



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Cofnod y Trafodion
The Record of Proceedings**

**Dydd Mawrth, 30 Medi 2008
Tuesday, 30 September 2008**

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Yn y golofn chwith, cofnodwyd y trafodion yn yr iaith y llefarwyd hwy ynndi yn y Siambr.
Yn y golofn dde, cynhwyswyd cyfieithiad o'r areithiau hynny.

In the left-hand column, the proceedings are recorded in the language in which they were spoken in the Chamber. In the right-hand column, a translation of those speeches has been included.

*Cyfarfu'r Cynulliad am 1.30 p.m. gyda'r Llywydd (Dafydd Elis-Thomas) yn y Gadair.
The Assembly met at 1.30 p.m. with the Presiding Officer (Dafydd Elis-Thomas) in the Chair.*

Y Llywydd: Galwaf y Cynulliad i drefn.

The Presiding Officer: I call the Assembly to order.

Cwestiynau i'r Prif Weinidog Questions to the First Minister

Regional Pay for Civil Servants

Q1 Leanne Wood: What representations has the First Minister made to the UK Government regarding the introduction of regional pay for civil servants? OAQ(3)1281(FM)

The First Minister (Rhodri Morgan): This matter comes up from time to time in discussions with Government Ministers. We do not advocate the approach of setting two-tier pay. We have long accepted the need for London weighting, but if you start introducing minus weighting for areas far away from London, that will exaggerate the distinction between London and south-east England and the rest of the country.

Leanne Wood: I welcome your answer, First Minister. As you know, the UK Government has already introduced regional pay as a pilot scheme in the Ministry of Justice. The plan is to roll out regional pay throughout the non-devolved civil service. Do you agree that, if it is rolled out, it is inevitable that gross domestic product in Wales will sink and the wealth gap between Wales and the rest of the UK, which is already too great, will grow over time, which would be disastrous for Wales? Do you agree that the policy severely undermines the Government of Wales's efforts to reduce poverty and raise our GDP per capita? Clearly, this is not a devolved matter, but we do have a great interest in it. Will you agree to raise the matter with your colleagues in London as a matter of urgency?

The First Minister: We have done that pretty consistently. The Governor of the

Tâl Rhanbarthol i Weision Sifil

C1 Leanne Wood: Pa sylwadau y mae'r Prif Weinidog wedi'u cyflwyno i Lywodraeth y DU ynghylch cyflwyno tâl rhanbarthol ar gyfer gweision sifil? OAQ(3)1281(FM)

Y Prif Weinidog (Rhodri Morgan): Cyfyd y mater hwn o bryd i'w gilydd mewn trafodaethau gyda Gweinidogion y Llywodraeth. Nid ydym yn argymhell pennu tâl dwy haen. Yr ydym wedi derbyn ers tro byd fod angen pwysoliad Llundain, ond os byddwch yn dechrau cyflwyno pwysoliadau minws ar gyfer ardaloedd sy'n bell i ffwrdd o Lundain, bydd hynny'n chwyddo'r gwahaniaeth rhwng Llundain a de-ddwyrain Lloegr a gweddill y wlad.

Leanne Wood: Croesawaf eich ateb, Brif Weinidog. Fel y gwyddoch, mae Llywodraeth y DU eisoes wedi cyflwyno tâl rhanbarthol ar ffurf cynllun peilot yn y Weinyddiaeth Gyfiawnder. Y bwriad yw cyflwyno tâl rhanbarthol ledled y gwasanaeth sifil nad yw wedi'i ddatganoli. A gytunwch, os caiff ei gyflwyno, ei bod yn anochel y bydd cynnyrch mewnwladol crynswth yng Nghymru yn gostwng ac y bydd y bwch cyfoeth rhwng Cymru a gweddill y DU, sy'n rhy fawr yn barod, yn tyfu dros amser, gan arwain at ganlyniadau trychinebus yng Nghymru? A gytunwch fod y polisi'n tanseilio'n ddifrifol ymdrechion Llywodraeth Cymru i leihau tlodi a chynyddu ein CMC y pen? Mae'n amlwg nad yw hyn yn fater datganoledig, ond mae gennym ddiddordeb mawr ynddo. A wnewch gytuno i godi'r mater gyda'ch cyd-Aelodau yn Llundain fel mater brys?

Y Prif Weinidog: Yr ydym wedi gwneud hynny'n weddol reolaidd. Yr wythnos

Bank of England commented last week that we need a period of slower economic growth in the UK to squeeze inflation out of the system. Inflation tends to be at its highest in London and south-east England, especially asset price inflation and pay inflation, because you have very high pay in the City—or at least you did until very recently. That tends to make it difficult to recruit civil servants and other public servants, which causes a problem with running public services in London. London weighting copes with that, but if you start reducing pay in areas away from London, you will exaggerate the inflationary forces in London and south-east England and the degree to which Mervyn King thinks you have to slow the economy down to correct inflation.

William Graham: First Minister, you will know that the Welsh Conservatives firmly oppose the introduction of regional pay for civil servants. How are you getting on with your representations to central Government regarding the reduction in the number of Her Majesty's Revenue and Customs staff in Wales?

The First Minister: We are working with the Government so that, if it goes through with its plan to concentrate HMRC provision in three large centres in Wrexham, Swansea and Cardiff rather than have the dispersed model, we may be able to match some of the surplus staff to the vacancies that we have, especially in Aberystwyth. We are already getting on with that. We have been doing that with Department for Work and Pensions staff, who have been going through a similar exercise. I do not want anyone to interpret that as my saying that we approve of the HMRC or the DWP model. However, if they go through with it and we can help, we will.

Welsh Exports

Q2 David Melding: What measures are in

diwethaf, dywedodd Llywodraethwr Banc Lloegr fod arnom angen cyfnod o dwf economaidd arafach yn y DU i wasgu chwyddiant allan o'r system. Mae chwyddiant yn tueddu i fod ar ei uchaf yn Llundain a de-ddwyrain Lloegr, yn enwedig chwyddiant pris asedau a chwyddiant cyflogau, am fod cyflogau uchel iawn i'w cael yn y Ddinas—neu yr oeddent i'w cael yno tan yn ddiweddar iawn, o leiaf. Mae hynny'n tueddu i'w gwneud yn anodd recriwtio gweision sifil a gweision cyhoeddus eraill, gan achosi problem gyda chynnal gwasanaethau cyhoeddus yn Llundain. Mae pwysoliad Llundain yn ymdopi â hynny, ond os dechreuwch leihau tâl mewn ardaloedd i ffwrdd o Lundain, byddwch yn chwyddo'r grymoedd sy'n achosi chwyddiant yn Llundain a de-ddwyrain Lloegr a'r graddau y mae'n rhaid ichi, ym marn Mervyn King, arafu'r economi i gywiro chwyddiant.

William Graham: Brif Weinidog, gwyddoch fod y Ceidwadwyr Cymreig yn gwrthwynebu'n gryf gyflwyno tâl rhanbarthol i weision sifil. Sut yr ydych yn dod yn eich blaen o ran cyflwyno sylwadau i'r Llywodraeth ganolog yng nghyswllt lleihau niferoedd staff Cyllid a Thollau Ei Mawrhydi yng Nghymru?

Y Prif Weinidog: Yr ydym yn gweithio gyda'r Llywodraeth er mwyn sicrhau, os bydd yn gweithredu ei chynllun i ganolbwyntio darpariaeth Cyllid a Thollau Ei Mawrhydi mewn tair canolfan fawr yn Wrecsam, Abertawe a Chaerdydd yn hytrach na defnyddio'r model gwasgaredig, y gallwn, o bosibl, beri bod rhai o'r staff dros ben yn llenwi'r swyddi gwag sydd gennym, yn enwedig yn Aberystwyth. Yr ydym eisoes yn bwrw ymlaen â hynny. Yr ydym wedi bod yn gwneud hynny â staff yr Adran Gwaith a Phensiynau, sydd wedi bod yn dilyn ymarferiad tebyg. Nid wyf am i neb ddehongli hynny fel datganiad gennyf ein bod yn cymeradwyo model Cyllid a Thollau Ei Mawrhydi neu fodel yr Adran Gwaith a Phensiynau. Fodd bynnag, os byddant yn ei roi ar waith a bod modd inni helpu, byddwn yn gwneud hynny.

Allforion o Gymru

C2 David Melding: Pa fesurau sydd ar waith

place to increase the level of Welsh exports to non-EU countries? OAQ(3)1269(FM)

The First Minister: As you will be aware, David, the latest figures show that, up to the end of the second quarter of 2008, exports increased £268 million overall, comprising, strangely enough, and quite against the trend of the past 10 years, a large increase of 5 per cent to EU countries—£276 million—and a small minus to non-EU countries of £8 million. The picture over the last 10 years is different, with much bigger increases to non-EU areas. International Business Wales is now concentrating much of its efforts on trying to ensure that exports to non-EU countries are given precedence.

David Melding: It is important that we concentrate on opportunities in the wider world, as well as consolidating trade within the European Union. You would have noticed from these figures that there has been a serious decline in exports to China, which are down 38 per cent, exports to Singapore, which are down 33 per cent, and exports to Hong Kong, which are down 52 per cent. I accept that this is one tranche of figures, but I am sure that you will agree that we must work hard to ensure that this does not establish a trend. Given the current economic difficulties in Europe and North America it is likely to be in the Asian economies that we see the first robust signs of recovery and, perhaps, new chances for our manufacturing industry, in particular.

The First Minister: Yes, I agree. However, it is important to recognise that overall performance has been very strong for exports to non-EU countries, where the increase has been almost five times faster than for exports to EU countries. That is astonishing. Something has happened between the middle of 2007 and the middle of 2008 to reverse that, and we must ensure that that is not a long-term trend.

Gareth Jones: Brif Weinidog, byddwch chi,

i godi lefel yr allforion o Gymru i wledydd nad ydynt yn perthyn i'r UE? OAQ(3)1269(FM)

Y Prif Weinidog: Fel y gwyddoch, David, dengys y ffigurau diweddaraf, hyd at ddiwedd ail chwarter 2008, fod allforion wedi cynyddu £268 miliwn yn gyfan gwbl, gan gynnwys, yn rhyfedd iawn, ac yn groes i'r duedd dros y 10 mlynedd diwethaf, cynnydd mawr o 5 y cant i wledydd yr UE—£276 miliwn—a lleihad bach o £8 miliwn i wledydd nad ydynt yn perthyn i'r UE. Mae'r darlun dros y 10 mlynedd diwethaf yn wahanol, gyda chynnydd mwy o lawer i ardaloedd nad ydynt yn perthyn i'r UE. Erbyn hyn, mae Busnes Rhyngwladol Cymru yn canolbwyntio llawer o'i ymdrechion ar geisio sicrhau bod blaenoriaeth yn cael ei rhoi i allforion i wledydd nad ydynt yn perthyn i'r UE.

David Melding: Mae'n bwysig inni ganolbwyntio ar gyfleoedd yn y byd ehangach, yn ogystal ag atgyfnerthu masnach o fewn yr Undeb Ewropeaidd. Byddech wedi sylwi ar sail y ffigurau hyn fod lleihad difrifol wedi bod mewn allforion i Tsieina, sydd wedi gostwng 38 y cant, allforion i Singapôr, sydd wedi gostwng 33 y cant, ac allforion i Hong Kong, sydd wedi gostwng 52 y cant. Derbyniaf mai un gyfres o ffigurau yw hyn, ond yr wyf yn siŵr y byddwch yn cytuno bod yn rhaid inni weithio'n galed i sicrhau nad yw hyn yn sefydlu tueddiad. O ystyried yr anawsterau economaidd presennol yn Ewrop ac yng Ngogledd America, mae'n debygol mai yn economïau Asia y gwelwn yr arwyddion cadarn cyntaf bod pethau'n gwella ac, efallai, cyfleoedd newydd ar gyfer ein diwydiant gweithgynhyrchu, yn benodol.

Y Prif Weinidog: Yr wyf yn cytuno. Fodd bynnag, mae'n bwysig cydnabod bod y perfformiad yn gyffredinol wedi bod yn gryf iawn ar gyfer allforion i wledydd nad ydynt yn perthyn i'r UE, lle y mae'r cynnydd wedi bod bron bum gwaith yn gyflymach nag ar gyfer allforion i wledydd yn yr UE. Mae hynny'n rhyfeddol. Mae rhywbeth wedi digwydd rhwng canol 2007 a chanol 2008 i wrthdroi hynny, ac mae'n rhaid inni sicrhau nad yw hynny'n dueddiad hirdymor.

Gareth Jones: First Minister, you, of all

o bawb, yn ymwybodol o'r cysylltiadau â'r cymunedau Cymreig sydd i'w cael ym mhob rhan o'r byd—yn yr Unol Daleithiau a gwledydd y Gymanwlad, heb anghofio am Batagonia. Pa gamau mae Llywodraeth Cymru'n Un wedi'u cymryd i asesu'r potensial i fasnachu Cymru a chynnyrch Cymreig yn y marchnadoedd hyn?

Y Prif Weinidog: Nid yw'r Cymry alltud yn cymharu o ran maint ag alltudion gwledydd fel yr Alban ac Iwerddon, ac ni fyddwn am or-ddweud maint y potensial sy'n bodoli. Ond, o ran ceisio sicrhau bod y Cymry alltud hynny yn gweithredu fel llysgenhadon dros ein cynnyrch ni—bwydydd a diodydd neu gynnyrch ehangach—mae'n bwysig ein bod yn pwysleisio'r cysylltiadau sydd gennym mewn ardaloedd fel Pennsylvania a'r Wladfa. Mae hefyd yn bwysig ein bod yn ceisio marchnata Cymru yn ehangach na thrwy'r Cymry alltud, gan eu bod yn eithaf bach o ran nifer.

The Leader of the Opposition (Nick Bourne): Good afternoon, First Minister. I have a few questions about the current economic situation, which you, like me, know is challenging. The first is on the 80 per cent employment target in 'One Wales' for this Assembly. The latest figures, for July 2008, show a drop from 72.2 per cent to 71.8 per cent. What are you doing to try to stimulate the private sector, in particular? Given that there will be a lot of pressure on the public sector, I do not think that there will be any growth there. What are you doing to stimulate the private sector to make up that figure?

The second question relates to an exchange of correspondence that we have had on gross value added. You indicated that the current figures are collected annually in Wales, whereas Scotland has its own statistical service. Is there any merit in looking at publishing figures quarterly, given the volatile situation that we are in at the moment, which would enable us to respond more quickly to such volatile events? I appreciate that there may be a cost constraint.

The First Minister: I will begin with the

people, will be aware of the links with Welsh communities that exist in all four corners of the world—in the United States and in Commonwealth countries, as well as in Patagonia, of course. What steps has the One Wales Government taken to assess the potential for marketing Wales and Welsh produce in those markets?

The First Minister: The size of the Welsh diaspora does not compare with that of countries such as Scotland and Ireland, and I would not want to exaggerate the potential. However, in trying to ensure that they operate as ambassadors for our produce—food and drink or goods in a wider sense—it is important that we emphasise the links that we have with the Welsh diaspora in areas such as Pennsylvania and Patagonia. It is also important that we aim to market Wales more widely than through the Welsh diaspora, as it is a fairly small group.

Arweinydd yr Wrthblaid (Nick Bourne): Prynawn da, Brif Weinidog. Mae gennyf ychydig o gwestiynau am y sefyllfa economaidd bresennol sydd, fel y gwyddom ein dau, yn anodd. Mae'r cyntaf ynghylch y targed o gyflogaeth o 80 y cant yn 'Cymru'n Un' ar gyfer y Cynulliad hwn. Dengys y ffigurau diweddaraf, ar gyfer Gorffennaf 2008, fod gostyngiad o 72.2 y cant i 71.8 y cant. Beth yr ydych yn ei wneud i geisio ysgogi'r sector preifat, yn benodol? O ystyried y bydd llawer o bwysau ar y sector cyhoeddus, ni chredaf y bydd dim twf yno. Beth yr ydych yn ei wneud i ysgogi'r sector preifat i gyrraedd y ffigur hwnnw?

Mae'r ail gwestiwn yn ymwneud â gohebiaeth a gawsom ynghylch gwerth ychwanegol crynswth. Dywedasoeh fod y ffigurau presennol yn cael eu casglu'n flynyddol yng Nghymru, tra mae gan yr Alban ei gwasanaeth ystadegol ei hun. A ellid cyfiawnhau ystyried cyhoeddi ffigurau bob tri mis, o ystyried y sefyllfa gyfnewidiol yr ydym ynnddi ar hyn o bryd, a fyddai'n ein galluogi i ymateb yn gyflymach i ddigwyddiadau cyfnewidiol o'r fath? Yr wyf yn sylweddoli bod cyfyngiadau o ran y gost, o bosibl.

Y Prif Weinidog: Dechreuaf drwy sôn am y

construction industry, which was hit first and worst in the recent housing downturn. That is the industry that would, perhaps, expect a bit of a lift from the public sector—orders for hospitals, schools and so on—now that there is a distinct shortage of orders from the private sector. More widely, you would expect expanding small and medium-sized enterprises—provided that the banks can find the means of releasing credit to them, which is currently a problem—when confidence returns to the banking system, although do not ask me when that will be, to be able to take advantage of low sterling and a high euro to undertake contracts that they cannot currently access credit to execute.

diwydiant adeiladu yr effeithiwyd arno waethaf ac yn gyntaf gan y dirywiad diweddar yn y farchnad dai. Hwnnw yw'r diwydiant a fyddai, efallai, yn disgwyl ychydig o hwb gan y sector cyhoeddus—archebion ar gyfer ysbytai, ysgolion ac yn y blaen—yn sgîl y prinder archebion erbyn hyn gan y sector preifat. Yn ehangach, byddech yn disgwyl i fusnesau bach a chanolig sy'n ehangu—ar yr amod y gall y banciau ddod o hyd i fodd i ryddhau credyd ar eu cyfer, ac mae hynny'n broblem ar hyn o bryd—allu manteisio ar werth isel sterling a gwerth uchel yr ewro i ymrwymo i gontractau na allant gael gafael ar greyd ar hyn o bryd i'w cyflawni, pan fydd hyder yn dychwelyd i'r system fancio, ond peidiwch â gofyn imi pryd y bydd hynny.

1.40 p.m.

I have asked my statisticians about the point that you raised about statistics. The Scots publish a quarterly GVA estimate while we do not; we rely on the Office for National Statistics, and those figures are about a year behind. We will get the 2007 figures in December 2008. I have asked our statisticians whether we could do something similar to what the Scots do, and they were not enthusiastic because it would mean a clash between the figures that the ONS produces for Scotland and the figures that the Scots have already produced through their own statistical services, and nobody knows which figure you can most rely on. Until we can find a way around that problem, I am not sure that I would want to go down that road.

Yr wyf wedi holi fy ystadegwyr ynghylch y pwynt a godwyd gennych ynglŷn ag ystadegau. Mae'r Alban yn cyhoeddi amcangyfrif GYC bob tri mis, ond nid ydym ni'n gwneud hynny; yr ydym yn dibynnu ar y Swyddfa Ystadegau Gwladol, ac mae'r ffigurau hynny tua blwyddyn ar ei hôl hi. Cawn y ffigurau ar gyfer 2007 ym mis Rhagfyr 2008. Yr wyf wedi gofyn i'n hystadegwyr a allem wneud rhywbeth tebyg i'r hyn y mae'r Alban yn ei wneud, ac nid oeddent yn frwdfrydig am y byddai hynny'n golygu gwrthdaro rhwng y ffigurau y mae'r ONS yn eu cyhoeddi ar gyfer yr Alban a'r ffigurau y mae'r Alban eisoes wedi'u cynhyrchu drwy eu gwasanaethau ystadegol eu hunain, ac ni wŷr neb pa ffigur y gallwch ddibynnu arno fwyaf. Nes inni allu dod o hyd i ffordd o osgoi'r broblem honno, nid wyf yn siŵr a fyddwn yn awyddus i ddilyn y llwybr hwnnw.

Nick Bourne: To follow up the point on the construction industry, which was a perfectly fair point, particularly given the fall in the value of land, is it worth looking at investing more money in affordable housing, given that house prices have dropped and that the construction industry is a sector in which we could expect, at least in the short term, some expansion. Would that not be a smart use of money in the Welsh economy, given the situation that we are in?

Nick Bourne: A dilyn y pwynt am y diwydiant adeiladu, a oedd yn bwynt cwbl deg, yn enwedig o ystyried y gostyngiad yng ngwerth tir, a yw'n werth edrych ar fuddsoddi mwy o arian mewn tai fforddiadwy, o gofio bod prisiau tai wedi gostwng a bod y diwydiant adeiladu yn sector y gallem ddisgwyl, yn y tymor byr o leiaf, rhywfaint o ehangu ynddo. Oni fyddai hynny'n ffordd ddoeth o ddefnyddio arian yn economi Cymru, o ystyried y sefyllfa yr ydym ynddi?

I appreciate the point that you make about the GVA figures. It is a little worrying—it is perhaps a case of ‘lies, damned lies and statistics’—that there is that potential for a clash, but to push the point a bit further, have we looked at how much it would cost to do that? I would have thought that there would be some advantage in it, as we would be able to react more quickly to a fast-changing economic position.

The First Minister: I am as jealous as you are. When we had the meeting of the British-Irish Council, the Irish Prime Minister had Irish figures for GVA for quarters 1 and 2. We do not have any figures as yet, and we will not have them for quarters 1 and 2 except as part of the whole of 2008, and we will not have that until December 2009. I am jealous of those up-to-date statistics. You need up-to-date data to know what is happening. We do not have it; Ireland does, as does Scotland by way of an estimate. I will investigate how much it would cost and what the value of doing it is, given the potential clash with the eventual figures produced by ONS.

On sales of land—and clearly land is worth less than it was for the purposes of housing; I believe that it has dropped by a third since its peak—few people are buying. Private housebuilders are not buying and are trying to shrink their land holdings, but if they can find affordable housing, or housing that is part affordable housing and part private sector, there will still be some interest in proceeding, so it is an opportunity because they are much more willing now to engage. Where previously they were asking, ‘Can you help us to wriggle out of this commitment to provide 20 per cent affordable housing?’, now they are asking, ‘Would you like to put it up from 20 per cent to 40 per cent?’. Therefore, there is a big opportunity and we are seeking to take advantage of it.

Nick Bourne: We have to be realistic about what levers we have here but, clearly, we are in reactive mode rather than having the

Yr wyf yn deall y pwynt yr ydych yn ei wneud ynghylch ffigurau GYC. Mae’n achosi ychydig o bryder—efallai mai enghraifft o berygl ystadegau yw hyn—fod y gwrthdaro hwnnw’n bosibl, ond o wthio’r pwynt ychydig ymhellach, a ydym wedi ymchwilio i faint y byddai gwneud hynny’n ei gostio? Byddwn wedi meddwl y byddai hynny’n fanteisiol i raddau, am y gallem ymateb yn gyflymach i sefyllfa economaidd sy’n newid yn gyflym.

Y Prif Weinidog: Yr wyf yr un mor genfigennus ag yr ydych chithau. Pan gyfarfu’r Cyngor Prydeinig-Gwyddelig, yr oedd gan Brif Weinidog Iwerddon ffigurau GYC Iwerddon ar gyfer chwarteri 1 a 2. Nid os dim ffigurau gennym ni eto, ac ni fyddant gennym ar gyfer chwarteri 1 a 2, ac eithrio fel rhan o’r ffigurau ar gyfer 2008 i gyd, ac nid ydym yn disgwyl cael y rheini tan fis Rhagfyr 2009. Yr wyf yn genfigennus o’r ystadegau diweddar hynny. Mae angen data diweddar arnoch er mwyn gwybod beth sy’n digwydd. Nid yw’r data gennym ni; mae gan Iwerddon, ac mae gan yr Alban ar ffurf amcangyfrif. Af ati i ymchwilio i faint y byddai’n ei gostio a beth yw gwerth gwneud hynny, o ystyried y gwrthdaro posibl gyda’r ffigurau terfynol y bydd y Swyddfa Ystadegau Gwladol yn eu cynhyrchu.

Yng nghyswllt gwerthu tir—ac yn amlwg mae tir yn werth llai nag a oedd o’r blaen at ddibenion adeiladu tai; credaf ei fod wedi gostwng traean ers pan oedd ar ei uchaf—mae llai o bobl yn ei brynu. Nid yw adeiladwyr tai preifat yn prynu tir ac maent yn ceisio lleihau eu daliadau tir, ond os gallant ddod o hyd i dai fforddiadwy, neu dai sy’n dai fforddiadwy yn rhannol ac yn dai’r sector preifat yn rhannol, bydd rhywfaint o ddiddordeb mewn parhau o hyd, felly mae’n gyfle am eu bod yn fwy awyddus o lawer i drafod erbyn hyn. A hwythau’n gofyn o’r blaen, ‘A allwch ein helpu i ymryddhau o’r ymrwymiad hwn i ddarparu 20 y cant o dai fforddiadwy?’, erbyn hyn maent yn gofyn, ‘A hoffech ei gynyddu o 20 y cant i 40 y cant?’. Felly, ceir cyfle mawr ac yr ydym yn ceisio manteisio arno.

Nick Bourne: Rhaid inni fod yn realistig ynghylch pa ddulliau sydd gennym o ddylanwadu yn hyn o beth ond, yn amlwg, yr

macro-economic levers to pull. To press the point, and no doubt it will come up in the budget round, I would have thought that it made a lot of sense at this time, before recovery happens—and, as you rightly say, goodness knows how long the banking crisis will last—to look at creating more affordable housing before housing starts to get prohibitively expensive again. I also welcome your response on the GVA point, and perhaps, when you have the response on the costings and on the pros and cons of bringing that in, you will share it with us.

The First Minister: I will write to you about that. On the point that I did not cover before, namely the 80 per cent labour market participation target, the most recent figures for the labour market were for the three months of May, June and July. They were roughly stable over the year, I believe, but they were down compared with the previous quarter, and an impact is beginning to be seen now. Those figures covered that difficult period at the end of the second quarter and the beginning of the third quarter, when problems really started to impact on the labour market, and that showed up in the figures for claimant count unemployment, the wider count of unemployment and for labour market participation. The long-term target of 80 per cent participation, which is the same as the UK Government's target, is ambitious. We recognise that. We have not set a date for it and, once we have come through the present banking crisis, which, as I have said before, is the worst that anybody has seen since 1929—I do not personally remember 1929, but that is what I have read—we will have to consider whether 80 per cent participation is still the long-term target.

The Welsh Economy

Q3 Nick Bourne: Will the First Minister outline his plans for the Welsh economy?

ydym yn ymddwyn yn adweithiol yn hytrach na bod y dulliau macro-economaidd o ddylanwadu gennym i'w rhoi ar waith. I bwysleisio'r pwynt, ac nid oes dwywaith na fydd yn codi yng nghylch y gyllideb, byddwn wedi meddwl ei bod yn gwneud llawer o synnwyr ar hyn o bryd, cyn i'r adferiad ddigwydd—ac, fel y dywedwch, yn llygad eich lle, Duw a ŵyr am ba hyd y bydd yr argyfwng bancio'n para—edrych ar greu mwy o dai fforddiadwy cyn i'r tai ddechrau mynd yn afresymol o ddrud unwaith eto. Croesawaf hefyd eich ymateb i'r pwynt ynghylch GYC, ac efallai, pan fydd yr ymateb ynghylch manteision ac anfanteision cyflwyno hynny gennych, y byddwch yn ei rannu â ni.

Y Prif Weinidog: Ysgrifennaf atoch ynghylch hynny. Yng nghyswllt y pwynt na roddais sylw iddo yn gynharach, sef y targed o 80 y cant ar gyfer cyfranogiad yn y farchnad lafur, yr oedd y ffigurau mwyaf diweddar ar gyfer y farchnad lafur yn ymwneud â'r cyfnod yn ystod misoedd Mai, Mehefin a Gorffennaf. Credaf eu bod yn sefydlog, ar y cyfan, dros y flwyddyn, ond yr oeddent yn isel o'u cymharu â'r chwarter blaenorol, ac mae effaith hynny'n dechrau dod i'r amlwg yn awr. Yr oedd y ffigurau hynny yn ymwneud â'r cyfnod anodd hwnnw ar ddiwedd yr ail chwarter ac ar ddechrau'r trydydd chwarter, pan ddechreuodd y problemau gael effaith wirioneddol ar y farchnad lafur, a daeth hynny i'r amlwg yn y ffigurau ar gyfer diweithdra ar sail y nifer sy'n hawlio, y cyfrifiad diweithdra ehangach a chyfranogiad yn y farchnad lafur. Mae'r targed hirdymor o gyfranogiad o 80 y cant, sef yr un targed â'r hyn sydd gan Lywodraeth y DU, yn uchelgeisiol. Yr ydym yn cydnabod hynny. Nid ydym wedi pennu dyddiad ar ei gyfer a phan fydd yr argyfwng bancio presennol wedi dod i ben, sef, fel y dywedais o'r blaen, yr argyfwng gwaethaf y mae neb wedi'i weld ers 1929—nid wyf yn cofio 1929 yn bersonol, ond dyna'r wyf wedi'i ddarllen—bydd yn rhaid inni ystyried ai cyfranogiad o 80 y cant yw'r targed hirdymor o hyd.

Economi Cymru

C3 Nick Bourne: A wnaiff y Prif Weinidog amlinellu ei gynlluniau ar gyfer economi

OAQ(3)1264(FM)

Cymru? OAQ(3)1264(FM)

The First Minister: As I mentioned a second ago, we are looking through a glass darkly at the moment. There is no-one on the planet who can see exactly what will happen, certainly not until the U.S. Congress comes to a decision on the \$700 billion bail-out scheme, which we understand will be voted on again, with suitable revisions, after the Jewish new year break in Congress's proceedings. What you can say is that the next 10 years will be very different from the last 10 years. Whereas in the last 10 years financial services tended to outperform the rest of the economy, over the next 10 years the production sector will tend to outperform financial services.

Nick Bourne: A very specific point has been raised with me by the Confederation of British Industry on business rates on empty properties, which, doubtless, has been raised with the First Minister also. There is concern, particularly given the economic climate, about businesses having to pay business rates on empty properties. Has the First Minister looked at either providing some form of relief, perhaps in Objective 1 areas or perhaps for sectors of the economy that are particularly hard hit or, alternatively, has he looked at the Scottish scheme? In Scotland, there is relief of 50 per cent and rates are not charged for the first three months that a property is empty. This matter is of particular concern to the CBI at this difficult time.

The First Minister: The CBI has made the same point to us. I think that the first three months is allowed in any case, throughout the United Kingdom. It would be a very expensive programme for us to undertake. Given how the Treasury has pitched it, we would have to meet the full cost of the proposal. Scotland has decided that it can afford to meet the cost, and we have decided that we cannot. We recognise the problems,

Y Prif Weinidog: Fel y soniais eiliadau'n ôl, mae'r sefyllfa'n ymddangos yn ddu iawn ar hyn o bryd. Nid oes neb ar y blaned yn gallu gweld beth yn union fydd yn digwydd, a hynny'n sicr nes bydd Cyngres U.D.A. yn gwneud penderfyniad ynghylch y cynllun achub gwerth \$700 biliwn, y cynhelir pleidlais arall arno yn ôl a ddeallwn, gyda diwygiadau priodol, ar ôl y toriad yng ngweithrediadau'r Gyngres dros y flwyddyn newydd Iddewig. Yr hyn y gallwch ei ddweud yw y bydd y 10 mlynedd nesaf yn wahanol iawn i'r deng mlynedd diwethaf. Yn ystod y 10 mlynedd diwethaf, yr oedd gwasanaethau ariannol yn dueddol o berfformio'n well na gweddill yr economi, ond dros y 10 mlynedd nesaf mae'n debyg y bydd y sector cynhyrchu'n perfformio'n well na gwasanaethau ariannol.

Nick Bourne: Mae Cydffederasiwn Diwydiant Prydain wedi codi pwynt penodol iawn gyda mi o ran codi ardrethi busnes ar adeiladau gwag, a heb os nac oni bai mae'r pwynt hwn wedi cael ei godi gyda'r Prif Weinidog hefyd. Ceir pryder, yn enwedig o gofio'r hinsawdd economaidd, am fod busnesau'n gorfod talu ardrethi busnes ar adeiladau gwag. A yw'r Prif Weinidog wedi edrych naill ai ar ddarparu rhyw fath o ryddhad ardrethi, efallai mewn ardaloedd Amcan 1 neu efallai mewn sectorau penodol o'r economi sy'n cael eu taro'n galed, neu, fel arall, a yw wedi edrych ar y cynllun yn yr Alban? Yn yr Alban, rhoddir 50 y cant o ryddhad ardrethi ac ni chodir ardrethi am y tri mis cyntaf y mae adeilad yn wag. Mae hwn yn fater sy'n poeni cryn dipyn ar y CBI ar yr adeg anodd hon.

Y Prif Weinidog: Mae'r CBI wedi codi'r un pwynt gyda ni. Credaf fod y tri mis cyntaf yn rhydd rhag ardrethi beth bynnag, ledled y Deyrnas Unedig. Byddai'n rhaglen ddrud iawn inni ei rhoi ar waith. O gofio sut y mae'r Trysorlys wedi cyflwyno'r mater, byddai'n rhaid inni dalu'n llawn am y cynnig. Mae'r Alban wedi penderfynu ei bod yn gallu fforddio talu'r gost, ac yr ydym ni wedi penderfynu na allwn wneud hynny. Yr ydym

especially where people are proposing the redevelopment of a site but need to assemble the site, and so have an empty building that may stay empty and which they may then choose to demolish as a way of ensuring that they get rate relief, as you do not pay rates once the building has been demolished. We would like to see people renting buildings out as a way of both keeping cash coming in and making premises available at reasonable rents. During the present economic crisis that might be of advantage to both sides. It is of advantage to the landlords because they have an income coming in, and of advantage to the potential renter in that a new or expanding company may be able to get access to a low-rent premises.

Irene James: Last Friday, I opened the new BonBonBuddies premises in Oakdale in my constituency. This company is an example of Labour's investment in highly paid and skilled jobs in the Valleys. In 2004, the company received £700,000 from the Assembly Government, and has twice since ranked in *The Sunday Times's* Virgin Atlantic Fast Track 100, a league table of Britain's 100 fastest growing companies. First Minister, do you agree that we need to attract companies such as this in order to enhance the Valleys' economy, and will you come to visit BonBonBuddies for yourself?

The First Minister: I would be delighted to accept an invitation from you or from the company to visit BonBonBuddies. I have heard of the company, but have never visited its premises. I am aware of the grants that it has had. It is one of the great success stories of the Islwyn half of the Caerphilly borough, or the Caerphilly borough as a whole. The area has had to reinvent itself several times since the decline of the coal-mining industry on which it originally depended. New companies moving in and new companies expanding perhaps a second or third time is the key to continued success for Islwyn and the whole of Caerphilly.

The Leader of the Welsh Liberal Democrat Group (Michael German): I agree that we are facing an economy looked

yn cydnabod y problemau, yn enwedig lle y mae pobl yn bwriadu ailddatblygu safle ond bod angen iddynt baratoi'r safle, felly mae ganddynt adeilad gwag a fydd efallai'n aros yn wag ac yna, o bosibl, byddant yn penderfynu ei ddymchwel er mwyn sicrhau eu bod yn cael rhyddhad ardrethi, oherwydd nid ydych yn talu ardrethi ar ôl dymchwel yr adeilad. Hoffem weld pobl yn gosod yr adeiladau er mwyn gwneud arian ac er mwyn rhyddhau'r adeilad i'w ddefnyddio am rent rhesymol. Yn ystod yr argyfwng economaidd presennol, gallai hynny fod yn fanteisiol i'r ddwy ochr. Mae'n fanteisiol i landlordiaid oherwydd eu bod yn cael incwm ac mae'n fanteisiol i'r rhentiwr posibl oherwydd y gall cwmni newydd neu gwmni sy'n ehangu gael gafael ar adeilad am rent isel.

Irene James: Ddydd Gwener ddiwethaf, agorais yr adeilad newydd gan BonBonBuddies yn Oakdale yn fy etholaeth. Mae'r cwmni hwn yn enghraifft o fuddsoddiad y Blaid Lafur mewn swyddi medrus sy'n talu'n dda yn y Cymoedd. Yn 2004, cafodd y cwmni £700,000 gan Lywodraeth y Cynulliad, ac ers hynny maent wedi ymddangos ddwywaith yn rhestr Virgin Atlantic Fast Track 100 yn *The Sunday Times*, sef tabl cynghrair o'r 100 cwmni sy'n tyfu gyflymaf ym Mhrydain. Brif Weinidog, a ydych yn cytuno bod angen inni ddenu cwmnïau o'r fath er mwyn gwella economi'r Cymoedd, ac a wnewch ymweld â BonBonBuddies eich hun?

Y Prif Weinidog: Byddwn wrth fy modd yn derbyn gwahoddiad gennych neu gan y cwmni i ymweld â BonBonBuddies. Yr wyf wedi clywed am y cwmni, ond nid wyf erioed wedi ymweld ag ef. Gwn am y grantiau y mae wedi'u cael. Mae'n un o'r llwyddiannau mawr yn hanner Islwyn bwrdeistref Caerffili, neu ym mwrdeistref Caerffili'n gyfan. Mae'r ardal wedi gorfod ailsefydlu ei hun amryw o weithiau ers dirywiad y diwydiant cloddio am lo yr oedd yn ddibynnol arno'n wreiddiol. Yr allwedd i lwyddiant parhaus yn Islwyn, a ledled Caerffili, yw denu cwmnïau newydd i symud i mewn a chael cwmnïau newydd i ehangu ddwywaith neu deirgwaith efallai.

Arweinydd Grŵp Democratiaid Rhyddfrydol Cymru (Michael German): Cytunaf ei bod yn gyfnod tywyll i'r economi

at through dark glasses at the moment, but, clearly, there is a mood in the country to ensure that as much as possible is done to help those on lower and middle incomes who are now feeling the pinch. Could you tell us what your Government is doing to help the 1 million households in Wales that are now feeling the pinch?

The First Minister: There is a widespread programme of assistance, from the Westminster and Assembly Governments, and I will write to you with the full details. It is not a magic bullet or a set of magic bullets, because it cannot wipe away the high cost of food, although Tesco this morning said that it thinks that food prices are beginning to come down now, or the high price of fuel, although, again, the price of oil is now dropping, but we have not yet seen the benefit of that in terms of lowering inflation or household budgets, which have been knocked for six on that front. Government efforts are concentrating on energy efficiency and trying to secure people's ability to maximise the benefits to which they are entitled, in ensuring that they know about those benefits and apply for them, to get them through this difficult patch.

1.50 p.m.

Michael German: The evidence on the home energy efficiency scheme is that it has not targeted the poorest in our society. The facts are simple: the people of Wales are now paying £8 a week more, on average, for food than they were paying last year, and Citizens Advice reports a 20 per cent increase in those contacting it for help with financial issues. The problem is that it is people on low and middle incomes who are feeling the pinch, particularly pensioners, who are on fixed incomes. Do you think that the Government should now be tightening its belt in order to provide extra support to those key people in Welsh society?

The First Minister: The home energy efficiency scheme was never advertised as being solely dedicated to the poorest in our society, in the broad sense. It was for the

ar hyn o bryd, ond, yn amlwg, ceir ymdeimlad yn y wlad dros sicrhau bod popeth posibl yn cael ei wneud i helpu'r rhai ar incwm is ac incwm canolig sy'n teimlo'r esgid yn gwasgu yn awr. A allwch ddweud wrthym beth mae eich Llywodraeth yn ei wneud i helpu'r 1 miliwn o gartrefi yng Nghymru sy'n teimlo'r esgid yn gwasgu yn awr?

Y Prif Weinidog: Ceir rhaglen eang o gymorth, gan Lywodraethau San Steffan a'r Cynulliad, ac ysgrifennaf atoch i roi'r manylion llawn ichi. Nid yw'n ateb i'r holl broblem, nac ychwaith yn gyfres o atebion o'r fath, oherwydd ni all ddiddymu cost uchel bwyd, er bod Tesco wedi dweud y bore yma ei fod o'r farn bod prisiau bwyd yn dechrau gostwng bellach, na diddymu cost uchel tanwydd, er bod pris olew hefyd bellach yn gostwng, ond nid ydym wedi gweld manteision hynny eto o ran lleihau chwyddiant na chyllidebau aelwydydd, sydd wedi cael cryn ergyd yn hynny o beth. Mae ymdrechion y Llywodraeth yn canolbwyntio ar ddefnyddio ynni'n effeithlon a cheisio gwneud pobl yn fwy abl i gael gafael ar y budd-daliadau y mae ganddynt hawl i'w cael, drwy sicrhau eu bod yn gwybod am y budd-daliadau hynny ac yn gwneud cais amdanynt, er mwyn iddynt allu ymdopi â'r cyfnod anodd hwn.

Michael German: Yn ôl y dystiolaeth am y cynllun effeithlonrwydd ynni cartref, nid yw wedi targedu'r rhai tlotaf yn ein cymdeithas. Mae'r ffeithiau'n ddigon clir: ar gyfartaledd, mae pobl Cymru bellach yn talu £8 yr wythnos yn fwy am fwyd nag yr oeddent y llynedd, ac mae Cyngor Ar Bopeth yn dweud bod cynnydd o 20 y cant yn nifer y bobl sy'n cysylltu â nhw i gael help gyda materion ariannol. Y broblem yw mai pobl ar incwm isel ac incwm canolig sy'n teimlo'r esgid yn gwasgu, yn enwedig pensïynwyr sy'n cael incwm sefydlog. A ydych yn credu y dylai'r Llywodraeth fod yn fwy darbodus yn awr er mwyn rhoi cymroth ychwanegol i'r bobl allweddol hynny yng nghymdeithas Cymru?

Y Prif Weinidog: Yn gyffredinol, ni hysbysebwyd y cynllun effeithlonrwydd ynni cartref ar gyfer y bobl dlotaf yn ein cymdeithas yn unig. Yr oedd yn gynllun ar

'fuel poorest' and the 'fuel vulnerable'. We made clear that that was its purpose, but we are going to review it to see whether it can be better targeted. We realise that people who are currently eligible for the home energy efficiency scheme but who might fall outside the net if we targeted the poorest would not be very happy about that, but we may have to do that, following consultation.

Michael German: My point is that these are exceptional circumstances, and that the Government needs to do something more exceptional than refocusing schemes that already exist. Can you find savings in your existing programmes in order to redirect your spend towards the people who are feeling the pinch at the moment? Yesterday, we heard from Age Alliance Wales that 138,000 older people are living in poverty in Wales. Surely, the Welsh Assembly Government should be reaching out to those people, providing them with assistance that goes beyond the measures that have already been taken.

The First Minister: You will remember the budget process from your time as a Minister, in which individual spending Ministers discuss with the Minister for Finance and Public Service Delivery, and occasionally with me as well, how to reprioritise their budgets during the budget-setting process; it is very much along the lines that you described. We are in the middle of that process and the draft budget will be published shortly; I am sure that it will show that reprioritisation for the financial year 2009-10. Age Concern made its points well. At constituency surgeries, or whenever we meet the people who elected us, we are conscious of the fear gripping pensioners, especially pensioners on low and fixed incomes and disabled people who are dependent on benefits. Will they be able to put the heating on this winter, if it is a hard winter, or will they face a choice between switching off their heating, and suffering the inevitable medical consequences, and going into debt, because they will not be able to afford their bills, given the 40 per cent increases that have been common in gas and electricity prices? It is a difficult time, with the autumn and winter quarter about to start;

gyfer y bobl 'dlotaf o ran tanwydd' a phobl 'agored i niwed oherwydd tanwydd'. Dywedasom yn glir mai hynny oedd ei bwrpas, ond yr ydym yn mynd i'w adolygu i weld a ellir ei dargedu'n well. Sylweddolwn na fyddai hynny'n plesio'r bobl sy'n gymwys i fanteisio ar y cynllun effeithlonrwydd ynni cartref ar hyn o bryd ond a fyddai efallai'n disgyn drwy'r rhwyd petaem yn targedu'r bobl dlotaf, ond efallai y bydd yn rhaid inni wneud hynny, ar ôl ymgynghori.

Michael German: Fy mhwynt yw bod y rhain yn amgylchiadau eithriadol, ac mae angen i'r Llywodraeth wneud rhywbeth mwy eithriadol na rhoi ffocws newydd i gynlluniau sydd eisoes yn bodoli. A allwch ddod o hyd i arbedion yn eich rhaglenni cyfredol er mwyn ailgyfeirio eich gwariant at y bobl sy'n teimlo'r esgid yn gwasgu ar hyn o bryd? Ddoe, clywsom gan Gynghrair Henoed Cymru fod 138,000 o bobl hŷn yn byw mewn tloedi yng Nghymru. Oni ddylai Llywodraeth Cynulliad Cymru fod yn estyn allan at y bobl hynny, gan roi cymorth iddynt sy'n mynd y tu hwnt i'r mesurau a gymerwyd hyn yn hyn?

Y Prif Weinidog: Byddwch yn cofio'r broses o lunio cyllideb yn sgîl eich cyfnod fel Gweinidog, lle y mae Gweinidogion unigol sy'n gwario arian yn cynnal trafodaethau â'r Gweinidog dros Gyllid a Chyflenwi Gwasanaethau Cyhoeddus, a chyda mi weithiau hefyd, ynghylch sut i ailflaenoriaethu eu cyllidebau yn ystod y broses o lunio cyllideb; mae'n debyg iawn i'r hyn a ddisgrifiasoch. Yr ydym yng nghanol y broses honno a chaiff y gyllideb ddrafft ei chyhoeddi cyn bo hir; yr wyf yn siŵr y bydd yn dangos ein bod wedi ailflaenoriaethu ar gyfer y flwyddyn ariannol 2009-10. Gwnaeth Age Concern ei bwyntiau'n dda. Mewn cymorthfeydd etholaethol, neu pryd bynnag yr ydym yn cyfarfod â'r bobl a'n hetholodd, yr ydym yn ymwybodol o'r ofn yng nghalonau pensiynewyr, yn enwedig pensiynewyr ar incwm isel ac incwm sefydlog a phobl anabl sy'n ddibynnol ar fuddaliadau. Os bydd y gaeaf hwn yn un caled, a fyddant yn gallu cynnau'r gwres, neu a fyddant yn gorfod dewis rhwng diffodd y gwres, a dioddef y canlyniadau meddygol anochel, neu fynd i ddyled, oherwydd ni fyddant yn gallu fforddio talu eu biliau, o gofio'r codiadau o 40 y cant sydd wedi bod

we are conscious of that and working out the best way of helping people through this crisis period.

European Funding

Q4 Michael German: Will the First Minister make a statement on European funding? OAQ(3)1279(FM)

The First Minister: Following the concerns that you expressed in the summer about the windfall as a result of the strengthening of the euro, I am pleased to be able to tell you that good progress has been made on committing additional resources. Approved project extensions to the value of £31 million have already been made, with more to follow.

Michael German: I am pleased to hear that you will be able to spend as much of that £40 million windfall as possible. My question is about emerging programmes. You may have been engaged in correspondence concerning the way in which third-sector funding is now handled with the voluntary sector body, Fairbridge, which is responsible for providing youth projects and recently had to close down a youth project in the Rhondda. It is clear from progress to date that the Welsh Assembly Government and its departments are taking the lead in providing the support that is necessary in developing European projects, but the third sector, particularly middle-sized and smaller-scale third sector projects and programmes, is losing out as a result. Fairbridge recently complained that the Department for Children, Education, Lifelong Learning and Skills had to cut down on the number of partners that it had. Surely now is the time to investigate whether the voluntary sector in Wales is able to contribute fully to the programme and that the systems that you have put in place are not leaving them out.

The First Minister: I am glad that you are happy now about the rate of progress on spending the windfall money that came as a result of the strengthening of the euro, about which you expressed concern earlier. I am

mor gyffredin ym mhrisiau nwy a thrydan? Mae'n gyfnod anodd, gyda thymor yr hydref a'r gaeaf ar ein gwarthaf; yr ydym yn ymwybodol o hynny ac yr ydym yn chwilio am y ffordd orau o helpu pobl drwy'r cyfnod hwn o argyfwng.

Cyllid Ewropeaidd

C4 Michael German: A wnaiff y Prif Weinidog ddatganiad am gyllid Ewropeaidd? OAQ(3)1279(FM)

Y Prif Weinidog: Yn sgîl y pryderon a fynegwyd gennych dros yr haf ynghylch yr arian mawr annisgwyl o ganlyniad i gynnydd yng ngwerth yr ewro, yr wyf yn falch o gael dweud wrthyich ein bod wedi gwneud cynnydd da o ran neilltuo'r adnoddau ychwanegol. Cymeradwywyd gwerth £31 miliwn o estyniadau i brosiectau eisoes, ac mae mwy i ddod.

Michael German: Yr wyf yn falch o glywed y byddwch yn gallu gwario cymaint ag sy'n bosibl o'r £40 miliwn annisgwyl. Mae fy nghwestiwn yn ymwneud â rhaglenni sy'n datblygu. Efallai eich bod wedi cael gohebiaeth ynghylch y ffordd y mae cyllid y trydydd sector yn cael ei drin erbyn hyn gan y corff sector gwirfoddol, Fairbridge, sy'n gyfrifol am ddarparu prosiectau i bobl ifanc, y bu'n rhaid iddo ddod â phrosiect i bobl ifanc i ben yn y Rhondda yn ddiweddar. Mae'n amlwg yn ôl y cynnydd hyd yn hyn fod Llywodraeth Cynulliad Cymru a'i hadrannau yn arwain o ran darparu'r cymorth angenrheidiol i ddatblygu prosiectau Ewropeaidd, ond mae'r trydydd sector, yn enwedig prosiectau a rhaglenni trydydd sector o faint canolig ac ar raddfa fach, ar eu colled o'r herwydd. Cwynodd Fairbridge yn ddiweddar fod yr Adran Plant, Addysg, Dysgu Gydol Oes a Sgiliau wedi gorfod cwtogi nifer y partneriaid sydd ganddi. Onid yn awr yw'r amser i ymchwilio i weld a yw'r sector gwirfoddol yng Nghymru yn gallu cyfrannu'n llawn at y rhaglen ac nad yw'r systemau sydd gennych ar waith yn eu hepgor?

Y Prif Weinidog: Yr wyf yn falch eich bod bellach yn hapus ynghylch y cynnydd sy'n cael ei wneud o ran gwario'r arian annisgwyl a gafwyd yn sgîl cynnydd yng ngwerth yr ewro, sy'n fater y gwnaethoch fynegi pryder

grateful for that. On the question of Fairbridge, I do not have any details about the particular voluntary organisation. I know Fairbridge reasonably well, but I am not aware of any particular problems in Rhondda Cynon Taf. We have been quite open about the fact that we are being more strategic. This sometimes means that we are having fewer, but bigger, and more strategically focused projects rather than a very wide range of first come, first served projects with a very wide range of social partners in the not-for-profit sector, like Fairbridge. As I said earlier about the home energy efficiency scheme, when you change the rules and become more strategic, some people will lose out as a result and they will want to make their plea as to why they should be brought back into the programme. However, I will ask Jane Hutt to look at that matter and to write to you in detail on Fairbridge and the particular local authority.

Jeff Cuthbert: First Minister, issues of concern for the third sector, along with local government and the other key partners, are raised—quite properly—at meetings of the programme monitoring committee. Representatives also take the opportunity to praise the work that is being done. Do you, like me, take pleasure in the fact that the current level of commitment for the structural funds is 16.8 per cent, with a target of 20 per cent commitment by the end of this year? This is about five percentage points better than this time in the previous round of programmes.

The First Minister: We expect to hit 20 per cent by the end of the year; we are very pleased that we are almost at 17 per cent now. It is substantially better than the last time around, as you would expect, because we have learned a lot and we are being more focused, strategic and so on, in the way that I have mentioned. The threat of de-commitment and all of the problems that drove us in a particular way the last time around do not start hitting until 2009, so we can be very strategic in the way that we have launched this year of spending. We believe

yn ei gylch yn gynharach. Yr wyf yn ddiolchgar am hynny. O ran Fairbridge, nid oes gennyf ddim manylion am y mudiad gwirfoddol penodol. Yr wyf yn weddol gyfarwydd â Fairbridge, ond nid wyf yn ymwybodol o broblemau penodol yn Rhondda Cynon Taf. Yr ydym wedi bod yn weddol agored ynghylch y ffaith ein bod am weithio'n fwy strategol. Mae hyn yn golygu weithiau fod gennym lai o brosiectau, ond eu bod yn brosiectau mwy sy'n fwy strategol eu ffocws yn hytrach nag amrywiaeth eang iawn o brosiectau cyntaf i'r felin gydag amrywiaeth eang iawn o bartneriaid cymdeithasol yn y sector dielw, fel Fairbridge. Fel y dywedais yn gynharach am y cynllun effeithlonrwydd ynni cartref, pan fyddwch yn newid y rheolau ac yn mynd yn fwy strategol, bydd rhai pobl ar eu colled o ganlyniad i hyn a byddant am bledio'u hachos ynghylch pam y dylent gael eu cynnwys yn y rhaglen unwaith eto. Fodd bynnag, gofynnaf i Jane Hutt edrych ar y mater ac anfon llythyr manwl atoch ynglŷn â Fairbridge a'r awdurdod lleol penodol hwnnw.

Jeff Cuthbert: Brif Weinidog, caiff materion sy'n peri pryder i'r trydydd sector, yn ogystal ag i lywodraeth leol ac i bartneriaid allweddol eraill, eu codi yng nghyfarfodydd y pwyllgor monitro rhaglenni—ac mae hynny'n hollol briodol. Mae cynrychiolwyr hefyd yn manteisio ar y cyfle i ganmol y gwaith a wneir. A ydych chi, fel fi, yn falch iawn o'r ffaith bod lefel bresennol y neilltuo ar gyfer y cronfeydd strwythurol yn 16.8 y cant, gyda tharged neilltuo o 20 y cant erbyn diwedd y flwyddyn hon? Mae hyn tua phum pwynt canran yn well y tro hwn nag a oedd yn y rownd flaenorol o raglenni.

Y Prif Weinidog: Yr ydym yn disgwyl cyflawni 20 y cant erbyn diwedd y flwyddyn; yr ydym yn falch iawn ein bod bron â chyrraedd 17 y cant yn awr. Mae'n sylweddol well nag a oedd y tro diwethaf, fel y byddech yn disgwyl, oherwydd, fel y soniais, yr ydym wedi dysgu cryn dipyn ac mae gennym fwy o ffocws ac yr ydym yn fwy strategol ac yn y blaen. Ni fydd bygythiad y bydd dadneilltuo a'r holl broblemau a barodd inni fynd ar hyd llwybr penodol y tro diwethaf yn dechrau effeithio arnom tan 2009, felly gallwn fod yn strategol iawn yn y ffordd yr ydym wedi

that we are making good progress, but there will be many announcements between now and the end of this calendar year.

David Melding: The European Union's Green Paper on the future of regional policy is due next week. Will you give us a commitment that the Welsh Assembly Government will push hard for the continuation of regional policy? It will be determined over the next few years for programmes that will commence in 2013, which seems a long time away. It is important that we get our message across, either via direct representation to the EU or via the British Government's representation. However, we need to shout hard for the importance of regional policy to continue.

The First Minister: We have done both of those things. There is a long-held view in the Treasury that it would be better if European Union structural fund programmes solely concentrated on accession countries—that is, the Warsaw pact countries plus Malta, Cyprus, and so on. We have not taken that view. We have taken the view—I think that we have persuaded them quite a lot—that we should be entitled to transition funding in the years 2013 to 2020. It would taper off and it would mean that there would not be much available in the final few years of that seven-year period, but as they start to think about the review of the 2009 health check on the common agricultural policy and other big EU programmes, they will start to look ahead to regional policy and structural fund programmes. We think that we have persuaded the UK Government to back the fact that those areas that are eligible for Objective 1 or convergence funding now should be eligible for transition funding from 2013 onwards, in the same way that large parts of Ireland were eligible for transition funding in the present programme because they had Objective 1 funding the last time around.

Nerys Evans: Yr ydym yn croesawu'r arian o Ewrop sydd wedi'i ddynodi yn barod, gan gynnwys £2.5 miliwn ar gyfer tai a bron

lansio'r flwyddyn hon o wariant. Credwn ein bod yn gwneud cynnydd da, ond bydd llawer mwy o gyhoeddiadau o hyn i ddiwedd y flwyddyn galendr hon.

David Melding: Yr ydym yn disgwyl i Bapur Gwyrdd yr Undeb Ewropeaidd ar ddyfodol polisi rhanbarthol gael ei gyhoeddi yr wythnos nesaf. A wnewch roi ymrwymiad y bydd Llywodraeth Cynulliad Cymru yn pwyso'n ddygn am barhau â'r polisi rhanbarthol? Gwneir penderfyniad ynghylch hyn dros y blynyddoedd nesaf ar gyfer rhaglenni a fydd yn dechrau yn 2013, sy'n swnio'n bell iawn i ffwrdd. Mae'n bwysig inni gyfleu ein neges, naill ai drwy gyflwyno sylwadau'n uniongyrchol i'r UE neu drwy gyfrwng sylwadau Llywodraeth Prydain. Fodd bynnag, mae angen inni godi ein llais dros bwysigrwydd parhau â'r polisi rhanbarthol.

Y Prif Weinidog: Yr ydym wedi gwneud y ddau beth hynny. Ceir safbwynt ers tro byd yn y Trysorlys y byddai'n well petai rhaglenni cronfeydd strwythurol yr Undeb Ewropeaidd yn canolbwyntio'n llwyr ar wledydd sydd wedi'u derbyn—hynny yw, y gwledydd yng nghytundeb Warsaw, Malta, Cyprus ac yn y blaen. Nid ydym ni o'r farn honno. Yr ydym ni o'r farn—credaf ein bod wedi eu perswadio i raddau helaeth—ein bod yn haeddu cael cyllid trosiannol rhwng 2013 a 2020. Byddai'n mynd yn llai o'r naill flwyddyn i'r llall ac ni fyddai llawer ar gael erbyn blynyddoedd olaf y saith mlynedd hynny, ond wrth iddynt ddechrau meddwl am adolygu'r archwiliad iechyd 2009 ar y polisi amaethyddol cyffredin a rhaglenni mawr eraill yr UE, byddant yn dechrau edrych ymlaen at bolisi rhanbarthol a rhaglenni cronfeydd strwythurol. Credwn ein bod wedi perswadio Llywodraeth y DU i gefnogi'r ffaith y dylai'r ardaloedd hynny sy'n gymwys ar gyfer cyllid Amcan 1 neu gydgyfeirio ar hyn o bryd fod yn gymwys ar gyfer cyllid trosiannol o 2013 ymlaen, yn yr un modd ag yr oedd rhannau helaeth o Iwerddon yn gymwys i gael cyllid trosiannol yn y rhaglen bresennol oherwydd eu bod wedi cael arian Amcan 1 y tro diwethaf.

Nerys Evans: We welcome the European funding that has already been allocated, including £2.5 million for housing and nearly

£500,000 ar gyfer bysiau gwledig yn sir Gaerfyrddin. Gobeithiwn mai dim ond dechrau yw hyn ar gyfer prosiectau yn y gorllewin. A wnewch ein diweddarau ar fecanwaith cyllido JESSICA a JEREMIE— yn benodol JEREMIE? A oes ardaloedd wedi eu dynodi yn barod ar gyfer derbyn y nawdd newydd hwn?

Y Prif Weinidog: Ni allwn wneud cyhoeddiad terfynol ynglŷn â'r union raglen am ryw chwe wythnos neu ddeufis arall. Fodd bynnag, bydd y rhaglen ar gael ar draws Cymru, os daw hi yn y siâp yr ydym yn ei disgwyl, er y bydd yr ardaloedd hynny sydd wedi cael sêl bendith, sef y rheini â statws Amcan 1, yn cael blaenoriaeth.

2.00 p.m.

Alun Davies: Following on from that question, the First Minister will know that there has been considerable concern from some organisations in Carmarthenshire about the delivery of convergence funding in that county. Is he able to give us a progress report on convergence funding in Carmarthenshire?

The First Minister: I do not have details of the generality of funding in Carmarthenshire. I attended a meeting with councillor Meryl Gravell, the leader of the council, and Neville Davies, the European officer, to discuss one project, but that would not help me to give you an indication of whether they are ahead of or behind their intended profile. However, I will check with Carmarthenshire council and with our regional office in Penllergaer, which covers that area, to see what they think, and I will write to you.

Independent Sports Clubs

Q5 Christine Chapman: What is the Welsh Assembly Government doing to support independent sports clubs in Wales? OAQ(3)1284(FM)

The First Minister: Before I answer the generality of that question, Christine, it is only right and proper for me to mention a particular member of one independent sports club, namely Nicole Cooke, who, over the

£500,000 for rural buses in Carmarthenshire. We hope that this is only the beginning for projects in west Wales. Will you give an update on the JESSICA and JEREMIE funding mechanism—particularly JEREMIE? Have any areas already been earmarked to receive this new funding?

The First Minister: It will be six weeks, maybe two months, before we are able to make a definitive announcement showing exactly what the programme will entail. However, the programme will be available throughout Wales, if it comes in the form that we are expecting, although those areas that have the seal of approval, namely of Objective 1 status, will be given priority.

Alun Davies: A dilyn y cwestiwn hwnnw, bydd y Prif Weinidog yn gwybod bod rhai mudiadau yn sir Gaerfyrddin wedi bod yn poeni'n arw ynglŷn â thalu arian cydgyfeirio yn y sir honno. A all roi adroddiad cynnydd inni ynglŷn ag arian cydgyfeirio yn sir Gaerfyrddin?

Y Prif Weinidog: Nid oes gennyf fanylion ynghylch ariannu yn gyffredinol yn sir Gaerfyrddin. Bûm mewn cyfarfod gyda'r cynghorydd Meryl Gravell, arweinydd y cyngor, a Neville Davies, swyddog Ewrop, i drafod un prosiect, ond ni fyddai hynny o gymorth imi roi syniad ichi ynghylch a ydynt ar y blaen ynteu ar ei hôl hi o'i gymharu â'u cynlluniau. Fodd bynnag, holaf gyngor sir Caerfyrddin a'n swyddfa ranbarthol ym Mhenlle'r-gaer, sy'n gwasanaethu'r ardal honno, i weld beth yw eu barn hwy, ac ysgrifennaf atoch.

Clybiau Chwaraeon Annibynnol

C5 Christine Chapman: Beth mae Llywodraeth Cynulliad Cymru'n ei wneud i gefnogi clybiau chwaraeon annibynnol yng Nghymru? OAQ(3)1284(FM)

Y Prif Weinidog: Cyn imi ateb y cwestiwn yn gyffredinol, Christine, mae'n briodol imi sôn am aelod penodol o un clwb chwaraeon annibynnol, sef Nicole Cooke. Yn sgîl ei buddugoliaeth dros y Sul, hi yw'r athletwraig

weekend, became the first Welsh athlete in any discipline, male or female, to hold an Olympic gold medal and a world gold medal simultaneously. She is, as far as I know, still a member of Cardiff Ajax Cycling Club and long may she continue, over the remainder of her career, to stun the sporting world with her prowess and sportswomanship, and to carry out her wonderful ambassadorial role for Welsh womanhood and sport in general.

In line with our 'One Wales' commitments, we continue to work with the Sports Council for Wales and the national governing bodies of all the sports affiliated to it to support any club that provides the benefits of a sport and physical activity in their local community.

Christine Chapman: Mountain Ash Karate Kai club has been based at Abercynon sports centre in my constituency for more than 25 years. The club has trained many British and world champions, but it is run solely by volunteers. Over the years, they have purchased all their own equipment and generated a large membership from the local community, motivating younger and older people and boosting their confidence and life skills. First Minister, what assurances can I give to the club that the Assembly Government values the services that it provides, and that its efforts and those of clubs like it will be supported?

The First Minister: I do not know the details, but the fact that a club is run by volunteers does not come as a surprise to me, because volunteers are the backbone and lifeblood of all forms of sport in Wales and elsewhere. Volunteers raise funds, they purchase and assemble equipment, and they have survived the introduction of Criminal Records Bureau checks, and so forth, and still they turn up, providing a service, encouraging young people to have a healthy pastime, and giving them a healthy opportunity to become the Nicole Cookes of the next generation. Long may they continue to do so. Occasionally, they can get assistance from local authorities, but sometimes they do not. The issue is how good the arguments are that they put forward, and the same applies to lottery and sports

gyntaf yng Nghymru, mewn unrhyw gamp, boed ddyn neu fenyw, a chanddi fedal aur Olympaidd a medal aur y byd ar yr un pryd. Hyd y gwn, mae'n dal yn aelod o Glwb Beicio Ajax Caerdydd a bydded iddi barhau am amser maith i syfrdanu byd y campau, yn ystod gweddill ei gyrfa, gyda'i dewrder a'i hysbryd chwarae teg, ac i gyflawni ei rôl fel llysgennad gwych dros fenywod a chwaraeon Cymru yn gyffredinol.

Yn unol â'n hymrwymiaidau yn 'Cymru'n Un', yr ydym yn parhau i weithio gyda Chyngor Chwaraeon Cymru a chyda chyrff llywodraethu cenedlaethol yr holl gampau sydd â chyswllt ag ef i gefnogi unrhyw glwb sy'n cynnig manteision camp a gweithgarwch corfforol yn eu cymuned leol.

Christine Chapman: Mae clwb Karate Kai Aberpennar wedi'i gynnal yng nghanolfan chwaraeon Abercynon yn fy etholaeth ers dros 25 mlynedd. Mae'r clwb wedi hyfforddi llawer o bencampwyr Prydain a phencampwyr y byd, ond gwirfoddolwyr sy'n llwyr gyfrifol amdano. Dros y blynyddoedd, maent wedi prynu eu cyfarpar eu hunain i gyd ac wedi denu nifer fawr o aelodau o blith y gymuned leol, gan ysgogi pobl iau a phobl hŷn a rhoi hwb i'w hyder ac i'w sgiliau byw. Brif Weinidog, pa sicrwydd y gallaf ei roi i'r clwb fod Llywodraeth y Cynulliad yn gwerthfawrogi'r gwasanaethau y mae'n eu darparu, ac y cefnogir ei ymdrechion ac ymdrechion clybiau tebyg iddo?

Y Prif Weinidog: Ni wn beth yw'r manylion, ond nid yw'n syndod imi mai gwirfoddolwyr sy'n cynnal clwb, oherwydd gwirfoddolwyr yw asgwrn cefn ac anadl einioes pob math o chwaraeon yng Nghymru ac mewn mannau eraill. Bydd gwirfoddolwyr yn codi arian, byddant yn prynu ac yn gosod cyfarpar, ac maent wedi goroesi cyflwyno archwiliadau'r Swyddfa Cofnodion Troseddol, ac yn y blaen. Maent yn dal i ddod yno, yn darparu gwasanaeth, yn annog pobl ifanc i feithrin diddordeb iach, ac yn rhoi cyfle da iddynt ddod yn Nicole Cooke y genhedlaeth nesaf. Hir y parhaed hynny. Ar brydiau, gallant gael cymorth gan awdurdodau lleol, ond nid yw hynny'n wir bob tro. Pa mor dda yw'r dadleuon a gyflwynir ganddynt sy'n cyfrif ac mae'r un peth yn wir am arian y loteri ac arian y

council funding.

Nick Ramsay: I echo the First Minister's sentiments in paying tribute to Nicole Cooke. What a fantastic set of results. She is a fine ambassador for Wales.

I will expand the sporting picture slightly from the local, raised by Christine Chapman, to the more national. Wales is gaining a reputation for attracting major sporting events, such as the Ryder Cup. How are the First Minister's policies building on that reputation? His Government has spoken in the past of a dedicated major events unit, and I know that he is now developing that idea. How does he see that progressing in the future, and what dividends does he believe a dedicated major events unit would bring to Wales? Wales needs to generate a greater coherence across the board, from the local picture to the national, if we are to progress in the sporting field.

The First Minister: I am grateful for that question, because the Ryder Cup is a very important event in 2010, but, before that, we have the first test match of the five-match Ashes series, at the new SWALEC stadium in Cardiff next July. The SWALEC stadium has also been booked for other one-dayers and so on, although another test match has not yet been booked. However, they are very confident that they are on the list for that now, although they will not get a test match every year. Those are the two key events.

We have a major events unit, but it does not have the big money that the Scottish major events unit has to offer to the world cross-country championship or the sailing championship or whatever it might be. Our major events unit is concentrating on giving advice at present, and then, if money is required, each event is considered to see whether we can afford to put in a bid for it and whether we can win that bid. We now have our focus on the London Olympic Games, and, in the run-up to them, we are trying to ensure that the teams from countries a long way away, such as China, Australia

cyngor chwaraeon.

Nick Ramsay: Ategap sylwadau'r Prif Weinidog wrth roi teyrnged i Nicole Cooke. Am gyfres anhygoel o ganlyniadau. Mae'n llysgennad gwych dros Gymru.

Ehangaf y darlun chwaraeon fymryn o'r darlun lleol, a godwyd gan Christine Chapman, i'r darlun mwy cenedlaethol. Mae Cymru'n magu enw da am ddenu digwyddiadau chwaraeon mawr, megis Cwpan Ryder. Sut y mae polisiau'r Prif Weinidog yn adeiladu ar yr enw da hwnnw? Mae ei Lywodraeth wedi sôn yn y gorffennol am uned arbennig ar gyfer digwyddiadau mawr a gwn ei fod yn datblygu'r syniad hwnnw'n awr. Sut y mae'n gweld hynny'n mynd rhagddo yn y dyfodol, a pha fanteision a ddôl i Gymru yn sgîl uned arbennig ar gyfer digwyddiadau mawr, yn ei farn ef? Mae angen i Gymru greu mwy o gydlyniaeth drwyddi draw, o'r darlun lleol i'r darlun cenedlaethol, er mwyn inni gamu ymlaen ym maes chwaraeon.

Y Prif Weinidog: Yr wyf yn ddiolchgar am y cwestiwn hwnnw, oherwydd y mae Cwpan Ryder yn ddigwyddiad pwysig iawn yn 2010, ond cyn hynny, mae gennym gêm brawf gyntaf cyfres pum gêm y Llundw, yn stadiwm newydd SWALEC yng Nghaerdydd fis Gorffennaf nesaf. Mae stadiwm SWALEC wedi'i threfnu hefyd ar gyfer gemau undydd eraill ac yn y blaen, er nad oes gêm brawf arall wedi'i threfnu eto. Fodd bynnag, maent yn hyderus iawn eu bod ar y rhestr ar gyfer hynny'n awr, er na chânt gêm brawf bob blwyddyn. Dyna'r ddau ddigwyddiad allweddol.

Mae gennym uned digwyddiadau mawr, ond nid oes ganddi'r arian mawr sydd gan uned digwyddiadau mawr yr Alban i'w gynnig i bencampwriaeth traws gwlad y byd neu i'r bencampwriaeth hwylio neu beth bynnag y bo. Mae ein huned digwyddiadau mawr ni'n canolbwyntio ar gynghori ar hyn o bryd, ac wedyn, os bydd angen arian, ystyrir pob digwyddiad er mwyn gweld a allwn fforddio gwneud cais amdano ac a all y cais hwnnw lwyddo. Yr ydym yn awr yn canolbwyntio ar Gemau Olympaidd Llundain, ac wrth inni ddynesu atynt, yr ydym yn ceisio sicrhau bod y timau o wledydd pell, megis Tsieina,

and New Zealand, consider using facilities in Wales for their training and acclimatisation camps. We will also hold a small number of Olympic qualifying events, such as the men's and women's football.

David Lloyd: Fel y mae'n siŵr y byddwch yn cytuno, Brif Weinidog, pan gytunodd gwledydd y Deyrnas Unedig i gefnogi cais Llundain i gynnal y Gemau Olympaidd yn 2012, nid oeddent yn disgwyl i'w clybiau bach pêl-droed, rygbi, bowls, athletau ac ati ar lawr gwlad dalu pris trwm am y gefnogaeth honno drwy golli mynediad at arian y loteri. Pa drafodaethau yr ydych wedi eu cael gyda San Steffan i geisio sicrhau y bydd y clybiau bach hyn yn ffynnu yn hytrach nag yn dirywio yn sgîl y penderfyniad hwnnw?

Y Prif Weinidog: Yn anffodus, mae cynnal y Gemau Olympaidd ym Mhrydain Fawr, yn Llundain, yn golygu tipyn o strach sy'n ein tynnu i'r ddwy ffordd. Ar y naill llaw, efallai dyma'r unig dro mewn cenhedlaeth, neu mewn hanner canrif, hyd y gwn i, y caiff y Gemau Olympaidd eu cynnal ym Mhrydain Fawr, ac mae hynny'n cynnig ysbrydoliaeth ac yn creu nod ymhlith cystadleuwyr, gan ei bod yn haws meddwl amdanoch chi eich hun yn cymryd rhan mewn gemau cartref. Felly, byddant yn cael eu hysbrydoli i hyfforddi ac i wneud yr aberth sy'n angenrheidiol i gyrraedd y lefel honno. Ar y llaw arall, ochr isaf y pyramid yw rhaid penderfynu o ble y daw'r arian i dalu am y pethau y bu'r loteri yn eu hariannu cyn hyn, gan fod arian y loteri ac arian cyhoeddus arall yn cael eu harallgyfeirio i dalu am y Gemau Olympaidd. A dweud y gwir, dim ond bob hanner canrif y dylai gwlad fel Prydain Fawr wneud hyn, neu bydd gormod o arallgyfeirio'n digwydd. Weithiau, mae'n werth gwneud yr aberth er mwyn cael budd yr ysbrydoliaeth honno o weld y Gemau Olympaidd yn cael eu cynnal ryw 200 milltir yn unig o'r fan lle yr ydych yn byw.

Val Lloyd: First Minister, I was very disappointed to hear that Street Soccer Cymru—an organisation that offered homeless people enrichment through recreation—had to close last April, owing to

Awstralia a Seland Newydd, yn ystyried defnyddio cyfleusterau yng Nghymru ar gyfer eu canolfannau hyfforddi ac ymaddasu. Byddwn hefyd yn cynnal nifer fach o ddigwyddiadau cymhwys ar gyfer y Gemau Olympaidd, megis pêl-droed i ddynion ac i fenywod.

David Lloyd: As I am sure you would agree, First Minister, when the nations of the United Kingdom agreed to support London's bid to hold the Olympic Games in 2012, they did not expect their small clubs at the grass roots, whether football, rugby, bowling, or athletics clubs and so on, to pay such a high price for that support by losing their access to lottery funding. What discussions have you had with Westminster to try to ensure that those small clubs prosper rather than decline as a result of that decision?

The First Minister: Unfortunately, holding the Olympic Games in Great Britain, in London, will mean causing some hassle, and it pulls us both ways. On the one hand, perhaps this will be the only time in a generation or in half a century, as far as I know, that the Olympic Games will be held in Great Britain, and that will be a source of great inspiration and ambition for our competitors, as it is easier to imagine yourself taking part in home games. Therefore, they will be inspired to train and to make the sacrifices necessary to reach that level. However, on the other hand, the bottom end of that pyramid is deciding where the money should come from to pay for those things that the lottery was funding prior to that, given that lottery funding and other public moneys have been diverted to pay for the Olympic Games. To tell the truth, a country such as Great Britain should only really do this every 50 years or so; otherwise, too many funds would be diverted. Sometimes, it is worth making that sacrifice in order to get the benefit from the inspiration of seeing the Olympic Games being held some 200 miles from where you live.

Val Lloyd: Brif Weinidog, yr oeddwn yn siomedig iawn o glywed bod Street Soccer Cymru—mudiad a oedd yn cyfoethogi bywyd pobl ddigartref drwy gyfrwng chwaraeon—wedi gorfod cau fis Ebrill

a failure to secure funding. I have recently been pleased to learn that the team managers who were involved in Street Soccer Cymru have been able, following much hard work, to establish a new organisation to continue providing and even to expand on the work that they do in the homeless football scheme. To progress, Football Wales needs to achieve registered charitable status and, to do so, it must raise funds. Is there any way in which the Government could offer support for the development of this independent sports club for the homeless, given the very important work that it does as a sideline in encouraging self-esteem?

The First Minister: I am glad that you raised this issue. I do not think that we have ever discussed soccer for the homeless before and the initiative undertaken by Street Soccer Cymru. It is the ultimate outreach sports project. It is an extraordinary initiative, which has been very successful. I understand what you are saying: it has gone through a crisis but is now back on the road again. I will ask the Sports Council for Wales what approaches it or the lottery may have had, to see whether there is some special programme for outreach projects like this one, to give them some sustained funding to continue the brilliant work that they do.

Immunisation

Q6 Lorraine Barrett: Will the First Minister make a statement on the national immunisation programmes in Wales? OAQ(3)1296(FM)

The First Minister: Uptake of the 5-in-1 vaccine for two-year-olds remains around the 95 per cent target. Uptake of the measles, mumps and rubella vaccine is at 86 per cent for one-year-olds and 90 per cent for five-year olds.

Lorraine Barrett: Thank you for that information. Today is Community Pharmacy Day in the Senedd and community pharmacies can play an important role in national immunisation programmes. At some

diwethaf, oherwydd iddo fethu â sicrhau cyllid. Yr oeddwn yn falch o glywed yn ddiweddar fod rheolwyr y tîm a oedd yn ymwneud â Street Soccer Cymru wedi llwyddo i sefydlu mudiad newydd, a hynny yn sgîl llawer o waith caled, er mwyn parhau â'u gwaith gyda'r cynllun pêl-droed i'r digartref, a hyd yn oed ehangu'r gwaith hwnnw. Er mwyn datblygu, mae angen i Bêl-droed Cymru sicrhau statws elusen gofrestredig, ac, er mwyn gwneud hynny, rhaid iddynt godi arian. A oes modd yn y byd i'r Llywodraeth allu cynnig cymorth er mwyn datblygu'r clwb chwaraeon annibynnol hwn i'r digartref, o ystyried y gwaith ategol pwysig iawn y mae'n ei wneud o ran hybu hunan-barch?

Y Prif Weinidog: Yr wyf yn falch ichi godi'r mater hwn. Ni chredaf inni erioed drafod pêl-droed i'r digartref o'r blaen na'r cynllun sydd ar y gweill gan Street Soccer Cymru. Dyma brosiect chwaraeon allgymorth o'r math gorau un. Mae'n gynllun rhyfeddol, sydd wedi bod yn llwyddiannus iawn. Yr wyf yn deall yr hyn yr ydych yn ei ddweud: mae wedi bod yn argyfwng arno, ond erbyn hyn mae wedi cael ei gefn ato. Holaf Gyngor Chwaraeon Cymru ynglŷn â pha fath o geisiadau y mae ef neu'r loteri wedi'u cael o bosibl, er mwyn gweld a oes rhaglen arbennig ar gael i brosiectau allgymorth fel hwn, fel y gellir rhoi rhywfaint o arian iddynt am gyfnod estynedig er mwyn iddynt barhau â'u gwaith rhagorol.

Imiwneiddio

C6 Lorraine Barrett: A wnaiff y Prif Weinidog ddatganiad am y rhaglenni imiwneiddio cenedlaethol yng Nghymru? OAQ(3)1296(FM)

Y Prif Weinidog: Mae'r ganran darged, sef tua 95 y cant o blant dwyflwydd, yn cael y brechlyn 5-mewn-1. Mae 86 y cant o blant blwydd oed yn cael brechlyn y frech goch, clwy'r pennau a rwbel a 90 y cant o blant pump oed yn ei gael.

Lorraine Barrett: Diolch ichi am y wybodaeth honno. Mae'n ddiwrnod Fferylliaeth Gymunedol heddiw yn y Senedd a gall fferyllfeydd cymunedol chwarae rhan bwysig mewn rhaglenni imiwneiddio

point, can we be provided with information on the uptake of the human papillomavirus vaccine programme, which is being rolled out to 12 and 13-year-olds across Wales through their schools? Will you ensure that, as part of this vaccination programme, the message is given to young women that they must continue to go for cervical screening, and not rely on the vaccine, although that is important?

2.10 p.m.

The First Minister: My understanding is that the human papillomavirus vaccine is a brilliant step forward in progress but that it protects against only one or two types of cervical cancer. Therefore, continued vigilance by the woman herself and primary care services is essential to ensure that the other types of cervical cancer, for which the papillomavirus vaccine is not a protection, are detected as early as possible.

Alun Cairns: On the MMR vaccine, the reality is that Wales is missing its target, as uptake is not at 95 per cent; in many areas, it is alarmingly low. In Neath Port Talbot, uptake is much lower than that in the rest of the United Kingdom. Given that more than 10 years have passed since the controversy surrounding the MMR vaccine, do you not believe that stronger action should have been taken by the Assembly Government to ensure that the MMR vaccine is at the level that it needs to be—95 per cent plus, and not up to 95 per cent?

The First Minister: I do not disagree with the fact that we have to do everything that we can to reach the 95 per cent target; otherwise, you lose the ‘herd immunity’, as it is slightly indelicately called. In parts of south London, there is an epidemic of measles as a result of those areas hugely missing their targets. Fortunately, there is no evidence of that happening in Wales, and long may that continue. We know of the problem in the Swansea and Neath Port Talbot area, which we believe was caused by the strength of the

enedlaethol. Rywbryd, a gawn wybodaeth am y nifer sy'n manteisio ar raglen y brechlyn at feirws papiloma dynol, sy'n cael ei chyflwyno i blant 12 ac 13 oed drwy Gymru drwy gyfrwng eu hysgolion. A wnewch sicrhau, fel rhan o'r rhaglen frechu hon, fod y neges yn cael ei chyfleu i ferched ifanc ei bod yn dal yn ofynnol iddynt fynd i gael sgrinio serfigol, a pheidio â dibynnu ar y brechlyn, er bod hwnnw'n bwysig?

Y Prif Weinidog: Yn ôl a ddeallaf, mae'r brechlyn at feirws papiloma dynol yn ddatblygiad gwych sydd ar y gweill ond mai dim ond rhag un neu ddau fath o ganser ceg y groth y mae'n gwarchod merched. Felly, mae'n hanfodol i fenywod eu hunain a'r gwasanaethau gofal sylfaenol fod yn effro i'r sefyllfa o hyd er mwyn sicrhau bod y mathau eraill o ganser ceg y groth, canserau nad yw'r brechlyn at ferws papiloma yn gwarchod rhagddynt, yn cael eu canfod cyn gynted ag sy'n bosibl.

Alun Cairns: Ynglŷn â'r brechlyn MMR, y gwir yw nad yw Cymru'n cyrraedd ei tharged, oherwydd nid yw 95 y cant yn manteisio arno; mewn llawer o ardaloedd, mae'n ddychrynlyd o isel. Yng Nghastell-nedd Port Talbot, mae'r nifer sy'n ei gael yn is o lawer na'r nifer yng ngweddill y Deyrnas Unedig. O gofio bod mwy na 10 mlynedd wedi mynd heibio ers i'r brechlyn MMR fod yn bwnc llosg, oni chredwch y dylai Llywodraeth y Cynulliad fod wedi cymryd camau cryfach i sicrhau bod y nifer sy'n cael y brechlyn MMR yn cyrraedd y lefel y mae angen iddo'i gyrraedd—95 y cant a mwy, yn hytrach na hyd at 95 y cant?

Y Prif Weinidog: Nid wyf yn anghytuno â'r ffaith bod yn rhaid inni wneud popeth yn ein gallu i gyrraedd y targed o 95 y cant; fel arall, collir ‘imiwnedd yr haid’, fel y'i gelwir yn ddi-chwaeth braidd. Mewn ambell ran o dde Llundain, mae'r frech goch yn bla oherwydd bod yr ardaloedd hynny ymhell o gyrraedd eu targedau. Yn ffodus, nid oes tystiolaeth bod hynny'n digwydd yng Nghymru, a hir y parhaed felly. Gwyddom am y broblem yn ardal Abertawe a Chastell-nedd Port Talbot, sydd wedi ei hachosi, fe gredwn, gan nerth yr

campaign that was run against MMR. The basis of that campaign has now been proved to be medically and scientifically unsound. The bit of nonsense that was Andrew Wakefield's claim, 10 years ago, has done untold damage, fortunately without any significant effects in Wales, but with major effects elsewhere in the UK. Once there is an urban myth out there, it is not easy to combat. When you get someone with a PhD putting forward a nonsensical pseudo-scientific case, alleging that MMR is connected with autism, it is difficult to get that bit of toothpaste back in the tube.

Helen Mary Jones: To refer you to your answers to Lorraine Barrett about the HPV vaccine, I am delighted, as I am sure we all are, that we can roll that out to all girls in year 8 this year. However, you will recall that your Government made a commitment to ensure that funding would be available for older girls to catch up with it. I understand that the Government is under severe financial pressures in the forthcoming budget, but, in consultation with the Minister for Health and Social Services and the Minister for Finance and Public Service Delivery, can you ensure that that funding is available for the catch-up, as well as for the main group? I refer you to your sensible comments about the importance of 'herd immunity' when seeking to vaccinate a whole population.

The First Minister: I believe that this is being favourably considered right now, and further details will be given by the Minister for health when it is finalised.

Jenny Randerson: In some areas, schools no longer offer the triple booster vaccine to teenagers for diphtheria, tetanus and polio. I discovered last week that there is a disgraceful situation in Blaenau Gwent, where the uptake of this vaccine is as low as 5.8 per cent. The situation in Pembrokeshire is also worrying, with only 13 per cent take-up. Cardiff and Gwent use the same solution, offering it via GPs, rather than schools, and yet Cardiff manages to achieve an uptake of nearly 60 per cent. Apparently, the problem was caused by a breakdown in communication. What concerns me even

ymgyrch a gynhaliwyd yn erbyn MMR. Erbyn hyn, profwyd bod yr ymgyrch honno ar dir sigledig yn feddygol ac yn wyddonol. Mae'r honiad hurt a wnaeth Andrew Wakefield, 10 mlynedd yn ôl, wedi gwneud difrod mawr. Nid yw wedi cael effaith sylweddol yng Nghymru diolch byth, ond mae wedi cael effaith fawr mewn mannau eraill yn y DU. Pan fydd myth gwerin wedi cael gafael, nid yw'n hawdd brwydro yn ei erbyn. Pan fydd rhywun â PhD yn cynnig dadl siwdo-wyddonol sy'n nonsens, gan honni bod cysylltiad rhwng MMR ac awtistiaeth, mae'n anodd gwthio'r darn bach hwnnw o bast dannedd yn ôl i'r tiwb.

Helen Mary Jones: A gaf eich cyfeirio at eich atebion i Lorraine Barrett ynglŷn â'r brechlyn HPV? Yr wyf wrth fy modd, fel yr ydym i gyd, yr wyf yn siŵr, y gallwn gyflwyno'r brechlyn hwnnw i bob merch ym mlwyddyn 8 eleni. Fodd bynnag, fe gofiwch i'ch Llywodraeth ymrwymo i sicrhau y byddai arian ar gael i ferched hŷn ymuno â'r rhaglen. Deallaf fod y Llywodraeth dan bwysau ariannol difrifol yn y gyllideb sydd ar fin dod, ond, gan ymgynghori â'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol a'r Gweinidog dros Gyllid a Chyflenwi Gwasanaethau Cyhoeddus, a allwch sicrhau y bydd yr arian ar gael ar gyfer merched hŷn yn ogystal ag ar gyfer y prif grŵp? Fe'ch cyfeiraf at eich sylwadau synhwyrol ynglŷn â phwysigrwydd 'imiwnedd yr haid' wrth geisio brechu poblogaeth gyfan.

Y Prif Weinidog: Credaf fod hyn wrthi'n cael ystyriaeth ffafriol ar hyn o bryd, a bydd y Gweinidog dros Iechyd yn rhoi rhagor o fanylion pan fydd y trafodaethau ar ben.

Jenny Randerson: Mewn ambell ardal, nid yw'r ysgolion bellach yn cynnig y brechlyn atgyfnerthu triphlyg i blant yn eu harddegau ar gyfer difftheria, tetanws a pholio. Cefais wybod yr wythnos diwethaf am sefyllfa warthus ym Mlaenau Gwent, lle y mae cyn lleied â 5.8 y cant yn manteisio ar y brechlyn hwn. Mae'r sefyllfa yn sir Benfro'n destun pryder hefyd, lle nad oes ond 13 y cant yn manteisio arno. Mae Caerdydd a Gwent yn defnyddio'r un ateb, sef ei gynnig drwy gyfrwng meddygon teulu, yn hytrach na thrwy gyfrwng yr ysgolion. Eto i gyd, mae Caerdydd yn llwyddo i ddenu bron 60 y cant

more is that the Minister's spokesperson told the press that parents must take up the opportunities to have this vaccine. Aside from the fact that 16-year-olds are not treated as children, that ignores the fact that patients were not being invited to come in for this vaccine. What are you doing to ensure that your Government is aware of such problems and that it responds in a timely manner? Will you ask the Minister to examine the various procedures and to ensure that, whichever process is used—whether it is offered by schools or GPs—a system is in place to ensure an overall high take-up?

The First Minister: Looking at the figures, it was clear—with Merthyr Tydfil right at the top and Blaenau Gwent, which is next door to it, with freakishly low figures—that this was not the normal statistical variation. I believe that inquiries were made and that it had been caused by a complete breakdown of communication between the local health board and the local authority's education department in that each thought that the other was initiating the programme. Clearly, remedial action needs to be taken quickly to put that right.

Stroke Services

Q7 Chris Franks: What discussions has the First Minister had regarding Welsh stroke services? OAQ(3)1280(FM)

The First Minister: The Minister for Health and Social Services, Edwina Hart, published a programme of work for 2008-11 setting out clear actions to improve stroke services across Wales. In addition, £2.5 million has been made available recurrently from 2008-09 for stroke services.

Chris Franks: I welcome the Welsh Government's commitment to improving Wales's dire position in this area, but £2.5 million per annum for three years is a drop in the ocean compared with the level of funding

i fanteisio arno. I bob golwg, diffyg cyfathrebu a oedd yn gyfrifol am y broblem. Yr hyn sy'n fy mhoeni'n fwy byth yw bod llefarydd y Gweinidog wedi dweud wrth y wasg fod yn rhaid i rieni fanteisio ar y cyfleoedd i gael y brechlyn hwn. Ar wahân i'r ffaith na ddylid trin pobl ifanc 16 oed fel plant, mae hynny'n anwybyddu'r ffaith nad oedd cleifion yn cael eu gwahodd i ddod i gael y brechlyn hwn. Beth yr ydych yn ei wneud i sicrhau bod eich Llywodraeth yn ymwybodol o broblemau o'r fath a'i bod yn ymateb yn brydlon? A wnewch ofyn i'r Gweinidog archwilio'r amrywiol weithdrefnau a sicrhau, pa broses bynnag a ddefnyddir—boed yn cael ei gynnig gan ysgolion neu feddygon teulu—fod system ar waith i sicrhau bod nifer dda yn ei ddefnyddio'n gyffredinol?

Y Prif Weinidog: Wrth edrych ar y ffigurau, yr oedd yn glir—gyda Merthyr Tudful ar y brig a ffigurau rhyfeddol o isel ym Mlaenau Gwent, sydd y drws nesaf—nad yr amrywiad ystadegol arferol oedd hyn. Yr wyf yn credu bod ymholiadau wedi cael eu gwneud a'i fod wedi cael ei achosi oherwydd bod y bwrdd iechyd lleol ac adran addysg yr awdurdod lleol wedi methu'n llwyr â chyfathrebu â'i gilydd gan fod y naill yn meddwl bod y llall yn cychwyn y rhaglen. Yn amlwg, mae angen cymryd camau unioni yn gyflym i unioni'r sefyllfa.

Gwasanaethau Strôc

C7 Chris Franks: Pa drafodaethau y mae'r Prif Weinidog wedi'u cael ynghylch gwasanaethau strôc yng Nghymru? OAQ(3)1280(FM)

Y Prif Weinidog: Cyhoeddodd y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, Edwina Hart, raglen waith ar gyfer 2008-11 yn amlinellu camau gweithredu clir i wella gwasanaethau strôc ledled Cymru. Ar ben hynny, bydd £2.5 miliwn ar gael yn rheolaidd o 2008-09 ymlaen ar gyfer gwasanaethau strôc.

Chris Franks: Yr wyf yn croesawu ymrwymiad Llywodraeth Cymru i wella sefyllfa ddybryd Cymru yn hyn o beth, ond nid yw £2.5 miliwn y flwyddyn ar gyfer tair blynedd yn ddim o'i gymharu â lefel y cyllid

that is required. I am concerned that Wales continues to lag behind England in this situation. There is a widely held view that £2.5 million will not lead to significant improvements. Given that Wales is so far behind England, does the First Minister share the view of many members of the health community and of the voluntary sector who tell me that the amount of money allocated for stroke, though welcome, will not lead to the kind of improvements that are needed? There is further widespread disparity in the level of services across different communities. The lack of support is placing a huge burden on families and patients suffering from the after-effects of stroke.

The First Minister: Anyone for whom stroke has occurred in their family—and it has occurred in my family on two occasions in the last 15 to 20 years—will be aware of the urgent need to get people to hospital for the immediate follow-up treatment and then for the stroke rehabilitation service to be very good and to effect the maximum possible recovery.

On whether or not the £2.5 million is adequate, clearly it is £2.5 million on top of what people were already providing in the area of stroke services. On Wales being well behind England, that may be true, I do not know, but I remember a conversation that I had around two years ago in which the services throughout Great Britain were referred to as being inadequate because stroke, for some reason, is a cinderella service. Heart problems and cancer are high priority, but stroke comes at the end of the queue for some strange reason, even though the issue of getting you to hospital, where that is possible, is very important in terms of one's chances of making a full recovery. The adult neurosciences review covers this issue; you will need to pull out some of the interesting comments in the Steers review on stroke services.

Jonathan Morgan: There are two problems with the delivery of stroke services. First, less than 50 per cent of hospitals in Wales have a stroke unit, whereas 90 per cent of hospitals in England have one. So there is an issue about access to services.

y mae ei angen. Yr wyf yn pryderu bod Cymru yn dal ar ôl Lloegr yn y sefyllfa hon. Mae llawer yn credu na fydd £2.5 miliwn yn arwain at welliannau sylweddol. O ystyried bod Cymru mor bell y tu ôl i Lloegr, a yw'r Prif Weinidog yn cyd-fynd â llawer o aelodau o'r gymuned iechyd a'r sector gwirfoddol sy'n dweud wrthyf, er bod yr arian a ddyrennir ar gyfer strôc yn cael ei groesawu, na fydd yn arwain at y math o welliannau y mae eu hangen? Ceir gwahaniaeth helaeth pellach yn lefel y gwasanaethau ar draws cymunedau gwahanol. Mae'r diffyg cefnogaeth yn rhoi baich mawr ar deuluoedd a chleifion sy'n dioddef ôl-effeithiau strôc.

Y Prif Weinidog: Bydd unrhyw un y mae strôc wedi effeithio ar eu teulu—ac mae wedi effeithio ar fy nheulu ddwywaith yn ystod y 15 i 20 mlynedd diwethaf—yn gwybod am yr angen dybryd i fynd â phobl i'r ysbyty ar gyfer y driniaeth ddilynol ar unwaith ac wedyn yr angen i'r gwasanaeth adsefydlu ar ôl strôc fod yn arbennig o dda i sicrhau eu bod yn gwella cymaint ag sy'n bosibl.

O ran a yw'r £2.5 miliwn yn ddigon ai peidio, yn amlwg mae'n £2.5 miliwn ar ben yr hyn yr oedd pobl eisoes yn ei ddarparu ym maes gwasanaethau strôc. O ran bod Cymru ymhell ar ôl Lloegr, efallai fod hynny'n wir, nid wyf yn gwybod, ond yr wyf yn cofio sgwrs a gefais tua dwy flynedd yn ôl pan ddywedwyd bod y gwasanaethau ledled gwledydd Prydain yn annigonol oherwydd bod strôc, am ryw reswm, yn wasanaeth sy'n cael ei esgeuluso. Mae problemau gyda'r galon a chanser yn flaenoriaethau uchel, ond mae strôc ym mhen draw'r ciw am ryw reswm rhyfeddol, er bod eich cael i'r ysbyty, pan fydd hynny'n bosibl, yn bwysig iawn o ran y cyfle sydd gan rywun i wella'n llwyr. Mae'r adolygiad o niwrowyddorau i oedolion yn ymdrin â'r mater hwn; bydd angen ichi chwilio am rai o'r sylwadau diddorol yn adolygiad Steers ar wasanaethau strôc.

Jonathan Morgan: Ceir dwy broblem yng nghyswllt darparu gwasanaethau strôc. Yn gyntaf, mae gan lai na 50 y cant o ysbytai Cymru uned strôc, ond mae gan 90 y cant o ysbytai Lloegr uned o'r fath. Felly ceir problem sy'n ymwneud â mynediad at wasanaethau.

The second problem relates to where that strategy fits in. During the past years, we have seen the strategy being geared much more towards those who have retired and, while that is the category of people in which stroke most readily occurs, 1,000 people under 30 in Wales have a stroke every year. Therefore, we need to ensure that our services are age-blind—those services need to be delivered to people across the age spectrum and not only to those in their late sixties or mid-seventies for whom stroke becomes a threat. It happens at many different ages, and the services must respond to that.

2.20 p.m.

The First Minister: I agree that stroke services, other than the specialist neurological work, should be as widely dispersed as possible. I think that that message emerges from the Steers review. The neuroscience review recommends that stroke rehabilitation should follow local clinical pathways for acquired brain injury of whatever cause. Therefore, diagnostics and rehabilitation should be widely dispersed, even if you need specialist units for some of the more complex medicines, surgeries and treatments. It is a matter of trying to ensure that the speed of access to hospital after the initial event is good, that the follow-up there is good, and that the rehabilitation is also good in terms of speech therapy and so on, which are critical to helping people get back to being able to walk and talk, as they can with the right rehabilitation.

Busnesau Bach

C8 Gareth Jones: A wnaiff y Prif Weinidog ddatganiad am strategaeth Llywodraeth Cynulliad Cymru ar gyfer cefnogi busnesau bach yng Nghymru? OAQ(3)1295(FM)

Y Prif Weinidog: Bu inni godi rhyddhad ardrethi annomestig yn ddiweddar, a dylai hynny fod o les i 10,000 busnes bach. Hefyd, mae rhaglenni y tu fewn i'r Adran Datblygu Economaidd a Thrafnidiaeth, sef y gronfa buddsoddi sengl a Chymorth Hyblyg i

Mae'r ail broblem yn ymwneud â lle y mae'r strategaeth honno'n perthyn. Yn ystod y blynyddoedd diwethaf, yr ydym wedi gweld y strategaeth yn cael ei chyfeirio'n fwy o lawer tuag at y rhai sydd wedi ymddeol ac, er bod hynny yn y categori o bobl lle y gwelir strôc amlaf, bydd 1,000 o bobl dan 30 oed yng Nghymru yn cael strôc bob blwyddyn. Felly mae angen inni sicrhau nad yw ein gwasanaethau yn ystyried oedran—mae angen i'r gwasanaethau hynny gael eu darparu i bobl o bob oed ac nid dim ond y rhai yn eu chwedegau hwyr neu ganol eu saithdegau y mae strôc yn fygythiad iddynt. Mae'n digwydd i oedolion o bob oed, a rhaid i'r gwasanaethau ymateb i hynny.

Y Prif Weinidog: Yr wyf yn cytuno y dylai gwasanaethau strôc, ac eithrio'r gwaith niwrolegol arbenigol, fod wedi'u dosbarthu mor eang ag sy'n bosibl. Yr wyf yn meddwl bod y neges honno'n i'w chael yn adolygiad Steers. Mae'r adolygiad o niwrowyddorau yn argymhell y dylai adsefydlu cleifion sydd wedi cael strôc ddilyn llwybrau clinigol lleol ar gyfer rhywun sydd wedi cael niwed i'w ymennydd am ba reswm bynnag y bo hynny. Felly, dylai diagnosteg ac adsefydlu gael eu dosbarthu'n eang, hyd yn oed os oes angen unedau arbenigol arnoch ar gyfer rhai o'r meddyginiaethau, llawdriniaethau a thriniaethau mwy cymhleth. Mae'n ymwneud â cheisio sicrhau bod mynediad i ysbyty ar ôl y digwyddiad cychwynol yn dda, fod y gwaith dilynol yno'n dda, a bod yr adsefydlu'n dda o ran therapi lleferydd ac yn y blaen, sy'n hanfodol ar gyfer helpu pobl yn ôl i allu cerdded a siarad, fel y gallant wneud gyda'r adsefydlu cywir.

Small Businesses

Q8 Gareth Jones: Will the First Minister make a statement on the Welsh Assembly Government's strategy for supporting small businesses in Wales? OAQ(3)1295(FM)

The First Minister: We had to raise non-domestic rate relief recently, which should be of an advantage to 10,000 small businesses. Also, there is are programmes within the Department for Economic Development and Transport, the single investment fund and

Fusnes, sydd yn rhan allweddol o'r pecyn sydd ar gael gennym i helpu busnesau bach a chymedrol eu maint.

Gareth Jones: Mae croeso i'r ychwanegiad hwnnw. Tra bod llefarydd cyllid y Torïaid yn siarad am gynyddu trethi busnes, mae Plaid yn credu mewn buddsoddi mewn busnesau, ac mae ein polisi'n glir y dylid cwtdogi trethi busnes a thargedu toriadau treth gorfforaethol i'r ardaloedd difreintiedig er mwyn adfywio twf mewn busnes ac i annog buddsoddi. Yn anffodus, mae llawer o fusnesau eraill yn fy etholaeth, yn Aberconwy, yn ei chael yn anodd ymdopi â thaliadau treth fusnes gan nad ydynt yn derbyn unrhyw gymorth ar hyn o bryd i wynebu'r hyn sydd i bob pwrpas yn *poll tax* a ddyfeisiwyd gan y Ceidwadwyr ar fusnesau bach. A allwch sicrhau y bydd Llywodraeth Cymru'n Un yn rhoi ystyriaeth lawn i ehangu ymhellach y cynllun rhyddhad ardrethi busnes?

Y Prif Weinidog: Mae pethau fel hynny ar y gweill. Mae'n bwysig ein bod yn ceisio gweithio allan sut y bydd busnesau yng Nghymru'n ymdopi â'r argyfwng credyd sy'n eu hwynebu yn awr oherwydd yr hyn sydd wedi digwydd i'r banciau'n rhyngwladol. Hefyd, rhaid inni gyfeirio at y rhaglen JEREMIE, ac yr ydym yn gobeithio gallu cyhoeddi'r manylion o fewn cwpl o fisoedd. Pan fydd busnes am fuddsoddi, ehangu a chreu mwy o swyddi., bydd yn bwysicach nag erioed o'r blaen fod cymorth ar gael iddo, gydag, yn rhannol, arian o Ewrop ac arian oddi wrthym ni hefyd fel rhan o raglen JEREMIE.

Mark Isherwood: I will not engage in similar party political stuff—[ASSEMBLY MEMBERS: 'Oh.'] The statement was false; we will not be focusing on increasing taxes for businesses.

The Federation of Small Businesses launched its Keep Trade Local campaign at the Royal Welsh Show, as you will no doubt know. I understand that, among others, the Deputy First Minister attended the stand to support the launch. The campaign calls on the Prime Minister to secure the future of small shops across the UK and to safeguard the choice and competition that people expect in the

Flexible Support for Business, which are key parts of the package we are making available to help SMEs.

Gareth Jones: That enhancement is to be welcomed. While the Conservative Party finance spokesperson speaks of increasing business taxes, Plaid believes in investing in businesses; our policy is clear, that business taxes should be cut and corporation tax cuts should be aimed at disadvantaged areas in order to revitalise growth in business and encourage investment. Unfortunately, a number of other businesses in my constituency of Aberconwy find it difficult to cope with business tax payments as they do not receive any support at the moment to face what is, to all intents and purposes, a poll tax devised by the Conservatives on small businesses. Can you ensure that the One Wales Government gives full consideration to further expansion of the business rate relief scheme?

The First Minister: These kinds of things are in the pipeline. It is important that we try to work out how businesses in Wales cope with the credit crunch crisis that is now facing them because of what has happened internationally to the banks. Also, we must refer to the JEREMIE programme, and we hope to be able to announce the details within a couple of months. When a business wishes to invest, expand and create more jobs, it will be more important than ever before that assistance is available to them with, partially, funding from Europe and funding from us as part of the JEREMIE programme.

Mark Isherwood: Nid wyf am gyfeirio at faterion pleidiol wleidyddol tebyg—[AELODAU'R CYNULLIAD: 'O.'] Yr oedd y datganiad yn anghywir; ni fyddwn yn canolbwyntio ar gynyddu trethi ar gyfer busnesau.

Lansiodd y Ffederasiwn Busnesau Bach ei ymgyrch Keep Trade Local yn Sioe Frenhinol Cymru, fel y gwyddoch yr wyf yn siŵr. Caf ar ddeall bod y Dirprwy Brif Weinidog, ymysg eraill, yn bresennol yn y stonin i gefnogi'r lansiad. Mae'r ymgyrch yn galw ar y Prif Weinidog i ddiogelu dyfodol siopau bach ledled y DU a diogelu'r dewis a'r gystadleuaeth y mae pobl yn eu

marketplace. Are you able to add your support to this campaign? How will you communicate this with your Westminster colleagues and how will you support it at a devolved level in Wales?

The First Minister: This age-old question around striking the balance between shopping locally and shopping in large supermarkets and whether supermarkets and local shops purchase fresh food and the other purchases that they make from local supply chains to ensure that what you get is, in some ways, not just based on a world supply chain but on fresh food being as locally supplied as possible, is an important one to which there is no real right answer. I suppose that most of us strike a balance between using our local shops and shopping in large supermarkets. We want to see as much fresh local produce as possible in the local shops and in the big supermarkets.

Rhodri Glyn Thomas: Y diffiniad o fusnes bach yw busnes sy'n cyflogi llai na 250 o bobl. Yng nghyd-destun Cymru, mae hynny'n cyfateb i tua 98 y cant o fusnesau. A dderbyniwch fod y llawer o fusnesau sy'n cyflogi degau, a rhai ohonynt yn cyflogi dros 100 o weithwyr, yn eithriadol o bwysig i'r economi yng Nghymru a bod rhai yn ei chael yn anodd cynnig am gytundebau gyda Llywodraeth ganolog yng Nghymru a chyda llywodraeth leol oherwydd y system dendro? A wnewch roi addewid y byddwch yn edrych ar y system dendro er mwyn cefnogi'r busnesau hyn sydd yn cynnal teuluoedd o fewn ein hetholaethau a sicrhau eu dyfodol yn y cyd-destun economaidd anodd hwn?

Y Prif Weinidog: Credaf eich bod ychydig yn anghywir yn dweud y diffinnir busnesau bach fel unrhyw fusnes sydd yn cyflogi llai na 250 o bobl—busnesau bach a canolig eu maint sydd yn cyflogi 250 neu'n llai na hynny. Mae'r busnesau bach a canolig hynny yn cynrychioli 59 y cant o'r holl gyflogaeth yn y sector preifat yng Nghymru, a busnesau mawr yw 41 y cant ohonynt. Felly, maent yn hollbwysig.

Mae'n bwysig nad ydym yn dilyn llwybr lle na all unrhyw fusnes bach neu ganolig ei faint gynnig am dendrau yn y sector

disgwyl yn y farchnad. A allwch ychwanegu eich cefnogaeth i'r ymgyrch hon? Sut y byddwch yn cyfleu hyn i'ch cyd-aelodau yn San Steffan a sut y byddwch yn ei chefnogi ar lefel ddatganoledig yng Nghymru?

Y Prif Weinidog: Mae'r hen gwestiwn hwn ynghylch cael cydbwysedd rhwng siopa'n lleol a siopa mewn archfarchnadoedd mawr ac a yw archfarchnadoedd a siopau lleol yn prynu bwyd ffres a'u nwyddau eraill gan gadwyni cyflenwi lleol i sicrhau nad yw'r hyn a gewch, mewn rhai ffyrdd, wedi'i seilio ar gadwyn gyflenwi fyd-eang ond ar fwyd lleol sy'n cael ei gyflenwi mor lleol ag sy'n bosibl, yn gwestiwn pwysig nad oes ateb cywir gwirioneddol iddo. Tybiaf fod y rhan fwyaf ohonom yn sicrhau cydbwysedd rhwng defnyddio'n siopau lleol a siopa mewn archfarchnadoedd mawr. Mae arnom eisiau gweld cymaint ag sy'n bosibl o gynnyrch lleol ffres yn y siopau lleol ac yn yr archfarchnadoedd mawr.

Rhodri Glyn Thomas: The definition of a small business is a business that employs less than 250 people. In the Welsh context, that amounts to about 98 per cent of businesses. Will you accept that the many businesses that employ scores of people, and some of them employ over 100 workers, are extremely important to the economy in Wales and that some find it difficult to tender for contracts with central Government in Wales and with local government because of the tendering system? Will you pledge to look at that tendering system in order to support these businesses that sustain families in our constituencies and to secure their future in this difficult economic context?

The First Minister: I think that you are slightly wrong in saying that the definition of a small business is one that employs fewer than 250 people—that is the definition of small and medium-sized enterprises. Those small and medium-sized enterprises make up almost 59 per cent of all employment in the private sector in Wales, with major businesses accounting for the other 41 per cent. Therefore, they are vital.

It is important that we do not go down the route whereby small and medium-sized businesses cannot compete for tenders in the

cyhoeddus. Mae'n bwysig i'w cynnwys. Yn America, gwneir hynny drwy neilltuo 5 y cant o waith yn y sector cyhoeddus ar gyfer busnesau bach a chanolig eu maint. Nid yw'r Comisiwn Ewropeaidd yn gadael inni wneud rhywbeth o'r fath, felly yr ydym yn ei wneud mewn ffordd arall er mwyn sicrhau nad ydynt yn cael triniaeth anffafriol gan strwythur tendrau'r sector cyhoeddus.

Mick Bates: Many environmental schemes, such as the carbon trading scheme, have so far focused on larger businesses. The latest figures, for 2006, show that carbon emissions in Wales increased by 4.7 per cent on the previous year. Clearly, current practices are not working. The small business sector accounts for around 50 per cent of business energy use but, having less time and resources than larger companies, it is often unable to access information and advice on how to reduce its carbon footprint. What action will your Government take to refocus environmental advice to take better account of the needs of smaller companies? How can you create better-targeted incentives for small businesses to become more energy efficient, and, hopefully, more viable?

The First Minister: You put your finger on an important point. The advice that we frequently get, even from green campaigners, is to go for the big polluters and emitters first. If we can improve energy efficiency and reduce emissions at a big steelworks or coal-fired power station, then we will get a big reduction in the overall carbon footprint in Wales. At the same time, the reasons for doing so are not just to make the Welsh figures look better, but to help businesses to function better because of reduced fuel consumption. Therefore we must ensure that small and medium-sized enterprises take advantage of green, efficiency-improving, reduced-emission and reduced-fuel-consumption schemes, just as much as the bigger businesses—although it is likely to have less of an impact on the overall Welsh picture.

public sector. It is important to include them. In America, that is done by setting aside 5 per cent of public sector work that can only go to SMEs. The European Commission does not allow us to do that, and therefore we do it in another way to ensure that SMEs are not dealt with unfavourably by the structure of public sector tenders.

Mick Bates: Hyd yn hyn mae llawer o gynlluniau amgylcheddol, megis y cynllun masnachu carbon, wedi canolbwyntio ar fusnesau mwy. Dengys y ffigurau diweddaraf, ar gyfer 2006, fod yr allyriadau carbon yng Nghymru wedi codi 4.7 y cant ers y flwyddyn flaenorol. Yn amlwg, nid yw'r arferion presennol yn gweithio. Mae'r sector busnesau bach yn defnyddio tua 50 y cant o'r ynni a ddefnyddir gan fusnesau ond, gan fod ganddynt lai o amser ac adnoddau na chwmnïau mwy, yn aml ni allant gael gafael ar wybodaeth a chyngor ynghylch sut y mae lleihau eu hól-troed carbon. Pa gamau y bydd eich Llywodraeth yn eu cymryd i roi ffocws newydd i gyngor amgylcheddol er mwyn ystyried anghenion cwmnïau llai yn well? Sut y gallwch greu cymhellion sydd wedi'u targedu'n well ar gyfer busnesau bach, er mwyn iddynt ddefnyddio ynni'n fwy effeithlon, a dod yn fwy hyfyw, gobeithio?

Y Prif Weinidog: Yr ydych yn tynnu sylw at bwynt pwysig. Y cyngor a gawn yn aml, hyd yn oed gan ymgyrchwyr gwyrdd, yw ymdrin â'r llygrwyr a'r allyrwyr mawr yn gyntaf. Os gallwn wella effeithlonrwydd ynni a lleihau allyriadau mewn gwaith dur mawr neu orsaf bŵer glo, yna cawn ostyngiad mawr yn yr ôl-troed carbon cyffredinol yng Nghymru. Ar yr un pryd, nid dim ond er mwyn gwneud i ffigurau Cymru edrych yn well y mae hyn yn cael ei wneud, ond i helpu busnesau i weithio'n well oherwydd eu bod yn defnyddio llai o danwydd. Felly rhaid inni sicrhau bod mentrau bach a chanolig yn manteisio ar gynlluniau gwyrdd, sy'n gwella effeithlonrwydd ac yn lleihau allyriadau ac yn arwain at ddefnyddio llai o danwydd, i'r un graddau â'r busnesau mwy—er ei bod yn debygol y bydd hynny'n cael llai o effaith ar y sefyllfa'n gyffredinol yng Nghymru.

Pulmonary Rehabilitation

Q9 Janet Ryder: Will the First Minister make a statement about pulmonary rehabilitation in north-east Wales?
OAQ(3)1282(FM)

The First Minister: In November 2007, plans were issued to drive forward improvements across Wales in respiratory services. Local health boards, NHS trusts, local authorities and the voluntary sector are working together to establish pulmonary rehabilitation programmes in areas including north-east Wales.

Janet Ryder: People living in the north-east are currently waiting 44 weeks in Wrexham and 30 weeks in Mold to attend the pulmonary rehabilitation programme. That is in excess of the 26 weeks target for Wales. As you have pointed out, the National Institute of Health and Clinical Excellence recommends that pulmonary rehabilitation is made available to all appropriate patients with chronic lung disease. It can work. It is relatively cheap and cost-effective, and it makes a significant difference to the way in which people can handle their illness. Will you support me in urging those health bodies in north-east Wales to develop additional eight-week programmes in those areas, to reduce waiting times to at least the 26-week national average?

The First Minister: I understand that, in line with the plans that we published—I will not use the full title, as it is too long—the LHBs in Wrexham and Flintshire are in discussions with the new north Wales trust to see how pulmonary rehabilitation services can be brought into the new local model for the management of chronic conditions. I will ask Edwina to write to you in fuller detail about the progress on those discussions.

2.30 p.m.

Brynle Williams: I am sure that you share my concern, First Minister—as someone who has recently experienced valuable treatment

Adsefydlu'r Ysgyfaint

C9 Janet Ryder: A wnaiff y Prif Weinidog ddatganiad am adsefydlu'r ysgyfaint yng ngogledd-ddwyrain Cymru?
OAQ(3)1282(FM)

Y Prif Weinidog: Ym mis Tachwedd 2007, cafodd cynlluniau eu cyhoeddi i sicrhau gwelliannau ledled Cymru mewn gwasanaethau anadlu. Mae'r byrddau iechyd lleol, ymddiriedolaethau'r GIG, awdurdodau lleol a'r sector gwirfoddol yn cydweithio i sefydlu rhaglenni adsefydlu'r ysgyfaint mewn ardaloedd gan gynnwys gogledd-ddwyrain Cymru.

Janet Ryder: Ar hyn o bryd mae pobl sy'n byw yn y gogledd-ddwyrain yn aros 44 wythnos yn Wrecsam a 30 wythnos yn yr Wyddgrug i fynychu'r rhaglen adsefydlu'r ysgyfaint. Mae hynny'n fwy na'r targed o 26 wythnos ar gyfer Cymru. Fel yr ydych wedi dweud, mae'r Sefydliad Cenedlaethol dros Iechyd a Rhagoriaeth Glinigol yn argymhell bod adsefydlu'r ysgyfaint ar gael i bob claf priodol sydd â chlefyd cronig ar yr ysgyfaint. Gall weithio. Mae'n gymharol rad a chost-ffeithiol, ac mae'n gwneud gwahaniaeth sylweddol i'r ffordd y gall pobl ddelio â'u salwch. A wnewch fy nghefnogi i annog y cyrff iechyd hynny yng ngogledd-ddwyrain Cymru i ddatblygu rhaglenni wyth wythnos ychwanegol yn yr ardaloedd hynny, er mwyn lleihau amseroedd aros i'r cyfartaledd cenedlaethol, sef 26 wythnos, o leiaf?

Y Prif Weinidog: Caf ar ddeall, yn unol â'r cynlluniau a gyhoeddwyd gennym—ni ddefnyddiaf y teitl llawn, gan ei fod yn rhy hir—fod y byrddau iechyd lleol yn Wrecsam a sir y Fflint yn cynnal trafodaethau gydag ymddiriedolaeth newydd gogledd Cymru i weld sut y gellir dod â gwasanaethau adsefydlu'r ysgyfaint i'r model lleol newydd ar gyfer rheoli cyflyrau cronig. Gofynnaf i Edwina ysgrifennu atoch i roi mwy o fanylion am y cynnydd o ran y trafodaethau hynny.

Brynle Williams: Yr wyf yn siŵr eich bod yn pryderu fel minnau, Brif Weinidog—fel un sydd wedi cael triniaeth werthfawr yn

by cardiac rehabilitation nurses—that the British Heart Foundation has recently found these programmes in north Wales to be regrettably understaffed, and, even worse, underfunded. These services have been proven to increase the survival rates of cardiac patients. What steps is your Government taking to ensure that these services get the funding that they deserve?

The First Minister: Pulmonary and cardiac rehabilitation is very important. My experience, like yours, is of cardiac rehabilitation, and although I only went to one particular session—I think it was the Barry Healthy Heart Group—what I learned in that one-hour session has stayed with me ever since, and I am very grateful for it. Doing rehabilitation yourself by diet, walking or whatever it might be, or going to group therapy-type activities if you need it, is very important. The same is true of pulmonary rehabilitation. Ensuring that people have access when they need it and that they are not on waiting lists for either more specialist rehabilitation or the more jolly group therapy-type of initiatives such as the one that I went to is very important to ensure that patients get the full advantage of the specialist care that they get when they have the surgery or other treatment that they need.

Eleanor Burnham: I am very pleased that your treatment was successful, as was Brynle's. I support the call to ensure that we do all that we can, because it is my understanding that chronic obstructive pulmonary disease is the fifth biggest killer in the UK. Exactly what will you do to ensure that the Minister for Health and Social Services has all of the necessary funding to help in north Wales?

The First Minister: The great strength of the national health service has always been in how it responds to any emergency for any individual that needs it. It has not always been as good in the past with elective waiting lists, rehabilitation services or the treatment of chronic conditions, but insurance-based services such as those in the United States of

ddiweddar gan nyrsys adsefydlu cardiaidd—fod Sefydliad Prydeinig y Galon wedi barnu yn ddiweddar fod y rhaglenni hyn yn y gogledd heb eu staffio'n ddigonol, gwaetha'r modd, a'u bod, yn waeth byth, wedi'u tanariannu. Mae'n hysbys bod y gwasanaethau hyn yn codi cyfraddau goroesi cleifion cardiaidd. Pa gamau y mae eich Llywodraeth yn eu cymryd i sicrhau bod y gwasanaethau hyn yn cael yr arian y maent yn ei haeddu?

Y Prif Weinidog: Mae adsefydlu'r ysgyfaint ac adsefydlu cardiaidd yn bwysig iawn. Yr hyn y mae gennyf fi brofiad ohono, fel chithau, yw adsefydlu cardiaidd, ac er mai dim ond un sesiwn yr euthum iddi—credaf mai Grŵp Calon Iach y Barri ydoedd—yr wyf wedi cofio'r hyn a ddysgais yn y sesiwn un awr honno byth ers hynny, ac yr wyf yn ddiolchgar iawn amdano. Mae adsefydlu gennych chi'ch hun drwy ddeiet, cerdded neu beth bynnag y bo, neu gymryd rhan mewn gweithgareddau therapi grŵp os oes arnoch angen hynny, yn bwysig iawn. Mae'r un peth yn wir am adsefydlu'r ysgyfaint. Mae'n bwysig iawn sicrhau bod hynny ar gael pan fydd ar bobl ei angen ac na fyddant ar restrau aros un ai ar gyfer adsefydlu mwy arbenigol neu ar gyfer y cynlluniau therapi grŵp mwy hwyliog fel yr un y bŵm ynddo, er mwyn sicrhau bod cleifion yn cael pob mantais o'r gofal arbenigol y gallant ei gael pan gânt y llawdriniaeth neu driniaeth arall y mae arnynt ei hangen.

Eleanor Burnham: Yr wyf yn falch iawn bod eich triniaeth yn llwyddiannus, fel yr oedd un Brynle. Ategaf yr alwad i sicrhau ein bod yn gwneud popeth a allwn, oherwydd yr wyf yn deall mai clefyd rhwystrol cronig yr ysgyfaint yw'r lladdwr mwyaf ond pedwar yn y DU. Beth yn union a wnewch i sicrhau bod gan y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol y cwbl o'r arian y mae ei angen i helpu yn y gogledd?

Y Prif Weinidog: Cryfder mawr y gwasanaeth iechyd gwladol erioed fu'r modd y mae'n ymateb i unrhyw argyfwng ar gyfer unrhyw unigolyn y mae arno ei angen. Ni fu cystal bob amser yn y gorffennol o ran rhestrau aros ar gyfer triniaeth ddewisol, gwasanaethau adsefydlu neu driniaeth ar gyfer cyflyrau cronig, ond mae gwasanaethau

America are usually even worse at dealing with chronic diseases such as chronic obstructive pulmonary disease or chronic conditions arising from a stroke or diabetes, and so on. However, that is not to say that we are complacent. We need to push this area. The big investment made by the national health service in getting patients back on their feet again can be wasted if rehabilitation does not take place to enable patients to take full advantage of the brilliant treatment that they may have had.

sydd wedi'u seilio ar yswiriant fel y rhai yn Unol Daleithiau America yn waeth byth fel arfer o ran delio â chlefydau cronig fel clefyd rhwystrol cronig yr ysgyfaint neu gyflyrau cronig sy'n ganlyniad i strôc neu ddiabetes, ac yn y blaen. Fodd bynnag, nid yw hynny'n gyfystyr â dweud ein bod yn hunanfodlon. Mae angen inni hyrwyddo'r maes hwn. Gellir gwastraffu'r buddsoddiad mawr gan y gwasanaeth iechyd gwladol mewn gwella cleifion os na cheir adsefydlu i alluogi cleifion i fanteisio'n llawn ar y driniaeth wych y maent wedi'i chael efallai.

Datganiad a Chyhoeddiad Busnes Business Statement and Announcement

The Counsel General and Leader of the House (Carwyn Jones): There are a few changes to report to this week's planned Government business. This afternoon, Jane Hutt, the Minister for Children, Education, Lifelong Learning and Skills, will make a statement on Hyfrydle and, in order to accommodate this statement, the Minister for Health and Social Services will issue her planned statement on the report of the Welsh neuroscience external review group as a written statement.

Y Cwnsler Cyffredinol ac Arweinydd y Tŷ (Carwyn Jones): Mae ychydig o newidiadau i'w hadrodd ym musnes arfaethedig y Llywodraeth ar gyfer yr wythnos hon. Y prynhawn yma, bydd Jane Hutt, y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, yn gwneud datganiad am Hyfrydle ac, er mwyn cynnwys y datganiad hwn, bydd y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol yn cyhoeddi ei datganiad arfaethedig am adroddiad y grŵp adolygu allanol am niwrowyddoniaeth yng Nghymru fel datganiad ysgrifenedig.

Finally, in order to accommodate the additional time that will be needed to debate the Learner Travel Measure and to consider the amendments that have been tabled to it, I have postponed the debate on the historic environment until next Tuesday, 7 October. Business for the next three weeks is as set out in the business statement and announcement, which can be found among the agenda papers that are available to Members electronically.

Yn olaf, er mwyn cynnwys yr amser ychwanegol y bydd ei angen i gael dadl ar y Mesur Teithio gan Ddysgwyr ac i ystyried y gwelliannau iddo sydd wedi'u cyflwyno, yr wyf wedi gohirio'r ddadl ar yr amgylchedd hanesyddol tan ddydd Mawrth nesaf, 7 Hydref. Mae'r busnes ar gyfer y tair wythnos nesaf fel y mae wedi'i nodi yn y datganiad a chyhoeddiad busnes, y gellir ei weld ymhlith papurau'r agenda sydd ar gael i'r Aelodau'n electronig.

Mark Isherwood: I call for two Assembly Government statements on urgent and pressing matters. As you are probably aware, National Energy Action Cymru has issued a list of nine key wants, focused on bringing the goal of eliminating fuel poverty among vulnerable people and groups back on track in Wales. I hope that the Assembly Government will find time to consider that in Plenary, rather than the opposition being forced to provide its own time for a debate on

Mark Isherwood: Galwaf am ddau ddatganiad gan Lywodraeth y Cynulliad am faterion brys a phwysig. Fel y gwyddoch, yn ôl pob tebyg, mae National Energy Action Cymru wedi cyhoeddi rhestr o naw gofyniad allweddol, sy'n ymwneud â chanolbwyntio o'r newydd ar y nod o ddileu tloidi tanwydd yng Nghymru ymysg pobl a grwpiau sy'n agored i niwed. Yr wyf yn gobeithio y bydd Llywodraeth y Cynulliad yn neilltuo amser i ystyried hynny yn y Cyfarfod Llawn, yn

this matter.

The second and final point relates to provision for service and ex-forces personnel suffering from post-traumatic stress disorder. As I have previously highlighted, there has been a significant increase in the numbers presenting with the condition—there was a 30 per cent increase in clients below the age of 35 during last year alone, and there was a 30 per cent rise in the reporting of combat stress. This has been recently highlighted not only by the writer and ex-SAS member Andy McNab, warning of the dangers of mental breakdown among troops, but also by the news during the summer that our jails are holding 8,500 ex-service personnel, comprising 8 to 9 per cent of the total prison population, many of whom are suffering from mental health problems and, often, associated substance misuse issues.

We know that the UK Government has provided perhaps less than the cost of a tank to roll-out some pilot schemes, one of which is in Wales, in Cardiff. However, those suffering from post traumatic stress disorder in other parts of Wales do not have access to those schemes, particularly those in north Wales, where we have large numbers who have served and are suffering, and others who have moved into the area for treatment from the now defunct Tŷ Gwyn Centre.

This is becoming a major national concern, as opinion polls show. I urge the Assembly Government to make time for a statement on this so that we can discuss provision within Wales and throughout all corners of Wales.

Carwyn Jones: The important issue of post-traumatic stress disorder among those who have been in combat is being dealt with, as you say, by the UK Government. It is a matter that can be taken up in correspondence or in questions with the appropriate Minister.

hytrach na bod y gwrthbleidiau'n gorfod rhoi o'u hamser eu hunain i gael dadl ar y mater hwn.

Mae'r ail bwynt a'r olaf yn ymwneud â darparu ar gyfer aelodau a chyn-aelodau'r lluoedd arfog sy'n dioddef gan anhwylder straen wedi trawma. Fel yr wyf wedi pwysleisio o'r blaen, bu cynnydd sylweddol yn y niferoedd sydd â'r cyflwr hwn arnynt—cafwyd cynnydd o 30 y cant yn nifer y cleifion dan 35 oed yn ystod y flwyddyn ddiwethaf yn unig, a chynnydd o 30 y cant o ran hysbysu am straen brwydro. Tynnwyd sylw at hyn yn ddiweddar nid yn unig gan yr awdur a'r cyn-aelod o'r SAS Andy McNab, a rybuddiodd am beryglon gwaeledd meddwl ymysg milwyr, ond hefyd gan y newydd yn ystod yr haf fod ein carchardai'n dal 8,500 o gyn-aelodau'r lluoedd arfog, sef rhwng 8 a 9 y cant o holl boblogaeth y carchardai, y mae llawer ohonynt yn dioddef gan broblemau iechyd meddwl ac, yn aml, problemau sy'n gysylltiedig â hynny o ran camddefnyddio sylweddau.

Gwyddom fod Llywodraeth y DU wedi darparu'r hyn sydd efallai'n llai na chost tanc i roi rhai cynlluniau peilot ar waith, y mae un ohonynt yng Nghymru, yng Nghaerdydd. Fodd bynnag, nid yw'r rhai sy'n dioddef gan anhwylder straen wedi trawma mewn rhannau eraill o Gymru yn gallu defnyddio'r cynlluniau hynny, yn enwedig y rhai yn y gogledd, lle y mae gennym niferoedd mawr sydd wedi gwasanaethu yn y lluoedd arfog ac sy'n dioddef, ac eraill sydd wedi symud i'r ardal i gael triniaeth gan Ganolfan Tŷ Gwyn sydd bellach wedi cau.

Mae hyn yn troi'n destun pryder mawr yn genedlaethol, fel y mae arolygon barn yn dangos. Anogaf Lywodraeth y Cynulliad i neilltuo amser ar gyfer datganiad am hyn fel y gallwn drafod y ddarpariaeth o fewn Cymru ac ym mhob cwr o Gymru.

Carwyn Jones: Mae mater pwysig anhwylder straen wedi trawma ymysg y rhai sydd wedi bod yn ymladd yn cael ei drafod, fel yr ydych yn dweud, gan Lywodraeth y DU. Mae'n fater y gellir ei godi mewn gohebiaeth neu mewn cwestiynau gyda'r Gweinidog priodol.

With regard to the issue of NEA and funding, the Assembly Government cannot constantly make statements responding to statements that are made outside of the Chamber by outside groups. Those groups inform the debate, and they are able to inform Members who wish to ask questions of the appropriate Minister. We cannot react to every want, as you put it, put forward by those outside the Chamber, although those issues can be raised by Members in questions.

Lesley Griffiths: In July this year, the Government announced the establishment of the commission on funding and finance under the chairmanship of Gerald Holtham. As we know, the commission will look at the present allocation of public expenditure to the Assembly Government through the Barnett formula. The other part of the commission's terms of reference is,

'to identify possible alternative funding mechanisms to Barnett'.

I understand that the commission's work began this month and that it plans to report back on phase 1 of its work next summer. Do you have plans to allow the Assembly to have an opportunity to consider this important issue?

Carwyn Jones: I am sure that the matter will be considered on the floor of the Assembly, either via a statement or in some other way. Where there are serious questions asked regarding the financing of the Assembly, those matters need to be aired in the Chamber. When the time comes, I will consider what needs to be done for the report to be considered further.

Eleanor Burnham: A yw'n bosibl ichi drefnu inni gael datganiad neu ddadl ynglŷn â'r gwasanaeth trenau o'r gogledd i'r de? Gwn fy mod yn crybwyll hyn yn aml, ond mae'n fater pwysig. Deallaf y bydd trenau newydd yn cael eu cyflwyno. A yw'n bosibl cael trafodaeth i wybod yn union o ble y bydd y trenau newydd hyn yn dod, beth yw'r gost, ac o ba gyllid y telir y gost honno?

Carwyn Jones: Mae'n bosibl cael yr atebion

Gyda golwg ar fater NEA ac ariannu, ni all Llywodraeth y Cynulliad wneud datganiadau o hyd yn ymateb i ddatganiadau a wneir y tu allan i'r Siambr gan grwpiau allanol. Mae'r grwpiau hynny'n cyfrannu i'r ddadl, ac maent yn gallu rhoi gwybodaeth i Aelodau sy'n dymuno gofyn cwestiynau i'r Gweinidog priodol. Ni allwn ymateb i bob gofyniad, gan ddefnyddio'ch gair chi, a gyflwynir gan y rhai y tu allan i'r Siambr, er y gall Aelodau godi'r materion hynny mewn cwestiynau.

Lesley Griffiths: Ym mis Gorffennaf eleni, cyhoeddodd y Llywodraeth sefydlu'r comisiwn ar ariannu a chyllid dan gadeiryddiaeth Gerald Holtham. Fel y gwyddom, bydd y comisiwn yn edrych ar y dyraniad presennol o wariant cyhoeddus i Lywodraeth y Cynulliad drwy fformiwla Barnett. Y rhan arall o gyloch gorchwyl y comisiwn yw,

nodi mecanweithiau ariannu amgen posibl heblaw fformiwla Barnett.

Yr wyf yn deall bod y comisiwn wedi dechrau ar ei waith y mis hwn a'i fod yn bwriadu adrodd yn ôl am ran gyntaf ei waith yr haf nesaf. A oes gennych unrhyw gynlluniau i adael i'r Cynulliad gael cyfle i ystyried y mater pwysig hwn?

Carwyn Jones: Yr wyf yn siŵr y bydd y mater yn cael ei ystyried ar lawr y Cynulliad, un ai drwy ddatganiad neu ryw fodd arall. Lle y gofynnir cwestiynau difrif ynghylch ariannu'r Cynulliad, mae angen gwyntyllu'r materion hynny yn y Siambr. Pan fydd yn amser gwneud hynny, ystyriaf beth y mae angen ei wneud i ystyried yr adroddiad ymhellach.

Eleanor Burnham: Is it possible for you to schedule a statement or a debate about the train services between north and south Wales? I know that I regularly mention this issue, but it is important. I understand that new trains are being introduced. Is it possible to have a debate on this to find out where these new trains will come from, what the cost will be, and which budget that money will come from?

Carwyn Jones: It is possible to get the

hyn drwy gyfathrebu â'r Gweinidog neu drwy ofyn cwestiynau. Mae digon o gyfle i wneud hynny ar lawr y Cynulliad neu yn ysgrifenedig.

Nerys Evans: I would like to ask the Leader of the House about Ofcom's announcement last week about the future of public service broadcasting, which is devastating news for Wales. Ofcom recommended that non-news programming in Wales should be reduced from four hours to one and a half hours. This would have a massive impact on the plurality of programming, and it flies in the face of Ofcom's statement that people wish to see competition for the BBC in Wales in terms of public service broadcasting.

This will have a massive impact on the industry. Today, we have heard that ITV is making a saving of £40 million, which means a loss of 17 jobs in Wales, and the plans to have a new nightly programme, *The Wales Show*, have been scrapped. This will also have a severe impact on audiences in Wales, through the lack of programming that reflects our lives. We desperately need time in the Chamber to discuss this. The writing has been on the wall for a while, and we need to see that the Welsh Assembly Government is taking a lead in this.

The job losses announced today are devastating, and we need an opportunity in the Chamber to debate this. We need a debate to send a clear message to the Westminster Government, ITV and Ofcom that plurality of programming is vital in Wales, as is the retention of jobs in Wales, and that the situation is unacceptable.

Could you also indicate when we are likely to have a debate or a statement on the Welsh Assembly Government's response to the Broadcasting Committee's report? As a minimum, this needs to be brought forward. Many issues arise from the announcement by Ofcom last week and from the job losses announced today, so we would urge you to provide time in the Chamber to debate them.

2.40 p.m.

answers that you seek by corresponding with the Minister or by asking questions. There are plenty of opportunities to do that on the floor of the Assembly or via written correspondence.

Nerys Evans: Hoffwn holi Arweinydd y Tŷ ynghylch cyhoeddiad Ofcom yr wythnos diwethaf ynglŷn â dyfodol darlledu gwasanaeth cyhoeddus, sy'n newydd trychinebus i Gymru. Argymhellodd Ofcom y dylid lleihau amser rhaglenni heblaw newyddion yng Nghymru o bedair awr i awr a hanner. Byddai hyn yn effeithio'n ddirfawr ar luosogrwydd rhaglenni, ac mae'n mynd yn groes i ddatganiad Ofcom fod pobl yn dymuno gweld cystadleuaeth â'r BBC yng Nghymru o ran darlledu gwasanaeth cyhoeddus.

Bydd hyn yn effeithio'n ddirfawr ar y diwydiant. Heddiw, yr ydym wedi clywed bod ITV yn arbed £40 miliwn, sy'n golygu colli 17 o swyddi yng Nghymru, ac mae wedi rhoi'r gorau i'r cynlluniau i gael rhaglen feunosol newydd, *The Wales Show*. Bydd hyn yn effeithio'n ddifrifol hefyd ar gynulleidfaedd yng Nghymru, drwy ddiffyg rhaglenni sy'n adlewyrchu ein bywydau. Mae arnom daer angen amser yn y Siambr i drafod hyn. Mae'r ysgrifen wedi bod ar y mur ers tro, ac mae angen inni weld bod Llywodraeth Cynulliad Cymru yn rhoi arweiniad yn hyn o beth.

Mae'r colli swyddi a gyhoeddwyd heddiw'n drychinebus, ac mae arnom angen cyfle yn y Siambr i gael dadl ar hyn. Mae arnom angen dadl er mwyn dweud yn glir wrth Lywodraeth San Steffan, ITV ac Ofcom fod lluosogrwydd rhaglenni'n hollbwysig yng Nghymru, fel y mae cadw swyddi yng Nghymru, a bod y sefyllfa'n annerbyniol.

A allech ddweud hefyd pryd yr ydym yn debygol o gael dadl neu ddatganiad am ymateb Llywodraeth Cynulliad Cymru i adroddiad y Pwyllgor Darlledu? Mae angen cyflwyno hyn, fan leiaf. Mae llawer o faterion yn codi o'r cyhoeddiad gan Ofcom yr wythnos diwethaf ac o'r colli swyddi a gyhoeddwyd heddiw, felly byddem yn eich annog i neilltuo amser yn y Siambr i gael dadl arnynt.

Carwyn Jones: We all regret the decision by ITV to cut programming in Wales. It is particularly important that there is diversification in the number of news outlets available in Wales. We do not have a particularly well-developed media overall compared with, for example, Scotland, particularly with regard to print media. We know of the particular difficulties there, despite the efforts of the *Western Mail* and the *Daily Post*, in particular, to reach as much of Wales as possible. The decision leaves us with BBC Wales as the almost sole provider of Welsh news in broadcasting terms. In broadcasting, a little competition does some good, and it is to be regretted that ITV Wales has taken this decision.

The Minister for Heritage will respond to the Ofcom report in due course. He is also taking his first oral questions tomorrow, and there will be an opportunity to raise the issue with him then.

Jonathan Morgan: The Leader of the House will know that some concerns have been expressed in Cardiff about the safety of maternity services at the University Hospital of Wales. Some time ago, the Minister provided an oral statement in the Chamber on the review being carried out into maternity services in Gwent. I therefore ask the Government to consider a statement about the safety of services here in Cardiff. I was contacted last week by a constituent, and last night by a midwife, who both expressed concerns about staff shortages and staff morale as well as security arrangements, which is a particular concern. In light of the concerns raised, the Government ought to consider the safety of arrangements for mums and newborn babies, who are currently being looked after in ward C1 of the hospital while refurbishment work is underway in the maternity unit. There are issues of which the Government ought to be aware and, in light of the Minister's previous interest in what was happening in Gwent, we should have time to discuss this matter in the Chamber.

Carwyn Jones: Yr ydym oll yn gresynu at benderfyniad ITV i dorri rhaglenni yng Nghymru. Mae'n neilltuol o bwysig bod amrywiaeth yn nifer y ffynonellau newyddion sydd ar gael yng Nghymru. Nid oes gennym gyfryngau sydd wedi datblygu'n arbennig o dda'n gyffredinol o'u cymharu â'r Alban, er enghraifft, yn enwedig o ran cyfryngau printiedig. Gwyddom am yr anawsterau penodol yn hynny o beth, er gwaethaf ymdrechion y *Western Mail* a'r *Daily Post*, yn benodol, i gyrraedd cymaint o Gymru ag sy'n bosibl. Mae'r penderfyniad yn golygu mai BBC Cymru yw'r unig un bron iawn sy'n darparu newyddion o Gymru drwy ddarlledu. Ym maes darlledu, mae ychydig o gystadleuaeth yn gwneud lles, ac mae'n destun gofid bod ITV Cymru wedi gwneud y penderfyniad hwn.

Bydd y Gweinidog dros Dreftadaeth yn ymateb i adroddiad Ofcom gyda hyn. Yn ogystal mae'n ymdrin â'i gwestiynau llafar cyntaf yfory, a bydd cyfle i godi'r mater gydag ef bryd hynny.

Jonathan Morgan: Bydd Arweinydd y Tŷ yn gwybod bod rhai pryderon wedi'u mynegi yng Nghaerdydd ynghylch diogelwch gwasanaethau mamolaeth yn Ysbyty Athrofaol Cymru. Beth amser yn ôl, rhoddodd y Gweinidog ddatganiad llafar yn y Siambr am yr adolygiad sy'n cael ei wneud o wasanaethau mamolaeth yng Ngwent. Yr wyf felly'n gofyn i'r Llywodraeth ystyried gwneud datganiad am ddiogelwch gwasanaethau yma yng Nghaerdydd. Cysylltodd etholwr â mi yr wythnos diwethaf, a chysylltodd bydwraig â mi neithiwr, a mynegodd y ddau bryderon ynghylch prinder staff a morâl staff yn ogystal â threfniadau diogelwch, sy'n destun cryn bryder. Oherwydd y pryderon a fynegwyd, dylai'r Llywodraeth ystyried diogelwch y trefniadau ar gyfer mamau a babanod newydd-anedig, sy'n derbyn gofal ar hyn o bryd yn ward C1 yn yr ysbyty tra mae adnewyddu'n digwydd yn yr uned famolaeth. Mae materion y dylai'r Llywodraeth fod yn ymwybodol ohonynt ac, o gofio am ddiddordeb blaenorol y Gweinidog yn yr hyn a oedd yn digwydd yng Ngwent, dylem gael amser i drafod y mater hwn yn y Siambr.

Carwyn Jones: As you can see, the Minister is sitting next to me; she will have heard what you have said, and I will ask her to respond in the appropriate manner.

Alun Davies: I wish to return to the subject raised by Nerys Evans, namely the announcement by ITV, following last week's statement from Ofcom. I am afraid, Leader of the House, that the response to that request was somewhat inadequate. There is a crisis facing English-language television in Wales at the moment, and we need a statement from the Government on the approach that it is taking to this. We have had a response to the Broadcasting Committee's report from the Government, which I have found to be somewhat timid in approach. I hope that the Government will not sit back and allow English-language television to disappear from ITV without a squeak. It is important, not only to save the jobs of the people who are to be sacked, but to guarantee space for the cultural expression of people in this country, who require a reflection of their lives on the television screen. The Government needs to respond to this urgently and needs to move from rhetoric to action.

Carwyn Jones: As I mentioned earlier, the Minister will be making a response to the Ofcom report. We must concede that this is not a devolved matter. It is a matter upon which we can express an opinion; an opinion has already been expressed by a number of Ministers, and the Minister for Heritage will also express his opinion. However, we need to be careful not to give the impression that this is a matter over which we have direct control, although it is matter about which we can express strong views.

Nick Bourne: I am very much in support of what Alun Davies and Nerys Evans have said. There is a strong unity of interest on this issue across the Assembly. The Leader of the House is quite right that this is not a devolved matter, but that has not stopped us when it comes to issues such as post offices and so on that are also not devolved. It would be extraordinary if we did not send a very strong message in a united way about our concerns about these job losses and the more serious issue that lies behind those 17 job losses. I

Carwyn Jones: Fel y gallwch weld, mae'r Gweinidog yn eistedd wrth fy ymyl; bydd wedi clywed yr hyn yr ydych wedi'i ddweud, a gofynnaf iddi ymateb yn y modd priodol.

Alun Davies: Dymunaf fynd yn ôl at y pwnc a gododd Nerys Evans, sef y cyhoeddiad gan ITV, yn dilyn y datganiad yr wythnos diwethaf gan Ofcom. Mae arnaf ofn, Arweinydd y Tŷ, fod yr ymateb i'r cais hwnnw braidd yn annigonol. Mae argyfwng yn wynebu teledu Saesneg yng Nghymru ar hyn o bryd, ac mae arnom angen cael datganiad gan y Llywodraeth ynghylch ei dull o drafod hyn. Yr ydym wedi cael ymateb i adroddiad y Pwyllgor Darlledu gan y Llywodraeth, a oedd yn fy marn i braidd yn llywaeth o ran ei ddull o ymdrin â'r mater. Yr wyf yn gobeithio na wnaiff y Llywodraeth laesu dwylo a chaniatáu i deledu Saesneg ddiflannu oddi ar ITV heb yr un gŵyn. Mae'n bwysig, nid yn unig achub swyddi'r rhai sydd i gael eu diswyddo, ond gwarantu lle ar gyfer mynegiant diwylliannol gan bobl yn y wlad hon, y mae arnynt angen gweld adlewyrchu eu bywydau ar y sgrin deledu. Mae angen i'r Llywodraeth ymateb i hyn ar frys ac mae angen iddi droi oddi wrth rethreg at weithredu.

Carwyn Jones: Fel y soniais yn gynharach, bydd y Gweinidog yn ymateb i adroddiad Ofcom. Rhaid inni dderbyn nad yw'r mater hwn wedi'i ddatganoli. Mae'n fater y gallwn ddatgan barn amdano; mae nifer o Weinidogion wedi datgan barn eisoes, a bydd y Gweinidog dros Dreftadaeth yn datgan ei farn hefyd. Fodd bynnag, mae angen inni ofalu nad ydym yn rhoi'r argraff bod gennym reolaeth uniongyrchol dros y mater hwn, er ei fod yn fater y gallwn fynegi barn gref amdano.

Nick Bourne: Yr wyf yn gefnogol iawn i'r hyn y mae Alun Davies a Nerys Evans wedi'i ddweud. Mae cryn unoliaeth o ran diddordeb yn y mater hwn ar draws y Cynulliad. Mae Arweinydd y Tŷ yn hollol gywir wrth ddweud nad yw'r mater hwn wedi'i ddatganoli, ond nid yw hynny wedi ein rhwystro rhag trafod materion fel swyddfeydd post ac yn y blaen nad ydynt wedi'u datganoli ychwaith. Byddai'n rhyfedd pe na fyddem yn anfon neges gref, unedig ynghylch ein pryderon ynghylch colli'r

have just spoken to Elis Owen. This is a Welsh issue; it is important that we express a view here, and that we do so urgently. It is no good waiting weeks to do this; this requires urgent action now if we are to save this position.

You are quite right that this is not just about the broadcast media; that is the immediate concern, but there is also a serious threat in relation to the written media. If we looked at monopolies on a national rather than a UK basis, there is no doubt that Trinity Mirror plc has a monopoly on the written media in Wales. So, it is important, and, more than that, it is urgent. I think that you are getting the sentiment from the across the Chamber. We need urgent action on this; we do not need to wait for weeks.

Carwyn Jones: As I said in earlier answers, the Minister will be making a statement on this. It is clear, given that the announcement is quite recent and that this is a live issue, that the statement will need to be made quickly.

Chris Franks: You will be aware of the closure of the accident and emergency facilities at Mountain Ash Hospital. Members of the public are dismayed at the failure of Cwm Taf NHS Trust to keep the service open after 5 p.m.. The trust had pledged that the minor injury units at Aberdare and Mountain Ash hospitals would not be downgraded until the new Mountain Ash hospital was operational. However, I am now advised that the allegedly temporary early closure of facilities has been extended for a further month. This will be a total of 10 weeks without accident and emergency facilities after 5 p.m.. Will you arrange for a debate on the loss of this service in Government time?

Further, operations at Cardiff International Airport were suspended for some time due to a glitch in the computer of the national air traffic service. Tens of thousands of passengers were delayed across the United Kingdom. Will you arrange for a statement

swyddi hyn a'r mater mwy difrifol sydd y tu ôl i golli'r 17 o swyddi hynny. Yr wyf newydd siarad ag Elis Owen. Mae hyn yn fater i Gymru; mae'n bwysig inni fynegi barn yn y fan hon, ac inni wneud hynny ar frys. Ni thâl aros wythnosau i wneud hyn; mae hyn yn galw am gamau brys yn awr os ydym i achub y sefyllfa hon.

Yr ydych yn hollol gywir wrth ddweud nad yw hyn yn ymwneud â'r cyfryngau darlledu'n unig; dyna'r testun pryder ar hyn o bryd, ond mae bygythiad difrifol hefyd o ran y cyfryngau ysgrifenedig. Pe byddem yn edrych ar fonopolïau ar sail genedlaethol yn hytrach nag ar sail y DU, nid oes amheuaeth nad oes monopoli gan Trinity Mirror ccc ar y cyfryngau ysgrifenedig yng Nghymru. Felly, mae'n fater pwysig, ac, ar ben hynny, mae'n fater brys. Credaf eich bod yn cael syniad beth yw'r teimlad ar draws y Siambr. Mae angen gweithredu ar frys arnom ar hyn; nid ydym am ddisgwyl am wythnosau.

Carwyn Jones: Fel y dywedais mewn atebion cynharach, bydd y Gweinidog yn gwneud datganiad ar hyn. Mae'n glir, o ystyried bod y cyhoeddiad yn weddol ddiweddar a bod hwn yn fater cyfoes, y bydd angen i'r datganiad gael ei wneud yn gyflym.

Chris Franks: Byddwch yn ymwybodol bod y cyfleusterau damweiniau ac achosion brys yn Ysbyty Aberpennar wedi cau. Mae aelodau'r cyhoedd yn gresynu at fethiant Ymddiriedolaeth GIG Cwm Taf i gadw'r gwasanaeth ar agor ar ôl 5 p.m. Yr oedd yr ymddiriedolaeth wedi addunedu na châi'r unedau mân anafiadau yn ysbytai Aberdâr ac Aberpennar eu hisraddio nes byddai ysbyty newydd Aberpennar yn weithredol. Fodd bynnag, yr wyf wedi cael gwybod erbyn hyn fod cau'r cyfleusterau'n gynnar dros dro, fe honnir, wedi cael ei ymestyn am fis arall. Bydd hynny'n gyfanswm o 10 wythnos heb gyfleusterau damweiniau ac achosion brys ar ôl 5 p.m.. A wnewch drefnu dadl ar golli'r gwasanaeth hwn yn amser y Llywodraeth?

Yn ogystal, cafodd y gweithrediadau ym Maes Awyr Rhyngwladol Caerdydd eu hatal am beth amser oherwydd aflwydd yng nghyfrifiadur y gwasanaeth traffig awyr cenedlaethol. Achoswyd oedi i ddegau o filoedd o deithwyr ar draws y Deyrnas

on the economic impact of continued problems with the NATS? [*Interruption.*]

Carwyn Jones: I did not quite hear the last word but I am sure that you meant the national air traffic control system.

Mountain Ash Hospital is a matter for the trust, but if you raise the matter with the Minister for Health and Social Services, I am sure that she will give you a substantive reply.

The computer at Swanwick did not have the easiest of births, given that there were immense software problems with it years before it opened. There has been a difficulty on this occasion but it appears that those difficulties have now been resolved. We all hope that the situation does not arise again.

Peter Black: I join the other Members who have raised the issue of the Ofcom report into broadcasting and the decision made to allow ITV to reduce its current affairs and news coverage in Wales. If the Minister is to make a statement, as you indicated earlier, it is important that it is an oral statement in the Chamber so that all Members have the opportunity to question him on it and to contribute views. In that way he would be clear that he has the full support of the Chamber when he makes representations to the UK Government. That is an important part of the process.

Secondly, I note that the planned statement from the Minister for Health and Social Services on the review of neuroscience has been turned into a written statement, which means that we are not able to question the Minister on that issue today. I regret that, because the report is contradictory. From what I can see, the Minister's written statement changes one of the recommendations and is different to the recommendations in the report. It is important that we have an opportunity to ask questions in the Chamber on that review so that we are able to reconcile the Minister's statements to the local press in Swansea with what is in the report and get a clear idea of

Unedig. A wnewch drefnu datganiad ar effaith economaidd y problemau parhaus gyda'r NATS? [*Torri ar draws.*]

Carwyn Jones: Ni chlywais y gair olaf yn iawn ond yr wyf yn siŵr mai'r system genedlaethol rheoli traffig awyr yr oeddech yn ei olygu.

Mater i'r ymddiriedolaeth yw Ysbyty Aberpennar, ond os codwch y mater gyda'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, yr wyf yn siŵr y rhydd hi ateb o sylwedd ichi.

Ni chafodd y cyfrifiadur yn Swanwick yr enedigaeth hawsaf, o gofio bod problemau enfawr o ran meddalwedd gydag ef flynyddoedd cyn iddo agor. Mae anhawster wedi bod y tro hwn ond mae'n ymddangos bod yr anawsterau hynny wedi cael eu datrys erbyn hyn. Yr ydym i gyd yn gobeithio na fydd y sefyllfa'n codi eto.

Peter Black: Ymunaf â'r Aelodau eraill sydd wedi codi mater adroddiad Ofcom ar ddarlledu a'r penderfyniad a wnaethpwyd i ganiatáu i ITV leihau ei ddarpariaeth materion cyfoes a newyddion yng Nghymru. Os yw'r Gweinidog i wneud datganiad, fel y nodwyd gennych yn gynharach, mae'n bwysig ei fod yn ddatganiad llafar yn y Siambr fel bod pob Aelod yn cael y cyfle i'w holi yn ei gylch ac i gyfrannu ei farn. Drwy hynny byddai'n glir iddo fod ganddo gefnogaeth lawn y Siambr pan fydd yn cyflwyno sylwadau i Lywodraeth y DU. Mae hynny'n rhan bwysig o'r broses.

Yn ail, yr wyf yn sylwi bod y datganiad a oedd i fod i gael ei ddarparu gan y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol ar yr adolygiad o niwrowyddoniaeth wedi troi'n ddatganiad ysgrifenedig, sy'n golygu na fyddwn yn gallu holi'r Gweinidog ynglŷn â'r mater hwnnw heddiw. Yr wyf yn gresynu at hynny, oherwydd y mae'r adroddiad yn croes-ddweud ei hun. Yn ôl yr hyn a welaf, mae datganiad ysgrifenedig y Gweinidog yn newid un o'r argymhellion ac mae'n wahanol i'r argymhellion yn yr adroddiad. Mae'n bwysig inni gael cyfle i ofyn cwestiynau yn y Siambr am yr adolygiad hwnnw fel y gallwn gysoni datganiadau'r Gweinidog wrth y wasg

what commitment she is able to make in terms of this review and how she plans to take it forward.

Carwyn Jones: These issues can be taken up with Ministers during questions.

leol yn Abertawe â'r hyn sydd yn yr adroddiad a chael syniad clir ynghylch pa ymrwymiad y gall hi ei wneud o ran yr adolygiad hwn a sut y mae'n bwriadu bwrw ymlaen ag ef.

Carwyn Jones: Gellir codi'r materion hyn gyda'r Gweinidogion yn ystod y cwestiynau.

Pwynt o Drefn Point of Order

Gareth Jones: Pwynt o drefn. Wedi i mi ofyn cwestiwn ategol i'r Prif Weinidog yn gynharach, clywais Mark Isherwood yn fy nghyhuddo o wneud datganiad anghywir. Dywedodd rywbeth tebyg i:

'The statement is false'.

Hoffwn roi'r cyfle hwn iddo naill ai egluro pam bod yr hyn a ddywedais yn anghywir, neu dynnu'r datganiad yn ôl.

Y Llywydd: Ni chlywsom unrhyw beth ar y fainc lywyddu er bod gennym glustiau main iawn. Ymholaf i weld a yw'r ymadrodd ynglŷn ag anghywirdeb neu gelwydd yn ymddangos yn y Cofnod. Os yw hynny'n wir, byddwn yn disgwyl i'r gosodiad gael ei dynnu'n ôl, gan nad yw'n briodol cyhuddo Aelodau eraill o gamarwain y Cynulliad.

Mark Isherwood: I do not recall exactly what I said, but if I used the word 'false', I appreciate that that would be inappropriate parliamentary language and would, therefore, withdraw it. I will also check the Record of Proceedings to see what was said, and check that against my understanding of the statement by my party's finance spokesperson.

Gareth Jones: Point of order. Following my supplementary question to the First Minister earlier today, I heard Mark Isherwood accuse me of making a false statement. He said something like:

Mae'r datganiad yn ynghywir.

I would like to give him the opportunity to either explain why what I said was false or to withdraw his statement.

The Presiding Officer: We did not hear anything on the presiding bench, even though we have sharp ears. I will make inquiries to see whether the expression regarding a false or untrue statement appears in the Record. If that is the case, I would expect it to be withdrawn, as it is not appropriate to accuse other members of misleading the Assembly.

Mark Isherwood: Ni chofiaf yn union beth a ddywedais, ond os defnyddiais y gair 'anghywir', yr wyf yn sylweddoli y byddai'n iaith seneddol amhriodol a byddwn, felly, yn ei dynnu'n ôl. Edrychaf finnau ar Gofnod y Trafodion i weld beth a ddywedwyd, a bwriad olwg ar hynny gan ystyried fy nealltwriaeth o'r datganiad gan lefarydd cyllid fy mhlaid.

*Daeth y Dirprwy Lywydd (Rosemary Butler) i'r Gadair am 2.50 p.m.
The Deputy Presiding Officer (Rosemary Butler) took the Chair at 2.50 p.m.*

Datganiad ar Ad-drefnu'r Gwasanaeth Iechyd Gwladol Statement on NHS Reorganisation

The Minister for Health and Social Services (Edwina Hart): In my statement of 16 July, I set out the Assembly Government's first response to the consultation exercise that took place between April and June of this

Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol (Edwina Hart): Yn fy natganiad ar 16 Gorffennaf, amlinellais ymateb cyntaf Llywodraeth y Cynulliad i'r ymarferiad ymgynghori a gynhaliwyd rhwng

year on national health service reform in Wales. Today, I want to update Members on the developments that have taken place over the summer.

I will first deal with the national board. While consultation respondents were firmly in support of the principle of a national board, a variety of views were expressed about its exact composition and governance arrangements. A majority of respondents favoured a special health authority model. They did so largely because of a belief that such an arrangement would create an arm's-length relationship between the Minister and the NHS. I disagree. In a devolved Wales, it is both impractical and undesirable to attempt to create such a distance between political responsibility and service delivery. My conclusion, therefore, is that a national advisory board will be established, with a small but independent membership.

Among its independent members will be individuals whose background and experience provide particular expertise in the fields of local government, the voluntary sector and social care partners. They will be joined by others who have experience in relevant fields, such as legal services and finance. I will chair the board, and it will meet in public. In coming to this conclusion, I have been most influenced by those arguments that revolve around issues of accountability and answerability. The presence of a National Assembly argues powerfully for arrangements in which Ministers remain, in an uncluttered way, answerable to the public and to elected Members. The chief executive of NHS Wales will be a member, and will, separately, chair a delivery group responsible to me as Minister for the operational performance of NHS organisations.

It is my intention that these arrangements should be in place by April 2009. A further consultation paper will be issued later in the autumn that will, among other things, deal with the more technical details of function and membership. There will be no further consultation on the model of the national

mis Ebrill a mis Mehefin eleni ynglŷn â diwygio'r gwasanaeth iechyd gwladol yng Nghymru. Heddiw, yr wyf am roi'r wybodaeth ddiweddaraf i'r Aelodau ynglŷn â'r datblygiadau sydd wedi digwydd dros yr haf.

Deliaf yn gyntaf â'r bwrdd cenedlaethol. Er bod y rhai a ymatebodd i'r ymgynghoriad yn gadarn eu cefnogaeth i egwyddor bwrdd cenedlaethol, mynegwyd barn amrywiol ynglŷn â'i union gyfansoddiad a'r trefniadau llywodraethu. Yr oedd mwyafrif o'r rhai a ymatebodd yn ffafrio model ar ffurf awdurdod iechyd arbennig. Yr oeddent yn gwneud hynny yn bennaf oherwydd cred y byddai trefniant o'r fath yn creu perthynas hyd braich rhwng y Gweinidog a'r GIG. Yr wyf yn anghytuno. Mewn Cymru ddatganoledig, mae'n anymarferol a hefyd yn annerbyniol ceisio creu pellter o'r fath rhwng cyfrifoldeb gwleidyddol a darparu gwasanaethau. Fy nghasgliad, felly, yw y caiff bwrdd cynghori cenedlaethol ei sefydlu, gydag aelodaeth fach ond annibynnol.

Ymysg ei aelodau annibynnol bydd unigolion y mae eu cefndir a'u profiad yn rhoi arbenigedd neilltuol ym meysydd llywodraeth leol, y sector gwirfoddol a phartneriaid gofal cymdeithasol. Bydd eraill yn ymuno â hwy sydd â phrofiad mewn meysydd perthnasol, megis gwasanaethau cyfreithiol a chyllid. Byddaf fi'n cadeirio'r bwrdd, a bydd yn cwrdd yn gyhoeddus. Wrth ddod i'r casgliad hwn, dylanwadwyd fwyaf arnaf gan y dadleuon hynny sy'n ymwneud ag ystyriaethau ynglŷn â chyfrifoldeb ac atebolrwydd. Mae presenoldeb Cynulliad Cenedlaethol yn dadlau'n rymus o blaid trefniadau lle y mae Gweinidogion yn parhau, mewn ffordd drefnus, i fod yn atebol i'r cyhoedd ac i'r Aelodau etholedig. Bydd prif weithredwr GIG Cymru yn aelod, a bydd yn cadeirio grŵp cyflenwi, ar wahân, a fydd yn gyfrifol i mi fel Gweinidog am berfformiad gweithredol cyrff y GIG.

Bwriadaf i'r trefniadau hyn fod wedi eu sefydlu erbyn mis Ebrill 2009. Caiff papur ymgynghori pellach ei lansio'n ddiweddarach yn yr hydref a fydd, ymysg pethau eraill, yn delio â manylion mwy technegol swyddogaeth ac aelodaeth. Ni fydd ymgynghori pellach ynglŷn â model y bwrdd

board *per se*.

I now turn to the new health delivery bodies. In my statement in July, I set out the arguments that had convinced me to accept the case for seven unified delivery bodies. The abolition of boundaries between local health boards and trusts, between in-hospital and out-of-hospital care and between primary, community and acute services will, I am confident, create seven strong integrated organisations. There are three refinements of that model that I wish to bring to Members' attention this afternoon.

First, I want to be clear that, in a period of considerable change, I intend that the boards of these bodies will be constructed, and act, according to governance arrangements that are already familiar in the Welsh NHS. There will be executive members and independent members appointed through public appointment procedures. These independent voices will mirror those deployed at the national board, with individuals recruited on the basis of their experience in the fields of local government, the voluntary sector and social care. As Minister, I will lead on the appointment of the chairs and vice-chairs of these organisations. These appointments will, of course, also be carried out under normal public appointment procedures.

Secondly, I remain determined to pursue a health service led by preventative, primary and community services. Accordingly, a ministerially appointed vice-chair in each body will be made responsible for primary, community and mental health services in a practical demonstration of the importance that, as an Assembly Government, we attach to the future of those services. In order to underpin that work, I have asked Dr Chris Jones, chair of the Rhondda Cynon Taf Local Health Board, to lead a group charged with the development of a new primary and community healthcare strategy.

Thirdly, I want to make it clear that, in the future, the local bodies will be organised in ways that make co-operation between them

cededlaethol *per se*.

Trof yn awr at y cyrff cyflenwi iechyd newydd. Yn fy natganiad ym mis Gorffennaf, amlinellais y dadleuon sydd wedi fy mherswadio i dderbyn y ddadl o blaid saith corff cyflenwi unedig. Yr wyf yn hyderus y bydd dileu'r ffiniau rhwng byrddau iechyd lleol ac ymddiriedolaethau, rhwng gofal yn yr ysbyty ac allan o'r ysbyty a rhwng y gwasanaethau sylfaenol, cymunedol ac aciwt yn creu saith corff integredig, cryf. Mae tair nodwedd arbennig ar yn y model hwnnw yr wyf am eu dwyn i sylw'r Aelodau y prynhawn yma.

Yn gyntaf, yr wyf am fod yn glir fy mod yn bwriadu, yn ystod cyfnod o newid sylweddol, i fyrddau'r cyrff hyn gael eu llunio, ac y byddant yn gweithredu, yn unol â threfniadau llywodraethu sydd eisoes yn gyfarwydd yn y GIG yng Nghymru. Bydd arnynt aelodau gweithredol ac aelodau annibynnol a benodir drwy weithdrefnau penodi cyhoeddus. Bydd y lleisiau annibynnol hyn yn adlewyrchu'r rhai a fydd ar y bwrdd cenedlaethol, gydag unigolion yn cael eu recriwtio ar sail eu profiad ym meysydd llywodraeth leol, y sector gwirfoddol a gofal cymdeithasol. Fel y Gweinidog, byddaf fi'n arwain o ran penodi cadeiryddion ac is-gadeiryddion y sefydliadau hyn. Bydd y penodiadau hyn, wrth gwrs, hefyd yn cael eu gwneud yn unol â'r gweithdrefnau arferol ar gyfer penodiadau cyhoeddus.

Yn ail, yr wyf yn dal yn benderfynol o anelu at wasanaeth iechyd sy'n cael ei arwain gan wasanaethau ataliol, sylfaenol a chymunedol. Yn unol â hynny, bydd is-gadeirydd a benodir gan y Gweinidog yn cael ei wneud yn gyfrifol am wasanaethau sylfaenol, cymunedol ac iechyd meddwl, a hynny'n dangos yn ymarferol mor bwysig yw dyfodol y gwasanaethau hynny i ni, Lywodraeth y Cynulliad. Fel sylfaen i'r gwaith hwnnw, yr wyf wedi gofyn i Dr Chris Jones, cadeirydd Bwrdd Iechyd Lleol Rhondda Cynon Taf, arwain grŵp sydd â'r gorchwyl o ddatblygu strategaeth newydd ar gyfer gofal iechyd sylfaenol a chymunedol.

Yn drydydd, yr wyf am ei gwneud yn glir y bydd y cyrff lleol, yn y dyfodol, yn cael eu trefnu mewn ffyrdd sy'n gwneud

easier to achieve and that help eliminate the last outcrops of the competitive market ethos inherited from Conservative Party policies. In order to strengthen these horizontal, co-operative relationships between the new bodies, I am determined that the seven organisations will operate in ways that conform far more closely to a national pattern, so that the local health service arrangements in one part of Wales are recognisably the same in other Welsh locations.

In considering the pace of change in NHS Wales, I am mindful of the advice that I received from Members in the Chamber last week. The detail of the legal status of the seven bodies, the mechanisms needed to manage financial flows through the system, the ways in which members of the new boards are to be recruited have been subject to detailed work over the summer, but now need a wider airing with those most directly affected. A consultation document will be published for that purpose later in the autumn. I also agree with Members who said in last week's discussion here that, for change on this scale, it is better to concentrate on getting things right rather than simply getting them done quickly. I shall give further careful consideration to this advice.

Change can sometimes distract busy people from their responsibilities. To overcome any such risk, I have agreed that formal local project arrangements should be put in place to ensure that the delivery of services is unaffected during this transition period. This is primarily an administrative matter for the chief executive of NHS Wales to put in place, but I will issue a statement to Members once these arrangements have been finalised.

Today's announcements in relation to the national advisory board and the seven delivery organisations have implications for other important strands of the national health service. Yesterday, I published a written Cabinet statement setting out my conclusions in relation to mental health. Today, I can inform Members that I have received and

cydweithredu rhyngddynt yn haws ei gyflawni ac sy'n helpu i ddileu olion olaf ethos y farchnad gystadleuol a etifeddiwyd gan bolisiau'r Blaid Geidwadol. Er mwyn cryfhau'r berthynas lorweddol, gydweithredol hon rhwng y cyrff newydd, yr wyf yn benderfynol y bydd y saith corff yn gweithredu mewn ffyrdd sy'n cydymffurfio'n llawer agosach â phatrwm cenedlaethol, fel bod modd gweld bod trefniadau'r gwasanaeth iechyd lleol mewn un rhan o Gymru yr un fath â'r trefniadau mewn mannau eraill yng Nghymru.

Wrth ystyried cyflymder y newid yn GIG Cymru, yr wyf yn ymwybodol o'r cyngor a gefais gan Aelodau yn y Siambr yr wythnos diwethaf. Mae gwaith manwl wedi cael ei wneud dros yr haf ar fanylion statws cyfreithiol y saith corff, y mecanweithiau sy'n ofynnol i reoli'r llyf ariannol drwy'r system a'r ffyrdd y bydd aelodau'r byrddau newydd yn cael eu recriwtio, ond yn awr mae angen eu gwyntyllu'n ehangach gyda'r rhai yr effeithir yn fwyaf uniongyrchol arnynt. Caiff dogfen ymgynghori ei chyhoeddi i'r diben hwnnw yn ddiweddarach yn yr hydref. Yr wyf yn cytuno hefyd ag Aelodau a ddywedodd yn y drafodaeth yma yr wythnos diwethaf ei bod yn well, gyda newid o'r maint hwn, canolbwyntio ar sicrhau bod pethau'n iawn yn hytrach na dim ond ar eu gwneud yn gyflym. Ystyriaf y cyngor hwn yn ofalus.

Weithiau gall newid dynnu sylw pobl brysur oddi wrth eu cyfrifoldebau. I oresgyn unrhyw berygl o'r fath, yr wyf wedi cytuno y dylai trefniadau prosiect lleol ffurfiol gael eu sefydlu i sicrhau nad effeithir ar y ffordd y cyflenwir gwasanaethau yn ystod y cyfnod pontio hwn. Mater gweinyddol i brif weithredwr GIG Cymru ei roi ar waith yw hwn yn bennaf, ond cyflwynaf ddatganiad i'r Aelodau cyn gynted ag y bydd y trefniadau hyn ar eu gwedd derfynol.

Mae i'r cyhoeddiadau heddiw ynglŷn â'r bwrdd cynghori cenedlaethol a'r saith corff cyflenwi oblygiadau i elfennau pwysig eraill o'r gwasanaeth iechyd gwladol. Ddoe, cyhoeddais ddatganiad Cabinet ysgrifenedig yn amlinellu fy nghasgliadau mewn perthynas ag iechyd meddwl. Heddiw, gallaf hysbysu'r Aelodau fy mod wedi cael ac wedi

accepted advice to form a unified public health service for Wales. Arrangements will include public health executive members at each of the seven delivery organisations, as well as a strengthened public health presence within local government.

The future of Health Commission Wales is affected by what I have said today. Professor Aylward's report confirms that significant structural change is needed in the present HCW arrangements. I have asked Professor Aylward to advise me further on which of the organisation's responsibilities might, in future, be allocated to the seven delivery bodies and the implications of that for the governance of the organisation itself. I will keep Members informed of the outcome.

The future of Velindre NHS Trust is secure, but I have asked Ian Kelsall, the trust's current chair, to advise on the organisation's future role and responsibility once the NPfS and the screening services have become part of the unified public health service. In the same context, future arrangements for shared services and all-Wales bodies need to be the subject of further consideration. I have asked David Galligan, staff side secretary of the Welsh partnership forum, to lead a piece of work looking at the future of these services in NHS Wales.

Finally, and briefly, I wish to say something about local engagement. I hope that I have made it clear that I do not believe that accountability to the public and patients is simply a matter for the local level. I have already said that I intend the national advisory board to hold meetings in public. I can also inform Members of my intention to institute a series of annual accountability meetings with the chair and chief executive of each of the seven new delivery bodies. These meetings will also be held in public and will be an opportunity for me, as Minister, to ensure that the decisions of the national advisory board are being reflected in activity on the ground. It will also be an opportunity for the population served by the

derbyn cyngor i lunio gwasanaeth iechyd cyhoeddus unedig i Gymru. Bydd y trefniadau'n cynnwys aelodau gweithredol iechyd cyhoeddus ym mhob un o'r saith corff cyflenwi hyn, yn ogystal â phresenoldeb iechyd cyhoeddus cryfach o fewn llywodraeth leol.

Mae'r hyn yr wyf wedi ei ddweud heddiw yn effeithio ar ddyfodol Comisiwn Iechyd Cymru. Mae adroddiad yr Athro Aylward yn cadarnhau bod angen newid strwythurol sylweddol yn nhrefniadau presennol y comisiwn. Yr wyf wedi gofyn i'r Athro Aylward roi cyngor pellach imi ynglŷn â pha rai o gyfrifoldebau'r sefydliad a allai, yn y dyfodol, gael eu dyrannu i'r saith corff cyflenwi a goblygiadau hynny i drefn lywodraethu'r sefydliad ei hun. Byddaf yn hysbysu'r Aelodau am y canlyniad.

Mae dyfodol Ymddiriedolaeth GIG Felindre yn ddiogel, ond yr wyf wedi gofyn i Ian Kelsall, cadeirydd presennol yr ymddiriedolaeth, gynghori ynglŷn â rôl a chyfrifoldeb y corff yn y dyfodol wedi i'r Gwasanaeth Iechyd Cyhoeddus Cenedlaethol a'r gwasanaethau sgrinio ddod yn rhan o'r gwasanaeth iechyd cyhoeddus unedig. Yn yr un cyd-destun, mae angen i'r trefniadau yn y dyfodol o ran gwasanaethau a rennir a chyrrff Cymru gyfan gael eu hystyried ymhellach. Yr wyf wedi gofyn i David Galligan, ysgrifennydd ochr y staff ar fforwm partneriaeth Cymru, arwain gwaith i edrych ar ddyfodol y gwasanaethau hyn yn GIG Cymru.

Yn olaf, ac yn fyr, yr wyf am ddweud rhywbeth ynglŷn ag ymgysylltu â'r gymuned leol. Gobeithiaf fy mod wedi ei gwneud yn glir nad wyf yn credu mai mater i'r lefel leol yn unig yw atebolrwydd i'r cyhoedd ac i gleifion. Yr wyf wedi dweud eisoes fy mod yn bwriadu i'r corff cynghori cenedlaethol gynnal ei gyfarfodydd yn gyhoeddus. Gallaf hefyd hysbysu'r Aelodau o'm bwriad i sefydlu cyfres o gyfarfodydd atebolrwydd blynyddol gyda chadeirydd a phrif weithredwr pob un o'r saith corff cyflenwi newydd. Bydd y cyfarfodydd hyn hefyd yn cael eu cynnal yn gyhoeddus a byddant yn gyfle i mi, fel y Gweinidog, sicrhau bod penderfyniadau'r bwrdd cynghori cenedlaethol yn cael eu hadlewyrchu mewn

seven organisations to make their influence felt.

In July, I also indicated my intention to strengthen community health councils, making them coterminous with local authority boundaries. Later in the autumn, I will consult on proposals for reform of CHCs more generally in order to make them even more effectively the voice of local patients in NHS Wales. In a further statement, I will have more to say on the subject of local engagement more generally. That concludes my statement this afternoon.

Jonathan Morgan: I thank the Minister for her statement this afternoon. I also thank the Government for the opportunity to debate these matters further, because this is a huge reorganisation. I said last week that this is probably the biggest reorganisation that we have seen for 20 or 30 years. Therefore, we need to get this absolutely right.

I will start with a point on which you and I agree. My party has never supported 22 local health boards; we welcome the fact that those local health boards will now be wound up with the functions dispersed to other organisations within the health service. A country the size of Wales does not need 22 LHBs and we were right, over the last five or six years, to oppose those boards. The five years since their inception has been a waste; we have wasted time and resources, where we could have spent the past five years making the improvements that were needed.

There is clearly a role for secondary care commissioning. This report does not outline where that role will rest. I assume that it will rest at the national level. We, as a party, have long argued for secondary care to be commissioned at a national level to give some sort of focus on where services are being delivered. As I have said, in a country the size of Wales, commissioning secondary

gweithgarwch ar lawr gwlad. Bydd hefyd yn gyfle i'r boblogaeth a wasanaethir gan y saith corff arfer eu dylanwad.

Ym mis Gorffennaf, dywedais hefyd fy mod yn bwriadu cryfhau'r cynghorau iechyd cymuned, gan sicrhau eu bod yn rhannu'r un ffiniau â'r awdurdodau lleol. Yn ddiweddarach yn yr hydref, byddaf yn ymgynghori ynghylch cynigion i ddiwygio'r CICAu yn fwy cyffredinol er mwyn eu gwneud yn fwy effeithiol byth fel llais cleifion lleol yn GIG Cymru. Mewn datganiad pellach, bydd gennyf ragor i'w ddweud ar fater ymgysylltu â'r gymuned leol yn fwy cyffredinol. Daw hynny â'm datganiad y prynhawn yma i ben.

Jonathan Morgan: Diolchaf i'r Gweinidog am ei datganiad y prynhawn yma. Diolchaf hefyd i'r Llywodraeth am y cyfle i drafod y materion hyn ymhellach, oherwydd y mae hwn yn ad-drefniant enfawr. Dywedais yr wythnos diwethaf mai hwn, yn ôl pob tebyg, yw'r ad-drefniant mwyaf yr ydym wedi ei weld ers 20 neu 30 mlynedd. Felly, mae angen inni sicrhau bod hyn yn cael ei wneud yn hollol gywir.

Dechreuaf gyda phwynt yr ydych chi a minnau'n cytuno arno. Nid yw fy mhlaid erioed wedi cefnogi 22 bwrdd iechyd lleol; yr ydym yn croesawu'r ffaith y bydd y byrddau iechyd hynny'n cael eu dirwyn i ben bellach ac y caiff eu swyddogaethau eu rhannu ymysg cyrff eraill yn y gwasanaeth iechyd. Nid oes angen 22 BILl ar wlad o faint Cymru ac yr oeddem yn llygad ein lle, yn ystod y pum neu chwe blynedd diwethaf, wrth wrthwynebu'r byrddau hynny. Mae'r pum mlynedd ers eu sefydlu wedi bod yn wastraff; yr ydym wedi gwastraffu amser ac adnoddau, lle y gallem fod wedi treulio'r pum mlynedd diwethaf yn gwneud y gwelliannau yr oedd eu hangen.

Yn amlwg, mae rôl i gomisiynu gofal eilaidd. Nid yw'r adroddiad hwn yn amlinellu ym mhle y bydd y rôl honno'n perthyn. Yr wyf yn rhagdybio mai ar y lefel genedlaethol y bydd hynny. Yr ydym ni, fel plaid, wedi dadlau ers tro y dylai gofal eilaidd gael ei gomisiynu ar lefel genedlaethol, i roi rhyw fath o ffocws ar ble y mae gwasanaethau'n cael eu darparu. Fel y dywedais, mewn gwlad

care at an all-Wales level, along with tertiary and specialist services, is something that we believe can be achieved.

3.00 p.m.

You also accept my view about the importance of the Velindre cancer trust. Velindre is a wonderful organisation, which provides a specialist role and service, and we should not lose it within the NHS. We should be supporting Velindre as a separate organisation in the future. I seek some further reassurances from you, Minister, that that trust will remain intact once the review of its role and responsibilities is complete.

We also agree that co-ordinated services can provide better services, and the seven integrated health bodies have a huge opportunity to provide the co-ordination that we need. However, I return to the point that I made last week on social care and social services. We have looked at this review of structures purely in the context of health, and there is an issue with where social care and social services fit and with the engagement between health and social care. Some colleagues here, some of whom are your own colleagues, believe that that can be done only by attacking the structure within which social care currently rests. I would be interested to hear what the Minister has to say about co-ordinating services across the board and not just within healthcare.

I now turn to the areas on which we disagree. I start with the new position that you are creating for yourself as chair of this national advisory board: de facto chair of the national health service. I strongly believe that, by putting yourself in day-to-day control and by appointing vice-chairs to these new health bodies, you will be politicising the national health service in a way that I never thought was possible. That causes me a great deal of concern about the future of the national health service and the future relationship between the Government and the service that

o faint Cymru, mae comisiynu gofal eilaidd ar lefel Cymru gyfan, ynghyd â gwasanaethau trydyddol ac arbenigol, yn rhywbeth y credwn y gellir ei gyflawni.

Yr ydych hefyd yn derbyn fy marn ynghylch pwysigrwydd ymddiriedolaeth cancer Felindre. Mae Felindre yn gorff gwych, sy'n darparu rôl a gwasanaeth arbenigol, ac ni ddylem ei golli o'r GIG. Dylem fod yn cefnogi Felindre fel corff ar wahân yn y dyfodol. Hoffwn gael sicrwydd pellach gennych, Weinidog, y bydd yr ymddiriedolaeth yn aros yn gyfan ar ôl cwblhau'r adolygiad o'i rôl a'i chyfrifoldebau.

Cytunwn hefyd y gall gwasanaethau cydgysylltiedig ddarparu gwasanaethau gwell, ac mae gan y saith corff iechyd integredig gyfle gwych i ddarparu'r cydgysylltu y mae ei angen arnom. Fodd bynnag, dof yn ôl at y pwynt a wneuthum yr wythnos diwethaf ar ofal cymdeithasol a gwasanaethau cymdeithasol. Yr ydym wedi edrych ar yr adolygiad hwn o strwythurau yng nghyd-destun iechyd yn unig, ac mae cwestiwn ynghylch lle y mae gofal cymdeithasol a gwasanaethau cymdeithasol yn ffïtio ac ynghylch yr ymgysylltu rhwng iechyd a gofal cymdeithasol. Barn rhai o'n cyd-Aelodau yma, rhai ohonynt yn gyd-Aelodau i chi, yw na ellir gwneud hynny ond drwy ymosod ar y strwythur y mae gofal cymdeithasol yn perthyn iddo ar hyn o bryd. Byddai'n ddiddorol clywed beth sydd gan y Gweinidog i'w ddweud am gydgyssylltu gwasanaethau'n gyffredinol ac nid o fewn gofal iechyd yn unig.

Trof fy sylw yn awr at y meysydd yr anghytunwn yn eu cylch. Dechreuaf â'r swydd newydd yr ydych yn ei chreu i chi eich hun fel cadeirydd y bwrdd cynghori cenedlaethol hwn: mewn gwirionedd, cadeirydd y gwasanaeth iechyd gwladol. Credaf yn gryf, drwy reoli'n feunyddiol a phenodi is-gadeiryddion ar gyfer y cyrff iechyd newydd hyn, y byddwch yn gwleidyddoli'r gwasanaeth iechyd gwladol mewn ffordd na feddyliais erioed ei bod yn bosibl. Mae hynny'n peri cryn bryder imi ynghylch dyfodol y gwasanaeth iechyd

we all cherish.

gwladol a'r berthynas yn y dyfodol rhwng y Llywodraeth a'r gwasanaeth sydd mor bwysig inni i gyd.

On the national board, why have you ignored the majority view, which gave you professional advice about the need for an arm's-length organisation? Why has that view been so readily ignored by you and your colleagues? That would have been far preferable, from our perspective, to have that arm's-length organisation, as it could have relied on clinical expertise or managerial expertise. Why have you decided to ignore the expert advice that you were given, Minister?

Ynghylch y bwrdd cenedlaethol, pam yr ydych wedi anwybyddu barn y mwyafrif, a roddodd gyngor proffesiynol ichi fod angen sefydliad hyd braich? Pam mae'r farn honno wedi cael ei hanwybyddu mor ddi-oed gennych chi a'ch cyd-Aelodau? Byddai wedi bod yn llawer gwell, o'n safbwynt ni, cael y sefydliad hyd braich hwnnw, oherwydd gallai fod wedi dibynnu ar arbenigedd clinigol neu arbenigedd rheoli. Pam yr ydych wedi penderfynu anwybyddu'r cyngor arbenigol a roddwyd ichi, Weinidog?

On the appointment of the additional vice-chairs who are to be responsible for primary care, mental health and community services, can you confirm that these individuals will be directly appointed by you, as Minister, as opposed to going through the usual public appointments process? That is not clear from your statement. You are clear that the chairs and vice-chairs will be appointed using the Nolan principles, but you state that the additional vice-chairs will be appointed by you, as Minister. At no point in that statement do you say that that will be through a public appointments process.

Ynghylch penodi'r is-gadeiryddion ychwanegol a fydd yn gyfrifol am ofal sylfaenol, iechyd meddwl a gwasanaethau cymunedol, a allwch gadarnhau y bydd yr unigolion hyn yn cael eu penodi'n uniongyrchol gennych chi, fel Gweinidog, yn lle mynd drwy'r broses arferol ar gyfer penodiadau cyhoeddus? Nid yw hynny'n glir yn eich datganiad. Yr ydych yn glir y bydd y cadeiryddion a'r is-gadeiryddion yn cael eu penodi gan ddefnyddio egwyddorion Nolan, ond dywedwch mai chi, fel Gweinidog, fydd yn penodi'r is-gadeiryddion ychwanegol. Nid yw eich datganiad yn dweud yn unlle y bydd hynny drwy broses penodiadau cyhoeddus.

The process that you have outlined today, with the appointment of additional vice-chairs, will make you responsible for the day-to-day issues of primary care, mental health and community services in every part of Wales. Why have you chosen to be so directly involved, when your Cabinet colleagues take such a starkly different approach? You said in your statement this afternoon that,

Bydd y broses yr ydych wedi'i hamlinellu heddiw, i benodi is-gadeiryddion ychwanegol, yn eich gwneud yn gyfrifol am faterion beunyddiol gofal sylfaenol, iechyd meddwl a gwasanaethau cymunedol ym mhob rhan o Gymru. Pam y gwnaethoch ddewis chwarae rhan mor uniongyrchol, a'ch cyd-Aelodau yn y Cabinet yn meddwl mor wahanol? Dywedasoeh yn eich datganiad y prynhawn yma,

'In a devolved Wales, it is both impractical and undesirable to attempt to create such a distance between political responsibility and service delivery'.

'Mewn Cymru ddatganoledig, mae'n anymarferol a hefyd yn annerbyniol ceisio creu pellter o'r fath rhwng cyfrifoldeb gwleidyddol a darparu gwasanaethau'.

If that were the case, why is Jane Hutt not making a statement on the future of schools in Wales and about how the governance arrangements work? Why is Alun Ffred Jones not making a statement about how we should be involved in every national board in Wales

Pe bai hynny'n wir, pam nad yw Jane Hutt yn gwneud datganiad am ddyfodol ysgolion yng Nghymru ac ynghylch sut y mae'r trefniadau llywodraethu yn gweithio? Pam nad yw Alun Ffred Jones yn gwneud datganiad ynghylch sut y dylem fod ar bob bwrdd cenedlaethol

or in every arts organisation? Why do you think the health service is different in the context of your ministerial work as opposed to that of the rest of your colleagues? If that statement this afternoon is true, and you need to create such a distance, why is that not happening across Government? What you have done this afternoon is potentially very dangerous for the delivery of those services. I cannot understand why a Government Minister needs to be so directly involved in the day-to-day delivery of those services, when the rest of your colleagues will not be taking a similar approach.

I have two further points to make quickly. On the timescale, I urge you to establish arrangements for shadow authorities, a valuable suggestion made last week by Helen Mary Jones. I believe that the April 2009 deadline could be extremely tight unless you have those shadow authorities in place.

Finally, I strongly believe that the staff are the greatest asset of the national health service. You need to involve the staff in the delivery of change that you wish to bring about, because they often get overlooked. It is not just about the managerial staff, but also the clinical staff and those working with the trade union movement. I urge you to engage all those individuals to ensure that they are directly involved in helping you to manage these changes.

I am disappointed that this is a missed opportunity to readdress the relationship between Government and the national health service. Managers and clinicians will tell you that Government should not be involved in the day-to-day running of the NHS. We agree with that and I am saddened that you do not.

Edwina Hart: I am not sure whether it was a question of my delivery, but I am afraid that you did not quite get some of the points that I made in my statement, Jonathan. I hope that you will have a further opportunity to read it before we have the debate next week.

yng Nghymru neu'n rhan o bob corff celfyddydau? Pam yr ydych yn credu bod y gwasanaeth iechyd yn wahanol yng nghydestun eich gwaith gweinidogol chi o'i wrthgyferbynnu â gwaith gweddill eich cyd-Aelodau? Os yw'r datganiad y prynhawn yma'n wir, pam nad yw hynny'n digwydd ar draws y Llywodraeth? Gall yr hyn yr ydych wedi'i wneud y prynhawn yma fod yn beryglus iawn yng nghyswllt darparu'r gwasanaethau hynny. Ni allaf ddeall pam mae angen i un o Weinidogion y Llywodraeth chwarae rhan mor uniongyrchol yn narpariaeth feunyddiol y gwasanaethau hynny, a gweddill eich cyd-Aelodau am wneud yn wahanol.

Mae gennyf ddau bwynt pellach i'w gwneud yn sydyn. O ran yr amserlen, hoffwn bwysu arnoch i sefydlu trefniadau ar gyfer awdurdodau cysgodi, awgrym gwerthfawr a wnaethpwyd yr wythnos diwethaf gan Helen Mary Jones. Credaf y gallai Ebrill 2009 fod yn derfyn amser hynod dynn oni bai fod yr awdurdodau cysgodi hynny wedi'i sefydlu gennyh.

I gloi, credaf yn gryf mai'r staff yw caffaeliad mwyaf y gwasanaeth iechyd gwladol. Mae angen ichi gynnwys y staff wrth gyflwyno'r newid y mae arnoch eisiau ei weld yn digwydd, oherwydd y maent yn aml yn cael eu hanwybyddu. Nid y staff rheoli'n unig, ond hefyd y staff clinigol a'r rhai sy'n gweithio gyda mudiad yr undebau llafur. Pwysaf arnoch i gynnwys yr holl unigolion hynny i sicrhau bod ganddynt uniongyrchol o ran eich helpu i reoli'r newidiadau hyn.

Yr wyf yn siomedig bod hyn yn gyfle sydd wedi'i golli i edrych o'r newydd ar y berthynas rhwng y Llywodraeth a'r gwasanaeth iechyd gwladol. Bydd rheolwyr a chlinigwyr yn dweud wrthyhych na ddylai'r Llywodraeth fod yn rhan o redeg y GIG o ddydd i ddydd. Yr ydym yn cytuno â hynny ac yr wyf yn drist nad ydych chi.

Edwina Hart: Nid wyf yn siŵr ai'r ffordd yr eglurais bethau yw'r drwg, ond mae arnaf ofn na wnaethoch ddeall rhai o'r pwyntiau a wneuthum yn fy natganiad, Jonathan. Gobeithiaf y bydd gennyh gyfle pellach i'w ddarllen cyn inni gael y ddadl yr wythnos

nesaf.

On your last assertion, the staff are my primary consideration, as I think you can see from all my dealings with the national health service. David Galligan, a national officer with Unison, will be leading, on behalf of the staff side, on a substantial piece of work dealing with the reorganisation of the NHS. My commitment to staff is clear, as is my commitment to clinicians. I hold regular meetings with clinicians, and I value the role that they will have in the new organisational structures. They are currently the subject of some detailed discussions on how their views can be gathered and on how they can help and assist across the piece.

I will deal with the matters on which we agree first, because we do agree on some, although we must not assume that they are all your ideas. The seven boards have arisen as a direct result of the public consultation that we undertook earlier in the year, which I was pleased about. Like Jenny Randerson, I think that the local health boards did some very good work in how they dealt with communities. None of that will be lost in these new arrangements, and it is likely that I will use the LHB legislation and the way in which they were run as the basis of how the seven new boards will run. I will not be using the trust structures, as I am more inclined towards the LHB structures, but there will be seven of the new boards.

The points that you made on commissioning were important, and I would welcome such points from any Members in the future. They could write to me or we could consider it in the debate next week. There are issues to do with the level at which work is commissioned, whether we can make it slicker and better, and how we should be taking it forward.

I totally concur with you on Velindre. Once these reforms are complete, I intend to look at the role of Velindre as a cancer trust in Wales in a much wider sense, given the relationship that it could have with other cancer centres. The excellent work done at

Ynghylch eich honiad olaf, y staff yw fy mhrif ystyriaeth, fel y gallwch weld yn fy marn i yn ôl fy holl ymwneud â'r gwasanaeth iechyd gwladol. Bydd David Galligan, swyddog cenedlaethol gydag Unsain, ar ran y staff, yn arwain gwaith sylweddol yn delio ag ad-drefnu'r GIG. Mae fy ymrwymiad i'r staff yn glir, felly hefyd fy ymrwymiad i'r clinigwyr. Yr wyf yn cynnal cyfarfodydd rheolaidd â'r clinigwyr, ac yr wyf yn gwerthfawrogi'r rôl a fydd ganddynt o fewn y strwythurau sefydliadol newydd. Ar hyn o bryd, maent yn destun trafodaethau manwl ynghylch sut y gellir casglu eu barn a sut y gallant helpu a chynorthwyo gyda'r broses gyfan.

Deliaf â'r materion y cytunwn arnynt yn gyntaf, oherwydd yr ydym yn cytuno ar rai, er na ddylem gymryd mai eich syniadau chi ydynt i gyd. Mae'r saith bwrdd wedi eu creu o ganlyniad uniongyrchol i'r ymgynghori cyhoeddus a gynaliasom yn gynharach eleni, ac yr oeddwn yn falch ohono. Fel Jenny Randerson, credaf fod y byrddau iechyd lleol wedi gwneud gwaith da iawn o ran sut y deliasant â chymunedau. Ni chollir dim o hynny yn y trefniadau newydd hyn, ac mae'n debyg y byddaf yn defnyddio deddfwriaeth y byrddau iechyd lleol a'r ffordd yr oeddent yn cael eu rhedeg yn sail i sut y bydd y saith bwrdd newydd yn cael eu rhedeg. Ni fyddaf yn defnyddio strwythurau'r ymddiriedolaethau, oherwydd yr wyf yn tueddu i ffafrio strwythurau'r byrddau iechyd yn fwy, ond bydd saith o'r byrddau newydd.

Yr oedd y pwyntiau a wnaethoch ynghylch comisiynu yn bwysig, a byddwn yn croesawu pwyntiau o'r fath gan unrhyw Aelod yn y dyfodol. Gallent ysgrifennu ataf neu gallem ei ystyried yn y ddadl yr wythnos nesaf. Mae cwestiynau ynghylch ar ba lefel y mae'r gwaith yn cael ei gomisiynu, a allwn ei wneud yn fwy slic ac yn well, a sut y dylem fod yn bwrw ymlaen â hynny.

Cytunaf yn llwyr â chi ynghylch Felindre. Wedi i'r diwygiadau hyn gael eu cwblhau, bwriadaf edrych ar rôl Felindre fel ymddiriedolaeth canser yng Nghymru yn llawer ehangach, o ystyried y berthynas y gallai ei chael â chanolfannau canser eraill.

Velindre could be extended elsewhere across Wales, and Velindre's future is absolutely secure in that sense.

You spoke about social care and social services, and I have discussed that matter in great detail with my Deputy Minister, Gwenda Thomas. Of course, the director of social services in the Welsh Assembly Government will be represented at the highest level on the national board. We also anticipate the involvement of social services in the seven boards, so that their voices can be heard. I agree with you that it is important that we look at the integration of services.

I will be appointing the chairs and vice-chairs of the seven new boards through a public appointments system. There will not be any additional vice-chairs; there will be just chairs and vice-chairs. Perhaps the misunderstanding arose because of how the statement reads, so I will take a look at it. The chairs and vice-chairs will generally be appointed using the Nolan principles, and through a public appointments system. You have my assurance on that. I am sorry if there was any ambiguity on that.

The national board is a national advisory board. I think that the misunderstanding may have come from your reading of my statement, Jonathan. As far as I am concerned, it is there to advise me on our direction of travel. The board that the chief executive of the NHS will chair, with all her advisers, will be the one to ensure delivery through the seven. We could debate this all the time, but, at the end of the day, I was not prepared, as Minister, to consider the establishment of another quango or to say to you, 'That is a matter for the Hywel Dda NHS Trust' or another strategic health authority. These will be matters for us, because we will allocate the cash and the priorities from here and it is for the organisations to deliver on them. We can discuss these issues further during the debate next week.

Thank you for your support, where I have it. I particularly thank you for the comments that you made today about the timescales. I was

Gellid lledaenu'r gwaith rhagorol sy'n cael ei wneud yn Felindre i rannau eraill o Gymru, ac mae dyfodol Felindre yn gwbl ddiogel yn hynny o beth.

Soniasoch am ofal cymdeithasol a gwasanaethau cymdeithasol, ac yr wyf wedi trafod y mater hwnnw'n bur fanwl â'm Dirprwy Weinidog, Gwenda Thomas. Wrth gwrs, bydd cyfarwyddwr gwasanaethau cymdeithasol yn Llywodraeth y Cynulliad yn cael ei gynrychioli ar y lefel uchaf ar y bwrdd cenedlaethol. Yr ydym hefyd yn disgwyl y bydd gan y gwasanaethau cymdeithasol rôl ar y saith bwrdd, fel y gellir clywed eu lleisiau. Cytunaf â chi ei bod yn bwysig inni edrych ar integreiddio gwasanaethau.

Byddaf yn penodi cadeiryddion ac is-gadeiryddion y saith bwrdd newydd drwy system penodiadau cyhoeddus. Ni fydd dim is-gadeiryddion ychwanegol; dim ond cadeiryddion ac is-gadeiryddion. Efallai fod y camddealltwriaeth wedi codi oherwydd geiriad y datganiad, felly edrychaf arno. Yn gyffredinol, penodir y cadeiryddion a'r is-gadeiryddion drwy ddefnyddio egwyddorion Nolan, a system penodiadau cyhoeddus. Gallaf eich sicrhau ynghylch hynny. Mae'n ddrwg gennyf os nad oedd hynny'n glir.

Mae'r bwrdd cenedlaethol yn fwrdd cynghori cenedlaethol. Credaf fod y camddealltwriaeth efallai wedi codi o sut y gwnaethoch ddarllen fy natganiad, Jonathan. O'm rhan i, mae yno i'm cynghori ynghylch ein cyfeiriad yn y mater hwn. Y bwrdd y bydd prif weithredwr y GIG yn ei gadeirio, a'i holl gynghorwyr, fydd yr un a fydd yn sicrhau darpariaeth drwy'r saith. Gallem drafod hyn drwy'r amser, ond, yn y pen draw, nid oeddwn yn barod, fel Gweinidog, i ystyried sefydlu cwango arall neu ddweud wrthy, 'Mater i Ymddiriedolaeth GIG Hywel Dda yw hynny' neu i awdurdod iechyd strategol arall. Materion i ni fydd y rhain, oherwydd byddwn yn dyrannu'r arian a'r blaenoriaethau o'r fan hon a chyfrifoldeb y sefydliadau fydd eu cyflawni. Gallwn drafod y materion hyn ymhellach yn ystod y ddadl yr wythnos nesaf.

Diolch ichi am eich cefnogaeth, lle'r ydych yn fy nghefnogi. Diolch yn arbennig am y sylwadau a wnaethoch heddiw ar yr

very taken by the debate last week, and I recognise that these are quite substantial changes. Even if we cannot agree on it all, I would rather get it right for how they will work in the future. I will return to the timescale issue.

3.10 p.m.

Val Lloyd: I want to focus on the integrated health delivery bodies. Previously in Wales, we had five area health authorities, and, in my working experience, those organisations were highly bureaucratic, somewhat authoritative—some might even say high handed—and, worst of all, had little if any direct engagement with their service users. I heard what you said in your statement about annual accountability meetings to be held in public, and I welcome that. However, at a more micro, ongoing level, how will the seven new integrated health delivery boards overcome those situations that I outlined? Furthermore, in those previous area health authorities, primary care always seemed to come a poor second to secondary care. Given the increasing importance of primary care, which we have all recognised, how will that scenario be avoided?

Edwina Hart: During the past few months, I have thought a lot about the involvement of primary care in the integrated organisations, and what I would be losing if I got rid of LHBs and their local involvement. How would primary care be dealt with? We have learned lessons from how the old health authorities were run, as well as what has happened in LHBs, where good lessons have been learned. The key will be where they take prominence within the structures.

There will be primary care responsibility at board level and at executive and non-executive level. However, a key issue that I am considering is the balance of cash in these organisations, and the direction of travel. That is why I have asked Chris Jones to look at the primary and community care agenda, so that he can issue some guidance that we can impress on the seven organisations when they start off, about the importance of

amserlen. Gwnaeth y ddadl yr wythnos diwethaf gryn argraff arnaf, ac yr wyf yn cydnabod eu bod yn newidiadau pur sylweddol. Hyd yn oed os na allwn gytuno ar bopeth, byddai'n well gennyf sicrhau eu bod yn gweithio'n iawn ar gyfer y dyfodol. Dof yn ôl at fater yr amserlen.

Val Lloyd: Hoffwn ganolbwyntio ar y cyrff cyflenwi iechyd integredig. O'r blaen yng Nghymru, yr oedd gennym bum awdurdod iechyd ardal, ac, yn fy mhrofiad gweithio i, yr oedd y sefydliadau hynny yn eithriadol fiwrocraidd, braidd yn awdurdodol—hyd yn oed yn awtocratig ym marn rhai—ac, yn waeth na dim, heb fawr ddim cyswllt uniongyrchol â defnyddwyr y gwasanaethau. Clywais yr hyn a ddywedasoich yn eich datganiad am gyfarfodydd atebolrwydd blynyddol i'w cynnal yn gyhoeddus, a chroesawaf hynny. Fodd bynnag, ar lefel fwy micro a pharhaus, sut y bydd y saith bwrdd cyflenwi iechyd integredig newydd yn goresgyn y sefyllfaoedd hynny a amlinellais? Hefyd, yn yr awdurdodau iechyd ardal blaenorol, yr oedd gofal sylfaenol o hyd fel petai'n dod yn ail gwael i ofal eilaidd. O ystyried pwysigrwydd cynyddol gofal sylfaenol, sy'n cael ei gydnabod gan bawb ohonom, sut y byddwch yn osgoi'r senario hwnnw?

Edwina Hart: Yn y misoedd diwethaf, yr wyf wedi meddwl llawer am rôl gofal sylfaenol yn y sefydliadau integredig, a beth a gollwn pe byddwn yn cael gwared â'r BILlau a'u rôl leol. Sut y byddem yn delio â gofal sylfaenol? Yr ydym wedi dysgu gwersi yn sgîl sut yr arferai'r hen awdurdodau iechyd gael eu rhedeg, ac yn sgîl yr hyn sydd wedi digwydd yn y BILlau, lle y mae gwersi da wedi cael eu dysgu. Y peth pwysig fydd eu hamlygrwydd o fewn y strwythurau.

Bydd cyfrifoldeb dros ofal sylfaenol ar lefel bwrdd ac ar lefel weithredol ac anweithredol. Fodd bynnag, un mater allweddol yr wyf yn ei ystyried yw'r cydbwysedd ariannol yn y sefydliadau hyn, a'r llwybr y byddwn yn ei ddilyn. Dyna pam yr wyf wedi gofyn i Chris Jones edrych ar yr agenda gofal sylfaenol a chymunedol, fel y gall roi rhywfaint o ganllawiau y gallwn eu rhoi i'r saith sefydliad ar y dechrau, ynghylch

preventative primary care, and other key issues. We need to get the balance right. Everyone in healthcare worries about things going to high-priority secondary services and being the subject of Government targets. Therefore, we need to consider targets in the new organisation, and the use of more intelligent targets.

On your first point, we are doing annual accountability quite correctly. However, you are right to ask about the role of the seven boards. We are looking at stakeholder boards, so that we can have all the health community, the public, and so on, involved. However, the key will also be the enhanced role of community health councils. They will be able to manage expectations in their area and respond to the needs of the area, getting them into the system. Therefore, I will be making a further statement on that.

Jenny Randerson: I think that Jonathan Morgan has been rather mild; I take a rather stronger view of all this. As a Welsh Liberal Democrat, I totally reject this socialist vision of a centrally controlled, hugely politicised NHS, which is so at odds with the public's wishes, as expressed by respondents to the consultation—whose time you wasted, Minister. I accept your freedom as a Minister to choose to try to control every dot and comma of NHS activity. However, why offer an alternative arm's-length option if you turn around and, for a fundamental, ideological reason—not as a result of the consultation responses—you reject it? It undermines the whole consultation process that the Government has to undertake. Gordon Brown may be taking over all the banks, but that does not mean that you have to start taking over the whole of the NHS.

I have the highest regard for your energy and abilities, which I tell you fairly often; I am unstinting in my praise when I believe that you have taken the right decision. However, I believe that you have bitten off more than you can chew on this one and that you will come to regret it. The mess over Health Commission Wales proved that this in-house

pwysigrwydd gofal sylfaenol ataliol, a materion allweddol eraill. Mae angen inni sicrhau bod y cydbwysedd yn iawn. Mae pawb mewn gofal iechyd yn poeni ynghylch pethau'n mynd i wasanaethau eilaidd sydd â blaenoriaeth uchel, a bod yn destun targedau gan y Llywodraeth. Felly, mae angen inni ystyried targedau yn y sefydliad newydd, a defnyddio targedau mwy deallus.

Ynghylch eich pwynt cyntaf, mae'r atebolrwydd blynyddol yn gwbl briodol gennym. Fodd bynnag, yr ydych yn iawn wrth holi ynghylch rôl y saith bwrdd. Yr ydym yn edrych ar fyrddau rhanddeiliaid, fel y gall y gymuned iechyd gyfan, y cyhoedd, ac yn y blaen, fod â rhan yn hyn. Fodd bynnag, y peth allweddol hefyd fydd y rôl fwy a fydd gan y cynghorau iechyd cymuned. Byddant yn gallu rheoli disgwyliadau yn eu hardal ac ymateb i anghenion yr ardal, a'u rhoi yn y system. Felly, byddaf yn gwneud datganiad pellach am hynny.

Jenny Randerson: Credaf fod Jonathan Morgan wedi bod braidd yn gymedrol; mae gennyf farn fwy pendant ynghylch hyn i gyd. Fel un o Ddemocratiaid Rhyddfrydol Cymru, yr wyf yn llwyr ymwrthod â'r weledigaeth sosialaidd hon o GIG wedi'i reoli'n ganolog a'i wleidyddoli i'r fath raddau, sydd mor wahanol i ddymuniadau'r cyhoedd, fel y clywsom gan y rhai a ymatebodd i'r ymgynghoriad—y gwnaethoch wastraffu eu hamser, Weinidog. Yr wyf yn derbyn bod gennych hawl fel Gweinidog i ddewis ceisio rheoli popeth y mae'r GIG yn ei wneud. Fodd bynnag, pam cynnig opsiwn arall, opsiwn hyd braich, a chithau'n mynd ati wedyn, am reswm sylfaenol ac ideolegol—nid o ganlyniad i'r ymateb i'r ymgynghoriad—i'w wrthod? Mae'n tanseilio'r holl broses ymgynghori y mae'n rhaid i'r Llywodraeth ei chyflawni. Efallai fod Gordon Brown yn cymryd y banciau i gyd drosodd, ond nid yw hynny'n golygu bod yn rhaid i chithau ddechrau cymryd y GIG cyfan drosodd.

Yr wyf yn edmygu eich egni a'ch galluoedd yn fawr, a byddaf yn dweud hynny wrthyh yn aml; yr wyf yn bur hael fy nghanmoliaeth pan gredaf eich bod wedi gwneud y penderfyniad iawn. Fodd bynnag, credaf eich bod wedi cymryd gormod o goflaid yn y mater hwn ac y bydd yn edifar gennych. Mae'r llanastr gyda Chomisiwn Iechyd

approach does not work. Earlier, I raised the issue of the triple booster vaccine for teenagers, which your department was unaware of before we raised it. One person is not able to centrally control such a vast organisation effectively.

I want to ask you specific questions because, although this statement is long on the detail of ministerial control, it leaves many important issues unexplained in the whole field of this big issue. You have the details of who will be on this advisory board, but there is no mention of NHS experience other than that of the chief executives. Are you saying that you will have an advisory board without people with NHS experience? It stands to reason that an advisory board will have to have some kind of arm that will flow down towards the organisations that they will deal with. Therefore, I would be interested to know whether there will be any kind of regional structure, because it will, for example, be important for the NHS bodies, whatever you are going to call them, to co-ordinate their work with that of those in the immediate neighbouring area. I would welcome some detail on that.

I regret that in your comments on the appointment of chairs and vice-chairs, you did not take the opportunity to reassure me on an issue that I raised last week about the need for fresh blood—that these appointments will not be restricted, effectively, to those who are currently chairing trusts. I am keen to see fresh expertise in there.

I welcome the concept of the vice-chair with responsibility for primary, community and mental health services, but I hope that that does not mean in practice that the chair just allows that position to go to someone who is slightly less important than them and that it is therefore seen as a delegated issue of secondary importance.

I welcome the comments on the unified public health service, but I would like some detail on how you will strengthen public health presence in local government, because

Cymru wedi profi nad yw'r dull mewnol hwn yn gweithio. Yn gynharach, codais fater y brechlyn atgyfnerthu triphlyg i rai yn eu harddegau, rhywbeth na wyddai eich adran amdano cyn inni ei godi. Ni all un person reoli sefydliad mor fawr yn ganolog a gwneud hynny'n effeithiol.

Mae arnaf eisiau gofyn cwestiynau penodol i chi oherwydd, er bod y datganiad hwn yn swmpus iawn o ran manylion rheolaeth weinidogol, mae'n gadael llawer o faterion pwysig heb eu hesbonio yn holl faes y cwestiwn mawr hwn. Mae'r manylion gennych ynghylch pwy fydd ar y bwrdd cynghori hwn, ond nid oes sôn am brofiad o'r GIG heblaw ymhlith y prif weithredwyr. Ai dweud yr ydych y bydd gennych fwrdd cynghori heb bobl a chanddynt brofiad o'r GIG? Mae'n amlwg y bydd yn rhaid i fwrdd cynghori gael rhyw fath o gangen a fydd yn llifo i lawr at y sefydliadau y byddant yn delio â hwy. Felly, hoffwn wybod a fydd rhyw fath o strwythur rhanbarthol, oherwydd, er enghraifft, bydd yn bwysig i gyrff y GIG, beth bynnag yr ydych am eu galw, gydgyssylltu eu gwaith â gwaith y rhai yn yr ardal agosaf atynt. Byddwn yn croesawu rhywfaint o fanylion ynghylch hynny.

Yn eich sylwadau ynglŷn â phenodi cadeiryddion ac is-gadeiryddion, gresynaf nad achubasoch y cyfle i roi sicrwydd imi ynghylch mater a godais yr wythnos diwethaf ynglŷn â'r angen am waed newydd—na chyfyngir y penodiadau hyn, i bob pwrpas, i rai sydd yn cadeirio ymddiriedolaethau ar hyn o bryd. Yr wyf yn awyddus i weld arbenigedd newydd yno.

Yr wyf yn croesawu cysyniad yr is-gadeirydd â chyfrifoldeb am wasanaethau iechyd sylfaenol, gwasanaethau cymunedol a gwasanaethau iechyd meddwl, ond gobeithio na fydd hynny'n golygu'n mewn gwirionedd y bydd y cadeirydd yn gadael i'r swydd honno fynd i rywun sydd fymryn yn llai pwysig nag ef ei hun, a'i fod yn cael ei weld felly fel mater sy'n cael ei ddirprwyo nad yw o'r pwys mwyaf.

Yr wyf yn croesawu'r sylwadau am y gwasanaeth iechyd cyhoeddus unedig, ond hoffwn gael rhai manylion ynghylch sut y gwnewch gryfhau presenoldeb iechyd

I think that that is a key issue.

cyhoeddus o fewn llywodraeth leol, oherwydd y mae hynny'n gwestiwn allweddol yn fy nhyb i.

You talk about further consultation on the details of the health bodies, but why bother? People now know that you will not pay any attention to what they say.

Soniwch am ymgynghori ymhellach ynghylch manylion y cyrff iechyd, ond pam trafferthu? Gŵyr pobl erbyn hyn na rowch ddim sylw i'r hyn a ddywedant.

I am disappointed that there are no details yet about Health Commission Wales, because the continued hiatus on how HCW will sit within the new structure is not good. It is not good for the services that it is supposed to be delivering daily.

Yr wyf yn siomedig nad oes dim manylion hyd yn hyn ynghylch Comisiwn Iechyd Cymru, oherwydd nid yw'r diffyg gwybodaeth o hyd ynghylch sut y bydd y comisiwn yn rhan o'r strwythur newydd yn beth da. Nid yw'n dda i'r gwasanaethau y mae i fod i'w darparu'n feunyddiol.

On local engagement, I am concerned about this concept of the annual accountability meeting with the chair and chief executive—a kind of annual disciplinary meeting. I have this image of you sitting there with your finger on the red destruct button. The idea that you meet these people regularly is important. They already have annual meetings with the public, at least they do in my area, and I thought that it was their legal responsibility. It is important that a less confrontational—and I do not mean secret—and less direct relationship between the Minister and those who are running things on a day-to-day basis is devised, because I am concerned about the politicisation that is inevitable under this set-up.

O ran ymgysylltu â'r gymuned leol, yr wyf yn bryderus ynglŷn â chysyniad y cyfarfod atebolrwydd blynyddol gyda'r cadeirydd a'r prif weithredwr—rhyw fath o gyfarfod disgyblu blynyddol. Yr wyf yn eich dychmygu chi'n eistedd yno gyda'ch bys ar y botwm coch. Mae'r syniad eich bod yn cyfarfod â'r bobl hyn yn rheolaidd yn bwysig. Maent eisoes yn cael cyfarfodydd blynyddol â'r cyhoedd, o leiaf maent yn gwneud hynny yn fy ardal i, ac yr oeddwn yn credu ei bod yn gyfrifoldeb cyfreithiol iddynt wneud hynny. Mae'n bwysig dyfeisio perthynas â llai o wrthdaro—ac nid wyf yn golygu cyfrinachol—a llai uniongyrchol rhwng y Gweinidog a'r rhai sy'n rhedeg pethau o ddydd i ddydd, oherwydd yr wyf yn pryderu ynghylch y gwleidyddoli sy'n anochel dan y drefn hon.

I reject the idea of the local bodies all looking the same, and I am particularly concerned that there are no details about the special arrangements in power. I hope that you can give us some detail on those now. They have a different look from one area to another, because a different look suits them. They can be accountable and answerable without being identical. I am concerned that we are having this template—a one-size-fits-all approach—and that, in practice, local accountability will fall as a result.

Yr wyf yn gwrthod y syniad bod y cyrff lleol i gyd yn edrych yr un fath, ac yr wyf yn arbennig o bryderus nad oes dim manylion am y trefniadau arbennig sydd mewn grym. Gobeithiaf y gallwch roi rhywfaint o fanylion inni am y rheini yn awr. Mae golwg wahanol arnynt o'r naill ardal i'r llall, am fod golwg wahanol yn gweddu iddynt. Gallant fod yn atebol heb fod yr un fath â'i gilydd. Testun pryder i mi yw ein bod yn cael y templed hwn—yr un peth i bawb—ac y bydd atebolrwydd lleol, mewn gwirionedd, yn cilio o ganlyniad.

3.20 p.m.

Edwina Hart: To deal with your last point first, I have indicated that coterminousness of

Edwina Hart: A delio â'ch pwynt olaf yn gyntaf, yr wyf wedi dweud mai rhannu'r un

boundaries is the ideal future set-up for community health councils. That is because of their relationship with local authorities, and the communities within those local authority areas. I was not proposing to make any change to the Powys arrangements, which have been successful, and I will probably announce that as part of the discussions that we will be having on the future of community health councils. I have had many representations on that issue, and I have found that helpful with the existing arrangements and the way in which they have operated.

I agree with your point about local engagement: there will be issues about how we engage more locally, and I hope to cover that in some of my papers.

On the chairs and vice-chairs, I assure you that their appointment will be open and transparent, in accordance with the public appointments system. It would be lovely if more people wanted to apply for public appointments—we could have more people on the shortlist, and hold more interviews. You can have my assurance on that score, Jenny: it is important that we are open to as many people as possible, if they want the opportunity to be involved with these boards.

I accept that we differ on some points, and I understand the issues that you raise. However, by its very nature, the national health service is political—it was established by a political party that believed in socialist principles, and we must never move away from that. We must understand that, on the allocation of NHS funding and the direction of travel for the NHS, the buck stops with the Minister.

You are concerned about my meetings with the seven new boards, but I think that it shows transparency for a Minister to be prepared to have his or her board open to public scrutiny, to meet annually in public with the seven boards, and to conduct business in public. It is not about pressing a red button; it is a demonstration of transparency and absolute accountability. It is about opening Government up to scrutiny to show how we deal with issues. That is what

ffiniau yw'r drefn ddelfrydol i'r dyfodol i gynghorau iechyd cymuned. Y rheswm am hynny yw eu perthynas ag awdurdodau lleol, a'r cymunedau o fewn ardaloedd yr awdurdodau lleol hynny. Nid oeddwn yn bwriadu newid dim ar drefniadau Powys, sydd wedi bod yn llwyddiannus, ac mae'n debyg y cyhoeddaf hynny fel rhan o'r trafodaethau y byddwn yn eu cynnal ynghylch dyfodol cynghorau iechyd cymuned. Yr wyf wedi cael llawer o sylwadau ar y mater hwnnw, ac mae hynny wedi bod o gymorth imi gyda'r trefniadau presennol a'r modd y maent wedi gweithredu.

Cytunaf â'ch pwynt ynglŷn ag ymgysylltu â'r gymuned leol: bydd cwestiynau ynghylch sut y mae ymgysylltu'n fwy lleol, a gobeithiaf drafod hynny yn rhai o'm papurau.

Ynglŷn â'r cadeiryddion a'r is-gadeiryddion, fe'ch sicrhaf y cânt eu penodi mewn modd agored a thryloyw, yn unol â'r system penodiadau cyhoeddus. Byddai'n hyfryd petai mwy o bobl yn awyddus i ymgeisio am swyddi cyhoeddus—gallem gael mwy o bobl ar y rhestr fer, a chynnal mwy o gyfweiliadau. Yr wyf yn eich sicrhau o ran y pwynt hwnnw, Jenny: mae'n bwysig inni fod yn agored i gynifer o bobl ag sy'n bosibl, os oes arnynt eisiau'r cyfle i ymwneud â'r byrddau hyn.

Yr wyf yn derbyn ein bod yn anghytuno ar rai pwyntiau, ac yr wyf yn deall y materion a godwch. Fodd bynnag, yn ei hanfod, mae'r gwasanaeth iechyd gwladol yn wleidyddol—fe'i sefydlwyd gan blaid wleidyddol a gredai mewn egwyddorion sosialaidd, a rhaid inni beidio â chefnu ar hynny byth. Rhaid inni ddeall, o ran dyrannu cyllid y GIG a'r cyfeiriad y mae'r GIG yn mynd iddo, mai gan y Gweinidog y mae'r gair olaf.

Yr ydych yn bryderus ynghylch fy nghyfarfodydd â'r saith bwrdd newydd, ond credaf mai arwydd o dryloywder ydyw bod Gweinidog yn barod i'w fwrdd neu ei bwrdd fod yn agored i graffu gan y cyhoedd, yn barod i gyfarfod yn flynyddol yn gyhoeddus â'r saith bwrdd, a chynnal busnes yn llygad y cyhoedd. Nid mater o bwysu botwm coch ydyw; mae'n dangos tryloywder ac atebolrwydd llwyr. Mae'n fater o agor drysau'r Llywodraeth i bobl gael craffu arni i

the public wants, and I sometimes sense that there is a fear on the other side of the Chamber that we are prepared to go so far in terms of our relationship with the public, and to be so accountable for the issues that we are dealing with.

The other point that you made was about public health, and those are valid issues. I would be more than happy to discuss them, particularly those around integration with local government. Local authorities have indicated that they like the relationship with the National Public Health Service and want to strengthen it, because they find it useful in their daily work on public health.

Regarding my advisory board, I must stress that its role is to advise: it will be talking to me about general issues of policy and the general direction of travel. There will also be a separate national delivery board, under the NHS chief executive, which will include senior medical, nursing and public health directors among others. They will undertake the implementation, while the ministerial board will discuss policy and budgetary considerations.

I am content that I have produced a reorganisation that is acceptable, and I do not accept your point that people will not want me to undertake further consultation—many people want me to consult further on the nitty-gritty of these reforms.

Helen Mary Jones: I am surprised to see colleagues so dismayed at the thought of democratic control of public services. I have clear recollections of Jenny Randerson and Jonathan Morgan complaining bitterly when previous Ministers said that certain matters were for local health boards rather than the Government.

Does the Minister agree that ‘arm’s length’ has often been polite language for unaccountable bureaucracy, behind which politicians can hide? Does she also agree that the mechanism that she is putting in place will strengthen accountability?

ddangos sut yr ydym yn ymdrin â materion. Dyna y mae ar y cyhoedd ei eisiau, ac weithiau byddaf yn synhwyro bod ofn ar ochr arall y Siambwr ein bod yn barod i fynd mor bell yn ein perthynas â'r cyhoedd, ac i fod mor atebol am y materion yr ydym yn ymdrin â hwy.

Pwynt ynglŷn ag iechyd cyhoeddus oedd y llall a wnaethoch, ac mae'r rheini'n faterion dilys. Byddwn yn fwy na bodlon eu trafod, yn enwedig y rhai ynghylch integreiddio â llywodraeth leol. Mae awdurdodau lleol wedi dweud eu bod yn hoffi'r berthynas â'r Gwasanaeth Iechyd Cyhoeddus Gwladol a'u bod am ei chryfhau, oherwydd y maent yn ei chael yn ddefnyddiol yn eu gwaith beunyddiol ym maes iechyd cyhoeddus.

Ynglŷn â'm bwrdd cynghori, rhaid imi bwysleisio mai cynghori yw ei rôl: bydd yn siarad â mi ynghylch materion polisi cyffredinol ac ynghylch y cyfeiriad cyffredinol y teithir iddo. Bydd bwrdd cyflenwi cenedlaethol ar wahân hefyd, dan brif weithredwr y GIG, a fydd yn cynnwys uwch gyfarwyddwyr meddygol, nyrsgo ac iechyd cyhoeddus ymysg eraill. Byddant hwy'n ymgymryd â'r gweithredu, tra bydd y bwrdd gweinidogol yn trafod ystyriaethau polisi a chyllid.

Yr wyf yn fodlon fy mod wedi llunio ad-drefniant sydd yn dderbyniol, ac nid wyf yn derbyn eich pwynt na fydd pobl yn dymuno imi ymgynghori ymhellach—mae llawer o bobl yn awyddus imi ymgynghori ymhellach ynghylch glo mân y diwygiadau hyn.

Helen Mary Jones: Yr wyf yn synnu o weld cyd-Aelodau mor siomedig wrth feddwl am reolaeth ddemocrataidd ar wasanaethau cyhoeddus. Yr wyf yn cofio'n glir Jenny Randerson a Jonathan Morgan yn cwyno'n dost pan ddywedodd Gweinidogion blaenorol mai materion i fyrddau iechyd lleol yn hytrach na'r Llywodraeth oedd rhai materion penodol.

A yw'r Gweinidog yn cytuno bod 'hyd braich' yn aml wedi bod yn ffordd boléit o gyfeirio at fiwrocratiaeth anatebol, y gall gwleidyddion guddio y tu ôl iddi? A yw'n cytuno hefyd y bydd y mecanwaith y mae hi'n ei roi ar waith yn cryfhau atebolrwydd?

Taking into account some of the concerns that have been raised today, I welcome the national advisory board, and the fact that it will meet in public. However, I ask the Minister whether she will also be prepared, perhaps after a time delay, to publish any written advice that she receives from members of the board, and any background documents that are placed before that board, so that Assembly Members, and the public more generally, can scrutinise Ministers on the advice that they are, or are not, taking.

I welcome the position of the vice-chair in the local health bodies. The Minister will be aware of the concerns of those who represent mental health patients, and their wish to have a national mental health body. Would the Minister consider, in outlining the detail of the vice-chairs' role, whether it might be appropriate for each vice-chair to make a separate, public report to the Minister on mental health spending and delivery in their areas, with a view to reassuring mental health patients and their carers that resources that are being put in at the national level are delivering improved services?

Can the Minister also confirm that within the new local bodies, there will be a strong voice for primary expertise in the management and planning of services? As Val Lloyd said, there is valid concern that the voice of secondary services can sometimes be more powerful.

I welcome the final demise of the market ethos—a key 'One Wales' commitment—but I also accept the concerns, as I am sure the Minister does, that have been raised about the need for co-operation with social care, particularly local authority social services. In devising the final terms of reference for these bodies, will the Minister ensure that there is a strong mechanism to compel co-operation with health and social care? We have asked them nicely long enough, to be frank.

In response to the Minister's points about not rushing to deliver these far-reaching changes,

Ac ystyried rhai o'r pryderon sydd wedi'u codi heddiw, yr wyf yn croesawu'r bwrdd cynghori cenedlaethol, a'r ffaith y bydd yn cyfarfod yn gyhoeddus. Fodd bynnag, gofynnaf i'r Gweinidog a fydd hi'n barod hefyd, efallai ar ôl oedi am gyfnod, i gyhoeddi unrhyw gyngor ysgrifenedig a gaiff gan aelodau'r bwrdd, ac unrhyw ddogfennau cefndir a gyflwynir gerbron y bwrdd hwnnw, fel y gall Aelodau'r Cynulliad, a'r cyhoedd yn fwy cyffredinol, graffu ar Weiniogion o ran y cyngor y maent yn ei dderbyn neu'n ei ddiystyru.

Yr wyf yn croesawu swydd yr is-gadeirydd yn y byrddau iechyd lleol. Bydd y Gweinidog yn ymwybodol o bryderon y rhai sy'n cynrychioli cleifion iechyd meddwl, a'u dymuniad i gael corff iechyd meddwl cenedlaethol. A fyddai'r Gweinidog yn ystyried, wrth amlinellu manylion rôl yr is-gadeiryddion, a fyddai efallai'n briodol i bob is-gadeirydd wneud adroddiad cyhoeddus ar wahân i'r Gweinidog ar wariant ar iechyd meddwl a darparu'r gwasanaeth hwnnw yn eu hardaloedd, er mwyn sicrhau cleifion iechyd meddwl a'u gofalwyr fod adnoddau sy'n cael eu cyflwyno ar y lefel genedlaethol yn sicrhau gwell gwasanaethau?

A all y Gweinidog gadarnhau hefyd y bydd llais cryf o fewn y cyrff lleol newydd arbenigedd sylfaenol ym maes rheoli a chynllunio gwasanaethau? Fel y dywedodd Val Lloyd, mae pryder dilys y gall llais gwasanaethau eilaidd weithiau fod yn gryfach.

Yr wyf yn croesawu tranc terfynol ethos y farchnad—ymrwymiad allweddol yn 'Cymru'n Un'—ond yn derbyn hefyd y pryderon, fel y gwna'r Gweinidog, mae'n siŵr, sydd wedi'u codi am yr angen am gydweithredu â gofal cymdeithasol, yn enwedig gwasanaethau cymdeithasol yr awdurdod lleol. Wrth ddyfeisio cylch gorchwyl terfynol y cyrff hyn, a wnaiff y Gweinidog sicrhau bod mecanwaith cryf i orfodi cydweithredu ag iechyd a gofal cymdeithasol? Yr ydym wedi gofyn yn glên iddynt ers digon o amser, a dweud y gwir.

Mewn ymateb i bwyntiau'r Gweinidog ynghylch peidio â rhuthro i gyflwyno'r

and further to Jonathan Morgan's question, in giving further consideration to how this is to be done, will the Minister consider the possibility of having a shadow period and whether that may be the best way for the bodies to embed?

Finally, on a perhaps lighter note, I urge an early decision on what these new delivery bodies are to be called. Names matter, and I hope that the Minister can come up with one that signals the scale of this change and the departure that it signifies. Health delivery bodies might describe what they do, but it sounds a bit boring and bureaucratic. Might something with 'co-operative' or 'co-operation' in the title be appropriate?

Edwina Hart: Talking about names will probably engender more discussion than any of the issues on the reorganisation of the health service.

I am taken with your point about shadow periods and with Jonathan Morgan's point about that. I will consider timescales and whether there should be shadowing before next week's debate, because valid points have been made in that area.

Your remarks about social care are key, and such remarks came out in several contributions this afternoon as Members asked about the mechanisms that will be put in place and about whether we should consider not just what guidance we should issue but, in the case of local government, perhaps what statutory guidance we should be looking to issue in some of these areas, instead of following our normal, nice ways of dealing with things if we are to get the results that we require.

You followed on from Val's point about local expertise, and it will be important that we get it right at that level.

I take your point on board about separate reports for certain of the communities to understand how things are being looked at. I will consider that. I will have to have an early meeting with the mental health charities on this matter so that I can discuss with them how they would like to feed into how things

newidiadau pellgyrhaeddol hyn, ac yn sgîl cwestiwn Jonathan Morgan, wrth roi ystyriaeth bellach i'r modd y cyflawnir hyn, a wnaiff y Gweinidog ystyried y posibilrwydd y gellir cael cyfnod cysgodi ac ai hynny yw'r ffordd orau efallai i'r cyrff ymsefydlu?

Yn olaf, ar nodyn ysgafnach efallai, yr wyf yn annog penderfyniad cynnar ynghylch beth i alw'r cyrff cyflenwi newydd hyn. Mae enwau'n bwysig, a gobeithio y gall y Gweinidog ganfod un sy'n cyfleu maint y newid hwn a'r newid cyfeiriad sydd ymhlyg ynddo. Efallai fod cyrff cyflenwi iechyd yn ddisgrifiad o'r hyn a wnânt, ond mae'n swnio braidd yn ddi-fflach a biwrocraidd. Tybed a fyddai rhywbeth gyda 'cydweithredol' neu 'gydweithredu' yn y teitl yn briodol?

Edwina Hart: Mae'n debyg y bydd siarad am enwau'n ysgogi mwy o drafod na dim un o'r cwestiynau ynghylch ad-drefnu'r gwasanaeth iechyd.

Yr wyf yn hoffi eich pwynt am gyfnodau cysgodi a phwynt Jonathan Morgan ynglŷn â hynny. Ystyriaf raddfeydd amser ac a ddylid cael cyfnod cysgodi cyn y ddadl yr wythnos nesaf, oherwydd y mae pwyntiau dilys wedi'u gwneud yn y maes hwnnw.

Mae eich sylwadau am ofal cymdeithasol yn allweddol, a chafwyd sylwadau o'r fath mewn amryw o gyfraniadau y prynhawn yma wrth i Aelodau holi ynglŷn â'r mecanweithiau a sefydlir ac ynghylch a ddylem ystyried nid yn unig pa ganllawiau y dylem eu cyhoeddi ond, yn achos llywodraeth leol, pa ganllawiau statudol y dylem fod yn ystyried eu cyhoeddi yn rhai o'r meysydd hyn efallai, yn lle dilyn ein ffyrdd arferol, neis o ddelio â phethau os ydym am gael y canlyniadau yr ydym yn eu deisyfu.

Dilynasoch pwynt Val am arbenigedd lleol, a bydd yn bwysig inni daro deuddeg ar y lefel honno.

Yr wyf yn derbyn eich pwynt am adroddiadau ar wahân i rai o'r cymunedau i ddeall sut yr edrychir ar bethau. Ystyriaf hynny. Bydd yn rhaid imi gael cyfarfod buan gyda'r elusennau iechyd meddwl ar y pwnc hwn fel y gallaf drafod gyda hwy sut yr hoffent gyfrannu at sut y bydd pethau'n

will work within the new structures. I have had some discussions before, but in the light of my statement yesterday, I would benefit from further discussions, because I know that the voluntary sector is also concerned about the arrangements that might or might not exist for the voluntary sector when the new bodies go online.

We have a mixed picture at present, in that some LHBs and trusts have been good with the voluntary sector while others have almost ignored it and given it piecemeal funding. That point came out strongly at discussions last week on the committee's report. That will also have to be dealt with.

I have no objection to the publication of papers relating to my ministerial board. There will have to be certain caveats if you are dealing with certain issues, as is the case when other people meet. That is something that I will need to do, because people will have to see papers to understand the discussion and feel part of it.

David Melding: Minister, let us be clear about what you are doing: you are taking the national health service back to the sort of structure that it had before 1989. I do not deny that you have a mandate to do that, but that does not mean that the new structures that you propose will necessarily be, by some magical process, more robust. There are some formidable difficulties ahead of you, so I will give you one specific piece of advice. These seven new health organisations will be among the largest health bodies in the whole of the UK and, indeed, some of the largest health organisations in Europe. They will have formidable internal governance challenges, and I notice that you intend to structure the boards on a stakeholder model drawn from the local health boards. I understand the methodology of doing that, but I warn you that you will have to look for the lay members to have specific managerial, accountancy and other professional expertise if they are to hold these new bodies to effective account. They will also need support and training, and you will have to return to this issue because it will not always

gweithio o fewn y strwythurau newydd. Yr wyf wedi cynnal rhai trafodaethau o'r blaen, ond yn sgîl fy natganiad ddoe, byddwn yn elwa o drafodaethau pellach, oherwydd gwn fod y sector gwirfoddol yn bryderus hefyd am y trefniadau a allai fodoli neu beidio â bodoli ar gyfer y sector gwirfoddol pan fydd y cyrff newydd yn gweithredu.

Mae gennym ddarlun cymysg ar hyn o bryd, sef bod rhai byrddau iechyd lleol ac ymddiriedolaethau wedi bod yn dda gyda'r sector gwirfoddol tra mae eraill bron wedi'i anwybyddu ac wedi rhoi cyllid tameidiog iddo. Daeth y pwynt hwnnw allan yn gryf mewn trafodaethau yr wythnos diwethaf ar adroddiad y pwyllgor. Bydd yn rhaid delio â hynny hefyd.

Nid oes gennyf ddim gwrthwynebiad i gyhoeddi papurau'n ymwneud â'm bwrdd gweinidogol. Bydd yn rhaid wrth rai cafeatau os ydych yn delio â rhai materion, fel sydd yn wir pan fydd pobl eraill yn cyfarfod. Mae hynny'n rhywbeth y bydd angen imi ei wneud, oherwydd bydd yn rhaid i bobl weld papurau i ddeall y drafodaeth a theimlo'n rhan ohoni.

David Melding: Weinidog, gadewch inni fod yn glir ynglŷn â'r hyn yr ydych yn ei wneud: yr ydych yn mynd â'r gwasanaeth iechyd gwladol yn ôl i'r math o strwythur a oedd ganddo cyn 1989. Nid wyf yn gwadu nad oes gennych fandad i wneud hynny, ond nid yw hynny'n golygu y bydd y strwythurau newydd a gynigiwch, o reidrwydd, drwy ryw broses o hud a lledrith, yn fwy cadarn. Mae anawsterau arswydus o'ch blaen, felly rhoddaf un cyngor penodol i chi. Bydd y saith corff iechyd newydd hyn ymhlith y cyrff iechyd mwyaf yn y Deyrnas Unedig i gyd ac, yn wir, ymhlith y cyrff iechyd mwyaf yn Ewrop. Byddant yn wynebu heriau llywodraethu mewnol aruthrol, a sylwaf eich bod yn bwriadu strwythuro'r byrddau ar fodel rhanddeiliaid, gan ddilyn y byrddau iechyd lleol. Yr wyf yn deall methodoleg gwneud hynny, ond fe'ch rhybuddiaf y bydd yn rhaid ichi chwilio am aelodau lleyg sydd ag arbenigedd penodol ym maes rheoli, cyfrifyddiaeth a meysydd proffesiynol eraill os ydynt am ddal y cyrff newydd hyn yn atebol yn effeithiol. Bydd angen cefnogaeth a hyfforddiant arnynt hefyd, a bydd yn rhaid

be available from the particular stakeholders that you mentioned, or at least you will have to look very hard for it. I think that you should pay particular attention to that.

ichi ystyried y mater hwn unwaith yn rhagor oherwydd ni fydd ar gael bob amser gan y rhanddeiliaid penodol y soniasoch amdanynt, neu o leiaf bydd yn rhaid i chi chwilio'n ddygn iawn amdano. Credaf y dylech roi sylw arbennig i hynny.

3.30 p.m.

Edwina Hart: I thank David Melding for that reminder of what is a key issue, about putting robust mechanisms in place. I will take forward that point specifically and respond to Plenary on it, because I think that it is a very valid point.

Edwina Hart: Hoffwn ddiolch i David Melding am ein hatgoffa ynghylch mater allweddol, sef rhoi mecanweithiau cadarn ar waith. Ystyriaf y pwynt hwnnw'n benodol ac ymateb i'r Cyfarfod Llawn yn ei gylch, oherwydd credaf ei fod yn bwynt dilys iawn.

Datganiad ar Hyfrydle Statement on Hyfrydle

The Minister for Children, Education, Lifelong Learning and Skills (Jane Hutt): On the 15 July this year a decision was taken by the cabinet of Denbighshire County Council to close Hyfrydle children's home. The home provided all-year residential care and was the final phase in a project to create a regional centre for children with autistic spectrum disorders at Ysgol Plas Brondyffryn. The local authority's decision gave rise to considerable local disquiet, particularly as Hyfrydle only opened in November of last year.

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau (Jane Hutt): Ar 15 Gorffennaf eleni gwnaethpwyd penderfyniad gan gabinet Cyngor Sir Ddinbych i gau cartref plant Hyfrydle. Bu'r cartref yn darparu gofal preswyl gydol y flwyddyn ac ef oedd rhan olaf prosiect i greu canolfan ranbarthol ar gyfer plant y mae arnynt anhwylderau yn y sbectrum awtistig yn Ysgol Plas Brondyffryn. Creodd penderfyniad yr awdurdod lleol gryn anniddigrwydd yn lleol, yn enwedig gan mai ym mis Tachwedd y llynedd yr agorwyd Hyfrydle.

I asked the chief inspectors of Estyn and the Care and Social Services Inspectorate Wales to undertake a joint review of what had taken place, focusing on four specific aspects. These were the decision-making process that had led to the opening of Hyfrydle in November 2007, a critical-path analysis of the period between November 2007 and July 2008, the planning that the local authority had undertaken to meet the needs of young people already in residence at Hyfrydle and of any young people planned to be admitted, and an assessment of the potential effect of the closure of Hyfrydle on other services at Ysgol Plas Brondyffryn. The inspectors' report has been published today, and I am grateful for this opportunity to bring its main conclusions to the attention of Assembly Members.

Gofynnais i brif arolygwyr Estyn ac Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru gynnal adolygiad ar y cyd o'r hyn a oedd wedi digwydd, gan ganolbwyntio ar bedair agwedd benodol, sef y broses o wneud penderfyniadau a arweiniodd at agor Hyfrydle fis Tachwedd 2007, dadansoddiad olrhain critigol o'r cyfnod rhwng mis Tachwedd 2007 a mis Gorffennaf 2008, y cynllunio yr oedd yr awdurdod lleol wedi ei wneud i gyflawni anghenion y bobl ifanc a oedd eisoes yn preswyl yn Hyfrydle ac unrhyw bobl ifanc yr oedd yn fwriad eu derbyn yno, ac asesiad o effaith bosibl cau Hyfrydle ar wasanaethau eraill yn Ysgol Plas Brondyffryn. Cyhoeddwyd adroddiad yr arolygwyr heddiw, ac yr wyf yn ddiolchgar am y cyfle hwn i ddwyn sylw Aelodau'r Cynulliad at ei brif gasgliadau.

It is important to make it clear that inspectors were not asked to make a judgment on the rightness, or otherwise, of the local authority's decision to close the facility. The report provides a detailed account of the immediate and long-term processes that led to that conclusion.

The report makes it clear that, by November 2007, the viability of a 52-week residential provision was already in question. The inspectors draw attention to the changing context. Over the seven years since the project was first proposed, alternative models of care and support for children with ASD have emerged. In addition, independent sector facilities were established in the area in direct competition to Ysgol Plas Brondyffryn and its residential facilities.

While the local authority knew and accepted that Hyfrydle represented a substantial financial risk, its scale and nature had not been fully understood, analysed or anticipated by the county council. The report highlights a series of limitations in project development, including poor project governance and communication, limited market appraisal and research, a lack of continuity and a high turnover in key staff, an absence of effective joint working between different departments of the local authority, and insufficient professional expertise in the specialist area of developing and operating a children's home.

Hyfrydle was initially registered as a home for six children, but it had only two children in residence. In January 2008, local authority officers were projecting a running cost deficit of well in excess of £0.5 million by the end of the present financial year, all of which would have to be found by Denbighshire. In February, councillors were informed that there were no additional referrals in the pipeline.

Efforts followed to recruit residents from other parts of Wales and from English authorities. In March, expressions of interest

Mae'n bwysig dweud yn glir na ofynnwyd i'r arolygwyr farnu ynghylch cywirdeb, nac anghywirdeb, penderfyniad yr awdurdod lleol i gau'r ganolfan. Mae'r adroddiad yn rhoi disgrifiad manwl o'r prosesau cyfredol a hirdymor hir a arweiniodd at y penderfyniad hwnnw.

Mae'r adroddiad yn datgan yn glir, erbyn mis Tachwedd 2007, fod hyfywedd darpariaeth breswyl am 52 o wythnosau eisoes yn ansicr. Mae'r arolygwyr yn tynnu sylw at y cyddestun ac yr oedd hwnnw'n un a oedd yn newid. Yn ystod y saith mlynedd ers i'r prosiect gael ei gynnig yn y lle cyntaf, mae modelau eraill o ran gofal a chymorth wedi codi ar gyfer plant y mae anhwylder yn y sbectwm awtistig arnynt. Hefyd, sefydlwyd cyfleusterau yn y sector annibynnol yn yr ardal a fyddai'n cystadlu'n uniongyrchol ag Ysgol Plas Brondyffryn a'i chyfleusterau preswyl.

Er bod yr awdurdod lleol yn gwybod ac yn derbyn bod Hyfrydle'n risg ariannol sylweddol, nid oedd y cyngor sir wedi deall, nac wedi dadansoddi na rhagweld ei faint a'i natur yn llawn. Mae'r adroddiad yn tynnu sylw at gyfres o gyfyngiadau yn natblygiad y prosiect, gan gynnwys rheolaeth wael dros y prosiect a chyfathrebu gwael, arfarniad o'r farchnad ac ymchwil i'r farchnad a oedd yn gyfyngedig, diffyg dilyniant a throsiant uchel o ran staff allweddol, diffyg cydweithio effeithiol rhwng gwahanol adrannau'r awdurdod lleol, ac arbenigedd proffesiynol annigonol ym maes arbenigol datblygu a gweithredu cartref plant.

Yn wreiddiol cofrestrwyd Hyfrydle fel cartref ar gyfer chwech o blant, ond nid oedd ond dau blentyn yn preswyl yno. Fis Ionawr 2008, yr oedd swyddogion yr awdurdod lleol yn rhagweld diffyg cryn dipyn yn fwy na £0.5 miliwn yn y costau cynnal erbyn diwedd y flwyddyn ariannol bresennol, y byddai'n rhaid i sir Ddinbych ysgwyddo'r cyfan ohono. Fis Chwefror, hysbyswyd y cynghorwyr nad oedd rhagor o atgyfeiriadau yn yr arfaeth.

Ceisiwyd recriwtio preswylwyr o rannau eraill o Gymru ac o awdurdodau yn Lloegr. Fis Mawrth, oherwydd bod datganiadau o

led to some optimism that the home might reach its break-even point. However, it became clear that only three prospective new residents had been identified, leaving Hyfrydle still below the minimum viable number. On 15 July, the Denbighshire cabinet received a report that outlined four options in relation to Hyfrydle. Inspectors describe the option to close Hyfrydle as being based on a well-argued and valid financial case.

While the inspectors conclude that the closure has had little impact on other local educational and social care facilities at the Ysgol Plas Brondyffryn site, the report makes it clear that the decision left little time to work with the children and families most directly affected, giving cause for concern to parents. The local authority also clearly underestimated the impact on its reputation and on its relationships with key partners. The report provides a detailed account of the largely successful efforts made by individual workers to secure alternative arrangements for the very vulnerable children affected. I am sure that Members would wish to extend our appreciation to all those who have worked so hard to deal with the consequences of Hyfrydle's closure, including addressing parental concerns.

While the primary responsibility here clearly belongs to the local authority, I am also concerned that the Welsh Assembly Government should learn whatever lessons are to be drawn from this review. I have therefore asked the newly arrived director of my department, David Hawker, to provide me with a detailed account of the actions that he will want to take in responding to the report's findings.

With the report only having been in the public domain for some three hours, I am not in a position to give Members a detailed account of the actions that will now be taken. Nevertheless, I can report that, in addition to the internal Welsh Assembly Government actions, on Monday of last week, the Wales Audit Office began a planned review of the corporate governance of Denbighshire County Council. The auditor general has

ddiddordeb wedi eu gwneud yr oedd rhywfaint o obaith y gallai'r cartref adennill ei gostau. Fodd bynnag, sylweddolwyd nad oedd ond tri o ddarpar breswylwyr yn yr arfaeth, ac yr oedd niferoedd Hyfrydle'n dal yn is na'r isafswm ymarferol. Ar 15 Gorffennaf cafodd cabinet Sir Ddinbych adroddiad a oedd yn amlinellu pedwar opsiwn o ran Hyfrydle. Dywed yr arolygwyr fod yr opsiwn i gau Hyfrydle wedi ei seilio ar achos dilys yn ariannol yr oedd dadleuon cadarn o'i blaid.

Er bod yr arolygwyr wedi dod i'r casgliad nad yw'r cau wedi effeithio rhyw lawer ar gyfleusterau addysgol a gofal cymdeithasol lleol eraill ar safle Ysgol Plas Brondyffryn, dywedir yn glir yn yr adroddiad na roes y penderfyniad ryw lawer o amser i weithio gyda'r plant a'r teuluoedd yr effeithiwyd arnynt fwyaf, gan beri pryder i'r rhieni. Mae'n amlwg hefyd fod yr awdurdod lleol wedi bwrw amcan rhy isel o'r effaith ar ei enw da ac ar ei berthynas â phartneriaid allweddol. Mae'r adroddiad yn rhoi disgrifiad manwl o'r ymdrechion pur lwyddiannus a wnaethpwyd gan weithwyr unigol i wneud trefniadau eraill ar gyfer y plant hynod agored i niwed yr effeithiwyd arnynt. Yr wyf yn sicr yr hoffai'r Aelodau estyn ein gwerthfawrogiad i bawb a fu'n gweithio mor galed i ddelio â chanlyniadau cau Hyfrydle, gan gynnwys rhoi sylw i bryderon y rhieni.

Er ei bod yn gwbl amlwg yn hyn o beth mai ar yr awdurdod lleol y mae'r cyfrifoldeb pennaf, yr wyf yn awyddus i Lywodraeth Cynulliad Cymru ddysgu pa wersi bynnag y gellir eu dysgu o'r adolygiad hwn. Felly yr wyf wedi gofyn i gyfarwyddwr newydd fy adran, David Hawker, roi disgrifiad manwl imi o'r camau y bydd am eu cymryd wrth ymateb i ganfyddiadau'r adroddiad.

Dim ond ers tair awr y mae'r adroddiad wedi bod yn gyhoeddus, ac o'r herwydd ni allaf roi disgrifiad manwl i'r Aelodau o'r camau a gymerir yn awr. Er hynny, gallaf ddweud, yn ogystal â chymau mewnol Llywodraeth Cynulliad Cymru, ddydd Llun yr wythnos diwethaf, fod Swyddfa Archwilio Cymru wedi dechrau adolygiad arfaethedig o reolaeth gorfforaethol Cyngor Sir Ddinbych. Mae'r archwilydd cyffredinol eisoes wedi ei

already been alerted to the publication of today's report, and my colleague Brian Gibbons has written to provide him with a copy. I understand that the Wales Audit Office expects to reach outline conclusions in November.

This month, the CSSIW has begun its planned annual review of the performance of Denbighshire in social services. On 9 October, I will meet the leader of the county council, Councillor Hugh Evans, and Hyfrydle will be the only agenda item for that meeting. On 23 October, the Denbighshire Independent Education Recovery Board will hold its next meeting. The joint inspectors' report will be an agenda item for that meeting.

In the meantime, I intend to reinforce the terms of reference of the board with regard to the interface between education and social services in Denbighshire, which was a cause for concern highlighted in the original Estyn review.

CSSIW will undertake its annual inspection of Gerddi Glasfryn this autumn, and, in March 2009, Estyn will carry out a full re-inspection of the Denbighshire education authority, one year on from the concerns that gave rise to the appointment of the recovery board. I have already begun discussions with Estyn and CSSIW to ensure that the inspection team is fully equipped to deal with areas where education and social services matters come together.

Deputy Presiding Officer, that concludes the statement I am able to make today on this matter.

Andrew R.T. Davies: Thank you, Minister, for your statement today. Like you, I have only just received the report, and it would be disingenuous for me to say that I have had an opportunity to read it all and to take it on board.

To take some points out of your report, we all acknowledge that some of the most vulnerable in society were affected by the

hysbysu ynghylch cyhoeddi'r adroddiad heddiw, ac mae fy nghyd-Aelod Brian Gibbons wedi ysgrifennu ato i roi copi iddo. Deallaf fod Swyddfa Archwilio Cymru yn disgwyl llunio casgliadau amlinellol fis Tachwedd.

Y mis hwn, mae Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru wedi dechrau ei hadolygiad blynyddol arfaethedig ar berfformiad gwasanaethau cymdeithasol sir Ddinbych. Ar 9 Hydref, byddaf yn cwrdd ag arweinydd y cyngor sir, y Cyngorydd Hugh Evans, a Hyfrydle fydd yr unig eitem ar agenda'r cyfarfod hwnnw. Ar 23 Hydref bydd Bwrdd Adfer Addysg Annibynnol Sir Ddinbych yn cynnal ei gyfarfod nesaf. Bydd adroddiad y cyd-arolygwyr yn eitem ar agenda'r cyfarfod hwnnw.

Yn y cyfamser, yr wyf yn bwriadu atgyfnerthu cylch gorchwyl y bwrdd ynglŷn â'r cysylltiad rhwng addysg a'r gwasanaethau cymdeithasol yn Sir Ddinbych, a oedd yn destun pryder y tynnwyd sylw ato yn adolygiad gwreiddiol Estyn.

Bydd Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru yn cynnal ei harolygiad blynyddol ar Erddi Glasfryn yr hydref hwn, ac, ym mis Mawrth 2009, bydd Estyn yn cynnal ail arolygiad ar awdurdod addysg sir Ddinbych, flwyddyn ar ôl y pryderon a arweiniodd at benodi'r bwrdd adfer addysg. Yr wyf eisoes wedi dechrau trafod gydag Estyn ac Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru i sicrhau y bydd y tîm arolygu'n gwbl abl i ddelio â'r meysydd hynny lle y mae addysg a'r gwasanaethau cymdeithasol yn dod ynghyd.

Ddirprwy Lywydd, dyna derfyn y datganiad y gallaf ei wneud heddiw ynghylch y mater hwn.

Andrew R.T. Davies: Diolch, Weinidog, am eich datganiad heddiw. Fel chi, newydd gael yr adroddiad yr wyf finnau, a byddai'n ffuantus imi honni fy mod wedi cael cyfle i'w ddarllen i gyd a'i ddeall.

O gyfeirio at rai o'r pwyntiau sydd yn eich adroddiad, mae pawb yn cydnabod bod y penderfyniad i gau'r ysgol hon wedi effeithio

decision to close this school. We want to move forward on a consensual basis to ensure that we learn from the mistakes and that provision is made for people to access this educational field so that they can fulfil their true potential and so that their particular educational needs are met.

I have three questions arising from your statement. One issue that alarmed me in particular was the consultation of parents, staff and interested parties when the decision to close was made. It seems to be a cause of concern in the report. Do you believe that we can take forward the proposals in the report to ensure that guidelines are in place so that all parties are consulted should it be deemed necessary to close an institution or school, and that closure is not undertaken until everyone is fully acquainted with the circumstances and until alternative services and options are provided so that people know where they are going?

I join in your commendation of the school staff, but I note that there are still nine members of staff looking for employment, although the local authority is working with those members of staff to ensure that their futures are secure. However, the staff worked admirably in difficult circumstances.

Secondly, regarding the provision in the private sector, I understand, from the statement and from briefly reading the report, that this created a difficulty in the business model or sustainability of the school. There must be lessons to be learned here as to why the private sector model is working while this school, sadly, did not get the uptake that was originally envisaged. What is your understanding of the level of need in the locality, when one school in that locality is succeeding, but, sadly, this local authority school did not succeed? Could you give an update on your understanding of how need in the area will now be met? Will it fall to the private sector provider to make that provision, or are there other options for children and students in the locality?

3.40 p.m.

ar rai o'r unigolion mwyaf agored i niwed yn ein cymdeithas. Yr ydym am symud ymlaen drwy gonsensws i sicrhau y byddwn yn dysgu o'r camgymeriadau ac y bydd darpariaeth ar gael i bobl gael mynediad at y maes addysgol hwn fel y gallant gyflawni eu gwir botensial ac er mwyn sicrhau y bydd eu hanghenion addysgol penodol yn cael eu cyflawni.

Mae gennyf dri chwestiwn ynghylch eich datganiad. Un mater a barodd bryder arbennig imi oedd yr ymgynghori â'r rhieni, y staff a'r rhai cyfrannog pan wnaethpwyd y penderfyniad i gau. Ymddengys fod hyn yn achosi pryder yn yr adroddiad. A ydych yn credu y gallwn weithredu cynigion yr adroddiad er mwyn sicrhau y bydd canllawiau ar waith fel y bydd ymgynghori â phob parti os bernir bod angen cau sefydliad neu ysgol, ac na chânt eu cau nes bydd pawb yn deall yr amgylchiadau'n iawn ac nes darperir gwasanaethau ac opsiynau eraill fel y bydd pobl yn gwybod i ble y byddant yn mynd?

Ymunaf â chi yn eich canmoliaeth i staff yr ysgol, ond nodaf fod naw aelod o'r staff yn dal i chwilio am waith, er bod yr awdurdod lleol yn gweithio gyda'r aelodau hynny o'r staff i sicrhau eu dyfodol. Fodd bynnag, bu'r staff yn gwneud gwaith gwych mewn amgylchiadau anodd.

Yn ail, ynglŷn â'r ddarpariaeth yn y sector preifat, yr wyf yn deall, yn ôl y datganiad ac wedi darllen yr adroddiad yn fras, fod hyn wedi creu anhawster ym model busnes neu gynaliadwyedd yr ysgol. Mae'n rhaid bod gwersi i'w dysgu yn hyn o beth ynghylch pam y mae model y sector preifat yn gweithio a bod yr ysgol hon, yn anffodus, wedi methu sicrhau'r niferoedd a ragwelwyd yn wreiddiol. Beth yw eich dealltwriaeth o lefel yr angen yn lleol, o ystyried bod un ysgol yn yr ardal yn llwyddo, ond na lwyddodd ysgol yr awdurdod lleol, gwaetha'r modd? A allwch roi diweddariad inni o'ch dealltwriaeth o sut y diwellir yr angen yn yr ardal bellach? Ai'r darpariaeth honno bellach, ynteu a oes opsiynau eraill ar gyfer plant a myfyrwyr yr ardal?

Finally, you highlighted the all-Wales factors. This is a north Wales issue, and I am sure that north Wales Members will touch on it in far more depth than I can, because they will have been involved in the issue for a longer period. However, what all-Wales lessons can we learn from this report so that, should the issue arise in other local authority areas, we can make use of the best practice and experiences that this review has brought to light, and make sure that people are protected? As I said earlier, we are talking about some of the most vulnerable children and young people in society, as well as their parents and carers, having that source, base and security.

Jane Hutt: I am grateful for your measured and mature response to this. I am grateful that we have been able to consider how we can handle this in a consensual way that takes us forward, because this addresses the needs of our most vulnerable children and young people and the opportunities that we want them to have in terms of the best educational provision and the care that accompanies it.

The three questions that you raise are relevant and appropriate. The issue of consultation, particularly around those last weeks and months, is well laid out in the report, as you know. I appreciate that you have only had a few hours to look at the report, but the report clearly lays out the shortcomings, which is where lessons have to be learned. Obviously, there are statutory responsibilities at a local level, but it takes us back to the points that you made about all-Wales factors in terms of lessons learned, which is why I have asked the director, Professor David Hawker, to undertake this work for me, and I will want to share that with the whole Assembly.

You raised the issue of provision and the level of need. Ysgol Plas Brondyffryn is an important facility, which provides very good education and care in opportunities for young people, not just across north Wales but also

Yn olaf, cyfeiriasoch at y ffactorau sy'n ymwneud â Chymru gyfan. Mater sy'n ymwneud â'r gogledd yw hwn, ac yr wyf yn sicr y bydd Aelodau'r gogledd yn manylu mwy yn ei gylch nag y gallaf fi, oherwydd byddant wedi ymwneud â'r mater dros gyfnod hwy. Fodd bynnag, pa wersi y gallwn eu dysgu ar gyfer Cymru gyfan o'r adroddiad hwn fel y gallwn, os cyfyd y mater mewn awdurdodau lleol eraill, ddefnyddio'r arferion gorau a'r profiadau sydd wedi'u dwyn i'r amlwg yn yr adolygiad hwn, a sicrhau bod pobl yn cael eu diogelu? Fel y dywedais yn gynharach, sôn yr ydym am roi i rai o'r plant a'r bobl ifanc fwyaf agored i niwed yn ein cymdeithas, ynghyd â'u rhieni a'u gofawyr, sylfaen a sail a sicrwydd.

Jane Hutt: Yr wyf yn ddiolchgar ichi am eich ymateb cytbwys ac aeddfed i hyn. Yr wyf yn ddiolchgar ein bod wedi gallu ystyried sut y gallwn ymdrin â'r mater hwn mewn modd sy'n meithrin consensws ac yn mynd â ni yn ein blaenau, oherwydd y mae hyn yn rhoi sylw i anghenion y plant a'r bobl ifanc fwyaf agored i niwed a'r cyfleoedd yr ydym am iddynt eu cael o ran y ddarpariaeth addysgol orau a'r gofal sy'n cyd-fynd â hynny.

Codasoch dri chwestiwn perthnasol a phriodol. Mae mater ymgynghori, yn enwedig ynghylch yr wythnosau a'r misoedd olaf, yn cael ei gyfleu'n dda yn yr adroddiad, fel y gwyddoch. Yr wyf yn sylweddoli na chawsoch ond ychydig oriau i ddarllen yr adroddiad, ond mae'r adroddiad yn disgrifio'r diffygion yn glir, a dyna lle y mae'n rhaid inni ddysgu gwersi. Wrth reswm, mae cyfrifoldebau statudol yn lleol, ond gadewch inni ddychwelyd at y pwyntiau a wnaethoch ynghylch y ffactorau sy'n ymwneud â Chymru gyfan o ran y gwersi a ddysgir, a dyna pam yr wyf wedi gofyn i'r cyfarwyddwr, yr Athro David Hawker, ymgymryd â'r gwaith hwn drosof, a byddaf yn rhannu hynny gyda'r Cynulliad cyfan.

Codasoch fater y ddarpariaeth a lefel yr angen. Mae Ysgol Plas Brondyffryn yn gyfleuster pwysig, ac mae'n darparu addysg a gofal da iawn o ran rhoi cyfleoedd i bobl ifanc, nid yn unig yn y gogledd ond yn

further afield. We must recognise the importance of that provision, but we must also recognise the changing circumstances—I have mentioned the context of that—and the independent provision that has emerged over the past year or so, with the New Options School opening last year in Flintshire. As you know, the report quite clearly highlights the council's limited market appraisal and research, poor project governance and communication, and insufficient professional expertise in the specialist area of developing and operating a children's home. These are key issues that must now be taken forward. I believe that all of the measures in place in terms of forthcoming inspections will help to guide us and the authority in this respect.

Ann Jones: I thank the Minister for her statement. However, I am saddened that, once again, here we are discussing the failure of Denbighshire County Council's corporate governance, which has brought misery to parents and children from my constituency. This latest report follows poor Estyn reports on the children and young people's partnership and the local education authority. All of this points to a systematic failure in corporate governance and senior management, not among the staff on the front lines, who work hard, but in the local education authority and those who manage the front-line services.

Hyfrydle was licensed to accommodate six pupils, but the council quite clearly knew that it needed at least 10 pupils to break even. That sorry fact, in itself, tells you of the potential for this to fail. When we questioned those decisions we were referred to a business case that no-one within Denbighshire County Council can find, as has been highlighted in the report.

Like you, I know that Hyfrydle could have been a success, because demand exists among children and parents to have a 52-week residential service. I feel that Denbighshire County Council did not market it well. Your comments on the report's conclusions point out that the facility had

ehangach na hynny'n ogystal. Mae'n rhaid inni gydnabod pwysigrwydd y ddarpariaeth honno ond mae'n rhaid inni gydnabod hefyd fod yr amgylchiadau'n newid—yr wyf wedi sôn am gyd-destun hynny—a'r ddarpariaeth annibynnol sydd wedi datblygu yn ystod y flwyddyn ddiwethaf, gan fod Ysgol New Options wedi agor y llynedd yn sir y Fflint. Fel y gwyddoch, mae'r adroddiad yn amlygu'n glir yr arfarniad a'r ymchwil gyfyngedig a wnaeth y cyngor o ran y farchnad, rheolaeth wael y prosiect a chyfathrebu gwael, ac arbenigedd proffesiynol annigonol ym maes arbenigol datblygu a gweithredu cartref plant. Dyma'r materion allweddol y mae'n rhaid rhoi sylw iddynt yn awr. Credaf y bydd yr holl fesurau sydd ar waith o ran yr arolygiadau sydd am ddigwydd yn help i'n harwain ni a'r awdurdod yn hyn o beth.

Ann Jones: Hoffwn ddiolch i'r Gweinidog am ei datganiad. Fodd bynnag, mae'n peri tristwch i mi ein bod, unwaith eto, wrthi'n trafod methiant rheolaeth gorfforaethol Cyngor Sir Ddinbych, sydd wedi peri dioddefaint i rieni a phlant yn fy etholaeth. Mae'r adroddiad diweddaraf hwn yn dilyn adroddiadau gwael gan Estyn ynghylch y bartneriaeth plant a phobl ifanc a'r awdurdod addysg lleol. Mae hyn oll yn arwydd o fethiant systematig mewn rheolaeth gorfforaethol a rheolaeth uwch, nid ymhlith staff y rheng flaen sy'n gweithio'n galed, ond yn hytrach yn yr awdurdod addysg lleol a'r rhai sy'n rheoli gwasanaethau'r rheng flaen.

Trwyddedwyd Hyfrydle i roi llety i chwe disgybl, ond gwyddai'r cyngor yn iawn fod angen o leiaf 10 disgybl iddo adennill ei gostau. Mae'r ffaith drist honno, ynddi ei hun, yn dangos bod posibilrwydd y gallai hyn fethu. Pan ofynasom gwestiynau ynglŷn â'r penderfyniadau hynny, cawsom ein cyfeirio at achos busnes na all neb yng Nghyngor Sir Ddinbych ddod o hyd iddo, fel y mae'r adroddiad wedi pwysleisio.

Fel chi, gwn y gallasai Hyfrydle fod yn llwyddiant, oherwydd y mae galw ymhlith plant a rhieni am wasanaeth preswyl am 52 o wythnosau. Teimlaf na wnaeth Cyngor Sir Ddinbych ei farchnata'n dda. Mae eich sylwadau ynglŷn â chasgliadau'r adroddiad yn tynnu sylw at y ffaith nad oedd llawer o

little chance because of poor project governance, a lack of partnership working and insufficient professional expertise. Following on from that, there was a lack of continuity in staff and general disarray in staffing matters. Who else, when about to close an establishment, would go ahead and employ 11 further staff and then leave them stranded, as most of them will be?

Denbighshire County Council has made so many strategic errors over many issues that the time has come to ask whether it is fit for purpose. I ask that with grave difficulty, because no-one wants to see their local authority failing, but, on this occasion, it is failing not only me, as a resident of Denbighshire, but so many vulnerable people. There does not seem to be an end to the catalogue of misery that Denbighshire is heaping upon its residents. All parties across the Chamber have expressed concerns about the closure of Hyfrydle children's home. I am confident that all Members have the interests of the children and families at heart.

I have grave concerns that Denbighshire is currently overlooking its responsibilities with regard to corporate governance and communicating and consulting properly with its residents and partners, and that it is failing to accept and acknowledge that it has some problems. Minister, have you had discussions with Cabinet colleagues across the portfolios about what we can do to ensure that Denbighshire can improve its corporate governance and, if it cannot, what we are going to do?

Jane Hutt: Thank you, Ann. Your last question is important, and I would like to share with you and all Members here the fact that I have had several meetings in the past few weeks with the Deputy Minister for Social Services, Gwenda Thomas, and Brian Gibbons in his role as Minister for Social Justice and Local Government. In addressing the concerns that you raised—I know that you have been very involved, as have other elected members, with regard to what has happened to people's lives as a result of this

obaith i'r ganolfan oherwydd rheolaeth wael y prosiect, diffyg gweithio mewn partneriaeth ac arbenigedd proffesiynol annigonol. Yn sgîl hynny, yr oedd diffyg dilyniant o ran y staff ac anhrefn cyffredinol mewn materion yn ymwneud â staffio. Pwy arall, ar fin cau sefydliad, a fyddai'n mynd ati i gyflogi 11 yn rhagor o staff a'u gadael ar y clwt, fel y bydd y rhan fwyaf ohonynt?

Mae Cyngor Sir Ddinbych wedi gwneud cynifer o gamgymeriadau strategol ynghylch cynifer o faterion nes ei bod yn bryd gofyn a yw'n addas i'r diben. Mae'n anodd iawn gennyf ofyn hynny, oherwydd nid yw neb am weld ei awdurdod lleol yn methu, ond, y tro hwn, mae'n fy siomi fi, fel un o drigolion sir Ddinbych, yn ogystal â llawer o bobl sy'n agored i niwed. Ymddengys nad oes diwedd i'r diflastod y mae sir Ddinbych yn gorfodi i'w thrigolion ei oddef. Mae pob plaid ar draws y Siambr wedi mynegi pryderon am gau cartref plant Hyfrydle. Hyderaf fod pob Aelod yn poeni am les y plant a'r teuluoedd.

Mae gennyf bryderon dybryd bod sir Ddinbych ar hyn o bryd yn esgeuluso'i chyfrifoldebau mewn perthynas â llywodraethu corfforaethol a chyfathrebu ac ymgynghori'n briodol â'i thrigolion a'i phartneriaid, ac nad yw'n derbyn nac yn cydnabod bod ganddi broblemau. Weinidog, a ydych wedi cynnal trafodaethau â'ch cyd-Weinidogion yn y Cabinet ar draws y portffolios ynghylch yr hyn y gallwn ei wneud i sicrhau y gall sir Ddinbych wella'i phrosesau llywodraethu corfforaethol ac, os na all wneud hynny, ynghylch yr hyn y bwriadwn ei wneud?

Jane Hutt: Diolch ichi, Ann. Mae eich cwestiwn olaf yn bwysig, a hoffwn rannu gyda chi a phob Aelod yma y ffaith imi gael amryw o gyfarfodydd yn ystod yr wythnosau diwethaf gyda'r Dirprwy Weinidog dros Wasanaethau Cymdeithasol, Gwenda Thomas, a Brian Gibbons yn rhinwedd ei swydd fel y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol. O ran mynd i'r afael â'r pryderon a godwyd gennych—gwn eich bod chi, yn ogystal ag aelodau etholedig eraill, wedi bod yn

decision—the two measures that I reported on today in my statement will be important.

First, the independent education recovery board was set up to address the Estyn report, and, importantly, part of the Estyn report recognised the weaknesses with regard to joint working between education and social services. Therefore, it is important that I have asked that board to take this on and to strengthen its role and remit by considering this report. I have written to the chair of the board to take this forward. Secondly, the Wales Audit Office is currently undertaking a corporate governance review, and, once we know the findings of that, my colleague Brian Gibbons will have to decide what action, if any, to take.

Eleanor Burnham: Similarly to my colleague, this causes me huge concern and discomfort. Basically, this is a long-running issue of a lack of adequate governance, particularly in the education department of Denbighshire County Council. I am obviously very sympathetic with the position of the parents and the young people who have been very much inconvenienced and distressed, and we must also think about the staff. I am absolutely delighted that the Wales Audit Office is carrying out a review, and, as a member of the Audit Committee, I look forward very much to seeing its outcome. I feel dreadfully sorry for the incoming councillors and the leader of the council, who has been in the job only since May and who has had nothing but problems with this and the other educational concern.

Assembly Members face additional concern because people point the finger. On one hand, the Assembly Government does not want to be heavy-handed when it comes to local government affairs, but, on the other hand, when things such as this go wrong, it demonstrates the fact that we need to develop a partnership at all levels. The situation beggars belief. Like other Members, I have not read this thoroughly, although I read it as best I could, and these are longstanding issues that cause me huge concern.

ymwneud llawer â'r hyn sydd wedi digwydd i fywydau pobl o ganlyniad i'r penderfyniad hwn—bydd y ddau fesur y soniais amdanynt heddiw yn fy natganiad yn bwysig.

Yn gyntaf, sefydlwyd y bwrdd adfer addysg annibynnol i roi sylw i adroddiad Estyn, ac, yn arwyddocaol, yr oedd rhan o adroddiad Estyn yn cydnabod y gwendidau o ran y cydweithio rhwng addysg a gwasanaethau cymdeithasol. Felly, mae'n bwysig fy mod wedi gofyn i'r bwrdd hwnnw ymgymryd â hyn a chryfhau ei rôl a'i gylch gwaith drwy ystyried yr adroddiad hwn. Yr wyf wedi ysgrifennu at gadeirydd y bwrdd er mwyn gweithredu ar hyn. Yn ail, mae Swyddfa Archwilio Cymru wrthi'n cynnal adolygiad o lywodraethu corfforaethol, ac wedi inni gael gwybod beth fydd canfyddiadau hynny, bydd yn rhaid i'm cyd-Aelod Brian Gibbons benderfynu pa gamau i'w cymryd, os bydd rhai o gwbl.

Eleanor Burnham: Yn yr un modd â'm cyd-Aelod, mae hyn yn achosi pryder ac anghysur mawr imi. Yn y bôn, mae hon yn broblem sydd wedi bodoli ers tro sy'n ymwneud â diffyg llywodraethu, yn arbennig yn adran addysg Cyngor Sir Ddinbych. Yn amlwg mae gennyf gydymdeimlad mawr â sefyllfa'r rhieni a'r bobl ifanc sydd wedi dioddef llawer o anghyfleustra a thrallod, a rhaid inni feddwl am y staff hefyd. Yr wyf yn falch iawn bod Swyddfa Archwilio Cymru yn cynnal adolygiad, ac, fel aelod o'r Pwyllgor Archwilio, edrychaf ymlaen yn fawr at weld ei ganlyniad. Teimlaf drueni mawr dros y cynghorwyr newydd ac arweinydd y cyngor, nad yw yn ei swydd ond ers mis Mai ac nad yw wedi cael dim byd ond problemau gyda hyn a'r mater addysgol arall.

Mae Aelodau'r Cynulliad yn wynebu pryder arall oherwydd bod pobl yn gweld bai. Ar y naill law, nid yw Llywodraeth y Cynulliad am fod yn llawdrwm gyda materion llywodraeth leol, ond, ar y llaw arall, pan aiff pethau fel hyn o chwith, dengys fod angen inni ddatblygu partneriaeth ar bob lefel. Mae'r sefyllfa'n anhygoel. Fel Aelodau eraill, nid wyf wedi darllen hyn yn drylwyr, er imi ei ddarllen hyd y gallwn, ac mae'r rhain yn broblemau ers tro byd sy'n achosi pryder mawr iawn imi.

Other than what you have said already, have you had any dealings, perhaps through a third party, with regard to the parents and the young people who were so distressed? Do you know what is happening to the rest of the staff? I hope that you can reassure us with regard to improved corporate governance, and, particularly, that this will be an issue addressed when you speak to the new leader of the council, because, frankly, this business cannot be seen to be going on. It is an utter disgrace.

3.50 p.m.

Jane Hutt: Thank you, Eleanor. I think that I dealt in my statement with your important question about the children and young people and I paid tribute to the staff for the largely successful efforts made by individuals, as the report says, to secure alternative arrangements for the vulnerable children who have been affected. In addition, the question about the staff has been raised by a number of Members this afternoon. I was pleased to see, in a press release from Denbighshire County Council earlier today, that the council has undertaken an internal review and that it is looking to provide as much support as possible to affected staff. I am sure that you will have seen the report, which talks about offers of alternative employment.

As we go through the report, we see that there are many lessons to be learned by the authority, not only in terms of the points that were made earlier about consultation and engagement with parents and families, who are in vulnerable situations in terms of their hopes, and the opportunities for their children and young people, but also in terms of the management of this whole process over the last seven years. The actions that I have outlined in terms of forthcoming inspections will address all these issues.

Janet Ryder: It is a great pity that this has happened to this school, because, over the years, Ysgol Plas Brondyffryn has done a great deal of good work with a number of families. This does not detract in any way from the quality of that work in the past. As everyone else has said, this report points to

Ac eithrio'r hyn yr ydych eisoes wedi'i ddweud, a ydych wedi ymdrin o gwbl, efallai drwy drydydd parti, â'r rhieni a'r bobl ifanc a oedd mor drallodus? A wyddoch beth sy'n digwydd i weddill y staff? Gobeithiaf y gallwch ein sicrhau ynghylch gwell llywodraethu corfforaethol, ac, yn arbennig, y bydd hyn yn fater yr eir i'r afael ag ef pan siaredwch ag arweinydd newydd y cyngor, oherwydd, a bod yn onest, ni all hyn barhau. Mae'n gwbl warthus.

Jane Hutt: Diolch ichi, Eleanor. Credaf imi ymdrin yn fy natganiad â'ch cwestiwn pwysig ynghylch y plant a'r bobl ifanc a thelais deyrnged i'r staff am yr ymdrechion llwyddiannus ar y cyfan gan unigolion, fel y dywed yr adroddiad, i sicrhau trefniadau eraill ar gyfer y plant sy'n agored i niwed yr effeithiwyd arnynt. Yn ogystal, codwyd y cwestiwn ynghylch y staff gan nifer o Aelodau y prynhawn yma. Yr oeddwn yn falch o weld, mewn datganiad i'r wasg gan Gyngor Sir Ddinbych yn gynharach heddiw, fod y cyngor wedi cynnal adolygiad mewnol a'i fod yn bwriadu darparu cymaint o gymorth ag sy'n bosibl i staff yr effeithiwyd arnynt. Yr wyf yn siŵr y byddwch wedi gweld yr adroddiad, sy'n sôn am gynnig cyflogaeth arall.

Wrth inni fynd drwy'r adroddiad, gwelwn fod gan yr awdurdod lawer o wersi i'w dysgu, nid yn unig o ran y pwyntiau a wnaethpwyd yn gynharach ynglŷn ag ymgynghori ac ymgysylltu â rhieni a theuluoedd, sydd mewn sefyllfaoedd bregus o ran eu gobeithion, a'r cyfleoedd i'w plant a'r bobl ifanc, ond hefyd o ran y ffordd y rheolwyd yr holl broses hon dros y saith mlynedd diwethaf. Bydd y camau a amlinellwyd gennyf o ran yr arolygiadau sydd am ddigwydd yn rhoi sylw i'r holl faterion hyn.

Janet Ryder: Mae'n drueni mawr bod hyn wedi digwydd i'r ysgol hon, oherwydd, dros y blynyddoedd, mae Ysgol Plas Brondyffryn wedi gwneud llawer o waith da gyda nifer o deuluoedd. Nid yw hyn yn tynnu oddi ar ansawdd y gwaith a wnaethpwyd yn y gorffennol o gwbl. Fel y dywedodd pawb

shortcomings in corporate management in the county council, and I echo and support a number of the comments that Ann Jones has made on this issue. The report underlines a lack of clarity among stakeholders concerning responsibility and accountability and a lack of consistent and effective engagement between key stakeholders, and says that,

‘all parties have struggled to provide clear accounts which disaggregate the expenditure of the different funding sources’.

That is departments in the county council failing to work together, which is very concerning. We have heard that the Wales Audit Office has now started its review into corporate governance there, and, like Ann, I hope that the relevant Minister, Brian Gibbons, will report back on the issue. It would not normally happen, but given the concerns that have been raised by this case in particular, I hope that he will keep the Assembly informed as to the outcomes of that inspection.

Care and Social Services Inspectorate Wales is undertaking a further inspection of the social services department. I know that you have said that this will remain under the auspices of the special education board, but that inspection of the social services should look at the impact that a lack of clarity and understanding of roles and a lack of effective co-working can have. The history of incidents in social services and child protection incidents in the past raises concerns about social services, because these incidents invariably occur when there is a lack of clear line management, a lack of interdepartmental working and a lack of ownership of projects—in fact, all of the things that are being discussed here. I ask you to look very carefully at any reports that come out regarding this, Minister.

On a totally separate issue, I know that you are aware of child protection issues that are being raised, and I ask that you take a serious interest in those reports at a ministerial level, so that we can be assured that what is

arall, mae'r adroddiad hwn yn dangos diffygion ym mhrosesau rheoli corfforaethol y cyngor sir, ac ategaf a chefnogaf nifer o sylwadau Ann Jones ar y mater hwn. Mae'r adroddiad yn pwysleisio diffyg eglurder ynghylch rhanddeiliad mewn perthynas â chyfrifoldeb ac atebolrwydd a diffyg ymgysylltu cyson ac effeithiol rhwng rhanddeiliaid allweddol, a dywed,

‘mae'n amlwg bod yr holl bartïon wedi ei chael yn anodd darparu cyfrifon clir sy'n dadagregu gwariant y gwahanol ffynonellau ariannu’.

Hynny yw, adrannau yn y cyngor sir yn methu cydweithio, sy'n achosi pryder mawr. Yr ydym wedi clywed bod Swyddfa Archwilio Cymru bellach wedi dechrau ar ei hadolygiad o lywodraethu corfforaethol yno, ac, fel Ann, gobeithiaf y bydd y Gweinidog perthnasol, Brian Gibbons, yn adrodd yn ôl ar y mater. Ni fyddai'n digwydd fel arfer, ond o gofio'r pryderon a godwyd yn sgîl yr achos hwn yn benodol, gobeithiaf y bydd yn rhoi'r wybodaeth ddiweddaraf i'r Cynulliad ynghylch canlyniadau'r arolygiad hwnnw.

Mae Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru yn cynnal arolygiad arall o'r adran gwasanaethau cymdeithasol. Gwn ichi ddweud y bydd hyn yn parhau dan nawdd y bwrdd addysg arbennig, ond dylai'r arolygiad hwnnw o'r gwasanaethau cymdeithasol edrych ar effaith diffyg eglurder a dealltwriaeth ynghylch rolau a diffyg cydweithio effeithiol. Mae hanes digwyddiadau yn y maes gwasanaethau cymdeithasol a digwyddiadau amddiffyn plant yn y gorffennol yn codi pryderon ynghylch gwasanaethau cymdeithasol, oherwydd y mae'r digwyddiadau hyn yn digwydd yn ddieithriad pan fydd diffyg rheolaeth llinell glir, diffyg gweithio rhwng adrannau a diffyg perchenogaeth dros brosiectau—yn wir, yr holl bethau sy'n cael eu trafod yma. Gofynnaf ichi edrych yn ofalus iawn ar unrhyw adroddiadau a gyhoeddir ar hyn, Weinidog.

O ran mater cwbl wahanol, gwn eich bod yn ymwybodol o faterion amddiffyn plant sy'n cael eu codi, a gofynnaf ichi gymryd diddordeb mawr yn yr adroddiadau hynny ar lefel weinidogol, er mwyn inni allu cael

happening there is being looked at at the top level.

Jane Hutt: As I said earlier, the pioneering work of Ysgol Plas Brondyffryn and all those who have championed it, including parents, families and friends, must be acknowledged and recognised. We have received positive feedback from parents as well as the concerns that have been raised. That is important, and it is important that reviews and inspections are rigorous, as they should be, in terms of the education and care provision. We need to ensure that lessons are learnt to move this forward at Ysgol Plas Brondyffryn.

You focused on the social services issue in particular. I have said that I have met Gwenda Thomas on a number of occasions, along with her officials, the chief inspector, and Brian Gibbons. We take this as a corporate issue with regard to ministerial responsibilities in the Welsh Assembly Government. I take this opportunity to say that I am aware of child protection concerns. As Ministers, we have been briefed and informed that CSSIW inspectors visited the authority last week to understand how Denbighshire County Council is dealing with these matters. The chief social services inspector met senior officials from the authority on Friday to discuss it with them. The relevant authorities are taking appropriate action to deal with these matters. All of this is under our purview at the moment.

sicrwydd bod yr hyn sy'n digwydd yma yn cael ei ystyried ar y lefel uchaf.

Jane Hutt: Fel y dywedais yn gynharach, rhaid cydnabod gwaith arloesol Ysgol Plas Brondyffryn a phawb sydd wedi bod yn eiriolwyr drosti, gan gynnwys rhieni, teuluoedd a chyfeillion. Yr ydym wedi cael ymateb cadarnhaol iawn gan rieni yn ogystal â'r pryderon a godwyd. Mae hynny'n bwysig, ac mae'n bwysig bod adolygiadau ac arolygiadau yn drylwyr, fel y dylent fod, o ran y ddarpariaeth addysg a gofal. Mae angen inni sicrhau bod gwersi'n cael eu dysgu er mwyn symud ymlaen gyda hyn yn Ysgol Plas Brondyffryn.

Canolbwyntiasoch ar wasanaethau cymdeithasol yn benodol. Yr wyf wedi dweud fy mod wedi cyfarfod â Gwenda Thomas amryw o weithiau, ynghyd â'i swyddogion, y prif arolygydd, a Brian Gibbons. Ystyriwn hyn yn fater corfforaethol o ran cyfrifoldebau gweinidogol yn Llywodraeth Cynulliad Cymru. Hoffwn achub y cyfle hwn i ddweud fy mod yn ymwybodol o bryderon ynghylch amddiffyn plant. Fel Gweinidogion, yr ydym wedi cael ein briffio ac wedi cael gwybod bod arolygwyr AGGCC wedi ymweld â'r awdurdod yr wythnos diwethaf er mwyn deall sut y mae Cyngor Sir Ddinbych yn ymdrin â'r materion hyn. Cyfarfu'r prif arolygydd gwasanaethau cymdeithasol ag uwch swyddogion yr awdurdod ddydd Gwener i drafod hynny gyda hwy. Mae'r awdurdodau perthnasol yn cymryd camau priodol er mwyn ymdrin â'r materion hyn. Mae hyn oll dan sylw gennym ar hyn o bryd.

*Daeth y Llywydd i'r Gadair am 3.56 p.m.
The Presiding Officer took the Chair at 3.56 p.m.*

Mark Isherwood: The Minister will be aware that Janet and I, with the cross-party autism group, met, by sheer coincidence in north Wales for the first time two days after the announcement. It was not what was scheduled for the agenda, but it dominated the discussion. We heard from health service staff, Ysgol Plas Brondyffryn governors and police officers. Staff were present, but obviously could not talk for confidentiality reasons. We also heard from parents and many others. Strong concern was widely

Mark Isherwood: Bydd y Gweinidog yn ymwybodol i Janet a minnau, gyda'r grŵp awtistiaeth trawsbleidiol, gyfarfod, drwy gyd-digwyddiad llwyr yn y gogledd am y tro cyntaf ddeuddydd ar ôl y cyhoeddiad. Nid oedd hynny i fod ar yr agenda, ond dyma oedd y prif bwnc trafod. Clywsom gan staff y gwasanaeth iechyd, llywodraethwyr Ysgol Plas Brondyffryn a swyddogion yr heddlu. Yr oedd staff yn bresennol, ond yn amlwg nid oeddent yn gallu siarad am resymau'n ymwneud â chyfrinachedd. Clywsom hefyd

expressed. I welcome the fact that you have said that there are lessons to be learnt at local authority level and at Assembly Government level. Your report acknowledges that it is over seven years since the report was first proposed. While the local authority knew and accepted that Hyfrydle represented a substantial financial risk, its scale and nature had not been properly understood. I am sure that you will agree that this is not something that has just happened in 2007 or 2008; it goes back to the inception of the project and the multi-agency working at the time. You have confirmed to me that your senior official responsible for special educational needs in Wales was present at meetings in Denbighshire in January and February to discuss the options, including possible closure.

You will know that the leader of Denbighshire County Council—you referred to his press release—has accepted in full the findings of the two reports along with the findings of the council's own commissioned review. As he says, there are lessons to be learnt. Its commitment is evident in the steps that it has already taken to improve project management across the authority. He notes that Estyn has said that its decision to review the viability and future of Hyfrydle was based on genuine, valid concerns about the appropriateness and financial viability of the provision among the current council.

The National Autistic Society has responded to the report. It has raised a few questions that I would like to put to you. What steps has the Assembly Government taken to ensure that all local authorities, including Denbighshire, take action to respond to the autistic spectrum disorder action plan and establish a strategic co-ordinating group to improve joint working on autism issues and to appoint an ASD champion? When will the £1.8 million for the current financial year announced by the Assembly Government be released? We are now some six months beyond the action plan being announced. It was originally understood that this money could be used to appoint those autistic spectrum disorder champions, which will be

gan rieni a llawer o bobl eraill. Mynegwyd pryder mawr gan lawer. Yr wyf yn croesawu'r ffaith ichi ddweud bod gwersi i'w dysgu ar lefel awdurdod lleol ac ar lefel Llywodraeth y Cynulliad. Mae eich adroddiad yn cydnabod i dros saith mlynedd fynd heibio ers i'r adroddiad gael ei gynnig am y tro cyntaf. Er bod yr awdurdod lleol yn gwybod ac yn derbyn bod Hyfrydle'n risg ariannol sylweddol, nid oedd wedi deall ei faint a'i natur yn iawn. Yr wyf yn siŵr y cytunwch nad rhywbeth a ddigwyddodd yn 2007 neu 2008 yw hyn; mae'n mynd yn ôl i ddechrau'r prosiect a'r gwaith amlasiantaeth ar y pryd. Yr ydych wedi cadarnhau wrthyf fod eich uwch swyddog sy'n gyfrifol am anghenion addysgol arbennig yng Nghymru yn bresennol mewn cyfarfodydd yn sir Ddinbych ym mis Ionawr a Chwefror i drafod yr opsiynau, gan gynnwys y posibilrwydd y byddai'r ysgol yn cael ei chau.

Gwyddoch fod arweinydd Cyngor Sir Ddinbych—cyfeiriasoch at ei ddatganiad i'r wasg—wedi derbyn canfyddiadau'r ddau adroddiad yn llawn ynghyd â chanfyddiadau adolygiad a gomisiynwyd gan y cyngor ei hun. Fel y dywed, mae gwersi i'w dysgu. Mae ei ymrwymiad yn amlwg yn y camau y mae eisoes wedi eu cymryd i wella'r broses o reoli prosiectau ar draws yr awdurdod. Mae'n nodi bod Estyn wedi dweud bod ei benderfyniad i adolygu hyfywedd a dyfodol Hyfrydle yn seiliedig ar bryderon diffuant, dilys ynghylch priodoldeb a hyfywedd ariannol y ddarpariaeth ymysg y cyngor presennol.

Mae Cymdeithas Genedlaethol Awtistiaeth wedi ymateb i'r adroddiad. Mae wedi codi ychydig gwestiynau yr hoffwn eu gofyn ichi. Pa gamau y mae Llywodraeth y Cynulliad wedi eu cymryd i sicrhau bod pob awdurdod lleol, gan gynnwys sir Ddinbych, yn cymryd camau i ymateb i gynllun gweithredu anhwylderau yn y sbectrwm awtistig a sefydlu grŵp cydgysylltu strategol i wella cydweithio ynghylch materion yn ymwneud ag awtistiaeth a phenodi eiriolwr ar gyfer anhwylderau yn y sbectrwm awtistig? Pryd y caiff yr £1.8 miliwn ar gyfer y flwyddyn ariannol bresennol a gyhoeddwyd gan Lywodraeth y Cynulliad ei ryddhau? Mae chwe mis wedi mynd heibio bellach ers cyhoeddi'r cynllun gweithredu. Yn wreiddiol

needed to take this agenda forward effectively in the future.

We heard reference to the Wales Audit Office's planned review of corporate governance. We will have to wait until November for the decisions. I hope that you will agree that we should wait for that point. I note that the Wales Audit Office has also issued a report praising Denbighshire on another issue. I am particularly concerned about the consultation process. I, like other Assembly Members, have met the leader of the council and members of his senior staff, whom I obviously will not name. They say that the consultation undertaken with other local authorities identified lower than anticipated demand. There was a low demand, not only immediately, but for the foreseeable future for 52-week provision. Obviously, it would maintain the need for 34-week provision and the day school.

4.00 p.m.

What action is the Assembly Government taking to ensure that local authorities have an up-to-date database of need? The experience of the National Autistic Society, Autism Cymru and the many Assembly Members who take an interest in autism spectrum disorder issues is that the level of unmet need is huge but is not being reported. I received an e-mail this weekend from a parent who said that her son's doctor said that it would be best to put her son in a 52-week placement, as he is too difficult to manage in a home environment, but the local authority, although it understands the complexity involved, has 'budgetary issues'. How will we ensure that we have an accurate database of need, so that we can plan service provision to meet that need in the future? I am sure that there are many others like this mother who would endorse that. I stress that that is a mother who is living in north Wales, not someone who is proposing to commission services from across the border.

deallid y gellid defnyddio'r arian hwn i benodi'r eiriolwyr hynny ar gyfer anhwylderau yn y sbectrwm awtistig, y bydd eu hangen i weithredu'r agenda hon yn effeithiol yn y dyfodol.

Clywsom gyfeiriad at adolygiad arfaethedig Swyddfa Archwilio Cymru o lywodraethu corfforaethol. Bydd yn rhaid inni aros tan fis Tachwedd am y penderfyniadau. Gobeithiaf y cytunwch y dylem aros tan hynny. Yr wyf yn sylwi bod Swyddfa Archwilio Cymru wedi cyhoeddi adroddiad hefyd yn canmol sir Ddinbych ar fater arall. Mae gennyf bryderon mawr ynghylch y broses ymgynghori. Yr wyf fi, fel Aelodau eraill o'r Cynulliad, wedi cyfarfod ag arweinydd y cyngor ac aelodau o'i uwch staff, nas enwaf yn amlwg. Maent yn dweud bod yr ymgynghoriad a gynhaliwyd gydag awdurdodau lleol eraill wedi canfod galw llai na'r disgwyl. Yr oedd y galw'n isel, nid yn unig ar y pryd, ond ar gyfer y dyfodol rhagweladwy am ddarpariaeth 52 wythnos. Yn amlwg, byddai'n cynnal yr angen am ddarpariaeth 34 wythnos a'r ysgol ddydd.

Pa gamau y mae Llywodraeth y Cynulliad yn eu cymryd i sicrhau bod gan awdurdodau lleol gronfa ddata o'r anghenion, a honno wedi'i diweddarau? Profiad Cymdeithas Genedlaethol Awtistiaeth, Awtistiaeth Cymru a'r Aelodau niferus o'r Cynulliad y mae ganddynt ddiddordeb mewn materion sy'n ymwneud ag anhwylderau yn y sbectrwm awtistig yw bod llu o anghenion sydd heb eu diwallu ond nad yw'r rheini'n cael eu cofnodi. Cefais e-bost y penwythnos hwn gan riant a ddywedodd fod meddyg ei mab wedi dweud y byddai'n well iddi ei roi mewn canolfan 52 wythnos, am ei bod yn rhy anodd gofalu amdano gartref, ond er bod yr awdurdod lleol yn deall cymhlethdod y sefyllfa, mae ganddo 'broblemau cyllidebol'. Sut y sicrhawn fod gennym gronfa ddata gywir o'r anghenion, er mwyn inni allu cynllunio'r ddarpariaeth gwasanaethau i ddiwallu'r angen hwnnw yn y dyfodol? Yr wyf yn siŵr bod llawer o bobl eraill debyg i'r fam hon a fyddai'n ategu hynny. Yr wyf yn pwysleisio mai mam sy'n byw yn y gogledd yw hon, nid rhywun sy'n bwriadu comisiynu gwasanaethau dros y ffin.

I visited Hyfrydle shortly after it was completed and furnished. It was ready to go, subject to the recruitment and training of staff. However, I was advised at the time that, because the care standard licensing rules apply in Wales, unlike in England, a provisional licence could not be granted. That would have allowed Hyfrydle and the council to recruit and to start training staff in 2006, enabling it to open and to secure placements earlier, prior to competition arising from private sector providers. What consideration can be given to preventing such a situation from arising in future, so that when a facility like that is ready, willing and able to open, local authorities can start recruiting and training with confidence to meet the level of need that we know is out there?

Jane Hutt: Thank you, Mark. I know that you will not yet have been able to read both of the reports thoroughly, but I can tell you that they give a clear account of the difficulties and of what went wrong and of the lessons that we can learn. I have already said that that is part of my commitment. I welcome the fact that the leader has accepted the recommendations and the summary of findings of both reports. That is the right step forward that we need. We will now address this issue and take it forward.

You raise a wider point about the provision of autistic spectrum disorder services. We have the first action plan in the world, almost, and we have spent time consulting and developing it. We have now launched it and have put resources into it, and there are responsibilities at local authority level to take it forward. I have met the cross-party group on autism, as well as representatives of the National Autistic Society and Autism Cymru. The Minister for Health and Social Services is also closely involved in the monitoring and implementation of that plan. That is the important wider context, which we need to consider.

Mark, as you will see from reading the reports, you will know that the issues that we need to address are quite clear. The best step

Ymwelais â Hyfrydle'n fuan ar ôl iddo gael ei orffen a'i ddodrefnu. Yr oedd yn barod i gychwyn arni, ar ôl recriwtio a hyfforddi staff. Fodd bynnag, cefais wybod ar y pryd, oherwydd bod rheolau trwyddedu safonau gofal ar waith yng Nghymru, yn wahanol i'r sefyllfa yn Lloegr, na ellid rhoi trwydded dros dro. Byddai hynny wedi caniatáu i Hyfrydle a'r cyngor recriwtio a dechrau hyfforddi staff yn 2006, gan ei alluogi i agor a sicrhau lleoliadau'n gynharach, cyn i ddarparwyr y sector preifat ddechrau cystadlu ag ef. Pa ystyriaeth y gellir ei rhoi i atal sefyllfa o'r fath rhag codi yn y dyfodol, ac felly, pan fydd cyfleuster fel hwnnw'n barod ac yn awyddus i agor ac yn gallu gwneud hynny, y gall awdurdodau lleol ddechrau recriwtio a hyfforddi'n hyderus er mwyn diwallu'r anghenion y gwyddom amdanynt?

Jane Hutt: Diolch ichi, Mark. Gwn na fyddwch wedi gallu darllen y ddau adroddiad yn drwyadl eto, ond gallaf ddweud wrthy ch eu bod yn rhoi darlun clir o'r anawsterau ac o'r hyn a aeth o'i le a'r gwersi y gallwn eu dysgu. Yr wyf eisoes wedi dweud bod hynny'n rhan o'm hymrwymiad. Croesawaf y ffaith bod yr arweinydd wedi derbyn yr argymhellion a'r crynodeb o ganfyddiadau'r ddau adroddiad. Dyna'r cam iawn ymlaen y mae ei angen arnom. Byddwn yn awr yn rhoi sylw i'r mater hwn ac yn bwrw ymlaen ag ef.

Yr ydych yn codi pwynt ehangach ynglŷn â darparu gwasanaethau ar gyfer anhwylderau yn y sbectwm awtistig. Mae'r cynllun gweithredu cyntaf yn y byd, bron iawn, gennym ac yr ydym wedi treulio amser yn ymgynghori yn ei gylch ac yn ei ddatblygu. Yr ydym bellach wedi'i lansio ac wedi darparu adnoddau ar ei gyfer, ac mae cyfrifoldebau ar lefel awdurdodau lleol i fwrw ymlaen ag ef. Yr wyf wedi cyfarfod â'r grŵp awtistiaeth trawsbleidiol, yn ogystal â chynrychiolwyr Cymdeithas Genedlaethol Awtistiaeth ac Awtistiaeth Cymru. Mae'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol yn ymwneud cryn dipyn hefyd â monitro a gweithredu'r cynllun hwnnw. Dyna'r cyd-destun pwysig ehangach, y mae angen inni ei ystyried.

Mark, fel y gwelwch wrth ddarllen yr adroddiadau, byddwch yn gwybod bod y materion y mae angen inni roi sylw iddynt yn

forward is that the authority has accepted these findings and I am pleased that we can now move forward.

eithaf clir. Y cam gorau ymlaen yw bod yr awdurdod wedi derbyn y canfyddiadau hyn ac yr wyf yn falch y gallwn gamu ymlaen yn awr.

Dadl am Gyfnod 3 y Mesur Teithio gan Ddysgwyr, dan Reol Sefydlog Rhif 23.57
Debate on Stage 3 of the Learner Travel Measure under Standing Order No. 23.57

Y Llywydd: Mae gweddill y sesiwn hon yn ymwneud â deddfu, gan ein bod yn dod i Gyfnod 3, ystyriaeth fanwl gan y Cynulliad, y Mesur arfaethedig ynghylch teithio gan ddysgwyr.

The Presiding Officer: The remainder of this session relates to legislation, given that the proposed Measure on learner travel has reached Stage 3, detailed consideration by the Assembly.

Mannau Lle y Darperir Addysg Feithrin (Adran 1)
Places Where Nursery Education is Provided (Section 1)

Y Llywydd: Mae'r grŵp cyntaf o welliannau yn ymdrin â manau lle y darperir addysg feithrin. Galwaf ar Peter Black i gynnig welliant 24.

The Presiding Officer: The first group of amendments are in relation to places where nursery education is provided. I call on Peter Black to propose amendment 24.

Peter Black: I propose amendment 24 in the name of Kirsty Williams.

Peter Black: Cynigiau welliant 24 yn enw Kirsty Williams.

We welcome the fact that the Measure potentially makes provision for transport to nursery settings, and we note that, as it currently stands, the nursery settings that would be included include those that are directly provided by local authorities. However, the purpose of this amendment is to future-proof the provision that is currently available and to acknowledge that that situation may not always prevail.

Yr ydym yn croesawu'r ffaith y gall y Mesur ddarparu ar gyfer cludiant i leoliadau meithrin, a nodwn, fel y mae pethau ar hyn o bryd, mai'r lleoliadau meithrin a gynhwysid fyddai'r rhai a ddarperir yn uniongyrchol gan awdurdodau lleol. Fodd bynnag, diben y gwelliant hwn yw sicrhau bod y ddarpariaeth sydd ar gael yn awr yn gallu ymdopi â newidiadau yn y dyfodol a chydabod na fydd y sefyllfa sydd gennym ar hyn o bryd o reidrwydd yn parhau am byth.

There is often talk of what will happen to education, and whether it will be taken from local authorities. However, nursery education is provided by other bodies, some of which receive funding from the Welsh Assembly Government, such as Mudiad Ysgolion Meithrin, which provides Welsh-medium nursery education and receives money directly from the Welsh Language Board.

Sonnir yn aml am yr hyn a fydd yn digwydd i addysg, ac a gaiff y cyfrifoldeb am y maes hwn ei dynnu oddi ar awdurdodau lleol. Fodd bynnag, darperir addysg feithrin gan gyrff eraill, ac mae rhai o'r rheini, megis Mudiad Ysgolion Meithrin, yn cael arian gan Lywodraeth Cynulliad Cymru. Mae'n darparu addysg feithrin Gymraeg ac mae'n cael arian yn uniongyrchol gan Fwrdd yr Iaith Gymraeg.

I hope that the Minister will take this amendment seriously and accept that incorporating it into the Measure would future-proof arrangements. Although the current situation is accounted for by the Measure, and although funding through local

Gobeithiaf y bydd y Gweinidog yn ystyried y gwelliant hwn o ddifrif ac yn derbyn y byddai ei gynnwys yn y Mesur yn golygu y gallai'r trefniadau ymdopi â newidiadau yn y dyfodol. Er bod y Mesur yn darparu ar gyfer y sefyllfa fel y mae ar hyn o bryd, ac er ei fod

authorities is taken account of, things may well change in future, and this amendment covers any such changes to financial arrangements in this particular setting.

Presiding Officer, that is all I want to say on amendment 24 at this stage. I hope that the Minister will take account of those concerns and accept the amendment in the spirit in which it was tabled, namely that we need to account for future changes in legislation and in how nursery education is provided in future.

The Presiding Officer: Order. You did indicate that that was all that you wanted to say 'at this stage', Peter Black, but it is not my intention to call a Member to speak more than once to any group of amendments.

Peter Black: I understand that, Presiding Officer.

Alun Cairns: The Welsh Conservative Party supports amendment 24, and we have tabled a similar amendment with an identical intention. Most pre-school nurseries in Wales are funded by local authorities. Even those organised by charities tend to have financial support and assistance from local authorities. Welsh-language pre-school nurseries, however, are often funded directly by Mudiad Ysgolion Meithrin and, as a result, the legislation as it currently stands will not allow for pupils to be transported to Welsh-language nurseries that do not receive support from the local authority. Transport is not generally provided to pre-school nurseries, but this amendment will allow for the option to be considered and will, as Peter Black said, future-proof the legislation.

It is also worth noting at this stage that, in many parts of Wales, the Welsh-language nursery is further away than the English-medium nursery. Therefore, a future Minister may want to consider offering such a provision to make transport available. We need to recognise that the language of the education provided at pre-school nursery has a huge influence on the decision about the

yn rhoi sylw i ariannu drwy gyfrwng awdurdodau lleol, mae'n eithaf posibl y gall pethau newid yn y dyfodol, ac mae'r gwelliant hwn yn darparu ar gyfer unrhyw newidiadau o'r fath yn y trefniadau ariannol yn y maes penodol hwn.

Lywydd, dyna'r cyfan yr wyf am ei ddweud ynglŷn â gwelliant 24 ar hyn o bryd. Gobeithiaf y bydd y Gweinidog yn rhoi sylw i'r pryderon hynny ac yn derbyn y gwelliant yn yr ysbryd y'i cyflwynwyd, sef bod angen inni ddarparu ar gyfer newidiadau yn y ddeddfwriaeth yn y dyfodol ac yn y ffordd y ddarperir addysg feithrin yn y dyfodol.

Y Llywydd: Trefn. Dywedasoeh mai dyna'r cyfan yr oeddech am ei ddweud 'ar hyn o bryd', Peter Black, ond nid yw'n fwriad gennyf alw ar Aelod i siarad fwy nag unwaith am unrhyw grŵp o welliannau.

Peter Black: Deallaf hynny, Lywydd.

Alun Cairns: Mae Plaid Geidwadol Cymru yn cefnogi gwelliant 24, ac yr ydym wedi cyflwyno gwelliant tebyg gyda'r un bwriad yn union. Awdurdodau lleol sy'n ariannu'r rhan fwyaf o feithrinfeydd cyn-ysgol. Mae hyd yn oed y rhai a drefnir gan elusennau'n tueddu i gael cymorth a chefnogaeth ariannol gan awdurdodau lleol. Caiff meithrinfeydd cyn-ysgol cyfrwng Cymraeg, fodd bynnag, eu hariannu'n uniongyrchol yn aml gan y Mudiad Ysgolion Meithrin ac, yn sgîl hynny, ni wnaiff y ddeddfwriaeth, fel y mae ar hyn o bryd, ddarparu ar gyfer cludo disgyblion i feithrinfeydd Cymraeg na chânt gymorth gan yr awdurdod lleol. Fel rheol, ni ddarperir cludiant i feithrinfeydd cyn-ysgol, ond bydd y gwelliant hwn yn caniatáu ystyried yr opsiwn hwnnw, ac, fel y dywedodd Peter Black, bydd yn sicrhau bod y ddeddfwriaeth yn gallu ymdopi â newidiadau yn y dyfodol.

Mae'n werth nodi hefyd ar hyn o bryd fod y feithrinfa Gymraeg ymhellach i ffwrdd na'r feithrinfa Saesneg, mewn sawl rhan o Gymru. Felly, efallai y bydd Gweinidog yn y dyfodol am ystyried cynnig darpariaeth o'r fath er mwyn sicrhau bod cludiant ar gael. Mae angen inni sylweddoli bod iaith yr addysg a ddarperir mewn meithrinfa cyn-ysgol yn dylanwadu'n enfawr ar y penderfyniad

language of a child's infants school. I personally recognise that situation: a Welsh-medium nursery was full, and so an English-medium nursery was used, but I had to withdraw my child from the English-medium nursery for them to be eligible to enter mainstream Welsh-medium education thereafter. That may well be an area in which a future Minister—or this Minister at a future stage—will want to act. This amendment would allow for that without the need to amend the Measure in future. Therefore, we will be supporting the amendment.

Nick Bourne: Very much in the spirit of the two speeches that we have just heard, if action is not taken in supporting this amendment, Mudiad Ysgolion Meithrin, which is based in my hometown of Aberystwyth—and I have visited the headquarters many times and must say that Hywel Jones has done terrific work in that movement—will not get the assistance that it needs.

I also agree with Peter Black's point that there could be changes to the structure in the future and that amendment 24 would take account of those. Importantly, it is the Welsh-language nursery movement that would be advanced by this. The point was well made by Alun Cairns that the distance to Welsh-medium provision is often that much greater, due to the relative weakness of the Welsh language compared with the English language; therefore it is doubly important that this be supported. That is all that I wanted to say on that point.

Y Dirprwy Brif Weinidog a'r Gweinidog dros yr Economi a Thrafnidiaeth (Ieuan Wyn Jones): Yn y lle cyntaf, yr wyf am ddweud mor falch ydwyf fy mod yn cael cyfle i ymateb i'r drafodaeth hon.

I thank Peter Black for proposing this amendment. Although I shall disagree with it, I thank him for the way in which he presented it. I must also say how sorry we are that Kirsty is not able to be with us today to propose it herself. I am sure that we were all sorry to hear about her bereavement. I am sure that Peter will pass on our condolences to her at this difficult time.

yn glân ag iaith ysgol babanod y plentyn. Yr wyf fi'n bersonol yn ymwybodol o'r sefyllfa honno: yr oedd y feithrinfa Gymraeg yn llawn, ac felly defnyddiwyd meithrinfa Saesneg, ond bu'n rhaid imi dynnu fy mhlentyn o'r feithrinfa Saesneg er mwyn iddo fod yn gymwys i ymuno ag addysg Gymraeg y brif ffrwd wedi hynny. Efallai y bydd hwnnw'n faes y bydd Gweinidog yn y dyfodol—neu'r Gweinidog hwn rywbryd eto—yn dymuno gweithredu ynddo. Byddai'r gwelliant hwn yn darparu ar gyfer hynny heb fod angen diwygio'r Mesur yn y dyfodol. Felly, byddwn yn cefnogi'r gwelliant.

Nick Bourne: Gan barhau yn yr un ysbryd ag a gafwyd yn y ddwy araith yr ydym newydd eu clywed, oni chymerir camau i gefnogi'r gwelliant hwn, ni chaiff Mudiad Ysgolion Meithrin, sydd â'i ganolfan yn fy nhref enedigol, Aberystwyth, y cymorth y mae ei angen arno. Yr wyf wedi ymweld â'r pencadlys droeon a rhaid imi ddweud bod Hywel Jones wedi gwneud gwaith rhagorol yn y mudiad hwnnw.

Cytunaf hefyd â phwynt Peter Black y gallai'r strwythur newid yn y dyfodol ac y byddai gwelliant 24 yn darparu ar gyfer y newidiadau hynny. Mae'n bwysig cofio mai'r mudiad meithrin Cymraeg a fyddai ar ei ennill yn sgîl hyn. Gwnaeth Alun Cairns y pwynt yn dda fod yn rhaid i bobl deithio ymhellach yn aml i gael darpariaeth cyfrwng Cymraeg, oherwydd gwendid cymharol y Gymraeg o'i chymharu â'r Saesneg; felly mae'n bwysig dros ben inni gefnogi hyn. Dyna'r cyfan yr oeddwn am ei ddweud am y pwynt hwnnw.

The Deputy First Minister and Minister for the Economy and Transport (Ieuan Wyn Jones): First, I must say how pleased I am to have the opportunity to respond to this debate.

Diolchaf i Peter Black am gynnig y gwelliant hwn. Er y byddaf yn anghytuno ag ef, diolchaf iddo am ei gyflwyno fel y gwnaeth. Rhaid imi ddweud hefyd ei bod yn ddrwg iawn gennym na all Kirsty fod yma gyda ni heddiw i'w gynnig ei hun. Yr wyf yn siŵr ei bod yn ddrwg gennym i gyd glywed am ei phrofedigaeth. Yr wyf yn siŵr y gwnaiff Peter gyfleu ein cydymdeimlad â hi ar yr

adeg anodd hon.

4.10 p.m.

As Alun Cairns indicated, a similar amendment was considered during the Stage 2 proceedings, but that was defeated. I made the point in committee—and, to avoid any doubt, I will repeat it—that the Welsh Assembly Government does not directly fund persons providing nursery education. Therefore, what the amendment seeks to do is unnecessary. The duty to provide free, part-time nursery places is placed on each local authority. The only funding that the Assembly Government gives, which includes the funding that goes to Mudiad Ysgolion Meithrin, is to local authorities through the revenue support grant settlement. Therefore, the issue of travel to such settings is already covered under section 1(4) of the proposed Measure.

The amendment is also unnecessary as the duties to provide transport in the Measure currently apply only to children of compulsory school age. Local authorities can use their powers to provide transport to nursery education under section 6, which is not limited to relevant places as defined in section 1. Therefore, under section 6, there is a power to provide transport to nursery education, however it is funded. If the Government decides to use the power in section 8—and I invite opposition Members to look at section 8—to make regulations imposing duties to provide transport to nursery education, at that time, we can consider what kind of nursery education to cover.

Therefore, currently, no nursery school is being funded other than by local authorities. Should that position change, we already have the powers under the Measure to take whatever steps are necessary to change that. Therefore, I ask the Assembly to reject the amendment.

The Presiding Officer: I call on Peter Black to reply to the debate on this group of amendments.

Peter Black: I note the Deputy First

Fel yr awgrymodd Alun Cairns, ystyriwyd gwelliant tebyg yn ystod trafodion Cyfnod 2, ond gorchfygwyd hwnnw. Gwneuthum y pwynt yn y pwyllgor—ac, er mwyn osgoi unrhyw amheuaeth, fe'i hailadroddaf—nad yw Llywodraeth y Cynulliad yn ariannu'n uniongyrchol bobl sy'n darparu addysg feithrin. Felly, mae'r hyn y mae'r gwelliant yn ceisio'i wneud yn ddiangen. Dyletswydd pob awdurdod lleol yw darparu lleoedd meithrin rhan-amser am ddim. Yr unig arian y mae Llywodraeth y Cynulliad yn ei roi, ac mae hynny'n cynnwys yr arian a gaiff Mudiad Ysgolion Meithrin, yw arian i awdurdodau lleol drwy gyfrwng setliad y grant cynnal refeniw. Felly, mae mater teithio i leoliadau o'r fath eisoes wedi'i gynnwys dan adran 1(4) y Mesur arfaethedig.

Mae'r gwelliant yn ddiangen hefyd gan nad yw'r dyletswyddau i ddarparu cludiant yn y Mesur ond yn berthnasol ar hyn o bryd i blant oedran ysgol gorfodol. Gall awdurdodau lleol ddefnyddio'u pwerau i ddarparu cludiant i addysg feithrin dan adran 6, ac nid yw hynny wedi'i gyfyngu i leoedd perthnasol fel y'u diffinnir yn adran 1. Felly, dan adran 6, ceir pŵer i ddarparu cludiant i addysg feithrin, sut bynnag y caiff honno ei hariannu. Os bydd y Llywodraeth yn penderfynu defnyddio'r pŵer yn adran 8—a gwahoddaf aelodau'r gwrthbleidiau i edrych ar adran 8—i wneud rheoliadau'n gorfodi dyletswyddau i ddarparu cludiant i addysg feithrin, bryd hynny, gallwn ystyried pa fath o addysg feithrin y dylem ei chynnwys.

Felly, ar hyn o bryd, nid oes yr un ysgol feithrin yn cael ei hariannu gan neb heblaw gan awdurdodau lleol. Petai'r sefyllfa honno'n newid, mae'r pwerau gennym eisoes dan y Mesur i gymryd pa gamau bynnag y mae angen eu cymryd er mwyn newid hynny. Felly, gofynnaf i'r Cynulliad wrthod y gwelliant.

Y Llywydd: Galwaf ar Peter Black i ymateb i'r ddadl ynglŷn â'r grŵp hwn o welliannau.

Peter Black: Nodaf bwynt y Dirprwy Brif

Minister's point. It seems clear that section 8 of the Proposed Learner Travel (Wales) Measure pays regard to local authorities. Section 8(2) notes that,

'(2) The regulations may in particular—

(a) require a local authority to make travel arrangements;

(b) permit a local authority to make travel arrangements'.

It does not seem to cover the eventuality considered by this amendment, namely that, where nursery provision is provided by a body other than a local authority—and the example of Mudiad Ysgolion Meithrin was mentioned—these regulations would not necessarily apply.

In making what I believe to be the Assembly's first legislation, it is important that we get it right and that we try to cover all the bases. I can think of eventualities in which nursery education will be provided by bodies other than local authorities, but indirectly funded by the Welsh Assembly Government. I accept the Deputy First Minister's point that the Assembly Government does not directly fund other bodies, or anybody, to provide nursery education, but that is an important provision.

In rural areas, it is particularly important that parents can get to a nursery with their children, and can make use of that provision. However, because of the cost of providing that education, it is not always possible to offer it in an area where everyone can access it; for that reason, transport is essential. The reliance on section 8 is not sufficient to respond to those concerns, which is why we want the future-proofing that is a part of this amendment. For that reason, I wish to press ahead with this amendment. I ask the Assembly to consider approving it, in effect, to put both belt and braces on this part of the Measure.

Y Llywydd: Peter Black, a ydych am symud i bleidlais ar eich gwelliant? Gwelaf eich bod.

Weinidog. Ymddengys yn glir fod adran 8 y Mesur Arfaethedig ynghylch Teithio gan Ddysgwyr (Cymru) yn rhoi sylw i awdurdodau lleol. Dywed Adran 8(2),

'(2) Caiff y rheoliadau'n benodol—

(a) ei gwneud yn ofynnol i awdurdod lleol wneud trefniadau teithio;

(b) caniatáu i awdurdod lleol wneud trefniadau teithio'.

I bob golwg, nid yw'n darparu ar gyfer y posibilrwydd sy'n cael ei ystyried yn y gwelliant hwn, sef, lle y bydd darpariaeth feithrin yn cael ei darparu gan gorff nad yw'n awdurdod lleol—a chyfeiriwyd at enghraifft y Mudiad Ysgolion Meithrin—na fyddai'r rheoliadau hyn o anghenraid yn berthnasol.

Wrth lunio'r ddeddfwriaeth hon, deddfwriaeth gyntaf y Cynulliad, fe gredaf, mae'n bwysig inni sicrhau bod popeth yn iawn a'n bod yn ceisio cynnwys yr holl bosibiliadau. Gallaf feddwl am amgylchiadau lle y bydd cyrff ar wahân i awdurdodau lleol yn darparu addysg feithrin, ond bod yr addysg honno'n cael ei hariannu'n anuniongyrchol gan Lywodraeth y Cynulliad. Derbynaf bwynt y Dirprwy Brif Weinidog nad yw Llywodraeth y Cynulliad yn ariannu cyrff eraill, na neb arall, i ddarparu addysg feithrin yn uniongyrchol, ond mae hynny'n ddarpariaeth bwysig.

Yng nghefn gwlad, mae'n arbennig o bwysig i rieni allu cyrraedd meithrinfa gyda'u plant, ac iddynt allu defnyddio'r ddarpariaeth honno. Fodd bynnag, oherwydd cost darparu'r addysg honno, nid oes modd bob tro ei chynnig mewn ardal sy'n hwylus i bawb; felly, mae cludiant yn hanfodol. Nid yw dibynnu ar adran 8 yn ddigon i ymateb i'r pryderon hynny, a dyna pam yr ydym am sicrhau bod y trefniadau, sef yr hyn sy'n rhan o'r gwelliant hwn, yn gallu ymdopi â newidiadau yn y dyfodol. Dyna pam yr wyf am fwrw ymlaen â'r gwelliant hwn. Gofynnaf i'r Cynulliad ystyried ei gymeradwyo, a thrwy hynny, sicrhau bod y rhan hon o'r Mesur yn gwbl gadarn.

The Presiding Officer: Peter Black, do you wish to move to a vote on your amendment?

Gwnaed cais i ganu'r gloch. O dan Reol Sefydlog Rhif 7.37, rhaid i o leiaf dri Aelod gefnogi'r cais i'r gloch gael ei chanu. A oes tri Aelod yn cefnogi'r cais? Gwelaf fod. Glere, canwch y gloch.

You do. A request has been made to ring the bell. Under Standing Order 7.37, at least three Members must support the request for the bell to be rung. Do three members agree? I see that they do. Clerk, please ring the bell.

*Gwelliant 24: O blaid 15, Ymatal 0, Yn erbyn 37.
Amendment 24: For 15, Abstain 0, Against 37.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Wood, Leanne

*Gwrthodwyd y gwelliant.
Amendment defeated.*

**Dyletswydd i Asesu Anghenion Teithio Dysgwyr ac i Wneud Trefniadau Cludo
ar gyfer Addysg a Ddarperir gan Ysgol sy'n Grefyddol o ran ei Chymeriad
(Adrannau 2 a 3)**

**Duty to Assess Learner Travel Needs and to Make Transport Arrangements in
Respect of Education Provided by Schools of a Religious Character (Sections 2
and 3)**

Y Llywydd: Mae'r ail grŵp o welliannau yn **The Presiding Officer:** The second group of

ymdrin â'r ddyletswydd i asesu anghenion teithio dysgwyr ac i wneud trefniadau o ran addysg a ddarperir gan ysgolion sy'n grefyddol eu cymeriad. Galwaf ar y Dirprwy Brif Weinidog i gynnig gwelliant 1 ac i siarad ar y gwelliant arall yn y grŵp.

amendments is in relation to the duty to assess learner travel needs and to make arrangements in respect of education provided by schools of a religious character. I call on the Deputy First Minister to propose amendment 1 and to speak to the other amendment in the group.

4.20 p.m.

The Deputy First Minister: I propose amendment 1 in my name.

Y Dirprwy Brif Weinidog: Cynigiau welliant 1 yn fy enw i.

Cafodd gwelliannau 1 a 3 eu grwpio ar gyfer y drafodaeth.
Amendments 1 and 3 grouped for debate.

Amendments 1 and 3 need to be considered together. I am sure that members of the committee will recall that we had an interesting debate when an amendment that I am now seeking to remove was passed in committee. I fully understand that Members will have religious convictions on this issue that they need to express. Nevertheless, the Government does not support that amendment.

Mae angen ystyried gwelliannau 1 a 3 gyda'i gilydd. Yr wyf yn siŵr y bydd aelodau'r pwyllgor yn cofio inni gael dadl ddiddorol pan gafodd gwelliant yr wyf yn awr yn ceisio'i ddileu ei basio yn y pwyllgor. Deallaf yn iawn y bydd gan Aelodau ddaliadau crefyddol ar y pwnc hwn y bydd arnynt angen eu mynegi. Serch hynny, nid yw'r Llywodraeth yn cefnogi'r gwelliant hwnnw.

My first point is that the Measure as originally drafted did not change the existing arrangements for travel to school. Many local authorities already provide transport to faith schools in a discretionary way, even beyond the statutory limit for travel. This Measure in no way changes those arrangements. It is therefore wrong to say, as some have suggested, that the Measure contains some element of discrimination against faith schools. If the amendment is removed from the Measure, we will be exactly where we were before the Measure was introduced.

Fy mhwynt cyntaf yw nad oedd y Mesur fel y'i drafftwyd yn wreiddiol ddim yn newid y trefniadau presennol ar gyfer teithio i'r ysgol. Mae llawer o awdurdodau lleol eisoes yn darparu cludiant i ysgolion ffydd yn ôl eu disgrisiwn, hyd yn oed y tu hwnt i'r pellter teithio statudol. Nid yw'r Mesur hwn yn newid y trefniadau hynny sut yn y byd. Mae'n anghywir dweud, felly, fel y mae rhai wedi awgrymu, fod y Mesur yn cynnwys rhyw elfen o wahaniaethu yn erbyn ysgolion ffydd. Os tynnir y gwelliant o'r Mesur, byddwn yn yr un sefyllfa'n union ag yr oeddem cyn cyflwyno'r Mesur.

It is also important that we recognise that a distinction has been sought to be drawn between this provision for schools of a religious character and Welsh-medium education. I ought to make it clear that there are different Government policies on these different kinds of school. It is Government policy to promote access to Welsh-medium education, and that is now included in section 10 of the Measure. We may come to that in discussing the later amendment. However, the Government does not have a policy to promote access to schools of a religious

Mae'n bwysig hefyd inni gydnabod bod ymgais wedi bod i wahaniaethu rhwng y ddarpariaeth hon ar gyfer ysgolion sy'n grefyddol eu cymeriad ac addysg Gymraeg. Dylwn ddatgan yn glir fod gwahanol bolisiau gan y Llywodraeth ar gyfer y mathau gwahanol hyn o ysgol. Polisi'r Llywodraeth yw hyrwyddo mynediad at addysg Gymraeg, ac mae hynny'n awr wedi'i gynnwys yn adran 10 y Mesur. Efallai y down at hynny wrth drafod y gwelliant diweddarach. Fodd bynnag, nid oes gan y Llywodraeth bolisi i hyrwyddo mynediad i ysgolion crefyddol eu

character. Some future Government may have a different policy, but ours is the kind of policy that the majority of people in Wales have supported for well over a century, since the disestablishment of the Church in Wales. I will just place that on record rather than go through the history of it.

You should also bear in mind that, were we to accept the amendment passed in committee, in order to avoid a breach of human rights legislation, we would have to make similar provision for children who wish to travel to a secular school when their nearest school is a faith school. I believe that such a Measure would be complicated in its operation, and in some areas, the travelling distances for children would be considerable. I believe that all parties here would want to avoid that.

Therefore, it does not matter which way we look at this. Whichever arguments are deployed, on both sides—and I understand that there are strong views—the overriding consideration, so far as the Government is concerned, is that you cannot ask us to impose a duty upon local authorities that is contrary to our own policy. I understand that the Conservatives and Liberal Democrats wish to pursue this, as they have a different point of view, and I understand the strength of feeling, but I believe that the Government is right to seek to remove these provisions because, otherwise, we would be asking local authorities to promote a policy with which we do not agree.

There are related matters that I must address. As I have indicated, if this amendment is passed and, therefore, the provision in the Measure is withdrawn, local authorities will continue to be able to provide transport to faith schools when they are not a child's nearest school, using their powers to make learner travel arrangements under section 6 of the Measure. There is nothing in the proposed Measure that reduces the powers of local authorities to do that. Section 6 of the Measure is also the basis for local authorities to make travel arrangements to Welsh-medium schools where they are not the nearest schools. On the basis of that evidence, I ask the Assembly to support both amendments.

cymeriad. Efallai y bydd gan ryw Lywodraeth yn y dyfodol bolisi gwahanol, ond ein polisi ni yw'r math o bolisi y mae mwyafrif pobl Cymru wedi'i gefnogi ers ymhell dros ganrif, ers datgysylltiad yr Eglwys yng Nghymru. Cofnodaf hynny'n syml yn hytrach na mynd drwy hanes y peth.

Dylech gofio hefyd, pe derbyniem y gwelliant a basiwyd yn y pwyllgor, yna, er mwyn osgoi torri'r ddeddfwriaeth ar hawliau dynol, y byddai'n rhaid inni wneud darpariaeth debyg i blant sy'n dymuno teithio i ysgol seciwlar a'u hysgol agosaf yn ysgol ffydd. Credaf y byddai Mesur o'r fath yn gymhleth i'w weithredu, ac mewn rhai ardaloedd, byddai'r pellterau teithio i blant yn sylweddol. Credaf y byddai pob plaid yma'n awyddus i osgoi hynny.

Felly, nid oes ots ym mha ffordd yr edrychwn ar hyn. Pa ddadleuon bynnag a ddefnyddir, ar y naill ochr a'r llall—a deallaf fod teimladau cryfion—y brif ystyriaeth, o safbwynt y Llywodraeth, yw na allwch ofyn inni osod dyletswydd ar awdurdodau lleol sydd yn groes i'n polisi ni'n hunain. Deallaf fod y Ceidwadwyr a'r Democratiaid Rhyddfrydol yn dymuno mynd ar ôl hyn, gan fod ganddynt safbwynt gwahanol, a deallaf eu bod yn teimlo'n gryf, ond credaf fod y Llywodraeth yn iawn wrth geisio dileu'r darpariaethau hyn oherwydd, fel arall, byddem yn gofyn i awdurdodau lleol hyrwyddo polisi nad ydym yn cytuno ag ef.

Mae materion cysylltiedig y mae'n rhaid imi roi sylw iddynt. Fel yr wyf wedi dweud, os caiff y gwelliant hwn ei basio a'r ddarpariaeth yn y Mesur yn cael ei ddileu o'r herwydd, bydd awdurdodau lleol yn parhau i allu darparu cludiant i ysgolion ffydd er nad hwy yw ysgol agosaf plentyn, gan ddefnyddio'u pwerau i wneud trefniadau teithio i ddysgwyr dan adran 6 y Mesur. Nid oes dim yn y Mesur arfaethedig sy'n lleihau pwerau awdurdodau lleol i wneud hynny. Adran 6 y Mesur yw'r sail hefyd i awdurdodau lleol wneud trefniadau teithio i ysgolion Cymraeg lle nad yw'r rheini'n ysgolion agosaf. Ar sail y dystiolaeth honno, gofynnaf i'r Cynulliad gefnogi'r ddau welliant.

Alun Cairns: The Minister will be aware that the Welsh Conservative Party is completely and utterly opposed to these amendments to remove the commitment to provide transport to schools of a religious character, and I pay tribute to Ann Jones and the principle of equality that she showed at Stage 2 in committee.

Let us accept that there is little, if any, additional financial commitment to the amendment passed in committee. Most local authorities already provide this service. The removal of this commitment will always place schools of a religious character under threat. Due to their nature, travel to these schools will usually be over a greater distance than that to other schools. Therefore, leaving the Measure as it stands offers long-term security to such arrangements and would allow faith schools to develop.

We always knew that Jane Davidson objected to faith schools when she was the Minister for education, but we hoped that a change in Minister and an input from Plaid Cymru to the Assembly Government would pave the way to a more positive and equal approach. The Minister for Children, Education, Lifelong Learning and Skills is more than aware of the benefits that schools of a religious character offer in her constituency. Several primary schools in the Vale of Glamorgan are run either by the Church in Wales or by the Catholic Church. The St Richard Gwyn Roman Catholic Secondary School in Barry is also highly successful, and the Minister is a regular visitor to that school. The Minister is well aware that most of the pupils attending those faith schools will pass another school on their way to school. Passing this amendment could force them to change school. The headteacher of a secondary faith school not far from here told me that if this amendment passes, and if the local authority merely meets its obligation, it could be the beginning of the end for their school.

We need to be aware that this new law will create costs for local authorities, and we all

Alun Cairns: Bydd y Gweinidog yn ymwybodol bod Plaid Geidwadol Cymru yn llwyr wrthwynebu'r gwelliannau hyn i ddileu'r ymrwymiad i ddarparu cludiant i ysgolion crefyddol eu cymeriad, a rhoddaf deyrnged i Ann Jones ac egwyddor cydraddoldeb a ddangosodd yng Nghyfnod 2 yn y pwyllgor.

Gadewch inni dderbyn nad oes fawr ddim ymrwymiad ariannol ychwanegol, nad oes dim efallai, yn perthyn i'r gwelliant a basiwyd yn y pwyllgor. Mae'r rhan fwyaf o awdurdodau lleol yn darparu'r gwasanaeth hwn eisoes. Bydd dileu'r ymrwymiad hwn yn peri bod ysgolion crefyddol eu cymeriad dan fygythiad bob amser. Oherwydd eu natur, fel arfer bydd yn rhaid teithio dros fwy o bellter i'r ysgolion hyn nag i ysgolion eraill. Felly, mae gadael y Mesur fel y mae'n cynnig sicrwydd hirdymor i drefniadau o'r fath a byddai'n caniatáu i ysgolion ffydd ddatblygu.

Yr oeddem yn gwybod drwy'r amser fod Jane Davidson yn wrthwynebus i ysgolion ffydd pan oedd hi'n Weinidog dros addysg, ond gobeithiem y byddai newid Gweinidog a chyfraniad gan Blaid Cymru i Lywodraeth y Cynulliad yn braenaru'r tir ar gyfer agwedd fwy cadarnhaol a chyfartal. Mae'r Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau'n fwy nag ymwybodol o'r manteision y mae ysgolion crefyddol eu cymeriad yn eu cynnig yn ei hetholaeth. Rhedir amryw o ysgolion cynradd ym Mro Morgannwg un ai gan yr Eglwys yng Nghymru neu gan yr Eglwys Gatholig. Mae Ysgol Uwchradd Gatholig Sant Richard Gwyn yn y Barri hithau'n llwyddiannus iawn, ac mae'r Gweinidog yn ymwelydd rheolaidd â'r ysgol honno. Gŵyr y Gweinidog yn iawn y bydd y rhan fwyaf o'r disgyblion sy'n mynychu'r ysgolion ffydd hynny'n mynd heibio i ysgol arall ar eu ffordd i'r ysgol. Gallai derbyn y gwelliant hwn eu gorfodi i newid ysgol. Dywedodd pennaeth ysgol ffydd uwchradd nid nepell o'r fan hon wrthyf, os caiff y gwelliant hwn ei basio, ac nad yw'r awdurdod lleol yn gwneud dim mwy na'r hyn y mae'n rhaid iddo'i wneud, y gallai hynny beri ei bod ar ben ar eu hysgol yn y pen draw.

Mae angen inni fod yn ymwybodol y bydd y ddeddf newydd hon yn creu costau i

know how tight local council budgets are. I have no doubt that many will look for ways to save money. This amendment, if passed, will leave the door open for councils to cut transport to schools of a religious character. It has already happened in parts of the west country in England, and parts of Oxfordshire are also under review. These new obligations may well lead local authorities to review all of their school transport arrangements, and if they merely meet the obligations under this Measure, then schools of a religious character will miss out, as would their pupils.

It is worth asking how often the Archbishop of Wales gets involved in Assembly debates. The answer is: hardly ever. However, if he does, it is always on a matter of principle and significance. This issue is, without doubt, one of principle. It is one of giving parents and pupils the right to follow their faith. The Archbishop said that this,

'looks like discrimination on the grounds of faith'.

An Assembly Government that seeks to be inclusive, seeks to repair the broken parts of our society and prides itself on equality is acting to remove access to schools of a religious character. If this Measure passes amended, it will make faith schools the preserve of the middle classes, and only those parents who can afford transport across the county will be able to access such schools. The Archbishop of Wales's response says that 78 per cent of Church in Wales schools give priority to pupils who live in the local community, ahead of any denominational criterion.

This is therefore a plan to undermine such schools via a salami-slice approach. The Government would never have the courage or the conviction to close these schools, but instead, it will be happy to see them with empty spaces, run down and eventually closed through lack of demand. That is what

awdurdodau lleol, a gŵyr pawb ohonom mor dynn yw cyllidebau cynghorau lleol. Nid oes gennyf amheuaeth na fydd llawer yn edrych am ffyrdd i arbed arian. Bydd y gwelliant hwn, os caiff ei basio, yn gadael y drws yn agored i gynghorau dorri cludiant i ysgolion crefyddol eu cymeriad. Mae wedi digwydd eisoes mewn rhannau o orllewin Lloegr, ac mae adolygiad yn digwydd mewn rhannau o swydd Rydychen hefyd. Gall y gofynion newydd hyn yn hawdd beri i awdurdodau lleol adolygu eu holl drefniadau cludiant i'r ysgol, ac os mai dim ond cyflawni'r hyn y mae'n rhaid ei wneud dan y Mesur hwn a wnânt, yna bydd ysgolion crefyddol eu cymeriad ar eu colled, a'u disgyblion yr un modd.

Mae'n werth holi pa mor aml y bydd Archesgob Cymru'n cyfranogi yn nadleuon y Cynulliad. Yr ateb yw: bron byth. Fodd bynnag, os bydd yn gwneud, ynghylch mater o egwyddor ac arwyddocâd y gwna hynny bob tro. Mae'r mater hwn, heb os, yn un o egwyddor. Mae'n fater o roi i rieni a disgyblion yr hawl i ddilyn eu ffydd. Dywedodd yr Archesgob fod hyn,

yn edrych fel gwahaniaethu ar sail ffydd.

Mae Llywodraeth Cynulliad sy'n ceisio bod yn gynhwysol, sy'n ceisio atgyweirio'r rhannau o'n cymdeithas sydd wedi torri ac sy'n ymfalchio mewn cydraddoldeb yn mynd ati i rwystro mynediad i ysgolion crefyddol eu cymeriad. Os derbynnir y Mesur hwn gyda'r gwelliant, bydd yn golygu mai rhywbeth i'r dosbarth canol yn unig fydd ysgolion ffydd, ac mai dim ond y rhieni sy'n gallu fforddio cludiant ar draws y sir fydd yn gallu cael mynediad i'r ysgolion hyn. Dywed ymateb Archesgob Cymru fod 78 y cant o ysgolion yr Eglwys yng Nghymru'n rhoi blaenoriaeth i ddisgyblion sy'n byw yn y gymuned leol, o flaen unrhyw faen prawf enwadol.

Cynllun ydyw, felly, i danseilio ysgolion o'r fath drwy fynd ati fel tafellu salami. Ni fyddai gan y Llywodraeth byth ddigon o ddewrder nac argyhoeddiad i gau'r ysgolion hyn, ond yn lle hynny, bydd yn fodlon eu gweld gyda lleoedd gwag, yn dihoeni ac yn cau yn y pen draw oherwydd diffyg galw.

they are orchestrating. I urge you to oppose the amendment.

4.30 p.m.

Peter Black: The Minister said that he understands that some people may have different religious convictions. I do not think that this has anything to do with religious conviction, and I have not approached the amendment from that point of view—to do so would not be the best approach. This is about choice and giving people the opportunity to choose the nature of the school they attend. The Minister said that if a child goes to a faith school and transport arrangements are provided for them by the local authority under this Measure—in other words, if his amendment is not carried—similar arrangements would have to be made for secular schools. I do not accept that, and, as I understand it, the legal advice to the committee did not accept that. I do not accept that because there is a clear distinction between a standard, secular school—a school that is not based on faith—and a faith-based school, which the parents choose because of the particular type of education that that school can provide. If anything, there is a similarity between the choice parents make to send their child to a faith-based school and the choice that they make to send their child to a Welsh-medium school. Parents choose to send their child to those schools because they want a particular type of education for their child, and it seems to me that it is right that that choice should be respected and facilitated by the local authority and the Assembly Government.

We are aware that many local authorities in Wales already voluntarily fund travel for learners to schools of a religious character. However, that is not universally the case. We believe that children and parents in all parts of Wales should have the opportunity to choose the education that they feel best suits them and their families. That choice should not be curtailed because of a family's inability to pay for travel arrangements.

The Minister has said in the past that the current system works well in practice, so why is he reluctant to enshrine a system that he

Dyna y maent yn ceisio'i drefnu. Yr wyf yn eich annog i wrthwynebu'r gwelliant.

Peter Black: Dywedodd y Gweinidog ei fod yn deall bod gan rai pobl argyhoeddiad crefyddol gwahanol efallai. Ni chredaf fod a wnelo hyn ag argyhoeddiad crefyddol o gwbl, ac nid wyf wedi ymdrin â'r gwelliant o'r safbwynt hwnnw—nid dyna'r ffordd orau o ymdrin ag ef. Mae a wnelo hyn â dewis ac â rhoi'r cyfle i bobl i ddewis natur yr ysgol y maent yn ei mynychu. Dywedodd y Gweinidog, os yw plentyn yn mynd i ysgol ffydd a bod trefniadau cludiant yn cael eu darparu ar ei gyfer gan yr awdurdod lleol o dan y Mesur hwn—mewn geiriau eraill, os na chaiff ei welliant ei dderbyn—y byddai'n rhaid gwneud trefniadau tebyg ar gyfer ysgolion seciwlar. Nid wyf yn derbyn hynny, ac, yn ôl a ddeallaf, nid oedd y cyngor cyfreithiol i'r pwyllgor yn derbyn hynny. Nid wyf yn derbyn hynny oherwydd y mae gwahaniaeth clir rhwng ysgol arferol, seciwlar—ysgol nad yw wedi'i seilio ar ffydd—ac ysgol seiliedig ar ffydd, y mae'r rhieni yn ei dewis oherwydd y math arbennig o addysg y gall yr ysgol honno ei ddarparu. A dweud y gwir, mae tebygrwydd rhwng y dewis a wna rhieni i anfon eu plentyn i ysgol seiliedig ar ffydd a'u dewis i anfon eu plentyn i ysgol Gymraeg. Mae rhieni'n dewis anfon eu plentyn i'r ysgolion hynny am eu bod am gael math neilltuol o addysg i'w plentyn, ac mae'n ymddangos i mi y dylai'r dewis hwnnw gael ei barchu a'i hwyluso gan yr awdurdod lleol a chan Lywodraeth y Cynulliad.

Yr ydym yn ymwybodol bod llawer o awdurdodau lleol yng Nghymru eisoes, yn wirfoddol, yn cyllido cludiant i ddysgwyr i ysgolion crefyddol eu natur. Fodd bynnag, nid yw hynny'n wir ym mhobman. Credwn y dylai plant a rhieni ym mhob rhan o Gymru gael y cyfle i ddewis yr addysg y teimlant ei bod yn gweddu orau iddynt hwy a'u teuluoedd. Ni ddylid cwtogi ar y dewis hwnnw oherwydd anallu teulu i dalu am drefniadau teithio.

Mae'r Gweinidog wedi dweud yn y gorffennol fod y system bresennol yn gweithio'n dda yn ymarferol, felly pam y

says has worked well in the Measure? That does not seem to be logical. We accept that the Minister and the Government have a duty to promote the Welsh language, and do not have a similar duty to promote religious education. However, we are not asking the Minister to promote religious education. We are asking him to enable choice and to enable parents to make a choice without a financial penalty. For that reason, we will oppose the amendments and support the retention of these provisions in the Measure.

William Graham: I support the previous two speakers. I feel that the Minister has missed the point, as other Members have suggested. This is not necessarily about specific religious schools—it is about schools of a religious character. In the future, it may well be that these schools will not be Christian schools. It must be a mark of a civilised and inclusive society that we enable that choice. Regrettably, the Minister opposes this, and we must say that this is wrong. As His Grace the Archbishop of Wales has stated, one of the strengths of our newly-devolved powers in Wales is the opportunity to make legislation that serves the people of our nation. We would all be in agreement with that.

The current arrangements for transport, as Alun said, to faith-based and Welsh-medium schools are working well in most areas. The archbishop went on to say that he had hoped that the committee would take the opportunity to invite Assembly Members to create a piece of legislation that sent out a positive and inclusive message to families across Wales that the Assembly Government is committed to extending choice and entitlement to every child and family. That is what we are arguing today. Not only should education be inclusive, but it should be the right of every child to enjoy education in the school that his or her parents have chosen. To defeat that sends out completely the wrong messages. Also, this is one of the first Measures that the Assembly is able to pass. I ask the Minister to reconsider, in light of what has been said, and make a real commitment to choice in education in Wales.

mae'n amharod i gynnwys system y mae'n dweud ei bod yn gweithio'n dda yn y Mesur? Nid yw hynny i'w weld yn rhesymegol. Yr ydym yn derbyn bod gan y Gweinidog a'r Llywodraeth ddyletswydd i hyrwyddo'r Gymraeg, ac nad oes ganddynt ddyletswydd gyffelyb i hyrwyddo addysg grefyddol. Fodd bynnag, nid ydym yn gofyn i'r Gweinidog hyrwyddo addysg grefyddol. Yr ydym yn gofyn iddo alluogi dewis a galluogi rhieni i wneud dewis heb gosb ariannol. Am y rheswm hwnnw, byddwn yn gwrthwynebu'r gwelliannau ac yn cefnogi cadw'r darpariaethau hyn yn y Mesur.

William Graham: Yr wyf yn cefnogi'r ddau siaradwr blaenorol. Teimlaf fod y Gweinidog wedi colli'r pwynt, fel y mae Aelodau eraill wedi awgrymu. Nid oes a wnelo hyn o reidrwydd ag ysgolion crefyddol penodol—mae a wnelo ag ysgolion o gymeriad crefyddol. Yn y dyfodol, mae'n bosibl iawn nad ysgolion Cristnogol fydd y rhain. Rhaid iddi fod yn nodwedd ar gymdeithas wâr a chynhwysol ein bod yn gwneud y dewis hwnnw'n bosibl. Yn anffodus, mae'r Gweinidog yn gwrthwynebu hyn, a rhaid inni ddweud bod hyn yn anghywir. Fel y mae Ei Ras Archesgob Cymru wedi dweud, un o gryfderau'r pwerau sydd newydd gael eu datganoli inni yng Nghymru yw'r cyfle i lunio deddfwriaeth sy'n gwasanaethu pobl ein cenedl. Byddem i gyd yn cytuno â hynny.

Mae'r trefniadau presennol o ran cludiant, fel y dywedodd Alun, i ysgolion seiliedig ar ffydd a chyfrwng Cymraeg yn gweithio'n dda yn y rhan fwyaf o ardaloedd. Aeth yr archesgob rhagddo i ddweud ei fod wedi gobeithio y byddai'r pwyllgor yn achub y cyfle i wahodd Aelodau'r Cynulliad i greu darn o ddeddfwriaeth a fyddai'n anfon neges gadarnhaol a chynhwysol at deuluoedd ar draws Cymru fod Llywodraeth y Cynulliad wedi ymrwymo i ymestyn dewis a hawl i bob plentyn a theulu. Dyna yr ydym yn ei ddadlau heddiw. Dylai addysg fod yn gynhwysol, ond yn ogystal dylai fod gan bob plentyn yr hawl i fwynhau addysg yn yr ysgol y mae ei rieni wedi'i dewis. Mae trechu hynny yn anfon negeseuon cwbl anghywir. Hefyd, mae hwn yn un o'r Mesurau cyntaf y gall y Cynulliad ei gymeradwyo. Gofynnaf i'r Gweinidog ailystyried, yng ngoleuni'r hyn sydd wedi cael ei ddweud, a gwneud ymrwymiad

gwirioneddol i ddewis mewn addysg yng Nghymru.

The Deputy First Minister: I am afraid, William, that it is not me who has missed the point, but you. I cannot disagree with anything that you said, but the problem is that you were not talking about transport to school, but choice, and choice will remain.

Y Dirprwy Brif Weinidog: Mae arnaf ofn, William, nad fi sydd wedi colli'r pwynt, ond chi. Ni allaf anghytuno â dim byd a ddywedaso, ond y broblem yw nad oeddech yn siarad am gludiant i'r ysgol; ond am ddewis, a bydd dewis yn parhau.

We have done nothing under the Measure that limits the choice of parents to send children to a school of their choice, provided, of course, that certain criteria are met under the legislation. Nothing in this Measure changes that.

Nid ydym wedi gwneud dim o dan y Mesur sy'n cyfyngu dewis rhieni i anfon plant i ysgol o'u dewis hwy, ar yr amod, wrth gwrs, fod rhai meini prawf yn cael eu cyflawni o dan y ddeddfwriaeth. Nid oes dim yn y Mesur hwn yn newid hynny.

I do not disagree fundamentally with some of your arguments. However, Peter Black and Alun Cairns are both wrong in arguing that if we were to impose a duty, under law, on local authorities to provide travel to a school of a religious character that would not be promoting those schools. Of course it would. If you look at the amendments that have been tabled, similar ones have been tabled on the Welsh language. These state that the Welsh Assembly Government is calling on local authorities to provide access to Welsh-medium schools.

Nid wyf yn anghytuno'n sylfaenol â rhai o'ch dadleuon. Fodd bynnag, mae Peter Black ac Alun Cairns ill dau yn anghywir wrth ddadlau, petaem yn pennu dyletswydd, o dan y gyfraith, ar awdurdodau lleol i ddarparu cludiant i ysgol o gymeriad crefyddol na fyddai hynny'n hyrwyddo'r ysgolion hynny. Wrth gwrs y byddai. Os edrychwch ar y gwelliannau sydd wedi cael eu cyflwyno, mae rhai tebyg wedi cael eu cyflwyno ynglŷn â'r Gymraeg. Dywed y rhain fod Llywodraeth Cynulliad Cymru yn galw ar awdurdodau lleol i ddarparu mynediad i ysgolion cyfrwng Gymraeg.

Peter Black and Alun Cairns *rose*—

Peter Black ac Alun Cairns *a gododd*—

The Deputy First Minister: Let me finish this point—you have had your go. If we were to include this provision, it would be a fundamental shift in Government policy. We are not prepared, under this Measure, to change Government policy. Can I—*[Interruption.]*

Y Dirprwy Brif Weinidog: Gadewch imi orffen y pwynt hwn—yr ydych wedi cael eich cyfle. Petaem yn cynnwys y ddarpariaeth hon, byddai'n newid sylfaenol ym mholisi'r Llywodraeth. Nid ydym yn barod, o dan y Mesur hwn, i newid polisi'r Llywodraeth. A gaf—*[Torri ar draws.]*

The Presiding Officer: Order. I expect this debate to be conducted in an orderly manner without interruptions and without shouting. Let us do the business of legislation in a proper, courteous and civilised way.

Y Llywydd: Trefn. Yr wyf yn disgwyl i'r ddadl hon gael ei chynnal mewn modd trefnus heb dorri ar draws a heb weiddi. Gadewch inni ymgymryd â'r gwaith o ddeddfu mewn ffordd briodol, gwrtais a gwâr.

The Deputy First Minister: I respectfully disagree with the Archbishop when he says that this proposal is discriminatory. It is not discriminatory, because it retains the situation that existed before this Measure was introduced. Where local authorities currently

Y Dirprwy Brif Weinidog: Anghytunaf yn barchus â'r Archesgob pan ddywed fod y cynnig hwn yn gwahaniaethu. Nid yw'n gwahaniaethu, oherwydd y mae'n cadw'r sefyllfa a fodolai cyn i'r Mesur hwn gael ei gyflwyno. Lle y mae awdurdodau lleol yn

provide discretionary transport to schools of a religious character, that provision will continue. In addition, I have already issued non-statutory guidance on home to school transport in which I encourage local authorities to continue to use their discretion to provide transport to denominational schools. That guidance is not statutory, but, if this Measure goes through, I will underpin the provision with statutory guidance. The statutory guidance will state that I expect local authorities to continue with their current arrangements. That should be of considerable comfort to those who are seeking to oppose the amendment.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 1. A oes unrhyw wrthwynebiadau? Gwelaf fod. Felly, symudwn i bleidlais.

darparu cludiant dewisol i ysgolion o gymeriad crefyddol ar hyn o bryd, bydd y ddarpariaeth honno'n parhau. Yn ychwanegol, yr wyf eisoes wedi cyhoeddi canllawiau anstatudol ar gludiant rhwng y cartref a'r ysgol lle'r wyf yn annog awdurdodau lleol i barhau i ddefnyddio eu disgrisiwn i ddarparu cludiant i ysgolion enwadol. Nid yw'r canllawiau hynny'n statudol, ond, os aiff y Mesur hwn drwodd, byddaf yn darparu canllawiau statudol yn sylfaen i'r ddarpariaeth. Bydd y canllawiau statudol yn dweud fy mod yn disgwyl i awdurdodau lleol barhau â'u trefniadau presennol. Dylai hynny fod yn gryn gysur i'r rhai sydd am wrthwynebu'r gwelliant.

The Presiding Officer: The question is that amendment 1 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 1: O blaid 35, Ymatal 0, Yn erbyn 16.
Amendment 1: For 35, Abstain 0, Against 16.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Ieuan Wyn
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
German, Michael
Graham, William
Isherwood, Mark
Jones, Helen Mary
Melding, David
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle

Watson, Joyce
Wood, Leanne

*Derbyniwyd y gwelliant.
Amendment carried.*

**Dyletswydd i Asesu Anghenion Dysgwyr ac i Wneud Trefniadau Cludo ar gyfer Addysg a Gyflwynir drwy Gyfrwng y Gymraeg neu'r Saesneg (Adrannau 2 a 3)
Duty to Assess Learner Travel Needs and to Make Transport Arrangements in respect of Education Provided Through the Medium of the Welsh or English Language (Sections 2 and 3)**

Y Llywydd: Mae'r grŵp nesaf o welliannau yn ymdrin â dyletswydd i asesu anghenion dysgwyr ac i wneud trefniadau cludo ar gyfer addysg a gyflwynir drwy gyfrwng y Gymraeg neu'r Saesneg. Galwaf ar Alun Cairns i gynnig welliant 10 ac i siarad ar y gwelliant arall yn y grŵp.

Alun Cairns: I propose amendment 10 in my name and the name of Kirsty Williams.

*Cafodd gwelliannau 10 a 11 eu grwpio ar gyfer y drafodaeth.
Amendments 10 and 11 grouped for debate.*

The purpose of these amendments is to offer equality of access to Welsh-medium and English-medium education. It may be useful to highlight the deficiencies in the Measure as it stands.

The Measure does not offer equality of access to Welsh-medium schools and English-medium schools. The amendment is not the same as the provisions in relation to schools of a religious character, as the Minister suggested earlier.

4.40 p.m.

As it stands, the Measure merely guarantees transport to the nearest school, whether English-medium or Welsh-medium. If the closest school was an English-medium school, which it will be for most people, what guarantee does the Measure offer of a right to Welsh-medium education? I appreciate that the Minister is offering section 10 in the hope of overcoming this difficulty, but he knows, as do we, that section 10 is woolly, weak and misleading. Section 10 can be satisfied in ways other than the guaranteeing of transport to Welsh-medium education: the provision of

The Presiding Officer: The next group of amendments is in relation to the duty to assess learner travel needs and to make transport arrangements in respect of education provided through the medium of the Welsh or English language. I call on Alun Cairns to propose amendment 10 and to speak to the other amendment in the group.

Alun Cairns: Cynigiau welliant 10 yn fy enw i ac enw Kirsty Williams.

Diben y gwelliannau hyn yw cynnig mynediad cydradd at addysg cyfrwng Cymraeg a chyfrwng Saesneg. Efallai y byddai'n fuddiol tanlinellu'r diffygion yn y Mesur fel y mae ar hyn o bryd.

Nid yw'r Mesur yn cynnig mynediad cydradd i ysgolion cyfrwng Cymraeg ac ysgolion cyfrwng Saesneg. Nid yw'r gwelliant yr un fath â'r darpariaethau mewn perthynas ag ysgolion o gymeriad crefyddol, fel yr awgrymodd y Gweinidog yn gynharach.

Fel y mae ar hyn o bryd, nid yw'r Mesur ond yn gwarantu cludiant i'r ysgol agosaf, boed honno'n gyfrwng Saesneg neu'n gyfrwng Cymraeg. Petai'r ysgol agosaf yn gyfrwng Saesneg, fel y bydd i'r rhan fwyaf o bobl, pa warant y mae'r Mesur yn ei chynnig o hawl i addysg cyfrwng Cymraeg? Yr wyf yn sylweddoli bod y Gweinidog yn cynnig adran 10 yn y gobaith o oresgyn yr anhawster hwn, ond mae ef, fel ninnau, yn gwybod bod adran 10 yn niwlog, yn wan ac yn gamarweiniol. Mae modd bodloni adran 10 mewn ffyrdd eraill ar wahân i warantu cludiant i addysg

internet-based learning at an English-medium school would satisfy it, but we know that Welsh-medium education is about social skills, communication during break times and facilitating the use of the language as an effective means of communication. I recognise that, in some parts of Wales, some Members may see access to English-medium education as a threat to the Welsh language in the community. Some even believe that this amendment would provide the right for a child to be transported across the county to an English-medium school. That is not the case. [Interruption.] If the Minister wishes to make an intervention, I will happily listen to him.

The amendments have been phrased carefully. They guarantee access to education primarily taught through the medium of Welsh or of English and, elsewhere in the Measure, allow for transport to be provided to a unit of education. Therefore, a 14-year-old pupil who does not speak a word of Welsh and who moved to a community where the local schools operated primarily through the medium of Welsh would be educated in an English-medium unit at the community school. That education would include Welsh lessons, although the pupil would be taught primarily through the medium of English. Should these amendments be carried, that arrangement would satisfy the law. [Interruption.] I am more than happy to give way, if the Minister wishes to make an intervention. I think that he is seeking clarification, and I would be happy for him to do so on record.

The Measure as it stands would allow local authorities to withdraw transport to Welsh-medium schools, which we think is wholly unacceptable and simply wrong. After all, access to Welsh-medium education is a national priority, yet the Minister is prepared for this to be funded at the discretion of the local authority. That means local authorities using discretionary spending to meet national priorities. We have already had a debate on travel to faith schools, and the pressures of tight budgets and the threats to withdraw school transport apply equally to the provision of travel to Welsh-medium

cyfrwng Cymraeg: byddai darparu dysgu seiliedig ar y rhyngwyd mewn ysgol cyfrwng Saesneg yn ei bodloni, ond gwyddom fod a wnelo addysg cyfrwng Cymraeg â sgiliau cymdeithasol, cyfathrebu yn ystod yr egwyl a hwyluso defnyddio'r iaith fel cyfrwng cyfathrebu effeithiol. Yr wyf yn sylweddoli, mewn rhai rhannau o Gymru, fod rhai Aelodau efallai yn gweld mynediad at addysg cyfrwng Saesneg fel bygythiad i'r Gymraeg yn y gymuned. Mae rhai hyd yn oed yn credu y byddai'r gwelliant hwn yn darparu'r hawl i blentyn gael ei gludo ar draws y sir i ysgol cyfrwng Saesneg. Nid yw hynny'n wir. [Torri ar draws.] Os yw'r Gweinidog yn dymuno gwneud ymyriad, yr wyf yn fodlon gwrando arno.

Mae'r gwelliannau wedi cael eu geirio'n ofalus. Maent yn gwarantu mynediad at addysg a ddysgir yn bennaf drwy gyfrwng y Gymraeg neu'r Saesneg ac, mewn mannau eraill yn y Mesur, maent yn darparu ar gyfer darparu cludiant i uned addysgol. Felly, byddai disgybl 14 oed nad yw'n siarad gair o Gymraeg ac sy'n symud i gymuned lle y mae'r ysgolion lleol yn gweithredu'n bennaf drwy gyfrwng y Gymraeg yn cael ei addysgu mewn uned cyfrwng Saesneg yn yr ysgol gymunedol. Byddai'r addysg honno'n cynnwys gwersi Cymraeg, er y byddai'r disgybl yn cael ei addysgu'n bennaf drwy gyfrwng y Saesneg. Pe bai'r gwelliannau hyn yn cael eu cymeradwyo, byddai'r trefniant hwnnw'n bodloni'r gyfraith. [Torri ar draws.] Yr wyf yn fwy na pharod i ildio, os yw'r Gweinidog yn dymuno gwneud ymyriad. Credaf ei fod yn ceisio eglurhad, a byddwn yn hapus iddo wneud hynny a chael ei gofnodi.

Byddai'r Mesur fel y mae yn caniatáu i awdurdodau lleol dynnu cludiant i ysgolion cyfrwng Cymraeg yn ôl, a chredwn fod hynny'n gwbl annerbyniol ac yn anghywir. Wedi'r cyfan, mae mynediad at addysg cyfrwng Cymraeg yn flaenoriaeth genedlaethol, ond mae'r Gweinidog yn barod i hyn gael ei gyllido yn ôl disgrisiwn yr awdurdod lleol. Mae hynny'n golygu bod awdurdodau lleol yn defnyddio gwariant dewisol i gyflawni blaenoriaethau cenedlaethol. Yr ydym eisoes wedi cael dadl ar deithio i ysgolion ffydd, ac mae pwysau cyllidebau tyn a'r bygythiadau i dynnu

education. This is our opportunity to close a loophole. The only way to guarantee access is to support these amendments, and I urge Members to do so.

Peter Black: I support Alun on this point and the amendments. When we spoke about faith schools, the Minister made a clear distinction between what is and is not Government policy. He made it clear that it is Government policy to promote Welsh-medium education, but not education at faith schools. That is why he was not prepared to leave the provisions on travel to faith schools in the Measure. However, as he has said that it is Government policy to promote Welsh-medium education, we would expect to find in the Measure provisions that support that assertion. Instead, we have section 10, which, as Alun has said, is woolly and weak, and which does nothing other than leave it to the discretion of local authorities as to whether they will continue to provide transport for pupils attending Welsh-medium lessons and courses. It states:

‘Each local authority and the Welsh Ministers must promote access to education and training through the medium of the Welsh language when exercising functions under this Measure.’

There is nothing in that section about requiring local authorities to make provision for transport to Welsh-medium schools. Nor is there anything that provides an equivalent to the provision made in this Measure for travel to English-medium schools that are more than three miles away for those over the age of 11, or two miles for those under the age of 11. It seems to me that your assertion—and I heard you also make that assertion on Radio Wales this morning—that this Measure makes provision for travel to Welsh-medium schools is incorrect and that, in fact, what we have before us is a fudged and weak provision, which does nothing to advance that cause. I ask the Assembly to seriously think whether or not we want to push this Government policy of promoting Welsh-medium education; if so, the Assembly should support these amendments,

cludiant i'r ysgol yn ôl yr un mor berthnasol o ran darparu cludiant i addysg cyfrwng Cymraeg. Mae gennym gyfle i gau bwlch. Yr unig ffordd o warantu mynediad yw cefnogi'r gwelliannau hyn, ac anogaf yr Aelodau i wneud hynny.

Peter Black: Yr wyf yn cefnogi Alun ar y pwynt hwn a'r gwelliannau. Pan siaradasom am ysgolion ffydd, gwahaniaethodd y Gweinidog yn glir rhwng yr hyn sy'n bolisi gan y Llywodraeth a'r hyn nad ydyw. Fe'i gwnaeth yn glir mai polisi'r Llywodraeth yw hyrwyddo addysg cyfrwng Cymraeg, ond nid addysg mewn ysgolion ffydd. Dyna pam nad oedd yn barod i adael y darpariaethau ynglŷn â theithio i ysgolion ffydd yn y Mesur. Fodd bynnag, gan ei fod wedi dweud mai polisi'r Llywodraeth yw hyrwyddo addysg cyfrwng Cymraeg, byddem yn disgwyl canfod darpariaethau yn y Mesur sy'n cefnogi'r haerriad hwnnw. Yn lle hynny, mae gennym adran 10, sydd, fel y dywedodd Alun, yn niwlog a gwan, ac nid yw'n gwneud dim ond gadael y cwestiwn a fyddant yn parhau i ddarparu cludiant i ddisgyblion sy'n mynychu gwersi a chyrsgiau Cymraeg i ddisgresiwn awdurdodau lleol. Mae'n datgan:

‘Rhaid i bob awdurdod lleol a Gweinidogion Cymru hyrwyddo mynediad i addysg a hyfforddiant drwy gyfrwng y Gymraeg pan fyddant yn arfer swyddogaethau o dan y Mesur hwn.’

Nid oes dim yn yr adran honno ynghylch ei gwneud yn ofynnol i awdurdodau lleol ddarparu cludiant i ysgolion cyfrwng Cymraeg. Nid oes dim ychwaith sy'n ddarpariaeth gyfatebol i'r ddarpariaeth a wneir yn y Mesur hwn o ran teithio i ysgolion cyfrwng Saesneg sydd fwy na thair milltir i ffwrdd i'r rhai sydd dros 11 oed, neu ddwy filltir i'r rhai sydd dan 11 oed. Mae'n ymddangos i mi fod eich haerriad—ac fe'ch clywais yn gwneud yr haerriad hwnnw ar Radio Wales y bore yma hefyd—fod y Mesur hwn yn gwneud darpariaeth ar gyfer teithio i ysgolion cyfrwng Cymraeg yn anghywir ac, mewn gwirionedd, mai'r hyn sydd ger ein bron yw darpariaeth garbwl a gwan nad yw'n gwneud dim i hyrwyddo'r achos hwnnw. Gofynnaf i'r Cynulliad ystyried o ddifrif a ydym am gefnogi polisi'r Llywodraeth o hybu addysg cyfrwng Cymraeg; os ydym,

which set out in some detail exactly how we should deal with this Measure and make provision for pupils going to Welsh-medium education. I cannot be clearer than that in these amendments. The Government has to make a choice: does it wish to promote Welsh-medium education or not? If it does, it should support these amendments; if it does not, it will be stuck with what is in this Measure. Frankly, what is to be found in the Measure is not worth anything.

Brynle Williams: Mae mynediad i addysg cyfrwng Cymraeg yn bwysig. Yr hyn yr ydym yn ceisio ei wneud yw cryfhau'r iaith. Mae hyn yn rhy bwysig i'w adael i gynghorau yn unig. Fel y clywsoch gan Aelodau eraill ynglŷn â'r gwelliant hwn, mae'n rhaid inni sicrhau ein bod yn cadw cludiant i ysgolion i fynd ac yn caniatáu i'r cludiant groesi yn ôl ac ymlaen, gan ei fod yn bwysig.

The amendments have been carefully worded. Current arrangements in Gwynedd will be protected. Welsh schools can continue with the use of English-medium units.

Ai ystyr hyn yw bod gan bobl ifanc yr hawl i groesi'r siroedd? Os na fyddwn yn ofalus, byddwn yn atal hyn.

Y Dirprwy Brif Weinidog: Diolch yn fawr i bawb am gyfrannu at y drafodaeth. Bu'r pwyllgor yn ystyried y materion hyn ac yr ydym wedi cael sawl trafodaeth arnynt bellach, ac mae'n amlwg bod gwahaniaeth barn eithaf sylfaenol.

Byddwn wedi gobeithio, Alun, ein bod o leiaf wedi cael trafodaeth synhwyrol ar y mater hwn, gan ei fod yn bwysig. Mae'n amlwg i mi bod dealltwriaeth ar draws y Siambr, ym mhob plaid, o'r angen i hyrwyddo mynediad drwy drafnidiaeth i addysg cyfrwng Cymraeg a chredaf fod pawb yn cytuno ar hynny. Y broblem sylfaenol yw ein bod wedi ystyried yn fanwl—fel y gŵyr Alun, gan ei fod yn aelod o'r pwyllgor a oedd yn craffu ar fy ngwaith ynglŷn â'r mater hwn—ond pan ddaethom at adroddiad y pwyllgor, nid oedd y pwyllgor mewn sefyllfa i roi cyngor i mi ar sut i ddiwallu'r angen sydd bellach yn y

dylai'r Cynulliad gefnogi'r gwelliannau hyn, sy'n nodi'n fanwl sut yn union y dylem ymdrin â'r Mesur hwn a gwneud darpariaeth i ddisgyblion sy'n cael addysg drwy gyfrwng y Gymraeg. Ni allaf fod yn fwy pendant na hynny yn y gwelliannau hyn. Rhaid i'r Llywodraeth ddewis: a yw'n awyddus i hybu addysg cyfrwng Cymraeg ai peidio? Os ydyw, dylai gefnogi'r gwelliannau hyn; os nad yw, bydd yn rhaid iddi fyw gyda'r hyn sydd yn y Mesur hwn. A bod yn onest, nid yw'r hyn sydd yn y Mesur yn werth dim.

Brynle Williams: Access to Welsh-medium education is important. We are trying to strengthen the language. It is too important to leave this to the councils. As you heard from the comments of other Members on this amendment, we must ensure that this transport to school remains available and is allowed to cross borders, because it is important.

Mae'r gwelliannau wedi cael eu geirio'n ofalus. Caiff y trefniadau presennol yng Ngwynedd eu diogelu. Bydd ysgolion Cymraeg yn gallu parhau i ddefnyddio unedau cyfrwng Saesneg.

Does this mean that young people have the right to cross county borders? If we are not careful, we will deny them that.

The Deputy First Minister: I wish to thank everyone who contributed to the debate. The committee has considered these issues and we have had a number of discussions on them, and there is clearly quite a fundamental difference of opinion.

I would have hoped, Alun, that we could at least have had a sensible discussion on this issue, because it is important. It is apparent to me that there is cross-party understanding in the Chamber of the need to promote access to Welsh-medium education through transport, and I think that everyone agrees on that. The fundamental problem is that we have considered this in great detail—as Alun knows, as he was a member of the committee that scrutinised my work on this issue—but when it came to the committee report, the committee was not in a position to advise me on how to meet the need that now arises in

Mesur. Yr oeddwn yn ymwybodol bod problem yma, sef bod yn rhaid inni sicrhau bod dymuniad y Llywodraeth i hyrwyddo addysg cyfrwng Cymraeg yn cael ei gynnwys yn y Mesur. Os ydym yn rhoi dyletswydd ar awdurdodau lleol, fel mae'r gwelliant hwn yn ei awgrymu, mae'n rhaid, fel y nodwyd yn y gwelliant, rhoi dyletswydd yn yr un ffordd i gael mynediad i addysg cyfrwng Saesneg. Gofynnaf i'r Blaid Geidwadol a'r Democratiaid Rhyddfrydol: beth a wnaiff hynny i batrwm ysgolion gwledig yng Nghymru? Dychmygwch yr hyn a ddigwyddai yn sir Benfro, sir Gaerfyrddin, Ceredigion, Ynys Môn, Conwy a Gwynedd. Gan fod mwyafrif yr ysgolion mewn nifer fawr o'r siroedd hynny yn ysgolion cyfrwng Cymraeg, pa mor bell fyddai raid i chi fynd wedyn i gael ysgol cyfrwng Saesneg?

Alun Cairns: A wnaiff y Dirprwy Brif Weinidog ildio?

Y Dirprwy Brif Weinidog: Na wnaif; yr wyt wedi cael dy gyfle.

4.50 p.m.

Nid fy nadl i yn unig yw hon; dadl y siroedd yw hi. Maent yn gofyn inni ystyried yn ofalus beth fyddai effaith derbyn y gwelliant hwn. Ystyriais gynnwys rhywbeth tebyg iddo, ond cefais fy mherswadio y byddai hynny yn gwneud mwy o niwed na lles i'r iaith Gymraeg. Mae Alun wedi fy nghyhuddo o danseilio polisi'r Llywodraeth o hyrwyddo addysg cyfrwng Cymraeg—nid yw hyd yn oed yn fodlon cydnabod fy mod wedi ystyried ei welliant ond wedi penderfynu peidio â'i gefnogi. Gofynnaf i'r Cynulliad beidio â gwrandao ar ddadl sy'n edrych am benawdau papur newydd yfory, ond i ystyried o ddifrif beth fyddai effaith y gwelliant mae Alun wedi ei gynnig.

Hoffwn grynhai'r hyn yr oedd Alun yn ceisio ei ddadlau, mor ddu a gwyn, ynglŷn â'r hyn a fyddai'n digwydd i blentyn a fyddai'n dymuno cael addysg drwy gyfrwng y Gymraeg neu Saesneg. Nid ydym yn adnabod y patrwm hwnnw. Yr ydym yn cynrychioli ardaloedd lle'r ydym yn gwybod y byddai cynnwys y gwelliant sydd wedi cael ei

the Measure. I was very aware that there was a problem, namely that we need to ensure that the Government's aspiration of promoting Welsh-medium education is included in the Measure. If we place the duty on local authorities, as this amendment suggests, we must, as is stated in the amendment, place the same duty on ensuring access to English-medium education. I am asking the Conservatives and the Liberal Democrats: what will that do to the pattern of schooling in rural Wales? Imagine what would happen in Pembrokeshire, Carmarthenshire, Ceredigion, Anglesey, Conwy and Gwynedd. As most of the schools in many of those counties are Welsh-medium schools, how far would you then have to travel to access an English-medium school?

Alun Cairns: Will the Deputy First Minister give way?

The Deputy First Minister: No; you have had your opportunity.

This is not just my argument; this is the argument made by the county councils. They are asking us to carefully consider what the impact of implementing this amendment would be. I considered including something such as this, but I was persuaded that including it would do more harm than good to the Welsh language. Alun has accused me of undermining the Government's policy of promoting Welsh-medium education—he is not even willing to acknowledge that I have considered his amendment and decided not to support it. I am asking the Assembly not to listen to an argument that is made in order to make the headlines in tomorrow's newspapers, but to consider very carefully what the impact of the amendment that Alun has proposed would be.

I wish to summarise what Alun was trying to argue in such a black and white manner regarding what would happen to a child who wanted Welsh-medium or English-medium education. We do not recognise that pattern. We represent areas where we know that including the proposed amendment would be damaging to the Welsh language.

gynnig yn niweidiol i'r iaith Gymraeg.

Mae gwahaniaeth barn. Gofynnaf i'r Blaid Geidwadol dderbyn yn synhwyrol bod gwahaniaeth barn, a gadael iddi fynd yn bleidlais ar y ddwy farn.

Alun Cairns: Yn amlwg, mae'n fater difrifol, ac nid wyf yn fodlon derbyn yr esgusodion mae'r Gweinidog wedi ceisio eu cynnig. Yn gyntaf, yr oedd y Gweinidog yn sôn am adroddiad y pwyllgor pwnc; fel cyn-aelod o bwyllgorau pwnc, mae'r Gweinidog yn gwbl ymwybodol, os nad yw pawb yn unfryd ar rywbeth, y bydd hynny'n cael ei hepgor o'r adroddiad fel arfer yn hytrach na'i gynnig fel adroddiad lleiafrif. Dyna beth a ddigwyddodd yma; yr oeddem yn chwilio am ryw fath o gonsensws. Mae hyn yn tanlinellu pam y dylai'r Llywodraeth, a'r Gweinidog yn benodol, fod wedi cael pwyllgor Cyfnod 1 i edrych ar hyn er mwyn cael atebion go iawn, nid yn unig oddi wrth Rhieni dros Addysg Gymraeg, ond oddi wrth sawl grŵp arall a fyddai wedi cynnig gwelliannau.

Lluniwyd y gwelliant hwn yn ofalus iawn. Dewiswyd ei eiriad yn ofalus a defnyddiwyd geiriau manwl gywir i sicrhau nad oeddem yn tanseilio addysg Gymraeg mewn lleoedd fel Gwynedd a Cheredigion. Mae'n ddigon clir. Pwy fyddai wedi meddwl, Mr Llywydd, mai Plaid Geidwadol Cymru a fyddai'n cynnig gwelliannau er mwyn— [*Torri ar draws.*] Os ydych eisiau ymyrryd, Elin Jones, yr wyf yn fwy na hapus ildio.

Y Llywydd: Trefn. Mae hyd yn oed Gweinidogion yn gorfod ymddwyn yn y Siambr. Gwelaf nad yw'n bwriadu ymyrryd, Alun Cairns.

Alun Cairns: Yr wyf yn fwy na hapus i gael dadl gwbl agored ar y mater, yn wahanol i'r Gweinidog, a oedd yn atal unrhyw fath o ymyrraeth yn ei ddadl ef.

Pwy fyddai wedi meddwl mai Plaid Geidwadol Cymru a fyddai'n cynnig gwelliannau i drin addysg cyfrwng Cymraeg yn union fel addysg cyfrwng Saesneg? Dim ond tair wythnos yn ôl, clywsom Dafydd Iwan, llywydd Plaid Cymru, yn ei araith yn Aberystwyth, yn dweud:

There is a difference of opinion. I ask the Conservative Party to accept, in a sensible manner, that there is a difference of opinion, and to let it go to a vote on those opinions.

Alun Cairns: Obviously, it is a serious issue, and I am not willing to accept the excuses made by the Minister. First, the Minister referred to the subject committee's report; as a former member of subject committees, the Minister is completely aware that, if an opinion is not shared by everyone, it is usually left out of the report so that it is not a minority report. That is what happened in this regard; we were looking for some sort of consensus. This underlines why the Government, and the Minister specifically, should have had a Stage 1 committee to consider this in order to find the true answers, not only from Parents for Welsh Medium Education, but from several other groups that would have suggested amendments.

This amendment was carefully formed. We were careful when choosing the wording and precise words were used to ensure that we did not undermine Welsh-language education in places such as Gwynedd and Ceredigion. It is quite clear. Who would have considered, Mr Llywydd, that it would be the Welsh Conservative Party that would propose these amendments in order— [*Interruption.*] If you wish to intervene, Elin Jones, I would be more than happy to give way.

The Presiding Officer: Order. Even Ministers must behave themselves in the Chamber. I see that she does not intend to intervene, Alun Cairns.

Alun Cairns: I am more than happy to have a completely open debate on this issue, unlike the Minister, who prevented any kind of intervention during his contribution.

Who would have thought that it would be the Welsh Conservative Party that proposed amendments to ensure that Welsh-medium education is treated on the same basis as English-medium education? Only three weeks ago, we heard Dafydd Iwan, the president of Plaid Cymru, say in his speech in

Aberystwyth:

‘Whatever compromises we have to make in the everyday business of government, we must never forget what we set out as a party to achieve 83 years ago—a fully self-governing Wales’—

Let us have a debate about that.

—‘where the Welsh and English languages are equal in status’.

Dyna a ddywedodd Dafydd Iwan, eich llywydd chi, a dyna beth mae Plaid Geidwadol Cymru yn ei gynnig, er mwyn sicrhau bod yr iaith Gymraeg a'r iaith Saesneg yn gwbl gyfartal yn ein hysgolion a bod yr un hawliau yn cael eu rhoi i ddisgyblion sydd eisiau mynychu ysgolion Cymraeg ag i ddisgyblion sydd eisiau mynychu ysgolion Saesneg. Mae'r gwelliant wedi ei eirio'n ofalus iawn i danlinellu Cymreictod Gwynedd a Cheredigion, nid ei danseilio. Mae'n gywir dweud mai Plaid Geidwadol Cymru sy'n sefyll i fyny dros yr iaith Gymraeg, nid Gweinidog Plaid Cymru. Yr wyf yn siomedig.

Y Llywydd: Mae'n amlwg bod Alun Cairns yn dymuno symud i bleidlais ar y gwelliant hwn. Y cwestiwn yw y dylid cytuno ar welliant 10. A oes gwrthwynebiad? Gwelaf fod. Felly, symudwn at bleidlais.

Beth bynnag yw'r cyfaddawd y mae'n rhaid inni ei wneud wrth lywodraethu o ddydd i ddydd, rhaid i ni beidio byth ag anghofio nod cychwynnol ein plaid 83 mlynedd yn ôl—hunan-lywodraeth lwyr i Gymru—

Gadewch inni gael dadl am hynny.

—lle y mae i'r Gymraeg a'r Saesneg statws cyfartal.

That is what Dafydd Iwan, your president, said and that is what the Welsh Conservative Party is proposing, in order to ensure that the Welsh language and the English language are completely equal in our schools and that the same rights are given to pupils who wish to attend Welsh-language and English-language schools. The amendment has been carefully worded to highlight the Welshness of Gwynedd and Ceredigion, and not to undermine it. It is true to say that it is the Welsh Conservative Party that is standing up for the Welsh language, and not the Plaid Cymru Minister. I am disappointed about that.

The Presiding Officer: It is obvious that Alun Cairns wants to move to a vote on this amendment. The question is that amendment 10 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 10: O blaid 14, Ymatal 0, Yn erbyn 38.
Amendment 10: For 14, Abstain 0, Against 38.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Cairns, Alun
Davies, Andrew R.T.
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Burns, Angela
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley

Hart, Edwina
 Hutt, Jane
 James, Irene
 Jones, Alun Ffred
 Jones, Ann
 Jones, Carwyn
 Jones, Elin
 Jones, Gareth
 Jones, Helen Mary
 Jones, Ieuan Wyn
 Law, Trish
 Lewis, Huw
 Lloyd, David
 Lloyd, Val
 Mewies, Sandy
 Morgan, Rhodri
 Ryder, Janet
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Watson, Joyce
 Wood, Leanne

*Gwrthodwyd y gwelliant.
 Amendment defeated.*

Drafftio Amrywiol (Adran 3) Miscellaneous Drafting (Section 3)

Y Llywydd: Symudwn at grŵp o welliannau technegol gan y Dirprwy Brif Weinidog. Galwaf ar y Dirprwy Brif Weinidog i gynnig gwelliant 2 ac i siarad ar y gwelliant arall yn y grŵp.

The Presiding Officer: We now move to a group of technical amendments from the Deputy First Minister. I call on the Deputy First Minister to propose amendment 2 and speak to the other amendment in the group.

The Deputy First Minister: I propose amendment 2 in my name.

Y Dirprwy Brif Weinidog: Cynigiau welliant 2 yn fy enw.

*Cafodd gwelliannau 2 a 6 eu grwpio ar gyfer y drafodaeth.
 Amendments 2 and 6 grouped for debate.*

Perhaps now we can calm down after the grandstanding.

Efallai y gallwn ymdawelu yn awr ar ôl y sioe rwysgfawr.

Amendment 2 seeks to insert a word in the table that was omitted by error in previous versions. Therefore, it is a technical amendment.

Nod gwelliant 2 yw ceisio cynnwys gair yn y tabl a hepgorwyd drwy amryfusedd mewn fersiynau blaenorol. Felly gwelliant technegol ydyw.

Mae gwelliant 6 yn welliant technegol pur sy'n cywiro camgymeriad a wnaed mewn drafftio blaenorol. Dylai'r cyfeiriad at 'adrannau' fod yn gyfeiriad at 'baragraffau'. Nid oes effaith ymarferol na chanlyniadau i'r gwelliant. Newidiadau drafftio bach iawn ydynt. Felly, gofynnaf i'r Cynulliad dderbyn y ddau welliant.

Amendment 6 is a purely technical amendment that corrects an error made in the previous draft. The reference to 'sub-sections' should be a reference to 'paragraphs'. There is no practical impact or consequences to the amendment. They are very minor drafting amendments. Therefore, I ask the Assembly to agree to both amendments.

Alun Cairns: Cytunaf.

Alun Cairns: I agree.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 2. Gwelaf fod y gwrthbleidiau yn cytuno, felly, yn unol â Rheol Sefydlog Rhif 7.35, datganaf fod gwelliant 2 wedi ei dderbyn.

The Presiding Officer: The question is that amendment 2 be agreed to. I see that the opposition parties agree, therefore, in accordance with Standing Order No. 7.35, I declare that amendment 2 is agreed.

*Derbyniwyd gwelliant 2.
Amendment 2 carried.*

Yn unol â'r rhestr o'r gwelliannau sydd wedi eu didoli, symudwn yn awr i waredu gwelliant 3, a drafodwyd gyda gwelliant 1. Galwaf ar y Dirprwy Brif Weinidog i gynnig gwelliant 3 yn ffurfiol.

In accordance with the marshalled list of amendments, we now move to dispose of amendment 3, which was debated with amendment 1. I call on the Deputy First Minister to formally propose amendment 3.

Y Dirprwy Brif Weinidog: Cynigïaf welliant 3 yn fy enw i.

The Deputy First Minister: I propose amendment 3 in my name.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 3. A oes gwrthwynebiad? Gwelaf fod. Felly, symudwn at bleidlais.

The Presiding Officer: The question is that amendment 3 is agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 3: O blaid 32, Ymatal 0, Yn erbyn 15.
Amendment 3: For 32, Abstain 0, Against 15.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Ryder, Janet
Sargeant, Carl

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle

Thomas, Rhodri Glyn
Watson, Joyce

*Derbyniwyd y gwelliant.
Amendment carried.*

Y Llywydd: Ar ôl gwaredu gwelliant 3, symudwn ymlaen at welliant 11 a drafodwyd gyda gwelliant 10. Galwaf ar Alun Cairns i gynnig gwelliant 11 yn ffurfiol.

Alun Cairns: Cynigiau welliant 11 yn fy enw i.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 11. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, symudwn at bleidlais.

The Presiding Officer: Following the disposal of amendment 3, we move to amendment 11, which was debated with amendment 10. I call on Alun Cairns to formally propose amendment 11.

Alun Cairns: I propose amendment 11 in my name.

The Presiding Officer: The question is that amendment 11 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 11: O blaid 15, Ymatal 0, Yn erbyn 33.
Amendment 11: For 15, Abstain 0, Against 33.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Law, Trish
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Ryder, Janet
Sargeant, Carl
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd y gwelliant.
Amendment defeated.*

Y Trefniadau Trafnidiaeth sydd ar Gael (Adrannau 3 a 24) **Availability of Transport Arrangements (Sections 3 and 24)**

Y Llywydd: Mae'r grŵp nesaf o welliannau yn ymdrin â'r trefniadau trafndiaeth sydd ar gael. Galwaf ar Peter Black i gynnig welliant 27 ac i siarad ar y gwelliannau eraill yn y grŵp.

Peter Black: I propose amendment 27 in the name of Kirsty Williams.

The Presiding Officer: The next group of amendments concerns the availability of transport arrangements. I call on Peter Black to propose amendment 27 and speak to the other amendments in the group.

Peter Black: Cynigaf welliant 27 yn enw Kirsty Williams.

Cafodd gwelliannau 27, 4, 18, 5 a 19 eu grwpio ar gyfer y drafodaeth.
Amendments 27, 4, 18, 5 and 19 grouped for debate.

This amendment attempts to change the Measure as it is currently worded so that it refers to the nearest route as a measured route. We believe that this makes sense as, for many children travelling to school, the most convenient school is not the nearest to their home. Kirsty Williams has kindly left me an example from Powys. A family in Brecon and Radnorshire that wished to send its children to a certain school was refused by the council, which said that it was not the nearest school.

Mae'r gwelliant hwn yn ceisio newid y Mesur fel y mae wedi cael ei eirio ar hyn o bryd er mwyn iddo gyfeirio at y llwybr agosaf fel llwybr a fesurir. Credwn fod hyn yn gwneud synnwyr oherwydd, i lawer o blant sy'n teithio i'r ysgol, nid yr ysgol agosaf at eu cartref yw'r un fwyaf cyfleus. Mae Kirsty wedi bod mor garedig â rhoi enghraifft i mi o Bowys. Yr oedd teulu o Frycheiniog a Sir Faesyfed am anfon ei blant i ysgol benodol ond fe'i gwrthodwyd gan y cyngor, a ddywedodd nad hon oedd yr ysgol agosaf.

5.00 p.m.

However, because of the bus routes in the area, in reality, it took significantly longer to get to the so-called 'nearest' school than it did to the school that they would have preferred to go to. The length of time that it would take the child to travel to school was one reason why the parents wanted to make that choice. Even though it was the nearest to them geographically, it was not the nearest school in practical terms, and it took significantly longer for the child to travel to that school than to the parents' school of choice. The bus route that the council operated would have got the children to the preferred school in a shorter time, even though it was geographically further away from the house.

Fodd bynnag, oherwydd y llwybrau bysiau yn yr ardal, mewn gwirionedd, cymerai fwy o lawer o amser i gyrraedd yr ysgol 'agosaf', fel y'i gelwir, nag a wnâi i gyrraedd yr ysgol y buasai'n well ganddynt fynd iddi. Yr amser a gymerai'r plentyn i deithio i'r ysgol oedd un rheswm dros ddymuniad y rhieni i wneud y dewis hwnnw. Er mai hi oedd yr agosaf iddynt yn ddaearyddol, nid hi oedd yr ysgol agosaf yn ymarferol, a chymerai fwy o lawer o amser i'r plentyn deithio i'r ysgol honno nag i ddewis ysgol y rhieni. Byddai'r llwybr bws a weithredai'r cyngor wedi mynd â'r plant i'r ysgol a oedd yn well ganddynt yn gynt, er ei bod yn bellach yn ddaearyddol o'r tŷ.

We must recognise that, in many areas, there is a particular issue with bus routes and with measuring distances as the crow flies. What

Rhaid inni dderbyn bod anhawster neilltuol, mewn llawer o ardaloedd, ynghylch llwybrau bysiau a mesur pellteroedd fel yr hed y frân.

we are asking for, in essence, is for local authorities to take into account the realistic travel arrangements that a child would have to make in getting to school when determining the distance that a child must travel, instead of looking at the map and just taking the shortest distance. We want them to look at all factors, including the availability of buses, the route that a bus would have to take, the time that it would take a child to get to school, as well as the distance as the crow flies. For that reason, I hope that the Deputy First Minister is prepared to support this amendment.

The Presiding Officer: I now call Angela Burns.

Angela Burns: I wholeheartedly agree with Peter Black. My children are a case in point—

The Presiding Officer: Sorry, there was a technical error on the part of the Chair. I should have called Alun Cairns to speak first.

Alun Cairns: The purpose of this group of amendments is to provide safe transport for pupils who are expected to walk to school. We all know of cases where pupils are expected to walk unacceptable routes. Amendments 18 and 19 aim to clarify and to state explicitly what is acceptable, and amendment 5 relates to the risk assessment. These amendments have been tabled after full discussions and agreement with Stuart's Campaign. After all, it has spent many years investigating and researching school transport practices.

It is unacceptable for pupils to be expected to walk to school along busy roads that are not lit. Much of this argument was accepted at the second meeting of the Stage 2 committee, when the amendment to include the words 'footway or a footpath' was carried. I want to recognise the open way in which Ann Jones looked at the evidence and supported the inclusion of that phrase, and to say how sad I thought it was that she was replaced on the committee the meeting after that, when we needed to discuss the definitions of 'footway' and 'footpath'. Therefore, the legislation as it

Yr hyn yr ydym yn gofyn amdano, yn y bôn, yw i awdurdodau lleol ystyried y trefniadau teithio ymarferol y byddai'n rhaid i blentyn eu gwneud i gyrraedd yr ysgol wrth bennu'r pellter y mae'n rhaid i blentyn ei deithio, yn lle edrych ar y map a dim ond cymryd y pellter byrraf. Yr ydym yn dymuno iddynt ystyried yr holl ffactorau, gan gynnwys argaeledd bysiau, y llwybr y byddai'n rhaid i fws ei ddilyn, yr amser a gymerai i blentyn gyrraedd yr ysgol, yn ogystal â'r pellter fel yr hed y frân. Oherwydd hynny, yr wyf yn gobeithio bod y Dirprwy Brif Weinidog yn barod i gefnogi'r gwelliant hwn.

Y Llywydd: Galwaf ar Angela Burns.

Angela Burns: Cytunaf yn llwyr â Peter Black. Mae fy mhlant yn enghraifft o hyn—

Y Llywydd: Mae'n ddrwg gennyf, yr oedd camgymeriad technegol ar ran y Cadeirydd. Dylwn fod wedi galw Alun Cairns i siarad yn gyntaf.

Alun Cairns: Pwrpas y grŵp hwn o welliannau yw darparu trafndiaeth ddiogel i ddisgyblion y disgwylir iddynt gerdded i'r ysgol. Yr ydym oll yn gwybod am achosion lle y disgwylir i ddisgyblion gerdded llwybrau annerbyniol. Mae gwelliannau 18 a 19 yn ceisio egluro a datgan yn glir beth sy'n dderbyniol, ac mae gwelliant 5 yn ymwneud â'r asesiad risg. Cyflwynwyd y gwelliannau hyn ar ôl trafodaethau llawn a chytundeb ag Ymgyrch Stuart. Wedi'r cwbl, mae wedi treulio blynyddoedd lawer yn gwneud ymholiadau ac ymchwilio i arferion o ran trafndiaeth ysgol.

Mae'n annerbyniol disgwyl i ddisgyblion gerdded i'r ysgol ar hyd ffyrdd prysur sydd heb eu goleuo. Derbyniwyd llawer o'r ddatl hon yn ail gyfarfod y pwyllgor Cyfnod 2, pan dderbyniwyd y gwelliant i gynnwys y geiriau 'troetffordd neu lwybr troed'. Dymunaf gydnabod y modd agored yr ystyriodd Ann Jones y dystiolaeth a rhoi ei chefnogaeth i gynnwys yr ymadrodd hwnnw, a dweud pa mor drist ydoedd, yn fy marn i, iddi golli ei lle ar y pwyllgor yn y cyfarfod ar ôl hynny, pan oedd angen inni drafod y diffiniadau o 'droetffordd' a 'llwybr troed'. Felly, nid yw'r

now stands makes no sense at all: we have that requirement without defining it later on. It cannot be unreasonable to state that a child should be able to walk along a footpath, and so I urge you to oppose the Government amendments that seek to take that phrase out.

My amendment 18 extends that further. I also think it reasonable for a child to expect to walk along a footpath or footway and, surely, during the hours of darkness, it should be lit. As we approach the winter months, walking along some pavements can be frightening; in darkness, even treacherous. Adding a phrase to the effect that a path must be lit will protect against that. In practical terms, it will also rule out the walks that many local authorities insist pupils undertake, which can cross fields in rural areas. That is current practice in some areas.

The Deputy First Minister's amendments seek to withdraw the right to walk along a footpath. Can any of us honestly say that we would be happy to see our own child or any other walking along a road without a pavement in the dark? That is what this legislation would allow. We are not playing any more; we have been talking about this law for more than five years, and we are unlikely to revisit it for many years to come, so let us get it right when it comes to issues of children's safety.

During the Stage 2 committee proceedings, Kirsty Williams highlighted an issue with pupils being expected to walk along part of the A470. We all know how busy that north/south road is, and it does not have a footway or footpath running alongside it. These are not party-political issues, and I hope that the Assembly Government will take a pragmatic approach and accept the seriousness of these issues when it comes to acting on child safety.

Amendment 5, tabled in the name of the

ddeddfwriaeth fel y mae'n awr yn gwneud unrhyw synnwyr o gwbl: mae'r gofyniad hwnnw gennym heb ei ddiffinio'n ddiweddarach. Ni all fod yn afresymol datgan y dylai plentyn allu cerdded ar hyd llwybr troed, ac felly fe'ch anogaf i wrthwynebu gwelliannau'r Llywodraeth sy'n ceisio dileu'r ymadrodd hwnnw.

Mae gwelliant 18 o'm heiddo i'n mynd â hynny ymhellach. Yr wyf hefyd yn credu ei bod yn rhesymol i blentyn ddisgwyl cerdded ar hyd llwybr troed neu droetffordd ac, yn sicr, yn ystod yr oriau tywyll, dylid ei oleuo. A ninnau'n dynesu at fisoedd y gaeaf, mae cerdded ar hyd rhai palmentydd yn gallu achosi ofn, ac yn gallu bod yn beryglus hyd yn oed yn y tywyllwch. Bydd ychwanegu ymadrodd i'r perwyl ei bod yn rhaid goleuo llwybr yn diogelu rhag hynny. Yn ymarferol, bydd hefyd yn gwahardd y llwybrau y mae llawer o awdurdodau lleol yn mynnu bod disgyblion yn eu dilyn, a all groesi caeau mewn ardaloedd gwledig. Mae hynny'n arfer cyfredol mewn rhai ardaloedd.

Mae gwelliannau'r Dirprwy Brif Weinidog yn ceisio tynnu'n ôl yr hawl i gerdded ar hyd llwybr troed. A all yr un ohonom ddweud yn onest y byddem yn fodlon gweld ein plentyn ein hunain neu unrhyw un arall yn cerdded ar hyd ffordd heb balmant yn y tywyllwch? Dyna'r hyn y byddai'r ddeddfwriaeth hon yn ei ganiatáu. Nid ydym yn cogio bellach; yr ydym wedi bod yn sôn am y ddeddf hon am fwy na phum mlynedd, ac mae'n annhebygol y byddwn yn ei hailystyried am flynyddoedd lawer, felly gadewch inni fynd â'r maen i'r wal ar faterion sy'n ymwneud â diogelwch plant.

Yn ystod trafodion y pwyllgor Cyfnod 2, tynnodd Kirsty Williams sylw at fater lle y mae disgwyl i ddisgyblion gerdded ar hyd rhan o'r A470. Yr ydym oll yn gwybod pa mor brysur yw'r ffordd honno rhwng y de a'r gogledd, ac nid oes troetffordd neu lwybr troed yn rhedeg wrth ei hochr. Nid yw'r rhain yn faterion pleidiol, a gobeithiaf y bydd Llywodraeth y Cynulliad yn ymdrin â hyn yn bragmataidd ac yn derbyn difrifoldeb y materion hyn o ran gweithredu ar ddiogelwch plant.

Mae gwelliant 5, a gyflwynwyd yn enw'r

Deputy First Minister, is also included in this group and is truly outrageous. Subsection 8A was accepted at the Stage 2 committee. The committee accepted, on a cross-party basis, that the risk assessments should be conducted during a school run. Who would expect a local authority to conduct a risk assessment of school transport in the middle of the day or even during school holidays? That is what happens now. The amendment was passed in committee to prevent it from happening in future, and I find it extremely difficult to understand why on earth the Deputy First Minister is seeking to withdraw that sensible amendment that will say that a risk assessment on school travel should be conducted during the school run on a typical day, rather than in the middle of the day or during the school holidays. I would like to think that the Deputy First Minister, at the Stage 2 committee, accepted that in principle. He even adjourned the meeting to seek clarification from his officials and went further and said that, if we were to withdraw those amendments, he might come up with his own similar amendments. He said, of course, that it would not be statutory guidance but that he would issue it under guidance. We said, quite clearly, that it needed to be included in the legislation.

The Deputy First Minister: Any guidance that I issue will be statutory.

Alun Cairns: I am grateful for that, but the Deputy First Minister is certainly not answering the accusation that I made. At the Stage 2 committee, he said that he would be issuing guidance. He said quite clearly that, if we withdrew the amendments, he would consider issuing guidance or tabling his own amendments to allow him to issue guidance. Strangely enough, because we refused to withdraw those amendments, he is not even prepared to issue guidance on that risk assessment issue at this stage. *[Interruption.]*

The Presiding Officer: Order. My intention is to call the Deputy First Minister to speak later in this debate. I would prefer that to having committee-type interjections across the floor of this fine Chamber.

Dirprwy Brif Weinidog, hefyd wedi'i gynnwys yn y grŵp hwn ac mae'n gwbl warthus. Derbyniwyd is-adran 8A yn y pwyllgor Cyfnod 2. Derbyniodd y pwyllgor, yn drawsbleidiol, y dylid cynnal yr asesiadau risg wrth hebrwng plant i'r ysgol ac oddi yno. Pwy a ddisgwyliai i awdurdod lleol gynnal asesiad risg ar gludiant ysgol ganol dydd neu hyd yn oed yn ystod gwyliau ysgol? Dyna sy'n digwydd yn awr. Derbyniwyd y gwelliant yn y pwyllgor i atal hyn rhag digwydd yn y dyfodol, ac yr wyf yn ei chael yn anodd iawn deall pam ar y ddaear y mae'r Dirprwy Brif Weinidog yn ceisio tynnu'n ôl y gwelliant synhwyrol hwnnw a fydd yn dweud y dylid cynnal asesiad risg ar deithio i'r ysgol wrth hebrwng plant i'r ysgol ac oddi yno ar ddiwrnod nodweddiadol, yn hytrach nag ar ganol dydd neu yn ystod gwyliau ysgol. Carwn feddwl bod y Dirprwy Brif Weinidog, yn y pwyllgor Cyfnod 2, wedi derbyn hynny mewn egwyddor. Gohiriodd y cyfarfod hyd yn oed i geisio eglurhad gan ei swyddogion ac aeth ymhellach a dweud, pe byddem yn tynnu'r gwelliannau hynny'n ôl, y gallai gyflwyno gwelliannau tebyg ei hun. Dywedodd, wrth gwrs, na fyddai'n ganllaw statudol ond y byddai'n ei gyhoeddi dan ganllawiau. Dywedasom ni, yn hollol glir, fod angen ei gynnwys yn y ddeddfwriaeth.

Y Dirprwy Brif Weinidog: Bydd unrhyw ganllawiau a gyhoeddaf yn rhai statudol.

Alun Cairns: Yr wyf yn ddiolchgar am hynny ond, yn sicr, nid yw'r Dirprwy Brif Weinidog yn ateb y cyhuddiad a wneuthum. Yn y pwyllgor Cyfnod 2, dywedodd y byddai'n cyhoeddi canllawiau. Dywedodd yn gwbl eglur, pe byddem yn tynnu'r gwelliannau yn ôl, y byddai'n ystyried cyhoeddi canllawiau neu gyflwyno ei welliannau ei hun i ganiatáu iddo gyhoeddi canllawiau. Yn ddigon rhyfedd, am inni wrthod tynnu'r gwelliannau hynny'n ôl, nid yw hyd yn oed yn barod i gyhoeddi canllawiau ar fater yr asesiad risg ar hyn o bryd. *[Torri ar draws.]*

Y Llywydd: Trefn. Yr wyf yn bwriadu galw'r Dirprwy Brif Weinidog i siarad yn ddiweddarach yn y ddafl hon. Byddai'n well gennyf hynny na chael ebychiadau tebyg i rai mewn pwyllgor ar draws llawr y Siambr wych hon.

Alun Cairns: I am grateful for your clarification of the procedure, Mr Llywydd. Without question, amendment 5 withdraws a part of the legislation that would require a local authority to conduct a risk assessment during the school run on a typical day. Taking that subsection out is completely unacceptable, outrageous and would allow local authorities to continue to conduct inappropriate risk assessments. I urge Members to support the amendments tabled in my name and to oppose those tabled in the name of the Government.

Angela Burns: I have come to this piece of legislation completely cold. I am not a member of the committee; I am just an ordinary Member of our National Assembly for Wales. I really hope that you do not think I am grandstanding when I say that this little group of amendments has really stopped me in my tracks. In the Assembly, we talk about equality, parity, and being open and inclusive all the time, yet here we are doing the one thing that we keep saying that we will not do, namely marginalising children. That is a very dramatic statement to make, but we are asking our children to walk down dangerous roads, in some cases, in the dark, without lighting or footpaths. There are some very silent Members in the Assembly today, but I know that people like Alun Davies, Nerys Evans and Joyce Watson know my patch pretty well and will know what places like Cwmfelin Boeth are like. When you have to walk to school in Whitland on a dark, cold morning, it will be very dark. Believe me: in the countryside, when it is dark, it really is dark. Many of these roads are used as rat runs. I am exceptionally concerned about the removal of this form of protection for our children. This is about their safety. I was not an AM at the time, but I understand that this legislation has come about because of the death of a small boy. I ask each and every one of you to think about where the moral responsibility lies for the fact that we intend to pass legislation today that says that it is okay for quite young people to walk up and down the road to school without that kind of protection.

Alun Cairns: Yr wyf yn ddiolchgar am eich eglurhad o'r weithdrefn, Mr Llywydd. Yn ddi-os, mae gwelliant 5 yn tynnu'n ôl rhan o'r ddeddfwriaeth a fyddai'n mynnu bod awdurdod lleol yn cynnal asesiad risg wrth i blant gael eu hebrwng i'r ysgol ac oddi yno ar ddiwrnod nodweddiadol. Mae tynnu'r is-adran honno'n ôl yn hollol annerbyniol, yn warthus a byddai'n caniatáu i awdurdodau lleol barhau i gynnal asesiadau risg amhriodol. Anogaf Aelodau i gefnogi'r gwelliannau a gyflwynwyd yn fy enw i ac i wrthwynebu'r rheini a gyflwynwyd yn enw'r Llywodraeth.

Angela Burns: Yr wyf wedi dod at yr eitem ddeddfwriaeth hon yn gwbl ddiuedd. Nid wyf yn aelod o'r pwyllgor; nid wyf ond yn Aelod cyffredin o Gynulliad Cenedlaethol Cymru. Yr wyf yn gwir obeithio na fyddwch yn meddwl fy mod yn ceisio tynnu sylw ataf fy hun pan ddywedaf fod y grŵp bach hwn o welliannau wedi fy syfrdanu. Yn y Cynulliad, yr ydym yn sôn am gydraddoldeb, cyfartalwch, a bod yn agored ac yn gynhwysol drwy'r amser, ac eto dyma ni'n gwneud yr union beth y dywedwn o hyd na fyddwn yn ei wneud, sef ymyleiddio plant. Mae hwnnw'n ddatganiad dramatig iawn, ond yr ydym yn gofyn i'n plant gerdded i lawr ffyrdd peryglus, yn y tywyllwch mewn rhai achosion, heb oleuadau neu lwybrau troed. Mae rhai Aelodau tawedog iawn yn y Cynulliad heddiw, ond gwn fod rhai fel Alun Davies, Nerys Evans a Joyce Watson yn adnabod fy ardal i'n eithaf da ac y byddant yn gwybod pa fath o leoedd yw rhai fel Cwmfelin Boeth. Pan fydd yn rhaid ichi gerdded i'r ysgol yn Hendy-gwyn ar fore tywyll, oer, bydd yn dywyll iawn. Credwch fi: yng nghefn gwlad, pan fydd yn dywyll, mae'n dywyll go iawn. Defnyddir llawer o'r ffyrdd hyn fel y ffordd fyrraf. Yr wyf yn eithriadol o bryderus ynghylch dileu amddiffyniad o'r math hwn i'n plant. Mae hyn yn ymwneud â'u diogelwch. Nid oeddwn yn Aelod ar y pryd, ond yr wyf yn deall bod y ddeddfwriaeth hon wedi codi oherwydd marwolaeth bachgen bach. Gofynnaf i bob un ohonoch feddwl ynghylch pa gyfrifoldeb moesol sydd wrth sail ein bwriad i dderbyn deddfwriaeth heddiw sy'n dweud ei bod yn iawn i bobl eithaf ifanc gerdded i fyny ac i lawr ffordd i'r ysgol heb amddiffyniad o'r

math hwnnw.

5.10 p.m.

That brings me neatly to my final point about the removal in its entirety of subsection 8A on the risk assessments. If you were to go down that road in Cwmfelin Boeth on a lovely sunny day of summer, with the flowers growing in the fields, you would think that it was no problem. However, at 7.30 a.m. on a Monday morning, with tractors, school buses—that cannot stop to pick you up—and cars haring up and down to Whitland, it is a different scene. I can take you to road after road like that just in Carmarthen West and South Pembrokeshire, and it must be the same throughout Wales. I ask each Assembly Member to think about this, because this is about children's safety. This is our chance to pass good law, not law that we will have to revisit.

The Deputy First Minister: I would never accuse Angela of grandstanding; I am afraid that that is entirely the preserve of her colleague today.

You made a strong, powerful point there, Angela, and all Assembly Members would recognise the force of your argument. However, it is based on a misunderstanding of how this Measure will operate. I will try to deal with that as I go through the amendments. The problem is this: if you begin to define on the face of the Measure what a safe route to school is, you will inevitably leave out many safe routes that are currently being used. The problem with legislation is that you cannot include every eventuality on the face of it; it would simply be too long and too cumbersome. However, I understand the strength of the arguments. Angela said that there are difficulties in rural areas, and I have represented a rural area for 20 years, so I understand exactly the points that she makes. As I said to committee, I am not convinced that defining a safe route to school on the face of the Measure would answer the problem that she highlights. If you tried to do that, the Measure would be highly cumbersome.

Mae hynny'n dod â mi'n daclus at y pwynt olaf sydd gennyf ynghylch dileu'r cwbl o isadran 8A ar yr asesiadau risg. Pe byddech yn mynd i lawr y ffordd honno yng Nghwmfelin Boeth ar ddiwrnod hyfryd heulog yn yr haf, a'r blodau'n tyfu yn y caeau, byddech yn tybio nad oedd problem. Fodd bynnag, am 7.30 a.m. ar fore Llun, gyda thractorau, bysiau ysgol—na allant aros i'ch codi—a cheir yn brysio'n ôl ac ymlaen i Hendy-gwyn, mae'r olygfa'n wahanol. Gallaf fynd â chi at sawl ffordd o'r fath yng Ngorllewin Caerfyrddin a De Sir Benfro yn unig, ac mae'n sicr o fod yr un fath ledled Cymru. Gofynnaf i bob Aelod Cynulliad feddwl am hyn, gan fod hyn yn ymwneud â diogelwch plant. Hwn yw ein cyfle i dderbyn cyfraith dda, nid cyfraith y bydd yn rhaid inni ei hailystyried.

Y Dirprwy Brif Weinidog: Ni fyddwn byth yn cyhuddo Angela o geisio tynnu sylw ati ei hun; mae arnaf ofn mai rhywbeth i'w chyd-Aelod yn unig yw hynny heddiw.

Gwnaethoch bwynt cryf, grymus yn awr, Angela, a byddai holl Aelodau'r Cynulliad yn derbyn grym eich dadl. Fodd bynnag, mae wedi'i seilio ar gamddealltwriaeth o'r modd y bydd y Mesur hwn yn gweithio. Ceisiaf ddelio â hynny wrth imi fynd drwy'r gwelliannau. Y broblem yw hyn: os dechreuwch ddiffinio yn y Mesur beth yw llwybr diogel i'r ysgol, mae'n anochel y byddwch yn gadael allan llawer o lwybrau diogel sy'n cael eu defnyddio ar hyn o bryd. Yr anhawster ynghylch deddfwriaeth yw na allwch gynnwys pob posibilrwydd ynddi; byddai'n rhy hir ac yn rhy feichus. Er hynny, yr wyf yn deall cryfder y dadleuon. Dywedodd Angela fod anawsterau mewn ardaloedd gwledig, ac yr wyf wedi cynrychioli ardal wledig am 20 mlynedd, felly yr wyf yn deall yn union y pwyntiau y mae'n eu gwneud. Fel y dywedais wrth y pwyllgor, nid wyf wedi fy argyhoeddi y byddai diffinio llwybr diogel i'r ysgol yn y Mesur yn datrys y broblem y mae'n tynnu sylw ati. Pe ceisiech wneud hynny, byddai'r Mesur yn feichus dros ben.

The problem when we got to the committee's second meeting was that parts of the amendments that would have completed the picture, as it were, were not carried. Therefore, as Alun Cairns said, we currently have an incomplete patchwork. I will try to explain that in a second, but we now have to remove those parts of the Measure that were passed in committee to return to the original position of handling safe routes to schools by—I repeat—statutory guidance. I find it extraordinary that Alun Cairns asks me whether statutory guidance will be issued. I intervened during his contribution, and told him that that would be the case. However, in the very next sentence, he said that I had refused to give statutory guidance. Anyone can understand what the phrase means, and yet it seems to be beyond Alun's comprehension.

I do not think it necessary to prolong this debate. I am simply asking the Assembly to reject amendment 27 and to support amendment 4. That would remove those things that were included with good intention but which, I believe, were dangerous, in a way. Once you have limited a safe route to school to one that has a footway or a footpath, other routes that are perfectly safe are excluded. That provision should therefore be included in statutory guidance. Therefore, I am asking Members to support amendment 4, and to reject amendment 18.

I will now deal with the issue of the risk assessment. We want to withdraw this subsection from the face of the Measure because local authorities are already under an obligation to provide a risk assessment. The fact that the Measure requires transport arrangements and walking routes to be safe means that a local authority must, as it stands—

Nick Bourne: I have listened to what you have said and, although we can differ on some of the other issues where there may be genuine differences of opinion, how can it possibly be right for a local authority to conduct a risk assessment at a time when it is not assessing the risk? The risk exists when the school run is happening. The risk does not exist during the summer months or in the

Y broblem oedd, pan ddaethom at ail gyfarfod y pwyllgor, fod rhannau o'r gwelliannau a fyddai wedi cwblhau'r darlun, fel petai, heb gael eu derbyn. Felly, fel y dywedodd Alun Cairns, mae gennym glytwaith anghyflawn ar hyn o bryd. Ceisiaf egluro hynny mewn eiliad, ond rhaid inni'n awr dynnu'r rhannau hynny o'r Mesur a basiwyd yn y pwyllgor er mwyn dychwelyd at y sefyllfa wreiddiol o drafod llwybrau diogel i ysgolion drwy—a dweud hynny eto—ganllawiau statudol. Yr wyf yn ei chael yn rhyfedd iawn bod Alun Cairns yn gofyn i mi a gyhoeddir canllawiau statudol. Torrais ar draws yn ystod ei gyfraniad, a dweud wrtho mai hynny a ddigwyddai. Er hynny, yn y frawddeg nesaf un, dywedodd fy mod wedi gwrthod rhoi canllawiau statudol. Gall rhywun ddeall ystyr yr ymadrodd, ac eto mae'n ymddangos ei fod y tu hwnt i grebwyll Alun.

Nid wyf yn credu bod angen ymestyn y ddadl hon. Y cwbl a wnaif yw gofyn i'r Cynulliad wrthod gwelliant 27 a chefnogi gwelliant 4. Byddai hynny'n dileu'r pethau hynny a gynhwyswyd gyda bwriad da ond a oedd, yr wyf yn credu, yn beryglus, ar un ystyr. Wedi ichi gyfyngu llwybr diogel i'r ysgol i un sydd â throetffordd neu lwybr troed, mae llwybrau eraill sy'n gwbl ddiogel wedi'u cau allan. Felly dylid cynnwys y ddarpariaeth honno mewn canllawiau statudol. Felly, yr wyf yn gofyn i Aelodau gefnogi gwelliant 4, a gwrthod gwelliant 18.

Deliaf yn awr â mater yr asesiad risg. Yr ydym am dynnu'n ôl yr is-adran hon o'r Mesur am fod awdurdodau lleol eisoes dan rwymedigaeth i ddarparu asesiad risg. Mae'r ffaith bod y Mesur yn mynnu y dylai trefniadau cludiant a llwybrau cerdded fod yn ddiogel yn golygu ei bod yn rhaid i awdurdod lleol, fel y mae pethau—

Nick Bourne: Yr wyf wedi gwrandao ar yr hyn yr ydych wedi'i ddweud ac, er bod gennym safbwyntiau gwahanol ynglŷn â rhai o'r materion eraill lle mae'n bosibl bod gwahaniaeth barn go iawn, sut ar wyneb y ddaear y mae'n briodol i awdurdod lleol gynnal asesiad risg ar adeg pan nad yw'n asesu'r risg? Mae'r risg yn bodoli ar yr adeg pan mae plant yn cael eu hebrwng i'r ysgol

middle of the day, so it makes no sense to do it at that time; it is totally indefensible.

The Deputy First Minister: What I am saying is that the statutory guidance determines, within a range, what a safe route to school is and, when that is issued, the local authority, in deciding whether or not that is a safe route, must carry out a risk assessment. That is the position in law now, and if I found that the local authority was not complying with that statutory guidance, I can issue directions to that local authority to provide that risk assessment. I want to disabuse you of the notion—because as we know, we are legislating here and we want everyone to understand the position—that we want to absolve local authorities from the responsibility to carry out a risk assessment; that is nonsense. I will make it clear that if I conclude, on advice that I am given—

Ann Jones: Will you clarify that when you make your statutory guidance you will outline a meaningful time when local authorities must assess the route? I can cite many instances in Denbighshire when assessments of Safe Routes to School have been conducted at 11 a.m. on a Sunday morning—and when do children go to school? We need this assurance from you that the timings of such assessments will be relevant to the school day.

The Deputy First Minister: I accept that entirely and there is no reason why, when the consultation on the statutory guidance is considered, that fact will not be taken fully into account. We all agree what we want to try to achieve, but what I am saying is that by removing the amendments that were carried, the Measure will achieve the same objective and, in my view, will do so in a much more flexible and coherent way, and I ask the Assembly for its support.

Peter Black: I have not heard any arguments in relation to the amendment that I proposed; I think that the Minister was largely concentrating on the other issues relating to the footpath, footway and the risk

ac oddi yno. Nid yw'r risg yn bodoli yn ystod misoedd yr haf neu ganol dydd, felly nid oes synnwyr mewn gwneud asesiad risg yr adeg honno; mae'n gwbl afresymol.

Y Dirprwy Brif Weinidog: Yr hyn yr wyf yn ei ddweud yw bod y canllawiau statudol yn pennu, o fewn ystod, beth yw llwybr diogel i ysgol a, phan gyhoeddir y rhain, rhaid i'r awdurdod lleol, wrth benderfynu a yw hwnnw'n llwybr diogel ai peidio, gynnal asesiad risg. Dyna'r sefyllfa gyfreithiol yn awr, a phe bawn yn canfod nad yw'r awdurdod lleol yn cydymffurfio â'r canllawiau statudol hynny, gallwn ofyn i'r awdurdod lleol hwnnw ddarparu'r asesiad risg hwnnw. Yr wyf yn awyddus i gywiro'r syniad—oherwydd fel y gwyddom, yr ydym yn deddfu yma ac mae arnom eisiau i bawb ddeall y sefyllfa—ein bod yn dymuno rhyddhau awdurdodau lleol o'r cyfrifoldeb am gynnal asesiad risg; nonsens yw hynny. Byddaf yn egluro'n glir os byddaf yn dod i'r casgliad, ar sail cyngor a roddir imi—

Ann Jones: A wnewch gadarnhau y byddwch, pan fyddwch yn llunio'ch canllawiau statudol, yn nodi amser synhwyrol i awdurdodau lleol asesu'r llwybr? Gallaf gyfeirio at nifer o achosion yn sir Ddinbych pan gynhaliwyd asesiadau o Lwybrau Diogel i'r Ysgol am 11 a.m. ar fore Sul—a phryd y mae plant yn mynd i'r ysgol? Mae arnom angen y sicrwydd hwn gennych y bydd amseriad asesiadau o'r fath yn berthnasol i'r diwrnod ysgol.

Y Dirprwy Brif Weinidog: Derbyniaf hynny ar bob cyfrif ac nid oes unrhyw reswm pam na ddylai'r ffaith honno gael sylw priodol pan fydd yr ymgynghoriad ar y canllawiau statudol yn cael ei ystyried. Yr ydym i gyd yn cytuno beth y dylem geisio'i gyflawni, ond yr hyn yr wyf fi'n ei ddweud yw y bydd y Mesur, drwy gael gwared ar y gwelliannau a dderbyniwyd, yn cyflawni'r un amcan ac, yn fy marn i, yn gwneud hynny mewn ffordd llawer mwy hyblyg ac ystyrlon, a gofynnaf am gefnogaeth y Cynulliad.

Peter Black: Nid wyf wedi clywed unrhyw ddadleuon ynglŷn â'r gwelliant a gynigiwyd gennyf fi; credaf fod y Gweinidog yn canolbwyntio'n bennaf ar y materion eraill yn ymwneud â'r llwybr troed, y droetffordd a'r

assessments. The Welsh Liberal Democrats are content to follow the line promulgated by Alun Cairns in respect of ensuring that when a local authority undertakes a risk assessment, it takes account of the fact that a child should have a footpath or footway to walk along and that we, therefore, need definitions in the Measure to support that particular assertion. I hope, therefore, that the Assembly will leave that in and support the addition of those amendments.

We are not prepared to support the amendment on the footpath being lit during the course of the hours of darkness. Purely for practical reasons, if you live in the countryside, and a footpath takes you across a field or an adopted area, then it would be difficult to argue that a light should be placed in the middle of that field to enable the local authority to meet that provision.

Alun Cairns: By its definition, that would then exclude a walk through a field as an acceptable route to school. Insisting that pupils walk across fields to school in the hours of darkness is unacceptable; that is the purpose of that amendment.

5.20 p.m.

Peter Black: I understand that, Alun, but in the countryside there are established rights of way that are perfectly safe and that pupils will use in the normal course of events, and we must take account of that. In a sense, you have to get the balance right. I listened to what the Minister said about what should and should not appear on the face of the Measure, and these amendments are probably as far as you could go before you start defining things in too much detail. I would hope that when the authority carries out the risk assessment, which we are happy to leave in the Measure, and when the statutory guidance is produced, all of that can be dealt with then. For that reason, I believe that that particular amendment goes just that bit too far, and we therefore will not support it. We do hope, however, that the other provisions remain in the Measure and that we are able to add the definitions that the committee felt necessary to include for various reasons.

asesiadau risg. Mae Democratiaid Rhyddfrydol Cymru'n fodlon dilyn y trywydd a fynegwyd gan Alun Cairns ynglŷn â sicrhau bod awdurdod lleol, wrth gynnal asesiad risg, yn ystyried y ffaith y dylai plentyn gael llwybr troed neu droetffordd i gerdded arni ac, o ganlyniad, bod arnom angen diffiniadau yn y Mesur i gefnogi'r honiad penodol hwnnw. Yr wyf yn gobeithio, felly, y bydd y Cynulliad yn gadael hynny yn y Mesur ac yn cefnogi ychwanegu'r gwelliannau hynny.

Nid ydym yn barod i gefnogi'r gwelliant ynglŷn â goleuo'r llwybr troed yn ystod yr oriau tywyll. Am resymau ymarferol yn unig, os ydych yn byw yng nghefn gwlad, a bod llwybr troed yn mynd â chi ar draws cae neu lecyn sydd wedi'i fabwysiadu, yna byddai'n anodd dadlau y dylid rhoi golau yng nghanol y cae hwnnw er mwyn galluogi'r awdurdod lleol i fodloni'r gofyniad hwnnw.

Alun Cairns: Yn ôl y diffiniad, byddai hynny wedyn yn golygu na ellid ystyried llwybr drwy gae fel llwybr derbyniol i'r ysgol. Mae mynnu bod disgyblion yn cerdded ar draws caeau i'r ysgol yn yr oriau tywyll yn annerbyniol; dyna bwrpas y gwelliant hwnnw.

Peter Black: Yr wyf yn deall hynny, Alun, ond mae hawliau tramwy yng nghefn gwlad, sydd wedi hen ennill eu plwyf, sy'n gwbl ddiogel ac a fydd yn cael eu defnyddio gan ddisgyblion o ddydd i ddydd, a rhaid inni ystyried hynny. Ar ryw ystyr, mae'n fater o gael y cydbwysedd yn iawn. Gwrandewais ar yr hyn a ddywedodd y Gweinidog ynglŷn â beth ddylai ymddangos yn y Mesur a beth na ddylai ymddangos ynddo, a'r gwelliannau hyn yn ôl pob tebyg yw'r pwynt pellaf y gallech fynd cyn ichi ddechrau diffinio pethau'n rhy fanwl. Byddwn yn gobeithio y bydd modd ymdrin â hyn oll pan fydd yr awdurdod yn cynnal yr asesiad risg, yr ydym yn fodlon ei adael yn y Mesur, a phan lunnir y canllawiau statudol. Am y rheswm hwnnw, credaf fod y gwelliant penodol hwnnw'n mynd fymryn bach yn rhy bell, felly ni fyddwn yn ei gefnogi. Yr ydym yn gobeithio, fodd bynnag, y bydd y darpariaethau eraill yn cael eu cadw yn y Mesur ac y gallwn

ychwanegu'r diffiniadau y teimlai'r pwyllgor fod angen eu cynnwys am resymau amrywiol.

The Presiding Officer: I assume that you wish to move to a vote on the leading amendment in the group, amendment 27.

Y Llywydd: Cymeraf eich bod yn dymuno symud at bleidlais ar y prif welliant yn y grŵp, sef gwelliant 27.

Y cwestiwn yw y dylid cytuno ar welliant 27. A oes gwrthwynebiad? Gwelaf fod. Felly, symudwn at bleidlais.

The question is that amendment 27 be agreed to. Are there any objections? I see that there are. Therefore, I call for a vote.

*Gwelliant 27: O blaid 15, Ymatal 0, Yn erbyn 36.
Amendment 27: For 15, Abstain 0, Against 36.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Black, Peter
Bourne, Nick
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
German, Michael
Graham, William
Isherwood, Mark
Law, Trish
Melding, David
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Wood, Leanne

*Gwrthodwyd y gwelliant.
Amendment defeated.*

Y Llywydd: Gan ein bod wedi gwaredu ar welliant 27, symudwn ymlaen i waredu ar welliant 4, sydd wedi'i drafod ar y cyd â gwelliant 27. Galwaf ar y Dirprwy Brif

The Presiding Officer: As we have disposed of amendment 27, we now move on to dispose of amendment 4, which has been discussed with amendment 27. I call on the

Weinidog i gynnig y gwelliant yn ffurfiol.

Deputy First Minister to formally propose the amendment.

Y Dirprwy Brif Weinidog: Cynigiaf welliant 4 yn fy enw i.

The Deputy First Minister: I propose amendment 4 in my name.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 4. A oes gwrthwynebiad? Gwelaf fod. Symudwn felly i bleidlais ar y gwelliant.

The Presiding Officer: The question is that amendment 4 be agreed to. Are there any objections? I see that there are. Therefore, we move to a vote.

Gwelliant 4: O blaid 36, Ymatal 0, Yn erbyn 14.

Amendment 4: For 36, Abstain 0, Against 14.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Wood, Leanne

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Bates, Mick
Black, Peter
Bourne, Nick
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
Graham, William
Isherwood, Mark
Law, Trish
Melding, David
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle

*Derbyniwyd y gwelliant.
Amendment carried.*

Y Llywydd: Gan fod gwelliant 4 wedi'i dderbyn, mae gwelliannau 18 a 19 yn syrthio.

The Presiding Officer: As amendment 4 has been carried, amendments 18 and 19 fall.

*Methodd gwelliannau 18 a 19.
Amendments 18 and 19 fell.*

Y Llywydd: Gwahoddaf y Dirprwy Brif Weinidog i gynnig gwelliant 5, a drafodwyd ar y cyd â gwelliant 27.

The Presiding Officer: I invite the Deputy First Minister to propose amendment 5, which was discussed with amendment 27.

Y Dirprwy Brif Weinidog: Cynigïaf welliant 5 yn fy enw i.

The Deputy First Minister: I propose amendment 5 in my name.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 5. A oes gwrthwynebiad? Gwelaf fod. Felly, symudwn i bleidlais.

The Presiding Officer: The question is that amendment 5 be agreed to. Are there any objections? I see that there are. Therefore, we move to a vote.

*Gwelliant 5: O blaid 36, Ymatal 0, Yn erbyn 16.
Amendment 5: For 36, Abstain 0, Against 16.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Wood, Leanne

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
German, Michael
Graham, William
Isherwood, Mark
Law, Trish
Melding, David
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle

*Derbyniwyd y gwelliant.
Amendment carried.*

Y Llywydd: Symudwn yn awr at welliant 6, a drafodwyd ar y cyd â gwelliant 2. Galwaf ar y Dirprwy Brif Weinidog i'w gynnig yn

The Presiding Officer: We now move to amendment 6, which was discussed with amendment 2. I call on the Deputy First

ffurfiol.

Minister to formally propose it.

Y Dirprwy Brif Weinidog: Cynigïaf welliant 6 yn fy enw i.

The Deputy First Minister: I propose amendment 6 in my name.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 6. A oes gwrthwynebiad? Gwelaf nad oes. Yn unol â Rheol Sefydlog Rhif 7.35, felly, caiff gwelliant 6 ei dderbyn.

The Presiding Officer: The question is that amendment 6 be agreed to. Are there any objections? I see that there are none. In accordance with Standing Order No. 7.35, therefore, the amendment is carried.

*Derbyniwyd gwelliant 6.
Amendment 6 carried.*

Darpariaethau sy'n Berthnasol i Ddysgwyr ag Anghenion Addysgol Arbennig (Adrannau 5 a 7)

Provisions as they Apply to Learners with Special Educational Needs (Sections 5 and 7)

Y Llywydd: Symudwn at grŵp o welliannau yn ymdrin â'r darpariaethau sy'n berthnasol i ddysgwyr ag anghenion addysgol arbennig. Galwaf ar Alun Cairns i gynnig gwelliant 20 ac i siarad ar y gwelliannau eraill yn y grŵp.

The Presiding Officer: We now move on to a grouping of amendments relating to learners with special educational needs. I call on Alun Cairns to propose amendment 20 and to speak to the other amendments in the group.

Alun Cairns: I propose amendment 20 in my name.

Alun Cairns: Cynigïaf welliant 20 yn fy enw i.

*Cafodd gwelliannau 20, 21 a 22 eu grwpio ar gyfer y drafodaeth.
Amendments 20, 21, and 22 grouped for debate.*

There are two prime purposes behind these amendments. The first is to allow for movement between educational settings for those with special educational needs, and the second is to provide for those with special educational needs in post-16 education.

Mae dau brif reswm dros y gwelliannau hyn. Y rheswm cyntaf yw er mwyn caniatáu i ddisgyblion sydd ag anghenion addysgol arbennig symud o'r naill sefydliad addysgol i'r llall, a'r ail yw er mwyn darparu ar gyfer y rhai sydd ag anghenion addysgol arbennig mewn addysg ôl-16.

I will address amendments 20 and 21 first. They relate to movement between educational settings, and it may be useful to highlight an example. Many pupils with special educational needs receive split placement education, that is, they receive mainstream education for part of the time and special education for the remainder. Most split placements tend to occur on different days, for example, the pupil may receive mainstream education on Monday, Tuesday and Wednesday and special teaching on Thursday and Friday in another setting. On occasion, and increasingly so in recent times,

Rhoddaf sylw i welliannau 20 ac 21 yn gyntaf. Maent yn ymwneud â symud o un sefyllfa addysgol i un arall, ac efallai y byddai o fudd pe bawn yn rhoi enghraifft. Mae llawer o ddisgyblion sydd ag anghenion addysgol arbennig yn cael eu haddysg mewn lleoliadau gwahanol, hynny yw, maent yn cael addysg prif ffrwd am ran o'r amser ac addysg arbennig am y gweddill. Mae'r rhan fwyaf o'r lleoliadau gwahanol yn digwydd ar ddiwrnodau gwahanol, er enghraifft, gallai'r disgybl fod yn cael addysg prif ffrwd ar ddydd Llun, dydd Mawrth a dydd Mercher ac addysg arbennig mewn sefydliad arall ar

split placements happen during the same day, so the morning could be spent in a mainstream setting and the afternoon at a special unit. Under the current proposals, transport in these circumstances will only be provided at the discretion of the local authority. The National Autistic Society recognised this issue and supports the amendments. This is not a party political issue; it is merely a pragmatic approach to ensuring the necessary provision for special educational needs. I would like to think that the Minister accepted the principle behind the amendment at Stage 2 and only said that it was not necessary because a child's educational statement would normally provide for it. Unfortunately, that is not always the case. All too often, parents have to fight for a statement, and even go to tribunal to make it accurate. We all know that it is the middle classes, and those who can afford to pay for lawyers and reports from independent educational psychologists and speech and language therapists who will have the best chance of success.

On occasion, parents of children with special needs can have special needs themselves and, in general, it is difficult for members of the public to challenge the authority of a tribunal. That is through no fault of their own; in fact, it is probably the fault of the public sector over many decades. I am sure that many Members will be all too familiar with that tortuous process and the effect that it has on children. This amendment allows us to help some of the most disadvantaged in our society.

It is the broad will of the Assembly Government to seek to reduce the number of statemented children, according to a report by the Education and Lifelong Learning Committee in the previous Assembly. The proportion of statemented children can be up to 5 per cent in some local authority areas and 1 per cent or less in others. The recommendation of that report, which was accepted in principle by the Assembly Government, was that statementing should be

ddydd Iau a dydd Gwener. Ambell waith, ac mae wedi bod yn digwydd fwy a mwy yn ddiweddar, cynhelir lleoliadau gwahanol yn ystod yr un diwrnod, felly gallai'r disgybl dreulio'r bore mewn sefydliad prif ffrwd a'r prynhawn mewn uned arbennig. Dan y cynigion presennol, yr awdurdod lleol fydd yn penderfynu a yw am ddarparu cludiant ai peidio. Cydnabuwyd y broblem hon gan Gymdeithas Genedlaethol Awtistiaeth ac mae'n cefnogi'r gwelliannau. Nid mater i bleidiau gwleidyddol mo hwn; nid yw'n amgenach na dull pragmatig o sicrhau'r ddarpariaeth angenrheidiol ar gyfer anghenion addysgol arbennig. Hoffwn feddwl fod y Gweinidog wedi derbyn yr egwyddor sy'n sail i'r gwelliant yng Ngham 2 a'i fod wedi dweud nad oedd ei angen dim ond oherwydd y byddai datganiad addysgol plentyn yn darparu ar ei gyfer fel rheol. Yn anffodus, nid yw hynny'n wir bob tro. Yn rhy aml o'r hanner, mae rhieni'n gorfod brwydro i gael datganiad, a mynd i dribiwnlys hyd yn oed i'w wneud yn gywir. Gwyddom i gyd mai pobl dosbarth canol, a phobl sydd â'r modd i dalu am dwrneiod ac adroddiadau gan seicolegwyr addysgol annibynnol a therapyddion iaith a lleferydd fydd â'r siawns orau o lwyddo.

Ambell dro, mae'n bosibl y bydd gan rieni plant sydd ag anghenion arbennig anghenion arbennig eu hunain ac, yn gyffredinol, mae'n anodd i aelodau o'r cyhoedd herio awdurdod tribiwnlys. Nid eu bai hwy yw hynny; mewn gwirionedd, mae'n debyg mai ar y sector cyhoeddus dros ddegau o flynyddoedd y mae'r bai. Yr wyf yn siŵr y bydd llawer o'r Aelodau'n gyfarwydd iawn â'r broses drofaus honno a'r effaith y mae'n ei chael ar blant. Mae'r gwelliant hwn yn caniatáu inni helpu rhai o aelodau mwyaf difreintiedig ein cymdeithas.

Dymuniad cyffredinol Llywodraeth y Cynulliad yw ceisio lleihau nifer y plant â datganiad, yn ôl adroddiad gan y Pwyllgor Addysg a Dysgu Gydol Oes yn y Cynulliad blaenorol. Gall cyfran y plant â datganiad fod cyn uched â 5 y cant mewn rhai awdurdodau lleol ac yn 1 y cant neu lai mewn eraill. Argymhelliad yr adroddiad hwnnw, a dderbyniwyd mewn egwyddor gan Lywodraeth y Cynulliad, oedd y dylid gadael datganiadau i'r rhai hynny sydd ag anghenion

left for those with severe and complex needs. It is the Minister's defence—and it is a fair defence—that this will be provided for in the child's statement of special educational needs. However, if changes in guidance are going to reduce the number of statemented children, then more pupils on split placements will be exposed to the problems of not being guaranteed transport from a special school to a mainstream school during the same day. I could cite many examples where parents have had to go to tribunal to secure this. Let us clear this up once and for all and make it an absolutely explicit obligation on the local authority in the interests of children with special needs.

Peter Black: We are happy to support these amendments. Although it is perfectly proper and common for travel arrangements to be made as part of the statement, it is often the case that those statements prove to be inadequate, with travel details either being left out or not met by the local authority. As a result, parents often spend their time going through tribunals just to try to secure what the statement promises, particularly in terms of transport.

It is important that, when a local authority considers the travel arrangements that it makes for pupils, it takes account of the requirements of children with additional educational needs. It is important that we place a duty on local authorities to do that on the face of the Measure. For that reason, I would hope that the Minister is prepared to accept the amendments. In many instances it will not be necessary because of the statemented provision, but in other instances it will be necessary and, for that reason, there should always be a duty on local authorities to provide that transport where it is required.

Mark Isherwood: I rise in support of my colleague Alun Cairns's statement on the amendments, which are about providing guarantees and certainty for pupils with special educational needs or additional learning needs, as well as for their parents,

difrifol a chymhleth. Amddiffyniad y Gweinidog—ac mae'n amddiffyniad teg—yw y darperir ar gyfer hyn yn natganiad anghenion addysgol arbennig y plentyn. Fodd bynnag, os yw newidiadau yn y canllawiau'n mynd i leihau nifer y plant sydd â datganiad, yna bydd mwy o ddisgyblion sydd â lleoliadau gwahanol yn wynebu problemau ansicrwydd ynglŷn â chludiant o ysgol arbennig i ysgol prif ffrwd yn ystod yr un diwrnod. Gallwn roi nifer o enghreifftiau lle mae rhieni wedi gorfod mynd i dribiwnlys er mwyn sicrhau hyn. Gadewch inni glirio'r mater hwn unwaith ac am byth, a datgan yn hollol glir bod hyn yn ddyletswydd i awdurdod lleol er lles plant ag anghenion arbennig.

Peter Black: Yr ydym yn fodlon cefnogi'r gwelliannau hyn. Er ei bod yn gwbl briodol a chyffredin i drefniadau teithio gael eu gwneud fel rhan o'r datganiad, mae'r datganiadau hynny, yn aml iawn, yn annigonol, gyda manylion teithio naill ai wedi cael eu hepgor neu ddim yn cael eu gweithredu gan yr awdurdod lleol. O ganlyniad, mae rhieni yn aml yn treulio'u hamser yn mynd drwy dribiwnlysoedd dim ond er mwyn ceisio sicrhau'r hyn y mae'r datganiad yn ei addo, yn enwedig o ran cludiant.

Pan fydd awdurdod lleol yn ystyried pa drefniadau teithio i'w gwneud ar gyfer disgyblion, mae'n bwysig ei fod yn ystyried gofynion plant sydd ag anghenion addysgol ychwanegol. Mae'n bwysig ein bod yn nodi yn y Mesur ei bod yn ddyletswydd ar awdurdodau lleol i wneud hynny. Am y rheswm hwnnw, byddwn yn gobeithio bod y Gweinidog yn barod i dderbyn y gwelliannau. Mewn llawer o achosion ni fydd angen hyn, oherwydd y ddarpariaeth ar gyfer plant â datganiadau, ond mewn achosion eraill bydd ei angen ac, am y rheswm hwnnw, dylai fod yn ddyletswydd bob amser ar awdurdodau lleol i ddarparu'r cludiant hwnnw lle mae ei angen.

Mark Isherwood: Codaf i gefnogi datganiad fy nghyd-Aelod, Alun Cairns, ar y gwelliannau, sy'n ymwneud â rhoi sicrwydd i ddisgyblion sydd ag anghenion addysgol arbennig neu anghenion dysgu ychwanegol, yn ogystal â'u rhieni, sy'n gorfod brwydro

who have to struggle so hard—first to secure recognition of their children’s needs, and then to ensure that those needs are being met.

The Measure contains restrictions on travel arrangements that we are not contesting. All that we are saying is that those restrictions should not apply in this section, in relation to learners with special educational needs. We want the Measure to recognise that we need to guarantee transport between different educational settings during the day in certain circumstances, for example when a child has a split placement, as we have heard.

5.30 p.m.

During Stage 2 in committee, the Minister argued that the statement of special educational needs should include travel arrangements, but, in practice, it does not. The statement was originally supposed to be a safety net, but it has become a certificate of entitlement and a rationing mechanism. I have some personal experience of this, although I do not want to go into that. Even someone like me, who should be able to fight my corner because of the benefits of education that I have had, had a battle and only won it because of the support of a dedicated headteacher, a determined wife and some people in the local authority who listened. However, many others do not have the opportunity to fight and win in that way. Therefore, we must ensure certainty and remove the additional stress that could arise if this simply becomes another adjunct to the rationing process.

The final amendment referred to is again about providing certainty, in removing the Minister’s discretion and securing the right of post-16 pupils with special educational needs to travel to and between a school, college or other appropriate setting. It should not be a matter of discretion—it should be the right and entitlement of everyone who falls into this category of need. Therefore, I urge Members to support this—it is the right and moral thing to do and it should not be thought

mor galed yn y lle cyntaf er mwyn cael cydnabyddiaeth o anghenion eu plant, ac yna er mwyn sicrhau bod yr anghenion hynny’n cael eu diwallu.

Mae’r Mesur yn cynnwys cyfyngiadau ar drefniadau teithio ond nid ydym yn eu gwrthwynebu. Y cyfan yr ydym yn ei ddweud yw na ddylai’r cyfyngiadau hynny fod yn berthnasol yn yr adran hon, yng nghyswllt dysgwyr sydd ag anghenion addysgol arbennig. Yr ydym yn awyddus i’r Mesur gydnabod bod angen inni warantu cludiant rhwng gwahanol sefydliadau addysgol yn ystod y dydd mewn amgylchiadau penodol, er enghraifft pan fydd plentyn yn cael addysg mewn lleoliadau gwahanol, fel y clywsom.

Yn ystod Cam 2 yn y pwyllgor, dadleuodd y Gweinidog y dylai’r datganiad anghenion addysgol arbennig gynnwys trefniadau teithio, ond, yn ymarferol, nid yw’n eu cynnwys. Rhwyd diogelwch oedd y datganiad i fod yn wreiddiol, ond mae wedi dod yn dystysgrif hawl ac yn fecanwaith dogni. Mae gennyf rywfaint o brofiad personol o hyn, er nad wyf am sôn am hynny. Bu’n rhaid i rywun fel fi frwydro hyd yn oed, a minnau’n rhywun a ddylai allu dal fy nhir oherwydd manteision yr addysg yr wyf wedi’i chael. Dim ond oherwydd imi gael cefnogaeth pennaeth ymroddedig, gwraig benderfynol ac ychydig o bobl yn yr awdurdod lleol a oedd yn gwrandao y llwyddais i ennill. Fodd bynnag, bydd llawer o bobl eraill na fydd ganddynt y cyfle i frwydro ac ennill yn y ffordd honno. Felly, rhaid inni sicrhau sicrwydd a dileu’r straen ychwanegol a allai godi os daw hyn yn atodiad arall i’r broses dogni.

Mae a wnelo’r gwelliant olaf y cyfeirir ato unwaith eto â chynnig sicrwydd, drwy ddileu disgrisiwn y Gweinidog a sicrhau hawl disgyblion ôl-16 y mae ganddynt anghenion addysgol arbennig i deithio i ysgol, coleg neu leoliad priodol arall a rhwng y lleoliadau hynny. Ni ddylai fod yn fater o ddisgrisiwn—dylai fod yn hawl ac yn haeddiant i bawb sy’n dod o dan y categori angen hwn. Felly, pwysaf ar Aelodau i gefnogi hyn—dyma’r peth iawn a’r peth

of in any way as a party political issue.

Y Dirprwy Brif Weinidog: Yr wyf yn derbyn y pwynt olaf a wnaeth Mark na ddylai hyn fod yn fater pleidiol, oherwydd mae'r dadleuon a glywsom yn ystod y ddadl yn rhai y byddai gan unrhyw un gydymdeimlad â hwy. Bu i mi ystyried y gwelliant a oedd gerbron y pwyllgor yn hynod ofalus, ond yn y pen draw ni chefais fy mherswadio fod ei angen. Felly, pan ddaeth Alun â'r gwelliant hwn gerbron, bu yn ddigon caredig i rannu ei gynnwys gyda mi a'm swyddogion ac addewais y byddwn yn ailystyried safbwynt y Llywodraeth arno. Fel y gwyr Alun erbyn hyn, bu inni ystyried y gwelliant yn hynod ofalus ond daethom i'r un casgliad ag y gwnaethom yn y pwyllgor.

I have considered the arguments that have been presented extremely carefully, because one wants to ensure as far as possible that there is a level playing field for children with special educational needs in relation to their transport requirements. As the law currently stands, if a child has a statement that specifies the provision of education at another place in addition to the school that he or she normally attends, and the statement says that transport is required to that other place during the day, the local authority, in accordance with the statutory provisions, is required to provide the transport. Where the statement does not provide for that, currently, there can be an appeal to an SEN tribunal. The question is whether or not that is the right course for a parent to follow. My answer to that is that whatever else we might think—and I think that there is a great deal of sympathy with some of the arguments that have been deployed—this is not the Measure by which to change SEN legislation. That is the fundamental issue.

This is primarily a Measure relating to safe transport for children to school. It is not designed to change legislation in relation to special educational needs and the rights of children in that category. This Measure is not the right vehicle to consider issues around the SEN process. The legislative competence Order approved in April gives us powers to make changes to the current system if there is evidence to support doing so. I understand

moesol i'w wneud ac ni ddylid ei ystyried yn fater gwleidyddol pleidiol o gwbl.

The Deputy First Minister: I accept Mark's final point that this should not be a party political issue, because anyone would sympathise with the arguments that we have heard during the debate. I considered the amendment before the committee extremely carefully, but ultimately I was not persuaded that it was necessary. Therefore, when Alun tabled this amendment, he was kind enough to share its contents with me and my officials and I promised that I would reconsider the Government's stance on it. As Alun knows by now, we considered the amendment extremely carefully but we came to the same conclusion that we made in committee.

Yr wyf wedi ystyried y dadleuon sydd wedi'u cyflwyno'n arbennig o ofalus, oherwydd bod rhywun am sicrhau chwarae teg cyn belled ag y bo modd i blant y mae ganddynt anghenion addysgol arbennig o ran ar eu gofynion cludiant. Fel y mae'r gyfraith ar hyn o bryd, os oes gan blentyn ddatganiad sy'n dweud y dylid darparu addysg mewn man arall yn ogystal ag yn yr ysgol y mae ef yn ei mynychu fel rheol, a bod y datganiad yn dweud bod angen cludiant i'r man arall hwnnw yn ystod y dydd, mae gofyn i'r awdurdod lleol, yn unol â'r darpariaethau statudol, ddarparu'r cludiant. Lle nad yw'r datganiad yn darparu ar gyfer hynny, ar hyn o bryd, gellir apelio i dribiwnlys AAA. Y cwestiwn yw ai dyna'r llwybr iawn i riant ei ddilyn ai peidio. Fy ateb i hynny yw, beth bynnag arall yw ein barn—a chredaf fod cryn dipyn o gydymdeimlad â rhai o'r dadleuon a ddefnyddiwyd—nad dyma'r Mesur i'w ddefnyddio i newid deddfwriaeth AAA. Dyna hanfod y mater.

Mesur yw hwn yn bennaf sy'n ymwneud â chludo plant yn ddiogel i'r ysgol. Nid yw'n fwrriad iddo newid y ddeddfwriaeth sy'n ymwneud ag anghenion addysgol arbennig a hawliau plant yn y categori hwnnw. Nid y Mesur hwn yw'r cyfrwng iawn i ystyried materion sy'n berthnasol i'r broses AAA. Mae'r Gorchymyn cymhwysedd deddfwriaethol a gymeradwywyd ym mis Ebrill yn rhoi'r pwerau inni newid y drefn

that the Minister is currently reviewing the whole system, and that is the way in which I think that this should proceed. There is no lack of sympathy with the arguments, but it is a matter for the Minister, Jane Hutt, to consider whether or not there need to be changes. We understand the point that Alun is making, but I believe that the law as it stands is sufficient in relation to this Measure. If he believes that it is not, it is a matter to be considered under the LCO approved in April. Therefore, I ask the Assembly to reject these amendments.

I ask the Assembly to reject amendment 22 because I made it clear during the Stage 2 proceedings that the amendment is not necessary as any regulations made using the existing regulation-making provisions under this section would include provision for all post-16 learners. We already have the ability to do that. Therefore, the amendment is superfluous.

Alun Cairns: I am grateful for the way in which the Deputy First Minister responded in part. He accepted that this is not a party political issue. We both recognise that there is an issue; it is just a matter of how the issue is resolved. I agree with him on that score.

However, this is a transport issue. It is not about special educational needs or the statementing process. The statementing process exists and it will, no doubt, be reviewed and considered in due course.

However, this is a practical problem. It may be that a statement fully addresses the educational requirements of a child with special educational needs, but does not address the transport arrangements. It is wholly unacceptable to expect a parent to have to go to a tribunal in order to get the transport arrangements addressed, bearing in mind the capacity problems, the lack of advocacy and the cost of expert witnesses in tribunals. The tribunal process is extremely cumbersome. No doubt, the Minister for Children, Education, Lifelong Learning and Skills will address that when we come to look at that legislation in the future.

bresennol os oes tystiolaeth o blaid gwneud hynny. Deallaf fod y Gweinidog wrthi'n adolygu'r system drwyddi draw, a dyna'r ffordd y credaf y dylid bwrw ymlaen â hyn. Nid oes diffyg cydymdeimlad â'r dadleuon, ond mater i'r Gweinidog, Jane Hutt, yw ystyried a oes angen newidiadau. Deallwn y pwynt y mae Alun yn ei wneud, ond credaf fod y gyfraith fel y mae'n ddigonol yng nghyswllt y Mesur hwn. Os yw'n credu nad yw, mater i'w ystyried dan y Gorchymyn a gymeradwywyd ym mis Ebrill ydyw. Felly, gofynnaf i'r Cynulliad wrthod y gwelliannau hyn.

Gofynnaf i'r Cynulliad wrthod gwelliant 22 oherwydd fe'i gwneuthum yn glir yn ystod trafodion Cyfnod 2 nad oes angen y gwelliant oherwydd y byddai unrhyw reoliadau a wneid gan ddefnyddio'r darpariaethau gwneud-rheoliadau presennol dan yr adran hon yn cynnwys darpariaeth ar gyfer pob dysgwr ôl-16. Gallwn wneud hynny eisoes. Felly, nid oes angen y gwelliant.

Alun Cairns: Yr wyf yn ddiolchgar am y ffordd yr ymatebodd y Dirprwy Brif Weinidog i raddau. Yr oedd yn derbyn nad yw hyn yn fater gwleidyddol. Yr ydym ill dau'n sylweddoli bod hyn yn broblem; ond sut mae datrys y broblem, dyna'r peth. Cytunaf ag ef ynghylch hynny.

Fodd bynnag, mae a wnelo hyn â chludiant. Nid oes a wnelo ag anghenion addysgol arbennig, nac â'r broses ddatgan. Mae'r broses ddatgan yn bodoli ac, yn ddiamau, fe'i hadolygir a'i hystyried maes o law.

Fodd bynnag, mae hon yn broblem ymarferol. Bydd datganiad o bosibl yn mynd i'r afael yn llawn â gofynion addysgol plentyn y mae ganddo anghenion addysgol arbennig, ond efallai nad yw'n mynd i'r afael â'r trefniadau cludiant. Mae'n gwbl annerbyniol disgwyl i riant orfod mynd at driwlynlys er mwyn datrys y trefniadau cludiant, a chadw mewn cof y problemau capasiti, y diffyg eiriolaeth, a chost tystion arbenigol mewn triwlynlysoedd. Mae proses y triwlynlys yn eithriadol o drwsgl. Mae'n siŵr yr aiff y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau i'r afael â hynny pan ddown i edrych ar y ddeddfwriaeth honno yn y dyfodol.

However, I would appeal to the Deputy First Minister and Minister for the Economy and Transport to consider that there is a broader policy to reduce the number of children with statements. Some local authorities are doing everything possible not to statement children. Some of those authorities have been mentioned elsewhere, and that is part of the feedback that you get from local authorities. Generally, they decide not to statement children on cost grounds, and it is wholly unacceptable to force parents to go to a tribunal just to get the transport arrangements provided within a statement. Therefore, I ask the Deputy First Minister to reconsider, and to support these amendments, which are intended, in the best possible way, to improve provision for pupils with special educational needs, in exactly the way that the National Autistic Society supports.

Y Llywydd: Cynigiau fod gwelliannau 20 a 21, sy'n ymddangos yn olynol ar y rhestr o welliannau wedi'u gosod mewn trefn, yn cael eu gwaredu gyda'i gilydd, o gofio eu natur. Ni welaf neb yn gwrthwynebu hynny. Felly, galwaf ar Alun Cairns, sydd eisoes wedi cynnig gwelliant 20, i gynnig welliant 21 yn ffurfiol.

Alun Cairns: Cynigiau welliant 21 yn fy enw i.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliannau 20 a 21. A oes unrhyw wrthwynebiadau? Gwelaf fod, felly galwaf bleidlais ar welliannau 20 a 21 gyda'i gilydd.

Fodd bynnag, byddwn yn apelio ar y Dirprwy Brif Weinidog a'r Gweinidog dros yr Economi a Thrafnidiaeth i ystyried bod polisi ehangach ar waith i leihau nifer y plant a gaiff ddatganiad. Mae rhai awdurdodau lleol yn gwneud popeth yn eu gallu i beidio â rhoi datganiad i blant. Cyfeiriwyd at rai o'r awdurdodau hynny mewn manau eraill, ac mae hynny'n rhan o'r adborth a gewch gan awdurdodau lleol. Yn gyffredinol, maent yn penderfynu peidio â rhoi datganiad i blant ar sail costau, ac mae'n gwbl annerbyniol gorfodi rhieni i fynd at dribiwnlys dim ond i sicrhau bod y trefniadau cludiant yn cael eu cynnwys mewn datganiad. Felly, gofynnaf i'r Dirprwy Brif Weinidog ailystyried, a chefnogi'r gwelliannau hyn, y bwriedir iddynt, yn y ffordd orau bosibl, wella'r ddarpariaeth i ddisgyblion y mae ganddynt anghenion addysgol arbennig, yn yr un ffordd yn union ag a gefnogir gan y Gymdeithas Awtistiaeth Genedlaethol.

The Presiding Officer: I propose that amendments 20 and 21, which appear consecutively on the marshalled list, are disposed of together, given their nature. I do not see any objections. Therefore, I call on Alun Cairns, who has already proposed amendment 20, to formally propose amendment 21.

Alun Cairns: I propose amendment 21 in my name.

The Presiding Officer: The question is that amendments 20 and 21 be agreed to. Is there any objection? I see that there is, therefore I call for a vote on amendments 20 and 21 together.

*Gwelliannau 20 a 21: O blaid 16, Ymatal 0, Yn erbyn 36.
Amendments 20 and 21: For 16, Abstain 0, Against 36.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
German, Michael
Graham, William

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn

Isherwood, Mark
Law, Trish
Melding, David
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle

Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Wood, Leanne

*Gwrthodwyd y gwelliannau.
Amendments defeated.*

Trefniadau Teithio—Addysg ôl-16 (Section 7) Travel Arrangements—Post-16 Education (Adran 7)

Y Llywydd: Symudwn i'r grŵp nesaf o welliannau, ar drefniadau teithio i addysg ôl-16. Galwaf ar Alun Cairns i gynnig gwelliant 23.

Alun Cairns: I propose amendment 23 in my name.

There is largely no cost implication to this amendment. It promotes access to post-16 education, which most local authorities already provide. It is similar to many of the amendments that we have debated in that it would place an obligation on local authorities and on the Minister to act in this regard.

The proposed Learning and Skills (Wales) Measure is currently being considered, and it has been identified as an obvious deficiency that the Measure before us today does not necessarily cover transport to colleges. This amendment will enforce that and will give stronger powers to the Minister to act in this regard. I urge you to support amendment 23.

The Presiding Officer: We will now proceed to the next grouping on travel arrangements for post-16 education. I call on Alun Cairns to propose amendment 23.

Alun Cairns: Cynigiau welliant 23 yn fy enw i.

Nid oes fawr ddim goblygiadau cost ynghlwm wrth y gwelliant hwn. Mae'n hyrwyddo mynediad at addysg ôl-16, y mae'r rhan fwyaf o awdurdodau lleol yn ei darparu eisoes. Mae'n debyg i lawer o'r gwelliannau yr ydym wedi dadlau yn eu cylch yn yr ystyr y byddai'n ei gwneud yn ddyletswydd ar awdurdodau lleol ac ar y Gweinidog i weithredu yn y cyswllt hwn.

Mae'r Mesur Dysgu a Sgiliau (Cymru) arfaethedig wrthi'n cael ei ystyried, ac un diffyg amlwg yw nad yw'r Mesur sydd ger ein bron heddiw o anghenraid yn cynnwys cludiant i golegau. Bydd y gwelliant hwn yn gorfodi hynny a bydd yn rhoi pwerau cryfach i'r Gweinidog weithredu yn y cyswllt hwn. Fe'ch anogaf i gefnogi gwelliant 23.

5.40 p.m.

Peter Black: We support this amendment. It is quite important that, this morning, the scrutiny of the learning and skills Measure began. It talks about the value of education for 16 to 19-year-olds. How that provision will be made is quite instructive. It is not about pupils just going to a single site to receive all of their education. Often, pupils will have to attend a number of different sites; they will be taking vocational courses and academic courses, and they might be travelling between sites and venues because of the need for particular machinery or support. An important part of that educational provision is the transport available for those pupils. Therefore, it is not just about pupils being able to get to and from a particular site. It is also about pupils being able to access the provision made for them, often across a local authority area. It is about ensuring that they are able to get to the different sites to do those courses and achieve their potential.

Therefore, in looking at this Measure, it is important that there is an element of joined-up thinking. It is not just about transport; it is about enabling the Assembly Government's agenda on provision for 16 to 19-year-olds. For that reason, we think it imperative that local authorities are not simply encouraged to provide transport for 16 to 19-year-olds, but required to do so. That is why we support this simple change of the word 'may' to 'must'. I know that many local authorities already provide transport for 16 to 19-year-olds, but some local authorities do not, and I also know that, because local authorities face severe budget pressures—which are going to get worse—provision of travel for 16 to 19-year-olds will come under increasing pressure. Some further education colleges have provided travel for 16 to 19-year-olds but have had to introduce charges for it or withdraw it because of budget pressures. Unless a requirement is placed upon local authorities to make this provision in future, the indications are that transport for 16 to 19-year-olds will disappear within a number of years. That would be unfortunate, and it

Peter Black: Cefnogwn y gwelliant hwn. Mae'n eithaf pwysig bod y gwaith craffu ar y Mesur dysgu a sgiliau wedi dechrau y bore yma. Mae'n sôn am werth addysg i'r rhai rhwng 16 ac 19 oed. Gallwn ddysgu llawer o'r ffordd y gwneir y ddarpariaeth honno. Nid yw'n ymwneud yn unig â disgyblion yn mynd i un safle i gael eu haddysg i gyd. Yn aml, bydd yn rhaid i ddisgyblion fynd i nifer o safleoedd gwahanol; byddant yn dilyn cyrsiau galwedigaethol a chyrsiau academiaidd, ac efallai y byddant yn teithio rhwng safleoedd a lleoliadau oherwydd bod angen peiriannau neu gymorth penodol arnynt. Rhan bwysig o'r ddarpariaeth addysg honno yw'r cludiant sydd ar gael ar gyfer y disgyblion hynny. Felly, nid dim ond bod disgyblion yn gallu mynd i safle penodol ac oddi yno sydd dan sylw. Mae a wnelo hefyd â sicrhau bod disgyblion yn gallu cael gafael ar y ddarpariaeth a wneir ar eu cyfer, yn aml ar draws ardal awdurdod lleol. Mae a wnelo â sicrhau eu bod yn gallu cyrraedd y gwahanol safleoedd i ddilyn y cyrsiau hynny a chyflawni eu potensial.

Felly, wrth edrych ar y Mesur hwn, mae'n bwysig cael elfen o feddwl cydgysylltiedig. Nid cludiant yn unig sydd dan sylw; mae a wnelo â galluogi agenda Llywodraeth y Cynulliad gyda golwg ar y ddarpariaeth ar gyfer pobl 16 i 19 oed. Dyna pam y credwn ei bod yn hollbwysig nad yw awdurdodau lleol ond yn cael eu hannog i ddarparu cludiant i bobl rhwng 16 ac 19 oed, ond bod gofyn iddynt wneud hynny. Dyna pam yr ydym yn cefnogi'r newid syml hwn, sef newid y gair 'gall' i 'rhaid'. Gwn fod llawer o awdurdodau lleol eisoes yn darparu cludiant i bobl rhwng 16 ac 19 oed, ond nid yw rhai awdurdodau lleol yn gwneud hynny, a gwn hefyd, oherwydd bod cyllidebau awdurdodau lleol dan bwysau difrifol—ac y bydd hynny'n gwaethygu—y daw darparu cludiant i bobl rhwng 16 ac 19 oed dan fwy a mwy o bwysau. Mae rhai colegau addysg bellach wedi darparu cludiant i bobl rhwng 16 a 19 oed ond maent wedi gorfod dechrau codi amdano neu roi'r gorau i'w ddarparu oherwydd y pwysau ar y gyllideb. Oni fydd yn ofynnol i awdurdodau lleol ddarparu fel hyn yn y dyfodol, rhagwelir y bydd cludiant i

would be very bad indeed for those pupils who need to acquire skills to advance their careers. It will discriminate in particular against those pupils who cannot afford an alternative means of transport. As a result, they may be unable to access the vocational or academic training that the learning and skills Measure envisages that they should have. For that reason, I hope that the Assembly will support this amendment.

Nick Ramsay: I also support amendment 23, which, as we have heard, seeks to bolster the provision of travel arrangements for an important group of people. There has been much talk about grandstanding this afternoon. Whether you accept that description of what we are involved in here or not, this is a legislative process, and it is important that we get this right at this point in time because, as I have said, it is some of the most vulnerable people in society who will be affected by this Measure.

We have heard that the basic purpose of this amendment, and the previous amendment, is to take the issue out of the realm of ministerial discretion and, in so doing, to guarantee explicitly the rights of those people accessing post-16 education in travelling to the place of education. I also support Peter Black's very valid point that this is about delivering the Assembly Government's aims on access to education and that you cannot separate out the guarantee of transport to the place of education. I hope that the Minister will take a pragmatic view. This is a good amendment that will do what it is required to do.

Peter Black's point about changing the word 'may' to 'must' is a key one. This is about giving a group of people who need our support that explicit guarantee that, at the end of the day, we are looking out for their needs and looking to guarantee an educational right. Therefore, I support this amendment and I hope that other Assembly Members will also do so.

Y Dirprwy Brif Weinidog: Mae'n siŵr na fydd yn syndod i Alun nad wyf am gefnogi'r

bobl rhwng 16 a 19 oed yn diflannu o fewn nifer o flynyddoedd. Byddai hynny'n anffodus, a byddai'n ergyd trwm i'r disgyblion hynny y mae angen iddynt ennill sgiliau i roi hwb i'w gyrfa. Bydd yn gwahaniaethu'n benodol yn erbyn y disgyblion hynny na allant fforddio ffordd arall o deithio. Yn sgil hynny, efallai na fyddant yn gallu manteisio ar yr hyfforddiant galwedigaethol neu academaidd y mae'r Mesur dysgu a sgiliau'n rhagweld y dylent ei gael. Dyna pam y gobeithiaf y bydd y Cynulliad yn cefnogi'r gwelliant hwn.

Nick Ramsay: Yr wyf hefyd yn cefnogi gwelliant 23, sydd, fel y clywsom, yn ceisio ategu darparu trefniadau teithio i grŵp pwysig o bobl. Mae llawer o sôn wedi bod am berfformio i'r gynulleidfa y prynhawn yma. Os ydych yn derbyn y disgrifiad hwnnw o'r hyn yr ydym yn ymwneud ag ef yma ai peidio, proses ddeddfu yw hon, ac mae'n bwysig ein bod yn sicrhau bod hyn yn iawn yn awr oherwydd, fel yr wyf wedi'i ddweud, bydd y Mesur hwn yn effeithio ar y bobl fwyaf agored i niwed yn ein cymdeithas.

Yr ydym wedi clywed mai prif ddiben y gwelliant hwn, a'r gwelliant blaenorol, yw sicrhau na fydd gan y Gweinidog ddisgresiwn yn hyn o beth, ac, wrth wneud hynny, bydd yn gwarantu'n benodol hawliau'r bobl hynny sy'n manteisio ar addysg ôl-16 i deithio i'r lle y darperir eu haddysg. Yr wyf hefyd yn cefnogi pwynt dilys iawn Peter Black bod a wnelo hyn ag amcanion Llywodraeth y Cynulliad o ran mynediad at addysg ac na allwch eithrio gwarantu cludiant i'r man addysgu. Gobeithiaf y bydd y Gweinidog yn arddel agwedd bragmatig. Mae'r gwelliant hwn yn welliant da ac fe wnaiff yr hyn y mae gofyn iddo'i wneud.

Mae pwynt Peter Black ynglŷn â newid y gair 'gall' i 'rhaid' yn bwynt allweddol. Mae a wnelo hyn â rhoi'r gwarant penodol i grŵp o bobl y mae angen ein cefnogaeth arnynt, ein bod, yn y pen draw, yn gofalu am eu hanghenion, ac yn bwriadu gwarantu hawl addysgol. Felly, cefnogaf y gwelliant hwn a gobeithiaf y gwnaiff Aelodau Cynulliad eraill hynny hefyd.

The Deputy First Minister: I am sure that it will not come as a surprise to Alun that I do

gwelliant hwn. Mae'r gwelliant yn ddianghenraid gan fod y Mesur, fel y'i lluniwyd eisoes, yn cynnwys y pwerau i wneud rheoliadau i wneud trefniadau teithio ar gyfer dysgwyr ôl-16 sydd mewn addysg neu hyfforddiant. Felly, nid oes angen cynnwys y gwelliant hwn ar wyneb y Mesur; mae'r pwerau gennym eisoes.

Y rheswm dros beidio â chyflwyno'r rheoliadau ar hyn o bryd yw bod angen inni asesu a gwerthuso'r astudiaethau sy'n ymwneud â chynlluniau peilot; cynhelir cynllun peilot ar hyn o bryd i gynnig tocyn teithio hanner pris i ddsydwyr ôl-16. Felly, nid oes mantais inni edrych ar gyflwyno rheoliadau cyn cael y cyfle i werthuso'r cynlluniau hynny. Pe bai'r Llywodraeth eisieu cyflwyno rheoliadau ar deithio ôl-16 ar unrhyw bwynt, mae'r Mesur yn darparu'r hawl iddi wneud hynny. Felly, gofynnaf i'r Cynulliad beidio â chefnogi gwelliant 23.

Alun Cairns: I accept that the Minister already has the powers, but changing 'may' to 'must' compels the Minister to act in this respect. It appears to be quite apparent that the education division does not necessarily talk to the transport division; in respect of the Learning and Skills (Wales) Measure, the education division has exposed a great big hole in not providing transport. If we look at the previous debate on split placements for special needs, who knows that we will not end up with a similar situation in this respect? This goes some way towards addressing the post-16 education agenda of the Government's own Measure, but I suspect that we will back here at some time considering whether the Minister, using the affirmative process, has brought forward statutory guidance for local authorities to insist that they meet this requirement. It would be far easier for the Minister to accept this amendment in the spirit in which it is intended; that would save us some time in the future.

Y Llywydd: Yr wyf yn cymryd bod Alun Cairns am gynnal pleidlais ar y gwelliant hwn. Y cwestiwn yw y dylid cytuno ar welliant 23. A oes gwrthwynebiad? Gwelaf fod gwrthwynebiad, felly symudwn at bleidlais.

not intend to support this amendment. The amendment is unnecessary, as the Measure, as it has already been drafted, includes the powers to make regulations to arrange travel for post-16 learners who are in education or training. Therefore, there is no need to include this amendment on the face of the Measure; we already have those powers.

The reason for not introducing the regulations at this time is that we need to assess and evaluate the studies in relation to the pilot schemes; the half-fare pilot scheme for post-16 learners is being carried out at the moment. Therefore, there is no benefit to be gained from introducing regulations before we have had an opportunity to evaluate those schemes. If the Government wished, at any time, to introduce regulations on post-16 travel, the Measure would provide for it to do so. Therefore, I ask the Assembly to reject amendment 23.

Alun Cairns: Derbyniaf fod y pwerau gan y Gweinidog yn barod, ond mae newid 'gall' i 'rhaid' yn gorfodi'r Gweinidog i weithredu yn hyn o beth. Mae'n ymddangos yn gwbl amlwg nad yw'r is-adran addysg o reidrwydd yn siarad â'r is-adran drafnidiaeth; mewn perthynas â'r Mesur Dysgu a Sgiliau (Cymru), mae'r is-adran addysg wedi amlygu twll enfawr wrth beidio â darparu cludiant. Os edrychwn ar y ddadl flaenorol ar leoliadau gwahanol ar gyfer anghenion arbennig, pwy a w'yr na chawn ein hunain mewn sefyllfa debyg yn hyn o beth? Mae hyn yn mynd rywfaint o'r ffordd tuag at gyflawni agenda addysg ôl-16 Mesur y Llywodraeth ei hun, ond yr wyf yn amau y byddwn yn ôl yma ryw bryd yn ystyried a yw'r Gweinidog, wrth ddefnyddio'r broses gadarnhaol, wedi dod ymlaen â chanllawiau statudol i awdurdodau lleol i fynnu eu bod yn cyflawni'r gofyniad hwn. Byddai'n llawer haws i'r Gweinidog dderbyn y gwelliant hwn yn yr ysbryd y'i bwriedir ynddo; byddai hynny'n arbed amser inni yn y dyfodol.

The Presiding Officer: I take it that Alun Cairns wishes to press this amendment to a vote. The question is that amendment 3 be agreed. Are there any objections? I see that there are; therefore, we will move to a vote.

*Gwelliant 23: O blaid 15, Ymatal 0, Yn erbyn 36.
Amendment 23: For 15, Abstain 0, Against 36.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Wood, Leanne

*Gwrthodwyd y gwelliant.
Amendment defeated.*

Y Llywydd: Galwaf ar Alun Cairns i gynnig gwelliant 22 yn ffurfiol. Trafodwyd y gwelliant hwn ar y cyd â gwelliannau 20 a 21.

Alun Cairns: Cynigïaf welliant 22 yn fy enw i.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 22. A oes gwrthwynebiad? Gwelaf fod gwrthwynebiad. Felly, symudwn i bleidlais.

The Presiding Officer: I call Alun Cairns to formally propose amendment 22. This amendment has been debated with amendments 20 and 21.

Alun Cairns: I propose amendment 22 in my name.

The Presiding Officer: The question is that amendment 22 be agreed to. Are there any objections? I see that there are. Therefore, we will move to a vote.

*Gwelliant 22: O blaid 15, Ymatal 0, Yn erbyn 36.
Amendment 22: For 15, Abstain 0, Against 36.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce
Wood, Leanne

*Gwrthodwyd y gwelliant.
Amendment defeated.*

Hybu Mynediad i Addysg a Hyfforddiant (Adrannau 10 a 15) Promoting Access to Education and Training (Sections 10 and 15)

Y Llywydd: Symudwn i grŵp o welliannau am hybu mynediad i addysg a hyfforddiant. Galwaf ar Alun Cairns i gynnig gwelliant 12 a siarad ar y gwelliant arall yn y grŵp.

Alun Cairns: I propose amendment 12 in my name.

*Cafodd gwelliannau 12 a 13 eu grwpio ar gyfer y drafodaeth.
Amendments 12 and 13 grouped for debate.*

In many ways, this debate has already been held, but it is extremely important to underline section 10. We all know about the weaknesses of section 10, but it is better to

The Presiding Officer: We now move on to a grouping of amendments about promoting access to education and training. I call on Alun Cairns to propose amendment 12 and to speak to the other amendment in the group.

Alun Cairns: Cynigiau welliant 12 yn fy enw i.

Mewn sawl ffordd, mae'r ddadl hon wedi'i chynnal eisoes, ond mae'n eithriadol o bwysig tanlinellu adran 10. Gwyddom i gyd am wendidau adran 10, ond mae'n well cael

have some sort of protection or promotion of access to faith-based schools than to have none at all. I want to use this albeit weak section to offer some form of consolation, at least, to those parents who wish to have their children educated at a school of religious character. A diluted right is better than no right at all. I urge Members to support this amendment to offer the principle of equality that was supported by the Stage 2 committee; it was certainly supported at the second meeting, before the membership was changed.

5.50 p.m.

David Melding: I speak in support of my colleague Alun Cairns. I hope that the Minister supports this amendment, because it promotes access. It is, perhaps, a diluted way of trying to implement a previous objective, but it at least recognises that we should not, in any way, be seen to be discriminating between faith schools and schools in the secular sector, as the Deputy First Minister put it earlier. It is all about promoting choice, and the choice here is between state provision through the medium of English, state provision through the medium of Welsh, and, in effect, state provision that is of a religious character. We are in a deep and long-lasting partnership with the various churches that provide education. The Deputy First Minister started to give us a lecture on disestablishmentarianism, but until then the state was not active in providing education; in fact, it was the churches that led the state into this sector. Churches have a deep and abiding commitment to this, and that commitment is clearly supported by a great many parents.

However, there is a danger that not having enough funding for the transport costs of sending your children to these schools could be something of a barrier. It may not be the case now, because, as the archbishop said, there is little active discrimination at the moment, but we want to ensure in legislation that it could not arise. I do not see why the Minister cannot accept the sincerity of this widespread argument and amend the Measure accordingly. He was very confused earlier—

rhyw fath o warchodaeth neu fodd o hyrwyddo mynediad i ysgolion ffydd na pheidio â chael dim o gwbl. Mae arnaf eisiau defnyddio'r adran hon, er pa mor wan ydyw, i gynnig rhyw fath o gysur, o leiaf, i'r rhieni hynny sy'n dymuno cael addysgu eu plant mewn ysgol grefyddol ei chymeriad. Mae hawl wedi'i wanhau'n well na dim hawl o gwbl. Anogaf Aelodau i gefnogi'r gwelliant hwn i gynnig yr egwyddor o gydraddoldeb a gefnogwyd gan y pwyllgor Cam 2; yn sicr fe'i cefnogwyd yn yr ail gyfarfod, cyn y newidiwyd yr aelodaeth.

David Melding: Siaradaf mewn cefnogaeth i'm cyd-Aelod Alun Cairns. Gobeithio y gwnaiff y Gweinidog gefnogi'r gwelliant hwn, oherwydd mae'n hyrwyddo mynediad. Mae, efallai, yn ffordd wannach o geisio gweithredu amcan blaenorol, ond o leiaf mae'n cydnabod na ddylem, mewn unrhyw fodd, gael ein gweld yn gwahaniaethu rhwng ysgolion ffydd ac ysgolion yn y sector seciwlar, fel y dywedodd y Dirprwy Brif Weinidog yn gynharach. Mae a wnelo hyn oll â hyrwyddo dewis, a'r dewis yn y fan hon yw dewis rhwng darpariaeth y wladwriaeth drwy gyfrwng y Saesneg, darpariaeth y wladwriaeth drwy gyfrwng y Gymraeg, ac, mewn effaith, darpariaeth y wladwriaeth sy'n grefyddol o ran cymeriad. Yr ydym mewn partneriaeth ddofn a hirhoedlog gyda'r amryfal eglwysi sy'n darparu addysg. Dechreuodd y Dirprwy Brif Weinidog roi darlith inni ar ddatgysylltiadaeth, ond tan hynny nid oedd y wladwriaeth yn ymwneud â darparu addysg; yn wir, yr eglwysi a arweiniodd y wladwriaeth i mewn i'r sector hwn. Mae gan eglwysi ymroddiad dwfn ac arhosol i hyn, a chefnogir yr ymrwymiad hwnnw'n glir gan nifer fawr iawn o rieni.

Fodd bynnag, y mae perygl y gallai bod heb ddigon o arian i dalu costau cludiant anfon eich plant i'r ysgolion hyn fod yn dipyn o rwystr. Efallai nad yw hynny'n wir yn awr, oherwydd, fel y dywedodd yr archesgob, nid oes fawr ddim gwahaniaethu gweithredol ar hyn o bryd, ond mae arnom eisiau sicrhau mewn deddfwriaeth na allai hyn godi. Nid wyf yn gweld pam na all y Gweinidog dderbyn didwylledd y ddadl eang hon a diwygio'r Mesur i'r perwyl hwnnw. Yr oedd

he started by saying that, if we accepted an amendment that mentioned religious schools, it would somehow break human rights law, unless you put in a clause about secular schools. He then fell back on saying that it happens anyway, asking why we need to do it. I have not received a letter personally from the archbishop, but I have received a letter from a nun. Deputy First Minister, you should not go about annoying nuns, because that is a policy that will come back and cause you some damage.

This particular issue has led the news today, and it has led to a significant mailbag for all Members. There is genuine concern out there. If the Deputy First Minister's argument is that this happens anyway, so it is redundant, I cannot understand why the amendment cannot be accepted. He should not hide behind the spurious reasoning that, somehow, this wholesome amendment would lead to contravening human rights law. That is silly, in my view.

The Deputy First Minister: I am not worried about anything other than upsetting David Melding today. I will not detain the Assembly long on this issue, because we have had this debate, but it is important to put this in its proper context. I do not want to enter into an argument with David about what happened in Wales in the nineteenth century, when there was a big debate about secularism in schools and schools of a religious character, but, if he goes back to 1847, he will see that that was the start of secular schools. I am sure that he will remember that, but if he does not, he can check that what I have said is broadly correct.

I will deal with the issue of whether there should be a duty, whether it should be promoted, or whether we should leave the Measure as it is. That is where we are. On the issue of a duty, what I said was that, if you impose a duty on local authorities to provide transport to schools of a religious character, you must have an equal duty to provide access to schools of a secular character, otherwise you breach the European convention on human rights. That is the legal advice that I have received. However, if you have a provision for the promotion of such

wedi drysu'n lân gynnu—dechreuodd drwy ddweud pe derbyniem welliant a soniai am ysgolion crefyddol y byddai hynny rywsut yn torri'r gyfraith ar hawliau dynol, oni bai eich bod yn cynnwys cymal am ysgolion seciwlar. Wedyn cwmpodd yn ôl ar ddatgan ei fod yn digwydd beth bynnag, gan ofyn pam y mae angen ei wneud. Nid wyf wedi cael llythyr yn bersonol oddi wrth yr archesgob, ond yr wyf wedi cael llythyr oddi wrth leian. Ddirprwy Brif Weinidog, ni ddylech fynd ati i wylltio lleianod, oherwydd mae hwnnw'n bolisi a ddaw yn ei ôl ac achosi cryn niwed ichi.

Mae'r mater arbennig hwn wedi arwain y newyddion heddiw, ac mae wedi arwain at bentwr o lythyrau i bob Aelod. Mae pryder gwirioneddol ar droed. Os dadl y Dirprwy Brif Weinidog yw bod hyn yn digwydd beth bynnag, ac felly ei fod yn ddiangen, ni allaf ddeall pam na ellir derbyn y gwelliant. Ni ddylai guddio tu ôl i'r rhesymeg ffug y byddai'r gwelliant llesol hwn rywsut yn arwain at dorri'r gyfraith ar hawliau dynol. Mae hynny'n wirion, yn fy marn i.

Y Dirprwy Brif Weinidog: Nid wyf yn poeni am ddim ar wahân i gynhyrfu David Melding heddiw. Ni chadwaf y Cynulliad yn hir ar y mater hwn, oherwydd yr ydym wedi cael y ddadl hon, ond mae'n bwysig gosod hyn yn ei gyd-destun iawn. Nid oes arnaf eisiau mynd i ddadl gyda David am yr hyn a ddigwyddodd yng Nghymru yn y bedwaredd ganrif ar bymtheg, pryd y bu dadl fawr am seciwlariaeth mewn ysgolion ac ysgolion crefyddol eu cymeriad, ond, os aiff yn ôl i 1847, gwêl mai dyna oedd dechrau ysgolion seciwlar. Nid wyf yn siŵr y bydd yn cofio hynny, ond os nad ydyw, gall wirio bod yr hyn a ddywedais yn gywir yn fras.

Deliaf â'r cwestiwn a ddylai fod dyletswydd, a ddylid ei hyrwyddo, ynteu a ddylem adael y Mesur fel y mae. Dyna ble'r ydym ni. Ar gwestiwn dyletswydd, yr hyn a ddywedais oedd, os gosodwch ddyletswydd ar awdurdodau lleol i ddarparu cludiant i ysgolion crefyddol eu natur, rhaid ichi gael dyletswydd gyfartal i ddarparu mynediad i ysgolion seciwlar eu cymeriad, neu yr ydych yn torri'r confensiwn Ewropeaidd ar hawliau dynol. Dyna'r cyngor cyfreithiol yr wyf fi wedi'i gael. Fodd bynnag, os oes gennych ddarpariaeth ar gyfer hyrwyddo'r cyfryw

access, that does not breach the convention. That is the legal advice that I have received, and is why the reference to the Welsh language is framed as it is.

If we reject these amendments, we are back where we were. In other words, local authorities can use their existing discretion. The difference, David, between the approach to the Welsh language and this one is that there is Government policy to promote one, but not the other. I am asking, on the same grounds as previously, for the Assembly to reject these amendments.

Alun Cairns: Nid wyf am ailadrodd yr un hen ddadl, ond gofynnaf i'r Gweinidog ailystyried ei safbwynt. Dywedodd mai dyma yw ei safbwynt ar hyn o bryd, ond mae'n well gofyn na pheidio. Egwyddor y gwelliannau hyn yw rhoi'r un siawns i rieni sydd eisiau i'w plant fynychu ysgolion crefyddol. Hoffwn symud at bleidlais.

Y Llywydd: Y cynnig yw y dylid cytuno ar welliant 12. A oes gwrthwynebiad? Gwelaf fod. Felly, symudwn at bleidlais.

fynediad, nid yw hynny'n torri'r confensiwn. Dyna'r cyngor cyfreithiol yr wyf fi wedi'i gael, a dyna pam y mae'r cyfeiriad at y Gymraeg wedi'i fframio fel y mae.

Os gwrthodwn y gwelliannau hyn, yr ydym yn ôl ble'r oeddem. Mewn geiriau eraill, gall awdurdodau lleol ddefnyddio'u disgresiwn sy'n bodoli eisoes. Y gwahaniaeth, David, rhwng yr agwedd at y Gymraeg a hon yw mai polisi'r Llywodraeth yw hybu un, ond nid y llall. Yr wyf yn gofyn, am yr un rhesymau ag o'r blaen, am i'r Cynulliad wrthod y gwelliannau hyn.

Alun Cairns: I do not want to rehearse the same old arguments, but I ask the Minister to reconsider his position. He stated that that was his position, but it is better to ask than not to. The principle behind these amendments is to give parents who wish their children to attend schools of a religious nature the same chances. I press for a vote.

The Presiding Officer: The proposal is that amendment 12 be agreed. Are there any objections. I see that there are. Therefore, we will move to a vote.

*Gwelliant 12: O blaid 14, Ymatal 0, Yn erbyn 35.
Amendment 12: For 14, Abstain 0, Against 35.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Black, Peter
Bourne, Nick
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Morgan, Jonathan
Ramsay, Nick
Randerson, Jenny
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Lewis, Huw

Lloyd, David
 Lloyd, Val
 Mewies, Sandy
 Morgan, Rhodri
 Ryder, Janet
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Watson, Joyce
 Wood, Leanne

*Gwrthodwyd y gwelliant.
 Amendment defeated.*

Tynnu'n ôl Drefniadau Teithio (Adrannau 14 a 27) Withdrawal of Travel Arrangements (Sections 14 and 27)

Y Llywydd: Symudwn i grŵp o welliannau sy'n ymdrin â thynnu'n ôl drefniadau teithio. Galwaf ar y Dirprwy Brif Weinidog i gynnig gwelliant 7 a siarad ar y gwelliannau eraill yn y grŵp.

The Presiding Officer: We now move to a group of amendments concerning the withdrawal of travel arrangements. I call on the Deputy First Minister to propose amendment 7 and to speak to the other amendments in the group.

The Deputy First Minister: I propose amendment 7 in my name.

Y Dirprwy Brif Weinidog: Cynigiai welliant 7 yn fy enw i.

*Cafodd gwelliannau 7, 8, 15 a 9 eu grwpio ar gyfer y drafodaeth.
 Amendments 7, 8, 15 and 9 grouped for debate.*

To confirm that I am a listening Minister, and one that sometimes responds to requests from the opposition, these amendments fulfil an undertaking that I gave during Stage 2 of the debate on the Measure. On 3 July, we had a substantial debate on the group of amendments relating to the withdrawal of travel arrangements. A number of those amendments called for regulation-making powers that would enable the maximum withdrawal periods to be amended and for there to be provisions for appeals. While, at that stage, I could not accept the precise wording of the amendments that were tabled, I agreed with the principle and undertook to bring forward an amendment during Stage 3 that would deliver the objectives. The opposition parties agreed to withdraw their amendments, and I am now bringing forward my own amendments, which I hope will be acceptable to all parties.

Er mwyn cadarnhau fy mod yn Weinidog sy'n gwrando, ac yn un sydd weithiau'n ymateb i geisiadau gan y gwrthbleidiau, mae'r gwelliannau hyn yn cyflawni addewid a roddais yn ystod Cam 2 o'r ddadl ar y Mesur. Ar 3 Gorffennaf, cawsom ddadl sylweddol ar y grŵp o welliannau oedd yn ymwneud â thynnu trefniadau teithio'n ôl. Yr oedd nifer o'r gwelliannau hynny'n galw am bwerau llunio rheoliadau a fyddai'n galluogi newid yr uchafswm amser ar gyfer tynnu'n ôl ac am gael darpariaethau ar gyfer apelio. Er na allwn bryd hynny dderbyn union eiriad y gwelliannau a oedd gerbron, yr oeddwn yn cytuno â'r egwyddor ac ymgymerais i ddod â gwelliant ymlaen yn ystod Cam 3 a fyddai'n cyflawni'r amcanion. Cytunodd y gwrthbleidiau i dynnu eu gwelliannau'n ôl, ac yr wyf finnau'n awr yn dod â'm gwelliannau fy hun gerbron, a fydd, gobeithio, yn dderbyniol gan bob plaid.

This amendment will give Welsh Ministers the power to make regulations that may alter the current maximum periods of the withdrawal of transport arrangements for

Bydd y gwelliant hwn yn rhoi pŵer i Weinidogion Cymru wneud rheoliadau a all newid y cyfnodau mwyaf a ganiateir ar hyn o bryd ar gyfer tynnu trefniadau teithio'n ôl am

breaching the travel behaviour code specified in the Measure, make provision for the review of decisions by local authorities to withdraw travel arrangements, and arrangements for appeals. In practice, this will enable Welsh Ministers, in the light of experience, and if necessary, to amend or develop the arrangements for enforcing the travel behaviour code set out in the Measure. The current maximum period for which an authority can withdraw travel arrangements from a learner who is entitled to those arrangements is 10 consecutive school days and a total of 30 days in a school year. They were carefully chosen in the Measure to strike a balance between an effective penalty and the need to ensure that a child was not, in effect, excluded from school without an independent hearing.

I acknowledge that we had an interesting debate in the committee about experience. It may be—I accept that this is an unusual provision—that there is a specific limit on the face of the Measure. I accepted that there was an argument regarding whether, in the light of experience, we found that the specified periods needed to be amended. If we amended them from being fairly short periods to being longer periods, there should be the right of appeal against that decision of exclusion.

There was a little confusion in committee about whether this meant exclusion from school or transport. This does not mean exclusion from school; it means exclusion from the provision of transport. There was a question about whether we should have an appeal in relation to the 10 days. Our view was that that was not necessary and would be a burden on local authorities, because anyone could make representations to the local authority before the exclusion. If it goes beyond that, I accept and understand from my legal background that an appeals procedure is necessary. Therefore, I am asking the Assembly to support this group of amendments so that we can introduce the regulations.

6.00 p.m.

Yr wyf yn cael tipyn o anhawster, Lywydd, oherwydd mae gwelliant 15, nad yw'n

dorri'r cod ymddygiad teithio a bennir yn y Mesur, darparu ar gyfer adolygu penderfyniadau gan awdurdodau lleol i dynnu trefniadau teithio'n ôl, a threfniadau ar gyfer apelio. Yn ymarferol, bydd hyn yn galluogi Gweinidogion Cymru, yng ngolau profiad, ac os bydd angen, i newid neu ddatblygu'r trefniadau ar gyfer sicrhau ufudd-dod i'r cod ymddygiad teithio a amlinellir yn y Mesur. Y cyfnod mwyaf y gall awdurdod dynnu trefniadau teithio'n ôl ar hyn o bryd oddi wrth ddysgwyr sydd â hawl i'r trefniadau hynny yw 10 diwrnod ysgol olynol a chyfanswm o 30 diwrnod mewn blwyddyn ysgol. Fe'u dewiswyd yn ofalus yn y Mesur i daro cydbwysedd rhwng cosb effeithiol a'r angen i sicrhau na châi plentyn, i bob pwrpas, ei wahardd o'r ysgol heb wrandawriad annibynnol.

Cydnabyddaf inni gael dadl ddiddorol yn y pwyllgor ynglŷn â phrofiad. Efallai—derbyniaf fod hyn yn ddarpariaeth anarferol—fod terfyn penodol ar wyneb y Mesur. Derbyniais fod dadl ynghylch a oeddem yn canfod, yng ngoleuni profiad, bod angen newid y cyfnodau penodedig. Pe baem yn eu newid o fod yn gyfnodau cymharol fyr i fod yn gyfnodau hwy, dylai fod hawl i apelio yn erbyn y penderfyniad hwnnw i wahardd.

Yr oedd ychydig o ddryswch yn y pwyllgor ynghylch a olygai hyn wahardd o'r ysgol ynteu o gludiant. Nid yw hyn yn golygu gwahardd o'r ysgol; mae'n golygu gwahardd o ddarpariaeth cludiant. Yr oedd cwestiwn ynghylch a ddylid cael apêl mewn perthynas â'r 10 diwrnod. Yr oeddem yn credu nad oedd angen hynny ac y byddai'n faich ar awdurdodau lleol, oherwydd gallai unrhyw un wneud sylwadau i'r awdurdod lleol cyn y gwaharddiad. Os aiff y tu hwnt i hynny, yr wyf yn derbyn ac yn deall o'm cefndir cyfreithiol fod angen gweithdrefn apelio. Gofynnaf felly i'r Cynulliad gefnogi'r grŵp hwn o welliannau er mwyn inni gyflwyno'r rheoliadau.

I am having a little difficulty, Presiding Officer, because amendment 15, which was

welliant yn fy enw i, yn y grŵp. Byddwn yn dymuno siarad yn ei erbyn, ond gan nad yw eto wedi'i gynneg, a fyddai'n fwy priodol i mi wneud hynny yn nes ymlaen?

Y Llywydd: Credaf y byddai'n briodol inni glywed sylwadau'r Dirprwy Brif Weinidog am y gwelliant hwnnw yng nghyd-destun y grŵp hwn.

The Deputy First Minister: I will deal with amendment 15 now, in that case. What I think Alun is seeking here—though I must anticipate what he intends to say—is that any regulations made under section 14 be made under the affirmative resolution procedure. In other words, the Government would have to bring such regulations to the Assembly for debate from the outset. In appropriate circumstances, we would agree with that, and, where there is a substantial amendment to the Measure, that is perfectly appropriate. However, where there is no change to the substantive provision, it is perfectly right and proper that we follow the normal procedure, which is the negative procedure. The issue here is whether the opposition would have an opportunity to comment on a regulation if it followed the negative procedure. However, the option is theirs. If they wish to have a debate, they can of course table an appropriate motion for debate.

Therefore, I am asking for support for all the amendments in this group, other than amendment 15.

Alun Cairns: I am grateful to the Deputy First Minister for tabling the amendments that relate to school exclusions and to the travel behavioural code, which is under section 14.

We all remember the tragic death of Stuart Cunningham-Jones and the outcome of the inquest and inquiry, which stated that misbehaviour on the school bus had contributed to that tragic accident. This amendment seeks to prevent that from happening again.

I am grateful that the Deputy First Minister has listened to the arguments made on school

not tabled in my name, is in this group. I would like to speak against it, but as it has not yet been proposed, would it be more appropriate for me to do so later?

The Presiding Officer: I feel it would be appropriate for us to hear the Deputy First Minister's comments on that amendment in the context of this group.

Y Dirprwy Brif Weinidog: Byddaf yn ymdrin â gwelliant 15 yn awr, felly. Yr hyn y credaf y mae Alun yn ei geisio yma—er ei bod yn rhaid imi ragweld yr hyn y mae'n bwriadu ei ddweud—yw bod unrhyw reoliadau a wneir o dan adran 14 yn cael eu gwneud o dan y weithdrefn penderfyniad cadarnhaol. Mewn geiriau eraill, byddai'n rhaid i'r Llywodraeth ddod â rheoliadau felly i'r Cynulliad ddadlau yn eu cylch o'r cychwyn. Mewn amgylchiadau priodol, byddem yn cytuno â hynny, ac, os oes gwelliant sylweddol i'r Mesur, mae hynny'n berffaith briodol. Fodd bynnag, os nad oes newid yn y ddarpariaeth wreiddiol, mae'n berffaith gywir a phriodol inni ddilyn y weithdrefn arferol, sef y weithdrefn negyddol. Y mater yma yw a fyddai'r wrthblaid yn cael cyfle i roi sylwadau ar reoliad pe byddai'n dilyn y weithdrefn negyddol. Fodd bynnag, eu dewis hwy yw hynny. Os ydynt yn dymuno cael dadl, gallant wrth reswm gyflwyno cynnig priodol am ddadl.

Gofynnaf felly am gefnogaeth i'r holl welliannau yn y grŵp hwn, heblaw gwelliant 15.

Alun Cairns: Yr wyf yn ddiolchgar i'r Dirprwy Brif Weinidog am gyflwyno'r gwelliannau mewn perthynas â gwaharddiadau ysgol a'r cod ymddwyn wrth deithio, sydd o dan adran 14.

Yr ydym oll yn cofio marwolaeth drasig Stuart Cunningham-Jones a chanlyniad y cwest a'r ymchwiliad, a nododd fod camymddygiad ar y bws ysgol wedi cyfrannu at y ddamwain drasig honno. Mae'r gwelliant hwn yn ceisio atal hynny rhag digwydd eto.

Yr wyf yn ddiolchgar bod y Dirprwy Brif Weinidog wedi gwrandao ar y dadleuon a

exclusions. When he responds, I want him to be on record as saying that the guidance that he will issue or the regulations that will follow under section 14 will allow for a permanent withdrawal. In the original draft, an exclusion must be for 10 consecutive school days or 30 days in the school year. I accept that that may need to be varied, but if someone is excluded during the last week of the school year, they will be eligible for school transport again as soon as the new school year commences in September, regardless of the seriousness of any offence committed.

I also appeal to him to make that guidance as simple and as straightforward as possible, not only for teachers, but also for those who may want to use the appeals procedure to request that an exclusion go beyond the limit of 15 days, which is the current figure. I hope that the independent appeal would mirror the independent appeals panels currently conducted.

I also ask the Deputy First Minister to consider the latest rulings on how the Disability Discrimination Act 1995 applies to those with attention-deficit hyperactivity disorder. If an individual's misbehaviour on a school bus is the result of ADHD, any exclusion could conflict with the provisions of the Act. I raised that point during the Stage 2 committee proceedings, and there has been a judgment in the interim, which may well be appealed against. Therefore, this is a moving feast, and it needs to be addressed. Pupils using school transport need the safety of knowing that they will be protected if there is persistent poor behaviour for whatever reason—in the interests of the individual who is misbehaving as well as those of the rest of the pupils. When the Minister responds, or even on some future occasion, he may want to highlight the guidance and the regulations that will be drawn up.

Amendment 9 is a Government amendment and amendment 15 simply takes it further. We are calling for all of section 14 to be subject to the affirmative procedure, but the

wnaethpwyd ar waharddiadau ysgol. Pan fydd yn ymateb, mae arnaf eisiau cofnod ohono'n dweud y bydd y canllawiau y bydd yn eu cyhoeddi neu'r rheoliadau a fydd yn dilyn o dan adran 14 yn caniatáu ar gyfer gwaharddiad parhaol. Yn y drafft gwreiddiol, mae'n rhaid i waharddiad fod am 10 diwrnod ysgol olynol neu 30 diwrnod yn y flwyddyn ysgol. Derbyniaf y gallai fod angen amrywio hynny, ond os caiff rhywun ei wahardd yn ystod wythnos diwethaf y flwyddyn ysgol, bydd yn gymwys eto am gludiant i'r ysgol cyn gynted ag y bydd y flwyddyn ysgol newydd yn dechrau ym mis Medi, ni waeth pa mor ddifrifol yr oedd unrhyw drosedd a gyflawnwyd.

Apelïaf ato hefyd am wneud y canllawiau hynny mor syml a dealladwy â phosibl, nid yn unig i athrawon, ond hefyd i'r rheini y mae arnynt efallai eisiau defnyddio'r weithdrefn apelio i ofyn bod gwaharddiad yn mynd y tu hwnt i'r terfyn 15 diwrnod, sef y ffigur cyfredol. Gobeithïaf y byddai'r apêl annibynnol yn adlewyrchu'r paneli apelïadau annibynnol a gynhelir ar hyn o bryd.

Gofynnaf hefyd i'r Dirprwy Brif Weinidog ystyried y dyfarniadau diweddaraf ynghylch sut y mae Deddf Gwahaniaethu ar Sail Anabledd 1995 yn berthnasol i'r rheini ag anhwylder diffyg canolbwytio a gorfywio-grwydd. Os yw camymddygiad unigolyn ar fws ysgol o ganlyniad i'r anhwylder hwn, gallai unrhyw waharddiad wrthdaro â darpariaethau'r Ddeddf. Codais y pwynt hwnnw yn ystod trafodion y pwyllgor Cyfnod 2, a bu dyfarniad yn y cyfamser, y mae'n ddigon posibl yr apelir yn ei erbyn. Felly, dyma wyl symudol, ac mae angen mynd i'r afael â hi. Mae angen i ddisgyblion sy'n defnyddio cludiant i'r ysgol wybod y cânt eu diogelu os oes ymddygiad gwael parhaus am ba reswm bynnag—er lles yr unigolyn sy'n camymddwyn yn ogystal â lles gweddill y disgyblion. Pan fydd y Gweinidog yn ymateb, neu hyd yn oed ar ryw achlysur yn y dyfodol, efallai yr hoffai amlygu'r cyfarwyddyd a'r rheoliadau a fydd yn cael eu llunio.

Mae Gwelliant 9 yn welliant Llywodraeth ac mae gwelliant 15 yn ychwanegu ato ymhellach. Yr ydym yn galw am wneud holl adran 14 yn destun y weithdrefn gadarnhaol,

Government is calling just for paragraph 14(14)(a) to be. When the Deputy First Minister was trying to predict what I would say, he said that we could bring 'appropriate' cases to the Assembly, but he did not say who would decide whether a case was appropriate. I recognise that there is a procedure under which we could call for changes to be brought before the Assembly for debate, but it would be a cleaner, more transparent approach if he was obliged to bring any important changes under section 14 before the Assembly.

Ann Jones: Try to guess what I am going to say.

Deputy First Minister, I seek your assurances that, in compiling the regulations on appeals, you will look seriously at some of the conditions that children suffer from, including ADHD, which Alun Cairns mentioned. We must make arrangements for those children, but we must also protect all the other children on school transport, as Alun said. I also seek your assurance that you will look at what it will mean for the siblings of those children who are excluded from school transport, who can go to school. I would not want families to enter an LEA's process because a child was not going to school only the family could not get that child to school in any other way than on the bus. I want assurances from you that that will be included in regulation as an attempt to put the social justice element back in. We should also recognise the fact that those who come from poorer communities will have to benefit from school transport. We understand that withdrawing school transport is the punishment, or the stick, but we also have to include an incentive, the carrot.

Peter Black: First, I wish to say how grateful we are to the Deputy First Minister for taking cognisance of the committee's views in bringing forward these amendments. I do not want to go into the details of why an appeal might or might not be allowed; the important thing here is that an appeals mechanism is being included in the legislation and guidance will be drawn up for local authorities on how

ond mae'r Llywodraeth yn galw am wneud paragraff 14(14)(a) yn unig yn destun y weithdrefn honno. Pan oedd y Dirprwy Brif Weinidog yn ceisio rhagfynegi'r hyn y byddwn yn ei ddweud, dywedodd y gallem ddod ag achosion 'priodol' i'r Cynulliad, ond ni ddywedodd pwy fyddai'n penderfynu a oedd achos yn briodol. Yr wyf yn cydnabod bod gweithdrefn y gallem ei defnyddio i alw am gyflwyno newidiadau gerbron y Cynulliad am ddadl, ond byddai'n dull glanach, mwy tryloyw pe byddai ef yn gorfod cyflwyno unrhyw newidiadau pwysig o dan adran 14 gerbron y Cynulliad.

Ann Jones: Ceisiwch ddyfalu'r hyn yr wyf am ei ddweud.

Ddirprwy Brif Weinidog, ceisiaf eich sicrhad y byddwch, wrth lunio'r rheoliadau ar apeladau, yn edrych yn ddifrifol ar rai o'r cyflyrau y mae plant yn dioddef ohonynt, gan gynnwys anhwylder diffyg canolbwytio a gorfywio-grwydd, y soniodd Alun Cairns amdano. Mae'n rhaid inni wneud trefniadau ar gyfer y plant hynny, ond mae'n rhaid hefyd inni amddiffyn yr holl blant eraill ar gludiant i'r ysgol, fel y dywedodd Alun. Ceisiaf hefyd eich sicrhad y byddwch yn edrych ar yr hyn y bydd yn ei olygu i frodyr a chwiorydd y plant hynny a waharddwyd o gludiant i'r ysgol, sy'n gallu mynd i'r ysgol. Ni hoffwn weld teuluoedd yn cael eu cynnwys mewn proses AALl gan nad oedd plentyn yn mynd i'r ysgol ond yr unig ffordd y gallai'r teulu gael y plentyn hwnnw i'r ysgol oedd ar y bws. Mae arnaf eisiau sicrhad gennych y bydd hynny'n cael ei gynnwys mewn rheoliad fel ymdrech i adfer yr elfen cyfiawnder cymdeithasol. Dylem hefyd gydnabod y ffaith y bydd yn rhaid i'r rheini a ddaw o gymunedau tlotach elwa ar gludiant ysgol. Deallwn mai gwahardd cludiant i'r ysgol yw'r gosb, neu'r ffon, ond mae'n rhaid hefyd inni gynnwys cymhelliad, yr abwyd.

Peter Black: Yn gyntaf, hoffwn ddweud pa mor ddiolchgar yr ydym i'r Dirprwy Brif Weinidog am gymryd sylw o safbwyntiau'r pwyllgor wrth gyflwyno'r gwelliannau hyn. Nid oes arnaf eisiau trafod pam y gallai apêl gael ei chaniatáu ai peidio; y peth pwysig yma yw bod mecanwaith apelio'n cael ei gynnwys yn y ddeddfwriaeth ac y bydd cyfarwyddyd yn cael ei lunio i awdurdodau

best to operate that mechanism.

As a group, the Welsh Liberal Democrats are inclined to support amendment 15 as opposed to amendment 9. We believe that the affirmative procedure is the right way to go on this. We think it important for the Assembly to have a chance to say 'yea' or 'nay' to these regulations and, for that reason, we want to see the widest possible scrutiny of them. Therefore, we will be supporting amendment 15.

Jonathan Morgan: I start by echoing the comments of Alun Cairns in thanking the Deputy First Minister for living up to his promise of tabling the amendments this afternoon. As a Member of the Assembly, I feel that we need to be providing a range of options for schools and local education authorities. I firmly believe that local education authorities ought to be able to permanently exclude a pupil who is being persistently unruly on school transport. It has to be enshrined in legislation that LEAs have that opportunity, if they feel that they need to use it. It is, sadly, the case that unruly pupils in the classroom tend to be unruly on the school bus home in the afternoon. For many children and young people throughout Wales, a school bus journey can be a daunting experience, particularly if they have to deal with a pupil who is causing a nuisance or who is being unruly. Section 14 of the Measure and the amendments demonstrate the seriousness with which many schools treat discipline—and that applies not only in the school classroom or the playground, but also on the school bus. I want an assurance that local education authorities will be able to exclude pupils permanently, where they see fit.

6.10 p.m.

I also wish to echo Alun Cairns's point on the independent appeals process. As a school governor, I am aware of the disciplinary committees of school governing bodies, and of how the appeals processes work. However, there is an issue here about the number of days of exclusion permitted—10 consecutive days are allowed now, and 30 in a school

lleol ar y ffordd orau o weithredu'r mecanwaith hwnnw.

Fel grŵp, mae Democratiaid Rhyddfrydol Cymru yn tueddu i gefnogi gwelliant 15 yn hytrach na gwelliant 9. Credwn mai'r weithdrefn gadarnhaol yw'r llwybr cywir gyda hyn. Credwn ei bod yn bwysig i'r Cynulliad gael cyfle i gytuno neu anghytuno â'r rheoliadau hyn ac, am y rheswm hwnnw, mae arnom eisiau gweld eu bod yn cael eu harchwilio mor eang â phosibl. Byddwn felly'n cefnogi gwelliant 15.

Jonathan Morgan: Yr wyf yn dechrau drwy atseinio sylwadau Alun Cairns wrth ddiolch i'r Dirprwy Brif Weinidog am wireddu ei addewid a chyflwyno'r gwelliannau'r prynhawn yma. Fel Aelod o'r Cynulliad, teimlaf fod angen inni fod yn darparu amrywiaeth o ddewisiadau i ysgolion ac awdurdodau addysg lleol. Credaf yn gryf y dylai awdurdodau addysg lleol allu gwahardd disgybl yn barhaol sy'n afreolus yn barhaus ar gludiant i'r ysgol. Mae'n rhaid cynnwys mewn deddfwriaeth fod AALLau yn cael y cyfle hwnnw, os ydynt yn teimlo bod angen iddynt ei ddefnyddio. Yn anffodus, mae'n wir bod disgyblion sy'n afreolus yn yr ystafell ddosbarth yn tueddu i fod yn afreolus ar y bws ysgol adref yn y prynhawn. I lawer o blant a phobl ifanc ledled Cymru, gall siwrnai ar y bws ysgol fod yn brofiad i'w digalonni, yn enwedig os oes rhaid iddynt ymdopi â disgybl sy'n achosi niwsans neu sy'n afreolus. Mae Adran 14 o'r Mesur a'r gwelliannau yn arddangos y difrifoldeb sy'n perthyn i lawer o ysgolion wrth drin disgyblaeth—ac mae hynny'n berthnasol ar y bws ysgol, yn ogystal â'r ystafell ddosbarth neu'r lle chwarae yn yr ysgol. Hoffwn sicrhad y bydd awdurdodau addysg lleol yn gallu gwahardd disgyblion yn barhaol, pan fyddant yn ystyried bod hynny'n addas.

Hoffwn hefyd atseinio pwynt Alun Cairns ar y broses apeladau annibynnol. Fel llywodraethwr ysgol, yr wyf yn ymwybodol o bwyllgorau disgyblu cyrff llywodraethu ysgol, a sut mae'r prosesau apelio'n gweithio. Fodd bynnag, mae problem yma ynghylch nifer y diwrnodau gwaharddiad a ganiateir—caniateir 10 diwrnod olynol yn awr, a 30

year—and of when those appeals processes would kick in. Therefore, we want to see that independent appeals process for exclusions typically going beyond 15 days.

I support Alun Cairns's amendment 15 to section 14. I chaired the Assembly's first Measure committee, and we had a discussion about when the affirmative procedure would be used in future for amending regulations, and whether it would be up to the Government's discretion to determine what constituted a substantial amendment or a mere technical adjustment. However, the Assembly is now starting to examine legislation in some detail. We are spending more time, as we have found this afternoon, on examining legislation, and the Assembly needs to have every available opportunity to scrutinise changes.

I do not know whether it should be up to the Government or the Presiding Officer to determine whether a change is substantial or minor, but I do believe that there is a debate to be had on that, and that will clearly continue when we determine what is a substantial change in regulation and what is a minor adjustment. Alun's amendment, which seeks to ensure that the affirmative procedure is used, is valid. It secures the right of non-Government Members—whether they support or are in opposition to Government parties—to scrutinise any changes in the future.

The Deputy First Minister: This has been an interesting debate, and there has been a fair degree of consensus on what we are trying to achieve. I give Ann the assurances that she seeks: we will carefully consider the inclusion in regulations of the kinds of provisions that she would like to see. There will be full consultation on the contents, and all Assembly Members will be welcome to give their views, as will local authorities and other stakeholders.

It seems that the debate now is around whether we should support Alun's amendment 15. No, sorry, there was one other point on which Alun sought an assurance, namely that the regulations would

mewn blwyddyn ysgol—a phryd y byddai'r prosesau apelio hynny'n cael eu rhoi ar waith. Mae arnom felly eisiau gweld y broses apelïadau annibynnol honno ar gyfer gwaharddiadau yn mynd y tu hwnt i 15 diwrnod yn nodweddiadol.

Cefnogaf welliant 15 Alun Cairns i adran 14. Cadeiriais bwyllgor Mesur cyntaf y Cynulliad, a buom yn trafod pryd y byddai'r weithdrefn gadarnhaol yn cael ei defnyddio yn y dyfodol i ddiwygio rheoliadau, ac ai doethineb y Llywodraeth a fyddai'n pennu'r hyn sy'n golygu gwelliant sylweddol neu fân welliant technegol. Fodd bynnag, erbyn hyn, mae'r Cynulliad yn dechrau archwilio deddfwriaeth yn eithaf manwl. Yr ydym yn treulio mwy o amser, fel y gwelsom y prynhawn yma, yn archwilio deddfwriaeth, ac mae angen i'r Cynulliad gael pob cyfle posibl i archwilio newidiadau.

Ni wn ai'r Llywodraeth ynteu'r Llywydd a ddylai fod yn gyfrifol am bennu a yw newid yn sylweddol neu'n fân newid, ond yr wyf yn credu bod dadl i'w chael ar hynny, a bydd hynny'n amlwg yn parhau pan fyddwn yn pennu'r hyn sy'n newid sylweddol mewn rheoliad a'r hyn sy'n fân addasiad. Mae gwelliant Alun, sy'n ceisio sicrhau bod y weithdrefn gadarnhaol yn cael ei defnyddio, yn ddilys. Mae'n sicrhau hawl y rheini nad ydynt yn Aelodau Llywodraeth—p'un ai a ydynt yn cefnogi ynteu'n gwrthwynebu pleidiau'r Llywodraeth—i archwilio unrhyw newidiadau yn y dyfodol.

Y Dirprwy Brif Weinidog: Bu hon yn ddadl ddiddorol, a bu cryn dipyn o gydsyniad ar yr hyn yr ydym yn ceisio ei gyflawni. Yr wyf yn rhoi'r sicrwydd i Ann y mae ei angen arni: byddwn yn ystyried yn ofalus gynnwys y mathau o ddarpariaethau y byddai'n hoffi eu gweld mewn rheoliadau. Bydd ymgynghoriad llawn ar y cynnwys, a bydd croeso i bob Aelod Cynulliad roi ei farn, yn ogystal ag awdurdodau lleol a rhanddeiliaid eraill.

Mae'n debyg y dadleuir bellach a ddylem gefnogi gwelliant 15 Alun. Na, mae'n ddrwg gennyf, yr oedd un pwynt arall yr oedd Alun yn ceisio sicrwydd yn ei gylch, sef y byddai'r rheoliadau'n cynnwys darpariaeth ar gyfer

include provision for permanent exclusion. I wish to make it clear that I, personally, oppose that. I do not favour permanent exclusion. What we are looking for here is an appropriate penalty, and I do not think that permanent exclusion is appropriate. However, it is right and proper that we examine whether the length of the exclusion in the existing Measure is sufficient in the light of experience, or whether we need to amend it and therefore have other regulations. I accept all the points that have been made about the appeal. If and when I introduced those regulations, I would need to consider in the light of experience what kind of appeals mechanism was needed. There is merit in the argument that we should use a similar procedure to what is already in place. I accept that.

Jonathan asked who makes the decision, and I suppose that, at the end of the day, it would have to be the Government. It is then up to the opposition to argue against that, under the affirmative resolution, if they think that it does not go far enough, or, if it follows the negative procedure, it is in your hands, is it not, Jonathan? If you wish, you can call for a debate, even if a regulation comes under the negative procedure. There are procedures that allow that to happen. The onus then shifts from the Government to the opposition, and that is how it should always be. On those grounds, I ask Members to support the Government amendments, and to reject amendment 15.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 7. A oes unrhyw wrthwynebiad? Gwelaf nad oes, felly, yn unol â Rheol Sefydlog Rhif 7.35, datganaf fod gwelliant 7 wedi ei dderbyn.

*Derbyniwyd gwelliant 7.
Amendment 7 carried.*

Canllawiau ar y Mathau o Gerbydau a'u Gweithredu (Adran 15) Guidance on Types of Vehicle and their Operation (Section 15)

Y Llywydd: Symudwn i welliant sy'n ymdrin â chanllawiau ar fathau o gerbydau a sut y maent yn gweithredu. Galwaf ar Alun Cairns i gynnig gwelliant 16.

gwaharddiad parhaol. Hoffwn egluro fy mod i, yn bersonol, yn gwrthwynebu hynny. Nid wyf o blaid gwaharddiad parhaol. Yr hyn yr ydym yn chwilio amdano yma yw cosb briodol, ac nid wyf yn credu bod gwaharddiad parhaol yn briodol. Fodd bynnag, mae'n gywir a phriodol ein bod yn archwilio a yw'r gwaharddiad yn y Mesur presennol yn ddigon hir yng ngoleuni profiad, neu a oes angen inni ei newid ac felly cael rheoliadau eraill. Derbyniaf yr holl bwyntiau a wnaethpwyd am yr apêl. Os a phryd y byddaf yn cyflwyno'r rheoliadau hynny, byddai angen imi ystyried yng ngoleuni profiad ba fath o fecanwaith apelio y byddai ei angen. Mae gwerth yn y ddadl y dylem ddefnyddio gweithdrefn debyg i'r hyn sydd ar waith eisoes. Derbyniaf hynny.

Holodd Jonathan bwy sy'n gwneud y penderfyniad ac, am wn i, yn y pen draw, y Llywodraeth fyddai'n rhaid ei wneud. Penderfyniad yr wrthblaid wedyn yw dadlau yn erbyn hynny, o dan y penderfyniad cadarnhaol, os yw'n credu nad yw'n mynd yn ddigon pell, neu, os yw'n dilyn y weithdrefn negyddol, onid yn eich dwylo chi y mae, Jonathan? Os dymunwch, gallwch alw dadl, hyd yn oed os daw rheoliad o dan y weithdrefn negyddol. Mae gweithdrefnau sy'n caniatáu i hynny ddigwydd. Mae'r baich yn symud wedyn o'r Llywodraeth i'r wrthblaid, a dyna sut y dylai fod bob amser. Ar y seiliau hynny, gofynnaf i Aelodau gefnogi gwelliannau'r Llywodraeth, a gwrthod gwelliant 15.

The Presiding Officer: The question is that amendment 7 be agreed. Are there any objections? I see that there are not. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 7 is carried.

The Presiding Officer: We now move on to a group of amendments about guidance on types of vehicles and their operation. I call Alun Cairns to propose amendment 16.

Alun Cairns: I propose amendment 16 in my name.

This is probably the most important amendment to come before us today. It relates directly to the safety of children and places an explicit obligation on the Minister to issue guidance to local authorities about types of vehicles used, for example, whether they should have seatbelts or whether the use of a double-decker bus should be permitted. I recognise the limits on the Assembly's powers in terms of what we cannot compel local authorities to do, but 99 times out of 100, Assembly guidance is generally followed.

This amendment seeks to get around the limitations of the current arrangements and compel the Minister to issue guidance in these areas, and I believe that we have the power to do that. This has been the subject of many debates in the Assembly, and the Education and Lifelong Learning Committee considered it in some detail. I could not think of a more appropriate comment than Leanne Wood's some time ago when she said:

'At present, there is far too much discretion on the part of local authorities when awarding school transport contracts. All too often, they are awarded on the basis of cost and quality and safety considerations do not have to feature. It is simply wrong that there is no uniform safety standard that all local authorities have to meet and it is not acceptable that if you live in one area of Wales, you may have more confidence in your school transport system than if you live in other parts of Wales.'

This amendment will allow us to remove the risks that so many have talked about in the past and have concerned so many. There is clearly conflicting legal advice as to whether the Minister has the powers to do this or not, but there is also a process to handle that. As we have conflicting legal advice, I accept that the Assembly Government's advice is that it does not have the power, but the committee's advice is different. If we were ever to test the powers of the Assembly, should not child safety be the issue to do that? I would not

Alun Cairns: Cynigiau welliant 16 yn fy enw i.

Heb amheuaeth, dyma'r gwelliant mwyaf pwysig i ddod ger ein bron heddiw. Mae'n cyfeirio'n benodol at ddiogelwch plant ac mae'n gosod dyletswydd penodol ar y Gweinidog i gyhoeddi canllawiau ar gyfer awdurdodau lleol ynghylch y mathau o gerbydau a ddefnyddir, er enghraifft, a ddylent gael gwregysau diogelwch neu a ddylid caniatáu defnyddio bws deulawr. Cydnabyddaf fod pwerau'r Cynulliad yn gyfyngedig o ran beth y gallwn orfodi awdurdodau lleol i'w wneud, ond 99 gwaith allan o 100, yn gyffredinol, maent yn glynu wrth ganllawiau'r Cynulliad.

Mae'r gwelliant yn ceisio osgoi cyfyngiadau'r trefniadau presennol a chymell y Gweinidog i gyhoeddi canllawiau yn y meysydd hyn, a chredaf fod gennym y pŵer i wneud hynny. Mae hwn wedi bod yn destun sawl dadl yn y Cynulliad ac mae'r Pwyllgor Addysg a Dysgu Gydol Oes wedi'i ystyried yn fanwl iawn. Ni allwn feddwl am sylw mwy priodol na sylw Leanne Wood beth amser yn ôl pan ddywedodd:

'Ar hyn o bryd mae gan yr awdurdodau lleol lawer gormod o ddisgresiwn wrth roi contractau cludiant ysgolion. Yn rhy aml, rhoddir hwy ar sail cost, heb ystyried ansawdd a diogelwch. Nid yw'n iawn nad oes safon diogelwch unffurf y mae'n rhaid i bob awdurdod lleol gydymffurfio â hi ac nid yw'n dderbyniol, os ydych yn byw mewn un rhan o Gymru, fod gennych fwy o hyder yn eich system cludiant i'r ysgol nag a fyddai gennych petaech yn byw mewn rhannau eraill o Gymru.'

Bydd y gwelliant hwn yn ein galluogi i ddileu'r peryglon hynny y mae cymaint o bobl wedi bod sôn amdanynt yn y gorffennol ac sydd wedi bod yn boen meddwl i gymaint o bobl. Yn amlwg, ceir cyngor cyfreithiol sy'n mynd yn groes i'w gilydd ynghylch a oes gan y Gweinidog y pwerau i wneud hyn ai peidio, ond ceir hefyd proses i ddelio ag achosion lle mae gennym gyngor cyfreithiol sy'n mynd yn groes i'w gilydd. Gan fod gennym gyngor sy'n mynd yn groes i'w gilydd, yr wyf yn derbyn mai'r cyngor a

have an argument if it were on some near inconsequential area of policy, but child safety must surely be an area in which we need to be prepared to be bold. Section 99 of the Government of Wales Act 2006 provides for the procedure. The Attorney General or the Counsel General can refer it to the supreme court, which can then respond and, whatever its judgment, even if it goes against us, we will know that we have tried, and Standing Orders will allow for us to cope with that section of the Measure; it would not hold up the process of the Measure thereafter.

If this were Scotland, could you imagine Alex Salmond, as the First Minister in Scotland, erring on the shy side, or would he be prepared to be bold and test the powers? Would he be prepared to go to the courts on child safety issues to see whether he had the power to act in this respect? The Minister could even use this argument to strengthen his argument on why he thinks the Assembly needs more powers. How many legislative competence Orders are we already waiting for? We may well have had a positive response from the Minister of State for Transport in Westminster, but we are only asking for this now—almost six years after the tragedy of Stuart Cunningham-Jones, when issues around the design and arrangement of vehicles were first discussed.

Stuart's Campaign, without question, is fully supportive of this amendment—so much so that its representatives have written to Members on this, and it is worth quoting the words in their letter. It says that as we approach the final stages that will result in the highest standard of school transport of the United Kingdom, made in Wales, they would encourage all to stay strong and reflect on the events of nearly six years ago that have brought us to this point. It says that the children involved in that accident thought that we, as adults, had let them down by disregarding their safety and not listening to

gafodd Llywodraeth y Cynulliad yw nad oes ganddi'r pŵer, ond mae'r cyngor a gafodd y pwyllgor yn wahanol. Os bu cyfle erioed inni brofi pwerau'r Cynulliad, pa well cyfle nag ar fater diogelwch plant? Ni fyddai gennyf fawr o ddadl pe bai hwn yn faes polisi llai pwysig, ond nid oes dwywaith fod angen inni fod yn barod i fod yn feiddgar ym maes diogelwch plant. Mae Adran 99 o Ddeddf Llywodraeth Cymru 2006 yn darparu ar gyfer y drefn. Gall y Twrnai Cyffredinol neu'r Cwnsler Cyffredinol ei gyfeirio at y goruchaf lys, a beth bynnag fydd ei ddyfarniad, hyd yn oed pe bai'n mynd yn ein herbyn, gwyddom ein bod wedi rhoi cynnig arni, a bydd y Rheolau Sefydlog yn ein galluogi i ddelio gyda'r adran honno o'r Mesur; ni fyddai'n gohirio proses y Mesur ar ôl hynny.

Pe bai hyn yn digwydd yn yr Alban, a allech ddychmygu Alex Salmond, fel Prif Weinidog yr Alban, yn gochel yn orofalus, neu a fyddai'n barod i fod yn feiddgar a phrofi'r pwerau? A fyddai'n barod i fynd i'r llysoedd ar faterion yn ymwneud â diogelwch plant i weld a oes ganddo'r pŵer i weithredu yn y maes? Gall y Gweinidog hyd yn oed ddefnyddio'r dadl hon i ategu ei dadl ynghylch pam mae'n meddwl bod angen mwy o bwerau ar y Cynulliad. Sawl Gorchymyn cymhwysedd deddfwriaethol yr ydym eisoes yn disgwyl amdano? Mae'n ddigon gwir ein bod wedi cael ymateb cadarnhaol gan y Gweinidog Gwladol dros Drafnidiaeth yn San Steffan, ond mae hi wedi cymryd tan yn awr inni ofyn am hyn—bron chwe blynedd ar ôl trychineb Stuart Cunningham-Jones, pan drafodwyd materion ynghylch dyluniad a threfniant cerbydau gyntaf.

Heb os nac oni bai, mae Ymgyrch Stuart yn hollol gefnogol i'r gwelliannau hyn—i'r fath raddau fel bod ei gynrychiolwyr wedi ysgrifennu at Aelodau am y mater hwn ac mae'n werth tynnu eich sylw at eu geiriau yn eu llythyr. Mae'n dweud, wrth inni ddynesu at y camau olaf a fydd yn golygu bod Cymru ar flaen y gad o ran y safon uchaf o gludiant i'r ysgol yn y Deyrnas Unedig, y byddent yn annog pawb i ddyfalbarhau a chofio'r digwyddiadau bron chwe blynedd yn ôl sydd wedi ein harwain at y sefyllfa hon. Mae'n dweud bod y plant a fu yn y ddamwain honno yn credu ein bod ni, fel oedolion, wedi eu

them. It says that it was within our power to send the message back to those children, many of whom are now voting adults, that we are listening and that we are prepared to right those wrongs. There is a process for dealing with conflicting legal arguments. If we are ever to use that process, let it be for child safety.

siomi drwy anwybyddu eu diogelwch a dewis peidio â gwrando arnynt. Mae'n dweud bod gennym y pŵer i anfon neges yn ôl at y plant hynny, y mae llawer ohonynt erbyn hyn yn oedolion sy'n pleidleisio, i ddangos ein bod yn gwrando a'n bod yn barod i gywiro'r camweddau hynny. Mae proses ar gyfer delio gyda dadleuon cyfreithiol sy'n mynd yn groes i'w gilydd. Os ydym am ddefnyddio'r broses honno, boed hynny er diogelwch plant.

6.20 p.m.

Peter Black: Having listened to the arguments from Alun and others on the radio and elsewhere over the last couple of days, when I came to look at the amendment before us and consider what it tries to do with the guidance, I got the impression that everyone was talking about the wrong thing. I will explain what I mean by that. There are two levels on which transport to school is provided. There is the transport that is provided under local authority contracts, where the local authority has the power to stipulate various conditions for the type of bus to be used and whether those buses should have seat belts, closed circuit television, and so on—as long as they are prepared to pay for it, and that is the crux of this, is it not? Then there are service buses, which do not come under the remit of local authorities. Pupils will get onto these standard service buses to go to school, and pay their fare as they would for any other journey. Clearly, local authorities have no control over those buses, because they are provided by a private company on an independent basis. The power to legislate for those buses is not in the competence of this National Assembly for Wales but currently lies at Westminster.

Peter Black: Wedi clywed y dadleuon gan Alun a gan eraill ar y radio ac mewn lleoedd eraill dros y diwrnodau diwethaf, pan edrychais ar y gwelliant ger ein bron ac ystyried yr hyn a geisia ei wneud gyda'r canllawiau, cefais yr argraff fod pawb yn siarad am y mater anghywir. Egluraf yr hyn a olygaf drwy hynny. Ceir dwy lefel o ddarpariaeth cludiant i'r ysgol. Ceir cludiant a ddarperir dan gontractau llywodraeth leol, lle mae gan yr awdurdod lleol y pŵer i bennu amodau amrywiol am y math o fws i'w ddefnyddio, ac a ddylai'r bysiau hynny gael gwregysau diogelwch, camerâu cylch cyfyng, ac yn y blaen—ar yr amod eu bod yn barod i dalu amdanynt. Onid hynny yw gwir hanfod y mater hwn? Yna, ceir bysiau gwasanaeth, nad ydynt yn dod dan gylch gorchwyl awdurdodau lleol. Bydd disgyblion yn aml yn camu ar fws gwasanaeth arferol i fynd i'r ysgol, a thalu am docyn fel y byddent yn ei wneud ar gyfer unrhyw daith arall. Yn amlwg, nid oes gan awdurdodau lleol ddim rheolaeth dros y bysiau hynny, oherwydd cânt eu darparu gan gwmni preifat ar sail annibynnol. Nid oes gan Gynulliad Cenedlaethol Cymru y pŵer i lunio deddfwriaeth ar gyfer y bysiau hynny; mae'r gallu hwnnw yn San Steffan ar hyn o bryd.

The tragic death of Stuart Cunningham-Jones happened on a service bus in the Vale of Glamorgan. The driver lost control of the double-decker, which left the road, and as a result there was this tragic death, as well as injuries to other pupils. Nothing in this legislation will impact upon those service buses—other than the possible use of some of the behaviour guidance to enable schools to place escorts on buses that are well used by pupils. If that happens, it will be welcome.

Cafodd Stuart Cunningham-Jones ei ladd yn drychinebus ar fws gwasanaeth ym Mhro Morgannwg. Collodd y gyrrwr reolaeth dros y bws deulawr a gwyrodd y bws oddi ar y ffordd. Dyna a arweiniodd at y ddamwain drychinebus a'r anafiadau a gafodd y disgyblion eraill. Ni fydd yr un dim yn y ddeddfwriaeth hon yn effeithio ar y bysiau gwasanaeth hynny—heblaw am ddefnyddio rhywfaint o'r canllawiau am ymddygiad, o bosibl, er mwyn galluogi ysgolion i roi

hebryngwyr ar fysiau sy'n cael eu defnyddio'n aml gan ddisgyblion. Pe bai hynny'n digwydd, caiff ei groesawu.

However, we need powers at the Assembly to deal with these instances. I understand, from listening to the Minister on Radio Wales this morning that he has made a request for those powers. I also understand that those powers cannot be requested via a legislative competence Order, because they are outside the scope of the Government of Wales Act 2006. I support the acquisition of those powers for the Assembly, so that we can do something about this.

What we have in front of us today, from my reading of it—and I am not a lawyer, unlike the Minister and others—is an amendment to section 15, which deals with guidance for local authorities, governing bodies of maintained schools, and governing bodies of institutions in the further education sector. Every other day, some sort of guidance is issued to those bodies by the Welsh Assembly Government—it is routine and Ministers are well used to dealing with it. Often, the guidance is not statutory, because it is only recently that we have gained the legal powers to issue statutory guidance. In this instance, the Minister will be able to issue statutory guidance, and that is also welcome.

I hope that the Minister will use that power to reflect the recommendations of the report on school travel by the former Education, Lifelong Learning and Skills Committee, which I chaired. The report dealt with the safety of buses that local authorities are contracted to provide to get pupils to school, which is what this provision is all about. For that reason, I do not think that there is any problem with the legalistic side of this and whether it is pushing the boundaries of devolution as, quite clearly, it is not; it is dotting the i's and crossing the t's in terms of the kind of guidance that the Minister should be providing.

My view is that the Minister should be providing guidance to ensure that those buses are roadworthy. The Vehicle Operating and Servicing Agency does that anyway, but new

Fodd bynnag, mae angen pwerau arnom yn y Cynulliad i ddelio â'r enghreifftiau hyn. Caf ar ddeall, o wrando ar y Gweinidog ar Radio Wales y bore yma, ei fod wedi gwneud cais am y pwerau hynny. Caf ar ddeall hefyd na ellir gofyn am y pwerau hynny drwy Orchymyn cymhwysedd deddfwriaethol, gan eu bod y tu allan i gwmpas Deddf Llywodraeth Cymru 2006. Yr wyf yn cefnogi caffael y pwerau hynny ar gyfer y Cynulliad, fel y gallwn wneud rhywbeth ynghylch hyn.

Yr hyn sydd gennym ger ein bron heddiw, o'r hyn a ddarllenaf fi—ac nid wyf yn gyfreithiwr, yn wahanol i'r Gweinidog ac eraill—yw gwelliant i adran 15, sy'n delio â chanllawiau ar gyfer awdurdodau lleol, cyrff llywodraethu ysgolion a gynhelir, a chyrff llywodraethu sefydliadau yn y sector addysg bellach. Bob yn ail ddiwrnod, bydd Llywodraeth Cynulliad Cymru yn rhoi rhyw fath o ganllawiau i'r cyrff hynny—mae'n drefn reolaidd ac mae Gweinidogion yn hen gyfarwydd â delio â hi. Yn aml, nid yw'r canllawiau yn statudol, oherwydd dim ond yn ddiweddar yr ydym wedi ennill y pwerau cyfreithiol i gyhoeddi canllawiau statudol. Yn yr enghraifft hon, bydd y Gweinidog yn gallu cyhoeddi canllawiau statudol, a chroesawir hynny hefyd.

Gobeithiaf y bydd y Gweinidog yn defnyddio'r pŵer hwnnw i adlewyrchu argymhellion yr adroddiad ar deithio i'r ysgol gan y cyn Bwyllgor Addysg, Dysgu Gydol Oes a Sgiliau, yr oeddwn yn gadeirydd arno. Mae'r adroddiad yn delio â diogelwch ar fysiau y mae'r awdurdodau lleol wedi'u contractio i'w darparu i gludo disgyblion i'r ysgol, sef hanfod y ddarpariaeth hon. Am y rheswm hwnnw, ni chredaf fod problem o ran ochr gyfreithiol hyn ac o ran a yw'n gwrthio ffiniau datganoli, oherwydd, yn amlwg, nid yw'n gwneud hynny; y mae'n mynd i fanylder o ran y math o ganllawiau y dylai'r Gweinidog fod yn eu darparu.

Yn fy marn i, dylai'r Gweinidog fod yn darparu canllawiau er mwyn sicrhau bod y bysiau hynny yn ddiogel i fod ar y ffordd. Mae'r Asiantaeth Gweithredu a Gwasanaethu

guidance could ensure that those buses are not over a certain age, for example, and that they are single-deckers, that there is only one pupil to each seat, and that there are seat belts and proper monitoring and supervision of the pupils. All of that can be done through the contracts that the local authorities undertake with the bus companies, and either the local authorities can pay for that provision themselves or with money provided by the Assembly Government, or, more realistically, they could aim to have longer-term contracts, perhaps five or seven-year contracts, so that the bus companies can invest in those buses and use them for other purposes too. For that reason, it is perfectly realistic and right that we should provide guidance.

Although not stated in the amendment, the committee also highlighted another issue of health and safety, which is the matter of who is responsible in the areas where pupils board and disembark from the buses. The bus companies say, 'Well they're not on our bus, so we're not responsible', and the school will often say, 'Well they're not on our premises, so we're not responsible either'. I hope that the guidance can deal with that matter.

I hope that the Minister is happy to accept this amendment, as it is important that we stipulate that we are prepared to issue guidance on this issue. More importantly, I hope that he accepts it because it is within his powers to do so.

Andrew R.T. Davies: I congratulate Alun Cairns on the way in which he has conducted the debate this afternoon. It is a pleasure to speak to this amendment in this part of the debate, as one of the first committees that I sat on was the Proposed Learner Travel Measure Committee. One of the most powerful pieces of evidence that I have heard in the Assembly was that of a pupil who came before us and told us of the improvement in welfare via the improvement in conditions of transport undertaken by his local authority area. He attended Castleton school, and he highlighted how the change of bus to a new bus, the use of CCTV, the bus driver training, and his and his peers' ability

Cerbydau yn gwneud hynny beth bynnag, ond gallai'r canllawiau newydd sicrhau nad yw'r bysiau hynny dros oedran penodol, er enghraifft, a'u bod yn rhai un-llawr, bod sedd i bob un disgybl, a bod gwregysau diogelwch a dulliau priodol o ran monitro a goruchwyllo'r disgyblion. Gellir gwneud hyn i gyd drwy'r contractau y mae'r awdurdodau lleol yn ymgymryd â hwy gyda'r cwmnïau bysiau, a gall yr awdurdodau lleol dalu am y ddarpariaeth honno neu ddefnyddio arian gan Lywodraeth y Cynulliad i dalu amdani, neu, yn fwy realistig, gallant anelu at gael contractau hirach, contractau o bump neu saith mlynedd efallai, fel y gall y cwmnïau bysiau fuddsoddi yn y bysiau hynny a'u defnyddio at ddibenion eraill hefyd. Am y rheswm hwnnw, mae'n gwbl realistig a chywir y dylem ddarparu canllawiau ar hynny.

Er nad yw wedi'i nodi yn y gwelliant, nododd y pwyllgor hefyd fater iechyd a diogelwch arall, sef pwy sy'n gyfrifol am yr ardaloedd lle mae disgyblion yn camu ar fysiau ac yn dod oddi arnynt. Dywed y cwmnïau bysiau, 'Nid ydynt ar ein bws ni, felly nid ni sy'n gyfrifol', a bydd yr ysgol yn aml yn dweud, 'Nid ydynt ar ein tir ni, felly nid ni sy'n gyfrifol ychwaith'. Gobeithiaf y gall y canllawiau ddelio â'r mater hwnnw.

Gobeithiaf fod y Gweinidog yn fodlon derbyn y gwelliant hwn, gan ei fod yn bwysig ein bod yn nodi ein bod yn barod i gyhoeddi canllawiau ar y mater hwn. Yn bwysicach fyth, gobeithiaf y bydd yn ei dderbyn gan fod ganddo'r pwerau i wneud hynny.

Andrew R.T. Davies: Hoffwn longyfarch Alun Cairns am y ffordd y mae wedi arwain y drafodaeth y prynhawn yma. Mae'n bleser siarad o blaid y gwelliant hwn yn y rhan hon o'r drafodaeth, gan mai'r Pwyllgor Mesur Teithio gan Ddysgwyr Arfaethedig oedd un o'r pwyllgorau cyntaf imi eistedd arno. Un o'r darnau o dystiolaeth fwyaf pwerus yr wyf wedi'i chlywed yn y Cynulliad oedd yng nghyswllt gwelliant i les disgybl a ddaeth ger ein bron drwy gyfrwng amodau cludiant a fyddai'n gwella yn ei ardal awdurdod lleol. Bu iddo fynychu ysgol Castleton, a nododd sut y gwnaeth newid i fws newydd, y defnydd o Deledu Cylch Cyfyng, hyfforddiant ar gyfer gyrrwr y bws, a'r ffaith

to say that that was their bus and their route really lifted the morale of everyone on that route. In particular, the bullying that he had endured for many years stopped overnight. That emphasised for me that we must be bold in our aspiration to deliver quality vehicles and quality training to those who transport our children to school.

I had the pleasure of visiting Cardiff Bus not so long ago, where I saw the company's award for its work with Fitzalan High School and for the excellent service that it provides with the new fleet of buses that it has invested in and for the standards and the criteria that it has used to deliver a first-class service. I compare that to the buses that I saw coming out of Bryntirion Comprehensive School in Bridgend, following the 25-year-old double-decker buses up Tremains road. That raised safety aspects in my mind, and the environment that those children endure daily emphasised to me that continuity in the various local education authorities across Wales is not there. We in the Assembly, and the Assembly Government in particular, must be challenging in offering guidance, and this amendment offers the opportunity to do that. There is conflicting advice, in that the Minister believes that he does not have the power, and yet the committee believes—and I have heard this too—that we do have the power. We need to be bold and brave in pushing these boundaries, because the fundamental issue in delivering safe routes to school is the vehicles and the training that the people involved in transporting children along those routes receive. If we cannot get that right, then much of what we propose in this Measure will fall.

I hope, Minister, that you will be brave and bold, and that you will accept this amendment. Alun Cairns used the example of Alex Salmond in Scotland. I never thought I would admire a nationalist politician, but I would have thought that he would have the ambition to challenge this and see it through to the end.

The Deputy First Minister: The problem is

ei fod ef a'i ffrindiau'n gallu dweud mai hwnnw oedd eu bws a'u llwybr hwy, wedi codi morâl pawb ar y llwybr bws hwnnw. Yn arbennig, daeth y bwlio a fu'n ei brofi am nifer o flynyddoedd i ben dros nos. Yr oedd hynny'n pwysleisio imi fod yn rhaid inni fod yn feiddgar o ran ein dyheadau i ddarparu cerbydau a hyfforddiant o safon uchel ar gyfer y rheini sy'n cludo ein plant i'r ysgol.

Cefais y pleser o ymweld â chwmni Bws Caerdydd yn ddiweddar, lle gwelais wobr y cwmni am ei waith gydag Ysgol Uwchradd Fitzalan ac am y gwasanaeth ardderchog y mae'n ei ddarparu gyda'r fflyd o fysiau newydd y mae wedi buddsoddi ynddynt ac am y safonnau a'r meini prawf y mae wedi'u defnyddio i ddarparu gwasanaeth o'r radd flaenaf. Yr wyf yn cymharu hynny â'r bysiau a welais yn dod o Ysgol Gyfun Bryntirion ym Mhen-y-bont ar Ogwr, wrth ddilyn y bysiau deulawr 25 mlwydd oed ar hyd ffordd Tremains. Gwnaeth hynny imi ystyried materion diogelwch, a phwysleisiodd yr amgylchedd y mae'n rhaid i'r plant sy'n eu defnyddio bob dydd ei oddef nad oes cysondeb yn yr amrywiol awdurdodau addysg lleol ledled Cymru. Mae'n rhaid inni yn y Cynulliad, a Llywodraeth y Cynulliad yn arbennig, fod yn heriol o ran cynnig canllawiau, ac mae'r gwelliant hwn yn cynnig y cyfle i wneud hynny. Mae hynny'n mynd yn groes i'r cyngor, o ran y ffaith nad yw'r Gweinidog yn credu bod ganddo'r pŵer, ac eto cred y pwyllgor—ac yr wyf ffinau wedi clywed hynny hefyd—fod gennym y pŵer. Mae angen inni fod yn feiddgar ac yn ddewr o ran gwthio'r ffiniau hyn, gan mai'r mater sylfaenol o ran darparu llwybrau diogel i'r ysgol yw'r cerbydau a'r hyfforddiant a gaiff y bobl sy'n gysylltiedig â chludo plant ar y llwybrau hynny. Oni allwn gael hynny'n iawn, yna bydd llawer o'r hyn a gynigiwn yn y Mesur hwn yn methu.

Gobeithiaf, Weinidog, y byddwch yn ddewr ac yn feiddgar, ac y derbyniwch y gwelliant hwn. Defnyddiodd Alun Cairns enghraifft Alex Salmond yn yr Alban. Ni chredais erioed y byddwn yn edmygu gwleidydd cenedlaetholgar, ond byddwn wedi meddwl y byddai ganddo ef yr uchelgais i herio hyn a'i wireddu i'r pen.

Y Dirprwy Brif Weinidog: Y broblem yw

that Alex Salmond already has the powers. If I may just digress for a few seconds, Andrew and Alun have made a case for full law-making powers for the Assembly. [ASSEMBLY MEMBERS: 'Hear, hear.'] Of course, we will see whether Sir Wyn Roberts in his report—when is his report being published, by the way? [*Interruption.*]

The Presiding Officer: Order. We are not debating Lord Roberts of Conwy.

Y Dirprwy Brif Weinidog: Derbyniaf eich sylwadau, Lywydd, a chadwaf yn gul at gynnwys y Mesur.

Un o'r pethau yr wyf am ei ddweud yw gymaint yr wyf yn edmygu'r ymgyrch sydd wedi cael ei hyrwyddo gan deulu Stuart Cunningham-Jones. Maent wedi llwyddo i godi'r drafodaeth i lefel uchel, a helpu nifer ohonom ddeall yr hyn sydd angen ei wneud i wella trafndiaeth i'r ysgol. Credaf fod y Mesur fel ag y mae ar hyn o bryd yn cyrraedd sawl amcan a nodwyd yn yr ymgyrch.

6.30 p.m.

Pan oeddwn yn y pwyllgor craffu, dan gadeiryddiaeth abl iawn Gareth Jones, cawsom drafodaeth am ein diffyg pwerau i fynd ymhellach wrth ddynodi'r union fath o fysiau a fyddai'n briodol. Yn ystod y drafodaeth honno, addewais i'r pwyllgor, a oedd yn amlwg yn cael ei dderbyn ar y pryd, y byddwn yn fodlon gweithredu'r Mesur cyfyng fel ag y mae ar hyn o bryd, ac ar yr un pryd yn gwneud cais am bwerau ychwanegol a fyddai'n golygu y gallem ddynodi'n union yr hyn y byddem am ei weld o safbwynt bysiau deulawr, gwregysau ac ati. Nid oedd unrhyw aelod o'r pwyllgor yn credu fy mod yn anghywir. Derbyniodd y pwyllgor y farn a roddais gerbron, ac, yn wir, croesawodd y pwyllgor y ffaith fy mod am wneud cais am bwerau ychwanegol.

Nid oes gwahaniaeth barn rhwng y Llywodraeth a'r gwrthbleidiau ynglŷn â'r hyn yr ydym yn ceisio ei wneud. Felly, pan gawn drafodaeth ar hwn, gofynnwch i chi dderbyn ein bod oll am gyrraedd yr un man, er bod hi'n amlwg bod gennym ffyrdd wahanol o'i gyrraedd. Yn hytrach na dweud,

bod gan Alex Salmond y pwerau hyn eisoes. Os caf grwydro am ychydig eiliadau, mae Andrew ac Alun wedi llunio achos ar gyfer pwerau deddfu newydd llawn ar gyfer y Cynulliad. [AELODAU'R CYNULLIAD: 'Clywch, clywch.'] Wrth gwrs, cawn weld a fydd Syr Wyn Roberts yn ei adroddiad—pryd mae'r adroddiad hwn yn cael ei gyhoeddi gyda llaw? [*Torri ar draws.*]

Y Llywydd: Trefn. Nid ydym yn trafod yr Arglwydd Roberts o Gonwy.

The Deputy First Minister: I accept your comments, Presiding Officer, and I will keep to the content of the Measure.

One of the things that I want to say is how much I admire the campaign that has been promoted by Stuart Cunningham-Jones's family. They have succeeded in raising the discussion to a higher level, and helping a number of us to understand what needs to be done to improve school transport. I believe that the Measure as it stands will achieve many of the aims set out in the campaign.

When we were in the scrutiny committee, which was very ably chaired by Gareth Jones, we discussed the lack of powers that we had to go further in identifying exactly what kind of buses would be appropriate. During that debate, I gave a commitment to the committee, which was accepted at the time, that I would be willing to implement the limited Measure in its current form while at the same time making a bid for additional powers, which would mean that we could denote exactly what we wish to see in terms of double-decker buses, seatbelts and so on. No-one on the committee thought that I was wrong. The committee accepted the opinion that I put forward and welcomed the fact that I want to make a bid for additional powers.

There is no difference of opinion between the Government and the opposition parties in terms of what we are trying to achieve. Therefore, when we discuss this, I ask you to accept that we all have the same objective, even though we clearly have different ways of achieving it. Rather than saying, 'You are

‘Nid ydych yn ystyried hwn o ddifrif’, pam na dderbyniwch ein bod yr un mor awyddus â chi i weld y pethau hyn yn digwydd? Yr ydym yr un mor awyddus i weld y pwerau hyn yn cael eu trosglwyddo ac i drafod y materion y cyfeiriodd Peter Black atynt yn y rheoliadau.

I will just clarify the issue around guidance. I have already issued non-statutory guidance in relation to home to school transport—I did so on 15 April—which sets out the approach that we would want local authorities to adopt. The advice that I have had, which is legal advice that I have to accept, is that if I were to seek to introduce the provisions of this amendment, as a Minister I would be acting ultra vires. That is the advice that I have had.

I hope that the other side will respect my position: a Minister cannot make a law when his legal advice tells him that he cannot do so. Imagine if I had to appear before a higher court: the first questions that I would be asked would be, ‘Why did you introduce that Measure? What was your legal advice?’. I would have to say, ‘My legal advice was that I did not have the powers’. The next question would then be, ‘Therefore, Minister, why did you introduce it?’. I would fall flat at the first hurdle. It is absolutely foolish to ask a Minister to introduce legislation that his legal advice tells him is ultra vires. It just cannot be done. It is irresponsible of the opposition to ask me to do it.

Alun Cairns: Do you not accept that there is conflicting legal advice? In response to comments made off-mike by Leanne Wood, that is quite obvious. The advice is not mine, but legal advice given to the committee by Assembly Parliamentary Service officials. It was given on the record and is quite clear. Do you not accept that there is conflicting legal advice?

The Deputy First Minister: No. The legal advice to the Minister is clear. There is only one source of legal advice to the Minister and

not taking this seriously’, why not accept that we are as eager as you to see these things happening? We are just as eager to see these powers transferred and to discuss the matters that Peter Black referred to in the regulations.

Egluraf y mater ynghylch y canllawiau. Yr wyf eisoes wedi cyhoeddi canllawiau anstatudol yng nghyswllt cludiant rhwng y cartref a'r ysgol—gwneuthum hynny ar 15 Ebrill—sy'n nodi'r dull yr hoffem i awdurdodau lleol ei fabwysiadu. Y cyngor yr wyf wedi'i gael, sy'n gyngor cyfreithiol y mae'n rhaid i mi ei dderbyn, yw pe bawn yn ceisio cyflwyno darpariaethau'r gwelliant hwn, byddwn fel Gweinidog yn gweithredu y tu hwnt i'm pwerau. Dyna'r cyngor a gefais.

Gobeithiaf y bydd yr ochr arall yn parchu fy safbwynt; ni all Gweinidog wneud cyfraith pan fydd ei gyngor cyfreithiol yn dweud wrtho na all wneud hynny. Dychmygwch pe bawn yn gorfod ymddangos gerbron uchel lys; y cwestiynau cyntaf y byddid yn gofyn imi fyddai, ‘Pam y gwnaethoch gyflwyno'r Mesur hwnnw? Beth oedd y cyngor cyfreithiol a gawsoch?’. Byddai'n rhaid i mi ddweud, ‘Y cyngor cyfreithiol a gefais oedd nad oedd gennyf bwerau’. Y cwestiwn nesaf fyddai, ‘Felly, Weinidog, pam y gwnaethoch ei gyflwyno?’. Byddwn yn methu yn y cam cyntaf. Mae'n ffolineb llwyr gofyn i Weinidog gyflwyno deddfwriaeth y mae ei gyngor cyfreithiol yn dweud wrtho ei bod y tu hwnt i'w bwerau. Nid yw'n bosibl ei wneud. Mae'r wrthblaid yn anghyfrifol yn gofyn imi ei wneud.

Alun Cairns: Onid ydych yn derbyn bod cyngor cyfreithiol gwrthgyferbyniol yn cael ei gynnig? Wrth ymateb i sylwadau a wnaethpwyd gan Leanne Wood allan o glyw, mae hynny'n eithaf amlwg. Nid fy nghyngor i mohono, ond cyngor cyfreithiol a roddwyd i'r pwyllgor gan swyddogion Gwasanaeth Seneddol y Cynulliad. Fe'i rhoddwyd ar goedd ac mae'n eithaf clir. Onid ydych yn derbyn bod cyngor cyfreithiol gwrthgyferbyniol yn cael ei gynnig?

Y Dirprwy Brif Weinidog: Nac ydw. Mae'r cyngor cyfreithiol i'r Gweinidog yn glir. Dim ond un ffynhonnell o gyngor cyfreithiol sydd

I can only operate on the basis of the legal advice that I get. Just imagine my appearing before the judge and being asked, 'Why did you agree to it?', and responding, 'I listened to the advice of Alun Cairns'. The judge would then say, 'You rejected the advice of your own lawyers but you accepted the advice given to you by Alun Cairns'. Come on. I see the leader of the opposition shaking his head; I think that he would rather take the opposition's case here rather than mine.

Nick Bourne: I certainly would, because I do not agree with your case. However, it is not Alun Cairns's advice that we are asking you to take—there is conflicting legal advice. You deliberately did not answer the question that you were asked. The question put to you was whether you accepted that there was conflicting legal advice. You replied that you had received one set of advice, but there were two separate sets of advice. It was not Alun Cairns's advice; it was the legal advice to the committee, which is quite different.

The Deputy First Minister: Let us clarify this once and for all. There is only one set of legal advice that the Minister can take and that is the advice from his own lawyers. There is no other way in which we can legislate. If we were to start to go down the road that you are asking us to go down, it would be utter chaos; there is no doubt about it.

Let us move on. I told the committee that I would be writing to Ruth Kelly, the Secretary of State for Transport, asking for those new powers. I am pursuing that with all the vigour that I can muster. I had already agreed a meeting with Ruth Kelly on the issue, but unfortunately, as we all know, that might not now be possible. However, that shows the Government's intent. All that I am saying to the Assembly today is that we should not turn this into a macho argument, which I am afraid is what Alun Cairns has turned it into. Let us be clear about this: I am doing this because of the legal advice that I have received, and I am asking the Assembly to

i'r Gweinidog a dim ond ar sail y cyngor cyfreithiol a gaf y gallaf weithredu. Dychmygwch fy mod yn ymddangos gerbron y barnwr ac yntau'n gofyn, 'Pam y gwnaethoch gytuno iddo?', a minnau'n ateb, 'Gwrandewais ar gyngor Alun Cairns'. Byddai'r barnwr yn dweud wedyn, 'Gwrthodasoch gyngor eich cyfreithwyr ond derbyniasoch gyngor a roddwyd i chi gan Alun Cairns'. Dewch yn awr. Gwelaf arweinydd yr wrthblaid yn ysgwyd ei ben; yr wyf yn meddwl y byddai'n well ganddo dderbyn dadl yr wrthblaid yma yn hytrach na'm dadl i.

Nick Bourne: Byddwn yn sicr, oherwydd nid wyf yn cytuno â'ch dadl. Fodd bynnag, nid cyngor Alun Cairns yr ydym yn gofyn i chi ei gymryd—mae cyngor cyfreithiol gwrthgyferbyniol yn cael ei gynnig. Ni wnaethoch yn fwriadol ateb y cwestiwn a ofynnwyd i chi. Y cwestiwn a ofynnwyd i chi oedd a oeddech yn derbyn bod cyngor cyfreithiol gwrthgyferbyniol yn cael ei gynnig. Eich ateb chi oedd eich bod wedi derbyn un set o gyngor, ond yr oedd dwy set ar wahân o gyngor. Nid cyngor Alun Cairns mohono; y cyngor cyfreithiol i'r pwyllgor ydoedd, sy'n wahanol iawn.

Y Dirprwy Brif Weinidog: Gadewch inni egluro hyn unwaith ac am byth. Dim ond un set o gyngor cyfreithiol y gall Gweinidog ei dderbyn a chyngor gan ei gyfreithwyr ei hun yw hwnnw. Nid oes yr un ffordd arall inni allu deddfu. Pe baem yn dechrau troedio'r llwybr yr ydych yn gofyn i ni ei droedio, byddai'n achosi anrhefn llwyr; heb os nac oni bai.

Gadewch inni symud ymlaen. Dywedais wrth y pwyllgor y byddwn yn ysgrifennu at Ruth Kelly, yr Ysgrifennydd Gwladol dros Drafnidiaeth, i ofyn am y pwerau newydd hynny. Yr wyf yn mynd ar drywydd y mater hwn gan roi pob gwyn ar waith. Yr oeddwn eisoes wedi cytuno i gwrdd â Ruth Kelly ynghylch y mater, ond yn anffodus, fel y gŵyr pawb ohonom, efallai na fydd hyn yn bosibl. Fodd bynnag, mae hynny'n dangos bwriad y Llywodraeth. Yr oll yr wyf yn ei ddweud wrth y Cynulliad heddiw yw na ddylem droi hyn yn ddadl galed, ac mae arnaf ofn mai dyma y mae Alun Cairns wedi'i wneud. Gadewch inni fod yn glir ynghylch

reject the amendment.

Alun Cairns: This has been probably the most disappointing response from a Minister in the nine years that I have been an Assembly Member. We are talking about child safety, but the Minister is choosing to act in isolation and not to accept the broader debate. He could have at least accepted that there is conflicting legal advice from experienced lawyers in the field; the committee's advice is quite obviously independent, and the Government's advice is obviously independent within the Government. We need to recognise that there is a difference; there is a process for handling that difference, and for the Minister to make a decision based on just one piece of advice that is available in the public domain is completely unacceptable when there is other advice available that may well allow us to achieve what we all want to achieve.

There has been a great deal of smirking and laughs in this whole debate. I accept that. Let us take that in the spirit in which it is intended. However, we are talking about child safety and issuing guidance on seat belts on school buses and on getting rid of double-decker buses. These matters are pivotal, and absolutely fundamental, to safe school transport for our pupils. If we err on the shy side, and this amendment is rejected, should an accident ever occur in those circumstances, it would be a very serious matter for us, because we will know that we did not try. Let us use the Standing Orders that allow for that process and I am sure that, if the Attorney General, and later, what will then be the Supreme Court, judge against us, we on this side of the Chamber will be the first to say, 'Well, we tried, and that is a deficiency within the arrangement.'

Let us not forget that we have been talking about these powers for almost six years now. There are five or six legislative competence Orders being held up, and we know of the attitude expressed by the Secretary of State

hyn: Yr wyf yn gwneud hyn oherwydd y cyngor cyfreithiol a gefais, ac yr wyf yn gofyn i'r Cynulliad wrthod y gwelliant.

Alun Cairns: Mae'n debyg mai dyma'r ymateb mwyaf siomedig gan Weinidog yn y naw mlynedd yr wyf wedi bod yn Aelod o'r Cynulliad. Yr ydym yn sôn am ddiogelwch plant, ond mae'r Gweinidog yn dewis gweithredu ar ei ben ei hun a pheidio â derbyn y ddadl ehangach. Gallai fod wedi o leiaf dderbyn bod cyngor cyfreithiol gwrthgyferbyniol yn cael ei gynnig gan gyfreithwyr profiadol yn y maes; mae cyngor y pwyllgor yn amlwg iawn yn annibynnol, ac mae cyngor y Llywodraeth yn amlwg yn annibynnol o fewn y Llywodraeth. Mae angen inni sylweddoli bod gwahaniaeth; ceir proses ar gyfer ymdrin â'r gwahaniaeth hwnnw, ac mae'n gwbl annerbyniol pan fydd y Gweinidog yn gwneud penderfyniad ar sail un darn o gyngor yn unig sydd ar gael i'r cyhoedd pan fydd cyngor arall ar gael a fyddai, efallai, yn caniatáu inni gyflawni'r hyn yr hoffem ei gyflawni.

Cafwyd cryn dipyn o gilwenu a chwerthin yn ystod y ddadl gyfan. Yr wyf yn derbyn hynny. Gadewch inni gymryd hynny yn yr ysbryd y'i bwriadwyd. Fodd bynnag, yr ydym yn sôn am ddiogelwch plant a chyhoeddi canllawiau ar wregysau diogelwch ar fysiau ysgol ac ar gael gwared ar fysiau deulawr. Mae'r materion hyn yn ganolog, ac yn gwbl hanfodol, i ddarparu cludiant diogel i'n disgyblion i'r ysgol. Os byddwn yn dewis bod yn swil, ac os gwrthodir y gwelliant hwn, pe ceid damwain dan yr amgylchiadau hynny, byddai'n fater difrifol dros ben inni, oherwydd byddwn yn gwybod na wnaethom ymdrechu. Gadewch inni ddefnyddio'r Gorchmynion Sefydlog a fydd yn caniatáu ar gyfer y broses honno ac yr wyf yn sicr, os bydd y Twrnai Cyffredinol, ac yn ddiweddarach, beth fydd wedyn yn Oruchaf Lys, yn barnu yn ein herbyn, y ni ar ochr hon y Siambr fydd y rhai cyntaf i ddweud, 'Wel, bu i ni geisio, ac mae hynny'n ddiffyg o fewn y trefniant.'

Gadewch inni gofio ein bod wedi bod yn siarad am y pwerau hyn am bron i chwe blynedd bellach. Mae pump neu chwe Gorchmyn cymhwysedd deddfwriaethol yn cael eu dal yn ôl, a gwyddom am agwedd

for Wales and members of the Welsh Affairs Select Committee, including the chairman. We recognise that there is a backlog, and we cannot wait another six years for some sort of response. This is something on which you, as Minister, take the decision. You can take that decision with the risk, and I accept that it is a risk and I would absolutely support the risk being taken. You are the one taking the decision—no-one else—and you would never get any criticism from this side of the Chamber for taking that risk, whatever the judgment was.

Looking back over nine years as a Member, today has made me exceptionally disappointed and extremely angry and frustrated that a Minister is not prepared to take that risk in the interests of children's safe transport to school, of all things.

6.40 p.m.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 16. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, galwaf am bleidlais.

Ysgrifennydd Gwladol Cymru ac aelodau'r Pwyllgor Dethol ar Faterion Cymreig, gan gynnwys y cadeirydd. Yr ydym yn sylweddoli bod ôl-groniad, ac ni allwn aros chwe blynedd arall am ryw fath o ymateb. Mae hyn yn rhywbeth y gallwch chi, fel Gweinidog, wneud penderfyniad yn ei gylch. Gallwch wneud y penderfyniad hwnnw gyda'r risg, ac yr wyf yn derbyn ei fod yn risg a byddwn yn rhoi cefnogaeth lwyr i gymryd y risg honno. Chi yw'r un sy'n gwneud y penderfyniad—neb arall—ac ni fydddech byth yn cael eich beirniadu gan ochr hon y Siambr am gymryd y risg honno, beth bynnag oedd y dyfarniad.

Wrth edrych yn ôl ar naw mlynedd fel Aelod, mae heddiw wedi gwneud i mi deimlo'n eithriadol o siomedig ac yn flin ac yn rhwystredig dros ben nad yw Gweinidog yn barod i gymryd y risg honno er mewn cael cludiant diogel i blant i'r ysgol, o bopeth.

The Presiding Officer: The question is that amendment 15 be agreed to. Are there any objections? I see that there are. Therefore, I call for a vote.

*Gwelliant 16: O blaid 14, Ymatal 0, Yn erbyn 36.
Amendment 16: For 14, Abstain 0, Against 36.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Morgan, Jonathan
Randerson, Jenny
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary

Jones, Ieuan Wyn
 Lewis, Huw
 Lloyd, David
 Lloyd, Val
 Mewies, Sandy
 Morgan, Rhodri
 Ryder, Janet
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Watson, Joyce
 Wood, Leanne

*Gwrthodwyd y gwelliant.
 Amendment defeated.*

Y Llywydd: Y gwelliant nesaf i'w waredu yw gwelliant 13, a gafodd ei drafod gyda gwelliant 12 ynghylch hybu mynediad i addysg a hyfforddiant. Galwaf ar Alun Cairns i gynnig gwelliant 13 yn ffurfiol.

The Presiding Officer: The next amendment to be disposed of is amendment 13, which was debated with amendment 12 on promoting access to education and training. I call on Alun Cairns to formally propose amendment 13.

Alun Cairns: I propose amendment 13 in my name.

Alun Cairns: Cynigaf welliant 13 yn fy enw i.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 13. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, galwaf am bleidlais.

The Presiding Officer: The question is that amendment 13 be agreed to. Are there any objections? I see that there are. Therefore, I call for a vote.

*Gwelliant 13: O blaid 14, Ymatal 0, Yn erbyn 35.
 Amendment 13: For 14, Abstain 0, Against 35.*

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Bates, Mick
 Black, Peter
 Bourne, Nick
 Burnham, Eleanor
 Burns, Angela
 Cairns, Alun
 Davies, Andrew R.T.
 German, Michael
 Graham, William
 Isherwood, Mark
 Melding, David
 Morgan, Jonathan
 Randerson, Jenny
 Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
 The following Members voted against:

Andrews, Leighton
 Asghar, Mohammad
 Barrett, Lorraine
 Chapman, Christine
 Cuthbert, Jeff
 Davidson, Jane
 Davies, Alun
 Davies, Andrew
 Davies, Jocelyn
 Evans, Nerys
 Franks, Chris
 Gibbons, Brian
 Gregory, Janice
 Griffiths, John
 Griffiths, Lesley
 Hart, Edwina
 Hutt, Jane
 James, Irene
 Jones, Alun Ffred
 Jones, Ann
 Jones, Carwyn
 Jones, Elin
 Jones, Gareth
 Jones, Helen Mary
 Jones, Ieuan Wyn

Lewis, Huw
 Lloyd, David
 Lloyd, Val
 Mewies, Sandy
 Morgan, Rhodri
 Ryder, Janet
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Watson, Joyce

*Gwrthodwyd y gwelliant.
 Amendment defeated.*

Y Llywydd: Y gwelliannau nesaf i'w gwaredu fydd gwelliannau 8, 15 a 9, a gafodd eu trafod eisoes gyda gwelliant 7 ar dynnu'n ôl trefniadau teithio. Galwaf ar y Dirprwy Brif Weinidog i gynnig gwelliant 8 yn ffurfiol.

The Presiding Officer: The next amendments to be disposed of are amendments 8, 15 and 9, which have already been debated with amendment 7 on the withdrawal of travel arrangements. I call on the Deputy First Minister to formally propose amendment 8.

Y Dirprwy Brif Weinidog: Cynigïaf welliant 8 yn fy enw i.

The Deputy First Minister: I propose amendment 8 in my name.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 8. A oes unrhyw wrthwynebiad? Gwelaf nad oes, felly, yn unol â Rheol Sefydlog Rhif 7.35, yr wyf yn datgan fod gwelliant 8 wedi cael ei dderbyn.

The Presiding Officer: The question is that amendment 8 be agreed to. Are there any objections? I see that there are none. Therefore, in accordance with Standing Order No. 7.35, I declare that amendment 8 is carried.

*Derbyniwyd gwelliant 8.
 Amendment 8 carried.*

Y Llywydd: Galwaf ar Alun Cairns i gynnig gwelliant 15.

The Presiding Officer: I call on Alun Cairns to propose amendment 15.

Alun Cairns: I propose amendment 15 in my name.

Alun Cairns: Cynigïaf welliant 15 yn fy enw i.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 15. A oes unrhyw wrthwynebiad? Gwelaf fod. Felly, galwaf am bleidlais.

The Presiding Officer: The question is that amendment 15 be agreed to. Are there any objections? I see that there are. Therefore, I call for a vote.

*Gwelliant 15: O blaid 14, Ymatal 0, Yn erbyn 35.
 Amendment 15: For 14, Abstain 0, Against 35.*

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Bates, Mick
 Black, Peter
 Bourne, Nick
 Burnham, Eleanor
 Burns, Angela
 Cairns, Alun
 Davies, Andrew R.T.

Pleidleisiodd yr Aelodau canlynol yn erbyn:
 The following Members voted against:

Andrews, Leighton
 Asghar, Mohammad
 Barrett, Lorraine
 Chapman, Christine
 Cuthbert, Jeff
 Davidson, Jane
 Davies, Alun

German, Michael
Graham, William
Isherwood, Mark
Melding, David
Morgan, Jonathan
Randerson, Jenny
Williams, Brynle

Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin
Jones, Gareth
Jones, Helen Mary
Jones, Ieuan Wyn
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Ryder, Janet
Sargeant, Carl
Thomas, Gwenda
Thomas, Rhodri Glyn
Watson, Joyce

*Gwrthodwyd y gwelliant.
Amendment defeated.*

Y Llywydd: Galwaf ar y Dirprwy Brif Weinidog i gynnig gwelliant 9.

The Presiding Officer: I call on the Deputy First Minister to propose amendment 9.

Y Dirprwy Brif Weinidog: Cynigiaf welliant 9 yn fy enw i.

The Deputy First Minister: I propose amendment 9 in my name.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 9. A oes unrhyw wrthwynebiad? Gwelaf nad oes, felly, yn unol a Rheol Sefydlog Rhif 7.35 datganaf fod gwelliant 9 wedi'i dderbyn.

The Presiding Officer: The question is that amendment 9 be agreed to. Are there any objections? I see that there are none, and therefore, in accordance with Standing Order No. 7.35, I declare that amendment 9 is carried.

*Derbyniwyd gwelliant 9.
Amendment 9 carried.*

Adroddiadau ar Arfer Swyddogaethau o dan y Mesur hwn (Adrannau Newydd) Reports on the Exercise of Functions under this Measure (New Sections)

Y Llywydd: Symudwn yn awr at y grŵp olaf o welliannau, a galwaf ar Peter Black i gynnig gwelliant 28 ac i siarad am y gwelliant arall yn y grŵp, gwelliant 29.

The Presiding Officer: We now move to the final group of amendments, and I call on Peter Black to propose amendment 28 and to speak to the other amendment in the group, amendment 29.

Peter Black: I propose amendment 28 in the name of Kirsty Williams.

Peter Black: Cynigiaf welliant 28 yn enw Kirsty Williams.

*Cafodd gwelliannau 28 a 29 eu grwpio ar gyfer y drafodaeth.
Amendments 28 and 29 grouped for debate.*

Amendments 28 and 29 allow for local authorities and Ministers to report back to the Assembly. Amendment 28 is about reporting back by local authorities and amendment 29, by Welsh Ministers on the implementation and promotion of elements of the proposed Measure. They require local authorities and Welsh Ministers to report back at least once a year on how they are performing in reality on meeting the expectations placed on them by the proposed Measure. We think that it is important to have an opportunity to scrutinise how local authorities will be implementing this Measure, and how Ministers are issuing guidance and delivering on it. Therefore, we think that this mechanism of reporting back is useful as part of that process.

We do not foresee Ministers or local authorities having to draft particularly long or onerous reports, but at least it would focus their minds on taking the issues contained in the Measure seriously. It would also give Members the opportunity to monitor the progress of the Measure, and consider whether any future legislation might be required to improve it.

Alun Cairns: The Welsh Conservatives support these amendments. There are obligations relating to the sustainability and appropriateness of vehicles, but, unless there is a reporting structure, how can a local authority's progress in that regard be measured? The two options are these: either these amendments are carried, or it is left to a parent or someone else to challenge an authority that has not met its obligations under these sections of the law in future. That is highly unlikely, and we may end up with the situation of a vehicle currently deemed appropriate being deemed wholly inappropriate in 10 years' time. That would mean that they would have to sustain the appropriateness of the vehicle and make sustainability arrangements in relation to the vehicle and its emissions and so on; when standards changed, they would have to respond. Unless there is a challenge to this by way of a report and an update, we will never

Mae gwelliannau 28 a 29 yn caniatáu i awdurdodau lleol a Gweinidogion adrodd yn ôl i'r Cynulliad. Mae Gwelliant 28 yn cyfeirio at awdurdodau yn adrodd yn ôl ac mae gwelliant 29 yn cyfeirio at Weinidogion Cymru'n adrodd yn ôl ynghylch gweithredu a hyrwyddo elfennau o'r Mesur arfaethedig. Mae'n ofynnol bod awdurdodau lleol a Gweinidogion Cymru yn adrodd yn ôl o leiaf unwaith y flwyddyn ynghylch sut maent yn perfformio mewn gwirionedd yng nghyswllt bodloni'r disgwyliadau a osodir arnynt gan y Mesur arfaethedig. Credwn ei fod yn bwysig cael cyfle i graffu ar sut bydd awdurdodau lleol yn gweithredu'r Mesur hwn, a sut mae Gweinidogion yn cyhoeddi canllawiau ac yn eu rhoi ar waith. Felly, credwn fod y mecanwaith hwn o adrodd yn ôl yn ddefnyddiol fel rhan o'r broses honno.

Nid ydym yn rhagweld y bydd Gweinidogion nac awdurdodau lleol yn gorfod drafftio adroddiadau beichus neu hir iawn, ond o leiaf byddai'n fodd iddynt ganolbwyntio ar gymryd y materion yn y Mesur o ddirif. Byddai hefyd yn rhoi cyfle i'r Gweinidogion fonitro datblygiad y Mesur, ac ystyried a fyddai angen unrhyw ddeddfwriaeth yn y dyfodol er mwyn ei wella.

Alun Cairns: Mae'r Ceidwadwyr Cymreig yn cefnogi'r gwelliannau hyn. Ceir goblygiadau sy'n ymwneud â chynaliadwyedd a phriodoldeb y cerbydau, ond, os na cheir strwythur adrodd, sut y gellir mesur cynnydd awdurdod lleol yn y cyd-destun hwnnw? Dyma'r ddau ddewis: naill ai fod y gwelliannau hyn yn cael eu derbyn, neu ein bod yn gadael i riant neu rywun arall herio awdurdod nad yw wedi bodloni'i oblygiadau yn unol â'r adrannau hyn o'r gyfraith yn y dyfodol. Mae hynny'n annhebygol iawn, ac mae'n bosibl y byddwn yn wynebu sefyllfa lle bydd cerbyd y bernir ei fod yn addas yn awr yn cael ei farnu'n gwbl anaddas ym mhen 10 mlynedd. Byddai hynny'n golygu y byddai'n rhaid iddynt gynnal priodoldeb y cerbyd a gwneud trefniadau o ran cynaliadwyedd yng nghyswllt y cerbyd a'i allyriannau ac ati; pan fyddai safonau'n newid, byddai'n rhaid iddynt ymateb. Oni bai y caiff hyn ei herio

know whether the obligations of the Measure are being met.

The Deputy First Minister: I can understand why the Liberal Democrats are supporting this amendment, but I am absolutely shattered that the Conservatives would want to do so. I can understand why the Liberal Democrats would want to burden local authorities with the bureaucracy of 22 annual reports that I would have to look at. We should be stripping that away and telling ourselves to trust local authorities to deliver on this. Let us be bold, Alun Cairns, and accept that—

Alun Cairns *rose*—

The Deputy First Minister: No, you have had your say. Let us be bold and give local authorities the credit that they deserve. This Measure asks them to do things, so let us not second-guess them with 22 annual reports that I would have to scrutinise. That would be a bureaucratic nightmare. I call on the Assembly to reject these amendments.

Peter Black: I do not think that anyone is asking local authorities to produce huge amounts of bureaucratic reports. What we are asking for is proper scrutiny of the way in which this is introduced. As the Minister produces guidance and when grants are made available, I would expect that he would require reports from local authorities. This is not different to what Ministers routinely expect of local authorities on a whole range of local functions. Local authorities complain about it, but Ministers never listen. I am surprised that the Minister is now quibbling about an innocuous little amendment asking for local authorities to account for the way in which they introduce this Measure. It would allow us to see that what we are now enacting as law works properly.

Alun Cairns: I am grateful to Peter Black for giving way. Do you accept that the Minister's

drwy gyfrwng adroddiad a diweddariad, ni fyddwn byth yn gwybod a yw ymrwymadau'r Mesur yn cael eu bodloni.

Y Dirprwy Brif Weinidog: Gallaf ddeall pam mae'r Democratiaid Rhyddfrydol yn cefnogi'r gwelliant hwn, ond yr wyf wedi fy syfrdanu'n llwyr y byddai'r Ceidwadwyr am wneud hynny. Gallaf ddeall pam y byddai'r Democratiaid Rhyddfrydol yn dymuno rhoi baich biwrocraiaeth 22 adroddiad blynyddol ar awdurdodau lleol y byddai'n rhaid i mi edrych arnynt. Dylem fod yn cael gwared ar hynny ac yn dweud wrthym ein hunain am ymddiried yn yr awdurdodau lleol i gyflawni hyn. Gadewch inni fod yn feiddgar, Alun Cairns, a derbyn—

Alun Cairns *a gododd*—

Y Dirprwy Brif Weinidog: Na, yr ydych wedi cael dweud eich dweud. Gadewch inni fod yn feiddgar a rhoi clod haeddiannol i awdurdodau lleol. Mae'r Mesur hwn yn gofyn iddynt wneud pethau, felly gadewch inni beidio ag amau'r rheini gyda 22 o adroddiadau blynyddol y byddai'n rhaid imi graffu arnynt. Byddai hynny'n hunllef fiwrocraiaidd. Galwaf ar y Cynulliad i wrthod y gwelliannau hyn.

Peter Black: Nid wyf yn credu bod neb yn gofyn i awdurdodau lleol gynhyrchu niferoedd enfawr o adroddiadau biwrocraiaidd. Yr ydym yn gofyn am graffu priodol ar sut y caiff hyn ei gyflwyno. Gan fod y Gweinidog yn cynhyrchu cyfarwyddyd pan gaiff y grantiau eu cyflwyno, byddwn yn disgwyl iddo geisio adroddiadau gan awdurdodau lleol. Nid yw hyn yn wahanol i'r hyn y bydd Gweinidogion yn ei ddisgwyl fel mater o drefn gan awdurdodau lleol ar gyfer amrywiaeth eang o swyddogaethau lleol. Bydd awdurdodau lleol yn cwyno amdano, ond ni fydd Gweinidogion byth yn gwranddo. Yr wyf yn synnu bod y Gweinidog yn awr yn hollti blew dros welliant bach diniwed sy'n gofyn i awdurdodau lleol roi cyfrif am sut y byddant yn cyflwyno'r Mesur hwn. Byddai'n ein galluogi i weld bod yr hyn yr ydym yn ei ddefnyddio fel cyfraith yn awr yn gweithio'n iawn.

Alun Cairns: Yr wyf yn ddiolchgar i Peter Black am ildio. A ydych yn derbyn bod

logic, in telling us to trust local authorities to deliver on school transport, leads to the question of why we should have this Measure in the first place? That is the logic of his 'be bold' statement.

Peter Black: I am one of those people who trust local authorities, but I also recognise that local authorities are required to comply with huge amounts of inspection and regulation, and produce annual reports and reports on grants and so on. I would like to cut back on a lot of that, but when a new law such as this comes into effect, it is only reasonable that we ask local authorities, in the interim, to tell us how they are implementing it, how it could be done better, and where they would like some improvements. It is also only right that Ministers and Assembly Members have an opportunity to look at that and make a decision on it. Therefore, I hope that the Assembly supports this amendment.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 28. A oes gwrthwynebiad? Gwela fod. Felly, cawn bleidlais ar welliant 28.

rhesymeg y Gweinidog, wrth ddweud wrthym am ymddiried yn yr awdurdodau lleol i gyflawni o ran cludiant ysgol, yn arwain at y cwestiwn: pam y dylem gael y Mesur hwn yn y lle cyntaf? Dyna resymeg ei ddatganiad 'bod yn feiddgar'.

Peter Black: Yr wyf yn un o'r bobl hynny sy'n ymddiried mewn awdurdodau lleol, ond yr wyf hefyd yn cydnabod bod gofyn i awdurdodau lleol gydymffurfio â thoreth o arolygu a rheoleiddio, a chynhyrchu adroddiadau blynyddol ac adroddiadau am grantiau ac ati. Hoffwn leihau llawer o hynny, ond pan ddaw cyfraith newydd megis hon i rym, mae'n ddigon rhesymol ein bod yn gofyn i awdurdodau lleol, yn y cyfamser, ddweud wrthym sut y maent yn ei gweithredu, sut y gellid ei gwneud yn well, ac ym mhle y byddent yn hoffi gweld rhai gwelliannau. Mae'n ddigon teg hefyd bod Gweinidogion ac Aelodau'r Cynulliad yn cael cyfle i edrych ar hynny a gwneud penderfyniad yn ei gylch. Felly, gobeithiaf y bydd y Cynulliad yn cefnogi'r gwelliant hwn.

The Presiding Officer: The question is that amendment 28 be agreed. Are there any objections? I see that there are. Therefore, I call a vote on amendment 28.

Gwelliant 28: O blaid 14, Ymatal 0, Yn erbyn 34.

Amendment 28: For 14, Abstain 0, Against 34.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Burns, Angela
Cairns, Alun
Davies, Andrew R.T.
German, Michael
Graham, William
Isherwood, Mark
Melding, David
Morgan, Jonathan
Randerson, Jenny
Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Andrews, Leighton
Asghar, Mohammad
Barrett, Lorraine
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Alun
Davies, Andrew
Davies, Jocelyn
Evans, Nerys
Franks, Chris
Gibbons, Brian
Gregory, Janice
Griffiths, John
Griffiths, Lesley
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Elin

Jones, Gareth
 Jones, Helen Mary
 Jones, Ieuan Wyn
 Lloyd, David
 Lloyd, Val
 Mewies, Sandy
 Morgan, Rhodri
 Ryder, Janet
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Watson, Joyce

*Gwrthodwyd y gwelliant.
 Amendment defeated.*

Y Llywydd: Gan fod gwelliant 28 wedi'i waredu, galwaf ar Peter Black i gynnig gwelliant 29 yn ffurfiol.

The Presiding Officer: Amendment 28 has been disposed of, so I call Peter Black to formally propose amendment 29.

Peter Black: I propose amendment 29 in the name of Kirsty Williams.

Peter Black: Cynigiau welliant 29 yn enw Kirsty Williams.

Y Llywydd: Y cwestiwn yw y dylid cytuno ar welliant 29. A oes gwrthwynebiad? Gwelaf fod. Felly, cawn bleidlais ar welliant 29.

The Presiding Officer: The question is that amendment 29 be agreed. Are there any objections? I see that there are. Therefore, I call a vote on amendment 29.

*Gwelliant 29: O blaid 14, Ymatal 0, Yn erbyn 35.
 Amendment 29: For 14, Abstain 0, Against 35.*

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Bates, Mick
 Black, Peter
 Bourne, Nick
 Burnham, Eleanor
 Burns, Angela
 Cairns, Alun
 Davies, Andrew R.T.
 German, Michael
 Graham, William
 Isherwood, Mark
 Melding, David
 Morgan, Jonathan
 Randerson, Jenny
 Williams, Brynle

Pleidleisiodd yr Aelodau canlynol yn erbyn:
 The following Members voted against:

Andrews, Leighton
 Asghar, Mohammad
 Barrett, Lorraine
 Chapman, Christine
 Cuthbert, Jeff
 Davidson, Jane
 Davies, Alun
 Davies, Andrew
 Davies, Jocelyn
 Evans, Nerys
 Franks, Chris
 Gibbons, Brian
 Gregory, Janice
 Griffiths, John
 Griffiths, Lesley
 Hart, Edwina
 Hutt, Jane
 James, Irene
 Jones, Alun Ffred
 Jones, Ann
 Jones, Carwyn
 Jones, Elin
 Jones, Gareth
 Jones, Helen Mary
 Jones, Ieuan Wyn
 Lewis, Huw
 Lloyd, David
 Lloyd, Val
 Mewies, Sandy

Morgan, Rhodri
 Ryder, Janet
 Sargeant, Carl
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Watson, Joyce

*Gwrthodwyd y gwelliant.
 Amendment defeated.*

Y Llywydd: Gan ein bod wedi dod i ddiwedd ein hystyriaeth Cyfnod 3 o Fesur Arfaethedig ynghylch Teithio gan Ddysgwyr (Cymru), yr wyf yn barnu fod adrannau 1 i 29, gan gynnwys Atodlenni 1 a 2, wedi eu cytuno.

The Presiding Officer: As we have reached the end of our Stage 3 consideration of the proposed Learner Travel (Wales) Measure, I declare that sections 1 to 29, including Schedules 1 and 2, are deemed agreed.

Dadl Cyfnod 4 Rheol Sefydlog Rhif 23.58 i Basio'r Mesur Teithio gan Ddysgwyr Stage 4 Standing Order No. 23.58 Debate to Pass the Learner Travel Measure

Y Dirprwy Brif Weinidog a'r Gweinidog dros yr Economi a Thrafnidiaeth (Ieuan Wyn Jones): Cynigaf fod

The Deputy First Minister and Minister for Economy and Transport (Ieuan Wyn Jones): I propose that

Cynulliad Cenedlaethol Cymru yn cymeradwyo y Mesur Teithio gan Ddysgwyr

the National Assembly for Wales approves the Learner Travel Measure

6.50 p.m.

Byddaf yn hynod gryno, gan ei bod mor hwyr. Diolchaf i'r Aelodau i gyd am eu hamynedd. Bu'n ffrind i mi gael llywio y Mesur hwn gerbron y Cynulliad. Mae'r Mesur yn rhan o amcanion 'Cymru'n Un'. Er mai hwn yw'r ail Fesur i gyrraedd y cyfnod hwn, dyma'r cyntaf sydd â darpariaethau manwl ar gyfer pwerau i wneud rheoliadau. O'r cychwyn, bydd y Mesur hwn yn gwella teithio i ddysgwyr yng Nghymru. Bydd yn gymorth i awdurdodau lleol lunio a rheoli trefniadau yn eu hardaloedd.

I will be very brief, as it is so late in the day. I thank Members for their patience. It has been a privilege for me to steer this Measure in the Assembly. The Measure is a 'One Wales' objective. Even though this is the second Measure to reach this stage, it is the first to include detailed provisions for making regulations. From the beginning, this Measure will improve learner travel in Wales. It will assist local authorities in formulating and managing arrangements in their areas.

I look forward to issuing the travel behaviour code that will establish common standards and to bringing forward, in due course, statutory guidance and regulations that will develop learner travel arrangements further.

Edrychaf ymlaen at gyhoeddi'r cod ymddygiad wrth deithio a fydd yn gosod safonau cyffredin, ac at gyflwyno, yn y man, ganllawiau a rheoliadau statudol a fydd yn datblygu trefniadau teithio gan ddysgwyr ymhellach.

Diolchaf i bawb sydd wedi cyfrannu, boed wrth graffu yn y pwyllgor, yn y Siambr yn ystod y drafodaeth gyntaf neu heddiw. Yr wyf yn ymwybodol iawn bod pobl wedi cyfrannu gyda'r amcanion gorau—y rhan fwyaf o'r amser, beth bynnag. Yr wyf yn hynod o falch ein bod wedi llwyddo i

I thank all those who have contributed, either in the scrutiny committee, in the Chamber during the first debate or today. I am very aware that people have—mostly—contributed with the best intentions. I am extremely pleased that we have managed to reach this point. I also believe that it

gyrraedd y pwynt hwn. Credaf hefyd ei bod yn dangos bod gennym Lywodraeth sy'n gwranddo. Mae'r Llywodraeth wedi ystyried yn ofalus iawn yr hyn a ddywedodd y pwyllgor, ac nid yn unig wedi diwygio'r Mesur, ond hefyd wedi mynd ymlaen i gael pwerau ychwanegol. Felly, yr wyf yn hynod o falch ein bod wedi cyrraedd y sefyllfa hon. Gofynnaf i'r Cynulliad dderbyn fod hwn bellach yn Fesur y gallwn symud ymlaen i weithredu arno.

Alun Cairns: The Welsh Conservatives will support the Measure at Stage 4 in order to bring it into law. It is important to recognise the effort that has gone into this, particularly from officials. It is a learning process for us all, but, without doubt, the support from officials—the clerk, the deputy clerk—and the legal advice received by the committee at Stage 2 was first class.

I thank the Minister for his efforts and for some of the amendments that he was happy to support. There will naturally be disappointment regarding those that he was not prepared to accept. However, in the way that this will contribute to child safety, I was happy to play a part in it.

Finally, speaking broadly, the lack of a Stage 1 process contributed to some of the confusion that we have seen. I urge the Minister, and the Assembly Government as a whole, to think long and hard about ruling out Stage 1 in the future.

Peter Black: It has been a steep learning curve for me today in proposing the Liberal Democrat amendments. However, it has also been very instructive. We are, effectively, approving the Assembly's first Measure and putting into law an important aspect of safety in terms of learner transport.

I remain disappointed with what we have ended up with. I feel very strongly that the Measure could have been improved. Much of what is in the Measure is already within the powers of the Minister—albeit not in statutory guidance, but certainly in terms of voluntary guidance. Local authorities already

demonstrates that we have a Government that listens. The Government has carefully considered what the committee said, and has not only amended the Measure, but has gone ahead to gain additional powers. Therefore, I am extremely pleased that we have reached this point. I ask the Assembly to accept that this is now a Measure on which we can act.

Alun Cairns: Bydd y Ceidwadwyr Cymreig yn cefnogi'r Mesur yng Nghyfnod 4 er mwyn ei gyflwyno fel darn o gyfraith. Mae'n bwysig nodi'r ymdrech a wnaed ar y gwaith hwn, yn enwedig gan swyddogion. Mae'n broses o ddysgu i bob un ohonom, ond, yn ddiaw, yr oedd y gefnogaeth gan swyddogion—y clerwr a'r dirprwy glerc—a'r cyngor cyfreithiol a dderbyniwyd gan y pwyllgor Cyfnod 2 o'r radd flaenaf.

Diolch i'r Gweinidog am ei ymdrechion ac am gefnogi rhai o'r gwelliannau. Yn naturiol, bydd siom nad oedd yn fodlon derbyn pob un ohonynt. Fodd bynnag, o ran y ffordd y bydd y Mesur yn cyfrannu at ddiogelwch plant, yr oeddwn yn hapus i chwarae fy rhan.

Yn olaf, gan siarad yn gyffredinol, cyfrannodd y ffaith nad oedd pwyllgor Cyfnod 1 at ryw faint o'r dryswch yr ydym wedi'i weld. Anogaf y Gweinidog, a holl Lywodraeth y Cynulliad, i feddwl yn hir ac yn galed am beidio â chael Cyfnod 1 yn y dyfodol.

Peter Black: Bu cynnig gwelliannau'r Democratiaid Rhyddfrydol heddiw yn broses ddysgu fawr i mi. Fodd bynnag, bu'n addysgiadol iawn hefyd. Yr ydym, i bob pwrpas, yn cymeradwyo Mesur cyntaf y Cynulliad ac yn llunio cyfraith ar agwedd bwysig ar ddiogelwch yn ymwneud â chludiant i ddysgwyr.

Yr wyf yn parhau i fod yn siomedig gyda'r hyn sydd gennym. Yr wyf yn teimlo'n gryf iawn y gellid bod wedi gwella'r Mesur. Mae llawer o'r hyn a geir yn y Mesur eisoes yn bodoli o fewn pwerau'r Gweinidog—er nad yw mewn cyfarwyddyd statudol, mae yno mewn cyfarwyddyd gwirfoddol. Mae

take a lot of it on board, particularly in terms of the way in which they issue contracts for service buses and so on in relation to travel to school. I feel particularly strongly that we need to have far more robust measures in terms of safety—the need to protect children while in transit, and as they get to school and leave it. Opportunities have been missed with regard to strengthening access provisions and the way in which we calculate safe routes to school for children. For that reason, the Welsh Liberal Democrats will abstain in the vote on this Measure. We feel that we do not have what we could have had out of this process. I hope that, in future, we can be a bit more open-minded with regard to amendments brought forward by the opposition, and work in a more collaborative way on future Measures.

Y Llywydd: Y cynnig yw y dylid pasio'r Mesur arfaethedig ynghylch Teithio gan Ddysgwyr (Cymru). A oes gwrthwynebiad? Gwelaf nad oes. Felly, datganaf, yn unol â Rheol Sefydlog Rhif 7.35, fod y Mesur hwn, sef yr ail Fesur a basiwyd gan y Cynulliad, wedi ei basio.

*Derbyniwyd y cynnig.
Motion carried.*

Y Llywydd: Dyna ddiwedd ein trafodion am heddiw.

awdurdodau lleol eisoes yn delio â llawer ohono, yn enwedig o ran y ffordd y maent yn contractio ar gyfer bysys gwasanaeth ac yn y blaen ar gyfer cludiant ysgolion. Yr wyf yn teimlo'n arbennig o gryf bod angen mesurau cryfach o ran diogelwch—mae angen diogelu plant tra'u bod yn teithio, wrth iddynt gyrraedd a gadael yr ysgol. Mae cyfleoedd wedi'u colli i gryfhau darpariaethau mynediad ac o ran sut yr ydym yn pennu llwybrau diogel i blant eu defnyddio i gyrraedd yr ysgol. Oherwydd hynny, bydd Democratiaid Rhyddfrydol Cymru yn ymatal yn y bleidlais ar y Mesur hwn. Teimlwn nad dyma'r gorau yr oedd modd ei gael o'r broses hon. Gobeithiaf y byddwn, yn y dyfodol, yn gallu bod yn fwy meddwl agored gyda gwelliannau a gynigir gan y gwrthbleidiau, ac y gallwn gydweithio'n well ar Fesurau.

The Presiding Officer: The motion is that we agree to pass the proposed Learner Travel (Wales) Measure. Are there any objections? I see that there are no objections. Therefore, in accordance with Standing Order No. 7.35, I declare that this Measure—the second Measure to be passed by the Assembly—is carried.

The Presiding Officer: That brings our proceedings today to a close.

*Daeth y cyfarfod i ben am 6.55 p.m.
The meeting ended at 6.55 p.m.*

Aelodau a'u Pleidiau Members and their Parties

Andrews, Leighton (Llafur – Labour)
Asghar, Mohammad (Plaid Cymru – The Party of Wales)
Barrett, Lorraine (Llafur – Labour)
Bates, Mick (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Black, Peter (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Bourne, Nick (Ceidwadwyr Cymreig – Welsh Conservatives)
Burnham, Eleanor (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Burns, Angela (Ceidwadwyr Cymreig – Welsh Conservatives)
Butler, Rosemary (Llafur – Labour)
Cairns, Alun (Ceidwadwyr Cymreig – Welsh Conservatives)
Chapman, Christine (Llafur – Labour)
Cuthbert, Jeff (Llafur – Labour)
Davidson, Jane (Llafur – Labour)
Davies, Alun (Llafur – Labour)
Davies, Andrew (Llafur – Labour)
Davies, Andrew R.T. (Ceidwadwyr Cymreig – Welsh Conservatives)
Davies, Jocelyn (Plaid Cymru – The Party of Wales)

Davies, Paul (Ceidwadwyr Cymreig – Welsh Conservatives)
 Elis-Thomas, Dafydd (Plaid Cymru – The Party of Wales)
 Evans, Nerys (Plaid Cymru – The Party of Wales)
 Franks, Chris (Plaid Cymru – The Party of Wales)
 German, Michael (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
 Graham, William (Ceidwadwyr Cymreig – Welsh Conservatives)
 Gregory, Janice (Llafur – Labour)
 Griffiths, John (Llafur – Labour)
 Griffiths, Lesley (Llafur – Labour)
 Gibbons, Brian (Llafur – Labour)
 Hart, Edwina (Llafur – Labour)
 Hutt, Jane (Llafur – Labour)
 Isherwood, Mark (Ceidwadwyr Cymreig – Welsh Conservatives)
 James, Irene (Llafur – Labour)
 Jenkins, Bethan (Plaid Cymru – The Party of Wales)
 Jones, Alun Ffred (Plaid Cymru – The Party of Wales)
 Jones, Ann (Llafur – Labour)
 Jones, Carwyn (Llafur – Labour)
 Jones, Elin (Plaid Cymru – The Party of Wales)
 Jones, Gareth (Plaid Cymru – The Party of Wales)
 Jones, Helen Mary (Plaid Cymru – The Party of Wales)
 Jones, Ieuan Wyn (Plaid Cymru – The Party of Wales)
 Law, Trish (Annibynnol – Independent)
 Lewis, Huw (Llafur – Labour)
 Lloyd, David (Plaid Cymru – The Party of Wales)
 Lloyd, Val (Llafur – Labour)
 Melding, David (Ceidwadwyr Cymreig – Welsh Conservatives)
 Mewies, Sandy (Llafur – Labour)
 Millar, Darren (Ceidwadwyr Cymreig – Welsh Conservatives)
 Morgan, Jonathan (Ceidwadwyr Cymreig – Welsh Conservatives)
 Morgan, Rhodri (Llafur – Labour)
 Neagle, Lynne (Llafur – Labour)
 Ramsay, Nick (Ceidwadwyr Cymreig – Welsh Conservatives)
 Randerson, Jenny (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
 Ryder, Janet (Plaid Cymru – The Party of Wales)
 Sargeant, Carl (Llafur – Labour)
 Sinclair, Karen (Llafur – Labour)
 Thomas, Gwenda (Llafur – Labour)
 Thomas, Rhodri Glyn (Plaid Cymru – The Party of Wales)
 Watson, Joyce (Llafur – Labour)
 Williams, Brynle (Ceidwadwyr Cymreig – Welsh Conservatives)
 Williams, Kirsty (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
 Wood, Leanne (Plaid Cymru – The Party of Wales)