

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 3 Mawrth 2020
Tabled on 3 March 2020

Bil Iechyd a Gofal Cymdeithasol (Ansawdd ac Ymgysylltu) (Cymru) Health and Social Care (Quality and Engagement) (Wales) Bill

Vaughan Gething

59

Section 14, page 8, after line 13, insert—

- (3) The statement of policy must in particular specify how, in exercising its functions, the Citizen Voice Body proposes to ensure that—
- (a) the Body represents the interests of people in all parts of Wales,
 - (b) the Body is accessible to people throughout Wales, and
 - (c) members of the Body’s staff and any other persons acting on the Body’s behalf are able to engage effectively with people throughout Wales.’.

Adran 14, tudalen 8, ar ôl llinell 14, mewnosoder—

- (3) Rhaid i’r datganiad polisi bennu’n benodol sut y mae Corff Llais y Dinesydd, wrth arfer ei swyddogaethau, yn bwriadu sicrhau—
- (a) bod y Corff yn cynrychioli buddiannau pobl ym mhob rhan o Gymru,
 - (b) bod y Corff yn hygyrch i bobl ledled Cymru, ac
 - (c) bod aelodau o staff y Corff ac unrhyw bersonau eraill sy’n gweithredu ar ran y Corff yn gallu ymgysylltu’n effeithiol â phobl ledled Cymru.’.

Rhun ap Iorwerth

60

Section 2, page 2, after line 9, insert—



- '() improving the health of the general population of Wales with the aim of reducing the need for individuals to receive health services, and'.

Adran 2, tudalen 2, ar ôl llinell 9, mewnosoder –

- '() improving the health of the general population of Wales with the aim of reducing the need for individuals to receive health services, and'.

Rhun ap Iorwerth

61

Section 2, page 2, after line 9, insert –

- '() reducing inequalities between the people of Wales with respect to the benefits that they can obtain from the provision of health services, and'.

Adran 2, tudalen 2, ar ôl llinell 9, mewnosoder –

- '() reducing inequalities between the people of Wales with respect to the benefits that they can obtain from the provision of health services, and'.

Rhun ap Iorwerth

62

Section 2, page 2, after line 9, insert –

- '() the availability and accessibility of health services through the medium of Welsh, and'.

Adran 2, tudalen 2, ar ôl llinell 9, mewnosoder –

- '() the availability and accessibility of health services through the medium of Welsh, and'.

Rhun ap Iorwerth

63

Section 2, page 2, after line 28, insert –

- '() improving the health of the general population of Wales with the aim of reducing the need for individuals to receive health services, and'.

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



- '() improving the health of the general population of Wales with the aim of reducing the need for individuals to receive health services, and'.

Rhun ap Iorwerth

64

Section 2, page 2, after line 28, insert –

- '() reducing inequalities between the people of Wales with respect to the benefits that they can obtain from the provision of health services, and'.

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

- '() reducing inequalities between the people of Wales with respect to the benefits that they can obtain from the provision of health services, and'.

Rhun ap Iorwerth

65

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

- '() the availability and accessibility of health services through the medium of Welsh, and'.

Rhun ap Iorwerth

66

Section 2, page 3, after line 6, insert –

- '() improving the health of the general population of Wales with the aim of reducing the need for individuals to receive health services, and'.

Adran 2, tudalen 3, ar ôl llinell 6, mewnosoder –

- '() improving the health of the general population of Wales with the aim of reducing the need for individuals to receive health services, and'.

Rhun ap Iorwerth

67

Section 2, page 3, after line 6, insert –



- '() reducing inequalities between the people of Wales with respect to the benefits that they can obtain from the provision of health services, and'.

Adran 2, tudalen 3, ar ôl llinell 6, mewnosoder –

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Rhun ap Iorwerth

68

Section 2, page 3, after line 6, insert –

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Adran 2, tudalen 3, ar ôl llinell 6, mewnosoder –

- '() the availability and accessibility of health services through the medium of Welsh, and'.

Rhun ap Iorwerth

69

Section 2, page 3, after line 24, insert –

- '() improving the health of the general population of Wales with the aim of reducing the need for individuals to receive health services, and'.

Adran 2, tudalen 3, ar ôl llinell 25, mewnosoder –

- '() improving the health of the general population of Wales with the aim of reducing the need for individuals to receive health services, and'.

Rhun ap Iorwerth

70

Section 2, page 3, after line 24, insert –

- '() reducing inequalities between the people of Wales with respect to the benefits that they can obtain from the provision of health services, and'.

Adran 2, tudalen 3, ar ôl llinell 25, mewnosoder –



- '() reducing inequalities between the people of Wales with respect to the benefits that they can obtain from the provision of health services, and'.

Rhun ap Iorwerth

71

Section 2, page 3, after line 24, insert—

- '() the availability and accessibility of health services through the medium of Welsh, and'.

Adran 2, tudalen 3, ar ôl llinell 25, mewnosoder—

- '() the availability and accessibility of health services through the medium of Welsh, and'.

Rhun ap Iorwerth

72

Section 2, page 3, after line 32, insert—

- '(6) In Chapter 4 of Part 2 (health service bodies: Miscellaneous), after section 25E (nurse staffing levels: reports) insert—

“Register of managers employed by a Local Health Board, NHS trust or Special Health Authority

25F Creating a register of managers employed by a Local Health Board, NHS trust or Special Health Authority

- (1) Regulations must provide for the creation of a register of clinical and non-clinical managers who are employed or engaged by a Local Health Board, NHS trust or Special Health Authority.
- (2) All persons who carry out managerial roles within or on behalf of a Local Health Board, NHS trust or Special Health Authority must be registered on the register of managers.
- (3) The regulations required by subsection (1) must include provision which—
 - (a) states that the register of managers is required in order to support the duties set out in sections 12A, 20A and 24A,
 - (b) defines which roles are classified as managerial roles,
 - (c) sets out what competencies must be evidenced in order for a person to be registered on the register,
 - (d) establishes a body corporate with all of the necessary functions required in order to administer the register and
 - (e) sets out procedures that the body corporate must follow where appropriate to—



- (i) require managers to undergo training in order to remain on the register,
 - (ii) administer warnings to managers which they must comply with in order to remain on the register, and
 - (iii) remove a manager from the register.
- (4) The regulations required by subsection (1) may make any other provision in respect of the register of managers.
- (5) No person may be employed or engaged in any managerial role by or on behalf of a Local Health Board, NHS trust or Special Health Authority if they are not registered on the register referred to in subsection (1).
- (6) Regulations may not be made under subsection (1) unless a draft of the regulations has been laid before, and approved by resolution of, the National Assembly for Wales.”
- (7) In section 203(5) insert in the appropriate place –
- “() section 25F(1)”.

Adran 2, tudalen 3, ar ôl llinell 33, mewnosoder –

- (6) Ym Mhennod 4 o Ran 2 (cyrff y gwasanaeth iechyd: Amrywiol), ar ôl adran 25E (lefelau staff nyrsio: adroddiadau) mewnosoder –

“Register of managers employed by a Local Health Board, NHS trust or Special Health Authority

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- (1) Regulations must provide for the creation of a register of clinical and non-clinical managers who are employed or engaged by a Local Health Board, NHS trust or Special Health Authority.
- (2) All persons who carry out managerial roles within or on behalf of a Local Health Board, NHS trust or Special Health Authority must be registered on the register of managers.
- (3) The regulations required by subsection (1) must include provision which –
 - (a) states that the register of managers is required in order to support the duties set out in sections 12A, 20A and 24A,
 - (b) defines which roles are classified as managerial roles,
 - (c) sets out what competencies must be evidenced in order for a person to be registered on the register,
 - (d) establishes a body corporate with all of the necessary functions required in order to administer the register and



- (e) sets out procedures that the body corporate must follow where appropriate to—
 - (i) require managers to undergo training in order to remain on the register,
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 - (iii) remove a manager from the register.
 - (4) The regulations required by subsection (1) may make any other provision in respect of the register of managers.
 - (5) No person may be employed or engaged in any managerial role by or on behalf of a Local Health Board, NHS trust or Special Health Authority if they are not registered on the register referred to in subsection (1).
 - (6) Regulations may not be made under subsection (1) unless a draft of the regulations has been laid before, and approved by resolution of, the National Assembly for Wales.”
- (7) Yn adran 203(5) mewnosoder yn y lle priodol—
“() section 25F(1)”.

Rhun ap Iorwerth

73

Page 6, after line 27, insert a new section—

[] Breach of the duty of candour: reporting requirement upon NHS bodies

- (1) A reference in this section to a breach of the duty of candour means a failure to comply with—
 - (a) the candour procedure within the meaning given in section 4, or
 - (b) any or all of sections 5 to 10.
- (2) Regulations must provide for a procedure (the “breach of duty of candour procedure”) to be followed by an NHS body that has committed a breach of the duty of candour.
- (3) The regulations must, as part of the breach of duty of candour procedure, require an NHS body to report any breach of the duty of candour to the Welsh Ministers as soon as practicable after becoming aware of the breach of the duty of candour.
- (4) Where a serious breach of the duty of candour has been notified to the Welsh Ministers by an NHS body, the Welsh Ministers must as soon as reasonably practicable make a statement to the National Assembly for Wales setting out details of—
 - (a) the nature of the serious breach of the duty of candour by the NHS body, and
 - (b) the consequences of the serious breach of the duty of candour in terms of—
 - (i) what the result of the serious breach was,
 - (ii) how the serious breach was dealt with by the NHS body, and



- (iii) what steps have been taken, if any, by the NHS body and the Welsh Ministers to ensure that the serious breach does not occur again.
- (5) For the purposes of subsection (4) a serious breach of the duty of candour occurs when the breach of the duty of candour by an NHS body results in—
 - (a) an additional adverse outcome for the service user, or
 - (b) an exacerbation of the adverse outcome for the service userwithin the meaning given in section 3(4).'

Tudalen 6, ar ôl llinell 31, mewnosoder adran newydd—

[] Torri'r ddyletswydd gonestrwydd: gofynion adrodd ar gyrff GIG

- (1) Mae cyfeiriad yn yr adran hon at dorri'r ddyletswydd gonestrwydd yn golygu methiant i gydymffurfio ag—
 - (a) y weithdrefn gonestrwydd o fewn yr ystyr a roddir yn adran 4, neu
 - (b) unrhyw un neu'r cyfan o adrannau 5 i 10.
- (2) Rhaid i reoliadau ddarparu ar gyfer gweithdrefn ("y weithdrefn ar dorri'r ddyletswydd gonestrwydd") sydd i'w dilyn gan gorff GIG sydd wedi torri'r ddyletswydd gonestrwydd.
- (3) Rhaid i'r rheoliadau, fel rhan o'r weithdrefn ar dorri'r ddyletswydd gonestrwydd, ei gwneud yn ofynnol i gorff GIG hysbysu Gweinidogion Cymru am unrhyw doriad o'r ddyletswydd gonestrwydd cyn gynted ag y bo'n ymarferol ar ôl dod yn ymwybodol o dorri'r ddyletswydd gonestrwydd.
- (4) Pan fo corff GIG yn hysbysu Gweinidogion Cymru am doriad difrifol o'r ddyletswydd gonestrwydd, rhaid i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferol, wneud datganiad i Gynulliad Cenedlaethol Cymru yn nodi manylion—
 - (a) natur y toriad difrifol o'r ddyletswydd gonestrwydd gan y corff GIG, a
 - (b) goblygiadau'r toriad difrifol o'r ddyletswydd gonestrwydd o ran—
 - (i) beth oedd canlyniad y toriad difrifol,
 - (ii) sut yr ymdriniwyd â'r toriad difrifol gan y corff GIG, a
 - (iii) pa gamau a gymerwyd, os o gwbl, gan y corff GIG a Gweinidogion Cymru i sicrhau nad yw'r toriad difrifol yn digwydd eto.
- (5) At ddibenion is-adran (4), mae toriad difrifol o'r ddyletswydd gonestrwydd yn digwydd pan fo corff GIG yn torri'r ddyletswydd gonestrwydd gan arwain at—
 - (a) canlyniad andwyol ychwanegol i'r defnyddiwr gwasanaeth, neu
 - (b) gwaethygu canlyniad andwyol i'r defnyddiwr gwasanaetho fewn yr ystyr a roddir yn adran 3(4).'



Rhun ap Iorwerth

74

Page 6, after line 27, insert a new section –

[] Breach of the duty of candour: reporting requirement upon the Welsh Ministers

- (1) A reference in this section to a breach of the duty of candour means a failure by an NHS body to comply with –
 - (a) the candour procedure within the meaning given in section 4, or
 - (b) any or all of sections 5 to 10.
- (2) As soon as practicable after the end of each financial year, the Welsh Ministers must prepare a report setting out –
 - (a) how many, if any, breaches of the duty of candour have been notified to them during the reporting year,
 - (b) brief details of the breaches of the duty of candour which have been notified to them during the reporting year, and
 - (c) what actions, if any, the Welsh Ministers have taken in relation to the breaches of the duty of candour that have been notified to them during the reporting year.
- (3) The Welsh Ministers must lay a copy of the report prepared under subsection (2) before the National Assembly for Wales.’.

Tudalen 6, ar ôl llinell 31, mewnosoder adran newydd –

[] Torri'r ddyletswydd gonestrwydd: gofyniad adrodd ar Weinidogion Cymru

- (1) Mae cyfeiriad yn yr adran hon at dorri'r ddyletswydd gonestrwydd yn golygu methiant gan gorff GIG i gydymffurfio ag –
 - (a) y weithdrefn gonestrwydd o fewn yr ystyr a roddir yn adran 4, neu
 - (b) unrhyw un neu'r cyfan o adrannau 5 i 10.
- (2) Cyn gynted ag y bo'n ymarferol ar ôl diwedd pob blwyddyn ariannol, rhaid i Weinidogion Cymru lunio adroddiad yn nodi –
 - (a) sawl toriad o'r ddyletswydd gonestrwydd, os oedd un, yr hysbyswyd hwy yn ei gylch yn ystod y flwyddyn adrodd,
 - (b) manylion cryno o'r toriadau o'r ddyletswydd gonestrwydd yr hysbyswyd hwy yn eu cylch yn ystod y flwyddyn adrodd, ac
 - (c) pa gamau, os o gwbl, a gymerwyd gan Weinidogion Cymru mewn perthynas â'r toriadau o'r ddyletswydd gonestrwydd yr hysbyswyd hwy yn eu cylch yn ystod y flwyddyn adrodd.
- (3) Rhaid i Weinidogion Cymru osod copi o'r adroddiad a lunnir o dan is-adran (2) gerbron Cynulliad Cenedlaethol Cymru.’.



Rhun ap Iorwerth 75

Section 14, page 8, after line 13, insert—

- ‘(3) The statement of policy must in particular specify how, in exercising its functions, the Citizen Voice Body proposes to ensure that—
- (a) the Body represents the interests of people in all parts of Wales,
 - (b) the Body is accessible to people throughout Wales,
 - (c) members of the Body’s staff and any other persons acting on the Body’s behalf are able to engage effectively with people throughout Wales, and
 - (d) the Body has an effective permanent presence on a regional level throughout Wales.’.

Adran 14, tudalen 8, ar ôl llinell 14, mewnosoder—

- ‘(3) Rhaid i’r datganiad polisi bennu’n benodol sut y mae Corff Llais y Dinesydd, wrth arfer ei swyddogaethau, yn bwriadu sicrhau—
- (a) bod y Corff yn cynrychioli buddiannau pobl ym mhob rhan o Gymru,
 - (b) bod y Corff yn hygyrch i bobl ledled Cymru,
 - (c) bod aelodau o staff y Corff ac unrhyw bersonau eraill sy’n gweithredu ar ran y Corff yn gallu ymgysylltu’n effeithiol â phobl ledled Cymru, a
 - (d) bod gan y Corff bresenoldeb parhaol effeithiol ar lefel ranbarthol drwy Gymru gyfan.’.

Rhun ap Iorwerth 76

Section 15, page 8, after line 21, insert—

- ‘(c) the Welsh Ministers.’.

Adran 15, tudalen 8, ar ôl llinell 22, mewnosoder—

- ‘(c) Gweinidogion Cymru.’.

Rhun ap Iorwerth 77

Section 15, page 8, after line 23, insert—

- ‘(4) The recipient of any representation made under subsection (1) must prepare a response to each representation made. The response must state—
- (a) the extent to which the recipient accepts the representation, and
 - (b) any actions that the recipient intends to take in relation to the representation.
- (5) As soon as reasonably practicable, the recipient must publish the response on their website and send the response to the Citizen Voice Body.’.



Adran 15, tudalen 8, ar ôl llinell 24, mewnosoder –

- '(4) Rhaid i'r sawl sy'n cael unrhyw sylwadau a wneir o dan is-adran (1) lunio ymateb i bob sylw a wneir. Rhaid i'r ymateb nodi –
- (a) y graddau y mae'r sawl sy'n cael y sylwadau yn eu derbyn, a
 - (b) unrhyw gamau y mae'r sawl sy'n cael y sylwadau yn bwriadu eu cymryd mewn perthynas â'r sylwadau hynny.
- (5) Cyn gynted ag y bo'n rhesymol ymarferol, rhaid i'r sawl sy'n cael y sylwadau gyhoeddi'r ymateb ar ei wefan ac anfon yr ymateb at Gorff Llais y Dinesydd. '.

