

## HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 29 Medi 2015  
Tabled on 29 September 2015

### Bil Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) Regulation and Inspection of Social Care (Wales) Bill

Mae'r gwelliannau â \* ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu.  
Amendments marked \* are new or have been altered.

**Altaf Hussain**

**7A**

As an amendment to amendment 7, after line 8, insert –

- '( ) If the Welsh Ministers think that a person has been responsible for, contributed to or facilitated any misconduct or mismanagement in a regulated service, the Welsh Ministers must consider the circumstances of the misconduct or mismanagement in deciding whether a person is fit and proper.
- ( ) The circumstances in (*first subsection to be inserted by amendment 7A*) include –
  - (a) the seriousness and duration of the misconduct or mismanagement;
  - (b) any harm caused to any person, including any evidence of intention to cause harm;
  - (c) any financial gain made by the person;
  - (d) any remedial action the person took following the misconduct or mismanagement.'

Fel gwelliant i welliant 7, ar ôl llinell 9, mewnosoder –

- '( ) Os yw Gweinidogion Cymru yn credu bod person wedi bod yn gyfrifol am unrhyw gamymddwyn neu gamreoli mewn gwasanaeth rheoleiddiedig, neu wedi cyfrannu at hyn neu wedi hwyluso hyn, rhaid i Weinidogion Cymru ystyried amgylchiadau'r camymddwyn neu'r camreoli wrth benderfynu a yw person yn addas a phriodol.
- ( ) Mae'r amgylchiadau yn (*yr is-adran gyntaf sy'n cael ei mewnosod gan welliant 7A*) yn cynnwys –
  - (a) difrifoldeb a hyd y camymddwyn neu'r camreoli;



- (b) unrhyw niwed a achosir i unrhyw berson, gan gynnwys unrhyw dystiolaeth o fwriad i achosi niwed;
- (c) unrhyw elw ariannol a wnaeth y person;
- (d) unrhyw gamau unioni a gymerodd y person yn dilyn y camymddwyn neu'r camreoli.'

**\*Altaf Hussain**

**68A**

**Gyda chefnogaeth/ Supported by: Kirsty Williams**

As an amendment to amendment 68, leave out line 2.

Fel gwelliant i welliant 68, hepgorer llinell 2.

**Altaf Hussain**

**109**

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

'(iii) the emotional needs of the person cared for;'

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

'(iii) anghenion emosiynol y person y gofelir amdano;'

**Altaf Hussain**

**110**

Section 26, page 17, after line 4, insert –

'() Regulations under subsection (1) must include provision specifying how a service provider is to ensure that the standard of care and support provided by the service provider promotes the well-being of persons cared for.'

Adran 26, tudalen 17, ar ôl llinell 4, mewnosoder –

'() Rhaid i reoliadau o dan is-adran (1) gynnwys darpariaeth sy'n pennu sut y mae darparwr gwasanaeth yn mynd i sicrhau bod safon y gofal a'r cymorth a ddarperir gan y darparwr gwasanaethau yn hyrwyddo llesiant y personau y gofelir amdanynt.'

**Altaf Hussain**

**111**

Section 26, page 17, line 5, leave out 'provision' and insert 'other provisions'.

Adran 26, tudalen 17, llinell 5, hepgorer 'darpariaeth' a mewnosoder 'darpariaethau eraill'.

**\*Altaf Hussain**

**112**

**Gyda chefnogaeth/ Supported by: Kirsty Williams**

Section 32, page 19, line 18, after 'of', insert ', and the involvement and engagement of lay reviewers in the carrying out of,'.

Adran 32, tudalen 19, llinell 20, ar ôl 'arolygiadau' yn yr ail le y mae'n ymddangos, mewnosoder 'a chynnwys ac ymgysylltu adolygwyr lleug yn y broses o gynnal yr arolygiadau'.



**Altaf Hussain**

**113**

Page 21, after line 32, insert a new section –

**(1) Procedure for regulations under section 35**

- (1) Before making regulations under section 35, 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 185(2) until after the expiry of the period of 60 days beginning with the day on which the draft regulations are laid.’.

Tudalen 21, ar ôl llinell 35, mewnosoder adran newydd –

**(1) Y weithdrefn ar gyfer rheoliadau o dan adran 35**

- (1) Cyn gwneud rheoliadau o dan adran 35, rhaid i Weinidogion Cymru gymryd y camau a ganlyn.
- (2) Rhaid i Weinidogion Cymru ymgynghori â’r canlynol ar y rheoliadau drafft arfaethedig –
  - (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 gynnwys gyda hwy ddatganiad 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 185(2) tan ar ôl i'r cyfnod o 60 niwrnod, yn dechrau ar y diwrnod y gosodir y rheoliadau drafft, ddod i ben.'

**Altaf Hussain**

**114**

Page 24, after line 13, insert a new section –

**'() United Nations Convention on the Rights of Persons with Disabilities**

The Welsh Ministers must have regard to the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol (adopted by the United Nations General Assembly on 13 December 2006 and opened for signature on 30 March 2007) when exercising their regulatory functions.'

Tudalen 24, ar ôl llinell 15, mewnosoder adran newydd –

**'() Confensiwn y Cenhedloedd Unedig ar Hawliau Pobl ag Anableddau**

Rhaid i Weinidogion Cymru roi sylw i Gonfensiwn y Cenhedloedd Unedig ar Hawliau Pobl ag Anableddau a'i Brotocol Dewisol (a fabwysiadwyd gan Gynulliad Cyffredinol y Cenhedloedd Unedig ar 13 Rhagfyr 2006 ac a agorwyd i'w lofnodi ar 30 Mawrth 2007) wrth arfer eu swyddogaethau rheoleiddio.'

**Altaf Hussain**

**115**

Section 40, page 24, after line 33, insert –

'(d) section (*section to be inserted by amendment 114*) (duty to have due regard to the United Nations Convention on the Rights of Persons with Disabilities).'

Adran 40, tudalen 24, ar ôl llinell 38, mewnosoder –

'(d) adran (*yr adran sy'n cael ei mewnosod gan welliant 114*) (dyletswydd i roi sylw dyledus i Gonfensiwn y Cenhedloedd Unedig ar Hawliau Pobl ag Anableddau).'



**\*Altaf Hussain**

**116**

**Gyda chefnogaeth / Supported by: Lindsay Whittle, Kirsty Williams**

Section 79, page 51, after line 4, insert –

‘() domiciliary care workers,’.

Adran 79, tudalen 51, ar ôl llinell 4, mewnosoder –

‘() gweithwyr gofal cartref,’.

**\*Altaf Hussain**

**117**

**Gyda chefnogaeth / Supported by: Lindsay Whittle, Kirsty Williams**

Section 79, page 51, after line 4, insert –

‘() adult residential care workers,’.

Adran 79, tudalen 51, ar ôl llinell 4, mewnosoder –

‘() gweithwyr gofal preswyl i oedolion,’.

**\*Altaf Hussain**

**118**

**Gyda chefnogaeth / Supported by: Lindsay Whittle, Kirsty Williams**

Section 79, page 51, after line 7, insert –

‘() For the purposes of this section “domiciliary care workers” means persons who are employed to provide personal care in the home of and for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.’.

Adran 79, tudalen 51, ar ôl llinell 8, mewnosoder –

‘() At ddibenion yr adran hon, ystyr “gweithwyr gofal cartref” yw personau a gyflogir i ddarparu gofal personol i bersonau yn eu cartrefi nad ydynt, oherwydd gwaeledd, gwendid neu anabledd, yn gallu ei ddarparu i’w hunain heb gynhorthwy.’.

**\*Altaf Hussain**

**119**

**Gyda chefnogaeth / Supported by: Lindsay Whittle, Kirsty Williams**

Section 79, page 51, after line 7, insert –

‘() For the purposes of this section “adult residential care workers” means persons who are employed by a care home service provider to undertake nursing or personal care for persons in a care home.’.

Adran 79, tudalen 51, ar ôl llinell 8, mewnosoder –

‘() At ddibenion yr adran hon, ystyr “gweithwyr gofal preswyl i oedolion” yw personau a gyflogir gan ddarparwr gwasanaeth cartref gofal i roi gofal nyrsio neu ofal personol i bersonau mewn cartref gofal.’.



**\*Altaf Hussain**

**120**

**Gyda chefnogaeth/ Supported by: Lindsay Whittle, Kirsty Williams**

Section 79, page 51, after line 9, insert –

‘() domiciliary care workers;’.

Adran 79, tudalen 51, ar ôl llinell 10, mewnosoder –

‘() gweithwyr gofal cartref;’.

**\*Altaf Hussain**

**121**

**Gyda chefnogaeth/ Supported by: Lindsay Whittle, Kirsty Williams**

Section 79, page 51, after line 9, insert –

‘() adult residential care workers;’.

Adran 79, tudalen 51, ar ôl llinell 10, mewnosoder –

‘() gweithwyr gofal preswyl i oedolion;’.

**\*Altaf Hussain**

**122**

**Gyda chefnogaeth/ Supported by: Lindsay Whittle, Kirsty Williams**

Section 79, page 51, after line 14, insert –

‘() the part mentioned in subsection (2)((*paragraph to be inserted by amendment 120*)) is the “domiciliary care workers part” of the register;’.

Adran 79, tudalen 51, ar ôl llinell 17, mewnosoder –

‘() y rhan a grybwyllir yn is-adran (2)((*y baragraff sy’n cael ei fewnosod gan welliant 120*)) yw’r “rhan gweithwyr gofal cartref” o’r gofrestr;’.

**\*Altaf Hussain**

**123**

**Gyda chefnogaeth/ Supported by: Lindsay Whittle, Kirsty Williams**

Section 79, page 51, after line 14, insert –

‘() the part mentioned in subsection (2)((*paragraph to be inserted by amendment 121*)) is the “adult residential care workers part” of the register;’.

Adran 79, tudalen 51, ar ôl llinell 17, mewnosoder –

‘() y rhan a grybwyllir yn is-adran (2)((*y baragraff sy’n cael ei fewnosod gan welliant 121*)) yw’r “rhan gweithwyr gofal preswyl i oedolion” o’r gofrestr;’.



\***Altaf Hussain**

**124**

**Gyda chefnogaeth / Supported by: Kirsty Williams**

Page 107, after line 5, insert a new section –

**‘( ) United Nations Principles and Conventions**

- (1) Regulatory bodies and relevant authorities exercising functions under this Act in relation to an adult must have due regard to the United Nations Principles for Older Persons adopted by the General Assembly of the United Nations on 16 December 1991.
- (2) Regulatory bodies and relevant authorities exercising functions under this Act in relation to a child must have due regard to Part 1 of 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 (“the Convention”).
- (3) Regulatory bodies and relevant authorities exercising functions under this Act in relation to a disabled person must have due regard to the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol adopted by the United Nations General Assembly on 13 December 2006 and opened for signature on 30 March 2007.
- (4) For the purposes of subsection (2), Part 1 of the Convention is to be treated as having effect –
  - (a) as set out for the time being in Part 1 of the Schedule to the Rights of Children and Young Persons (Wales) Measure 2011, but
  - (b) subject to any declaration or reservation as set out for the time being in Part 3 of that Schedule.
- (5) Subsection (2) does not apply to the Welsh Ministers (see, instead, the Rights of Children and Young Persons (Wales) Measure 2011).
- (6) In this section, “adult”, “child” and “disabled” have the same meaning as in section 3 of the 2014 Act.’.

Tudalen 107, ar ôl llinell 5, mewnosoder adran newydd –

**‘( ) Egwyddorion a Chonfensiynau’r Cenhedloedd Unedig**

- (1) Rhaid i gyrff rheoleiddio ac awdurdodau perthnasol sy’n arfer swyddogaethau o dan y Ddeddf hon mewn perthynas ag oedolyn roi sylw dyledus i Egwyddorion y Cenhedloedd Unedig ar gyfer Pobl Hŷn a fabwysiadwyd gan Gynulliad Cyffredinol y Cenhedloedd Unedig ar 16 Rhagfyr 1991.
- (2) Rhaid i gyrff rheoleiddio ac awdurdodau perthnasol sy’n arfer swyddogaethau o dan y Ddeddf hon mewn perthynas â phlentyn roi sylw dyledus i Ran 1 o Gonfensiwn y Cenhedloedd Unedig ar Hawliau’r Plentyn a fabwysiadwyd ac a agorwyd i’w lofnodi, ei gadarnhau a’i gytuno drwy benderfyniad y Cynulliad Cyffredinol 44/25 dyddiedig 20 Tachwedd 1989 (“y Confensiwn”).



- (3) Rhaid i gyrff rheoleiddio ac awdurdodau perthnasol sy'n arfer swyddogaethau o dan y Ddeddf hon mewn perthynas â pherson anabl roi sylw dyledus i Gonfensiwn y Cenhedloedd Unedig ar Hawliau Pobl ag Anableddau a'i Brotocol Dewisol a fabwysiadwyd gan Gynulliad Cyffredinol y Cenhedloedd Unedig ar 13 Rhagfyr 2006 ac a agorwyd i'w lofnodi ar 30 Mawrth 2007.
- (4) At ddibenion is-adran (2), mae Rhan 1 o'r Confensiwn i'w thrin fel pe bai'n cael effaith—
  - (a) fel y nodir am y tro yn Rhan 1 o'r Atodlen i Fesur Hawliau Plant a Phobl Ifanc (Cymru) 2011, ond
  - (b) yn ddarostyngedig i unrhyw ddatganiad neu neilltuad fel y nodir am y tro yn Rhan 3 o'r Atodlen honno.
- (5) Nid yw is-adran (2) yn gymwys i Weinidogion Cymru (gweler, yn lle hynny, Fesur Hawliau Plant a Phobl Ifanc (Cymru) 2011).
- (6) Yn yr adran hon yr un ystyr sydd i "oedolyn", "plentyn" ac "anabl" ag sydd yn adran 3 o Ddeddf 2014.'

