

## RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

### Bil Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru)

### Regulation and Inspection of Social Care (Wales) Bill

Mae'r gwelliannau â \* ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu  
Amendments marked \* are new or have been altered

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Caiff y Bil ei ystyried yn y drefn a ganlyn—  
The Bill will be considered in the following order—

Section 2	Adran 2
Schedule 1	Atodlen 1
Sections 3 - 63	Adrannau 3 - 63
Section 1	Adran 1
Section 66	Adran 66
Schedule 2	Atodlen 2
Sections 67 - 173	Adrannau 67 - 173
Sections 64 - 65	Adrannau 64 - 65
Sections 174 - 183	Adrannau 174 - 183
Schedule 3	Atodlen 3
Sections 184 - 188	Adrannau 184 - 188
Long title	Teitl hir

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**Lindsay Whittle**

126

Section 2, page 2, after line 26, insert—

'() an advocacy service,'.

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

'() gwasanaeth eirioli,'.



**Lindsay Whittle**

127

Section 2, page 2, after line 26, insert –

‘() a preventative and enablement service,’.

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

‘() gwasanaeth ataliol a galluogi,’.

**Lindsay Whittle**

128

Section 2, page 2, after line 27, insert –

‘() an extra care service, and’.

Adran 2, tudalen 2, ar ôl llinell 29, mewnosoder –

‘() gwasanaeth gofal ychwanegol, a’.

**Lindsay Whittle**

156

Schedule 1, page 113, after line 26, insert –

*‘Advocacy services*

( ) An “advocacy service” means a service which provides assistance (by way of representation or otherwise) to persons for purposes relating to their care and support.’.

Atodlen 1, tudalen 113, ar ôl llinell 27, mewnosoder –

*‘Gwasanaethau eirioli*

( ) Ystyr “gwasanaeth eirioli” yw gwasanaeth sy’n darparu cynhorthwy (ar ffurf cynrychiolaeth neu fel arall) i bersonau at ddibenion sy’n ymwneud â’u gofal a chymorth.’.

**Lindsay Whittle**

157

Schedule 1, page 113, after line 26, insert –

*‘Preventative and enablement services*

( ) (1) A “preventative and enablement service” means a service which achieves (or is designed to achieve) one or more of the purposes in subparagraph (2).

(2) The purposes are –

- (a) contributing towards preventing or delaying the development of people’s needs for care and support;
- (b) reducing the needs for care and support of people who have such needs;
- (c) promoting the upbringing of children by their families, where that is consistent with the well-being of children;
- (d) minimising the effect on disabled people of their disabilities;



- (e) contributing towards preventing people from suffering abuse or neglect;
- (f) reducing the need for –
  - (i) proceedings for care or supervision orders under the Children Act 1989,
  - (ii) criminal proceedings against children,
  - (iii) any family or other proceedings in relation to children which might lead to them being placed in local authority care, or
  - (iv) proceedings under the inherent jurisdiction of the High Court in relation to children;
- (g) encouraging children not to commit criminal offences;
- (h) avoiding the need for children to be placed in secure accommodation;
- (i) enabling people to live their lives as independently as possible.’.

Atodlen 1, tudalen 113, ar ôl llinell 27, mewnosoder –

*‘Gwasanaethau ataliol a galluogi*

- ( ) (1) Ystyr “gwasanaeth ataliol a galluogi” yw gwasanaeth sy’n cyflawni (neu sydd wedi’i gynllunio i gyflawni) un neu ragor o’r dibenion yn is-baragraff (2).
- (2) Y dibenion yw –
  - (a) cyfrannu at atal neu oedi datblygiad anghenion pobl am ofal a chymorth;
  - (b) lleihau’r anghenion am ofal a chymorth i bobl y mae arnynt anghenion o’r fath;
  - (c) hyrwyddo magwraeth plant gan eu teuluoedd, pan fo hynny’n gyson â llesiant y plant;
  - (d) cadw i’r lleiaf posibl yr effaith sydd gan eu hanabledau ar bobl anabl;
  - (e) cyfrannu at atal pobl rhag dioddef gan gamdriniaeth neu esgeulustod;
  - (f) lleihau’r angen am –
    - (i) achosion cyfreithiol am orchmynion gofalu neu oruchwyllo o dan Ddeddf Plant 1989,
    - (ii) achosion troseddol yn erbyn plant,
    - (iii) unrhyw achosion teuluol neu achosion cyfreithiol eraill mewn perthynas â phlant a allai arwain at eu rhoi yng ngofal awdurdod lleol, neu
    - (iv) achosion cyfreithiol o dan awdurdodaeth gynhenid yr Uchel Lys mewn perthynas â phlant;
  - (g) annog plant i beidio â throeddu;
  - (h) osgoi’r angen i blant gael eu lleoli mewn llety diogel;
  - (i) galluogi pobl i fyw eu bywydau mewn ffordd mor annibynnol â phosibl.’.



**Lindsay Whittle**

158

Schedule 1, page 114, after line 16, insert –

*'Extra care services*

- ( ) An “extra care service” means a service providing specially designed or adapted housing in which varying amounts of care and support can be offered and where some services and facilities are shared.’.

Atodlen 1, tudalen 114, ar ôl llinell 16, mewnosoder –

*'Gwasanaethau gofal ychwanegol*

- ( ) Ystyr “gwasanaeth gofal ychwanegol” yw gwasanaeth sy’n darparu tai sydd wedi’u dylunio neu eu haddasu’n arbennig lle y gellir cynnig amrywiaeth o ofal a chymorth a lle y rhennir rhai gwasanaethau a chyfleusterau.’.

**Lindsay Whittle**

129

Section 3, page 3, line 3, leave out –

‘care relating to –

- (i) the day to day physical tasks and needs of the person cared for, and
- (ii) the mental processes related to those tasks and needs’

And insert –

‘the provision of what is necessary to –

- ( ) meet the day to day physical tasks of a person being cared for,
- ( ) meet the day to day physical, emotional, spiritual and cultural needs of a person being cared for,
- ( ) promote and maintain the well-being of a person being cared for, and
- ( ) ensure that the life of a person cared for has value, meaning and a purpose’.

Adran 3, tudalen 3, llinell 3, hepgorer –

‘gofal sy’n ymwneud â –

- (i) tasgau ac anghenion corfforol beunyddiol y person y gofelir amdano, a
- (ii) y prosesau meddyliol sy’n ymwneud â’r tasgau a’r anghenion hynny’

A mewnosoder –

‘darparu yr hyn sy’n angenrheidiol er mwyn –

- ( ) cyflawni tasgau corfforol beunyddiol person y gofelir amdano,
- ( ) cyflawni anghenion corfforol, emosiynol, ysbrydol a diwylliannol beunyddiol person y gofelir amdano,
- ( ) hyrwyddo a chynnal llesiant person y gofelir amdano, a



( ) sicrhau bod gwerth, ystyr a diben i fywyd person y gofelir amdano.

**Mark Drakeford**

1

Section 3, page 3, line 4, after 'for', insert '(for example, eating and washing)'.

Adran 3, tudalen 3, llinell 4, ar ôl 'amdano', mewnosoder '(er enghraifft, bwyta ac ymolchi)'.

**Mark Drakeford**

2

Section 3, page 3, line 5, after 'needs', insert '(for example, the mental process of remembering to eat and wash)'.

Adran 3, tudalen 3, llinell 5, ar ôl 'hynny', mewnosoder '(er enghraifft, y broses feddyliol o gofio bwyta ac ymolchi)'.

**Altaf Hussain**

109

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

'(iii) the emotional needs of the person cared for;'.

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

'(iii) anghenion emosiynol y person y gofelir amdano;'.

**Mark Drakeford**

3

Section 3, page 3, line 8, leave out ', 149A to 149D, 161, 161A and' and insert 'and 149A to'.

Adran 3, tudalen 3, llinell 9, hepgorer ', 149A i 149D, 161, 161A a' a mewnosoder 'a 149A i'.

**Lindsay Whittle**

130

Section 6, page 4, after line 15, insert –

'( ) identifying any person who will have authority to give instructions about the management of the place at, from or in relation to which the service is to be provided, and'.

Adran 6, tudalen 4, ar ôl llinell 16, mewnosoder –

'( ) sy'n adnabod unrhyw berson y bydd ganddo awdurdod i roi cyfarwyddiadau am reoli'r man y caiff y gwasanaeth ei ddarparu ynddo neu ohono neu mewn perthynas ag ef, ac'.

**Lindsay Whittle**

131

Section 6, page 4, after line 16, insert –

'( ) An application must be accompanied by a declaration by the applicant that any person who will have authority to give instructions about the management of the place at, from or in relation to which the service is to be provided, is a fit and proper person.'



Adran 6, tudalen 4, ar ôl llinell 17, mewnosoder –

- ( ) Rhaid i gais gynnwys gydag ef ddatganiad gan yr ymgeisydd fod unrhyw berson y bydd ganddo awdurdod i roi cyfarwyddiadau am reoli'r man y caiff y gwasanaeth ei ddarparu ynddo neu ohono neu mewn perthynas ag ef, yn berson addas a phriodol.'

**Lindsay Whittle**

132

**Gyda chefnogaeth/ Supported by: Kirsty Williams**

Section 7, page 4, after line 23, insert –

- ( ) in the case of an application relating to a domiciliary care service, contains the undertaking set out in subsection ((*subsection to be inserted by amendment 133*));'

Adran 7, tudalen 4, ar ôl llinell 25, mewnosoder –

- ( ) yn achos cais sy'n ymwneud â gwasanaeth gofal cartref, yn cynnwys yr ymgymeriad a nodir yn is-adran ((*yr is-adran sy'n cael ei mewnosod gan welliant 133*));'

**Mark Drakeford**

4

Section 7, page 4, after line 24, insert –

- ( ) the applicant is a fit and proper person to be a service provider (see section (*section to be inserted by amendment 7*));'

Adran 7, tudalen 4, ar ôl llinell 26, mewnosoder –

- ( ) bod yr ymgeisydd yn berson addas a phriodol i fod yn ddarparwr gwasanaeth (gweler adran (*yr adran sy'n cael ei fewnosod gan welliant 7*));'

**Mark Drakeford**

5

Section 7, page 4, line 27, leave out 'satisfies any requirements prescribed under section 19(4) (requirements as to fitness to be a responsible individual' and insert 'is a fit and proper person to be a responsible individual (see section (*section to be inserted by amendment 7*))'.

Adran 7, tudalen 4, llinell 29, hepgorer 'bodloni unrhyw ofynion a ragnodir o dan adran 19(4) (gofynion o ran addasrwydd i fod yn unigolyn cyfrifol' a mewnosoder 'berson addas a phriodol i fod yn unigolyn cyfrifol (gweler adran (*yr adran sy'n cael ei fewnosod gan welliant 7*))'.



**Lindsay Whittle**

133

**Gyda chefnogaeth / Supported by: Kirsty Williams**

Section 7, page 5, after line 6, insert—

- '( ) The undertaking is that a domiciliary care service must not be provided by way of a visit the duration of which is shorter than half an hour unless—
- (a) the person carrying out the visit on behalf of the service provider is known to the person receiving the service, and
  - (b) the visit is part of a wider package of support, and it allows enough time to complete specific, time limited tasks or to check if someone is safe and well.'

Adran 7, tudalen 5, ar ôl llinell 7, mewnosoder—

- '( ) Yr ymgymeriad yw na chaniateir darparu gwasanaeth gofal cartref drwy ymweliad sy'n fyrrach na hanner awr oni bai bod—
- (a) y person sy'n cynnal yr ymweliad ar ran y darparwr gwasanaeth yn hysbys i'r person sy'n derbyn y gwasanaeth, a
  - (b) yr ymweliad yn rhan o becyn ehangach o gymorth, a'i fod yn caniatáu digon o amser i gwblhau tasgau penodol sy'n gyfyngedig i amser neu i gadarnhau os yw rhywun yn ddiogel ac yn iach.'

**Lindsay Whittle**

134

Section 7, page 5, after line 12, insert—

- '(iii) that the service provider must have policies and procedures in place requiring the delivery of the service to have regard to the preferred language of the person to whom the regulated service is being provided, and'.

Adran 7, tudalen 5, ar ôl llinell 14, mewnosoder—

- '(iii) bod yn rhaid i'r darparwr gwasanaethau fod â pholisiau a gweithdrefnau ar waith sy'n ei gwneud yn ofynnol i'r ddarpariaeth honno roi sylw i ddewis iaith y person y darperir y gwasanaeth rheoleiddiedig iddo, a'.

**Lindsay Whittle**

135

Section 7, page 5, after line 12, insert—

- '(iii) that the service provider must have policies in place setting out its arrangements for the current and future delivery of the service (including but not limited to, for example, recruitment, retention and training), and'.

Adran 7, tudalen 5, ar ôl llinell 14, mewnosoder—

- '(iii) bod yn rhaid i'r darparwr gwasanaeth fod â pholisiau ar waith yn nodi ei drefniadau ar gyfer cyflenwi gwasanaeth ar hyn o bryd ac yn y dyfodol (gan gynnwys er enghraifft recriwtio, cadw a hyfforddi, ond heb fod yn gyfyngedig iddynt), a'.



**Mark Drakeford**

6

Section 7, page 5, line 18, leave out subsection (5).

Adran 7, tudalen 5, llinell 20, hepgorer is-adran (5).

**Altaf Hussain**

7A

As an amendment to amendment 7, after line 8, insert –

- ‘( ) If the Welsh Ministers think that a person has been responsible for, contributed to or facilitated any misconduct or mismanagement in a regulated service, the Welsh Ministers must consider the circumstances of the misconduct or mismanagement in deciding whether a person is fit and proper.
- ( ) The circumstances in (*first subsection to be inserted by amendment 7A*) include –
- (a) the seriousness and duration of the misconduct or mismanagement;
  - (b) any harm caused to any person, including any evidence of intention to cause harm;
  - (c) any financial gain made by the person;
  - (d) any remedial action the person took following the misconduct or mismanagement.’.

Fel gwelliant i welliant 7, ar ôl llinell 9, mewnosoder –

- ‘( ) Os yw Gweinidogion Cymru yn credu bod person wedi bod yn gyfrifol am unrhyw gamymddwyn neu gamreoli mewn gwasanaeth rheoleiddiedig, neu wedi cyfrannu at hyn neu wedi hwyluso hyn, rhaid i Weinidogion Cymru ystyried amgylchiadau'r camymddwyn neu'r camreoli wrth benderfynu a yw person yn addas a phriodol.
- ( ) Mae'r amgylchiadau yn (*yr is-adran gyntaf sy'n cael ei mewnosod gan welliant 7A*) yn cynnwys –
- (a) difrifoldeb a hyd y camymddwyn neu'r camreoli;
  - (b) unrhyw niwed a achosir i unrhyw berson, gan gynnwys unrhyw dystiolaeth o fwriad i achosi niwed;
  - (c) unrhyw elw ariannol a wnaeth y person;
  - (d) unrhyw gamau unioni a gymerodd y person yn dilyn y camymddwyn neu'r camreoli.’.

**Mark Drakeford**

7

Page 5, after line 28, insert a new section –

‘( ) **Fit and proper person: relevant considerations**

- (1) This section applies to any decision of the Welsh Ministers as to whether –
- (a) a service provider,
  - (b) a person applying to be a service provider,





- (c) a responsible individual, or
  - (d) a person to be designated as a responsible individual,
- is a fit and proper person to be a service provider or, as the case may be, a responsible individual.
- (2) In making such a decision the Welsh Ministers must have regard to all matters they think appropriate.
  - (3) In particular, the Welsh Ministers must have regard to any evidence falling within subsections (4) to (6).
  - (4) Evidence falls within this subsection if it shows that the person has—
    - (a) committed—
      - (i) any offence involving fraud or other dishonesty, violence, firearms or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c.42) (offences attracting notification requirements),
      - (ii) an offence under this Act or regulations made under it,
      - (iii) an offence under Part 2 of the Care Standards Act 2000 (c.14) or regulations made under it, or
      - (iv) any other offence which the Welsh Ministers think is relevant, or
    - (b) practised unlawful discrimination or harassment on the grounds of any characteristic which is a protected characteristic under section 4 of the Equality Act 2010 (c.15), or victimised another person contrary to that Act, in or in connection with the carrying on of any business.
  - (5) Evidence is within this subsection if—
    - (a) it shows that any other person associated or formerly associated with the person (whether on a personal, work or other basis) has done any of the things set out in subsection (4), and
    - (b) it appears to the Welsh Ministers that the evidence is relevant to the question as to whether the person is a fit and proper person to be a service provider or, as the case may be, a responsible individual.
  - (6) Evidence is within this subsection if it shows that the person has previously failed to comply with—
    - (a) a condition imposed under this Part, or
    - (b) a requirement imposed by regulations under section 26(1) or 27(1).
  - (7) The Welsh Ministers may, by regulations, amend this section to vary the evidence to which they must have regard.’.

Tudalen 5, ar ôl llinell 30, mewnosoder adran newydd—

**‘()** **Person addas a phriodol: ystyriaethau perthnasol**

- (1) Mae’r adran hon yn gymwys i unrhyw benderfyniad gan Weinidogion Cymru o ran a yw—
  - (a) darparwr gwasanaeth,



- (b) person sy'n gwneud cais i fod yn ddarparwr gwasanaeth,
  - (c) unigolyn cyfrifol, neu
  - (d) person sydd i'w ddynodi'n unigolyn cyfrifol,
- yn berson addas a phriodol i fod yn ddarparwr gwasanaeth neu, yn ôl y digwydd, unigolyn cyfrifol.
- (2) Wrth wneud penderfyniad o'r fath rhaid i Weinidogion Cymru roi sylw i'r holl faterion sy'n briodol yn eu barn hwy.
  - (3) Yn benodol, rhaid i Weinidogion Cymru roi sylw i unrhyw dystiolaeth sy'n dod o fewn is-adrannau (4) i (6).
  - (4) Mae tystiolaeth yn dod o fewn yr is-adran hon os yw'n dangos bod y person wedi—
    - (a) cyflawni—
      - (i) unrhyw drosedd sy'n ymwneud â thwyll neu anonestrwydd arall, trais, arfau tanio neu gyffuriau neu unrhyw drosedd sydd wedi ei rhestru yn Atodlen 3 i Ddeddf Troseddau Rhywiol 2003 (p.42) (troseddau sydd â gofynion hysbysu),
      - (ii) trosedd o dan y Ddeddf hon neu reoliadau a wneir odani,
      - (iii) trosedd o dan Ran 2 o Ddeddf Safonau Gofal 2000 (p.14) neu reoliadau a wneir odani, neu
      - (iv) unrhyw drosedd arall sy'n berthnasol ym marn Gweinidogion Cymru, neu
    - (b) aflonyddu ar rywun, neu wahaniaethu'n anghyfreithlon, ar sail unrhyw nodwedd sy'n nodwedd warchoddedig o dan adran 4 o Ddeddf Cydraddoldeb 2010 (p.15), neu wedi erlid person arall yn groes i'r Ddeddf honno, wrth gynnal unrhyw fusnes neu mewn cysylltiad â hynny.
  - (5) Mae tystiolaeth o fewn yr is-adran hon—
    - (a) os yw'n dangos bod unrhyw berson arall sy'n gysylltiedig â'r person neu a oedd yn gysylltiedig â'r person gynt (pa un ai ar sail bersonol, ar sail gwaith neu ar sail arall) wedi gwneud unrhyw un neu ragor o'r pethau a nodir yn is-adran (4), a
    - (b) os ymddengys i Weinidogion Cymru fod y dystiolaeth yn berthnasol wrth ystyried a yw'r person yn berson addas a phriodol i fod yn ddarparwr gwasanaeth neu, yn ôl y digwydd, yn unigolyn cyfrifol.
  - (6) Mae tystiolaeth o fewn yr is-adran hon os yw'n dangos bod y person wedi methu'n flaenorol â chydymffurfio—
    - (a) ag amod a osodir o dan y Rhan hon, neu
    - (b) â gofyniad a osodir gan reoliadau o dan adran 26(1) neu 27(1).
  - (7) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio'r adran hon i amrywio'r dystiolaeth y mae rhaid iddynt roi sylw iddi.'



**Lindsay Whittle**

136

Page 5, after line 28, insert a new section –

**(1) Fit and proper management**

- (1) The Welsh Ministers must be satisfied that any person who has authority to give instructions about the management of a place at, from or in relation to which a regulated service is provided, is a fit and proper person.
- (2) In deciding whether a person is a fit and proper person, the Welsh Ministers must have regard to all matters which they consider appropriate.
- (3) Among the matters to which the Welsh Ministers must have regard is evidence within subsection (4) or (5).
- (4) Evidence is within this subsection if it shows that the person has –
  - (a) contravened any provision of the law relating to social care,
  - (b) committed any offence involving fraud or other dishonesty, violence, firearms, drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003, or
  - (c) practised unlawful discrimination, harassment or victimisation within the meaning of the Equality act 2010.
- (5) Evidence is within this subsection if –
  - (a) it shows that any other person associated or formerly associated with the person (whether on a personal, work or other basis) has done any of the things set out in subsection (4), and
  - (b) it appears to the Welsh Ministers that the evidence is relevant to the question whether the person is a fit and proper person to give instructions about the management of the place.’.

Tudalen 5, ar ôl llinell 30, mewnosoder adran newydd –

**(1) Rheolaeth addas a phriodol**

- (1) Rhaid i Weinidogion Cymru fod yn fodlon bod unrhyw berson y mae ganddo awdurdod i roi cyfarwyddiadau am reoli’r man y caiff y gwasanaeth rheoleiddiedig ei ddarparu ynddo neu ohono neu mewn perthynas ag ef, yn berson addas a phriodol.
- (2) Wrth benderfynu a yw person yn addas a phriodol, rhaid i Weinidogion Cymru roi sylw i’r holl faterion sy’n briodol yn eu barn hwy.
- (3) Mae tystiolaeth o fewn is-adran (4) neu (5) ymhlith y materion y mae’n rhaid i Weinidogion Cymru roi sylw iddynt.
- (4) Mae tystiolaeth o fewn yr is-adran hon os yw’n dangos bod person wedi –
  - (a) torri unrhyw ddarpariaeth yn y gyfraith sy’n ymwneud â gofal cymdeithasol,
  - (b) cyflawni unrhyw drosedd sy’n ymwneud â thwyll neu anonestrwydd arall, trais, arfau tanio neu gyffuriau neu unrhyw drosedd sydd wedi ei restru yn Atodlen 3 i Ddeddf Troseddau Rhywiol 2003, neu



- (c) aflonyddu ar rywun, gwahaniaethu'n anghyfreithlon, neu erlid person o fewn ystyr Ddeddf Cydraddoldeb 2010.
- (5) Mae tystiolaeth yn dod o fewn yr is-adran hon –
- (a) os yw unrhyw berson arall sy'n gysylltiedig â'r person neu a oedd yn gysylltiedig â'r person gynt (pa un ai ar sail bersonol, ar sail gwaith neu ar sail arall) wedi gwneud unrhyw un neu ragor o'r pethau a nodir yn is-adran (4), a
- (b) os ymddengys i Weinidogion Cymru fod y dystiolaeth yn berthnasol wrth ystyried a yw'r person yn berson addas a phriodol i roi cyfarwyddiadau am reoli'r man.'

**Lindsay Whittle**

**8A**

As an amendment to amendment 8, after line 15, insert –

'() information about workforce planning;'

Fel gwelliant i welliant 8, ar ôl llinell 16, mewnosoder –

'() gwybodaeth am gynllunio'r gweithlu;'

**Lindsay Whittle**

**8B**

As an amendment to amendment 8, after line 20, insert –

'() In this section, "information about workforce planning" means information about the arrangements the service provider has in place about, including, but not limited to, for example, recruitment, retention and training.'

Fel gwelliant i welliant 8, ar ôl llinell 21, mewnosoder –

'() Yn yr adran hon, ystyr "gwybodaeth am gynllunio'r gweithlu" yw gwybodaeth am y trefniadau sydd ar waith gan y darparwr gwasanaeth ynghylch materion sy'n cynnwys er enghraifft recriwtio, cadw a hyfforddi, ond heb fod yn gyfyngedig iddynt.'

**Mark Drakeford**

**8**

Section 8, page 5, line 32, leave out 'such information and be in such form as may be prescribed' and insert –

' –

- (a) the following information –
- (i) the regulated services that the service provider is registered to provide;
- (ii) the places at, from or in relation to which the provider is registered to provide those services;
- (iii) the name of the responsible individual registered in respect of each such place;
- (iv) the date on which the provider's registration took effect in respect of each such regulated service and place;



- (v) details of any other conditions imposed on the service provider's registration;
  - (vi) details of the number of persons to whom the provider provided care and support during the year in the course of providing each such service;
  - (vii) such other information as may be prescribed, and
- (b) a statement setting out how the service provider has complied with any regulations made under section 26(1) specifying the standard of care and support that must be provided by a service provider (see section 26(3)).

(3) An annual return must be in the prescribed form'.

Adran 8, tudalen 5, llinell 34, hepgorer 'unrhyw wybodaeth a ragnodir a bod ar unrhyw ffurf a ragnodir' a mewnosoder –

' –

- (a) yr wybodaeth a ganlyn –
  - (i) y gwasanaethau rheoleiddiedig y mae'r darparwr gwasanaeth wedi ei gofrestru i'w darparu;
  - (ii) y manau y mae'r darparwr wedi ei gofrestru i ddarparu'r gwasanaethau hynny ynddynt, ohonynt neu mewn perthynas â hwy;
  - (iii) enw'r unigolyn cyfrifol sydd wedi ei gofrestru mewn cysylltiad â phob man o'r fath;
  - (iv) y dyddiad y cymerodd cofrestriad y darparwr effaith mewn cysylltiad â phob gwasanaeth rheoleiddiedig a phob man o'r fath;
  - (v) manylion unrhyw amodau eraill a osodir ar gofrestriad y darparwr gwasanaeth;
  - (vi) manylion am nifer y personau y darparodd y darparwr ofal a chymorth iddynt yn ystod y flwyddyn wrth ddarparu pob gwasanaeth o'r fath;
  - (vii) unrhyw wybodaeth arall a ragnodir, a
- (b) datganiad sy'n nodi sut y mae'r darparwr gwasanaeth wedi cydymffurfio ag unrhyw reoliadau a wneir o dan adran 26(1) sy'n pennu safon y gofal a'r cymorth y mae rhaid i ddarparwr gwasanaeth ei darparu (gweler adran 26(3)).

(3) Rhaid i ddatganiad blynyddol fod ar y ffurf ragnodedig'.

**Lindsay Whittle**

137

Section 8, page 5, line 32, leave out 'such information' and insert –

' –

- (i) information about workforce planning, and
- (ii) such other information as may be prescribed,'.



Adran 8, tudalen 5, llinell 34, hepgorer 'unrhyw wybodaeth a ragnodir' a mewnosoder –

' –

- (i) gwybodaeth am gynllunio'r gweithlu, a
- (ii) unrhyw wybodaeth arall a ragnodir,'.

**Lindsay Whittle**

138

Section 8, page 5, after line 33, insert –

- '( ) In this section "information about workforce planning" means information about the arrangements the service provider has in place about, including, but not limited to, for example, recruitment, retention and training.'

Adran 8, tudalen 5, ar ôl llinell 35, mewnosoder –

- '( ) Yn yr adran hon, ystyr "gwybodaeth am gynllunio'r gweithlu" yw gwybodaeth am y trefniadau sydd ar waith gan y darparwr gwasanaeth sy'n cynnwys er enghraifft recriwtio, cadw a hyfforddi, ond heb fod yn gyfyngedig iddynt.'

**Mark Drakeford**

9

Section 8, page 5, after line 36, insert –

- '(5) Despite section 185(3), a statutory instrument containing the first regulations made under subsection (2)((*first paragraph to be inserted by amendment 8*))((*seventh subparagraph to be inserted by amendment 8*)) may not be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.'

Adran 8, tudalen 5, ar ôl llinell 39, mewnosoder –

- '(5) Er gwaethaf adran 185(3), ni chaniateir gwneud offeryn statudol sy'n cynnwys y rheoliadau cyntaf a wneir o dan is-adran (2)((*y paragraff cyntaf sy'n cael ei fewnosod gan welliant 8*))((*y seithfed is-baragraff sy'n cael ei fewnosod gan welliant 8*)) oni bai bod drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo ganddo drwy benderfyniad.'

**Lindsay Whittle**

139

Section 9, page 6, after line 16, insert –

- '(d) there is a change to the persons identified under section 7(1)((*paragraph to be inserted by amendment 130*)).'

Adran 9, tudalen 6, ar ôl llinell 18, mewnosoder –

- '(d) os oes newid i'r personau a enwir o dan adran 7(1) ((*y paragraff sy'n cael ei fewnosod gan welliant 130*)).'



**Lindsay Whittle**

**140**

Section 9, page 6, after line 20, insert –

‘() The Welsh Ministers must, by regulations, prescribe a time limit within which an application for variation of a provider’s registration must be made in the circumstances referred to in subsection (1)(*paragraph to be inserted by amendment 139*)).’.

Adran 9, tudalen 6, ar ôl llinell 22, mewnosoder –

‘() Rhaid i Weinidogion Cymru, drwy reoliadau, ragnodi terfyn amser y mae’n rhaid gwneud cais i amrywio cofrestrriad darparwr yn yr amgylchiadau y cyfeirir atynt yn is-adran (1) (*y paragraff sy’n cael ei fewnosod gan welliant 139*)).’.

**Mark Drakeford**

**10**

Section 10, page 7, line 1, leave out subsection (3).

Adran 10, tudalen 7, llinell 1, hepgorer is-adran (3).

**Mark Drakeford**

**11**

Section 11, page 7, line 15, after ‘if’, insert ‘satisfied that’.

Adran 11, tudalen 7, llinell 17, ar ôl ‘os’, mewnosoder ‘ydynt wedi eu bodloni’.

**Mark Drakeford**

**12**

Nid oes angen diwygio’r fersiwn Saesneg. There is no need to amend the English version.

Adran 11, tudalen 7, llinell 18, ar ôl ‘os’, mewnosoder ‘ydynt wedi eu bodloni’.

**Mark Drakeford**

**13**

Section 11, page 7, line 32, leave out subsection (6).

Adran 11, tudalen 7, llinell 33, hepgorer is-adran (6).

**Mark Drakeford**

**14**

Section 13, page 8, after line 8, insert –

‘() the Welsh Ministers are no longer satisfied that the service provider is a fit and proper person to be a service provider (see section (*section to be inserted by amendment 7*)).’.

Adran 13, tudalen 8, ar ôl llinell 10, mewnosoder –

‘() nid yw Gweinidogion Cymru wedi eu bodloni bellach fod y darparwr gwasanaeth yn berson addas a phriodol i fod yn ddarparwr gwasanaeth (gweler adran (*yr adran sy’n cael ei fewnosod gan welliant 7*)).’.



**Mark Drakeford**

15

Section 13, page 8, line 15, after 'of', insert ', or has been given a caution in respect of,'.

Adran 13, tudalen 8, llinell 17, ar ôl 'berthnasol', mewnosoder 'neu wedi cael rhybuddiad mewn cysylltiad â throedd berthnasol'.

**Mark Drakeford**

16

Section 13, page 8, line 15, after 'offence', insert 'in connection with a regulated service provided by the service provider'.

Adran 13, tudalen 8, llinell 17, ar ôl 'berthnasol', mewnosoder 'mewn cysylltiad â gwasanaeth rheoleiddiedig a ddarperir gan y darparwr gwasanaeth'.

**Mark Drakeford**

17

Section 13, page 8, line 16, after 'of', insert ', or has been given a caution in respect of,'.

Adran 13, tudalen 8, llinell 18, ar ôl 'berthnasol', mewnosoder ', neu wedi cael rhybuddiad mewn cysylltiad â throedd berthnasol,'.

**Lindsay Whittle**

141

Section 13, page 8, after line 20, insert—

- (f) the Welsh Ministers are not satisfied that any person who has authority to give instructions about the management of the place at, from or in relation to which a regulated service is provided is fit and proper (and the time limit prescribed in regulations made under section 9(*subsection to be inserted by amendment 140*) has expired).'

Adran 13, tudalen 8, ar ôl llinell 22, mewnosoder—

- (f) nid yw Gweinidogion Cymru yn fodlon bod unrhyw berson y mae ganddo awdurdod i roi cyfarwyddiadau am reoli'r man y caiff y gwasanaeth rheoleiddiedig ei ddarparu ynddo neu ohono neu mewn perthynas ag ef, yn berson addas a phriodol (ac mae'r terfyn amser a ragnodir mewn rheoliadau a wneir o dan adran 9 (*yr is-adran sy'n cael ei mewnosod gan welliant 140*)) wedi dod i ben).'

**Mark Drakeford**

18

Section 13, page 8, line 26, after 'cancelled', insert '(including an offence committed outside England and Wales which, if committed in England and Wales, would constitute a criminal offence)'.

Adran 13, tudalen 8, llinell 28, ar ôl 'ganslo', mewnosoder '(gan gynnwys tramgwydd a gyflawnwyd y tu allan i Gymru a Lloegr a fyddai'n drosedd pe bai wedi ei gyflawni yng Nghymru a Lloegr)'.





**Mark Drakeford**

19

Section 13, page 8, after line 26, insert—

- ‘( ) In subsection (1)(c) and (d), “caution” means—
- (a) a conditional caution given under section 22 of the Criminal Justice Act 2003 (c.44) (conditional cautions for adults);
  - (b) any other caution given to a person aged 18 or over in respect of an offence which, at the time the caution is given, that person has admitted;
  - (c) anything corresponding to a caution falling within paragraphs (a) or (b) (however described) which is given to a person in respect of an offence committed outside England and Wales which, if committed in England and Wales, would constitute a criminal offence.’.

Adran 13, tudalen 8, ar ôl llinell 28, mewnosoder—

- ‘( ) Yn is-adran (1)(c) a (d), mae i “rhybuddiad” yr ystyr a ganlyn—
- (a) rhybuddiad amodol a roddir o dan adran 22 o Ddeddf Cyfiawnder Troseddol 2003 (p.44) (rhybuddiadau amodol ar gyfer oedolion);
  - (b) unrhyw rybuddiad arall a roddir i berson sy’n 18 oed neu drosodd mewn cysylltiad â throsedd a gyfaddefwyd gan y person hwnnw ar yr adeg y rhoddir y rhybuddiad;
  - (c) unrhyw beth sy’n cyfateb i rybuddiad sy’n dod o fewn paragraffau (a) neu (b) (sut bynnag y’i disgrifir) a roddir i berson mewn cysylltiad â thramgwydd a gyflawnwyd y tu allan i Gymru a Lloegr a fyddai’n drosedd pe bai wedi ei gyflawni yng Nghymru a Lloegr.’.

**Mark Drakeford**

20

Section 14, page 9, line 8, after ‘provided’, insert—

’, and

- ( ) the service provider may make representations’.

Adran 14, tudalen 9, llinell 7, ar ôl ‘wybodaeth’, mewnosoder—

’, a

- ( ) i’r darparwr gwasanaeth gyflwyno sylwadau’.

**Mark Drakeford**

21

Section 16, page 10, line 22, after ‘(4)’, insert ‘, 21(1)(b) or 23(2)(a)’.

Adran 16, tudalen 10, llinell 22, ar ôl ‘(4)’, mewnosoder ‘, 21(1)(b) neu 23(2)(a)’.



**Mark Drakeford**

**22**

Section 17, page 11, after line 7, insert—

- '( ) Despite subsection (4), a notice of decision given after the 28 day period mentioned in that subsection is valid if the notice—
- (a) gives reasons for the delay in making the decision, and
  - (b) is given no later than 56 days after the expiry of the later of the time limits mentioned in paragraphs (a) and (b) of subsection (4).'

Adran 17, tudalen 11, ar ôl llinell 7, mewnosoder—

- '( ) Er gwaethaf is-adran (4), mae hysbysiad o benderfyniad a roddir ar ôl y cyfnod o 28 o ddiwrnodau a grybwyllir yn yr is-adran honno yn ddilys os yw'r hysbysiad—
- (a) yn rhoi'r rhesymau dros yr oedi cyn gwneud y penderfyniad, a
  - (b) yn cael ei roi heb fod yn hwyrach na 56 o ddiwrnodau ar ôl i'r diweddaraf o'r terfynau amser a grybwyllir ym mharagraffau (a) a (b) o is-adran (4) ddod i ben.'

**Mark Drakeford**

**23**

Section 17, page 11, after line 19, insert—

- '(7) The Welsh Ministers may by regulations amend—
- (a) the 28 day period mentioned in subsection (4);
  - (b) the 56 day period mentioned in subsection ((*subsection to be inserted by amendment 22*))(b).'

Adran 17, tudalen 11, ar ôl llinell 19, mewnosoder—

- '(7) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio—
- (a) y cyfnod o 28 o ddiwrnodau a grybwyllir yn is-adran (4);
  - (b) y cyfnod o 56 o ddiwrnodau a grybwyllir yn is-adran ((*yr is-adran sy'n cael ei fewnosod gan welliant 22*))(b).'

**Mark Drakeford**

**24**

Section 19, page 11, line 33, leave out 'satisfies any requirements prescribed under subsection (4)' and insert 'the Welsh Ministers are satisfied is a fit and proper person to be a responsible individual (see section (*section to be inserted by amendment 7*))'.

Adran 19, tudalen 11, llinell 33, hepgorer 'sy'n bodloni unrhyw ofynion a ragnodir o dan is-adran (4)' a mewnosoder 'y mae Gweinidogion Cymru wedi eu bodloni ei fod yn berson addas a phriodol i fod yn unigolyn cyfrifol (gweler adran (*yr adran sy'n cael ei fewnosod gan welliant 7*))'.

**Mark Drakeford**

**25**

Section 19, page 12, line 14, leave out subsection (4).

Adran 19, tudalen 12, llinell 15, hepgorer is-adran (4).



**Mark Drakeford**

26

Section 19, page 12, line 21, leave out 'subsections (2) and (4)' and insert 'subsection (2)'.

Adran 19, tudalen 12, llinell 21, hepgorer 'is-adrannau (2) a (4)' a mewnosoder 'is-adran (2)'.

**Mark Drakeford**

27

Section 20, page 12, line 30, after 'of', insert ', or has been given a caution in respect of,'.

Adran 20, tudalen 12, llinell 31, ar ôl 'berthnasol', mewnosoder 'neu wedi cael rhybuddiad mewn cysylltiad â throstedd berthnasol'.

**Mark Drakeford**

28

Section 20, page 12, line 31, after 'offence', insert 'in connection with a regulated service provided by the service provider'.

Adran 20, tudalen 12, llinell 31, ar ôl 'berthnasol', mewnosoder 'mewn cysylltiad â gwasanaeth rheoleiddiedig a ddarperir gan y darparwr gwasanaeth'.

**Mark Drakeford**

29

Section 20, page 12, line 32, leave out 'meets a requirement prescribed under section 19(4)' and insert 'is a fit and proper person to be a responsible individual (see section (*section to be inserted by amendment 7*))'.

Adran 20, tudalen 12, llinell 32, hepgorer 'bodloni gofyniad a ragnodir o dan adran 19(4)' a mewnosoder 'berson addas a phriodol i fod yn unigolyn cyfrifol (gweler adran (*yr adran sy'n cael ei fewnosod gan welliant 7*))'.

**Mark Drakeford**

30

Section 20, page 12, after line 33, insert –

'(d) they have reason to believe that the individual has not complied with a requirement imposed on the individual by regulations under section 27(1).'

Adran 20, tudalen 12, ar ôl llinell 33, mewnosoder –

'(d) bod rheswm ganddynt dros gredu nad yw'r unigolyn wedi cydymffurfio â gofyniad a osodir ar yr unigolyn gan reoliadau o dan adran 27(1).'

**Mark Drakeford**

31

Section 20, page 12, line 34, leave out "'relevant offence" has' and insert "'caution" and "relevant offence" have'.

Adran 20, tudalen 12, llinell 34, ar ôl 'i', mewnosoder "'rhybuddiad" a'.



**Mark Drakeford**

32

Section 22, page 15, after line 8, insert—

- '(5) An interim order of the tribunal may, among other things, suspend the effect of an order made under section 21 for such period as the tribunal may specify.'

Adran 22, tudalen 15, ar ôl llinell 9, mewnosoder—

- '(5) Caiff gorchymyn interim gan y tribiwnlys, ymhlith pethau eraill, atal dros dro effaith gorchymyn a wneir o dan adran 21 am gyfnod a bennir gan y tribiwnlys.'

**Mark Drakeford**

33

Section 23, page 15, line 11, leave out 'a serious' and insert ', or may be, a'.

Adran 23, tudalen 15, llinell 13, hepgorer 'difrifol' a mewnosoder ', neu y gall fod perygl,'.

**Mark Drakeford**

34

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.

Adran 23, tudalen 15, llinell 16, hepgorer 'difrifol' a mewnosoder ', neu y gall fod perygl,'.

**Mark Drakeford**

35

Section 23, page 15, after line 25, insert—

- '(e) explain the right of appeal conferred by section 24.'

Adran 23, tudalen 15, ar ôl llinell 28, mewnosoder—

- '(e) esbonio'r hawl i apelio a roddir gan adran 24.'

**Mark Drakeford**

36

Section 23, page 15, line 26, leave out subsections (5) to (6) and insert—

- '() The Welsh Ministers may vary or remove a condition varied or imposed under subsection (2) by giving a further decision notice to the service provider, but before doing so they must have regard to any representations made to them by the service provider about the notice given under subsection (2).'

Adran 23, tudalen 15, llinell 29, hepgorer is-adrannau (5) hyd at (6) a mewnosoder—

- '() Caiff Gweinidogion Cymru amrywio neu ddileu amod a amrywir neu a osodir o dan is-adran (2) drwy roi hysbysiad pellach o benderfyniad i'r darparwr gwasanaeth, ond cyn gwneud hynny rhaid iddynt roi sylw i unrhyw sylwadau a gyflwynwyd iddynt gan y darparwr gwasanaeth ynghylch y hysbysiad a roddwyd o dan is-adran (2).'



**Mark Drakeford**

37

Section 23, page 16, line 1, leave out '(6)(a)' and insert '*((subsection to be inserted by amendment 36))*'.

Adran 23, tudalen 16, llinell 1, hepgorer '(6)(a)' a mewnosoder '*((yr is-adran sy'n cael ei fewnosod gan welliant 36))*'.

**Mark Drakeford**

38

Section 23, page 16, line 2, leave out '(6)' and insert '*((subsection to be inserted by amendment 36))*'.

Adran 23, tudalen 16, llinell 3, hepgorer '(6)' a mewnosoder '*((yr is-adran sy'n cael ei fewnosod gan welliant 36))*'.

**Mark Drakeford**

39

Section 23, page 16, line 4, leave out 'or to continue in place unaltered'.

Adran 23, tudalen 16, llinell 5, hepgorer 'neu i barhau yn ei le heb ei newid'.

**Mark Drakeford**

40

Section 24, page 16, line 10, leave out '23(6)' and insert '23(2) or *((subsection to be inserted by amendment 36))*'.

Adran 24, tudalen 16, llinell 11, hepgorer '23(6)' a mewnosoder '23(2) neu *((yr is-adran sy'n cael ei fewnosod gan welliant 36))*'.

**Mark Drakeford**

41

Section 24, page 16, leave out lines 20 to 23 and insert—

( ) substitute for the decision appealed against another decision that the Welsh Ministers could have made;

( ) make such other order (including an interim order) as the tribunal thinks appropriate.

(5) An interim order may, among other things, suspend the effect of a decision for such period as the tribunal may specify.'

Adran 24, tudalen 16, hepgorer llinellau 22 hyd at 25 a mewnosoder—

( ) rhoi penderfyniad arall y gallai Gweinidogion Cymru fod wedi ei wneud yn lle'r penderfyniad y gwneir apêl yn ei erbyn;

( ) gwneud unrhyw orchymyn arall (gan gynnwys gorchymyn interim) sy'n briodol ym marn y tribiwnlys.

(5) Caiff gorchymyn interim, ymhlith pethau eraill, atal dros dro effaith penderfyniad am gyfnod a bennir gan y tribiwnlys.'



**Mark Drakeford**

42

Page 16, line 26, leave out section 25.

Tudalen 16, llinell 28, hepgorer adran 25.

**Lindsay Whittle**

142

Page 16, after line 28, insert a new section –

*'Whistleblowing*

**( ) Whistleblowing policies and procedures**

A service provider must have policies and procedures in place to help employees, who believe they have discovered malpractice, impropriety or other wrongdoing which could affect others, to raise those concerns in an effective way.'

Tudalen 16, ar ôl llinell 31, mewnosoder adran newydd –

*'Chwythu'r chwiban*

**( ) Polisïau a gweithdrefnau chwythu'r chwiban**

Rhaid bod gan ddarparwr gwasanaeth bolisiau a gweithdrefnau ar waith i helpu cyflogeion, sy'n credu eu bod wedi dod ar draws camymddygiad, amhriodoldeb neu gamwedd arall a allai effeithio ar eraill, i nodi'r pryderon hynny mewn ffordd effeithiol.'

**Lindsay Whittle**

143

Page 16, after line 28, insert a new section –

*'Use of zero hours contracts*

**( ) Use of zero hours contracts**

- (1) A service provider that directly provides or contracts a service in the exercise of providing a regulated service must not permit the employment of any person on a zero hours contract in the provision of that service.
- (2) "Zero hours contracts" means contracts under which an employee agrees to be available for work but has no guarantee of minimum hours.
- (3) The Welsh Ministers may by regulations amend the definition of "zero hours contracts" in subsection (2).'



Tudalen 16, ar ôl llinell 31, mewnosoder adran newydd –

*'Y defnydd o gcontractau dim oriau*

**( ) Y defnydd o gcontractau dim oriau**

- (1) Ni chaniateir i awdurdod lleol sy'n darparu neu'n contractio gwasanaeth yn uniongyrchol wrth arfer gwasanaeth rheoleiddiedig ganiatáu i unrhyw berson gael ei gyflogi ar gcontract dim oriau wrth ddarparu'r gwasanaeth hwnnw.
- (2) Ystyr "contractau dim oriau" yw contractau pan fydd cyflogai yn cytuno i fod ar gael i weithio ond nad oes ganddo sicrwydd o ran isafswm oriau.
- (3) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio'r diffiniad o "contractau dim oriau" yn is-adran (2).'

**Mark Drakeford**

43

Section 26, page 17, line 1, leave out –

*'Regulations under subsection (1) may include provision imposing requirements as to the fitness of a person to be a service provider including, where a service provider is not an individual, requirements as to the fitness of any director, manager, secretary, member, partner or other officer of the service provider.*

- ( ) Regulations under subsection (1) may include provision specifying the standard of care and support that must'

And insert –

*'Requirements imposed by regulations under subsection (1) must include requirements as to the standard of care and support to'.*

Adran 26, tudalen 17, llinell 1, hepgorer is-adrannau (2) hyd at (3) a mewnosoder –

- ( ) Rhaid i ofynion a osodir gan reoliadau o dan is-adran (1) gynnwys gofynion o ran safon y gofal a'r cymorth sydd i'w darparu gan ddarparwr gwasanaeth.'

**Altaf Hussain**

110

Section 26, page 17, after line 4, insert –

- ( ) Regulations under subsection (1) must include provision specifying how a service provider is to ensure that the standard of care and support provided by the service provider promotes the well-being of persons cared for.'

Adran 26, tudalen 17, ar ôl llinell 4, mewnosoder –

- ( ) Rhaid i reoliadau o dan is-adran (1) gynnwys darpariaeth sy'n pennu sut y mae darparwr gwasanaeth yn mynd i sicrhau bod safon y gofal a'r cymorth a ddarperir gan y darparwr gwasanaethau yn hyrwyddo llesiant y personau y gofelir amdanynt.'



**Altaf Hussain**

111

Section 26, page 17, line 5, leave out 'provision' and insert 'other provisions'.

Adran 26, tudalen 17, llinell 5, hepgorer 'darpariaeth' a mewnosoder 'darpariaethau eraill'.

**Mark Drakeford**

44

Section 26, page 17, line 7, after 'regulations', insert 'imposing requirements'.

Adran 26, tudalen 17, llinell 7, ar ôl 'rheoliadau', mewnosoder 'sy'n gosod gofynion'.

**Mark Drakeford**

45

Section 26, page 17, line 11, after 'appropriate', insert –

' and

( ) publish a statement about the consultation.

( ) The Welsh Ministers must lay a copy of a statement published under subsection (5) ((*paragraph to be inserted by amendment 45*)) before the National Assembly for Wales'.

Adran 26, tudalen 17, llinell 12, ar ôl 'hwy', mewnosoder –

' a

( ) cyhoeddi datganiad ynghylch yr ymgynghoriad.

( ) Rhaid i Weinidogion Cymru osod copi o ddatganiad a gyhoeddir o dan is-adran (5)((*y paragraff sy'n cael ei fewnosod gan welliant 45*)) gerbron Cynulliad Cenedlaethol Cymru'.

**Mark Drakeford**

46

Section 26, page 17, line 12, after 'consult', insert 'and publish a statement'.

Adran 26, tudalen 17, llinell 13, ar ôl 'ymgynghori', mewnosoder 'a chyhoeddi datganiad'.

**Mark Drakeford**

47

Section 28, page 17, line 33, leave out 'issue' and insert 'publish'.

Adran 28, tudalen 17, llinell 34, hepgorer 'ddyroddi' a mewnosoder 'gyhoeddi'.

**Mark Drakeford**

48

Section 28, page 17, after line 38, insert –

'( ) The Welsh Ministers may revise guidance published under subsection (1) and must publish the revised guidance.'

Adran 28, tudalen 17, ar ôl llinell 40, mewnosoder –

'( ) Caiff Gweinidogion Cymru ddiwygio canllawiau a gyhoeddir o dan is-adran (1) a rhaid iddynt gyhoeddi'r canllawiau diwygiedig.'





**Mark Drakeford**

49

Section 28, page 18, line 1, leave out 'such guidance' and insert 'guidance published under this section'.

Adran 28, tudalen 18, llinell 1, hepgorer 'o'r fath' a mewnosoder 'a gyhoeddir o dan yr adran hon'.

**Mark Drakeford**

50

Section 32, page 19, line 11, leave out subsections (1) to (2) and insert –

- ( ) In this Part a reference to an “inspection” is a reference to an inspection –
  - (a) of the standard of any care and support provided by a service provider in the course of providing a regulated service, measured in relation to any requirements imposed by regulations under section 26(1) as to the standard of care and support to be provided;
  - (b) of the organisation and co-ordination of regulated services provided by a service provider.
- ( ) Only an individual authorised by the Welsh Ministers (referred to in this Part as an “inspector”) may carry out an inspection.’.

Adran 32, tudalen 19, llinell 13, hepgorer is-adrannau (1) at (2) a mewnosoder –

- ( ) Yn y Rhan hon mae cyfeiriad at “arolygiad” yn gyfeiriad at arolygiad –
  - (a) o safon unrhyw ofal a chymorth a ddarperir gan ddarparwr gwasanaeth wrth ddarparu gwasanaeth rheoleiddiedig, wedi ei mesur mewn perthynas ag unrhyw ofynion a osodir gan reoliadau o dan adran 26(1) o ran safon y gofal a'r cymorth sydd i'w darparu;
  - (b) o drefniadaeth a chydgyssylltiad gwasanaethau rheoleiddiedig a ddarperir gan ddarparwr gwasanaeth.
- ( ) Dim ond unigolyn sydd wedi ei awdurdodi gan Weinidogion Cymru (y cyfeirir ato yn y Rhan hon fel “arolygydd”) a gaiff gynnal arolygiad.’.

**Altaf Hussain**

112

**Gyda chefnogaeth/ Supported by: Kirsty Williams**

Section 32, page 19, line 18, after 'of', insert ', and the involvement and engagement of lay reviewers in the carrying out of,'.

Adran 32, tudalen 19, llinell 20, ar ôl 'arolygiadau' yn yr ail le y mae'n ymddangos, mewnosoder 'a chynnwys ac ymgysylltu adolygwyr llewg yn y broses o gynnal yr arolygiadau'.



**Lindsay Whittle**

**144**

Section 32, page 19, after line 20, insert –

- (7) An inspector must inform the Welsh Ministers of the findings of an inspection as soon as is reasonably practicable, and in any event within 28 days of becoming aware of such findings.’.

Adran 32, tudalen 19, ar ôl llinell 22, mewnosoder –

- (7) Rhaid i arolygydd roi gwybod i Weinidogion Cymru am ganfyddiadau arolygiad cyn gynted ag y bo’n rhesymol ymarferol, a beth bynnag o fewn 28 diwrnod iddo ddod yn ymwybodol o’r cyfryw ganfyddiadau.’.

**Mark Drakeford**

**51**

Section 33, page 19, line 23, leave out ‘place which the inspector has reasonable grounds to believe is (or has been) used as a place at or from which a regulated service is (or has been) provided’ and insert –

‘premises which the inspector has reasonable grounds to believe is (or has been) used –

- (a) as a place at or from which a regulated service is (or has been) provided, or
- (b) in connection with the provision of a regulated service.

- ( ) But an inspector may not enter and inspect premises used wholly or mainly as a private dwelling unless the occupier consents’.

Adran 33, tudalen 19, llinell 24, hepgorer ‘fan y mae gan yr arolygydd seiliau rhesymol dros gredu ei fod yn cael ei ddefnyddio (neu wedi ei ddefnyddio) fel man y darperir (neu y darparwyd) gwasanaeth rheoleiddiedig ynddo neu ohono’ a mewnosoder –

‘fangre y mae gan yr arolygydd seiliau rhesymol dros gredu ei bod yn cael ei defnyddio (neu wedi ei defnyddio) –

- (a) fel man y darperir (neu y darparwyd) gwasanaeth rheoleiddiedig ynddo neu ohono, neu
- (b) mewn cysylltiad â darparu gwasanaeth rheoleiddiedig.

- ( ) Ond ni chaiff arolygydd fynd i mewn ac arolygu mangre a ddefnyddir yn gyfan gwbl neu’n bennaf fel annedd breifat oni bai bod y meddiannydd yn cydsynio’.

**Mark Drakeford**

**52**

Section 33, page 19, line 25, leave out ‘a place’ and insert ‘premises’.

Adran 33, tudalen 19, llinell 28, hepgorer ‘fan’ a mewnosoder ‘fangre’.

**Mark Drakeford**

**53**

Section 33, page 19, line 26, leave out ‘place’ and insert ‘premises’.

Adran 33, tudalen 19, llinell 29, hepgorer ‘man’ a mewnosoder ‘fangre’.



- Mark Drakeford** 54  
Section 33, page 19, line 29, leave out 'place' and insert 'premises'.  
Adran 33, tudalen 19, llinell 32, hepgorer 'man a sut y caiff ei reoli' a mewnosoder 'fangre a sut y caiff ei rheoli'.
- Mark Drakeford** 55  
Section 33, page 20, line 3, after 'management', insert 'of'.  
Nid oes angen diwygio'r fersiwn Cymraeg. There is no need to amend the Welsh version.
- Mark Drakeford** 56  
Section 33, page 20, line 3, leave out 'place' and insert 'premises'.  
Adran 33, tudalen 20, llinell 3, hepgorer 'man neu ohono' a mewnosoder 'fangre neu ohoni'.
- Mark Drakeford** 57  
Section 33, page 20, line 7, leave out 'place' and insert 'premises'.  
Adran 33, tudalen 20, llinell 5, hepgorer 'man' a mewnosoder 'fangre'.
- Lindsay Whittle** 145  
Section 33, page 20, line 9, after 'records)', insert 'and workforce planning documents (including but not limited to, for example, recruitment, retention and training)'.  
Adran 33, tudalen 20, llinell 7, ar ôl 'erail)', mewnosoder 'a dogfennau cynllunio'r gweithlu (gan gynnwys ond heb fod yn gyfyngedig i, er enghraifft, recriwtio, cadw a hyfforddi)'.
- Lindsay Whittle** 146  
Section 33, page 20, after line 13, insert—  
( ) inspect records in relation to the policies and procedures that a service provider has in place concerning the preferred language of the person to whom the regulated service is provided;'.  
Adran 33, tudalen 20, ar ôl llinell 12, mewnosoder—  
( ) arolygu cofnodion mewn perthynas â pholisïau a gweithdrefnau sydd gan ddarparwr gwasanaeth ar waith ynghylch dewis iaith y person y darperir y gwasanaeth rheoleiddiedig iddo;'.  
58
- Mark Drakeford** 58  
Section 33, page 20, line 14, leave out 'place' and insert 'premises'.  
Adran 33, tudalen 20, llinell 13, hepgorer 'man' a mewnosoder 'fangre'.



**Mark Drakeford**

59

Section 33, page 20, line 20, leave out 'place' and insert 'premises'.

Adran 33, tudalen 20, llinell 19, hepgorer 'man neu ohono' a mewnosoder 'fangre neu ohoni'.

**Mark Drakeford**

60

Section 33, page 20, line 23, leave out 'place' and insert 'premises'.

Adran 33, tudalen 20, llinell 21, hepgorer 'man' a mewnosoder 'fangre'.

**Mark Drakeford**

61

Section 33, page 20, leave out lines 28 to 37.

Adran 33, tudalen 20, hepgorer llinellau 27 hyd at 35.

**Mark Drakeford**

62

Section 33, page 21, line 3, leave out subsections (5) to (6) and insert –

'( ) "Premises" includes a vehicle.'

Adran 33, tudalen 21, llinell 3, hepgorer is-adrannau (5) hyd at (6) a mewnosoder –

M( ) Mae "mangre" yn cynnwys cerbyd.'

**Mark Drakeford**

63

Page 21, after line 10, insert a new section –

**'( ) Powers of inspector to interview and examine persons**

- (1) If an inspector thinks it necessary or expedient for the purposes of carrying out an inspection, the inspector may require any person to be interviewed by the inspector in private.
- (2) But an inspector may not interview in private a person falling within subsection (3) without the person's consent.
- (3) The following persons fall within this subsection –
  - (a) a person to whom the service provider provides (or has provided) care and support;
  - (b) an individual with parental responsibility for the person;
  - (c) a relative of the person;
  - (d) the person's carer;
  - (e) a donee of a lasting power of attorney over the person.
- (4) An inspector may examine in private a person to whom the service provider provides (or has provided) care and support if –
  - (a) the inspector is a registered medical practitioner or registered nurse,



- (b) the inspector thinks the examination is necessary or expedient for the purposes of assessing the effect of any such care and support on the well-being of the person, and
  - (c) the person consents to the examination.
- (5) For the purposes of subsections (1) and (4), an interview or examination is to be treated as conducted in private despite the presence of a third party if –
- (a) the person being interviewed or examined wants the third party to be present and the inspector does not object, or
  - (b) the inspector wants the third party to be present and the person being interviewed or examined consents.
- (6) Where an inspector conducts an interview or examination under this section, the inspector must, if requested to do so by –
- (a) the person being interviewed or examined, or
  - (b) an individual accompanying that person,
- produce a document showing the inspector's authorisation under section 32 and, in the case of an examination, a document showing that the inspector is a registered medical practitioner or registered nurse.

- (7) In this section –

“carer” (“*gofalwr*”) has the meaning given by section 3 of the 2014 Act;

“child” (“*plenty*”) means a person who is aged under 18;

“donee of a lasting power of attorney” (“*rhoddai atwrneiaeth arhosol*”) has the same meaning as in Part 1 of the Mental Capacity Act 2005 (c.9);

“parental responsibility” (“*cyfrifoldeb rhiant*”) has the meaning given by section 3 of the Children Act 1989 (c.41);

“relative” (“*perthynas*”), in relation to a person, means that person's parent, grandparent, child, grandchild, brother, half-brother, sister, half-sister, uncle, aunt, nephew or niece (including any person who is or has been in that relationship by virtue of a marriage or civil partnership or an enduring family relationship);

“social worker” (“*gweithiwr cymdeithasol*”) has the meaning given by section 78(1).’.



Tudalen 21, ar ôl llinell 11, mewnosoder adran newydd –

**‘( ) Pwerau arolygydd i gyf-weld â phersonau a chynnal archwiliad ohonynt**

- (1) Os yw arolygydd yn meddwl ei bod yn angenrheidiol neu’n hwylus at ddibenion cynnal arolygiad, caiff yr arolygydd ei gwneud yn ofynnol i unrhyw berson gael ei gyf-weld yn breifat gan yr arolygydd.
- (2) Ond ni chaiff arolygydd gyf-weld yn breifat â pherson sy’n dod o fewn is-adran (3) heb gydsyniad y person.
- (3) Mae’r personau a ganlyn yn dod o fewn yr is-adran hon –
  - (a) person y mae’r darparwr gwasanaeth yn darparu (neu wedi darparu) gofal a chymorth iddo;
  - (b) unigolyn a chanddo gyfrifoldeb rhiant dros y person;
  - (c) perthynas i’r person;
  - (d) gofalwr y person;
  - (e) rhoddai atwrneiaeth arhosol dros y person.
- (4) Caiff arolygydd gynnal archwiliad preifat o berson y mae’r darparwr gwasanaeth yn darparu (neu wedi darparu) gofal a chymorth iddo –
  - (a) os yw’r arolygydd yn ymarferydd meddygol cofrestredig neu’n nyrs gofrestredig,
  - (b) os yw’r arolygydd yn meddwl bod yr archwiliad yn angenrheidiol neu’n hwylus at ddibenion asesu effaith unrhyw ofal a chymorth o’r fath ar lesiant y person, ac
  - (c) os yw’r person yn cydsynio i’r archwiliad.
- (5) At ddibenion is-adrannau (1) a (4), mae cyfweliad neu archwiliad i’w drin fel pe bai wedi ei gynnal yn breifat er gwaethaf presenoldeb trydydd parti –
  - (a) os yw’r person y cyfwelir ag ef neu y cynhelir archwiliad ohono yn dymuno i’r trydydd parti fod yn bresennol ac nad yw’r arolygydd yn gwrthwynebu, neu
  - (b) os yw’r arolygydd yn dymuno i’r trydydd parti fod yn bresennol a bod y person y cyfwelir ag ef neu y cynhelir archwiliad ohono yn cydsynio.
- (6) Pan fo arolygydd yn cynnal cyfweliad neu archwiliad o dan yr adran hon, rhaid i’r arolygydd, os gofynnir iddo wneud hynny gan –
  - (a) y person y cyfwelir ag ef neu y cynhelir archwiliad ohono, neu
  - (b) unigolyn sy’n dod gyda’r person hwnnw,gyflwyno dogfen sy’n dangos awdurdodiad yr arolygydd o dan adran 32 ac, yn achos archwiliad, ddogfen sy’n dangos bod yr arolygydd yn ymarferydd meddygol cofrestredig neu’n nyrs gofrestredig.
- (7) Yn yr adran hon –

mae i “cyfrifoldeb rhiant” yr ystyr a roddir i “parental responsibility” gan adran 3 o Ddeddf Plant 1989 (p.41);

mae i “gofalwr” (“*carer*”) yr ystyr a roddir gan adran 3 o Ddeddf 2014;

mae i “gweithiwr cymdeithasol” (“*social worker*”) yr ystyr a roddir gan adran 78(1);



ystyr "perthynas" ("relative"), mewn perthynas â pherson, yw rhiant, tad-cu/taid, mam-gu/nain, plentyn, wŷr, wyres, brawd, hanner brawd, chwaer, hanner chwaer, ewythr, modryb, nai neu nith y person hwnnw (gan gynnwys unrhyw berson sydd yn y berthynas honno neu sydd wedi bod yn y berthynas honno yn rhinwedd priodas neu bartneriaeth sifil neu berthynas deuluol barhaus);

ystyr "plentyn" ("child") yw person sydd o dan 18 oed;

mae i "rhoddai atwrneiaeth arhosol" yr un ystyr â "donee of a lasting power of attorney" yn Rhan 1 o Ddeddf Galluedd Meddyliol 2005 (p.9).'

## Mark Drakeford

64

Section 34, page 21, line 16, leave out 'quality of any care and support provided (or which had been provided) by the service provider measured in relation to prescribed criteria' and insert –

'standard of any care and support provided (or which had been provided) by the service provider, measured in relation to any requirements imposed by regulations under section 26(1) as to the standard of care and support to be provided,

- ( ) an assessment of the effect of any such care and support on the well-being of persons to whom the care and support is (or had been) provided,
- ( ) an assessment of the organisation and co-ordination of regulated services provided (or which had been provided) by the service provider'.

Adran 34, tudalen 21, llinell 17, hepgorer 'ansawdd unrhyw ofal a chymorth a ddarperir (neu a oedd wedi eu darparu) gan y darparwr gwasanaeth wedi ei fesur mewn perthynas â meini prawf rhagnodedig' a mewnosoder –

'safon unrhyw ofal a chymorth a ddarperir (neu a oedd wedi eu darparu) gan y darparwr gwasanaeth, wedi ei mesur mewn perthynas ag unrhyw ofynion a osodir gan reoliadau o dan adran 26(1) o ran safon y gofal a'r cymorth sydd i'w darparu,

- ( ) asesiad o effaith unrhyw ofal a chymorth o'r fath ar lesiant personau y darperir (neu y darparwyd) y gofal a'r cymorth iddynt,
- ( ) asesiad o drefniadaeth a chydgyssylltiad gwasanaethau rheoleiddiedig a ddarperir (neu a oedd wedi eu darparu) gan y darparwr gwasanaeth'.

## Mark Drakeford

65

Section 35, page 21, after line 29, insert –

- ( ) may make provision requiring a service provider to display a rating included in a report prepared under section 34(1) in such manner, and at such place, as the regulations may specify,'.

Adran 35, tudalen 21, ar ôl llinell 32, mewnosoder –

- ( ) cânt wneud darpariaeth sy'n ei gwneud yn ofynnol i ddarparwr gwasanaeth arddangos gradd sydd wedi ei chynnwys mewn adroddiad a lunnir o dan adran 34(1) yn y modd, ac yn y man, a bennir gan y rheoliadau,'.



**Mark Drakeford**

66

Section 35, page 21, after line 32, insert –

- '(3) Before making regulations under subsection (1) the Welsh Ministers must consult any persons they think appropriate.
- (4) But the requirement to consult does not apply to regulations which –
  - (a) amend other regulations made under that subsection, and
  - (b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.'

Adran 35, tudalen 21, ar ôl llinell 35, mewnosoder –

- '(3) Cyn gwneud rheoliadau o dan is-adran (1) rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy'n briodol yn eu barn hwy.
- (4) Ond nid yw'r gofyniad i ymgynghori yn gymwys i reoliadau –
  - (a) sy'n diwygio rheoliadau eraill a wneir o dan yr is-adran honno, a
  - (b) nad ydynt, ym marn Gweinidogion Cymru, yn rhoi effaith i unrhyw newid sylweddol yn y ddarpariaeth a wneir gan y rheoliadau sydd i'w diwygio.'

**Altaf Hussain**

113

Page 21, after line 32, insert a new section –

**'( ) Procedure for regulations under section 35**

- (1) Before making regulations under section 35, the Welsh Ministers must carry out the following steps.
- (2) The Welsh Ministers must consult –
  - (a) such persons as appear to them likely to be affected by the regulations,
  - (b) such organisations as appear to them to represent the interests of persons likely to be affected by the regulations, and
  - (c) such other persons as they consider appropriate,on the proposed draft regulations.
- (3) The Welsh Ministers must –
  - (a) allow those persons a period of at least 12 weeks to submit comments on the proposed draft regulations,
  - (b) consider any comments submitted within that period, and
  - (c) publish a summary of those comments.
- (4) The Welsh Ministers must lay a draft of the regulations before the National Assembly for Wales.
- (5) Draft regulations laid under subsection (4) –





- (a) must be accompanied by a statement of the Welsh Ministers giving details of any differences between the draft regulations consulted on under subsection (2) and the draft regulations laid under subsection (4), and
- (b) may not be approved by a resolution of the National Assembly for Wales in accordance with section 185(2) until after the expiry of the period of 60 days beginning with the day on which the draft regulations are laid.'

Tudalen 21, ar ôl llinell 35, mewnosoder adran newydd –

**'( ) Y weithdrefn ar gyfer rheoliadau o dan adran 35**

- (1) Cyn gwneud rheoliadau o dan adran 35, rhaid i Weinidogion Cymru gymryd y camau a ganlyn.
- (2) Rhaid i Weinidogion Cymru ymgynghori â'r canlynol ar y rheoliadau drafft arfaethedig –
  - (a) unrhyw bersonau y mae'n ymddangos iddynt fod y rheoliadau yn debygol o effeithio arnynt,
  - (b) unrhyw sefydliadau y mae'n ymddangos iddynt eu bod yn cynrychioli buddiannau personau y mae'r rheoliadau yn debygol o effeithio arnynt, ac
  - (c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.
- (3) Rhaid i Weinidogion Cymru –
  - (a) rhoi cyfnod o 12 wythnos o leiaf i'r personau hynny i gyflwyno sylwadau ar y rheoliadau drafft arfaethedig,
  - (b) ystyried unrhyw sylwadau a gyflwynir o fewn y cyfnod hwnnw, ac
  - (c) cyhoeddi crynodeb o'r sylwadau hynny.
- (4) Rhaid i Weinidogion Cymru osod drafft o'r rheoliadau gerbron Cynulliad Cenedlaethol Cymru.
- (5) O ran y rheoliadau drafft a osodir o dan is-adran (4) –
  - (a) rhaid iddynt gynnwys gyda hwy ddatganiad gan Weinidogion Cymru yn rhoi manylion unrhyw wahaniaethau rhwng y rheoliadau drafft yr ymgynghorwyd arnynt o dan is-adran (2) a'r rheoliadau drafft a osodir o dan is-adran (4), a
  - (b) ni chaniateir iddynt gael eu cymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru yn unol ag adran 185(2) tan ar ôl i'r cyfnod o 60 niwrnod, yn dechrau ar y diwrnod y gosodir y rheoliadau drafft, ddod i ben.'

**Mark Drakeford**

67

Section 36, page 22, line 17, after 'register', insert 'and make it available for public inspection free of charge,'.

Adran 36, tudalen 22, llinell 19, ar ôl 'gofrestr', mewnosoder 'a'i rhoi ar gael i'r cyhoedd edrych arni yn rhad ac am ddim,'.



**Altaf Hussain**

**68A**

**Gyda chefnogaeth / Supported by: Kirsty Williams**

As an amendment to amendment 68, leave out line 2.

Fel gwelliant i welliant 68, hepgorer llinell 2.

**Mark Drakeford**

**68**

Section 39, page 24, after line 9, insert—

‘() A statement of policy (or revised statement) must, in particular, address—

- (a) the involvement of the public in inspections carried out under Chapter 3, and
- (b) the involvement of carers (within the meaning of section 3 of the 2014 Act) in the exercise of the Welsh Ministers’ regulatory functions.’

Adran 39, tudalen 24, ar ôl llinell 11, mewnosoder—

‘() Rhaid i ddatganiad polisi (neu ddatganiad diwygiedig), yn benodol, ymdrin—

- (a) â chynnwys y cyhoedd mewn arolygiadau a gynhelir o dan Bennod 3, a
- (b) â chynnwys gofalwyr (o fewn ystyr adran 3 o Ddeddf 2014) yn yr arferiad o swyddogaethau rheoleiddiol Gweinidogion Cymru.’

**Altaf Hussain**

**114**

Page 24, after line 13, insert a new section—

**‘() United Nations Convention on the Rights of Persons with Disabilities**

The Welsh Ministers must have regard to the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol (adopted by the United Nations General Assembly on 13 December 2006 and opened for signature on 30 March 2007) when exercising their regulatory functions.’

Tudalen 24, ar ôl llinell 15, mewnosoder adran newydd—

**‘() Confensiwn y Cenhedloedd Unedig ar Hawliau Pobl ag Anableddau**

Rhaid i Weinidogion Cymru roi sylw i Gonfensiwn y Cenhedloedd Unedig ar Hawliau Pobl ag Anableddau a'i Brotocol Dewisol (a fabwysiadwyd gan Gynulliad Cyffredinol y Cenhedloedd Unedig ar 13 Rhagfyr 2006 ac a agorwyd i'w lofnodi ar 30 Mawrth 2007) wrth arfer eu swyddogaethau rheoleiddio.’

**Mark Drakeford**

**69**

Section 40, page 24, after line 32, insert—

‘() section 7(1) of the 2014 Act (duty to have due regard to the United Nations Principles for Older Persons when exercising functions relating to adult social services), and’.



Adran 40, tudalen 24, ar ôl llinell 37, mewnosoder –

- ( ) adran 7(1) o Ddeddf 2014 (dyletswydd i roi sylw dyladwy i Egwyddorion y Cenhedloedd Unedig ar gyfer Pobl Hŷn wrth arfer swyddogaethau sy'n ymwneud â gwasanaethau cymdeithasol i oedolion), a'.

**Altaf Hussain**

115

Section 40, page 24, after line 33, insert –

- (d) section (*section to be inserted by amendment 114*) (duty to have due regard to the United Nations Convention on the Rights of Persons with Disabilities).'

Adran 40, tudalen 24, ar ôl llinell 38, mewnosoder –

- (d) adran (*yr adran sy'n cael ei mewnosod gan welliant 114*) (dyletswydd i roi sylw dyledus i Gonfensiwn y Cenhedloedd Unedig ar Hawliau Pobl ag Anableddau).'

**Mark Drakeford**

70

Section 43, page 25, line 34, after '26', insert 'or 35(2)((*paragraph to be inserted by amendment 65*))'.

Adran 43, tudalen 25, llinell 35, ar ôl '26', mewnosoder 'neu 35(2)((*y paragraff sy'n cael ei fewnosod gan welliant 65*))'.

**Mark Drakeford**

71

Page 26, line 17, leave out section 47.

Tudalen 26, llinell 17, hepgorer adran 47.

**Lindsay Whittle**

147

Page 26, after line 18, insert a new section –

**( ) Failure to have whistleblowing procedures and policies**

It is an offence for a service provider to fail to have policies and procedures in place in accordance with section (*section to be inserted by amendment 142*).'

Tudalen 26, ar ôl llinell 18, mewnosoder adran newydd –

**( ) Methiant i gael gweithdrefnau a pholisïau chwythu'r chwiban**

Mae'n drosedd i ddarparwr gwasanaeth beidio â chael polisïau a gweithdrefnau ar waith yn unol ag adran (*yr adran sy'n cael ei mewnosod gan welliant 142*).'

**Mark Drakeford**

72

Section 50, page 27, line 8, leave out 'or 47'.

Adran 50, tudalen 27, llinell 8, hepgorer 'neu 47'.



**Lindsay Whittle**

148

Section 50, page 27, line 8, leave out 'or 47' and insert ', 47 or (section to be inserted by amendment 147)'.

Adran 50, tudalen 27, llinell 8, hepgorer 'neu 47' a mewnosoder ', 47 neu (yr adran sy'n cael ei mewnosod gan welliant 147)'.

**Mark Drakeford**

73

Section 51, page 27, line 13, leave out ', 47'.

Adran 51, tudalen 27, llinell 13, hepgorer ', 47'.

**Lindsay Whittle**

149

Section 55, page 29, after line 22, insert—

- '( ) The details provided under subsection (2)(ii) must state how the authority has satisfied any requirements contained in a code relating to assessing the needs of an individual in accordance with Part 3 and meeting needs under Part 4.'

Adran 55, tudalen 29, ar ôl llinell 25, mewnosoder —

- '( ) Rhaid i'r manylion a ddarperir o dan is-adran (2)(ii) ddatgan sut y mae'r awdurdod wedi bodloni unrhyw ofynion a gynhwysir mewn cod sy'n ymwneud ag asesu anghenion unigolyn yn unol â Rhan 3 a diwallu anghenion o dan Ran 4.'

**Mark Drakeford**

74

Section 55, page 30, after line 14, insert—

- '(iv) the effect on the exercise of the local authority's social services functions of the commissioning by the authority of any services in connection with those functions during such period as may be prescribed by regulations, and'

Adran 55, tudalen 30, ar ôl llinell 15, mewnosoder —

- '(iv) effaith comisiynu unrhyw wasanaethau gan yr awdurdod lleol mewn cysylltiad â swyddogaethau gwasanaethau cymdeithasol yr awdurdod lleol ar arferiad y swyddogaethau hynny yn ystod unrhyw gyfnod a ragnodir drwy reoliadau, a'.



**Mark Drakeford**

75

Section 55, page 30, after line 20, insert –

- '( ) In preparing a local market stability report, a local authority must –
  - (a) take account of –
    - (i) the assessment it has most recently published under section 14 (needs assessments), and
    - (ii) the plan it has most recently published under section 14A following the assessment, and
  - (b) consult with each Local Health Board with which it carried out the assessment.'

Adran 55, tudalen 30, ar ôl llinell 21, mewnosoder –

- '( ) Wrth lunio adroddiad ar sefydlogrwydd y farchnad leol, rhaid i awdurdod lleol –
  - (a) ystyried –
    - (i) yr asesiad y mae wedi ei gyhoeddi'n ddiweddaraf o dan adran 14 (asesiadau o anghenion), a
    - (ii) y cynllun y mae wedi ei gyhoeddi'n ddiweddaraf o dan adran 14A ar ôl yr asesiad, a
  - (b) ymgynghori â phob Bwrdd Iechyd Lleol y cynhaliodd yr asesiad gydag ef.'

**Mark Drakeford**

76

Section 55, page 30, after line 22, insert –

- '( ) Before making regulations under subsection (2)(a)(iii) the Welsh Ministers must consult any persons they think appropriate.
- ( ) But the requirement to consult does not apply to regulations which –
  - (a) amend other regulations made under that subsection, and
  - (b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.'

Adran 55, tudalen 30, ar ôl llinell 23, mewnosoder –

- '( ) Cyn gwneud rheoliadau o dan is-adran (2)(a)(iii) rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy'n briodol yn eu barn hwy.
- ( ) Ond nid yw'r gofyniad i ymgynghori yn gymwys i reoliadau –
  - (a) sy'n diwygio rheoliadau eraill a wneir o dan yr is-adran honno, a



- (b) nad ydynt, ym marn Gweinidogion Cymru, yn rhoi effaith i unrhyw newid sylweddol yn y ddarpariaeth a wneir gan y rheoliadau sydd i'w diwygio.'

**Mark Drakeford**

77

Section 55, page 30, after line 32, insert –

- '() In section 196(6) of the 2014 Act (regulations made only if draft approved by resolution of the National Assembly for Wales), after paragraph (c) insert –

“(d) the first regulations made under section 144A(2)(b);”.

Adran 55, tudalen 30, ar ôl llinell 34, mewnosoder –

- '() Yn adran 196(6) o Ddeddf 2014 (rheoliadau nas gwneir ond os yw drafft wedi ei gymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru), ar ôl paragraff (c) mewnosoder –

“(d) y rheoliadau cyntaf a wneir o dan adran 144A(2)(b);”.

**Mark Drakeford**

78

Section 56, page 31, after line 27, insert –

- '() A reference in subsection (2) to the exercise by a local authority of local authority social services functions includes a reference to the commissioning of any services in connection with those functions.'

Adran 56, tudalen 31, ar ôl llinell 29, mewnosoder –

- '() Mae cyfeiriad yn is-adran (2) at arfer swyddogaethau gwasanaethau cymdeithasol awdurdod lleol gan awdurdod lleol yn cynnwys cyfeiriad at gomisiynu unrhyw wasanaethau mewn cysylltiad â'r swyddogaethau hynny.'

**Mark Drakeford**

79

Section 56, page 32, after line 6, insert –

- '(6) Before making regulations under subsection (4) the Welsh Ministers must consult any persons they think appropriate.
- (7) But the requirement to consult does not apply to regulations which –
  - (a) amend other regulations made under that subsection, and
  - (b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.'



Adran 56, tudalen 32, ar ôl llinell 6, mewnosoder –

- '(6) Cyn gwneud rheoliadau o dan is-adran (4) rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy'n briodol yn eu barn hwy.
- (7) Ond nid yw'r gofyniad i ymgynghori yn gymwys i reoliadau –
  - (a) sy'n diwygio rheoliadau eraill a wneir o dan yr is-adran hon, a
  - (b) nad ydynt, ym marn Gweinidogion Cymru, yn rhoi effaith i unrhyw newid sylweddol yn y ddarpariaeth a wneir gan y rheoliadau sydd i'w diwygio.'

**Lindsay Whittle**

150

**Gyda chefnogaeth / Supported by: Kirsty Williams**

Section 56, page 32, after line 6, insert –

**'( )        Reviews of local health board commissioning**

- (1) The Welsh Ministers may review the way in which regulated services are commissioned by local health boards.
- (2) In particular, the Welsh Ministers may –
  - (a) review the overall commissioning of regulated services by local health boards in Wales;
  - (b) review the way in which regulated services are commissioned by a particular local health board;
  - (c) review the commissioning of a particular regulated service (whether exercised by a single local health board or by two or more boards working together);
  - (d) review the commissioning of a regulated service by a particular person or persons.
- (3) The Welsh Ministers must –
  - (a) prepare and publish a report of a review conducted under subsection (1), and
  - (b) lay a copy of the report before the National Assembly for Wales.'

Adran 56, tudalen 32, ar ôl llinell 6, mewnosoder –

**'( )        Adolygiadau o waith comisiynu bwrdd iechyd lleol**

- (1) Caiff Gweinidogion Cymru adolygu'r ffordd y mae gwasanaethau rheoleiddiedig yn cael eu comisiynu gan fyrddau iechyd lleol.
- (2) Yn benodol, caiff Gweinidogion Cymru –



- (a) adolygu'r ffordd gyffredinol y mae gwasanaethau rheoleiddiedig yn cael eu comisiynu gan fyrddau iechyd lleol yng Nghymru;
  - (b) adolygu'r ffordd y mae gwasanaethau rheoleiddiedig yn cael eu comisiynu gan fwrdd iechyd lleol penodol;
  - (c) adolygu'r ffordd y mae gwasanaeth rheoleiddiedig penodol yn cael ei gomisiynu (pa un ai gan un bwrdd iechyd lleol neu gan ddau fwrdd neu ragor yn gweithio gyda'i gilydd);
  - (d) adolygu'r ffordd y mae gwasanaeth rheoleiddiedig yn cael ei gomisiynu gan berson neu bersonau penodol.
- (3) Rhaid i Weinidogion Cymru –
- (a) paratoi a chyhoeddi adroddiad o adolygiad a gynhaliwyd o dan is-adran (1), a
  - (b) gosod copi o'r adroddiad gerbron Cynulliad Cenedlaethol Cymru.'.

**Lindsay Whittle**

**151**

Section 56, page 32, after line 25, insert –

- '( ) the extent to which paragraphs (b) to (d) have contributed or otherwise to the achievement of the outcomes set out in the statement issued under section 8,'.

Adran 56, tudalen 32, ar ôl llinell 27, mewnosoder –

- '( ) y graddau y mae paragraffau (b) i (d) wedi cyfrannu neu fel arall at sicrhau'r canlyniadau a nodir yn y datganiad a ddyroddir o dan adran 8,'.

**Lindsay Whittle**

**152**

Section 56, page 32, after line 25, insert –

- '( ) how, when commissioning regulated services, the local authority has taken paragraphs (b) to (d) into account,'.

Adran 56, tudalen 32, ar ôl llinell 27, mewnosoder –

- '( ) sut, wrth gomisiynu gwasanaethau rheoleiddiedig, y mae'r awdurdod lleol wedi ystyried paragraffau (b) i (d),'.





**Mark Drakeford**

80

Section 56, page 34, line 8, after 'subsection', insert 'unless the occupier of the premises consents to the inspector entering and inspecting them'.

Adran 56, tudalen 34, llinell 9, hepgorer 'mangreoddd sy'n cael eu defnyddio'n gyfan gwbl neu'n bennaf fel annedd breifat yn dod o fewn yr is-adran hon' a mewnosoder 'mangre sy'n cael ei defnyddio'n gyfan gwbl neu'n bennaf fel annedd breifat yn dod o fewn yr is-adran hon ond os yw meddiannydd y fangre yn cydsynio i'r arolygydd fynd i mewn a'i harolygu'.

**Mark Drakeford**

81

Section 56, page 34, after line 8, insert—

'() "Premises" includes a vehicle.'

Adran 56, tudalen 34, ar ôl llinell 10, mewnosoder—

'() Mae "mangre" yn cynnwys cerbyd.'

**Mark Drakeford**

82

Section 56, page 35, line 18, after 'a', insert 'registered'.

Adran 56, tudalen 35, llinell 19, ar ôl 'meddygol', mewnosoder 'cofrestredig'.

**Mark Drakeford**

83

Section 56, page 35, after line 23, insert—

'() For the purposes of subsections (6)(f) and (9), an interview or examination is to be treated as conducted in private despite the presence of a third party if—

- (a) the person being interviewed or examined wants the third party to be present and the inspector does not object, or
- (b) the inspector wants the third party to be present and the person being interviewed or examined consents.

'() Where an inspector conducts an interview or examination under this section, the inspector must, if requested to do so by—

- (a) the person being interviewed or examined, or
- (b) an individual accompanying that person,

produce a document showing the inspector's authorisation given under subsection (1) and, in the case of an examination, a document showing that the inspector is a registered medical practitioner or registered nurse.'



Adran 56, tudalen 35, ar ôl llinell 27, mewnosoder –

- ( ) At ddibenion is-adrannau (6)(f) a (9), mae cyfweliad neu archwiliad i'w drin fel pe bai wedi ei gynnal yn breifat er gwaethaf presenoldeb trydydd parti –
- (a) os yw'r person y cyfwelir ag ef neu y cynhelir archwiliad ohono yn dymuno i'r trydydd parti fod yn bresennol ac nad yw'r arolygydd yn gwrthwynebu, neu
  - (b) os yw'r arolygydd yn dymuno i'r trydydd parti fod yn bresennol a bod y person y cyfwelir ag ef neu y cynhelir archwiliad ohono yn cydsynio.
- ( ) Pan fo arolygydd yn cynnal cyfweliad neu archwiliad o dan yr adran hon, rhaid i'r arolygydd, os gofynnir iddo wneud hynny gan –
- (a) y person y cyfwelir ag ef neu y cynhelir archwiliad ohono, neu
  - (b) unigolyn sy'n dod gyda'r person hwnnw,
- gyflwyno dogfen sy'n dangos awdurdodiad yr arolygydd a roddir o dan is-adran (1) ac, yn achos archwiliad, ddogfen sy'n dangos bod yr arolygydd yn ymarferydd meddygol cofrestredig neu'n nyrs gofrestredig.'.

#### **Mark Drakeford**

84

Section 58, page 39, after line 27, insert –

- '(6) Before making regulations under this section the Welsh Ministers must consult any persons they think appropriate.
- (7) But the requirement to consult does not apply to regulations which –
- (a) amend other regulations made under this section, and
  - (b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.'

Adran 58, tudalen 39, ar ôl llinell 30, mewnosoder –

- '(6) Cyn gwneud rheoliadau o dan yr adran hon rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy'n briodol yn eu barn hwy.
- (7) Ond nid yw'r gofyniad i ymgynghori yn gymwys i reoliadau –
- (a) sy'n diwygio rheoliadau eraill a wneir o dan yr adran hon, a
  - (b) nad ydynt, ym marn Gweinidogion Cymru, yn rhoi effaith i unrhyw newid sylweddol yn y ddarpariaeth a wneir gan y rheoliadau sydd i'w diwygio.'

#### **Mark Drakeford**

85

Section 62, page 41, line 15, after 'support', insert '(within the meaning of the 2014 Act)'.

Adran 62, tudalen 41, llinell 17, ar ôl 'cymorth', mewnosoder '(o fewn ystyr Deddf 2014)'.



**Mark Drakeford**

86

Section 62, page 41, after line 18, insert –

- '( ) the effect on the exercise of local authority social services functions (within the meaning of the 2014 Act) of the commissioning by local authorities of services in connection with those functions during such period as may be prescribed, and'.

Adran 62, tudalen 41, ar ôl llinell 21, mewnosoder –

- '( ) effaith comisiynu gwasanaethau gan awdurdodau lleol mewn cysylltiad â swyddogaethau gwasanaethau cymdeithasol awdurdodau lleol (o fewn ystyr Deddf 2014) ar arferiad y swyddogaethau hynny yn ystod unrhyw gyfnod a ragnodir, a'.

**Mark Drakeford**

87

Section 62, page 41, after line 25, insert –

- '(5) Before making regulations under subsection (3)(a)(iii) the Welsh Ministers must consult any persons they think appropriate.
- (6) But the requirement to consult does not apply to regulations which –
  - (a) amend other regulations made under that subsection, and
  - (b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.'

Adran 62, tudalen 41, ar ôl llinell 29, mewnosoder –

- '(5) Cyn gwneud rheoliadau o dan is-adran (3)(a)(iii) rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy'n briodol yn eu barn hwy.
- (6) Ond nid yw'r gofyniad i ymgynghori yn gymwys i reoliadau –
  - (a) sy'n diwygio rheoliadau eraill a wneir o dan yr is-adran honno, a
  - (b) nad ydynt, ym marn Gweinidogion Cymru, yn rhoi effaith i unrhyw newid sylweddol yn y ddarpariaeth a wneir gan y rheoliadau sydd i'w diwygio.'

**Kirsty Williams**

159

Page 41, after line 25, insert a new section –

**'CHAPTER ( )**

**COMMISSIONING AND DISQUALIFICATION**

**( ) Commissioning and disqualification**

- (1) A person who is involved in the decision-making process of commissioning a regulated service from a service provider must not –
  - (a) become an employee of the service provider, or



- (b) work for the service provider (whether directly, indirectly or via any contractual arrangement),  
during the restricted period.
- (2) The restricted period is 6 months starting with the last day the person was involved in the decision-making process.
- (3) References to the service provider in this section include any subsidiary or holding company of the service provider.
- (4) A person who contravenes this section commits an offence and shall be liable on summary conviction to a fine.'

Tudalen 41, ar ôl llinell 29, mewnosoder adran newydd –

**'PENNOD ( )**

**COMISIYNU AC ANGHYMHWYSO**

**( ) Comisiynu ac anghymhwyso**

- (1) Ni chaniateir i berson sy'n rhan o'r broses o wneud penderfyniadau ynghylch comisiynu gwasanaeth rheoleiddiedig gan ddarparwr gwasanaeth –
- (a) dod yn gyflogai i'r darparwr gwasanaeth, na
- (b) gweithio i'r darparwr gwasanaeth (pa un ai'n uniongyrchol, yn anuniongyrchol neu drwy drefniant o dan gontract),  
yn ystod y cyfnod cyfyngedig.
- (2) Mae'r cyfnod cyfyngedig yn gyfnod o 6 mis yn dechrau ar y diwrnod olaf yr oedd y person o dan sylw yn rhan o'r broses o wneud penderfyniadau.
- (3) Caiff cyfeiriadau at y darparwr gwasanaeth yn yr adran hon gynnwys unrhyw is-gwmni neu gwmni daliannol y darparwr gwasanaeth.
- (4) Mae person sy'n torri'r adran hon yn cyflawni trosedd ac mae'n agored ar gollfarn ddiannod i ddirwy.'

**Mark Drakeford**

88

Section 63, page 41, line 31, after 'interpreted', insert '(other than in section 62(3)(a)(i))'.

Adran 63, tudalen 41, llinell 38, ar ôl 'ddechongli', mewnosoder '(ac eithrio yn adran 62(3)(a)(i))'.

**Altaf Hussain**

116

**Gyda chefnogaeth/ Supported by: Lindsay Whittle, Kirsty Williams**

Section 79, page 51, after line 4, insert –

'( ) domiciliary care workers,'.

Adran 79, tudalen 51, ar ôl llinell 4, mewnosoder –

'( ) gweithwyr gofal cartref,'.



**Altaf Hussain**

117

**Gyda chefnogaeth/ Supported by: Lindsay Whittle, Kirsty Williams**

Section 79, page 51, after line 4, insert—

‘() adult residential care workers.’

Adran 79, tudalen 51, ar ôl llinell 4, mewnosoder—

‘() gweithwyr gofal preswyl i oedolion.’

**Altaf Hussain**

118

**Gyda chefnogaeth/ Supported by: Lindsay Whittle, Kirsty Williams**

Section 79, page 51, after line 7, insert—

‘() For the purposes of this section “domiciliary care workers” means persons who are employed to provide personal care in the home of and for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.’

Adran 79, tudalen 51, ar ôl llinell 8, mewnosoder—

‘() At ddibenion yr adran hon, ystyr “gweithwyr gofal cartref” yw personau a gyflogir i ddarparu gofal personol i bersonau yn eu cartrefi nad ydynt, oherwydd gwaeledd, gwendid neu anabledd, yn gallu ei ddarparu i’w hunain heb gynhorthwy.’

**Altaf Hussain**

119

**Gyda chefnogaeth/ Supported by: Lindsay Whittle, Kirsty Williams**

Section 79, page 51, after line 7, insert—

‘() For the purposes of this section “adult residential care workers” means persons who are employed by a care home service provider to undertake nursing or personal care for persons in a care home.’

Adran 79, tudalen 51, ar ôl llinell 8, mewnosoder—

‘() At ddibenion yr adran hon, ystyr “gweithwyr gofal preswyl i oedolion” yw personau a gyflogir gan ddarparwr gwasanaeth cartref gofal i roi gofal nyrsio neu ofal personol i bersonau mewn cartref gofal.’

**Altaf Hussain**

120

**Gyda chefnogaeth/ Supported by: Lindsay Whittle, Kirsty Williams**

Section 79, page 51, after line 9, insert—

‘() domiciliary care workers.’

Adran 79, tudalen 51, ar ôl llinell 10, mewnosoder—

‘() gweithwyr gofal cartref.’



**Altaf Hussain**

**121**

**Gyda chefnogaeth/ Supported by: Lindsay Whittle, Kirsty Williams**

Section 79, page 51, after line 9, insert—

‘() adult residential care workers;’.

Adran 79, tudalen 51, ar ôl llinell 10, mewnosoder—

‘() gweithwyr gofal preswyl i oedolion;’.

**Altaf Hussain**

**122**

**Gyda chefnogaeth/ Supported by: Lindsay Whittle, Kirsty Williams**

Section 79, page 51, after line 14, insert—

‘() the part mentioned in subsection (2)((*paragraph to be inserted by amendment 120*)) is the “domiciliary care workers part” of the register;’.

Adran 79, tudalen 51, ar ôl llinell 17, mewnosoder—

‘() y rhan a grybwyllir yn is-adran (2)((*y paragraff sy'n cael ei fewnosod gan welliant 120*)) yw'r “rhan gweithwyr gofal cartref” o'r gofrestr;’.

**Altaf Hussain**

**123**

**Gyda chefnogaeth/ Supported by: Lindsay Whittle, Kirsty Williams**

Section 79, page 51, after line 14, insert—

‘() the part mentioned in subsection (2)((*paragraph to be inserted by amendment 121*)) is the “adult residential care workers part” of the register;’.

Adran 79, tudalen 51, ar ôl llinell 17, mewnosoder—

‘() y rhan a grybwyllir yn is-adran (2)((*y paragraff sy'n cael ei fewnosod gan welliant 121*)) yw'r “rhan gweithwyr gofal preswyl i oedolion” o'r gofrestr;’.

**Mark Drakeford**

**89**

Section 116, page 69, line 11, leave out ‘in the practice of work’.

Adran 116, tudalen 69, llinell 11, hepgorer ‘wrth ymarfer gwaith’.

**Mark Drakeford**

**90**

Section 116, page 69, after line 33, insert—

‘() the Nursing and Midwifery Council;’.

Adran 116, tudalen 69, ar ôl llinell 33, mewnosoder—

‘() y Cyngor Nyrsio a Bydwreigiaeth;’.



**Mark Drakeford**

91

Section 116, page 70, after line 2, insert—

‘(e) a prescribed body.’

Adran 116, tudalen 70, ar ôl llinell 2, mewnosoder—

‘(e) corff rhagnodedig.’

**Mark Drakeford**

92

Section 131, page 77, after line 18, insert—

‘(c) any person to whom notice of the referral was given under section 122(2)(c), (d) or (e) or 126(3).’

Adran 131, tudalen 77, ar ôl llinell 18, mewnosoder—

‘(c) i unrhyw berson y rhoddwyd hysbysiad o’r atgyfeirio iddo o dan adran 122(2)(c), (d) neu (e) neu 126(3).’

**Mark Drakeford**

93

Section 133, page 78, line 13, after ‘150’, insert ‘(except to the extent that rules may be made under section 135(4) or 136(6) about undertakings agreed, confirmed or varied, or warnings given, on a review carried out under section 150)’.

Adran 133, tudalen 78, llinell 13, ar ôl ‘150’, mewnosoder ‘(ac eithrio i’r graddau y caniateir i reolau gael eu gwneud o dan adran 135(4) neu 136(6) ynghylch ymgymeriadau y cytunir arnynt, a gadarnheir neu a amrywir, neu rybuddion a roddir, yn sgil adolygiad a gynhelir o dan adran 150)’.

**Mark Drakeford**

94

Section 138, page 80, line 32, leave out ‘(which must not be a period exceeding 3 years)’ and insert ‘, which must not exceed 3 years; but see section 152 regarding extensions of that period on review’.

Adran 138, tudalen 80, llinell 35, hepgorer ‘(na chaniateir iddo fod yn gyfnod sy’n hwy na 3 blynedd)’ a mewnosoder ‘, na chaniateir iddo fod yn hwy na 3 blynedd; ond gweler adran 152 ynglŷn ag estyniadau o’r cyfnod hwnnw yn sgil adolygiad’.

**Mark Drakeford**

95

Section 140, page 82, line 4, leave out ‘137(3)’ and insert ‘137(5)’.

Adran 140, tudalen 82, llinell 4, hepgorer ‘137(3)’ a mewnosoder ‘137(5)’.



**Mark Drakeford**

96

Section 140, page 82, line 6, leave out '137(3)' and insert '137(5)'.

Adran 140, tudalen 82, llinell 7, hepgorer '137(3)' a mewnosoder '137(5)'.

**Mark Drakeford**

97

Page 92, after line 9, insert a new section –

**'( )      Reviews: further provision about conditional registration and suspension orders**

- (1) Subsections (1) and (2) apply to a conditional registration order made under section 151(8)(c), 153(8)(c) or 154(10)(c).
- (2) The order must specify –
  - (a) the conditions with which the person to whom the order relates must comply, and
  - (b) the period for which the order is to have effect, which must not exceed 3 years; but see section 152 regarding extensions of that period on review.
- (3) The order may specify –
  - (a) that it must be reviewed in accordance with arrangements specified in the order;
  - (b) different conditions that have effect for different periods; but this is subject to the limit mentioned in subsection (2)(b).
- (4) Subsections (5) and (6) apply to a suspension order made under section 151(8)(d) or 152(9)(c).
- (5) The order must specify the period for which it is to have effect, which must not exceed 3 years; but see section 153 regarding extensions of that period on review.
- (6) The order may specify that it must be reviewed in accordance with arrangements specified in the order.'

Tudalen 92, ar ôl llinell 10, mewnosoder adran newydd –

**'( )      Adolygiadau: darpariaeth bellach ynghylch gorchmynion cofrestru amodol a gorchmynion atal dros dro**

- (1) Mae is-adrannau (1) a (2) yn gymwys i orchymyn cofrestru amodol a wneir o dan adran 151(8)(c), 153(8)(c) neu 154(10)(c).
- (2) Rhaid i'r gorchymyn bennu –
  - (a) yr amodau y mae rhaid i'r person y mae'r gorchymyn yn ymwneud ag ef gydymffurfio â hwy, a
  - (b) y cyfnod y mae'r gorchymyn i gael effaith ar ei gyfer, na chaniateir iddo fod yn hwy na 3 blynedd; ond gweler adran 152 ynglŷn ag estyniadau o'r cyfnod hwnnw yn sgil adolygiad.
- (3) Caiff y gorchymyn bennu –
  - (a) bod rhaid ei adolygu yn unol â threfniadau a bennir yn y gorchymyn;





- (b) amodau gwahanol sy'n cael effaith ar gyfer cyfnodau gwahanol; ond mae hyn yn ddarostyngedig i'r terfyn a grybwyllir yn is-adran (2)(b).
- (4) Mae is-adrannau (5) a (6) yn gymwys i orchymyn atal dros dro a wneir o dan adran 151(8)(d) neu 152(9)(c).
- (5) Rhaid i'r gorchymyn bennu'r cyfnod y mae'r gorchymyn i gael effaith ar ei gyfer, na chaniateir iddo fod yn hwy na 3 blynedd; ond gweler adran 153 ynglŷn ag estyniadau o'r cyfnod hwnnw yn sgil adolygiad.
- (6) Caiff y gorchymyn bennu bod rhaid ei adolygu yn unol â threfniadau a bennir yn y gorchymyn.'.

**Mark Drakeford**

98

Section 163, page 98, after line 29, insert—

- '(5) Before making regulations under this section the Welsh Ministers must consult any persons they think appropriate.
- (6) But the requirement to consult does not apply to regulations which—
  - (a) amend other regulations made under this section, and
  - (b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.'

Adran 163, tudalen 98, ar ôl llinell 33, mewnosoder—

- '(5) Cyn gwneud rheoliadau o dan yr adran hon rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau sy'n briodol yn eu barn hwy.
- (6) Ond nid yw'r gofyniad i ymgynghori yn gymwys i reoliadau—
  - (a) sy'n diwygio rheoliadau eraill a wneir o dan yr adran hon, a
  - (b) nad ydynt, ym marn Gweinidogion Cymru, yn rhoi effaith i unrhyw newid sylweddol yn y ddarpariaeth a wneir gan y rheoliadau sydd i'w diwygio.'

**Mark Drakeford**

99

Section 167, page 100, line 5, leave out—

'—

- (a) within the period of 3 months beginning with the date on which the order was made, and
- (b) within each subsequent period of 3 months beginning with the date of the previous review'

And insert—

'as soon as practicable if—

- ( ) the person in respect of whom the order is made requests a review, and
- ( ) the request is made no earlier than 3 months after the date on which the order was made.



- ( ) If an interim prohibition order is reviewed under subsection (1), a fitness to practise panel must review the order within each subsequent period of 3 months beginning with the date of the review under that subsection’.

Adran 167, tudalen 100, llinell 5, hepgorer –

‘ –

- (a) o fewn y cyfnod o 3 mis sy’n dechrau â’r dyddiad y gwnaed y gorchymyn, a  
(b) o fewn pob cyfnod dilynol o 3 mis sy’n dechrau â dyddiad yr adolygiad blaenorol’

A mewnosoder –

‘cyn gynted ag y bo’n ymarferol –

- ( ) os yw’r person y gwneir y gorchymyn mewn cysylltiad ag ef yn gofyn am adolygiad, a  
( ) os gofynnir am yr adolygiad heb fod yn gynharach na 3 mis ar ôl y dyddiad y gwnaed y gorchymyn.  
( ) Os adolygir gorchymyn gwahardd interim o dan is-adran (1), rhaid i banel addasrwydd i ymarfer adolygu’r gorchymyn o fewn pob cyfnod dilynol o 3 mis sy’n dechrau â dyddiad yr adolygiad o dan yr is-adran honno’.

### **Mark Drakeford**

100

Section 168, page 100, line 14, leave out ‘The Welsh Ministers must by regulations’ and insert ‘Regulations under section 163 must’.

Adran 168, tudalen 100, llinell 12, hepgorer ‘Weinidogion Cymru drwy reoliadau’ a mewnosoder ‘reoliadau o dan adran 163’.

### **Mark Drakeford**

101

Section 175, page 104, after line 4, insert –

‘( ) the Education Workforce Council,’.

Adran 175, tudalen 104, ar ôl llinell 4, mewnosoder –

‘( ) Cyngor y Gweithlu Addysg,’.

### **Lindsay Whittle**

153

Section 175, page 104, after line 8, insert –

‘( ) a Community Health Council, and’.

Adran 175, tudalen 104, ar ôl llinell 8, mewnosoder –

‘( ) Cyngor Iechyd Cymuned, ac’.



**Lindsay Whittle**

**154**

Section 175, page 104, after line 15, insert –

- '(c) "Community Health Council" means a Community Health Council continued or established under section 182 of the National Health Service (Wales) Act 2006.'

Adran 175, tudalen 104, ar ôl llinell 16, mewnosoder –

- '(c) ystyr "Cyngor Iechyd Cymuned" yw Cyngor Iechyd Cymuned sy'n parhau neu a sefydlwyd o dan adran 182 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.'

**Lindsay Whittle**

**155**

Section 176, page 104, after line 20, insert –

- '( ) Where the Welsh Ministers exercise functions of a regulatory nature under an enactment other than this Act they and a regulatory body must co-operate with each other in the exercise of their relevant functions if they think that such co-operation –
- (a) will have a positive effect on the manner in which those functions are exercised, or
  - (b) will assist them in achieving their general objectives.
- ( ) In subsection (*first subsection to be inserted by amendment 155*) the functions of the Welsh Ministers include, but are not limited to for example, their functions of inspecting and regulating health care in Wales.'

Adran 176, tudalen 104, ar ôl llinell 22, mewnosoder –

- '( ) Pan fo Gweinidogion Cymru yn arfer swyddogaethau o natur reoleiddiol o dan ddeddfiad ac eithrio'r Ddeddf hon, rhaid iddynt hwy a chorff rheoleiddiol gydweithredu wrth arfer eu swyddogaethau perthnasol os bydd cydweithredu o'r fath, yn eu barn hwy –
- (a) yn cael effaith gadarnhaol ar y ffordd y caiff y swyddogaethau hynny eu harfer, neu
  - (b) yn eu helpu i gyflawni eu hamcanion cyffredinol.
- ( ) Yn is-adran (*yr is-adran gyntaf sy'n cael ei mewnosod gan welliant 155*) mae swyddogaethau Gweinidogion Cymru yn cynnwys, ond nid yn gyfyngedig i er enghraifft, eu swyddogaethau o arolygu a rheoleiddio gofal iechyd yng Nghymru.'

**Altaf Hussain**

**124**

**Gyda chefnogaeth/ Supported by: Kirsty Williams**

Page 107, after line 5, insert a new section –

'( ) **United Nations Principles and Conventions**

- (1) Regulatory bodies and relevant authorities exercising functions under this Act in relation to an adult must have due regard to the United Nations Principles for Older Persons adopted by the General Assembly of the United Nations on 16 December 1991.



- (2) Regulatory bodies and relevant authorities exercising functions under this Act in relation to a child must have due regard to Part 1 of the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 (“the Convention”).
- (3) Regulatory bodies and relevant authorities exercising functions under this Act in relation to a disabled person must have due regard to the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol adopted by the United Nations General Assembly on 13 December 2006 and opened for signature on 30 March 2007.
- (4) For the purposes of subsection (2), Part 1 of the Convention is to be treated as having effect—
  - (a) as set out for the time being in Part 1 of the Schedule to the Rights of Children and Young Persons (Wales) Measure 2011, but
  - (b) subject to any declaration or reservation as set out for the time being in Part 3 of that Schedule.
- (5) Subsection (2) does not apply to the Welsh Ministers (see, instead, the Rights of Children and Young Persons (Wales) Measure 2011).
- (6) In this section, “adult”, “child” and “disabled” have the same meaning as in section 3 of the 2014 Act.’.

Tudalen 107, ar ôl llinell 5, mewnosoder adran newydd—

**(1) Egwyddorion a Chonfensiynau’r Cenedloedd Unedig**

- (1) Rhaid i gyrff rheoleiddio ac awdurdodau perthnasol sy’n arfer swyddogaethau o dan y Ddeddf hon mewn perthynas ag oedolyn roi sylw dyledus i Egwyddorion y Cenedloedd Unedig ar gyfer Pobl Hŷn a fabwysiadwyd gan Gynulliad Cyffredinol y Cenedloedd Unedig ar 16 Rhagfyr 1991.
- (2) Rhaid i gyrff rheoleiddio ac awdurdodau perthnasol sy’n arfer swyddogaethau o dan y Ddeddf hon mewn perthynas â phlentyn roi sylw dyledus i Ran 1 o Gonfensiwn y Cenedloedd Unedig ar Hawliau’r Plentyn a fabwysiadwyd ac a agorwyd i’w lofnodi, ei gadarnhau a’i gytuno drwy benderfyniad y Cynulliad Cyffredinol 44/25 dyddiedig 20 Tachwedd 1989 (“y Confensiwn”).
- (3) Rhaid i gyrff rheoleiddio ac awdurdodau perthnasol sy’n arfer swyddogaethau o dan y Ddeddf hon mewn perthynas â pherson anabl roi sylw dyledus i Gonfensiwn y Cenedloedd Unedig ar Hawliau Pobl ag Anabledau a’i Brotocol Dewisol a fabwysiadwyd gan Gynulliad Cyffredinol y Cenedloedd Unedig ar 13 Rhagfyr 2006 ac a agorwyd i’w lofnodi ar 30 Mawrth 2007.
- (4) At ddibenion is-adran (2), mae Rhan 1 o’r Confensiwn i’w thrin fel pe bai’n cael effaith—
  - (a) fel y nodir am y tro yn Rhan 1 o’r Atodlen i Fesur Hawliau Plant a Phobl Ifanc (Cymru) 2011, ond
  - (b) yn ddarostyngedig i unrhyw ddatganiad neu neilltuad fel y nodir am y tro yn Rhan 3 o’r Atodlen honno.



- (5) Nid yw is-adran (2) yn gymwys i Weinidogion Cymru (gweler, yn lle hynny, Fesur Hawliau Plant a Phobl Ifanc (Cymru) 2011).
- (6) Yn yr adran hon yr un ystyr sydd i “oedolyn”, “plentyn” ac “anabl” ag sydd yn adran 3 o Ddeddf 2014.’.

**Mark Drakeford**

105

Schedule 3, page 124, after line 16, insert –

‘()

( ) In section 1 (overview) –

(a) in subsection (9) –

(i) after paragraph (b) insert –

“(ba) requires local authorities to produce –

(i) annual reports about the exercise of social services functions, and

(ii) reports about the stability of local markets for providing care and support,

(sections 144A and 144B);”;

(ii) after paragraph (c) insert –

“(ca) provides powers for the Welsh Ministers to conduct reviews relating to the exercise of social services functions of local authorities (sections 149A and 149B);”;

(iii) in paragraph (d), for “161.” substitute “160);

(da) allows for the inspection of premises in connection with reviews of local authority social services functions conducted by the Welsh Ministers or the exercise of the Welsh Ministers’ powers of intervention in relation to those functions, and for the Welsh Ministers to request information in connection with such reviews and makes related provision (sections 161 to 161C).”;

(b) in subsection (15)(c), for “an establishment or agency (within the meaning of the Care Standards Act 2000)” substitute “a service provider (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016)”.

( ) Section 183 (publicising advocacy services in care homes) is repealed.

( ) In section 188(1) (definitions for the purposes of sections 185 to 187), in the definition of “youth detention accommodation”, for paragraph (a) substitute –

“(a) a secure accommodation service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016);”.

( ) In section 189 (provider failure: temporary duty on local authority) –



- (a) for subsection (1) substitute –
    - “(1) This section applies where a service provider becomes unable to provide a regulated service because of business failure.”;
  - (b) in subsection (2), for the words from “registered” to “agency” where it second occurs substitute “service provider became unable to provide the regulated service, being met in the authority’s area by the service provider”;
  - (c) in subsection (5)(a), for “registered person became unable to carry on or manage the establishment or agency” substitute “service provider became unable to provide the regulated service”;
  - (d) in subsection (9) –
    - (i) the definition of “registered person” is repealed;
    - (ii) before the definition of “relevant carer” insert –
      - “regulated service” (“*gwasanaeth rheoleiddiedig*”) has the same meaning as in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016;”;
    - (iii) at the end insert –
      - ““service provider” (“*darparwr gwasanaeth*”) has the same meaning as in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.”
- ( ) In section 190(1) (provider failure: exception to temporary duty), for “registered person became unable to carry on or manage the establishment or agency” substitute “service provider became unable to provide the regulated service”.
- ( ) In section 191 (provider failure: supplementary) –
- (a) in subsection (6), for “registered person, or such other person involved in the establishment or agency’s” substitute “service provider, or such other person involved in the service provider’s”;
  - (b) in subsection (7), for “carry on or manage an establishment or agency” substitute “provide a regulated service”.

Atodlen 3, tudalen 124, ar ôl llinell 16, mewnosoder –

( ) Mae Deddf 2014 wedi ei diwygio fel a ganlyn.

( ) Yn adran 1 (trosolwg) –

(a) yn is-adran (9) –

(i) ar ôl paragraff (b) mewnosoder –

“(ba) yn ei gwneud yn ofynnol bod awdurdodau lleol yn llunio –

(i) adroddiadau blynyddol ynghylch arfer swyddogaethau gwasanaethau cymdeithasol, a

(ii) adroddiadau ar sefydlogrwydd marchnadoedd lleol ar gyfer darparu gofal a chymorth,

(adrannau 144A a 144B);”;



(ii) ar ôl paragraff (c) mewnosoder –

“(ca) yn darparu pwerau i Weinidogion Cymru i gynnal adolygiadau sy’n ymwneud ag arfer swyddogaethau gwasanaethau cymdeithasol awdurdodau lleol (adrannau 149A a 149B);”;

(iii) ym mharagraff (d), yn lle “161.” rhodder “160);

(da) yn caniatáu ar gyfer arolygu mangreoedd mewn cysylltiad ag adolygiadau a gynhelir gan Weinidogion Cymru o swyddogaethau gwasanaethau cymdeithasol awdurdodau lleol neu arfer pwerau ymyrryd Gweinidogion Cymru mewn perthynas â’r swyddogaethau hynny, ac i Weinidogion Cymru ofyn am wybodaeth mewn cysylltiad ag adolygiadau o’r fath ac yn gwneud darpariaeth gysylltiedig (adrannau 161 i 161C).”;

(b) yn is-adran (15)(c), yn lle “sefydliad neu asiantaeth (o fewn yr ystyr a roddir i “establishment” ac “agency” yn Neddf Safonau Gofal 2000)” rhodder “darparwr gwasanaeth (o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016)”.

( ) Mae adran 183 (rhoi cyhoeddusrwydd i wasanaethau eirioli mewn cartrefi gofal) wedi ei diddymu.

( ) Yn adran 188(1) (diffiniadau at ddibenion adrannau 185 i 187), yn y diffiniad o “llety cadw ieuencid”, yn lle paragraff (a) rhodder –

“(a) gwasanaeth llety diogel (o fewn ystyr Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016);”.

( ) Yn adran 189 (methiant darparwr: dyletswydd dros dro ar awdurdod lleol) –

(a) yn lle is-adran (1) rhodder –

“(1) Mae’r adran hon yn gymwys pan fo darparwr gwasanaeth yn methu â darparu gwasanaeth rheoleiddiedig oherwydd methiant busnes.”;

(b) yn is-adran (2), yn lle’r geiriau o “person” hyd at “asiantaeth” yn yr ail le y mae’n digwydd rhodder “darparwr gwasanaeth fethu â darparu’r gwasanaeth rheoleiddiedig, yn cael eu diwallu yn ardal yr awdurdod gan y darparwr gwasanaeth”;

(c) yn is-adran (5)(a), yn lle “person cofrestredig fethu â rhedeg y sefydliad neu ei reoli neu fethu â rhedeg yr asiantaeth neu ei rheoli” rhodder “darparwr gwasanaeth fethu â darparu’r gwasanaeth rheoleiddiedig”;

(d) yn is-adran (9) –

(i) cyn y diffiniad o “gofalwr perthnasol” rhodder –

“mae i “darparwr gwasanaeth” (“service provider”) yr un ystyr ag yn Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016;”;

(ii) cyn y diffiniad o “person cofrestredig” mewnosoder –



“mae i “gwasanaeth rheoleiddiedig” (“regulated service”) yr un ystyr ag yn Rhan 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016;”;

(iii) mae'r diffiniad o “person cofrestredig” wedi ei ddiddymu.

- ( ) Yn adran 190(1) (methiant darparwr: eithriad i'r ddyletswydd dros dro), yn lle “person cofrestredig fethu â rhedeg y sefydliad neu ei reoli neu fethu â rhedeg yr asiantaeth neu ei rheoli” rhodder “darparwr gwasanaeth fethu â darparu'r gwasanaeth rheoleiddiedig”.
- ( ) Yn adran 191 (methiant darparwr: materion atodol) –
- (a) yn is-adran (6), yn lle “person cofrestredig, neu unrhyw berson arall sy'n gysylltiedig â busnes y sefydliad neu'r asiantaeth” rhodder “darparwr gwasanaeth, neu unrhyw berson arall sy'n gysylltiedig â busnes y darparwr gwasanaeth”;
- (b) yn is-adran (7), yn lle “rhedeg sefydliad neu ei reoli neu'n methu â rhedeg asiantaeth neu ei rheoli” rhodder “darparu gwasanaeth rheoleiddiedig”.

**Mark Drakeford**

**106**

Schedule 3, page 124, line 17, leave out ‘of the 2014 Act’.

Atodlen 3, tudalen 124, llinell 17, hepgorer ‘o Ddeddf 2014’.

**Mark Drakeford**

**107**

Schedule 3, page 126, after line 8, insert –

‘( ) a person engaged in the provision of personal care for any person in England;’.

Atodlen 3, tudalen 126, ar ôl llinell 8, mewnosoder –

‘( ) a person engaged in the provision of personal care for any person in England;’.

**Mark Drakeford**

**108**

Schedule 3, page 130, line 17, leave out paragraph 57.

Atodlen 3, tudalen 130, llinell 17, hepgorer paragraff 57.

**Mark Drakeford**

**102**

Section 185, page 109, after line 23, insert –

‘( ) section (section to be inserted by amendment 7)(7) (regulations varying the evidence to be taken into account when determining whether a person is fit and proper);’.

Adran 185, tudalen 109, ar ôl llinell 26, mewnosoder –

‘( ) adran (yr adran sy'n cael ei fewnosod gan welliant 7)(7) (rheoliadau sy'n amrywio'r dystiolaeth sydd i'w hystyried wrth ddyfarnu a yw person yn berson addas a phriodol);’.





**Mark Drakeford**

**103**

Section 185, page 110, line 7, leave out '116(6)' and insert '116'.

Adran 185, tudalen 110, llinell 7, hepgorer '116(6)' a mewnosoder '116'.

**Mark Drakeford**

**104**

Section 185, page 110, after line 9, insert—

'() section 135(2)(d) (persons to whom undertakings may be disclosed by SCW);'.

Adran 185, tudalen 110, ar ôl llinell 9, mewnosoder—

'() adran 135(2)(d) (personau y caniateir i ymgyniadau gael eu datgelu iddynt gan GCC);'.

**Lindsay Whittle**

**125**

**Gyda chefnogaeth/ Supported by: Kirsty Williams**

Long title, page 1, line 4, after 'the' at the second place where it appears, insert 'commissioning of regulated services by Local Health Boards and the'.

Teitl hir, tudalen 1, llinell 5, ar ôl 'â', mewnosoder 'chomisiynu gwasanaethau rheoleiddiedig gan Fyrddau Iechyd Lleol a'.

