

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 10 Tachwedd 2015
Tabled on 10 November 2015

Bil Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru)

Regulation and Inspection of Social Care (Wales) Bill

Altaf Hussain 38

Section 32, page 21, line 32, after 'of', insert ', and the involvement and engagement of lay reviewers in the carrying out of,'.

Adran 32, tudalen 21, llinell 36, ar ôl 'arolygiadau' yn yr ail le y mae'n ymddangos, mewnosoder 'a chynnwys ac ymgysylltu adolygwyr lleegy yn y broses o gynnal yr arolygiadau'.

Altaf Hussain 39

Section 40, page 27, leave out line 33.

Adran 40, tudalen 27, hepgorer llinell 35.

Altaf Hussain 40

Page 28, after line 2, 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 28, ar ôl llinell 2, 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.’.

Altaf Hussain

41

Section 41, page 28, after line 25, insert –

‘(e) section ((*section to be inserted by amendment 40*)) (duty to have due regard to the United Nations Convention on the Rights of Persons with Disabilities).’.

Adran 41, tudalen 28, ar ôl llinell 28, mewnosoder –

‘(e) adran ((*yr adran sy'n cael ei fewnosod gan welliant 40*)) (dyletswydd i roi sylw dyledus i Gonfensiwn y Cenhedloedd Unedig ar Hawliau Pobl ag Anableddau).’.

Altaf Hussain

42

Section 79, page 56, after line 24, insert –

‘() domiciliary care workers,’.

Adran 79, tudalen 56, ar ôl llinell 26, mewnosoder –

‘() o weithwyr gofal cartref,’.

Altaf Hussain

43

Section 79, page 56, after line 24, insert –

‘() adult residential care workers,’.

Adran 79, tudalen 56, ar ôl llinell 26, mewnosoder –

‘() o weithwyr gofal preswyl i oedolion,’.

Altaf Hussain

44

Section 79, page 56, after line 27, 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 56, ar ôl llinell 30, 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 iddynt eu hunain heb gynhorthwy.’.



Altaf Hussain

45

Section 79, page 56, after line 27, 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 56, ar ôl llinell 30, 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

46

Section 79, page 56, after line 29, insert –

‘() domiciliary care workers;’

Adran 79, tudalen 56, ar ôl llinell 32, mewnosoder –

‘() ar gyfer gweithwyr gofal cartref;’

Altaf Hussain

47

Section 79, page 56, after line 29, insert –

‘() adult residential care workers;’

Adran 79, tudalen 56, ar ôl llinell 32, mewnosoder –

‘() ar gyfer gweithwyr gofal preswyl i oedolion;’

Altaf Hussain

48

Section 79, page 56, after line 34, insert –

‘() the part mentioned in subsection (2)((*paragraph to be inserted by amendment 46*)) is the “domiciliary care workers part” of the register;’

Adran 79, tudalen 56, ar ôl llinell 39, mewnosoder –

‘() y rhan a grybwyllir yn is-adran (2)((*y paragraff sy’n cael ei fewnosod gan welliant 46*)) yw’r “rhan gweithwyr gofal cartref” o’r gofrestr;’

Altaf Hussain

49

Section 79, page 56, after line 34, insert –

‘() the part mentioned in subsection (2)((*paragraph to be inserted by amendment 47*)) is the “adult residential care workers part” of the register;’

Adran 79, tudalen 56, ar ôl llinell 39, mewnosoder –

‘() y rhan a grybwyllir yn is-adran (2)((*y paragraff sy’n cael ei fewnosod gan welliant 47*)) yw’r “rhan gweithwyr gofal preswyl i oedolion” o’r gofrestr;’



Altaf Hussain 50

Section 81, page 57, line 13, after 'part' at the first place where it appears, insert ', the domiciliary care workers part'.

Adran 81, tudalen 57, llinell 13, ar ôl 'cymdeithasol', mewnosoder ', y rhan gweithwyr gofal cartref'.

Altaf Hussain 51

Section 81, page 57, line 13, after 'part' at the first place where it appears, insert ', the adult residential care workers part'.

Adran 81, tudalen 57, llinell 13, ar ôl 'cymdeithasol', mewnosoder ', y rhan gweithwyr gofal preswyl i oedolion'.

Altaf Hussain 52

Section 82, page 57, at the beginning of line 25, insert 'in the case of application to be registered in the social worker part of the register'.

Adran 82, tudalen 57, ar ddechrau llinell 26, mewnosoder 'yn achos cais sydd i'w gofrestru yn y rhan gweithwyr cymdeithasol o'r gofrestr'.

Altaf Hussain 53

Section 83, page 58, line 10, after 'a', insert 'domiciliary care worker or'.

Adran 83, tudalen 58, llinell 10, ar ôl 'fel', mewnosoder 'gweithiwr gofal cartref neu fel'.

Altaf Hussain 54

Section 83, page 58, line 10, after 'a', insert 'adult residential care worker or'.

Adran 83, tudalen 58, llinell 10, ar ôl 'fel', mewnosoder 'gweithiwr gofal preswyl i oedolion neu fel'.

Altaf Hussain 55

Section 85, page 59, line 4, after 'part' at the first place where it appears, insert ', the domiciliary care worker part'.

Adran 85, tudalen 59, llinell 5, ar ôl 'cymdeithasol', mewnosoder ', y rhan gweithwyr gofal cartref'.

Altaf Hussain 56

Section 85, page 59, line 4, after 'part' at the first place where it appears, insert ', the adult residential care worker part'.

Adran 85, tudalen 59, llinell 5, ar ôl 'cymdeithasol', mewnosoder ', y rhan gweithwyr gofal preswyl i oedolion'.



Altaf Hussain

57

Section 85, page 59, line 14, after 'further', insert 'applicable'.

Adran 85, tudalen 59, llinell 16, ar ôl 'hyfforddiant', mewnosoder 'cymwys'.

Altaf Hussain

58

Section 86, page 59, line 22, after 'part' at the first place where it appears, insert ', the domiciliary care worker part'.

Adran 86, tudalen 59, llinell 24, ar ôl 'cymdeithasol', mewnosoder ', y rhan gweithwyr gofal cartref'.

Altaf Hussain

59

Section 86, page 59, line 22, after 'part' at the first place where it appears, insert ', adult residential care worker part'.

Adran 86, tudalen 59, llinell 24, ar ôl 'cymdeithasol', mewnosoder ', y rhan gweithwyr gofal preswyl i oedolion'.

Altaf Hussain

60

Section 110, page 71, after line 10, insert—

- '() It is an offence for a person in Wales who is not registered in a relevant register as a domiciliary care worker to—
- (a) take or use the title of domiciliary care worker,
 - (b) take or use any title or description implying registration as a domiciliary care worker, or
 - (c) pretend to be a domiciliary care worker in any other way,
- with intent to deceive another.'

Adran 110, tudalen 71, ar ôl llinell 11, mewnosoder—

- '() Mae'n drosedd i berson yng Nghymru nad yw wedi ei gofrestru mewn cofrestr berthnasol fel gweithiwr gofal cartref—
- (a) cymryd neu ddefnyddio teitl gweithiwr gofal cartref,
 - (b) cymryd neu ddefnyddio unrhyw deitl neu ddisgrifiad sy'n ymhlygu cofrestrriad fel gweithiwr gofal cartref, neu
 - (c) esgus bod yn weithiwr gofal cartref mewn unrhyw ffordd arall, gyda'r bwriad o dwyllo person arall.'



Altaf Hussain

61

Section 110, page 71, after line 10, insert—

- ‘() It is an offence for a person in Wales who is not registered in a relevant register as an adult residential care worker to—
- (a) take or use the title of adult residential care worker,
 - (b) take or use any title or description implying registration as an adult residential care worker, or
 - (c) pretend to be an adult residential care worker in any other way,
- with intent to deceive another.’.

Adran 110, tudalen 71, ar ôl llinell 11, mewnosoder—

- ‘() Mae’n drosedd i berson yng Nghymru nad yw wedi ei gofrestru mewn cofrestr berthnasol fel gweithiwr gofal preswyl i oedolion—
- (a) cymryd neu ddefnyddio teitl gweithiwr gofal preswyl i oedolion,
 - (b) cymryd neu ddefnyddio unrhyw deitl neu ddisgrifiad sy’n ymhlygu cofrestriad fel gweithiwr gofal preswyl i oedolion, neu
 - (c) esgus bod yn weithiwr gofal preswyl i oedolion mewn unrhyw ffordd arall, gyda’r bwriad o dwyllo person arall.’.

Altaf Hussain

62

Section 110, page 71, line 12, leave out ‘this section’ and insert ‘subsections (1) and (2)’.

Adran 110, tudalen 71, llinell 14, hepgorer ‘yr adran hon’ a mewnosoder ‘is-adrannau (1) a (2)’.

Altaf Hussain

63

Section 110, page 71, after line 17, insert—

- ‘() For the purposes of subsection ((*subsection to be inserted by amendment 60*)) a register is a “relevant register” if it is kept by Social Care Wales.’.

Adran 110, tudalen 71, ar ôl llinell 19, mewnosoder—

- ‘() At ddibenion is-adran ((*yr is-adran sy’n cael ei fewnosod gan welliant 60*)) mae cofrestr yn “cofrestr perthnasol” os yw’n gofrestr a gynhelir gan Ofal Cymdeithasol Cymru.’.



Altaf Hussain

64

Section 110, page 71, after line 17, insert—

‘() For the purposes of subsection ((*subsection to be inserted by amendment 61*)) a register is a “relevant register” if it is kept by Social Care Wales.’.

Adran 110, tudalen 71, ar ôl llinell 19, mewnosoder—

‘() At ddibenion is-adran ((*yr is-adran sy’n cael ei mewnosod gan welliant 61*)) mae cofrestr yn “cofrestr perthnasol” os yw’n gofrestr a gynhelir gan Ofal Cymdeithasol Cymru.’.

Altaf Hussain

65

Section 110, page 71, line 18, after ‘(4)’, insert ‘and ((*subsection to be inserted by amendment 63*))’.

Adran 110, tudalen 71, llinell 20, ar ôl ‘(4)’, mewnosoder ‘a ((*yr is-adran sy’n cael ei mewnosod gan welliant 63*))’.

Altaf Hussain

66

Section 110, page 71, line 18, after ‘(4)’, insert ‘and ((*subsection to be inserted by amendment 64*))’.

Adran 110, tudalen 71, llinell 20, ar ôl ‘(4)’, mewnosoder ‘a ((*yr is-adran sy’n cael ei mewnosod gan welliant 64*))’.

Altaf Hussain

67

Page 113, 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.
- (7) In this section, due regard to a particular UN instrument means due regard to the principles and rights enshrined in the relevant UN instrument.’.

Tudalen 113, ar ôl llinell 5, mewnosoder adran newydd –

‘() Egwyddorion a Chonfensiynau’r Cenhedloedd Unedig

- (1) Rhaid i gyrff rheoleiddio ac awdurdodau perthnasol sy’ m arfer swyddogaethau o dan y Ddeddf hon mewn perthynas ag oedolyn roi sylw dyledus i Egwyddorion y Cenhedloedd Unedig ar gyfer Pobl Hŷn a fabwysiadwyd gan Gynulliad Cyffredinol y Cenhedloedd 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 Cenhedloedd 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 Cenhedloedd Unedig ar Hawliau Pobl ag Anableddau a’i Brotool Dewisol a fabwysiadwyd gan Gynulliad Cyffredinol y Cenhedloedd 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 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 un 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.
- (7) Yn yr adran hon, ystyr rhoi sylw dyledus i un o offerynnau penodol y Cenhedloedd Unedig yw rhoi sylw dyledus i’r egwyddorion a’r hawliau a gorfforwyd yn offeryn perthnasol y Cenhedloedd Unedig.’.



Suzy Davies

68

Section 60, page 45, after line 22, insert—

- ‘() Before making regulations under subsection (6) 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 60, tudalen 45, ar ôl llinell 21, mewnosoder—

- ‘() Cyn gwneud rheoliadau o dan is-adran (6) 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.’.

Suzy Davies

69

Section 186, page 116, after line 8, insert—

- ‘() section 110(5) (amending the list of registers considered to be “relevant registers” in relation to offences relating to the use of title “social worker” etc.);’.

Adran 186, tudalen 116, ar ôl llinell 8, mewnosoder—

- ‘() adran 110(5) (diwygio’r rhestr o gofrestrau a ystyrir yn “cofrestrau perthnasol” mewn perthynas â throseddau sy’n ymwneud â defnyddio teitl “gweithiwr cymdeithasol” etc.);’.

Suzy Davies

70

Section 186, page 116, after line 10, insert—

- ‘() section 124(5)(d) (regulations prescribing persons who may not conduct investigations);’.

Adran 186, tudalen 116, ar ôl llinell 10, mewnosoder—

- ‘() adran 124(5)(d) (rheoliadau sy’n rhagnodi personau na chaniateir iddynt gynnal ymchwiliadau);’.



Suzy Davies

71

Section 186, page 116, after line 20, insert –

‘(see section ((*section to be inserted by amendment 72*)) for further requirements in relation to the making of regulations under sections 44, 45 and 51).’.

Adran 186, tudalen 116, ar ôl llinell 21, mewnosoder –

‘(gweler adran ((*yr adran sy’n cael ei fewnosod gan welliant 72*)) am ragor o ofynion mewn perthynas â gwneud rheoliadau o dan adrannau 44, 45 a 51).’.

Suzy Davies

72

Page 116, after line 23, insert a new section –

‘() Procedure for making regulations under sections 44, 45 and 51

- (1) Before making regulations under sections 44, 45 and 51, the Welsh Ministers must carry out the following steps.
- (2) The Welsh Ministers must consult –
 - (a) the Children’s Commissioner for Wales, the Older People’s Commissioner for Wales and the Welsh Language Commissioner, and
 - (b) any other persons the Welsh Ministers think 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 186(2) until after the expiry of the period of 60 days beginning with the day on which the draft regulations are laid.’.



Tudalen 116, ar ôl llinell 25, mewnosoder adran newydd –

‘(1) Y weithdrefn ar gyfer gwneud rheoliadau o dan adrannau 44, 45 a 51

- (1) Cyn gwneud rheoliadau o dan adrannau 44, 45, a 51, rhaid i Weinidogion Cymru gymryd y camau a ganlyn.
- (2) Rhaid i Weinidogion Cymru ymgynghori â'r canlynol ar y rheoliadau drafft arfaethedig –
 - (a) Comisiynydd Plant Cymru, Comisiynydd Pobl Hŷn Cymru a Chomisiynydd y Gymraeg, a
 - (b) unrhyw bersonau eraill sy'n briodol ym marn Gweinidogion Cymru.
- (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 186(2) tan ar ôl i'r cyfnod o 60 niwrnod, yn dechrau ar y diwrnod y gosodir y rheoliadau drafft, ddod i ben.’

Suzy Davies

73

Section 187, page 116, after line 33, insert –

- ‘(1) An order to which subsection (3)(b) applies is subject to annulment in pursuance of a resolution of the National Assembly for Wales.’

Adran 187, tudalen 116, ar ôl llinell 35, mewnosoder –

- ‘(1) Mae gorchymyn y mae is-adran (3)(b) yn gymwys iddo yn agored i gael ei ddirymu yn unol â phenderfyniad Cynulliad Cenedlaethol Cymru.’



Kirsty Williams

74

Section 56, page 42, after line 15, insert –

‘() After section 166 of the 2014 Act (partnership arrangements) insert –

“166A Partnership arrangements: commissioning

Section 166B applies where, as part of a partnership arrangement, a local health board commissions a regulated service.

166B Partnership arrangements: commissioning: supplementary

- (1) The Welsh Ministers may review the way in which regulated services are commissioned by local health boards participating in partnership arrangements.
- (2) In particular, the Welsh Ministers may –
 - (a) review the overall commissioning of regulated services by local health boards;
 - (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 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.
- (4) “Regulated service” has the meaning given by section 2(1) of the Regulation and Inspection of Social Care (Wales) Act 2016.”.

Adran 56, tudalen 42, ar ôl llinell 15, mewnosoder –

‘() Ar ôl adran 166 o Ddeddf 2014 (trefniadau partneriaeth) mewnosoder –

“166A Trefniadau partneriaeth: comisiynu

Mae adran 166B yn gymwys pan fo bwrdd iechyd lleol, fel rhan o drefniant partneriaeth, yn comisiynu gwasanaeth rheoleiddiedig.

166B Trefniadau partneriaeth: comisiynu: atodol

- (1) Caiff Gweinidogion Cymru adolygu’r ffordd y caiff gwasanaethau rheoleiddiedig eu comisiynu gan fyrddau iechyd lleol sy’n cymryd rhan mewn trefniadau partneriaeth.



- (2) Yn benodol, caiff Gweinidogion Cymru –
- (a) adolygu'r ffordd gyffredinol y caiff gwasanaethau rheoleiddiedig eu comisiynu gan fyrddau iechyd lleol;
 - (b) adolygu'r ffordd y caiff gwasanaethau rheoleiddiedig eu comisiynu gan fwrdd iechyd lleol penodol;
 - (c) adolygu'r ffordd y caiff gwasanaeth rheoleiddiedig penodol ei gomisiynu (pa un a yw wedi ei arfer gan un fwrdd lleol neu gan ddau neu ragor o fyrddau yn cydweithio);
 - (d) adolygu'r ffordd y caiff gwasanaeth rheoleiddiedig ei gomisiynu gan berson neu bersonau penodol.
- (3) Rhaid i Weinidogion Cymru –
- (a) llunio a chyhoeddi adroddiad ar adolygiad a gynhelir o dan is-adran (1), a
 - (b) gosod copi o'r adroddiad gerbron Cynulliad Cenedlaethol Cymru.
- (4) Mae i "gwasanaeth rheoleiddiedig" yr ystyr a roddir gan adran 2(1) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016."

Kirsty Williams

75

Page 46, after line 33, insert a new section –

'CHAPTER ()

COMMISSIONING AND DISQUALIFICATION

() Commissioning and disqualification

- (1) A person employed by a local authority, and acting in their capacity as such, 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 46, ar ôl llinell 36, mewnosoder adran newydd –

'PENNOD ()

COMISIYNU AC ANGHYMHWYSO

() Comisiynu ac anghymhwysu

- (1) Ni chaniateir i berson a gyflogir gan awdurdod lleol, ac sy'n gweithredu yn rhinwedd ei swydd fel y cyfryw, 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 yn rhan o'r broses o wneud penderfyniadau.
- (3) Mae cyfeiriadau at y darparwr gwasanaeth yn yr adran hon yn cynnwys unrhyw is-gwmni neu gwmni daliannol y darparwr gwasanaeth.
- (4) Mae person sy'n torri'r adran hon yn cyflawni trosedd ac o gael collfarn ddiannod mae'n agored i ddirwy.'.

Lindsay Whittle

76

Long title, page 1, line 3, after 'services' at the fourth place where it appears, insert ', advocacy services'.

Teitl hir, tudalen 1, llinell 4, ar ôl 'oedolion', mewnosoder ', gwasanaethau eirioli'.

Lindsay Whittle

77

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

'() a preventative and enablement service,'.

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

'() gwasanaeth ataliol a galluogi,'.



Lindsay Whittle

78

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

79

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

80

Section 7, page 4, line 24, leave out –

- ‘care service, contains the undertaking set out in subsection (2), and
(iii) is in the form prescribed under subsection (2) of that section’

And insert –

- ‘support service, contains the undertaking mentioned in section ((*section to be inserted by amendment 84*)), and
() meets the requirements prescribed under section 6(2)’.

Adran 7, tudalen 4, llinell 26, hepgorer –

- ‘gofal cartref, yn cynnwys yr ymgymeriad a nodir yn is-adran (2), a
(iii) ar y ffurf a ragnodir o dan is-adran (2) o’r adran honno’

A mewnosoder –

- ‘cymorth cartref, yn cynnwys yr ymgymeriad yn adran ((*yr adran sy’n cael ei fewnosod gan welliant 84*)), a
() yn bodloni’r gofynion a ragnodir o dan adran 6(2)’.



Lindsay Whittle

81

Section 7, page 5, line 7, leave out subsection (2).

Adran 7, tudalen 5, llinell 8, hepgorer is-adran (2).

Lindsay Whittle

82

Section 7, page 5, after line 18, 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 21, mewnosoder—

- (iii) bod yn rhaid i’r darparwr gwasanaethau fod â pholisïau 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

83

Page 5, after line 25, insert a new section—

() Fit and proper management

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 to have such authority.’.

Tudalen 5, ar ôl llinell 28, mewnosoder adran newydd—

() Rheolaeth addas a phriodol

Rhaid i Weinidogion Cymru fod wedi eu bodloni bod unrhyw berson sydd ag awdurdod i roi cyfarwyddiadau am reoli’r man y caiff gwasanaeth rheoleiddiedig ei ddarparu ynddo, ohono neu mewn perthynas ag ef, yn berson addas a phriodol i fod ag awdurdod o’r fath.’.

Lindsay Whittle

84

Page 5, after line 25, insert a new section—

() Duration of domiciliary support visits

- (1) The undertaking mentioned in section 7(1)(a)(ii) and 10(3)(a)((*sub-paragraph to be inserted by amendment 93*)) is that a domiciliary support service will not be provided by way of a visit which is shorter than 30 minutes unless either condition A, B or C is met.
- (2) Condition A applies where—
 - (a) a local authority is required—



- (i) by virtue of section 35 or 37 of the 2014 Act, to meet the needs of the person being visited, or
 - (ii) by virtue of section 40 or 42 of that Act, to meet the needs of that person's carer, and
 - (b) the authority meets those needs by providing or arranging the provision of a domiciliary support service to the person being visited.
- (3) Condition A is that –
- (a) the individual carrying out the visit has previously carried out a visit during the period for which the local authority maintains –
 - (i) a care and support plan under section 54(1) of the 2014 Act in respect of the person being visited, or
 - (ii) a support plan under that section in respect of the person's carer, and
 - (b) either –
 - (i) the visit is conducted for the sole purpose of checking whether the person is safe and well, or
 - (ii) the tasks to be performed during the visit can reasonably be, and are, completed to a standard which satisfies any requirements specified in regulations made under section 26 that are relevant to the visit.
- (4) Condition B applies where a domiciliary support service is provided in circumstances where Condition A does not apply.
- (5) Condition B is that –
- (a) a visit of less than 30 minutes is consistent with the terms of any arrangement to provide the service made between the service provider and the person being visited (or another person acting on behalf of the person being visited),
 - (b) the visit is conducted for the sole purpose of checking whether the person is safe and well, or
 - (c) the tasks to be performed during the visit can reasonably be, and are, completed to a standard which satisfies any requirements specified in regulations made under section 26 that are relevant to the visit.
- (6) Condition C applies in any case where a domiciliary support service is provided by way of a visit to a person.
- (7) Condition C is that the visit is curtailed at the request of the person being visited.'

Tudalen 5, ar ôl llinell 28, mewnosoder adran newydd –

'() Hyd ymweliadau cymorth cartref

- (1) Yr ymgymeriad a grybwyllir yn adran 7(1)(a)(ii) a 10(3)(a)((*yr is-baragraff sy'n cael ei fewnosod gan welliant 93*)) yw na fydd gwasanaeth cymorth cartref yn cael ei ddarparu drwy ymweliad sy'n fyrrach na 30 munud oni bai bod naill ai amod A, B neu C wedi ei fodloni.
- (2) Mae Amod A yn gymwys pan –



- (a) fo'n ofynnol i awdurdod lleol –
 - (i) yn rhinwedd adran 35 neu 37 o Ddeddf 2014, ddiwallu anghenion y person yr ymwelir ag ef, neu
 - (ii) yn rhinwedd adran 40 neu 42 o'r Ddeddf honno, ddiwallu anghenion gofalwr y person hwnnw, a
 - (b) fo'r awdurdod yn diwallu'r anghenion hynny drwy ddarparu gwasanaeth cymorth cartref neu drwy drefnu bod gwasanaeth cymorth cartref yn cael ei ddarparu i'r person yr ymwelir ag ef.
- (3) Amod A yw –
- (a) bod yr unigolyn sy'n cynnal yr ymweliad wedi cynnal ymweliad blaenorol yn ystod y cyfnod y mae'r awdurdod lleol yn cynnal –
 - (i) cynllun gofal a chymorth o dan adran 54(1) o Ddeddf 2014 mewn cysylltiad â'r person yr ymwelir ag ef, neu
 - (ii) cynllun cymorth o dan yr adran honno mewn cysylltiad â gofalwr y person, a
 - (b) naill ai –
 - (i) y cynhelir yr ymweliad at yr unig ddiben o gadarnhau a yw'r person yn ddiogel ac yn iach, neu
 - (ii) y gall y tasgau sydd i gael eu cwblhau yn ystod yr ymweliad gael eu cwblhau'n rhesymol, a'u bod yn cael eu cwblhau, i safon sy'n bodloni unrhyw ofynion a bennir mewn rheoliadau a wneir o dan adran 26 sy'n berthnasol i'r ymweliad.
- (4) Mae Amod B yn gymwys pan fo gwasanaeth cymorth cartref yn cael ei ddarparu o dan amgylchiadau pan na fo Amod A yn gymwys.
- (5) Amod B yw –
- (a) bod ymweliad sy'n llai na 30 munud yn gyson â thelerau unrhyw drefniant i ddarparu'r gwasanaeth a wneir rhwng y darparwr gwasanaeth a'r person yr ymwelir ag ef (neu berson arall sy'n gweithredu ar ran y person yr ymwelir ag ef),
 - (b) y cynhelir yr ymweliad at yr unig ddiben o gadarnhau a yw'r person yn ddiogel ac yn iach, neu
 - (c) y gall y tasgau sydd i gael eu cwblhau yn ystod yr ymweliad gael eu cwblhau'n rhesymol, a'u bod yn cael eu cwblhau, i safon sy'n bodloni unrhyw ofynion a bennir mewn rheoliadau a wneir o dan adran 26 sy'n berthnasol i'r ymweliad.
- (6) Mae Amod C yn gymwys mewn unrhyw achos pan fo gwasanaeth cymorth cartref yn cael ei ddarparu drwy ymweliad â pherson.
- (7) Amod C yw bod yr ymweliad yn cael ei gwtogi ar gais y person yr ymwelir ag ef.'



Lindsay Whittle

85

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

- ‘() This section applies to any decision of the Welsh Ministers as to whether they are 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 to have such authority.’.

Adran 8, tudalen 5, ar ôl llinell 37, mewnosoder—

- ‘() Mae’r adran hon yn gymwys i unrhyw benderfyniad gan Weinidogion Cymru o ran a ydynt wedi eu bodloni bod unrhyw berson sydd ag awdurdod i roi cyfarwyddiadau am reoli’r man y caiff gwasanaeth rheoleiddiedig ei ddarparu ynddo, ohono neu mewn perthynas ag ef, yn berson addas a phriodol i fod ag awdurdod o’r fath.’.

Lindsay Whittle

86

Section 8, page 6, line 21, leave out ‘or, as the case may be, a responsible individual’ and insert ‘, a responsible individual or a person with authority to give instructions about the management of a place at, from or in relation to which a regulated service is provided, as the case may be’.

Adran 8, tudalen 6, llinell 23, hepgorer ‘neu, yn ôl y digwydd, yn unigolyn cyfrifol’ a mewnosoder ‘, yn unigolyn cyfrifol neu yn berson ag awdurdod i roi cyfarwyddiadau am reoli’r man y caiff gwasanaeth rheoleiddiedig ei ddarparu ynddo, ohono neu mewn perthynas ag ef, yn ôl y digwydd’.

Lindsay Whittle

87

Section 8, page 6, after line 24, insert—

- ‘() an undertaking given under section 7(1)(a)(ii) or 10(3)(a)((*sub-paragraph to be inserted by amendment 93*)),’.

Adran 8, tudalen 6, ar ôl llinell 25, mewnosoder—

- ‘() ag ymgymeriad a roddir o dan adran 7(1)(a)(ii) neu 10(3)(a)((*yr is-baragraff sy’n cael ei fewnosod gan welliant 93*)),’.

Lindsay Whittle

88

Section 9, page 7, after line 6, insert—

- ‘() such information about training offered or undertaken in relation to each such service as may be prescribed;’.

Adran 9, tudalen 7, ar ôl llinell 6, mewnosoder—

- ‘() unrhyw wybodaeth a ragnodir am hyfforddiant a gynigir neu a gyflawnir mewn perthynas â phob gwasanaeth o’r fath;’.



Lindsay Whittle

89

Section 9, page 7, leave out line 7 and insert –

‘() such information about workforce planning as may be prescribed;’.

Adran 9, tudalen 7, hepgorer llinell 7 a mewnosoder –

‘() unrhyw wybodaeth am gynllunio’r gweithlu a ragnodir;’.

Lindsay Whittle

90

Section 9, page 7, line 16, after ‘containing’, insert –

‘ –

- (a) the first regulations made under subsection (2)(a)((*sub-paragraph to be inserted by amendment 88*)),
- (b) the first regulations made under subsection (2)(a)((*sub-paragraph to be inserted by amendment 89*)), or’.

Adran 9, tudalen 7, llinell 17, ar ôl ‘cynnwys’, mewnosoder –

‘ –

- (a) y rheoliadau cyntaf a wneir o dan is-adran (2)(a)((*yr is-baragraff sy’n cael ei fewnosod gan welliant 88*)),
- (b) y rheoliadau cyntaf a wneir o dan is-adran (2)(a)((*yr is-baragraff sy’n cael ei fewnosod gan welliant 89*)), neu’.

Lindsay Whittle

91

Section 10, page 7, after line 34, insert –

‘(d) there is a change to the persons identified under section 6(1)((*paragraph to be inserted by amendment 78*)).’.

Adran 10, tudalen 7, ar ôl llinell 38, mewnosoder –

‘(d) os oes newid i’r personau a enwir o dan adran 6(1)((*y baragraff sy’n cael ei fewnosod gan welliant 78*)).’.

Lindsay Whittle

92

Section 10, page 8, after line 4, 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 91*)).’.

Adran 10, tudalen 8, ar ôl llinell 4, 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 baragraff sy’n cael ei fewnosod gan welliant 91*)) ynddo.’.



Lindsay Whittle

93

Section 10, page 8, after line 7, insert –

‘() in the case of an application under subsection (1)(a)(i) to provide a domiciliary support service, the undertaking set out in section ((*section to be inserted by amendment 84*)), and’.

Adran 10, tudalen 8, ar ôl llinell 7, mewnosoder –

‘() yn achos cais o dan is-adran (1)(a)(i) i ddarparu gwasanaeth cymorth cartref, yr ymgymeriad yn adran ((*yr adran sy’n cael ei fewnosod gan welliant 84*)), a’.

Lindsay Whittle

94

Section 14, page 10, after line 6, insert –

‘(g) 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 10(*subsection to be inserted by amendment 92*)) has expired)’.

Adran 14, tudalen 10, ar ôl llinell 6, mewnosoder –

‘(g) 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 10(*yr is-adran sy’n cael ei fewnosod gan welliant 92*)) wedi dod i ben)’.

Lindsay Whittle

95

Page 18, after line 35, insert a new section –

‘Prohibition on zero hours contracts

() Prohibition on zero hours contracts

- (1) A service provider must not employ, or enter into a contract for services with, a social care worker, where the social care worker agrees to be available for work but with no guarantee of minimum hours.
- (2) The Welsh Ministers may by regulations amend subsection (1) by varying the type of employment and contracts for services for the time being contained in that subsection.
- (3) In this section, “social care worker” means a person who –
 - (a) engages in relevant social work;
 - (b) manages a place at or from which a regulated service is provided;



- (c) in the course of his or her employment with a service provider, provides care and support to any person in Wales in connection with a regulated service provided by that provider;
- (d) under a contract for services, provides care and support to any person in Wales in connection with a regulated service provided by a service provider.

(4) In this section, “relevant social work” has the same meaning as in section 78(4).’.

Tudalen 18, ar ôl llinell 37, mewnosoder adran newydd –

‘Gwahardd contractau dim oriau

() Gwahardd contractau dim oriau

- (1) Ni chaniateir i ddarparwr gwasanaeth gyflogi gweithiwr gofal cymdeithasol na llunio contract ar gyfer gwasanaethau gyda gweithiwr gofal cymdeithasol, pan fo’r gweithiwr gofal cymdeithasol yn cytuno i fod ar gael i weithio ond heb roi gwarant o isafswm oriau.
- (2) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio is-adran (1) drwy amrywio’r math o gyflogaeth a chontractau am wasanaethau ar gyfer yr amser sydd wedi’i gynnwys yn yr is-adran honno.
- (3) Yn yr adran hon, ystyr “gweithiwr gofal cymdeithasol” yw person –
 - (a) sy’n ymgymryd â gwaith cymdeithasol perthnasol;
 - (b) sy’n rheoli man y darperir gwasanaeth rheoleiddiedig ynddo neu ohono;
 - (c) sydd, yn ystod ei gyflogaeth gyda darparwr gwasanaeth, yn darparu gofal a chymorth i unrhyw berson yng Nghymru mewn cysylltiad â gwasanaeth rheoleiddiedig a ddarperir gan y darparwr hwnnw;
 - (d) sydd, o dan contract am wasanaethau, yn darparu gofal a chymorth i unrhyw berson yng Nghymru mewn cysylltiad â gwasanaeth rheoleiddiedig a ddarperir gan ddarparwr gwasanaeth.
- (4) Yn yr adan hon, mae i “gwaith cymdeithasol perthnasol” yr ystyr a roddir yn adran 78(4).’.

Lindsay Whittle

96

Section 26, page 19, after line 6, insert –

- () the policies and procedures a service provider must have in place which help employees, who believe they have discovered malpractice, impropriety or other wrongdoing in relation to a regulated service which could affect regulated service users, to raise those concerns in an effective way.’.

Adran 26, tudalen 19, ar ôl llinell 6, mewnosoder –

- () y polisiau a’r gweithdrefnau y mae’n rhaid eu bod ar waith gan ddarparwr gwasanaeth i helpu cyflogeion, sy’n credu eu bod wedi dod ar draws camymddygiad, amhriodoldeb neu gamwedd arall mewn perthynas â gwasanaeth rheoleiddiedig a allai effeithio ar ddefnyddwyr gwasanaeth, i nodi’r pryderon hynny mewn ffordd effeithiol.’.



Lindsay Whittle

97

Section 26, page 19, line 7, leave out subsection (3) and insert –

- ‘() The Welsh Ministers must, when making regulations imposing requirements of the kind mentioned in subsection (2), have regard to –
- (a) the importance of the well-being of any individuals to whom care and support will be provided, and
 - (b) the quality standards included in any code issued under section 9 of the 2014 Act (codes to help achieve outcomes specified in well-being statements).’.

Adran 26, tudalen 19, llinell 7, hepgorer is-adran (3) a mewnosoder –

- ‘() Rhaid i Weinidogion Cymru, wrth wneud rheoliadau sy’n gosod gofynion o’r math a grybwyllir yn is-adran (2), roi sylw –
- (a) i bwysigrwydd llesiant unrhyw unigolion y bydd gofal a chymorth yn cael eu darparu iddynt, a
 - (b) i’r safonau ansawdd sydd wedi eu cynnwys mewn unrhyw god a ddyroddir o dan adran 9 o Ddeddf 2014 (codau ar gyfer helpu i sicrhau canlyniadau a bennir mewn datganiadau llesiant).’.

Lindsay Whittle

98

Section 28, page 20, line 5, after ‘service’, insert ‘and any policy and procedure requirements’.

Adran 28, tudalen 20, llinell 5, ar ôl ‘rheoleiddiedig’, mewnosoder ‘ac unrhyw ofynion o ran polisiau a gweithdrefnau’.

Lindsay Whittle

99

Page 29, after line 25, insert a new section –

‘() Offence of using zero hours contracts

It is an offence for a person to employ a person or to enter into a contract for services in contravention of section *((section to be inserted by amendment 95))*.’.

Tudalen 29, ar ôl llinell 26, mewnosoder adran newydd –

‘() Trosedd defnyddio contractau dim oriau

Mae’n drosedd i berson gyflogi person neu lunio contract am wasanaethau yn groes i adran *((yr adran sy’n cael ei fewnosod gan welliant 95))*.’.

Lindsay Whittle

100

Section 50, page 30, line 28, after ‘section’, insert ‘*((section to be inserted by amendment 99))* or’.

Adran 50, tudalen 30, llinell 28, ar ôl ‘adran’, mewnosoder ‘*((yr adran sy’n cael ei fewnosod gan welliant 99))* neu’.



Lindsay Whittle

101

Section 186, page 115, after line 29, insert –

‘() section ((*section to be inserted by amendment 95*))(2) (regulations varying type of employment and contracts for services);’.

Adran 186, tudalen 115, ar ôl llinell 32, mewnosoder –

‘() adran ((*yr adran sy’n cael ei fewnosod gan welliant 95*))(2) (rheoliadau sy’n amrywio’r math o gyflogaeth a chontractau am wasanaethau);’.

Lindsay Whittle

102

Section 186, page 116, after line 20, insert –

‘(see section ((*section to be inserted by amendment 72*)) for further requirements in relation to the making of regulations under sections 44, 45 and 51).’.

Adran 186, tudalen 116, ar ôl llinell 21, mewnosoder –

‘(gweler adran ((*yr adran sy’n cael ei fewnosod gan welliant 72*)) am ragor o ofynion mewn perthynas â gwneud rheoliadau o dan adrannau 44, 45 a 51).’.

Lindsay Whittle

103

Schedule 1, page 119, after line 26, insert –

‘Preventative and enablement services

- () (1) A “preventative and enablement service” means a service which –
- (a) achieves (or is designed to achieve) one or more of the purposes in sub-paragraph (2), and
 - (b) is not provided by an individual acting in a personal capacity.
- (2) The purposes are –
- (a) reducing the risk of mental deterioration, physical deterioration, accident, disease or ill-health of people;
 - (b) promoting the physical, social, emotional or psychological well-being of people;
 - (c) supporting people to live independently for longer;
 - (d) maximising the ability of people to live as independently as possible by supporting their physical, social or emotional needs.’.

Atodlen 1, tudalen 119, ar ôl llinell 27, mewnosoder –

‘Gwasanaethau ataliol a galluogi

- () (1) Ystyr “gwasanaeth ataliol a galluogi” yw gwasanaeth –
- (a) sy’n cyflawni (neu sydd wedi ei gynllunio i gyflawni) un neu ragor o’r dibenion yn is-baragraff (2), a



- (b) nad yw'n cael ei ddarparu gan unigolyn sy'n gweithredu mewn rhinwedd bersonol.
- (2) Y dibenion yw –
 - (a) lleihau'r perygl y bydd pobl yn dioddef dirywiad meddyliol, dirywiad corfforol, damwain, clefyd neu afiechyd;
 - (b) hyrwyddo llesiant corfforol, cymdeithasol, emosiynol neu seicolegol pobl;
 - (c) cefnogi pobl i fyw'n annibynnol yn hwy;
 - (d) gwneud y mwyaf o allu pobl i fyw mor annibynnol â phosibl drwy gefnogi eu hanghenion corfforol, cymdeithasol neu emosiynol.'

Lindsay Whittle

104

Schedule 1, page 119, after line 26, insert –

'Advocacy services

- () (1) An "advocacy service" is a service specified for the purposes of this paragraph by regulations made by the Welsh Ministers.
- (2) A service may be specified as an advocacy service only if, and to the extent that, the following requirements are satisfied in relation to the service.
- (3) The first requirement is that the service is a service which is carried on (whether or not for profit) for the purpose of representing the views of individuals, or assisting individuals to represent those views, in respect of matters relating to those individuals' needs for care and support (including matters relating to assessing whether those needs exist).
- (4) The second requirement is that the service is not carried on by a person, in the course of a legal activity (within the meaning of the Legal Services Act 2007 (c.29)), who is –
 - (a) an authorised person for the purposes of that Act, or
 - (b) a European lawyer (within the meaning of the European Communities (Services of Lawyers) Order (S.I. 1978/1910)).
- (5) Before making regulations under sub-paragraph (1) 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 sub-paragraph, 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.'



Atodlen 1, tudalen 119, ar ôl llinell 27, mewnosoder –

'Gwasanaethau eirioli

- () (1) Mae “gwasanaeth eirioli” yn wasanaeth a bennir at ddibenion y paragraff hwn gan reoliadau a wneir gan Weinidogion Cymru.
- (2) Ni chaniateir i wasanaeth gael ei bennu’n wasanaeth eirioli oni bai bod y gofynion a ganlyn wedi eu bodloni mewn perthynas â’r gwasanaeth, ac i’r graddau y maent wedi eu bodloni felly.
- (3) Y gofyniad cyntaf yw bod y gwasanaeth yn wasanaeth a gynhelir (pa un ai er elw ai peidio) at ddiben cynrychioli safbwyntiau unigolion, neu helpu unigolion i fynegi’r safbwyntiau hynny, mewn cysylltiad â materion sy’n ymwneud ag anghenion yr unigolion hynny am ofal a chymorth (gan gynnwys materion sy’n ymwneud ag asesu pa un a yw’r anghenion hynny’n bodoli).
- (4) Yr ail ofyniad yw nad yw’r gwasanaeth yn cael ei gynnal gan berson sydd, yng nghwrs gweithgaredd cyfreithiol (o fewn yr ystyr a roddir i “legal activity” yn Neddf Gwasanaethau Cyfreithiol 2007 (p.29)) –
- (a) yn berson awdurdodedig at ddibenion y Ddeddf honno, neu
- (b) yn Gyfreithiwr Ewropeaidd (o fewn yr ystyr a roddir i “European lawyer” yng Ngorchymyn Cymunedau Ewropeaidd (Gwasanaethau Cyfreithwyr) (O.S. 1978/1910)).
- (5) Cyn gwneud rheoliadau o dan is-baragraff (1) 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-baragraff hwnnw, 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.’.

