



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

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

**Dydd Mercher, 11 Rhagfyr 2013**  
**Wednesday, 11 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 66: Methiant Darparwr (Gwelliannau 155, 156 a 157)  
Group 66: Provider Failure (Amendments 155, 156 and 157)

Grŵp 67: Gwelliant i Ddeddf Cymorth Gwladol 1948 (Gwelliant 395)  
Group 67: Amendment to the National Assistance Act 1948 (Amendment 395)

Grŵp 68: Gwelliannau Technegol (Rhan 11 o'r Bil) (Gwelliannau 216, 165, 173, 176 a 404)  
Group 68: Technical Amendments (Part 11 of the Bill) (Amendments 216, 165, 173, 176 and 404)

Grŵp 69: Llety i Blant o dan Adran 61 (Rhan 11 o'r Bil) (Gwelliannau 217 a 218)  
Group 69: Accommodation for Children under Section 61 (Part 11 of the Bill) (Amendments 217 and 218)

Grŵp 70: Preswylfa Arferol (Gwelliannau 158, 159, 160, 161, 162, 164, 167 a 168)  
Group 70: Ordinary Residence (Amendments 158, 159, 160, 161, 162, 164, 167 and 168)

Grŵp 71: Dehongli a Diffinio 'Deddfiad Iechyd' (Gwelliannau 163 ac 166)  
Group 71: Interpretation and Definition of 'Health Enactment' (Amendments 163 and 166)

Grŵp 72: Chwythu'r Chwiban (Gwelliant 81)

Group 72: Whistleblowing (Amendments 81)

Grŵp 73: Gorchmynion a Rheoliadau (Gwelliannau 169, 170, 171, 172, 174, 175, 177 a 178)

Group 73: Orders and Regulations (Amendments 169, 170, 171, 172, 174, 175, 177 and 178)

Grŵp 74: Dehongli Cyffredinol ac Ymadroddion a Ddiffiniwyd (Gwelliannau 183, 530, 219, 220, 221, 397, 398, 222, 223, 399, 224, 400, 401, 225, 83, 498, 226, 179, 531, 228, 229, 467, 55, 402, 230 a 403)

Group 74: General Interpretation and Defined Expressions (Amendments 183, 530, 219, 220, 221, 397, 398, 222, 223, 399, 224, 400, 401, 225, 83, 498, 226, 179, 531, 228, 229, 467, 55, 402, 230 and 403)

Grŵp 75: Gofynion Cychwyn (Gwelliannau 184 a 185)

Group 75: Commencement Requirements (Amendments 184 and 185)

Grŵp 76: Trosolwg ar y Ddeddf (Gwelliannau 416, 500, 1, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 501, 186, 187, 128 a 288)

Group 76: Overview of the Act (Amendments 416, 500, 1, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 501, 186, 187, 128 and 288)

Papurau i'w Nodi

Papers to Note

Cynnig o dan Reol Sefydlog 17.42(vi) i Benderfynu Gwahardd y Cyhoedd o Eitemau 5 a 6 y Cyfarfod Heddiw ac ar gyfer y Cyfarfod ar 16 Ionawr 2014

Motion under Standing Order 17.42(vi) to Resolve to Exclude the Public for Items 5 and 6 of Today's Meeting and from the Meeting on 16 January 2014

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<br>Labour                          |
| Rebecca Evans    | Llafur<br>Labour                          |
| William Graham   | Ceidwadwyr Cymreig<br>Welsh Conservatives |
| Elin Jones       | Plaid Cymru<br>The Party of Wales         |
| Darren Millar    | Ceidwadwyr Cymreig<br>Welsh Conservatives |
| Lynne Neagle     | Llafur<br>Labour                          |
| Gwyn R. Price    | Llafur<br>Labour                          |

|                 |                                                           |
|-----------------|-----------------------------------------------------------|
| David Rees      | Llafur (Cadeirydd y Pwyllgor)<br>Labour (Committee Chair) |
| Lindsay Whittle | Plaid Cymru<br>The Party of Wales                         |
| Kirsty Williams | Democratiaid Rhyddfrydol Cymru<br>Welsh Liberal Democrats |

**Eraill yn bresennol**  
**Others in attendance**

|                |                                                                                                                                                                                                |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mike Lubiencki | Uwch-gyfreithiwr, y Tîm Gofal Cymdeithasol, Llywodraeth Cymru<br>Senior Lawyer, Social Care Team, Welsh Government                                                                             |
| Julie Rogers   | Dirprwy Gyfarwyddwr yr Is-adran Deddfwriaeth a Pholisi<br>Gwasanaethau Cymdeithasol, Llywodraeth Cymru<br>Deputy Director Social Services Legislation and Policy<br>Division, Welsh Government |
| Gwenda Thomas  | Aelod Cynulliad, Llafur (Y Dirprwy Weinidog Gwasanaethau Cymdeithasol)<br>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<br>Ail Glerc                           |
| Joanest Jackson | Uwch-gynghorydd Cyfreithiol<br>Senior Legal Adviser |
| Llinos Madeley  | Clerc<br>Clerk                                      |
| Lisa Salkeld    | Cynghorydd Cyfreithiol<br>Legal Adviser             |
| Sarah Sargent   | Dirprwy Glerc<br>Deputy Clerk                       |

*Dechreuodd y cyfarfod am 09:26.*  
*The meeting began at 09:26.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon**  
**Introductions, Apologies and Substitutions**

[1] **David Rees:** Good morning, and welcome to this morning's meeting of the Health and Social Care Committee, where we will continue our discussions and review of Stage 2 of the Social Services and Well-being (Wales) Bill. The meeting is bilingual. Headphones can be used for simultaneous translation from Welsh to English on channel 1 and for amplification on channel 0. I remind you to turn off your mobile phones and any other electronic equipment that may interfere with the broadcasting equipment. There is no scheduled fire alarm, so if an alarm does go off, please follow directions from the ushers. We have received no apologies this morning.

**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 the Deputy Minister, Gwenda Thomas, and her officials, Julie Rogers and Mike Lubinski. Welcome to this morning's meeting.

[3] To remind people who may not be aware of the process we have continued, this is the fourth meeting of the Stage 2 consideration of the Social Services and Well-being (Wales) Bill. Thus far, we have debated groups 1 to 65, and sections 2 to 161 and Schedules 1 to 3 to the Bill have been deemed to be agreed. Today's procedures will follow the same structure as previous meetings. The order in which amendments will be called and moved for a 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 on the proposer of the group's lead amendment who should move the lead amendment and speak to all the amendments in that group. I will then call on other Members who wish to speak to any amendments in the 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.

[4] 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 to withdraw the amendment with the agreement of Members. If it is not withdrawn, I will put the question on the amendment and ask whether any Member objects to the amendment being agreed to. 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.

[5] 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.

**Grŵp 66: Methiant Darparwr (Gwelliannau 155, 156 a 157)  
Group 66: Provider Failure (Amendments 155, 156 and 157)**

[6] **David Rees:** We finished our previous meeting at group 66, so we now begin our proceedings with the sixty-sixth group of amendments, which contains amendments in relation to provider failure. The lead amendment in this group is amendment 155. I formally move amendment 155 in the name of the Deputy Minister and call on the Deputy Minister to speak to this amendment and others in this group.

[7] **The Deputy Minister for Social Services (Gwenda Thomas):** Members will be aware of the fall-out after the recent failure of Southern Cross, an agency that provided 90% of the market for residential care in some local authority areas. Failures such as these create anxiety for residents, additional concerns, and very real pressures for families and communities. As a result, a four-nation response to dealing with cross-border placements in such instances was agreed. It is represented in section 50 of the UK Government's Care Bill. Schedule 1 to the Bill provides for dispute resolution with regard to these matters. It is in respect of cases that are internal to Wales that I have tabled amendment 155.

09:30

[8] This amendment inserts a new section into the Bill, which places temporary duties on local authorities. These duties would require them to meet an adult's immediate needs, or the needs of their carer, in the event of an establishment or agency in the authority's area becoming unable to meet those needs due to business failure. The duty would come into effect as soon as the local authority learns of the business failure. This amendment provides Wales with analogous provision to section 49 of the Care Bill.

[9] Amendment 157 defines what is meant by business failure for the purposes of the new section and provides further clarification of the purposes of the new duty, as well as how it relates to other sections of the Bill. It also provides the Welsh Ministers with powers to make regulations concerning who must be consulted in connection with meeting needs. Amendment 156 sets out the situations in which these temporary duties would not apply. This is in response to clause 51 of the Care Bill, which places a temporary duty on local authorities in Wales in the event of a provider failure in relation to a person registered under Part II of the Care Standards Act 2000. We are all aware of the importance of providing a safe and stable environment for people in need of care and support and, in view of this, I ask Members to support amendments 155, 156 and 157.

[10] **David Rees:** Thank you, Deputy Minister. Does any other Member wish to speak? I see not, therefore, Deputy Minister, I will not ask you to reply to the debate. Do you wish to proceed to a vote on amendment 155?

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

[12] **David Rees:** Before we move on to the vote on amendment 155, Members will be aware that if amendment 155 is not agreed, amendments 156 and 157 and amendment 128 in group 76 will fall.

[13] The question is that amendment 155 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 155 is agreed.

*Derbyniwyd gwelliant 155 yn unol â Rheol Sefydlog 17.34.  
Amendment 155 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 156.  
Amendment 156 moved.*

[14] **David Rees:** The question is that amendment 156 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 156 is agreed.

*Derbyniwyd gwelliant 156 yn unol â Rheol Sefydlog 17.34.  
Amendment 156 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 157.  
Amendment 157 moved.*

[15] **David Rees:** The question is that amendment 157 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 157 is agreed.

*Derbyniwyd gwelliant 157 yn unol â Rheol Sefydlog 17.34.  
Amendment 157 agreed in accordance with Standing Order 17.34.*

**Grŵp 67: Gwelliant i Ddeddf Cymorth Gwladol 1948 (Gwelliant 395)**  
**Group 67: Amendment to the National Assistance Act 1948 (Amendment 395)**

[16] **David Rees:** The lead and only amendment in this group is amendment 395. I move amendment 395 in the name of the Deputy Minister and I call on the Deputy Minister to speak to the amendment.

[17] **Gwenda Thomas:** Amendment 395 disapplies section 49 of the National Assistance Act 1948 in relation to Wales. Section 49 allows a local authority to meet expenses incurred by any of its officers appointed by the court of protection as a deputy. This power is no longer relevant in Wales. A local authority would not need a statutory authority to enable it to repay expenses incurred by an employee in the course of their employment. Where the disapplication of existing provision in other primary legislation is consequential to the new provision created by the Bill, this can be dealt with in regulations under section 167. The disapplication of this section is dealt with expressly in the Bill because it may not be consequential to the new provisions created by the Bill. I ask Members to support the amendment.

[18] **David Rees:** Does any other Member wish to speak? I see not. Therefore, Deputy Minister, would you like to proceed to a vote on amendment 395?

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

[20] **David Rees:** Before we move to a vote on amendment 395, we should be aware that, if amendment 395 is not agreed, amendment 288 in group 76 will fall.

[21] The question is that amendment 395 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 395 is agreed.

*Derbyniwyd gwelliant 395 yn unol â Rheol Sefydlog 17.34.*

*Amendment 395 agreed in accordance with Standing Order 17.34.*

**Grŵp 68: Gwelliannau Technegol (Rhan 11 o'r Bil) (Gwelliannau 216, 165, 173, 176 a 404)**

**Group 68: Technical Amendments (Part 11 of the Bill) (Amendments 216, 165, 173, 176 and 404)**

[22] **David Rees:** The lead amendment in this group is amendment 216. I move amendment 216 in the name of the Deputy Minister and I call on the Deputy Minister to speak to the amendments in this group.

[23] **Gwenda Thomas:** Thank you. This is a group of technical amendments that are either to correct drafting errors or to provide greater clarity and consistency throughout the Bill. Amendment 216 corrects a drafting error to ensure that the provision currently made in section 29(7) of the Children Act 1989 will be continued in relation to Wales. Amendments 173 and 176 affect the Welsh text only, correcting and offering greater consistency in the drafting. Similarly, amendments 165 and 404 provide greater clarity in the drafting of the Bill, but apply to the Welsh and English versions. I ask Members to support these amendments.

[24] **David Rees:** Does any other Member wish to speak? I see not. Therefore, Deputy Minister, do you wish to proceed to a vote on amendment 216?

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

[26] **David Rees:** The question is that amendment 216 in the name of the Deputy Minister

be agreed to. Does any Member object? There are no objections, therefore amendment 216 is agreed.

*Derbyniwyd gwelliant 216 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 216 agreed in accordance with Standing Order 17.34.*

**Grŵp 69: Llety i Blant o dan Adran 61 (Rhan 11 o'r Bil) (Gwelliannau 217 a 218)**  
**Group 69: Accommodation for Children under Section 61 (Part 11 of the Bill)**  
**(Amendments 217 and 218)**

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

[28] **Gwenda Thomas:** These amendments are part of the suite of amendments that will ensure that the Bill maintains the rights and entitlements currently set out in Part III of and Schedule 2 to the Children Act 1989, and relate to the provision currently made in subsection 29(8) of that Act. These amendments relate to section 162, which makes provision for the recovery of costs between local authorities, specifically in relation to the duty on local authorities to receive and accommodate children, under section 61 of the Bill, in police protection or detention or on remand. Subsection 162(5) contains a power enabling a local authority that provides accommodation under section 61 for a child not ordinarily resident within its area to recover the costs of accommodating the child from the local authority in which the child is ordinarily resident. Section 61 sets out local authorities' duties to make provision for the reception and accommodation of children in police protection or detention or on remand. Amendments 217 and 218 amend paragraph 162(4)(c) to reflect the full range of organisations responsible for a hospital, and mirrors the amendment to subparagraph 61(4)(b)(ii) agreed through amendments 188 and 189, which were discussed as part of group 34. I ask Members to support these amendments.

[29] **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 217?

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

[31] **David Rees:** The question is that amendment 217 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 217 is agreed.

*Derbyniwyd gwelliant 217 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 217 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 218.*  
*Amendment 218 moved.*

[32] **David Rees:** The question is that amendment 218 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 218 is agreed.

*Derbyniwyd gwelliant 218 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 218 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 396.*  
*Amendment 396 moved.*

[33] **David Rees:** The question is that amendment 396 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 396 is agreed.

*Derbyniwyd gwelliant 396 yn unol â Rheol Sefydlog 17.34.  
Amendment 396 agreed in accordance with Standing Order 17.34.*

**Grŵp 70: Preswylfa Arferol (Gwelliannau 158, 159, 160, 161, 162, 164, 167 a 168)**  
**Group 70: Ordinary Residence (Amendments 158, 159, 160, 161, 162, 164, 167 and 168)**

[34] **David Rees:** The lead amendment in this group is amendment 158. I formally move amendment 158 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to the amendments in this group.

[35] **Gwenda Thomas:** The amendments in this group relate to the concept of ordinary residence and the application of that term within the Bill. Section 163 sets out the considerations that apply in determining where a person is ordinarily resident for the purpose of the Bill. The application of the principles in this section will affect which local authority is responsible for meeting a person's needs for care and support. In relation to adults, the section applies where it is necessary to meet an adult's needs for care and support by arranging accommodation of some kind. In these circumstances, the section establishes the principle that the adult is deemed to be ordinarily resident in the area in which they were living before they moved to that accommodation. This means that, where arrangements are made for an adult to live in accommodation in another area of Wales, the local authority for the area in which they were living before they moved will continue to be responsible. The same principle is to apply when adults move to another area of the United Kingdom, but this is provided for in the UK Government's Care Bill. Amendment 158 will provide the Welsh Ministers with the power to make regulations specifying the types of accommodation to which this principle applies, for example, accommodation in a care home. This restates the provision that is currently contained in subsection 163(3) and is removed by consequential amendment 167.

[36] Amendments 160 and 161 are consequential to amendment 158. Amendments 159 and 164 remove references to the term 'Part' in section 163 and replace them with the term 'Act'. The effect of these amendments is that the provisions deeming an adult to be ordinarily resident under section 163 of the Bill will determine their ordinary residence for the purpose of all the provisions within the Bill. This will include, for example, the provisions of Part 4, which determine which local authority is responsible for meeting eligible needs.

[37] Amendment 162, when read in conjunction with amendments 158 and 160, provides further clarification of the meaning of section 163(1)(a) for the purposes of determining the area in which the adult is treated as being ordinarily resident in cases where an adult has lived in more than one type of accommodation for a consecutive period. This amendment also makes it clear that the regulations under section 163(1) can make provision for determining whether an adult has needs for care and support that can be met only if the adult is living in the accommodation of a type specified in regulations. This restates the provision that is currently in section 163(3) and is removed by consequential amendment 167.

[38] Amendment 168 is specifically concerned with the ordinary residence determination for children. This amendment ensures that any period in which a child lives in accommodation, whether provided by or on behalf of a local authority in Wales or England, is to be disregarded in determining the ordinary residence of a child for any purpose of the Act.

[39] **David Rees:** Thank you, Deputy Minister. We will have Kirsty first and then William.



[40] **Kirsty Williams:** Thank you very much, Chair. May I thank the Deputy Minister for her explanation of the amendments today? I think that any amendments that provide greater clarity with regard to ordinary residence are to be welcomed, but I would ask the Deputy Minister about disputes about an individual who has lived outside of the UK and has returned to the UK for medical treatment and, subsequently, has care and support needs. How will those issues and disputes be dealt with? I have had constituency casework where an individual who has been injured abroad, having lived abroad, has found themselves stuck in hospital while the local authority where Heathrow Airport is, the actual hospital where he was being treated in England and the county council that he wanted to return to have literally spent months arguing as to whose responsibility it is to pay for his care and support needs, to the detriment of that individual. I would be grateful for some clarity on where ordinary residence is established when a British citizen has been living abroad prior to their return to the UK.

[41] **Gwenda Thomas:** Thank you for that, Kirsty—

[42] **David Rees:** Deputy Minister, before you answer that, this is a debate, therefore Kirsty has made her contribution and William will make his now.

[43] **William Graham:** If I may, thank you, Chair. Deputy Minister, we would like to support amendment 158, but could you confirm that provisions apply in cases where an individual has lived in a number of different types of accommodation, not just in accommodation of a particular type?

[44] **David Rees:** Does any other Member wish to speak? I see that no-one does, therefore I call on the Deputy Minister.

[45] **Gwenda Thomas:** To deal with Kirsty Williams's important point first, I will reflect with Members on the legislative competence motion that we agreed with regard to the dispute resolution that the Bill would provide—the Care Bill does provide for dispute resolution and for that procedure to be set up. However, I think that I will need to write to the committee with regard to the individual example that Kirsty Williams has brought up this morning, as this is obviously a complex issue, and I would prefer to do that, if that is okay.

[46] With regard to William Graham's point—thank you for that point—I am advised that it does not really matter whichever way we say different accommodation. The spirit of what I have read is that wherever a person resides, and if they have resided in alternative and different accommodation during that consecutive period, the Bill will cover it, but I will write to confirm that as well.

[47] **David Rees:** Thank you, Deputy Minister. Do you wish to proceed to a vote on amendment 158?

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

[49] **David Rees:** The question is that amendment 158 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 158 is agreed.

*Derbyniwyd gwelliant 158 yn unol â Rheol Sefydlog 17.34.  
Amendment 158 agreed in accordance with Standing Order 17.34.*

09:45

*Cynigiwyd gwelliant 159.*

*Amendment 159 moved.*

[50] **David Rees:** The question is that amendment 159 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 159 is agreed.

*Derbyniwyd gwelliant 159 yn unol â Rheol Sefydlog 17.34.  
Amendment 159 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 160.  
Amendment 160 moved.*

[51] **David Rees:** The question is that amendment 160 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 160 is agreed.

*Derbyniwyd gwelliant 160 yn unol â Rheol Sefydlog 17.34.  
Amendment 160 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 161.  
Amendment 161 moved.*

[52] **David Rees:** The question is that amendment 161 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 161 is agreed.

*Derbyniwyd gwelliant 161 yn unol â Rheol Sefydlog 17.34.  
Amendment 161 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 162.  
Amendment 162 moved.*

[53] **David Rees:** The question is that amendment 162 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 162 is agreed.

*Derbyniwyd gwelliant 162 yn unol â Rheol Sefydlog 17.34.  
Amendment 162 agreed in accordance with Standing Order 17.34.*

### **Grŵp 71: Dehongli a Diffinio ‘Deddfiad Iechyd’ (Gwelliannau 163 ac 166) Group 71: Interpretation and Definition of ‘Health Enactment’ (Amendments 163 and 166)**

[54] **David Rees:** This is the seventy-first group of amendments. These amendments are in relation to the interpretation and definition of ‘health enactment’. The lead amendment of the group is amendment 163. I move amendment 163 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to these amendments.

[55] **Gwenda Thomas:** The two amendments in this group provide further clarification of the provisions in section 163(2) of the Bill. Specifically, they remove the reference to ‘the National Health Service (Wales) Act 2006’ and replace it with ‘a health enactment’, together with a new definition of that term. The term ‘health enactment’ is wider than the current reference to a single Act. Through the incorporation of a wider definition, this section now extends the provisions in section 163(2) so that they apply where a person is admitted to hospital in any part of the UK. In practice, this means that when a person is admitted to

hospital in any part of the UK, not just in Wales, it will not affect the application of the ordinary residence rules in section 163. Therefore, the local authority that was responsible for the person's care before the admission to hospital will continue to be responsible when they are discharged.

[56] **David Rees:** Does any Member wish to speak? There are no other speakers. Deputy Minister, do you wish to move to a vote on amendment 163?

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

[58] **David Rees:** The question is that amendment 163 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 163 is agreed.

*Derbyniwyd gwelliant 163 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 163 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 164.*  
*Amendment 164 moved.*

[59] **David Rees:** The question is that amendment 164 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 164 is agreed.

*Derbyniwyd gwelliant 164 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 164 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 165.*  
*Amendment 165 moved.*

[60] **David Rees:** The question is that amendment 165 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 165 is agreed.

*Derbyniwyd gwelliant 165 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 165 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 166.*  
*Amendment 166 moved.*

[61] **David Rees:** The question is that amendment 166 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 166 is agreed.

*Derbyniwyd gwelliant 166 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 166 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 167.*  
*Amendment 167 moved.*

[62] **David Rees:** The question is that amendment 167 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 167 is agreed.

*Derbyniwyd gwelliant 167 yn unol â Rheol Sefydlog 17.34.*

*Amendment 167 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 168.  
Amendment 168 moved.*

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

*Derbyniwyd gwelliant 168 yn unol â Rheol Sefydlog 17.34.  
Amendment 168 agreed in accordance with Standing Order 17.34.*

**Grŵp 72: Chwythu'r Chwiban (Gwelliant 81)  
Group 72: Whistleblowing (Amendments 81)**

[64] **David Rees:** This is the seventy-second group of amendments. These amendments are in relation to whistleblowing. The lead and only amendment in the group is amendment 81. I call on William Graham to move and speak to amendment 81.

[65] **William Graham:** I move amendment 81 in my name.

[66] This amendment will ensure that workers performing functions under this Bill will be protected under the whistleblowing procedures in the Employment Rights Act 1996. Setting up a formal whistleblowing procedure within any organisation or entity strengthens corporate governance and ethics in the organisation, as well as being a useful risk-management tool. Whistleblowing procedures in an organisation encourage individuals to disclose concerns using appropriate channels before these concerns become a serious problem, potentially damaging an organisation's reputation through negative publicity, regulatory investigation, fines and/or compensation. It is important that workers are aware that they are able to raise concerns about a danger or illegality that affects others or members of the public who will be protected under this legislation.

[67] **David Rees:** Lindsay, do you wish to speak?

[68] **Lindsay Whittle:** I would like to support William Graham's amendment on whistleblowing. It is an essential amendment to ensure that whistleblowers are protected. Whistleblowers, as we all know, are essential in exposing poor care, and there is no doubt that, in Wales, we need them. I think that Operation Jasmine proves that. I do not know whether the Deputy Minister, in her reply to William Graham, will perhaps highlight a new White Paper on care and inspection that will concentrate legislation to protect whistleblowers. I would be interested in her reply. Certainly, we would like to support William Graham's amendment.

[69] **David Rees:** Leighton, do you wish to speak?

[70] **Leighton Andrews:** I am very sympathetic to the idea that whistleblowers should be protected. Indeed, I can think of one scheme that had to be visited by auditors following a whistleblower in my constituency bringing details of allegations to me. However, what I am not clear on about in William's amendment is why we need an additional clause in this Bill, because it seems to me that there is provision under the Employment Rights Act 1996 already.

[71] **David Rees:** Does any other Member wish to speak? I see that no-one does. Therefore, I call the Deputy Minister.

[72] **Gwenda Thomas:** Thank you, Chair, and my thanks for those contributions. The purpose of the amendment is to ensure that those in the employment of local authorities or other partners who undertake functions under this Bill are covered by provisions set out in the Employment Rights Act 1996, as Leighton Andrews has mentioned. I welcome the intention of this amendment, as it is only right that those who deliver care and support to some of the most vulnerable in society can, without fear of detriment to themselves, raise their concerns and bring attention to services or standards of behaviour that fall below expected levels. We should also recognise that a person in need of care and support would be the end beneficiary of such protection, assisting, as it would, the upholding and maintenance of quality standards and associated measures of performance. It is of course worth noting that many of the individuals carrying out the function—and I agree with what Leighton Andrews has said—have already benefited from the protection of the Employment Rights Act, and, as I have said, people should be able to speak openly about any issues that they have about how social care is provided. Members will be aware—this has been mentioned by Lindsay Whittle and by William Graham, I think—that I am currently consulting on proposals for legislation to regulate in the area of regulation and inspection. The White Paper, entitled ‘The Future of Regulation and Inspection of Care and Support in Wales’, is currently the subject of a public consultation, which will end on 6 January.

[73] I think that the ability of people to blow the whistle on concerns that they may have about social care services is of critical importance. Considering this issue in the context of the legislation about the regulation and inspection of social care services presents an opportunity not only to consider the aim of this specific amendment, but also to think about the matters that it raises more widely, and to do so in conjunction with stakeholders. On this basis, I am happy to give a commitment to William Graham and all Members here that this issue will be considered in developing the legislation on regulation and inspection. I would therefore ask William Graham to consider not proceeding to a vote on his amendment today. However, should he wish to do so, I would ask members of this committee not to support the amendment at this time, so that the issue can be considered in more detail in the legislation that I have just mentioned, as this, I believe, is the most appropriate legislation to make such a provision.

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

[75] **William Graham:** Could we have legal advice?

[76] **David Rees:** Yes, we could.

[77] **William Graham:** Thank you.

[78] **David Rees:** The Member has asked for legal advice, therefore I will suspend the meeting for a short break. We will reconvene in five minutes.

*Gohiriwyd y cyfarfod rhwng 9:53 a 9:58.  
The meeting adjourned between 9:53 and 9:58.*

[79] **David Rees:** Thank you, Deputy Minister, for that. We have sought legal advice, and Members are content with the advice that they have received. We will continue where we left off. William, do you want to reply to the debate?

[80] **William Graham:** In view of the Deputy Minister’s undertaking, I wish to withdraw this amendment. However, I would emphasise that the Employment Rights Act has been in being since 1996, as the Deputy Minister well knows. In my area, Operation Jasmine revealed a large number of cases that could have been brought to public attention if there was an assurance to those employed in this sector that they had the protection of the Act.

[81] **David Rees:** Does any Member object to the withdrawal of the amendment? No; therefore the amendment is withdrawn.

*Tynnwyd gwelliant 81 yn ôl gyda chaniatâd y pwyllgor.  
Amendment 81 withdrawn by leave of the committee.*

**Grŵp 73: Gorchmynion a Rheoliadau (Gwelliannau 169, 170, 171, 172, 174, 175, 177 a 178)**

**Group 73: Orders and Regulations (Amendments 169, 170, 171, 172, 174, 175, 177 and 178)**

[82] **David Rees:** The lead amendment in this group is amendment 169. I move amendment 169 in the name of the Deputy Minister, and I call on the Deputy Minister to speak to the amendments in this group.

[83] **Gwenda Thomas:** I apologise in advance, as these are quite technical amendments. I will be as brief as possible, but they are important so I ask you to bear with me.

10:00

[84] Section 165 provides that any power of Welsh Ministers to make an Order or regulation under the Bill is required to be exercised by statutory instrument. As a result of the specific reference to Welsh Ministers, the power of the Lord Chancellor to make regulations under section 85 is not provided for. Amendments 169, 170 and 171 remove the references to Welsh Ministers in order that the powers of the Lord Chancellor are captured. As a consequence of these amendments, amendment 172 clarifies that the requirement and powers in relation to the making of Orders under section 165(1) and (2) do not apply to an order made by the courts or a justice of the peace.

[85] I turn now to the remaining amendments, which relate to resolution procedures for regulations and Orders. Amendments 174 and 178 clarify that the negative procedure for the National Assembly for Wales is to be followed in the making of regulations by Welsh Ministers, whereas the negative procedure of the Houses of Parliament is to be followed in the making of regulations by the Lord Chancellor. However, it is not necessary to make this distinction in relation to the regulations and Orders that are listed in subsection (5) as being subject to the affirmative procedure. All these regulations and Orders are made by Welsh Ministers and are, therefore, subject to scrutiny by the Assembly only. Amendment 177 amends the list of regulations and Orders in subsection (5) to include further sections that would be subject to the affirmative procedure. This is in response to recommendations 3, 5 and 9 contained in the Constitutional and Legislative Affairs Committee's report following Stage 1 scrutiny. Some of the further sections that will be added by this amendment include the power to expand on the definitions of disabled or sight or hearing impaired, the power to place restrictions on who may be an authorised officer in respect of adult protection and support orders, and the power to specify the functions and procedures of a safeguarding board. Amendment 175 clarifies that, where a statutory instrument contains a number of Orders or regulations that are subject to a mixture of affirmative and negative resolution procedures, that statutory instrument and everything that it contains is subject to the affirmative procedure. For the reasons that I have just outlined, I urge Members to support these amendments.

[86] **David Rees:** Deputy Minister, do you wish to proceed to a vote on amendment 169?

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

[88] **David Rees:** Before we move to the vote on amendment 169, Members will wish to be aware that, if amendment 169 is not agreed, amendments 170 and 171 will fall.

[89] The question is that amendment 169 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection; therefore amendment 169 is agreed.

*Derbyniwyd gwelliant 169 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 169 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 170.*  
*Amendment 170 moved.*

[90] **David Rees:** The question is that amendment 170 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection; therefore amendment 170 is agreed.

*Derbyniwyd gwelliant 170 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 170 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 171.*  
*Amendment 171 moved.*

[91] **David Rees:** The question is that amendment 171 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection; therefore amendment 171 is agreed.

*Derbyniwyd gwelliant 171 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 171 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 172.*  
*Amendment 172 moved.*

[92] **David Rees:** The question is that amendment 172 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection; therefore amendment 172 is agreed.

*Derbyniwyd gwelliant 172 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 172 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 173.*  
*Amendment 173 moved.*

[93] **David Rees:** The question is that amendment 173 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection; therefore amendment 173 is agreed.

*Derbyniwyd gwelliant 173 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 173 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 174.*  
*Amendment 174 moved.*

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

*Derbyniwyd gwelliant 174 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 174 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 175.*  
*Amendment 175 moved.*

[95] **David Rees:** The question is that amendment 175 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection; therefore amendment 175 is agreed.

*Derbyniwyd gwelliant 175 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 175 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 176.*  
*Amendment 176 moved.*

[96] **David Rees:** The question is that amendment 176 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection; therefore amendment 176 is agreed.

*Derbyniwyd gwelliant 176 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 176 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 177.*  
*Amendment 177 moved.*

[97] **David Rees:** The question is that amendment 177 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection; therefore amendment 177 is agreed.

*Derbyniwyd gwelliant 177 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 177 agreed in accordance with Standing Order 17.34.*

[98] **David Rees:** Before we move to the next amendment, I remind Members that amendments 61, 275, 276 and 82 have fallen as a result of decisions taken during previous meetings on amendments 60, 254, 255 and 111 respectively.

*Methodd gwelliannau 61, 275, 276 ac 82.*  
*Amendments 61, 275, 276 and 82 fell.*

*Cynigiwyd gwelliant 178.*  
*Amendment 178 moved.*

[99] **David Rees:** The question is that amendment 178 in the name of the Deputy Minister be agreed to. Does any Member object? There is no objection; therefore amendment 178 is agreed.

*Derbyniwyd gwelliant 178 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 178 agreed in accordance with Standing Order 17.34.*

[100] **David Rees:** As amendment 60 in group 15 was not agreed, amendment 62 has fallen.

*Methodd gwelliant 62.*



*Amendment 62 fell.*

**Grŵp 74: Dehongli Cyffredinol ac Ymadroddion a Ddiffiniwyd (Gwelliannau 183, 530, 219, 220, 221, 397, 398, 222, 223, 399, 224, 400, 401, 225, 83, 498, 226, 179, 531, 228, 229, 467, 55, 402, 230 a 403)**

**Group 74: General Interpretation and Defined Expressions (Amendments 183, 530, 219, 220, 221, 397, 398, 222, 223, 399, 224, 400, 401, 225, 83, 498, 226, 179, 531, 228, 229, 467, 55, 402, 230 and 403)**

[101] **David Rees:** The lead amendment in this group is amendment 183. I call on William Graham to move amendment 183 and speak to the amendments in this group.

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

[103] This amendment seeks to insert an extra definition of abuse, whereby institutional abuse will be considered as a defined expression. The social services Bill advisory group confirmed that it is important to ensure that the factor of institutional abuse is not neglected. This view is also supported by the Welsh Local Government Association, which highlighted the need for people to be protected in a range of settings. The primary example of that is the recent case of mid Staffordshire, where patients were put at risk due to the poor quality of care. Including ‘institutional’ alongside the types of abuse would ensure the protection of individuals in a variety of settings, such as hospitals and care homes.

[104] Amendment 83 defines the meaning of neglect for the purposes of the Bill. Our definition is based on the meaning of neglect in the UK Government’s document, ‘Working Together to Safeguard Children’. It provides guidance as to how organisations and individuals should work together to safeguard and promote the welfare of children. This definition has been adapted to cover both adults and children. The social services Bill advisory group stated that the definition of neglect would provide clarity and accountability and ensure that it receives the same priority as abuse. Age Cymru commented in its consultation response that the definition of neglect would be beneficial. That view is supported by the WLGA, which said that the definition of neglect should be included for the purposes of clarity.

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

[106] **Lindsay Whittle:** I am certainly in favour of William Graham’s amendment 183, but I oppose amendment 83. I believe that the definition of neglect in William Graham’s amendment is not adequate. I urge the committee to support our amendment 498 instead. The definition provided by amendment 83 does not take account of emotional or social needs, which are recognised in current Welsh definitions of neglect for children and adults. They are important aspects of how neglect can be experienced by a person. The definition provided by amendment 83 does not take account of the impact of neglect on a person’s health. However, the evidence on the impact of neglect on a person is clear. There is a significant impact on physical and mental health. The definition provided by amendment 83 does not provide a single people definition nor allow for further details to be provided for adults and children via regulation. Therefore, I consider that amendment 83 provides a useful definition, but, on the face of the Bill, which is meaningful for people, it should allow for further detail via regulation. That is why we have—if I can speak to our amendment, Chair—put forward amendment 498, tabled in my name. I believe that it is a stronger definition of neglect and it should be read along with amendments 496 and 497, which we previously discussed in group 94—was it?

[107] **David Rees:** No, there is no group 94.

[108] **Lindsay Whittle:** Sorry, group 49. As Eric Morecombe said, I had all the right

numbers but not necessarily in the right order. [*Laughter.*] Our definition of neglect provides a broad definition to ensure that it receives equal attention and priority as a form of maltreatment. The Bill, throughout, refers to ‘abuse or neglect’, but ‘neglect’ is not currently defined. Neglect as an act of omission is not easily identified by practitioners. A definition on the face of the Bill will provide clarity and help to raise the profile of the issue. Amendment 498 was developed in partnership with Action for Children, Age Cymru, Barnardo’s Cymru and NSPCC Cymru Wales. It is supported by the social services and wellbeing Bill advisory group and the WLGA. It is important to note that the definition provided by amendment 83 requires for the neglect to be persistent. However, we know that neglect is not necessarily chronic. For example, if parents were to leave their child alone as a single incident, it would still be neglectful and place that child at risk, but it would not be persistent. That is what we are seeking to resolve in amendment 498.

[109] **David Rees:** Does any other Member wish to speak? There are no other Members who wish to speak, so I call on the Deputy Minister.

[110] **Gwenda Thomas:** I will respond to amendment 83, tabled by William Graham, and amendment 498, tabled by Lindsay Whittle, together as both of these amendments seek to amend the Bill, as we have heard, by adding a definition of neglect in section 166. In each case, the amendments call for neglect to be defined in relation to a failure to meet a person’s physical, emotional, social or psychological needs, with a result of serious impairment to their health or wellbeing. Amendment 83 goes further and adds a qualification that the failure must be persistent. It also makes a distinction between what would apply in relation to a child, when neglect would also include a failure to meet intellectual or behavioural development needs. Not including a definition of neglect in section 166 was a conscious decision, not an oversight. ‘Neglect’ has an ordinary definition, which is well understood by safeguarding practitioners. This is in contrast to the term ‘abuse’, which has a number of different permutations, including financial, emotional or sexual, for example, which is why we have included a definition of that term in section 166. Perhaps more importantly, I believe that to seek to define the term ‘neglect’ on the face of the Bill will limit its use and restrict the grounds on which local authorities could intervene. This is due to the inclusion of such terms as ‘persistent failure’ and ‘significant impairment’, which create a potentially higher threshold for intervention than exists currently. This, I think, is clearly undesirable.

[111] I would also remind the committee that Members have already agreed amendment 45 as part of the discussion on group 49, which enables the Welsh Ministers to issue guidance about adults and children at risk, and can be used to give examples and indicators of neglect. Amendment 45 covers all aspects of safeguarding and, in addition—as I said during our discussion under group 49—the Welsh Government is working with the NSPCC and Action for Children to identify a national response to the debilitating effects of childhood neglect. This work will inform the development of future guidance for children. For these reasons, I ask Members to oppose amendments 83 and 498.

[112] I will turn next to amendment 183, tabled by William Graham. This amendment seeks to add the term ‘institutional’ to the definition of ‘abuse’ in section 166. As I have just said, we have sought to define ‘abuse’ in this section as it is open to a number of differing interpretations. I can therefore very well understand the reason for this amendment. However, the types of abuse already included in the definition—physical, sexual, psychological, emotional and financial—cover those aspects that, either on their own or in conjunction with each other, and in certain settings, could constitute institutional abuse. On this basis, I am content that the definition, as it stands, covers institutional abuse and the intended effect of the amendment tabled by William Graham.

[113] I should also add that the definition of ‘abuse’ included in the Bill has been developed through a process of consultation, beginning in the original White Paper on the Bill. As such,

it is constructed from terms that are well known and understood both in law and by practitioners. For these reasons, I ask Members to reject amendment 183.

[114] I now set out the reasons for the Government's amendments in this group. Amendments 55, 219, 224, 225, 226, 398 and 400 address key terms that are used on a number of occasions in the Bill by defining respectively 'youth offending team', 'clinical commissioning group', 'local authority foster parent', 'national health service commissioning board', 'private children's home', 'health and social care trust', and 'local authority in Scotland'. These amendments will provide clarity for practitioners on key terms in the Bill, and I hope that Members can support these.

[115] Amendments 220, 221, 222, 223, 228, 229, 230 and 399 ensure that the meanings of other key terms are consistent with extant legislation. Respectively, the effects of these amendments are that the definition of 'community home' and 'controlled community home' is in line with the Children Act 1989; that 'education functions' is consistent with the Education Act 1996; that 'hospital' is consistent with the National Health Service (Wales) Act 2006; that 'independent hospital' is consistent with the definition in the Care Standards Act 2000, insofar as it relates to Wales, and the National Health Service Act 2006, insofar as it relates to England; that 'special guardian' is consistent with the Children Act 1989; that 'special health authority' is consistent with the National Health Service Act 2006; that 'accommodation provided by or on behalf of a local authority' is consistent with the Children Act 1989; and that 'local authority in England' is consistent with its usage in the UK Government's Care Bill. These amendments are part of a desire to integrate social services law and I hope that Members can support them.

10:15

[116] This group also contains a number of amendments that deal with specific issues where further definition is necessary, and I will deal with these individually. Amendment 179 amends the definition of 'regulations' in section 166 to clarify that the term means regulations made by the Welsh Ministers, except in the case of regulations under section 85, which are made by the Lord Chancellor. This amendment is necessary as section 85 restates section 25(c) of the Children Act 1989, which provides that the Lord Chancellor may make regulations dealing with functions of Welsh family proceedings officers.

[117] Amendment 397 revises the definition of 'enactment', so that it is widened to include legislation made in Wales, England, Scotland and Northern Ireland. The definition is narrower when used in sections 117(2)(b), 167(2)(b) and subsection 153(7) and refers to enactments of the UK Parliament and the National Assembly for Wales in those sections. This is for reasons of legislative competence. Amendment 402 also broadens the existing definition of a looked-after child so that it refers to a child looked after by a local authority in Wales, England and Scotland, or a health and social care trust in Northern Ireland.

[118] Amendment 403 inserts a new subsection providing the Welsh Ministers with regulation-making powers to treat the Isles of Scilly as a local authority in England for the purposes of the Bill. Amendment 531 defines 'relative' in relation to a child so that the same meaning is applied wherever the term appears in the Bill. May I assure Members that the drafting of the amendments avoids the use of the terms 'half-blood' and 'full-blood'? These terms had been included in the Mobile Homes (Wales) Bill and Assembly Members expressed dissatisfaction about them when that Bill was debated at Stage 2 earlier this year.

[119] I would hope that Members will be able to support amendments 179, 397, 402, 403 and 531, as they provide important consistency and clarity to the drafting and applicability of key terms in the Bill.

[120] Lastly, amendments 401 and 530 are consequential to amendments 403 and 57 respectively, while amendment 467 provides greater consistency of drafting in the Bill.

[121] I hope that Members can support these amendments.

[122] **David Rees:** Thank you, Deputy Minister. I call on William Graham to reply to the debate.

[123] **William Graham:** I have no problem with what the Deputy Minister said in regard to amendment 183, but we feel that this is still an important amendment as it actually defines institutional abuse. I listened closely to what the Deputy Minister has in terms of amendment 83 and in this case I think that we will seek not to move amendment 83. We will support the other amendments in this group, and we are grateful to the Deputy Minister for her reference to ‘half-blood’ and ‘full-blood’—that is an important step forward for the Assembly.

[124] **David Rees:** Thank you, William. I think that William has indicated that he wishes to proceed to a vote on amendment 183. The question is that amendment 183 be agreed to. Does any Member object? We have an objection, therefore I will take a vote by show of hands.

*Gwelliant 183: O blaid 5, Ymatal 0, Yn erbyn 5.  
Amendment 183: 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 183.  
Amendment 183 not agreed.*

*Cynigiwyd gwelliant 530.  
Amendment 530 moved.*

[125] **David Rees:** The question is that amendment 530 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 530 is agreed.

*Derbyniwyd gwelliant 530 yn unol â Rheol Sefydlog 17.34.  
Amendment 530 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 219.  
Amendment 219 moved.*

[126] **David Rees:** The question is that amendment 219 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 219 is agreed.

*Derbyniwyd gwelliant 219 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 219 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 220.*  
*Amendment 220 moved.*

[127] **David Rees:** The question is that amendment 220 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 220 is agreed.

*Derbyniwyd gwelliant 220 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 220 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 221.*  
*Amendment 221 moved.*

[128] **David Rees:** The question is that amendment 221 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 221 is agreed.

*Derbyniwyd gwelliant 221 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 221 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 397.*  
*Amendment 397 moved.*

[129] **David Rees:** The question is that amendment 397 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 397 is agreed.

*Derbyniwyd gwelliant 397 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 397 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 398.*  
*Amendment 398 moved.*

[130] **David Rees:** The question is that amendment 398 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 398 is agreed.

*Derbyniwyd gwelliant 398 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 398 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 222.*  
*Amendment 222 moved.*

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

*Derbyniwyd gwelliant 222 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 222 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 223.*  
*Amendment 223 moved.*

[132] **David Rees:** The question is that amendment 223 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 223 is agreed.

*Derbyniwyd gwelliant 223 yn unol â Rheol Sefydlog 17.34.  
Amendment 223 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 399.  
Amendment 399 moved.*

[133] **David Rees:** The question is that amendment 399 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 399 is agreed.

*Derbyniwyd gwelliant 399 yn unol â Rheol Sefydlog 17.34.  
Amendment 399 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 224.  
Amendment 224 moved.*

[134] **David Rees:** The question is that amendment 224 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 224 is agreed.

*Derbyniwyd gwelliant 224 yn unol â Rheol Sefydlog 17.34.  
Amendment 224 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 400.  
Amendment 400 moved.*

[135] **David Rees:** The question is that amendment 400 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 400 is agreed.

*Derbyniwyd gwelliant 400 yn unol â Rheol Sefydlog 17.34.  
Amendment 400 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 401.  
Amendment 401 moved.*

[136] **David Rees:** The question is that amendment 401 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 401 is agreed.

*Derbyniwyd gwelliant 401 yn unol â Rheol Sefydlog 17.34.  
Amendment 401 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 225.  
Amendment 225 moved.*

[137] **David Rees:** The question is that amendment 225 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 225 is agreed.

*Derbyniwyd gwelliant 225 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 225 agreed in accordance with Standing Order 17.34.*

[138] **David Rees:** William, do you wish to move amendment 83?

[139] **William Graham:** I wish to not move amendment 83 in my name.

[140] **David Rees:** Does any Member object? There is no objection.

*Ni chynigiwyd gwelliant 83.*  
*Amendment 83 not moved.*

[141] **David Rees:** Lindsay, do you wish to move amendment 498?

[142] **Lindsay Whittle:** I move amendment 498 in my name.

[143] **David Rees:** The question is that amendment 498 be agreed to. Does any Member object? We have an objection, therefore I will take a vote by show of hands.

*Gwelliant 498: O blaid 5, Ymatal 0, Yn erbyn 5.*

*Amendment 498: 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 498.*  
*Amendment 498 not agreed.*

*Cynigiwyd gwelliant 226.*  
*Amendment 226 moved.*

[144] **David Rees:** The question is that amendment 226 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 226 is agreed.

*Derbyniwyd gwelliant 226 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 226 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 179.*  
*Amendment 179 moved.*

[145] **David Rees:** The question is that amendment 179 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 179 is agreed.

*Derbyniwyd gwelliant 179 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 179 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 531.*  
*Amendment 531 moved.*

[146] **David Rees:** The question is that amendment 531 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 531 is agreed.

*Derbyniwyd gwelliant 531 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 531 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 228.*  
*Amendment 228 moved.*

[147] **David Rees:** The question is that amendment 228 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 228 is agreed.

*Derbyniwyd gwelliant 228 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 228 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 229.*  
*Amendment 229 moved.*

[148] **David Rees:** The question is that amendment 229 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 229 is agreed.

*Derbyniwyd gwelliant 229 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 229 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 467.*  
*Amendment 467 moved.*

[149] **David Rees:** The question is that amendment 467 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 467 is agreed.

*Derbyniwyd gwelliant 467 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 467 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 55.*  
*Amendment 55 moved.*

[150] **David Rees:** The question is that amendment 55 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 55 is agreed.

*Derbyniwyd gwelliant 55 yn unol â Rheol Sefydlog 17.34.*  
*Amendment 55 agreed in accordance with Standing Order 17.34.*

[151] **David Rees:** Before we move to a vote on amendment 402, Members should be aware that if amendment 402 is not agreed, amendment 283 in group 76 will fall.



*Cynigiwyd gwelliant 402.  
Amendment 402 moved.*

[152] **David Rees:** The question is that amendment 402 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 402 is agreed.

*Derbyniwyd gwelliant 402 yn unol â Rheol Sefydlog 17.34.  
Amendment 402 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 230.  
Amendment 230 moved.*

[153] **David Rees:** The question is that amendment 230 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 230 is agreed.

*Derbyniwyd gwelliant 230 yn unol â Rheol Sefydlog 17.34.  
Amendment 230 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 403.  
Amendment 403 moved.*

[154] **David Rees:** The question is that amendment 403 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 403 is agreed.

*Derbyniwyd gwelliant 403 yn unol â Rheol Sefydlog 17.34.  
Amendment 403 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 404.  
Amendment 404 moved.*

[155] **David Rees:** The question is that amendment 404 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 404 is agreed.

*Derbyniwyd gwelliant 404 yn unol â Rheol Sefydlog 17.34.  
Amendment 404 agreed in accordance with Standing Order 17.34.*

**Grŵp 75: Gofynion Cychwyn (Gwelliannau 184 a 185)  
Group 75: Commencement Requirements (Amendments 184 and 185)**

[156] **David Rees:** As amendment 60 in group 15 was not agreed, amendments 58 and 59 have fallen.

*Methodd gwelliannau 58 and 59.  
Amendments 58 and 59 fell.*

[157] The lead amendment in the group is amendment 184. I call on William Graham to move amendment 184 and to speak to the other amendment in this group.

[158] **William Graham:** I move amendment 184 in my name.

[159] This amendment seeks to put on hold the full implementation of the Bill until the Welsh Ministers have laid a report before the Assembly, detailing the costs involved in the implementation of the Bill. Our committee report states,

[160] ‘We are not satisfied with the information that has been made available on the total cost of the Bill and have not received any evidence to convince us that the Bill will be “cost neutral” in the long term.’

[161] In its letter to the committee on 8 May, the Welsh Local Government Association states the following:

[162] ‘We have stated consistently that the Bill, by the nature of its scope, and the extent of new duties (as opposed to discretionary powers) which will be conferred on Local Government will involve new burdens and will not be cost neutral.’

[163] We appreciate that, until regulations regarding the Bill have been finalised, it is not possible to calculate how much the Bill will cost. It would be inappropriate to bring the Bill into force until the financial implications of the Bill have been fully established. It is vital that a full assessment of the costs associated with the implementation of the Bill is brought before the Assembly before the remaining provisions of the Act come into force.

[164] Amendment 185 will ensure that the remaining provisions of the Act cannot commence until a report on the impact of the provisions and regulations on rural communities has been laid before the Assembly. This is to ensure that full consideration is given to the impact on rural communities and any impact on social services that may be rural specific.

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

[166] **Elin Jones:** Diolch, Gadeirydd. Rwyf am siarad i gefnogi'r ddau welliant yn y grŵp hwn. Rwy'n gweld gwerth gwirioneddol i'r ddau welliant. Mae gwelliant 184 yn sicrhau tryloywder i'r Cynulliad ac i'r boblogaeth yn ehangach o ran bod y Llywodraeth wedi asesu'r costau'n llawn a'u gosod yn gyhoeddus. Rwy'n credu, yn dilyn y dystiolaeth a glywsom yn ystod Cyfnod 1 o'r gwaith craffu ar y Bil hwn, fod consŷrn mawr ynglŷn â'r costau a fydd yn deillio o'r Bil hwn i lywodraeth leol. Felly, mae angen i'r Llywodraeth wneud yr asesiad yn llawn a gosod yr asesiad hwnnw yn gyhoeddus i bawb wybod gwir effaith ariannol y ddeddfwriaeth hon. O ran yr effaith ar wasanaethau a chyflwyno gwasanaethau mewn ardaloedd gwledig yng ngwelliant 185, rwy'n credu ei bod yn bwysig bod y Llywodraeth yn gwneud yr asesiad o'r effaith benodol honno. Mae darparu gwasanaethau cyhoeddus yn gyffredinol, ac, yn enwedig, gwasanaethau cymdeithasol, mewn cyd-destun gwledig yn gallu bod yn wahanol ac mae'r gofynion yn gallu bod yn ychwanegol, neu'n wahanol, beth bynnag. Rwy'n credu ei bod yn bwysig,

**Elin Jones:** Thank you, Chair. I want to speak in support of both amendments in this group. I see considerable value to both of them. Amendment 184 ensures transparency for the Assembly and the wider population in that the Government would have fully assessed the costs and would make those costs public. I believe, given the evidence that we heard during Stage 1 scrutiny of this Bill, that there is great concern about the costs that will fall to local government as a result of this Bill. Therefore, the Government needs to undertake a full assessment and needs to make that assessment public so that everyone can be aware of the true financial impact of this legislation. In terms of the impact on services and service provision in rural areas in amendment 185, I think it is important that the Government should carry out an assessment of that particular impact. The provision of public services in general, and social services in particular, can be different in a rural context and the demands can be additional, or certainly different. I think that it is important that, before this legislation is implemented in full, the Government should have made that

cyn i'r ddeddfwriaeth hon gael ei assessment and have made it public, as the  
 chyflwyno'n llawn, fod yn Llywodraeth yn amendment demands. Therefore, I support  
 gwneud yr asesiad ac yn ei gyflwyno'n both amendments.  
 gyhoeddus, fel y mae'r gwelliant yn gofyn  
 amdano. Felly, rwy'n cefnogi'r ddau.

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

[168] **Gwenda Thomas:** Thank you, Chair. As we have heard, these amendments, tabled by William Graham, relate to the commencement requirements provided for in section 168 of the Bill. They would require reports to be laid before the Assembly outlining the implementation costs of the Bill and the impact on rural communities before the Act can be commenced. I have to say that I am unclear as to what amendment 184 is trying to achieve. Is it about the costs of implementing this legislation or is it about the costs of delivering social services in line with the three elements of the legislative framework that the Act will establish? At this point, I will refer committee members to the Institute of Public Care report that was published, which does not back up what is being said. Perhaps we need to reflect further on that report, which is published and in the public domain. The amendment, as written, calls for an assessment of the costs of implementing the Bill. It does not refer to the longer term costs of the legislation, which the National Assembly for Wales has agreed to underwrite, following the passing of the financial resolution at Stage 1. Assessing the impact of subordinate legislation on those it affects is an essential part of the policy development process that underpins the Welsh Government's legislation. Standing Orders require any statutory instrument or draft statutory instrument laid before the Assembly to be accompanied by an explanatory memorandum to include any regulatory impact assessment undertaken. Section 76 of the Government of Wales Act 2006 provides that Welsh Ministers must make a code of practice, setting out how and in what circumstances they intend to carry out regulatory impact assessments when making Welsh subordinate legislation. Similarly, the development of regulations will also be subject to full public consultation, irrespective of the procedures being followed. There are a number of considerations that will need to be undertaken during such a consultation and it would not be appropriate to list these on the face of the Bill. Furthermore, the needs and considerations of rural communities—

[169] ac rwyf wedi clywed yr hyn mae Elin and I have heard what Elin Jones has said on  
 Jones wedi ei ddweud ar y pwynt hwn— this point—

[170] and how those needs are to be met, which is the subject of amendment 185, is primarily a matter for the local authorities and other partners in the delivery of services under this legislation. Therefore, I request that Members reject amendments 184 and 185.

10:30

[171] **David Rees:** Thank you, Deputy Minister. William, do you wish to reply to the debate?

[172] **William Graham:** Thank you very much. I have listened carefully to what the Deputy Minister had to say. I note in particular the good points that Elin Jones made, and I would have thought the Government would be keen on as much transparency as possible. Our concern arises particularly from the view of the WLGA, which, after all, is the representative of those who have to implement this Act, that there will be new burdens that will not be cost-neutral. Therefore, we have a great problem with the assessment of the actual costs of implementation.

[173] **David Rees:** Thank you, William. Do you wish to proceed to a vote on amendment

184?

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

[175] **David Rees:** The question is that amendment 184 be agreed to. Does any Member object? We have an objection. Therefore, we will take a vote by show of hands.

*Gwelliant 184: O blaid 5, Ymatal 0, Yn erbyn 5.*

*Amendment 184: 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 184.*

*Amendment 184 not agreed.*

[176] **David Rees:** William, will you move amendment 185?

[177] **William Graham:** I move amendment 185 in my name.

[178] **David Rees:** The question is that amendment 185 be agreed to. Does any Member object? We have an objection. Therefore, we will take a vote by show of hands.

*Gwelliant 185: O blaid 5, Ymatal 0, Yn erbyn 5.*

*Amendment 185: 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 185.*

*Amendment 185 not agreed.*

**Grŵp 76: Trosolwg ar y Ddeddf (Gwelliannau 416, 500, 1, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 501, 186, 187, 128 a 288)**  
**Group 76: Overview of the Act (Amendments 416, 500, 1, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 501, 186, 187, 128 and 288)**

[179] **David Rees:** This is the last group of amendments to consider. The lead amendment in the group is amendment 416. I move amendment 416 in the name of the Deputy Minister and call on the Deputy Minister to speak to the amendments in this group.

[180] **Gwenda Thomas:** Before I begin, as this is the last group of amendments for Stage 2, I would like to place on record my sincere thanks to this committee, its members and support staff, for the constructive way in which these proceedings have been conducted. I am also very grateful for the patience you have all shown when I have been required to speak at length, especially in the case of group 59, when William got a glimpse of eternity. *[Laughter.]* I would also like to thank my officials for their hard work and absolute commitment to this process, as well as my private office and my adviser, Professor Andy Pithouse.

[181] On with business: these amendments ensure that the overview section is comprehensive, clear and aids understanding of the Bill. There are 21 amendments in this group, all of which are of a technical and consequential nature. As this is our last group in Stage 2 proceedings, I will be brief in speaking to the amendments, which I trust the committee will welcome.

[182] Amendment 416 is consequential to amendments 417 to 421, agreed by the committee in the first session on 13 November. Amendment 500 is consequential to amendments 524 to 529, discussed in group 58 and agreed. Amendment 1 is consequential to amendment 5, which was discussed in group 9 and agreed. Amendment 277 is also consequential to amendment 294, discussed in group 31 and agreed. Turning to amendments 278 to 281, 284, 285 and 287, these are technical amendments to achieve consistency of drafting. Amendment 282 inserts a new subparagraph, ensuring that children subject to special guardianship orders are referenced in the overview. Amendment 283 is consequential to amendment 403, discussed in group 74 and agreed. Amendment 286 is a technical amendment to correct a drafting error. Amendments 186 and 187 are consequential to amendment 215, discussed in group 65 and agreed. Amendment 128 is consequential to amendment 155, discussed in group 66 and agreed. Amendment 288 is consequential to amendment 395, which was discussed in group 67 and agreed.

[183] Finally, it is unfortunate that the committee did not feel able to support my amendments 52 to 54, which we discussed in group 64, which related to advocacy. As a consequence, amendments 2 and 3, which were part of this group and would have revised and inserted a new text into the overview section, have now fallen. Amendments 52 to 54 were brought forward in response to strong interest from both stakeholders and this committee. Had they been agreed, they would have added important provisions to the Bill. I would like to reassure the committee, however, that I am now considering how best to proceed with this matter, so that the Social Services and Well-being (Wales) Bill may still address this important issue, and continue to be developed with the support and input of stakeholders, partners, and, certainly, this committee. I also once again thank the committee and all those involved for their continued efforts in this Bill's important journey. Thank you—*diolch yn fawr i chi i gyd*.

[184] **David Rees:** Does any Member wish to speak to these amendments?

[185] **William Graham:** I will speak to the amendment, if I may, Chair. We support this amendment, and may I just say how much I appreciate the remarks from the Deputy Minister? In the way that we have engaged with her during the scrutiny of this Bill, it has always been

our intention to improve, where we can, rather than to try to defeat the Government's intentions in this matter. Coupled with those remarks, if I may, I thank the Legislation Office, in particular, which has been incredibly helpful to us on this particular occasion, the voluntary groups that offered advice, and those in the WLGA also. I am also grateful for the way in which this committee has looked very closely at all the amendments, which have been given due consideration before voting.

[186] **David Rees:** Thank you, William. I will give Members an opportunity after the voting to make comments if they wish; I want to focus on the amendments at this point. Does any other Member wish to speak to the amendments at this point? No? Deputy Minister, do you wish to reply to the debate?

[187] **Gwenda Thomas:** No, thank you.

[188] **David Rees:** Do you wish to move to a vote on amendment 416?

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

[190] **David Rees:** The question is that amendment 416 be agreed to. Does any Member object? There are no objections, therefore amendment 416 is agreed.

*Derbyniwyd gwelliant 416 yn unol â Rheol Sefydlog 12.36.  
Amendment 416 agreed in accordance with Standing Order 12.36.*

[191] **David Rees:** Before we vote on amendment 500, Members should be aware that, if amendment 500 is not agreed, amendment 501 will fall.

*Cynigiwyd gwelliant 500.  
Amendment 500 moved.*

[192] **David Rees:** The question is that amendment 500 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 500 is agreed.

*Derbyniwyd gwelliant 500 yn unol â Rheol Sefydlog 12.36.  
Amendment 500 agreed in accordance with Standing Order 12.36.*

*Cynigiwyd gwelliant 1.  
Amendment 1 moved.*

[193] **David Rees:** The question is that amendment 1 in the name of the Deputy Minister be agreed to. Does any Member object? There are no objections, therefore amendment 1 is agreed.

*Derbyniwyd gwelliant 1 yn unol â Rheol Sefydlog 12.36.  
Amendment 1 agreed in accordance with Standing Order 12.36.*

*Cynigiwyd gwelliant 277.  
Amendment 277 moved.*

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

*Derbyniwyd gwelliant 277 yn unol â Rheol Sefydlog 12.36.  
Amendment 277 agreed in accordance with Standing Order 12.36.*

*Cynigiwyd gwelliant 278.  
Amendment 278 moved.*

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

*Derbyniwyd gwelliant 278 yn unol â Rheol Sefydlog 12.36.  
Amendment 278 agreed in accordance with Standing Order 12.36.*

*Cynigiwyd gwelliant 279.  
Amendment 279 moved.*

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

*Derbyniwyd gwelliant 279 yn unol â Rheol Sefydlog 12.36.  
Amendment 279 agreed in accordance with Standing Order 12.36.*

*Cynigiwyd gwelliant 280.  
Amendment 280 moved.*

[197] **David Rees:** Does any Member object to amendment 280 in the name of the Deputy Minister? There are no objections, therefore amendment 280 is agreed.

*Derbyniwyd gwelliant 280 yn unol â Rheol Sefydlog 12.36.  
Amendment 280 agreed in accordance with Standing Order 12.36.*

*Cynigiwyd gwelliant 281.  
Amendment 281 moved.*

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

*Derbyniwyd gwelliant 281 yn unol â Rheol Sefydlog 12.36.  
Amendment 281 agreed in accordance with Standing Order 12.36.*

*Cynigiwyd gwelliant 282.  
Amendment 282 moved.*

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

*Derbyniwyd gwelliant 282 yn unol â Rheol Sefydlog 12.36.  
Amendment 282 agreed in accordance with Standing Order 12.36.*

*Cynigiwyd gwelliant 283.  
Amendment 283 moved.*

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

*Derbyniwyd gwelliant 283 yn unol â Rheol Sefydlog 12.36.  
Amendment 283 agreed in accordance with Standing Order 12.36.*

*Cynigiwyd gwelliant 284.  
Amendment 284 moved.*

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

*Derbyniwyd gwelliant 284 yn unol â Rheol Sefydlog 12.36.  
Amendment 284 agreed in accordance with Standing Order 12.36.*

*Cynigiwyd gwelliant 285.  
Amendment 285 moved.*

[202] **David Rees:** Does any Member object to amendment 285 in the name of the Deputy Minister? There are no objections, therefore amendment 285 is agreed.

*Derbyniwyd gwelliant 285 yn unol â Rheol Sefydlog 12.36.  
Amendment 285 agreed in accordance with Standing Order 12.36.*

*Cynigiwyd gwelliant 286.  
Amendment 286 moved.*

[203] **David Rees:** Does any Member object to amendment 286 in the name of the Deputy Minister? There are no objections, therefore amendment 286 is agreed.

*Derbyniwyd gwelliant 286 yn unol â Rheol Sefydlog 12.36.  
Amendment 286 agreed in accordance with Standing Order 12.36.*

*Cynigiwyd gwelliant 287.  
Amendment 287 moved.*

[204] **David Rees:** Does any Member object to amendment 287 in the name of the Deputy Minister? There are no objections, therefore amendment 287 is agreed.

*Derbyniwyd gwelliant 287 yn unol â Rheol Sefydlog 12.36.  
Amendment 287 agreed in accordance with Standing Order 12.36.*

*Cynigiwyd gwelliant 501.  
Amendment 501 moved.*

[205] **David Rees:** Does any Member object to amendment 501 in the name of the Deputy Minister? There are no objections, therefore amendment 501 is agreed.

*Derbyniwyd gwelliant 501 yn unol â Rheol Sefydlog 12.36.  
Amendment 501 agreed in accordance with Standing Order 12.36.*

[206] **David Rees:** Before we move to the next amendment, as the Deputy Minister has stated, because amendment 52 was not agreed, amendments 2 and 3 have fallen.

*Methodd gwelliannau 2 a 3.  
Amendments 2 and 3 fell.*

*Cynigiwyd gwelliant 186.  
Amendment 186 moved.*

[207] **David Rees:** Does any Member object to amendment 186 in the name of the Deputy



Minister? There are no objections, therefore amendment 186 is agreed.

*Derbyniwyd gwelliant 186 yn unol â Rheol Sefydlog 12.36.*  
*Amendment 186 agreed in accordance with Standing Order 12.36.*

*Cynigiwyd gwelliant 187.*  
*Amendment 187 moved.*

[208] **David Rees:** Does any Member object to amendment 187 in the name of the Deputy Minister? There are no objections, therefore amendment 187 is agreed.

*Derbyniwyd gwelliant 187 yn unol â Rheol Sefydlog 12.36.*  
*Amendment 187 agreed in accordance with Standing Order 12.36.*

*Cynigiwyd gwelliant 128.*  
*Amendment 128 moved.*

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

*Derbyniwyd gwelliant 128 yn unol â Rheol Sefydlog 12.36.*  
*Amendment 128 agreed in accordance with Standing Order 12.36.*

*Cynigiwyd gwelliant 288.*  
*Amendment 288 moved.*

[210] **David Rees:** Does any Member object to amendment 288 in the name of the Deputy Minister? There are no objections, therefore amendment 288 is agreed.

*Derbyniwyd gwelliant 288 yn unol â Rheol Sefydlog 12.36.*  
*Amendment 288 agreed in accordance with Standing Order 12.36.*

[211] **David Rees:** Thank you very much. As all sections of and Schedules to the Bill have now been deemed agreed by the committee, under Standing Order 26.27, I propose that, as the Bill has been substantially amended as a result of Stage 2 proceedings, the Deputy Minister should prepare a revised explanatory memorandum. As Stage 2 has been completed, Stage 3 begins tomorrow. Members will be notified of the deadlines in due course. Are Members in agreement? Thank you very much.

[212] I thank the Deputy Minister for her detailed involvement in this stage, and for the responses she provided, and also thank the officials who have accompanied you to these sessions. I also thank all Members who have given good consideration to all amendments throughout the Stage 2 proceedings. I think that your efforts have been very helpful in shaping the Bill. Obviously, there are opportunities to continue to shape that Bill at Stage 3; so, thank you very much. I also thank the officials for the advice and support that they have given. If any Member wishes to have legal advice on other matters in continuing with the Bill, it should be co-ordinated through Helen for that purpose at Stage 3, if possible.

[213] Does any Member wish to make a comment now? I did say that I would give you an opportunity, Lindsay.

[214] **Lindsay Whittle:** Thank you, Chair. This is an extremely important Bill, and I would like to place on record the thanks from the Members of my party for the way that the debate has been conducted. It has been extremely constructive and it is in the best interests, I believe, of the vulnerable people that we all represent throughout Wales. I would also like to thank the

Deputy Minister and all her staff. I cannot remember how many meetings that we have now had on it, but I think that people are beginning to talk. *[Laughter.]* Thank you, Deputy Minister; they have been very constructive meetings. I would also like to thank our research staff—that is very important. I thank all the groups that we have met outside these committee meetings; their help and dedication to this Bill have been vital to us. I would also like to place on record my thanks to the legal department here, and all of staff sitting alongside you, for their help. It has been extremely useful and very valuable. I really do not know how they have managed to cope. Finally, Chair, I would like to thank you, not only for the stollen, but for the way that you have conducted these meetings. They have been really tough. You have guided us and you have been very patient. We look forward now to Stage 3 when, again—I hope—the rest of the debate will carry on in this Christmas spirit. Thank you.

[215] **David Rees:** You have given my secrets away about stollen now. *[Laughter.]*

[216] **Lindsay Whittle:** I am sorry.

[217] **David Rees:** Kirsty, did you wish to comment?

[218] **Kirsty Williams:** I wish to reiterate the thanks that Lindsay has just given to all the officials of the committee who have assisted us to date, and also to reiterate the thanks to you, Chair, for the way in which you have conducted these meetings. It is not an easy task to chair the committee, especially during these complex proceedings. I would also like to thank the Deputy Minister for the way in which she has reacted to the amendments that have been put forward. If only everyone in the Government took her view about trying to work across the aisle, I think that the Assembly would be a better place. I am grateful to her for all her hard work in that regard.

[219] However, I will just say that I remain extremely concerned about issues around eligibility and who will be in receipt of social care if this legislation is to pass. While I think that the Bill is a result of the amendments brought forward by both the Government and the committee, I still think that it is a work in progress. On behalf of my group, I reserve the position to continue to make those points as we go through to Stage 3, but look forward to working with the Deputy Minister in the meantime to try to come to an agreement on the issues to which she has given a commitment to bring forward at Stage 3.

[220] **David Rees:** Thank you, Kirsty. Does any other Member wish to come in? Lynne, do you wish to comment?

[221] **Lynne Neagle:** Yes. On behalf of the Labour backbenchers, I wish to thank Gwenda for all her efforts and hard work on what has been a very difficult and complex piece of legislation, and her willingness to always engage with us as Labour backbenchers. I also thank the officials and the officials of the committee, and I wish to place on record thanks to the Labour support staff, especially Kate Edmunds in the Labour group office. Thank you.

[222] **David Rees:** Does any other Member wish to speak? I see not. I thank you again, Deputy Minister. I remind Members again that Stage 3 begins tomorrow. Members will be notified of the tabling deadlines in due course, because we have to have some dates for the discussions at Stage 3. Everyone will have an opportunity to continue to work with the Deputy Minister, obviously, and the staff led by Helen over Stage 3. Thank you very much.

[223] Therefore, that ends Stage 2 of the debate.

[224] **Gwenda Thomas:** I extend my thanks to you too, Chair. Thank you very much.

[225] **David Rees:** We will have two seconds now before we move on, simply to allow the

Deputy Minister to leave. We will then return to normal business. Would you like a cup of tea first? Actually, we will be moving into a private session in a short while, therefore let us do the papers to note first, and then we will move into private session. Then, we will have a cup of tea.

10:44

### **Papurau i'w Nodi Papers to Note**

[226] **David Rees:** We have the following papers to note: the minutes of the meetings on 21 and 27 November; the letter from Hywel Dda Local Health Board, which we discussed in our private session last week; a letter from the Minister for Health and Social Services and the Deputy Minister for Social Services in response to the committee's letter on the Welsh Government's draft budget 2014-15, which I was hoping to have in time for the debate on Tuesday; and the committee's forward work programme from January to April 2014. There is also the letter from the Deputy Minister for Social Services on the Social Services and Well-being (Wales) Bill and children's social care. Are you happy to note those? I see that you are; thank you very much.

10:45

### **Cynnig o dan Reol Sefydlog 17.42(vi) i Benderfynu Gwahardd y Cyhoedd o Eitemau 5 a 6 y Cyfarfod Heddiw ac ar gyfer y Cyfarfod ar 16 Ionawr 2014 Motion under Standing Order 17.42(vi) to Resolve to Exclude the Public for Items 5 and 6 of Today's Meeting and from the Meeting on 16 January 2014**

[227] **David Rees:** I move that

*the committee resolves to exclude the public from the remainder of today's meeting and the meeting on 16 January in accordance with Standing Order 17.42(vi).*

[228] Are Members content with that? I see that you are. Thank you.

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 10:46.  
The public part of the meeting ended at 10:46.*