

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 18 Chwefror 2015
Tabled on 18 February 2015

Bil Trais yn erbyn Menywod, Cam-drin Domestig a Thrais Rhywiol
(Cymru)

Violence against Women, Domestic Abuse and Sexual Violence
(Wales) Bill

Peter Black

1

To insert a new section –

[1] Duty to have regard to the Convention on the Rights of the Child

- (1) A person exercising relevant functions must have regard (along with all other relevant matters) to the requirements of Part 1 of the Convention.
- (2) In this section, “relevant functions” (“*swyddogaethau perthnasol*”) has the meaning set out in section 2(2).
- (3) In this section, “Convention” (“*Confensiwn*”) means the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989.’.

I fewnosod adran newydd –

[1] Dyletswydd i roi sylw i’r Confensiwn ar Hawliau’r Plentyn

- (1) Rhaid i berson sy’n arfer swyddogaethau perthnasol roi sylw (ynghyd â phob mater perthnasol arall) i ofynion Rhan 1 o’r Confensiwn.
- (2) Yn yr adran hon, mae i “swyddogaethau perthnasol” (“*relevant functions*”) yr ystyr a roddir yn adran 2(2).

- (3) Yn yr adran hon, ystyr “Confensiwn” (“*Convention*”) yw Confensiwn y Cenhedloedd Unedig ar Hawliau’r Plentyn a fabwysiadwyd ac a agorwyd i’w lofnodi, ei gadarnhau a’i dderbyn gan benderfyniad 44/25 y Cynulliad Cyffredinol ar 20 Tachwedd 1989.’.

Peter Black

2

Section 5, page 3, after line 7, insert –

- ‘(d) comply with requirements as to the design, implementation and monitoring of a local strategy about which the Welsh Ministers must by statutory instrument make regulations.’.

Adran 5, tudalen 3, ar ôl llinell 7, mewnosoder –

- ‘(d) cydymffurfio â gofynion o ran dylunio, gweithredu a monitro strategaeth leol y mae’n rhaid i Weinidogion Cymru wneud rheoliadau yn ei chylch drwy offeryn statudol.’.

Peter Black

3

Section 5, page 3, after line 18, insert –

- ‘(6) A statutory instrument containing regulations made under this section is subject to annulment in pursuance of a resolution of the National Assembly for Wales.’.

Adran 5, tudalen 3, ar ôl llinell 20, mewnosoder –

- ‘(6) Mae offeryn statudol sy’n cynnwys rheoliadau a wneir o dan yr adran hon yn ddarostyngedig i’w ddirymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.’.

Peter Black

4

Section 8, page 4, after line 29, insert –

- ‘() A local authority must employ at least one officer whose role is to ensure delivery of the local strategy for its area.’.

Adran 8, tudalen 4, ar ôl llinell 29, mewnosoder –

- ‘() Rhaid i awdurdod lleol gyflogi o leiaf un swyddog sydd â’r rôl o sicrhau y caiff y strategaeth leol ar gyfer ei ardal ei chyflawni.’.

Peter Black

5

To insert a new section –

‘Education about healthy relationships

[] Regulations about healthy relationships

- (1) The Welsh Ministers must make regulations regarding education about healthy relationships including –
- (a) provision for training to ensure that each school in Wales employs at least one

- member of staff who has expertise in providing advice and assistance about violence against women and children, domestic abuse and sexual violence;
- (b) provision to ensure that all teachers employed in schools in Wales have training in providing advice and assistance about violence against women and children, domestic abuse and sexual violence;
 - (c) provision for each school in Wales to designate at least one member of its governing body as a champion of the right not to be subjected to gender-based violence, domestic abuse or sexual violence;
 - (d) subject to the approval of its Governing Body provision for each school in Wales to designate at least one of its pupils as a champion of the right not to be subjected to gender-based violence, domestic abuse or sexual violence;
 - (e) provision for the collection of data by schools in Wales about violence against women and children, including sexual harassment and bullying, domestic abuse and sexual violence;
 - (f) provision for ensuring that education about violence against women and children and healthy relationships, domestic abuse and sexual violence is available to all those aged between three years and sixteen years whether or not they are receiving education in a school.
- (2) Regulations under subsection (1) are to be made by statutory instrument.
- (3) A statutory instrument containing regulations made under subsection (1) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.’.

I fewnosod adran newydd—

‘Addysg am berthnasoedd iach

[] Rheoliadau ynghylch perthnasoedd iach

- (1) Rhaid i Weinidogion Cymru wneud rheoliadau ynghylch addysg am berthnasoedd iach gan gynnwys—
- (a) darpariaeth ar gyfer hyfforddiant i sicrhau bod pob ysgol yng Nghymru yn cyflogi o leiaf un aelod o staff sydd ag arbenigedd mewn rhoi cyngor a chymorth ynghylch trais yn erbyn menywod a phlant, cam-drin domestig a thrais rhywiol;
 - (b) darpariaeth i sicrhau bod yr holl athrawon a gyflogir mewn ysgol yng Nghymru yn cael hyfforddiant mewn rhoi cyngor a chymorth ynghylch trais yn erbyn menywod a phlant, cam-drin domestig a thrais rhywiol;
 - (c) darpariaeth ar gyfer pob ysgol yng Nghymru i ddynodi o leiaf un aelod o’i gorff llywodraethu yn hyrwyddwr yr hawl i beidio â dioddef trais ar sail rhywedd, cam-drin domestig neu drais rhywiol;
 - (d) yn ddarostyngedig i gymeradwyaeth ei Chorff Llywodraethu, ddarpariaeth ar gyfer pob ysgol yng Nghymru i ddynodi o leiaf un o’i disgyblion yn hyrwyddwr yr hawl i beidio â dioddef trais ar sail rhywedd, cam-drin domestig neu drais rhywiol;
 - (e) darpariaeth ar gyfer casglu data gan ysgolion yng Nghymru am drais yn erbyn menywod a phlant, gan gynnwys aflonyddu rhywiol a bwlio, cam-drin domestig

a thrais rhywiol;

- (f) darparu ar gyfer sicrhau bod addysg am drais yn erbyn menywod a phlant, ac addysg am berthnasoedd iach, cam-drin domestig a thrais rhywiol, ar gael i bob un rhwng tair oed ac un ar bymtheg oed, boed y rheini'n cael addysg mewn ysgol ai peidio.
- (2) Mae rheoliadau o dan is-adran (1) i'w gwneud drwy offeryn statudol.
- (3) Mae offeryn statudol sy'n cynnwys rheoliadau a wneir o dan is-adran (1) yn ddarostyngedig i'w ddirymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.'.

Peter Black

6

To insert a new section –

[] Guidance on education about healthy relationships

- (1) The Welsh Ministers may issue guidance to schools in Wales on education about healthy relationships.
- (2) A school must have regard to any guidance issued.'.

I fewnosod adran newydd –

[] Canllawiau ynghylch addysg am berthnasoedd iach

- (1) Caiff Gweinidogion Cymru ddyroddi canllawiau i ysgolion yng Nghymru ynghylch addysg am berthnasoedd iach.
- (2) Rhaid i ysgol dalu sylw i unrhyw ganllawiau a ddyroddir.'.

Peter Black

7

To insert a new section –

[] Report on the progress of healthy relationship education

- (1) No later than five years from the day on which this Act receives Royal Assent, the Welsh Ministers must lay before the National Assembly for Wales a report about the progress of healthy relationship education in schools in Wales in the previous three years.
- (2) Subsequent reports must be laid no later than three years and six months after the previous report was laid.
- (3) The Welsh Ministers may direct Her Majesty's Chief Inspector of Education and Training in Wales to prepare the report.
- (4) A direction must be given at least three months before the report is required.'.

I fewnosod adran newydd –

[] Adrodd ar y cynnydd o ran addysg am berthnasoedd iach

- (1) Heb fod yn hwyrach na phum mlynedd o'r diwrnod y caiff y Ddeddf hon Gydsyniad Brenhinol, rhaid i Weinidogion Cymru osod gerbron Cynulliad Cenedlaethol Cymru adroddiad am y cynnydd o ran addysg am berthnasoedd iach yn ysgolion Cymru yn y tair blynedd blaenorol.
- (2) Rhaid gosod adroddiadau dilynol heb fod yn hwyrach na thair blynedd a chwe mis ar ôl yr adroddiad blaenorol.
- (3) Caiff Gweinidogion Cymru gyfarwyddo Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru i baratoï'r adroddiad.
- (4) Rhaid i gyfarwyddyd gael ei roi o leiaf dri mis cyn y bydd angen yr adroddiad.'

Peter Black

8

Section 10, page 5, leave out lines 26 to 28 and insert –

'by statutory instrument make an order specifying indicators ("national indicators") that may be applied for the purpose of measuring progress towards the achievement of the purpose of this Act.

- () An order under this section may not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, the National Assembly for Wales.'

Adran 10, tudalen 5, hepgorer llinellau 26 hyd at 28 a mewnosoder –

'drwy offeryn statudol wneud gorchymyn sy'n pennu dangosyddion ("dangosyddion cenedlaethol") y ceir eu cymhwyso at y diben o fesur cynnydd tuag at gyflawni diben y Ddeddf hon.

- () Ni chaniateir gwneud gorchymyn o dan yr adran hon oni bai bod drafft o'r offeryn statudol sy'n cynnwys y gorchymyn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru, ac wedi ei gymeradwyo drwy benderfyniad ganddo.'

Peter Black

9

Section 10, page 5, line 35, leave out subsections (3) to (4).

Adran 10, tudalen 5, llinell 35, hepgorer is-adrannau (3) hyd at (4).

Peter Black

10

Section 10, page 6, line 1, leave out 'publishing national indicators (including indicators revised under subsection (3)),' and insert 'making an order under this section'.

Adran 10, tudalen 6, llinell 1, hepgorer 'cyhoeddi dangosyddion cenedlaethol (gan gynnwys dangosyddion a ddiwygir o dan is-adran (3)),' a mewnosoder 'gwneud gorchymyn o dan yr adran hon'.

Peter Black

11

To insert a new section –

[] Amendment to the Education Act 2005

(1) Section 28 of the Education Act 2005 as follows.

(2) In subsection (5) –

- (a) at the end of paragraph (e) omit “and”;
- (b) at the end of paragraph (f) omit “.” and insert “, and”;
- (c) after paragraph (f) insert –

“(g) the extent to which the school has complied with its duties under regulations made under section [*section to be inserted by amendment 5*] of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.”.

I fewnosod adran newydd –

[] Diwygio Deddf Addysg 2005

(1) Adran 28 o Ddeddf Addysg 2005 fel a ganlyn.

(2) Yn is-adran (5) –

- (a) ar ddiwedd paragraff (e) hepgorer “and”;
- (b) ar ddiwedd paragraff (f) hepgorer “.” a mewnosoder “, and”;
- (c) ar ôl paragraff (f) mewnosoder –

“(g) the extent to which the school has complied with its duties under regulations made under section [*yr adran i’w mewnosod gan welliant 5*] of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.”.

Peter Black

12

Section 11, page 6, after line 8, insert –

‘(c) of the resources which they have made available to achieve the purpose of this Act.’.

Adran 11, tudalen 6, ar ôl llinell 11, mewnosoder –

‘(c) yr adnoddau y maent wedi’u rhoi ar gael i gyflawni diben y Ddeddf hon.’.

Peter Black

13

Section 14, page 7, line 7, leave out ‘may’ and insert ‘must’.

Adran 14, tudalen 7, llinell 7, hepgorer ‘Caiff Gweinidogion’ a mewnosoder ‘Rhaid i Weinidogion’.

Peter Black

14

Section 16, page 8, line 21, leave out –

‘the following provisions of this section.

- (2) A relevant authority is not subject to the duty under subsection (1) so far as –
 - (a) the authority concerned thinks there is good reason for it not to follow the guidance in particular categories of case or at all,
 - (b) it decides on an alternative policy for the exercise of its functions in respect of the subject matter of the guidance, and
 - (c) a policy statement issued by the authority in accordance with section 17 is in effect.
- (3) Where subsection (2) applies in the case of an authority to which this section applies, the authority –
 - (a) must follow the course set out in the policy statement, and
 - (b) is subject to the duty under subsection (1) only so far as the subject matter of the guidance is not displaced by the policy statement.
- (4) The duties in subsections (1) and (3) do not apply to a relevant authority so far as it would be unreasonable for the authority to follow the statutory guidance or policy statement in a particular case or category of case.’

And insert –

‘subsection (2).

- () A relevant authority is not subject to the duty under subsection (1) so far as the authority concerned demonstrates to the satisfaction of the Welsh Ministers that it exceeds the requirements of the course set out in the guidance in particular categories of case or in all cases.’

Adran 16, tudalen 8, llinell 25, hepgorer –

‘i’r darpariaethau a ganlyn yn yr adran hon.

- (2) Nid yw awdurdod perthnasol yn ddarostyngedig i’r ddyletswydd o dan is-adran (1) i’r graddau –
 - (a) y bo’r awdurdod o dan sylw o’r farn bod rheswm da dros iddo beidio â dilyn y canllawiau mewn categorïau penodol o achosion, neu beidio â’u dilyn o gwbl,
 - (b) y bo’r awdurdod yn penderfynu ar bolisi amgen ar gyfer arfer ei swyddogaethau mewn perthynas â phwnc y canllawiau, ac
 - (c) y bo datganiad polisi a ddyroddwyd gan yr awdurdod yn unol ag adran 17 yn cael effaith.
- (3) Pan fo is-adran (2) yn gymwys yn achos awdurdod y mae’r adran hon yn gymwys iddo –
 - (a) rhaid i’r awdurdod ddilyn y drefn a nodir yn y datganiad polisi, a
 - (b) dim ond i’r graddau nad yw pwnc y canllawiau yn cael ei ddisodli gan y datganiad polisi y mae’r awdurdod yn ddarostyngedig i’r ddyletswydd o dan is-adran (1).

- (4) Nid yw'r dyletswyddau yn is-adrannau (1) a (3) yn gymwys i awdurdod perthnasol i'r graddau y byddai'n afresymol i'r awdurdod ddilyn y canllawiau statudol neu ddatganiad polisi mewn achos penodol neu gategori o achos.'

A mewnosoder –

'i is-adran (2).

- () Nid yw awdurdod perthnasol yn ddarostyngedig i'r ddyletswydd o dan is-adran (1) i'r graddau y bo'r awdurdod o dan sylw yn dangos er boddhad Gweinidogion Cymru ei fod yn rhagori ar ofynion y llwybr a nodir yn y canllawiau mewn categorïau penodol o achosion neu ym mhob achos.'

Peter Black

15

Page 9, line 5, leave out section 17.

Tudalen 9, llinell 5, hepgorer adran 17.

Peter Black

16

Page 9, line 20, leave out section 18.

Tudalen 9, llinell 20, hepgorer adran 18.

Peter Black

17

To insert a new section –

'Duty to seek advice

[] Duty to seek advice

- (1) The Welsh Ministers must, in exercising relevant functions under this Act, seek advice from the Higher Education Funding Council for Wales, and the institutions that provide higher education or further education in Wales, and involve them in achieving the purpose of this Act in such a manner and extent as the Welsh Ministers consider appropriate.

- (2) In this section –

“relevant functions” (“*swyddogaethau perthansol*”) has the meaning set out in section 2(2);

“higher education” (“*addysg uwch*”) means education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988; and

“further education” (“*addysg bellach*”) has the same meaning as in section 2 of the Education Act 1996.”.

I fewnosod adran newydd –

‘Dyletswydd i geisio cyngor

[] **Dyletswydd i geisio cyngor**

(1) Rhaid i Weinidogion Cymru, wrth arfer swyddogaethau perthnasol o dan y Ddeddf hon, geisio cyngor gan Gyngor Cyllido Addysg Uwch Cymru, a’r sefydliadau sy’n darparu addysg uwch neu addysg bellach yng Nghymru, a’u cynnwys hwy o ran cyflawni diben y Ddeddf hon yn y fath fodd ac i’r fath raddau ag y mae Gweinidogion Cymru yn eu hystyried yn briodol.

(2) Yn yr adran hon –

mae i “swyddogaethau perthnasol” (“*relevant functions*”) yr ystyr a roddir yn adran 2(2);

ystyr “addysg uwch” (“*higher education*”) yw addysg a ddarperir drwy gwrs o unrhyw ddisgrifiad a grybwyllir yn Atodlen 6 i Ddeddf Diwygio Addysg 1988;

ac mae i “addysg bellach” (“*further education*”) yr un ystyr ag yn adran 2 o Ddeddf Addysg 1996.”.

Peter Black

18

Section 20, page 10, line 18, leave out ‘, subject to the direction of the Welsh Ministers’.

Adran 20, tudalen 10, llinell 18, hepgorer ‘, yn ddarostyngedig i gyfarwyddyd Gweinidogion Cymru’.

Peter Black

19

Section 20, page 10, after line 32, insert –

‘(f) at the beginning of each financial year to lay before the National Assembly for Wales a report as to the Ministerial Adviser’s activities in the preceding year.’.

Adran 20, tudalen 10, ar ôl llinell 33, mewnosoder –

‘(f) ar ddechrau pob blwyddyn ariannol, gosod gerbron Cynulliad Cenedlaethol Cymru adroddiad ynghylch gweithgareddau’r Cynghorydd Gweinidogol yn y flwyddyn flaenorol.’.