but I am deeply concerned on behalf of the voluntary sector that, as has already been stated, although the Government of Wales Act 2006 contains a duty, this section is important to ensure that consultation takes place in the context of this legislation. I fear that, at some stages, that is not the case. The Minister talked about current practice, but I do not believe that such a mandate currently exists, and that is why amendment 58 is particularly important.

[81] **Val Lloyd:** Thank you, Mick. Minister, would you like to reply to the debate?

[82] **Brian Gibbons:** It is not just about current practice—which I think stands scrutiny—but the law also requires us to consult, because that is specified in the Government of Wales Act. This amendment adds nothing to current statutory duties, and nothing to current practice.

[83] **Val Lloyd:** Do you want to move to

mae digon o bwerau o dan y Ddeddf honno, a dylem edrych ar y rheini cyn inni ruthro i ofyn am ddatganoli pwerau eraill.

Mick Bates: Yr wyf am siarad am welliant 58 yn enw Jenny Randerson, sy'n ceisio sicrhau, wrth lunio strategaethau, ei bod yn rhaid i awdurdodau Cymru, gan gynnwys Gweinidogion Cymru, ymgynghori â mudiadau gwirfoddol perthnasol. Yr ydym yn ceisio cynnwys a sicrhau cyfraniad y sector gwirfoddol yn y broses hon drwy gyfrwng y gwelliant hwn, a gobeithiaf y bydd yr Aelodau'n ei gefnogi er mwyn cyflawni hynny.

O ran y broses, caf ar ddeall, os derbynnir gwelliant 3, yna y bydd gwelliant 58 yn methu. Byddwn yn pwyso ar y Gweinidog i dynnu gwelliant 3 yn ôl er mwyn caniatáu inni dderbyn gwelliant 58 sy'n welliant pwysig. Wrth gwrs, gallai wedyn ddod â'i welliant yn ôl yng Nghyfnod 3. Oni wnaiff ystyried hynny, yna, gobeithiaf y bydd yn dangos y gwnaiff gyflwyno gwelliant tebyg i welliant 58 yng Nghyfnod 3. Yr wyf yn clywed yr hyn a ddywedodd y Gweinidog, ond yr wyf yn awyddus iawn ar ran y sector gwirfoddol i sicrhau bod ymgynghori'n digwydd yng nghyd-destun y ddeddfwriaeth hon. Mae'r adran hon yn bwysig yn hynny o beth, er, fel y dywedwyd eisoes, bod Deddf Llywodraeth Cymru 2006 yn cynnwys dylestwydd. Ofnaf, yn ystod rhai camau, nad yw hynny'n digwydd. Cyfeiriodd y Gweinidog at arferion presennol, ond ni chredaf fod mandad o'r fath yn bodoli ar hyn o bryd, a dyna pam mae gwelliant 58 yn arbennig o bwysig.

Val Lloyd: Diolch, Mick. Weinidog, a hoffech ymateb i'r ddadl?

Brian Gibbons: Nid arferion presennol yn unig sydd dan sylw—ac ni chredaf fod unrhyw amheuaeth ynghylch yr arferion hynny—ond mae'r gyfraith hefyd yn mynnu ein bod yn ymgynghori, oherwydd bod hynny wedi'i gynnwys yn benodol yn Neddf Llywodraeth Cymru. Nid yw'r gwelliant hwn yn ychwanegu dim at ddyletswyddau statudol presennol, na dim at arferion presennol.

Val Lloyd: A ydych am symud i bleidlais,

a vote, Minister?

Weinidog?

[84] **Brian Gibbons:** Yes.

Brian Gibbons: Ydwyf.

[85] **Val Lloyd:** The question is that amendment 3 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 3. Galwaf am bleidlais.

Gwelliant 3: O blaid 3, Ymatal 0, Yn erbyn 2.

Amendment 3: For 3, Abstain 0, Against 2.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Jones, Ann
Jones, Gareth
Mewies, Sandy

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Bates, Mick
Williams, Brynle

Derbyniwyd gwelliant 3.

Amendment 3 agreed.

[86] **Val Lloyd:** Given that amendment 3 has been agreed, amendment 58 falls, as was mentioned.

Val Lloyd: Gan fod gwelliant 3 wedi'i dderbyn, mae gwelliant 58 yn methu, fel y crybwyllwyd.

Methodd gwelliant 58.

Amendment 58 fell.

[87] **Val Lloyd:** We now move to amendment 4. Minister, do you wish to proceed to a vote on amendment 4?

Val Lloyd: Symudwn yn awr at welliant 4. Weinidog, a ydych am symud i bleidlais ar welliant 4?

[88] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Ydwyf, Gadeirydd.

[89] **Val Lloyd:** I move amendment 4 in the name of Brian Gibbons.

Val Lloyd: Cynigïaf welliant 4 yn enw Brian Gibbons.

[90] The question is that amendment 4 be agreed to. I call for a vote

Y cwestiwn yw a ddylid derbyn gwelliant 4. Galwaf am bleidlais.

Gwelliant 4: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 4: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

Derbyniwyd gwelliant 4.

Amendment 4 agreed.

Strategaethau—Adroddiadau Blynyddol Dros Dro (Gwelliant 59) Strategies—Interim Annual Reporting (Amendment 59)

[91] **Val Lloyd:** This amendment relates

Val Lloyd: Mae a wnelo'r gwelliant hwn ag

to interim annual reporting on strategies. I call on Mick Bates to move and speak to the amendment.

[92] **Mick Bates:** I move amendment 59 in the name of Jenny Randerson and with the name of Mark Isherwood in support.

[93] This amendment seeks to enshrine effective scrutiny of the annual aims of this entire piece of legislation. While I appreciate and welcome the inclusion of a full report to the Assembly every third year, the Stage 1 committee was clear in its recommendations that an annual interim report is essential in order to effectively monitor progress. Put simply, although the committee recognised that it is difficult to properly measure success based on the indicators available to us, failing to discuss this more than every three years will lead to missed opportunities to put things right, and to check whether we are on course. As well as reporting to the Assembly, we also believe that an appropriate committee should have an annual opportunity to scrutinise in detail the progress made and identified in the Government report. There is little point in the bold aims of this proposed Measure unless we are able to measure successes, scrutinise and suggest changes. This amendment is in line with the Stage 1 report, so I hope that it will receive support from everyone.

[94] **Val Lloyd:** I call on the Minister to reply.

1.50 p.m.

[95] **Brian Gibbons:** I would urge rejection of this amendment. I agree with the substantive point that Mick has made: it is important that reporting on progress is seen to be open and transparent, but it is equally important that the reporting process is meaningful and robust. During the Stage 1 scrutiny process on the proposed Measure, I indicated that I was keen to ensure that the Assembly's Children and Young People Committee receives an annual update on progress against our child poverty targets, which are set out in 'Eradicating Child Poverty in Wales—Measuring Success'. That contains 31 or 32 indicators. However, we must be cognisant of the limitations of

adroddiadau blynyddol dros dro ar strategaethau. Galwaf ar Mick Bates i gynnig y gwelliant a siarad amdano.

Mick Bates: Cynigiau welliant 59 yn enw Jenny Randerson a chydag enw Mark Isherwood yn ei gefnogi.

Nod y gwelliant hwn yw sicrhau craffu effeithiol ar nodau blynyddol y darn hwn o ddeddfwriaeth yn ei gyfanrwydd. Er fy mod yn sylweddoli bod adroddiad llawn i'r Cynulliad bob tair blynedd wedi'i gynnwys ac fy mod yn croesawu hynny, yr oedd pwyllgor Cyfnod 1 yn argymhell yn glir bod adroddiad blynyddol dros dro'n hanfodol er mwyn monitro cynnydd yn effeithiol. Yn syml, er bod y pwyllgor yn cydnabod ei bod yn anodd mesur llwyddiant yn iawn ar sail y dangosyddion sydd ar gael inni, bydd methu â thrafod hyn yn amlach na phob tair blynedd yn golygu colli cyfle i unioni pethau, ac i weld a ydym ar y trywydd iawn. Yn ogystal ag adrodd i'r Cynulliad, credwn hefyd y dylai pwyllgor priodol gael cyfle bob blwyddyn i graffu'n fanwl ar y cynnydd a wnaethpwyd ac a nodwyd yn adroddiad y Llywodraeth. Nid oes fawr o bwynt cael y nodau uchelgeisiol sydd yn y Mesur arfaethedig hwn oni allwn fesur llwyddiannau, craffu ac awgrymu newidiadau. Mae'r gwelliant hwn yn unol ag adroddiad Cyfnod 1, felly gobeithiaf y bydd pawb yn ei gefnogi.

Val Lloyd: Galwaf ar y Gweinidog i ymateb.

Brian Gibbons: Byddwn yn pwysu arnoch i wrthod y gwelliant hwn. Cytunaf â'r pwynt y mae Mick wedi'i wneud yn ei hanfod: mae'n bwysig bod adroddiadau ynglŷn â chynnydd yn cael eu gweld yn adroddiadau agored a thryloyw, ond mae yr un mor bwysig bod y broses adrodd yn ystyrlon ac yn drwyadl. Yn ystod proses craffu Cyfnod 1 ar y Mesur arfaethedig, awgrymais fy mod yn awyddus i sicrhau bod Pwyllgor Plant a Phobl Ifanc y Cynulliad yn cael adroddiad diweddarau blynyddol am y cynnydd ar sail ein targedau tlodi plant, sydd wedi'u rhestru yn 'Dileu Tlodi Plant yng Nghymru—Mesur Llwyddiant'. Mae hwnnw'n cynnwys 31 neu 32 o ddangosyddion. Serch hynny, rhaid inni

looking at small numbers on an annual basis and of the possibility of drawing inappropriate conclusions from poorly evidenced data because of the small numbers and the very short reporting cycle.

[96] Monitoring the Assembly Government's child poverty targets is an integral part—as Mick conceded—of the children and young people's wellbeing monitor, which will be published on a three-yearly basis from 2010, and that will track a wide range of children and young people wellbeing indicators. In addition, section 3(1)(b) of the proposed Measure requires the Welsh Ministers to keep the new child poverty strategy under review. We will also publish a report that will assess the extent to which objectives in our strategy are being achieved. The three-year reporting cycle will provide us with some robustness in effectively judging the progress, and that will tie in with the evidence that will be provided through the child wellbeing monitor and the reports from local children and young people's partnerships. I suggest that this three-yearly, formal way of reporting is a much more reliable basis from which we can monitor performance but, as I said in my previous verbal commitment, I am prepared to provide an annual commitment but, because of the limitations of the database, including that on a statutory basis is not appropriate.

[97] **Mick Bates:** Yet again, I see that you are sympathetic towards this and yet you will not enshrine it in the legislation. I draw your attention again to the fact that the committee report recommends that you produce this annual report. I accept your good intentions with regard to doing that, but we are putting legislation down for future generations of Assembly Government Ministers, and we need this because, as you rightly stated, we can learn from that three-year period of monitoring and scrutiny, but it may be a further three years before we understand what happens to the adjustments that we make based on the monitoring after three years of reporting. An annual report would enable there to be flexibility in that period so that adjustments could be made to ensure that the successes are real. That can only be achieved

fod yn ymwybodol o gyfyngiaau edrych ar niferoedd bychain bob blwyddyn a'r posibilrwydd o lunio casgliadau amhriodol ar sail data sy'n seiliedig ar dystiolaeth wael oherwydd y niferoedd bychain a'r cylch adrodd byr iawn.

Mae monitro targedau tlodi plant Llywodraeth y Cynulliad yn rhan hanfodol—fel y cyfaddefodd Mick—o'r fonitro lles plant a phobl ifanc, a gyhoeddir bob tair blynedd o 2010 ymlaen, a bydd hynny'n dilyn trywydd ysod eang o ddangosyddion i fesur lles plant a phobl ifanc. Yn ogystal â hynny, mae adran 3(1)(b) y Mesur arfaethedig yn mynnu bod Gweinidogion Cymru'n adolygu'r strategaeth tlodi plant newydd yn barhaus. Byddwn hefyd yn cyhoeddi adroddiad a fydd yn asesu i ba raddau y cyflawnir amcanion ein strategaeth. Bydd y cylch adroddiadau tair blynedd yn cynnig trefn weddol gadarn inni bwysu a mesur y cynnydd yn effeithiol, a bydd hynny'n clymu â'r dystiolaeth a ddarperir drwy gyfrwng y monitor lles plant a'r adroddiadan gan bartneriaethau plant a phobl ifanc lleol. Awgrymaf fod y dull ffurfiol tair-blynedd hwn o gyflwyno adroddiadau'n sail fwy dibynadwy o lawer inni fonitro perfformiad, ond, fel y dywedais yn fy ymrwymiad ar lafar o'r blaen, yr wyf yn barod i ddarparu ymrwymiad blynyddol, ond, oherwydd cyfyngiadau'r gronfa ddata, nid yw'n briodol cynnwys hynny ar sail statudol.

Mick Bates: Unwaith eto, gwelaf eich bod yn cydymdeimlo â hyn ac eto nad ydych yn fodlon ei gynnwys yn y ddeddfwriaeth. Tynnaf eich sylw eto at y ffaith bod adroddiad y pwyllgor yn argymhell y dylech gynhyrchu'r adroddiad blynyddol hwn. Derbyniaf eich bwriadau da o ran gwneud hynny, ond yr ydym yn gosod deddfwriaeth ar gyfer cenedlaethau Gweinidogion Llywodraeth y Cynulliad yn y dyfodol, ac mae angen hyn arnom, oherwydd, fel y dywedasoeh ac yr oeddech yn llygad eich lle'n dweud hynny, gallwn ddysgu yn sgil y cyfnod monitro a chraffu tair blynedd hwnnw, ond gall fod yn dair blynedd arall cyn inni ddeall beth sy'n digwydd i'r newidiadau a wnawn ar sail y monitro ar ôl tair blynedd o adroddiadau. Byddai adroddiad blynyddol yn golygu y gellid bod yn hyblyg

through annual scrutiny. I understand the points about the three-year period but, all too often, that time period is overcome by the length of reporting on the effectiveness. Annual reports would allow democratic scrutiny, which could impact on any adjustments necessary for eradicating poverty. So, I call on you to reconsider your rejection and to accept amendment 59.

yn ystod y cyfnod hwnnw er mwyn newid pethau a sicrhau bod y llwyddiannau'n llwyddiannau go iawn. Dim ond drwy graffu blynyddol y gellir sicrhau hynny. Deallaf y pwyntiau am y cyfnod tair blynedd ond, yn rhy aml o lawer, bydd hyd y cyfnod adrodd ynglŷn ag effeithiolrwydd yn drech na'r cyfnod hwnnw. Byddai adroddiadau blynyddol yn caniatáu craffu democrataidd, a allai effeithio ar unrhyw newidiadau sy'n angenrheidiol er mwyn dileu tlodi. Felly, galwaf arnoch i ailystyried eich gwrthwynebiad a derbyn gwelliant 59.

[98] **Val Lloyd:** I take it that you wish to move to a vote, Mick?

Val Lloyd: Cymeraf eich bod am symud i bleidlais, Mick?

[99] **Mick Bates:** Yes, please.

Mick Bates: Ydwyf, os gwelwch yn dda.

[100] **Val Lloyd:** The question is that amendment 59 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 59. Galwaf am bleidlais.

*Gwelliant 59: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 59: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 59.
Amendment 59 not agreed.*

Canllawiau a Chyfarwyddiadau—Chwarae a Chymryd Rhan (Gwelliannau 16, 17, 7 a 9)

Guidance and Directions—Play and Participation (Amendments 16, 17, 7 and 9)

[101] **Val Lloyd:** Minister, would you like amendment 16 in your name to be moved?

Val Lloyd: Weinidog, a hoffech imi gynnig gwelliant 16 yn eich enw?

[102] **Brian Gibbons:** Yes, please.

Brian Gibbons: Hoffwn, os gwelwch yn dda.

[103] **Val Lloyd:** I move amendment 16 in the name of Brian Gibbons. I call on the Minister to speak to amendment 16 and the other amendments in the group.

Val Lloyd: Cynigiaf welliant 16 yn enw Brian Gibbons. Galwaf ar y Gweinidog i siarad am welliant 16 a'r gwelliannau eraill yn y grŵp.

[104] **Brian Gibbons:** Play and participation are dealt with in sections 60 and 61. They make separate provision for local authorities to have regard to guidance given by the Welsh Ministers. As a consequence of the proposal to move sections 60 and 61 to

Brian Gibbons: Ymdrinnir â chwarae a chymryd rhan yn adrannau 60 a 61. Mae darpariaeth ar wahân ynddynt sy'n ymwneud â'i bod yn rhaid i awdurdodau lleol roi sylw i ganllawiau a roddir gan Weinidogion Cymru. Yn sgil y cynnig i symud adrannau 60 a 61 i

Part 1 of the proposed Measure, which will be covered in groups 18 and 19 under amendments 10 and 11, section 10, which deals with guidance, and section 11, which deals with directions, will apply to the proposed duties in relation to play and participation, removing the need for separate provision to be included in the proposed Measure.

Ran 1 y Mesur arfaethedig, yr ymdrinnir â hi yng ngrwpiau 18 ac 19 o dan welliannau 10 ac 11, bydd adran 10, sy'n ymwneud â chanllawiau, ac adran 11, sy'n ymwneud â chyfarwyddiadau, yn berthnasol i'r dyletswyddau arfaethedig sy'n ymwneud â chwarae a chymryd rhan, ac felly, ni fydd angen cynnwys darpariaeth ar wahân yn y Mesur arfaethedig.

[105] Amendments 7 and 9 remove reference to the guidance and amendment 16, which replaces them in Part 1, are consequential amendments arising from the proposal to remove provisions in relation to play and participation into the first part of the proposed Measure. They will therefore remove any confusing duplication in the legislation by including them in Part 1.

Mae gwelliannau 7 a 9 yn dileu'r cyfeiriad at y canllawiau ac mae gwelliant 16, sy'n eu disodli yn Rhan 1, yn welliannau canlyniadol sy'n codi yn sgil y cynnig i ddileu darpariaethau ynglŷn â chwarae a chymryd rhan yn rhan gyntaf y Mesur arfaethedig. Felly, byddant yn dileu unrhyw ddyblygu dryslyd yn y ddeddfwriaeth drwy eu cynnwys yn Rhan 1.

[106] Finally, amendment 17 extends the enforcement provision currently in section 11 of the proposed Measure to include play and participation so that the Welsh Ministers will have the power to direct Welsh authorities to take any action that they consider necessary to secure compliance with these duties where authorities fail to comply or, indeed, are likely to fail to comply with such duties.

Yn olaf, mae gwelliant 17 yn ymestyn y ddarpariaeth ynglŷn â gorfodi sydd ar hyn o bryd yn adran 11 y Mesur arfaethedig er mwyn cynnwys chwarae a chymryd rhan fel y bydd gan Weinidogion Cymru'r pŵer i roi cyfarwyddyd i awdurdodau Cymru gymryd unrhyw gamau sy'n angenrheidiol yn eu tŷb hwy i sicrhau eu bod yn cydymffurfio â'r dyletswyddau hyn os na fydd awdurdodau'n cydymffurfio â dyletswyddau o'r fath neu os ydynt, yn wir, yn debygol o fethu â gwneud hynny.

[107] **Val Lloyd:** I have no further speakers. Minister, do you wish to close the debate, or do you wish to move directly to a vote?

Val Lloyd: Nid oes gennyf ragor o siaradwyr, Weinidog. A ydych am gloi'r ddadl, ynteu symud yn syth i bleidlais?

[108] **Brian Gibbons:** I wish to move to a vote, please, Chair.

Brian Gibbons: Yr wyf am symud i bleidlais, os gwelwch yn dda, Gadeirydd.

[109] **Val Lloyd:** The question is that amendment 16 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 16. Galwaf am bleidlais.

*Gwelliant 16: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 16: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 16.
Amendment 16 agreed.*

[110] **Val Lloyd:** We now come to dispose of amendment 17 in the name of Brian Gibbons. Minister, would you like amendment 17 in your name to be moved? **Val Lloyd:** Down yn awr at waredu gwelliant 17 yn enw Brian Gibbons. Weinidog, a hoffech imi gynnig gwelliant 17 yn eich enw?

[111] **Brian Gibbons:** Yes, Chair. **Brian Gibbons:** Hoffwn, Gadeirydd.

[112] **Val Lloyd:** I move amendment 17 in the name of Brian Gibbons. **Val Lloyd:** Cynigiau welliant 17 yn enw Brian Gibbons.

[113] The question is that amendment 17 be agreed to. I call for a vote. Y cwestiwn yw a ddylid derbyn gwelliant 17. Galwaf am bleidlais.

*Gwelliant 17: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 17: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 17.
Amendment 17 agreed.*

[114] **Val Lloyd:** There will be no votes at this stage on amendments 7 and 9. We will vote on these amendments later in the proceedings. **Val Lloyd:** Ni chynhelir yr un bleidlais ar hyn o bryd ar welliannau 7 a 9. Byddwn yn pleidleisio ar y gwelliannau hyn yn ddiweddarach yn ein trafodaethau.

Yr Awdurdodau Cymreig (Gwelliannau 5, 60 a 6) Welsh Authorities (Amendments 5, 60 and 6)

[115] **Val Lloyd:** The lead amendment is amendment 5 in the name of Brian Gibbons, which is grouped with amendments 60 and 6. Minister, would you like amendment 5 in your name to be moved? **Val Lloyd:** Y prif welliant yw gwelliant 5 yn enw Brian Gibbons. Mae'r gwelliant hwnnw wedi'i grwpio gyda gwelliannau 60 a 6. Weinidog a hoffech imi gynnig gwelliant 5 yn eich enw?

[116] **Brian Gibbons:** Yes, Chair. **Brian Gibbons:** Hoffwn, Gadeirydd.

[117] **Val Lloyd:** I move amendment 5 in the name of Brian Gibbons. **Val Lloyd:** Cynigiau welliant 5 yn enw Brian Gibbons.

[118] I invite the Minister to speak to amendment 5 and the other amendments in the group. Gwahoddaf y Gweinidog i siarad am welliant 5 a gwelliannau eraill yn y grŵp.

[119] **Brian Gibbons:** I will also refer to amendment 60 in the name of Jenny **Brian Gibbons:** Cyfeiriai hefyd at welliant 60 yn enw Jenny Randerson. Gyda golwg ar

Randerson. With regard to amendments 5 and 6, colleagues will be aware that the Minister for Health and Social Services made an announcement in June this year about the unification of the public health services in Wales. The Minister said that, by October, the Wales Centre for Health will cease to exist and its functions will be replaced by a new body called Public Health Wales. In preparation for this structural change, amendment 5 amends the reference to the Wales Centre for Health and replaces it with the Public Health Wales National Health Service Trust.

[120] Members will be aware that I wrote to the committee Chair in May advising, among other things, of discussions that we are having with the Charity Commission outlining our intention to include a further four organisations in the list of Welsh authorities covered under section 12. The amendment proposes that the organisations bound by the duties of the proposed Measure will include the Arts Council of Wales, the National Library of Wales, National Museum Wales and the Sports Council for Wales. The duty will apply to these bodies in their present form. I was pleased that the committee welcomed my commitment to amend section 12 and look for support again today.

[121] I will now turn to amendment 60. We recognise that further education institutions have a key role to play in delivering the agenda for tackling child poverty. The scheme that the proposed Measure introduces will impose a duty on public authorities in Wales that have a strategic role through a national or regional remit.

2.00 p.m.

[122] Local authorities are obviously an exception to that, but their crucial role in delivering children and young people's partnerships justifies them being an exception. Similarly, with education, the Higher Education Funding Council for Wales is the means by which the child poverty duties will be delivered in Wales; they will not be assigned to individual higher

welliant 5 a gwelliant 6, bydd fy nghyd-Aelodau'n gwybod bod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol wedi cyhoeddi ym mis Mehefin eleni ei bod am uno'r gwsanaethau iechyd cyhoeddus yng Nghymru. Dywedodd y Gweinidog, erbyn mis Hydref, na fydd Canolfan Iechyd Cymru'n bodoli rhagor ac y caiff ei swyddogaethau eu disodli gan gorff newydd a elwir yn Iechyd Cyhoeddus Cymru. Er mwyn paratoi ar gyfer y newid strwythurol hwn, mae gwelliant 5 yn newid y cyfeiriad at Ganolfan Iechyd Cymru ac yn rhoi Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru yn ei le.

Bydd yr Aelodau'n gwybod imi ysgrifennu at Gadeirydd y pwyllgor ym mis Mai'n sôn, ymhlith pethau eraill, am y trafodaethau sydd ar y gweill rhyngom a'r Comisiwn Elusennau ac yn sôn am ein bwriad o gynnwys pedwar corff arall yn y rhestr o awdurdodau yng Nghymru y cyfeirir atynt yn adran 12. Mae'r gwelliant yn cynnig y bydd y cyrff sydd yn rhwym wrth ddyletswyddau'r Mesur arfaethedig yn cynnwys Cyngor Celfyddydau Cymru, Llyfrgell Genedlaethol Cymru, Amgueddfa Genedlaethol Cymru a Chyngor Chwaraeon Cymru. Bydd y ddyletswydd yn berthnasol i'r cyrff hyn yn eu ffurf bresennol. Yr oeddwn yn falch bod y pwyllgor wedi croesawu fy ymrwymiad i ddiwygio adran 12 a cheisio cefnogaeth eto heddiw.

Trof yn awr at welliant 60. Sylweddolwn fod gan sefydliadau addysg bellach rôl allweddol i'w chwarae o ran gwireddu'r agenda ar gyfer mynd i'r afael â thlodi plant. Bydd y cynllun a gyflwynir gan y Mesur arfaethedig yn gosod dyletswydd ar awdurdodau cyhoeddus yng Nghymru a chanddynt rôl strategol yn sgil cylch gorchwyl cenedlaethol neu ranbarthol.

Mae'n amlwg bod awdurdodau lleol yn eithriad i hynny, ond mae eu rôl hollbwysig o ran darparu partneriaethau plant a phobl ifanc yn cyfiawnhau eu heithrio. Yn yr un modd, o ran addysg, Cyngor Cyllido Addysg Uwch Cymru yw'r cyfrwng a ddefnyddir i gyflawni'r dyletswyddau tlodi plant yng Nghymru; ni chânt eu neilltuo i sefydliadau addysg uwch unigol. Unwaith eto, o ran

education institutions. Again, in relation to local health boards, the process will be undertaken by the NHS. For that reason, at this stage, we are not convinced of the need to include, in this proposed Measure, further education institutions by name. As things currently stand, the Welsh Ministers have a relationship with further education institutions that is similar to that which HEFCW has with the universities. We would expect the Welsh Ministers to exercise that duty in relation to further education institutions in the way that we expect HEFCW to administer its duties in relation to higher education institutions. As a consequence of this proposed Measure, the Assembly Government will be subject to a new statutory duty to develop a child poverty strategy, which will further strengthen its relationship vis-à-vis FE colleges.

[123] However, we recognise that one could argue that, in current practice, FEIs might have a more distant relationship with the Assembly Government than do some of the bodies that I have already mentioned. However, the new statutory duty on the Assembly Government in relation to child poverty will also strengthen the Assembly Government's duty in relation to the FEIs. Nevertheless, as things develop, if that does not prove to be the case in practice, I am pleased to put on the record that we, as a Government, would be willing to revisit this, if the evidence shows that these arrangements are not working. On the basis of that assurance, I ask the mover of the amendment to withdraw it. If they are not prepared to do so, then at this stage, I urge rejection of that amendment.

[124] **Val Lloyd:** Does any Member wish to speak?

[125] **Mick Bates:** I wish to speak to amendment 60. I begin, in line with the Stage 1 report, by welcoming the Minister's amendments to widen the list of authorities included in this section. I note that you said 'we expect' to carry out work with FEIs, but I believe that we should embrace the current opportunities to include FEIs in this

byrddau iechyd lleol, y GIG a fydd yn gyfrifol am y broses. Dyna pam, ar hyn o bryd, nad ydym wedi'n hargyhoeddi bod angen cynnwys sefydliadau addysg bellach yn ôl eu henw yn y Mesur arfaethedig hwn. Fel y mae pethau ar hyn o bryd, mae gan Weinidogion Cymru berthynas â sefydliadau addysg bellach sy'n debyg i'r berthynas sydd gan CCAUC â'r prifysgolion. Byddem yn disgwyl i Weinidogion Cymru roi'r ddyletswydd honno ar waith yng nghyswllt sefydliadau addysg bellach yn yr un ffordd ag y byddwn yn disgwyl i CCAUC weinyddu ei ddyletswyddau yng nghyswllt sefydliadau addysg uwch. Yn sgil y Mesur arfaethedig hwn, bydd dyletswydd statudol newydd ar Lywodraeth y Cynulliad i ddatblygu strategaeth tlodi plant, a fydd yn cryfhau eto'i perthynas â cholegau AB.

Fodd bynnag, sylweddolwn y gallai rhywun ddadlau, fel y mae pethau ar hyn o bryd, nad yw'r berthynas rhwng Sefydliadau Addysg Bellach â Llywodraeth y Cynulliad yn berthynas mor glos â honno sydd gan rai o'r cyrff yr wyf eisoes wedi sôn amdanynt. Fodd bynnag, bydd y ddyletswydd statudol newydd ar Lywodraeth y Cynulliad yng nghyswllt tlodi plant yn cryfhau dyletswydd Llywodraeth y Cynulliad hefyd yng nghyswllt y Sefydliadau Addysg Bellach. Wedi dweud hynny, wrth i bethau ddatblygu, oni phrofir bod hynny'n wir ar lefel ymarferol, yr wyf yn falch o'i roi ar glawr y byddem ni'r Llywodraeth yn barod i ailystyried hyn, os bydd dystiolaeth yn dangos nad yw'r trefniadau hyn yn gweithio. Ar sail y sicrwydd hwnnw, gofynnaf i'r sawl sy'n cynnig y gwelliant ei dynnu yn ôl. Onid ydynt yn barod i wneud hynny, yna, ar hyn o bryd, pwysaf arnoch i wrthod y gwelliant hwnnw.

Val Lloyd: A oes unrhyw Aelod am siarad?

Mick Bates: Dymunaf siarad am welliant 60. Dechreuaf, yn unol ag adroddiad Cyfnod 1, drwy groesawu gwelliannau'r Gweinidog i ehangu'r rhestr o awdurdodau a gynhwysir yn yr adran hon. Sylwaf ichi ddweud 'disgwyliwn' wneud gwaith gyda Sefydliadau Addysg Bellach, ond credaf y dylem fachu ar y cyfleoedd sydd ar gael

legislation in line with paragraphs 37 and 201 of the Stage 1 report. It would seem exceptionally odd to exclude these institutions that have played such an important role in the lives of Welsh families—but there is often access to other institutions that do not have the same access to Welsh families. I understand that there has been support for this amendment from the unions and I hope that the Minister, therefore, ensures that FEIs are included in section 12 through this amendment. While I accept the Minister's further platitudes that he would reconsider this, he made a commitment to consider their inclusion after the Stage 1 report. Therefore, I express some disappointment that his commitment to examine this recommendation has resulted in rejecting an amendment that is supported by the unions. I am certain that, at a future stage, you will find it necessary to change your decision and include these.

[126] **Val Lloyd:** Minister, do you wish to reply?

[127] **Brian Gibbons:** Yes. In complying with the request, we gave serious consideration to this and spent much time to satisfy ourselves that the current arrangements that we were proposing were sufficiently resilient to meet the purposes of the proposed Measure. It was only after that detailed consideration that we came to the conclusion that we did. We do not feel that it is necessary to list individual universities; we are happy to go down the Higher Education Funding Council for Wales route. The Assembly Government in this context is in the same situation as HEFCW. I think that if there was consistency, individual universities would almost have to be listed in the same way. So, we do accept that there is an alternative argument, but having considered the new duty on the Assembly Government in relation to its own child poverty strategy duties, we feel that that will strengthen the way in which the Assembly Government approaches FE institutions and that it will do so with a new sense of purpose that colleagues may feel has not been there to date. Consequently, we feel that it is not appropriate at this juncture to list the FEIs in Wales on an individual basis, which is the requirement of this amendment.

eisoes i gynnwys Sefydliadau Addysg Bellach yn y ddeddfwriaeth hon yn unol â pharagraffau 37 a 201 adroddiad Cyfnod 1. Byddai'n ymddangos yn eithriadol o ryfedd eithrio'r sefydliadau hyn sydd wedi chwarae rhan mor bwysig ym mywydau teuluoedd Cymru—er bod mynediad ar gael yn aml at sefydliadau eraill nad oes ganddynt yr un cysylltiad â theuluoedd Cymru. Deallaf fod yr undebau wedi cefnogi'r gwelliant hwn a gobeithiaf felly fod y Gweinidog yn sicrhau bod Sefydliadau Addysg Bellach yn cael eu cynnwys yn adran 12 drwy'r gwelliant hwn. Er fy mod yn derbyn sylwadau cyffredinol pellach y Gweinidog y byddai'n ailystyried hyn, ymrwymodd i ystyried eu cynnwys ar ôl adroddiad Cyfnod 1. Felly, mynegaf rywfaint o siom mai canlyniad ei ymrwymiad i ystyried yr argymhelliad hwn yw gwrthod gwelliant y mae'r undebau'n ei gefnogi. Yr wyf yn sicr, yn y dyfodol, y gwelwch fod angen newid eich penderfyniad a chynnwys y rhain.

Val Lloyd: Weinidog, a ydych am ymateb?

Brian Gibbons: Ydwyf. Wrth gydymffurfio â'r cais, ystyriwyd hyn o ddifrif a threuliwyd cryn amser yn bodloni'n hunain bod y trefniadau presennol yr oeddem yn eu cynnig yn ddigon gwydn i ateb dibenion y Mesur arfaethedig. Dim ond ar ôl yr ystyried manwl hwnnw y cyrhaeddwyd y casgliad hwnnw. Nid ydym yn teimlo bod angen rhestru prifysgolion unigol; yr ydym yn hapus i ddilyn trywydd Cyngor Cyllido Addysg Uwch Cymru. Yn y cyd-destun hwn, mae Llywodraeth y Cynulliad yn yr un sefyllfa â CCAUC. Yr wyf yn meddwl, er mwyn bod yn gyson, y byddai'n sicr yn rhaid inni restru prifysgolion unigol yn yr un modd. Felly, yr ydym yn derbyn bod dwy ochr i'r ddadl, ond ar ôl ystyried y ddyletswydd newydd sydd ar Lywodraeth y Cynulliad yng nghyswllt ei dyletswyddau hi ei hun o dan y strategaeth tlogi plant, teimlwn y bydd hynny'n cryfhau'r ffordd y bydd Llywodraeth y Cynulliad yn mynd at sefydliadau Addysg Bellach ac y bydd yn gwneud hynny gyda synnwyr newydd o bwrpas a hynny'n rhywbeth y mae cyd-Aelodau o bosibl yn teimlo nad yw wedi bod yno hyd yn hyn. O ganlyniad i hynny, teimlwn nad yw'n briodol ar hyn o bryd inni restru Sefydliadau Addysg Bellach Cymru fesul un, sef yr hyn y mae'r

gwelliant hwn yn gofyn amdano.

[128] **Val Lloyd:** Do you wish to move to a vote on amendment 5 or withdraw, Minister?

Val Lloyd: A ydych am symud i bleidlais ar welliant 5 ynteu ei dynnu yn ôl, Weinidog?

[129] **Brian Gibbons:** I wish to proceed to a vote.

Brian Gibbons: Dymunaf symud i bleidlais.

[130] **Val Lloyd:** The question is that amendment 5 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 5. Galwaf am bleidlais.

*Gwelliant 5: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 5: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 5.
Amendment 5 agreed.*

[131] **Val Lloyd:** Given that amendment 5 has now been disposed of, in line with the marshalled list we now move to dispose of amendments 60 and 6. I invite Mick Bates to move amendment 60.

Val Lloyd: Gan inni waredu gwelliant 5 bellach, yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr at waredu gwelliannau 60 a 6. Gwahoddaf Mick Bates i gynnig gwelliant 60.

[132] **Mick Bates:** I move amendment 60 in the name of Jenny Randerson and with the name of Mark Isherwood in support.

Mick Bates: Cynigïaf welliant 60 yn enw Jenny Randerson a chydag enw Mark Isherwood yn ei gefnogi.

[133] **Val Lloyd:** The question is that amendment 60 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 60. Galwaf am bleidlais.

*Gwelliant 60: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 60: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 60.
Amendment 60 not agreed.*

[134] **Val Lloyd:** Minister, would you like amendment 6 in your name to be moved?

Val Lloyd: Weinidog, a hoffech imi gynnig gwelliant 6 yn eich enw?

[135] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Hoffwn, Gadeirydd.

[136] **Val Lloyd:** I move amendment 6 in the name of the Minister. **Val Lloyd:** Cynigiaf welliant 6 yn enw'r Gweinidog.

[137] The question is that amendment 6 be agreed to. I call for a vote. Y cwestiwn yw a ddylid derbyn gwelliant 6. Galwaf am bleidlais.

*Gwelliant 6: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 6: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 6.
Amendment 6 agreed.*

Rheoliadau sy'n Llywodraethu Gweithgareddau (Gwelliant 18) Regulations Governing Activities (Amendment 18)

[138] **Val Lloyd:** We now move to group 9. Amendment 18 is in relation to regulations governing activities. Minister, would you like amendment 18 in your name to be moved? **Val Lloyd:** Symudwn yn awr at grŵp 9. Mae a wnelo gwelliant 18 â rheoliadau sy'n llywodraethu gweithgareddau. Weinidog a hoffech imi gynnig gwelliant 18 yn eich enw?

[139] **Brian Gibbons:** Yes, if you would, Chair. **Brian Gibbons:** Hoffwn, petaech gystal â gwneud hynny, Gadeirydd.

[140] **Val Lloyd:** I move amendment 18 in the name of Brian Gibbons and call on the Minister to speak. **Val Lloyd:** Cynigiaf welliant 18 yn enw Brian Gibbons a galwaf ar y Gweinidog i siarad.

[141] **Brian Gibbons:** Section 13 of the proposed Measure allows the Welsh Ministers to make adjustments to the legislative schemes for the registration of child minding and day care services for children under the age specified. At present, those who care for children below the age of eight in prescribed circumstances must be registered. However, the Order-making power in section 13 could be exercised to make the requirement apply in relation to children of a greater or lesser age. This is a technical amendment to ensure that the wording of section 24 is not overly specific and is flexible, so that if the Order-making power in section 13(4)(a) is exercised, so as to allow an age greater or less than eight, then the regulation-making power in section 24 can be interpreted to take that modification **Brian Gibbons:** Mae Adran 13 o'r mesur arfaethedig yn caniatáu i Weinidogion Cymru newid y cynlluniau deddfwriaethol ar gyfer cofrestru gwasanaethau gwarchod plant a gofal dydd i blant o dan yr oedran a bennir. Ar hyn o bryd, rhaid i'r rheini sy'n gofalu am blant o dan wyth oed o dan amgylchiadau a ragnodir gofrestru. Fodd bynnag, gellid rhoi'r pŵer Gwneud-gorchmynion sydd yn adran 13 ar waith er mwyn i'r gofyniad fod yn berthnasol yng nghyswllt plant hŷn neu iau. Newid technegol yw hwn er mwyn sicrhau nad yw geiriad adran 24 yn orbenodol a'i fod yn hyblyg. Felly, os rhoddir y pŵer Gwneud-gorchymyn yn adran 13(4)(a) ar waith, gan ganiatáu oedran hŷn neu iau nag wyth, yna, gellir dehongli'r pŵer gwneud-rheoliadau yn adran 24 mewn modd sy'n rhoi sylw i'r newid hwnnw.

into account.

[142] **Val Lloyd:** Minister, I have no speakers on this amendment. Do you wish to move to a vote?

Val Lloyd: Weinidog, nid oes gennyf siaradwr am y gwelliant hwn. A ydych am symud i bleidlais?

[143] **Brian Gibbons:** Yes, please.

Brian Gibbons: Ydwyf, os gwelwch yn dda.

[144] **Val Lloyd:** The question is that amendment 18 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 18. Galwaf am bleidlais.

*Gwelliant 18: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 18: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 18.
Amendment 18 agreed.*

Atal Cofrestriad—Hyfforddiant (Gwelliant 45) Suspension of Registration—Training (Amendment 45)

[145] **Val Lloyd:** We now move to group 10, which contains amendment 45, and this amendment relates to training following the suspension of registration. I call on Brynle Williams to move and speak to amendment 45.

Val Lloyd: Symudwn yn awr at grŵp 10, sy'n cynnwys gwelliant 45, ac mae a wnelo'r gwelliant hwn â hyfforddiant ar ôl atal cofrestriad. Galwaf ar Brynle Williams i gynnig gwelliant 45 a siarad amdano.

[146] **Brynle Williams:** I move amendment 45 in the name of Mark Isherwood and with the name of Jenny Randerson in support.

Brynle Williams: Cynigaf welliant 45 yn enw Mark Isherwood a chydag enw Jenny Randerson yn ei gefnogi.

[147] The Stage 1 committee report stated that:

Yn adroddiad pwyllgor Cyfnod 1 dywedwyd:

[148] 'We feel strongly that, in the event of a person returning to childminding where they had been absent from the profession for a considerable period of time, they should, as a minimum requirement of their registration, be required to attend and complete an appropriate training course to ensure that their level of knowledge and expertise meets the standards in force. We call on the Minister to give consideration to making such provision.'

'Teimlwn yn gryf y dylai person sy'n dychwelyd i swydd gwarchodwr plant ar ôl bod yn absennol o'r proffesiwn am gyfnod sylweddol o amser, orfod dilyn a chwblhau cwrs hyfforddiant priodol cyn gallu cofrestru, er mwyn sicrhau bod ei wybodaeth a'i arbenigedd yn bodloni safonau mewn grym. Galwn ar y Gweinidog i ystyried gwneud darpariaeth o'r fath.'

[149] **Val Lloyd:** I do not see any speakers and therefore I call on the Minister to reply.

Val Lloyd: Ni welaf yr un siaradwr ac felly galwaf ar y Gweinidog i ymateb.

[150] **Brian Gibbons:** I urge the rejection of amendment 45 because I think that there is a misunderstanding in it in relation to what registration and suspension are about. When a person returns to childminding or day care after an absence, we share Brynle's concern that they be appropriately qualified; indeed, under section 25, the Welsh Ministers will be able to use the regulation-making power to enforce the cancellation of the registration of providers who are inactive for significant periods.

Brian Gibbons: Pwysaf arnoch i wrthod gwelliant 45 oherwydd teimlaf fod camddealltwriaeth ynddo ynglŷn â natur cofrestru ac atal. Pan fydd rhywun yn dychwelyd i warchod plant neu i ofal dydd ar ôl cyfnod o absenoldeb, yr ydym ninnau, fel Brynle, am sicrhau bod ganddynt y cymwysterau priodol; yn wir, o dan adran 25, bydd Gweinidogion Cymru yn gallu defnyddio'r pŵer gwneud-rheoliadau i orfodi dileu cofrestriad darparwyr sy'n segur am gyfnodau sylweddol.

2.10 p.m.

[151] However, the regulation-making powers in section 26 are not appropriate to the re-registration issues, as they deal specifically with the suspension of registration—in other words, the period of suspension, the circumstances in which registration may be suspended, or voluntary suspension. The purpose of suspension from registration in this context is not meant to be punitive, but purely an administrative measure to ensure the safety of service users pending an investigation. Once that investigation has been completed satisfactorily and shows that the person is fit to continue, the suspension will be lifted. However, if it shows that there are continuing concerns, further action would automatically follow.

Fodd bynnag, nid yw'r pwerau gwneud-rheoliadau yn adran 26 yn briodol ar gyfer y materion sy'n ymwneud ag ailgofrestru, gan eu bod yn ymdrin yn benodol ag atal cofrestriad—mewn geiriau eraill, â chyfnod yr ataliad, â'r amgylchiadau lle ceir atal cofrestriad, neu agataliad gwirfoddol. Ni fwriedir i atal cofrestriad yn y cyd-destun hwn fod yn gosb. Yn hytrach ni fwriedir iddo ond fod yn gam gweinyddol i sicrhau diogelwch defnyddwyr gwasanaeth nes bod ymchwiliad wedi'i gynnal. Ar ôl cwblhau'r ymchwiliad hwnnw'n foddhaol ac iddo ddangos bod y person yn addas i barhau, terfynir yr ataliad. Serch hynny, os dangosir bod rheswm dros boeni o hyd, cymerid camau pellach yn awtomatig.

[152] The registration scheme in Part 2 already allows for safeguards to ensure that a person returning to childminding or day care after a long absence has up-to-date skills and the appropriate qualifications. Equally, section 23 allows for the imposition of such conditions as the registration authority may see fit to impose on a provider, including one who is returning to the profession after a period of suspension, be that enforced or voluntary.

Mae'r cynllun cofrestru yn Rhan 2 eisoes yn caniatáu ar gyfer camau diogelu i sicrhau bod gan rywun sy'n dychwelyd i warchod plant neu i ofal dydd ar ôl cyfnod hir o absenoldeb y sgiliau diweddaraf a'r cymhwysterau priodol. Yn yr un modd, mae adran 23 yn caniatáu ar gyfer gorfodi pa amodau bynnag y gwêl yr awdurdod cofrestru'n dda ar ddarparwr, gan gynnwys darparwr sy'n dychwelyd i'r proffesiwn ar ôl cyfnod o ataliad, boed hynny'n orfodol ynteu'n wirfoddol.

[153] **Val Lloyd:** Thank you, Minister. Brynle, do you want to reply to the debate?

Val Lloyd: Diolch, Weinidog. Brynle, a ydych am ymateb i'r ddadl honno?

[154] **Brynle Williams:** No, thank you.

Brynle Williams: Nac ydwyf, dim diolch.

[155] **Val Lloyd:** Do you wish to move to a vote? **Val Lloyd:** A ydych am symud i bleidlais?

[156] **Brynle Williams:** If you would, please. **Brynle Williams:** Os gwelwch yn dda.

[157] **Val Lloyd:** The question is that amendment 45 be agreed to. I call for a vote. **Val Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 45. Galwaf am bleidlais.

*Gwelliant 45: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 45: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 45.
Amendment 45 not agreed.*

**Amddiffyn mewn Argyfwng a Diogelwch Gweithdrefnol (Gwelliannau 19, 20 a 21)
Emergency Protection and Procedural Safeguards (Amendments 19, 20 and 21)**

[158] **Val Lloyd:** Minister, would you like amendment 19 in your name to be moved? **Val Lloyd:** Weinidog, a hoffech imi gynnig gwelliant 19 yn eich enw?

[159] **Brian Gibbons:** Yes. **Brian Gibbons:** Hoffwn.

[160] **Val Lloyd:** I move amendment 19 in the name of Brian Gibbons. **Val Lloyd:** Cynigiaf welliant 19 yn enw Brian Gibbons.

[161] I call on the Minister to speak to amendment 19 and the other two amendments in the group. Galwaf ar y Gweinidog i siarad am welliant 19 a'r ddau welliant arall yn y grŵp.

[162] **Brian Gibbons:** Amendment 19 is to ensure that the threshold for the ability to impose conditions on the registration of a provider is set at the same level as that used by a magistrates' court when deciding whether to cancel registration in an urgent situation. That threshold would be the risk of significant harm. Even though the ability to impose conditions may be seen as a lesser sanction than cancellation, conditions can have a significant effect on the provider's business. Thus, the same rigorous test should apply in these particular circumstances. **Brian Gibbons:** Mae a wnelo gwelliant 19 â sicrhau bod y trothwy ar gyfer y gallu i orfodi amodau ar gofrestru darparwr yn cael ei osod ar yr un lefel ag a ddefnyddir gan lys ynadon wrth benderfynu a ddylid dileu cofrestrriad mewn sefyllfa frys. Y trothwy hwnnw fyddai'r risg o niwed sylweddol. Er y gellid gweld y gallu i orfodi amodau yn gam llai difrifol na dileu cofrestrriad, gall amodau amharu'n sylweddol ar fusnes y darparwr. Felly, dylai'r un prawf trwyadl fod ar waith o dan yr amgylchiadau penodol hyn.

[163] Amendments 20 and 21 correct numbering errors in sections 35 and 36. These are of a technical nature and do not represent a change in policy. Mae gwelliannau 20 a 21 yn cywiro'r gwallau rhifo yn adrannau 35 a 36. Gwelliannau o natur dechnegol yw'r rhain ac nid ydynt yn adlewyrchu newid polisi.

[164] **Ann Jones:** Minister, could you clarify whether the term ‘significant harm’ will mean something different from the police’s definition of it, for example? I am just concerned about ‘significant’ harm. I know that there is no amendment to remove the word ‘significant’, but I want some clarification of whether everybody will use the same definition.

Ann Jones: Weinidog, a allech egluro a fydd y term ‘niwed sylweddol’ yn golygu rhywbeth gwahanol i ddiffiniad yr heddlu ohono, er enghraifft? Yr wyf yn poeni braidd am niwed ‘sylweddol’. Gwn nad oes gwelliant i ddileu’r gair ‘sylweddol’, ond yr wyf am gael rhywfaint o eglurhad ynglŷn ag a fydd pawb yn defnyddio’r un diffiniad.

[165] **Brian Gibbons:** You will be aware that some of this legislation consolidates what is in the existing Children Act 2004. The reference to ‘significant harm’ is used in that Act. In this instance, it does not change the threshold from that which pertains to the Children Act 2004. However, it uses that threshold as the criterion by which conditions would be imposed because of the serious potential adverse effect on the provider and on the customers or clients of the provider, who would also suffer, if registration were suspended or conditions imposed.

Brian Gibbons: Gwyddoch fod rhywfaint o’r ddeddfwriaeth hon yn atgyfnerthu’r hyn sydd eisoes yn Neddf Plant 2004. Defnyddir y cyfeiriad at ‘niwed sylweddol’ yn y Ddeddf honno. Yn y cyswllt hwn, nid yw’n newid y trothwy o’r hyn a geir yn Neddf Plant 2004. Fodd bynnag, mae’n defnyddio’r trothwy hwnnw’n faen prawf ar gyfer gorfodi amodau oherwydd yr effaith ddifrifol niweidiol bosibl ar y darparwr ac ar gwsmeriaid neu gleientiaid y darparwr, a fyddai’n dioddef hefyd petai’r cofrestrriad yn cael ei atal neu petai amodau’n cael eu gorfodi.

[166] **Val Lloyd:** I see that no other Member wishes to speak. Do you wish to proceed to a vote on amendment 19, Minister?

Val Lloyd: Gwelaf nad oes yr un Aelod arall am siarad. A ydych am symud i bleidlais ar welliant 19, Weinidog?

[167] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Ydwyf, Gadeirydd.

[168] **Val Lloyd:** The question is that amendment 19 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 19. Galwaf am bleidlais.

*Gwelliant 19: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 19: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 19.
Amendment 19 agreed.*

[169] **Val Lloyd:** In line with the marshalled list, we now come to dispose of amendments 20 and 21. Minister, would you like amendment 20 in your name to be moved?

Val Lloyd: Yn unol â’r rhestr o welliannau wedi’u didoli, down yn awr at waredu gwelliannau 20 a 21. Weinidog, a hoffech imi gynnig gwelliant 20 yn eich enw?

- [170] **Brian Gibbons:** Yes, Chair. **Brian Gibbons:** Hoffwn, Gadeirydd.
- [171] **Val Lloyd:** I move amendment 20 in the name of Brian Gibbons. **Val Lloyd:** Cynigiaf welliant 20 yn enw Brian Gibbons.
- [172] The question is that amendment 20 be agreed to. I call for a vote. Y cwestiwn yw a ddylid derbyn gwelliant 20. Galwaf am bleidlais.

*Gwelliant 20: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 20: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 20.
Amendment 20 agreed.*

- [173] **Val Lloyd:** Minister, would you like amendment 21 in your name to be moved? **Val Lloyd:** Weinidog, a hoffech imi gynnig gwelliant 21 yn eich enw?
- [174] **Brian Gibbons:** Yes, Chair. **Brian Gibbons:** Hoffwn, Gadeirydd.
- [175] **Val Lloyd:** I move amendment 21 in the name of Brian Gibbons. **Val Lloyd:** Cynigiaf welliant 21 yn enw Brian Gibbons.
- [176] The question is that amendment 21 be agreed to. I call for a vote. Y cwestiwn yw a ddylid derbyn gwelliant 21. Galwaf am bleidlais.

*Gwelliant 21: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 21: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 21.
Amendment 21 agreed.*

Canlyniadau Anghymwyso—Technegol (Gwelliant 22) Consequences of Disqualification—Technical (Amendment 22)

- [177] **Val Lloyd:** This group consists of amendment 22 in the name of Brian Gibbons. Minister, would you like amendment 22 in your name to be moved? **Val Lloyd:** Mae'r grŵp hwn yn cynnwys gwelliant 22 yn enw Brian Gibbons. Weinidog, a hoffech imi gynnig gwelliant 22 yn eich enw?
- [178] **Brian Gibbons:** Yes, Chair. **Brian Gibbons:** Hoffwn, Gadeirydd.

[179] **Val Lloyd:** I move amendment 22 in the name of Brian Gibbons.

Val Lloyd: Cynigiau welliant 22 yn enw Brian Gibbons.

[180] I call on the Minister to speak to that amendment.

Galwaf ar y Gweinidog i siarad am y gwelliant hwnnw.

[181] **Brian Gibbons:** In section 33(2) of the proposed Measure, there is a provision that prohibits day care providers from employing anyone who is disqualified from day care provision or from childminding. That provision should apply equally to childminders to prevent them from employing as an assistant anyone who is disqualified as a day care provider. Consequently, this particular amendment is designed to achieve that effect and I urge support for it.

Brian Gibbons: Yn adran 33(2) y Mesur arfaethedig, ceir darpariaeth sy'n gwahardd darparwyr gofal dydd rhag cyflogi neb sydd wedi'i wahardd rhag darpariaeth gofal dydd neu warchod plant. Dylai'r ddarpariaeth honno fod yr un mor berthnasol i warchodwyr plant i'w hatal rhag cyflogi neb yn gynorthwyydd sydd wedi'i wahardd fel darparwr gofal dydd. Yn sgil hynny, bwriedir i'r gwelliant penodol hwn gael yr effaith honno a phwysaf arnoch i'w gefnogi.

[182] **Val Lloyd:** I see that no Members wish to speak. Minister, do you want to reply or do you want to proceed to a vote?

Val Lloyd: Gwelaf nad oes yr un Aelod yn dymuno siarad. Weinidog, a ydych am ymateb ynteu a ydych am symud i bleidlais?

[183] **Brian Gibbons:** I want to proceed to a vote, Chair.

Brian Gibbons: Yr wyf am symud i bleidlais, Gadeirydd.

[184] **Val Lloyd:** The question is that amendment 22 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 22. Galwaf am bleidlais.

*Gwelliant 22: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 22: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 22.
Amendment 22 agreed.*

**Rhan 2—Arolygu a Phwerau Mynediad (Gwelliannau 23, 24, 25, 39, 26 a 27)
Part 2—Inspection and Powers of Entry (Amendments 23, 24, 25, 39, 26 and 27)**

[185] **Val Lloyd:** The lead amendment in this group is amendment 23 in the name of Brian Gibbons, which is grouped with amendments 24, 25, 39, 26 and 27. Minister, would you like amendment 23 in your name to be moved?

Val Lloyd: Y prif welliant yn y grŵp hwn yw gwelliant 23 yn enw Brian Gibbons, sydd wedi'i grwpio gyda gwelliannau 24, 25, 39, 26 a 27. Weinidog, a hoffech imi gynnig gwelliant 23 yn eich enw?

[186] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Hoffwn, Gadeirydd.

[187] **Val Lloyd:** I move amendment 23 in the name of Brian Gibbons.

Val Lloyd: Cynigiaf welliant 23 yn enw Brian Gibbons.

[188] I call on the Minister to speak to that amendment and to the others in the group.

Galwaf ar y Gweinidog i siarad am y gwelliant hwnnw ac am y lleill yn y grŵp.

[189] **Brian Gibbons:** Under Part 2, existing legislation will be brought together and updated on the face of the proposed Measure. This group of amendments relate in particular to the inspection of childminding and day care provision. Amendments 24, 25 and 26 specifically separate the powers in relation to entry from those in relation to inspection. There are also presentational changes in amendments 23 and 26 to remove references to provisions in other statutes and instead include them in the proposed Measure. The amendments do not represent a change in policy and the essence of the provision remains unchanged. Amendment 27 ensures that, as now, the registration authority, the Care and Social Services Inspectorate Wales, will be able to apply to a magistrate for a warrant for a police constable to assist its inspectors in the exercise of their power of entry. Although situations in which inspectors are refused entry to premises are extremely rare, it is hard to predict which circumstances may arise in the future, and it would be imprudent at this stage not to reproduce in these consolidated provisions the ability to seek a warrant to gain entry. Amendment 39 is a consequential amendment, arising from amendment 27, and sets out how proceedings under that section are categorised for the purposes of the jurisdiction of the courts. The amended legislation will be easier for provider organisations and other readers to understand. I urge support for the amendments.

Brian Gibbons: Dan Ran 2, bydd y ddeddfwriaeth sy'n bodoli eisoes yn cael ei dwyn ynghyd â'i diweddarau yn y Mesur arfaethedig. Mae'r grŵp hwn o welliannau'n ymwneud yn benodol ag arolygu darpariaeth gwarchod plant a gofal dydd. Mae gwelliannau 24, 25 a 26 yn benodol yn gwahanu'r pwerau sy'n ymwneud â mynediad a'r rheini sy'n ymwneud ag arolygu. Ceir newidiadau hefyd yng nghyflwyniad gwelliannau 23 a 26 er mwyn dileu cyfeiriadau at ddarpariaethau mewn statudau eraill a'u cynnwys yn hytrach yn y Mesur arfaethedig. Nid yw'r gwelliannau'n adlewyrchu newid polisi ac mae'r ddarpariaeth yn ei hanfod yr un fath ag yr oedd. Mae gwelliant 27 yn sicrhau bod yr awdurdod cofrestru, Arolygiaeth Gofal a Gwasanaethau Cymdeithaol Cymru yn gallu gwneud cais, fel y gall ar hyn o bryd, i ynad am warant i un o gwnstabiliaid yr heddlu gynorthwyo'i arolygwyr wrth roi eu pŵer i gael mynediad ar waith. Anaml iawn y gwrthodir i arolygwyr fynd i mewn i eiddo, ond mae'n anodd rhagweld pa amgylchiadau a allai godi yn y dyfodol, a byddai'n annoeth ar hyn o bryd inni beidio ag ailgynnwys yn y darpariaethau cyfnerthedig hyn y gallu i geisio gwarant er mwyn sicrhau mynediad. Gwelliant canlyniadol yw gwelliant 39 sy'n codi yn sgil gwelliant 27, ac mae'n nodi sut y caiff achosion o dan yr adran honno'u categoreiddio at ddibenion awdurdodaeth y llysoedd. Bydd y ddeddfwriaeth ddiwygiedig yn haws i sefydliadau darparwyr a darllenwyr eraill eu ei deall. Pwysaf arnoch i gefnogi'r gwelliannau.

[190] **Val Lloyd:** I see that no Members wish to speak. Minister, do you wish to proceed to a vote?

Val Lloyd: Gwelaf nad oes yr un Aelod am siarad. Weinidog, a ydych am symud i bleidlais?

[191] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Ydwyf, Gadeirydd.

[192] **Val Lloyd:** The question is that amendment 23 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 23. Galwaf am bleidlais.

Gwelliant 23: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 23: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

Derbyniwyd gwelliant 23.
Amendment 23 agreed.

[193] **Val Lloyd:** In line with the marshalled list, we now come to dispose of amendments 24 and 25. Minister, would you like amendment 24 in your name to be moved? **Val Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, down yn awr at waredu gwelliannau 24 a 25. Weinidog, a hoffech imi gynnig gwelliant 24 yn eich enw?

[194] **Brian Gibbons:** Yes, Chair. **Brian Gibbons:** Hoffwn, Gadeirydd.

2.20 p.m.

[195] **Val Lloyd:** I move amendment 24 in the name of Brian Gibbons. **Val Lloyd:** Cynigiaf welliant 24 yn enw Brian Gibbons.

[196] The question is that amendment 24 be agreed to. I call for a vote. Y cwestiwn yw a ddylid derbyn gwelliant 24. Galwaf am bleidlais.

Gwelliant 24: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 24: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

Derbyniwyd gwelliant 24.
Amendment 24 agreed.

[197] **Val Lloyd:** Minister, would you like amendment 25 in your name to be moved? **Val Lloyd:** Weinidog, a hoffech imi gynnig gwelliant 25 yn eich enw?

[198] **Brian Gibbons:** Yes, Chair. **Brian Gibbons:** Hoffwn, Gadeirydd.

[199] **Val Lloyd:** I move amendment 25 in the name of Brian Gibbons. **Val Lloyd:** Cynigiaf welliant 25 yn enw Brian Gibbons.

[200] The question is that amendment 25 be agreed to. I call for a vote. Y cwestiwn yw a ddylid derbyn gwelliant 25. Galwaf am bleidlais.

Gwelliant 25: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 25: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 25.
Amendment 25 agreed.*

[201] **Val Lloyd:** The other amendments in this group will be dealt with later, in accordance with the marshalled list.

Val Lloyd: Ymdrinnir â'r gwelliannau eraill yn y grŵp hwn wedyn, yn unol â'r rhestr o welliannau wedi'u didoli.

Hysbysiadau o Gosb (Gwelliannau 46 a 28) Penalty Notices (Amendments 46 and 28)

[202] **Val Lloyd:** The lead amendment is amendment 46 in the name of Mark Isherwood, which is grouped with amendment 28. I invite Brynle Williams to move amendment 46 and to speak to the other amendment in the group.

Val Lloyd: Y prif welliant yw gwelliant 46 yn enw Mark Isherwood. Mae'r gwelliant hwnnw wedi'i grwpio gyda gwelliant 28. Gwahoddaf Brynle Williams i gynnig gwelliant 46 ac i siarad am y gwelliant arall yn y grŵp.

[203] **Brynle Williams:** I move amendment 46 in the name of Mark Isherwood and with the name of Jenny Randerson in support.

Brynle Williams: Cynigiau welliant 46 yn enw Mark Isherwood a chydag enw Jenny Randerson yn ei gefnogi.

[204] It proposes to insert two new points to section 40:

Mae'r gwelliant yn cynnig cynnwys dau bwynt newydd yn adran 40:

[205] 'provision for any person who has been issued with a penalty notice to appeal against the decision;

'darparu i unrhyw berson sydd wedi cael hysbysiad o gosb i apelio yn erbyn y penderfyniad;

[206] provision as to the procedure to be followed in respect of an appeal'.

darparu o ran y gweithdrefnau sydd i'w dilyn wrth apelio'.

[207] **Sandy Mewies:** We had a lot of discussion about this, and I felt at the time that it was quite unnecessary, because a fixed penalty notice is not issued unless an offence is admitted, so it does not need an appeals process. If someone changes his or her mind towards the end, it is possible for a prosecution to go ahead. So, it is quite unnecessary.

Sandie Mewies: Trafodwyd hyn yn helaeth, a theimlwn ar y pryd ei fod yn gwbl ddiangen, oherwydd ni roddir cosb benodedig oni chyfaddefir i drosedd. Felly, nid oes angen proses apelio. Os bydd rhywun yn newid ei feddwl tua'r diwedd, mae modd i erlyniad fynd rhagddo. Felly, mae'n gwbl ddiangen.

[208] **Brian Gibbons:** We urge rejection precisely on the grounds that Sandy has outlined. The person has to agree to accept a fixed penalty. If that person is not happy that

Brian Gibbons: Pwyswn arnoch i wrthod y gwelliant am yr union reswm a grybwyllwyd gan Sandy. Rhaid i'r person gytuno i dderbyn cosb benodedig. Os nad yw'r person

imposing a penalty is necessary, as Sandy said, they could refuse the fixed penalty fine and, if required, go to court. If they refuse to pay, they will also end up in court, but they will have admitted the offence of their own volition.

hwnnw'n hapus bod angen gorfodi cosb, fel y dywedodd Sandy, gallent wrthod talu dirwy'r gosb benodedig, a phetai angen, gallent fynd i'r llys. Os gwrthodant dalu, byddant hefyd yn eu cael eu hunain yn y llys, ond byddant wedi cyfaddef i'r trosedd o'u gwirfodd.

[209] The purpose of amendment 28 is just to correct the numbering error in section 47(7), which sets out the procedural step for giving notice to take action under section 31. The amendment seeks to correct the references.

Unig bwrpas gwelliant 28 yw cywiro'r gwall rhifo yn adran 47(7) sy'n egluro'r cam gweithdrefnol ar gyfer rhoi rhybudd ynglŷn â gweithredu o dan adran 31. Bwriad y gwelliant yw cywiro'r cyfeiriadau.

[210] **Val Lloyd:** Brynle, would you like to reply to the debate?

Val Lloyd: Brynle, a hoffech ymateb i'r ddadl?

[211] **Brynle Williams:** No, I wish to proceed to a vote, Chair.

Brynle Williams: Na hoffwn, yr wyf am symud i bleidlais, Gadeirydd.

[212] **Val Lloyd:** The question is that amendment 46 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 46. Galwaf am bleidlais.

*Gwelliant 46: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 46: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 46.
Amendment 46 not agreed.*

[213] **Val Lloyd:** Minister, would you like amendment 28 in your name to be moved?

Val Lloyd: Weinidog, a hoffech imi gynnis gwelliant 28 yn eich enw?

[214] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Hoffwn, Gadeirydd.

[215] **Val Lloyd:** I move amendment 28 in the name of Brian Gibbons. The question is that amendment 28 be agreed to. I call for a vote.

Val Lloyd: Cynigaf welliant 28 yn enw Brian Gibbons. Y cwestiwn yw a ddylid derbyn gwelliant 28. Galwaf am bleidlais.

*Gwelliant 28: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 28: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy

Williams, Brynle

*Derbyniwyd gwelliant 28.
Amendment 28 agreed.*

Ymgynghoriad—Timau/Byrddau Integredig Cymorth i Deuluoedd (Gwelliannau 47, 48, 49, 50, 51, 61, 62 a 64)

Consultation—Integrated Family Support Teams/Boards (Amendments 47, 48, 49, 50, 51, 61, 62 and 64)

[216] **Val Lloyd:** The lead amendment is amendment 47 in the name of Mark Isherwood, which is grouped with amendments 48, 49, 50, 51, 61, 62 and 64. I invite Brynle Williams to move amendment 47 and to speak to the other amendments in the group.

Val Lloyd: Y prif welliant yw gwelliant 47 yn enw Mark Isherwood sydd wedi'i grwpio gyda gwelliannau 48, 49, 50, 51, 61, 62 a 64. Gwahoddaf Brynle Williams i gynnig gwelliant 47 ac i siarad am y gwelliannau eraill yn y grŵp.

[217] **Brynle Williams:** I move amendment 47 in the name of Mark Isherwood and with the name of Jenny Randerson in support.

Brynle Williams: Cynigaf welliant 47 yn enw Mark Isherwood a chydag enw Jenny Randerson yn ei gefnogi.

[218] The report of this committee at Stage 1 states the following, at paragraphs 57 and 58.

Mae adroddiad y pwyllgor hwn yng Nghyfnod 1 yn dweud y canlynol, ym mharagraffau 57 a 58.

[219] 'We note the concerns of some stakeholders in relation to the lack of involvement of the voluntary sector in the establishment of IFSTs and IFS boards, and their calls for such involvement to be provided for on the face of the proposed Measure.

'Rydym yn nodi pryderon rhai rhanddeiliaid ynglŷn â diffyg cynnwys y sector gwirfoddol at y gwaith o sefydlu TICIDau a byrddau integredig cymorth i deuluoedd ac rydym yn nodi eu cais i'r Mesur arfaethedig ddarparu ar gyfer hyn.

[220] We are satisfied with the provisions of sections 52(2) and 53(3) as currently drafted, in so far as they relate to the composition of IFSTs and IFS boards. However, we recognise the invaluable contribution of the voluntary sector in providing support to vulnerable children and their families and we therefore feel the proposed Measure would be strengthened by the inclusion of provision for the involvement of the voluntary sector in relation to the work of IFSTs and the establishment of IFS boards, and we so recommend.'

Rydym yn fodlon â darpariaethau 52(2) a 53(3) fel y maent wedi'u drafftio ar hyn o bryd i'r graddau y maent yn ymwneud â chyfansoddiad TICIDau a byrddau integredig cymorth i deuluoedd. Fodd bynnag, rydym yn cydnabod cyfraniad hanfodol y sector gwirfoddol at y gwaith o ddarparu cymorth i blant agored i niwed a'u teuluoedd ac rydym felly'n teimlo y gellid cryfhau'r Mesur arfaethedig drwy gynnwys darpariaeth i alluogi'r sector gwirfoddol i gyfrannu at waith TICIDau a'r gwaith o sefydlu byrddau integredig cymorth i deuluoedd, ac dyna rydym yn ei argymhell.'

[221] **Val Lloyd:** I see no further speakers, so I call on the Minister to respond.

Val Lloyd: Gwelaf nad oes yr un Aelod yn dymuno siarad, felly galwaf ar y Gweinidog i ymateb.

[222] **Brian Gibbons:** To respond to all

Brian Gibbons: I ymateb i'r gwelliannau i

the amendments?

gyd?

[223] **Mick Bates:** Shall I move amendment 61?

Mick Bates: A ddylwn gynnig gwelliant 61?

[224] **Val Lloyd:** You must respond here, because it is a formal process after the first amendment. So, you may respond to any amendment within that group, which are amendments 47, 48, 49, 50, 51, 61, 62 and 64.

Val Lloyd: Rhaid ichi ymateb yma, oherwydd proses ffurfiol yw hi ar ôl y gwelliant cyntaf. Felly, cewch ymateb i unrhyw welliant yn y grŵp hwnnw, sef gwelliannau 47, 48, 49, 50, 51, 61, 62 a 64.

[225] **Brian Gibbons:** Sorry, but—

Brian Gibbons: Mae'n ddrwg gennyf, ond—

[226] **Mick Bates:** I have not moved them.

Mick Bates: Nid wyf wedi'u cynnig.

[227] **Val Lloyd:** They do not need to be moved; they are in the group, and the convention is that you can speak to them.

Val Lloyd: Nid oes angen eu cynnig; maent yn y grŵp, a'r confensiwn yw y cewch siarad amdanynt.

[228] **Brian Gibbons:** Amendments 47, 50 and 51 return to an earlier part of the proposed Measure, in particular in relation to consultation with the voluntary or third sector, which was, for the record, fully involved in the discussions that led to the development of the idea of the integrated family support teams and in the appointment of board members. However, we feel, for the reasons that I mentioned earlier, that these amendments are necessary. The primary functions of IFS teams, the core team, and the objectives of the boards will be set out in regulations by the Assembly Government, and, in line with our own partnership agreement or the third sector partnership scheme. Under the legal duties in sections 74 and 75 of the Government of Wales Act 2006, we will be complying with the statutory duties to fully engage with all relevant stakeholders, which will include the third sector.

Brian Gibbons: Mae gwelliant 47, 50 a 51 yn dychwelyd at ran gynharach o'r Mesur arfaethedig, yn benodol yng nghyswllt ymgynghori â'r sector gwirfoddol neu'r trydydd sector. Dylid cofnodi bod y sector hwnnw wedi bod yn rhan lawn o'r trafodaethau a arweiniodd at ddatblygu'r syniad o dimau integredig cymorth i deuluoedd a phenodi aelodau'r byrddau. Fodd bynnag, am y rhesymau a grybwyllais gynnau, teimlwn fod angen y gwelliannau hyn. Caiff prif swyddogaethau'r timau integredig cymorth i deuluoedd, y tîm craidd, ac amcanion y byrddau eu cynnwys mewn rheoliadau gan Lywodraeth y Cynulliad a bydd hynny'n unol â'n cytundeb partneriaeth ni'n hunain neu â chynllun partneriaeth y trydydd sector. Dan y dyletswyddau cyfreithiol yn adrannau 74 a 75 Deddf Llywodraeth Cymru 2006, byddwn yn cydymffurfio â'r dyletswyddau statudol i ymgysylltu'n llawn â'r holl randdeiliaid perthnasol, a bydd hynny'n cynnwys y trydydd sector.

[229] The main thrust of IFS teams is to introduce a national approach, based on a common model, to develop new ways of working that are informed by research and similar evaluated studies, such as option 2, which was undertaken here in Cardiff. Integrated family support boards will have a role in setting local objectives within the national legal framework and model. Provisions and statutory guidance will allow

Prif fwriad y timau integredig cymorth i deuluoedd yw cyflwyno trefn genedlaethol, a honno'n seiliedig ar yr un model, er mwyn datblygu ffyrdd newydd o weithio sy'n seiliedig ar ymchwil ac astudiaethau tebyg wedi'u gwerthuso, megis opsiwn 2, a roddwyd ar waith yma yng Nghaerdydd. Bydd gan fyrddau integredig cymorth i deuluoedd rôl o ran gosod amcanion lleol o fewn y fframwaith a'r model cyfreithiol

for local objectives to be set, including the day to day functions of the teams. Statutory duties will require the board to consult with key local partners on the function of the IFS teams, and the wider support from universal and other targeted services available to the IFS team.

[230] We acknowledge that the voluntary sector plays an important role in supporting vulnerable children and families, and has extensive experience in working with adults, for example, with substance misuse problems, and the connections between this and the work of the team. Integrated family support teams will have an even greater importance in ensuring holistic support for the family as a unit. It is also feasible that the third sector may be deployed to work under the IFS teams, by way of contract or secondment. So, there is plenty of scope for them to be involved in the work of the IFS teams and board.

[231] The development of the IFS team, however, including the core team and its functions, will be, and needs to be, fully inclusive. The key role of the pioneer IFS teams, through their local implementation team, is to work with the Assembly Government in policy areas to result in a final design of regulations, guidance and tools for their task. This work has already started. Members, therefore, will appreciate that we cannot support the amendments for the reasons that we have outlined, because we are already obliged to do so under the Government of Wales Act, and are doing so in practice. It is clearly well-established practice by us to engage with all relevant key stakeholders, and I do not think that there is any evidence to the contrary. Statutory guidance will also direct the local boards to consult and engage key agencies and personnel in the local detail and the day to day operation of the IFS teams.

enedlaethol. Bydd darpariaethau a chanllawiau statudol yn caniatáu ar gyfer gosod amcanion lleol, gan gynnwys swyddogaethau beunyddiol y timau. Bydd dyletswyddau statudol yn mynnu bod y bwrdd yn ymgynghori â phartneriaid allweddol lleol ynglŷn â swyddogaeth y timau integredig cymorth i deuluoedd, a'r cymorth ehangach gan wasanaethau cyffredinol a gwasanaethau eraill sydd wedi'u targedu sydd ar gael i'r tîm integredig cymorth i deuluoedd.

Cydnabyddwn fod y sector gwirfoddol yn chwarae rôl bwysig o ran cynorthwyo plant agored i niwed a'u teuluoedd, a bod ganddo brofiad helaeth yn gweithio gydag oedolion, er enghraifft, a chanddynt broblemau camddefnyddio sylweddau, a'r cysylltiadau rhwng hyn a gwaith y tîm. Bydd timau integredig cymorth i deuluoedd yn bwysicach byth o ran sicrhau cymorth cyfannol i'r teulu fel uned. Dichon hefyd y gellir rhoi'r trydydd sector ar waith o dan y timau integredig cymorth i deuluoedd, o dan gontract neu o dan drefniant secondio. Felly, mae digon o gyfle iddynt fod yn rhan o waith y timau integredig cymorth i deuluoedd ac o waith y bwrdd.

Bydd datblygu'r tîm integredig cymorth i deuluoedd, fodd bynnag, gan gynnwys y tîm craidd, a'i swyddogaethau yn gwbl gynhwysol a bydd angen iddo fod felly. Rôl allweddol y timau integredig cymorth i deuluoedd arloesol, drwy gyfrwng eu tîm gweithredu lleol, yw gweithio gyda Llywodraeth y Cynulliad mewn meysydd polisi er mwyn llunio fersiwn derfynol y rheoliadau, y canllawiau a'r arfau ar gyfer eu tasg. Mae'r gwaith hwn ar y gweill eisoes. Felly, bydd yr Aelodau'n sylweddoli na allwn gefnogi'r gwelliannau am y rhesymau a grybwyllwyd, oherwydd ein bod eisoes yn rhwym o wneud hynny o dan Ddeddf Llywodraeth Cymru, ac am ein bod yn gwneud hynny ar lefel ymarferol. Mae'n amlwg ei bod yn arfer ers tro inni ymgysylltu â'r holl randdeiliaid allweddol perthnasol, ac ni chredaf fod dim tystiolaeth sy'n dweud yn groes i hynny. Bydd canllawiau statudol hefyd yn cyfarwyddo'r byrddau lleol i ymgynghori ac ymgysylltu ag asiantaethau a phersonel allweddol o ran y manylion lleol a gweithrediad y timau integredig cymorth i

deuluoedd o ddydd i ddydd.

[232] I will now move on to amendments 48, 49, 62 and 64. Existing law under the Government of Wales Act sets out our inclusive approach to the exercise of Assembly Government functions, including our duty to consult, not just with the third sector, but also with local authorities and the business sector on matters affecting such organisations. Again, this is a statutory duty, which does not need to be underpinned by further amendments. There is a well-established practice for wider engagement with these stakeholders.

Af ymlaen yn awr at welliannau 48, 49, 62 a 64. Mae'r gyfraith bresennol o dan Ddeddf Llywodraeth Cymru'n cynnwys ein hymagwedd gynhwysol at roi swyddogaethau Llywodraeth y Cynulliad ar waith, gan gynnwys ein dyletswydd i ymgynghori, nid yn unig â'r trydydd sector, ond ag awdurdodau lleol a'r sector busnes hefyd ynglŷn â materion sy'n effeithio ar gyrff o'r fath. Unwaith eto, mae hyn yn ddyletswydd statudol, ac nid oes angen rhagor o welliannau i'w chryfhau. Mae'n arfer ers tro inni ymgysylltu'n ehangach â'r rhanddeiliaid hyn.

2.30 p.m.

[233] The amendments propose to introduce a new duty on top of the duty that currently exists and, consequently, does not add value to the exercise. In conclusion, in developing the IFS teams I believe that we have been fully inclusive, and that the amendments, in the main, will add nothing to the statutory duties that are already enshrined in the Government of Wales Act 2006. We remain committed to consulting on all the key regulations relating to the implementation of the IFSTs, including when they are rolled out on an all-Wales basis. These duties are bound up in the Government of Wales Act, and given the current practice, there is no reason to argue that we will not continue to comply with our statutory duties.

Mae'r gwelliannau'n cynnig cyflwyno dyletswydd newydd ar ben y ddyletswydd sy'n bodoli eisoes ac, felly, nid ydynt yn ychwanegu gwerth ar yr ymarfer. I gloi, wrth ddatblygu'r timau integredig cymorth i deuluoedd, credwn inni fod yn gwbl gynhwysol, ac na fydd y gwelliannau, yn y bôn, yn ychwanegu dim at y dyletswyddau statudol sydd eisoes wedi'u cynnwys yn Neddf Llywodraeth Cymru 2006. Yr ydym yn dal yn ymroddedig i ymgynghori ynglŷn â'r holl reolaidau allweddol sy'n berthnasol i weithredu'r timau integredig cymorth i deuluoedd, gan gynnwys pa bryd y cânt eu lledaenu drwy Gymru gyfan. Mae'r dyletswyddau hyn yn rhan hanfodol o Ddeddf Llywodraeth Cymru, a, chan gofio'r arfer ar hyn o bryd, nid oes rheswm dros ddadlau na pharhawn i gydymffurfio â'n dyletswyddau statudol.

[234] **Val Lloyd:** Thank you, Minister. Brynle, do you wish to reply to the debate?

Val Lloyd: Diolch, Weinidog. Brynle, a ydych am ymateb i'r dadl?

[235] **Brynle Williams:** No, I would like to proceed to a vote.

Brynle Williams: Nac ydwyf. Hoffwn symud i bleidlais.

[236] **Val Lloyd:** The question is that amendment 47 in the name of Mark Isherwood be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 47 yn enw Mark Isherwood. Galwaf am bleidlais.

*Gwelliant 47: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 47: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Bates, Mick
Williams, Brynle

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 47.
Amendment 47 not agreed.*

[237] **Val Lloyd:** In line with the marshalled list, we now come to dispose of amendments 48, 49, 50, 51, 61 and 62. I invite Brynle to move amendment 48.

Val Lloyd: Yn unol â'r rhestr o welliannau wedi'u didoli, down yn awr at waredu gwelliannau 48, 49, 50, 51, 61 a 62. Gwahoddaf Brynle i gynnig gwelliant 48.

[238] **Brynle Williams:** Before making any formal regulation—

Brynle Williams: Cyn gwneud unrhyw reoliad ffurfiol—

[239] **Val Lloyd:** Please just move the amendment at this stage.

Val Lloyd: Cynigiwch y gwelliant os gwelwch yn dda. Dyna'i gyd y mae ei angen ar hyn o bryd.

[240] **Brynle Williams:** Sorry, Chair. I move amendment 48 in the name of Mark Isherwood and with the name of Jenny Randerson in support.

Brynle Williams: Mae'n ddrwg gennyf, Gadeirydd. Cynigïaf welliant 48 yn enw Mark Isherwood a chydag enw Jenny Randerson in support.

[241] **Val Lloyd:** The question is that amendment 48 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 48. Galwaf am bleidlais.

*Gwelliant 48: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 48: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 48.
Amendment 48 not agreed.*

[242] **Val Lloyd:** I ask Brynle to move amendment 49.

Val Lloyd: Gofynnaf i Brynle gynnig gwelliant 49.

[243] **Brynle Williams:** I move amendment 49 in the name of Mark Isherwood and with the name of Jenny Randerson in support.

Brynle Williams: Cynigïaf welliant 49 yn enw Mark Isherwood a chydag enw Jenny Randerson in support.

[244] **Val Lloyd:** The question is that amendment 49 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 49. Galwaf am bleidlais.

*Gwelliant 49: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 49: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Bates, Mick
Williams, Brynle

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 49.
Amendment 49 not agreed.*

[245] **Val Lloyd:** I ask Brynle to move amendment 50.

Val Lloyd: Gofynnaf i Brynle gynnig gwelliant 50.

[246] **Brynle Williams:** I move amendment 50 in the name of Mark Isherwood and with the name of Jenny Randerson in support.

Brynle Williams: Cynigiau welliant 50 yn enw Mark Isherwood a chydag enw Jenny Randerson yn ei gefnogi.

[247] **Val Lloyd:** The question is that amendment 50 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 50. Galwaf am bleidlais.

*Gwelliant 50: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 50: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 50.
Amendment 50 not agreed.*

[248] **Val Lloyd:** I ask Brynle to move amendment 51.

Val Lloyd: Gofynnaf i Brynle gynnig gwelliant 51.

[249] **Brynle Williams:** I move amendment 51 in the name of Mark Isherwood and with the name of Jenny Randerson in support.

Brynle Williams: Cynigiau welliant 51 yn enw Mark Isherwood a chydag enw Jenny Randerson yn ei gefnogi.

Val Lloyd: The question is that amendment 51 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 51. Galwaf am bleidlais.

*Gwelliant 51: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 51: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 51.
Amendment 51 not agreed.*

[250] **Val Lloyd:** I ask Mick to move amendment 61.

Val Lloyd: Gofynnaf i Mick gynnig gwelliant 61.

[251] **Mick Bates:** I move amendment 61 in the name of Jenny Randerson and with the name of Mark Isherwood in support. **Mick bates:** Cynigiau welliant 61 yn enw Jenny Randerson a chydag enw Mark Isherwood yn ei gefnogi.

[252] **Val Lloyd:** The question is that amendment 61 be agreed to. I call for a vote. **Val Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 61. Galwaf am bleidlais.

*Gwelliant 61: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 61: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 61.
Amendment 61 not agreed.*

[253] **Val Lloyd:** I ask Mick to move amendment 62. **Val Lloyd:** Gofynnaf i Mick gynnig gwelliant 62.

[254] **Mick Bates:** I move amendment 62 in the name of Jenny Randerson and with the name of Mark Isherwood in support. **Mick bates:** Cynigiau welliant 62 yn enw Jenny Randerson a chydag enw Mark Isherwood yn ei gefnogi.

[255] **Val Lloyd:** The question is that amendment 62 be agreed to. I call for a vote. **Val Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 62. Galwaf am bleidlais.

*Gwelliant 62: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 62: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 62.
Amendment 62 not agreed.*

[256] **Val Lloyd:** I am sure that you will be pleased to know that are now taking a break for 10 minutes. Coffee is available outside the room. **Val Lloyd:** Yr wyf yn siŵr y byddwch yn falch o wybod ein bod yn awr am gael egwyl o 10 munud. Mae coffi ar gael y tu allan i'r ystafell.

*Gohiriwyd y cyfarfod rhwng 2.33 p.m. a 2.45 p.m.
The meeting adjourned between 2.33 p.m. and 2.45 p.m.*

Rheoliadau—Timau/Byrddau Integredig Cymorth i Deuluoedd (Gwelliant 63) Regulations—Integrated Family Support Teams/Boards (Amendment 63)

[257] **Val Lloyd:** Thank you for returning so promptly after the break. I call on Mick **Val Lloyd:** Diolch ichi am ddychwelyd mor ddi-oed ar ôl yr egwyl. Galwaf ar Mick Bates

Bates to move and speak to amendment 63.

i gynnig gwelliant 63 a siarad amdano.

[258] **Mick Bates:** I move amendment 63 in the name of Jenny Randerson and with the name of Mark Isherwood in support.

Mick Bates: Cynigiau welliant 63 yn enw Jenny Randerson a chydag enw Mark Isherwood yn ei gefnogi.

[259] This amendment seeks to enhance the regulation-making power of the Welsh Ministers. We are concerned about listing specific individuals, so we believe that approaching this through seeking greater powers for the Welsh Ministers is the most effective way forward, allowing the Welsh Ministers to undertake consultation on who should be involved in the referral process and on any protocol to be adopted. We are aware that there may be questions of competence but have received advice that matter 15.6, on co-operation and arrangements to safeguard and promote the wellbeing of children or young persons, applies to co-operation and arrangements made by persons other than local authorities who are engaged in activities relating to the wellbeing of children or young persons. I hope that Members support this amendment and give the Welsh Ministers the power to deal with this in due course.

Nod y gwelliant hwn yw cryfhau pŵer gwneud-rheoliadau Gweinidogion Cymru. Yr ydym yn poeni am restru unigolion penodol, felly, credwn mai'r ffordd fwyaf effeithiol o fwrw ymlaen â hyn yw mynd ati drwy geisio rhagor o bwerau i Weinidogion Cymru, gan ganiatáu i Weinidogion Cymru ymgynghori ynglŷn â phwy a ddylai gael ei gynnwys yn y broses atgyfeirio ac unrhyw brotocol sydd i'w fabwysiadu. Yr ydym yn sylweddoli y gall fod cwestiynau ynglŷn â chymhwysedd ond yr ydym wedi cael cyngor bod mater 15.6, sy'n ymwneud â chydweithredu a threfniadau i ddiogelu a hybu lles plant neu bobl ifanc, yn berthnasol i gydweithredu a threfniadau gan bobl ar wahân i awdurdodau lleol sy'n ymgymryd â gweithgareddau sy'n ymwneud â lles plant neu bobl ifanc. Gobeithiaf y bydd yr Aelodau'n cefnogi'r gwelliant hwn ac yn rhoi'r pŵer i Weinidogion Cymru ymdrin â hyn maes o law.

[260] **Val Lloyd:** I see that no-one else wants to speak to this amendment. Minister, would you like to reply?

Val Lloyd: Gwelaf nad oes neb arall am siarad am y gwelliant hwn, Weinidog, a hoffech chi ymateb?

[261] **Brian Gibbons:** If you look at what is proposed and refer to sections 50(6) and 50(9), you will see that they deal with the regulations in relation to the referral process. We feel that 50(6) and 50(9) cover the essence of what is being proposed in amendment 63.

Brian Gibbons: Os edrychwch ar yr hyn a gynigir a chyfeirio at adrannau 50(6) a 50(9), gwelwch eu bod yn ymwneud â'r rheoliadau sy'n berthnasol i'r broses atgyfeirio. Teimlwn fod 50(6) a 50(9) yn cynnwys hanfod yr hyn a gynigir yng ngwelliant 63.

[262] In principle, we think that it is important that the route by which children or their families are referred to integrated family support teams is the social services assessment gateway, and, in view of the specialist nature of the work of the integrated family support teams and the highly complex cases with which they will work, routes into using the integrated family support team, other than through a social service gateway of assessment, would not be appropriate. Equally, we think that section 50(9) provides the flexibility to address the other issues that Mick referred to.

Mewn egwyddor, credwn ei bod yn bwysig mai'r llwybr y dylid ei ddilyn wrth gyfeirio plant neu eu teuluoedd at dimau integredig cymorth i deuluoedd yw porth asesu'r gwasanaethau cymdeithasol, ac, oherwydd natur arbenigol gwaith y timau integredig cymorth i deuluoedd a'r achosion cymhleth iawn y byddant yn gweithio gyda hwy, na fyddai'n briodol defnyddio llwybrau ar wahân i borth asesu'r gwasanaethau cymdeithasol er mwyn cyfeirio pobl at y tîm integredig cymorth i deuluoedd. Yn yr un modd, credwn fod adran 50(9) yn cynnig yr hyblygrwydd i fynd i'r afael â'r materion

eraill y cyfeiriodd Mick atynt.

[263] **Mick Bates:** I am at a loss here, because, according to section 60, the organisations mentioned in paragraph 50(9) play a vital role in early identification and, as such, we believe that this amendment enhances section 60 to ensure that the whole process is more complete.

Mick Bates: Nid wyf yn deall hyn, oherwydd, yn ôl adran 60, mae'r cyrff y cyfeirir atynt ym mharagraff 50(9) yn chwarae rhan hollbwysig o ran adnabod achosion yn fuan, ac, felly, credwn fod y gwelliant hwn yn cryfhau adran 60 er mwyn sicrhau bod y broses drwyddi draw'n fwy cyflawn.

2.50 p.m.

[264] **Brian Gibbons:** There is nothing to stop anybody referring a client group or client to social services, and then social services, having made the assessment, referring them to the integrated family support team, as relevant and appropriate. What would not be appropriate in our view, because of its specialist nature, is for people to be directly referred by an agency to the integrated family support team without that initial social services assessment. The route should be via the social services gateway. That does not prevent other agencies from referring to social services, but it would have to be done through the social services gateway.

Brian Gibbons: Nid oes dim i rwystro neb rhag cyfeirio grŵp o gleientiaid neu gleient at y gwasanaethau cymdeithasol, ac wedyn i'r gwasanaethau cymdeithasol, ar ôl eu hasesu, eu cyfeirio at y tîm integredig cymorth i deuluoedd, fel sy'n berthnasol ac yn briodol. Yr hyn na fyddai'n briodol yn ein barn ni, oherwydd ei natur arbenigol, fyddai i bobl gael eu cyfeirio'n uniongyrchol gan asiantaeth at y tîm integredig cymorth i deuluoedd heb gael yr asesiad cychwynnol hwnnw gan y gwasanaethau cymdeithasol. Porth y gwasanaethau cymdeithasol yw'r llwybr y dylid ei ddefnyddio. Nid yw hynny'n rhwystro asiantaethau eraill rhag cyfeirio pobl at y gwasanaethau cymdeithasol, ond byddai'n rhaid iddo gael ei wneud drwy borth y gwasanaethau cymdeithasol.

[265] **Mick Bates:** It seems to me that we are in total agreement.

Mick Bates: Mae'n ymddangos i mi ein bod yn gwbl gytûn.

[266] **Val Lloyd:** Mick, would you like to proceed to a vote?

Val Lloyd: Mick, a hoffech symud i bleidlais?

[267] **Mick Bates:** Yes, Chair.

Mick Bates: Hoffwn, Gadeirydd.

[268] **Val Lloyd:** The question is that amendment 63 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 63. Galwaf am bleidlais.

*Gwelliant 63: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 63: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 63.
Amendment 63 not agreed.*

[269] **Val Lloyd:** We now come to dispose of amendment 64 in the name of Jenny Randerson and with the name of Mark Isherwood in support; this has already been debated with amendments 47, 48, 49, 50, 51, 61 and 62. I invite Mick Bates to move amendment 64.

Val Lloyd: Down yn awr at waredu gwelliant 64 yn enw Jenny Randerson a chydag enw Mark Isherwood yn ei gefnogi; mae hwn wedi'i drafod eisoes gyda gwelliannau 47, 48, 49, 50, 51, 61 a 62. Gwahoddaf Mick Bates i gynnig gwelliant 64.

[270] **Mick Bates:** I move amendment 64 in the name of Jenny Randerson and with the name of Mark Isherwood in support.

Mick Bates: Cynigiau welliant 64 yn enw Jenny Randerson a chydag enw Mark Isherwood yn ei gefnogi.

[271] **Val Lloyd:** The question is that amendment 64 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 64. Galwaf am bleidlais.

*Gwelliant 64: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 64: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 64.
Amendment 64 not agreed.*

Swyddogaethau Gwasanaethau Cymdeithasol (Gwelliannau 29, 30, 31, 32 a 33) Social Services Functions (Amendments 29, 30, 31, 32 and 33)

[272] **Val Lloyd:** The lead amendment is amendment 29 in the name of Brian Gibbons, which is grouped with amendments 30, 31, 32 and 33. Minister, would you like amendment 29 in your name to be moved?

Val Lloyd: Y prif welliant yw gwelliant 29 yn enw Brian Gibbons, sydd wedi'i grwpio gyda gwelliannau 30, 31, 32 a 33. Weinidog, a hoffech imi gynnig gwelliant 29 yn eich enw?

[273] **Brian Gibbons:** Yes, please, Chair.

Brian Gibbons: Hoffwn, os gwelwch yn dda, Gadeirydd.

[274] **Val Lloyd:** I move amendment 29 in the name of Brian Gibbons.

Val Lloyd: Cynigiau welliant 29 yn enw Brian Gibbons.

[275] I call on the Minister to speak to amendment 29 and the other amendments in the group.

Galwaf ar y Gweinidog i siarad am welliant 29 a'r gwelliannau eraill yn y grŵp.

[276] **Brian Gibbons:** Thank you, Chair. Family social work standards officers will have a key role in strengthening the research capacity within local authorities and supporting the professional development of social workers to encourage excellence. The new duty in amendment 34 will help to reinforce the practice of considering children

Brian Gibbons: Diolch, Gadeirydd. Bydd gan swyddogion safonau gwaith cymdeithasol teuluol rôl allweddol o ran cryfhau'r capasiti ymchwil o fewn awdurdodau lleol a chefnogi datblygiad proffesiynol gweithwyr cymdeithasol er mwyn annog rhagoriaeth. Bydd y ddyletswydd newydd yng ngwelliant 34 yn

when assessing adult community care needs.

gymorth i atgyfnerthu'r arfer o ystyried plant wrth asesu anghenion gofal yn y gymuned oedolion.

[277] The effect of amendments 29, 30, 31 and 32 is to include these new social services functions within the existing family of social services functions in Schedule 1 to the Local Authority Social Services Act 1970. Social services have to have an identified list of functions to be competent to deliver those services. The effect is to ensure that, like the other functions assigned to social services, they will be included in the Act. However, they will also be subject to inspection in the usual way, to guidance that may be issued from time to time and to the enforcement powers if local authorities fail to perform the appropriate functions.

Effaith gwelliannau 29, 30, 31 a 32 yw cynnwys y swyddogaethau gwasanaethau cymdeithasol newydd hyn o fewn teulu presennol swyddogaethau gwasanaethau cymdeithasol yn Atodlen 1 o Ddeddf Gwasanaethau Cymdeithasol Awdurdodau Lleol 1970. Rhaid i wasanaethau cymdeithasol gael rhestr benodol o swyddogaethau er mwyn bod yn gymwys i ddarparu'r gwasanaethau hynny. Yr effaith fydd sicrhau y caiff y rhain, fel y swyddogaethau eraill a roddir i wasanaethau cymdeithasol, eu cynnwys yn y Ddeddf. Serch hynny, byddant hefyd cael eu harolygu yn y ffordd arferol a bydd yn rhaid iddynt gydymffurfio â chanllawiau a gyhoeddir o bryd i'w gilydd ac â'r pwerau gorfodi os digwydd i awdurdodau lleol fethu â chyflawni'r swyddogaethau priodol.

[278] Amendment 33 has no legal effect per se; its purpose is to improve the organisation of the provision, because it includes provisions in the proposed Measure other than those in Part 3 referring to integrated family support teams. It is therefore not appropriate to include it within Part 3. I commend these amendments to the committee, Chair.

Nid oes effaith gyfreithiol o gwbl i welliant 33 per se; ei bwrpas yw gwella trefniadaeth y ddarpariaeth, oherwydd mae'n cynnwys darpariaethau yn y Mesur arfaethedig ar wahân i'r rheini a geir yn Rhan 3 sy'n cyfeirio at dimau integredig cymorth i deuluoedd. Felly, nid yw'n briodol ei gynnwys yn Rhan 3. Cymeradwyaf y gwelliannau hyn i'r pwyllgor, Gadeirydd.

[279] **Val Lloyd:** Thank you very much. I see no other speakers. Minister, do you want to move to a vote?

Val Lloyd: Diolch yn fawr iawn. Ni welaf yr un siaradwr arall. Weinidog, a ydych am symud i bleidlaias?

[280] **Brian Gibbons:** Yes, please, Chair.

Brian Gibbons: Ydwyf, os gwelwch yn dda, Gadeirydd.

[281] **Val Lloyd:** The question is that amendment 29 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 29. Galwaf am bleidlais.

*Gwelliant 29: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 29: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 29.
Amendment 29 agreed.*

[282] **Val Lloyd:** We now come to dispose of amendment 30 in the name of Brian Gibbons. Minister, would you like amendment 30 in your name to be moved? **Val Lloyd:** Down yn awr at waredu gwelliant 30, yn enw Brian Gibbons. Weinidog, a hoffech imi gynnig gwelliant 30 yn eich enw?

[283] **Brian Gibbons:** Yes, please, Chair. **Brian Gibbons:** Hoffwn, os gwelwch yn dda, Gadeirydd.

[284] **Val Lloyd:** I move amendment 30 in the name of Brian Gibbons. **Val Lloyd:** Cynigiaf welliant 30 yn enw Brian Gibbons.

[285] The question is that amendment 30 be agreed to. I call for a vote. Y cwestiwn yw a ddylid derbyn gwelliant 30. Galwaf am bleidlais.

*Gwelliant 30: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 30: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 30.
Amendment 30 agreed.*

[286] **Val Lloyd:** We now come to dispose of amendment 31 in the name of Brian Gibbons. Minister, would you like amendment 31 in your name to be moved? **Val Lloyd:** Down yn awr at waredu gwelliant 31, yn enw Brian Gibbons. Weinidog, a hoffech imi gynnig gwelliant 31 yn eich enw?

[287] **Brian Gibbons:** Yes, Chair. **Brian Gibbons:** Hoffwn, Gadeirydd.

[288] **Val Lloyd:** I move amendment 31 in the name of Brian Gibbons. **Val Lloyd:** Cynigiaf welliant 31 yn enw Brian Gibbons.

[289] The question is that amendment 31 be agreed to. I call for a vote. Y cwestiwn yw a ddylid derbyn gwelliant 31. Galwaf am bleidlais.

*Gwelliant 31: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 31: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

Derbyniwyd gwelliant 31.

Amendment 31 agreed.

[290] **Val Lloyd:** We now come to dispose of amendment 32 in the name of Brian Gibbons. Minister, would you like amendment 32 in your name to be moved?

Val Lloyd: Down yn awr at waredu gwelliant 32, yn enw Brian Gibbons. Weinidog, a hoffech imi gynnig gwelliant 32 yn eich enw?

[291] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Hoffwn, Gadeirydd.

[292] **Val Lloyd:** I move amendment 32 in the name of Brian Gibbons.

Val Lloyd: Cynigiaf welliant 32 yn enw Brian Gibbons.

[293] The question is that amendment 32 be agreed to. I call for a vote.

Y cwestiwn yw a ddylid derbyn gwelliant 32. Galwaf am bleidlais.

*Gwelliant 32: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 32: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 32.
Amendment 32 agreed.*

[294] **Val Lloyd:** We now come to dispose of amendment 33 in the name of Brian Gibbons. Minister, would you like amendment 33 in your name to be moved?

Val Lloyd: Down yn awr at waredu gwelliant 33, yn enw Brian Gibbons. Weinidog, a hoffech imi gynnig gwelliant 33 yn eich enw?

[295] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Hoffwn, Gadeirydd.

[296] **Val Lloyd:** I move amendment 33 in the name of Brian Gibbons.

Val Lloyd: Cynigiaf welliant 33 yn enw Brian Gibbons.

[297] The question is that amendment 33 be agreed to. I call for a vote.

Y cwestiwn yw a ddylid derbyn gwelliant 33. Galwaf am bleidlais.

*Gwelliant 33: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 33: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 33.
Amendment 33 agreed.*

Swyddogion Safonau Gwaith Cymdeithasol Teuluol (Gwelliannau 65 a 66)
Family Social Work Standards Officers (Amendments 65 and 66)

[298] **Val Lloyd:** The lead amendment is amendment 65 in the name of Jenny Randerson and with the name of Mark Isherwood in support, which is grouped with amendment 66. I invite Mick Bates to move amendment 65 and to speak to the other amendments in the group.

Val Lloyd: Y prif welliant yw gwelliant 65 yn enw Jenny Randerson a chydag enw Mark Isherwood yn ei gefnogi. Mae wedi'i grwpio gyda gwelliant 66. Gwahoddaf Mick Bates i gynnig gwelliant 65 ac i siarad am y gwelliannau eraill yn y grŵp.

[299] **Mick Bates:** I move amendment 65 in the name of Jenny Randerson and with the name of Mark Isherwood in support.

Mick Bates: Cynigaf welliant 65 yn enw Jenny Randerson a chydag enw Mark Isherwood yn ei gefnogi.

[300] These amendments seek to strengthen the role of the family social work standards officer by ensuring that they undertake specific duties and by adding a new duty on them to report annually on the progress made on raising standards and to recommend actions and timescales to continually drive progress. It was clear from the evidence of the Stage 1 committee that it is essential that these officers have appropriate levels of resources, expertise, powers and accountability as well as, and crucially, independence and seniority to effectively carry out their roles.

Nod y gwelliannau hyn yw cryfhau rôl y swyddog safonau gwaith cymdeithasol teuluol drwy sicrhau eu bod yn ymgymryd â dyletswyddau penodol a thrwy ychwanegu dyletswydd newydd ar eu cyfer, sef cyflwyno adroddiad blynyddol ynglŷn â'r cynnydd a fu o ran codi safonau ac argymell camau ac amserlenni er mwyn sbarduno cynnydd yn barhaus. Yr oedd yn amlwg yn sgil tystiolaeth pwyllgor Cyfnod 1 ei bod yn hanfodol bod gan y swyddogion hyn lefelau priodol o adnoddau, arbenigedd, pwerau ac atebolrwydd yn ogystal ag, ac mae hyn yn hollbwysig, yr annibyniaeth a'r statws i gyflawni eu rolau'n effeithiol.

[301] In line with the recommendation in paragraph 351 of the report of the Stage 1 committee and in order to ensure that the responsibility to raise standards in social work practice lies with the authority as a whole, we also propose that a local authority must take account of the annual report and undertake actions identified within it within the necessary timescales.

Yn unol â'r argymhelliad yn mharagraff 351 adroddiad pwyllgor Cyfnod 1 ac er mwyn sicrhau bod y cyfrifoldeb i godi safonau ym maes ymarfer gwaith cymdeithasol ar ysgwyddau'r awdurdod drwyddo draw, cynigiwn hefyd y dylai fod yn rhaid i awdurdod lleol ystyried yr adroddiad blynyddol a chymryd camau a nodir ynddo o fewn yr amserlenni angenrheidiol.

[302] **Val Lloyd:** Thank you. Does any Member wish to speak?

Val Lloyd: Diolch. A oes unrhyw Aelod am siarad?

[303] **Ann Jones:** May I just ask for clarification? I am unsure about what the amendment seeks to do. Is the amendment seeking to take away powers from the director of social services in relation to matters outlined here or is it introducing an additional line of reporting? I am unclear.

Ann Jones: A gaf ofyn am eglurhad? Nid wyf yn sicr beth yw amcan y gwelliant. Ai ceisio tynnu pwerau oddi ar gyfarwyddwr y gwasanaethau cymdeithasol y mae'r gwelliant yng nghyswllt y materion y cyfeirir atynt yma ynteu ai cyflwyno trywydd adrodd ychwanegol yw'r bwriad? Nid yw'n glir imi.

[304] **Mick Bates:** On independence, a consideration in the report, as I read it, is that there is a need for independence that enables

Mick Bates: O ran annibyniaeth, un o ystyriaethau'r adroddiad, fel yr wyf yn ei ddarllen, yw bod angen annibyniaeth sy'n

the officers to report annually on the necessary improvements. This amendment calls for them to do so. So, I perceive from discussions that took place at Stage 1, which you can see in paragraphs 69, 70 and 71 of the report, that ultimately the authority is there to raise standards, but, in our opinion, this independent role is also needed. That independent person can report on the progress made, but the authority to enhance the delivery of that service lies, of course, with the local authority.

[305] **Ann Jones:** Okay, thank you.

[306] **Val Lloyd:** Minister, do you wish to reply to the debate?

[307] **Brian Gibbons:** I think that although there are inadvertent consequences of the wording of what is proposed, the effect of what is proposed is more likely to be in line with Ann's concern. As the word 'matters' is replaced by 'duties' in amendment 65, it places a statutory duty on authorities to deliver improvements and to raise standards and so on. That duty currently rests with the director of social services. Therefore, the effect of the amendment would be to require the family social work standards officer to undertake the same duties as are currently undertaken by the director of social services.

[308] Following on from that, if we consider some of the other implications of this, having had this duty placed on them, the officer would be in a position to make demands, and the local authority would have to provide, for example, staff accommodation and other resources that the officer considers to be sufficient. The requirements of this amendment are effectively giving the officer a blank cheque which allows him to ask for more or less anything. Indeed, having been subject to the statutory duty to deliver improvement, the last part of amendment 66 on the response of the local authority, will potentially create a conflict between the improvement officer and the director of social services, who will, in many respects, have similar statutory duties. On that basis, the amendments should be rejected. In our view, the purpose of this officer is clearly to

galluogi'r swyddogion i adrodd bob blwyddyn ynglŷn â'r gwelliannau angenrheidiol. Mae'r gwelliant hwn yn galw arnynt i wneud hynny. Felly, o'r trafodaethau a gynhaliwyd yn ystod Cyfnod 1, sydd i'w gweld ym mharagraffau 69, 70 a 71 yr adroddiad, tybiaf mai gwaith yr awdurdod yn y pen draw yw codi safonau, ond, yn ein barn ni, mae angen y rôl annibynnol hon hefyd. Gall y person annibynnol hwnnw adrodd ynglŷn â'r cynnydd a fu, ond yr awdurdod lleol, wrth gwrs, sydd â'r awdurdod i wella'r ffordd y darperir y gwasanaeth hwnnw.

Ann Jones: Iawn, diolch.

Val Lloyd: Weinidog, a ydych am ymateb i'r ddatl?

Brian Gibbons: Er bod canlyniadau anfwriadol i eiriad yr hyn a gynigir, credaf fod y cynnig yn fwy tebygol o gael yr effaith y mae Ann yn poeni amdani. Gan fod y gair 'materion' yn cael ei ddisodli gan y gair 'dyletswyddau' yng ngwelliant 65, mae'n gosod dyletswydd statudol ar awdurdodau i sicrhau gwelliannau a chodi safonau ac ati. Ar hyn o bryd, ar ysgwyddau cyfarwyddwyr y gwasanaethau cymdeithasol y mae'r ddyletswydd honno. Felly, effaith y gwelliant fyddai mynnu bod y swyddog safonau gwaith cymdeithasol teuluol yn ymgymryd â'r un dyletswyddau ag a wneir ar hyn o bryd gan gyfarwyddwr y gwasanaethau cymdeithasol.

Yn sgil hynny, os ystyriwn rai o oblygiadau eraill hyn, ar ôl rhoi'r ddyletswydd hon iddynt, byddai'r swyddog mewn sefyllfa i fynnu pethau, a byddai'n rhaid i'r awdurdod lleol ddarparu, er enghraifft, swyddfeydd i staff ac adnoddau eraill y mae'r swyddog yn eu hystyried yn ddigonol. Mewn gwirionedd, mae'r gwelliant hwn yn golygu rhoi siec wag i'r swyddog sy'n caniatáu iddo ofyn am unrhyw beth fwy neu lai. Yn wir, ar ôl gorfod cydymffurfio â'r ddyletswydd statudol i sicrhau gwelliant, gallai rhan olaf gwelliant 66 ynglŷn ag ymateb yr awdurdod lleol, greu gwrthdaro rhwng y swyddog gwella a chyfarwyddwr y gwasanaethau cymdeithasol, a fydd, mewn sawl ffordd, yn ysgwyddo dyletswyddau statudol tebyg. Ar y sail honno, dylid gwrthod y gwelliannau. Yn ein barn ni, pwrpas y swyddog hwn yn amlwg yw codi safonau'n unol â'r hyn mae Mick

drive up standards in line with what Mick has proposed, but in the role of champion and advocate; we do not want to include a statutory duty that will create conflict within social services departments.

[309] **Val Lloyd:** Mick, do you wish to reply?

3.00 p.m.

[310] **Mick Bates:** I appreciate your concerns about the duty, but of course the duty is only to establish the officer. It says:

[311] 'It shall be the duty of the local authority to provide the officer designated under subsection'—

[312] and so on. I fail to see where this conflict that you referred to, both through Ann's statement and yours, Minister, would arise. It is therefore our concern, in view of the discussion that took place on section 59, that there should be someone internally who has a level of independence that would enable some form of advocacy to take place. I feel that you are rejecting this role. I wish that I had a better understanding of the conflict that you referred to because it does not appear to be there. The nature of this role, with its independent advocacy, would enhance the delivery of and improve services, rather than cause any undue bureaucracy—I cannot remember the exact word that you used, Minister—within a local authority. I think that support for this would enhance the delivery of the service and that is my main aim.

[313] **Val Lloyd:** Do you wish to proceed to a vote on amendment 65?

[314] **Mick Bates:** Yes, please.

[315] **Val Lloyd:** The question is that amendment 65 be agreed to. I call for a vote.

wedi'i gynnig, ond drwy fod yn hyrwyddwr ac eiriolwr; nid ydym am gynnwys dyletswydd statudol a fydd yn creu gwrthdaro o fewn adrannau gwasanaethau cymdeithasol.

Val Lloyd: Mick, a ydych am ymateb?

Mick Bates: Gwerthfawrogaf eich pryderon am y ddyletswydd, ond, wrth gwrs, nid yw'r ddyletswydd ond yn ymwneud â sefydlu'r swyddog. Mae'n dweud:

'Dyletswydd yr awdurdod lleol yw darparu i'r swyddog a bennir o dan is-adran'—

ac yn y blaen. Ni welaf ymhle y byddai'r gwrthdaro hwn y cyfeiriwyd ato, yn natganiad Ann a'ch datganiad chithau, yn codi. Felly, yn sgil y drafodaeth a gynhaliwyd am adran 59, yr ydym yn awyddus i weld rhywun yn fewnol a chanddo ryw faint o annibyniaeth a fyddai'n galluogi rhyw fath o eiriolaeth. Teimlaf eich bod yn ymwrthod â'r rôl hon. Hoffwn petawn yn deall yn well y gwrthdaro y soniasoch amdano oherwydd, i bob golwg, nid yw'n bod. Byddai natur y rôl hon, gyda'i heiriolaeth annibynnol, yn cryfhau'r ffordd y darperir gwasanaethau ac yn eu gwella, yn hytrach nag yn achosi unrhyw fiwrocratiaeth ddiangen—ni allaf gofio'r union air a ddefnyddiwyd gennych, Weinidog—o fewn awdurdod lleol. Credaf y byddai cefnogi hyn yn cryfhau'r ffordd y darperid y gwasanaeth a dyna fy mhrif nod.

Val Lloyd: A ydych am symud i bleidlais ar welliant 65?

Mick Bates: Ydwyf, os gwelwch yn dda.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 65. Galwaf am bleidlais.

*Gwelliant 65: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 65: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Bates, Mick
Williams, Brynle

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 65.
Amendment 65 not agreed.*

[316] **Val Lloyd:** In line with the marshalled list, we move to amendment 66. Mick would you like to move amendment 66?

Val Lloyd: Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn at welliant 66. Mick, a hoffech gynnig gwelliant 66?

[317] **Mick Bates:** I move amendment 66 in the name of Jenny Randerson with the name of Mark Isherwood in support.

Mick Bates: Cynigiaf welliant 66 yn enw Jenny Randerson gydag enw Mark Isherwood yn ei gefnogi.

[318] **Val Lloyd:** The question is that amendment 66 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 66. Galwaf am bleidlais.

*Gwelliant 66: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 66: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 66.
Amendment 66 not agreed.*

**Cyfleoedd Chwarae (Gwelliannau 67, 52, 68, 69, 10, 55, 1)
Play Opportunities (Amendments 67, 52, 68, 69, 10, 55, 1)**

[319] **Val Lloyd:** We now move to group 19, which covers amendments 67, 52, 68, 69, 10, 55 and 1 and relates to play opportunities. I call on Mick Bates to move and speak to the lead amendment, amendment 67.

Val Lloyd: Symudwn yn awr at grŵp 19, sy'n cynnwys gwelliannau 67, 52, 68, 69, 10, 55 ac 1 ac mae'n ymwneud â chyfleoedd chwarae. Galwaf ar Mick Bates i gynnig y prif welliant, gwelliant 67, ac i siarad amdano.

[320] **Mick Bates:** I move amendment 67 in the name of Jenny Randerson and with the name of Mark Isherwood in support.

Mick Bates: Cynigiaf welliant 67 yn enw Jenny Randerson a chydag enw Mark Isherwood yn ei gefnogi.

[321] It is essential that definitions of play and play opportunities are tied within the proposed Measure. We are bringing forward these amendments in order to ensure that that is so. The Stage 1 committee recognised the challenge for the Minister in defining play, but concluded that a definition was essential. The lead amendment ensures that play opportunities are defined as being appropriate to the age of the child, otherwise a sandpit, for example, could be used as evidence of

Mae'n hanfodol cynnwys diffiniad o chwarae a chyfleoedd chwarae yn y Mesur arfaethedig. Yr ydym yn cyflwyno'r gwelliannau hyn er mwyn sicrhau hynny. Cydnabu pwyllgor Cyfnod 1 fod diffinio chwarae'n her i'r Gweinidog, ond casglodd ei bod yn hanfodol cael diffiniad. Mae'r prif welliant yn sicrhau bod cyfleoedd chwarae'n cael eu diffinio fel rhai sy'n briodol ar gyfer oedran y plentyn. Fel arall, gellid defnyddio pwll tywod, er enghraifft, yn dystiolaeth o

play opportunities for a teenager. Amendments 68 and 69 are in line with the Stage 1 committee's recommendation in paragraph 370 of the report, bringing a requirement to have regard to accessibility as well as the quality and quantity of play equipment. I will also be supporting amendment 52 in the name of Mark Isherwood, with the name of Jenny Randerson in support, which I believe seeks to ensure that, for these purposes, play means

[322] 'children's behaviour which is freely chosen, personally directed and intrinsically motivated and performed for no external goal or reward'.

[323] Chair, shall I carry on here with amendment 55? I will be guided by—

[324] **Val Lloyd:** Yes, you can speak to all of them.

[325] **Mick Bates:** Thank you very much; I was just seeking clarification on this.

[326] **Val Lloyd:** In fact, this is your only opportunity to speak to all of them.

[327] **Mick Bates:** Thank you. Mark's amendment 55, with the name of Jenny Randerson in support, seeks to ensure that any regulation made under section 60 of the proposed Measure is dealt with using the affirmative rather than the negative procedure. We are happy to accept the Government's amendments 1 and 10, which I understand are technical and presentational.

[328] **Val Lloyd:** I see that no-one else wishes to speak and therefore I call on the Minister.

[329] **Brian Gibbons:** The amendments in this group relate to the new play provisions. Amendments 1 and 10 reflect the principles already established in this committee, which move the provisions about play and participation from their current position in Part 4 of the proposed Measure to Part 1. Obviously, just moving the provisions does not have any legal effect, but it does bring

gyfleoedd chwarae i rywun yn ei ardegau. Mae gwelliannau 68 a 69 yn unol ag argymhellion pwyllgor Cyfnod 1 ym mharagraff 370 yr adroddiad, gan gyflwyno gofyniad i roi sylw i hygyrchedd yn ogystal ag i ansawdd a nifer yr offer chwarae. Byddaf hefyd yn cefnogi gwelliant 52 yn enw Mark Isherwood, gydag enw Jenny Randerson yn ei gefnogi, sydd, mi gredaf, yn ceisio sicrhau, at y dibenion hyn, mai ystyr chwarae yw

'ymddygiad gan blant a hwnnw'n gwbl wirfoddol, yn dilyn cyfeiriad a ddewisir yn bersonol, yn bod er ei fwyn ei hun ac yn cael ei gyflawni heb unrhyw nod na gwobr allanol'.

Gadeirydd, a gaf fwrw ymlaen yma â gwelliant 55? Derbyniaf—

Val Lloyd: Cewch, cewch siarad am bob un ohonynt.

Mick Bates: Diolch yn fawr iawn; ceisio eglurhad ynglŷn â hyn yr oeddwn, dyna'i gyd.

Val Lloyd: A dweud y gwir, dyma'ch unig gyfle i siarad amdanynt i gyd.

Mick Bates: Diolch. Nod gwelliant 55 Mark, gydag enw Jenny Randerson yn ei gefnogi, yw sicrhau yr ymdrinnir ag unrhyw reoliad a wneir o dan adran 60 o'r Mesur arfaethedig drwy'r weithdrefn gadarnhaol yn hytrach na thrwy'r weithdrefn negyddol. Yr ydym yn hapus i dderbyn gwelliannau 1 a 10 y Llywodraeth, sydd, fel y caf ar ddeall, yn ymwneud â materion technegol ac â'u cyflwyniad.

Val Lloyd: Gwelaf nad oes neb arall am siarad, ac felly galwaf ar y Gweinidog.

Brian Gibbons: Mae a wnelo'r gwelliannau yn y grŵp hwn â'r darpariaethau chwarae newydd. Mae gwelliannau 1 a 10 yn adlewyrchu'r egwyddorion sydd wedi'u sefydlu eisoes yn y pwyllgor hwn, sy'n symud y darpariaethau ynglŷn â chwarae a chymryd rhan o'u safle presennol yn Rhan 4 o'r Mesur i Ran 1. Mae'n amlwg na chaiff symud y darpariaethau ar ei ben ei hun

greater coherence to the overall presentation of the proposed Measure.

unrhyw effaith gyfreithiol, ond mae'n golygu bod cyflwyniad cyffredinol y Mesur arfaethedig yn fwy cydlynol.

[330] Turning to the other amendments, I would first like to deal with amendment 67, which seeks to extend play opportunities that is appropriate to the age of the children, which Mick spoke about. I am not clear what this amendment adds to the existing section 60(5)(b), which refers to the need to take the ages of children into account. It seems to be an unnecessary duplication and, having heard, what Mick has said in his support for it, I do not see how we would get added value from that.

A throi at y gwelliannau eraill, hoffwn ymdrin yn gyntaf â gwelliant 67, sy'n ceisio estyn cyfleoedd chwarae sy'n briodol ar gyfer oedran y plant, y soniodd Mick amdano. Nid wyf yn glir beth y mae'r gwelliant hwn yn ei ychwanegu at adran 60(5)(b) fel y mae, sy'n dweud bod angen ystyried oedran plant. Dyblygu diangen yw hyn yn ôl pob golwg ac, ar ôl clywed yr hyn y mae Mick wedi'i ddweud i'w gefnogi, ni welaf sut y caem werth ychwanegol yn sgil hynny.

[331] On the suggestion to add the word 'accessibility' to the proposed Measure, the legal view is that the notion of accessibility is inherent in the concept of opportunity. Indeed, the word 'opportunity' would have no real meaning if the service were not accessible.

O ran yr awgrym y dylid ychwanegu'r gair 'hygyrchedd' at y Mesur arfaethedig, y farn gyfreithiol yw bod y syniad o hygyrchedd yn elfen gynhenid o'r cysyniad o gyfle. Yn wir, ni fyddai i'r gair 'cyfle' ystyr mewn gwirionedd oni fyddai'r gwasanaeth yn hygyrch.

[332] Turning to amendment 51, I can only assume that the intention is to mirror the wording of the Assembly Government's play policy. However, the proposal probably has its limitations, because the play policy refers to play that encompasses children's behaviour, including that it is freely chosen, personally directed and so forth. It is a partial explanation so that the definition could be read as including non-directional activities and so on. The amendment is therefore rather limited and, consequently, would not make provision for play opportunities that were in some way directed, even though they would be equally important and useful to the child. Therefore, even though it seeks to replicate what is in the Government's play policy, given that it does not include the word 'encompasses'—which, in other words, means 'includes'—it is restrictive rather than all-embracing.

[333] A throi at welliant 51, ni allaf ond dybio mai'r bwriad yw adlewyrchu geiriad polisi chwarae Llywodraeth y Cynulliad. Fodd bynnag, mae'n debyg bod cyfyngiadau i'r cynnig, oherwydd bod y polisi chwarae'n cyfeirio at chwarae sy'n cwmpasu ymddygiad plant, gan gynnwys ei fod gwbl wirfoddol, yn dilyn cyfeiriad a ddewisir yn bersonol ac ati. Esboniad rhannol yw hwn er mwyn i'r diffiniad allu cynnwys gweithgareddau sydd heb eu cyfeirio ac ati. Felly, mae'r gwelliant braidd yn gyfyng, ac, o ganlynhniad, ni fyddai'n darparu ar gyfer cyfleoedd chwarae a oedd wedi'u cyfeirio rywsut, er y byddent yr un mor bwysig a defnyddiol i'r plentyn. Felly, er ei fod yn ceisio adlewyrchu'r hyn sydd ym mholisi chwarae'r Llywodraeth, gan nad yw'n cynnwys y gair 'cwmpasu'—sydd, mewn geiriau eraill yn golygu 'yn cynnwys'—mae'n cyfyngu yn hytrach na choleddu popeth.

[334] **Val Lloyd:** Amendment 51 is not under discussion at the moment. That may have been a slip of the tongue.

Val Lloyd: Nid ydym yn trafod gwelliant 51 ar hyn o bryd. Efallai mai llithriad oedd hynny.

[335] **Brian Gibbons:** Sorry, I meant amendment 52.

Brian Gibbons: Mae'n ddrwg gennyf, gwelliant 52 yr oeddwn yn ei feddwl.

[336] **Val Lloyd:** Thank you. I needed to correct it for the record.

Val Lloyd: Diolch. Yr oedd angen imi ei gywiro ar gyfer y cofnod.

[337] **Brian Gibbons:** Thank you, Chair.

Brian Gibbons: Diolch, Gadeirydd.

[338] The substantive point about amendment 52, therefore, is that only a partial definition of play is used and so it is unduly restrictive. Consequently, it could have undesired effects, which I am sure was not the intention.

Y pwynt sylweddol ynglŷn â gwelliant 52, felly, yw mai dim ond diffiniad rhannol o chwarae a ddefnyddir ac felly ei fod yn cyfyngu'r peth heb angen. Felly, gallai arwain at effeithiau na fyddem yn dymuno'u gweld, ac yr wyf yn siŵr nad dyna'r bwriad.

[339] Turning to amendment 55, I have already indicated my views on the appropriate procedures for regulations in respect of the new play duty, in my letter of 2 December to the Chair of the Subordinate Legislation Committee. We have made our commitment to working in partnership with stakeholders very clear throughout the scrutiny process.

A throi at welliant 55, yr wyf eisoes wedi dweud beth yw fy marn ynglŷn â'r gweithdrefnau priodol ar gyfer rheoliadau yng nghyswllt y ddyletswydd chwarae newydd, yn fy llythyr dyddiedig 2 Rhagfyr at Gadeirydd y Pwyllgor Is-ddeddfwriaeth. Yr ydym wedi dangos yn glir ein hymrwymiad i weithio mewn partneriaeth â rhanddeiliaid drwy gyfrwng y broses craffu.

[340] I remain of the view that the negative procedure is still the best way forward for this particular proposal. Clearly, if the proposals are unsatisfactory to key stakeholders, it is always possible, through the negative procedure, to seek a motion to annul the regulations and have them discussed in Plenary. Insisting on the affirmative procedure from the very beginning goes against the spirit of having flexibility at an appropriate level in the legislative process. So, if the amendment were to be agreed, it would introduce unnecessary inflexibility into the process. However, there will always remain the opportunity for Members to discuss the matter if they have serious misgivings about what is being proposed. On that basis, I cannot urge support for this amendment either.

Yr wyf yn dal i gredu mai'r weithdrefn negyddol yw'r ffordd orau o hyd o fwrw ymlaen â'r cynnig penodol hwn. Mae'n amlwg, os yw'r cynnig yn anfoddhaol i randdeiliaid allweddol, mae hi bob tro'n bosibl, drwy'r weithdrefn negyddol, geisio cynnig i ddirymu'r rheoliadau a chael eu trafod mewn Cyfarfod Llawn. Mae mynnu dilyn y weithdrefn gadarnhaol o'r cychwyn un yn groes i ysbryd cael hyblygrwydd ar lefel briodol yn y broses deddfwriaethol. Felly, pe derbynnid y gwelliant, byddai'n cyflwyno anhyblygrwydd diangen i'r broses. Serch hynny, bydd cyfle o hyd i'r Aelodau drafod y mater os ydynt yn poeni'n ddifrifol am yr hyn a gynigir. Ar y sail honno, ni allaf annog cefnogaeth i'r gwelliant hwn ychwaith.

[341] **Val Lloyd:** Mick, do you wish to reply?

Val Lloyd: Mick, a ydych am ymateb?

[342] **Mick Bates:** Briefly, Chair. I refer simply to the evidence collected at Stage 1, which is the source or basis of our amendments in the names of Jenny Randerson and Mark Isherwood. On the procedure, of course, one can call for a debate to annul legislation in the Assembly under the negative procedure, as I have done. That procedure exists. However, our

Mick Bates: Yn gryno, Gadeirydd. Cyfeiriaf yn syml at y dystiolaeth a gasglwyd yng Nghyfnod 1, sef ffynhonnell neu sail ein gwelliannau yn enw Jenny Randerson a Mark Isherwood. O ran y weithdrefn, wrth gwrs, gall rhywun alw am ddadl i ddirymu deddfwriaeth yn y Cynulliad o dan y weithdrefn negyddol, fel yr wyf wedi'i wneud. Mae'r weithdrefn honno ar gael.

intention is for the benefits of this legislation to be debated in the Chamber and for them to be broadly known. I am certain that it will be known of throughout local authorities and groups within them, but, by having a debate in the Chamber, under the affirmative resolution, a much broader audience will understand the intention of the Government in bringing forward this legislation. Therefore, I wish to proceed to a vote on amendment 67.

Fodd bynnag, ein bwriad yw i fanteision y ddeddfwriaeth hon gael eu trafod yn y Siambr ac i bobl yn gyffredinol wybod amdanynt. Yr wyf yn sicr y bydd awdurdodau lleol a grwpiau oddi mewn iddynt yn gwybod amdanynt, ond drwy gael dadl yn y Siambr, o dan drefn y penderfyniad cadarnhaol, bydd cynulleidfa ehangach o lawer yn deall bwriad y Llywodraeth wrth gyflwyno'r ddeddfwriaeth hon. Felly, dymunaf symud i bleidlais ar welliant 67.

3.10 p.m.

[343] **Val Lloyd:** The question is that amendment 67 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 67. Galwaf am bleidlais.

*Gwelliant 67: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 67: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 67.
Amendment 67 not agreed.*

[344] **Val Lloyd:** In line with the marshalled list, we now come to dispose of amendment 66—sorry, I have made a mistake. I turned the wrong page. I apologise. Scrap that.

Val Lloyd: Yn unol â'r rhestr o welliannau wedi'u didoli, down yn awr at waredu gwelliant 66—mae'n ddrwg gennyf, yr wyf wedi gwneud camgymeriad. Troais y dudalen anghywir. Ymdiheuraf. Anghofiwch hynny.

[345] We have disposed of amendment 67, so we now proceed to dispose of amendments 7, 52, 68, 69 and 10. Minister, would you like amendment 7 in your name to be moved?

Yr ydym wedi gwaredu gwelliant 67, felly ymlaen â ni yn awr i waredu gwelliannau 7, 52, 68, 69 a 10. Weinidog, a hoffech imi gynnig gwelliant 7 yn eich enw?

[346] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Hoffwn, Gadeirydd.

[347] **Val Lloyd:** I move amendment 7 in the name of Brian Gibbons.

Val Lloyd: Cynigïaf welliant 7 yn enw Brian Gibbons.

[348] The question is that amendment 7 be agreed to. I call for a vote.

Y cwestiwn yw a ddylid derbyn gwelliant 7. Galwaf am bleidlais.

*Gwelliant 7: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 7: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann

Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 7.
Amendment 7 agreed.*

[349] **Val Lloyd:** We now come to dispose of amendment 52 in the name of Mark Isherwood and with the name of Jenny Randerson in support. I invite Brynle to move amendment 52.

Val Lloyd: Down yn awr at waredu gwelliant 52 yn enw Mark Isherwood a chydag enw Jenny Randerson yn ei gefnogi. Gwahoddaf Brynle i gynnig gwelliant 52.

[350] **Brynle Williams:** I move amendment 52 in the name of Mark Isherwood and with the name of Jenny Randerson in support.

Brynle Williams: Cynigiau welliant 52 yn enw Mark Isherwood a chydag enw Jenny Randerson yn ei gefnogi.

[351] **Val Lloyd:** The question is that amendment 52 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 52. Galwaf am bleidlais.

*Gwelliant 52: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 52: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 52.
Amendment 52 not agreed.*

[352] **Val Lloyd:** We now come to dispose of amendment 68 in the name of Jenny Randerson and with the name of Mark Isherwood in support. I invite Mick Bates to move amendment 68.

Val Lloyd: Down yn awr at waredu gwelliant 68 yn enw Jenny Randerson a chydag enw Mark Isherwood yn ei gefnogi. Gwahoddaf Mick Bates i gynnig gwelliant 68.

[353] **Mick Bates:** I move amendment 68 in the name of Jenny Randerson and with the name of Mark Isherwood in support.

Mick Bates: Cynigiau welliant 68 yn enw Jenny Randerson a chydag enw Mark Isherwood yn ei gefnogi.

[354] **Val Lloyd:** The question is that amendment 68 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 68. Galwaf am bleidlais.

*Gwelliant 68: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 68: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

Gwrthodwyd gwelliant 68.

Amendment 68 not agreed.

[355] **Val Lloyd:** We now come to dispose of amendment 69 in the name of Jenny Randerson and with the name of Mark Isherwood in support. I invite Mick Bates to move amendment 69.

Val Lloyd: Down yn awr at waredu gwelliant 69 yn enw Jenny Randerson a chydag enw Mark Isherwood yn ei gefnogi. Gwahoddaf Mick Bates i gynnig gwelliant 69.

[356] **Mick Bates:** I move amendment 69 in the name of Jenny Randerson and with the name of Mark Isherwood in support.

Mick Bates: Cynigiau welliant 69 yn enw Jenny Randerson a chydag enw Mark Isherwood yn ei gefnogi.

[357] **Val Lloyd:** The question is that amendment 69 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 69. Galwaf am bleidlais.

*Gwelliant 69: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 69: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 69.
Amendment 69 not agreed.*

[358] **Val Lloyd:** We now come to dispose of amendment 10 in the name of Brian Gibbons. Minister, would you like amendment 10 in your name to be moved?

Val Lloyd: Down yn awr at waredu gwelliant 10 yn enw Brian Gibbons. Weinidog, a hoffech imi gynnig gwelliant 10 yn eich enw?

[359] **Brian Gibbons:** Yes, Chair.

Mick Bates: Hoffwn, Gadeirydd.

[360] **Val Lloyd:** I move amendment 10 of the name of Brian Gibbons.

Val Lloyd: Cynigiau welliant 10 yn enw Brian Gibbons.

[361] The question is that amendment 10 be agreed to. I call for a vote.

Y cwestiwn yw a ddylid derbyn gwelliant 10. Galwaf am bleidlais.

*Gwelliant 10: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 10: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 10.
Amendment 10 agreed.*

Cymryd Rhan (Gwelliannau 53, 8, 54 a 11)
Participation (Amendments 53, 8, 54 and 11)

[362] **Val Lloyd:** The lead amendment is amendment 53 in the name of Mark Isherwood. I invite Brynle Williams to move amendment 53 and to speak to that amendment and the other amendments in the group.

[363] **Brynle Williams:** I move amendment 53 in the name of Mark Isherwood and with the name of Jenny Randerson in support.

[364] The amendment would delete the phrase 'as it considers suitable' from section 61 with a view to strengthening the effect of the section. It would emphasise the fact that it is mandatory for local authorities to make arrangements for the participation of children.

[365] **Val Lloyd:** I see that no other committee members wish to speak, so I invite the Minister to respond.

[366] **Brian Gibbons:** We have already moved the Government amendment in this group. I agree with the view of this legislation committee in its helpful recommendation that the proposed Measure needs to be strengthened, and amendment 8 is intended to achieve that, placing local authorities under a duty to promote and facilitate participation by children in any decisions that might affect them, rather than restricting the scope of the duty to those decisions that will affect them directly. The statutory guidance, which we will issue to support this duty, will reinforce the importance that we attach to involving young people in the planning and evaluation of services. It will also include guidance on the parameters of what local authorities consider 'suitability' to be. Nevertheless, a degree of local discretion on delivery is appropriate and desirable. Therefore, I cannot support the amendment that seeks to limit that by removing the reference to local discretion. Such an amendment would result in there being no local arbiter in these matters and so the only recourse would be to the courts in any issue over the interpretation of its intent. In my view, that does not seem to be an

Val Lloyd: Y prif welliant yw gwelliant 53 yn enw Mark Isherwood. Gwahoddaf Brynle Williams i gynnig gwelliant 53 ac i siarad am y gwelliant hwnnw ac am y gwelliannau eraill yn y grŵp.

Brynle Williams: Cynigiau welliant 53 yn enw Mark Isherwood a chydag enw Jenny Randerson yn ei gefnogi.

Byddai'r gwelliant yn dileu'r cymal 'ag y mae'n eu hystyried yn addas' o adran 61 gyda golwg ar gryfhau effaith yr adran. Byddai'n pwysleisio'r ffaith ei bod yn rhaid i awdurdodau lleol wneud trefniadau er mwyn i blant gymryd rhan.

Val Lloyd: Gwelaf nad oes yr un aelod arall o'r pwyllgor yn dymuno siarad, felly gwahoddaf y Gweinidog i ymateb.

Brian Gibbons: Yr ydym eisoes wedi cynnig gwelliant y Llywodraeth yn y grŵp hwn. Cytunaf â barn y pwyllgor deddfwriaeth hwn yn ei argymhelliad adeiladol bod angen cryfhau'r Mesur arfaethedig a dyna fwriad gwelliant 8, gan ei gwneud yn ddyletswydd i awdurdodau lleol hyrwyddo a hwyluso cymryd rhan gan blant mewn unrhyw benderfyniadau a allai effeithio arnynt, yn hytrach na chyfyngu ar gwmpas y ddyletswydd i'r penderfyniadau a fydd yn effeithio arnynt yn uniongyrchol. Bydd y canllawiau statudol a gyhoeddwn yn gefn i'r ddyletswydd hon yn atgyfnerthu'r pwysigrwydd a rown ar gynnwys pobl ifanc wrth gynllunio a gwerthuso gwasanaethau. Bydd hefyd yn cynnwys canllawiau ar gyfer y paramedrau a ddefnyddir gan awdurdodau lleol wrth ystyried 'addasrwydd'. Fodd bynnag, mae'n briodol ac yn beth da cael rhywfaint o ddisgresiwn lleol yng nghyswllt darparu. Felly, ni allaf gefnogi'r gwelliant sy'n ceisio cyfyngu ar hynny drwy ddileu'r cyfeiriad at ddisgresiwn lleol. Byddai gwelliant o'r fath yn golygu na fyddai canolwr lleol ar gael yn y materion hyn ac felly, mai'r unig ateb fyddai mynd at y llysoedd ynghylch unrhyw broblem ynglŷn â

appropriate way forward, and it is far better to make local authorities the best judge of that local decision in this context. For those reasons, therefore, I urge support for amendment 8.

[367] Consequently, amendment 54 is rendered unnecessary and amendment 53 unhelpful in removing the ability of local authorities to exercise their discretion in discharging their duties. It would also expose parties to the risk of these matters having to be referred to court for resolution.

[368] Finally, I refer you back to our discussions on groups 7 and 19 when we established the desirability of moving the provisions on participation and play into Part 1 of the proposed Measure. My amendment 11 relates to that move, and I urge support for it.

[369] **Val Lloyd:** Brynle, do you wish to reply to the debate?

[370] **Brynle Williams:** No, I wish to proceed to a vote, Chair.

[371] **Val Lloyd:** The question is that amendment 53 be agreed to. I call for a vote.

dehongli ei fwriad. Yn fy marn i, nid yw hynny i bob golwg yn ffordd briodol o fwrw ymlaen, ac mae'n well o lawer sicrhau mai'r awdurdodau lleol yw'r gorau i farnu ynglŷn â'r penderfyniad lleol hwnnw yn y cyd-destun hwn. Am y rhesymau hynny, felly, pwysaf arnoch i gefnogi gwelliant 8.

Yn sgil hynny, nid oes angen gwelliant 54 ac nid yw gwelliant 53 o gymorth wrth ddileu gallu awdurdodau lleol i roi eu disgrisiwn eu hunain ar waith wrth gyflawni eu dyletswyddau. Byddai'n golygu hefyd bod partion yn agored i'r risg o orfod cyfeirio'r materion hyn at y llys er mwyn eu datrys.

Yn olaf, fe'ch cyfeiriaf yn ôl at ein trafodaethau ynglŷn â grwpiau 7 ac 19 pan benderfynwyd ei bod yn beth da symud y darpariaethau ynglŷn â chymryd rhan a chwarae i Ran 1 y Mesur arfaethedig. Mae fy ngwelliant 11 yn ymwneud â'r symud hwnnw, a phwysaf arnoch i'w gefnogi.

Val Lloyd: Brynle, a ydych am ymateb i'r ddatl?

Brynle Williams: Nac ydwyf, yr wyf am symud i bleidlais, Gadeirydd.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 53. Galwaf am bleidlais.

*Gwelliant 53: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 53: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 53.
Amendment 53 not agreed.*

[372] **Val Lloyd:** In line with the marshalled list, we now proceed to a vote on amendments 8, 9, 54 and 11. Minister, would you like amendment 8 in your name to be moved?

[373] **Brian Gibbons:** Yes, Chair.

[374] **Val Lloyd:** I move amendment 8 in the name of Brian Gibbons.

Val Lloyd: Yn unol â'r rhestr o welliannau wedi'u didoli, ymlaen â ni yn awr i bleidleisio ar welliannau 8, 9, 54 ac 11. Weinidog, a hoffech imi gynnig gwelliant 8 yn eich enw?

Brian Gibbons: Hoffwn, Gadeirydd.

Val Lloyd: Cynigiaf welliant 8 yn enw Brian Gibbons.

[375] The question is that amendment 8 be agered to. I call for a vote. Y cwestiwn yw a ddylid derbyn gwelliant 8. Galwaf am bleidlais.

*Gwelliant 8: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 8: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 8.
Amendment 8 agreed.*

[376] **Val Lloyd:** Minister, would you like amendment 9 in your name to be moved? **Val Lloyd:** Weinidog, a hoffech imi gynnig gwelliant 9 yn eich enw.

[377] **Brian Gibbons:** Yes, Chair. **Brian Gibbons:** Hoffwn, Gadeirydd.

[378] **Val Lloyd:** I move amendment 9 in the name of Brian Gibbons. **Val Lloyd:** Cynigiau welliant 9 yn enw Brian Gibbons.

[379] The question is that amendment 9 be agreed to. I call for a vote. Y cwestiwn yw a ddylid derbyn gwelliant 9. Galwaf am bleidlais.

*Gwelliant 9: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 9: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 9.
Amendment 9 agreed.*

[380] **Val Lloyd:** We now come to dispose of amendment 54 in the name of Mark Isherwood. I invite Brynle Williams to move amendment 54. **Val Lloyd:** Down yn awr at waredu gwelliant 54 yn enw Mark Isherwood. Gwahoddaf Brynle Williams i gynnig gwelliant 54.

[381] **Brynle Williams:** I move amendment 54 in the name of Mark Isherwood and with the name of Jenny Randerson in support. **Brynle Williams:** Cynigiau welliant 54 yn enw Mark Isherwood a chydag enw Jenny Randerson yn ei gefnogi.

[382] **Val Lloyd:** The question is that amendment 54 be agreed to. I call for a vote. **Val Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 54. Galwaf am bleidlais.

*Gwelliant 54: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 54: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 54.
Amendment 54 not agreed.*

[383] **Val Lloyd:** Minister, would you like amendment 11 in your name to be moved?

Val Lloyd: Weinidog, a hoffech imi gynnig gwelliant 11 yn eich enw.

[384] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Hoffwn, Gadeirydd.

[385] **Val Lloyd:** I move amendment 11 in the name of Brian Gibbons.

Val Lloyd: Cynigiaf welliant 11 yn enw Brian Gibbons.

[386] The question is that amendment 11 be agreed to. I call for a vote.

Y cwestiwn yw a ddylid derbyn gwelliant 11. Galwaf am bleidlais.

*Gwelliant 11: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 11: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 11.
Amendment 11 agreed.*

Dehongli'n Gyffredinol (Gwelliannau 70 a 71) General Interpretation (Amendment 70 and 71)

[387] **Val Lloyd:** Given that amendments 59, 58, 47 and 61 have not been agreed, amendments 70 and 71 fall.

Val Lloyd: Gan nad yw gwelliannau 59, 58, 47 ac 61 wedi'u derbyn, mae gwelliannau 70 a 71 yn methu.

*Methodd gwelliannau 70 a 71.
Amendments 70 and 71 fell.*

[388] **Val Lloyd:** We now proceed to deal with amendment 39. Minister, would you like amendment 39 in your name to be moved?

Val Lloyd: Ymlaen â ni yn awr i ymdrin â gwelliant 39. Weinidog, a hoffech imi gynnig gwelliant 39 yn eich enw?

[389] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Hoffwn, Gadeirydd.

[390] **Val Lloyd:** I move amendment 39 in the name of Brian Gibbons.

Val Lloyd: Cynigiaf welliant 39 yn enw Brian Gibbons.

[391] The question is that amendment 39 be agreed to. I call for a vote.

Y cwestiwn yw a ddylid derbyn gwelliant 39. Galwaf am bleidlais.

*Gwelliant 39: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 39: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 39.
Amendment 39 agreed.*

Gorchmynion a Rheoliadau (Gwelliannau 36, 37 a 38) Orders and Regulations (Amendments 36, 37 and 38)

[392] **Val Lloyd:** We now move to group 22, on Orders and regulations. Minister, would you like the lead amendment, amendment 36 in your name, to be moved?

Val Lloyd: Symudwn yn awr at grŵp 22, sy'n ymwneud â Gorchmynion a rheoliadau. Weinidog, a hoffech imi gynnig y prif welliant, sef gwelliant 36, yn eich enw?

[393] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Hoffwn, Gadeirydd.

[394] **Val Lloyd:** I move amendment 36 in the name of Brian Gibbons. I call on the Minister to speak to amendment 36 and the other amendments in the group.

Val Lloyd: Cynigïaf welliant 36 yn enw Brian Gibbons. Galwaf ar y Gweinidog i siarad am welliant 36 a'r gwelliannau eraill yn y grŵp.

[395] **Brian Gibbons:** Amendments 36 and 37 are best considered together to set out more specifically that, when making Orders such as commencement Orders or regulations, the power can be exercised to make different sorts of provision for different sorts of cases or to apply differently in different areas. Amendment 36 is made with particular regard to the plan to implement the integrated family support provisions on a staged or gradual basis. The additional wording makes it clear that the provisions can be commenced only in relation to pioneer areas to start. It also makes clear that the commencement power can be exercised to implement the IFS provisions only in relation to particular types of cases, for example by starting only with families where there may be drug or alcohol abuse before expanding it to a wider range of cases.

Brian Gibbons: Mae'n well ystyried gwelliannau 36 a 37 gyda'i gilydd er mwyn nodi'n fwy penodol, wrth wneud Gorchmynion megis Gorchmynion cychwyn neu reoliadau, y gellir rhoi gwahanol fathau o ddarpariaethau ar gyfer gwahanol fathau o achosion ar waith neu y gellir eu rhoi ar waith yn wahanol mewn gwahanol feysydd. Gwneir gwelliant 36 gyda golwg benodol ar y cynllun i roi'r darpariaethau cymorth integredig i deuluoedd ar waith fesul cam neu'n raddol. Mae'r geiriad ychwanegol yn ei gwneud yn glir nad oes ond modd cychwyn y darpariaethau yng nghyswllt ardaloedd arloesi i ddechrau. Mae'n ei gwneud yn glir hefyd nad oes ond defnyddio'r pŵer cychwyn i roi'r darpariaethau cymorth integredig i deuluoedd ar waith yng nghyswllt mathau penodol o achosion, er enghraifft drwy ddechrau'n unig gyda theuluoedd lle y gall fod camddefnyddio cyffuriau neu alcohol cyn ei ehangu i ystod ehangach o achosion.

[396] Amendment 38 is a technical drafting improvement to clarify that the power to make Orders and regulations includes the power to make consequential amendments in addition to the other sorts of provisions already included in section 66, on Orders and regulations. I urge the committee's support.

Gwelliant technegol o ran y drafftio yw gwelliant 38 er mwyn egluro bod y pŵer i wneud Gorchmynion a rheoliadau'n cynnwys y pŵer i wneud gwelliannau canlyniadol yn ogystal â'r mathau eraill o ddarpariaethau sydd wedi'u cynnwys eisoes yn adran 66, ar Orchmynion a rheoliadau. Pwysaf ar y pwyllgor i'w gefnogi.

3.20 p.m.

[397] **Val Lloyd:** Thank you. I do not see that anyone else wishes to speak. Do you wish to proceed to a vote on amendment 36, Minister, or withdraw it?

Val Lloyd: Diolch. Gwelaf nad oes neb arall am siarad. A ydych am symud i bleidlais ar welliant 36, Weinidog, ynteu ei dynnu yn ôl?

[398] **Brian Gibbons:** I wish to proceed to a vote, Chair.

Brian Gibbons: Yr wyf am symud i bleidlais, Gadeirydd.

[399] **Val Lloyd:** The question is that amendment 36 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 36. Galwaf am bleidlais.

Gwelliant 36: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 36: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 36.
Amendment 36 agreed.*

[400] **Val Lloyd:** In line with the marshalled list, we now come to dispose of amendments 37, 38 and 55. Do you wish to proceed to a vote on these amendments, Minister?

Val Lloyd: Yn unol â'r rhestr o welliannau wedi'u didoli, down yn awr at waredu gwelliannau 37, 38 a 55. A ydych am symud i bleidlais ar y gwelliannau hyn, Weinidog?

[401] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Ydwyf, Gadeirydd.

[402] **Val Lloyd:** I move amendment 37 in the name of Brian Gibbons.

Val Lloyd: Cynigïaf welliant 37 yn enw Brian Gibbons.

[403] The question is that amendment 37 be agreed to. I call for a vote.

Y cwestiwn yw a ddylid derbyn gwelliant 37. Galwaf am bleidlais.

Gwelliant 37: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 37: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 37.
Amendment 37 agreed.*

[404] **Val Lloyd:** I move amendment 38 in the name of Brian Gibbons. **Val Lloyd:** Cynigiaf welliant 38 yn enw Brian Gibbons.

[405] The question is that amendment 38 be agreed to. I call for a vote. Y cwestiwn yw a ddylid derbyn gwelliant 38. Galwaf am bleidlais.

*Gwelliant 38: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 38: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 38.
Amendment 38 agreed.*

[406] **Val Lloyd:** We now come to dispose of amendment 55 in the name of Mark Isherwood. I invite Brynle Williams to move amendment 55. **Val Lloyd:** Down yn awr at waredu gwelliant 55 yn enw Mark Isherwood. Gwahoddaf Brynle Williams i gynnig gwelliant 55.

[407] **Brynle Williams:** I move amendment 55 in the name of Mark Isherwood and with the name of Jenny Randerson in support. **Brynle Williams:** Cynigiaf welliant 55 yn enw Mark Isherwood a chydag enw Jenny Randerson yn ei gefnogi.

[408] **Val Lloyd:** The question is that amendment 55 be agreed to. I call for a vote. **Val Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 55. Galwaf am bleidlais.

*Gwelliant 55: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 55: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 55.
Amendment 55 not agreed.*

Rhan 1: Arolygu a Phwerau Mynediad (Gwelliannau 12, 13, 14, 15)
Part 1: Inspection and Powers of Entry (Amendments 12, 13, 14, 15)

[409] **Val Lloyd:** We now move to group 23, which covers amendments 12, 13, 14 and 15 and relates to inspection and powers of entry in Part 1 of the proposed Measure. Minister, would you like amendment 12, which is the lead amendment, in your name to be moved?

Val Lloyd: Ymlaen â ni yn awr at grŵp 23, sy'n ymwneud â gwelliant 12, 13, 14 a 15 ac sy'n berthnasol i arolygu a phwerau mynediad yn Rhan 1 o'r Mesur arfaethedig. Weinidog, a hoffech imi gynnig gwelliant 12, sef y prif welliant, yn eich enw?

[410] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Hoffwn, Gadeirydd.

[411] **Val Lloyd:** I move amendment 12 in the name of Brian Gibbons. I call on the Minister to speak to amendment 12 and the other amendments in the group.

Val Lloyd: Cynigiaf welliant 12 yn enw Brian Gibbons. Galwaf ar y Gweinidog i siarad am welliant 12 a'r gwelliannau eraill yn y grŵp.

[412] **Brian Gibbons:** Amendments 12 to 15 are interlinked and respond to the evidence given to the committee to include specific powers for inspection arrangements in relation to the new duties under sections 6 to 9 and sections 60 to 61, dealing with play and participation.

Brian Gibbons: Mae cysylltiad rhwng gwelliannau 12 i 15 ac maent yn ymateb i'r dystiolaeth a roddwyd i'r pwyllgor ynglŷn â chynnwys pwerau penodol ar gyfer trefniadau arolygu yng nghyswllt y dyletswyddau newydd o dan adrannau 6 i 9 ac adrannau 60 i 61, sy'n ymwneud â chwarae a chymryd rhan.

[413] Amendment 12 gives the Welsh Ministers the power to make regulations that set out how inspection of local authority performance under sections 6 to 9 in respect of free childcare places, parenting and health service, and also how play and participation will be organised. It is proposed that these regulation-making powers provide for inspection to be organised by either the Care and Social Services Inspectorate Wales or Her Majesty's Chief Inspector of Education and Training in Wales, Estyn, or another body.

Mae gwelliant 12 yn rhoi'r pŵer i Weinidogion Cymru wneud rheoliadau sy'n nodi sut y trefnir i adolygu perfformiad awdurdodau lleol o dan adrannau 6 i 9 yng nghyswllt lleoedd gofal plant am ddim, gwasanaeth rhianta ac iechyd a hefyd sut y trefnir chwarae a chymryd rhan. Cynigir y dylai'r pwerau gwneud-rheoliadau hyn ddarparu ar gyfer trefnu'r arolygu gan naill ai Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru neu gan Brif Arolygydd Addysg a Hyfforddiant Ei Mawrhydi yng Nghymru, Estyn, neu gan gorff arall.

[414] Amendment 13 gives persons authorised by the Welsh Ministers the appropriate powers of entry. Amendment 14 gives the inspecting body, authorised by the Welsh Ministers, appropriate powers of inspection in respect of the premises, which gives them the right to interview employees, to copy or remove records relating to the performance by the local authority of its functions in relation to sections 6 to 9, and to the play and participation sections.

Mae gwelliant 13 yn rhoi pwerau mynediad priodol i'r sawl a awdurdodir gan Weinidogion Cymru. Mae gwelliant 14 yn rhoi'r pwerau arolygu priodol i'r corff arolygu, a awdurdodir gan Weinidogion Cymru, yng nghyswllt yr eiddo, sy'n rhoi'r hawl iddynt gyfweld gweithwyr, copïo neu gludo oddi yno gofnodion sy'n ymwneud â'r awdurdod lleol yn cyflawni ei swyddogaethau yng nghyswllt adrannau 6 i 9 a'r adrannau chwarae a chymryd rhan.

[415] Finally, amendment 15 gives the

Yn olaf, mae gwelliant 15 yn rhoi'r

inspecting body authority to ask for such information that is necessary for the exercise of its inspection functions and to copy or remove such records, including those that may be held on computers.

awdurdod i'r corff arolygu ofyn am ba wybodaeth bynnag y mae ei hangen er mwyn cyflawni ei swyddogaethau arolygu ac i gopïo cofnodion o'r fath neu fynd â hwy oddi yno, gan gynnwys y rheini sydd o bosibl wedi'u cadw ar gyfrifiadur.

[416] **Val Lloyd:** I do not see anyone wishing to speak. Do you wish to proceed to a vote on amendment 12, Minister, or withdraw it?

Val Lloyd: Ni welaf fod neb am siarad. A ydych am symud i bleidlais ar welliant 12, Weinidog, ynteu ei dynnu yn ôl?

[417] **Brian Gibbons:** I wish to proceed to a vote, Chair.

Brian Gibbons: Yr wyf am symud i bleidlais, Gadeirydd.

[418] **Val Lloyd:** The question is that amendment 12 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 12. Galwaf am bleidlais.

*Gwelliant 12: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 12: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 12.
Amendment 12 agreed.*

[419] **Val Lloyd:** In line with the marshalled list, we will now come to dispose of amendments 13, 14 and 15. Minister, do you wish to proceed to a vote on these amendments?

Val Lloyd: Yn unol â'r rhestr o welliannau wedi'u didoli, down yn awr at waredu gwelliannau 13, 14, a 15. Weinidog, a ydych am symud i bleidlais ar y gwelliannau hyn?

[420] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Ydwyf, Gadeirydd.

[421] **Val Lloyd:** I move amendment 13 in the name of Brian Gibbons. The question is that amendment 13 be agreed to. I call for a vote.

Val Lloyd: Cynigiaf welliant 13 yn enw Brian Gibbons. Y cwestiwn yw a ddylid derbyn gwelliant 13. Galwaf am bleidlais.

*Gwelliant 13: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 13: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 13.
Amendment 13 agreed.*

[422] **Val Lloyd:** I move amendment 14 in the name of Brian Gibbons. **Val Lloyd:** Cynigiaf welliant 14 yn enw Brian Gibbons.

[423] The question is that amendment 14 be agreed to. I call for a vote. Y cwestiwn yw a ddylid derbyn gwelliant 14. Galwaf am bleidlais.

*Gwelliant 14: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 14: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 14.
Amendment 14 agreed.*

[424] **Val Lloyd:** I move amendment 15 in the name of Brian Gibbons. **Val Lloyd:** Cynigiaf welliant 15 yn enw Brian Gibbons.

[425] The question is that amendment 15 be agreed to. I call for a vote. Y cwestiwn yw a ddylid derbyn gwelliant 15. Galwaf am bleidlais.

*Gwelliant 15: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 15: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 15.
Amendment 15 agreed.*

[426] **Val Lloyd:** In line with the marshalled list, we now come to dispose of amendments 26 and 27 in the name of Brian Gibbons. Minister, do you wish to proceed to a vote on these amendments? **Val Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, down yn awr at waredu gwelliannau 26 a 27 yn enw Brian Gibbons. Weinidog, a ydych am symud i bleidlais ar y gwelliannau hyn?

[427] **Brian Gibbons:** Yes, Chair. **Brian Gibbons:** Ydwyf, Gadeirydd.

[428] **Val Lloyd:** I move amendment 26 in the name of Brian Gibbons. **Val Lloyd:** Cynigiaf welliant 26 yn enw Brian Gibbons.

[429] The question is that amendment 26 be agreed to. I call for a vote. Y cwestiwn yw a ddylid derbyn gwelliant 26. Galwaf am bleidlais.

*Gwelliant 26: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 26: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 26.
Amendment 26 agreed.*

[430] **Val Lloyd:** I move amendment 27 in the name of Brian Gibbons. **Val Lloyd:** Cynigiaf welliant 27 yn enw Brian Gibbons.

[431] The question is that amendment 27 be agreed to. I call for a vote. **Y** cwestiwn yw a ddylid derbyn gwelliant 27. Galwaf am bleidlais.

*Gwelliant 27: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 27: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 27.
Amendment 27 agreed.*

**Asesu Anghenion Plant—Effaith Aelodau o'r Teulu (Gwelliannau 34, 35 a 2)
Assessing Children's Needs—Effect of Family Members (Amendments 34, 35 and 2)**

[432] **Val Lloyd:** We now move to the group of amendments relating to assessing children's needs, and the effect of family members. Minister, would you like amendment 34, which is the lead amendment, to be moved? **Val Lloyd:** Ymlaen â ni yn awr at y grŵp o welliannau sy'n ymwneud ag asesu anghenion plant, ac effaith aelodau o'r teulu. Weinidog, a hoffech imi gynnig gwelliant 34, sef y prif welliant?

[433] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Hoffwn, Gadeirydd.

[434] **Val Lloyd:** I move amendment 34 in the name of Brian Gibbons. I call on the Minister to speak to the amendment and the others in the group.

Val Lloyd: Cynigiaf welliant 34 yn enw Brian Gibbons. Galwaf ar y Gweinidog i siarad am y gwelliant a'r gwelliannau eraill yn y grŵp.

[435] **Brian Gibbons:** Amendments 34 and 35 are far-reaching, and central to integrating the law and operational arrangements between child and adult health

Brian Gibbons: Mae gwelliannau 34 a 35 yn bellgyrhaeddol ac yn rhan ganolog o integreiddio'r gyfraith a'r trefniadau ymarferol rhwng gwasanaethau iechyd a

and social services. These should ensure that practitioners consider the needs of the whole family, with the parents' and child's needs considered and addressed in a holistic way. Bridging child and adult social services through law and practice is essential to the earlier identification of emerging issues within families with complex needs, so as to improve safeguards and welfare for children. These amendments will complement the integrated family support services, and will require a change in both process and professional culture across health and social care. They will require all professionals to think family, and to connect their services when assessing and treating vulnerable adults, such as those with a mental health or substance misuse problem. The risks to, and needs of, a child in that family will therefore not be overlooked.

[436] In consulting on these proposals as part of the integrated family support teams, stakeholders across the sector, and in particular the Children's Commissioner for Wales and the Welsh Local Government Association, consider proposals to bridge child and adult services to be paramount for child safety, and a positive step forward that should ensure that links are made and professionals are communicating.

[437] Under these new arrangements, all health and social care professionals will be bound by these duties. They will require professionals working with younger adults to be trained in and have a better understanding of child protection and welfare. Amendment 35 will support systems to strengthen child protection and welfare systems in health services, treating parents with mental health and other needs. It will require improved integration and processes for sharing information between health and social services at the child and adult level. Studies by the National Patient Safety Agency highlight the risk that some parents with severe mental illness may pose to themselves and their children, and point to a number of homicides where children have been killed by

chymdeithasol i blant a'r rhai i oedolion. Dylai'r rhain sicrhau bod ymarferwyr yn ystyried anghenion y teulu i gyd, gan ystyried anghenion y rhieni a'r plentyn mewn ffordd gyfannol. Mae'n hanfodol pontio rhwng gwasanaethau cymdeithasol i blant a'r rhai i oedolion drwy'r gyfraith ac ymarfer a thrwy hynny weld yn gynharach y problemau sy'n codi o fewn teuluoedd a chanddynt anghenion cymhleth, er mwyn gwella'r camau diogelu ar gyfer plant a'u lles. Bydd y gwelliannau hyn yn ategu'r gwasanaethau integredig cymorth i deuluoedd, a bydd gofyn newid y broses a newid y diwylliant proffesiynol ar draws y maes iechyd a gofal cymdeithasol. Bydd gofyn i bob gweithiwr proffesiynol feddwl am y teulu yn ei grynswth, a chydgyssylltu eu gwasanaethau wrth asesu a thrin oedolion agored i niwed, megis y rheini a chanddynt broblem iechyd meddwl neu gamddefnyddio sylweddau. Felly, ni esgeulusir y risgiau i blentyn yn y teulu hwnnw na'i anghenion.

Wrth ymgynghori ynglŷn â'r cynigion hyn fel rhan o'r timau integredig cymorth i deuluoedd, mae rhanddeiliaid ar draws y sector, ac, yn benodol, Comisiynydd Plant Cymru a Chymdeithas Llywodraeth Leol Cymru, yn meddwl bod cynigion i bontio rhwng gwasanaethau i blant ac i oedolion yn hollbwysig er mwyn sicrhau diogelwch plant a'i fod yn gam cadarnhaol ymlaen a ddylai sicrhau bod cysylltiadau'n cael eu creu a bod gweithwyr proffesiynol yn cyfathrebu â'i gilydd.

Dan y trefniadau newydd hyn, bydd pob gweithiwr proffesiynol yn y maes iechyd a gofal cymdeithasol yn rhwym i'r dyletswyddau hyn. Bydd gofyn i weithwyr proffesiynol sy'n gweithio gydag oedolion iau gael hyfforddiant ym maes amddiffyn a lles plant a'i ddeall yn well. Bydd gwelliant 35 yn cefnogi systemau i gryfhau systemau amddiffyn a lles plant yn y gwasanaethau iechyd, gan drin cleifion a chanddynt anghenion iechyd meddwl ac anghenion eraill. Bydd yn gofyn am well integreiddio a gwell prosesau ar gyfer rhannu gwybodaeth rhwng y gwasanaeth iechyd a'r gwasanaethau cymdeithasol ar lefel y plentyn ac ar lefel oedolion. Mae astudiaethau gan yr Asiantaeth Diogelwch Cleifion Cenedlaethol yn tynnu sylw at y risg y gall rhai rhieni a chanddynt

their biological or step-parents. The NPSA emphasises the important role of health professionals in working with parents with such problems to ensure that the assessment, monitoring, review and discharge planning arrangements under the care programme approach will always consider the needs of and risk to any children in service users' families. Sadly, that does not always occur at the moment.

salwch meddwl difrifol ei pheri iddynt hwy eu hunain ac i'w plant, gan gyfeirio at nifer o sefyllfaoedd lle mae plant wedi cael eu lladd gan eu rhieni biolegol neu gan eu llys-rieni. Mae'r Asiantaeth yn pwysleisio rôl bwysig gweithwyr proffesiynol ym maes iechyd o ran gweithio gyda rhieni a chanddynt broblemau o'r fath er mwyn sicrhau bod y trefniadau asesu, monitro, adolygu a'r cynllun rhyddhau o dan y rhaglen ofal bob tro'n ystyried anghenion unrhyw blant yn nheulu'r sawl sy'n defnyddio'r gwasanaeth ac unrhyw risg a berir iddynt. Yn anffodus, nid yw hynny'n digwydd bob tro ar hyn o bryd.

[438] The new duties under amendment 35 would place clear responsibilities on health professionals to safeguard the welfare of children and to make closer links with children's services for the purposes of sharing information and making referrals from the health service. The proposals in amendments 34 and 35 are essential if we are to make that qualitative step change towards true integration, break down service silos, and make the necessary culture and systems shift across health and social services to think family in a holistic way when dealing with vulnerable children and parents with complex needs.

Byddai'r dyletswyddau newydd o dan welliant 35 yn gosod cyfrifoldebau clir ar weithwyr iechyd proffesiynol i ddiogelu lles plant a chreu cysylltiadau mwy clos â gwasanaethau plant at ddibenion rhannu gwybodaeth ac atgyfeiriadau gan y gwasanaeth iechyd. Mae'r cynigion yng ngwelliannau 34 a 35 yn hanfodol er mwyn sicrhau'r newid mawr ansoddol hwnnw o tuag at integreiddio go iawn, chwalu seilos gwasanaethau, a sicrhau'r newid angenrheidiol o ran diwylliant a systemau ar draws y maes iechyd a gwasanaethau cymdeithasol i feddwl am y teulu mewn ffordd gyfannol wrth ymdrin â phlant agored i niwed a'u rhieni a chanddynt anghenion cymhleth.

[439] The new duties of assessment and referral to children's services would also apply to other organisations such as the third sector and independent and voluntary organisations working with younger, vulnerable adults under contract to local authorities and local health boards.

Byddai'r dyletswyddau newydd o ran asesu ac atgyfeirio i'r gwasanaethau plant hefyd yn berthnasol i gyrff eraill megis y trydydd sector a chyrrff annibynnol a gwirfoddol sy'n gweithio gydag oedolion iau, agored i niwed o dan gontract i awdurdodau lleol a byrddau iechyd lleol.

[440] Amendment 2 is presentational, and introduces into the long title the new provision about assessing the needs of children where the family members with whom they live need community services or have health conditions that affect the needs or welfare of children. The amendment also provides for any duplicated text to be deleted. I therefore recommend that Members support amendments 2, 34 and 35.

Mae a wnelo gwelliant 2 â'i gyflwyniad, ac mae'n cynnwys yn y teitl hir y ddarpariaeth newydd ynglŷn ag asesu plant lle bydd ar aelodau'r teulu y maent yn byw gyda hwy angen gwasanaethau cymunedol neu lle bydd ganddynt gyflyrau iechyd sy'n effeithio ar anghenion neu ar les plant. Mae'r gwelliant yn darparu hefyd ar gyfer dileu unrhyw destun dyblyg. Felly, pwysaf ar yr Aelodau i gefnogi gwelliannau 2, 34 a 35.

[441] **Val Lloyd:** There are no speakers to this group. Minister, would you like to

Val Lloyd: Nid oes neb i siarad am y grŵp hwn. Weinidog, a hoffech symud i bleidlais?

proceed to a vote?

[442] **Brian Gibbons:** Yes, Chair.

Brian Gibbons: Hoffwn, Gadeirydd.

[443] **Val Lloyd:** The question is that amendment 34 be agreed to. I call for a vote.

Val Lloyd: Y cwestiwn yw a ddylid derbyn gwelliant 34. Galwaf am bleidlais.

3.30 p.m.

Gwelliant 34: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 34: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:

The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

Derbyniwyd gwelliant 34.

Amendment 34 agreed.

[444] **Val Lloyd:** In line with the marshalled list, we now dispose of amendments 35, 56, 1 and 2. Minister, would you like amendment 35 in your name to be formally moved?

Val Lloyd: Yn unol â'r rhestr o welliannau wedi'u didoli, down yn awr at waredu gwelliannau 35 56, 1 a 2. Weinidog, a hoffech imi gynnig gwelliant 35 yn eich enw'n ffurfiol?

[445] **Brian Gibbons:** Yes please.

Brian Gibbons: Hoffwn, Gadeirydd.

[446] **Val Lloyd:** I move amendment 35 in the name of Brian Gibbons.

Val Lloyd: Cynigïaf welliant 35 yn enw Brian Gibbons.

[447] The question is that amendment 35 be agreed to. I call for a vote.

Y cwestiwn yw a ddylid derbyn gwelliant 35. Galwaf am bleidlais.

Gwelliant 35: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 35: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:

The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

Derbyniwyd gwelliant 35.

Amendment 35 agreed.

[448] **Val Lloyd:** Brynle, would you like to move amendment 56?

Val Lloyd: Brynle, a hoffech gynnig gwelliant 56?

[449] **Brynle Williams:** I move amendment 56 in the name of Mark

Brynle Williams: Cynigïaf welliant 56 yn enw Mark Isherwood a chydag enw Jenny

Isherwood and with the name Jenny Randerson yn ei gefnogi.
Randerson in support.

[450] **Val Lloyd:** The question is that amendment 56 be agreed to. I call for a vote. **Val Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 56. Galwaf am bleidlais.

*Gwelliant 56: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 56: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Jones, Ann
Jones, Gareth
Mewies, Sandy

*Gwrthodwyd gwelliant 56.
Amendment 56 not agreed.*

[451] **Val Lloyd:** Minister, would you like amendment 1 in your name to be formally moved? **Val Lloyd:** Weinidog, a hoffech imi gynnig gwelliant 1 yn eich enw'n ffurfiol?

[452] **Brian Gibbons:** Yes please. **Brian Gibbons:** Os gwelwch yn dda.

[453] **Val Lloyd:** I move amendment 1 in the name of Brian Gibbons. **Val Lloyd:** Cynigiaf welliant 1 yn enw Brian Gibbons.

[454] The question is that amendment 1 be agreed to. I call for a vote. Y cwestiwn yw a ddylid derbyn gwelliant 1. Galwaf am bleidlais.

*Gwelliant 1: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 1: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

*Derbyniwyd gwelliant 1.
Amendment 1 agreed.*

[455] **Val Lloyd:** Minister, would you like amendment 2 in your name to be moved? **Val Lloyd:** Weinidog, a hoffech imi gynnig gwelliant 2 yn eich enw?

[456] **Brian Gibbons:** Yes, please. **Brian Gibbons:** Os gwelwch yn dda.

[457] **Val Lloyd:** I move amendment 2 in the name of Brian Gibbons. **Val Lloyd:** Cynigiaf welliant 2 yn enw Brian Gibbons.

[458] The question is that amendment 2 be agreed to. I call for a vote. Y cwestiwn yw a ddylid derbyn gwelliant 2. Galwaf am bleidlais.

Gwelliant 2: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 2: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Jones, Ann
Jones, Gareth
Mewies, Sandy
Williams, Brynle

Derbyniwyd gwelliant 2.
Amendment 2 agreed.

[459] **Val Lloyd:** That brings us to the end of the Stage 2 consideration of the proposed Measure. All sections and Schedules are deemed to have been agreed by the committee, and there is no opportunity to table further amendments at this stage. Our next meeting will be on 15 October, when we will take further evidence on the proposed local government Order. If Members have no further points to raise, I declare the meeting closed.

Val Lloyd: Daw hynny â ni i ben Cyfnod 2 ystyried y Mesur arfaethedig. Bernir bod pob adran ac Atodlen wedi'i derbyn gan y pwyllgor, ac ni fydd cyfle i gyflwyno rhagor o welliannau ar hyn o bryd. Bydd ein cyfarfod nesaf ar 15 Hydref, pan dderbyniwn ragor o dystiolaeth ynglŷn â'r Gorchymyn llywodraeth leol arfaethedig. Os nad oes gan yr Aelodau ragor o bwyntiau i'w codi, cyhoeddaf fod y cyfarfod ar ben.

Daeth y cyfarfod i ben am 3.31 p.m.
The meeting ended at 3.31 p.m.