



## HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 10 Mawrth 2014  
Tabled on 10 March 2014

### Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru) Social Services and Well-being (Wales) Bill

**Kirsty Williams**

**101**

Section 16, page 14, line 21, after 'arise', insert –

' and

- ( ) provides information, advice and assistance to a person in a manner which is accessible to that person'.

Adran 16, tudalen 14, llinell 22, ar ôl 'godi', mewnosoder –

', a

- ( ) yn darparu gwybodaeth, cyngor a chynhorthwy i berson mewn modd sy'n hygyrch i'r person hwnnw'.

**Jocelyn Davies**

**102**

To insert a new section –

'( ) **Meeting needs: use of zero hours contracts**

- (1) A local authority that provides or makes arrangements of the type referred to in section 30(2)(b) must ensure as far as practicable that such provision or arrangements do not provide for the delivery of care and support by use of zero hours contracts.
- (2) A zero hours contract is a contract or arrangement for the provision of labour which fails to specify guaranteed working hours and has one or more of the following features –
- (a) it requires the worker to be available for work when there is no guarantee the

worker will be needed;

(b) it requires the worker to work exclusively for one employer.

(3) For the purposes of this section—

(a) a worker is a person who is employed;

(b) a person is employed for the purposes of this section if he or she is engaged by another person to provide labour and is not genuinely operating a business on his or her own account;

(c) in any legal proceedings it is for the respondent to show that the applicant is not employed.

(4) The Welsh Ministers may by regulations amend the definition of “zero hours contracts” in subsection (2).’.

I fewnosod adran newydd—

**‘( ) Diwallu anghenion: y defnydd o gontractau dim oriau**

(1) Rhaid i awdurdod lleol sy’n gwneud darpariaethau neu drefniadau o’r math y cyfeirir atynt yn adran 30(2)(b) sicrhau nad yw darpariaeth neu drefniadau o’r math, cyn belled ag y mae’n ymarferol, yn darparu ar gyfer gofal a chymorth drwy ddefnyddio contractau dim oriau.

(2) Ystyr “contractau dim oriau” yw contract neu drefniant ar gyfer darparu llafur sy’n methu â nodi oriau gwaith gwarantedig ac sy’n cynnwys un neu fwy o’r nodweddion a ganlyn—

(a) ei fod yn ei gwneud yn ofynnol i weithiwr fod ar gael i weithio pan nad oes gwarant y bydd angen y gweithiwr;

(b) ei fod yn ei gwneud yn ofynnol i’r gweithiwr weithio i un cyflogwr yn unig.

(3) At ddibenion yr adran hon—

(a) “gweithiwr” yw person a gyflogir;

(b) cyflogir person at ddibenion yr adran hon os y caiff ei gyflogi gan berson arall i ddarparu llafur ac nad yw mewn gwirionedd yn gweithredu busnes are i gyfrif neu ei chyfrif ei hun;

(c) mewn unrhyw achosion cyfreithiol, dyletswydd yr ymatebydd yw dangos nad yw’r ymgeisydd mewn cyflogaeth.

(4) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio’r diffiniad o “contractau dim oriau” yn is-adran (2).’.

**Jocelyn Davies**

103

To insert a new section—

**‘( ) Procedure for regulations under section (section to be inserted by amendment 102)**

(1) Before making regulations under section (section to be inserted by amendment 102) the Welsh Ministers must carry out the following steps.

(2) The Welsh Ministers must consult—

- (a) such persons as appear to them likely to be affected by the regulations,
  - (b) such organisations as appear to them to represent the interests of persons likely to be affected by the regulations, and
  - (c) such other persons as they consider appropriate,
- on the proposed draft regulations.
- (3) The Welsh Ministers must –
- (a) allow those persons a period of at least 12 weeks to submit comments on the proposed draft regulations,
  - (b) consider any comments submitted within that period, and
  - (c) publish a summary of those comments.
- (4) The Welsh Ministers must lay a draft of the regulations before the National Assembly for Wales.
- (5) Draft regulations laid under subsection (4) –
- (a) must be accompanied by a statement of the Welsh Ministers giving details of any differences between the draft regulations consulted on under subsection (2) and the draft regulations laid under subsection (4), and
  - (b) may not be approved by a resolution of the National Assembly for Wales in accordance with section 190(6) until after the expiry of the period of 60 days beginning with the day on which the draft regulations are laid.’

I fewnosod adran newydd –

- ( ) Y weithdrefn ar gyfer rheoliadau o dan adran (*yr adran sy'n cael ei fewnosod gan welliant 102*)**
- (1) Cyn gwneud rheoliadau o dan adran (*yr adran sy'n cael ei fewnosod gan welliant 102*) rhaid i Weinidogion Cymru gymryd y camau a ganlyn.
  - (2) Rhaid i Weinidogion Cymru ymgynghori ar y rheoliadau drafft arfaethedig â'r canlynol –
    - (a) unrhyw bersonau y mae'n ymddangos iddynt fod y rheoliadau yn debygol o effeithio arnynt,
    - (b) unrhyw sefydliadau y mae'n ymddangos iddynt eu bod yn cynrychioli buddiannau personau y mae'r rheoliadau yn debygol o effeithio arnynt, ac
    - (c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.
  - (3) Rhaid i Weinidogion Cymru –
    - (a) rhoi cyfnod o 12 wythnos o leiaf i'r personau hynny i gyflwyno sylwadau ar y rheoliadau drafft arfaethedig,
    - (b) ystyried unrhyw sylwadau a gyflwynir o fewn y cyfnod hwnnw, ac
    - (c) cyhoeddi crynodeb o'r sylwadau hynny.
  - (4) Rhaid i Weinidogion Cymru osod drafft o'r rheoliadau gerbron Cynulliad Cenedlaethol Cymru.
  - (5) O ran y rheoliadau drafft a osodir o dan is-adran (4) –

- (a) rhaid iddynt fynd gyda datganiad gan Weinidogion Cymru yn rhoi manylion unrhyw wahaniaethau rhwng y rheoliadau drafft yr ymgynghorwyd arnynt o dan is-adran (2) a'r rheoliadau drafft a osodir o dan is-adran (4), a
- (b) ni chaniateir iddynt gael eu cymeradwyo drwy benderfyniad gan Gynulliad Cenedlaethol Cymru yn unol ag adran 190(6) tan ar ôl i'r cyfnod o 60 niwrnod, yn dechrau ar y diwrnod y gosodir y rheoliadau drafft, ddod i ben.'.

**WITHDRAWN/TYNNWYD YN ÔL**

**Jocelyn Davies**

**104**

To insert a new section –

**'( ) Care and support in the home or community: supplementary**

- (1) This section applies where a local authority has a duty under section 31, 33, 36, or 37 or is exercising its power under section 34 or 39.
- (2) A local authority meeting the needs of an adult, a child, an adult carer or a child carer by providing or arranging care and support in the home or in the community must be reasonably satisfied that the time allocated to visits in the home is reasonably sufficient to deliver the care and support required to meet the identified need.
- (3) The Welsh Ministers must issue guidance about the provision of care and support in the home.
- (4) Guidance issued under subsection (3) must deal with the time required to deliver care and support to meet identified needs of an adult, a child, an adult carer or a child carer.'.

I fewnosod adran newydd –

**'( ) Gofal a chymorth yn y cartref neu'r gymuned: atodol**

- (1) Mae'r adran hon yn gymwys pan fo dyletswydd ar awdurdod lleol o dan adran 31, 33, 36 neu 37 neu pan fydd yn arfer ei bwerau o dan adran 34 neu 39.
- (2) Rhaid i awdurdod lleol sy'n diwallu anghenion oedolyn, plentyn, gofalwr sy'n oedolyn neu ofalwr sy'n blentyn drwy ddarparu neu drefnu gofal neu gymorth yn y cartref neu yn y gymuned, fod yn rhesymol fodlon bod yr amser a ddyrennir i ymweliadau yn y cartref yn ddigon rhesymol i ddarparu'r gofal a'r cyngor sydd ei angen i ddiwallu'r angen a nodwyd.
- (3) Rhaid i Weinidogion Cymru gyhoeddi canllawiau ynghylch darparu gofal a chymorth yn y cartref.
- (4) Rhaid i ganllawiau a gyhoeddir o dan is-adran (3) ymdrin â'r amser sydd ei angen i ddarparu gofal a chymorth i ddiwallu anghenion oedolyn, plentyn, gofalwr sy'n oedolyn neu ofalwr sy'n blentyn.'.

**Jocelyn Davies**

**105**

Section 190, page 130, line 24, after '28,', insert '(section to be inserted by amendment 102)',.

Adran 190, tudalen 130, llinell 26, ar ôl '28,', mewnosoder '(yr adran sy'n cael ei fewnosod gan welliant 102)',.

