



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

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

**Dydd Iau, 30 Medi 2010
Thursday, 30 September 2010**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Christine Chapman	Llafur Labour
Veronica German	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
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	Gwasanaethau Cyfreithiol, Llywodraeth Cynulliad Cymru Legal Services, Welsh Assembly Government

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

Karl Gomila	Dirprwy Glerc Deputy Clerk
Ruth Hatton	Dirprwy Glerc Deputy Clerk
Joanest Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Carys Jones	Clerc Clerk
Gareth Williams	Clerc Clerk

Dechreuodd y cyfarfod am 12.45 p.m.
The meeting began at 12.45 p.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **David Lloyd:** Yr wyf yn eich **David Lloyd:** I welcome you all to the latest croesawu i gyd i gyfarfod diweddaraf meeting of Legislation Committee No. 3 in Pwyllgor Deddfwriaeth Rhif 3 yng the National Assembly for Wales. We will be Nghynulliad Cenedlaethol Cymru. Byddwn discussing the Proposed Mental Health

yn ymdrin â'r Mesur Arfaethedig Iechyd Meddwl (Cymru) y prynhawn yma. Nid ydym wedi cael ymddiheuriadau, a gwelaf fod fy nghyd-Aelodau i gyd yma, felly croeso iddynt. Croeso hefyd i'r Gweinidog, swyddogion a phawb yn oriel y cyhoedd.

(Wales) Measure this afternoon. We have not received any apologies, and I see that all committee members are present, so I welcome them. I also welcome the Minister, officials and everyone in the public gallery.

[2] Os bydd larwm tân yn canu, dylem adael yr ystafell drwy'r allanfeydd tân penodol a dilyn cyfarwyddiadau'r tywyswyr a'r staff. Dylai pawb ddiffodd eu ffonau symudol, galwyr a'u 'mwyar duon' gan eu bod yn amharu ar yr offer darlledu. Bydd pawb yn ymwybodol bellach fod Cynulliad Cenedlaethol Cymru yn gweithredu'n ddwyieithog. I'r perwyl hwnnw, mae clustffonau ar gael i glywed y cyfieithiad ar y pryd, a gellir hefyd addasu'r sain arnynt ar gyfer pobl sy'n drwm eu clyw. Mae cyfieithiad ar y pryd ar gael ar sianel 1 a darllediad gair am air i glywed y sain yn well ar sianel 0. Peidiwch â chyffwrdd â'r botymau ar y meicroffonau oherwydd gall hynny amharu ar y system, a sicrhewch bod golau coch yn disgleirio cyn cychwyn siarad.

If a fire alarm sounds, we should leave the room through the marked fire exits and follow the instructions of ushers and staff. Everyone should switch off their mobile phones, pagers and BlackBerrys as they interfere with the broadcasting equipment. Everyone will by now be aware that the National Assembly for Wales operates bilingually. To that end, headphones are available to hear the simultaneous translation, and to adjust the audio for those who are hard of hearing. The interpretation feed is on channel 1 and the verbatim broadcast to hear the audio better is on channel 0. Do not touch the buttons on the microphones as that can interfere with the system, and please ensure that the red light is on before speaking.

12.46 p.m.

Mesur Arfaethedig Iechyd Meddwl (Cymru)—Cyfnod 2: Ystyried y Gwelliannau
The Proposed Mental Health (Wales) Measure—Stage 2: Consideration of Amendments

[3] **David Lloyd:** Bwriad cyfarfod y prynhawn yma yw ystyried y 121 o welliannau a gyflwynwyd i Fesur Arfaethedig Iechyd Meddwl (Cymru). Fel y gŵyr aelodau'r pwyllgor, cwblhawyd ystyriaeth Cyfnod 1 y Mesur arfaethedig, sef yr egwyddorion cyffredinol, y tymor diwethaf, a symudwn yn awr at Gyfnod 2 gan ystyried y gwelliannau sydd wedi eu cyflwyno. Ar gyfer yr eitem hon, dylai fy nghyd-Aelodau feddu ar y dogfennau a ganlyn: copi o'r Mesur arfaethedig, y rhestr o welliannau wedi'u didoli, a'r ddogfen sy'n grwpio'r gwelliannau a drafodir heddiw. Y rhestr o welliannau wedi'u didoli yw rhestr o'r holl welliannau a gyflwynwyd wedi'u didoli yn nhrefn adrannau'r Mesur arfaethedig y maent yn perthyn iddynt. Ystyrir Atodlenni gyda'r adrannau perthnasol sy'n eu cyflwyno.

David Lloyd: The purpose of this afternoon's meeting is to consider the 121 amendments tabled to the Proposed Mental Health (Wales) Measure. As committee members will know, the Stage 1 consideration of the proposed Measure, that is, its general principles, was completed last term, and we now move to Stage 2 to consider the amendments that have been tabled. For this item, my fellow Members should have the following documents before them: a copy of the proposed Measure, the marshalled list, and the groupings of amendments for debate. The marshalled list is the list of all the amendments tabled marshalled in the order in which the sections to which they relate appear in the proposed Measure. Schedules will be considered with the relevant sections that introduce them.

[4] Gwelwch o'r rhestr grwpiau fod y gwelliannau wedi'u grwpio er mwyn hwyluso'r drafodaeth, ond dilynir trefn y rhestr o welliannau wedi'u didoli wrth eu galw a'u cynnig ar gyfer cael penderfyniad a phleidlais. Bydd un drafodaeth ar gyfer pob grŵp o welliannau. Byddaf yn galw ar gynigydd y gwelliant cyntaf yn y grŵp, a dylai ef neu hi siarad am y gwelliant cyntaf a'i gynnig, a siarad am y gwelliannau eraill sydd yn y grŵp hwnnw hefyd. Byddaf wedyn yn galw ar siaradwyr eraill, gan gynnwys cynigwyr unrhyw welliannau eraill yn y grŵp hwnnw, ond ni ddylent gynnig eu gwelliannau bryd hynny. Dylai'r Aelodau nad oes ganddynt welliant yn y grŵp ond sy'n dymuno siarad ddangos hynny yn y ffordd arferol. Byddaf yn galw ar y Gweinidog i siarad am bob grŵp. I gloi pob trafodaeth, byddaf yn galw ar gynigydd gwelliant cyntaf y grŵp i ddirwyn pethau i ben.

You will see from the groupings list that amendments have been grouped in order to facilitate the debate, but the order in which they are called and moved for discussion and vote is dictated by the marshalled list. There will be one discussion for every group of amendments. I will call on the proposer of the lead amendment in the group, and he or she should speak to and move the first amendment, and also speak to the other amendments in that group. I will then call on other speakers, including the proposers of any other amendments in that group, but they should not move their amendments at that stage. Members who have not tabled an amendment in that group but who wish to speak should indicate that in the usual way. I will call the Minister to speak on each group. To conclude each discussion, I will call the proposer of the lead amendment in the group to wind up.

[5] Nid wyf yn bwriadu caniatáu ymyrriadau heblaw mewn amgylchiadau eithriadol, a hynny er mwyn sicrhau bod y ddadl yn canolbwyntio ar y materion penodol, ond bydd cyfle i bob Aelod siarad yn y dadleuon am bob grŵp.

I do not intend to allow interventions other than in exceptional circumstances to ensure that the debate is focused on the specific issues, but all Members will have an opportunity to speak in the discussions on each group.

[6] Ar ôl trafodaeth ar grŵp o welliannau, byddaf yn gofyn a yw'r Aelod a gynigiodd y gwelliant yn parhau i ddymuno pwyso am benderfyniad. Os nad ydyw, caiff ef neu hi geisio cytundeb y pwyllgor i'w dynnu'n ôl. Oni chaiff ei dynnu'n ôl, byddaf yn gofyn, gan gyfeirio at y gwelliant cyntaf yn y grŵp, a dderbynnir y gwelliant. Fy mwriad yw cofnodi pob pleidlais er mwyn i enwau'r sawl sy'n pleidleisio o blaid, yn erbyn neu'n ymatal gael eu cofnodi yn y Cofnod.

Following the discussion on a group of amendments, I will clarify whether the Member who moved the first amendment still wishes to press for a decision. If not, he or she may seek the committee's agreement to withdraw it. Unless it is withdrawn, I will put the question that the lead amendment in the group be agreed to. I intend to ensure that all votes are recorded, so that the names of those voting for, against or abstaining are noted in the Record.

[7] Mae nifer o welliannau tebyg ger ein bron, felly os yw'r gwelliannau eisoes wedi'u trafod a'u bod yn ymddangos gyda'i gilydd ar y rhestr o welliannau wedi'u didoli, cynigiau eu bod yn eu gwaredu oll gyda'i gilydd. A yw'r Aelodau yn fodlon ar y dull hwn o drafod? Gwelaf eich bod.

A number of amendments of a similar nature are before us, and so if the amendments have already been discussed and appear together in the marshalled list, I propose to dispose of these amendments together en bloc. Are Members content with that approach? I see that you are.

12.50 p.m.

[8] Byddaf yn galw ar gynigwyr gwelliannau eraill ym mhob grŵp i gynnig eu

I will call on the proposers of other amendments in each group to move their

gwelliannau ar yr adeg briodol ac yn unol â'r rhestr o welliannau wedi'u didoli. Os nad ydych am gynnig eich gwelliant, dylech ddweud hynny'n glir pan elwir y gwelliant. Er gwybodaeth, aelodau'r pwyllgor yn unig a gaiff gynnig gwelliannau. Byddaf yn cynnig y gwelliannau sydd yn enw'r Gweinidog.

amendments at the appropriate time and in accordance with the marshalled list. If you do not wish to move your amendment, you should state so clearly when the amendment is called. For the record, only committee members can move amendments. I will move the amendments that are in the Minister's name.

[9] Bydd Aelodau hefyd yn ymwybodol mai'r unig ffordd o drafod adran o'r Mesur arfaethedig yw cynnig gwelliant iddo. Bernir bod unrhyw adrannau nad oes gwelliannau wedi eu cynnig iddynt wedi eu derbyn. Bydd hynny'n wir hefyd am unrhyw adrannau y gwrthodir y gwelliannau a gyflwynwyd iddynt. Ar ddiwedd y cyfarfod, byddaf yn cyhoeddi pa adrannau sydd wedi eu derbyn. Bydd cyfle arall i gyflwyno gwelliannau i'r adrannau nas gwaredir heddiw. Er mwyn eu hystyried yng nghyfarfod yr wythnos nesaf, bydd angen eu cyflwyno erbyn 5 p.m. heddiw. Gobeithio na fydd yn rhaid mynd cyn belled â hynny. A oes unrhyw gwestiynau gennych cyn i ni symud ymlaen i drafod y 121 gwelliant yn eu cyfanrwydd? Gwelaf nad oes, felly symudwn ymlaen i drafod y gwelliannau cyn gynted â phosibl.

Members will also be aware that the only way to debate a section of the proposed Measure is to table an amendment to it. Any sections to which no amendments have been tabled will be deemed agreed. That will also be true of any sections to which the tabled amendments are not agreed to. At the end of the meeting, I will announce which sections have been agreed. There will be a further opportunity to table amendments to any sections that are not disposed of today. In order to be considered during next week's meeting, amendments will need to be tabled by 5 p.m. today. I hope that it will not be necessary to go as far as that. Are there any questions before we move on to debate the 121 amendments in full? I see that there are none, so we will move on to debate the amendments as quickly as possible.

Cyfrifoldeb dros Ddarparu Gwasanaethau Iechyd Meddwl (Gwelliannau 1, 2, 7, 48, 53, 58, 59, 60, 61, 62, 63, 64, 66, 67, 68, 69, 72 a 74)

Responsibility for Provision of Mental Health Services (Amendments 1, 2, 7, 48, 53, 58, 59, 60, 61, 62, 63, 64, 66, 67, 68, 69, 72 and 74)

[10] **David Lloyd:** Mae'r grŵp cyntaf o welliannau i'w ystyried y prynhawn yma yn ymwneud â chyfrifoldeb dros ddarparu gwasanaethau iechyd meddwl. Y prif welliant yn y grŵp yw gwelliant 1, ar dudalen 1 o'r rhestr o welliannau wedi'u didoli.

David Lloyd: The first group of amendments to be considered this afternoon concerns responsibility for the provision of mental health services. The lead amendment in the group is amendment 1, on page 1 of the marshalled list.

[11] Weinidog, a hoffech i welliant 1, sydd yn eich enw chi, gael ei gynnig?

Minister, would you like amendment 1 in your name to be moved?

[12] **The Minister for Health and Social Services (Edwina Hart):** Yes.

[13] **David Lloyd:** Cynigiaf welliant 1 yn enw Edwina Hart. Galwaf ar y Gweinidog i siarad am welliant 1 a'r gwelliannau eraill yn y grŵp.

David Lloyd: I move amendment 1 in the name of Edwina Hart. I call on the Minister to speak to amendment 1 and the other amendments in the group.

[14] **Edwina Hart:** These amendments clarify where responsibility for the provision of services rests. They also ensure consistency of drafting and clarity of responsibility. We start our consideration of the amendments to the proposed Measure this afternoon with a group of mainly technical and consequential amendments. Despite that, the importance of these

amendments should not be underplayed.

[15] Amendment 1 replaces the word ‘provide’ in section 2(3) with the words ‘be responsible for providing’. All the amendments in this group make similar changes throughout the proposed Measure. These are necessary to ensure that it is clear where responsibility for the provision of services lies. Local mental health partners, within the meanings of Parts 1 and 3, and mental health service providers, within the meaning of Part 2, are able to come to arrangements with other partners and providers for the provision of certain services. Section 47(3) of the proposed Measure explains that any reference to a service being provided by any person will also include any service that is being provided under the arrangements made by that person with any other person. These amendments clarify that it will always be the original partner or provider, as the case may be, that is responsible for the provision of services rather than any other person, organisation or body with which they may have come to arrangements for the delivery of any of those services. By making these amendments throughout the proposed Measure, we will ensure that there is clarity over where the ultimate responsibility for the provision lies and that there is consistency of drafting in the proposed Measure. On that basis, I hope that members of the committee will support the amendments.

[16] **David Lloyd:** A oes unrhyw Aelod eisiau siarad ar y grŵp hwn o welliannau? Gwelaf nad oes. Cymeraf fod y Gweinidog am symud i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 1. Galwaf am bleidlais.

David Lloyd: Does any Member wish to speak to this group of amendments? I see that no-one does. I take it that the Minister wishes to proceed to a vote. The question is that amendment 1 be agreed to. I call for a vote.

*Gwelliant 1: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 1: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 1.
Amendment 1 agreed.*

[17] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 2. Weinidog, a hoffech i welliant 2, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: In accordance with the marshalled list, we now come to dispose of amendment 2. Minister, would you like amendment 2 in your name to be moved?

[18] **Edwina Hart:** Yes, please.

[19] **David Lloyd:** Felly, cynigïaf welliant 2 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 2. Galwaf am bleidlais.

David Lloyd: Therefore, I move amendment 2 in the name of Edwina Hart. The question is that amendment 2 be agreed to. I call for a vote.

*Gwelliant 2: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 2: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

Derbyniwyd gwelliant 2.
Amendment 2 agreed.

[20] **David Lloyd:** Ni fydd pleidlais ar y gwelliannau eraill yn y grŵp hwn ar hyn o bryd; byddwn yn pleidleisio arnynt yn ddiweddarach yn y trafodion, yn unol â'r rhestr o welliannau wedi'u didoli.

David Lloyd: There will not be a vote on the remaining amendments in this group at this point; we will vote on these later in proceedings, in accordance with the marshalled list.

Ehangu'r Cwmpas i Gynnwys Personau o dan 18 (Gwelliannau 3, 5, 8, 9, 10, 12, 17, 18, 19, 20, 21, 22, 23, 24, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 45, 47, 49, 50, 51, 54, 71, 93, 106, 107, 108)

Extending the Scope to Include Persons Under 18 (Amendments 3, 5, 8, 9, 10, 12, 17, 18, 19, 20, 21, 22, 23, 24, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 45, 47, 49, 50, 51, 54, 71, 93, 106, 107, 108)

[21] **David Lloyd:** Mae'r grŵp hwn yn ymwneud ag ehangu'r cwmpas i gynnwys personau o dan 18 oed. Y prif welliant yn y grŵp hwn y gwelliant 3, ar dudalen 2 o'r rhestr o welliannau sydd wedi'u didoli. Weinidog, a hoffech i welliant 3, sydd yn eich enw, gael ei gynnig?

David Lloyd: This group concerns extending the scope to include persons under the age of 18. The lead amendment in this group is amendment 3, on page 2 of the marshalled list. Minister, would you like amendment 3 in your name to be moved?

[22] **Edwina Hart:** Yes.

[23] **David Lloyd:** Cynigïaf welliant 3 yn enw Edwina Hart. Galwaf ar y Gweinidog i siarad am welliant 3 a phob gwelliant arall yn y grŵp hwn.

David Lloyd: I move amendment 3 in the name of Edwina Hart. I call on the Minister to speak to amendment 3 and all other amendments in this group.

[24] **Edwina Hart:** After a rather technical group, I am pleased to turn to one of the most significant and important groups of amendments that we will consider today. I am sure that committee members were struck, as I was, by the support from stakeholders for expanding the proposed Measure to apply to under-18s. The committee recognised and agreed with those views. In the Plenary debate at the conclusion of Stage 1, I undertook to return at Stage 2 with a series of amendments that would expand Parts 1 and 2 to under-18s, and this group of over 40 amendments achieves that. In all cases the amendments remove references to 'adult' or 'adults' and replace them with references to 'individual' or 'individuals'. At a stroke, this age-blind term broadens the scope of the relevant sections so that children as well as adults are now in view.

[25] I am pleased to be able to amend the proposed Measure in this way, rather than bringing forward separate legislation at a later stage. Many of the stakeholders were concerned that the change would happen later or would mean a different system or different provisions for children, and they were very concerned about that. I am happy to confirm that

that will not be the case. The provisions of Part 1 will apply to children and adults of all ages. That will mean that local health partners will come together to create joint schemes for the delivery of primary mental health services. These services will ensure that individuals will receive assessment, treatment, signposting, advice and referral to other services when necessary, and information, advice and support will be made available to their GPs. The amendments also mean that all children and adults receiving secondary mental health services will benefit from the appointment of a care co-ordinator and the creation and delivery of a care and treatment plan under Part 2 of the proposed Measure.

[26] When I gave further evidence to the Finance Committee at Stage 1, committee members anticipated that a change of this kind might come forward and asked me about the financial implications of such an expansion. I set out that we believed that the change was deliverable, and said that I would ensure that the regulatory impact assessment was updated. As welcome as these amendments are, I am sure that members of this committee would also wish to be reassured about their financial implications.

[27] Turning to Part 1, I have set out the financial implications of the scheme in relation to adults in the explanatory memorandum. To support the development and migration of existing services to meet the requirements of Part 1, we are making implementation moneys available ahead of 2012-13. In 2012-13, when I expect this part of the proposed Measure to come into effect, we will make an additional £3 million available. My officials calculate that expanding the scheme to under-18s will cost a further £1.4 million. That figure is based on the number of children who are registered with a GP. The same patient-to-staff ratio that is used for adults has been applied, as well as the same staffing costs.

[28] However, under the 2009-10 annual operating framework for child and adolescent mental health services, there is a requirement to have in place two primary mental health workers per 100,000 persons in each local authority. From the latest figures available, we know that we have just over 45 whole-time equivalents in place currently. Those primary mental health workers in CAMHS offer consultation and advice to professionals who deliver the functions of tier 1 of CAMHS. They also provide services directly to young people. Those functions are very similar to those services that will be delivered under Part 1 of the proposed Measure. We are assuming that the 45 whole-time equivalents will be paid at the same level as in our model, and existing services for children that provide similar services to those required under Part 1 cost around £1.6 million. That is slightly higher than the costings that my officials have developed for Part 1. We therefore have an existing funded and operational service for children that provides similar functions to those that will be required under Part 1.

[29] My officials have begun discussions on the model of care and treatment delivery of Part 1 for the under-18s that was set out in the national service model. These early discussions support my intention for the existing service to be migrated, along with existing adult services, to new schemes. I am therefore confident that Part 1 can be successfully expanded to include children, and I am also confident that the existing resources available in both adult and children's services, together with the additional funding that I will be making available, will ensure the effective delivery of the new scheme. The next group of amendments will also consider the scope of Part 1 of the proposed Measure. I intend to make further announcements regarding additional funding for Part 1 at that time.

1.00 p.m.

[30] Turning to Part 2, I am making funding available in this financial year to support the development of new learning resources for care and treatment planning. These learning resources are under development by the University of Lincoln, and will include care and treatment planning within child and adolescent mental health services for the under-18s. The funding will also support the delivery of the learning resources. I expect such funding to be

used within CAMHS, as well as adult mental health services. Indeed, the transition and planning of care between CAMHS and adult services is an area where I expect to see a real and meaningful improvement as a result of the proposed Measure. I will table a revised explanatory memorandum for this proposed Measure before the Assembly during Stage 3. This will include the calculation base and financial implications of the group of amendments. Although the effect of this group of amendments on the drafting of the proposed Measure is relatively simple, I am sure that Members will agree that the impact and effect in practice is more significant. I trust that committee members will support these amendments to ensure that children are within the scope of Parts 1 and 2.

[31] **David Lloyd:** Diolch yn fawr am hynny, Weinidog. A hoffai unrhyw Aelod siarad am y grŵp hwn o welliannau?

David Lloyd: Thank you very much for that, Minister. Would any Member like to speak to this group of amendments?

[32] **Helen Mary Jones:** Hoffwn ddweud pa mor falch yr wyf o weld ein bod wedi llwyddo i gynnwys plant yn y Mesur arfaethedig. Yr oedd y ffaith ein bod wedi hepgor plant yn broblem fawr i'r pwyllgor. Yr wyf yn sicr fy mod i'n siarad ar ran pawb wrth ddweud fy mod i'n ddiolchgar i'r Gweinidog a'i swyddogion bydd plant yn cael eu cynnwys yn y Mesur arfaethedig bellach.

Helen Mary Jones: I would like to say how pleased I am that we have succeeded in including children in the proposed Measure. The fact that we had excluded children was a big problem for the committee. I am sure that I speak for everyone when I say that I am grateful to the Minister and her officials that children will now be included in the proposed Measure.

[33] **David Lloyd:** Diolch yn fawr. Ni wn os hoffech ymateb i'r drafodaeth, Weinidog; cymeraf eich bod am symud yn syth ymlaen i'r bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 3. Galwaf am bleidlais.

David Lloyd: Thank you very much. I do not know whether you would like to respond to this discussion, Minister; I take it that you would like to move straight to a vote. The question is that amendment 3 be agreed to. I call for a vote.

*Gwelliant 3: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 3: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 3.
Amendment 3 agreed.*

[34] **David Lloyd:** Ni fydd pleidlais ar y gwelliannau eraill yn y grŵp hwn ar hyn o bryd. Byddwn yn dychwelyd i bleidleisio ar y rhain yn ddiweddarach yn y trafodion, yn unol â'r rhestr o welliannau wedi'u didoli.

David Lloyd: There will be no vote on the remaining amendments in this group at this point. We will return to vote on these later in the proceedings, in accordance with the marshalled list.

Categoriâu o Gleifion (o dan Ran 1) (Gwelliannau 4, 25, 27 a 105)
Categories of Patient (under Part 1) (Amendments 4, 25, 27 and 105)

[35] **David Lloyd:** Mae'r grŵp hwn yn ymwneud â chategoriâu o gleifion yn Rhan 1 o'r Mesur arfaethedig. Y prif welliant yn y grŵp hwn yw gwelliant 4, ar dudalen 2 o'r rhestr o welliannau sydd wedi'u didoli. Weinidog, a hoffech i welliant 4, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: This group concerns categories of patient in Part 1 of the proposed Measure. The main amendment in this group is amendment 4, on page 2 of the marshalled list. Minister would you like amendment 4 in your name to be moved?

[36] **Edwina Hart:** Yes, please.

[37] **David Lloyd:** Cynigiau welliant 4 yn enw Edwina Hart. Galwaf ar y Gweinidog i siarad am welliant 4 a'r gwelliannau eraill yn y grŵp.

David Lloyd: I move amendment 4 in the name of Edwina Hart. I call on the Minister to speak to amendment 4 and the other amendments in the group.

[38] **Edwina Hart:** Section 2(4)(c) of the proposed Measure currently allows, but does not require, local mental health partners to make provision within their schemes for individuals who are not GP-registered patients. During my evidence to this committee at Stage 1, I explained that the flexibility that this provided was needed to enable local partners to develop schemes that reflected the needs of their local populations. Such local populations could well include roofless or homeless people and members of other groups who, for whatever reason, are not registered with a GP. Members may remember the evidence given by the British Medical Association, which cited students as members of a more transient population who do not necessarily register with a GP. The committee was very concerned that, by not requiring the Part 1 schemes to make provision for persons not registered with a GP, there was a risk that insufficient provision would be made for vulnerable groups with high levels of mental health needs.

[39] In my response to the committee's report, I committed to look again at this matter and return to it at Stage 2. This group of amendments deals with the concerns of witnesses and the committee. Although amendment 4 is the lead amendment in this group, I will speak first to amendment 27. This amendment provides the Welsh Ministers with new regulation-making powers to prescribe categories of persons who must be included within schemes. These regulations will be developed in the coming months and will be subject to a full consultation period of 12 weeks. My officials are currently preparing advice for me on the groups that should be included, but I wish to place on record my intention regarding prisoners. When the proposed Measure was introduced, it was my intention that prisoners would be included within the Part 1 schemes. However, during Stage 1, it became apparent that we could not be sure that such persons would always be registered with a GP in Wales. Even where they were so registered, the scheme to which they would have access would not necessarily be located where they would be detained. We are all aware of the mental health needs of prisoners, and it is clearly right that such individuals have access to primary mental health support services. I therefore intend to include prisoners in Wales, regardless of their usual residence, within the regulations and therefore within Part 1 of the scheme.

[40] For prisoners in state-run prisons in Wales, the GPs that provide services to the prison will be able to refer individuals to the schemes by virtue of sections 7(4)(a) to 7(4)(c). However, amendment 25 is necessary to ensure that GPs working in contracted-out prisons in Wales can also make referrals. This currently applies only to Parc prison.

[41] Members will be aware that a key component of the services that will be provided by the schemes is the provision of information and advice to primary care providers. This will

enable GPs and their staff to gain knowledge and experience in relation to the care and treatment of individuals who have mental health problems in primary care, and support more of the population to receive appropriate and timely services in GP surgeries. It is right that GPs working in prisons also receive this support, and those working in state prisons will be included. However, we will need to ensure that that is also the case for contracted-out prisons. Therefore, the definition of a 'primary care provider' in section 47 also needs to include those GPs. This consequential amendment to section 47 will be achieved by amendment 105.

[42] Earlier, I outlined my position regarding the importance of local mental health partners considering and addressing the needs of their local population in the schemes that they establish. That flexibility is still required, and we have therefore retained the possibility for schemes to add persons over and above those whom we prescribe either in the proposed Measure or in subsequent regulations. Amendment 4 enables schemes to specify further categories of individuals who may also be included.

[43] Before concluding, I wish to turn briefly to the financial implications associated with the regulations that we will bring forward. Members will be aware that the Government has forecast that it would cost in the region of £4.1 million per annum to operate the scheme for adults. Taking into account the existing provision, I have made a commitment to provide an additional £3 million per annum to the service for this part of the proposed Measure. We have debated the importance of the expansion of Part 1 of the proposed Measure to under-18s, and I have outlined the financial implications of such an approach. I have also confirmed that primary mental health workers are in place within CAHMS and we will fully utilise their resources to deliver Part 1 for under-18s. However, the further expansion by way of regulations also needs to be taken into account. I therefore propose to support that expansion with a further £0.5 million per annum. That brings the total additional funding for Part 1, over and above the existing provision, to £3.5 million. I will set out the basis for that in the new revised explanatory memorandum, which will be laid before the Assembly during Stage 3. Given the importance of these amendments, my commitments in respect of prisoners, and the additional funding that I intend to make available, I look forward to the committee's support for these amendments.

[44] **David Lloyd:** A hoffai unrhyw Aelod ofyn cwstiwn neu wneud sylw? Yr wyf yn gweld bod pawb yn hapus. Nid oes trafodaeth i'r Gweinidog ymateb iddi, felly yr wyf yn cymryd ei bod am symud yn syth i bleidlais. Y cwstiwn yw a ddylid derbyn gwelliant 4. Galwaf am bleidlais.

David Lloyd: Would any Member like to ask a question or make a comment? I see that everyone is content. There is no discussion for the Minister to respond to, so I take it that she would like to proceed straight to a vote. The question is that amendment 4 be agreed to. I call for a vote.

*Gwelliant 4: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 4: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 4.
Amendment 4 agreed.*

[45] **David Lloyd:** Yn unol â'r rhestr o **David Lloyd:** In accordance with the

welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 5. Cafodd y gwelliant hwn ei drafod yng ngrŵp 2 ac mae'n ymddangos ar dudalen 2 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 5, sydd yn eich enw chi, gael ei gynnig?

marshalled list of amendments, we now proceed to dispose of amendment 5. This amendment was discussed in group 2 and appears on page 2 of the marshalled list. Minister, would you like amendment 5 in your name to be moved?

[46] **Edwina Hart:** Yes, please.

[47] **David Lloyd:** Cynigiaf welliant 5 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 5. Galwaf am bleidlais.

David Lloyd: I move amendment 5 in the name of Edwina Hart. The question is that amendment 5 be agreed to. I call for a vote.

*Gwelliant 5: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 5: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 5.
Amendment 5 agreed.*

**Gwasanaethau Cymorth Iechyd Meddwl Sylfaenol Lleol (Gwelliannau 6, 11, 14, 16 a 43)
Local Primary Mental Health Support Services (Amendments 6, 11, 14, 16 and 43)**

[48] **David Lloyd:** Mae'r grŵp nesaf o welliannau i'w ystyried y prynhawn yma, grŵp 4, yn ymwneud â gwasanaethau cymorth iechyd meddwl sylfaenol lleol. Y prif welliant yn y grŵp yw gwelliant 6 ar dudalen 2 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 6, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: The next group of amendments to consider this afternoon, group 4, concerns local primary mental health support services. The lead amendment in the group is amendment 6 on page 2 of the marshalled list. Minister, would you like amendment 6 in your name to be moved?

[49] **Edwina Hart:** Yes.

[50] **David Lloyd:** Cynigiaf welliant 6 yn enw'r Gweinidog. Galwaf ar y Gweinidog i siarad am welliant 6 a'r gwelliannau eraill yn y grŵp.

David Lloyd: I move amendment 6 in the name of the Minister. I call on the Minister to speak to amendment 6 and the other amendments in the group.

[51] **Edwina Hart:** All the amendments in this group make changes to Part 1 of the proposed Measure. On amendment 6, local mental health partners are required, under section 2, to take all reasonable steps to agree the joint schemes for the identification of the local primary mental health treatment that is to be made available and the provision of local primary mental health support services. It is anticipated that partners will be able to agree schemes but, where that is not the case, section 4 allows the Welsh Ministers to determine the arrangements for a local authority area. The safeguard of section 4 ensures that there will always be schemes and services in place for local authority areas. It is anticipated that, as services develop and improve, the schemes will need to be reviewed and altered. As such,

section 2(6) enables the partners to make the necessary alterations. Since the proposed Measure has been published, we have been asked whether schemes made by the Welsh Ministers can be subsequently altered. It has always been our intention for these schemes to be altered in that way, and amendment 6 confirms that.

1.10 p.m.

[52] Amendment 11 is consequential to the expansion of Part 1 to under-18s, which we have already considered. Amendment 11 clarifies that the meaning of ‘carers’ includes foster parents. Under section 5(1)(e), carers can receive information and advice on other services. In other words, they can be signposted to services and support for themselves and the person for whom they care.

[53] Amendments 14 and 16 make provision for additional services to which patients and their carers can be signposted. First, we propose to add services provided in Part III of the Children Act 1989 that are not secondary mental health services. This amendment will mainly be in respect of patients under the age of 18 and their carers, but on some occasions young people up to the age of 25 may also be eligible for signposting to such services. We will ensure that the guidance that accompanies Part 1 sets out more detail on these matters. Secondly, we propose to add signposting to education and training where that would be beneficial to an individual’s mental health. Such signposting would be for people of all ages and not just those of school age.

[54] We will shortly debate a series of amendments relating to welfare and wellbeing, which also affects section 5(2), but, for now, I will turn to amendment 43. This amendment is concerned with section 9, which deals with primary care assessments. The purpose of an assessment is to identify which primary mental health treatment, if any, or other services might improve, or prevent the deterioration of, a patient’s mental health. The meaning of ‘other services’ in this context is set out in section 9(3). Amendment 43 will expand the meaning of ‘other services’ to include: services under Part III of the Children Act 1989, where these are not secondary mental health services; housing or wellbeing services; and education and training. This brings parity between the services as to which patients can be signposted and the services from which patients may benefit following a referral. On that basis, I hope that the members of this committee will support these amendments.

[55] **David Lloyd:** A oes unrhyw Aelod yn dymuno gofyn cwestiwn? Gwelaf nad oes a bod pawb yn hapus. Y cwestiwn yw a ddylid derbyn gwelliant 6. Galwaf am bleidlais.

David Lloyd: Does any Member wish to ask a question? I see that no-one does and that everyone is content. The question is that amendment 6 be agreed to. I call for a vote.

Gwelliant 6: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 6: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 6.
Amendment 6 agreed.*

[56] **David Lloyd:** Yn unol â’r rhestr o **David Lloyd:** In accordance with the

welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 7. Cafodd y gwelliant hwn ei drafod yng ngrŵp 1, ac mae'n ymddangos ar dudalen 2 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 7, sydd yn eich enw chi, gael ei gynnig?

[57] **Edwina Hart:** Yes.

[58] **David Lloyd:** Cynigiaf welliant 7 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 7. Galwaf am bleidlais.

marshalled list we now proceed to dispose of amendment 7. This amendment was debated with group 1, and it appears on page 2 of the marshalled list. Minister, would you like amendment 7 in your name to be moved?

David Lloyd: I move amendment 7 in the name of Edwina Hart. The question is that amendment 7 be agreed to. I call for a vote.

*Gwelliant 7: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 7: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 7.
Amendment 7 agreed.*

[59] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliannau 8, 9 a 10 sy'n ymddangos yn olynol ar dudalen 3 o'r rhestr o welliannau wedi'u didoli. Cafodd y gwelliannau hyn eu trafod gyda grŵp 2. Fel y trafodwyd ar ddechrau'r cyfarfod, cynigiaf fod y gwelliannau hyn yn cael eu gwaredu gyda'i gilydd, o gofio eu natur debyg. A oes unrhyw Aelod yn gwrthwynebu? Nid oeddech yn gynharach a gwelaf eich bod o hyd o'r un farn. Weinidog, a hoffech i welliannau 8, 9 a 10, sydd yn eich enw chi, gael eu cynnig?

David Lloyd: We now proceed to dispose of amendments 8, 9 and 10, which appear consecutively on page 3 of the marshalled list. These amendments were debated with group 2. As discussed at the start of the meeting, I propose that these amendments be disposed of together, given their similar nature. Do any Members object? You did not do so earlier, and I see that you are still content. Minister, would you like amendments 8, 9 and 10 in your name to be moved?

[60] **Edwina Hart:** Yes, thank you.

[61] **David Lloyd:** Cynigiaf welliannau 8, 9 a 10 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliannau 8, 9 a 10. Galwaf am bleidlais.

David Lloyd: I move amendments 8, 9 and 10 in the name of Edwina Hart. The question is that amendments 8, 9 and 10 be agreed to. I call for a vote.

*Gwelliannau 8, 9 a 10: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendments 8, 9 and 10: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica

Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliannau 8, 9 a 10.
Amendments 8, 9 and 10 agreed.*

[62] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 11 a drafodwyd gyda grŵp 4 ac sy'n ymddangos ar dudalen 3 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 11, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: We now proceed to dispose of amendment 11, which was debated with group 4 and appears on page 3 of the marshalled list. Minister, would you like amendment 11 in your name to be moved?

[63] **Edwina Hart:** Yes, thank you.

[64] **David Lloyd:** Cynigiaf welliant 11 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 11. Galwaf am bleidlais.

David Lloyd: I move amendment 11 in the name of Edwina Hart. The question is that amendment 11 be agreed to. I call for a vote.

*Gwelliant 11: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 11: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 11.
Amendment 11 agreed.*

[65] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 12 a drafodwyd gyda grŵp 2 ac sy'n ymddangos ar dudalen 3 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 12, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: We now proceed to dispose of amendment 12, which was debated with group 2 and appears on page 3 of the marshalled list. Minister, would you like amendment 12 in your name to be moved?

[66] **Edwina Hart:** Yes.

[67] **David Lloyd:** Cynigiaf welliant 12 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 12. Galwaf am bleidlais.

David Lloyd: I move amendment 12 in the name of Edwina Hart. The question is that amendment 12 be agreed to. I call for a vote.

*Gwelliant 12: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 12: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica

Graham, William
 Jones, Helen Mary
 Watson, Joyce

*Derbyniwyd gwelliant 12.
 Amendment 12 agreed.*

**Technegol a Chanlyniadol (Gwelliannau 13, 42, 77, 104, 109, 110, 111 a 116)
 Technical and Consequential (Amendments 13, 42, 77, 104, 109, 110, 111 and 116)**

[68] **David Lloyd:** Mae'r grŵp hwn, grŵp 5, yn ymwneud â gwelliannau technegol a chanlyniadol. Y prif welliant yn y grŵp hwn yw gwelliant 13 ar dudalen 3 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 13, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: This group, group 5, includes technical and consequential amendments. The lead amendment in the group is amendment 13 on page 3 of the marshalled list. Minister, would you like amendment 13 in your name to be moved?

[69] **Edwina Hart:** Yes, please.

[70] **David Lloyd:** Cynigiau welliant 13 yn enw Edwina Hart. Galwaf ar y Gweinidog i siarad am welliant 13 a'r gwelliannau eraill yn y grŵp.

David Lloyd: I move amendment 13 in the name of Edwina Hart. I call on the Minister to speak to amendment 13 and the other amendments in the group.

[71] **Edwina Hart:** Amendments 13, 42 and 104 all remove the word 'and' from sections in the proposed Measure; it is no longer required because of the amendments that we are considering today. Amendment 77 ensures that the drafting of section 23 works correctly, given the proposed changes to the section made by amendment 76, which we will debate shortly. The remaining amendments are consequential in nature, and I will speak to each in turn.

[72] Amendments 109 and 110 affect the general interpretation section of this proposed Measure. These amendments remove the word 'person' and replace them with 'individual', for ease of comprehension, given the changes made elsewhere to expand the scope of Parts 1 and 2 to include under-18s.

[73] Amendment 111 covers two separate issues. The first part of the amendment is essentially a glossing provision and relates to changes made to section 5. Members will recall the earlier discussion about the need to ensure that foster parents be included within the meaning of 'carers' for the purpose of receiving information under Part 1 of the proposed Measure. The term 'foster parents' is defined in accordance with section 22C(12) of the Children Act 1989. That section is not yet in force, so amendment 111 glosses the meaning of 'foster parents' to ensure that, until section 22C(12) comes into force, we can still be sure of the meaning. The second part of amendment 111 is concerned with care co-ordinators. When we consider group 8, we will debate amendments that clarify that the function of appointing a care co-ordinator can be delegated to another service provider. Amendment 111 confirms that, when performing their functions, the care co-ordinator is acting on behalf of the provider that had responsibility for appointing them, even when another body appointed them on behalf of the original provider. It also ensures that the responsibility for the appointment clearly lies with the relevant mental health service provider, whether or not it chooses to enter into arrangements with another body, such as a local health board, to carry out the appointments.

[74] I now turn to the final amendment in this group, which is amendment 116. This amends Schedule 1 to the proposed Measure, which sets out the required consequential

amendments to the Mental Health Act 1983. Since the introduction of the proposed Measure, we have recognised that the reference in section 134 of the 1983 Act to independent advocacy providers needs to include a reference to the arrangements that will be established in Wales as a result of the changes made by this proposed Measure. Section 134 of the 1983 Act is concerned with the withholding of the mail of detained patients. This amendment ensures that providers of independent mental health advocacy services established under the arrangements made by section 130E of the 1983 Act may send mail to or receive mail from a detained patient in a high-security hospital without that mail being withheld. As such, this amendment will merely ensure that the arrangements currently in place continue after this proposed Measure is made. I look forward to the support of the committee for the amendments in this group.

[75] **David Lloyd:** A oes unrhyw gwestiynau? Gwelaf nad oes. Yn unol â dymuniad y Gweinidog, symudwn yn syth i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 13. Galwaf am bleidlais.

David Lloyd: Are there any questions? I see that there are not. In accordance with the Minister's wishes, we will proceed immediately to a vote. The question is that amendment 13 be agreed to. I call for a vote.

*Gwelliant 13: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 13: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 13.
Amendment 13 agreed.*

[76] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliant 14 a gafodd ei drafod gyda grŵp 4 ac sy'n ymddangos ar dudalen 4 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 14, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: In accordance with the marshalled list, we now proceed to dispose of amendment 14, which was debated as part of group 4 and appears on page 4 of the marshalled list. Minister, would you like amendment 14 in your name to be moved?

[77] **Edwina Hart:** Yes, please.

[78] **David Lloyd:** Rhyfeddol. Cynigiau welliant 14 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 14. Galwaf am bleidlais.

David Lloyd: Wonderful. I move amendment 14 in the name of Edwina Hart. The question is that amendment 14 be agreed to. I call for a vote.

*Gwelliant 14: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 14: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary

Watson, Joyce

*Derbyniwyd gwelliant 14.
Amendment 14 agreed.*

**Gwasanaethau Lles (15, 80, 81, 82, 100, 101 a 103)
Wellbeing Services (15, 80, 81, 82, 100, 101 and 103)**

[79] **David Lloyd:** Mae'r grŵp hwn, grŵp 6, yn ymwneud â gwasanaethau lles. Y prif welliant yn y grŵp hwn yw gwelliant 15 ar dudalen 4 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 15, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: This group, group 6, concerns wellbeing services. The lead amendment in this group is amendment 15 on page 4 of the marshalled list. Minister, would you like amendment 15 in your name to be moved?

[80] **Edwina Hart:** Yes.

[81] **David Lloyd:** Cynigaf welliant 15 yn enw Edwina Hart. Galwaf ar y Gweinidog i siarad am welliant 15 a'r gwelliannau eraill yn y grŵp.

David Lloyd: I move amendment 15 in the name of Edwina Hart. I call on the Minister to speak to amendment 15 and the other amendments in the group.

[82] **Edwina Hart:** I will speak first to amendment 101 in this group, if I may, as the other amendments are consequential to the changes made by it. Members will see that this amendment changes some of the wording in section 46(1)(b) from other services related to 'housing or welfare' to 'well-being (including housing)'. This new term more accurately and fully encompasses the services that may be brought in by the regulations. The need for this amendment was highlighted in evidence to this committee during Stage 1. Members will recall organisations such as Gofal Cymru highlighting the need to ensure that local primary mental health support services can signpost patients and carers to services provided by the voluntary sector.

1.20 p.m.

[83] I have spoken many times about my support for the work of the voluntary sector and agreed, at Stage 1, to consider whether we needed to make amendments to the proposed Measure at this stage to ensure that the services that they deliver would be in view. Although I believe that the current term 'welfare' could and does encompass such services, there seems to be a perception that welfare services are those provided by the statutory sector. That is why I brought forward these particular amendments. Wellbeing is a wide concept that can encompass a range of services and activities, including, for example, befriending, running support groups, provision of work experience and so on. Wellbeing may also include housing services and so to ensure that this is put beyond doubt, amendment 101 removes the reference to 'welfare' and replaces it with 'well-being (including housing)'. That makes it clear that the regulations made under the proposed Measure can cover housing matters and wellbeing matters other than housing.

[84] I also wish to place on record that wellbeing services can be provided by statutory and voluntary sector organisations. The regulations will be developed over the coming months and will be subject to a full consultation in the usual way. Given the change made to section 46(1)(b), it is necessary to make consequential changes to the proposed Measure elsewhere. Amendments 15, 80, 81, 82, 100 and 103 make those consequential changes and I look forward to support from the committee for them.

[85] **David Lloyd:** A oes unrhyw **David Lloyd:** Are there any comments or

sylwadau neu gwestiynau? Gwelaf nad oes. Cymeraf fod y Gweinidog am symud yn syth i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 15. Galwaf am bleidlais.

questions? I see that there are not. I take it that the Minister would like to move straight to a vote. The question is that amendment 15 be agreed to. I call for a vote.

*Gwelliant 15: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 15: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 15.
Amendment 15 agreed.*

[86] **David Lloyd:** Ni fydd pleidlais ar y gwelliannau eraill yn y grŵp hwn ar hyn o bryd. Byddwn yn dychwelyd i bleidleisio ar y rhain yn ddiweddarach yn y trafodion yn unol â'r rhestr o welliannau wedi'u didoli.

David Lloyd: There will not be a vote on the remaining amendments in this group at this point. We will return to vote on these later in proceedings in accordance with the marshalled list.

[87] Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 16 a gafodd ei drafod gyda grŵp 4 ac sy'n ymddangos ar dudalen 4 o'r rhestr o welliannau wedi'u didoli.

In accordance with the marshalled list, we now come to dispose of amendment 16, which was debated as part of group 4 and appears on page 4 of the marshalled list.

[88] Weinidog, a hoffech i welliant 16, sydd yn eich enw chi, gael ei gynnig?

Minister would you like amendment 16 in your name to be moved?

[89] **Edwina Hart:** Yes.

[90] **David Lloyd:** Cynigiaf welliant 16 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 16. Galwaf am bleidlais.

David Lloyd: I move amendment 16 in the name of Edwina Hart. The question is that amendment 16 be agreed to. I call for a vote.

*Gwelliant 16: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 16: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 16.
Amendment 16 agreed.*

[91] **David Lloyd:** Symudwn yn awr i

David Lloyd: We now come to dispose of

waredu gwelliannau 17, 18, 19, 20, 21, 22, 23 a 24 sy'n ymddangos yn olynol ar dudalennau 4 a 5 o'r rhestr o welliannau wedi'u didoli. Cafodd y gwelliannau hyn eu trafod gyda grŵp 2. Fel y trafodwyd ar ddechrau'r cyfarfod, cynigiai fod y gwelliannau hyn yn cael eu gwaredu gyda'i gilydd o gofio eu natur. A oes unrhyw Aelod yn gwrthwynebu? Nid oeddech yn gwrthwynebu hynny ar y dechrau, ac nid ydych wedi newid eich meddwl. Mae hynny'n fendigedig.

amendments 17, 18, 19, 20, 21, 22, 23 and 24, which appear consecutively on pages 4 and 5 of the marshalled list. These amendments were debated with group 2. As discussed at the start of the meeting, I propose that these amendments be disposed of together given their nature. Do any Members object? You did not at the beginning, and you have not changed your minds. That is great.

[92] Weinidog, a hoffech i welliannau 17, 18, 19, 20, 21, 22, 23 a 24, sydd yn eich enw chi, gael eu cynnig?

Minister, would you like amendments 17, 18, 19, 20, 21, 22, 23 and 24 in your name to be moved?

[93] **Edwina Hart:** Yes.

[94] **David Lloyd:** Cynigiai welliannau 17, 18, 19, 20, 21, 22, 23 a 24 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliannau 17, 18, 19, 20, 21, 22, 23 a 24. Galwaf am bleidlais.

David Lloyd: I move amendments 17, 18, 19, 20, 21, 22, 23 and 24 in the name of Edwina Hart. The question is that amendments 17, 18, 19, 20, 21, 22, 23 and 24 be agreed to. I call for a vote.

*Gwelliannau 17, 18, 19, 20, 21, 22, 23 a 24: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendments 17, 18, 19, 20, 21, 22, 23 and 24: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliannau 17, 18, 19, 20, 21, 22, 23 a 24.
Amendments 17, 18, 19, 20, 21, 22, 23 and 24 agreed.*

[95] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 25, a gafodd ei drafod gyda grŵp 3 ac sy'n ymddangos ar dudalen 5 o'r rhestr o welliannau wedi'u didoli.

David Lloyd: In accordance with the marshalled list, we now come to dispose of amendment 25, which was debated with group 3 and appears on page 5 of the marshalled list.

[96] Weinidog, a hoffech i welliant 25, sydd yn eich enw chi, gael ei gynnig?

Minister, would you like amendment 25 in your name to be moved?

[97] **Edwina Hart:** Yes.

[98] **David Lloyd:** Cynigiai welliant 25 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 25. Galwaf am bleidlais.

David Lloyd: I move amendment 25 in the name of Edwina Hart. The question is that amendment 25 be agreed to. I call for a vote.

*Gwelliant 25: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 25: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 25.
Amendment 25 agreed.*

[99] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 26 a gafodd ei drafod gyda grŵp 2 ac sy'n ymddangos ar dudalen 6 o'r rhestr o welliannau wedi'u didoli. **David Lloyd:** In accordance with the marshalled list, we now come to dispose of amendment 26, which was debated with group 2 and appears on page 6 of the marshalled list.

[100] Weinidog, a hoffech i welliant 26, sydd yn eich enw chi, gael ei gynnig? **Minister,** would you like amendment 26 in your name to be moved?

[101] **Edwina Hart:** Yes.

[102] **David Lloyd:** Cynigiau welliant 26 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 26. Galwaf am bleidlais. **David Lloyd:** I move amendment 26 in the name of Edwina Hart. The question is that amendment 26 be agreed to. I call for a vote.

*Gwelliant 26: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 26: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 26.
Amendment 26 agreed.*

[103] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 27 a gafodd ei drafod gyda grŵp 3 ac sy'n ymddangos ar dudalen 6 o'r rhestr o welliannau wedi'u didoli. **David Lloyd:** In accordance with the marshalled list, we now come to dispose of amendment 27, which was debated with group 3 and appears on page 6 of the marshalled list.

[104] Weinidog, a hoffech i welliant 27, sydd yn eich enw chi, gael ei gynnig? **Minister,** would you like amendment 27 in your name to be moved?

[105] **Edwina Hart:** Yes.

[106] **David Lloyd:** Cynigiau welliant 27 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 27. Galwaf am bleidlais. **David Lloyd:** I move amendment 27 in the name of Edwina Hart. The question is that amendment 27 be agreed to. I call for a vote.

*Gwelliant 27: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 27: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 27.
Amendment 27 agreed.*

[107] **David Lloyd:** Symudwn yn awr i waredu gwelliannau 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 a 41, sy'n ymddangos ar dudalennau 6 a 7 o'r rhestr o welliannau wedi'u didoli. Cafodd y gwelliannau hyn eu trafod gyda grŵp 2. Fel y cytunasom ar ddechrau'r cyfarfod, gwardwn y gwelliannau hyn gyda'i gilydd. A yw pawb dal yn gytûn? Gwelaf eich bod. Weinidog, a hoffech i welliannau 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 a 41, sydd yn eich enw chi, gael eu cynnig? **David Lloyd:** We now come to dispose of amendments 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41, which appear on pages 6 and 7 of the marshalled list. These amendments were discussed with group 2. As we agreed at the start of the meeting, we will dispose of these amendments together. Is everyone still agreed on that? I see that you are. Minister, would you like amendments 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41 in your name to be moved?

[108] **Edwina Hart:** Yes.

[109] **David Lloyd:** Cynigiau welliannau 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 a 41 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn y gwelliannau hyn. Galwaf am bleidlais. **David Lloyd:** I move amendments 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41 in the name of Edwina Hart. The question is that those amendments be agreed to. I call for a vote.

*Gwelliannau 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 a 41:
O blaid 5, Ymatal 0, Yn erbyn 0.
Amendments 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41:
For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

Derbyniwyd gwelliannau 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 a 41.

Amendments 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41 agreed.

[110] **David Lloyd:** Mae'n rhyfeddol fod pawb dal yn cadw i fyny. Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 42, a gafodd ei drafod gyda grŵp 5 ac sy'n ymddangos ar dudalen 8 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 42, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: Amazingly, everyone is keeping up. In accordance with the marshalled list, we now come to dispose of amendment 42, which was discussed with group 5 and which appears on page 8 of the marshalled list. Minister, would you like amendment 42 in your name to be moved?

[111] **Edwina Hart:** Yes, please.

[112] **David Lloyd:** Cynigiau welliant 42 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 42. Galwaf am bleidlais.

David Lloyd: I move amendment 42 in the name of Edwina Hart. The question is that amendment 42 be agreed to. I call for a vote.

*Gwelliant 42: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 42: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 42.
Amendment 42 agreed.*

[113] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 43, a gafodd ei drafod gyda grŵp 4 ac sy'n ymddangos ar dudalen 8 o'r rhestr o welliannau wedi'u didoli. Weinidog, unwaith eto, a hoffech i welliant 43, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: In accordance with the marshalled list, we now come to dispose of amendment 43, which was discussed with group 4 and which appears on page 8 of the marshalled list. Minister, once again, would you like amendment 43 in your name to be moved?

[114] **Edwina Hart:** Yes.

[115] **David Lloyd:** Cynigiau welliant 43 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 43. Galwaf am bleidlais.

David Lloyd: I move amendment 43 in the name of Edwina Hart. The question is that amendment 43 be agreed to. I call for a vote.

*Gwelliant 43: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 43: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica

Graham, William
 Jones, Helen Mary
 Watson, Joyce

*Derbyniwyd gwelliant 43.
 Amendment 43 agreed.*

[116] **David Lloyd:** Symudwn yn awr i waredu gwelliannau 44 a 45, sy'n ymddangos yn olynol ar dudalen 8 o'r rhestr o welliannau wedi'u didoli. Cafodd y gwelliannau hyn eu trafod gyda grŵp 2. Fel yr ydym wedi cytuno, cynigïaf fod y ddau welliant hyn yn cael eu gwaredu gyda'i gilydd. Yr wyf yn cymryd eich bod dal yn gytûn, achos dyna'r drefn hyd yn hyn. Gwelaf fod pawb yn hapus. Weinidog, a hoffech i welliannau 44 a 45, sydd yn eich enw chi, gael eu cynnig?

David Lloyd: We now come to dispose of amendments 44 and 45, which appear consecutively on page 8 of the marshalled list. These amendments were debated with group 2. As we have agreed, I propose that both of these amendments be disposed of together. I presume that you are still in agreement, because that is how we have proceeded so far. I see that everyone is content. Minister, would you like amendments 44 and 45 in your name to be moved?

[117] **Edwina Hart:** Yes, please.

[118] **David Lloyd:** Cynigïaf welliannau 44 a 45 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn y gwelliannau hyn. Galwaf am bleidlais.

David Lloyd: I move amendments 44 and 45 in the name of Edwina Hart. The question is that those amendments be agreed to. I call for a vote.

*Gwelliannau 44 a 45: O blaid 5, Ymatal 0, Yn erbyn 0.
 Amendments 44 and 45: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Chapman, Christine
 German, Veronica
 Graham, William
 Jones, Helen Mary
 Watson, Joyce

*Derbyniwyd gwelliannau 44 a 45.
 Amendments 44 and 45 agreed.*

[119] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 47. Weinidog, a hoffech i welliant 47, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: In accordance with the marshalled list, we now come to dispose of amendment 47. Minister, would you like amendment 47 in your name to be moved?

[120] **Edwina Hart:** Yes.

[121] **David Lloyd:** Cynigïaf welliant 47 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 47. Galwaf am bleidlais.

David Lloyd: I move amendment 47 in the name of Edwina Hart. The question is that amendment 47 be agreed to. I call for a vote.

*Gwelliant 47: O blaid 5, Ymatal 0, Yn erbyn 0.
 Amendment 47: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

Derbyniwyd gwelliant 47.
Amendment 47 agreed.

[122] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 48, a gafodd ei drafod gyda grŵp 1 ac sy'n ymddangos ar dudalen 9 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 48, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: In accordance with the marshalled list, we now come to dispose of amendment 48, which was discussed with group 1 and which appears on page 9 of the marshalled list. Minister, would you like amendment 48 in your name to be moved?

[123] **Edwina Hart:** Yes.

[124] **David Lloyd:** Cynigïaf welliant 48 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 48. Galwaf am bleidlais.

David Lloyd: I move amendment 48 in the name of Edwina Hart. The question is that amendment 48 be agreed to. I call for a vote.

Gwelliant 48: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 48: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

Derbyniwyd gwelliant 48.
Amendment 48 agreed.

[125] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliannau 49, 50 a 51, sy'n ymddangos yn olynol ar dudalen 9 o'r rhestr o welliannau wedi'u didoli. Cafodd y gwelliannau hyn eu trafod gyda grŵp 2. Cymeraf eto eich bod yn hapus i waredu'r tri gwelliant hyn gyda'i gilydd, Aelodau. Gwelaf eich bod. Weinidog, a hoffech i welliannau 49, 50 a 51, sydd yn eich enw, gael eu cynnig?

David Lloyd: In accordance with the marshalled list, we now come to dispose of amendments 49, 50 and 51, which appear consecutively on page 9 of the marshalled list. These amendments were discussed with group 2. I take it that you are content to dispose of these three amendments together, Members. Minister, would you like amendments 49, 50 and 51 in your name to be moved?

1.30 p.m.

[126] **Edwina Hart:** Please.

[127] **David Lloyd:** Cynigiaf welliannau 49, 50 a 51 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliannau 49, 50 a 51. Galwaf am bleidlais.

David Lloyd: I move amendments 49, 50 and 51 in the name of Edwina Hart. The question is that amendments 49, 50 and 51 be agreed to. I call for a vote.

*Gwelliannau 49, 50 a 51: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendments 49, 50 and 51: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliannau 49, 50 a 51.
Amendments 49, 50 and 51 agreed.*

**Cleifion Perthnasol (o dan Rhan 2) (Gwelliant 52)
Relevant Patient (under Part 2) (Amendment 52)**

[128] **David Lloyd:** Mae'r grŵp hwn yn ymwneud â chleifion perthnasol o dan Ran 2. Yr unig welliant yn y grŵp hwn yw gwelliant 52, ar dudalen 9 o'r rhestr o welliannau wedi'u didoli.

David Lloyd: This group is to do with the relevant patient under Part 2. The only amendment in this group is amendment 52, on page 9 of the marshalled list.

[129] Weinidog, a hoffech i welliant 52 yn eich enw gael ei gynnig?

Minister, would you like amendment 52 in your name to be moved?

[130] **Edwina Hart:** Please.

[131] **David Lloyd:** Cynigiaf welliant 52 yn enw Edwina Hart. Galwaf ar y Gweinidog i siarad am welliant 52.

David Lloyd: I move amendment 52 in the name of Edwina Hart. I call on the Minister to speak to amendment 52.

[132] **Edwina Hart:** Section 11 of the proposed Measure identifies those patients for whom the duties in relation to care and treatment planning and co-ordination of services is to apply. We have already agreed that the scope of Part 2 of the proposed Measure is to be expanded to include children and young people. Members will recall the evidence given to this committee in Stage 1 by Hafal. Sue Barnes spoke of the importance of care plans being available for individuals who are not willing to engage with secondary mental health services, and some of the benefits that may flow for them and those that care for them of such planning. In written evidence, Age Cymru supported care plans being available to individuals who refuse services.

[133] As introduced, the proposed Measure provides that Part 2 patients are those for whom secondary mental health services are being provided. The definition of such services set out in section 45 includes services in the form of treatment. There was concern that, as drafted, this could unintentionally exclude persons for whom treatment has not yet been delivered because, for whatever person, the person does not wish to engage with treatment. It is not the Government's intention that such patients should be excluded from Part 2 provisions. While we are content that such patients are within scope, we have considered whether it would be better to provide clarification in guidance or on the face of the proposed Measure.

[134] Amendment 52 will put beyond doubt that the scope also includes individuals of any age who do not wish to engage with services, or are not capable of engaging with services, where it is considered that the patient would benefit from secondary mental health care.

[135] Before Members debate this amendment further, I wish to reassure you that the inclusion of this new sub-section in section 11 does not compel patients to receive treatment. Such matters are outside the scope of this legislation and the current powers of the Assembly. The amendment simply puts beyond doubt the inclusion of patients not willing or able to engage with services to ensure that the duties in relation to care co-ordination and planning will apply to them, and I seek the support of Members for what I think is a good amendment.

[136] **David Lloyd:** A oes unrhyw gwestiwn gan Aelodau? Gwelaf fod pawb yn hapus ac nad oes trafodaeth i'r Gweinidog ymateb iddo. Cymeraf fod y Gweinidog eisiau symud yn syth i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 52. Galwaf am bleidlais.

David Lloyd: Are there any questions from Members? I see that everyone is content and that there is no debate for the Minister to respond to. I take it that the Minister wishes to move straight to a vote. The question is that amendment 52 be agreed to. I call for a vote.

*Gwelliant 52: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 52: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 52.
Amendment 52 agreed.*

[137] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliant 53, a drafodwyd gyda grŵp 1 ac sy'n ymddangos ar dudalen 9 o'r rhestr o welliannau wedi eu didoli. Weinidog, a hoffech i welliant 53 yn eich enw gael ei gynnig?

David Lloyd: In line with the marshalled list, we now come to dispose of amendment 53, which was discussed with group 1 and which appears on page 9 of the marshalled list. Minister, would you like amendment 53 in your name to be moved?

[138] **Edwina Hart:** Please.

[139] **David Lloyd:** Cynigïaf welliant 53 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 53. Galwaf am bleidlais.

David Lloyd: I move amendment 53 in the name of Edwina Hart. The question is that amendment 53 be agreed to. I call for a vote.

*Gwelliant 53: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 53: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine

German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 53.
Amendment 53 agreed.*

[140] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliant 54 a drafodwyd gyda grŵp 2 ac sy'n ymddangos ar dudalen 10 o'r rhestr o welliannau wedi eu didoli. Weinidog, a hoffech i welliant 54 yn eich enw gael ei gynnig?

David Lloyd: In accordance with the marshalled list, we now come to dispose of amendment 54, which was discussed with group 2 and which appears on page 10 of the marshalled list. Minister, would you like amendment 54 in your name to be moved?

[141] **Edwina Hart:** Please.

[142] **David Lloyd:** Cynigiaf welliant 54 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 54. Galwaf am bleidlais.

David Lloyd: I move amendment 54 in the name of Edwina Hart. The question is that amendment 54 be agreed to. I call for a vote.

*Gwelliant 54: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 54: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 54.
Amendment 54 agreed.*

**Penodi Cyd-gysylltydd Gofal (Gwelliannau 55, 56, 57 a 65)
Appointment of a Care Co-ordinator (Amendments 55, 56, 57 and 65)**

[143] **David Lloyd:** Mae'r grŵp yn ymwneud â phenodi cyd-gysylltydd gofal. Y prif welliant yn y grŵp hwn yw gwelliant 55, ar dudalen 10 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 55 yn eich enw gael ei gynnig?

David Lloyd: The group concerns the appointment of a care co-ordinator. The main amendment in this group is amendment 55, on page 10 of the marshalled list. Minister, would you like amendment 55 in your name to be moved?

[144] **Edwina Hart:** Yes.

[145] **David Lloyd:** Cynigiaf welliant 55 yn enw Edwina Hart.

David Lloyd: I move amendment 55 in the name of Edwina Hart.

[146] Galwaf ar y Gweinidog i siarad am welliant 55 a'r gwelliannau eraill yn y grŵp.

I call on the Minister to speak to amendment 55 and the other amendments in the group.

[147] **Edwina Hart:** This group of amendments is concerned with the appointment of care

co-ordinators under Part 2 of the proposed Measure. Care co-ordinators have been a central feature of adult mental health services for a number of years as part of the care programme approach process. CPA is the framework for planning and delivering integrated health and social care for mental health service users, and the care co-ordinators are essential to the individual's journey through the secondary mental health services. The CPA guidance for Wales expects each individual to have a care co-ordinator. Part 2 of the proposed Measure will turn this expectation into a legal requirement. Section 13 places a duty upon the relevant mental health service provider to appoint a care co-ordinator as soon as is reasonably practicable after the individual becomes a relevant patient. The service provider will be the local health board, local authority or Welsh Ministers, as established by section 14.

[148] Amendment 57 in this group can be divided into two parts. The first deals with temporary appointments, which I shall turn to shortly. Let me first concentrate on the second half of the amendment, which establishes that, where the relevant mental health service provider is an LHB, it may delegate the function of, but not the responsibility for, appointing a care co-ordinator to another local health board. The ability to delegate in this way is required for practical reasons. For example, Aneurin Bevan Local Health Board could be the responsible mental health service provider for patient A. However, patient A is currently receiving a service that is provided only in Cardiff and the Vale University Local Health Board. Given that the day-to-day arrangements for patient A are managed in Cardiff, it would make sense for Cardiff and the Vale University Local Health Board to be able to appoint the care co-ordinator if the Aneurin Bevan Local Health Board asked it to do so.

[149] The next new sub-section inserted by amendment 57 confirms that, in such cases, the responsibility for the appointment remains with the original health board, which, in the example that I have just given, would be Aneurin Bevan Local Health Board. Incidentally, no equivalent amendment to the proposed Measure is required in respect of local authorities. That is because the regulations made under the Local Government Act 2000 provide that a local authority may reach an agreement for the discharge of functions by another local authority, provided that they are executive functions. Functions such as the appointment of a care co-ordinator under Part 2 of the proposed Measure would be considered an executive function.

[150] The first part of amendment 57 deals with the issue of temporary appointments. My officials have met with a number of service providers, who have asked whether a care co-ordinator can delegate their functions during an absence from duties. Let me be clear: the care co-ordinator cannot delegate their responsibilities under the proposed Measure—that is our clear intention in Part 2. However, we have to recognise that there may be occasions, such as a leave of absence, sudden illness and so on, where a care co-ordinator cannot perform their functions. In such cases the service provider may arrange a temporary care co-ordinator to be appointed until the original care co-ordinator can return to their duties. Amendment 57 allows for temporary appointments to be made in this way.

[151] Amendments 55 and 56 are consequential to the insertion of new provisions in section 13. These two amendments clarify that the duty to appoint a new care co-ordinator is to be engaged only when the permanent rather than temporary appointment of a care co-ordinator ends. Amendment 65 is also concerned with the ending of appointment. However, this amendment establishes that the service provider responsible for the appointment of the care co-ordinator can also terminate the appointment. This may be self-evident, but we are seeking to ensure that the proposed Measure is clear on a number of points. We have, therefore, taken the opportunity to ensure that there can be no doubt over such matters. It is worth remembering that a service provider can appoint a care co-ordinator from the staff of another organisation with the permission of that organisation. We would hope that such appointments are always successful, but we need to ensure that there is a clear power to terminate an appointment if that became necessary. I invite the committee to support the

amendments, which I believe strengthen the provisions of the proposed Measure relating to the appointment of care co-ordinators.

[152] **David Lloyd:** A oes gan unrhyw Aelod sylw i'w wneud? Gwela nad oes. Cymeraf fod y Gweinidog am symud i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 55. Galwaf am bleidlais.

David Lloyd: Does any Member wish to comment? I see that no-one does. I take it that the Minister wishes to move to a vote. The question is that amendment 55 be agreed to. I call for a vote.

*Gwelliant 55: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 55: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 55.
Amendment 55 agreed.*

[153] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliant 56. Weinidog, a hoffech i welliant 56, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: In accordance with the marshalled list of amendments, we now come to dispose of amendment 56. Minister, would you like amendment 56 in your name to be moved?

[154] **Edwina Hart:** Yes.

[155] **David Lloyd:** Felly, cynigiau welliant 56 yn enw Edwina Hart.

David Lloyd: Therefore, I move amendment 56 in the name of Edwina Hart.

[156] Y cwestiwn yw a ddylid derbyn gwelliant 56. Galwaf am bleidlais.

The question is that amendment 56 be agreed to. I call for a vote.

*Gwelliant 56: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 56: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 56.
Amendment 56 agreed.*

[157] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliant 57. Weinidog, a hoffech i welliant 57, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: In accordance with the marshalled list of amendments, we now come to dispose of amendment 57. Minister, would you like amendment 57 in your name to be moved?

1.40 p.m.

[158] **Edwina Hart:** Yes.

[159] **David Lloyd:** Cynigiaf welliant 57 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 57. Galwaf am bleidlais.

David Lloyd: I move amendment 57 in the name of Edwina Hart. The question is that amendment 57 be agreed to. I call for a vote.

*Gwelliant 57: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 57: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 57.
Amendment 57 agreed.*

[160] **David Lloyd:** Symudwn yn awr i waredu gwelliannau 58, 59, 60, 61, 62, 63 a 64 sy'n ymddangos yn olynol ar dudalennau 11 a 12 o'r rhestr o welliannau wedi'u didoli. Cafodd y gwelliannau hyn eu trafod gyda grŵp 1. Yn unol â'r hyn a drafodwyd ar ddechrau'r cyfarfod, cymeraf fod Aelodau'n hapus i waredu'r gwelliannau hyn gyda'i gilydd. Gwelaf eich bod.

David Lloyd: We move now to dispose of amendments 58, 59, 60, 61, 62, 63 and 64, which appear consecutively on pages 11 and 12 of the marshalled list. These amendments were discussed with group 1. Following our discussion at the outset of the meeting, I take it that Members are content to dispose of these amendments together. I see that you are.

[161] Weinidog, a hoffech i welliannau 58, 59, 60, 61, 62, 63 a 64, sydd yn eich enw chi, gael eu cynnig?

Minister, would you like amendments 58, 59, 60, 61, 62, 63 and 64 in your name to be moved?

[162] **Edwina Hart:** Yes.

[163] **David Lloyd:** Cynigiaf welliannau 58, 59, 60, 61, 62, 63 a 64 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliannau 58, 59, 60, 61, 62, 63 a 64. Galwaf am bleidlais.

David Lloyd: I move amendments 58, 59, 60, 61, 62, 63 and 64 in the name of Edwina Hart. The question is that amendments 58, 59, 60, 61, 62, 63 and 64 be agreed to. I call for a vote.

*Gwelliannau 58, 59, 60, 61, 62, 63 a 64: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendments 58, 59, 60, 61, 62, 63 and 64: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 58, 59, 60, 61, 62, 63 a 64.
Amendments 58, 59, 60, 61, 62, 63 and 64 agreed.*

[164] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 65 a gafodd ei drafod gyda grŵp 8. **David Lloyd:** In accordance with the marshalled list, we now come to dispose of amendment 65, which was discussed with group 8.

[165] Weinidog, a hoffech i welliant 65, sydd yn eich enw chi, gael ei gynnig? **Minister,** would you like amendment 65 in your name to be moved?

[166] **Edwina Hart:** Yes.

[167] **David Lloyd:** Cynigiau welliant 65 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 65? Galwaf am bleidlais. **David Lloyd:** I move amendment 65 in the name of Edwina Hart. The question is that amendment 65 be agreed to. I call for a vote.

*Gwelliant 65: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 65: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 65.
Amendment 65 agreed.*

[168] **David Lloyd:** Symudwn yn awr i waredu gwelliannau 66, 67, 68 a 69 sy'n ymddangos yn olynol ar dudalen 12 o'r rhestr o welliannau wedi'u didoli. Cafodd y gwelliannau hyn eu trafod gyda grŵp 1. Fel y cytunwyd—gobeithiaf nad ydych wedi newid eich meddyliau—yr ydym yn bwriadu gwaredu'r gwelliannau hyn gyda'i gilydd. A yw pawb yn hapus? Gwelaf eich bod. **David Lloyd:** We move now to dispose of amendments 66, 67, 68, and 69, which appear consecutively on page 12 of the marshalled list. These amendments were discussed with group 1. As agreed—I hope that you have not changed their minds—we intend to dispose of these amendments together. Is everyone content? I see that you are.

[169] Weinidog, a hoffech i welliannau 66, 67, 68, a 69, sydd yn eich enw chi, gael eu cynnig? **Minister,** would you like amendments 66, 67, 68 and 69 in your name to be moved?

[170] **Edwina Hart:** Yes.

[171] **David Lloyd:** Cynigiau welliannau 66, 67, 68 a 69 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliannau 66, 67, 68 a 69. Galwaf am bleidlais. **David Lloyd:** I move amendments 66, 67, 68 and 69 in the name of Edwina Hart. The question is that amendments 66, 67, 68 and 69 be agreed to. I call for a vote.

Gwelliannau 66, 67, 68 a 69: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendments 66, 67, 68 a 69: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliannau 66, 67, 68 a 69.
Amendments 66, 67, 68 and 69 agreed.*

**Cynllunio Gofal a Thriniaeth (Gwelliannau 119, 120, 70 a 121)
Care and Treatment Planning (under Part 1) (Amendments 119, 120, 70 and 121)**

[172] **David Lloyd:** Symudwn ymlaen yn awr at grŵp 9, sy'n ymwneud â chynllunio gofal a thriniaeth, sef gwelliannau 119, 120, 70 a 121. Y prif welliant yn y grŵp hwn yw gwelliant 119 ar dudalen 13 y rhestr o welliannau wedi'u didoli. Yr wyf yn galw ar William Graham i gynnig y prif welliant, gwelliant 119, ac i siarad am y gwelliannau eraill yn y grŵp.

David Lloyd: We move on now to group 9, which relates to care and treatment planning, namely amendments 119, 120, 70 and 121. The lead amendment in this group is amendment 119 on page 13 of the marshalled list. I call on William Graham to move the lead amendment, amendment 119, and to talk to the other amendments in the group.

[173] **William Graham:** I move amendment 119 in my name, Chair.

[174] **David Lloyd:** A hoffai unrhyw Aelod ddweud unrhyw beth am y gwelliannau hyn? Trof at y Gweinidog.

David Lloyd: Would any Member like to comment on these amendments? I turn to the Minister.

[175] **Edwina Hart:** Thank you for the opportunity to comment on the amendments in this group. I think that it is quite important that I deal with some of the issues relating to these amendments. Members will see that section 17(9)(d) provides the power to place obligations on persons consulted in connection with the review and revision of care and treatment plans. There are no similar powers in relation to the person consulted in the making of the original plan. This is an oversight, and amendment 70 inserts a new power in section 17(8) to provide these powers.

[176] I will now turn to the more substantive amendments in the group. I will deal first with amendment 119. I agree that care co-ordinators should have regard to the guidance that Welsh Ministers issue. This is one of the reasons why we propose amending the guidance provisions within the proposed Measure, and we will consider our new proposals when we debate group 13 later this afternoon. At that time, Members will see that I am proposing codes of practice that, importantly, care co-ordinators must have regard to when performing their functions. I intend that the codes will deal with many matters, not just timescales. Amendment 94 is, therefore, wider in scope than amendment 119, which is before us now. While I have much sympathy with the amendment, I believe that to make a special case of focusing on one component of guidance, in this case timescales, would potentially undermine the absolute requirement to have regard for the totality of that guidance. Committee members will recall my views regarding timescales being placed on the face of the proposed Measure. My views on this remain the same, but I am prepared to consider where guidance could be used instead. I have already instructed my officials to look at this and I await their recommendations with interest.

[177] I will turn to William's other amendment, concerning the preparation of care and treatment planning regulations. I agree completely that such regulations are important. Indeed, I would go as far as to say that, without them, the effectiveness of Part 2 would be severely compromised. Members will be aware that conferring a power on Ministers to make regulations is much more common than placing a duty on them to do so, because of the essential nature of the provisions. It enables the provisions to be made as Ministers see fit, within the boundaries of the power. Members can be assured that we have every intention of using these new powers. Indeed, the Constitutional Affairs Committee, for one, would take a dim view of me taking powers that I had no intention of using. Later this afternoon, we will be debating the Assembly procedure to be applied to such powers. I trust that this will make even clearer my commitment to the correct and full use of powers.

[178] Turning to the last of the three amendments by William in this group, there is obviously an issue about the importance of comprehensive, holistic care and treatment planning. That is a very important point. I have already given commitments to Members that the importance of the recovery model will be made clear in the explanatory memorandum for this proposed Measure. I have also committed to ensuring that we consider this in the development of the regulations for care planning. Members should be under no doubt that I expect practitioners to take a full and careful approach to assessing all of the individuals' needs and risks. A comprehensive assessment must be the basis for a strong, effective care and treatment plan. The proposed Measure requires the care co-ordinator to agree the outcomes for the delivery of care, and then record a care and treatment plan in writing that sets out how these outcomes will be achieved. However, to require all care plans, for all individuals, on all occasions, to make reference to each of these eight areas of life is to lose sight of the importance of individualised care and planning treatment that is outcome-based. I am concerned that focusing on a set content of care plans in this way risks the tick-box approach to care planning that has always been a major concern of providers and some charities in the voluntary sector. This is directly opposed to the intended spirit of Part 2 of the proposed Measure. We need to find the right balance for individual care planning and use the proposed Measure to drive up the quality of care planning in Wales. Prescribing mandatory content in the way outlined in this amendment will not achieve this balance or improve quality. Therefore, on the basis that the Government is proposing to strengthen the guidance provisions in the proposed Measure in a later amendment, my commitment to making regulations under section 17, the importance that I place on comprehensive and meaningful care and treatment, and on the basis of my assurances and the content of my speech to committee today, I wonder whether you would consider withdrawing your amendments in this group.

[179] **David Lloyd:** Yr wyf yn galw ar William Graham i ymateb. A hoffech ymateb i'r drafodaeth a chynnig y Gweinidog? Ar ôl gwranddo ar ei geiriau, efallai y byddech yn ystyried tynnu'r gwelliannau yn ôl.

David Lloyd: I call on William Graham to reply. Would you like to respond to the discussion and to the Minister's proposal? Having listened to her words, you might like to consider withdrawing your amendments.

[180] **William Graham:** Thank you, Chair, for inviting me to speak. No, I do not wish to withdraw the amendments today, although I listened closely to what the Minister had to say. I am particularly concerned about amendment 121, for example, in that the nine life areas will not be prescribed until a later stage, after Stage 3 amendments have been tabled. We feel that this is too important an issue to be left to chance.

[181] **David Lloyd:** Yn unol â'ch cais, William, symudwn i bleidlais. Y cwstiwn yw a ddylid derbyn gwelliant 119. Galwaf am bleidlais.

David Lloyd: In accordance with your request, William, we will move to a vote. The question is that amendment 119 be agreed to. I call for a vote.

*Gwelliant 119: O blaid 1, Ymatal 0, Yn erbyn 4.
Amendment 119: For 1, Abstain 0, Against 4.*

Pleidleisiodd yr Aelod canlynol o blaid:
The following Member voted for:

Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
German, Veronica
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 119.
Amendment 119 was not agreed.*

[182] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 120 ar dudalen 13. William, a hoffech gynnig gwelliant 120? Yr wyf yn gwybod bod y Gweinidog wedi ymateb eisoes.

David Lloyd: In accordance with the marshalled list, we now come to dispose of amendment 120 on page 13. William, would you like to move amendment 120? I know that the Minister has already responded.

[183] **William Graham:** I move amendment 120 in my name.

[184] **David Lloyd:** Symudwn yn syth i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 120. Galwaf am bleidlais.

David Lloyd: We will move straight to a vote. The question is that amendment 120 be agreed to. I call for a vote.

1.50 p.m.

*Gwelliant 120: O blaid 1, Ymatal 0, Yn erbyn 4.
Amendment 120: For 1, Abstain 0, Against 4.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
German, Veronica
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 120.
Amendment 120 not agreed.*

[185] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 70. Weinidog, a hoffech i welliant 70 yn eich enw chi gael ei gynnig?

David Lloyd: In accordance with the marshalled list we now come to dispose of amendment 70. Minister, would you like amendment 70 in your name to be moved?

[186] **Edwina Hart:** Yes, please.

[187] **David Lloyd:** Cynigiaf welliant 70 yn enw Edwina Hart. Trafodwyd y gwelliant eisoes, ac felly awn yn syth i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 70.

David Lloyd: I move amendment 70 in the name of Edwina Hart. This amendment has already been discussed, and so we will move straight to the vote. The question is that

Galwaf am bleidlais.

amendment 70 be agreed to. I call for a vote.

*Gwelliant 70: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 70: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 70.
Amendment 70 agreed.*

[188] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 71, a drafodwyd gyda grŵp 2. Weinidog, a hoffech i welliant 71, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: In accordance with the marshalled list we now come to dispose of amendment 71, which was discussed with group 2. Minister, would you like amendment 71 in your name to be moved?

[189] **Edwina Hart:** Yes, please.

[190] **David Lloyd:** Cynigiau welliant 71 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 71. Galwaf am bleidlais.

David Lloyd: I move amendment 71 in the name of Edwina Hart. The question is that amendment 71 be agreed to. I call for a vote.

*Gwelliant 71: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 71: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 71.
Amendment 71 agreed.*

[191] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 121, sy'n ymddangos ar dudalen 14 y rhestr. William, a hoffech gynnig welliant 121?

David Lloyd: In accordance with the marshalled list, we now come to dispose of amendment 121, which appears on page 14 of the marshalled list. William, would you like to move amendment 121?

[192] **William Graham:** I move amendment 121 in my name.

[193] **David Lloyd:** Trafodwyd y gwelliant hwn eisoes ac mae'r Gweinidog wedi rhoi ei sylw gerbron, felly symudwn i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 121. Galwaf am bleidlais.

David Lloyd: The amendment has already been discussed and the Minister has made her comments, so we will move straight to the vote. The question is that amendment 121 be agreed to. I call for a vote.

*Gwelliant 121: O blaid 1, Ymatal 0, Yn erbyn 4.
Amendment 121: For 1, Abstain 0, Against 4.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
German, Veronica
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 121.
Amendment 121 not agreed.*

[194] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, yr ydym yn symud yn awr i waredu gwelliant 72 a drafodwyd gyda grŵp 1. Weinidog, a hoffech i welliant 72, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: In accordance with the marshalled list, we now come to dispose of amendment 72, which was discussed as part of group 1. Minister, would you like amendment 72 in your name to be moved?

[195] **Edwina Hart:** Yes, please.

[196] **David Lloyd:** Cynigiau welliant 72 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 72. Galwaf am bleidlais.

David Lloyd: I move amendment 72 in the name of Edwina Hart. The question is that amendment 72 be agreed to. I call for a vote.

*Gwelliant 72: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 72: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 72.
Amendment 72 agreed.*

**Asesiadau ar Ddefnyddwyr Blaenorol o Wasanaethau Iechyd Meddwl Eilaidd (Rhan 3)
(Gwelliannau 73, 75, 76, 78, 79 a 102)
Assessments of Former Users of Secondary Mental Health Services (Part 3)
(Amendments 73, 75, 76, 78, 79 and 102)**

[197] **David Lloyd:** Mae'r grŵp hwn yn ymwneud ag asesiadau ar ddefnyddwyr blaenorol o wasanaethau iechyd meddwl eilaidd, sef Rhan 3 y Mesur arfaethedig. Y prif welliant yn y grŵp hwn yw gwelliant 73 ar dudalen 14 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 73, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: This group concerns assessments of former users of secondary mental health services, namely Part 3 of the proposed Measure. The lead amendment in the group is amendment 73 on page 14 of the marshalled list. Minister, would you like amendment 73 in your name to be moved?

[198] **Edwina Hart:** Please.

[199] **David Lloyd:** Cynigiau welliant 73 yn enw Edwina Hart, a galwaf ar y Gweinidog i siarad am welliant 73 a'r gwelliannau eraill yn y grŵp. **David Lloyd:** I move amendment 73 in the name of Edwina Hart and call on the Minister to speak to amendment 73 and the other amendments in the group.

[200] **Edwina Hart:** We now turn to the group of amendments that deal with Part 3 of the proposed Measure. As I set out in my evidence to you in Stage 1, the aim of this part is to enable former service users to have control over their opportunities to access secondary services. I will deal with amendment 73 of the group first.

[201] Under section 18 of the proposed Measure, local mental health partners are required to take all reasonable steps to agree arrangements for responding to requests for assessment from former users of secondary mental health services, and to undertake those assessments and to make onward referrals, which may be necessary as a result of such assessments. Where suitable arrangements cannot be agreed between the partners, section 20 allows the Welsh Ministers to determine the arrangements for a local authority area. The safeguard of section 20 ensures that there will always be arrangements in place for local authority areas in situations where local partners are unable to reach an agreement themselves. It is also anticipated that the services will develop and improve over time. Arrangements will have to be put in place and will need to be reviewed and altered. Section 18(5) recognises that and enables the partners to make any necessary alterations to their arrangements as required. Since the proposed Measure has been introduced, we have been asked whether the arrangements made by the Welsh Ministers for partners who were unable to reach agreement themselves could subsequently be altered. It has always been our intention for that to be possible, and amendment 73 confirms that. This is a small, technical amendment, which I hope committee members will support.

[202] I now turn to amendment 75. Members of this committee sought clarification from me during Stage 1 that treatment received by an adult when they were a child would count towards the right to a reassessment. The committee subsequently recommended that the regulations for setting the relevant discharge period be used to clarify the eligibility of previous users of child and adolescent mental health services. I have gone further than using regulations, as I believe that such clarity would be appropriately placed on the face of the proposed Measure. Amendment 75 seeks to amend section 21, confirming that eligibility includes adults who were discharged from services when the adult was a child. In other words, the amendment clarifies that a request for assessment under Part 3 of the proposed Measure is not limited to those individuals who received secondary mental health services only as an adult, but includes children discharged from CAMHS who reach 18 years of age during the relevant discharge period. I will give an example of how that might work in practice. If we assume that the relevant discharge period is set at three years, individuals receiving CAMHS services discharged from those services at the age of 16 will be entitled to request an assessment for adult secondary mental health services once they have passed the age of 18, as they will still be within the three-year discharge period.

[203] For the right to reassessment to be meaningful, it is important that individuals are aware of their right and how to exercise it, should it be needed. Therefore, section 23 places duties on local health boards and local authorities to provide information to adults about their entitlements under Part 3 when they are discharged.

[204] In light of the point of clarification that would be achieved by amendment 75, we should also clarify that relevant children should also receive information, and amendment 76 would achieve that. Amendment 76 seeks to set a requirement within the proposed Measure that, where a child who will attain the age of 18 within the relevant discharge period has been

discharged from secondary mental health services, the service providers ensure that the child is given written information on their entitlement to request assessment as an adult, if required. To return again to the example that I gave to illustrate the effect of the previous amendment, the service that discharges a 16-year-old will be required to provide that young person at the point of discharge with information on Part 3, to explain their entitlement to request an assessment from adult services from the point at which they attain the age of 18 until the end of the relevant discharge period.

[205] Amendments 78 and 79 are straightforward consequential amendments. They would simply replace references to 'adult' in section 23 of the proposed Measure with the word 'individual' to ensure consistency of drafting, following amendment 76. Finally, amendment 102 places the definition of a 'child' in section 47. A primary reason for including such a definition arises from the changes made to the proposed Measure by other amendments in this group, although there are amendments that refer to 'child' in other sections throughout the proposed Measure.

[206] As these amendments would provide clarity and are in response to recommendations from the committee, I trust that Members will support them.

[207] **David Lloyd:** A oes unrhyw sylwadau? Gwelaf nad oes. Weinidog, a hoffech symud i bleidlais ar welliant 73? **David Lloyd:** Are there any comments? I see that there are not. Minister would you like to move to a vote on amendment 14?

[208] **Edwina Hart:** Yes, please.

[209] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 73. Galwaf am amendment 73 be agreed to. I call for a vote. **David Lloyd:** The question is that amendment 73 be agreed to. I call for a vote. bleidlais.

*Gwelliant 73: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 73: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 73.
Amendment 73 agreed.*

[210] **David Lloyd:** Ni fydd pleidlais ar weddill y gwelliannau yn y grŵp hwn ar hyn o bryd. Byddwn yn dychwelyd i bleidleisio ar y rhain yn ddiweddarach yn y trafodion, yn unol â'r rhestr o welliannau wedi'u didoli. **David Lloyd:** There will be no vote on the remaining amendments in this group at this point. We will return to vote on them later in the proceedings, in accordance with the marshalled list.

[211] Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliant 74 a gafodd ei drafod gyda grŵp 1. Weinidog, a hoffech i welliant 74, sydd yn eich enw chi, gael ei gynnig? **David Lloyd:** In accordance with the marshalled list, we now come to dispose of amendment 74, which was debated as part of group 1. Minister, would you like amendment 74 in your name to be moved?

[212] **Edwina Hart:** Yes, please.

[213] **David Lloyd:** Cynigiaf welliant 74 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 74. Galwaf am bleidlais. **David Lloyd:** I move amendment 74 in the name of Edwina Hart. The question is that amendment 74 be agreed to. I call for a vote.

[214]

*Gwelliant 74: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 74: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 74.
Amendment 74 agreed.*

[215] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliant 75, a gafodd ei drafod gyda grŵp 10. Weinidog, a hoffech i welliant 75, sydd yn eich enw chi, gael ei gynnig? **David Lloyd:** In accordance with the marshalled list, we now come to dispose of amendment 75, which was debated as part of group 10. Minister, would you like amendment 75 in your name to be moved?

[216] **Edwina Hart:** Yes, please.

[217] **David Lloyd:** Cynigiaf welliant 75 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 75. Galwaf am bleidlais. **David Lloyd:** I move amendment 75 in the name of Edwina Hart. The question is that amendment 75 be agreed to. I call for a vote.

*Gwelliant 75: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 75: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 75.
Amendment 75 agreed.*

[218] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn i waredu gwelliant 76. Weinidog, a hoffech i welliant 76, sydd yn eich enw chi, gael ei gynnig? **David Lloyd:** In accordance with the marshalled list, we now come to dispose of amendment 76. Minister, would you like amendment 76 in your name to be moved?

[219] **Edwina Hart:** Yes, please.

2.00 p.m.

[220] **David Lloyd:** Cynigiau welliant 76 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 76. Galwaf am bleidlais. **David Lloyd:** I move amendment 76 in the name of Edwina Hart. The question is that amendment 76 be agreed to. I call for a vote.

*Gwelliant 76: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 76: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 76.
Amendment 76 agreed.*

[221] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliant 77 ar dudalen 15. Weinidog, a hoffech i welliant 77, sydd yn eich enw chi, gael ei gynnig? **David Lloyd:** In accordance with the marshalled list, we now come to dispose of amendment 77 on page 15. Minister, would you like amendment 77 in your name to be moved?

[222] **Edwina Hart:** Yes, please.

[223] **David Lloyd:** Cynigiau welliant 77 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 77. Galwaf am bleidlais. **David Lloyd:** I move amendment 77 in the name of Edwina Hart. The question is that amendment 77 be agreed to. I call for a vote.

*Gwelliant 77: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 77: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 77.
Amendment 77 agreed.*

[224] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliannau 78 a 79 sy'n ymddangos yn olynol ar dudalennau 15 ac 16 o'r rhestr o welliannau wedi'u didoli. Cafodd y gwelliannau hyn eu trafod gyda grŵp 10. **David Lloyd:** We now come to dispose of amendments 78 and 79, which appear consecutively on pages 15 and 16 of the marshalled list. These amendments were debated with group 10.

[225] Fel y trafodwyd ar ddechrau'r cyfarfod, cynigiau bod y gwelliannau hyn yn cael eu gwaredu gyda'i gilydd o gofio eu **David Lloyd:** As discussed at the start of the meeting, I propose that these amendments be disposed of together, given their nature. Does any

natur. A oes unrhyw Aelod yn gwrthwynebu? Member object? I see that no-one does.
Gwelaf nad oes.

[226] Weinidog, a hoffech i welliannau 78 a 79, sydd yn eich enw chi, gael eu cynnig? Minister, would you like amendments 78 and 79 in your name to be moved?

[227] **Edwina Hart:** Yes.

[228] **David Lloyd:** Cynigiau welliannau 78 a 79 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliannau 78 a 79. Galwaf am bleidlais. **David Lloyd:** I move amendments 78 and 79 in the name of Edwina Hart. The question is that amendments 78 and 79 be agreed to. I call for a vote.

*Gwelliannau 78 a 79: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendments 78 and 79: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliannau 77 a 79.
Amendments 77 and 79 agreed.*

[229] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliannau 80, 81 ac 82, sy'n ymddangos yn olynol ar dudalen 16. Cafodd y gwelliannau hyn eu trafod gyda grŵp 6. **David Lloyd:** We now come to dispose of amendments 80, 81 and 82, which appear consecutively on page 16. These amendments were debated with group 6.

[230] Cynigiau fod y gwelliannau hyn hefyd yn cael eu gwaredu gyda'i gilydd, o gofio eu natur. A yw pawb yn dal i gytuno? Gwelaf eich bod—rhyfeddol. I propose that these amendments also be disposed of together, given their nature. Is everyone still in agreement? I see that you are—wonderful.

[231] Weinidog, a hoffech i welliannau 80, 81 ac 82, sydd yn eich enw chi, gael eu cynnig? Minister, would you like amendments 80, 81 and 82 in your name to be moved?

[232] **Edwina Hart:** Yes, please.

[233] **David Lloyd:** Cynigiau welliannau 80, 81 ac 82 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliannau 80, 81 ac 82. **David Lloyd:** I move amendments 80, 81 and 82 in the name of Edwina Hart. The question is that amendments 80, 81 and 82 be agreed to.

*Gwelliannau 80, 81 ac 82: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendments 80, 81 and 82: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William

Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliannau 80, 81 ac 82.
Amendments 80, 81 and 82 agreed.*

Ceisiadau am Ymweliad gan Eiriolwr Iechyd Meddwl Annibynnol (Gwelliannau 84, 85, 86 ac 87)

Requests for a Visit by an Independent Mental Health Advocate (Amendments 84, 85, 86 and 87)

[234] **David Lloyd:** Mae'r grŵp nesaf yn ymwneud â cheisiadau am ymweliad gan eiriolwr iechyd meddwl annibynnol. Y prif welliant yn y grŵp hwn yw gwelliant 84 ar dudalen 16 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 84, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: The next group relates to requests for a visit by an independent mental health advocate. The lead amendment in the group is amendment 84 on page 16 of the marshalled list. Minister, would you like amendment 84 in your name to be moved?

[235] **Edwina Hart:** Yes, please.

[236] **David Lloyd:** Cynigiau welliant 84 yn enw Edwina Hart. Galwaf ar y Gweinidog i siarad am welliant 84 a'r gwelliannau eraill yn y grŵp.

David Lloyd: I move amendment 84 in the name of Edwina Hart. I call on the Minister to speak to amendment 84 and the other amendments in the group.

[237] **Edwina Hart:** This group is the first of two to deal with the expansion of the independent mental health advocacy scheme under the Mental Health Act 1983, or IMHA, as it is commonly known. Group 11 is concerned with the duty of the independent mental health advocate to visit and interview a patient. Such a duty arises when certain listed persons make a reasonable request to the advocate to visit a Welsh qualifying compulsory patient or Welsh qualifying informal patient. Members will see from sections 130H(3) and (4) of the Act the list of persons for qualifying patients. Amendments 84 and 86 add qualifying patients to the list of persons who will trigger the duty of an IMHA to visit. This committee has sought clarification on whether the qualifying patient could themselves request an advocate under the IMHA scheme. I confirmed in the Plenary debate in July that that was the case, and I now seek to put the matter beyond any doubt by stating on the face of the proposed Measure that the patient can make a request themselves and that the corresponding duty on the IMHA to visit will be triggered. While the code of practice that supports the 1983 Act and the guidance issued by the Assembly Government to LHBs and advocacy providers on the existing IMHA service clearly states that the patient is able to request an advocate themselves, amendments 84 and 86, if agreed, would remove any ambiguity on the matter.

[238] I now turn to amendments 85 and 87. Both these amendments will ensure that IMHAs must visit and interview Welsh qualifying compulsory and informal patients where a request is made by a person authorised by the hospital managers rather than by the hospital managers themselves. The term 'hospital managers' is used throughout the 1983 Act and, for LHBs, means the board itself. It is usual for hospital managers to delegate a number of their functions to officers and staff through a formal scheme of delegation. That provides the operational flexibility necessary to ensure that the functions of the 1983 Act run smoothly. We wish to ensure that a scheme of delegation sets out that, for example, ward staff can request, on behalf of the hospital managers, that an IMHA visit a patient and that the IMHA is bound by the duty to comply with a reasonable request established by section 130H. On that basis, I hope that committee members will support those amendments.

[239] **David Lloyd:** A oes unrhyw sylw? Gwelaf fod pawb yn hapus. Cymeraf mai eich dymuniad yw ein bod yn symud i bleidlais, Weinidog. Y cwestiwn yw a ddylid derbyn gwelliant 84. Galwaf am bleidlais.

David Lloyd: Are there any comments? I see that everyone is content. I take it that you wish us to move to a vote, Minister. The question is that amendment 84 be agreed to. I call for a vote.

*Gwelliant 84: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 84: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 84.
Amendment 84 agreed.*

[240] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 85. Weinidog, a hoffech i welliant 85, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: We now come to dispose of amendment 85. Minister, would you like amendment 85 in your name to be moved?

[241] **Edwina Hart:** Yes, please.

[242] **David Lloyd:** Cynigiau welliant 85 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 85. Galwaf am bleidlais.

David Lloyd: I move amendment 85 in the name of Edwina Hart. The question is that amendment 85 be agreed to. I call for a vote.

*Gwelliant 85: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 85: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 85.
Amendment 85 agreed.*

[243] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 86. Weinidog, a hoffech i welliant 86, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: We now come to dispose of amendment 86. Minister, would you like amendment 86 in your name to be moved?

[244] **Edwina Hart:** Yes, please.

[245] **David Lloyd:** Cynigiau welliant 86 yn enw Edwina Hart. Y cwestiwn yw a

David Lloyd: I move amendment 86, in the name of Edwina Hart. The question is that

ddylid derbyn gwelliant 86. Galwaf am amendment 86 be agreed to. I call for a vote. bleidlais.

*Gwelliant 86: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 86: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 86.
Amendment 86 agreed.*

[246] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 87. Weinidog, a hoffech i welliant 87, sydd yn eich enw chi, gael ei gynnig? **David Lloyd:** We now come to dispose of amendment 87. Minister, would you like amendment 87 in your name to be moved?

[247] **Edwina Hart:** Yes, please.

[248] **David Lloyd:** Cynigiau welliant 87 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 87. Galwaf am amendment 87 be agreed to. I call for a vote. **David Lloyd:** I move amendment 87, in the name of Edwina Hart. The question is that amendment 87 be agreed to. I call for a vote. bleidlais.

*Gwelliant 87: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 87: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 87.
Amendment 87 agreed.*

**Cleifion Cymwys Cymru (Gwelliannau 88, 89, 90 a 91)
Welsh Qualifying Patients (Amendment 88, 89, 90 and 91)**

[249] **David Lloyd:** Yr ydym wedi cyrraedd grŵp 12, sy'n ymwneud â chleifion cymwys Cymru. Y prif welliant yn y grŵp hwn yw gwelliant 88. Mae'r grŵp hwn ar dudalennau 17 a 18 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 88, sydd yn eich enw chi, gael ei gynnig? **David Lloyd:** We have reached group 12, which relates to Welsh qualifying patients. The lead amendment in this group is amendment 88. This group is on pages 17 and 18 of the marshalled list. Minister, would you like amendment 88 in your name to be moved?

[250] **Edwina Hart:** Yes, please.

[251] **David Lloyd:** Cynigiau welliant 88 yn enw Edwina Hart. Galwaf ar y Gweinidog i siarad am welliant 88 a'r gwelliannau eraill yn y grŵp hwn.

David Lloyd: I move amendment 88 in the name of Edwina Hart. I call on the Minister to speak to amendment 88 and the other amendments in this group.

[252] **Edwina Hart:** We continue with amendments relating to advocacy. I will deal with amendments 88, 90 and 91 first. Committee members are aware that Part 4 of the proposed Measure will expand the existing independent mental health advocacy scheme so that a wider range of patients will be entitled to the statutory advocacy services that LHBs are obliged to provide. The proposed Measure does this by adding a number of new sections to the relevant parts of the Mental Health Act 1983, which will set out how the scheme will operate in Wales in the future.

[253] During Stage 1, evidence was submitted to this committee from a number of stakeholders expressing concern that expanding the IMHA schemes to cover those patients detained under sections 135 and 136 of the 1983 Act, as we had originally proposed, could be extremely difficult to achieve. Those concerns centred on two points: whether advocacy for persons detained under those sections could realistically be delivered under existing arrangements, particularly for individuals detained in a place of safety other than a hospital; and, secondly, whether the independence and value of advocacy could be undermined by being included in what is likely to be a crisis situation that might result in a patient being detained in hospital.

[254] I have taken account of those concerns, in particular those voiced by advocacy providers, regarding the practicalities and the value of such arrangements. I have decided, in view of that evidence, that the expansion of the IMHA schemes to sections 135 and 136 of the 1983 Act should not be pursued at this time. The definition of 'Welsh qualifying compulsory patients' is in a new section, section 130I, contained in section 33 of the proposed Measure. The effect of amendment 88 will be to remove from that definition those individuals who are detained under sections 135 and 136 of the Mental Health Act 1983. Amendments 90 and 91 are consequential, simply removing further references to this group of patients where they occur later in section 130K of the 1983 Act. This issue may be revisited at a future point. Advocacy is a continuously developing profession, and, as resources and expertise grow over time, we may find that delivering this goal becomes more achievable. For now, however, it is right for us to concentrate our limited resources on those areas in which we are likely to achieve the greatest benefits for the largest number of individuals.

[255] I will now turn to amendment 89, which will replace the existing definition of 'Welsh qualifying informal patients' in new section 130J, with a clearer description of this group of individuals, who will become eligible for the IMHA service. This amendment is being included because the definition of 'informal patients' contained in the proposed Measure seems to have caused some uncertainty among some stakeholders.

2.10 p.m.

[256] During the Plenary debate at the conclusion of Stage 1, I undertook to remedy the situation by bringing forward a new definition that would clarify beyond doubt those non-detained patients who would qualify for the IMHA scheme.

[257] This new definition does away with the ambiguities of the original, and the new definition clearly sets out that all individuals in in-patient settings in Wales receiving assessment or treatment for a mental disorder who are not detained under the Mental Health Act 1983 will qualify for the scheme.

[258] I trust that Members will be able to support this amendment, which goes further than

the committee's recommendations, and which does a good job of amending the legislation.

[259] **David Lloyd:** Diolch yn fawr am yr eglurhad bendigedig hwnnw. A oes unrhyw Aelod am ofyn cwestiwn neu wneud sylw? Gwelaf nad oes. Nid oes trafodaeth i'r Gweinidog ymateb iddi, felly symudwn yn syth i bleidlais yn unol â dymuniad y Gweinidog. Y cwestiwn yw a ddylid derbyn gwelliant 88. Galwaf am bleidlais.

David Lloyd: Thank you for that wonderful explanation. Does any Member wish to ask a question or make a comment? I see that no-one does. There is no debate for the Minister to respond to, therefore we will move straight to the vote in accordance with the Minister's wishes. The question is that amendment 88 be agreed to. I call for a vote.

*Gwelliant 88: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 88: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 88.
Amendment 88 agreed.*

[260] **David Lloyd:** Symudwn yn awr i waredu gwelliant 89. Weinidog, a hoffech i welliant 89 yn eich enw gael ei gynnig?

David Lloyd: We now come to dispose of amendment 89. Minister, would you like amendment 89 in your name to be moved?

[261] **Edwina Hart:** Yes.

[262] **David Lloyd:** Cynigaf welliant 89 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 89. Galwaf am bleidlais.

David Lloyd: I move amendment 89 in the name of Edwina Hart. The question is that amendment 89 be agreed to. I call for a vote.

*Gwelliant 89: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 89: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 89.
Amendment 89 agreed.*

[263] **David Lloyd:** Symudwn yn awr i waredu gwelliant 90. Weinidog, a hoffech i welliant 90 yn eich enw gael ei gynnig?

David Lloyd: We now come to dispose of amendment 90. Minister, would you like amendment 90 in your name to be moved?

[264] **Edwina Hart:** Yes.

[265] **David Lloyd:** Cynigiau welliant 90 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 90. Galwaf am bleidlais. **David Lloyd:** I move amendment 90 in the name of Edwina Hart. The question is that amendment 90 be agreed to. I call for a vote.

*Gwelliant 90: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 90: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 90.
Amendment 90 agreed.*

[266] **David Lloyd:** Symudwn yn awr i waredu gwelliant 91. Weinidog, a hoffech i welliant 91 yn eich enw gael ei gynnig? **David Lloyd:** We now come to dispose of amendment 91. Minister, would you like amendment 91 in your name to be moved?

[267] **Edwina Hart:** Yes.

[268] **David Lloyd:** Cynigiau welliant 91 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 91. Galwaf am bleidlais. **David Lloyd:** I move amendment 91 in the name of Edwina Hart. The question is that amendment 91 be agreed to. I call for a vote.

*Gwelliant 91: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 91: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 91.
Amendment 91 agreed.*

[269] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliant 93 a drafodwyd gyda grŵp 2 ar dudalen 18 o'r rhestr honno. Weinidog, a hoffech i welliant 93 yn eich enw gael ei gynnig? **David Lloyd:** In line with the marshalled list, we now come to dispose of amendment 93, which was discussed with group 2 on page 18 of that list. Minister, would you like amendment 93 in your name to be moved?

[270] **Edwina Hart:** Yes.

[271] **David Lloyd:** Cynigiau welliant 93 **David Lloyd:** I move amendment 93 in the

yn enw Edwina Hart. Y cwestiwn yw a name of Edwina Hart. The question is that ddylid derbyn gwelliant 93. Galwaf am amendment 93 be agreed to. I call for a vote. bleidlais.

Gwelliant 93: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 93: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

Derbyniwyd gwelliant 93.
Amendment 93 agreed.

Codau Ymarfer (Gwelliant 94) **Codes of Practice (Amendment 94)**

[272] **David Lloyd:** Mae gwelliant 94 i'w weld ar dudalennau 18 ac 19 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 94 yn eich enw gael ei gynnig?
David Lloyd: Amendment 94 is to be found on pages 18 and 19 of the marshalled list. Minister, would you like amendment 94 in your name to be moved?

[273] **Edwina Hart:** Yes.

[274] **David Lloyd:** Cynigiau welliant 94 yn enw Edwina Hart. Galwaf ar y Gweinidog i siarad am welliant 94.
David Lloyd: I move amendment 94 in the name of Edwina Hart. I call on the Minister to speak to amendment 94.

[275] **Edwina Hart:** It is the Government's intention that the proposed Measure should operate effectively and deliver our ambitions for improved primary and secondary care services for people with mental health problems. One of the ways of achieving this effective operation of legislation is to issue guidance, but guidance can be of limited effect if scant attention is paid to it and it fails to address the key issues. We need to ensure that strong, effective statutory guidance is issued in respect of the proposed Measure. The guidance should be directed towards people and bodies with particular functions under the proposed Measure, such as care co-ordinators. The guidance also needs to operate within the world in which the proposed Measure will operate, so it is important that it also addresses matters over and above particular functions.

[276] For these reasons, amendment 94 introduces a new section to the proposed Measure concerned with codes of practice. I will explain the effect of amendment 94 on the current section 41 shortly, but I first want to explain the impact of this new section. We intend to move from provisions to make guidance as outlined in the proposed Measure as introduced to one or more codes of practice. We believe that this approach will place the statutory guidance issued under the proposed Measure on a footing in practitioner's minds with their professional codes of conduct, as well as the statutory codes of practice in the area of mental health, such as that issued under the Mental Health Act 1983. It is right that such weight is given to this important guidance.

[277] The status of the code of practice under the 1983 Act was considered by the judicial

arm of the House of Lords in the case of *Munjaz*. It held that the code is guidance to which great weight must be given, and from which hospitals should depart only when they have cogent reasons for doing so. Members of the committee should therefore be under no illusion that the codes of practice that will be prepared under the proposed Measure cannot be lightly ignored. In fact, we are explicitly requiring persons who are undertaking functions under the proposed Measure to have regard to any code in new sub-section 3. I am also committed to ensuring that the codes are effective and meaningful, which is why I consider it appropriate to place a duty on Welsh Ministers to consult on any such code before it is made. That will be achieved through inserting a new sub-section, namely sub-section 4. I trust that Members appreciate the further safeguards that we are building into the process of preparing and making guidance under the proposed Measure, namely the requirement to lay the code before the Assembly, the powers for the Assembly to pass a resolution requiring a code to be withdrawn and the fact that any code may be revoked only by a direction laid before the Assembly. Members will see that the new sub-section, (1)(a), sets out that guidance issued under the proposed Measure will be for, among others, local authorities and LHBs. Such provision renders current section 41 obsolete, which is why amendment 94 removes that section.

[278] **David Lloyd:** A oes unrhyw Aelod eisiau gofyn cwestiwn neu ddarparu sylw? Gwelaf nad oes. Cymeraf fod y Gweinidiog yn dymuno symud i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 94. Galwaf am bleidlais.

David Lloyd: Would any Member like to ask a question or make a comment? I see that no-one does. I take it that the Minister wishes to move to a vote. The question is that amendment 94 be agreed to. I call for a vote.

*Gwelliant 94: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 94: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 94.
Amendment 94 agreed.*

Ystyr Gwasanaethau Iechyd Meddwl Eilaidd (Gwelliannau 95, 96, 97, 98, 99) Meaning of Secondary Mental Health Services (Amendments 95, 96, 97, 98, 99)

[279] **David Lloyd:** Y prif welliant yn y grŵp hwn yw gwelliant 95, ar dudalen 20 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 95, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: The lead amendment in this group is amendment 95, on page 20 of the marshalled list of amendments. Minister, would you like amendment 95 in your name to be moved?

[280] **Edwina Hart:** Yes, please.

[281] **David Lloyd:** Cynigiaf welliant 95 yn enw Edwina Hart. Galwaf ar y Gweinidog i siarad am welliant 95 a'r gwelliannau eraill yn y grŵp.

David Lloyd: I move amendment 95 in the name of Edwina Hart. I call on the Minister to speak to amendment 95 and the other amendments in the group.

[282] **Edwina Hart:** This group of amendments is concerned with section 45, which sets out the meaning of 'secondary mental health services'. This term is used particularly in Parts 1, 2 and 3 and is central to the understanding of eligibility and service provision. We have already discussed and agreed the amendments to the proposed Measure that expand the scope of Parts 1 and 2 to children and young people. Consequently, amendments need to be made to section 45 to reflect changes elsewhere. Therefore, amendments 95, 97 and 98 remove, in the now usual way, references to 'adult' and replace them with the word 'individual'.

[283] Amendment 96 ensures that a further provision is added to the definition of 'secondary mental health services'. This addition will ensure that certain services provided under Part 3 of the Children's Act 1989 are included. Part 3 of the 1989 Act makes provision for services to be made available by the relevant local authority to children in need, their families and others. Such services might include accommodation, welfare and maintenance. In the context of the proposed Measure, it is only services whose main purpose is to meet a need relating to a child's mental health that we consider to be secondary mental health services.

[284] The effect of amendment 99 is quite different from that of the other amendments in this group. The purpose of the amendment is to provide Order-making powers for Welsh Ministers to make additions to, or exclusions from, services that may be considered to be secondary mental health services. For example, Welsh Ministers could by Order encompass enactments from other parts of the United Kingdom or more widely within the meaning of 'secondary mental health services' for the purposes of relevant sections of Part 3. This would allow persons such as prisoners who receive services outside Wales to qualify for assessment under Part 3. Such persons would still need to meet the other eligibility criteria in Part 3.

[285] During my evidence to the committee at Stage 1, I said that I was mindful of the comments made in relation to eligibility under sections 21 to 23, and I wanted to table an amendment to ensure that the boundaries are appropriately drawn. Amendment 99 will allow those boundaries to be drawn. It will also allow the Government to consider and to address the concerns raised by service providers to the committee during Stage 1 about the ever-blurring boundaries between primary and secondary care. I am sure that the use of such an Order-making power will be of particular interest to Members, who will want every opportunity to consider its use. Therefore, I intend to make such a power subject to the affirmative procedure, and that is dealt with by amendment 114, which we will be discussing shortly.

[286] **David Lloyd:** A oes unrhyw Aelod eisiau gofyn cwestiwn? Gwelaf nad oes. Felly, symudwn yn syth i bleidlais. Y cwestiwn yw a ddylid derbyn gwelliant 95. Galwaf am bleidlais. **David Lloyd:** Would any Member like to ask a question? I see that no-one does. Therefore, we shall move straight to a vote. The question is that amendment 95 be agreed to. I call for a vote.

*Gwelliant 95: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 95: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

Derbyniwyd gwelliant 95.

Amendment 95 agreed.

[287] **David Lloyd:** Symudwn yn awr i waredu gwelliant 96. Weinidog, a hoffech i welliant 96, sydd yn eich enw chi, gael ei gynnig? **David Lloyd:** We now come to dispose of amendment 96. Minister, would you like amendment 96 in your name to be moved?

2.20 p.m.

[288] **Edwina Hart:** Yes.

[289] **David Lloyd:** Cynigiau welliant 96 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 96. Galwaf am bleidlais. **David Lloyd:** I move amendment 96 in the name of Edwina Hart. The question is that amendment 96 be agreed to. I call for a vote.

*Gwelliant 96: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 96: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 96.
Amendment 96 agreed.*

[290] **David Lloyd:** Symudwn yn awr i waredu gwelliant 97. Weinidog, a hoffech i welliant 97, sydd yn eich enw chi, gael ei gynnig? **David Lloyd:** We now come to dispose of amendment 97. Minister, would you like amendment 97 in your name to be moved?

[291] **Edwina Hart:** Yes.

[292] **David Lloyd:** Cynigiau welliant 97 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 97. Galwaf am bleidlais. **David Lloyd:** I move amendment 97 in the name of Edwina Hart. The question is that amendment 97 be agreed to. I call for a vote.

*Gwelliant 97: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 97: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 97.
Amendment 97 agreed.*

[293] **David Lloyd:** Symudwn yn awr i waredu gwelliant 98. Weinidog, a hoffech i welliant 98, sydd yn eich enw chi, gael ei gynnig? **David Lloyd:** We now come to dispose of amendment 98. Minister, would you like amendment 98 in your name to be moved?

[294] **Edwina Hart:** Yes.

[295] **David Lloyd:** Cynigiau welliant 98 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 98. Galwaf am bleidlais. **David Lloyd:** I move amendment 98 in the name of Edwina Hart. The question is that amendment 98 be agreed to. I call for a vote.

*Gwelliant 98: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 98: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 98.
Amendment 98 agreed.*

[296] **David Lloyd:** Symudwn yn awr i waredu gwelliant 99. Weinidog, a hoffech i welliant 99, sydd yn eich enw chi, gael ei gynnig? **David Lloyd:** We now come to dispose of amendment 99. Minister, would you like amendment 99 in your name to be moved?

[297] **Edwina Hart:** Yes.

[298] **David Lloyd:** Cynigiau welliant 99 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 99. Galwaf am bleidlais. **David Lloyd:** I move amendment 99 in the name of Edwina Hart. The question is that amendment 99 be agreed to. I call for a vote.

*Gwelliant 99: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 99: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 99.
Amendment 99 agreed.*

[299] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliant 100, sy'n ymddangos ar dudalen 21 o'r rhestr honno. Weinidog, a **David Lloyd:** In accordance with the marshalled list, we now come to dispose of amendment 100, which appears on page 21 of that list. Minister, would you like amendment

hoffech i welliant 100, sydd yn eich enw chi, 100 in your name to be moved?
gael ei gynnig?

[300] **Edwina Hart:** Yes.

[301] **David Lloyd:** Cynigiaf welliant 100 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 100. Galwaf am bleidlais. **David Lloyd:** I move amendment 100 in the name of Edwina Hart. The question is that amendment 100 be agreed to. I call for a vote.

*Gwelliant 100: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 100: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 100.
Amendment 100 agreed.*

[302] **David Lloyd:** Symudwn yn awr i waredu gwelliant 101. Weinidog, a hoffech i welliant 101, sydd yn eich enw chi, gael ei gynnig? **David Lloyd:** We now come to dispose of amendment 101. Minister, would you like amendment 101 in your name to be moved?

[303] **Edwina Hart:** Yes.

[304] **David Lloyd:** Cynigiaf welliant 101 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 101. Galwaf am bleidlais. **David Lloyd:** I move amendment 101 in the name of Edwina Hart. The question is that amendment 101 be agreed to. I call for a vote.

*Gwelliant 101: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 101: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 101.
Amendment 101 agreed.*

[305] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliant 102, sy'n ymddangos ar dudalen 21 o'r rhestr honno. Cafodd y gwelliant ei drafod gyda grŵp 10. Weinidog, a hoffech i welliant 102, sydd yn eich enw **David Lloyd:** In accordance with the marshalled list, we now come to dispose of amendment 102, which appears on page 21 of that list. The amendment was discussed with group 10. Minister, would you like amendment 102 in your name to be moved?

chi, gael ei gynnig?

[306] **Edwina Hart:** Yes.

[307] **David Lloyd:** Cynigiaf welliant 102 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 102. Galwaf am bleidlais.

David Lloyd: I move amendment 102 in the name of Edwina Hart. The question is that amendment 102 be agreed to. I call for a vote.

*Gwelliant 102: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 102: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 102.
Amendment 102 agreed.*

[308] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliant 103, sy'n ymddangos ar dudalen 21 o'r rhestr honno. Cafodd y gwelliant ei drafod gyda grŵp 6. Weinidog, a hoffech i welliant 103, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: In accordance with the marshalled list, we now come to dispose of amendment 103, which appears on page 21 of that list. The amendment was discussed with group 6. Minister, would you like amendment 103 in your name to be moved?

[309] **Edwina Hart:** Yes.

[310] **David Lloyd:** Cynigiaf welliant 103 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 103. Galwaf am bleidlais.

David Lloyd: I move amendment 103 in the name of Edwina Hart. The question is that amendment 103 be agreed to. I call for a vote.

*Gwelliant 103: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 103: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 103.
Amendment 103 agreed.*

[311] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliant 104, sy'n ymddangos ar dudalen 21 o'r rhestr honno. Cafodd y

David Lloyd: In accordance with the marshalled list, we now come to dispose of amendment 104, which appears on page 21 of that list. The amendment was discussed with

gwelliant ei drafod gyda grŵp 5. Weinidog, a group 5. Minister, would you like amendment
hoffech i welliant 104, sydd yn eich enw chi, 104 in your name to be moved?
gael ei gynnig?

[312] **Edwina Hart:** Yes.

[313] **David Lloyd:** Cynigiaf welliant 104 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 104. Galwaf am bleidlais. **David Lloyd:** I move amendment 104 in the name of Edwina Hart. The question is that amendment 104 be agreed to. I call for a vote.

*Gwelliant 104: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 104: For 5, Abstain 0, Against 0.*

[314] Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 104.
Amendment 104 agreed.*

[315] **David Lloyd:** Yn unol â'r rhestr o welliannau wedi'u didoli, symudwn yn awr i waredu gwelliant 105, sy'n ymddangos ar dudalen 22 o'r rhestr honno. Cafodd y gwelliant ei drafod gyda grŵp 3. Weinidog, a hoffech i welliant 105, sydd yn eich enw chi, gael ei gynnig? **David Lloyd:** In accordance with the marshalled list, we now come to dispose of amendment 105, which appears on page 22 of that list. The amendment was discussed with group 3. Minister, would you like amendment 105 in your name to be moved?

[316] **Edwina Hart:** Yes.

[317] **David Lloyd:** Cynigiaf welliant 105 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 105. Galwaf am bleidlais. **David Lloyd:** I move amendment 105 in the name of Edwina Hart. The question is that amendment 105 be agreed to. I call for a vote.

*Gwelliant 105: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 105: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

[318] Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 105.
Amendment 105 agreed.*

[319] **David Lloyd:** Symudwn yn awr i waredu gwelliannau 106, 107 a 108, sy'n **David Lloyd:** We now come to dispose of amendments 106, 107 and 108, which appear

ymddangos yn olynol ar dudalen 22 o'r rhestr o welliannau wedi'u didoli. Cafodd y gwelliannau hyn eu trafod gyda grŵp 2. Cynigiau fod y gwelliannau hyn yn cael eu gwaredu gyda'i gilydd o gofio eu natur a'n cytundeb blaenorol. Cymeraf fod fy nghyd Aelodau yn dal i gydsynio â'r syniad hwnnw. Gwelaf eu bod. Weinidog, a hoffech i welliannau 106, 107 a 108, sydd yn eich enw chi, gael eu cynnig ?

[320] **Edwina Hart:** Yes.

[321] **David Lloyd:** Cynigiau welliannau 106, 107 a 108 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliannau 106, 107 a 108. Galwaf am bleidlais.

consecutively on page 22 of the marshalled list. These amendments were discussed with group 2. I propose that these amendments are disposed of together, in light of their nature and based on our earlier agreement. I take it that my fellow Members are still in agreement with that notion. I see that they are. Minister, would you like amendments 106, 107 and 108 in your name, to be moved?

David Lloyd: I move amendments 106, 107 and 108 in the name of Edwina Hart. The question is that amendments 106, 107 and 108 be agreed to. I call for a vote.

*Gwelliannau 106, 107 a 108: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendments 106, 107 and 108: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliannau 106, 107 a 108.
Amendments 106, 107 and 108 agreed.*

[322] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliannau 109 a 110 sy'n ymddangos yn olynol ar dudalen 22 o'r rhestr o welliannau wedi'u didoli. Cafodd y gwelliannau hyn eu trafod gyda grŵp 5. Cynigiau fod y gwelliannau hyn yn cael eu gwaredu gyda'i gilydd o gofio eu natur. Gwelaf fod pawb yn cytuno.

David Lloyd: We now come to dispose of amendments 109 and 110, which appear consecutively on page 22 of the marshalled list of amendments. These amendments were discussed with group 5. I propose that these amendments be disposed of together given their nature. I see that everyone is in agreement.

[323] Weinidog, a hoffech i welliannau 109 a 110, sydd yn eich enw chi, gael eu cynnig?

Minister, would you like amendments 109 and 110 in your name to be moved?

[324] **Edwina Hart:** Yes.

[325] **David Lloyd:** Cynigiau welliannau 109 a 110 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliannau 109 a 110. Galwaf am bleidlais.

David Lloyd: I move amendments 109 and 110 in the name of Edwina Hart. The question is that amendments 109 and 110 be agreed to. I call for a vote.

*Gwelliannau 109 a 110: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendments 109 and 110: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
 German, Veronica
 Graham, William
 Jones, Helen Mary
 Watson, Joyce

*Derbyniwyd gwelliannau 109 a 110.
 Amendments 109 and 110 agreed.*

[326] **David Lloyd:** Symudwn yn awr i waredu gwelliant 111 a gafodd ei drafod gyda grŵp 5. Weinidog, a hoffech i welliant 111, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: We now come to dispose of amendment 111, which was discussed with group 5. Minister, would you like amendment 111 in your name to be moved?

[327] **Edwina Hart:** Yes.

[328] **David Lloyd:** Cynigaf welliant 111 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 111. Galwaf am bleidlais.

David Lloyd: I move amendment 111 in the name of Edwina Hart. The question is that amendment 111 be agreed to. I call for a vote.

*Gwelliant 111: O blaid 5, Ymatal 0, Yn erbyn 0.
 Amendments 111: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Chapman, Christine
 German, Veronica
 Graham, William
 Jones, Helen Mary
 Watson, Joyce

*Derbyniwyd gwelliant 111.
 Amendment 111 agreed.*

Darpariaethau Gwneud Gorchmynion a Rheoliadau (Gwelliannau 112, 113, 114 a 115) Order and Regulation Making Provisions (Amendments 112, 113, 114 and 115)

[329] **David Lloyd:** Mae'r grŵp nesaf, sef grŵp 15, yn ymwneud â darpariaethau gwneud Gorchmynion a rheoliadau. Y prif welliant yn y grŵp hwn yw gwelliant 112 ar dudalen 23 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 112, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: The next group, group 15, concerns Order and regulation making provisions. The lead amendment in the group is amendment 112 on page 23 of the marshalled list. Minister, would you like amendment 112 in your name to be moved?

[330] **Edwina Hart:** Yes.

[331] **David Lloyd:** Yr wyf yn cynnig gwelliant 112 yn enw Edwina Hart. Yr wyf yn galw ar y Gweinidog i siarad am welliant 112 a'r gwelliannau eraill yn y grŵp.

David Lloyd: I move amendment 112 in the name of Edwina Hart. I call on the Minister to speak to amendment 112 and the other amendments in the group.

[332] **Edwina Hart:** I was pleased to read the findings of the Constitutional Affairs Committee on the proposed Measure. The committee concluded that it was satisfied that the proposed Measure achieves the correct balance between powers on the face of the Measure

and subordinate legislation powers. The committee also agreed that although there are a number of regulation powers in the proposed Measure, they will not create an unnecessarily complex system. Balance and clarity were important features of the development of this proposed Measure, and I am pleased that we have achieved this. I want to ensure that this continues and that, in going forward, Members have the correct opportunities to debate and consider the use of subordinate legislation that we will be bringing forward over the coming months. This group of amendments deals with regulations and Orders, and responds in part to the recommendations made on procedure by both this committee and the Constitutional Affairs Committee. Although amendment 112 is the lead amendment in this group, I will speak first of all to amendment 115.

[333] The Constitutional Affairs Committee recommended that the first set of regulations made under section 17(8) should be subject to the affirmative procedure. I accept that recommendation and amendment 115 secures that position and also goes a little further. The first set of regulations made under section 17, not just sub-section 8, should be subject to the affirmative procedure. This is why the amendment deals with the regulation-making powers of section 17(1)(c) and 17(8). The committee also recommended the use of the affirmative resolution procedure for regulations made under section 22(1)(b), but I intend to go further and include 22(2). Both components of the powers under section 22 are concerned with the relevant discharge period for the purposes of Part 3, therefore, I consider it appropriate that both powers will be subject to the affirmative resolution procedure. Part of amendment 114 deals with this.

[334] Amendment 114 also brings the new regulation-making powers within section 7(6)(a), which we have already debated, under the affirmative resolution procedure. You will recall that these are the regulations that will set out the further categories of persons who will be included in Part 1 of the scheme. We have debated a new Order-making power within section 45, which was dealt with by amendment 99. I set out that the new Order-making power is subject to the affirmative procedure and amendment 114 confirms this.

[335] Amendments 112 and 113, and the remaining provisions of amendment 114, are consequential to the changes that I have outlined. The existing position for the procedures that will be applied to certain other Order and regulation-making powers contained within the proposed Measure is preserved, and I trust that I will have your support as I am supporting the recommendations that came from the Constitutional Affairs Committee.

[336] **David Lloyd:** Nid wyf yn gweld bod unrhyw un am ofyn cwestiynau felly symudwn yn syth i bleidlais ar y mater hwn i gael cadarnhad o ddymuniad y pwyllgor arall a'r pwyllgor hwn. Y cwestiwn yw a ddylid derbyn gwelliant 112. Galwaf am bleidlais.

David Lloyd: I see that there are no questions so we will move straight to a vote on this issue to have confirmation of the request of the other committee and that of this committee. The question is that amendment 112 be agreed to. I call for a vote.

*Gwelliant 112: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendments 112: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 112.
Amendment 112 agreed.*

[337] **David Lloyd:** Symudwn yn awr i waredu gwelliant 113. Weinidog, a hoffech i welliant 113, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: We now come to dispose of amendment 113. Minister would you like amendment 113 in your name to be moved?

[338] **Edwina Hart:** Yes.

[339] **David Lloyd:** Cynigiau welliant 113 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 113. Galwaf am bleidlais.

David Lloyd: I move amendment 113 in the name of Edwina Hart. The question is that amendment 113 be agreed to. I call for a vote.

2.30 p.m.

*Gwelliant 113: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 113: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 113.
Amendment 113 agreed.*

[340] **David Lloyd:** Symudwn yn awr i waredu gwelliant 114. Weinidog, a hoffech i welliant 114, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: We now come to dispose of amendment 114. Minister, would you like amendment 114 in your name to be moved?

[341] **Edwina Hart:** Yes.

[342] **David Lloyd:** Cynigiau welliant 114 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 114. Galwaf am bleidlais.

David Lloyd: I move amendment 114 in the name of Edwina Hart. The question is that amendment 114 be agreed to. I call for a vote.

*Gwelliant 114: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 114: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 114.
Amendment 114 agreed.*

[343] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 115. Weinidog, a hoffech i welliant 115, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: We now come to dispose of amendment 115. Minister, would you like amendment 115 in your name to be moved?

[344] **Edwina Hart:** Yes.

[345] **David Lloyd:** Cynigiaf welliant 115 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 115. Galwaf am bleidlais.

David Lloyd: I move amendment 115 in the name of Edwina Hart. The question is that amendment 115 be agreed to. I call for a vote.

*Gwelliant 115: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 115: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 115.
Amendment 115 agreed.*

[346] **David Lloyd:** Yr ydym yn symud yn awr i waredu gwelliant 116, a drafodwyd gyda grŵp 5, sydd yn ymddangos ar dudalen 24 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 116, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: We now come to dispose of amendment 116, which we debated with group 5, which appears on page 24 of the marshalled list. Minister, would you like amendment 116 in your name to be moved?

[347] **Edwina Hart:** Yes.

[348] **David Lloyd:** Cynigiaf welliant 116 yn enw Edwina Hart. Y cwestiwn yw a ddylid derbyn gwelliant 116. Galwaf am bleidlais.

David Lloyd: I move amendment 116 in the name of Edwina Hart. The question is that amendment 116 be agreed to. I call for a vote.

*Gwelliant 116: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 116: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 116.
Amendment 116 agreed.*

Diwygio Deddf Plant 2004 (Gwelliant 46)
Amendment to the Children Act 2004 (Amendment 46)

[349] **David Lloyd:** Mae'r grŵp hwn yn ymwneud â diwygio Deddf Plant 2004. Gwelliant 46 yw'r unig welliant yn y grŵp hwn ac y mae'n ymddangos ar dudalen 24 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 46, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: This group concerns an amendment to the Children Act 2004. Amendment 46 is the only amendment in the group and appears on page 24 of the marshalled list. Minister, would you like amendment 46 in your name to be moved?

[350] **Edwina Hart:** Yes.

[351] **David Lloyd:** Cynigaf welliant 46 yn enw Edwina Hart, a galwaf ar y Gweinidog i siarad am welliant 46.

David Lloyd: I move amendment 46 in the name of Edwina Hart, and I call on the Minister to speak to amendment 46.

[352] **Edwina Hart:** We have already debated and agreed the importance of Parts 1 and 2 of the proposed Measure being expanded to include those under 18. Amendment 46 is related to that expansion. Under section 26 of the Children Act 2004 and the Children and Young People's Plan (Wales) Regulations 2007, all children's service authorities in Wales are required to publish and review a children and young persons' plan. The plan must set out the authority's strategy for discharging its statutory functions in relation to children and young people. These plans should take into account any mental health services that are available to children in their area. Therefore, amendment 46 proposes the insertion of a new section to the proposed Measure that will require all such plans to include information on the joint schemes agreed under section 2 of the proposed Measure for the delivery of local primary mental health support services within local authority areas.

[353] **David Lloyd:** A yw unrhyw Aelod yn dymuno gofyn cwestiwn neu wneud sylwadau? Gwelaf nad oes unrhyw gwestiynau na sylwadau. Felly, y cwestiwn yw a ddylid derbyn gwelliant 46. Galwaf am bleidlais.

David Lloyd: Does any Member wish to ask a question or make a comment? I see that there are no questions or comments. Therefore, the question is that amendment 46 be agreed to. I call for a vote.

Gwelliant 46: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 46: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Chapman, Christine
 German, Veronica
 Graham, William
 Jones, Helen Mary
 Watson, Joyce

Derbyniwyd gwelliant 46.
Amendment 46 agreed.

Personau o dan Warcheidiaeth Awdurdod Lleol (Gwelliant 83)
Persons Under Local Authority Guardianship (Amendment 83)

[354] **David Lloyd:** Mae'r grŵp hwn yn ymwneud â phersonau o dan warcheidiaeth

David Lloyd: This group concerns persons under local authority guardianship.

awdurdod lleol. Gwelliant 83 yw'r unig welliant yn y grŵp hwn ac y mae'n ymddangos ar dudalen 25 o'r rhestr o welliannau wedi'u didoli. Weinidog, a hoffech i welliant 83, sydd yn eich enw chi, gael ei gynnig?

Amendment 83 is the only amendment in the group and appears on page 25 of the marshalled list. Minister, would you like amendment 83 in your name to be moved?

[355] **Edwina Hart:** Yes.

[356] **David Lloyd:** Cynigiad welliant 83 yn enw Edwina Hart, a galwaf ar y Gweinidog i siarad am welliant 83.

David Lloyd: I move amendment 83 in the name of Edwina Hart, and I call on the Minister to speak to amendment 83.

[357] **Edwina Hart:** Section 21 of the proposed Measure sets out the conditions that must be met in order for a person to be entitled to an assessment under Part 3 of the proposed Measure. As drafted, a person is only entitled to an assessment if they have previously received secondary mental health services. Section 21(2) sets out what it means for a person to have been discharged from such services, and should be read alongside the definition of secondary mental health services in section 45. It is clear from this that a person who is subject to guardianship under the Mental Health Act 1983, and not in receipt of secondary mental health services, would not be eligible for further assessment. That is not the intention of the Government, and amendment 83 seeks to remedy this matter. By the insertion of a new section into the proposed Measure, patients who have been subject to guardianship, but not in receipt of other secondary mental health services, will be brought within the scope of Part 3. I trust that the committee will be able to support this amendment.

[358] **David Lloyd:** A yw unrhyw Aelod yn dymuno gwneud sylwadau? Gwelaf nad oes unrhyw sylwadau. Y cwestiwn yw a ddylid derbyn gwelliant 83. Galwaf am bleidlais.

David Lloyd: Does any Member wish to comment? I see that there are no comments. The question is that amendment 83 be agreed to. I call for a vote.

*Gwelliant 83: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 83: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 83.
Amendment 83 agreed.*

Gweithdrefnau ar gyfer Gwneud Rheoliadau (Gwelliant 92) Procedures for Making Regulations (Amendment 92)

[359] **David Lloyd:** Mae'r grŵp hwn yn ymwneud â'r gweithdrefnau ar gyfer gwneud rheoliadau. Gwelliant 92 yw'r unig welliant yn y grŵp hwn. Weinidog, a hoffech i welliant 92, sydd yn eich enw chi, gael ei gynnig?

David Lloyd: This group concerns procedures for making regulations. Amendment 92 is the only amendment in the group. Minister, would you like amendment 92 in your name to be moved?

[360] **Edwina Hart:** Yes.

[361] **David Lloyd:** Cynigiau welliant 92 yn enw Edwina Hart, a galwaf ar y Gweinidog i siarad am welliant 92. **David Lloyd:** I move amendment 92 in the name of Edwina Hart, and I call on the Minister to speak to amendment 92.

[362] **Edwina Hart:** Earlier groups have made amendments to Part 4 of the proposed Measure, and amendment 92 is the last of the Government's proposed amendments to advocacy provisions. As part of its deliberations, the Constitutional Affairs Committee considered the Assembly's procedures for the Mental Health (Independent Mental Health Advocates) (Wales) Regulations 2008. The committee recommended that the first new set of advocacy regulations made under the Mental Health Act 1983 be subject to the affirmative resolution procedure. This recommendation reflected the expanded scope of statutory advocacy in Wales. This committee supported the Constitutional Affairs Committee's recommendations, and this amendment delivers my commitment to accept the recommendation of both committees.

[363] Amendment 92 will insert a new section into the proposed Measure. This new section amends section 143 of the Mental Health Act 1983. That amendment will require that, the first time a statutory instrument is made under relevant sections, which contain the principal regulation-making powers of 130E to 130H of the 1983 Act, it will be made subject to the affirmative procedure. Both this committee and the Constitutional Affairs Committee requested this amendment, so I should be grateful for Members' support.

[364] **David Lloyd:** Diolch, Weinidog. A oes unrhyw gwestiynau? Gwelaf nad oes. Mae hwn yn un o argymhellion y pwyllgor hwn, ond symudaf i bleidlais. Weinidog, a hoffech symud i bleidlais ar welliant 92? **David Lloyd:** Thank you, Minister. Are there any questions? I see that there are not. This is one of the committee's recommendations, but I will move to a vote. Minister would you like to move to a vote on amendment 92?

[365] **Edwina Hart:** Yes, Chair.

[366] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 92. Galwaf am amendment 92 be agreed to. I call for a vote. **David Lloyd:** The question is that amendment 92 be agreed to. I call for a vote. bleidlais.

*Gwelliant 92: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 92: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Chapman, Christine
German, Veronica
Graham, William
Jones, Helen Mary
Watson, Joyce

*Derbyniwyd gwelliant 92.
Amendment 92 agreed.*

**Case Friends (Gwelliant 117)
Cyfeillion Achos (Amendment 117)**

[367] **David Lloyd:** Mae'r grŵp hwn yn **David Lloyd:** This group concerns case

ymwneud â chyfeillion achos. Yr unig welliant yn y grŵp hwn yw gwelliant 117 ar dudalen 26 o'r rhestr o welliannau wedi'u didoli. Galwaf ar William Graham i gynnig gwelliant 117 ac i siarad am y gwelliant.

friends. The only amendment in this group is amendment 117 on page 26 of the marshalled list. I call on William Graham to move amendment 117 and to speak to the amendment.

[368] **William Graham:** I move amendment 117 in my name.

[369] Members will appreciate the scope of the Mental Health Act 1983, which excludes close friends, carers or members of patients' families from acting as advocates. At present, you can only be an independent mental health advocate if you have significant experience and training. Although the committee appreciates and accepts the argument made by the Minister and Advocacy Wales that there is a need to protect the level of independence of professional advocates, we believe that family members and close friends often understand the patient and their needs extremely well. The term 'case friends' in this amendment is an attempt at a compromise, borrowed from the Education (Wales) Measure 2009, to ensure that those patients who feel unable to represent themselves adequately are able to nominate the person who they feel is best placed to act on their behalf.

[370] **David Lloyd:** Diolch, William. A oes unrhyw Aelod arall eisiau siarad? Gwelaf nad oes. Galwaf felly ar y Gweinidog.

David Lloyd: Thank you, William. Does any other Member wish to speak? I see that no other Members wish to speak. I therefore call the Minister.

[371] **Edwina Hart:** I have listened carefully to the reasons put forward for this amendment by William, but I do not feel that this type of arrangement would be appropriate for mental health service users. The case friend concept in the Education (Wales) Measure 2009 is designed for a particular purpose. I do not believe that transposing it into this proposed Measure is particularly appropriate, if what is being sought is representation and support for those individuals receiving services under Parts 1, 2 and 3 of the Proposed Mental Health (Wales) Measure. There is already a significant range of advocacy and befriending services available to those with mental health problems in Wales. Many are provided by mental health charities and service-user organisations, as well as professional independent advocacy organisations. These advocacy services have a wealth of experience in understanding mental health services and how best to help and support individuals within those services.

[372] This committee has expressed its satisfaction with the advocacy provisions in the proposed Measure and concluded that it did not believe that universal access to statutory advocacy services was appropriate at this time. I agree with the committee, but I also believe that we need to support and grow existing non-statutory services, which are best placed to offer appropriate advice, support and representation for patients in primary and secondary care. This is a more sensible route than seeking to import an approach that was designed for a very different group of individuals and in very particular circumstances than those who will be covered by the proposed Measure.

[373] From what I know of the case friend concept, there are plans to allow relatives or others close to the child to act on their behalf. You will recall, in his evidence to committee during Stage 1, Rob Merrill from south Wales independent mental health advocacy stated that such arrangements were fundamentally opposite to the principles of advocacy. He went on to explain that mental health advocates work for the client and only involve the client's carers, friends and family if that is what the client wants. Rob Merrill also explained that, even in the best relationships, the agenda of friends and family can be different from that of the client. In the worst cases, Rob warned that it was his experience that carers and those around the client can be part of the problem rather than the solution. We need to take heed of this experience

and advice when considering the case-friend model. I also note that the regulations to bring into effect the case-friend arrangements have not yet been introduced. At the very least, it would be prudent for us to see whether the scheme proves to be successful before seeking to introduce something similar under this proposed Measure. So, although I recognise the spirit in which this amendment was brought forward, I do not consider it to be appropriate, meaningful or workable in the context of mental health services in Wales.

2.40 p.m.

[374] **David Lloyd:** Galwaf ar William Graham i ymateb i'r drafodaeth. **David Lloyd:** I call on William Graham to reply to the debate.

[375] **William Graham:** I have no further comments to make.

[376] **David Lloyd:** A hoffech symud i bleidlais ar welliant 117? **David Lloyd:** Do you wish to proceed to a vote on amendment 117?

[377] **William Graham:** I wish to move to a vote.

[378] **David Lloyd:** Y cwestiwn yw a ddylid derbyn gwelliant 117. Galwaf amendment 117 be agreed to. I call for a bleidlais. **David Lloyd:** The question is that amendment 117 be agreed to. I call for a vote.

Gwelliant 117: O blaid 1, Ymatal 0, Yn erbyn 4.

Amendment 117: For 1, Abstain 0, Against 4.

Pleidleisiodd yr Aelod canlynol o blaid:
The following Member voted for:

Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Chapman, Christine
German, Veronica
Jones, Helen Mary
Watson, Joyce

*Gwrthodwyd gwelliant 117.
Amendment 117 not agreed.*

Dyletswydd i Adolygu'r Mesur (Gwelliant 118) Duty to Review the Measure (Amendment 118)

[379] **David Lloyd:** Mae'r grŵp terfynol yn ymwneud â dyletswydd i adolygu'r Mesur arfaethedig. Gwelliant 118 ar dudalen 28 o'r rhestr o welliannau wedi'u didoli yw'r unig welliant yn y grŵp hwn. **David Lloyd:** The final group concerns a duty to review the proposed Measure. Amendment 118 on page 28 of the marshalled list is the only amendment in this group.

[380] Galwaf ar William Graham i gynnig gwelliant 118 ac i siarad am y gwelliant. **David Lloyd:** I call on William Graham to move amendment 118 and to speak to the amendment.

[381] **William Graham:** I move amendment 118 in my name.

[382] While we welcome the extension of the scope of the proposed Measure to include children under the age of 18, that will have financial implications. Unless sufficient funds are allocated, we will end up with a situation where no-one is satisfied with a proposed Measure that encompasses more people, but is lacking in the funding to fully support anyone.

[383] When the Finance Committee scrutinised the proposed Measure, its assessment did not include the cost of extending its scope to include children under the age of 18. For that reason, we have tabled an amendment calling for a review of the proposed Measure at the end of the first complete financial year after it is implemented. It also calls for a report to be laid before the National Assembly to ensure that it has had the appropriate funding to deliver on the key objectives.

[384] **David Lloyd:** A oes unrhyw Aelod arall am ddweud unrhwy beth? Gwelaf nad oes. Galwaf ar y Gweinidog. **David Lloyd:** Does any other Member wish to say anything? I see that you do not. I call the Minister.

[385] **Edwina Hart:** Thank you, again, William for outlining the issues behind this. I find much merit in this amendment and, of course, can see that it requires little more than I have already committed to. I have set out in the explanatory memorandum my commitment to keep the operation of this important proposed Measure under review and I have spoken today about some of the matters that I expect to include in that review. The single recommendation of the Finance Committee was that the findings of the review should be assessed by an appropriate Assembly committee—a recommendation that I was happy to agree with. Therefore, I trust that Members will be assured by the level of my support for the successful implementation of the proposed Measure and its subordinate legislation and guidance.

[386] I have listened to the reasons for tabling the amendment and I have also considered very carefully the proposed new section. I understand the intentions within it, but I think that it may need further consideration from a drafting perspective. For example, given that I have already set out a staged implementation process, it may be that some smaller elements of the proposed Measure will not commence for some time. To leave a review for one year after the last minor points of the proposed Measure have commenced may be too long. We will also want to consider whether the Order-making powers should be included in the review. It would be my intention to reconsider how any use of the new Order-making powers around the definition of secondary mental health services has worked. However, these are drafting points rather than issues with the amendment. On that basis, I would like the opportunity to take this away with a view to returning to it at Stage 3. So, while I will resist the amendment, if we vote on it today, I hope that Members will recognise that that is because I believe that a further draft is needed when we return to this in Plenary at Stage 3. Therefore, I wonder whether the Member would be prepared to accept my assurance on this issue.

[387] **William Graham:** In light of the Minister's response, I am happy to withdraw amendment 118.

[388] **David Lloyd:** A oes unrhyw Aelod yn gwrthwynebu tynnu gwelliant 118 yn ôl? Gwelaf nad oes. Mae'r gwelliant, felly, wedi'i dynnu'n ôl. **David Lloyd:** Does any Member object to the withdrawal of amendment 118? I see that no-one does. The amendment, therefore, has been withdrawn.

*Tynnwyd gwelliant 118 yn ol drwy ganiatâd y pwyllgor.
Amendment 118 was withdrawn by leave of the committee.*

[389] Byddwch yn falch i nodi mai dyna ddiwedd y broses gwelliannau ffurfiol, ond nid ydym wedi cyrraedd diwedd y drafodaeth. Gan ddiolch i bawb am eu hamynedd a'u dyfalbarhad, symudwn yn awr i'r diwedd glo ffurfiol. You will be pleased to note that that is the end of the formal amendments process, but we have not yet reached the end of the discussion. Thanking everyone for their patience and perseverance, we now move to the formal ending.

[390] Clywsom eisoes am fwriad y Gweinidog i ddiwygio'r memorandwm esboniadol, ond mae proses i fynd drwyddi; gyda'ch cytundeb, gwnawn hynny. O dan Rheol Sefydlog Rhif 23.40, os caiff Mesur arfaethedig ei ddiwygio yn nhrefodion Cyfnod 2, sef yr hyn yr ydym newydd ei wneud, i fewnosod adran neu Atodlen, neu i newid yn sylweddol unrhyw ddarpariaeth bresennol, caiff y pwyllgor sy'n ystyried trafodion Cyfnod 2 ofyn i'r Aelod sy'n gyfrifol amdano baratoi memorandwm esboniadol diwygiedig. Credaf fod y gwelliannau a dderbyniwyd gan y pwyllgor hwn wedi newid rhai o'r darpariaethau presennol yn sylweddol. Ar y sail hwnnw, a yw Aelodau'n cytuno y dylai Llywodraeth y Cynulliad baratoi memorandwm esboniadol diwygiedig? Gwelaf fod Aelodau'n cytuno. Yr ydym wedi clywed y Gweinidog eisoes yn dweud y bydd yn cyflwyno memorandwm esboniadol diwygiedig. Dyma Weinidog sydd wedi gwrandao ar yr holl drafodaeth a'r holl dystiolaeth yng Nghyfnodau 1 a 2, ac sydd wedi darparu ystod eang o welliannau, gan brofi bod y broses o symud o Gyfnod 1 i Gyfnod 2 yn gallu gweithio yn rhagorol, yn enwedig gyda'r Gweinidog sydd o'n blaenau.

[391] O dan Reol Sefydlog Rhif 23.41, mae'n rhaid i unrhyw femorandwm esboniadol diwygiedig y gofynnir amdano o dan Reol Sefydlog Rhif 23.40 gael ei osod o leiaf bum diwrnod gwaith cyn dyddiad cyfarfod cyntaf y Cynulliad sy'n ystyried trafodion Cyfnod 3. Dywedaf hynny er budd swyddogion y Gweinidog. Bydd Cyfnod 3 yn dechrau yfory. Caiff Aelodau eu hysbysu ynghylch y dyddiad cau ar gyfer cyflwyno gwelliannau maes o law, a chaiff hynny ei gyhoeddi yn yr hysbysiad busnes.

[392] Cynhelir cyfarfod nesaf y pwyllgor hwn ddydd Iau nesaf, pan y byddwn yn trafod Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru). Gyda'r ychydig sylwadau hynny, diolchaf i bawb am eu hymdrech neilltuol. Yn benodol, diolchaf i'r clerod a'r swyddogion. Mae gwaith anferthol wedi'i wneud y tu ôl i'r llenni i sicrhau ein bod wedi gallu gwaredu 121 o welliannau mewn ffordd mor ysbrydoledig y prynhawn yma a hynny o fewn dwy awr. Diolch yn fawr i chi i gyd. Diolch hefyd i'r Gweinidog a'i swyddogion am eu holl waith

We have already heard the Minister's intention to amend the explanatory memorandum, but there is a process to go through; with your agreement, we will do that. Under Standing Order No. 23.40, if a proposed Measure is amended at Stage 2 proceedings, namely what we have just done, so as to insert a section or Schedule, or substantially alter any existing provision, the committee considering Stage 2 proceedings may request that the Member in charge prepares a revised explanatory memorandum. I believe that the amendments agreed by this committee have substantially altered some existing provisions. On that basis, do Members agree that the Assembly Government should prepare a revised explanatory memorandum? I see that Members are in agreement. We have already heard the Minister say that she will lay a revised explanatory memorandum. This is a Minister who has listened to the entire discussion and all the evidence at Stages 1 and 2, and who has provided a wide range of amendments, which proves that the process of moving from Stage 1 to Stage 2 can work exceptionally well, especially with the Minister before us.

Under Standing Order No. 23.41, any revised explanatory memorandum requested under Standing Order No. 23.40 must be laid at least five working days before the date of the first meeting of the Assembly to consider Stage 3 proceedings. That is for the benefit of the Minister's officials. Stage 3 begins tomorrow. Members will be notified of the deadline for tabling amendments in due course, and that will be published in the business notice.

The next meeting of this committee will be held next Thursday, when we will discuss the Proposed Local Government (Wales) Measure. With those few words, I thank everyone for their outstanding efforts. I particularly thank the clerks and the officials. A huge amount of work has taken place behind the scenes to ensure that we were able to dispose of 121 amendments in such inspired fashion this afternoon, and all within two hours. Thank you all. I also thank the Minister and her officials for all of their work behind the scenes. There has been much hard

y tu ôl i'r llenni. Mae gwaith caled aruthrol wedi'i wneud i ddiwygio'r Mesur iechyd meddwl arfaethedig ac mae'n destun clod i bawb sydd wedi bod ynghlwm ag ef. Diolch yn fawr i chi i gyd am eich presenoldeb a diolch yn fawr am y cyfieithu. Yr wyf yn datgan bod y cyfarfod ar ben.

work to amend the proposed mental health Measure and it is to the credit of everyone who has been involved with it. I thank you all for your presence and I offer my thanks for the interpretation. I now declare the meeting closed.

Daeth y cyfarfod i ben am 2.47 p.m.
The meeting ended at 2.47 p.m.