



# Deddf Iechyd a Gofal Cymdeithasol (Ansawdd ac Ymgysylltu) (Cymru) 2020

2020 dsc 1

# Health and Social Care (Quality and Engagement) (Wales) Act 2020

2020 asc 1



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# Health and Social Care (Quality and Engagement) (Wales) Act 2020

2020 asc 1

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# Deddf Iechyd a Gofal Cymdeithasol (Ansawdd ac Ymgysylltu) (Cymru) 2020

Deddf Cynulliad Cenedlaethol Cymru i wneud darpariaeth ar gyfer dyletswydd i sicrhau gwelliant yn ansawdd y gwasanaethau iechyd a ddarperir o dan neu yn rhinwedd Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006; ar gyfer dyletswydd gonestrwydd mewn cysylltiad â'r gwasanaethau iechyd a ddarperir gan neu ar gyfer cyrff y GIG; ar gyfer Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol, Cymru; ynghylch cyfansoddiad ymddiriedolaethau'r GIG; ac at ddibenion cysylltiedig. [1 Mehefin 2020]

**Gan ei fod wedi ei basio gan Gynulliad Cenedlaethol Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:**

## **RHAN 1**

### **TROSOLWG**

#### **1 Trosolwg o'r Ddeddf hon**

Yn y Ddeddf hon—

- (a) mae Rhan 2 yn gosod gofynion mewn cysylltiad â gwella ansawdd gwasanaethau iechyd;
- (b) mae Rhan 3 yn gwneud darpariaeth ar gyfer ac ynghylch dyletswydd gonestrwydd mewn cysylltiad â gwasanaethau iechyd;
- (c) mae Rhan 4 yn sefydlu Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol, Cymru ac yn gwneud darpariaeth ynghylch ei swyddogaethau;
- (d) mae Rhan 5 yn gwneud darpariaeth ynghylch cyfansoddiad ymddiriedolaethau'r GIG; ar gyfer mân ddiwygiadau a diwygiadau canlyniadol i ddeddfwriaeth arall; ac yn cynnwys darpariaeth atodol ynghylch y Ddeddf hon (gan gynnwys ynghylch y weithdrefn ar gyfer gwneud rheoliadau o dan y Ddeddf).





# Health and Social Care (Quality and Engagement) (Wales) Act 2020

An Act of the National Assembly for Wales to make provision for a duty to secure improvement in the quality of health services provided under or by virtue of the National Health Service (Wales) Act 2006; for a duty of candour in respect of health services provided by or for NHS bodies; for the Citizen Voice Body for Health and Social Care, Wales; about the constitution of NHS trusts; and for connected purposes. [1 June 2020]

**Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:**

## PART 1

### OVERVIEW

#### 1 Overview of this Act

In this Act—

- (a) Part 2 imposes requirements in respect of improvement in the quality of health services;
- (b) Part 3 makes provision for and about a duty of candour in respect of health services;
- (c) Part 4 establishes, and makes provision about the functions of, the Citizen Voice Body for Health and Social Care, Wales;
- (d) Part 5 makes provision about the constitution of NHS trusts; for minor and consequential amendments to other legislation; and contains supplementary provision about this Act (including about the procedure for making regulations under the Act).

**RHAN 2****GWELLA GWASANAETHAU IECHYD****2 Ansawdd wrth ddarparu gwasanaethau iechyd**

- (1) Mae Deddf 2006 wedi ei diwygio fel a ganlyn.
- (2) Yn Rhan 1 (hybu a darparu'r gwasanaeth iechyd yng Nghymru), ar ôl adran 1 (dyletswydd Gweinidogion Cymru i hybu gwasanaethau iechyd) mewnosoder –

**“1A Welsh Ministers’ duty to secure quality in health services**

- (1) The Welsh Ministers must exercise their functions in relation to the health service with a view to securing improvement in the quality of health services.
  - (2) For the purposes of this section –
    - “health services” means any services provided or secured in accordance with this Act;
    - “quality” includes, but is not limited to, quality in terms of –
      - (a) the effectiveness of health services,
      - (b) the safety of health services, and
      - (c) the experience of individuals to whom health services are provided.
  - (3) The Welsh Ministers must publish an annual report on the steps they have taken to comply with the duty in subsection (1).
  - (4) The report must include an assessment of the extent of any improvement in outcomes achieved by virtue of those steps.
  - (5) The Welsh Ministers must lay a copy of the report before the National Assembly for Wales.”
- (3) Ym Mhennod 1 o Ran 2 (cyrff y gwasanaeth iechyd: Byrddau Iechyd Lleol), ar ôl adran 12 (swyddogaethau Byrddau Iechyd Lleol) mewnosoder –

**“12A Local Health Boards’ duty to secure quality in health services**

- (1) Each Local Health Board must exercise its functions with a view to securing improvement in the quality of health services.
- (2) For the purposes of this section –
  - “health services” means any services provided or secured in accordance with this Act;
  - “quality” includes, but is not limited to, quality in terms of –
    - (a) the effectiveness of health services,
    - (b) the safety of health services, and
    - (c) the experience of individuals to whom health services are provided.

## PART 2

### IMPROVEMENT IN HEALTH SERVICES

#### 2 Quality in the provision of health services

- (1) The 2006 Act is amended as follows.
- (2) In Part 1 (promotion and provision of the health service in Wales), after section 1 (Welsh Ministers' duty to promote health services) insert –

##### **"1A Welsh Ministers' duty to secure quality in health services**

- (1) The Welsh Ministers must exercise their functions in relation to the health service with a view to securing improvement in the quality of health services.
  - (2) For the purposes of this section –
    - "health services" means any services provided or secured in accordance with this Act;
    - "quality" includes, but is not limited to, quality in terms of –
      - (a) the effectiveness of health services,
      - (b) the safety of health services, and
      - (c) the experience of individuals to whom health services are provided.
  - (3) The Welsh Ministers must publish an annual report on the steps they have taken to comply with the duty in subsection (1).
  - (4) The report must include an assessment of the extent of any improvement in outcomes achieved by virtue of those steps.
  - (5) The Welsh Ministers must lay a copy of the report before the National Assembly for Wales."
- (3) In Chapter 1 of Part 2 (health service bodies: Local Health Boards), after section 12 (functions of Local Health Boards) insert –

##### **"12A Local Health Boards' duty to secure quality in health services**

- (1) Each Local Health Board must exercise its functions with a view to securing improvement in the quality of health services.
- (2) For the purposes of this section –
  - "health services" means any services provided or secured in accordance with this Act;
  - "quality" includes, but is not limited to, quality in terms of –
    - (a) the effectiveness of health services,
    - (b) the safety of health services, and
    - (c) the experience of individuals to whom health services are provided.

- (3) Each Local Health Board must publish an annual report on the steps it has taken to comply with the duty in subsection (1).
  - (4) The report must include an assessment of the extent of any improvement in outcomes achieved by virtue of those steps.
  - (5) The Welsh Ministers must issue guidance to Local Health Boards in relation to the requirements imposed by subsections (1) and (3).
  - (6) The guidance must, in particular, include guidance about –
    - (a) the evidence to be used in support of an assessment required by this section, and
    - (b) the conduct of such an assessment.
  - (7) Each Local Health Board must have regard to guidance issued under subsection (5)."
- (4) Ym Mhennod 2 o Ran 2 (cyrff y gwasanaeth iechyd: ymddiriedolaethau'r GIG), ar ôl adran 20 (dyletswydd gyffredinol ymddiriedolaethau'r GIG) mewnosoder –

**"20A Duty of NHS trusts to secure quality in health services**

- (1) Each NHS trust must exercise its functions with a view to securing improvement in the quality of health services.
- (2) For the purposes of this section –
 

"health services" means any services provided or secured in accordance with this Act;

"quality" includes, but is not limited to, quality in terms of –

  - (a) the effectiveness of health services,
  - (b) the safety of health services, and
  - (c) the experience of individuals to whom health services are provided.
- (3) Each NHS trust must publish an annual report on the steps it has taken to comply with the duty in subsection (1).
- (4) The report must include an assessment of the extent of any improvement in outcomes achieved by virtue of those steps.
- (5) The Welsh Ministers must issue guidance to NHS trusts in relation to the requirements imposed by subsections (1) and (3).
- (6) The guidance must, in particular, include guidance about –
  - (a) the evidence to be used in support of an assessment required by this section, and
  - (b) the conduct of such an assessment.
- (7) Each NHS trust must have regard to guidance issued under subsection (5)."

- (3) Each Local Health Board must publish an annual report on the steps it has taken to comply with the duty in subsection (1).
  - (4) The report must include an assessment of the extent of any improvement in outcomes achieved by virtue of those steps.
  - (5) The Welsh Ministers must issue guidance to Local Health Boards in relation to the requirements imposed by subsections (1) and (3).
  - (6) The guidance must, in particular, include guidance about –
    - (a) the evidence to be used in support of an assessment required by this section, and
    - (b) the conduct of such an assessment.
  - (7) Each Local Health Board must have regard to guidance issued under subsection (5)."
- (4) In Chapter 2 of Part 2 (health service bodies: NHS trusts), after section 20 (general duty of NHS trusts) insert –

**"20A Duty of NHS trusts to secure quality in health services**

- (1) Each NHS trust must exercise its functions with a view to securing improvement in the quality of health services.
- (2) For the purposes of this section –

"health services" means any services provided or secured in accordance with this Act;

"quality" includes, but is not limited to, quality in terms of –

  - (a) the effectiveness of health services,
  - (b) the safety of health services, and
  - (c) the experience of individuals to whom health services are provided.
- (3) Each NHS trust must publish an annual report on the steps it has taken to comply with the duty in subsection (1).
- (4) The report must include an assessment of the extent of any improvement in outcomes achieved by virtue of those steps.
- (5) The Welsh Ministers must issue guidance to NHS trusts in relation to the requirements imposed by subsections (1) and (3).
- (6) The guidance must, in particular, include guidance about –
  - (a) the evidence to be used in support of an assessment required by this section, and
  - (b) the conduct of such an assessment.
- (7) Each NHS trust must have regard to guidance issued under subsection (5)."

- (5) Ym Mhennod 3 o Ran 2 (cyrff y gwasanaeth iechyd: Awdurdodau Iechyd Arbennig), ar ôl adran 24 (arfer swyddogaethau'r gwasanaeth iechyd gan Awdurdodau Iechyd Arbennig) mewnosoder –

**“24A Duty of Special Health Authorities to secure quality in health services**

- (1) Each Special Health Authority must exercise its functions with a view to securing improvement in the quality of health services.
- (2) For the purposes of this section –
  - “health services” means any services provided or secured in accordance with this Act;
  - “quality” includes, but is not limited to, quality in terms of –
    - (a) the effectiveness of health services,
    - (b) the safety of health services, and
    - (c) the experience of individuals to whom health services are provided.
- (3) Each Special Health Authority must publish an annual report on the steps it has taken to comply with the duty in subsection (1).
- (4) The report must include an assessment of the extent of any improvement in outcomes achieved by virtue of those steps.
- (5) The Welsh Ministers must issue guidance to Special Health Authorities in relation to the requirements imposed by subsections (1) and (3).
- (6) The guidance must, in particular, include guidance about –
  - (a) the evidence to be used in support of an assessment required by this section, and
  - (b) the conduct of such an assessment.
- (7) Each Special Health Authority must have regard to guidance issued under subsection (5).
- (8) This section does not apply in relation to a cross-border Special Health Authority (within the meaning of section 8A(5)).”

**RHAN 3**

**DYLETSWYDD GONESTRWYDD**

*Cymhwyso'r ddyletswydd*

**3 Pryd y mae'r ddyletswydd gonestrwydd yn gymwys**

- (1) Daw'r ddyletswydd gonestrwydd yn effeithiol mewn perthynas â chorff GIG os yw'n ymddangos i'r corff fod y ddau o'r amodau a ganlyn wedi eu bodloni.

- (5) In Chapter 3 of Part 2 (health service bodies: Special Health Authorities), after section 24 (exercise of health service functions by Special Health Authorities) insert—

**“24A Duty of Special Health Authorities to secure quality in health services**

- (1) Each Special Health Authority must exercise its functions with a view to securing improvement in the quality of health services.
- (2) For the purposes of this section—
  - “health services” means any services provided or secured in accordance with this Act;
  - “quality” includes, but is not limited to, quality in terms of—
    - (a) the effectiveness of health services,
    - (b) the safety of health services, and
    - (c) the experience of individuals to whom health services are provided.
- (3) Each Special Health Authority must publish an annual report on the steps it has taken to comply with the duty in subsection (1).
- (4) The report must include an assessment of the extent of any improvement in outcomes achieved by virtue of those steps.
- (5) The Welsh Ministers must issue guidance to Special Health Authorities in relation to the requirements imposed by subsections (1) and (3).
- (6) The guidance must, in particular, include guidance about—
  - (a) the evidence to be used in support of an assessment required by this section, and
  - (b) the conduct of such an assessment.
- (7) Each Special Health Authority must have regard to guidance issued under subsection (5).
- (8) This section does not apply in relation to a cross-border Special Health Authority (within the meaning of section 8A(5)).”

**PART 3**

**DUTY OF CANDOUR**

*Application of the duty*

**3 When the duty of candour applies**

- (1) The duty of candour comes into effect in relation to an NHS body if it appears to the body that both of the following conditions are met.

- (2) Yr amod cyntaf yw bod person (y “defnyddiwr gwasanaeth”) y mae’r corff yn darparu neu wedi darparu gofal iechyd iddo wedi dioddef canlyniad andwyol.
- (3) Yr ail amod yw bod darparu’r gofal iechyd yn ffactor, neu y gall fod wedi bod yn ffactor, a achosodd i’r defnyddiwr gwasanaeth ddioddef y canlyniad hwnnw.
- (4) At ddiben yr amod cyntaf, mae defnyddiwr gwasanaeth i’w drin fel pe bai wedi dioddef canlyniad andwyol os yw’r defnyddiwr yn profi mwy nag ychydig o niwed annisgwyl neu anfwriadol neu os yw’r amgylchiadau yn golygu y gallai brofi niwed o’r fath.

*Gofynion gweithdrefnol a gofynion eraill*

#### **4 Gweithdrefn dyletswydd gonestrwydd**

- (1) Rhaid i reoliadau ddarparu ar gyfer gweithdrefn (y “weithdrefn gonestrwydd”) sydd i’w dilyn gan gorff GIG y mae’r ddyletswydd gonestrwydd wedi dod yn effeithiol mewn perthynas ag ef.
- (2) Rhaid i’r rheoliadau ei gwneud yn ofynnol i gorff GIG, fel rhan o’r weithdrefn gonestrwydd—
  - (a) wrth ddod yn ymwybodol gyntaf fod y ddyletswydd gonestrwydd wedi dod yn effeithiol, roi hysbysiad o hyn yn unol â’r rheoliadau i’r defnyddiwr gwasanaeth o dan sylw neu rywun sy’n gweithredu ar ran y defnyddiwr gwasanaeth;
  - (b) hysbysu person a grybwyllir ym mharagraff (a), yn unol â’r rheoliadau, am—
    - (i) pwy yw person sydd wedi ei enwebu gan y corff yn bwynt cyswllt ar gyfer y defnyddiwr gwasanaeth mewn cysylltiad â’r weithdrefn gonestrwydd;
    - (ii) unrhyw ymholiadau pellach a gynhelir gan y corff mewn cysylltiad â’r amgylchiadau y daeth y ddyletswydd gonestrwydd yn effeithiol odanynt.
- (3) Rhaid i’r rheoliadau wneud darpariaeth hefyd—
  - (a) i’r corff gynnig ymddiheuriad;
  - (b) mewn cysylltiad â darparu cymorth i ddefnyddiwr gwasanaeth y rhoddir hysbysiad iddo o dan is-adran (2)(a);
  - (c) ynghylch cadw cofnodion.
- (4) Caiff y rheoliadau wneud unrhyw ddarpariaeth arall mewn cysylltiad â’r weithdrefn gonestrwydd y mae Gweinidogion Cymru yn ystyried ei bod yn briodol.

#### **5 Darparwyr gofal sylfaenol: dyletswydd i lunio adroddiad**

- (1) Cyn gynted ag y bo’n ymarferol ar ôl diwedd pob blwyddyn ariannol, rhaid i ddarparwr gofal sylfaenol lunio adroddiad o dan yr adran hon.
- (2) Rhaid i’r adroddiad ddatgan a yw’r ddyletswydd gonestrwydd wedi dod yn effeithiol yn ystod y flwyddyn adrodd mewn cysylltiad â darparu gofal iechyd gan y darparwr gofal sylfaenol.
- (3) Os yw’r ddyletswydd gonestrwydd wedi dod yn effeithiol yn ystod y flwyddyn adrodd, rhaid i’r adroddiad—
  - (a) pennu pa mor aml y mae hyn wedi digwydd yn ystod y flwyddyn adrodd,



- (2) The first condition is that a person (the “service user”) to whom health care is being or has been provided by the body has suffered an adverse outcome.
- (3) The second condition is that the provision of the health care was or may have been a factor in the service user suffering that outcome.
- (4) For the purpose of the first condition a service user is to be treated as having suffered an adverse outcome if the user experiences, or if the circumstances are such that the user could experience, any unexpected or unintended harm that is more than minimal.

*Procedural and other requirements*

**4 Duty of candour procedure**

- (1) Regulations must provide for a procedure (the “candour procedure”) to be followed by an NHS body in relation to which the duty of candour has come into effect.
- (2) The regulations must require an NHS body, as part of the candour procedure –
  - (a) on first becoming aware that the duty of candour has come into effect, to give notification of this in accordance with the regulations to the service user concerned or someone acting on the service user’s behalf;
  - (b) to notify a person mentioned in paragraph (a), in accordance with the regulations, of –
    - (i) the identity of a person who has been nominated by the body as a point of contact for the service user in respect of the candour procedure;
    - (ii) any further enquiries carried out by the body in respect of the circumstances in which the duty of candour came into effect.
- (3) The regulations must also make provision –
  - (a) for an apology to be offered by the body;
  - (b) in connection with the provision of support to a service user given notification under subsection (2)(a);
  - (c) about record-keeping.
- (4) The regulations may make any other provision in respect of the candour procedure that the Welsh Ministers consider appropriate.

**5 Primary care providers: duty to prepare report**

- (1) As soon as practicable after the end of each financial year, a primary care provider must prepare a report under this section.
- (2) The report must state whether, during the reporting year, the duty of candour has come into effect in respect of the provision of health care by the primary care provider.
- (3) If the duty of candour has come into effect during the reporting year, the report must –
  - (a) specify how often this has happened during the reporting year,

- (b) rhoi disgrifiad byr o'r amgylchiadau y daeth y ddyletswydd yn effeithiol odanynt, ac
  - (c) disgrifio unrhyw gamau a gymerwyd gan y darparwr gyda golwg ar atal amgylchiadau tebyg rhag codi yn y dyfodol.
- (4) Os yw'r darparwr gofal sylfaenol, yn ystod yr un flwyddyn ariannol, wedi darparu gofal iechyd ar ran dau neu ragor o Fyrddau Iechyd Lleol, mae adroddiad ar wahân i'w lunio o dan yr adran hon mewn cysylltiad â phob un o'r cyrff hynny.
- (5) Yn yr adran hon ac adrannau 6 i 8—
- (a) mae cyfeiriadau at flwyddyn ariannol yn gyfeiriadau at bob cyfnod o 12 mis sy'n dod i ben ar 31 Mawrth;
  - (b) mae cyfeiriadau at flwyddyn adrodd, mewn perthynas ag adroddiad, yn gyfeiriadau at y flwyddyn ariannol y mae'r adroddiad yn ymwneud â hi.

## **6 Cyflenwi a chrynhoi adroddiad o dan adran 5**

- (1) Rhaid i ddarparwr gofal sylfaenol sydd wedi llunio adroddiad o dan adran 5 mewn cysylltiad â darparu gofal iechyd ar ran Bwrdd Iechyd Lleol gyflenwi'r adroddiad i'r Bwrdd Iechyd Lleol hwnnw cyn gynted ag y bo'n ymarferol ar ôl diwedd y flwyddyn adrodd.
- (2) Rhaid i Fwrdd Iechyd Lleol y mae adroddiadau wedi eu cyflenwi iddo o dan is-adran (1) lunio crynodeb o'r adroddiadau hynny cyn gynted ag y bo'n ymarferol ar ôl diwedd y flwyddyn adrodd.
- (3) Rhaid i'r crynodeb—
- (a) pennu pa mor aml, yn ystod y flwyddyn adrodd, y mae'r ddyletswydd gonestrwydd wedi dod yn effeithiol mewn cysylltiad â'r gofal iechyd a ddarperir ar ran y Bwrdd Iechyd Lleol gan ddarparwr gofal sylfaenol,
  - (b) rhoi disgrifiad byr o'r amgylchiadau y daeth y ddyletswydd yn effeithiol odanynt, ac
  - (c) disgrifio unrhyw gamau a gymerwyd gan y darparwr gofal sylfaenol gyda golwg ar atal amgylchiadau tebyg rhag codi yn y dyfodol.

## **7 Bwrdd Iechyd Lleol, ymddiriedolaeth GIG ac Awdurdod Iechyd Arbennig: gofynion adrodd**

- (1) Cyn gynted ag y bo'n ymarferol ar ôl diwedd pob flwyddyn ariannol, rhaid i Fwrdd Iechyd Lleol, ymddiriedolaeth GIG neu Awdurdod Iechyd Arbennig lunio adroddiad o dan yr adran hon.
- (2) Rhaid i'r adroddiad ddatgan a yw'r ddyletswydd gonestrwydd wedi dod yn effeithiol yn ystod y flwyddyn adrodd mewn cysylltiad â darparu gofal iechyd gan y corff.
- (3) Os yw'r ddyletswydd gonestrwydd wedi dod yn effeithiol yn ystod y flwyddyn adrodd, rhaid i'r adroddiad—
- (a) pennu pa mor aml y mae hyn wedi digwydd yn ystod y flwyddyn adrodd,
  - (b) rhoi disgrifiad byr o'r amgylchiadau y daeth y ddyletswydd yn effeithiol odanynt, ac

- (b) give a brief description of the circumstances in which the duty came into effect, and
  - (c) describe any steps taken by the provider with a view to preventing similar circumstances from arising in future.
- (4) If during the same financial year the primary care provider has provided health care on behalf of two or more Local Health Boards, a separate report is to be prepared under this section in respect of each of those bodies.
- (5) In this section and sections 6 to 8 –
  - (a) references to a financial year are to each period of 12 months ending on 31 March;
  - (b) references to a reporting year, in relation to a report, are to the financial year to which the report relates.

## **6 Supply and summary of report under section 5**

- (1) A primary care provider that has prepared a report under section 5 in respect of the provision of health care on behalf of a Local Health Board must, as soon as practicable after the end of the reporting year, supply the report to that Local Health Board.
- (2) A Local Health Board to which reports have been supplied under subsection (1) must, as soon as practicable after the end of the reporting year prepare a summary of those reports.
- (3) The summary must –
  - (a) specify how often, during the reporting year, the duty of candour has come into effect in respect of health care provided on behalf of the Local Health Board by a primary care provider,
  - (b) give a brief description of the circumstances in which the duty came into effect, and
  - (c) describe any steps taken by the primary care provider with a view to preventing similar circumstances from arising in future.

## **7 Local Health Board, NHS trust and Special Health Authority: reporting requirements**

- (1) As soon as practicable after the end of each financial year, a Local Health Board, NHS trust or Special Health Authority must prepare a report under this section.
- (2) The report must state whether, during the reporting year, the duty of candour has come into effect in respect of the provision of health care by the body.
- (3) If the duty of candour has come into effect during the reporting year, the report must –
  - (a) specify how often this has happened during the reporting year,
  - (b) give a brief description of the circumstances in which the duty came into effect, and

- (c) disgrifio unrhyw gamau a gymerwyd gan y corff gyda golwg ar atal amgylchiadau tebyg rhag codi yn y dyfodol.

## **8 Cyhoeddi crynodeb adran 6 ac adroddiad adran 7**

- (1) Rhaid i gorff GIG y mae adran 7 yn gymwys iddo gyhoeddi'r adroddiad a lunnir ganddo o dan yr adran honno cyn gynted ag y bo'n ymarferol ar ôl diwedd y flwyddyn adrodd.
- (2) Yn achos corff GIG sy'n Fwrdd Iechyd Lleol, rhaid i'r adroddiad gynnwys y crynodeb a lunnir ganddo o dan adran 6.

## **9 Cyfrinachedd**

- (1) Ni chaiff adroddiad a gyhoeddir gan gorff GIG o dan adran 8 enwi—
  - (a) unrhyw un y mae gofal iechyd yn cael ei ddarparu neu wedi ei ddarparu iddo gan neu ar ran y corff GIG;
  - (b) unrhyw un sy'n gweithredu ar ran person o fewn paragraff (a).
- (2) Wrth benderfynu pa wybodaeth i'w chynnwys mewn adroddiad o dan adran 8, rhaid i gorff GIG roi sylw i'r angen i osgoi darparu gwybodaeth sy'n golygu ei bod yn debygol, o dan yr amgylchiadau, y bydd modd gwybod pwy yw'r unigolyn hwnnw, er nad yw'r wybodaeth yn ei enwi.

## **10 Canllawiau a roddir gan Weinidogion Cymru**

Wrth arfer swyddogaethau o dan neu yn rhinwedd y Rhan hon, rhaid i gorff GIG roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru.

## **11 Dehongli "gofal iechyd" a thermau eraill**

- (1) Mae cyfeiriad yn y Rhan hon at ofal iechyd yn gyfeiriad at wasanaethau a ddarperir yng Nghymru o dan neu yn rhinwedd Deddf 2006 ar gyfer neu mewn cysylltiad ag—
  - (a) atal salwch, gwneud diagnosis ohono neu ei drin;
  - (b) hybu ac amddiffyn iechyd y cyhoedd.
- (2) Yn is-adran (1), mae i "salwch" yr ystyr a roddir i "illness" yn adran 206 o Ddeddf 2006.
- (3) Mae cyfeiriad yn y Rhan hon at gorff GIG yn gyfeiriad at—
  - (a) Bwrdd Iechyd Lleol;
  - (b) ymddiriedolaeth GIG;
  - (c) Awdurdod Iechyd Arbennig;
  - (d) darparwr gofal sylfaenol.
- (4) Mae person yn ddarparwr gofal sylfaenol, at ddibenion y Rhan hon, i'r graddau (a dim ond i'r graddau) y mae'r person yn darparu gofal iechyd ar ran Bwrdd Iechyd Lleol yn rhinwedd contract, cytundeb neu drefniant o dan Ran 4, 5, 6 neu 7 o Ddeddf 2006 rhwng y person a'r Bwrdd Iechyd Lleol.

- (c) describe any steps taken by the body with a view to preventing similar circumstances from arising in future.

**8 Publication of section 6 summary and section 7 report**

- (1) An NHS body to which section 7 applies must publish the report prepared by it under that section as soon as practicable after the end of the reporting year.
- (2) In the case of an NHS body that is a Local Health Board, the report must include the summary prepared by it under section 6.

**9 Confidentiality**

- (1) A report published by an NHS body under section 8 must not name—
  - (a) anyone to whom health care is being or has been provided by or on behalf of the NHS body;
  - (b) anyone acting on behalf of a person within paragraph (a).
- (2) In determining what information to include in a report under section 8, an NHS body must have regard to the need to avoid providing information that, while not naming an individual, is in the circumstances likely to enable the identification of that individual.

**10 Guidance given by the Welsh Ministers**

In exercising functions under or by virtue of this Part, an NHS body must have regard to any guidance issued by the Welsh Ministers.

**11 Interpretation of “health care” and other terms**

- (1) A reference in this Part to health care is to services provided in Wales under or by virtue of the 2006 Act for or in connection with—
  - (a) the prevention, diagnosis or treatment of illness;
  - (b) the promotion and protection of public health.
- (2) In subsection (1), “illness” has the meaning given in section 206 of the 2006 Act.
- (3) A reference in this Part to an NHS body is to—
  - (a) a Local Health Board;
  - (b) an NHS trust;
  - (c) a Special Health Authority;
  - (d) a primary care provider.
- (4) A person is a primary care provider, for the purposes of this Part, in so far as (and only in so far as) the person provides health care on behalf of a Local Health Board by virtue of a contract, agreement or arrangement under Part 4, 5, 6 or 7 of the 2006 Act between the person and the Local Health Board.

- (5) Mae gofal iechyd a ddarperir gan un corff GIG (y “corff darparu”) ar ran corff GIG arall (“y corff GIG trefnu”), yn rhinwedd contract, cytundeb neu drefniant a wneir o dan Ddeddf 2006 rhwng y corff darparu a’r corff trefnu, i’w drin at ddibenion y Rhan hon fel pe bai’n cael ei ddarparu gan y corff darparu, nid y corff trefnu.
- (6) Mae gofal iechyd a ddarperir gan berson ac eithrio corff GIG (y “darparwr”), ar ran corff GIG, pa un ai yn rhinwedd contract, cytundeb neu drefniant a wneir o dan Ddeddf 2006 neu fel arall, i’w drin at ddibenion y Rhan hon fel pe bai’n cael ei ddarparu gan y corff GIG, nid y darparwr.
- (7) Yn y Rhan hon –
- ystyr “Awdurdod Iechyd Arbennig” (“*Special Health Authority*”) yw corff a sefydlwyd o dan adran 22 o Ddeddf 2006; ond nid yw’n cynnwys unrhyw Awdurdod Iechyd Arbennig trawsffiniol (o fewn yr ystyr a roddir i “cross-border Special Health Authority” yn adran 8A(5) o Ddeddf 2006) ac eithrio Gwaed a Thrawsblaniadau’r GIG;
- mae i “defnyddiwr gwasanaeth” (“*service user*”) yr ystyr a roddir gan adran 3(2);
- mae i “gweithdrefn gonestrwydd” (“*candour procedure*”) yr ystyr a roddir gan adran 4(1);
- mae “niwed” (“*harm*”) yn cynnwys niwed seicolegol ac, yn achos defnyddiwr gwasanaeth sy’n feichiog, golli neu niweidio’r plentyn heb ei eni.

#### RHAN 4

#### CORFF LLAIS Y DINESYDD AR GYFER IECHYD A GOFAL CYMDEITHASOL

##### *Sefydlu ac amcan cyffredinol etc. Corff Llais y Dinesydd*

#### 12 Sefydlu Corff Llais y Dinesydd

- (1) Mae Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol, Cymru (y cyfeirir ato yn y Rhan hon fel “Corff Llais y Dinesydd”) wedi ei sefydlu fel corff corfforedig.
- (2) Mae Atodlen 1 yn gwneud darpariaeth ynghylch cyfansoddiad Corff Llais y Dinesydd a materion perthynol.

#### 13 Amcan cyffredinol

- (1) Amcan cyffredinol Corff Llais y Dinesydd, wrth arfer ei swyddogaethau, yw cynrychioli buddiannau’r cyhoedd mewn cysylltiad â gwasanaethau iechyd a gwasanaethau cymdeithasol.
- (2) At ddibenion cyflawni’r amcan hwnnw, rhaid i Gorff Llais y Dinesydd geisio barn y cyhoedd, ym mha ffordd bynnag y mae’n meddwl ei bod yn briodol, mewn cysylltiad â gwasanaethau iechyd a gwasanaethau cymdeithasol.
- (3) Wrth wneud trefniadau i gydymffurfio ag is-adran (2), rhaid i Gorff Llais y Dinesydd roi sylw’n benodol i bwysigrwydd sicrhau, pan fo’n briodol, ymgysylltu wyneb yn wyneb rhwng ei staff, neu unrhyw bersonau eraill sy’n gweithredu ar ei ran, ac unrhyw unigolion y ceisir barn oddi wrthynt.

- (5) Health care provided by one NHS body (the “providing body”) on behalf of another NHS body (“the arranging NHS body”), by virtue of a contract, agreement or arrangement made under the 2006 Act between the providing body and the arranging body, is to be treated for the purposes of this Part as being provided by the providing body, not the arranging body.
- (6) Health care provided by a person other than an NHS body (the “provider”), on behalf of an NHS body, whether by virtue of a contract, agreement or arrangement made under the 2006 Act or otherwise, is to be treated for the purposes of this Part as being provided by the NHS body, not the provider.
- (7) In this Part –
  - “candour procedure” (“*gweithdrefn gonestrwydd*”) has the meaning given by section 4(1);
  - “harm” (“*niwed*”) includes psychological harm, and in the case of a service user who is pregnant, loss of or harm to the unborn child;
  - “service user” (“*defnyddiwr gwasanaeth*”) has the meaning given by section 3(2);
  - “Special Health Authority” (“*Awdurdod Iechyd Arbennig*”) means a body established under section 22 of the 2006 Act; but does not include any cross-border Special Health Authority (within the meaning of section 8A(5) of the 2006 Act) other than NHS Blood and Transplant.

## PART 4

### THE CITIZEN VOICE BODY FOR HEALTH AND SOCIAL CARE

#### *Establishment and general objective etc. of Citizen Voice Body*

#### **12 Establishment of Citizen Voice Body**

- (1) The Citizen Voice Body for Health and Social Care, Wales (referred to in this Part as “the Citizen Voice Body”) is established as a body corporate.
- (2) Schedule 1 makes provision about the Citizen Voice Body’s constitution and related matters.

#### **13 General objective**

- (1) The Citizen Voice Body’s general objective, in exercising its functions, is to represent the interests of the public in respect of health services and social services.
- (2) For the purposes of achieving that objective, the Citizen Voice Body must seek the views of the public, in whatever way it thinks appropriate, in respect of health services and social services.
- (3) In making arrangements to comply with subsection (2), the Citizen Voice Body must in particular have regard to the importance of ensuring, where appropriate, face-to-face engagement between its staff, or any other persons acting on its behalf, and any individuals from whom views are being sought.



**14 Ymwybyddiaeth y cyhoedd a datganiad polisi**

- (1) Rhaid i Gorff Llais y Dinesydd gymryd camau i hybu ymwybyddiaeth y cyhoedd o'i amcan cyffredinol ac o'i swyddogaethau.
- (2) Rhaid i Gorff Llais y Dinesydd lunio a chyhoeddi datganiad o'i bolisi sy'n nodi sut y mae'n bwriadu –
  - (a) hybu ymwybyddiaeth o'i swyddogaethau, a
  - (b) ceisio barn y cyhoedd at ddibenion ei amcan cyffredinol.
- (3) Rhaid i'r datganiad polisi bennu'n benodol sut y mae Corff Llais y Dinesydd, wrth arfer ei swyddogaethau, yn bwriadu sicrhau –
  - (a) bod y Corff yn cynrychioli buddiannau pobl ym mhob rhan o Gymru,
  - (b) bod y Corff yn hygyrch i bobl ledled Cymru, ac
  - (c) bod aelodau o staff y Corff ac unrhyw bersonau eraill sy'n gweithredu ar ran y Corff yn gallu ymgysylltu'n effeithiol â phobl ledled Cymru.

*Cyflwyno sylwadau***15 Sylwadau i gyrff cyhoeddus**

- (1) Caiff Corff Llais y Dinesydd gyflwyno sylwadau i berson a grybwyllir yn is-adran (2) ynghylch unrhyw beth y mae'n ystyried ei fod yn berthnasol i ddarparu gwasanaeth iechyd neu ddarparu gwasanaethau cymdeithasol.
- (2) Y personau yw –
  - (a) awdurdod lleol;
  - (b) corff GIG.
- (3) Rhaid i berson y mae sylwadau o dan is-adran (1) wedi eu cyflwyno iddo roi sylw i'r sylwadau wrth arfer unrhyw swyddogaeth y mae'r sylwadau yn ymwneud â hi.
- (4) Rhaid i Weinidogion Cymru ddyroddi canllawiau i'r personau a grybwyllir yn is-adran (2), mewn perthynas â sylwadau a gyflwynir o dan yr adran hon.
- (5) Rhaid i'r personau hynny roi sylw i'r canllawiau.

**16 Gwasanaethau eirioli etc. mewn cysylltiad â chwynion am wasanaethau**

- (1) Caiff Corff Llais y Dinesydd ddarparu cynhorthwy (ar ffurf cynrychiolaeth neu fel arall) i unrhyw unigolyn sy'n gwneud, neu sy'n bwriadu gwneud, cwyn y mae unrhyw un o'r is-adrannau a ganlyn yn gymwys iddi.
- (2) Mae'r is-adran hon yn gymwys i unrhyw gwyn y mae'n ofynnol i Weinidogion Cymru, yn rhinwedd adran 187 o Ddeddf 2006, drefnu i wasanaethau eirioli annibynnol gael eu darparu mewn cysylltiad â hi.
- (3) Mae'r is-adran hon yn gymwys i unrhyw gwyn o dan reoliadau o dan adran 171 o Ddeddf 2014 (cwynion ynghylch gwasanaethau cymdeithasol).
- (4) Mae'r is-adran hon yn gymwys i unrhyw gwyn i ddarparwr gwasanaeth mewn cysylltiad â gwasanaeth rheoleiddiedig (o fewn ystyr Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016) (dccc 2).



**14 Public awareness and statement of policy**

- (1) The Citizen Voice Body must take steps to promote public awareness of its general objective and of its functions.
- (2) The Citizen Voice Body must prepare and publish a statement of its policy setting out how it proposes to—
  - (a) promote awareness of its functions, and
  - (b) seek the views of the public for the purposes of its general objective.
- (3) The statement of policy must in particular specify how, in exercising its functions, the Citizen Voice Body proposes to ensure that—
  - (a) the Body represents the interests of people in all parts of Wales,
  - (b) the Body is accessible to people throughout Wales, and
  - (c) members of the Body’s staff and any other persons acting on the Body’s behalf are able to engage effectively with people throughout Wales.

*Making representations*

**15 Representations to public bodies**

- (1) The Citizen Voice Body may make representations to a person mentioned in subsection (2) about anything it considers relevant to the provision of a health service or the provision of social services.
- (2) The persons are—
  - (a) a local authority;
  - (b) an NHS body.
- (3) A person to whom representations under subsection (1) are made must have regard to the representations in exercising any function to which the representations relate.
- (4) The Welsh Ministers must issue guidance to the persons mentioned in subsection (2), in relation to representations made under this section.
- (5) Those persons must have regard to the guidance.

**16 Advocacy services etc. in respect of complaints about services**

- (1) The Citizen Voice Body may provide assistance (by way of representation or otherwise) to any individual making, or intending to make a complaint to which any of the following subsections applies.
- (2) This subsection applies to any complaint in respect of which, by virtue of section 187 of the 2006 Act, the Welsh Ministers are required to arrange for the provision of independent advocacy services.
- (3) This subsection applies to any complaint under regulations under section 171 of the 2014 Act (complaints about social services).
- (4) This subsection applies to any complaint to a service provider in respect of a regulated service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)).

- (5) Mae'r is-adran hon yn gymwys i unrhyw gŵyn i Ombwdsmon Gwasanaethau Cyhoeddus Cymru sy'n ymwneud ag—
- (a) swyddogaethau gwasanaethau cymdeithasol awdurdod lleol;
  - (b) mater y mae Rhan 5 o Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019 (dccc 3) (ymchwiliadau gan yr Ombwdsmon mewn perthynas â'r camau gweithredu a gymerwyd gan ddarparwyr cartrefi gofal neu ddarparwyr gofal cartref) yn gymwys iddo yn rhinwedd adran 42(1)(a) a (b) o'r Ddeddf honno.
- (6) Hefyd, caiff Corff Llais y Dinesydd ddarparu cynhorthwy (ar ffurf cynrychiolaeth neu fel arall) i unigolyn sy'n gwneud, neu sy'n bwriadu gwneud, cwyn sy'n gallu cael ei hystyried yn sylwadau o dan adran 174 o Ddeddf 2014 (sylwadau sy'n ymwneud â phlant penodol etc.); ond mae hyn yn ddarostyngedig i is-adran (7).
- (7) Ni chaiff Corff Llais y Dinesydd ddarparu cynhorthwy o dan is-adran (6) i unigolyn os yw'r unigolyn yn gymwys i gael cynhorthwy mewn perthynas â'r gŵyn yn rhinwedd trefniadau a wneir o dan adran 178(1)(a) o Ddeddf 2014 (dyletswydd awdurdodau lleol i drefnu cynhorthwy ar gyfer plant mewn cysylltiad â sylwadau sy'n dod o fewn adran 174 o Ddeddf 2014).
- (8) Wrth arfer ei swyddogaethau o dan yr adran hon, rhaid i Gorff Llais y Dinesydd roi sylw i bwysigrwydd sicrhau, pan fo'n briodol, ymgysylltu wyneb yn wyneb rhwng ei staff, neu unrhyw bersonau eraill sy'n gweithredu ar ei ran, ac unrhyw unigolion y darperir unrhyw gynhorthwy o dan yr adran hon iddynt neu y gellir ei ddarparu iddynt.
- (9) Yn yr adran hon, ystyr "Deddf 2014" yw Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4).

*Dyletswyddau a osodir ar gyrff cyhoeddus penodol mewn cysylltiad â Chorff Llais y Dinesydd*

#### **17 Dyletswydd i hybu ymwybyddiaeth o weithgareddau Corff Llais y Dinesydd**

- (1) Rhaid i berson a grybwyllir yn is-adran (2) wneud trefniadau i ddwyn gweithgareddau Corff Llais y Dinesydd i sylw pobl sy'n cael, neu a all gael, gwasanaethau iechyd neu wasanaethau cymdeithasol a ddarperir gan neu ar ran y person.
- (2) Y personau yw—
  - (a) awdurdod lleol;
  - (b) corff GIG.

#### **18 Dyletswydd i gyflenwi gwybodaeth i Gorff Llais y Dinesydd**

- (1) Rhaid i berson a grybwyllir yn is-adran (2) gyflenwi i Gorff Llais y Dinesydd unrhyw wybodaeth y mae Corff Llais y Dinesydd yn gofyn yn rhesymol amdani at ddiben cyflawni ei swyddogaethau.
- (2) Y personau yw—
  - (a) awdurdod lleol;
  - (b) corff GIG.
- (3) Nid oes dim byd yn yr adran hon sy'n ei gwneud yn ofynnol neu sy'n caniatáu datgelu unrhyw wybodaeth a waherddir gan unrhyw ddeddfiad neu reol gyfreithiol arall.

- (5) This subsection applies to any complaint to the Public Services Ombudsman for Wales which relates to—
  - (a) a local authority’s social services functions;
  - (b) a matter to which, by virtue of section 42(1)(a) and (b) of the Public Services Ombudsman (Wales) Act 2019 (anaw 3), Part 5 of that Act applies (investigations by Ombudsman in relation to action taken by care home providers or domiciliary care providers).
- (6) The Citizen Voice Body may also provide assistance (by way of representation or otherwise) to an individual making, or intending to make a complaint capable of being considered as representations under section 174 of the 2014 Act (representations relating to certain children etc.); but this is subject to subsection (7).
- (7) The Citizen Voice Body may not provide assistance under subsection (6) to an individual if the individual is eligible for assistance in relation to the complaint by virtue of arrangements made under section 178(1)(a) of the 2014 Act (duty of local authorities to arrange assistance for children in respect of representations falling within section 174 of the 2014 Act).
- (8) In exercising its functions under this section, the Citizen Voice Body must have regard to the importance of ensuring, where appropriate, face-to-face engagement between its staff, or any other persons acting on its behalf, and any individuals to whom any assistance under this section is being or may be provided.
- (9) In this section, “2014 Act” means the Social Services and Well-being (Wales) Act 2014 (anaw 4).

*Duties imposed on certain public bodies in respect of Citizen Voice Body*

**17 Duty to promote awareness of activities of Citizen Voice Body**

- (1) A person mentioned in subsection (2) must make arrangements to bring the activities of the Citizen Voice Body to the attention of people who are receiving, or may receive, health services or social services provided by or on behalf of the person.
- (2) The persons are—
  - (a) a local authority;
  - (b) an NHS body.

**18 Duty to supply information to Citizen Voice Body**

- (1) A person mentioned in subsection (2) must supply the Citizen Voice Body with such information as the Citizen Voice Body reasonably requests for the purpose of carrying out its functions.
- (2) The persons are—
  - (a) a local authority;
  - (b) an NHS body.
- (3) Nothing in this section requires or permits any disclosure of information which is prohibited by any enactment or other rule of law.

- (4) Rhaid i berson sy'n gwrthod datgelu gwybodaeth mewn ymateb i gais a wneir o dan is-adran (1) roi i Gorff Llais y Dinesydd ei resymau yn ysgrifenedig dros beidio â datgelu'r wybodaeth.

*Mynediad i fangreoedd gan Gorff Llais y Dinesydd: dyletswydd i roi sylw i god ymarfer*

## **19 Cod ymarfer ar fynediad i fangreoedd**

- (1) Rhaid i Weinidogion Cymru lunio a chyhoeddi cod ymarfer ynghylch—
- (a) ceisiadau a wneir gan Gorff Llais y Dinesydd i gael mynediad i fangreoedd at ddiben ceisio barn unigolion mewn cysylltiad â gwasanaethau iechyd neu wasanaethau cymdeithasol, a
  - (b) pan fo mynediad i'r mangreoedd hynny wedi ei gytuno, ymgysylltu ag unigolion yn y mangreoedd hynny at y diben hwnnw.
- (2) Ystyr "mangreoedd" yn is-adran (1) yw unrhyw fangreoedd y darperir gwasanaethau iechyd neu wasanaethau cymdeithasol ynddynt.
- (3) Rhaid i Gorff Llais y Dinesydd roi sylw i'r cod.
- (4) Rhaid i bob awdurdod lleol a chorff GIG roi sylw i'r cod (i'r graddau y mae'r cod yn berthnasol) wrth arfer unrhyw swyddogaeth sy'n ymwneud â darparu gwasanaethau iechyd neu wasanaethau cymdeithasol.
- (5) Wrth lunio'r cod rhaid i Weinidogion Cymru ymgynghori ag—
- (a) Corff Llais y Dinesydd;
  - (b) pob awdurdod lleol;
  - (c) pob corff GIG;
  - (d) unrhyw bersonau eraill y mae Gweinidogion Cymru yn ystyried eu bod yn briodol.

*Cydweithredu wrth arfer swyddogaethau*

## **20 Cydweithredu rhwng y Corff, awdurdodau lleol a chyrff y GIG**

- (1) Rhaid i Gorff Llais y Dinesydd, awdurdodau lleol a chyrff y GIG wneud trefniadau i gydweithredu gyda golwg ar gefnogi ei gilydd wrth arfer eu swyddogaethau perthnasol.
- (2) At ddibenion is-adran (1) ystyr "swyddogaethau perthnasol"—
- (a) mewn perthynas â'r Corff, yw ei swyddogaethau o dan adrannau 13(2) a 14(1);
  - (b) mewn perthynas ag awdurdodau lleol a chyrff y GIG, yw eu swyddogaethau o dan adran 17(1).

*Dehongli'r Rhan hon*

## **21 Ystyr "gwasanaethau iechyd" a "gwasanaethau cymdeithasol"**

- (1) Mae cyfeiriadau yn y Rhan hon at wasanaethau iechyd yn gyfeiriadau at wasanaethau a ddarperir (pa un ai yng Nghymru neu mewn man arall) o dan neu yn rhinwedd Deddf 2006, ar gyfer neu mewn cysylltiad ag—
- (a) atal salwch, gwneud diagnosis ohono neu ei drin;

- (4) A person who refuses to disclose information in response to a request made under subsection (1) must give the Citizen Voice Body its reasons in writing for not disclosing the information.

*Access to premises by Citizen Voice Body: duty to have regard to code of practice*

## **19 Code of practice on access to premises**

- (1) The Welsh Ministers must prepare and publish a code of practice about—
  - (a) requests made by the Citizen Voice Body for access to premises for the purpose of seeking the views of individuals in respect of health services or social services, and
  - (b) where access to those premises has been agreed, engagement with individuals at those premises for that purpose.
- (2) “Premises” in subsection (1) means any premises at which health services or social services are being provided.
- (3) The Citizen Voice Body must have regard to the code.
- (4) Each local authority and NHS body must have regard to the code (so far as the code is relevant) in exercising any function that relates to the provision of health services or social services.
- (5) In preparing the code the Welsh Ministers must consult—
  - (a) the Citizen Voice Body;
  - (b) each local authority;
  - (c) each NHS body;
  - (d) such other persons as the Welsh Ministers consider appropriate.

*Co-operation in the exercise of functions*

## **20 Co-operation between the Body, local authorities and NHS bodies**

- (1) The Citizen Voice Body, local authorities and NHS bodies must make arrangements to co-operate with a view to supporting each other in the exercise of their relevant functions.
- (2) For the purposes of subsection (1) “relevant functions” —
  - (a) in relation to the Body, means its functions under sections 13(2) and 14(1);
  - (b) in relation to local authorities and NHS bodies, means their functions under section 17(1).

*Interpretation of this Part*

## **21 Meaning of “health services” and “social services”**

- (1) References in this Part to health services are to services provided (whether in Wales or elsewhere) under or by virtue of the 2006 Act, for or in connection with—
  - (a) the prevention, diagnosis or treatment of illness;

(b) hybu ac amddiffyn iechyd y cyhoedd.

- (2) Yn is-adran (1), mae i “salwch” yr ystyr a roddir i “illness” yn adran 206 o Ddeddf 2006.
- (3) Mae cyfeiriadau yn y Rhan hon at wasanaethau cymdeithasol yn gyfeiriadau at wasanaethau a ddarperir wrth arfer swyddogaethau gwasanaethau cymdeithasol awdurdod lleol.
- (4) Yn is-adran (3), mae i “swyddogaethau gwasanaethau cymdeithasol”, mewn perthynas ag awdurdod lleol, yr un ystyr ag sydd iddo at ddibenion Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4) (gweler, yn benodol, adran 143 o’r Ddeddf honno).

## 22 Ystyr termau eraill

Yn y Rhan hon –

ystyr “Awdurdod Iechyd Arbennig” (“*Special Health Authority*”) yw corff a sefydlwyd o dan adran 22 o Ddeddf 2006; ond nid yw’n cynnwys unrhyw Awdurdod Iechyd Arbennig trawsffiniol (o fewn yr ystyr a roddir i “cross-border Special Health Authority” yn adran 8A(5) o Ddeddf 2006);

ystyr “awdurdod lleol” (“*local authority*”) yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;

ystyr “corff GIG” (“*NHS body*”) yw –

- (a) Bwrdd Iechyd Lleol;
- (b) ymddiriedolaeth GIG;
- (c) Awdurdod Iechyd Arbennig.

*Dileu Cyngorau Iechyd Cymuned etc.*

## 23 Dileu Cyngorau Iechyd Cymuned, a materion cysylltiedig

- (1) Mae adran 182 o Ddeddf 2006, sy’n darparu ar gyfer parhau â Chyngorau Iechyd Cymuned neu eu sefydlu ar gyfer ardaloedd yng Nghymru, wedi ei diddymu, ac mae’r Cyngorau Iechyd Cymuned hynny wedi eu dileu.
- (2) Mae Atodlen 10 i Ddeddf 2006, sy’n gwneud darpariaeth bellach ynghylch Cyngorau Iechyd Cymuned, wedi ei diddymu hefyd.
- (3) Mae Atodlen 2 yn gwneud darpariaeth sy’n ymwneud â throsglwyddo eiddo, hawliau a rhwymedigaethau, mewn cysylltiad â dileu Cyngorau Iechyd Cymuned.

## RHAN 5

### AMRYWIOL A CHYFFREDINOL

*Cyfansoddiad ymddiriedolaethau’r GIG*

## 24 Is-gadeiryddion byrddau cyfarwyddwyr ymddiriedolaethau’r GIG

- (1) Mae Rhan 1 o Atodlen 3 i Ddeddf 2006 (cyfansoddiad, sefydlu etc. ymddiriedolaethau’r GIG) wedi ei diwygio fel a ganlyn.

- (b) the promotion and protection of public health.
- (2) In subsection (1), “illness” has the meaning given in section 206 of the 2006 Act.
- (3) References in this Part to social services are to services provided in the exercise of a local authority’s social services functions.
- (4) In subsection (3), “social services functions”, in relation to a local authority, has the same meaning as it has for the purposes of the Social Services and Well-being (Wales) Act 2014 (anaw 4) (see, in particular, section 143 of that Act).

## 22 Meaning of other terms

In this Part—

“local authority” (“*awdurdod lleol*”) means a council for a county or county borough in Wales;

“NHS body” (“*corff GIG*”) means—

- (a) a Local Health Board;
- (b) an NHS trust;
- (c) a Special Health Authority;

“Special Health Authority” (“*Awdurdod Iechyd Arbennig*”) means a body established under section 22 of the 2006 Act; but does not include any cross-border Special Health Authority (within the meaning of section 8A(5) of the 2006 Act).

*Abolition of Community Health Councils etc.*

## 23 Abolition of Community Health Councils, and connected matters

- (1) Section 182 of the 2006 Act, which provides for the continuance or establishment of Community Health Councils for areas in Wales, is repealed, and those Community Health Councils are abolished.
- (2) Schedule 10 to the 2006 Act, which makes further provision about Community Health Councils, is also repealed.
- (3) Schedule 2 makes provision relating to the transfer of property, rights and liabilities, in connection with the abolition of Community Health Councils.

## PART 5

### MISCELLANEOUS AND GENERAL

*Constitution of NHS trusts*

## 24 Vice-chairs of boards of directors of NHS trusts

- (1) Part 1 of Schedule 3 to the 2006 Act (constitution, establishment etc. of NHS trusts) is amended as follows.



- (2) Ym mharagraff 3 (bwrdd cyfarwyddwyr) –
- (a) ar ôl is-baragraff (1)(a) mewnosoder –
- “(aa) if the Welsh Ministers consider it appropriate, a vice-chair appointed by them, and”, a
- (b) hepgorer “and” ar ddiwedd is-baragraff (1)(a).
- (3) Ym mharagraff 4 (rheoliadau sy’n ymwneud â phenodi etc. y bwrdd cyfarwyddwyr), yn is-baragraff (1)(a), ar ôl “chairman” mewnosoder “, the vice-chair”.
- (4) Ym mharagraff 11 (tâl a lwfansau’r cadeirydd a chyfarwyddwyr anweithredol) –
- (a) yn is-baragraff (1)(a), ar ôl “chairman” mewnosoder “, the vice-chair (if any)”, a
- (b) yn is-baragraff (1)(b), ar ôl “chairman” mewnosoder “, the vice-chair (if any)”.

*Cyffredinol***25 Rheoliadau**

- (1) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon i’w arfer drwy offeryn statudol.
- (2) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon yn cynnwys pŵer i wneud darpariaeth wahanol at ddibenion gwahanol.
- (3) Ni chaniateir gwneud offeryn statudol sy’n cynnwys rheoliadau o dan adran 28 sy’n diwygio neu’n diddymu unrhyw ddeddfiad sydd wedi ei gynnwys mewn deddfwriaeth sylfaenol oni bai bod drafft o’r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru a’i gymeradwyo ganddo drwy benderfyniad.
- (4) Mae offeryn statudol sy’n cynnwys rheoliadau a wneir o dan unrhyw ddarpariaeth arall yn y Ddeddf hon yn ddarostyngedig i’w diddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.
- (5) Yn is-adran (3), ystyr “deddfwriaeth sylfaenol” yw –
- (a) Deddf neu Fesur gan Gynulliad Cenedlaethol Cymru;
- (b) Deddf gan Senedd y Deyrnas Unedig.

**26 Dehongli**

Yn y Ddeddf hon –

ystyr “Bwrdd Iechyd Lleol” (“*Local Health Board*”) yw corff a sefydlwyd o dan adran 11 o Ddeddf 2006;

ystyr “Deddf 2006” (“*the 2006 Act*”) yw Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42);

ystyr “rheoliadau” (“*regulations*”) yw rheoliadau a wneir gan Weinidogion Cymru;

ystyr “ymddiriedolaeth GIG” (“*NHS trust*”) yw corff a sefydlwyd o dan adran 18 o Ddeddf 2006.

**27 Mân ddiwygiadau a diwygiadau canlyniadol**

Mae Atodlen 3 yn cynnwys mân ddiwygiadau a diwygiadau canlyniadol.



- (2) In paragraph 3 (board of directors) –
  - (a) after sub-paragraph (1)(a) insert –
    - “(aa) if the Welsh Ministers consider it appropriate, a vice-chair appointed by them, and”, and
  - (b) omit “and” at the end of sub-paragraph (1)(a).
- (3) In paragraph 4 (regulations relating to the appointment etc. of the board of directors), in sub-paragraph (1)(a), after “chairman” insert “, the vice-chair”.
- (4) In paragraph 11 (pay and allowances of chairman and non-executive directors) –
  - (a) in sub-paragraph (1)(a), after “chairman” insert “, the vice-chair (if any)”, and
  - (b) in sub-paragraph (1)(b), after “chairman” insert “, the vice-chair (if any)”.

### *General*

## **25 Regulations**

- (1) A power to make regulations under this Act is to be exercised by statutory instrument.
- (2) A power to make regulations under this Act includes power to make different provision for different purposes.
- (3) A statutory instrument containing regulations under section 28 that amends or repeals any enactment contained in primary legislation may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.
- (4) A statutory instrument containing regulations made under any other provision of this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (5) In subsection (3), “primary legislation” means –
  - (a) an Act or Measure of the National Assembly for Wales;
  - (b) an Act of Parliament.

## **26 Interpretation**

In this Act –

“the 2006 Act” (“*Deddf 2006*”) means the National Health Service (Wales) Act 2006 (c. 42);

“Local Health Board” (“*Bwrdd Iechyd Lleol*”) means a body established under section 11 of the 2006 Act;

“NHS trust” (“*ymddiriedolaeth GIG*”) means a body established under section 18 of the 2006 Act;

“regulations” (“*rheoliadau*”) means regulations made by the Welsh Ministers.

## **27 Minor and consequential amendments**

Schedule 3 contains minor and consequential amendments.

**28 Pŵer i wneud darpariaeth drosiannol etc.**

- (1) Caiff rheoliadau, os yw Gweinidogion Cymru yn ystyried ei bod yn angenrheidiol neu'n briodol at ddibenion y Ddeddf hon, wneud –
  - (a) darpariaeth atodol, darpariaeth gysylltiedig neu ddarpariaeth ganlyniadol;
  - (b) darpariaeth ddarfodol, darpariaeth drosiannol neu ddarpariaeth arbed.
- (2) Caiff rheoliadau o dan yr adran hon ddiwygio, diddymu neu ddirymu unrhyw ddeddfiad.
- (3) Ystyr "deddfiad" yw darpariaeth sydd wedi ei chynnwys yn unrhyw un o'r canlynol, pa bryd bynnag y'i deddfir neu y'i gwneir –
  - (a) Deddf neu Fesur gan Gynulliad Cenedlaethol Cymru;
  - (b) Deddf gan Senedd y Deyrnas Unedig;
  - (c) is-ddeddfwriaeth sydd wedi ei gwneud o dan Ddeddf neu Fesur y cyfeirir ati neu ato ym mharagraff (a) neu (b).

**29 Dod i rym**

- (1) Daw'r adran hon ac adran 30 i rym drannoeth y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.
- (2) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod a benodir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol.
- (3) Caiff gorchymyn o dan is-adran (2) –
  - (a) gwneud darpariaeth wahanol at ddibenion gwahanol;
  - (b) gwneud darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed.

**30 Enw byr**

Enw byr y Ddeddf hon yw Deddf Iechyd a Gofal Cymdeithasol (Ansawdd ac Ymgysylltu) (Cymru) 2020.

**28 Power to make transitional etc. provision**

- (1) Regulations may, if the Welsh Ministers consider it necessary or appropriate for the purposes of this Act, make—
  - (a) supplementary, incidental or consequential provision;
  - (b) transitory, transitional or saving provision.
- (2) Regulations under this section may amend, repeal or revoke any enactment.
- (3) “Enactment” means a provision contained in any of the following, whenever enacted or made—
  - (a) an Act or Measure of the National Assembly for Wales;
  - (b) an Act of Parliament;
  - (c) subordinate legislation made under an Act or Measure referred to in paragraph (a) or (b).

**29 Coming into force**

- (1) This section and section 30 come into force on the day after the day this Act receives Royal Assent.
- (2) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (3) An order under subsection (2) may—
  - (a) make different provision for different purposes;
  - (b) make transitional, transitory or saving provision.

**30 Short title**

The short title of this Act is the Health and Social Care (Quality and Engagement) (Wales) Act 2020.

ATODLEN 1  
(a gyflwynir gan adran 12(2))

CORFF LLAIS Y DINESYDD AR GYFER IECHYD A GOFAL CYMDEITHASOL, CYMRU

RHAN 1

STATWS

*Status*

- 1 (1) Nid yw Corff Llais y Dinesydd i'w ystyried yn was nac yn asiant i'r Goron nac ychwaith i'w ystyried yn mwynhau unrhyw statws, imiwnedd na braint sydd gan y Goron.
- (2) Nid yw eiddo'r Corff i'w ystyried yn eiddo i'r Goron, nac yn eiddo a ddelir ar ei rhan.

RHAN 2

AELODAU

*Aelodaeth*

- 2 (1) Aelodau Corff Llais y Dinesydd yw –
  - (a) person a benodir gan Weinidogion Cymru yn aelod-gadeirydd iddo,
  - (b) person a benodir gan Weinidogion Cymru yn ddirprwy i'r aelod-gadeirydd,
  - (c) o leiaf 6 ond dim mwy nag 8 person arall a benodir gan Weinidogion Cymru,
  - (d) ei brif weithredwr (gweler paragraff 9), ac
  - (e) pan fo un neu ragor o undebau llafur wedi eu cydnabod gan y Corff, berson a benodir yn aelod cyswllt iddo (gweler paragraff 6).
- (2) Yn yr Atodlen hon, cyfeirir ar y cyd at yr aelodau a benodir gan Weinidogion Cymru fel "aelodau anweithredol"; ac mae unrhyw gyfeiriad yn yr Atodlen hon at arfer swyddogaeth gan yr aelodau anweithredol yn gyfeiriad at yr aelodau anweithredol yn arfer y swyddogaeth fel pwyllgor o'r Corff.

*Anghymhwyso rhag penodiad fel aelod anweithredol*

- 3 Caiff person ei anghymhwyso rhag cael ei benodi'n aelod anweithredol o Gorff Llais y Dinesydd, os yw'r person yn aelod o staff y Corff.

*Telerau aelodaeth anweithredol*

- 4 (1) Mae aelod anweithredol o Gorff Llais y Dinesydd yn dal swydd am unrhyw gyfnod, ac ar unrhyw delerau ac amodau, a bennir yn nhelerau'r penodiad, ond mae hyn yn ddarostyngedig i is-baragraffau (2) a (4) a pharagraff 5.
- (2) Ni chaiff cyfnod y swydd a bennir yn nhelerau penodiad aelod anweithredol fod yn hwy na 4 blynedd.

SCHEDULE 1  
(introduced by section 12(2))

CITIZEN VOICE BODY FOR HEALTH AND SOCIAL CARE, WALES

PART 1

STATUS

*Status*

- 1 (1) The Citizen Voice Body is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The Body's property is not to be regarded as property of, or property held on behalf of, the Crown.

PART 2

MEMBERS

*Membership*

- 2 (1) The Citizen Voice Body's members are—
- (a) a person appointed by the Welsh Ministers as its chairing member,
  - (b) a person appointed by the Welsh Ministers as deputy to the chairing member,
  - (c) at least 6 but not more than 8 other persons appointed by the Welsh Ministers,
  - (d) its chief executive (see paragraph 9), and
  - (e) where one or more trade unions are recognised by the Body, a person appointed as its associate member (see paragraph 6).
- (2) In this Schedule, the members appointed by the Welsh Ministers are collectively referred to as "non-executive members"; and any reference in this Schedule to the exercise by the non-executive members of a function is a reference to the non-executive members exercising the function as a committee of the Body.

*Disqualification from appointment as non-executive member*

- 3 A person is disqualified from being appointed as a non-executive member of the Citizen Voice Body, if the person is a member of the Body's staff.

*Terms of non-executive membership*

- 4 (1) A non-executive member of the Citizen Voice Body holds office for such period, and on such terms and conditions, as may be specified in the terms of appointment, but this is subject to sub-paragraphs (2) and (4) and paragraph 5.
- (2) The period of office specified in a non-executive member's terms of appointment may not exceed 4 years.

- (3) Caniateir i berson sydd wedi dal swydd fel aelod anweithredol gael ei ailbenodi'n aelod anweithredol unwaith yn unig (ac mae is-baragraff (2) yn gymwys mewn perthynas â'r penodiad).
- (4) Caiff aelod anweithredol ymddiswyddo drwy roi hysbysiad ysgrifenedig i Weinidogion Cymru.
- (5) Caiff Corff Llais y Dinesydd, gyda chymeradwyaeth Gweinidogion Cymru –
  - (a) talu tâl, treuliau a lwfansau i'w aelodau anweithredol;
  - (b) talu pensiynau i bersonau sydd wedi bod yn aelodau anweithredol o'r Corff, neu mewn cysylltiad â phersonau o'r fath, a symiau am ddarparu pensiynau neu tuag at ddarparu pensiynau i bersonau sydd wedi bod yn aelodau anweithredol o'r Corff, neu mewn cysylltiad â phersonau o'r fath.

*Diswyddo aelodau anweithredol*

- 5 (1) Caiff Gweinidogion Cymru drwy hysbysiad ysgrifenedig i aelod anweithredol o Gorff Llais y Dinesydd ddiswyddo'r person hwnnw os yw Gweinidogion Cymru wedi eu bodloni –
  - (a) bod y person yn anaddas i barhau'n aelod, neu
  - (b) nad yw'r person yn gallu arfer swyddogaethau aelod neu ei fod yn anfodlon gwneud hynny.
- (2) Caiff Gweinidogion Cymru drwy hysbysiad ysgrifenedig i aelod anweithredol o'r Corff atal y person hwnnw dros dro o'i swydd os yw'n ymddangos iddynt y gall fod sail dros arfer y pŵer yn is-baragraff (1).
- (3) Mae person yn peidio â bod yn aelod anweithredol o'r Corff os daw'r person yn aelod o staff y Corff.

*Penodi'r aelod cyswllt*

- 6 (1) Mae is-baragraff (2) yn gymwys pan –
  - (a) bo un neu ragor o undebau llafur wedi eu cydnabod gan Gorff Llais y Dinesydd, a
  - (b) bo swydd yr aelod cyswllt yn wag.
- (2) Rhaid i'r aelodau anweithredol wahodd pob un o'r undebau llafur a gydnabyddir gan y Corff i enwebu ymgeisydd cymwys i'w benodi'n aelod cyswllt y Corff.
- (3) Rhaid i'r gwahoddiad bennu'r cyfnod y mae enwebiad i'w wneud ynddo.
- (4) Rhaid i'r aelodau anweithredol benodi person, o blith yr ymgeiswyr cymwys a enwebir yn ystod y cyfnod a bennir o dan is-baragraff (3), fel aelod cyswllt y Corff.
- (5) Nid yw person yn ymgeisydd cymwys i'w benodi'n aelod cyswllt y Corff, ond os yw'r person –
  - (a) yn aelod o staff y Corff, a
  - (b) yn aelod o undeb llafur a gydnabyddir gan y Corff.
- (6) Yn y Rhan hon –

- (3) A person who has held office as a non-executive member may be reappointed as a non-executive member once only (and sub-paragraph (2) applies in relation to the appointment).
- (4) A non-executive member may resign from office by giving written notice to the Welsh Ministers.
- (5) The Citizen Voice Body may, with the approval of the Welsh Ministers –
  - (a) pay its non-executive members remuneration, expenses and allowances;
  - (b) pay pensions to, or in respect of, persons who have been non-executive members of the Body, and amounts for or towards provision of pensions to, or in respect of, persons who have been non-executive members of the Body.

*Removal of non-executive members from office*

- 5 (1) The Welsh Ministers may by written notice to a non-executive member of the Citizen Voice Body remove that person from office if the Welsh Ministers are satisfied –
  - (a) that the person is unfit to continue as a member, or
  - (b) that the person is unable or unwilling to exercise the functions of a member.
- (2) The Welsh Ministers may by written notice to a non-executive member of the Body suspend that person from office if it appears to them that there may be grounds to exercise the power in sub-paragraph (1).
- (3) A person ceases to be a non-executive member of the Body if the person becomes a member of the Body's staff.

*Appointment of the associate member*

- 6 (1) Sub-paragraph (2) applies where –
  - (a) one or more trade unions are recognised by the Citizen Voice Body, and
  - (b) the position of associate member is unoccupied.
- (2) The non-executive members must invite each of the trade unions recognised by the Body to nominate an eligible candidate for appointment as the Body's associate member.
- (3) The invitation must specify the period within which a nomination is to be made.
- (4) The non-executive members must appoint a person, from among the eligible candidates nominated during the period specified under sub-paragraph (3), as the Body's associate member.
- (5) A person is an eligible candidate for appointment as the Body's associate member, only if the person is –
  - (a) a member of the Body's staff, and
  - (b) a member of a trade union recognised by the Body.
- (6) In this Part –

mae i “cydnabod”, mewn perthynas ag undeb llafur, yr ystyr a roddir i “recognised” gan Ddeddf yr Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992 (p. 52);

mae i “undeb llafur” yr ystyr a roddir i “trade union” gan y Ddeddf honno.

*Telerau aelodaeth gyswllt etc.*

- 7 (1) Nid yw aelod cyswllt o Gorff Llais y Dinesydd yn gymwys i bleidleisio mewn unrhyw drafodion gan y Corff.
- (2) Mae aelod cyswllt o’r Corff yn dal swydd am unrhyw gyfnod, ac ar unrhyw delerau ac amodau, a bennir gan yr aelodau anweithredol yn nhelerau’r penodiad, ond mae hyn yn ddarostyngedig i is-baragraffau (3) a (5) a pharagraff 8.
- (3) Ni chaiff cyfnod y swydd a bennir yn nhelerau penodiad aelod cyswllt fod yn hwy na 4 blynedd.
- (4) Caniateir i berson sydd wedi dal swydd fel aelod cyswllt gael ei ailbenodi o dan baragraff 6 yn aelod cyswllt (ac mae is-baragraff (3) yn gymwys mewn perthynas â’r penodiad).
- (5) Caiff aelod cyswllt o’r Corff ymddiswyddo drwy roi hysbysiad ysgrifenedig i’r aelodau anweithredol.
- (6) Caiff Corff Llais y Dinesydd dalu treuliau i aelod cyswllt.

*Anghymhwyso rhag penodiad fel aelod anweithredol*

- 8 (1) Caiff yr aelodau anweithredol drwy hysbysiad ysgrifenedig i aelod cyswllt Corff Llais y Dinesydd ddiswyddo’r person hwnnw fel yr aelod cyswllt os ydynt wedi eu bodloni—
- (a) bod y person yn anaddas i barhau’n aelod, neu
- (b) nad yw’r person yn gallu arfer swyddogaethau aelod neu ei fod yn anfodlon gwneud hynny.
- (2) Caiff yr aelodau anweithredol drwy hysbysiad ysgrifenedig i aelod cyswllt y Corff atal y person hwnnw dros dro o’i swydd fel yr aelod cyswllt, os yw’n ymddangos iddynt y gall fod sail dros arfer y pŵer yn is-baragraff (1).
- (3) Mae aelod cyswllt yn peidio â dal swydd os yw’r aelod yn peidio â bod yn ymgeisydd cymwys i’w benodi’n aelod cyswllt (gweler paragraff 6(5)).

RHAN 3

STAFF

*Prif weithredwr*

- 9 (1) Rhaid i aelodau anweithredol Corff Llais y Dinesydd benodi person yn brif weithredwr iddo.
- (2) Penodir y prif weithredwr ar unrhyw delerau ac amodau (gan gynnwys telerau ac amodau o ran tâl, lwfansau a phensiwn) a bennir gan yr aelodau anweithredol yn nhelerau’r penodiad.



“recognised”, in relation to a trade union, has the meaning given by the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52);

“trade union” has the meaning given by that Act.

*Terms of associate membership etc.*

- 7
- (1) An associate member of the Citizen Voice Body is not eligible to vote in any proceedings of the Body.
  - (2) An associate member of the Body holds office for such period, and on such terms and conditions, as may be specified by the non-executive members in the terms of appointment, but this is subject to sub-paragraphs (3) and (5) and paragraph 8.
  - (3) The period of office specified in an associate member’s terms of appointment may not exceed 4 years.
  - (4) A person who has held office as an associate member may be reappointed under paragraph 6 as an associate member (and sub-paragraph (3) applies in relation to the appointment).
  - (5) An associate member of the Body may resign from office by giving written notice to the non-executive members.
  - (6) The Citizen Voice Body may pay an associate member expenses.

*Removal of associate member from office*

- 8
- (1) The non-executive members may by written notice to the associate member of the Citizen Voice Body remove that person from office as the associate member if satisfied—
    - (a) that the person is unfit to continue as a member, or
    - (b) that the person is unable or unwilling to exercise the functions of a member.
  - (2) The non-executive members may by written notice to the associate member of the Body suspend that person from office as the associate member, if it appears to them that there may be grounds to exercise the power in sub-paragraph (1).
  - (3) An associate member ceases to hold office if the member ceases to be an eligible candidate for appointment as an associate member (see paragraph 6(5)).

PART 3

STAFF

*Chief executive*

- 9
- (1) The non-executive members of the Citizen Voice Body must appoint a person as the Body’s chief executive.
  - (2) The chief executive is appointed on such terms and conditions (including terms and conditions as to remuneration, allowances and pension) as may be specified by the non-executive members in the terms of the appointment.

- (3) Ni chaniateir gwneud penodiad o dan y paragraff hwn heb gymeradwyaeth Gweinidogion Cymru.

*Staff eraill*

- 10 (1) Caiff Corff Llais y Dinesydd benodi aelodau eraill o staff, yn ogystal â phrif weithredwr.
- (2) Penodir aelod o staff o dan y paragraff hwn ar unrhyw delerau ac amodau (gan gynnwys telerau ac amodau o ran tâl, lwfansau a phensiwn) a bennir gan y Corff yn nhelerau'r penodiad.
- (3) Ni chaiff y Corff gytuno ar delerau ac amodau o ran tâl, lwfansau neu bensiwn heb gymeradwyaeth Gweinidogion Cymru.

RHAN 4

SWYDDOGAETHAU ATEGOL ETC.

*Pwyllgorau*

- 11 (1) Caiff Corff Llais y Dinesydd sefydlu pwyllgorau ac is-bwyllgorau.
- (2) Caiff pwyllgor neu is-bwyllgor gynnwys personau nad ydynt yn aelodau o'r Corff neu fod â phersonau o'r fath yn unig.
- (3) Caiff y Corff dalu treuliau a lwfansau i unrhyw berson —
- (a) sy'n aelod o bwyllgor neu is-bwyllgor a sefydlir o dan y paragraff hwn, a
- (b) nad yw'n aelod o'r Corff, nac yn aelod o'i staff.

*Dirprwyo*

- 12 (1) Caiff Corff Llais y Dinesydd drefnu i unrhyw un neu ragor o'i swyddogaethau gael eu harfer gan unrhyw un neu ragor —
- (a) o'i bwyllgorau,
- (b) o'i is-bwyllgorau,
- (c) o'i aelodau, neu
- (d) o'i staff.
- (2) Nid yw trefniant o dan is-baragraff (1) yn effeithio ar gyfrifoldeb y Corff am arfer swyddogaeth ddirprwyedig, nac ar ei allu i arfer swyddogaeth ddirprwyedig.

*Pwerau atodol*

- 13 (1) Caiff Corff Llais y Dinesydd wneud unrhyw beth y bwriedir iddo hwyluso arfer ei swyddogaethau, neu sy'n ffafriol i'w harfer neu'n gysylltiedig â'u harfer.
- (2) Ond nid yw is-baragraff (1) yn caniatáu i'r Corff fenthyca arian.

- (3) An appointment under this paragraph may not be made without the approval of the Welsh Ministers.

*Other staff*

- 10 (1) The Citizen Voice Body may appoint other members of staff, in addition to a chief executive.
- (2) A member of staff appointed under this paragraph is appointed on such terms and conditions (including terms and conditions as to remuneration, allowances and pension) as the Body may specify in the terms of the appointment.
- (3) The Body may not agree terms and conditions as to remuneration, allowances or pension without the approval of the Welsh Ministers.

PART 4

ANCILLARY FUNCTIONS ETC.

*Committees*

- 11 (1) The Citizen Voice Body may establish committees and sub-committees.
- (2) A committee or sub-committee may include, or be comprised entirely of, persons who are not members of the Body.
- (3) The Body may pay expenses and allowances to any person who—
  - (a) is a member of a committee or sub-committee established under this paragraph, and
  - (b) is not a member of the Body, or a member of its staff.

*Delegation*

- 12 (1) The Citizen Voice Body may arrange for any of its functions to be exercised by any of its —
  - (a) committees,
  - (b) sub-committees,
  - (c) members, or
  - (d) staff.
- (2) An arrangement under sub-paragraph (1) does not affect the Body's responsibility for exercise of a delegated function, nor affect its ability to exercise a delegated function.

*Supplementary powers*

- 13 (1) The Citizen Voice Body may do anything which is calculated to facilitate, or which is conducive or incidental to, the exercise of its functions.
- (2) But sub-paragraph (1) does not permit the Body to borrow money.

## RHAN 5

## GWEITHDREFN ETC.

*Gweithdrefn*

- 14 (1) Rhaid i Gorff Llais y Dinesydd wneud rheolau i reoleiddio ei weithdrefn ei hun (gan gynnwys cworwm).
- (2) Rhaid i'r Corff wneud rheolau i reoleiddio gweithdrefn ei bwyllgorau a'i is-bwyllgorau (gan gynnwys cworwm).

*Dilysrwydd trafodion a gweithredoedd*

- 15 Nid yw'r materion a ganlyn yn effeithio ar ddilysrwydd trafodion a gweithredoedd Corff Llais y Dinesydd (nac ar ddilysrwydd trafodion a gweithredoedd ei bwyllgorau a'i is-bwyllgorau) –
- (a) unrhyw swydd wag ymhlith aelodaeth y Corff, neu
- (b) unrhyw ddiffyg o ran penodiad aelod.

*Sêl*

- 16 (1) Caiff Corff Llais y Dinesydd fod â sêl.
- (2) Rhaid i'r weithred o osod y sêl gael ei dilysu drwy lofnod –
- (a) unrhyw aelod o'r Corff, neu
- (b) unrhyw berson arall sydd wedi ei awdurdodi gan y Corff at y diben hwnnw.

*Tystiolaeth*

- 17 Mae dogfen yr honnir ei bod wedi ei gweithredu'n briodol o dan sêl Corff Llais y Dinesydd neu wedi ei llofnodi ar ei ran i'w derbyn yn dystiolaeth ac, oni phrofir i'r gwrthwyneb, i'w chymryd fel pe bai wedi ei gweithredu neu ei llofnodi felly.

## RHAN 6

## MATERION ARIANNOL

*Cyllid*

- 18 Caiff Gweinidogion Cymru wneud taliadau i Gorff Llais y Dinesydd o unrhyw symiau, ac ar unrhyw adegau, ac yn unol ag unrhyw amodau, y mae Gweinidogion Cymru yn meddwl eu bod yn briodol.

*Swyddog cyfrifyddu*

- 19 (1) Prif weithredwr Corff Llais y Dinesydd yw ei swyddog cyfrifyddu.
- (2) Mae gan y swyddog cyfrifyddu, mewn perthynas â chyfrifon a chyllid y Corff, y cyfrifoldebau a bennir o bryd i'w gilydd gan Weinidogion Cymru.
- (3) Ymhlith y cyfrifoldebau y caniateir eu pennu mae –

PART 5

PROCEDURE ETC.

*Procedure*

- 14 (1) The Citizen Voice Body must make rules to regulate its own procedure (including quorum).
- (2) The Body must make rules to regulate the procedure of its committees and sub-committees (including quorum).

*Validity of proceedings and acts*

- 15 The validity of proceedings and acts of the Citizen Voice Body (or of its committees and sub-committees) is not affected by –
- (a) any vacancy in the Body’s membership, or
  - (b) any defect in the appointment of a member.

*Seal*

- 16 (1) The Citizen Voice Body may have a seal.
- (2) The application of the seal must be authenticated by the signature of –
- (a) any member of the Body, or
  - (b) any other person authorised by the Body for that purpose.

*Evidence*

- 17 A document purporting to be duly executed under the seal of the Citizen Voice Body or to be signed on the Body’s behalf is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

PART 6

FINANCIAL MATTERS

*Funding*

- 18 The Welsh Ministers may make payments to the Citizen Voice Body of such amounts, and at such times, and on such conditions, as the Welsh Ministers think appropriate.

*Accounting officer*

- 19 (1) The Citizen Voice Body’s chief executive is its accounting officer.
- (2) The accounting officer has, in relation to the Body’s accounts and finances, the responsibilities specified from time to time by the Welsh Ministers.
- (3) The responsibilities that may be specified include –

- (a) cyfrifoldebau mewn perthynas â llofnodi cyfrifon;
- (b) cyfrifoldebau am briodoldeb a rheoleidd-dra cyllid y Corff;
- (c) cyfrifoldebau am ddarbodaeth, effeithlonrwydd ac effeithiolrwydd o ran defnydd y Corff o'i adnoddau;
- (d) cyfrifoldebau sy'n ddyledus i Weinidogion Cymru, Cynulliad Cenedlaethol Cymru neu ei Bwyllgor Cyfrifon Cyhoeddus.

### *Cyfrifon*

- 20 (1) Rhaid i Gorff Llais y Dinesydd, ar gyfer pob blwyddyn ariannol—
- (a) cadw cyfrifon priodol a chofnodion priodol mewn perthynas â'r cyfrifon hynny, a
  - (b) llunio datganiad o gyfrifon.
- (2) Rhaid i bob datganiad o gyfrifon gydymffurfio ag unrhyw gyfarwyddydau a roddir gan Weinidogion Cymru o ran—
- (a) yr wybodaeth sydd i'w chynnwys ynddo,
  - (b) y modd y mae'r wybodaeth i'w chyflwyno, ac
  - (c) y dulliau a'r egwyddorion y mae'r datganiad i'w lunio yn unol â hwy.
- (3) Heb fod yn hwyrach na 31 Awst ar ôl diwedd pob blwyddyn ariannol, rhaid i'r Corff gyflwyno ei ddatganiad o gyfrifon i—
- (a) Gweinidogion Cymru, a
  - (b) Archwilydd Cyffredinol Cymru.

### *Archwilio*

- 21 (1) Mae'r paragraff hwn yn gymwys mewn perthynas â phob datganiad o gyfrifon a gyflwynir i Archwilydd Cyffredinol Cymru gan Gorff Llais y Dinesydd o dan baragraff 20(3)(b).
- (2) Rhaid i Archwilydd Cyffredinol Cymru archwilio'r datganiad o gyfrifon, ei ardystio ac adrodd arno.
- (3) Rhaid i Archwilydd Cyffredinol Cymru, cyn diwedd y cyfnod o 4 mis sy'n dechrau â'r diwrnod pan gyflwynir y datganiad o gyfrifon ("y cyfnod o 4 mis"), osod gerbron Cynulliad Cenedlaethol Cymru—
- (a) copi o'r datganiad ardystiedig a'r adroddiad, neu
  - (b) os nad yw'n rhesymol ymarferol cydymffurfio â pharagraff (a), ddatganiad i'r perwyl hwnnw, y mae rhaid iddo gynnwys rhesymau o ran pam mae hyn yn wir.
- (4) Pan fo Archwilydd Cyffredinol Cymru wedi gosod datganiad o dan is-baragraff (3)(b) mewn perthynas â datganiad o gyfrifon, rhaid i'r Archwilydd Cyffredinol osod copi o'r datganiad ardystiedig a'r adroddiad gerbron Cynulliad Cenedlaethol Cymru cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd y cyfnod o 4 mis.

- (a) responsibilities in relation to the signing of accounts;
- (b) responsibilities for the propriety and regularity of the Body's finances;
- (c) responsibilities for the economy, efficiency and effectiveness with which the Body uses its resources;
- (d) responsibilities owed to the Welsh Ministers, the National Assembly for Wales or its Public Accounts Committee.

*Accounts*

- 20 (1) The Citizen Voice Body must for each financial year –
- (a) keep proper accounts and proper records in relation to those accounts, and
  - (b) prepare a statement of accounts.
- (2) Each statement of accounts must comply with any directions given by the Welsh Ministers as to –
- (a) the information to be contained in it,
  - (b) the manner in which the information is to be presented, and
  - (c) the methods and principles according to which the statement is to be prepared.
- (3) No later than 31 August after the end of each financial year the Body must submit its statement of accounts to –
- (a) the Welsh Ministers, and
  - (b) the Auditor General for Wales.

*Audit*

- 21 (1) This paragraph applies in relation to each statement of accounts submitted to the Auditor General for Wales by the Citizen Voice Body under paragraph 20(3)(b).
- (2) The Auditor General for Wales must examine, certify and report on the statement of accounts.
- (3) The Auditor General for Wales must, before the expiry of the period of 4 months beginning with the day on which the statement of accounts is submitted ("the 4-month period"), lay before the National Assembly for Wales –
- (a) a copy of the certified statement and report, or
  - (b) if it is not reasonably practicable to comply with paragraph (a), a statement to that effect, which must include reasons as to why this is the case.
- (4) Where the Auditor General for Wales has laid a statement under sub-paragraph (3)(b) in relation to a statement of accounts, the Auditor General must lay a copy of the certified statement and report before the National Assembly for Wales as soon as reasonably practicable after the expiry of the 4-month period.

- (5) Wrth gydymffurfio ag is-baragraff (2) rhaid i Archwilydd Cyffredinol Cymru, yn benodol, archwilio a aed, ym marn yr Archwilydd Cyffredinol, i'r gwariant y mae'r cyfrifon yn ymwneud ag ef, yn gyfreithlon ac yn unol â'r awdurdod sy'n llywodraethu'r gwariant hwnnw, ac adrodd ar hynny.

## RHAN 7

## GOFYNION ADRODD ETC.

*Cynllun blynyddol*

- 22 (1) Cyn dechrau pob blwyddyn ariannol, rhaid i Gorff Llais y Dinesydd gyhoeddi cynllun sy'n nodi sut y mae'n bwriadu arfer ei swyddogaethau yn ystod y flwyddyn.
- (2) Rhaid i gynllun o dan y paragraff hwn gynnwys datganiad o amcanion a blaenoriaethau'r Corff am y flwyddyn.
- (3) Cyn cyhoeddi cynllun o dan y paragraff hwn, rhaid i'r Corff ymgynghori ag unrhyw bersonau y mae'n ystyried eu bod yn briodol ynghylch ei amcanion a blaenoriaethau arfaethedig.

*Adroddiadau blynyddol*

- 23 (1) Cyn gynted ag y bo'n ymarferol ar ôl diwedd pob blwyddyn ariannol, rhaid i Gorff Llais y Dinesydd gyhoeddi adroddiad ("adroddiad blynyddol") ar arfer ei swyddogaethau yn ystod y flwyddyn.
- (2) Rhaid i'r Corff –
- (a) anfon copi o'i adroddiad blynyddol at Weinidogion Cymru;
  - (b) gosod copi o'i adroddiad blynyddol gerbron Cynulliad Cenedlaethol Cymru.

*Darparu gwybodaeth i Weinidogion Cymru*

- 24 Rhaid i Gorff Llais y Dinesydd ddarparu i Weinidogion Cymru unrhyw wybodaeth sy'n ymwneud ag arfer ei swyddogaethau sy'n ofynnol ganddynt o bryd i'w gilydd.

## RHAN 8

## DEHONGLI

*Dehongli cyffredinol*

- 25 Yn yr Atodlen hon –
- mae i "aelod anweithredol" yr ystyr a roddir gan baragraff 2(2);
  - ystyr "blwyddyn ariannol" yw'r cyfnod o 12 mis sy'n dod i ben â 31 Mawrth.



- (5) In complying with sub-paragraph (2) the Auditor General for Wales must, in particular, examine and report on whether, in the opinion of the Auditor General, the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it.

## PART 7

### REPORTING REQUIREMENTS ETC.

#### *Annual plan*

- 22 (1) Before the start of each financial year the Citizen Voice Body must publish a plan setting out how it proposes to exercise its functions during the year.
- (2) A plan under this paragraph must include a statement of the Body's objectives and priorities for the year.
- (3) Before publishing a plan under this paragraph, the Body must consult such persons as it considers appropriate on its proposed objectives and priorities.

#### *Annual reports*

- 23 (1) As soon as is practicable after the end of each financial year, the Citizen Voice Body must publish a report (an "annual report") on the exercise of its functions during the year.
- (2) The Body must –
- (a) send a copy of its annual report to the Welsh Ministers;
  - (b) lay a copy of its annual report before the National Assembly for Wales.

#### *Provision of information to Welsh Ministers*

- 24 The Citizen Voice Body must provide the Welsh Ministers with such information relating to the exercise of its functions as they may from time to time require.

## PART 8

### INTERPRETATION

#### *General interpretation*

- 25 In this Schedule –
- "financial year" means the period of 12 months ending with the 31 March;
  - "non-executive member" has the meaning given by paragraph 2(2).

ATODLEN 2  
(a gyflwynir gan adran 23(3))

TROSGLWYDDO EIDDO, HAWLIAU A RHWYMEDIGAETHAU

*Cynlluniau trosglwyddo*

- 1 (1) Caiff Gweinidogion Cymru, mewn cysylltiad â dileu Cyngorau Iechyd Cymuned, wneud un neu ragor o gynlluniau trosglwyddo.
- (2) Mae cynllun trosglwyddo yn gynllun sy'n darparu ar gyfer trosglwyddo i Gorff Llais y Dinesydd unrhyw eiddo, hawliau a rhwymedigaethau a grybwyllir yn is-baragraff (3).
- (3) Mae'r eiddo, yr hawliau a'r rhwymedigaethau yn eiddo ac yn hawliau a gaffaelir, neu'n rhwymedigaethau yr eir iddynt, gan –
  - (a) Gweinidogion Cymru;
  - (b) Bwrdd Iechyd Lleol;
  - (c) ymddiriedolaeth GIG.
- (4) Ymhlith y pethau y caniateir eu trosglwyddo o dan gynllun trosglwyddo mae –
  - (a) eiddo, hawliau a rhwymedigaethau na ellid eu trosglwyddo fel arall;
  - (b) eiddo a gaffaelir, a hawliau a rhwymedigaethau sy'n codi, ar ôl i'r cynllun gael ei wneud.
- (5) Caiff cynllun trosglwyddo wneud darpariaeth ganlyniadol, atodol, gysylltiedig, drosiannol neu ddarfodol.
- (6) Yn rhinwedd is-baragraff (5), caiff cynllun trosglwyddo, er enghraifft –
  - (a) creu hawliau, neu osod rhwymedigaethau, mewn perthynas ag eiddo neu hawliau a drosglwyddir;
  - (b) gwneud darpariaeth ynghylch effaith barhaus pethau a wneir mewn cysylltiad ag unrhyw beth a drosglwyddir;
  - (c) gwneud darpariaeth ynghylch parhad pethau (gan gynnwys achosion cyfreithiol) sydd wrthi'n cael eu gwneud mewn cysylltiad ag unrhyw beth a drosglwyddir;
  - (d) gwneud darpariaeth ar gyfer rhannu perchnogaeth ar eiddo neu ddefnydd o eiddo;
  - (e) gwneud darpariaeth i gyfeiriadau at Lywodraeth Cymru neu Weinidogion Cymru, neu gyfeiriadau at Fwrdd Iechyd Lleol neu ymddiriedolaeth GIG, mewn offeryn neu mewn dogfen arall mewn cysylltiad ag unrhyw beth a drosglwyddir, gael eu trin fel cyfeiriadau at Gorff Llais y Dinesydd;
  - (f) gwneud yr un ddarpariaeth â darpariaeth a wneir gan Reoliadau Trosglwyddo Ymgymeriadau (Diogelu Cyflogaeth) 2006 (O.S. 2006/246), neu ddarpariaeth sy'n debyg i'r ddarpariaeth honno, mewn achos pan na fo'r rheoliadau hynny yn gymwys mewn perthynas â'r trosglwyddiad.
- (7) Caiff cynllun trosglwyddo ddarparu –
  - (a) ar gyfer ei addasu drwy gytundeb;
  - (b) i addasiadau gael effaith o'r dyddiad y daeth y cynllun yn effeithiol.

SCHEDULE 2  
(introduced by section 23(3))

TRANSFERS OF PROPERTY, RIGHTS AND LIABILITIES

*Transfer schemes*

- 1 (1) The Welsh Ministers may, in connection with the abolition of Community Health Councils, make one or more transfer schemes.
- (2) A transfer scheme is a scheme providing for the transfer to the Citizen Voice Body of any property, rights and liabilities mentioned in sub-paragraph (3).
- (3) The property, rights and liabilities are property and rights acquired, or liabilities incurred, by—
  - (a) the Welsh Ministers;
  - (b) a Local Health Board;
  - (c) an NHS trust.
- (4) The things that may be transferred under a transfer scheme include—
  - (a) property, rights and liabilities which could not otherwise be transferred;
  - (b) property acquired, and rights and liabilities arising, after the making of the scheme.
- (5) A transfer scheme may make consequential, supplementary, incidental, transitional or transitory provision.
- (6) By virtue of sub-paragraph (5), a transfer scheme may, for example—
  - (a) create rights, or impose liabilities, in relation to property or rights transferred;
  - (b) make provision about the continuing effect of things done in respect of anything transferred;
  - (c) make provision about the continuation of things (including legal proceedings) in the process of being done in respect of anything transferred;
  - (d) make provision for the shared ownership or use of property;
  - (e) make provision for references to the Welsh Government or the Welsh Ministers, or references to a Local Health Board or an NHS trust, in an instrument or other document in respect of anything transferred to be treated as references to the Citizen Voice Body;
  - (f) make provision which is the same as or similar to a provision made by the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) in a case where those regulations do not apply in relation to the transfer.
- (7) A transfer scheme may provide—
  - (a) for modification by agreement;
  - (b) for modifications to have effect from the date when the scheme came into effect.

- (8) Rhaid i Weinidogion Cymru osod copi o unrhyw gynllun trosglwyddo gerbron Cynulliad Cenedlaethol Cymru.
- (9) Yn y paragraff hwn—
  - (a) mae cyfeiriadau at hawliau a rhwymedigaethau yn cynnwys cyfeiriadau at hawliau a rhwymedigaethau sy'n codi mewn perthynas â chontract cyflogaeth;
  - (b) mae cyfeiriadau at drosglwyddo eiddo yn cynnwys cyfeiriadau at roi les.

- (8) The Welsh Ministers must lay a copy of any transfer scheme before the National Assembly for Wales.
- (9) In this paragraph—
  - (a) references to rights and liabilities include references to rights and liabilities arising in relation to a contract of employment;
  - (b) references to the transfer of property include references to the grant of a lease.

ATODLEN 3  
(a gyflwynir gan adran 27)

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

RHAN 1

DIWYGIADAU A DIDDYMIADAU SY'N YMWNEUD Â RHAN 2

*Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p. 43)*

- 1 Mae Rhan 2 o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (safonau mewn perthynas â'r gofal iechyd a ddarperir gan neu ar gyfer cyrff GIG Cymru) wedi ei diwygio fel a ganlyn.
- 2 Mae adran 45(1) wedi ei diddymu.
- 3 Yn adran 47 (pŵer i lunio a chyhoeddi safonau mewn perthynas â darparu gofal iechyd), yn is-adran (4), yn lle'r geiriau o "every" hyd at y diwedd rhodder "a Welsh NHS body in discharging a duty under section 12A(1), 20A(1) or 24A(1) of the National Health Service (Wales) Act 2006 (duties to secure quality in the provision of health services)."
- 4 Yn adran 70 (adolygiadau ac ymchwiliadau sy'n ymwneud â Chymru), yn is-adran (3), yn lle'r geiriau o "arrangements" hyd at y diwedd rhodder "steps taken by a Welsh NHS body for the purpose of discharging a duty under section 12A(1), 20A(1) or 24A(1) of the National Health Service (Wales) Act 2006 (duties to secure quality in the provision of health services)."

RHAN 2

DIWYGIADAU A DIDDYMIADAU SY'N YMWNEUD Â RHAN 4

*Deddf Cyrff Cyhoeddus (Derbyn i Gyfarfodydd) 1960 (p. 67)*

- 5 Yn Atodlen 1 i Ddeddf Cyrff Cyhoeddus (Derbyn i Gyfarfodydd) 1960 (cyrff y mae'r Ddeddf yn gymwys iddynt), ym mharagraff 1, ar ôl is-baragraff (bj) mewnosoder –  
“(bj) the Citizen Voice Body for Health and Social Care, Wales;”.

*Deddf Iechyd Meddwl 1983 (p. 20)*

- 6 Yn adran 134 o Ddeddf Iechyd Meddwl 1983 (gohebiaeth cleifion)–  
(a) ar ôl is-adran (3)(ca) mewnosoder –  
“(cb) the Citizen Voice Body for Health and Social Care, Wales;”;  
(b) yn is-adran (3)(e), hepgorer “, a Community Health Council”.

*Deddf Cynghorau Iechyd Cymuned (Mynediad at Wybodaeth) 1988 (p. 24)*

- 7 Mae Deddf Cynghorau Iechyd Cymuned (Mynediad at Wybodaeth) 1988 wedi ei diddymu.

SCHEDULE 3  
(introduced by section 27)

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS AND REPEALS RELATING TO PART 2

*Health and Social Care (Community Health and Standards) Act 2003 (c. 43)*

- 1 Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 (standards in relation to health care provided by or for Welsh NHS bodies) is amended as follows.
- 2 Section 45(1) is repealed.
- 3 In section 47 (power to prepare and publish standards in relation to the provision of health care), in subsection (4), for the words from “every” to the end substitute “a Welsh NHS body in discharging a duty under section 12A(1), 20A(1) or 24A(1) of the National Health Service (Wales) Act 2006 (duties to secure quality in the provision of health services).”
- 4 In section 70 (reviews and investigations relating to Wales), in subsection (3), for the words from “arrangements” to the end substitute “steps taken by a Welsh NHS body for the purpose of discharging a duty under section 12A(1), 20A(1) or 24A(1) of the National Health Service (Wales) Act 2006 (duties to secure quality in the provision of health services).”

PART 2

AMENDMENTS AND REPEALS RELATING TO PART 4

*Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

- 5 In Schedule 1 to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which Act applies), in paragraph 1, after sub-paragraph (bj) insert—  
“(bj) the Citizen Voice Body for Health and Social Care, Wales;”.

*Mental Health Act 1983 (c. 20)*

- 6 In section 134 of the Mental Health Act 1983 (correspondence of patients)—
  - (a) after subsection (3)(ca), insert—  
“(cb) the Citizen Voice Body for Health and Social Care, Wales;”;
  - (b) in subsection (3)(e), omit “, a Community Health Council”.

*Community Health Councils (Access to Information) Act 1988 (c. 24)*

- 7 The Community Health Councils (Access to Information) Act 1988 is repealed.

*Deddf Rhyddid Gwybodaeth 2000 (p. 36)*

- 8 Yn Atodlen 1 i Ddeddf Rhyddid Gwybodaeth 2000 (awdurdodau cyhoeddus) –
- (a) yn Rhan 3 (y Gwasanaeth Iechyd Gwladol, Cymru a Lloegr), hepgorer paragraff 41;
- (b) yn Rhan 6 (cyrff a swyddi cyhoeddus eraill: cyffredinol), ar ôl y cofnod ar gyfer Comisiynydd Plant Cymru mewnosoder –
- “The Citizen Voice Body for Health and Social Care, Wales.”

*Deddf Llywodraeth Cymru 2006 (p. 32)*

- 9 Yn adran 148 o Ddeddf Llywodraeth Cymru 2006 (ystyr “cofnodion cyhoeddus Cymru”), yn is-adran (2), ar ôl paragraff (a) mewnosoder –
- “(aa) the Citizen Voice Body for Health and Social Care, Wales,”.

*Deddf Cydraddoldeb 2010 (p. 15)*

- 10 Yn Atodlen 19 i Ddeddf Cydraddoldeb 2010 (awdurdodau cyhoeddus), yn Rhan 2 (awdurdodau Cymreig perthnasol) –
- (a) o dan y pennawd “National Health Service” –
- (i) hepgorer y geiriau “A Community Health Council in Wales.”;
- (ii) hepgorer y geiriau “The Board of Community Health Councils in Wales or Bwrdd Cynghorau Iechyd Cymuned Cymru.”;
- (b) o dan y pennawd “other public authorities”, ar ôl y cofnod ar gyfer Archwilydd Cyffredinol Cymru mewnosoder –
- “The Citizen Voice Body for Health and Social Care, Wales or Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol, Cymru.”

*Mesur y Gymraeg (Cymru) 2011 (mccc 1)*

- 11 Yn Atodlen 6 i Fesur y Gymraeg (Cymru) 2011 (cyrff cyhoeddus etc.: safonau), yn y tabl –
- (a) hepgorer y cofnod ar gyfer Bwrdd Cynghorau Iechyd Cymuned Cymru;
- (b) hepgorer y cofnod ar gyfer Cynghorau Iechyd Cymuned;
- (c) o dan y pennawd “Cyffredinol”, ar ôl y cofnod ar gyfer Comisiynydd y Gronfa Gymdeithasol mewnosoder –

“Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol, Cymru (“The Citizen Voice Body for Health and Social Care, Wales”)	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion”.
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*Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2)*

- 12 Yn adran 32 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (partneriaid eraill byrddau gwasanaethau cyhoeddus) –



*Freedom of Information Act 2000 (c. 36)*

- 8 In Schedule 1 to the Freedom of Information Act 2000 (public authorities) –
- (a) in Part 3 (the National Health Service, England and Wales), omit paragraph 41;
  - (b) in Part 6 (other public bodies and offices: general), after the entry for the Children’s Commissioner for Wales insert –
    - “The Citizen Voice Body for Health and Social Care, Wales.”

*Government of Wales Act 2006 (c. 32)*

- 9 In section 148 of the Government of Wales Act 2006 (meaning of “Welsh public records”), in subsection (2), after paragraph (a) insert –
- “(aa) the Citizen Voice Body for Health and Social Care, Wales,”.

*Equality Act 2010 (c. 15)*

- 10 In Schedule 19 to the Equality Act 2010 (public authorities), in Part 2 (relevant Welsh authorities) –
- (a) under the heading “National Health Service” –
    - (i) omit the words “A Community Health Council in Wales.”;
    - (ii) omit the words “The Board of Community Health Councils in Wales or Bwrdd Cyngorau Iechyd Cymuned Cymru.”;
  - (b) under the heading “other public authorities”, after the entry for the Auditor General for Wales insert –
    - “The Citizen Voice Body for Health and Social Care, Wales or Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol, Cymru.”

*Welsh Language (Wales) Measure 2011 (nawm 1)*

- 11 In Schedule 6 to the Welsh Language (Wales) Measure 2011 (public bodies etc.: standards), in the table –
- (a) omit the entry for the Board of Community Health Councils in Wales;
  - (b) omit the entry for Community Health Councils;
  - (c) under the heading “General”, after the entry for the Children’s Commissioner for Wales insert –

“The Citizen Voice Body for Health and Social Care, Wales (“Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol, Cymru”)	Service delivery standards Policy making standards Operational standards Record keeping standards”.
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*Well-being of Future Generations (Wales) Act 2015 (anaw 2)*

- 12 In section 32 of the Well-being of Future Generations (Wales) Act 2015 (other partners of public services boards) –

- (a) hepgorer is-adran (1)(c);
- (b) ar ôl is-adran (1)(b) mewnosoder –
  - “(ba) Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol, Cymru;”.

*Deddf Gwrthderfysgaeth a Diogelwch 2015 (p. 6)*

- 13 Yn Atodlen 6 i Ddeddf Gwrthderfysgaeth a Diogelwch 2015 (awdurdodau penodedig), yn Rhan 1 (Cyffredinol: Cymru a Lloegr), o dan y pennawd “Health and social care”, hepgorer y geiriau “A Community Health Council in Wales.”

*Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2)*

- 14 Yn adran 177 o Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (ystyr awdurdod perthnasol yn Rhan 9 o'r Ddeddf) –
- (a) hepgorer is-adran (1)(g), a
  - (b) hepgorer is-adran (2)(c).

*Deddf yr Economi Ddigidol 2017 (p. 30)*

- 15 Yn Atodlen 4 i Ddeddf yr Economi Ddigidol 2017 (personau penodedig at ddibenion datgelu gwybodaeth i wella cyflenwi gwasanaethau cyhoeddus), yn Rhan 2 (cyrff Cymreig) –
- (a) ym mharagraff 35, yn lle “A Community Health Council in Wales.” rhodder “The Citizen Voice Body for Health and Social Care, Wales.”;
  - (b) hepgorer paragraff 38.

*Rheoliadau Safonau'r Gymraeg (Rhif 7) 2018 (O.S. 2018/441)*

- 16 (1) Mae Rheoliadau Safonau'r Gymraeg (Rhif 7) 2018 wedi eu diwygio fel a ganlyn.
- (2) Yn rheoliad 3(2)(b) yn lle “Cynghorau Iechyd Cymuned a Bwrdd Cynghorau Iechyd Cymuned Cymru sy'n ei gwneud yn ofynnol iddynt” rhodder “Corff Llais y Dinesydd sy'n ei gwneud yn ofynnol iddo”.
- (3) Yn Atodlen 6 –
- (a) hepgorer y cofnod ar gyfer Bwrdd Cynghorau Iechyd Cymuned Cymru;
  - (b) hepgorer y cofnod ar gyfer Cynghorau Iechyd Cymuned;
  - (c) yn y lle priodol mewnosoder –
    - “Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol, Cymru (“the Citizen Voice Body for Health and Social Care, Wales”).”.

*Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019 (dccc 3)*

- 17 (1) Mae Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019 wedi ei diwygio fel a ganlyn.

- (a) omit subsection (1)(c);
- (b) after subsection (1)(b) insert –
  - “(ba) the Citizen Voice Body for Health and Social Care, Wales;”.

*Counter-Terrorism and Security Act 2015 (c. 6)*

- 13 In Schedule 6 to the Counter-Terrorism and Security Act 2015 (specified authorities), in Part 1 (General: England and Wales), under the heading “Health and social care”, omit the words “A Community Health Council in Wales.”

*Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)*

- 14 In section 177 of the Regulation and Inspection of Social Care (Wales) Act 2016 (meaning of relevant authority in Part 9 of Act) –
- (a) omit subsection (1)(g), and
  - (b) omit subsection (2)(c).

*Digital Economy Act 2017 (c. 30)*

- 15 In Schedule 4 to the Digital Economy Act 2017 (specified persons for purposes of disclosure of information to improve public service delivery), in Part 2 (Welsh bodies) –
- (a) in paragraph 35 for “A Community Health Council in Wales.” substitute “The Citizen Voice Body for Health and Social Care, Wales.”;
  - (b) omit paragraph 38.

*The Welsh Language Standards (No. 7) Regulations 2018 (S.I. 2018/441)*

- 16 (1) The Welsh Language Standards (No. 7) Regulations 2018 are amended as follows.
- (2) In regulation 3(2)(b) for “Community Health Councils and the Board of Community Health Councils in Wales requiring them” substitute “the Citizen Voice Body requiring it”.
- (3) In Schedule 6 –
- (a) omit the entry for the Board of Community Health Councils in Wales;
  - (b) omit the entry for Community Health Councils;
  - (c) at the appropriate place insert –
    - “the Citizen Voice Body for Health and Social Care, Wales (“*Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol, Cymru*”).”

*Public Services Ombudsman (Wales) Act 2019 (anaw 3)*

- 17 (1) The Public Services Ombudsman (Wales) Act 2019 is amended as follows.

- (2) Yn adran 16 (pŵer i ymchwilio i wasanaethau eraill sy'n gysylltiedig ag iechyd), yn y diffiniad o "awdurdod rhestredig perthnasol" yn is-adran (4) –
- (a) hepgorer paragraff (a);
  - (b) hepgorer paragraff (e);
  - (c) ar ôl paragraff (i) mewnosoder –
    - “(ia) Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol, Cymru;”.
- (3) Yn Atodlen 3 (awdurdodau rhestredig), o dan y pennawd “Iechyd a gofal cymdeithasol” –
- (a) hepgorer y geiriau “Bwrdd Cyngorau Iechyd Cymuned Cymru.”;
  - (b) hepgorer y geiriau “Cyngor Iechyd Cymuned.”;
  - (c) ar ôl y cofnod olaf mewnosoder –
    - “Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol, Cymru.”

## RHAN 3

## DIWYGIO DEDDF 2006: GWASANAETHAU EIRIOLI ANNIBYNNOL

*Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42)*

- 18 Yn adran 187 o Ddeddf 2006 (dyletswydd Gweinidogion Cymru i drefnu i wasanaethau eirioli annibynnol gael eu darparu) –
- (a) yn is-adran (2)(ca), ar ôl “health service body” mewnosoder “, family health service provider in Wales, independent provider”;
  - (b) yn is-adran (3), yn y lle priodol, mewnosoder –
    - ““family health service provider in Wales” has the same meaning as it has in the Public Services Ombudsman (Wales) Act 2019 (see, in particular, section 78 of that Act),”.

- (2) In section 16 (power to investigate other health-related services), in the definition of “relevant listed authority” in subsection (4) –
- (a) omit paragraph (a);
  - (b) omit paragraph (e);
  - (c) after paragraph (i) insert –
    - “(ia) the Citizen Voice Body for Health and Social Care, Wales;”.
- (3) In Schedule 3 (listed authorities), under the heading “Health and social care” –
- (a) omit the words “The Board of Community Health Councils in Wales.”;
  - (b) omit the words “A Community Health Council.”;
  - (c) after the final entry insert –
    - “The Citizen Voice Body for Health and Social Care, Wales.”

PART 3

AMENDMENT OF 2006 ACT: INDEPENDENT ADVOCACY SERVICES

*National Health Service (Wales) Act 2006 (c. 42)*

- 18 In section 187 of the 2006 Act (duty of Welsh Ministers to arrange for provision of independent advocacy services) –
- (a) in subsection (2)(ca), after “health service body” insert “, family health service provider in Wales, independent provider”;
  - (b) in subsection (3), at the appropriate place, insert –
    - ““family health service provider in Wales” has the same meaning as it has in the Public Services Ombudsman (Wales) Act 2019 (see, in particular, section 78 of that Act),”.





