



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 28 Ionawr 2014
Tabled on 28 January 2014

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

Elin Jones

300

Section 11, page 10, after line 19, insert—

‘(f) the actions required to provide the services identified in paragraphs (d) and (e) through the medium of the Welsh language.’

Adran 11, tudalen 10, ar ôl llinell 21, mewnosoder—

‘(f) y camau y mae angen eu cymryd i ddarparu’r gwasanaethau a nodir ym mharagraffau (d) ac (e) drwy gyfrwyng y Gymraeg.’

Elin Jones

301

Section 12, page 11, after line 3, insert—

‘() A Local Health Board must provide or arrange for the provision of a range and level of services which it considers will achieve or contribute to the achievement of the purposes in subsection (2) in its area.’

Adran 12, tudalen 11, ar ôl llinell 3, mewnosoder—

‘() Rhaid i Fwrdd Iechyd Lleol ddarparu neu drefnu i ddarparu ystod a lefel o wasanaethau a fydd yn ei farn ef yn sicrhau’r dibenion neu’n cyfrannu at sicrhau’r dibenion yn is-adran (2) yn ei ardal.’

Elin Jones

302

Section 12, page 11, line 27, leave out subsection (5).

Adran 12, tudalen 11, llinell 28, hepgorer is-adran (5).

Elin Jones

303

Section 38, page 28, line 28, leave out 'not meet a person's needs for care and support (including a carer's needs for support) under sections 28 to 36 by providing or arranging for the provision of a service or facility which is required to be provided under a health enactment, unless' and insert 'meet a person's needs for care and support (including a carer's needs for support) under sections 28 to 36 by providing or arranging for the provision of a service or facility which is required to be provided under a health enactment, where'.

Adran 38, tudalen 28, llinell 29, hepgorer 'Ni chaiff awdurdod lleol ddiwallu anghenion person am ofal a chymorth (gan gynnwys anghenion gofalwr am gymorth) o dan adrannau 28 i 36 drwy ddarparu neu drwy drefnu i ddarparu gwasanaeth neu gyfleuster y mae'n ofynnol ei ddarparu o dan ddeddfiad iechyd, oni bai' a mewnosoder 'Caiff awdurdod lleol ddiwallu anghenion person am ofal a chymorth (gan gynnwys anghenion gofalwr am gymorth) o dan adrannau 28 i 36 drwy ddarparu neu drwy drefnu i ddarparu gwasanaeth neu gyfleuster y mae'n ofynnol ei ddarparu o dan ddeddfiad iechyd lle'.

Elin Jones

304

Section 38, page 28, line 33, leave out 'not secure services or facilities for a person under section 12 (preventative services) that are required to be provided under a health enactment, unless' and insert 'secure services or facilities for a person under section 12 (preventative services) that are required to be provided under a health enactment, where'.

Adran 38, tudalen 28, llinell 34, hepgorer 'Ni chaiff awdurdod lleol sicrhau gwasanaethau neu gyfleusterau i berson o dan adran 12 (gwasanaethau ataliol) y mae'n ofynnol eu darparu o dan ddeddfiad iechyd, oni bai' a mewnosoder 'Caiff awdurdod lleol sicrhau gwasanaethau neu gyfleusterau i berson o dan adran 12 (gwasanaethau ataliol) y mae'n ofynnol eu darparu o dan ddeddfiad iechyd, lle'.

Elin Jones

305

Section 38, page 29, line 11, leave out 'A local authority may not' and insert 'Where subsection (1) applies a local authority may'.

Adran 38, tudalen 29, llinell 11, hepgorer 'Ni chaiff' a mewnosoder 'Pan fo is-adran (1) yn gymwys caiff'.

Elin Jones

306

Section 38, page 29, line 14, leave out 'A local authority may not' and insert 'Where subsection (2) applies a local authority may'.

Adran 38, tudalen 29, llinell 14, hepgorer 'Ni chaiff' a mewnosoder 'Pan fo is-adran (2) yn gymwys caiff'.

Elin Jones

307

Section 38, page 29, line 16, leave out subsections (6) to (7).

Adran 38, tudalen 29, llinell 16, hepgorer is-adrannau (6) hyd at (7).

Elin Jones

308

To insert a new section –

‘() Direct payments for health care

- (1) Where an assessment under Part 3 of this Act identifies a person’s need for care and support as requiring a service or facility which is required to be provided by a Local Health Board in the exercise of its functions under a health enactment, regulations may allow or require a Local Health Board, for the purpose of securing the provision to the person of the service or facility, to make payments (“health direct payments”), with the person’s consent, to the person or to a person nominated by the person towards the cost of meeting those needs.
- (2) A payment under subsection (1) or subsection (3) is referred to in this Act as a “health direct payment”.
- (3) If regulations so provide, a Local Health Board may, for the purpose of securing the provision for a person of services that the Board must provide under section 117 of the Mental Health Act 1983 (after-care), make payments, with the person’s consent, to the person or to a person nominated by the person.
- (4) For the purposes of this section and section (*section to be inserted by amendment 309*) a health enactment means –
 - (a) the National Health Service (Wales) Act 2006;
 - (b) the National Health Service Act 2006;
 - (c) the National Health Service (Scotland) Act 1978;
 - (d) the Health and Personal Social Services (Northern Ireland) order 1972 (S.I. 1972/1265 (N.I. 14));
 - (e) the Health and Social Care (Reform) (Northern Ireland) Act 2009.’.

I fewnosod adran newydd –

‘() Taliadau uniongyrchol am ofal iechyd

- (1) Pan fydd asesiad o dan Adran 3 o’r Ddeddf hon yn canfod bod anghenion gofal a chymorth person yn galw am wasanaeth neu gyfleuster y mae’n ofynnol ei ddarparu gan Fwrdd Iechyd Lleol wrth arfer ei swyddogaethau o dan ddeddfiad iechyd, caiff rheoliadau ganiatáu neu ei gwneud yn ofynnol i Fwrdd Iechyd Lleol, at ddibenion sicrhau darparu’r gwasanaeth neu’r cyfleuster i’r person, wneud taliadau (“taliadau uniongyrchol iechyd”), gyda chaniatâd y person, i’r person neu i berson a enwebir gan y person tuag at gostau diwallu’r anghenion hynny.
- (2) Cyfeirir at daliad o dan is-adran (1) neu is-adran (3) yn y Ddeddf hon fel “taliad uniongyrchol iechyd”.
- (3) Os yw rheoliadau’n darparu felly, caiff Bwrdd Iechyd Lleol, at ddibenion sicrhau’r

ddarpariaeth i berson o wasanaethau y mae'n rhaid i'r Bwrdd eu darparu o dan adran 117 o Ddeddf Iechyd Meddwl 1983 (ôl-ofal), wneud taliadau, gyda chydsyniad y person, i'r person neu berson a enwebir gan y person.

- (4) At ddibenion yr adran hon ac adran (*yr adran sy'n cael ei fewnosod gan welliant 309*) ystyr deddfiad iechyd yw –
- (a) Deddf Gwasanaeth Iechyd Gwladol (Cymru) 2006;
 - (b) Deddf Iechyd Gwladol 2006;
 - (c) Deddf Iechyd Gwladol (yr Alban) 1978;
 - (d) Gorchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972 (S.I. 1972/1265 (N.I. 14));
 - (e) Deddf Iechyd a Gofal Cymdeithasol (Diwygio) (Gogledd Iwerddon) 2009.'

Elin Jones

309

To insert a new section –

'() Regulations about health direct payments

- (1) The Welsh Ministers may make regulations about health direct payments.
- (2) The regulations may in particular make provision –
 - (a) as to circumstances in which, and descriptions of persons and services in respect of which, health direct payments may or must be made;
 - (b) as to circumstances in which health direct payments may or must be made to a person nominated by the person;
 - (c) as to the making of health direct payments (and, in particular, as to persons to whom payments may or must be made) where the person lacks capacity to consent to the making of the payments;
 - (d) as to conditions that the Local Health Board must comply with before, after or at the time of making a health direct payment;
 - (e) as to conditions that the person or (if different) the payee may or must be required to comply with before, after, or at the time when a health direct payment is made;
 - (f) as to the amount of any health direct payment or how it is to be calculated;
 - (g) as to circumstances in which the Local Health Board may or must stop making health direct payments;
 - (h) as to circumstances in which the Local Health Board may or must require all or part of a health direct payment to be repaid, by the payee or otherwise;
 - (i) as to monitoring of the making of health direct payments, of their use by the payee, or of services which they are used to secure;
 - (j) as to arrangements to be made by the Local Health Board for providing persons, payees or their representatives with information, advice or other support in connection with health direct payments;
 - (k) for such support to be treated to any prescribed extent as a service in respect of

which health direct payments may be made.

- (3) If the regulations make provision in the case of a person who lacks capacity to consent to health direct payments being made, they may apply that provision, or make corresponding provision, with or without modifications, in the case of a person who has lacked that capacity but no longer does so (whether because of fluctuating capacity, or regaining or gaining capacity).
- (4) The regulations may provide for a sum which must be repaid to the Local Health Board by virtue of a condition or other requirement imposed by or under the regulations to be recoverable as a debt due to the Local Health Board.
- (5) The regulations may make provision—
 - (a) for a service in respect of which a health direct payment has been made under section (*section to be inserted by amendment 308*) to be regarded, only to such extent and subject to such conditions as may be prescribed, as provided or arranged for by the Local Health Board under a health enactment;
 - (b) displacing functions or obligations of a Local Health Board with respect to the provision of after-care services under section 117 of the Mental Health Act 1983, only to such extent and subject to such conditions as may be prescribed.
- (6) In this section—
 - (a) “service” includes anything in respect of which health direct payments may be made;
 - (b) references to a person lacking capacity are references to a person lacking capacity within the meaning of the Mental Capacity Act 2005.’.

I fewnosod adran newydd—

‘(1) Rheoliadau am daliadau uniongyrchol iechyd

- (1) Caiff Gweinidogion Cymru wneud rheoliadau ynghylch taliadau uniongyrchol iechyd.
- (2) Yn benodol, caiff y rheoliadau wneud darpariaeth ynghylch—
 - (a) amgylchiadau lle y ceir neu lle y mae’n rhaid gwneud taliadau uniongyrchol iechyd, a disgrifiadau o bersonau a gwasanaethau y ceir neu y mae’n rhaid gwneud taliadau uniongyrchol iechyd mewn cysylltiad â hwy;
 - (b) amgylchiadau lle y ceir neu lle y mae’n rhaid gwneud taliadau uniongyrchol iechyd i berson a enwebwyd gan y person;
 - (c) gwneud taliadau uniongyrchol iechyd (ac, yn benodol, y personau y ceir neu y mae’n rhaid gwneud taliadau iddynt) pan na fo gan y person alluedd i gydsynio bod y taliadau’n cael eu gwneud;
 - (d) amodau y mae’n rhaid i’r Bwrdd Iechyd Lleol gydymffurfio â hwy cyn, ar ôl neu ar yr adeg y caiff taliad uniongyrchol iechyd ei wneud;
 - (e) amodau lle y caiff y person, neu lle y mae’n rhaid i’r person neu (os yw’n wahanol) y taledig, gydymffurfio â hwy cyn, ar ôl neu ar yr adeg y gwneir taliad uniongyrchol iechyd;
 - (f) swm unrhyw daliad uniongyrchol iechyd neu sut y mae i’w gyfrifo;

- (g) amgylchiadau lle y caiff neu lle y mae'n rhaid i'r Bwrdd Iechyd Lleol roi'r gorau i wneud taliadau uniongyrchol iechyd;
 - (h) amgylchiadau lle y caiff neu lle y mae'n rhaid i'r Bwrdd Iechyd Lleol ei gwneud yn ofynnol i'r taliad uniongyrchol iechyd gael ei ad-dalu'n llwyr neu'n rhannol, gan y taledig neu fel arall;
 - (i) monitro'r ffordd y gwneir taliadau uniongyrchol iechyd, o ran eu defnydd gan y taledig, neu o ran y gwasanaethau y maent yn cael eu defnyddio i'w prynu;
 - (j) y trefniadau sydd i'w gwneud gan y Bwrdd Iechyd Lleol ar gyfer rhoi gwybodaeth, cyngor neu gymorth arall i bersonau, taledigion neu eu cynrychiolwyr mewn cysylltiad â thaliadau uniongyrchol iechyd;
 - (k) bod unrhyw gymorth o'r fath yn cael ei drin i'r cyfryw raddau rhagnodedig fel gwasanaeth y ceir gwneud taliadau uniongyrchol iechyd ar ei gyfer.
- (3) Os yw'r rheoliadau'n gwneud darpariaeth yn achos person heb alluedd i gydsynio bod taliadau uniongyrchol iechyd yn cael eu gwneud, cânt gymhwyso'r ddarpariaeth honno, neu wneud darpariaeth gyfatebol, gydag addasiadau, neu hebddynt, yn achos person nad oedd ganddo alluedd, ond sydd bellach â galluedd (boed hynny oherwydd bod ei alluedd yn amrywio, neu oherwydd iddo adennill neu ennill galluedd).
- (4) Caiff y rheoliadau ddarparu bod swm y mae'n rhaid ei ad-dalu i'r Bwrdd Iechyd Lleol yn rhinwedd amod neu ofyniad arall a osodir gan y rheoliadau neu odanynt i'w adennill fel dyled sy'n ddyledus i'r Bwrdd Iechyd Lleol.
- (5) Caiff y rheoliadau wneud darpariaeth ynghylch—
- (a) bod gwasanaeth y mae taliad uniongyrchol iechyd wedi'i wneud ar ei gyfer o dan adran (*yr adran sy'n cael ei fewnosod gan welliant 308*) yn cael ei ystyried, dim ond i'r graddau ac yn ddarostyngedig i'r amodau y caiff eu rhagnodi, fel gwasanaeth a ddarperir neu a drefnir gan y Bwrdd Iechyd Lleol o dan ddeddfiad iechyd;
 - (b) disodli swyddogaethau neu rwymedigaethau Bwrdd Iechyd Lleol mewn cysylltiad â darparu gwasanaethau ôl-ofal o dan adran 117 o Ddeddf Iechyd Meddwl 1983, dim ond i'r graddau, ac yn ddarostyngedig i'r amodau y caiff eu rhagnodi.
- (6) Yn yr adran hon—
- (a) mae "gwasanaeth" yn cynnwys unrhyw beth y caiff taliadau uniongyrchol iechyd eu gwneud ar eu cyfer;
 - (b) mae cyfeiriadau at berson heb alluedd yn gyfeiriadau at berson heb alluedd o fewn ystyr Deddf Galluedd Meddwl 2005.'

Elin Jones

310

Section 157, page 103, after line 16, insert—

- '() A local authority or a Local Health Board must establish and maintain a pooled fund for the purpose of, or in connection with, partnership arrangements made under regulations under section 156.'

Adran 157, tudalen 103, ar ôl llinell 17, mewnosoder –

- ‘() Rhaid i awdurdod lleol neu Fwrdd Iechyd Lleol sefydlu a chynnal cronfa gyfun at ddibenion trefniadau partneriaeth a wneir o dan reoliadau o dan adran 156 neu’n gysylltiedig â’r trefniadau hynny.’.

Elin Jones 311

Section 157, page 103, line 17, leave out ‘may’ and insert ‘must’.

Adran 157, tudalen 103, llinell 18, hepgorer ‘Caiff’ a mewnosoder ‘Rhaid i’.

Elin Jones 312

Section 157, page 103, line 25, leave out ‘may’ and insert ‘must’.

Adran 157, tudalen 103, llinell 26, hepgorer ‘Caiff rheoliadau’ a mewnosoder ‘Rhaid i reoliadau’.

Elin Jones 313

Section 157, page 103, line 27, leave out ‘requiring a local authority or a Local Health Board to establish and maintain’ and insert ‘as to the establishment and maintenance of’.

Adran 157, tudalen 103, llinell 28, hepgorer ‘sy’n ei gwneud yn ofynnol bod awdurdod lleol neu Fwrdd Iechyd Lleol yn sefydlu ac yn cynnal’ a mewnosoder ‘o ran sefydlu a chynnal’.

Elin Jones 314

Section 158, page 104, line 11, leave out ‘may’ and insert ‘under subsection (1) must’.

Adran 158, tudalen 104, llinell 11, hepgorer ‘Caiff rheoliadau’ a mewnosoder ‘O dan is-adran (1) rhaid i reoliadau’.

Angela Burns 315

Section 94, page 65, after line 16, insert –

- ‘() The Welsh Ministers must by regulations make provision for the minimum standards which a local authority must achieve when it befriends a child in the exercise of its functions under subsection (1).’.

Adran 94, tudalen 65, ar ôl llinell 18, mewnosoder –

- ‘() Rhaid i Weinidogion Cymru, drwy reoliadau, wneud darpariaeth ar gyfer y safonau gofynnol y mae’n rhaid i awdurdod lleol eu sicrhau pan fydd yn ymgyfeillio â phlentyn wrth arfer ei swyddogaethau o dan is-adran (1).’.

Angela Burns

316

Section 94, page 65, after line 16, insert—

- ‘() The Welsh Ministers must issue guidance to a local authority about the exercise of its functions under subsection (1).
- () Guidance issued under subsection (*first subsection to be inserted by amendment 316*) must provide for the actions which a local authority must take when it befriends a child in the exercise of its functions under subsection (1).
- () A local authority must have regard to guidance issued under subsection (*first subsection to be inserted by amendment 316*) when exercising its functions under subsection (1).’.

Adran 94, tudalen 65, ar ôl llinell 18, mewnosoder—

- ‘() Rhaid i Weinidogion Cymru ddyroddi canllawiau i awdurdod lleol ynghylch arfer ei swyddogaethau o dan is-adran (1).
- () Rhaid i ganllawiau a ddyroddir o dan is-adran (*yr is-adran cyntaf sy’n cael ei fewnosod gan welliant 316*) ddarparu ar gyfer y camau y mae’n rhaid i awdurdod lleol eu cymryd pan fydd yn ymgyfeillio â phlentyn wrth arfer ei swyddogaethau o dan is-adran (1).
- () Rhaid i awdurdod lleol roi sylw i ganllawiau a ddyroddir o dan is-adran (*yr is-adran cyntaf sy’n cael ei fewnosod gan welliant 316*) wrth arfer ei swyddogaethau o dan is-adran (1).’.

Kirsty Williams

317

Section 1, page 2, after line 22, insert—

- ‘() Part (*section to be inserted by amendment 319*) (Appeals) requires Welsh Ministers to make provision for and in connection with appeals against determinations of eligibility (section 26), ability to pay (section 57) and charging decisions (section 50).’.

Adran 1, tudalen 2, ar ôl llinell 23, mewnosoder—

- ‘() Mae Rhan (*yr adran sy’n cael ei fewnosod gan welliant 319*) (Apelau) yn ei gwneud yn ofynnol i Weinidogion Cymru wneud darpariaeth ynghylch ac mewn cysylltiad ag apelau yn erbyn dyfarniadau cymhwysra (adran 26), y gallu i dalu (adran 57) a phenderfyniadau i osod ffioedd (adran 50).’.

Kirsty Williams

318

Section 12, page 12, after line 12, insert—

- ‘(10) In this section “people” includes a person.’.

Adran 12, tudalen 12, ar ôl llinell 13, mewnosoder—

- ‘(10) Yn yr adran hon mae “pobl” yn cynnwys person.’.

Kirsty Williams

319

To insert a new section –

‘PART ()

APPEALS

Appealing local authority decisions

() Appealing decisions taken by the local authority

- (1) Regulations must make provision for and in connection with the appeal of –
 - (a) determinations made under section 26 and section 57;
 - (b) charges imposed under section 50.
- (2) Regulations made under this section must provide for an independent panel to be established to consider appeals.’.

I fewnosod adran newydd –

‘RHAN ()

APELAU

Apelio yn erbyn penderfyniadau awdurdod lleol

() Apelio yn erbyn penderfyniadau awdurdod lleol

- (1) Rhaid i reoliadau wneud darpariaeth ar gyfer, ac mewn cysylltiad ag, apelio yn erbyn –
 - (a) dyfarniadau a wneir o dan adran 26 ac adran 57;
 - (b) ffioedd a osodir o dan adran 50.
- (2) Rhaid i reoliadau a wneir o dan yr adran hon ddarparu ar gyfer sefydlu panel annibynnol i ystyried apelau.’.

Kirsty Williams

320

Section 116, page 81, leave out lines 7 to 10 and insert –

- ‘() is unable to protect himself or herself against the abuse or neglect or the risk of it, and
- () has needs for care and support (whether or not the authority is meeting any of those needs).’.

Adran 116, tudalen 81, hepgorer llinellau 7 hyd at 10 a mewnosoder –

- ‘() yn methu ag amddiffyn ei hun rhag cael, neu’r risg o gael, ei gam-drin neu ei esgeuluso, ac
- () y mae arno anghenion am ofal a chymorth (p’un a yw’r awdurdod yn diwallu

unrhyw un neu rai o'r anghenion hynny ai peidio)'.

Kirsty Williams

321

Section 179, page 121, line 17, after '34(1)', insert '(section to be inserted by amendment 319)',.

Adran 179, tudalen 121, llinell 19, ar ôl '34(1)', mewnosoder '(yr adran sy'n cael ei fewnosod gan welliant 319)',.

Jocelyn Davies

322

To insert a new section –

'() Use of zero hours contracts

- (1) A local authority that directly provides or contracts a service in the exercise of its social services functions must not permit the employment of any person on a zero hours contract in the provision of that service.
- (2) "Zero hours contracts" mean contracts under which an employee agrees to be available for work but has no guarantee of minimum hours.
- (3) The Welsh Ministers may by regulations amend the definition of "zero hours contracts" in subsection (2).'

I fewnosod adran newydd –

'() Y defnydd o contractau dim oriau

- (1) Ni chaiff awdurdod lleol sy'n darparu neu'n contractio gwasanaeth yn uniongyrchol wrth arfer ei swyddogaethau gwasanaethau cymdeithasol ganiatáu i unrhyw berson gael ei gyflogi ar gontract dim oriau wrth ddarparu'r gwasanaeth hwnnw.
- (2) Ystyr "contractau dim oriau" yw contractau pan fydd cyflogai yn cytuno i fod ar gael i weithio ond nad oes ganddo sicrwydd o ran isafswm oriau.
- (3) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio'r diffiniad o "contractau dim oriau" yn is-adran (2).'

Jocelyn Davies

323

To insert a new section –

'() Procedure for regulations under section (section to be inserted by amendment 322)

- (1) Before making regulations under section (section to be inserted by amendment 322) the Welsh Ministers must carry out the following steps.
- (2) The Welsh Ministers must consult –
 - (a) such persons as appear to them likely to be affected by the regulations,
 - (b) such organisations as appear to them to represent the interests of persons likely to be affected by the regulations, and
 - (c) such other persons as they consider appropriate, on the proposed draft

regulations.

- (3) The Welsh Ministers must—
 - (a) allow those persons a period of at least 12 weeks to submit comments on the proposed draft regulations,
 - (b) consider any comments submitted within that period, and
 - (c) publish a summary of those comments.
- (4) The Welsh Ministers must lay a draft of the regulations before the National Assembly for Wales.
- (5) Draft regulations laid under subsection (4)—
 - (a) must be accompanied by a statement of the Welsh Ministers giving details of any differences between the draft regulations consulted on under subsection (2) and the draft regulations laid under subsection (4), and
 - (b) may not be approved by a resolution of the National Assembly for Wales in accordance with section 179(6) until after the expiry of the period of 60 days beginning with the day on which the draft regulations are laid.’.

I fewnosod adran newydd—

- ‘(1) Y weithdrefn ar gyfer rheoliadau o dan adran (yr adran sy’n cael ei fewnosod gan welliant 322)**
- (1) Cyn gwneud rheoliadau o dan adran (yr adran sy’n cael ei fewnosod gan welliant 322) rhaid i Weinidogion Cymru gymryd y camau a ganlyn.
 - (2) Rhaid i Weinidogion Cymru ymgynghori a’r canlynol—
 - (a) unrhyw bersonau y mae’n ymddangos iddynt fod y rheoliadau yn debygol o effeithio arnynt,
 - (b) unrhyw sefydliadau y mae’n ymddangos iddynt eu bod yn cynrychioli buddiannau personau y mae’r rheoliadau yn debygol o effeithio arnynt, ac
 - (c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.
 - (3) Rhaid i Weinidogion Cymru—
 - (a) rhoi cyfnod o 12 wythnos o leiaf i’r personau hynny i gyflwyno sylwadau ar y rheoliadau drafft arfaethedig,
 - (b) ystyried unrhyw sylwadau a gyflwynir o fewn y cyfnod hwnnw, ac
 - (c) cyhoeddi crynodeb o’r sylwadau hynny.
 - (4) Rhaid i Weinidogion Cymru osod drafft o’r rheoliadau gerbron Cynulliad Cenedlaethol Cymru.
 - (5) O ran y rheoliadau drafft a osodir o dan is-adran (4)—
 - (a) rhaid iddynt fynd gyda datganiad gan Weinidogion Cymru yn rhoi manylion unrhyw wahaniaethau rhwng y rheoliadau drafft yr ymgynghorwyd arnynt o dan is-adran (2) a’r rheoliadau drafft a osodir o dan is-adran (4), a
 - (b) ni chaniateir iddynt gael eu cymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru yn unol ag adran 179(6) tan ar ol i’r cyfnod o 60 niwrnod, yn

dechrau ar y diwrnod y gosodir y rheoliadau drafft, ddod i ben.’

Angela Burns

324

Section 1, page 4, after line 13, insert—

- ‘() Part () (National Board for Adoption Services)—
- (a) establishes a National Board for Adoption Services,
 - (b) makes provision for the functions of the Board, and
 - (c) confers powers on Welsh Ministers to make regulations about the Board.’

Adran 1, tudalen 4, ar ôl llinell 14, mewnosoder—

- ‘() Mae Rhan () (Bwrdd Cenedlaethol ar gyfer Gwasanaethau Mabwysiadu)—
- (a) yn sefydlu Bwrdd Cenedlaethol ar gyfer Gwasanaethau Mabwysiadu,
 - (b) yn gwneud darpariaeth ar gyfer swyddogaethau’r Bwrdd, ac
 - (c) yn rhoi swyddogaethau i Weinidogion Cymru i wneud rheoliadau ynghylch y Bwrdd.’

Angela Burns

325

To insert a new section—

‘PART ()

NATIONAL BOARD FOR ADOPTION SERVICES

National Board for Adoption Services

() National Board for Adoption Services

- (1) There is to be a board called the National Board for Adoption Services (referred to in this Part as “the National Board”).
- (2) The duties of the National Board are—
 - (a) to compile and maintain a register of services provided in Wales by local authorities or registered adoption societies under the Adoption and Children Act 2002,
 - (b) to establish a national performance management framework (“the framework”) for the provision of adoption services in Wales,
 - (c) to report on the adequacy and effectiveness of adoption services in Wales, and
 - (d) to make recommendations to the Welsh Ministers as to how those services could be improved.
- (3) Recommendations made under paragraph (2)(d) may include recommendations about the use of the Welsh Ministers’ powers of direction under section 3A of the Adoption and Children Act 2002.’

I fewnosod adran newydd –

‘RHAN ()

Y BWRDD CENEDLAETHOL AR GYFER GWASANAETHAU MABWYSIADU

Y Bwrdd Cenedlaethol ar gyfer Gwasanaethau Mabwysiadu

() Y Bwrdd Cenedlaethol ar gyfer Gwasanaethau Mabwysiadu

- (1) Bydd bwrdd o’r enw’r Bwrdd Cenedlaethol ar gyfer Gwasanaethau Mabwysiadu (y cyfeirir ato yn y Rhan hon fel “y Bwrdd Cenedlaethol”).
- (2) Dyletswyddau’r Bwrdd Cenedlaethol yw –
 - (a) llunio a chadw cofrestr o wasanaethau a ddarperir yng Nghymru gan awdurdodau lleol neu gymdeithasau mabwysiadu cofrestredig o dan Ddeddf Mabwysiadu a Phlant 2002,
 - (b) sefydlu fframwaith cenedlaethol rheoli perfformiad (“y fframwaith”) ar gyfer darparu gwasanaethau mabwysiadu yng Nghymru,
 - (c) cyflwyno adroddiadau ynghylch digonolrwydd ac effeithiolrwydd gwasanaethau mabwysiadu yng Nghymru, a
 - (d) gwneud argymhellion i Weinidogion Cymru ynghylch sut y gellid gwella’r gwasanaethau hynny.
- (3) Caiff argymhellion a wneir o dan baragraff (2)(d) gynnwys argymhellion ynghylch defnyddio pwerau cyfarwyddo Gweinidogion Cymru o dan adran 3A o Ddeddf Mabwysiadu a Phlant 2002.’.

Angela Burns

326

To insert a new section –

‘() National Board: duties

The National Board –

- (a) must make an annual report to the Welsh Ministers,
- (b) must make such other reports to the Welsh Ministers as they require, and
- (c) may make such other reports as it thinks fit.’.

I fewnosod adran newydd –

‘() Y Bwrdd Cenedlaethol: dyletswyddau

O ran y Bwrdd Cenedlaethol –

- (a) rhaid iddo gyflwyno adroddiad blynyddol i Weinidogion Cymru,
- (b) rhaid iddo gyflwyno unrhyw adroddiadau eraill i Weinidogion Cymru y byddant yn eu mynnu, ac
- (c) caiff gyflwyno unrhyw adroddiadau eraill y gwêl yn dda.’.

Angela Burns

327

To insert a new section –

‘(1) Framework: further provisions

The framework must include provisions relating (but not limited) to –

- (a) arrangements for the provision, by local authorities and registered adoption societies, of information, advice and support to prospective adopters and adoptive parents, such information to include (but not be limited to) information on training programmes available to, and assessment of, prospective adopters;
- (b) the provision of post adoptive support to adoptive parents and adopted children;
- (c) arrangements for reviewing the quality of the information, advice and support provided under paragraph (a) and (b);
- (d) the provision of advice and assistance to local authorities and registered adoption societies on the promotion of adoption services including (but not limited to) the promotion of adoption where in the best interests of the child and recruitment of prospective adopters;
- (e) the provision of advice and assistance to local authorities and registered adoption societies about the development of a specialist workforce.’.

I fewnosod adran newydd –

‘(1) Y Fframwaith: darpariaethau pellach

Rhaid i’r fframwaith gynnwys darpariaethau ynghylch (ond heb fod yn gyfyngedig) i –

- (a) trefniadau ar gyfer darparu gwybodaeth, cyngor a chymorth i ddarpar fabwysiadwyr a rhieni sy’n mabwysiadu gan awdurdodau lleol a chymdeithasau mabwysiadu cofrestredig, a’r wybodaeth honno i gynnwys (ond heb fod yn gyfyngedig i) gwybodaeth am y rhaglenni hyfforddiant sydd ar gael i ddarpar fabwysiadwyr, a’r ffordd y cânt eu hasesu;
- (b) darparu cymorth ôl-fabwysiadu i rieni sy’n mabwysiadu a phlant a fabwysiadwyd;
- (c) trefniadau ar gyfer adolygu ansawdd yr wybodaeth, y cyngor a’r cymorth a ddarperir o dan baragraff (a) a (b);
- (d) darparu cyngor a chynhorthwy i awdurdodau lleol a chymdeithasau mabwysiadu cofrestredig ynghylch hyrwyddo gwasanaethau mabwysiadu, gan gynnwys (ond heb fod yn gyfyngedig i) hyrwyddo mabwysiadu lle y mae hynny er lles pennaf y plentyn a recriwtio darpar fabwysiadwyr;
- (e) darparu cyngor a chynhorthwy i awdurdodau lleol a chymdeithasau mabwysiadu cofrestredig ynghylch datblygu gweithlu arbenigol.’.

Angela Burns

328

To insert a new section –

‘(1) Regulations about the National Board

- (1) The Welsh Ministers may by regulations make provision about the appointment of the National Board including provision about –
 - (a) the eligibility of persons for appointment,
 - (b) the procedure for appointment.
- (2) Regulations under this section may –
 - (a) apply (with or without modifications) any code of practice that is concerned with appointments to public bodies, or
 - (b) make other provision relating to any such code.’.

I fewnosod adran newydd –

‘(1) Rheoliadau ynghylch y Bwrdd Cenedlaethol

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ynghylch penodi’r Bwrdd Cenedlaethol, gan gynnwys darpariaeth ynghylch –
 - (a) cymhwystra personau i’w penodi,
 - (b) y weithdrefn ar gyfer penodi.
- (2) Caiff rheoliadau o dan yr adran hon –
 - (a) cymhwyso (gydag addasiadau neu hebddynt) unrhyw god ymarfer sy’n berthnasol i benodiadau i gyrff cyhoeddus, neu
 - (b) gwneud unrhyw ddarpariaeth arall sy’n berthnasol i unrhyw god o’r fath.’.

Angela Burns

329

To insert a new section –

‘(1) Regulations about the National Board: further provisions

- (1) Regulations may make further provision about the National Board.
- (2) Regulations under this section may, for example, provide for –
 - (a) the constitution and membership of the National Board (including provision about terms of appointment, disqualification, resignation, suspension or removal of members);
 - (b) the remuneration and allowances to be paid to members;
 - (c) the proceedings of the National Board;
 - (d) the National Board to consult with those who may be affected by arrangements relating to adoption services in Wales;
 - (e) the form, content and timing of the National Board’s reports;
 - (f) the publication of the National Board’s reports.

- (3) Regulations under this section may not provide for a Minister of the Crown to be a member of the National Board.’.

I fewnosod adran newydd –

‘() Rheoliadau ynghylch y Bwrdd Cenedlaethol: darpariaethau pellach

- (1) Caiff rheoliadau wneud darpariaethau pellach ynghylch y Bwrdd Cenedlaethol.
- (2) Caiff rheoliadau o dan yr adran hon ddarparu, er enghraifft, ar gyfer –
- (a) cyfansoddiad ac aelodaeth y Bwrdd Cenedlaethol (gan gynnwys darpariaeth ynghylch telerau penodi, anghymwyso, ymddiswyddo, atal neu symud aelodau o’u swydd);
 - (b) y tâl a’r lwfansau sydd i’w talu i aelodau;
 - (c) trafodion y Bwrdd Cenedlaethol;
 - (d) bod y Bwrdd Cenedlaethol yn ymgynghori â’r rhai y gallai trefniadau i ddiogelu oedolion a phlant yng Nghymru effeithio arnynt;
 - (e) ffurf, cynnwys ac amseriad adroddiadau’r Bwrdd Cenedlaethol;
 - (f) cyhoeddi adroddiadau’r Bwrdd Cenedlaethol.
- (3) Ni chaiff rheoliadau o dan yr adran hon ddarparu i Weinidog y Goron fod yn aelod o’r Bwrdd Cenedlaethol.’.

Angela Burns

330

Section 179, page 121, line 18, leave out ‘or 158’ and insert ‘, 158, (section to be inserted by amendment 328) or (section to be inserted by amendment 329)’.

Adran 179, tudalen 121, llinell 20, hepgorer ‘neu 158’ a mewnosoder ‘, 158, (yr adran sy’n cael ei fewnosod gan welliant 328) neu (yr adran sy’n cael ei fewnosod gan welliant 329)’.

Lindsay Whittle

331

To insert a new section –

‘() “Post-18 living arrangements”

- (1) A local authority must provide advice and other support (including financial support) for any relevant person within its area in order to facilitate and maintain a post-18 living arrangement.
- (2) The duty under subsection (1) does not apply if –
- (a) the relevant person does not wish to participate in a post-18 living arrangement, or
 - (b) the former local authority foster parent does not wish to participate in a post-18 living arrangement.
- (3) A “post-18 living arrangement” is an arrangement under which –
- (a) a relevant person who was being looked after by a local authority when he or she reached the age of 18, and

- (b) the former local authority foster parent,
continue to live together after the young person has ceased to be looked after.
- (4) Regulations must make provision for and in connection with the duty under subsection (1).
- (5) Regulations under this section must make provision about—
 - (a) who is a relevant person for the purposes of subsection (1);
 - (b) the types of support and advice that must be provided;
 - (c) how and to whom a local authority is to make available information about post-18 living arrangements.
- (6) In this section—
 - “former local authority foster parent” (“*cyn-riant maeth awdurdod lleol*”) means a local authority foster parent with whom the relevant person was placed under section 72(6)(a) or (b);
 - “relevant person” (“*person perthnasol*”) means a person specified in regulations made under subsection (4).’.

I fewnosod adran newydd—

‘() “Trefniadau byw ôl-18”

- (1) Rhaid i awdurdod lleol ddarparu cyngor a chymorth arall (gan gynnwys cymorth ariannol) ar gyfer unrhyw berson perthnasol o fewn ei ardal er mwyn hwyluso a chynnal trefniant byw ôl-18.
- (2) Nid yw’r ddyletswydd o dan is-adran (1) yn gymwys—
 - (a) os nad yw’r person perthnasol yn dymuno cymryd rhan mewn trefniant byw ôl-18, neu
 - (b) os nad yw cyn-riant maeth awdurdod lleol yn dymuno cymryd rhan mewn trefniant byw ôl-18.
- (3) Mae “trefniant byw ôl-18” yn drefniant lle mae—
 - (a) person perthnasol a oedd yn derbyn gofal gan awdurdod lleol pan gyrhaeddodd 18 oed, a
 - (b) cyn-riant maeth awdurdod lleol,yn parhau i fyw gyda’i gilydd ar ôl i’r gofal a ddarparwyd i’r person ifanc ddod i ben.
- (4) Rhaid i reoliadau wneud darpariaeth ar gyfer ac mewn cysylltiad â’r ddyletswydd o dan is-adran (1).
- (5) Rhaid i reoliadau o dan yr adran hon wneud darpariaeth ynghylch—
 - (a) y sawl sy’n berson perthnasol at ddibenion is-adran (1);
 - (b) y mathau o gymorth a chyngor y mae’n rhaid eu darparu;
 - (c) sut ac i bwy y mae’r awdurdod lleol i ddarparu gwybodaeth ynghylch trefniadau byw ôl-18.
- (6) Yn yr adran hon—

ystyr “cyn-riant maeth awdurdod lleol” (“*former local authority foster parent*”) yw rhiant maeth awdurdod lleol y lleolwyd y person perthnasol gydag ef o dan adran 72(6)(a) neu (b);

ystyr “person perthnasol” (“*relevant person*”) yw person a bennir mewn rheoliadau a wneir o dan is-adran (4).’.

Lindsay Whittle

332

Section 179, page 121, line 17, after ‘34(1),’, insert ‘(section to be inserted by amendment 331),’.

Adran 179, tudalen 121, llinell 19, ar ôl ‘34(1),’, mewnosoder ‘(yr adran sy’n cael ei fewnosod gan welliant 331),’.