

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 30 Medi 2015
Tabled on 30 September 2015

Bil Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru)

Regulation and Inspection of Social Care (Wales) Bill

Lindsay Whittle

8A

As an amendment to amendment 8, after line 15, insert –

‘() information about workforce planning;’.

Fel gwelliant i welliant 8, ar ôl llinell 16, mewnosoder –

‘() gwybodaeth am gynllunio’r gweithlu;’.

Lindsay Whittle

8B

As an amendment to amendment 8, after line 20, insert –

‘() In this section, “information about workforce planning” means information about the arrangements the service provider has in place about, including, but not limited to, for example, recruitment, retention and training.’.

Fel gwelliant i welliant 8, ar ôl llinell 21, mewnosoder –

‘() Yn yr adran hon, ystyr “gwybodaeth am gynllunio’r gweithlu” yw gwybodaeth am y trefniadau sydd ar waith gan y darparwr gwasanaeth ynghylch materion sy’n cynnwys er enghraifft recriwtio, cadw a hyfforddi, ond heb fod yn gyfyngedig iddynt.’.

Lindsay Whittle

125

Gyda chefnogaeth/ Supported by: Kirsty Williams

Long title, page 1, line 4, after ‘the’ at the second place where it appears, insert ‘commissioning of regulated services by Local Health Boards and the’.

Teitl hir, tudalen 1, llinell 5, ar ôl ‘a’, mewnosoder ‘chomisiynu gwasanaethau rheoleiddiedig gan Fyrddau Iechyd Lleol a’.



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126

Section 2, page 2, after line 26, insert –

‘() an advocacy service,’.

Adran 2, tudalen 2, ar ôl llinell 28, mewnosoder –

‘() gwasanaeth eirioli,’.

Lindsay Whittle

127

Section 2, page 2, after line 26, insert –

‘() a preventative and enablement service,’.

Adran 2, tudalen 2, ar ôl llinell 28, mewnosoder –

‘() gwasanaeth ataliol a galluogi,’.

Lindsay Whittle

128

Section 2, page 2, after line 27, insert –

‘() an extra care service, and’.

Adran 2, tudalen 2, ar ôl llinell 29, mewnosoder –

‘() gwasanaeth gofal ychwanegol, a’.

Lindsay Whittle

129

Section 3, page 3, line 3, leave out –

‘care relating to –

- (i) the day to day physical tasks and needs of the person cared for, and
- (ii) the mental processes related to those tasks and needs’

And insert –

‘the provision of what is necessary to –

- () meet the day to day physical tasks of a person being cared for,
- () meet the day to day physical, emotional, spiritual and cultural needs of a person being cared for,
- () promote and maintain the well-being of a person being cared for, and
- () ensure that the life of a person cared for has value, meaning and a purpose’.

Adran 3, tudalen 3, llinell 3, hepgorer –

‘gofal sy’n ymwneud â –

- (i) tasgau ac anghenion corfforol beunyddiol y person y gofelir amdano, a
- (ii) y prosesau meddyliol sy’n ymwneud â’r tasgau a’r anghenion hynny’



A mewnosoder –

‘darparu yr hyn sy’n angenrheidiol er mwyn –

- () cyflawni tasgau corfforol beunyddiol person y gofelir amdano,
- () cyflawni anghenion corfforol, emosiynol, ysbrydol a diwylliannol beunyddiol person y gofelir amdano,
- () hyrwyddo a chynnal llesiant person y gofelir amdano, a
- () sicrhau bod gwerth, ystyr a diben i fywyd person y gofelir amdano.

Lindsay Whittle

130

Section 6, page 4, after line 15, insert –

‘() identifying any person who will have authority to give instructions about the management of the place at, from or in relation to which the service is to be provided, and’.

Adran 6, tudalen 4, ar ôl llinell 16, mewnosoder –

‘() sy’n adnabod unrhyw berson y bydd ganddo awdurdod i roi cyfarwyddiadau am reoli’r man y caiff y gwasanaeth ei ddarparu ynddo neu ohono neu mewn perthynas ag ef, ac’.

Lindsay Whittle

131

Section 6, page 4, after line 16, insert –

‘() An application must be accompanied by a declaration by the applicant that any person who will have authority to give instructions about the management of the place at, from or in relation to which the service is to be provided, is a fit and proper person.’.

Adran 6, tudalen 4, ar ôl llinell 17, mewnosoder –

‘() Rhaid i gais gynnwys gydag ef ddatganiad gan yr ymgeisydd fod unrhyw berson y bydd ganddo awdurdod i roi cyfarwyddiadau am reoli’r man y caiff y gwasanaeth ei ddarparu ynddo neu ohono neu mewn perthynas ag ef, yn berson addas a phriodol.’.

Lindsay Whittle

132

Gyda chefnogaeth / Supported by: Kirsty Williams

Section 7, page 4, after line 23, insert –

‘() in the case of an application relating to a domiciliary care service, contains the undertaking set out in subsection ((*subsection to be inserted by amendment 133*));’.

Adran 7, tudalen 4, ar ôl llinell 25, mewnosoder –

‘() yn achos cais sy’n ymwneud â gwasanaeth gofal cartref, yn cynnwys yr ymgymerydd a nodir yn is-adran ((*yr is-adran sy’n cael ei mewnosod gan welliant 133*));’.



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133

Gyda chefnogaeth / Supported by: Kirsty Williams

Section 7, page 5, after line 6, insert –

- ‘() The undertaking is that a domiciliary care service must not be provided by way of a visit the duration of which is shorter than half an hour unless –
- (a) the person carrying out the visit on behalf of the service provider is known to the person receiving the service, and
 - (b) the visit is part of a wider package of support, and it allows enough time to complete specific, time limited tasks or to check if someone is safe and well.’.

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

- ‘() Yr ymgymeriad yw na chaniateir darparu gwasanaeth gofal cartref drwy ymweliad sy’n fyrrach na hanner awr oni bai bod –
- (a) y person sy’n cynnal yr ymweliad ar ran y darparwr gwasanaeth yn hysbys i’r person sy’n derbyn y gwasanaeth, a
 - (b) yr ymweliad yn rhan o becyn ehangach o gymorth, a’i fod yn caniatáu digon o amser i gwblhau tasgau penodol sy’n gyfyngedig i amser neu i gadarnhau os yw rhywun yn ddiogel ac yn iach.’.

Lindsay Whittle

134

Section 7, page 5, after line 12, insert –

- ‘(iii) that the service provider must have policies and procedures in place requiring the delivery of the service to have regard to the preferred language of the person to whom the regulated service is being provided, and’.

Adran 7, tudalen 5, ar ôl llinell 14, mewnosoder –

- ‘(iii) bod yn rhaid i’r darparwr gwasanaethau fod â pholisiau a gweithdrefnau ar waith sy’n ei gwneud yn ofynnol i’r ddarpariaeth honno roi sylw i ddewis iaith y person y darperir y gwasanaeth rheoleiddiedig iddo, a’.



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135

Section 7, page 5, after line 12, insert—

- (iii) that the service provider must have policies in place setting out its arrangements for the current and future delivery of the service (including but not limited to, for example, recruitment, retention and training), and’.

Adran 7, tudalen 5, ar ôl llinell 14, mewnosoder—

- (iii) bod yn rhaid i’r darparwr gwasanaeth fod â pholisïau ar waith yn nodi ei drefniadau ar gyfer cyflenwi gwasanaeth ar hyn o bryd ac yn y dyfodol (gan gynnwys er enghraifft recriwtio, cadw a hyfforddi, ond heb fod yn gyfyngedig iddynt), a’.

Lindsay Whittle

136

Page 5, after line 28, insert a new section—

(1) Fit and proper management

- (1) The Welsh Ministers must be satisfied that any person who has authority to give instructions about the management of a place at, from or in relation to which a regulated service is provided, is a fit and proper person.
- (2) In deciding whether a person is a fit and proper person, the Welsh Ministers must have regard to all matters which they consider appropriate.
- (3) Among the matters to which the Welsh Ministers must have regard is evidence within subsection (4) or (5).
- (4) Evidence is within this subsection if it shows that the person has—
 - (a) contravened any provision of the law relating to social care,
 - (b) committed any offence involving fraud or other dishonesty, violence, firearms, drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003, or
 - (c) practised unlawful discrimination, harassment or victimisation within the meaning of the Equality act 2010.
- (5) Evidence is within this subsection if—
 - (a) it shows that any other person associated or formerly associated with the person (whether on a personal, work or other basis) has done any of the things set out in subsection (4), and
 - (b) it appears to the Welsh Ministers that the evidence is relevant to the question whether the person is a fit and proper person to give instructions about the management of the place.’.



Tudalen 5, ar ôl llinell 30, mewnosoder adran newydd –

'() Rheolaeth addas a phriodol

- (1) Rhaid i Weinidogion Cymru fod yn fodlon bod unrhyw berson y mae ganddo awdurdod i roi cyfarwyddiadau am reoli'r man y caiff y gwasanaeth rheoleiddiedig ei ddarparu ynddo neu ohono neu mewn perthynas ag ef, yn berson addas a phriodol.
- (2) Wrth benderfynu a yw person yn addas a phriodol, rhaid i Weinidogion Cymru roi sylw i'r holl faterion sy'n briodol yn eu barn hwy.
- (3) Mae tystiolaeth o fewn is-adran (4) neu (5) ymhlith y materion y mae'n rhaid i Weinidogion Cymru roi sylw iddynt.
- (4) Mae tystiolaeth o fewn yr is-adran hon os yw'n dangos bod person wedi –
 - (a) torri unrhyw ddarpariaeth yn y gyfraith sy'n ymwneud â gofal cymdeithasol,
 - (b) cyflawni unrhyw drosedd sy'n ymwneud â thwyll neu anonestrwydd arall, trais, arfau tanio neu gyffuriau neu unrhyw drosedd sydd wedi ei restru yn Atodlen 3 i Ddeddf Troseddau Rhywiol 2003, neu
 - (c) aflonyddu ar rywun, gwahaniaethu'n anghyfreithlon, neu erlid person o fewn ystyr Ddeddf Cydraddoldeb 2010.
- (5) Mae tystiolaeth yn dod o fewn yr is-adran hon –
 - (a) os yw unrhyw berson arall sy'n gysylltiedig â'r person neu a oedd yn gysylltiedig â'r person gynt (pa un ai ar sail bersonol, ar sail gwaith neu ar sail arall) wedi gwneud unrhyw un neu ragor o'r pethau a nodir yn is-adran (4), a
 - (b) os ymddengys i Weinidogion Cymru fod y dystiolaeth yn berthnasol wrth ystyried a yw'r person yn berson addas a phriodol i roi cyfarwyddiadau am reoli'r man.'

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137

Section 8, page 5, line 32, leave out 'such information' and insert –

' –

- (i) information about workforce planning, and
- (ii) such other information as may be prescribed,'.

Adran 8, tudalen 5, llinell 34, hepgorer 'unrhyw wybodaeth a ragnodir' a mewnosoder –

' –

- (i) gwybodaeth am gynllunio'r gweithlu, a
- (ii) unrhyw wybodaeth arall a ragnodir,'.



Lindsay Whittle

138

Section 8, page 5, after line 33, insert—

- ‘() In this section “information about workforce planning” means information about the arrangements the service provider has in place about, including, but not limited to, for example, recruitment, retention and training.’.

Adran 8, tudalen 5, ar ôl llinell 35, mewnosoder —

- ‘() Yn yr adran hon, ystyr “gwybodaeth am gynllunio’r gweithlu” yw gwybodaeth am y trefniadau sydd ar waith gan y darparwr gwasanaeth sy’n cynnwys er enghraifft recriwtio, cadw a hyfforddi, ond heb fod yn gyfyngedig iddynt.’.

Lindsay Whittle

139

Section 9, page 6, after line 16, insert—

- ‘(d) there is a change to the persons identified under section 7(1)((*paragraph to be inserted by amendment 130*)).’.

Adran 9, tudalen 6, ar ôl llinell 18, mewnosoder —

- ‘(d) os oes newid i’r personau a enwir o dan adran 7(1) ((*y paragraff sy’n cael ei fewnosod gan welliant 130*)).’.

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140

Section 9, page 6, after line 20, insert—

- ‘() The Welsh Ministers must, by regulations, prescribe a time limit within which an application for variation of a provider’s registration must be made in the circumstances referred to in subsection (1)((*paragraph to be inserted by amendment 139*)).’.

Adran 9, tudalen 6, ar ôl llinell 22, mewnosoder —

- ‘() Rhaid i Weinidogion Cymru, drwy reoliadau, ragnodi terfyn amser y mae’n rhaid gwneud cais i amrywio cofrestrriad darparwr yn yr amgylchiadau y cyfeirir atynt yn is-adran (1) ((*y paragraff sy’n cael ei fewnosod gan welliant 139*)).’.

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141

Section 13, page 8, after line 20, insert—

- ‘(f) the Welsh Ministers are not satisfied that any person who has authority to give instructions about the management of the place at, from or in relation to which a regulated service is provided is fit and proper (and the time limit prescribed in regulations made under section 9((*subsection to be inserted by amendment 140*)) has expired).’.



Adran 13, tudalen 8, ar ôl llinell 22, mewnosoder –

- (f) nid yw Gweinidogion Cymru yn fodlon bod unrhyw berson y mae ganddo awdurdod i roi cyfarwyddiadau am reoli'r man y caiff y gwasanaeth rheoleiddiedig ei ddarparu ynddo neu ohono neu mewn perthynas ag ef, yn berson addas a phriodol (ac mae'r terfyn amser a ragnodir mewn rheoliadau a wneir o dan adran 9 (*yr is-adran sy'n cael ei mewnosod gan welliant 140*)) wedi dod i ben).

Lindsay Whittle

142

Page 16, after line 28, insert a new section –

Whistleblowing

() Whistleblowing policies and procedures

A service provider must have policies and procedures in place to help employees, who believe they have discovered malpractice, impropriety or other wrongdoing which could affect others, to raise those concerns in an effective way.

Tudalen 16, ar ôl llinell 31, mewnosoder adran newydd –

Chwythu'r chwiban

() Polisiâu a gweithdrefnau chwythu'r chwiban

Rhaid bod gan ddarparwr gwasanaeth bolisiau a gweithdrefnau ar waith i helpu cyflogegion, sy'n credu eu bod wedi dod ar draws camymddygiad, amhriodoldeb neu gamwedd arall a allai effeithio ar eraill, i nodi'r pryderon hynny mewn ffordd effeithiol.

Lindsay Whittle

143

Page 16, after line 28, insert a new section –

Use of zero hours contracts

() Use of zero hours contracts

- (1) A service provider that directly provides or contracts a service in the exercise of providing a regulated service must not permit the employment of any person on a zero hours contract in the provision of that service.
- (2) "Zero hours contracts" means 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).



Tudalen 16, ar ôl llinell 31, mewnosoder adran newydd –

'Y defnydd o gcontractau dim oriau

() Y defnydd o gcontractau dim oriau

- (1) Ni chaniateir i awdurdod lleol sy'n darparu neu'n contractio gwasanaeth yn uniongyrchol wrth arfer gwasanaeth rheoleiddiedig ganiatáu i unrhyw berson gael ei gyflogi ar gcontract 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).'

Lindsay Whittle

144

Section 32, page 19, after line 20, insert –

- '(7) An inspector must inform the Welsh Ministers of the findings of an inspection as soon as is reasonably practicable, and in any event within 28 days of becoming aware of such findings.'

Adran 32, tudalen 19, ar ôl llinell 22, mewnosoder –

- '(7) Rhaid i arolygydd roi gwybod i Weinidogion Cymru am ganfyddiadau arolygiad cyn gynted ag y bo'n rhesymol ymarferol, a beth bynnag o fewn 28 diwrnod iddo ddod yn ymwybodol o'r cyfryw ganfyddiadau.'

Lindsay Whittle

145

Section 33, page 20, line 9, after 'records)', insert 'and workforce planning documents (including but not limited to, for example, recruitment, retention and training)'

Adran 33, tudalen 20, llinell 7, ar ôl 'eraill)', mewnosoder 'a dogfennau cynllunio'r gweithlu (gan gynnwys ond heb fod yn gyfyngedig i, er enghraifft, recriwtio, cadw a hyfforddi).'



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146

Section 33, page 20, after line 13, insert –

- ‘() inspect records in relation to the policies and procedures that a service provider has in place concerning the preferred language of the person to whom the regulated service is provided;’.

Adran 33, tudalen 20, ar ôl llinell 12, mewnosoder –

- ‘() arolygu cofnodion mewn perthynas â pholisïau a gweithdrefnau sydd gan ddarparwr gwasanaeth ar waith ynghylch dewis iaith y person y darperir y gwasanaeth rheoleiddiedig iddo;’.

Lindsay Whittle

147

Page 26, after line 18, insert a new section –

‘() Failure to have whistleblowing procedures and policies

It is an offence for a service provider to fail to have policies and procedures in place in accordance with section (*section to be inserted by amendment 142*).’.

Tudalen 26, ar ôl llinell 18, mewnosoder adran newydd –

‘() Methiant i gael gweithdrefnau a pholisïau chwythu’r chwiban

Mae’n drosedd i ddarparwr gwasanaeth beidio â chael polisïau a gweithdrefnau ar waith yn unol ag adran (*yr adran sy’n cael ei mewnosod gan welliant 142*).’.

Lindsay Whittle

148

Section 50, page 27, line 8, leave out ‘or 47’ and insert ‘, 47 or (*section to be inserted by amendment 147*).’.

Adran 50, tudalen 27, llinell 8, hepgorer ‘neu 47’ a mewnosoder ‘, 47 neu (*yr adran sy’n cael ei mewnosod gan welliant 147*).’.

Lindsay Whittle

149

Section 55, page 29, after line 22, insert –

- ‘() The details provided under subsection (2)(ii) must state how the authority has satisfied any requirements contained in a code relating to assessing the needs of an individual in accordance with Part 3 and meeting needs under Part 4.’.

Adran 55, tudalen 29, ar ôl llinell 25, mewnosoder –

- ‘() Rhaid i’r manylion a ddarperir o dan is-adran (2)(ii) ddatgan sut y mae’r awdurdod wedi bodloni unrhyw ofynion a gynhwysir mewn cod sy’n ymwneud ag asesu anghenion unigolyn yn unol â Rhan 3 a diwallu anghenion o dan Ran 4.’.



Lindsay Whittle

150

Gyda chefnogaeth / Supported by: Kirsty Williams

Section 56, page 32, after line 6, insert—

‘(1) Reviews of local health board commissioning

- (1) The Welsh Ministers may review the way in which regulated services are commissioned by local health boards.
- (2) In particular, the Welsh Ministers may—
 - (a) review the overall commissioning of regulated services by local health boards in Wales;
 - (b) review the way in which regulated services are commissioned by a particular local health board;
 - (c) review the commissioning of a particular regulated service (whether exercised by a single local health board or by two or more boards working together);
 - (d) review the commissioning of a regulated service by a particular person or persons.
- (3) The Welsh Ministers must—
 - (a) prepare and publish a report of a review conducted under subsection (1), and
 - (b) lay a copy of the report before the National Assembly for Wales.’.

Adran 56, tudalen 32, ar ôl llinell 6, mewnosoder—

‘(1) Adolygiadau o waith comisiynu bwrdd iechyd lleol

- (1) Caiff Gweinidogion Cymru adolygu’r ffordd y mae gwasanaethau rheoleiddiedig yn cael eu comisiynu gan fyrddau iechyd lleol.
- (2) Yn benodol, caiff Gweinidogion Cymru—
 - (a) adolygu’r ffordd gyffredinol y mae gwasanaethau rheoleiddiedig yn cael eu comisiynu gan fyrddau iechyd lleol yng Nghymru;
 - (b) adolygu’r ffordd y mae gwasanaethau rheoleiddiedig yn cael eu comisiynu gan fwrdd iechyd lleol penodol;
 - (c) adolygu’r ffordd y mae gwasanaeth rheoleiddiedig penodol yn cael ei gomisiynu (pa un ai gan un bwrdd iechyd lleol neu gan ddau fwrdd neu ragor yn gweithio gyda’i gilydd);
 - (d) adolygu’r ffordd y mae gwasanaeth rheoleiddiedig yn cael ei gomisiynu gan berson neu bersonau penodol.
- (3) Rhaid i Weinidogion Cymru—



- (a) paratoi a chyhoeddi adroddiad o adolygiad a gynhaliwyd o dan is-adran (1), a
- (b) gosod copi o'r adroddiad gerbron Cynulliad Cenedlaethol Cymru.'.

Lindsay Whittle

151

Section 56, page 32, after line 25, insert –

- '() the extent to which paragraphs (b) to (d) have contributed or otherwise to the achievement of the outcomes set out in the statement issued under section 8,'.

Adran 56, tudalen 32, ar ôl llinell 27, mewnosoder –

- '() y graddau y mae paragraffau (b) i (d) wedi cyfrannu neu fel arall at sicrhau'r canlyniadau a nodir yn y datganiad a ddyroddir o dan adran 8,'.

Lindsay Whittle

152

Gyda chefnogaeth / Supported by: Kirsty Williams

Section 56, page 32, after line 25, insert –

- '() how, when commissioning regulated services, the local authority has taken paragraphs (b) to (d) into account,'.

Adran 56, tudalen 32, ar ôl llinell 27, mewnosoder –

- '() sut, wrth gomisiynu gwasanaethau rheoleiddiedig, y mae'r awdurdod lleol wedi ystyried paragraffau (b) i (d),'.

Lindsay Whittle

153

Section 175, page 104, after line 8, insert –

- '() a Community Health Council, and'.

Adran 175, tudalen 104, ar ôl llinell 8, mewnosoder –

- '() Cyngor Iechyd Cymuned, ac'.

Lindsay Whittle

154

Section 175, page 104, after line 15, insert –

- '(c) "Community Health Council" means a Community Health Council continued or established under section 182 of the National Health Service (Wales) Act 2006.'

Adran 175, tudalen 104, ar ôl llinell 16, mewnosoder –

- '(c) ystyr "Cyngor Iechyd Cymuned" yw Cyngor Iechyd Cymuned sy'n parhau neu a sefydlwyd o dan adran 182 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.'



Lindsay Whittle

155

Section 176, page 104, after line 20, insert –

- () Where the Welsh Ministers exercise functions of a regulatory nature under an enactment other than this Act they and a regulatory body must co-operate with each other in the exercise of their relevant functions if they think that such co-operation –
- (a) will have a positive effect on the manner in which those functions are exercised, or
 - (b) will assist them in achieving their general objectives.
- () In subsection (*first subsection to be inserted by amendment 155*) the functions of the Welsh Ministers include, but are not limited to for example, their functions of inspecting and regulating health care in Wales.’.

Adran 176, tudalen 104, ar ôl llinell 22, mewnosoder –

- () Pan fo Gweinidogion Cymru yn arfer swyddogaethau o natur reoleiddiol o dan ddeddfiad ac eithrio’r Ddeddf hon, rhaid iddynt hwy a chorff rheoleiddiol gydweithredu wrth arfer eu swyddogaethau perthnasol os bydd cydweithredu o’r fath, yn eu barn hwy –
- (a) yn cael effaith gadarnhaol ar y ffordd y caiff y swyddogaethau hynny eu harfer, neu
 - (b) yn eu helpu i gyflawni eu hamcanion cyffredinol.
- () Yn is-adran (*yr is-adran gyntaf sy’n cael ei mewnosod gan welliant 155*) mae swyddogaethau Gweinidogion Cymru yn cynnwys, ond nid yn gyfyngedig i er enghraifft, eu swyddogaethau o arolygu a rheoleiddio gofal iechyd yng Nghymru.’.

Lindsay Whittle

156

Schedule 1, page 113, after line 26, insert –

‘Advocacy services

- () An “advocacy service” means a service which provides assistance (by way of representation or otherwise) to persons for purposes relating to their care and support.’.

Atodlen 1, tudalen 113, ar ôl llinell 27, mewnosoder –

‘Gwasanaethau eirioli

- () Ystyr “gwasanaeth eirioli” yw gwasanaeth sy’n darparu cynhorthwy (ar ffurf cynrychiolaeth neu fel arall) i bersonau at ddibenion sy’n ymwneud â’u gofal a chymorth.’.



Lindsay Whittle

157

Schedule 1, page 113, after line 26, insert –

‘Preventative and enablement services

- () (1) A “preventative and enablement service” means a service which achieves (or is designed to achieve) one or more of the purposes in subparagraph (2).
- (2) The purposes are –
- (a) contributing towards preventing or delaying the development of people’s needs for care and support;
 - (b) reducing the needs for care and support of people who have such needs;
 - (c) promoting the upbringing of children by their families, where that is consistent with the well-being of children;
 - (d) minimising the effect on disabled people of their disabilities;
 - (e) contributing towards preventing people from suffering abuse or neglect;
 - (f) reducing the need for –
 - (i) proceedings for care or supervision orders under the Children Act 1989,
 - (ii) criminal proceedings against children,
 - (iii) any family or other proceedings in relation to children which might lead to them being placed in local authority care, or
 - (iv) proceedings under the inherent jurisdiction of the High Court in relation to children;
 - (g) encouraging children not to commit criminal offences;
 - (h) avoiding the need for children to be placed in secure accommodation;
 - (i) enabling people to live their lives as independently as possible.’.

Atodlen 1, tudalen 113, ar ôl llinell 27, mewnosoder –

‘Gwasanaethau ataliol a galluogi

- () (1) Ystyr “gwasanaeth ataliol a galluogi” yw gwasanaeth sy’n cyflawni (neu sydd wedi’i gynllunio i gyflawni) un neu ragor o’r dibenion yn is-baragraff (2).
- (2) Y dibenion yw –
- (a) cyfrannu at atal neu oedi datblygiad anghenion pobl am ofal a chymorth;
 - (b) lleihau’r anghenion am ofal a chymorth i bobl y mae arnynt anghenion o’r fath;
 - (c) hyrwyddo magwraeth plant gan eu teuluoedd, pan fo hynny’n gyson â llesiant y plant;
 - (d) cadw i’r lleiaf posibl yr effaith sydd gan eu hanabledau ar bobl anabl;
 - (e) cyfrannu at atal pobl rhag dioddef gan gamdriniaeth neu esgeulustod;
 - (f) lleihau’r angen am –



- (i) achosion cyfreithiol am orchmynion gofalu neu oruchwylio o dan Ddeddf Plant 1989,
- (ii) achosion troseddol yn erbyn plant,
- (iii) unrhyw achosion teuluol neu achosion cyfreithiol eraill mewn perthynas â phlant a allai arwain at eu rhoi yng ngofal awdurdod lleol, neu
- (iv) achosion cyfreithiol o dan awdurdodaeth gynhenid yr Uchel Lys mewn perthynas â phlant;
- (g) annog plant i beidio â throsteddu;
- (h) osgoi'r angen i blant gael eu lleoli mewn llety diogel;
- (i) galluogi pobl i fyw eu bywydau mewn ffordd mor annibynnol â phosibl.'

Lindsay Whittle

158

Schedule 1, page 114, after line 16, insert –

'Extra care services

- () An "extra care service" means a service providing specially designed or adapted housing in which varying amounts of care and support can be offered and where some services and facilities are shared.'

Atodlen 1, tudalen 114, ar ôl llinell 16, mewnosoder –

'Gwasanaethau gofal ychwanegol

- () Ystyr "gwasanaeth gofal ychwanegol" yw gwasanaeth sy'n darparu tai sydd wedi'u dylunio neu eu haddasu'n arbennig lle y gellir cynnig amrywiaeth o ofal a chymorth a lle y rhennir rhai gwasanaethau a chyfleusterau.'

Kirsty Williams

159

Page 41, after line 25, insert a new section –

'CHAPTER ()

COMMISSIONING AND DISQUALIFICATION

() Commissioning and disqualification

- (1) A person who is involved in the decision-making process of commissioning a regulated service from a service provider must not –
 - (a) become an employee of the service provider, or
 - (b) work for the service provider (whether directly, indirectly or via any contractual arrangement),during the restricted period.



- (2) The restricted period is 6 months starting with the last day the person was involved in the decision-making process.
- (3) References to the service provider in this section include any subsidiary or holding company of the service provider.
- (4) A person who contravenes this section commits an offence and shall be liable on summary conviction to a fine.’.

Tudalen 41, ar ôl llinell 29, mewnosoder adran newydd –

‘PENNOD ()

COMISIYNU AC ANGHYMHWYSO

() Comisiynu ac anghymhwyso

- (1) Ni chaniateir i berson sy’n rhan o’r broses o wneud penderfyniadau ynghylch comisiynu gwasanaeth rheoleiddiedig gan ddarparwr gwasanaeth –
 - (a) dod yn gyflogai i’r darparwr gwasanaeth, na
 - (b) gweithio i’r darparwr gwasanaeth (pa un ai’n uniongyrchol, yn anuniongyrchol neu drwy drefniant o dan gontract),yn ystod y cyfnod cyfyngedig.
- (2) Mae’r cyfnod cyfyngedig yn gyfnod o 6 mis yn dechrau ar y diwrnod olaf yr oedd y person o dan sylw yn rhan o’r broses o wneud penderfyniadau.
- (3) Caiff cyfeiriadau at y darparwr gwasanaeth yn yr adran hon gynnwys unrhyw is-gwmni neu gwmni daliannol y darparwr gwasanaeth.
- (4) Mae person sy’n torri’r adran hon yn cyflawni trosedd ac mae’n agored ar gollfarn ddiannod i ddirwy.’.

