

Cynulliad  
Cenedlaethol  
Cymru  
National  
Assembly for  
Wales



HYSBYSIAD YNGHYLCH  
GWELLIANNAU  
NOTICE OF AMENDMENTS  
Cyflwynwyd ar 26 Hydref 2010  
Tabled on 26 October 2010  
Mesur Arfaethedig Iechyd Meddwl (Cymru)  
Proposed Mental Health (Wales) Measure

**Andrew R T Davies**

2

To insert a new Section—

**(1) 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 this 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 –

**(I) Cyfeillion achos**

- (1) Caiff Gweinidogion Cymru ddarparu, drwy reoliadau, i unigolyn 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 Rannau 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;
  - (c) 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 yr adran hon os nad oes drafft o’r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru, a’i gymeradwyo ganddo drwy benderfyniad.’.

**Andrew R T Davies**

3

Section 17, page 14, after line 14, 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 14, 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.’.

**Andrew R T Davies**

4

Section 17, page 14, line 10, after ‘achieve’, insert ‘including (but not limited to) achievements in one or more of the following areas-

- (i) Finance and Money;
- (ii) Accommodation;
- (iii) Personal care and physical well-being;
- (iv) Education and training;
- (iv) Work and occupation;
- (v) Parenting or caring relationships;
- (vi) Social, cultural and spiritual;
- (viii) Medical and other forms of treatment including psychological interventions.

Adran 17, tudalen 14, llinell 10, ar ôl ‘cyflawni’, ychwanegwch ‘gan gynnwys (ond heb fod yn gyfyngedig i hynny) cyflawniadau yn un neu fwy o’r meysydd canlynol-

- (i) Cyllid ac Arian;
- (ii) Llety;
- (iii) Gofal personol a llesiant corfforol;
- (iv) Addysg a hyfforddiant;
- (iv) Gwaith a galwedigaeth;
- (v) Perthnasau gofalu a rhianta;
- (vi) Cymdeithasol, diwylliannol ac ysbrydol;
- (vii) Triniaeth feddygol a mathau eraill o driniaeth gan gynnwys ymyriadau seicolegol.’.

**Andrew R T Davies**

5

Section 17, page 14, line 35, leave out ‘may’ and insert ‘must’.

Adran 17, tudalen 14, llinell 37, gadewch allan ‘Caiff Gweinidogion’ a rhowch yn ei le ‘Rhaid i Weinidogion’.

**Andrew R T Davies**

6

Section 44, page 31, line 28, after 'skills', insert 'including but not limited to such linguistic skills necessary to satisfy any linguistic requirement identified in a scheme prepared under Part 1 of this Measure'.

Adran 44, tudalen 31, llinell 30, ar ôl 'sgiliau', ychwanegwch 'gan gynnwys ond heb fod yn gyfyngedig i'r cyfryw sgiliau ieithyddol sy'n angenrheidiol i fodloni unrhyw ofyniad ieithyddol a ddynodir mewn cynllun a baratoir o dan Ran 1 o'r Mesur hwn.'

**Andrew R T Davies**

7

Section 2, page 4, after line 27, insert –

- ( ) In agreeing a scheme the local health partners must identify any particular linguistic requirement in the area (or part thereof) and take all reasonable steps to ensure that treatment and services provided in accordance with the scheme is adequate to meet such requirement or requirements.'

Adran 2, tudalen 4, ar ôl llinell 26, ychwanegwch –

- ( ) Wrth gytuno ar gynllun, rhaid i'r partneriaid iechyd lleol ddynodi unrhyw ofyniad ieithyddol penodol yn yr ardal (neu ran ohoni) a chymryd pob cam rhesymol i sicrhau bod y driniaeth a'r gwasanaethau a ddarperir yn unol â'r cynllun yn ddigonol i fodloni gofyniad o'r fath neu ofynion o'r fath.'

**Andrew R T Davies**

1A

As an amendment to amendment 1, line 8, after 'published', insert, 'no later than 31 March 2016 or'.

Fel gwelliant i welliant 1, llinell 8, ar ôl '1', ychwanegwch, 'heb fod yn hwyrach na 31 Mawrth 2016 neu'.

**Andrew R T Davies**

1B

As an amendment to amendment 1, line 11, after 'published', insert, 'no later than 31 March 2016 or'.

Fel gwelliant i welliant 1, llinell 11, ar ôl '2', ychwanegwch, 'heb fod yn hwyrach na 31 Mawrth 2016 neu'.

**Andrew R T Davies**

1C

As an amendment to amendment 1, line 14, after 'published', insert, 'no later than 31 March 2016 or'.

Fel gwelliant i welliant 1, llinell 14, ar ôl '3', ychwanegwch, 'heb fod yn hwyrach na 31 Mawrth 2016 neu'.

**Andrew R T Davies**

**1D**

As an amendment to amendment 1, line 17, after ‘published’, insert, ‘no later than 31 March 2016 or’.

Fel gwelliant i welliant 1, llinell 17, ar ôl ‘4’, ychwanegwch, ‘heb fod yn hwyrach na 31 Mawrth 2016 neu’.