



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

Y Pwyllgor Iechyd a Gofal Cymdeithasol **The Health and Social Care Committee**

Dydd Iau, 5 Rhagfyr 2013
Thursday, 5 December 2013

Cynnwys **Contents**

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions

Y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru): Cyfnod 2—Trafod y gwelliannau
Social Services and Well-being (Wales) Bill: Stage 2—Consideration of amendments

Grŵp 28: Codi Ffi am Wasanaethau i Ddiwallu Anghenion (Gwelliannau 414, 98, 102, 103, 254, 104, 105, 106 a 107)

Group 28: Charging for Services to Meet Needs (Amendments 414, 98, 102, 103, 254, 104, 105, 106 and 107)

Grŵp 29: Codi Ffi am Wasanaethau Ataliol a Gwybodaeth, Cyngor a Chynhorthwy
(Gwelliannau 69, 78, 434, 79A, 79, 80A, 80, 99 a 255)

Group 29: Charging for Preventative Services and Information, Advice and Assistance
(Amendments 69, 78, 434, 79A, 79, 80A, 80, 99 and 255)

Grŵp 30: Trosglwyddo Asedau er mwyn Osgoi Ffioedd (Gwelliant 481)

Group 30: Transfer of Assets to Avoid Charges (Amendment 481)

Grŵp 31: Dehongli ‘Plentyn sy’n Derbyn Gofal’ (Gwelliannau 294 a 296)

Group 31: Interpretation of 'Looked after Child' (Amendments 294 and 296)

Grŵp 32: Gwelliannau Technegol (Rhan 6 o'r Bil) (Gwelliannau 295, 517, 518, 435, 519, 436, 196, 197, 520, 297, 532, 533, 551, 534, 535, 552, 536, 521, 143, 442, 144, 146, 206, 443, 301, 304, 306, 305, 311, 312, 319, 325, 326, 327, 330, 332, 335, 336, 337, 339, 345, 347, 350, 351, 352, 353, 358, 359, 364, 365, 366, 373, 374, 377 a 444)

Group 32: Technical Amendments (Part 6 of the Bill) (Amendments 295, 517, 518, 435, 519, 436, 196, 197, 520, 297, 532, 533, 551, 534, 535, 552, 536, 521, 143, 442, 144, 146, 206, 443, 301, 304, 306, 305, 311, 312, 319, 325, 326, 327, 330, 332, 335, 336, 337, 339, 345, 347, 350, 351, 352, 353, 358, 359, 364, 365, 366, 373, 374, 377 and 444)

Grŵp 33: Dyletswydd ar Awdurdod Lleol i Ddarparu Llety i Blentyn o dan Adran 60 (Gwelliant 246)

Group 33: Duty for a Local Authority to Provide Accommodation for a Child Under Section 60 (Amendment 246)

Grŵp 34: Llety i Blant o dan Adran 61 (Rhan 6 o'r Bil) (Gwelliannau 188 a 189)

Group 34: Accommodation for Children under Section 61 (Part 6 of the Bill) (Amendments 188 and 189)

Grŵp 35: Dyletswyddau Awdurdodau Lleol mewn Perthynas â Phlant sy'n Derbyn Gofal (Gwelliannau 127 a 482)

Group 35: Local Authorities' Duties in Relation to Looked-after Children (Amendments 127 and 482)

Grŵp 36: Y Ffyrdd y mae Plant sy'n Derbyn Gofal i'w Lletya a'u Cynnal (Gwelliannau 190, 191, 192, 193, 194, 198 a 199)

Group 36: Ways in which Looked-after Children are to be Accommodated and Maintained (Amendments 190, 191, 192, 193, 194, 198 and 199)

Grŵp 37: Diffiniadau (Rhan 6 o'r Bil) (Gwelliannau 195 a 200)

Group 37: Definitions (Part 6 of the Bill) (Amendments 195 and 200)

Grŵp 38: Cynlluniau Gofal a Chymorth (Rhan 6 o'r Bil) (Gwelliannau 437, 438, 201, 439, 440 a 441)

Group 38: Care and Support Plans (Part 6 of the Bill) (Amendments 437, 438, 201, 439, 440 and 441)

Grŵp 39: Cyflwyno Hysbysiad Cyfrannu mewn perthynas â Phlentyn sy'n Derbyn Gofal (Gwelliant 231)

Group 39: Service of Contribution Notice in relation to a Looked-after Child (Amendment 231)

Grŵp 40: Rheoliadau ynghylch Rhieni Maeth Awdurdod Lleol (Gwelliannau 202, 203, 538, 204, 205 a 145)

Group 40: Regulations about Local Authority Foster Parents (Amendments 202, 203, 538, 204, 205 and 145)

Grŵp 41: Dyletswydd Awdurdodau Lleol i Sicrhau Ymweliadau a Chyswllt i Blant (Gwelliant 207)

Group 41: Duty of Local Authorities to Ensure Visits and Contact for Children (Amendment 207)

Grŵp 42: Rheoliadau sy'n Darparu ar gyfer Cynlluniau i Blant Mewn Llety a Ddarperir ar ran Awdurdodau Lleol (Gwelliant 208)

Group 42: Regulations Making Provision for Plans for Children in Accommodation Provided on Behalf of Local Authorities (Amendment 208)

Grŵp 43: Pobl Ifanc sydd a'r Hawlogaeth i Gael Cymorth o dan Adrannau 89 i 96 (Gwelliannau 298, 299, 300, 302, 303, 307, 308, 309, 310, 313, 314, 315 a 316)

Group 43: Young People Entitled to Support Under Sections 89 to 96 (Amendments 298, 299, 300, 302, 303, 307, 308, 309, 310, 313, 314, 315 and 316)

Grŵp 44: Dehongli (Rhan 6 o'r Bil) (Gwelliant 209)

Group 44: Interpretation (Part 6 of the Bill) (Amendment 209)

Grŵp 45: Cymorth a Ddarperir i Gategoriâu o Bobl Ifanc a Ddiffinnir yn Adran 88

(Gwelliannau 317, 318, 320, 321, 322, 323, 324, 328, 329, 331, 333, 334, 338, 340, 341, 342, 343, 344, 346, 348, 349, 354, 355, 356, 357, 360, 361, 362, 363, 210, 367, 368, 369, 370, 371, 372, 375 a 396)

Group 45: Support Provided to Categories of Young People Defined in Section 88

(Amendments 317, 318, 320, 321, 322, 323, 324, 328, 329, 331, 333, 334, 338, 340, 341, 342, 343, 344, 346, 348, 349, 354, 355, 356, 357, 360, 361, 362, 363, 210, 367, 368, 369, 370, 371, 372, 375 and 396)

Grŵp 46: Dehongli 'Awdurdod Lleol' at Ddibenion y Ddeddf (Rhan 6 o'r Bil) (Gwelliannau 376, 378, 379 a 380)

Group 46: Interpretation of 'Local Authority' for the Purposes of the Act (Part 6 of the Bill) (Amendments 376, 378, 379 and 380)

Grŵp 47: Rhwymedigaethau Awdurdodau Lleol mewn Perthynas â Phlant sy'n Cael eu Lletya (Gwelliannau 211 a 212)

Group 47: Local Authorities' Obligations in Relation to Accommodated Children (Amendments 211 a 212)

Grŵp 48: Oedolion sy'n Wynebu Risg (Gwelliannau 256, 495, 257, 258, 259, 260 a 261)

Group 48: Adults at Risk (Amendments 256, 495, 257, 258, 259, 260 and 261)

Grŵp 49: Canllawiau Ynghylch Esgeulustod (Gwelliannau 496 a 497)

Group 49: Guidance About Neglect (Amendments 496 and 497)

Grŵp 50: Gwelliannau Technegol (Rhan 7 i Ran 10 o'r Bil) (Gwelliannau 39, 40, 43, 445,

448, 449, 450, 452, 453, 454, 455, 456, 522, 457, 458, 460, 546, 550, 384, 385, 386, 387, 388, 389, 390 a 466)

Group 50: Technical Amendments (Parts 7 to 10 of the Bill) (Amendments 39, 40, 43, 445,

448, 449, 450, 452, 453, 454, 455, 456, 522, 457, 458, 460, 546, 550, 384, 385, 386, 387, 388, 389, 390 and 466)

Grŵp 51: Diffiniadau (Rhannau 7 i 10 o'r Bil) (Gwelliannau 41, 44, 446, 447 a 51)

Group 51: Definitions (Parts 7 to 10 of the Bill) (Amendments 41, 44, 446, 447 and 51)

Grŵp 52: Dyletswydd i Hysbysu am Blant sy'n Wynebu Risg (Gwelliant 42)

Group 52: Duty to Report Children at Risk (Amendment 42)

Grŵp 53: Canllawiau ynghylch Oedolion a Phlant sy'n Wynebu Risg (Gwelliant 45)

Group 53: Guidance about Adults and Children at Risk (Amendment 45)

Grŵp 54: Byrddau Diogelu (Gwelliannau 46, 114, 262, 247, 70 a 147)

Group 54: Safeguarding Boards (Amendments 46, 114, 262, 247, 70 and 147)

Grŵp 55: Cyfarwyddiadau i'w Gwneud yn Ofynnol i Gydymffurfio â Chodau Ymarfer (Gwelliant 451)

Group 55: Directions to Require Compliance with Codes of Practice (Amendment 451)

Grŵp 56: Gweinidogion Cymru yn Adrodd i'r Cynulliad am Ymyrryd (Gwelliannau 483, 483A, 484A, 484, 485A, 485, 486A, 486B, 486C a 486)

Group 56: Reporting Intervention by the Welsh Ministers to the Assembly (Amendments 483, 483A, 484A, 484, 485A, 485, 486A, 486B, 486C and 486)

Grŵp 57: Pŵer i'w Gwneud yn Ofynnol i Swyddogaethau Gael eu Cyflawni (Gwelliannau 381 a 382)

Group 57: Power to Require Performance of Functions (Amendments 381 and 382)

Grŵp 58: Canlyniadau Llesiant (Gwelliannau 487, 539, 540, 541, 542, 250, 543, 488, 524, 525, 526, 527, 528 a 529)

Group 58: Wellbeing Outcomes (Amendments 487, 539, 540, 541, 542, 250, 543, 488, 524, 525, 526, 527, 528 and 529)

Grŵp 59: Cydweithrediad a Phartneriaeth (Gwelliannau 263, 264, 265, 266, 544, 545, 547, 267, 47, 48, 548, 49, 549, 148, 268, 269, 270, 271, 272, 273, 274, 50, 415, 149, 150, 151, 152, 489, 490, 491, 492, 493, 153, 470, 251A, 251B, 251 a 471)

Group 59: Co-operation and Partnership (Amendments 263, 264, 265, 266, 544, 545, 547, 267, 47, 48, 548, 49, 549, 148, 268, 269, 270, 271, 272, 273, 274, 50, 415, 149, 150, 151, 152, 489, 490, 491, 492, 493, 153, 470, 251A, 251B, 251 and 471)

Grŵp 60: Dehongli (Rhan 10 o'r Bil) (Gwelliant 383)

Group 60: Interpretation (Part 10 of the Bill) (Amendment 383)

Grŵp 61: Personau a gaiff Gyflwyno Sylwadau ynghylch Cyflawni Swyddogaethau Cymhwysol Awdurdod Lleol ar ran Plant o dan Adran 155 (Gwelliannau 213 a 214) Group 61: Persons who may Make Representations about the Discharge of Qualifying Functions of a Local Authority on behalf of Children under Section 155 (Amendments 213 and 214)

Grŵp 62: Sylwadau gan Gategoriâu o Bobl Ifanc a Ddiffinnir yn Adran 88 (Gwelliannau 391, 392, 393 a 394)

Group 62: Representations from Categories of Young People Defined in Section 88 (Amendments 391, 392, 393 and 394)

Grŵp 63: Gwelliannau i Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005 (Gwelliannau 405, 406 a 407)

Group 63: Amendments to the Public Services Ombudsman (Wales) Act 2005 (Amendments 405, 406 and 407)

Grŵp 64: Gwasanaethau Eirioli (Gwelliannau 52, 52A, 52B, 52C, 52D, 52E, 53 a 54)

Group 64: Advocacy Services (Amendments 52, 52A, 52B, 52C, 52D, 52E, 53 and 54)

Grŵp 65: Gwaith Ymchwil a Darparu Gwybodaeth (Gwelliant 215)

Group 65: Research and the Provision of Information (Amendment 215)

Papurau i'w Nodi

Papers to Note

Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd ar gyfer Gweddill y Cyfarfod

Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Remainder of

the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Leighton Andrews	Llafur Labour
Rebecca Evans	Llafur Labour
William Graham	Ceidwadwyr Cymreig Welsh Conservatives
Elin Jones	Plaid Cymru The Party of Wales
Darren Millar	Ceidwadwyr Cymreig Welsh Conservatives
Lynne Neagle	Llafur Labour
Gwyn R. Price	Llafur Labour
David Rees	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Lindsay Whittle	Plaid Cymru The Party of Wales
Kirsty Williams	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

Eraill yn bresennol
Others in attendance

Mike Lubienski	Uwch-gyfreithiwr, y Tîm Gofal Cymdeithasol, Llywodraeth Cymru Senior Lawyer, Social Care Team, Welsh Government
Julie Rogers	Dirprwy Gyfarwyddwr yr Is-adran Deddfwriaeth a Pholisi Gwasanaethau Cymdeithasol, Llywodraeth Cymru Deputy Director Social Services Legislation and Policy Division, Welsh Government
Gwenda Thomas	Aelod Cynulliad, Llafur (Y Dirprwy Weinidog Gwasanaethau Cymdeithasol) Assembly Member, Labour (The Deputy Minister for Social Services)

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

Helen Finlayson	Second Clerk Ail Glerc
Joanest Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser

Llinos Madeley

Clerc
Clerk*Dechreuodd y cyfarfod am 9:15.
The meeting began at 9:15.***Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions**

[1] **David Rees:** I welcome Members to today's meeting of the Health and Social Care Committee. The meeting is bilingual, and headphones can be used for simultaneous translation from Welsh to English on channel 1, or for amplification of the sound on channel 0. I remind Members to turn off their mobile phones or any other electronic equipment that may interfere with the broadcasting equipment. There is no scheduled fire alarm, so if the fire alarm goes off, please follow the directions of the ushers. We have not received any apologies.

09:16

**Y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru): Cyfnod 2—Trafod y
Gwelliannau
Social Services and Well-being (Wales) Bill: Stage 2—Consideration of
Amendments**

[2] **David Rees:** I welcome back to the committee the Deputy Minister for Social Services, Gwenda Thomas, and her officials: Julie Rogers, director and senior responsible officer for the Bill, and Mike Lubienski, senior lawyer.

[3] This is the third meeting for Stage 2 consideration of the Social Services and Well-being (Wales) Bill. Thus far, we have debated groups 1 to 27, and sections 2 to 42 of the Bill have been deemed to be agreed as a consequence. Members will be aware that further amendments have been tabled since 27 November, and that the marshalled list and groupings list have been revised and reissued.

[4] Today's proceedings will follow the same structure as previous meetings. The order in which amendments will be called and moved for decision will be determined by the marshalled list. Amendments have been grouped for debate, and there will be one debate on each group. At the start of each debate, I will call the proposer of the group's lead amendment, who should move the lead amendment and speak to all amendments in that group. I will then call other Members who wish to speak to any amendments in that group, initially those who have submitted amendments in that group. The Member with the lead amendment will then be called to reply to the debate. In those groups where the Deputy Minister does not have the lead amendment, I will call her as the penultimate speaker.

[5] Following each debate, I will ask the Member who moved the lead amendment to confirm whether they wish to proceed to a vote on the amendment. If not, the Member may seek agreement to withdraw the amendment. If it is not withdrawn, I will put the question on the amendment and ask whether any Member objects to the amendment being agreed. If no Member objects, the amendment will be deemed to be agreed in accordance with Standing Order 17.34. If any Member objects, I will call for a vote by show of hands. The vote will be recorded in the minutes. In accordance with Standing Orders, if there is a tied vote, as Chair, I will exercise the casting vote against the amendment.

[6] For the record, only committee members can move amendments. In accordance with

the convention agreed by the Business Committee, as Chair, I will move the amendments tabled in the name of the Deputy Minister. Thank you very much.

[7] We will start by continuing with the marshalled list. There is one amendment that we did not complete last week, namely amendment 293.

*Cynigiwyd gwelliant 293.
Amendment 293 moved.*

[8] The question is that amendment 293 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 293 is agreed.

*Derbyniwyd gwelliant 293 yn unol â Rheol Sefydlog 17.34.
Amendment 293 agreed in accordance with Standing Order 17.34.*

Grŵp 28: Codi Ffi am Wasanaethau i Ddiwallu Anghenion (Gwelliannau 414, 98, 102, 103, 254, 104, 105, 106 a 107)

Group 28: Charging for Services to Meet Needs (Amendments 414, 98, 102, 103, 254, 104, 105, 106 and 107)

[9] **David Rees:** The lead amendment in this group is amendment 414, and I call on Lindsay Whittle to move amendment 414 and to speak to the amendments in this group.

[10] **Lindsay Whittle:** I move amendment 414 in my name, supported by William Graham.

[11] This is an amendment that is designed to ensure that charges may not be made for equipment or adaptations. This is a very important amendment. It is allied to my party's commitment to the merging of health and social care organisations in order to improve the efficiency and co-ordination of those essential services, because it is our intention to make social care free at the point of delivery on the same basis as free health services. Many adaptations are designed to promote independent living, so charging for them may discourage take-up. I believe that that would lead to a greater cost down the line. I appreciate that the Welsh Government is devoting a good deal of time to discussing how health and social care can work together more closely, but it is extremely difficult to make them do so. It is not good enough on the part of other organisations, and we need to take much more positive action to turn a plea for closer collaboration into a reorganisation whereby the two services are combined. I believe that the line between the need for healthcare and the need for social care is often a very thin one. We should recognise this and make the provision of care, whether it is healthcare or social care, a free service available for all. Turning to the other amendments, amendments 102 and 103 in, I believe, the name of Kirsty Williams, are about prohibiting charges to be imposed on under-18s who care for people, and I support this. Regarding the Tory amendments, in particular amendment 254, which sets out procedures that must be followed for regulation—the amendments in the name of my colleague William Graham—I am again happy to support those amendments as they ensure accountability for regulations. Indeed, I am happy to support all of the other amendments as well.

[12] **David Rees:** William, do you wish to speak?

[13] **William Graham:** If I may, thank you, Chair. I will speak to amendment 98, and will just say first that the Welsh Conservatives support Lindsay Whittle's amendment 414. Amendment 98 removes the charge for providing or arranging the provision of care and support to meet a child's need. Amendment 254 provides procedure for regulations made under section 45. These are regulations about the exercise of a power to impose a charge. Under our amendment, Welsh Ministers would be required to comply with this new section

before making regulations under section 45. It requires Welsh Ministers to consult with health boards, community health councils, local authorities and other bodies likely to be affected by the proposals.

[14] **David Rees:** Kirsty, do you wish to speak?

[15] **Kirsty Williams:** Yes. Thank you, Chair. My amendments—102, 103, 104, 105, 106 and 107—all relate to issues around recommendation 25 of the committee's report at Stage 1, where the committee had concerns about the ability for charges to be raised against those who are aged 16 or 17. At that time, the committee felt that charging for services for those under the age of 18 went against the ethos of the Bill. I do not believe that it is appropriate to charge young people. Amendments 106 and 107 try to make that distinction. We appreciate the situation that we are in, and that we cannot move to a situation where all social care can be free; therefore, we are trying to make the distinction here between being able to raise charges against those who are adults and those who are children. To sum up, all the amendments tabled by myself in this group try to remove the charging burden for those under the age of 18, wherever they appear in the Bill.

[16] **David Rees:** Does any other Member wish to speak?

[17] **Lynne Neagle:** I just wish to say that the whole committee agreed that we did not want to see charging for under-18s. However, it is my understanding that the Deputy Minister has given a commitment to bring forward a comprehensive amendment at Stage 3 to deal with this, so I will not be supporting these amendments today.

[18] **David Rees:** Does any other Member wish to speak? No? Therefore, I call on the Deputy Minister to speak.

[19] **The Deputy Minister for Social Services (Gwenda Thomas):** Thank you, Chair. I thank Members for their contributions on this important topic. Clearly, the matters that these amendments deal with are important to Members across the committee. I will seek to ensure that my comments address the points raised this morning. I will deal first with the lead amendment, amendment 414, brought forward by Lindsay Whittle. As we have heard, its purpose is to remove a local authority's ability to charge for equipment or adaptations provided to meet a person's care and support needs under sections 21 to 29 of the Bill. Currently, local authorities have the discretion to charge for equipment and often choose not to do so, as it is seen as being counterproductive to the preventative agenda. Adaptations to a person's home are more usually provided by local authorities under housing legislation, for which a charge can—depending on the adaptation and the person's means—be made. Even here, however, authorities can also provide disabled facilities grants to individuals to assist with the cost of the installation of an adaptation. Where local authorities propose to make a charge, they will be required to undertake a means test on a person's ability to pay for the equipment or adaptation that they are to receive, and they will only pay a charge where they have the means to do so. A decision to levy a charge is therefore clearly based on an individual's circumstances. As a result, I do not feel that this amendment is appropriate, as it would significantly and unduly reduce a local authority's discretion. I would therefore ask Members to oppose amendment 414.

[20] Turning to amendment 98, tabled by William Graham, and amendments 102, 103, 104, 105, 106 and 107, tabled by Kirsty Williams, all of these amendments relate in one form or another to the provisions within the Bill that currently allow for charges to be imposed directly upon a child aged 16 or 17. I have previously informed this committee, in response to recommendation 25 of its Stage 1 report, which called for the power to be removed, that the provision in the Bill is a restatement of existing law. It derives from Part III of, and Schedule 2 to, the Children Act 1989. This is why it was incorporated into the Bill. I also made it clear

during evidence sessions to the Health and Social Care Committee that regulations would allow the Welsh Minister to determine what could and could not be charged for. I could not, and do not, envisage a situation in which this cohort of young people would be charged. As such, I would be looking to restrict the use of the power to charge such persons through regulations. Nevertheless, in light of the continued interest and concern from stakeholder groups and members of this committee, as reflected in the amendments that have been brought forward, I have reflected on this matter, and I wish to assure all Members of this committee that I will be bringing forward amendments at Stage 3 to remove the power to impose a charge directly upon 16 or 17-year-olds from the face of the Bill. The reason for wishing to table my own amendments is that a number of those put forward here are not technically sound, in terms of drafting, and go beyond removing the ability to place a charge on a 16 or 17-year-old in their own right. For example, amendments 98, 102 and 103 are the amendments that seek to directly remove this power at subsections 44(3), 44(4) and 44(5), and in relation to a child of the age of 16 or 17, or a carer of the same age. While they would achieve this end, they would also remove the power to charge someone with parental responsibility for a 16 or 17-year-old. The amendments would also remove any power to charge the parents of a child under the age of 16 as currently set out at paragraphs 44(4)(c) and 44(5)(c). It is also the case that a significantly larger number of amendments are needed in order to effect the removal of the ability to impose charges upon this group of children, with these changes falling across at least seven sections of the Bill, including, for example, amendments to sections 37 and 95, and Schedule 1. For these reasons, should Kirsty Williams and William Graham still wish to move amendments 98, 102, 103, 104, 105, 106 and 107 today, I would ask Members to oppose these, so that we may return to this issue at Stage 3 and, in so doing, realise what I believe to be our shared aim in this area, while protecting the integrity of other charging provisions in the Bill.

[21] Finally, I will turn to amendment 254, also tabled by William Graham. The purpose of this amendment is to specify what the Welsh Ministers must comply with before they can make regulations in relation to charging for care and support under section 43. The key effect of this amendment would be to require the Welsh Ministers to consult with a range of partners before laying regulations and to lay before the National Assembly a document that explains the proposals and the changes that have been made between the draft and the final regulations. As I said in response to a similar amendment tabled in respect of eligibility, and discussed in group 15, it is simply not in the interests of this Government, or indeed any Government, to implement legislation of this kind without consulting effectively on the proposals.

09:30

[22] This Government is committed to the safe and successful implementation of its policies and we see consultation as an important part of that successful implementation. It is essential in ensuring that those concerned know of any changes that can make a continuation to the development of, in this case, subordinate legislation. This is an area where the practice of consulting with interested parties is well established. I consider, therefore, that amendment 254 is unnecessary and would ask Members not to support it.

[23] **David Rees:** I call on Lindsay to reply to the debate.

[24] **Lindsay Whittle:** I thank the Deputy Minister for her measured response, which I fully expected. However, my practical experience from my years in public life is that many people who require works of adaptation and can afford it will pay for it themselves anyway and some who can ill afford it will also pay for it themselves. The purpose of my amendment is to remove the payments for those people who can ill afford it. It should be provided free, in my opinion, but I accept that it is not the wish of many. I will still support amendment 414 and amendment 254 by William Graham if he wishes to proceed.

[25] **David Rees:** Do you wish to proceed to a vote on amendment 414?

[26] **Lindsay Whittle:** Yes, please.

[27] **David Rees:** The question is that amendment 414 be agreed to. Does any Member object? We have an objection; therefore, I will take a vote by show of hands.

*Gwelliant 414: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 414: For 5, Abstain 0, Against 5.*

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 414.
Amendment 414 not agreed.*

*Cynigiwyd gwelliant 431.
Amendment 431 moved.*

[28] **David Rees:** The question is that amendment 431 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 431 is agreed.

*Derbyniwyd gwelliant 431 yn unol â Rheol Sefydlog 17.34.
Amendment 431 agreed in accordance with Standing Order 17.34.*

[29] **David Rees:** William, would you like to move amendment 98?

[30] **William Graham:** I move amendment 98 in my name.

[31] **David Rees:** The question is that amendment 98 be agreed to. Does any Member object? There are objections; therefore, we move to a vote.

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

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â

Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 98.

Amendment 98 not agreed.

[32] **David Rees:** Kirsty, would you like to move amendment 102?

[33] **Kirsty Williams:** I will not move the amendment, given the assurances given by the Deputy Minister to the committee this morning.

[34] **David Rees:** Does any other Member wish to move amendment 102? No; therefore, amendment 102 is not moved.

Ni chynigiwyd gwelliant 102.

Amendment 102 not moved.

[35] **David Rees:** Kirsty, would you like to move to a vote on amendment 103?

[36] **Kirsty Williams:** No, thank you.

[37] **David Rees:** Does any other Member wish to move amendment 103? No; therefore, amendment 103 is not moved.

Ni chynigiwyd gwelliant 103.

Amendment 103 not moved.

[38] **David Rees:** Before we move on to a vote on amendment 254, Members will wish to be aware that if amendment 254 is not agreed, amendment 275 in group 73 will fall. William, would you like to move amendment 254?

[39] **William Graham:** I move amendment 254 in my name.

[40] **David Rees:** The question is that amendment 254 be agreed to. Does any Member object? We have an objection, therefore we will take a vote by show of hands.

Gwelliant 254: O blaid 5, Ymatal 0, Yn erbyn 5.

Amendment 254: For 5, Abstain 0, Against 5.

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 254.

Amendment 254 not agreed.

*Cynigiwyd gwelliant 432.
Amendment 432 moved.*

[41] **David Rees:** The question is that amendment 432 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 432 is agreed.

*Derbyniwyd gwelliant 432 yn unol â Rheol Sefydlog 17.34.
Amendment 432 agreed in accordance with Standing Order 17.34.*

[42] **David Rees:** Before we move on to a vote on amendment 104, Members will wish to be aware that, if amendment 104 is not agreed, amendment 105 will fall. Kirsty, would you like to move amendment 104?

[43] **Kirsty Williams:** Once again, given the commitment by the Deputy Minister this morning, I have achieved my goals and will not move the amendment.

[44] **David Rees:** Does any other Member wish to move amendment 104? No; therefore, amendment 104 is not moved. As a consequence, amendment 105 falls.

*Ni chynigiwyd gwelliant 104.
Amendment 104 not moved.*

*Methodd gwelliant 105.
Amendment 105 fell.*

*Cynigiwyd gwelliant 433.
Amendment 433 moved.*

[45] **David Rees:** The question is that amendment 433 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore, amendment 433 is agreed.

*Derbyniwyd gwelliant 433 yn unol â Rheol Sefydlog 17.34.
Amendment 433 agreed in accordance with Standing Order 17.34.*

**Grŵp 29: Codi Ffi am Wasanaethau Ataliol a Gwybodaeth, Cyngor a Chynhorthwy
(Gwelliannau 69, 78, 434, 79A, 79, 80A, 80, 99 a 255)**

**Group 29: Charging for Preventative Services and Information, Advice and Assistance
(Amendments 69, 78, 434, 79A, 79, 80A, 80, 99 and 255)**

[46] **David Rees:** The lead amendment in the group is amendment 69 and I call on William Graham to move that amendment and speak to all the amendments in this group.

[47] **William Graham:** I move amendment 69 in my name.

[48] This amendment will remove the section on charging for preventative services and information, advice and assistance. The social services Bill advisory group wants to ensure that accessible information cannot be charged for. Committee recommendation 25 states that the committee has concerns about regulations for charges to be made for information, advice and assistance:

[49] ‘We are concerned that charges could deter people from accessing services and we also question the appropriateness of charging for information and advice.’

[50] Disability Wales comments:

[51] ‘We have some serious concerns around what appears to be the introduction of charging for preventative services.’

[52] There is a real lack of clarity. It goes on to say:

[53] ‘It would particularly disadvantage people who have to go to a third party for support, who do not have access to the internet and cannot find out things for themselves or negotiate their own support.’

[54] Age Cymru states:

[55] ‘We have concerns that this would potentially work against the intended aims of the Bill. We maintain that information and advice should be free, independent and accessible as a basic principle, and would welcome clarification on this’.

[56] The Welsh Conservatives do not feel that charging for information, advice or assistance would be appropriate, and might deter service users from asking for such advice. As such, it could have a detrimental effect on adults and carers and limit the effectiveness of this legislation.

[57] Amendment 78 would prevent local authorities from charging for information, advice or assistance. Amendment 79 would prevent local authorities from charging for information, advice or assistance, once again. On amendment 80, section 54(2)(b) states that charges can only cover the cost of provision of services information, advice and assistance. This amendment removes the ‘information, advice and assistance’, so that charges can only apply to the provision of services. Amendment 99 means that charges for equipment or adaptations may be made, but must not exceed more than £5,000. The local authority would need to meet the costs of any equipment or adaptations over this amount. Amendment 255 inserts a new section to detail a procedure for regulation under section 54, which is one for charging for preventative services, information, advice and assistance. Under this amendment, Welsh Ministers will need to comply with this section before making regulations under section 54. The amendment ensures that the Welsh Minister must consult with local health boards, community health councils, local authorities and such other persons or bodies as appear to represent the interests of persons likely to be affected by the proposals. If, following that consultation, the Welsh Minister wishes to proceed with the regulations, this amendment will ensure that they must lay before the National Assembly for Wales a document that explains proposals, sets out the proposals in the form of draft regulations, and gives details of the consultation under subsection (2).

[58] **David Rees:** Thank you, William. Does any other Member wish to speak?

[59] **Lindsay Whittle:** I would like to place on record our support for some of William Graham’s amendments—in particular, amendment 69. I also believe that advice and information should always be free, otherwise people will not take up that advice. Good quality advice is essential in preventing deteriorating health.

[60] Amendment 99 in the name of William Graham would prohibit charges for equipment or adaptations from being greater than £5,000. Up to £5,000 can be a lot of money for some of the people we represent, as well. I would have liked to have seen that figure lower, but it is not my amendment; I failed to get my amendment in. Nevertheless, I would wish to add my support.

[61] **Kirsty Williams:** I would like to take this opportunity to express my support for the amendments put forward, especially amendments 78, 79 and 80. Again, we had grave concerns at Stage 1 as a committee, about the effects of charging for information, advice and assistance. Those fears were based on the stated goal of the Bill, which was that social services would become more sustainable in the future by investment in preventative services and by intervening in people's lives at the earliest stage. I believe that charging for information, advice and assistance would create a real barrier to the most vulnerable people coming forward to get the information, advice and assistance that they need at that earlier stage. What will happen is that we will drive demand in the system and that will help to make social services provision in Wales even less sustainable than it currently is. I would hope that the Deputy Minister can reflect on the principle of charging for information and advice in particular.

[62] **David Rees:** Do any other Members wish to speak? If not, I will call on the Deputy Minister.

[63] **Gwenda Thomas:** I will begin with amendment 69 tabled by William Graham, about which he has just spoken. This amendment seeks to remove the entirety of section 54 from the Bill, and with it the power to make regulations for charging for information, advice and assistance and for preventative services. While I have sympathy with elements of this proposal, and will indeed be looking to take some of the action that this amendment calls for, as I will set out shortly, I cannot accept the removal of this section from the Bill. I cannot, therefore, accept this amendment.

[64] I have recently published a statement on preventative services, which makes clear that this Bill provides the legal framework to secure a system change towards preventive services and to rebalance the way that we seek to meet need at an individual level and across the population. Through this Bill, prevention will become a statutory requirement, not a discretionary matter. The requirement will take the form of there being clear duties on local authorities to provide a range of preventative services following a thorough assessment of the needs of the population and the range and level of services required to prevent, delay or reduce people's need for care and support. The form that preventative services will take will be varied, but it will encompass targeted services, such as the reablement services, or initiatives such as Families First or Flying Start as well as what could be considered community services, such as luncheon clubs, youth groups or other activities that bring people together and create an active local community. In the light of the increased importance and level of provision of preventative services, which will be brought about by this Bill, and also due to the range of services that the local authority may need to provide, I think that it is entirely reasonable for local authorities to use their discretion in charging for certain services. A decision by a local authority to charge would need to be underpinned by the question of people's ability to afford to pay, so that the unintended consequences of precluding people from engagement in the preventative agenda, to which Kirsty has previously referred, is avoided. The ability to charge for preventative services is key to the futureproofing of the Bill and the ability to continue to deliver social services. It is on this basis that I ask Members to oppose amendment 69.

[65] I now turn to amendments 78, 79 and 80 tabled by William Graham and supported by Kirsty Williams. These amendments seek to amend rather than remove section 54, and in so doing take away the power to make regulations for charging for information, advice or assistance. While I recognise and appreciate the greater precision of these amendments, I cannot support them in their entirety. In respect to charging for information and advice, the appropriateness of which the Health and Social Care Committee specifically questioned in its Stage 1 report, I have said before that, although the ability to charge for these elements would have a statutory basis in this Bill, I do not see someone who goes to a local authority for advice being charged. I also said that a test of reasonableness would need to be applied by

local authorities, and that the Bill enables Welsh Ministers to set out detailed guidance in these areas should that be necessary. However, I recognise the strength of feeling on this matter, and upon further consideration, and in light of the amendments brought forward by William Graham, I agree to remove the power to charge for information and advice from the face of the Bill.

[66] I have therefore brought forward amendments 79A and 80A, which are amendments to amendments 79 and 80 put forward by William Graham. Amendments 79A and 80A would remove the ability to charge for information and advice in sections 54(2)(a) and 54(2)(b). I hope that this will be welcomed by Members and provide reassurance that individuals will not be charged for the information or advice that they may need to express their voice on control.

09:45

[67] Amendments 79A and 80A also need to be considered in conjunction with amendment 434, which I have brought forward in response to this issue. Amendment 434 removes the reference to information and advice from section 54(1)(b), the section that the committee made reference to in its report, and is necessary to ensure that all references to charging for these elements are removed from the Bill. Amendments 79A and 80A will not, however, remove the regulation-making powers in relation to charging for assistance. It is the removal of this power that I do not think is the right course of action, and that prevents me from accepting amendments 78, 79 and 80 as tabled. The assistance element of section 8 is about actively assisting some people in accessing services, for example through booking appointments, commissioning services or acting as a broker. It may also extend to providing some level of care package management. Much of this activity will involve the local authority assigning an appropriate professional to act on behalf of a person. I believe, therefore, that there are circumstances in which it is fair, reasonable and appropriate for those who can afford to pay for such assistance to do so. I therefore ask Members to oppose amendment 78 and support amendments 79A, 80A and 434. Should these be agreed, I would also ask Members to support amendment 79 and 80; however, if they fall, I would ask Members to oppose those amendments.

[68] William Graham has also spoken about amendment 99, which he has tabled. This amendment seeks to place a limit, as we have heard, of £5,000 on any charge that can be imposed for equipment or adaptations under section 54. I do not feel that placing a specific figure on the face of the Bill is helpful, because it would reduce the longevity of the legislation due to having to be amended to update an amount that would be subject to change, due to inflation, if nothing else. It is also the case that the type of aids and adaptations provided for in this section vary enormously, and I see no reason why the figure proposed is the right one. For these reasons, I would ask Members to oppose amendment 99.

[69] Finally, I will turn to amendment 255, also tabled by William Graham. The purpose of this amendment is the same as that for 254, which we discussed in the previous group, when considering charges for meeting needs. It seeks to specify what Ministers must comply with before they can make regulations in relation to charging for care and support under section 54. The key effect of this amendment would be to require the Welsh Ministers to consult with a range of partners, as I set out in the previous debate. As I said in response to amendment 254, it is not in the interests of this Government to implement legislation without consulting. It is essential in ensuring that those concerned know of any changes and can make a contribution to the development of, in this case, subordinate legislation in an area where the practice of consulting with interested parties is well established. I feel, therefore, that amendment 255 is unnecessary, and would ask Members to oppose it.

[70] **David Rees:** William, do you wish to reply to the debate?

[71] **William Graham:** I am most grateful to the Deputy Minister for her undertaking today. In view of that, we will support amendments 434, 79A and 80A in this section.

[72] **David Rees:** Do you wish to proceed to a vote on amendment 69?

[73] **William Graham:** Yes, please.

[74] **David Rees:** Before we move to a vote on amendment 69, as has been pointed out by the Deputy Minister, it covers the removal of section 54. Therefore, we should be aware that, if amendment 69 is agreed, amendments 78, 434, 79A, 79, 80A, 80, 99 and 255 in this group, and 276 in group 73, will fall.

[75] The question is that amendment 69 be agreed to. Does any Member object? There is objection, therefore we will take a vote by show of hands.

Gwelliant 69: O blaid 5, Ymatal 0, Yn erbyn 5.

Amendment 69: For 5, Abstain 0, Against 5.

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 69.

Amendment 69 not agreed.

[76] **David Rees:** Before we move to a vote on amendment 78, Members will wish to be aware that, if amendment 78 is agreed, amendment 434 will fall. William, do you want to move amendment 78?

[77] **William Graham:** I move amendment 78 in my name supported by Kirsty Williams and Lindsay Whittle.

[78] **David Rees:** The question is that amendment 78 be agreed to. Does any Member object? There is objection, therefore we will take a vote by a show of hands.

Gwelliant 78: O blaid 5, Ymatal 0, Yn erbyn 5.

Amendment 78: For 5, Abstain 0, Against 5.

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â

Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 78.

Amendment 78 not agreed.

Cynigiwyd gwelliant 434.

Amendment 434 moved.

[79] **David Rees:** The question is that amendment 434 in the name of the Deputy Minister be agreed to. Does any Member object? We have an objection, therefore we will take a vote by show of hands.

Gwelliant 434: O blaid 6, Ymatal 2, Yn erbyn 2.

Amendment 434: For 6, Abstain 2, Against 2.

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David
Williams, Kirsty

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

Jones, Elin
Whittle, Lindsay

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Graham, William
Millar, Darren

Derbyniwyd gwelliant 434 yn unol â Rheol Sefydlog 17.34.

Amendment 434 agreed in accordance with Standing Order 17.34.

[80] **David Rees:** We now move to dispose of amendments 79A and 79. As 79A is an amendment to amendment 79, we will deal with that one first.

Cynigiwyd gwelliant 79A.

Amendment 79A moved.

[81] **David Rees:** The question is that amendment 79A in the name of the Deputy Minister be agreed to. Does any Member object? There is objection; we will therefore take a vote by a show of hands.

Gwelliant 79A: O blaid 8, Ymatal 0, Yn erbyn 2.

Amendment 79A: For 8, Abstain 0, Against 2.

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

Andrews, Leighton
Evans, Rebecca
Graham, William
Millar, Darren
Neagle, Lynne
Price, Gwyn R.
Rees, David
Williams, Kirsty

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

Jones, Elin
Whittle, Lindsay

Derbyniwyd gwelliant 79A yn unol â Rheol Sefydlog 17.34.
Amendment 79A agreed in accordance with Standing Order 17.34.

[82] **David Rees:** William, do you wish to move amendment 79?

[83] **William Graham:** I move amendment 79 in my name supported by Kirsty Williams and Lindsay Whittle.

[84] **David Rees:** The question is that amendment 79 as amended be agreed to. Does any Member object? There is no objection. Therefore, amendment 79 as amended is agreed.

Derbyniwyd gwelliant 79 fel y'i diwygiwyd yn unol â Rheol Sefydlog 17.34.
Amendment 79 as amended agreed in accordance with Standing Order 17.34.

[85] **David Rees:** We now move to dispose of amendments 80A and 80. Again, the amendment to the amendment will be taken first.

Cynigiwyd gwelliant 80A.
Amendment 80A moved.

[86] **David Rees:** The question is that amendment 80A in the name of the Deputy Minister be agreed to. Does any Member object? We have an objection, therefore we will take a vote by show of hands.

Gwelliant 80A: O blaid 8, Ymatal 0, Yn erbyn 2.
Amendment 80A: For 8, Abstain 0, Against 2.

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

Andrews, Leighton
 Evans, Rebecca
 Graham, William
 Millar, Darren
 Neagle, Lynne
 Price, Gwyn R.
 Rees, David
 Williams, Kirsty

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

Jones, Elin
 Whittle, Lindsay

Derbyniwyd gwelliant 80A yn unol â Rheol Sefydlog 17.34.
Amendment 80A agreed in accordance with Standing Order 17.34.

[87] **David Rees:** William, would you like to move amendment 80?

[88] **William Graham:** I move amendment 80 in my name, supported by Kirsty Williams.

[89] **David Rees:** The question is that amendment 80 as amended be agreed to. Does any Member object? There is no objection, therefore amendment 80 as amended is agreed.

Derbyniwyd gwelliant 80 fel y'i diwygiwyd yn unol â Rheol Sefydlog 17.34.
Amendment 80 as amended agreed in accordance with Standing Order 17.34.

[90] **David Rees:** William, would you like to move amendment 99?

[91] **William Graham:** I seek not to move amendment 99 in my name.

[92] **David Rees:** Does any other Member wish to move amendment 99? I see that no-one does. Therefore, amendment 99 is not moved.

*Ni chynigiwyd gwelliant 99.
Amendment 99 not moved.*

[93] **David Rees:** Before we move to amendment 255, Members may wish to be aware that if amendment 255 is not agreed, amendment 276, which is in a later group, will fall. William, would you like to move amendment 255?

[94] **William Graham:** I move amendment 255 in my name.

[95] **David Rees:** The question is that amendment 255 be agreed to. Does any Member object? We have an objection, therefore we will take a vote by show of hands.

*Gwelliant 255: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 255: For 5, Abstain 0, Against 5.*

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 255.
Amendment 255 not agreed.*

[96] **David Rees:** Going back to previous amendments, would you like to move amendment 106 Kirsty?

[97] **Kirsty Williams:** No. Given the commitments made by the Deputy Minister, I shall not move the amendment.

[98] **David Rees:** Does any other Member wish to move amendment 106? I see that no-one does. Therefore, amendment 106 is not moved.

*Ni chynigiwyd gwelliant 106.
Amendment 106 not moved.*

[99] **David Rees:** Kirsty, do you wish to move amendment 107?

[100] **Kirsty Williams:** I will not move amendment 107.

[101] **David Rees:** Does any other Member wish to move it? I see that no-one does. Therefore, amendment 107 is also not moved.

*Ni chynigiwyd gwelliant 107.
Amendment 107 not moved.*

Grŵp 30: Trosglwyddo Asedau er mwyn Osgoi Ffioedd (Gwelliant 481)
Group 30: Transfer of Assets to Avoid Charges (Amendment 481)

[102] **David Rees:** The lead and only amendment in this group is amendment 481, and I call on Elin Jones to move and speak to the amendment.

[103] **Elin Jones:** I move amendment 481 in my name.

[104] I would just explain that this amendment would ensure that there is an appeals mechanism for people on whom charges had been imposed because the local authority deemed them to have transferred assets to avoid charges. It is sometimes difficult to determine whether somebody has transferred assets to avoid a charge; there could well be legitimate reasons for transferring assets, such as supporting a grandchild through university, or helping children with their first deposit to get on the housing ladder. We know from experience of other areas of the social security system that initial decisions are often overturned on appeal. So, this amendment would therefore simply ensure that people found to have transferred assets have the right to appeal that decision to require payment if it is made. We do not think that the complaints procedure is adequate to meet this right.

[105] **David Rees:** Does any other Member wish to speak? I see not. Therefore, I call on the Deputy Minister.

[106] **Gwenda Thomas:** I understand that the intention behind amendment 481, as Elin Jones has set out, is to ensure that an appeals process is established. As Elin has explained that, I will not go over it. However, I wish to be clear with Members that, while I support the spirit of this amendment, I do not support a formal appeal process. I would, however, be willing to consider making provisions for the review of such decisions, in line with my response to amendments seeking an appeal process for assessments and care plans. In light of this, I ask Elin Jones to consider withdrawing her amendment in favour of a Government amendment that I would seek to bring forward at Stage 3.

[107] **David Rees:** Elin, do you wish to reply?

[108] **Elin Jones:** Only to welcome the Deputy Minister's commitment to bring forward a Government amendment at Stage 3. I look forward to seeing that and amending it at Stage 3 if I do not consider it to be adequate to meet the concern that I have with regard to ensuring that the ability to have an appeal process is enshrined in the legislation.

[109] **David Rees:** Thank you for that. Do you wish to proceed to a vote?

[110] **Elin Jones:** No. I wish to withdraw it.

[111] **David Rees:** As the amendment has already been moved, does any Member object to its being withdrawn? I see not. Therefore, amendment 481 is withdrawn.

Tynnwyd gwelliant 481 yn ôl gyda chaniatâd y pwyllgor.
Amendment 481 withdrawn by leave of the committee.

Grŵp 31: Dehongli 'Plentyn sy'n Derbyn Gofal' (Gwelliannau 294 a 296)
Group 31: Interpretation of 'Looked after Child' (Amendments 294 and 296)

[112] **David Rees:** The lead amendment in this group is amendment 294. I move amendment 294 in the name of the Deputy Minister. I call on the Deputy Minister to speak to the amendment and to the other amendment in this group.

[113] **Gwenda Thomas:** The amendments in this group are technical in nature and aim to achieve greater clarity in drafting and consistency of language throughout the Bill. Amendment 294 clarifies the meaning of ‘looked after child’ for the purposes of the Bill. If this amendment is agreed, the term will mean that the child is under the age of 18 and is either in the care of a local authority in Wales or is provided with accommodation by a local authority in Wales.

[114] Amendment 296 inserts a new subsection into section 58 to introduce a definition of ‘a young person being looked after by a local authority’ for the purpose of Part 6 of the Bill. The amendment relates specifically to that group of 16 and 17-year-olds who have decided to remain within the care of the local authority. The amendment will ensure that the language of the Bill reflects the approach that this Government and the National Assembly for Wales have adopted, and the language that young people themselves have told us they prefer.

[115] Taken together, these amendments give effect to a key policy aim for this Bill, which is to ensure that there is no dilution of the existing rights and entitlements bestowed on children and young people through the Children Act 1989. I ask Members to support amendments 294 and 296.

[116] **David Rees:** Does any Member wish to speak to these amendments? I see not. I assume that you do not wish to reply, Deputy Minister. Therefore, Deputy Minister, do you wish to proceed to a vote on amendment 294?

[117] **Gwenda Thomas:** Yes.

[118] **David Rees:** The question is that amendment 294 be agreed to. Does any Member object? I see not. Therefore, amendment 294 is agreed.

Derbyniwyd gwelliant 294 yn unol â Rheol Sefydlog 17.34.

Amendment 294 agreed in accordance with Standing Order 17.34.

Grŵp 32: Gwelliannau Technegol (Rhan 6 o'r Bil) (Gwelliannau 295, 517, 518, 435, 519, 436, 196, 197, 520, 297, 532, 533, 551, 534, 535, 552, 536, 521, 143, 442, 144, 146, 206, 443, 301, 304, 306, 305, 311, 312, 319, 325, 326, 327, 330, 332, 335, 336, 337, 339, 345, 347, 350, 351, 352, 353, 358, 359, 364, 365, 366, 373, 374, 377 a 444)

Group 32: Technical Amendments (Part 6 of the Bill) (Amendments 295, 517, 518, 435, 519, 436, 196, 197, 520, 297, 532, 533, 551, 534, 535, 552, 536, 521, 143, 442, 144, 146, 206, 443, 301, 304, 306, 305, 311, 312, 319, 325, 326, 327, 330, 332, 335, 336, 337, 339, 345, 347, 350, 351, 352, 353, 358, 359, 364, 365, 366, 373, 374, 377 and 444)

[119] **David Rees:** The lead amendment in this group, which, as you can see, has a large number of amendments, is amendment 295. I move amendment 295 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to the amendment and to the other amendments in this group.

[120] **Gwenda Thomas:** Although there are a significant number of amendments in this group, I do not intend, if the committee is content, to speak in significant detail about them.

[121] **Elin Jones:** I object. *[Laughter.]*

[122] **David Rees:** No, she does not. Go ahead, Deputy Minister.

[123] **Gwenda Thomas:** These are technical amendments relating to Part 6 of the Bill, and they are designed to bring consistency to the drafting of that Part, to make minor drafting

corrections and to bring clarity of intent. I trust that Members will be able to support them.

10:00

[124] **David Rees:** Does any other Member wish to speak on these amendments? No. Therefore, there is nothing to respond to, Deputy Minister. Therefore, do you wish to proceed to a vote on amendment 295?

[125] **Gwenda Thomas:** Yes, please.

[126] **David Rees:** The question is that amendment 295 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 295 is agreed.

*Derbyniwyd gwelliant 295 yn unol â Rheol Sefydlog 17.34.
Amendment 295 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 296.
Amendment 296 moved.*

[127] **David Rees:** The question is that amendment 296 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 296 is agreed.

*Derbyniwyd gwelliant 296 yn unol â Rheol Sefydlog 17.34.
Amendment 296 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 517.
Amendment 517 moved.*

[128] **David Rees:** The question is that amendment 517 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 517 is agreed.

*Derbyniwyd gwelliant 517 yn unol â Rheol Sefydlog 17.34.
Amendment 517 agreed in accordance with Standing Order 17.34.*

**Grŵp 33: Dyletswydd ar Awdurdod Lleol i Ddarparu Llety i Blentyn o dan Adran 60
(Gwelliant 246)**

**Group 33: Duty for a Local Authority to Provide Accommodation for a Child Under
Section 60 (Amendment 246)**

[129] **David Rees:** The lead and only amendment in this group is amendment 246. I call on William Graham to move and speak to amendment 246.

[130] **William Graham:** I move amendment 246 in my name.

[131] This amendment places a requirement on local authorities to take over the provision of accommodation for a child within a specified time period, where a different local authority where the child is not ordinarily resident is providing accommodation for that child. The Bill, as currently drafted, comments that the local authority ‘may’ take over the provision of accommodation for the child within three months. We do not feel that this is strong enough, as it does not put a duty on the local authority to comply. This amendment will ensure that the local authority taking over the provision of accommodation will act in a timely manner.

[132] **David Rees:** Does any other Member wish to speak? No. So, I call on the Deputy Minister to speak.

[133] **Gwenda Thomas:** Section 60 of this Bill restates the existing duty currently provided for in section 20 of the Children Act 1989. The intention behind William Graham's amendment 246 is to strengthen the duty on the local authority that the child is ordinarily resident in to provide accommodation. However, while I can agree that this is rooted in the best of intentions, I believe that there are important nuances that have not been taken into account, not least that it does not consider the specific circumstances, needs and wishes of the child. Although the amendment could be seen to be strengthening the duty on the local authority in which the child is ordinarily resident to provide accommodation within a specific time frame, I believe that it could have a negative consequence for the child, as they may need to be accommodated in another area because of their need for specific care and support. For example, the child may have fled from the previous local authority because of fear of harm. In such a case, it would obviously be detrimental for the child to be returned to the local authority from where he or she came. It could be argued that the amendment would seem to be in contravention of article 12 of the United Nations Convention on the Rights of the Child, and against the principal duty in this Bill of a local authority in relation to a child it looks after to actively safeguard and promote the child's wellbeing. I believe, therefore, that the amendment could result in unintentional consequences of diluting the absolute duty to safeguard and promote the child's wellbeing under section 62(1)(a). I do not wish to include any amendment that could potentially undermine this absolute duty.

[134] **David Rees:** Before I ask William to reply, he has asked for some legal advice.

[135] **William Graham:** Yes, please, in view of the Deputy Minister's comments.

[136] **David Rees:** Therefore, we will take a short recess and reconvene in five minutes. It will hopefully be five minutes, depending on the time it takes.

*Gohiriwyd y cyfarfod rhwng 10:04 a 10:07.
The meeting adjourned between 10:04 and 10:07.*

[137] **David Rees:** I reconvene the meeting and thank Members for that recess. We have now received the legal advice and, therefore, I call on William to reply to the debate.

[138] **William Graham:** Thank you very much, Chair. In view of what the Deputy Minister said and the excellent legal advice that we have received today, I seek to withdraw amendment 246 at this stage.

[139] **David Rees:** Okay, thank you, William. William has indicated that he does not wish to proceed with amendment 246. Does any Member object to his withdrawal of the amendment? No, therefore, amendment 246 is withdrawn.

*Tynnwyd gwelliant 246 yn ôl gyda chaniatâd y pwyllgor.
Amendment 246 withdrawn by leave of the committee.*

Grŵp 34: Llety i Blant o dan Adran 61 (Rhan 6 o'r Bil) (Gwelliannau 188 a 189)
Group 34: Accommodation for Children under Section 61 (Part 6 of the Bill)
(Amendments 188 and 189)

[140] **David Rees:** I move amendment 188, the lead amendment in this group, in the name of the Deputy Minister.

[141] **Gwenda Thomas:** These amendments are part of a group of amendments that will

ensure that the Bill maintains the rights and entitlements currently set out in the Children Act 1989. These amendments particularly relate to section 61 of the Bill, 'Accommodation for children in police protection or detention or on remand, etc'. Section 61(5) contains the power to recover costs for accommodating a child from the local authority in which the child is ordinarily resident following a child's removal from their home, in accordance with powers under Part V of the Children Act 1989, or where a local authority is required to provide a child with accommodation where, for example, they have been detained under section 38 of the Police and Criminal Evidence Act 1984. That power is disapplied where a child is accommodated by any of the bodies listed under section 61(4)(b). Amendment 188 extends that list of bodies to which the power under section 61(5) is disapplied. It inserts a reference to the Welsh Ministers and the Secretary of State and further bodies such as clinical commissioning groups, in addition to local authorities, local health boards and NHS trusts. This amendment will ensure that section 61 replicates the effect of the provision currently made by section 21(3) of the Children Act 1989, and that there is comprehensive equivalents in the provision between the Bill and those contained within the 1989 Act, which are not being repealed or disapplied in relation to Wales.

[142] **Amendment 189** is a technical amendment necessary as a consequence of amendment 188.

[143] **David Rees:** Thank you, Deputy Minister. Does any other Member wish to speak on these amendments? I see not, therefore I do not see the need for the Deputy Minister to reply. Deputy Minister, do you wish to proceed to a vote on amendment 188?

[144] **Gwenda Thomas:** Yes, please.

[145] **David Rees:** Before we move to a vote on amendment 188, Members will wish to be aware that if amendment 188 is not agreed, amendment 189 in this group and amendments 217 and 218 in group 69 will fall.

[146] The question is that amendment 188 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 188 is agreed.

*Derbyniwyd gwelliant 188 yn unol â Rheol Sefydlog 17.34.
Amendment 188 agreed in accordance with Standing Order 17.34.*

[147] **David Rees:** The question is that amendment 189 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 189 is agreed.

*Derbyniwyd gwelliant 189 yn unol â Rheol Sefydlog 17.34.
Amendment 189 agreed in accordance with Standing Order 17.34.*

**Grŵp 35: Dyletswyddau Awdurdodau Lleol mewn Perthynas â Phlant sy'n Derbyn
Gofal (Gwelliannau 127 a 482)**
**Group 35: Local Authorities' Duties in Relation to Looked-after Children (Amendments
127 and 482)**

[148] **David Rees:** The lead amendment in the group is amendment 127. I call on William Graham to move amendment 127 and speak to the amendments in this group.

[149] **William Graham:** I move amendment 127 in my name.

[150] This amendment relates to Part 6 of the Bill regarding looked-after children, which states that

[151] 'A local authority looking after any child must—

- (a) safeguard and promote the child's well-being, and
- (b) make such use of services available for children cared for by their own parents as appears to the authority reasonable in the child's case.'

[152] This amendment adds a third responsibility, which is that the local authority must act in the best interests of the child. Article 3 of the UN Convention on the Rights of the Child states that

[153] 'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.'

[154] The best interests of the child must be the primary concern in making decisions that may affect them. It is important that this key principle is in no way diluted by this Bill. Putting the principle on the face of the Bill would ensure that it is in line with article 3 of the UN convention, and makes it explicit that a local authority must act in the best interests of the child.

[155] **David Rees:** Thank you, William. Elin, do you wish to speak?

[156] **Elin Jones:** Hoffwn siarad i welliant 482 yn fy enw i. Mae'r gwelliant hwn yn un o'r gwelliannau mewn cyfres o welliannau sydd yn fy enw i yn y Bil hwn sydd yn edrych i hyrwyddo a sicrhau bod gwasanaethau ar gael yn y Gymraeg yn ogystal â'r Saesneg i bobl sy'n derbyn gwasanaethau. Mae'r gwelliant hwn yn benodol iawn yn diogelu sefyllfa'r plentyn sydd angen gofal ac, os mai'r iaith Gymraeg yw iaith gyntaf y plentyn hwnnw, yn diogelu bod anghenion penodol y plentyn hwnnw yn cael eu diwallu drwy gyfrwng y Gymraeg.

Elin Jones: I wish to speak to amendment 482 in my name. This amendment is one of a series of amendments in my name in this Bill that seek to promote and ensure that services are available through the medium of Welsh as well as through the medium of English for people receiving services. This amendment very specifically safeguards the situation of the child in need of care and, if Welsh is the first language of that child, safeguards that the child's specific needs are met through the medium of Welsh.

[157] **David Rees:** Thank you, Elin. Does any other Member wish to speak? I see not, therefore I call on the Deputy Minister.

[158] **Gwenda Thomas:** Amendment 127 inserts a new paragraph at subsection 62(1) to require local authorities to act in the best interests of the child as part of their principal duty in relation to looked-after children. There is a parallel between this amendment and amendment 112 to section 14, also tabled by William Graham, which was not agreed at the earlier meeting of this committee. I believe that amendment 127 could have a negative effect on this section of the Bill, as it would undermine the absolute duty under section 62(1)(a) to safeguard and promote a child's wellbeing. A child's best interests is already embedded at the heart of the duty to safeguard a child. I cannot think of any occasion where that would not be the case. As such, I believe that this amendment is unnecessary and would result in a loss of clarity in the principal duty itself.

[159] In addition, the child's best interests will be demonstrated through the care and support plan of a local authority, which would include wellbeing outcomes that reflect their wishes and feelings. I therefore cannot support this amendment.

10:15

[160] Gan droi at welliant 482 a gyflwynwyd gan Elin Jones, mae hwn yn ceisio diwygio adran 62(3)(b) o'r Bil, sydd yn rhoi dyletswydd ar awdurdod lleol i roi sylw i argyhoeddiad crefyddol, tarddiad hiliol a chefnidir diwylliannol ac ieithyddol plentyn y mae'n gofalu amdano. Mae'r gwelliant yn ceisio cynnwys cyfeiriad at blentyn y mae'r Gymraeg yn iaith gyntaf iddo. Er fy mod yn siŵr mae bwriad gwelliant 482 yw sicrhau bod ystyriaeth benodol yn cael ei rhoi i'r Gymraeg cyn gwneud unrhyw benderfyniadau mewn perthynas â'r plant hyn, nid dyna'r effaith y byddai'r gwelliant hwn yn ei gael. Pe byddai'r gwelliant hwn yn cael ei dderbyn, yna fe fyddai dyletswydd ar awdurdodau lleol i roi sylw arbennig i'r materion hynny mewn perthynas â phlant y mae'r awdurdodau lleol yn gofalu amdanynt y mae'r Gymraeg yn iaith gyntaf iddynt. I bob pwrpas, byddai hynny yn nodi mewn deddfwriaeth sylfaenol bod cefndir crefyddol, hiliol, diwylliannol ac ieithyddol y siaradwyr Cymraeg y mae'r awdurdodau lleol yn gofalu amdanynt yn fwy pwysig na chefnidir plant y mae Saesneg, Pwyleg, Gujarati neu unrhyw iaith arall ar wahân i'r Gymraeg yn iaith gyntaf iddynt. Wrth feddwl am yr effaith y bwriedir i'r gwelliant hwn ei gael, fe fyddai o leiaf yn rhoi'r Gymraeg uwchlaw pob iaith arall wrth ystyried cefndir ieithyddol ac mae hynny'n mynd yn groes i bolisi'r Llywodraeth hon, Deddf yr Iaith Gymraeg 1993 a Mesur y Gymraeg (Cymru) 2011—mae'r rhain i gyd yn datgan y dylai'r Gymraeg a'r Saesneg gael eu trin yn gyfartal, sef rhywbeth yr ydym eisoes wedi ei drafod dan grŵp 10. Mae adran 59 o'r Bil yn rhoi dyletswydd ar awdurdodau lleol i sicrhau digon o lety i ddiwallu anghenion amrywiol blant sydd yn derbyn gofal yn eu hardaloedd. Fel y trafodwyd eisoes yn ystod y drafodaeth ar grŵp 10, mae iaith yn un o'n hanghenion, pa iaith bynnag fo honno, ac, felly, byddai angen ystyried yr iaith honno fel rhan o'r ddyletswydd o dan adran 59 o'r Bil.

[161] Er fy mod yn deall yn iawn yr egwyddor sydd yn sail i'r gwelliannau hyn, fel yr wyf eisoes wedi nodi, fe fyddai'r rhain yn cael effaith niweidiol ar y brif ddyletswydd mewn perthynas â phlant sydd

Turning to amendment 482 tabled by Elin Jones, this seeks to amend section 62(3)(b) of the Bill, which places a duty on a local authority to have regard to the religious persuasion, racial origin and cultural and linguistic background of a child whom it is looking after. The amendment seeks to include a reference to a child whose first language is Welsh. While I am sure that the intention of amendment 482 is to ensure that specific consideration is given to the Welsh language before any decisions are made in relation to these children, that is not the effect that this amendment would have. Should this amendment be accepted, local authorities would be under a duty to have particular regard to those matters in relation to first-language Welsh-speaking looked-after children. To all intents and purposes, that would note in primary legislation that the religious, racial, cultural, and linguistic background of Welsh-speaking looked-after children is more important than the backgrounds of children whose first language is English, Polish, Gujarati or any other language than Welsh. Looking at the impact intended by this amendment, it would at least place the Welsh language above all others when it comes to the consideration of linguistic background, and that contravenes the policy of the Welsh Government, the Welsh Language Act 1993 and the Welsh Language (Wales) Measure 2011, all of which state that Welsh and English should be treated equally, which is something that we have already discussed in group 10. Section 59 of the Bill requires local authorities to ensure sufficient accommodation to meet the differing needs of looked-after children in their areas. As we have already discussed in our debate on group 10, language is a need, whatever that language may be, and, as such would need to be considered as part of the duty under section 59 of the Bill.

[162] Although I understand the spirit of these amendments, as I have already noted, the effect that they would have would be detrimental to the principal duty in relation to looked-after children under section 62 of the

yn derbyn gofal o dan adran 62 o'r Bil. Felly, Bill. Therefore, I urge Members not to rwyf yn annog yr Aelodau i beidio â support these amendments. chefnogi'r gwelliannau hyn.

[163] **David Rees:** William, do you wish to reply to the debate?

[164] **William Graham:** If I may, Chair. First of all, I thank the Deputy Minister for her remarks on article 3, but we would wish to push this amendment to a vote. Article 3 is well understood. In terms of amendment 482, we agree with the comments made by the Deputy Minister.

[165] **David Rees:** Thank you. Therefore, you do wish to proceed to a vote on amendment 127.

[166] **William Graham:** Yes, please.

[167] **David Rees:** The question is that amendment 127 be agreed to. Does any Member object? We have an objection, therefore I will take a vote by show of hands.

Gwelliant 127: O blaid 5, Ymatal 0, Yn erbyn 5.

Amendment 127: For 5, Abstain 0, Against 5.

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 127.
Amendment 127 not agreed.*

*Cynigiwyd gwelliant 518.
Amendment 518 moved.*

[168] **David Rees:** The question is that amendment 518 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 518 is agreed.

*Derbyniwyd gwelliant 518 yn unol â Rheol Sefydlog 17.34.
Amendment 518 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 435.
Amendment 435 moved.*

[169] **David Rees:** The question is that amendment 435 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 435 is agreed.

Derbyniwyd gwelliant 435 yn unol â Rheol Sefydlog 17.34.
Amendment 435 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 519.
Amendment 519 moved.

[170] **David Rees:** The question is that amendment 519 be agreed to. Does any Member object? There are no objections, therefore amendment 519 is agreed.

Derbyniwyd gwelliant 519 yn unol â Rheol Sefydlog 17.34.
Amendment 519 agreed in accordance with Standing Order 17.34.

[171] **David Rees:** Elin, would you like to move amendment 482?

[172] **Elin Jones:** I move amendment 482 in my name.

[173] **David Rees:** The question is that amendment 482 be agreed to. Does any Member object? I have an objection, therefore I will take a vote by show of hands.

Gwelliant 482: O blaid 3, Ymatal 0, Yn erbyn 7.
Amendment 482: For 3, Abstain 0, Against 7.

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

Jones, Elin
 Whittle, Lindsay
 Williams, Kirsty

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

Andrews, Leighton
 Evans, Rebecca
 Graham, William
 Millar, Darren
 Neagle, Lynne
 Price, Gwyn R.
 Rees, David

Gwrthodwyd gwelliant 482.
Amendment 482 not agreed.

Cynigiwyd gwelliant 436.
Amendment 436 moved.

[174] **David Rees:** The question is that amendment 436 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection, therefore amendment 436 is agreed.

Derbyniwyd gwelliant 436 yn unol â Rheol Sefydlog 17.34.
Amendment 436 agreed in accordance with Standing Order 17.34.

Grŵp 36: Y Ffyrdd y mae Plant sy'n Derbyn Gofal i'w Lletya a'u Cynnal
(Gwelliannau 190, 191, 192, 193, 194, 198 a 199)

Group 36: Ways in which Looked-after Children are to be Accommodated
and Maintained (Amendments 190, 191, 192, 193, 194, 198 and 199)

[175] **David Rees:** The lead amendment in the group is amendment 190. I move amendment 190 in the name of the Deputy Minister and call on the Deputy Minister to speak to the amendments in this group.

[176] **Gwenda Thomas:** Thank you, Chair. I am bringing forward these amendments to tackle the issue of placement delay for looked-after children for whom adoption is the long-

term plan without the potential risk of adverse effect on the child or prospective adopters. The issue has been raised by both stakeholders and the Children and Young People Committee during Stage 1 scrutiny as something they wish to see within the Bill. Amendments 190 to 194 make changes to section 65 that provide for the ways in which looked-after children are to be accommodated and maintained. The amendments seek to bring about changes to subsection (10) and (11) of section 65 in particular.

[177] The amendments will enable looked-after children to be placed with matched approved prospective adopters at an earlier stage in the adoption process. They will also allow the term 'prospective adopter' to encompass those persons who have been approved by an adoption agency, not just a local authority. At present, in order for a child to be placed with an approved and matched prospective adopter prior to an adoption order, individuals are required to undergo a further series of lengthy assessments in order to also be registered as a local authority foster parent. This, I believe, is not only arbitrary and bureaucratic but also a duplication of assessments, which is unnecessary and costly.

[178] Most importantly, however, the current system delays the point at which a child can be placed in a stable and long-term family environment. These amendments seek to reduce the delay in the placement of children in such cases, thereby ensuring earlier placement with their adoptive parents under a fostering-to-adopt placement and avoiding the need for changes of placement for the child. The relevant prospective adopters would be able to receive the same sort of entitlements as regular local-authority-approved foster carers, including support and any appropriate fees.

[179] Amendment 199 in this group will include a reference to prospective adopters under section 65(13). This will ensure that local authorities retain the ability to determine the terms of any arrangements made under section 65(11) in relation to a looked-after child. In doing so, it also differentiates between local authority foster parents and prospective adopters in any such arrangements. This amendment is a necessary safeguard, which allows local authority discretion in the placement of a child. Amendment 198 is a technical amendment, required as a consequence of amendment 199. Taken together, these amendments are an essential part of my overall aim to increase the pace of adoption, reducing the delay in stable placements while also ensuring the necessary safeguards are in place.

[180] I therefore urge Members to support all of the amendments in this group.

[181] **David Rees:** Does any other Member wish to speak? No? Then I will not call the Deputy Minister to reply. Deputy Minister, do you wish to proceed to a vote on amendment 190?

[182] **Gwenda Thomas:** Yes, please.

[183] **David Rees:** Before we move to the vote on amendment 190, Members will wish to be aware that, if amendment 190 is not agreed, amendments 191, 192, 193 and 194 in this group, and amendment 214 in group 61, will fall.

[184] The question is that amendment 190 be agreed to. Does any Member object? There is no objection, therefore amendment 190 is agreed.

Derbyniwyd gwelliant 190 yn unol â Rheol Sefydlog 17.34.

Amendment 190 agreed in accordance with Standing Order 17.34.

David Rees: Before we move to the vote on amendment 191, if amendment 191 is not agreed, amendment 214 will fall.

Cynigiwyd gwelliant 191.
Amendment 191 moved.

[185] **David Rees:** The question is that amendment 191 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection, therefore amendment 191 is agreed.

Derbyniwyd gwelliant 191 yn unol â Rheol Sefydlog 17.34.
Amendment 191 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 192.
Amendment 192 moved.

[186] **David Rees:** The question is that amendment 192 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection, therefore amendment 192 is agreed.

Derbyniwyd gwelliant 192 yn unol â Rheol Sefydlog 17.34.
Amendment 192 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 193.
Amendment 193 moved.

[187] **David Rees:** The question is that amendment 193 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection, therefore amendment 193 is agreed.

Derbyniwyd gwelliant 193 yn unol â Rheol Sefydlog 17.34.
Amendment 193 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 194.
Amendment 194 moved.

[188] **David Rees:** The question is that amendment 194 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection, therefore amendment 194 is agreed.

Derbyniwyd gwelliant 194 yn unol â Rheol Sefydlog 17.34.
Amendment 194 agreed in accordance with Standing Order 17.34.

Grŵp 37: Diffiniadau (Rhan 6 o'r Bil) (Gwelliannau 195 a 200) **Group 37: Definitions (Part 6 of the Bill) (Amendments 195 and 200)**

[189] **David Rees:** The lead amendment in this group is amendment 195. I move amendment 195 in the name of the Deputy Minister and I call on the Deputy Minister to speak to the amendments in this group.

[190] **Gwenda Thomas:** Thank you, Chair. This is another group of technical changes, but is no less important for that. The purpose of amendment 195 is to provide a definition of 'adoption agency' in this Bill, and this has the same meaning as that provided for in the Adoption and Children Act 2002. Such continuity will assist practitioners and prospective adopters alike by making the law as simple as possible in this area. Amendment 200 needs to be read together with amendment 224, which we will consider later in proceedings. It is currently in group 74. The purpose of amendment 200 is to remove the definition of 'local authority foster parent' from section 65. Amendment 224 will then seek to reinsert it into the

list of definitions under section 166 of the Bill. This approach is being taken as the term appears more than once in the Bill.

[191] **David Rees:** Does anyone wish to speak on this group? No? Then I will not ask the Deputy Minister to respond. Deputy Minister, do you wish to proceed to a vote on amendment 195?

[192] **Gwenda Thomas:** Yes, please.

[193] **David Rees:** The question is that amendment 195 be agreed to. Does any Member object? There are no objections, therefore amendment 195 is agreed.

Derbyniwyd gwelliant 195 yn unol â Rheol Sefydlog 17.34.
Amendment 195 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 196.
Amendment 196 moved.

[194] **David Rees:** The question is that amendment 196 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 196 is agreed.

Derbyniwyd gwelliant 196 yn unol â Rheol Sefydlog 17.34.
Amendment 196 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 197.
Amendment 197 moved.

[195] **David Rees:** The question is that amendment 197 be agreed to. Does any Member object? There are no objections, therefore amendment 197 is agreed.

Derbyniwyd gwelliant 197 yn unol â Rheol Sefydlog 17.34.
Amendment 197 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 198.
Amendment 198 moved.

[196] **David Rees:** The question is that amendment 198 be agreed to. Does any Member object? There are no objections, therefore amendment 198 is agreed.

Derbyniwyd gwelliant 198 yn unol â Rheol Sefydlog 17.34.
Amendment 198 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 199.
Amendment 199 moved.

[197] **David Rees:** The question is that amendment 199 be agreed to. Does any Member object? There are no objections, therefore amendment 199 is agreed.

Derbyniwyd gwelliant 199 yn unol â Rheol Sefydlog 17.34.
Amendment 199 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 200.
Amendment 200 moved.

[198] **David Rees:** The question is that amendment 200 be agreed to. Does any Member object? There are no objections, therefore amendment 200 is agreed.

*Derbyniwyd gwelliant 200 yn unol â Rheol Sefydlog 17.34.
Amendment 200 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 520.
Amendment 520 moved.*

[199] **David Rees:** The question is that amendment 520 be agreed to. Does any Member object? There are no objections, therefore amendment 520 is agreed.

*Derbyniwyd gwelliant 520 yn unol â Rheol Sefydlog 17.34.
Amendment 520 agreed in accordance with Standing Order 17.34.*

[200] **David Rees:** We have come to the point where we will move on to group 38 and, at this point, I have decided that we shall have a break.

*Gohiriwyd y cyfarfod rhwng 10:27 a 10:39
The meeting adjourned between 10:27 and 10:39*

[201] **David Rees:** Welcome back everybody. I hope that you have all taken the opportunity to have some refreshments.

Grŵp 38: Cynlluniau Gofal a Chymorth (Rhan 6 o'r Bil) (Gwelliannau 437, 438, 201, 439, 440 a 441)
Group 38: Care and Support Plans (Part 6 of the Bill) (Amendments 437, 438, 201, 439, 440 and 441)

[202] **David Rees:** The lead amendment in this group is amendment 437. I move amendment 437 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to the amendments in this group.

[203] **Gwenda Thomas:** Thank you, Chair. Earlier this morning, this committee considered and agreed amendment 427 in group 26. This amendment was a technical drafting amendment to clarify intent. This made it clear that regulations under section 38(4) must make provision for the revision, as well as the review, of plans under section 38. Amendments 437, 438, 439, 440 and 441 are all consequential to amendment 427, which, in itself, is a technical drafting amendment. They make changes to the Bill necessary because of the change already agreed by amendment 427. Turning to the substantive amendment in this group, amendment 201, this seeks to achieve my policy intent that local authorities should not be required to prepare multiple plans for looked-after children.

[204] If this amendment is supported, relevant information contained within a care and support plan prepared under section 67 of the Bill will be capable of extraction in order to formulate the care plan provided to the court under section 31A of the Children Act 1989. This amendment will assist in the Bill achieving its aim of integrating social services law by avoiding any duplication in the preparation of necessary care plans. I trust, therefore, that Members will support the amendments in this group.

[205] **David Rees:** Thank you, Deputy Minister. Does any other Member wish to speak? No? Therefore, I will not call the Deputy Minister to respond. Deputy Minister, do you wish to proceed to a vote on amendment 437?

[206] **Gwenda Thomas:** Yes, please.

[207] **David Rees:** The question is that amendment 437 be agreed to. Does any Member object? There is no objection. Therefore, amendment 437 is agreed.

Derbyniwyd gwelliant 437 yn unol â Rheol Sefydlog 17.34.
Amendment 437 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 438.
Amendment 438 moved.

[208] **David Rees:** The question is that amendment 438 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 438 is agreed.

Derbyniwyd gwelliant 438 yn unol â Rheol Sefydlog 17.34.
Amendment 438 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 201.
Amendment 201 moved.

[209] **David Rees:** The question is that amendment 201 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 201 is agreed.

Derbyniwyd gwelliant 201 yn unol â Rheol Sefydlog 17.34.
Amendment 201 agreed in accordance with Standing Order 17.34.

[210] **David Rees:** I propose that amendments 439 to 441, which appear consecutively on the marshalled list, be disposed of en bloc given their nature. Does any Member object to this? There is no objection.

Cynigiwyd gwelliannau 439, 440 a 441.
Amendments 439, 440 and 441 moved.

[211] **David Rees:** The question is that amendments 439, 440 and 441 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendments 439, 440 and 441 are agreed.

Derbyniwyd gwelliannau 439, 440 a 441 yn unol â Rheol Sefydlog 17.34.
Amendments 439, 440 and 441 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 297.
Amendment 297 moved.

[212] **David Rees:** The question is that amendment 297 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 297 is agreed.

Derbyniwyd gwelliant 297 yn unol â Rheol Sefydlog 17.34.
Amendment 297 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 532.
Amendment 532 moved.

[213] **David Rees:** The question is that amendment 532 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 532 is agreed.

*Derbyniwyd gwelliant 532 yn unol â Rheol Sefydlog 17.34.
Amendment 532 agreed in accordance with Standing Order 17.34.*

[214] **David Rees:** I propose that amendments 533, 551, 534, 535 and 552, which appear consecutively on the marshalled list, be disposed of en bloc given their nature. Does any Member object to this? There is no objection.

*Cynigiwyd gwelliannau 533, 551, 534, 535 a 552.
Amendments 533, 551, 534, 535 and 552 moved.*

[215] **David Rees:** The question is that amendments 533, 551, 534, 535 and 552 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendments 533, 551, 534, 535 and 552 are agreed.

*Derbyniwyd gwelliannau 533, 551, 534, 535 a 552 yn unol â Rheol Sefydlog 17.34.
Amendments 533, 551, 534, 535 and 552 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 536.
Amendment 536 moved.*

[216] **David Rees:** The question is that amendment 536 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 536 is agreed.

*Derbyniwyd gwelliant 536 yn unol â Rheol Sefydlog 17.34.
Amendment 536 agreed in accordance with Standing Order 17.34.*

**Grŵp 39: Cyflwyno Hysbysiad Cyfrannu mewn perthynas â Phlentyn sy'n Derbyn
Gofal (Gwelliant 231)
Group 39: Service of Contribution Notice in relation to a Looked-after Child
(Amendment 231)**

[217] **David Rees:** The lead and only amendment in this group is amendment 231. I move amendment 231 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to amendment 231.

[218] **Gwenda Thomas:** Thank you, Chair. The effect of amendment 231 is to provide further information regarding the way in which a contribution notice may be served on a person liable to make a contribution towards the costs of the maintenance of a looked-after child. Provisions about contributions towards the cost of maintaining a looked-after child are contained in Schedule 1 to the Bill, as introduced by section 69. This amendment preserves the effect of subsection 105(8) and paragraph 105(10)(c) of the Children Act 1989 in relation to notices served by local authorities in Wales. I ask Members to support amendment 231.

[219] **David Rees:** Does any other Member wish to speak? No? Therefore, I will not ask the Deputy Minister to respond. Deputy Minister, do you wish to proceed to a vote on amendment 231?

[220] **Gwenda Thomas:** Yes, please.

[221] **David Rees:** The question is that amendment 231 be agreed to. Does any Member

object? There is no objection. Therefore, amendment 231 is agreed.

Derbyniwyd gwelliant 231 yn unol â Rheol Sefydlog 17.34.

Amendment 231 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 521.

Amendment 521 moved.

[222] **David Rees:** The question is that amendment 521 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 521 is agreed.

Derbyniwyd gwelliant 521 yn unol â Rheol Sefydlog 17.34.

Amendment 521 agreed in accordance with Standing Order 17.34.

10:45

Grŵp 40: Rheoliadau ynghylch Rhieni Maeth Awdurdod Lleol (Gwelliannau 202, 203, 538, 204, 205 a 145)

Group 40: Regulations about Local Authority Foster Parents (Amendments 202, 203, 538, 204, 205 and 145)

[223] **David Rees:** The lead amendment in this group is amendment 202. I move amendment 202 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to the amendments in this group.

[224] **Gwenda Thomas:** Thank you, Chair. I will speak to my amendments—202, 203, 204, 205 and 145—in this group, as well as amendment 538, brought forward by Elin Jones. Amendments 202, 203, 204 and 205 form part of a group of amendments that give legal effect to my policy intention to provide for foster to adopt, which is a commitment that I gave during Stage 1 scrutiny. Amendments 202 to 204 insert specific references to prospective adopters throughout section 76, which contains the power to make regulations about the placing of children with local authority foster parents. The effect of these amendments is that any regulations made under this section would be able to make provision in relation to prospective adopters in addition to local authority foster parents. Amendment 205 provides a definition of ‘prospective adopter’ for the purpose of section 76, as a consequence to amendments 202, 203 and 204. This definition states that a prospective adopter is a person with whom a child has been placed under section 65(11), as amended by amendments 190 to 194, which were agreed by the committee under group 36. Following this committee’s agreement of amendments 190 to 194, and amendments 198 and 199, which were discussed earlier as part of group 36, amendments 202 and 205 ensure parity and consistency across the relevant provisions. As such, they are a vital part of the overall aim for foster-to-adopt and long-term-placement stability for children in these circumstances.

[225] Amendment 538, tabled by Elin Jones, is about ensuring that a child whose language of choice is Welsh is placed with a local authority foster parent whose first language is Welsh. I do not disagree with the intention behind this amendment, and Elin Jones will know that I share her commitment to, and support for, the vision of social care services in Welsh. However, I cannot support this amendment for the reason that I gave in our first meeting on 13 November, when we discussed Welsh-language issues in relation to other sections of the Bill. As I have previously set out, the focus of the Bill is to meet the specific needs of a person. Linguistic need is one component, and I would expect this to be dealt with as a specific need within the care and support process. During our discussions on group 1 on 13 November, this committee agreed amendment 407, which amended the overarching duty under section 4 and requires a person exercising any function under the Bill to have regard to

the characteristics, culture and beliefs of the individual, including language. In addition, section 59 requires local authorities to secure sufficient accommodation to meet the differing needs of looked-after children in their area. As was also discussed during the debate under group 10, language is a need, whatever that language may be. As such, it would need to be considered as part of the duty under section 59. For these reasons, I am of the view that this amendment is unnecessary and that it could potentially be damaging to the provision of a stable placement for these vulnerable children.

[226] Amendment 145 is a technical amendment to ensure consistency and parity with the approach to similar provisions for directions under sections 62(8) and 134(3) of the Bill. I therefore urge Members to support amendments 202, 203, 204, 205 and 145, and to oppose amendment 538, tabled by Elin Jones.

[227] **David Rees:** Thank you, Deputy Minister. Elin, do you wish to speak?

[228] **Elin Jones:** Diolch, Gadeirydd. Rwy'n siarad am welliant 538. Rwy'n derbyn yr hyn y mae'r Dirprwy Weinidog yn ei ddweud a'i bod yn cydnabod bod y Gymraeg, ac iaith, yn un o anghenion plentyn y dylid wastad ei hystyried, ond efallai ein bod yn anghytuno ar hyn o bryd ynglŷn â sut y mae gosod hynny ar wyneb y ddeddfwriaeth. O ran y gwelliant penodol hwn, rwy'n edrych i sicrhau bod plentyn sydd â'r Gymraeg yn ddewis iaith neu'n brif iaith iddo yn cael ei osod gyda rhieni maeth lle mae o leiaf un rhiant â'r Gymraeg fel eu hiaith gyntaf, ond rwyf hefyd yn dweud yn y gwelliant, wrth gwrs, 'lle bynnag y bo hynny'n bosibl'. Rwy'n derbyn na fyddai hynny'n bosibl ar bob achlysur, a dyna'r rheswm am ddweud yn y gwelliant y byddai hynny dim ond yn digwydd os yw'n bosibl. Fodd bynnag, rwy'n credu y dylid ystyried hynny a'i osod ar wyneb y Bil.

Elin Jones: Thank you, Chair. I am speaking to amendment 538. I accept the Deputy Minister's comments and that she does recognise the Welsh language and language in general as a specific need of a child that should always be taken into account, but perhaps we disagree at the moment as to how exactly that should be placed on the face of the Bill. In terms of this specific amendment, I am seeking to ensure that a child for whom Welsh is their language of choice or their main language is placed with local authority foster parents where at least one parent is a first-language Welsh speaker, but I also state in the amendment, of course, that this should be done 'where possible'. I accept that this will not be possible on every occasion and that is the reason for stating in the amendment that that would happen only where possible. However, I believe that this should be considered and placed on the face of the Bill.

[229] **David Rees:** Does any other Member wish to speak?

[230] **Lynne Neagle:** I just want to welcome amendment 202, in particular, and the step change that it will deliver in terms of fostering to adopt, which was something that the Children and Young People Committee was very much in support of.

[231] **David Rees:** Does any other Member wish to speak? No? Then, I call on the Deputy Minister to reply to the debate. I see that the Deputy Minister does not wish to reply.

[232] Before we move to a vote on amendment 202, you will wish to be aware that, if amendment 202 is not agreed, amendments 203, 204 and 205 will fall. The question is that amendment 202 be agreed to. Does any Member object? There is no objection. Therefore, amendment 202 is agreed.

Derbyniwyd gwelliant 202 yn unol â Rheol Sefydlog 17.34.

Amendment 202 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 203.
Amendment 203 moved.

[233] **David Rees:** The question is that amendment 203 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 203 is agreed.

Derbyniwyd gwelliant 203 yn unol â Rheol Sefydlog 17.34.
Amendment 203 agreed in accordance with Standing Order 17.34.

[234] **David Rees:** Elin, do you wish to move amendment 538?

[235] **Elin Jones:** I move amendment 538 in my name.

[236] **David Rees:** The question is that amendment 538 be agreed to. Does any Member object? We have an objection. Therefore, we will move to a vote by show of hands.

Gwelliant 538: O blaid 3, Ymatal 0, Yn erbyn 7.
Amendment 538: For 3, Abstain 0, Against 7.

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

Jones, Elin
 Whittle, Lindsay
 Williams, Kirsty

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

Andrews, Leighton
 Evans, Rebecca
 Graham, William
 Millar, Darren
 Neagle, Lynne
 Price, Gwyn R.
 Rees, David

Gwrthodwyd gwelliant 538.
Amendment 538 not agreed.

Cynigiwyd gwelliant 204.
Amendment 204 moved.

[237] **David Rees:** The question is that amendment 204 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 204 is agreed.

Derbyniwyd gwelliant 204 yn unol â Rheol Sefydlog 17.34.
Amendment 204 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 205.
Amendment 205 moved.

[238] **David Rees:** The question is that amendment 205 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 205 is agreed.

Derbyniwyd gwelliant 205 yn unol â Rheol Sefydlog 17.34.
Amendment 205 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 143.
Amendment 143 moved.

[239] **David Rees:** The question is that amendment 143 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 143 is agreed.

Derbyniwyd gwelliant 143 yn unol â Rheol Sefydlog 17.34.
Amendment 143 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 442.
Amendment 442 moved.

[240] **David Rees:** The question is that amendment 442 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 442 is agreed.

Derbyniwyd gwelliant 442 yn unol â Rheol Sefydlog 17.34.
Amendment 442 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 144.
Amendment 144 moved.

[241] **David Rees:** The question is that amendment 144 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 144 is agreed.

Derbyniwyd gwelliant 144 yn unol â Rheol Sefydlog 17.34.
Amendment 144 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 145.
Amendment 145 moved.

[242] **David Rees:** The question is that amendment 145 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 145 is agreed.

Derbyniwyd gwelliant 145 yn unol â Rheol Sefydlog 17.34.
Amendment 145 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 146.
Amendment 146 moved.

[243] **David Rees:** The question is that amendment 146 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 146 is agreed.

Derbyniwyd gwelliant 146 yn unol â Rheol Sefydlog 17.34.
Amendment 146 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 206.
Amendment 206 moved.

[244] **David Rees:** The question is that amendment 206 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 206 is agreed.

*Derbyniwyd gwelliant 206 yn unol â Rheol Sefydlog 17.34.
Amendment 206 agreed in accordance with Standing Order 17.34.*

**Grŵp 41: Dyletswydd Awdurdodau Lleol i Sicrhau Ymweliadau a Chyswllt i Blant
(Gwelliant 207)
Group 41: Duty of Local Authorities to Ensure Visits and Contact for Children
(Amendment 207)**

[245] **David Rees:** The lead and only amendment in this group is amendment 207. I move amendment 207 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to the amendment.

[246] **Gwenda Thomas:** Thank you, Chair. Section 81 provides that a local authority must ensure visits and contact between a child whom it looks after or used to look after and a representative of the authority. This amendment will allow Welsh Ministers to prescribe in regulations additional categories of children to whom the duty on local authorities to ensure that visits take place and that contact is maintained should apply. The additional categories of children that I have in mind, while not currently or formerly looked-after children, may be considered vulnerable or may otherwise benefit from a visit and assessment on entering the secure estate and subsequently in preparation for their release and reintegration into the community. It is intended that this will assist in reducing reoffending. I also consider that this will, in conjunction with regulations that will be made under this section, help to clarify the role of local authorities in Wales in the context of the wider responsibilities of all of the agencies engaged with such children. Examples would include the secure estate in which the child has been placed, the broader local authority, local health boards and youth offending teams.

[247] **David Rees:** Does any Member wish to speak? No? Then, I will not call on the Deputy Minister to reply. The amendment has already been moved. Therefore, the question is that amendment 207 be agreed to. Does any Member object? There is no objection. Therefore, amendment 207 is agreed.

*Derbyniwyd gwelliant 207 yn unol â Rheol Sefydlog 17.34.
Amendment 207 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 443.
Amendment 443 moved.*

[248] **David Rees:** The question is that amendment 443 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 443 is agreed.

*Derbyniwyd gwelliant 443 yn unol â Rheol Sefydlog 17.34.
Amendment 443 agreed in accordance with Standing Order 17.34.*

**Grŵp 42: Rheoliadau sy'n Darparu ar gyfer Cynlluniau i Blant Mewn Llety a
Ddarperir ar ran Awdurdodau Lleol (Gwelliant 208)
Group 42: Regulations Making Provision for Plans for Children in Accommodation
Provided on Behalf of Local Authorities (Amendment 208)**

[249] **David Rees:** The lead and only amendment in the group is amendment 208. I move amendment 208 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to the amendment.

[250] **Gwenda Thomas:** This amendment will ensure that Welsh Ministers' power to make

regulations requiring plans for children provided with accommodation by a local authority under section 86(2)(f) is extended to include those children in accommodation that is being provided on behalf of a local authority, as well as for those for whom the local authority provides accommodation directly. The extension of Welsh Ministers' power, as proposed under this amendment, will ensure that plans are prepared by local authorities for children who are provided with accommodation on behalf of that local authority. This removes a gap in provision in this area, under the current draft of the Bill, and ensures that greater consideration of the accommodation and other needs of children looked after by local authorities will take place.

[251] **David Rees:** Do any Members wish to speak? If not, Deputy Minister, do you wish to proceed to a vote on amendment 208?

[252] **Gwenda Thomas:** Yes, please.

[253] **David Rees:** The question is that amendment 208 be agreed to. Are there any objections? There are no objections, therefore amendment 208 is agreed.

Derbyniwyd gwelliant 208 yn unol â Rheol Sefydlog 17.34.

Amendment 208 agreed in accordance with Standing Order 17.34.

**Grŵp 43: Pobl Ifanc sydd a'r Hawlogaeth i Gael Cymorth o dan Adrannau 89 i 96
(Gwelliannau 298, 299, 300, 302, 303, 307, 308, 309, 310, 313, 314, 315 a 316)
Group 43: Young People Entitled to Support Under Sections 89 to 96 (Amendments 298,
299, 300, 302, 303, 307, 308, 309, 310, 313, 314, 315 and 316)**

[254] **David Rees:** I move amendment 298, which is the lead amendment in this group, in the name of the Deputy Minister. I call on the Deputy Minister to speak to the amendments in this group.

[255] **Gwenda Thomas:** The Children Act 1989 is a substantial piece of legislation that has been amended many times over a period of more than 20 years. An unintended consequence of the many amendments that have developed and have enhanced local authorities' duties towards children in Part 3 of the Children Act 1989 is that they have resulted in legislation that, while comprehensive, is extremely complex. The purpose of each amendment in this group is to ensure that there is no erosion of the rights and entitlements owed to those children who are, or have been, looked after by a local authority. I can categorically reassure Members that I am satisfied that these amendments deliver my stated goal to—at the absolute minimum—maintain, and wherever possible, clarify children's rights under the Bill.

[256] Turning to the detail of the amendments, amendments 299 and 300 recognise the continuing duties of care and support that local authorities owe to 16 and 17-year-old children and young persons, and that these are founded upon the fact that they are, or have been, looked after, irrespective of whether that local authority care is in Wales or in England. This is the case under the Children Act 1989, and it is vital that we ensure that it remains so.

[257] Amendment 302 clarifies and restates the rights and entitlements of that group of children of two distinct groups of young people. First, those young people who are over the age of 18, but under the age of 21, and to whom a local authority owes duties to keep in touch to appoint a personal adviser and to prepare a pathway plan. Sections 23C(1), 23C(6) and 23C(7) of the Children Act 1989 previously provided for these young people. Secondly, those young people who are over the age of 18, but under the age of 25, and to whom a local authority owes duties to keep in touch to appoint a personal adviser and to prepare a pathway plan have expired but to have subsequently informed the local authority that they wish to re-connect in order to pursue a programme of education or training. Section 23CA of the

Children Act 1989 previously provided for these young people.

[258] Amendment 303 is directly consequential to amendment 302 and simply renames category 4. I know that we have had reservations about the word ‘category’, but we have not yet come up with anything better. The proposal is to rename ‘category 4 young persons’ to ‘category 5 young persons’, as a result of the redefining of the existing category 3 young persons into two separate groups.

[259] Amendment 307 is, again, consequential to amendment 302 and retains the existing rights and entitlements of those who are being looked after by a local authority. Section 24A of the Children Act 1989 previously provided for these young people who are described in section 24(1B) of that Act.

11:00

[260] Amendment 308 is directly consequential to amendment 302 and simply renames category 5 young persons as category 6, as a result of redefining the existing category 3 young persons into two separate groups, which now become category 3 and category 4. Amendment 309 is required to clarify that the responsibility for supporting these young persons rests with the local authority that was last responsible for looking after the child and is consistent with the Children Act 1989. Amendment 310 is required to recognise the full range of the organisations and functions under which children and young people could be accommodated. Amendments 313 to 316 relate to section 88 and are, again, consequential to amendments that I have outlined earlier relating to section 88. Similarly, amendment 298 is a technical amendment, consequential to amendments 341, 342, 343 and 362, which will be discussed as part of group 45. I ask Members to support these amendments, please.

[261] **David Rees:** Does any Member wish to speak?

[262] **Lynne Neagle:** May I just say something about this issue of categories? The Deputy Minister has recognised that the committee had concerns about that and the Deputy Minister referred to the fact that we have not come up with anything as yet, which implies that she is still looking at this area. It should not be beyond our wherewithal. What would be most worrying would be if front-line social services staff were referring to children as category 1 or category 2. So, I hope that we will be able to ensure, through guidance or whatever, that that does not happen.

[263] **Gwenda Thomas:** I want to try to ensure that we will be using alternative wording in the code of practice.

[264] **David Rees:** Does any other Member wish to speak?

[265] **Lindsay Whittle:** Just to place it on the record, I want to speak in favour of the principle of providing support to looked-after children beyond the age of 18. It is what every family in Wales does, by and large, and the Government will have our full support on this; that is all.

[266] **David Rees:** Does any other Member wish to speak? No. Deputy Minister, do you wish to add anything else?

[267] **Gwenda Thomas:** Just to thank Members for those comments, and I will be considering what Lindsay Whittle has said.

[268] **David Rees:** Do you wish to proceed to a vote on amendment 298?

[269] **Gwenda Thomas:** Yes, please.

[270] **David Rees:** The question is that amendment 298 be agreed to. Does any Member object? There is no objection, therefore amendment 298 is agreed.

Derbyniwyd gwelliant 298 yn unol â Rheol Sefydlog 17.34.
Amendment 298 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 299.
Amendment 299 moved.

[271] **David Rees:** The question is that amendment 299 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 299 is agreed.

Derbyniwyd gwelliant 299 yn unol â Rheol Sefydlog 17.34.
Amendment 299 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 300.
Amendment 300 moved.

[272] **David Rees:** The question is that amendment 300 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 300 is agreed.

Derbyniwyd gwelliant 300 yn unol â Rheol Sefydlog 17.34.
Amendment 300 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 301.
Amendment 301 moved.

[273] **David Rees:** The question is that amendment 301 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 301 is agreed.

Derbyniwyd gwelliant 301 yn unol â Rheol Sefydlog 17.34.
Amendment 301 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 302.
Amendment 302 moved.

[274] **David Rees:** The question is that amendment 302 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 302 is agreed.

Derbyniwyd gwelliant 302 yn unol â Rheol Sefydlog 17.34.
Amendment 302 agreed in accordance with Standing Order 17.34.

[275] **David Rees:** Before we come to dispose of amendment 303, you should be aware that, if amendment 303 is not agreed, amendment 392 in group 62 will fall.

Cynigiwyd gwelliant 303.
Amendment 303 moved.

[276] **David Rees:** The question is that amendment 303 in the name of the Deputy Minister

be agreed to. Does any Member object? There are no objections, therefore amendment 303 is agreed.

Derbyniwyd gwelliant 303 yn unol â Rheol Sefydlog 17.34.
Amendment 303 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 304.
Amendment 304 moved.

[277] **David Rees:** The question is that amendment 304 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 304 is agreed.

Derbyniwyd gwelliant 304 yn unol â Rheol Sefydlog 17.34.
Amendment 304 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 306.
Amendment 306 moved.

[278] **David Rees:** The question is that amendment 306 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 306 is agreed.

Derbyniwyd gwelliant 306 yn unol â Rheol Sefydlog 17.34.
Amendment 306 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 305.
Amendment 305 moved.

[279] **David Rees:** The question is that amendment 305 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 305 is agreed.

Derbyniwyd gwelliant 305 yn unol â Rheol Sefydlog 17.34.
Amendment 305 agreed in accordance with Standing Order 17.34.

[280] **David Rees:** Before we move to proceed of amendment 307, you should be aware that, if amendment 307 is not agreed, amendments 391, 393 and 394 in group 62 will fall.

Cynigiwyd gwelliant 307.
Amendment 307 moved.

[281] **David Rees:** The question is that amendment 307 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 307 is agreed.

Derbyniwyd gwelliant 307 yn unol â Rheol Sefydlog 17.34.
Amendment 307 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 308.
Amendment 308 moved.

[282] **David Rees:** The question is that amendment 308 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 308 is agreed.

Derbyniwyd gwelliant 308 yn unol â Rheol Sefydlog 17.34.
Amendment 308 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 309.
Amendment 309 moved.

[283] **David Rees:** The question is that amendment 309 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 309 is agreed.

Derbyniwyd gwelliant 309 yn unol â Rheol Sefydlog 17.34.
Amendment 309 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 310.
Amendment 310 moved.

[284] **David Rees:** The question is that amendment 310 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 310 is agreed.

Derbyniwyd gwelliant 310 yn unol â Rheol Sefydlog 17.34.
Amendment 310 agreed in accordance with Standing Order 17.34.

Grŵp 44: Dehongli (Rhan 6 o'r Bil) (Gwelliant 209) **Group 44: Interpretation (Part 6 of the Bill) (Amendment 209)**

[285] **David Rees:** The lead and only amendment in this group is amendment 209. I move amendment 209 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to the amendment.

[286] **Gwenda Thomas:** Amendment 209 will help achieve one of the Bill's core aims, which is to create integrated social care law by drawing upon existing definitions wherever possible, on the basis that these are already understood and supported by practitioners and people who are in need of care and support. Members will have seen from my letter of 20 May the table of definitions, which shows how the provision of the Children Act 1989 will be re-enacted in this Bill. This amendment provides for the important definition of 'privately fostered child' within the Children Act 1989 to be incorporated into the Bill by reference to section 66 of that Act within section 88 of the Bill. I ask Members to support this amendment today.

[287] **David Rees:** Do any Members wish to speak? No; therefore we will move to a vote on amendment 209. The question is that amendment 209 be agreed to. Does any Member object? There is no objection, therefore amendment 209 is agreed.

Derbyniwyd gwelliant 209 yn unol â Rheol Sefydlog 17.34.
Amendment 209 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 311.
Amendment 311 moved.

[288] **David Rees:** The question is that amendment 311 be agreed to. Does any Member object? There is no objection, therefore amendment 311 is agreed.

Derbyniwyd gwelliant 311 yn unol â Rheol Sefydlog 17.34.

Amendment 311 agreed in accordance with Standing Order 17.34.

*Cynigiwyd gwelliant 312.
Amendment 312 moved.*

[289] **David Rees:** The question is that amendment 312 be agreed to. Does any Member object? There is no objection, therefore amendment 312 is agreed.

*Derbyniwyd gwelliant 312 yn unol â Rheol Sefydlog 17.34.
Amendment 312 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 313.
Amendment 313 moved.*

[290] **David Rees:** The question is that amendment 313 be agreed to. Does any Member object? There is no objection, therefore amendment 313 is agreed.

*Derbyniwyd gwelliant 313 yn unol â Rheol Sefydlog 17.34.
Amendment 313 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 314.
Amendment 314 moved.*

[291] **David Rees:** The question is that amendment 314 be agreed to. Does any Member object? There is no objection, therefore amendment 314 is agreed.

*Derbyniwyd gwelliant 314 yn unol â Rheol Sefydlog 17.34.
Amendment 314 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 315.
Amendment 315 moved.*

[292] **David Rees:** The question is that amendment 315 be agreed to. Does any Member object? There is no objection, therefore amendment 315 is agreed.

*Derbyniwyd gwelliant 315 yn unol â Rheol Sefydlog 17.34.
Amendment 315 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 316.
Amendment 316 moved.*

[293] **David Rees:** The question is that amendment 316 be agreed to. Does any Member object? There is no objection, therefore amendment 316 is agreed.

*Derbyniwyd gwelliant 316 yn unol â Rheol Sefydlog 17.34.
Amendment 316 agreed in accordance with Standing Order 17.34.*

**Grŵp 45: Cymorth a Ddarperir i Gategoriâu o Bobl Ifanc a Ddiffinnir yn Adran 88
(Gwelliannau 317, 318, 320, 321, 322, 323, 324, 328, 329, 331, 333, 334, 338, 340, 341,
342, 343, 344, 346, 348, 349, 354, 355, 356, 357, 360, 361, 362, 363, 210, 367, 368, 369, 370,
371, 372, 375 a 396)**

**Group 45: Support Provided to Categories of Young People Defined in Section 88
(Amendments 317, 318, 320, 321, 322, 323, 324, 328, 329, 331, 333, 334, 338, 340, 341,
342, 343, 344, 346, 348, 349, 354, 355, 356, 357, 360, 361, 362, 363, 210, 367, 368, 369, 370,
371, 372, 375 and 396)**

[294] **David Rees:** The lead amendment in this group is amendment 317. I move amendment 317 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to the amendments in this group.

[295] **Gwenda Thomas:** This group contains 38 separate amendments, so with the committee's agreement, I propose to cluster the amendments into themes. Each of the amendments under this group shares the same underlying purpose as that I set out in my explanation of the amendments contained in group 43. That is to ensure that, in line with my stated expectation, there will be no erosion of the rights and entitlements owed to children who are being, or who have been, looked-after by a local authority. Again, I can categorically reassure Members that I am satisfied that these amendments deliver my stated goal, which is, at the absolute minimum, to maintain and, whenever possible, clarify these children's rights and entitlements under the Bill.

[296] Through each of the amendments, we have also been able to structure the Bill to provide greater clarity and consistency of entitlement by distinguishing for each of the distinct groups of young people their rights and entitlements to support and assistance.

[297] Turning to the detail of the amendments, amendment 317 removes the provision by which local authorities can disregard an interruption to a young person's programme of education or training, if the local authority is satisfied that the young person proposes to resume that programme as soon as reasonably practical. This ensures that young people are provided with the fullest opportunities to achieve their wellbeing outcomes.

[298] However, this provision has not been lost and has been restated through amendments 341, 343 and 357, and as part of amendment 361. To reflect our approach to deliver improved clarity and consistency, amendments 320, 323, 328, 333 and 334 ensure the relevant cross-reference and connectivity between these provisions. Committee members have agreed, as part of group 43, the refined definition under section 88 of those young people who are being, or who have been, looked after by a local authority.

[299] Amendments 338, 340, 342, 344, 346, 348, 349, 355 and 361 are consequent to those amendments, and are required to clarify the local authority's duties and the matters that they must take into account in supporting young people.

[300] Amendments 321, 322, 329, 331 and 356 are also consequential, and ensure the relevant cross-reference and connectivity between these provisions.

[301] One element of local authority support is its duty to assist young people who are or have been in care to pursue higher education. Amendments 340 and 360 remove the regulation-related provisions under sections 93(3), 93(6) and 94(8), and restate these through amendment 362.

[302] Amendment 354 will provide greater flexibility for local authorities by removing the limitation on the local authority to support young people by providing accommodation or cash only in exceptional circumstances. Amendment 210 clarifies the Welsh Minister's powers to

apply and/or modify the provisions of Parts 5 to 6. This is consistent with the commitments that I have made to the committee in respect of our policy on the imposition of charges for 16 and 17-year-olds, when we discussed this matter under group 28. Amendment 363 is a consequential amendment to ensure effective connectivity across the Bill. Amendments 367 and 368 relate to section 96 and ensure the relevant cross-reference and connectivity across the Bill. Amendment 396 similarly provides connectivity by ensuring that the provision of section 162, under which local authorities can recover costs, fully reflect the amendments to Part 6. Amendments 369 to 372 and amendment 375 specify the full range of organisations and functions under which children and young people can be accommodated. These mirror the organisations that committee members agreed should be specified in section 88 through amendment 310, which was discussed earlier as part of group 43.

[303] There are a number of stand-alone amendments. Amendment 324 removes the regulation-making power in section 94 to enable other categories of young people to have a personal adviser. This is an unnecessary duplicate provision. The outcome will be achieved by virtue of section 88(7) as amended by amendment 318.

[304] In closing, I assure the committee once again that these amendments do not dilute the rights and entitlements owed to these young people, and I invite you to accept them.

[305] **David Rees:** Thank you, Deputy Minister. Does any Member wish to speak?

[306] **Lindsay Whittle:** On group 45, Chair, I would again like to reiterate that I speak in favour of the principle of providing support to looked-after children beyond the age of 18 so that we ensure that local authorities can be corporate parents and continue with support once a child has reached the age of 18 and beyond. In particular, the support given to young people by their parents can extend, as we all know, well into their 20s if they are in full-time education—I speak from personal experience, as I am sure that other Members here will as well. I passionately believe that looked-after children should also be entitled to similar support, so this has my party's full backing.

[307] May I raise the issue of internship as a career entry, because your amendments do not make that clear? It is always about full-time education and university careers, so what could we do for internship, please? I think that that is fairly important.

[308] **Gwenda Thomas:** I would like to come back on that specific—. Sorry, Chair.

[309] **David Rees:** It is okay. First of all, I should ask whether any other Member wishes to speak. No? Deputy Minister, you wished to comment.

[310] **Gwenda Thomas:** I would like to come back on the point of internship and to assure the Member that I will consider his comments very seriously as well.

[311] **David Rees:** Okay, thank you. Deputy Minister, do you wish to proceed to a vote on amendment 317?

[312] **Gwenda Thomas:** Yes, please.

[313] **David Rees:** The question is that amendment 317 be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 317 yn unol â Rheol Sefydlog 17.34.

Amendment 317 agreed in accordance with Standing Order 17.34.

[314] **David Rees:** We have a long sequence of votes coming up. You will note from my

previous sequence that I am intending to identify the amendment and ask whether you object as a matter of whether you wish to agree to the agreement or not. That is just to clarify the terminology.

Cynigiwyd gwelliant 318.
Amendment 318 moved.

[315] **David Rees:** The question is that amendment 318 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 318 yn unol â Rheol Sefydlog 17.34.
Amendment 318 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 319.
Amendment 319 moved.

[316] **David Rees:** The question is that amendment 319 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 319 yn unol â Rheol Sefydlog 17.34.
Amendment 319 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 320.
Amendment 320 moved.

[317] **David Rees:** The question is that amendment 320 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 320 yn unol â Rheol Sefydlog 17.34.
Amendment 320 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 321.
Amendment 321 moved.

[318] **David Rees:** The question is that amendment 321 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 321 yn unol â Rheol Sefydlog 17.34.
Amendment 321 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 322.
Amendment 322 moved.

[319] **David Rees:** The question is that amendment 322 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 322 yn unol â Rheol Sefydlog 17.34.
Amendment 322 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 323.
Amendment 323 moved.

[320] **David Rees:** The question is that amendment 323 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 323 yn unol â Rheol Sefydlog 17.34.
Amendment 323 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 324.
Amendment 324 moved.

[321] **David Rees:** The question is that amendment 324 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 324 yn unol â Rheol Sefydlog 17.34.
Amendment 324 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 325.
Amendment 325 moved.

[322] **David Rees:** The question is that amendment 325 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 325 yn unol â Rheol Sefydlog 17.34.
Amendment 325 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 326.
Amendment 326 moved.

[323] **David Rees:** The question is that amendment 326 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 326 yn unol â Rheol Sefydlog 17.34.
Amendment 326 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 327.
Amendment 327 moved.

[324] **David Rees:** The question is that amendment 327 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 327 yn unol â Rheol Sefydlog 17.34.
Amendment 327 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 328.
Amendment 328 moved.

[325] **David Rees:** The question is that amendment 328 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 328 yn unol â Rheol Sefydlog 17.34.
Amendment 328 agreed in accordance with Standing Order 17.34.

11:15

Cynigiwyd gwelliant 329.
Amendment 329 moved.

[326] **David Rees:** The question is that amendment 329 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 329 yn unol â Rheol Sefydlog 17.34.
Amendment 329 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 330.
Amendment 330 moved.

[327] **David Rees:** The question is that amendment 330 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 330 yn unol â Rheol Sefydlog 17.34.
Amendment 330 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 331.
Amendment 331 moved.

[328] **David Rees:** The question is that amendment 331 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 331 yn unol â Rheol Sefydlog 17.34.
Amendment 331 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 332.
Amendment 332 moved.

[329] **David Rees:** The question is that amendment 332 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 332 yn unol â Rheol Sefydlog 17.34.
Amendment 332 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 333.
Amendment 333 moved.

[330] **David Rees:** The question is that amendment 333 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 333 yn unol â Rheol Sefydlog 17.34.
Amendment 333 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 334.
Amendment 334 moved.

[331] **David Rees:** The question is that amendment 334 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 334 yn unol â Rheol Sefydlog 17.34.
Amendment 334 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 335.
Amendment 335 moved.

[332] **David Rees:** The question is that amendment 335 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 335 yn unol â Rheol Sefydlog 17.34.
Amendment 335 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 336.
Amendment 336 moved.

[333] **David Rees:** The question is that amendment 336 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 336 yn unol â Rheol Sefydlog 17.34.
Amendment 336 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 337.
Amendment 337 moved.

[334] **David Rees:** The question is that amendment 337 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 337 yn unol â Rheol Sefydlog 17.34.
Amendment 337 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 338.
Amendment 338 moved.

[335] **David Rees:** The question is that amendment 338 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 338 yn unol â Rheol Sefydlog 17.34.
Amendment 338 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 339.
Amendment 339 moved.

[336] **David Rees:** The question is that amendment 339 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 339 yn unol â Rheol Sefydlog 17.34.
Amendment 339 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 340.
Amendment 340 moved.

[337] **David Rees:** The question is that amendment 340 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 340 yn unol â Rheol Sefydlog 17.34.
Amendment 340 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 341.
Amendment 341 moved.

[338] **David Rees:** The question is that amendment 341 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 341 yn unol â Rheol Sefydlog 17.34.

Amendment 341 agreed in accordance with Standing Order 17.34.

*Cynigiwyd gwelliant 342.
Amendment 342 moved.*

[339] **David Rees:** The question is that amendment 342 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 342 yn unol â Rheol Sefydlog 17.34.
Amendment 342 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 343.
Amendment 343 moved.*

[340] **David Rees:** The question is that amendment 343 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 343 yn unol â Rheol Sefydlog 17.34.
Amendment 343 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 344.
Amendment 344 moved.*

[341] **David Rees:** The question is that amendment 344 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 344 yn unol â Rheol Sefydlog 17.34.
Amendment 344 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 345.
Amendment 345 moved.*

[342] **David Rees:** The question is that amendment 345 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 345 yn unol â Rheol Sefydlog 17.34.
Amendment 345 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 346.
Amendment 346 moved.*

[343] **David Rees:** The question is that amendment 346 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 346 yn unol â Rheol Sefydlog 17.34.
Amendment 346 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 347.
Amendment 347 moved.*

[344] **David Rees:** The question is that amendment 347 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 347 yn unol â Rheol Sefydlog 17.34.
Amendment 347 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 348.
Amendment 348 moved.*

[345] **David Rees:** The question is that amendment 348 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 348 yn unol â Rheol Sefydlog 17.34.
Amendment 348 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 349.
Amendment 349 moved.*

[346] **David Rees:** The question is that amendment 349 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 349 yn unol â Rheol Sefydlog 17.34.
Amendment 349 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 350.
Amendment 350 moved.*

[347] **David Rees:** The question is that amendment 350 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 350 yn unol â Rheol Sefydlog 17.34.
Amendment 350 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 351.
Amendment 351 moved.*

[348] **David Rees:** The question is that amendment 351 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 351 yn unol â Rheol Sefydlog 17.34.
Amendment 351 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 352.
Amendment 352 moved.*

[349] **David Rees:** The question is that amendment 352 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 352 yn unol â Rheol Sefydlog 17.34.
Amendment 352 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 353.
Amendment 353 moved.*

[350] **David Rees:** The question is that amendment 353 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 353 yn unol â Rheol Sefydlog 17.34.
Amendment 353 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 354.
Amendment 354 moved.*

[351] **David Rees:** The question is that amendment 354 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 354 yn unol â Rheol Sefydlog 17.34.
Amendment 354 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 355.
Amendment 355 moved.*

[352] **David Rees:** The question is that amendment 355 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 355 yn unol â Rheol Sefydlog 17.34.
Amendment 355 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 356.
Amendment 356 moved.*

[353] **David Rees:** The question is that amendment 356 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 356 yn unol â Rheol Sefydlog 17.34.
Amendment 356 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 357.
Amendment 357 moved.*

[354] **David Rees:** The question is that amendment 357 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 357 yn unol â Rheol Sefydlog 17.34.
Amendment 357 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 358.
Amendment 358 moved.*

[355] **David Rees:** The question is that amendment 358 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 358 yn unol â Rheol Sefydlog 17.34.
Amendment 358 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 359.
Amendment 359 moved.*

[356] **David Rees:** The question is that amendment 359 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 359 yn unol â Rheol Sefydlog 17.34.
Amendment 359 agreed in accordance with Standing Order 17.34.*

Cynigiwyd gwelliant 360.

Amendment 360 moved.

[357] **David Rees:** The question is that amendment 360 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 360 yn unol â Rheol Sefydlog 17.34.
Amendment 360 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 361.
Amendment 361 moved.*

[358] **David Rees:** The question is that amendment 361 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 361 yn unol â Rheol Sefydlog 17.34.
Amendment 361 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 362.
Amendment 362 moved.*

[359] **David Rees:** The question is that amendment 362 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 362 yn unol â Rheol Sefydlog 17.34.
Amendment 362 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 363.
Amendment 363 moved.*

[360] **David Rees:** The question is that amendment 363 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 363 yn unol â Rheol Sefydlog 17.34.
Amendment 363 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 364.
Amendment 364 moved.*

[361] **David Rees:** The question is that amendment 364 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 364 yn unol â Rheol Sefydlog 17.34.
Amendment 364 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 365.
Amendment 365 moved.*

[362] **David Rees:** The question is that amendment 365 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

*Derbyniwyd gwelliant 365 yn unol â Rheol Sefydlog 17.34.
Amendment 365 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 366.
Amendment 366 moved.*

[363] **David Rees:** The question is that amendment 366 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 366 yn unol â Rheol Sefydlog 17.34.
Amendment 366 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 210.
Amendment 210 moved.

[364] **David Rees:** The question is that amendment 210 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 210 yn unol â Rheol Sefydlog 17.34.
Amendment 210 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 367.
Amendment 367 moved.

[365] **David Rees:** The question is that amendment 327 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 367 yn unol â Rheol Sefydlog 17.34.
Amendment 367 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 368.
Amendment 368 moved.

[366] **David Rees:** The question is that amendment 368 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 368 yn unol â Rheol Sefydlog 17.34.
Amendment 368 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 369.
Amendment 369 moved.

[367] **David Rees:** The question is that amendment 369 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 369 yn unol â Rheol Sefydlog 17.34.
Amendment 369 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 370.
Amendment 370 moved.

[368] **David Rees:** The question is that amendment 370 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 370 yn unol â Rheol Sefydlog 17.34.
Amendment 370 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 371.
Amendment 371 moved.

[369] **David Rees:** The question is that amendment 371 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 371 yn unol â Rheol Sefydlog 17.34.
Amendment 371 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 372.
Amendment 372 moved.

[370] **David Rees:** The question is that amendment 372 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 372 yn unol â Rheol Sefydlog 17.34.
Amendment 372 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 373.
Amendment 373 moved.

[371] **David Rees:** The question is that amendment 373 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 373 yn unol â Rheol Sefydlog 17.34.
Amendment 373 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 374.
Amendment 374 moved.

[372] **David Rees:** The question is that amendment 374 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 374 yn unol â Rheol Sefydlog 17.34.
Amendment 374 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 375.
Amendment 375 moved.

[373] **David Rees:** The question is that amendment 375 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 375 yn unol â Rheol Sefydlog 17.34.
Amendment 375 agreed in accordance with Standing Order 17.34.

Grŵp 46: Dehongli ‘Awdurdod Lleol’ at Ddibenion y Ddeddf (Rhan 6 o’r Bil)
(Gwelliannau 376, 378, 379 a 380)
Group 46: Interpretation of ‘Local Authority’ for the Purposes of the Act (Part 6 of the Bill) (Amendments 376, 378, 379 and 380)

[374] **David Rees:** The lead amendment in this group is amendment 376. I move amendment 376 in the name of the Deputy Minister and call on the Deputy Minister to speak to the amendments in this group.

[375] **Gwenda Thomas:** Amendment 376 amends section 97(1) to make it clear that the section includes reference to a child who is looked after by a local authority in England. This is currently set out in section 97(11), which is removed by amendment 378. I am firmly of the view that a provision of this importance should be set out at the head of this section.

Amendments 379 and 380 clarify drafting intent. These will ensure that the duty on a local authority in Wales to assess the needs of a child for care and support does not apply in respect of children looked after by any local authority in Wales, England or Scotland, or a health and social care trust in Northern Ireland. They should be read alongside amendment 290, which makes a corresponding change to section 12 and which this committee agreed at its first Stage 2 meeting.

[376] **David Rees:** Does any Member wish to speak? No? Then I will not call the Deputy Minister back. Deputy Minister, do you wish to proceed to a vote?

[377] **Gwenda Thomas:** Yes, please.

[378] **David Rees:** The question is that amendment 376 be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 376 yn unol â Rheol Sefydlog 17.34.
Amendment 376 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 377.
Amendment 377.

[379] **David Rees:** Does any Member object to amendment 377 in the name of the Deputy Minister? There are no objections.

Derbyniwyd gwelliant 377 yn unol â Rheol Sefydlog 17.34.
Amendment 377 agreed in accordance with Standing Order 17.34.

[380] **David Rees:** Does any Member object to amendment 378 in the name of the Deputy Minister? There are no objections.

Derbyniwyd gwelliant 378 yn unol â Rheol Sefydlog 17.34.
Amendment 378 agreed in accordance with Standing Order 17.34.

**Grŵp 47: Rhwymedigaethau Awdurdodau Lleol mewn Perthynas â Phlant
 sy'n Cael eu Lletya (Gwelliannau 211 a 212)**
**Group 47: Local Authorities' Obligations in Relation to Accommodated Children
 (Amendments 211 a 212)**

[381] **David Rees:** The lead amendment in this group is amendment 211. I move amendment 211 in the name of the Deputy Minister and call on the Deputy Minister to speak to the amendments in this group.

[382] **Gwenda Thomas:** Amendment 211 and 212 replicate the effect of the provisions currently made by sections 85(4) and 86(3) of the Children Act 1989. These amendments will preserve in law the local authority's obligations when it is informed about a child being accommodated. This means that a local authority must also consider whether it is required to exercise any of its functions under the Children Act 1989—[*Interruption.*] Excuse my coughing.

[383] **David Rees:** Have some water. Would you like a few minutes?

[384] **Gwenda Thomas:** Please.

[385] **David Rees:** No problem.

[386] **Gwenda Thomas:** I will go back the beginning of that paragraph. These amendments will preserve in law the local authority's obligations when it is informed about a child being accommodated. This means that a local authority must also consider whether it is required to exercise any of its functions under the Children Act 1989 in respect of a child whose accommodation has been notified in accordance with section 98(2) or section 99. The replication of these sections of the Children Act 1989 is necessary to ensure that there is no diminution of statutory entitlement for looked-after children and to continue to provide for an effective and coherent legal framework for these children.

[387] **David Rees:** Does any Member wish to speak? No? I will definitely not call the Deputy Minister back. I am sure that she wishes to proceed to a vote on amendment 211, and therefore the question is that amendment 211 be agreed to. Does any Member object? There are no objections.

Derbyniwyd gwelliant 211 yn unol â Rheol Sefydlog 17.34.
Amendment 211 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 379.
Amendment 379 moved.

[388] **David Rees:** Does any Member object to amendment 379 in the name of the Deputy Minister? There are no objections.

Derbyniwyd gwelliant 379 yn unol â Rheol Sefydlog 17.34.
Amendment 379 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 212.
Amendment 212 moved.

[389] **David Rees:** Does any Member object to amendment 212 in the name of the Deputy Minister? There are no objections.

Derbyniwyd gwelliant 212 yn unol â Rheol Sefydlog 17.34.
Amendment 212 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 380.
Amendment 380 moved.

[390] **David Rees:** Does any Member object to amendment 380 in the name of the Deputy Minister? There are no objections.

Derbyniwyd gwelliant 380 yn unol â Rheol Sefydlog 17.34.
Amendment 380 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 444.
Amendment 444 moved.

[391] **David Rees:** Does any Member object to amendment 444 in the name of the Deputy Minister? There are no objections.

Derbyniwyd gwelliant 444 yn unol â Rheol Sefydlog 17.34.
Amendment 444 agreed in accordance with Standing Order 17.34.

[392] **David Rees:** Deputy Minister, do you want five minutes before we move on?

[393] **Gwenda Thomas:** No, I am okay now, thank you.

Grŵp 48: Oedolion sy'n Wynebu Risg (Gwelliannau 256, 495, 257, 258, 259, 260 a 261)
Group 48: Adults at Risk (Amendments 256, 495, 257, 258, 259, 260 and 261)

[394] **David Rees:** The lead amendment in this group is amendment 256. I call on William Graham to move amendment 256 and speak to the amendments in this group.

[395] **William Graham:** I move amendment 256 in my name.

[396] This amendment defines 'adults at risk' for the purposes of the Bill. The current definition of 'adults at risk' within the Bill is limited to adults with care needs. Several organisations that gave evidence to the committee raised concerns that the definition is too limited and that they would like to see the removal of the requirement around social care needs. Age Cymru stated in its evidence:

[397] 'We feel that adults at risk are sometimes at risk because of the abuse itself, and that needs to be brought into the equation. Without the abuse, they may have no care and support needs.'

[398] The committee agreed that the current definition is too narrow and proposed the use of the definition of 'adults at risk' in section 3 of the Adult Support and Protection (Scotland) Act 2007. This was also suggested by the expert legal adviser. Our amendment incorporates this terminology so as to encapsulate within the definition of adults at risk those adults who, regardless of whether they have needs for care or support, are unable to protect themselves against abuse. With regard to amendment 257, section 105 of the Bill provides an authorised officer with powers to enter a premises in order to gain access to, and speak in private with, an adult suspected of being at risk, but it does not give powers for removal to a safe place, as is the case in the Adult Support and Protection (Scotland) Act 2007. Several witnesses to this committee stated that the powers of the Bill do not go far enough and that powers to remove the person at risk or who is experiencing abuse to a safe place should be included in the Bill. Age Cymru commented:

[399] 'As we understand it, the orders will give powers of entry and assessment but the Bill does not clarify what will happen next, which is the crucial issue. If you enter a home, identify a person is a risk, what is the next step?'

[400] The Commissioner for Older People in Wales said:

[401] 'I do not think the legislation goes far enough and would support an additional order that allows a social worker to remove someone to a place of safety against their will in rare situations where a Justice of the Peace can be convinced that such a court order is necessary in order to protect a person who cannot protect themselves.'

[402] The social services Bill advisory group is supportive of this amendment. It notes:

[403] 'Without robust powers the legal duties would increase practitioners' opportunities to identify issues but do little to increase opportunities to tackle abuse, particularly ... where an adult, who has capacity, is suspected to be coercively controlled and at risk of abuse.'

[404] In addition, our committee's expert legal adviser noted that

[405] 'It may be that very little can be done and the person is then left in what may be a more dangerous environment. A power of removal or exclusion in extreme cases would add considerable weight to this power of entry.'

[406] Our amendment will ensure that the wellbeing of the individual is paramount and will provide for the ability to remove an individual at risk to protect them from harm or abuse.

[407] Our amendments 258, 259, 260 and 261 are consequential.

[408] **David Rees:** Thank you, William. Kirsty, do you wish to speak?

[409] **Kirsty Williams:** Yes, thank you. My amendment 495 also refers to Part 7 of the Bill, section 104 and the definition of ‘adults at risk’. As has previously been stated, the committee, in its Stage 1 report, in recommendation 3, after considering the views of the witnesses, agreed that the definition of an adult at risk as currently drafted was too narrow. We specifically had concerns about linking being at risk with having a care or support need. In my amendment, we have tried to break that link. It seeks to achieve similar outcomes to William Graham’s amendment 259. However, I am concerned that, in the way that amendment 259 is currently drafted, neglect is not mentioned. One of the strengths of the Government’s Bill as currently drafted is that there is a specific mention of neglect. Should amendment 259 be adopted, neglect would no longer figure on the face of the Bill. I think that the concept of neglect is an important one, and that is why we have maintained it in amendment 495. In drawing up this amendment, I have sought the advice of Age Cymru and the older person’s commissioner, so that we can ensure that there is continued reference to neglect in my amendment. It also means that we recognise that a person could be at risk and develop care and support needs as a result of neglect or abuse, rather than needing to have care and support needs before they could be considered to be at risk.

[410] **Lindsay Whittle:** I support William Graham’s amendment 256 and I also support Kirsty Williams’s amendment 495. I, too, as Kirsty Williams has said, have similar issues with the rest of William Graham’s amendments, although I feel that we are not a million miles apart.

[411] **David Rees:** Does any other Member wish to speak? No. Just for clarification, Kirsty, you mentioned amendment 259; for the record, did you mean amendment 256?

[412] **Kirsty Williams:** Sorry, yes, I did. My apologies.

[413] **David Rees:** Deputy Minister, do you wish to speak?

[414] **Gwenda Thomas:** Yes, please, Chair. First, I remind the committee that Professor John Williams, the committee’s expert legal adviser, is now a member of my safeguarding panel and is working on the regulations and codes that will underpin this definition. Amendments 256 and 495, as we have heard from William Graham and Kirsty Williams, seek to alter the definition of an adult at risk, so I will deal with these two amendments together. It is critical that a definition of an adult at risk supports and underpins the existing production of vulnerable adults’ arrangements—POVAA—and critically support practitioners in helping to safeguard and protect those in need of care and support who are being, or are at risk of being, abused.

11:30

[415] The Bill has been drafted to encompass those groups of adults in Wales that are currently catered for in that process. Amendment 256 removes the important link, as we have heard from Kirsty, to the key principles of an adult having needs for care and support and it differs from arrangements in Scotland, in that a person does not, in every case, have to be at risk of harm or abuse to be classed as an adult at risk. To accept this amendment would mean any person affected by a disability, mental disorder, illness, or physical or mental infirmity

would meet the definition of an adult at risk and would be subject to multi-agency arrangements provided for by this Bill, whether or not they are subject to abuse or neglect.

[416] Amendment 495 does not capture adults who might be suffering actual abuse or neglect and only those who are at risk of it. This amendment may not, therefore, encompass victims and this would be a serious omission. I take what Kirsty has said about neglect, but I think that that would be a serious omission. Accepting this amendment would also broaden significantly the definition and potentially capture victims of domestic violence. While it is important that any victim is supported, POVAA practitioners must be able to focus on dealing with their area of expertise. Separate legal arrangements are being developed by the Welsh Government to protect victims of domestic violence. The definition of an adult at risk currently provided in the Bill has been developed to meet needs and circumstances of the people of Wales, and is entirely consistent with the arrangements set out in the rest of the Bill. It will ensure that all cases that are currently subject to the POVAA protection of vulnerable adults process are encompassed by the definition. I would ask Members not to support these amendments.

[417] In respect of amendment 257, I have previously clarified in my response to the committee report that it was not my intention to give the impression that the provision establishing adult protection and support orders would be amended to include an additional intervention power that enables social services to apply for an order to remove a person suspected of being at risk of abuse. I ask Members not to support this amendment. A guiding key principle of the Bill is that it should be the wish of an adult at risk and that that is key to any support given. It is the role of social services to negotiate and persuade an adult at risk to accept support, even those who are reluctant. Removal orders of the type proposed by this amendment run counter to this principle, as they do not respect the right of any individual with capacity to privacy and self-determination.

[418] In addition, there are already existing powers of intervention in relation to those lacking mental capacity. For example, the Mental Health Act 1983 enables a police officer accompanied by an approved mental health professional and a doctor to remove a person from their home to a place of safety, and section 17 of the Police and Criminal Evidence Act 1984 enables a police officer to enter premises without a warrant to save life or limb.

[419] Amendments 258, 259, 260 and 261 are as a direct consequence of amendment 257 and I urge Members not to support these.

[420] **David Rees:** Thank you, Deputy Minister. I call on William to respond to the debate.

[421] **William Graham:** Thank you, Chair. Regrettably, we are diametrically opposed to what the Deputy Minister has said in explanation for voting against 257. We feel strongly that there have been too many cases where intervention has not taken place at the right time. This amendment seeks to strengthen the Bill in that way. I will also say that we will support amendment 495 if amendment 256 is not agreed.

[422] **David Rees:** Thank you, William. Would you like to confirm that you wish to proceed to a vote on amendment 256?

[423] **William Graham:** Yes, please.

[424] **David Rees:** Before we move to a vote on amendment 256, Members will wish to be aware that if amendment 256 is agreed, amendment 495 will fall. The question is that amendment 256 be agreed to. Are there any objections? There is objection, therefore I call for a vote by show of hands.

*Gwelliant 256: O blaid 4, Ymatal 0, Yn erbyn 6.
Amendment 256: For 4, Abstain 0, Against 6.*

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David
Williams, Kirsty

*Gwrthodwyd gwelliant 256.
Amendment 256 not agreed.*

[425] **David Rees:** We will now move to a vote on amendment 495. Kirsty, would you like to move amendment 495?

[426] **Kirsty Williams:** I move amendment 495, tabled in my name.

[427] **David Rees:** The question is that amendment 495 be agreed to. Does any Member object? There is objection, therefore I call for a vote by show of hands.

*Gwelliant 495: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 495: For 5, Abstain 0, Against 5.*

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 495.
Amendment 495 not agreed.*

Grŵp 49: Canllawiau Ynghylch Esgeulustod (Gwelliannau 496 a 497) Group 49: Guidance About Neglect (Amendments 496 and 497)

[428] **David Rees:** The lead amendment in the group is amendment 496. I call on Lindsay Whittle to move amendment 496 and to speak to the other amendment in the group.

[429] **Lindsay Whittle:** I move amendment 496, tabled in my name.

[430] Essentially, these amendments provide for Welsh Ministers to stipulate what neglect means. For example, neglect may not only be a long-term or continuous lack of care and attention, but it could even be one particular incident in which a child has been exposed to serious avoidable risk. That is clearly neglect. It also allows the more extended definition of 'neglect' to be communicated to another local authority in which the child is living or proposing to live. These two amendments should be seen in the context of an amendment that

we have also submitted, which is amendment 498, but that will be discussed in group 74. Amendment 498 proposes a stronger version of neglect. The word 'neglect' is not easily defined, which is why I believe that these two amendments provide for Ministers to specify what neglect means in the regulations. The amendments also distinguish between what neglect could be for a child and what neglect could be for an adult. We have been advised to word the amendments in this way, but again I would re-emphasise that the committee should note that amendment 498 proposes the stronger version. We will come on to that; who knows, possibly next week.

[431] I believe, Chair, that there should be a broad definition of neglect to ensure that it receives equal attention and priority as a form of maltreatment. The Bill refers throughout to abuse or neglect, but neglect is not currently defined, and neglect is an act of omission; it is not easily defined by practitioners, and I believe that a definition on the face of the Bill would provide clarity and help to raise the profile of the issue. These amendments were developed in partnership by Action for Children, Age Cymru, Barnardo's Cymru, NSPCC Cymru, and also supported by the Social Services and Well-being (Wales) Bill advisory group and the WLGA. Therefore, I believe that they are worthy of support from this committee.

[432] **David Rees:** Thank you, Lindsay. Does any other Member wish to speak?

[433] **William Graham:** I wish to speak in support of that and I strongly feel that it should be on the face of the Bill.

[434] **David Rees:** Thank you, William. Does any other Member wish to speak? If not, I call on the Deputy Minister to speak.

[435] **Gwenda Thomas:** I am grateful to Lindsay Whittle for tabling these amendments to insert new powers for the Welsh Ministers to issue guidance. The amendments, as drafted, do not make clear the scope of the guidance powers. Although they are inserted at section 104, 'Adults at risk', and at section 108, 'Duty to report children at risk', the guidance power is limited in this application to local authorities only. These amendments, in my view, are unnecessary and have limitations as to their potential effects. I refer to the comment on neglect in particular, but I have already tabled an amendment that would enable the Welsh Ministers to issue guidance about examples and indicators of neglect. That amendment covers all aspects of safeguarding, not just the two sections amended through amendments 496 and 497.

[436] My amendment 45, which we are due to discuss later in the proceedings, at group 53, ensures that Welsh Ministers have the power to issue guidance to persons or bodies exercising functions under sections 104, 105, 106 and 108 of the Bill. These include local authorities and other relevant partners.

[437] The intention is to issue separate new guidance in relation to safeguarding adults and safeguarding children that applies to all relevant partners and replaces the Welsh Government's guidance 'In Safe Hands' for adults and 'Safeguarding Children: Working Together Under the Children Act 2004' for children. Both pieces of guidance will set out how multi-agency practitioners identify and tackle neglect. The Welsh Government is working with the NSPCC and Action for Children to identify a national response to the debilitating effects of childhood neglect, and this work will inform the development of future guidance in relation to children. On this basis, amendments 496 and 497 are wholly unnecessary, and I urge Members to not support them.

[438] **David Rees:** Thank you, Deputy Minister. Lindsay, do you wish to reply to the debate?

[439] **Lindsay Whittle:** I merely want to proceed with a vote, Chair. I accept fully what the Deputy Minister says, of course.

[440] **David Rees:** As Lindsay has already indicated that he wishes to proceed to a vote, the question is that amendment 496 be agreed to. Does any Member object? As there is objection, I will therefore take a vote by show of hands.

Gwelliant 496: O blaid 5, Ymatal 0, Yn erbyn 5.

Amendment 496: For 5, Abstain 0, Against 5.

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 496.

Amendment 496 not agreed.

Grŵp 50: Gwelliannau Technegol (Rhan 7 i Ran 10 o'r Bil) (Gwelliannau 39, 40, 43, 445, 448, 449, 450, 452, 453, 454, 455, 456, 522, 457, 458, 460, 466, 550, 384, 385, 386, 387, 388, 389, 390 a 466)

Group 50: Technical Amendments (Parts 7 to 10 of the Bill) (Amendments 39, 40, 43, 445, 448, 449, 450, 452, 453, 454, 455, 456, 522, 457, 458, 460, 466, 550, 384, 385, 386, 387, 388, 389, 390 and 466)

[441] **David Rees:** The lead amendment in this group is amendment 39. I move amendment 39 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to the amendments in this group.

[442] **Gwenda Thomas:** Thank you, Chair. Amendments 460, 384 to 390, and 466 are technical in nature and seek to ensure that the English and Welsh versions of the texts are correct. The remaining amendments—39, 40, 43, 445, 448 to 450, 452 to 458, and 522—either correct drafting errors or are designed to achieve consistency of drafting throughout the Bill. I ask Members to support them.

[443] **David Rees:** Thank you, Deputy Minister. Does any Member wish to speak? I see that no Member does, therefore I will not ask the Deputy Minister to respond. Deputy Minister, do you confirm that you wish to proceed to a vote on amendment 39?

[444] **Gwenda Thomas:** Yes, please.

[445] **David Rees:** The question is that amendment 39 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 39 is agreed.

Derbyniwyd gwelliant 39 yn unol â Rheol Sefydlog 17.34.

Amendment 39 agreed in accordance with Standing Order 17.34.

*Cynigiwyd gwelliant 40.
Amendment 40 moved.*

[446] **David Rees:** The question is that amendment 40 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 40 is agreed.

*Derbyniwyd gwelliant 40 yn unol â Rheol Sefydlog 17.34.
Amendment 40 agreed in accordance with Standing Order 17.34.*

Grŵp 51: Diffiniadau (Rhannau 7 i 10 o'r Bil) (Gwelliannau 41, 44, 446, 447 a 51)
Group 51: Definitions (Parts 7 to 10 of the Bill) (Amendments 41, 44, 446, 447 and 51)

[447] **David Rees:** The lead amendment in this group is amendment 41. I move amendment 41 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to the amendments in this group.

[448] **Gwenda Thomas:** Thank you, Chair. This group of amendments provides a series of important definitions in relation to Parts 7 to 10 of the Bill. Amendments 41, 44 and 51 define a 'relevant partner' for the purposes of sections 106, 108 and 145 of the Bill and introduce consistency of drafting. Amendments 41 and 51 change the existing reference to a 'relevant partner' by clarifying the drafting in sections 106(4) and 145(5). A 'relevant partner' for the purposes of these sections is a partner listed in section 143(3), 'Arrangements to promote co-operation—adults with needs for care and support and carers'. These partners include the local policing body and the chief officer of police, any other local authority, any provider of probation services, a local health board, an NHS trust providing services in the area of the authority, the Welsh Ministers to the extent that they are discharging functions under Part II of the Learning and Skills Act 2000, or such person or persons as regulations may specify.

11:45

[449] Amendment 42, which will be discussed later as part of group 53, imposes new duties on certain persons and bodies to report children at risk, in a manner that aligns them with the duties to report adults at risk in section 106. These persons or bodies are referred to as 'relevant partners'. In relation to section 108, 'Duty to report children at risk', amendment 44 provides a definition of a 'relevant partner' by reference to the partners listed in section 143(3) of the Bill. There is also the addition of youth offending teams to the definition of 'relevant partner'. This is an important change, and it ensures that youth offending teams are captured by this important safeguarding duty.

[450] Amendment 446 is technical, providing clarification of the language used to ensure the Welsh equivalent of the term 'qualifying person or body' is included within the English text and vice versa. Turning lastly to amendment 447, this inserts a definition of 'specified' in section 114(6) in relation to the supply of information to safeguarding boards, as this is a term used in subsection (1).

[451] **David Rees:** Does any other Member wish to speak? I see that no-one does. Deputy Minister, do you wish to proceed to a vote on amendment 41?

[452] **Gwenda Thomas:** Yes, please.

[453] **David Rees:** The question is that amendment 41 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 41 is agreed.

Derbyniwyd gwelliant 41 yn unol â Rheol Sefydlog 17.34.
Amendment 41 agreed in accordance with Standing Order 17.34.

[454] **David Rees:** Before I move on to the next amendment, clearly, if amendment 257 is not agreed, amendments 258, 259, 260 and 261 will fall. William, would you like to move amendment 257?

[455] **William Graham:** I move amendment 257 in my name.

[456] **David Rees:** The question is that amendment 257 be agreed to. Does any Member object? There is objection, therefore we will take a vote by show of hands.

Gwelliant 257: O blaid 2, Ymatal 0, Yn erbyn 8.
Amendment 257: For 2, Abstain 0, Against 8.

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

Graham, William
 Millar, Darren

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

Andrews, Leighton
 Evans, Rebecca
 Jones, Elin
 Neagle, Lynne
 Price, Gwyn R.
 Rees, David
 Whittle, Lindsay
 Williams, Kirsty

Gwrthodwyd gwelliant 257.
Amendment 257 not agreed.

[457] **David Rees:** As amendment 257 was not agreed, amendments 258, 259, 260 and 261 have also fallen.

Methodd gwelliannau 258, 259, 260 a 261.
Amendments 258, 259, 260 and 261 fell.

[458] **David Rees:** Deputy Minister, if you are okay with your voice, I will go on to the next two groups, because there are single amendments in each group. We will then have a call for lunch.

Grŵp 52: Dyletswydd i Hysbysu am Blant sy'n Wynebu Risg (Gwelliant 42) **Group 52: Duty to Report Children at Risk (Amendment 42)**

[459] **David Rees:** The lead and only amendment in this group is amendment 42. I move amendment 42 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to amendment 42.

[460] **Gwenda Thomas:** Members will be aware that one of the common themes to emerge from recent historic child abuse cases is that there is a weakness in current arrangements in the reporting of child abuse. Mandatory reporting will be critical to show a clear legal expectation and support the principle of safeguarding being everyone's business. Recent evidence from Her Majesty's Inspectorate of Constabulary in the Jimmy Savile case has demonstrated a need to introduce a mandatory system of reporting covering incidents and suspicion of child abuse. Keir Starmer, the former director of public prosecutions, has also made a very public statement supporting such a move. We do not propose to introduce a criminal offence for non-reporting, but the introduction of this duty provides a very clear

signal of what is expected.

[461] **Amendment 42** aligns the duties to report children at risk and adults at risk. It is in keeping with the wider people-model approach introduced by the Bill, and will assist closer working between relevant partners. **Amendment 44**, which we considered earlier as part of group 51, relates to the definition of ‘relevant partner’ for the purpose of section 108 of the Bill, and extends the meaning so that youth offending teams are covered by the duty to report children at risk. Taken together, these amendments further strengthen the important safeguarding provisions for children in the Bill.

[462] **David Rees:** Does any Member wish to speak? I see that no-one does. Deputy Minister, can you confirm that you wish to proceed to a vote on amendment 42?

[463] **Gwenda Thomas:** Yes, please.

[464] **David Rees:** The question is that amendment 42 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 42 is agreed.

Derbyniwyd gwelliant 42 yn unol â Rheol Sefydlog 17.34.
Amendment 42 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 43.
Amendment 43 moved.

[465] **David Rees:** The question is that amendment 43 in the name of the Deputy Minister be agreed to. Does any Member object? I see that no-one does. Therefore, amendment 43 has been agreed.

Derbyniwyd gwelliant 43 yn unol â Rheol Sefydlog 17.34.
Amendment 43 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 44.
Amendment 44 moved.

[466] **David Rees:** The question is that amendment 44 in the name of the Deputy Minister be agreed to. Does any Member object? I see that no-one does. Therefore, amendment 44 has been agreed.

Derbyniwyd gwelliant 44 yn unol â Rheol Sefydlog 17.34.
Amendment 44 agreed in accordance with Standing Order 17.34.

[467] **David Rees:** Lindsay, would you like to move amendment 497?

[468] **Lindsay Whittle:** I move amendment 497 in my name.

[469] **David Rees:** The question is that amendment 497 be agreed to. Does any Member object? I have an objection. Therefore, I will take a vote by show of hands.

Gwelliant 497: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 497: For 5, Abstain 0, Against 5.

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

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).

Gwrthodwyd gwelliant 497.

Amendment 497 not agreed.

Grŵp 53: Canllawiau ynghylch Oedolion a Phlant sy'n Wynebu Risg (Gwelliant 45)
Group 53: Guidance about Adults and Children at Risk (Amendment 45)

[470] **David Rees:** The amendment in this group is in relation to the guidance about adults and children at risk. The lead and only amendment in the group is amendment 45. I formally move amendment 45 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to amendment 45.

[471] **Gwenda Thomas:** Thank you. I have already alerted Members to this amendment, in our discussion earlier today in respect of group 49. I would, however, like to set out my rationale as to why amendment 45 is necessary. In 2000, the Welsh Government issued 'In Safe Hands' to help to develop and implement multi-agency local arrangements for adult protection. One criticism of the guidance is that, despite promoting the need for a multi-agency approach to adult protection, it is only statutory guidance in relation to local authorities, and other key safeguarding agencies are not bound by it. There has been an inconsistent application of the guidance across Wales. In terms of operational arrangements, there is not the consistent multi-agency engagement in adult protection issues required to ensure effective safeguarding and protection arrangements. The amendment requires that key persons and bodies involved in safeguarding will have to have regard to the guidance that is issued. This will enhance consistency and good practice.

[472] This amendment will enable the Welsh Government to produce statutory guidance in relation to adults and children at risk that replaces 'In Safe Hands' and 'Safeguarding Children: Working Together Under the Children Act 2004', which all relevant partners would need to have regard to. This guidance power will enable the Welsh Ministers to produce statutory guidance to govern the arrangements that will need to be developed to give effect to the enhanced duty to report for children at risk, as required by amendment 42.

[473] **David Rees:** Thank you, Deputy Minister. Does any other Member wish to speak? I see that no-one does. Deputy Minister, can I confirm that you wish to move to a vote on amendment 45? I see that you do. The question is that amendment 45 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection, therefore amendment 45 is agreed.

Derbyniwyd gwelliant 45 yn unol â Rheol Sefydlog 17.34.

Amendment 45 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 445.

Amendment 445 moved.

[474] **David Rees:** The question is that amendment 445 in the name of the Deputy Minister be agreed to. Does any Member object? I see that no-one does. Therefore, amendment 445 is

agreed.

Derbyniwyd gwelliant 445 yn unol â Rheol Sefydlog 17.34.

Amendment 445 agreed in accordance with Standing Order 17.34.

[475] **David Rees:** At this point, I suggest that we take our break for lunch. We are scheduled to come back at 1.15 p.m., in case you have arranged things for that time. Can we come back at 1.15 p.m.? I see that that is okay. We will therefore break for lunch and come back at 1.15 p.m. I think that the Deputy Minister can have a good rest and give her voice a chance to come back. [*Laughter.*]

Gohiriwyd y cyfarfod rhwng 11:53 ac 13:15.

The meeting adjourned between 11:53 and 13:15.

Grŵp 54: Byrddau Diogelu (Gwelliannau 46, 114, 262, 247, 70 a 147)

Group 54: Safeguarding Boards (Amendments 46, 114, 262, 247, 70 and 147)

[476] **David Rees:** Welcome to this afternoon's session and the continuation of Stage 2 of the Social Services and Well-being (Wales) Bill. We now have the fifty-fourth group of amendments to consider in relation to safeguarding boards. The lead amendment in this group is amendment 46. I move amendment 46 in the name of the Deputy Minister and I call on the Deputy Minister to speak to the amendments in this group.

[477] **Gwenda Thomas:** I will speak to the amendments tabled in my name before turning to those tabled by William Graham. Probation services currently play an important role as statutory members of local safeguarding children boards. We are also aware that they continue to make an important contribution to the new collaborative boards that are in place in advance of the Bill and that will be put in place on a statutory basis when the Bill is implemented. Our policy approach is to have a consistent statutory membership of safeguarding children and safeguarding adults boards, and we are persuaded that probation services also have a critical role to play in the safeguarding of adults at risk.

[478] Amendment 46 seeks to ensure that they continue to play a role in new safeguarding children boards as well as on the safeguarding adults boards. In considering the committee's report and its recommendations, I have already agreed that any arrangements that the Welsh Government might make to merge boards should be subject to a superaffirmative process. This will ensure that the highest possible scrutiny is ensured and that there is public confidence that, when and if it happens, it will be the right thing to do.

[479] Amendment 147 requires Welsh Ministers to undertake consultation on a draft Order prepared under this section prior to laying the Order before the Assembly. The new section prescribes the procedures to be followed in the laying of that Order following consultation.

[480] I welcome amendment 262 tabled by William Graham. In my view, accepting this amendment requiring regulations to be made will ensure that there will be sufficient detail about how safeguarding boards should operate and what their functions are. This will assist boards in operating effectively to achieve their safeguarding objectives.

[481] I recognise the intent behind William Graham's amendment 114; however, the Bill already provides for regulations to be made specifying how service users are to participate in the work of safeguarding boards. Section 112(4)(c) includes provision for regulations to specify when and how children or adults who are or may be affected by the exercise of a safeguarding board's functions must be given the opportunity to participate in the board's work. This provision allows for considerable flexibility in the form that participation may take. Membership of boards is one of many options available to ensure that service users can

make a significant and meaningful contribution to the work of boards. My view, therefore, is that amendment 114 is unnecessary.

[482] With regard to amendment 247, which seeks to remove the power at section 112(7) for adult and children safeguarding boards to form a joint board, my view is that boards should have discretion to decide whether such a move would be beneficial. Safeguarding boards have a unique view of how successful arrangements are in their particular area and this provision allows them to use that knowledge to judge whether merging the work of the safeguarding boards would strengthen arrangements for both adults and children.

[483] I know that there has been considerable discussion about the Order-making power in section 117 of the Bill for combined safeguarding boards. I have made my views known in the evidence that I have provided and it is recognised that the committee made a recommendation to remove this power from the Bill, stating that it did not gather any evidence that supported the idea that merging boards would improve safeguarding. The principle of such a merger was first suggested by the safeguarding children forum, which reported in August 2011. While the Welsh Government has no current plans to merge safeguarding boards, the provision is included because, given the people approach, there are potential benefits over the longer term that might arise from considering the safeguarding needs of people, rather than separately as adults and children. In time, such a provision may also enable the alignment of strategic intent to operational practice and delivery. Any such merger would only be considered when we can be sure that it will result in more effective safeguarding for everyone.

[484] In considering the committee's recommendations, I have already agreed that any arrangements that the Welsh Government might make to merge boards should be subject to a superaffirmative process. This will ensure that the highest possible scrutiny is ensured, and that there is public confidence that, when and if it happens, it will be the right thing to do. For the reasons that I have outlined, I would ask Members not to support amendment 70.

[485] **David Rees:** Thank you, Deputy Minister. William, do you wish to speak?

[486] **William Graham:** I speak to amendments 114, 262, 247 and 70. Amendment 114 will mean that the safeguarding board membership must include representatives from organisations that are representative of the people who are in receipt of care, and that these representatives will be chosen by the organisations.

[487] Amendment 262 will mean that regulations must provide for a safeguarding board to have functions relating to its objectives, and make provision as to the procedures to be followed by a safeguarding board, and specify when and how adults or children may be given the opportunity to participate in the board's work. The Bill, as currently drafted, only states that regulations may provide for these factors. Our amendment will strengthen this section of the Bill by making it a requirement that regulations are made concerning those aspects of safeguarding boards.

[488] Amendment 247 will remove subsection 112(7), which enables children and adult safeguarding boards to form a joint board. Committee recommendation 37 stated that we did not receive any external evidence to suggest that the merging of regional adult and children safeguarding boards would improve safeguarding. The committee recommended removing powers in the Bill allowing the merging of regional adult and children safeguarding boards. The social services Bill advisory group states that it is important to keep children and adult boards separate as they are at very different stages of development, and that there is a danger of one group being overlooked.

[489] Amendment 70 will remove section 117, which refers to combining safeguarding

boards. Section 117 will enable the merger of children and adult safeguarding boards. Once again, our committee did not receive any external evidence to suggest that the merging of regional adult and children safeguarding boards would improve safeguarding. The Children's Commissioner for Wales, NSPCC Cymru and the Association of Directors of Social Services Cymru expressed concerns about the powers under section 117 to merge adult and children safeguarding boards. We heard evidence from Hywel Dda Local Health Board that adopting a common approach to safeguarding for adults and children may dilute rather than strengthen the process. In a letter of 11 May, the Deputy Minister stated that in the short to medium term there was no intention to use the proposed powers to merge the boards. If this is the case, this section of the Bill will be largely redundant. We feel that it would be not appropriate to have a provision to combine safeguarding boards within the Bill, and therefore seek to remove this section.

[490] **David Rees:** Thank you, William. Lindsay, did you wish to speak?

[491] **Lindsay Whittle:** I wish to speak in support of amendment 70. There is either an argument to merge the children and adult safeguarding boards, or there is not. In my opinion, we would be sitting on the fence if we did not come down one way or the other. In the interest of consistency, you cannot have one region with separate boards and another merging the boards; I do not think that that is the correct way to proceed. I am worried about any expertise that would be lost if we merged boards. Would the experts in children's care be lost, overshadowed or overpowered by the stronger adult care lobby? We have seen in the past too many cases of children's issues being lost in the system, which frightens me and I would definitely not support it. I believe that there is a danger of putting children at risk here if we follow this route, and I am definitely supporting all the amendments in this group.

[492] **David Rees:** Thank you. Lynne, do you want to speak?

[493] **Lynne Neagle:** Briefly on the merger of the boards, as the Deputy Minister knows, I have had a lot of reservations about the possibility of the boards merging, having listened to the same evidence that William referred to and the evidence in the Children and Young People Committee. However, I am satisfied that, in agreeing to the superaffirmative procedure, the Deputy Minister has met the position that the committee set out in its report. I am satisfied with that.

[494] **Kirsty Williams:** Like others, I have yet to see any evidence or compelling arguments put forward by the Government about the necessity to merge boards now or in future. Unlike Lindsay, my fear is not that children's services and the safeguarding of children would be jeopardised; the evidence that we received was, given the high risk around children and the great awareness of risk to children, that it would be vulnerable adults and adult safeguarding that would potentially lose out, not have the expertise and potentially be in danger as a result of any such merger. While I welcome the superaffirmative procedure, which does give wider Welsh civic society and the National Assembly an opportunity to contribute to this policy agenda in the future, on balance, my preference is to remove the provision from the Bill. Any subsequent move to bring safeguarding boards together should be subject to a new and complete legislative procedure, by bringing new legislation forward to achieve it.

[495] **David Rees:** Does any other Member wish to speak? I call the Deputy Minister.

[496] **Gwenda Thomas:** I have given this a great deal of thought and now is not the time to merge these boards; I have made that absolutely clear. However, my very strong fear is that if we do not, then we will never have the opportunity to consider the need to safeguard a parent and a child from the same family unit at the same time. I have seen in my experience, and I am sure that it has been seen throughout constituency offices, that there is often a need to

consider the safeguarding of a parent and a child at the same time. Thinking of policies like that and the way that the role of the boards will develop, I am strongly of the opinion that we need to keep this provision within the Bill. If the time comes to consider it, and time will tell with the evidence that will come to the fore as the Bill proceeds and becomes an Act, I will definitely—. I look back to the Green Paper and Professor Geoffrey Pearson's very strong preferences as a result of children falling through the gap during the change from young adulthood to adulthood and from childhood to adulthood, and also in the case of people with autism in later life, and the way in which people fall through the gaps due to artificial age boundaries has convinced me that we at least need this provision. When the time comes to consider it, it must be subject to the widest possible consultation through the superaffirmative procedure. It would be wrong not to have that provision within the Bill.

[497] **David Rees:** Thank you, Deputy Minister. Do you wish to proceed to a vote on amendment 46?

[498] **Gwenda Thomas:** Yes, please.

[499] **David Rees:** The question is that amendment 46 be agreed to. Does any Member object? There are no objections, therefore amendment 46 is agreed.

*Derbyniwyd gwelliant 46 yn unol â Rheol Sefydlog 17.34.
Amendment 46 agreed in accordance with Standing Order 17.34.*

[500] **David Rees:** William, would you like to move amendment 114?

[501] **William Graham:** I move amendment 114 in my name.

[502] **David Rees:** The question is that amendment 114 be agreed to. Does any Member object? There is objection. Therefore, we will now take a vote by a show of hands.

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

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheol Sefydlog 6.20(ii).
As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).*

*Gwrthodwyd gwelliant 114.
Amendment 114 not agreed.*

[503] **David Rees:** William, would you like to move amendment 262?

[504] **William Graham:** I move amendment 262 in my name.

[505] **David Rees:** The question is that amendment 262 be agreed to. Does any Member object? There are no objections, therefore amendment 262 is agreed.

Derbyniwyd gwelliant 262 yn unol â Rheol Sefydlog 17.34.
Amendment 262 agreed in accordance with Standing Order 17.34.

[506] **David Rees:** William, would you like to move amendment 247?

[507] **William Graham:** I move amendment 247 in my name.

[508] **David Rees:** The question is that amendment 247 be agreed to. Does any Member object? There is objection. Therefore, we will now take a vote by show of hands.

13:30

Gwelliant 247: O blaid 5, Ymatal 0, Yn erbyn 5.
Amendment 247: For 5, Abstain 0, Against 5.

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

Graham, William
 Jones, Elin
 Millar, Darren
 Whittle, Lindsay
 Williams, Kirsty

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

Andrews, Leighton
 Evans, Rebecca
 Neagle, Lynne
 Price, Gwyn R.
 Rees, David

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheolau Sefydlog Rhif 6.20(ii).
As there was an equality of votes, the Chair used his casting vote in accordance with Standing Orders No. 6.20(ii).

Gwrthodwyd gwelliant 247.
Amendment 247 not agreed.

Cynigiwyd gwelliant 446.
Amendment 446 moved.

[509] **David Rees:** The question is that amendment 446 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections. Therefore, amendment 446 is agreed.

Derbyniwyd gwelliant 446 yn unol â Rheol Sefydlog 17.34.
Amendment 446 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 447.
Amendment 447 moved.

[510] **David Rees:** The question is that amendment 447 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 447 is agreed.

Derbyniwyd gwelliant 447 yn unol â Rheol Sefydlog 17.34.
Amendment 447 agreed in accordance with Standing Order 17.34.

[511] **David Rees:** Before we move to a vote on amendment 70, Members may wish to be aware that, if amendment 70 is agreed, amendment 147 will fall. William, do you wish to move amendment 70?

[512] **William Graham:** I move amendment 70 in my name, supported by Lindsay Whittle.

[513] **David Rees:** The question is that amendment 70 be agreed to. Does any Member object? There is objection, therefore we will have a vote by show of hands.

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

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheolau Sefydlog Rhif 6.20(ii).
As there was an equality of votes, the Chair used his casting vote in accordance with Standing Orders No. 6.20(ii).*

*Gwrthodwyd gwelliant 70.
Amendment 70 not agreed.*

*Cynigiwyd gwelliant 147.
Amendment 147 moved.*

[514] **David Rees:** The question is that amendment 147 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections. Therefore, amendment 147 is agreed.

*Derbyniwyd gwelliant 147 yn unol â Rheol Sefydlog 17.34.
Amendment 147 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 448.
Amendment 448 moved.*

[515] **David Rees:** The question is that amendment 448 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections. Therefore, amendment 448 is agreed.

*Derbyniwyd gwelliant 448 yn unol â Rheol Sefydlog 17.34.
Amendment 448 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 449.
Amendment 449 moved.*

[516] **David Rees:** The question is that amendment 449 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections. Therefore, amendment 449 is agreed.

*Derbyniwyd gwelliant 449 yn unol â Rheol Sefydlog 17.34.
Amendment 449 agreed in accordance with Standing Order 17.34.*

Cynigiwyd gwelliant 450.
Amendment 450 moved.

[517] **David Rees:** The question is that amendment 450 in the name of the Deputy Minister be agreed to. Does any Member object to amendment 450? There are no objections. Therefore, amendment 450 is agreed.

Derbyniwyd gwelliant 450 yn unol â Rheol Sefydlog 17.34.
Amendment 450 agreed in accordance with Standing Order 17.34.

Grŵp 55: Cyfarwyddiadau i'w Gwneud yn Ofynnol i Gydymffurfio â Chodau Ymarfer (Gwelliant 451)

Group 55: Directions to Require Compliance with Codes of Practice (Amendment 451)

[518] **David Rees:** The lead and only amendment in the group is amendment 451. I move amendment 451 in the name of the Deputy Minister and I call on the Deputy Minister to speak to amendment 451.

[519] **Gwenda Thomas:** Thank you, Chair. Amendment 451 removes from section 125 a provision relating to directions to require compliance with codes of practice under Part 8, social services functions. The effect of the amendment is to remove a duplication that exists in section 125(3) regarding the need for a local authority to comply with a direction made by the Welsh Ministers, and section 125(4), which details the manner in which directions must be complied with. These requirements are already contained within sections 134(1), 134(2) and 134(3) and it is, therefore, unnecessary for them to be also included within section 125. I ask Members to support this amendment.

[520] **David Rees:** Thank you, Deputy Minister. Does any other Member wish to speak to amendment 451? No? Therefore, do you wish to proceed to a vote on amendment 451, Deputy Minister?

[521] **Gwenda Thomas:** Yes, please.

[522] **David Rees:** The question is that amendment 451 be agreed to. Does any Member object? There are no objections. Therefore, amendment 451 is agreed.

Derbyniwyd gwelliant 451 yn unol â Rheol Sefydlog 17.34.
Amendment 451 agreed in accordance with Standing Order 17.34.

Grŵp 56: Gweinidogion Cymru yn Adrodd i'r Cynulliad am Ymyrryd (Gwelliannau 483, 483A, 484A, 484, 485A, 485, 486A, 486B, 486C a 486)

Group 56: Reporting Intervention by the Welsh Ministers to the Assembly (Amendments 483, 483A, 484A, 484, 485A, 485, 486A, 486B, 486C and 486)

[523] **David Rees:** The lead amendment in this group is amendment 483. I call on Elin Jones to move amendment 483 and speak to the amendments in this group.

[524] **Elin Jones:** Cynigiaf welliant 483 yn fy enw i. **Elin Jones:** I move amendment 483 in my name.

[525] Pwrpas y gwelliannau hyn yw i'w gwneud yn ofynnol ar Weinidogion Cymru i adrodd i'r Cynulliad pan maent yn rhoi hysbysiad rhybuddio ac i wneud hynny o The purpose of these amendments is to make it a requirement of Welsh Ministers to report to the Assembly when they give a warning notice and to do so within a specific time

fewn cyfnodau amser penodol. Mae gwelliannau 483, 485 a 486 yn amlinellu'r amserlenni penodol hynny. Mae gwelliant 484 yn ei wneud yn orfodol ar Weinidogion Cymru i adrodd ar y camau sy'n cael eu cymryd yn y broses o ymyrryd. Y rheswm am y gwelliannau hyn yw i gynyddu tryloywder ac atebolrwydd Gweinidogion Cymru ar y materion hyn i'r Cynulliad. Hefyd, byddai adrodd yn ôl i'r Cynulliad yn swyddogol ar y camau sy'n cael eu cymryd yn sicrhau bod cynnydd yn y gweithredu sy'n cael ei wneud gan awdurdodau lleol i wella ar eu perfformiad. Felly, rwyf yn cyflwyno'r gwelliannau.

frame. Amendments 483, 485 and 486 outline the proposed timetables. Amendment 484 makes it a requirement of Welsh Ministers to report on the steps being taken in the intervention process. The rationale behind these amendments is to improve transparency and the accountability of Welsh Ministers on these issues to the Assembly. Also, reporting officially back to the Assembly on the steps being taken would ensure that progress is made in terms of the actions taken by local authorities to improve on their performance. Therefore, I introduce the amendments.

[526] **David Rees:** Thank you, Elin. Does any other Member wish to speak to these amendments? No? Then I call the Deputy Minister.

[527] **Gwenda Thomas:** Thank you, Chair. I will speak to my amendments in this group and also comment on Elin Jones's amendments 483, 484, 485 and 486. I support the principle of Elin Jones's amendments in this group, but I am of the view that clarification is required in relation to each amendment. Amendment 483 places a duty on Welsh Ministers, when issuing a warning notice under section 127(1) of the Bill, to lay a copy of the notice before the National Assembly for Wales within 21 days. I am content to accept this part of the amendment. The amendment also requires Welsh Ministers to report to the Assembly within 90 days on the steps taken under subsection (1). I am content to accept the principle of this amendment, but I am of the view that it is necessary to clarify that the Welsh Ministers would be required to report to the National Assembly for Wales within 90 days of giving the warning notice. On this basis I have tabled amendment 483A, which clarifies the start date of the reporting requirement under amendment 483, and I ask that Members agree this amendment.

[528] I also support the principle of Elin's amendment 484, but I believe that it would benefit from being clarified as well. Amendment 484 places a duty on Welsh Ministers to report to the National Assembly for Wales within 90 days on steps taken to intervene in the social services functions of a local authority under section 128 of the Bill. On this basis, I have tabled amendment 484A, to make clear the start date of this requirement. The result of this amendment, when read with amendment 484, is that the Welsh Ministers would be required to report to the National Assembly for Wales within 90 days of the first date of intervention in a local authority's social services functions under section 128 of the Bill about the steps being taken in relation to that intervention. I ask that Members agree this amendment.

[529] The result of my amendment 485A, when read with amendment 485, will be that the Welsh Ministers would be required to report to the National Assembly for Wales every six months from the first date of intervention in a local authority's social services functions under section 128 of the Bill. I ask that Members support my amendment and support Elin Jones's amendment as amended.

[530] Finally, amendment 486 inserts a new section on the duty to report, under which the Welsh Ministers, in exercising their power of direction under section 129, 130, 131 or 133, would be required to lay a copy of the direction before the National Assembly for Wales, report the giving of the direction to the National Assembly for Wales within 90 days, and report to the National Assembly for Wales on the steps taken by the local authority to comply

with the direction. Again, I have tabled amendments to Elin Jones's amendment 486 with the purpose of specifying the start date for the requirements. Amendment 486A in my name makes it clear that Welsh Ministers are required to lay a copy of the direction before the Assembly within 21 days of the giving of the direction. Amendment 486B in my name makes it clear that Welsh Ministers are required to report to the Assembly on the steps taken by the local authority to comply with the direction within 90 days of the giving of the direction. My amendment 486C is consequential to amendment 486B. I therefore ask that Members accept my amendments 486A, 486B and 486C, and support amendment 486 as amended.

[531] **David Rees:** I call on Elin to reply to the debate.

[532] **Elin Jones:** I am grateful for the clarification outlined by the Deputy Minister, and for the support in principle to my amendments. I am also grateful for her amendments to my amendments, which offer greater clarity and certainty in the legislation. I will be supporting the amendments to the amendments.

[533] **David Rees:** As an amendment to amendment 483 has been tabled, we will dispose of the amendment to the amendment first.

Cynigiwyd gwelliant 483A.

Amendment 483A moved.

[534] **David Rees:** Therefore, the question is that amendment 483A in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 483A is agreed.

Derbyniwyd gwelliant 483A yn unol â Rheol Sefydlog 17.34.

Amendment 483A agreed in accordance with Standing Order 17.34.

[535] **David Rees:** The question is that amendment 483 as amended be agreed to. Does any Member object? There are no objections, therefore amendment 483 as amended is agreed.

Derbyniwyd gwelliant 483 fel y'i diwygiwyd yn unol â Rheol Sefydlog 17.34.

Amendment 483 as amended agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 484A.

Amendment 484A moved.

[536] **David Rees:** We will dispose of the amendment to the amendment first. The question is that amendment 484A in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 484A is agreed.

Derbyniwyd gwelliant 484A yn unol â Rheol Sefydlog 17.34.

Amendment 484A agreed in accordance with Standing Order 17.34.

[537] **David Rees:** Elin, would you like to move amendment 484?

[538] **Elin Jones:** I move amendment 484 in my name.

[539] **David Rees:** The question is that amendment 484 as amended be agreed to. Does any Member object? There are no objections, therefore amendment 484 as amended is agreed.

Derbyniwyd gwelliant 484 fel y'i diwygiwyd yn unol â Rheol Sefydlog 17.34.

Amendment 484, as amended, agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 452.
Amendment 452 moved.

[540] **David Rees:** The question is that amendment 452 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 452 is agreed.

Derbyniwyd gwelliant 452 yn unol â Rheol Sefydlog 17.34.
Amendment 452 agreed in accordance with Standing Order 17.34.

[541] **David Rees:** We will now move on to deal with amendments to amendment 485 first.

Cynigiwyd gwelliant 485A.
Amendment 485A moved.

[542] **David Rees:** The question is that amendment 485A in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 485A is agreed.

Derbyniwyd gwelliant 485A yn unol â Rheol Sefydlog 17.34.
Amendment 485A agreed in accordance with Standing Order 17.34.

[543] **David Rees:** Elin, would you like to move amendment 485?

[544] **Elin Jones:** I move amendment 485 in my name.

[545] **David Rees:** The question is that amendment 485 as amended be agreed to. Does any Member object? There are no objections, therefore amendment 485 as amended is agreed.

Derbyniwyd gwelliant 485 fel y'i diwygiwyd yn unol â Rheol Sefydlog 17.34.
Amendment 485, as amended, agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 453.
Amendment 453 moved.

[546] **David Rees:** The question is that amendment 453 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 453 is agreed.

Derbyniwyd gwelliant 453 yn unol â Rheol Sefydlog 17.34.
Amendment 453 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 454.
Amendment 454 moved.

[547] **David Rees:** The question is that amendment 454 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 454 is agreed.

Derbyniwyd gwelliant 454 yn unol â Rheol Sefydlog 17.34.
Amendment 454 agreed in accordance with Standing Order 17.34.

**Grŵp 57: Pŵer i'w Gwneud yn Ofynnol i Swyddogaethau Gael eu Cyflawni
(Gwelliannau 381 a 382)**
Group 57: Power to Require Performance of Functions (Amendments 381 and 382)

[548] **David Rees:** The lead amendment in the group is amendment 381. I move amendment 381 in the name of the Deputy Minister and I call on the Deputy Minister to speak to the amendments in the group.

[549] **Gwenda Thomas:** Amendments 381 and 382 clarify the effect of a direction issued under section 130 or section 131 of the Bill. Where such a direction has been issued, any reference to a local authority in relation to the exercise of functions subject to that direction is to be read as including the person specified in the direction in the case of a direction under section 30, or the Welsh Ministers or their nominee in the case of a direction under section 31. These amendments remove any doubt concerning the ability of a person specified in the direction to, for example, institute legal proceedings where the legislative authority to do so is expressed as being a power or function of a local authority. For these reasons, I ask Members to support the amendments.

[550] **David Rees:** Does any other Member wish to speak to these amendments? No? Then, Deputy Minister, do you wish to proceed to a vote on amendment 381?

[551] **Gwenda Thomas:** Yes, please.

[552] **David Rees:** The question is that amendment 381 be agreed to. Does any Member object? There are no objections, therefore amendment 381 is agreed.

Derbyniwyd gwelliant 381 yn unol â Rheol Sefydlog 17.34.
Amendment 381 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 382.
Amendment 382 moved.

[553] **David Rees:** The question is that amendment 382 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 382 is agreed.

Derbyniwyd gwelliant 382 yn unol â Rheol Sefydlog 17.34.
Amendment 382 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 455.
Amendment 455 moved.

[554] **David Rees:** The question is that amendment 455 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 455 is agreed.

Derbyniwyd gwelliant 455 yn unol â Rheol Sefydlog 17.34.
Amendment 455 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 456.
Amendment 456 moved.

[555] **David Rees:** The question is that amendment 456 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 456 is agreed.

Derbyniwyd gwelliant 456 yn unol â Rheol Sefydlog 17.34.
Amendment 456 agreed in accordance with Standing Order 17.34.

[556] **David Rees:** We will now dispose of the amendments to the amendments in the first instance.

Cynigiwyd gwelliant 486A.
Amendment 486A moved.

[557] **David Rees:** The question is that amendment 486A in the name of the Deputy Minister be agreed to. Are there any objections? There are no objections, therefore amendment 486A is agreed.

Derbyniwyd gwelliant 486A yn unol â Rheol Sefydlog 17.34.
Amendment 486A agreed in accordance with Standing Order 17.34.

[558] **David Rees:** Before we vote on amendment 486B, if amendment 486B is not agreed, amendment 486C will fall.

Cynigiwyd gwelliant 486B.
Amendment 486B moved.

[559] **David Rees:** The question is that amendment 486B in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 486B is agreed.

Derbyniwyd gwelliant 486B yn unol â Rheol Sefydlog 17.34.
Amendment 486B agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 486C.
Amendment 486C moved.

[560] **David Rees:** Does any Member object to amendment 486C in the name of the Deputy Minister? There are no objections, therefore amendment 486C is agreed.

Derbyniwyd gwelliant 486C yn unol â Rheol Sefydlog 17.34.
Amendment 486C agreed in accordance with Standing Order 17.34.

[561] **David Rees:** Elin, would you like to move amendment 486?

[562] **Elin Jones:** I move amendment 486 in my name.

[563] **David Rees:** The question is that amendment 486 as amended be agreed to. Does any Member object? There are no objections, therefore amendment 486 as amended is agreed.

Derbyniwyd gwelliant 486 fel y'i diwygiwyd yn unol â Rheol Sefydlog 17.34.
Amendment 486, as amended, agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 522.
Amendment 522 moved.

[564] **David Rees:** Does any Member object to amendment 522 in the name of the Deputy Minister? There are no objections, therefore amendment 522 is agreed.

Derbyniwyd gwelliant 522 yn unol â Rheol Sefydlog 17.34.
Amendment 522 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 457.
Amendment 457 moved.

[565] **David Rees:** Does any Member object to amendment 457 in the name of the Deputy Minister? There are no objections, therefore amendment 457 is agreed.

Derbyniwyd gwelliant 457 yn unol â Rheol Sefydlog 17.34.
Amendment 457 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 458.
Amendment 458 moved.

[566] **David Rees:** Does any Member object to amendment 458 in the name of the Deputy Minister? There are no objections, therefore amendment 458 is agreed.

Derbyniwyd gwelliant 458 yn unol â Rheol Sefydlog 17.34.
Amendment 458 agreed in accordance with Standing Order 17.34.

Grŵp 58: Canlyniadau Llesiant (Gwelliannau 487, 539, 540, 541, 542, 250, 543, 488, 524, 525, 526, 527, 528 a 529)
Group 58: Wellbeing Outcomes (Amendments 487, 539, 540, 541, 542, 250, 543, 488, 524, 525, 526, 527, 528 and 529)

[567] **David Rees:** The lead amendment in the group is amendment 487. I call on Elin Jones to move amendment 487 and to speak to the amendments in the group.

13:45

[568] **Elin Jones:** I move amendment 487 in my name.

[569] The purpose of this amendment is to ensure that statements about wellbeing are issued within a specified time frame, and amendment 487 specifies that time frame as within three years of enactment. The purpose of amendment 488 is to ensure that those statements on wellbeing outcomes are reviewed every two years so that we are enshrining in this legislation the need to adapt to possibly changing circumstances and to review the wellbeing outcomes every two years.

[570] **David Rees:** Thank you. William, do you wish to speak?

[571] **William Graham:** Yes, please. I will speak to amendment 250. The purpose of this amendment is to insert a provision regarding a consultation and a review that the Welsh Ministers must undertake before issuing or revising any wellbeing outcome statement. We feel that this provides a wider scope for consultation than the Welsh Government amendment as consulting only persons as the Welsh Ministers see fit could be limited. Our amendment will ensure that local authorities and health boards would be involved every time that a statement was issued or revised. This would provide greater assurance for both sectors.

[572] **David Rees:** Thank you, William. Does any other Member wish to speak? I see that no Member does, therefore I call on the Deputy Minister.

[573] **Gwenda Thomas:** Thank you, Chair. In speaking to my amendments in this group, amendments 524 to 529, 540 and 542, I will also respond to amendments 487 and 488, tabled

by Elin Jones, and William Graham's amendment 250. Amendment 542 brings the duty to consult in relation to wellbeing outcomes in line with the duty to consult in relation to codes under section 122(1) of the Bill. In this way, the second section to be inserted into section 137 by my amendment provides an alternative to amendment 250, which was tabled by William Graham. My amendment ensures that the Welsh Ministers' duty to consult in relation to codes goes further than that set out in William Graham's amendment. I do not feel that it would be appropriate to consult only the bodies that he has set out.

[574] Members will be aware that section 137 of the Bill as currently drafted states that

[575] 'The Welsh Ministers must issue, and from time to time revise, a statement relating to the well-being of—

(a) people in Wales who need care and support, and

(b) carers in Wales who need support.'

[576] Elin Jones's amendment 487, as Elin has said, seeks to ensure that the first statement is issued

[577] 'within 3 years following commencement of this Act'.

[578] The Government supports the principle of this amendment, and I do see merit in there being a timescale within the Bill for this. However, 'commencement of the Act' is problematic. Different elements of the Bill will be commenced at different times. My alternative amendment, which is amendment 540, proposes therefore that the three years is aligned to Royal Assent, rather than commencement.

[579] Turning to Elin Jones's amendment 488, this would require the statement to be reviewed every two years from the issue of the first statement. While I support the principle of there being a duty on the Welsh Ministers to review the statement, I do not think that the addition of a prescribed timescale would be helpful. In this context, I would remind Members that the wellbeing statement published on 16 April 2013 is currently being developed further and will be reissued in March 2014. It is the intention that the statement will be kept under review and revised regularly.

[580] However, I support the notion that there should be greater transparency about arrangements for review and revision. The first subsection to be inserted by amendment 542, which I have brought forward, is very much in the spirit of Elin Jones's amendment without prescribing a specific timescale. The wording of my amendment will ensure that we are able to review the statement as often as necessary to respond to people and changes, and are able to revise the statement when it is required.

[581] Amendments 524, 525, 526, 527, 528 and 529 are technical in nature and seek to move sections 137, 138, 139, 140, 141 and 142 to a different location that should mean greater prominence for these provisions earlier in the Bill and coherence within the overarching wellbeing duties. In summary, I ask that the Members do not support amendments 250, 487 and 488, but agree my amendments, which include alternatives to those tabled by Elin Jones and William Graham.

[582] **David Rees:** I call on Elin to reply to the debate.

[583] **Elin Jones:** Thank you, Chair, and thank you, Deputy Minister, for your response. I understand and agree with the clarification outlined in your own amendment on the commencement of the Act and the Royal Assent being a preferred wording, so I will be

withdrawing my amendment 487. However, I continue to believe that placing a duty on Welsh Ministers to review within a specified timescale, as outlined in my amendment 488, provides greater certainty in the process of reviews, so I will move 488.

[584] **David Rees:** Elin has indicated that she intends to withdraw amendment 487. Does any Member object to the withdrawal of amendment 487? I see that no-one does. Therefore, amendment 487 is withdrawn.

Tynnwyd gwelliant 487 yn ôl gyda chaniatâd y pwyllgor.
Amendment 487 withdrawn by leave of the committee.

Cynigiwyd gwelliant 539.
Amendment 539 moved.

[585] **David Rees:** The question is that amendment 539 in the name of the Deputy Minister be agreed to. Does any Member object? I see that no-one does. Thank you very much. Amendment 539 is therefore agreed.

Derbyniwyd gwelliant 539 yn unol â Rheol Sefydlog 17.34.
Amendment 539 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 540.
Amendment 540 moved.

[586] **David Rees:** The question is that amendment 540 in the name of the Deputy Minister be agreed to. Does any Member object? I see that no-one does. Therefore, amendment 540 is agreed.

Derbyniwyd gwelliant 540 yn unol â Rheol Sefydlog 17.34.
Amendment 540 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 541.
Amendment 541 moved.

[587] **David Rees:** The question is that amendment 541 in the name of the Deputy Minister be agreed to. Does any Member object? I see that no-one does. Therefore, amendment 541 is agreed.

Derbyniwyd gwelliant 541 yn unol â Rheol Sefydlog 17.34.
Amendment 541 agreed in accordance with Standing Order 17.34.

[588] **David Rees:** Before we vote on amendment 542, Members should be aware that if it is agreed, then amendments 250 and 488 will fall.

Cynigiwyd gwelliant 542.
Amendment 542 moved.

[589] **David Rees:** The question is that amendment 542 in the name of the Deputy Minister be agreed to. Does any Member object? We have an objection, therefore we move to a vote.

Gwelliant 542: O blaid 8 Ymatal 0, Yn erbyn 2.
Amendment 542: For 8, Abstain 0, Against 2.

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

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

Andrews, Leighton
Evans, Rebecca
Jones, Elin
Neagle, Lynne
Price, Gwyn R.
Rees, David
Whittle, Lindsay
Williams, Kirsty

Graham, William
Millar, Darren

*Derbyniwyd gwelliant 542.
Amendment 542 agreed.*

*Methodd gwelliant 250.
Amendment 250 fell.*

*Cynigiwyd gwelliant 543.
Amendment 543 moved.*

[590] **David Rees:** The question is that amendment 543 in the name of the Deputy Minister be agreed to. Does any Member object? I see that no-one does. Therefore, amendment 543 is agreed.

*Derbyniwyd gwelliant 543 yn unol â Rheol Sefydlog 17.34.
Amendment 543 agreed in accordance with Standing Order 17.34.*

*Methodd gwelliant 488.
Amendment 488 fell.*

*Cynigiwyd gwelliant 524.
Amendment 524 moved.*

[591] **David Rees:** The question is that amendment 524 in the name of the Deputy Minister be agreed to. Does any Member object to it being agreed? I see that no-one does. Therefore, amendment 524 is agreed.

*Derbyniwyd gwelliant 524 yn unol â Rheol Sefydlog 17.34.
Amendment 524 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 460.
Amendment 460 moved.*

[592] **David Rees:** The question is that amendment 460 in the name of the Deputy Minister be agreed to. Does any Member object to it being agreed? There is no objection. Therefore, amendment 460 is agreed.

*Derbyniwyd gwelliant 460 yn unol â Rheol Sefydlog 17.34.
Amendment 460 agreed in accordance with Standing Order 17.34.*

[593] **David Rees:** I propose that amendments 525 to 529, which appear consecutively in the marshalled list, be disposed of en bloc, given their nature. Does any Member object to the votes being grouped? I see that no-one does.

*Cynigiwyd gwelliannau 525, 526, 527, 528 a 529.
Amendments 525, 526, 527, 528 and 529 moved.*

[594] The question is that amendments 525, 526, 527, 528 and 529 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, those amendments are agreed.

Derbyniwyd gwelliannau 525, 526, 527, 528 a 529 yn unol â Rheol Sefydlog 17.34.
Amendments 525, 526, 527, 528 and 529 agreed in accordance with Standing Order 17.34.

Grŵp 59: Cydweithrediad a Phartneriaeth (Gwelliannau 263, 264, 265, 266, 544, 545, 547, 267, 47, 48, 548, 49, 549, 148, 268, 269, 270, 271, 272, 273, 274, 50, 415, 149, 150, 151, 152, 489, 490, 491, 492, 493, 153, 470, 251A, 251B, 251 a 471)

Group 59: Co-operation and Partnership (Amendments 263, 264, 265, 266, 544, 545, 547, 267, 47, 48, 548, 49, 549, 148, 268, 269, 270, 271, 272, 273, 274, 50, 415, 149, 150, 151, 152, 489, 490, 491, 492, 493, 153, 470, 251A, 251B, 251 and 471)

[595] **David Rees:** The fifty-ninth group of amendments will consider co-operation and partnership. The lead amendment in this group is amendment 263. I call on William Graham to move amendment 263 and to speak to all amendments in this group.

[596] **William Graham:** I move amendment 263 tabled in my name, and I will speak to it and to amendments 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, and 274.

[597] Amendment 263 concerns arrangements for co-operation. Hopefully, this amendment will ensure that relevant partners, as well as local authorities, are included to promote co-operation.

[598] Amendments 264, 265 and 266 are broadly the same.

[599] Amendment 267 would mean that the local authority, or its relevant partners, may not necessarily have to provide staff, goods, accommodation or other resources, but would need to secure the provision of such services. This will ensure that other organisations that may not fall under the category of a local authority or one of its partners can deliver such services.

[600] Amendment 268 includes a relevant partner of a local authority within the provision to co-operate and provide information in the exercise of social services functions. Amendments 269, 270, 271, 272, 273 and 274 are consequential.

[601] **David Rees:** Lindsay, do you wish to speak?

[602] **Lindsay Whittle:** I would like to speak very briefly in favour of amendment 415, which is tabled in my name. It is tabled to ensure the closer integration of health and social care so that local health boards have the same responsibilities as local authorities to ensure the integration of care. Both parties can be responsible for putting up barriers or causing delays in discharge, as many of us know; as Assembly Members, our postbags are full of complaints. So, it makes sense for the local health board to have the same obligation as a local authority.

[603] **David Rees:** Elin, do you wish to speak?

[604] **Elin Jones:** Yes, I would like to speak to the amendments in my name. Amendments 489 to 493 are amendments on establishing a pooled fund between health boards and social services departments, and on extending the duties on co-operation in line with our committee's report. Amendments 489, 491, 492 and 493 in particular follow the recommendation of the committee. Recommendation 50 asked for all references in this section to be changed from 'may' to 'must' in terms of requiring the integration of services. We support the Government amendments and the intention of the Government in its amendments here, but I do not consider them to have gone far enough, because they have not

made it a requirement and replaced the ‘may’ with a ‘must’ in the sections on integration.

[605] Amendment 490 requires the establishment of pooled funds between local authorities and local health boards. Pooled funds are a necessary starting point to create the real integration of health and social care. I believe quite strongly, and the committee, in its deliberations and in its report, believed quite strongly, that the opportunity presented by this legislation should not be lost with regard to providing the drive and momentum for the integration of health and social care. I recall, in particular, local authority representatives telling us that they wanted more certainty and more clarity in this legislation on requiring the integration of services.

[606] **David Rees:** Does any other Member wish to speak? I see not. Therefore, I call on the Deputy Minister to reply.

[607] **Gwenda Thomas:** I feel bound to go into some detail in responding to these important amendments, Chair. Greater collaboration and partnership, and with them integration between health and social care, are a fundamental component of this legislation, and the duties set out under Part 9 are at the centre of the new system that the Bill seeks to introduce. I welcome, therefore, the interest that has been shown here.

[608] Amendments 263, 264, 265, 266 and 267, tabled by William Graham, seek to change the legal basis for partnership, and consequently the character of the relationships across the local authorities and its relevant partners, which underpins co-operation in delivering services. The reason behind them is, I believe, to seek to strengthen co-operation. They relate, however, only to section 143 and do not take into account the equivalent provision for co-operation in respect of children under section 144. This equivalence is necessary under the people-model approach that the Bill sets out. The amendments seek to give equivalent responsibility for making co-operation arrangements to the local authority and its six or more relevant partners in the area. They would also create inconsistency and potential confusion by introducing a radically different kind of working arrangement from that provided for other purposes in Wales, such as local service boards. Co-operation arrangements under the Bill are based on a model in Wales provided for in previous legislation, most notably the Children Act 2004.

14:00

[609] The Welsh Government’s policy to improve public service co-operation provides for partnerships led by local authorities as democratically accountable bodies. This draws from the power of community leadership under the Local Government Act 2000, strengthened by the Local Government (Wales) Measure 2011, to lead and support partner organisations to work together to meet the needs of their communities. Based upon this power, a duty is placed on the local authority to promote co-operation for specific purposes with named statutory relevant partners, each of which is, in turn, under a duty to co-operate for the same purposes. As a result, leadership is located clearly within a single public service, and linked to the democratic process. Establishing more than one leader runs the risk of providing for no leader at all. It would not strengthen the partnership relationship among them or improve its quality. Rather, it would weaken it by creating competition and confusion. Such a change would also undermine the lead responsibility given to social services in the Bill for delivering care and support, in respect of the local authority and its contributing partners.

[610] Amendment 264 applies the duty to co-operate to employees and officers of relevant partners. Members will wish to note that we discussed amendments 462 to 465 as part of group 17. These amendments provide for co-operation between officers of a local authority when exercising functions in relation to adults, children or carers with needs for care and/or support. This will ensure co-operation between relevant departments and officers of a local

authority. We discussed these amendments in the context of how they give effect to amendment 101 tabled by Kirsty Williams AM, but they will also give effect to amendment 264 tabled by William Graham. I therefore ask Members to oppose amendment 264 on the basis that I would hope that you will support amendments 462 to 465 when you vote on these later.

[611] Amendment 267 seeks to emphasise that public services may not only provide services, but secure or contract them from others. This distinction is already set out in the Bill, wherever it is required, through such drafting as,

[612] ‘provide or secure the provision of’

[613] and,

[614] ‘provide or arrange for the provision of’

[615] services. The amendment may be intended to reflect the emphasis on a market-driven model of provision of the care Bill—an approach that we are not following in Wales. For the reason that I have just set out, I ask that Members reject amendments 263, 264, 265, 266 and 267.

[616] Amendments 268 to 274 tabled by William Graham seek to create equivalent powers for local authorities and their relevant partners to request information from one another. Within this batch, amendment 269 in particular significantly narrows the scope of the duty to co-operate and provide information. It limits the duty to the exercise of co-operation under section 143, rather than in relation to the exercise of social services functions. This amendment would be detrimental and would fetter the ability to request, and have provided, information in respect of a whole range of matters under the Bill. This could include, for example, assessment arrangements under part 3.

[617] Amendment 269 also incorrectly links the duties under section 145 and section 143 of the Bill. The duties in section 145 relate to the provision of social services to individuals, while the focus of section 143 is in relation to co-operation at the organisational level. Conversely, while amendment 268 limits the scope of section 145 to just section 143 by inserting,

[618] ‘after ‘authority’, insert ‘or one of its relevant partners’,

[619] in subsections (1), (2), (3) and (4), William Graham extends the specific duty at 145 to a wider range of bodies. Thus, the effect of his amendments is both limiting and extending section 145.

[620] In my view, taken together, amendments 268 to 274 undermine the lead role of the local authority, particularly the duties of the social services department, to be the accountable lead in the assessment, delivery and review of care and support to individuals. Agreeing amendment 269 would additionally remove a vital duty to request and have provided information, fettering local authorities’ ability to safeguard and promote the wellbeing of individuals.

[621] I will now speak to a number of the Government amendments that I have brought forward in this area, all of which intend to further strengthen co-operation and partnership duties under the Bill. I will begin with amendment 149, which I tabled in response to recommendation 50 of this committee’s Stage 1 report. This amendment ensures that regulations made under section 147(1) must make provision specifying the local authorities and health boards that are to take part in partnership arrangements. Regulations must also

specify the form that partnership arrangements are to take and the responsibility for partnership arrangements and information sharing. This is a stronger requirement than is currently stated in the Bill and I hope that Members can support it.

[622] Amendment 50 provides Welsh Ministers with the power to issue guidance for the purposes of the duties relating to co-operation and the provision of information to local authorities in the exercise of their social services functions under section 145 of the Bill. This amendment will also ensure that any local authority persons or bodies to whom guidance is issued must have regard to that guidance. The amendment strengthens the Government's powers in relation to co-operation and its application to those who receive guidance from Welsh Ministers, and I ask Members to support it.

[623] Amendment 47 inserts a new paragraph to section 25(4) of the Children Act 2004, which includes other local authorities in Wales in the list of relevant partners of a local authority, for the purposes of co-operation, to improve the wellbeing of children. This will strengthen the arrangements for co-operation between local authorities in Wales and provide for better alignment of efforts in this very important area.

[624] Amendment 48 removes section 144(6) from the Bill, so that section 25 of the Children Act 2004 will no longer be amended to provide that local authorities and their relevant partners have an express power to share information for the purposes of co-operation and improve wellbeing of children. The reason for this amendment is that, after further consideration, I do not believe that section 144(6) is necessary, because the power to share information is implied in the general duty to co-operate in section 25.

[625] The purpose of amendment 49 is to remove section 144(8) from the Bill, so that section 25(9) of the Children Act 2004 is not removed by the Bill. This amendment is required in order to avoid an issue of competence. Consent has not been provided by the Secretary of State for this provision, which is required, as it removes a pre-commencement power from a Minister of the Crown. The result is that section 25(9) will continue to apply, and before issuing any guidance under section 25(8) of the 2004 Act, Welsh Ministers would need to have the consent of the Secretary of State.

[626] Amendment 548 is consequential to this amendment. Amendment 148 applies the negative resolution procedure to the new regulation-making power under section 25 of the Children Act 2004, inserted by section 144(4)(b) of the Bill.

[627] Turning to amendment 153, this would insert a new subsection placing a duty on Welsh Ministers to issue guidance regarding any partnership arrangements made under regulations by virtue of section 147. I ask Members to support amendment 148 as well as amendment 153.

[628] Amendment 251A and consequential amendment 251B seek to amend amendment 251, tabled by William Graham AM, the intentions of which I am in agreement with. These amendments will clarify that the bodies listed in section 150 must have regard to guidance under that section as well as to any outcome specified in a statement under section 137 when exercising their functions under sections 147 to 149. I would ask Members to support amendments 251A and 251B and amendment 251 as amended. Wellbeing outcomes for people who need care and support, and carers who need support are fundamental to our work to transform social services.

[629] Amendment 470 is a technical amendment to clarify drafting intent and should be read in conjunction with amendments 153, 251, 251A, 251B and 471. I would therefore ask Members to also support amendment 470.

[630] Amendment 544 limits the co-operation duty under section 143(1)(d) only to adults who are carers. The Bill already makes provision for co-operation duties in relation to all children, including those who are carers under section 144 of the Bill. This amendment therefore removes duplication. Amendments 545 and 547 are consequential to it.

[631] Amendment 549 is consequential to amendment 57, tabled by Kirsty Williams. This amendment relates to the definition of care and support, and Members will recall that we agreed it in our first committee meeting on 13 November. Amendment 549 makes sure that the same changes are replicated in section 144 of the Bill, and I trust that Members will support it.

[632] Amendment 415, tabled by Lindsay Whittle, seeks to impose a joint responsibility on local health boards as well as local authorities to ensure that, when they exercise their respective functions, they do so with a view to ensuring the integration of care and support provision with health and health-related provision. While I recognise that this amendment reflects, in part, the committee Stage 1 discussions around integration, the amendment goes further than the intention of the Bill, which is essentially to provide a revised and coherent framework for social services. There are significant existing powers and duties relating to health boards within the current legislative framework, and the Bill already makes sufficient provision to ensure the contribution of local health boards in the exercise of social services functions. I therefore ask Members to oppose amendment 415.

[633] I will now respond to amendments tabled by Elin Jones. The purpose of amendments 489 and 490 is to place a duty on local authorities and our local health boards to pay towards the expenditure incurred for the purpose of, or in connection with, partnership arrangements. In practice, partnership arrangements are supported in a number of ways. This can be direct funding or contributions in kind; for example, by providing staff, goods, services, accommodation or other resources. I believe that it is important that local authorities and LHBs retain the discretion to work in this way. I also believe that the amendment could restrict the development of partnerships by requiring a level of complexity where it is not needed. I think that the powers in section 148(1) should remain as they are. Welsh Ministers do have powers to make regulations requiring the establishment of pooled funds and determining the amount of contributions to the pooled fund or imposing other requirements about expenditure. These powers can be used if there is any concern that local authorities and LHBs are not exercising their powers in section 148(1) appropriately. I therefore ask that Members oppose amendments 489 and 490.

14:15

[634] Amendment 491 seeks to introduce a duty for regulations to be made in relation to further provisions about the funding of partnership arrangements. I do not believe that there should be uniform arrangements for every partnership arrangement. Each partnership arrangement has to be designed to achieve the best outcomes for populations and communities. We should also remember that a key purpose of partnership arrangements under the Bill is to allow the introduction and development of new models of delivery, including those that lead to greater integration between health and social services. There are already a number of examples emerging across Wales of such service models, including those in respect of frailty and reablement as well as our integrated family support service. We need to allow local authorities the space to expand upon these models and to develop new approaches at a local level without prescribing for them elements that may be restrictive in such a process. Flexibility in the development of partnerships must, therefore, be allowed. For this reason, I ask that Members reject amendment 491.

[635] The purpose of amendment 492 is to leave out the lines requiring a local authority or a local health board to establish or maintain a pooled fund, although the regulations may

determine the amount of contributions of a pooled fund. This is intended as a consequential amendment to amendment 490. I think that it is important that the Welsh Ministers retain regulation-making powers to make provisions about the funding of partnerships through the use of pooled funds, but I do not believe that funding arrangements should be imposed where they are not appropriate. I therefore ask Members to reject this amendment along with amendment 490.

[636] Finally, amendment 493 would introduce a duty for regulations to be made that require a partnership board in respect of partnership arrangements. This amendment is potentially harmful as not all partnership arrangements will necessitate the creation of a partnership board. Welsh Ministers must be able to retain discretion as to which body or bodies are to be required to establish partnership boards. They must also be able to retain discretion as to whether partnership boards are to be established for each of the partnership arrangements that are required under section 147. Flexibility can allow for individual boards to be responsible for more than one partnership arrangement, where this makes sense. I therefore ask that Members reject this amendment.

[637] **David Rees:** Thank you, Deputy Minister. William, do you wish to reply to the debate?

[638] **William Graham:** If I may, Chair, yes. I am kind of getting some concept of eternity, I think. [*Laughter.*]

[639] I am sure that all Members are very grateful to the Deputy Minister for her detailed explanation. It does not change my view on many of these matters, but I will not move, with the kind permission of the committee, amendment 251 in time.

[640] **David Rees:** Okay; thank you, William.

[641] Deputy Minister, thank you very much for that. The detail is very important; as was pointed out last week by Kirsty Williams, it is critical that we have that detail.

[642] William, do you wish to proceed to a vote on amendment 263?

[643] **William Graham:** Yes, please.

[644] **David Rees:** The question is that amendment 263 be agreed to. Does any Member object? There is objection, therefore, we will move to a vote by show of hands.

Gwelliant 263: O blaid 4, Ymatal 0, Yn erbyn 6.

Amendment 263: For 4, Abstain 0, Against 6.

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David
Williams, Kirsty

Gwrthodwyd gwelliant 263.
Amendment 263 not agreed.

[645] **David Rees:** Before we move on to dispose of the next amendment, so far today we

have been voting on amendments discussed today. I remind you that amendments 461, 462, 463, 464 and 465 were debated as part of group 17 on 27 November, so you have had the transcript to do with that.

*Cynigiwyd gwelliant 461.
Amendment 461 moved.*

[646] **David Rees:** The question is that amendment 461 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections. Therefore, amendment 461 is agreed.

*Derbyniwyd gwelliant 461 yn unol â Rheol Sefydlog 17.34.
Amendment 461 agreed in accordance with Standing Order 17.34.*

[647] **David Rees:** William, do you wish to move amendment 264?

[648] **William Graham:** I move amendment 264 in my name.

[649] **David Rees:** The question is that amendment 264 be agreed to. Does any Member object? There is objection, therefore we go to a vote by show of hands.

*Gwelliant 264: O blaid 4, Ymatal 0, Yn erbyn 6.
Amendment 264: For 4, Abstain 0, Against 6.*

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David
Williams, Kirsty

*Gwrthodwyd gwelliant 264.
Amendment 264 not agreed.*

[650] **David Rees:** William, do you wish to move amendment 265?

[651] **William Graham:** I move amendment 265 in my name.

[652] **David Rees:** The question is that amendment 265 be agreed to. Does any Member object? There is objection, therefore we move to a vote by show of hands.

*Gwelliant 265: O blaid 4, Ymatal 0, Yn erbyn 6.
Amendment 265: For 4, Abstain 0, Against 6.*

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David
Williams, Kirsty

Gwrthodwyd gwelliant 265.

Amendment 265 not agreed.

[653] **David Rees:** William, do you wish to move amendment 266?

[654] **William Graham:** I move amendment 266 in my name.

[655] **David Rees:** The question is that amendment 266 be agreed to. Does any Member object? There is objection, therefore we move to a vote by show of hands.

Gwelliant 266: O blaid 4, Ymatal 0, Yn erbyn 6.

Amendment 266: For 4, Abstain 0, Against 6.

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David
Williams, Kirsty

Gwrthodwyd gwelliant 266.
Amendment 266 not agreed.

Cynigiwyd gwelliant 544.
Amendment 544 moved.

[656] **David Rees:** The question is that amendment 544 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 544 is agreed.

Derbyniwyd gwelliant 544 yn unol â Rheol Sefydlog 17.34.
Amendment 544 agreed in accordance with Standing Order 17.34.

[657] **David Rees:** Before we move to amendment 462, you should be aware that if amendment 462 is not agreed, then amendment 464 will fall.

Cynigiwyd gwelliant 462.
Amendment 462 moved.

[658] **David Rees:** The question is that amendment 462 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 462 is agreed.

Derbyniwyd gwelliant 462 yn unol â Rheol Sefydlog 17.34.
Amendment 462 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 463.
Amendment 463 moved.

[659] **David Rees:** The question is that amendment 463 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 463 is agreed.

Derbyniwyd gwelliant 463 yn unol â Rheol Sefydlog 17.34.

Amendment 463 agreed in accordance with Standing Order 17.34.

*Cynigiwyd gwelliant 545.
Amendment 545 moved.*

[660] **David Rees:** The question is that amendment 545 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 545 is agreed.

*Derbyniwyd gwelliant 545 yn unol â Rheol Sefydlog 17.34.
Amendment 545 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 546.
Amendment 546 moved.*

[661] **David Rees:** The question is that amendment 546 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 546 is agreed.

*Derbyniwyd gwelliant 546 yn unol â Rheol Sefydlog 17.34.
Amendment 546 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 547.
Amendment 547 moved.*

[662] **David Rees:** The question is that amendment 547 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 547 is agreed.

*Derbyniwyd gwelliant 547 yn unol â Rheol Sefydlog 17.34.
Amendment 547 agreed in accordance with Standing Order 17.34.*

[663] **David Rees:** William, do you wish to move amendment 267?

[664] **William Graham:** I move amendment 267 in my name.

[665] **David Rees:** The question is that amendment 267 be agreed to. Does any Member object? There is objection, therefore I will take a vote by show of hands.

Gwelliant 267: O blaid 4, Ymatal 0, Yn erbyn 6.

Amendment 267: For 4, Abstain 0, Against 6.

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David
Williams, Kirsty

*Gwrthodwyd gwelliant 267.
Amendment 267 not agreed.*

Cynigiwyd gwelliant 464.

Amendment 464 moved.

[666] **David Rees:** The question is that amendment 464 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 464 is agreed.

Derbyniwyd gwelliant 464 yn unol â Rheol Sefydlog 17.34.
Amendment 464 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 465.
Amendment 465 moved.

[667] **David Rees:** The question is that amendment 465 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 465 is agreed.

Derbyniwyd gwelliant 465 yn unol â Rheol Sefydlog 17.34.
Amendment 465 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 47.
Amendment 47 moved.

[668] **David Rees:** The question is that amendment 47 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 47 is agreed.

Derbyniwyd gwelliant 47 yn unol â Rheol Sefydlog 17.34.
Amendment 47 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 48.
Amendment 48 moved.

[669] **David Rees:** The question is that amendment 48 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 48 is agreed.

Derbyniwyd gwelliant 48 yn unol â Rheol Sefydlog 17.34.
Amendment 48 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 548.
Amendment 548 moved.

[670] **David Rees:** The question is that amendment 548 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 548 is agreed.

Derbyniwyd gwelliant 548 yn unol â Rheol Sefydlog 17.34.
Amendment 548 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 49.
Amendment 49 moved.

[671] **David Rees:** The question is that amendment 49 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 49 is agreed.

Derbyniwyd gwelliant 49 yn unol â Rheol Sefydlog 17.34.
Amendment 49 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 549.
Amendment 549 moved.

[672] **David Rees:** The question is that amendment 549 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 549 is agreed.

Derbyniwyd gwelliant 549 yn unol â Rheol Sefydlog 17.34.
Amendment 549 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 148.
Amendment 148 moved.

[673] **David Rees:** The question is that amendment 148 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 148 is agreed.

Derbyniwyd gwelliant 148 yn unol â Rheol Sefydlog 17.34.
Amendment 148 agreed in accordance with Standing Order 17.34.

[674] **David Rees:** William, do you wish to move amendment 268?

[675] **William Graham:** I do not wish to move amendment 268.

[676] **David Rees:** Does any other Member wish to move amendment 268? I see that no-one does.

Ni chynigiwyd gwelliant 268.
Amendment 268 not moved.

[677] **David Rees:** William, do you wish to move amendment 269?

[678] **William Graham:** I also wish to not move amendment 269, please.

[679] **David Rees:** Does any other Member wish to move amendment 269? I see that no-one does.

Ni chynigiwyd gwelliant 269.
Amendment 269 not moved.

[680] **David Rees:** Before we move to a vote on amendment 270, if amendment 270 is not agreed then amendment 271 will fall. William, do you wish to move amendment 270?

[681] **William Graham:** No, I do not wish to move amendment 270.

[682] **David Rees:** Does any other Member wish to move amendment 270? I see that no-one does. Consequently, amendment 271 falls.

Ni chynigiwyd gwelliant 270.
Amendment 270 not moved.

*Methodd gwelliant 271.
Amendment 271 fell.*

*Cynigiwyd gwelliant 550.
Amendment 550 moved.*

[683] **David Rees:** The question is that amendment 550 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 550 is agreed.

*Derbyniwyd gwelliant 550 yn unol â Rheol Sefydlog 17.34.
Amendment 550 agreed in accordance with Standing Order 17.34.*

[684] **David Rees:** William, do you wish to move amendment 272?

[685] **William Graham:** I move amendment 272 in my name.

[686] **David Rees:** The question is that amendment 272 be agreed to. Does any Member object? There is objection, therefore I will take a vote by show of hands.

*Gwelliant 272: O blaid 4, Ymatal 0, Yn erbyn 6.
Amendment 272: For 4, Abstain 0, Against 6.*

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David
Williams, Kirsty

*Gwrthodwyd gwelliant 272.
Amendment 272 not agreed.*

[687] **David Rees:** William, do you wish to move amendment 273?

[688] **William Graham:** I do not wish to move amendment 273.

[689] **David Rees:** Does any other Member wish to move amendment 273? I see that no-one does.

*Ni chynigiwyd gwelliant 273.
Amendment 273 not moved.*

[690] **David Rees:** William, do you wish to move amendment 274?

[691] **William Graham:** I do not wish to move amendment 274.

[692] **David Rees:** Does any other Member wish to move amendment 274? I see that no-one does.

*Ni chynigiwyd gwelliant 274.
Amendment 274 not moved.*

Cynigiwyd gwelliant 50.
Amendment 50 moved.

[693] **David Rees:** The question is that amendment 50 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 50 is agreed.

Derbyniwyd gwelliant 50 yn unol â Rheol Sefydlog 17.34.
Amendment 50 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 51.
Amendment 51 moved.

[694] **David Rees:** The question is that amendment 51 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 51 is agreed.

Derbyniwyd gwelliant 51 yn unol â Rheol Sefydlog 17.34.
Amendment 51 agreed in accordance with Standing Order 17.34.

[695] **David Rees:** Lindsay, do you wish to move amendment 415?

[696] **Lindsay Whittle:** I move amendment 415 in my name.

[697] **David Rees:** The question is that amendment 415 be agreed to. Does any Member object? There is objection. Therefore, I will take a vote by a show of hands.

Gwelliant 415: O blaid 4, Ymatal 0, Yn erbyn 6.
Amendment 415: For 4, Abstain 0, Against 6.

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

Graham, William
 Jones, Elin
 Millar, Darren
 Whittle, Lindsay

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

Andrews, Leighton
 Evans, Rebecca
 Neagle, Lynne
 Price, Gwyn R.
 Rees, David
 Williams, Kirsty

Gwrthodwyd gwelliant 415
Amendment 415 not agreed.

Cynigiwyd gwelliant 149.
Amendment 149 moved.

[698] **David Rees:** The question is that amendment 149 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 149 is agreed.

Derbyniwyd gwelliant 149 yn unol â Rheol Sefydlog 17.34.
Amendment 149 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 150.
Amendment 150 moved.

[699] **David Rees:** The question is that amendment 150 in the name of the Deputy Minister

be agreed to. Does any Member object? There is no objection. Therefore, amendment 150 is agreed.

Derbyniwyd gwelliant 150 yn unol â Rheol Sefydlog 17.34.
Amendment 150 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 151.
Amendment 151 moved.

[700] **David Rees:** The question is that amendment 151 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 151 is agreed.

Derbyniwyd gwelliant 151 yn unol â Rheol Sefydlog 17.34.
Amendment 151 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 152.
Amendment 152 moved.

[701] **David Rees:** The question is that amendment 152 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 152 is agreed.

Derbyniwyd gwelliant 152 yn unol â Rheol Sefydlog 17.34.
Amendment 152 agreed in accordance with Standing Order 17.34.

[702] **David Rees:** Elin, would you like to move amendment 489?

[703] **Elin Jones:** I move amendment 489 in my name.

[704] **David Rees:** The question is that amendment 489 be agreed to. Does any Member object? There is an objection. Therefore, I will take a vote by a show of hands.

Gwelliant 489: O blaid 4, Ymatal 0, Yn erbyn 6.
Amendment 489: For 4, Abstain 0, Against 6.

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

Graham, William
 Jones, Elin
 Millar, Darren
 Whittle, Lindsay

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

Andrews, Leighton
 Evans, Rebecca
 Neagle, Lynne
 Price, Gwyn R.
 Rees, David
 Williams, Kirsty

Gwrthodwyd gwelliant 489
Amendment 489 not agreed.

[705] **David Rees:** Elin, would you like to move amendment 490?

[706] **Elin Jones:** I move amendment 490 in my name.

[707] **David Rees:** The question is that amendment 490 be agreed to. Does any Member object? There is objection. Therefore, we shall move to a vote by a show of hands.

Gwelliant 490: O blaid 4, Ymatal 0, Yn erbyn 6.

Amendment 490: For 4, Abstain 0, Against 6.

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David
Williams, Kirsty

Gwrthodwyd gwelliant 490
Amendment 490 not agreed.

[708] **David Rees:** Elin, would you like to move amendment 491?

[709] **Elin Jones:** I move amendment 491 in my name.

[710] **David Rees:** The question is that amendment 491 be agreed to. Does any Member object? There is objection. Therefore, we shall move to a vote by a show of hands.

Gwelliant 491: O blaid 4, Ymatal 0, Yn erbyn 6.
Amendment 491: For 4, Abstain 0, Against 6.

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David
Williams, Kirsty

Gwrthodwyd gwelliant 491
Amendment 491 not agreed.

[711] **David Rees:** Elin, do you wish to move amendment 492?

[712] **Elin Jones:** I move amendment 492 in my name.

[713] **David Rees:** The question is that amendment 492 be agreed to. Does any Member object? There is objection. Therefore, we shall take a vote by a show of hands.

Gwelliant 492: O blaid 4, Ymatal 0, Yn erbyn 6.
Amendment 492: For 4, Abstain 0, Against 6.

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David
Williams, Kirsty

Gwrthodwyd gwelliant 492
Amendment 492 not agreed.

[714] **David Rees:** Elin, do you want to move amendment 493?

[715] **Elin Jones:** I move amendment 493 in my name.

[716] **David Rees:** The question is that amendment 493 be agreed to. Does any Member object? There is objection. Therefore, we shall vote by a show of hands again.

Gwelliant 493: O blaid 4, Ymatal 0, Yn erbyn 6.

Amendment 493: For 4, Abstain 0, Against 6.

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David
Williams, Kirsty

Gwrthodwyd gwelliant 493
Amendment 493 not agreed.

Cynigiwyd gwelliant 153.
Amendment 153 moved.

[717] **David Rees:** The question is that amendment 153 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 153 is agreed.

Derbyniwyd gwelliant 153 yn unol â Rheol Sefydlog 17.34.
Amendment 153 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 470.
Amendment 470 moved.

[718] **David Rees:** The question is that amendment 470 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 470 is agreed.

Derbyniwyd gwelliant 470 yn unol â Rheol Sefydlog 17.34.
Amendment 470 agreed in accordance with Standing Order 17.34.

[719] **David Rees:** We will now dispose of the amendments to amendment 251. We shall deal with amendment 251A first.

Cynigiwyd gwelliant 251A.
Amendment 251A moved.

[720] **David Rees:** The question is that amendment 251A in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection. Therefore, amendment 251A is agreed.

Derbyniwyd gwelliant 251A yn unol â Rheol Sefydlog 17.34.
Amendment 251A agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 251B.
Amendment 251B moved.

[721] **David Rees:** The question is that amendment 251B in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections. Therefore, amendment 251B is agreed.

Derbyniwyd gwelliant 251B yn unol â Rheol Sefydlog 17.34.
Amendment 251B agreed in accordance with Standing Order 17.34.

[722] **David Rees:** William, do you want to move amendment 251?

[723] **William Graham:** I move amendment 251 as amended.

[724] **David Rees:** The question is that amendment 251 as amended be agreed to. Does any Member object? There are no objections. Therefore, amendment 251 as amended has been agreed.

Derbyniwyd gwelliant 251 fel y'i diwygiwyd yn unol â Rheol Sefydlog 17.34.
Amendment 251 as amended agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 471.
Amendment 471 moved.

[725] **David Rees:** The question is that amendment 471 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections. Therefore, amendment 471 is agreed.

Derbyniwyd gwelliant 471 yn unol â Rheol Sefydlog 17.34.
Amendment 471 agreed in accordance with Standing Order 17.34.

[726] **David Rees:** I think that we should break at this point for a refreshing cup of tea—tea is available outside—and come back in 10 minutes at 2.40 p.m. That is just enough time for a refreshment break and a comfort break.

Gohiriwyd y cyfarfod rhwng 14:29 ac 14:37.
The meeting adjourned between 14:29 and 14:37.

Grŵp 60: Dehongli (Rhan 10 o'r Bil) (Gwelliant 383) **Group 60: Interpretation (Part 10 of the Bill) (Amendment 383)**

[727] **David Rees:** Welcome back after that short break. The lead and only amendment in this group is amendment 383. I move amendment 383 in the name of the Deputy Minister and I call on the Deputy Minister to speak to that amendment.

[728] **Gwenda Thomas:** The effect of this amendment is to limit the meaning of 'statutory complaints procedures' in section 153(6) for the purposes of the regulation-making power under section 152 to only those procedures established under enactments within the legislative competence of the National Assembly. This is an amendment to clarify the scope of the provision. It ensures that Welsh Ministers can make social services complaints regulations that also deal with matters falling under other statutory complaints procedures only if those other procedures relate to matters within the Assembly's legislative competence.

[729] **David Rees:** Do any other Members wish to speak? As no other Members wish to speak, Deputy Minister, do you wish to proceed to a vote on amendment 383?

[730] **Gwenda Thomas:** Yes, please.

[731] **David Rees:** The question is that amendment 383 be agreed to. Does any Member object? There are no objections. Therefore, amendment 383 is agreed.

*Derbyniwyd gwelliant 383 yn unol â Rheol Sefydlog 17.34.
Amendment 383 agreed in accordance with Standing Order 17.34.*

[732] **David Rees:** I propose that amendments 384 to 390, which appear consecutively in the marshalled list, be disposed of en bloc, given their nature. Does any Member object? There are no objections.

*Cynigiwyd gwelliannau 384, 385, 386, 387, 388, 389 a 390.
Amendments 384, 385, 386, 387, 388, 389 and 390 moved.*

[733] **David Rees:** The question is that amendments 384, 385, 386, 387, 388, 389 and 390 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections. Therefore, amendments 384, 385, 386, 387, 388, 389 and 390 are agreed.

*Derbyniwyd gwelliannau 384, 385, 386, 387, 388, 389 a 390 yn unol â Rheol Sefydlog 17.34.
Amendments 384, 385, 386, 387, 388, 389 and 390 agreed in accordance with Standing Order 17.34.*

**Grŵp 61: Personau a gaiff Gyflwyno Sylwadau ynghylch Cyflawni Swyddogaethau
Cymhwysol Awdurdod Lleol ar ran Plant o dan Adran 155 (Gwelliannau 213 a 214)
Group 61: Persons who may Make Representations about the Discharge of Qualifying
Functions of a Local Authority on behalf of Children under Section 155 (Amendments
213 and 214)**

[734] **David Rees:** The lead amendment in this group is amendment 213. I move amendment 213 in the name of the Deputy Minister and I call on the Deputy Minister to speak to the amendments in this group.

[735] **Gwenda Thomas:** Earlier in proceedings, as part of the discussion on group 36, the committee agreed to amend section 65 in a way that enabled looked-after children to be placed with matched prospective adopters at an earlier stage in the adoption process. In doing so, it is important that those covered by this change have the right to make representations, including complaints. Section 155 of the Bill makes provision about representations relating to certain children and needs to be updated due to the changes made to section 65. The purpose of amendment 214 is to do just that by extending the scope of section 155 to include the ability of a local authority to exercise its functions in this regard when placing a child with the prospective adopter. Amendment 213 also reflects the changes made to section 65 by making reference to that section at the appropriate place in section 155. I ask Members to support these amendments.

[736] **David Rees:** Do any other Members wish to speak? No? Therefore, Deputy Minister, do you wish to proceed to a vote on amendment 213?

[737] **Gwenda Thomas:** Yes, please.

[738] **David Rees:** The question is that amendment 213 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 213 is agreed.

*Derbyniwyd gwelliant 213 yn unol â Rheol Sefydlog 17.34.
Amendment 213 agreed in accordance with Standing Order 17.34.*

[739] **David Rees:** The question is that amendment 214 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 214 is agreed.

Derbyniwyd gwelliant 214 yn unol â Rheol Sefydlog 17.34.
Amendment 214 agreed in accordance with Standing Order 17.34.

Grŵp 62: Sylwadau gan Gategoriâu o Bobl Ifanc a Ddiffinnir yn Adran 88
(Gwelliannau 391, 392, 393 a 394)
Group 62: Representations from Categories of Young People Defined in Section 88
(Amendments 391, 392, 393 and 394)

[740] **David Rees:** The lead amendment in the group is amendment 391. I move amendment 391 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to the amendments in this group.

[741] **Gwenda Thomas:** Thank you, Chair. These amendments are part of a group of amendments that will ensure that the Bill maintains the rights and entitlements currently set out in the Children Act 1989. In particular, they relate to section 157, which makes provision for representations relating to children who are, or who have been, looked after by a local authority. Section 157 requires local authorities to establish a procedure for considering representations, including complaints, that may be made by these children and young persons about how the local authority has discharged its statutory functions under Parts 3 to 7 of the Bill. Each of the amendments is required to mirror the amendments that committee members have agreed under group 43, which set out the rights and entitlements owed to distinct groups of young people who are, or who have been, looked after. I again categorically reassure Members that I am satisfied that these amendments deliver my stated goal, which is, as I have stated earlier today, at the absolute minimum, to maintain and, wherever possible, clarify these children's rights and entitlements under the Bill.

[742] **David Rees:** Do any other Members wish to speak? No? Therefore, Deputy Minister, do you wish to proceed to a vote on amendment 391?

[743] **Gwenda Thomas:** Yes, please.

[744] **David Rees:** The question is that amendment 391 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 391 is agreed.

Derbyniwyd gwelliant 391 yn unol â Rheol Sefydlog 17.34.
Amendment 391 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 392.
Amendment 392 moved.

[745] **David Rees:** The question is that amendment 392 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 392 is agreed.

Derbyniwyd gwelliant 392 yn unol â Rheol Sefydlog 17.34.
Amendment 392 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 393.
Amendment 393 moved.

[746] **David Rees:** Does any Member object to amendment 393 in the name of the Deputy Minister? There are no objections, therefore amendment 393 is agreed.

*Derbyniwyd gwelliant 393 yn unol â Rheol Sefydlog 17.34.
Amendment 393 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 394.
Amendment 394 moved.*

[747] **David Rees:** Does any Member object to amendment 394 in the name of the Deputy Minister? There are no objections, therefore amendment 394 is agreed.

*Derbyniwyd gwelliant 394 yn unol â Rheol Sefydlog 17.34.
Amendment 394 agreed in accordance with Standing Order 17.34.*

[748] *Cynigiwyd gwelliant 466.
Amendment 466 moved.*

[749] **David Rees:** Does any Member object to amendment 466 in the name of the Deputy Minister? There are no objections, therefore amendment 466 is agreed.

*Derbyniwyd gwelliant 466 yn unol â Rheol Sefydlog 17.34.
Amendment 466 agreed in accordance with Standing Order 17.34.*

**Grŵp 63: Gwelliannau i Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005
(Gwelliannau 405, 406 a 407)
Group 63: Amendments to the Public Services Ombudsman (Wales) Act 2005
(Amendments 405, 406 and 407)**

[750] **David Rees:** The lead amendment in the group is amendment 405. I move amendment 405 in the name of the Deputy Minister and call on the Deputy Minister to speak to the amendments in this group.

[751] **Gwenda Thomas:** Thank you, Chair. I am pleased to advise the committee that consent has been secured from the UK Government in relation to the provision in section 34Y of Schedule 3 to the Bill. As a consequence, amendment 405 removes the limitation imposed on these provisions while consent was awaited. Amendment 406 clarifies the meaning of ‘care home’ for the purpose of these provisions and amendment 407 is a technical drafting amendment. I ask Members to support these amendments.

[752] **David Rees:** Do any Members wish to speak?

[753] **Lindsay Whittle:** On amendment 405, it is a little unclear what effect this could have. One interpretation is that Ministers could refuse to release information more generally than just for ombudsman investigations under Part 2, if this passes. Could you clarify that, please, Deputy Minister?

[754] **Gwenda Thomas:** Amendment 405 will remove the restriction in subsection (3), which is to do with the ombudsman’s requirement to report and to share information. That allows then the ombudsman to act in regard to complaints from, among others, people who are paying in full for residential care, which has not been the case up to now. I think that I am right there.

14:45

[755] **Ms Rogers:** Yes.

[756] **David Rees:** Does any other Member wish to speak? No? Deputy Minister, do you wish to say anything else?

[757] **Gwenda Thomas:** No, thank you.

[758] **David Rees:** In that case, we will proceed to a vote on amendment 405. The question is that amendment 405 be agreed to. Does any Member object? There are no objections. Therefore, amendment 405 is agreed.

Derbyniwyd gwelliant 405 yn unol â Rheol Sefydlog 17.34.
Amendment 405 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 406.
Amendment 406 moved.

[759] **David Rees:** Does any Member object to amendment 406 in the name of the Deputy Minister? There are no objections. Therefore, amendment 406 is agreed.

Derbyniwyd gwelliant 406 yn unol â Rheol Sefydlog 17.34.
Amendment 406 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 407.
Amendment 407 moved.

[760] **David Rees:** Does any Member object to amendment 407 in the name of the Deputy Minister? There are no objections. Therefore, amendment 407 is agreed.

Derbyniwyd gwelliant 407 yn unol â Rheol Sefydlog 17.34.
Amendment 407 agreed in accordance with Standing Order 17.34.

Grŵp 64: Gwasanaethau Eirioli (Gwelliannau 52, 52A, 52B, 52C, 52D, 52E, 53 a 54)
Group 64: Advocacy Services (Amendments 52, 52A, 52B, 52C, 52D, 52E, 53 and 54)

[761] **David Rees:** The lead amendment in this group is amendment 52. I move amendment 52 in the name of the Deputy Minister and call on the Deputy Minister to speak to the amendments in this group.

[762] **Gwenda Thomas:** Thank you, Chair. This group deals with the provision, charging and publicising of advocacy services. The Government amendments in this group insert three new sections into the Bill, which provide the necessary powers to require local authorities to provide advocacy services. As Members of this committee will be aware, advocacy services was a topic that generated much discussion during the Stage 1 scrutiny of the Bill. I am grateful to all who have put forward their views on this matter. Let me assure you that I listened with great interest and I am pleased to be able to respond positively to the comments made. These amendments have arisen as a direct response to the significant evidence provided around advocacy services by stakeholders and Members alike. They fulfil the commitment that I made during the earlier stage.

[763] Amendment 52 inserts a new section into the Bill relating to the provision of advocacy services. It provides the Welsh Ministers with the power to make regulations to require local authorities to make advocacy services available to certain persons in certain circumstances. This will assist people who may have complex needs and who do not have the capability to make decisions about their own care or the wider support network to advocate on

their behalf. It will strengthen the voice and control element of the Bill. The amendment also ensures the avoidance of overlapping advocacy duties by listing persons for whom advocacy services may not be made available through regulations in this section. It ensures regulations cannot impose advocacy duties on local authorities where other statutory advocacy provisions exist. To make sure that people are aware of such advocacy services, regulations under the Bill will also place a duty on local authorities to publicise their arrangements for making those services available.

[764] In addition to this, amendment 54 amends section 22 of the Care Standards Act 2000 to include a power to make regulations to require registered care home providers and managers to inform people about the availability of advocacy services provided by the local authority.

[765] Amendment 53 provides the Welsh Ministers with the power to make regulations in order to allow local authorities to charge for advocacy services that are made available by virtue of the new provision introduced by amendment 52. This is essential in order to provide the advocacy services that will give people in need of support voice and control. I believe that it is appropriate that those people who are able to pay should do so.

[766] Turning to the amendments tabled by William Graham, amendment 52A seeks to remove the Welsh Ministers' power to make regulations to impose advocacy duties on local authorities. This would be replaced with a statutory duty on all local authorities to arrange for such services. Amendments 52B to 52E are consequential to amendment 52A and would facilitate the replacement of the regulation-making power in my amendment with a statutory duty. These amendments could place a significant and unrealistic burden on local authorities. I believe that amendment 52 offers a significant step forward, which goes a long way to meeting the concerns of witnesses at Stage 1. The imposition of an advocacy duty on local authorities by amendment 52A should only be done when the groups who would benefit most from advocacy have been identified and the costs of such a duty have been worked through. To do otherwise could simply be unaffordable and could jeopardise the delivery of effective social services for the people of Wales. This is why, in my view, a regulation-making power to impose such duties is more appropriate. For this reason, I ask Members to reject amendments 52A, 52B, 52C, 52D and 52E.

[767] In concluding, let me reiterate: I listened carefully to the evidence of witnesses in Stage 1 scrutiny and I agree with the points raised that advocacy is important to strengthen the voice and control element of the Bill. I am happy to have tabled these amendments, which, as far as possible, effect the changes that stakeholders wish to see. However, I believe that a balance has to be achieved between extending advocacy duties and affordability—a recognition of the financial climate that we face. In conclusion, I ask Members to support Government amendments 52, 53 and 54 and reject the non-Government amendments to amendment 52.

[768] **William Graham:** I will speak to amendment 52A, the others being consequential. Welsh Government amendment 52 inserts a new section concerning the provision of advocacy services. I am grateful to the Deputy Minister for listening to this and, in essence, we support amendment 52 but we feel that it should be made stronger by placing a duty on local authorities to arrange the provision of advocacy services. We strongly support amendment 54.

[769] **Lindsay Whittle:** Chair, could the Deputy Minister clarify for me the Government's amendment 53, because it is quite complicated. It is a little bit like asking 'How long is a piece of string?', as far as I am concerned. I am not in favour of charging for advocacy but the Government's amendment says,

[770] 'Regulations may provide for a local authority to charge'.

[771] Therefore, it is at the discretion of the local authority whether it wishes to charge.

[772] **Gwenda Thomas:** Yes. I confirm that. This is a Bill for a generation and not a short-term fix. Providing for advocacy through regulation-making powers allows us and future Governments, as funding allows, to extend the duties to sit in categories of individuals through an incremental approach, beginning with those most in need. As you know, the older people's commissioner has been working on a business case to support advocacy for older people and I look forward to considering her report in due course.

[773] **David Rees:** Lindsay, I do not normally allow questions here, but are you happy with that?

[774] **Lindsay Whittle:** No, I am afraid that I am not.

[775] **David Rees:** Deputy Minister, have you finished?

[776] **Gwenda Thomas:** I will just say that regulations can, of course, be used to set out the charging regime and will be subject to consultation.

[777] **Lindsay Whittle:** Chair, I would like to clarify why I am not happy. The Deputy Minister is right when she says that those who can afford it will pay, but it is those who cannot afford it that I am concerned about; I am sure that the older people's commissioner will come back to highlight that. However, I am wondering how we will get through that if this is written into the Bill now.

[778] **David Rees:** That is a Stage 3 discussion, perhaps.

[779] **Gwenda Thomas:** It is through the regulations that we will develop and protect that discretion. Also, I would be more than happy to share the report of the older people's commissioner as soon as I can. There will be consultation on those regulations when that time comes.

[780] **David Rees:** As amendment 52 has amendments to it, we will deal with the amendments to the amendment first. Therefore, William, would you like to move amendment 52A?

[781] **William Graham:** I move amendment 52A in my name.

[782] **David Rees:** The question is that amendment 52A be agreed to. Does any Member object? There is objection, therefore we will move to a vote.

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

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â

Rheol Sefydlog 6.20(ii).

As there was an equality of votes, the Chair used his casting vote in accordance with Standing Order 6.20(ii).

*Gwrthodwyd gwelliant 52A.
Amendment 52A not agreed.*

[783] **David Rees:** Before we move to dispose of amendment 52B, we should note that, if amendment 52B is not agreed, amendments 52C, 52D and 52E will fall. William, do you wish to move amendment 52B?

[784] **William Graham:** I move amendment 52B in my name.

[785] **David Rees:** The question is that amendment 52B be agreed to. Does any Member object? There is objection, therefore we will move to a vote.

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

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

Graham, William
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

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

Andrews, Leighton
Evans, Rebecca
Neagle, Lynne
Price, Gwyn R.
Rees, David

*Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheolau Sefydlog Rhif 6.20(ii).
As there was an equality of votes, the Chair used his casting vote in accordance with Standing Orders No. 6.20(ii).*

*Gwrthodwyd gwelliant 52B.
Amendment 52B not agreed.*

*Methodd gwelliannau 52C, 52D a 52E.
Amendments 52C, 52D and 52 E fall.*

[786] **David Rees:** We will now dispose of the amendment, which has already been moved. Deputy Minister, would you like to proceed to a vote on amendment 52?

[787] **Gwenda Thomas:** Yes, please.

[788] **David Rees:** Before I move to a vote on amendment 52, you should be aware that, if amendment 52 is not agreed, amendments 53 and 54 in this group and amendments 2 and 3 in group 76 will fall. The question is that amendment 52 be agreed to. Does any Member object? There are objections, therefore, we will take a vote by show of hands.

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

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

Andrews, Leighton
Evans, Rebecca

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

Graham, William
Jones, Elin

Neagle, Lynne
Price, Gwyn R.
Rees, David

Millar, Darren
Whittle, Lindsay
Williams, Kirsty

Gan fod nifer y pleidleisiau yn gyfartal, defnyddiodd y Cadeirydd ei bleidlais fwrw yn unol â Rheolau Sefydlog Rhif 6.20(ii).

As there was an equality of votes, the Chair used his casting vote in accordance with Standing Orders No. 6.20(ii).

*Gwrthodwyd gwelliant 52.
Amendment 52 not agreed.*

*Methodd gwelliannau 53 a 54.
Amendments 53 and 54 fall.*

Grŵp 65: Gwaith Ymchwil a Darparu Gwybodaeth (Gwelliant 215)
Group 65: Research and the Provision of Information (Amendment 215)

[789] **David Rees:** Group 65 of amendments is in relation to research and the provision of information. The lead and only amendment in this group is amendment 215. I move amendment 215 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to amendment 215.

[790] **Gwenda Thomas:** This amendment inserts a new section into the Bill relating to research and the provision of information. This will enable Welsh Ministers, together with local authorities and local health boards to conduct and commission research in relation to the respective functions arising from the Bill. Welsh Ministers will also have the power to require local authorities and other partners to transmit information about the performance of their functions to Welsh Ministers. This amendment seeks to preserve the powers currently in place under the Children Act 1989 and, in part, under the National Assistance Act 1948. It also applies to new functions in the Bill.

[791] **David Rees:** Does any other Member wish to speak? No. Therefore, Deputy Minister, do you wish to proceed to a vote on amendment 215?

[792] **Gwenda Thomas:** Yes.

[793] **David Rees:** Before we move to a vote on amendment 215, we should be aware that, if amendment 215 is not agreed, amendments 186 and 187 will fall. The question is that amendment 215 be agreed to. Does any Member object? There are no objections, therefore, amendment 215 is agreed.

*Derbyniwyd gwelliant 215 yn unol â Rheol Sefydlog 17.34.
Amendment 215 agreed in accordance with Standing Order 17.34.*

[794] **David Rees:** Consideration of the next group is about provider failure, which we would like to have a discussion about first. Therefore, I suggest that we stop at this point and continue next Wednesday. Therefore, for the record, sections 2 to 161 of the Bill and Schedules 1 to 3 to the Bill have been deemed agreed. The meeting to dispose of the remaining amendments—hopefully—will be held on Wednesday, 11 December. In accordance with Standing Orders, amendments must be tabled no fewer than five working days before they are considered, so there is no further opportunity to table amendments to the remainder of the Bill.

[795] I thank the Deputy Minister and her officials for their attendance today. We look

forward to seeing you next Wednesday.

[796] **Gwenda Thomas:** Thank you, and thank you, Members.

14:58

**Papurau i'w Nodi
Papers to Note**

[797] **David Rees:** We have the minutes of 21 November, the letter from the Deputy Minister relating to direct payment and a letter from the Deputy Minister relating to the 'When I'm Ready' scheme to note. Are you happy to note those? I see that you are; thank you.

14:59

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd ar gyfer
Gweddill y Cyfarfod
Motion under Standing Order 17.42 to Resolve to Exclude the Public from the
Remainder of the Meeting**

[798] **David Rees:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42.

[799] I see that all Members are happy with that.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 14:59.
The public part of the meeting ended at 14:59.*