

Rebecca Evans AC/AM
Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref MA/VG/0055/20

All Assembly Members
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

15 January 2020

Dear Assembly Member,

Health and Social Care (Quality and Engagement) (Wales) Bill - Government Amendments

I am enclosing detail of the Government amendments tabled to the Health and Social Care (Quality and Engagement) (Wales) Bill, together with an explanation of their purpose and effect.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans".

Rebecca Evans AC/AM
Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

**HEALTH AND SOCIAL CARE (QUALITY AND ENGAGEMENT) (WALES) BILL
STAGE 2 GOVERNMENT AMENDMENTS**

This table provides information about the amendments tabled in the name of Vaughan Gething AM on 14 January 2020.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
4	<p>Section 2, page 2, after line 34, insert—</p> <p>‘(5) The Welsh Ministers may issue guidance to Local Health Boards in relation to the requirements imposed by this section.</p> <p>(6) Each Local Health Board must have regard to any guidance issued under subsection <i>(first subsection to be inserted by this amendment)</i>.’.</p>	<p>Adran 2, tudalen 2, ar ôl llinell 34, mewnosoder—</p> <p>‘(5) The Welsh Ministers may issue guidance to Local Health Boards in relation to the requirements imposed by this section.</p> <p>(6) Each Local Health Board must have regard to any guidance issued under subsection <i>(yr is-adran gyntaf a fewnosodir gan y gwelliant hwn)</i>.’.</p>	<p>The purpose and effect of the amendment is to give the Welsh Ministers power to issue statutory guidance to Local Health Boards about the statutory duty of quality in section 2 and the associated reporting requirements.</p> <p>Local Health Boards are placed under a statutory duty to have regard to guidance that is issued by the Welsh Ministers.</p>
5	<p>Section 2, page 3, after line 12, insert—</p> <p>‘(5) The Welsh Ministers may issue guidance to NHS trusts in relation to the requirements imposed by this section.</p> <p>(6) Each NHS trust must have regard to any guidance issued under subsection <i>(first subsection to be inserted by this amendment)</i>.’.</p>	<p>Adran 2, tudalen 3, ar ôl llinell 12, mewnosoder—</p> <p>‘(5) The Welsh Ministers may issue guidance to NHS trusts in relation to the requirements imposed by this section.</p> <p>(6) Each NHS trust must have regard to any guidance issued under subsection <i>(yr is-adran gyntaf a fewnosodir gan y gwelliant hwn)</i>.’.</p>	<p>The purpose and effect of the amendment is to give the Welsh Ministers power to issue statutory guidance to NHS Trusts in Wales about the statutory duty of quality in section 2 and the associated reporting requirements.</p> <p>NHS Trusts are placed under a statutory duty to have regard to guidance that is issued by the Welsh Ministers.</p>

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6	<p>Section 2, page 3, after line 30, insert—</p> <p>() The Welsh Ministers may issue guidance to Special Health Authorities in relation to the requirements imposed by this section.</p> <p>() Each Special Health Authority must have regard to any guidance issued under subsection (<i>first subsection to be inserted by this amendment</i>).</p>	<p>Adran 2, tudalen 3, ar ôl llinell 31, mewnosoder—</p> <p>() The Welsh Ministers may issue guidance to Special Health Authorities in relation to the requirements imposed by this section.</p> <p>() Each Special Health Authority must have regard to any guidance issued under subsection (<i>yr is-adran gyntaf a fewnosodir gan y gwelliant hwn</i>).</p>	<p>The purpose and effect of the amendment is to give the Welsh Ministers power to issue statutory guidance to Welsh Special Health Authorities about the statutory duty of quality in section 2 and the associated reporting requirements.</p> <p>Special Health Authorities are placed under a statutory duty to have regard to guidance that is issued by the Welsh Ministers.</p>
7	<p>Section 2, page 3, line 31, leave out ‘Subsections (1) and (3) do’ and insert ‘This section does’.</p>	<p>Adran 2, tudalen 3, llinell 32, hepgorer ‘Subsections (1) and (3) do’ a mewnosoder ‘This section does’.</p>	<p>The purpose of this amendment is to make a technical drafting change to remove the words “Subsections (1) and (3) do” and replace them with the words “This section does” as a consequence to the amendment 6.</p> <p>The effect of the amendment is technical in nature and does not change the original interpretation of this subsection which provides that the duty of quality does not apply to cross-border special health authorities.</p>
8	<p>Section 26, page 12, line 9, leave out ‘expedient’ and insert ‘appropriate’.</p>	<p>Adran 26, tudalen 12, llinell 11, hepgorer ‘hwylus’ a mewnosoder ‘briodol’.</p>	<p>The purpose of the amendment is to remove the word “expedient” from section 26 and replace it with the word “appropriate”.</p> <p>The effect of the amendment is to make</p>

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			this substitution, which would give Welsh Ministers power, by regulations, to make supplementary, incidental or consequential provision; or transitory, transitional or saving provision where they consider it necessary or appropriate for the purposes of the Act.
9	<p>Schedule 1, page 13, line 15, leave out— ‘as its chairing member,</p> <ul style="list-style-type: none"> (b) a person appointed as deputy to the chairing member, and (c) at least 7 but not more than 9 other persons appointed as its other members. <p>(2) The members are to be appointed by the Welsh Ministers.</p> <p>(3) A member holds office for such period, and on such terms and conditions, as may be specified in the terms of the appointment, but this is subject to the following provisions of this Part.</p> <p>(4) The period of office specified in a member’s terms of appointment may not exceed 4 years.</p> <p>(5) A person who has held office as a member may be</p>	<p>Atodlen 1, tudalen 13, llinell 14, hepgorer— ‘yn aelod-gadeirydd iddo,</p> <ul style="list-style-type: none"> (b) person a benodir yn ddirprwy i’r aelod-gadeirydd, ac (c) o leiaf 7 ond dim mwy na 9 person arall a benodir yn aelodau eraill iddo. <p>(2) Gweinidogion Cymru sydd i benodi’r aelodau.</p> <p>(3) Mae aelod yn dal swydd am unrhyw gyfnod, ac ar unrhyw delerau ac amodau, a bennir yn nhelerau’r penodiad, ond mae hyn yn ddarostyngedig i’r darpariaethau a ganlyn yn y Rhan hon.</p> <p>(4) Ni chaniateir i gyfnod y swydd a bennir yn nhelerau penodiad aelod fod yn hwy na 4 blynedd.</p> <p>(5) Caniateir i berson sydd wedi dal swydd fel aelod gael ei ailbenodi, unwaith yn unig</p>	<p>The purpose of the amendment is to remove the stated wording in paragraph 2 of Schedule 1 and replace it with the new wording that includes the chief executive of the Citizen Voice Body as a member of the Board.</p> <p>The effect of the amendment is therefore to make the chief executive of the Citizen Voice Body, who is the Body’s accounting officer, a board member.</p> <p>The Board will continue to have a chair and a deputy chair appointed by the Welsh Ministers.</p> <p>The number of additional members that may be appointed by the Welsh Ministers is decreased from between 7 and 9 to between 6 and 8, to ensure that the overall size of the board remains the same.</p> <p>The effect of subparagraph (2) is to name the members who are appointed by the Welsh Ministers “non-executive members”.</p>

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	<p>reappointed, once only (and subparagraph (4) applies in relation to the appointment).’</p> <p>and insert—</p> <p>‘by the Welsh Ministers as its chairing member,</p> <p>(b) a person appointed by the Welsh Ministers as deputy to the chairing member,</p> <p>(c) at least 6 but not more than 8 other persons appointed by the Welsh Ministers, and</p> <p>(d) its chief executive (see paragraph 7).</p> <p>(2) In this Schedule, the members appointed by the Welsh Ministers are collectively referred to as “non-executive members”.’.</p>	<p>(ac mae is-baragraff (4) yn gymwys mewn perthynas â'r penodiad).’</p> <p>a mewnosoder—</p> <p>‘gan Weinidogion Cymru yn aelod-gadeirydd iddo,</p> <p>(b) person a benodir gan Weinidogion Cymru yn ddirprwy i'r aelod-gadeirydd,</p> <p>(c) o leiaf 6 ond dim mwy nag 8 person arall a benodir gan Weinidogion Cymru, a</p> <p>(d) ei brif weithredwr (gweler paragraff 7).</p> <p>(2) Yn yr Atodlen hon, cyfeirir ar y cyd at yr aelodau a benodir gan Weinidogion Cymru fel “aelodau anweithredol”.’.</p>	
10	Schedule 1, page 13, line 27, leave out ‘, or holding office, as a’ and insert ‘as a non-executive’.	Atodlen 1, tudalen 13, llinell 26, hepgorer ‘, neu ddal swydd fel aelod,’ a mewnosoder ‘anweithredol’.	<p>The purpose of this amendment is to insert the words “as a non-executive” in place of the words “or holding office as a member of”.</p> <p>The amendment is proposed as the Bill as introduced disqualified all staff members from being board members.</p> <p>However, amendment 9 seeks to make the chief executive of the Citizen Voice Body a board member. The effect of the</p>

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			<p>amendment is therefore that staff members are disqualified from appointment as non-executive members only. This allows the chief executive to be a staff member and also a board member which is necessary as a result of amendment 9.</p>
11	<p>Schedule 1, page 13, after line 28, insert—</p> <p><i>‘Terms of non-executive membership</i></p> <p>[] (1) A non-executive member of the Citizen Voice Body holds office for such period, and on such terms and conditions, as may be specified in the terms of appointment, but this is subject to sub-paragraphs (2) and (4) and paragraph <i>(second paragraph to be inserted by this amendment)</i>.</p> <p>(2) The period of office specified in a non-executive member’s terms of appointment may not exceed 4 years.</p> <p>(3) A person who has held office as a non-executive member may be reappointed as a non-executive member once only (and sub-paragraph (2) applies in relation to the appointment).</p> <p>(4) A non-executive member may resign from office by giving</p>	<p>Atodlen 1, tudalen 13, ar ôl llinell 27, mewnosoder—</p> <p><i>‘Telerau aelodaeth anweithredol</i></p> <p>[] (1) Mae aelod anweithredol o Gorff Llais y Dinesydd yn dal swydd am unrhyw gyfnod, ac ar unrhyw delerau ac amodau, a bennir yn nhelerau’r penodiad, ond mae hyn yn ddarostyngedig i is-baragraffau (2) a (4) a pharagraff <i>(yr ail baragraff sydd i’w fewnosod gan y gwelliant hwn)</i>.</p> <p>(2) Ni chaiff cyfnod y swydd a bennir yn nhelerau penodiad aelod anweithredol fod yn hwy na 4 blynedd.</p> <p>(3) Caniateir i berson sydd wedi dal swydd fel aelod anweithredol gael ei ailbenodi’n aelod anweithredol unwaith yn unig (ac mae is-baragraff (2) yn gymwys mewn perthynas â’r penodiad).</p>	<p>The purpose of this amendment is to reorganise the provision setting out the terms for non-executive membership and how non-executive members may be removed or suspended from office.</p> <p>This provision was originally contained in paragraphs 2 (appointment of members), 4 (resignation), 5 (removal from office) and 6 (remuneration etc. of members) of Schedule 1 of the Bill as introduced.</p> <p>The amendment is proposed as amendment 9, if accepted, will make the chief executive a board member which means the board will have both executive and non-executive members. The effect of the amendment is therefore that the terms of appointment and the Welsh Ministers’ ability to remove or suspend members only apply to non-executive members. The amendment does not alter the substance of the original provision but means that it will only apply to non-executive members</p>

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	<p>written notice to the Welsh Ministers.</p> <p>(5) The Citizen Voice Body may, with the approval of the Welsh Ministers—</p> <p>(a) pay its non-executive members remuneration, expenses and allowances;</p> <p>(b) pay pensions to, or in respect of, persons who have been non-executive members of the Body, and amounts for or towards provision of pensions to, or in respect of, persons who have been non-executive members of the Body.</p> <p><i>Removal of non-executive members from office</i></p> <p>[] (1) The Welsh Ministers may by written notice remove a non-executive member of the Citizen Voice Body from office if—</p> <p>(a) the Welsh Ministers are satisfied that the person is unfit to continue as a member, or</p> <p>(b) the Welsh Ministers are</p>	<p>(4) Caiff aelod anweithredol ymddiswyddo drwy roi hysbysiad ysgrifenedig i Weinidogion Cymru.</p> <p>(5) Caiff Corff Llais y Dinesydd, gyda chymeradwyaeth Gweinidogion Cymru—</p> <p>(a) talu tâl, treuliau a lwfansau i'w aelodau anweithredol;</p> <p>(b) talu pensiynau i bersonau sydd wedi bod yn aelodau anweithredol o'r Corff, neu mewn cysylltiad â phersonau o'r fath, a symiau am ddarparu pensiynau neu tuag at ddarparu pensiynau i bersonau sydd wedi bod yn aelodau anweithredol o'r Corff, neu mewn cysylltiad â phersonau o'r fath.</p> <p><i>Diswyddo aelodau anweithredol</i></p> <p>[] (1) Caiff Gweinidogion Cymru drwy hysbysiad ysgrifenedig ddiswyddo aelod anweithredol o Gorff Llais y Dinesydd—</p> <p>(a) os yw Gweinidogion Cymru wedi eu bodloni bod y person yn</p>	

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	<p>satisfied that the person is unable or unwilling to exercise the functions of a member.</p> <p>(2) The Welsh Ministers may by written notice suspend a non-executive member of the Body from office if it appears to them that there may be grounds to exercise the power in sub-paragraph (1).</p> <p>(3) A person ceases to be a non-executive member of the Body if the person becomes a member of the Body's staff.'</p>	<p>anaddas i barhau'n aelod, neu</p> <p>(b) os yw Gweinidogion Cymru wedi eu bodloni nad yw'r person yn gallu arfer swyddogaethau aelod neu ei fod yn anfodlon gwneud hynny.</p> <p>(2) Caiff Gweinidogion Cymru drwy hysbysiad ysgrifenedig atal dros dro aelod anweithredol o'r Corff os yw'n ymddangos iddynt y gall fod sail dros arfer y pŵer yn is-baragraff (1).</p> <p>(3) Mae person yn peidio â bod yn aelod anweithredol o'r Corff os daw'r person yn aelod o staff y Corff.'</p>	
12	Schedule 1, page 13, line 30, leave out paragraph 4.	Atodlen 1, tudalen 13, llinell 29, hepgorer paragraff 4.	This amendment is consequential to amendment 11. The effect of paragraph 4 is replicated by the proposed new paragraph 4(4) inserted by amendment 11.
13	Schedule 1, page 14, line 2, leave out paragraph 5.	Atodlen 1, tudalen 14, llinell 2, hepgorer paragraff 5.	This amendment is consequential to amendment 11. The effect of paragraph 5 is replicated by the proposed new paragraph 5 inserted by amendment 11.
14	Schedule 1, page 14, line 10, leave out paragraph 6.	Atodlen 1, tudalen 14, llinell 10, hepgorer paragraff 6.	This amendment is consequential to amendment 11. The effect of paragraph 6 is replicated by the proposed new paragraph 4(5) inserted by amendment 11.

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15	Schedule 1, page 14, line 18, leave out 'Citizen Voice Body must appoint a person as its' and insert 'non-executive members of the Citizen Voice Body must appoint a person as the Body's'.	Atodlen 1, tudalen 14, llinell 19, hepgorer 'Gorff Llais y Dinesydd benodi person yn brif weithredwr iddo' a mewnosoder 'aelodau anweithredol Corff Llais y Dinesydd benodi person yn brif weithredwr y Corff'.	<p>The Bill as introduced provides that the chief executive of the Citizen Voice Body is appointed by the Citizen Voice Body (i.e. the whole of the Board).</p> <p>The purpose and effect of the amendment is to require the non-executive members of the Body to appoint the chief executive.</p> <p>This amendment is consequential to amendment 9, which makes the chief executive of the Body a board member.</p>
16	Schedule 1, page 14, line 20, leave out 'Body' and insert 'non-executive members'.	Atodlen 1, tudalen 14, llinell 21, hepgorer 'y Corff' a mewnosoder 'yr aelodau anweithredol'.	<p>The purpose and effect of the amendment is to remove reference to the Citizen Voice Body appointing the chief executive and substitute reference to the non-executive board members making the appointment.</p> <p>This amendment is consequential to amendment 15.</p>
17	Schedule 1, page 15, after line 26, insert— <i>'Validity of proceedings and acts</i> [] The validity of proceedings and acts of the Citizen Voice Body (or of its committees and sub-committees) is not affected by— (a) any vacancy in the Body's membership, or (b) any defect in the appointment of a member.'	Atodlen 1, tudalen 15, ar ôl llinell 25, mewnosoder— <i>'Dilysrwydd trafodion a gweithredoedd</i> [] Nid yw'r materion a ganlyn yn effeithio ar ddilysrwydd trafodion a gweithredoedd Corff Llais y Dinesydd (nac ar ddilysrwydd trafodion a gweithredoedd ei bwyllgorau a'i is-bwyllgorau)— (a) unrhyw swydd wag ymhlith aelodaeth y Corff, neu (b) unrhyw ddiffyg o ran penodiad aelod.'	<p>The purpose of this amendment is to ensure the validity of any proceedings or acts of the Citizen Voice Body (or its committees or sub-committees) are not affected due to membership matters.</p> <p>The effect of the amendment is to ensure that decisions etc. of the Citizen Voice Body (or any committee or sub-committee) of the Body are not affected by any vacancies among the board or any technical defects in the appointment of members. This will ensure that the board's proceedings can continue to operate</p>

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			effectively if any of these circumstances arise.
18	Schedule 1, page 17, after line 29, insert— “non-executive member” has the meaning given by paragraph (<i>paragraph to be inserted by amendment 9</i>)(2).’.	Atodlen 1, tudalen 17, llinell 31, ar ôl ‘hon,’ mewnosoder— ‘mae i “aelod anweithredol” yr ystyr a roddir gan baragraff (<i>y paragraff a fewnosodir gan welliant 9</i>)(2);’.	The purpose of the amendment is to insert a definition of non-executive member. The effect of the amendment is that in Schedule 1 all references to non-executive members are references to the members appointed by the Welsh Ministers.