



## HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 15 Ionawr 2014  
Tabled on 15 January 2014

### Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru) Social Services and Well-being (Wales) Bill

**Gwenda Thomas**

73

Section 1, page 4, line 14, leave out 'and representations) has two' and insert ', representations and advocacy services) has three'.

Adran 1, tudalen 4, llinell 15, hepgorer 'a sylwadau) ddwy bennod' a mewnosoder ', sylwadau a gwasanaethau eirioli) dair pennod'.

**Gwenda Thomas**

74

Section 1, page 4, after line 18, insert—

'() Chapter 3 provides for advocacy services to be made available to people with needs for care and support for purposes relating to their care and support.'

Adran 1, tudalen 4, ar ôl llinell 19, mewnosoder—

'() Mae Pennod 3 yn darparu i wasanaethau eirioli gael eu rhoi ar gael i bobl y mae arnynt anghenion am ofal a chymorth at ddibenion sy'n ymwneud â'u gofal a cymorth.'

**Gwenda Thomas**

75

To insert a new section –

**‘(1) Pathway assessments and plans: post-18 living arrangements**

- (1) The responsible local authority for a category 1 young person who has been placed with a local authority foster parent must comply with subsection (2) when –
  - (a) carrying out an assessment in relation to the young person under section 98(1),
  - (b) preparing and maintaining a pathway plan for the young person under section 98(3), or
  - (c) reviewing the young person’s pathway plan under section 98(10).
- (2) The responsible local authority must determine whether a post-18 living arrangement would be appropriate for the young person after it ceases to look after him or her.
- (3) A “post-18 living arrangement” is an arrangement under which –
  - (a) a category 3 young person –
    - (i) who is under the age of 21, and
    - (ii) who was being looked after by a local authority when he or she reached the age of 18 and, immediately before ceasing to be looked after, was a category 1 young person, and
  - (b) a person (a “former foster parent”) who was the young person’s local authority foster parent immediately before he or she ceased to be looked after,  
continue to live together after the young person has ceased to be looked after.
- (4) Where –
  - (a) the responsible local authority determines under subsection (2) that a post-18 living arrangement would be appropriate for the young person after it ceases to look after him or her, and
  - (b) the young person and his or her local authority foster parent wish to make a post-18 living arrangement,the responsible local authority must provide advice and other support under this Part in order to facilitate a post-18 living arrangement.’.

I fewnosod adran newydd –

**‘(1) Asesiadau a chynlluniau llwybr: trefniadau byw ôl-18**

- (1) Rhaid i’r awdurdod lleol sy’n gyfrifol am berson ifanc categori 1 sydd wedi ei leoli gyda rhiant maeth awdurdod lleol gydymffurfio ag is-adran (2) wrth –
  - (a) cynnal asesiad mewn perthynas â’r person ifanc o dan adran 98(1),
  - (b) llunio a chynnal cynllun llwybr ar gyfer y person ifanc o dan adran 98(3), neu
  - (c) adolygu cynllun llwybr y person ifanc o dan adran 98(10).
- (2) Rhaid i’r awdurdod lleol cyfrifol ddyfarnu a fyddai trefniant byw ôl-18 yn briodol ar gyfer y person ifanc ar ôl i’r awdurdod lleol roi’r gorau i ofalu amdano.
- (3) Mae “trefniant byw ôl-18” yn drefniant –

- (a) pan fo person ifanc categori 3—
    - (i) sydd o dan 21 oed, a
    - (ii) a oedd yn derbyn gofal gan awdurdod lleol pan gyrhaeddodd 18 oed ac a oedd, yn union cyn i'r gofal a ddarparwyd iddo ddod i ben, yn berson ifanc categori 1, a
  - (b) pan fo person (“cyn-riant maeth”) a oedd yn rhiant maeth awdurdod lleol i'r person ifanc yn union cyn i'r gofal a ddarparwyd iddo ddod i ben,  
yn parhau i fyw gyda'i gilydd ar ôl i'r gofal a ddarparwyd i'r person ifanc ddod i ben.
- (4) Pan fo'r—
- (a) awdurdod lleol cyfrifol yn dyfarnu o dan is-adran (2) y byddai trefniant byw ôl-18 yn briodol ar gyfer y person ifanc ar ôl iddo roi'r gorau i ofalu amdano, a
  - (b) person ifanc a'i riant maeth awdurdod lleol yn dymuno gwneud trefniant byw ôl-18,
- rhaid i'r awdurdod lleol cyfrifol ddarparu cyngor a chymorth arall o dan y Rhan hon er mwyn hwyluso trefniant byw ôl-18.'.

**Gwenda Thomas**

76

Section 100, page 70, after line 14, insert—

- '( ) The responsible local authority for a category 3 young person who has a post-18 living arrangement must, in addition—
  - (a) monitor the arrangement, and
  - (b) if the authority considers that the arrangement is consistent with the young person's well-being, provide advice and other support to the young person and the former foster parent with a view to maintaining the arrangement.
- ( ) In subsection (*first subsection to be introduced by amendment 76*) “post-18 living arrangement” has the meaning given by section (*section to be introduced by amendment 75*) and “former foster parent” has the same meaning as in that definition.'.

Adran 100, tudalen 70, ar ôl llinell 14, mewnosoder—

- '( ) Yn ogystal, rhaid i'r awdurdod lleol sy'n gyfrifol am berson ifanc categori 3 sydd â threfniant byw ôl-18—
  - (a) monitro'r trefniant, a
  - (b) os yw'r awdurdod o'r farn bod y trefniant yn gyson â llesiant y person ifanc, ddarparu cyngor a chymorth arall i'r person ifanc a'r cyn-riant maeth gyda golwg ar gynnal y trefniant.
- ( ) Yn is-adran (*yr is-adran cyntaf sy'n cael ei fewnosod gan welliant 76*) mae i “trefniant byw ôl-18” yr ystyr a roddir iddo gan adran (*yr adran sy'n cael ei fewnosod gan welliant 75*) ac mae i “cyn-riant maeth” yr un ystyr ag sydd iddo yn y diffiniad hwnnw.'.

**Gwenda Thomas**

77

Section 100, page 70, line 15, after '(1)(d)', insert 'and (first subsection to be inserted by amendment 76)(b)'.

Adran 100, tudalen 70, llinell 15, ar ôl '(1)(d)', mewnosoder 'a (*yr is-adran sy'n cael ei fewnosod gan welliant 76)(b)*'.

**Gwenda Thomas**

78

To insert a new section –

**'(1) Provision of advocacy services**

- (1) Regulations may require a local authority to arrange for advocacy services to be made available to people with needs for care and support (whether or not those needs are being met by a local authority); this is subject to section (*section to be inserted by amendment 79*).
- (2) "Advocacy services" are services which provide assistance (by way of representation or otherwise) to persons for purposes relating to their care and support.
- (3) The regulations may specify –
  - (a) the persons, or description of persons, to whom advocacy services are to be made available;
  - (b) the circumstances in which advocacy services are to be made available;
  - (c) the persons, or description of persons, by whom advocacy services may, or may not, be provided.
- (4) The regulations may provide for a local authority to charge for advocacy services made available by virtue of regulations under this section and may apply any provision made in or under sections 54 to 60, section 62 or section 59, with or without specified modifications.
- (5) But the regulations may not make provision –
  - (a) which enables a charge to cover anything other than the cost incurred in making available the advocacy services to which the charge relates, or
  - (b) which enables a charge to be imposed on a child.
- (6) The regulations must require a local authority to give publicity to its arrangements for making advocacy services available.'

I fewnosod adran newydd –

**'(1) Darparu gwasanaethau eirioli**

- (1) Caiff rheoliadau ei gwneud yn ofynnol i awdurdod lleol drefnu i wasanaethau eirioli gael eu rhoi ar gael i bobl y mae arnynt anghenion am ofal a chymorth (p'un a yw'r anghenion hynny yn cael eu diwallu gan awdurdod lleol ai peidio); mae hyn yn ddarostyngedig i adran (*yr adran sy'n cael ei fewnosod gan welliant 79*).
- (2) Mae "gwasanaethau eirioli" yn wasanaethau sy'n darparu cynhorthwy (ar ffurf cynrychiolaeth neu fel arall) i bersonau at ddibenion sy'n ymwneud â'u gofal a chymorth.

- (3) Caiff y rheoliadau bennu –
  - (a) y personau, neu ddisgrifiad o'r personau, y mae gwasanaethau eirioli i gael eu rhoi ar gael iddynt;
  - (b) yr amgylchiadau y mae gwasanaethau eirioli i gael eu rhoi ar gael odanynt;
  - (c) y personau, neu ddisgrifiad o'r personau, y caniateir, neu na chaniateir, i wasanaethau eirioli gael eu darparu ganddynt.
- (4) Caiff y rheoliadau ddarparu i awdurdod lleol godi ffi am wasanaethau eirioli a roddir ar gael yn rhinwedd rheoliadau o dan yr adran hon a chaent gymhwyso unrhyw ddarpariaeth a wneir yn neu o dan adrannau 54 i 60, adran 62 neu adran 59, gydag addasiadau penodedig neu hebddynt.
- (5) Ond ni chaiff y rheoliadau wneud darpariaeth –
  - (a) sy'n galluogi ffi i gwmpasu unrhyw beth ac eithrio'r gost a dynnir wrth roi ar gael y gwasanaethau eirioli y mae'r ffi yn ymwneud â hwy, neu
  - (b) sy'n galluogi ffi i gael ei gosod ar blentyn.
- (6) Rhaid i'r rheoliadau ei gwneud yn ofynnol i awdurdod lleol roi cyhoeddusrwydd i'w drefniadau ar gyfer rhoi gwasanaethau eirioli ar gael.'

**Gwenda Thomas**

79

To insert a new section –

**'( ) Provision of advocacy services: restrictions**

- (1) Regulations under section (*section to be inserted by amendment 78*) may not require advocacy services to be made available to a person –
  - (a) for the purpose of making a complaint in respect of which a local authority is required to make arrangements for the provision of assistance to the person by virtue of regulations under section 163;
  - (b) for the purpose of making representations in respect of which a local authority is required to make arrangements for the provision of assistance to the person under section 168;
  - (c) for purposes in respect of which the Welsh Ministers are required to make arrangements to enable an independent mental health advocate to be available under section 130E of the Mental Health Act 1983;
  - (d) for purposes in respect of which a local authority is required to make arrangements for the provision of independent advocacy services under section 332BB of the Education Act 1996 or paragraph 6D of Schedule 17 to the Equality Act 2010;
  - (e) for purposes in respect of which the Welsh Ministers are required to make arrangements to enable an independent mental capacity advocate to be available under section 35 of the Mental Capacity Act 2005;
  - (f) for the purpose of making a complaint in respect of which the Welsh Ministers are required to arrange for the provision of independent advocacy services under

section 187 of the National Health Service (Wales) Act 2006.

(2) Where—

- (a) advocacy services are being provided for a person under section 12, 14, 28, 29, 30 or 31, and
- (b) regulations under section (*section to be inserted by amendment 78*) would (apart from this subsection) impose a requirement upon a local authority to make advocacy services available to that person in respect of the same matters,

that requirement does not apply.’.

I fewnosod adran newydd—

**‘(1) Darparu gwasanaethau eirioli: cyfyngiadau**

(1) Ni chaiff rheoliadau o dan adran (*yr adran sy’n cael ei fewnosod gan welliant 78*) ei gwneud yn ofynnol i wasanaethau eirioli gael eu rhoi ar gael i berson—

- (a) at y diben o wneud cwyn y mae’n ofynnol i awdurdod lleol wneud trefniadau mewn cysylltiad â hi ar gyfer darparu cynhorthwy i’r person yn rhinwedd rheoliadau o dan adran 163;
- (b) at y diben o gyflwyno sylwadau y mae’n ofynnol i awdurdod lleol wneud trefniadau mewn cysylltiad â hwy ar gyfer darparu cynhorthwy i’r person o dan adran 168;
- (c) at ddibenion y mae’n ofynnol i Weinidogion Cymru wneud trefniadau mewn cysylltiad â hwy i alluogi eiriolwr iechyd meddwl annibynnol i fod ar gael o dan adran 130E o Ddeddf Iechyd Meddwl 1983;
- (d) at ddibenion y mae’n ofynnol i awdurdod lleol wneud trefniadau mewn cysylltiad â hwy ar gyfer darparu gwasanaethau eirioli annibynnol o dan adran 332BB o Ddeddf Addysg 1996 neu baragraff 6D o Atodlen 17 i Ddeddf Cydraddoldeb 2010;
- (e) at ddibenion y mae’n ofynnol i Weinidogion Cymru wneud trefniadau mewn cysylltiad â hwy i alluogi eiriolwr galluedd meddyliol annibynnol i fod ar gael o dan adran 35 o Ddeddf Galluedd Meddyliol 2005;
- (f) at y diben o wneud cwyn y mae’n ofynnol i Weinidogion Cymru wneud trefniadau mewn cysylltiad â hi ar gyfer darparu gwasanaethau eirioli annibynnol o dan adran 187 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.

(2) Pan—

- (a) bo gwasanaethau eirioli yn cael eu darparu ar gyfer person o dan adran 12, 14, 28, 29, 30 neu 31, a
- (b) byddai rheoliadau o dan adran (*yr adran sy’n cael ei fewnosod gan welliant 78*) (ar wahân i’r is-adran hon) yn gosod gofyniad ar awdurdod lleol i roi gwasanaethau eirioli ar gael i’r person hwnnw mewn cysylltiad â’r un materion,

nid yw’r gofyniad hwnnw yn gymwys.’.

**Gwenda Thomas**

**80**

To insert a new section –

**‘( ) Publicising advocacy services in care homes**

In section 22 of the Care Standards Act 2000 (regulation of establishments and agencies), in subsection (7), after paragraph (l) insert –

“(m) make provision requiring a person who carries on or manages a care home in Wales to make arrangements to bring to the attention of persons accommodated in the home the advocacy services which are available to those persons by virtue of regulations made under section (*section to be inserted by amendment 78*) of the Social Services and Well-being (Wales) Act 2014.”.

I fewnosod adran newydd –

**‘( ) Rhoi cyhoeddusrwydd i wasanaethau eirioli mewn cartrefi gofal**

Yn adran 22 o Ddeddf Safonau Gofal 2000 (rheoleiddio sefydliadau ac asiantaethau), yn is-adran (7), ar ôl paragraff (l) mewnosoder –

“(m) make provision requiring a person who carries on or manages a care home in Wales to make arrangements to bring to the attention of persons accommodated in the home the advocacy services which are available to those persons by virtue of regulations made under section (*yr adran sy'n cael ei fewnosod gan welliant 78*) of the Social Services and Well-being (Wales) Act 2014.”.

**Gwenda Thomas**

**81**

Section 179, page 121, line 18, leave out ‘or 158’ and insert ‘, 158 or (*section to be inserted by amendment 78*)’.

Adran 179, tudalen 121, llinell 20, hepgorer ‘neu 158’ a mewnosoder ‘, 158 neu (*yr adran sy'n cael ei fewnosod gan welliant 78*)’.