

Cofnod y Trafodion The Record of Proceedings

[Y Pwyllgor Iechyd a Gofal Cymdeithasol](#)

[The Health and Social Care Committee](#)

15/10/2015

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi 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

Alun Davies	Llafur Labour
Keith Davies	Llafur (yn dirprwyo ar ran David Rees) Labour (Substitute for David Rees)
John Griffiths	Llafur Labour
Altaf Hussain	Ceidwadwyr Cymreig Welsh Conservatives
Elin Jones	Plaid Cymru The Party of Wales
Darren Millar	Ceidwadwyr Cymreig Welsh Conservatives
Lynne Neagle	Llafur (Cadeirydd dros dro) Labour (Temporary Chair)
Gwyn R. Price	Llafur Labour
Lindsay Whittle	Plaid Cymru The Party of Wales
Kirsty Williams	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

Eraill yn bresennol
Others in attendance

Mark Drakeford	Aelod Cynulliad, Llafur (y Gweinidog Iechyd a Gwasanaethau Cymdeithasol) Assembly Member, Labour (the Minister for Health and Social Services)
Kate Johnson	Cyfreithiwr, Llywodraeth Cymru Lawyer, Welsh Government
David Pritchard	Pennaeth Rheoleiddio a Datblygu'r Gweithlu, Llywodraeth Cymru Head of Regulation and Workforce Development, Welsh Government
Mari Williams	Cyfreithiwr, Llywodraeth Cymru Lawyer, Welsh Government

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

Helen Finlayson	Ail Glerc Second Clerk
Gareth Howells	Cynghorydd Cyfreithiol Legal Adviser
Rhys Morgan	Dirprwy Glerc Deputy Clerk
Gareth Pembridge	Cynghorydd Cyfreithiol Legal Adviser

Dechreuodd y cyfarfod am 09:31.
The meeting began at 09:31.

Cynnig i Ethol Cadeirydd Dros Dro
Motion to Elect a Temporary Chair

[1] **Ms Finlayson:** Bore da a **Ms Finlayson;** Good morning and chroeso i gyfarfod y Pwyllgor Iechyd welcome to this meeting of the a Gofal Cymdeithasol. Nid yw'r Health and Social Care Committee. Cadeirydd yn gallu mynychu cyfarfod The Chair is unable to attend today's heddiw. meeting.

[2] Therefore, in accordance with Standing Order 17.22, I call for nominations for a temporary Chair for the duration of today's meeting.

[3] **Darren Millar:** I nominate Lynne Neagle.

[4] **Alun Davies:** I second that.

[5] **Ms Finlayson:** I therefore declare that Lynne Neagle has been appointed temporary Chair, and I invite her to take the Chair's seat for the duration of today's meeting.

[6] **Lynne Neagle:** Thank you, everyone.

09:32

Cyflwyniadau, Ymddiheuriadau a Dirprwyon Introductions, Apologies and Substitutions

[7] **Lynne Neagle:** Good morning. Can I welcome Members and the public to this morning's meeting of the Health and Social Care Committee? As you know, the meeting is bilingual. Headphones are used for simultaneous translation from Welsh to English on channel 1, or for amplification on channel 2. Can I remind people to either turn off their mobile phones or put them on silent, or anything else that's going to interfere with the broadcasting equipment? There's no fire alarm scheduled, so if the fire alarm does sound, please follow directions from the ushers.

[8] Apologies for this morning have been received from David Rees, and I'd like to welcome Keith Davies, who is substituting for David Rees.

Y Bil Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru)—Cyfnod 2: Trafod Gwelliannau Regulation and Inspection of Social Care (Wales) Bill—Stage 2: Consideration of Amendments

[9] **Lynne Neagle:** Our first item this morning is the continuation of the Stage 2 debate on the Regulation and Inspection of Social Care (Wales) Bill. I'd like to welcome Mark Drakeford, the Minister, to the meeting and ask Mark to introduce his officials for the record.

[10] **The Minister for Health and Social Services (Mark Drakeford):** Thank you, Chair. For the record, I'm accompanied again this morning by David Pritchard, Mari Williams and Kate Johnson.

[11] **Lynne Neagle:** Thank you very much. Although we've done part of the Stage 2, I think it would probably be useful for the record just to recap the handling of this morning, which is to dispose of the remaining amendments. Just to remind Members, there will be one debate on each group of amendments. The debate on each group will follow the same structure: I will call the proposer of the lead amendment in each group first, who should move the lead amendment and speak to it and any other amendments in the group. I will then call other Members who wish to speak to any of the amendments in the group. I will then call the Minister if he did not have the lead amendment, and then the Member with the lead amendment to reply to

the debate.

[12] Voting, as usual, will be by show of hands. If there is a tied vote, I will use the casting vote in the negative, against the amendment.

[13] Proposers of amendments that were not the lead amendment in these groups will be called to move the amendments at the appropriate time. This includes those amendments that were debated, but not disposed of, during last week's proceedings.

[14] In accordance with the usual practice, I will formally move amendments tabled by the Minister, unless he indicates at the appropriate time that he does not wish them to be moved.

[15] As is usual practice, advisers to the committee or the Minister are not expected to provide advice on the record. If Members need to seek legal advice during proceedings, please do so either by passing a note to the relevant adviser or by requesting an adjournment to the proceedings. Are there any questions? No. Okay. Lovely.

Grŵp 21: Adroddiadau Blynnyddol Awdurdodau Lleol (Gwelliannau 149 a 77)
Group 21: Local Authority Annual Reports (Amendments 149 and 77)

[16] **Lynne Neagle:** We begin proceedings this morning with the twenty-first group of amendments, which is in relation to local authority annual reports. The lead amendment in the group is amendment 149, and I call on Lindsay Whittle to move amendment 149 and speak to the amendments in this group.

Cynigiwyd gwelliant 149 (Lindsay Whittle).

Amendment 149 (Lindsay Whittle) moved.

[17] **Lindsay Whittle:** Thank you very much, Chair. You will be delighted to know that I'm going to be very brief. I formally move amendment 149 in group 21, tabled in my name. Members will be aware that local authority annual reports should, in my opinion, specify how needs are met. I think that that should be written onto the face of the Bill. It's as simple as that and I formally move.

[18] **Lynne Neagle:** Thanks, Lindsay. Are there other Members who would like to speak? No. Then I call on the Minister, please.

[19] **Mark Drakeford:** Thank you, Chair. Well, Government amendment 77 responds to recommendation 10 of the Stage 1 report of this committee, which called for a requirement on the face of the Bill to consult stakeholders on the form and content of annual reports from local authorities before making regulations in relation to those sections. This amendment therefore achieves that by making the first set of regulations subject to the affirmative procedure and therefore to the consultation requirements that that procedure entails. This makes this part of the Bill consistent with amendment 9, which relates to provider annual returns, which this committee considered last week as part of group 8.

[20] I've thought carefully about Lindsay Whittle's amendment 149, and given the interest that there has been throughout the 2014 Act's procedures in relation to how local authorities will assess and meet needs, I'm happy to accept Lindsay's amendment this morning.

[21] **Lynne Neagle:** Thank you, Minister. Lindsay, do you want to reply?

[22] **Lindsay Whittle:** Just to thank the Minister, Chair. Thank you very much.

[23] **Lynne Neagle:** Okay, thank you very much. So, the question is that amendment 149 be agreed to. Does any Member object? No. Okay, great. Then amendment 149 is agreed.

Derbyniwyd gwelliant 149 yn unol â Rheol Sefydlog 17.34.

Amendment 149 agreed in accordance with Standing Order 17.34.

Grŵp 22: Comisiynu Gwasanaethau Gofal Cymdeithasol (Gwelliannau 74, 78, 150, 152, 159 ac 125)

Group 22: Commissioning Social Care Services (Amendments 74, 78, 150, 152, 159 ac 125)

[24] **Lynne Neagle:** We move on, then, to the twenty-second grouping of amendments, which is in relation to the commissioning of social care services. The lead amendment in the group is amendment 74.

Cynigiwyd gwelliant 74 (Mark Drakeford).

Amendment 74 (Mark Drakeford) moved.

[25] **Lynne Neagle:** I formally move amendment 74 in the name of the Minister and call on the Minister to speak on the amendment.

[26] **Mark Drakeford:** Thank you, Chair. This is a significant and, in some ways, complex group of amendments. I think I said on the floor of the National Assembly that the evidence taken by this committee during Stage 1, and the conclusions that were drawn in the Stage 1 report in relation to commissioning, were a very valuable part of the scrutiny process, and have led me to think again about some aspects of the Bill as originally drafted.

[27] The amendments in my name therefore ensure that the commissioning of local authorities is given strengthened scrutiny, both in the inspection of local authority social services, and in the requirements of the market stability reports. So, the amendments that I bring forward are a direct response to recommendations 28 and 29 of this committee's report.

[28] Amendment 74 requires that a local authority's market stability report includes an assessment of the effect of commissioning of services in connection with their social services functions. The amendment makes further provision so that the period that is to be covered by such an assessment will be set out in regulations. Amendment 78 makes it clear that the power of review by Care and Social Services Inspectorate Wales in relation to social services functions of local authorities includes a power to review the commissioning of any services in connection with those functions. So, those two things together, I think, bring to the surface of the Bill a new clarity about the need for local authorities and the discharge of their commissioning responsibilities to be subject to the scrutiny of the regulator, and to be explicitly addressed in their market stability reports.

[29] The committee will hear of amendments 125 and 150, in the name of Lindsay Whittle, supported by Kirsty Williams. I have to ask Members to reject these amendments because they are both concerned with widening the scope of this Bill to incorporate health board commissioning of social care services. This is not a Bill about how health boards operate. We would have had a very different set of debates, a different range of evidence at Stage 1, and a different consultation beforehand if this Bill had been about bringing health boards within its scope. As Members will have noticed, in order to make those amendments regular, the final amendment of this group requires that the long title of the Bill be changed to bring about this very late and fundamental addition, to bring that within the scope of the Bill. So, I think that these amendments both mistake what the Bill is about and seek to widen

its scope at a point where nobody who would have had an interest in doing so will have had a chance to make their views known to this committee, and I cannot support those amendments. I remind Members as well that the whole issue of how local health boards are to exercise their powers and functions is subject to the Green Paper consultation, 'Our Health, Our Health Service', which is still out to public consultation until 20 November. If there is a case for doing what these amendments seek to do, then that is the place for that case to be made and that is the place for it to be pursued in any subsequent legislation.

[30] Amendment 152, again in Lindsay's name and supported by Kirsty, seeks to make it a requirement that, when CSSIW are conducting a review of local authority social services functions, that review must look at whether the commissioning by the local authority has taken into account the quality, effectiveness of services and the economy and efficiency of their provision. I'll listen carefully to what is said in support of that amendment this morning. At present, my conclusion is that the effect adds little to amendment 78, other than making it a more complex and bureaucratic approach to the inspection of local authorities, but I will listen carefully to what is being said.

[31] The final amendment in this group is number 159 in the name of Kirsty Williams. As I understand it, the effect of this amendment would be that a person who is involved in the decision-making process of commissioning a regulated service from a service provider could not, for a period of six months, work for or become an employee of the service provider or any subsidiary or holding company of that service provider.

[32] I do very much understand why this amendment has come forward, and I know that it will be as a result of the very direct experience that Kirsty has had of how commissioning arrangements were carried forward in her own constituency area. However, my advice is that this amendment would have significant consequences that might go beyond the intentions that are there in its proposition. It's drafted in a way that will encompass individuals beyond those intended. It's not clear, for example, who

[33] 'A person who is involved in the decision-making process of commissioning'

[34] is intended to mean. It could encompass a person seeking to work as a cleaner or a cook in the same care home where that person had recently been involved in placing their parent, for example, and I know that's not the

sort of instance that the amendment is designed to capture. I would ask Members to reject amendment 159 this morning, but I would be happy to meet the Member to discuss the lessons from the recent events in her constituency and to understand what the best remedy to that position might be.

[35] **Lynne Neagle:** Thank you, Minister. I'll take other Members now. Kirsty and then Lindsay, is it?

[36] **Kirsty Williams:** Thank you, Lynne. Could I thank the Minister for his comments and welcome the acknowledgement by the Minister that the evidence that was received at Stage 1 by this committee has convinced him of the case to take a greater interest in the regulation and inspection regime in the commissioning process? I think the evidence is quite clear that, if we are to ensure that residents, citizens, have access to quality services, that can only happen if the commissioning of such services is of a sufficiently high and robust standard. The analogy that we received here is that it's like expecting a precious rare orchid to pop out of the ground, when what has been buried in the ground in the first place is a tulip bulb. So, if we don't get the actual foundations of the commissioning process right, it will not, therefore, necessarily follow that what we will get is the service that we would all want to see for constituents. I recognise that the Government has acknowledged this in some ways in its amendments today.

09:45

[37] Could I turn to the issue of health boards? The Minister is not correct in stating that those from health boards have not had an opportunity to take part in the scrutiny of this Bill. Indeed, it was members of health boards who came here to represent health boards in the NHS Confederation, by their own admission, who said that their commissioning of beds in residential homes throughout Wales—and they are responsible for a significant number of placements in such homes—is not looked at as part of the current Healthcare Inspectorate Wales regime, and they would welcome the greater scrutiny of how they go about commissioning those services. So, it's simply not correct to say that this is a sudden imposition of something completely new to this committee, because it was the very evidence from those nursing directors and commissioners from health boards, who said that they would welcome a greater focus on their commissioning—

[38] **Alun Davies:** Will you take an intervention?

[39] **Kirsty Williams:** Of course.

[40] **Alun Davies:** I accept the point you make about the evidence, but the burden of this Bill is to regulate the services provided rather than to look again at the way that health boards function. I don't disagree with the points you make, by the way, but reading the amendment that you've tabled, it's very, very clear that it's an amendment about the health boards—and the management structures, processes and functions within the health boards—rather than the services. I think, in some ways, it might be useful for you to have that conversation with the Minister before Stage 3.

[41] **Kirsty Williams:** I accept that this Bill, the primary focus of this Bill, has been about the regulation and inspection of service delivery, but the Minister has just given way on the point that this Bill also needs to look at the aspects of commissioning. If we are saying that we need to look at the aspects of local authority commissioning of services, it seems to me perfectly logical that we should look at the aspects of commissioning of health boards when they are placing people in residential care, especially at a time when the Government's direction of travel is for greater collaboration between local authorities and health boards in the provision of social care. Indeed, as we sit here today, there are active negotiations about the wholesale transfer of adult social care services from Powys local authority to Powys local health board, who could be responsible, in the not too near future, for commissioning all adult social care. But, under this legislation, as currently framed, the commissioning of those services will not have the same rigour as in terms of other local authorities where adult social care remains within the auspices of a local council. Therefore, this Bill needs to reflect direction of travel, and movement of how commissioning of adult social care is changing between local authorities and health boards, and we need to make space for that in the legislation that is currently before us, rather than wait.

[42] If I could turn to the issue of amendment 159, I'd hate for the amendment to become known as the Powys amendment, because I'm sure that there are examples, Minister, of such practices in other areas. But, it seems to me that, at present, there is nothing in law to stop a senior councillor, or a senior commissioning officer within a local authority, today handing out a multi-million pound contract to a private provider, and then be found to be in their employment if not within days or perhaps weeks but within months of handing out that multi-million pound taxpayers contract. I believe that there should be some form of safeguard in place that stops that

from happening.

[43] The amendment says that if person A is involved in a decision-making process that leads to the commissioning of a regulated service from service provider X, then person A cannot work for service provider X for six months after the last day person A was involved in the decision-making process. You're quite right that it's certainly not my intention that someone who has placed a relative in a care home should be prevented from working in that care home. I have suggested six months as an initial idea, because I am aware that restrictions such as these have to be proportionate, otherwise they risk breaching human rights and EU law. But I do believe that we need to take action to protect citizens and the quality of social care by preventing this practice from happening. If what the Minister saying to me is that he's happy to have ongoing discussions about how we can achieve this effect at Stage 3, then I will happily withdraw the amendment today, if the Minister is willing to give that commitment to look to find a way forward to provide these safeguards to service recipients and to Welsh taxpayers. Thank you.

[44] **Lynne Neagle:** Thanks, Kirsty. Elin.

[45] **Elin Jones:** O, reit. Dim ond i ategu'r hyn y mae Kirsty Williams wedi'i ddweud wrth ddatgan y gefnogaeth i'r gwelliannau sydd yn enw Lindsay Whittle am ddod â byrddau iechyd i sgôp y comisiynu—. Fe ddywedoch chi, Weinidog, yn eich cyflwyniad nawr, nad yw'n briodol dod â'r maes yma i mewn ar y *very late stage* yma, fel y gwnaethoch chi ddweud. Wel, i'r pwyllgor yma, nid yw hi'n *very late stage*; hwn yw ein cyfle ni, ar ei gynharaf, i gyflwyno gwelliannau i'r Mesur yma. Felly, nid yw hi'n gyfnod hwyr o ran gwaith y pwyllgor yma i fod yn cyflwyno gwelliannau o'r math yma sy'n adlewyrchu'r dystiolaeth a'r drafodaeth gawsom ni yn y pwyllgor yma dros gyfnod sgrwtini Cyfnod 1, fel y gwnaeth Kirsty ei amlinellu. Ac

Elin Jones: Oh, right. Just to support what Kirsty has said in stating the support for the amendments in the name of Lindsay Whittle on bringing health boards within the scope of the commissioning—. You said, Minister, in your introduction just now, that it wasn't appropriate to bring this area in at this very late stage, as you put it. Well, for this committee, it's not a very late stage; this is the earliest opportunity for us to put forward amendments to this Bill. So, it's not a late stage in terms of the work of this committee to be putting forward amendments of this kind that reflect the evidence and the discussion that we had in committee during the Stage 1 scrutiny process, as Kirsty outlined. And so we are therefore running the risk with this Bill, as it

felly rŷm ni'n rhedeg y risg gyda'r Mesur yma fel y mae wedi'i ddrafftio ar hyn o bryd, os ydych chi'n gwrthod y gwelliannau yma, na fydd y Mesur yn adlewyrchu realiti eich dyhead polisi chi i weld gwell integreiddio o ran comisiynu, gwell integreiddio o ran gwaith a darpariaeth rhwng byrddau iechyd ac awdurdodau lleol, na chwaith y practis sydd yn digwydd ar lawr gwlad erbyn hyn, i ryw raddau, lle mae yna gydweithredu yn digwydd. Mae practis erbyn hyn hefyd yn cydweithredu rhwng byrddau iechyd ac awdurdodau lleol, ac felly y risg o beidio â derbyn y gwelliannau yma heddiw, neu eu cyflwyno nhw yng Nghyfnod 3, yw bod y Mesur yma, y ddeddfwriaeth yma, yn seilo awdurdodau lleol yn unig heb fod yn cymryd y cyfle i ganiatáu, os nad gorfodi, comisiynu ar y cyd ar gyfer oedolion yn y sector yma.

[46] Felly, byddem ni'n dweud eich bod chi'n anghwrtais wrth y pwyllgor yma wrth ddweud ei bod yn gyfnod hwyr i gyflwyno'r gwelliannau yma. Hwn yw'r cyfnod cyntaf rŷm ni'n gallu cyflwyno'r gwelliannau a chryfhau'r Mesur yn y modd yma. Rŷm ni wedi clywed y dystiolaeth, rŷm ni'n gweld eich cyfeiriad polisi chi eich hunan, yn ogystal, efallai, â'n dyhead ni fel pwyllgor i fod yn hyrwyddo ac yn gweithio tuag at fwy o integreiddiad gwasanaethau ac, yng nghyd-destun y Mesur yma, fwy o integreiddiad o ran comisiynu ac o ran rheoleiddio gwasanaethau.

has been drafted, that, if you reject these amendments, the Bill will not reflect the reality of your policy ambitions to see better integration in terms of commissioning, better integration in terms of work and provision between health boards and local authorities, and neither will it reflect the practice happening at grass-roots level at present, to some degree, where collaboration happens. There is also practice in collaboration between health boards and local authorities, and so the risk in rejecting these amendments today, or in introducing them at Stage 3, is that this Bill, this legislation, is in a local authority silo without taking the opportunity to allow, if not compel, joint commissioning for adults in this sector.

So, we would say that you are being impolite to this committee in saying that this is a late stage to be putting forward these amendments. This is the first opportunity for us to be able to put forward these amendments and strengthen the Bill in this way. We've heard the evidence, we've seen your own policy direction, as well as, perhaps, our ambition as a committee to be promoting and working towards greater integration of services and, in the context of this Bill, greater integration in terms of commissioning and in terms of regulating services.

[47] **Lynne Neagle:** Thanks, Elin. Darren.

[48] **Darren Millar:** Yes, just very, very briefly, I'd like some legal advice, if that's okay for the committee, on this particularly.

[49] **Lynne Neagle:** Okay. Well, in view of that, then, we will adjourn for five minutes while the committee seeks some legal advice.

*Gohiriwyd y cyfarfod rhwng 09:54 a 09:58.
The meeting adjourned between 09:54 and 09:58.*

[50] **Lynne Neagle:** We'll reconvene and I'll bring Darren Millar in.

[51] **Darren Millar:** Chair, further to the legal advice we've received, it would appear that a situation where a local authority effectively delegates its responsibility to a third party to fulfil its functions in relation to these social services is not captured anywhere in the Bill, and that the local authority is always the responsible authority for the purposes of the Bill. That, to me, suggests that the Bill is inadequate in respect of this alternative way of commissioning its services. Given that that is not captured, I don't know whether the Minister wants to agree to discuss this further with the Member who's brought forward the amendment, but I think that might be wise.

[52] **Lynne Neagle:** Thanks, Darren. Lindsay.

[53] **Lindsay Whittle:** Thank you, Chair. Minister, we just need to know what criteria local health boards will be applying when they're commissioning services to ensure that Welsh Government are getting value for money and a high-quality service. I'd be quite happy, with the support of Kirsty Williams, to perhaps withdraw amendment 150 at this stage, providing you would be happy to meet us further on that matter.

[54] **Lynne Neagle:** Thanks, Lindsay. Can I ask the Minister to reply to the debate, please?

10:00

[55] **Mark Drakeford:** Thank you, Chair, and thanks to everyone who has contributed. I recognise that the commissioning of services has been a consistent thread in the discussion since this Bill was introduced. I don't

think the Government amendments are about giving way on commissioning. It is about drawing to the surface of the Bill some of the oversight of commissioning and the discharge of commissioning responsibilities that we would have expected local authorities and CSSIW to have discharged in any case. This makes those obligations more significant.

[56] Of course, I am always ready to discuss issues with Members where further discussion would allow us to reach a further understanding, so I'm very happy to give that undertaking this morning. Can I just mention in relation to amendment 159—simply to be clear with Kirsty, so that she can make her decision on whether she wants to move her amendment—that I'm very pleased to offer a chance to discuss the issue further? I have absolutely no disagreement with the position she outlined as being a position that needs to be remedied. I wasn't going as far as saying this morning that I could guarantee that those discussions would lead to a Stage 3 amendment to this Bill. So, I just want to be explicit with the Member on that point.

[57] **Elin Jones:** Could I just ask for some clarity as well as to your response to Lindsay Whittle on further discussions on the issue of including local health boards within the commissioning aspect of this Bill? You were quite definitely against that in your introduction, but are you now confirming to the committee that you are prepared to have discussions with Lindsay in terms of the lead amendment, on how that possibly could be incorporated in advance of Stage 3?

[58] **Mark Drakeford:** That's not what I said, Chair. The position I outlined earlier is still the position that I would maintain—that to bring about an amendment of that sort at this point is not consistent with the way I think that these things ought to be discussed. I'm happy to talk about the substantive issue if that's what Members would like me to do, because I did listen carefully to what was said. I don't agree that having health boards in front of the committee to ask them about a Bill as it was in front of the committee at that point is sufficient to say that they would be happy with a Bill as this amendment would bring it. It's a bit like saying that health boards were here and invited to talk about a tulip, and now that the committee is about to vote in favour of an orchid, the health boards will be happy with the orchid. Now, I intended nothing discourteous in what I said to this committee. The point I was making was that no stakeholders—health boards or anybody else—were able to give evidence to this committee on the proposition you're now being asked to vote on. This Bill has been a very long time in preparation. For them, it is not just late in the day; it is too late in the

day because they have no other opportunity to make their views known to you on that amendment. Darren Millar asked me, having heard what was said, whether I would be happy to discuss things further. As I said, I'm always happy to have those further discussions, but I'm not embarking on them on the basis that this is somehow an agreement by me that the Government's version will change in advance of Stage 3. It's a commitment to discuss.

[59] **Darren Millar:** Will you take an intervention on that point, Minister?

[60] **Mark Drakeford:** Yes.

[61] **Darren Millar:** I'm very grateful. One of the problems with your suggestion that you want to engage in discussions is that it fails to recognise that, for the purposes of the Bill, local authorities are always regarded as the lead responsible authority in respect of social services, but the reality is quickly changing. You make—and many Government Ministers make—the point of the need to futureproof Bills on a regular basis. And yet, this Bill could be outdated as soon as it arrives on the statute books.

[62] **Mark Drakeford:** Well, I heard the Member make that point earlier, and it was part of why I said I was prepared to discuss it further. I would need to think about what he has said, and I'd need to see what advice I would get on that point, but my offer to discuss is a without-prejudice offer; it is not an indication that the Government is moving to a different position at Stage 3.

[63] **Lynne Neagle:** Thank you, Minister. Do you wish to proceed to a vote on amendment 74?

[64] **Mark Drakeford:** Yes, please.

[65] **Lynne Neagle:** The question, then, is that amendment 74 be agreed to. Does any Member object? No. Then amendment 74 is agreed, as there are no objections.

Derbyniwyd gwelliant 74 yn unol â Rheol Sefydlog 17.34.

Amendment 74 agreed in accordance with Standing Order 17.34.

**Grŵp 23: Adroddiadau ar Sefydlogrwydd y Farchnad Leol
(Gwelliannau 75 a 76)**

Group 23: Local Market Stability Reports (Amendments 75 and 76)

[66] **Lynne Neagle:** The twenty-third group of amendments is in relation to local market stability reports. The lead amendment in the group is amendment 75.

*Cynigiwyd gwelliant 75 (Mark Drakeford).
Amendment 75 (Mark Drakeford) moved.*

[67] **Lynne Neagle:** I formally move amendment 75 in the name of the Minister and I call on the Minister to speak to the amendments in the group.

[68] **Mark Drakeford:** Thank you very much, Chair. This group of amendments is brought forward partly in response to the recommendations made in the committee's Stage 1 report. Amendment 75 does two things. Firstly, it requires local authorities to take into account their most recently published population needs assessments and the plan that they're required to bring forward under the Social Services and Well-being (Wales) Act 2014, while also requiring them to consult with relevant health boards. This latter requirement responds to this committee's recommendation 31, which sought collaboration with health boards in the preparation of market stability reports.

[69] Amendment 76 establishes a requirement to consult before the introduction of substantial regulations relating to market stability reports. Again, this is a direct response to this committee's report and, specifically, its recommendation 30.

[70] Both of these amendments, in conjunction with amendment 74 in the previous group, make additional provision for market stability reports, and I hope that Members will support them.

[71] **Lynne Neagle:** Thank you, Minister. Are there any other Members who would like to speak on this group? No. Minister, do you wish to move to a vote on amendment 75?

[72] **Mark Drakeford:** Yes, please, Chair.

[73] **Lynne Neagle:** The question, then, is that amendment 75 be agreed to.

Does any Member object? There are no objections, so amendment 75 is agreed.

Derbyniwyd gwelliant 75 yn unol â Rheol Sefydlog 17.34.

Amendment 75 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 76 (Mark Drakeford).

Amendment 76 (Mark Drakeford) moved.

[74] **Lynne Neagle:** The question is that amendment 76 be agreed to. Does any Member object? There are no objections, so amendment 76 is agreed.

Derbyniwyd gwelliant 76 yn unol â Rheol Sefydlog 17.34.

Amendment 76 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 77 (Mark Drakeford).

Amendment 77 (Mark Drakeford) moved.

[75] **Lynne Neagle:** The question is that amendment 77 be agreed to. Does any Member object? Amendment 77 is agreed.

Derbyniwyd gwelliant 77 yn unol â Rheol Sefydlog 17.34.

Amendment 77 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 78 (Mark Drakeford).

Amendment 78 (Mark Drakeford) moved.

[76] **Lynne Neagle:** The question is that amendment 78 be agreed to. Does any Member object? There are no objections, so amendment 78 is agreed.

Derbyniwyd gwelliant 78 yn unol â Rheol Sefydlog 17.34.

Amendment 78 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 79 (Mark Drakeford).

Amendment 79 (Mark Drakeford) moved.

[77] **Lynne Neagle:** The question is that amendment 79 be agreed to. Does any Member object? Amendment 79 is agreed.

Derbyniwyd gwelliant 79 yn unol â Rheol Sefydlog 17.34.

Amendment 79 agreed in accordance with Standing Order 17.34.

[78] **Lynne Neagle:** Before we move to a vote on amendment 150, Members will wish to be aware that if this amendment is not agreed, amendment 125 will fall. Lindsay, would you like to move amendment 150?

Cynigiwyd gwelliant 150 (Lindsay Whittle gyda chefnogaeth Kirsty Williams ac Altaf Hussain).

Amendment 150 (Lindsay Whittle supported by Kirsty Williams and Altaf Hussain) moved.

[79] **Lindsay Whittle:** I formally move, Chair.

[80] **Lynne Neagle:** Thank you. The question, then, is that amendment 150 be agreed to. Does any Member agreed object? We have an objection, so we will now take a vote. The question is that amendment 150 be agreed to. Can I ask members to show? Those in favour. And those against. Thank you. So, we have five in favour and five against. As there is a tied vote, I use my casting vote in the negative, that is, against the amendment, in accordance with Standing Order 6.20(ii). Therefore, amendment 150 is not agreed.

Gwelliant 150: O blaid 5, Yn erbyn 5, Ymatal 0.

Amendment 150: For 5, Against 5, Abstain 0.

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Hussain, Altaf
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

Davies, Alun
Davies, Keith
Griffiths, John
Neagle, Lynne
Price, Gwyn R.

Gwrthodwyd gwelliant 150.
Amendment 150 not agreed.

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

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

Methodd gwelliant 125.
Amendment 125 fell.

**Grŵp 24: Adolygiadau o Swyddogaethau Gwasanaethau Cymdeithasol
Awdurdodau Lleol (Gwelliant 151)**
**Group 24: Reviews of Local Authority Social Services Functions (Amendment
151)**

[81] **Lynne Neagle:** Moving on, then, to group 24, which deals with reviews of local authority social services functions. The lead and only amendment in the group is amendment 151 and I call on Lindsay Whittle to move and speak to that amendment.

Cynigiwyd gwelliant 151 (Lindsay Whittle).
Amendment 151 (Lindsay Whittle) moved.

[82] **Lindsay Whittle:** Thank you, Chair. I formally move amendment 151, tabled in my name. The amendment is to specifically state that reviews of local authority social services functions must include the outcomes that have been achieved. We know, Chair, that the Social Services and Well-being (Wales) Act emphasised the need for services to be outcome based, and whilst it's important to ensure that all of the proper procedures are followed, it's vital to know whether those outcomes expected by persons and carers are actually being achieved. And that is the only reason for this amendment, and I so move.

[83] **Lynne Neagle:** Thank you, Lindsay. Are there any other Members who would like to speak on this amendment? Can I call on the Minister, then, to speak?

[84] **Mark Drakeford:** Chair, I'll ask the Members to reject this amendment. I think it is superfluous. The Bill in section 149(d) already establishes a comprehensive list of things that the regulator must take into account when conducting a review of local authority social services. That includes: the availability and accessibility of services; the quality and effectiveness of services; the management of services; the economy and efficiency of provision; the availability and quality of information; duties imposed on local authorities in relation to UN conventions; and, the effectiveness of measures taken by local authorities to achieve the outcomes specified in the statement issued by Welsh Ministers under section 8. In that sense, I think everything that Lindsay is seeking to achieve is already there on the face of the Bill, and the amendment would only serve to complicate the process of inspection. I ask Members to reject the amendment on that basis.

[85] **Lynne Neagle:** Thanks, Minister. Lindsay, do you wish to go to a vote on amendment 151?

[86] **Lindsay Whittle:** I do, Chair—

[87] **Lynne Neagle:** Sorry, to reply to the debate.

[88] **Lindsay Whittle:** Sorry, I was just going to ask if I could reply? I can, thank you. It's important that the regulator is happy, I'm sure. But, what about the customer in all of this? I think it's important to ensure that the customer is happy as well—the people who are actually receiving the service. That is all I wanted to achieve with this. So, I would like to put this to the vote please.

[89] **Lynne Neagle:** Thank you, Lindsay. The question is that amendment 151 be agreed to. Does any Member object? [*Objection.*] We have an objection, so I will therefore take a vote by show of hands. Can I ask those in favour of the amendment to show, please? Those against. So, there voted five in favour, five against. As there is a tied vote, I use my casting vote in the negative according to Standing Orders and vote 'no'. So, amendment 151 falls.

*Gwelliant 151: O blaid 5 Yn erbyn 5, Ymatal 0.
Amendment 151: For 5 Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Hussain, Altaf
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

Davies, Alun
Davies, Keith
Griffiths, John
Neagle, Lynne
Price, Gwyn R.

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

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

*Gwrthodwyd gwelliant 151.
Amendment 151 not agreed.*

[90] **Lynne Neagle:** Lindsay, would you like move amendment 152?

*Cynigiwyd gwelliant 152 (Lindsay Whittle).
Amendment 152 (Lindsay Whittle) moved.*

[91] **Lindsay Whittle:** Formally.

[92] **Lynne Neagle:** The question is that amendment 152 be agreed to. Does any Member object? [*Objection.*] We have an objection, so I will take a vote. Can I ask those in favour of the amendment to please show? Those against. So, there voted five in favour, five against. As there is a tied vote, I use my casting vote in the negative and the amendment falls.

*Gwelliant 152: O blaid 5 Yn erbyn 5, Ymatal 0.
Amendment 152: For 5 Against 5, Abstain 0.*

O blaid:	Yn erbyn:	Ymatal:
For:	Against:	Abstain:

Hussain, Altaf	Davies, Alun	
Jones, Elin	Davies, Keith	
Millar, Darren	Griffiths, John	
Whittle, Lindsay	Neagle, Lynne	
Williams, Kirsty	Price, Gwyn R.	

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

*Gwrthodwyd gwelliant 152.
Amendment 152 not agreed.*

*Cynigiwyd gwelliant 80 (Mark Drakeford).
Amendment 80 (Mark Drakeford) moved.*

[93] **Lynne Neagle:** The question is that amendment 80 be agreed to. Does any Member object? Amendment 80 is therefore agreed.

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

Cynigiwyd gwelliant 81 (Mark Drakeford).
Amendment 81 (Mark Drakeford) moved.

[94] **Lynne Neagle:** The question is that amendment 81 be agreed to. Does any Member object? There are no objections, so amendment 81 is agreed.

Derbyniwyd gwelliant 81 yn unol â Rheol Sefydlog 17.34.
Amendment 81 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 82 (Mark Drakeford).
Amendment 82 (Mark Drakeford) moved.

[95] **Lynne Neagle:** The question is that amendment 82 be agreed to. Does any Member object? There are no objections, so amendment 82 is agreed.

Derbyniwyd gwelliant 82 yn unol â Rheol Sefydlog 17.34.
Amendment 82 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 83 (Mark Drakeford).
Amendment 83 (Mark Drakeford) moved.

[96] **Lynne Neagle:** The question is that amendment 83 be agreed to. Does any Member object? There are no objections, so amendment 83 is agreed.

Derbyniwyd gwelliant 83 yn unol â Rheol Sefydlog 17.34.
Amendment 83 agreed in accordance with Standing Order 17.34.

**Grŵp 25: Darpariaethau ar gyfer Trosolwg o'r Farchnad
(Gwelliannau 84, 85, 86, 87 ac 88)**

Group 25: Market Oversight Provisions (Amendments 84, 85, 86, 87 and 88)

[97] **Lynne Neagle:** We move on to group 25, which is in relation to market oversight provisions. The lead amendment is amendment 84.

Cynigiwyd gwelliant 84 (Mark Drakeford).
Amendment 84 (Mark Drakeford) moved.

[98] **Lynne Neagle:** I formally move amendment 84 in the name of the Minister and call the Minister to speak to the amendments in this group.

[99] **Mark Drakeford:** Thank you, Chair. Here's a further group of amendments that seek to respond to recommendations made by this committee and to ensure consistency across the Bill as a whole. Amendments 84 and 87 will ensure that consultation will take place prior to any significant regulations concerning market oversight and national market stability reports. The former is a direct response to recommendation 33 of this committee. The latter will make the preparation of regulations in relation to national market stability reports consistent with those of local reports, as discussed a few moments ago.

[100] Amendments 85 and 88 are proposed in response to recommendation 19 of this committee's Stage 1 report. They will ensure that the meaning of care and support within national market stability reports is the wider one contained within the Social Services and Well-being (Wales) Act 2014, without undermining the important qualifications set out in part 1 of the Bill. The purpose of having the wider definition is so that CSSIW is able to look not only at the sufficiency of regulated services within the national market but may also, for example, examine the sufficiency of social enterprises or co-operative organisations that emerge to provide care and support and preventative services as a result of the provision of the 2014 Act. Amendment 86 requires CSSIW to report on an assessment on the effect of commissioning on the exercise of local authority social services. Although this was not an explicit recommendation of the committee, it is consistent with recommendation 29 to include commissioning in local reports, and then, I think this will be an important requirement in the future.

10:15

[101] **Lynne Neagle:** Thank you, Minister. Are there any other Members who would like to speak on this group? No. Minister, do you wish to move to a vote on amendment 84?

[102] **Mark Drakeford:** Yes, please.

[103] **Lynne Neagle:** The question then is that amendment 84 be agreed to. Does any Member object? There are no objections, so amendment 84 is agreed.

Derbyniwyd gwelliant 84 yn unol â Rheol Sefydlog 17.34.

Amendment 84 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 85 (Mark Drakeford).
Amendment 85 (Mark Drakeford) moved.

[104] **Lynne Neagle:** The question then is that amendment 85 be agreed to. Does any Member object? No. Amendment 85 is agreed.

Derbyniwyd gwelliant 85 yn unol â Rheol Sefydlog 17.34.
Amendment 85 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 86 (Mark Drakeford).
Amendment 86 (Mark Drakeford) moved.

[105] **Lynne Neagle:** The question then is that amendment 86 be agreed to. Are there any objections? Amendment 86 is therefore agreed.

Derbyniwyd gwelliant 86 yn unol â Rheol Sefydlog 17.34.
Amendment 86 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 87 (Mark Drakeford).
Amendment 87 (Mark Drakeford) moved.

[106] **Lynne Neagle:** The question then is that amendment 87 be agreed to. Does any Member object? No. Amendment 87 is agreed.

Derbyniwyd gwelliant 87 yn unol â Rheol Sefydlog 17.34.
Amendment 87 agreed in accordance with Standing Order 17.34.

[107] **Lynne Neagle:** Kirsty, would you like to move amendment 159?

[108] **Kirsty Williams:** Given what the Minister has said, I will not move the amendment, without prejudice, and I reserve the right to bring a similar amendment at Stage 3 if I cannot reach agreement with the Government to find a way that we can adequately take action against what I regard as a scandal.

[109] **Lynne Neagle:** Thank you, Kirsty. Kirsty's proposing to withdraw her amendment. Are there any other Members that want to move that amendment? No. Okay, well, that amendment is lost for now.

Ni chynigiwyd gwelliant 159 (Kirsty Williams gyda chefnogaeth Altaf Hussain).
Amendment 159 (Kirsty Williams, supported by Altaf Hussain) not moved.

Cynigiwyd gwelliant 88 (Mark Drakeford).
Amendment 88 (Mark Drakeford) moved.

[110] **Lynne Neagle:** The question then is that amendment 88 be agreed to. Does any Member object? No. That amendment, then is agreed.

Derbyniwyd gwelliant 88 yn unol â Rheol Sefydlog 17.34.
Amendment 88 agreed in accordance with Standing Order 17.34.

[111] **Lynne Neagle:** If Members are content, I'm going to suggest that we take a five-minute break before we start group 26, to be back here for 10.25 a.m. Thank you.

Gohiriwyd y cyfarfod rhwng 10:17 a 10:25.
The meeting adjourned between 10:17 and 10:25.

**Grŵp 26: Cofrestru Gweithwyr Gofal Cymdeithasol gyda Gofal Cymdeithasol
Cymru (Gwelliannau 116, 117, 118, 119, 120, 121, 122 a 123)**
**Group 26: Registration of Social Care Workers with Social Care Wales
(Amendments 116, 117, 118, 119, 120, 121, 122 and 123)**

[112] **Lynne Neagle:** Okay, is everybody ready? Can I welcome Members back then? And we'll move on to group 26, which is in relation to the registration of social care workers with Social Care Wales. The lead amendment in the group is amendment 116, and I call on Altaf Hussain to move amendment 116 and to speak to the other amendments in this group.

Cynigiwyd gwelliant 116 (Altaf Hussain, gyda chefnogaeth Lindsay Whittle a Kirsty Williams).
Amendment 116 (Altaf Hussain, supported by Lindsay Whittle and Kirsty Williams) moved.

[113] **Altaf Hussain:** Thank you very much. I move amendments 116 to 123. They are to require domiciliary care workers and adult residential care workers to register with Social Care Wales. Domiciliary care workers work, often without direct supervision, with some of the most vulnerable old people in their own homes. There have been examples of those who have provided inadequate care still being employed in the sector. Requiring domiciliary care workers to register with Social Care Wales will help ensure that those employed in the sector have the skills and knowledge needed to

provide the levels of care expected of them and that those who fall below the standards are prevented from working in the sector. The same applies to the adult residential care workers. The fact that that restriction applies to those working in children's residential care but not those working in adult residential care homes is perverse.

[114] The Flynn review graphically highlights what happens when poor care and neglect are unchallenged in care homes. Stakeholders told the committee that the current arrangements do not protect vulnerable older people. Requiring adult residential care workers to register will help ensure that those who do not uphold the highest standards of care are unable to work in a regulated service in future. Thank you.

[115] **Lynne Neagle:** Thank you very much. Are there any other Members who would like to speak on this group of amendments? John.

[116] **John Griffiths:** Yes. Just to say, Chair, that I'm not sure that these amendments actually achieve what Altaf has just described. It seems to me that they would require the setting up of a register but not actually require registration and not actually have in place any consequences for failure to register. So, I'm not sure that, as set out in the wording, the effect is actually that which Altaf seeks to achieve.

[117] **Lynne Neagle:** Thanks. Kirsty.

[118] **Kirsty Williams:** If I could turn firstly to the principle of the requirement to register domiciliary and adult care staff, it's a very fine balance that I think you have to tread, because we don't want to create a bureaucratic system that causes more problems than it solves. We also have to be mindful of cost in a sector that is already under significant pressure and will be coming under more pressure with regard to the so-called living wage, when that comes in. Unless that is reflected in changes to fee levels that local authorities pay, I think there is a real pressure building up in the system. But the committee spent a great deal of time looking at the merits of registration and, in the end, I think, after careful deliberation, we did make recommendation 38 that the Minister should bring forward amendments in this regard. I think, on balance, it is right that we look to register these workers, given the nature of the work that they do.

[119] I think an important part of that is sending a message to that workforce that they are part of a very valued and trusted profession, because

part of the problem we have in delivering great social care is a high turnover of staff and the low value that is often associated with those jobs. I think we need to send a very powerful message to that workforce. And it's a workforce that wants to do more. It's a workforce that recognises their ability to do more for those individuals and to help deliver Welsh Government objectives of helping people to remain living independently as far as possible, for as long as possible, and keeping people out of hospital and out of the health system altogether. So, on balance, I think it is an important principle.

10:30

[120] Can I just turn to the points that John raises about how amendments are drafted? This is the refuge, isn't it, of Government Ministers and backbenchers who are trying to be helpful to Government Ministers. [*Laughter.*] 'We agree with the principle of what you are wanting to do, but, ah, it's the way it's drafted'. Can I remind colleagues that these aren't drafted by Assembly Members who don't know what they're doing? These are drafted by committee lawyers on the basis that they are sound, and what they do is actually implement the policy objectives of the Assembly Members. I think I've got to the stage where I've become slightly bored of hearing that the reason Government can't support amendments is because of the way that they are drafted. I'm sure, in some cases, that's legitimate, but I just would like to remind colleagues that these are drafted by committee lawyers, just like Government amendments are not drafted by the Minister himself but drafted by his lawyers. If there's a point of principle that you disagree with, that's fine, but it's this trying to refuge, saying, 'Oh, it's the way it's drafted', that is the problem, I think. We need to challenge that, because these have been drafted by equally talented capable lawyers as those the Government have, and they would not be drafting something that was outside competence or wouldn't be drafting something that was legally unsound. I would like to put that on the record.

[121] **Lynne Neagle:** Shall I bring the Minister in? Are there any other Members before I bring the Minister in? Mark.

[122] **Mark Drakeford:** Thank you, Chair, and thanks to Members for the chance to debate this very important issue. It's an issue that, as Kirsty said, has received a lot of attention during the passage of the Bill. Chair, I know that you yourself have pursued lines of questioning in relation to the registration of the workforce regularly during our discussions. However, we have to consider what is actually in front of the committee this morning. I

think the points that John made are very important because—let me be clear—the amendment that you’re asked to vote on would not do the thing that Altaf said in his very first sentence. He said that the amendments would require workers to register with Social Care Wales, and these amendments do no such thing. What these amendments do is to place a requirement on Social Care Wales to maintain a register. If nobody put their name on that register, that would be entirely consistent with this amendment and there would be no consequences whatsoever for anybody who did not put their name on that register. So, the case that Altaf made is the strong case that Members have heard during the passage of the Bill. These amendments do not do what I’m sure he had intended them to do. What they do, in fact, is to move the Bill back into territory that it has deliberately vacated, because what it is doing is to set up an entirely voluntary register. Nobody would have to put their name on the register that these amendments would set up. We have rehearsed here previously the reason why, through this Bill, because of the very strong advice from the Law Commission, we have deliberately excluded the practice of voluntary registration. We’ve done that with the wide support of stakeholders, and these amendments—inadvertently, I have no doubt—would move the Bill right back into that territory.

[123] So, I’m going to ask you to vote against them for that reason and for a couple of others, because the amendments would also result in an inconsistent approach to how legislation deals with the registration of various categories of social care workers. The Bill is designed to continue the existing framework where groups of social care workers, apart from social workers, are required to be registered through their inclusion in regulations in line with the current methods under the Care Standards Act 2000. These amendments would result in domiciliary care workers and adult residential care workers being named on the face of the Bill, but other equally important categories of social care workers, such as social care managers, not being named on the face of the Bill at all, and I think that would introduce confusion and inconsistency into a really important piece of legislation in this area.

[124] I am also opposed to the effect of amendments 118 and 119. The definition of domiciliary care workers that would be inserted by amendment 118 would, undoubtedly, capture personal assistants. It’s never been part of our policy to require such workers to register. The reason for having personal assistants is to allow the person with direct payments to make their own decisions and to secure the best solution that they think is to be secured for their own care and support needs. This amendment would require those

people only to employ someone who is on the register and I think that would be to fetter their discretion in a way that would be quite at odds with the fundamental ethos of direct payments.

[125] Chair, I wonder if I could have just a moment, however, to say, once more, what the Government does intend to do in relation to the important debate that this committee has heard, and to respond to some of the points that Kirsty Williams made in her contribution. I've said already in front of the committee that my view is that we should move to a position where domiciliary care workers and then, after them, residential care workers, should be part of the registered workforce. I want to do it, however, in a way that does not give rise to some of the unintended consequences and difficulties that Kirsty identified. I want to work with stakeholders in the field, including employers, to make sure that we move to registration in a way that, for example, identifies the necessary qualifications that workers would need to have in order to get on the register, and to give attention to wider issues, such as high rates of turnover in the field.

[126] Through my officials, we have already begun discussions with the Care Council for Wales so that we can set out a timetable that will show how we can get from where we are today to a position where these groups of workers can be registered, but that we can do it in a way that is both proportionate and allows us to get to that position without risking quite large-scale destabilisation. Let's be clear: if we insisted on everybody being registered tomorrow, anybody who wasn't on the register could not act as a domiciliary care worker. I think the effect of doing it without working with the sector and having a properly laid out timetable would be that we could be in a position where lots of people who do that job today, and do it perfectly satisfactorily, could not get themselves on to the register.

[127] **Alun Davies:** Will you take an intervention on that point?

[128] **Mark Drakeford:** Yes, of course.

[129] **Alun Davies:** It appears to me, Minister, that your disagreement on this amendment isn't one of principle in terms of the inclusion of this group of people on the register, but a matter of process and timetabling in how that is achieved. It might be useful, therefore, were you to be able to explain how you intend to do that. It could be done through some sort of sunrise clause in this legislation, or potentially through regulation. I think it would be useful for all of us if we were able to understand what your intentions are.

[130] **Elin Jones:** Further to that intervention, just to ask, then, whether the advice you've had to date on how you would proceed with your policy intention, which I support, would require then new legislation to implement, or whether either this legislation or other legislation that's already in place would allow the Government Minister to move to enacting what you've described in terms of the process of registration for domiciliary care and other workers.

[131] **Lynne Neagle:** Mark.

[132] **Mark Drakeford:** Thank you, Chair. I'll take Elin's question first. The Bill already provides powers to Ministers through regulations to add new categories of workers to those who would be registered. I've already indicated that I would intend to use those powers to bring these two groups into registration. In answer to Alun's point, what I'm happy to say to the committee this morning is that I will set out, before Stage 3, the tests that I think would need to be there: what would a worker need to do in order to get on to the register, what level of qualifications they would need, and so on. I will set out what I think the tests should be and I will set out the timetable against which I think we can move to use those regulations to require registration. I think that will be an orderly way of achieving what—. I agree with the committee, and I agree with Altaf Hussain in the ambitions that lie behind his amendments. I think we can get an orderly way of doing that that achieves what the committee wants to achieve without some of the unintended consequences that Kirsty referred to in her contribution.

[133] **Lynne Neagle:** Thanks, Minister. Altaf to reply to the debate.

[134] **Altaf Hussain:** Thank you very much, Minister, for that. I'll withdraw these amendments, 116 to 123.

[135] **Lynne Neagle:** Thank you very much. So, Altaf has indicated that he wants to withdraw amendment 116. Members should note that if amendment 116 doesn't get agreed then amendments 118, 120 and 122 will fall. Are there any objections to the withdrawal of amendment 116? Okay, amendment 116 is withdrawn.

*Tynnwyd gwelliant 116 yn ôl gyda chaniatâd y pwyllgor.
Amendment 116 withdrawn by leave of the committee.*

*Methodd gwelliannau 118, 120 a 122.
Amendments 118, 120, and 122 fell.*

[136] **Lynne Neagle:** Altaf, do you want to move amendment 117? No. Withdrawn. Okay. Can Members also note that the loss of 117 means that amendments 119, 121 and 123 will fall. Are there any objections to the withdrawal of amendment 117? No. Okay, 117 is withdrawn. As amendments 116 and 117 were not agreed, amendments 118, 119, 120, 121, 122 and 123 have all fallen.

*Ni chynigiwyd gwelliant 117 (Altaf Hussain, gyda chefnogaeth Lindsay Whittle, Kirsty Williams)
Amendment 117 (Altaf Hussain, supported by Lindsay Whittle, Kirsty Williams) not moved.*

*Methodd gwelliannau 119, 121 a 123.
Amendments 119, 121 and 123 fell.*

Grŵp 27: Addasrwydd i Ymarfer (Gwelliannau 89, 90, 91, 92, 93, 94, 95, 96, 97, 103 a 104)

Group 27: Fitness to Practise (Amendments 89, 90, 91, 92, 93, 94, 95, 96, 97, 103 and 104)

[137] **Lynne Neagle:** We'll now move to group 27, which is a group of amendments dealing with fitness to practise. The lead amendment is No. 89.

*Cynigiwyd gwelliant 89 (Mark Drakeford).
Amendment 89 (Mark Drakeford) moved.*

[138] **Lynne Neagle:** I formally move amendment 89 in the name of the Minister and call on the Minister to speak to the amendments in this group.

[139] **Mark Drakeford:** Thank you, Chair. Fitness to practise under this Bill is a part of the Bill that, broadly, seeks to continue, in future, the existing widely understood approach that is currently in operation. It is a relatively technical and complex area of the Bill, and the Government amendments are intended to try and simplify and clarify some of the matters that were raised during the earlier scrutiny.

[140] The concept of impaired fitness to practise is central to the regulation of social care workers and is the foundation upon which the provisions in

Part 6—this part of the Bill—are built. Section 116 provides that a person's fitness to practise is to be regarded as impaired by reason only of one or more of the grounds specified in subsection (1). One of those grounds is a determination by a relevant body that the person's fitness to practise is impaired, and amendments 90 and 91 amend section 116 of the Bill to ensure that decisions made by the Nursing and Midwifery Council can be relied upon as a ground of impairment. So, that's just adding the NMC to the list of bodies that if they say someone's fitness to practise is impaired that can be taken into account in this Bill. It adds the NMC to the other bodies that are already identified for that purpose. Amendment 103 ensures that any regulations that are made that add to the list of bodies whose decisions can be taken into account in the future will be subject to the affirmative procedure.

[141] Amendment 92 assists in making sure that the regulatory process is fair and transparent by amending section 131 of the Bill to ensure that those notified of the onward referral of a matter that involves fitness-to-practise panels are also notified if that referral is cancelled.

[142] Amendment 104 is a direct response to the recommendation of the Constitutional and Legislative Affairs Committee that the regulations made under section 135(2)(d), which deal with persons to whom undertakings may be disclosed by Social Care Wales, are subject to the affirmative procedure.

10:45

[143] There are further amendments in this group, Chair, that are even more technical in nature, and of course I'm happy to provide a full explanation of any one of them if Members require such an explanation.

[144] **Lynne Neagle:** Thanks, Minister. Are there any other Members who want to speak on this group of amendments? No. Okay. Minister, do you wish to proceed to a vote, then, on amendment 89?

[145] **Mark Drakeford:** Yes, please, Chair.

[146] **Lynne Neagle:** The question is that amendment 89 be agreed to. Does any Member object? No, there are no objections, so amendment 89 is agreed.

Derbyniwyd gwelliant 89 yn unol â Rheol Sefydlog 17.34.

Amendment 89 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 90 (Mark Drakeford).
Amendment 90 (Mark Drakeford) moved.

[147] **Lynne Neagle:** The question is that amendment 90 be agreed to. Does any Member object? There are no objections, so amendment 90 is agreed.

Derbyniwyd gwelliant 90 yn unol â Rheol Sefydlog 17.34.
Amendment 90 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 91 (Mark Drakeford).
Amendment 91 (Mark Drakeford) moved.

[148] **Lynne Neagle:** The question is that amendment 91 be agreed to. Does any Member object? There are no objections, so amendment 91 is agreed.

Derbyniwyd gwelliant 91 yn unol â Rheol Sefydlog 17.34.
Amendment 91 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 92 (Mark Drakeford).
Amendment 92 (Mark Drakeford) moved.

[149] **Lynne Neagle:** The question is that amendment 92 be agreed to. Does any Member object? Amendment 92 is agreed.

Derbyniwyd gwelliant 92 yn unol â Rheol Sefydlog 17.34.
Amendment 92 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 93 (Mark Drakeford).
Amendment 93 (Mark Drakeford) moved.

[150] **Lynne Neagle:** The question is that amendment 93 be agreed to. Does any Member object? No. There are no objections, so amendment 93 is agreed.

Derbyniwyd gwelliant 93 yn unol â Rheol Sefydlog 17.34.
Amendment 93 agreed in accordance with Standing Order 17.34.

Cynigiwyd gwelliant 94 (Mark Drakeford).
Amendment 94 (Mark Drakeford) moved.

[151] **Lynne Neagle:** The question is that amendment 94 be agreed to. Does any Member object? No. Amendment 94 is agreed.

*Derbyniwyd gwelliant 94 yn unol â Rheol Sefydlog 17.34.
Amendment 94 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 95 (Mark Drakeford).
Amendment 95 (Mark Drakeford) moved.*

[152] **Lynne Neagle:** The question is that amendment 95 be agreed to. Does any Member object? No. Amendment 95 is agreed.

*Derbyniwyd gwelliant 95 yn unol â Rheol Sefydlog 17.34.
Amendment 95 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 96 (Mark Drakeford).
Amendment 96 (Mark Drakeford) moved.*

[153] **Lynne Neagle:** The question is that amendment 96 be agreed to. Does any Member object? Amendment 96 is therefore agreed.

*Derbyniwyd gwelliant 96 yn unol â Rheol Sefydlog 17.34.
Amendment 96 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 97 (Mark Drakeford).
Amendment 97 (Mark Drakeford) moved.*

[154] **Lynne Neagle:** The question is that amendment 97 be agreed to. Does any Member object? No objection, so amendment 97 is agreed.

*Derbyniwyd gwelliant 97 yn unol â Rheol Sefydlog 17.34.
Amendment 97 agreed in accordance with Standing Order 17.34.*

**Grŵp 28: Gorchmynion sy'n Gwahardd Gwaith mewn Gofal Cymdeithasol:
Personau Anghofrestredig (Gwelliannau 98, 99 a 100)
Group 28: Orders Prohibiting Work in Social Care: Unregistered Persons
(Amendments 98, 99 and 100)**

[155] **Lynne Neagle:** So, we'll move on now, then, to group 28, which is in relation to orders prohibiting work in social care in relation to unregistered persons. The lead amendment is amendment 98.

Cynigiwyd gwelliant 98 (Mark Drakeford).
Amendment 98 (Mark Drakeford) moved.

[156] **Lynne Neagle:** I formally move amendment 98 in the name of the Minister and call the Minister to speak to the amendments in this group.

[157] **Mark Drakeford:** Thank you, Chair. So, these are amendments that strengthen the Bill's provisions in relation to prohibition orders so that if those provisions were ever to be introduced, the procedures underpinning them would be robust and fair. As I've said previously to the committee, the Government has no intention of making use of prohibition orders in the foreseeable future. They're included in the Bill on the advice of the Law Commission, which recommended that Government should have this as part of a range of workforce regulatory options available to it. Our position is that we would want to see the other regulatory processes fully exploited before we move to any consideration of prohibition orders.

[158] However, as part of Stage 1 scrutiny, a number of recommendations were made to strengthen this part of the Bill should a future Government ever seek to use the powers that would be provided in relation to prohibition orders. Amendment 98 therefore requires Welsh Ministers to consult any persons they think appropriate before making the regulations to bring such a scheme into operation. These regulations are already in the Bill subject to the affirmative procedure, and this amendment further strengthens the process through which prohibition orders would be introduced, through a direct response to this committee's recommendation 43 that Welsh Ministers should consult with the social care sector prior to making regulations under section 163.

[159] The amendment goes beyond the social care sector itself because, of course, there may be others who would need to be part of that consultation process—organisations in the education sector, for example.

[160] Amendment 99 amends section 167 of the Bill by inserting a new provision in relation to the timing of when interim prohibition orders must be reviewed. It requires the regulator to carry out a review if the individual subject to the order requests it, but a minimum of at least three months has to elapse between the making of the interim order and the request for a review.

[161] Finally, amendment 100 amends section 168 of the Bill and ensures that regulations providing for appeals against prohibition orders do not need to be made until regulations are made to introduce a prohibition order scheme.

[162] **Lynne Neagle:** Thank you, Minister. Are there any other Members who want to speak on this group of amendments? No. Minister, do you wish to proceed to a vote, then, on amendment 98?

[163] **Mark Drakeford:** Yes, please, Chair.

[164] **Lynne Neagle:** The question is that amendment 98 be agreed to. Does any Member object? There are no objections, so amendment 98 is agreed.

*Derbyniwyd gwelliant 98 yn unol â Rheol Sefydlog 17.34.
Amendment 98 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 99 (Mark Drakeford).
Amendment 99 (Mark Drakeford) moved.*

[165] **Lynne Neagle:** The question is that amendment 99 be agreed to. Does any Member object? There are no objections, so amendment 99 is agreed.

*Derbyniwyd gwelliant 99 yn unol â Rheol Sefydlog 17.34.
Amendment 99 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 100 (Mark Drakeford).
Amendment 100 (Mark Drakeford) moved.*

[166] **Lynne Neagle:** The question is that amendment 100 be agreed to. Does any Member object? There are no objections, so amendment 100 is agreed.

*Derbyniwyd gwelliant 100 yn unol â Rheol Sefydlog 17.34.
Amendment 100 agreed in accordance with Standing Order 17.34.*

Grŵp 29: Awdurdodau Perthnasol (Gwelliannau 101, 153 a 154)
Group 29: Relevant Authorities (Amendments 101, 153 and 154)

[167] **Lynne Neagle:** This takes us to group 29, which is in relation to relevant authorities. The lead amendment in this group is amendment 101.

Cynigiwyd gwelliant 101 (Mark Drakeford).
Amendment 101 (Mark Drakeford) moved.

[168] **Lynne Neagle:** I formally move amendment 101 in the name of the Minister, and call on the Minister to speak to the amendments in this group.

[169] **Mark Drakeford:** Chair, the Government amendment in this group adds the Education Workforce Council to the list of relevant authorities that must co-operate with the regulatory bodies, CSSIW and Social Care Wales. Lindsay Whittle's amendment adds community health councils to the list of relevant authorities, and I would be very happy to support his amendment as well as the Government amendment in this group.

[170] **Lynne Neagle:** Thank you, Minister. Are there any other Members who want to speak on the amendments in this group? No. Okay. Minister, do you wish to proceed to a vote on amendment 101?

[171] **Mark Drakeford:** Yes, please, Chair.

[172] **Lynne Neagle:** The question is that amendment 101 be agreed to. Does any Member object? There are no objections, so amendment 101 is agreed.

Derbyniwyd gwelliant 101 yn unol â Rheol Sefydlog 17.34.
Amendment 101 agreed in accordance with Standing Order 17.34.

[173] **Lynne Neagle:** Lindsay, would you like to move amendment 153?

Cynigiwyd gwelliant 153 (Lindsay Whittle).
Amendment 153 (Lindsay Whittle) moved.

[174] **Lindsay Whittle:** I formally move, Chair.

[175] **Lynne Neagle:** Thank you, Lindsay. Before we move to a vote on amendment 153, Members will wish to be aware that if amendment 153 is not agreed, then amendment 154 will fall. The question is that amendment 153 be agreed to. Does any Member object? There are no objections, so amendment 153 is agreed.

Derbyniwyd gwelliant 153 yn unol â Rheol Sefydlog 17.34.

Amendment 153 agreed in accordance with Standing Order 17.34.

[176] **Lynne Neagle:** Lindsay, would you like to move amendment 154?

Cynigiwyd gwelliant 154 (Lindsay Whittle).

Amendment 154 (Lindsay Whittle) moved.

[177] **Lindsay Whittle:** I would, Chair. I formally move.

[178] **Lynne Neagle:** Thank you. The question is that amendment 154 be agreed to. Does any Member object? There are no objections, so amendment 154 is agreed.

Derbyniwyd gwelliant 154 yn unol â Rheol Sefydlog 17.34.

Amendment 154 agreed in accordance with Standing Order 17.34.

Grŵp 30: Cydweithredu wrth Arfer Swyddogaethau (Gwelliant 155)
Group 30: Co-operation in the Exercise of Functions (Amendment 155)

[179] **Lynne Neagle:** We'll move on now, then, to group 30, which deals with co-operation in the exercise of functions. The lead and only amendment in the group is amendment 155, and I call on Lindsay Whittle to move and speak to amendment 155.

Cynigiwyd gwelliant 155 (Lindsay Whittle).

Amendment 155 (Lindsay Whittle) moved.

[180] **Lindsay Whittle:** Thank you, Chair. In the interests of co-operation, I formally move amendment 155, tabled in my name, in group 30. The purpose of the amendment is to ensure we have co-operation between those carrying out inspections of service providers so that the inspection of care homes could be carried out by Healthcare Inspectorate Wales or, indeed, any successor organisations, thereby ensuring we move towards having a single social care and healthcare inspectorate, which is inevitably, I believe, going to come to this country soon. Thank you. I formally move.

[181] **Lynne Neagle:** Thank you, Lindsay. Are there any other Members who would like to speak on this amendment? No. Can I call on the Minister, then?

[182] **Mark Drakeford:** Thank you, Chair. I have no objections to the objective that Lindsay has just outlined, but I think this amendment is

unnecessary in law. Both HIW and CSSIW in law are Welsh Ministers. They simply are exercising Welsh Ministers' functions. The amendment therefore requires Welsh Ministers to co-operate with themselves, and I think it's simply unnecessary.

[183] **Lynne Neagle:** Thank you, Minister. Lindsay, do you want to reply to that?

[184] **Lindsay Whittle:** I couldn't possibly comment on that, Chair. [*Laughter.*] No, I simply move.

[185] **Lynne Neagle:** Okay, thank you. The question, then, is that amendment 155 be agreed to. Does any Member object? [*Objection.*] Okay. We have an objection, so I will take a vote by show of hands. Can I ask those in favour to please show? Those against. So, the result of the vote is five in favour, five against, with no abstentions. As there's a tied vote, I use my casting vote in the negative against the amendment, and amendment 155 falls.

*Gwelliant 155: O blaid 5, Yn erbyn 5, Ymatal 0.
Amendment 155: For 5, Against 5, Abstain 0.*

O blaid:
For:

Yn erbyn:
Against:

Ymatal:
Abstain:

Hussain, Altaf
Jones, Elin
Millar, Darren
Whittle, Lindsay
Williams, Kirsty

Davies, Alun
Davies, Keith
Griffiths, John
Neagle, Lynne
Price, Gwyn R.

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

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

*Gwrthodwyd gwelliant 155.
Amendment 155 not agreed.*

[186] **Lynne Neagle:** Altaf, would you like to move amendment 124, which was debated last week?

*Cynigiwyd gwelliant 124 (Altaf Hussain, gyda chefnogaeth Kirsty Williams).
Amendment 124 (Altaf Hussain, supported by Kirsty Williams) moved.*

[187] **Altaf Hussain:** Yes, please.

[188] **Lynne Neagle:** Thank you. The question is that amendment 124 be agreed to. Does any Member object? [*Objection.*] Thank you. We have an objection, so we'll now proceed to a vote. Can I ask all those in favour of amendment 124 to please show? All those against. Okay. Abstentions. Okay. The result of that vote, then, is that we've got two in favour, seven against and one abstention. So, amendment 124 falls.

*Gwelliant 124: O blaid 2, Yn erbyn 7, Ymatal 1.
Amendment 124: For 2, Against 7, Abstain 1.*

O blaid: For:	Yn erbyn: Against:	Ymatal: Abstain:
Hussain, Altaf Millar, Darren	Davies, Alun Davies, Keith Griffiths, John Jones, Elin Neagle, Lynne Price, Gwyn R. Whittle, Lindsay	Williams, Kirsty

*Gwrthodwyd gwelliant 124.
Amendment 124 not agreed.*

**Grŵp 31: Diwygiadau i Ddeddf Gwasanaethau Cymdeithasol a Llesiant
(Cymru) 2014 (Gwelliannau 105, 106, 107 a 108)
Group 31: Amendments to the Social Services and Well-being (Wales) Act
2014 (Amendments 105, 106, 107 and 108)**

[189] **Lynne Neagle:** That takes us to group 31, which deals with amendments to the Social Services and Well-being (Wales) Act 2014. The lead amendment in the group is amendment 105.

*Cynigiwyd gwelliant 105 (Mark Drakeford).
Amendment 105 (Mark Drakeford) moved.*

[190] **Lynne Neagle:** I formally move amendment 105 and call on the Minister to speak to the amendments.

[191] **Mark Drakeford:** Thank you, Chair. This final group of amendments makes consequential provision to other enactments, including the Social Services and Well-being (Wales) Act 2014 and the Care Standards Act 2000. They really are consequential to other amendments already made during the Stage 2 process, and are technical in nature, and I hope Members will support them.

[192] **Lynne Neagle:** Thank you, Minister. Are there any other Members who want to speak? No. Okay. Thank you. Minister, do you want to proceed to a vote on amendment 105?

[193] **Mark Drakeford:** Please, Chair.

[194] **Lynne Neagle:** The question is that amendment 105 be agreed to. Does any Member object? There are no objections, so amendment 105 is agreed.

*Derbyniwyd gwelliant 105 yn unol â Rheol Sefydlog 17.34.
Amendment 105 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 106 (Mark Drakeford).
Amendment 106 (Mark Drakeford) moved.*

[195] **Lynne Neagle:** The question is that amendment 106 be agreed to. Does any Member object? Okay. No. Amendment 106 is agreed.

*Derbyniwyd gwelliant 106 yn unol â Rheol Sefydlog 17.34.
Amendment 106 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 107 (Mark Drakeford).
Amendment 107 (Mark Drakeford) moved.*

[196] **Lynne Neagle:** The question is that amendment 107 be agreed to. Does any Member object? There are no objections, so amendment 107 is agreed.

*Derbyniwyd gwelliant 107 yn unol â Rheol Sefydlog 17.34.
Amendment 107 agreed in accordance with Standing Order 17.34.*

Cynigiwyd gwelliant 108 (Mark Drakeford).

Amendment 108 (Mark Drakeford) moved.

[197] **Lynne Neagle:** The question is that amendment 108 be agreed to. Does any Member object? No. Amendment 108 is agreed.

*Derbyniwyd gwelliant 108 yn unol â Rheol Sefydlog 17.34.
Amendment 108 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 102 (Mark Drakeford).
Amendment 102 (Mark Drakeford) moved.*

[198] **Lynne Neagle:** The question is that amendment 102 be agreed to. Does any Member object? There are no objections, so amendment 102 is agreed.

*Derbyniwyd gwelliant 102 yn unol â Rheol Sefydlog 17.34.
Amendment 102 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 103 (Mark Drakeford).
Amendment 103 (Mark Drakeford) moved.*

[199] **Lynne Neagle:** The question is that amendment 103 be agreed. Does any Member object? There are no objections, so amendment 103 is agreed.

*Derbyniwyd gwelliant 103 yn unol â Rheol Sefydlog 17.34.
Amendment 103 agreed in accordance with Standing Order 17.34.*

*Cynigiwyd gwelliant 104 (Mark Drakeford).
Amendment 104 (Mark Drakeford) moved.*

[200] **Lynne Neagle:** The question is that amendment 104 be agreed to. Does any Member object? There are no objections, so amendment 104 is agreed.

*Derbyniwyd gwelliant 104 yn unol â Rheol Sefydlog 17.34.
Amendment 104 agreed in accordance with Standing Order 17.34.*

[201] **Lynne Neagle:** As amendment 150 was not agreed, amendment 125 has fallen and we have therefore now finished Stage 2 proceedings.

[202] All sections and Schedules to the Bill have now been deemed agreed

by the committee. As Stage 2 has been completed today, Stage 3 begins tomorrow and Members will be notified of tabling deadlines in due course. In accordance with Standing Orders, the Minister must now prepare and lay a revised explanatory memorandum before the Assembly at least five working days before Stage 3 proceedings take place.

[203] Can I thank Members for their hard work this morning, and thank the Minister and his officials for attending? Thank you.

[204] **Mark Drakeford:** Thank you.

*Barnwyd y cytunwyd ar bob adran o'r Bil.
All sections of the Bill deemed agreed.*

10:57

Papurau i'w Nodi Papers to Note

[205] **Lynne Neagle:** We'll pick up our agenda, then, as normal. Item 3 is a paper to note. Can I ask Members to note the minutes of the meeting held on 1 October 2015? Noted. Okay. Thank you.

Cynnig o dan Reolau Sefydlog 17.42(vi) a (ix) i Benderfynu Gwahardd y Cyhoedd Motion under Standing Orders 17.42(vi) and (ix) to Resolve to Exclude the Public

Cynnig:

Motion:

bod y pwyllgor yn penderfynu that the committee resolves to gwahardd y cyhoedd o weddill y exclude the public from the cyfarfod ac o eitemau 1 a 2 yn y remainder of the meeting and items cyfarfod ar 21 Hydref 2015, yn unol â 1 and 2 of the meeting on 21 Rheolau Sefydlog 17.42(vi) a (ix). October 2015, in accordance with Standing Orders 17.42(vi) and (ix).

*Cynigiwyd y cynnig.
Motion moved.*

[206] **Lynne Neagle:** Can I then propose in accordance with Standing Order 17.42(vi) and (ix) that the committee now resolves to meet in private for the remainder of this meeting and for items 1 and 2 of the meeting on 21 October? Are all Members content? Thank you. We'll move into private, then.

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 10:57.

The public part of the meeting ended at 10:57.