

HYSBYSIAD YNGHYLCH GWELLIANNAU

NOTICE OF AMENDMENTS

Cyflwynwyd ar 21 Tachwedd 2024
Tabled on 21 November 2024

Bil Iechyd a Gofal Cymdeithasol (Cymru)

Health and Social Care (Wales) Bill

Altaf Hussain

62

Section 3, page 4, line 1, leave out ‘types of undertaking’.

Adran 3, tudalen 4, llinell 1, hepgorer ‘mathau o ymgymeriad a ganlyn’ a mewnosoder ‘canlynol’.

Altaf Hussain

63

Section 3, page 4, after line 2, insert –

‘() any reasonable profit entity,’.

Adran 3, tudalen 4, ar ôl llinell 2, mewnosoder –

‘() unrhyw endid er elw rhesymol,’.

Altaf Hussain

64

Section 3, page 4, after line 8, insert –

‘(5) Before making regulations under subsection (4)(*paragraph to be inserted by amendment 65*), the Welsh Ministers must consult any persons they think appropriate with a view to identifying appropriate undertakings to be prescribed.’.

Adran 3, tudalen 4, ar ôl llinell 8, mewnosoder –

‘(5) Cyn gwneud rheoliadau o dan is-adran (4)(*paragraff i’w fewnosod gan welliant 65*), rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy’n briodol yn eu barn hwy gyda golwg ar nodi ymgymeriadau priodol sydd i’w rhagnodi.’.

Altaf Hussain

65

Section 3, page 4, after line 8, insert –

‘() such other undertaking as the Welsh Ministers may prescribe in regulations.’.

Adran 3, tudalen 4, ar ôl llinell 8, mewnosoder –

‘() unrhyw ymgymeriad arall a ragnodir gan Weinidogion Cymru mewn rheoliadau.’.

Altaf Hussain

66

Section 3, page 4, after line 10, insert –

- ‘() A “reasonable profit entity” is a person that carries on business as a provider of restricted children’s services and that –
- (a) makes a reasonable profit only, and
 - (b) applies such profit solely for the purposes of reinvestment or payment of salaries.’.

Adran 3, tudalen 4, ar ôl llinell 11, mewnosoder –

- ‘() Mae “endid er elw rhesymol” yn berson sydd yn cynnal busnes fel darparwr gwasanaethau plant o dan gyfyngiad ac sydd –
- (a) yn gwneud elw rhesymol yn unig, a
 - (b) yn defnyddio elw o’r fath at ddibenion aifuddsoddi neu dalu cyflogau yn unig.’.

Altaf Hussain

67

Section 3, page 5, after line 28, insert –

- ‘() In subsection (*subsection to be inserted by amendment 66*), “reasonable profit” means a rate of return on own capital that takes account of the risk, including that to revenue, or the absence of such risk, incurred by the service provider and is in line with the average rate for the provision of restricted children’s services.’.

Adran 3, tudalen 5, ar ôl llinell 31, mewnosoder –

- ‘() Yn is-adran (*is-adran i’w mewnosod gan welliant 66*), ystyr “elw rhesymol” yw cyfradd adennill ar eich cyfalaf eich hun sy’n ystyried y risg, gan gynnwys y risg i refeniw, neu absenoldeb risg o’r fath, yr aed iddi gan y darparwr gwasanaeth ac sydd yn cydymffurfio â’r gyfradd gyfartalog ar gyfer darparu gwasanaethau plant o dan gyfyngiad.’.

Altaf Hussain

68

Section 4, page 6, after line 28, insert –

- ‘() Before making regulations under sub-paragraph (1)(b), the Welsh Ministers must have due regard to all published evidence relating to any part of any report of a committee of Senedd Cymru that refers to the transitional period.’.

Adran 4, tudalen 6, ar ôl llinell 28, mewnosoder –

- ‘() Cyn gwneud rheoliadau o dan is-baragraff (1)(b), rhaid i Weinidogion Cymru roi sylw dyladwy i bob tystiolaeth a gyhoeddir sy’n ymwneud ag unrhyw ran o unrhyw adroddiad gan un o bwyllgorau Senedd Cymru sy’n cyfeirio at y cyfnod trosiannol.’.

Altaf Hussain

69

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

- ‘() Regulations made under sub-paragraph (1) must not come into force before 1 April 2029 or such later date as the Welsh Ministers may prescribe in regulations.’.

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

- ‘() Ni chaiff rheoliadau a wneir o dan is-baragraff (1) ddod i rym cyn 1 Ebrill 2029 neu unrhyw ddyddiad diweddarach a ragnodir gan Weinidogion Cymru mewn rheoliadau.’.

Altaf Hussain

70

Section 4, page 8, after line 39, insert –

‘Reporting

- () (1) The Welsh Ministers must publish progress reports.
- (2) For the purpose of this paragraph, “progress reports” means reports on the progress made throughout the transitional period in service providers becoming not-for-profit entities.
- (3) A progress report must include –
- (a) an update, by local authority, on the number of service providers who provide restricted children’s services ceasing to operate;
 - (b) details of how many additional placements have been created since this paragraph came into force;
 - (c) information regarding the stability of existing placements;
 - (d) details of the consultation with children and young people directly affected by the provisions of this Schedule and sections 6A, 6B and 6C of this Act;
 - (e) the numbers of children and young people utilising advocacy services.
- (4) In sub-paragraph (3), “placement” has the meaning given in section 81A(3) of the Social Services and Well-being (Wales) Act 2014 (anaw. 4).
- (5) A progress report must be published on the date that this paragraph comes into force and every six months from that date until the transitional period ends.

- (6) A progress report published under sub-paragraph (5) must be laid before Senedd Cymru as soon as reasonably practicable.’.

Adran 4, tudalen 8, ar ôl llinell 39, mewnosoder –

‘Adrodd

- () (1) Rhaid i Weinidogion Cymru gyhoeddi adroddiadau cynnydd.
- (2) At ddiben y paragraff hwn, ystyr “adroddiadau cynnydd” yw adroddiadau ar y cynnydd a wneir drwy gydol y cyfnod trosiannol o ran darparwyr gwasanaethau yn dod yn endidau nid-er-elw.
- (3) Rhaid i adroddiad cynnydd gynnwys –
- (a) diweddariad, gan awdurdod lleol, ar nifer y darparwyr gwasanaethau sy’n darparu gwasanaethau plant o dan gyfyngiad sy’n rhoi’r gorau i weithredu;
 - (b) manylion am sawl lleoliad ychwanegol sydd wedi ei greu ers i’r paragraff hwn ddod i rym;
 - (c) gwybodaeth ynghylch sefydlogrwydd lleoliadau presennol;
 - (d) manylion yr ymgynghoriad â phlant a phobl ifanc y mae darpariaethau’r Atodlen hon ac adrannau 6A, 6B a 6C o’r Ddeddf hon yn effeithio’n uniongyrchol arnynt;
 - (e) nifer y plant a phobl ifanc sy’n defnyddio gwasanaethau eirioli.
- (4) Yn is-baragraff (3), mae i “lleoliad” yr ystyr a roddir yn adran 81A(3) o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4).
- (5) Rhaid cyhoeddi adroddiad cynnydd ar y dyddiad y daw’r paragraff hwn i rym a phob chwe mis o’r dyddiad hwnnw tan ddiwedd y cyfnod trosiannol.
- (6) Rhaid gosod adroddiad cynnydd a gyhoeddir o dan is-baragraff (5) gerbron Senedd Cymru cyn gynted ag y bo’n rhesymol ymarferol.’.

Altaf Hussain

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Section 4, page 8, after line 39, insert –

‘Ongoing funding and support

- () (1) The Welsh Ministers must publish information about the amount to be made available to be paid to a local authority after the transitional period has ended which must be sufficient to enable it to fulfil its duties under Part 6 of the Social Services and Well-being (Wales) Act 2014 (anaw. 4) after the transitional period has ended.
- (2) The information to be published under sub-paragraph (1) must be published before the transitional period begins.’.

Adran 4, tudalen 8, ar ôl llinell 39, mewnosoder –

‘Cymorth a chyllid parhaus

- () (1) Rhaid i Weinidogion Cymru gyhoeddi gwybodaeth am y swm a gaiff ei roi ar gael i’w dalu i awdurdod lleol ar ôl i’r cyfnod trosiannol ddod i ben, y mae rhaid iddo fod yn ddigonol i’w alluogi i gyflawni ei ddyletswyddau o dan Ran 6 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4) ar ôl i’r cyfnod trosiannol ddod i ben.
- (2) Rhaid cyhoeddi’r wybodaeth a gyhoeddir o dan is-baragraff (1) cyn i’r cyfnod trosiannol ddechrau.’.

Altaf Hussain

72

Section 4, page 8, after line 39, insert –

‘Guidance and support

- () (1) On or before the day on which the transitional period begins, the Welsh Ministers must prepare guidance.
- (2) Guidance prepared under sub-paragraph (1) must include –
- (a) details of the financial and other support that is offered to service providers –
- (i) to whom paragraph 2 applies, and
- (ii) who may seek to apply to the Welsh Ministers at any time to be registered subject to the requirement in section 6A(1),
- (b) a communication plan setting out details of how the Welsh Ministers and service providers to whom paragraph 2 applies will communicate throughout the transitional period,
- (c) such other information as the Welsh Ministers think appropriate.
- (3) The Welsh Ministers must publish the guidance prepared under sub-paragraph (1).
- (4) The Welsh Ministers may review the guidance prepared under sub-paragraph (1) and amend it from time to time.
- (5) Before publishing the guidance prepared under sub-paragraph (1), or the guidance as amended from time to time, the Welsh Ministers must consult any persons they think appropriate.”’.

Adran 4, tudalen 8, ar ôl llinell 39, mewnosoder –

‘Canllawiau a chymorth

- () (1) Ar neu cyn y diwrnod y mae’r cyfnod trosiannol yn dechrau, rhaid i Weinidogion Cymru lunio canllawiau.
- (2) Rhaid i ganllawiau a lunnir o dan is-baragraff (1) gynnwys –
- (a) manylion y cymorth ariannol a’r cymorth arall a gynigir i ddarparwyr gwasanaethau;
- (i) y mae paragraff 2 yn gymwys iddynt, a

- (ii) a gaiff geisio gwneud cais i Weinidogion Cymru ar unrhyw adeg i gael eu cofrestru yn ddarostyngedig i'r gofyniad yn adran 6A(1),
 - (b) cynllun cyfathrebu sy'n nodi manylion am sut y bydd Gweinidogion Cymru a'r darparwyr gwasanaethau y mae paragraff 2 yn gymwys iddynt yn cyfathrebu drwy gydol y cyfnod trosiannol,
 - (c) unrhyw wybodaeth arall sy'n briodol ym marn Gweinidogion Cymru.
- (3) Rhaid i Weinidogion Cymru gyhoeddi'r canllawiau a lunnir o dan is-baragraff (1).
 - (4) Caiff Gweinidogion Cymru adolygu'r canllawiau a lunnir o dan is-baragraff (1) a'u diwygio o dro o dro.
 - (5) Cyn cyhoeddi'r canllawiau a lunnir o dan is-baragraff (1), neu'r canllawiau fel y'u diwygir o dro i dro, rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy'n briodol yn eu barn hwy.'".

Altaf Hussain

73

Section 10, page 15, after line 6, insert –

'() After subsection (3), insert –

“(3A) For the purpose of this section, accommodation is near to the local authority's area if it is within the area of one of its neighbouring local authorities.”.

Adran 10, tudalen 15, ar ôl llinell 7, mewnosoder –

'() Ar ôl is-adran(3), mewnosoder –

“(3A) At ddiben yr adran hon, mae llety yn agos i ardal yr awdurdod lleol os yw o fewn ardal un o'i awdurdodau lleol cyfagos.”.

Altaf Hussain

74

Section 13, page 19, after line 30, insert –

'(c) only place a child in accommodation in another local authority area which is near to the authority's area in exceptional circumstances.'

Adran 13, tudalen 19, ar ôl llinell 30, mewnosoder –

'(c) lleoli plentyn mewn llety mewn ardal awdurdod lleol arall sy'n agos i ardal yr awdurdod o dan amgylchiadau eithriadol yn unig.'

Altaf Hussain

75

Section 13, page 21, after line 28, insert –

'(9) A code issued by the Welsh Ministers under section 145 must –

- (a) provide clarity on whether a child can be placed in a supplementary placement in advance of approval being given under subsection (4),
- (b) enable the Welsh Ministers to delegate their power to approve a supplementary placement under subsection (4),
- (c) provide examples of exceptional circumstances in which supplementary placements may be used.’.

Adran 13, tudalen 21, ar ôl llinell 30, mewnosoder –

- ‘(9) Rhaid i god a ddyroddir gan Weinidogion Cymru o dan adran 145 –
- (a) rhoi eglurder ar a ellir lleoli plentyn mewn lleoliad atodol cyn rhoi cymeradwyaeth o dan is-adran (4),
 - (b) galluogi Gweinidogion Cymru i ddirprwyo eu pŵer i gymeradwyo lleoliad atodol o dan is-adran (4),
 - (c) darparu enghreifftiau o amgylchiadau eithriadol lle y caniateir defnyddio lleoliadau atodol.’.

Altaf Hussain

76

Section 13, page 21, after line 28, insert –

- ‘(9) The Welsh Ministers must, in respect of each financial year, publish a report relating to supplementary placements.
- (10) A report published under subsection (*first subsection to be inserted by this amendment*) must contain anonymised data for each child placed in a supplementary placement during that financial year including –
- (a) the age bracket of the child;
 - (b) the local authority that placed each child;
 - (c) the type of supplementary placement requested;
 - (d) whether the supplementary placement was in Wales or elsewhere;
 - (e) whether the child had a previous supplementary placement;
 - (f) the cost bracket for the supplementary placement;
 - (g) any other information the Welsh Ministers think appropriate.
- (11) No data is to be included in a report published under subsection (*first subsection to be inserted by this amendment*) which, when read with other data in the report, is capable of identifying a child.
- (12) A report published under subsection (*first subsection to be inserted by this amendment*) must be laid before Senedd Cymru as soon as reasonably practicable.’.

Adran 13, tudalen 21, ar ôl llinell 30, mewnosoder –

- ‘(9) Rhaid i Weinidogion Cymru, mewn perthynas â phob blwyddyn ariannol, gyhoeddi adroddiad sy’n ymwneud â lleoliadau atodol.



- (10) Rhaid i adroddiad a gyhoeddir o dan is-adran (*is-adran gyntaf i'w mewnosod gan y gwelliant hwn*) gynnwys data dienw ar gyfer pob plentyn a leolir mewn lleoliad atodol yn ystod y flwyddyn ariannol honno gan gynnwys –
- (a) ystod oedran y plentyn;
 - (b) yr awdurdod lleol a leolodd bob plentyn;
 - (c) y math o leoliad atodol y gofynnwyd amdano;
 - (d) a oedd y lleoliad atodol yn Nghymru neu yn rhywle arall;
 - (e) a oedd y plentyn wedi cael lleoliad blaenorol;
 - (f) yr ystod costau ar gyfer y lleoliad atodol;
 - (g) unrhyw wybodaeth arall sy'n briodol ym marn Gweinidogion Cymru.
- (11) Nid oes unrhyw ddata i'w cynnwys mewn adroddiad a gyhoeddir o dan is-adran (*is-adran gyntaf i'w mewnosod gan y gwelliant hwn*) sydd yn gallu adnabod plentyn, o'u darllen gyda data eraill yn yr adroddiad.
- (12) Rhaid gosod adroddiad a gyhoeddir o dan is-adran (*is-adran gyntaf i'w mewnosod gan y gwelliant hwn*) gerbron Senedd Cymru cyn gynted ag y bo'n rhesymol ymarferol.'.

Altaf Hussain

77

Page 22, after line 26, insert a new section –

[] Assistance

- (1) A local authority must make arrangements for the provision of advice and assistance to children and young people who are affected by the changes made under sections 2 to 13 of this Act.
- (2) The assistance provided under the arrangements must include assistance by way of representation.
- (3) Regulations must make further provision in relation to the arrangements.
- (4) The regulations –
 - (a) must require the arrangements to secure that specified persons or categories of persons do not provide assistance, and
 - (b) may impose other requirements in relation to the arrangements.
- (5) The regulations must require local authorities to monitor the steps they have taken to ensure that they comply with requirements imposed by or under this section.
- (6) A local authority must give publicity to its arrangements for the provision of assistance under this section.'.

Tudalen 22, ar ôl llinell 29, mewnosoder adran newydd –

[1] Cymorth

- (1) Rhaid i awdurdod lleol wneud trefniadau ar gyfer darparu cyngor a chymorth i blant a phobl ifanc y mae'r newidiadau a wneir o dan adrannau 2 i 13 o'r Ddeddf hon yn effeithio arnynt.
- (2) Rhaid i'r cymorth a ddarperir o dan y trefniadau gynnwys cymorth drwy gynrychiolaeth.
- (3) Rhaid i reoliadau wneud darpariaeth bellach mewn perthynas â'r trefniadau.
- (4) O ran y rheoliadau –
 - (a) rhaid iddynt ei gwneud yn ofynnol i'r trefniadau sicrhau nad yw personau penodedig neu gategoriau o bersonau penodedig yn darparu cymorth, a
 - (b) cânt osod gofynion eraill mewn perthynas â'r trefniadau.
- (5) Rhaid i'r rheoliadau ei gwneud yn ofynnol i awdurdodau lleol fonitro'r camau a gymerwyd ganddynt i sicrhau eu bod yn cydymffurfio â gofynion a osodir gan neu o dan yr adran hon.
- (6) Rhaid i awdurdod lleol roi cyhoeddusrwydd i'w drefniadau ar gyfer darparu cymorth o dan yr adran hon.'.

Altaf Hussain

78

Page 36, after line 3, insert a new section –

[1] Duty to have regard to providing sufficient personal assistants

- (1) Subsection (2) amends the 2014 Act to provide for the Welsh Ministers to undertake workforce planning in relation to personal assistants.
- (2) After section 55 of the 2014 Act, insert –

“Workforce planning

55A Duty to have regard to providing sufficient personal assistants

- (1) For the purpose of having regard to the importance of ensuring that sufficient personal assistants are available to those receiving care and support, a local authority must (among other things) undertake workforce planning (including planning the recruitment, retention and training of personal assistants).
- (2) The Welsh Ministers must take steps to promote the role of personal assistants.”.

Tudalen 36, ar ôl llinell 3, mewnosoder adran newydd –

[1] Dyletswydd i roi sylw i ddarparu digon o gynorthwyr personol

- (1) Mae is-adran (2) yn diwygio Deddf 2014 i ddarparu i Weinidogion Cymru ymgymryd â gwaith cynllunio'r gweithlu mewn perthynas â chynorthwyr personol.
- (2) Ar ôl adran 55 o Ddeddf 2014, mewnosoder –

55A Dyletswydd i roi sylw i ddarparu digon o gynorthwyr personol

- (1) At ddiben rhoi sylw i bwysigrwydd sicrhau bod digon o gynorthwyr personol ar gael i'r rhai sy'n cael gofal a chymorth, rhaid i awdurdod lleol (ymhlith pethau eraill) ymgymryd â gwaith cynllunio'r gweithlu (gan gynnwys cynllunio ar gyfer recriwtio, cadw a hyfforddi cynorthwyr personol).
- (2) Rhai di Weinidogion Cymru gymryd camau i hyrwyddo rôl cynorthwyr personol.”’.

Altaf Hussain

79

Section 24, page 37, line 21, leave out ‘and section 10D’ and insert ‘, section 10D and section (to be inserted by amendment 88)’.

Adran 24, tudalen 37, llinell 21, hepgorer ‘and section 10D’ a mewnosoder ‘, section 10D and section (adran i’w mewnosod gan welliant 88)’.

Altaf Hussain

80

Section 24, page 37, line 21, leave out ‘and section 10D’ and insert ‘, section 10D and section (to be inserted by amendment 89)’.

Adran 24, tudalen 37, llinell 21, hepgorer ‘and section 10D’ a mewnosoder ‘, section 10D and section (adran i’w mewnosod gan welliant 89)’.

Altaf Hussain

81

Section 24, page 37, line 21, leave out ‘and section 10D’ and insert ‘, section 10D and section (to be inserted by amendment 90)’.

Adran 24, tudalen 37, llinell 21, hepgorer ‘and section 10D’ a mewnosoder ‘, section 10D and section (adran i’w mewnosod gan welliant 90)’.

Altaf Hussain

82

Section 24, page 37, line 21, leave out ‘and section 10D’ and insert ‘, section 10D and section (to be inserted by amendment 91)’.

Adran 24, tudalen 37, llinell 21, hepgorer ‘and section 10D’ a mewnosoder ‘, section 10D and section (adran i’w mewnosod gan welliant 91)’.

Altaf Hussain

83

Section 24, page 37, line 21, leave out ‘and section 10D’ and insert ‘, section 10D and section (to be inserted by amendment 92)’.

Adran 24, tudalen 37, llinell 21, hepgorer ‘and section 10D’ a mewnosoder ‘, section 10D and section (adran i’w mewnosod gan welliant 92)’.

Altaf Hussain

84

Section 24, page 37, line 21, after 'In', insert 'section (to be inserted by amendment 85)',.

Adran 24, tudalen 37, llinell 21, ar ôl 'In', mewnosoder 'section (adran i'w mewnosod gan welliant 85)',.

Altaf Hussain

85

Section 24, page 37, after line 28, insert –

'() Information, advice and support

- (1) A Local Health Board must prepare and publish guidance for patients containing information relating to direct payments.
- (2) Guidance prepared and published under subsection (1) must include information regarding –
 - (a) sources of advice and support to be provided to patients or (if different) payees who are in receipt of, or who may wish to receive, direct payments, and
 - (b) the transition between –
 - (i) direct payments permitted by regulations made under section 49A of the Social Services and Well-being (Wales) Act 2014; and
 - (ii) direct payments within the meaning given by section 10B(7).
- (3) Guidance prepared and published under subsection (1) must promote continuity of care.
- (4) A Local Health Board may revise the guidance prepared and published under subsection (1) from time to time.
- (5) The reference to patients or payees in subsection (2) includes their respective representatives.'

Adran 24, tudalen 37, ar ôl llinell 28, mewnosoder –

'() Information, advice and support

- (1) A Local Health Board must prepare and publish guidance for patients containing information relating to direct payments.
- (2) Guidance prepared and published under subsection (1) must include information regarding –
 - (a) sources of advice and support to be provided to patients or (if different) payees who are in receipt of, or who may wish to receive, direct payments, and
 - (b) the transition between –
 - (i) direct payments permitted by regulations made under section 49A of the Social Services and Well-being (Wales) Act 2014; and

- (ii) direct payments within the meaning given by section 10B(7).
- (3) Guidance prepared and published under subsection (1) must promote continuity of care.
- (4) A Local Health Board may revise the guidance prepared and published under subsection (1) from time to time.
- (5) The reference to patients or payees in subsection (2) includes their respective representatives.’.

Altaf Hussain

86

Section 24, page 38, line 24, after ‘payments’, insert ‘in accordance with section (*to be inserted by amendment 85*)’.

Adran 24, tudalen 38, llinell 24, ar ôl ‘payments’, mewnosoder ‘in accordance with section (*adran i’w mewnosod gan welliant 85*)’.

Altaf Hussain

87

Section 24, page 38, after line 26, insert –

- ‘() Regulations made under subsection (1) must provide for the Welsh Ministers to pay a Local Health Board an amount sufficient to enable functions conferred on it by or under the regulations or by sections 10B, 10C or 10D (or regulations made thereunder), in respect of direct payments, to be carried out.
- () Subsection (*to be inserted by first subsection in this amendment*) is without prejudice to Part 11 (property and finance).’.

Adran 24, tudalen 38, ar ôl llinell 26, mewnosoder –

- ‘() Regulations made under subsection (1) must provide for the Welsh Ministers to pay a Local Health Board an amount sufficient to enable functions conferred on it by or under the regulations or by sections 10B, 10C or 10D (or regulations made thereunder), in respect of direct payments, to be carried out.
- () Subsection (*is-adran i’w mewnosod gan yr is-adran gyntaf yn y gwelliant hwn*) is without prejudice to Part 11 (property and finance).’.

Altaf Hussain

88

Section 24, page 39, after line 15, insert –

- ‘() **Guidance**
- (1) The Welsh Ministers must issue guidance to a Local Health Board on how the authority should exercise its functions in relation to direct payments (“statutory guidance”).

- (2) The statutory guidance must require Local Health Boards when exercising functions in relation to direct payments to have due regard to the United Nations Convention on the Rights of Persons with Disabilities adopted by the General Assembly of the United Nations on 13 December 2006.
- (3) The Welsh Ministers must ensure that the statutory guidance, or a notice revoking such guidance, states –
 - (a) that it is issued under this section, and
 - (b) the date on which it is to take effect.
- (4) The Welsh Ministers must arrange for statutory guidance, or a notice revoking such guidance, to be published.
- (5) The statutory guidance must be laid before the Senedd as soon as reasonably practicable.’.

Adran 24, tudalen 39, ar ôl llinell 15, mewnosoder –

‘() Guidance

- (1) The Welsh Ministers must issue guidance to a Local Health Board on how the authority should exercise its functions in relation to direct payments (“statutory guidance”).
- (2) The statutory guidance must require Local Health Boards when exercising functions in relation to direct payments to have due regard to the United Nations Convention on the Rights of Persons with Disabilities adopted by the General Assembly of the United Nations on 13 December 2006.
- (3) The Welsh Ministers must ensure that the statutory guidance, or a notice revoking such guidance, states –
 - (a) that it is issued under this section, and
 - (b) the date on which it is to take effect.
- (4) The Welsh Ministers must arrange for statutory guidance, or a notice revoking such guidance, to be published.
- (5) The statutory guidance must be laid before the Senedd as soon as reasonably practicable.’.

Altaf Hussain

89

Section 24, page 39, after line 15, insert –

‘() Report on operation and effect of sections 10B to 10D

- (1) The Welsh Ministers must lay before Senedd Cymru a report on the operation and effect of sections 10B to 10D.
- (2) A report under subsection (2) must be laid after each three year period.
- (3) The report must –

- (a) consider the awareness of the availability of direct payments (within the meaning given by section 10B(7)) amongst persons in receipt of direct payments under section 49A of the Social Services and Well-being (Wales) Act 2014 (anaw. 4);
 - (b) include information from Local Health Boards regarding the number of persons in receipt of direct payments across Wales.
- (4) Local Health Boards must provide the Welsh Ministers with all relevant information to enable the Welsh Ministers to include the information specified in subsection (3)(b) in the report.
- (5) In preparing the report the Welsh Ministers must consult Senedd Cymru and such other persons as they think appropriate.
- (6) The Welsh Ministers must publish the report as soon as practicable after it has been laid before Senedd Cymru.
- (7) In this section, “three year period” means the period of three years beginning with the day on which this section comes into force and each three year period thereafter.’.

Adran 24, tudalen 39, ar ôl llinell 15, mewnosoder –

‘() Report on operation and effect of sections 10B to 10D

- (1) The Welsh Ministers must lay before Senedd Cymru a report on the operation and effect of sections 10B to 10D.
- (2) A report under subsection (2) must be laid after each three year period.
- (3) The report must –
 - (a) consider the awareness of the availability of direct payments (within the meaning given by section 10B(7)) amongst persons in receipt of direct payments under section 49A of the Social Services and Well-being (Wales) Act 2014 (anaw. 4);
 - (b) include information from Local Health Boards regarding the number of persons in receipt of direct payments across Wales.
- (4) Local Health Boards must provide the Welsh Ministers with all relevant information to enable the Welsh Ministers to include the information specified in subsection (3)(b) in the report.
- (5) In preparing the report the Welsh Ministers must consult Senedd Cymru and such other persons as they think appropriate.
- (6) The Welsh Ministers must publish the report as soon as practicable after it has been laid before Senedd Cymru.
- (7) In this section, “three year period” means the period of three years beginning with the day on which this section comes into force and each three year period thereafter.’.



Altaf Hussain

90

Section 24, page 39, after line 15, insert –

‘() Financial monitoring

- (1) The Welsh Ministers must prepare and publish reports of the expenditure incurred by Local Health Boards in relation to direct payments.
- (2) A report published under subsection (1) must include details of the financial position of each Local Health Board and their ability to continue to fund and deliver direct payments.
- (3) The first report prepared under subsection (1) must be prepared by the end of the third full financial year after this section comes into force and each subsequent report must be published no later than the third anniversary of the previous report.
- (4) A report under this section must be published and laid before Senedd Cymru as soon as reasonably practicable following the end of the third full financial year after this section comes into force.’

Adran 24, tudalen 39, ar ôl llinell 15, mewnosoder –

‘() Financial monitoring

- (1) The Welsh Ministers must prepare and publish reports of the expenditure incurred by Local Health Boards in relation to direct payments.
- (2) A report published under subsection (1) must include details of the financial position of each Local Health Board and their ability to continue to fund and deliver direct payments.
- (3) The first report prepared under subsection (1) must be prepared by the end of the third full financial year after this section comes into force and each subsequent report must be published no later than the third anniversary of the previous report.
- (4) A report under this section must be published and laid before Senedd Cymru as soon as reasonably practicable following the end of the third full financial year after this section comes into force.’

Altaf Hussain

91

Section 24, page 39, after line 15, insert –

‘() Support for the implementation of direct payments

- (1) The Welsh Ministers must prepare a report detailing the steps that they have taken to support the implementation of direct payments made under section 10B.
- (2) The report under subsection (1) must include details of –

- (a) the development of a central hub to support the implementation of direct payments,
 - (b) the operational status of such hub as at the date of the report,
 - (c) the number of people employed by or working at such hub,
 - (d) the operating costs of such hub as at the date of the report, and
 - (e) the number of people who have received advice or support from such hub as at the date of the report.
- (3) The report required by subsection (1) must be prepared within 6 months of the date upon which this section comes into force and published as soon as reasonably practicable thereafter.
- (4) The report prepared and published under this section must be laid before Senedd Cymru as soon as reasonably practicable.’.

Adran 24, tudalen 39, ar ôl llinell 15, mewnosoder –

‘() Support for the implementation of direct payments

- (1) The Welsh Ministers must prepare a report detailing the steps that they have taken to support the implementation of direct payments made under section 10B.
- (2) The report under subsection (1) must include details of –
- (a) the development of a central hub to support the implementation of direct payments,
 - (b) the operational status of such hub as at the date of the report,
 - (c) the number of people employed by or working at such hub,
 - (d) the operating costs of such hub as at the date of the report, and
 - (e) the number of people who have received advice or support from such hub as at the date of the report.
- (3) The report required by subsection (1) must be prepared within 6 months of the date upon which this section comes into force and published as soon as reasonably practicable thereafter.
- (4) The report prepared and published under this section must be laid before Senedd Cymru as soon as reasonably practicable.’.

Altaf Hussain

92

Section 24, page 39, after line 15, insert –

‘() Local health boards

- (1) The Welsh Ministers must prepare reports setting out their assessment of the progress being made to prepare Local Health Boards in relation to the making of direct payments.
- (2) The first report required by subsection (1) must be prepared no more than 6 months after the date upon which this section comes into force and subsequent reports must be prepared at least every 6 months thereafter.

- (3) Each report prepared under subsection (2) must be published within one month of the date upon which it is prepared in accordance with subsection (2).
- (4) Each report prepared and published under this section must be laid before Senedd Cymru as soon as reasonably practicable.’.

Adran 24, tudalen 39, ar ôl llinell 15, mewnosoder –

‘() Local health boards

- (1) The Welsh Ministers must prepare reports setting out their assessment of the progress being made to prepare Local Health Boards in relation to the making of direct payments.
- (2) The first report required by subsection (1) must be prepared no more than 6 months after the date upon which this section comes into force and subsequent reports must be prepared at least every 6 months thereafter.
- (3) Each report prepared under subsection (2) must be published within one month of the date upon which it is prepared in accordance with subsection (2).
- (4) Each report prepared and published under this section must be laid before Senedd Cymru as soon as reasonably practicable.’.

Altat Hussain

93

Page 39, after line 20, insert a new section –

‘[] Continuing NHS Healthcare

- (1) The Welsh Ministers must carry out a review of the CHC Framework.
- (2) The review referred to in subsection (1) must be completed by no later than one year after the date upon which this section comes into force.
- (3) No later than three months from the date of the completion of the review the Welsh Ministers must publish a report containing details of the review.
- (4) The report must include details of –
 - (a) any changes made to the CHC Framework made as a result of the review,
 - (b) any additional guidance relating to eligibility for continuing NHS healthcare, as referred to in the CHC Framework, issued as a result of the review.
- (5) A report under this section must be laid before Senedd Cymru.
- (6) For the purposes of this section, “the CHC Framework” means the Continuing NHS Healthcare National Framework for Implementation in Wales as implemented on 1 April 2022.”’.

Tudalen 39, ar ôl llinell 20, mewnosoder adran newydd –

‘[] Gofal Iechyd Parhaus y GIG

- (1) Rhaid i Weinidogion Cymru gynnal adolygiad o’r Fframwaith Gofal Iechyd Parhaus.

- (2) Rhaid cwblhau'r adolygiad y cyfeirir ato yn is-adran (1) heb fod yn hwyrach na blwyddyn ar ôl y dyddiad y daw'r adran hon i rym.
- (3) Heb fod yn hwyrach na thri mis o'r dyddiad y cwblheir yr adolygiad, rhaid i Weinidogion Cymru gyhoeddi adroddiad yn cynnwys manylion yr adolygiad.
- (4) Rhaid i'r adroddiad gynnwys manylion am –
 - (a) unrhyw newidiadau a wneir i'r Fframwaith Gofal Iechyd Parhaus a wneir o ganlyniad i'r adolygiad,
 - (b) unrhyw ganllawiau ychwanegol sy'n ymwneud â chymhwystra ar gyfer gofal iechyd parhaus y GIG, fel y cyfeirir ato yn y Fframwaith Gofal Iechyd Parhaus, a ddyroddir o ganlyniad i'r adolygiad.
- (5) Rhaid gosod adroddiad o dan yr adran hon gerbron Senedd Cymru.
- (6) At ddibenion yr adran hon, ystyr "Fframwaith Gofal Iechyd Parhaus" yw Fframwaith Gweithredu Cenedlaethol Gofal Iechyd Parhaus y GIG yng Nghymru fel y'i gweithredwyd ar 1 Ebrill 2022.'.

Altaf Hussain

94

Section 28, page 40, line 20, leave out subsection (3) and insert –

- '() A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru –
- (a) regulations under section (*section to be inserted by amendment 77*);
 - (b) regulations that amend, modify or repeal any enactment contained in primary legislation (including any provision in this Act)'. '

Adran 28, tudalen 40, llinell 21, hepgorer is-adran (3) a mewnosoder –

- '() Ni chaniateir gwneud offeryn statudol sy'n cynnwys unrhyw un neu ragor o'r canlynol oni bai bod drafft o'r offeryn wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad –
- (a) rheoliadau o dan adran (*adran i'w mewnosod gan welliant 77*);
 - (b) rheoliadau sy'n diwygio, yn addasu neu'n diddymu unrhyw ddeddfiad sydd wedi ei gynnwys mewn deddfwriaeth sylfaenol (gan gynnwys unrhyw ddarpariaeth yn y Ddeddf hon)'. '

Altaf Hussain

95

Section 28, page 40, line 20, leave out subsection (3) and insert –

- '() A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru –
- (a) regulations under section 29 (*first subsection to be inserted by amendment 97*);
 - (b) regulations that amend, modify or repeal any enactment contained in primary legislation (including any provision in this Act)'. '

Adran 28, tudalen 40, llinell 21, hepgorer is-adran (3) a mewnosoder –

- ‘() Ni chaniateir gwneud offeryn statudol sy’n cynnwys unrhyw un neu ragor o’r canlynol oni bai bod drafft o’r offeryn wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad –
- (a) rheoliadau o dan adran 29 (*is-adran gyntaf i’w mewnosod gan welliant 97*);
 - (b) rheoliadau sy’n diwygio, yn addasu neu’n diddymu unrhyw ddeddfiad sydd wedi ei gynnwys mewn deddfwriaeth sylfaenol (gan gynnwys unrhyw ddarpariaeth yn y Ddeddf hon).’.

Altaf Hussain

96

Section 29, page 41, line 1, after ‘23’, insert ‘, (*section to be inserted by amendment 93*)’.

Adran 29, tudalen 41, llinell 1, ar ôl ‘23’, mewnosoder ‘, (*adran i’w mewnosod gan welliant 93*)’.

Altaf Hussain

97

Section 29, page 41, after line 2, insert –

- ‘() Sections 2 to 13 of this Act come into force on 1 April 2028 or such later date as the Welsh Ministers may prescribe in regulations.
- () Before making regulations under subsection (*first subsection to be inserted by this amendment*), the Welsh Ministers must consult any persons they think appropriate’.

Adran 29, tudalen 41, ar ôl llinell 2, mewnosoder –

- ‘() Daw adrannau 2 i 13 o’r Ddeddf hon i rym ar 1 Ebrill 2028 neu unrhyw ddyddiad diweddarach a ragnodir gan Weinidogion Cymru mewn rheoliadau.
- () Cyn gwneud rheoliadau o dan is-adran (*is-adran gyntaf i’w mewnosod gan y gwelliant hwn*), rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy’n briodol yn eu barn hwy.’.

Altaf Hussain

98

Schedule 1, page 42, line 24, after ‘(2),’, insert ‘ –

- (a) after paragraph (c) insert –

“(ca) section 6A(4)(*paragraph to be inserted by amendment 65*) (registration in respect of restricted children’s services);”.

Atodlen 1, tudalen 42, llinell 24, ar ôl ‘(2),’, mewnosoder ‘ –

- (a) ar ôl paragraff (c) mewnosoder –

“(ca) adran 6A(4)(*paragraff i’w fewnosod gan welliant 65*) (cofrestru mewn perthynas â gwasanaethau plant o dan gyfyngiad);”.

Altaf Hussain

99

Schedule 1, page 42, line 25, leave out ‘and 3(1)’ and insert ‘, 3(1) and 3(*paragraph to be inserted by amendment 69*)’.

Atodlen 1, tudalen 42, llinell 25, hepgorer 'a 3(1)' a mewnosoder ', 3(1) a 3(paragraff i'w fewnosod gan welliant 69)'.

