

RHESTR O WELLIANNAU WEDI’U DIDOLI MARSHALLED LIST OF AMENDMENTS

Bil Iechyd a Gofal Cymdeithasol (Cymru) Health and 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

Mae gwelliannau a nodir ag ‘R’ yn dynodi bod yr Aelod wedi datgan buddiant
cofrestradwy o dan Reol Sefydlog 2 neu fuddiant perthnasol o dan Reolau Sefydlog 13 neu
17 wrth gyflwyno’r gwelliant.

Amendments marked ‘R’ mean that the Member has declared either a registrable interest
under Standing Order 2 or relevant interest under Standing Orders 13 or 17 when tabling
the amendment.

Caiff y Bil ei ystyried yn y drefn a ganlyn –	
The Bill will be considered in the following order –	
Sections 2 – 13	Adrannau 2 – 13
Section 1	Adran 1
Sections 14 – 22	Adrannau 14 - 22
Schedule 1	Atodlen 1
Sections 24 - 25	Adrannau 24 – 25
Schedule 2	Atodlen 2
Section 26	Adran 26
Section 23	Adran 23
Sections 27 – 30	Adrannau 27 - 30
Long title	Teitl hir

Dawn Bowden

9

Section 2, page 2, leave out –

‘(2) For the purposes of subsection (1), a care home service is provided
wholly or mainly to children if –

- (a) it has provided more days of accommodation to children than to adults for any period of 12 months falling within the previous 24 months, or
- (b) it intends to provide more days of accommodation to children than to adults for any period of 12 months falling within the following 24 months.’.

Adran 2, tudalen 2, hepgorer –

- ‘(2) At ddibenion is-adran (1), mae gwasanaeth cartref gofal yn cael ei ddarparu’n gyfan gwbl neu’n bennaf i blant –
 - (a) os yw wedi darparu mwy o ddiwrnodau o lety i blant nag i oedolion am unrhyw gyfnod o 12 mis sy’n dod o fewn y 24 mis blaenorol, neu
 - (b) os yw’n bwriadu darparu mwy o ddiwrnodau o lety i blant nag i oedolion am unrhyw gyfnod o 12 mis sy’n dod o fewn y 24 mis dilynol.’.

Dawn Bowden

1

Section 2, page 3, line 17, leave out ‘has the meaning given by section 74’ and insert ‘means children who are looked after by local authorities as described in section 74(1)’.

Adran 2, tudalen 3, llinell 17, hepgorer ‘mae i “plant sy’n derbyn gofal” yr ystyr a roddir gan adran 74’ a mewnosoder ‘ystyr “plant sy’n derbyn gofal” yw plant sy’n derbyn gofal gan awdurdodau lleol fel y’u disgrifir yn adran 74(1)’.

Mabon ap Gwynfor

44

Section 3, page 3, after line 25, insert –

- “(1B) In the case of a person who wants to provide a restricted children’s service, the application must include a statement confirming that the person meets the requirement in section (to be inserted by amendment 56).”.

Adran 3, tudalen 3, ar ôl llinell 25, mewnosoder –

- “(1B) Yn achos person sy’n dymuno darparu gwasanaeth plant o dan gyfyngiad, rhaid i’r cais gynnwys datganiad sy’n cadarnhau bod y person yn bodloni’r gofynion yn adran (i’w mewnosod gan welliant 56).”.

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

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

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

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.’.

Dawn Bowden

10

Section 3, page 5, line 33, leave out ‘having a share capital’ has the meaning given by section 545 of that Act.’’ and insert ‘does not have a share capital if it does not have power under its constitution to issue shares.’.

Adran 3, tudalen 5, llinell 36, hepgorer ‘mae i “cwmni a chanddo gyfalaf cyfrannau” yr ystyr a roddir i “a company having a share capital” gan adran 545 o'r Ddeddf honno.’’ a mewnosoder ‘nid oes gan gwmni gyfalaf cyfrannau os nad oes ganddo bŵer o dan ei gyfansoddiad i ddyroddi cyfrannau.’.

Mabon ap Gwynfor

56

Section 3, page 5, after line 34, insert –

- ‘() **Registered independent visiting advocacy services**
- (1) This section applies to a person who provides or wants to provide a care home service.
 - (2) To be registered in respect of a restricted children’s service, a person must make arrangements for a registered independent visiting advocacy service to be made available to each child for whom it provides care home services.
 - (3) For the purpose of this section, “registered independent visiting advocacy services” has the meaning prescribed in regulations.
 - (4) Regulations made under subsection (3) must –
 - (a) provide for a register of independent visiting advocacy service providers,
 - (b) provide for the frequency at which the registered independent visiting advocacy service provider must attend,
 - (c) set a minimum standard of knowledge that all registered independent visiting advocacy service providers must have relating to children’s rights, and

- (d) provide for such other matters as the Welsh Ministers think appropriate.
- (5) Before making regulations under subsection (3) the Welsh Ministers must consult such persons as they think appropriate.
- (6) For the purpose of this section, “care home service” has the meaning provided in section 2A(1)(a).’.

Adran 3, tudalen 5, ar ôl llinell 38, mewnosoder –

‘() Gwasanaethau ymweliadau eirioli annibynnol cofrestredig

- (1) Mae’r adran hon yn gymwys i berson sy’n darparu, neu sy’n dymuno darparu, gwasanaeth cartref gofal.
- (2) Er mwyn cael ei gofrestru mewn cysylltiad â gwasanaeth plant o dan gyfyngiad, rhaid i berson wneud trefniadau i roi gwasanaeth ymweliadau eirioli annibynnol cofrestredig ar gael i bob plentyn y mae’n darparu gwasanaethau cartrefi gofal ar ei gyfer.
- (3) At ddiben yr adran hon, mae i “gwasanaethau ymweliadau eirioli annibynnol cofrestredig” yr ystyr a ragnodir mewn rheoliadau.
- (4) Rhaid i reoliadau a wneir o dan is-adran (3) –
 - (a) darparu ar gyfer cofrestr o ddarparwyr gwasanaethau ymweliadau eirioli annibynnol,
 - (b) darparu ar gyfer pa mor aml y mae rhaid i’r darparwr gwasanaeth ymweliadau eirioli annibynnol cofrestredig fynychu,
 - (c) gosod safon ofynnol o wybodaeth y mae rhaid i bob darparwr gwasanaeth ymweliadau eirioli annibynnol cofrestredig feddu arni ynghylch hawliau plant, a
 - (d) darparu ar gyfer unrhyw faterion eraill sy’n briodol ym marn Gweinidogion Cymru.
- (5) Cyn gwneud rheoliadau o dan is-adran (3), rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy’n briodol yn eu barn hwy.
- (6) At ddiben yr adran hon, mae i “gwasanaeth cartref gofal” yr ystyr a ddarperir yn adran 2A(1)(a).’.

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.’.



Dawn Bowden

2

Section 4, page 7, line 19, after ‘11(1)(a)(i)’, insert ‘or 11(1)(a)(ii)’.

Adran 4, tudalen 7, llinell 19, ar ôl ‘11(1)(a)(i)’, mewnosoder ‘nac 11(1)(a)(ii)’.

Dawn Bowden

3

Section 4, page 7, leave out line 20.

Adran 4, tudalen 7, hepgorer llinell 20.

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.’.

Mabon ap Gwynfor

45

Section 4, page 7, after line 31, insert –

‘() Regulations made under sub-paragraph (1) must not affect the ability of the service provider to provide restricted children’s services to any child who is in its care when the transitional period begins.’.

Adran 4, tudalen 7, ar ôl llinell 32, mewnosoder –

‘() Ni chaniateir i reoliadau a wneir o dan is-baragraff (1) effeithio ar allu’r darparwr gwasanaeth i ddarparu gwasanaethau plant o dan gyfyngiad i unrhyw blentyn sydd yn ei ofal pan fo’r cyfnod trosiannol yn dechrau.’.

Dawn Bowden

11

Section 4, page 8, line 3, after ‘service’, insert ‘or a place’.

Adran 4, tudalen 8, llinell 3, ar ôl ‘gwasanaeth’, mewnosoder ‘neu ddileu man’.

Dawn Bowden

4

Section 4, page 8, line 8, leave out ‘has the meaning given by section 74’ and insert ‘means children who are looked after by local authorities as described in section 74(1)’.

Adran 4, tudalen 8, llinell 8, hepgorer ‘mae i “plant sy’n derbyn gofal” yr ystyr a roddir gan adran 74’ a mewnosoder ‘ystyr “plant sy’n derbyn gofal” yw plant sy’n derbyn gofal gan awdurdodau lleol fel y’u disgrifir yn adran 74(1)’.

Mabon ap Gwynfor

Section 4, page 8, after line 9, insert –

‘Existing service providers: notification and risk assessment

- () (1) This paragraph applies in respect of a service provider to whom paragraph 2 applies.
- (2) A service provider who decides that it wishes to become a not-for-profit entity must notify the Welsh Ministers in writing within one week of its decision.
- (3) A service provider who decides that it wishes to cease operations must notify the Welsh Ministers within one week of its decision.
- (4) The Welsh Ministers must prepare a risk assessment setting out –
- (a) how many notifications they have received under sub-paragraph (2),
 - (b) how many notifications they have received under sub-paragraph (3),
 - (c) how many children are in placements that will be affected by the decisions that are notified under sub-paragraphs (2) and (3),
 - (d) what steps the Welsh Ministers are taking to mitigate the risks arising from the intentions of service providers who have submitted notifications under sub-paragraphs (2) or (3).
- (5) A risk assessment that is prepared under sub-paragraph (4) must be published within three months of when the transitional period begins and every three months thereafter.
- (6) Each risk assessment that is published under sub-paragraph (5) must be laid before Senedd Cymru as soon as reasonably practicable.’.

Adran 4, tudalen 8, ar ôl llinell 9, mewnosoder –

‘Darparwyr gwasanaethau presennol: hysbysu ac asesu risg

- () (1) Mae’r paragraff hwn yn gymwys mewn cysylltiad â darparwr gwasanaeth y mae paragraff 2 yn gymwys iddo.
- (2) Rhaid i ddarparwr gwasanaeth sy’n penderfynu ei fod yn dymuno dod yn endid nid-er-elw hysbysu Gweinidogion Cymru yn ysgrifenedig o fewn un wythnos i’w benderfyniad.
- (3) Rhaid i ddarparwr gwasanaeth sy’n penderfynu ei fod yn dymuno rhoi’r gorau i’w weithrediadau hysbysu Gweinidogion Cymru o fewn un wythnos i’w benderfyniad.
- (4) Rhaid i Weinidogion Cymru lunio asesiad risg sy’n nodi –
- (a) sawl hysbysiad a gawsant o dan is-baragraff (2),
 - (b) sawl hysbysiad a gawsant o dan is-baragraff (3),
 - (c) sawl plentyn sydd mewn lleoliadau y bydd y penderfyniadau yr hysbysir amdanynt o dan is-baragraffau (2) a (3) yn effeithio arnynt,

- (d) pa gamau y mae Gweinidogion Cymru yn eu cymryd i liniaru’r risgiau sy’n deillio o fwriadau darparwyr gwasanaethau sydd wedi cyflwyno hysbysiadau o dan is-baragraff (2) neu (3).
- (5) Rhaid cyhoeddi asesiad risg a lunnir o dan is-baragraff (4) o fewn tri mis i’r dyddiad y mae’r cyfnod trosiannol yn dechrau a phob tri mis wedi hynny.
- (6) Rhaid gosod pob asesiad risg a gyhoeddir o dan is-baragraff (5) gerbron Senedd Cymru cyn gynted ag y bo’n rhesymol ymarferol.’.

Dawn Bowden

5

Section 4, page 8, line 38, leave out ‘section’ and insert ‘paragraph’.

Adran 4, tudalen 8, llinell 37, hepgorer ‘yr adran hon’ a mewnosoder ‘y paragraff hwn’.

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

71

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 paragraph 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.”’.

Dawn Bowden

12

Section 4, page 9, line 2, leave out subsection (5).

Adran 4, tudalen 9, llinell 3, hepgorer is-adran (5).

Dawn Bowden

6

Section 6, page 9, line 35, leave out ‘determined in accordance with’ and insert ‘to which, see’.

Adran 6, tudalen 9, llinell 37, hepgorer ‘fel y’u penderfynir yn unol ag’ a mewnosoder ‘ac o ran hynny, gweler’.

Dawn Bowden

13

Section 8, page 13, line 31, after ‘also’, insert ‘paragraph 3(4)(a) of’.

Adran 8, tudalen 13, llinell 33, ar ôl ‘hefyd’, mewnosoder ‘baragraff 3(4)(a) o’.

Dawn Bowden

14

Section 8, page 14, line 7, after ‘also’, insert ‘paragraph 3(4)(b) of’.

Adran 8, tudalen 14, llinell 8, ar ôl ‘hefyd’, mewnosoder ‘baragraff 3(4)(b) o’.

Dawn Bowden

7

Section 10, page 14, line 30, leave out ‘where the accommodation is with a local authority foster parent or in a children’s home, meets the relevant requirement described in section 81A(3) (not-for-profit placements), and”.’ and insert ‘in the case of accommodation with a local authority foster parent, is accommodation with a foster parent who is authorised as such by a person described in section 81A(4)(a),

- (ab) in the case of accommodation in a children’s home, is accommodation in a children’s home in respect of which a person described in section 81A(4)(b) is registered, and”.’.

Adran 10, tudalen 14, llinell 36, hepgorer 'pan fo'r llety gyda rhiant maeth awdurdod lleol neu mewn cartref plant, yn bodloni'r gofyniad perthnasol a ddisgrifir yn adran 81A(3) (lleoliadau nid-er-elw), a"'. a mewnosoder 'yn achos llety gyda rhiant maeth awdurdod lleol, yn llety gyda rhiant maeth sydd wedi ei awdurdodi felly gan berson a ddisgrifir yn adran 81A(4)(a),

- (ab) yn achos llety mewn cartref plant, yn llety mewn cartref plant y mae person a ddisgrifir yn adran 81A(4)(b) wedi ei gofrestru mewn cysylltiad ag ef, a"'.

Mabon ap Gwynfor

46

Gyda chefnogaeth / Supported by: Altaf Hussain

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 at ardal yr awdurdod lleol os yw o fewn ardal un o'i awdurdodau lleol cyfagos.”.

WITHDRAWN/TYNNWYD YN ÔL

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.”.

Dawn Bowden

15

Section 11, page 15, after line 21, insert –

'() An annual sufficiency plan must –

- (a) be in such form as may be prescribed by regulations, and
- (b) be approved by the Welsh Ministers before publication (see sections 75B and 75C).’.

Adran 11, tudalen 15, ar ôl llinell 22, mewnosoder –

‘() Rhaid i gynllun digonolrwydd blynyddol –

- (a) bod ar ffurf a ragnodir drwy reoliadau, a
- (b) cael ei gymeradwyo gan Weinidogion Cymru cyn ei gyhoeddi (gweler adrannau 75B a 75C).’.

Mabon ap Gwynfor

58

Section 11, page 15, after line 34, insert –

‘() an assessment of the amount of accommodation required to meet the demand indicated by notifications provided to the Welsh Ministers under paragraph 4(4) of Schedule 1A to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), as referenced in the risk assessment published by the Welsh Ministers under paragraph *(to be inserted by amendment 57)*(5) of that Schedule;’.

Adran 11, tudalen 15, ar ôl llinell 34, mewnosoder –

‘() asesiad ynghylch faint o lety sydd ei angen i fodloni’r galw a nodir gan hysbysiadau a ddarperir i Weinidogion Cymru o dan baragraff 4(4) o Atodlen 1A i Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2), fel y cyfeirir atynt yn yr asesiad risg a gyhoeddir gan Weinidogion Cymru o dan baragraff *(paragraff i’w fewnosod gan welliant 57)*(5) o’r Atodlen honno;’.

Dawn Bowden

16

Section 11, page 16, leave out lines 12 to 13.

Adran 11, tudalen 16, hepgorer llinell 11.

Dawn Bowden

17

Section 11, page 17, after line 18, insert –

‘() Section 75B(4) applies where the Welsh Ministers approve a further draft submitted to them under this section as it applies where the Welsh Ministers approve a draft submitted to them under section 75B.’.

Adran 11, tudalen 17, ar ôl llinell 20, mewnosoder –

‘() Mae adran 75B(4) yn gymwys pan fo Gweinidogion Cymru yn cymeradwyo drafft pellach a gyflwynir iddynt o dan yr adran hon fel y mae’n gymwys pan fo Gweinidogion Cymru yn cymeradwyo drafft a gyflwynir iddynt o dan adran 75B.’.

Mabon ap Gwynfor

47

Gyda chefnogaeth / Supported by: Altaf Hussain

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.’.

WITHDRAWN/TYNNWYD YN ÔL

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.’.

Mabon ap Gwynfor

48

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

- ‘() If it is determined that the most appropriate placement for C under subsection (2) is in accommodation in another local authority area near to the local authority’s area, the local authority must take into account C’s views, wishes and feelings.’.

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

- ‘() Os penderfynir mai’r lleoliad mwyaf priodol i C o dan is-adran (2) yw mewn llety mewn awdurdod lleol arall sy’n agos i ardal yr awdurdod lleol, rhaid i’r awdurdod lleol ystyried safbwyntiau, dymuniadau a theimladau C.’.

Mabon ap Gwynfor

49

Section 13, page 19, after line 32, insert –

- ‘() In subsection (5)(*paragraph to be inserted by amendment 47*), “near to” means neighbouring.
- () In subsection (*subsection to be inserted by amendment 48*), “near to” means neighbouring.’.

Adran 13, tudalen 19, ar ôl llinell 32, mewnosoder –

- '() Yn is-adran (5)(*paragraff i'w fewnosod gan welliant 47*), ystyr “agos i” yw cyfagos.
- () Yn is-adran (*is-adran i'w mewnosod gan welliant 48*), ystyr “agos i” yw cyfagos.’.

Dawn Bowden

18

Section 13, page 20, line 10, leave out ‘that is providing the placement’.

Adran 13, tudalen 20, llinell 11, hepgorer ‘sy’n darparu’r lleoliad’.

Dawn Bowden

19

Section 13, page 20, leave out line 11.

Adran 13, tudalen 20, hepgorer llinell 12.

Dawn Bowden

20

Section 13, page 20, leave out lines 13 to 30 and insert –

- '() a statement setting out the reasons why the authority considers that it would be acting inconsistently with its duty under section 78 were it not to place C with the for-profit provider or private provider,’.

Adran 13, tudalen 20, hepgorer llinellau 14 hyd at 29 a mewnosoder –

- '() datganiad sy’n nodi’r rhesymau pam y mae’r awdurdod o’r farn y byddai’n gweithredu yn anghyson â’i ddyletswydd o dan adran 78 pe na bai’n lleoli C gyda’r darparwr er elw neu’r darparwr preifat,’.

Mabon ap Gwynfor

50

Gyda chefnogaeth / Supported by: Altaf Hussain

Section 13, page 20, after line 34, insert –

- '() a statement confirming that the placement is not an unregistered placement, and’.

Adran 13, tudalen 20, ar ôl llinell 33, mewnosoder –

- '() datganiad yn cadarnhau nad yw’r lleoliad yn lleoliad anghofrestredig, ac’.

Mabon ap Gwynfor

51

Gyda chefnogaeth / Supported by: Altaf Hussain

Section 13, page 21, after line 5, insert –



'() that the placement is not an unregistered placement, and'.

Adran 13, tudalen 21, ar ôl llinell 5, mewnosoder –

'() nad yw'r lleoliad yn lleoliad anghofrestredig, ac'.

Mabon ap Gwynfor

52

Gyda chefnogaeth / Supported by: Altaf Hussain

Section 13, page 21, after line 26, insert –

'() For the purpose of this section “unregistered placement” means a placement with a provider of a restricted children’s service that is not registered under –

- (a) section 7 of the Regulation and Inspection of Social Care (Wales) Act 2016 (grant or refusal of registration as a service provider), or
- (b) Part 2 of the Care Standards Act 2000 (establishments and agencies).'

Adran 13, tudalen 21, ar ôl llinell 28, mewnosoder –

'() At ddiben yr adran hon, ystyr “lleoliad anghofrestredig” yw lleoliad gyda darparwr gwasanaeth plant o dan gyfyngiad nad yw wedi ei gofrestru o dan –

- (a) adran 7 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (caniatáu neu wrthod cofrestrriad fel darparwr gwasanaeth), neu
- (b) Rhan 2 o Ddeddf Safonau Gofal 2000 (sefydliadau ac asiantaethau).'

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.’.

Altat 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.'.

Mabon ap Gwynfor

59

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

'() Registered independent visiting advocacy services

- (1) The 2014 Act is amended as follows.
- (2) After section 178 insert –

"178A Registered independent visiting advocacy services

- (1) A local authority must make arrangements for a registered independent visiting advocacy service to be made available to each child for whom it provides care home services.
- (2) For the purpose of this section "registered independent visiting advocacy services" has the meaning prescribed in regulations.
- (3) Regulations made under subsection (2) must –
 - (a) provide for a register of independent visiting advocacy service providers,
 - (b) provide for the frequency at which the local authority must arrange for the registered independent visiting advocacy service provider to attend at each of its care homes,
 - (c) set a minimum standard of knowledge that all registered independent visiting advocacy service providers must have relating to children's rights, and
 - (d) provide for such other matters as the Welsh Ministers think appropriate.
- (4) Before making regulations under subsection (2) the Welsh Ministers must consult such persons as they think appropriate.
- (5) For the purpose of this section, "care home service" has the meaning provided in section 2A(1)(a).
- (6) This section does not prevent or affect the provision of any other advice, information, assistance or service provided under any provision of this Chapter.'".

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

'() Gwasanaethau ymweliadau eirioli annibynnol cofrestredig

- (1) Mae Deddf 2014 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 178 mewnosoder –

"178A Gwasanaethau ymweliadau eirioli annibynnol cofrestredig

- (1) Rhaid i awdurdod lleol wneud trefniadau i roi gwasanaeth ymweliadau eirioli annibynnol cofrestredig ar gael i bob plentyn y mae'n darparu gwasanaethau cartrefi gofal ar ei gyfer.
- (2) At ddiben yr adran hon, mae i "gwasanaethau ymweliadau eirioli annibynnol cofrestredig" yr ystyr a ragnodir mewn rheoliadau.
- (3) Rhaid i reoliadau a wneir o dan is-adran (2) –
 - (a) darparu ar gyfer cofrestr o ddarparwyr gwasanaethau ymweliadau eirioli annibynnol,
 - (b) darparu ar gyfer pa mor aml y mae rhaid i'r awdurdod lleol drefnu i'r darparwr gwasanaeth ymweliadau eirioli annibynnol cofrestredig fynychu pob un o'i gartrefi gofal,
 - (c) gosod safon ofynnol o wybodaeth y mae rhaid i bob darparwr gwasanaeth ymweliadau eirioli annibynnol cofrestredig feddu arni ynghylch hawliau plant, a
 - (d) darparu ar gyfer unrhyw faterion eraill sy'n briodol ym marn Gweinidogion Cymru.
- (4) Cyn gwneud rheoliadau o dan is-adran (2), rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy'n briodol yn eu barn hwy.
- (5) At ddiben yr adran hon, mae i "gwasanaeth cartref gofal" yr ystyr a ddarperir yn adran 2A(1)(a).
- (6) Nid yw'r adran hon yn atal darparu unrhyw gyngor, gwybodaeth, cymorth neu wasanaeth arall a ddarperir o dan unrhyw ddarpariaeth yn y Bennod hon, nac yn effeithio ar eu darparu.'".

Altaf Hussain

77

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

[1] 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 gategorïau 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.'.

Dawn Bowden

21

Section 16, page 23, line 35, after 'the' at the first place where it occurs on a line, insert 'variation or'.
Adran 16, tudalen 23, llinell 37, ar ôl 'wrth', mewnosoder 'amrywio neu'.

Dawn Bowden

22

Section 16, page 23, after line 36, insert –

'() In section 13 of the 2016 Act –

- (a) omit subsection (2);
- (b) in subsection (4), after paragraph (b) insert –
 - “(ba) the responsible individual designated in respect of that place, or any other person, has been convicted of, or has been given a caution in respect of, a relevant offence in connection with a regulated service provided by the service provider at, from or in relation to that place,”;
- (c) after subsection (4) insert –
 - “(4A) For the purposes of subsection (4)(ba) a relevant offence is an offence listed in section 15(2).”
- (d) in subsection (5), for the words from “subsection (3)” to the end substitute “this section unless –
 - (a) in the case of variation under subsection (1), (3)(a) or (4)(a), the requirements of sections 18 and 19 are met;
 - (b) in the case of variation under subsection (3)(b), (4)(b), (ba) or (c), the requirements of sections 16 and 17 are met.”;

(e) after subsection (5) insert –

“(6) But nothing in subsection (5) affects the power of the Welsh Ministers to urgently vary a registration under section 23.”.

Adran 16, tudalen 23, ar ôl llinell 38, mewnosoder –

‘() Yn adran 13 o Ddeddf 2016 –

(a) hepgorer is-adran (2);

(b) yn is-adran (4), ar ôl paragraff (b) mewnosoder –

“(ba) bod yr unigolyn cyfrifol sydd wedi ei ddynodi mewn cysylltiad â’r man hwnnw, neu unrhyw berson arall, wedi ei gollfarnu o drosedd berthnasol, neu wedi cael rhybuddiad mewn cysylltiad â throsedd berthnasol, mewn cysylltiad â gwasanaeth rheoleiddiedig a ddarperir gan y darparwr gwasanaeth yn y man hwnnw, ohono neu mewn perthynas ag ef,”;

(c) ar ôl is-adran (4) mewnosoder –

“(4A) At ddibenion is-adran (4)(ba) mae trosedd berthnasol yn drosedd a restrir yn adran 15(2).”

(d) yn is-adran (5), yn lle’r geiriau o “is-adran (3)” hyd at y diwedd rhodder “yr adran hon –

(a) yn achos amrywiad o dan is-adran (1), (3)(a) neu (4)(a), oni bai bod gofynion adrannau 18 a 19 wedi eu bodloni;

(b) yn achos amrywiad o dan is-adran (3)(b), (4)(b), (ba) neu (c), oni bai bod gofynion adrannau 16 a 17 wedi eu bodloni.”;

(e) ar ôl is-adran (5) mewnosoder –

“(6) Ond nid oes dim byd yn is-adran (5) sy’n effeithio ar bŵer Gweinidogion Cymru i amrywio cofrestriad ar frys o dan adran 23.”.

Dawn Bowden

23

Section 16, page 24, line 12, leave out ‘the grounds in subsection (1)(a), (b) and’ and insert ‘cancellation on the grounds set out in subsection (1)(a), (b) or’.

Adran 16, tudalen 24, llinell 13, hepgorer ‘y seiliau yn is-adran (1)(a), (b) a’ a mewnosoder ‘canslo ar y seiliau a nodir yn is-adran (1)(a), (b) neu’.

Dawn Bowden

24

Section 16, page 24, line 14, leave out ‘the grounds in subsection (1)(c), (d), (e) and’ and insert ‘cancellation on the grounds set out in subsection (1)(c), (d), (e) or’.

Adran 16, tudalen 24, llinell 15, hepgorer ‘y seiliau yn is-adran (1)(c), (d), (e) ac’ a mewnosoder ‘canslo ar y seiliau a nodir yn is-adran (1)(c), (d), (e) neu’.

Dawn Bowden

25

Section 17, page 24, line 21, leave out subsections (1) to (2) and insert –



- ‘() This section amends Chapter 3 of the 2016 Act to make further provision in relation to the Welsh Ministers’ powers to carry out inspections and to require information to be provided, including in respect of investigating offences.
- () In section 32 of the 2016 Act –
- (a) in subsection (1), for “The Welsh Ministers may require a relevant person to provide them with any” substitute “Subsections (1A) and (1B) apply where the Welsh Ministers consider that a relevant person may have”;
 - (b) after subsection (1) insert –
 - “(1A) Where this subsection applies, the Welsh Ministers may give a notice to a relevant person requiring that person –
 - (a) to produce any documents which –
 - (i) are specified or described in the notice, or fall within a category of document which is specified or described in the notice, and
 - (ii) are in the person’s custody or under the person’s control, and
 - (b) to produce the documents in a manner specified in the notice.
 - (1B) Where this subsection applies, the Welsh Ministers may give a notice to a relevant person requiring that person –
 - (a) to answer any question –
 - (i) which is asked in the notice, and
 - (ii) the answer to which is known to the person, and
 - (b) to answer in a manner specified in the notice.”
 - (c) in subsection (2), for the words from “disclosure” to the end substitute “ –
 - (a) disclosure of that information is prohibited by any enactment or other rule of law;
 - (b) the person would be entitled to refuse to disclose the information in proceedings in the High Court on grounds of legal professional privilege.”
 - (d) after subsection (4) insert –
 - “(5) Where the Welsh Ministers require a person to provide information as they suspect an offence is being or has been committed –
 - (a) they may only require the information to be provided if they have reasonable grounds for their suspicion;
 - (b) they must inform the person, in writing, of the purpose for which they are requiring the information to be provided.
 - (6) In this section references to a “service provider” include a person who the Welsh Ministers reasonably suspect –
 - (a) is providing a regulated service at a place in respect of which that person is not registered under section 7, or
 - (b) has provided a regulated service at a place in respect of which that person was not registered under section 7.”

() After section 32 insert –

“32A Privilege against self-incrimination

- (1) Information given by a person (“P”) in response to a notice given under section 32(1B) may not be used in criminal proceedings against P.
- (2) But subsection (1) does not apply –
 - (a) if the proceedings are for an offence under section 5 of the Perjury Act 1911 (c. 6) (false statements made otherwise than on oath);
 - (b) if, in the proceedings –
 - (i) evidence relating to the information is adduced by or on behalf of P, or
 - (ii) a question relating to it is asked by or on behalf of P.”

() In section 33 –

- (a) in subsection (1)(b), for “and” substitute “, management or”;
- (b) after subsection (1) insert –

“(1A) In this Part a reference to an “investigation” is a reference to an investigation into whether a person –

- (a) is providing a regulated service at a place in respect of which that person is not registered under section 7, or
- (b) has provided a regulated service at a place in respect of which that person was not registered under section 7.”;

- (c) in subsection (2), at the end, insert “or an investigation”.

() In section 34 –

- (a) in subsection (1), after “inspection” insert “or an investigation”;
- (b) in subsection (3), after “inspection” insert “or an investigation”;
- (c) in subsection (4), at the beginning insert “When carrying out an inspection or an investigation,”.

() In section 35 –

- (a) in subsection (1) –
 - (i) after “inspection” insert “or an investigation”;
 - (ii) omit “in private”.

- (b) after subsection (1) insert –

“(1A) An inspector may require an interview under subsection (1) to be carried out in private.”;

- (c) in subsection (2), for the words “may” to the end substitute “ –

- (a) may not interview a person falling within subsection (3) without the person’s consent, and
- (b) may not interview a person (“P”) for the purpose of inquiring whether P has committed an offence unless –
 - (i) P is informed of the purpose of the interview;

- (ii) P is given the opportunity to obtain legal representation.”
- (d) in subsection (4), after “may” insert “for the purposes of carrying out an inspection”.
- () In section 36 –
 - (a) in subsection (2), after “must” insert “, to the extent that the Welsh Ministers consider proportionate,”;
 - (b) after subsection (3) insert –
 - “(3A) But a requirement in subsection (3) does not apply where the Welsh Ministers consider that fulfilling the requirement would be inappropriate having regard to the best interests of a person whose care and support is assessed in the report.”.

Adran 17, tudalen 24, llinell 22, hepgorer is-adrannau (1) hyd at (2) a mewnosoder –

- ‘() Mae’r adran hon yn diwygio Pennod 3 o Ddeddf 2016 i wneud darpariaeth bellach mewn perthynas â phwerau Gweinidogion Cymru i gynnal arolygiadau ac i’w gwneud yn ofynnol i wybodaeth gael ei darparu, gan gynnwys mewn cysylltiad ag ymchwilio i droseddau.
- () Yn adran 32 o Ddeddf 2016 –
 - (a) yn is-adran (1), yn lle “Caiff Gweinidogion Cymru ei gwneud yn ofynnol i berson perthnasol ddarparu unrhyw wybodaeth iddynt” rhodder “Mae is-adrannau (1A) ac (1B) yn gymwys pan fo Gweinidogion Cymru yn ystyried y gall fod gan berson perthnasol wybodaeth”;
 - (b) ar ôl is-adran (1) mewnosoder –
 - “(1A) Pan fo’r is-adran hon yn gymwys, caiff Gweinidogion Cymru roi hysbysiad i berson perthnasol sy’n ei gwneud yn ofynnol i’r person hwnnw –
 - (a) cyflwyno unrhyw ddogfennau –
 - (i) a bennir neu a ddisgrifir yn yr hysbysiad, neu sy’n dod o fewn categori o ddogfen a bennir neu a ddisgrifir yn yr hysbysiad, a
 - (ii) sydd ym meddiant y person neu o dan reolaeth y person, a
 - (b) cyflwyno’r dogfennau mewn modd a bennir yn yr hysbysiad.
 - (1B) Pan fo’r is-adran hon yn gymwys, caiff Gweinidogion Cymru roi hysbysiad i berson perthnasol sy’n ei gwneud yn ofynnol i’r person hwnnw –
 - (a) ateb unrhyw gwestiwn –
 - (i) sydd wedi ei ofyn yn yr hysbysiad, a
 - (ii) y mae’r ateb iddo yn hysbys i’r person, a
 - (b) ateb mewn modd a bennir yn yr hysbysiad.”
 - (c) yn is-adran (2), yn lle’r geiriau o “os” hyd at y diwedd rhodder “ –

- (a) os yw datgelu’r wybodaeth honno wedi ei wahardd drwy unrhyw ddeddfiad neu reol gyfreithiol arall;
 - (b) pe bai gan y person hawlogaeth i wrthod datgelu’r wybodaeth mewn achos yn yr Uchel Lys ar sail braint broffesiynol gyfreithiol.”
- (d) ar ôl is-adran (4) mewnosoder –
- “(5) Pan fo Gweinidogion Cymru yn ei gwneud yn ofynnol i berson ddarparu gwybodaeth gan eu bod yn amau bod trosedd yn cael ei chyflawni neu fod trosedd wedi ei chyflawni –
- (a) ni chânt ei gwneud yn ofynnol i’r wybodaeth gael ei darparu ond os oes ganddynt sail resymol dros amau hynny;
 - (b) rhaid iddynt hysbysu’r person, yn ysgrifenedig, at ba ddiben y maent yn ei gwneud yn ofynnol i’r wybodaeth gael ei darparu.
- (6) Yn yr adran hon mae cyfeiriadau at “darparwr gwasanaeth” yn cynnwys person y mae Gweinidogion Cymru yn amau’n rhesymol –
- (a) ei fod yn darparu gwasanaeth rheoleiddiedig mewn man nad yw’r person hwnnw wedi ei gofrestru mewn cysylltiad ag ef o dan adran 7, neu
 - (b) ei fod wedi darparu gwasanaeth rheoleiddiedig mewn man nad oedd y person hwnnw wedi ei gofrestru mewn cysylltiad ag ef o dan adran 7.”
- () Ar ôl adran 32 mewnosoder –

“32A Braint yn erbyn hunanargyhuddo

- (1) Ni chaniateir i wybodaeth a roddir gan berson (“P”) mewn ymateb i hysbysiad a roddir o dan adran 32(1B) gael ei defnyddio mewn achos troseddol yn erbyn P.
 - (2) Ond nid yw is-adran (1) yn gymwys –
 - (a) os yw’r achos am drosedd o dan adran 5 o Ddeddf Anudon 1911 (p. 6) (datganiadau anwir a wneir ac eithrio ar lw);
 - (b) yn ystod yr achos –
 - (i) os dygir tystiolaeth sy’n ymwneud â’r wybodaeth gan P, neu ar ei ran, neu
 - (ii) os gofynnir cwestiwn sy’n ymwneud â’r wybodaeth gan P, neu ar ei ran.”
- () Yn adran 33 –
- (a) yn is-adran (1)(b), yn lle “o drefniadaeth a chydgyssylltiad gwasanaethau rheoleiddiedig a ddarperir gan ddarparwr gwasanaeth” rhodder “o’r ffordd y mae gwasanaethau rheoleiddiedig a ddarperir gan ddarparwr gwasanaeth yn cael eu trefnu, eu rheoli neu eu cydgysylltu”;
 - (b) ar ôl is-adran (1) mewnosoder –

“(1A) Yn y Rhan hon mae cyfeiriad at “ymchwiliad” yn gyfeiriad at ymchwiliad ynghylch a yw person –

- (a) yn darparu gwasanaeth rheoleiddiedig mewn man nad yw'r person hwnnw wedi ei gofrestru mewn cysylltiad ag ef o dan adran 7, neu
 - (b) wedi darparu gwasanaeth rheoleiddiedig mewn man nad oedd y person hwnnw wedi ei gofrestru mewn cysylltiad ag ef o dan adran 7.”;
 - (c) yn is-adran (2), ar y diwedd mewnosoder “neu ymchwiliad”.
- () Yn adran 34 –
- (a) yn is-adran (1), ar ôl “arolygiad” mewnosoder “neu ymchwiliad”;
 - (b) yn is-adran (3), ar ôl “arolygiad” mewnosoder “neu ymchwiliad”;
 - (c) yn is-adran (4), ar y dechrau mewnosoder “Wrth gynnal arolygiad neu ymchwiliad,”.
- () Yn adran 35 –
- (a) yn is-adran (1) –
 - (i) ar ôl “arolygiad” mewnosoder “neu ymchwiliad”;
 - (ii) hepgorer “yn breifat”.
 - (b) ar ôl is-adran (1) mewnosoder –
 - “(1A) Caniateir i arolygydd ei gwneud yn ofynnol i gyfweliad o dan is-adran (1) gael ei gynnal yn breifat.”;
 - (c) yn is-adran (2), yn lle'r geiriau “ni chaiff” hyd at y diwedd rhodder “o ran arolygydd –
 - (a) ni chaiff gyf-weld â pherson sy'n dod o fewn is-adran (3) heb gydsyniad y person, a
 - (b) ni chaiff gyf-weld â pherson (“P”) at ddibenion holi a yw P wedi cyflawni trosedd oni bai –
 - (i) bod P wedi cael ei hysbysu am ddiben y cyfweliad;
 - (ii) y rhoddir y cyfle i P i gael cynrychiolaeth gyfreithiol.”
 - (d) yn is-adran (4), ar ôl “Caiff arolygydd” mewnosoder “, at ddibenion cynnal arolygiad,”.
- () Yn adran 36 –
- (a) yn is-adran (2), ar ôl “adroddiad” mewnosoder “, i'r graddau a ystyrir yn gymesur gan Weinidogion Cymru,”;
 - (b) ar ôl is-adran (3) mewnosoder –
 - “(3A) Ond nid yw gofyniad yn is-adran (3) yn gymwys pan fo Gweinidogion Cymru yn ystyried y byddai cyflawni'r gofyniad yn amhriodol gan roi sylw i fudd pennaf person y mae ei ofal a'i gymorth wedi eu hasesu yn yr adroddiad.”.

Altaf Hussain

78

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

[] 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 –

[] Dyletswydd i roi sylw i ddarparu digon o gynorthwyyr personol

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

“Cynllunio’r gweithlu

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

- (1) At ddiben rhoi sylw i bwysigrwydd sicrhau bod digon o gynorthwyyr 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 cynorthwyyr personol).
- (2) Rhai di Weinidogion Cymru gymryd camau i hyrwyddo rôl cynorthwyyr personol.”.

Mabon ap Gwynfor

60

Schedule 1, page 42, after line 18, insert –

‘() In section 196(6)(a), after “168” insert “, 178A(2)”.’.

Atodlen 1, tudalen 42, ar ôl llinell 18, mewnosoder –

‘() Yn adran 196(6)(a), ar ôl “168” mewnosoder “, 178A(2)”.’.

Dawn Bowden

31

Schedule 1, page 42, after line 20, insert –

‘() In section 13, in subsection (5), for paragraph (a) substitute –

“(a) in the case of variation –

- (i) under subsection (1), (3)(a) or (c) or (4)(a), or
- (ii) in accordance with paragraph 3(4)(a) of Schedule 1A, the requirements of sections 18 and 19 are met;”.

() In section 15, in subsection (3), for paragraph (a) substitute –

“(a) in the case of –

- (i) cancellation on the grounds set out in subsection (1)(a), (b), (ba) or (g), or
- (ii) cancellation in accordance with paragraph 3(4)(b) of Schedule 1A, the requirements of sections 18 and 19 are met;”.

Atodlen 1, tudalen 42, ar ôl llinell 20, mewnosoder –

‘() Yn adran 13, yn is-adran (5), yn lle paragraff (a) rhodder –

“(a) yn achos amrywiad –

- (i) o dan is-adran (1), (3)(a) neu (c) neu (4)(a), neu
- (ii) yn unol â pharagraff 3(4)(a) o Atodlen 1A, oni bai bod gofynion adrannau 18 a 19 wedi eu bodloni;”.

() Yn adran 15, yn is-adran (3), yn lle paragraff (a) rhodder –

“(a) yn achos –

- (i) canslo ar y seiliau a nodir yn is-adran (1)(a), (b), (ba) neu (g), neu
- (ii) canslo yn unol â pharagraff 3(4)(b) o Atodlen 1A, oni bai bod gofynion adrannau 18 a 19 wedi eu bodloni;”.

Dawn Bowden

32

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

(a) after paragraph (c) insert –

“(ca) section 6A(3)(b) (regulations prescribing public goods to which a person’s objects or purposes must primarily relate);”.

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

(a) ar ôl paragraff (c) mewnosoder –

“(ca) adran 6A(3)(b) (rheoliadau sy’n rhagnodi buddion cyhoeddus y mae rhaid i amcanion neu ddibenion person ymwneud yn anad dim â hwy);”.

Mabon ap Gwynfor

61

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

(a) after paragraph (c) insert –

“(ca) section (to be inserted by amendment 56) (registered independent visiting advocacy services);”.

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

(a) ar ôl paragraff (c) mewnosoder –

“(ca) adran (adran i'w mewnosod gan welliant 56) (gwasanaethau ymweliadau eirioli annibynnol cofrestredig);”.

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)'.

Dawn Bowden

8

Schedule 1, page 42, after line 26, insert –

'() In Schedule 1 –

(a) in paragraph 1(4), for the words “by a” to the end substitute “does not constitute a care home service if the accommodation and care is provided by –

(a) a person, other than a local authority, who has parental responsibility for the child;

(b) a relative of the child;

(c) a foster parent in relation to the child (but see also paragraph 5A(3) of Schedule 7 to the Children Act 1989 (c. 41).”;

(b) for paragraph 1(6) substitute –

“(6) In sub-paragraph (4), “parental responsibility” has the meaning given by section 3 of the Children Act 1989 (c. 41).”.



Atodlen 1, tudalen 42, ar ôl llinell 27, mewnosoder –

‘() Yn Atodlen 1 –

(a) ym mharagraff 1(4), yn lle’r geiriau o “gan riant” hyd at y diwedd rhodder “yn gyfystyr â gwasanaeth cartref gofal os yw’r llety a’r gofal yn cael eu darparu gan –

(a) person, ac eithrio awdurdod lleol, sydd â chyfrifoldeb rhiant dros y plentyn;

(b) perthynas i’r plentyn;

(c) rhiant maeth mewn perthynas â’r plentyn (ond gweler hefyd baragraff 5A(3) o Atodlen 7 i Ddeddf Plant 1989 (p. 41).”;

(b) yn lle paragraff 1(6) rhodder –

“(6) Yn is-baragraff (4), mae i “cyfrifoldeb rhiant” yr ystyr a roddir i “parental responsibility” gan adran 3 o Ddeddf Plant 1989 (p. 41).”.

Dawn Bowden

33

Schedule 1, page 43, after line 6, insert –

‘() In section 49(1)(a), for “sections 50 to 53” substitute “sections 49A to 53A”.’.

Atodlen 1, tudalen 43, ar ôl llinell 6, mewnosoder –

‘() Yn adran 49(1)(a), yn lle “adrannau 50 i 53” rhodder “adrannau 49A i 53A”.’.

Dawn Bowden

34

Schedule 1, page 43, after line 16, insert –

‘() In section 187(2), for “section 50 or 51” substitute “section 49A or Schedule A1”.

() In section 189 –

(a) in subsection (5)(a)(ii), for “section 50 or 52” substitute “section 49A(1)(a) or (c)”;

(b) in subsection (7)(b), for “section 50 or 52” substitute “section 49A(1)(a) or (c)”.’.

Atodlen 1, tudalen 43, ar ôl llinell 16, mewnosoder –

‘() Yn adran 187(2), yn lle “adran 50 neu 51” rhodder “adran 49A nac Atodlen A1”.

() Yn adran 189 –

(a) yn is-adran (5)(a)(ii), yn lle “adran 50 neu 52” rhodder “adran 49A(1)(a) neu (c)”;

(b) yn is-adran (7)(b), yn lle “adran 50 neu 52” rhodder “adran 49A(1)(a) neu (c)”.’.

Dawn Bowden

35

Schedule 1, page 43, after line 16, insert –

‘Criminal Justice and Courts Act 2015 (c. 2)

[] (1) The Criminal Justice and Courts Act 2015 is amended as follows.

(2) In section 21, in subsection (8), for paragraph (d) substitute –



- “(d) Schedule A1 to the Social Services and Well-being (Wales) Act 2014 (anaw 4) (direct payments for after-care made by local authorities);
- (e) regulations under section 49A of the Social Services and Well-being (Wales) Act 2014 (direct payments for care and support) where the payment is made towards the cost of meeting the needs of an adult or a carer who is an adult.”.

Atodlen 1, tudalen 43, ar ôl llinell 16, mewnosoder –

‘Deddf Cyfiawnder Troseddol a’r Llysoedd 2015 (p. 2)

[] (1) Mae Deddf Cyfiawnder Troseddol a’r Llysoedd 2015 wedi ei diwygio fel a ganlyn.

(2) Yn adran 21, yn is-adran (8), yn lle paragraff (d) rhodder –

- “(d) Schedule A1 to the Social Services and Well-being (Wales) Act 2014 (anaw 4) (direct payments for after-care made by local authorities);
- (e) regulations under section 49A of the Social Services and Well-being (Wales) Act 2014 (direct payments for care and support) where the payment is made towards the cost of meeting the needs of an adult or a carer who is an adult.”.

Dawn Bowden

36

Schedule 1, page 43, after line 18, insert –

‘() In section 1, in paragraph (c), at the end insert “and investigations”.’.

Atodlen 1, tudalen 43, ar ôl llinell 18, mewnosoder –

‘() Yn adran 1, ym mharagraff (c), ar y diwedd mewnosoder “ac ymchwiliadau”.’.

Dawn Bowden

37

Schedule 1, page 43, line 19, leave out ‘(1)(a), for “section 15” substitute “section 15(1)(c), (d), (e) or (f)”’ and insert ‘(1) –

- (a) in paragraph (a), for “section 15” substitute “section 15(1)(c), (d), (e) or (f)”;
- (b) in paragraph (b), for “section 13(3) or (4)” substitute “section 13(3)(b) or (4)(b), (ba) or (c)”.

Atodlen 1, tudalen 43, llinell 19, hepgorer ‘(1)(a), yn lle “adran 15” rhodder “adran 15(1)(c), (d), (e) neu (f)”’ a mewnosoder ‘(1) –

- (a) ym mharagraff (a), yn lle “adran 15” rhodder “adran 15(1)(c), (d), (e) neu (f)”;
- (b) ym mharagraff (b), yn lle “adran 13(3) neu (4)” rhodder “adran 13(3)(b) neu (4)(b), (ba) neu (c)”.

Dawn Bowden

38

Schedule 1, page 43, line 22, leave out 'at the end of paragraph (c) insert “,” and insert 'in paragraph (c)(ii), for “section 13(3) or (4), 23(1)(b) or 25(2)(a).” substitute “section 13(3)(b) or (4)(b), (ba) or (c), 23(1)(b) or 25(2)(a),’.

Atodlen 1, tudalen 43, llinell 22, hepgorer 'ar ddiwedd paragraff (c) mewnosoder “,” a mewnosoder 'ym mharagraff (c)(ii), yn lle “adran 13(3) neu (4), 23(1)(b) neu 25(2)(a).” rhodder “adran 13(3)(b) neu (4)(b), (ba) neu (c), 23(1)(b) neu 25(2)(a),’.

Dawn Bowden

39

Schedule 1, page 43, line 24, leave out 'under section 15(1)(a), (b) or (ba)' and insert 'other than under section 15(1)(c), (d), (e) and (f)'.

Atodlen 1, tudalen 43, llinell 24, hepgorer 'o dan adran 15(1)(a), (b) neu (ba)' a mewnosoder 'ac eithrio o dan adran 15(1)(c), (d), (e) ac (f)'.

Dawn Bowden

40

Schedule 1, page 43, after line 25, insert –

- () In the heading of Chapter 3, for the words “and inspections” substitute “, inspections and investigations”.
- () In the heading of section 33, after the word “inspections” insert “, investigations”.
- () In the heading of section 50, at the end insert “and investigations”’.

Atodlen 1, tudalen 43, ar ôl llinell 25, mewnosoder –

- () Ym mhennawd Pennod 3, yn lle'r geiriau “ac arolygiadau” rhodder “, arolygiadau ac ymchwiliadau”.
- () Ym mhennawd adran 33, ar ôl y gair “arolygiadau” mewnosoder “, ymchwiliadau”.
- () Ym mhennawd adran 50, ar y diwedd mewnosoder “ac ymchwiliadau”’.

Mabon ap Gwynfor

53

Section 24, page 37, line 21, after 'In', insert 'section [section to be inserted by amendment 54],’.

Adran 24, tudalen 37, llinell 21, ar ôl 'In', mewnosoder 'section [adran i'w mewnosod gan welliant 54],’.

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

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)’.

Mabon ap Gwynfor

54

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

‘() Information, advice and support

(1) A local health board must –

- (a) prepare and publish guidance for patients containing information relating to direct payments;
- (b) establish a source 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.

(2) A Local Health Board may revise the guidance prepared and published under subsection (1)(a) from time to time.

- (3) The reference to patients or payees in subsection (1) includes their respective representatives.’.

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

‘() Information, advice and support

- (1) A local health board must –
- (a) prepare and publish guidance for patients containing information relating to direct payments;
 - (b) establish a source 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.
- (2) A Local Health Board may revise the guidance prepared and published under subsection (1)(a) from time to time.
- (3) The reference to patients or payees in subsection (1) includes their respective representatives.’.

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.’.

Dawn Bowden

27

Section 24, page 38, line 19, after ‘as’, insert ‘to’.

Adran 24, tudalen 38, llinell 19, ar ôl ‘as’, mewnosoder ‘to’.

Mabon ap Gwynfor

55

Section 24, page 38, line 24, after ‘payments’, insert ‘in accordance with section (*section to be inserted by amendment 54*)’.

Adran 24, tudalen 38, llinell 24, ar ôl ‘payments’, mewnosoder ‘in accordance with section (*adran i’w mewnosod gan welliant 54*)’.

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.’.

Dawn Bowden

28

Section 24, page 39, line 16, after ‘203(6A),’, insert ‘after “section 10A(1),” insert “section 10C(1) (direct payments),”’.

Adran 24, tudalen 39, llinell 16, ar ôl '203(6A)', mewn nosoder 'ar ôl "section 10A(1)," mewn nosoder "section 10C(1) (direct payments),"';

Dawn Bowden

41

Schedule 2, page 46, after line 13, insert –

'() In section 187 –

(a) in subsection (2) –

(i) in paragraph (a), before "health service body" insert "direct payment service provider,";

(ii) in paragraph (ca), before "health service body" insert "direct payment service provider,";

(b) in subsection (3), in the appropriate place insert –

""direct payment service provider" means a person who provides services to any person in respect of which direct payments have been made under section 10B(1), or under regulations made under section 10B(5),"'. .

Atodlen 2, tudalen 46, ar ôl llinell 13, mewn nosoder –

'() Yn adran 187 –

(a) yn is-adran (2) –

(i) ym mharagraff (a), o flaen "health service body" mewn nosoder "direct payment service provider,";

(ii) ym mharagraff (ca), o flaen "health service body" mewn nosoder "direct payment service provider,";

(b) yn is-adran (3), yn y lle priodol mewn nosoder –

""direct payment service provider" means a person who provides services to any person in respect of which direct payments have been made under section 10B(1), or under regulations made under section 10B(5),"'. .

Dawn Bowden

42

Schedule 2, page 46, line 15, column 2, leave out '184(3A)' and insert '187(3)'.

Atodlen 2, tudalen 46, llinell 15, colofn 2, hepgorer '184(3A)' a mewn nosoder '187(3)'.

Dawn Bowden

43

Schedule 2, page 46, after line 26, insert –

'Criminal Justice and Courts Act 2015 (c. 2)

[] (1) The Criminal Justice and Courts Act 2015 is amended as follows.

(2) In section 21, in subsection (8), after paragraph (b) insert –

- “(ba) section 10B of the National Health Service (Wales) Act 2006 (c. 42) (direct payments for health care);
- (bb) regulations under section 10B(5) of the National Health Service (Wales) Act 2006 (direct payments for after-care made by Local Health Boards);”.

Atodlen 2, tudalen 46, ar ôl llinell 26, mewnosoder –

‘Deddf Cyfiawnder Troseddol a’r Llysoedd 2015 (p. 2)

[] (1) Mae Deddf Cyfiawnder Troseddol a’r Llysoedd 2015 wedi ei diwygio fel a ganlyn.

(2) Yn adran 21, yn is-adran (8), ar ôl paragraff (b) mewnosoder –

- “(ba) section 10B of the National Health Service (Wales) Act 2006 (c. 42) (direct payments for health care);
- (bb) regulations under section 10B(5) of the National Health Service (Wales) Act 2006 (direct payments for after-care made by Local Health Boards);”.

Altaf 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 chymhwysra 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.’.

Altat 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).’.

Altat 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).’.

Dawn Bowden

29

Section 29, page 40, line 33, after ‘1,’ at the first place where it occurs on a line, insert ‘16,’.

Adran 29, tudalen 40, llinell 35, ar ôl ‘1,’ mewnoder ‘16,’.

Dawn Bowden

30

Section 29, page 40, line 34, leave out ‘paragraph 3(b)’ and insert ‘paragraphs [*paragraph to be inserted by amendment 8*], 3(b), 4(3), 5(1) to (3) and 5(9) and (10)’.

Adran 29, tudalen 40, llinell 37, hepgorer ‘paragraff 3(b)’ a mewnoder ‘paragraffau [*paragraff i’w fewnosod gan welliant 8*], 3(b), 4(3), 5(1) i (3) a 5(9) a (10)’.

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’, mewnoder ‘, (*adran i’w mewniosod 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, mewnoder –

- ‘() 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 mewniosod gan y gwelliant hwn*), rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy’n briodol yn eu barn hwy.’.