

Dawn Bowden AS/MS
Y Gweinidog Plant a Gofal Cymdeithasol
Minister for Children and Social Care



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/DB/0085/25

All Members of the Senedd
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

20 January 2025

Dear Member of the Senedd,

Health and Social Care (Wales) Bill - Government Amendments

I am enclosing detail of the Government amendments tabled to the Health and Social Care (Wales) Bill, together with an explanation of their purpose and effect.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dawn Bowden', written in a cursive style.

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Y Gweinidog Plant a Gofal Cymdeithasol
Minister for Children and Social Care

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Dawn.Bowden@llyw.cymru
Correspondence.Dawn.Bowden@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

HEALTH AND SOCIAL CARE (WALES) BILL – STAGE 3 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Dawn Bowden MS on 17 January.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
1.	Section 1, page 1, line 12, after 'children', insert '(children's home services)'	Adran 1, tudalen 1, llinell 12, ar ôl 'blant', mewnosoder '(gwasanaethau cartrefi plant)'	This amendment makes provision which is consequential on amendment 3, by adding the term "children's home services" as a parenthesis in the overview of Chapter 1 of the Bill.
2.	Section 2, page 2, line 19, leave out 'care home services at a place at which the service is provided wholly or mainly to children' and insert 'children's home services'.	Adran 2, tudalen 2, llinell 20, hepgorer 'gofal mewn man y mae'r gwasanaeth yn cael ei ddarparu'n gyfan gwbl neu'n bennaf i blant ynddo' a mewnosoder 'plant'.	<p>This amendment makes provision which is consequential on amendment 3, by substituting the term "children's home services" for "care home services at a place at which the service is provided wholly or mainly to children" in new sub-paragraph (ba) being inserted into section 1 of the 2016 Act.</p> <p>New sub-paragraph (ba) of section 1 of the 2016 Act provides an overview of the provisions on restricting</p>

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			profit which are inserted into the 2016 Act by the Bill.
3.	Section 2, page 2, line 26, leave out 'provided at a place at which the service is provided wholly or mainly to children' and insert 'in so far as the service is a children's home service'.	Adran 2, tudalen 2, llinell 28, hepgorer 'a ddarperir mewn man y mae'r gwasanaeth yn cael ei ddarparu'n gyfan gwbl neu'n bennaf i blant ynddo' a mewnosoder 'i'r graddau y mae'r gwasanaeth yn wasanaeth cartref plant'.	<p>This amendment introduces the new term "children's home service" to denote the sub-category of restricted children's services which comprise care home services at one or more places at which the service is provided wholly or mainly to children.</p> <p>The purpose of this amendment is to clarify which parts of a care home service will be a restricted children's service where that service is provided at more than one place and is provided wholly or mainly for children at one or more of the places and wholly or mainly to adults at another place or other places.</p> <p>This amendment provides that in so far as a care home service meets the definition of children's</p>

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			home service provided in subsection (2), inserted by amendment 4, it is a restricted children's service.
4.	<p>Section 2, page 2, after line 29, insert—</p> <p style="padding-left: 40px;">‘() For the purposes of subsection (1), a “children’s home service” is a care home service provided at one or more places at which the service is provided wholly or mainly to children.’.</p>	<p>Adran 2, tudalen 2, ar ôl llinell 32, mewnosoder—</p> <p style="padding-left: 40px;">‘() At ddibenion is-adran (1), mae “gwasanaeth cartref plant” yn wasanaeth cartref gofal a ddarperir mewn un neu ragor o fannau y mae’r gwasanaeth yn cael ei ddarparu’n gyfan gwbl neu’n bennaf i blant ynddo neu ynddynt.’.</p>	<p>This amendment defines the term “children’s home service” which is introduced by amendment 3.</p>
5.	<p>Section 2, page 2, line 33, leave out ‘paragraph’ and insert ‘sub-paragraph’.</p>	<p>Adran 2, tudalen 2, llinell 37, hepgorer ‘paragraff’ a mewnosoder ‘is-baragraff’.</p>	<p>This amendment is made to section 2(c) of the Bill, which inserts new text into Schedule 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (the 2016 Act). The amendment ensures that paragraph 1(3A) of Schedule 1 correctly refers to “sub-paragraph (3)” rather than “paragraph (3)”.</p>
6.	<p>Section 2, page 2, line 34, leave out ‘restricted children’s’ and insert ‘children’s home’.</p>	<p>Adran 2, tudalen 2, llinell 37, hepgorer ‘plant o dan gyfyngiad’ a mewnosoder ‘cartref plant’.</p>	<p>This amendment is consequential on amendment 3. It substitutes the words “children’s home” for the words “restricted</p>

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			<p>children's" in the amendment that inserts sub-paragraph (3A) into paragraph 1 of Schedule 1 to the 2016 Act. Sub-paragraph (3A) inserts provision about the circumstances in which a school that is a care home service does not constitute a restricted children's service. By using the term "children's home service" instead of "restricted children's service" sub-paragraph (3A) as amended is more precisely drafted.</p>
7.	<p>Section 4, page 6, line 7, leave out 'regulated' and insert 'restricted children's'.</p>	<p>Adran 4, tudalen 6, llinell 7, hepgorer 'rheoleiddiedig' a mewnosoder 'plant o dan gyfyngiad'.</p>	<p>This amendment amends the provision in paragraph 1 of Schedule 1A of the 2016 Act. It changes the reference at the beginning of the Schedule to focus the impact of the transitional period on "restricted children's services", to avoid an interpretation that the transitional period or other transitional effects have a wider application.</p>

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8.	Section 4, page 6, line 27, leave out 'care home service provided at a place at which the service is provided wholly or mainly to children' and insert 'children's home service'.	Adran 4, tudalen 6, llinell 27, hepgorer 'gofal a ddarperir mewn man y mae'r gwasanaeth yn cael ei ddarparu'n gyfan gwbl neu'n bennaf i blant ynddo' a mewnosoder 'plant'.	<p>This amendment amends the provision in paragraph 2(1) of Schedule 1A which identifies the group of service providers to which paragraph 2 of Schedule 1A applies. Paragraph 2(3) of Schedule 1A provides that in so far as a service provider to which paragraph 2 applies is registered in respect of a service described in paragraph 2(1), the service provider is not subject to section 6A(1) of the 2016 Act during the transitional period. (Section 6A(1) provides that "To be registered in respect of a restricted children's service, a person who is not a local authority must be a not-for-profit entity.")</p> <p>The amendment makes the identification of the places and services in respect of which paragraph 2(3) will apply more precise, by ensuring that, where a provider of a care home service which comprises</p>

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			<p>places at which the care home service is provided wholly or mainly to children, <i>and</i> places at which the care home service is provided wholly or mainly for adults, it is clear that the transitional arrangements will only apply to the places at which, at the time that the transitional period commences, the service is provided wholly or mainly to children.</p> <p>Amendment 37 makes provision which applies the definition of “children’s home service”, in section 2A(2) to the whole of Part 1 of the 2016 Act. Since Schedule 1A is introduced by section 6C in Part 1 of the 2016 Act, that definition would apply to paragraph 2(1) of Schedule 1A as amended by this amendment.</p>
9.	<p>Section 4, page 6, after line 35, insert—</p> <p style="padding-left: 40px;">‘() In this Schedule, in relation to a provider, references to the existing service are to the</p>	<p>Adran 4, tudalen 6, ar ôl llinell 36, mewnosoder—</p> <p style="padding-left: 40px;">‘() Yn yr Atodlen hon, mewn perthynas â darparwr, mae cyfeiriadau at y gwasanaeth</p>	<p>This amendment defines the term “existing service” for the purposes of Schedule 1A. (Schedule 1A relates to transition of</p>

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	<p>service in respect of which the provider is registered as described in sub-paragraph (1).’.</p>	<p>presennol yn gyfeiriadau at y gwasanaeth y mae'r darparwr wedi ei gofrestru mewn cysylltiad ag ef fel y'i disgrifir yn is-baragraff (1).’.</p>	<p>existing providers of restricted children's services and is inserted into the 2016 Act by section 4 of the Bill.)</p>
<p>10.</p>	<p>Section 4, page 6, line 36, leave out ‘whom this paragraph applies is registered in respect of a service described in sub-paragraph (1)(a) to (1)(c)—</p> <p>(a) the registration of the provider is not subject to the requirement in section 6A(1) (and any reference to that requirement is to be read accordingly), and</p> <p>(b) (in consequence) the entry in the register maintained under section 38 in respect of a provider must show that the provider does not meet the requirement in section 6A(1).’</p> <p>and insert ‘which this paragraph applies is registered in respect of the existing service—</p> <p>(a) the registration of the provider is not subject to the requirement in section 6A(1) (and any reference to that requirement is to be read accordingly), and</p> <p>(b) (in consequence) the entry in</p>	<p>Adran 4, tudalen 6, llinell 38, hepgorer ‘â gwasanaeth a ddisgrifir yn is-baragraff (1)(a) i (1)(c)—</p> <p>(a) nid yw cofrestrriad y darparwr yn ddarostyngedig i'r gofyniad yn adran 6A(1) (ac mae unrhyw gyfeiriad at y gofyniad hwnnw i'w ddarllen yn unol â hynny), a</p> <p>(b) (o ganlyniad) rhaid i'r cofnod yn y gofrestr a gynhelir o dan adran 38 mewn cysylltiad â darparwr ddangos nad yw'r darparwr yn bodloni'r gofyniad yn adran 6A(1).’</p> <p>a mewnosoder ‘â'r gwasanaeth presennol—</p> <p>(a) nid yw cofrestrriad y darparwr yn ddarostyngedig i'r gofyniad yn adran 6A(1) (ac mae unrhyw gyfeiriad at y gofyniad hwnnw i'w ddarllen yn unol â hynny), a</p> <p>(b) (o ganlyniad) rhaid i'r cofnod yn y gofrestr mewn cysylltiad â'r darparwr ddangos—</p> <p>(i) nad yw cofrestrriad y</p>	<p>This amendment repeats the requirement in the Bill as drafted that the entry in the register maintained under section 38 of the 2016 Act, in respect of a provider to which paragraph 2(3) of Schedule 1A applies, must show that the provider is not subject to the requirement in section 6A(1) of the 2016 Act, and removes the requirement that the entry in the register must show that the provider does not meet the requirement. (“To be registered in respect of a restricted children’s service, a person who is not a local authority must be a not-for-profit entity”). It presents this requirement alongside an additional requirement, that the register shows that the condition in section</p>

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	<p>the register in respect of the provider must show—</p> <p>(i) that the provider's registration in respect of the existing service is not subject to the requirement in section 6A(1), and</p> <p>(ii) that the condition in section 7(3)(aa) is not imposed on the provider's registration in respect of that service.'</p>	<p>darparwr mewn cysylltiad â'r gwasanaeth presennol yn ddarostyngedig i'r gofyniad yn adran 6A(1), a</p> <p>(ii) nad yw'r amod yn adran 7(3)(aa) wedi ei osod ar gofrestrriad y darparwr mewn cysylltiad â'r gwasanaeth hwnnw.'</p>	<p>7(3)(aa) of the 2016 Act is not imposed on the provider's registration in respect of the existing service. (Section 7(3)(aa) of the 2016 Act (inserted by section 5 of the Bill) provides that the Welsh Ministers must impose a requirement on the registration of a provider of a restricted children's service which requires them to notify the Welsh Ministers of any circumstances under which they no longer meet the requirement in section 6A(1).)</p>
11.	<p>Section 4, page 7, line 7, leave out '(3) does not apply for the purposes of an application made by the service provider under section 6(1), section 11(1)(a)(i) or 11(1)(a)(ii)'</p> <p>and insert '(4) does not apply for the purposes of an application made by the service provider—</p> <p>(a) in relation to the existing service, under section 11(1)(a)(ii);</p> <p>(b) in respect of any other service, under section 11(1)(a)(i).'</p>	<p>Adran 4, tudalen 7, llinell 7, hepgorer '(3) yn gymwys at ddibenion cais a wneir gan y darparwr gwasanaeth o dan adran 6(1), adran 11(1)(a)(i) nac 11(1)(a)(ii)'</p> <p>a mewnosoder '(4) yn gymwys at ddibenion cais a wneir gan y darparwr gwasanaeth—</p> <p>(a) mewn perthynas â'r gwasanaeth presennol, o dan adran 11(1)(a)(ii);</p> <p>(b) mewn cysylltiad ag unrhyw wasanaeth arall, o dan adran 11(1)(a)(i).'</p>	<p>This amendment renumbers the reference to sub-paragraph (3) within current sub-paragraph (4), which is the sub-paragraph being amended, so that the reference instead refers to sub-paragraph (4). This change is consequential on the insertion of a new sub-paragraph (3) by amendment 9. It also removes the reference to</p>

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			<p>applications made by the service provider under section 6, because existing service providers are unable to make applications to register “de novo” given that they are already registered to provide regulated services. The amendment also clarifies the application of the references to sections 11(1)(a)(ii) and 11(1)(a)(i).</p>
12.	Section 4, page 7, line 12, leave out ‘whom’ and insert ‘which’.	Nid oes angen diwygio'r fersiwn Cymraeg. There is no need to amend the Welsh version.	This is one of four amendments (10, 12, 17, and 23) which amend references in amendments to the 2016 Act from ‘whom’ to ‘which’, in order to make as clear as possible that the service providers of restricted children’s services are legal persons.
13.	Section 4, page 7, line 29, after ‘place’, insert ‘at which the existing service is provided’.	Adran 4, tudalen 7, llinell 30, ar ôl ‘man’, mewnosoder ‘y mae’r gwasanaeth presennol yn cael ei ddarparu ynddo’.	This amendment clarifies that the power to remove a place from the provider’s registration applies to a place or places at which the existing service is provided.

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14.	Section 4, page 7, line 31, after 'registration', insert 'in respect of the existing service'.	Adran 4, tudalen 7, llinell 32, ar ôl 'darparwr', mewnosoder 'mewn cysylltiad â'r gwasanaeth presennol'.	This amendment clarifies that the power to cancel the provider's registration applies to registration in respect of the existing service.
15.	Section 4, page 7, leave out lines 34 to 36.	Adran 4, tudalen 7, hepgorer llinellau 35 hyd at 37.	This amendment is consequential on amendment 22, which provides the definition which currently appears at this point, but in an interpretation provision at the end of the Schedule instead.
16.	Section 4, page 8, line 2, leave out 'to whom paragraph 2 applies' and insert 'that is registered in respect of an existing service'.	Adran 4, tudalen 8, llinell 3, hepgorer 'y mae paragraff 2 yn gymwys iddo' a mewnosoder 'sydd wedi ei gofrestru mewn cysylltiad â gwasanaeth presennol'.	This amendment clarifies that paragraph 4 of Schedule 1A applies in respect of a service provider that is registered in respect of an existing service.
17.	Section 4, page 8, line 4, leave out 'whom this paragraph applies may apply to the Welsh Ministers to be registered' and insert 'which this paragraph applies may apply to the Welsh Ministers for the provider's registration in respect of the existing service to be'.	Adran 4, tudalen 8, llinell 6, hepgorer 'gael ei gofrestru' a mewnosoder 'gofrestriad y darparwr mewn cysylltiad â'r gwasanaeth presennol fod'.	This amendment permits service providers to apply to the Welsh Ministers for their registration in respect of their existing service to be subject to the requirement in section 6A(1) of the 2016 Act, the requirement that to be

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			<p>registered in respect of a restricted children's service, a person who is not a local authority must be a not-for-profit entity. This is a consequential amendment as a result of amendment 10 above.</p>
18.	<p>Section 4, page 8, after line 6, insert—</p> <p style="padding-left: 40px;">‘() But where a service provider to which this paragraph applies makes an application under section 11(1)(a)(i) or (ii) in respect of a restricted children's service that is not the existing service, the provider must apply to the Welsh Ministers for the provider's registration in respect of the existing service to be subject to the requirement in section 6A(1).’.</p>	<p>Adran 4, tudalen 8, ar ôl llinell 6, mewnosoder—</p> <p style="padding-left: 40px;">‘() Ond pan fo darparwr gwasanaeth y mae'r paragraff hwn yn gymwys iddo yn gwneud cais o dan adran 11(1)(a)(i) neu (ii) mewn cysylltiad â gwasanaeth plant o dan gyfyngiad ac nad hwnnw yw'r gwasanaeth presennol, rhaid i'r darparwr wneud cais i Weinidogion Cymru i gofrestrriad y darparwr mewn cysylltiad â'r gwasanaeth presennol fod yn ddarostyngedig i'r gofyniad yn adran 6A(1).’.</p>	<p>This amendment prescribes further circumstances where a service provider of an existing service must apply to the Welsh Ministers for the registration in respect of the existing service to be subject to section 6A(1) of the 2016 Act.</p>
19.	<p>Section 4, page 8, line 7, leave out 'sub-paragraph (2)' and insert 'this paragraph'.</p>	<p>Adran 4, tudalen 8, llinell 7, hepgorer 'is-baragraff (2)' a mewnosoder 'y paragraff hwn'.</p>	<p>This amendment has the effect that sub-paragraph (3), which makes provision about requirements for applications to the Welsh Ministers, applies to all applications under</p>

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			paragraph 4 of Schedule 1A, that is, to applications under sub-paragraphs (2) and (3).
20.	Section 4, page 8, line 12, leave out 'sub-paragraph (2)' and insert 'this paragraph'.	Adran 4, tudalen 8, llinell 12, hepgorer 'is-baragraff (2)' a mewnosoder 'y paragraff hwn'.	This amendment concerns applications by existing service providers for variation of registration. It separates the requirement for service providers to make an application to the Welsh Ministers in Schedule 1A, sub-paragraph 4(2), and the requirement for Welsh Ministers to grant such applications under Schedule 1A, sub-paragraph 4(4). This amendment has the effect that sub-paragraph 4(4), which makes provision requiring the Welsh Ministers to grant applications if the requirements set out in (4)(a) and (b) are met, applies to all applications under paragraph 4, that is, to applications under sub-paragraphs (2) and (3).

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21.	<p>Section 4, page 8, line 22, leave out ‘vary the provider’s registration to—</p> <ul style="list-style-type: none"> (a) show that the provider meets the requirement in section 6A(1), and (b) impose the condition in section 7(3)(aa) on the provider’s registration’ <p>and insert ‘, in so far as the provider is registered in respect of the existing service—</p> <ul style="list-style-type: none"> (a) impose the condition in section 7(3)(aa) on the provider’s registration; (b) show in the register that— <ul style="list-style-type: none"> (i) the provider’s registration in respect of the existing service is subject to the requirement in section 6A(1), and (ii) the condition in section 7(3)(aa) is imposed on the provider’s registration in respect of that service’. 	<p>Adran 4, tudalen 8, llinell 22, hepgorer ‘amrywio cofrestrriad y darparwr—</p> <ul style="list-style-type: none"> (a) i ddangos bod y darparwr yn bodloni’r gofyniad yn adran 6A(1), a (b) i osod yr amod yn adran 7(3)(aa) ar gofrestrriad y darparwr’ <p>a mewnosoder ‘, i’r graddau y mae’r darparwr wedi ei gofrestru mewn cysylltiad â’r gwasanaeth presennol—</p> <ul style="list-style-type: none"> (a) gosod yr amod yn adran 7(3)(aa) ar gofrestrriad y darparwr; (b) dangos yn y gofrestr— <ul style="list-style-type: none"> (i) bod cofrestrriad y darparwr mewn cysylltiad â’r gwasanaeth presennol yn ddarostyngedig i’r gofyniad yn adran 6A(1), a (ii) bod yr amod yn adran 7(3)(aa) wedi ei osod ar gofrestrriad y darparwr mewn cysylltiad â’r gwasanaeth hwnnw’. 	<p>This amendment requires the register to be updated following a successful application under Schedule 1A, sub-paragraph 4(2).</p> <p>This amendment is consequential on amendment 24 below.</p>
22.	<p>Section 4, page 8, after line 30, insert—</p> <p><i>‘Interpretation</i></p>	<p>Adran 4, tudalen 8, ar ôl llinell 30, mewnosoder—</p> <p><i>‘Dehongli</i></p>	<p>This amendment defines “looked after children” and “register” for the purpose of</p>

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	<p>5 In this Schedule—</p> <p>(a) “looked after children” means children who are looked after by local authorities as described in section 74(1) of the 2014 Act;</p> <p>(b) references to the “register” are to the register maintained under section 38 of this Act.’</p>	<p>5 Yn yr Atodlen hon—</p> <p>(a) ystyr “plant sy’n derbyn gofal” yw plant sy’n derbyn gofal gan awdurdodau lleol fel y’u disgrifir yn adran 74(1) o Ddeddf 2014;</p> <p>(b) mae cyfeiriadau at y “cofrestr” yn gyfeiriadau at y gofrestr a gynhelir o dan adran 38 o’r Ddeddf hon.’</p>	<p>Schedule 1A.</p>
23.	<p>Section 7, page 12, line 28, leave out ‘whom’ and insert ‘which’.</p>	<p>Nid oes angen diwygio’r fersiwn Cymraeg. There is no need to amend the Welsh version.</p>	<p>See amendment 12 above.</p>
24.	<p>Section 9, page 13, line 35, leave out ‘, after subsection (2) insert—</p> <p>“(2A) In the case of an entry in the register in respect of a provider that—</p> <p>(a) is registered in respect of a restricted children’s service, and</p> <p>(b) is subject to the requirement in section 6A(1),</p> <p>the entry must also show that the provider meets that requirement.’</p> <p>and insert ‘—</p> <p>(a) in subsection (2)—</p> <p>(i) after paragraph (a) insert—</p> <p>“(aa) whether any of those services is a restricted children’s</p>	<p>Adran 9, tudalen 13, llinell 40, hepgorer ‘, ar ôl is-adran (2) mewnosoder—</p> <p>“(2A) Yn achos cofnod yn y gofrestr mewn cysylltiad â darparwr—</p> <p>(a) sydd wedi ei gofrestru mewn cysylltiad â gwasanaeth plant o dan gyfyngiad, a</p> <p>(b) sy’n ddarostyngedig i’r gofyniad yn adran 6A(1),</p> <p>rhaid i’r cofnod hefyd ddangos bod y darparwr yn bodloni’r gofyniad hwnnw.’</p> <p>a mewnosoder ‘—</p> <p>(a) yn is-adran (2)—</p> <p>(i) ar ôl paragraff (a) mewnosoder—</p> <p>“(aa) a yw unrhyw un neu rador o’r</p>	<p>This amendment removes the requirement for an entry in the register in relation to a provider that is registered in respect of a restricted children’s service and which is subject to the requirement in section 6A(1) of the 2016 Act to show that the provider meets the requirement. Instead, the effect of the amendment is to require that the entry shows that the provider is subject to the requirement. It also adds a requirement that such an entry in the register must show that the</p>

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	<p>service;”;</p> <p>(ii) after paragraph (d) insert—</p> <p>“(da) in the case of a provider of a restricted children’s service—</p> <p>(i) that the provider’s registration in respect of that service is subject to the requirement in section 6A(1), and</p> <p>(ii) that the condition in section 7(3)(aa) is imposed on the provider’s registration in respect of that service;”;</p> <p>(b) after subsection (2) insert—’.</p>	<p>gwasanaethau hynny yn wasanaeth plant o dan gyfyngiad;”;</p> <p>(ii) ar ôl paragraff (d) mewnosoder—</p> <p>“(da) yn achos darparwr gwasanaeth plant o dan gyfyngiad—</p> <p>(i) bod cofrestrriad y darparwr mewn cysylltiad â’r gwasanaeth hwnnw yn ddarostyngedig i’r gofyniad yn adran 6A(1), a</p> <p>(ii) bod yr amod yn adran 7(3)(aa) wedi ei osod ar gofrestrriad y darparwr mewn cysylltiad â’r gwasanaeth hwnnw;”;</p> <p>(b) ar ôl is-adran (2) mewnosoder—’.</p>	<p>condition in section 7(3)(aa) is imposed on the service provider’s registration in respect of that service. The condition that is being referred to by new sub-section (2)(da)(ii) is a condition that the service provider notifies the Welsh Ministers of any circumstances under which the service provider no longer meets the requirement in section 6A(1). This should serve to make the position of the provider clearer in the register entry.</p>
25.	<p>Section 10, page 14, line 32, leave out ‘in respect of which a person is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 to provide a care home service (within the meaning of paragraph 1 of Schedule 1 to that Act) wholly or mainly to children’ and insert ‘at which a children’s home</p>	<p>Adran 10, tudalen 14, llinell 36, hepgorer ‘person wedi ei gofrestru o dan Ran 1 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 mewn cysylltiad ag ef i ddarparu gwasanaeth cartref gofal (o fewn ystyr paragraff 1 o Atodlen 1 i’r Ddeddf honno) yn gyfan gwbl neu’n bennaf i blant’ a mewnosoder</p>	<p>This amendment amends section 10(6) of the Bill which amends section 75(4) of the 2014 Act. The amendment has the effect that the term “children’s</p>

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	service (within the meaning of section 2A(2) of the Regulation and Inspection of Social Care (Wales) Act 2016) is provided’.	‘gwasanaeth cartref plant (o fewn ystyr adran 2A(2) o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016) yn cael ei ddarparu ynddo’.	home” in sections 75 and 75A will carry the meaning of “children’s home service” as defined in section 2A(2) of the 2016 Act (as amended by amendment 4).
26.	Section 13, page 18, line 37, leave out ‘as meeting’ and insert ‘subject to’.	Adran 13, tudalen 18, llinell 37, hepgorer ‘y cofrestrwyd ei fod yn bodloni’r’ a mewnosoder ‘sydd wedi ei gofrestru yn ddarostyngedig i’r’.	This amendment is consequential on amendment 24 and amends the reference to a service provider which is registered as “meeting the requirement” in section 6A(1) of the 2016 Act to be a reference to a service provider which is registered as being “subject to the requirement” in section 6A(1).
27.	Section 13, page 19, line 6, leave out ‘as meeting’ and insert ‘subject to’.	Adran 13, tudalen 19, llinell 6, hepgorer ‘y cofrestrwyd ei fod yn bodloni’r’ a mewnosoder ‘sydd wedi ei gofrestru yn ddarostyngedig i’r’.	Like amendment 26, this amendment is consequential on amendment 24 and amends the reference to a service provider which is registered as “meeting the requirement” in section 6A(1) of the 2016 Act to be a reference to a service provider which is registered as being “subject to the

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			requirement” in section 6A(1).
28.	Section 16, page 23, line 23, leave out ‘Subsection (3) amends’ and insert ‘Subsections (2) and (3) amend’.	Adran 16, tudalen 23, llinell 23, hepgorer ‘is-adran’ a mewnosoder ‘is-adrannau (2) a’.	This amendment is made to section 16(1) of the Bill, which provides an overview of section 16 of the Bill. The amendment ensures that the overview correctly reflects that subsections 2 and 3 both amend the 2016 Act (following amendment at Stage 2).
29.	Section 17, page 24, after line 37, insert— () after “think” insert “it”.	Adran 17, tudalen 24, ar ôl llinell 39, mewnosoder— () yn y testun Saesneg, ar ôl “think” mewnosoder “it”.	This is an amendment to the drafting of section 17 (2)(i) and inserts a missing word in the English text of the 2016 Act.
30.	Section 17, page 26, leave out lines 17 to 20 and insert— ‘is committing or has committed an offence under this Part’.	Adran 17, tudalen 26, hepgorer llinellau 21 hyd at 26 a mewnosoder— ‘yn cyflawni neu wedi cyflawni trosedd o dan y Rhan hon’.	This is an amendment to the term “investigation” which was introduced (at Stage 2) by the amendment introducing new section 33(1A) of the 2016 Act. The term “investigation” is amended to refer to an investigation into whether a person is committing or has committed an offence under Part 1 of the 2016 Act.

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31.	Section 17, page 26, after line 23, insert— '() omit "and inspect".	Adran 17, tudalen 26, ar ôl llinell 29, mewnosoder— '() yn lle "ac arolygu" rhodder "i".	This is an amendment to the drafting, to make it clear that an inspector may enter premises (subject to relevant conditions) for the purpose of inspection or investigation.
32.	Section 17, page 26, after line 23, insert— '() in subsection (2), omit "and inspect";.	Adran 17, tudalen 26, ar ôl llinell 29, mewnosoder— '() yn is-adran (2), yn lle "ac arolygu mangre" rhodder "i fangre";.	This amendment makes it clear that an inspector may not enter premises used wholly or mainly as a private dwelling without consent for the purpose of inspection or investigation.
33.	Section 24, page 39, after line 21, insert— '() Where the Welsh Ministers make payments under subsection (1), they must, having regard to the purposes for which the payments are made, make arrangements for the provision to the patient, payee or their representative of such information, advice or other support, as the Welsh Ministers consider appropriate.'	Adran 24, tudalen 39, ar ôl llinell 21, mewnosoder— '() Where the Welsh Ministers make payments under subsection (1), they must, having regard to the purposes for which the payments are made, make arrangements for the provision to the patient, payee or their representative of such information, advice or other support, as the Welsh Ministers consider appropriate.'	This amendment requires that when the Welsh Ministers exercise the power to make direct payments for continuing healthcare (including through delegating this power to local health boards), this must include providing appropriate information, advice and support. The extent and nature of this information, advice and support will be set out in regulations which will be subject to the Senedd's scrutiny via the

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			draft affirmative procedure.
34.	<p>Section 24, page 39, after line 30, insert—</p> <p style="padding-left: 40px;">‘() make provision in respect of information, advice or other support to be provided by a Local Health Board to patients, payees or their representatives in connection with the payments’.</p>	<p>Adran 24, tudalen 39, ar ôl llinell 30, mewnosoder—</p> <p style="padding-left: 40px;">‘() make provision in respect of information, advice or other support to be provided by a Local Health Board to patients, payees or their representatives in connection with the payments’.</p>	<p>This amendment relates to regulations under section 10B which will enable health boards to make direct payments in lieu of the provision of services to meet a person’s need for after care services under section 117 of the Mental Health Act 1983. Should the Welsh Ministers exercise the power to make such regulations, this amendment requires that the regulations make provision about the information, advice and support that health boards must provide to recipients of the direct payments, their payees or representatives.</p> <p>This amendment will be inserted into the existing section 10B(6) (which will be re-numbered and re-formatted) to add this additional requirement that regulations made under the existing section 10B(5)</p>

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			must make provision about information, advice and support.
35.	Section 29, page 43, line 8, leave out '2(6), 3(b), 4(4)' and insert '2(1) and (6), 3(b), 4(1) and (4)'.	Adran 29, tudalen 43, llinell 8, hepgorer '2(6), 3(b), 4(4)' a mewnosoder '2(1) a (6), 3(b), 4(1) a (4)'.	The purpose of this amendment is to ensure that paragraphs 2(1) and 4(1) of Schedule 1 of the Bill, which introduce a following list of amendments, come into force on the day after the day the Bill receives Royal Assent. This will ensure the changes to various enactments made in the following paragraphs 2(6) and 4(4) of Schedule 1 to the Bill come into force as intended.
36.	Schedule 1, page 44, after line 18, insert— () In section 197(1), in the appropriate places insert— ““for-profit provider” (“ <i>darparwr er elw</i> ”) has the meaning given by section 75A(4);” ““private provider” (“ <i>darparwr preifat</i> ”) has the meaning given by section 75A(5);”.	Atodlen 1, tudalen 44, ar ôl llinell 18, mewnosoder— () Yn adran 197(1), yn y lleoedd priodol mewnosoder— “mae i “darparwr er elw” (“ <i>for-profit provider</i> ”) yr ystyr a roddir gan adran 75A(4);” “mae i “darparwr preifat” (“ <i>private provider</i> ”) yr ystyr a roddir gan adran	The purpose of this amendment is to clarify the drafting of the Bill in order to provide practical assistance to future readers of the legislation seeking to understand these terms. The effect of the amendment is to insert definitions of the terms “for-profit provider” and “private provider” into the General Interpretation section of the

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		75A(5);”.’.	2014 Act (section 197).
37.	<p>Schedule 1, page 44, after line 33, insert—</p> <p>“children’s home service” (“<i>gwasanaeth cartref plant</i>”) has the meaning given by section 2A;”.’.</p>	<p>Atodlen 1, tudalen 44, ar ôl llinell 32, mewnosoder—</p> <p>“mae i “gwasanaeth cartref plant” (“<i>children’s home service</i>”) yr ystyr a roddir gan adran 2A;”.’.</p>	<p>This amendment applies the definition of “children’s home services” in section 2A of the 2016 Act, to the whole of Part 1 of the 2016 Act. This will have the effect that references to this term in Schedule 1A, inserted into the 2016 Act by section 4 of the Bill, will carry the meaning provided in section 2A(2) of the 2016 Act as amended by amendment 4.</p>
38.	<p>Schedule 1, page 45, after line 10, insert—</p> <p>‘() in paragraph 1(1)—</p> <p>(i) for the words “at a place” substitute “ ”;</p> <p>(ii) after the words “in Wales” omit “ ”.’.</p>	<p>Atodlen 1, tudalen 45, ar ôl llinell 14, mewnosoder—</p> <p>‘() ym mharagraff 1(1)—</p> <p>(i) yn lle’r geiriau “mewn man” rhodder “ ”;</p> <p>(ii) ar ôl y geiriau “yng Nghymru” hepgorer “ ”.’.</p>	<p>This amendment amends the definition of “care home service” in paragraph 1 of Schedule 1 to the 2016 Act. This has no substantive effect on the scope of the definition but makes the application of the definition of “children’s home service” as a sub-set of the definition of care home service clearer.</p>
39.	<p>Schedule 1, page 45, after line 30, insert—</p> <p>‘<i>Safeguarding Vulnerable Groups Act 2006 (c. 47)</i></p>	<p>Atodlen 1, tudalen 45, ar ôl llinell 32, mewnosoder—</p> <p>‘<i>Deddf Diogelu Grwpiau Hyglwyf 2006 (p. 47)</i></p>	<p>This amendment is made by adding a new paragraph to Schedule 1 to the Bill. It inserts a new exemption</p>

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	<p>[] (1) The Safeguarding Vulnerable Groups Act 2006 is amended as follows.</p> <p>(2) In section 6, after subsection (8G) (as inserted by paragraph 4(2) of Schedule 2) insert—</p> <p style="padding-left: 40px;">“(8H) A local authority does not make arrangements for another to engage in a regulated activity by virtue of anything the authority does under regulations under section 49A of, or Schedule A1 to, the Social Services and Well-being (Wales) Act 2014 (anaw 4);</p> <p style="padding-left: 40px;">(8I) A person (P) who is authorised as mentioned in subsection (5)(a) of section 50 of, or paragraph 4(5)(a) of Schedule A1 to, the Social Services and Well-being (Wales) Act 2014 does not make arrangements for another to engage in a regulated activity by virtue of anything that P does under subsection (5)(b) or (6)(b) of section 50 or paragraph 4(5)(b) or (6)(b) of Schedule A1.”</p> <p>(3) In section 30(8), for “sections 50 to 53 of” substitute “section 49A of, or Schedule A1 to,”.</p>	<p>[] (1) Mae Deddf Diogelu Grwpiau Hyglwyf 2006 wedi ei diwygio fel a ganlyn.</p> <p>(2) Yn adran 6, ar ôl is-adran (8G) (fel y'i mewnosodir gan baragraff 4(2) o Atodlen 2) mewnosoder—</p> <p style="padding-left: 40px;">“(8H) A local authority does not make arrangements for another to engage in a regulated activity by virtue of anything the authority does under regulations under section 49A of, or Schedule A1 to, the Social Services and Well-being (Wales) Act 2014 (anaw 4);</p> <p style="padding-left: 40px;">(8I) A person (P) who is authorised as mentioned in subsection (5)(a) of section 50 of, or paragraph 4(5)(a) of Schedule A1 to, the Social Services and Well-being (Wales) Act 2014 does not make arrangements for another to engage in a regulated activity by virtue of anything that P does under subsection (5)(b) or (6)(b) of section 50 or paragraph 4(5)(b) or (6)(b) of Schedule A1.”</p> <p>(3) Yn adran 30(8), yn lle “sections 50 to 53 of” rhodder “section 49A of, or Schedule A1 to,”.</p>	<p>into section 6 of the Safeguarding Vulnerable Groups Act 2006 (SVGA), which contains the definition of a “regulated activity provider” (RAP) for the purposes of that Act.</p> <p>The purpose of this amendment is to exclude local authorities (when exercising the function of making direct payments) from the definition of RAP, and the duties imposed in relation to that status under the SVGA.</p> <p>It also excepts from the definition of RAP the activity of a person who is authorised to make decisions as to whether another person is a “suitable” to receive and administer a direct payment on behalf an individual who does not have mental capacity.</p> <p>Schedule 2 of the Bill as introduced currently amends section 6 of the</p>

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			<p>SVGA, relating to the provisions (in Part 2 of the Bill) on direct payments for health care; these amendments will exempt health bodies (the Welsh Ministers and Local Health Boards) when exercising functions in relation to the making of direct payments.</p> <p>This new amendment will give local authorities the same status under the SVGA as health bodies when making direct payments in lieu of the provision of services.</p> <p>In addition the amendment makes a further amendment to SVGA (section 30(8)); this is consequential upon the changes to the numbering of the direct payment provisions in Part 4 of the 2014 Act (as amended by section 20 of the Bill).</p> <p>These amendments are consequential upon the</p>

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			restatement of the provisions in Part 4 of and Schedule A1 to the 2014 Act which enable the making of direct payments by local authorities in lieu of the provision or arrangement of services to meet needs for care and support.
40.	Schedule 1, page 47, after line 3, insert— '() In the heading of section 34, omit "and inspect".'	Atodlen 1, tudalen 47, ar ôl llinell 3, mewnosoder— '() Ym mhennawd adran 34, yn lle "ac arolygu mangreuedd" rhodder "i fangreuedd".'	This is an amendment to the drafting, to make it clear that an inspector may enter premises for the purpose of inspection or investigation.
41.	Schedule 1, page 47, after line 22, insert— <i>'Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413 (W. 131))</i> [] (1) The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 are amended as follows. (2) Omit— (a) regulation 2(5); (b) regulation 253.'	Atodlen 1, tudalen 47, ar ôl llinell 23, mewnosoder— <i>'Rheoliadau Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (Diwygiadau Canlyniadol) 2016 (O.S. 2016/413 (Cy. 131))</i> [] (1) Mae Rheoliadau Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (Diwygiadau Canlyniadol) 2016 wedi eu diwygio fel a ganlyn. (2) Hepgorer— (a) rheoliad 2(5); (b) rheoliad 253.'	These amendments are made to Schedule 1 to the Bill. They amend the Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016, to remove provision which purported to make an equivalent amendment to section 6 of the Safeguarding Vulnerable Groups Act 2006 to that in amendment 39 above; this has not taken effect because legislation upon

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			which these amendments are dependent has not been commenced by the Secretary of State.