

# Health and Social Care Committee

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Meeting Venue: **Committee Room 3 – Senedd**

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Meeting date: **Wednesday, 13 November 2013**

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Meeting time: **09:02 – 12:14**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



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## Concise Minutes:

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### Assembly Members:

**David Rees (Chair)**  
**Leighton Andrews**  
**Rebecca Evans**  
**William Graham**  
**Elin Jones**  
**Darren Millar**  
**Lynne Neagle**  
**Gwyn R Price**  
**Lindsay Whittle**  
**Kirsty Williams**

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### Witnesses:

**Gwenda Thomas, Deputy Minister for Social Services**  
**Julie Rogers, Welsh Government**  
**Mike Lubienski, Welsh Government**

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### Committee Staff:

**Llinos Madeley (Clerk)**  
**Helen Finlayson (Second Clerk)**  
**Sarah Sargent (Deputy Clerk)**  
**Victoria Paris (Researcher)**  
**Joanest Jackson (Legal Advisor)**  
**Lisa Salkeld (Legal Advisor)**

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## 1 Consideration of the Legislative Consent Memorandum: Care Bill

1.1 The Committee discussed and agreed the draft Report on the Legislative Consent Memorandum relating to the Care Bill.

1.2 The Committee agreed to lay the Report in advance of the deadline set by Business Committee.

## 2 Discussion on the Forward Work Programme

2.1 The Committee agreed to undertake an inquiry into the availability of bariatric surgery in Wales and agreed terms of reference for the inquiry.

2.2 The Committee agreed to undertake a public consultation; details of which will be made available shortly.

## 3 Introductions, apologies and substitutions

3.1 No apologies were received.

3.2 The Chair welcomed the Deputy Minister for Social Services and her officials to the meeting.

## 4 Social Services and Well-being (Wales) Bill: Stage 2 – Consideration of amendments

4.1 In accordance with Standing Order 26.21, the Committee disposed of the following amendments to the Bill:

### New Section:

#### Amendment 56A (William Graham)

| For   | Against   | Abstain |
|---|---|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams   | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0       |
| 5   | 5   | 0       |
| <b>As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 56A was not agreed.</b> |   |         |

#### Amendment 56 (Kirsty Williams)

| For   | Against   | Abstain |
|---|---|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0       |
| 5   | 5   | 0       |

**As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 56 was not agreed.**

**Section 2:**

**Amendment 111 (William Graham)**

| <b>For</b>   | <b>Against</b>   | <b>Abstain</b> |
|--|--|----------------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees<br>Kirsty Williams | 0              |
| 4  | 6  | 0              |

**Amendment 71 (William Graham)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 72 (William Graham)**

| <b>For</b>  | <b>Against</b>  | <b>Abstain</b> |
|---|---|----------------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0              |
| 5   | 5   | 0              |

**As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 71 was not agreed.**

**Section 3:**

No amendments were tabled to this section, therefore Section 3 was deemed agreed.

**Section 4:**

**Amendment 64 (William Graham)**

| <b>For</b>  | <b>Against</b>  | <b>Abstain</b> |
|---|---|----------------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0              |
| 5   | 5   | 0              |

**As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 64 was not agreed.**

**Amendment 417 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 418 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 65 (William Graham)**

As Amendment 418 was agreed, Amendment 65 fell.

**Amendment 419 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 66 (William Graham)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 420 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 421 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 57 (Kirsty Williams)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 180 (William Graham)**

| For  | Against   | Abstain |
|--|---|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams  | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0       |
| 5  | 5   | 0       |
| As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 180 was not agreed. |   |         |

**Section 5:**

**Amendment 422 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 67 (William Graham)**

| For   | Against   | Abstain |
|---|---|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams   | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0       |
| 5   | 5   | 0       |
| As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 67 was not agreed. |   |         |

**Amendment 100 (Kirsty Williams)**

| For | Against | Abstain |
|-----|---------|---------|
|-----|---------|---------|

|  |  |   |
|--|--|---|
| Elin Jones<br>Lindsay Whittle<br>Kirsty Williams | Leighton Andrews<br>Rebecca Evans<br>William Graham<br>Darren Millar<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0 |
| 3  | 7  | 0 |
| <b>Amendment 100 was not agreed.</b>             |  |   |

## Section 6:

### Amendment 472 (Elin Jones)

| For   | Against   | Abstain |
|---|---|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams   | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0       |
| 5   | 5   | 0       |
| <b>As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 472 was not agreed.</b> |   |         |

**Amendment 84A (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 84 as amended (William Graham)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 423 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

### Amendment 473 (Elin Jones)

As Amendment 472 was not agreed, Amendment 473 fell.

### Amendment 68 (William Graham)

| For  | Against   | Abstain |
|--|---|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams  | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0       |
| 5  | 5   | 0       |
| <b>As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 68 was not agreed.</b> |   |         |

### Amendment 85 (William Graham)

| For | Against | Abstain |
|-----|---------|---------|
|-----|---------|---------|

|  |   |   |
|--|---|---|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams  | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0 |
| 5  | 5   | 0 |
| <b>As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 85 was not agreed.</b> |   |   |

#### **Amendment 86 (William Graham)**

| <b>For</b>   | <b>Against</b>  | <b>Abstain</b> |
|--|---|----------------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams  | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0              |
| 5  | 5   | 0              |
| <b>As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 86 was not agreed.</b> |   |                |

#### **Section 7:**

#### **Amendment 252 (William Graham)**

| <b>For</b>   | <b>Against</b>   | <b>Abstain</b> |
|--|--|----------------|
| William Graham<br>Darren Millar<br>Kirsty Williams | Leighton Andrews<br>Rebecca Evans<br>Elin Jones<br>Lynne Neagle<br>Gwyn Price<br>David Rees<br>Lindsay Whittle | 0              |
| 3  | 7  | 0              |
| <b>Amendment 252 was not agreed.</b>               |  |                |

**Amendment 289 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

#### **Amendment 88 (William Graham)**

| <b>For</b>   | <b>Against</b>  | <b>Abstain</b> |
|--|---|----------------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0              |
| 4  | 5   | 0              |
| <b>Amendment 88 was not agreed.</b>                              |   |                |

#### **Section 8:**

### **Amendment 73 (William Graham)**

| <b>For</b>   | <b>Against</b>  | <b>Abstain</b> |
|--|---|----------------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams  | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0              |
| 5  | 5   | 0              |
| <b>As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 73 was not agreed.</b> |   |                |

**Amendment 424 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

### **Amendment 74 (William Graham)**

As Amendment 73 was not agreed, Amendment 74 fell.

### **Section 9:**

**Amendment 4 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 5 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 6 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 474 (Elin Jones)** was not moved.

**Amendment 7 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

### **New Section:**

### **Amendment 475 (Elin Jones)**

| <b>For</b>  | <b>Against</b>  | <b>Abstain</b> |
|---|---|----------------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams   | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0              |
| 5   | 5   | 0              |
| <b>As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 475 was not agreed.</b> |   |                |

### **Amendment 476 (Elin Jones)**

As Amendment 475 was not agreed, Amendment 476 fell.

### **Section 10:**

**Amendment 234 (William Graham)**

| For   | Against   | Abstain |
|---|---|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams   | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0       |
| 5   | 5   | 0       |
| <b>As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 234 was not agreed.</b> |   |         |

**Amendment 235 (William Graham)**

As Amendment 234 was not agreed, Amendment 235 fell.

**Amendment 89 (William Graham)**

| For  | Against  | Abstain |
|--|--|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees<br>Kirsty Williams | 0       |
| 4  | 6  | 0       |
| <b>Amendment 89 was not agreed.</b>                              |  |         |

**Amendment 236 (William Graham)**

As Amendment 234 was not agreed, Amendment 236 fell.

**Amendment 8 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 9 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 237 (William Graham)**

As Amendment 234 was not agreed, Amendment 237 fell.

**Amendment 90 (William Graham)**

| For  | Against  | Abstain |
|--|--|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees<br>Kirsty Williams | 0       |
| 4  | 6  | 0       |
| <b>Amendment 90 was not agreed.</b>                              |  |         |

**Amendment 87 (William Graham)**

| For | Against | Abstain |
|-----|---------|---------|
|-----|---------|---------|

|  |   |   |
|--|---|---|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams  | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0 |
| 5  | 5   | 0 |
| <b>As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 87 was not agreed.</b> |   |   |

**Amendment 10 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 11A (William Graham)**

| For   | Against   | Abstain |
|---|---|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams   | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0       |
| 5   | 5   | 0       |
| <b>As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 11A was not agreed.</b> |   |         |

**Amendment 11 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 115 (Kirsty Williams)**

| For   | Against   | Abstain |
|---|---|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams   | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0       |
| 5   | 5   | 0       |
| <b>As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 115 was not agreed.</b> |   |         |

**Section 11:**

No amendments were tabled to this section, therefore Section 11 was deemed agreed.

**Section 12:**

**Amendment 116 (Kirsty Williams)** was not moved.

**Amendment 91 (William Graham)**

| For  | Against   | Abstain |
|--|---|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price | 0       |

|                                     |                               |   |
|-------------------------------------|-------------------------------|---|
|                                     | David Rees<br>Kirsty Williams |   |
| 4                                   | 6                             | 0 |
| <b>Amendment 91 was not agreed.</b> |                               |   |

**Amendment 12 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 13 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 14 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 15 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 117 (Kirsty Williams)**

| For   | Against   | Abstain |
|---|---|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams   | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0       |
| 5   | 5   | 0       |
| <b>As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 117 was not agreed.</b> |   |         |

**Amendment 290 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Section 13:**

No amendments were tabled to this section, therefore Section 13 was deemed agreed.

**Section 14:**

**Amendment 112 (William Graham)**

| For   | Against   | Abstain |
|---|---|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams   | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0       |
| 5   | 5   | 0       |
| <b>As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 112 was not agreed.</b> |   |         |

**Amendment 16 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

## Section 15:

### Amendment 238 (William Graham)

| For   | Against   | Abstain |
|---|---|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams   | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0       |
| 5   | 5   | 0       |
| <b>As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 238 was not agreed.</b> |   |         |

**Amendment 17 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

### Amendment 239 (William Graham)

As Amendment 238 was not agreed, Amendment 239 fell.

### Amendment 240 (William Graham)

As Amendment 238 was not agreed, Amendment 240 fell.

### Amendment 241 (William Graham)

As Amendment 238 was not agreed, Amendment 241 fell.

### Amendment 92 (William Graham)

| For  | Against  | Abstain |
|--|--|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees<br>Kirsty Williams | 0       |
| 4  | 6  | 0       |
| <b>Amendment 91 was not agreed.</b>                              |  |         |

**Amendment 18 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 19 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 20 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

### Amendment 21A (William Graham)

| For  | Against   | Abstain |
|--|---|---------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price | 0       |

|   |            |   |
|---|------------|---|
| Kirsty Williams   | David Rees |   |
| 5   | 5          | 0 |
| <b>As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 21A was not agreed.</b> |            |   |

**Amendment 21 (Gwenda Thomas)** was agreed in accordance with Standing Order 17.34(i).

**Amendment 118 (Kirsty Williams)**

| <b>For</b>  | <b>Against</b>  | <b>Abstain</b> |
|---|---|----------------|
| Elin Jones<br>William Graham<br>Darren Millar<br>Lindsay Whittle<br>Kirsty Williams   | Leighton Andrews<br>Rebecca Evans<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0              |
| 5   | 5   | 0              |
| <b>As there was a tied vote, the Chair's casting vote was applied in the negative, in accordance with Standing Order 6.20(ii). Therefore, Amendment 118 was not agreed.</b> |   |                |

**Section 16:**

No amendments were tabled to this section, therefore Section 16 was deemed agreed.

**Section 17:**

**Amendment 248 (William Graham)** was not moved.

**Amendment 249 (William Graham)**

As Amendment 248 was not moved, Amendment 249 fell.

**New Section:**

**Amendment 477 (Elin Jones)**

| <b>For</b>                                       | <b>Against</b>   | <b>Abstain</b> |
|--|--|----------------|
| Elin Jones<br>Lindsay Whittle<br>Kirsty Williams | Leighton Andrews<br>Rebecca Evans<br>William Graham<br>Darren Millar<br>Lynne Neagle<br>Gwyn Price<br>David Rees | 0              |
| 3  | 7  | 0              |
| <b>Amendment 477 was not agreed.</b>             |  |                |

4.2 Sections 2 to 17 were deemed agreed.

## **5 Papers to note**

5.1 The Committee noted the letters from the Minister for Health and Social Services and Deputy Minister for Social Services.