



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Pwyllgor Deddfwriaeth Rhif 3
Legislation Committee No. 3**

**Dydd Iau, 27 Mai 2010
Thursday, 27 May 2010**

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Procedural Motion

Yn y golofn chwith, cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwylgor. Yn
y golofn dde, cynhwyswyd cyfieithiad o'r areithiau hynny.

In the left-hand column, the proceedings are reported in the language in which they were
spoken in the committee. In the right-hand column, a translation of those speeches has been
included.

Aelodau'r pwylgor yn bresennol
Committee members in attendance

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Christine Chapman	Llafur Labour
William Graham	Ceidwadwyr Cymreig Welsh Conservatives
Helen Mary Jones	Plaid Cymru The Party of Wales
David Lloyd	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Claire Fife	Rheolwr Deddfwriaeth Iechyd Meddwl, Llywodraeth Cynulliad Cymru Mental Health Legislation Manager, Welsh Assembly Government
Edwina Hart	Aelod Cynulliad, Llafur (Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol) Assembly Member, Labour (The Minister for Health and Social Services)
Tracey Jones	Yr Adran Gwasanaethau Cyfreithiol, Llywodraeth Cynulliad Cymru Legal Services Department, Welsh Assembly Government

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Stephen Boyce	Gwasanaeth Ymchwil yr Aelodau Members' Research Service
Ruth Hatton	Dirprwy Glerc Deputy Clerk
Joanest Jackson	Cyngorydd Cyfreithiol Legal Adviser
Carys Jones	Clerc Clerk

*Dechreuodd y cyfarfod am 10.58 a.m.
The meeting began at 10.58 a.m.*

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **David Lloyd:** Croeso i gyfarfod **David Lloyd:** Welcome to the latest meeting diweddaraf Pwyllgor Deddfwriaeth Rhif 3 of Legislation Committee No. 3 at the yng Nghynulliad Cenedlaethol Cymru. National Assembly for Wales. I welcome my Hoffwn estyn croeso i'm cyd-Aelodau, y fellow Members, staff, clerks and members

staff, y clercod ac aelodau'r cyhoedd.

[2] Os clywch y larwm Tân, dylai pawb ymadael â'r ystafell drwy'r allanfeydd Tân penodol a dilyn cyfarwyddiadau'r tywyswyr a'r staff. Dylai pawb ddiffodd eu ffonau symudol, eu galwyr a'u mwyar duon gan eu bod yn amharu ar yr offer darlledu.

[3] Bydd pawb yn ymwybodol bellach bod Cynulliad Cenedlaethol Cymru yn gweithredu'n ddwyieithog. Mae clustffonau ar gael ar gyfer clywed cyfieithiad ar y pryd, a gellir hefyd addasu'r sain arnynt ar gyfer pobl sydd yn drwm eu clyw.

[4] Peidiwch â chyffwrdd â'r botymau ar y meicroffonau gan y gallai hynny amharu ar y system, a sicrhewch fod golau coch yn disgleirio cyn cychwyn siarad.

[5] Mae'r gwasanaeth cyfieithu ar y pryd ar gael ar sianel 1, a darllediad gair am air—i glywed y sain yn well—ar sianel 0.

10.59 a.m.

Mesur Arfaethedig Iechyd Meddwl (Cymru)—Sesiwn Dystiolaeth 6 The Proposed Mental Health (Wales) Measure—Evidence Session 6

[6] **David Lloyd:** Rôl y pwylgor hwn yw ystyried a chyflwyno adroddiad ar egwyddorion cyffredinol Mesur Arfaethedig Iechyd Meddwl (Cymru), a gyflwynwyd ar 22 Mawrth 2010 gan y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol.

of the public to the meeting.

Should you hear the fire alarm, everyone should leave the room via the marked exits and follow the instructions given by the ushers and staff. Everyone should switch off their mobile phones, pagers and BlackBerrys as they interfere with the broadcasting equipment.

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David Lloyd: The role of this committee is to consider and to report on the general principles of the Proposed Mental Health (Wales) Measure, introduced on 22 March 2010 by the Minister for Health and Social Services.

11.00 a.m.

[7] Rhaid i'r pwylgor hwn gwblhau ei waith a gosod adroddiad gerbron y Cynulliad erbyn 2 Gorffennaf eleni fan bellaf.

This committee must complete its work and present its report to the Assembly by 2 July this year at the latest.

[8] Hon yw'r chweched sesiwn dystiolaeth yn ymwneud â'r Mesur arfaethedig hwn. Cafwyd dystiolaeth eisoes gan ystod o randdeiliaid, a daeth ein hymgynghoriad i ben ddydd Gwener, 14 Mai. Mae manylion i'w gweld ar dudalennau gwe y pwylgor.

This is the sixth evidence session regarding this proposed Measure. Evidence has already been received from a range of stakeholders, and our consultation came to an end on Friday, 14 May. Details can be found on the committee's web pages.

[9] Diben y cyfarfod heddiw yw clywed dystiolaeth lafar bellach mewn cysylltiad â'r Mesur Arfaethedig Iechyd Meddwl (Cymru).

The purpose of the meeting today is to hear further oral evidence in relation to the Proposed Mental Health (Wales) Measure.

I'r perwyl hynny, croesawaf Edwina Hart, Aelod Cynulliad a'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, a'r Aelod sy'n gyfrifol am y Mesur arfaethedig, a'i swyddogion, Claire Fife, rheolwr deddfwriaeth iechyd meddwl, a Tracey Jones, o adran gwasanaethau cyfreithiol Llywodraeth Cynulliad Cymru.

[10] Mae trefn ein cyfarfodydd yn wybyddus i chi: hynny yw, yr ydym wedi derbyn dystiolaeth ac mae cwestiynau wedi'u paratoi. Gyda'ch caniatâd, felly, awn yn syth i'r cwestiynau a chan mai fi yw'r Cadeirydd, fi sy'n cael dechrau.

[11] Cwestiwn cyffredinol sydd i ddechrau, a hynny ar y model adferiad. I ba raddau mae'r Mesur arfaethedig hwn wedi'i adeiladu ar egwyddorion y model adferiad?

[12] **Edwina Hart:** As you will recall, Chair, it was the Health, Wellbeing and Local Government Committee that looked at the recovery model. Its report suggested that if I brought any legislation forward, I should encompass the recovery model. This legislation deals with that very well, because much of the proposed Measure is aimed at ensuring that interventions are available at much earlier points for individuals, to reduce the impacts of mental illness as much as possible and to aid recovery wherever possible. So, that aim has been central to the development of the proposed Measure. Early intervention is key and reducing the impact of mental illness will continue to be central as we develop the guidance in this area. So, I believe that I have fulfilled the obligations of that committee's report in developing this proposed Measure, because there was a consensus in that area.

[13] **David Lloyd:** Dywedodd yr Athro Phil Fennell o Brifysgol Caerdydd wrth y pwylgor hwn bod y Mesur arfaethedig hwn yn ddianghenraig o gymhleth ac yn drws gl. Dywedodd hefyd bod i Mental Health (Care and Treatment) (Scotland) Act 2003 ddwy adran sy'n cyflawni swyddogaeth debyg i'r hyn sydd yn y Mesur arfaethedig sydd ger ein bron heddiw. Dywedodd:

[14] 'The...two sections...perform a y ddwy adran...yn perfformio swyddogaeth

To that end, I welcome Edwina Hart, Assembly Member and Minister for Health and Social Services, and the Member responsible for the proposed Measure, and her officials, Claire Fife, mental health legislation manager, and Tracey Jones, from the Welsh Assembly Government's legal services department.

The committee's procedure is known to you: that is, we have received evidence and questions have been prepared. With your permission, therefore, we will go straight to the questions, and, given that I am the Chair, I get to start.

The first question is a general question, on the recovery model. To what extent is this proposed Measure built on the principles of the recovery model?

Edwina Hart: Fel y byddwch yn cofio, Gadeirydd, y Pwyllgor Iechyd, Lles a Llywodraeth Leol a edrychodd ar y model adferiad. Awgrymodd ei adroddiad pe bawn yn dod â fy neddfwriaeth ymlaen, y dylwn gynnwys y model adferiad. Mae'r ddeddfwriaeth hon yn ymdrin â hynny'n dda iawn, gan fod llawer o'r Mesur arfaethedig â'r nod o sicrhau bod ymyriadau ar gael yn llawer cynt ar gyfer unigolion, i leihau effeithiau salwch meddwl cyn gynted â phosibl ac i gynorthwyo adferiad lle bynnag y bo hynny'n bosibl. Felly, mae'r nod hwnnw wedi bod yn ganolog wrth ddatblygu'r Mesur arfaethedig. Mae ymyrraeth gynnar yn allweddol a bydd lleihau effaith salwch meddwl yn parhau i fod yn ganolog wrth i ni ddatblygu'r canllawiau yn y maes hwn. Felly, credaf fy mod wedi cyflawni ymrwymiadau adroddiad y pwylgor hwnnw wrth ddatblygu'r Mesur arfaethedig hwn, gan fod consensws yn y maes hwnnw.

David Lloyd: Professor Phil Fennell from Cardiff University told the committee that the proposed Measure is unnecessarily complex and cumbersome. He also said that the Mental Health (Care and Treatment) (Scotland) Act 2003 has two sections that perform a function similar to that included in the proposed Measure that is before us today. He said:

similar function to this assessment and care provision decision.'

[15] A oes achos felly i gael Mesur arfaethedig sy'n fyrrach ac yn symlach?

[16] **Edwina Hart:** There was a case for a shorter and simpler proposed Measure, judging by all the paperwork that we have in respect of this proposed Measure. I do not agree with him; the Scottish Act and the proposed Measure are not comparable. This also came up in the Constitutional Affairs Committee last week, where I said that we considered the Scottish approach, but that we did not feel that it sought to achieve the same policy intentions as we wanted for this proposed Measure. I do not have anything further to add to that, because I do not think that his interpretation is correct. Our proposed Measure supports our aims, and the guidance will then support the proposed Measure, which is the important point.

[17] **David Lloyd:** Symudwn ymlaen, ac mae'r cwestiynau nesaf o dan ofal Helen Mary Jones.

[18] **Helen Mary Jones:** Minister, this committee has received a very strong weight of evidence that children and young people should be included in the areas of this proposed Measure where they are not included at present. Are you giving consideration to amending the proposed Measure to encompass children and young people beyond the advocacy sections?

[19] **Edwina Hart:** I have seen the very strong evidence that the committee has received, and I do not see an appetite out there for a separate Measure in respect of children and young people. However, I will be guided by the committee's report in this regard, when you make your recommendations before we go to the next stage.

[20] **Helen Mary Jones:** I am very pleased to hear you say that. One of the issues that has been put to us as a complicating factor—not necessarily one that means that we should not include children

debog i'r penderfyniad hwn ar asesu a darparu gofal.

Is there a case therefore for a shorter and simpler proposed Measure?

Edwina Hart: Yr oedd achos dros Fesur arfaethedig byrrach a symlach, o ystyried yr holl waith papur sydd gennym mewn perthynas â'r Mesur arfaethedig hwn. Nid wyf yn cytuno gydag ef; ni ellir cymharu Deddf yr Alban a'r Mesur arfaethedig. Cafodd hyn hefyd ei grybwyllyn y Pwyllgor Materion Cyfansoddiadol yr wythnos diwethaf, lle y dywedais ein bod wedi ystyried dull yr Alban, ond nad oeddym yn teimlo ei fod yn ceisio cyflawni'r un bwriadau polisi â'r hyn yr oeddym am ei gael gyda'r Mesur arfaethedig hwn. Nid oes gennyf unrhyw beth arall i'w ychwanegu at hynny, oherwydd nad wyf yn credu ei ddehongliad yn iawn. Mae ein Mesur arfaethedig yn ategu ein nodau, ac yna bydd y canllawiau yn ategu'r Mesur arfaethedig, sef y pwysig.

David Lloyd: We will move on, and the next set of questions are from Helen Mary Jones.

Helen Mary Jones: Weinidog, mae'r pwylgor hwn wedi derbyn tystiolaeth gadarn iawn y dylid cynnwys plant a phobl ifanc ym meysydd y Mesur arfaethedig hwn lle nad ydynt wedi'u cynnwys ar hyn o bryd. A ydych yn ystyried gwella'r Mesur arfaethedig i gynnwys plant a phobl ifanc y tu hwnt i'r adrannau ar eirioli?

Edwina Hart: Yr wyf wedi gweld y dystiolaeth gadarn iawn y mae'r pwylgor wedi'i derbyn, ac nid wyf wedi gweld dyhead allan yno am Fesur ar wahân mewn perthynas â phlant a phobl ifanc. Fodd bynnag, byddaf yn cael fy nhywys gan adroddiad y pwylgor yn hyn o beth, pan fyddwch yn gwneud eich argymhellion cyn i ni fynd ymlaen i'r cyfnod nesaf.

Helen Mary Jones: Yr wyf yn falch iawn eich clywed yn dweud hynny. Un o'r materion sydd wedi'u cyflwyno i ni fel ffactor cymhleth—nid un o reidrwydd sy'n golygu y dylem beidio â chynnwys plant a

and young people—is the different terminology that we use for children's and adult services. We tend to talk about primary, secondary and tertiary services for adults. To what extent do you feel that that would be a problem in any potential redrafting of the proposed Measure?

[21] **Edwina Hart:** I not think that it would be a problem at all. I think that people make things unnecessarily complicated. If that was the direction we chose to move in, I do not think that we would have any difficulties. What do you think, Tracey?

[22] **Ms T. Jones:** We have started to take a preliminary look at things. We certainly think that it is doable. Let us put it that way.

[23] **Helen Mary Jones:** I am very glad to hear that. Further to that, would there be any issues of competence with regard to including child and adolescent mental health services in the proposed Measure, given that they are delivered jointly with education in some circumstances?

[24] **Edwina Hart:** I do not think so at all. The LCO did not place any restrictions on who delivers the services, so they could be delivered by anyone. So, I cannot see that complication coming in at all. The fact that CAMHS goes via the education service does not mean that there would be a problem with legislative competence. The matters in Part 1 of Schedule 5 of the Government of Wales Act 2006 cover this.

[25] **Ms T. Jones:** That is correct. Basically, the fact that some child and adolescent mental health services are delivered via the education service does not necessarily mean that there would be a problem with legislative competence, provided that the relevant provisions of the proposed Measure relate to one of the matters in Part 1 of Schedule 5. That is the premise we are working from.

[26] **Helen Mary Jones:** That is great. Thank you.

phobl ifanc—yw'r gwahanol derminoleg yr ydym yn ei defnyddio ar gyfer gwasanaethau plant ac oedolion. Mae tuedd i ni siarad am wasanaethau sylfaenol, eliaidd a thrydyddol ar gyfer oedolion. I ba raddau yr ydych yn teimlo y byddai hynny'n broblem pe bai unrhyw ran o'r Mesur arfaethedig yn cael ei ailddrafftio?

Edwina Hart: Ni chredaf y byddai'n broblem o gwbl. Credaf fod pobl yn cymhlethu pethau'n ddiangen. Os mai dyna'r cyfeiriad y dewiswn ei ddilyn, ni chredaf y byddem yn wynebu unrhyw anawsterau. Beth yw eich barn chi, Tracey?

Ms T. Jones: Yr ydym wedi dechrau edrych yn gychwynnol ar bethau. Yr ydym yn sicr yn credu bod modd gwneud hyn. Gadewch i ni roi'r peth fel hynny.

Helen Mary Jones: Yr wyf yn falch iawn clywed hynny. I ychwanegu at hynny, a fyddai unrhyw faterion cymhwysedd o ran cynnwys gwasanaethau iechyd meddwl plant a'r glasoed yn y Mesur arfaethedig, o ystyried eu bod yn cael eu darparu ar y cyd ag addysg o dan rai amgylchiadau?

Edwina Hart: Ni chredaf hynny o gwbl. Ni roddodd y GCD unrhyw gyfyngiadau ar bwy sy'n darparu'r gwasanaethau, felly gallai unrhyw un eu darparu. Felly, ni allaf weld y cymhlethdod hwnnw yn codi o gwbl. Nid yw'r ffait bod y gwasanaethau iechyd meddwl plant a'r glasoed yn mynd drwy'r gwasanaeth addysg yn golygu y byddai problem gyda chymhwysedd deddfwriaethol. Mae'r materion yn Rhan 1 o Atodlen 5 o Ddeddf Llywodraeth Cymru 2006 yn cwmpasu hyn.

Ms T. Jones: Mae hynny'n gywir. Yn syml, nid yw'r ffait bod rhai gwasanaethau iechyd meddwl plant a'r glasoed yn cael eu darparu drwy'r gwasanaeth addysg o reidrwydd yn golygu y byddai problem gyda chymhwysedd deddfwriaethol, cyn belled bod darpariaethau perthnasol y Mesur arfaethedig yn ymwneud ag un o' materion yn Rhan 1 o Atodlen 5. Ar y sail honno yr ydym yn gweithio.

Helen Mary Jones: Da iawn. Diolch.

[27] **Joyce Watson:** Good morning. Can you explain how the proposed Measure will have an impact on people with dementia? Will they be included in its scope? If so, are you confident that the services will have sufficient capacity to meet the needs of the growing numbers of people with this condition?

[28] **Edwina Hart:** Let us consider in the first instance someone going to their GP with dementia symptoms and having those identified during their first primary care assessment. Under Part 1 of the proposed Measure, I would expect such an individual to be referred to the appropriate services. So, I think that we have that in hand. I made a statement earlier in May on the delivery of the dementia plan, and I am due to say more on that. As far as we are concerned the necessary resources are in place, and this will have an impact on people with dementia.

[29] **Joyce Watson:** Moving on, are you confident that the advocacy provisions in the proposed Measure will meet the needs of people with dementia?

[30] **Edwina Hart:** They will certainly be covered by the proposed Measure, as other groups are. I do not think that we have identified any problems at all. Claire, do you want to comment?

[31] **Ms Fife:** We have not identified any problems. Advocacy providers have spoken with us about this. They are very pleased to see that people with a range of symptoms and presentations are included. They pointed out the need to ensure that the right skills sets are in place, and we can tackle that through the subordinate legislation—by setting who is eligible to act as an independent mental health advocate—and through the guidance that we will give out to local health boards on who the IMHAs should be and how they should be setting up the services.

[32] **Joyce Watson:** What consideration have you given the capacity of the services to respond to demand from the informal patients

Joyce Watson: Bore da. A allwch egluro sut bydd y Mesur arfaethedig yn effeithio ar bobl sydd â demensia? A fyddant yn cael eu cynnwys yn ei gwmpas? Os felly, a ydych yn hyderus y bydd gan y gwasanaethau ddigon o allu i ddiwallu anghenion y nifer cynyddol o bobl sydd â'r cyflwr hwn?

Edwina Hart: Gadewch i ni'n gyntaf ystyried rhywun sy'n mynd i weld eu meddyg teulu gyda symptomau demensia a'u bod yn cael eu hadnabod yn ystod yr asesiad gofal sylfaenol cyntaf. O dan Ran 1 y Mesur arfaethedig, byddwn yn disgwyl i unigolyn o'r fath gael ei gyfeirio at y gwasanaethau priodol. Felly, credaf ein bod wedi paratoi ar gyfer hynny. Bu i mi wneud datganiad yn gynharach ym mis Mai ar gyflawni'r cynllun demensia, ac yr wyf am ddweud mwy am hynny. Cyn belled ag y gwyddom ni mae'r adnoddau angenrheidiol ar gael, a bydd hyn yn cael effaith ar bobl sydd â demensia.

Joyce Watson: Gan symud ymlaen, a ydych yn hyderus y bydd y darpariaethau eirioli yn y Mesur arfaethedig yn diwallu anghenion pobl sydd â demensia?

Edwina Hart: Byddant yn sicr yn cael eu cwmpasu gan y Mesur arfaethedig, fel y mae grwpiau eraill yn cael eu cwmpasu. Ni chredaf ein bod wedi nodi unrhyw broblemau o gwbl. Claire, a ydych am wneud sylw?

Ms Fife: Nid ydym wedi nodi unrhyw broblemau. Mae darparwyr eiriolaeth wedi siarad am hyn gyda ni. Maent hefyd yn hapus iawn gweld bod pobl sydd ag amrywiaeth o symptomau ac ymgylwyniadau yn cael eu cynnwys. Crybwyllyd yr angen ganddynt i sicrhau bod y setiau sgiliau iawn ar waith, a gallwn fynd i'r afael â hynny drwy'r is-ddeddfwriaeth—drwy bennu pwysy'n gymwys i weithredu fel eiriolwr iechyd meddwl annibynnol—a drwy'r canllawiau y byddwn yn eu rhoi i fyddau iechyd lleol ar bwys y dylai'r eiriolwyr iechyd meddwl annibynnol fod a sut dylent sefydlu gwasanaethau.

Joyce Watson: Pa ystyriaeth yr ydych wedi'i rhoi i allu'r gwasanaethau i ymateb i alw gan y cleifion anffurfio mewn wardiau

in general wards who may also have mental health needs, given the new duties that would be created by the proposed Measure?

cyffredinol a allai fod ag anghenion iechyd meddwl hefyd, o ystyried y dyletswyddau newydd a fyddai'n cael eu creu gan y Mesur arfaethedig?

[33] **Edwina Hart:** We are aware of the evidence in this area, and we have already been discussing the fact that there seems to be a great deal of uncertainty about the description of qualifying informal patients, which we have under section 34 of the proposed Measure. I have asked my officials to have a look at this issue again. However, I am confident that we will be able to deal with the issue, but it is something that we are discussing further. Tracey, do you want to say something about the legal position?

Edwina Hart: Yr ydym yn ymwybodol o'r dystiolaeth yn y maes hwn, ac yr ydym eisoes wedi bod yn trafod y ffaith ei bod yn ymddangos bod llawer o ansicrwydd yngylch y disgrifiad o gleifion anffurfiol cymwys, sydd gennym o dan adran 34 y Mesur arfaethedig hwn. Yr wyf wedi gofyn i'm swyddogion edrych ar y mater hwn eto. Fodd bynnag, yr wyf yn hyderus y byddwn yn gallu ymdopi â'r mater, ond mae'n rhywbeth yr ydym yn ei drafod ymhellach. Tracey, a ydych am ddweud rhywbeth am y sefyllfa gyfreithiol?

[34] **Ms T. Jones:** I cannot really add much to what you have said. We are looking at who will be covered by the description of qualifying informal patients.

Ms T. Jones: Ni allaf ychwanegu llawer at yr hyn yr ydych wedi'i ddweud. Yr ydym yn edrych ar bwy fydd yn cael eu cwmpasu gan y disgrifiad o gleifion anffurfiol cymwys.

[35] **Christine Chapman:** When Professor Phil Fennell gave evidence to the committee, he expressed concerns about the difference between the definition of 'patients' used in section 5(2) of the proposed Measure, which is that 'patients' means

Christine Chapman: Pan roddodd yr Athro Phil Fennell dystiolaeth i'r pwllgor, mynegodd bryderon am y gwahaniaeth rhwng y diffiniad o 'gleifion; a ddefnyddir yn adran 5(2) o'r Mesur arfaethedig, sef bod 'cleifion' yn golygu

[36] 'adults who have, or may have, a mental disorder'

'oedolion y mae ganddynt, neu y gall fod ganddynt, anhwylder meddwl'

[37] and the definition used in the Mental Health Act 1983, which includes a reference to some outward manifestation of mental disorder. Do you think that this could lead to confusion?

a'r diffiniad a ddefnyddir yn Nedd Iechyd Meddwl 1983, sy'n cynnwys cyfeiriad at amlygiad allanol o anhwylder meddwl. A ydych yn credu y gallai hyn achosi dryswch?

[38] **Edwina Hart:** I think that he has made a non-point, actually. I think that it is a style issue, because there are different drafting styles in the Assembly and in Parliament. I think that it makes no difference.

Edwina Hart: Credaf nad yw wedi gwneud pwyt o gwbl. Credaf ei fod yn ymwneud ag arddull, gan fod gwahanol arddulliau drafftio yn y Cynulliad ac yn y Senedd. Ni chredaf ei fod yn gwneud unrhyw wahaniaeth.

11.10 a.m.

[39] **Christine Chapman:** Professor Fennell was also concerned that the definition of 'carer' used in section 5(2) is wider than that used in carers' legislation. The usual definition of a carer is someone who provides 'substantial care on a regular basis'. Do you

Christine Chapman: Yr oedd yr Athro Fennell hefyd yn bryderus bod y diffiniad o 'ofalwyr' a ddefnyddir yn adran 5(2) yn ehangach na'r un a ddefnyddir mewn deddfwriaeth gofalwyr. Y diffiniad arferol o ofalwyr yw pobl sy'n darparu 'gofal

think that this should be amended to ensure greater consistency?

[40] **Edwina Hart:** We made a deliberate decision to have a wider definition of a carer in the context of this legislation. In his evidence to you, I think that the Children's Commissioner for Wales concurred with the wider definition of carers that we have used in this context. So, I am afraid that I do not agree with Professor Fennell.

[41] **Peter Black:** In evidence to the committee, witnesses have expressed concern that there is too much flexibility around the content of local primary mental health care schemes. Why is the proposed Measure not clearer about the expectations on partners?

[42] **Edwina Hart:** I understand that a wide range of views has been expressed. I read Mary Burrows's comments on the legislation with interest, but my opinion has not changed since our previous discussion. I firmly believe that flexibility needs to be maintained, and I do not necessarily concur with witnesses' comments.

[43] **Peter Black:** Do you think that there is a risk that some schemes may be limited in scope and unduly influenced by the level of available resources?

[44] **Edwina Hart:** No, because there will be a service model accompanying the guidance that will set out how the schemes should be developed. It will take account of examples of best practice. Obviously, there are issues around mapping existing primary care services that we will have to look at, and we will have to consider how those can be best adapted to fit the requirements of this legislation. I am afraid that I do not see where this is leading with regard to the discussions on the proposed Measure.

[45] **Peter Black:** In your evidence to this committee on 29 April, you referred to a national service model that you would wish to see LHBs develop. What more can you tell us about this, and how will it influence local primary mental health schemes?

[46] **Edwina Hart:** The service model

sylweddol yn rheolaidd'. A ydych yn credu y dylid gwella hyn i sicrhau gwell cysondeb?

Edwina Hart: Gwnaethom benderfyniad bwriadol i gael diffiniad ehangach o ofalwyr yng nghyd-destun y ddeddfwriaeth hon. Yn ei dystiolaeth i chi, credaf fod Comisiynydd Plant Cymru wedi cytuno â'r diffiniad ehangach o ofalwyr yr ydym wedi'i ddefnyddio yn y cyd-destun hwn. Felly, mae'n ddrwg gen i ond nid wyf yn cytuno â'r Athro Fennell.

Peter Black: Mewn dystiolaeth i'r pwylgor, mae dystion wedi mynegi pryder bod gormod o hyblygrwydd mewn perthynas â chynnwys cynlluniau gofal iechyd meddwl sylfaenol lleol. Pam nad yw'r Mesur arfaethedig yn gliriach am y disgwyliadau ar bartneriaid?

Edwina Hart: Deallaf fod amrywiaeth eang o safbwytiau wedi'u mynegi. Darllenais sylwadau Mary Burrows ar y ddeddfwriaeth gyda diddordeb, ond nid yw fy marn wedi newid ers ein trafodaeth flaenorol. Yr wyf yn sicr o'r farn bod angen cynnal hyblygrwydd, ac nid wyf yn cytuno o reidrwydd â sylwadau dystion.

Peter Black: A ydych yn credu bod perygl bod rhai cynlluniau o bosibl yn gyfyngedig eu cwmpas ac yn cael eu dylanwadu'n ormodol gan lefel yr adnoddau sydd ar gael?

Edwina Hart: Na, oherwydd bydd model gwasanaeth yn cyd-fynd â'r canllawiau a fydd yn nodi sut dylid datblygu'r cynlluniau. Bydd yn ystyried engrifftiau o arferion gorau. Yn amlwg, mae materion yn ymwneud â mapio gofal sylfaenol cyfredol y bydd yn rhaid i ni edrych arnynt, a bydd yn rhaid i ni ystyried sut gellir addasu'r rheini i fodloni gofynion y ddeddfwriaeth hon. Yn anffodus nid wyf yn gweld i ble mae hyn yn arwain o ran y trafodaethau ar y Mesur arfaethedig.

Peter Black: Yn eich dystiolaeth i'r pwylgor hwn ar 29 Ebrill, cyfeiriasoch at fodel gwasanaeth cenedlaethol y byddech am i'r BILLau ei datblygu. Beth arall y gallwch ei ddweud am hyn, a sut bydd yn dylanwadu ar gynlluniau iechyd meddwl sylfaenol lleol?

Edwina Hart: Bydd y model gwasanaeth yn

will be developed on a national basis rather than by individual LHBs and local authorities, because I think that it is important that we have consistency of approach across Wales. The detailed work has not yet begun on the service model, but we will start a proactive approach with officials, with stakeholder involvement, to develop this, as we have with the rest of the proposed Measure to date. I am confident that we will have engagement from stakeholders in the development of what I think will be a very well-regarded national model. On the importance of a national model, I cannot overstate the importance of getting consistency of approach in rolling out the various actions in the proposed Measure.

[47] **Peter Black:** Section 2 of the proposed Measure provides for joint mental health primary care schemes to be agreed by local mental health partners. Witnesses have highlighted the lack of any reference to prisoners in both the proposed Measure and the explanatory memorandum. Aside from the independent advocacy provisions in Part 4, will Welsh prisoners be covered by the provisions in the proposed Measure?

[48] **Edwina Hart:** It does cover prisoners in different ways. However, we have picked up on prisoners as being an issue. As Tracey will outline, we are going to have to look at that.

[49] **Ms T. Jones:** Yes. It is to do with Welsh prisoners who are held in England rather than in Wales. If they receive secondary mental health services in an English prison, we need to ensure that they are covered for Part 3 referrals, if they lapse and need to be referred back to mental health services.

[50] **Peter Black:** I was in Swansea prison looking at this issue last week. Most prisoners will be covered by advocacy and will have care plans and so on.

[51] **Ms T. Jones:** Yes.

cael ei ddatblygu yn genedlaethol yn hytrach na chan BILLau ac awdurdodau lleol unigol, oherwydd credaf ei bod yn bwysig ein bod yn defnyddio dull cyson ledled Cymru. Nid yw'r gwaith manwl wedi dechrau eto ar y model gwasanaeth, ond byddwn yn dechrau dull rhagweithiol gyda swyddogion, gyda chyfranogiad rhanddeiliaid, i ddatblygu hyn, fel yr ydym wedi'i wneud gyda gweddill y Mesur arfaethedig hyd yma. Yr wyf yn hyderus y byddwn yn cael cyfranogiad gan randdeiliaid wrth ddatblygu'r hyn y credaf fydd yn fodel cenedlaethol uchel ei barch. O ran pwysigrwydd model cenedlaethol, ni allaf orbwysleisio pwysigrwydd sicrhau dull cyson wrth gyflwyno camau gweithredu yn y Mesur arfaethedig.

Peter Black: Mae adran 2 y Mesur arfaethedig yn darparu ar gyfer cynlluniau ar y cyd iechyd meddwl sylfaenol i'w cytuno gan bartneriaid iechyd meddwl lleol. Mae dystion wedi amlyu diffyg unrhyw gyfeiriad at garcharorion yn y Mesur arfaethedig a'r memorandwm esboniadol. Ar wahân i'r darpariaethau eiriolaeth annibynnol yn Rhan 4, a fydd carcharorion Cymru yn cael eu cwmpasu gan y darpariaethau yn y Mesur arfaethedig?

Edwina Hart: Mae'n cynnwys carcharorion mewn gwahanol ffyrdd. Fodd bynnag, yr ydym wedi nodi carcharorion fel mater i'w drafod. Fel y bydd Tracey yn ei amlinellu, bydd yn rhaid i ni edrych ar hynny.

Ms T. Jones: Bydd. Mae'n ymwneud â charcharorion o Gymru sy'n cael eu dal yn Lloegr yn hytrach nag yng Nghymru. Os ydynt yn derbyn gwasanaethau iechyd meddwl eilaidd mewn carchar yn Lloegr, mae angen i ni sicrhau eu bod yn cael eu cwmpasu ar gyfer atgyfeiriadau Rhan 3, os ydynt yn atglafychu a bod angen eu cyfeirio'n ôl at wasanaethau iechyd meddwl.

Peter Black: Yr oeddwn yng ngharchar Abertawe yn edrych ar y mater hwn yr wythnos diwethaf. Bydd y mwyafrif o garcharorion yn cael eu cwmpasu gan eiriolaeth a bydd ganddynt gynlluniau gofal ac ati.

Ms T. Jones: Bydd.

[52] **Edwina Hart:** Of course, the issue of women prisoners, for whom there are no facilities in Wales, is one that we will have to look at carefully. Some issues have been raised.

[53] **Ms T. Jones:** Basically, the way to go is that the schemes that have to be set up under Part 1 of the proposed Measure will need to ensure that they provide local primary and mental health support services to prisoners in Wales. The present position is that LHBs provide these services and that they have been directed to view prisoners in public prisons in Wales as being ordinarily resident at the prison address. However, as the Minister says, this is something that we will have to look at.

[54] **Edwina Hart:** Do you want to add anything, Claire?

[55] **Ms Fife:** I think that Tracey has covered it.

[56] **Peter Black:** The committee has heard evidence on the importance of requiring local mental health schemes to include people who are not registered with GPs. Given that the proposed Measure currently allows discretion on this, are you willing to consider amending it to address the issue?

[57] **Edwina Hart:** It was obviously discussed previously in the committee. It is important that we look at the issues around this, and I will be doing that.

[58] **William Graham:** Turning to the issue of the primary mental health assessment, does section 9(1)(a) represent a duty to treat, as it states:

[59] ‘any treatment so identified must be provided’.

[60] **Edwina Hart:** I am happy to confirm that section 3 of the proposed Measure establishes a duty on the partners to deliver the primary mental health service. Claire, can you deal with section 5, please?

Edwina Hart: Wrth gwrs, mae'r mater o garcharorion benywaidd, lle nad oes unrhyw gyfleusterau ar eu cyfer yng Nghymru, yn fater y bydd yn rhaid i ni edrych arno'n ofalus. Mae rhai materion wedi'u codi.

Ms T. Jones: Yn syml, y ffordd ymlaen yw y bydd yn rhaid i'r cynlluniau sy'n rhaid eu sefydlu o dan Ran 1 o'r Mesur arfaethedig sicrhau eu bod yn darparu gwasanaethau cymorth iechyd meddwl a sylfaenol lleol i garcharorion yng Nghymru. Y sefyllfa bresennol yw bod BILLau yn darparu'r gwasanaethau hyn a'u bod wedi derbyn cyfarwyddyd i ystyried carcharorion mewn carchardai cyhoeddus yng Nghymru fel rhai sy'n preswylio fel arfer yng nghyfeiriad y carchar. Fodd bynnag, fel y dywedodd y Gweinidog, mae hyn yn rhywbeth y bydd yn rhaid i ni edrych arno.

Edwina Hart: A ydych am ychwanegu unrhyw beth, Claire?

Ms Fife: Credaf fod Tracey wedi dweud y cwbl.

Peter Black: Mae'r pwylgor wedi clywed dystiolaeth ar bwysigrwydd ei gwneud yn ofynnol i gynlluniau iechyd meddwl lleol gynnwys pobl nad ydynt wedi'u cofrestru gyda meddygon teulu. O ystyried bod y Mesur arfaethedig yn caniatáu disgrifiwn yn hyn o beth, a ydych yn fodlon ystyried ei wella i fynd i'r afael â'r mater?

Edwina Hart: Fe'i trafodwyd yn amlwg cyn hyn yn y pwylgor. Mae'n bwysig ein bod yn edrych ar y materion sy'n ymwneud â hyn, a byddaf yn gwneud hynny.

William Graham: Gan droi at yr asesiad iechyd meddwl sylfaenol, a yw adran 9(1)(a) yn cyflwyno dyletswydd i drin, wrth iddi datgan:

‘rhaid darparu unrhyw driniaeth a ddynodir felly’.

Edwina Hart: Mae'n bleser gen i gadarnhau bod adran 3 y Mesur arfaethedig yn gosod dyletswydd ar y partneriaid i ddarparu'r gwasanaeth iechyd meddwl sylfaenol. Claire, a fyddch crystal ag ymdrin â chwestiwn 5, os gwelwch yn dda?

[61] **Ms Fife:** Section 5 sets out the services that the schemes cover. Those include local primary mental health treatment at section 5(1)(b), so the proposed Measure establishes a duty to provide the treatment in accordance with the schemes established under section 2.

[62] **Edwina Hart:** Chair, we have been concerned about the language that some witnesses have used in the context of discussions on this issue. We feel that some of the things that have been said are not correct. The proposed Measure does establish a duty to provide primary healthcare treatment. It is not limited to admission to hospital, as some witnesses have said. We need to clarify that. Claire, would you like to deal with the point about language?

[63] **Ms Fife:** On the evidence given to you by the Welsh Local Government Association and the Association of Directors for Social Services Cymru, I respect their point of view that the language of social services differs to the language of health, but the proposed Measure is very clear that treatment encompasses not just medication and hospital admissions; it is much wider. That is how it works today with legislation such as the Mental Health Act 1983; that is how the proposed Measure will work in future. I just wanted to reassure the committee on this point.

[64] **Edwina Hart:** Yes, we were concerned about the evidence that has been given on that.

[65] **William Graham:** How will the requirement for primary mental health assessments in the proposed Measure interact with the duty on local authorities to assess under the NHS and Community Care Act 1990, and could this result in duplication of assessment?

[66] **Edwina Hart:** I think that we should recognise that the two assessments differ in their intent. In reality, there is bound to be a small overlap, William, but only where community care services are identified as an outcome of the primary care assessment.

Ms Fife: Mae adran 5 yn nodi'r gwasanaethau y mae'r cynlluniau yn eu cynnwys. Mae'r rheini'n cynnwys triniaeth iechyd meddwl sylfaenol leol yn adran 5(1)(b), felly mae'r Mesur arfaethedig yn gosod dyletswydd i ddarparu'r driniaeth yn unol â'r cynlluniau a bennir o dan adran 2.

Edwina Hart: Gadeirydd, yr ydym wedi bod yn bryderus am yr iaith y mae rhai o'r tystion wedi'i defnyddio yng nghyd-destun y trafodaethau am y mater hwn. Credwn nad yw rhai o'r pethau sydd wedi'u dweud yn gywir. Mae'r Mesur arfaethedig yn gosod dyletswydd i ddarparu triniaeth gofal iechyd sylfaenol. Nid yw'n cael ei gyfyngu i dderbyniadau i'r ysbyty, fel y dywedodd rhai tystion. Mae angen i ni egluro hynny. Claire, a hoffech ymdrin â'r pwnt am iaith?

Ms Fife: Ar sail y dystiolaeth a roddwyd i chi gan Gymdeithas Llywodraeth Leol Cymru a Chymdeithas Cyfarwyddwyr Gwasanaethau Cymdeithasol Cymru, yr wyf yn parchu eu barn bod iaith gwasanaethau cymdeithasol yn wahanol i iaith iechyd, ond mae'r Mesur arfaethedig yn glir iawn nad yw triniaeth yn ymwneud â meddyginaeth a derbyn i'r ysbyty yn unig; mae'n llawer ehangach. Dyna sut mae pethau'n gweithio heddiw gyda deddfwriaeth fel Deddf Iechyd Meddwl 1983; dyna sut bydd y Mesur arfaethedig yn gweithio yn y dyfodol. Yr oeddwn am roi sicrwydd i'r pwllgor am y pwnt hwn.

Edwina Hart: Oeddem, yr oeddem yn bryderus am y dystiolaeth sydd wedi'i rhoi ar hynny.

William Graham: Sut bydd y gofyniad ar gyfer asesiadau iechyd meddwl sylfaenol yn y Mesur arfaethedig yn rhyngweithio â'r dyletswydd ar awdurdodau lleol i asesu o dan Ddeddf y GIG a Gofal Cymunedol 1990, ac a allai hyn arwain at ddyblygu asesiadau?

Edwina Hart: Credaf y dylem gydnabod bod y ddu asesiad â bwriadau gwahanol. Mewn gwirionedd, mae peth gorgyffwrdd yn anochel, William, ond dim ond lle nodir gwasanaethau gofal cymunedol fel canlyniad o'r asesiad gofal sylfaenol. Heblaw am

Over and above that, it is minimal, because the purposes of the two assessments differ.

[67] **William Graham:** Under the guidance, 'Fair Access to Care Services', local authorities set eligibility criteria for access to services that, in many cases, limits services to those in the critical and substantial categories. How will the application of these criteria be reconciled with those applied by the NHS or the need to provide for an early intervention for people with mental health problems?

[68] **Edwina Hart:** I am aware of the evidence that you received on this. However, we were much taken by Stewart Greenwell's comments on this, which put that evidence into context. He spoke about the opportunities for working together. We were very much taken by his comment about shared responsibility being the foundational answer, and I believe that the proposed Measure deals with that. My officials will develop guidance that will support the operation of Part 1 of the proposed Measure. We have already spoken about the national service model and how we will develop it. I think that those tools will address those concerns.

[69] **Christine Chapman:** On Part 2, which is about the co-ordination of, and care planning for, secondary mental health service users, witnesses have expressed concerns that the 'relevant patient' referred to in section 11 for the purposes of care planning and secondary mental health services should include those who are unwilling to engage with services. Although the explanatory memorandum refers to the need for this, can you explain how the proposed Measure encompasses such users?

[70] **Edwina Hart:** This is the evidence that you received early on from Hafal, I think. Hafal emphasised the value of care plans, particularly for family members and carers. Claire, do you want to comment on Part 2 of the proposed Measure?

[71] **Ms Fife:** Where an individual comes

hynny, mae'n fach iawn, oherwydd bod dibenion y ddau asesiad yn wahanol.

William Graham: O dan y canllawiau, 'Mynediad Teg at Wasanaethau Gofal', mae awdurdodau lleol yn pennu mein prawf cymhwysedd ar gyfer mynediad i wasanaethau sydd, mewn sawl achos, yn cyfyngu gwasanaethau i'r rhai hynny yn y categorïau critigol a sylweddol. Sut bydd cymhwysor mein prawf hyn yn cael ei gysoni gyda'r rhai a gymhwysir gan y GIG neu'r angen i ddarparu ar gyfer ymyrraeth gynnar ar gyfer pobl sydd â phroblemau iechyd meddwl?

Edwina Hart: Yr wyf yn ymwybodol o'r dystiolaeth yr ydych wedi'i derbyn ar hyn. Fodd bynnag, gwnaeth sylwadau Stewart Greenwall ar hyn argraff arnom, a roddodd y dystiolaeth honno mewn cyd-destun. Siaradodd am y cyfleoedd i gydweithio. Cawsom ein plesio gan ei sylwadau mai rhannu cyfrifoldeb yw'r ateb sylfaenol, a chredaf fod y Mesur arfaethedig yn ymdrin â hynny. Bydd fy swyddogion yn datblygu canllawiau a fydd yn ein cynorthwyo i roi Rhan 1 y Mesur arfaethedig ar waith. Yr ydym eisoes wedi siarad am y model gwasanaeth cenedlaethol a sut byddwn yn ei ddatblygu. Credaf y bydd yr dulliau hynny yn tawelu'r pryderon hynny.

Christine Chapman: O ran Rhan 2, sy'n ymwneud â chydgyssylltu, a chynllunio gofal ar gyfer, defnyddwyr gwasanaethau iechyd meddwl eilaidd, mae tystion wedi mynegi pryderon y dylai'r 'claf perthnasol' y cyfeirir ato yn adran 11 at ddibenion cynllunio gofal a gwasanaethau iechyd meddwl eilaidd gynnwys y rhai hynny sy'n amharod i ymgysylltu â gwasanaethau. Er bod y memorandwm esboniadol yn cyfeirio at yr angen am hyn, a allwch egluro sut mae'r Mesur arfaethedig yn cynnwys defnyddwyr o'r fath?

Edwina Hart: Dyma'r dystiolaeth a dderbyniwyd gennych yn gynnwys gan Hafal, credaf. Pwysleisiodd Hafal werth cynlluniau gofal, yn enwedig ar gyfer aelodau teulu a gofalfwyr. Claire, a ydych am roi sylwadau ar Ran 2 y Mesur arfaethedig?

Ms Fife: Lle mae unigolyn yn dod o dan Ran

under Part 2, there is a care and treatment plan, and that includes people who are in services but not willing to engage with services, and subsections 3 to 5 of section 17 cover the ability to make care plans where people do not agree with outcomes and so on.

11.20 a.m.

[72] We also recognise that this engagement of service users happens today, and there are services in place to support that, such as the assertive outreach programme that is being rolled out across Wales. We should also respect patient choice and autonomy in mental health. Where people are not presenting a significant risk to themselves or others we have to respect their choices, and where those significant risks exist, maybe the Mental Health Act 1983 needs to come into play. A patient detained under the Mental Health Act would be within secondary services and would fall under Part 2, and would therefore have a complete care and treatment plan. I perfectly understand Hafal's point, and it is something that we can take forward in the interim CPA guidance. I can reassure you that, where patients are within services, whether they are willing to engage or not, they are part of Part 2.

[73] **Christine Chapman:** To move on to Part 3 on the assessments of former users of secondary mental health services, this provides individuals discharged from secondary mental health services with a new assessment of their need for services if they consider that this is required. The definition of users of secondary care appears very broad given that it could include people who have had only brief contact with secondary services. Do you have any concerns about the effect of that on demand for secondary care services? How should these, and other referred patients, be prioritised?

[74] **Edwina Hart:** Before I give the necessary assurance on that point, I want to ensure that we do not lose sight of the purpose of this proposed Measure and what it wants to achieve, which is supporting individuals and securing safe and effective discharge from secondary services. That has to be the key to this. However, I am mindful

2, mae cynllun gofal a thriniaeth, ac mae hynny'n cynnwys pobl sydd mewn gwasanaethau ond nad ydynt yn barod i ymgysylltu â gwasanaethau, ac mae isadrannau 3 i 5 o adran 17 yn cynnwys y gallu i wneud cynlluniau gofal lle nad yw pobl yn cytuno â chanlyniadau ac ati.

Yr ydym hefyd yn cydnabod bod defnyddwyr yn ymgysylltu â gwasanaethau ar hyn o bryd, ac mae gwasanaethau yn eu lle i gefnogi hynny, fel y rhaglen allgymorth pendant sy'n cael ei chyflwyno ledled Cymru. Dylid hefyd barchu dewis cleifion ac ymreolaeth ym maes iechyd meddwl. Lle nad yw pobl yn achosi risg sylweddol i'w hunain nac i eraill mae'n rhaid i ni barchu eu dewisiadau, a lle mae'r risgiau sylweddol hynny'n bodoli, efallai fod angen ystyried Deddf Iechyd Meddwl 1983. Bydd claf sy'n cael ei gadw o dan y Ddeddf Iechyd Meddwl o fewn gwasanaethau eilaidd ac o dan Ran 2, a byddai felly â chynllun gofal a thriniaeth cyflawn. Yr wyf yn deall pwynt Hafal yn iawn, ac mae'n rhywbeth y gallwn ei yrru ymlaen yn y canllawiau PPA dros dro. Gallaf eich sicrhau, lle mae cleifion o fewn gwasanaethau, boed a ydynt yn barod i ymgysylltu ai peidio, maent yn rhan o Ran 2.

Christine Chapman: Gan symud ymlaen i Ran 3 ar yr asesiadau o gyn ddefnyddwyr gwasanaethau iechyd meddwl eilaidd, mae hyn yn darparu asesiad newydd o'u hangen am wasanaethau i unigolion a ryddhawyd o wasanaethau iechyd meddwl eilaidd os ydynt yn ystyried bod hyn yn ofynnol. Ymddengys bod y diffiniad o ddefnyddwyr gofal eilaidd yn eang iawn o ystyried y gallai gynnwys pobl sydd ond wedi dod i gysylltiad byr iawn â gwasanaethau eilaidd. A oes gennych unrhyw bryderon ynglŷn ag effaith hynny ar y galw am wasanaethau gofal eilaidd? Sut dylid blaenorïaethu'r rhain, a chleifion eraill sydd wedi'u hatgyfeirio?

Edwina Hart: Cyn i mi roi'r sicrwydd sydd ei angen ar y pwynt hwnnw, yr wyf am sicrhau nad ydym yn colli golwg o ddiben y Mesur arfaethedig hwn a'r hyn y mae am ei gyflawni, sef cynorthwyo unigolion a sicrhau bod pobl yn cael eu rhyddhau'n ddiogel ac effeithiol o wasanaethau eilaidd. Mae'n rhaid i hynny fod yn allweddol i hyn. Fodd bynnag,

of the comments that have been made in this area, and I am asking officials to look at this matter again so that we can explore an amendment to the proposed Measure to ensure that the boundaries are appropriately drawn—if that is of help to the committee.

[75] **Christine Chapman:** Do you also agree that the relevant discharge period in section 22, which is to be specified in regulations, should provide for former users of child and adolescent mental health services to be entitled to an assessment?

[76] **Ms Fife:** At the moment, if a young person has received child and adolescent mental health services, and he or she reaches their eighteenth birthday, that young person will be covered from that birthday until the end of the relevant period, whatever its duration. For example, if a person was discharged from CAMHS at 17, and the relevant discharge period is three years, then from the eighteenth birthday and for the remainder of the two years left, he or she would be covered.

[77] **Peter Black:** We have dealt with this in terms of primary care, but Part 4 extends to the provision of independent mental health advocates to Welsh-qualifying compulsory patients and Welsh-qualifying informal patients. The advocacy provisions will apply to some prisoners who are subject to detention under the Mental Health Act 1983, but would not include Welsh prisoners who are being held in or transferred to a facility in England. Should the proposed Measure be amended to reflect that, or is that not the case?

[78] **Edwina Hart:** It is not the case. The current advocacy scheme under the 1983 Act is available for persons transferred to hospital under sections 47 and 48. The proposed Measure maintains that position, which is important, and there is no question of prisoners transferring from Wales to a hospital in England ceasing to be eligible for those services under the 1983 Act. Claire, you might want to give some relevant technical detail on the 1983 Act and some of the issues around funding for advocacy that would arise from this—if that is helpful.

yr wyf yn cadw mewn cof y sylwadau sydd wedi'u gwneud yn y maes hwn, ac yr wyf yn gofyn i swyddogion edrych ar y mater hwn eto er mwyn i ni allu pwysa a mesur gwelliant i'r Mesur arfaethedig i sicrhau bod y ffiniau'n cael eu llunio'n briodol—os yw hynny o unrhyw gymorth i'r pwyllgor.

Christine Chapman: A ydych hefyd yn cytuno y dylai'r cyfnod rhyddhau perthnasol yn adran 22, a fydd yn cael ei nodi mewn rheoliadau, ddarparu bod cyn ddefnyddwyr gwasanaethau iechyd meddwl plant a'r glasoed â'r hawl i asesiad?

Ms Fife: Ar hyn o bryd, os yw person ifanc wedi derbyn gwasanaethau iechyd meddwl plant a'r glasoed, a'i fod yn cyrraedd ei ben-blwydd yn ddeunaw, bydd yn cael ei gwmpasu o'r pen-blwydd hwnnw tan ddiwed y cyfnod perthnasol, beth bynnag ei hyd. Er enghraifft, pe bai person wedi'i ryddhau o wasanaethau iechyd meddwl plant a'r glasoed yn 17 oed, ac y cyfnod rhyddhau perthnasol yw tair blynedd, yna o'i ben-blwydd yn ddeunaw ac am weddill y ddwy flynedd sydd ar ôl, byddai'n cael ei gynnwys.

Peter Black: Yr ydym wedi ymdrin â hyn o ran gofal sylfaenol, ond mae Rhan 4 yn ymestyn i ddarpariaeth eiriolwyr iechyd meddwl annibynnol i gleifion cymwys Cymru dan orfodaeth a chleifion anffurfiol cymwys Cymru. Bydd y darpariaethau eiriolaeth yn gymwys i rai carcharorion sy'n cael eu dal o dan Ddeddf Iechyd Meddwl 1983, ond ni fyddent yn cynnwys carcharorion o Gymru sy'n cael eu dal neu eu trosglwyddo i gyfleuster yn Lloegr. A ddylid gwella'r Mesur arfaethedig i adlewyrchu hynny, neu onid dyna'r sefyllfa?

Edwina Hart: Nid dyna'r sefyllfa. Mae'r cynllun eiriolaeth cyfredol o dan Ddeddf 1983 ar gael i bobl a drosglwyddir i ysbyty o dan adrannau 47 a 48. Mae'r Mesur arfaethedig yn cadw at hynny, sy'n bwysig, ac yn sicr ni fydd achos o garcharorion yn trosglwyddo o Gymru i ysbyty yn Lloegr yn peidio â bod yn gymwys ar gyfer y gwasanaethau hynny o dan Ddeddf 1983. Claire, efallai eich bod am roi rhai manylion technegol perthnasol ar Ddeddf 1983 a rhai o'r materion sy'n ymwneud â chyllido eiriolaeth a fyddai'n codi o hyn—os yw

hynny'n ddefnyddiol.

[79] **Ms Fife:** I think that it is section 130C(2)(a) that covers England and Wales, and the definition of qualifying patients and patient transfer under sections 47 and 48—that is, sentenced prisoners and other prisoners—are covered whichever hospital they are transferred to in England and Wales. They are eligible for IMHA today. When the proposed Measure comes into effect, section 130C(2)(a) would only apply to England, but the new section 130I(2)(a) would apply to Wales, giving you the same groups of people in view of sections 47 and 48, so that transferred prisoners are still eligible for IMHA.

Ms Fife: Credaf mai adran 130C(2)(a) sy'n cynnwys Cymru a Lloegr, a'r diffiniad o gleifion cymwys a throsglwyddo cleifion o dan adrannau 47 a 48—hynny yw, mae carcharorion sydd wedi'u dedfrydu a charcharorion eraill—wedi'u cynnwys pa bynnag ysbty y maent yn cael eu trosglwyddo iddo yng Nghymru a Lloegr. Maent yn gymwys am Eiriolaeth Iechyd Meddwl Annibynnol heddiw. Pan ddaw'r Mesur arfaethedig i rym, byddai adran 130C(2)(a) yn gymwys i Loegr yn unig, ond byddai'r adran 130I(2)(a) newydd yn gymwys i Gymru, gan roi'r un grwpiau o bobl i chi o ran adrannau 47 a 48, fel bod carcharorion a drosglwyddir dal yn gymwys am Eiriolaeth Iechyd Meddwl Annibynnol.

[80] **Peter Black:** As I said earlier, I went to Swansea prison last week to look at its health facilities—I am going off-script now—and one of the issues that was raised with me was that of a duty on court liaison nurses, who refer prisoners to a place of safety. Often, they are referring prisoners to a prison, even though that is not technically understood as a place of safety. I was wondering how the advocacy provisions relate to that role. I note that section 36 of the proposed Measure includes a requirement to give information about advocacy to relevant patients. Does that apply to those court liaison nurses as well?

Peter Black: Fel y dywedais yn gynharach, ymwelais â charchar Abertawe yr wythnos diwethaf i edrych ar ei gyfleusterau iechyd—nid wyf yn dilyn fy sgrift yn awr—ac un o'r materion a godwyd gyda mi oedd dyletswydd ar nyrssys cyswllt llys, sy'n atgyfeirio carcharorion i le diogel. Yn aml, maent yn atgyfeirio carcharorion i garchar, er nad yw hynny'n cael ei ddeall yn dechnegol fel lle diogel. Yr oeddwn yn meddwl tybed sut mae'r darpariaethau eiriolaeth yn berthnasol i'r rôl honno. Sylwaf fod adran 36 y Mesur arfaethedig yn cynnwys gofyniad i roi gwybodaeth am eiriolaeth i gleifion perthnasol. A yw hynny'n berthnasol i'r nyrssys cyswllt llys hynny hefyd?

[81] **Ms Fife:** It certainly will when the prisoner is taken to a place of safety or transferred, for example, to a hospital. As soon as a prisoner becomes eligible, those duties to give information kick in.

Ms Fife: Bydd yn sicr pan mae'r carcharor yn cael ei symud i le diogel neu'n cael ei drosglwyddo, er enghrafft, i ysbty. Cyn gynted ag y mae carcharor yn gymwys, mae'r dyletswyddau hynny i roi gwybodaeth yn dod i rym.

[82] **Peter Black:** That is obviously the case when they are in a place of safety—I think that that is covered in section 35. However, section 36 is about the giving of information, is it not? I am just wondering whether there is a duty on the court liaison nurses to give that information.

Peter Black: Mae hynny'n amlwg yn wir pan maent mewn lle diogel—credaf fod hynny'n cael ei drafod yn adran 35. Fodd bynnag, mae adran 36 yn ymwneud â rhoi gwybodaeth, onid ydyw? Yr wyf yn meddwl tybed a oes dyletswydd ar y nyrssys cyswllt llys i roi'r wybodaeth honno.

[83] **Ms Fife:** There is a duty on the relevant person for the type of place of safety. Where a person is taken to a prison

Ms Fife: Mae dyletswydd ar y person perthnasol ar gyfer y math o le diogel. Pan mae person yn cael ei symud i le diogel

place of safety, he or she is not covered under the section 136 place of safety rules that this proposed Measure covers.

[84] **Peter Black:** I am talking about the scenario prior to going to the place of safety. This is the point at which a decision has to be taken by the nurse to make a recommendation to the magistrate or court about what the appropriate place of safety will be. Will the prisoner at that point have the right to be advised that they have a right to an advocate?

[85] **Ms Fife:** They do not have a right to an advocate at that point. Where a person is in prison, these provisions do not apply.

[86] **Peter Black:** I understand that.

[87] **Ms Fife:** When a person is in the cells in a court, and the court liaison nurse is recommending to the magistrate that the person is sent to a hospital, that person is still not eligible while in the court. When the person leaves the court and ends up in the hospital, then that person becomes eligible—

[88] **Peter Black:** Are people not eligible in the court?

[89] **Ms Fife:** No. The proposed Measure extends to include people who are subject to detention under the Mental Health Act 1983, or who are in hospital as an informal patient. In court, they are neither.

[90] **Peter Black:** This is the point that I was making. Due to the fact that prisoners are often referred to inappropriate places of safety, the provision of an advocate at that point might be particularly useful because the advocate could advocate on their behalf. I wondered whether there should be a duty on the court liaison nurses to advise a prisoner that they could have an advocate at that point.

[91] **Ms Fife:** That does not square with the role of the IMHA.

[92] **Edwina Hart:** No, my understanding is that it does not either.

[93] **Ms T. Jones:** I agree. It could be

mewn carchar, nid yw'n cael ei gynnwys dan reolau lle diogel adran 136 y mae'r Mesur arfaethedig hwn yn ei gwmpasu.

Peter Black: Yr wyf yn siarad am y sefyllfa cyn mynd i'r lle diogel. Dyma'r pwynt y mae'n rhaid i'r nrys benderfynu gwneud argymhelliaid i'r ynadon neu lys ynglŷn â lle fydd y lle diogel priodol. A fydd gan y carcharor bryd hynny yr hawl i gael ei gynghori bod ganddo'r hawl i eiriolaeth?

Ms Fife: Nid oes ganddo'r hawl i eiriolaeth ar y pwynt yma. Pan mae person yn y carchar, nid yw'r darpariaethau hyn yn gymwys.

Peter Black: Yr wyf yn deall hynny.

Ms Fife: Pan mae person yn y celoedd mewn llys, ac mae'r nrys cyswllt llys yn argymhelliaid i'r ynad bod y person yn cael ei anfon i ysbty, nid yw o hyd yn gymwys tra'i fod yn y llys. Wrth iddo adael y llys a chyrraedd yr ysbty, yna mae'n gymwys—

Peter Black: Onid yw'n gymwys yn y llys?

Ms Fife: Na. Mae'r Mesur arfaethedig yn ymestyn i gynnwys pobl sy'n cael eu cadw o dan Ddeddf Iechyd Meddwl 1983, neu sydd yn yr ysbty fel cleifion anffurfiol. Yn y llys, nid ydynt y naill na'r llall.

Peter Black: Dyna'r pwynt yr oeddwn yn ei wneud. Oherwydd bod carcharorion yn cael eu cyfeirio'n aml i leoedd diogel amhriodol, gallai darparu eiriolwr ar yr adeg honno fod yn ddefnyddiol iawn oherwydd gallai'r eiriolwr eirioli ar eu rhan. Yr oeddwn yn meddwl tybed a ddylai fod dyletswydd ar y nrys cyswllt llys i gynghori carcharorion y gallant gael eiriolwr ar yr adeg honno.

Ms Fife: Nid yw hynny'n cyd-fynd â'r rôl yr Eiriolwr Iechyd Meddwl Annibynnol.

Edwina Hart: Na, dyna fy nealltwriaeth i hefyd.

Ms T. Jones: Yr wyf yn cytuno. Gallai fod

difficult.

[94] **Peter Black:** Is this a legal issue rather than anything else?

[95] **Ms Fife:** There may also be issues about appropriate adults and the Police and Criminal Evidence Act 1984 codes of practice.

[96] **Edwina Hart:** It is something that has been raised with us. As a matter of interest for the committee, I am more than happy to look at it, if that would be helpful.

[97] **Peter Black:** Thank you. I will now get back on script.

[98] **Edwina Hart:** That was exceptionally interesting.

[99] **Peter Black:** Can you clarify the extent of the advocacy provision in the proposed Measure for users of secondary care services? Does it include all users of secondary care?

[100] **Edwina Hart:** Yes, it covers short-term sectioned patients and those in in-patient settings, does it not? I know that you have had quite a lot of evidence on this. To reiterate, there are already statutory community advocates for individuals under section 17 of the 1983 Act. The proposed Measure retains that position. Do you have anything to add, Claire?

[101] **Ms Fife:** Patients on leave under section 17 of the 1983 Act, as the Minister has said, and those under community treatment orders and guardianship orders are all currently eligible. However, other community services that are not statutory provision are not covered by this proposed Measure.

[102] **Peter Black:** It does not apply, then, to community mental health teams?

[103] **Ms Fife:** Generally, no, unless the person receiving services from a CMHT is out of hospital on section 17 leave or under a community treatment order or guardianship

yn anodd.

Peter Black: A yw hyn yn fater cyfreithiol yn hytrach nag unrhyw beth arall?

Ms Fife: Efallai fod materion hefyd o ran oedolion priodol a chodau ymarfer Deddf yr Heddlu a Thystiolaeth Droseddol 1984.

Edwina Hart: Mae'n rhywbeth sydd wedi'i godi gyda ni. O ran diddordeb i'r pwylgor, yr wyf yn fwy na bodlon edrych ar hynny, pe bai hynny'n ddefnyddiol.

Peter Black: Diolch. Yr wyf yn awr am fynd yn ôl at y sgrift.

Edwina Hart: Yr oedd hynny'n ddiddorol dros ben.

Peter Black: A allwch egluro hyd a lled y ddarpariaeth eiriolaeth yn y Mesur arfaethedig ar gyfer defnyddwyr gwasanaethau gofal eilaidd? A yw'n cynnwys holl ddefnyddwyr gofal eilaidd?

Edwina Hart: Ydy, mae'n cynnwys cleifion sydd wedi'u hanfon i ysbyty meddwl yn y tymor byr a'r rhai hynny mewn lleoliadau cleifion mewnol, onid ydyw? Gwn eich bod wedi cael cryn dipyn o dystiolaeth ar hyn. I ailadrodd, mae eisoes eiriolwyr cymunedol statudol ar gyfer unigolion o dan adran 17 o Ddeddf 1983. Mae'r Mesur arfaethedig yn cadw'r sefyllfa honno. A oes gennych unrhyw beth i'w ychwanegu, Claire?

Ms Fife: Mae cleifion sydd wedi'u rhyddhau o dan adran 17 o Ddeddf 1983, fel y dywedodd y Gweinidog, a'r rhai o dan orchymynion triniaeth gymunedol a gwarcheidwaeth i gyd yn gymwys ar hyn o bryd. Fodd bynnag, nid yw gwasanaethau cymunedol eraill na ydynt yn ddarpariaethau statudol wedi'u cwmpasu gan y Mesur arfaethedig hwn.

Peter Black: Nid yw'n gymwys, felly, i dimau iechyd meddwl cymunedol?

Ms Fife: Yn gyffredinol, na, ac eithrio bod y sawl sy'n derbyn gwasanaethau gan dimau iechyd meddwl cymunedol allan o'r ysbyty ar absenoldeb adran 17 neu o dan orchymyn

order.

triniaeth gymunedol neu orchymyn gwarcheidwaeth.

[104] **David Lloyd:** Mae'r cwestiynau olaf o dan ofal Joyce Watson.

David Lloyd: The last questions will be asked by Joyce Watson.

[105] **Joyce Watson:** Under the proposed Measure, will advocacy apply to those patients subject to the Mental Health Act 1993 who are in independent sector accommodation?

Joyce Watson: O dan y Mesur arfaethedig, a fydd eiriolaeth yn gymwys i'r cleifion hynny sy'n dod o dan Ddeddf Iechyd Meddwl 1993 sydd mewn llety sector annibynnol.

[106] **Edwina Hart:** They are always included. They are in the 1983 Act and the proposed Measure retains that position.

Edwina Hart: Maent yn cael eu cynnwys bob tro. Maent yn Neddf 1983 ac mae'r Mesur arfaethedig yn cadw'r sefyllfa honno.

[107] **Joyce Watson:** We have had evidence from the Association of Chief Police Officers Cymru expressing concerns that imposing a legal duty on custody officers in section 35 of the proposed Measure, which amends the Mental Health Act 1983, is possibly outside the powers of the National Assembly. Do you have any views on that?

Joyce Watson: Yr ydym wedi cael tystiolaeth gan Gymdeithas Prif Swyddogion yr Heddlu Cymru yn mynegi pryderon y gallai gosod dyletswydd gyfreithiol ar swyddogion y ddalfa yn adran 35 o'r Mesur arfaethedig, sy'n gwella Deddf Iechyd Meddwl 1983, fod y tu hwnt i bwerau'r Cynulliad Cenedlaethol. A oes gennych unrhyw farn ar hynny?

[108] **Edwina Hart:** Funnily enough, I met the chief constable of South Wales Police yesterday and that point was raised with me because ACPO had raised it here. The Constitutional Affairs Committee also asked me about this, and my officials indicated that we would take further advice on it. However, we are in a position to confirm that we believe that the provision is within the competence of the National Assembly for Wales.

Edwina Hart: Yn ddiddorol ddigon, cefais gyfarfod gyda phrif gwstabl Heddlu De Cymru ddoe a chodwyd y pwynt hwnnw gyda mi gan fod Cymdeithas Prif Swyddogion yr Heddlu wedi ei godi yma. Mae'r Pwyllgor Materion Cyfansoddiadol hefyd wedi gofyn i mi am hyn, a nododd fy swyddogion y byddem yn derbyn cyngor pellach ar y mater. Fodd bynnag, yr ydym mewn sefyllfa i gadarnhau ein bod yn credu fod y ddarpariaeth o fewn cymhwysedd Llywodraeth y Cynulliad.

11.30 a.m.

[109] That opinion supports the decision of the Presiding Officer on this matter. I have to say that ACPO has been positive about the proposals, so I do not think that this was anything negative on ACPO's part; it is just a concern that it had. Tracey, I do not know whether you want to comment further, because it is something that we are mindful of.

Mae'r farn honno yn ategu penderfyniad y Llywydd ar y mater hwn. Mae'n rhaid i mi ddweud fod Cymdeithas Prif Swyddogion yr Heddlu wedi bod yn gadarnhaol am y cynigion, felly nid wyf yn credu bod hyn yn unrhyw beth negyddol ar ran Cymdeithas Prif Swyddogion yr Heddlu; dim ond yn bryder a oedd ganddi. Tracey, nid wyf yn gwybod a ydych am roi sylwadau pellach, oherwydd mae'n rhywbeth yr ydym yn ymwybodol ohono.

[110] **Ms T. Jones:** I can only reiterate what the Minister said—we went away and

Ms T. Jones: Y cwbl y gallaf ei wneud yw ailadrodd yr hyn a ddywedodd y

looked at this last week after the Constitutional Affairs Committee meeting and, following a preliminary look, we are comfortable that it is within competence.

[111] **David Lloyd:** Mae gan Peter Black gwestiwn atodol ar y pwnt hwn.

[112] **Peter Black:** I am grateful that you have clarified that issue. I am interested in how this applies in practice. The custody officers are obviously aware of the duty and are happy to work with it. However, you are not amending the Police and Criminal Evidence Act 1984, and when someone comes into custody, they are given their rights under PACE, and the officers are working to a PACE manual. This will not be incorporated in that manual because you have not amended PACE as such—we do not have the powers to do that. How will the officers take account of this additional duty? How will prisoners be made aware of that, if it is not included in the rights that they are informed about under PACE?

[113] **Edwina Hart:** That is one of the issues that was raised by the chief constable yesterday. I am asking my officials to have a look at this again. The ideal scenario is included in the legislation as you see it, but obviously I will have to respect some of the comments that the police have made about operational arrangements, and I will be returning to that in discussions.

[114] **Joyce Watson:** Moving on to regulatory impact assessments, we have received evidence, as you know, from the Welsh Local Government Association and the Association of Directors of Social Services Cymru that the resources identified for implementation of the proposed Measure are likely to be insufficient. In light of evidence that services may be unable to deliver the provision in the Measure with the resource identified in the regulatory impact assessment, are you intending to revisit the financial assessment?

[115] **Edwina Hart:** I have put additional

Gweinidog—aethom i ffwrdd ac edrych ar hyn yr wythnos diwethaf ar ôl y cyfarfod gyda'r Pwyllgor Materion Cyfansoddiadol ac, ar ôl edrych arno'n gychwynnol, yr ydym yn hyderus ei fod o fewn cymhwysedd.

David Lloyd: Peter Black has a supplementary question on this point.

Peter Black: Yr wyf yn ddiolchgar eich bod wedi egluro'r mater hwnnw. Mae gennyl ddiddordeb sut mae hyn yn gweithio'n ymarferol. Mae'n amlwg fod swyddogion y ddalfa yn ymwybodol o'r ddyletswydd ac yn fodlon gweithio gyda hi. Fodd bynnag, nid ydych yn gwella Deddf yr Heddlu a Thystiolaeth Droseddol 1984, a phan mae rhywun yn dod i'r ddalfa, esbonnir eu hawliau iddynt o dan y Ddeddf, ac mae'r swyddogion yn gweithio yn unol â llawlyfr y ddeddf. Ni fydd hyn yn cael ei ymgorffori yn y llawlyfr hwnnw oherwydd nad ydych wedi gwella'r Ddeddf honno—nid oes gennym y pwerau i wneud hynny. Sut bydd y swyddogion yn ystyried y ddyletswydd ychwanegol hon? Sut bydd carcharorion yn ymwybodol o hynny, os nad yw wedi'i chynnwys yn yr hawliau y maent yn cael eu hysbysu amdanynt o dan y Ddeddf?

Edwina Hart: Dyna un o'r materion a godwyd gan y prif gwnstabl ddoe. Yr wyf yn gofyn i'm swyddogion edrych ar hyn eto. Mae'r sefyllfa ddelfrydol wedi'i chynnwys yn y ddeddfwriaeth fel yr ydych yn ei gweld, ond yn amlwg bydd yn rhaid i mi barchu rhai o'r sylwadau y mae'r heddlu wedi'u gwneud am y trefniadau gweithredol, a byddaf yn ail-ystyried hynny mewn trafodaethau.

Joyce Watson: Gan symud ymlaen at asesiadau effaith rheoleiddiol, yr ydym wedi derbyn tystiolaeth, fel y gwyddoch, gan Gymdeithas Llywodraeth Leol Cymru a Chymdeithas Cyfarwyddwyr Gwasanaethau Cymdeithasol Cymru bod yr adnoddau a nodwyd ar gyfer gweithredu'r Mesur arfaethedig yn debygol o fod yn annigonol. Yng ngoleuni tystiolaeth na fydd gwasanaethau'n gallu cyflawni'r ddarpariaeth yn y Mesur o bosibl gyda'r adnoddau a nodir yn yr asesiad effaith rheoleiddiol, a ydych yn bwriadu ail-ystyried yr asesiad ariannol?

Edwina Hart: Yr wyf wedi rhoi cyllid

funding into this and I am confident that it will be fit for purpose. I could start looking at some of the evidence and quoting selectively, but I will not do so because I do not think that that would be fair to some of those who have given evidence. We have to understand that we have a tight financial settlement and it is important that people make the best use of the resources that are already in the system, and we have put additional resources in as well. I am content at the moment, but I am sure that the resource issues will be explored with me by the Finance Committee shortly.

[116] **David Lloyd:** A oes unrhyw gwestiynau eraill gan unrhyw Aelod? Gwelaf nad oes. Dyna ddiwedd ein cwestiynau swyddogol, felly. Diolchaf i'r Gweinidog a'i swyddogion am eu cyfraniadau y bore yma. A oes gennych unrhyw sylwadau i gloi, Weinidog, neu a ydych yn hapus â'r ffordd y mae pethau wedi mynd?

[117] **Edwina Hart:** I am happy, thank you.

[118] **David Lloyd:** Diolch am y sesiwn honno. Daw'r eitem honno i ben, felly, gyda diolchiadau unwaith eto i'r Gweinidog.

ychwanegol ar gyfer hyn ac yr wyf yn hyderus y bydd yn addas i'r diben. Gallwn gychwyn edrych ar beth o'r dystiolaeth a dyfynnu darnau dethol, ond nid wyf am wneud gan na chredaf y byddai hynny'n deg i rai o'r rhai hynny sydd wedi rhoi dystiolaeth. Mae'n rhaid i ni ddeall bod gennym setliad ariannol tynn ac mae'n bwysig bod pobl yn gwneud y defnydd gorau o adnoddau sydd eisoes yn y system, ac yr ydym wedi cyfrannu adnoddau ychwanegol hefyd. Yr wyf yn fodlon ar hyn o bryd, ond yr wyf yn sicr y bydd y Pwyllgor Cyllid yn pwysio a mesur y mater adnoddau gyda mi cyn hir.

David Lloyd: Are there any further questions from Members? I see that there are not. That brings us to the end of our official questions. I thank the Minister and her officials for their contributions this morning. Do you have any closing remarks that you wish to make, Minister, or are you happy with the way that things have gone?

Edwina Hart: Yr wyf yn hapus, diolch.

David Lloyd: Thank you very much for that session. That brings that item to a close, therefore, with thanks, once again, to the Minister.

11.33 a.m.

Cynnig Trefniadol Procedural Motion

[119] **David Lloyd:** Cynigiaf fod

David Lloyd: I move that

[120] *y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog Rhif 10.37(vi).*

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 10.37(vi).

[121] Gwelaf fod y pwyllgor yn gytûn.

I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11.33 a.m.
The public part of the meeting ended at 11.33 a.m.*