



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

## **Y Pwyllgor Iechyd a Gofal Cymdeithasol** **The Health and Social Care Committee**

**Dydd Mercher, 13 Tachwedd 2013**  
**Wednesday, 13 November 2013**

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Leighton Andrews	Llafur Labour
Rebecca Evans	Llafur Labour
William Graham	Ceidwadwyr Cymreig Welsh Conservatives
Elin Jones	Plaid Cymru The Party of Wales
Darren Millar	Ceidwadwyr Cymreig Welsh Conservatives

Lynne Neagle	Llafur Labour
Gwyn R. Price	Llafur Labour
David Rees	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Lindsay Whittle	Plaid Cymru The Party of Wales
Kirsty Williams	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

**Eraill yn bresennol  
Others in attendance**

Mike Lubienski	Uwch-gyfreithiwr, y Tîm Gofal Cymdeithasol, Llywodraeth Cymru Senior Lawyer, Social Care Team, Welsh Government
Julie Rogers	Dirprwy Gyfarwyddwr yr Is-adran Deddfwriaeth a Pholisi Gwasanaethau Cymdeithasol, Llywodraeth Cymru Deputy Director Social Services Legislation and Policy Division, Welsh Government
Gwenda Thomas	Aelod Cynulliad, Llafur (Y Dirprwy Weinidog Gwasanaethau Cymdeithasol) Assembly Member, Labour (The Deputy Minister for Social Services)

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

Helen Finlayson	Clerc Clerc
Joanest Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Llinos Madeley	Clerc Clerc
Lisa Salkeld	Cynghorydd Cyfreithiol Legal Adviser
Sarah Sargent	Dirprwy Glerc Deputy Clerk

*Dechreuodd y cyfarfod am 09:29.  
The meeting began at 09:29.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon  
Introductions, Apologies and Substitutions**

[1] **David Rees:** Good morning. I welcome Members to this morning's meeting of the Health and Social Care Committee. This morning, we will be looking at Stage 2 of the Social Services and Well-being (Wales) Bill. The meeting is bilingual and headphones can be used for simultaneous translation on channel 1 or for amplification on channel 0. I remind everyone to turn off their mobile phones and any other equipment that may interfere with the broadcasting equipment. There is no scheduled alarm this morning, so in the event of the fire alarm sounding, please follow the directions of the ushers. We have received no apologies for absence.

09:31

**Y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru): Cyfnod 2—Trafod y  
Gwelliannau  
Social Services and Well-being (Wales) Bill: Stage 2—Consideration of  
Amendments**

[2] **David Rees:** I welcome the Deputy Minister for Social Services, Gwenda Thomas, and her officials, Julie Rogers and Mike Lubienski. Welcome to the meeting.

[3] The purpose of this meeting is to begin Stage 2 proceedings on the Social Services and Well-being (Wales) Bill. In line with the deadline set by the Business Committee, we are required to complete Stage 2 by 13 December. We have allocated several meetings this term for the consideration of the amendments. Members should have a copy of the Bill in front of them, along with the marshalled list of amendments and the groupings of amendments for debate.

[4] As agreed by the committee on 9 October, the order of consideration will be sections 2 to 69, followed by Schedule 1, sections 70 to 119, Schedule 2, sections 120 to 160, Schedule 3, sections 161 to 169, and, finally, section 1. We will therefore be considering amendments to Schedules immediately following any amendments to sections that introduce those Schedules so that we are able to ensure that we are consistent and deal with them.

[5] The amendments have been grouped to facilitate debate. There will be one debate on each group of amendments, but the order in which amendments will be called and moved for decision will be dictated by the marshalled list. When determining the groupings, particular attention has been given to try to ensure that the disposal of amendments follows as soon as possible after the debate on the group containing those amendments. Hopefully, therefore, we will not be in a situation where we will be debating something and voting on it several weeks later.

[6] The debate on each group will follow the same structure. I will first call the proposer of the lead amendment who shall then move the lead amendment and speak to the amendments in the group. I will then call on other Members who wish to speak on that group, particularly those who may have submitted amendments for that group. I will then call on the Deputy Minister to respond to the discussion, and she will be the penultimate speaker if she is not the lead speaker.

[7] Following each debate, I will ask the Member who has moved the lead amendment to confirm whether he or she wishes to proceed with the amendment and move to a decision. If not, the Member may seek the agreement of the committee to withdraw the amendment. If it is not withdrawn, I will put the question on the lead amendment and ask whether any Member objects to the amendment being agreed to. If no Member objects, it is agreed and we move on. If there is objection, I will call a vote by show of hands, and a vote will be recorded in the minutes.

[8] In accordance with Standing Orders 17.37 and 6.20, if there is a tied vote, as Chair, I will exercise the casting vote against the amendment.

[9] I will call on the proposers of other amendments in each group to move their amendments at the appropriate time as we move through the list, in accordance with the marshalled list. If you do not wish to move your amendment, you should say so clearly at the appropriate time.

[10] For the record, only committee members can move amendments; therefore, in accordance with the convention agreed by the Business Committee, as Chair, I will move the amendments tabled in the name of the Deputy Minister. For expediency, I will assume that the Deputy Minister wishes me to move all of her amendments unless she indicates otherwise.

[11] **The Deputy Minister for Social Services (Gwenda Thomas):** Yes, thank you.

[12] **David Rees:** I do not intend to use the words ‘formally move’ on each occasion, but Members may take my putting the question as an indication of each amendment being moved formally. Deputy Minister, if you do not wish for a particular amendment to be moved, please indicate at the relevant point in the proceedings.

[13] As requested by Members, I have considered where it may be possible to dispose of amendments en bloc. The practice is that en bloc voting is appropriate where amendments that lie consecutively in the marshalled list are similar in effect. Where en bloc voting is possible, I will ask Members whether they are content for the specified amendments to be disposed of en bloc. If any Member objects to the disposal of amendments in this way, we will dispose of the amendments individually.

[14] In line with the practice established in the third Assembly, advisers to the committee or the Deputy Minister are not expected to provide advice on the record. If Members need to seek legal advice during the proceedings, please do so by passing a note to the relevant adviser, or by requesting an adjournment. Are there any questions? I see that there are none. In that case, we will now move to the discussion of the amendments.

**Grŵp 1: Egwyddorion Statudol (Gwelliannau 56, 56A, 417, 418, 419, 420 a 421)  
Group 1: Statutory Principles (Amendments 56, 56A, 417, 418, 419, 420 and 421)**

[15] **David Rees:** The first grouping of amendments to be considered is in relation to statutory principles. The lead amendment in the first group is amendment 56. I call on Kirsty Williams to move amendment 56 and to speak to the amendments in this group.

[16] **Kirsty Williams:** Thank you, Chair. I move amendment 56 in my name supported by William Graham.

[17] The amendment, I believe, gives effect to recommendation 1 on this committee’s consideration of the Social Services and Well-being (Wales) Bill, where we agreed with the witnesses that statutory principles should be included on the face of the Bill. The committee did that after careful consideration of the evidence placed before the committee, first, drawing on the work of the Law Commission. This Bill has been influenced greatly by the Law Commission’s report on adult social care, and there was a clear recommendation by the Law Commission that statutory principles should appear on the face of the Bill. We also heard in evidence from a wide variety of those representing the interests of people who will be affected by this legislation of the desirability of statutory principles on the face of the Bill. The Commissioner for Older People in Wales stated,

[18] ‘I have previously called on Welsh Government to introduce statutory principles on the face of the Bill in order to uphold the human rights of all those affected by it and I am extremely disappointed that this is not reflected in the current draft’.

[19] Those concerns were echoed by other groups, such as Age Cymru, and the advisory group of voluntary sector and service organisations that have been advising this committee as the legislation has proceeded.

[20] A different perspective was taken by the Public Services Ombudsman for Wales who expressed his desire for statutory principles on the face of the Bill to assist him and his work and to ensure that, where difficulties arise out of legislation, there are clear principles. I quote:

[21] ‘One of the great difficulties that you face as an ombudsman, or anyone dealing with complaints, is that if there is not a precision about what somebody’s entitlement is, then there is always a great possibility of misunderstanding. Therefore, the provider, on the one hand, can take a view that they are meeting the requirements, whereas the recipient could have read the legislation in an entirely different way. A lot of the time, the way to address any problems of that kind is through guidance—particularly statutory guidance’.

[22] He went on to say that clear statutory principles on the face of the Bill would greatly assist practitioners and those in receipt of the services in understanding what their entitlements are.

[23] I acknowledge that we did receive contrary evidence from those supplying services, notably the Welsh Local Government Association and the Association of Directors of Social Services, which felt that this was not needed. I note the comments by the Deputy Minister at the consultation stage, where she felt that these were not needed. However, I would remind the committee of the unanimous decision of this committee of the desirability of statutory principles on the face of the Bill. Indeed, it was the No. 1 recommendation that we made to the Deputy Minister, and it is disappointing that she did not feel able to accept that. On that basis, I have tabled the amendment and I look to committee members, who heard the same evidence as I did, to support it.

[24] **David Rees:** Thank you. I now call on William.

[25] **William Graham:** I have indicated my support for Kirsty’s amendment. We feel that the amendment would include the provision of dignity in the statutory principles to be inserted by amendment 56. The statutory principles do not currently incorporate the principle of promoting and respecting the dignity of a person in need of care, or of a carer. The Care Bill currently going through the Westminster Parliament states that the duty of a local authority is to promote individuals’ wellbeing, and ‘wellbeing’ is stated on the face of the Bill as incorporating individuals’ personal dignity. Therefore, our amendment will bring the social services Bill in line with the definition of dignity as set out in the Care Bill.

[26] **David Rees:** Do any other Members wish to speak? If not, I will call on the Deputy Minister.

[27] **Gwenda Thomas:** Thank you, Chair. With your indulgence, I would like to say just a few general remarks about Stage 2. I would like to place on record my thanks to all of the members of this committee for the work that you are embarking upon and for the amendments that have been tabled to the Bill. It is clear that the amendments are seeking to improve the Government’s Bill. They are seeking to make positive changes for children, adults and carers who need access to care and support in Wales. I share the sentiment behind the amendments. We are seeking to improve and strengthen social services for the short, medium and long terms.

[28] With this in mind, I wish to reassure all members of this committee that I have considered very carefully each and every amendment that has been tabled. I will listen closely to each Member’s contributions to our debate, and I will seek to support those amendments that I genuinely believe will make a positive difference. There will be some that I support in principle, but not as currently drafted. For this reason, I have already brought forward amendments to Members’ own amendments, and we will consider these during Stage 2. In other cases, I intend to make clear my commitment to return to the matter at a later stage,

which will usually be by way of Government amendments at Stage 3.

[29] I would also like to place on record my thanks to officials, both of the Welsh Government and of the committee, for their extremely hard work in getting us to where we are today. I am sure that we are all very grateful for that commitment.

[30] However, Chair, I know that you now wish me to return to group 1. I am pleased that our first group at Stage 2 is about the principles and overarching duties that underpin this Bill. We are seeking to put in place a framework that delivers voice and control for people. It is an equitable approach that takes account of the differing considerations for children and adults. As the legal framework for the delivery of our principles, it sets out duties and it embeds the concept of voice and control throughout the Bill. I see voice and control as the golden thread that runs through the Bill, and the anchor for that golden thread is, of course, wellbeing. The meaning of wellbeing for people at section 2 includes securing rights and entitlements and, specifically in relation to an adult, control over day-to-day life. Anyone exercising functions under the Bill, as set out in Part 2, must seek to promote the wellbeing of people who need care and support, and of carers who need support, and must have regard to an individual's views, wishes and feelings. This is the starting point. It provides the legal basis for giving people voice and control, and for ensuring that the citizen and their wellbeing are at the heart of the process from start to finish. It is clear from Members' contributions to this group that they share my commitment to the importance of the principles and duties within the Bill.

[31] Amendment 417, which should be read in conjunction with amendments 418, 419, 420 and 421, gives effect to key principles to which a person exercising functions under the Bill must have regard. It draws heavily on amendments 56 and 56A, the submissions that we have received from stakeholders, and the work of this committee and its advisers. Specifically, it makes clear that the duties in section 4, including new duties provided for by this amendment, apply when a person is exercising functions under the Act in relation to any individual who has needs for care and support, or in the case of a carer who has or may have needs for support.

[32] Statutory principles were originally a recommendation in the Law Commission's consultation—I do not think that Kirsty is quite accurate this morning, but we can look at that again—on its review of adult social care law. However, its thinking has changed and the final report recommended a single unifying and overarching principle that adult social care must promote or contribute to the wellbeing of the individual. The Bill, as drafted, does achieve this.

[33] Having principles listed on the face of the Bill has been something that has attracted considerable discussion during this committee Stage 1 scrutiny, as it did in the Law Commission consultation. In particular, the older people's commissioner, Age Cymru, the public service ombudsman, as we have heard, and the committee's own advisory group have all expressed their views on this issue. As the Law Commission found, it is not, however, an approach that receives universal support. Again, as we have heard, other witnesses, including the WLGA, have raised concerns that the principle could place unnecessary restrictions on local authorities and introduce risks of increased litigation. In giving my evidence, I have been clear that the Bill already contains principles that will govern the transformation of social services in Wales.

09:45

[34] Section 4(1), relating to overarching wellbeing duties, contains the general principle that persons exercising functions under the Act must seek to promote the wellbeing of people who need care and support, including carers. Subsections (2), (3) and (4) are all then statements of principle that apply to a person when exercising functions in relation to an

individual. The Independent Commission on Social Services, which I established, highlighted, in its 2010 report, the importance of voice and control for people who use services. This is why giving people greater voice and control over their day-to-day lives through recognising that individuals are best placed to make decisions about things that affect them, and the promotion of independence, are principles that run right through the Bill. These are not an add-on. As I have said, they are the golden thread and as central to promoting people's wellbeing as they are to delivering sustainable social services. I recognise, however, the strength of feeling that has been expressed about this issue, and so I have proposed an amendment to achieve greater transparency of the principles that we expect everyone exercising functions under the Act to take account of in working with adults of all ages. For me, the principles on which the Bill is based are absolutely core. That is why my amendment 417 seeks to strengthen existing principles and embed additional principles into the overarching duties at section 4.

[35] I do not support the idea of a free-standing list of principles at the front of the Bill, as would be the case if amendment 56 were agreed. The committee will see that my amendment incorporates many of the aspects of the proposals put forward by its legal adviser without diluting the existing overarching principle recommended by the Law Commission. These include matters that Assembly Members and stakeholders have told me are important to them, such as dignity—as we have heard about from William Graham this morning—respect, independence and language, as well as those that the Bill has already provided for regarding the adult being best placed to judge the adult's wellbeing, and the importance of promoting the upbringing of the child by the child's family where that is safe and in the best interests of the child.

[36] The Welsh Language Commissioner has raised several times in her evidence, and directly with me, the absence of any direct reference to the Welsh language in the Bill. There are good reasons for this. There is existing legislation and guidance on the provision of Welsh language services. I have always seen that, in the context of this Bill, language would be encompassed within the meaning of 'wellbeing' in section 2(2)(f), 'securing rights and entitlements'. That said, you will know that I am personally committed, as is the Welsh Government, to promoting and facilitating the use of the Welsh language in all areas of life in Wales. I see the Welsh language as a need, and not a choice. For that reason, I have included in my amendment 417 a principle that a person must have regard to the characteristics, culture and beliefs of the individual, including the language. This element of my amendment would also address, in part, the introduction of the concept of a person's culture, which William Graham is seeking to insert into the Bill, through amendment 111, to the meaning of 'wellbeing' in section 2.

[37] Another new principle that I am seeking to introduce is that of the importance of promoting and respecting the dignity of the individual—we have heard William talk about this this morning. Again, I am bringing this forward in the interests of transparency, rather than because I feel it was an omission in the original drafting of the Bill. Everyone has the right to be treated with dignity and respect. I know that this is something that will be welcomed widely, including by the older people's commissioner, and I am grateful to her for her excellent work in this area.

[38] Amendment 417 also incorporates the changes proposed in amendment 65 tabled by William Graham, which we are due to consider in group 2, inserting the requirement for persons exercising functions under the Act to ascertain, as well as have regard to, the wishes and feelings of individuals. Amendments 418 and 419, which I also tabled, are consequential to amendment 417. Amendment 420 recognises the rights of adults to be independent and will insert a new subsection into section 4, requiring persons exercising functions under the Bill to have regard to the importance of promoting an adult's independence where possible. I know that this clarity will be widely welcomed by a number of our key stakeholders.



[39] Amendment 421 builds on the changes achieved at amendment 417 and the spirit of amendment 65 tabled in the name of William Graham. It goes further, however, than amendment 65 in that it makes explicit the need to both ascertain and have regard to the views, wishes and feelings of the persons with parental responsibility for a child under the age of 16 insofar as they are consistent with promoting the wellbeing of the child and are reasonably practicable.

[40] In conclusion, I would urge Members to accept my argument that the appropriate place for a strengthening of the principles is within the overarching duties at section 4, and, therefore, to support my amendments 417 to 421 and to reject the other amendments in this group.

[41] **David Rees:** I call Kirsty to reply to the debate.

[42] **Kirsty Williams:** Thank you very much, Chair. I thank the Deputy Minister for her comments and acknowledge that the amendments brought forward by the Deputy Minister this morning do, in some way, go to acknowledge the concerns expressed to this committee and by the committee's own consideration. However, the Deputy Minister gave the game away when she described her own amendment 417 as having many of the characteristics of amendment 65. That is it: there are many, but not all, and amendment 417 falls short of the call for statutory principles at the beginning and on the face of the Bill. Any reading of amendment 417 as compared with amendment 65 will show that there is not the strength in that amendment, as there is in amendment 65, where there is explicit reference to independence and autonomy. It does not call for 'regard to'; it calls for services that maximise those principles. Throughout amendment 417, there is a watering down of the commitments that I believe are expressed in amendment 65.

[43] It should be noted that amendment 65 is based on the legal advice that the committee received and was drawn up by the independent expert with whom the committee worked throughout the legislative process. They are, I believe, the strongest expression of statutory principles. I meant amendment 56, sorry.

[44] **Gwenda Thomas:** Could I ask: is the Member referring to amendment 65?

[45] **David Rees:** No, she meant amendment 56.

[46] **Kirsty Williams:** My apologies; I meant amendment 56. They are the strongest expression of the rights and principles on the very face of the legislation, which provides, without any doubt and without the need to search through the legislation for the Deputy Minister's golden threads, local authorities and those in receipt of services with a very clear indication of the expectations that are placed before them. It provides clarity for users and providers.

[47] **David Rees:** As there is an amendment to amendment 56, we will dispose of the amendment to the amendment first. William, would you like to move amendment 56A?

[48] **William Graham:** I move amendment 56A in my name.

[49] **David Rees:** The question is that amendment 56A be agreed to. Does any Member object? We have an objection, therefore, I will take a vote.

*Gwelliant 56A: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 56A: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Whittle, Lindsay  
Williams, Kirsty

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 56A.*

*Amendment 56A not agreed.*

[50] **David Rees:** We will now dispose of amendment 56, which has already been moved. Kirsty, I assume that you would you like to proceed to a vote on amendment 56.

[51] **Kirsty Williams:** Yes, please.

[52] **David Rees:** The question is that amendment 56 be agreed to. Does any Member object? As there is objection, I will therefore take a vote by the show of hands.

*Gwelliant 56: O blaid 5, Ymatal 0, Yn erbyn 5.*

*Amendment 56: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Whittle, Lindsay  
Williams, Kirsty

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 56.*

*Amendment 56 not agreed.*

[53] **David Rees:** In accordance with the marshalled list, we will return to vote on the remaining amendments in this group later in proceedings. We will now move to group 2.

**Grŵp 2: Llesiant (Gwelliannau 111, 71, 72, 64, 65, 66 a 180)**  
**Group 2: Wellbeing (Amendments 111, 71, 72, 64, 65, 66 and 180)**

[54] **David Rees:** We have already had some discussion on group 2. The lead amendment in this group is amendment 111. I call on William Graham to move amendment 111 and to speak to the amendments in this group.

[55] **William Graham:** Thank you, Chair. Shall I move the other amendments in my name at this stage, or later?

[56] **David Rees:** We will do them individually.

[57] **William Graham:** Very good. I therefore move amendment 111 in my name.

[58] This amendment will insert recommendation 4 of the committee's report. The committee debated whether or not to have a definition of 'wellbeing' on the face of the Bill. Although 'wellbeing' features in 72 different Acts of the UK Parliament, and 20 Scottish Parliament Acts, there is no clear definition of 'wellbeing'. The committee came to the conclusion that, rather than define 'wellbeing', it would be more appropriate to have regard to a number of factors in identifying individuals' wellbeing. This is because each individual's wellbeing is different, and the best that the Bill can do is to provide a framework. The intention of this amendment is to insert the proposed new section detailed in the committee report in annex B, option A. The amendment also widens the list of factors to be taken into consideration to include living accommodation and the right to live independently. Community Housing Cymru suggested that the definition of 'wellbeing' should include reference to housing in order to reflect its impact on health, wellbeing and independence. The Health and Social Care Committee noted that we recognised the profound impact that housing can have on wellbeing. The Deputy Minister said, in a written statement:

[59] 'I believe that having a safe home is fundamental to wellbeing.'

[60] However, she does not appear minded to change the definition of wellbeing.

[61] **David Rees:** Do any other Members wish to speak in this debate? If not, I will call on the Deputy Minister.

[62] **Gwenda Thomas:** Thank you, Chair. The amendments in this group are to do with wellbeing, with some seeking to amend the meaning of 'wellbeing', and the others relating to the overarching wellbeing duties. First, I will speak to those amendments seeking to amend the meaning of 'wellbeing', as set out in section 2 of the Bill. This meaning is largely based on the definition used in the Children Act 2004, and has therefore been in use for some time within social services and social care. I recognise that there are other definitions of wellbeing in use, but I have deliberately used the meaning as set out in section 2, because it is well-recognised and supported. The consistency and continuity of this definition provides the fundamental starting point to achieve our goal of a people-centred approach based on wellbeing outcomes. 'Wellbeing' is defined in relation to a list of outcomes for individuals, and these are the key areas where social services can make a difference to people and their lives.

[63] As William Graham has set out to Members, amendment 111 seeks to replace the meaning of 'wellbeing' for the purpose of the Act with a new arrangement. It is directly based on option A of the committee's Stage 1 report, with further elements added. I consider it very important that Members note that this amendment would not define what wellbeing is in relation to outcomes. Rather, this amendment would leave this to the decision maker, and provide the decision maker with a range of matters that they must consider when deciding on the wellbeing of an individual. What I intend to do, in line with the committee's recommendation, is to clarify the definition through the code of practice.

10:00

[64] This will effectively capture the spirit of option B within the committee's report; removing or completely replacing the definition is not an option. As I said earlier, during our discussion of group 1, wellbeing is absolutely fundamental to the Bill. It would also be retrograde, in my view, and cause concern for the children's sector if we were to remove a definition from law that has existed for some time. Amendment 111 also provides the Welsh

Ministers with the power, by Order, to add to the list of matters to which the decision maker must have regard. As currently drafted, the wellbeing outcomes set out in section 2 are intentionally broad, in order to capture all aspects of a person's wellbeing. I do not consider that this will require amendment over time. Of course, for an individual, the actual outcomes to be achieved in terms of that individual's wellbeing could change over time. To replace the definition of wellbeing would be to undermine the continuity and consistency that provide a solid foundation for the achievement of wellbeing outcomes within the people-centred approach that we are developing.

[65] I appreciate the spirit in which amendment 111 has been tabled and, therefore, appreciate that William Graham recognises that the amendment may not enjoy full support. Therefore, with amendments 71 and 72, he is alternatively seeking to amend the existing definition in section 2 slightly. I welcome the intentions behind amendments 71 and 72, to insert 'suitability of living accommodation' to the meaning of wellbeing in relation to all persons and 'independent living' to the meaning of wellbeing as it applies to an adult, and while I consider that the definition in section 2 is sufficiently broad to capture the various areas of wellbeing, I am happy to recommend that Members accept amendment 71 to make specific reference to suitable living accommodation in the Bill. However, I consider that independent living is already encompassed within the definition of wellbeing in section 2. Wellbeing is about control over day-to-day life, which, for many, will include the ability to live independently. As I said at the beginning, the definition of wellbeing in the Bill is not new. The Bill takes this recognised definition of wellbeing from the Children Act 2004 and applies the concept to all people.

[66] I turn now to the other amendments in this group, which seek to make changes to section 4, the section that deals with the overarching wellbeing duties. Under this section,

[67] 'A person exercising functions under this Act must seek to promote the well-being of—

- (a) people who need care and support, and
- (b) carers who need support.'

[68] As William Graham has explained to the committee today, amendment 64 would remove the 'seek to' element of that duty. While appreciating the arguments that he has put forward for this change, I consider that the amendment would impose a duty on persons exercising functions under the Act that is of a different nature to the general duties currently provided for in the Bill. There is a risk that such an amendment could be interpreted as placing a specific duty owed to individuals. This is not the intention in relation to any of the general functions in this part of the Bill, and for this reason, I ask Members not to support this amendment. I have recognised that the general overarching wellbeing duties need strengthening and I have sought to do this in the amendments already considered in group 1.

[69] Turning to amendment 65, I need to ask Members to remind themselves of amendments 418 and 417 in the previous group. If amendment 418 is agreed, amendment 65 will fall, as the text that it seeks to amend will have been removed. However, the intention behind it is captured within amendment 417, which contains a duty to ascertain an individual's 'views, wishes and feelings' before having regard to them; therefore, amendment 65 would no longer be required.

[70] Turning now to amendment 66, William Graham has explained that the purpose is to require that any person performing functions under the Act begins from the presumption that an adult is best-placed to judge their wellbeing, rather than an assumption that this is the case. I believe that this is right and entirely in keeping with the ethos of the Bill. The difference

between presumption and assumption is important, and I am very happy to support this amendment and ask committee members to vote in its favour.

[71] The last amendment in this group, amendment 180, seeks to provide Welsh Ministers with a discretionary power to issue guidance to a person exercising functions under this Act about any action to promote wellbeing. Section 121 already provides Welsh Ministers with the power to issue codes on the exercise of social services functions. However, this power does not extend to those functions in the Bill that are not social services functions. Amendment 180 would extend the power to give guidance to a person exercising functions under this Act. This amendment will therefore place a duty on a wider range of persons, including health bodies and relevant partners. There are provisions in the Bill that require health bodies and relevant partners to have regard to guidance about safeguarding co-operation and partnership arrangements. I do not believe there to be areas beyond this in which it would be necessary to place a duty on persons not exercising social services functions. As such, I encourage Members to oppose this amendment. If I may briefly summarise, Chair, the Government supports amendments 71 and 66 in this group, but not the other amendments, for the reasons that I have set out.

[72] **David Rees:** Just for clarity, I think that William spoke to amendment 111 and not to the other ones.

[73] **William Graham:** Should I do that?

[74] **David Rees:** In your response, if you wish to speak to the other ones, by all means feel free. If any Member wishes to intervene, let us know.

[75] **William Graham:** Just to recap, Chair, if I may, I am very grateful, as I am sure that other spokesmen are, for the way in which the Deputy Minister has engaged with spokespeople in the discussion of these various amendments. I am grateful to her for agreeing some that she feels are correct, but I will still move the others for the committee.

[76] **David Rees:** Before we move to a vote on amendment 111, Members may wish to be aware that if amendment 111 is agreed, then amendments 71 and 72 will fall. You may also wish to be aware that, if amendment 111 is not agreed, then amendment 82 in group 73, which will be some way down the line, will also fall.

[77] The question is that amendment 111 be agreed to. Does any Member object? There is objection, so we will move to a vote by show of hands.

*Gwelliant 111: O blaid 4, Ymatal 0, Yn erbyn 6.*

*Amendment 111: For 4, Abstain 0, Against 6.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Whittle, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David  
Williams, Kirsty

*Gwrthodwyd gwelliant 111.  
Amendment 111 not agreed.*

[78] **David Rees:** We now move on—

[79] **Lindsay Whittle:** Sorry, Chair—could I ask about amendments 71 and 66, which the Deputy Minister said she agreed to? Do they now fall?

[80] **David Rees:** No. If amendment 111 was agreed to, amendments 71 and 72 would fall.

[81] **Lindsay Whittle:** I misheard you. Sorry.

[82] **David Rees:** William, do you wish to move amendment 71?

[83] **William Graham:** I move amendment 71 in my name.

[84] **David Rees:** The question is that amendment 71 be agreed to. Does any Member object? There is no objection, and therefore amendment 71 is agreed.

*Derbyniwyd gwelliant 71 yn unol â Rheol Sefydlog 17.34.  
Amendment 71 agreed in accordance with Standing Order 17.34.*

[85] **David Rees:** William, do you wish to move amendment 72?

[86] **William Graham:** I move amendment 72 in my name.

[87] **David Rees:** The question is that amendment 72 be agreed to. Does any Member object? There is objection, so we will have a vote by show of hands.

*Gwelliant 72: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 72: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Whittle, Lindsay  
Williams, Kirsty

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).  
As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 72.  
Amendment 72 not agreed.*

[88] **David Rees:** William, do you wish to move amendment 64?

[89] **William Graham:** I move amendment 64 in my name.

[90] **David Rees:** The question is that amendment 64 be agreed to. Does any Member object? There is objection, so we will have a vote by show of hands.

*Gwelliant 64: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 64: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Whittle, Lindsay  
Williams, Kirsty

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 64.*

*Amendment 64 not agreed.*

[91] **David Rees:** Before we move to the next item on the marshalled list, I remind Members that if amendment 417 is not agreed, amendments 418, 419, 420 and 421 will fall.

*Cynigiwyd gwelliant 417.*

*Amendment 417 moved.*

[92] **David Rees:** The question is that amendment 417 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 417 is agreed.

*Derbyniwyd gwelliant 417 yn unol â Rheol Sefydlog 17.34.*

*Amendment 417 agreed in accordance with Standing Order 17.34.*

[93] **David Rees:** Before we move to the vote on amendment 418, you should be aware that if amendment 418 is agreed, amendment 65 will fall.

*Cynigiwyd gwelliant 418.*

*Amendment 418 moved.*

[94] **David Rees:** The question is that amendment 418 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 418 is agreed.

*Derbyniwyd gwelliant 418 yn unol â Rheol Sefydlog 17.34.*

*Amendment 418 agreed in accordance with Standing Order 17.34.*

*Methodd gwelliant 65.*

*Amendment 65 fell.*

*Cynigiwyd gwelliant 419.*

*Amendment 419 moved.*

[95] **David Rees:** The question is that amendment 419 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 419 is agreed.

*Derbyniwyd gwelliant 419 yn unol â Rheol Sefydlog 17.34.*

*Amendment 419 agreed in accordance with Standing Order 17.34.*

[96] **David Rees:** William, would you like to move amendment 66?

[97] **William Graham:** I move amendment 66 in my name.

[98] **David Rees:** The question is that amendment 66 be agreed to. Does any Member object? There are no objections, therefore amendment 66 is agreed.

*Derbyniwyd gwelliant 66 yn unol â Rheol Sefydlog 17.34.*

*Amendment 66 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 420.*

*Amendment 420 moved.*

[99] **David Rees:** The question is that amendment 420 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 420 is agreed.

*Derbyniwyd gwelliant 420 yn unol â Rheol Sefydlog 17.34.*

*Amendment 420 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 421.*

*Amendment 421 moved.*

[100] **David Rees:** The question is that amendment 421 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 421 is agreed.

*Derbyniwyd gwelliant 421 yn unol â Rheol Sefydlog 17.34.*

*Amendment 421 agreed in accordance with Standing Order 17.34.*

[101] **David Rees:** I would just note for our Members that group 1 has now ended, and we still have one amendment in group 2 to dispose of. We now move on to the third group to be considered.

### **Grŵp 3: Dehongli Gofal a Chymorth (Gwelliant 57)** **Group 3: Interpretation of Care and Support (Amendment 57)**

[102] **David Rees:** The lead amendment, the only one in this group, is amendment 57, and I call on Kirsty Williams to move the amendment and speak to it.

[103] **Kirsty Williams:** I move amendment 57 in my name supported by William Graham.

[104] As currently drafted, section 4 states that a person exercising functions under this Act must seek to promote the wellbeing of people who need care and support. The issue is that care and support are two different concepts, and there are concerns that those interpreting their duties under the Act will only seek to support those who have both a care and a support need, rather than looking to provide assistance to those who perhaps only have a care need or only have a support need. The amendment would therefore ensure that service users could receive either care or support appropriate to their needs.

[105] My fear is that, without the amendment, local authorities may only provide for service users who need both care and support. There will be, in practicality, occasions when somebody does not actually need physical care but could maintain their independence, which is the focus of this Bill, by simply having appropriate levels of support and intervention at that stage. My concern is that we will drive a demand and services would not be put in place for



an individual until they had both a care and a support need, thereby defeating the whole object of this Bill, which is to intervene at the earliest possible stages to help people to maintain their independence. That is the rationale behind trying to ensure that those exercising functions under the Act could intervene in a case where there is a care need, a support need or both.

[106] **David Rees:** Do any other Members wish to speak to this amendment?

[107] **Lynne Neagle:** Just to briefly say that I think that it is a very helpful amendment. It is useful to clarify that, so that we do not have local authorities in the position of excluding people. So, I welcome this amendment.

[108] **David Rees:** Any other Members? No? I therefore call on the Deputy Minister.

[109] **Gwenda Thomas:** Thank you, Chair. As was evident during Stage 1, the views held by Members—and members of the committee and stakeholders have talked to me about this—are that care and support are distinct elements. I agree with this view. That is why the Bill has drafted separates both elements in relation to carers. Although it was not my policy intention, I appreciate that, as currently drafted, the Bill could give rise to concern that local authorities may provide services only if people have needs for both care and support.

10:15

[110] This amendment, tabled by Kirsty Williams, makes it clear that local authorities must meet the needs of those people with needs for care, those people with needs for support, and those people with needs for both care and support. This is in line with a model of service provision that is based on the individual's view of what will best help them to achieve their own wellbeing. I am grateful to Kirsty Williams for tabling this amendment, and I trust that Members will support it.

[111] **David Rees:** Kirsty, would you like to reply to the debate?

[112] **Kirsty Williams:** I would just like to thank the Deputy Minister for her acknowledgement and acceptance of this amendment, which I believe will allow no room for manoeuvre for local authorities that might seek to provide support only for people with care and support needs if the Bill was to go forward as it is currently drafted.

[113] **David Rees:** Do you wish to proceed to a vote on amendment 57?

[114] **Kirsty Williams:** I do.

[115] **David Rees:** The question is that amendment 57 be agreed to. Does any Member object? There are no objections. Therefore, amendment 57 is agreed.

*Derbyniwyd gwelliant 57 yn unol â Rheol Sefydlog 17.34.  
Amendment 57 agreed in accordance with Standing Order 17.34.*

[116] **David Rees:** We now move back to the marshalled list to dispose of amendment 180. William, would you like to move amendment 180 in your name?

[117] **William Graham:** I move amendment 180 in my name.

[118] **David Rees:** The question is that amendment 180 be agreed to. Does any Member object? There is objection. Therefore, we will move to a vote by show of hands.

*Gwelliant 180: O blaid 5, Ymatal 0, Yn erbyn 5.*

*Amendment 180: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Whittle, Lindsay  
Williams, Kirsty

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 180.*

*Amendment 180 not agreed.*

**Grŵp 4: Gwelliannau Technegol (Rhannau 1 i 3 o'r Bil) (Gwelliannau 422, 423, 4, 8, 9 ac 16)**

**Group 4: Technical Amendments (Parts 1 to 3 of the Bill) (Amendments 422, 423, 4, 8, 9 and 16)**

[119] **David Rees:** The lead amendment in this group is amendment 422. I move amendment 422 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to the amendments in this group.

[120] **Gwenda Thomas:** Amendments 422 and 423 make corrections to the Welsh text of the Bill. Amendment 4 is an amendment to the English text only. Its purpose is to achieve consistency of drafting throughout the Bill. Similarly, amendments 8, 9 and 16 seek to achieve clarity and consistency of drafting in both the English and the Welsh text. I ask Members to support these amendments.

[121] **David Rees:** Does any other Member wish to speak on this group? I see not. Therefore, Deputy Minister, do you wish to reply, although there has been no debate?

[122] **Gwenda Thomas:** No, there is nothing more to say. They are technical amendments.

[123] **David Rees:** Deputy Minister, do you wish to proceed to a vote on amendment 422?

[124] **Gwenda Thomas:** Yes.

[125] **David Rees:** The question is that amendment 422 be agreed to. Does any Member object? There are no objections. Therefore, amendment 422 is agreed.

*Derbyniwyd gwelliant 422 yn unol â Rheol Sefydlog 17.34.*

*Amendment 422 agreed in accordance with Standing Order 17.34.*

[126] **David Rees:** In accordance with the marshalled list, we will return to vote on the remaining amendments in this group later in the proceedings.

**Grŵp 5: Darparu Gwasanaethau i Ddiwallu Anghenion (Gwelliannau 67 a 100)**  
**Group 5: Provision of Services to Meet Needs (Amendments 67 and 100)**

[127] **David Rees:** The lead amendment in this group is amendment 67. I call on William

Graham to move amendment 67 and to speak to the amendments in this group.

[128] **William Graham:** I move amendment 67 in my name.

[129] This amendment will ensure that regulations under subsection (1), which concerns the assessment of needs of care and support, will provide for the way in which services should be designed and delivered to promote and enable independent living. Clearly, for all, independent living is an important factor that many witnesses felt strongly should be incorporated in the Bill. The Deputy Minister herself has said in relation to the inclusion of independent living:

[130] ‘I would say that it is a service model and what we are developing is the legal framework...the Bill provides for independence and I believe that that will cover people’s rights to independent living and their rights to independence.’

[131] However, we feel that the ability to make regulations concerning the way in which services should be designed and delivered to promote and enable independent living should be explicit on the face of the Bill.

[132] **David Rees:** Kirsty, do you wish to speak?

[133] **Kirsty Williams:** I would like to take this opportunity to welcome the amendment put forward by William Graham. I will support it. Would you like me to speak to amendment 100 now?

[134] **David Rees:** Yes.

[135] **Kirsty Williams:** I will speak to my amendment in this group, amendment 100. This amendment seeks to ensure that regulations that are made should this Bill pass would ensure that, in commissioning services, visits to deliver personal care in an adult’s home should not normally be commissioned to last less than 30 minutes, excluding travel time.

[136] Members will be aware of the much vexed question of 15-minute care slots, and the number of local authorities across the UK, not simply in the Welsh context, that rely on 15-minute care slots to deliver personal care. Figures for earlier this year show that more than 80% of local authorities in Wales are currently commissioning 15-minute care visits. That means that care workers are asked to provide person-centred personal care to an individual in a time frame that does not allow for them to be supported with dignity, which we have previously discussed in this committee, or with any meaningful personal contact. I do not believe that such short visits are suitable for personal care, except in limited circumstances.

[137] I understand that if a visit is simply to ensure that medication has been taken, maybe 15 minutes is an appropriate timescale for that particular task, and this amendment is drafted in a way that would continue to allow local authorities to commission such short visits. However, the normality would be that visits would not last more than 30 minutes, thus giving care workers the opportunity to carry out tasks that have due regard to the feelings, dignity and wellbeing of the clients whom they are serving, and allowing them to do a job that they want to do to a good and high standard.

[138] **David Rees:** Elin, do you wish to speak?

[139] **Elin Jones:** Yes. I would like to speak in support of Kirsty Williams’s amendment 100, and to note that we have already spoken much this morning—and that we speak a lot in this committee—about the dignity of care. In order to provide dignity of care, that care needs to be provided in a way that shows dignity to those people receiving care. The scandal of 15-

minute slots, when they are not appropriate to show that care, is something that this legislation should seek to tackle. It is right that, on the face of the Bill, there is the ability to make regulations so that care is not normally commissioned for less than 30 minutes. Added to that is the exclusion of travel time for that purpose, because one issue that certainly affects rural constituencies is the issue of travel time in conjunction with the ability to spend time caring for individuals when they get to the place of care. I certainly think that it is timely that we are seeking to introduce this amendment to the legislation, so I will be supporting it.

[140] **David Rees:** Lynne, do you wish to speak?

[141] **Lynne Neagle:** Yes. I would just like to say that I have considerable sympathy with Kirsty's amendment. I do not think that anybody wants to see a situation where people being looked after are rushed and denied the dignity that an appropriate amount of time spent in their home affords them. I am not entirely convinced that this needs to be specified in the way that Kirsty is suggesting, but I hope that the Deputy Minister will be able to offer some assurances as to how the policy aim aspired to in Kirsty's amendment will be delivered.

[142] **David Rees:** Do any other Members wish to speak to these amendments? I see not. I call on the Deputy Minister to speak.

[143] **Gwenda Thomas:** I have listened carefully to the arguments of William Graham and Kirsty Williams for amending section 5, and I have taken into account what Elin Jones and Lynne Neagle have said this morning. Section 5 of this Bill requires local authorities and LHBs to work together to assess the extent of need for care and support in the local authority's area, and to assess the services required to meet those needs. Their assessments must also consider the range of services needed to prevent, delay or reduce the need for care and support; that is, preventative services. The assessment of need and service provision will be undertaken in accordance with regulations to be made by the Welsh Ministers.

[144] As has been said by William Graham, amendment 67 seeks to add a requirement that these regulations must provide for how preventative services should promote and enable independent living. However, I do not consider that this amendment would achieve the purpose intended, as it focuses on only one provision in the Bill from a number that deal with independent living.

[145] This Bill, and the wider Welsh Government agenda to improve the provision of unscheduled care, places a priority on the individual being enabled to live independently in the community. Our current actions are proving effective in expanding reablement services, which are becoming more widely available across Wales. Evidence consistently shows that the most successful way to achieve and improve the wellbeing of individuals will invariably include the promotion of independent living. Amendment 67 to the provision about the assessment of needs across the whole community will not achieve that intended purpose.

[146] I will turn to the second amendment in this group—amendment 100. Of course, I recognise and agree with what has been said this morning about the importance of this issue. Members will be aware of the Leonard Cheshire Disability report, 'Ending 15-Minute Care', which has shown that the number of 15-minute care visits has increased significantly in local authorities—as Kirsty Williams says—across Britain. Care workers and service users are themselves concerned about this. The aim of personal care and support under this Bill is to achieve improved wellbeing outcomes for each individual, according to their specific needs. For some specific tasks, a visit of less than 30 minutes—as Kirsty Williams has said this morning—may be entirely appropriate to meet their agreed needs, for example to ensure that they have taken medication or eaten a meal. What is important is the quality of care provided, not simply the amount of time. I expect commissioning and contracting practice to be focused on the quality of care provision, and that this is managed and monitored appropriately. I think

that including a blanket requirement of a minimum period of time in the Bill risks focusing on time rather than quality. That is not to say, however, that such matters should not be addressed, but I consider this to be more appropriate for the service standards that are developed as part of the commissioning and monitoring arrangements. For this reason, I have asked my officials to consider this amendment in the context of the work that they are undertaking in the forthcoming regulation and inspection legislation, which the Government will bring forward before the end of this Assembly.

[147] Therefore, I ask Members to reject both of these proposed amendments to section 5 for the reasons that I have set out. I will then come back after my talks with officials with regard to the regulation and inspection bill.

[148] **David Rees:** Kirsty, did you want an intervention on this?

[149] **Kirsty Williams:** Yes. I would just like to clarify that the amendment as it is drafted does not—as the Minister suggests—provide for a blanket ruling out of 15-minute care slots. The amendment specifically says ‘not normally’, thus allowing for the commissioning of 15-minute care slots if that is the appropriate level of service that is required. I think that it is important to note that. I would just like to say that what people will be asked to do is to choose between providing a meal for somebody or dealing with their personal care needs—such as toileting or washing or bathing. What a 15-minute care slot does is drive down the morale of the workforce and lead to a lack of professionalisation of this workforce. It leads to a potential loss of dignity for those people in receipt of a service. It leads to potentially unsafe services for those who are in receipt of them. It also diminishes the independence of an individual, who may, if they had a 30-minute slot, be able to assist with the preparation of a meal, or with their own personal care or their own dressing. We all know that it is easier to do something to someone or for someone, rather than to allow them to participate in that activity, which takes extra time. I am not surprised that Lynne Neagle has sympathy for this amendment because it is practically, word for word, the amendment put down by Labour members of the committee in Westminster, as the Care Bill has gone through Westminster, to try to ensure that 15-minute care slots are not the norm in future across England. So, I am not surprised that Labour Members have sympathy with—

[150] **David Rees:** I remind the Member that this is an intervention, not another speech.

[151] **Kirsty Williams:** Okay. Thank you.

[152] **David Rees:** William, may I ask you to reply to the debate?

10:30

[153] **William Graham:** Thank you, Chair. I would like to acknowledge what the Deputy Minister has said; I am sorry that she cannot agree this one because it really is important. In terms of amendment 100, once again, we have great sympathy with the way in which it has been framed, particularly the remarks about excluding travel time, but we do not feel that it is really practical to put in legislation the length of time that a carer could spend in an adult’s home, and we are very grateful to the Minister for suggesting that it should be a better undertaking by looking at service standards. Members will recall perhaps that, very often, of the people who receive this, not everybody wants half an hour and if it is expounded in time, that can be problematic in terms of the delivery of service.

[154] **David Rees:** Thank you. I remind Members that these are debates and, therefore, these are interventions, not second chances for speeches, other than the replier to the debate.

[155] William, do you wish to proceed to a vote on amendment 67?

[156] **William Graham:** Yes please.

[157] **David Rees:** The question is that amendment 67 be agreed to. Does any Member object? There are objections and therefore we will move to a vote.

*Gwelliant 67: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 67: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Whittle, Lindsay  
Williams, Kirsty

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 67.  
Amendment 67 not agreed.*

[158] **David Rees:** Kirsty, would you like to move amendment 100 in your name?

[159] **Kirsty Williams:** I move amendment 100 in my name.

[160] **David Rees:** The question is that amendment 100 be agreed to. Does any Member object? There are objections, therefore we will move to a vote.

*Gwelliant 100: O blaid 3, Ymatal 0, Yn erbyn 7.  
Amendment 100: For 3, Abstain 0, Against 7.*

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

Jones, Elin  
Whittle, Lindsay  
Williams, Kirsty

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

Andrews, Leighton  
Evans, Rebecca  
Graham, William  
Millar, Darren  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gwrthodwyd gwelliant 100.  
Amendment 100 not agreed.*

**Grŵp 6: Gwasanaethau ataliol (Gwelliannau 472, 84A, 84, 473, 68, 85 ac 86)  
Group 6: Preventative services (Amendments 472, 84A, 84, 473, 68, 85 and 86)**

[161] **David Rees:** We move on now to group 6 on preventative services. The lead amendment in this group is amendment 472 and I call on Elin Jones to move amendment 472 and to speak to the amendments in this group.

[162] **Elin Jones:** Cynigiau welliant 472 yn **Elin Jones:** I move amendment 472 in my

fy enw i.

[163] Yr wyf wedi symud y gwelliant yn fy enw i a byddaf yn siarad i'r gwelliant hwnnw, 472, a gwelliant 473. Os caf ddweud, wrth gyflwyno'r rhain, mae nifer o'r gwelliannau yn fy enw i rydw i'n eu cyflwyno i'r Bil hwn yn welliannau sydd yn ceisio hyrwyddo'r integreiddiad o wasanaethau cymdeithasol gyda gwasanaethau iechyd; mae hwnnw'n faes polisi sydd yn gyffredin i nifer ohonom fel aelodau o'r pwyllgor hwn, ac yn rhywbeth y mae'r Dirpwry Weinidog ei hun yn ceisio'i hyrwyddo o fewn y Llywodraeth. I atgoffa Aelodau, mae'r adran hwn, adran 6, yn rhoi rheidrydd ar awdurdodau lleol i gyflwyno gwasanaethau ataliol, ac felly mae'r gwelliant yn fy enw i yn edrych i hefyd osod y cyfrifoldeb ar fyrddau iechyd lleol i weithio gydag awdurdodau lleol i gyflwyno gwasanaethau ataliol.

[164] Rydym yn gwybod, wrth gwrs, fel pwyllgor bod gwasanaethau ataliol yn dod yn fwyfwy pwysig yn y sector iechyd a'r sector gwasanaethau cymdeithasol, ac felly dyna'r pwynt yr wyf yn ceisio'i hyrwyddo yn y gwelliant hwn, sef sicrhau bod cyfrifoldeb ar fyrddau iechyd, yn ogystal â'r cyfrifoldeb sydd eisoes yn y Bil ar awdurdodau lleol, i gyflwyno gwasanaethau ataliol. Fe wnaeth adroddiad y pwyllgor ar Gyfnod 1, yn argymhelliad 7, gydnabod bod tystiolaeth yr oeddem fel pwyllgor wedi'i derbyn yn cydnabod bod y gofyniad ar awdurdodau iechyd, neu fyrddau iechyd yn y cyd-destun hwn, yn llawer gwannach o ran gwasanaethau ataliol yn y Bil hwn, fel y mae wedi'i ddrafftio ar hyn o bryd, nag yw e ar awdurdodau lleol. Felly, Gadeirydd, rwy'n symud y gwelliant yn fy enw i.

[165] **David Rees:** William, do you wish to speak in this?

[166] **William Graham:** Just to move in terms of—

[167] **David Rees:** Okay, I will come back to you. Lindsay is next.

[168] **Lindsay Whittle:** I just want to back up my colleague, Elin Jones, in supporting this amendment, quite naturally. The local health boards do have a duty to get heavily involved in preventative work. They employ chiropractors, physiotherapists and occupational therapists who, all too often, go to people's homes after a disabling event, when really, they should be going there before the disabling event—before the fall—to ensure that people are not being taken into hospital and to ensure that, perhaps, some of our more elderly and infirm do not

name.

I have moved the amendment in my own name and will speak to that amendment, 472, and amendment 473. If I may say, in introducing these amendments, many of the amendments to this Bill that I have tabled in my name are amendments that seek to promote the integration of health and social services; that is a policy area that I believe is common to many of us as members of this committee, and is something that the Deputy Minister herself is trying to promote within Government. I will just remind Members that this section, section 6, places a requirement on local authorities to introduce preventative services, and therefore the amendment in my name seeks to also place a duty on local health boards to work with local authorities to introduce these preventative services.

We know, of course, as a committee that preventative services are becoming more and more important in the health sector as well as the social services sector, and that is the point that I am endeavouring to promote in this amendment, which is to ensure that there is a responsibility on health boards, as well as the responsibility on local authorities that already exists within the Bill, to provide preventative services. The committee report on Stage 1, in its recommendation 7, did recognise that the evidence that we received as a committee did identify that the requirement on health authorities, or health boards in this context, was far weaker in terms of preventative services, in the Bill as it is currently drafted, than it is on local authorities. So, Chair, I move the amendment in my name.

have a fall and that they get the proper care that they need. It is penny wise, pound foolish if they do not. I think that this is an essential part of this Bill.

[169] **David Rees:** Thank you. Do any other Members wish to speak? I see that you do not. I call on the Deputy Minister.

[170] **Gwenda Thomas:** Thank you, Chair. I recognise that preventative services have been one of the key issues during Stage 1 for a range of stakeholders and members of this committee alike. While legislation has been in place for some years that has underpinned the provision of preventative services for children, this is a new development for adults. Thus, it is one of those areas that most visibly represent the shift away from the established way of doing things. The committee made three recommendations in this area, and I have accepted all of them. I will be making a written statement later this month about my vision and proposals for preventative service.

[171] Amendment 84, tabled by William Graham, seeks to add to the responsibilities on local authorities to develop preventative services. The intent is to strengthen regard for adult independence in respect of individuals living in the community. The amendment responds to this committee's recommendation that principles placed on the face of the Bill would:

[172] 'assist practitioners and service users in understanding the ethos of the Bill'.

[173] I wholly support the principle of amendment 84, tabled by William Graham. However, I am advised that I should not support the amendment as drafted, on the basis that 'reable' does not have a recognised meaning in law. I have, therefore, tabled amendment 84A as an amendment to William Graham's amendment. My amendment is a technical amendment to achieve clarity of drafting. As I have just set out, I wholly support the intent behind amendment 84, and ask Members to support this amendment as amended.

[174] In turning to the other amendments in this group, I remind Members that the primary focus of this Bill is to provide a revised and coherent legal framework for social services. The provisions in section 6 are concerned with a local authority's leadership of the provision of preventative services for people within its community. In carrying out its functions, my expectation is that a local authority will work in partnership with the local health board. We have secured this through a range of provisions throughout the Bill, including at section 6(5), namely the requirement for local health boards to assess jointly the needs of their communities, and the integration, co-operation and partnership duties at sections 143 to 150 of the Bill.

[175] Amendments 472 and 473, tabled by Elin Jones, go further than the intention of the Bill in placing a new duty on local health boards to provide, or arrange the provision of, preventative services. This is unnecessary and potentially confusing. There are significant powers and duties already available in extant legislation governing the health sector. In particular, local health boards have general duties, under section 3 of the National Health Service (Wales) Act 2006, to provide services or facilities for the prevention of illness as they consider appropriate as part of the health service. I remain of the view, which I expressed to the committee during Stage 1 scrutiny, that the Bill already makes sufficient provision to ensure the contribution of local health boards in delivering preventative services for people. I would, therefore, urge Members not to support amendments 472 and 473.

[176] Amendment 68, tabled by William Graham, seeks to remove the duty on a local authority to consider issues of proportionality in deciding funding for preventative services. Provisions in sections 6(6)(c) and 6(7) of the Bill recognise the general principle that local authorities must act reasonably in the exercise of their functions. The provisions make it clear that a local authority must test the appropriateness and reasonableness of the expenditure



likely to be incurred when considering the range and level of preventative services to be provided to its population. Section 6(7) also prevents decisions from being made solely on the basis of cost in providing the cheapest service. I would ask Members not to support amendment 68 on the grounds that provisions in section 6(6) and 6(7) actively encourage accountability in local authorities in designing service provision for making best use of their resources.

[177] Amendments 85 and 86, also tabled by William Graham, cover provisions that already exist elsewhere within the Bill. Amendment 85 duplicates a requirement that is set out as an express duty on local authorities in section 8 of the Bill, while amendment 86 is unnecessary as subsections (4) and (5) of section 6 already contain an express duty on local authorities and local health boards to achieve the purpose in subsection (2). For these reasons, although I support much of what has been said in these amendments, and for the sake of ensuring the clarity of the law, I do not support amendments 85 and 86. Therefore, in conclusion, I ask Members to support amendment 84A, tabled in my name, and also to support William Graham's amendment 84, as amended. I ask Members to reject the other amendments in this group.

[178] **David Rees:** I notice that you have not spoken on your amendments, William. There might be some confusion. Therefore, I am going to give you an opportunity before I ask Elin to come back, if you wish to speak.

[179] **William Graham:** Thank you very much, Chair. I ask the committee if I might withdraw amendment 84. Amendment 84A is a later provision. In terms of the other amendments in my name—68, 85 and 86—I understand what the Deputy Minister has said, but I believe that these give strength to the Bill.

[180] **David Rees:** I wish to confirm something: if you withdraw amendment 84, amendment 84A is also withdrawn.

[181] **William Graham:** In that case, I had better not. [*Laughter.*] Thank you for the technical advice.

[182] **David Rees:** Okay. Elin, I now ask you to reply to the debate.

[183] **Elin Jones:** Hoffwn ddiolch i'r Dirprwy Weinidog am ei hymateb. Fodd bynnag, rwyf yn teimlo braidd fod y ddeddfwriaeth hon fel pe bai'n rhedeg ychydig yn arafach na'r polisi cyhoeddus ar integreiddio gwasanaethau iechyd a chymdeithasol. Dywedodd y Dirprwy Weinidog bod gan yr NHS bwerau eisoes i ymgymryd â gwasanaethau ataliol. Wel, mae'r un peth yn wir, wrth gwrs, am awdurdodau lleol, sydd â phwerau i ymgymryd—ac sydd eisoes yn ymgymryd—â rhai gwasanaethau ataliol. Felly, fy mwriad i wrth gyflwyno'r gwelliant hwn oedd peidio â gosod mewn deddfwriaeth sy'n cael ei phasio yn awr y gwahaniaeth hwnnw yng nghyfrifoldebau bwrdd iechyd ac awdurdod lleol, ac i roi'r ddau gorff ar yr un sail, a rhoi'r un cyfrifoldeb iddynt o ran cydweithio ar gyflwyno gwasanaethau ataliol. Felly, **Elin Jones:** I would like to thank the Deputy Minister for her response. However, I feel that this legislation seems as though it is running a little more slowly than public policy on the integration of health and social services. The Deputy Minister said that the NHS already has powers to undertake preventative services. Well, the same is true of local authorities, of course, which have powers to undertake—and already do undertake—some preventative services. Therefore, my intention in tabling this amendment was to not set in legislation that is being passed now that distinction in the responsibilities of a health board and a local authority, and to put both bodies on the same basis, and to give them the same responsibility to collaborate on the introduction of preventative services. Therefore, I still wish to move amendments

byddaf yn parhau i symud gwelliannau 472 a 472 and 473.  
473.

[184] **David Rees:** Okay, thank you. In that case, before we move on to a vote on amendment 472, Members may wish to be aware that if amendment 472 is not agreed, amendment 473 will fall. The question is that amendment 472 be agreed to. Does any Member object? There is objection. In that case, we move to a vote by show of hands.

*Gwelliant 472: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 472: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Whittle, Lindsay  
Williams, Kirsty

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 472.  
Amendment 472 not agreed.*

[185] **David Rees:** We will now dispose of amendments 84A and 84. We will deal with the amendment to the amendment first.

*Cynigiwyd gwelliant 84A.  
Amendment 84A moved.*

[186] **David Rees:** The question is that amendment 84A be agreed to. Does any Member object? There is no objection, therefore amendment 84A is agreed.

*Derbyniwyd gwelliant 84A yn unol â Rheol Sefydlog 17.34.  
Amendment 84A agreed in accordance with Standing Order 17.34.*

[187] **David Rees:** William, could you confirm that you would like to move amendment 84?

[188] **William Graham:** I move amendment 84 in my name supported by Lindsay Whittle.

[189] **David Rees:** The question is that amendment 84 as amended be agreed to. Does any Member object? There is no objection, therefore amendment 84, as amended, is agreed.

*Derbyniwyd gwelliant 84 fel y'i diwygiwyd yn unol â Rheol Sefydlog 17.34.  
Amendment 84 as amended agreed in accordance with Standing Order 17.34.*

10:45

*Cynigiwyd gwelliant 423.  
Amendment 423 moved.*

[190] **David Rees:** The question is that amendment 423 be agreed to. Does any Member object? I see that there are no objections. Therefore, amendment 423 is agreed.

*Derbyniwyd gwelliant 423 yn unol â Rheol Sefydlog 17.34.  
Amendment 423 agreed in accordance with Standing Order 17.34.*

[191] **David Rees:** As amendment 472 is not agreed, amendment 473 falls.

*Methodd gwelliant 473.  
Amendment 473 fell.*

[192] **David Rees:** Therefore, we move on to amendment 68. William, would you like to move amendment 68?

[193] **William Graham:** I move amendment 68 in my name.

[194] **David Rees:** The question is that amendment 68 be agreed to. Does any Member object? I see that there are objections. Therefore, I call for a vote.

*Gwelliant 68: O blaid 5, Ymatal 0, Yn erbyn 5.*

*Amendment 68: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Williams, Kirsty  
Whittle, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 68.  
Amendment 68 not agreed.*

[195] **David Rees:** William, would you like to move amendment 85?

[196] **William Graham:** I move amendment 85 in my name.

[197] **David Rees:** The question is that amendment 85 be agreed to. Does any Member object? I see that there are objections. Therefore, I call for a vote.

*Gwelliant 85: O blaid 5, Ymatal 0, Yn erbyn 5.*

*Amendment 85: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Williams, Kirsty  
Whittle, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 85.  
Amendment 85 not agreed.*

[198] **David Rees:** William, would you like to move amendment 86?

[199] **William Graham:** I move amendment 86 in my name.

[200] **David Rees:** The question is that amendment 86 be agreed to. Does any Member object? I see that there are objections. Therefore, I call for a vote.

*Gwelliant 86: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 86: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Williams, Kirsty  
Whittle, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 86.  
Amendment 86 not agreed.*

[201] **David Rees:** Before we move on to group 7, I think that now is an appropriate time to take a break.

*Gohiriwyd y cyfarfod rhwng 10:47 a 10:58.  
The meeting adjourned between 10:47 and 10:58.*

### **Grŵp 7: Hyrwyddo modelau cyflenwi gwasanaethau (Gwelliannau 252, 289, 88) Group 7: Promotion of service delivery models (Amendments 252, 289, 88)**

[202] **David Rees:** Welcome back to this morning's session. Let us move on now to group 7, the promotion of service delivery models and the lead amendment in this group is amendment 252. I call on William Graham to move amendment 252 and speak to that and other amendments in this group.

[203] **William Graham:** I move amendment 252 in my name, and I will speak to amendment 88.

[204] With regard to amendment 252, the aim of the Bill is to promote the empowerment of service users by giving them a stronger voice and control. During the committee's discussions, a representative from Hywel Dda Local Health Board stated that,

[205] 'Personal autonomy is the capacity to manage your own life and to make your own

choices within that.’

[206] The impression given in the Bill is that social care still has a slightly patriarchal function rather than allowing people to self-manage. This amendment will ensure that individuals have a variety of services to choose from and that they are able to make an informed choice regarding the services that they receive. Amendment 88 will mean that regulations may provide for the type and quality of services that may be provided by social enterprises, co-operatives, user-led services and the third sector.

11:00

[207] **David Rees:** Does any other Member wish to speak? I see that no-one does, therefore I call on the Deputy Minister.

[208] **Gwenda Thomas:** Thank you, Chair. I will speak to my amendments and the other two amendments in this group. Section 7 provides that local authorities must promote social enterprise, user-led services and the third sector in relation to their development and involvement in the provision of care and support services. This is intended to grow an underdeveloped area of the social care sector. My amendment 289 will place a reference to social enterprise and co-operatives within section 7(1)(d). This ensures that social enterprises and co-operatives are not excluded from the meaning of ‘third sector organisations’ for the purpose of the duty under section 7(1)(d), which is the duty to promote the availability of care and support and preventative services from third sector organisations in a local authority area.

[209] Turning to the amendments tabled by William Graham, I do not consider that amendment 252 is about social enterprise, co-operatives, user-led services and the third sector. As such, I believe it undermines the policy intent. As I have said, the policy intention is supporting the development of new models of service delivery, early intervention and prevention and promoting an approach that will enable a shift in the development, design and delivery of services. It is intended to promote how this will be done, and it is intended to promote underdeveloped areas of service delivery. These new models will only be achieved if you widen the approach and embrace the co-operative and co-productive model. It is not my policy to adopt the personalisation approach, as has been done in England where they are encouraging people to purchase their own care, through personal budgets. My policy is for local authorities to provide care, either directly through commissioned arrangements, or via direct payments. This is a matter that we will consider later in this stage.

[210] Section 5 provides for the assessment of needs for care and support, support for carers and preventative services, and it sets out the requirement for local authorities and local health boards to assess the need of the population, the range and level of services required to meet that need and the range and level of services required to achieve 6(2)—that is preventative services. In terms of having sufficient information to make informed decisions about how to meet the needs, section 8 provides for a local authority to secure the provision of a service to provide people with information and advice relating to care and support, and assistance in accessing care and support.

[211] Looking at amendment 88, I remind Members that our policy is, above all, concerned with improving the wellbeing outcomes of individuals, providing new models of services and enabling innovation and creativity. We are not seeking to define the services that will be required to achieve improved wellbeing in the population. Amendment 88 would seek to define the quality standards of services. This matter is already dealt with in the Bill, but at different sections, including a reference to quality in section 7, therefore, as the amendment aims to do, it is not helpful.

[212] For the reason that I have set out, I ask Members to support amendment 289, which

will ensure that social enterprises and co-operatives are included within the duty of section 7(1)(d). I ask Members not to support the other amendments in this group, as they do not support the policy intention of promoting this area of the social care sector.

[213] **William Graham:** May I assure the Deputy Minister that it is not our intention to undermine the Bill but to strengthen it as best we can? We will be supporting amendment 289.

[214] **David Rees:** The question is that amendment 252 be agreed to. Does any Member object? There are objections, therefore we will move to a vote.

*Gwelliant 252: O blaid 3, Ymatal 0, Yn erbyn 7.*

*Amendment 252: For 3, Abstain 0, Against 7.*

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

Graham, William  
Millar, Darren  
Williams, Kirsty

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

Andrews, Leighton  
Evans, Rebecca  
Jones, Elin  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David  
Whittle, Lindsay

*Gwrthodwyd gwelliant 252.*  
*Amendment 252 not agreed.*

*Cynigiwyd gwelliant 289.*  
*Amendment 289 moved.*

[215] **David Rees:** The question is that amendment 289 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection, therefore, amendment 289 is agreed.

*Derbyniwyd gwelliant 289 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 289 agreed in accordance with Standing Order 17.34.*

[216] **David Rees:** William, would you like to move amendment 88?

[217] **William Graham:** I move amendment 88 in my name.

[218] **David Rees:** The question is that amendment 88 be agreed to. Does any Member object? There is objection, therefore, we will move to a vote.

*Gwelliant 88: O blaid 4, Ymatal 0, Yn erbyn 5.*

*Amendment 88: For 4, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Whittle, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gwrthodwyd gwelliant 88.*

*Amendment 88 not agreed.*

**Grwp 8: Darparu Gwybodaeth, Cyngor a Chynhorthwy (Gwelliannau 73, 424 a 74)**  
**Group 8: Provision of Information, Advice and Assistance (Amendments 73, 424 and 74)**

[219] **David Rees:** The lead amendment in this group is amendment 73. I call on William Graham to move amendment 73 and to speak to the other amendments in the group.

[220] **William Graham:** I move amendment 73 in my name.

[221] I will also speak to amendment 74. Amendment 73 would ensure that the local authority has a duty to ensure that the relevant people are informed about financial information and direct payments. This amendment aims to implement the Dilnot commission's recommendations on raising awareness of social care payments and charging:

[222] 'It is critical that the public has access to better, easy-to-understand and reliable information and advice about services and funding sources.'

[223] The Law Commission proposes a statutory duty to be placed on local authorities providing information, advice and assistance services in their areas. Our own committee report states:

[224] 'We believe that direct payments have been poorly promoted by local authorities in Wales, denying service users genuine opportunities for greater voice and control.'

[225] In the interests of ensuring that service users are fully aware of the options available to them, we feel that we must secure the provision of a service providing people with financial information. This further reinforces one of the key principles of the Bill: to empower service users.

[226] Consequential to amendment 73 is amendment 74, which makes reference to the fact that the financial information that local authorities would be required to provide, by virtue of amendment 73, also includes information about direct payments.

[227] **David Rees:** Do any other Members wish to speak on this group? If not, I will call the Deputy Minister.

[228] **Gwenda Thomas:** Thank you, Chair. I am asking Members to reject amendments 73 and 74 in favour of the Government amendment 424. I support the principle of William Graham's amendments, however, I believe that my amendment builds on and clarifies their intent. Amendments 73 and 74 require local authorities to set out financial information, including information about direct payments, when providing information, advice and assistance under section 8 of the Bill. As currently drafted, there is provision for this matter to be dealt with through the code of practice, but these amendments make it clear on the face of the Bill that financial information should be included as part of the information that a local authority must provide. This principle is one with which I agree. However, I am not able to accept the amendment as drafted. For this reason, I have brought forward amendment 424 to deal with this matter.

[229] Amendment 424 inserts a new subsection into section 8 to clarify the meaning of 'information' in the context of information, advice and assistance at section 8. Taken together with amendment 139, which will be discussed as part of group 24, this amendment will make clear the local authority's duty to ensure that the relevant people are informed about financial information and direct payments. I ask that Members reject amendments 73 and 74 and agree my amendment, which will be achieving the same policy.

[230] **David Rees:** Thank you, Deputy Minister. I call on William Graham to reply to the debate.

[231] **William Graham:** Thank you, Chair. If I may acknowledge what the Deputy Minister says, from my point of view, it is the penalty for introducing amendments at an early stage in the process; they can be superseded.

[232] **David Rees:** Thank you, William. Do you wish to proceed to a vote on amendment 73?

[233] **William Graham:** Yes, please.

[234] **David Rees:** Before we move to the vote on amendment 73, Members may wish to be aware that, if amendment 73 is not agreed, then amendment 74 will fall. You may also wish to be aware that, if amendment 73 is agreed, amendment 424 will fall. The question is that amendment 73 be agreed to. Does any Member object? There is objection, therefore, we will move to a vote.

*Gwelliant 73: O blaid 5, Ymatal 0, Yn erbyn 5.*

*Amendment 73: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Williams, Kirsty  
Williams, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 73.  
Amendment 73 not agreed.*

*Cynigiwyd gwelliant 424.  
Amendment 424 moved.*

[235] **David Rees:** The question is that amendment 424 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections. Therefore, amendment 424 is agreed.

*Derbyniwyd gwelliant 424 yn unol â Rheol Sefydlog 17.34.  
Amendment 424 agreed in accordance with Standing Order 17.34.*

[236] **David Rees:** As amendment 73 was not agreed, amendment 74 falls.

*Methodd gwelliant 74.  
Amendment 74 fell.*

*Cynigiwyd gwelliant 4.  
Amendment 4 moved.*



[237] **David Rees:** The question is that amendment 4 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections. Therefore, amendment 4 is agreed.

*Derbyniwyd gwelliant 4 yn unol â Rheol Sefydlog 17.34.*

*Amendment 4 agreed in accordance with Standing Order 17.34.*

**Grŵp 9: Cofrestrau y mae'n Ofynnol eu Llunio a'u Cynnal o dan Adran 9 (Gwelliannau 5, 6, 474 a 7)**

**Group 9: Registers Required to be Established and Maintained under Section 9 (Amendments 5, 6, 474 and 7)**

[238] **David Rees:** The lead amendment in this group is amendment 5. I move amendment 5 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to the amendments in this group.

[239] **Gwenda Thomas:** Thank you, Chair. I ask that Members accept amendments 5, 6 and 7, which address evidence given during Stage 1. I will speak to these amendments and I will also speak to amendment 474, brought forward by Elin Jones. Section 9(1) of the Bill requires local authorities to establish and maintain a register of the people who are blind, deaf, and both blind and deaf. The registers are for the purpose of identifying people ordinarily resident within the local authority area who may have need for care and support. There is a broad range of hearing and sight loss and dual sensory loss that affects individuals. During Stage 1, Members received evidence that there are levels of hearing and sight loss that would not be clearly captured by the current drafting of section 9 of the Bill. Amendment 5 and the two consequential amendments, amendments 6 and 7, seek to address this. These amendments replace references in the Bill so as to modernise and make more appropriate the terminology used in section 9.

[240] Rwy'n troi nawr at welliant 474 yn y grŵp hwn. Sylwaf o'r wybodaeth a gyhoeddwyd— I turn now to amendment 474 in this group. I note from the information that was published—

[241] I am afraid that I am hearing the interpretation. Sorry about that, I will start again.

[242] Rwy'n troi nawr at welliant 474 yn y grŵp hwn. Sylwaf o'r wybodaeth a gyhoeddwyd gyda'r rhestr o welliannau wedi'u didoli fod y gwelliant hwn yn ymwneud â hybu darparu gwasanaethau yn y Gymraeg. Rwy'n siŵr y bydd Elin Jones yn darparu rhagor o fanylion am hyn cyn bo hir. Mae'r Bil yn canolbwyntio ar ddiwallu anghenion penodol person. Mae angen ieithyddol yn un elfen o hynny, a byddwn yn disgwyl iddo gael ei drin fel angen penodol o fewn y broses ofal a chymorth. I turn now to amendment 474 in this group. I note from the information that was published with the marshalled list that this amendment relates to promoting the provision of services through the medium of Welsh. I am sure that Elin Jones will provide further details about this before long. The Bill concentrates on meeting the specific needs of the person. Linguistic need is one element of that, and we will expect it to be treated as a specific need within the care and support process.

[243] During our discussions on group 1, we considered amendment 417, which ensures that, where a person exercises functions under the Bill relating to an adult, child or carer who may have need for care or support, they must ascertain a range of specified matters in relation to that individual. We have agreed amendment 417 this morning, so, as amended, section 4 requires there to be regard to the characteristics, culture and beliefs of the individual, including language. In the following group, we will be considering Welsh in care and support

and in wellbeing strategic plans, when I am sure we will consider the promotion of Welsh-language service provision in more detail.

11:15

[244] Am y tro, felly, fe ddywedaf fod y ddeddfwriaeth bresennol, fframwaith y Llywodraeth ar gyfer ieuchyd, gwasanaethau cymdeithasol a gofal cymdeithasol, a'r gwelliannau a wnaethom i'r Bil heddiw, yn sicrhau bod anghenion ieithyddol yr unigolyn yn cael eu nodi a'u hystyried. Fodd bynnag, nid yw'r gwelliant hwn fel y mae wedi'i gyfyngu i'r iaith Gymraeg, gan ei fod yn ceisio mynnu bod anghenion ieithyddol penodol person yn cael eu nodi. Byddai 'angen ieithyddol' yn cynnwys amryw faterion, ond nid yw'n ymddangos bod cyswllt rhwng y rhain a diben y cofrestrau y mae'n ofynnol eu sefydlu o dan adran 9. Nid yw'n amlwg i mi ychwaith a yw'r anghenion ieithyddol yn ymwneud â'r ffaith bod unigolyn wedi colli ei glyw neu'i olwg, neu fod ganddo anabledau eraill, fel y'u nodir yn adran 9, neu'n fwy cyffredinol.

For the time being, therefore, I will say that the current legislation, the Government's framework for health, social services and social care, and the amendments that we made to the Bill today, ensure that the linguistic needs of the individual will be noted and considered. However, this amendment as it stands is not restricted to the Welsh language, as it seeks to insist that a person's linguistic needs are noted. 'Linguistic need' would include a number of issues, but there does not appear to be a connection between these and the purpose of the registers required under section 9. It is not obvious to me either whether the linguistic needs relate to the fact that an individual has lost their hearing or sight, or that they have other disabilities, as noted in section 9, or more generally.

[245] Rwyf eisoes wedi amlinellu fy ymrwymiad personol heddiw i sicrhau bod y Gymraeg a'r Saesneg yn cael eu trin yn gyfartal a bod unigolion yn cael eu trin fel unigolion.

I have already outlined my personal commitment this morning to ensuring that the Welsh and English languages are treated equally and that individuals are treated as individuals.

[246] **David Rees:** Thank you, Deputy Minister. Elin, do you want to speak to amendment 474?

[247] **Elin Jones:** Diolch, Gadeirydd. Byddaf yn siarad am welliant 474 yn fy enw i.

**Elin Jones:** Thank you, Chair. I will speak to amendment 474 in my name.

[248] Rwyf wedi cyflwyno nifer o welliannau i'r Bil hwn sy'n rhoi sylw penodol i anghenion ieithyddol a hefyd i wasanaethau drwy gyfrwng y Gymraeg, gan geisio rhoi hynny ar wyneb y Bil. O ran y gwelliant penodol hwn felly, yn yr adran hon sy'n sôn am y cofrestrau o bobl ddall, pobl fyddar, a phobl sy'n ddall ac yn fyddar, mae anghenion ieithyddol y bobl hynny hefyd yn ystyriaeth wrth benderfynu pa wasanaethau y dylid eu cyflwyno a phwy a ddylai gyflwyno'r gwasanaethau penodol i bobl ar y cofrestrau hyn. Felly, fy marn i oedd y byddai gwybodaeth ar y gofrestr benodol ynglŷn ag anghenion ieithyddol unigolion hefyd o fantais i'r rhai sy'n darparu'r gwasanaethau,

I have tabled a number of amendments to this Bill that pay particular attention to the linguistic needs of individuals and also to the provision of services through the medium of Welsh, seeking to place that on the face of the Bill. In terms of this particular amendment, in this section, which mentions the registers of those who are blind, deaf, or both blind and deaf, the linguistic needs of those individuals are also a consideration in deciding which services should be provided and who should provide particular services to people on these registers. So, my opinion was that information on the register of linguistic needs of individuals would also be beneficial in this regard to those providing the services,

fel bod modd ystyried anghenion y bobl hynny wrth gynllunio gwasanaethau ar eu cyfer.

so that the needs of those individuals could be taken into account in planning services on their behalf.

[249] Rwy'n derbyn yr hyn y mae'r Dirprwy Weinidog yn ei ddweud am y gwelliant sydd wedi'i gyflwyno a'i gymeradwyo eisoes y bore yma, ond rwy'n dal yn credu bod y gwelliant penodol hwn yn cryfhau'r adran hon.

I accept the Deputy Minister's comment on the amendment already agreed here this morning, but I continue to believe that this specific amendment strengthens this particular section of the Bill.

[250] **David Rees:** Does anyone else wish to speak? If not, I call the Deputy Minister to reply to the debate.

[251] **Gwenda Thomas:** Rwyf yn gofyn am gefnogaeth yr Aelodau i welliannau 5, 6 a 7. Wedi gwranddo ar Elin Jones yn ymhelaethu a dwyn mwy o eglurder i ni ar welliant 474, deallaf yn fwy eglur ei fwriad nawr. Hoffwn ailadrodd fy ymrwymiad i ddarparu gwasanaethau yn Gymraeg ac i'r cysyniad o iaith fel angen, yn hytrach na dewis. Er fy mod yn teimlo nad oes gwir angen y gwelliant unigol i adran 9, rwyf yn fodlon ystyried hwn ymhellach a chyflwyno gwelliant yn ystod Cyfnod 3 a fyddai'n cael yr un effaith.

**Gwenda Thomas:** I am asking for the support of Members for amendments 5, 6 and 7. Having listened to Elin Jones elaborate and provide more clarity for us on amendment 474, I now understand more clearly its intention. I would like to reiterate my commitment to providing services through the medium of Welsh and to the concept of language as a need, rather than a choice. Although I feel that there is no real need for this individual amendment to section 9, I am happy to consider this further and introduce an amendment during Stage 3 that would have the same effect.

[252] Yn ôl y cyngor a roddwyd i mi, ni allaf dderbyn y gwelliant fel ag y cafodd ei gyflwyno, oherwydd na fyddai effaith y geiriad diwygiedig yn glir. Efallai y gallem fynd â hwn ymhellach a dod ag ef yn ôl i Gyfnod 3.

According to the advice provided to me, I cannot accept the amendment as proposed, as the effect of the amended wording would be unclear. Perhaps we can take this further and bring it back to Stage 3.

[253] **David Rees:** Before we move to a vote on amendment 5, Deputy Minister, I assume that you wish to proceed to a vote on amendment 5?

[254] **Gwenda Thomas:** Yes, please.

[255] **David Rees:** Before we move to a vote, Members will wish to be aware that if amendment 5 is not agreed, amendment 1 in group 76 will fall. That is a bit down the line.

[256] The question is that amendment 5 be agreed to. Does any Member object? I see that there are no objections, therefore amendment 5 is agreed.

*Derbyniwyd gwelliant 5 yn unol â Rheol Sefydlog 17.34.*

*Amendment 5 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 6.*

*Amendment 6 moved.*

[257] **David Rees:** The question is that amendment 6 be agreed to. Does any Member object? I see that there are no objections, therefore amendment 6 is agreed.

*Derbyniwyd gwelliant 6 yn unol â Rheol Sefydlog 17.34.  
Amendment 6 agreed in accordance with Standing Order 17.34.*

[258] **David Rees:** Elin, would you like to move amendment 474?

[259] **Elin Jones:** No, in light of the Deputy Minister's response. I look forward to Stage 3 amendments from the Deputy Minister on this matter.

[260] **David Rees:** I am now required to ask if any other Member wishes to move amendment 474. I see not. In that case, we will not vote on amendment 474.

*Ni chynigiwyd gwelliant 474.  
Amendment 474 not moved.*

*Cynigiwyd gwelliant 7.  
Amendment 7 moved.*

[261] **David Rees:** The question is that amendment 7 be agreed to. Does any Member object? I see that there are no objections, therefore amendment 7 is agreed.

*Derbyniwyd gwelliant 7 yn unol â Rheol Sefydlog 17.34.  
Amendment 7 agreed in accordance with Standing Order 17.34.*

**Grŵp 10: Cynlluniau Strategol ar gyfer y Gymraeg mewn Gofal a Chymorth a Llesiant  
(Gwelliannau 475 a 476)**

**Group 10: Welsh in Care and Support and Wellbeing Strategic Plans (Amendments 475 and 476)**

[262] **David Rees:** The lead amendment in this group is amendment 475. I call on Elin Jones to move amendment 475 and to speak to the other amendments in this group.

[263] **Elin Jones:** Cynigiau welliant 475 yn fy enw gyda chefnogaeth William Graham. **Elin Jones:** I move amendment 475 in my name supported by William Graham.

[264] Mae gwelliant 475 yn ei gwneud yn rheidrwydd ar awdurdodau lleol a byrddau iechyd lleol i lunio a chyhoeddi cynllun strategol ar y cyd ar gyfer y Gymraeg mewn gofal a chymorth, ac i adolygu'r cynllun hwnnw yn rheolaidd. Mae gwelliant 476 yn amlinellu'r hyn y dylid ei gynnwys o fewn y cynllun i wella darpariaeth gwasanaethau drwy gyfrwng y Gymraeg. Amendment 475 places a duty on local authorities and local health boards to jointly draw up and publish a Welsh in care and support and wellbeing strategic plan, and to review that plan on a regular basis. Amendment 476 outlines what should be included within the plan to improve the provision of services provided through the medium of Welsh.

[265] Mae Comisiynydd y Gymraeg wedi rhoi tystiolaeth ar y Bil hwn, gan ddweud yn glir bod angen cryfhau'r gofyniad ar wasanaethau cymdeithasol a'r gwasanaethau o gwmpas hynny i gryfhau'r ddarpariaeth drwy gyfrwng y Gymraeg i'r rhai sy'n dymuno hynny. Mae'r Dirprwy Weinidog wedi amlinellu heddiw ei dymuniad i weld cynnydd yn y gwasanaethau sydd ar gael i bobl sy'n dymuno hynny drwy gyfrwng y The Welsh Language Commissioner has provided evidence on this Bill, stating clearly that there is a need to strengthen the requirement on social services and related services to improve the provision made through the medium of Welsh for those who seek those services. The Deputy Minister has today outlined her desire to see progress in terms of the services available to people who wish to access services through the medium

Gymraeg. Wrth gwrs, mae deddfwriaeth arall sydd yn rhoi hawliau i unigolion dderbyn gwasanaeth drwy gyfrwng y Gymraeg, ac mae hynny'n bodoli mewn deddfwriaeth iaith. Mae'r gwelliant sydd eisoes wedi ei gyflwyno gan y Dirprwy Weinidog a'i basio y bore yma yn cryfhau hawl yr unigolyn i ddisgwyl gwasanaeth drwy gyfrwng y Gymraeg os yw'n dymuno hynny.

[266] Nid dyna beth mae'r gwelliannau hyn yn edrych i'w gyflawni. Yr hyn mae'r gwelliannau hyn yn edrych i'w gyflawni yw rhoi cyfrifoldeb penodol ar awdurdodau lleol a byrddau iechyd lleol i gynllunio ar gyfer twf gwasanaethau drwy gyfrwng y Gymraeg, ac i gyflawni'r hyn mae'r Dirprwy Weinidog yn awyddus i'w weld yn cael ei gyflawni. Mae'n bwysig felly ein bod yn rhoi'r rheidrwydd i wneud hynny ar wyneb y Bil, gan mai dim ond drwy ei roi mewn deddfwriaeth y gallwn fod yn sicr y bydd gwasanaethau yn datblygu drwy gyfrwng y Gymraeg, a hynny'n cael ei arwain gan awdurdodau lleol a byrddau iechyd lleol. Wrth gwrs, bydd hynny'n amrywio ar hyd a lled Cymru, yn dibynnu ar y sefyllfa ieithyddol mewn gwahanol ardaloedd. Fodd bynnag, mater wedyn i'r awdurdod lleol a'r bwrdd iechyd lleol yn yr ardaloedd hynny yw edrych ar sut y gallant ddatblygu ymhellach y gwasanaethau drwy gyfrwng y Gymraeg yn eu hardaloedd penodol. Felly, cyflwynaf y gwelliannau.

[267] **David Rees:** Does any other Member wish to speak? I see not. Therefore, I call on the Deputy Minister to speak.

[268] **Gwenda Thomas:** Gofynnaf i Aelodau wrthod y gwelliannau hyn oherwydd fy mod o'r farn eu bod yn ddiangen. Mae gwelliant 475 yn mewnosod adran newydd i'r Bil sy'n ei gwneud yn ofynnol i awdurdod lleol a bwrdd iechyd lleol lunio a chyhoeddi ar y cyd gynllun strategol ar gyfer y Gymraeg mewn gofal a chymorth a llesiant. Mae gwelliant 476 yn nodi bod yn rhaid i'r cynllun gynnwys manylion am sut y bydd yr awdurdod lleol a'r bwrdd iechyd lleol yn cyflawni eu swyddogaethau drwy gyfrwng y Gymraeg.

[269] Gadewch i mi fod yn glir: mae Llywodraeth Cymru wedi ymrwymo i hyrwyddo a hwyluso'r defnydd o'r Gymraeg

of Welsh. Of course, other legislation provides individuals with the right to receive services through the medium of Welsh, and that already exists in language legislation. The amendment already proposed by the Deputy Minister and passed this morning also strengthens the rights of individuals who seek services through the medium of Welsh.

That is not what these amendments seek to achieve. What these amendments seek to achieve is to place a specific responsibility on local authorities and local health boards to plan for growth in Welsh-medium services, and to achieve what the Deputy Minister is keen to see being achieved. It is therefore important that we put the requirement to do so on the face of the Bill, because it is only through legislation that we can be certain that services will develop through the medium of Welsh, led by local authorities and local health boards. Of course, that will vary across Wales depending on the linguistic situation in different areas. However, that is then a matter for the local authority and local health board in those areas to look at how they can further develop services through the medium of Welsh in their specific localities. Therefore, I move the amendments.

**Gwenda Thomas:** I ask Members to reject these amendments because I am of the view that they are unnecessary. Amendment 475 inserts a new section to the Bill that makes it a requirement for local authorities and local health boards to draft and publish a joint strategic plan for Welsh in care and support and wellbeing. Amendment 476 notes that the plan must include details of the way in which the local authority and the local health board will exercise their functions through the medium of Welsh.

Let me be clear: the Welsh Government is committed to promoting and facilitating the use of the Welsh language in every area in

ym mhob maes yng Nghymru ac rwy'n cefnogi'n llwyr y dylid hyrwyddo darpariaeth gwasanaethau yn yr iaith Gymraeg mewn gofal cymdeithasol. Mae 'Mwy na geiriau—Fframwaith Strategol ar gyfer gwasanaethau Cymraeg mewn Iechyd, Gwasanaethau Cymdeithasol a Gofal Cymdeithasol' yn darparu dull systematig o wella gwasanaethau ar gyfer y rhai sydd ag arnynt angen neu'n sy'n dewis derbyn eu gofal yn Gymraeg ac yn ei gwneud yn ofynnol i'r Gymraeg a'r Saesneg gael eu trin yn gyfartal.

[270] Yn y memorandwm esboniadol i'r Bil hwn, rwyf wedi ymrwymo i sicrhau y bydd darpariaeth ar gyfer yr iaith Gymraeg yn cael ei chynnwys yn yr is-ddeddfwriaeth a'r canllawiau sy'n sylfaen i'r Bil hwn, er enghraifft, mewn perthynas â'r trefniadau asesu a chomisiynu newydd ar gyfer gwasanaethau cymdeithasol a gofal cymdeithasol. Gan gadw hyn mewn cof, ac fel rydym eisoes wedi ei ystyried wrth drafod grŵp 1, mae gwelliant 417 y Llywodraeth yn rhoi ar waith y prif egwyddorion sydd wedi eu hychwanegu at y dyletswyddau cyffredin yn adran 4. Mae'n rhaid i berson sy'n arfer swyddogaethau o dan y Bil roi ystyriaeth i'r rhain. Ymysg y dyletswyddau cyffredin hyn, mae'n rhaid i berson sy'n arfer swyddogaethau o dan y Bil roi ystyriaeth i nodweddion diwylliant a chredoau'r unigolion, gan gynnwys iaith. Yn ogystal â'r ddyletswydd gyffredin newydd hon, mae'r ddyletswydd o dan adran 5 yn gofyn am asesiad o anghenion gofal a chymorth y boblogaeth, i ba raddau y mae'r anghenion hynny yn cael eu diwallu, ac ystod a lefel y gwasanaethau sy'n ofynnol i ddiwallu'r anghenion hynny, gan gynnwys gwasanaethau ataliol. Rhaid i'r asesiad hwn gael ei gynnal ar y cyd â byrddau iechyd lleol, yn unol â Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006, fel rhan o strategaeth iechyd a lles. Yna, bydd yn rhaid ei gyhoeddi. Rwyf o'r farn, fel y dywedais yn 'Mwy na geiriau', fod iaith yn angen, fel unrhyw angen arall. Wrth nodi manylion yr hyn sy'n ofynnol mewn asesiad o dan adran 5, byddaf yn egluro'r gofynion mewn perthynas â nodi angen iaith.

[271] Felly, rwyf o'r farn nad yw gwelliannau 475 a 476 yn angenrheidiol, gan

Wales, and I completely support the promotion of the provision of services through the medium of Welsh in social care. 'More than just words—Strategic Framework for Welsh Language Services in Health, Social Services and Social Care' provides a systematic method of improving services for those who need or choose to receive their care through the medium of Welsh and makes it a requirement for Welsh and English to be treated equally.

In the explanatory memorandum to this Bill, I have committed to ensuring that provision for the Welsh language will be included in the subordinate legislation and the guidance underpinning this Bill, for example, in relation to the new assessment and commissioning arrangements for social services and social care. Bearing this in mind, and as we have already discussed during our discussion on group 1, the Government's amendment 417 implements the main principles that have been added to the general duties in section 4. A person exercising functions under the Bill must have regard to these. Among these general duties, a person exercising functions under the Bill must give consideration to the characteristics of the culture and beliefs of individuals, including language. In addition to this new general duty, the duty under section 5 requires an assessment of care and support needs of the population, the extent to which those needs are being met, and the range and level of services that are required to fulfil those needs, including preventive services. This assessment must be carried out jointly with local health boards, in accordance with the National Health Service (Wales) Act 2006, as part of a health and wellbeing strategy. It will then have to be published. I am of the view, as I said in 'More than just words', that language is a need like any other need. In noting the detail regarding what is required in an assessment under section 5, I will explain these requirements in relation to identifying language needs.

Therefore, I am of the opinion that amendments 475 and 476 are not necessary,

y bydd yr iaith Gymraeg, fel yn achos anghenion eraill sy'n ymwneud â'r iaith neu gyfathrebu, yn cael ei hystyried ym mhob agwedd ar y prosesau a grëwyd gan y Bil. At hynny, mae Deddf yr Iaith Gymraeg 1993 a Mesur y Gymraeg (Cymru) 2011 yn darparu ar gyfer y fframwaith deddfwriaethol ar gyfer cyflenwi gwasanaethau drwy gyfrwng y Gymraeg. Bydd yn ofynnol i awdurdodau lleol a byrddau iechyd lleol gydymffurfio â safonau'r iaith Gymraeg a fydd yn berthnasol iddynt. Fel yr eglurais, gallai gwelliannau 475 a 476 fod yn groes i ofynion deddfwriaeth bresennol, a hefyd yn ddryslyd, gan wrthdaro â dyletswyddau eraill o dan y Bil. Am y rhesymau hyn, rwy'n annog aelodau'r pwyllgor i wrthod y gwelliannau.

as the Welsh language, as in the case of other needs relating to language or communication, will be considered in every aspect of the processes created as a result of the Bill. To that end, the Welsh Language Act 1993 and the Welsh Language (Wales) Measure 2011 provide for the legislative framework to deliver services through the medium of Welsh. It will be a requirement for local authorities and local health boards to comply with the Welsh language standards that will apply to them. As I explained, amendments 475 and 476 could be contrary to the requirements of current legislation, and also confusing, conflicting with other duties under the Bill. For these reasons, I urge members of the committee to reject the amendments.

11:30

[272] **David Rees:** I call on Elin to reply to the debate.

[273] **Elin Jones:** Nid oes gennyf amheuaeth bod y Dirprwy Weinidog a minnau yn cytuno ar yr angen i ddiwallu anghenion ieithyddol pobl Cymru, a bod y Bil hwn, a deddfwriaeth arall, yn caniatâu i hynny ddigwydd. Bwriad y gwelliannau hyn yw sicrhau twf yn y ddarpariaeth Gymraeg ac i gynllunio ar gyfer y twf hwnnw drwy orfodi awdurdodau lleol a byrddau iechyd i gynllunio ar ei gyfer gyda'i gilydd. Mae'r Dirprwy Weinidog yn hyderus y bydd hynny'n digwydd mewn ffyrdd eraill a drwy ddatganiadau polisi—nid wyf yn rhannu'r un hyder â hi. Dyna pam rwy'n credu y byddai'n fuddiol gosod y gofyniad i gynllunio ar y cyd ar gyfer y ddarpariaeth Gymraeg ar wyneb y Bil. Dyna sut y mae cyflawni'r hyn mae'r Dirprwy Weinidog a minnau yn cytuno yw'r angen.

**Elin Jones:** I have no doubt that the Deputy Minister and I agree on the need to meet the linguistic requirements of the people of Wales, and that this Bill, and other legislation, allows for that to happen. The aim of these amendments is to secure growth in the provision of Welsh-medium services and to plan for that growth by requiring local authorities and health boards to plan for it jointly. The Deputy Minister is confident that that will happen by other means and through policy statements—I do not share that confidence. That is why I believe that it would be beneficial to place the requirement for joint planning for provision of services through the medium of Welsh on the face of the Bill. That is how we can achieve what the Deputy Minister and I agree is needed.

[274] **David Rees:** Therefore, I assume that you wish to proceed to the vote on amendment 475?

[275] **Elin Jones:** Yes.

[276] **David Rees:** Before we move to a vote on amendment 475, Members will wish to be aware that, if amendment 475 is not agreed, amendment 476 will fall.

[277] The question is that amendment 475 be agreed to. Does any Member object? There are objections, so we will have a vote.

*Gwelliant 475: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 475: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Whittle, Lindsay  
Williams, Kirsty

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 475.  
Amendment 475 not agreed.*

*Methodd gwelliant 476.  
Amendment 476 fell.*

**Grŵp 11: Aseu (Gwelliannau 234, 235, 89, 236, 237, 90, 87, 10, 11A, 11, 115, 116, 91, 12, 13, 14, 15, 117, 112, 238, 17, 239, 240, 241, 92, 18, 19, 20, 21A, 21, 118, 248, 249 a 477)**  
**Group 11: Assessment (Amendments 234, 235, 89, 236, 237, 90, 87, 10, 11A, 11, 115, 116, 91, 12, 13, 14, 15, 117, 112, 238, 17, 239, 240, 241, 92, 18, 19, 20, 21A, 21, 118, 248, 249 and 477)**

[278] **David Rees:** The eleventh group of amendments is in relation to assessments. The lead amendment in the group is amendment 234. I call on William Graham to move amendment 234 in his name and to speak to that amendment and other amendments in this group.

[279] **William Graham:** I move amendment 234 in my name.

[280] As you say, these amendments deal with assessments, which we feel are vitally important to the success of the Bill. This amendment will go at the beginning of section 10, which relates to the duty to assess the need of an adult for care and support. The amendment provides the missing link between wellbeing needs and care and support. It also places a duty on the local authority to assess whether there is a risk of neglect, abuse or the lack of capacity. Amendment 235 is consequential to 234.

[281] Amendment 89 acknowledges that a local authority may not be the most appropriate body to deal with an adult's needs and the amendment will ensure that the adult is referred to the relevant agency. Amendments 236 and 237 are consequential to 234. Amendment 90 will ensure that the duty under subsection (1) to assess the needs of an adult for care and support applies regardless of the local authority's view of the ability of the adult to meet their own needs, and recognises that each individual may have varying needs and ability to meet different needs. Amendment 87 changes the nature of the assessment process by the local authority. The original wording, 'seeking to identify', implies that the local authority would have the power to assess, but our amendment requires the local authority to engage with the adult to find out what needs they have.

[282] Amendment 11A inserts a new subsection to amendment 11 that an adult must be involved in an assessment under section 10. The effect of the amendment is to ensure that the person with needs and, as far as is possible, any carer that the person has, is involved in the assessment process. The amendment will extend the subsection by ensuring that a local



authority, in carrying out a needs assessment, must involve any person whom the adult asks the authority to involve or, where the adult lacks capacity, any person who appears to the authority to be interested in the adult's welfare. This will ensure that a person of the adult's choosing is involved in the assessment process and will mean that a person concerned with the adult's welfare is involved in the assessment process.

[283] Amendment 91 will ensure that the duty under subsection (1) to assess the needs of a child for care and support applies regardless of the local authority's view of the ability of the child, or any person with parental responsibility for the child, to meet the child's needs and recognise that each child may have varying needs and abilities to meet different needs. Amendment 112 will amend section 14(1) to read

[284] 'If a person with parental responsibility for a child aged under 16 refuses a needs assessment for that child under section 12, where it is in the best interests of the child, the duty under that section to assess the child's needs does not apply.'

[285] Barnardo's Cymru suggested that section 14 should include the words 'best interests of the child' rather than 'risk neglect', as referred to in the committee report. The amendment essentially upholds the principles of family law that the child's best interest is paramount.

[286] Amendment 238 places a duty to assess for carers on the same par as the duty to assess for adults, as in amendment 234, particularly where there is a risk of neglect, abuse or lack of capacity. Amendment 239 is consequential to 238, as are amendments 240 and 241.

[287] Amendment 92 ensures the duty under subsection (1) to assess the needs of a carer for care and support, and this applies regardless of the local authority's view of the ability of the carer to meet their own needs and recognises that each individual may have varying needs and abilities to meet varying needs. Carers might often have particular requirements of their own, as well as needing to care for the vulnerable dependent.

[288] **David Rees:** Thank you, William. Kirsty—

[289] **William Graham:** I am sorry; I have one more. Amendment 21A strengthens the Welsh Government's amendment 21, which will ensure that the carer and, where feasible, the person for whom they care, are involved in the assessment process. Our amendment will ensure that a carer may involve a person of their choosing in the assessment process. This gives the carer more choice to involve others in the assessment process and creates further scope for independent living.

[290] There are two more, Chair. Amendment 248 will enable a body other than a local authority to carry out a needs assessment on behalf of, or jointly with, the local authority. Finally, further to amendment 248 is amendment 249, which addresses the issue of joint assessment and the ability for another body to carry out an assessment in partnership with a local authority. Thank you, Chair.

[291] **David Rees:** Thank you, William. Kirsty, do you wish to speak to your amendments?

[292] **Kirsty Williams:** I have four amendments in this group. Amendments 115, 117 and 118 place a duty to include partner organisations in the assessment process. Often, through evidence to committee, it was judged that the assessment process sometimes can be over-burdensome, with people having to go through a variety of assessment processes because organisations are unable, or in some cases, positively unwilling, to work together. What amendments 115, 117 and 118 seek to do is to put a duty on the local authority to include partner organisations where appropriate.

[293] Amendment 116 relates to the committee's discussions around the rights of disabled children. This committee heard evidence from a number of witnesses who expressed concerns about the repeal of section 17 of the Children Act 2004. Those concerns were echoed, I understand, in the work of the Children and Young People Committee, which also received evidence on the sections of this Bill relating to children. While I acknowledge that section 17 of the Children Act 2004 never did include an absolute right to an assessment, there have been widespread concerns expressed to this committee about the potential diminution of rights already accrued in law for disabled children. Amendment 116 gives effect to recommendation 46 of the committee's report, which looked to explicitly allude to disabled children in this particular section.

[294] **David Rees:** Elin, do you wish to speak to your amendment?

[295] **Elin Jones:** Nid wyf ond am egluro mai pwrpas y gwelliant hwn, 477, yw i roi'r hawl i unigolion dderbyn asesiad drwy gyfrwng y Gymraeg neu drwy gyfrwng y Saesneg yn unol â'u dewis. Rwyf wedi fy nghynghori mai drwy gyflwyno'r gwelliant yn y modd hwn a chrybwyll dewis iaith y person a asesir yw'r ffordd i sicrhau hynny mewn deddfwriaeth.

**Elin Jones:** I just want to explain that the purpose of this amendment, 477, is to give individuals the right to have an assessment through the medium of Welsh or through the medium of English according to their choice. I am advised that it is by tabling the amendment in this way and stating that it is the language choice of the person being assessed is the way to ensure that it is in legislation.

[296] **Lynne Neagle:** I wanted to speak to amendment 116 in the name of Kirsty Williams. The Deputy Minister is aware that I have been particularly worried about the evidence that the committee took that this Bill could lead to a diminution of rights of disabled children. Therefore, I have a considerable amount of sympathy for what Kirsty is trying to achieve with this amendment. I understand that the Government's position is that singling out disabled children would then lead to other children who might also need care and support not receiving it, such as children suffering abuse or neglect. I have to say that I am not entirely convinced at all by that argument. Although I will not be supporting Kirsty's amendment today, I would ask for assurances from the Government that you will do some further work on this before Stage 3 so that we can ensure that the rights of disabled children are fully protected.

[297] **David Rees:** Are there any other Members who wish to speak? There are not, therefore, I call the Deputy Minister.

[298] **Gwenda Thomas:** I will speak to all of the amendments in this group, including those in my name. I am aware of the importance of the provisions for assessment within the Bill and the need to ensure that they are right. As such, I thank Members for their in-depth consideration of this area of the Bill and I have listened with interest to Members' comments on the amendments in this group.

[299] Amendments 234 and 238 and those as a consequence, namely 235, 236, 237, 239, 240 and 241, tabled in the name of William Graham, seek to extend the set of circumstances when a local authority is under a duty to carry out an assessment of adults and carers. In addition to applying it when it appears that there is a need for care and support, the duty to assess would apply when a person is unlikely to achieve, or have the opportunity to achieve, a reasonable standard of health and wellbeing, or is experiencing or is at risk of abuse and neglect. These amendments, which echo section 17(10) of the Children Act 1989—Kirsty Williams has spoken about this—apply only in the cases of adults and carers and not children. I am unsure as to whether William Graham intends that the amendments will apply only to adults and carers or whether this is an omission. However, let me be clear. This is not the Care Bill. This is a Bill for all people and not just adults. Whatever the intention, I am

absolutely clear that these amendments would not extend the scope of the duty to any people not already covered. The current threshold for the duty to assess is an appearance to the local authority that a person may have a need for care and support. Members will appreciate that this is a very low threshold and deliberately so. Section 10(3) of the Bill makes clear that the duty to assess applies regardless of the local authority's view of the level of the adult's needs. I therefore confirm that people who would fall within the category set out in amendments 234 and 238 are already covered by the duty to assess. In addition, these amendments do not take into account other areas and provisions in the Bill. You cannot look at the assessment provisions in isolation from meeting needs under Part 4 or safeguarding under Part 7.

[300] As we are considering who the duty to assess covers, I will turn now to amendment 116, tabled by Kirsty Williams. I have taken a message from this morning. This amendment seeks to amend section 12, the section that deals with the duty to assess the needs of a child for care and support. I feel the strength of feeling here and I take the point made by Lynne Neagle—and we have discussed it—that this does aim to have the effect that a disabled child is automatically a child in need of care and support. It is a similar effect to that of section 17, as Kirsty Williams has said. However, I will think about this further.

11:45

[301] I have been clear from the beginning of this process about the need to introduce an equitable system for all people that is based on needs and the outcomes that individuals wish to achieve. The Bill provides for people to have a right to an assessment of their care and support needs, and, in practice, this will include all disabled children by default. There is no need to make specific reference and that was my position. I do not think that this amendment is required, but I will take longer to think about it.

[302] One of the key aims of the Bill is to create a coherent legal framework and a less bureaucratic social services system. That is why the Bill provides for proportionate assessments and the automatic eligibility for people experiencing or at risk of abuse, neglect, or, in the case of a child, harm.

[303] Amendments 248 and 249 tabled by William Graham seek to allow other bodies to undertake assessments with or without a local authority. Let me say clearly that I agree with the principle behind these amendments. However, as they are currently drafted, I am concerned; they are not without risk. I am concerned that they lack clarity on who is responsible for the assessment. The assessment of a person's need for care and support is a primary function of a local authority social services department. I need to ensure that the statutory responsibility is maintained; that there is no confusion about where it lies, and that local authorities do not have the ability to opt out of that responsibility. With this in mind, and having listened carefully to William Graham's comments, I would also like to take this matter away and consider it further. I seek to reassure William Graham and other members of the committee that I would seek to return to this at the next stage. On this basis, I wonder whether William would consider withdrawing the amendments 248 and 249.

[304] I turn now to amendment 89, also tabled by William Graham. This seeks to place a duty on the local authority to assess an adult's need for care and support, and if the local authority is not the appropriate body to meet those needs, to make referral to other bodies. We will shortly be discussing amendment 22, which seeks to amend section 18(2)(a). Regulations made under section 18 can require the involvement of other persons in the assessment process, including particular sorts of care professionals or other public bodies. While I appreciate the effect that William Graham is seeking to achieve, given the powers available under section 18, I do not consider that that amendment is required.

[305] William Graham has also spoken to amendments 90, 91 and 92 tabled in his name.

These seek to ensure that the duty of a local authority to carry out an assessment applies regardless of its view of the individual's ability to meet their own needs, or regardless of the ability of the child or their parents to meet the needs of the child. I agree that a local authority should be obliged to carry out an assessment, including in cases where an adult is able to meet their needs for care and support, perhaps with the assistance of a carer, or other support. However, as I have already mentioned in relation to other amendments in this group, the threshold for the duty to assess is already low.

[306] I have listened carefully to the evidence given to this committee during Stage 1 in relation to assessment, which is why I am proposing amendments 10, 14 and 20 to the Bill. These will strengthen the duty on local authorities to take account of other matters, which could contribute to meeting a person's needs. Amendment 10 will require local authorities to take into account the provision of care and support, preventative services, information, advice and assistance and other matters in the assessment process for adults.

[307] Amendment 14 makes similar provision in relation to the assessment of children, which needs to be read in conjunction with amendments 12 and 13. Amendment 20 deals with a reciprocal position in respect of carers.

[308] In addition to the amendments that I have tabled, I consider that these matters are best dealt with in the regulations under section 18 and the associated parts of the code of practice. I therefore request that Members support amendments 10, 14 and 20, but reject amendments 90, 91 and 92.

[309] I will now turn to those amendments in this group that deal with who was involved in the assessment. Amendment 11 in my name seeks to place beyond doubt that, in an assessment of an adult, the local authority must involve that person. The local authority must also involve, insofar as it is possible, any carer that a person has. Amendment 15 makes similar provision in relation to children, ensuring that the child is involved, and any person with parental responsibility for the child. Amendment 21 amends section 15(7) of the Bill to ensure that, in an assessment of a carer, the carer and, where feasible, the person for whom they care, are involved in the assessment process.

[310] Voice and control is a fundamental principle of this Bill, and the involvement in the assessment process of those who need care and/or support, as well as those who care for them, is central to achieving this. Therefore, I consider that this should be set out on the face of the Bill. In doing so, I wish to make clear that voice and control is about more than consulting and taking wishes and feelings into account. It is about involving people as active partners in identifying their needs, strengths and outcomes, and how best to meet and achieve those needs and outcomes.

[311] Amendments 11A and 21A have been tabled to my amendments 11 and 21, so that, on the face of the Bill, other people are involved in the assessment process. Amendments 115, 117 and 118, brought forward by Kirsty Williams, also seek to expand who is involved in the assessment process.

[312] While I would expect a local authority to have regard to the person's wishes and feelings about the involvement of other persons, I do not think that it is necessarily appropriate or practical to require them to involve any person that the individual being assessed requests. However, it is appropriate to require other persons to be involved in the assessment process. There are powers to make provision for this in regulation under section 18, which we will discuss further in the context of amendment 22 in group 13.

[313] Amendment 87, tabled by William Graham, seeks to amend section 10, as has already been set out this morning. While I welcome the intent behind this, I believe that the principles

of effective and meaningful engagement will be achieved through the amendments that I have tabled. They will ensure not only the engagement, but also the involvement, of the relevant persons. I believe that amendments 87, 115, 117 and 118 are unnecessary but, having said that, I have listened to the opinions this morning, and there is quite clearly strength of feeling here. I would also like to take this away, with a view to returning to this matter, and to take full account of what has been said on those four amendments this morning—that is, amendments 87, 115, 117 and 118.

[314] I now wish to speak to William Graham's amendment 112, which seeks to include the best interests of the child test within the parents' right to refuse an assessment of their child under section 14. This amendment would fundamentally undermine the rights of parents to take decisions in the best interests of their children. Allowing a local authority to override the ability of a parent to make decisions about their children's welfare or wellbeing will only be justified in very limited circumstances, as the section already provides. A local authority having a different view about what is in the child's best interest is not one of them. I therefore urge Members not to support that amendment.

[315] The final amendment in this group, amendment 477, has been tabled by Elin Jones. She has set out that this seeks to place a requirement on the face of the Bill that any assessment must be undertaken in any language chosen by the individual being assessed. I agree with the spirit in which this amendment has been tabled, but I consider that this is a much wider issue of communication than simply a choice of language. The aim of the assessment provision in the Bill, in addition to the code of practice, is to enable people to comprehend and fully contribute throughout the process of the assessment. I therefore ask Members not to support amendment 477.

[316] However, before I close, I advise Members that amendments 17, 18 and 19 make amendments to section 15. These amendments reflect a refinement of the drafting approach and ensure clarity and consistency in the drafting. The amendments that I have brought forward in this group seek to improve the assessment provisions within the Bill, following extensive work with the Social Services Improvement Agency and stakeholders. When taken together, these amendments will not only strengthen the assessment process, but also align those processes for children, adults and carers. I have also proposed complementary changes under group 15, which we will consider in due course, so as to ensure that local authorities have an ongoing responsibility to consider the benefits of preventative services and any wider community support that may be available at the point of determination of eligibility. I believe that my amendments go further than those tabled by William Graham, Kirsty Williams and Elin Jones. They allow for a flexible framework that places greater emphasis on maximising opportunities for involvement in the process of assessment for early intervention, offering proportionate help in meeting and reducing needs, and improving wellbeing without the need for complex assessments and care packages. These changes also support the aim of promoting independence and wellbeing, through a model that builds on the strengths and capacity of the individual, as well as support from the wider family and community network.

[317] **David Rees:** Thank you, Deputy Minister. I call on William to reply to the debate.

[318] **William Graham:** [*Inaudible.*]—Chair. I will take the opportunity now that I might not have done a moment ago to say that I am most grateful to the Deputy Minister for, as usual, acknowledging the strength of feeling behind the amendments. We will certainly seek far greater clarity at Stage 3 and wholly agree with the point about statutory responsibility. Having voice and control on the face of the Bill is immensely important. We will be supporting her amendments 10, 14 and 20 and, with the agreement of the committee, I seek not to proceed with amendment 248.

[319] **David Rees:** William, do you wish to proceed to a vote on amendment 234?

[320] **William Graham:** Yes, please.

[321] **David Rees:** Before we move to the vote on amendment 234, Members may wish to be aware that if amendment 234 is not agreed, then amendments 235, 236 and 237 will fall. The question is that amendment 234 be agreed to. Does any Member object? There is objection; therefore, we will move to a vote.

*Gwelliant 234: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 234: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Williams, Kirsty  
Whittle, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 234.  
Amendment 234 not agreed.*

*Methodd gwelliant 235.  
Amendment 235 fell.*

[322] **David Rees:** We now move on to dispose of amendment 89. William, would you like to move amendment 89?

[323] **William Graham:** I move amendment 89 in my name.

[324] **David Rees:** The question is that amendment 89 be agreed to. Does any Member object? There is objection; therefore, we will move to a vote.

*Gwelliant 89: O blaid 4, Ymatal 0, Yn erbyn 6.  
Amendment 89: For 4, Abstain 0, Against 6.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Whittle, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David  
Williams, Kirsty

*Gwrthodwyd gwelliant 89.  
Amendment 89 not agreed.*

*Methodd gwelliant 236.  
Amendment 236 fell.*

12:00

*Cynigiwyd gwelliant 8.  
Amendment 8 moved.*

[325] **David Rees:** The question is that amendment 8 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection, and therefore amendment 8 is agreed.

*Derbyniwyd gwelliant 8 yn unol â Rheol Sefydlog 17.34.  
Amendment 8 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 9.  
Amendment 9 moved.*

[326] **David Rees:** The question is that amendment 9 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection, and therefore amendment 9 is agreed.

*Derbyniwyd gwelliant 9 yn unol â Rheol Sefydlog 17.34.  
Amendment 9 agreed in accordance with Standing Order 17.34.*

*Methodd gwelliant 237.  
Amendment 237 fell.*

[327] **David Rees:** William, would you like to move amendment 90?

[328] **William Graham:** I move amendment 90 in my name.

[329] **David Rees:** The question is that amendment 90 be agreed to. Does any Member object? There is objection, so we will have a vote by show of hands.

*Gwelliant 90: O blaid 4, Ymatal 0, Yn erbyn 6.  
Amendment 90: For 4, Abstain 0, Against 6.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Whittle, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David  
Williams, Kirsty

*Gwrthodwyd gwelliant 90.  
Amendment 90 not agreed.*

[330] **David Rees:** William, would you like to move amendment 87?

[331] **William Graham:** I move amendment 87 in my name.

[332] **David Rees:** The question is that amendment 87 be agreed to. Does any Member object? There is objection; therefore, we will have a vote.

*Gwelliant 87: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 87: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Williams, Kirsty  
Whittle, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 87.  
Amendment 87 not agreed.*

*Cynigiwyd gwelliant 10.  
Amendment 10 moved.*

[333] **David Rees:** The question is that amendment 10 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection, and therefore amendment 10 is agreed.

*Derbyniwyd gwelliant 10 yn unol â Rheol Sefydlog 17.34.  
Amendment 10 agreed in accordance with Standing Order 17.34.*

[334] **David Rees:** We now move to dispose of amendments 11A and 11. We will deal with amendment 11A first. William, would you like to move amendment 11A?

[335] **William Graham:** I move amendment 11A in my name.

[336] **David Rees:** The question is that amendment 11A be agreed to. Does any Member object? There is objection, so we will have a vote by show of hands.

*Gwelliant 11A: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 11A: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Williams, Kirsty  
Whittle, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 11A.  
Amendment 11A not agreed.*

*Cynigiwyd gwelliant 11.  
Amendment 11 moved.*



[337] **David Rees:** The question is that amendment 11 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection, and therefore amendment 11 is agreed.

*Derbyniwyd gwelliant 11 yn unol â Rheol Sefydlog 17.34.  
Amendment 11 agreed in accordance with Standing Order 17.34.*

[338] **David Rees:** Kirsty, would you like to move amendment 115?

[339] **Kirsty Williams:** I move amendment 115 in my name supported by William Graham.

[340] **David Rees:** The question is that amendment 115 be agreed to. Does any Member object? There is objection; therefore, we will have a vote.

*Gwelliant 115: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 115: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Williams, Kirsty  
Whittle, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).  
As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 115.  
Amendment 115 not agreed.*

[341] **David Rees:** Kirsty, would you like to move amendment 116?

[342] **Kirsty Williams:** Given the Minister's commitment to take this back and have a look at it again, in that spirit, I will not move the amendment. I will seek to work with the Minister to see if something can be agreed at the next stage.

[343] **David Rees:** Does any other Member wish to move amendment 116? I see not.

*Ni chynigiwyd gwelliant 116.  
Amendment 116 not moved.*

[344] **David Rees:** William, would you like to move amendment 91?

[345] **William Graham:** I move amendment 91 in my name.

[346] **David Rees:** The question is that amendment 91 be agreed to. Does any Member object? There is objection, so we will have a vote.

*Gwelliant 91: O blaid 4, Ymatal 0, Yn erbyn 6.  
Amendment 91: For 4, Abstain 0, Against 6.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Whittle, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David  
Williams, Kirsty

*Gwrthodwyd gwelliant 91.  
Amendment 91 not agreed.*

*Cynigiwyd gwelliant 12.  
Amendment 12 moved.*

[347] **David Rees:** The question is that amendment 12 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection, and therefore amendment 12 is agreed.

*Derbyniwyd gwelliant 12 yn unol â Rheol Sefydlog 17.34.  
Amendment 12 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 13.  
Amendment 13 moved.*

[348] **David Rees:** The question is that amendment 13 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection, and therefore amendment 13 is agreed.

*Derbyniwyd gwelliant 13 yn unol â Rheol Sefydlog 17.34.  
Amendment 13 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 14.  
Amendment 14 moved.*

[349] **David Rees:** The question is that amendment 14 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection, and therefore amendment 14 is agreed.

*Derbyniwyd gwelliant 14 yn unol â Rheol Sefydlog 17.34.  
Amendment 14 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 15.  
Amendment 15 moved.*

[350] **David Rees:** The question is that amendment 15 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection, and therefore amendment 15 is agreed.

*Derbyniwyd gwelliant 15 yn unol â Rheol Sefydlog 17.34.  
Amendment 15 agreed in accordance with Standing Order 17.34.*

[351] **David Rees:** Kirsty, would you like to move amendment 117?

[352] **Kirsty Williams:** I move amendment 117 in my name supported by William Graham.

[353] **David Rees:** The question is that amendment 117 be agreed to. Does any Member object? There is objection, so we will have a vote.

*Gwelliant 117: O blaid 5, Ymatal 0, Yn erbyn 5.*

*Amendment 117: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Williams, Kirsty  
Whittle, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 117.  
Amendment 117 not agreed.*

**Grŵp 12: Dehongli ‘Awdurdod Lleol’ at Ddibenion y Ddeddf (Rhannau 1 i 3 o’r Bil)  
(Gwelliant 290)**

**Group 12: Interpretation of ‘Local Authority’ for the Purposes of the Act (Parts 1 to 3 of the Bill) (Amendment 290)**

[354] **David Rees:** We have time for group 12, the last group before we have a break. *[Interruption.]* I am advised that we might get away with group 13 as well, because it contains just a single amendment.

[355] The lead and only amendment in group 12 is amendment 290. I call on the Deputy Minister to speak to the amendment, which I will move on her behalf.

*Cynigiwyd gwelliant 290.  
Amendment 290 moved.*

[356] **Gwenda Thomas:** Thank you, Chair. This is the second group this morning that makes technical changes to the Bill. Amendment 290 has been brought forward to clarify the drafting intent in respect of the duty of a local authority in Wales to assess the needs of a child for care and support. Section 12 makes provision in relation to the assessment of the needs of children, and, as drafted, section 12(7) disapplies that duty to a child looked after by a local authority. The amendment in this group to section 12(7) clarifies that the duty does not apply to children looked after by any local authority in Wales, England or Scotland, or by a health and social care trust in Northern Ireland. Members will be aware that there are already duties on local authorities to assess the care and support needs of looked-after children under Part 6 of the Bill. I trust that Members will be able to support this amendment.

[357] **David Rees:** Does any other Member wish to speak on this amendment?

[358] **Lindsay Whittle:** May I ask a question to the Deputy Minister? The amendment reads:

[359] ‘Section 12, page 13, line 4, leave out...and insert—‘(b) a local authority in England, (c) a local authority in Scotland, or (d) a Health and Social Care trust’.

[360] There is no mention of Northern Ireland.

[361] **Gwenda Thomas:** Yes.

[362] **Lindsay Whittle:** You mentioned Northern Ireland in your speech, but it is not written down. I wondered why.

[363] **Gwenda Thomas:** Sorry?

[364] **Lindsay Whittle:** It is not written down, and I wondered why. You mentioned Northern Ireland.

[365] **Gwenda Thomas:** Yes. Section 12(7) clarifies that the duty does not apply to children looked after by any local authority in Wales, England, or Scotland, or by a health and social care trust in Northern Ireland.

[366] **Lindsay Whittle:** Is that in Northern Ireland?

[367] **Gwenda Thomas:** Yes.

[368] **David Rees:** Okay, is that clear?

[369] **Lindsay Whittle:** Yes.

[370] **David Rees:** I take it that no other Members wish to speak. Deputy Minister, do you wish to reply?

[371] **Gwenda Thomas:** No. I just hope that Members can support this amendment.

[372] **David Rees:** Obviously, you wish me to proceed to a vote on amendment 290.

[373] **Gwenda Thomas:** Yes, please.

[374] **David Rees:** The question is that amendment 290 be agreed to. Does any Member object? There are no objections; amendment 290 is therefore agreed.

*Derbyniwyd gwelliant 290 yn unol â Rheol Sefydlog 17.34.*

*Amendment 290 agreed in accordance with Standing Order 17.34.*

[375] **David Rees:** Let us move down the list. Kirsty: amendment 117.

[376] **Kirsty Williams:** No, it is not me.

[377] **David Rees:** We have done that one. William: amendment 112.

[378] **William Graham:** I move amendment 112 in my name.

[379] **David Rees:** The question is that amendment 112 be agreed to. Does any Member object? There is objection, so we will move to a vote.

*Gwelliant 112: O blaid 5, Ymatal 0, Yn erbyn 5.*

*Amendment 112: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Williams, Kirsty  
Whittle, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 112.  
Amendment 112 not agreed.*

*Cynigiwyd gwelliant 16.  
Amendment 16 moved.*

[380] **David Rees:** The question is that amendment 16 be agreed to. Does any Member object? There are no objections; amendment 16 is therefore agreed.

*Derbyniwyd gwelliant 16 yn unol â Rheol Sefydlog 17.34.  
Amendment 16 agreed in accordance with Standing Order 17.34.*

[381] **David Rees:** Before we move to the vote on an amendment 238, you will wish to be aware that, if it is not agreed, amendments 239, 240 and 241 will fall. William, do you want to go ahead with amendment 238?

[382] **William Graham:** I propose amendment 238 in my name.

[383] **David Rees:** The question is that amendment 238 be agreed to. Does any Member object? There is objection, so we will move to a vote.

*Gwelliant 238: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 238: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Williams, Kirsty  
Whittle, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 238.  
Amendment 238 not agreed.*

*Cynigiwyd gwelliant 17.*

*Amendment 17 moved.*

[384] **David Rees:** The question is that amendment 17 be agreed to. Does any Member object? There is no objection, therefore amendment 17 is agreed.

*Derbyniwyd gwelliant 17 yn unol â Rheol Sefydlog 17.34.  
Amendment 17 agreed in accordance with Standing Order 17.34.*

*Methodd gwelliannau 239, 240 a 241.  
Amendments 239, 240 and 241 fell.*

[385] **David Rees:** William: amendment 92.

[386] **William Graham:** I move amendment 92 in my name.

[387] **David Rees:** The question is that amendment 92 be agreed to. Does any Member object? There is objection, so we will move to a vote.

*Gwelliant 92: O blaid 4, Ymatal 0, Yn erbyn 6.  
Amendment 92: For 4, Abstain 0, Against 6.*

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

Graham, William  
Jones, Elin  
Millar, Darren  
Whittle, Lindsay

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David  
Williams, Kirsty

*Gwrthodwyd gwelliant 92.  
Amendment 92 not agreed.*

*Cynigiwyd gwelliant 18.  
Amendment 18 moved.*

[388] **David Rees:** The question is that amendment 18 be agreed to. Does any Member object? There are no objections, therefore amendment 18 is agreed.

*Derbyniwyd gwelliant 18 yn unol â Rheol Sefydlog 17.34.  
Amendment 18 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 19.  
Amendment 19 moved.*

[389] **David Rees:** The question is that amendment 19 be agreed to. Does any Member object? There are no objections, therefore amendment 19 is agreed.

*Derbyniwyd gwelliant 19 yn unol â Rheol Sefydlog 17.34.  
Amendment 19 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 20.  
Amendment 20 moved.*

[390] **David Rees:** The question is that amendment 20 be agreed to. Does any Member object? There are no objections, therefore amendment 20 is agreed.

*Derbyniwyd gwelliant 20 yn unol â Rheol Sefydlog 17.34.  
Amendment 20 agreed in accordance with Standing Order 17.34.*

[391] **David Rees:** We now move to dispose of amendments 21A and 21. We will deal with the amendment to the amendment first. William, do you wish to move amendment 21A?

[392] **William Graham:** I move amendment 21A in my name.

[393] **David Rees:** The question is that amendment 21A be agreed to. Does any Member object? There is objection, so we will move to a vote.

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

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

Graham, William  
Jones, Elin  
Millar, Darren  
Whittle, Lindsay  
Williams, Kirsty

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).  
As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 21A.  
Amendment 21A not agreed.*

*Cynigiwyd gwelliant 21.  
Amendment 21 moved.*

[394] **David Rees:** The question is that amendment 21 be agreed to. Does any Member object? There is no objection, therefore amendment 21 is agreed.

*Derbyniwyd gwelliant 21 yn unol â Rheol Sefydlog 17.34.  
Amendment 21 agreed in accordance with Standing Order 17.34.*

[395] **David Rees:** Kirsty: amendment 118.

[396] **Kirsty Williams:** I move amendment 118 in my name supported by William Graham.

[397] **David Rees:** The question is that amendment 118 be agreed to. Does any Member object? There is objection, so we will move to a vote.

*Gwelliant 118: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 118: For 5, Abstain 0, Against 5.*

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

Graham, William  
Jones, Elin  
Millar, Darren

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

Andrews, Leighton  
Evans, Rebecca  
Neagle, Lynne

Whittle, Lindsay  
Williams, Kirsty

Price, Gwyn R.  
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).*

*As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 118.  
Amendment 118 not agreed.*

[398] **David Rees:** Before we move on to dispose of amendment 248, Members should be aware that, if amendment 248 is not agreed, amendment 249 will fall. William, do you wish to move amendment 248? You did say that you might not wish to move this amendment.

[399] **William Graham:** You are quite right. I do not wish to move the amendment.

[400] **David Rees:** Does any other Member wish to move amendment 248? I see not. Therefore, the amendment is not moved.

*Ni chynigiwyd gwelliant 248.  
Amendment 248 not moved.*

[401] **David Rees:** As amendment 248 was not moved, amendment 249 falls.

*Methodd gwelliant 249.  
Amendment 249 fell.*

[402] **David Rees:** Elin: amendment 477.

[403] **Elin Jones:** I move amendment 477 in my name.

[404] **David Rees:** The question is that amendment 477 be agreed to. Does any Member object? There is objection, so we will move to a vote.

*Gwelliant 477: O blaid 3, Ymatal 0, Yn erbyn 7.  
Amendment 477: For 3, Abstain 0, Against 7.*

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

Jones, Elin  
Whittle, Lindsay  
Williams, Kirsty

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

Andrews, Leighton  
Evans, Rebecca  
Graham, William  
Millar, Darren  
Neagle, Lynne  
Price, Gwyn R.  
Rees, David

*Gwrthodwyd gwelliant 477.  
Amendment 477 not agreed.*

[405] **David Rees:** I believe that this is the point at which we should stop. We have finished with group 12; we will commence with group 13 at the next session.

[406] For the record, sections 2 to 17 of the Bill have been agreed. The next meeting to dispose of amendments will be held on Wednesday, 27 November. In accordance with Standing Orders, amendments must be tabled no later than five working days before they are



considered. Therefore, there is a further opportunity to table amendments to those sections of and Schedules to the Bill that have not yet been deemed to be agreed. According to Standing Order 26.61(iv), amendments will be admissible only if they are not inconsistent with decisions that have already been taken at the stage at which they are due to be considered. In other words, you must make sure that they do not affect the sections of the Bill that have already been deemed to be agreed. The clerks can provide advice on admissibility, as required. The deadline for tabling any further amendments is 6 p.m. on Wednesday, 20 November. If Members wish to table any further amendments, please contact the clerks.

[407] Thank you, Deputy Minister.

12:14

### **Papurau i'w Nodi Papers to Note**

[408] **David Rees:** I ask Members to note the letter from the Minister for Health and Social Services on the National Health Service Finance (Wales) Bill and the letter from the Deputy Minister for Social Services in relation to paying for care. I see that you are happy to note those.

[409] Thank you for your attendance. We will meet again next week.

*Daeth y cyfarfod i ben am 12:14.  
The meeting ended at 12:14.*