Cynulliad Cenedlaethol Cymru National Assembly for Wales

HYSBYSIAD YNGHYLCH GWELLIANNAU

NOTICE OF AMENDMENTS

Cyflwynwyd ar 23 Medi 2010

Tabled on 23 September 2010

Mesur Arfaethedig Iechyd Meddwl (Cymru)

Proposed Mental Health (Wales) Measure

William Graham **117**

To insert a new Section—

'( ) Case friends

(1) The Welsh Ministers may provide by regulations for an individual to have a person (referred to in this Part as a "case friend")—

(a) to make representations on behalf of an individual with a view to avoiding or resolving disagreements about the exercise by local mental health partners and mental health service partners of functions under Parts 1 and 2, and

(b) to exercise the rights of an individual under section [21] on the individual's behalf.

(2) An individual's case friend must—

(a) make representations and exercise rights fairly and competently,

(b) have no interest adverse to that of the individual,

(c) ensure that all steps and decisions taken by the case friend are for

the benefit of the individual and take account of the individual's views.

(3) Regulations made under this section may (among other things)—

(a) make provision about the appointment and removal of case friends,

(b) specify the circumstances in which a person may or may not act as a case friend,

(c) specify the circumstances in which an individual must have a case friend,

(d) specify further requirements in respect of the conduct of case friends.

(4) A statutory instrument containing (alone or with other provisions) the first set of regulations made under section [new section] must not be made unless a draft of the instrument has been laid before, and approved by resolution of the National Assembly for Wales.'.

I ychwanegu Adran newydd—

'( ) Cyfeillion achos

(1) Caiff Gweinidogion Cymru ddarparu, drwy reoliadau, i unigolion gael person (y cyfeirir ato yn y Rhan hon fel "cyfaill achos")—

(a) i wneud sylwadau ar ran unigolyn gyda'r bwriad o osgoi neu ddatrys anghydfodau ynghylch partneriaid iechyd meddwl lleol a phartneriaid gwasanaethau iechyd meddwl yn arfer swyddogaethau o dan Adrannau 1 a 2, a

(b) i arfer hawliau unigolyn o dan adran [21] ar ran yr unigolyn.

(2) Rhaid i gyfaill achos unigolyn—

(a) gwneud sylwadau ac arfer hawliau yn deg ac mewn modd cymwys,

(b) sicrhau nad oes ganddo fuddiant sy'n groes i fuddiant yr unigolyn,

(c) sicrhau bod yr holl gamau a'r penderfyniadau a wnaed gan y cyfaill achos er budd yr unigolyn a'u bod yn ystyried safbwyntiau'r unigolyn.

(3) Caiff rheoliadau a wneir o dan yr adran hon (ymhlith eraill)—

(a) gwneud darpariaeth ynghylch penodi a diswyddo cyfeillion achos,

(b) pennu'r amgylchiadau y caiff person neu na chaiff person weithredu fel cyfaill achos,

(b) pennu'r amgylchiadau y bydd yn rhaid i unigolyn gael cyfaill achos,

(d) pennu gofynion pellach o ran ymddygiad cyfeillion achos.

(4) Rhaid peidio â gwneud offeryn statudol sy'n cynnwys (ar ei ben ei hun neu ynghyd â darpariaethau eraill) y set gyntaf o reoliadau a wnaed o dan adran newydd [adran newydd] os nad oes drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru, a'i gymeradwyo ganddo drwy benderfyniad.'.

William Graham **118**

To insert a new Section—

'( ) Duty to review the Measure

(1) The Welsh Ministers must at the end of the first complete financial year following the coming into force of this Measure in its entirety—

(a) review the operation of this Measure and any regulations made under it or in pursuance of any other enactment in connection with this Measure.

(b) publish a report containing an assessment of the impact of any provisions of this Measure including (but not limited to) impact on the financial and other resources of local mental health providers, mental health service providers, care coordinators and independent mental health advocates;

(c) lay a copy of the report before the National Assembly for Wales.

(2) "Financial year" means the period of 12 months ending on 31 March.'.

I ychwanegu Adran newydd—

'( ) Dyletswydd i adolygu'r Mesur

(1) Rhaid i Weinidogion Cymru ar ddiwedd y flwyddyn ariannol gyflawn gyntaf ar ôl i'r Mesur hwn ddod i rym yn ei gyfanrwydd—

(a) adolygu sut y caiff y Mesur hwn ei weithredu, ac unrhyw reoliadau a wneir oddi tano neu yn unol ag unrhyw ddeddfiad arall mewn cysylltiad â'r Mesur hwn;

(b) cyhoeddi adroddiad sy'n cynnwys asesiad o effaith unrhyw ddarpariaethau'r Mesur hwn gan gynnwys (ond heb fod yn gyfyngedig i hynny) effaith ar adnoddau ariannol ac adnoddau eraill darparwyr iechyd meddwl lleol, darparwyr gwasanaethau iechyd meddwl, cydgysylltwyr gofal ac eiriolwyr iechyd meddwl annibynnol;

(c) gosod copi o'r adroddiad gerbron Cynulliad Cenedlaethol Cymru.

(2) Ystyr "blwyddyn ariannol" yw cyfnod o 12 mis sy'n dod i ben ar 31 Mawrth.'.

William Graham **119**

Section 17, page 14, after line 9, insert—

'( ) In agreeing a care plan a care coordinator must have regard to any guidance issued by the Welsh Ministers relating to the timescale for completion of a care and treatment plan.'.

Adran 17, tudalen 14, ar ôl llinell 9, ychwanegwch—

‘( ) Wrth gytuno ar gynllun gofal, rhaid i gydgysylltydd gofal ystyried unrhyw arweiniad gan Weinidogion Cymru mewn perthynas â’r amserlen ar gyfer cwblhau cynllun gofal a thriniaeth.’.

William Graham **120**

Section 17, page 14, line 30, leave out ‘may’ and insert ‘must’.

Adran 17, tudalen 14, llinell 32, gadewch allan ‘Caiff Gweinidogion’ a rhowch yn ei le ‘Rhaid i Weinidogion’.

William Graham **121**

Section 17, page 14, after line 38, insert—

‘( ) The content of care and treatment plans must include reference to the following—

(a) Finance and Money;

(b) Accommodation;

(c) Personal care and physical well-being;

(d) Education and training;

(e) Work and occupation;

(f) Parenting or caring relationships;

(g) Social cultural and spiritual;

(h) Medical and other forms of treatment including psychological interventions.’.

Adran 17, tudalen 14, ar ôl llinell 41, ychwanegwch-

‘( ) Rhaid i gynlluniau gofal a thriniaeth gynnwys cyfeiriad at y meysydd canlynol mewn bywyd—

(a) Cyllid ac Arian;

(b) Llety;

(c) Gofal personol a llesiant corfforol;

(d) Addysg a hyfforddiant;

(e) Gwaith a galwedigaeth;

(f) Perthnasau gofalu a rhianta;

(g) Cymdeithasol, diwylliannol ac ysbrydol;

(h) Triniaeth feddygol a mathau eraill o driniaeth gan gynnwys ymyriadau seicolegol.’.