



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 14 Hydref 2013
Tabled on 14 October 2013

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

William Graham

56A

As an amendment to amendment 56, after line 34, insert—

- '(j) decisions made under this Act should promote and respect the dignity of a person in need of care and support, or of a carer in need of support.'

Fel gwelliant i welliant 56, ar ôl llinell 36, mewnosoder—

- '(j) dylai'r penderfyniadau a wneir o dan y Ddeddf hon hyrwyddo a pharchu urddas person y mae angen gofal a chymorth arno, neu ofalwr y mae angen cymorth arno.'

***William Graham**

84

Gyda chefnogaeth/ Supported by: Lindsay Whittle

Section 6, page 7, after line 25, insert—

- '(i) to enable or reable a person to live their life as independently as possible.'

Adran 6, tudalen 7, ar ôl llinell 24, mewnosoder—

- '(i) i alluogi neu ailalluogi person i fyw ei fywyd mewn ffordd mor annibynnol â phosibl.'

William Graham

85

Section 6, page 8, after line 2, insert –

- ‘(d) must provide or secure the provision of a service for providing people with information and advice about the services and resources referred to in paragraphs (a) to (c).’.

Adran 6, tudalen 8, ar ôl llinell 2, mewnosoder –

- ‘(d) rhaid i awdurdod lleol ddarparu gwasanaeth sy’n rhoi gwybodaeth a chyngor i bobl am y gwasanaethau ac adnoddau y cyfeirir atynt ym mharagraffau (a) i (c), neu sicrhau y darperir y gwasanaeth hwn.’.

William Graham

86

Section 6, page 8, after line 10, insert –

- ‘() In discharging their duties under subsections (4) and (5) a local authority and a Local Health Board must have regard to the need for mutual co-operation.’.

Adran 6, tudalen 8, ar ôl llinell 11, mewnosoder –

- ‘() Wrth gyflawni eu dyletswyddau o dan is-adrannau (4) a (5), rhaid i awdurdod lleol a Bwrdd Iechyd Lleol roi sylw i’r angen iddynt gydweithredu.’.

William Graham

87

Section 10, page 11, line 16, leave out ‘seek to identify’ and insert ‘ascertain through engagement with the adult’.

Adran 10, tudalen 11, llinell 17, hepgorer ‘ceisio canfod y canlyniadau y mae’r oedolyn yn’ a mewnosoder ‘canfod drwy ymgysylltu â’r oedolyn y canlyniadau y mae’n’.

William Graham

88

Section 7, page 9, after line 16, insert –

- ‘(d) for the type and quality of services which may be provided under this section.’.

Adran 7, tudalen 9, ar ôl llinell 16, mewnosoder –

- ‘(d) ar gyfer y math o wasanaethau y gellir eu darparu o dan yr adran hon a safon y gwasanaethau hynny.’.

William Graham

89

Section 10, page 11, line 6, leave out –

‘assess –

- (a) whether the adult does have needs for care and support, and
- (b) if the adult does, what those needs are’,

And insert –

‘ –

- () assess whether the adult does have needs for care and support, and
- () assess, if the adult does, what those needs are, and
- () if the local authority is not the appropriate body to meet those needs, refer the adult to the appropriate body’.

Adran 10, tudalen 11, llinell 6, hepgorer –

‘asesu –

- (a) a oes ar yr oedolyn anghenion am ofal a chymorth, a
- (b) os oes, beth yw’r anghenion hynny’,

A mewnosoder –

‘ –

- () asesu a oes gan yr oedolyn anghenion gofal a chymorth, a
- () os oes, beth yw’r anghenion hynny, ac
- () os nad yr awdurdod lleol yw’r corff priodol i ddiwallu’r anghenion hynny, cyfeirio’r oedolyn at y corff priodol’.

William Graham

90

Section 10, page 11, after line 14, insert –

‘(c) the ability of the adult to meet their own needs.’.

Adran 10, tudalen 11, ar ôl llinell 15, mewnosoder –

‘(c) gallu’r oedolyn i ddiwallu ei anghenion ei hun.’.

William Graham

91

Section 12, page 12, after line 20, insert –

‘(c) the ability of the child or any person with parental responsibility for the child to meet the child’s needs.’.

Adran 12, tudalen 12, ar ôl llinell 21, mewnosoder –

‘(c) gallu’r plentyn neu unrhyw berson arall a chanddo gyfrifoldeb rhiant dros y plentyn i ddiwallu anghenion y plentyn.’.

William Graham 92

Section 15, page 14, after line 21, insert—

‘(c) the ability of the carer to meet their own needs.’.

Adran 15, tudalen 14, ar ôl llinell 23, mewnosoder—

‘(c) gallu’r gofalwr i ddiwallu ei anghenion ei hun.’.

William Graham 93

Section 18, page 16, line 11, leave out ‘may make further’ and insert ‘must make’.

Adran 18, tudalen 16, llinell 11, hepgorer ‘Caiff rheoliadau wneud darpariaeth bellach’ a mewnosoder ‘Rhaid i reoliadau wneud darpariaeth’.

William Graham 94

Section 18, page 16, line 15, leave out ‘, by whom’.

Adran 18, tudalen 16, llinell 15, hepgorer ‘, a chan bwy’.

WITHDRAWN/TYNNWYD YN ÔL

William Graham 95

Section 18, page 16, after line 20, insert—

‘(g) appeals against assessment decisions.’.

Adran 18, tudalen 16, ar ôl llinell 19, mewnosoder—

‘(g) apelïadau yn erbyn penderfyniadau a wneir mewn asesiadau.’.

William Graham 96

Section 18, page 16, after line 20, insert—

‘(3) Regulations must specify the persons or descriptions of persons who have the necessary skills to carry out an assessment.’.

Adran 18, tudalen 16, ar ôl llinell 19, mewnosoder—

‘(3) Rhaid i reoliadau bennu’r personau neu ddisgrifiadau o bersonau sy’n meddu ar y sgiliau angenrheidiol i gynnal asesiad.’.

William Graham 97

Section 19, page 17, after line 12, insert—

‘(6) Where none of the needs of the adult concerned meet the eligibility criteria, the local authority must give him or her written advice and information about—

(a) what can be done to meet or reduce the needs;

(b) what can be done to prevent or delay the development of needs for care and support, or the development of needs for support, in the future.’.

Adran 19, tudalen 17, ar ôl llinell 14, mewnosoder –

- ‘(6) Pan nad yw dim o anghenion yr oedolyn o dan sylw yn bodloni’r meini prawf cymhwysra, rhaid i’r awdurdod lleol ddarparu cyngor a gwybodaeth ysgrifenedig iddo ynghylch –
- (a) yr hyn y gellir ei wneud i ddiwallu’r anghenion hynny, neu eu lleihau;
 - (b) yr hyn y gellir ei wneud i atal neu oedi datblygiad yr angen am ofal a chymorth, neu ddatblygiad yr angen am gymorth, yn y dyfodol.’.

William Graham

98

Section 44, page 34, line 9, leave out subsection (3).

Adran 44, tudalen 34, llinell 10, hepgorer is-adran (3).

William Graham

99

Section 54, page 39, after line 39, insert –

- ‘(c) which enables a charge to be imposed for equipment or adaptations not exceeding £5,000.’.

Adran 54, tudalen 39, ar ôl llinell 37, mewnosoder –

- ‘(c) sy’n galluogi codi ffi am gyfarpar neu addasiadau nad ydynt yn uwch na £5,000.’.

Kirsty Williams

100

Section 5, page 6, after line 27, insert –

- ‘() Regulations made under this section shall clarify that visits to deliver personal care in an adult’s home should not normally be commissioned to last less than thirty minutes, excluding travel time.’.

Adran 5, tudalen 6, ar ôl llinell 30, mewnosoder –

- ‘() Bydd rheoliadau a wneir o dan yr adran hon yn egluro na ddylai ymweliadau i ddarparu gofal personol mewn cartref oedolyn fel arfer gael eu comisiynu i bara llai na 30 munud, heb gynnwys amser teithio.’.

*** Kirsty Williams**

101

Gyda chefnogaeth / Supported by: Lindsay Whittle

To insert a new section –

‘() Co-operation

In meeting needs under sections 21 to 29 a local authority must make arrangements for ensuring co-operation between –

- (a) the officers of the authority who exercise the authority’s functions relating to adults with needs for care and support or its functions relating to carers who need support; and

- (b) the officers of the authority who exercise the authority's functions relating to housing (in so far as the exercise of those functions is relevant to functions referred to in paragraph (a)).'

I fewnosod adran newydd –

'(i) Cydweithrediad

Wrth ddiwallu anghenion o dan adrannau 21 i 29 rhaid i awdurdod lleol wneud trefniadau ar gyfer sicrhau cydweithrediad rhwng –

- (a) swyddogion yr awdurdod sy'n arfer swyddogaethau'r awdurdod mewn perthynas ag oedolion sydd ag anghenion gofal a chymorth neu ei swyddogaethau mewn perthynas â gofalwyr sydd angen cymorth; a
- (b) swyddogion yr awdurdod sy'n arfer swyddogaethau'r awdurdod mewn perthynas â thai (i'r graddau y mae arfer y swyddogaethau hynny yn berthnasol i swyddogaethau y cyfeirir atynt ym mharagraff (a)).'

Kirsty Williams **102**

Section 44, page 34, leave out lines 21 to 24.

Adran 44, tudalen 34, hepgorer llinellau 22 hyd at 25.

Kirsty Williams **103**

Section 44, page 34, leave out lines 32 to 37.

Adran 44, tudalen 34, hepgorer llinellau 34 hyd at 39.

Kirsty Williams **104**

Section 53, page 38, line 12, leave out 'a person mentioned in subsection (2)' and insert 'an adult'.

Adran 53, tudalen 38, llinell 13, hepgorer 'gyda pherson a grybwyllir yn is-adran (2) a hwnnw'n berson' a mewnosoder 'gydag oedolyn'.

Kirsty Williams **105**

Section 53, page 38, line 18, leave out subsection (2).

Adran 53, tudalen 38, llinell 18, hepgorer is-adran (2).

Kirsty Williams **106**

Section 55, page 40, line 22, leave out 'or child aged 16 or 17'.

Adran 55, tudalen 40, llinell 23, hepgorer 'neu blentyn sy'n 16 neu'n 17 oed'.

Kirsty Williams 107

Section 55, page 40, line 27, leave out 'or child aged 16 or 17'.

Adran 55, tudalen 40, llinell 28, hepgorer 'neu blentyn sy'n 16 neu'n 17 oed'.

William Graham 108

Section 40, page 31, at the beginning of line 9, insert 'within 30 days (or such longer period as may be agreed between it and the receiving authority)'.

Adran 40, tudalen 31, llinell 9, hepgorer 'darparu' a mewnosoder 'o fewn 30 diwrnod (neu unrhyw gyfnod hwy y cytunir arno rhyngddo a'r awdurdod derbyn) ddarparu'.

William Graham 109

Section 40, page 31, at the beginning of line 11, insert 'within 30 days (or such longer period as may be agreed between it and the receiving authority)'.

Adran 40, tudalen 31, llinell 11, hepgorer 'darparu' a mewnosoder 'o fewn 30 diwrnod (neu unrhyw gyfnod hwy y cytunir arno rhyngddo a'r awdurdod derbyn) ddarparu'.

William Graham 110

To insert a new section –

'() Portability of support: carers

- (1) Where a local authority ("the sending authority") is notified by or on behalf of a person (whether or not by the receiving authority (see subsection (2)) for whom it has a duty under section 26 or 27 to meet needs for support that the person is going to move to the area of another local authority ("the receiving authority"), and it is satisfied that the move is likely to happen, it must –
 - (a) notify the receiving authority that it is so satisfied,
 - (b) within 30 days (or such longer period as may be agreed between it and the receiving authority) provide the receiving authority with a copy of the support plan prepared for the person, and
 - (c) within 30 days (or such longer period as may be agreed between it and the receiving authority) provide the receiving authority with such other information relating to the person and, such other information relating to the person as the receiving authority may request.
- (2) Where the receiving authority is notified by or on behalf of a person (whether or not by the sending authority) for whom the sending authority has a duty under section 26 or 27 to meet needs for support that the person is going to move to the receiving authority's area, and the receiving authority is satisfied that the move is likely to happen, it must –
 - (a) notify the sending authority that it is so satisfied,
 - (b) provide the person with such information as it considers appropriate,
 - (c) if the person is a child, provide the persons with parental responsibility for the child with such information as it considers appropriate, and

- (d) assess whether the person has needs for support and, if the person does, what those needs are, having regard in particular to any change in the person's needs for support arising from the move.
- (3) Part 3 applies to an assessment under subsection (2)(d) as it applies to a needs assessment under Part 3.
- (4) If, on the day the person moves to its area, the receiving authority has yet to carry out the assessment under subsection (2)(d), or has done so but has yet to carry out the other steps required by this Part or Part 3, it must meet the person's needs for support in accordance with the support plan prepared by the sending authority, in so far as that is reasonably practicable.
- (5) The receiving authority is subject to the duty under subsection (4) until it has—
 - (a) carried out the assessment required by subsection (2)(d), and
 - (b) taken the other steps required under this Part or Part 5.
- (6) Regulations may—
 - (a) specify steps which a local authority must take for the purpose of being satisfied as mentioned in subsections (1) and (2);
 - (b) specify matters to which a receiving authority must have regard in deciding how to comply with the duty under subsection (4);
 - (c) specify cases in which the duties under subsection (1), (2) or (4) do not apply.
- (7) A reference in this section to moving to an area is a reference to moving to that area with a view to becoming ordinarily resident there.'

I fewnosod adran newydd—

'(1) Hygluedd cymorth: gofalwyr

- (1) Pan fo awdurdod lleol ("yr awdurdod anfon") yn cael ei hysbysu gan neu ar ran person (p'un ai gan yr awdurdod derbyn ai peidio (gweler is-adran (2)) y mae arno ddyletswyddo o dan adran 26 neu 27 i ddiwallu ei anghenion am gymorth, fod y person hwnnw'n mynd i symud i ardal awdurdod lleol arall ("yr awdurdod derbyn"), ac y mae'r awdurdod wedi ei fodloni bod y symud yn debyg o ddigwydd, rhaid iddo—
 - (a) hysbysu'r awdurdod derbyn ei fod wedi ei fodloni felly,
 - (b) o fewn 30 diwrnod (neu unrhyw gyfnod hwy y cytunir arno rhyngddo a'r awdurdod derbyn) ddarparu i'r awdurdod derbyn gopi o'r cynllun cymorth sydd wedi ei lunio ar gyfer y person, ac
 - (c) o fewn 30 diwrnod (neu unrhyw gyfnod hwy y cytunir arno rhyngddo a'r awdurdod derbyn) ddarparu i'r awdurdod derbyn unrhyw wybodaeth arall sy'n ymwneud a'r person ac unrhyw wybodaeth arall sy'n ymwneud â'r person y bydd yr awdurdod derbyn yn gofyn amdano.
- (2) Pa fo'r awdurdod derbyn yn cael ei hysbysu gan neu ar ran person (p'un ai gan yr awdurdod anfon ai peidio) y mae gan yr awdurdod anfon ddyletswydd o dan adran 26 neu 27 i ddiwallu ei anghenion am gymorth, fod y person yn mynd i symud i ardal yr awdurdod derbyn, a bod yr awdurdod derbyn wedi ei fodloni bod y symud yn debyg o ddigwydd, rhaid iddo—

- (a) hysbysu'r awdurdod anfon ei fod wedi ei fodloni felly,
 - (b) darparu i'r person unrhyw wybodaeth y mae'n barnu ei bod yn briodol,
 - (c) os plentyn yw'r person, darparu i'r personau sydd â chyfrifoldeb rhiant dros y plentyn unrhyw wybodaeth sy'n briodol ym marn yr awdurdod, a
 - (d) asesu a oes gan y person anghenion am gymorth, ac os oes, beth yw'r anghenion hynny, gan roi sylw penodol i unrhyw newid yn anghenion y person am gymorth sy'n deillio o'r symud.
- (3) Mae Rhan 3 yn gymwys i asesiad o dan is-adran (2)(d) fel y bo'n gymwys i asesiad o anghenion o dan Ran 3.
- (4) Os yw'r awdurdod derbyn, ar y diwrnod y mae'r person yn symud i'w ardal, yn dal heb gyflawni'r asesiad o dan is-adran (2)(d), neu y mae wedi gwneud felly ond y mae'n dal heb gymryd y camau eraill sy'n ofynnol gan y Rhan hon neu Ran 3, rhaid iddo ddiwallu anghenion y person am gymorth yn unol â'r cynllun cymorth a luniwyd gan yr awdurdod anfon, i'r graddau y bydd hynny'n rhesymol ymarferol.
- (5) Mae'r awdurdod derbyn yn ddarostyngedig i'r ddyletswydd o dan is-adran (4) hyd nes y bydd wedi—
- (a) cyflawni'r asesiad sy'n ofynnol gan is-adran (2)(d), a
 - (b) cymryd y camau eraill sy'n ofynnol o dan y Rhan hon neu Ran 5.
- (6) Caiff rheoliadau—
- (a) pennu camau y mae'n rhaid i awdurdod lleol eu cymryd er mwyn cael ei fodloni fel a grybwyllwyd yn is-adrannau (1) a (2);
 - (b) pennu materion y mae'n rhaid i awdurdod derbyn roi sylw iddynt wrth benderfynu sut i gydymffurfio â'r ddyletswydd o dan is-adran (4);
 - (c) pennu achosion pan na fo'r dyletswyddau o dan is-adran (1), (2) neu (4) yn gymwys iddynt.
- (7) Mae cyfeiriad yn yr adran hon at symud i ardal yn cyfeirio at symud i'r ardal honno gyda golwg ar breswyllo fel arfer yno'.

William Graham

111

Section 2, page 4, line 26, leave out subsections (2) to (4) and insert—

- '() In deciding on the well-being of any individual, regard must be had to the individual's—
- (a) cultural and personal values;
 - (b) health and welfare;
 - (c) right to contribute to and participate in society to the extent that they wish to do so;
 - (d) safety and protection;
 - (e) social, family and personal relationships;
 - (f) standard of living;
 - (g) need to have their rights secured;

- (h) living accommodation;
- (i) right to live independently to the extent that the individual wishes to do so.
- () The Welsh Ministers may, by order, amend subsection (*first subsection to be inserted by amendment 111*) by adding to the list.
- () In relation to a child, regard must also be had to—
 - (a) the physical, intellectual, emotional, social and behavioural development of the child;
 - (b) “welfare” as that word is interpreted for the purposes of the Children Act 1989.’.

Adran 2, tudalen 4, llinell 27, hepgorer is-adrannau (2) hyd at (4) a mewnosoder —

- ‘() Wrth benderfynu ar lesiant unrhyw unigolyn, rhaid rhoi sylw i’w —
 - (a) gwerthoedd diwylliannol a phersonol;
 - (b) iechyd a llesiant;
 - (c) hawl i gyfrannu at gymdeithas a chymryd rhan ynddo i’r graddau y mae’n dymuno gwneud hynny;
 - (d) diogelwch ac amddiffyniad;
 - (e) perthnasoedd cymdeithasol, teuluol a phersonol;
 - (f) safon byw;
 - (g) angen i gael ei hawliau wedi’u diogelu;
 - (h) llety preswyl;
 - (i) hawl i fyw’n annibynnol i’r graddau y mae’n dymuno gwneud hynny.
- () Caiff Gweinidogion Cymru, drwy orchymyn, ddiwygio is-adran (*yr is-adran cyntaf sy’n cael ei fewnosod gan welliant 111*) drwy ychwanegu at y rhestr.
- () Mewn perthynas â phlentyn, rhaid rhoi sylw hefyd i—
 - (a) datblygiad corfforol, deallusol, emosiynol, cymdeithasol ac ymddygiadol y plentyn;
 - (b) “llesiant” fel y dadansoddir y gair hwnnw at ddibenion Deddf Plant 1989.’.

William Graham

112

Section 14, page 13, line 33, after ‘12’, insert —
‘where —

- () it is in the best interests of the child, or’.

Adran 14, tudalen 13, llinell 35, ar ôl ‘12’, mewnosoder —
‘pan —

- () fo er lles pennaf y plentyn, neu’.

William Graham 113

Section 18, page 16, after line 20, insert—

‘(g) the steps that a local authority must take for the purpose of ensuring that an assessment is carried out in an appropriate and proportionate manner.’.

Adran 18, tudalen 16, ar ôl llinell 19, mewnosoder—

‘(g) y camau y mae’n rhaid i awdurdod lleol eu cymryd er mwyn sicrhau y cynhelir asesiad mewn modd priodol a chymesur.’.

William Graham 114

Section 111, page 75, after line 12, insert—

‘(c) one or more representatives nominated by organisations representative of persons who are, or who have been, in receipt of care and support.’.

Adran 111, tudalen 75, ar ôl llinell 13, mewnosoder—

‘(c) un neu fwy o gynrychiolwyr a enwebir gan sefydliadau sy’n cynrychioli personau sy’n derbyn gofal a chymorth, neu sydd wedi bod yn derbyn gofal a chymorth.’.

Kirsty Williams 115

Section 10, page 11, after line 22, insert—

‘(6) The local authority must include any other body in an assessment where appropriate.’.

Adran 10, tudalen 11, ar ôl llinell 23, mewnosoder—

‘(6) Rhaid i’r awdurdod lleol gynnwys unrhyw gorff arall mewn asesiad pan fo’n briodol.’.

Kirsty Williams 116

Section 12, page 12, line 9, after ‘Where’, insert ‘a child is disabled or’.

Adran 12, tudalen 12, llinell 9, ar ôl ‘Pan’, mewnosoder ‘fo plentyn yn anabl neu pan’.

Kirsty Williams 117

Section 12, page 13, after line 3, insert—

‘() The local authority must include any other body in an assessment where appropriate.’.

Adran 12, tudalen 13, ar ôl llinell 3, mewnosoder—

‘() Rhaid i’r awdurdod lleol gynnwys unrhyw gorff arall mewn asesiad pan fo’n briodol.’.

Kirsty Williams 118

Section 15, page 15, after line 19, insert—

‘(9) The local authority must include any other body in an assessment where appropriate.’.

Adran 15, tudalen 15, ar ôl llinell 19, mewnosoder—

‘(9) Rhaid i’r awdurdod lleol gynnwys unrhyw gorff arall mewn asesiad pan fo’n briodol.’.

Kirsty Williams

119

Section 19, page 16, after line 24, insert –

‘() A local authority must meet the needs of a disabled child.’

Adran 19, tudalen 16, ar ôl llinell 23, mewnosoder –

‘() Rhaid i awdurdod lleol ddiwallu anghenion plentyn anabl.’

Kirsty Williams

120

Section 19, page 16, at the beginning of line 25, insert ‘Subject to subsection (*subsection to be inserted by amendment 119*)’.

Adran 19, tudalen 16, ar ddechrau llinell 24, mewnosoder ‘Yn ddarostyngedig i is-adran (*yr is-adran sy’n cael ei fewnosod gan welliant 119*)’.

Kirsty Williams

121

Section 19, page 17, line 6, leave out ‘subsection’ and insert ‘subsections (*subsection to be inserted by amendment 119*) and’.

Adran 19, tudalen 17, llinell 6, hepgorer ‘is-adran’ a mewnosoder ‘is-adrannau (*yr is-adran sy’n cael ei fewnosod gan welliant 119*) ac’.

Kirsty Williams

122

Section 20, page 17, after line 28, insert –

‘(h) provision of equipment and adaptations.’

Adran 20, tudalen 17, ar ôl llinell 30, mewnosoder –

‘(h) darparu cyfarpar ac addasiadau.’